



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, November 17, 2014

Commissioner Justin J. Ford, Chairman
Commissioner Terry Roland, Chairman Pro Tempore
Commissioner Walter Bailey, Jr.
Commissioner Steve Basar
Commissioner Mark Billingsley
Commissioner Willie F. Brooks, Jr.
Commissioner Melvin Burgess

Commissioner George B. Chism, Sr.
Commissioner Eddie S. Jones, Jr.
Commissioner Reginald Milton
Commissioner David Reaves
Commissioner Heidi Shafer
Commissioner Van D. Turner, Jr.

WQOX – 88.5 FM http://www.mcsk12.net/flash/memphisp_8080.mov

Live streaming <http://www.shelbycountyttn.gov/index.aspx?NID=1218>

11/14/2014 3:57 PM

3:00 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Justin J. Ford

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend Melvin D. Watkins, Jr.,
Co-Pastor of Mt. Vernon Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
October 27, 2014
October 30, 2014

**Announcement for Appearance Cards for Public
Speaking/Public Comment Pursuant to Rule # 14(b)**

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

CHISM

Chairman, Public Works Committee

1. A resolution approving a contract with Chad Stewart and Associates, Inc. for environmental and design services for the Benjestown Road pedestrian bridge and approaches across the Loosahatchie River CIP project #301085 in the amount of \$282,000.00. This item requires the FY2015 expenditure and appropriation of Federal through State grant funds in the amount of \$211,500.00 and County CIP funds in the amount of \$70,500.00. Sponsored by Commissioner George Chism.

CHISM

Chairman, Public Works Committee

2. A resolution approving a contract with Askew, Hargraves and Harcourt, Inc. for environmental and design services for the Macon Road widening CIP project #301083 in the amount of \$329,388.00. This item requires the FY2015 expenditure and appropriation of Federal through State grant funds in the amount of \$247,041.00 and County CIP funds in the amount of \$82,347.00. Sponsored by Commissioner George Chism.

CHISM

Chairman, Public Works Committee

3. A resolution approving a contract with W. H. Porter Consultants, PLLC for environmental and design services for the Houston Levee Road widening CIP project # 301084 in the amount of \$239,463.00. This item requires the FY 2015 expenditure and appropriation of Federal through State grant funds in the amount of \$179,597.25 and FY 2015 County CIP funds in the amount of \$59,865.75. Sponsored by Commissioner George Chism.

CHISM

Chairman, Public Works Committee

4. Resolution to approve funds in the amount of \$12,000.00 for the acquisition and associated costs of right-of-way needed for State Industrial Access Roadway Improvement Project serving Smith & Nephew (Hillrise Road). This item requires an expenditure of Gas Tax funds in the amount of \$12,000.00. Sponsored by Commissioner George Chism.

BILLINGSLEY

Chairman, Law Enforcement, Fire, Corrections & Courts Committee

5. Resolution to amend the FY 2015 Operating Budget to accept grant funds in the amount of \$10,000.00 from the Memphis Area Prevention Coalition. This item requires the appropriation and expenditure of Federal pass through grant funds in the amount of \$10,000.00. Sponsored by Commissioner Mark Billingsley.

ROLAND

Chairman, Land Use, Planning, Transportation & Codes Committee

6. Resolution to approve the agreement to secure the improvements to Winchester/Hacks Cross Road PD, part of Area "D" 5th Amendment Phase 40 (P.D. 06-342 CC) and authorize the recording of the plat when bonding procedures have been fulfilled. This item does not require expenditure of County Funds. Sponsored by Commissioner Terry Roland.

ROLAND

Chairman, Land Use, Planning, Transportation & Codes Committee

7. Resolution to adopt Greenprint 2015/2040, also known as the Mid-South Regional Greenprint and Sustainability Plan, a Tri-State Planning Initiative funded by a grant award from the U.S. Department of Housing and Urban Development. Sponsored by Commissioner Terry Roland.

REAVES

Chairman, Education Committee

8. Resolution supporting the recommendations of the Basic Education Program review committee Annual Report that the BEP funding formula be modified to provide twelve month funding of insurance premiums; that the State salary component for teacher's salaries be increased by \$10,000; and that all other BEP funding improvements recommended by the BEP committee with regard to fully funding the BEP be adopted and funded. Sponsored by Commissioner David Reaves. (AMENDED IN NOVEMBER 12, 2014 COMMITTEE MEETING)

JONES
Chairman, Community
Services Committee

9. Resolution to approve a grant from the U.S. Department of Health and Human Services for the Ryan White Part A HIV Emergency Relief and Minority AIDS Initiative Grant Program in the amount of \$7,316,222.00 for the period of March 1, 2014 through February 28, 2015, and amend the FY15 Operating Budget in the amount of \$841,986.00 and appropriate said funds. This item requires the expenditure of Federal Grant Funds in the amount of \$5,642,549.00 in Fiscal Year 2015. Sponsored by Commissioner Eddie Jones.

JONES
Chairman, Community
Services Committee

10. Resolution amending the FY 2015 Operating Budget in the amount of \$39,828.00 TO carry over and appropriate unexpended state grant funds for implementation of lead agency services for HIV prevention / Regional Community Planning Groups grant for the period of July 1, 2014 through December 31, 2014. This item requires the expenditure of pass through State of Tennessee grant funds in the amount of \$39,828.00. Sponsored by Commissioner Eddie Jones.

JONES
Chairman, Community
Services Committee

11. Resolution approving second amendment to existing service provider contract for the purpose of administering services to people living with HIV and AIDS under the Ryan White HIV Emergency Relief Project Grant for the period of March 1, 2014 to February 28, 2015. This item requires expenditure of Federal Grant funds in the amount of \$200,000.00. Sponsored by Commissioner Eddie Jones.

JONES
Chairman, Community
Services Committee

12. Resolution to approve service provider contracts for the purpose of administering HIV prevention and intervention services on behalf of the Division of Community Services for the period of January 1, 2015 through December 31, 2015. This item requires the expenditure of FY 2015 State Grant Funds in the amount of \$203,946.00. Sponsored by Commissioner Eddie Jones.

BROOKS
Chairman,
Conservation
Committee

13. Resolution receiving and filing the First Quarter Report of the Shelby Farms for the year ending June 30, 2015. Sponsored by Commissioner Willie Brooks.

TURNER
Chairman, General
Government
Committee

14. Resolution approving the County Mayor's nomination of Jeanette Watkins for reappointment to the Memphis and Shelby County Film and Television Commission. Sponsored by Commissioner Van Turner.

TURNER
Chairman, General
Government
Committee

15. Resolution approving the County Mayor's nomination of Desiree Lyles Wallace for appointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Van Turner.

TURNER
Chairman, General
Government
Committee

16. Resolution approving the Election of Notaries Public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Melvin Burgess.

JONES
Chairman, Delinquent
Tax Property
Committee

17. Resolution approving the sale of twenty-six county owned delinquent tax parcels; acquired from various Shelby County Trustee's tax sales to identified purchasers at various prices collectively totaling \$58,810.00, pursuant to the sale provisions of Tennessee Code Annotated, Section 67-5-2507, and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Eddie Jones.

JONES
Chairman, Delinquent
Tax Property
Committee

18. A resolution approving the conveyance of two unimproved parcels of county owned delinquent tax property to Pilgrim Rest Missionary Baptist Church, inc., a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Eddie Jones.

Approval of the Consent Agenda

REGULAR AGENDA

Elections, Appointments, and Confirmations

TURNER
Chairman, General
Government
Committee

19. Resolution approving J. Ross Dyer as County Attorney of Shelby County Government. Sponsored by Commissioner Van Turner. (ADD-ON IN NOVEMBER 12, 2014 COMMITTEE MEETING)

TURNER
Chairman, General
Government
Committee

20. Resolution approving the appointment of two new members to the Unified Personnel Policy Committee ("UPPC"). Sponsored by Commissioner Van Turner. (SENT DOWN WITHOUT RECOMMENDATION IN NOVEMBER 12, 2014 COMMITTEE MEETING)

Ordinances

ROLAND
Chairman, Land Use,
Planning,
Transportation &
Codes Committee

21. **ORDINANCE - FIRST READING** - A Joint Ordinance amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010, and by Shelby County August 9, 2010, to revise and enhance the joint zoning and subdivision regulations by amending regulations pertaining to fireworks, private clubs, group living, cell towers, gas stations, car lots, temporary use permits, side setbacks for existing buildings, parking for restaurants, fencing, outdoor seating for restaurants in the S.C.B.I.D. District, hotels and vehicle service and repair in the Uptown District, permissible building materials in the Midtown and University Districts, number of holds by the Land Use Control Board and Board of Adjustment, planned developments, subdivision phasing, setback encroachments, nonconforming landscaping, rooming houses, terminology, cross references and other provisions of the code, being case No. ZTA 14-001 CC. Sponsored by Commissioner Terry Roland.

TURNER
Chairman, General
Government
Committee

22. **ORDINANCE - SECOND READING** - An ordinance to amend the Shelby County Code of Ordinances, Chapter 14, Article V, Sections 14-135 to 14-144, by removing language from the existing ordinance requiring private employers wishing to do business with the County to provide a living wage as such requirements are now prohibited by State Law. Sponsored by Commissioner Terry Roland. (FAILED IN NOVEMBER 12, 2014 COMMITTEE MEETING)

TURNER
Chairman, General
Government
Committee

23. **ORDINANCE – SECOND READING** - An ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Art. IV, Section 2-230, entitled, prevailing wages and benefits, to comply with State Statutes by removing requirements on those bidding on or receiving major public works projects, or their subcontractors, that they pay a local prevailing wage or a specific amount for fringe benefits or requiring them to provide health benefits. Sponsored by Commissioner Terry Roland.

TURNER
Chairman, General
Government
Committee

24. **ORDINANCE – SECOND READING** - Ordinance to amend the Shelby County Code of Ordinances, Chapter 18, Article II, entitled "Code of Ethics." Sponsored by Commissioner Terry Roland.

Zoning and Subdivisions

ROLAND

Chairman, Land Use,
Planning,
Transportation &
Codes Committee

25. CASE NO. PD 14-316CC

APPLICANT: TV6W, LLC DBA TOWER VENTURES

**LOCATION: +/- 311 feet to Appling Rd at its
intersection of Raleigh-Lagrange**

**REQUEST: To allow a CMCS tower within Area "A"
of PD92-352CC**

RECOMMENDATIONS:

**Memphis and Shelby County Office of Planning and
Development:**

APPROVAL WITH CONDITIONS

**Memphis and Shelby County Land Use and Control
Board:**

APPROVAL WITH CONDITIONS

**(No notice of public hearing in newspaper of
general circulation required pursuant to Unified
Development Code 9.3.4)**

**Opposition/Interested Property Owners
None**

ROLAND
Chairman, Land Use,
Planning,
Transportation &
Codes Committee

26. CASE NO: SUP 14-229 CC

**APPLICANT: TV6 Signal Source Towers, LLC/DBA
Tower Ventures**

REPRESENTATIVE: Lou Katzerman

**LOCATION: 4475 Germantown Road, (1,940' north
of Shelby Drive)**

**REQUEST: Permit to construct a 160' CMCS tower
on a church property**

RECOMMENDATIONS:

**Memphis & Shelby County Office of Planning &
Development:**

APPROVAL WITH CONDITIONS

**Memphis & Shelby County Land Use Control
Board:**

APPROVAL WITH CONDITIONS

**(No notice of public hearing in newspaper of
general circulation required pursuant to Unified
Development Code 9.3.4)**

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

TURNER
Chairman, General
Government
Committee

- 27. Resolution to amend the Administration and Trust Agreement of the Shelby County, Tennessee, Retirement System to decrease the total membership of the Retirement Board by one member and decrease by one the number of members needed for a quorum and the number of votes required for passage of an item. Sponsored by Chairman Justin J. Ford. (AMENDED IN NOVEMBER 12, 2014 COMMITTEE MEETING)**

Announcements/Statements

Adjournment

- 28. Adjournment to Monday, December 8, 2014, at 3:00 p.m.**

