

MINUTES OF THE REGULAR SESSION OF THE COUNCIL OF THE CITY OF KNOXVILLE

**APRIL 22, 2008 - 7:00 PM
Main Assembly Room, City-County Building**

1. CALL TO ORDER

The Council of the City of Knoxville met in Regular Session at 7:00 p.m. in the Main Assembly Room of the City-County Building on Tuesday, April 29, 2008. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Rob Frost led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

The following City Council Members were present: Joe Bailey, Bob Becker, Vice-Mayor Mark Brown, Rob Frost, Steve Hall, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull.

4. APPROVAL OF MINUTES

Councilmember Frost made a motion to approve the minutes from the April 8, 2008 City Council meeting. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with "W")

None.

5-b. ITEMS FOR POSTPONEMENT (Indicated with "P")

Councilmember Pelot made a motion to postpone the following ordinance four (4) weeks:

- 9-c.** An Ordinance to close a portion of B Drive north of S. Northshore Drive with conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Northshore Commons, LLC, Applicant. (MPC Approved 12-0) (File No. 10-A-07-SC) (Second District)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The motion carried and the ordinance was postponed four (4) weeks.

Councilmember Becker made a motion to postpone the following items until June 17, 2008:

- 9-b.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, regulating the size of residential accessory buildings. (MPC Approved 13-1) (File No. 7-B-07-OA)

and

- 11-d.** A Resolution requesting and encouraging the executive director and the professional staff at the Metropolitan Planning Commission to study, evaluate and analyze the feasibility and potential for adopting a comprehensive sidewalk ordinance for the City of Knoxville. (Requested by Councilmember Becker)

Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The items were postponed until June 17, 2008.

**5-c. ITEMS REQUESTED TO BE ADDED BY MOTION
(Indicated with “M”)**

None.

5-d. CONSENT ITEMS (Indicated with “*”)

Councilmember Roddy made a motion to approve resolutions 11l through 11p on the consent agenda. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved. (See “Resolutions”).

6. MAYOR’S REPORT

No City Council action required

- 6-a.** Appointment of Norman Watkins as the resident commissioner on the Knoxville’s Community Development Corporation Board of Commissioners for a term ending January 1, 2010.

RE: MAYOR’S REMARKS

- May 1 will be the Mayor’s Budget Luncheon at Sysco beginning at noon.
- A Cumberland Avenue visual will be available to view April 24 from 5:00 –7:00 at the Downtown Design Studio, 500 Gay Street.
- The Lonsdale United For Change cleanup and picnic will take place April 26 from 10:00 a.m. to 2:00 p.m.
- April 26 will be Earthfest, a City sponsored event at Pellissippi State from 11:00 a.m. until 7:00 p.m.
- May 1 will be the closing of I-40 from James White Parkway to Cherry Street.
- Community Television of Knoxville has begun live streaming and archiving the City Council and County Commission meetings on the Internet. Access the meetings at www.ctvknox.org

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Becker discussed the St Mary’s/Baptist Hospital issue and talked about establishing a community task force.

- Councilmember Hultquist announced that the State of Tennessee Department of Tourism would be hosting a Sustainable Tourism Summit on April 28 & 29 at the Knoxville Convention Center.
- Mayor Haslam recognized the Ice Bears Hockey Team for winning the 2008 League Playoff Championship and the 2008 Regular Season Championship.

8. ELECTIONS AND CONFIRMATIONS

None.

9. ORDINANCES ON SECOND READING

MOTION TO SUSPEND RULES

Councilmember Pelot made a motion to suspend the rules of Council to move resolution 11a forward on the agenda to be considered immediately following ordinance 9a. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

RE: KNOLOGY OF KNOXVILLE, INC. – CABLE TELEVISION SYSTEM AND OTHER TELECOMMUNICATIONS PRIVILEGES IN THE CITY OF KNOXVILLE

- 9-a.** An Ordinance to amend Ordinance No. O-155-00, granting to Knology of Knoxville, Inc. a franchise for the use and occupancy of public ways in the City for the purpose of constructing and operating a cable television system and other telecommunications privileges in the City, specifically relating to liquidated damages, completion of the cable system, and providing cable television service to certain facilities. (Requested by Law Department)

Discussion began with Mayor Haslam addressing the ordinance.

Councilmember Frost, Councilmember Roddy, Councilmember Hultquist, Larry Martin, Councilmember Pelot, Vice-Mayor Brown, Felix Boccucci (Knology representative), Councilmember Becker, Councilmember Bailey, Councilmember Woodhull, Councilmember Hall, Law Director Debbie Poplin, Deputy to the Mayor Larry Martin, addressed the ordinance.

Councilmember Roddy made a motion to approve the ordinance. Councilmember Becker seconded the motion. Upon roll call, Councilmembers Bailey, Becker, Hultquist, Pelot and Roddy voted "Aye." Councilmembers Brown, Frost, Hall and Woodhull voted "Nay." The motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-92-08.

RE: KNOLOGY OF KNOXVILLE, INC – COMPROMISE SETTLEMENT AGREEMENT – CABLE TELEVISION SYSTEM

- 11-a.** A Resolution authorizing the Mayor to execute and deliver a compromise and settlement agreement with Knology of Knoxville, Inc. related to liquidated damages and completion of Knology's cable system within the city limits of Knoxville. (Requested by Law Department)

Councilmember Roddy made a motion to approve the resolution. Councilmember Bailey seconded the motion.

Councilmember Frost, Attorney Debbie Poplin and Councilmember Pelot addressed the resolution.

By voice vote the Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted "Nay." Councilmember Brown voted "Nay." The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-134-08.

RE: KNOXVILE ONE-YEAR PLAN 2008 – METROPOLITAN PLANNING COMMISSION

- 9-d.** An Ordinance to adopt the Knoxville One Year Plan dated 2008 as prepared by the Metropolitan Planning Commission for the City of Knoxville. (MPC Approved 11-0-1) (File No. 3-A-08-OYP)

Councilmember Becker made a motion to approve the ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-93-08.

RE: REZONING REQUEST OF CAMBRIDGE DEVELOPMENT

- 9-e.** An Ordinance to rezone property located on the south side of Western Avenue, west side of Tennessee Avenue, from I-3, General Industrial District to O-2, Civic and Institutional District, Cambridge Development, Applicant. (MPC Approved 11-0-1) (File No. 3-J-08-RZ) (Third District)

Councilmember Hall made a motion to approve the ordinance. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-94-08.

10. HEARINGS ON ZONING MATTERS, APPEALS FROM ACTION OF MPC/BOARD OF ZONING APPEALS OR PLANS REVIEW

RE: APPEAL BY KAREN O'DELL OF THE VILLAGE AT CHILHOWEE HILLS (CHILHOWEE HILLS BAPTIST CHURCH)

- 10-a.** An Appeal by Karen O'Dell of the Metropolitan Planning Commission's approval of a Use on Review request for a senior living facility of 194 attached and detached dwellings in an RP-1, Planned Residential District, property located on the north side of Asheville Highway, east end of Eastburn Drive. (MPC Approved 13-0) (File No. 2-H-08-UR) (Sixth District) (Consider with 11k.)

In Conjunction With

- 11-k.** A Resolution approving an appeal by Karen O'Dell of the Metropolitan Planning of a Use on Review request for a senior living facility of 194 attached and detached dwellings in an RP-1, Planned Residential District, property located on the north side of Asheville Highway, east end of Eastburn Drive. (MPC Approved 13-0) (File No. 2-H-08-UR) (Sixth District) (Consider with 10a.)

Vice-Mayor Brown stated that he thinks an agreement was reached late this afternoon on this matter.

Charles Swanson went of the amendments to the conditions that were part of the new agreement. (Conditions found in agenda review sheet).

Councilmember Frost made a motion to suspend the rules of Council to recess the matter, allow the parties to talk about the new and amended conditions, while City Council continues with their agenda. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The matter was recessed until later in meeting.

(SEE LATER IN MINUTES FOR CONTINUED DISCUSSION AND VOTE)

11. RESOLUTIONS

RE: PROFESSIONAL COMPUTER SOFTWARE SERVICES, INC. – MUNICIPAL COURT SOFTWARE SYSTEM

11-b. A Resolution approving a contract between the City and Professional Computer Software Services, Inc. to provide the City of Knoxville with a municipal court software system to track and manage court citations as well as establish a system for remote entry of citations for a contract price not to exceed Four Hundred and Fifty Thousand and no/100 Dollars (\$450,000.00). (Requested by Department of Information Systems)

Councilmember Pelot made a motion to approve the resolution. Councilmember Roddy seconded the motion.

Councilmember Roddy and Janet Wright, Information Systems Director, addressed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-135-08.

RE: 2008-2009 ACTION PLAN TO THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

11-c. A Resolution authorizing the submission of the 2008-2009 Action Plan to the Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development and authorizing the Mayor to execute any required documents under the Community Development Block Grant, HOME Investment Partnerships Act, American Dream Downpayment Initiative, Fair Housing Assistance and Emergency Shelter Grant programs. (Requested by Department of Community Development)

Councilmember Roddy made a motion to approve the resolution. Councilmember Pelot seconded the motion.

Councilmember Roddy, Madeline Rogero, Director of Community Development and Councilmember Hultquist addressed the resolution.

By unanimous voice vote the motion to approve the resolution was adopted. The printed resolution can be found attached to these minutes as Resolution No. R-136-08.

RE: STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION – WASHINGTON PIKE, GREENWAY DRIVE, MALL ROAD SOUTH, MILLERTOWN PIKE, LOVES CREEK ROAD – SIGNAL TIMING

11-e. A Resolution authorizing the Mayor to execute Contract No. 070164 with State of Tennessee, Department of Transportation to upgrade signal timing along Washington Pike from Greenway Drive to Mall Road South, and along Millertown Pike from Loves Creek Road to Mall Road South, Project Identification No. 109012.00. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-137-08.

RE: STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION – INTERSECTION SIGNAL TIMING

11-f. A Resolution authorizing the Mayor to execute Agreement No. 070186 with State of Tennessee, Department of Transportation to upgrade signal timing at various

intersections within the City of Knoxville, Project ID# 108732.00. (Requested by Department of Engineering)

Councilmember Roddy made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-138-08.

RE: VAUGHN & MELTON, INC. – FIRST CREEK CHANNEL IMPROVEMENTS, PHASE II

- 11-g.** A Resolution authorizing the Mayor to approve Change Order No. 1 to Contract No. C-07-0139 between the City of Knoxville and Vaughn & Melton, Inc. for the First Creek Channel Improvements, Phase II, so as to increase the contract price by \$149,785.00 for a new contract price of \$358,365.00 and to increase the contract time by 365 days to December 31, 2009. (Requested by Department of Engineering)

Councilmember Becker made a motion to approve the resolution. Councilmember Pelot seconded the motion.

Councilmember Becker and Mayor Haslam addressed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-139-08.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – KNOXVILLE AREA TRANSIT (KAT)

- 11-h.** A Resolution authorizing the Mayor to execute any and all documents to accept a special legislative appropriation grant in the amount of Four Hundred and Eight Thousand One Hundred and Five and 15/100 Dollars (\$408,105.15) from the Tennessee Department of Transportation to provide funding to Knoxville Area Transit for capital grant assistance. (Requested by Operations and Efficiency, Knoxville Area Transit)

Councilmember Frost made a motion to approve the resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-140-08.

RE: DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, AND STATE OF TENNESSEE – KNOXVILLE AREA TRANSIT (KAT)

- 11-i.** A Resolution authorizing the Mayor to execute any and all documents to accept a grant award in the amount of One Hundred Forty-two Thousand, Five Hundred Seventy-one and 00/100 Dollars (142,571.00) from the Department of Transportation, United States of America, and State of Tennessee, to provide funding to Knoxville Area Transit in order to provide night and Sunday transit service. (Requested by Operations and Efficiency, Knoxville Area Transit)

Councilmember Pelot made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-141-08.

RE: CITY OF ALCOA – TRANSFER OF 1996 E-ONE BRONTO LADDER TRUCK

- 11-j.** A Resolution approving a sales agreement between the City of Knoxville and the City of Alcoa transferring a 1996 E-One Bronto ladder truck from the City of Knoxville to the City of Alcoa for a purchase price of \$240,000. (Requested by Fire Department)

Councilmember Roddy made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-142-08.

The following pension resolutions were approved unanimously on first and final reading under the consent agenda:

- Approved: R-144-08**
**" 11-l. A Resolution granting a pension of \$1,687.83 per month to Donna Lisa Betschart, an employee of the Knoxville Police Department. (Requested by Pension Board)
- Approved: R-145-08**
**" 11-m. A Resolution granting a pension of \$1,134.70 per month to Glenn E. Owen, an employee of the Knoxville General Government. (Requested by Pension Board)
- Approved: R-146-08**
**" 11-n. A Resolution granting a pension of \$149.74 per month to Alfred L. Nance, an employee of the former Knoxville City School System. (Requested by Pension Board)
- Approved: R-147-08**
**" 11-o. A Resolution granting a pension of \$2,585.24 per month to James M. Porter, an employee of the Knoxville General Government. (Requested by Pension Board)
- Approved: R-148-08**
***" 11-p. A Resolution granting a pension of \$989.46 per month to Martha Jane Shannon, an employee of the Knoxville General Government. (Requested by Pension Board)

RE: UNIVERSITY OF TENNESSEE LADY VOLS BASKETBALL TEAM – 2008 NCAA WOMEN’S BASKETBALL NATIONAL CHAMPIONSHIP

- 11-q. A Resolution honoring and congratulating the University of Tennessee Lady Vols basketball team for winning the 2008 NCAA Women’s Basketball National Championship. (Requested by Council)

Councilmember Pelot made a motion to approve the resolution. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-149-08.

RE: SMITH TURF & IRRIGATION – CITY OF KNOXVILLE GOLF COURSES – GENERAL ELECTRIC CAPITAL CORPORATION

- 11-r. A Resolution authorizing the Mayor to execute a revised lease purchase equipment agreement between the City of Knoxville and Smith Turf & Irrigation for equipment necessary to operate and maintain the City’s two public golf courses and an assignment of payments to General Electric Capital Corporation and rescinding Resolution R-87-08 approving the original lease purchase agreement. (Requested by Department of Parks and Recreation)

Councilmember Roddy made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-150-08.

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – CHAPTER 17, ARTICLE VI – WRECKER SERVICES

- 12-a.** An Ordinance to amend Chapter 17, Article VI of the Knoxville City Code, so as to regulate the booting of vehicles parked within the city limits of Knoxville. (Requested by Police Department)

Councilmember Pelot made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: ONE-YEAR PLAN AMENDMENT REQUEST OF KELLY NICHOLS

- 12-b.** An Ordinance approving the request of Kelly Nichols for a One Year Plan amendment from Low Density Residential to Neighborhood Commercial for property located on the southeast side of Washington Pike, southwest side of Mill Road. (MPC Approved 13-0-2) (File No. 1-F-08-PA) (Fourth District)

Discussion ensued with the following persons addressing the ordinance: Kelly Nichols, 6320 Old Washington Pike; Mark Donaldson (MPC), Shirley Harris, 5652 Washington Pike; Julian Harris, 5652 Washington Pike; Councilmember Frost; Sam Anderson, family property owner; Councilmember Becker.

After discussion it was deemed that the ordinance was moot because of the One Year Plan ordinance that was adopted earlier in meeting.

Councilmember Frost made a motion to withdraw the ordinance from the agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was withdrawn.

RE: REZONING REQUEST OF KELLY NICHOLS

- 12-c.** An Ordinance to rezone property located on the southeast side of Washington Pike, southwest side of Mill Road, from R-1, Low Density Residential District to C-1, Neighborhood Commercial District, Kelly Nichols, Applicant. (MPC Approved 13-0-2) (File No. 1-P-08-RZ) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: COMMUNITY IMPROVEMENT (202) FUND – HISTORIC TENNESSEE THEATRE FOUNDATION

- 12-d.** An Emergency Ordinance of the Council appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Historic Tennessee Theatre Foundation to be utilized toward the Youth Arts Alliance, Education Partnership program. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-95-08.

RECESS ON APPEAL ENDED AND DISCUSSION ON APPEAL RECONVENED

**RE: APPEAL BY KAREN O'DELL OF THE VILLAGE AT CHILHOWEE HILLS
(CHILHOWEE HILLS BAPTIST CHURCH)**

Continued from earlier in minutes

After recess Karen O'Dell asked for a postponement.

Further discussion continued with the following persons speaking: Arthur Seymour, Jr. , attorney representing Chilhowee Hills Baptist Church; Vice-Mayor Brown; Council Attorney Charles Swanson; Councilmember Hultquist; Sharon Davis, realtor for developer; Councilmember Becker; Mark Donaldson, MPC; Councilmember Bailey.

Vice-Mayor Brown made a motion to approve a portion of the appeal with new and amended conditions and deny the remainder of the appeal. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-143-08. The new and amended conditions are as follows:

The Metropolitan Planning Commission approved the use on review request of Chilhowee Hills Baptist Church for up to 194 attached and detached dwellings as shown on the development plan (filed in MPC) subject to the following 12 conditions by a vote of 13-0

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville City Engineer
3. Meeting all applicable requirements of the Knoxville City Arborist.
4. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
5. Installation of landscaping, including the tree buffer, as shown on the development plan within six months of the issuance of the first occupancy permit for this project.
6. Obtaining a street connection permit from the Tennessee Department of Transportation.
7. Upgrade the existing church driveway from Asheville Highway to the site so that it will meet the standards of a public street with regard to horizontal and vertical alignment. Improvement the grade at the Asheville Highway entrance to be no more than 3%. Establish this driveway as a joint permanent easement.
8. Constructing and dedication of a cul-de-sac on the end of Eastburn Drive that meets the current city standards. Constructing a gated entrance out of the cul-de-sac. This gate is to remain closed at all times and access being limited to the residents of the senior housing project.
9. Prior to commencing any grading on this project, review and approval of a subdivision plat by MPC separating the 43.6 acre senior housing site from the remainder of the church campus. This plat will also establish a 40' wide joint permanent easement across the church property and note that all access will be via Asheville Highway and the proposed easement.
10. A revised site plan must be submitted to MPC staff prior to issuance of any building or grading permits.
11. The third access shall be installed prior to beginning the 101st unit.
12. Gates will remain closed at all times on all accesses.

Karen O'Dell appealed the action of MPC. The appeal came before the Knoxville City Council on April 22, 2008. The Knoxville City Council partially approved the appeal by Ms. O'Dell with the following new (#13 & #14) and amended (#11 & #12) conditions and denied the remainder of the appeal.

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville City Engineer
3. Meeting all applicable requirements of the Knoxville City Arborist.

4. Connection to sanitary sewer and meeting any other relevant requirement of the Knox County Health Department.
5. Installation of landscaping, including the tree buffer, as shown on the development plan within six months of the issuance of the first occupancy permit for this project.
6. Obtaining a street connection permit from the Tennessee Department of Transportation. Upgrade the existing church driveway from Asheville Highway to the site so that it will meet the standards of a public street with regard to horizontal and vertical alignment. Improvement the grade at the Asheville Highway entrance to be no more than 3%. Establish this driveway as a joint permanent easement.
7. Upgrade the existing church driveway from Asheville Highway to the site so that it will meet the standards of a public street with regard to horizontal and vertical alignment. Improvement the grade at the Asheville Highway entrance to be no more than 3%. Establish this driveway as a joint permanent easement.
8. Constructing and dedication of a cul-de-sac on the end of Eastburn Drive that meets the current City standards. Constructing a gated entrance out of the cul-de-sac. This gate is to remain closed at all times and ingress and egress is limited to the residents of the senior housing project¹. Additionally, the applicant shall construct two (2) speed bumps that vehicles entering and leaving the project must cross
9. Prior to commencing any grading on this project, review and approval of a subdivision plat by MPC separating the 43.6 acre senior housing site from the remainder of the church campus shall be approved. This plat will also establish a 40' wide joint permanent easement across the church property and note that all access will be via Asheville Highway and the proposed easement.
10. A revised site plan must be submitted to MPC staff prior to issuance of any building or grading permits
11. The third access shall be installed prior to sale of the 101st unit.
12. Gates will remain closed at all times to all access points except the Asheville Highway entrance.
13. Whenever the applicant sells the 101st unit or three years from the date of the sale of the first dwelling unit, whichever occurs first, Eastburn Drive shall be open to only: 1) emergency traffic (fire, police, ambulance, etc.) and 2) applicants, sales personnel, outside agents, potential customers and staff accompanied by staff or sales persons.
14. The original plan called for three 5 story mid-rise buildings. The mid-rise buildings shall be eliminated. The plan shall be amended to show that the units shall consist only of one to two story multi-family dwellings

¹Staff, sales persons and potential buyers accompanied by staff or sales persons

RE: COMMUNITY IMPROVEMENT (202) FUND – KNOXVILLE CHALLENGER LEAGUE, INC.

- 12-e.** An Emergency Ordinance of the Council appropriating the sum of \$1,300.00 from the Community Improvement (202) Fund and donating same to the Knoxville Challenger League, Inc., as financial support toward the youth baseball programs. (Requested by Councilmembers Pelot, Hall, Frost, Becker, and Woodhull)

Councilmember Frost made a motion to approve the emergency ordinance. Councilmember Hall seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-96-08.

RE: COMMUNITY IMPROVEMENT (202) FUND – KNOX COUNTY PUBLIC LIBRARY

- 12-f.** An Emergency Ordinance of the Council appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to the Knox County

Public Library, as financial support toward the Summer 2008 Children's Festival of Reading event. (Requested by Councilmembers Pelot, Hall, Frost, Becker, and Woodhull)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-97-08.

RE: COMMUNITY IMPROVEMENT (202) FUND – CENTRAL HIGH SCHOOL

12-g. An Emergency Ordinance of the Council appropriating the sum of \$950.00 from the Community Improvement (202) Fund and donating same to Central High School to be utilized toward the purchase of a laminating machine. (Requested by Councilmembers Pelot, Hall, Frost, Becker, and Woodhull)

Councilmember Becker made a motion to approve the emergency ordinance. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-98-08.

RE: COMMUNITY IMPROVEMENT (202) FUND – OPTIMIST CLUB OF MECHANICSVILLE LONSDALE

12-h. An Emergency Ordinance of the Council appropriating the sum of \$150.00 from the Community Improvement (202) Fund and donating same to the Optimist Club of Mechanicsville Lonsdale as financial assistance toward their service projects to benefit inner city children. (Requested by Councilmember Frost)

Councilmember Frost made a motion to approve the emergency ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-99-08.

13. PUBLIC FORUM

Alonzo Montgomery

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 10:10 p.m.

Presiding Officer of the Council

Recorder