

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

**255**

REGULAR ADJOURNED SESSION FROM SEPTEMBER 26, 2016 TO OCTOBER 17, 2016

The Board of County Commissioners met pursuant to adjournment at 3:00 p.m., October 17, 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, 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 (ABSENT AT ROLL CALL) and Steve Basar. Present, thirteen; Absent, none.

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 Reverend Frederick Tappan, Pastor of Eureka True Vine 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 26, 2016.

Minutes of the Previous Session of September 26, 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 26, 2016, was adopted.

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**CONSENT A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**ITEM 1 (ADOPTED)**

**RESOLUTION HONORING TYRONE BURROUGHS.  
SPONSORED BY CHAIRMAN MELVIN BURGESS AND  
COMMISSIONER VAN D. TURNER, JR.**

"WHEREAS, Tyrone Burroughs has received numerous awards and recognition for his civic, religious, and community involvement, notably as a member of the NAACP

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Memphis Chapter; he has served on many boards and received many more awards for his outstanding achievements; and

WHEREAS, After years of developing his sales and marketing skills, Tyrone Burroughs founded First Choice in 1987, with the mission to serve as a premier global consumer products management firm in the beauty care industry; his ability to develop sales territories, marketing strategies and opportunities, enhance public relations and build strong teams and partnerships can be attributed to his drive and passion for the industry; and

WHEREAS, Servicing a niche market primarily focusing on the African American consumer, Tyrone Burroughs worked with manufacturers and major retailers across all channels to enhance sales territories, brand presentation, awareness and category management; and

WHEREAS, Tyrone Burroughs' investment in First Choice has unmatched capabilities in sales, category management, planogram planning, marketing, public relations, promotion and merchandising which helps products succeed in niche markets; and

WHEREAS, In 2012 Tyrone Burroughs purchased the historic R.S. Lewis Funeral Home which has operated continuously in downtown Memphis since 1914; the home has held services for many prominent African Americans, including Dr. Benjamin Hooks and Dr. Martin Luther King, Jr.; and

WHEREAS, Tyrone Burroughs was born in 1955 in Williamsburg County, SC where he attended public schools and after graduating from college he enlisted in the Army and completed Officers Candidate School; he received his Bachelor of Arts in Political Science from Benedict College in 1975, married Nelda Burroughs and raised three children; they currently have 4 grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE That we do hereby honor Tyrone Burroughs for his outstanding dedication to the citizens of Shelby County.”

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

Date: October 27, 2016

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ATTEST:

/s/ Rosalind Nichols \_\_\_\_\_  
Clerk of County Commission

ADOPTED: October 17, 2016

**ITEM 1A (ADOPTED)**

**RESOLUTION HONORING METROPOLITAN BAPTIST  
CHURCH 'PROGRESSIVE MEN'S BIBLE CLASS'.  
SPONSORED BY CHAIRMAN MELVIN BURGESS.**

“WHEREAS, The Metropolitan Baptist Church was formed one hundred seventeen years ago with about three hundred worshipers, being first located at Vance and Fourth is now located at 767 Walker Avenue; and

WHEREAS, In 1923 Reverend Samuel Augustus Owen began a tenure at Metropolitan which lasted more than 49 years; he organized the membership into districts and initiated the formation of training ministries, special annual calendar events and many more ministries, adopting the motto “Extra Effort Wins”; in 1929 the members made the historic march to the current site; and

WHEREAS, Dr. Reginald Porter, Sr. currently serves as Vice President of the PNBC Southern Region and has initiated and expanded services to include a Christian Education Retreat, naming an athletic director, naming an archivist, strengthening the Birthmonth Fellowship Ministry, instituting Disciple Bible Study, creating the Centenarians Club for members who lived to be one hundred, named a webmaster who established the current website “www.extraeffortwins.com”, started the “20-30” Ministry and the Dance Ministry, reactivated the Youth Choir, Youth Fellowship and instrumental ensemble; Reverend Davena continues to be a strong supporter, using her special gifts for preaching, teaching, counseling, and encouraging to help carry out the programs and services of the church; and

WHEREAS, The present Progressive Men’s Bible Class was originally The Young Men’s Bible Class, and with most bible classes once they are formed they tend to stay put, and although new members of diverse ages joined, no one moved to the Men’s Bible Class; and

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WHEREAS, After a number of seasons the ages became wider and wider and the name "Young Men" was no longer descriptive and they realized they were after all, "progressive", thus the name changed to "Progressive Men's Bible Class" in the early 1970's; and

WHEREAS, For many years Mr. Theodore R. McLemore served as lead teacher, and Mr. Ernest Abron as co-teacher. With the passing of Mr. McLemore and Mr. Abron, Mr. James Hawkins, Sr. assumed the role of teacher and presently still serves with the assistance of Mr. Herman Henning and Mr. Henry Ateman.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE That we do hereby honor Metropolitan Church "Progressive Men's Bible Class" for its outstanding dedication to the progressive men of Shelby County."

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

**ITEM 2 (ADOPTED)**

RESOLUTION HONORING LATINO MEMPHIS.  
SPONSORED BY COMMISSIONER VAN D. TURNER,  
JR.

"WHEREAS, National Hispanic Heritage Month is the period from September 15th through October 15th in the United States, where people recognize the contributions of Hispanic and Latino Americans and the group's heritage and culture; and

WHEREAS, Latino Memphis was formed in 1995 to promote the advancement of the Latino community in Shelby County and the Mid-South by encouraging developments, assisting Latino residents, and being a gateway through which the community accesses the different services and opportunities in Shelby County; and

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WHEREAS, Over the past 20 years, Latino Memphis has become the go-to organization for issues impacting the Hispanic Community in the Mid-South, raising the voice of Latinos in our region and advocating for a better, more inclusive Shelby County; and

WHEREAS, Latino Memphis is the largest Latino-serving nonprofit in West Tennessee, serving thousands of clients each year and advancing awareness of the many issues impacting the Latino Community; and

WHEREAS, There has been a consistent and rampant growth in the Hispanic population in Shelby County. 81,000 plus Latinos call Shelby County their home, and there are over 2,000 Latino-owned businesses in Shelby County; and

WHEREAS, Shelby County recognizes the contributions of people and cultures that have a positive influence on our community and have culturally enriched our lives.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE That we do hereby honor Latino Memphis in celebration of National Hispanic Heritage Month for their immeasurable service and dedication to the Latino Community.”

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

**ITEM 3 (ADOPTED)**

RESOLUTION HONORING AC WHARTON.  
SPONSORED BY COMMISSIONER VAN D. TURNER,  
JR.

“WHEREAS, AC Wharton was born and raised in Lebanon, Tennessee, sharing his name with his father and grandfather, as well as his eldest son; AC has stated that his first name is simply the letters “A” and “C” and is not an acronym for anything else; and

WHEREAS, AC Wharton graduated from Tennessee State University with a degree in Political Science and earned his law degree from the University of Mississippi

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where he became a distinguished professor of law and taught at the university for 25 years; AC still lives in the Glenview neighborhood of Memphis with his wife Ruby; the Wharton's have three sons together and raised three other boys; they also have seven grandchildren; and

WHEREAS, In 1980 then-Shelby County Mayor Bill Morris appointed Wharton as Chief Shelby County Public Defender where his concern for the mentally ill in the criminal justice system resulted in the Jericho Initiative, and became a national model program; he was Chief Public Defender until 2002 when he was elected the first African-American mayor of Shelby County, Tennessee; and

WHEREAS, As Mayor of Shelby County in 2002, AC initiated Operation Safe Community in order to make the public safer by getting illegal guns off the streets; he also developed a program to help prisoners develop skills to succeed in life and to support their families, and improved the management and accountability of the county's Head Start program and is a strong advocate of "Books from Birth", a unique early-childhood education program that provides books for over 28,000 children in Memphis and Shelby County every year; and

WHEREAS, In the October 2009 Special Election for Memphis City Mayor, AC won with 60 percent of the vote in a field of 25 candidates; being sworn into office on October 26, 2009 as the fourth African-American (after J.O. Patterson, Jr., Dr. W.W. Herenton, and Myron Lowery) to serve as Mayor of Memphis; AC would be the second African American (after Dr. W. W. Herenton) to be elected to that office, where he served until December 31, 2015; and

WHEREAS, Mayor AC Wharton has distinguished himself as being the only public servant who has served our great city and county as Mayor; he will go down in history as one of the greatest ambassadors for both the city of Memphis and County of Shelby, and he still, even to this day, continues to serve this community through the AC Wharton Group, a public policy and strategic planning firm.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE That we do hereby celebrate the life and legacy of Mayor AC Wharton."

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

**ITEM 4 (ADOPTED)**

RESOLUTION APPROVING A CONTRACT BETWEEN SHELBY COUNTY GOVERNMENT AND LIBERTY TIRE RECYCLING, LLC TO PROVIDE WASTE TIRE RECYCLING SERVICES FOR SHELBY COUNTY GOVERNMENT FOR THE FISCAL YEAR 2017. THIS ITEM REQUIRES EXPENDITURE OF STATE SHARED REVENUE FUNDS IN THE AMOUNT NOT TO EXCEED \$400,000.00. SPONSORED BY COMMISSIONER GEORGE B. CHISM, SR.

“WHEREAS, Shelby County Government has the need for waste tire recycling services in accordance with Tennessee Code Annotated, Section 68-211-866(b); and

WHEREAS, Funding for said services is provided by shared revenue from the State of Tennessee for tires sold in Shelby County; and

WHEREAS, The County issued its Request for Proposals No. 16-005-79, Rebid Waste Tire Recycling Services, Support Services (RFP), May 24, 2016, receiving one response to said RFP on June 7, 2016; and

WHEREAS, The County awarded said RFP to the sole Respondent, Liberty Tire Recycling, LLC (“Liberty”) on June 28, 2016 and Liberty has agreed to all terms and conditions required of it by the County; and

WHEREAS, The Contract will commence upon execution and continue through June 30, 2017, with the option to renew for two additional one-year renewal periods; and

WHEREAS, Funds in the amount of \$400,000.00, for the initial term of said contract are available in the FY 2017 Waste Tire Program, Account No. 724-307324-6664.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with Liberty Tire Recycling, LLC in the amount of \$400,000.00, attached hereto as \*Exhibit A and incorporated herein by reference as if stated verbatim is hereby approved.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in amounts not to exceed \$400,000.00, for the purposes contained in this Resolution to Liberty Tire Recycling, LLC and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That said Contract contains the option to renew for two additional one-year renewal periods. If said options are renewed, the said renewal amounts shall not exceed \$400,000.00, annually are hereby approved subject to adoption of each said fiscal year funding by the Board of County Commissioners.

BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute any and all documents necessary to fulfill the intent of this Resolution, executed copies of which are to be placed on file in the Contracts Administration and Purchasing Departments of Shelby County Government.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to issue purchase orders pursuant to said Contract from the FY 2017 Waste Tire Program, Account No. 724-307324-6664 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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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Commissioner Turner stated that Committee recommended Item 4 for adoption.

**ITEM 5 (ADOPTED)**

RESOLUTION TO AMEND THE FY 2016-2017 SHELBY COUNTY DRUG COURT OPERATING BUDGET TO TRANSFER \$11,429.00, FROM THE GENERAL SESSIONS DRUG COURT SPECIAL REVENUE FUND OPERATING AND MAINTENANCE BUDGET TO THE PERSONNEL BUDGET AND AMEND THE POSITION CONTROL BUDGET TO RECLASSIFY THE POSITION OF SOCIAL WORKER A TO MANAGER B AND APPROVE ALLOWANCE FOR INCREASE IN PAY FOR THIS POSITION. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, The Shelby County Drug Court Fund 096 FY 2016-2017 budget was submitted and approved by the Shelby County Board of Commissioners with specified amounts allocated for salaries, other compensation, fringe benefits, operations, and maintenance; and

WHEREAS, A job reclassification study was requested to review the position of Social Worker A located in the Shelby County Drug Court; and

WHEREAS, Shelby County Government Compensation Section reviewed and recommended a reclassification of the position to Manager B and approved an allowance for an increase in pay attached as \*Exhibit A, which shall be incorporated herein by reference; and

WHEREAS, Judge Dwyer concurs with the results of the review and recommends the same; and

WHEREAS, It is necessary to amend the General Sessions Drug Court Special Revenue Fund operating budget to transfer \$11,429.00, from the Operating and Maintenance budget to the Personnel budget, pursuant to the budget amendment attached hereto as Exhibit B; and

WHEREAS, It is necessary to amend the General Sessions Drug Court Special Revenue Fund position control budget pursuant to the budget amendment attached hereto as Exhibit C.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Shelby County Government FY 2016-2017 Operating Budget for Fund 096 of the Shelby County Drug Court is hereby amended

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and the funds in the amount of \$11,429.00, are hereby appropriated pursuant to the attached \*Exhibit B, which shall be incorporated herein by reference.

BE IT FURTHER RESOLVED, That the FY 2016-2017 Shelby County Government Position Control Budget for Shelby County Drug Court is hereby amended pursuant to the attached \*Exhibit C, which shall be incorporated by reference.

BE IT FURTHER RESOLVED, That the County Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in amounts not to exceed \$11,429.00, for the purposes contained in this Resolution and to take proper credit in their accounting therefor.

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

\*NOTE: EXHIBITS A, 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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

**ITEM 6 (ADOPTED)**

RESOLUTION APPROVING A RENEWAL AGREEMENT WITH INTERACT PUBLIC SAFETY SYSTEMS FOR SHERIFF’S OFFICE INTERACT MOBILE SERVER AND INTERACT MOBILE COP SOFTWARE MAINTENANCE. THIS ITEM REQUIRES EXPENDITURE OF COUNTY GENERAL FUNDS IN THE AMOUNT OF \$53,053.96. SPONSORED BY COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, The Shelby County Sheriff’s Office has the need to renew its Interact Mobile Server and Interact Mobile Cop software maintenance; and

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WHEREAS, InterAct Public Safety has been approved as a sole source vendor by memo dated July 11, 2016, to provide the Interact Mobile Server and InterAct Mobile Cop Software maintenance at a cost of \$53,053.96; and

WHEREAS, The original contract provided for five (5) renewals, with the last renewal period ending June 30, 2016; and

WHEREAS, The parties now desire to add an additional one year renewal period to continue providing support and annual maintenance of the InterAct Mobile Server for the term beginning July 1, 2016 through June 30, 2017; and

WHEREAS, The Sheriff's Office deems it prudent to enter into a renewal agreement with InterAct Public Safety Systems for the above stated services in the total amount not to exceed \$53,053.96; and

WHEREAS, Funds in the amount of \$53,053.96, have been allocated in the FY 2017 Operating Budget, Account Number 031-610501-6723 Equipment Maintenance – Contracted; Computer/Telecom.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY TENNESSEE, That the contract with InterAct Public Safety Systems in the amount of \$53,053.96, be hereby approved.

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 \$53,053.96, to InterAct Public Safety Systems for the purposes contained in this Resolution, and to take proper credit in their accounting therefor.

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

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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Commissioner Billingsley stated that Committee recommended aforesaid Items 5 and 6 for adoption.

**ITEM 7 (ADOPTED)**

RESOLUTION RATIFYING AND APPROVING AMENDMENTS BY THE SHELBY COUNTY BOARD OF EDUCATION TO THEIR OPERATING BUDGET FOR FISCAL YEAR 2017 IN THE AMOUNT OF \$2,041,414.00, AS ADOPTED BY THE SHELBY COUNTY BOARD OF EDUCATION ON SEPTEMBER 27, 2016. SPONSORED BY COMMISSIONER WALTER L. BAILEY, JR. \_\_\_\_\_

“WHEREAS, The Shelby County Board of Education adopted the Fiscal Year 2017 Operating Budget of the Shelby County Board of Education on July 6, 2016; and

WHEREAS, The Operating Budget of the Shelby County Board of Education for Fiscal Year 2017 was approved and appropriated by the Shelby County Board of Commissioners on August 1, 2016, Resolution No. 30; and

WHEREAS, The Shelby County Board of Education has ratified amendments to the expenditure of money as provided for by said budget pursuant to Tennessee Code Annotated, Section 49-2-301(b)(W)(ii) on September 27, 2016, which is attached hereto as Exhibit A and included herein by reference; and

WHEREAS, Tennessee Code Annotated, Section 49-2-301(b)(W)(ii) also requires that any change in the expenditure of money as provided for by the budget be ratified by the local legislative body.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That amendments to the Fiscal 2017 Operating Budget for the Shelby County Schools in the total amount of \$2,041,414.00, as adopted by the Shelby County Board of Education on September 27, 2016, are hereby ratified and funds appropriated as summarized in \*Exhibit A which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That a copy of this Resolution and the attached Exhibits are to be placed on file and incorporated into the Minutes of this meeting of the Shelby County Board of Commissioners as evidence of this action.

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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

Commissioner Chism stated that Committee recommended Item 7 for adoption.

**ITEM 8 (ADOPTED)**

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$20,000.00, TO HISTORIC ARCHIVES OF ROSEMARK &  
ENVIRONS, INC., A CHARITABLE ORGANIZATION.  
SPONSORED BY COMMISSIONER TERRY ROLAND.

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

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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 Historic Archives of Rosemark & Environs, Inc., in the amount of \$20,000.00, 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

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ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

Commissioner Ford stated that Committee recommended Item 8 for adoption.

**ITEM 9 (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 \$10,000.00, to Tri State Youth Baseball Academy, Inc., a Charitable Organization. Sponsored by Chairman Melvin Burgess.

Chairman Burgess stated that without objection, Item 9 would be removed to Regular Agenda.

**ITEM 10 (ADOPTED)**

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$10,000.00, TO, MAIN STREET COLLIERVILLE, INC., A  
CHARITABLE ORGANIZATION. SPONSORED BY  
COMMISSIONER GEORGE B. CHISM, SR.

“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 Main Street Collierville, Inc. in the amount of \$10,000.00, 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 27, 2016

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ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

**ITEM 11 (ADOPTED)**

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$5,000.00, TO SHELBY COUNTY EDUCATION  
FOUNDATION, INC, A CHARITABLE ORGANIZATION.  
SPONSORED BY COMMISSIONER STEVE BASAR.

“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, 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 Shelby County Education Foundation, Inc., in the amount of \$5,000.00, as a grant listed in \*Exhibit A hereto for the projects detailed in the attached plan of services for the grant.

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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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

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

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

REGULAR AGENDA

NOTE: CHAIRMAN BURGESS STATED THAT, WITHOUT OBJECTION ITEM 9 WHICH WAS REMOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA, WOULD BE TAKEN UP AT THIS TIME.

REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

**ITEM 9 (ADOPTED) (AS AMENDED)**

Mr. Turner, Assistant County Attorney, announced Item 9, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE FY 2017 OPERATING BUDGET IN THE AMOUNT OF \$20,000.00, TO TRI STATE YOUTH BASEBALL ACADEMY, INC., A CHARITABLE ORGANIZATION. SPONSORED BY CHAIRMAN MELVIN BURGESS, COMMISSIONER WALTER L. BAILEY, JR., COMMISSIONER GEORGE B. CHISM, SR., COMMISSIONER VAN D. TURNER, JR., 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

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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 Tri State Youth Baseball Academy, Inc., in the amount of \$20,000.00, 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.

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

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Commissioner Chism, who stated: “Mr. Chairman, I’d like to add \$2,500.00 to their grant.”

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

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

Chairman Burgess recognized Commissioner Turner, who stated: “Mr. Chairman. I’d like to add \$1,500.00.”

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

Chairman Burgess recognized Commissioner Reaves, who Made a Motion to Amend to add \$1,000.00; duly seconded by Commissioner Shafer.

Chairman Burgess stated Item 9 would be amended; without objection.

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

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

NAYS: None

ABSENT: None

AYES, eleven; NAYS, none; ABSENT, none (Milton and Jones absent during roll

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call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

**ITEM 12 (ADOPTED)**

Mr. Turner, Assistant County Attorney, announced Item 12, which is as follows:

RESOLUTION APPROVING KATHRYN WILLIAMS  
PASCOVER AS COUNTY ATTORNEY OF SHELBY  
COUNTY GOVERNMENT. SPONSORED BY  
COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, The County Attorney’s Office was created by section 3.08 (A)(1) and A(2) of the Shelby County Charter; and

WHEREAS, Sections 3.06 (B)(1) and 3.08(A)(1) of the Shelby County Charter require the Shelby County Mayor to appoint the County Attorney, subject to the approval of the Shelby County Board of Commissioners; and

WHEREAS, Kathryn Williams Pascover has been appointed by the Honorable Mark H. Luttrell, Jr., Mayor of Shelby County, for the position of County Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Kathryn Williams Pascover is hereby approved for the position of County Attorney of Shelby County Government effective immediately.

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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

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seconded by Commissioner Turner.

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you, very much. I'd like to ask just a few questions, if possible. Ms. Pascover thank you for appearing in front of us. Would you please give me your opinion on whether the Commission is according to the Charter, can amend the budget or if we merely have to vote it up or down.

Chairman Burgess recognized Ms. Kathryn Pascover, Interim County Attorney, who stated: "I believe my understanding is you can amend the Charter.

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you and what about audits? Are – do you – is it your opinion that the Commission can request and order audits or merely one audit per year with our selective auditor?"

Chairman Burgess recognized Ms. Pascover, who stated: "I don't know the answer to that Commissioner Shafer, I'd be happy to look into that for you."

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you. Is it your opinion that if Commissioners pass a Resolution/Ordinance that disagrees with a – with an opinion that you have written that we will lose our legislative immunity?"

Chairman Burgess recognized Ms. Pascover, who stated: "If an official opinion is written by the County Attorney, whoever is sitting in that role, I believe that does for purposes of Shelby County Government carry the force and effect of law and recognize law at that point."

Chairman Burgess recognized Commissioner Shafer, who stated: "So you're saying that your opinion is binding on the legislative body?"

Chairman Burgess recognized Ms. Pascover, who stated: "On the question that is presented before it and if the issue is that the opinion of the County Attorney going to any particular question, a formal opinion would have the effect of recognized law and therefore in my view the issue of qualified immunity would be jeopardized."

Chairman Burgess recognized Commissioner Shafer, who stated: "So even in what, the State Attorney General's opinion is not binding on the state and the Attorney General of the United States of America's opinion is not binding on the Congress?"

Chairman Burgess recognized Ms. Pascover, who stated: "In my opinion the action of the County Attorney would be recognized as – with regard to Shelby County on that particular question posed would carry with it the effect for this body and the Shelby County Government of law."

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Chairman Burgess recognized Commissioner Shafer, who stated: "Interesting, I appreciate your candor. If there is a disagreement between the executive and legislative branch, how will you handle that?"

Chairman Burgess recognized Ms. Pascover, who stated: "I guess I would need clarification. A disagreement in what regard, Commissioner?"

Chairman Burgess recognized Commissioner Shafer, who stated: "Well, let's just use one – let's just pick one. If we – if the Commission wants to hire financial folks and the Administration says that we must use the financial folks who are appointed by them and we can't come to a – or if a the Commission passes a Resolution saying that we're going to hire our own people and we are requesting legal assistance, what would you do?"

Chairman Burgess recognized Ms. Pascover, who stated: "Well I think I would have to look at the particulars of the issue brought to the County Attorney and I couldn't at this point speculate on a particular issue, for example financial audits."

Chairman Burgess recognized Commissioner Shafer, who stated: "So are there any circumstances where you would see that it would – that you would refuse to hire outside counsel for the Commission?"

Chairman Burgess recognized Ms. Pascover, who stated: "Outside counsel or outside financial aid?"

Chairman Burgess recognized Commissioner Shafer, who stated: "Let's go with outside counsel."

Chairman Burgess recognized Ms. Pascover, who stated: "I think again that issue in particular would have to do with whether there was a conflict within the County Attorney's Office or whether there is another impediment to the County Attorney's Office answering the question that is posed to it, otherwise the County Attorney's Office is legal counsel for Shelby County Government and that would include this body."

Chairman Burgess recognized Commissioner Shafer, who stated: "Okay, thank you and last question. Do you have any – do you see any impediment to our – to Commissioners either individually or corporately seeking legal advice from other people in the legal field."

Chairman Burgess recognized Ms. Pascover, who stated: "In your role as a County Commissioner or in terms of a lawsuit, I guess I need more clarification."

Chairman Burgess recognized Commissioner Shafer, who stated: "In our role as a

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County Commissioner, as we're looking for Resolutions that come up and if we happen to ask other attorneys for their input on it. Do you see that as being – that there's an impediment for us seeking legal opinions elsewhere?"

Chairman Burgess recognized Ms. Pascover, who stated: "Well again the County Attorney's Office is the representative of this body, certainly individuals and not in your role as Commissioners, you could – you obviously can seek counsel wherever you choose; but in terms of the role as Commissioner absent of conflict or other particular situation that would interfere with the County Attorney's Office from representing the Commissioners as individuals in their roles as Commissioners, for example in a lawsuit, then this – the County Attorney's Office would, in my view provide legal advice."

Chairman Burgess recognized Commissioner Shafer, who stated: "And who in your opinion, who's role is it to determine if there's a conflict?"

Chairman Burgess recognized Ms. Pascover, who stated: "Well I think the County Attorney's Office – our role in terms of our ethical obligations under the rules of professional responsibility would guide us in that."

Chairman Burgess recognized Commissioner Shafer, who stated: "And if the Commission said that there was a conflict, would you take that into account?"

Chairman Burgess recognized Ms. Pascover, who stated: "Well of course. We would always take it into account and would want to explore all the parameters of that."

Chairman Burgess recognized Commissioner Shafer, who stated: "And would you recuse yourself should we believe that you yourself are conflicted?"

Chairman Burgess recognized Ms. Pascover, who stated: "Well I certainly – if under the rules of professional responsibility I consider that I in fact had a personal interest conflict or my office as a whole had a conflict then we would certainly look to obtain outside counsel on behalf of this body or any of our other clients."

Chairman Burgess recognized Commissioner Shafer, who stated: "Thank you. I appreciate those answers. Commissioners, I will not be able to vote for Ms. Pascover, because I do not believe that constitutionally at any time does an attorney's opinion bind a legislative body. Thank you."

Chairman Burgess recognized Commissioner Turner, who stated: "I just want to go on record stating that I've had an opportunity to observe Attorney Pascover in her role as Interim County Attorney and I think she's conformed admirably. This is a difficult position in

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that you have to balance the law, politics and all the things that go into government and still be able to one, not lose your mind and two give sound legal advice. So I appreciate what she's shown thus far. She comes from a well-established and well respected firm. I indeed think that Attorney Pascover and Deputy Attorney Ingram both practiced at that same firm, Ford and Harrison, which is a nationally recognized firm. And so with that being the case, Mayor Luttrell, I appreciate the recommendation. I do intend on supporting your recommendation and I look forward to your service to the county. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. I had the pleasure of meeting with Attorney Pascover, though a layman, I felt her knowledge of the law was impressive. Her clarity of thought was sharp and her understanding of her role in regards to representing both the Administration and the Legislative body acceptable. I see no reason why I would not support her position being excepted here today. Thank you very much."

Chairman Burgess recognized Commissioner Billingsley, who stated: "Thank you, Mr. Chairman. I rose to sponsor this Resolution approving Kathryn Williams-Pascover as County Attorney, my experience though limited thus far, have been very, very positive, but as I shared in Committee I don't believe the role Ms. Pascover is to necessarily to always agree with the County Commission, always agree with the County Attorney. I think her job is to guide us down the most appropriate and legal path. So I anticipate there'll be times when Ms. Pascover does not agree with this body as well as there'll be times when she'll advise the Mayor to go down a different route. But that's why I respect the position of County Attorney, I think it's a very difficult position, but historically over my career and prior to coming into public service, the County Attorney's opinion has never been questioned before and I don't intend to question it now other than to ask Ms. Pascover to always be honest be us, to act with the most integrity, which she has done her entire career. Her resume speaks for itself and her experiences speak for themselves. So Ms. Pascover I welcome you aboard. I'll be supporting you today and we thank you on behalf of Shelby County for offering yourself up for this awesome task. Thank you, Mr. Chairman."

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

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

NAYS: Shafer

ABSTENTION: Roland

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ABSENT: None

AYES, eight; NAYS, one; ABSTENTION, one; ABSENT, none (Bailey, Ford and Jones absent during roll call).

Chairman Burgess declared the MOTION CARRIED.

ORDINANCES

**ITEM 13 (SECOND READING) (APPROVED) (AS AMENDED)**

Mr. Turner, Assistant County Attorney, announced Item No. 13, Ordinance – Second 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, 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

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an Ordinance is read on First and Second Reading. See Minutes of Third Reading for full text of Ordinance.

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

Chairman Burgess recognized Commissioner Billingsley, who stated: "Thank you, Mr. Chairman. I'll continue to support this today. Since the last Committee meeting, I did have the opportunity to speak with Mr. Whitehead and I know it seems ridiculous, but inside this is feather signs and since this came up I've learned more about feather signs than I probably care to know, but they are used by a multitude of businesses that are in our respective districts they are being appropriately used. This would limit feather signs to one sign in every 30 days and to my knowledge you would have to re-up to get a feather sign. I see staff out there nodding in the affirmative. Everything from the Jewish Community Center to McDonald's – I understand the intended purpose of this, because he showed in his presentation sort of a ghastly lot where someone was inappropriately using them, but I think there is a place for them and lately and over this last month I saw a lot of them related to cancer initiatives. So before the Third Reading I just wanted to share, I'll be offering up brief consideration of the feather signs, but today I'll be supporting this. Thank you."

Chairman Burgess recognized Commissioner Shafer who stated: "Thank you and yes and I'm sorry, Commissioner Billingsley are you – did you say that you're going to offer an amendment to it and – so is that – do you have an amendment ready today, well – because I would be willing to offer an amendment today because I'm also looking at the feather signs and I don't find them A) objectionable, B) they're kind of temporary and I notice them all over the place. Honestly for somebody who's done advertising, one feather sign by itself doesn't actually have any impact. It's as you're driving down that you see several of them that you start to have impact and the last thing I want to do is make it more difficult for businesses to attract customers and do business, we need for businesses to stay open. Mr. Whitehead do you have any ideas – is Mr. Whitehead here? Sir, do you have any ideas of some things that we could do that would you know like what if we said we limited to five or seven or if we had some kind of you know scale – sliding scale for how many you could have based on the size of your property."

Chairman Burgess recognized Mr. Chip Saliba, Office of Planning and Development, who stated: "The problem is with one sign you have frontages some have 100

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feet of frontage, some have 1,000 feet of frontage, so where do you draw the line on what is an acceptable amount or number of signs to be allowed. We are willing at this point to take the feather signs off the table right now. We're coming back next year with an amendment – amendments to the sign Ordinance itself and we can include signs – feather signs at that time may be in a more comprehensive manner if you would like for us to do that?"

Chairman Burgess recognized Commissioner Shafer, who stated: "Yes, I think that's an excellent suggestion. Mr. Chairman, with your permission, I'd like to go ahead and make a motion that we excise that portion of the code only for this and – so if I could have a second?"

Chairman Burgess recognized Commissioner Shafer, who Made a Motion to excise a portion of the code; duly seconded by Commissioner Billingsley.

Chairman Burgess recognized Commissioner Basar, who stated: "Alright, well I'll go on record here to say I think I asked Josh to put some wording on feather signs, so this might be partly my doing, but I do think and I can agree to disagree with my colleagues, I think it's blight issue and I think that feather signs are over used and abused and I think if you allow them to continue at the pace that they are you know I think that they don't have a whole lot of effect other than its polluting the atmosphere as far as driving around. I think they're a distraction for drivers. I don't think they really do anything for business and I do see the signs in front of JCC, but that's because they're allowed to have them there and if this were to pass they wouldn't be able to have them there. I mean there's a lot of areas in – I mean I don't think Germantown allows feather signs – they do? Okay. Well I just think I approve the feather sign piece of this, but obviously we'll go along with the will of the body, but that's I think I asked for this, that's why it's here. I'm glad it's here and I would like to see it passed. Thank you."

Chairman Burgess recognized Commissioner Shafer, who stated: "So, Mr. Chairman, I think we probably need to go to a vote on that about the – on that amendment."

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

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

NAYS: Basar

ABSENT: None

AYES, nine; NAYS, one; ABSENT, none (Bailey, Ford and Jones absent during

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roll call).

Chairman Burgess declared the MOTION TO AMEND CARRIED.

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

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

NAYS: None

ABSENT: None

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

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

**ITEM 14 (SECOND READING) (REFERRED BACK TO COMMITTEE)**

Mr. Turner, Assistant County Attorney, announced Item No. 14, Ordinance – Second 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.

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

Chairman Burgess recognized Commissioner Turner, who stated: “Thank you, Chairman. I think that this item still bears some work. I passed around for you Commissioners, an amended version of the Ordinance and I think that the amended version has some parts of it that were not in the previous version and I may ask the County Attorney

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who assisted with this to sort of articulate for the Commissioners how the original Ordinance read and now how the amended Ordinance read and I think in order to allow the Commissioners some time to digest all of this, after he speaks, Mr. Chairman, I may ask this go back to Committee. This being the Second Reading, we have to have it right this time for it to go to a Third Reading and if it bares amendment, we have to do it now and I would feel more comfortable if we would send it back to Committee, but let's hear from the County Attorneys first if we may."

Chairman Burgess recognized Mr. Carter Gray, Assistant County Attorney, who stated: "I've worked with Commissioner Turner after listening in the Commission's Committee meeting to some of the concerns about the financial ability of these facilities, there importance to providing a critical element of residential care to our citizens and the nature of the problems he was attempting to address. In order to try and make the Resolution and Ordinance better fit the problem that he wished to solve, I've proposed with his consent a number of changes to the existing Ordinance. I would say the first is that these facilities will be judged based on their unit capacity, the number of units not on their residence. It's very difficult for an enforcement program to say oh they're 10 residents there as opposed to five units. So we've changed the measure of this, we've also increased it so the minimum number of units in a particular structure would have to be 20. That's a fairly large facility. We think in that case it's far more likely that the residents would be in a position to be more dependent on what was there and to provide these services for that resident – those residents. So this change is from as few as five residents to 20 units or residential units. It is still restricted to those – they must be restricted to those over the age of 62 or have a disability. Second because of the concern expressed about the potential for re-regulation, we made a specific statement in this amended Ordinance that would exclude any facility subject to state or federal certification or licensure. This addresses the more need facilities such as assistant care facilities which is a regulated group by the state and we don't want to be in the way of the state's comprehensive regulatory program. So there's specific provision to exclude any facility that's subject to state licensure or state certification. The third area we've done is an – having spent some time with building codes. What you learn about building codes, they're all about getting people in buildings and getting people out of buildings when things go south. With that in mind we believe this Ordinance was intended to provide for the safety and care of our elderly and disabled residents during

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periods of outage, so rather than making the entire structure subject to these standby and generator regulations, we require them to have a suitable area of haven where there is power for lights, climate control, communication equipment and enough refrigeration to keep critical temperature sensitive medicines under cover. We think this, in most facilities probably relate to either the dining area or lobby, but we would leave it to the facility to designate that area based on their needs. So what we're trying to do is make the Ordinance better fit the problems that we're trying to address and those are three principle changes – four principle changes that we've proposed in the drafted Ordinance I've provided Commissioner Turner and I'm sure we can talk with it at Committee, I'll post a memo summarizing those changes, a redline version of the changes made between the existing Ordinance and the amendments we proposed and then a clean copy of that Ordinance as well.”

Chairman Burgess recognized Commissioner Turner, who stated: “Thank you, Attorney Carter Gray for the fine job that you've done on this and to my fellow Commissioners, I know there was an issue as far as cost and what we tried to do was limit the generator to just one room, instead of the whole facility, which would be very expensive, we're just saying have the back-up for one room, not the entire facility and I've also just been recently advised that there's a mobile service unit whereas if you contract out with them, they're independent mobile generator operators and we could you know as an alternative be assured that these facilities have an independent contractor that when this happens they don't have to have it onsite but this independent contractor can come and provide the backup services as needed and they may be a more economical way of going about this. So with that said, this is not ready for a Second Reading vote this afternoon. I would propose that we send it – we defer it back to Committee to upload this into SIRE to work on this a little more.”

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

Chairman Burgess recognized Commissioner Reaves, who stated: “I support you on that Commissioner Turner, I do have one question. How can we require them to have a generator, but not require them to keep the tank filled up? And who is going to enforce that, because that's a concern that I have that we require them to have the infrastructure, however a lot of the cost in it seems to be in filling the tank up and making sure it's operational and the testing of it. Is there a compliance piece to this?”

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Chairman Burgess recognized Mr. Gray, who stated: “There is Commissioner. The Office of Code Enforcement is designated as the compliant agency for this. It’s based on a complaint based service. They have a certain amount of time to investigate complaints. I would hope that and this is the discussion we’ve had, if these were very large generators having to do an entire structure with 20 or 30 units, you’re almost limited to a diesel generator, large capacity, maybe even large enough to require an air pollution permit. I think for the limited capacity we’re looking at, some of them may be able to be run on natural gas, which during a power outage doesn’t help you in a seismic event, but during a normal power outage would be more than sufficient to run those operations and is a onetime hook up. So we believe that but enforcement – to answer your question, enforcement would be construction code enforcement.”

Chairman Burgess recognized Commissioner Reaves, who stated: “Based upon a complaint, okay. And the other piece of it is, is there any force ...\*\*\* in place in case there’s a disaster that they don’t have – they don’t have access to fuel that they have to comply.”

Chairman Burgess recognized Mr. Gray, who stated: “This talks about designing the facility it doesn’t necessarily say operating it, that’s maybe something we can talk about. I think that the department would be willing to evaluate these once it is in place and designed, they have it there. I think the department, at least I’ve found in my time over time, that they’re – they understand the real world better than a lot of other county agencies and that when dealing with like a force ...\*\*\* or an inability to run it during a particular period, I think they’d be willing to look at that as they address the enforcement aspect.”

Chairman Burgess stated that Item No. 14 would be Referred back to Committee; without objection.

**ITEM 15 (SECOND READING) (REFERRED BACK TO COMMITTEE)**

Mr. Turner, Assistant County Attorney, announced Item No. 15, Ordinance – Second 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, Director of Public Works and any other Division Director whose employment with the County is contingent upon the approval of the Board of County

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

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Commissioners. Sponsored by Commissioner Terry Roland, 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 Second Reading; duly seconded by Commissioner Brooks.

Chairman Burgess recognized Commissioner Roland, who stated: "I think there was some question about the 90 days, I'd like to change to 120 days. I checked with the state and I checked with the federal system and that's usually pretty general, 120 days. So I guess I want to put that amendment out there."

Chairman Burgess recognized Commissioner Shafer, who stated: Thank you. So if we did 120 days, would that be the sole time frame or would that be – allow an option for renewal, because the concern that I have is 120 plus 120 days..."

Chairman Burgess recognized Commissioner Roland, who stated: "The way I think that this should work is 120 days, then if they haven't made the decision in 120 they would come back and ask this body. That way we would be – we would give them leigh way if we saw that that's what we wanted to do."

Chairman Burgess recognized Commissioner Shafer, who stated: "Right, so if I could just talk that out just a second because you're getting almost to a year if we do another renewal at 120 days and so that really circumvents, in my opinion..."

Chairman Burgess recognized Commissioner Roland, who stated: "But we would

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have – be the sole arbitrator of that whether we were going to give them extra time or not.”

Chairman Burgess recognized Commissioner Shafer, who stated: “Could we build something in perhaps that would give an extension for an additional 30 days instead of a whole another 120? Because what I’m trying to avoid is the situation where they come back and say, hypothetically, okay well we didn’t have it in 120 days and 120 days is what four months, that’s four months, okay. They don’t have it in 120 days and they say okay well let’s renew it and now you’ve got almost a year underway – you see where I’m going?”

Chairman Burgess recognized Commissioner Roland, who stated: “Alright, well then I will change if it’s okay with the Chairman, I will change my amendment to 120 days and then a 30 day extension if needed.”

Chairman Burgess recognized Commissioner Roland who Made a Motion to Amend for 120 days with a 30 day extension; duly seconded by Commissioner Shafer.

Chairman Burgess recognized Commissioner Jones, who stated: “I heard what he said, as needed. Is it already – the language already in here that says with our approval?”

Chairman Burgess recognized Commissioner Roland, who stated: “Alright I can change that, a hundred – I guess I need to tell this to the County Attorneys. Okay, my amendment – right now it’s 90 days, I thought we had changed it, but we hadn’t. I want to change it to 120 days and then upon approval of the County Commission we can add – we can get them an additional 30 days.”

Chairman Burgess recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: “Thank you, Mr. Chairman. I’d like to you know, reiterate what the Administration’s position on this one is. First of all we never intended to put someone in interim position and not bring them forward for confirmation by the County Commission, as evidence by the most recent confirmation – Resolution we put in today, but again having been through this a number of times replacing key individuals, our suggestion was and still is that if we’re going to put in something about interims, we be given 180 days which I think would be more than adequate to cover almost any situation that we would get into given – even given a national search and maybe one or two individuals that for whatever reason would turn down the position and we’d have to continue to search. But if we had 180 days to fill the position, have an interim no longer than that and if something extraordinary happened that we would come forward to the County Commission, not necessarily seeking approval, but just notifying the Commission of the circumstances that we might go a little bit beyond

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that, I think that would be a very reasonable compromise for us to work with and then we could get on with this one. That would be the Administration's recommendation and hope that someone would support that. Thank you, Mr. Chairman."

Chairman Burgess recognized Commissioner Basar, who stated: "Well I'll make the proposal of 180 days."

Chairman Burgess recognized Commissioner Reaves, who stated: "Second. A flat 180."

Chairman Burgess recognized Commissioner Basar, who Made a Motion to Amend the previous Amendment for a flat 180 days; duly seconded by Commissioner Reaves.

Chairman Burgess recognized Commissioner Shafer, who stated: "On the amended amendment. What I see as problematic here is not necessarily the difference in the additional 60 days between the 120 and the 180, but once again it's just an advice and no consent from the Commission needed. So they could – how many times can they do that with no consent from the Commission and I just see that as one more overreach into frustrating the will of this body. So I cannot support that and I urge you to think cautiously about it; you know I'm a short termer here left, but you all have to live with this for a while and even a short termer with two more years – two years is a long time. I – remember that you're setting precedent and I just urge – I urge you to be cautious and get this – and help us to be well balanced. We need the checks and balances. That's why when they wrote the Charter, they made sure that there – they had anticipated that there would be good cooperation between the Commission and the executive branch; doesn't always play out that way and I think we need to take these steps to improve and move forward with this. So I encourage you to be cautious Commissioners."

Chairman Burgess recognized Commissioner Roland, who stated: "Thank you. And the reason I come up with 120 days, I don't know why the county would need more than the state or the federal government. Why would a county or town or municipality need more than the state and the federal government? Why would we want to give – why should the county get more time than our state does and that our federal government does? Thank you."

Chairman Burgess recognized Mayor Mark Luttrell, who stated: "Thank you, Mr. Chairman. Let's reflect a moment on situations of where I think we probably have been

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involved in some point in our lives. University of Memphis, a year and a half for the Interim President and this particular organization here, it took us almost a year to find our Health Department Director. Commissioner Roland you've referenced on several occasions the limitation of the state and federal level and I can name you numerous federal officials that have been in held capacities on numerous occasions extending beyond 120 days. How many of you have served on a pastoral search committee at your church and if you'll remember those situations, it's not uncommon to have an Interim Minister that extends beyond six to 12 months. When you're going after the best you can get and you go through all of the intricacies and the national searches and search committees, you give it careful consideration, sometimes it takes a long time to get what you want. I can tell you that anytime there is a vacancy, I believe, as do you, we need to do it with all deliberate speed to get that filled and by the same token with the critical nature of so many of these positions, it does take a while to get what you want. I understand your sensitivity to it and I am certainly willing to come back to the Commission anytime that we encounter a situation that's going to take an extended period of time, but what we would end up doing if we adopt the Resolution or the Ordinance is we're going to be dealing with this vacancy on two different fronts, that is making sure, number one that we don't keep anybody in an interim position beyond three months or nine months whatever your determination is and constantly rolling over interim directors, while we, on the other hand, are out there trying to find the best one we can. So we're really working on two different fronts. I think it would be common courtesy for us certainly if we think we're going beyond 180 days that we come to you and explain the difficulty that we're having in filling that position and saying listen we're going after the type person we need and it's taking longer than 180 days we need more time and then give you the reason why we're doing it. That keeps the Commission involved, it keeps us moving in a progressive way to try to get this resolved as quickly as we can. So I would ask for a little bit of latitude and let us move forward with that."

Chairman Burgess recognized Commissioner Turner, who stated: "Thank you, Chairman. And thank you Mr. Mayor. I wanted to speak to the amendment as stated and here's where I am, I think the 180 days came from the probationary period that typically is already involved for new employees. So with the new hire to the county, am I correct in stating, County Attorney Pascover, that that person is on a probationary period for 180 days?"

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Chairman Burgess recognized Ms. Kathryn Pascover, Interim County Attorney, who stated: "There is a 180 day probationary period."

Chairman Burgess recognized Commissioner Turner, who stated: "Right. And that's where we get the 180 days from. So I think that we're at a place where we would call a compromise. I do understand and respect the position of my fellow colleagues, Commissioners Shafer and Roland and we're talking about 40 – what are we talking about 60 days. I don't think that the wheels will come off the wagon and you know County Government would be forever damned if we added the additional 60 days on this, just out of a sense of trying to be reasonable and trying to compromise and work to get this issue resolved. We're at a place where both of the parties are at the mediation table and we have a good deliberated upon settlement and I would hate to use this moment and fall back into going back and forth over an issue that really in the grand scheme of things would not rank very high on the major concerns that are in this community and in this county. So with that being said I think the 180 is fine. I think it's a good compromise and based on what the Mayor stated – and this is my concern, we are the policy makers, which means we can't necessarily foresee what happens down the road. If we send this thing out and we say 180, there could be something to happen which would forbid the 180 days from being you know complied with. So I was of the mindset to say if there's something that in which they needed more time come back and we can give them more time. However I do understand we got the 180 days, it's a hard 180 days and if I'm correct, County Attorney, we can always suspend the rules and give more than 180 days in a dire situation. Is that possible? Because this Ordinance is amending the rules – or how is this set up?"

Chairman Burgess recognized Mr. Jack Turner, Assistant County Attorney, who stated: "This Ordinance actually is a Resolution. It doesn't just amend the Permanent Rules of Order, it would amend the – exchanging a County Ordinance or establishing a County Ordinance does – just a suspension of the rules doesn't accomplish that, you have to -- I guess pass another Resolution. I'll defer to the folks down there since we're getting out of parliamentary."

Chairman Burgess recognized Commissioner Turner, who stated: "Yeah, so if it takes more than it does in an emergency and they have to go pass 180 days, then what would they do?"

Chairman Burgess recognized Commissioner Roland, who stated: "I will concede

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and go along with 180 days, but it will a hard 180 days and after 180 days you'd have to come back to the Commission."

Chairman Burgess recognized Commissioner Shafer, who stated: "I would also be okay with that as long as it's a hard 180 days with Commission approval and that would be hard factor. So if they needed to go beyond that, that they may get official Commission approval to go beyond that 180. I'm good with that. Although I do want to just point out that the 180 really isn't a compromise, that was what they came in with so that's really no compromise."

Chairman Burgess stated: "I think on the floor, I think Commissioner Basar, it was 180 days I think the same as the Administration to notify us, but I think now it's 180 days with approval. So there's a difference between notify and approval. So what's on the floor is notify or approve with 180 days, Commissioner Basar."

Chairman Burgess recognized Commissioner Basar, who stated: "I think the Administration agreed to getting our approval on the 180 – you know beyond 180 days to let us know kind of what's going on and seek our approval and go beyond that...well we've kind of gone on a little bit, but I think we said 180 days and I think based on what I heard the Mayor, they would come back to us if it's going beyond 180 days to sort of let us know and seek our approval on if extends beyond 180 days."

Discussion ensued amongst the Commission.

Chairman Burgess recognized Commissioner Turner, who stated: "Point of order, I think our rules provide that amendments have to be in writing. There are no amendments in writing this evening. We're getting into areas that we're not going to resolve on the fly and by oral amendments. I mean this stuff is so complicated that the Supreme Court couldn't figure out what we're doing right now. So how about we defer this back to Committee. We got to get right for the Second Reading or else we'll have to go to a Fourth Reading. So let's send it back to Committee, if that's fine."

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

Chairman Burgess stated that Item No. 15 would be Referred back to Committee; without objection.

**ITEM 16 (SECOND READING) (REFERRED BACK TO COMMITTEE)**

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Mr. Turner, Assistant County Attorney, announced Item No. 16, Ordinance – Second 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 Shafer moved approval of the Ordinance on Second Reading; duly seconded by Commissioner Basar.

Chairman Burgess recognized Commissioner Turner, who stated: “Mr. Chairman this item needs some work, it still reads civil service and we pulled that off the table, Commissioner Roland, last meeting. I think we sent it down without a recommendation, Commissioner Ford.

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

Chairman Burgess stated that Item No. 16 would be Referred back to Committee; without objection.

**ITEM 17 (ADOPTED) (AS AMENDED)**

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

RESOLUTION TO AMEND THE FY 2017 OPERATING BUDGET OF THE SHELBY COUNTY FIRE DEPARTMENT IN THE AMOUNT OF \$5,096,415.00, AND THE POSITION CONTROL BUDGET TO PROVIDE THE RESOURCES AND PERSONNEL NECESSARY FOR A FIRE BASED EMERGENCY AMBULANCE TRANSPORT

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SERVICE. THIS ITEM REQUIRES THE APPROPRIATION AND EXPENDITURE OF FIRE SERVICES FUNDS IN AN AMOUNT NOT TO EXCEED \$5,096,415.00, INCLUDING AN INTERFUND LOAN FROM THE GENERAL FUND FOR CAPITAL PURCHASES IN THE AMOUNT OF \$2,500,000.00. CO-SPONSORED BY COMMISSIONER VAN D. TURNER, JR. AND COMMISSIONER MARK BILLINGSLEY.

“WHEREAS, Shelby County Government (“County”) and the Cities of Millington and Lakeland and Town of Arlington, Tennessee (“Municipalities”), have need for the provision of emergency ambulance services throughout unincorporated Shelby County and within said Municipalities; and

WHEREAS, The County entered into an agreement with American Medical Response of Tennessee, Inc. on July 1, 2013, to provide emergency ambulance service; and

WHEREAS, Shelby County Government has received notice of cancellation by American Medical Response of Tennessee, Inc., of its current contract to provide emergency ambulance transport effective December 31, 2016; and

WHEREAS, After a thorough review of all available options, the County has determined that it is in the best interest of the citizens of the County and Municipalities, from a safety and fiscal standpoint, to provide said fire based emergency ambulance transport through its Shelby County Fire Department (SCFD); and

WHEREAS, This additional responsibility requires an amendment to the FY 2017 Operating and Position Control Budgets to provide salaries for 60 additional Firefighters/EMS personnel, including supervisory staff, and the necessary equipment and medical supplies to fully support a fire based emergency ambulance transport within the unincorporated areas of the County, the Cities of Millington and Lakeland and Town of Arlington, Tennessee for the remaining portion of FY 2017; and

WHEREAS, SCFD has identified the need to increase its FY 2017 Operating Budget by \$5,096,415.00, for this purpose, as shown on the attached Budget Exhibit A and Position Control Budget Exhibit B; and

WHEREAS, The total appropriation of \$5,096,415.00, includes \$2,500,000.00, for the capital purchase of ambulances through an interfund loan from the General Fund as authorized by separate resolution of this body; and

WHEREAS, Fire Fees in the unincorporated areas of Shelby County will be increased by 12% effective January 1, 2017, to support the cost of providing these services.

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

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Shelby County Fire Department's FY 2017 Operating Budget is hereby amended and funds appropriated in the amount of \$5,096,415.00, for the purpose of providing 60 additional firefighters/EMS personnel and supervisory staff with needed equipment and medical supplies, pursuant to the attached \*Exhibit A, which shall be incorporated herein by reference.

BE IT FURTHER RESOLVED, That the Shelby County Fire Department's Personnel Control Budget is hereby amended pursuant to the attached \*Exhibit B, which shall be incorporated herein by reference.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in amounts not to exceed \$5,096,415.00, and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That the Shelby County Fire Department shall submit a written monthly report to the Shelby County Board of Commissioner on the response times achieved in providing this ambulance service.

BE IT FURTHER RESOLVED, That this Resolution becomes 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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Ms. Liz Carrozza, who stated: "Good afternoon, Shelby County Commissioners, Mayor and Directors. Thank you for listening to our concerns. I represent some of the people who live in the Brownsville, Mayer Woods

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Community and unincorporated Shelby County right outside Memphis and Bartlett city limits. We support a plan for the in-house ambulance service. It makes sense to do this as a public service if it will ensure safety and emergencies in life and death situations. Thursday evening I heard a rumor about that days' County Commission Meeting and I was able to search find the information by searching on the county website for the Public Works area. We were unable to have more citizens at todays' meeting because we could not confirm this meeting on the agenda until this morning. In regard to the discussion of public safety and raising of fire fees. If I may toggle your members, you the County Commissioners voted last year to keep Shelby County Fire Station 60 on Egypt Central open and provide the funds for it to remain open. You were told that the money could only come from fire fees and that fees could not be raised at that time. That station served approximately 5,000 household and at least 10,000 people. It was closed November 1' 2015. Now that the fire fees are going to be increased, we would like the discussion to continue to support and reopen Station 60. We were told that a legislative issue of having fire fees versus county taxes would be broached with the Tennessee House of Representatives. This becomes even more important as fire fees are raised to support the ambulance service and we wondered if this was done. When the station was closed last year, we were assured an ambulance would always be parked at the Egypt Central location and this has not been the case. If Station 60 is not reopened, where would the ambulance for our area be housed? According to the presentation last week, on Thursday, our area has a high volume of citizens served...one of the main issue is, it takes a long time for the ambulance to come from Station 66, if there's an ambulance there. Most of the time Memphis Fire Department actually gets to our area before Station 66. And there are many accidents in our area, some serious. So we wondered if all Shelby County Fire Stations also are ready to accommodate the ambulances within stations of where they will be housed. At the meeting last week, the average response time for ambulance services in unincorporated Shelby County was given as 10 and half minutes against the national standard of five and three quarters minutes, and our area is a little bit higher. I also wondered if it could be clarified how many ambulances are going to be purchased. I've heard several different numbers. And part of the request for providing in-house ambulance includes a loan from the General Fund, how does this fit into the scenario that only fire fees can be used for the Shelby County Fire Department? Thank you."

Chairman Burgess recognized Commissioner Basar, who stated: "Thank you. I

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passed out a I guess a one pager, it sort of lays out what the net cost is. Ambulance versus you know if the county does it versus the – if we were to keep AMR. And you know the net/net is with the expected revenue from charging for transports, it's about a million dollars a year roughly that we are ahead versus going with AMR. Then so, yeah – so that's kind of the net/net, sort of works out to. I think it seems like a good plan, seems like a good option. I would hope that the response times are going to be in the five minute range that we've heard and I guess we're going to get 12 ambulances is the number that I heard – that we're buying 12 ambulances. And I'm not sure what the other questions were, but I'm sure someone else will address them if we don't address them here, but I think it's a good deal. I wanted to get this out in front of the Commissioners just to say you know here is what the net/net is. I know the Resolution says \$5 million dollars or roughly \$5.1 million and if you want to pick and tie the numbers where I'm seeing the county ambulance expense is five point – almost \$6 million dollars for this fiscal year, the net increase it is offset by \$870,000.00 decrease on what we would be paying AMR. So you know it kind of works out. This first year we're buying ambulances, it's going to be a little start-up cost, but after that it roughly works out to about \$1 million dollars a year in our favor versus AMR assuming we get the revenues being that are projected and that's something that we'll just have to keep our eye on. Thank you.”

Chairman Burgess recognized Commissioner Shafer, who stated: “Thank you, very much, Mr. Chairman. Just a few questions, I think we're well on the way and so if Mr. Needham -- would you mind because you've been sort in – and also Chief Benson. I think we've got several of these answers or we're well on the way. Thank you very much in advance, or retroactively I say for getting those questions answered for us and I do think that our Thursday meeting was very helpful. First question that just occurred to me as I was looking and I noticed that we're going to have to do a loan, is there a way to use the 911 funds for this, because this is a 911 – we've got a whole bunch of money in that 911 fund, because remember they were going to build a big expensive building with an atrium in it and we said no, we're not doing that. Is there a way to use the 911 funds for this, because this is certainly a 911 function?”

Chairman Burgess recognized Mr. Tom Needham, Director of Public Works, who stated: “The 911 fund falls under the support services for the 911 system, it pays for no operational cost. All of our ...\*\*\* systems and our updated to the next one generation is from 911 funds. So 911 does pay for the operational cost at all.”

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Chairman Burgess recognized Commissioner Shafer, who stated: "Okay. So ambulances are considered operation?"

Chairman Burgess recognized Mr. Needham, who stated: "Absolutely."

Chairman Burgess recognized Commissioner Shafer, who stated: "Okay, so even though we'd be using CIP dollars it's still considered operations?"

Chairman Burgess recognized Mr. Needham, who stated: "911 is an operational cost, like the fire trucks are not provided with 911 funds. It's strictly the equipment to do the 911 call and answer the calls."

Chairman Burgess recognized Commissioner Shafer, who stated: "But wouldn't that be answering the call?"

Chairman Burgess recognized Mr. Needham, who stated: "No ma'am, that's a response to the call."

Chairman Burgess recognized Commissioner Shafer, who stated: "Okay. Difference between answering the call and response to the call. Okay, alright so there's that. how much is in the fire fee – how much in the fire fee fund, right now?"

Chairman Burgess recognized Mr. Needham, who stated: "Presently the reserve in the fire fee fund is a negative \$9.8 million and the reason it's negative is because of the unfunded liability for the pension fund and OPED. Unfunded liability for the pension fund and OPED is in the fire fee – fire fund reserve."

Chairman Burgess recognized Commissioner Shafer, who stated: "So in order to get to zero do we have to raise \$9.8 million in additional?"

Chairman Burgess recognized Mr. Needham, who stated: "We will have to raise about \$9 million dollars over the next 10 or 15 years, yes ma'am."

Chairman Burgess recognized Commissioner Shafer, who stated: "Okay, thank you for that and thank you for your direct answer. As I was looking – just three more questions. As I was looking through the CMS code and I appreciate you all putting that – I noticed that they were talking about a final determination and Commissioners without trying to bore you too much, CMS, that's Centers for Medicare and Medicaid Services is trying to reduce their – they're trying to reduce their cost of how much they have to pay to ambulance services by saying, well we're not going to allow you to bill back retroactively, but I noticed there some kind of little – a little relief in there, but I didn't see a date, a date certain that said yes as of X time you can still bill retroactively. I didn't see that in the final determination

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portion. Can you answer to that?"

Chairman Burgess recognized, Chief Alvin Benson, Shelby County Fire Chief, who stated: "Commissioner, I don't have it in front of me, but I think the final decision was last year when the rule was finalized last year and what the rules stated was that you couldn't retroactively bill for one year, but you could bill back from time of application. So that is in fact the case even now."

Chairman Burgess recognized Commissioner Shafer, who stated: "Well it's the later of two dates. It's not the date of application. It's the date of application or the date that you first begin service and then here's where the catcher is, is that there's a long period of time from the time that you issue your application to point that they even acknowledge that they've issued your application, do you follow me, and so if you – you can turn in your application and it could months before they even admit that they register efficiently that your application is in and that's that period that I'm really encouraging you all to look at, because I think that's where we're a little vulnerable. And not that that's a stopper for this, but it – you know in reaching out to other areas, it has been problematic."

Chairman Burgess recognized Chief Benson, who stated: "Yes ma'am. And let me say this, we did speak to a CMS representative and is as we understand it here in the language."

Discussion ensued amongst Commissioner Shafer and Chief Benson.

Chairman Burgess recognized Commissioner Shafer, who stated: "And then finally, oh, two more – just two more things. One is I noticed in the quality improvement, quality assurance portion that there was nothing in there that talked about response time."

Chairman Burgess recognized Chief Benson, who stated: "In the presentation we had something about response times. Response times will be what they currently are now. The expectation..."

Chairman Burgess recognized Commissioner Shafer, who stated: "10/30?"

Chairman Burgess recognized Chief Benson, who stated: "Yes, 10/30 for unincorporated, nine minutes for the municipalities."

Chairman Burgess recognized Commissioner Shafer, who stated: "And so could we then, in addition to that, just get a monthly report to the Commissioners for the first little bit, just showing what response times are?"

Chairman Burgess recognized Chief Benson, who stated: "I have no issue there."

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Chairman Burgess recognized Commissioner Shafer, who stated: “Okay, and just for all due diligence, I do note that anything over nine minutes, and you’re talking about another minute and 30 seconds, but which is nothing when you’re in traffic, but it’s a lot if you’re having a stroke or a heart attack, you know the goal would be to try to drive that down and – so that you know we want to be a partner for you and work with you on that. And with that, I’m satisfied. Thank you, Mr. Chair.”

Chairman Burgess recognized Commissioner Roland, who stated: “Thank you, Mr. Chairman. Chief good to see. I guess, do we have buy-in from the three municipalities that...”

Chairman Burgess recognized Mr. Needham, who stated: “Now the Millington and Arlington came forth at the Committee Meeting and bought in. we’ve had some discussions with Lakeland, but Lakeland has not committed to it one way or – they are still in advisement which way they want to go.”

Chairman Burgess recognized Commissioner Roland, who stated: “Okay. I would probably think – now if got a fire service, the county can charge fire fees, but if it’s a municipal system it has to go on your property taxes, right?”

Chairman Burgess recognized Mr. Needham, who stated: “If a municipality furnishes the fire protection services themselves, it has to be property tax ...\*\*\*”

Chairman Burgess recognized Commissioner Roland, who stated: “So if Lakeland says hey we want to go on our own, they have to put it on their property taxes, instead of charging a fire fee?”

Chairman Burgess recognized Mr. Needham, who stated: “We would no longer be able to collect fire fees from Lakeland if they decide to have their own service. You know I’m not – they’re still discussing it.”

Chairman Burgess recognized Commissioner Roland, who stated: “Right, alright, well let me throw this out, how many fire stations are responding to the Lakeland?”

Chairman Burgess recognized Mr. Needham, who stated: “Dependent upon the call. If there is a smoke, there’s four.”

Chairman Burgess recognized Commissioner Roland, who stated: “So in other words to start a new fire department would – I guess the point I’m trying to make would be tremendous –the cost would be tremendous.”

Chairman Burgess recognized Mr. Needham, who stated: “The – it would be

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costly.”

Chairman Burgess recognized Commissioner Roland, who stated: “So it would cost them probably more – way more than it would be to sign on with us?”

Chairman Burgess recognized Mr. Needham, who stated: “ I believe they’ve had some conversation with the City of Arlington and they’ve compared the cost of what Arlington pays and it would be a little more than what they pay for fire fees now, yes sir.”

Chairman Burgess recognized Commissioner Roland: “Okay. As the Commissioner that probably has about 85 or 90 percent of this area, I want to commend you all for going and doing this. This has probably been long overdue. I’ve been here since the inception of the contract that we had with AMR and you know I – and this is no reflection on the Administration. I – Cap, I love you to death, but I told you that something wasn’t right, it’s just something wasn’t right, you know. How they were going to do this that much cheaper than the competition, well now we find out they under bid the competition. The competition couldn’t make it because they didn’t have the business, they went out, AMR buys them out, now they want to double everything. So at the end of the day, I believe we can take the money and give a better service to our constituents than we’re getting right now. Thank you.”

Chairman Burgess recognized Mr. Harvey Kennedy, Chief Administrative Officer, who stated: “Commissioner you know you’re exactly right about AMR, but we did have three years of service at a very low rate for all of the rate payers. So you were right, they under bid it, but we didn’t go for the increase and I think we’re much better off for it. I think we’re all headed in the right direction now.”

Chairman Burgess recognized Commissioner Milton, who stated: “Thank you, Mr. Chair. To the lady – could you come back, please to the podium, please...Yes ma’am, I just – first of all my ears always perk up whenever I hear a citizen say they have a problem with trying to connect with us, so I checked on that and there was an error on the date that we originally put out and we immediately corrected that, but I just wanted to apologize to you and I want to thank you very much for coming up here and expressing your opinion. I think citizen involvement is critical. So thank you very much.”

Chairman Burgess recognized Ms. Carrozza, who stated: “Thank you, I wish we could have more citizens involved in this discussion. I mean we all are in favor of the ambulance service. We think it’s a good idea. The problem is our fire station and if we’re

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going to raise fees, then perhaps this is the time to raise fees enough to get coverage for our area.”

Chairman Burgess recognized Commissioner Milton, who stated: “I just want to ask a question on – now one of the advantages of having a fire person working at – they could make move back and forth in case there was a fire situation, right? We had working as an ambulance – on the ambulance – if they were say an extensive fire, this person could move and start assisting with the fire, correct?”

Chairman Burgess recognized Chief Benson, who stated: “That’s absolutely right, Commissioner. I don’t know if you’ve been looking over my shoulder or not, but that’s exactly how it’s going to work. These paramedics will also be fire fighters, in fact the ambulances will be equipped with fire gear, face mask, the whole rescue ensemble so they could actually go in and supplement the firefighting effort.”

Chairman Burgess recognized Commissioner Milton, who stated: “Well that’s wonderful. Well the question though is pay rate. If they move, does that change their pay rate?”

Chairman Burgess recognized Chief Benson, who stated: “No sir, no sir. The pay rate’s the same, flat – one price for both.”

Chairman Burgess recognized Commissioner Brooks, who stated: “Thank you, Mr. Chairman. I just have a couple of questions. In terms of the purchasing of vehicles, what about the depreciation of the equipment over time, is there a cost associated with that?”

Chairman Burgess recognized Mr. Needham, who stated: “Commissioner, once we purchase the vehicle, the vehicle goes in as an asset to our reserve account and over the years the – that does depreciate, so it will reduce the reserve amount. Yes sir.”

Chairman Burgess recognized Commissioner Brooks, who stated: “In terms of the salaries for the employees, are we maintaining the same salary that they’re currently making?”

Chairman Burgess recognized Mr. Needham, who stated: “We’re maintaining the current salary and the five year projection is projecting a two percent raise for the employees over each year for five years.”

Chairman Burgess recognized Commissioner Reaves, who stated: “So, I think it is worth just a quick call out here on Fire Station No. 60. So Fire Station No. 60, current status and are we looking to use for any of the ambulance service? What’s kind of your plan?”

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Chairman Burgess recognized Chief Benson, who stated: “Currently Fire Station No. 60 is being used as a training facility, we have our Fire Marshall housed there. But what you will see is – I think our commitment to Mrs. Carrozza was that once the intersection of Egypt Central and Highway 14 was complete, we would look at putting an ambulance back at that station. So since we will own the system, it is our commitment here, on record, is that we will put an ambulance right there at Fire Station 60, there won’t be a fire truck there, but it will be an ambulance there. There’s good saturation in that area, we know that’s an area that warrants an ambulance and that it is one of the ones we’ve already targeted for placement. So that station will be used to house the ambulance and of course currently our Fire Marshall and training staff will be there as well. So that station will up and running as an ambulance facility, which really represents about 75 or 80 percent of the activity in that area.”

Chairman Burgess recognized Commissioner Reaves, who stated: “Okay. So that being said, what’s the timeline, Mr. Needham, on repairing and I know this is kind of off subject but that bridge between 14 and – what was it you said between Singleton and 14?”

Chairman Burgess recognized Mr. Needham, who stated: “The bridge they were working with on the Raleigh-Millington Road is completely open now, four lanes are seismic ...\*\*\*. Egypt-Central Highway 14, that intersection most of the paving is done, they got half of the traffic signals up, they’re due in probably about – I would think by spring that intersection will be open.”

Chairman Burgess recognized Commissioner Reaves, who stated: “Okay, and so in – before us is not a Resolution to fix fire fees, we don’t have that capability, right? I mean so, we all voted a 100 percent to keep that fire station open way back and obviously you know I don’t think our opinion would have changed on that. I’m going to support this because it’s the right thing to you know. Obviously I’d like to see the fire station open again and you know there’s been some situations out there to where response was off and we had some houses burn to the ground. I know of at least one that we talked about here recently. So whatever we can do to get it open again. I know that we don’t have the authority to approve any change in the fire fees, and you know, but I’ll leave it up to you. I’m going to support this as it is today. Thank you.”

Chairman Burgess recognized Commissioner Chism, who stated: Thank you, Mr. Chairman. I’ll try to ask this pretty brief. My basic understanding is we’re going to take over ambulance transport January 1<sup>st</sup>.”

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Chairman Burgess recognized Mr. Needham, who stated: "That is correct."

Chairman Burgess recognized Commissioner Chism, who stated: "Okay, if we do that we're going have to take delivery of ambulances, obviously and the inspection period of the ambulances. I guess where my concern is going to be is TennCare and Medicaid – Medicare and TennCare. What if it takes a little bit longer for this to be implemented, are we going to – I don't want to say rob, are we going to take this out of public works or where will these funds come from if we're a little bit further down the road?"

Chairman Burgess recognized Mr. Needham, who stated: "All funds will have to come from the fire fees – all funds from the fire fees. You cannot use General Fund dollars. We have also in the – in our plan to, if we need to, have ambulances rented by January 1<sup>st</sup> so we maintain service, rented from an existing ambulance service in town. The – also in one of the Resolutions today is an approval of a contract with G and W to purchase 12 ambulances and with that approval this week, the G and W can have ambulances in our shop by December 15<sup>th</sup>."

Chairman Burgess recognized Commissioner Chism, who stated: "I guess the last thing – you know we mentioned in the past you know a contract with AMR, are we still looking at maybe working with AMR or are we going to try to get something in place before then or are we going to wait?"

Chairman Burgess recognized Mr. Needham, who stated: "No sir. The cost of AMR – we're still looking at maybe an option, but their cost of a month of ambulances would be about \$700,000.00."

Chairman Burgess recognized Commissioner Jones, who stated: "Thank you, Mr. Chairman. I'm looking at it and I'm not against, but I didn't make that special call meeting, but I see that this Resolution, the next two Resolutions, all of that is included with fire. So and I'm seeing all these millions of dollars in there. So kind of give me just a quick brief summary of total overall, what you're going to be asking for. I see something in here for vehicles, I see something in here for \$2.5 million for capital outlay and I see another \$5 million and something from total what this is going to cost and what does that mean as it relates to the fire fees that have to be put into this, would it have to be raised, if so how much and where all of that, those fees will be coming from. I just want to make sure the source of those fire fees and just a quick total overview."

Chairman Burgess recognized Mr. Needham, who stated: "The budget – the

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Resolution you're looking at now for the amendment of \$5 million dollars for the fire department budget. In that budget includes the \$1.7 million dollars for the ambulances we have scheduled for the next Resolution. In that budget it has the \$2.5 million dollar loan for the purchase of that. The presentation last Wednesday for the five year projection we'll paying back that loan at the tune of over a half a million dollars a year for the next five years plus one percent interest. The money that funds this comes from a 12 percent increase in fire fees to the unincorporated Shelby County, only the individuals who live outside the municipality of any of them. Millington is a partner, they'll pay with theirs, either with their own ambulance fee or General Fund, it's their choice. Arlington, is a partner, they're paying for theirs with their General Fund dollars. Lakeland, we hope they are part of our organization – part of the fund, we presently collect an ambulance fee on behalf of the City of Lakeland. So that's where the funding comes from."

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

Chairman Pro Tempore Shafer recognized Commissioner Bailey, who stated: "At one time I'm aware of recruitment problems and is that an issue now, because I recall when I did some, when I was off the Commission, I handled some legal matters with Rural Metro and I got the inside view of recruitment issues where – is that a concern now?"

Chairman Pro Tempore Shafer recognized Chief Benson, who stated: "Recruitment for paramedics has been a challenge in the past. We currently have enough paramedics on staff already, Commissioners, to staff the ambulances January 1<sup>st</sup>. You will see another job posting that will actually post this week to attract additional paramedics. So we think there's a pool of paramedics available now that wasn't available in the past. You see the pool of paramedics are really increasing in this area a little bit. Years ago that was an issue and it's still somewhat of a challenge, but we have a pretty attractive model here. Fortunately Shelby County has a – it's a good organization, it's got good benefits. It has some things going for it that maybe some others don't, so it's real attractive and in fact I've had a number of individuals, Commissioner say that they're looking for the job posting to come open so they can actually apply, so..."

Chairman Pro Tempore Shafer recognized Commissioner Bailey, who stated: "I know, but your – the potential base also is viewed by the City of Memphis ambulance service in terms of being competitive with you for recruits. Is that still an issue?"

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Chairman Pro Tempore Shafer recognized Chief Benson, who stated: "Well we hope that - it's going to be a national posting. So we're hoping that individuals will come from all over. We had - I have at least a couple of applicants from Ohio in this current group that we're going to be hiring in November. So it's a nationwide posting, we hope we bring people from all around. We're not trying to take from another agency. We want to make it attractive so people will actually come here and be a part of the organization."

Chairman Pro Tempore Shafer recognized Commissioner Billingsley, who stated: "So the short answer is you feel that you're adequately - you'll be adequately staffed?"

Chairman Pro Tempore Shafer recognized Chief Benson, who stated: "Yes, sir. Yes, sir, we will be adequately staffed."

Chairman Pro Tempore Shafer recognized Commissioner Billingsley, who stated: "Thank you Vice Chair Shafer. to Chief Benson and Director Needham thank you for all your hard work. I thought at Committee you saw eight Commissioners present who were interested in this topic and attentive and I think you did a great job answering a blurry of questions that we presented. I continue to be cautiously optimistic that this is going to work. I think it's a - a lot of really good things are going to happen. We're going to increase communications between that first engine that arrives and the ambulance that will also be staffed by firefighters. I think that's huge to have that instant communication with the same entity. I think the continuity of care is going to improve. I think the collaboration with area hospitals will improve. You already have the great relationship from the fire department, but now with ambulances. You noted to us in Committee, that Methodist North, Methodist Germantown, Baptist Memorial Hospital, St. Francis will be your most frequent destinations and I just encourage you like I did in Committee, I know you've got a lot to do by January, but after January I hope we can find some collaboration efforts with the hospital for them to support you and vice versa, same way with the UT Health Science Center. As you mentioned at the last meeting, they were in the audience, I think there's some real opportunities there. With the utmost respect to Mr. Needham, again I'm cautiously optimistic. I think ambulance service is very, very expensive. I hope we come close to what we anticipate and I hope everybody proves me wrong and I think it's going to end up costing more than we are budgeting for, but if that happens we know what to do, we know what the course will be and I hope everybody proves me wrong on that, but again ambulance service is not easy. So and I think you all have said that to me, I mean this is not an easy task that

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you're doing, this isn't something you self-initiated, it's being initiated because we have a difficult situation right now and I also think the payer mix is going to be challenging for Shelby County on those people that we're billing. So again, Mr. Chairman I rise to support this, I thank the Chief and the Director for their hard work and the hard work of the Administration and I hope this meets all of our expectations. It really takes us from a good ambulance to an even -- a better or great ambulance service. Thank you."

Chairman Pro Tempore Shafer stated: "Mr. Needham, I just had one more question and then since I'm just acting chair I'd like to go ahead and put into -- make a formal amendment, but you gave me, Mr. Needham, a -- you gave a little bit of a bookkeepers' about the amount of money in the fire fees, what's the cash on hand for fire fees?"

Chairman Pro Tempore Shafer recognized Mr. Needham, who stated: "\$1.8 million dollars."

Chairman Pro Tempore Shafer stated: "And how much are the ambulance's going to cost, \$2.5?"

Chairman Pro Tempore Shafer recognized Mr. Needham, who stated: "The ambulances are \$1.7 million and we're paying for that with a loan from the next Resolution."

Chairman Pro Tempore Shafer stated: "Right, I saw that. and is the reason that you're doing that as opposed to taking the ambulances out of the fire fees..."

Chairman Pro Tempore Shafer recognized Mr. Needham, who stated: "Because we don't really need to be depreciating our reserves too low."

Chairman Pro Tempore Shafer stated: "Okay, got you. I would like to go ahead and make an amendment that would say -- and I got it in writing if you can read my scratch. It would say, NOW BE IT THEREFORE FURTHER RESOLVED, and you can stick it in anywhere in there, that the Shelby County Fire Department will provide a monthly written report to the County Commission detailing the exact response times for the previous month."

Chairman Pro Tempore Shafer Made a Motion to Amend; duly seconded by Commissioner Roland.

Chairman Pro Tempore Shafer stated that Item No. 17 would amended; without objection.

Chairman Pro Tempore Shafer recognized Mr. Kennedy, who stated: "Chairman I was just going to suggest on our monthly performance measures, response time for the fire department is already a measure that they bring in. It will be easy just to take that chart and

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that report and provide that to the Commission. We look at it every month anyway; critique them and see how we're doing. And they've done a marvelous job of meeting up til now. I'm sure they will continue."

Chairman Pro Tempore Shafer stated: "And that's great. I like that. I just want to make sure that's it's clear that we're not asking for an average. We just want to see the response times and I think that will – you know sometimes just knowledge is as much as just anything else."

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

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

NAYS: None

ABSENT: None

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

Chairman Pro Tempore Shafer declared the MOTION CARRIED AS AMENDED.

NOTE: CHAIRMAN BURGESS RESUMED THE CHAIR  
AT THIS TIME.

Chairman Burgess recognized Commissioner Turner, who stated: "Mr. Chairman. Do we want to take Items – this is just a suggestion. We have people here on the grants, do we want to take items all under General Government, 20 through 25 out of order and then we come back and wrap up the ambulance services?"

NOTE: CHAIRMAN BURGESS STATED THAT ITEMS  
21, 22, 23, 24 AND 25 WOULD BE TAKEN UP AT  
THIS TIME.

### ZONING AND SUBDIVISIONS

### REPORTS AND/OR RESOLUTIONS FOR STANDING COMMITTEES

### ITEM 21 (ADOPTED)

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

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$4,000.00, TO INDEPENDENT TRANSPORTATION  
NETWORK MEMPHIS, INC., A CHARITABLE

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ORGANIZATION. SPONSORED BY COMMISSIONER  
REGINALD MILTON AND COMMISSIONER JUSTIN J.  
FORD.

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“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, 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, Independent Transportation Network Memphis, Inc., in the amount of \$4,000.00, 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

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

**311**

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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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Tommie Cervetti, Independent Transportation Network Memphis, who stated: "And I first want to thank Commissioner Milton, who is our sponsor and gave us \$3,000.00 towards our grant and also Commissioner Ford gave us a \$1,000.00 and we hope that others of you will understand how important this program is to keep senior citizens independent also visually impaired. At this time we 88 members and we've provided over 3,000 rides since early December of 2014 when the program started and we expect to expand and keep this going and it's so vital to provide independence to seniors. When you get to the age of needing transportation, you will understand how important that is."

Chairman Burgess recognized Commissioner Milton, who stated: "Thank you, Mr. Chair. You know Commissioners, you know we all have brought up many different agencies

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– funding for different agencies here. I can tell you with all sincerity this is one of those agencies that absolutely does the work they say and is so deserving of every dollar we can find. My mother – my loving mother is 97 years and a wonderful human being and we had to get her to the doctor and we tried to find taxi service for her and I can tell you it was a nightmare to get her – because she’s in a wheelchair and trying to get a wheelchair accessible taxi, the process, the time to get her to the doctor is frustrating and it’s really good to know that there are agencies out there that are there to help them in need and we need to support them because when they’re gone, where do we go? So for mama, I ask you all to support this as much as you can. Thank you very much.”

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

## **ITEM 22 (ADOPTED)**

Mr. Turner, Assistant County Attorney, announced Item 22, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$6,000.00 TO BLUES CITY CULTURAL CENTER, INC., A  
CHARITABLE ORGANIZATION. SPONSORED BY  
COMMISSIONER REGINALD MILTON 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 Blues City Cultural Center, Inc., in the amount of \$6,000.00, 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)."

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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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

Chairman Burgess recognized Commissioner Milton, who stated: "Mr. Chair. We moved kind of fast on that though, I appreciate it. I just wanted if I could just say one word on this though, even though we already passed it. And just quickly just wanted to say to – to thank them for the work they're doing in the community and providing educational services to that area is definitely vitally needed and please continue the work and we'll see if I can – I'll see where else dollars I can find in the future to help you. Thank you very much. Thank you, Mr. Chair."

**ITEM 23 (ADOPTED) (AS AMENDED)**

Mr. Turner, Assistant County Attorney, announced Item 23, which is as follows:

RESOLUTION AWARDDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$25,000.00, TO BIG BROTHERS BIG SISTERS OF THE  
MID-SOUTH, INC., A CHARITABLE ORGANIZATION.

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SPONSORED BY COMMISSIONER STEVE BASAR,  
COMMISSIONER WALTER L. BAILEY, JR.,  
COMMISSIONER JUSTIN J. FORD, COMMISSIONER  
VAN D. TURNER, 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, 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 Big Brothers Big Sisters of the Mid-South, Inc., in the amount of \$25,000.00, 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.

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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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
 Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Rasheta Watkins, Big Brothers, Big Sisters, who stated: "I want to first thank you all very much. To Commissioners Bailey, Basar, and Ford for sponsoring and for their commitments. I want to also thank Commissioner Turner for his wise counsel and advise and his verbal commitment. Big Brothers Big Sisters has been operating in Memphis since 1968. We're getting ready to celebrate our 50<sup>th</sup> Anniversary. Last year we used the funds from the Shelby County Commissioners to pilot a new program that reached over 200 children over the summer. It helped them to bridge the summer gap and deal with what they call summer shrink, so that they would start – be better prepared to start school. We had four sessions over the summer that dealt with financial literacy, preparing for college, health and fitness and school safety. And this year we want to

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continue the program to again help make sure that more children are prepared for the school year and expand the number of sessions and the number of children that we can serve.”

Chairman Burgess recognized Commissioner Turner, who stated: “Thank you, Mr. Chairman. I wanted to – first as you all know give the history. The person that served before Ms. Watkins of course was Ms. Bailey, who served admirably in that position, the wife of the former Judge D’Army Bailey and I think it is just so appropriate that Ms. Watkins has moved into that space and she’s doing such a wonderful job. I might add to the record that Ms. Watkins and I are childhood friends and we grew up together, so she called me out on the record, so I got to respond to her. I’m going to change my verbal commitment to a real commitment...So I’m going – may I amend, Mr. Chairman to \$5,000.00 – to add \$5,000.00?”

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

Chairman Burgess recognized Commissioner Brooks, who stated: “Thank you, Chairman. I’ll amend it to include \$4,000.00 which would take it up to \$25,000.00.”

Chairman Burgess recognized Commissioner Brooks, who Made a Motion to Amend to add \$4,000.00; duly seconded by Commissioner Basar.

Chairman Burgess stated that Item 23 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, Ford, Basar, Jones, Chism, Turner and Burgess.

NAYS: None

ABSENT: None

AYES, eleven; NAYS, none; ABSENT, none (Roland and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

**ITEM 24 (ADOPTED) (AS AMENDED)**

Mr. Turner, Assistant County Attorney, announced Item 24, which is as follows:

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$15,000.00, TO RISE FOUNDATION, INC., A  
CHARITABLE ORGANIZATION. SPONSORED BY  
COMMISSIONER VAN D. TURNER, JR.,  
COMMISSIONER GEORGE B. CHISM, SR.,

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COMMISSIONER JUSTIN J. FORD, COMMISSIONER  
WILLIE F. BROOKS, JR. AND COMMISSIONER EDDIE  
S. JONES, 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, 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 RISE Foundation, Inc., in the amount of \$15,000.00, 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

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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 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Commissioner Jones, who stated: "Thank you, Mr. Chairman. I see this is up to \$8,500.00, I'd like to add another \$1,500.00 to take it to \$10,000.00."

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

Chairman Burgess recognized Commissioner Brooks, who stated: "Thank you, Mr. Chairman. I'd like to amend this to add \$5,000.00."

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

Chairman Burgess stated that Item 24 would be amended; without objection.

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

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

NAYS: None

ABSENT: None

AYES, eleven; NAYS, none; ABSENT, none (Roland and Shafer absent during roll call).

Chairman Burgess declared the MOTION CARRIED AS AMENDED.

Chairman Burgess recognized Ms. Linda Williams, President of the RISE Foundation, Inc., who stated: "And I would just like to thank Commissioner Turner and all of you who have supported Rise. What we're trying to do is help families – low income families to really have the skills and techniques that they need in order to make good sound financial decisions with the resources that they have. Your support will help us to continue that. Thank you so much."

**ITEM 25 (ADOPTED)**

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

RESOLUTION AWARDING COUNTY FUNDS FROM THE  
FY 2017 OPERATING BUDGET IN THE AMOUNT OF  
\$6,500.00, TO DELIVERANCE TEMPLE MINISTRIES,  
INC., A CHARITABLE ORGANIZATION. SPONSORED  
BY COMMISSIONER EDDIE S. JONES, 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 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 Deliverance Temple Ministries, Inc., in the amount of \$6,500.00, 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 27, 2016

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ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Mr. Jack Turner, Assistant County Attorney, who stated: "Chairman, I handled this from our office. There is one correction to this, the budget that is listed in SIRE has been amended. There was an ADA funding issue with it. the last item has been changed to children and adult gift bags \$436.00."

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

NOTE: CHAIRMAN BURGESS STATED THAT ITEMS  
18, 19 AND 20 WOULD BE TAKEN UP AT THIS  
TIME.

**ITEM 18 (ADOPTED)**

Mr. Turner, Assistant County Attorney, announced Item 18, which is as follows:

RESOLUTION APPROVING THE PURCHASE OF  
TWELVE EMERGENCY TRANSPORT AMBULANCES  
FROM G & W DIESEL SERVICES, INC. DBA  
EMERGENCY VEHICLE SPECIALISTS FOR SHELBY  
COUNTY GOVERNMENT. THIS ITEM REQUIRES THE  
EXPENDITURE OF FIRE SERVICES FUNDS IN AN  
AMOUNT NOT TO EXCEED \$1,772,796.00. CO-  
SPONSORED BY COMMISSIONERS VAN D. TURNER,  
JR. AND COMMISSIONER MARK BILLINGSLEY.

"WHEREAS, Shelby County Government ("County") and the Cities of Millington and Lakeland and Town of Arlington, Tennessee ("Municipalities") have need for the provision of emergency ambulance services throughout unincorporated Shelby County and

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within said Municipalities; and

WHEREAS, American Medical Response of Tennessee, Inc. ("AMR") is the current contract provider of emergency ambulance transport for Shelby County and the Cities of Millington and Lakeland and Town of Arlington, Tennessee ("Municipalities"); and

WHEREAS, On August 31, 2016, AMR notified the County that it was cancelling said contract effective December 31, 2016; and

WHEREAS, The County, subsequent to the receipt of said notice, immediately began to explore all avenues available to it in order to secure replacement emergency ambulance transport; and

WHEREAS, The County, after a thorough review of all available options has deemed it to be in the best interest of the citizens of the County and Municipalities, from a safety and fiscal standpoint, to provide said emergency ambulance transport through its Shelby County Fire Department; and

WHEREAS, On September 2, 2016, the Shelby County Purchasing Department issued Sealed Bid No. I-000404 - 2016 for Latest Model Ambulances for Shelby County, with the lowest and best bid meeting specifications being submitted on September 22, 2016, by G & W Diesel Services, Inc. d/b/a Emergency Vehicle Specialists in the amount of \$1,772,796.00, for twelve emergency transport ambulances; and

WHEREAS, Funds in the amount of \$1,772,796.00, for the purchase of said vehicles will be available from FY 2017 Fire Services Fund pending approval by separate Resolution of an interfund loan from the General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the purchase of twelve emergency transport ambulances from G & W Diesel Services, Inc. d/b/a Emergency Vehicle Specialists for a total not to exceed 1,772,796.00, is hereby approved.

BE IT FURTHER RESOLVED, That the Purchasing Department is authorized to issue purchase orders for the purchase of said vehicles from the FY 2017 Fire Services Fund subject to availability of funds in account 954-300801-7007 at the time the purchase orders are issued.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are authorized to issue their warrants in amounts not to exceed \$1,772,796.00, to G & W Diesel Services, Inc. d/b/a Emergency Vehicle Specialists for the purposes

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contained in this Resolution and to take proper credit in their accounting therefor.

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

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Commissioner Roland, who stated: "Thank you. Tom, just to clear it up in my mind, we're talking about 12 ambulances, right?"

Chairman Burgess recognized Mr. Tom Needham, Director of Public Works, who stated: "That's correct."

Chairman Burgess recognized Commissioner Brooks, who stated: "Mr. Needham, so where will these funds come from in terms of paying for these ambulances?"

Chairman Burgess recognized Mr. Needham, who stated: "The next Resolution that we have before you is a loan of \$2.5 million dollars to the fire fund for the purpose of buying ambulances and equipment. And that \$2.5 million dollar loan is in our budget for the next five years to be repaid at a one percent interest. It all comes from the fire fund."

Chairman Burgess recognized Commissioner Brooks, who stated: "Will that be a wash in terms of presently generating off of that?"

Chairman Burgess recognized Mr. Needham, who stated: "That's correct."

Chairman Burgess recognized Commissioner Chism, who stated: "Thank you, Mr. Chairman. I had to leave before we got to the – could you do – could you explain a little bit, just real quick I guess who this is and where they're coming from."

Chairman Burgess recognized Mr. Needham, who stated: "G and W Diesel is a local firm, it's a minority owned firm, it's a women owned firm and they were the best bid, not

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necessarily the lowest bid. They were the best bid with the equipment, with the delivery time we needed. The emergency vehicle specialist services that manufactures the vehicles are from – they're not a Tennessee firm, but G and W Diesel is a local firm that not only sell but service these vehicles so we can keep them operational.”

Chairman Burgess recognized Commissioner Chism, who stated: “So when they come they're going to be completely ready to go, it's not like they have to have other things added to them.”

Chairman Burgess recognized Mr. Needham, who stated: “Only thing they will not have in them is the medical supplies...it includes the ambulance, it includes the design we have, the compartments we need and a stretcher that we need to have to get things done.”

Chairman Burgess recognized Commissioner Chism, who stated: “And when are these going to be delivered?”

Chairman Burgess recognized Mr. Needham, who stated: “Delivery is December 15<sup>th</sup> is projected delivery date. We get a firm delivery date in about three weeks, but the promise on the bid was December 15<sup>th</sup>.”

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

**ITEM 19 (ADOPTED)**

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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AUTHORIZING THE ISSUANCE OF A THREE-YEAR FIRE SERVICES FUND INTERFUND LOAN CAPITAL OUTLAY NOTE, SERIES 2016 NOT TO EXCEED \$2,500,000, IN CONNECTION WITH AN INTERFUND LOAN PURSUANT TO SECTION 9-21-408 OF THE TENNESSEE CODE ANNOTATED FROM THE GENERAL FUND TO THE FIRE SERVICES FUND. THIS ITEM REQUIRES THE EXPENDITURE OF FUNDS IN AN

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AMOUNT NOT TO EXCEED \$2,500,000. SPONSORED  
BY COMMISSIONER VAN D. TURNER, JR.

“WHEREAS, The Board of County Commissioners of Shelby County, Tennessee (the Local Government), has determined that it is necessary and desirable to provide funds for the purchase of 12 ambulances, related equipment and other costs (the “Project”) at a cost of up to \$2,500,000.00, and an economic life of 5 years; and

WHEREAS, The Governing Body has determined that the Project is a public works project under the Act (as defined below) and will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, Under the provisions of Parts 1, 4, and 6 of Title 9, Chapter 21, Tennessee Code Annotated (the “Act”), local governments in Tennessee are authorized to make interfund loans under the provisions of Section 9-21-408 of the Tennessee Code Annotated to finance the cost of public works projects to include this Project through the issuance of interest bearing capital outlay notes upon the approval of the Comptroller of the Treasury or Comptroller’s Designee; and

WHEREAS, The Governing Body finds that it is advantageous to the Local Government to authorize the making of an interfund loan evidenced by the issuance of a capital outlay note to finance the cost of the Project.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with Section 9-21-408 of the Tennessee Code Annotated and the terms of this Resolution to make an interfund loan to the Fire Service Fund to finance the cost of the Project, which interfund loan will be represented by the delivery of an interest-bearing capital outlay note in a principal amount not to exceed two million five hundred thousand dollars (\$2,500,000) (the “Note”) bearing interest at a rate of one percent (1%) per annum and payable as set forth in Section 2 of this Resolution upon approval of the Comptroller of the Treasury or Comptroller’s Designee pursuant to the terms, provisions, and conditions permitted by law.

Section 2. That, the Note shall mature not later than three (3) years after the date of issuance, and may, upon approval of the Comptroller of the Treasury or Comptroller’s Designee, be extended two additional years, and that the Note and any extension or renewal note shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least five years. Provided, however, that each fiscal year after the fiscal year of issue the Note is outstanding, one fifth (1/5), of the original principal amount of the Note shall mature without renewal but subject to prior redemption.

Section 3. That, the Note shall be subject to optional redemption, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium.

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Section 4. That, the Note shall be a direct obligation of the Local Government, the payments of which shall be made according to the tenor and effect thereof, to which is pledged the taxing power of the Local Government as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Note. The Note shall be further secured by and be payable from the revenues of the Fire Services Fund.

Section 5. That, the Note shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the County Clerk with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Finance Department of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Note shall be deposited with the Finance Department of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Note will be issued in fully registered form and shown on the Note Register of the Local Government.

Section 7. That, the Note shall be in substantially the form authorized by the State Comptroller of the Treasury or Comptroller's Designee and shall recite that the Note is issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. That, the Note shall be issued only after the receipt of the written approval of the Comptroller of the Treasury or Comptroller's Designee for the issuance of the Note as required by Section 9-21-601 of the Tennessee Code Annotated.

Section 9. That, after the issuance of the Note, the fiscal affairs of the Local Government shall be maintained on a cash basis in order that the current receipts of the Local Government are sufficient to meet current expenditures and debt service. For each year that the Note is outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee. The Local Government shall maintain a balanced budget during the life of the Note. The annual budget shall be submitted to the Comptroller of the Treasury or Comptroller's Designee immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee. The Local Government shall provide any information required by the Comptroller of the Treasury or Comptroller's Designee to determine that a balanced budget is kept during the life of the notes.

Section 10. That, if the Note shall remain unpaid at the end of three (3) fiscal years from the fiscal year of issue, then the Note shall be retired from the funds of the Local Government, or be otherwise extended or liquidated as approved by the Comptroller of the Treasury or Comptroller's Designee.

Section 11. That, all orders or Resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists.

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 27, 2016

REGULAR ADJOURNED SESSION FROM SEPTEMBER 26, 2016 TO OCTOBER 17, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County CommissionADOPTED: October 17, 2016

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

Chairman Burgess recognized Commissioner Turner, who stated: "Thank you, Mr. Chairman. We have an amendment that has been circulated to the Commissioners. This amendment was prepared by Mr. Swift – Director Swift, reviewed by our Bond Attorney, Richard Miller and it is – it would substitute Item 19 and I think before we get into the debate, I would like to move this substitute."

Chairman Burgess recognized Commissioner Turner, who Made a Motion to accept the Substitute Resolution; duly seconded by Commissioner Reaves.

Chairman Burgess stated that Item No. 19 would be Substituted; without objection.

Chairman Burgess recognized Mr. Mike Swift, Director of Administration and Finance, who stated: "The difference is the original took exactly the wording that the state recommends and then we had bond counsel look at it and we revised the wording because this – the format of the state included if you were doing an actually note to the outside and we modified it to be where it was clarified that it's just an inter-fund loan."

Chairman Burgess recognized Commissioner Turner, who stated: "Director Swift, under paragraph three, which begins Whereas...the upon approval of the comptroller or comptroller's designee, does that already take place?"

Chairman Burgess recognized Mr. Swift, who stated: "No we can't do that until you approve it, so later this week I'll send it to the state, but I've already discussed it with them and they will approve it without any problem."

Chairman Burgess recognized Commissioner Brooks, who stated: "Thank you. Under Section 10 of the Substitute Resolution that reads that the note should remain unpaid at the end of three (3) fiscal years from the fiscal year of issue and then the Note be retired by the fund to the local government. My question to you is would it be the difference or the total \$2.5 million?"

Chairman Burgess recognized Mr. Swift, who stated: "It would be the difference,

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whatever remains.”

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

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

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

**ITEM 20 (ADOPTED)**

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

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

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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).”

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

Date: October 27, 2016

ATTEST:

/s/ Rosalind Nichols  
Clerk of County Commission

ADOPTED: October 17, 2016

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

Chairman Burgess recognized Commissioner Turner, who stated: “Same disclosure for Commissioner Jones and myself. We’re not on the list, but we are notary publics.”

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

AYES: Bailey, Brooks, Milton, Roland, Ford, Basar, Chism, Turner and Burgess.

NAYS: None

ABSENT: None

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

Chairman Burgess declared the MOTION CARRIED.

ANNOUNCEMENTS AND STATEMENTS

Chairman Burgess recognized Commissioner Roland, who stated: “Anybody that’s working on any legislation for this year try to have it in to us by – what day is our retreat, November the 2nd? November the 2nd.”

ADJOURNMENT

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**ITEM 26**

Mr. Turner, Assistant County Attorney, announced Item 26, Adjournment to Monday, October 31, 2016.

Chairman Burgess stated that, without objection, the Commission meeting of Monday, October 17, 2016, was adjourned until Monday, October 31, 2016.

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

COMPILED AND EDITED:

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ROSALIND NICHOLS  
CLERK OF COUNTY COMMISSION