



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

MAY 21, 2007

*Commissioner Joe Ford, Chairman*  
*Commissioner David Lillard, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Deidre Malone*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

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8/27/2007 10:21 AM

**2:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER Deputy Sheriff John Thompson**

**INVOCATION Reverend Andy Savage  
Highpoint Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Session**

**MALONE  
ADOPTED May 7, 2007**

## C O N S E N T A G E N D A

**Resolutions of Memorial, Sympathy and Commendation**

**MALONE  
ADOPTED** 1. **Resolution honoring Mr. Dave Brown for exemplary  
community leadership during his thirty years of  
broadcast excellence with WMC-TV.**

**Ordinances**

**Zoning and Subdivisions**

RITZ  
WITHDRAWN

2. Resolution to release the bond that secured the improvements to St. Andrews Place P.D. (P.D. 04-314 CC).

RITZ  
ADOPTED

3. Resolution to approve the agreement to secure the improvements to the Big Orange Subdivision (S 02-056 CC) and authorize recording of the plat.

Reports and/or Resolutions of Standing Committees

MALONE  
ADOPTED

4. Resolution approving the sale of thirty-one delinquent tax parcels totaling \$160,500.00 from Tax Sale(s) 0005, 82.2, 85.1, 94.3, 97.3, 0101, 0102, 0104, 0106, 0107, 0201, 0202, 0203 and 0204, pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE  
ADOPTED

5. Resolution approving the sale of seventeen delinquent tax parcels totaling \$123,750.00 from Tax Sale(s) 0005, 0101, 0106, 12, 45, 83.1, 85.2, and 94.3 pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE  
ADOPTED

6. Resolution approving the sale of twenty-five delinquent tax parcels totaling \$169,600.00 from Tax Sale(s) 0002, 0005, 37, 54, 83.1, 85.2, 89.7, 94.5, 95.2, 0101, 0102, 0104 and 0106 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

MALONE  
ADOPTED

7. Resolution approving the sale of thirty-eight delinquent tax parcels totaling \$72,730.00 from Tax Sale(s) 0005, 15, 54, 55, 82.2, 91.1B, 92.2A, 94.4, 94.5, 96.2, 97.4, 98.2, 99.1, 0101, 0104, 0105, 0107 and 0201 pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE  
(REMOVED  
TO REGULAR  
AGENDA)  
ADOPTED

8. Resolution approving the sale of forty-seven delinquent tax parcels totaling \$140,625.00 from Tax Sale(s) 0002, 0005, 0101, 0103, 0104, 0105, 0106, 0107, 24, 42, 47, 49, 51, 53, 55, 85.1, 85.2, 92.2A, 94.5, 96.2 and 99.2 pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE  
ADOPTED

9. Resolution to amend the general fund budget for the Fiscal Year 2007 to provide additional funding to Support Services for utilities and carpet for court rooms.

MALONE  
(REMOVED  
TO REGULAR  
AGENDA)  
ADOPTED

10. Resolution approving contract with B Four Plie, Inc., for reroofing 584 Adams, appropriating funds in the amount of \$129,733.00 from the FY 2006/2007 Budget for CIP Project No. 101710, Office Buildings, and appropriating an allowance for indefinite item quantities in the amount of \$12,967.00 from the FY 2006/2007 Budget for CIP Project No. 101710, Office Buildings.

- MALONE  
ADOPTED**
11. Resolution amending the FY 2006/2007 Operating Budget to accept fund in the amount of \$50,000.00 from the Assisi Foundation for the purchase and installation of automatic external Defibrillators for Shelby County Government Buildings and appropriating said funds.
- LILLARD  
(DEFERRED  
TO 6/11/07)**
12. Resolution amending the FY 2006/2007 Operating Budget for the Office of Preparedness (Department of Homeland Security) Weapons of Mass Destruction Grant, increasing authorized expenditure by \$132,804.00.
- AVERY  
ADOPTED**
13. Resolution endorsing the commitment of Shelby County Government to policies and practices promoting energy efficiency in cooperation with the Mid South Clean Air Coalition.
- AVERY  
ADOPTED**
14. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget and FY 2006/2007 Position Control Budget for the Tendercare Outreach Program, as approved by the Tennessee Department of Health.
- AVERY  
ADOPTED**
15. Resolution to accept a grant award from the Department of Health and Human Services, Health Resources and Services Administration to Shelby County Government on behalf of the Memphis and Shelby County Health Department in the amount of \$3,585,906.00 for the purpose of administering HIV Emergency Relieve Project grants for the period April 1, 2007 – February 29, 2008, and amending the FY 2006/2007 Operating Budget to establish one new budget.
- AVERY  
ADOPTED**
16. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget and FY 2006/2007 Position Control Budget and to appropriate funds in the amount of \$40,512.00 in the Healthy Start Initiative Program.
- CHISM  
ADOPTED**
17. Resolution approving acceptance of the Edward Byrne's Justice Assistance Grant from the U.S. Department of Justice, Office of Justice Programs to the Office of the District Attorney General for the period October 1, 2005 – September 30, 2009, in the amount of \$33,785.00 for the purpose of supplementing law enforcement and crime prevention programs in Memphis and Shelby County.
- CHISM  
ADOPTED**
18. Resolution amending the FY 2006/2007 Operating Budget for the Department of Pretrial Services to allow revisions of expenditures of the remaining funds from the State of Tennessee, Office of Criminal Justice Programs for the Day Reporting Center in salaries and O&M not to exceed \$100,000.00.

CHISM  
ADOPTED

19. Resolution amending the FY 2006/2007 Operating Budget for the Department of Pretrial Services to allow expenditure of the remaining funds from Fund 152 State of Tennessee Department of Mental Health and Developmental Disabilities Grant for salaries and O&M not to exceed \$101,000.00.

CHISM  
ADOPTED

20. Resolution authorizing the Shelby County Division of Corrections to accept and expend a grant from Veca CDC for costs of the BFF Program for inmates in the amount of \$46,602.00 and amending the FY 2006/2007 Operating Budget of the Division of Corrections.

CHISM  
ADOPTED

21. Resolution authorizing the Shelby County Division of Corrections to accept and expend a grant from Workforce Investment Network to fund one-half of the salary costs of the recruit class of correction officers and counselor C's in the amount of \$85,415.00 and amending the FY 2006/2007 Operating Budget of the Division of Corrections.

CARPENTER  
ADOPTED

22. Resolution to rescind Joint Resolution approved May 9, 2005, by the Shelby County Board of Commissioners under Item No. 23; to approve the transfer of 21.95 acres of real property located at the southwest corner of Chimneyrock Boulevard and Dexter Road, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, to the City of Memphis, without monetary consideration, for its continued development, operation and maintenance of Countrywood Park under the terms and conditions of an Interagency Cooperation Contract; and to authorize the Shelby County Mayor to execute the necessary documents to effect the transfer.

GIBSON  
(DEFERRED  
TO 6/11/07)

23. Resolution appropriating funds in the amount of \$30,000.00 for in-kind improvements to the Community Center of the New Chicago neighborhood.

GIBSON  
ADOPTED

24. Resolution approving the FY 2008 budget of the Center City Commission.

MALONE  
ADOPTED

CONSENT AGENDA

**REGULAR AGENDA**

**Elections, Appointments, and Confirmations**

BROOKS  
ADOPTED

25. Resolution appointing members to, and electing the Chairman and Vice Chairman for the new Shelby County Beer Board.

Ordinances

MALONE  
ADOPTED

26. ORDINANCE – THIRD READING – An Ordinance to adopt *Supplement No. 31* to the Code of Shelby County, Tennessee.

MALONE  
ADOPTED

27. ORDINANCE – THIRD READING - An ordinance to amend Chapter 12, Code of Ordinances, Shelby County Government, so as to establish a living wage standard.

RITZ  
(DEFERRED  
TO 06/11/07)

28. ORDINANCE – THIRD READING – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Existing Building Code of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 295 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5124 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ  
(DEFERRED  
TO 06/11/07)

29. ORDINANCE – THIRD READING – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Building Code of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 296 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5122 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ  
(DEFERRED  
TO 06/11/07)

30. ORDINANCE – THIRD READING – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Electric Code of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 297 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5123 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ  
(DEFERRED  
TO 06/11/07)

31. ORDINANCE – THIRD READING – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Fuel Gas Code of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 298 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5125 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ  
(DEFERRED  
TO 06/11/07)

32. **ORDINANCE – THIRD READING** – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Mechanical Code** of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 299 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5121 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ  
(DEFERRED  
TO 06/11/07)

33. **ORDINANCE – THIRD READING** – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Plumbing Code** of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 300 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5120 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

**Zoning and Subdivisions**

**Reports and/or Resolutions for Standing Committees**

BROOKS  
(DEFERRED  
TO 06/11/07)

34. Resolution approving and adopting an amendment to Volume II, Shelby County Government Personnel Management System, to change a provision to the Sick Leave Policy thereby amending Resolution Number 45 adopted on July 30, 1979.

BROOKS  
APPROVED

34A. **ORDINANCE – FIRST READING** – An Ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2007/2008 term.

RITZ  
ADOPTED

34B. **CASE NO. S.U.P. 07-203 CC**  
**APPLICANT:** Tower Ventures V. Inc.  
**LOCATION:** East side of Rockyford Road; +374 feet south of Raner Creek Drive  
**REQUEST:** Special Use Permit for the purpose of establishing a cellular tower

Memphis and Shelby County Office of Planning and Development recommendation:  
HOLD

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

**RITZ  
ADOPTED**

- 34C. Resolution of the Board of County Commissioners concerning the lawful use of property of Insomnia, Inc., on Fischer Street Road.**

**BROOKS  
APPROVED**

- 34D. ORDINANCE – FIRST READING – An Ordinance to adopting a Code of Ethics.**

**Announcements/Statements**

- 35. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.**

- a). Resolution approving the county mayor's nomination of Carol A. Farris for appointment to the Shelby County Retirement Board.**

**Adjournment**

**LILLARD  
ADOPTED**

- 36. Resolution of Adjournment to Wednesday, May 30, 2007, at 10: a.m.**

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]