

**MARKED**

**AGENDA FOR A REGULAR COUNCIL MEETING**

**FEBRUARY 12, 2008**

**7:00 PM**

**ORDER OF BUSINESS**

1. **CALL TO ORDER:** Mayor Bill Haslam
  
2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**  
Councilmember Pelot and Councilmember Frost
  
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  - a. **ITEMS WITHDRAWN (Indicated with "W")**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:**

**Approved**

- a. An application for a renewal of a Retailer's Certificate for Thomas Edward Dever d/b/a Cork and Bottle, 6705 Clinton Highway, Knoxville, Tennessee, 37912. (Requested by Department of Finance and Accountability)

- Swearing in of Debbie Poplin as first female Law Director of the City of Knoxville

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

- Vice-Mayor Mark Brown recognized Assistant City Recorder Susan Wilson for her 25 years of service to the City of Knoxville. City Council Member Marilyn Roddy presented Ms. Wilson a gift on behalf of City Council.

**8. ELECTIONS AND CONFIRMATIONS:**

**Approved: R-45-08**

- a. A Resolution confirming the appointment of Margie Nichols to the Knoxville-Knox County Animal Welfare Board. (Requested by Mayor)

**Approved: R-46-08**

- b. A Resolution confirming the appointment of J. Ed Campbell, III and the reappointments of Jennifer Montgomery and Cortney Piper to the Better Building Board of the City of Knoxville. (Requested by Mayor)

**Approved: R-47-08**

- c. A Resolution confirming the appointment of Ola Blackmon-McBride to serve on the Police Advisory and Review Committee. (Requested by Mayor)

**9. ORDINANCES ON SECOND READING:**

**Postponed two (2) 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-29-08**

- b. 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)

**9. ORDINANCES ON SECOND READING:**

**Approved: O-30-08**

- c. 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)

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

**Appeal Approved**

- a. An Appeal by Stephen Hall of the Board of Zoning Appeals' decision to deny the request for variances to increase the maximum accessory building area from 750 square feet to 2,265 square feet, and to increase the maximum accessory building height from 15 feet to 16.5 feet (Article IV, Section 2.B.4 and 2.F.) as per site plan, to construct a garage and pool house in an R-1, Low Density Residential District, property located at 6804 Crystal View Way. (BZA Denied 3-1) (File No. 12-U-07-VA) (Consider with 11f.)

**11. RESOLUTIONS:**

**Approved: R-48-08**

- a. A Resolution approving a contract with Russell D. Drummer 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 Russell D. Drummer, for a total price of \$2,000.00. (Requested by Department of Engineering)

**Approved: R-49-08**

- b. A Resolution approving a lease with the American Youth Soccer Organization for the Deane Hill Recreation Soccer Field on a limited basis. (Requested by Department of Parks and Recreation)

- c. \*\*\*

**Approved: R-50-08**

- d. A Resolution authorizing the Mayor to execute an amendment to Contract Number C-06-0028 between the City of Knoxville and Goodyear Tire & Rubber Company so as to increase the contract amount by Seventy Five Thousand Dollars (\$75,000) to cover the expenses under the contract resulting from the increase in fleet size and route service miles. (Requested by Operations and Efficiency, Knoxville Area Transit)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-51-08**

- e. A Resolution authorizing the Mayor to execute an agreement with the Knox County Board of Education for the lease of two surplus automobiles. (Requested by Police Department)

**Approved: R-52-08**

- f. A Resolution approving an appeal by Stephen Hall of the Board of Zoning Appeals' decision to deny the request for variances to increase the maximum accessory building area from 750 square feet to 2,265 square feet, and to increase the maximum accessory building height from 15 feet to 16.5 feet (Article IV, Section 2.B.4 and 2.F.) as per site plan, to construct a garage and pool house in an R-1, Low Density Residential District, property located at 6804 Crystal View Way. (BZA Denied 3-1) (File No. 12-U-07-VA) (Consider with 10a.)

**Approved: R-53-08**

- "\*" g. 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 5916 Meadow Oaks Lane, at no cost. (Requested by Department of Finance and Accountability)

**Approved: R-54-08**

- h. A Resolution authorizing the Mayor to execute a quitclaim deed to the State of Tennessee for an unnamed alley extending from the northeast right of way of Henley Street approximately 290 feet to the southwest right of way of Locust Street in City Block 04043, closed by Ordinance No. O-108-88. (Requested by Department of Law)

**Approved: R-55-08**

- i. A Resolution authorizing the Mayor to execute an easement with property owner, The Courtland Group LLC, to permit two doors with an outward swing to encroach 1 foot 6 inches across the sidewalk adjacent to 123 S. Central Street. (Requested by Department of Engineering)

**Approved: R-56-08**

- j. A Resolution urging the Kroger Corporation to refund towing fees to persons whose vehicles were towed from the Kroger lot located at Clinton Highway and Merchants Drive while the vehicle owners were voting at Norwood Library. (Requested by Councilmembers Frost, Hall, and Becker)

**Approved: R-57-08**

- k. A Resolution requesting and encouraging the legislature of the State of Tennessee to repeal legislation which authorizes the Knox County Trustee to take as a fee a sum of up to one percent (1%) of sales tax revenue for transmitting these funds to the City of Knoxville. (Requested by Council)

**11. RESOLUTIONS (CONTINUED):**

**Withdrawn**

- l. A Resolution requesting and encouraging the Trustee and/or the acting Trustee of Knox County to expedite the transfer of the City of Knoxville's portion of State sales tax revenue to the City and to consider deferring the charge of a one percent (1%) fee for the service of transmitting these revenues to the City of Knoxville. (Requested by Councilmembers Frost and Bailey)

**Approved: R-58-08**

- "M" m. A Resolution authorizing the Mayor to execute a first amendment to the City of Knoxville's lease agreement with Old City Hall Knoxville Partnership. (Requested by Department of Law)

**Approved: R-59-08**

- "M" n. A Resolution authorizing the Mayor to execute a "Consent of the City of Knoxville" relative to the City of Knoxville's lease agreement with Old City Hall Knoxville Partnership. (Requested by Department of Law)

**12. ORDINANCES ON FIRST READING:**

**Approved on first reading**

- a. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a portion of a tract of land approximately 510 feet north of Sherrill Boulevard and approximately 1880 feet southwest of the intersection of Park West Boulevard and Sherrill Boulevard (1-02-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 47 of the City of Knoxville so as to include said area. (Requested by Mayor)

**Approved on first reading**

- b. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land and a portion of a tract of land west of Brooks Avenue and approximately 240 feet northeast of the intersection of Duncan Road and Brooks Avenue (2-02-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 51 of the City of Knoxville so as to include said area. (Requested by Mayor)

**Approved on first reading**

- c. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land west of Cogdill Road and approximately 70 feet southeast of the intersection of Parkside Drive and Cogdill Road (3-02-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 47 of the City of Knoxville so as to include said area. (Requested by Mayor)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- d. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of Washington Pike and approximately 950 feet northeast of the intersection of New Harvest Lane and Washington Pike (5-02-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 33 of the City of Knoxville so as to include said area. (Requested by Mayor)

**Approved on first reading**

- e. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as two tracts of land north of Washington Pike and approximately 375 feet northeast of the intersection of New Harvest Lane and Washington Pike (6-02-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 33 of the City of Knoxville so as to include said area. (Requested by Mayor)

**Postponed four (4) weeks**

- “P” f. An Ordinance enacted pursuant to T.C.A. § 67-5-705 to implement a property tax freeze program for elderly and low income taxpayers. (Requested by Councilmember Frost)

**Postponed to April 8, 2008**

- g. An Ordinance to rezone property located on the southeast side of Metler Drive, northeast of Clinton Highway, from R-1, Low Density Residential District to C-4, Highway and Arterial Commercial District, Goodwill Industries-Knoxville, Inc., Applicant. (MPC Approved 12-0) (File No. 12-B-07-RZ) (Fifth District)

**Approved on first reading**

- h. An Ordinance to amend Chapter 6, Article II, § 6-32, Subsection 108.2.2 of the Knoxville City Code pertaining to the membership terms of the Building Board of Adjustments and Appeals. (Requested by Department of Plans Review and Building Inspections)

**Approved on first reading**

- i. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article IV, Section 7, “C-1 Neighborhood Commercial District” to remove “Dwelling units” as a permitted use and add “Dwelling units” as a use permitted on review in conjunction with another permitted use. (MPC Approved 15-0) (File No. 1-A-08-OA)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- j. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, pertaining to maximum building heights and establishing the maximum measurement in feet rather than building stories. (MPC Approved 13-0-2) (File No. 1-B-08-OA)

**Approved on first reading**

- k. An Ordinance to close a portion of Caledonia Avenue, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Tennessee Baptist Convention, Applicant. (MPC Approved 13-0-2) (File No. 1-A-08-SC) (First District)

**Postponed two (2) weeks**

- “P” 1. An Ordinance to close the cul-de-sac of Dowell Springs Boulevard north of its junction with Old Weisgarber Road, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Dowell Springs LLC/Ralph V. Smith, Applicant. (MPC Approved 13-0-2) (File No. 1-B-08-SC) (Third District)

**Approved on first reading**

- m. An Ordinance approving the request of Robert Bedwell for a One Year Plan Amendment from Office, Low Density Residential, Medium Density Residential, and Floodway to Mixed Uses (Office and Medium Density Residential) and Floodway for property located on the east side of N. Gallaher View Road, southeast side of Broome Road, north side of E. Walker Springs Lane. (MPC Approved 13-0-2) (File No. 1-A-08-PA) (Second District)

**Approved on first reading**

- n. An Ordinance to rezone property located on the east side of N. Gallaher View Road, southeast side of Broome Road, north side of E. Walker Springs Lane, from O-1, Office, Medical, and Related Services District, RP-1, Planned Residential District at a density of 1-12 dwelling units per acre, and F-1, Floodway to RP-1, Planned Residential District at a density up to 13.5 dwelling units per acre, and F-1, Floodway, Robert Bedwell, Applicant. (MPC Approved 13-0-2) (File No. 1-A-08-RZ) (Second District)

**Approved on first reading**

- o. An Ordinance approving the request of Samuel J. Furrow for a One Year Plan Amendment from Open Space to General Commercial for property located on the southeast side of Parkside Drive, southwest of Cogdill Road. (MPC Approved 15-0) (File No. 1-B-08-PA) (Second District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- p. An Ordinance to rezone property located on the southeast side of Parkside Drive, southwest of Cogdill Road, from A-1, General Agricultural District to C-6, General Commercial Park District, subject to four conditions, Samuel J. Furrow, Applicant. (MPC Approved 15-0) (File No. 1-B-08-RZ) (Second District)

**Approved on first reading**

- q. An Ordinance to rezone property located on the south side of Kingston Pike, northeast side of Lockett Road from C-3, General Commercial District to C-4, Highway & Arterial Commercial District, Drew McElroy, Applicant. (MPC Approved 13-0-2) (File No. 1-E-08-RZ) (Second District)

**Approved on first reading as amended**

- r. An Ordinance approving the request of Murphy Development, LLC for a One Year Plan Amendment from Low Density Residential to General Commercial for Parcels 36, 37, and 38 only, property located on the northeast side of Western Avenue, northwest of John May Drive. (MPC Approved 15-0) (File No. 1-D-08-PA) (Third District)

**Approved on first reading**

- s. An Ordinance to rezone property located on the northeast side of Western Avenue, northwest of John May Drive, from R-1, Low Density Residential District to C-3, General Commercial District for Parcels 36, 37, and 38 only, Murphy Development, LLC, Applicant. (MPC Approved 15-0) (File No. 1-F-08-RZ) (Third District)

**Approved on first reading**

- t. An Ordinance to rezone property located on the northwest side of Sutherland Avenue, northeast of Tobler Lane, from I-2, Restricted Manufacturing and Warehousing District, I-3, General Industrial District, and R-2, General Residential District to C-3, General Commercial District, Murphy Development, LLC, Applicant. (MPC Approved 13-0-2) (File No. 1-G-08-RZ) (Sixth District)

**Approved on first reading**

- u. An Ordinance to rezone property located on the southwest side of Sutherland Avenue, north side of Middlebrook Pike, southeast side of Partners Place, from C-3, General Commercial District to C-4, Highway and Arterial Commercial District, Post Leasing & Sales, Inc., Applicant. (MPC Approved 13-0-2) (File No. 1-I-08-RZ) (Sixth District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- v. An Ordinance to rezone property located on the northwest side of New York Avenue, northeast side of Burnside Street, from I-2, Restricted Manufacturing and Warehousing District/IH-1, Infill Housing Overlay to R-1A, Low Density Residential District/IH-1, Infill Housing Overlay, City of Knoxville, Applicant. (MPC Approved 13-0-2) (File No. 1-J-08-RZ) (Fifth District)

**Approved on first reading**

- w. An Ordinance to rezone property located on the northwest side of Papermill Drive, northeast of Hollywood Road, from C-1, Neighborhood Commercial District to C-3, General Commercial District, McMurray Family, LP., Applicant. (MPC Approved 13-0-2) (File No. 1-L-08-RZ) (Sixth District)

**Approved on first reading**

- x. An Ordinance to rezone property located on the south side of Papermill Drive, west of Kalmia Road, from R-1, Low Density Residential District to O-3, Office Park District, David A. Johnson, Applicant. (MPC Approved 13-0-2) (File No. 1-M-08-RZ) (Second District)

**Postponed two (2) weeks**

- y. An Ordinance approving the request of Paula H. Allen for a One Year Plan Amendment from Low Density Residential to Office for property located on the northwest side of Tazewell Pike, southwest of Fieldcrest Lane. (MPC Approved 11-4) (File No. 1-E-08-PA) (Fourth District)

**Postponed two (2) weeks**

- z. An Ordinance to rezone property located on the northwest side of Tazewell Pike, southwest of Fieldcrest Lane, from R-1, Low Density Residential District to O-1, Office, Medical, and Related Services District, Paula H. Allen, Applicant. (MPC Approved 11-4) (File No. 1-N-08-RZ) (Fourth District)

**Approved on first reading**

- aa. An Ordinance to rezone property located on the southeast side of Tillery Drive, south of Bounds Road, from R-2, General Residential District to C-3, General Commercial District, Edward McCarty, Applicant. (MPC Approved 13-0-2) (File No. 1-O-08-RZ) (Fifth District)

**Postponed two (2) weeks**

- bb. An Ordinance approving the request of Kelly Nichols for a One Year Plan Amendment from Low Density Residential to Neighborhood Commercial for property located on the southeast side of Washington Pike, southwest side of Mill Road. (MPC Approved 13-0-2) (File No. 1-F-08-PA) (Fourth District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Postponed two (2) weeks**

- cc. An Ordinance to rezone property located on the southeast side of Washington Pike, southwest side of Mill Road, from R-1, Low Density Residential District to C-1, Neighborhood Commercial District, Kelly Nichols, Applicant. (MPC Approved 13-0-2) (File No. 1-P-08-RZ) (Fourth District)

**Approved on first reading as amended to include Arthur Seymour, Jr. property**

- dd. An Ordinance to rezone the neighborhoods of Castle Heights, Sherwood Forest, Ridgecrest and Belcaro from R-1, Low Density Residential District to R-1EN, Established Neighborhood District, excluding Parcel 058BD033, Metropolitan Planning Commission, Applicant. (MPC Approved 10-5) (File No. 1-X-08-RZ) (Fourth District)

**Denied**

- ee. An Ordinance approving the request of Lawrence T. Kennedy for a One Year Plan Amendment from Mixed Uses (Office, Low Density Residential, and Medium Density Residential) to Mixed Uses (General Commercial, Office, Low Density Residential, and Medium Density Residential) for property located on the east side of Central Avenue Pike, east of Baneberry Drive. (MPC Approved 14-1) (File No. 1-C-08-PA) (Fifth District)

**Approved: O-31-08**

- ff. An Emergency Ordinance of the Council appropriating the sum of \$50.00 from the Community Improvement (202) Fund and donating same to Friends of Literacy, Inc. as unrestricted general program support. (Requested by Councilmember Pelot)

**Approved: O-32-08**

- gg. An Emergency Ordinance of the Council appropriating the sum of \$1,200.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center toward the furtherance of certain efforts of the Lake Forest Neighborhood Association. (Requested by Councilmembers Hultquist, Pelot, Frost, Becker, Woodhull, and Vice Mayor Brown)

**13. PUBLIC FORUM:**

Alonzo Montgomery

**14. ADJOURNMENT: 9:20 p.m.**