

KNOX COUNTY BOARD OF COMMISSIONERS

The Knox County Board of Commissioners met in Regular Session on Friday, December 17, 2010 in the Main Assembly Room of the City-County Building, Main Avenue. Those members present were Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse. Also present were Mr. Joe Jarret, Knox County Law Director, Mr. John Troyer, Director, Knox County Finance, Mr. Tim Burchett, Knox County Mayor, Mr. Richard Walls, Knox County Internal Auditor and news media.

Commissioner Hammond, Chairman, presided.

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

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**IN RE: ROLL CALL (1:45 P.M.)**

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

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**IN RE: HONORARY RESOLUTIONS:**

**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE DEDICATING AND NAMING THAT PORTION OF TENNESSEE STATE ROUTE 62, FROM THE SOLWAY BRIDGE TO THAT POINT WHERE THE ROUTE SPLITS AT KARNS, THE "VETERANS MEMORIAL MILE" IN HONOR OF OUR NATION'S VETERANS, ESPECIALLY THOSE KILLED IN ACTION, MISSING IN ACTION OR BEING HELD AS PRISONERS OF WAR: R-10-12-101:**

Consideration of a Resolution of the Commission of Knox County, Tennessee dedicating and naming that portion of Tennessee State Route 62, from the Solway Bridge to that point where the route splits at Karns, the "Veterans Memorial Mile" in honor of our Nation's Veterans, especially those Killed in Action, Missing in Action or being held as Prisoners of War was before the Board of Commissioners.

Mr. Charles Giles, resident of the Solway Community, was present and thanked the Commissioners for the Resolution.

Commissioner Wright moved to approve R-10-12-101 - Consideration of a Resolution of the Commission of Knox County, Tennessee dedicating and naming that portion of Tennessee State Route 62, from the Solway Bridge to that point where the route splits at Karns, the "Veterans Memorial Mile" in honor of our Nation's Veterans, especially those Killed in Action,

Missing in Action or being held as Prisoners of War. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE HONORING RURAL METRO FIRE CHIEF JERRY HARNISH FOR ENHANCING THE PROFESSIONALISM OF FIREFIGHTERS ACROSS TENNESSEE THROUGH TRAINING AND LEADERSHIP OF EXAMPLE: R-10-12-102:**

Consideration of a Resolution of the Commission of Knox County, Tennessee honoring Rural Metro Fire Chief Jerry Harnish for enhancing the professionalism of firefighters across Tennessee through training and leadership of example was before the Board of Commissioners.

Mr. Jerry Harnish, Rural Metro Fire Chief, was present and thanked the Commissioners for the Resolution.

Commissioner Brown moved to approve R-10-12-102 - Consideration of a Resolution of the Commission of Knox County, Tennessee honoring Rural Metro Fire Chief Jerry Harnish for enhancing the professionalism of firefighters across Tennessee through training and leadership of example. Commissioner Smith seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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

Without objection, Commissioner Hammond heard from Commissioner Shouse who wanted to recognize the Knoxville Symphony Orchestra for 75 years in Knoxville.

Commissioner Shouse also wanted to recognize Denee Stills, Hardin Valley student, who won first place in art and best drawing at the Museum Of Art.

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**IN RE: PUBLIC FORUM:**

Mr. Roy Leath, concerned citizen, was present and spoke on how bad some of the county roads are.

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Sgt. Isom Mullins, was present and spoke on promoting March of Success.

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Mr. Carroll Rousseau, concerned citizen, was present and spoke on the School Budget.

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**IN RE: ROLL CALL: (2:00 P.M.)**

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

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**IN RE: DEVOTIONAL:**

Mr. Jeff James introduced his son Greylan James who sang a song titled "Nothing and then Some".

Mr. Richard Tumblin gave the devotional.

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

Commissioner Briggs led the Pledge of Allegiance to the Flag.

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

Consideration of approval of minutes of the previous meeting on November 15, 2010 was before the Board of Commissioners.

Commissioner Anders moved to approve the minutes of the previous meeting held on November 15, 2010. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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

Commissioner Smith amended the agenda as follows: Add discussion of Hillside Task Force.

Add R-10-12-102 – Resolution of the Commission of Knox County, Tennessee honoring Rural Metro Fire Chief Jerry Harnish for enhancing the professionalism of Firefighters across Tennessee through training and leadership by example.

Add R-10-12-110 – Resolution of the Commission of Knox County, Tennessee ratifying the Knox County Mayor's reappointment of Tierney Bates to the Knox County Personnel Board.

Add R-10-12-111 – Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ to the Knox County Personnel Board.

Add Notary Public Applications.

Defer to the January 2011 Board of Commissioners meeting R-10-12-501-Consideration of a Resolution of the Commission of Knox County, Tennessee approving the agreements of sale in the total amount of \$2,400.00 with the Knoxville Habitat for Humanity, Inc. for the surplus properties located at 3400 Ashland Avenue, 3337 Thomas Street and 2510 East Glenwood Avenue.

Defer to the January 2011 Board of Commissioners meeting discussion regarding alcohol use in Knox County funded Ten Year Plan housing. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: NOTARY PUBLIC APPLICATIONS:**

Consideration of notary public applications was before the Board of Commissioners.

Commissioner Smith moved to approve 142 notary public applications. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: DRIVES AND ROADS:**

Consideration of closure of partial right of way located at Brandon Road west of Clearfield Road was before the Board of Commissioners on second reading. Property owner: Cedar Springs Presbyterian Church.

Commissioner Anders moved to approve closure of partial right of way located at Brandon Road west of Clearfield Road on second reading. owner: Cedar Springs Presbyterian Church. Commissioner Ownby seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: LINE ITEM TRANSFERS:**

Consideration of line item transfers was before the Board of Commissioners.

Commissioner Ownby moved to approve the line item transfers. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders,

Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: EDUCATION CONSENT CALENDAR:**

**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT IN THE AMOUNT OF \$108,500.00 WITH RODEFER MOSS AND COMPANY, PLLC TO AUDIT THE KNOX COUNTY SCHOOLS ACTIVITY FUNDS FROM JULY 1, 2010 TO JUNE 30, 2011: R-10-12-201:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$108,500.00 with Rodefer Moss and Company, PLLC to audit the Knox County Schools Activity Funds from July 1, 2010 to June 30, 2011 was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-201 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$108,500.00 with Rodefer Moss and Company, PLLC to audit the Knox County Schools Activity Funds from July 1, 2010 to June 30, 2011. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE TO APPROVE THE AWARDING OF INVITATION FOR BID #323 FOR FLOOR TILE AND RELATED SUPPLIES TO HOME CHOICE FLOORING, LLC AND BONITZ FLOORING, INC. FOR \$125,000.00: R-10-12-203:**

Consideration of a Resolution of the Commission of Knox County, Tennessee to approve the awarding of invitation for bid #323 for floor tile and related supplies to Home Choice Flooring, LLC and Bonitz Flooring, Inc. for \$125,000.00 was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-203 - Consideration of a Resolution of the Commission of Knox County, Tennessee to approve the awarding of invitation for bid #323 for floor tile and related supplies to Home Choice Flooring, LLC and Bonitz Flooring, Inc. for \$125,000.00. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby,

Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT IN THE AMOUNT OF \$125,000.00 WITH HOME CHOICES FLOORING, LLC FOR FLOOR TILE INSTALLATION SERVICES: R-10-12-202:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$125,000.00 with Home Choices Flooring, LLC for floor tile installation services was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-202 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$125,000.00 with Home Choices Flooring, LLC for floor tile installation services. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING THE ACCEPTANCE OF INTENT TO FUND THE VOLUNTARY PRE-K FOR TENNESSEE PROGRAM BY GRANT AWARD FROM THE TENNESSEE DEPARTMENT OF EDUCATION IN THE AMOUNT OF \$1,773,590.21: R-10-12-204:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving the acceptance of intent to fund the Voluntary Pre-K for Tennessee Program by grant award from the Tennessee Department of Education in the amount of \$1,773,590.21 was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-204 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving the acceptance of intent to fund the Voluntary Pre-K for Tennessee Program by grant award from the Tennessee Department of Education in the amount of \$1,773,590.21. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSENT CALENDAR:**

**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING AN AGREEMENT BETWEEN THE KNOXVILLE POLICE DEPARTMENT, THE KNOX COUNTY SHERIFF'S OFFICE AND KNOX COUNTY SCHOOLS FOR THE ASSIGNMENT OF LAW ENFORCEMENT OFFICERS TO KNOX COUNTY SCHOOLS: R-10-12-301:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving an agreement between the Knoxville Police Department, the Knox County Sheriff's Office and Knox County Schools for the assignment of Law Enforcement Officers to Knox County Schools was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-301 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving an agreement between the Knoxville Police Department, the Knox County Sheriff's Office and Knox County Schools for the assignment of Law Enforcement Officers to Knox County Schools. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AUTHORIZING THE EXPENDITURE OF STORMWATER CIVIL PENALTY FUNDS FOR STORMWATER RELATED PURPOSES AS DETERMINED BY THE DIRECTOR OF ENGINEERING AND PUBLIC WORKS: R-10-12-401:**

Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Stormwater Civil Penalty funds for Stormwater related purposes as determined by the Director of Engineering and Public Works was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-401 - Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Stormwater Civil Penalty funds for Stormwater related purposes as determined by the Director of Engineering and Public Works. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs,

Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING COVENANTS FOR PERMANENT MAINTENANCE OF STORMWATER FACILITIES AND BEST MANAGEMENT PRACTICES WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF KNOX FOR PROPERTY LOCATED AT 3109 WATER PLANT ROAD IN THE FORKS OF THE RIVER INDUSTRIAL PARK, PROPERTY ON WHICH GREEN MOUNTAIN COFFEE ROASTERS, AS TENANT, OPERATES A COFFEE ROASTING, PACKAGING, AND DISTRIBUTION FACILITY: R-10-12-402:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving Covenants for Permanent Maintenance of Stormwater Facilities and Best Management Practices with the Industrial Development Board of the County of Knox for property located at 3109 Water Plant Road in the Forks of the River Industrial Park, property on which Green Mountain Coffee Roasters, as tenant, operates a coffee roasting, packaging and distribution facility was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-402 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving Covenants for Permanent Maintenance of Stormwater Facilities and Best Management Practices with the Industrial Development Board of the County of Knox for property located at 3109 Water Plant Road in the Forks of the River Industrial Park, property on which Green Mountain Coffee Roasters, as tenant, operates a coffee roasting, packaging, and distribution facility. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING AMENDMENT ONE TO A GRANT AGREEMENT WITH THE TENNESSEE DEPARTMENT OF HEALTH FOR IMMUNIZATION SERVICES: R-10-12-601:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving Amendment One to a grant agreement with the

Tennessee Department of Health for Immunization Services was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-601 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving Amendment One to a grant agreement with the Tennessee Department of Health for Immunization Services. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING AMENDMENT TWO TO THE FAMILY PLANNING SERVICES CONTRACT WITH THE TENNESSEE DEPARTMENT OF HEALTH TO INCREASE THE MAXIMUM LIABILITY OF THE STATE UNDER THE CONTRACT BY \$40,000.00: R-10-12-602:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving Amendment Two to the Family Planning Services Contract with the Tennessee Department of Health to increase the maximum liability of the State under the contract by \$40,000.00 was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-602 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving Amendment Two to the Family Planning Services Contract with the Tennessee Department of Health to increase the maximum liability of the State under the contract by \$40,000.00. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING A CONTRACT IN THE AMOUNT OF \$58,880.00 WITH THE UNIVERSITY OF TENNESSEE TO PERFORM COMPUTER ASSISTED TELEPHONE INTERVIEWING TO COLLECT BEHAVIORAL HEALTH RISK FACTOR STATISTICS: R-10-12-603:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$58,880.00 with the University of Tennessee to perform computer assisted telephone

interviewing to collect behavioral health risk factor statistics was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-603 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a contract in the amount of \$58,880.00 with the University of Tennessee to perform computer assisted telephone interviewing to collect behavioral health risk factor statistics. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING KNOX COUNTY AS A PARTY TO A MEMORANDUM OF UNDERSTANDING BETWEEN KNOX COUNTY, THE CITY OF KNOXVILLE AND THE PUBLIC BUILDING AUTHORITY TO PROVIDE FOR GREATER ENERGY EFFICIENCIES AND IMPROVEMENTS TO THE CITY/COUNTY BUILDING AND REQUIRING THE WRITTEN AGREEMENT TO BE SUBMITTED TO THE COMMISSION FOR APPROVAL: R-10-12-801:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving Knox County as a party to a Memorandum of Understanding between Knox County, the City of Knoxville and the Public Building Authority to provide for greater energy efficiencies and improvements to the City/County Building and requiring the written agreement to be submitted to the Commission for approval was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-801 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving Knox County as a party to a Memorandum of Understanding between Knox County, the City of Knoxville and the Public Building Authority to provide for greater energy efficiencies and improvements to the City/County Building and requiring the written agreement to be submitted to the Commission for approval. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE EXTENDING FOR**

**ONE (1) MONTH, TO AND THROUGH JANUARY 31, 2011, THE MORATORIUM ON THE ISSUANCE OF BEER PERMITS TO DRIVE-THRU LIQUOR ESTABLISHMENTS WHERE BEER SALES ARE CURRENTLY NOT PERMITTED BY KNOX COUNTY:R-10-12-802:**

Consideration of a Resolution of the Commission of Knox County, Tennessee extending for one (1) month, to and through January 31, 2011, the moratorium on the issuance of beer permits to drive-thru liquor establishments where beer sales are currently not permitted by Knox County was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-802 - Consideration of a Resolution of the Commission of Knox County, Tennessee extending for one (1) month, to and through January 31, 2011, the moratorium on the issuance of beer permits to drive-thru liquor establishments where beer sales are currently not permitted by Knox County. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE RESPECTFULLY REQUESTING THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO AMEND ITS CONTRACT FOR ROAD IMPROVEMENTS TO WESTERN AVENUE IN ORDER TO MAKE PROVISIONS TO FACILITATE THE EVENTUAL EXTENSION OF THE THIRD CREEK GREENWAY TO CONNECT WITH THE VICTOR ASHE GREENWAY: R-10-12-901:**

Consideration of a Resolution of the Commission of Knox County, Tennessee respectfully requesting the Tennessee Department of Transportation (TDOT) to amend its contract for road improvements to Western Avenue in order to make provisions to facilitate the eventual extension of the Third Creek Greenway to connect with the Victor Ashe Greenway was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-901 - Consideration of a Resolution of the Commission of Knox County, Tennessee respectfully requesting the Tennessee Department of Transportation (TDOT) to amend its contract for road improvements to Western Avenue in order to make provisions to facilitate the eventual extension of the Third Creek Greenway to connect with the Victor Ashe Greenway. Commissioner McKenzie seconded the motion and upon roll

call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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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 \$68,800.00 WITH THE STATE OF TENNESSEE FOR CERTIFIED VOTING EQUIPMENT: R-10-12-902:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving a grant agreement in the amount of \$68,800.00 with the State of Tennessee for certified voting equipment was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-902 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving a grant agreement in the amount of \$68,800.00 with the State of Tennessee for certified voting equipment. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE EXPRESSING THE COMMISSION'S DESIRE FOR THE CITY-COUNTY BUILDING PARKING GARAGE TO BE ACCESSIBLE TO THE PUBLIC DURING THE REGULAR MONTHLY MEETING OF THE KNOX COUNTY COMMISSION: R-10-12-903:**

Consideration of a Resolution of the Commission of Knox County, Tennessee expressing the Commission's desire for the City-County Building Parking Garage to be accessible to the public during the regular monthly meeting of the Knox County Commission was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-903 - Consideration of a Resolution of the Commission of Knox County, Tennessee expressing the Commission's desire for the City-County Building Parking Garage to be accessible to the public during the regular monthly meeting of the Knox County Commission. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE REQUESTING THAT THE KNOX COUNTY AUDIT COMMITTEE CONDUCT A PERFORMANCE APPRAISAL OF KNOX COUNTY INTERNAL AUDITOR RICHARD WALLS: R-10-12-904:**

Consideration of a Resolution of the Commission of Knox County, Tennessee requesting that the Knox County Audit Committee conduct a Performance Appraisal of Knox County Internal Auditor Richard Walls was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-904 - Consideration of a Resolution of the Commission of Knox County, Tennessee requesting that the Knox County Audit Committee conduct a Performance Appraisal of Knox County Internal Auditor Richard Walls. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPROVING THE LIMITED WARRANTY DEEDS, WHICH INCLUDES THE CONSERVATION EASEMENT DEEDS, FOR THE CONVEYANCE OF THE HALLS PARK PROPERTY AND ADDITIONAL LAND AT THE SEVEN ISLANDS WILDLIFE REFUGE FROM THE LEGACY PARK FOUNDATION TO KNOX COUNTY: R-10-12-906:**

Consideration of a Resolution of the Commission of Knox County, Tennessee approving the Limited Warranty Deeds, which includes the Conservation Easement Deeds, for the conveyance of the Halls Park Property and additional land at the Seven Islands Wildlife Refuge from the Legacy Park Foundation to Knox County was before the Board of Commissioners.

Commissioner Ownby moved to approve R-10-12-906 - Consideration of a Resolution of the Commission of Knox County, Tennessee approving the Limited Warranty Deeds, which includes the Conservation Easement Deeds, for the conveyance of the Halls Park Property and additional land at the Seven Islands Wildlife Refuge from the Legacy Park Foundation to Knox County. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie,

Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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

No Ordinances received on first reading.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE WAIVING THE TEN PERCENT (10%) SHELTER RENT DEPOSIT FOR YEARS 1998-2005 FOR ST. MARY'S VILLA, INC., RIVERVIEW ST. MARY'S INC. AND ST. MARY'S VILLA AT RIVERVIEW II, INC.: R-10-12-502:**

Consideration of a Resolution of the Commission of Knox County, Tennessee waiving the ten percent (10%) shelter rent deposit for years 1998-2005 for St. Mary's Villa, Inc., Riverview St. Mary's Inc. and St. Mary's Villa at Riverview II, Inc. was before the Board of Commissioners.

Mr. Grant Rosenberg, Director, Knox County Community Development, was present and spoke on the matter.

Ms. Mary DeMois, Catholic Health Partners, was present and spoke on the matter.

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

Commissioner Anders moved to defer to the February 2011 Board of Commissioners meeting - R-10-12-502 - Consideration of a Resolution of the Commission of Knox County, Tennessee waiving the ten percent (10%) shelter rent deposit for years 1998-2005 for St. Mary's Villa, Inc., Riverview St. Mary's Inc. and St. Mary's Villa at Riverview II, Inc. Commissioner Smith seconded the motion.

Commissioner McKenzie moved as a substitute motion to deny waiving the 10% for the years 1998-2005 on R-10-12-502 - Consideration of a Resolution of the Commission of Knox County, Tennessee waiving the ten percent (10%) shelter rent deposit for years 1998-2005 for St. Mary's Villa, Inc., Riverview St. Mary's Inc. and St. Mary's Villa at Riverview II, Inc. Commissioner Norman seconded the motion and upon roll call vote Commissioner McKenzie voted aye. Commissioners Broyles, Norman, Ownby, Anders, Smith, Wright, Brown, Hammond and Shouse voted no. Commissioner Briggs recused himself from the vote. The substitute motion failed 1-9-1-0.

Upon roll call vote of the original motion to defer to the February 2011 Board of Commissioners meeting - R-10-12-502 - Consideration of a Resolution of the Commission of Knox County, Tennessee waiving the ten

percent (10%) shelter rent deposit for years 1998-2005 for St. Mary's Villa, Inc., Riverview St. Mary's Inc. and St. Mary's Villa at Riverview II, Inc., Commissioners McKenzie, Broyles, Norman, Ownby, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. Commissioner Briggs recused himself from the vote. The motion carried 10-0-1-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AUTHORIZING THE EXPENDITURE OF TWENTY THOUSAND DOLLARS (\$20,000.00) FROM THE PUBLIC IMPROVEMENT FUND FOR RENOVATIONS TO THE PROPOSED LEASED OFFICE SPACE ON THE FIRST FLOOR OF THE MIDWAY REHABILITATION CENTER WHICH THE KNOX COUNTY DRUG COURT DESIRES TO RELOCATE ITS OPERATIONS: R-10-12-905:**

Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) from the public improvement fund for renovations to the proposed leased office space on the first floor of the Midway Rehabilitation Center which the Knox County Drug Court desires to relocate its operations was before the Board of Commissioners.

Without objection, Commissioner Hammond moved to the end of the agenda R-10-12-905 - Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) from the public improvement fund for renovations to the proposed leased office space on the first floor of the Midway Rehabilitation Center which the Knox County Drug Court desires to relocate its operations.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE RATIFYING THE KNOX COUNTY MAYOR'S REAPPOINTMENT OF TIERNEY BATES TO THE KNOX COUNTY PERSONNEL BOARD: R-10-12-110:**

Consideration of a Resolution of the Commission of Knox County, Tennessee ratifying the Knox County Mayor's reappointment of Tierney Bates to the Knox County Personnel Board was before the Board of Commissioners.

Commissioner Norman moved to approve R-10-12-110 - Consideration of a Resolution of the Commission of Knox County, Tennessee ratifying the Knox County Mayor's reappointment of Tierney Bates to the Knox County Personnel Board. Commissioner McKenzie

seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE APPOINTING \_\_\_\_\_ TO THE KNOX COUNTY PERSONNEL BOARD: R-10-12-111:**

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

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

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

Commissioner Norman moved to defer to the January 2011 Board of Commissioners meeting R-10-12-111 - Consideration of a Resolution of the Commission of Knox County, Tennessee appointing \_\_\_\_\_ to the Knox County Personnel Board. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: NOTARY PUBLIC APPLICATIONS:**

Consideration of Notary Public Applications was before the Board of Commissioners.

Commissioner Anders moved to approve 142 notary public applications. Commissioner McKenzie seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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

**IN RE: CONSIDERATION OF AN ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AMENDING SECTIONS 2-581, 2-647 AND 2-691 OF THE KNOX COUNTY CODE RELATIVE TO CONTRACT MODIFICATIONS AND EMERGENCY PURCHASES (ORD. NO. O-08-5-101, ADOPTED 6-23-08): O-10-11-101: SECOND READING:**

Consideration of an Ordinance of the Commission of Knox County, Tennessee amending sections 2-581, 2-647 and 2-691 of the Knox County Code relative to contract modifications and emergency purchases (Ord. No. O-08-5-101, adopted 6-23-08) was before the Board of Commissioners on second reading.

Commissioner Anders moved to approve O-10-11-101 - Consideration of an Ordinance of the Commission of Knox County, Tennessee amending sections 2-581, 2-647 and 2-691 of the Knox County Code relative to contract modifications and emergency purchases (Ord. No. O-08-5-101, adopted 6-23-08) on second reading. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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**IN RE: DISCUSSION ITEM:**

Discussion regarding Hillside Task Force process was before the Board of Commissioners.

Commissioner Norman updated the Commission on the Hillside Task Force.

No action was taken.

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

At this time R-10-12-905 was heard next on the agenda.

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**IN RE: CONSIDERATION OF A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE AUTHORIZING THE EXPENDITURE OF TWENTY THOUSAND DOLLARS (\$20,000.00) FROM THE PUBLIC IMPROVEMENT FUND FOR RENOVATIONS TO THE PROPOSED LEASED OFFICE SPACE ON THE FIRST FLOOR OF THE MIDWAY REHABILITATION CENTER WHICH THE KNOX COUNTY DRUG COURT DESIRES TO RELOCATE ITS OPERATIONS: R-10-12-905:**

Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) from the public improvement fund for renovations to the proposed leased office space on the first floor of the Midway Rehabilitation Center which the Knox County Drug Court desires to relocate its operations was before the Board of Commissioners.

Judge Richard Baumgartner, Criminal Court Judge was present and spoke on the matter.

Mr. Steve McNish, Executive Director, Midway Rehabilitation Center, was present and spoke on the matter.

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

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

Commissioner Broyles moved to approve R-10-12-905 - Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) from the public improvement fund for renovations to the proposed leased office space on the first floor of the Midway Rehabilitation Center which the Knox County Drug Court desires to relocate its operations. Commissioner Ownby seconded the motion.

Commissioner Broyles moved as a substitute motion to defer to the January 2011 Board of Commissioners meeting and all entities meet and work out an agreement and they will spend their money first before spending the county's \$20,000.00. They will also get an updated bid on R-10-12-905 Consideration of a Resolution of the Commission of Knox County, Tennessee authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) from the public improvement fund for renovations to the proposed leased office space on the first floor of the Midway Rehabilitation Center which the Knox County Drug Court desires to relocate its operations. Commissioner Norman seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith and Shouse voted aye. The substitute motion carried 8-3-0-0. Commissioners Wright, Brown and Hammond voted no.

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**IN RE: ROLL CALL: 4:00 P.M.**

Mrs. Kim Ellis, Minutes Clerk to Knox County Clerk, called the roll those responding were Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse.

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**IN RE: ZONING REQUESTS:**

**IN RE:** Request of Ron Scott, Jr. or Ben Kizer for rezoning from A (Agricultural) to CA (General Business) 9-D-10-RZ was before the Board of Commissioners. Property located northwest side Guinn Road, southwest of Oak Ridge Highway; 6<sup>th</sup> Commission District.

Without objection, Commissioner Hammond deferred 9-D-10-RZ - Request of Ron Scott, Jr. or Ben Kizer for rezoning from A (Agricultural) to CA (General Business) to the end of the agenda.

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**IN RE:** Request of TN Valley Surveying Inc. for rezoning from A (Agricultural) and RA (Low Density Residential) to PR (Planned Residential) 9-E-10-RZ was before the Board of Commissioners. Property located east side Branch Lane, north of N. Ruggles Ferry Pike, 8<sup>th</sup> Commission District.

Without objection, Commissioner Hammond deferred 9-E-10-RZ – Request of TN Valley Surveying Inc. for rezoning from A (Agricultural) and RA (Low Density Residential) to PR (Planned Residential) to the end of the agenda.

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**IN RE:** Request of The Metropolitan Planning Commission to adopt the amended East County Sector Plan: 8<sup>th</sup> Commission District 2-A-10-SAP was before the Board of Commissioners.

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

Mr. Mark Donaldson, Executive Director, was present and spoke on the matter.

Mr. Roger Osborne, Chairman, Development Corporation, representing the business community, also the citizens of Knox County, was present and spoke in favor of the Sector Plan.

Todd Napier, Development Corporation, was present and spoke in favor of the Sector Plan.

Mr. Mike Edwards, President, Chamber of Commerce, was present and spoke on the matter.

Ms. Elaine Clark, representing citizens in the 8<sup>th</sup> Commission District Community, French Broad Preservation Association, 8<sup>th</sup> District Preservation Association and Thorngrove Community Center was present and spoke in opposition to the request.

Commissioners Briggs, Hammond and Anders gave disclosures before voting.

Commissioner Briggs moved to approve 2-A-10-SAP - Request of The Metropolitan Planning Commission to adopt the amended East County Sector Plan: 8<sup>th</sup> Commission District. Commissioner Anders seconded the motion and upon roll call vote Commissioners McKenzie, Briggs, Anders and Hammond voted aye. Commissioners Broyles, Norman, Ownby, Smith, Wright, Brown and Shouse voted no. The motion to approve failed 4-7-0-0.

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**IN RE:** Request of Knox County Commission for Southwest County Sector Plan Amendment from LDR (Low Density Residential) to RC (Rural Commercial) 11-A-10-SP was before the Board of Commissioners. Property located southeast side Fox Road, northeast of Canton Hollow Road. 5<sup>th</sup> Commission District.

Mr. Buzz Johnson, Metropolitan Planning Commission, and Mr. Mark Donaldson, Executive Director, Metropolitan Planning Commission, were present and spoke on the matter.

Mr. Arthur Seymour, Attorney, representing the applicant Mr. Chad Kennedy, was present and spoke on behalf of the request.

Mr. Chad Kennedy, applicant, was present and spoke on behalf of the request.

Mr. Wayne Kline, Attorney, representing residents in the area was present and spoke in opposition to the request.

Mr. Chris McKenry, representing his parents Mr. Joe McKenry and Mrs. Dot McKenry, who own the property, was present and spoke on the matter.

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

Commissioner Briggs moved to deny the request of Knox County Commission for Southwest County Sector Plan Amendment from LDR (Low Density Residential) to RC (Rural Commercial) (11-A-10-SP). Property located southeast side Fox Road, northeast of Canton Hollow Road. 5<sup>th</sup> Commission District. Commissioner Brown seconded the motion and upon roll call vote Commissioners McKenzie, Norman, Briggs, Brown, Hammond and Shouse voted aye. Commissioners Ownby, Anders, Smith and Wright voted no. Commissioner Broyles abstained from the vote. The motion to deny carried 6-4-1-0.

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**IN RE:** Request of CGK, Inc. for rezoning from A (Agricultural) to CR (Rural Commercial) 6-C-10-RZ was before the Board of Commissioners. Property located southeast side Fox Road, northeast of Canton Hollow Road, 5<sup>th</sup> Commission District.

No action was taken.

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**IN RE:** Request of Ron Scott, Jr. or Ben Kizer for rezoning from A (Agricultural) to CA (General Business) 9-D-10-RZ was before the Board of Commissioners. Property located northwest side Guinn Road, southwest of Oak Ridge Highway, 6<sup>th</sup> Commission District.

Commissioner Anders moved to defer to the January 2011 Board of Commissioners meeting 9-D-10-RZ - Request of Ron Scott, Jr. or Ben Kizer for rezoning from A (Agricultural) to CA (General Business). Property located northwest side Guinn Road, southwest of Oak Ridge Highway, 6<sup>th</sup> Commission District. Commissioner Smith seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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***IN RE:*** Request of TN Valley Surveying Inc. for rezoning from A (Agricultural) and RA (Low Density Residential) to (PR (Planned Residential) 9-E-10-RZ was before the Board of Commissioners. Property located east side Branch Lane, north of N. Ruggles Ferry Pike, 8<sup>th</sup> Commission District.

Commissioner Anders moved to defer to the January 2011 Board of Commissioners meeting 9-E-10-RZ - Request of TN Valley Surveying Inc. for rezoning from A (Agricultural) and RA (Low Density Residential) To PR (Planned Residential). Property located east side Branch Lane, north of N. Ruggles Ferry Pike, 8<sup>th</sup> Commission District. Commissioner Smith seconded the motion and upon roll call vote Commissioners McKenzie, Broyles, Norman, Ownby, Briggs, Anders, Smith, Wright, Brown, Hammond and Shouse voted aye. The motion carried 11-0-0-0.

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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 AMENDING ARTICLE 2, ARTICLE 4, AND ARTICLE 5 OF THE KNOX COUNTY ZONING ORDINANCE REGARDING REGULATIONS FOR PRIVATE SWIMMING POOLS, REGULATIONS IN THE PR (PLANNED RESIDENTIAL) DISTRICT, AND DEFINITIONS (ORD. NO. O-90-9-130, ADOPTED 9-10-90, AS AMENDED): O-10-12-101: FIRST READING:***

Consideration of an Ordinance of the Commission of Knox County, Tennessee amending Article 2, Article 4, and Article 5 of the Knox County Zoning Ordinance regarding regulations for private swimming pools, regulations in the PR (Planned Residential) district, and definitions (Ord. No. O-90-9-130, adopted 9-10-90, as amended) on first reading was before the Board of Commissioners.

This Ordinance was sent back to Metropolitan Planning Commission.  
No action was taken.

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

Without objection, Commissioner Hammond stated the January Work Session would be held at Farragut Town Hall on January 18, 2011.

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**IN RE:      *ADJOURNMENT:***

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

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MIKE HAMMOND, CHAIRMAN