

## Google Groups

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### 'Use on review' 10 I 18 UR

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**david williams** <dawill64@yahoo.com>

Oct 9, 2018 7:44 AM

Posted in group: **Commission**

The sidewalk on Hollywood does not meet ADA requirements. Right of way on Hollywood is disputed. The application reports 75-85 feet. City engineering takes it about 40 feet while MPC major road plan (2011,2018) lists ROW as 66 feet. MPC had denied developments in the past that failed to meet minimum requirements.  
David Williams

Sent from my iPhone

## concerns regarding Pond Gap

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**Rondo Johnson** <rondosmusic@gmail.com>

Sep 28, 2018 5:24 PM

Posted in group: **Commission**

Hello,

My name is Rondo Johnson. I am a resident of the Pond Gap community. I am writing to express my concerns on what I have been told is agenda number 10 i18 UR, and to express opposition to the potential rezoning allowing new apartment units to be built here.

Traffic in this area is already hugely congested and there are already several large complexes nearby. During the hours of 2:00-4:00 PM during school days, I have extreme difficulty just returning to my place of residence. As a self-employed contractor with varying daily hours, the inability to just return home presents quite a large hurdle to my ability to provide necessary income.

I do not oppose affordable housing nor anyone's ability to construct on their own private property. It is possible that there are other factors in this decision that I may not be aware of, but to the best of my knowledge and common sense, the added traffic to this area would definitely exacerbate an already-existing problem. I am open to any reasonable explanations you may have in favor of rezoning. Thank you.

Best,

Rondo Johnson

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Sent from my iPhone

10-I-18-UR-cor WILLIAMS

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10/9/2018



Concerning agenda item: 10 I 18 UR

Enclosed are copies of two letters sent to the Tennessee Attorney General concerning a zoning change made on property on Hollywood in which the applicant is now seeking approval for a 'use on review'.

A handwritten signature in cursive script, appearing to read "David Williams".

David Williams, President  
Pond Gap Area Neighborhood  
Association, Inc.  
505 Hollywood Dr.  
Knoxville, TN 37919  
ph. 865-256-1828  
e-mail: dawill64@yahoo.com

10/9/2018

Tennessee Attorney General,

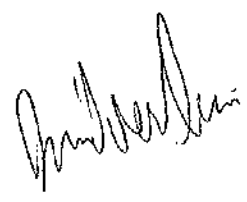
Please refer to our letter of 10/2/2018 as we now provide more information.

On August 28, 2018, Knoxville City Council was set to approve on second reading a zoning change from C-4 to RP-2 for land on Hollywood Rd. (Elmington Capital Group-applicant). However, council replaced RP-2 with RP-1 citing the use of an 'emergency ordinance' as justification.

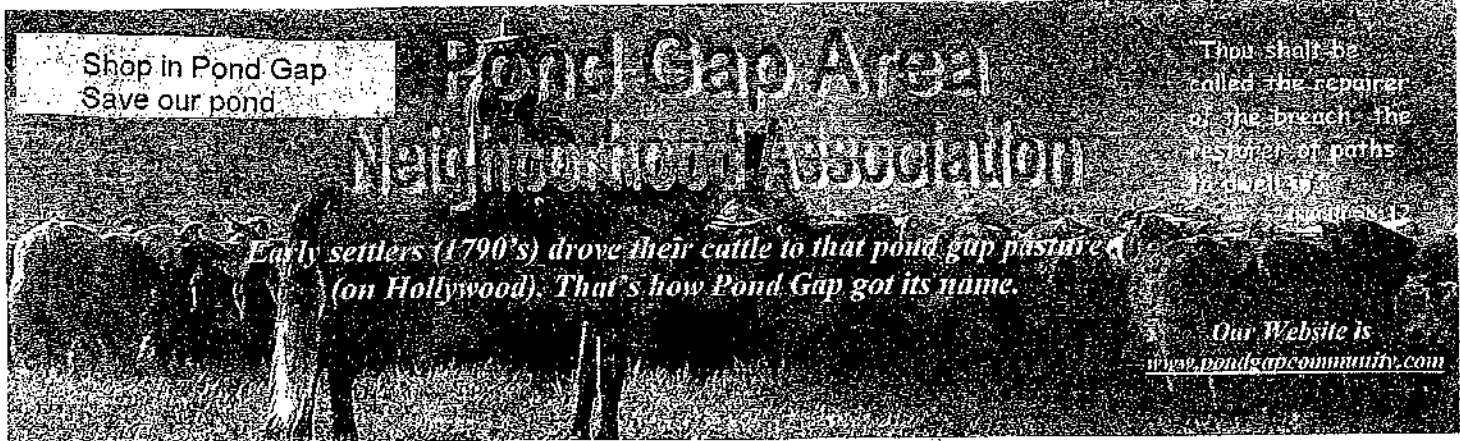
It is our understanding that Tennessee state law mandates no change in text or map without first having the planning commission approve the change.

City council changed the zoning classification which is a text change but did not send it back to the Metropolitan Planning Commission.

We are asking for an opinion on this matter. Thank you.



David Williams, President  
Pond Gap Area Neighborhood Assn.  
505 Hollywood Dr.  
Knoxville, TN 37919  
ph. 865-256-1828  
e-mail: dawill164@yahoo.com



We're home to Sutherland Airfield (Knoxville's first airport), Knoxville Drive-In Theater, Ringling Bros. Circus (big top), Golf Range Field of Harmony, the paper mill on Papermill Road., and a bunch of great folks.

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10/2/2018

Tennessee Attorney General,

I enclose copies of a letter to and response from the city of Knoxville concerning the use of an 'emergency' to pass an ordinance by city council. Does this go against Tennessee code? May we have your opinion on this matter?

*David Williams*

Thank you for your help,  
David Williams, President  
Pond Gap Area Neighborhood Assoc.  
505 Hollywood Dr.  
Knoxville, TN 37919  
ph. 865-256-1828  
e-mail: dawill164@yahoo.com

PO Box 10704  
Knoxville TN 37939

David Williams  
President  
Pond Gap Area Neighborhood Association Inc  
505 Hollywood Road  
Knoxville, Tennessee 37919

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September 21, 2018

Madeline Rogero  
Mayor, City Of Knoxville  
Room 691, City County Building  
400 Main Street  
Knoxville, Tennessee 37902

Dear Mayor Rogero,

In accordance with Tennessee's Open Records Act, Tennessee Code Annotated (TCA) 10-7-503 et seq, I am requesting an opportunity to obtain copies of public records that pertain to Ordinance O-124-2018 that was approved as an Emergency Ordinance by City Council on August 28, 2018. TCA 6-20-215 et seq, authorizes the passage of an Emergency Ordinance provided, the ordinance contain the statement that an emergency exists and shall specify the distinct facts and reasons constituting such an emergency. Therefore I am requesting a copy of the statement that specifies the distinct fact and reasons constituting the emergency which justifies the passage of Ordinance O-124-2018 as an emergency. If you need more information to fulfill my request as required by law, please let me know as soon as possible.

If there are any fees for copying these records, please inform me if the cost will exceed Ten (\$10.00) U.S. Dollars. However, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. Furthermore, the distinct facts of the emergency are not recorded in

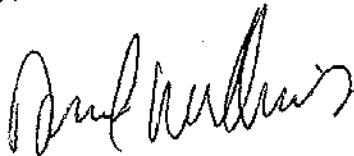
the minutes of City Council's meeting. This information is not being sought for commercial purposes.

The Tennessee Open Records Act requires a response time within seven (7) days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any of all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request

Sincerely,



David Williams  
(865) 588-2268



 CITY OF KNOXVILLE  
LAW DEPARTMENT

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Charles W. Swanson  
Law Director  
cswanson@knoxvilletn.gov

Ronald E. Mills  
Deputy Law Director  
rmills@knoxvilletn.gov

CITY COUNTY BUILDING  
400 MAIN STREET, SUITE 699  
P.O. BOX 1631  
KNOXVILLE, TENNESSEE 37901  
OFFICE: 865-215-2050 • FAX: 865-215-2643

September 26, 2018

Crista M. Cuccaro  
ccuccaro@knoxvilletn.gov

Alyson Amonette Dyer  
adyer@knoxvilletn.gov

Douglas Gordon  
dgordon@knoxvilletn.gov

Lisa Belle Hatfield  
lhatfield@knoxvilletn.gov

Jimmy Brown Johnson  
jjohnson@knoxvilletn.gov

Devin P. Lyon  
dlyon@knoxvilletn.gov

Mr. David Williams, President  
Pond Gap Area Neighborhood Association, Inc.  
505 Hollywood Road  
Knoxville, TN 37919

Re: Open Records Request of September 21, 2018

Dear Mr. Williams:

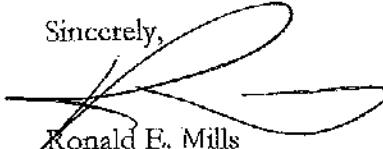
Your letter to Mayor Rogero dated September 21, 2018, has been forwarded to this office for review and handling pursuant to TENN. CODE ANN. § 10-7-503. It appears from your request that you already have a copy of Ordinance O-124-2018, which is the subject of your request, but if you do not, please let me know and we will gladly supply one.

With regard to your suggestion that TENN. CODE ANN. § 6-20-215 requires the Knoxville City Council to provide "distinct facts and reasons constituting" an emergency as declared by City Council, I would point out to you that § 6-20-215 does not apply to the City of Knoxville. Title 6, Chapter 20 of the Tennessee Code, where that statute is located, applies only to cities formed and operating under a city manager-commission charter. The City of Knoxville operates under a home rule charter, and the only requirements for passage of emergency ordinances are those contained in § 410 of the Charter of the City of Knoxville.

§ 410 of the Charter states that "[a]n emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety", or an act providing for the usual daily operation of a municipal department. That section further provides that City Council need only declare the existence of an emergency in the preamble to the ordinance or resolution, and that "the declaration of emergency by Council in the ordinance shall be conclusive thereof." In other words, if City Council declares in the preamble to the ordinance that an emergency exists, and that action is necessary "for the immediate preservation of the public peace, property, health or safety", then so long as the measure passes by a two-thirds vote, it only requires one reading by City Council.

Therefore, since the only required declaration of emergency was contained in the Ordinance, there are no further documents responsive to your request.

Sincerely,



Ronald E. Mills

REM/akm

Cc: Eric Vreeland, Director of Communications  
Rob Frost, Esq.

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## Tenn. Code Ann. § 6-20-215

### Copy Citation

Current through the 2018 Regular Session.

[Tennessee Code Annotated](#) > [Title 6 Cities And Towns](#) > [City Manager-Commission Charter](#) > [Chapter 20 Commissioners and Mayor Under City Manager-Commission Charter](#) > [Part 2 Powers and Duties of Board](#)

### 6-20-215. **Ordinance** procedure.

(a)

(1) Except as provided in subdivision (a)(2), every **ordinance** shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any **ordinance** not so read shall be null and void. Any city incorporated under chapters 18-22 of this title may establish by **ordinance** a procedure to read only the caption of an **ordinance**, instead of the entire **ordinance**, on both readings. Copies of such **ordinances** shall be available during regular business hours at the office of the city recorder and during sessions in which the **ordinance** has its second reading.

(2) Notwithstanding subdivision (a)(1), the board of commissioners governing any city incorporated under chapters 18-22 of this title may adopt **ordinances** pursuant to a consent calendar if the board unanimously passes an **ordinance** approving the consent calendar; provided, the **ordinance** approving the consent calendar shall require that:

(A) Each **ordinance** on the consent calendar be considered on two (2) different days in open session before its adoption and that not less than one (1) week shall elapse between first and second consideration;

(B) Copies of each **ordinance** adopted pursuant to the consent calendar be available during regular business hours at the office of the city recorder and during sessions in which the **ordinance** has its second reading;

(C) If any board member objects to an **ordinance** on the consent calendar or any amendment is adopted to an **ordinance** on the consent calendar, then the **ordinance** shall be removed from the consent calendar and may be adopted pursuant to subdivision (a)(1); and

(D) Copies of the consent calendar shall be published along with the agenda prior to any