

KNOX COUNTY BOARD OF COMMISSIONERS

The Knox County Board of Commissioners met in Regular Session on Monday, November 17, 2008 at 2:00 p.m. in the Main Assembly Room of the City-County Building, Main Avenue. Those members present Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston. Commissioner Broyles was absent from the meeting due to being hospitalized. Also present were Mr. Bill Lockett, Knox County Law Director, Mr. Richard Walls, Knox County Internal Auditor, Mr. Mike Ragsdale, Knox County Mayor, Mr. John Troyer, Senior Director for Knox County Finance, Mr. Mark Donaldson, Executive Director for Metropolitan Planning Commission, and 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. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, called the roll.

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IN RE: DEVOTIONAL:

Commissioner Anders gave the devotional.

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IN RE: PLEDGE OF ALLEGIANCE TO THE FLAG:

Commissioner Pinkston led the Pledge of Allegiance to the Flag.

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IN RE: AMENDMENTS TO THE AGENDA:

1. At this time, Judge Bob McGee administered the Oath of Office for Mr. Richard “Bud” Armstrong, Knox County Commissioner, District 8, Seat A.

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2. Commissioner Strickland amended the agenda to add the following items: Resolution R-08-11-103 - Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing Charles R. Burchett, Sr.; and Discussion of a workshop for early January 2009 to review Knox County’s financial situation.

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3. Commissioner Strickland amended the agenda to remove the following items from the Consent Calendar: Resolution R-08-11-101 - Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing Robert L. Minter, Sr.; and Resolution R-08-11-103 - Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing Charles R. Burchett, Sr.

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4. Commissioner Strickland amended the agenda to add the following item: Discussion of committee appointments for Commissioner Richard “Bud” Armstrong.

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5. Commissioner Strickland amended the agenda to remove the following items from the Consent Calendar and hear at the end of the day's agenda: Resolution R-08-11-905 - Consideration of a Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping.

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6. Commissioner Strickland amended the agenda to withdraw the following items: Resolution R-08-11-802 - Consideration of a Resolution of the Commission of Knox County, Tennessee, regarding the Beck Cultural Center of Knox County; and Resolution R-08-11-906 - Consideration of a Resolution of the Commission of Knox County, Tennessee, requesting the Metropolitan Planning Commission (MPC) to review for rezoning property located at 7315 and 7347 Norris Freeway from Shopping Center and Floodway to Agricultural and Floodway.

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7. Commissioner Strickland amended the agenda to defer the following items to the January 2009 Board of Commissioners meeting: Resolution R-08-11-501 - Consideration of a Resolution of the Commission of Knox County, Tennessee, approving an agreement with the Helen Ross McNabb Center, Inc., to provide \$200,000.00 for the construction of sixteen (16) one-bedroom efficiency apartments for the chronically homeless; Resolution R-08-11-907 - Consideration of a Resolution of the Commission

of Knox County, Tennessee, requiring paid lobbyists to register each calendar year with the Knox County Clerk.

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8. Commissioner Strickland amended the agenda to add the following items: Resolution R-08-11-104 - Consideration of a Resolution of the Commission of Knox County, Tennessee, honoring Zachary William Wright for earning his Eagle Scout rank; Resolution R-08-11-908 - Consideration of a Resolution of the Commission of Knox County, Tennessee, approving an agreement with the City of Knoxville for the rehabilitation of the former 5th Avenue Motel into MinVilla Manor; and Resolution R-08-11-909 - Consideration of a Resolution of the Commission of Knox County, Tennessee, creating a Committee to address issues related to the passage of Question 3 on the November 4, 2008 General Election Ballot in Knox County.

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9. At this time, Mr. Michael Conrad, concerned citizen, was present and spoke in objection to the following item being deferred to the end of the day's agenda: Resolution R-08-11-905 - Consideration of a Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping.

Commissioner Strickland indicated this item would be heard after completion of Resolution R-08-11-103.

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IN RE: CONSENT ITEMS:

1. Tax Refunds:

No request received.

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2. Notary Public Applications:

110 Notary Public Applications received.

Commissioner Ivan Harmon moved to approve all Consent Items. Commissioner Smith seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: EDUCATION CONSENT CALENDAR:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING THE FIRST AMENDMENT TO THE EASEMENT AGREEMENT BETWEEN KNOX COUNTY AND SCOTT B. HAHN AND BERNARD E. BERNSTEIN – R-08-11-201:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving the first amendment to the easement agreement between Knox County and Scott B. Hahn and Bernard E. Bernstein was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-201 - Resolution of the Commission of Knox County, Tennessee, approving the first amendment to the easement agreement between Knox County and Scott B. Hahn and Bernard E. Bernstein. Commissioner Saunders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A
UTILITY EASEMENT AND RIGHT-OF-WAY AGREEMENT IN THE
AMOUNT OF \$1,818.00 WITH THE WEST KNOX UTILITY DISTRICT
FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY
SERVICES OVER AND THROUGH A PORTION OF THE HARDIN
VALLEY ELEMENTARY SCHOOL PROPERTY – R-08-11-202:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a utility easement and right-of-way agreement in the amount of \$1,818.00 with the West Knox Utility District for the construction and maintenance of utility services over and through a portion of the Hardin Valley Elementary School property was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-202 - Resolution of the Commission of Knox County, Tennessee, approving a utility easement and right-of-way agreement in the amount of

\$1,818.00 with the West Knox Utility District for the construction and maintenance of utility services over and through a portion of the Hardin Valley Elementary School property. Commissioner Strickland seconded the motion and upon voice vote the motion carried 10-0-0-0.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A
CONTRACT IN THE AMOUNT OF \$155,000.00 PLUS
REIMBURSABLE EXPENSES WITH SMEE+BUSBY ARCHITECTS
FOR ARCHITECTURAL DESIGN SERVICES FOR AN ADDITION
AND RENOVATIONS TO BALL CAMP ELEMENTARY SCHOOL –
R-08-11-203:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a contract in the amount of \$155,000.00 plus reimbursable expenses with Smee+Busby Architects for architectural design services for an addition and renovations to Ball Camp Elementary School was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-203 - Resolution of the Commission of Knox County, Tennessee, approving a contract in the amount of \$155,000.00 plus reimbursable expenses with Smee+Busby Architects for architectural design services for an addition and renovations to Ball Camp Elementary School.

Commissioner Strickland seconded the motion and upon voice vote the motion carried 10-0-0-0.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A
CONTRACT WITH BACKFLOW SPECIALTY COMPANY, INC. FOR
BACKFLOW INSPECTION, REPAIR AND INSTALLATION
SERVICES – R-08-11-204:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a contract with Backflow Specialty Company, Inc. for backflow inspection, repair and installation services was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-204 - Resolution of the Commission of Knox County, Tennessee, approving a contract with Backflow Specialty Company, Inc. for backflow inspection, repair and installation services. Commissioner Strickland seconded the motion and upon voice vote the motion carried 10-0-0-0.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A
CONTRACT WITH KELSAN, INC. FOR CUSTODIAL CHEMICALS
AND SUPPLIES – R-08-11-205:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a contract with Kelsan, Inc. for custodial chemicals and supplies was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-205 - Resolution of the Commission of Knox County, Tennessee, approving a contract with Kelsan, Inc. for custodial chemicals and supplies.

Commissioner Strickland seconded the motion and upon voice vote the motion carried 10-0-0-0.

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IN RE: CONSENT CALENDAR:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, MEMORIALIZING ROBERT L. MINTER, SR. - R-08-11-101:

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 CEMEX USA – R-08-11-102:

Consideration of a Resolution of the Commission of Knox County, Tennessee, honoring CEMEX USA was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-102- Resolution of the Commission of Knox County, Tennessee, honoring CEMEX USA. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

The resolution was presented to representatives from CEMEX USA later at the day's meeting. See Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, MEMORIALIZING CHARLES R. BURCHETT, SR. - R-08-11-103:

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 ZACHARY WILLIAM WRIGHT FOR EARNING HIS EAGLE SCOUT RANK - R-08-11-104:

Consideration of a Resolution of the Commission of Knox County, Tennessee, honoring Zachary William Wright for earning his Eagle Scout rank was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-104 - Resolution of the Commission of Knox County, Tennessee, honoring Zachary William Wright for earning his Eagle Scout rank.

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

Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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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 \$4,800.00 WITH THE
TENNESSEE ARTS COMMISSION FOR THE KNOXVILLE JAZZ
FESTIVAL – R-08-11-206:**

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$4,800.00 with the Tennessee Arts Commission for the Knoxville Jazz Festival was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-206 - Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$4,800.00 with the Tennessee Arts Commission for the Knoxville Jazz Festival. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING
CHANGE ORDER NUMBER 1 IN THE AMOUNT OF \$1,623,284.74
WITH RENFRO CONSTRUCTION COMPANY, INC. FOR THE BALL
CAMP PIKE IMPROVEMENT PROJECT – R-08-11-401:**

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving Change Order Number 1 in the amount of \$1,623,284.74 with Renfro Construction Company, Inc. for the Ball Camp Pike Improvement Project was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-401 - Resolution of the Commission of Knox County, Tennessee, approving Change Order Number 1 in the amount of \$1,623,284.74 with Renfro Construction Company, Inc. for the Ball Camp Pike Improvement Project. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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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 BY WILLIAM HARRY SHERROD FOR
PROPERTY LOCATED AT 2612 KELLY LANE – R-08-11-402:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving covenants for permanent maintenance of stormwater facilities by William Harry Sherrod for property located at 2612 Kelly Lane was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-402 - Resolution of the Commission of Knox County, Tennessee, approving covenants for permanent maintenance of stormwater facilities by William Harry Sherrod for property located at 2612 Kelly Lane.

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

Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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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 \$1,215.00 WITH THE
TENNESSEE DEPARTMENT OF AGRICULTURE FOR PLANTING
TREES AT BEVERLY PARK –R-08-11-701:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$1,215.00 with the Tennessee Department of Agriculture for planting trees at Beverly Park was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-701 - Resolution of the Commission of Knox County, Tennessee, approving a grant agreement in the amount of \$1,215.00 with the Tennessee Department of Agriculture for planting trees at Beverly Park. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders,

Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, GRANTING A
PERMANENT UTILITY EASEMENT AND A TEMPORARY
CONSTRUCTION EASEMENT IN THE CONCORD PARK AREA TO
THE FIRST UTILITY DISTRICT OF KNOX COUNTY –R-08-11-702:

Consideration of a Resolution of the Commission of Knox County, Tennessee, granting a permanent utility easement and a temporary construction easement in the Concord Park area to the First Utility District of Knox County was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-702 - Resolution of the Commission of Knox County, Tennessee, granting a permanent utility easement and a temporary construction easement in the Concord Park area to the First Utility District of Knox County. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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

SALES CONTRACT IN THE AMOUNT OF \$199,500.00 WITH JIM ENGLISH FOR THE SALE AT PUBLIC AUCTION OF THE OLD GALBRAITH SCHOOL PROPERTY LOCATED AT 4333 GALBRAITH SCHOOL ROAD – R-08-11-803:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a sales contract in the amount of \$199,500.00 with Jim English for the sale at public auction of the Old Galbraith School property located at 4333 Galbraith School Road was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-803 - Resolution of the Commission of Knox County, Tennessee, approving a sales contract in the amount of \$199,500.00 with Jim English for the sale at public auction of the Old Galbraith School property located at 4333 Galbraith School Road. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A CONTRACT AMENDMENT WITH AGAPE, INC. FOR THE CONTINUATION OF RESIDENTIAL TREATMENT SERVICES FOR WOMEN IN THE KNOX COUNTY DRUG COURT – R-08-11-901:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a contract amendment with AGAPE, Inc. for the continuation of residential treatment services for women in the Knox County Drug Court was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-901 - Resolution of the Commission of Knox County, Tennessee, approving a contract amendment with AGAPE, Inc. for the continuation of residential treatment services for women in the Knox County Drug Court.

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

Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING A
CONTRACT AMENDMENT WITH E.M. JELLINEK, INC. FOR THE
CONTINUATION OF RESIDENTIAL TREATMENT SERVICES FOR
MEN IN THE KNOX COUNTY DRUG COURT – R-08-11-902:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a contract amendment with E.M. Jellinek, Inc. for the continuation of residential treatment services for men in the Knox County Drug Court was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-902 - Resolution of the Commission of Knox County, Tennessee, approving a contract amendment with E.M. Jellinek, Inc. for the continuation of residential treatment services for men in the Knox County Drug Court. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING A
REPRESENTATIVE FROM TAX MANAGEMENT ASSOCIATES, INC.
TO APPEAR BEFORE THE KNOX COUNTY COMMISSION AND
PRESENT ITS REPORT – R-08-11-903:

Consideration of a Resolution of the Commission of Knox County, Tennessee, requesting a representative from Tax Management Associates, Inc. to appear before the Knox County Commission and present its report was before the Board of Commissioners.

Commissioner Craig Leuthold moved to remove this item from the Consent Calendar and hear later on the day's agenda. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith,

Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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, REQUESTING AN
UPDATE FROM THE KNOX COUNTY FINANCE DIRECTOR
REGARDING KNOX COUNTY'S SALES TAX REVENUE
PROJECTIONS – R-08-11-904:

Consideration of a Resolution of the Commission of Knox County, Tennessee, requesting an update from the Knox County Finance Director regarding Knox County's sales tax revenue projections was before the Board of Commissioners.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-904 - Resolution of the Commission of Knox County, Tennessee, requesting an update from the Knox County Finance Director regarding Knox County's sales tax revenue projections. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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

**SENSE OF THE KNOX COUNTY COMMISSION THAT THE
REZONING PROCESS IS THE PROPER MANNER FOR HANDLING
THE QUESTION OF COMMERCIAL LANDSCAPING BUSINESSES
OPERATING ON LAND ZONED AGRICULTURAL AND URGING
THE METROPOLITAN PLANNING COMMISSION TO RECOGNIZE
THAT PROPOSITION BOTH IN THE ABSTRACT AND IN SPECIFIC
CURRENT CASES SUCH AS GIBBONS LANDSCAPING –**

R-08-11-905:

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

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IN RE: ACCEPTANCE OF NEW COUNTY ROADS:

Consideration of acceptance of the following new county roads
was before the Board of Commissioners:

- A. Collier Pass Lane, Heritage Lake Subdivision, Unit I,
District 5.
- B. Barton Place Lane, Heritage Lake Subdivision, Unit I,
District 5.
- C. Spring Oak Lane, The Oaks Subdivision, Unit I, District 5.
- D. Crescent Oak Lane, The Oaks Subdivision, Unit I, District
5.
- E. Silver Oak Lane, The Oaks Subdivision, Unit III, District 5.
- F. Crescent Oak Lane, The Oaks Subdivision, Unit III, District
5.
- G. Olive Branch Lane, Glenlake Subdivision, Unit I, District 6.

- H. Glenlake Boulevard, Glenlake Subdivision, Unit I, District 6.
- I. Copperleaf Drive, Glenlake Subdivision, Unit I, District 6.
- J. Capeside Lane, Glenlake Subdivision, Unit I, District 6.
- K. Lighted Path Lane, Glenlake Subdivision, Unit I, District 6.
- L. Island Bay Lane, Glenlake Subdivision, Unit I, District 6.
- M. Stars Cove Lane, Glenlake Subdivision, Unit I, District 6.

Commissioner Craig Leuthold moved to approve the above acceptance of new county roads. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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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 Craig Leuthold moved to approve the minutes from the previous meeting held on October 22, 2008 (Regular Session). Commissioner Smith seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye.

Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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At this time, Commissioner Strickland stepped down from the Chair and Commissioner Craig Leuthold, Vice-Chairman, presided.

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IN RE: RESOLUTIONS:

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, MEMORIALIZING ROBERT L. MINTER, SR - R-08-11-101:

Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing Robert L. Minter, Sr. was before the Board of Commissioners.

Commissioner Strickland moved to approve Resolution R-08-11-101 - Resolution of the Commission of Knox County, Tennessee, memorializing Robert L. Minter, Sr. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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

Mr. Doug Minter, grandson, and family members, were 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, MEMORIALIZING
CHARLES R. BURCHETT, SR. - R-08-11-103:

Consideration of a Resolution of the Commission of Knox County, Tennessee, memorializing Charles R. Burchett, Sr. was before the Board of Commissioners.

Commissioner Hammond moved to approve Resolution R-08-11-103 - Resolution of the Commission of Knox County, Tennessee, memorializing Charles R. Burchett, Sr. Commissioner Mark Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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

Mrs. Joyce Burchett, wife, Senator Tim Burchett, son, and family members, were present to accept the resolution and expressed appreciation to the Commission for the resolution.

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

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, EXPRESSING THE
SENSE OF THE KNOX COUNTY COMMISSION THAT THE
REZONING PROCESS IS THE PROPER MANNER FOR HANDLING
THE QUESTION OF COMMERCIAL LANDSCAPING BUSINESSES
OPERATING ON LAND ZONED AGRICULTURAL AND URGING
THE METROPOLITAN PLANNING COMMISSION TO RECOGNIZE
THAT PROPOSITION BOTH IN THE ABSTRACT AND IN SPECIFIC
CURRENT CASES SUCH AS GIBBONS LANDSCAPING –

R-08-11-905:

Consideration of a Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping was before the Board of Commissioners.

Mr. Mark Donaldson, Executive Director for Metropolitan Planning Commission, Ms. Kathy Atkins, Ms. Paula Yarbrough and Mr. Michael Conrad, concerned citizens, Mr. Bill Lockett, Knox County Law Director, and Mr. Grant Rosenberg, Deputy Director for Knox County Office of Neighborhoods, were present and spoke on the matter.

Commissioner Mark Harmon moved to approve Resolution R-08-11-905 - Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial

landscaping businesses operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping with the amendment of the caption being revised to read as follows: Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that commercial landscaping businesses should not be operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases. Commissioner Hammond seconded the motion.

Commissioner Lambert moved as a substitute motion to withdraw from the agenda and refer to MPC Resolution R-08-11-905 - Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping. Commissioner Smith seconded the motion.

Commissioner Smith called for the question to end debate at this time. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Mark Harmon, Norman, Saunders, Hammond, Anders, Smith, Wright and Pinkston voted aye. Commissioners Strickland, Ivan Harmon, Shouse, Craig Leuthold, Briggs, Lambert, Armstrong and Brown voted no. Commissioner Broyles was absent from the meeting. The vote failed 9-8-0-1.

Upon voice vote of the substitute motion to withdraw from the agenda and refer to MPC Resolution R-08-11-905 - Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping, the substitute motion failed.

Upon roll call vote of the original motion to approve Resolution R-08-11-905 - Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that the rezoning process is the proper manner for handling the question of commercial landscaping businesses operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases such as Gibbons Landscaping with the amendment of the caption being revised to read as follows: Resolution of the Commission of Knox County, Tennessee, expressing the sense of the Knox County Commission that commercial landscaping businesses should not be operating on land zoned Agricultural and urging the Metropolitan Planning Commission to recognize that proposition both in the abstract and in specific current cases, Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The motion carried 17-0-0-1.

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At this time, Commissioner Craig Leuthold, Vice-Chairman, stepped down from the Chair and Commissioner Strickland, Chairman, presided.

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

10. At this time, there was discussion concerning the following item which was approved earlier in the day's meeting: Resolution R-08-11-102 - Resolution of the Commission of Knox County, Tennessee, honoring CEMEX USA.

Ms. Lynne Liddington, Director for Knox County Air Quality Management, was present and spoke on the matter.

Mr. Bill Flemming, CEMEX USA, was present to accept the resolution and expressed appreciation to the commission for the resolution.

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11. Commissioner Strickland amended the agenda to hear the following item at this time: Resolution R-08-11-903 - Consideration of a Resolution of the Commission of Knox County, Tennessee, requesting a representative from Tax Management Associates, Inc. to appear before the Knox County Commission and present its report.

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IN RE: RESOLUTIONS – (CONTINUED):

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REQUESTING A REPRESENTATIVE FROM TAX MANAGEMENT ASSOCIATES, INC.

**TO APPEAR BEFORE THE KNOX COUNTY COMMISSION AND
PRESENT ITS REPORT – R-08-11-903:**

Consideration of a Resolution of the Commission of Knox County, Tennessee, requesting a representative from Tax Management Associates, Inc. to appear before the Knox County Commission and present its report was before the Board of Commissioners.

Mr. John Whitehead, Knox County Property Assessor's Office, Mr. Dale Baker, Auditor from Mount Juliet, Tennessee, Mr. Bill Lockett, Knox County Law Director, and Mr. Scott Moore, former Knox County Commissioner, were present and spoke on the matter.

Commissioner Norman moved to approve Resolution R-08-11-903 - Resolution of the Commission of Knox County, Tennessee, requesting a representative from Tax Management Associates, Inc. to appear before the Knox County Commission and present its report. Commissioner Craig Leuthold seconded the motion.

Commissioner Pinkston moved as a substitute motion to withdraw from the agenda Resolution R-08-11-903 - Resolution of the Commission of Knox County, Tennessee, requesting a representative from Tax Management Associates, Inc. to appear before the Knox County Commission and present its report. Commissioner Ivan Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioner Broyles was absent from the meeting. The substitute motion carried 17-0-0-1.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING AN
AGREEMENT WITH THE HELEN ROSS MCNABB CENTER, INC.,
TO PROVIDE \$200,000.00 FOR THE CONSTRUCTION OF SIXTEEN
(16) ONE-BEDROOM EFFICIENCY APARTMENTS FOR THE
CHRONICALLY HOMELESS – R-08-11-501:

This item was deferred to the January 2009 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 A
PURCHASE AGREEMENT IN THE AMOUNT OF \$6,000,000.00 WITH
HILLCREST HEALTHCARE COMMUNITIES, INC. FOR REAL
PROPERTY LOCATED AT 5321 AND 5325 BEVERLY PARK CIRCLE,
6801 MIDDLEBROOK PIKE (WHICH INCLUDES 2820 LAKE BROOK
BOULEVARD) AND 1758 HILLWOOD DRIVE – R-08-11-801:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving a purchase agreement in the amount of \$6,000,000.00 with Hillcrest Healthcare Communities, Inc. for real property located at 5321 and 5325 Beverly Park Circle, 6801 Middlebrook Pike (which includes 2820 Lake Brook Boulevard) and 1758 Hillwood Drive was before the Board of Commissioners.

The following individuals were present and spoke on the matter: Mr. Howard Bozeman, former Knox County Judge, Mr. Bill Lockett, Knox County Law Director, Mr. Arthur Seymour, Attorney, Mr. Danny Higgenbotham, Controller at Hillcrest, Mr. Mike Ragsdale, Knox

County Mayor, Ms. Carolyn Pointer, President/CEO for Hillcrest, Mr. Fred Smith and Ms. Lida Alexander, residents at the Hillcrest Lake Brook Boulevard location, Mr. Gary Parker, Vice-President for Care Centers Management Consulting Company, and Mr. John Simalton, Cornerstone Healthcare.

Commissioner Saunders moved to approve Resolution R-08-11-801 - Resolution of the Commission of Knox County, Tennessee, approving a purchase agreement in the amount of \$6,000,000.00 with Hillcrest Healthcare Communities, Inc. for real property located at 5321 and 5325 Beverly Park Circle, 6801 Middlebrook Pike (which includes 2820 Lake Brook Boulevard) and 1758 Hillwood Drive. Commissioner Norman seconded the motion.

Commissioner Craig Leuthold moved as a substitute motion to request a certified appraisal; request the Knox County Mayor to provide a market analysis which meets the policies and codes of Knox County; and that there be three (3) public hearings, one at each Hillcrest location.

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

Commissioner Broyles was absent from the meeting. The substitute motion carried 17-0-0-1.

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IN RE: **ROLL CALL – (6:10 P.M.)**

Mrs. Angie Nesbitt, Minutes Clerk to the Knox County Clerk, called the roll. Those Commissioners responding were Commissioners

McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston. Commissioner Broyles was absent from the meeting. Commissioner Hammond was absent from the evening session.

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IN RE: ZONING REQUESTS:

1. Consideration of the request of Falconnier Design Company for rezoning from A Agricultural Zone to PR Planned Residential Zone was before the Board of Commissioners. Property located on the south side of Smith School Road, southeast and northwest side of Will Merritt Road, northwest side of North Doane Lane, south of I-40. Eighth Commission District.

No one was present to represent the request.

Commissioner Strickland deferred this item to the end of the day's agenda. (See Page _____)

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2. Consideration of the request of SITE, Inc. for rezoning from A Agricultural and F Floodway Zone to PR Planned Residential and F Floodway Zone was before the Board of Commissioners. Property located southeast side of Dixon Springs Lane, southwest of East Emory Road. Seventh Commission District.

Mr. Ewing "Buzz" Johnson, Deputy Director for Metropolitan Planning Commission, was present and spoke on the matter.

Mr. Arthur Seymour, Attorney representing SITE, Inc., was present and spoke on behalf of the request.

Mr. John King, Attorney, representing area residents, and Mr. Bob Crye, area resident, were present and spoke in opposition to the request.

Commissioner Smith moved to deny zoning request 8-L-08-RZ Request of SITE, Inc. for rezoning from A Agricultural and F Floodway Zone to PR Planned Residential and F Floodway Zone. Commissioner Mark Harmon seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2. Property located southeast side of Dixon Springs Lane, southwest of East Emory Road. Seventh Commission District.

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3. Consideration of the request of Rob Sanders for rezoning from PC Planned Commercial/TO Technology Overlay Zone to CB Business and Manufacturing/TO Technology Overlay Zone was before the Board of Commissioners. Property located on the northwest side of Lexington Drive, southwest of Cogdill Road. Sixth Commission District.

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

Commissioner Anders moved to approve zoning request 9-B-08-RZ – Request of Rob Sanders for rezoning from PC Planned Commercial/TO Technology Overlay Zone to CB Business and Manufacturing/TO Technology Overlay Zone consistent with the current sector plan as per MPC’s recommendation. Commissioner Lambert seconded the motion and upon roll call vote Commissioners McKenzie,

Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

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4. Consideration of the request of Falconnier Design Company for rezoning from A Agricultural Zone to PR Planned Residential Zone was before the Board of Commissioners. Property located on the south side of Smith School Road, southeast and northwest side of Will Merritt Road, northwest side of North Doane Lane, south of I-40. Eighth Commission District.

No one was present to represent the request.

Commissioner Strickland deferred this item to the December 2008 Board of Commissioners meeting.

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IN RE: RESOLUTIONS – (CONTINUED):

IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REGARDING THE BECK CULTURAL CENTER OF KNOX COUNTY – R-08-11-802:

This item was withdrawn from the agenda. (See Amendments to the Agenda, Page _____)

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IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING THE KNOX COUNTY CODE OF ETHICS AND APPOINTING THE

FOLLOWING NINE (9) MEMBERS TO THE KNOX COUNTY ETHICS

COMMITTEE: CAPTAIN BRIAN STANNARD, MR. REX DAVIS, DR.

RON STEWART, MS. JULIA TUCKER, MR. FRANK SHANKLIN, SR.,

MR. CHRIS ETTERS AND OTHERS – R-08-11-804:

Consideration of a Resolution of the Commission of Knox County, Tennessee, amending the Knox County Code of Ethics and appointing the following nine (9) members to the Knox County Ethics Committee: Captain Brian Stannard, Mr. Rex Davis, Dr. Ron Stewart, Ms. Julia Tucker, Mr. Frank Shanklin, Sr., Mr. Chris Eters and others was before the Board of Commissioners.

Mr. Bill Lockett, Knox County Law Director, was present and spoke on the matter.

Commissioner Pinkston nominated Commissioner Richard Briggs for the Commission appointment to the Knox County Ethics Committee for a three (3) year term. Commissioner Craig Leuthold seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

Commissioner Briggs nominated Mr. Lewis Cosby for the citizen appointment to the Knox County Ethics Committee for a three (3) year term. Commissioner Pinkston seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners

Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

Commissioner Smith nominated Mr. Tim Witt for the citizen appointment to the Knox County Ethics Committee for a two (2) year term. Commissioner Brown nominated Mr. Carson Dailey for the citizen appointment to the Knox County Ethics Committee for a two (2) year term.

Upon roll call for the citizen appointment to the Knox County Ethics Committee for a two (2) year term, Commissioners Strickland, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong and Wright voted for Mr. Witt. Commissioners McKenzie, Mark Harmon, Norman, Ivan Harmon, Saunders, Brown and Pinkston voted for Mr. Dailey. Commissioners Broyles and Hammond were absent from the meeting. Mr. Witt received 9 votes. Mr. Dailey received 7 votes. (10 votes required)

Upon roll call for the citizen appointment to the Knox County Ethics Committee for a two (2) year term, Commissioners McKenzie, Mark Harmon, Norman, Ivan Harmon, Saunders, Briggs, Brown and Pinkston voted for Mr. Dailey. Commissioners Strickland, Craig Leuthold, Anders, Lambert, Smith, Armstrong and Wright voted for Mr. Witt. Commissioner Shouse was absent from the vote. Commissioners Broyles and Hammond were absent from the meeting. Mr. Dailey received 8 votes. Mr. Witt received 7 votes. (10 votes required)

Upon roll call for the citizen appointment to the Knox County Ethics Committee for a two (2) year term, Commissioners McKenzie, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Briggs, Brown and Pinkston voted for Mr. Dailey. Commissioners Strickland, Craig Leuthold, Anders, Lambert, Smith, Armstrong and Wright voted for Mr. Witt.

Commissioners Broyles and Hammond were absent from the meeting. Mr. Dailey received 9 votes. Mr. Witt received 7 votes. (10 votes required)

Upon roll call for the citizen appointment to the Knox County Ethics Committee for a two (2) year term, Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Armstrong, Wright, Brown and Pinkston voted for Mr. Dailey. Commissioner Smith voted for Mr. Witt. Commissioner Lambert abstained from voting. Commissioners Broyles and Hammond were absent from the meeting. Mr. Dailey received 14 votes. Mr. Witt received 1 vote. Mr. Carson Dailey was appointed to the Knox County Ethics Committee for a two (2) year term.

Commissioner Craig Leuthold moved to approve Resolution R-08-11-804 - Resolution of the Commission of Knox County, Tennessee, amending the Knox County Code of Ethics and appointing the following nine (9) members to the Knox County Ethics Committee: Captain Brian Stannard, Mr. Rex Davis, Dr. Ron Stewart, Ms. Julia Tucker, Mr. Frank Shanklin, Sr., Mr. Chris Etters, Commissioner Richard Briggs, Mr. Lewis Cosby and Mr. Carson Dailey. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

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

**THE METROPOLITAN PLANNING COMMISSION (MPC) TO
REVIEW FOR REZONING PROPERTY LOCATED AT 7315 AND 7347
NORRIS FREEWAY FROM SHOPPING CENTER AND FLOODWAY
TO AGRICULTURAL AND FLOODWAY – R-08-11-906:**

This item was withdrawn from the agenda. (See Amendments to the Agenda, Page _____)

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, REQUIRING PAID
LOBBYISTS TO REGISTER EACH CALENDAR YEAR WITH THE
KNOX COUNTY CLERK – R-08-11-907:**

This item was deferred to the January 2009 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 AN
AGREEMENT WITH THE CITY OF KNOXVILLE FOR THE
REHABILITATION OF THE FORMER 5TH AVENUE MOTEL INTO
MINVILLA MANOR – R-08-11-908:**

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving an agreement with the City of Knoxville for the rehabilitation of the former 5th Avenue Motel into MinVilla Manor was before the Board of Commissioners.

Mr. John Lawler, Director of the Ten Year Plan to end Chronic Homelessness, and Mr. Bill Lockett, Knox County Law Director, were present and spoke on the matter.

Commissioner Norman moved to defer to the January 2009 Board of Commissioners meeting Resolution R-08-11-908 - Resolution of the Commission of Knox County, Tennessee, approving an agreement with the City of Knoxville for the rehabilitation of the former 5th Avenue Motel into MinVilla Manor. Commissioner McKenzie seconded the motion.

Commissioner Craig Leuthold moved as a substitute motion to defer to the December 2008 Board of Commissioners meeting Resolution R-08-11-908 - Resolution of the Commission of Knox County, Tennessee, approving an agreement with the City of Knoxville for the rehabilitation of the former 5th Avenue Motel into MinVilla Manor. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The substitute motion carried 16-0-0-2.

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IN RE: CONSIDERATION OF A RESOLUTION OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, CREATING A
COMMITTEE TO ADDRESS ISSUES RELATED TO THE PASSAGE
OF QUESTION 3 ON THE NOVEMBER 4, 2008 GENERAL
ELECTION BALLOT IN KNOX COUNTY – R-08-11-909:

Consideration of a Resolution of the Commission of Knox County, Tennessee, creating a Committee to address issues related to the passage of Question 3 on the November 4, 2008 General Election Ballot in Knox County was before the Board of Commissioners.

Mr. Bill Lockett, Knox County Law Director, was present and spoke on the matter.

Commissioner Craig Leuthold moved to withdraw from the agenda Resolution R-08-11-909 - Resolution of the Commission of Knox County, Tennessee, creating a Committee to address issues related to the passage of Question 3 on the November 4, 2008 General Election Ballot in Knox County. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

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IN RE: ORDINANCE ON SECOND READING:

IN RE: CONSIDERATION OF AN ORDINANCE OF THE
COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING KNOX
COUNTY CODE CHAPTER 18, ARTICLE I, IN GENERAL SECTION
18-1, LITIGATION TAXES TO LEVY A \$50.00 PRIVILEGE TAX ON
LITIGATION IN ACCORDANCE WITH PUBLIC CHAPTER NUMBER
1187 OF PUBLIC ACTS OF 2008 (ORDINANCE O-92-3-103, § 1-6,
ADOPTED JUNE 1, 1992; ORDINANCE O-95-8-101, ADOPTED
SEPTEMBER 25, 1995; ORDINANCE O-00-6-102, § 1-2, ADOPTED
JULY 24, 2000) – O-08-10-101 - (SECOND READING):

Consideration of an Ordinance of the Commission of Knox County, Tennessee, amending Knox County Code Chapter 18, Article I, in

General Section 18-1, litigation taxes to levy a \$50.00 privilege tax on litigation in accordance with Public Chapter Number 1187 of Public Acts of 2008 (Ordinance O-92-3-103, § 1-6, adopted June 1, 1992; Ordinance O-95-8-101, adopted September 25, 1995; Ordinance O-00-6-102, § 1-2, adopted July 24, 2000) was before the Board of Commissioners on second reading.

Commissioner Pinkston moved to approve Ordinance O-08-10-101 - Ordinance of the Commission of Knox County, Tennessee, amending Knox County Code Chapter 18, Article I, in General Section 18-1, litigation taxes to levy a \$50.00 privilege tax on litigation in accordance with Public Chapter Number 1187 of Public Acts of 2008 (Ordinance O-92-3-103, § 1-6, adopted June 1, 1992; Ordinance O-95-8-101, adopted September 25, 1995; Ordinance O-00-6-102, § 1-2, adopted July 24, 2000) on second reading. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Strickland, Mark Harmon, Norman, Ivan Harmon, Saunders, Shouse, Craig Leuthold, Briggs, Anders, Lambert, Smith, Armstrong, Wright, Brown and Pinkston voted aye. Commissioners Broyles and Hammond were absent from the meeting. The motion carried 16-0-0-2.

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IN RE: DISCUSSION OF A WORKSHOP FOR EARLY JANUARY

2009 TO REVIEW KNOX COUNTY'S FINANCIAL SITUATION:

Discussion of a workshop for early January 2009 to review Knox County's financial situation was before the Board of Commissioners.

Commissioner Strickland indicated he would schedule the workshop at a later date.

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IN RE: DISCUSSION OF COMMITTEE APPOINTMENTS FOR COMMISSIONER RICHARD “BUD” ARMSTRONG:

Discussion of committee appointments for Commissioner Richard “Bud” Armstrong was before the Board of Commissioners.

Commissioner Strickland indicated Commissioner Richard “Bud” Armstrong would be appointed to the Knox County Intergovernmental Committee and the Knox County Beer Board and all Commissioners present were in agreement.

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

12. Discussion of the 2008 Christmas Parade.

No action was taken.

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IN RE: PUBLIC FORUM:

1. Mr. Brad Mayes, concerned citizen, was present and spoke concerning Natural Resources Recovery.

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IN RE: ROLL CALL BY DISTRICTS:

Commissioner Strickland dispensed with roll call by districts and called for adjournment.

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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