

KNOX COUNTY BOARD OF COMMISSIONERS

The Knox County Board of Commissioners met in Regular Session on Monday, February 22, 2010 at 2:00 p.m. in the Main Assembly Room of the City-County Building, Main Avenue. Those members present were Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston. Also present were Mr. Mike Ragsdale, Knox County Mayor, Mr. Mr. Dwight VandeVate, Director of Community Relations, Mr. Joe Jarret, Knox County Chief Deputy Law Director, Mr. Bruce Wuethrich, Director, Engineering and Public Works, Mr. Richard Walls, Knox County Internal Auditor, Mr. Grant Rosenberg, Director, Office of Neighborhoods, Mr. John Troyer, Director, Knox County Finance and news media.

The following proceedings were had and entered of record to-wit:  
Commissioner Strickland, Chairman, presided.

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**IN RE: ROLL CALL:**

Mrs. Sandra Sexton, Minutes Clerk to the Knox County Clerk, called the roll.

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**IN RE: DEVOTIONAL:**

Commissioner Tony Norman gave the devotional.

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**IN RE: PLEDGE OF ALLEGIANCE TO THE FLAG:**

Commissioner Brad Anders led the Pledge of Allegiance to the Flag.

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**IN RE: AMENDMENTS TO THE AGENDA:**

Commissioner Leuthold moved to amend the agenda as follows:

Remove from the consent agenda and add to the regular agenda R-10-2-903 – Consideration of a Resolution of the Commission of Knox County, Tennessee placing a 180 day moratorium expiring August 31, 2010 on the issuance of first time beer permits for drive-thru businesses located in unincorporated Knox County.

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Withdraw from the agenda R-10-2-901- Consideration of a Resolution of the Commission of Knox County, Tennessee providing that any original, unedited video or audio tapes of public meetings recorded by Community Television of Knoxville (CTV) shall be deemed public record.

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Remove R-10-2-102 – Consideration of a Resolution of the Commission of Knox County, Tennessee honoring the North Hills Garden Club from the consent agenda and add to the regular agenda at the top.

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Commissioner Wright stated there would be a program at U.T. dealing with Stress on individual high school students.

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The Boys and Girls Club and Knoxville Track Club will be sponsoring a race on March 6, 2010 to benefit the Boys and Girls Club.

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Add Resolution R-10-2-908 – Resolution of the Commission of Knox County, Tennessee requesting the Knox County Law Director and Attorneys representing Knox County in action styled Charles Drew, ET AL. V. Knox County, No. 176120-1 in the Chancery Court for Knox County, to refrain from any conduct which might result in a delay of that court’s final determination of the validity of the claims made by the plaintiffs in that action.

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Defer to the March 2010 Commission meeting discussion regarding 10 in 10 Challenge.

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Defer to the March 2010 Board of Commissioners meeting R-10-2-101 – Consideration of a Resolution of the Commission of Knox County, Tennessee honoring Violet Tudor.

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Defer to the March 2010 Board of Commissioners meeting R-10-2-105 Consideration of a Resolution of the Commission of Knox County, Tennessee honoring Yvette Martinez for her coverage of the affairs of Knox County.

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Move to the top of the agenda O-10-2-102 – Consideration of an Ordinance of the Commission of Knox County, Tennessee placing on the ballot a Charter Amendment requiring school board districts to be reasonably compact and contiguous and not overlapping on first reading.

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Add R-10-2-802 – Consideration of a Resolution of the Commission of Knox County, Tennessee approving a lease financing agreement in the amount of \$28,250,000.00 with Banc of America Public Capital Corporation Energy and Power Finance Group to support the Energy Management

contract with Trane to be paid from the energy savings from both Schools and County projects.

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Add R-10-2-114 – Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Mr. Chip Miller and reappointing Mr. Billy Stokes and Dr. Rocio Huet to the Public Building Authority (PBA) Board.

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Withdraw R-10-2-103 – Consideration of a Resolution of the Commission of Knox County, Tennessee honoring the Carter High School Band for their participation in the New Years Day Parade in London, England.

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Defer to the March 2010 Board of Commissioners meeting R-10-2-905 – Consideration of a Resolution of the Commission of Knox County, Tennessee approving a Memorandum of Understanding with the Knox County Retirement and Pension Board for services for payment of operating expenses.

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Withdraw from the agenda under Amendments to the Knox County Zoning Ordinance O-10-2-101 – Consideration of an Ordinance of the Commission of Knox County, Tennessee amending the Knox County Zoning Ordinance, Article 6, Section 6.60, Board of Zoning Appeals, to require that (1) members of the Board of Zoning Appeals, reside in the Commission district from which they are appointed; and (2) members be citizens and not hold public office while serving on said Board (Ord. No. O-90-9-130, adopted 9-10-90, as amended) on first reading.

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Add to the regular agenda R-10-2-906 – Consideration of a Resolution of the Commission of Knox County, Tennessee requesting the Metropolitan Planning Commission (MPC) to consider amendments to the Knox County Zoning Ordinance as recommended by the Knox County Commission related to the composition of the Knox County Board of Zoning Appeals.

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Withdraw from the agenda discussion regarding changes to the Audit Committee Charter.

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Remove from the Education Consent Agenda R-10-2-205 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving an option contract in the amount of \$1,656,250.00 with

Northshore Market Investors, LLC for the purchase of land known as Northshore Town Center for a new Southwest Knox County Elementary School. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSENT ITEMS:**

Tax Refunds:

No tax refunds received.

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Notary Public Applications:

191 applications received.

Commissioner Leuthold moved to approve the above consent items.

Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: EDUCATION CONSENT CALENDAR:**

**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT WITH PEPSI BOTTLING GROUP FOR THE PROVISION OF BEVERAGE SERVICES FOR KNOX COUNTY SCHOOLS:**

**R-10-2-201:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract with Pepsi Bottling Group for the provision of beverage services for Knox County Schools was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-201 -

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract with Pepsi Bottling Group for the provision of beverage services for Knox County Schools. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried

19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT WITH KNOXVILLE COCA-COLA COMPANY FOR THE PROVISION OF BEVERAGE SERVICES FOR KNOX COUNTY SCHOOLS: R-10-2-202:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract with Knoxville Coca-Cola Company for the provision of beverage services for Knox County Schools was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-202 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract with Knoxville Coca-Cola Company for the provision of beverage services for Knox County Schools. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING THE TRANSFER OF \$1,183,168.00 FROM THE GREAT SCHOOLS PARTNERSHIP TO THE KNOX COUNTY SCHOOLS GENERAL PURPOSE FUND RELATED TO THE KINDERGARTEN INTERVENTION PROGRAM: R-10-2-203:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving the transfer of \$1,183,168.00 from the Great Schools Partnership to the Knox County Schools General Purpose Fund related to the Kindergarten Intervention Program was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-203 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving the transfer of \$1,183,168.00 from the Great Schools Partnership to the Knox County Schools General Purpose Fund related to the Kindergarten Intervention Program. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT IN THE AMOUNT OF \$743,765.00 WITH COMPASS LEARNING FOR THE PROVISION OF CENTRALIZED INSTRUCTIONAL SOFTWARE: R-10-2-204:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$743,765.00 with Compass Learning for the provision of centralized instructional software was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-204 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$743,765.00 with Compass Learning for the provision of centralized instructional software. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING AN OPTION CONTRACT IN THE AMOUNT OF \$1,656,250.00 WITH NORTSHORE MARKET INVESTORS, LLC FOR THE PURCHASE OF LAND KNOWN AS NORTSHORE TOWN CENTER FOR A NEW SOUTHWEST KNOX COUNTY ELEMENTARY SCHOOL: R-10-2-205:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving an option contract in the amount of \$1,656,250.00 with Northshore Market Investors, LLC for the purchase of land known as Northshore Town Center for a new Southwest Knox County Elementary School was before the Board of Commissioners.

Dr. James McIntyre, Jr., Superintendent, Knox County Schools, was present and spoke on the matter.

Commissioner Leuthold moved to approve R-10-2-205 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving an option contract in the amount of \$1,656,250.00 with Northshore Market Investors, LLC for the purchase of land known as Northshore Town Center for a new Southwest Knox County Elementary School. Commissioner Saunders seconded the motion and upon roll call

vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSENT CALENDAR:**

**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE HONORING THIS NATION'S WAR DOGS BY PROCLAIMING MARCH 13, 2010 AS K-9 VETERANS DAY: R-10-2-104:**

Consideration of a Resolution of the Commission of Knox County, Tennessee honoring this nation's war dogs by proclaiming March 13, 2010 as K-9 Veterans Day was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-104 - Consideration of a Resolution of the Commission of Knox County, Tennessee honoring this nation's war dogs by proclaiming March 13, 2010 as K-9 Veterans Day. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING THE 2010 APPALACHIA HIDTA AGREEMENT: R-10-2-301:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving the 2010 Appalachia HIDTA agreement was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-301 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving the 2010 Appalachia HIDTA agreement. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING AN**

**AGREEMENT WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES (OCDETF) FOR THE USE OF THE OCDETF STATE AND LOCAL OVERTIME AND AUTHORIZED EXPENSE PROGRAM FOR THE REIMBURSEMENT OF OVERTIME COSTS IN THE AMOUNT NOT TO EXCEED \$30,000.00 :R-10-2-302:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving an agreement with the Organized Crime Drug Enforcement Task Forces (OCDETF) for the use of the OCDETF State and Local Overtime and Authorized Expense Program for the reimbursement of overtime costs in the amount not to exceed \$30,000.00 was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-302 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving an agreement with the Organized Crime Drug Enforcement Task Forces (OCDETF) for the use of the OCDETF State and Local Overtime and Authorized Expense Program for the reimbursement of overtime costs in the amount not to exceed \$30,000.00. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING COVENANTS FOR PERMANENT MAINTENANCE OF STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES WITH BOKAJAN, LLC FOR PROPERTY LOCATED AT 7505 OAK RIDGE HIGHWAY:R-10-2-401:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving Covenants For Permanent Maintenance Of Stormwater Facilities And Best Management Practices with Bokajan, LLC for property located at 7505 Oak Ridge Highway was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-401 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving Covenants For Permanent Maintenance Of Stormwater Facilities And Best Management Practices with Bokajan, LLC for property located at 7505 Oak Ridge Highway. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark



Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A MARCH OF DIME'S FOUNDATION CHAPTER GRANT AGREEMENT BETWEEN MARCH OF DIMES CHAPTER IN THE AMOUNT OF \$8,400.00 FOR THE PROVISION OF COMPREHENSIVE TOBACCO CESSATION TRAINING FOR UP TO 200 NURSES AND WOMEN'S CARE PROVIDERS:R-10-2-601:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a March of Dime's Foundation Chapter Grant Agreement between March of Dimes Chapter in the amount of \$8,400.00 for the provision of comprehensive tobacco cessation training for up to 200 nurses and women's care providers was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-601 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a March of Dime's Foundation Chapter Grant Agreement between March of Dimes Chapter in the amount of \$8,400.00 for the provision of comprehensive tobacco cessation training for up to 200 nurses and women's care providers. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE TO REQUEST UNCLAIMED BALANCE OF ACCOUNTS REMITTED TO STATE TREASURER UNDER UNCLAIMED PROPERTY ACT:R-10-2-801:**

Consideration of a Resolution of the Commission of Knox County, Tennessee to request unclaimed balance of accounts remitted to State Treasurer under Unclaimed Property Act was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-801 - Consideration of a Resolution of the Commission of Knox County, Tennessee to request unclaimed balance of accounts remitted to State Treasurer under Unclaimed Property Act. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland,

Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A LEASE FINANCING AGREEMENT IN THE AMOUNT OF \$28,250,000.00 WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION-ENERGY AND POWER FINANCE GROUP TO SUPPORT THE ENERGY MANAGEMENT CONTRACT WITH TRANE TO BE PAID FROM THE ENERGY SAVINGS FROM BOTH SCHOOLS AND COUNTY PROJECTS:R-10-2-802:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a lease financing agreement in the amount of \$28,250,000.00 with Banc of America Public Capital Corporation-Energy and Power Finance Group to support the Energy Management contract with Trane to be paid from the energy savings from both Schools and County projects was before the Board of Commissioners.

Commissioner Leuthold moved to approve R-10-2-802 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a lease financing agreement in the amount of \$28,250,000.00 with Banc of America Public Capital Corporation-Energy and Power Finance Group to support the Energy Management contract with Trane to be paid from the energy savings from both Schools and County projects. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF APPROVAL OF MINUTES OF THE PREVIOUS MEETING:**

Consideration of approval of minutes of the previous meeting was before the Board of Commissioners.

Commissioner Pinkston moved to approve the minutes of the January 25, 2010 Board of Commissioners meeting. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders,

Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE HONORING THE NORTH HILLS GARDEN CLUB: R-10-2-102:**

Consideration of a Resolution of the Commission of Knox County, Tennessee honoring the North Hills Garden Club was before the Board of Commissioners.

Mrs. Sandra Sexton, Minutes Clerk, to the Knox County Clerk, read the resolution into the record.

Mayor Mike Ragsdale declared February 22, 2010 as North Hills Garden Club Day.

Mr. Lloyd King, President, North Hill Garden Club, was present and spoke on the matter.

Commissioner Norman moved to approve R-10-2-102 - Consideration of a Resolution of the Commission of Knox County, Tennessee honoring the North Hills Garden Club. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING \_\_\_\_\_ AS THE DISTRICT 1 REPRESENTATIVE AND \_\_\_\_\_ AS THE DISTRICT 8 REPRESENTATIVE ON THE KNOX COUNTY BOARD OF ZONING AND APPEALS: R-09-10- 2-110 :( PLEASE NOTE: THIS ITEM WAS RECONSIDERED LATER IN THE AGENDA)**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ as the District 1 Representative and \_\_\_\_\_ as the District 8 Representative on the Knox County Board of Zoning and Appeals was before the Board of Commissioners.

At this time nominations were open for the 1<sup>st</sup> district representative: Upon roll call Commissioner McKenzie nominated Ms. Cynthia Stancil, Commissioner Strickland passed, Commissioner Mark Harmon passed, Commissioner Broyles passed, Commissioner Norman passed,

Commissioner Ivan Harmon passed, Commissioner Saunders passed, Commissioner Shouse passed, Commissioner Hammond passed, Commissioner Leuthold passed, Commissioner Briggs passed, Commissioner Anders passed, Commissioner Lambert passed, Commissioner Smith passed, Commissioner Carringer passed, Commissioner Armstrong passed, Commissioner Wright passed, Commissioner Brown passed and Commissioner Pinkston passed.

Commissioner Leuthold moved that the nominations cease and Ms. Cynthia Stancil be appointed by acclamation. Commissioner Sanders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. The motion carried 19-0-0-0.

At this time nominations were open for the 8th district representative:

Commissioner McKenzie passed, Commissioner Strickland passed, Commissioner Mark Harmon passed, Commissioner Broyles voted passed, Commissioner Norman passed, Commissioner Ivan Harmon passed, Commissioner Saunders passed, Commissioner Shouse passed, Commissioner Hammond passed, Commissioner Leuthold passed, Commissioner Briggs passed, Commissioner Anders passed, Commissioner Lambert passed, Commissioner Smith passed, Commissioner Carringer passed, Commissioner Armstrong passed, Commissioner Wright nominated Mr. Kevin Murphy, Commissioner Brown passed and Commissioner Pinkston passed.

Commissioner Leuthold moved that the nominations cease and Mr. Kevin Murphy be appointed by acclamation. Commissioner Armstrong seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. The motion carried 18-1-0-0.

Commissioner Leuthold moved to approve R-10-2-110 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Ms. Cynthia Stancil as the District 1 Representative and Mr. Kevin Murphy as the District 8 Representative on the Knox County Board of Zoning and Appeals. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark

Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. The motion carried 18-1-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING TO THE KNOX COUNTY BOARD OF EDUCATION AS THE DISTRICT 8 MEMBER UNTIL THE NEXT GENERAL ELECTION:R-10-2-111:**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ to the Knox County Board of Education as the District 8 member until the next General Election was before the Board of Commissioners.

At this time nominations were open for the District 8 Board of Education member: Upon roll call Commissioner McKenzie nominated Ms. Debra Porter, Commissioner Strickland passed, Commissioner Mark Harmon nominated Mr. Roy Mullins, Commissioner Broyles passed, Commissioner Norman passed, Commissioner Ivan Harmon passed, Commissioner Saunders passed, Commissioner Shouse passed, Commissioner Hammond passed, Commissioner Leuthold passed, Commissioner Briggs nominated Mr. Patrick Richmond, Commissioner Anders passed, Commissioner Lambert passed, Commissioner Smith passed, Commissioner Carringer passed, Commissioner Armstrong passed, Commissioner Wright passed, Commissioner Brown passed and Commissioner Pinkston passed.

Mr. Patrick Richmond, nominee, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

The three (3) nominees were Ms. Debra Porter, Mr. Roy Mullins and Mr. Patrick Richmond.

Upon roll call vote Commissioners McKenzie, Strickland, Broyles, Ivan Harmon and Saunders voted for Ms. Debra Porter.

Commissioner Mark Harmon voted for Mr. Roy Mullins.

Commissioners Norman, Shouse, Hammond, Leuthold, Briggs, Anders, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted for Mr. Patrick Richmond.

Commissioner Lambert abstained from the vote.

Ms. Debra Porter received 5 votes.

Mr. Roy Mullins received 1 vote.

Mr. Patrick Richmond received 12 votes.

There was one abstain.

Mr. Patrick was appointed to the 8<sup>th</sup> District School Board.

Commissioner Pinkston moved to approve R-10-2-111- Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Mr. Patrick Richmond to the Knox County Board of Education as the District 8 member until the next General Election. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE:        CONSIDERATION OF A RESOLUTION OF THE**  
**COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING**  
**AND            TO THE KNOX COUNTY PERSONNEL BOARD:**  
**R-10-2-112:**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ and \_\_\_\_\_ to the Knox County Personnel Board was before the Board of Commissioners.

Ms. Frances Fogerson, Director, Human Resources, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Commissioner Pinkston moved to approve R-10-2-112 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Ms. Deborah York and Mr. Logan Brummitt to the Knox County Personnel Board. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE:        CONSIDERATION OF A RESOLUTION OF THE**  
**COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING**  
**TO THE KNOX COUNTY ETHICS COMMITTEE:**  
**R-10-2-113:**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ to the Knox County Ethics Committee was before the Board of Commissioners.

At this time nominations were open for appointment to the Ethics Committee:

Upon roll call Commissioner McKenzie passed, Commissioner Strickland passed, Commissioner Mark Harmon passed, Commissioner Broyles nominated Ms. Kathy Bryant, Commissioner Norman passed, Commissioner Ivan Harmon passed, Commissioner Saunders nominated Mr. Steve Drevik, Commissioner Shouse passed, Commissioner Hammond recused himself from the vote. Commissioner Leuthold passed, Commissioner Briggs nominated Ms. Karen Smith, Commissioner Anders passed, Commissioner Lambert passed, Commissioner Smith passed, Commissioner Carringer passed, Commissioner Armstrong passed, Commissioner Wright passed, Commissioner Brown passed and Commissioner Pinkston passed.

The three (3) nominees were Ms. Karen Smith, Mr. Steve Drevik and Ms. Kathy Bryant.

Commissioners Strickland, Norman, Ivan Harmon, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted for Ms. Karen Smith.

Commissioners McKenzie, Saunders and Shouse voted for Mr. Steve Drevik.

Commissioners Mark Harmon and Broyles voted for Ms. Kathy Bryant.

Commissioner Hammond abstained from the vote.

Ms. Karen Smith received 13 votes.

Mr. Steve Drevik received 3 votes.

Ms. Kathy Bryant received 2 votes.

There was one abstain.

Commissioner Leuthold moved to approve R-10-2-113 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Ms. Karen Smith to the Knox County Ethics Committee. Commissioner Pinkston seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE:        *CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING MR. CHIP MILLER AND REAPPOINTING MR. BILLY STOKES AND DR.***

**ROCIO HUET TO THE PUBLIC BUILDING AUTHORITY (PBA)**  
**BOARD:R-10-2-114:**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Mr. Chip Miller and reappointing Mr. Billy Stokes and Dr. Rocio Huet to the Public Building Authority (PBA) Board was before the Board of Commissioners.

Mr. Dwight Vandevate, Senior Director, Director of Community Relations, Knox County Mayors Office, was present and spoke on the matter.

Commissioner Pinkston moved to approve R-10-2-114 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing Mr. Chip Miller and reappointing Mr. Billy Stokes and Dr. Rocio Huet to the Public Building Authority (PBA) Board. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: DRIVES AND ROADS:**

**IN RE: CONSIDERATION OF CLOSURE OF UNNAMED RIGHT OF WAY AT CEDAR STREET AND ALLEY. PROPERTY LOCATED OFF OF OLIVE ROAD AND SECOND DRIVE IN THE EIGHTH COMMISSION DISTRICT. PROPERTY OWNERS: CHRISTOPHER STOKES, TIM BEELER, JAY BEELER AND DAVID RUSSELL: (SECOND READING)**

Consideration of closure of unnamed right of way at Cedar Street and Alley was before the Board of Commissioners on second reading. Property located off of Olive Road and Second Drive in the Eighth Commission District. Property owners: Christopher Stokes, Tim Beeler, Jay Beeler and David Russell.

Commissioner Pinkston moved to approve consideration of closure of unnamed right of way at Cedar Street and Alley on second reading. Property located off of Olive Road and Second Drive in the Eighth Commission District. Property owners: Christopher Stokes, Tim Beeler, Jay Beeler and David Russell. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond,



Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: AMENDMENT TO THE AGENDA:**

Commissioner Leuthold moved to reconsider R-10-2-110 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ as the District 1 Representative and \_\_\_\_\_ as the District 8 Representative on the Knox County Board of Zoning and Appeals. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING AS THE DISTRICT 1 REPRESENTATIVE AND AS THE DISTRICT 8 REPRESENTATIVE ON THE KNOX COUNTY BOARD OF ZONING AND APPEALS: R-10-2-110:**

Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ as the District 1 Representative and \_\_\_\_\_ as the District 8 Representative on the Knox County Board of Zoning and Appeals was before the Board of Commissioners.

Commissioner Leuthold moved to separate the 1<sup>st</sup> and 8<sup>th</sup> Districts into two (2) separate motions. Commissioners McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

At this time nominations was open of the appointment in the 1<sup>st</sup> district.

Commissioner McKenzie nominated Ms. Cynthia Stancil and her appointment is effective immediately. Commissioner Broyles seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

Commissioner Anders moved that the nominations cease and Ms. Cynthia Stancil be appointed by acclamation for the 1<sup>st</sup> district. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

Commissioner Wright nominated Mr. Kevin Murphy and his appointment is effective March 1, 2010 for the 8<sup>th</sup> district. Commissioner Armstrong seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 18-1-0-0. Commissioner Broyles voted no.

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**IN RE: AMENDMENT TO THE AGENDA:**

Without objection, Commissioner Strickland appointed to following Commissioners regarding the Grants Process: Commissioner Broyles on General Services, Commissioner Lambert on the Arts and Commissioner Briggs on the Homeless.

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The Ethics Committee will meet on March 10, 2010 at 8:30 a.m. in the Main Assembly Room.

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**IN RE: AMENDMENT TO THE AGENDA:**

Commissioner Strickland stepped down as Chairman and Commissioner Leuthold Vice-Chairman, presided.

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**IN RE: PULBIC FORUM:**

Mr. Brad Mayes, concerned citizen, was present and spoke on the Greenwaste.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Commissioner Lambert moved to add a resolution to the agenda regarding Knox County sending to Oak Ridge a bill to reimburse Knox County for the amount of money the county has subsidized them in their greenwaste disposal. Commission Smith seconded the motion and upon roll call vote Commissioners Norman, Ivan Harmon, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners McKenzie, Mark Harmon,

Broyles and Saunders voted no. Commissioner Strickland was absent from the vote. The motion to add to the agenda carried 14-4-0-1.

After further discussion the Resolution regarding Knox County sending to Oak Ridge a bill to reimburse Knox County for the amount of money the county has subsidized them in their greenwaste disposal was withdrawn from the agenda.

The Knox County Law Department will get a copy of the contract regarding Oak Ridge and review and bring back to Commission.

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**IN RE: AMENDMENT TO THE AGENDA:**

At this time Commissioner Leuthold, Vice-Chairman stepped down and Commissioner Strickland, Chairman, presided.

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**IN RE: ORDINANCES ON FIRST READING:**

**IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE PLACING ON THE BALLOT A CHARTER AMENDMENT REQUIRING SCHOOL BOARD DISTRICTS TO BE REASONABLY COMPACT AND CONTIGUOUS AND NOT OVERLAPPING: O-10-2-102: FIRST READING:**

Consideration of an Ordinance of the Commission of Knox County, Tennessee placing on the ballot a Charter Amendment requiring school board districts to be reasonably compact and contiguous and not overlapping was before the Board of Commissioners on first reading.

Mr. Jon Gustin, E-G Services, Manager, was present and spoke on the matter.

Mr. Keith Stump, Director, KGIS, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Mr. Greg Mackay, Administrator of Elections, was present and spoke on the matter.

Commissioner Norman moved to approve O-10-2-102 - Consideration of an Ordinance of the Commission of Knox County, Tennessee placing on the ballot a Charter Amendment requiring school board districts to be reasonably compact and contiguous and not overlapping on first reading with the following amendment: Add in the caption: Will not split the voting precincts. Also have a joint public meeting with the School Board and Commission. Commissioner Leuthold seconded the motion.

Commissioner McKenzie moved as a substitute motion to defer to the March 2010 Board of Commissioners meeting O-10-2-102 - Consideration of an Ordinance of the Commission of Knox County, Tennessee placing on the ballot a Charter Amendment requiring school board districts to be reasonably compact and contiguous and not overlapping on first reading and allow the Law Department to look into the Ordinance. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT IN THE AMOUNT OF \$970,300.00 WITH UNIVERSITY PATHOLOGISTS, P.C. FOR SERVICES RELATING TO POST MORTEM SERVICES AND THE OPERATION OF THE KNOX COUNTY MEDICAL EXAMINER'S OFFICE: R-10-2-602:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$970,300.00 with University Pathologists, P.C. for services relating to Post Mortem Services and the operation of the Knox County Medical Examiner's Office was before the Board of Commissioners.

Dr. Stuart VanMeter, President, University Pathology PC and Chairman, Department of Pathology University Hospital, was present and spoke on the matter.

Mr. Mark Jones, Knox County Health Department, was present and spoke on the matter.

Commissioner Mark Harmon moved to approve R-10-2-602 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$970,300.00 with University Pathologists, P.C. for services relating to Post Mortem Services and the operation of the Knox County Medical Examiner's Office. Commissioner Ivan Harmon seconded the motion.

Commissioner Anders moved as a substitute motion to defer to the March 2010 Board of Commissioners meeting R-10-2-602 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$970,300.00 with University Pathologists, P.C. for services relating to Post Mortem Services and the operation of the Knox County Medical Examiner's Office. Commissioner Lambert seconded the

motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 18-1-0-0. Commissioner Mark Harmon voted no.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE PRECLUDING OUSTED KNOX COUNTY COMMISSIONERS FROM SERVING ON BOARDS AND COMMITTEES APPOINTED BY THE KNOX COUNTY COMMISSION: R-10-2-902:**

Consideration of a Resolution of the Commission of Knox County, Tennessee precluding ousted Knox County Commissioners from serving on boards and committees appointed by the Knox County Commission was before the Board of Commissioners.

Commissioner Mark Harmon moved to approve R-10-2-902 - Consideration of a Resolution of the Commission of Knox County, Tennessee precluding ousted Knox County Commissioners from serving on boards and committees appointed by the Knox County Commission with the following amendment: This resolution does not apply to any members or ex-members of County Commission or any board members sitting on committees. Commissioner Broyles seconded the motion and upon roll call vote Commissioners Mark Harmon, Broyles, Norman, Saunders, Shouse, Hammond, Briggs and Smith voted aye. Commissioners McKenzie, Strickland, Ivan Harmon, Leuthold, Anders, Lambert, Carringer, Armstrong, Wright, Brown and Pinkston voted no. The motion to approve with the amendment failed 8-11-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE PLACING A 180 DAY MORATORIUM EXPIRING AUGUST 31, 2010 ON THE ISSUANCE OF FIRST TIME BEER PERMITS FOR DRIVE-THRU BUSINESSES LOCATED IN UNINCORPORATED KNOX COUNTY: R-10-2-903:**

Consideration of a Resolution of the Commission of Knox County, Tennessee placing a 180 day moratorium expiring August 31, 2010 on the issuance of first time beer permits for drive-thru businesses located in unincorporated Knox County was before the Board of Commissioners.

Mr. Harold Hudson, owner of a drive-thru business, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Commissioner Norman moved to approve R-10-2-903 -

Consideration of a Resolution of the Commission of Knox County, Tennessee placing a 180 day moratorium expiring August 31, 2010 on the issuance of first time beer permits for drive-thru businesses located in unincorporated Knox County. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE REQUESTING, PURSUANT TO RESOLUTION R-08-12-908, THAT A REPRESENTATIVE OF HILLCREST APPEAR BEFORE THE COMMISSION TO ANSWER QUESTIONS:R-10-2-904:**

Consideration of a Resolution of the Commission of Knox County, Tennessee requesting, pursuant to Resolution R-08-12-908, that a representative of Hillcrest appear before the Commission to answer questions was before the Board of Commissioners.

Mr. William Mason, Chair of Hillcrest Board of Directors, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Mr. Jim Murphy, President of Hillcrest, was present and spoke on the matter.

Commissioner Wright moved to defer to the June 2010 Board of Commissioners R-10-2-904 - Consideration of a Resolution of the Commission of Knox County, Tennessee requesting, pursuant to Resolution R-08-12-908, that a representative of Hillcrest appear before the Commission to answer questions. The motion was seconded.

Commissioner Mark Harmon moved as a substitute motion to defer any action until the March 2010 Board of Commissioners meeting and draft and resolution starting the 90 day for withdrawing the contract for cause. Commissioner Lambert seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 19-0-0-0.

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**IN RE: ROLL CALL: REZONINGS:**

Mrs. Sandra Sexton, Minutes Clerk to Knox County Clerk, called the roll. Those responding were Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston. Commissioner Hammond was absent from the evening session.

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**IN RE: ZONING REQUEST:**

Request of Benchmark Associates, Inc. for rezoning from A (Agricultural) to RA (Low Density Residential) 1-B-10-RZ was before the Board of Commissioners. Property located northwest side Ball Road, southwest of Lobetti Road. 6<sup>th</sup> Commission District.

Mr. Benny Moorman, Benchmark Associates, was present and spoke on the matter.

Mr. Buzz Johnson, Director, Development Services, Metropolitan Planning Commission, was present and spoke on the matter.

Commissioner Strickland asked if there was any opposition to the request. There was no response.

Commissioner Anders moved to approve 1-B-10-RZ - of Benchmark Associates, Inc. for rezoning from A (Agricultural) to RA (Low Density Residential) as per Metropolitan Planning Commission's recommendation: Approve RA (Low Density Residential). Commissioner Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 18-0-0-1. Commissioner Hammond was absent from the vote.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE REQUESTING THE METROPOLITAN PLANNING COMMISSION (MPC) TO CONSIDER AMENDMENTS TO THE KNOX COUNTY ZONING ORDINANCE AS RECOMMENDED BY THE KNOX COUNTY COMMISSION RELATED TO THE COMPOSITION OF THE KNOX COUNTY BOARD OF ZONING APPEALS:R-10-2-906:**

Consideration of a Resolution of the Commission of Knox County, Tennessee requesting the Metropolitan Planning Commission (MPC) to consider amendments to the Knox County Zoning Ordinance as recommended by the Knox County Commission related to the composition

of the Knox County Board of Zoning Appeals was before the Board of Commissioners.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

Commissioner Pinkston moved to approve R-10-2-906 -

Consideration of a Resolution of the Commission of Knox County, Tennessee requesting the Metropolitan Planning Commission (MPC) to consider amendments to the Knox County Zoning Ordinance as recommended by the Knox County Commission related to the composition of the Knox County Board of Zoning Appeals. Commissioner Norman seconded the motion and upon roll call vote Commissioners Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Brown and Pinkston voted aye. The motion carried 16-2-0-1. Commissioners McKenzie and Wright voted no. Commissioner Hammond was absent from the vote.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE TO REVIEW THE SALES CONTRACT FOR THE PROPERTY LOCATED AT STATE AND CLINCH AND TO DISCUSS THE PROPOSED SALE OF SAID PROPERTY: R-10-2-907:**

Consideration of a Resolution of the Commission of Knox County, Tennessee to review the sales contract for the property located at State and Clinch and to discuss the proposed sale of said property was before the Board of Commissioners.

Mr. Hugh Holt, Knox County Purchasing, was present and spoke on the matter.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, was present and spoke on the matter.

This resolution was withdraw from the agenda.

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**IN RE: ORDINANCE ON SECOND READING:**

**IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AMENDING ARTICLE VIII OF THE KNOX COUNTY CHARTER BY REPLACING SECTION 8.05, A PROVISION TO RECALL AN ELECTED OFFICIAL FROM OFFICE, WITH A NEW SECTION 8.05 (KNOX COUNTY CHARTER AS ADOPTED 11-8-88, AS AMENDED THROUGH REFERENDUM OF 8-7-08): O-09-12-102:SECOND READING:**



Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Article VIII of the Knox County Charter by replacing Section 8.05, a provision to recall an elected official from office, with a new section 8.05 (Knox County Charter as adopted 11-8-88, as amended through Referendum of 8-7-08) was before the Board of Commissioners on second reading.

Commissioner Norman moved to approve O-09-12-102 - Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Article VIII of the Knox County Charter by replacing Section 8.05, a provision to recall an elected official from office, with a new section 8.05 (Knox County Charter as adopted 11-8-88, as amended through Referendum of 8-7-08) on second reading. Commissioners Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 18-0-0-1. Commissioner Hammond was absent from the vote.

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**IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AMENDING ORDINANCE O-09-3-107, AS AMENDED, REGARDING THE ADOPTION OF BEER LAWS FOR KNOX COUNTY TO PROVIDE A PENALTY SCHEME FOR THE CONDUCT OF ILLEGAL GAMBLING AND THE POSSESSION OF ILLEGAL GAMBLING MACHINES ON PREMISES TO WHICH A BEER PERMIT HAS BEEN ISSUED (ORD. NO. O-09-3-107, ADOPTED 4-27-09 AND ORD. NO. O-09-8-101, ADOPTED 9-28-09) O-10-1-101: SECOND READING:**

Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Ordinance O-09-3-107, as amended, regarding the adoption of Beer Laws for Knox County to provide a penalty scheme for the conduct of illegal gambling and the possession of illegal gambling machines on premises to which a beer permit has been issued (Ord. No. O-09-3-107, adopted 4-27-09 and Ord. No. O-09-8-101, adopted 9-28-09) O-10-1-101 was before the Board of Commissioners on second reading.

Commissioner Norman moved to approve O-10-10-101 - Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Ordinance O-09-3-107, as amended, regarding the adoption of Beer Laws for Knox County to provide a penalty scheme for the conduct of illegal gambling and the possession of illegal gambling machines on premises to which a beer permit has been issued (Ord. No. O-09-3-107,

adopted 4-27-09 and Ord. No. O-09-8-101, adopted 9-28-09) on second reading. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. The motion carried 18-0-0-1. Commissioner Hammond was absent from the vote.

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**IN RE: PUBLIC FORUM:**

Mr. Dwight VandeVate, Senior Director of Community Relations, was present and spoke regarding Mr. Brad Mayes speaking earlier on the day's agenda regarding Solid Waste.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE REQUESTING THE KNOX COUNTY LAW DIRECTOR AND ATTORNEYS REPRESENTING KNOX COUNTY IN ACTION STYLED CHARLES DREW, ET AL. V. KNOX COUNTY, NO. 176120-1 IN THE CHANCERY COURT FOR KNOX COUNTY, TO REFRAIN FROM ANY CONDUCT WHICH MIGHT RESULT IN A DELAY OF THAT COURT'S FINAL DETERMINATION OF THE VALIDITY OF THE CLAIMS MADE BY THE PLAINTIFFS IN THAT ACTION: R-10-2-908:**

Consideration of a Resolution of the Commission of Knox County, Tennessee requesting the Knox County Law Director and Attorneys representing Knox County in action styled Charles Drew, ET AL. V. Knox County, No. 176120-1 in the Chancery Court for Knox County, to refrain from any conduct which might result in a delay of that court's final determination of the validity of the claims made by the plaintiffs in that action was before the Board of Commissioners.

Commissioner Lambert moved to approve R-10-2-908 - Consideration of a Resolution of the Commission of Knox County, Tennessee requesting the Knox County Law Director and Attorneys representing Knox County in action styled Charles Drew, ET AL. V. Knox County, No. 176120-1 in the Chancery Court for Knox County, to refrain from any conduct which might result in a delay of that court's final determination of the validity of the claims made by the plaintiffs in that action. Commissioner Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark

Harmon abstained from the vote. The motion carried 17-0-1-1.  
Commissioner Hammond was absent from the meeting.

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**IN RE:      OTHER BUSINESS:**

Report and discussion regarding stormwater issues was before the Board of Commissioners.

Commissioner Norman stated there would be a Stormwater Review Committee meeting at the Stormwater office on March 10, 2010 at 1:30 p.m.

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**IN RE:      ADJOURNMENT:**

There being no further business to come before the Board Commissioners, Commissioner Strickland declared the meeting adjourned.

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THOMAS STRICKLAND, CHAIRMAN

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CRAIG LEUTHOLD, VICE-CHAIRMAN