

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

**MARCH 24, 2009 - 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, 400 Main Street, on Tuesday, March 24, 2009. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Pelot led in the Invocation and Vice-Mayor Becker led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Bailey made a motion to approve the minutes from the March 10, 2009 City Council meeting. Vice-Mayor Becker 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5-a. ITEMS WITHDRAWN (Indicated with “W”)

Councilmember Pelot made a motion to withdraw the following ordinance from the agenda:

- 9-d.** An Ordinance amending Chapter 6, Articles II and IIA of the Knoxville City Code to provide a consistent height requirement for street numbers on buildings. (Requested by Department of Public Service)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was withdrawn from the agenda.

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

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

- 10-a.** An Appeal by Janice Loveday of the Metropolitan Planning Commission’s denial of a One Year Plan amendment from Office to General Commercial for property located on the north side of W. Governor John Sevier Highway, west of Maryville Pike. (MPC Denied 10-1) (File No. 1-C-09-PA) (First District) (Consider with 12e.)

- 10-b.** An Appeal by Janice Loveday of the Metropolitan Planning Commission's denial to rezone property located on the north side of W. Governor John Sevier Highway west of Maryville Pike from O-1, Office, Medical, and Related Services District, to C-3, General Commercial District. (MPC Denied 10-1) (File No. 1-C-09-RZ) (First District) (Consider with 12f.)
- 12-e.** An Ordinance approving the request of Janice Loveday for a One Year Plan amendment from Office to General Commercial for property located on the north Side of W. Governor John Sevier Highway, west of Maryville Pike, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 10-1) (File No. 1-C-09-PA) (First District) (Consider with 10a.)
- 12-f.** An Ordinance to rezone property located on the north side of W. Governor John Sevier Highway, west of Maryville Pike from O-1, Office, Medical, and Related Services District, to C-3, General Commercial District, Janice Loveday, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 10-1) (File No. 1-C-09-RZ) (First District) (Consider with 10b.)

Councilmember Roddy 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")**

Councilmember Frost made a motion to add resolutions 11q and 11p to the agenda by motion. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolutions were placed on the agenda. (See "Resolutions").

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

Councilmember Roddy made a motion to approve resolutions 11n and 11o on the consent agenda. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The resolutions were adopted on consent. (See "Resolutions")

6. MAYOR'S REPORT

- A meeting to discuss and overview the Public Policy for Market Square will be held April 6, 2009 at 5:30 p.m. at the Chamber office.
- The 5th annual Covenant Health Marathon will be held Sunday, March 29 beginning at 7:00 a.m.
- The Administrative Budget Hearings will take place April 1 & 2 in Room 453 of the City-County Building.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Vice-Mayor Becker announced that the Legislative Budget Hearings are scheduled for May 20 and June 1, 2009.
- Councilmember Woodhull announced that the KAT Working Group would be holding a meeting March 30 at 5:30 p.m. in the Small Assembly Room.

8. ELECTIONS AND CONFIRMATIONS

RE: INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KNOXVILLE – JOHN W. CRAIG

- 8-a.** A Resolution electing John W. Craig to serve as a member of the Industrial Development Board of the City of Knoxville. (Requested by Mayor)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-83-09.

RE: INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KNOXVILLE FOR THE DOWNTOWN CINEMA, INC.

- 8-b.** A Resolution to elect John W. Craig to the Industrial Development Board of the City of Knoxville for the Downtown Cinema, Inc. (Requested by Mayor)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-84-09.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS, ARTICLE V, SECTION 10 – ELECTRONIC MESSAGE CENTER

- 9-a.** 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. (MPC Approved 9-4) (File No. 5-A-08-OA)

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

Vice-Mayor Becker stated that two ordinances were on the agenda regarding EMC’s and explained the difference in the two ordinances.

Discussion ensued with the following persons addressing ordinance 9-a: Duane Grieve, Scenic Knoxville, in favor of ordinance; Bob Wolfenbarger, Alice Bell/Spring Hill Neighborhood Association, in favor of ordinance; Terry Faulkner, Bearden Council, in favor of ordinance; Ben Doeden, Watchfire Signs, opposed to ordinance; Rick Burnette, business owner, opposed to ordinance; Virginia Douglas, 918 Gratz Street; Councilmember Becker; Debbie Poplin, Law Director; Charles Swanson, City Council Attorney; Councilmember Hall.

Vice-Mayor Becker made a motion to amend the ordinance to add the highlighted language provided by the City Law Department regarding changeable price signs. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By voice vote on the original motion to adopt the ordinance, as amended, the Council voted as follows: Councilmembers Bailey, Becker, Frost, Hultquist, Roddy and Woodhull voted “Aye.” Councilmembers Booker, Hall and Pelot voted “Nay.” The motion carried. The ordinance was adopted on second reading, as amended. The printed ordinance can be found attached to these minutes as Ordinance No. O-37-09.

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

- 9-b.** 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 electronic message centers on a development directory sign approved as part of a Master Sign Plan. (MPC Approved 9-4) (File No. 5-A-08-OA)

Councilmember Roddy made a motion to approve the ordinance. Councilmember Woodhull seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Tommy Stokes; Arthur Seymour, Jr., Turkey Creek Development; Robert Bedwell; Duane Grieve, Scenic Knoxville; Vice-Mayor Becker; Councilmember Bailey; Councilmember Pelot; Councilmember Frost; Councilmember Roddy; Councilmember Woodhull.

Councilmember Bailey made a motion to amend the ordinance to raise the matrix of the EMC on a development directory sign to 300 feet. Councilmember Booker seconded the motion.

Discussion continued on the motion to amend with Vice-Mayor Becker; Mr. Seymour, Jr.; Councilmember Hultquist; Duane Grieve; Councilmember Booker and Councilmember Frost speaking.

Upon roll call on the motion to amend to 300 feet, Councilmembers Bailey, Booker, Hall and Pelot voted “Aye.” Councilmembers Becker, Frost, Hultquist, Roddy and Woodhull voted “Nay.” The motion failed.

Councilmember Bailey; Mr. Seymour; Councilmember Pelot and Councilmember Frost continued the discussion.

Councilmember Bailey made a motion to amend the ordinance to increase the matrix of the EMC on a development directory sign to 250 feet. Councilmember Pelot seconded the motion. Upon roll call on the motion to amend to 250 feet, Councilmembers Bailey, Booker, Hall, Pelot and Woodhull voted “Aye.” Councilmembers Becker, Frost, Hultquist and Roddy voted “Nay.” The motion carried. The amendment was adopted.

Brief discussion ensued with Councilmember Frost, Anita Cash, Councilmember Roddy, Vice-Mayor Becker and Councilmember Bailey addressing the ordinance, as amended.

Upon roll call on the original motion to approve the ordinance, as amended, the Council voted as follows: Councilmembers Bailey, Booker, Hall, Pelot, Roddy and Woodhull voted “Aye.” Councilmembers Becker, Frost and Hultquist voted “Nay.” The motion carried. The ordinance was approved on first reading due to the amendment being a substantive change.

RE: CITY CODE AMENDMENT – CHAPTER 6, ARTICLE IV – 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND APPENDICES – PROPERTY MAINTENANCE CODE (HOUSING CODE) OF THE CITY OF KNOXVILLE

- c.** An Ordinance amending Chapter 6, Article IV of the Knoxville City Code relating to unfit buildings and adopting The 2006 Edition of the International Property Maintenance Code and Appendices, with amendments, as the Property Maintenance Code (Housing Code) of the City of Knoxville. (Requested by Department of Public Service)

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-38-09

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS-TC-1, TOWN CENTER DISTRICT

- 9-e.** An Ordinance to amend the Knoxville City Code, Appendix B “Zoning Regulations”, Article IV, Section 24. C., expanding permitted uses in the TC-1, Town Center District, to allow business and professional services and recreational facilities. (MPC Approved 10-0-1) (File No. 2-A-09-OA)

Councilmember Roddy made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion.

Councilmember Pelot made a motion to delete the seventeen day waiting period and make the ordinance effective immediately. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By unanimous voice vote the motion to approve the ordinance, as amended, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-39-09.

RE: REZONING REQUEST OF SHASHI PATEL

- 9-f.** An Ordinance to rezone property located on the west side of Park Village Road, north side of Executive Park Drive from C-6, General Commercial Park District, to C-3, General Commercial District, Shashi Patel, Applicant. (MPC Approved 10-0-1) (File No. 2-D-09-RZ) (Second District)

Councilmember Pelot made a motion to approve the ordinance on second reading. 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-40-09.

RE: REZONING REQUEST OF THE METROPOLITAN PLANNING COMMISSION- JAMES WHITE PARKWAY – DAVENPORT ROAD

- 9-g.** An Ordinance to rezone portions of R-2 zoned property located within the area bounded by the west and northwest sides of James White Parkway, east and northeast sides of Davenport Road, and the south side of the railroad right-of-way of Sevier Avenue from R-2, General Residential District, to R-1, Low Density Residential District, Metropolitan Planning Commission, Applicant. (MPC Approved 10-0-1) (File No. 2-E-09-RZ) (First District)

Councilmember Hultquist 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-41-09.

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

None.

11. RESOLUTIONS

RE: KNOX COUNTY – 2009 HOMELAND SECURITY GRANT - KNOXVILLE POLICE DEPARTMENT

- 11-a.** A Resolution authorizing the Mayor to sign a Memorandum of Understanding with Knox County to accept Thirty-Five Thousand and no/100 Dollars (\$35,000.00) as a subrecipient of the 2008 Homeland Security Grant in order to purchase a bomb suit for the Knoxville Police Department. (Requested by Police Department)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-85-09.

RE: RICH CONSTRUCTION, INC. – SAFETY CITY

- 11-b.** A Resolution authorizing the Mayor to execute an agreement with Rich Construction, Inc. for construction of ten miniature buildings at Safety City, for a total contract price not to exceed \$349,000.00. (Requested by Police Department)

Councilmember Booker made a motion to approve the resolution. Vice-Mayor 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-86-09

RE: CREATIVE STRUCTURES, INC. – CHILHOWEE PARK

- 11-c.** A Resolution authorizing the Mayor to execute an agreement with Creative Structures Inc. for the construction of a 2,400 square foot pre-engineered metal utility building in Chilhowee Park, for an amount not to exceed \$83,386.00. (Requested by Public Assembly Facilities)

Councilmember Booker made a motion to approve the resolution. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-87-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – MAINTENANCE OF STATE HIGHWAYS THROUGH MUNICIPALITIES

- 11-d.** A Resolution authorizing the Mayor to execute an agreement with the Tennessee Department of Transportation for the maintenance of state highways through municipalities from April 1, 2009 through November 30, 2009. (Requested by Department of Public Service)

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-88-09

RE: ROCK TENN CONVERTING COMPANY - RECYCLABLES

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with Rock Tenn Converting Company to haul and process recyclables from the City of Knoxville's eleven (11) drop-off centers at an estimated annual revenue to the City of Eighty-Five Thousand and no/100 Dollars (\$85,000.00), and to lease from Rock Tenn Converting Company for one year, five (5) additional steel containers at a price not to exceed Nine Thousand and no/100 Dollars (\$9,000.00). (Requested by Department of Public Service)

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-89-09.

RE: ROCK TENN CONVERTING COMPANY

- 11-f.** A Resolution authorizing the Mayor to execute an agreement with Rock Tenn Converting Company to provide for the proper disposal of residential newspapers from the City of Knoxville's eleven (11) drop-off centers, at an estimated annual revenue to the City of Thirty Thousand and no/100 Dollars (\$30,000.00). (Requested by Department of Public Service)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-90-09.

RE: TRAVELERS INSURANCE COMPANY – CITY OF KNOXVILLE SELF-INSURED LIABILITY PROGRAM

- 11-g.** A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with Travelers Insurance Company to provide excess liability and vehicle physical damage coverage for the City's self-insured liability program for an annual premium of \$321,068.00. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-91-09.

RE: NATIONWIDE RETIREMENT SOLUTIONS, INC. – CITY OF KNOXVILLE DEFERRED COMPENSATION PROGRAM

- 11-h.** A Resolution authorizing the Mayor to execute an amendment to Agreement No. C-97-0239 between the City of Knoxville and Nationwide Retirement Solutions, Inc. to provide administration of the City's deferred compensation program to July 31, 2009. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the resolution. Vice-Mayor 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-92-09.

RE: SHARP CONTRACTING, INC. – VALLEY VIEW DRIVE ROADWAY IMPROVEMENT PROJECT

- 11-i.** A Resolution authorizing the Mayor to execute an agreement with Sharp Contracting, Inc. for the Valley View Drive Roadway Improvement Project, No. 08A-R-0451, in an amount not to exceed \$884,476.58. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Vice-Mayor 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-93-09.

RE: OVERHOLD HOLDING PARTNERSHIP – 4410 VALLEY VIEW DRIVE – VALLEY VIEW REALIGNMENT PROJECT

- 11-j.** A Resolution authorizing the Mayor to execute an agreement with Overholt Holdings Partnership on behalf of the City of Knoxville to acquire by donation a fee simple interest, two drainage easements, a slope easement, and a temporary construction easement, all within property located at 4410 Valley View Drive,

CLT #059N-C-005, and to obligate the City to perform certain obligations, for the Valley View Realignment Project, #ENG073303. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-94-09.

RE: STATE OF TENNESSEE, DEPARTMENT OF THE MILITARY – TENNESSEE EMERGENCY MANAGEMENT AGENCY – METROPOLITAN MEDICAL RESPONSE SYSTEM GRANT – KNOXVILLE-KNOX COUNTY EMERGENCY MANAGEMENT AGENCY

11-k. A Resolution authorizing the Mayor to execute an agreement with the State of Tennessee, Department of the Military, and the Tennessee Emergency Management Agency, in order to receive the Metropolitan Medical Response System Grant in the amount of Three Hundred Twenty-One Thousand, Two Hundred and Twenty-One and no/100 Dollars (\$321,221.00) enabling the Knoxville-Knox County Emergency Management Agency to develop plans and training, purchase equipment and conduct exercises to prepare to respond to potential mass casualty event. (Requested by Emergency Management Agency)

Councilmember Pelot made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-95-09.

RE: 2008 HOMELAND SECURITY GRANT – KNOXVILLE-KNOX COUNTY EMERGENCY MANAGEMENT AGENCY

11-l. A Resolution authorizing the Mayor to sign a Memorandum of Understanding with Knox County to accept Twenty-Seven Thousand and no/100 Dollars (\$27,000.00) as a subrecipient of the 2008 Homeland Security Grant in order to purchase a satellite phone, fax and data service for the Mobile Command vehicle for the Knoxville-Knox County Emergency Management Agency. (Requested by Emergency Management Agency)

Vice-Mayor Becker 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-96-09.

RE: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION – 0 BISHOP STREET – LONSDALE REDEVELOPMENT AND URBAN RENEWAL PLAN

11-m. A Resolution to amend Resolution No. R-81-09 relative to executing a quitclaim deed to Knoxville's Community Development Corporation for one parcel of property located at 0 Bishop Street, CLT No. 080-MC-006, within the city limits of the City of Knoxville to facilitate redevelopment of the Lonsdale Redevelopment and Urban Renewal Plan. (Requested by Department of Community Development)

Vice-Mayor Becker 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-97-09.

The following pension resolutions were approved on first and final reading under the Consent Agenda:

Approved: R-98-09
**" n. A Resolution granting a pension of \$3,408.64 per month to Ricky F. Ferguson, an employee of the Knoxville Police Department. (Requested by Pension Board)

Approved: R-99-09
**" o. A Resolution granting a pension of \$2,716.00 per month to Bryan J. Bates, an employee of the Knoxville Police Department. (Requested by Pension Board)

RE: WILLIAM V. "BILL" POWELL, JR.

11-p. A Resolution honoring the life and legacy of former City Councilmember William V. "Bill" Powell, Jr., and expressing Council's sincere condolences to his family upon the occasion of his passing. (Requested by Council)

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

Councilmember Bailey addressed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-100-09.

RE: FULTON FALCONS HIGH SCHOOL BOYS BASKETBALL TEAM – 2009 TSSAA CLASS AA BASKETBALL CHAMPIONS

11-q. A Resolution to honor and congratulate the Fulton Falcons high school boy's basketball team for winning the 2009 TSSAA Class AA Basketball Championship. (Requested by Council)

Vice-Mayor Becker 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-101-09.

12. ORDINANCES ON FIRST READING

RE: OPERATING BUDGET AMENDMENT – CITY COUNCIL BUDGET – TRAVEL

12-a. An Ordinance to amend the 2008-09 Operating Budget of the City of Knoxville so as to delete all remaining funds within the City Council budget designated for travel for the members of City Council. (Requested by Councilmember Frost)

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion.

Councilmembers Bailey, Pelot, Booker and Frost addressed the ordinance.

By voice vote on the motion to approve, Councilmembers Frost and Roddy voted "Aye." Councilmembers Bailey, Becker, Booker, Hall, Hultquist, Pelot and Woodhull voted "Nay." The motion failed. The ordinance did not pass.

RE: 2008-2009 OPERATING BUDGET AMENDMENT DELETING COMMUNITY IMPROVEMENT (202) FUNDS

12-b. An Ordinance to amend the 2008-09 Operating Budget of the City of Knoxville so as to delete all remaining funds of the Community Improvement (202) Fund. (Requested by Councilmember Frost)

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

Councilmember Roddy stated that she would like to recuse herself from voting on this matter since she had requested not to receive Community Improvement Funds. She stated that she did not think it was appropriate for her to vote on the expenditure of others' allocation.

Discussion ensued with the following persons addressing the ordinance: Councilmember Bailey; Vice-Mayor Becker; Councilmember Pelot; Councilmember Frost; Charles Swanson, City Council Attorney.

Councilmember Bailey made a motion to amend the ordinance to delete the last sentence of Section 1 and add the following language into Section 1 of the ordinance:

(Attorney Charles Swanson asked that the last sentence in Section 1 not be deleted but add Councilman Bailey's language at the end of the last sentence).

Councilman Bailey agreed to amend the ordinance to add the following sentence at the end of Section 1:

“For any Council Member who so elects, in writing, filed with the City Recorder.”

Vice-Mayor Becker addressed the amendment.

By voice vote on the motion to amend the ordinance to add the above stated language to Section 1, Council voted as follows: Councilmembers Bailey, Booker, Hall, Pelot and Woodhull voted “Aye.” Councilmembers Becker, Frost and Hultquist voted “Nay.” Councilmember Roddy recused herself from voting. The motion carried. The amendment was adopted.

By voice vote on the ordinance, as amended, Councilmembers Bailey, Booker, Hall, Pelot and Woodhull voted “Aye.” Councilmembers Becker, Frost and Hultquist voted “Nay”. Councilmember Roddy recused herself from voting. The motion carried. The ordinance was approved, as amended, on first reading.

**RE: STREET CLOSURE – CLAUDE STREET – CITY OF KNOXVILLE,
APPLICANT – SOUTH WATERFRONT**

- 12-c.** An Ordinance to close Claude Street and an unnamed street to the east from northwest of Langford Avenue to the south side of the waters edge of the Tennessee River, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 9-0-3) (File No. 3-A-09-SC) (First District)

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Frost seconded the motion.

Councilmember Hultquist made a motion to amend the ordinance to delete the language currently in the last section of the ordinance and replace it with the following language:

“This Ordinance shall take effect upon the effective date of said closure, which Shall be the date of written verification from the Department of Engineering that All conditions set forth in Exhibit 1 have been fulfilled (copy of said verification to be Attached hereto as Exhibit 2).”

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

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

RE: UNNAMED ALLEY CLOSURES NORTHWEST OF LANGFORD AVENUE – CITY OF KNOXVILLE, APPLICANT - SOUTH WATERFRONT

12-d. An Ordinance to close all unnamed alleys northwest of Langford Avenue to the south side of the waters edge of the Tennessee River, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 9-0-3) (File No. 3-B-09-AC) (First District)

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion.

Councilmember Hultquist made a motion to amend the ordinance to delete the language currently in the last section of the ordinance and replace it with the following language:

“This Ordinance shall take effect upon the effective date of said closure, which Shall be the date of written verification from the Department of Engineering that All conditions set forth in Exhibit 1 have been fulfilled (copy of said verification to be Attached hereto as Exhibit 2).”

Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

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

RE: COMMUNITY IMPROVEMENT (202) FUND – TEEN CENTER, INC.

12-g. An Emergency Ordinance appropriating the sum of \$150.00 from the Community Improvement (202) Fund and donating same to the Teen Center, Inc. toward their ongoing community service programs and civic involvement. (Requested by Councilmembers Pelot 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-42-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – KNOX YOUTH SPORTS, INC.

12-h. An Emergency Ordinance appropriating the sum of \$8,650.00 from the Community Improvement (202) Fund and donating same to Knox Youth Sports, Inc. to assist toward purchase of certain needed field maintenance equipment. (Requested by Councilmember Bailey)

Councilmember Bailey 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 minute as Ordinance No. O-43-09

RE: COMMUNITY IMPROVEMENT (202) FUND – BEARDEN HIGH SCHOOL FOUNDATION

12-i. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Bearden High School Foundation to be utilized as sponsorship support toward the Annual Bulldog Classic Golf Tournament Benefit. (Requested by Councilmembers Pelot and Bailey)

Councilmember Bailey 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 minute as Ordinance No. O-44-09

**RE: COMMUNITY IMPROVEMENT (202) FUND – EAST TENNESSEE
COMMUNITY DESIGN CENTER**

- 12-j.** An Emergency Ordinance appropriating the sum of \$5,000.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center to provide fiscal management services, related to the City of Knoxville Transportation and Mobility Committee. (Requested by Councilmember Hultquist)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minute as Ordinance No. O-45-09

**RE: COMMUNITY IMPROVEMENT (202) FUND – KNOXVILLE CIVIL
WAR ROUNDTABLE**

- 12-k.** An Emergency Ordinance appropriating the sum of \$2,000.00 from the Community Improvement (202) Fund and donating same to the Knoxville Civil War Roundtable to assist toward costs associated with the archaeological survey process of Fort Stanley. (Requested by Councilmember Hultquist)

Councilmember Hultquist made a motion to approve the emergency ordinance. Councilmember Pelot seconded the motion.

Councilmember Hultquist stated that this money is for Ft. Stanley and Ft. Higley.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minute as Ordinance No. O-46-09

RE: COMMUNITY IMPROVEMENT (202) FUND – SAFE HAVEN CENTER

- 12-l.** An Emergency Ordinance appropriating the sum of \$750.00 from the Community Improvement (202) Fund and donating same to Safe Haven Center to be utilized toward the continuance of abuse/assault survivor programs. (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 minute as Ordinance No. O-47-09

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