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

August 12, 1997 - 7:00 P.M.
Main Assembly Room - City/County Building

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 August 12, 1997.

Mayor Victor H. Ashe was present and presiding officer of the Council.

The following Councilmembers were present: Larry Cox, Ivan Harmon, Carlene Malone, Nick Pavlis, William V. Powell; Ed Shouse, Jean Teague and Gary Underwood.

Councilmember Harmon led in the Invocation and Councilmember Malone led in the "Pledge of Allegiance" to the Flag.

APPROVAL OF MINUTES

Councilmember Harmon moved to approve the minutes from the July 29 City Council meeting. Councilmember Shouse seconded the motion. By unanimous voice vote the motion carried and the minutes were approved.

ADOPTION OF AGENDA

Councilmember Malone moved to postpone the following item for four weeks:

12-b. An Ordinance to amend the Knoxville City Code, Appendix B, Zoning Regulations, to establish assisted living facilities as a Use on Review in certain zones and establishing minimum criteria for their development. (MPC Approved 15-0) (File No. 6-C-97-OA)

Councilmember Teague seconded the motion. By unanimous voice vote the motion carried.

Councilmember Underwood made a motion to place ordinances 12u through 12dd, concerning Council's Community Improvement (202) Fund, on the agenda by motion. Councilmember Powell seconded the motion. By unanimous voice vote the motion carried. (See "Ordinances on First Reading").

Councilmember Powell moved to place resolutions 11s and 11t on the agenda by motion. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried. (See "Resolutions").

MAYOR'S REPORT

Sharon Boyce, representing the Law Department, stated that the application for the following Retailer's Certificates are in order:

RE: RETAILER'S CERTIFICATE FOR STEPHEN C. DAVIS

An application for Renewal of a Retailer's Certificate for Stephen C. Davis, d/b/a Alcoa Highway Liquors, 2913 Alcoa Highway, Knoxville, Tennessee, 37920, was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried.

RE: RETAILER'S CERTIFICATE FOR W. ALLEN MCDONALD

An Application for a Retailer's Certificate for W. Allen McDonald, as corporate secretary for Cut Rate Liquor, Inc., 6203 Chapman Highway, Knoxville, Tennessee, 37920, was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried.

RE: MAYOR'S REPORT

Mayor Ashe made the following comments/announcements:

** Recap of the Special Called Council meeting on Monday, August 11, 1997, for annexation of Kingston Woods Subdivision.

** There will be a Special Called Council Meeting on August 25, 1997, at 10:30 a.m. regarding the Chilhowee Park Contract. The meeting will be held at the main entrance to the Knoxville Zoo.

** The September 7 City Council meeting will be held at Northwest Middle School at the request of Councilmember Harmon.

** A Public Hearing will be held Thursday, August 21 at 5:00 p.m. in the Main Assembly room concerning the effective tax rate.

** The official opening of the Kenyon Avenue Sidewalk Project will be held August 18 at 9:30 a.m.

** Congratulations to Ed and Lisa Shouse on the birth of their son Joseph Wheeler Shouse on August 9.

REPORTS OF COUNCILMEMBERS OR COMMITTEES

** Councilmember Harmon announced that September 27 will be Norwood Day in the Norwood Community.

** Councilmember Teague said that it was good to see the residents of Kingston Woods Subdivision happy about becoming residents of the City of Knoxville at the Special Called Council meeting last night.

ELECTIONS AND CONFIRMATIONS

None.

ORDINANCES ON SECOND READING

None.

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

None.

RESOLUTIONS

RE: GREATER KNOXVILLE SPORTS CORPORATION

A Resolution authorizing the Mayor to execute an agreement with the Greater Knoxville Sports Corporation in a contract amount not to exceed $75,000.00 to generate economic development within Knoxville by planning, pursuing and securing sports events and sports-related activities, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Cox moved to approve the resolution. Councilmember Powell seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-307-97.

RE: GREATER KNOXVILLE CHAMBER OF COMMERCE - ECONOMIC DEVELOPMENT

A Resolution authorizing the Mayor to execute an agreement with the Greater Knoxville Chamber of Commerce to provide and support economic development in Knoxville for a total contract amount of $115,000.00, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmembers Harmon, Malone and Pavlis seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-308-97.

RE: TENNESSEE'S RESOURCE VALLEY - ECONOMIC DEVELOPMENT

A Resolution authorizing the Mayor to execute an agreement with Tennessee's Resource Valley in a contract amount not to exceed $10,000.00 to generate economic development within Knoxville by marketing Knoxville and the collective assets of a fifteen (15) county region as a business location, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Malone moved to approve the resolution. Councilmember Powell seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-309-97.

RE: GROUP ASSOCIATES, INC. D/B/A KNOXVILLE WOMEN'S CENTER - ECONOMIC DEVELOPMENT

A Resolution authorizing the Mayor to execute an agreement with Group Associates, Inc. d/b/a Knoxville Women's Center in a contract amount not to exceed $15,000.00 to implement the W.O.R.K. Program and provide economic development activities in Knoxville, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Teague moved to approve the resolution. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-310-97.

RE: THE DOWNTOWN ORGANIZATION

A Resolution authorizing the Mayor to execute an agreement with The Downtown Organization to provide and support economic development activities in Knoxville for a contract amount not to exceed $85,000.00, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmember Powell seconded the motion.

Councilmember Malone submitted for the record a copy of Page 4 of the August 4, 1997, edition of the Halls Shopper where the following comments are printed under "Government, Politics, Gossip and Lies":

> "**Richard Cate** has some advice about dealing with panhandlers in his August edition of "Citywide," a publication of the Downtown Organization. When Chris Whittle blew town, the DO lost a major patron and has relied on tax money to operate. We recommend Cate's own words when he next comes up for funding: Avoid eye contact; do not stop walking; politely say "sorry" and keep walking; never give money. "Do not give to panhandlers," Cate advises. "They are seldom homeless and often are con artists. Do not support their bad habits."
> (See attached copy)

Councilmember Teague also commented on the pending resolution.

By unanimous voice vote the motion to approve carried. The printed resolution can be found attached to these minutes as Resolution No. R-311-97.

RE: KNOXVILLE CRUSADERS - EVANS COLLINS FIELD

A Resolution authorizing the Mayor to execute an agreement with the Knoxville Crusaders for the use of Evans Collins Field, (Requested by Department of Parks and Recreation), was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmember Malone seconded the motion.

Councilmember Teague and Rick Hamilton of the Knoxville Crusaders addressed the resolution.

By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-312-97.

RE: UNIVERSITY OF TENNESSEE - WORLD'S FAIR PARK - PARKING (RESERVED GRAVEL PARKING LOT)

A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee to lease the reserved gravel parking lot in the World's Fair Park for $12,000.00 during 1997 University of Tennessee Saturday home football games, (Requested by World's Fair Park), was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmember Powell seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-313-97.

RE: UNIVERSITY OF TENNESSEE - WORLD'S FAIR PARK - PARKING (C-19 PARKING LOT)

A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee to lease a portion of the World's Fair Park known as the C-19 parking lot for $6,000 per year, (Requested by World's Fair Park), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-314-97.

RE: UNIVERSITY OF TENNESSEE - WORLD'S FAIR PARK - PARKING (PAVILION LOT)

A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee to lease the reserved gravel parking lot, also known as the Pavilion Lot, in the World's Fair Park for student parking during the 1997-1998 school year for $18,000. (Requested by World's Fair Park), was presented to Council for consideration.

Councilmember Underwood moved to approve the resolution. Councilmember Powell seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-315-97.

RE: HEALTHSOURCE TENNESSEE, INC. - CITY OF KNOXVILLE HEALTH CARE PLAN

A Resolution authorizing the Mayor to execute an agreement with Healthsource Tennessee, Inc. for the provision of a fully-insured Point of Service (POS) health insurance product for eligible participants in the City of Knoxville's Health Care Plan, (Requested by Law Department, Risk Management Division), was presented to Council for consideration.

Councilmember Teague moved to approve the resolution. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-316-97.

RE: APAC - TENNESSEE, INC. - NORTH WINSTON ROAD SIDEWALK PROJECT

A Resolution authorizing the Mayor to execute an agreement with APAC-Tennessee, Inc. for the North Winston Road Sidewalk Project, in an amount not to exceed $134,828.00, Project No. 96D-S-0332, (Requested by Engineering Department), was presented to Council for consideration.

Councilmember Teague moved to approve. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-317-97.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION AND CSX TRANSPORTATION - OAK STREET VIADUCT BRIDGE

A Resolution authorizing the Mayor to execute an agreement with the Tennessee Department of Transportation and CSX Transportation for the reconstruction, ownership and future maintenance of the Oak Street Viaduct Bridge over CSX Railroad, Project No. BRZE-4700(17); 47952-2515-94, (Requested by Engineering Department), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-318-97.

RE: AMMONS CONSTRUCTORS, INC. - TEXAS AVENUE OFF-SITE DRAINAGE IMPROVEMENTS PROJECT

A Resolution authorizing the Mayor to execute an agreement with Ammons Constructors, Inc. for the Texas Avenue Off-Site Drainage Improvements Project, in an amount not to exceed $47,188.00, Project No. 97C-D-0336, (Requested by Engineering Department), was presented to Council for consideration.

Councilmember Harmon moved to approve the resolution. Councilmember Underwood seconded the motion.

Discussion followed with Councilmember Malone and Sam Parnell, Director of Engineering, addressing the resolution.

By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-319-97.

RE: PITNEY-BOWES - COPIERS

A Resolution authorizing the Mayor to execute an agreement with Pitney Bowes for the lease of approximately thirty-seven (37) copiers for use by various City of Knoxville departments, (Requested by Finance Department, Purchasing Division), was presented to Council for consideration.

Councilmember Teague moved to approve. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-320-97.

RE: STATE OF TENNESSEE, DEPARTMENT OF HUMAN SERVICES - HOMELESS SERVICES DIRECTORY

A Resolution authorizing the Mayor to execute any and all documents to accept a grant award in the amount of $2,500.00 from the State of Tennessee, Department of Human Services for the local Homeless Services Directory, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Malone moved to approve the resolution. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-321-97.

RE: COMMUNITY TELEVISION OF KNOXVILLE, INC. - PUBLIC ACCESS CABLE CHANNEL(S)

A Resolution authorizing the Mayor to execute an agreement with Community Television of Knoxville, Inc. to operate public access cable channel(s) for public/community access programming within the City of Knoxville, (Requested by Community Television of Knoxville), was presented to Council for consideration.

Councilmember Sharp moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-322-97.

RE: THE KNOXVILLE RECYCLING COALITION - SOLID WASTE MANAGEMENT FACILITY

A Resolution authorizing the Mayor to execute an agreement with The Knoxville Recycling Coalition for the lease of a portion of the Solid Waste Management Facility for an initial term of one year, (Requested by Public Service Department, Solid Waste Division), was presented to Council for consideration.

Councilmember Underwood moved to approve the resolution. Councilmember Shouse seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-323-97.

RE: SERGEANT RON OSBORNE - KNOXVILLE POLICE DEPARTMENT

A Resolution expressing sympathy to the family of Sergeant Ron Osborne, a 36-year veteran of the Knoxville Police Department, and honoring the many contributions made by Sgt. Osborne to our community, (Requested by Mayor and Councilmember Powell), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Shouse seconded the motion.

Councilmembers Powell and Cox addressed the resolution.

Mayor Ashe addressed the resolution.

By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-324-97.

RE: PREMIERE BUILDING MAINTENANCE CORPORATION - JANITORIAL SERVICES

A Resolution authorizing the Mayor to execute an agreement with Premiere Building Maintenance Corporation to provide janitorial services for various recreation centers, parks & recreation offices and park restrooms within the City of Knoxville for a total annual contract price of $108,047.10, (Requested by Department of Parks and Recreation), was presented to Council for consideration.

Councilmember Underwood moved to approve the resolution. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-325-97

RE: COUNCILMAN ED SHOUSE - JOSEPH WHEELER SHOUSE

A Resolution congratulating Ed and Lisa Shouse upon the birth of their son, Joseph Wheeler Shouse, born on August 9, 1997, (Requested by Mayor), was presented to Council for consideration.

Councilmember Cox moved to approve the resolution. Councilmembers Powell and Teague seconded the motion.

Councilmember Shouse commented on the resolution and thanked the Mayor and Council for their graciousness.

By unanimous voice vote the motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-326-97.

<u>ORDINANCES ON FIRST READING</u>

RE: CITY CODE AMENDMENT - KNOXVILLE'S HEALTH CARE PLAN

An Emergency Ordinance to amend Section 2-487 of the Knoxville City Code concerning the City of Knoxville's Health Care Plan, (Requested by Law Department, Risk Management), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmember Teague seconded the motion.

Anita Cash, President of the City Employees League, addressed the ordinance.

By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-336-97.

RE: CITY CODE AMENDMENT - BEER - SPECIAL PERMITS

An Emergency Ordinance to amend the Knoxville City Code, Sections 4-1 and 4-76 concerning special permits for the sale and consumption of beer in certain areas within the corporate limits of the City of Knoxville, (Requested by Department of Development), was presented to Council for consideration.

The following discussion followed:

MAYOR ASHE: Before I ask for a motion, let me say that first of all, from a procedural standpoint we'll need a motion to adopt this, then there is an amendment which we'd need to make a motion to adopt the amendment. And, assuming that were adopted, then secondly, just for the record, a motion to delete the emergency nature of this so that if Council desires to, it would pass on first reading, and then it would be back obviously, in two weeks if that is what happened.

I'd ask, Ms. Brown is going to explain what's in the ordinance and then I think Ms. Boyce is available to add or respond to questions, as well because she's been working on this. Ms. Brown.

SUSAN BROWN: Thank you, Mayor. The ordinance before Council is related to special permits for the sale of beer in adjacent outdoor areas in restaurants on Market Square Mall, only. The issue of whether existing businesses on Market Square or restaurants on Market Square can or cannot sell beer right outside of their premises has been raised to member of Council, as well as, the Administration the last few weeks. Researching the answer to that question, we realized that the existing ordinance on the books needed a little clarification. And, the ordinance before you tonight attempts to provide that clarification. It will allow businesses on Market Square Mall or restaurants on Market Square Mall who have a valid beer permit to come before the Beer Board to ask for permission to sell beer right outside their premises in a defined area. We've made several revisions to this ordinance and one reason we are asking for the deleting of the emergency status is to allow Council a two week time period to review these revisions and to come back to us with any questions. But, at this time Ms. Boyce is going to walk through some of the changes in the ordinance and we'll be glad to take any questions......(TAPE CHANGE)....allow restaurants to come back to the Board to apply for a permit to extend the sale of alcohol right outside their premise in a defined area. The ordinance also outlines the application process and the Beer Board will at that time have the right to grant or deny that application or that permit. With that Ms Boyce, I'll turn that over to you and then we'll be happy to answer any questions.

MAYOR ASHE: Before Ms. Boyce explains, actually what she'll be explaining would be the amendment to the ordinance. So, procedurally it would be appropriate to adopt the ordinance and then a second. Moved by Councilman Pavlis. Seconded by Councilman Cox. Now, Ms. Boyce will be recognized to explain the proposed amendment that Council would consider. Then, after she's made her presentation, then I'd ask for a motion on the proposed amendment.

SHARON BOYCE: If you'll note there, section 1 amends what we would consider the open beer ordinance. The open container ordinance, and section 2. They both really do the same thing. It simply says that for those locations where the Beer Board provides for a special permit to sell beer, then you are not violating the open container ordinance at those locations, at those times. And that was something in the existing ordinance that needed to be clarified. There is kind of a contradiction there. The next thing is section three (3), and this deals solely with Market Square Mall. C-1, there has been no change it has just been renumbered. That is exactly the language that is in there now. C-2, authorizes the Board to give a permit to a person who has a valid beer permit for a business on the mall and he wants outdoor service, you know, to people who are at their restaurant. It also goes on under C-2 to, it provides for an application from the business tax office, and information like where the sitting will be, how they plan to designate the area, what will be the public right of way, the length of time, and other things like that.

One thing of note at the end in the very last paragraph, this ordinance makes it very clear that even though a business may serve beer outside that they may not dispense beer from any outdoor beer or serving station. So, you would never have a set-up outside where you would have a bar out on the mall. And, the last thing in that paragraph that I want to emphasize is that in addition to the permit granted, and if the Beer Board granted such a permit, that they would still have to have a lease from the city for public property for things like liability and things like that.

COUNCILMEMBER COX: You're saying that the permittee then would have to come before the Beer Board to get a special permit to do this.

SHARON BOYCE: Right. Again, it just applies to the Market Mall but if they wanted to have tables outside and have beer and people who could drink beer outside then they would have to come to the Beer Board and the Beer Board would have all these requirements on the application and could ask any other questions.

SUSAN BROWN: And also Councilman Cox, since it will be on the Beer Board agenda the property would be posted. This issue would be advertised as routine beer permits are so there would be public notice.

MAYOR ASHE: Is there a motion to adopt the outlined amendment and proposed by Ms. Boyce?

COUNCILMEMBER COX: So move.

COUNCILMEMBER MALONE: So move.

MAYOR ASHE: Moved by Councilman Cox, seconded by Councilwoman Malone. We're on the amendment only right now. Is there discussion? Mrs. Teague.

COUNCILMEMBER TEAGUE: Did I understand that this is for special permits only?

SUSAN BROWN: Yes ma'am. The language in the ordinance is called "special permit." Indoors now on Market Square Mall they can have a valid beer permit but if they want to extend serving beer in a defined area outside their existing restaurant, they would have to make a special permit application before the Beer Board and you could either approve or deny that special permit. Only on Market Square Mall.

COUNCILMEMBER TEAGUE: And that could be for every day or within the times you can serve beer?

SUSAN BROWN: Yes ma'am. One of the application questions would be the length of the permit. Do they want this permit as a six month permit, a one year permit? And for what hours? And, it would be at the discretion of the Beer Board if they wanted to temporarily grant a six month or a one year permit and then have them come back a year later to re-apply, that would be at the discretion of the Beer Board.

MAYOR ASHE: Councilman Pavlis and then Councilman Shouse.

COUNCILMEMBER PAVLIS: Thank you, Mayor Ashe. I'm going to support this amendment to this ordinance tonight. I think that the Market Square Mall has played such an important part of our past and I know it's most certainly going to play an important role in our future with some anticipated possible renovations to the mall itself. I think that this, the uniqueness to the mall area, that this lends itself not only to this type of activities to enhance the restaurant trade that's already there. And, a lot of the restaurants have been there for a very long time and have been great supporters of our downtown and very important and I think to support them, I think this is a good solid move if people will take the time to look around they'll see that there are some definite, very positive changes in our downtown and I think this is part of it, and I think it's going to add to the vitality of our downtown, so I do support it and I think it's a very positive move.

MAYOR ASHE: Councilman Shouse and Councilwoman Malone.

COUNCILMEMBER SHOUSE: Thank you, Mayor. I certainly can support this. I applaud the Law Department for moving so quickly on it, and the other people involved, I think possibly the Downtown Organization and Ms. Brown's office, of course, were involved on this and I appreciate you moving quickly on it. Well, Council may recall at a Beer Board meeting, I think four weeks ago, I read a letter to the editor referring to an incident, or just a vague incident, I don't know if there was an incident, but in reference to the Tomato Head and in all honesty, it's the Tomato Head that concerns me that they be allowed this option. Many places, as we all know, have come and gone on the Market Square and the Tomato Head, they've come and they've stayed and it's a special place, and they've made a niche for themselves, they have a great lunch crowd and I've eaten there many, many times and I've been out there in the evening probably half a dozen times. It's a special little place and I think they need to have the option to have the beer outside. I've never known of a problem there or anyone getting unruly or out of hand and I think this will hopefully add to their continuing success and I hope it's approved now and in two weeks.

MAYOR ASHE: Councilwoman Malone.

COUNCILMEMBER MALONE: Thank you, Mayor. I think Market Square is a special place and like everyone else, I eat at the Tomato Head. But, this is about more than the Tomato Head. This is about whether police can have a law they can enforce and whether or not businesses, present and future, can have the opportunity to provide dining experience for the people and the visitors to the City of Knoxville that is both enjoyable, safe and adds to the quality of everyone's life. I want to thank Ms. Brown, her staff, the Law Department for pulling it off, or asking that we pull it off as an emergency. I guess we've all been impressed with the press having to do with how our state legislators passed a law they didn't seem terribly knowledge about, now there are lawsuits and problems going on. When Councilman Shouse mentioned this, brought this to us a few weeks ago, or mentioned the letter to the editor that appeared in the newspaper a few weeks ago, I think we all said, or at least I said, there is a need to make some changes and to address this and to come up with a document that is carefully crafted. Some things take a little bit of time and government is that and sometimes taking time is not necessarily the enemy, it's an opportunity to do things right and do it well. So, all of the interested players, whether they be the restaurants or the police or the citizens of the City of Knoxville, as well as, the nine members of Council who have to pass the law, has the opportunity to pass and work on something that indeed provides for the best long-term interest of the citizens of this town, and I think that's what we're doing. I think, just looking at it very quickly, this is a much better draft than what we had received on Thursday which is, for those of you out there who don't know when Council gets its stuff, we get our packets sometime late Thursday. And, when it's put on as an emergency to vote on by Tuesday night, and it's complex and requires, I think, some diligence and care on the part of members of this Council and the community, it's very hard for me to approve it. I'm very pleased by what I see in this draft. I do have one suggestion I would make and that is, just looking at it quickly, I think, we're talking about people who have valid beer permits, we mean people who have valid On-Premise beer permits. I think we need to be specific in this draft about this. Well, again, I thank Ms. Brown and her staff and all the people in the Law Department and so on who have worked on this and on these changes, as well.

MAYOR ASHE: Councilman Cox and then Councilwoman Teague.

COUNCILMEMBER COX: Mayor, I would just like to say that I was in Charleston, South Carolina a few months ago and they've got somewhat of the same type place there that has restaurants on the outside and everything. I would also thank the Law Department, Susan Brown and her staff for what they've done.

MAYOR ASHE: Councilwoman Teague.

COUNCILMEMBER TEAGUE: I just have two questions. Do the rules still apply as the same as from liquor stores and are they required to submit an I. D. when they are served?

MAYOR ASHE: Ms. Boyce.

SHARON BOYCE: This just applies to beer.

COUNCILMEMBER TEAGUE: I know that, but are they required to get an I. D. before they serve to make sure they're not underage?

SHARON BOYCE: Yes. I would expect them to. They have the same regulations and rules and laws under this as any other beer permit.

COUNCILMEMBER TEAGUE: Well, I'll tell you what, it seems like everybody is going to be asking for I. D.'s so they better get them ready, then.

Further discussion followed with Oscar "Poor Boy" Brown addressing the amendment.

MAYOR ASHE: Further discussion on Amendment one? If not, all in favor of Amendment one say "Aye."

COUNCIL: "Aye."

MAYOR ASHE: Opposed, "No." And the "Aye's" have it. Now, is there a motion to delete the emergency nature?

COUNCILMEMBER MALONE: So move.

COUNCILMEMBER HARMON: Second.

MAYOR ASHE: Moved by Councilwoman Malone, seconded by Councilman Harmon. All in favor of deleting the emergency nature so that this is first reading only, say "Aye."

COUNCIL: "Aye."

MAYOR ASHE: Opposed, say "No," and the "Aye's" have it. We're back on the ordinance, as amended. Is there further discussion on adopting in on first reading? If not, say in favor say, "Aye." Opposed, "No." The "Aye's" have it.

The ordinance was approved on first reading.

RE: ONE YEAR PLAN AMENDMENT FOR EUCLID AVENUE BAPTIST CHURCH

An Ordinance approving the request of Euclid Avenue Baptist Church for a One Year Plan Amendment from Heavy Industrial to General Commercial for property located north side Euclid Avenue, east of Alcoa Highway, (MPC Approved 15-0) (File No. 7-G-97-PA) (Sixth District), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: ONE YEAR PLAN AMENDMENT FOR RAY HYDE

An Ordinance approving the request of Ray Hyde for a One Year Plan Amendment from Neighborhood Commercial to Low Density Residential for property located northeast side Alice Bell Road, northwest of Washington Pike, (MPC Approved 15-0) (File No. 7-A-97-PA) (Fourth District), was presented to Council for consideration.

Councilmember Malone moved to approve. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: REZONING REQUEST OF RAY HYDE

An Ordinance to rezone property from C-1, Neighborhood Commercial District to R-1, Single-Family Residential District, property located northeast side Alice Bell Road, northwest of Washington Pike, Ray Hyde, Applicant, (MPC Approved 15-0) (File No. 7-D-97-RZ) (Fourth District), was presented to Council for consideration.

Councilmember Malone moved to approve. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: REZONING REQUEST OF JOE BIBBINS

An Ordinance to rezone property from C-3, General Commercial District to C-4, Highway & Arterial Commercial District, property located northwest side Martin Luther King, Jr, Avenue, southeast side Asheville Highway, Joe Bibbins, Applicant, (MPC Approved 15-0) (File No. 7-I-97-RZ) (Sixth District), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: REZONING REQUEST OF GENE MONDAY

An Ordinance to rezone property from O-3, Office Park & C-5, Tourist Commercial District to C-3, General Commercial District, property located southeast side W. Oldham Avenue, southwest side I-275, Gene Monday, Applicant, (MPC Approved 15-0) (File No. 7-N-97-RZ) (Fifth District), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: REZONING REQUEST OF ANGELIA MASINI & ELI MITCHELL

An Ordinance to rezone property from R-1, Single-Family Residential District to O-1, Office, Medical & Related Services District, property located northwest side Chambliss Avenue, northeast of Carr Road, Angelia Masini & Eli Mitchell, Applicants, (MPC Approved 15-0) (File No. 7-O-97-RZ) (Second District), was presented to Council for consideration.

Councilmember Teague moved to approve the ordinance. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: REZONING REQUEST OF DAVID R. FINNEY

An Ordinance to rezone property from R-1, Single-Family Residential District to O-3, Office Park District, property located southeast side Papermill Drive, west of Hollywood Road, David R. Finney, Applicant, (MPC Approved 15-0) (File No. 7-P-97-RZ) (Second District), was presented to Council for consideration.

Councilmember Teague moved to approve the ordinance. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: STREET CLOSURE - GEORGIA AVENUE - KNOXVILLE UTILITIES BOARD

An Ordinance to close a portion of Georgia Avenue from Jackson Avenue to Brigham Avenue, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; Knoxville Utilities Board, applicant, (MPC Approved 15-0) (File No. 7-A-97-SC) (Sixth District), was presented to Council for consideration.

Councilmember Powell moved to approve the ordinance. Councilmember Teague seconded the motion.

Councilmember Powell moved to designate the ordinance as an emergency. Councilmember Underwood second the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the motion to approve the ordinance, as designated an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-337-97.

RE: STREET CLOSURE - NORTH FORT ROAD - B. S & J. ENTERPRISES

An Ordinance to close a portion of North Fort Road from the western property line of parcel 16 of City Block 26622 northeastwardly approximately 600' to deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; B.S. & J Enterprises, applicant, (MPC Approved 15-0) (File No. 7-B-97-SC) (First District), was presented to Council for consideration.

Councilmember Underwood moved to approve the ordinance. Councilmember Harmon seconded the motion.

Councilmember Underwood moved to designate the ordinance as an emergency. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the original motion to approve the ordinance, as designated an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-338-97.

RE: STREET CLOSURE - FORT HILL ROAD - B. S. & J. ENTERPRISES

An Ordinance to close a portion of Fort Hill Road from western property line of parcel 18 between City Blocks 26622 and 26623, northeastwardly approximately 900' to deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; B.S. & J Enterprises, applicant, (MPC Approved 15-0) (File No. 7-C-97-SC) (First District), was presented to Council for consideration.

Councilmember Underwood moved to approve the ordinance. Councilmember Shouse seconded the motion.

Councilmember Underwood moved to designate the ordinance an emergency. Councilmember Sharp seconded the motion. By unanimous voice the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-339-97.

RE: STREET CLOSURE - BRIGHAM AVENUE - KNOXVILLE UTILITIES BOARD

An Ordinance to close a portion of Brigham Avenue from Georgia Avenue southwestwardly approximately 180' to corner of parcels 3 and 8 of City Block 07226, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; Knoxville Utilities Board, applicant, (MPC Approved 15-0) (File No. 7-D-97-SC) (Sixth District), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Sharp seconded the motion.

Councilmember Powell moved to designate the ordinance an emergency. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried. By unanimous voice vote the motion carried.

By unanimous voice vote the original motion to approve, as designated an emergency, carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-340-97.

RE: ALLEY CLOSURE - ELM STREET - GENE MONDAY

An Ordinance to close a portion of an unnamed alley from Elm Street, northeastwardly 175' to Interstate 75 right-of-way, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; Gene Monday, applicant, (MPC Approved 15-0) (File No. 7-C-97-AC) (Fifth District), was presented to Council for consideration.

Councilmember Malone moved to approve. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: ALLEY CLOSURE - B. S & J ENTERPRISES

An Ordinance to close a portion of an unnamed alley from eastern edge of parcel 15 located on the south side of Edmonds Street, northeastwardly approximately 460' to deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; B.S. & J Enterprises, applicant, (MPC Approved 15-0) (File No. 7-B-97-AC) (First District), was presented to Council for consideration.

Councilmember Underwood moved to approve the ordinance. Councilmember Shouse seconded the motion.

Councilmember Underwood moved to designate the ordinance an emergency. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the original motion to approve, as designated an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-341-97.

RE: ALLEY CLOSURE NEAR LESLIE AVENUE

An Ordinance to close a portion of an unnamed alley from Leslie Avenue southeast approximately 150' to an unnamed alley, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners; Knoxville Coca-Cola Bottling Company, applicant, (MPC Approved 15-0) (File No. 7-A-97-AC) (Sixth District), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Teague seconded the motion. By unanimous voice vote the motion carried and the ordinance was approved on first reading.

RE: COMMUNITY IMPROVEMENT (202) FUND - CENTRAL BUSINESS IMPROVEMENT DISTRICT MANAGEMENT CORPORATION

An Emergency Ordinance appropriating the sum of $500.00 from the Community Improvement (202) Fund and donating same to the Central Business Improvement District Management Corporation to be utilized to defer certain expenses incurred as a result of sponsoring the July 1, 1997, MBNA America Great Race XV Event, (Requested by Councilmembers Sharp and Shouse), was presented to Council for consideration.

Councilmember Shouse moved to approve. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-342-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - KNOXVILLE OLYMPIC CENTER, INC.

An Emergency Ordinance appropriating the sum of $1,000.00 from the Community Improvement (202) Fund and donating same to the Knoxville Olympic Center, Inc. to be utilized as financial assistance toward their current capital project, (Requested by Councilmembers Sharp and Shouse), was presented to Council for consideration.

Councilmember Shouse moved to approve. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-343-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - FOUNTAINHEAD CONSERVATORY OF MUSIC

An Emergency Ordinance appropriating the sum of $1,000.00 from the Community Improvement (202) Fund and donating same to the Fountainhead Conservatory of Music to be utilized for scholarship funding, (Requested by Councilmember Sharp), was presented to Council for consideration.

Councilmember Sharp moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-344-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - KNOX COUNTY SCHOOLS-FAIR GARDEN FAMILY AND COMMUNITY SERVICE CENTER

An Emergency Ordinance appropriating the sum of $250.00 from the Community Improvement (202) Fund and donating same to Knox County Schools-Fair Garden Family and Community Service Center to be utilized toward the purchase of a new fish aquarium, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve the ordinance. Councilmember Underwood seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-345-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - THINK DRUG FREE AMERICA, INC.

An Emergency Ordinance appropriating the sum of $2,050.00 from the Community Improvement (202) Fund and donating same to Think Drug Free America, Inc. to be utilized as financial assistance toward their purchase of a van, (Requested by Councilmembers Malone, Powell, Sharp, Shouse and Pavlis), was presented to Council for consideration.

Councilmember Shouse moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-346-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - EAST TENNESSEE VETERANS HONOR GUARD

An Emergency Ordinance appropriating the sum of $1,000.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Veterans Honor Guard to be utilized toward the purchase of a van, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-347-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - KNOXVILLE CRUSADERS, INC.

An Emergency Ordinance appropriating the sum of $2,500.00 from the Community Improvement (202) Fund and donating same to the Knoxville Crusaders, Inc. to be utilized toward the purchase of certain equipment necessary for their upcoming football season, (Requested by Councilmembers Underwood, Malone, Cox, Powell, Sharp and Shouse), was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmember Malone seconded the motion.

Councilmember Teague made a motion to amend the ordinance to add $500 from the Second District Councilmanic fund. Councilmember Underwood seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the original motion to approve, as amended, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-348-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - KNOXVILLE MUSEUM OF ART

An Emergency Ordinance appropriating the sum of $1,500.00 from the Community Improvement (202) Fund and donating same to the Knoxville Museum of Art to be utilized toward the purchase of equipment and materials necessary to complete a new educational resource center area, (Requested by Councilmembers Cox, Sharp and Shouse), was presented to Council for consideration.

Councilmember Cox moved to approve. Councilmembers Sharp and Shouse seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-349-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - DR. MARTIN LUTHER KING, JR. COMMEMORATION COMMISSION OF GREATER KNOXVILLE, INC.

An Emergency Ordinance appropriating the sum of $250.00 from the Community Improvement (202) Fund and donating same to the Dr. Martin Luther King, Jr. Commemoration Commission of Greater Knoxville, Inc. to be utilized as a contribution toward their 1998 celebration, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-350-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - GRESHAM MIDDLE SCHOOL

An Emergency Ordinance appropriating the sum of $500.00 from the Community Improvement (202) Fund and donating same to Gresham Middle School to be utilized toward their project to construct an environmental site pond, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve. Councilmembers Harmon and Malone seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-351-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - JUNIOR ACHIEVEMENT

An Emergency Ordinance appropriating the sum of $1,000.00 from the Community Improvement (202) Fund and donating same to Junior Achievement to be utilized as sponsorship assistance toward their current economics classes to be offered as Austin-East High School, (Requested by Councilmembers Powell and Pavlis), was presented to Council for consideration.

Councilmember Powell moved to approve. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-352-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - ST. JOSEPH SCHOOL

An Emergency Ordinance appropriating the sum of $500.00 from the Community Improvement (202) Fund and donating same to St. Joseph School to be utilized toward their current computer technology program, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve. Councilmember Underwood seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-353-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - FISH OF KNOX COUNTY

An Emergency Ordinance appropriating the sum of $250.00 from the Community Improvement (202) Fund and donating same to FISH of Knox County to be utilized as financial assistance toward their mission to provide emergency food to individuals in need within the Knox County area, (Requested by Councilmember Pavlis), was presented to Council for consideration.

Councilmember Pavlis moved to approve. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried and the printed ordinance can be found attached to these minutes as Ordinance No. O-354-97.

PUBLIC FORUM

Bill Cox, 416 Howell Avenue.
Oscar "Poor Boy" Brown, 3707 Skyline Drive.

ADJOURNMENT

There being no further business to come before Council, Councilmember Harmon moved to adjourn. Councilmember Shouse seconded the motion. By unanimous voice vote the motion carried and the meeting adjourned at 8:17 p.m.

Presiding Officer of the Council

Cindy A. Mitchell
Recorder

8-12-97