

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

JUNE 3, 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, June 3, 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 Joe Bailey 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 meeting held May 20, 2008. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The minutes were approved.

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5-a. ITEMS WITHDRAWN (Indicated with "W")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 for two (2) weeks:

- 9-g.** 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 ordinance was postponed two (2) weeks.

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

- 10-a.** An Appeal by Charles R. Faubion of the Metropolitan Planning Commission's decision to deny his appeal of the IH-1 Housing Design Review Committee's decision requiring the structure located at 1333 Delaware Avenue have a finished floor elevation of 109 feet and roof pitch of 5:12. (MPC Denied 14-0) (File No. 5-E-08-OB) (Fifth District) (Consider with 11j.)
- 11-j.** A Resolution approving an appeal by Charles R. Faubion of the Metropolitan Planning Commission's decision to deny his appeal of the IH-1 Housing Design Review Committee's decision requiring the structure located at 1333 Delaware Avenue have a finished floor elevation of 109 feet and roof pitch of 5:12. (MPC Denied 14-0) (File No. 5-E-08-OB) (Fifth District) (Consider with 10b.)

Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The items were postponed two (2) weeks.

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

None.

5-d. CONSENT ITEMS (Indicated with "")**

None.

6. MAYOR'S REPORT

RE: CERTIFICATE OF COMPLIANCE – VICTOR J. JERNIGAN d/b/a MURPHY'S PACKAGE STORE, LLC

- 6-a.** 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)

Greg Harrison, attorney representing Victor J. Jernigan and Kevin Murphy, representative of the Murphy family, addressed City Council. (See attached letter)

Councilmember Frost made a motion to approve. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The Certificate of Compliance was approved.

RE: MAYOR'S REMARKS

- New Transit Center groundbreaking to be held June 9 at 9:00 a.m. in front of Old American Accessories Building
- Market Square, Gay Street and the Old City art galleries and businesses are celebrating another First Friday with special and events. The Market Square District Association invites you to attend this Friday, June 6 from 5:00 – 9:00 p.m.
- Recognition of Troop 246 from Parkway Presbyterian Church.
- Recognition of Youth Action Council.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Becker announced that City Council would hold a workshop on Accessory Buildings and Sidewalks on June 12, 2008 at 5:00 p.m.
- Councilmember Pelot and Mark Donaldson announced that a public hearing would be held June 4 at 7:00 p.m. in the Small Assembly room to discuss the new zoning classification Office/Residential
- Councilmember Hultquist announced that TOP would still be holding public hearings on the Regional Mobility Plan.
- Councilmember Bailey recognized Councilmember Pelot's 71ST birthday.

8. ELECTIONS AND CONFIRMATIONS

- 8-a.** A Resolution approving the appointment of Councilmember Bob Becker to serve as Chair of City Council's Audit Committee and reappointing Councilmembers Marilyn Roddy, Barbara Pelot, Joe Hultquist and Chris Woodhull to serve as members of that Committee. (Requested by Vice Mayor Brown)

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Becker seconded the motion.

Vice-Mayor Brown thanked Marilyn Roddy for serving as Audit Committee Chair and commended her on her service.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-172-08.

9. ORDINANCES ON SECOND READING

RE: BUDGET – ANNUAL APPROPRIATIONS ORDINANCE

- 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)

Vice-Mayor Brown made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion.

Anita Cash, General Government Employees League, thanked the Mayor and Council for their work on the new compensation plan.

By unanimous voice vote, the motion to approve was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-115-08.

RE: TAX LEVY

- 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-116-08.

RE: CITY CODE AMENDMENT – CITY OF KNOXVILLE’S CLASSIFICATION AND COMPENSATION PLAN - GENERAL GOVERNEMENT EMPLOYEES – UNIFORMED MEMBERS OF POLICE AND FIRE DEPARTMENTS

- 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 made a motion to approve the ordinance on second reading. Councilmember Woodhull seconded the motion.

Mayor Haslam addressed the ordinance.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-117-08.

RE: CHARTER AMENDMENT – PENSIONS – BOARD OF EDUCATION MEMBERS OF PLAN A

- 9-d.** 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 made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Anita Cash, General Government Employees League representative; Councilmember Becker; Councilmember Roddy; Councilmember Hultquist; Councilmember Pelot.

Upon roll call on the motion to approve the Council voted as follows: Councilmembers Brown, Hall and Pelot voted “Aye.” Councilmembers Bailey, Becker, Frost, Hultquist, Roddy and Woodhull voted “Nay.” The motion failed. The ordinance was not adopted.

RE: CITY CODE AMENDMENT – CHAPTER 5, DANGEROUS DOGS

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

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

Discussion ensued with the following persons addressing the ordinance: Councilmember Roddy; Vice-Mayor Brown; Chief Cindy Gass, KPD; Councilmember Becker; Councilmember Hultquist.

Councilmember Roddy made a motion to postpone the ordinance four (4) weeks. Councilmember Becker seconded the motion.

Discussion continued with Vice-Mayor Brown and Councilmember Roddy addressing the postponement.

By unanimous voice vote the motion to postpone the matter four (4) weeks was adopted. The ordinance was postponed four (4) weeks.

RE: 2009-2014 KNOXVILLE CAPITAL IMPROVEMENTS PROGRAM AND BUDGET

- 9-f.** 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 Roddy made a motion to approve the ordinance on second reading. 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-118-08.

RE: REZONING REQUEST OF T. SCOTT JONES/ED NAVARRO – E. MAGNOLIA AVENUE – SPRUCE STREET

- 9-h.** 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, 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 with all other uses involving outdoor storage and display specifically being prohibited; 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)

Vice-Mayor Brown made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion.

Vice-Mayor Brown and T. Scott Jones addressed the ordinance.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-119-08.

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

RE: APPEAL BY FOUNTAIN CITY TOWN HALL, INC.

- 10-a.** 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 11i.)

in conjunction with

- 11-i.** 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 10a.)

Councilmember Frost, Jamie Rowe, Jackson Kramer and Councilmember Hultquist addressed the appeal.

No motion was made by City Council. The resolution failed due to lack of a motion.

11. RESOLUTIONS

RE: GRANT APPLICATION – DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, STATE OF TENNESSEE – KNOXVILLE AREA TRANSIT

11-a. A Resolution authorizing the Mayor to file a grant application with the Department of Transportation, United States of America, and State of Tennessee, to provide funding in the amount of \$45,260.00 to Knoxville Area Transit for discretionary transit grant assistance under Project TN E-2006-BUSP-934 for transit maintenance shop equipment, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Operations and Efficiency, Knoxville Area Transit)

Councilmember Pelot made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-173-08.

RE: GRANT APPLICATION – DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, STATE OF TENNESSEE – KNOXVILLE AREA TRANSIT

11-b. A Resolution authorizing the Mayor to file a grant application with the Department of Transportation, United States of America, and State of Tennessee, to provide funding in the amount of \$290,500.00 to Knoxville Area Transit for Congestion Mitigation/Air Quality grant assistance for the “Ride Smart: Ride Free” program of transit enhancements in support of the Tennessee Department of Transportation SmartFix 40 construction project, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Operations and Efficiency, Knoxville Area Transit)

Councilmember Hultquist 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-174-08.

RE: CODE OF ETHICS - PUBLIC BUILDING AUTHORITY

11-c. A Resolution approving a Code of Ethics for the Public Building Authority and amending the Enabling Resolution. (Requested by Law Department)

Councilmember Roddy 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-175-08.

RE: PUBLIC BUILDING AUTHORITY OF THE COUNTY OF KNOX AND THE CITY OF KNOXVILLE, TENNESSEE – KERR BUILDING ROOF PROJECT

11-d. A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for the Kerr Building Roof Project under the agreement for project management services for designated projects, at a budgeted amount not to exceed \$91,000.00. (Requested by Department of Public Service)

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-176-08.

RE: BOLLINGER, INC. – ATHLETIC ACCIDENT INSURANCE – CITY’S PARKS AND RECREATION SPORTS PROGRAMS

- 11-e.** A Resolution authorizing the Mayor to execute all documents necessary to renew insurance with Bollinger, Inc. to provide athletic accident insurance for participants in the City’s Parks and Recreation sports programs. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-177-08.

RE: COMPIQ CORPORATION – CITY’S WORKERS’ COMPENSATION CLAIMS

- 11-f.** A Resolution authorizing the Mayor to execute an addendum to the agreement with CompIQ Corporation to provide medical bill review and audit services for the City of Knoxville’s workers’ compensation claims to extend the agreement for one additional year. (Requested by Department of Finance and Accountability)

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-178-08.

RE: MORGAN KEEGAN – CITY’S EMPLOYEE DEFERRED COMPENSATION PLAN

- 11-g.** A Resolution authorizing the Mayor to execute an agreement with Morgan Keegan to provide consulting services for the City’s Employee Deferred Compensation Plan. (Requested by Department of Finance and Accountability)

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

Discussion ensued with the following persons addressing the resolution: Councilmember Roddy; Larry Martin, Deputy Mayor; Councilmember Frost; Councilmember Pelot; Vice-Mayor Brown.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-179-08.

RE: STELLAR VISIONS AND SOUND, INC. – CITY OF KNOXVILLE’S JULY 4, 2008 FESTIVITIES

- 11-h.** A Resolution authorizing the Mayor to execute an agreement with Stellar Visions and Sound, Inc. to provide and operate video and sound equipment for the City of Knoxville’s July 4, 2008 festivities at World’s Fair Park in a total amount not to exceed \$30,900.00. (Requested by Special Events)

Mickey Mallonee, Special Events Director, and Councilmember Roddy addressed the resolution.

Councilmember Pelot made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-180-08.

12. ORDINANCES ON FIRST READING

RE: CAPITAL AND OPERATING BUDGET AMENDMENTS – TRANSFER OF SURPLUS, EXCESS OR UNENCUMBERED FUNDS

12-a. An Ordinance to amend the Capital Budget and the Operating Budget both as approved by Ordinance O-125-07 for Fiscal Year 07-08 and to transfer surplus, excess, or unencumbered funds between various units and funds as reflected in the various funds and budgets of the City of Knoxville. (Requested by Department of Finance and Accountability)

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

RE: OPERATING BUDGET AMENDMENT FOR FISCAL YEAR 07-08 – KNOXVILLE AREA TRANSIT

12-b. An Ordinance to amend the operating budget for Fiscal Year 07-08. (Requested by Department of Finance and Accountability)

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

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS – ELECTRONIC MESSAGE CENTERS

12-c. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 10 “Signs, billboards, and other advertising structures”, and related sections, regarding the operating regulations of Electronic Message Centers in the City of Knoxville. (MPC Approved 14-0) (File No. 5-A-08-OA)

Councilmember Bob Becker: Move approval

Mayor Haslam: Is there a second?

Councilmember Joe Hultquist: Second

Discussion ensued on the ordinance with the following persons speaking: Joyce Feld, in opposition to EMC’s; Duane Grieve, Scenic Knoxville; Councilmember Woodhull; Charles Swanson, City Council Attorney; Mark Donaldson, MPC; Councilmember Roddy; Anita Cash, Inspections; Councilmember Hultquist.

Councilman Rob Frost: Thank you; a couple of things. First, Mr. Swanson and I were talking about that interpretation that was just discussed, about trying to make that interpretation as easy as possible with just a ... maybe amending a clarification. Like for example, in Section E, Commercial Districts, little section (e)(1), change it to read, “An EMC shall be limited to parcels with a minimum of 200 feet of frontage on *the street where the property is addressed.*”

Councilmember Marilyn Roddy: And, would you do the same for ...

Councilman Frost: And then, we would do the same for all the other districts and hopefully that would make ... make things a whole lot easier and reduce the ... any potential necessity for a ... interpretation. I didn’t know how folks thought about that. And, that same... that same sort of amendment would apply to the industrial districts and other districts where EMCs are allowed. I mean, I’ll make that motion, if folks are interested.

Councilmember Roddy: I’ll second the motion.

By unanimous voice vote amendment #1, as stated by Councilmember Frost, was adopted. The ordinance was amended.

Discussion continued with Councilmember Roddy, Councilmember Becker, Councilmember Pelot, Councilmember Bailey, Debbie Poplin, Law Director, Mayor Haslam, Councilmember Hultquist, speaking.

Councilman Becker: I'd like to offer an amendment and maybe this is just a pet peeve of mine, but I'd like to delete the language in Section A.4 where it says "No sign," and I want to delete, "except government owned signs," I just don't like this idea that we except ourselves from our own laws so blatantly. We ought to be covered like everybody else. So, I'm going to offer an amendment to delete those four little words.

Councilman Hultquist: Second
(**Councilman Becker withdrew this motion and Councilman Hultquist withdrew his second**)

Councilman Frost: I'd like... I'm batting a thousand ... I'd like to discuss possibly amending it a second time. I liked Ms. Feld's idea about increasing the distance from 200 feet to 250 feet. It was She at MPC did discuss increasing the length; she just did discuss a greater number; however, it doesn't ... from the record, it doesn't look like a specific amount was mentioned, but I don't know if folks have any feeling possibly increasing the size of the parcel of property, it's frontage, to allow these things.

Councilman Becker: Is that a motion?

Councilman Frost: So moved

Councilman Becker: Second

Councilman Frost: The motion would be to ... for example, in part E, Commercial Districts, e(1) it would change to "200 feet" to "250 feet," and it would likewise apply to all corresponding parallel sections, like for example, commercial district.

By unanimous voice vote amendment #2, as stated by Councilmember Frost, was adopted. The ordinance was amended.

Discussion continued with the following persons addressing the ordinance, as amended, Anita Cash, Inspections; Councilmember Frost; Councilmember Hultquist; Councilmember Pelot; Councilmember Becker; Charles Swanson; Vice-Mayor Brown.

Councilman Becker: We're going to go back to triple amending it; since we're going to pass it on emergency (Ordinance was eventually approved on first reading only), I'm going to make the amendment to delete "except government owned signs," and again we can take it out, if we're uncomfortable with it, but let's ...

Councilman Hultquist: You're re-moving, I'll re-second.

Mayor Bill Haslam: Okay, the motion on the floor is to remove the "except government signs," exception that was in there. It's been moved and seconded. Any discussion on that?

Upon roll call, Councilmembers Becker and Hultquist voted "Aye." Councilmembers Bailey, Brown, Frost, Hall, Pelot, Roddy and Woodhull voted "No." The motion failed. Amendment #3 did not pass.

By unanimous voice vote, the motion to approve the ordinance, as amended two times, was adopted. The ordinance was approved on first reading.

RE: STREET CLOSURE – SIMMONS ROAD NEAR I40/75 AND LEXINGTON DRIVE SAMUEL J. FURROW, APPLICANT

- 12-d.** An Ordinance to close Simmons Road from the north side of I40/75 right-of-way to approximately 300 feet south of Lexington Drive, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Samuel J. Furrow, Applicant. (MPC Approved 14-0) (File No. 5-A-08-SC) (Second District)

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

RE: STREET CLOSURE – COGDILL ROAD – SAMUEL J. FURROW, APPLICANT

- 12-e.** An Ordinance to close a portion of Cogdill Road, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Samuel J. Furrow, Applicant. (MPC Approved 14-0) (File No. 5-B-08-SC) (Second District)

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

RE: EASEMENT NAME – DUTCH VALLEY DRIVE – WHISTLERS WAY – HARVEY R. BOWMAN, IV

- 12-f.** An Ordinance to name a private unnamed easement between Dutch Valley Drive and the terminus of the easement “Whistlers Way”, Harvey R. Bowman, IV, Applicant. (MPC Approved 14-0) (File No. 5-A-08-SNC) (Fifth District)

Councilmember Becker made a motion to approve the ordinance on first reading. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: REZONING REQUEST OF MARIA M. ENAMORADO

- 12-g.** An Ordinance to rezone property located on the northwest side of W. Oldham Avenue, northeast side of Elm Street, southwest of I-275, from O-1, Office, Medical, and Related Services District to C-3, General Commercial District, Maria M. Enamorado, Applicant. (MPC Approved 10-4) (File No. 5-A-08-RZ) (Fifth District)

Councilmember Becker 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: REZONING REQUEST OF ANN SCHUELER

- 12-h.** An Ordinance to rezone property located on the southeast side of Sutherland Avenue, northeast side of Carr Street, from R-1, Low Density Residential District to O-1, Office, Medical, and Related Services District, Ann Schueler, Applicant. (MPC Approved 14-0) (File No. 5-D-08-RZ) (Second District)

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: REZONING REQUEST OF THE CITY OF KNOXVILLE – SHERRILL BOULEVARD AND MABRY HOOD ROAD

- 12-i.** An Emergency Ordinance to rezone property located on the northwest side of Sherrill Boulevard, southeast of Mabry Hood Road, from No Zone to C-3, General Commercial District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-F-08-RZ) (Second District)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-120-08.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE

- 12-j.** An Emergency Ordinance to rezone property located east of Duncan Road, southeast of S. Northshore Drive, from No Zone to R-1, Low Density Residential District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-G-08-RZ) (Second District)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-121-08.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – COGDILL ROAD AND LAND OAK ROAD

- 12-k.** An Emergency Ordinance to rezone property located on the southwest side of Cogdill Road, northwest of Land Oak Road, from No Zone to O-1, Office, Medical, and Related Services District, subject to four conditions, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-H-08-RZ) (Second District)

Councilmember Pelot made a motion to approve the emergency 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-122-08.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – WASHINGTON PIKE AND NEW HARVEST LANE

- 12-l.** An Emergency Ordinance to rezone property located on the northwest side of Washington Pike, northeast of New Harvest Lane from No Zone to R-2, General Residential District and I-2, Restricted Manufacturing and Warehousing District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-I-08-RZ) (Fourth District)

Councilmember Frost made a motion to approve the emergency 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-123-08.

RE: COMMUNITY IMPROVEMENT (202) FUND – WEE COURSE AT WILLIAMS CREEK

12-m. An Emergency Ordinance of the Council appropriating the sum of \$1,290.00 from the Community Improvement (202) Fund and donating same to the Wee Course at Williams Creek to be utilized toward renovations to the First Tee Learning Center and certain expenses related to the After School Program. (Requested by Councilmembers Pelot, Becker, Woodhull, Bailey, and Vice Mayor Brown)

Vice-Mayor Brown made a motion to approve the emergency ordinance. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-124-08.

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

12-n. An Emergency Ordinance of the Council appropriating the sum of \$3,700.00 from the Community Improvement (202) Fund and donating same to the Emerald Youth Foundation to be utilized toward general program support. (Requested by Councilmember Hall)

Councilmember Hall 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-125-08.

RE: CITY CODE AMENDMENT – CHAPTER 17 – AUTOMATED TRAFFIC SIGNAL ENFORCEMENT SYSTEMS

12-o. An Ordinance to amend Chapter 17, Section 210 of the Knoxville City Code relating to automated traffic signal enforcement systems. (Requested by Police Department)

Councilmember Pelot made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Vice-Mayor Brown, Councilmember Pelot, Charles Swanson, City Council Attorney, Law Director Debbie Poplin, Councilmember Frost.

By unanimous voice vote the motion carried. The ordinance was approved on first reading.

13. PUBLIC FORUM

None.

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 9:00 p.m.

Presiding Officer of the Council

Recorder