

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

May 20, 2008 – 7:00 p.m.  
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, May 20, 2008.  
Mayor Bill Haslam was present and presiding officer of the Council.

Mayor Haslam announced that Norman Rickman, the police officer who was shot this afternoon, was out of surgery, but still in critical condition.

## 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Bill Haslam led in the Invocation and Vice Mayor Mark Brown led in the “Pledge of Allegiance” to the Flag.

## 3. ROLL CALL:

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

## 4. APPROVAL OF MINUTES:

Councilmember Frost made a motion to approve the minutes from the May 6, 2008 City Council Meeting. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

## 5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA:

### a. ITEMS WITHDRAWN (Indicated with “W”)

None

### b. ITEMS FOR POSTPONEMENT (Indicated with “P”)

Councilmember Frost made a motion to postpone the following items for two (2) weeks:

- 10-c. An Appeal by Fountain City Town Hall Inc. of the Metropolitan Planning Commission’s decision to approve a Use on Review request for a 90-foot monopole telecommunications tower, subject to seven conditions, in an R-1 zoning district, property located on the northwest side of Grove Drive, southeast of Rifle Range Drive. (MPC Approved 11-1) (File No. 4-J-08-UR) (Fourth District) (Consider with 11m.); in be considered in conjunction with

- 11-m.** A Resolution approving an appeal by Fountain City Town Hall Inc. of the Metropolitan Planning Commission's decision to approve a Use on Review request for a 90 foot monopole telecommunications tower, subject to seven conditions, in an R-1 zoning district, property located on the northwest side of Grove Drive, southeast of Rifle Range Drive. (MPC Approved 11-1) (File No. 4-J-08-UR) (Fourth District) (Consider with 10c.)

Councilmember Becker seconded the motion. By unanimous voice vote the motion carried and the items were postponed for two (2) weeks.

Councilmember Frost made a motion to send the following item back to the Metropolitan Planning Commission to consider a zoning classification of C-1 for the subject property:

- 12-e.** An Ordinance to rezone property located on the northwest side of Millertown Pike, northwest of Amelia Road and Spring Hill Road, from R-1, Low Density Residential District to O-1, Office, Medical, and Related Services District, subject to limiting access to Millertown Pike (prohibiting access to Corbitt Drive), Dr. Steve Copeland, Applicant. (MPC Approved 13-0) (File No. 3-H-08-RZ) (Fourth District)

Councilmembers Becker and Pelot seconded the motion. By unanimous voice vote the motion carried and the item was referred back to the Metropolitan Planning Commission

Councilmember Pelot made a motion to postpone the following items for two (2) weeks:

- 9-a.** An Ordinance making and fixing the annual appropriations for the several departments, agencies, and funds of the City of Knoxville for the fiscal period beginning July 1, 2008 and ending June 30, 2009. (Requested by Department of Finance and Accountability)
- 9-b.** An Ordinance to levy a tax on all taxable properties, real, personal and mixed, within the corporate limits of the City of Knoxville to provide sufficient revenues to fund the general fund and debt service fund operations and debt service obligations of the City of Knoxville for the fiscal period beginning July 1, 2008 and ending June 30, 2009. (Requested by Department of Finance and Accountability)
- 9-c.** An Ordinance to amend Sections 2-449, 2-450, 2-454, 2-458, 2-459, 2-461, and 2-462 of the Knoxville City Code to adjust the City of Knoxville's classification and compensation plans for general government employees and uniformed members of the police and fire departments. (Requested by Civil Service)

Councilmember Becker seconded the motion. By unanimous voice vote the motion carried and the ordinances were postponed for two (2) weeks.

Councilmember Pelot made a motion to postpone the following item for two (2) weeks:

- 9-f.** 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 Becker seconded the motion. By unanimous voice vote the motion carried and the Ordinance was postponed for two (2) weeks.

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

None

**d. CONSENT ITEMS (Indicated with “\*”)**

Vice Mayor Brown made a motion to approve pension resolutions 11-n through 11-p on the Consent agenda. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved on first and final reading (See “Resolutions”).

**6. MAYOR’S REPORT:**

**RE: APPLICATION FOR WHOLESALER CERTIFICATE OF COMPLIANCE FOR ORVIS MILNER, MICHAEL B. MILNER, MARY MILNER AND REBECCA M. FULLER D/B/A KNOXVILLE BEVERAGE COMPANY**

- a.** An application for Wholesaler Certificate of Compliance for Orvis Milner, Michael B. Milner, Mary Milner, and Rebecca M. Fuller d/b/a Knoxville Beverage Company, Inc., relocating to 1331 E. Weisgarber Road, Knoxville, Tennessee, 37909. (Requested by Department of Finance and Accountability)

Councilmember Pelot moved for approval. Councilmember Hall seconded the motion. unanimous voice vote the motion carried.

**RE: APPLICATION FOR CERTIFICATE OF COMPLIANCE FOR JUMA, INC. JUMA AMIN D/B/A MAGNOLIA PACKAGE SOTRE, 3122 E. MAGNOLIA**

- b.** An application for Certificate of Compliance for Juma Inc. owned by Juma Amin d/b/a Magnolia Package Store, 3122 E. Magnolia Avenue, Knoxville, Tennessee, 37914. (Requested by Department of Finance and Accountability)

Vice Mayor Brown moved for approval. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried.

**RE: APPLICATION FOR CERTIFICATE OF COMPLIANCE FOR VICTOR J. JERNIGAN D/B/A MURPHY'S PACKAGE STORE, 5914 WASHINGTON PIKE**

- c. An application for Certificate of Compliance for Victor J. Jernigan d/b/a Murphy's Package Store LLC, 5914 Washington Pike, Knoxville, Tennessee 37918 (requested by Department of Finance and Accountability)

Councilmember Frost stated that he had been contacted by the Kevin Murphy, who is concerned that the community will think the Murphy family is involved in the business. Discussion ensued with the following people speaking to the issue: Attorney Greg Harrison, Councilmembers Frost, Bailey, Becker and Pelot and Charles Swanson.

Councilmember Frost made a motion to postpone the following item for two (2) weeks: Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried and the item was postponed for two (2) weeks.

**RE: APPLICATION FOR RENEWAL OF CERTIFICATE OF COMPLIANCE FOR GRANVIL WILLIAM RADCLIFFE D/B/A RADDY'S LIQUOR CENTER, 2022 N. BROADWAY**

- d. An application for renewal of Certificate of Compliance for Granvil William Radcliffe d/b/a Raddy's Liquor Center, 2022 N. Broadway, Knoxville, Tennessee, 37917. (Requested by Department of Finance and Accountability)

Councilmember Frost moved for approval. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried.

**RE: MAYOR'S REMARKS**

Mayor Bill Haslam made the following announcements:

- Introduced David Massey as the new Neighborhood Coordinator
- Smart Trips Walk along Central Street on May 21 at 5:30 pm
- Destination Imagination Convention at the University of Tennessee this week

**7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:**

- Councilmember Bailey announced that the Pond Gap/Hollywood Drive Neighborhood Association has succeeded in getting a crosswalk for children installed at Sutherland Avenue and Hollywood Drive.
- Councilmember Becker announced the Budget Public Hearing will be on May 29 at 5:00 pm
- Councilmember Pelot congratulated the West High School Soccer Team for making it to the State Tournament
- Councilmember Frost announced that Honor Fountain City Day will be on Monday, May 26 at Fountain City Park
- Vice Mayor Brown announced the Budget Legislative Hearings will be held on May 29 and 30
- Councilmember Hultquist announced a Trail Building School at the William Hastie Natural Area on May 24, beginning at 9:00 am at Lake Forest Presbyterian Church

**8. ELECTIONS AND CONFIRMATIONS:**

**RE: REAPPOINTMENT OF PAMELA CHESNEY TO THE CIVIL SERVICE MERIT BOARD**

- a. A Resolution confirming the reappointment of Pamela Chesney to the Civil Service Merit Board (Requested by Mayor)

Vice Mayor Brown moved for approval. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried and a copy of the Resolution is attached to these minutes as R-157-08

**9. ORDINANCES ON SECOND READING:**

**RE: CITY CODE AMENDMENT – CHAPTER 17 – VEHICLE IMPOUND LOT**

- d. An Ordinance to amend the Knoxville City Code, Chapter 17, Article II, Division 4, relative to operation of the vehicle impound lot. (Requested by Law Department)

Councilmember Frost moved for approval. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried and a copy of the Ordinance is attached to these minutes as Ordinance No. O-110-08.

**RE: ZONING ORDINANCE AMENDMENT – BUILDING HEIGHT DETERMINATION**

- e. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article I, Section 1, Article III, Section 4, Article IV, Section 9, Article V, Section 5, and related sections, to remove stories as a criteria for determining building height and utilizing feet to determine height. (MPC Approved 12-0-1) (File No. 4-A-08-OA)

Vice Mayor Brown moved for approval. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried and a copy of the Ordinance is attached to these minutes as Ordinance No. O-111-08.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF J. STEPHEN RIDENOUR**

- g. An Ordinance approving the request of J. Stephen Ridenour for a One Year Plan amendment from Low Density Residential to Light Industrial for property located on the south side of Old Amherst Road, southwest of Amherst Road. (MPC Approved 12-1) (File No. 4-A-08-PA) (Third District)

Councilmember Hall moved for approval. Councilmember Pelot seconded the motion. By voice vote, Councilmembers Bailey, Brown, Frost, Hall, Pelot and Woodhull voted “aye.” Councilmembers Becker and Hultquist vote “no.” The motion carried and a copy of the Ordinance is attached to these minutes as Ordinance No. O-112-08.

**RE: REZONING REQUEST OF J. STEPHEN RIDENOUR**

- h.** An Ordinance to rezone property located on the south side of Old Amherst Road, southwest of Amherst Road, from R-1, Low Density Residential District to I-3, General Industrial District, J. Stephen Ridenour, Applicant. (MPC Approved 12-1) (File No. 4-A-08-RZ) (Third District)

Councilmember Hall moved for approval. Councilmember Pelot seconded the motion. By voice vote, Councilmembers Bailey, Brown, Frost, Hall, Pelot, Hultquist and Woodhull voted “aye.” Councilmember Becker voted “no.” The motion carried and a copy of the Ordinance is attached to these minutes as Ordinance No. O-113-08.

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

**RE: VARIANCE REQUEST APPEAL BY MIKE BALLINGER**

- 10-a.** An Appeal by Mike Ballinger of the Board of Zoning Appeals’ decision to deny the request for variance to reduce the front yard setback from 25 feet to 7 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 1.a.) as per site plan, to construct a dwelling in an R-1, Low Density Residential District, property located at 2916 Brabson Drive. (BZA Denied 3-0) (File No. 4-E-08-VA) (Fourth District) (Consider with 11k.); to be considered in conjunction with
- 11-k.** A Resolution approving an appeal by Mike Ballinger of the Board of Zoning Appeals’ decision to deny the request for variance to reduce the front yard setback from 25 feet to 7 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 1. a.) as per site plan, to construct a dwelling in an R-1, Low Density Residential District, property located at 2916 Brabson Drive. (BZA Denied 3-0) (File No. 4-E-08-VA) (Fourth District) (Consider with 10a.)

Councilmember Frost made a motion to approve the appeal. Councilmember Hall seconded the motion.

Discussion ensued with the following people speaking to the issue: Mike Ballinger, Councilmembers Becker, Hultquist, Frost, and Pelot.

By unanimous voice vote the motion to approve the appeal carried and a copy of the Resolution approving the appeal is attached to these minutes as Resolution No. R-168-08.

**RE: VARIANCE REQUEST APPEAL BY MICHAEL JORDAN**

- 10-b.** An Appeal by Michael Jordan of the Board of Zoning Appeals’ decision to deny the request for variance to allow vehicular access to a self storage facility via a local street (Knoxville City Code, Appendix B, Article V, Section 3. F. 7. a.) as per site plan to construct a self storage facility in a C-6, General Commercial Park District, property located at 2750 Loves Creek Road. (BZA Denied 3-0) (File No. 4-G-08-VA) (Fourth District) (Consider with 11l.); to be considered in conjunction with
- 11-l.** A Resolution approving an appeal by Michael Jordan of the Board of Zoning Appeals’ decision to deny the request for variance to allow vehicular access to a self storage facility via a local street (Knoxville City Code, Article V, Section 3. F. 7. a.) as per site plan, to construct a self storage facility in a C-6, General Commercial Park District, property located at 2750 Loves Creek Road. (BZA Denied 3-0) (File No. 4-G-08-VA) (Fourth District) (Consider with 10b.)

Charles Swanson informed Council that the issue before Council was not a variable issue and would require a Zoning Code change before it could be considered.

Discussion ensued with the following people speaking to the issue: Councilmembers Frost, Becker, Hultquist and Pelot, Law Director Debbie Poplin, Charles Swanson, Michael Jordon and Mark Donaldson of MPC.

The Appeal failed due to lack of a motion.

**RE: APPEAL BY T. SCOTT JONES/ED NAVARRO OF DENIAL OF REZONING REQUEST – E. MAGNOLIA AVENUE**

**10-d.** An Appeal by T. Scott Jones/Ed Navarro of the Metropolitan Planning Commission's decision to deny the rezoning of property located on the southeast side of E. Magnolia Avenue, southwest of Spruce Street, from C-3, General Commercial District to C-4, Highway and Arterial Commercial District. (MPC Denied 9-4) (File No. 4-D-08-RZ) (Sixth District) (Consider with 12d.); to be considered in conjunction with

**12-d.** An Ordinance to rezone property located on the southeast side of E. Magnolia Avenue, southwest of Spruce Street, from C-3, General Commercial District to C-4, Highway and Arterial Commercial District, T. Scott Jones/Ed Navarro, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 9-4) (File No. 4-D-08-RZ) (Sixth District) (Consider with 10d.)

Vice Mayor Brown made a motion to approve the appeal. Councilmember Pelot seconded the motion.

Vice Mayor Brown made a motion "to amend the Ordinance to provide that the zoning classification for the parcel of property in question, located on the southeast side of East Magnolia Avenue, southwest of Spruce Street, be changed from C-3, General Commercial District, to C-4, Highway and Arterial Commercial District, conditioned upon a limitation of the use for this parcel of property to any use which is authorized in the C-3 district, as well as for the use of the property as truck and/or trailer rental business. All other uses involving outdoor storage and display specifically would be prohibited." Councilmember Pelot seconded the motion.

Discussion ensued with the following people speaking to the issue: T. Scott Jones, Vice Mayor Brown, and Councilmembers Becker and Hultquist.

By unanimous voice vote the motion to amend the Ordinance was approved.

By unanimous voice vote the motion to approve the appeal and Ordinance as amended carried and the Ordinance was approved on first reading.

**11. RESOLUTIONS**

**RE: STATE OF TENNESSEE – DEPARTMENT OF CRIMINAL JUSTICE GRANT INTERNET CRIMES AGAINST CHILDREN TASK FORCE**

**a.** A Resolution authorizing the Mayor to execute any and all documents necessary to accept a two-year extension of a grant award from the State of Tennessee, Department of Criminal Justice Programs, in the amount of \$300,000 per year, for funding of the Knoxville Police Department's Internet Crimes Against Children Task Force. (Requested by Police Department)

Vice Mayor Brown made a motion to approve. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-158-08.

**RE: SPRING FARM, LLC – ACKER PLACE DETENTION POND AT MIDDLEBROOK PIKE AND E. WEISGARBER ROAD**

- b. A Resolution authorizing the Mayor to execute a lease between the City of Knoxville and Spring Farm, LLC for the Acker Place Detention Pond at the northwest corner of the intersection of Middlebrook Pike and E. Weisgarber Road. (Requested by Department of Engineering)

Councilmember Pelot made a motion to approve. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-159-08.

**RE: FIRST CREEK IMPROVEMENT PROJECT, PHASE II – PERMANENT DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND RIGHT-OF-WAY PURCHASE FROM ARTHUR KENTON KENDRICK TRUST AND KENDRICK-KING TRUST**

- c. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase a permanent drainage easement, a temporary construction easement, and right-of-way on a portion of property located at 3328 North Broadway from Charles K. Kendrick and Jane Foster Kendrick, co-trustees of the Arthur Kenton Kendrick trust, subject to the life estate of Charles Kenton Kendrick; Krystel Pratt; Stuart C. Kendrick; William K. Kendrick and Karen Kendrick, co-trustees of the Kendrick-King family trust; William K. Kendrick and Karen Kendrick, co-trustees of the Kendrick-King Family trust for the benefit of Valerie Boykin Kendrick; and Charles K. Kendrick, Karen Kendrick and William K. Kendrick, co-trustees of the Kendrick-King family trust, owners of Broadway Court Condominiums, for the First Creek Improvement Project, Phase II for \$15,200.00. (Requested by Department of Engineering)

Councilmember Pelot made a motion to approve. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-160-08.

**RE: AQUASHIELD STORMWATER TREATMENT SOLUTIONS**

- d. A Resolution authorizing the Mayor to accept the donation of an Aqua-Filter Model AF-6.2 from AquaShield Stormwater Treatment Solutions valued at \$40,280.00 in exchange for data collected from the equipment for a minimum of one year. (Requested by Department of Public Service)

Councilmember Becker made a motion to approve. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-161-08.

**RE: KNOX COUNTY – 2007 HOMELAND SECURITY GRANT –  
KNOXVILLE-KNOX COUNTY EMERGENCY MANAGEMENT AGENCY**

- e A Resolution authorizing the Mayor to sign a Memorandum of Understanding with Knox County to accept \$24,000 as a subrecipient of the 2007 Homeland Security Grant in order to purchase satellite phones and data service for the Knoxville-Knox County Emergency Management Agency (KEMA). (Requested by Emergency Management)

Councilmember Becker made a motion to approve. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-162-08.

**RE: KNOX COUNTY – 2007 HOMELAND SECURITY GRANT – KNOXVILLE  
POLICE DEPARTMENT**

- f. A Resolution authorizing the Mayor to sign a Memorandum of Understanding with Knox County to accept \$136,000 as a subrecipient of the 2007 Homeland Security Grant in order to purchase a sky watch frontier tower for the Knoxville Police Department. (Requested by Police Department)

Councilmember Becker made a motion to approve. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-163-08

**RE: KNOX COUNTY – 2007 HOMELAND SECURITY GRANT – KNOXVILLE  
FIRE DEPARTMENT**

- g. A Resolution authorizing the Mayor to sign a Memorandum of Understanding with Knox County to accept \$65,000 as a subrecipient of the 2007 Homeland Security Grant in order to purchase a spectrometer for the Knoxville Fire Department. (Requested by Fire Department)

Councilmember Pelot made a motion to approve. Councilmember Hall seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-164-08

**RE: KNOXVILLE FIRE DEPARTMENT – KNOXVILLE FIREFIGHTERS  
ASSOCIATION**

- h. A Resolution expressing appreciation for the donation of a fire safety house trailer to the Knoxville Fire Department by the Knoxville Firefighters Association. (Requested by Fire Department)

Councilmember Becker made a motion to approve. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-165-08

**RE: HARGREAVES ASSOCIATES – SOUTH WATERFRONT PUBLIC IMPROVEMENT PROJECT – RIVER PLAIN PARK**

- i.** A Resolution authorizing the Mayor to enter into a contract with Hargreaves Associates for final design and construction documentation as part of the South Waterfront Public Improvement Project known as the River Plain Park for an amount not to exceed \$535,500.00. (Requested by South Waterfront)

Councilmember Hultquist made a motion to approve. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-166-08

**RE: STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION – KNOXVILLE TRANSIT CENTER – JAMES WHITE PARKWAY – NEYLAND DRIVE**

- j.** A Resolution authorizing the Mayor to enter into a Fifty (50) year lease with State of Tennessee, Department of Transportation, for air rights over a section of State Route 158 (James White Parkway and Neyland Drive) to construct and maintain the Knoxville Transit Center, Federal Project No. U-001-7(37). (Requested by Operations and Efficiency, Knoxville Area Transit)

Councilmember Becker made a motion to approve. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried and copy of the Resolution is attached to these minutes as R-167-08

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

**RE: PENSION TO VIVIAN D. FRITZ**

**R-169-08**

- n.** A Resolution granting a pension of \$1,643.69 per month to Vivian D. Fritz, an employee of the Knoxville General Government. (Requested by Pension Board)

**RE: PENSION TO SANDRA E. SINCERBOX**

**R-170-08**

- o.** A Resolution granting a pension of \$438.04 per month to Sandra E. Sincerbox, an employee of the former Knoxville City School System (Requested by Pension Board)

**RE: PENSION TO DEBORAH HENRY**

**R-171-08**

- p.** A Resolution granting a pension of \$145.82 per month to Deborah Henry, an employee of the former Knoxville City School System. (Requested by Pension Board).

**12. ORDINANCES ON FIRST READING:**

**RE: PENSION PLAN CHARTER AMENDMENT**

- a. An Ordinance to amend the Charter of the City of Knoxville, specifically Chapter 412 of the Private Acts of 1923 of the General Assembly of the State Of Tennessee, entitled, "An Act to incorporate the City of Knoxville in Knox County, Tennessee, and to define the rights, powers and liabilities of the same; to fix the boundaries of said municipality, and to repeal all acts or parts of acts in conflict with this act", and all acts amendatory thereto, by amending Article XIII of said Charter, entitled "Pensions", to eliminate a cost of living sunset provision for certain Board of Education members of Plan A, and further providing for the submission of this Ordinance to the qualified voters of the City of Knoxville for approval as provided in Article XI, Section 9 of the Constitution of the State of Tennessee (requested by Pension Board).

Vice Mayor Brown moved for approval. Councilmembers Pelot and Becker seconded the motion.

Discussion ensued with the following people speaking to the issue: Vice Mayor Brown, Councilmembers Hultquist, Becker and Bailey, Bud Gilbert and Mayor Haslam.

By unanimous voice vote the motion to approve the ordinance carried and the ordinance was approved on first reading.

**RE: DANGEROUS DOG ORDINANCE**

- b. An Ordinance to amend the Knoxville City Code, Chapter 5, Article VI, concerning dangerous dogs. (Requested by Police Department)

Councilmember Becker moved for approval. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried and the ordinance was passed on first reading.

**RE: KNOXVILLE CAPITAL IMPROVEMENTS PROGRAM AND BUDGET**

- c. An Ordinance to approve and adopt the 2009-2014 Knoxville Capital Improvements Program and budget (MPC approved 14-0) (File No. 5-A-08-OB).

Councilmember Becker moved for approval. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried and the ordinance was passed on first reading.

**RE: COMMUNITY IMPROVEMENT (202) FUND – EMERALD YOUTH FOUNDATION**

- f. An Emergency Ordinance of the Council appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to the Emerald Youth Foundation to be utilized toward general program support (requested by Councilmember Pelot)

Councilmember Pelot moved for approval. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried and a copy of the Ordinance is attached to these minutes as Ordinance No. O-114-08.

**13. PUBLIC FORUM:**

None

**14. ADJOURNMENT:**

There being no further business to come before the City Council, upon motion the meeting adjourned at 8:16 p.m.

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Presiding Officer of the Council

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Assistant City Recorder