

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 166**

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REGULAR ADJOURNED SESSION FROM SEPTEMBER 12, 2016 TO SEPTEMBER 26, 2016

The Board of County Commissioners met pursuant to adjournment at 3:00 p.m., September 26, 2016, in the Shelby County Commission's Chamber, 160 North Main Street, Memphis, Tennessee, with Chairman Melvin Burgess present and presiding; also present the following Associate County Commissioners, to wit: Heidi Shafer (ABSENT AT ROLL CALL), Mark Billingsley, David Reaves, George B. Chism, Sr., Terry Roland, Willie F. Brooks, Jr., Van D. Turner, Jr., Walter L. Bailey, Jr.(ABSENT AT ROLL CALL), Reginald Milton, Eddie S. Jones, Jr., Justin J. Ford and Steve Basar (ABSENT). Present, twelve; Absent, one.

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

Mr. Jack Turner, 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 Burgess recognized Dr. Reginald Porter, Pastor of Metropolitan Baptist Church, who gave the opening prayer, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS SESSION

Mr. Turner, Assistant County Attorney, announced Approval of Minutes of Previous Session: September 12, 2016.

Minutes of the Previous Session of September 12, 2016 had been transcribed by the Clerk, clearly paraphrased, and correctly reflected the action which took place.

Chairman Burgess stated that, without objection, the Minutes of Previous Session of September 12, 2016, was adopted.

CONSENT A G E N D A

Resolutions of Memorial, Sympathy and Commendation

Zoning and Subdivisions

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Reports and/or Resolutions for Standing Committees

ITEM 1 (ADOPTED)

RESOLUTION TO AMEND A THREE-YEAR INTERLOCAL AGREEMENT BETWEEN THE CITY OF MEMPHIS, THE COUNTY OF SHELBY AND THE OFFICE OF SHELBY COUNTY TRUSTEE FOR THE COLLECTION OF CURRENT AND DELINQUENT CITY AD VALOREM TAXES TO RELIEVE THE TRUSTEE FROM THE REQUIREMENT OF COLLECTING CURRENT TAXES ON BEHALF OF THE CITY AND REDUCE THE CONTRACT AMOUNT FROM \$1,250,000.00 TO \$1,015,000.00, PER YEAR AND TO ALLOW FOR AN EXTENSION PERIOD FROM FEBRUARY 1, 2016 THROUGH JUNE 30, 2017, WITH OPTIONS TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS. SPONSORED BY COMMISSIONER DAVID REAVES.

“WHEREAS, Effective February 1, 2013, the City of Memphis entered into an Interlocal Agreement with the County of Shelby and the Office of the Shelby County Trustee for three years and \$3,750,000.00, to allow the Trustee’s Office to collect current and delinquent Ad Valorem taxes on behalf of the City of Memphis as approved by Resolution of the Memphis City Council on January 24, 2013; and

WHEREAS, The parties desire to amend Section 3.02 to allow for an extension period from February 1, 2016 through June 30, 2017, and to include annual options to renew beginning on July 1, 2017 through June 30, 2018, and July 1, 2018 through February 1, 2019 ,attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, The parties acknowledge that the Trustee’s Office lacks the present system capability to collect current taxes on behalf of the City of Memphis; and

WHEREAS, The Trustee’s Office had been compensated at an annual amount equal to \$1,250,000.00, per annum, plus the City’s pro-rata share of the total litigation expenses incurred pursuant to this Agreement which includes advertising and title work expenses; and

WHEREAS, The parties desire to amend said Agreement to reflect a decrease in the compensation to be paid to the Trustee’s Office for the annual collection fee from \$1,250,000.00 to \$1,015,000.00, during the period that the Trustee’s Office is relieved from the requirement of collecting current taxes on behalf of the City of Memphis.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Interlocal Agreement among the City of Memphis, the County of Shelby and the Office of the Shelby County Trustee's Office for the provision of collecting delinquent City of Memphis Ad Valorem taxes be amended and extended through June 30, 2017, attached hereto as *Exhibit A and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, That the option to renew for two (2) additional one (1) year renewal periods is hereby approved subject to the adoption of the appropriate year's Operating Budget.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute said contract as well as the future renewals on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Purchasing Department.

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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 2 (ADOPTED)

RESOLUTION APPROVING A CONTRACT BETWEEN SHELBY COUNTY GOVERNMENT AND SELF TUCKER ARCHITECTS, INC. FOR ARCHITECTURAL DESIGN SERVICES FOR ROOF REPLACEMENT AT 160 NORTH MAIN. THIS ITEM REQUIRES EXPENDITURE OF FY17 CAPITAL IMPROVEMENT PROGRAM FUNDS IN THE AMOUNT OF \$22,215.00, AND APPROPRIATES SAID FUNDS. SPONSORED BY COMMISSIONER GEORGE B. CHISM, SR.

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“WHEREAS, The County desires to replace the roof of the Vasco A. Smith, Jr. Administration Building, located at 160 North Main; and

WHEREAS, The Building was constructed in the late 1960's and the existing roof is now nearing the end of its useful life with several leaks requiring repair each year; and

WHEREAS, Self Tucker Architects, Inc. will provide architectural design services based upon its selection under Request for Qualifications (RFQ) No. 16-003-59 County-wide Architectural Design Services, with proposals received on April 21, 2016; and

WHEREAS, The County desires to hire Self Tucker Architects, Inc. to provide said architectural design services in the amount of \$22,215.00; and

WHEREAS, Funds are available in the FY 2017 Budget for Capital Improvement Program (CIP) Project No. 201280, 160 North Main Roof Replacement; and

WHEREAS, It is necessary to appropriate funds in the amount not to exceed \$22,215.00, to fund this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with Self Tucker Architects, Inc. in the amount not to exceed \$22,215.00, for providing architectural design services for a roof replacement for the Vasco A. Smith, Jr. Administration Building, as outlined in *Exhibit A, attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, That funds in the amount not to exceed \$22,215.00, be and are hereby appropriated from FY 2017 CIP Project No. 201280, 160 North Main Roof Replacement.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute any and all documents necessary to effectuate this Resolution, executed copies of which documents shall be placed on file in Contracts Administration and Purchasing Department.

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 \$22,215.00, to Self Tucker Architects, Inc. for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to

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WHEREAS, It is necessary to appropriate funds in the amount not to exceed \$141,500.00, to fund this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with Self Tucker Architects, Inc. in the amount not to exceed \$141,500.00, for architectural design services for the renovation of the Assessor's Office at the PEAB, as outlined in *Exhibit A, attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, That funds in the amount not to exceed \$141,500.00, be and are hereby appropriated from FY 2017 CIP Project No. 307397 – 1075 Mullins Station Office Renovation (PEAB).

BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute the aforementioned contract and any and all documents necessary to effectuate this Resolution on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contract 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 \$141,500.00, to Self Tucker Architects, Inc. for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to issue purchase orders pursuant to said contract for architectural design services for the renovation of the Assessor's Office at the PEAB from FY 2017 CIP Project No. 307397, subject to the availability of funds at the time the purchase order is issued.

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: October 3, 2016

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ATTEST:

/s/ Rosalind Nichols _____
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 4 (ADOPTED)

RESOLUTION AMENDING THE FY 2017 CAPITAL IMPROVEMENT PROGRAM BUDGET AND APPROVING A CONTRACT BETWEEN SHELBY COUNTY GOVERNMENT AND JOHN PRUETT ARCHITECTS FOR ARCHITECTURAL DESIGN SERVICES FOR A ROOF REPLACEMENT AT 225 POPLAR. THIS ITEM REQUIRES EXPENDITURE OF FY 2017 CAPITAL IMPROVEMENT PROGRAM FUNDS IN THE AMOUNT OF \$66,000.00, AND APPROPRIATES SAID FUNDS. SPONSORED BY COMMISSIONER GEORGE B. CHISM, SR.

“WHEREAS, The existing roof for the Shelby County Jail, located at 225 Poplar Avenue, has deteriorated beyond the point of repair; and

WHEREAS, John Pruett Architects, Inc. will provide architectural design services based upon its selection under Request for Qualifications (RFQ) No. 16-003-59 County-wide Architectural Design Services, with proposals received on April 21, 2016; and

WHEREAS, The County desires to contract John Pruett Architects for architectural design services in the amount of \$66,000.00, for a roof replacement for the Shelby County Jail; and

WHEREAS, Funds have been allocated in the FY 2017 Budget for Capital Improvement Program (CIP) Project No. 630173 – Jail Roof Replacement; and

WHEREAS, Funds are available in the FY 2017 Budget from CIP Project No. 201282 – Shelby Farms Conservancy Storage Building for transfer to FY 2017 CIP Project No. 630173 – Jail Roof Replacement; and

WHEREAS, It is necessary to amend the FY 2017 CIP Budget and appropriate funds in the amount not to exceed \$66,000.00, to fund this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with John Pruett Architects in the amount not to exceed \$66,000.00, for architectural design services for a roof

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replacement for the Shelby County Jail, as outlined in *Exhibit A, attached hereto and
incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED, That FY 2017 CIP Budget is amended to transfer
funds in the amount of \$41,000.00, from CIP Project No. 201282 – Shelby Farms
Conservancy Storage Building to CIP Project No. 630173 – Jail Roof Replacement, as
outlined in *Exhibit B, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That funds in the amount not to exceed
\$66,000.00, be and are hereby appropriated from FY 2017 CIP Project No. 630173 – Jail
Roof Replacement.

BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute the
aforementioned contract and any and all documents necessary to effectuate this Resolution
on behalf of Shelby County Government, an executed copy of which is to be placed on file in
the Contract 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 \$66,000.00, to John Pruett Architects for the purposes contained in this
Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to
issue purchase orders pursuant to said contract for architectural design services for a roof
replacement for the Shelby County Jail from FY 2017 CIP Project No. 630173, subject to the
availability of funds at the time the purchase order is issued.

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: October 3, 2016

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ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 5 (ADOPTED)

RESOLUTION APPROVING A CONTRACT BETWEEN SHELBY COUNTY GOVERNMENT AND JOHN PRUETT ARCHITECTS FOR ARCHITECTURAL DESIGN SERVICES FOR A NEW SHELBY FARMS CONSERVANCY STORAGE BUILDING. THIS ITEM REQUIRES EXPENDITURE OF FY 2017 CAPITAL IMPROVEMENT PROGRAM FUNDS IN THE AMOUNT OF \$61,000.00, AND APPROPRIATES SAID FUNDS. SPONSORED BY COMMISSIONER GEORGE B. CHISM, SR.

“WHEREAS, The existing Shelby County Farm Operations Building 14 located at 6393 Haley Road, which is currently being used for storage and maintenance by the Shelby Farms Conservancy, has deteriorated beyond the point of repair; and

WHEREAS, John Pruett Architects, Inc. will provide architectural design services based upon its selection under Request for Qualifications (RFQ) No. 16-003-59 County-wide Architectural Design Services, with proposals received on April 21, 2016; and

WHEREAS, The County desires to contract John Pruett Architects for architectural design services in the amount of \$61,000.00, for a new Shelby Farms Conservancy Storage Building; and

WHEREAS, Funds have been allocated in the FY 2017 budget for Capital Improvement Program (CIP) Project No. 201282 – Shelby Farms Conservancy Storage Building; and

WHEREAS, It is necessary to appropriate funds in the amount not to exceed \$61,000.00, to fund this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with John Pruett Architects in the amount not to exceed \$61,000.00, for architectural design services for a new Shelby Farms Conservancy Storage Building, as outlined in *Exhibit A, attached hereto and incorporated herein by reference, is hereby approved.

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BE IT FURTHER RESOLVED, That funds in the amount not to exceed \$61,000.00, be and are hereby appropriated from FY 2017 CIP Project No. 201282 – Shelby Farms Conservancy Storage Building.

BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute the aforementioned contract and any and all documents necessary to effectuate this Resolution on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contract 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 \$61,000.00, to John Pruett Architects for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to issue purchase orders pursuant to said contract for architectural design services for a new Shelby Farms Conservancy Storage Building from FY 2017 CIP Project No. 201282, subject to the availability of funds at the time the purchase order is issued.

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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Commissioner Turner stated that Committee recommended aforesaid Items 1, 2, 3, 4 and 5 for adoption.

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ITEM 6 (ADOPTED)

RESOLUTION APPROVING THE PURCHASE OF DRUGS AND VACCINES FOR VARIOUS PROGRAMS WITHIN THE SHELBY COUNTY HEALTH DEPARTMENT FROM VENDOR MORRIS AND DICKSON COMPANY, LLC., UTILIZING MINNESOTA MULTISTATE CONTRACTING ALLIANCE FOR PHARMACY (MMCAP) PRICE DISCOUNTING STATUS THROUGH THE STATE OF TENNESSEE'S DEPARTMENT OF HEALTH CONTRACT AND DIRECT PURCHASE OF SPECIALTY DRUGS FROM SOLE SOURCE VENDORS AVENTIS PASTEUR (SANOFI) AND MERCK, SHARP AND DOHME CORPORATION (MERCK). THIS ITEM REQUIRES THE EXPENDITURE OF FY 2017 GENERAL FUNDS IN THE AMOUNT OF \$329,000.00, AND GRANT FUNDS IN AN AMOUNT OF \$321,000.00, NOT TO EXCEED A TOTAL AMOUNT OF \$650,000.00. SPONSORED BY COMMISSIONER REGINALD MILTON.

“WHEREAS, Shelby County Health Department (SCHD) has a need for drugs and vaccines to be utilized in various departments and clinics to fulfill grant and departmental obligations; and

WHEREAS, SCHD previously purchased all non-specialty drugs through Regional One thus benefitting from volume purchase discounts available due to Regional One's capacity and specialty drugs sold exclusively by vendors Merck and Sanofi directly from these vendors; and

WHEREAS, Regional One has not renewed the agreement for the purchase of non-specialty drugs on behalf of SCHD making it necessary to seek an alternative source for such discounted drug purchases; and

WHEREAS, the State of Tennessee Department of Health (TDOH) has negotiated a contract with vendor Morris and Dickson Company LLC (Morris & Dickson) which allows all metro health departments in the State of Tennessee to purchase drugs and vaccines directly from this vendor utilizing the MMCAP price discount and benefiting from volume discounts; and

WHEREAS, SCHD would like to purchase these drugs and vaccines as needed directly from vendor Morris & Dickson in order to benefit from the discounted MMCAP pricing available under TDOH's contract with Morris & Dickson; and

WHEREAS, SCHD would like to purchase specialty drugs sold exclusively by Merck and Sanofi directly from these vendors; and

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WHEREAS, General Funds in an amount of \$329,000.00, and Grant Funds in an amount of \$321,000.00 ,not to exceed a total amount of \$650,000.00, are available in the FY 2017 SCHED Operating Budget; and

WHEREAS, Morris & Dickson, Merck, and Sanofi can provide the needed drugs and vaccines to Shelby County Health Department in the amount not to exceed \$650,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Health Department is authorized to purchase drugs and vaccines as needed and directly from Morris & Dickson, Merck, and Sanofi in an amount not exceed \$650,000.00.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute any and all documents on behalf of the Shelby County Government necessary to comply with the purpose and intent of this Resolution, executed copies of which shall be filed with the Contract Administration Department.

BE IT FURTHER RESOLVED, That the County Mayor and Director of Administration and Finance are authorized to issue their warrant or warrants in amounts to the extent of appropriations made 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).”

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 7 (ADOPTED)

RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$193,500.00 BETWEEN SHELBY COUNTY GOVERNMENT ON BEHALF OF SHELBY COUNTY HEALTH DEPARTMENT’S AIR QUALITY IMPROVEMENT BRANCH AND VRIDE, INC. FOR THE PROVISION OF TRANSPORTATION SERVICES FOR

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THE MEMPHIS AREA RIDESHARE PROGRAM. THIS ITEM REQUIRES EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$193,500.00 FOR THE PERIOD BEGINNING UPON EXECUTION THROUGH JUNE 30, 2017 WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR TERMS. SPONSORED BY COMMISSIONER REGINALD MILTON.

“WHEREAS, Shelby County Government (County) on behalf of the Shelby County Health Department Air Quality Improvement Branch (SCHD) has the need for transportation services for the Memphis Area Rideshare – Van Pool Program (Rideshare) for its registered van pool program; and

WHEREAS, The County solicited a Request for Proposal (RFP) Number 16-001-40 on February 8, 2016, for transportation services for Rideshare; and

WHEREAS, vRide Inc. responded to said RFP on March 1, 2016, and demonstrated the requisite knowledge and ability to provide the services and was selected by County as the most responsive vendor to provide services based upon the subject RFP; and

WHEREAS, A contract between the County on behalf of SCHD and vRide has been proposed for the period beginning upon execution through June 30, 2017, with the option to renew for an additional two (2) one-year periods upon mutual written agreement of the parties and the appropriation of funds for future renewal periods by the Board of County Commissioners; and

WHEREAS, Funds in the amount of \$193,500.00, are available in the FY 2017 Rideshare Project – Air Quality Outreach Grant Operating Budget in accounts, 520-400437-6664 for \$104,500.00, and 521-400437-6664 for \$89,000.00, Operational Services – Contracted; and

WHEREAS, The Shelby County Board of Commissioners acknowledge that this is not a part of the General Fund budget or programs and costs are reimbursable by funds from the Congestion Mitigation Air Quality (CMAQ) program, which is funded by the Federal through State grant administered by the State of Tennessee Department of Transportation (TDOT) and would not be considered a part of the General Fund budget as a matter of force.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract between the County and vRide Inc. in the amount of \$193,500.00, for the provision of transportation services for the

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BE IT FURTHER RESOLVED, That the said contract contains the option to renew for two (2) additional one-year periods. Said renewals shall not exceed \$231,000.00 for FY 2018 and \$257,500.00 for FY 2019 and are hereby approved subject to the adoption of each fiscal year's Operating Budget by the Board of County Commissioners.

BE IT FURTHER RESOLVED, The County Mayor is hereby authorized to execute the contract on behalf of Shelby County Government as well as all future renewals subject to the terms and conditions of the contract and this Resolution, executed copies of which shall be filed with the Contract Administration Department.

BE IT FURTHER RESOLVED, That funds in the amount of \$193,500.00, are available in the FY 2017 Rideshare Project – Air Quality Outreach Grant Operating Budget in accounts, 520-400437-6664 for \$104,500.00, and 521-400437-6664 for \$89,000.00, Operational Services – Contracted.

BE IT FURTHER RESOLVED, That the County Mayor and Director of Administration and Finance are authorized to issue their warrant or warrants in amounts not to exceed an amount of \$193,500.00, to vRide, Inc. pursuant to the terms and conditions of the contract, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Commissioner Milton stated that Committee recommended aforesaid Items 6 and 7 for adoption.

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ITEM 8 (ADOPTED)

RESOLUTION TO APPROVE A CONTRACT BETWEEN SHELBY COUNTY GOVERNMENT ON BEHALF OF THE JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY AND SATELLITE TRACKING OF PEOPLE IN THE AMOUNT NOT TO EXCEED \$100,000.00, TO PROVIDE ELECTRONIC MONITORING SERVICES OF JUVENILES. THIS ITEM REQUIRES THE EXPENDITURE OF COUNTY GENERAL FUNDS IN THE AMOUNT OF \$100,000.00 FOR THE PERIOD BEGINNING UPON EXECUTION THROUGH JUNE 30, 2017, WITH AN OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE-YEAR TERMS. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, There is a need by the Juvenile Court of Memphis and Shelby County for electronic monitoring services of juveniles; and

WHEREAS, Shelby County Government solicited a Request for Proposal (RFP) through RFP No. 16-004-71 on April 29, 2016, for Electronic Monitoring; and

WHEREAS, Satellite Tracking of People responded to said RFP on May 18, 2016, demonstrated the requisite knowledge and expertise to provide the services, submitted the lowest/best bid, and was selected by Shelby County Government as the most responsive vendor to provide services based upon the subject RFP; and

WHEREAS, A contract between Shelby County Government on behalf of the Juvenile Court of Memphis and Shelby County and Satellite Tracking of People has been proposed for the period beginning upon the date of execution through June 30, 2017, with the option to renew for an additional four (4) one-year periods upon mutual written agreement of the parties and the appropriation of funds for future renewal periods by the Board of County Commissioners; and

WHEREAS, Funds in the amount of \$100,000.00, are available in the FY 2017 Juvenile Court Operating Budget in Line Item No. 037-706154-6664, Operational Services Contracted, for this expenditure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Contract between Shelby County Government on behalf of the Juvenile Court of Memphis and Shelby County and Satellite Tracking of People in the amount not to exceed \$100,000.00, for the provision of electronic monitoring services, for the period ending June 30, 2017, attached hereto as *Exhibit A and incorporated herein by reference, is hereby adopted and approved, an executed copy of

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which shall be placed on file in the Contracts Administration section of the County Attorney's
Office.

BE IT FURTHER RESOLVED, That said contract contains the option to renew for
four (4) additional one-year periods. Said renewals shall not exceed \$100,000.00, per year
and are hereby approved subject to the adoption of each fiscal year's Operating Budget by
the Board of County Commissioners.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to
execute the contract on behalf of Shelby County Government as well as all future renewals
subject to the terms and conditions of the contract and this Resolution.

BE IT FURTHER RESOLVED, That the Mayor and Director of Administration and
Finance are authorized to issue their warrant or warrants not to exceed an amount of
\$100,000.00, to Satellite Tracking of People pursuant to the terms and conditions of the
contract, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 9 (ADOPTED)

RESOLUTION TO AMEND THE FY 2017 OPERATING
BUDGET AND POSITION CONTROL BUDGET OF THE
JUVENILE COURT OF MEMPHIS AND SHELBY
COUNTY BY INCREASING THE CHILD SUPPORT
ADVOCACY SERVICES GRANT BY THE AMOUNT OF
\$62,856.00, TO BRING THE TOTAL AMOUNT FY 2017
GRANT CONTRACT EXTENSION TO \$313,845.00. THIS
ITEM REQUIRES ADDITIONAL APPROPRIATION AND
EXPENDITURE OF STATE GRANT FUNDS FROM THE
TENNESSEE DEPARTMENT OF HUMAN SERVICES IN
THE AMOUNT OF \$62,856.00, AND A 10% SALARY

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MATCH FROM THE GENERAL FUND IN THE AMOUNT
OF \$8,065.00. SPONSORED BY COMMISSIONER
MARK BILLINGSLEY.

“WHEREAS, Shelby County Government, on behalf of the Juvenile Court of Memphis and Shelby County, entered into annual agreement with the Tennessee Department of Human Services on July 1, 2009, which provided that the Juvenile Court of Memphis and Shelby County would offer advocacy services to pro se litigants and the Tennessee Department of Human Services would fund such services; and

WHEREAS, The Shelby County Board of Commissioners appropriated \$250,989.00, for this grant contract extension as part of the FY 2017 Operating Budget of the Juvenile Court of Memphis and Shelby County Child Support Grant; and

WHEREAS, Additional funds in the amount of \$62,856.00, have been authorized by the Tennessee Department of Human Services per the contract amendment attached hereto as *Exhibit A and incorporated by reference to bring the total amount of the FY 2017 contract extension to \$313,845.00; and

WHEREAS, It is necessary to amend the FY 2017 Operating Budget and to appropriate additional funds in the amount of \$62,856.00, for additional legal advocacy services bringing the total grant amount to \$313,845.00, pursuant the budget amendment attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, It is necessary to amend the Position Control Budget pursuant to the Budget Amendment attached hereto as Exhibit C incorporated herein by reference; and

WHEREAS, Funds for the 10% salary match are available in the FY 2017 General Fund operating budget account 037-706152 in the amount of \$8,065.00; and

WHEREAS, The Board of County Commissioners gratefully recognize the Tennessee Department of Human Services for this grant and acknowledge that this is not part of the General Fund budget or programs and should the grant be withdrawn or runs out this would not be considered a part of the General Fund budget as a matter of force.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the FY 2017 Operating Budget of the Juvenile Court of Memphis and Shelby County is hereby amended and funds appropriated in the amount of \$62,856.00, per *Exhibit B, which is attached hereto and incorporated herein by reference.

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BE IT FURTHER RESOLVED, That the Position Control Budget is hereby amended as per *Exhibit C, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute any and all grant documents on behalf of the Shelby County Government necessary to comply with the purpose and intent of this Resolution, executed copies of which shall be filed with the Contract Administration Department.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants to the extent of appropriations made in this Resolution pursuant to the terms and conditions of said grant, and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That this Resolution shall take effect immediately, the public welfare requiring 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, B AND C REFERRED TO
HEREIN FILED WITH RECORD IN
OFFICE OF CLERK OF COUNTY
COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Commissioner Billingsley stated that Committee recommended aforesaid Items 8 and 9 for adoption.

ITEM 10 (ADOPTED)

RESOLUTION TO APPROVE THE AGREEMENT FOR THE PUBLIC IMPROVEMENTS TO SPRING CREEK RANCH PD, PHASE 8 (PD 99-306 CO) FUNDED BY THE DEVELOPER AND AUTHORIZE THE RECORDING OF THE PLAT. THIS ITEM DOES NOT REQUIRE EXPENDITURE OF COUNTY GENERAL FUNDS.

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SPONSORED BY COMMISSIONER EDDIE S. JONES,
JR.

“WHEREAS, SCR BRAVO INVESTMENTS, LLC, is the owner and developer (the “Developer”) of certain land labeled as SPRING CREEK RANCH PD, PHASE 8 (PD 99-306 CO), the final plat for which was approved by the County Engineer; and

WHEREAS, SCR BRAVO INVESTMENTS, LLC, has decided to open up and improve said land and to that end secure the required approval of the County of Shelby; and

WHEREAS, SCR BRAVO INVESTMENTS, LLC, has agreed to the terms and conditions of the necessary and required construction agreement in accordance with the current polices of Shelby County for the development of subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That SPRING CREEK RANCH PD, PHASE 8 (PD 99-306 CO), final plat is hereby approved and the Mayor is hereby authorized to execute the Agreement on behalf of Shelby County, Tennessee, and said Agreement provides for the improvements to SPRING CREEK RANCH PD, PHASE 8, (PD 99-306 CO), and agrees to the terms and conditions required by and in accordance with the current development of subdivisions.

BE IT FURTHER RESOLVED, That Article III, Section 3.06 (c) of the Shelby County Charter allows the County Mayor to assign or delegate certain duties and functions, and Section 3.06 of the aforementioned Charter states that :any function or duty may be assigned or re-assigned by the County Mayor to a major division of County Government.

BE IT FURTHER RESOLVED, That in the absence of the County Mayor, the Director of Public Works be, and the same is hereby authorized to authorize the recording of the plat for the said SPRING CREEK RANCH PD, PHASE 8 (PD 99-306 CO).

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: October 3, 2016

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ATTEST:

/s/ Rosalind Nichols
Clerk of County CommissionADOPTED: September 26, 2016**ITEM 11 (ADOPTED)**

RESOLUTION ENCOURAGING THE AGRICENTER INTERNATIONAL AND SHELBY COUNTY SCHOOLS TO STUDY THE FEASIBILITY OF CONVERTING BOLTON HIGH SCHOOL TO A REGIONAL AGRICULTURE CAREER TECHNICAL EDUCATION SCHOOL WITH AN EMPHASIS IN RURAL AND URBAN FARMING AND FOOD DELIVERY. SPONSORED BY COMMISSIONER DAVID REAVES.

“WHEREAS, Bolton High School is a true gem in Shelby County and has a long and storied history rooted in agriculture; and

WHEREAS, Bolton High School continues to see its school enrollment decrease due to the formation of municipal districts and its remote location; and

WHEREAS, The cost to continue to run Bolton High School based upon its current model is high due to the need for large expenditures on bus transportation; and

WHEREAS, The future of Bolton High School is uncertain and the people of North Shelby County need a good long term option for a high school in their area; and

WHEREAS, The Bolton High School Campus sits on a significant amount of acreage and farm land owned by the Bolton Board of Trust; and

WHEREAS, Agricenter International is in the business of both rural and urban farming and food delivery; and

WHEREAS, There are no regional agriculture Career Technical Educational (CTE) schools that allow for children in West Tennessee to choose a life of rural or urban farming; and

WHEREAS, Rural and urban farming face significant future challenges in our region and need a regional Center of Excellence to focus on solutions for food growth and delivery in West Tennessee; and

WHEREAS, The State of Tennessee and the Commissioner of Agriculture are taking great interest in and providing potential funding sources for such endeavors; and

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WHEREAS, The Shelby County Board of Commissioners continues to look at the future challenges of urban poverty, food deserts, and food delivery logistics issues; and

WHEREAS, The Shelby County Board of Commissioners continues to look at industrial, commercial, and residential blight and logical potential land reclamation strategies including farming; and

WHEREAS, The Shelby County Board of Education and Shelby County Board of Commissioners are looking for innovative and useful ways to repurpose old school buildings and vacant property; and

WHEREAS, The Shelby County Board of Commissioner are passionate about ending hunger in our starving communities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Board of Commissioners respectfully requests that the Shelby County Board of Education and the Agricenter study the feasibility of converting Bolton High School to a West Tennessee Regional CTE High School specializing in rural and urban agriculture and work with the Bolton Board of Trust in this effort.

BE IT FURTHER RESOLVED, That the Shelby County Board of Commissioners shall pledge its full support and resources in the event such assistance is needed to study the feasibility of such a conversion.

BE IT FURTHER RESOLVED, That this Resolution shall take effect upon its passage when signed by the Mayor and in accordance with the Shelby County Charter, Article II, Section 2.06(B) and shall remain in effect until repealed, amended, or modified by the County Commission."

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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Commissioner Roland stated that Committee recommended aforesaid Items 10 and 11 for adoption.

ITEM 12 (ADOPTED)

RESOLUTION APPROVING A CONTRACT WITH THE UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER, CENTER FOR HEALTH IN JUSTICE INVOLVED YOUTH FOR THE PROVISION OF NETWORK MANAGEMENT SUPPORT TO SUSTAIN THE DEFENDING CHILDHOOD INITIATIVE IN THE AMOUNT OF \$155,000.00 FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH JUNE 30, 2017. THIS ITEM REQUIRES EXPENDITURE OF FY 2017 FEDERAL GRANT FUNDS IN THE AMOUNT OF \$155,000.00. SPONSORED BY COMMISSIONER WALTER L. BAILEY, JR.

“WHEREAS, Shelby County Government, on behalf of the Division of Community Services, desires to enter into an agreement with the University of Tennessee Health Science Center, Center for Health in Justice Involved Youth for the provision of network management support to sustain the Defending Childhood Initiative; and

WHEREAS, The County Mayor has approved the University of Tennessee Health Science Center, Center for Health in Justice Involved Youth single source designation by letter dated August 22, 2016; and

WHEREAS, The term of the Contract will commence upon execution and continue through June 30, 2017, a copy of which is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, Funds in an amount not to exceed \$155,000.00, are available for this project in the FY 2017 Operating Budget in 685-480104-6686; and

WHEREAS, There is no additional cost to the General Fund for this activity.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Contract with the University of Tennessee Health Science Center, Center for Health in Justice Involved Youth, for the provision of network management support to sustain the Defending Childhood Initiative in the amount of \$155,000.00, for the period commencing upon execution through June 30, 2017, attached hereto as *Exhibit A, and incorporated herein by reference is hereby approved.

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BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the heretofore referenced contract on behalf of Shelby County Government for the purposes herein contained, an executed copy of which is to be placed on file in Contracts Administration.

BE IT FURTHER RESOLVED, That the County Mayor and Director of Administration and Finance be and are hereby authorized to issue their warrant or warrants in an amount not to exceed \$155,000.00, for the purposes contained herein, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Commissioner Jones stated that Committee recommended Item 12 for adoption.

ITEM 13 (ADOPTED)

RESOLUTION APPROVING THE CHAIRMAN'S 2016-
2017 MEETING SCHEDULE FOR THE SHELBY COUNTY
BOARD OF COMMISSIONERS. SPONSORED BY
CHAIRMAN MELVIN BURGESS.

“WHEREAS, The Shelby County Board of Commissioners is required to meet on the second and fourth Monday in September of each year pursuant to Rule 1(b) of the Commissioners' Permanent Rules of Order; and

WHEREAS, The Chairman of the Shelby County Board of Commissioners sets the County Commission's meeting schedule annually for October through August; and

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WHEREAS, The Board of Commissioners desires to approve the Chairman’s 2016-2017 meeting schedule as required by Section 5-5-104(a) of the Tennessee Code and Rule 1(b) of the Commissioners’ Permanent Rules of Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, OF SHELBY COUNTY, TENNESSEE, That the Chairman’s 2016-2017 meeting schedule for the County Commission, which is attached hereto as *Exhibit A and incorporated herein by reference, is hereby approved.

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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 14 (ADOPTED)

RESOLUTION APPROVING THE CHAIRMAN’S
APPOINTMENTS OF OFFICERS AND MEMBERS OF
THE STANDING COMMITTEES OF THE SHELBY
COUNTY BOARD OF COMMISSIONERS FOR THE 2016-
2017 TERM. SPONSORED BY CHAIRMAN MELVIN
BURGESS.

“WHEREAS, Pursuant to Rule 7(a) of the Shelby County Board of Commissioners Permanent Rules of Order, the members and officers of the Standing Committees are appointed by the Chair of the County Commission with the approval of the County Commission; and

WHEREAS, Chairman Melvin Burgess has made the appointments set forth herein.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, OF SHELBY COUNTY, TENNESSEE, That the following 14 Standing Committees of the Commission for the 2016-2017 term be composed of the following members of the Commission with the designated officers:

COMMITTEE 1: BUDGET & FINANCE

Steve Basar- Chairman
Van Turner -Vice Chairman
Walter Bailey
Mark Billingsley
Willie Brooks
George Chism
Justin Ford
Eddie Jones
Reginald Milton
David Reaves
Terry Roland
Heidi Shafer

COMMITTEE 2: PUBLIC WORKS

Van Turner- Chairman
George Chism- Vice Chairman
Steve Basar
Justin Ford
Eddie Jones
David Reaves

COMMITTEE 3: HOSPITALS & HEALTH

Reginald Milton- Chairman
Heidi Shafer- Vice Chairman
Walter Bailey
Willie Brooks
George Chism
David Reaves

COMMITTEE 4: LAW ENFORCEMENT, CORRECTIONS & COURTS

Mark Billingsley- Chairman
Van Turner- Vice Chairman
Steve Basar
Eddie Jones
Reginald Milton
Terry Roland

COMMITTEE 5: LAND USE PLANNING, TRANSPORTATION AND CODES ENFORCEMENT

Terry Roland- Chairman
Eddie Jones- Vice Chairman
Walter Bailey
George Chism
Reginald Milton
Heidi Shafer

COMMITTEE 6: EDUCATION

Walter Bailey- Chairman
George Chism- Vice Chairman
Steve Basar
Willie Brooks
David Reaves
Van Turner

COMMITTEE 7: ECONOMIC DEVELOPMENT AND TOURISM

Willie Brooks- Chairman
George Chism- Vice Chairman
Steve Basar
Mark Billingsley

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Eddie Jones
Reginald Milton

COMMITTEE 8: COMMUNITY SERVICES

David Reaves- Chairman
Eddie Jones- Vice Chairman
Steve Basar
Mark Billingsley
Willie Brooks
Reginald Milton

COMMITTEE 9: CONSERVATION

David Reaves- Chairman
Reginald Milton- Vice Chairman
Steve Basar
Mark Billingsley
Willie Brooks
George Chism

COMMITTEE 10: GENERAL GOVERNMENT

Justin Ford- Chairman
Mark Billingsley- Vice Chairman
Steve Basar
Eddie Jones
Terry Roland
Van Turner

COMMITTEE 11: CORE CITY, NEIGHBORHOODS AND HOUSING

Eddie Jones- Chairman
David Reaves- Vice Chairman
Walter Bailey
Steve Basar
Mark Billingsley
Reginald Milton

COMMITTEE 12: LEGISLATIVE AFFAIRS

Terry Roland- Chairman
Van Turner- Vice Chairman
Walter Bailey
Mark Billingsley
Willie Brooks
George Chism

COMMITTEE 13: AUDIT

Heidi Shafer - Chairman
Van Turner- Vice Chairman
Steve Basar
Mark Billingsley
Willie Brooks
George Chism

COMMITTEE 14: DELINQUENT TAX PROPERTY

George Chism- Chairman
Eddie Jones- Vice Chairman
Willie Brooks
Reginald Milton
David Reaves
Heidi Shafer

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

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

BE IT FURTHER RESOLVED, That the members with the designated officers are appointed for a term of one (1) year or until the appointment of their successors.”

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 15 (ADOPTED)

RESOLUTION APPROVING THE APPOINTMENTS BY
THE CHAIRMAN OF THE SHELBY COUNTY BOARD OF
COMMISSIONERS TO VARIOUS BOARDS AND
COMMISSIONS FOR THE 2016-2017 TERM.
SPONSORED BY CHAIRMAN MELVIN BURGESS.

“WHEREAS, The Shelby County Charter, Article II, Section 2.10 authorizes the Chairman of the Board of County Commissioners to annually appoint from the Commissioners and assistants of the Board of Commissioners a designee to serve in his place and stead on any Board or Commission which the Chairman is a member by law; and

WHEREAS, Rule 4(c) of the Permanent Rules of Order of the Shelby County Board of Commissioners requires that such appointments be approved by the Board of County Commissioners, at the first meeting following the election of the Chairman or as soon thereafter as practicable; and

WHEREAS, The Chairman of the Board of County Commissioners also appoints Commissioners to serve as members on certain boards and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, OF SHELBY COUNTY, TENNESSEE, That Chairman Melvin Burgess designation of the following Commissioners and designees to serve in his place and stead on the various boards and commissions for the 2016-2017 term that are listed below are hereby approved:

AGING COMMISSION OF THE MID-SOUTH
Commissioner Reginald Milton

AGRICENTER COMMISSION
Commissioner David Reaves

CHICKASAW BASIN AUTHORITY
Chairman Terry Roland

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EDGE BOARD

Commissioner Willie Brooks

EOC APPEALS BOARD

Chairman Melvin Burgess
Commissioner Walter Bailey
Commissioner Heidi Shafer

DOWNTOWN MEMPHIS COMMISSION

Commissioner Van Turner

JUVENILE COURT COMMITTEE

Commissioner Van Turner

MEMPHIS CONVENTION AND VISITORS BUREAU BOARD

Commissioner Willie Brooks

PUBLIC RECORDS COMMISSION

Commissioner Walter Bailey

SHELBY COUNTY AGRICULTURAL EXTENSION COMMITTEE

Commissioner Terry Roland
Commissioner Heidi Shafer
Commissioner George Chism

SHELBY COUNTY BEER BOARD

Commissioner Terry Roland

SHELBY COUNTY RETIREMENT BOARD

Chairman Melvin Burgess
Commissioner Heidi Shafer-Designee only in Chair's absence
Commissioner Steve Basar

SHELBY FARMS PARK CONSERVANCY

Commissioner Steve Basar
Commissioner Mark Billingsley

TENNESSEE COUNTY COMMISSIONERS ASSOCIATION

Commissioner Justin Ford-Board Member

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

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

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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Commissioner Billingsley stated that Committee recommended aforesaid Items 13, 14 and 15 for adoption.

ITEM 16 (REMOVED TO REGULAR AGENDA)

Mr. Jack Turner, Assistant County Attorney, announced Item 16, Resolution awarding County Funds from the FY 2017 Operating Budget in the amount of \$7,500.00, to UBABY, Inc. (You Be A Better You), a Charitable Organization. Sponsored by Commissioner Eddie S. Jones, Jr.

At the request of Commissioner Brooks, Chairman Burgess stated that without objection, Item 16 would be removed to Regular Agenda.

ITEM 17 (REMOVED TO REGULAR AGENDA)

Mr. Jack Turner, Assistant County Attorney, announced Item 9, Resolution awarding County Funds from the FY 2017 Operating Budget in the amount of \$21,500.00, to Mouth of the South Foundation, Inc., a Charitable Organization. Sponsored by Commissioner Van D. Turner, Jr. and Co-Sponsored by Chairman Melvin Burgess, Commissioner Justin J. Ford, Commissioner Eddie S. Jones, Jr., Commissioner Reginald Milton and Commissioner Terry Roland.

At the request of Commissioner Brooks, Chairman Burgess stated that without objection, Item 17 would be removed to Regular Agenda.

ITEM 18 (ADOPTED)

RESOLUTION APPROVING THE SALE OF **FIFTY** COUNTY-OWNED DELINQUENT TAX PARCELS, ACQUIRED FROM VARIOUS SHELBY COUNTY TAX SALES, TO IDENTIFIED PURCHASERS AT VARIOUS PRICES COLLECTIVELY TOTALING \$238,740.00, PURSUANT TO THE SALE PROVISIONS OF TENNESSEE CODE ANNOTATED, SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE QUIT CLAIM DEEDS. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, Shelby County has acquired FIFTY Delinquent Tax Parcels from Shelby County Tax Sale Nos 85.2, 103, 105, 201, 203, 505, 602, 603, 604, 701, 903, 1002, 1004, 1101, 1102, 1201, 1202, and 1301 which parcels being more particularly described in

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the listing thereof, which is attached hereto as Exhibit "A", and further shown in Exhibit "B",
maps, and incorporated herein by reference; and

WHEREAS, Pursuant to the sale provisions of Tennessee Code Annotated,
Section 67-5-2507, the Shelby County Land Bank Department has taken charge of and
marketed said Delinquent Tax Parcels to secure purchase offers for each; and

WHEREAS, The purchase offers received for said Delinquent Tax Parcels were
publicly advertised for increased offers pursuant to Tennessee Code Annotated, Section 67-
5-2507, in conjunction with establishing the purchase offers received from the identified
purchasers, listed in Exhibit "A", as representing their highest and best sale price, and further
shown in Exhibit "B", maps, and incorporated herein by reference; and

WHEREAS, It is deemed to be in the best interest of Shelby County to sell said
FIFTY Delinquent Tax Parcels to the identified purchasers for the sale prices as listed in said
Exhibit "A" and further shown in Exhibit "B", maps, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY
COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the sale of the
aforementioned FIFTY Delinquent Tax Parcels, acquired from Shelby County Tax Sale Nos.
85.2, 103, 105, 201, 203, 505, 602, 603, 604, 701, 903, 1002, 1004, 1101, 1102, 1201, 1202,
and 1301 to the identified purchasers for the sale prices listed in said *Exhibit "A" and further
shown in *Exhibit "B", maps, and incorporated herein by reference, collectively totaling
\$238,740.00 be and the same is hereby approved.

BE IT FURTHER RESOLVED, That the Mayor be and is authorized to execute
Quit Claim Deeds conveying the same, along with any other documents necessary for the
closing of the Delinquent Tax Parcel sales described herein.

BE IT FURTHER RESOLVED, That the identified purchasers have followed all
required County policies and procedures and shall close their purchase of said Delinquent
Tax Parcels in accordance with the terms of the executed "Offer to Purchase Agreement".

BE IT FURTHER RESOLVED, That the identified purchasers have acknowledged
that failure to close said Delinquent Tax Parcels in accordance with the terms of the
executed "Offer to Purchase Agreement" shall result in their forfeiture to the County of any
and all deposits and/or processing fees paid by them.

BE IT FURTHER RESOLVED, That the Shelby County Land Bank shall forward a
failure-to-close notice to the Shelby County Trustee on those said failure-to-close parcels;

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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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 19 (ADOPTED)

RESOLUTION APPROVING THE SALE OF **NINETEEN** COUNTY-OWNED DELINQUENT TAX PARCELS, ACQUIRED FROM VARIOUS SHELBY COUNTY TAX SALES, TO IDENTIFIED PURCHASERS AT VARIOUS PRICES COLLECTIVELY TOTALING \$160,350.00, PURSUANT TO THE SALE PROVISIONS OF TENNESSEE CODE ANNOTATED, SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE QUIT CLAIM DEEDS. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, Shelby County has acquired **NINETEEN** Delinquent Tax Parcels from Shelby County Tax Sale Nos 106, 205, 302, 402, 505, 602, 704, 901, 1004, 1101, 1201, 1202 and 1301, which parcels being more particularly described in the listing thereof, which is attached hereto as Exhibit “A”, and further shown in Exhibit “B”, maps, and incorporated herein by reference; and

WHEREAS, Pursuant to the sale provisions of Tennessee Code Annotated, Section 67-5-2507, the Shelby County Land Bank Department has taken charge of and marketed said Delinquent Tax Parcels to secure purchase offers for each; and

WHEREAS, The purchase offers received for said Delinquent Tax Parcels were publicly advertised for increased offers pursuant to Tennessee Code Annotated, Section 67-5-

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2507, in conjunction with establishing the purchase offers received from the identified purchasers, listed in Exhibit "A", as representing their highest and best sale price, and further shown in Exhibit "B", maps, and incorporated herein by reference; and

WHEREAS, It is deemed to be in the best interest of Shelby County to sell said **NINETEEN** Delinquent Tax Parcels to the identified purchasers for the sale prices as listed in said Exhibit "A" and further shown in Exhibit "B", maps, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the sale of the aforementioned **NINETEEN** Delinquent Tax Parcels, acquired from Shelby County Tax Sale Nos. 106, 205, 302, 402, 505, 602, 704, 901, 1004, 1101, 1201, 1202 and 1301 to the identified purchasers for the sale prices listed in said *Exhibit "A" and further shown in *Exhibit "B", maps, and incorporated herein by reference, collectively totaling \$160,350.00 be and the same is hereby approved.

BE IT FURTHER RESOLVED, That the Mayor be and is authorized to execute Quit Claim Deeds conveying the same, along with any other documents necessary for the closing of the Delinquent Tax Parcel sales described herein.

BE IT FURTHER RESOLVED, That the identified purchasers have followed all required County policies and procedures and shall close their purchase of said Delinquent Tax Parcels in accordance with the terms of the executed "Offer to Purchase Agreement".

BE IT FURTHER RESOLVED, That the identified purchasers have acknowledged that failure to close said Delinquent Tax Parcels in accordance with the terms of the executed "Offer to Purchase Agreement" shall result in their forfeiture to the County of any and all deposits and/or processing fees paid by them.

BE IT FURTHER RESOLVED, That the Shelby County Land Bank shall forward a failure-to-close notice to the Shelby County Trustee on those said failure-to-close parcels; and immediately thereafter incorporate said failure-to-close parcels back into its for sale inventory.

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

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 166**

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REGULAR ADJOURNED SESSION FROM SEPTEMBER 12, 2016 TO SEPTEMBER 26, 2016

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

ITEM 20 (ADOPTED)

RESOLUTION APPROVING THE CONVEYANCE OF **ONE** UNIMPROVED, COUNTY-OWNED DELINQUENT TAX PARCEL, 0.0960 ACRES IN SIZE, LOCATED ON THE SOUTHWESTERLY SIDE OF LAMAR AVENUE, IMMEDIATELY NORTH OF THE TENNESSEE / MISSISSIPPI STATE LINE, TO THE STATE OF TENNESSEE, FOR NOMINAL CONSIDERATION, FOR USE AS ROADWAY RIGHT-OF- WAY FOR ITS WIDENING AND IMPROVEMENT OF LAMAR AVENUE; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE A QUIT CLAIM DEED. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

“WHEREAS, In 2008, Shelby County acquired, for delinquent property taxes, one unimproved parcel of land, totaling 0.0960 acres in size, addressed as 0 Lamar Avenue, in Tax Sale No. 0502, Exhibit # 18320, identified as Tax Parcel No. 09420000002930, as listed on the spreadsheet and as shown on the aerial map, which are attached hereto as *Exhibit “A” and *Exhibit “B”, respectively, and incorporated herein by reference; and

WHEREAS, The State of Tennessee needs to acquire said unimproved County-owned, Delinquent Tax Parcel for use as roadway right-of-way for its widening and improvement of Lamar Avenue; and

WHEREAS, The State of Tennessee, through its Department of Transportation, has now requested that Shelby County convey said parcel of land, totaling 0.0960 acres in size, addressed as 0 Lamar Avenue, to the State of Tennessee, for nominal consideration, for use as roadway right-of-way for its widening and improvement of Lamar Avenue; and

WHEREAS, Tennessee Code Annotated, Section 67-5-2509(d)(1), allows Shelby County 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

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WHEREAS, It is deemed to be in the best interest of Shelby County to convey said unimproved parcel of land, totaling 0.0960 acres in size, addressed as 0 Lamar Avenue to the State of Tennessee, for nominal consideration, for use as roadway right-of-way for its widening and improvement of Lamar Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the conveyance of the aforementioned unimproved County owned Delinquent Tax Parcel to the State of Tennessee, for nominal consideration, be and the same is hereby approved; and that the County Mayor be and he is authorized to execute the 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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Commissioner Chism stated that Committee recommended aforesaid Items 18, 19 and 20 for adoption.

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

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

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

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NAYS: None

ABSENT: Basar

AYES, nine; NAYS, none; ABSENT, one (Jones, Chism and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED.

REGULAR AGENDA

NOTE: CHAIRMAN BURGESS STATED THAT, WITHOUT OBJECTION ITEMS 16 AND 17 WHICH WERE REMOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA, WOULD BE TAKEN UP AT THIS TIME.

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

ITEM 16 (ADOPTED)

Mr. Turner, Assistant County Attorney, announced Item 16, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE FY 2017 OPERATING BUDGET IN THE AMOUNT OF \$9,000.00, TO UBABY, INC. (YOU BE A BETTER YOU), A CHARITABLE ORGANIZATION. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR. AND COMMISSIONER WILLIE F. BROOKS, JR.

“WHEREAS, Pursuant to the Community Enhancement Program Resolution (Agenda Item No. 24) passed on August 1, 2016 (the “CEP Resolution”), the Shelby County Board of Commissioners created a Community Enhancement Program and established policies and guidelines for the appropriation and disbursement of County funds to governmental entities and non-profit civic and charitable organizations meeting certain criteria, as set forth therein; and

WHEREAS, Said CEP Resolution provides that all grant appropriations pursuant to the Community Enhancement Program shall promote the general welfare of the residents of Shelby County and shall only be available to support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements within Shelby County; and

WHEREAS, Said Resolution provides that community enhancement grant proceeds must be used for one (1) or more of the following purposes: programs, services,

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operating costs, equipment, construction, renovation and maintenance projects within Shelby County; and

WHEREAS, Said Resolution provides that such grants shall be approved to specific entities by Resolution of the County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That funds from the FY 2017 Operating Budget are hereby allocated and awarded to UBABY, Inc., (U Be A Better U) in the amount of \$9,000.00, as a grant listed in Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

BE IT FURTHER RESOLVED, That said grant proceeds must promote the general welfare of the residents of Shelby County and support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements, and must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County.

BE IT FURTHER RESOLVED, That the Office of the Chief Administrative Officer shall prepare and execute a grant contract with the specific entities designated herein within thirty (30) days of the grantee's compliance with the grant awarding conditions set forth in the CEP Resolution.

BE IT FURTHER RESOLVED, That payment of grant funds shall be made as provided by the CEP Resolution and the grant contract.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants for all amounts appropriated herein, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

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ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Commissioner Brooks, who stated: "Thank you, Mr. Chairman. I'd like to amend the Resolution to include \$1,500.00 for UBABY."

Chairman Burgess recognized Commissioner Brooks, who Made a Motion to Amend to add \$1,500.00; duly seconded by Commissioner Roland.

Chairman Burgess stated Item 16 would be amended; without objection.

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

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

NAYS: None

ABSENT: Basar

AYES, nine; NAYS, none; ABSENT, one (Jones, Chism and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

ITEM 17 (ADOPTED)

Mr. Turner, Assistant County Attorney, announced Item 17, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE
FY 2017 OPERATING BUDGET IN THE AMOUNT OF
\$24,500.00, TO, MOUTH OF THE SOUTH FOUNDATION,
INC., A CHARITABLE ORGANIZATION. SPONSORED
BY COMMISSIONER VAN D. TURNER, JR., AND CO-
SPONSORED BY CHAIRMAN MELVIN BURGESS,
COMMISSIONER JUSTIN J. FORD, COMMISSIONER
EDDIE S. JONES, JR., COMMISSIONER REGINALD
MILTON, COMMISSIONER TERRY A. ROLAND, AND
COMMISSIONER WILLIE F. BROOK, JR.

"WHEREAS, Pursuant to the Community Enhancement Program Resolution (Agenda Item No. 24) passed on August 1, 2016 (the "CEP Resolution"), the Shelby County Board of Commissioners created a Community Enhancement Program and established

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policies and guidelines for the appropriation and disbursement of County funds to governmental entities and non-profit civic and charitable organizations meeting certain criteria, as set forth therein; and

WHEREAS, Said CEP Resolution provides that all grant appropriations pursuant to the Community Enhancement Program shall promote the general welfare of the residents of Shelby County and shall only be available to support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements within Shelby County; and

WHEREAS, Said Resolution provides that community enhancement grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County; and

WHEREAS, Said Resolution provides that such grants shall be approved to specific entities by Resolution of the County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That funds from the FY 2017 Operating Budget are hereby allocated and awarded to Mouth of the South Foundation, Inc. in the amount of \$24,500.00, as a grant listed in Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

BE IT FURTHER RESOLVED, That said grant proceeds must promote the general welfare of the residents of Shelby County and support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements, and must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County.

BE IT FURTHER RESOLVED, That the Office of the Chief Administrative Officer shall prepare and execute a grant contract with the specific entities designated herein within thirty (30) days of the grantee's compliance with the grant awarding conditions set forth in the CEP Resolution.

BE IT FURTHER RESOLVED, That payment of grant funds shall be made as provided by the CEP Resolution and the grant contract.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration

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and Finance are hereby authorized to issue their warrant or warrants for all amounts
appropriated herein, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Commissioner Brooks, who stated: “Thank you Mr.
Chairman. I’d like to also amend this Resolution to include \$3,000.00 to Mouth of the South.”

Chairman Burgess recognized Commissioner Brooks, who Made a Motion to
Amend to add \$3,000.00; duly seconded by Commissioner Roland.

Chairman Burgess recognized Mr. Artemis Williams, Mouth of the South
Foundation, who stated: “First of all I’d like just like to thank the Commissioners for granting
me the grants for what I did...this started over a year ago and I was before you all. You all
awarded me \$5,000.00. A year later I have just been awarded through this time over the last
year I have done over nine block parties where I have reached over seven to 10,000 youth in
different community centers throughout the city. Coming up this spring break I plan to do a
youth summit which we are partnered with the City of Memphis as well as a the Shelby
County Commissioners youth department and I just want to thank you all for continuing to
believe in my foundation.”

Chairman Burgess stated Item 17 would be amended; without objection.

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

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

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NAYS: None

ABSENT: Basar

AYES, ten; NAYS, none; ABSENT, one (Ford and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

ORDINANCES

ITEM 21 (FIRST READING) (APPROVED)

Mr. Turner, Assistant County Attorney, announced Item No. 21, Ordinance – First Reading: Joint Ordinance amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, to revise and enhance the joint zoning and subdivision regulations by amending regulations addressing applications pending during amendments to the Code, vapor shops, equestrian centers, hotel and motel waivers, accessory structures built in close proximity to lot lines, driveway locations on lots of less than 50 feet in width, feather signs, appeals of decisions by the Planning Director, clarification of the three types of street closures, standard of review for appeals heard by the legislative bodies, definitions and other provisions of the Code, being Case No. ZTA 16-001. Sponsored by Commissioner Eddie S. Jones, Jr.

JOINT ORDINANCE NO. _____

JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS BY AMENDING REGULATIONS ADDRESSING APPLICATIONS PENDING DURING AMENDMENTS TO THE CODE, VAPOR SHOPS, EQUESTRIAN CENTERS, HOTEL AND MOTEL WAIVERS, ACCESSORY STRUCTURES BUILT IN CLOSE PROXIMITY TO LOT LINES, DRIVEWAY LOCATIONS ON LOTS OF LESS THAN 50 FEET IN WIDTH, FEATHER SIGNS, APPEALS OF DECISIONS BY THE PLANNING DIRECTOR, CLARIFICATION OF THE THREE TYPES OF STREET CLOSURES, STANDARD OF REVIEW FOR APPEALS HEARD BY THE LEGISLATIVE BODIES, DEFINITIONS AND OTHER PROVISIONS OF THE CODE; BEING CASE NO. ZTA 16-001. SPONSORED BY COMMISSIONER EDDIE S. JONES, JR.

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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 Reaves moved approval of the Ordinance on First Reading; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Billingsley, who stated: "Thank you, Mr. Chairman. I just had a question regarding like the feather signs you talked about...since you brought that up at the last meeting, I've seen more feather signs. I guess I'm just more in tuned to them since we're passing a rule. Explain to me...for the people that appropriately use these...I mean I think a lot of people do use them, but they use them on a very special interim...you know temporary basis. I drove by the Jewish Community Center today and I noticed they had feather signs up, but other institutions tend to leave them up all...you know 365 days a year. Tell me how this Ordinance will affect feather signs one more time."

Chairman Burgess recognized Mr. Josh Whitehead, Administrator of the Office of Planning and Development, who stated: "Commissioner Billingsley, the proposal before the body this afternoon would state that feather signs are a type of a temporary signs. Temporary signs are limited in number in size, in duration, etc. by street frontage. With that said however, there is a special event permit process. The Susan G. Komen events that are being sponsored by Auto Nation, they have a plethora of pink temporary signs. So through the special event process, you could request additional signage, but typically you'd only be allowed one feather sign per establishment."

Chairman Burgess recognized Commissioner Billingsley, who stated: "How will the County and the City get the word out for so many of the people...I guess will regular code enforcement when they're making their rounds will they start passing out information on that? How will we get the word out?"

Chairman Burgess recognized Mr. Whitehead, who stated: "Yes sir. Typically what we will do...this is the Memphis and Shelby County Office of Construction Code Enforcement, they provide zoning enforcement services for the city and unincorporated county. What they will do to get the word, we'll probably produce a little pamphlet, but there will be a courtesy citation. You are not, as a business owner, immediately cited to Environmental Court with your first notice, so there will be a courtesy citation in addition to

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the regular word that we try to communicate with our code amendments with known applicants.”

Chairman Burgess recognized Commissioner Milton, who stated: “Thank you, Mr. Chair. These feather things -- it just when we got into the little lights that went around the window, I guess it just becomes an issue. I just want to make sure I’m clear on this, now you’re saying that one feather sign per store. Now did we not -- we talked about the fact that if a store sits on a corner, the objective is to catch the traffic of each street. So that store would have the right to have two, correct?”

Chairman Burgess recognized Mr. Whitehead, who stated: “That is correct.”

Chairman Burgess recognized Commissioner Milton, who stated: “Okay, and then you mentioned the fact about duration. Those signs – when they put them up there, they can leave them up there, can they not?”

Chairman Burgess recognized Mr. Whitehead, who stated: “Temporary signs – we do have a definition to the word temporary, because we do not want a certain sign that is not of a durable quality to be treated as a permanent sign. So if you get a temporary sign permit from codes, it is only good for a certain amount of time. I want to say its 30 days.”

Chairman Burgess recognized Commissioner Milton, who stated: “So they have to get a permit to put up the – that one – they have to get a permit to put up that one feather flag, right? Every month they would have to go get another permit?”

Chairman Burgess recognized Mr. Whitehead, who stated: “I’m not certain if there’s an actual permit and I’m quite certain there’s no fee for temporary signs. It is more regulation. There are no permitting fees, but per temporary sign, they’re permitted one per frontage.”

Chairman Burgess recognized Commissioner Milton, who stated: “I just don’t want to create a situation where we’re harassing a business owner. You know so I mean I want to make sure we’re clear on this. Now you’re saying that if someone had that up there they would not have to go down and get a permit every month, right?”

Chairman Burgess recognized Mr. Whitehead, who stated: “That is correct – now...”

Chairman Burgess recognized Commissioner Milton, who stated: “Would they have to get a permit at all to put one of those up?”

Chairman Burgess recognized Mr. Whitehead, who stated: “Between now and

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Wednesday, I will get you a definitive answer. This is a sister agency that issues these permits. I do not believe we have a process by which temporary signs – the most common temporary signs are real estate signs. I am quite certain, but not 100 percent sure, that we do not have a permitting process for you to put a Crye Leike sign in front of your house. We do however require that you only have a certain size and number of those Crye Leike signs, but I will confirm that between now and next Wednesday.”

Chairman Burgess recognized Commissioner Milton, who stated: “I appreciate it. Thank you.”

Chairman Burgess recognized Commissioner Shafer, who stated: “Thank you, very much and I wanted to thank you Mr. Whitehead for addressing the language of who could an aggrieved party and that kind of thing. Would you mind detailing that just a little bit so the Commission is – so we make sure that we’re all on the same wavelength?”

Chairman Burgess recognized Mr. Whitehead, who stated: “Yes. Commissioner Shafer is making note to a document that Ms. Nickols did post on SIRE. I believe this is the sixth PDF on your SIRE system. I have hard copies if any Commissioner would like to see copies, but at last Land Use, Transportation and Codes Committee on Wednesday, there were two fields of discussion that warranted an investigation by me and if immunable by this body they are requests to amend two sections of the code. The first deals specifically with which parties are aggrieved and may be considered aggrieved when they are appealing decisions by me, the building official, the city and the county engineer and our administration of the zoning code. Currently the enabling legislation passed by the General Assembly that created the Board of Adjustment states, aggrieved parties shall have the ability to appeal staff’s administration of the zoning code to the Board of Adjustment. What that statute did not do and I believe the Commissioners or at least certain Commissioners at the Committee want to do is define who is aggrieved, who has standing to appeal an otherwise by right site plan or decision by myself or Alan Medlock or Tom Needham and the language I’m presenting to you this afternoon would allow any property owner within 1,000 feet of the subject property to be declared aggrieved and have that ability. Typically notice is mailed out to 500 feet property owners, so what we’re proposing is doubling that because, as we’ve discussed, sometimes people within 500 feet are impacted by the gravel pit in question, etc., but are outside of that 500 feet radius. The second subject that we discussed on Wednesday had to do with earth escovation. I had proposed to this body that all dirt removal

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of three acres in size or larger would trigger the special use permit process. As I discussed Wednesday, it seemed odd that gravel and sand operations of any size would trigger a special use permit hearing by this body, but dirt removal of unlimited size would not. So what I've presented before you in SIRE is a definition that of the lesser two between three acres and one cubic acre that is 400 – 4,840 cubic yards, the less of the two of those would trigger the special use permit process and then I exempted several things Commissioner Roland mentioned. The creation of the lots – I'm sorry, lakes and ponds should not trigger that special use permit and Commissioner Shafer suggested that we add some exemption language for the grading, tilling, leveling of land for agricultural purposes. So those exemptions are built in here and I think Commissioner Milton made mention to we wouldn't the construction of single family homes to trigger special use permit, so I added an exemption for the construction of single family. With that, again this is on SIRE, I have hard copies, but those are being presented for your consideration this afternoon. Thank you."

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you. Mr. Chairman just to finish that out, I really appreciate the thoughtfulness that goes in it. For Commissioners who came on later, who aren't as old as I am, but what had ended up happening at the very beginning of Commissioner Roland's and Burgess' and Ford's and my term is they ended up adopting a Unified Code that was like about that thick without ever – and I just we just adopted it from another city or group of cities or something like that. and so some of the codes that were in there, we found that had some negative implications for churches and things like that so as the codes come up, it doesn't mean that those are the codes that we necessarily wanted to have, they just adopted them in mass and so as these things come up we're going through and trying to make it fit our community. So as we're doing this, Mr. Whitehead has been bringing several of them at once so we don't have – you know to try to figure out which ones are the most pressing and brings several of them at once and so you'll probably see over your next few of your tenure you're probably seeing him about every two months to do this kind of thing or maybe about every six is fair."

Chairman Burgess recognized Mr. Whitehead, who stated: "Commissioner, lately it's been every 12 months. And Mr. Chairman, can we get a motion to amend as presented?"

Chairman Burgess recognized Commissioner Shafer who Made a Motion to Amend; duly seconded by Commissioner Roland.

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

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

NAYS: None

ABSENT: Basar

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

Chairman Burgess declared the MOTION ON FIRST READING APPROVED AS AMENDED.

NOTE: CHAIRMAN BURGESS STATED THAT ITEMS 28, 29 AND 30 WOULD BE TAKEN UP AT THIS TIME.

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

ITEM 28 (ADOPTED) (AS AMENDED)

Mr. Turner, Assistant County Attorney, announced Item 28, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE FY 2017 OPERATING BUDGET IN THE AMOUNT OF \$27,000.00, TO ONE STEP INITIATIVE, INC., A CHARITABLE ORGANIZATION. SPONSORED BY COMMISSIONER VAN D. TURNER, JR., COMMISSIONER EDDIE S. JONES, JR., CHAIRMAN MELVIN BURGESS, COMMISSIONER REGINALD MILTON, COMMISSIONER GEORGE B. CHISM, SR, COMMISSIONER TERRY A. ROLAND, COMMISSIONER WALTER L. BAILEY, JR., COMMISSIONER WILLIE F. BROOKS, JR., AND COMMISSIONER JUSTIN J. FORD.

“WHEREAS, Pursuant to the Community Enhancement Program Resolution (Agenda Item No. 24) passed on August 1, 2016 (the “CEP Resolution”), the Shelby County Board of Commissioners created a Community Enhancement Program and established policies and guidelines for the appropriation and disbursement of County funds to governmental entities and non-profit civic and charitable organizations meeting certain criteria, as set forth therein; and

WHEREAS, Said CEP Resolution provides that all grant appropriations pursuant to the Community Enhancement Program shall promote the general welfare of the residents of

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Shelby County and shall only be available to support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements within Shelby County; and

WHEREAS, Said Resolution provides that community enhancement grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County; and

WHEREAS, Said Resolution provides that such grants shall be approved to specific entities by Resolution of the County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That funds from the FY 2017 Operating Budget are hereby allocated and awarded to One Step Initiative, Inc., in the amount of \$27,000.00, as a grant listed in *Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

BE IT FURTHER RESOLVED, That said grant proceeds must promote the general welfare of the residents of Shelby County and support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements, and must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County.

BE IT FURTHER RESOLVED, That the Office of the Chief Administrative Officer shall prepare and execute a grant contract with the specific entities designated herein within 30 days of the grantee's compliance with the grant awarding conditions set forth in the CEP Resolution.

BE IT FURTHER RESOLVED, That payment of grant funds shall be made as provided by the CEP Resolution and the grant contract.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants for all amounts appropriated herein, 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)."

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

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Mr. Brian Booker, Founder of One Step Initiative, who stated: "I just wanted to thank the Commissioners once again for your continuous support. This year we're rolling out with our largest program to date. I have fifteen young students from 10 different schools who are headed to Ghana West Africa this December History and Cultures Program. I started to bring up one, she's had a long day at school today, but she decided to come out and join us and say hello and share her interests with you. She's a Senior over at Craigmont High School and will be joining us in December for our second program."

Chairman Burgess recognized Ms. Kayla Kolbert, who stated: "Hello everyone. My name is Kayla Kolbert and I am a Senior at Craigmont High School and I am looking forward to going on this trip and learning about the culture in Ghana, because I've never been out of the country before."

Chairman Burgess recognized Commissioner Brooks, who stated: "Thank you, Mr. Chairman. What is the cost per student?"

Chairman Burgess recognized Mr. Booker, who stated: "About \$5,000.00 per student. And that's because we often focus on the overseas portion, that's the smallest portion of what we really do with our program. So they've been going through a six month course of training and development – professional development and actually our September program is tomorrow which I'm inviting you all to come out. I have the University of Miami Dean of Admissions coming out to speak to the students about studying abroad from a higher ed perspective and also enrollment, so we may in the future see some of our

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Memphians as Miami Hurricanes.”

Chairman Burgess recognized Commissioner Brooks, who stated: “The young lady that just spoke is out of my district, so I’m going to amend the request to – add \$2,500.00 to the request to help.”

Chairman Burgess recognized Commissioner Brooks, who Made a Motion to Amend to add \$2,500.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Ford, who stated: “Mr. Chairman, I’d like to make a motion at this time to amend this Resolution for \$2,500.00.”

Chairman Burgess recognized Commissioner Ford, who Made a Motion to Amend to add \$2,500.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Bailey, who stated: “Mr. Chairman. I ...*** with a contribution of \$2,000.00.”

Chairman Burgess recognized Commissioner Bailey, who Made a Motion to Amend to add \$2,000.00; duly seconded by Commissioner Ford.

Chairman Burgess stated Item 28 would be amended; without objection.

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

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

NAYS: None

ABSENT: Basar

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

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

ITEM 29 (ADOPTED) (AS AMENDED)

Mr. Turner, Assistant County Attorney, announced Item 29, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE
FY 2017 OPERATING BUDGET IN THE AMOUNT OF
\$35,500.00, TO DOROTHY DAY HOUSE OF
HOSPITALITY, INC. A CHARITABLE ORGANIZATION.
SPONSORED BY COMMISSIONER STEVE BASAR,
CHAIRMAN MELVIN BURGESS, COMMISSIONER VAN
D. TURNER, JR., COMMISSIONER MARK BILLINGSLEY,
COMMISSIONER WALTER L. BAILEY, JR., AND
COMMISSIONER REGINALD MILTON.

“WHEREAS, Pursuant to the Community Enhancement Program Resolution

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(Agenda Item No. 24) passed on August 1, 2016 (the "CEP Resolution"), the Shelby County Board of Commissioners created a Community Enhancement Program and established policies and guidelines for the appropriation and disbursement of County funds to governmental entities and non-profit civic and charitable organizations meeting certain criteria, as set forth therein; and

WHEREAS, Said CEP Resolution provides that all grant appropriations pursuant to the Community Enhancement Program shall promote the general welfare of the residents of Shelby County and shall only be available to support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements within Shelby County; and

WHEREAS, Said Resolution provides that community enhancement grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County; and

WHEREAS, Said Resolution provides that such grants shall be approved to specific entities by Resolution of the County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That funds from the FY 2017 Operating Budget are hereby allocated and awarded to Dorothy Day House of Hospitality Inc., in the amount of \$35,500.00, as a grant listed in *Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

BE IT FURTHER RESOLVED, That said grant proceeds must promote the general welfare of the residents of Shelby County and support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements, and must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County.

BE IT FURTHER RESOLVED, That the Office of the Chief Administrative Officer shall prepare and execute a grant contract with the specific entities designated herein within thirty (30) days of the grantee's compliance with the grant awarding conditions set forth in the CEP Resolution.

BE IT FURTHER RESOLVED, That payment of grant funds shall be made as

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provided by the CEP Resolution and the grant contract.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants for all amounts appropriated herein, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Commissioner Billingsley, who stated: "I see the Sister is with us, Mr. Chairman."

Chairman Burgess recognized Sister Marnie Grimer, Dorothy Day House, who stated: "Thank you for your support last year. Many of you may be aware that we are about to expand our services here in Memphis. We are hoping to purchase properties that are currently being used by Church Health and as they moved across town we will be taking over some of their buildings, stabilizing that neighborhood and at the same time helping more homeless families. So your support is really very important to us."

Chairman Burgess recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. I'd like to amend this Resolution with an additional \$1,500.00."

Chairman Burgess recognized Commissioner Milton, who Made a Motion to Amend to add \$1,500.00; duly seconded by Commissioner Ford.

Chairman Burgess recognized Commissioner Bailey, who stated: "Mr. Chairman ...*** \$1,500.00."

Chairman Burgess recognized Commissioner Bailey, who Made a Motion to

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Amend to add \$1,500.00; duly seconded by Commissioner Milton.

Chairman Burgess stated Item 29 would be amended; without objection.

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

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

NAYS: None

ABSENT: Basar

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

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

ITEM 30 (ADOPTED) (AS AMENDED)

Mr. Turner, Assistant County Attorney, announced Item 30, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE
FY 2017 OPERATING BUDGET IN THE AMOUNT OF
\$35,500.00, TO PINKY PROMISE INTERNATIONAL,
INC., A CHARITABLE ORGANIZATION. SPONSORED
BY COMMISSIONER EDDIE S. JONES, JR.,
COMMISSIONER VAN D. TURNER, JR.,
COMMISSIONER TERRY A. ROLAND, COMMISSIONER
REGINALD MILTON, COMMISSIONER MARK
BILLINGSLEY, CHAIRMAN MELVIN BURGESS,
COMMISSIONER WALTER L. BAILEY, JR.,
COMMISSIONER WILLIE F. BROOKS, JR.,
COMMISSIONER GEORGE B. CHISM, SR.,
COMMISSIONER JUSTIN J. FORD AND
COMMISSIONER DAVID REAVES.

“WHEREAS, Pursuant to the Community Enhancement Program Resolution (Agenda Item No. 24) passed on August 1, 2016 (the “CEP Resolution”), the Shelby County Board of Commissioners created a Community Enhancement Program and established policies and guidelines for the appropriation and disbursement of County funds to governmental entities and non-profit civic and charitable organizations meeting certain criteria, as set forth therein; and

WHEREAS, Said CEP Resolution provides that all grant appropriations pursuant to the Community Enhancement Program shall promote the general welfare of the residents of Shelby County and shall only be available to support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements within Shelby County; and

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WHEREAS, Said Resolution provides that community enhancement grant proceeds must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County; and

WHEREAS, Said Resolution provides that such grants shall be approved to specific entities by Resolution of the County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That funds from the FY 2017 Operating Budget are hereby allocated and awarded to Pinky Promise International, Inc., in the amount of \$35,500.00, as a grant listed in *Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

BE IT FURTHER RESOLVED, That said grant proceeds must promote the general welfare of the residents of Shelby County and support public safety activities, cultural activities, community development activities, as well as County and municipal infrastructure improvements, and must be used for one (1) or more of the following purposes: programs, services, operating costs, equipment, construction, renovation and maintenance projects within Shelby County.

BE IT FURTHER RESOLVED, That the Office of the Chief Administrative Officer shall prepare and execute a grant contract with the specific entities designated herein within thirty (30) days of the grantee's compliance with the grant awarding conditions set forth in the CEP Resolution.

BE IT FURTHER RESOLVED, That payment of grant funds shall be made as provided by the CEP Resolution and the grant contract.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants for all amounts appropriated herein, 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: EXHIBIT A REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

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

Date: October 3, 2016

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ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Commissioner Brooks, who stated: "Thank you, Mr. Chairman. I'd like to amend this to include \$2,500.00."

Chairman Burgess recognized Commissioner Brooks, who Made a Motion to Amend to add \$2,500.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Ms. Vicki Johnson, Pinky Promise International, who stated: "I would just like to say thank you so much to all of the Commissioners who not only support us in this voting room, but the majority of you have come out to support numerous events that we have hosted and it means so much, especially when you are new and you have a vision for our young people and you realize that you can't capture every child, but what you do, do to impact the lives of children -- and when the children, as one of the upticks that I read last week, the days that you really want to give and say I'm not doing this again or I'm not going to do it anymore, it's just overwhelming, then you get a text message from the children that you have affected and a lot of times you don't realize the impact that you're making on them. but then when they go away to college or if they're dealing with something at home and now we're starting to hear comments from our parents, not only did you teach my child with something basic that I never learned as a child, you teach my child -- I realize now that you're teaching me. So your gifts, your contributions, your support, your visits, whatever you do, whether you may think it's small, it really means a lot to ...** like myself that do what we do from a volunteer standpoint. So from the bottom of my heart, I'm telling you to each one of you all thank you, thank you for whatever you have done in these last four years -- we're approaching our fifth class and so you guys are all invited and female, you're all invited to our fifth event which we hope to roll out a new initiative even at that time that we're starting to talk about, but it's going to be April 2nd. So if you would all put that date on your calendars, April 2nd and we would love for you to be a part, but thank you

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so much from my heart and from all of the families that we represent. Thank you.”

Chairman Burgess recognized Commissioner Reaves, who stated: “I’d like to move \$5,000.00.”

Chairman Burgess recognized Commissioner Reaves, who Made a Motion to Amend to add \$5,000.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Jones, who stated: “Thank you, Mr. Chairman. The only thing I want to do is to disclose. I’m a member of this board, but I don’t get paid anything – strictly voluntary. So this was something that came up in Committee and the County Attorney just advised me you know to make sure I disclose and so and I’m going to go on the strength of the County Attorney and say I’m okay with it.”

Chairman Burgess recognized Commissioner Chism, who stated: “Thank you, Mr. Chairman. I’d like to amend this for \$3,000.00.”

Chairman Burgess recognized Commissioner Chism, who Made a Motion to Amend to add \$3,000.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Bailey, who Made a Motion to Amend to add \$2,500.00; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Ford, who stated: “Mr. Chairman. I’d like to amend Item 30 to add an additional \$2,500.00.”

Chairman Burgess recognized Commissioner Ford, who Made a Motion to Amend to add \$2,500.00; duly seconded by Commissioner Shafer.

Chairman Burgess stated Item 30 would be amended; without objection.

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

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

NAYS: None

ABSENT: Basar

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

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

NOTE: CHAIRMAN BURGESS STATED THAT ITEM 27
WOULD BE TAKEN UP AT THIS TIME.

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ITEM 27 (ADOPTED) (AS AMENDED)

Mr. Turner, Assistant County Attorney, announced Item 27, which is as follows:

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

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: September 29, 2016

ATTEST:

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/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

Chairman Burgess recognized Commissioner Roland, who stated: "Thank you, Mr. Chairman. This item that was handed out, is this a part of – do we need to amend 27?"

Chairman Burgess recognized Commissioner Roland, who Made a Motion to Amend to add one name to the list; duly seconded by Commissioner Billingsley.

Chairman Burgess recognized Commissioner Jones, who stated: "I'll give my disclosure on that one too. Mines and – our standing disclosure for Commissioner Turner and myself, but I'm sure we're not on this list."

Chairman Burgess stated Item 27 would be amended; without objection.

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

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

NAYS: None

ABSENT: Basar

AYES, ten; NAYS, none; ABSENT, one (Brooks and Milton absent during roll call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

NOTE: CHAIRMAN BURGESS STATED THAT THE
COMMISSION WOULD GO BACK TO THE
REGULAR AGENDA AT THIS TIME.

ORDINANCES

ITEM 22 (FIRST READING) (APPROVED)

Mr. Turner, Assistant County Attorney, announced Item No. 22, Ordinance – First Reading: Ordinance setting forth the guidelines for any interim appointment to the following Division Directors' positions including the Administrator of Finance, Chief Administrative Officer, Director Community Services, Director of Corrections, County Attorney, Divorce Referee, Director of Planning and Development, Director of Public Defender Services,

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Director of Public Works and any other Division Director whose employment with the County is contingent upon the approval of the Board of County Commissioners. Sponsored by Commissioner Van D. Turner, Jr. and Commissioner Eddie S. Jones, Jr.

ORDINANCE NO. _____

ORDINANCE SETTING FORTH THE GUIDELINES FOR ANY INTERIM APPOINTMENT TO THE FOLLOWING DIVISION DIRECTORS' POSITIONS INCLUDING THE: ADMINISTRATOR OF FINANCE; CHIEF ADMINISTRATIVE OFFICER; DIRECTOR OF COMMUNITY SERVICES; DIRECTOR OF CORRECTIONS; COUNTY ATTORNEY; DIVORCE REFEREE; DIRECTOR OF PLANNING AND DEVELOPMENT; DIRECTOR OF PUBLIC DEFENDER SERVICES; DIRECTOR OF PUBLIC WORKS AND ANY OTHER DIVISION DIRECTOR WHOSE EMPLOYMENT WITH THE COUNTY IS CONTINGENT UPON THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS. SPONSORED BY COMMISSIONER TERRY A. ROLAND, COMMISSIONER VAN D. TURNER, JR., AND COMMISSIONER EDDIE S. JONES, JR. _____

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 First Reading; duly seconded by Commissioner Roland.

Chairman Burgess recognized Commissioner Roland, who stated: "Thank you, Mr. Chairman. I talked to the Interim County Attorney yesterday and she was telling me that her and her office is conflicted out and the way she explained it, it was – and I mean this with all due respect, I'm not hammering you, but you got the Interim County Attorney that says she's going to appoint us an attorney, which she hasn't been confirmed by us, so – and the issue is about her office. So that is not right and if we are going to get our own attorney, folks, it's up to us to pick, just like in the legal battle with the schools, we picked Baker Donnelson. It's up to the body here to pick whoever is going to be our legal counsel. But I have talked to Captain Kennedy over here, I talked to him yesterday and I told him that I would work with him on this and of course we amended it to 120 days and Rhonda checked with CTAS...CTAS says the State of Tennessee and the Federal Government and their guidelines is 120 days. The County is asking for 180 days. I would be willing to ...*** if this body – I'm going to leave it up to this body, but there's got to be some kind of – some time limit set on this, because I'm not saying they would, but if we don't address this – it's not a

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Charter issue either, I mean that we had to put on for the people to vote on. This is just clearing – it says in the Charter and our Permanent Rules that we can clear up issues like this with Ordinances. That's the power of the County Commission that's able to do this. It doesn't have to be confrontational if we can just come up and agree with on the days, but basically we don't change this – I'm not saying they would, but they could, bring in an Interim and for somebody that the Commission just really didn't like they could leave them Interim...alright, okay. So the Resolution still says 90 days it wouldn't actually agree to, so we haven't lost or gained anything. We're still at the point where we need to be, but if we don't change this and the Administration can actually hire somebody as an Interim and circumvent this body, but not have to bring them to confirm us as long as they keep the name Interim and that wouldn't be right to the people of Shelby County. We supposed to be – we're supposed to work together, it's supposed to be a level playing field, but until we have fundamental fairness with the County on who represents us and who represents them and I think that item might be solved in the election this year because we do have a Charter Amendment on the ballot this year and basically what that Charter amendment says is that we will have some say about the firing of the County Attorney. So I will leave it open to the rest of the Commissioners, we can discuss this. This is the First Reading and I'd love to go forward on this. Thank you."

Chairman Burgess recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: "Thank you, Mr. Chairman. I appreciate the opportunity and I did speak with Commissioner Roland over the weekend on this issue. And if it does turn out that this is not a Charter issue – if there's no Charter amendment required, Administration will be very agreeable to coming up with a compromised solution and I speak from a good bit of experience when it comes to filling these positions. I'd point out to the Commissioners that since we've been the Administration, the six years that we've been there, we've filled the Chief Information Officer, the Corrections Director, the Health Director and the County Attorney twice filling those positions and every one of those – and I'm sorry, plus the Community Services Director. In all of those instances, other than for the Community Services Director, to do the job properly involving a national search – using a search consultant or a search committee, it's taken us more than 90 days to properly fill the job. Community Services we were able to fill a little more quickly because of a prior knowledge of an individual working for the city. So my suggestion would be as a compromise if we're

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going to move forward with this, give the Administration 180 days to in fact secure a proper position to be filled and also I would ask for a proviso in the Resolution that if we ran into some unforeseen or particularly difficult circumstances we could simply come forth to the County Commission and inform you about what sort of difficulties we were having. I think that would be a very reasonable accommodation. I think it gets to the purpose of what the County Commission is trying to avoid. We haven't done this, but don't intend to do it, but I realize that we don't know who could be sitting in the Mayor's office sometime in the distant future – what kind of actions they might take, so this is a long standing situation we'll certainly be bringing forward all of the nominees that we have, but I think that 180 days with that proviso I suggested would be a very reasonable accommodation for all of us to look forward to.”

Chairman Burgess recognized Commissioner Roland, who stated: “Chief, I love you, but I hate it when you say that we have to do a national search – that hurts me. We've got a county here of almost a million people that surely there's somebody in this county that's smart enough for the job. Look it carries me back to my personal business folks, I raised till you work your way up and that urks me when we have to go out and find experts. Now I would say on the Health Department, that might be a speciality there, but I'm telling you there's a whole bunch of good lawyers in Shelby County, I know because I've talked to half of them, you know, but it just really bothers me and I'm going to just get it off my chest Cap. We've got capable County Attorneys here that have served two or three terms as Interims and if they're good enough to be the Interim why are they not good enough to be the County Attorney. Thank you.”

Chairman Burgess recognized Commissioner Shafer, who stated: “Thank you very much. I love the idea of hitting to something that would be – because what we're really trying to do is we're trying to make sure we're adjusting and changing to the moving circumstances. So love the idea of a compromise. I do have some concerns though, if we take to 120 or 180 days and then say so and we could extend it, you're putting it almost to the year and I just want to remind everybody that a term is four years. So if you're looking at a term like a century, that's a 25 year slot, right. So I would be very, very interested in perhaps doing something half of 180 days or half of 120 days with one renewal, but there is no – or perhaps doing a 120 days with an additional extension to 180 days or 210 days or something like that, but where it gets it into something a little more reasonable because –

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alright so in this remaining term we only have – we have less than two years. If somebody serves as the Interim for either lack of being able to find any qualified attorneys in that time or for whatever reasons. If they sit there and for – as Interim for a year without our approval, sit there for a year, then that just leaves – that’s half of the term that we have left as a Commission together and I think the County Attorney – the thing that I want to make clear is that whomever is the Interim County Attorney is the County Attorney and it’s extremely important that this be something that we can move together on. I do think that a good share of the Mayor’s appointees have been very good, but we’ve had a rocky one or two and that’s why I think we need to have a little bit more input on this and I really would – and I’m open for discussion, but I’d urge us not to go beyond about two hundred and something days a total max -- there’s no reason in the world, especially when an attorney is concerned, why you can’t find a good attorney and I would like to see somebody who actually has experience. If you’re doing a nationwide search, why wouldn’t we have somebody who’s got experience in government, not labor relations on management side? Why wouldn’t we grab somebody with some experience in government, because government law has a different flavor to it than other laws, right? That’s why lawyers kind of go into little specialities. So I’m open to discussion, but I really urge some caution here. I – this is not personal, but I think that we have learned to ...*** what happens when we just take people’s word and oh yeah I’m going to – I mean I asked the previous County Attorney point blank, point blank, whether he would be able to represent the Commission and the Administration, you know fairly and rather that would be difficult and didn’t get the answer that ended up being in concordance with his actions. So I just urge a little caution here. I’m very, very appreciative to Mr. Kennedy for being willing to come up with some days. I think we can come up with some, but a year is way, way out of line. Thank you.”

Chairman Burgess recognized Commissioner Turner, who stated: “I think the compromise is reasonable. I think it was something we discussed in Committee, so just based on what Commissioner Shafer has said the 180 is less than the 200 and if there’s an extenuating circumstance which results in that time period having to be extended, I think that’s fine and something can be worked out. This is the First Reading of this Ordinance, it has come back twice before, there’s no reason to belabor this this evening. I would just call the question. I plan on abstaining tonight, because this is not the final form of the Ordinance. We have to take it back to Committee again for amendments and I like the proposals that’s

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on the table, Mr. Roland – Commissioner Roland.”

Chairman Burgess recognized Commissioner Jones, who stated: “Thank you, Mr. Chairman. Mr. Kennedy, so let me make sure I got this in my head right. You’re offering a compromise, not an Ordinance, but as a Resolution or where the Administration would agree to this? I just want to be clear.”

Chairman Burgess recognized Mr. Kennedy, who stated: “I did. I said assuming that an Ordinance is all that’s required and that there’s no amendment to the Charter and that’s completely a legal question that I’m not qualified to speak on. At first it looked like to me that whatever the answer is, if an Ordinance will do it -- this is agreeable to the Administration. I’ve discussed it with the Mayor and he’d like to get this resolved and I just from – again from my personal experience, I’d like to have enough time to go through the process, particularly when you’re interviewing for high level positions -- and again Commissioner Roland, I understand what you’re saying and you always try to promote from within, but occasionally you’re looking for some very special qualifications that you feel like you can let your local candidates compete, but do a nationwide search and see what’s there. I think this has worked out well for us -- you look at Dr. Haushalter and you look at our CIO, Mr. Halbert, not Dr. Halbert, but Mr. Halbert. We brought those from outside Shelby County, the County Attorney is from within Shelby County. So you generally you can find what you want, but occasionally there’s some special requirements and when you get into that kind of a process you need a little bit of time to do it because it’s not a real quick process to get completed and Commissioner that’s all we’re looking for – and again like I said I’ve been through it six times feeling director level or County Attorney which is above the pay grade of a division director, but we’ve filled it six times and in all but one of those it took me 90 days to get accomplished. So I just wouldn’t want to agree to an Ordinance that puts a time constrain on us that we’d be back discussing why we didn’t meet the time frame of the Ordinance some time. That’s all.”

Chairman Burgess recognized Commissioner Jones, who stated: “Well I guess my question would be, it’d be a time frame in the Resolution, so what would be the objection if it was in the Charter done through an Ordinance. I’m trying to understand that, since it would be the same...”

Chairman Burgess recognized Mr. Kennedy, who stated: “I understand. No I mean whichever way it comes about if there’s a time frame put on it -- from my experience I’d

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like to see it be 180 days rather than 90. If it's 120 that would probably be enough, but I think we'd be better to set it at 180, that's just from my experience. I think that is a time period that would cover just about every situation and we wouldn't ever need to get an extension."

Chairman Burgess recognized Commissioner Jones, who stated: "Right. I guess for me and I'm not even looking at the days. I'm looking at Resolution/Ordinance, which either or the Administration is fine with."

Chairman Burgess recognized Mr. Kennedy, who stated: "Well there's an Ordinance on the table that's why I'm looking at either an Ordinance just to pass it or whether you need to an Ordinance to amend the Charter. I don't know which one of those is applicable, but which ever one it is that would be the time frame I'd like to see put into it."

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

AYES: Bailey, Roland, Ford, Jones and Shafer.

NAYS: None

ABSTENTION: Reaves, Billingsley, Milton, Chism, Turner and Burgess

ABSENT: Basar

AYES, five; NAYS, none; ABSTENTION, six; ABSENT, one (Brooks absent during roll call).

Chairman Burgess declared the MOTION ON FIRST READING APPROVED.

ITEM 23 (FIRST READING) (APPROVED)

Mr. Turner, Assistant County Attorney, announced Item No. 23, Ordinance – First Reading: Joint Ordinance by the Board of County Commissioners of Shelby County, Tennessee and the City Council of the City of Memphis requiring Independent Residential Living Facilities to provide life safety equipment in all buildings. Sponsored by Commissioner Van D. Turner, Jr. and Commissioner Eddie S. Jones, Jr.

JOINT ORDINANCE NO. _____

JOINT ORDINANCE BY THE BOARD OF COUNTY
COMMISSIONERS OF SHELBY COUNTY, TENNESSEE
AND THE CITY COUNCIL OF THE CITY OF MEMPHIS
REQUIRING INDEPENDENT RESIDENTIAL LIVING
FACILITIES TO PROVIDE LIFE SAFETY EQUIPMENT IN
ALL BUILDINGS. SPONSORED BY COMMISSIONER
VAN D. TURNER, JR. AND COMMISSIONER EDDIE S.
JONES, JR.

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

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Minutes of Third Reading for full text of Ordinance.

Commissioner Reaves moved approval of the Ordinance on First Reading; duly seconded by Commissioner Turner.

Chairman Burgess recognized Commissioner Turner, who stated: "Yes sir, Mr. Chairman. This Ordinance came about – it's just the First Reading this evening, but this was as a result of a power outage in one of the independent residential living facilities. Some of the patients there have Dementia and Alzheimer and you know it really became a very, very terrible situation for those residents and this particular independent living residence. Furthermore, the food spoiled, it was incredibly hot because it was in the middle of summer and it just ended up being a horrible situation and it was brought to our attention and hence we have this piece of legislation here to acquire all independent living facilities to have a back-up generator, so the food will not spoil. You have Alzheimer and Dementia patients they will not sit there and have to suffer and then again in 100 degree weather and you have residents that are scared. You can't just have them walk out and go outside for fresh air. They're trapped in there and they're – and it was just a horrible situation and so this is to address that situation. Now I know that in Committee it was talked about this putting a financial burden on facilities which have five residents or less. I'm willing to increase that number. This was intended for really those living quarters where you had a substantial amount of residents and not for the small places in which this may cause a strain. So I'm willing and able to address that as we proceed further with additional reading of this Ordinance, but I think – I don't think anybody up here would disagree with the fact that this needs to be done and we don't want patients here in this city having to suffer like these residents suffered. I think this was actually out of my district, in District 12. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Jones, who stated: "Thank you, Mr. Chairman. Speaking to this Resolution, I got the phone call the night that it happened. I in turn called Mr. Kennedy who was very helpful putting me in touch with the correct organizations who could help in this situation. I guess for me, one of the things that I did find out throughout this process is that this particular center that actually filled out paperwork that they had a generator and they didn't. so for me I guess some type of measures that could be put into this that would ensure that they're just not putting information on paper, because had

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they had it at that facility that night those people would not have been inconvenienced in the way that they were. So Commissioner Turner, that – if we could have some measures in here or what steps we would need to take to ensure that those guidelines are being followed and simply not just putting the information on paper.”

Chairman Burgess stated: “I guess I’d like to just make one comment. When you say measures, Commissioner Jones, is that like procedures in case when something happens you’ve got something documented, like evacuation plans? Is that what you’re talking about?”

Chairman Burgess recognized Commissioner Jones, who stated: “Well in this instance they had filled out paperwork and submitted it that said they had a generator, but they didn’t. So what can we put in place that mandate to ensure whatever you put on that paper when it comes to those citizens that it’s being carried out in that proper order and you’d have some type of leverage to back it up if they didn’t follow those guidelines.”

Chairman Burgess recognized Commissioner Turner, who stated: “I think we can work that into the Resolution – into the Ordinance rather. This being the First Reading it has to come back before us two more times. I think that’s good Commissioner Jones, if someone puts down that they have something and they don’t, I mean that’s really a life threatening situation. I mean what if they put down they have fire extinguishers and they don’t and a fire breaks out, I mean so we need to have – and maybe that’s what we look at. I’m sure there’s some type of fine or penalty that can be put in place if a person doesn’t have life saving equipment, yet they say they have it and I think a generator is pretty critical to a facility such as this facility. So I’m willing to implement that. I’ll get with the County Attorney’s office and we’ll get some language put in there to address your concerns, Commissioner Jones. Thank you, Chairman.”

Chairman Burgess recognized Commissioner Shafer, who stated: “Thank you very much. So I would like a little information on this because in interfacing with independent living facilities as well as retirement facilities, generally Alzheimer’s units aren’t considered independent living facilities in my experience, so I’m wondering rather there really is – I want to make sure that we’re getting the correct – you know I want to make sure we’re hitting the right thing, because on many, many, many independent living facilities it’s just, you know it’s like an apartment kind of thing and they have some other kinds of things available like on house cleaning, somebody will come check on you, but it’s independent living. And then

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moving from independent living to something else that's more structured means moving into an Alzheimer's wing. And so my next question about that as I was thinking through it was are there already guidelines that require them to have back-up generators for more long term care and more intensive care kind of people. Obviously some kind of paper was filled out saying that they had a generator, but didn't have one. And so I'm wondering is there already a regulation which is – I will tell you all there are so many laws just not getting enforced, right. So is there already something on the books that deals with this and are we with this are targeting exactly the right – are we targeting the right location you know or do we need to say that it's care homes and Alzheimer's units and focus more specifically. And then I do know something about the cost of putting in these generators and it's fairly substantial, I mean it is, especially for the more units have and so I'd hate for people not to – if we don't target it really specifically, I would hate for it to keep people out of taking care of older folks because – I mean gosh for a residential one, you know seven or eight grand just for a residential house, for one tenant, is not – that's not out of line. Go talk to the folks at Cummings, okay. It's not at cheap thing. So I think this is something we can work with. I think like most of our Ordinances, it needs some massaging, but if somebody could help me with some of the specifics of this, I'd like to look into it, because I really wonder rather independent living residential facilities is indeed the right and the totally encapsulating group that we need to get to.”

Chairman Burgess recognized Commissioner Billingsley, who stated: “Mr. Chairman. I think that Commissioner Shafer brings up a lot of worthy points. As I said in Committee, I think the intentional consequences of this are very positive and absolutely understand why my good friend Commissioner Van Turner is sponsor this. However, I brought up in Committee the unintended consequences and if that means some homes that are barely getting by with ends meet go out of service because they can't afford that generator that Mrs. Shafer is talking about, it won't have the consequences that I think the sponsor wants. I would just like to ask the sponsor, because we have a multitude of questions, if he would consider withdrawing today and we really work together to put some teeth to this and purpose to it, so we can come back with a really good First Reading that will serve the purposes that the sponsor intended.”

Chairman Burgess recognized Commissioner Chism, who stated: “Thank you, Mr. Chairman. I was going on with what a little bit about Commissioner Billingsley and

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Commissioner Shafer as well. going through some of things that I've been through over the last three or four months, going into a Hospice House, you know I hate to think of the number of people it would take to take care of the people that are within that Hospice House, not only the patients, but the employees as well. Also with the Alzheimer's centers, you know the doors are certainly – the exit doors are certainly within spec, but there's not as many of them as there might just because these folks can wonder out of them...you know to get a certificate of occupancy you know you've got people that come in and – Commissioner Jones can probably speak to this as well that will verify that the electric is where it's supposed to be, the plumbing where it's supposed to be, then also these generators. I think that if we make this generator a part of that, certainly within these larger ones, I think that's something that needs to be considered. I think what Commissioner Turner said as well, maybe some of the smaller ones will make an adjustment for that, but verifying that they have it or if they say they have it and verifying they have it, shouldn't be a big problem. Our certificate of occupancy will take care of that. Thank you."

Chairman Burgess recognized Commissioner Roland, who stated: "Alright, is this – I'm trying to get this right in my head. Why – have we had a problem and where at?"

Chairman Burgess recognized Commissioner Turner, who stated: "This was a facility in District 12."

Chairman Burgess recognized Commissioner Roland, who stated: "Okay, see there again, we only make laws in unincorporated areas. That's all we can do. Now when it comes to code, whatever we would adopt would have to be adopted by the City of Memphis too, wouldn't it? Right, so okay. I feel you now, this is a previous problem that we've already had and we do intend to go over and get the city to sign off on it to."

Chairman Burgess recognized Commissioner Turner, who stated: "It's progressing the same time we're doing this."

Discussion ensued amongst Commissioner Roland and Commissioner Turner.

Chairman Burgess recognized Commissioner Roland, who stated: "Josh to get one of these facilities you have to get licenses don't you?"

Chairman Burgess recognized Mr. Josh Whitehead, Director of Planning and Development, who stated: "In zoning ...*** there are – the cut off for these kinds of establishments is eight patients. If you have eight or fewer patients, I don't believe there are any local or even state permitting processes. You can go in any residential area, being a

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house.”

Chairman Burgess recognized Commissioner Roland, who stated: “So if it had more than eight then it would have to come under the state requirements or the county – I mean the – probably federal requirements too, because I would imagine they were probably getting federal grants.”

Chairman Burgess recognized Mr. Whitehead, who stated: “It is my understanding we set the number at eight, because eight or more does align with the state requirements. If nothing else we have a use and occupancy permit specific to these businesses that have more than eight individuals or patients.”

Chairman Burgess recognized Commissioner Roland, who stated: “Alright and my last question to you Commissioner Turner. Do they have eight or more or eight or less?”

Chairman Burgess recognized Commissioner Turner, who stated: “It was way more than eight.”

Chairman Burgess recognized Commissioner Roland, who stated: “Okay well then they should be facing some problem from the State of Tennessee, if I’m right on this. Would I be right on this?”

Chairman Burgess recognized Mr. Whitehead, who stated: “No, my stipulation that establishments with more than eight patients have to get a license. I don’t believe the state speaks to having a generator or the other...”

Chairman Burgess recognized Commissioner Roland, who stated: “Any safety requirements. You don’t pass any safety requirements to get a license with the State of Tennessee?”

Chairman Burgess recognized Mr. Whitehead, who stated: “I’m not certain if that is correct or not. I’m not sure what their permitting process is.”

Chairman Burgess recognized Commissioner Roland, who stated: “Okay, well I mean this is the First Reading anyway, so but you see where I’m going. I’m wanting to support you on this, I just didn’t want to make anything redundant, but I guess we’ll get the answers as we go along.”

Chairman Burgess recognized Mr. Carter Gray, Assistant County Attorney, who stated: “Commissioner the way this Ordinance is constructed there are facilities that would be included simply because of the age of the people who are there and therefore wouldn’t require any state licensure for nursing home care or extended care, so I think there are ways

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that this can be massaged to make sure we don't step on existing regulations, but as currently written there are places that would not be regulated beyond a simple certificate of occupancy for residents."

Chairman Burgess recognized Commissioner Turner, who stated: "Yeah I would prefer and I've taken into account what Commissioner Billingsley had suggested. I would prefer to keep this alive. It's just so difficult when something is withdrawn and dies to get it back up and going. It's three readings, which means we have to look at this several more times and even with a reading we could park it and still keep it alive and bring it back up instead of having to start over again. So there is some hesitancy here. We've got a lot of work to do. I plan on abstaining this evening, it's just the First Reading. Let's take it back to Committee, if it needs to go back to Committee again, we could just defer it on Second Reading back to Committee and bring it back out when we're ready. So with that, I would call the question. I know Commissioner Shafer is on the board, but let's move on and let's just take it back to the Second Reading."

Chairman Burgess recognized Commissioner Shafer, who stated: "So I just want to clarify, because we've been a little loose about this, but I think if you call the question, does that hold just for that reading? Because you know you're allowed to call the question once either in Committee or Commission, but does that make the question called for the whole – for all of the readings, because I'd hate to burn it up on that? So we don't have to belabor it too much, I just really had a just a point of information on it. Are we sure that it's already not code, that they have generators? Because I just got texted from two folks, one who does it in Arkansas, so that will be different, but they've also got some homes here in Tennessee, but also some folks outside Shelby County who say it's already the code to have generators. So I mean let's just find out what the code is and then see whether this is necessary. But then what I will say is what I think Commissioner Jones was getting at, if it is already part of the code, but it slipped in, that really is – that's where the holes in the net are, right? So that requires man power and that requires people and that requires inspectors, so let's just move forward. I think it's a great thing to make sure that people are protected and I like the way that we're talking it through and moving it forward. I'd be interested in seeing how the facts come in."

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

AYES: Ford and Jones.

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NAYS: None

ABSTENTION: Billingsley, Milton, Roland, Chism, Turner, Shafer and Burgess.

ABSENT: Basar.

AYES, two; NAYS, none; ABSTENTION, seven; ABSENT, one (Bailey, Reaves and Brooks absent during roll call).

Chairman Burgess declared the MOTION ON FIRST READING APPROVED.

ITEM 24 (FIRST READING) (FAILED)

Mr. Turner, Assistant County Attorney, announced Item No. 24, Ordinance – First Reading: Ordinance amending Chapter 14, Article II, Section 14-28 and Chapter 2, Article IV, Section 2-263 of the Code of Ordinances of Shelby County, Tennessee to reclassify all Attorneys subordinate to the County Attorney as classified employees under the Civil Service Merit System. Sponsored by Commissioner Van D. Turner, Jr. and Commissioner Terry Roland.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 14, ARTICLE II, SECTION 14-28 AND CHAPTER 2, ARTICLE IV, SECTION 2-263 OF THE CODE OF ORDINANCES OF SHELBY COUNTY, TENNESSEE TO RECLASSIFY ALL ATTORNEYS SUBORDINATE TO THE COUNTY ATTORNEY AS CLASSIFIED EMPLOYEES UNDER THE CIVIL SERVICE MERIT SYSTEM. SPONSORED BY COMMISSIONER VAN D. TURNER, JR., AND COMMISSIONER TERRY A. 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 Turner moved approval of the Ordinance on First Reading; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Turner, who stated: “Thank you, Mr. Chairman. I’ve looked at this and of course there’s been a lot of feedback, shall we say, on this issue and the goal here was to make sure that we more or less allowed the attorneys to practice law without worry of any reprisal from us or from anyone in county government. As a lawyer I would say that they really – the attorneys need to be able to decide legal issues, render legal opinions and do so without fear or worry of their job being jeopardized either from movement from our end or movement from the Administration’s end. Therefore the civil

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service issue had come and upon further reflection, upon all of the information that I received, I think that this may be right for amendment and we could just allow this to mirror what we have referendum for the County Attorney. So in other words, if by referendum we're asking that we be allowed to review and ratify the termination of the County Attorney and we're going to vote on that on November 8th then why would we not apply this to the office and have it come back before us and I think that this would only be if the person has not committed an ethical violation. I say that because this has come up all the time where they have the rules of professional responsibility to guide the attorney. Therefore you know there's no need to have this review. If the person is in violation or they're disbarred and there's a true egregious act that the Board of ...*** Responsibility has reviewed, that attorney can't practice in the County Attorney's office anyhow because you have to be a licensed attorney in good standing with the Bar of Tennessee to practice in the County Attorney's Office. Therefore if there's an ethical violation, they're gone anyhow, so I would put on the table to carve out that exception and say notwithstanding an ethical violation which would disbar the attorney which shouldn't be reviewed by anybody because they can't practice law, they can't be a lawyer for the county. Notwithstanding that, any termination should have some form of review and if there's a termination we should at least have it ratified by this body to the same extent that we're doing it for the County Attorney, which is again a referendum that would be voted on this November. And so I know amendments have to be in writing and so this is something that we can't handle tonight. I again plan on abstaining from this and taking it back down to Committee for the Second Reading and working on this a little bit more, but I think the civil service thing is probably something that we should park and move forward with the consistency and do what we are doing with the County Attorney, which we're voting in November. So with that being said, again I plan on abstaining on this one and I as a co-sponsor of this think that this needs a little more work and we can do it upon the Second Reading in Committee. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Bailey, who stated: "Thank you, Mr. Chairman. I don't know the rationale that causes this Resolution to be sponsored, but when you're talking about putting professionals under civil service such as lawyers or physicians, I think you'll be making a mistake. You know I've been in law practice for, I hate to admit, I won't tell it – I won't admit it but it's been so long. But anyway – I've had lawyers – I've hired lawyers in my law firm, some of them are judges now and then I've had some that I've had to

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discharge for professional incompetence and then some of them may not have been incompetent, but I didn't like their style and which I didn't think blended with the kind of firm that I wanted to project. So I mean a lot of nuances in terms of professional competence and professional relationships and you got the confidentiality – you've got to have confidence in your lawyer, I mean that's a very sacred relationship, it's like a marriage and if you don't have any kind – if you don't have the confidence in the relationship as an employer, then you ought to be able to discharge that person and replace him or her. So I just don't – I think we'd be making an egregious error in terms of trying to protect lawyers with any kind of civil service ...**, they ought to be subject to discharge on – based on any reason – the employer shouldn't even have to have a reason in terms of severing a professional relationship. So I just think we're making a – that we'd be making a mistake in terms of trying to shield lawyers with civil service protection. I think that protection would be grossly misplaced.”

Chairman Burgess recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: “Thank you, Mr. Chairman. We take the position that this is really not an appropriate step to take that County Attorneys like all other licensed professionals should remain appointees. They all are – we would be completely out of step with almost every other organization and we checked with our HR Consultant and they're not aware of any other – where licensed professionals are in civil service system, but we've also detailed out in a document a number of practical reasons, like the representation of management at civil service hearings. If you're civil service yourself and representing management against a civil service employee, we see a little bit of conflict there. I don't know how that one would work. There are number of reasons and I guess before this gets too far into the process, Commissioner Turner, if you wouldn't mind, I'd like to forward the point paper that we prepared for the drafter for all the Commissioners to take a look at, but I think it very appropriate that they stay as appointees and particularly those attorneys that have got supervisory responsibilities. There are two Deputy County Attorneys and a number of supervisory attorneys and particularly the part-time permanent attorneys should – with firm affiliations, I think would be a mistake to add them to the civil service system as this Ordinance would propose. So there are just a number of reasons we don't think it's a good idea, I'd like to share that information. Commissioner Turner, we prepared it for your benefit as the originator, if you would not mind if we shared that everyone so you could get our

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practical views on this process, we'd like to that, but we can't be supportive of this particular Resolution and the amendment, Commissioner Turner, I don't think we can support that one either. I – obviously we didn't particularly agree with the termination provision that's going to be on the referendum, it's there, so if it happens it happens, but I don't think it should be extended to all of the other attorneys. Thank you, Mr. Chairman.”

Chairman Burgess recognized Commissioner Roland, who stated: “Thank you, Mr. Chairman. And I didn't want to go there today Cap, but I'm going go there. Commissioner Bailey, I love you to death – let me give our side. We fought all last year to have representation. This Commission voted to have representation. If it hadn't been for that man right there, our representation wouldn't have got paid, alright. Second of all, we had a County Attorney that wrote us an Ordinance – we asked them to write us an Ordinance for a Charter amendment. We passed it they didn't want it, okay. That Charter amendment says that basically we just going to have a level playing field between the Administration and the governing body of Shelby County, okay. Well the Administration got upset that that County Attorney wrote that Ordinance for us and we passed it and got it on the ballot, so they go and hire another County Attorney and was going to leave that County Attorney Interim for the rest of this term – and they can say they wasn't if they want to, but I know for a fact that they were and that's the reason because of all of this. They were going to circumvent this body and that's why these two Ordinances are on there today and if this body don't care enough about the*** -- you are elected by the people of this county. You are the closest thing to the people of this county, not the Administration, not the Administration. If something happens, they're going to come to you and for us to protect them we need representation. Representation that we can trust, not somebody – I mean just like yesterday, Ms. Pascover called me – now let me get this right, Commissioner. She called me yesterday – I mean – this is not bad, I'm not mad at her. But she called me and told me she was going to appoint us Special Counsel and going to appoint the Administration Special Counsel over the issue pertaining to her job. Now I'm not an attorney, but I'm not a nut either, I know that that's not right and at the end of the day, she can't do that. If we do have a difference on her, we need to go out and hire our own attorney, our own. I mean we did it in the schools – you helped us, that's the only reason why – the way – look I'm for a level playing field and a honest ball game, but if my team don't play we can't get in the ball game and if we aren't represented we're not going to be in the ball game. Cap you're sitting back there grinning, but you know

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it's true, you know it's true and at the end of the day folks this is about protection of this body. This is not about Terry Roland – now think about this folks, I'm running for County Mayor, everybody knows that, would I pass something if I couldn't live with it? If I didn't think that with these laws I couldn't work with you all, do you think that I would pass something like this? No, and Commissioner Turner is exactly right. The only reason why he wrote this thing is some of the County Attorneys feared for their jobs. You had Eddie Jones the other day say that he heard the Mayor tell Ross Dyer that you remember who you work for and if you don't think that things like that go on in county government, you haven't been here long enough, because folks you all know you've seen things like this happen. Thank you, Mr. Chairman.”

Chairman Burgess recognized Mr. Kennedy, who stated: “Can I get a Mulligan on that Commissioners, since I was sighted? Commissioner Roland, thank you for the opportunity, but you don't know for a fact what we were going to do, you don't know for a fact because we had no intention of retaliating against anybody, that's not the way we operate in the Administration. We do not retaliate against anybody, there was never intention. You don't know for a fact what we were going to do, because we've excepted what's happened. We did not support that particular action, but it happened, it happened properly so it's going to be on the ballot for the citizens to decide, we're fine with that. We're trying to work with the County Commission, but I'd appreciate not putting any devious plans in our head that we never even thought of ourselves. So we're more than willing to work through this. I think we'd made some good points regarding the civil service status of County Attorneys of whether they should be or not. Looking at it from a HR and from a management stand point, but no retaliation is going to be taken. We expect all of the attorneys to act with integrity, to represent you properly, to represent us and all of the other elected officials. So please don't put any strategies of things in our head that we've never even thought of ourselves, Commissioner.”

Chairman Burgess recognized Commissioner Billingsley, who stated: “Thank you, Mr. Chairman. I just got a couple of questions, to the County Attorney, on this item specifically on Item No. 24, are there any ramifications on the Charter on this item?”

Chairman Burgess recognized Ms. Kathryn Pascover, County Attorney, who stated: “I don't believe there are Charter – if the item is as written with regard to civil service classification, I don't believe that implicates the Charter.”

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Chairman Burgess recognized Commissioner Billingsley, who stated: "To you or to Administrator Kennedy, what other positions in county government are currently civil service protected that you're aware of?"

Chairman Burgess recognized Mr. Kennedy, who stated: "Most positions below the Deputy Administrator level in county government are civil service. There are a very few number of manager positions that because of their particular duties and certainly Executive Assistants who work directly for elected officials that are appointed, but almost everyone at below the position of Deputy Administrator is in fact a civil service position."

Chairman Burgess recognized Commissioner Billingsley, who stated: "Okay. Well maybe I'm misinformed because I thought like on our staff for example, there's only one person on the County Commission staff that's civil service protected, corrected?"

Chairman Burgess recognized Mr. Kennedy, who stated: "That's correct but again that's because of that Executive Assistant and because of their immediate working and their proximity to an elected official. My -- for example my Executive Assistant is also appointed. The two individuals that work in the Mayor's Office as Executive Assistants are also appointed but again because of the immediate proximity in working with policy matters regarding with an elected official. So most of your staff are in that category."

Chairman Burgess recognized Commissioner Billingsley, who stated: "When we -- when the public thinks about civil servants, police, fire, corrections, are those all going to be civil service protected?"

Chairman Burgess recognized Mr. Kennedy, who stated: "Yes, right up to a certain rank level. Usually all the way up through Sergeants in the public safety positions are in civil service. You get up to the managerial level, well actually all the way up through Captain, you get into the appointed positions at the Administrator, Deputy Administrator or sometimes the Chief level."

Chairman Burgess recognized Commissioner Billingsley, who stated: "Ms. Pascover, do you think the Bar Association -- if I wrote them or you wrote them on my behalf, would they have an opinion on us moving forward on this item? Do you think they'd get involved to say we think it would be a good practice or a bad practice? Do you think they'd chime in?"

Chairman Burgess recognized Ms. Pascover, who stated: "We'd certainly contact them and request..."

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Chairman Burgess recognized Commissioner Billingsley, who stated: "I would just ask on behalf of the other Commissioners that you do that and we get – all of the attorneys I know you know operate under their oaths and I'm not an attorney, but you would know Mr. Bailey, Mr. Turner, but I'd like to hear what the Bar would have to say before we do this. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you very much. I'll be brief. What we're really talking about is who is the client and what I often hear is what I think is perhaps a misunderstanding of who the client is. The client is not the Administration and the client is not the Commission, the client is Shelby County. And in there, there has to be – there is – the way our Charter is constructed is very – it requires some push and pull and it requires outside counsel and those kinds of things. But the client – it's not as if, if only the Mayor or the Administration is satisfied that the client is satisfied. The client is Shelby County. That means the taxpayers, that means that the checks and balances have to be in place. So I'm willing to work with whatever way that the sponsors want to work with this on. We do have, again, several readings and I think that's good. And I want to say something. I really appreciate the way that the county does this where we actually do talk through these things over the readings and get – and come to some – figure out where our sticking points are, figure how we can move best towards a good consensus, right, rather than just never discussing it for the first couple readings and then just have it all on the Third Reading. I think we do fewer knee jerk reaction kind of legislation pieces than some other bodies do. So I appreciate this, even though it can make us look like we're arguing, right, but that's the nature of our government. So if we can just keep in mind that we are a part of the client of Shelby County, we are 50 percent, okay. The Administration is the other 50 percent of the client in Shelby County. Both are supposed to be equally represented by everybody on staff, we're the ones that authorize their pay, for a reason, okay. If this were a corporation and somebody was just X checker, totally different deal, but this is government. And so I do think that there's a lot of opportunity for us here, but the way that it has been working lately, only one part of the client is being satisfied. So if we can put some balance back in there in any other kind of way, I think it's worthwhile to discuss. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Turner, who stated: "Thank you, Mr. Chairman. I think the civil service issue is more or less gone. I don't think there's any need

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to go to the Memphis Bar Association, Tennessee Bar Association, American Bar Association, the National Bar Association, did I get all of them, attorney – to ask about civil service because if my co-sponsor is with me on this, I mean I'm willing just to pull that off. Let's just part the civil service aspect of it and let's get to the heart of the issue and the heart of the issue is that, the County Attorney, yes has to be ratified by this body, but that's why our involvement ceases. And so the County Attorney can summarily and unilaterally be terminated by the Mayor's Office and we won't have any say so in that process. Furthermore, the two Deputy Attorneys, as well as the staff attorneys as well as the part-time attorneys can also summarily and unilaterally be terminated by the Mayor's Office and we have no say so in that process. Yet the office represents both the Administration and the Commission and we have no say in what happens with the attorneys in that office, therein lies the problem. And so – and let's just be honest, if a person can fire you, you're going to head your bets towards the person that can fire you, that's just common sense. You don't have to go to Harvard Law School to know that; the person that controls your livelihood, you're going to air on the side where you going to kind of see it their way more often than not, just being honest, so you know let's just be candid here. And so for the record, I want the citizens to understand that this is not a process in which we're intending to cast dispersion or hurt the Mayor's Office. This is not a situation where we're trying to embarrass the County Attorney's Office, this is not a situation where we're trying to be all powerful and come in and say well we run the show and no one else can hold a light to us. This is just, I think, something to where I want good policy to make sure that the lawyers in the County Attorney's Office can practice law, render good decisions, do what they're supposed to do and not have it be any issue where there's a conflict between the Administration and the County Commission. And Mr. Chairman, the County Attorney really can't control the office and I'll say that if the Mayor's Office wanted to fire a Deputy County Attorney, they could do that with or a without the recommendation of that person's immediate boss, the County Attorney. You know at a minimal it seems that the County Attorney should have some say so in the staff and who works under the County Attorney whether or not they should be terminated or not and yet that's not the process we have in place now. And I think this is the First Reading, let's go back and look at it. Commissioner Billingsley, civil service is off the table, we're not pushing that, there's no need to further investigate that, Mr. Kennedy, that's off the table. Where we are now is trying to find some sort of balance. I'm almost fine with a

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recommendation by the County Attorney or a recommendation by this body to say that an attorney should be fired and if that's a recommendation by the Administration's Office then the person is fired. I mean there's a way to work this out. So we don't have to say let's second guess the Mayor, why don't we say hey, here's a bad attorney, a letter comes from the Mayor on his intent to fire that attorney for X,Y, and Z, the County Commission reviews it, we speak by seven votes. If we say hey, we recommend that that attorney needs to be fired, the attorney is fired, that way, not only is the Mayor speaking to the issue, the Commission is speaking to the issue and you have it done and this is probably less combative because you're not trying to second guess a decision by the Mayor, but we're both partners in that decision. Willie Brooks is not here, he's an HR guy, but we want to be partners in making these decisions. So maybe we can say County Mayor recommends termination of the attorney, if we recommend termination of the attorney, the attorney is gone, but if there's any hesitancy let's work it out and perhaps the person is not gone for one reason or the other. There's a way to work this out. I want to work this out, you know this is a process, let's work the process. This is just the First Reading, let's take it back down for a Second Reading and move it from there. Thank you."

Discussion ensued amongst the Commission.

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

AYES: None.

NAYS: Bailey, Billingsley and Chism

ABSTENTION: Milton, Roland, Turner, Shafer and Burgess

ABSENT: Basar

AYES, none; NAYS, three; ABSTENTION, five; ABSENT, one (Reaves, Brooks, Ford and Jones absent during roll call).

Chairman Burgess declared the MOTION ON FIRST READING FAILED.

ZONING AND SUBDIVISIONS

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

ITEM 25 (ADOPTED)

Mr. Turner, Assistant County Attorney, announced Item 25, which is as follows:

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 166**

REGULAR ADJOURNED SESSION FROM SEPTEMBER 12, 2016 TO SEPTEMBER 26, 2016

RESOLUTION TO AMEND THE FY 2017 OPERATING BUDGET TO FULLY EXPEND GRANT FUNDS FROM THE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION'S SAFETY AND JUSTICE CHALLENGE FOR PURPOSES OF PLANNING STRATEGIES TO REDUCE OVER-INCARCERATION. THIS ITEM REQUIRES APPROPRIATION AND EXPENDITURE OF PRIVATE GRANT FUNDS IN THE AMOUNT OF \$33,990.00. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

"WHEREAS, Resolution No. 3, adopted July 6, 2015, by the Shelby County Board of Commissioners, approved the appropriation and expenditure of John D. and Catherine T. MacArthur Foundation (Foundation) grant funds in the amount of \$150,000.00, for the purpose of generating a plan to target jail misuse and overuse as part of the Safety and Justice Challenge; and

WHEREAS, A balance of \$33,990.00, remained in the grant fund at the end of FY 2016 and was not included in the FY 2017 budget; and

WHEREAS, The Foundation approved a continuation of remaining funds through April 30, 2017; and

WHEREAS, It is necessary to amend the FY 2017 Grant Fund Budget, and appropriate funds in the amount of \$33,990.00, as presented in Exhibit A, which is attached hereto and incorporated hereinto by this reference as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County FY 2017 Grant Fund Budget is amended and funds appropriated in the amount of \$33,990.00, pursuant to the attached *Exhibit A, which shall be incorporated by reference as if fully set forth herein.

BE IT FURTHER RESOLVED, That the Mayor and Director of Administration and Finance are hereby authorized to execute any and all documents necessary to comply with the terms and conditions for the awarding and acceptance of the aforementioned grant funds.

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 \$33,990.00 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, 2.06(B)."

**SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 166**

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

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

Date: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

Whereupon, passage of the Resolution was moved by Commissioner Turner; duly seconded by Commissioner Roland.

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

AYES: Billingsley, Milton, Roland, Jones, Chism, Turner and Burgess.

NAYS: None

ABSENT: Basar

AYES, seven; NAYS, none; ABSENT, one (Bailey, Reaves, Brooks, Ford and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED.

ITEM 26 (ADOPTED)

Mr. Turner, Assistant County Attorney, announced Item 26, which is as follows:

RESOLUTION TO AMEND THE FY 2017 OPERATING BUDGET TO EXPEND GRANT FUNDS FROM THE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION TO SUPPORT PARTICIPATION IN THE SAFETY AND JUSTICE CHALLENGE FOR PURPOSES OF IMPLEMENTATION OF STRATEGIES TO REDUCE OVER-INCARCERATION. THIS ITEM REQUIRES APPROPRIATION AND EXPENDITURE OF PRIVATE GRANT FUNDS IN THE AMOUNT OF \$150,000.00. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, The John D. and Catherine T. MacArthur Foundation (Foundation), has made available to the Shelby County Sheriff’s Office a grant award in the amount of \$150,000.00, to continue Shelby County’s participation in the Safety and Justice Challenge, a copy of which is attached hereto as *Exhibit A; and

SHELBY COUNTY BOARD OF COMMISSIONERS
MINUTE BOOK NO. 166

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WHEREAS, The Foundation has selected the Shelby County Sheriff's Office to administer the program activities necessary for the implementation of said grant; and

WHEREAS, It is necessary to amend the FY 2017 Grant Fund and General Fund Operating Budgets, and appropriate funds in the amount of \$150,000.00, as presented in Exhibit B, which is attached hereto and incorporated hereinto by this reference as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County FY 2016 Grant Fund and General Fund Operating Budgets are amended and funds appropriated in the amount of \$150,000.00, pursuant to the attached *Exhibit B, which shall be incorporated by reference as if fully set forth herein.

BE IT FURTHER RESOLVED, That the Mayor and Director of Administration and Finance are hereby authorized to execute any and all documents necessary to comply with the terms and conditions for the awarding and acceptance of the aforementioned grant funds.

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 \$150,000.00, 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, 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: October 3, 2016

ATTEST:

/s/ Rosalind Nichols
Clerk of County Commission

ADOPTED: September 26, 2016

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

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MINUTE BOOK NO. 166**

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seconded by Commissioner Jones.

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

AYES: Billingsley, Milton, Roland, Jones, Chism, Turner and Burgess.

NAYS: None

ABSENT: Basar

AYES, seven; NAYS, none; ABSENT, one (Bailey, Reaves, Brooks, Ford and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED.

ANNOUNCEMENTS AND STATEMENTS

ADJOURNMENT

ITEM 31

Mr. Turner, Assistant County Attorney, announced Item 31, Adjournment to Monday, October 17, 2016.

Chairman Burgess stated that, without objection, the Commission meeting of Monday, September 26, 2016, was adjourned until Monday, October 17, 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