

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

August 26, 1997 - 7:00 P.M.

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 26, 1997.

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

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

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

APPROVAL OF MINUTES

Councilmember Harmon moved to approve the minutes from the City Council meeting held August 12, 1997. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried.

ADOPTION OF AGENDA

Councilmember Cox moved to add the following items to the agenda: Community Improvement (202) Ordinances 12 L through 12T and Resolutions 11bb through 11ee. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried. (See "Ordinances on First Reading" and "Resolutions").

Councilmember Sharp moved to approve pension resolutions 11o through 11aa on the consent agenda. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried. (See "Resolutions").

MAYOR'S REPORT

Law Director Tom Varlan stated that the applications are in order for the following Retailer's Certificates:

RE: RETAILER'S CERTIFICATE OF ZOE ALICE SCATES

An Application for Renewal of a Retailer's Certificate for Zoe Alice Scates, d/b/a Handy Package Store, 2315 Chapman 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 WILLIAM MCKINLEY SCATES

An Application for Renewal of a Retailer's Certificate for William McKinley Scates, d/b/a Southside Package Store, 3223 Chapman Highway, Knoxville, Tennessee, 37920, was presented to Council for consideration.

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

RE: RETAILER'S CERTIFICATE FOR ROBERT SCOTT ELMORE; ANDREW JOSEPH GETTELFINGER; ANDREW JOSEPH GETTELFINGER, JR.; JOHN CHRISTOPHER KIRK AND MARK WILLIAMS

An Application for a Retailer's Certificate for Robert Scott Elmore; Andrew Joseph Gettelfinger; Andrew Joseph Gettelfinger, Jr.; John Christopher Kirk; and Mark K. Williams, to operate a liquor store to be named Sequoyah Wine & Spirits and located at 6601 Kingston Pike, Knoxville, Tennessee, 37919, was presented to Council for consideration.

Councilmember Teague moved to approve. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried.

RE: MAYOR'S REPORT

RE: SHELLY MOORE - MISS TEEN USA

Mayor Ashe asked if Council would like to suspend the rules to allow the resolution honoring Shelly Moore, Miss Teen USA, to be moved to the current place on the agenda?

Councilmember Underwood made a motion to suspend the rules of Council to allow the resolution honoring Shelly Moore to be moved up on the agenda for immediate consideration. Councilmember Teague seconded the motion.

Mayor Ashe and Councilman Underwood recognized Shelly Moore, a resident of Knoxville, who was crowned Miss Teen USA on Wednesday, August 20, and presented her a proclamation.

The following resolution was also considered in her honor:

A Resolution honoring and congratulating Shelly Moore upon being named "Miss Teen USA", (Requested by Councilmember Underwood), was presented to Council for consideration.

Councilmember Underwood moved to approve the resolution. Councilmember Malone seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-355-97.

Mayor Ashe, Councilman Cox and Councilman Underwood presented proclamations to the Knoxville Stars Baseball Team, a Knoxville PeeWee Reese team located at Christenberry. Ashe stated that the team had only 9 members and made it all the way to the Orlando Tournament finals.

RE: MAYOR'S REPORT (CONTINUED)

Mayor Victor Ashe made the following remarks/announcements:

****** There will be a Special Called City Council meeting Wednesday, August 27 beginning at 11:30 at the Entrance of the Knoxville Zoo.

****** The ribbon cutting the Neyland Greenway will be held August 27 at 9:30 a.m.

****** September 1 is Labor Day and Knoxville's "Boomsday" celebration on the Waterfront.

****** September 5-14 will be the Tennessee Valley A & I Fair.

** Mayor's Night Out will be held Tuesday, September 2 at the Richard Leake Recreation Center beginning at 5:00 p.m.

** September 9 City Council meeting will be held at Northwest Middle School.

** August 31 is Jean Teague's Birthday.

REPORTS OF COUNCIL MEMBERS OR COMMITTEES

** Councilman Powell asked Bob Whetsel to check into the Kudzu and grass growing rampantly in the 6th District.

** Councilmember Malone asked Bob Whetsel the grass mowing schedule for the city.

Whetsel stated that alley mowing they try to do twice a year; ROW mowing is a once a month schedule; median mowing is on a two week schedule; vacant lots owned by the city but undeveloped are on a four to six weeks schedules; park mowing is on a two week schedule.

** Councilmember Malone asked the Engineering Department about the status of work to be completed along Western Avenue.

Mark Harrell, representing the Engineering Department, stated that he did not know but would report back to Malone with the information.

ELECTIONS AND CONFIRMATIONS

None.

ORDINANCES ON SECOND READING

RE: ANNEXATION - KINGSTON WOODS SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land north of Westland Drive and east of South Gallaher View Road and the right-of-way of Dunkirk Drive, Westmont Circle, Kingsdale Drive, Noragate Road, Normandy Drive, Sherbourne Drive, Cessna Road, and a portion of the right-of-way of Luscombe Drive (1-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land north of Westland Drive and east of South Gallaher View Road and the right-of-way of Dunkirk Drive, Westmont Circle, Kingsdale Drive, Noragate Road, Normandy Drive, Sherbourne Drive, Cessna Road, and a portion of the right-of-way of Luscombe Drive (1-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

The following persons addressed the Council: Phil Guthe, 7628 Twining Drive, resident of Kingston Woods, in favor of annexation; Mark Granger, 7713 Sabre Drive, Kingston Woods, in favor of annexation; Augie Barker, 521 Kendall Road, Kingston Woods, in favor of annexation; Councilmember Teague; Councilmember Malone; Councilmember Shouse; Councilmember Pavlis; Councilmember Powell; Councilmember Underwood; Councilmember Harmon; Councilmember Cox.

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

Councilmember Teague moved to approve the Plan of Service. Councilmember Cox seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-327-97

Councilmember Cox moved to approve an amendment to the annexation ordinance amending the property description. Councilmember Harmon seconded the motion. By unanimous voice vote the motion carried and the amendment was adopted.

By unanimous voice vote the motion to approve the annexation ordinance, as amended, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-355-97.

RE: ANNEXATION - KINGSTON WOOD SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land north of Westland Drive and east of Cessna Road and the right-of-way of Aeronca Road, Piper Road, Waco Road, Nobscot Road, Ramsgate Drive, and portions of the right-of-way of Luxmore Drive, Sabre Drive and Luscombe Drive (2-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area, (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land north of Westland Drive and east of Cessna Road and the right-of-way of Aeronca Road, Piper Road, Waco Road, Nobscot Road, Ramsgate Drive, and portions of the right-of-way of Luxmore Drive, Sabre Drive and Luscombe Drive (2-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

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

Councilmember Underwood moved to approve the Plan of Service. 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-328-97

Councilmember Cox moved to amend the ordinance by amending the property description as provided in the City Council packet. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

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-356-97.

RE: ANNEXATION - KINGSTON WOODS SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land north of Sabre Drive and south of Gleason Drive and the right-of-way of Bosworth Road, and portions of the right-of-way of Kendall Road, Twining Drive and Luxmore Drive (3-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area, (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land north of Sabre Drive and south of Gleason Drive and the right-of-way of Bosworth Road, and portions of the right-of-way of Kendall Road, Twining Drive and Luxmore Drive (3-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

Councilmember Teague moved to approve the annexation ordinance. Councilmember Harmon seconded the motion.

Councilmember Harmon moved to approve the Plan of Service. Councilmember Teague 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-329-97.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-357-97.

RE: ANNEXATION - KINGSTON WOOD SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land south of Luxmore Drive and east of Nobscot Road and the right-of-way of Jerdan Road and Pocanno Road, and portions of the right-of-way of Luscombe Drive, Sabre Drive, and Bardon Road (4-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area, (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land south of Luxmore Drive and east of Nobscot Road and the right-of-way of Jerdan Road and Pocanno Road, and portions of the right-of-way of Luscombe Drive, Sabre Drive, and Bardon Road (4-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

Councilmember Harmon moved to approve the annexation ordinance.
Councilmember Powell seconded the motion.

Councilmember Teague moved to approve the Plan of Service. 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-330-97.

By unanimous voice vote the motion to approve the annexation ordinance carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-358-97.

RE: ANNEXATION - KINGSTON WOODS SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land south of Forest Oak Drive and north of Luscombe Drive and the right-of-way of Navarre Drive, and portions of the right-of-way of Twining Drive, Sabre Drive, and Bardon Road (5-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area, (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land south of Forest Oak Drive and north of Luscombe Drive and the right-of-way of Navarre Drive, and portions of the right-of-way of Twining Drive, Sabre Drive, and Bardon Road (5-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

Councilmember Malone moved to approve the annexation ordinance.
Councilmember Teague seconded the motion.

Councilmember Powell moved to approve the Plan of Service. 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-331-97.

By unanimous voice vote the motion to adopt the annexation ordinance carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-359-97.

RE: ANNEXATION - KINGSTON WOODS SUBDIVISION

An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as several tracts of land west of Morrell Road and north of Luscombe Drive and the right-of-way of Moneta Road, and portions of the right-of-way of Deane Hill Drive and Twining Drive (6-8-97.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward of the City of Knoxville so as to include said area, (Requested by Mayor), in conjunction with, A Resolution to adopt the Plan of Service dated August, 1997 for annexation of an area generally being described as several tracts of land west of Morrell

Road and north of Luscombe Drive and the right-of-way of Moneta Road, and portions of the right-of-way of Deane Hill Drive and Twining Drive (6-8-97.AX) (Requested by Mayor), was presented to Council for consideration.

Councilmember Teague moved to approve the annexation ordinance. Councilmember Malone seconded the motion.

Councilmember Harmon moved to approve the Plan of Service. 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-332-97.

Councilmember Teague moved to amend the annexation ordinance by amending the property description as distributed in the Council packet. Councilmember Sharp seconded the motion. By unanimous voice vote the motion carried and the amendment was adopted.

By unanimous voice vote the motion original motion to approve the annexation ordinance, as amended, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-360-97.

RE: CITY CODE AMENDMENT - BEER - SPECIAL PERMITS

An 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.

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

Tom Varlan stated that the proposed Amendment No. 1 is in the Council packets. Varlan said that the language that is in the bold or dark lettering is the language that is changing. Varlan said that the changes are in Section 3 and in sub-paragraph (b) on the next page, adding the following language:

"Retailers on and off premises or on and off premises with dancing."

Councilmember Shouse moved to approve amendment one to the ordinance. Councilmember Malone 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-361-97.

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 Teague moved to approve the ordinance. 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-362-97.

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 Underwood seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-363-97.

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 the ordinance. Councilmember Pavlis seconded the motion.

Councilmember Malone stated that proper building setbacks need to be observed.

By unanimous voice vote the motion to approve was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-364-97.

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 the ordinance. Councilmember Cox 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-365-97.

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 printed ordinance can be found attached to these minutes as Ordinance No. O-366-97.

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 printed ordinance can be found attached to these minutes as Ordinance No. O-367-97.

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 printed ordinance can be found attached to these minutes as Ordinance No. O-368-97.

RE: UNNAMED ALLEY CLOSURE NEAR 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 Teague moved to approve the ordinance. 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-369-97.

**RE: UNNAMED ALLEY CLOSURE NEAR LESLIE AVENUE - KNOXVILLE
COCA-COLA BOTTLING COMPANY**

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 Teague moved to approve the ordinance. 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-370-97.

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

None.

RESOLUTIONS

RE: SOUTHEAST SERVICE CORPORATION - POLICE DEPARTMENT

A Resolution authorizing the Mayor to execute an amendment to Document No. C-96-0118 to extend the agreement with Southeast Service Corporation one (1) additional year for a total contract amount not to exceed \$72,422.52, (Requested by Police Department), was presented to Council for consideration.

Councilmember Sharp moved to approve the resolution. Councilmember Underwood 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-333-97.

**RE: GRANT - DEPARTMENT OF TRANSPORTATION, UNITED STATES OF
AMERICA - STATE OF TENNESSEE - KNOXVILLE AREA TRANSIT (KAT)**

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 to Knoxville Area Transit for operations, planning, and capital assistance in fiscal year 1998, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award, (Requested by Department of Administration), was presented to Council for consideration.

Councilmember Teague moved to approve. 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-334-97.

RE: HOPE 3 PROGRAM - SHARON D. WOMACK

A Resolution authorizing the Mayor to execute a quitclaim deed to Sharon D. Womack for one parcel of property located within the City Limits of the City of Knoxville pursuant to the HOPE 3 Program for a contract sales price of \$18,982.50, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Powell 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-335-97.

RE: HOPE 3 PROGRAM - THOMAS JEFFERSON KILGORE

A Resolution authorizing the Mayor to execute a quitclaim deed to Thomas Jefferson Kilgore for one parcel of property located within the City Limits of the City of Knoxville pursuant to the HOPE 3 Program for a contract sales price of \$10,710.50, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Powell 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-336-97.

RE: HOPE 3 PROGRAM - FLORENCE E. WRANCHER

A Resolution authorizing the Mayor to execute a quitclaim deed to Florence E. Wrancher for one parcel of property located within the City Limits of the City of Knoxville pursuant to the HOPE 3 Program for a contract sales price of \$17,100.00, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Powell moved to approve. 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-337-97.

RE: MOBILE DIAGNOSTICS, INC. - DRUG AND ALCOHOL TESTING

A Resolution authorizing the Mayor to execute an agreement with Mobile Diagnostics, Inc. to provide drug and alcohol testing services for the City of Knoxville, (Requested by Law Department, Risk Management Division), 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 printed resolution can be found attached to these minutes as Resolution No. R-338-97.

RE: LESTER CONSTRUCTION, INC. - TYSON PARK

A Resolution authorizing the Mayor to execute an agreement with Lester Construction, Inc. to install new play equipment and refurbish existing play equipment at Tyson Park for a contract amount not to exceed \$161,625.00, (Requested by Department of Parks and Recreation), 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-339-97.

RE: TENNESSEE RIVER - AMERICAN HERITAGE RIVER

A Resolution endorsing the nomination of the Tennessee River for designation as an American Heritage River, (Requested by Office of Public Affairs), was presented to Council for consideration.

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

Councilmember Sharp moved to amend the resolution to add the following language:

"A copy of this resolution shall be sent to the President, Vice-President, Senators Thompson and Frist, Congressmen Duncan, Hilleary, Wamp and Secretary Bruce Babbitt by the City Recorder."

Councilmember Teague seconded the motion. By unanimous voice vote the motion carried and the amendment was adopted.

By unanimous voice vote the original motion to approve, as amended, was adopted. The printed resolution can be found attached to these minutes as Resolution No. R-340-97.

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

R-341-97: A Resolution granting a pension of \$469.36 per month to Frances McConnell, an employee of the Knoxville City School System. (Requested by Pension Board)

R-342-97: A Resolution granting a pension of \$499.39 per month to Patricia Swafford, an employee of the Knoxville City School System. (Requested by Pension Board)

R-343-97: A Resolution granting a pension of \$1,817.21 per month to David Dowling, an employee of the Knoxville Police Department. (Requested by Pension Board)

R-344-97: A Resolution granting a pension of \$1,878.17 per month to Ronald W. Jennings, an employee of the Knoxville Fire Department. (Requested by Pension Board)

R-345-97: A Resolution granting a pension of \$169.34 per month to Lillie P. Phillips, an employee of the Knoxville City School System. (Requested by Pension Board)

R-346-97: A Resolution granting a pension of \$1,329.74 per month to James R. Floyd, an employee of the Knoxville Fire Department. (Requested by Pension Board)

R-347-97: A Resolution granting a pension of \$1,455.84 per month to Steve Freeman, an employee of the Knoxville Police Department. (Requested by Pension Board)

R-348-97: A Resolution granting a pension of \$4,251.86 per month to Bruce Cureton, an employee of the Knoxville Fire Department. (Requested by Pension Board)

R-349-97: A Resolution granting a pension of \$350.00 per month for the period March 22, 1997 through June 30, 1997 and increasing to \$424.48 per month effective July 1, 1997, to Ruth G. Harris, beneficiary of French Harris, a former employee of the Knoxville Police Department. (Requested by Police Department)

R-350-97: A Resolution granting a pension of \$1,305.48 per month to Katherine D. Osborne, beneficiary of Ronald D. Osborne, a former employee of the Knoxville Police Department. (Requested by Police Department)

R-351-97: A Resolution granting a pension of \$423.88 per month to Ferris A. Thomas, beneficiary of Ruth W. Thomas, an former employee of the Knoxville City School System. (Requested by Pension Board)

R-352-97: A Resolution granting a pension of \$977.40 per month to Evelyn H. Lowery, beneficiary of Charles Lowery, a former employee of the Knoxville City School System. (Requested by Pension Board)

R-353-97: A Resolution granting a pension of \$861.90 per month to Lois Ballard, beneficiary of H. T. Ballard, a former employee of the Knoxville City School System. (Requested by Pension Board)

RE: VICE-MAYOR AND CITY COUNCILMEMBER BERNICE O'CONNOR

A Resolution honoring former Vice Mayor and City Councilmember Bernice O'Connor, (Requested by Mayor), was presented to Council for consideration.

Mayor Ashe and Councilmember Cox addressed the resolution.

Councilmember Cox moved to approve the resolution. Councilmember Sharp seconded the motion.

Further discussion ensued with the following persons addressing the resolution: Vice-Mayor Sharp, Councilmember Teague; Mayor Ashe; Oscar "Poor Boy" Brown.

By unanimous voice vote the motion to approve carried. The printed resolution can be found attached to these minutes as Resolution No. R-354-97.

RE: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION - GATEWAY VILLAGE AREA - CENTER CITY REDEVELOPMENT PROJECT NO. 8 - NORTHSIDE WATERFRONT REDEVELOPMENT PLAN

A Resolution authorizing the Mayor to execute a quitclaim deed to Knoxville's Community Development Corporation for a certain parcel of property, general described as tract 4 of the Gateway Village Area, as part of the Center City Redevelopment Project No. 8, Northside Waterfront Redevelopment Plan, (Requested by Department of Development), was presented to Council for consideration.

Councilmember Sharp moved to approve. 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-356-97.

RE: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION

A Resolution authorizing the Mayor to execute an amendment to the agreement with Knoxville's Community Development Corporation to increase the total budget for expenditures associated with the development of a memorial park that celebrates the life of Alex Haley, (Requested by Department of Parks and Recreation), was presented to Council for consideration.

Councilmember Powell 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-357-97.

ORDINANCES ON FIRST READING

RE: CAPITAL BUDGET AND OPERATING BUDGET AMENDMENT

An Emergency Ordinance to amend the capital budget and the operating budget both as approved by Ordinance No. O-203-97 for Fiscal Year 97-98, (Requested by Finance Department), 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 printed ordinance can be found attached to these minutes as Ordinance No. O-371-97.

RE: CITY CODE AMENDMENT - EXECUTIVE BRANCH OF CITY GOVERNMENT - CITY ARCHITECT

An Emergency Ordinance to amend the Knoxville City Code, Section 2-111, et seq. relating to the executive branch of city government, (Requested by Mayor), was presented to Council for consideration.

Councilmember Sharp moved to approve the ordinance. Councilmember Teague 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-372-97.

RE: CERTIFIED TAX RATE

An Emergency Ordinance setting a "certified tax rate" as required by T.C.A. § 67-5-1701, and amending Ordinance No. O-204-97 (Tax Rate Ordinance) to adjust the tax rate from \$2.95 to \$2.58, (Requested by Finance Department), was presented to Council for consideration.

Randy Vineyard, Finance Director, addressed the ordinance.

Further discussion followed with Councilmember Malone and Finance Director Vineyard addressing the ordinance.

Councilmember Sharp moved to approve. Councilmember Teague 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-373-97.

RE: CITY CODE AMENDMENT - COMPENSATION - RECREATION SENIOR AIDES

An Emergency Ordinance to amend Section 2-450 of the Code of the City of Knoxville so as to designate appropriate compensation, (Requested by Civil Service), was presented to Council for consideration.

Councilmember Teague 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-374-97.

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

An Emergency Ordinance appropriating the sum of \$750.00 from the Community Improvement (202) Fund and donating same to Knoxville Olympic Center, Inc. to be utilized as financial assistance toward their current capital project, (Requested by Councilmembers Teague and Cox), was presented to Council for consideration.

Councilmember Teague moved to approve. Councilmember Cox 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-375-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - PURPLE HOUSE EARLY CHILDHOOD TRAINING AND RESOURCE CENTER

An Emergency Ordinance appropriating the sum of \$600.00 from the Community Improvement (202) Fund and donating same to the Purple House Early Childhood Training and Resource Center to be utilized toward their resource library project, (Requested by Councilmember Powell), was presented to Council for consideration.

Councilmember Powell moved to approve the ordinance. 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-376-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - JAMES WHITE
FORT ASSOCIATION**

An Emergency Ordinance appropriating the sum of \$1,500.00 from the Community Improvement (202) Fund and donating same to the James White Fort Association to be utilized toward their construction project to add an educational and visitor's center area, (Requested by Councilmembers Pavlis and Harmon), 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-377-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - NORWOOD
HOMEOWNERS ASSOCIATION**

An Emergency Ordinance appropriating the sum of \$2,500.00 from the Community Improvement (202) Fund and donating same to the Norwood Homeowners Association to be utilized toward expenses related to the "Norwood Day" celebration (Requested by Councilmembers Harmon, Underwood, Teague, Malone, Powell, Sharp, Shouse, and Pavlis), was presented to Council for consideration.

Councilmember Harmon moved to approve. Councilmembers Underwood, Teague, Malone, Powell, Sharp, Shouse and 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-378-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - ALICE-BELL SPRING HILL
BALL PARK**

An Emergency Ordinance appropriating the sum of \$6,500.00 from the Community Improvement (202) Fund and donating same to Alice-Bell Spring Hill Recreation Commission to be utilized for improvements at the Alice Bell Spring Hill Ball Park, (Requested by Councilmembers Pavlis, Malone, Harmon, Cox, Sharp, and Shouse), was presented to Council for consideration.

Councilmember Pavlis moved to approve the ordinance. Councilmembers Malone, Harmon, Cox, 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-379-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - KNOXVILLE FALCONS
YOUTH ATHLETICS**

An Emergency Ordinance appropriating the sum of \$600.00 from the Community Improvement (202) Fund and donating same to the Knoxville Falcons Youth Athletics to be utilized toward the purchase of an air conditioner for the concession stand facility, (Requested by Councilmember Cox), was presented to Council for consideration.

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

Councilmember Cox moved to amend the ordinance to increase the amount from \$600 to \$850 from the Fifth District account. Councilmember Underwood seconded the motion. By unanimous voice vote the motion carried and the amendment was adopted.

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-380-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - BEARDEN SENIOR HIGH SCHOOL

An Emergency Ordinance appropriating the sum of \$2,000.00 from the Community Improvement (202) Fund and donating same to Bearden Senior High School to be utilized toward the purchase of a special projector for the Science Department and certain other necessary supplies, (Requested by Councilmember Teague), was presented to Council for consideration.

Councilmember Teague 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-381-97.

RE: CAPITAL BUDGET AMENDMENT AND OPERATING BUDGET AMENDMENT

An Emergency Ordinance to amend the capital budget and the operating budget, both as approved by Ordinance No. O-203-97 for Fiscal Year 97-98, (Requested by Finance 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 ordinance can be found attached to these minutes as Ordinance No. O-382-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - CRUTCHER MEMORIAL YOUTH ENRICHMENT CENTER

An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Crutcher Memorial Youth Enrichment Center to be utilized toward the purchase of a fax machine and office supplies, (Requested by Councilmember Powell), was presented to Council for consideration.

Councilmember Powell moved to approve the ordinance. 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-383-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - BABY ROADRUNNERS FOOTBALL ORGANIZATION

An Emergency Ordinance appropriating the sum of \$2,000.00 from the Community Improvement (202) Fund and donating same to the Baby Roadrunners Football Organization to be utilized toward the purchase of uniforms, equipment and supplies, (Requested by Councilmember Powell), was presented to Council for consideration.

Councilmember Powell 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-384-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - CENTER FOR NEIGHBORHOOD DEVELOPMENT

An Emergency Ordinance appropriating the sum of \$750.00 from the Community Improvement (202) Fund and donating same to the Center For Neighborhood

Development to be utilized toward their youth employment program project, (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-385-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - ROGERS-CULLIVER
SUPPORTIVE LIVING HOMES, INC.**

An Emergency Ordinance appropriating the sum of \$ 500.00 from the Community Improvement (202) Fund and donating same to the Rogers-Culliver Supportive Living Homes, Inc. to be utilized toward their operating expenses, (Requested by Councilmember Powell), was presented to Council for consideration.

Councilmember Powell moved to approve the ordinance. 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-386-97.

RE: COMMUNITY IMPROVEMENT (202) FUND - CITY BALLET

An Emergency Ordinance appropriating the sum of \$8,000.00 from the Community Improvement (202) Fund and donating same to the City Ballet to be utilized as financial assistance toward two upcoming fund raising events, (Requested by Councilmembers Underwood, Teague, Harmon, Malone, Powell, Sharp, Shouse and Pavlis), was presented to Council for consideration.

Councilmember Underwood moved to approve. Councilmembers Teague, Harmon, Malone, Powell, Sharp, Shouse and 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-387-97.

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

An Emergency Ordinance appropriating the sum of \$7,500.00 from the Community Improvement (202) Fund and donating same to Central High School to be utilized toward their project to upgrade the senior high baseball area at Fountain City Recreation Park, (Requested by Council), was presented to Council for consideration.

All of Council moved the adoption of the ordinance and all of Council 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-388-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - JAMES WHITE
FORT ASSOCIATION**

An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the James White Fort Association to be utilized toward their current project to landscape the intersection of Hill Avenue and Mulvaney Street, (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-389-97.

**RE: COMMUNITY IMPROVEMENT (202) FUND - UNIVERSITY OF TENNESSEE
DEPARTMENT OF ANTHROPOLOGY**

An Emergency Ordinance appropriating the sum of \$6,000.00 from the Community Improvement (202) Fund and donating same to the University of Tennessee Department of Anthropology to be utilized to defray the expense of preserving an early historic archaeological site located at 3219 Kingston Pike, (Requested by Councilmembers Underwood, Malone, Teague, Cox, Powell, Sharp, Shouse, and Pavlis), was presented to Council for consideration.

Councilmember Malone asked that some consideration be given by the Administration in discussing with the church the possibility of putting a mechanism in place to make sure that 20, 30, 40, 50 years from now the area is still protected.

Mayor Ashe said the Administration would look into the matter.

Councilmember Underwood moved to approve. Councilmembers Malone, Teague, Cox, Powell, Sharp, Shouse and 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-390-97.

PUBLIC FORUM

Lorene Nicely, P. O. Box 5433, 4708 Barbara Drive, addressed Council on behalf of the American Family Association regarding the GTV television show on Channel 12.

Jim Seaton, Pastor of Ball Road Baptist Church, addressed Council regarding the GTV television show on Channel 12.

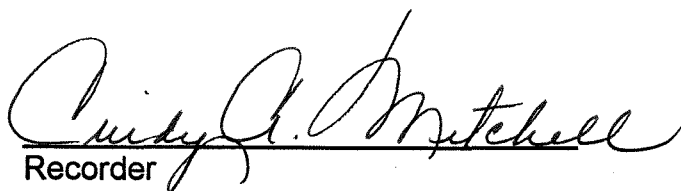
Oscar "Poor Boy" Brown, addressed Council on several community issues.

ADJOURNMENT

There being no further business to come before Council, Councilmember Sharp moved to adjourn. Councilmember Teague seconded the motion. By unanimous voice vote the motion carried and the meeting adjourned at 8:26 p.m.



Presiding Officer of the Council



Recorder

8-26-97