



# The Knoxville Focus

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**September 23, 2019**

## Citizens sue county over alleged charter violations

By Focus Staff

Friday a lawsuit was filed in Chancery Court by several citizens asking that the actions of the Knox County Retirement Board, the Knox County Mayor and the Knox County Commission be overturned because of violations of the Knox County Charter.

The class-action suit, on behalf of Chris Ethers, John Story, John Fugate, Shirley Smith, Wayne James, Trevor Willis, Shane Reed, Robin Reed, Lloyd Pfeffer, Melissa Pfeffer, Jacob Collin Thurber, and Zachary Peter Thurber on behalf of citizens and taxpayers

of Knox County, alleges that the county is paying retirees more than allowed by voters.

The dispute goes back to when the Pension and Retirement Board began paying sheriff department employees above their normal 75% of their salaries for the past two years of their duty there. The Knox County Law Director's office learned of the inclusion of unused leave pay in the calculations, which means that those employees under the UOPP plan, could draw from 85 to 100% of their salaries for the rest of their lives.

THE UOPP plan began in 2007

and voters approved of the system allowing retirees to also draw a 3% annual cost of living in their retirement. Initially the plan included no additional funds from their unused vacation days.

In 2017 Officer Gregory Gass retired and the Pension Board added 73 days of "post severance" to the monthly benefits. Gass sued the pension board and demanded 175 days be added to his benefits, bringing his retirement to 100% of his former pay plus 3% a year.

The UOPP plan was abandoned in 2014 but not before the Pension Board began including

unused vacation pay in all of the retirees leaving the Sheriff's Office that were under the plan.

The Law Department sued the Pension Board saying the board unilaterally increased the retirement pay and the board is specifically forbidden to take the action and no consent was given to the board.

The Pension Board's attorneys told the board that the increase would not increase the financial obligation of the county. The court held that the board had no notice or consent and the entire question rested on whether or not accrued leave could be included

in the retirement. A judgement was forthcoming when the Pension Board, according to the class action filing, conspired with the Knox County Mayor and the Sheriff to seek a "settlement" of the issues.

The settlement would permit the 492 remaining UOPP participants to continue drawing the extra money each month upon retirement. The mayor called a special session of the Knox County Commission one week before the final hearing and, in a split vote, they moved to force the Law Director to drop the lawsuit.

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Knoxville Songwriters Association performers at last year's Fountain City Music Festival ranged in age from high school students to retirees.

## Songwriters Perform Free Concert September 24 at Fountain City Library

Members of the Knoxville Songwriters Association (KSA) will perform a free concert September 24 at the annual "Fountain City Music Festival." The concert will be from 5:30 to 7:30 p.m. on Tuesday, September 24, 2019 at the Fountain City Library, 5300 Stanton Road.

"This event will include special presentations honoring two of our members, both leaders in East Tennessee's

songwriting community, who passed away since last year's concert," said KSA President Edna Riddick. "We'll pay tribute to Rick Irwin, an accomplished singer-songwriter who served as KSA vice president, and Cyndy Montgomery Reeves, founder of the Smoky Mountains Songwriters Festival."

"Our annual concert of original music is also a way of expressing

thanks to Manager Elizabeth Nelson and the library staff for hosting our meetings each Tuesday," said Riddick.

Founded in 1983, KSA is East Tennessee's largest and most inclusive songwriting organization. The group holds a jam session at 5 p.m. each Tuesday in the Fountain City Library, followed by a meeting from 6 to 8 p.m. which includes writing lessons, guest speakers and song critiques.

## No more gun shows at Chilhowee Park?

By Mike Steely  
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Seven Knoxville City Council members are sponsoring a resolution expressing concern about permitting city-owned property to be used for gun shows. Two such shows are scheduled at Chilhowee Park November 30th and December 28th.

The draft resolution requests that gun shows no longer be conducted at facilities owned and operated by the City of Knoxville. Sponsors of the resolution include Gwen McKenzie, Stephanie Welch, Seema Singh, Marshall Stair, Andrew Roberto, Lauren Rider and Finbarr Saunders.

"Owned and operated by the city" may be the problem with the resolution. The Knoxville Focus asked the mayor's office to clarify.

"I believe the council resolution's intent is for all of the city facilities, whether operated by SMG or LPGA for the city. So, the lawyers will look at the wording and clarify it if need be," Mayor Madeline Roger responded.

Eric Vreeland, the

mayor's communication director, responded in kind, "My understanding is that the resolution supports banning gun shows at all City-owned properties and facilities."

The resolution "expresses concern about the policy of allowing gun shows" and is not, at this point, a prohibition until further action is taken. With seven of the nine council members sponsoring the idea only Mark Campen and George Wallace are not included as supporters yet.

The city council will also vote on a purchase and sale agreement for the future site of the Public Safety Complex at the former St. Mary's Hospital at 900 East Oak Hill Avenue, just off North Broadway.

Also on the agenda is a preliminary engineering and final design for a greenway connector between Sutter Landing and Island Home Avenue. A transportation study Magnolia Avenue, Rutledge Pike and Asheville Highway intersection will also be discussed. The council may revisit

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## Residents seek solution to flooding in Fountain Gate

By Ken Lay

Homeowners who reside on a section of Tazewell Pike in the Fountain Gate subdivision have seen the area ravaged by floodwater. And in an attempt to get solutions, the homeowners called on Knox County Commissioner Michele Carringer.

Carringer, who represents the 2nd District and lives in the community, sprang into action.

She met with residents Tuesday afternoon at the Knox County

Engineering and Public Works Building.

Officials from the Knoxville Utilities Board and Knox County Engineering attended along with Knoxville City Councilwoman Lauren Rider and Knoxville mayoral candidate Eddie Mannis. County Mayor Glenn Jacobs also had a representative present.

Fountain Gate residents Edward McCarty, Jim Parker and Steve Ward expressed their concerns about the flooding that has

damaged homes and properties. The flooding also makes it impossible for emergency vehicles and residents to enter and exit the subdivision.

"This is a safety issue and my daughter couldn't get in and out because of the flooding," Carringer said. "I called the county several times even before I was on County Commission."

"These are the taxpayers and we have to remember that we work for them."

The three residents all agree that the flooding is a problem and all said that they couldn't get help on Tazewell Pike because the city county and state all control different sections of the state highway.

Carringer noted that the area where flooding is at its worst lies in the county but the city has access through the road.

"Tazewell Pike is a heavily traveled state road which runs through the city and the county," she said. "This part of Tazewell

Pike is in the county but the city has access through it."

"Flooding at this location has become a safety issue with cars and emergency vehicles unable to get through during downpours."

Then there's the issue with flooding that McCarty said has always been a problem, but has only gotten worse recently.

"I have a neighbor who is elderly and her whole back yard is a retention ditch," McCarty said.

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