

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 165**

1649

REGULAR ADJOURNED SESSION FROM AUGUST 1, 2016 TO AUGUST 15, 2016

The Board of County Commissioners met pursuant to adjournment at 3:00 p.m., August 15, 2016, in the Shelby County Commission's Chamber, 160 North Main Street, Memphis, Tennessee, with Chairman Terry Roland present and presiding; also present the following Associate County Commissioners, to wit: Van D. Turner, Jr., Mark Billingsley, David Reaves, George B. Chism, Sr., Heidi Shafer, Willie F. Brooks, Jr., Melvin Burgess, Walter L. Bailey, Jr. (ABSENT AT ROLL CALL), Reginald Milton, Eddie S. Jones, Jr. (ABSENT AT ROLL CALL), Justin J. Ford and Steve Basar. Present, thirteen; Absent, none.

Mrs. Rosalind Nichols, Clerk of the County Commission, was also present.

Mr. Craig Willis, Assistant County Attorney and Parliamentarian, was also present.

Deputy Sheriff Brinda Williams opened the meeting in due form of law when the following proceedings were had, to wit:

Chairman Roland recognized Reverend Al McCaster, New Zion Missionary Baptist Church, who gave the opening prayer, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS SESSION

Mr. Willis, Assistant County Attorney, announced Approval of Minutes of Previous Session: July 27, 2016 and August 1, 2016.

Minutes of the Previous Session of July 27, 2016 and August 1, 2016 had been transcribed by the Clerk, clearly paraphrased, and correctly reflected the action which took place.

Chairman Roland stated that, without objection, the Minutes of Previous Session of July 27, 2016 and August 1, 2016, was adopted.

CONSENT A G E N D A

NOTE: CHAIRMAN ROLAND STATED THAT AN
ADD-ON ITEM, ITEM 1A, WOULD BE
TAKEN UP AT THIS TIME.

Resolutions of Memorial, Sympathy and Commendation

ITEM 1A (ADOPTED)

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SPECIAL RESOLUTION HONORING THE LIFE AND
OUTSTANDING LEGACY OF WILLIE EARL BATES.
SPONSORED BY CHAIRMAN TERRY ROLAND.

“WHEREAS, Willie Earl Bates was a native of Memphis, Tennessee, who grew up in the historic LeMoyne Gardens Community, was educated in the Legacy Memphis City Schools, graduating from Booker T. Washington High School and later, earning a degree in business from Tennessee A & I College, now Tennessee State University; and

WHEREAS, For 38-years, Mr. Bates worked with the historic Universal Life Insurance Company, where he was a part of the sales team, promoted to supervisor and ultimately upper management and along the way, his commitment to excellence brought him numerous citations and awards; but when Universal Life closed, he set his sights on real estate which had always been one of his dreams; and

WHEREAS, A loving husband to wife Jo Ellen and father of son Roman who preceded him in death and daughter Patrice, Mr. Bates was a member of Metropolitan Baptist Church, served his neighbors through Junior Achievement, the Boys and Girls Club of Greater Memphis and other volunteer activities; a member of Omega Psi Phi Fraternity, he was a past Basileus, “Man of the Year” and Big Brother-Little Brother chairman and a member of The New Tri-State Defender Class of 2010 “Men of Excellence”; and

WHEREAS, Willie Bates had already etched his name in the local history books through his work with Universal Life Insurance; the balance of his many blessed years on this earth would find him once again making historical strides when Clint and Irene Cleaves, founders of the Four Way Grill ended their tenure of ownership and Mr. Bates became the new owner in 2001 leading a two-year renovation and remodeling project that transformed the grill into a full-service dining facility, the Four Way Restaurant which he guided forward, with the idea of building upon a rich tradition and reputation for down-home southern cooking and hospitality; and

WHEREAS, Four Way is dubbed the oldest soul food restaurant in Memphis by The Travel Channel, the eatery is known for its Southern cooking; the turkey and dressing won media praise locally and by The New York Times, but Mr. Bates always credits his sisters Barbara Payne and Jeanette Reynolds; a grandson, Jerry Rashaan Thompson; a granddaughter, JoElla Simone with keeping the family business charm in every plate served

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to its thousands of grateful patrons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, At the request of Chairman Terry Roland, that we do hereby join the faith-based community, family, friends and the citizens of Shelby County, to salute the life and legacy of Willie Earl Bates.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

ITEM 1 (ADOPTED)

RESOLUTION TO RECEIVE AND FILE THE TRUSTEE'S ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2016 IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED, SECTION 67-5-1902. SPONSORED BY COMMISSIONER VAN D. TURNER, JR.

“WHEREAS, Tennessee Code Annotated, Section 67-5-1902 requires the Trustee to present an annual financial report to the County legislative body for the year ended June 30, 2016; and

WHEREAS, The Trustee's financial report for the year ended June 30, 2016 is attached.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Trustee's financial report for the year ended June 30, 2016, attached hereto and incorporated by reference herein, be and the same is hereby received and filed.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after

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the date it shall have been enacted according to due process of law, the public welfare
requiring it.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Commissioner Turner stated that Committee recommended Item 1 for adoption.

ITEM 2 (ADOPTED)

Mr. Craig Willis, Assistant County Attorney, announced Item 2, Resolution approving a contract with Standard Construction Company, Inc. in the amount of \$3,152,761.00, for the FY 2017 State-Aid Asphalt Resurfacing of roadway segments in Shelby County and amending the FY 2017 Operating Budget in the amount of \$1,281,372.00, and appropriating said funds. This item requires expenditure of State-Aid funds in the amount of \$3,089,706.00, and the Roads and Bridges Fund in the amount of \$63,055.00, for a total expenditure of \$3,152,761.00. Sponsored by Commissioner George B. Chism, Sr.

At the request of Commissioner Jones, Chairman Roland stated that without objection, Item 2 would be removed to Regular Agenda.

ITEM 3

RESOLUTION APPROVING LEASE AGREEMENT WITH
EBF FARM, LLC, AS APPROVED BY THE BOARD OF
COMMISSIONERS OF THE MEMPHIS AND SHELBY
COUNTY PORT COMMISSION ON MAY 18, 2016.
SPONSORED BY COMMISSIONER GEORGE B. CHISM,
SR.

“WHEREAS, EBF Farm, LLC, has requested that Memphis and Shelby County
Port Commission (“Port Commission”) enter into a lease providing that the Port Commission,

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along with the City of Memphis and County of Shelby, Tennessee, lease certain real property (the "Property") for five (5) years at \$75.00 per acre in the Port Commission's Frank C. Pigeon Industrial Area.

WHEREAS, The Property is land-locked and outside the levee in the Frank C. Pidgeon Industrial Area.

WHEREAS, Said proposed lease is in the best interests of the Port Commission by reclaiming 59.7 acres of farmland that was damaged by the Mississippi River Flood of 2011 and promotes agricultural development and soil stabilization in the land between the Pidgeon levee and the Mississippi River.

WHEREAS, Said proposed Lease Agreement is in the best interests of the Port Commission and promotes the economic development of the Presidents Island Industrial Subdivision and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, On recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with EBF FARM, LLC be and is hereby approved.

BE IT FURTHER RESOLVED, That the Mayor of Shelby County is hereby authorized to execute the lease agreement and other documents as may be necessary consistent with the purposes herein.

BE IT FURTHER RESOLVED, That this action is subject to concurrence by City of Memphis.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

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Commissioner Reaves stated that Committee recommended Item 3 for adoption.

ITEM 4 (ADOPTED)

RESOLUTION AMENDING THE FY 2017 OPERATING BUDGET TO EXPEND GRANT FUNDS FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE PURPOSE OF DISRUPTING THE COMMERCE OF ILLEGAL DRUGS THROUGH SHELBY COUNTY. THIS ITEM REQUIRES THE APPROPRIATION AND EXPENDITURE OF FEDERAL GRANT FUNDS IN THE AMOUNT OF \$127,316.00. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, The Office of National Drug Control Policy (ONDCP) has awarded a grant to Shelby County Government on behalf of the Shelby County Sheriff’s Office, for the purpose of disrupting the commerce of illegal drugs through Shelby County; and

WHEREAS, The ONDCP has made available \$127,316.00, for the above-stated purpose; and

WHEREAS, The Shelby County Sheriff’s Office seeks to accept said grant funds from the ONDCP to administer the initiatives more fully set forth in the Grant Award, attached hereto as Exhibit A; and

WHEREAS, It is necessary to amend the FY 2017 Operating Budget in the amount of \$127,316.00, attached hereto as Exhibit B and appropriate said funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY TENNESSEE, That the ONDCP Grant attached hereto as *Exhibit A, for the purpose of disrupting illegal drug commerce in Shelby County, is hereby approved and shall be fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, That the Shelby County FY 2017 Operating Budget is hereby amended and funds appropriated per *Exhibit B, which shall be fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants in an amount not to exceed \$127,316.00, for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute any and all grant documents on behalf of Shelby County Government, necessary to comply with

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Shelby County Retirement Board, in written correspondence to the Chairman of the Shelby County Board of Commissioners dated June 16, 2016, the County Mayor nominated Frank Allen for appointment; and

WHEREAS, The ratification and approval by Shelby County Board of Commissioners is required; and

WHEREAS, The members of the Shelby County Retirement Board are appointed for a term of four (4) years upon approval by the Shelby County Board of Commissioners or until the appointment of their successors; and

WHEREAS, The following nominee shall be reappointed and appointed with approval of this Resolution as follows:

<u>Appointment</u>	<u>Expiration</u>
Frank Allen (replaces Louis Iglehart)	February 28, 2019

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE That the appointment of Frank Allen for the term listed above is hereby approved with this Resolution.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B).”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 7 (ADOPTED)

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BARTLETT AND COUNTY OF SHELBY, TENNESSEE, IN CONNECTION WITH DIVISION FOURTEEN, GENERAL SESSIONS COURT FOR ENFORCEMENT OF CITY ORDINANCES INVOLVING ENVIRONMENTAL VIOLATIONS. SPONSORED BY COMMISSIONER DAVID REAVES.

“WHEREAS, Chapter 772 of the Public Acts of 1982 has been amended by Public

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Chapter 426 of the General Assembly, 1991 to create a Division Fourteen of General Sessions Court to handle and dispose of environmental violations of municipal Ordinances; and

WHEREAS, Shelby County Charter Section 3.03(E) provides that City and County may agree on services which may be rendered more efficiently or economically by mutual understanding; and

WHEREAS, Tennessee Code Annotated, Section 12-9-104(a) provides for agreement by the governing bodies of counties and municipalities in accordance with Tennessee Code Annotated, Section 8-8-201(34) and Tennessee Code Annotated, Section 16-15-501, for enforcement of city ordinance violations; and

WHEREAS, The City of Bartlett and County of Shelby desire to enter into an Agreement in which Division Fourteen of the General Sessions Court will enforce city Ordinances involving environmental violations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Intergovernmental Agreement between the City of Bartlett and County of Shelby, Tennessee, for said purposes is hereby approved, subject to approval by the Alderman of the City of Bartlett.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforesaid agreement on behalf of Shelby County Government, a copy of which is attached hereto as Example A.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 8 (ADOPTED)

RESOLUTION APPROVING A CONTRACT WITH SEGAL
WATERS CONSULTING TO PERFORM A JOB
CLASSIFICATION PAY STUDY FOR SHELBY COUNTY

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GOVERNMENT IN THE AMOUNT OF \$100,000.00.
SPONSORED BY COMMISSIONER WILLIE BROOKS.

“WHEREAS, It has been 10 years or more since the last county-wide review of the classification system for Shelby County Government; and

WHEREAS, Shelby County Government issued a Request for Qualifications, RFQ #16-005-80, for a market pay survey and analysis of existing job classifications in Shelby County Government as compared to selected government geographical markets; and

WHEREAS, Shelby County Government received seven (7) responses to the RFQ and upon evaluation, followed by an interview, Segal Waters Consulting was determined to have provided the best and most comprehensive proposal for the scope of services; and

WHEREAS, Shelby County Government negotiated a contract for said services in the amount of \$100,000.00; and

WHEREAS, Funds are available for the job classification pay study in the FY 2017 Operating Budget, Account 010-200301-6678 for professional services; and

WHEREAS, The Administration recommends and seeks approval to contract with Segal Waters Consulting in an amount not to exceed \$100,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with Segal Waters Consulting attached hereto as *Exhibit 1 and incorporated herein by reference in the amount of \$100,000.00, is hereby approved for the purpose of providing a market pay survey and analysis of existing job classifications in Shelby County Government.

BE IT FURTHER RESOLVED, That the County Mayor be and is hereby authorized to execute said contract on behalf of Shelby County Government, copies of which are on file in the Contracts Administration Department.

BE IT FURTHER RESOLVED, That the County Mayor and the Director of the Division of Administration and Finance be and are hereby authorized to issue their warrants to Segal Waters Consulting in an amount not to exceed \$100,000.00, for purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, 2.06(B).

*NOTE: EXHIBIT 1 REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 9 (ADOPTED)

RESOLUTION APPOINTING HALLIE BIGGS FOR THE
REMAINING TERM OF JOHN W. LEONARD TO THE
SHELBY COUNTY BEER BOARD. SPONSORED BY
CHAIRMAN TERRY ROLAND.

WHEREAS, The Shelby County Quarterly Court created the Beer Board of Shelby County, Tennessee ("Beer Board"), by adoption of a Resolution on April 17, 1993, pursuant to Chapter 29 Section 10 of the Public Acts of 1933; and

WHEREAS, Resolution No. 17, adopted May 8, 2006, abolished the old Beer Board effective upon both the Shelby County Board of Commissioners' creation of a new Beer Board by adoption of new rules and regulations, bylaws, and membership requirements, and its subsequent appointment of new members; and

WHEREAS, The Rules and Regulations of the Shelby County Beer Board and the Bylaws for the Shelby County Beer Board were last amended by the Shelby County Board of Commissioners by Item No. 11 on September 21, 2015; and

WHEREAS, The Bylaws for the Shelby County Beer Board authorizes the Shelby County Board of Commissioners to appoint seven (7) members of the Beer Board and one (1) ex officio member who is a member of the Shelby County Board of Commissioners to serve at the will and pleasure of the Commission; and

WHEREAS, A vacancy has been created on the Beer Board as a result of the resignation of John W. Leonard, whose term of office was scheduled to expire on May 31, 2019; and the Board of Commissioners wishes to fill that unexpired portion of that term; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Hallie Biggs is hereby appointed to

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serve the remainder of the term of John W. Leonard, which shall expire on May 31, 2019.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Commissioner Ford stated that Committee recommended aforesaid Items 6, 7, 8 and 9 for adoption.

ITEM 10 (ADOPTED)

RESOLUTION RECEIVING AND FILING THE
COMPREHENSIVE ANNUAL FINANCIAL REPORTS FOR
SHELBY COUNTY SCHOOLS FOR THE YEAR ENDING
JUNE 30, 2015. SPONSORED BY COMMISSIONER
MELVIN BURGESS.

“WHEREAS, State and Federal statutes require that local school districts issue an Annual Financial Report and that these reports be audited by an independent firm of certified public accountants; and

WHEREAS, The accounting firm Watkins Uiberall completed the Annual Audit Statements of Shelby County Schools for the Year Ending June 30, 2015; and

WHEREAS, Said Comprehensive Annual Financial Reports were reviewed and discussed in the Audit Committee of the County Commission on August 10, 2016; and

WHEREAS, The Board of County Commissioners desires to receive and file said report the Comprehensive Annual Financial Report for Shelby County Schools for the Year Ending June 30, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Comprehensive Financial Reports for Shelby County Schools for the Year Ending June 30, 2015, which are attached hereto as *Exhibit “A” and incorporated herein by reference, is hereby received and filed.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance

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with the Shelby County Charter, Article II, Section 2.06(B).”

*NOTE: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Commissioner Burgess stated that Committee recommended Item 10 for adoption.

ITEM 11 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL, TWENTY-FOUR (24') FEET WIDE OR LESS, ACQUIRED FROM TAX SALE NO. 27, 261.76 SQUARE FEET (0.03 ACRES) IN SIZE, ADDRESSED AS 0 ORR TO AN ADJOINING PROPERTY OWNER, FOR NOMINAL CONSIDERATION, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, In 2014, Shelby County acquired one twenty-four (24') feet wide or less parcel of Delinquent Tax Property, in Tax Sale No. 27, addressed as 0 Orr, and further identified as Tax Parcel No. 04303000000040; and

WHEREAS, The adjoining property owner of 1639 Orr, Sandra K. Slaughter, has requested Shelby County to convey this Delinquent Tax Parcel that is twenty-four (24') feet wide or less to her, for nominal consideration, which parcel being more particularly described in the listing thereof, which is attached hereto as *Exhibit “A”, and incorporated herein by reference and further shown in *Exhibit “B”, map, and incorporated herein by reference; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(b)(5) allows Shelby County to transfer properties with road frontage twenty-four (24') feet wide or less acquired in tax sales to adjoining property owners upon establishing a fair market value (FMV), based upon both value enhancing and value decreasing factors, after the adjoining property owner

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has made sufficient in-kind payments, including but not limited to cutting, cleaning or
improving the property, and accepting general liability for the premises; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said
twenty-four (24') feet wide or less parcel of Delinquent Tax Property, addressed as 0 Orr, to
the adjoining property owner, identified in the attached *Exhibit "A", for nominal consideration
and further shown in *Exhibit "B", map, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMIS-
SIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned twenty-four (24')
feet wide or less parcel of Delinquent Tax Property conveyance to the adjoining property
owner of 1639 Orr, Sandra K. Slaughter, for nominal consideration, be and the same is
hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed
Document affecting the same.

BE IT FURTHER RESOLVED, That this Resolution shall become effective
in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

*NOTE: EXHIBITS "A" AND "B" REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 12 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF
ONE UNIMPROVED, COUNTY-OWNED, DELINQUENT
TAX PARCEL ACQUIRED FROM TAX SALE NUMBER
0503, 337.59 SQUARE FEET (0.11 ACRES) IN SIZE,
ADDRESSED AS 0 LOONEY, TO THE CITY OF MEMPHIS,
FOR NOMINAL CONSIDERATION, FOR USE IN THE
CITY OF MEMPHIS, MOW TO OWN PROGRAM; AND
AUTHORIZING THE SHELBY COUNTY MAYOR TO
EXECUTE A QUIT CLAIM DEED. SPONSORED BY
COMMISSIONER EDDIE S. JONES, JR.

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“WHEREAS, The County of Shelby has acquired, for delinquent property taxes, **ONE** unimproved, parcel of land, 337.59 square feet (0.11 acres) in size, addressed as 0 Looney, in Tax Sale No. 0503, identified as Tax Parcel No. 02104200000240 which parcel being more particularly described in the listing thereof, which is attached hereto as *Exhibit “A”, and incorporated herein by reference, and further shown in *Exhibit “B”, map, and incorporated herein by reference; and

WHEREAS, The City of Memphis created a Mow to Own Program allowing property owners and non-profits to acquire eligible vacant lots by earning credits towards the purchase by taking an adjoining, abandoned, neglected and underutilized piece of land by mowing and raking in an effort to improve and help alleviate blight within City of Memphis/Shelby County; and

WHEREAS, The City of Memphis needs to acquire said **ONE** unimproved, parcel of land for use in conjunction with its Mow to Own Program; and

WHEREAS, The City of Memphis has now requested that the County of Shelby convey said **ONE** unimproved parcel of land, 337.59 square feet (0.11 acres), addressed as 0 Looney, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)1, allows the County of Shelby to convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of the County of Shelby to convey said **ONE** unimproved, parcel of land, 337.59 square feet (0.11 acres), addressed as 0 Looney, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the above described real property conveyance be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the conveyance of the parcel of land described herein.

BE IT FURTHER RESOLVED, That the City of Memphis requests that the County

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of Shelby convey said **ONE** unimproved parcel of land, 337.59 square feet (0.11 acres),
addressed as 0 Looney, to the City of Memphis, for nominal consideration, for use in
conjunction with its Mow to Own Program.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in
accordance with the Shelby County Charter, Article II, Section 2.06(B).”

*NOTE: EXHIBITS “A” AND “B” REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 13 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF
ONE UNIMPROVED, COUNTY-OWNED, DELINQUENT
TAX PARCEL ACQUIRED FROM TAX SALE NUMBER
0704, 283.18 SQUARE FEET (0.1 ACRES) IN SIZE,
ADDRESSED AS 832 SPEED, TO THE CITY OF
MEMPHIS, FOR NOMINAL CONSIDERATION, FOR USE
IN THE CITY OF MEMPHIS, MOW TO OWN PROGRAM;
AND AUTHORIZING THE SHELBY COUNTY MAYOR TO
EXECUTE A QUIT CLAIM DEED. SPONSORED BY
COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, The County of Shelby has acquired, for delinquent property taxes,
ONE unimproved, parcel of land, 283.18 square feet (0.1 acres) in size, addressed as 832
Speed, in Tax Sale No. 0704, identified as Tax Parcel No. 0211100000280 which parcel
being more particularly described in the listing thereof, which is attached hereto as *Exhibit
“A”, and incorporated herein by reference, and further shown in *Exhibit “B”, map, and
incorporated herein by reference; and

WHEREAS, The City of Memphis created a Mow to Own Program allowing
property owners and non-profits to acquire eligible vacant lots by earning credits towards the

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purchase by taking an adjoining, abandoned, neglected and underutilized piece of land by mowing and raking in an effort to improve and help alleviate blight within City of Memphis/Shelby County; and

WHEREAS, The City of Memphis needs to acquire said **ONE** unimproved, parcel of land for use in conjunction with its Mow to Own Program; and

WHEREAS, The City of Memphis has now requested that the County of Shelby convey said **ONE** unimproved parcel of land, 283.18 square feet (0.1 acres), addressed as 832 Speed, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)1, allows the County of Shelby to convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of the County of Shelby to convey said **ONE** unimproved, parcel of land, 283.18 square feet (0.1 acres), addressed as 832 Speed, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the above described real property conveyance be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the conveyance of the parcel of land described herein.

BE IT FURTHER RESOLVED, That the City of Memphis requests that the County of Shelby convey said **ONE** unimproved parcel of land, 283.18 square feet (0.1 acres), addressed as 832 Speed, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B).”

*NOTE: EXHIBITS “A” AND “B” REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.

REGULAR ADJOURNED SESSION FROM AUGUST 1, 2016 TO AUGUST 15, 2016

County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Commissioner Jones stated that Committee recommended aforesaid Items 11, 12 and 13 for adoption.

ITEM 14 (REMOVED TO REGULAR AGENDA)

Mr. Craig Willis, Assistant County Attorney, announced Item 14, Resolution approving the conveyance of ONE unimproved, County-owned, Delinquent Tax Parcel acquired from tax sale number 1003, 425.59 square feet (0.18 acres) in size, addressed at 1587 Marjorie, to the City of Memphis, for nominal consideration, for use in the City of Memphis, Mow to Own Program; and authorizing the Shelby County Mayor to execute a Quit Claim Deed. Sponsored by Commissioner Eddie S. Jones, Jr.

At the request of Commissioner Milton, Chairman Roland stated that without objection, Item 14 would be removed to Regular Agenda.

ITEM 15 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF ONE UNIMPROVED, COUNTY-OWNED, DELINQUENT TAX PARCEL ACQUIRED FROM TAX SALE NUMBER 0903, 587.81 SQUARE FEET (0.34 ACRES) IN SIZE AND ADDRESSED AS 2601 NEW RALEIGH ROAD, TO THE CITY OF MEMPHIS, FOR NOMINAL CONSIDERATION, FOR USE IN THE CITY OF MEMPHIS MOW TO OWN PROGRAM; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, The County of Shelby has acquired, for delinquent property taxes, **ONE** unimproved, parcel of land, 587.81 square feet (0.34 acres) in size, addressed as 2601 New Raleigh Road, in Tax Sale No. 0903 and further identified as Tax Parcel No. 08303400000180 which parcel being more particularly described in the listing thereof, which

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is attached hereto as *Exhibit "A", and incorporated herein by reference, and further shown in *Exhibit "B", map, and incorporated herein by reference; and

WHEREAS, The City of Memphis created a Mow to Own Program allowing property owners and non-profits to acquire eligible vacant lots by earning credits towards the purchase by taking an adjoining, abandoned, neglected and underutilized piece of land by mowing and raking in an effort to improve and help alleviate blight within City of Memphis/Shelby County; and

WHEREAS, The City of Memphis requests Shelby County, for nominal consideration, to transfer said parcel for the purpose of entering into its Mow to Own Program. Pursuant to Tennessee Code Annotated, Section 67-5-2509(d)1, the County of Shelby may convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose. Based on the above, it is hereby recommended by the Administration that the conveyance of said Delinquent Tax Parcel be approved; and

WHEREAS, The City of Memphis has now requested that the County of Shelby convey said **ONE** unimproved parcel of land, 587.81 square feet (0.34 acres), addressed as 2601 New Raleigh Road, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)1, allows the County of Shelby to convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of the County of Shelby to convey said **ONE** unimproved, parcel of land, 587.81 square feet (0.34 acres) in size, addressed as 2601 New Raleigh, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the above described real property conveyance be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the conveyance of the parcel of land described herein.

REGULAR ADJOURNED SESSION FROM AUGUST 1, 2016 TO AUGUST 15, 2016

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

*NOTE: EXHIBITS "A" AND "B" REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 16 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL, TWENTY-FOUR (24') FEET WIDE OR LESS, ACQUIRED FROM TAX SALE NO. 1101, ADDRESSED AS 0 BINGHAM, 286.96 SQUARE FEET (0.05 ACRES) IN SIZE, TO AN ADJOINING PROPERTY OWNER, FOR NOMINAL CONSIDERATION, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

"WHEREAS, In 2014, Shelby County acquired one twenty-four (24') feet wide or less parcel of Delinquent Tax Property, in Tax Sale No. 1101, addressed as 0 Bingham, and further identified as Tax Parcel No. 05203300000160; and

WHEREAS, The adjoining property owner of 687 N. Bingham, Jannie Douglass, has requested Shelby County to convey this Delinquent Tax Parcel that is twenty-four (24') feet wide or less to her, for nominal consideration, which parcel being more particularly described in the listing thereof, which is attached hereto as Exhibit "A", and incorporated herein by reference and further shown in Exhibit "B", map, and incorporated herein by reference; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(b)(5) allows Shelby County to transfer properties with road frontage twenty-four (24') feet wide or less acquired in tax sales to adjoining property owners upon establishing a fair market value (FMV), based

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upon both value enhancing and value decreasing factors, after the adjoining property owner has made sufficient in-kind payments, including but not limited to cutting, cleaning or improving the property, and accepting general liability for the premises; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said twenty-four (24') feet wide or less parcel of Delinquent Tax Property, to the adjoining property owner, identified in the attached *Exhibit "A", for nominal consideration and further shown in *Exhibit "B", map, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned twenty-four (24') feet wide or less parcel of Delinquent Tax Property conveyance to the adjoining property owner of 687 N. Bingham, Jannie Douglass, for nominal consideration, be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed Document affecting the same.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

*NOTE: EXHIBITS "A" AND "B" REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 17 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF ONE UNIMPROVED, COUNTY-OWNED, DELINQUENT TAX PARCEL ACQUIRED FROM TAX SALE NUMBER 1002, 316.44 SQUARE FEET (0.13 ACRES) IN SIZE, ADDRESSED AS 1946 WARREN, TO THE CITY OF MEMPHIS, FOR NOMINAL CONSIDERATION, FOR USE IN THE CITY OF MEMPHIS, MOW TO OWN PROGRAM; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

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“WHEREAS, The County of Shelby has acquired, for delinquent property taxes, **ONE** unimproved, parcel of land, 316.44 square feet (0.13 acres) in size, addressed as 1946 Warren, in Tax Sale No. 1002, identified as Tax Parcel No. 06006000000220 which parcel being more particularly described in the listing thereof, which is attached hereto as *Exhibit “A”, and incorporated herein by reference, and further shown in *Exhibit “B”, map, and incorporated herein by reference; and

WHEREAS, The City of Memphis created a Mow to Own Program allowing property owners and non-profits to acquire eligible vacant lots by earning credits towards the purchase by taking an adjoining, abandoned, neglected and underutilized piece of land by mowing and raking in an effort to improve and help alleviate blight within City of Memphis/Shelby County; and

WHEREAS, The City of Memphis needs to acquire said **ONE** unimproved, parcel of land for use in conjunction with its Mow to Own Program; and

WHEREAS, The City of Memphis has now requested that the County of Shelby convey said **ONE** unimproved parcel of land, 316.44 square feet (0.13 acres), addressed as 1946 Warren, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)1, allows the County of Shelby to convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of the County of Shelby to convey said **ONE** unimproved, parcel of land, 316.44 square feet (0.13 acres), addressed as 1946 Warren, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the above described real property conveyance be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the conveyance of the parcel of land described herein.

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BE IT FURTHER RESOLVED, That the City of Memphis requests that the County of Shelby convey said **ONE** unimproved parcel of land, 316.44 square feet (0.13 acres), addressed as 1946 Warren, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B).”

*NOTE: EXHIBITS “A” AND “B” REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Commissioner Jones stated that Committee recommended aforesaid Items 15, 16, and 17 for adoption.

Whereupon, passage of aforesaid items, was moved by Commissioner Reaves duly seconded by Commissioner Jones.

The Clerk called the roll for casting of the vote with the following results:

AYES: Reaves, Brooks, Billingsley, Milton, Shafer, Basar, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSENT: None

AYES, eleven; NAYS, none; ABSENT, none (Bailey and Ford absent during roll call).

Chairman Roland declared the MOTION CARRIED.

REGULAR AGENDA

REGULAR ADJOURNED SESSION FROM AUGUST 1, 2016 TO AUGUST 15, 2016

NOTE: CHAIRMAN ROLAND STATED THAT, WITHOUT OBJECTION ITEMS 2, 5 AND 14 WHICH WAS REMOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA, WOULD BE TAKEN UP AT THIS TIME.

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEESITEM 2 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 2, which is as follows:

RESOLUTION APPROVING A CONTRACT WITH STANDARD CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$3,152,761.00, FOR THE FY 2017 STATE-AID ASPHALT RESURFACING OF ROADWAY SEGMENTS IN SHELBY COUNTY AND AMENDING THE FY 2017 OPERATING BUDGET IN THE AMOUNT OF \$1,281,372.00, AND APPROPRIATING SAID FUNDS. THIS ITEM REQUIRES EXPENDITURE OF STATE-AID FUNDS IN THE AMOUNT OF \$3,089,706.00, AND THE ROADS AND BRIDGES FUND IN THE AMOUNT OF \$63,055.00, FOR A TOTAL EXPENDITURE OF \$3,152,761.00. SPONSORED BY COMMISSIONER GEORGE B. CHISM, SR.

“WHEREAS, Shelby County has received State-Aid Funding from the Tennessee Department of Transportation (TDOT) in the amount of \$3,152,761.00, for road and bridge maintenance for the purpose of repaving roadway segments in unincorporated Shelby County that have been selected for resurfacing based on deteriorated pavement conditions; and

WHEREAS, Sealed bids were requested and received for this project on Thursday, May 26, 2016, under SBI I-000395 with the lowest bid being submitted by Standard Construction Company, Inc. in the amount of \$3,152,761.00; and

WHEREAS, The State-Aid Program has been temporarily revised to reduce the local match from 25% to 2% for road and bridge maintenance for local counties resulting in a required match amount of \$63,055.00; and

WHEREAS, The Tennessee Department of Transportation (TDOT) has concurred with award of a contract to the lowest responsive bidder, Standard Construction Company, Inc.; and

WHEREAS, It is necessary to amend the FY 2017 Operating Budget by

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\$1,281,372.00, and appropriate said funds as per Exhibit B.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract attached hereto as *Exhibit A and incorporated herein by reference with Standard Construction Company, Inc. in the amount of \$3,152,761.00, for the asphalt resurfacing of Shelby County roads is hereby approved.

BE IT FURTHER RESOLVED, That the FY 2017 Operating Budget is hereby amended and funds appropriated per *Exhibit B, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute any documents necessary for the purposes contained in this Resolution on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That the County Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in an amount not to exceed \$3,152,761.00, for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

*NOTE: EXHIBITS A AND B REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Whereupon, passage of the Resolution was moved by Commissioner Reaves; duly seconded by Commissioner Jones.

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Chairman Roland recognized Commissioner Jones, who stated: "Thank you, Mr. Chairman. The reason I pulled this one – this is a contract and I will be abstaining from voting on contracts. We've passed contracts in the past, they haven't been honored. So with that being said, I'm not going to be voting on any contracts until the ones that we've already passed on—and that's just me, so I'll be abstaining."

Chairman Roland recognized Commissioner Shafer, who stated: "Thank you. With a little leniency for Leigh Way here, do we know where we are with the disparity work coming up, because every time a contract comes up it clicks in my mind when are we going to fall under the new rules. Does anybody know? Ms. Watkins?"

Chairman Roland recognized Ms. Carolyn Watkins, Director of EOC, who stated: "Commissioner I don't have a definite date for you, but within the next few weeks we are looking forward to having a draft of a proposed program for the Commission to consider."

Chairman Roland recognized Commissioner Shafer, who stated: "Thank you and I'm assuming that when we have – once we have that that then we'll have a Commission Meeting that will kind of walk us through at length the – that will go through it in detail?"

Chairman Roland recognized Ms. Watkins, who stated: "Yes ma'am."

Chairman Roland stated: "And I do have a caveat that I met with Ms. Watkins and Mr. Halbert from IT and we got those problems ironed out and look forward to moving forward on it."

The Clerk called the roll for casting of the vote with the following results:

AYES: Reaves, Brooks, Billingsley, Milton, Shafer, Ford, Basar, Chism, Burgess, Turner and Roland.

NAYS: None

ABSTENTION: Jones

ABSENT: None

AYES, eleven; NAYS, none; ABSTENTION, one; ABSENT, none (Bailey absent during roll call).

Chairman Roland declared the MOTION CARRIED.

ITEM 5 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 5, which is as follows:

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RESOLUTION APPROVING THE PURCHASE OF FLEET REPLACEMENT VEHICLES FROM AUTONATION FORD, SHELBYVILLE DODGE AND LANDERS FORD FOR THE SHELBY COUNTY SHERIFF'S OFFICE. THIS ITEM REQUIRES THE EXPENDITURE OF SHELBY COUNTY GENERAL FUNDS IN THE AMOUNT OF \$827,687.68. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

"WHEREAS The Shelby County Sheriff's Office holds a public safety mission requiring the safe mobility of its officers and employees and requires the scheduled replacement of fleet vehicles to replace vehicles that have reached the end of safe and useful life expectancy; and

WHEREAS, The Shelby County Purchasing Department issued a Request for Bids through Sealed Bid Number SBI-000355 to purchase fleet replacement vehicles on behalf of Shelby County Government and closed the sealed bid on December 16, 2015; and

WHEREAS, Sealed Bid Number SBI-000355 was extended with the condition that awarded vendors also extend their previously stated per unit bid price; and

WHEREAS, AutoNation Ford and Shelbyville Dodge have extended their per unit bid pricing and have been selected as the most responsive bidders, pursuant to the attached *Exhibit A; and

WHEREAS, Funds are available in the Shelby County Sheriff's Operating Budget, Account No. 031-610202-7006, for the procurement of these fleet assets.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY TENNESSEE, That the purchase of fleet vehicle replacements for the Shelby County Sheriff's Office from AutoNation Ford and Shelbyville Dodge, in the amount not to exceed \$827,687.68, from FY 2017 Operating Budget, Account No. 031-610202-7006, Sheriff's Office General Fund, subject to the availability of funds in the accounts at the time the purchase order is issued is hereby approved.

BE IT FURTHER RESOLVED, That the County Mayor and the Director of Administration and Finance be and are hereby authorized to issue their warrant or warrants in amounts not to exceed \$83,404.96, to AutoNation Ford and \$744,282.72, to Shelbyville Dodge for a total expenditure of \$827,687.68, for the purposes contained in this Resolution, and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in

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accordance with the Shelby County Charter, Article II, Section 2.06(B).”

*NOTE: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

NOTE: CHAIRMAN PRO TEMPORE TURNER ASSUMED
THE CHAIR AT THIS TIME.

Whereupon, passage of the Resolution was moved by Commissioner Brooks; duly seconded by Commissioner Reaves.

Chairman Pro Tempore Turner recognized Commissioner Jones, who stated: “Thank you, Mr. Chairman. In Committee when this item came up there was some questions about it – representative from the Sheriff’s Department still here – Mr. Denbow. I just want to follow-up with some more questions as it relates to this – in Committee we were told that they were about 700,000 short from being able to purchase the cars from the surplus that we moved over which was anywhere from 3.1 to 3.5, so I have some additional follow-up questions. Of that 3.5 or between 3.1 and 3.5 that we moved over that was surplus, what happened to that money and that’s my question – first question?”

NOTE: CHAIRMAN ROLAND RESUMED THE CHAIR AT
THIS TIME.

Chairman Roland recognized Mr. Maurice Denbow, Administrator of Sheriff’s Department, who stated: “I can’t give you dollar figures on that Commissioner, what I can tell you is that out of – the intent of the Sheriff, it was presented for the carryover of the surplus. The surplus originally was estimated until the year end close out came into play. The yearend close out came in and I’m not sure exactly where we landed with that surplus carryover, however the projected need was to hire 30 new Deputy Sheriffs and then approximately \$1.1 million into additional vehicle purchasing power. At the end of the day

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with the carryover we had – and then we had the budget cut that came across the board County-wide, that came from this body, with that budget cut it came from the surplus and that was a business decision by the Administration of the Sherriff's Office to take that cut out of the surplus funding rather than to impact current obligations, current staffing and current equipment resources that we already had in the field and functioning, so with the surplus, with the cut that we had to make there was enough money left on the table that we are funding 20 additional officers as opposed to the 30 and then we had about \$400,000.00 that was added to my operating budget to buy additional vehicles with.”

Chairman Roland recognized Commissioner Jones, who stated: “Okay, so how much came out of your budget from that?”

Chairman Roland recognized Mr. Denbow, who stated: “I don't have that number in front of me, I wasn't prepared to present that information today.”

Chairman Roland recognized Commissioner Jones, who stated: “Okay. I guess that would tell me one thing, I know we asked that it either come out of your O and M or personnel and I'm just trying to figure out which one it came out of so we know that whatever was taken was in the scope of what we voted on, so if you don't mind I'd like to get those numbers from you as to what came out of your budget, from what we passed.”

Chairman Roland recognized Mr. Denbow, who stated: “Commissioner, my understanding was our percentage of the cut was just over a million dollars – well \$1.1 million of our general operating budget from the Sheriff's Office was what was required with the percentage of the cut. I'm not sure if Mr. Kennedy can give anymore definition or explanation on that, but I'm sure he provides oversight of me budgetary actions and he may not recall that, but I'll get that information to you as soon as I get back to the office.”

Chairman Roland recognized Commissioner Jones, who stated: “Okay. Mr. Kennedy.”

Chairman Roland recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: “Commissioner, I don't know – I don't have the exact numbers, but all of the elected officials and the divisions were given discretion as to where they would take the 0.7 percent budget reduction that was accessed across the board and I don't have it with me, but they got the \$3.1 million added to their previously approved budget and then they had to take the 0.7 percent reduction across the board just like everyone but it was purely at the Sheriff's Office discretion how they did it.

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Chairman Roland recognized Commissioner Jones, who stated: "Okay, either, or, not the whole budget, but from Operations and Maintenance or..."

Chairman Roland recognized Mr. Kennedy, who stated: "They could take it from a combination of the two, either or."

Chairman Roland recognized Mr. Denbow, who stated: "And again, if I may, Commissioner, that was a split pulled from O and M where we had to reduce our operating O and M by the \$700,000.00 and then the 10 positions and the staffing aspect, that was reduced by those 10 so we from a 30 request down to a 20 that was fundable. So it was split. Once we received the surplus it was properly allocated where the intended expenditures were to come from and then it was cut from there."

Chairman Roland recognized Commissioner Jones, who stated: "Okay, I'll just wait on the numbers. Thank you."

Chairman Roland recognized Commissioner Turner, who stated: "Thank you, Mr. Chairman. I just want to go on record as I guess thanking Commissioner Jones for being more or less a watch dog. For the listening public you may not have a lot of background history of what's going on but I in some instances what you may not see, we see and I know Commissioner Jones made a stance of abstaining from the contracts and I just want to say publicly on the record that I appreciate his stance and appreciate his continued effort to kind of watch the budget, watch the money which is doing the citizens of this County a great service. So thank you, Commissioner Jones. It kind of caught me by surprise and may of caught others by surprise, but thank you for what you're doing and thank you for your continued effort to be a watch dog. Thank you, Mr. Chairman."

The Clerk called the roll for casting of the vote with the following results:

AYES: Reaves, Brooks, Billingsley, Milton, Shafer, Ford, Basar, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSENT: None

AYES, twelve; NAYS, none; ABSENT, none (Bailey absent during roll call).

Chairman Roland declared the MOTION CARRIED.

ITEM 14 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 14, which is as follows:

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RESOLUTION APPROVING THE CONVEYANCE OF ONE UNIMPROVED, COUNTY-OWNED, DELINQUENT TAX PARCEL ACQUIRED FROM TAX SALE NUMBER 1003, 425.59 SQUARE FEET (0.18 ACRES) IN SIZE, ADDRESSED AS 1587 MARJORIE, TO THE CITY OF MEMPHIS, FOR NOMINAL CONSIDERATION, FOR USE IN THE CITY OF MEMPHIS, MOW TO OWN PROGRAM; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, The County of Shelby has acquired, for delinquent property taxes, **ONE** unimproved, parcel of land, 425.59 square feet (0.18 acres) in size, addressed as 1587 Marjorie, in Tax Sale No. 1003, identified as Tax Parcel No. 03404800000120 which parcel being more particularly described in the listing thereof, which is attached hereto as *Exhibit “A”, and incorporated herein by reference, and further shown in *Exhibit “B”, map, and incorporated herein by reference; and

WHEREAS, The City of Memphis created a Mow to Own Program allowing property owners and non-profits to acquire eligible vacant lots by earning credits towards the purchase by taking an adjoining, abandoned, neglected and underutilized piece of land by mowing and raking in an effort to improve and help alleviate blight within City of Memphis/Shelby County; and

WHEREAS, The City of Memphis needs to acquire said **ONE** unimproved, parcel of land for use in conjunction with its Mow to Own Program; and

WHEREAS, The City of Memphis has now requested that the County of Shelby convey said **ONE** unimproved parcel of land, 425.59 square feet (0.18 acres), addressed as 1587 Marjorie, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)1, allows the County of Shelby to convey real property acquired in a tax sale to another governmental entity pursuant to terms deemed appropriate to both, so long as the acquiring governmental entity will use the real property for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of the County of Shelby to convey said **ONE** unimproved, parcel of land, 425.59 square feet (0.18 acres), addressed as 1587 Marjorie, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the above described real property conveyance be and the same is hereby approved; and that the Mayor be and he is authorized to execute a Quit Claim Deed conveying the same, along with any other documents necessary for the conveyance of the parcel of land described herein.

BE IT FURTHER RESOLVED, That the City of Memphis requests that the County of Shelby convey said **ONE** unimproved parcel of land, 425.59 square feet (0.18 acres), addressed as 1587 Marjorie, to the City of Memphis, for nominal consideration, for use in conjunction with its Mow to Own Program.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)."

*NOTE: EXHIBITS A AND B REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Whereupon, passage of the Resolution was moved by Commissioner Reaves; duly seconded by Commissioner Brooks.

Chairman Roland recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. After doing a little research on this, it seems that the person who is living next door who is seeking that property actually is related to me. So I will be abstaining from that."

The Clerk called the roll for casting of the vote with the following results:

AYES: Bailey, Reaves, Brooks, Billingsley, Shafer, Ford, Basar, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSTENTION: Milton

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ABSENT: None

AYES, twelve; NAYS, none; ABSTENTION, one; ABSENT, none.

Chairman Roland declared the MOTION CARRIED.

ELECTIONS, APPOINTMENTS, AND CONFIRMATIONS

ORDINANCES

ITEM 18 (SECOND READING) (APPROVED)

Mr. Willis, Assistant County Attorney, announced Item No. 18, Ordinance – Second Reading: Ordinance amending the Shelby County Charter to require the hiring appointment and dismissal process for the County Attorney to consist of a recommendation for dismissal by the County Mayor with the concurrence of a Resolution of the Board of County Commissioners. Sponsored by Chairman Terry Roland.

ORDINANCE AMENDING THE SHELBY COUNTY CHARTER TO REQUIRE THE HIRING APPOINTMENT AND DISMISSAL PROCESS FOR THE COUNTY ATTORNEY TO CONSIST OF A RECOMMENDATION FOR DISMISSAL BY THE COUNTY MAYOR WITH THE CONCURRENCE OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS. SPONSORED BY CHAIRMAN TERRY ROLAND.

NOTE: Pursuant to the Shelby County Charter, only the caption of an Ordinance is read on First and Second Reading. See Minutes of Third Reading for full text of Ordinance.

Commissioner Shafer moved approval of the Ordinance on Second Reading; duly seconded by Commissioner Brooks.

Chairman Roland recognized Commissioner Turner, who stated: “Thank you, Mr. Chairman. In Committee I tried to improve your Ordinance, not that it needed much, Mr. Chairman, but I tried to do some improvement and tried to sort of describe what would be for cause and be for not cause, but I think in seeing the proposals it’s only complicated the matter. And being as though this has to go to the voters and they may not understand the complexities when they get it on the ballot, I think that I would just go back to the main Ordinance and strip away my suggested amendment and just have it like you have it, appointment ratification for hiring and firing.”

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Chairman Roland recognized Commissioner Turner, who Made a Motion to take back his amendment; duly seconded by Commissioner Shafer.

Chairman Roland stated that Commissioner Turner's amendment will be taken b

The Clerk called the roll for casting of the vote with the following results:

AYES: Reaves, Brooks, Billingsley, Milton, Shafer, Ford, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSTENTION: Bailey

ABSENT: None

AYES, eleven; NAYS, none; ABSTENTION, one; ABSENT, one (Basar absent during roll call).

Chairman Ford declared the MOTION ON SECOND READING APPROVED.

ZONING AND SUBDIVISIONS

ITEM 19 (REFERRED BACK TO COMMITTEE)

Mr. Willis, Assistant County Attorney, announced Item 19, which is as follows:

CASE NO. SUP 16-06 CO; APPLICANT STANDARD CONSTRUCTION COMPANY, INC.; REQUEST SUP TO ALLOW MINERAL EXTRACTATIONS WITHIN THE CA ZONING DISTRICT; RECOMMENDATIONS MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT, APPROVAL WITH CONDITIONS; MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD, APPROVAL WITH CONDITIONS; OPPOSITION/INTERESTED PROPERTY OWNERS, YES.

Whereupon, passage of the Resolution was moved by Commissioner Shafer; duly seconded by Commissioner Jones.

Chairman Roland recognized Mr. Ron Williams, who stated: "I'm the board Chairman of the Northeast Shelby County Rural Association, Inc. and I represent our many members from that community who live near the proposed new gravel mine operation on Godwin Road. The Barret's Chapel Community is a minority community. At a public meeting at Barret's Chapel School on March 17th, the majority of the people attending expressed opposition and as you know Commissioner Roland you were there. We subsequently met on June 28th with similar results. Residents have sent in many emails and letters to OPD and to

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the Board of Commissioners to oppose it. The members of ...*** strongly oppose the addition of this new mine to the many others who are – that are already in our area. There were 85 residents who signed a petition opposing the mine and I presented it to Commissioner Shafer for your information. There are numerous reasons why we oppose it. The application does not meet the special use permit requirements. The first requirement of the SUP says that the project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting public health, safety and general welfare. The second reason, the application does not meet rural reserve area requirements under Public Chapter 1101. The proposed site does not meet the spirit and letter of TC 1101. The site is located in a rural reserve area. Rural areas are defined – identified as ...*** that should be preserved as agricultural, forest, recreational areas, wildlife management area or for other uses other than high density commercial, industrial or residential development. It further says that such areas are to reflect the County's duty, "to manage growth and natural resources in a matter which reasonably minimizes detrimental impact to agricultural lands, forest, recreational area and wildlife management area." I passed some photographs to everybody so you can see the impact of mines that are already in the area and the impact that they have on the forested lands or frankly the area looks – from the air looks like a bombed out combat zone. It's full of craters and lakes and in any event – the proposed mine ...*** the health, safety and educational environment of children in the community and at Barret's Chapel Elementary School. The school is located at the north intersection of Vann Road and Godwin Road, the proposed site is located at the south intersection of Vann Road and Godwin Road extending west to Deadfall. A sand and gravel mine in an elementary school zone presents a health and safety hazard to the children at the school...the proposed mine worsens existing adverse effects on adjacent properties and the character of the neighborhood. So for these reasons we recommend and we urge the Shelby County Commission to reject this application."

Chairman Roland recognized Ms. Nancy Brannon, who stated: "I live right behind Barret's Chapel School and adjacent to the existing gravel mine on Deadfall road. What I printed out for you is just a copy of some information that I sent to you by email last week, but I wanted to make sure everybody got it. I didn't know how often you read your email. And I just wanted to reiterate a few points that have been brought to your attention before,

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but first I have a message from Barbara Hodge, who is the Principal at Barret's Chapel School. I talked to her by phone last week and she has authorized me to be an advocate for Barret's Chapel Elementary School. She could not be here, her school duties would not allow that, but she said she does have concerns and her main concern is protecting the children of the school from any dangers associated with gravel mining. She said she's concerned about water pollution, ground water and surface water. She's concerned about the uncovered gravel trucks and the general danger that trucks pose and as you know this application would setup a commuter – gravel truck traffic between the site and the main plant, it would be commuting back and forth, up and down Deadfall Road. She's concerned about the noise and any other elements that could pose a danger to the children at the school. And as you may know Barret's Chapel School has existed since the late 1870's, known as Hayes Grove School originally and it has a long history of excellence in our community. The existing gravel mines in the area are already having negative impacts on the community and on adjacent property. Just this spring, there were three violations of NPDS permits. One from their regular discharge point that flowed west toward Crooked Creek, the other one was an overflow of their large lake onto my property and into another stream that goes to West Beaver Creek and the other was failure to turn in their discharge monitoring reports on time. You have pictures of the uncovered gravel trucks, which are pretty much the norm, it's rare to see a covered gravel truck and the broken windshields cost people in the community a lot of money. We've had four at least four or five on our vehicles in the last few years. And one other item that is of concern, in Special Use Permit 97-204 CO, there are a couple of conditions about ground water there were not met and again that's in the handout that I sent you last week. So we are concerned about noncompliance with regulations and we're concerned about the hazards and the harm that gravel mining does to the community and the adjacent property. Thank you, very much."

Chairman Roland stated: "Ms. Brannon, when you – other day you said that there was some discharge – Tom – Mr. Needham, could you come forward just a second, if you don't mine. And to show you that we're on top of things, when you made the statement the other day that there was some overfill, I mean not overfill, some water we – Mr. Needham went out – had somebody to go out there and check it."

Chairman Roland recognized Mr. Tom Needham, Director of Public Works, who stated: "As soon as I heard her Wednesday mention that there was dirty water running

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offsite, I had my environmental guy go by there to check. He said that there is a muddy pond there, but at the time he inspected it there was about four feet of free board, so there wasn't any running water running off the site at that time. I asked him also to check to see if any truck was maybe uncovered and he said at that time there were no trucks going on, but TDEC actually controls that site because of the type of site it is, so if there's any environmental issues, they need to contact the TDEC."

Chairman Roland recognized Ms. Brannon, who stated: "Just want to correct – this is not something that happened just recently, this happened earlier this spring and the problem has been corrected, but because of the problems Standard had to go before TDEC for a compliance review hearing for their three violations."

Chairman Roland recognized Ms. Barbara Williams, who stated: "My property currently is exactly one mile from the edge of the current Standard gravel mine. And just to let you know what it's like, when I go out I hear the backup noises and the bells and the dings and all of the heavy equipment noises and the dust and that sort of thing and so the – also the gravel trucks. I know that they are supposed to be covered, that is a state law, but I can tell you intersections where you can just sit there and you see truck, after truck, after truck going by their loads are uncovered. This is a hazard, not only to our windshields, but if you happen to be a cyclist or a pedestrian these are not good things. You'll notice this section over here, these people live in the area, not necessarily in the area of highest impact by the gravel mine, but they oppose the gravel mine. And you know that there's – you have to know that there are a lot of people who are not here. This is a – the area of greatest impact is a minority community, a lot of them are elderly. You say go downtown and they're terrified, you say would you speak, oh my gosh, you know so and then the others are parents and they can't and then others have to work. They did sign the petition, they went that far and they have told us – we listened to their stories and what their objections are and it's the quality of life that concerns them. I would like to see you turn down this application. How many gravel mines do we have to have in this area? How many are too many? This was – it's supposed to be a beautiful rural area, that's why we live there, I mean it's beautiful, but more and more gravel mines – this is not good for the community. I'm sure Mr. Needham knows how narrow the roads are and at times just dodging two trucks just you know on opposing sides, you know that's – it's a problem. So I would like to ask that you put the needs of the citizens in northeast Shelby County, rural area. I would like to have you put the

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needs of the citizens first and – over the needs of business. Thank you.”

Chairman Roland recognized Ms. Mary Seratt, who stated: “I just want to lend my support and second to the comments made by the Williams’ and other speakers. And I just have a question and my question is, is the Standard Construction Company that’s mentioned in Resolution No. 2, the same Standard Construction Company that we’re mentioning here in Resolution 19?”

Chairman Roland stated: “It is.”

Chairman Roland recognized Kathleen Faulk, who stated: “Outside the high impact area, but these are our neighbors and gravel trucks are our concern as well. absolutely want to just commend the Northeast Shelby County Rural Association, they do such a great job of getting information out to us, keeping us up to date, so there’s nothing I can add to that, except just some volume to it. specifically want to speak about the environmental concerns which I know you’ve already heard about, but you know us, you know we’re a very diverse group, I don’t think you’d call any of us hippies, so when we do complain about environmental concerns, these are things that I hope are taken seriously or you know possibly threatening or injurious to persons or property. The Land Use Control Board, when it met it dismissed some violations or alleged violations that’s being – just due to the weather, but TDEC and other regulatory agencies haven’t had a chance to my knowledge, to invest those yet and while we’re not asking you to perform any miracles and speed up a Tennessee agency, I do hope that you can even out that equations and make the other half just hit the pause on allowing new mines, we’re not done checking out the ones that are currently existing. Thank you.”

Chairman Roland recognized Mr. Nathan Bicks, Attorney for Standard Construction Company, who stated: “On behalf of the applicants, Standard Construction. First of all let me take my argument out of order, but the last speaker just referred to the TDEC matter. In March of this year we had a 100 year rainfall event, there was 15.9 inches of rain in the month and 5.9 inches of rain in a two day period and that did cause the existing pond at our mine to reach its bank and then overflow. Standard took immediate steps to correct the problem. Ms. Brannon complained to the TDEC about it, they investigated it and I have handed to you and I’d like put into the record the results of the TDEC investigation, which found that there was no problem, no violation. We have agreed to take the steps to make sure this 100 year event never happens again and TDEC is satisfied and it’s in the

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correspondence which I have provided to you, which I asked to be made part of the record. Ladies and gentlemen standing gravel is an important natural resource for the County, it's important to the taxpayers in the County, because it saves the County money in road building. It's the basic ingredient in building roads. In the location of sand and gravel deposits in this County happens to be in this area. I have handed to you a Google map, aerial map of the area where our property – the subject property of this application is located and you can tell in terms of impact on the vicinity, all of the areas that are outlined in red are pieces of property that are currently being mined or had been mined previously and our property designated here in the white. So it's – the impact on the vicinity is driven by the fact that this is where the gravel and sand is located and this is where the mining activities have occurred in this County for 40 years. Standard Construction has been out here for almost 25 years and has not had a violation with the Tennessee Department of Environment Conservation. The – we – the most shocking thing I've heard all day is the report from the Principal of Barret's Elementary – Barret's Chapel Elementary School, because we have a wonderful relationship with the school. Standard is a benefactor of the school. We held our public meeting for the neighbors at the school. Ms. Hodge is in regular communication with us for Hunt is the Principal for Standard Construction. If you go out there and you see their basketball uniforms, they say Standard Construction on the back of them. we've recently bought equipment for the school and we have a long standing relationship with the school. We also have a long standard relationship with the church, which is across the street, Oak Spring Baptist Church and I've circulated to you a letter from the Pastor in support of our application. If Mr. Whitehead makes a presentation he'll show you that among the conditions of this application is to assure that the truck traffic coming out of this project is directed away from the school. The school is to the east of the project. All of the truck traffic must go to the west out to Brunswick Road. There will be no truck traffic impact on the school. Also this application is an extension of the existing facility which has been there for 25 years. The basic machinery of the sand and gravel operation is called a wash plant and that wash plant which currently exists and has existed for 25 years, will serve this piece of property. Standard has bought the adjoining piece of property so that the driveways line up with Deadfall and the traffic goes straight across Deadfall so it will not go out onto Godwin Road towards the school. It will continue on its current routes after it goes to the wash plant west to – towards Brunswick Road. The – I've also provided to you a graphic that shows – and if

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you look at this Google map you'll see there's a very heavy natural buffer that exists. There's heavy woods there. Those woods are going to be left intact between the neighbors to the east and the proposed mining operation. The mining operation also occurs at a subterranean – they dig down into the ground to get to the deposits and so all of that activity happens below the surface. So in addition to the subterranean activities there will be a six foot buffer that will be built and that will be behind the existing landscaping – the existing forest that is there now. There will be very minimal impact. There will be no additional truck traffic because they're taking the existing operation on Deadfall Road and taking the same personnel and the same machinery to this new site to mine the materials there. This is just an extension of the existing facility. So just to recap, this is where the sand and gravel deposits are in our County, it's a benefit to the County to keep low cost from the raw materials used in road building. This facility has essentially been here for 25 years and mining activities have been going on out there for over 40 years. We think we have the support of the school and the church and the conditions of the application – we came – we come to you with the unanimous support of the Land Use Control Board and the support of the Office of Planning and Development. The conditions that we've agreed to and that they've approved are designed to protect the neighborhood and the surrounding vicinity from any adverse impact. I'm happy to answer questions. Otherwise I appreciate your support.”

NOTE: CHAIRMAN PRO TEMPORE TURNER ASSUMED
THE CHAIR AT THIS TIME.

Chairman Pro Tempore Turner recognized Commissioner Reaves, who stated:

“Thank you. Attorney Bicks, so is this area in a flood plane?”

Chairman Pro Tempore Turner recognized Mr. Bicks, who stated: “No sir.”

NOTE: CHAIRMAN ROLAND RESUMED THE CHAIR AT
THIS TIME.

Chairman Roland recognized Commissioner Shafer, who stated: “First of all did want to thank the residents for coming down. I happen to know the Williams' quite well and they're very good advocates for their neighborhood and they do stay very involved in – when they say something I pay strict attention to it because they're very factual and very reasonable, so I really want to thank you all for – when they said that they listened to our meetings every time, I know that's true...Just a couple of questions on this, how is this area zoned? Is this agricultural or agricultural and industrial?”

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Chairman Roland recognized Mr. Josh Whitehead, Administrator Office of Planning and Development, who stated: "Commissioner Shafer this property is zone CA agricultural – conservation agricultural. According to the zoning code in the agricultural zoning district, one may request a gravel mining operation as a special use permit. If you will the zoning code classifies all uses three ways – one of three ways. One is to buy it right. You can have a gas station in a commercial zoning district. Two is by special use permit, which means the City Council or the County Commission must approve each and every one of those. And then the third category is not permitted at all...so this type number two."

Chairman Roland recognized Commissioner Shafer, who stated: "And how long have there been gravel mines – gravel and sand mines in this area? I noticed that on one of the helpful pieces that one of the folks said that this was originally – the application was originally approved but I take it's been some years ago."

Chairman Roland recognized Mr. Whitehead, who stated: "There are many phases if you will on different pieces of property throughout here. The original gravel mining operation by this applicant dates to the 1960s."

Chairman Roland recognized Mr. Bicks, who stated: "Let me make sure we get the facts right. There's been mining operations by our competitors out here since the 1960s, Josh is right about that. We've been out at the current location since 1992."

Chairman Roland recognized Commissioner Shafer, who stated: "Okay, great. So Mr. Bicks, if you'll just stay right there. Can you tell me a little bit about the loose loads problem?"

Chairman Roland recognized Mr. Bicks, who stated: "Thank you for giving me the opportunity to say. It's absolutely against the rules of our facility and our operations for trucks to leave un-tarped – without the tarp and I assume it must happen and I would just say it's not supposed to happen and if it does happened I would urge people to call Mr. Hunt. We don't tolerate it and if our drivers that are doing it, they'll be disciplined and possibly fired. If its independent drivers that are hauling stuff from our facility without their tarps pulled then they'll be terminated and not used. We will not tolerate un-tarped truck loads."

Chairman Roland recognized Commissioner Shafer, who stated: "Sure yeah because that is a big hazard. Are there other gravel and sand mining operations out there still as well or is Standard the only one?"

Discussion ensued amongst Commissioner Shafer and Mr. Bicks.

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Chairman Roland recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. Josh, there was mention about the Chapter 1101 and that they were somehow not in compliance. Could you clarify on that for me, please?"

Chairman Roland recognized Mr. Whitehead, who stated: "Yes sir, Commissioner. Chapter 1101 was approved by the General Assembly in 1998. It's been codified as T.C.A. 658104, et seq. Essentially what it mandated was that every County throughout the State of Tennessee identify areas that are of unincorporated Counties, urban, planned, planned area and rural. This quadrant or maybe slightly smaller than a quadrant of the County, the northeast area encumbering Bolton, Brunswick, Barret's Chapel and I guess to some degree Rosemark are identified as rural area by the parties that signed up, which I think includes the legislative bodies of all seven municipalities as well as this body itself. Now a planned area is defined in the T.C.A., again this is pulled straight from Public Chapter 1101, as an area that is not within urban growth boundaries, not within a planned growth area and as Mr. Williams articulated agricultural lands, forests, recreational areas, wildlife management areas, and other uses other than high density commercial, industrial or residential development. So the question is, is a gravel mining operation classified as any of those uses A, but perhaps just as important of a question is I reviewed Public Chapter 1101 this morning and I do not believe it was the intent of the General Assembly nor of this body to surrender any of its land use authority in the adoption of our growth plan nor was it the General Assembly's intent to supplant the local governing body's land use authority."

Chairman Roland recognized Commissioner Milton, who stated: "So in short, is it in violation?"

Chairman Roland recognized Mr. Whitehead, who stated: "No sir."

Discussion ensued amongst Commissioner Milton and Mr. Whitehead.

Discussion ensued amongst Commissioner Milton and Mr. Bicks.

Chairman Roland recognized Commissioner Reaves, who stated: "Mr. Whitehead, if you could for me, how many acres are being mined for gravel in this designated rural area, do you know?"

Chairman Roland recognized Mr. Whitehead, who stated: "I could guess probably in the hundreds. If you look at some of the maps that have been disseminated the small white area is 46 acres so maybe 400, because it looks like there's a land mass 10 times that size that are outlined in red."

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Discussion ensued amongst Commissioner Reaves and Mr. Whitehead.

Chairman Roland recognized Commissioner Reaves, who stated: "I'm just trying to figure out are there any restrictions or regulations surrounding how much acreage in an area is used for mining."

Chairman Roland recognized Mr. Bicks, who stated: "I just want to say this application – this facility does have to be permitted by TDEC."

Chairman Roland recognized Commissioner Reaves, who stated: "So what are their requirements – are there requirements? Do they have any regulations surrounding how much area can be mined?"

Chairman Roland recognized Mr. Bicks, who stated: "As far as I know they don't."

Chairman Roland recognized Commissioner Reaves, who stated: "What this looks like right now is that there's like an amoeba growing in the area and that concerns me a little bit. So is there that TDEC looks at this and goes, man that's just too much area. So if you could help me out a little bit."

Chairman Roland recognized Mr. David Baker, Fisher Arnold Engineering Integration, who stated: "No TDEC gets involved in it when dealing with the erosion control measures, storm water runoff and things like that, but the permitting and land use falls within this body and OPD's jurisdiction."

Chairman Roland recognized Commissioner Reaves, who stated: "Okay, so we have unlimited really authority to approve as many gravel pits as we want to in northern Shelby County, without there being any state regulation of it at all except for adverse effects from waste water based upon whatever we setup, correct?"

Chairman Roland recognized Mr. Whitehead, who stated: "That it is correct, but remember that waste water is part of your finding. You're finding that there are no adverse effects."

Chairman Roland recognized Commissioner Reaves, who stated: "Okay, so – so we have had issues with flooding over the past few years and we had the 1,000 year flood, but we continue to have issues because of EL Nino. I mean we've been having some – we've had more water – a little bit wetter over the past several years. Any concerns about future flooding as it pertains to this, because I had a buddy who use to have a sheet of paper in his office that said strip mining prevents forest fires, alright, but strip mining also creates floods. So, you know, I'm wondering, you know what's it going to look like in the area over

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the next few years if we continue to approve these.”

Chairman Roland recognized Mr. Bicks, who stated: “We have taken the steps in response to the TDEC inquiry to make sure that it never happens to this location again. There’s more than sufficient protection to ensure that even in the event of another 100 year event it won’t happen. And I’ve provided you with a copy of the letter and by the way Mr. Hunt tells me – and I didn’t – I don’t want to mislead you, I gave you this to show you where there has been mining activity in this vicinity. Not all of these mines, Mr. Reaves, this is just where there – in the vicinity.”

Discussion ensued amongst Commissioner Reaves and Mr. Bicks.

Chairman Roland recognized Commissioner Jones, who stated: “...I guess for me when I look at the maps to see where the paving is going to take place – it’s not in SIRE, so I couldn’t see that, so I’m wondering with all the heavy trucks and all that out there is any of the pavement that they will be doing I guess Mr. Needham can answer that, is it out there in that area?”

Chairman Roland recognized Mr. Needham, who stated: “Yes Commissioner the paving part of the ...*** roads are in all areas of the County, both north, south, east and west, so all areas.”

Chairman Roland recognized Commissioner Jones, who stated: “Okay. Specifically to that – the area that we’re talking about right now, is any of it going on while all of these heavy trucks...”

Chairman Roland recognized Mr. Needham, who stated: “Yes Monterey Farms is in that area and I believe Pleasant Ridge is in that list, so there are some in that area. Now the mining just takes the raw material and takes it to a pavement asphalt plant, so there’s not an asphalt plant, it’s strictly a mining operation. The asphalt plant is in other areas of the County.”

Chairman Roland recognized Commissioner Jones, who stated: “Right, but it’s going to get back on the roads, right?”

Chairman Roland recognized Mr. Needham, who stated: “It’s going to be on the roads.”

Chairman Roland recognized Commissioner Shafer, who stated: “So the one thing that I – when we went through our big rigmarole with the other gravel mining thing that unlearned was about something called severance – the severance that you get from – is it

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the state – the state – that they have to pay – there’s a fee that’s paid for severance and we weren’t going to be able to get that – Mr. Needham probably knows where I’m going with that – with the way that everything was set up in the other situation where we had gravel, we were very concerned that they wouldn’t be using our roads, but that the severance was going to be going up to I think to Tipton instead of to us and I just wanted to see – I wanted to make sure that I understood this correctly that with this the severance is indeed coming to Shelby County.”

Chairman Roland recognized Mr. Needham, who stated: “Yeah, it’s known that the use of roads with the gravel trucks does deteriorate a road quicker than automobiles, so the mining a – a mineral in Shelby County, we get a mineral severance tax for every ton mined. I can’t tell you how much it is, but there is a mineral severance tax. And you’re right Commissioner, Tipton County – I don’t even know if Tipton County even has a mineral tax or not, but the roads – the trucks are going to be on our roads and there will be no mineral tax for that, but yes we do get funds from Standard Construction every year for mining in Shelby County for the purpose of road construction and to repair our roads.”

Chairman Roland recognized Commissioner Shafer, who stated: “And then the last thing I wanted to ask was – Josh you probably know this – Mr. Whitehead you probably know this. Aren’t there gravel pits or haven’t there been gravel pits out in Collierville?”

Chairman Roland recognized Mr. Whitehead, who stated: “Yes and it is my understanding that that is operated by Standard. It’s on the south side of Frank Road betwixt Bray Station and Bailey.”

Chairman Roland recognized Mr. Bicks, who stated: “Yeah, I’m the Collierville Town Attorney. So directly behind the Collierville Town Hall, is a sand and gravel mine operated by Standard.”

Chairman Roland recognized Commissioner Shafer, who stated: “That’s what I was thinking, because I remember when I had to go out to Collierville to do some work and I remember being stunned that it was so – that it was actually – it didn’t look at all what I thought a gravel mining operation would look like and it’s right inside – it’s right there with Collierville, right on the town. Is part of their town hall sub built on an old gravel mine that’s been surfaced over?” I thought I remembered somebody telling me that.”

Chairman Roland recognized Mr. Bicks, who stated: “Directly behind town hall is a lake and that is a reclaimed gravel mine and directly to the west of the standing gravel mine

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is Haley Plantation which is million dollar homes.”

Chairman Roland recognized Commissioner Shafer, who stated: “And then last question on this, so if we’re moving from one site and let’s call it site A and this is site B that’s being proposed and you’re not going to be doing them both at the same time, tell me about how site A is going to look in the meantime. Is it just going to be raw earth or is it going to be covered over or – tell me how site A is going to look while we’re now shifting focus to site B.”

Chairman Roland recognized Mr. Cliff Hunt, President Standard Construction, who stated: “The site A will be – we’ll be doing some partial reclamation and the activity that will be going on there is the wash plant, the material will come up and be fed into the wash plant, washed and stock piled.”

Chairman Roland recognized Commissioner Shafer, who stated: “So what I wanted to make sure is that there weren’t just going to be loose – there wasn’t just going to be loose dirt sitting there to blow around in the wind with an open – you know because it does look like a big scab on the earth, right when you look at it aerially. I just want to make sure that we’re not just picking that scab open and leaving it.

Discussion ensued amongst Commissioner Shafer and Mr. Hunt.

Chairman Roland recognized Commissioner Shafer, who stated: “You know, Mr. Chairman, and I’m wrapping up here, one of the things I – that really benefited me when we went through this you know years ago was going out and seeing the operation, because I’d seen gravel pits before, but I hadn’t seen them done in a more urban area where they – and seeing how they’d been reclaimed and that kind of thing too. So I’m not going to make the motion, but I’m just going to put this on the – put this out here, that if any Commissioners would like the opportunity to go see it and defer it, I would be willing to support a deferral if anybody else wants...”

Chairman Roland recognized Commissioner Chism, who stated: “Let me Mulligan real quick. Okay, thank you, Mr. Chairman. My attorney over there for the Town of Collierville and everything whom I know very well, due south of that is the Chism Estate and it is not a million dollar estate by any means, but you know with Standard they have been good neighbors, they’ve been good out in Collierville. You know you can come out and walk down the greenbelt and it is just straight north of my – you know where I live. Also you know out in Collierville – you know we’ve the land – you know Norman Browns area out there that does some things as well and you know just from my perspective they’ve been very, very

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good neighbors and they're right in the middle of town and I'll end with that."

Chairman Roland recognized Commissioner Shafer, who Made a Motion to Refer back to Committee; duly seconded by Commissioner Milton.

Chairman Roland recognized Commissioner Milton, who stated: "I did want to make one quick point on this as – it's just to stress the point that I think that you should work very hard to get the Commissioners out there to see this site. I would recommend you doing that. second of all, we do stress the point that we do have a public and we let the public know it's a Commissioner's agreement to some degree, we lean very heavily to listen to what the Commissioner of that district – it doesn't dictate what we decide, we independently decide how we choose, but we do listen very heavily to the Commissioner of that district and that is that gentlemen right there."

Chairman Roland stated: "And for a little explanation why I haven't chimed in on this, as Chairman I can't advocate one way or the other."

Chairman Roland stated, that Item 19 would be Referred back to Committee; without objection.

ITEM 20 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 20, which is as follows:

**RESOLUTION APPROVING THE ELECTION OF
NOTARIES PUBLIC FOR APPOINTMENT AND/OR
REAPPOINTMENT FOR SHELBY COUNTY,
TENNESSEE. SPONSORED BY COMMISSIONER
MELVIN BURGESS.**

"WHEREAS, The Shelby County Board of Commissioners is required to elect as many notaries public as they deem necessary pursuant to Tennessee Code Annotated, Section 8-16-101(a); and

WHEREAS, The Shelby County Clerk's Office has reviewed the applications for appointment and/or reappointment of the notaries public listed in Exhibit "A," which is attached hereto and incorporated herein by reference, and has verified that each applicant has signed the application certifying that they are in compliance with Tennessee Code Annotated, Section 8-16-101(c), they are not disqualified by Tennessee Code Annotated, Section 8-18-101, and they meet the age and residency requirements of Tennessee Code Annotated, Section 8-16-101(a); and

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WHEREAS, Committee No. 10 - General Government recommends these notaries public for appointment and/or reappointment be elected by the Shelby County Board of Commissioners at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the individuals applying for appointment and/or reappointment listed in *Exhibit "A," which is attached hereto and incorporated herein by reference, be and are hereby elected notaries public for Shelby County, Tennessee.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06 (B)."

*NOTE: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Whereupon, passage of the Resolution was moved by Commissioner Billingsley; duly seconded by Commissioner Brooks.

Chairman Roland recognized Commissioner Turner, who stated: "Mr. Chairman, just disclosing for Commissioner Jones and myself. We are notaries, but we're not on the list."

The Clerk called the roll for casting of the vote with the following results:

AYES: Bailey, Reaves, Brooks, Billingsley, Milton, Ford, Basar, Jones, Burgess, Turner and Roland.

NAYS: None

ABSENT: None

AYES, eleven; NAYS, none; ABSENT, none (Shafer and Chism absent during roll

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call).

Chairman Roland declared the MOTION CARRIED.

ITEM 21 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 21, which is as follows:

RESOLUTION SETTING WEDNESDAY, SEPTEMBER 7, 2016, AS THE DATE FOR INTERVIEWING, AND MONDAY, SEPTEMBER 12, 2016, FOR APPOINTING TWO JUDICIAL COMMISSIONERS, ONE (1) FULL-TIME AND ONE (1) PART-TIME JUDICIAL COMMISSIONER TO THE VACANT POSITIONS AND AUTHORIZING PUBLIC NOTICE. SPONSORED BY CHAIRMAN TERRY ROLAND.

“WHEREAS, The Shelby County Board of Commissioners is granted the authority to appoint Judicial Commissioners pursuant to Tennessee Code Annotated, Section 40-1-111; and

WHEREAS, It is the intent of the Shelby County Board of Commissioners to appoint one (1) full-time and one (1) part-time Judicial Commissioner to vacant positions created and approved through the FY 2017 General Fund Budget process; and

WHEREAS, By adoption of this Resolution and by publishing Notice in the Memphis Bar Association newsletter and a newspaper of general circulation in the County at least seven (7) days prior to the meeting at which the vacancy is to be filled, in accordance with Exhibit F, subpart 1(b), to the Commission’s Permanent Rules of Order (PRO), the Shelby County Board of Commissioners desires to give notice to the public of its intent to interview qualified persons and to appoint a Judicial Commissioner.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Board of Commissioners shall interview qualified persons at the General Government Committee’s meeting on Wednesday, September 7, 2016, and shall appoint one (1) full-time and one (1) part-time Judicial Commissioner on Monday, September 12, 2016, at 3:00 p.m. to fill a vacant positions created during the FY 2017 General Fund Budget process.

BE IT FURTHER RESOLVED, That said appointments shall be conducted in accordance with the County Commission’s procedure for elections to fill vacancies in elective offices, as set forth in Rule 35 of the Commission’s Permanent Rules of Order and Exhibit F

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thereto.

BE IT FURTHER RESOLVED, That, although the Shelby County Board of Commissioners is not required by state law or otherwise to publish notice in a newspaper of general circulation prior to appointing Judicial Commissioners, the General Sessions Criminal Court Judges are hereby requesting a published notice in a publication or newsletter of the Memphis Bar Association, and in addition, at their discretion, may publish notice in an additional bar association publication or newsletter, inviting persons who are licensed to practice law in this state to submit their names for consideration for appointment to an initial term of _____ year(s).

BE IT FURTHER RESOLVED, That such notice shall also be published in a newspaper of general circulation in the County at least seven (7) days prior to the meeting at which the vacancy is to be filled, in accordance with Exhibit F, subpart 1(b), to the Commission’s PRO.

BE IT FURTHER RESOLVED, That this Resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B).”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

Whereupon, passage of the Resolution was moved by Commissioner Basar; duly seconded by Commissioner Brooks.

The Clerk called the roll for casting of the vote with the following results:

AYES: Bailey, Reaves, Brooks, Billingsley, Milton, Shafer, Ford, Basar, Jones, Chism, Burgess, Turner and Roland.

NAYS: None

ABSENT: None

AYES, thirteen; NAYS, none; ABSENT, none.

Chairman Roland declared the MOTION CARRIED.

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ITEM 22 (REFERRED BACK TO COMMITTEE)

Mr. Willis, Assistant County Attorney, announced Item 22, which is as follows: Resolution approving the conveyance of ONE improved parcel of County-owned Delinquent Tax Property to Miracle Care, Inc., a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Shelby County Mayor to execute a Quit Claim Deed. Sponsored by Commissioner Eddie S. Jones, Jr. and Co-Sponsored by Commissioner Walter L. Bailey, Jr.

Whereupon, passage of the Resolution was moved by Commissioner Basar; duly seconded by Commissioner Brooks.

Chairman Roland recognized Commissioner Reaves, who stated: "Thank you, Mr. Chairman. I believe at the time we did not have a representative from Miracle Care, Inc., who could actually speak to this, so do we today? Okay, do you mind if I ask her a question? So I guess the question I had was what will you be using the property for?"

Chairman Roland recognized Ms. Andrea Williams, Miracle Care Inc., who stated: "Miracle Care is a home health business. What it does is cater to disability or go to their home, and do light duty housekeeping, remind them to take their medicine -- but the business is going to go for an office and also a day service where the resident comes to our facility where we teach them how to cook, clean, different activities, computers -- and this is what we going to use it for."

Chairman Roland recognized Commissioner Reaves, who stated: "Whose district is this in?"

Chairman Roland recognized Commissioner Jones, who stated: "What's the address on it?"

Chairman Roland recognized Mr. Tom Moss, who stated: "Commissioner, I think Commissioner Bailey."

Chairman Roland recognized Commissioner Reaves, who stated: "Commissioner Bailey, it's in your district. Mr. Chair, if I could, can I get a recommendation from Commissioner Bailey, if Commissioner Bailey is 100 percent on board with this? Commissioner Bailey."

Chairman Roland recognized Commissioner Bailey, who stated: "I support it."

Chairman Roland recognized Commissioner Jones, who stated: "What is the

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actual address of the property?”

Chairman Roland recognized Ms. Williams, who stated: “Its 715 Neptune, it’s a 501(c)(3), non-profit business.”

Chairman Roland recognized Commissioner Jones, who stated: “Okay, so – no I’m talking about the property that – is that where it is?”

Chairman Roland recognized Ms. Williams, who stated: “715 Neptune, yes sir.”

Chairman Roland recognized Commissioner Jones, who stated: “Are you guys presently in there now.”

Chairman Roland recognized Ms. Williams, who stated: “No, what we’re doing is getting someone to do a grant to help us restore the building back to its – it needs new roofing, new – I’ve been keeping it trimmed down, cleaned up – it needs new roofing – it needs everything.”

Chairman Roland recognized Commissioner Jones, who stated: “So it’s a building, not a house?”

Chairman Roland recognized Ms. Williams, who stated: “No sir.”

Chairman Roland recognized Commissioner Jones, who stated: “It’s a house?”

Chairman Roland recognized Ms. Williams, who stated: “No it’s a building.”

Chairman Roland recognized Commissioner Jones, who stated: “I guess my next question was going to be do you have the financial ability to fix it up, because here’s the thing, I work in Code Enforcement, that happens to be my area that I supervise in, okay and a lot of times they come through – people come through they take properties and they’re not able to complete what their intentions of getting the buildings for and that leaves that building sitting there continuing to cause blight in the community, so the only question that I have do you have the ability to go ahead and get it back to the minimum code standards to be able to operate in it?”

Chairman Roland recognized Ms. Williams, who stated: “That’s what we’re in the process of doing is getting someone to do a grant and also donations and sponsors that we’ve been having to get windows, doors – that’s why I’ve been keeping it clean so that code won’t come back on me with the tall grass and everything and keeping it boarded up.”

Chairman Roland recognized Commissioner Jones, who stated: “They’re not just going to come back on you just for tall grass. In the City of Memphis you can no longer leave a property boarded up without having some intentions on bringing it back up to code. So just

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simply a building being boarded up just won't fly, but if you say you all can do it, I'm on board with it. I'm going to yield to Commissioner Bailey, so if he's okay with it, I'm okay with it too."

Chairman Roland recognized Commissioner Bailey, who stated: "Well in all fairness I haven't explored it – I haven't – you know this is new to me and you raise some interesting questions in terms of the affordability of making this project float and not just being subject to being boarded up and – you sure you've got that kind of capacity financially?"

Chairman Roland recognized Ms. Williams, who stated: "Financially right now, we're working on the grant and in the process of having someone putting up some doors, doing minor things on it right now."

Chairman Roland recognized Commissioner Bailey, who stated: "It maybe we may want to hold it and let her..."

Chairman Roland recognized Commissioner Billingsley, who stated: "Chairman Roland I was going to suggest we send this back to Committee based on the concerns that the two sponsors have raised. So I make a motion to send it back."

Chairman Roland recognized Commissioner Billingsley, who Made a Motion to Refer back to Committee; duly seconded by Commissioner Shafer.

Chairman Roland recognized Commissioner Bailey, who stated: "But in fairness to the applicant, that doesn't mean you're turned down, that means that we just want to see your financial ability to make this project work."

Chairman Roland recognized Commissioner Milton, who stated: "Mr. Chair, I may to that is to understand what we do not want is for you to have a financial burden. We want to make sure that this works and we're trying to help, okay. Thank you."

Chairman Roland stated that Item 22, would be Referred back to Committee; without objection.

ITEM 23 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 23, which is as follows: Resolution electing _____ as Chairman of the Board of County Commissioners of Shelby County, Tennessee, for a term of one year pursuant to Article II, Section 2.08 of the Shelby County Charter. Sponsored by Chairman Terry Roland.

Whereupon, passage of the Resolution was moved by Commissioner Brooks; duly

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seconded by Commissioner Milton.

The Clerk called the roll for nominations for Chairman of the County Commission, with the following results:

Commissioner Billingsley	- nominated Melvin Burgess
Commissioner Shafer	- no nominations
Commissioner Brooks	- no nominations
Commissioner Burgess	- no nominations
Commissioner Bailey	- nominated Melvin Burgess
Commissioner Ford	- nominated Melvin Burgess
Commissioner Milton	- no nomination
Commissioner Jones	- nominated Melvin Burgess
Commissioner Turner	- nominated Melvin Burgess
Commissioner Basar	- no nomination
Commissioner Chism	- no nomination
Commissioner Reaves	- no nomination
Chairman Roland	- no nomination

The Clerk stated the nominee was Melvin Burgess.

The Clerk announced 13 votes for Burgess.

Commissioner Burgess was elected as Chairman for the 2016-2017 term.

The Resolution is as follows:

RESOLUTION ELECTING MELVIN BURGESS AS
CHAIRMAN OF THE BOARD OF COUNTY
COMMISSIONERS OF SHELBY COUNTY, TENNESSEE,
FOR A TERM OF ONE YEAR PURSUANT TO ARTICLE
II, SECTION 2.08 OF THE SHELBY COUNTY CHARTER.
SPONSORED BY CHAIRMAN TERRY ROLAND.

“WHEREAS, Article II, Section 2.08 of the Shelby County Charter requires the Board of Commissioners to elect from its membership a Chairman on an annual basis; and

WHEREAS, Article II, Section 2.03 (D) of the Shelby County Charter requires the Board of Commissioners to adopt its own rules of order and procedure, including a procedure for elections to fill positions; and

WHEREAS, Rule 1 of the Permanent Rules of Order requires the election of the Chairman at the first meeting of the County Commission in July after the Chairman's salary has been fixed; and

WHEREAS, The procedure established by Rule 2 of the Permanent Rules of Order shall be applied to the election of the Chairman.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Commissioner Melvin Burgess is hereby elected as Chairman of the Board of County Commissioners of Shelby County,

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Tennessee, for a term of one year beginning September 1, 2016, pursuant to Shelby County
Charter, Article II, Section 2.08.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance
with the Shelby County Charter, Article II, Section 2.06(B), the public welfare requiring
same.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: August 15, 2016

ITEM 24 (ADOPTED)

Mr. Willis, Assistant County Attorney, announced Item 24, which is as follows:
Resolution electing _____ as Chairman Pro Tempore of the Board of County
Commissioners of Shelby County, Tennessee, for a term of one year pursuant to Article II,
Section 2.08 of the Shelby County Charter. Sponsored by Chairman Terry Roland.

Whereupon, passage of the Resolution was moved by Commissioner Reaves; duly
seconded by Commissioner Milton.

The Clerk called the roll for nominations for Chairman of the County Commission,
with the following results:

Commissioner Shafer	- no nominations
Commissioner Brooks	- nominated Heidi Shafer
Commissioner Burgess	- no nominations
Commissioner Bailey	- no nominations
Commissioner Ford	- nominated Heidi Shafer
Commissioner Milton	- no nomination
Commissioner Jones	- nominated Heidi Shafer
Commissioner Turner	- no nomination
Commissioner Basar	- no nomination
Commissioner Chism	- no nomination
Commissioner Reaves	- nominated Heidi Shafer
Commissioner Billingsley	- no nomination
Chairman Roland	- nominated Heidi Shafer

The Clerk stated the nominee was Heidi Shafer.

The Clerk announced 13 votes for Shafer.

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Commissioner Shafer was elected as Chairman Pro Tempore for the 2016-2017 term.

The Resolution is as follows:

RESOLUTION ELECTING HEIDI SHAFER AS CHAIRMAN PRO TEMPORE OF THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, FOR A TERM OF ONE YEAR PURSUANT TO ARTICLE II, SECTION 2.08 OF THE SHELBY COUNTY CHARTER. SPONSORED BY CHAIRMAN TERRY ROLAND.

“WHEREAS, Article II, Section 2.08 of the Shelby County Charter requires the Board of Commissioners to elect from its membership a Chairman Pro Tempore on an annual basis; and

WHEREAS, Article II, Section 2.03 (D) of the Shelby County Charter requires the Board of Commissioners to adopt its own rules of order and procedure, including a procedure for elections to fill positions; and

WHEREAS, Rule 1 of the Permanent Rules of Order requires the election of the Chairman Pro Tempore at the first meeting of the County Commission in July after the Chairman's salary has been fixed; and

WHEREAS, The procedure established by Rule 2 of the Permanent Rules of Order shall be applied to the election of the Chairman Pro Tempore.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Commissioner Heidi Shafer is hereby elected as Chairman Pro Tempore of the Board of County Commissioners of Shelby County, Tennessee, for a term of one year beginning September 1, 2016, pursuant to Shelby County Charter, Article II, Section 2.08.

BE IT FURTHER RESOLVED, That this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B), the public welfare requiring the same.”

/s/ Mark H. Luttrell, Jr.
County Mayor

Date: August 22, 2016

ATTEST:

/s/ Rosalind Nichols

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Clerk of County Commission

ADOPTED: August 15, 2016

ANNOUNCEMENTS AND STATEMENTS

Chairman Roland recognized Commissioner Brooks, who stated: "Thank you, Mr. Chairman. I would just like to wish my fellow Commissioner Reginald Milton a happy birthday."

Chairman Roland recognized Commissioner Milton, who stated: "I would like to thank Clay Perry and LaKeetha Barnes for this wonderful gift of – it's the Grizzlies, you guys know I love the Grizzlies. They got them to sign this basketball – all of the signatures on it. I appreciate it."

Chairman Roland recognized Commissioner Billingsley, who stated: "Well Mr. Chairman, it's been a great day. I join everyone in thanking you for your leadership and also to Vice Chairman Van Turner, you all have been great partners this year. Thank you for all of your leadership. I certainly look forward to working with our new Chairman Melvin Burgess, our new Vice Chair Heidi Shafer, but I do and I think this is important, because we're very much a family, but somebody in our family here in County government lost their father, my understanding is yesterday, but – is it yesterday or today – this morning. But I do think we should keep Dawn Kinard, who's done such an outstanding job in our thoughts and prayers. Her father Jackie Welch was a personal friend, personal friend of so many people in real estate. He served in real estate for over 40 years developing everything from residential lots to shopping centers, strip malls, office buildings and he's helped a lot of elected folks over the years in any way he could. I saw Jackie just -- it seems like days ago and it's just a little bit of shock that Jackie's not with us, a guy that really cared about this County, so I know I share your condolences, Mr. Chairman, just send Dawn our love and thoughts to Dawn and her sister and to the grandchildren of Mr. Welch's."

Chairman Roland recognized Commissioner Brooks, who stated: "Mr. Chairman, I didn't want to go out of this meeting without thanking our staff for a successful Summer Youth Program. I would like to commend our staff for doing an extreme job. We had 95 young people who worked during the summer, and without the staff's support I don't think we could have had a successful program. So again I want to thank our staff for doing a great

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job.”

Chairman Roland recognized Commissioner Turner, who stated: “I want to join in with others and saying thank you for your Chairmanship, Chairman Roland. We haven’t always been in agreement with everything, but we have agreed on trying to make this one of the best County Commissions, not only in the state, but in this nation and I think we moved the needle in doing so. Also wanted to thank you for engaging the services of my friend back here, he’s gone, Attorney Julian Bolton. I know there was some stuff that came up and I know we’re working to get all that resolved and I think he’s been a great addition to the body and I know that we’ll get it resolved. I think he brings a valuable service to us and I just wanted to state that on the record as well. Thank you, Mr. Chairman.”

Chairman Roland stated: “Thank you, Commissioner Turner and it’s been wonderful working with you my brother, and we are brothers. Thank you.”

ADJOURNMENT

ITEM 25

Mr. Willis, Assistant County Attorney, announced Item 25, Adjournment to Monday, August 29, 2016.

Chairman Roland stated that, without objection, the Commission meeting of Monday, August 15, 2016, was adjourned until Monday, August 29, 2016.

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(COMPLETE DIGITAL RECORDING ON FILE IN OFFICE OF CLERK OF COUNTY
COMMISSION)

COMPILED AND EDITED:

ROSALIND NICHOLS
CLERK OF COUNTY COMMISSION

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