

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JANUARY 29, 2008

7:00 PM

ORDER OF BUSINESS

1. **CALL TO ORDER:** Mayor Bill Haslam

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Barbara Pelot
Councilmember Joe Bailey

3. **ROLL CALL:** All Present

4. **APPROVAL OF MINUTES:** Approved

5. **ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA:**
 - a. **ITEMS WITHDRAWN (Indicated with "W")**
 - b. **ITEMS FOR POSTPONEMENT (Indicated with "P")**
 - c. **ITEMS REQUESTED TO BE ADDED BY MOTION (Indicated with "M")**
 - d. **CONSENT ITEMS (Indicated with ":")**

6. MAYOR'S REPORT:

Mardi Growl Dog Parade to benefit Young Williams Animal Center on Feb. 2 at 10:00 am on Market Square

Skate Park opening Jan. 31 at 4:00 pm at Tyson Park, rain date will be posted on web site

Recognition of Morris Kizer on his last Council Meeting as Law Director

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

Cm. Frost – early voting taking place and election day Feb. 5

Cm. Pelot – recognized granddaughter, Jennifer Gouge in audience doing assignment for UT class

Cm. Becker – Budget Retreat on Jan. 31 at 8:30 at Sunsphere

8. ELECTIONS AND CONFIRMATIONS:

APPROVED R-20-08

- a. A Resolution appointing Jeremy Jennings, Larry Horton, James Allen, Monica Reed, Jenny Wolf and Barbara Dowell to serve as members of the Board of Directors of the Partnership for Neighborhood Improvement. (Requested by Vice Mayor Brown)

9. ORDINANCES ON SECOND READING:

POSTPONED TWO WEEKS

- “P” 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)

APPROVED O-12-08

- b. An Ordinance to amend certain divisions and sections of Chapter 2, Article II of the Knoxville City Code relating to the organizational structure of the Executive Branch of city government. (Requested by Mayor)

APPROVED O-13-08

- c. An Ordinance to amend Chapter 2, Article III, Division 2, Section 2-450 of the Code of the City of Knoxville. (Requested by Civil Service)

APPROVED O-14-08

- d. An Ordinance to amend Article IV, Section 26, D-1, downtown design overlay district, of the City of Knoxville Zoning Ordinance changing the Downtown Design Review Board's appeal process and the status of the Metropolitan Planning Commission representative on the Board. (MPC Approved 11-0-1) (File No. 12-A-07-OA) (Sixth District)

APPROVED O-15-08

- e. An Ordinance to approve the closure of a 15-foot alley from Middlebrook Pike to Hopkins Avenue, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Lonnie Jones and Patrick Fultz, Applicants. (MPC Approved 11-0-1) (File No. 12-A-07-AC) (Third District)

9. ORDINANCES ON SECOND READING (CONTINUED):

APPROVED O-16-08

- f. An Ordinance to approve the closure of a 12-foot alley between Valley Avenue and New King Street, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Kimberly Davis, Applicant. (MPC Approved 11-0-1) (File No. 12-B-07-AC) (First District)

APPROVED O-17-08

- g. An Ordinance approving the request of Teraz Investments for a One Year Plan Amendment from Heavy Industrial to Mixed Uses (Heavy Industrial and General Commercial) for property located on the northeast side of Western Avenue, southeast side of Blackstock Avenue. (MPC Approved 11-0-1) (File No. 10-K-07-PA) (Sixth District)

APPROVED O-18-08

- h. An Ordinance to rezone property located on the northeast side of Western Avenue, southeast side of Blackstock Avenue, from I-3, General Industrial District to C-3, General Commercial District, Teraz Investments, Applicant. (MPC Approved 11-0-1) (File No. 10-R-07-RZ) (Sixth District)

APPROVED O-19-08

- i. An Ordinance to rezone property located on the south side of Technology Drive, west side of Cogdill Road, from PC-2, Retail and Distribution Park District/TO-1, Technology Overlay to C-6, General Commercial Park District/TO-1, Technology Overlay, Ken Sanderson, Applicant. (MPC Approved 11-0-1) (File No. 12-E-07-RZ) (Second District)

APPROVED O-20-08

- j. An Ordinance to rezone property located on the southeast side of Merchant Drive, northeast of Pleasant Ridge Road, from O-3, Office Park District, to O-1, Office, Medical, and Related Services District, David Velarde, Applicant. (MPC Approved 11-0-1) (File No. 12-F-07-RZ) (Third District)

APPROVED O-21-08

- k. An Ordinance to rezone property located on the southeast side of E. Magnolia Avenue, northeast side of N. Mary Street, from C-3, General Commercial District, to C-4, Highway and Arterial Commercial District, Susanne Painter, Applicant. (MPC Approved 11-0-1) (File No. 12-I-07-RZ) (Sixth District)

APPROVED O-22-08

- l. An Ordinance to rezone property located on the north end of B Drive, northeast of S. Northshore Drive, from R-1, Low Density Residential District, O-1, Office, Medical, and Related Services District, and F-1, Floodway, to O-3, Office Park District, and F-1, Floodway, Northshore Commons, LLC, Applicant. (MPC Approved 12-0) (File No. 12-M-07-RZ) (Second District)

APPROVED O-23-08

- m. An Ordinance approving the request of the Metropolitan Planning Commission for a One Year Plan Amendment from Medium Density Residential to General Commercial for property located north of Sherrill Boulevard, east of I-140. (MPC Approved 11-0-1) (File No. 12-A-07-PA) (Second District)

9. ORDINANCES ON SECOND READING (CONTINUED):

APPROVED O-24-08

- n. An Ordinance approving the request of Scripps Network, Inc. for an amendment to the Northwest County Sector Plan from Low Density Residential to Commercial for property located north of Sherrill Boulevard, east of Pellissippi Parkway. (MPC Approved 11-0-1) (File No. 12-F-07-SP) (Second District)

APPROVED O-25-08

- o. An Ordinance to rezone property located north of Sherrill Boulevard, east of Pellissippi Parkway, from RP-1, Planned Residential District to C-3, General Commercial District, Scripps Network, Inc., Applicant. (MPC Approved 11-0-1) (File No. 12-R-07-RZ) (Second District)

APPROVED O-26-08

- p. An Ordinance to rezone property located on the south side of Ailor Avenue, east side of Seventeenth Street, from C-3, General Commercial District, to C-4, Highway and Arterial Commercial District, Benchmark Associates, Inc., Applicant. (MPC Approved 11-0-1) (File No. 12-Z-07-RZ) (Sixth District)

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

DENIED

- a. An Appeal by John King, attorney for Jack Stooksbury, of the Board of Zoning Appeals' denial of a variance to allow a commercial driveway across from a "T" intersection with Pleasant Knoll Lane (Appendix B, Article V, Section 7.B.2.b.) as per site plan to construct a commercial building in a C-3, General Commercial District, property located at 2122 Brooks Avenue. (BZA Denied 3-1) (File No. 11-C-07-VA) (Sixth District) (Consider with 11n.)

11. RESOLUTIONS:

APPROVED R-21-08

- a. A Resolution respectfully requesting and urging the state legislature to modify the Convention Center and Tourism Development Financing Act of 1998 so as to allow the City to obtain a significant recapture of sales and use taxes as contemplated by the act. (Requested by Councilmembers Frost, Pelot, Hall, and Roddy) – **amended to add all of Council as sponsors**

APPROVED R-22-08

- b. A Resolution approving an agreement with Pugh & Company, P.C. for the audit of the financial books and records of the City of Knoxville for Fiscal Year 2007-2008. (Requested by Council's Audit Committee)

11. RESOLUTIONS (CONTINUED):

c. ***

d. ***

APPROVED R-23-08

e. A Resolution authorizing the Mayor to execute a quitclaim deed to George S. Dykeman, III, for one parcel of property located at 2517 Parkview Avenue, CLT No. 082-KV-030, within the city limits of the City of Knoxville pursuant to the Homemaker Program for a contract sales price of \$3,000.00. (Requested by Community Development)

APPROVED R-24-08

f. A Resolution approving a tax increment financing amendment to the Jackson/Depot Redevelopment and Urban Renewal Plan. (Requested by Policy and Communications)

APPROVED R-25-08

g. A Resolution approving a contract with Josephine Cochran and authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire a permanent drainage easement on real property owned by Josephine Cochran, and to remove improvements therein, for a total price of \$3,660.00. (Requested by Engineering)

APPROVED R-26-08

h. A Resolution authorizing the Mayor to execute Contract #070209 with State of Tennessee, Department of Transportation to upgrade signal timing on Weisgarber Road from Papermill Drive to Middlebrook Pike, Project Identification No. 109009.00. (Requested by Engineering)

APPROVED R-27-08

i. A Resolution authorizing the Mayor to execute Contract #070190 with State of Tennessee, Department of Transportation to upgrade signal timing on Emory Road from I-75 southbound exit to Dannaher Way, Project Identification No. 109014.00. (Requested by Engineering)

APPROVED R-28-08

j. A Resolution authorizing the Mayor to execute Contract #070189 with State of Tennessee, Department of Transportation to upgrade signal timing on Asheville Highway from Burns Road to Brakebill Road, Project Identification No. 108734.00. (Requested by Engineering)

APPROVED R-29-08

k. A Resolution authorizing the Mayor to execute Contract #070191 with State of Tennessee, Department of Transportation to upgrade signal timing on Morrell Road from West Town Way to Northshore Drive, Project Identification No. 109011.00. (Requested by Engineering)

11. RESOLUTIONS (CONTINUED):

APPROVED R-30-08

- l. A Resolution authorizing the Mayor to execute a change order dated January 17, 2008 to Agreement No. C-07-0127 with Waste Connections of Tennessee, Inc. to increase the annual contract price from \$79,169.10 to \$97,000.00 to compensate the contractor for additional pick-ups not covered in the original contract price. (Requested by Public Service)

APPROVED R-31-08

- m. A Resolution requesting and encouraging the professional staff of the Metropolitan Planning Commission to study the feasibility and utility of adopting R1-EN zoning for the Curtis Lane area of Fountain City, if appropriate, to initiate such a zoning modification. (Requested by Councilmember Frost)

DENIED

- n. A Resolution approving an appeal by John King, attorney for Jack Stooksbury, of the Board of Zoning Appeals' denial of a variance to allow a commercial driveway across from a "T" intersection with Pleasant Knoll Lane (Appendix B, Article V, Section 7.B.2.b.) as per site plan to construct a commercial building in a C-3, General Commercial District, property located at 2122 Brooks Avenue. (BZA Denied 3-1) (File No. 11-C-07-VA) (Sixth District) (Consider with 10a.)

APPROVED R-32-08

- "*" o. A Resolution granting a pension of \$3,121.06 per month to Douglas R. Ryerkerk, an employee of the Knoxville Police Department. (Requested by Pension Board)

APPROVED R-33-08

- "*" p. A Resolution granting a pension of \$2,407.20 per month to James E. Bryant, an employee of the Knoxville General Government. (Requested by Pension Board)

APPROVED R-34-08

- "*" q. A Resolution granting a pension of \$3,232.15 per month to Garry W. Campbell, an employee of the Knoxville Police Department. (Requested by Pension Board)

APPROVED R-35-08

- "*" r. A Resolution granting a pension of \$2,707.43 per month to Herbert E. Householder, an employee of the Knoxville Fire Department. (Requested by Pension Board)

APPROVED R-36-08

- "*" s. A Resolution granting a pension of \$3,106.14 per month to Donald R. Lee, an employee of the Knoxville Fire Department. (Requested by Pension Board)

APPROVED R-37-08

- "*" t. A Resolution granting a pension of \$3,040.80 per month to Gregory M. Peterson, an employee of the Knoxville Fire Department. (Requested by Pension Board)

APPROVED R-38-08

- "*" u. A Resolution granting a pension of \$4,897.80 per month to William C. Roehl, an employee of the Knoxville Police Department. (Requested by Pension Board)

APPROVED R-39-08

- "*" v. A Resolution granting a pension of \$2,822.48 per month to Russell M. Saylor, an employee of the Knoxville Police Department. (Requested by Pension Board)

11. RESOLUTIONS (CONTINUED):

- APPROVED R-40-08**
- "*" w. A Resolution granting a pension of \$3,299.10 per month to Lloyd N. Smith, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- APPROVED R-41-08**
- "*" x. A Resolution granting a pension of \$3,109.38 per month to James R. Stephens, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- APPROVED R-42-08**
- "*" y. A Resolution granting a pension of \$2,056.42 per month to Marilyn S. Watson, an employee of the Knoxville General Government. (Requested by Pension Board)
- APPROVED R-43-08**
- "*" z. A Resolution granting a pension of \$98.45 per month to Rebecca B. Toppins, an employee of the former Knoxville City School System. (Requested by Pension Board)
- APPROVED R-44-08**
- "M" aa. A Resolution requesting and encouraging the legislature of the State of Tennessee to permit the Tennessee Responsible Vendor Act of 2006, as codified at T.C.A. §57-5-601 et. seq., to sunset. (Requested by Councilmembers Hall & Roddy)

12. ORDINANCES ON FIRST READING:

- APPROVED ON FIRST READING**
- a. An Ordinance to amend Section 26-114 of Chapter 26 of the Code of Ordinances of the City of Knoxville, regulating the approval or denial of an application for a taxicab driver's permit. (Requested by Police Department)
- APPROVED ON FIRST READING**
- b. An Ordinance to rezone property located on the southwest side of Laurans Avenue, northwest of Goforth Avenue, from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density up to 5.9 dwelling units per acre, Helen Ross McNabb Center, Applicant. (MPC Approved 12-0) (File No. 12-V-07-RZ) (Sixth District)
- APPROVED O-27-08**
- c. An Emergency Ordinance of the Council appropriating the sum of \$1,200.00 from the Community Improvement (202) Fund and donating same to the Knoxville Symphony Society, Inc. to be utilized as financial assistance toward the Show House 2008 Annual Fundraising Event. (Requested by Councilmember Pelot)
- APPROVED O-28-08**
- d. An Emergency Ordinance of the Council appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to Central High School Foundation to be utilized toward their Project Graduation Celebration for the Class of 2008. (Requested by Councilmember Frost)

13. PUBLIC FORUM:

NONE

14. ADJOURNMENT: 8:44 pm