

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

January 2, 2008 – 7:00 p.m.
(rescheduled from January 1, 2008)
Main Assembly Room, City-County Building

1. CALL TO ORDER

The Council of the City of Knoxville met in Regular Session at 7:00 p.m. in the Main Assembly Room of the City-County Building on Wednesday, January 2, 2008. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Vice Mayor Mark Brown led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Bailey made a motion to approve the minutes from the December 18, 2007 City Council Meeting. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

a. ITEMS WITHDRAWN (Indicated with “W”)

None

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

Councilmember Pelot made a motion to postpone the following resolution until January 5, 2008:

- 9-a. An Ordinance to close a portion of B Drive north of S. Northshore Drive with conditions, and authorizing the Mayor to execute Quitclaim deeds to the adjacent property owners, Northshore Commons, LLC, Applicant. (MPC Approved 12-0) (File No. 10-A-07-SC) (Second District)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried and the Resolution was postponed until January 15, 2008.

c. **ITEMS REQUESTED TO BE ADDED BY MOTION**

None

d. **CONSENT ITEMS** (Indicated with “*”)

Vice Mayor Brown made a motion to approve resolutions 11c and 11i on the consent agenda. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved on first and final reading. (See “Resolutions”).

6. **MAYOR’S REPORT:**

RE: MAYOR’S REMARKS

- Mayor Haslam stated that he had provided Council Members with the new organizational chart showing job responsibilities and contact information.
- The Mayor announced that Anne Wallace, formerly with MPC, would be working with Bob Whetsel on the Cumberland Avenue Project, and that the University of Tennessee and Fort Sanders are partnering with the City to fund her position.
- Mayor Haslam wished Cindy Mitchell, City Recorder, a Happy Birthday.

7. **REPORTS OF COUNCIL MEMBERS OR COMMITTEES**

- Councilman Frost reported he will soon propose an Ordinance Re: a Senior Citizen Property Tax Freeze; and, asked that a report Re: McClung Warehouse Property be made soon. Bill Lyons stated he should be able to make a report at the next council meeting.
- Vice Mayor Brown announced that Susan Wilson had recently celebrated 25 years working in the Council Office.
- Councilmember Pelot thanked Mickey Mallonee and her staff for Christmas in the City Events.
- Councilman Becker announced that a workshop will be held on Jan. 10 at 5:00 Re: Elections; Meeting Re: First Creek Flooding on Jan. 8 at 7:00 at Arlington Baptist Church; and Meetings on City Council appointments to PNI from west and northwest ZACs on Jan. 8, at 5:00 & 5:30 at the L.T. Ross Bldg.
- Hultquist announced a meeting to discuss the water tower in South Knoxville to be held on Jan. 3 at 7:00 pm at South Doyle Middle School.
- Vice Mayor Brown announced the following meetings on City Council appointments to PNI: Central ZAC on January 11 at 5:00 at Cal Johnson Rec. Center, and the North ZAC on January 14 at 5:30 at New Hope Rec. Center.

8. ELECTIONS AND CONFIRMATIONS

**RE: COMMUNITY TELEVISION OF KNOXVILLE – KIRK DALE – JASON CLABO
MARK D. HARMON**

- 8-a.** A Resolution confirming the appointments of Kirk Dale, Jason Clabo, Mark D. Harmon, and Jim Idol to the Board of Directors of Community Television of Knoxville (Requested by Community Television)

Vice Mayor Brown made a motion to approve the Resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. A copy of the Resolution is attached to these minutes as R-1-08.

9. ORDINANCES ON SECOND READINGS

RE: BUDGET AMENDMENT

- 9-b.** An Ordinance to amend the operating budget for Fiscal Year 07-08. (Requested by Department of Finance and Accountability)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The Ordinance was approved on second reading and a copy is attached to these minutes as O-1-08.

**RE: CODE AMENDMENT – RECORDS SEARCH FOR LICENSES AND PERMITS
TO OPERATE VEHICLES FOR HIRE**

- 9-c.** An Ordinance to amend Chapter 26, Article I of the Code of Ordinances of the City of Knoxville, so as to adopt requirements for a criminal conviction record investigation to be conducted on applicants for licenses and permits to operate a vehicle for hire within the City of Knoxville. (requested by Police Department)

Vice Mayor Brown made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The Ordinance was approved on second reading and a copy is attached to these minutes as O-2-08.

**RE: CODE AMENDMENT – STORAGE FEES FOR NONCONSENSUAL TOWS
WRECKER ORDINANCE**

- 9-d.** An Ordinance to amend Sections 26-302 and 26-410 of the Code of Ordinances of the City of Knoxville so as to increase the permissible maximum charge for storage fees for nonconsensual tows and to allow Wrecker companies on the rotation list to start charging said fees after twenty-four (24) hours rather than the current forty-eight (48) hours. (Requested by Police Department)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The Ordinance was approved on second reading and a copy is attached to these minutes as O-3-08.

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

None

11. RESOLUTIONS

RE: OAKWOOD LINCOLN PARK COMMUNITY – METROPOLITAN PLANNING COMMISSION

11-a. A Resolution respectfully requesting the professional staff of the Metropolitan Planning Commission to study, consider and, if feasible, to implement a General downzoning of appropriate residential areas located within the Oakwood-Lincoln Park Community. (Requested by Councilmember Becker)

Councilmember Becker moved for approval. Councilmember Pelot seconded the motion. Councilmember Becker made a motion to amend the Resolution by deleting the word “downsizing” wherever it is used in the Resolution and replacing it with the word “rezoning.” Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the motion to approve the Resolution as amended carried and a copy of the Resolution is attached to these minutes as R-2-08.

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

11-b. A Resolution authorizing the Mayor to execute a revised agreement with the State of Tennessee, Department of the Military, and the Tennessee Emergency Management Agency, in order to receive the Metropolitan Medical Response System grant in the amount of \$232,330.00 enabling the Knoxville- Knox County Emergency Management Agency to develop plans, purchase equipment and conduct exercises to prepare to respond to potential mass casualty event. (Requested by Department of Emergency Management)

Councilmember Pelot moved for approval. Councilmember Roddy seconded the motion. By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-3-08.

The following resolution was approved unanimously on first and final reading on the consent agenda:

RE: PENSION – JOSEPH T. TARANTINO, SURVIVOR OF THERESA A. TARANTINO

R-4-08

11-c. A Resolution granting a pension of \$262.82 per month to Joseph T. Tarantino survivor of Theresa A. Tarantino, a former employee of the Knoxville General Government. (Requested by Pension Board)

**RE: PUBLIC BUILDING AUTHORITY – CRESWELL-COLYER, LLC –
DOWNTOWN CINEMA PROJECT – GRID IRON BURGERS**

- 11-d.** A Resolution approving the proposed lease agreement between the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee and Creswell-Colyer, LLC. (Requested by Law Department)

Vice Mayor Brown moved for approval. Councilmember Roddy seconded the motion. By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-5-08.

**RE: PUBLIC BUILDING AUTHORITY – CRESWELL-COLYER, LLC LANDLORD
IMPROVEMENTS PROJECT – DOWNTOWN CINEMA PROJECT – GRID
IRON BURGERS**

- 11-e.** A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for the Creswell-Colyer, LLC Landlord Improvements Project, at a budgeted amount not to exceed \$300,000.00 (requested by Law Department and Policy and Communications)

Councilmember Becker moved for approval. Councilmember Roddy seconded the motion.

Jeff Galyon with the Public Building Authority explained that the work involved would be the basic utility rough-ins, such as installation of HVAC system, floor system, restrooms, and sprinklers. Mr. Galyon estimated completion of the project and turnover to the tenant would occur in May, and that the tenant anticipates opening in September, if not sooner.

Colin Cope, 1608 Agawela, stated that this restaurant will be his third restaurant in Knoxville, that it is a fast casual hamburger establishment with a football theme and that it will be family friendly.

By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-6-08.

RE: RIVERSIDE TAVERN BY REGAS, LLC

- 11-f.** A Resolution authorizing the Mayor to execute and deliver a second amendment to the City's ground lease with Riverside Tavern by Regas, LLC. (Requested by Law Department)

Councilmember Pelot moved for approval. Councilmember Bailey seconded the motion. Morris Kizer explained that the south outside patio of the restaurant encroaches over the lease line and this amendment will add 1,638 square feet to the lease to accommodate that encroachment.

By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-7-08.

**RE: GE COMMERCIAL FINANCE BUSINESS PROPERTY CORPORATION –
NON-DISTURBANCE AND ESTOPPEL AGREEMENT**

- 11-g.** A Resolution authorizing the Mayor to execute and deliver a non-disturbance and estoppel agreement with GE Commercial Finance Business Property Corporation. (Requested by Law Department)

Councilmember Becker moved for approval. Councilmember Bailey seconded the motion. By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-8-08.

RE: METROPOLITAN DRUG COMMISSION LEASE AGREEMENT

- 11-h.** A Resolution approving a lease agreement with the Metropolitan Drug Commission. (Requested by Law Department)

Councilmember Roddy moved for approval. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion to approve carried and a copy of the Resolution is attached to these minutes as R-9-08.

The following resolution was approved unanimously on first and final reading on the consent agenda:

RE: TRANSFER OF 1122 BEAVERTON ROAD – KNOXVILLE UTILITIES BOARD

R-10-08

- i.** A Resolution authorizing the Mayor to execute and deliver on behalf of The City of Knoxville all documents necessary to transfer to the Knoxville Utilities Board real property located at 1122 Beaverton Road, at no cost (Requested by Department of Finance)

12. ORDINANCES ON FIRST READING

None

13. PUBLIC FORUM:

None

14. ADJOURNMENT:

There being no further business to come before the City Council, upon motion the meeting adjourned at 7:24 p.m.

Presiding Officer of the Council

Assistant City Recorder