



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, February 23, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner George Flinn
Commissioner Steve Mulroy
Commissioner Mike Ritz

1:30 PM

COMMISSION CONVENES

2/20/2009 3:37 PM

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Charlie Reese
Rising Sun Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
February 9, 2009

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

CHISM
Chairman, Law
Enforcement
Committee

1. **ORDINANCE - FIRST READING - An Ordinance by the Shelby County Board of Commissioners amending the Shelby County Fire Code, as adopted by the Shelby County Board of Commissioners in Ordinance # 251 on September 10, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore. Ordinance sponsored by Commissioner Chism.**

Zoning and Subdivisions

RITZ
Chairman, Land Use
Committee

2. **Resolution to approve various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer. a) Resolution to approve the plat for Daseler Subdivision (S08-019 CC) and authorize the recording of the plat. Sponsored by Commissioner Mike Ritz b) Resolution to approve the plat for Joshua Jones Subdivision (S 08-010 CO) and authorize the recording of the plat. Sponsored by Commissioner Mike Ritz**

Reports and/or Resolutions for Standing Committees

BUNKER
Chairman, Public
Works Committee

3. **Resolution approving Work Order under master agreement with CS3, Inc. for the provision of energy and maintenance services at the Shelby County Criminal Justice Center; and this item requires expenditure of County CIP funds in the amount of \$499,510.00 from the FY 2008-2009 Budget for CIP number 101505, Criminal Justice Center. Sponsored by Commissioner Wyatt Bunker.**

BUNKER
Chairman, Public
Works Committee

4. A resolution to approve a Safe Routes to School Grant agreement in the amount of \$249,583.00 with the Tennessee Department of Transportation for walkways at the Highland Oaks Elementary School. Sponsored by Commissioner Wyatt Bunker.

BUNKER
Chairman, Public
Works Committee

5. Resolution approving an amendment to the lease agreement with Petty Real Estate, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on January 22, 2009. Sponsored by Commissioner Wyatt Bunker.

AVERY
Chairman, Hospitals
and Health Committee

6. Resolution approving an amendment to the operating budget of the Memphis and Shelby County Health Department for the receipt of funds for the Air Pollution 105 Grant Program and appropriating said funds in the amount of \$90,500 for Mobile Source Outreach Assistance. Resolution sponsored by Commissioner Joyce Avery. (AMENDED IN COMMITTEE 2/18/09)

AVERY
Chairman, Hospitals
and Health Committee

7. A resolution approving an amendment to the FY2008-2009 operating budget of the Healthy Start Initiative Grant Program in the amount of \$249,713.00 and an amendment to the FY2008-2009 position control budget and appropriating said funds. This item requires the expenditure of Federal Grant funds in the amount of \$249,713.00. Resolution sponsored by Commissioner Joyce Avery. (AMENDED IN COMMITTEE 2/18/09)

CARPENTER
Chairman,
Conservation
Committee

8. Resolution approving the lease of 710 acres of Chickasaw Basin Authority property, located within the City Of Millington, to Sneed Farms, Inc. for agricultural and pasturage operations for annual rental in the amount of \$75,000.00 and authorizing the Shelby County Mayor to execute the Agricultural Lease Agreement. Sponsored by Commissioner Wyatt Bunker.

FORD
Chairman, General
Government
Committee

9. Resolution receiving and filing the oath of office for the Honorable Lee Wilson for the position of Shelby County General Sessions Criminal Court Judge for Division 10. Sponsored by Commissioner Joe Ford.

FLINN
Chairman, Delinquent
Tax Property
Committee

10. Resolution approving a sale price reduction on the county's sale of one Delinquent Tax Parcel, acquired from Shelby County Trustee Tax Sale No. 0203 and sold to Trustees New Life Church Of Memphis Pursuant to T.C.A. §67-5-2507, and authorizing the Shelby County Mayor to execute all documents necessary to affect this sale price reduction and to refund Trustees New Life Church Of Memphis \$10,000.00 of the purchase price paid for said property; and amending the FY 08-09 budget. Sponsored by Commissioner Sidney Chism.

FLINN
Chairman, Delinquent
Tax Property
Committee

11. Resolution rescinding the sale of one county owned delinquent tax parcel, acquired from Shelby County Trustee Tax Sale No. 0203 and sold to Family Farmer's Cooperative, International, pursuant to T.C.A. 67-5-2507, and authorizing the Shelby County Mayor to execute all documents necessary to refund the sale price to Family Farmer's Cooperative, International the purchase price of \$10,000.00 paid for said property; and amending the FY08-09 Budget. Sponsored by Commissioner Henri Brooks.

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
Chairman, General
Government
Committee

12. Resolution approving the County Mayor's nomination of Berlin F. Boyd for appointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford.

FORD
Chairman, General
Government
Committee

13. Resolution approving the County Mayor's nomination for the appointment of Davida Cruthird to the Memphis and Shelby County Industrial Development Board. Sponsored by Commissioner Joe Ford.

FORD
Chairman, General
Government
Committee

14. Resolution approving the County Mayor's nomination of Al Bright, Jr. for reappointment to the Memphis and Shelby County Community Redevelopment Agency. Sponsored by Commissioner Joe Ford.

FORD
Chairman, General
Government
Committee

15. Resolution electing an interim county commissioner for District 4, Position 3 pursuant to Tennessee Constitution, Article VII, § 2; Tennessee Code Annotated § 5-5-102(i); and Shelby County Charter, Art. II, § 2.11. Sponsored by Chairman Deidre Malone.

Ordinances

Zoning and Subdivisions

RITZ
Chairman, Land Use
Committee

16. CASE NO. P.D. 08-331 CC
APPLICANT: Turley, L.P. (LTD)/Edward Rose Properties, Inc.
LOCATION: East side of Forest Hill-Irene Road; +/- 597 feet north of East Shelby Drive
REQUEST: Planned development amendment to allow 432 multi-family residential apartments and 140 independent living apartment units.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, February 13, 2009.)
(AMENDED IN COMMITTEE 2/18/09)

RITZ
Chairman, Land Use
Committee

- 17. CASE NO. P.D. 08-332 CC**
APPLICANT: PEMEX Inc. (Haitham Alyousef)
LOCATION: Northwest corner of Lowrance Road and Stansell Court
REQUEST: Amend Parcel 11 to permit a religious institution with day care, meeting space, lighted recreation fields and a tower.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, February 13, 2009.)

RITZ
Chairman, Land Use
Committee

- 18. CASE NO. P.D. 08-333 CC**
APPLICANT: Dancy Investment
LOCATION: Southwest corner of Dexter Road and Appling Road
REQUEST: Planned development amendment to allow a commercial-indoor amusement facility for ice hockey in Area 'C' of the Outline Plan
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, February 13, 2009.)

Reports and/or Resolutions for Standing Committees

BROOKS
Chairman, Legislative
Committee

19. Resolution of the Board of County Commissioners of Shelby County, Tennessee, endorsing conversion to optiscan voting technology; requesting the Tennessee General Assembly support legislation amending the Tennessee Voter Confidence Act of 2007 relative to election procedures and equipment or, in the alternative, that the State Division of Elections promulgate appropriate regulations or show proper flexibility in its enforcement of state requirements. Sponsored by Commissioner Steve Mulroy.

BROOKS
Chairman, Legislative
Committee

20. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly support legislation amending Tennessee Code Annotated, Title 8, Chapter 44, relative to the Open Meetings requirement for civil service merit boards. Sponsored by Commissioner Joe Ford.

BROOKS
Chairman, Legislative
Committee

21. Resolution by the Board of Commissioners of Shelby County, Tennessee approving proposed legislation and requesting the members of the Tennessee General Assembly support legislation amending Tennessee Code Annotated, Title 40, Chapter 35, relative to enhanced sentencing for repeat felony and misdemeanor offenders. Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 2/18/09)

BROOKS
Chairman, Legislative
Committee

22. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation amending Tennessee Code Annotated Title 39 and Title 40, Chapter 6, relative to the illegal possession of firearms, commission of crimes with the use of firearms and the offenders who commit such crimes. Sponsored by Commissioner Steve Mulroy. (AMENDED IN COMMITTEE 2/18/09)

BROOKS
Chairman, Legislative
Committee

23. Resolution requesting the Shelby County Delegation and Tennessee General Assembly support legislation entitled the Endangered Missing Senior Alert Act and amending Title 38, Chapter 6, Part 1 of the Tennessee Code Annotated. Sponsored by Commissioner Mike Carpenter.

RITZ
Vice-Chairman, Budget
and Finance
Committee

24. Resolution to amend the compensation policy adopted by Resolution #32 on July 21, 2008, to authorize a one time stipend of one percent of the base salary for eligible employees to be paid on or about January 31, 2009, and to authorize the mayor to amend the FY 2009 budget as necessary to provide these payments. The cost will be approximately \$3.5 million in total and \$2.4 million to the general fund. Sponsored by Chairman Deidre Malone. (DEFERRED FROM 12/22/08 AND SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

BUNKER
Chairman, Public
Works Committee

25. Resolution approving a Temporary Access Agreement with Security Signals, Inc., allowing its access to certain areas of the rights-of-way of Big Orange Road and Cordova Park Road for environmental investigation and/or remediation work and authorizing the Shelby County Mayor to execute the Temporary Access Agreement. Sponsored by Commissioner Wyatt Bunker. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

HARVEY
Chairman, Economic
Development
Committee

26. A resolution by the Board of Commissioners of Shelby County, Tennessee approving policy and program changes to the Industrial Development Board of the City of Memphis and County of Shelby's Payment In Lieu Of Tax (PILOT) Program and authorizing any necessary amendments to its corporate charter. Sponsored by Commissioner James Harvey. (AMENDED IN COMMITTEE)

Announcements/Statements

- 27. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the county mayor's nomination of Lauren Taylor for appointment to the Shelby County Conservation board. Sponsored by Commissioner Joe Ford. b) Resolution approving the county mayor's nomination of Dwayne M. Matthews for appointment to the Memphis and Shelby County Music Commission. Sponsored by Commissioner Ford. c) Resolution approving the county mayor's nomination of Whit Greenway and John Saucier for reappointment to the Memphis and Shelby County Mechanical/Gas Code Board. Sponsored by Commissioner Joe Ford. d) Resolution approving the county mayor's nomination of Jon McCreery for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Ford.**

Adjournment

- 28. Resolution of adjournment to Monday, March 16, 2009 at 1:30 p.m.**