

KNOX COUNTY BOARD OF COMMISSIONERS

The Knox County Board of Commissioners met in Special Session on Monday, March 16, 2009 at 8:15 a.m. in the Main Assembly Room of the City-County Building, Main Avenue. Those members present were Commissioners Strickland, Broyles, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Craig Leuthold, Briggs, Anders, Smith, Carringer, Armstrong, Wright and Pinkston. Commissioners McKenzie, Mark Harmon, Lambert and Brown were absent from the meeting. Also present were Mr. Bill Lockett, Knox County Law Director, Mr. John Troyer, Knox County Senior Finance Director, Mr. Richard Walls, Knox County Internal Auditor, Mr. Joe Jarret, Knox County Chief Deputy 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 A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, APPROVING THE AMENDED AND RESTATED LEASE AGREEMENT WITH HILLCREST HEALTHCARE – R-09-3-101-SS:

Consideration of a Resolution of the Commission of Knox County, Tennessee, approving the amended and restated lease agreement with Hillcrest Healthcare was before the Board of Commissioners.

Mr. Bill Lockett, Knox County Law Director, Ms. Carolyn Pointer, President/CEO for Hillcrest, and Mr. D.H. Andrew, concerned citizen, were present and spoke on the matter.

Commissioner Wright moved to approve Resolution R-09-3-101-SS - Resolution of the Commission of Knox County, Tennessee, approving the amended and restated lease agreement with Hillcrest Healthcare and approve Exhibit B with the following amendments to Exhibit B: On Page 5, Section Eight, Assignment and Subletting, add the following language to the first paragraph: “Consent and approval shall be obtained from Lessor in the following manner: (i) Lessee shall submit to a sublease approval committee (the “Committee”) composed of the Chairman of the

Knox County Board of Commissioners (the "Commission"), the Chairman of the Commission's Intergovernmental Committee, the Chairman of the Commission's Finance Committee, the Knox County Mayor or his designee, and the Director of the Knox County Purchasing Department, the name of the proposed subtenant; (ii) within seven (7) days of receipt of the name of the subtenant, a majority of the Committee shall either provide written consent and approval of the subtenant, or disapproval of the subtenant." Commissioner Armstrong seconded the motion.

Commissioner Craig Leuthold moved as a substitute motion to approve Resolution R-09-3-101-SS - Resolution of the Commission of Knox County, Tennessee, approving the amended and restated lease agreement with Hillcrest Healthcare and approve Exhibit B with the following amendments to Exhibit B: On Page 5, Section Eight, Assignment and Subletting, add the following language to the first paragraph: "Consent and approval shall be obtained from Lessor in the following manner: (i) Lessee shall submit to a sublease approval committee (the "Committee") composed of the Chairman of the Knox County Board of Commissioners (the "Commission"), the Chairman of the Commission's Intergovernmental Committee, the Chairman of the Commission's Finance Committee, the Knox County Mayor or his designee, and the Director of the Knox County Purchasing Department, the name of the proposed subtenant; (ii) within seven (7) days of receipt of the name of the subtenant, a majority of the Committee shall either provide written consent and approval of the subtenant, or disapproval of the subtenant."; and revise the last sentence to read as follows: "In the event that Lessee does sublet any portion of the premises, Lessor will be entitled to receive fifteen percent (15%) of all rents collected by Lessee in excess of Twenty Five Thousand Dollars (\$25,000) per month." Commissioner Pinkston seconded the motion and upon roll call vote Commissioners Ivan Harmon, Shouse, Craig Leuthold, Anders and Pinkston voted aye. Commissioners Strickland, Broyles, Norman, Saunders, Hammond, Briggs, Smith, Carringer, Armstrong and Wright voted no. Commissioners McKenzie, Mark Harmon, Lambert and Brown were absent from the meeting. The substitute motion failed 5-10-0-4.

Upon roll call vote of the original motion to approve Resolution R-09-3-101-SS - Resolution of the Commission of Knox County, Tennessee, to approving the amended and restated lease agreement with Hillcrest Healthcare with the following amendment to Exhibit B: On Page 5, Section Eight, Assignment and Subletting, add the following language to the first paragraph: "Consent and approval shall be obtained from Lessor in the following manner: (i) Lessee shall submit to a sublease approval committee

(the "Committee") composed of the Chairman of the Knox County Board of Commissioners (the "Commission"), the Chairman of the Commission's Intergovernmental Committee, the Chairman of the Commission's Finance Committee, the Knox County Mayor or his designee, and the Director of the Knox County Purchasing Department, the name of the proposed subtenant; (ii) within seven (7) days of receipt of the name of the subtenant, a majority of the Committee shall either provide written consent and approval of the subtenant, or disapproval of the subtenant.", Commissioners Strickland, Norman, Ivan Harmon, Saunders, Shouse, Hammond, Briggs, Anders, Smith, Carringer, Armstrong and Wright voted aye. Commissioners Broyles, Craig Leuthold and Pinkston voted no. Commissioners McKenzie, Mark Harmon, Lambert and Brown were absent from the meeting. The motion carried 12-3-0-4.

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IN RE: **ADJOURNMENT:**

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

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KNOX COUNTY BOARD OF COMMISSIONERS

THOMAS STRICKLAND, CHAIRMAN