

***KNOX COUNTY BOARD OF COMMISSIONERS***

The Knox County Board of Commissioners met Special Session on Friday, September 5, 2008 at 9:00 a.m. in the Main Assembly Room of the City-County Building, Main Avenue. Those members present were Commissioners McKenzie, Strickland, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Moore, Wright, Brown and Pinkston. Also present were Mr. Bill Lockett, Knox County Law Director, 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: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REPEALING ORDINANCE O-08-4-101 AND AMENDING ARTICLE IX SECTION 9.05 OF THE KNOX COUNTY CHARTER TO MODIFY THE APPOINTMENT PROCESS OF THE CHARTER REVIEW COMMITTEE AND TO ESTABLISH THE DEADLINE FOR SUBMISSION OF A CHARTER AMENDMENT TO THE COUNTY ELECTION COMMISSION IN ACCORDANCE WITH STATE LAW (ORDINANCE O-08-4-101, MAY 27, 2008 AND KNOX COUNTY CHARTER AS ADOPTED NOVEMBER 8, 1988, AS AMENDED THROUGH REFERENDUM OF AUGUST 6, 2004) – O-08-8-101 – (SECOND READING):***

Consideration of an Ordinance of the Commission of Knox County, Tennessee, repealing Ordinance O-08-4-101 and amending Article IX Section 9.05 of the Knox County Charter to modify the appointment process of the Charter Review Committee and to establish the deadline for submission of a charter amendment to the County Election Commission in accordance with state law (Ordinance O-08-4-101, May 27, 2008 and Knox County Charter as adopted November 8, 1988, as amended through referendum of August 6, 2004) was before the Board of Commissioners on second reading.

Mr. Bill Lockett, Knox County Law Director, and Ms. Elaine Davis, former Knox County Commissioner, were present and spoke on the matter.

Commissioner Ivan Harmon moved to approve Ordinance O-08-8-101 - Ordinance of the Commission of Knox County, Tennessee, repealing Ordinance O-08-4-101 and amending Article IX Section 9.05 of the Knox County Charter to modify the appointment process of the Charter Review Committee and to establish the deadline for submission of a charter amendment to the County Election Commission in accordance with state law (Ordinance O-08-4-101, May 27, 2008 and Knox County Charter as adopted November 8, 1988, as amended through referendum of August 6, 2004) on second reading with the following amendment: On Page 2, Paragraph D should be amended to read as follows: "On or before March 1, 1996, and on or before January 1 of each eight (8) years thereafter, there shall be constituted a Charter Review Committee for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. The Charter Review Committee shall be composed of twenty-seven (27) total members with one (1) member of the Commission from each Commission district to be nominated by the Knox County Commission, nine (9) citizen members who are registered voters of Knox County and who are not members of the Commission to be nominated by the Knox County Commission and nine (9) citizen members who are registered voters of Knox County who are not members of the Commission to be nominated by the Knox County Mayor. Not more than two (2) such citizen members who are registered voters of Knox County shall be nominated from each Commission district. Each nominee shall be voted upon individually by the Knox County Commission. In the event a nominee does not receive a majority of votes, then the person who nominated said nominee shall bring forth a different nominee. It shall be the duty of the Charter Review Committee to give ample opportunity to County officeholders and members of the general public to make suggested changes to this Charter. In accordance with state law, the Charter Review commission shall either: (1) certify to the Knox County Election Commission such amendments(s) which it has determined to be desirable; or (2) certify to the Mayor and to the County Commission a statement that it does not recommend amending this Charter."

Commissioner Mark Harmon seconded the motion.

Commissioner McKenzie moved as a substitute motion to approve Ordinance O-08-8-101 - Ordinance of the Commission of Knox County, Tennessee, repealing Ordinance O-08-4-101 and amending Article IX Section 9.05 of the Knox County Charter to say that the Commission

shall vote each of the Charter Review nominees individually. Commissioner Norman seconded the motion.

Commissioner Anders called for the question to end debate at this time. The motion was seconded and upon roll call vote Commissioners McKenzie, Mark Harmon, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Anders, Wright and Brown voted aye. Commissioners Strickland, Craig Leuthold, Briggs, Lambert, Smith and Moore voted no. Commissioner Pinkston was absent from the vote. The motion failed 11-6-0-1.

Upon roll call vote of the substitute motion to approve Ordinance O-08-8-101 - Ordinance of the Commission of Knox County, Tennessee, repealing Ordinance O-08-4-101 and amending Article IX Section 9.05 of the Knox County Charter to say that the Commission shall vote each of the Charter Review nominees individually, Commissioners McKenzie, Mark Harmon, Norman and Saunders voted aye. Commissioners Strickland, Broyles, Ivan Harmon, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Lambert, Smith, Moore, Wright, Brown and Pinkston voted no. The substitute motion failed 4-14-0-0.

Upon roll call vote of the original motion to approve Ordinance O-08-8-101 - Ordinance of the Commission of Knox County, Tennessee, repealing Ordinance O-08-4-101 and amending Article IX Section 9.05 of the Knox County Charter to modify the appointment process of the Charter Review Committee and to establish the deadline for submission of a charter amendment to the County Election Commission in accordance with state law (Ordinance O-08-4-101, May 27, 2008 and Knox County Charter as adopted November 8, 1988, as amended through referendum of August 6, 2004) on second reading with the following amendment: On Page 2, Paragraph D should be amended to read as follows: "On or before March 1, 1996, and on or before January 1 of each eight (8) years thereafter, there shall be constituted a Charter Review Committee for the purpose of reviewing this Charter and determining the desirability of amendment(s) thereto. The Charter Review Committee shall be composed of twenty-seven (27) total members with one (1) member of the Commission from each Commission district to be nominated by the Knox County Commission, nine (9) citizen members who are registered voters of Knox County and who are not members of the Commission to be nominated by the Knox County Commission and nine (9) citizen members who are registered voters of Knox County who are not members of the Commission to be nominated by the Knox County Mayor. Not more than two (2) such citizen members who are registered voters of Knox County shall be nominated from each Commission

district. Each nominee shall be voted upon individually by the Knox County Commission. In the event a nominee does not receive a majority of votes, then the person who nominated said nominee shall bring forth a different nominee. It shall be the duty of the Charter Review Committee to give ample opportunity to County officeholders and members of the general public to make suggested changes to this Charter. In accordance with state law, the Charter Review commission shall either: (1) certify to the Knox County Election Commission such amendments(s) which it has determined to be desirable; or (2) certify to the Mayor and to the County Commission a statement that it does not recommend amending this Charter”, Commissioners Strickland, Mark Harmon, Broyles, Ivan Harmon, Shouse, Hammond, Craig Leuthold, Anders, Lambert, Smith, Moore, Brown and Pinkston voted aye. Commissioners McKenzie, Norman, Saunders, Briggs and Wright voted no. The motion carried 13-5-0-0.

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

1. Commissioner Strickland indicated a public hearing for candidates seeking the appointment for Judge for the Knox County General Sessions Court, Division III would be held on Thursday, September 18, 2008 at 1:00 pm. in the Main Assembly Room of the City-County Building.

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2. Commissioner Strickland indicated a workshop regarding Tax Increment Financing (TIF) would be held at a later date.

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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***

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***THOMAS STRICKLAND, CHAIRMAN***