



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

JULY 9, 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*

10/16/2007 11:26 AM

2:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff

INVOCATION Dr. Ronald Weise  
Trinity Lutheran Church

PLEDGE OF ALLEGIANCE

ROLL CALL

### Approval of Minutes of Previous Session

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

### Resolutions of Memorial, Sympathy and Commendation

**BROOKS ADOPTED** 1. Resolution honoring Mrs. Ruby Jackson Payne for exemplary community service during her twenty year career as principal of Hanley Elementary School.

**HARVEY ADOPTED** 2. Resolution congratulating Stevie Moore as a recipient of the Jacqueline Kennedy Onassis Award for Public Service and commending him on his tireless efforts in the "Stop the Killing" Campaign for our community.

### Ordinances

**CHISM APPROVED** 3. **ORDINANCE – SECOND READING** – Ordinance to amend the Shelby County Code of Ordinances, Chapter 28, Article II, Division 3, Sections 28-76, 28-77 and 28-82

to provide for nuisance and urban blight prevention and protection in Shelby County.

**RITZ  
APPROVED**

4. **ORDINANCE – FIRST READING** – Ordinance repealing Ordinance No. 81 relative to regulating and licensing sexually oriented businesses, and adopting the state Adult-Oriented Establishment Registration Act of 1998 in Shelby County.

**Zoning and Subdivisions**

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

**GIBSON  
ADOPTED**

5. Resolution approving a compromise settlement in the case of Cheryl Averill, et al vs. Shelby County, Tennessee, et al, Circuit Court No. CT-000099-05, as recommended by the county attorney and approved by the administration.

**LILLARD  
WITHDRAWN**

6. 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.

**RITZ  
ADOPTED**

7. Resolution awarding a contract to Standard Construction Company for the FY 2007/2008 State Aid Asphalt Overlay Program in the amount of \$1,042,853.75 with funding from the State Gas Tax and will not impact the General Fund.

**MULROY  
(REMOVED  
TO THE  
REGULAR  
AGENDA)  
ADOPTED**

8. Resolution endorsing the U.S. Counties Climate Stabilization Declaration.

**CHISM  
ADOPTED**

9. Resolution approving Sealed Bid No. 1001304 awarded to Zep Manufacturing in the amount of \$57,068.60 for a Laundry Injection System and supplies for the Shelby County Jail Facilities Laundry Operations.

**CHISM  
ADOPTED**

10. Resolution to authorize the Judge of Division XIV, General Sessions Court, to employ a Referee as authorized by HB 1425 – SB 1981, passed by both chambers of the legislature and signed into law by the Governor.

**FLINN  
ADOPTED**

11. Resolution to approve Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) to provide housing for chronically homeless individuals

the amount of \$477,566.00 and to amend the FY 2007/2008 Shelby County Government Operating Budget.

BROOKS  
ADOPTED

12. Resolution amending Section "E" of the Rules and Regulations for the Shelby County Beer Board to comply with the Tennessee Responsible Vendor Act of 2006, effective July 1, 2007, and to delete the names of the Beer Board members; and directing the Shelby County Clerk's office to incorporate said amendments into online version of the Beer Board's Rules and Regulations.

BROOKS  
(DEFERRED  
TO 07/23/07)

13. Resolution to enact a historically underutilized business policy for Shelby County Government.

CARPENTER  
ADOPTED

14. Resolution to convey one delinquent tax parcel to the City of Memphis for the use and benefit of the Division of Housing and Community Development, in conjunction with the Uptown Redevelopment Project.

MULROY  
ADOPTED

CONSENT AGENDA

**REGULAR AGENDA**

**Elections, Appointments, and Confirmations**

BROOKS  
ADOPTED

15. Resolution approving the County Mayor's nomination of Mark Yates for appointment to the Shelby County Health, Education and Housing Facility Board.

BROOKS  
ADOPTED

16. Resolution approving the county mayor's nomination of Michael Steven Moore for appointment to the Memphis and Shelby County *Music Commission*.

BROOKS  
ADOPTED

17. Resolution approving the county mayor's nomination of Joel R. Kimbrough for appointment to the Shelby County *Healthcare Corporation*.

BROOKS  
ADOPTED

18. Resolution appointing Commissioner Sidney Chism to the Needs Assessment Committee.

**Ordinances**

GIBSON  
ADOPTED

19. **ORDINANCE – THIRD READING** - Ordinance fixing tax rate for Shelby County for 2007.

CHISM  
DROPPED

20. **ORDINANCE – THIRD READING** – An Ordinance to amend the Shelby County Code of Ordinances to add a new chapter entitled "Countywide Fire Department" relative to the creation of a countywide fire department and the designation of the powers and duties of said department to the existing Shelby County Fire Department for purposes of providing fire and ambulance services.

LILLARD  
(DEFERRED  
TO 07/23/07)

21. **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 07/23/07)

22. **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 07/23/07)

23. **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 07/23/07)

24. **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 07/23/07)

25. **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. 296 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 07/23/07)

26. **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**

GIBSON  
(DEFERRED  
TO 07/23/07)

27. Resolution to approve changes to life insurance benefits provided to employees and retirees.

GIBSON  
ADOPTED

28. Resolution authorizing the issuance of General Obligation Variable Rate Demand Refunding Bonds, 2007 Series A of Shelby County, Tennessee, in the principal amount of not to exceed Thirty-One Million Four Hundred Fifty Thousand Dollars (\$31,450,000.00) pursuant to Section 9-21-101, et seq. and Section 49-3-1001, et seq. of the Tennessee Code Annotated (the "TCA") for the purpose of refunding a portion of the county's General Obligation Refunding Bonds, 1997 Series B, issued pursuant to Sections 9-21-901 through 9-21-916 of the TCA; making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee of a sum sufficient to pay as the same shall become due, the interest and principal of the bonds; authorizing the sale of the bonds on a negotiated basis; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an official statement in connection therewith; approving the form of and authorizing the execution and delivery of an Escrow Deposit Agreement; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date.

LILLARD  
ADOPTED

29. Resolution of the Board of Shelby County Commissioners to indicate Commissioners' encouragement and willingness to merge most, if not all, of the Engineering Department and certain other functions of the Shelby County Division of Public Works with the City of Memphis, or where appropriate, other cities and towns in Shelby County.

**CHISM  
ADOPTED**

30. Resolution amending the FY 2006/2007 Operating Budget of the Juvenile Court of Memphis and Shelby County.

**BUNKER  
ADOPTED**

31. Resolution approving the Shelby County Board of Education Operating Budget for FY 2008 as adopted by the Shelby County Board of Education.

**BROOKS  
(DEFERRED  
TO 07/23/07)**

32. Resolution of the Shelby County Board of Commissioners to broaden and further define the functions of the office of Equal Opportunity Compliance as established in Section 5.13 of the Shelby County Charter so as to provide for a Chief Diversity Officer and define his/her responsibilities.

**BROOKS**

- 32A. Resolution amending the Permanent Rules of Order of the Shelby County Board of Commissioners.

**Announcements/Statements**

33. Notification from the county mayor of various appointments/reappointments of boards, commissions, and offices of Shelby County Government.
- a) Resolution approving the county Mayor's nomination of David D. McCray for reappointment to the Memphis and Shelby County Groundwater Control Board.
  - b) Resolution approving the county Mayor's nomination of Bobbi S. Gillis for appointment to the Memphis and Shelby County Center City Commission.

**Adjournment**

**LILLARD  
ADOPTED**

34. Resolution of Adjournment to Monday, July 23, 2007, at 2:30 p.m.

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