

KNOX COUNTY BOARD OF COMMISSIONERS

The Knox County Board of Commissioners met in Regular Session on Monday, January 25, 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, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston. Commissioner Mark Harmon was absent from the meeting. Also present were Mr. Joe Jarret, Knox County Chief Deputy Law Director, Mr. Richard Walls, Knox County Internal Auditor, Mr. John Troyer, Senior Director for Knox County Finance, Mr. Mike Ragsdale, Knox County Mayor, Mr. Mark Donaldson, Executive Director for Metropolitan Planning Commission, Mr. Ewing "Buzz" Johnson, Deputy Director for Metropolitan Planning Commission, and members of the news media.

Commissioner Strickland, Chairman, presided.

The following proceedings were had and entered of record to-wit:

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IN RE: ROLL CALL:

Mrs. Kim Ellis, Minutes Clerk to the Knox County Clerk, called the roll.

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IN RE: DEVOTIONAL:

Commissioner Briggs gave the devotional.

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IN RE: PLEDGE OF ALLEGIANCE TO THE FLAG:

Commissioner Carringer led the Pledge of Allegiance to the Flag.

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IN RE: AMENDMENTS TO THE AGENDA:

1. Without objection, Commissioner Strickland amended the agenda to hear the following item earlier on the day's agenda: Ordinance 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 (amending Knox County Charter as adopted November 8, 1988, as amended through Referendum of August 7, 2008).

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2. Commissioner Strickland amended the agenda to add the following items: Discussion regarding the Knox County Lobbyist; and Resolution R-10-1-912 - Consideration of a resolution of the Commission of Knox County, Tennessee, requesting that the Knox County Law Director's Office exercise all legal means available to recover public monies alleged to have been misappropriated by Knox County Trustee employee John Haun.

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3. Commissioner Strickland amended the agenda to remove the following items from the consent calendar: Resolution R-10-1-101 - Consideration of a resolution of the Commission of Knox County, Tennessee, honoring UT Life Paramedic Rick Harrington upon the occasion of his receipt of the Lifetime Achievement Award from the Tennessee Region II Emergency Medical Services Directors Association; and Resolution R-10-1-102 - Consideration of a resolution of the Commission of Knox County, Tennessee, honoring Kim White for earning the title of Registered Public-Safety Leader.

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4. Commissioner Strickland amended the agenda to remove the following items from the consent calendar: Resolution R-10-1-107 - Consideration of a resolution of the Commission of Knox County, honoring the Farragut High School Boy's Golf Team.

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5. Commissioner Strickland amended the agenda to defer the following item to the February 2010 Board of Commissioners meeting: Resolution R-10-1-907 - 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.

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6. Commissioner Strickland amended the agenda to remove the following items from the consent calendar: Resolution R-10-1-911 - Consideration of a resolution of the Commission of Knox County, Tennessee, approving the request of the Knox County Property Assessor to hire three (3) additional employees and approving an appropriation in the amount of \$100,000.00 for the aforesaid purpose for the remainder of fiscal year 2009-2010.

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7. Commissioner Strickland amended the agenda to add the following item: Report from the Knox County Ethics Committee.

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8. Commissioner Strickland amended the agenda to remove the following item from the consent calendar: Resolution R-10-1-105 - Consideration of a resolution of the Commission of Knox County, Tennessee, honoring the Knox County Finance Department upon receipt of Government Finance Officers Association's Distinguished Budget Award for the 13th consecutive year.

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9. Commissioner Strickland amended the agenda to defer the following item to the February 2010 Board of Commissioners meeting: Resolution R-10-1-104 - Consideration of a resolution of the Commission of Knox County, Tennessee, honoring Violet Tudor.

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10. Commissioner Strickland amended the agenda to add the following item: Resolution R-10-1-403 - Consideration of a resolution of the Commission of Knox County, Tennessee, approving supplement Number 7 to contract Number 00035817 with the Tennessee Valley Authority (TVA) in the amount of \$9,000.00 for reimbursement to Knox County in support of the Beaver Creek Watershed Initiative.

Mr. Bruce Wuethrich, Director for Knox County Engineering and Public Works, was present and spoke on the matter.

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11. Commissioner Strickland amended the agenda to add the following item: Resolution R-10-1-701 - Consideration of a resolution of the Commission of Knox County, Tennessee, approving a joint easement with the City of Knoxville for a section of the Knox Blount Greenway Trail on the Navy Reserve property on Alcoa Highway.

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12. Commissioner Strickland amended the agenda to defer the following items to the February 2010 Board of Commissioners meeting: Resolution R-10-1-103 - Consideration of a resolution of the Commission of Knox County, Tennessee, honoring the North Hills Garden Club; Resolution R-10-1-108 - 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; and Resolution R-10-1-910 - 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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IN RE: CONSENT ITEMS:

1. Tax Refunds:
No request received.

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2. Notary Public Applications:
170 Notary Public Applications received.

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3. Reports of Officials: (Quarterly)

- A. County Mayor
- B. County Law Director
- C. Superintendent of Schools
- D. Trustee
- E. Medical Examiner
- F. Sheriff
- G. Public Libraries
- H. Old Records

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4. Reports of County Agencies: (Quarterly)

- A. Department of Human Services
- B. Department of Child and Family Services
- C. Department of Air Quality Management
- D. Metropolitan Planning Commission
- E. Sheriff's Merit System
- F. Pre-Trial Release
- G. Jail Inspection Committee
- H. Alternative Sentencing Program
- I. Ambulance Review Commission

Commissioner Craig Leuthold moved to approve all Consent Items. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: EDUCATION CONSENT CALENDAR:

No request received.

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IN RE: CONSENT CALENDAR:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING UT LIFE PARAMEDIC RICK HARRINGTON UPON THE OCCASION OF HIS RECEIPT OF THE LIFETIME ACHIEVEMENT AWARD FROM THE TENNESSEE REGION II EMERGENCY MEDICAL SERVICES DIRECTORS ASSOCIATION – R-10-1-101:

This item was heard later on the day's agenda. (See Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING KIM WHITE FOR EARNING THE TITLE OF REGISTERED PUBLIC-SAFETY LEADER – R-10-1-102:

This item was heard later on the day's agenda. (See Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING VIOLET TUDOR – R-10-1-104:

This item was deferred to the February 2010 Board of Commissioners meeting. (See Amendments to the Agenda, Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING THE KNOX COUNTY FINANCE DEPARTMENT UPON RECEIPT OF GOVERNMENT FINANCE OFFICERS ASSOCIATION'S DISTINGUISHED BUDGET AWARD FOR THE 13TH CONSECUTIVE YEAR – R-10-1-105:

This item was heard later on the day's agenda. (See Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING CHARLES CARTER – R-10-1-106:

Consideration of a resolution of the Commission of Knox County, Tennessee, honoring Charles Carter was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution

R-10-1-106 - Resolution of the Commission of Knox County, Tennessee, honoring Charles Carter. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING THE FARRAGUT HIGH SCHOOL BOY'S GOLF TEAM – R-10-1-107:

_____) This item was heard later on the day's agenda. (See Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING AN AGREEMENT IN THE AMOUNT OF \$780.00 FOR THE CONVEYANCE OF A PERMANENT UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON THE BALL CAMP ELEMENTARY SCHOOL PROPERTY TO THE WEST KNOX UTILITY DISTRICT FOR A NEW SEWER LINE – R-10-1-201:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving an agreement in the amount of \$780.00 for the conveyance of a permanent utility easement and temporary construction easement on the Ball Camp Elementary School property to the West Knox Utility District for a new sewer line was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-201 - Resolution of the Commission of Knox County, Tennessee, approving an agreement in the amount of \$780.00 for the conveyance of a permanent utility easement and temporary construction easement on the Ball Camp Elementary School property to the West Knox Utility District for a new sewer line. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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

REQUEST OF ENVIRONMENTAL WASTE SOLUTION TO BEGIN OPERATING A GREASE DEWATERING FACILITY AT 601 VAN STREET, PURSUANT TO T.C.A. §68-211-701, ALSO KNOWN AS THE JACKSON LAW – R-10-1-401:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving the request of Environmental Waste Solution to begin operating a grease dewatering facility at 601 Van Street, pursuant to T.C.A. §68-211-701, also known as The Jackson Law was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-401 - Resolution of the Commission of Knox County, Tennessee, approving the request of Environmental Waste Solution to begin operating a grease dewatering facility at 601 Van Street, pursuant to T.C.A. §68-211-701, also known as The Jackson Law. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AUTHORIZING THE ACCEPTANCE OF THE STATE FARM GOOD NEIGHBOR GRANT IN THE AMOUNT OF \$20,000.00 FOR THE KNOX COUNTY FIRE PREVENTION BUREAU'S PUBLIC EDUCATION EFFORTS – R-10-1-402:

Consideration of a resolution of the Commission of Knox County, Tennessee, authorizing the acceptance of the State Farm Good Neighbor Grant in the amount of \$20,000.00 for the Knox County Fire Prevention Bureau's public education efforts was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-402 - Resolution of the Commission of Knox County, Tennessee, authorizing the acceptance of the State Farm Good Neighbor Grant in the amount of \$20,000.00 for the Knox County Fire Prevention Bureau's public education efforts. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted

aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE CONTRACT NUMBER 08-586 WITH THE HELEN ROSS MCNABB CENTER, INC. FOR THE PURPOSE OF PROVIDING \$50,625.00 IN TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) PROGRAM INCOME FUNDS TO THE HELEN ROSS MCNABB FOUNDATION FOR THE CONSTRUCTION OF EIGHT (8) TWO-BEDROOM UNITS OF PERMANENT SUPPORTIVE HOUSING FOR HOMELESS MOTHERS AND CHILDREN OR FAMILIES WITH SPECIAL NEEDS – R-10-1-501:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving an amendment to the Contract Number 08-586 with The Helen Ross McNabb Center, Inc. for the purpose of providing \$50,625.00 in Tennessee Housing Development Agency (THDA) Program income funds to the Helen Ross McNabb Foundation for the construction of eight (8) two-bedroom units of permanent supportive housing for homeless mothers and children or families with special needs was before the Board of Commissioners.

Commissioner Smith made disclosure that he serves on the board prior to voting on the matter.

Commissioner Pinkston moved to approve Resolution R-10-1-501 - Resolution of the Commission of Knox County, Tennessee, approving an amendment to the Contract Number 08-586 with The Helen Ross McNabb Center, Inc. for the purpose of providing \$50,625.00 in Tennessee Housing Development Agency (THDA) Program income funds to the Helen Ross McNabb Foundation for the construction of eight (8) two-bedroom units of permanent supportive housing for homeless mothers and children or families with special needs. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A JOINT EASEMENT WITH THE CITY OF KNOXVILLE FOR A

SECTION OF THE KNOX BLOUNT GREENWAY TRAIL ON THE NAVY RESERVE PROPERTY ON ALCOA HIGHWAY – R-10-1-701:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a joint easement with the City of Knoxville for a section of the Knox Blount Greenway Trail on the Navy Reserve property on Alcoa Highway was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-701 - Resolution of the Commission of Knox County, Tennessee, approving a joint easement with the City of Knoxville for a section of the Knox Blount Greenway Trail on the Navy Reserve property on Alcoa Highway. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A GRANT (CONTRACT NUMBER: LW03F101ADULT10) IN THE AMOUNT OF \$655,321.00 WITH THE TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE EMPLOYMENT AND TRAINING SERVICES TO ADULTS IN KNOX COUNTY – R-10-1-902:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a grant (contract number: LW03F101ADULT10) in the amount of \$655,321.00 with the Tennessee Department of Labor and Workforce Development to provide employment and training services to adults in Knox County was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-902 - Resolution of the Commission of Knox County, Tennessee, approving a grant (contract number: LW03F101ADULT10) in the amount of \$655,321.00 with the Tennessee Department of Labor and Workforce Development to provide employment and training services to adults in Knox County. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye.

Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A GRANT AGREEMENT (CONTRACT NUMBER: LW03F101DSLWK10) IN THE AMOUNT OF \$594,964.00 WITH THE TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT TO PROVIDE EMPLOYMENT AND TRAINING SERVICES TO DISLOCATED WORKERS IN KNOX COUNTY – R-10-1-903:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a grant agreement (contract number: LW03F101DSLWK10) in the amount of \$594,964.00 with the Tennessee Department of Labor and Workforce Development to provide employment and training services to dislocated workers in Knox County was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-903 - Resolution of the Commission of Knox County, Tennessee, approving a grant agreement (contract number: LW03F101DSLWK10) in the amount of \$594,964.00 with the Tennessee Department of Labor and Workforce Development to provide employment and training services to dislocated workers in Knox County. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A GRANT AGREEMENT IN THE AMOUNT OF \$1,000.00 WITH THE ARTS & CULTURE ALLIANCE OF GREATER KNOXVILLE FOR ARTS BUILD COMMUNITIES PROGRAM SERVICES – R-10-1-904:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$1,000.00 with the Arts & Culture Alliance of Greater Knoxville for Arts Build Communities Program services was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-904- Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$1,000.00 with the Arts &

Culture Alliance of Greater Knoxville for Arts Build Communities Program services. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A GRANT AGREEMENT IN THE AMOUNT OF \$67,100.00 WITH THE TENNESSEE DEPARTMENT OF HEALTH FOR URINE-BASED SCREENING SERVICES FOR JUVENILES BOOKED AT THE RICHARD L. BEAN JUVENILE SERVICE CENTER – R-10-1-905:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$67,100.00 with the Tennessee Department of Health for urine-based screening services for juveniles booked at the Richard L. Bean Juvenile Service Center was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-905 - Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$67,100.00 with the Tennessee Department of Health for urine-based screening services for juveniles booked at the Richard L. Bean Juvenile Service Center. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A GRANT AGREEMENT IN THE AMOUNT OF \$16,000.00 WITH THE TENNESSEE EMERGENCY MANAGEMENT AGENCY (TEMA) TO PROVIDE PASS-THROUGH FUNDING FROM THE U.S. DEPARTMENT OF ENERGY FOR OFF-SITE EMERGENCY PLANNING AND RESPONSE – R-10-1-906:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of

\$16,000.00 with the Tennessee Emergency Management Agency (TEMA) to provide pass-through funding from the U.S. Department of Energy for off-site emergency planning and response was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-906 - Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$16,000.00 with the Tennessee Emergency Management Agency (TEMA) to provide pass-through funding from the U.S. Department of Energy for off-site emergency planning and response. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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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-10-1-907:

This item was deferred to the February 2010 Board of Commissioners meeting. (See Amendments to the Agenda, Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, FOR THE PURPOSE OF INVESTIGATING THE NECESSITY OF AN AUDIT OF THE KNOX COUNTY SOLID WASTE DIVISION – R-10-1-909:

Consideration of a resolution of the Commission of Knox County, Tennessee, for the purpose of investigating the necessity of an audit of the Knox County Solid Waste Division was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-909 - Resolution of the Commission of Knox County, Tennessee, for the purpose of investigating the necessity of an audit of the Knox County Solid Waste Division. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted

aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING THE REQUEST OF THE KNOX COUNTY PROPERTY ASSESSOR TO HIRE THREE (3) ADDITIONAL EMPLOYEES AND APPROVING AN APPROPRIATION IN THE AMOUNT OF \$100,000.00 FOR THE AFORESAID PURPOSE FOR THE REMAINDER OF FISCAL YEAR 2009-2010 – R-10-1-912:

_____ This item was heard later on the day's agenda. (See Page _____)

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IN RE: APPROVAL OF MINUTES OF THE PREVIOUS MEETING:

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

Commissioner Ivan Harmon moved to approve the minutes from the previous meeting held on December 14, 2009 (Regular Session). Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: ELECTIONS AND APPOINTMENTS:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPOINTING TIERNEY BATES TO THE KNOX COUNTY BOARD OF ZONING APPEALS - R-10-1-110:

Consideration of a resolution of the Commission of Knox County, Tennessee, appointing Tierney Bates to 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 McKenzie moved to approve Resolution

R-10-1-110 - Resolution of the Commission of Knox County, Tennessee, appointing Tierney Bates to the Knox County Board of Zoning Appeals. Commissioner Saunders seconded the motion.

Commissioner Hammond moved as a substitute motion to accept resumes from individuals seeking the appointment to the Knox County Board of Zoning Appeals to fill the vacancy for the 1st Commission District; and that a public hearing be held prior to the appointment. Commissioner Briggs seconded the motion and upon roll call vote Commissioners Broyles, Ivan Harmon, Hammond, Briggs, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners McKenzie, Strickland, Norman, Saunders, Shouse, Craig Leuthold, Anders and Carringer voted no. Commissioner Mark Harmon was absent from the meeting. The substitute motion carried 10-8-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPOINTING MR. BILL COLE, MS. LINDA MURAWSKI AND MR. MARVIN HAMMOND TO THE KNOX COUNTY EMERGENCY COMMUNICATIONS DISTRICT BOARD OF DIRECTORS – R-10-1-111:

Consideration of a resolution of the Commission of Knox County, Tennessee, appointing Mr. Bill Cole, Ms. Linda Murawski and Mr. Marvin Hammond to the Knox County Emergency Communications District Board of Directors was before the Board of Commissioners.

Mr. Dwight VanDeVate, Senior Director of Community Relations and Governmental Affairs for Knox County, was present and spoke on the matter.

Commissioner Norman moved to approve Resolution R-10-1-111 - Resolution of the Commission of Knox County, Tennessee, appointing Mr. Bill Cole, Ms. Linda Murawski and Mr. Marvin Hammond to the Knox County Emergency Communications District Board of Directors. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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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. CHRISTOPHER STOKES, TIM BEELER, JAY BEELER AND DAVID RUSSELL, PROPERTY OWNERS:

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

Commissioner Anders moved to approve the closure of unnamed right of way at Cedar Street and alley. Commissioner Lambert seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1. Property located off of Olive Road and Second Drive in the Eighth Commission District. Christopher Stokes, Tim Beeler, Jay Beeler and David Russell, property owners.

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IN RE: PUBLIC FORUM:

1. Mr. Mark Jones, Director for the Knox County Health Department, was present and spoke concerning the H1N1 vaccination.

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2. Dr. Jim McIntyre, Superintendent for Knox County Schools, was present and spoke concerning preliminary estimates and assumptions for the fiscal year 2010-2011 budget development process.

Mr. John Troyer, Senior Director for Knox County Finance, was present and spoke on the matter.

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3. Mr. Grant Rosenberg, Director for Knox County Office of Neighborhoods and Code Enforcement, was present and spoke concerning the Knox County Community Grants process for fiscal year 2011.

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IN RE: AMENDMENTS TO THE AGENDA – (CONTINUED):

13. At this time, Commissioner Strickland spoke concerning the enforcement of the Commission Rules regarding honorary resolutions.

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14. Commissioner Strickland amended the agenda to hear the following items at this time: Resolution R-101, 102, 105 and 107.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING UT LIFE PARAMEDIC RICK HARRINGTON UPON THE OCCASION OF HIS RECEIPT OF THE LIFETIME ACHIEVEMENT AWARD FROM THE TENNESSEE REGION II EMERGENCY MEDICAL SERVICES DIRECTORS ASSOCIATION – R-10-1-101:

Consideration of a resolution of the Commission of Knox County, Tennessee, honoring UT Life Paramedic Rick Harrington upon the occasion of his receipt of the Lifetime Achievement Award from the Tennessee Region II Emergency Medical Services Directors Association was before the Board of Commissioners.

Commissioner Norman moved to approve Resolution R-10-1-101 - Resolution of the Commission of Knox County, Tennessee, honoring UT Life Paramedic Rick Harrington upon the occasion of his receipt of the Lifetime Achievement Award from the Tennessee Region II Emergency Medical Services Directors Association. Commissioner Craig Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

Mrs. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, read the resolution into the record.

Mr. Mike Ragsdale, Knox County Mayor, and Mr. Nathan Rothchild, Chairman of the Board for E-911, were present and spoke on the matter.

Mr. Rick Harrington was present to accept the resolution and expressed appreciation to the commission for the resolution.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING KIM WHITE FOR EARNING THE TITLE OF REGISTERED PUBLIC-SAFETY LEADER – R-10-1-102:

Consideration of a resolution of the Commission of Knox County, Tennessee, honoring Kim White for earning the title of Registered Public-Safety Leader was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution

R-10-1-102 - Resolution of the Commission of Knox County, Tennessee, honoring Kim White for earning the title of Registered Public-Safety Leader. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

Mrs. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, read the resolution into the record.

Mr. Mike Ragsdale, Knox County Mayor, and Mr. Nathan Rothchild, Chairman of the Board for E-911, were present and spoke on the matter.

Ms. Kim White was present to accept the resolution and expressed appreciation to the commission for the resolution.

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING THE KNOX COUNTY FINANCE DEPARTMENT UPON RECEIPT OF GOVERNMENT FINANCE OFFICERS ASSOCIATION'S DISTINGUISHED BUDGET AWARD FOR THE 13TH CONSECUTIVE YEAR – R-10-1-105:

Consideration of a resolution of the Commission of Knox County, Tennessee, honoring the Knox County Finance Department upon receipt of Government Finance Officers Association's Distinguished Budget Award for the 13th consecutive year was before the Board of Commissioners.

Mr. Mike Ragsdale, Knox County Mayor, was present and spoke on the matter.

Commissioner Norman moved to approve Resolution R-10-1-105 - Resolution of the Commission of Knox County, Tennessee, honoring the Knox County Finance Department upon receipt of Government Finance Officers Association's Distinguished Budget Award for the 13th consecutive year. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING THE FARRAGUT HIGH SCHOOL BOY'S GOLF TEAM – R-10-1-107:

Consideration of a resolution of the Commission of Knox County, Tennessee, honoring the Farragut High School Boy's Golf Team was before the Board of Commissioners.

Commissioner Norman moved to approve Resolution R-10-1-107 - Resolution of the Commission of Knox County, Tennessee, honoring the Farragut High School Boy's Golf Team. Commissioner Craig Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

Mrs. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, read the resolution into the record.

Mr. Mike Ragsdale, Knox County Mayor, and Dr. Jim McIntyre, Superintendent for Knox County Schools, were present and spoke on the matter.

Coach Scott McKenzie, along with team members Hayden Anderson, Davis Bunn, Brandon Rodgers, Mitchell Thomas, Stewart Thomas and Taylor Diegel, were present to accept the resolution and expressed appreciation to the commission for the resolution.

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IN RE: PUBLIC FORUM – (CONTINUED):

4. Mr. Harvery Boles was not present to speak.

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5. Mr. Sam Mayo, concerned citizen, was present and spoke concerning Cherokee Farm property.

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6. Ms. Barbara Nicodemus spoke later on the day's agenda.
(See Page _____)

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7. Mr. Bobby Akart spoke later on the day's agenda. (See Page _____)

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8. Mr. Stan McCrosky, former President for Fraternal Order of Police, was present and introduced Mr. Mark Taylor, current President for Fraternal Order of Police.

Mr. Taylor, President for Fraternal Order of Police, indicated he looks forward to working with the Commission.

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9. Mr. Michael Conrad, concerned citizen, was present and spoke concerning stormwater issues and damages to his house due to flooding.

Mr. Grant Rosenberg, Director for Knox County Office of Neighborhoods and Code Enforcement, was present and spoke on the matter.

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10. Ms. Jennifer Mirtes, Secure Watch, LLC, was present and spoke concerning the solicitor peddler laws and fees in Knox County.

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IN RE: AMENDMENTS TO THE AGENDA – (CONTINUED):

15. Commissioner Strickland amended the agenda to hear the following item at this time: Ordinance O-09-12-102.

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 (AMENDING KNOX COUNTY CHARTER AS ADOPTED NOVEMBER 8, 1988, AS AMENDED THROUGH REFERENDUM OF AUGUST 7, 2008) – 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 (amending Knox County Charter as adopted November 8, 1988, as amended through Referendum of August 7, 2008) was before the Board of Commissioners on second reading.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, Ms. Barbara Nicodemus, representing the League of Women Voters, Mr. Bill Phillips, Knox County School Board member, and Mr. Greg Mackay, Administrator of Elections for the Knox County Election Commission, were present and spoke on the matter.

Commissioner Craig Leuthold moved to divide the question on Ordinance O-09-12-102 – 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 (amending Knox County Charter as adopted November 8, 1988, as amended through Referendum of August 7, 2008) by voting in two (2) separate parts as follows:

Part 1 – Vote on all sections of the Ordinance with the exception of Section 2, Item (C).

Part 2 – Vote on Section 2, Item (C) of the Ordinance.

Also included in the motion was to amend the Ordinance as follows: On Section 2, Item (F), delete the first sentence which reads as follows: “If a majority of the voters vote “no,” the incumbent shall remain in office.”

Commissioner Briggs seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

Commissioner Briggs moved to approve Section 2, Item (C) of the Ordinance with the amendment to delete all language in the section and replace with the following language: “Use sixty percent (60%) of the votes cast for the election in question, with a minimum for school board and commission elections of 2,000 votes, and a threshold minimum of 20,000 votes on a county wide election.” Commissioner Broyles seconded the motion

Commissioner Pinkston moved as a substitute motion to approve Section 2, Item (C) of the Ordinance with the amendment to delete all language in the section and replace with the following language: “Notwithstanding subsection (B), in the case of a recall of an official elected county-wide, the petition shall be signed by at least ten percent (10%) of those registered to vote in Knox County. However, in the case of a recall of a district county commissioner or member of the Board of Education, the petition shall be signed by at least ten percent (10%) of those registered to vote in the district represented by said official. The number of registered Knox County voters shall equal the number of voters registered in Knox County on January 1st of the calendar year the recall petition is filed with the Knox County Election Commission. No such petition shall be circulated until after the official has served one full year in office.” Commissioner Lambert seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles, Craig Leuthold and Briggs

voted no. Commissioner Mark Harmon was absent from the meeting. The substitute motion carried 15-3-0-1.

Commissioner Briggs moved to approve Ordinance O-09-12-102 - 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 (amending Knox County Charter as adopted November 8, 1988, as amended through Referendum of August 7, 2008) on first reading with the following amendments: On Section 2, Item (F), delete the first sentence which reads as follows: "If a majority of the voters vote "no," the incumbent shall remain in office." Also included in the motion was to approve Section 2, Item (C) of the Ordinance with the amendment to delete all language in the section and replace with the following language: "Notwithstanding subsection (B), in the case of a recall of an official elected county-wide, the petition shall be signed by at least ten percent (10%) of those registered to vote in Knox County. However, in the case of a recall of a district county commissioner or member of the Board of Education, the petition shall be signed by at least ten percent (10%) of those registered to vote in the district represented by said official. The number of registered Knox County voters shall equal the number of voters registered in Knox County on January 1st of the calendar year the recall petition is filed with the Knox County Election Commission. No such petition shall be circulated until after the official has served one full year in office." Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Craig Leuthold voted no. Commissioner Mark Harmon was absent from the meeting. The motion carried 16-2-0-1.

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IN RE: AMENDMENTS TO THE AGENDA – (CONTINUED):

16. At this time, Commissioner Hammond moved to suspend the rules to add the following item to the agenda: Discussion regarding the vacancy on the Knox County School Board, District 8, due to the resignation of Mr. Bill Phillips. Also included in the motion was to suspend the rules to allow a vote to be taken on the matter if necessary. Commissioner Lambert seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong,

Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: DISCUSSION REGARDING THE VACANCY ON THE KNOX COUNTY SCHOOL BOARD, DISTRICT 8, DUE TO THE RESIGNATION OF MR. BILL PHILLIPS:

Discussion regarding the vacancy on the Knox County School Board, District 8, due to the resignation of Mr. Bill Phillips was before the Board of Commissioners.

Mr. Joe Jarret, Knox County Chief Deputy Law Director, and Mr. Greg Mackay, Administrator of Elections for the Knox County Election Commission, were present and spoke on the matter.

Commissioner Craig Leuthold moved to 1) Request the Commission Chairman to select a date for a public hearing, to be held by mid February 2010, to hear from individuals seeking the appointment to fill the vacancy on the Knox County School Board, District 8; and 2) That the appointment be made at the February 2010 Board of Commissioners Regular Session meeting. Commissioner Armstrong seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon, was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: RESOLUTIONS:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, HONORING THE NORTH HILLS GARDEN CLUB – R-10-1-103:

This item was deferred to the February 2010 Board of Commissioners meeting. (See Amendments to the Agenda, Page _____)

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IN RE: 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 – R-10-1-108:

This item was deferred to the February 2010 Board of Commissioners meeting. (See Amendments to the Agenda, Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING SUPPLEMENT NUMBER 7 TO CONTRACT NUMBER 00035817 WITH THE TENNESSEE VALLEY AUTHORITY (TVA) IN THE AMOUNT OF \$9,000.00 FOR REIMBURSEMENT TO KNOX COUNTY IN SUPPORT OF THE BEAVER CREEK WATERSHED INITIATIVE – R-10-1-403:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving supplement Number 7 to contract Number 00035817 with the Tennessee Valley Authority (TVA) in the amount of \$9,000.00 for reimbursement to Knox County in support of the Beaver Creek Watershed Initiative was before the Board of Commissioners.

Commissioner Pinkston moved to approve Resolution R-10-1-403 - Resolution of the Commission of Knox County, Tennessee, approving supplement Number 7 to contract Number 00035817 with the Tennessee Valley Authority (TVA) in the amount of \$9,000.00 for reimbursement to Knox County in support of the Beaver Creek Watershed Initiative. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPOINTING ONE MEMBER OF THE KNOX COUNTY FINANCE COMMITTEE AND ONE MEMBER OF THE KNOX COUNTY INTERGOVERNMENTAL COMMITTEE TO ATTEND AND PARTICIPATE IN THE KNOX COUNTY MAYOR'S BUDGETARY PROCESS AND TO REPORT THEIR FINDINGS TO THE FULL COMMISSION – R-10-1-901:

Consideration of a resolution of the commission of Knox County, Tennessee, appointing one member of the Knox County Finance Committee and one member of the Knox County Intergovernmental Committee to attend and participate in the Knox County Mayor's budgetary process and to report their findings to the full commission was before the Board of Commissioners.

Commissioner Pinkston moved to withdraw from the agenda Resolution R-10-1-901 - Resolution of the commission of Knox County, Tennessee, appointing one member of the Knox County Finance Committee

and one member of the Knox County Intergovernmental Committee to attend and participate in the Knox County Mayor's budgetary process and to report their findings to the full commission. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A CONTRACT ADDENDUM WITH MANATRON, INC. IN THE AMOUNT OF \$633,236.00 FOR COMPUTER SERVICES, \$100,000.00 FOR HARDWARE COSTS, AND \$81,849.00 ANNUALLY FOR THE MAINTENANCE SERVICE FEE RELATED TO THE KNOX COUNTY PROPERTY ASSESSOR'S COMPUTER SYSTEM – R-10-1-908:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving a contract addendum with Manatron, Inc. in the amount of \$633,236.00 for computer services, \$100,000.00 for hardware costs, and \$81,849.00 annually for the maintenance service fee related to the Knox County Property Assessor's computer system was before the Board of Commissioners.

Commissioner Norman moved to approve Resolution R-10-1-908 - Resolution of the Commission of Knox County, Tennessee, approving a contract addendum with Manatron, Inc. in the amount of \$633,236.00 for computer services, \$100,000.00 for hardware costs, and \$81,849.00 annually for the maintenance service fee related to the Knox County Property Assessor's computer system. Commissioner Pinkston seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: 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 – R-10-1-910:

This item was deferred to the February 2010 Board of Commissioners meeting. (See Amendments to the Agenda, Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING THE REQUEST OF THE KNOX COUNTY PROPERTY ASSESSOR TO HIRE THREE (3) ADDITIONAL EMPLOYEES AND APPROVING AN APPROPRIATION IN THE AMOUNT OF \$100,000.00 FOR THE AFORESAID PURPOSE FOR THE REMAINDER OF FISCAL YEAR 2009-2010 – R-10-1-911:

Consideration of a resolution of the Commission of Knox County, Tennessee, approving the request of the Knox County Property Assessor to hire three (3) additional employees and approving an appropriation in the amount of \$100,000.00 for the aforesaid purpose for the remainder of fiscal year 2009-2010 was before the Board of Commissioners.

Mr. Phil Ballard, Knox County Property Assessor, and Mr. John Troyer, Senior Director for Knox County Finance, were present and spoke on the matter.

Commissioner Norman moved to approve Resolution R-10-1-911 - Resolution of the Commission of Knox County, Tennessee, approving the request of the Knox County Property Assessor to hire three (3) additional employees and approving an appropriation in the amount of \$100,000.00 for the aforesaid purpose for the remainder of fiscal year 2009-2010. Commissioner Pinkston seconded the motion.

Commissioner Broyles moved as a substitute motion to hire (1) one additional employee for the Knox County Property Assessor's Office. Commissioner Saunders seconded the motion and upon roll call vote Commissioners Broyles, Saunders and Carringer voted aye. Commissioners McKenzie, Strickland, Norman, Ivan Harmon, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted no. Commissioner Mark Harmon was absent from the meeting. The substitute motion failed 3-15-0-1.

Upon roll call vote of the original motion to approve Resolution R-10-1-911 - Resolution of the Commission of Knox County, Tennessee, approving the request of the Knox County Property Assessor to hire three (3) additional employees and approving an appropriation in the amount of \$100,000.00 for the aforesaid purpose for the remainder of fiscal year 2009-2010, Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted

aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: AMENDMENTS TO THE AGENDA – (CONTINUED):

17. Commissioner Strickland amended the agenda to hear the zoning agenda at this time followed by the remainder of the day’s agenda.

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IN RE: ROLL CALL – (6:30 P.M.)

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

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IN RE: ZONING REQUESTS:

1. Consideration of the request of Knox County Emergency Communications E-911 for street name change from unnamed joint permanent easement to “Everly Way” was before the Board of Commissioners. Street located between West Copeland Drive and dead end of joint permanent easement. (7th Commission District)

Commissioner Brown moved to approve Resolution RZ-10-1-101 – Approving zoning request 12-C-09-SNC - Request of Knox County Emergency Communications E-911 for street name change from unnamed joint permanent easement to “Everly Way”. Commissioner Pinkston seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Lambert arrived later in the meeting. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-0-2. Street located between West Copeland Drive and dead end of joint permanent easement. (7th Commission District)

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IN RE: AMENDMENTS TO THE AGENDA – (CONTINUED):

18. At this time, Commissioner Strickland acknowledged the presence of Scout Master David Bruno and Boy Scout Troop #509 of Norwood United Methodist Church.

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IN RE: ZONING REQUESTS – (CONTINUED):

2. Consideration of the request of Lylan Shepherd Fitzgerald for street name change from History Way to “Christus Way” was before the Board of Commissioners. Street located between South Northshore Drive and terminus. (4th Commission District)

Commissioner Saunders moved to approve Resolution RZ-10-1-102 – Approving zoning request 12-A-09-SNC - Request of Lylan Shepherd Fitzgerald for street name change from History Way to “Christus Way”. Commissioner Shouse seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Lambert arrived later in the meeting. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-0-2. Street located between South Northshore Drive and terminus. (4th Commission District)

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3. Consideration of the request of Metropolitan Planning Commission to adopt the Knoxville Knox County Park, Recreation and Greenways Plan, which represents amendments to the General Plan and Sector Plans was before the Board of Commissioners.

Commissioner Anders moved to approve Resolution RZ-10-1-103 – Approving zoning request 10-A-09-SAP - Request of Metropolitan Planning Commission to adopt the Knoxville Knox County Park, Recreation and Greenways Plan, which represents amendments to the General Plan and Sector Plans. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Lambert arrived later in the meeting. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-0-2.

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4. Consideration of the request of Green River Holdings, LLC for a Northwest County Sector Plan Amendment from LDR Low Density Residential Zone to NC Neighborhood Commercial Zone was before the Board of Commissioners. Property located north side of Dutchtown Road, west side of Bob Kirby Road. (5th Commission District)

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

Commissioner Hammond moved to approve Resolution RZ-10-1-104 – Approving zoning request 11-A-09-SP - Request of Green River Holdings, LLC for a Northwest County Sector Plan Amendment from LDR Low Density Residential Zone to NC Neighborhood Commercial Zone as per MPC’s recommendation. Commissioner Briggs seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-1-0-1. Property located north side of Dutchtown Road, west side of Bob Kirby Road. (5th Commission District)

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5. Consideration of the request of Green River Holdings, LLC for rezoning from A Agricultural Zone to CN Neighborhood Commercial Zone was before the Board of Commissioners. Property located north side of Dutchtown Road, west side of Bob Kirby Road. (5th Commission District)

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

Commissioner Hammond moved to approve Resolution RZ-10-1-105 – Approving zoning request 11-B-09-RZ - Request of Green River Holdings, LLC for rezoning from A Agricultural Zone to CN Neighborhood Commercial Zone as per MPC’s recommendation. Commissioner Briggs seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles voted no. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-1-0-1. Property located north side of Dutchtown Road, west side of Bob Kirby Road. (5th Commission District)

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6. Consideration of the request of Huber Properties, LLC for Southwest County Sector Plan Amendment from LDR Low Density Residential Zone to NC Neighborhood Commercial Zone was before the Board of Commissioners. Property located southeast side of South Northshore Drive, northeast side of Choto Road. (5th Commission District)

Mr. Ewing “Buzz” Johnson, Deputy Director for Metropolitan Planning Commission, Mr. Joe Jarret, Knox County Chief Deputy Law

Director, and Mr. Bruce Wuethrich, Director for Knox County Engineering and Public Works, were present and spoke on the matter.

Mr. John Huber, petitioner, and Mr. John King, Attorney representing Mr. Huber, were present and spoke on behalf of the request.

The following area residents were present and spoke in support of the request: Ms. Joe Davis, Mr. Dale Walker and Mr. Dale Akins.

The following area residents were present and spoke in opposition to the request: Mr. Bobby Akart, Mr. Jim McEvers, Mr. Randy Wolfe, Ms. Pat Anderson Lasko and Ms. Sally Jean Hale.

Commissioner Pinkston moved to approve Resolution RZ-10-1-106 – Approving zoning request 12-B-09-SP - Request of Huber Properties, LLC for Southwest County Sector Plan Amendment from LDR Low Density Residential Zone to NC Neighborhood Commercial Zone as per MPC’s recommendation. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Craig Leuthold recused himself from the vote. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-1-1. Property located southeast side of South Northshore Drive, northeast side of Choto Road. (5th Commission District)

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7. Consideration of the request of Huber Properties, LLC for rezoning from A Agricultural Zone to CN Neighborhood Commercial Zone was before the Board of Commissioners. Property located southeast side of South Northshore Drive, northeast side of Choto Road. (5th Commission District)

Mr. Ewing “Buzz” Johnson, Deputy Director for Metropolitan Planning Commission, Mr. Joe Jarret, Knox County Chief Deputy Law Director, and Mr. Bruce Wuethrich, Director for Knox County Engineering and Public Works, were present and spoke on the matter.

Mr. John Huber, petitioner, and Mr. John King, Attorney representing Mr. Huber, were present and spoke on behalf of the request.

The following area residents were present and spoke in support of the request: Ms. Joe Davis, Mr. Dale Walker and Mr. Dale Akins.

The following area residents were present and spoke in opposition to the request: Mr. Bobby Akart, Mr. Jim McEvers, Mr. Randy Wolfe, Ms. Pat Anderson Lasko and Ms. Sally Jean Hale.

Commissioner Pinkston moved to approve Resolution

RZ-10-1-107 – Approving zoning request 12-B-09-RZ – Request of Huber Properties, LLC for rezoning from A Agricultural Zone to CN (K) Neighborhood Commercial Zone subject to 4 conditions as per MPC’s recommendation. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Craig Leuthold recused himself from the vote. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-1-1. Property located southeast side of South Northshore Drive, northeast side of Choto Road. (5th Commission District)

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IN RE: AMENDMENTS TO THE KNOX COUNTY ZONING ORDINANCE:

IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING AMENDMENTS TO ARTICLE 2, ARTICLE 4, AND ARTICLE 5 OF THE KNOX COUNTY ZONING ORDINANCE TO DEFINE THE TERMS “CONTRACTOR” AND “CONTRACTOR STORAGE YARDS”, CREATE STANDARDS FOR USE-ON-REVIEW, AND ASSIGN AS PERMITTED USES AND USES-ON-REVIEW IN VARIOUS ZONE DISTRICTS (AMENDING ORDINANCE O-90-9-130, ADOPTED SEPTEMBER 10, 1990 AS AMENDED – O-09-12-101 – (SECOND READING):

Consideration of an Ordinance of the Commission of Knox County, Tennessee, approving amendments to Article 2, Article 4, and Article 5 of the Knox County Zoning Ordinance to define the terms “Contractor” and “Contractor Storage Yards”, create standards for use-on-review, and assign as permitted uses and uses-on-review in various zone districts (amending Ordinance O-90-9-130, adopted September 10, 1990 as amended was before the Board of Commissioners on second reading.

Commissioner Norman moved to approve Ordinance O-09-12-101 - Ordinance of the Commission of Knox County, Tennessee, approving amendments to Article 2, Article 4, and Article 5 of the Knox County Zoning Ordinance to define the terms “Contractor” and “Contractor Storage Yards”, create standards for use-on-review, and assign as permitted uses and uses-on-review in various zone districts (amending Ordinance O-90-9-130, adopted September 10, 1990 as amended on second reading. Commissioner Pinkston seconded the motion and upon roll call vote

Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: RESOLUTIONS – (CONTINUED):

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING THAT THE KNOX COUNTY LAW DIRECTOR’S OFFICE EXERCISE ALL LEGAL MEANS AVAILABLE TO RECOVER PUBLIC MONIES ALLEGED TO HAVE BEEN MISAPPROPRIATED BY KNOX COUNTY TRUSTEE EMPLOYEE JOHN HAUN – R-10-1-912:

Consideration of a resolution of the Commission of Knox County, Tennessee, requesting that the Knox County Law Director’s Office exercise all legal means available to recover public monies alleged to have been misappropriated by Knox County Trustee employee John Haun was before the Board of Commissioners.

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

Commissioner Hammond moved to approve Resolution R-10-1-912 - Resolution of the Commission of Knox County, Tennessee, requesting that the Knox County Law Director’s Office exercise all legal means available to recover public monies alleged to have been misappropriated by Knox County Trustee employee John Haun. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Craig Leuthold recused himself from the vote. Commissioner Mark Harmon was absent from the meeting. The motion carried 17-0-1-1.

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IN RE: ORDINANCES ON FIRST READING:

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 (AMENDING ORDINANCE O-09-3-107, ADOPTED APRIL 27, 2009 AND ORDINANCE O-09-8-101, ADOPTED SEPTEMBER 28, 2009 – O-10-1-101 – (FIRST 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 (amending Ordinance O-09-3-107, adopted April 27, 2009 and Ordinance O-09-8-101, adopted September 28, 2009 was before the Board of Commissioners on first reading.

Commissioner Norman moved to approve Ordinance O-10-1-101 - 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 (amending Ordinance O-09-3-107, adopted April 27, 2009 and Ordinance O-09-8-101, adopted September 28, 2009 on first reading. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Carringer, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Mark Harmon was absent from the meeting. The motion carried 18-0-0-1.

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IN RE: ORDINANCES 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 (AMENDING KNOX COUNTY CHARTER AS ADOPTED NOVEMBER 8, 1988, AS AMENDED THROUGH REFERENDUM OF AUGUST 7, 2008) – O-09-12-102 – (SECOND READING):

This item was heard earlier on the day's agenda. (See Page _____)

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IN RE: OTHER BUSINESS:

IN RE: REPORT AND DISCUSSION REGARDING STORMWATER ISSUES:

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

No action was taken.

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IN RE: DISCUSSION REGARDING THE RESULTS OF THE PEER REVIEW OF THE KNOX COUNTY INTERNAL AUDITOR:

Discussion regarding the results of the Peer Review of the Knox County Internal Auditor was before the Board of Commissioners.

No action was taken.

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IN RE: DISCUSSION REGARDING THE RESULTS OF THE RODEFER/MOSS AUDIT OF THE KNOX COUNTY SCHOOL SYSTEM:

Discussion regarding the results of the Rodefer/Moss audit of the Knox County School System was before the Board of Commissioners.

No action was taken.

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IN RE: DISCUSSION REGARDING THE RESULTS OF THE KPMG AUDIT:

Discussion regarding the results of the KPMG audit was before the Board of Commissioners.

No action was taken.

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IN RE: DISCUSSION REGARDING THE CREATION OF AN AUDIT HOTLINE:

Discussion regarding the creation of an Audit Hotline was before the Board of Commissioners.

Mr. Mike Reeves, Knox County Purchasing, was present and spoke on the matter.

No action was taken.

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IN RE: DISCUSSION REGARDING THE PROCEDURES BY WHICH ISSUES RECEIVED BY THE AUDIT HOTLINE ARE TO BE DISSEMINATED TO THE APPROPRIATE AUTHORITIES:

Discussion regarding the procedures by which issues received by the Audit Hotline are to be disseminated to the appropriate authorities was before the Board of Commissioners.

Mr. Mike Reeves, Knox County Purchasing, was present and spoke on the matter.

No action was taken.

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IN RE: DISCUSSION REGARDING THE KNOX COUNTY LOBBYIST:

Discussion regarding the Knox County Lobbyist was before the Board of Commissioners.

No action was taken.

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IN RE: REPORT FROM THE KNOX COUNTY ETHICS COMMITTEE:

Report from the Knox County Ethics Committee was before the Board of Commissioners.

No action was taken.

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IN RE: ADJOURNMENT:

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

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KNOX COUNTY BOARD OF COMMISSIONERS

THOMAS STRICKLAND, CHAIRMAN