

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

FEBRUARY 26, 2008 - 7:00 PM
Main Assembly Room, City-County Building

1. CALL TO ORDER

The Council of the City of Knoxville, Tennessee, met in Regular Session at 7:00 p.m. in the Main Assembly Room of the City-County Building on Tuesday, February 26, 2008. Mayor Bill Haslam was present and presiding officer.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Rob Frost led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Becker made a motion to approve the minutes from the February 12, 2008 City Council meeting. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The minutes were approved.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with “W”)

None.

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

Councilmember Pelot made a motion to postpone the following ordinance two (2) weeks:

- 9-i. 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. The ordinance was postponed two (2) weeks.

Vice-Mayor Brown made a motion to postpone the following resolution two (2) weeks:

- 11-k.** A Resolution authorizing the Mayor on behalf of the City of Knoxville to execute all necessary documents to sell an approximately 1.36 acre tract of vacant surplus City property on Dandridge Avenue, CLT # 095B-L-005, to the Mabry Hazen Foundation for \$136,000.00. (Requested by Department of Finance and Accountability)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolution was postponed two (2) weeks.

Councilmember Becker made a motion to postpone the following ordinances for four (4) weeks:

- 12-f.** 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-g.** 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)

Brief discussion ensued with Councilmember Becker, John Buckingham and Councilmember Frost addressed the postponement. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinances were postponed four (4) weeks.

**5-c. ITEMS REQUESTED TO BE ADDED BY MOTION
(Indicated with “M”)**

None.

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

Councilmember Roddy made a motion to approve resolutions 11m through 11p on the consent agenda. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The resolutions were adopted on consent. (See “Resolutions”).

6. MAYOR’S REPORT

- Attorney Ron Mills was named Deputy Law Director today by law Director Debbie Poplin.
- February 28, 2:00 p.m. – official opening of the Second Creek Greenway near Bridgewater Grill

- Friends of the Library book sale will take place March 3 at KCEC
- March 11 will be the portrait gallery opening on the 5th Floor Atrium. The portrait gallery will house the official portraits of all the Mayor's of the City of Knoxville
- March 29 will begin the City of Knoxville's week to build 7 houses in 7 days for Habitat for Humanity.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilman Frost reported on the Tazewell Pike/Beverly Road Task Force.
- Councilman Hultquist announced that March 2 will be the trail building project at the Hasty Park natural area in the first district.
- Councilman Hultquist announced that the TPO Executive Board will meet tomorrow morning in the Small Assembly Room to discuss the proposed beltway.
- Councilmember Pelot discussed various rankings the City of Knoxville has enjoyed over the years and congratulated the University of Tennessee Men's Basketball Team for being ranked #1 in the country.
- Councilmember Hultquist stated that Thursday, March 6 will be a City Council workshop on Economic Development requested by the Chamber of Commerce.

8. ELECTIONS AND CONFIRMATIONS

RE: ESTON WILLIAMS – KNOXVILLE UTILITIES BOARD OF COMMISSIONERS

- 8-a.** A Resolution electing Eston Williams to serve as a member of the Knoxville Utilities Board of Commissioners. (Requested by Mayor)

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-60-08.

RE: BRIAN M. SIMMONS – KNOXVILLE TRANSPORTATION AUTHORITY BOARD

- 8-b.** A Resolution confirming the appointment of Brian M. Simmons to serve as a member of the Knoxville Transportation Authority Board. (Requested by Mayor)

Councilmember Frost made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-61-08.

9. ORDINANCES ON SECOND READING

RE: ANNEXATION – SHERRILL BOULEVARD AND PARK WEST BOULEVARD

- 9-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) (Consider with 11a.)

In conjunction with

- 11-a.** A Resolution to adopt the Plan of Service dated February 2008 for annexation of 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 (File No. 1-02-08.AX). (Requested by Mayor) (Consider with 9a.)

Councilmember Pelot made a motion to approve the annexation ordinance on second reading. Councilmember Becker seconded the motion.

Vice-Mayor Brown made a motion to approve the resolution adopting the Plan of Service for the area. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-62-08.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-33-08.

RE: ANNEXATION – BROOKS AVENUE AND DUNCAN ROAD

- 9-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) (Consider with 11b.)

In conjunction with

- 11-b.** A Resolution to adopt the Plan of Service dated February 2008 for annexation of 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 (File No. 2-02-08.AX). (Requested by Mayor) (Consider with 9b.)

Councilmember Roddy made a motion to approve the annexation ordinance on second reading. Councilmember Becker seconded the motion.

Vice-Mayor Brown made a motion to approve the resolution adopting the Plan of Service for the area. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-63-08.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-34-08.

RE: ANNEXATION – COGDILL ROAD AND PARKSIDE DRIVE

- 9-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) (Consider with 11c.)

In conjunction with

- 11-c.** A Resolution to adopt the Plan of Service dated February 2008 for annexation of 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 (File No. 3-02-08.AX). (Requested by Mayor) (Consider with 9c.)

Councilmember Pelot made a motion to approve the annexation ordinance on second reading. Councilmember Roddy seconded the motion.

Councilmember Woodhull made a motion to approve the resolution adopting the Plan of Service for the area. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-64-08.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-35-08.

RE: ANNEXATION – NEW HARVEST LANE AND WASHINGTON PIKE

- 9-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) (Consider with 11d.)

In conjunction with

- 11-d.** A Resolution to adopt the Plan of Service dated February 2008 for annexation of 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 (File No. 5-02-08.AX). (Requested by Mayor) (Consider with 9d.)

Councilmember Frost made a motion to approve the annexation ordinance on second reading. Councilmember Roddy seconded the motion.

Councilmember Frost made a motion to approve the resolution adopting the Plan of Service for the area. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-65-08.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-36-08.

RE: ANNEXATION – WASHINGTON PIKE AND NEW HARVEST LANE

- 9-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) (Consider with 11e.)

In conjunction with

- 11-e.** A Resolution to adopt the Plan of Service dated February 2008 for annexation of 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 (File No. 6-02-08.AX). (Requested by Mayor) (Consider with 9e.)

Councilmember Frost made a motion to approve the annexation ordinance on second reading. Councilmember Roddy seconded the motion.

Councilmember Roddy made a motion to approve the resolution adopting the Plan of Service for the area. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-66-08.

By unanimous voice vote the motion to approve the annexation ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-37-08.

RE: CITY CODE AMENDMENT – CHAPTER 6 – BUILDING BOARD OF ADJUSTMENTS AND APPEALS

- 9-f.** 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)

Councilmember Roddy made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-38-08.

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS – C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

- 9-g.** 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)

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 printed ordinance can be found attached to these minutes as Ordinance No. O-39-08.

RE: CITY CODE AMENDMENT – APPENCIX B, ZONING REGULATIONS – BUIDING HEIGHTS

- 9-h.** 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)

Councilmember Roddy made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-40-08.

RE: STREET CLOSURE – CALEDONIA AVENUE – TENNESSEE BAPTIST CONVENTION, APPLICANT

- 9-j.** 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)

Councilmember Hultquist made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-41-08.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF ROBERT BEDWELL

- 9-k.** 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-42-08.

RE: REZONING REQUEST OF ROBERT BEDWELL – N. GALLAHER VIEW ROAD AND BROOME ROAD

- 9-l.** 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)

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 printed ordinance can be found attached to these minutes as Ordinance No. O-43-08.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF SAMUEL J. FURROW

- 9-m.** 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-44-08.

RE: REZONING REQUEST OF SAMUEL J. FURROW

- 9-n.** 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-45-08.

RE: REZONING REQUEST OF DREW MCELROY

- 9-o.** 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Councilmember Roddy; Mark Donaldson, MPC; Councilmember Pelot; Councilmember Hultquist; Councilmember Becker; Councilmember Frost.

By voice vote the Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Brown, Frost, Hall, Pelot and Woodhull voted "Aye." Councilmembers Hultquist and Roddy voted "Nay." The motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-46-08.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF MURPHY DEVELOPMENT, LLC

- 9-p.** 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)

Councilmember Hall made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-47-08.

RE: REZONING REQUEST OF MURPHY DEVELOPMENT, LLC

- 9-q.** 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)

Councilmember Hall made a motion to approve the ordinance on second reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-48-08.

RE: REZONING REQUEST OF MURPHY DEVELOPMENT, LLC

- 9-r.** 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)

Vice-Mayor Brown made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion.

Vice-Mayor Brown and Terry Faulkner, 4178 Ridgeway Lane discussed the ordinance. By unanimous voice vote the motion carried. The motion was approved. The printed ordinance can be found attached to these minutes as Ordinance No. O-49-08.

RE: REZONING REQUEST OF POST LEASING & SALES, INC.

- 9-s.** 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)

Vice-Mayor Brown made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-50-08.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – NEW YORK AVENUE AND BURNSIDE STREET

- 9-t.** 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)

Councilmember Becker made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-51-08.

RE: REZONING REQUEST OF MCMURRAY FAMILY, LP

- 9-u.** 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)

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 printed ordinance can be found attached to these minutes as Ordinance No. O-52-08.

RE: REZONING REQUEST OF DAVID A. JOHNSON

- 9-v.** 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)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-53-08.

RE: REZONING REQUEST OF EDWARD MCCARTY

- 9-w.** 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)

Councilmember Becker made a motion to approve the ordinance on second reading. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-54-08.

RE: REZONING REQUEST OF THE METROPOLITAN PLANNING COMMISSION FOR NEIGHBORHOODS OF CASTLE HEIGHTS, SHERWOOD FOREST, RIDGECREST AND BELCARO – R-1EN, ESTABLISHED NEIGHBORHOOD DISTRICT

- 9-x.** 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, Metropolitan Planning Commission, Applicant. (MPC Approved 10-5) (File No. 1-X-08-RZ) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion.

Councilmember Frost addressed the ordinance.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-55-08.

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

None.

11. RESOLUTIONS

RE: METROPOLITAN PLANNING COMMISSION – R-1E ZONING FOR WESTMORELAND HEIGHTS NEIGHBORHOOD

- 11-f.** 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 Westmoreland Heights Neighborhood and, if appropriate, to initiate such a zoning modification. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the resolution. Councilmember Bailey seconded the motion.

Councilmember Becker, Councilmember Pelot and Mark Donaldson, MPC addressed the resolution.

By unanimous voice vote the motion to approve the resolution was adopted. The printed resolution can be found attached to these minutes as Resolution No. R-67-08.

RE: LEGISLATURE OF THE STATE OF TENNESSEE – TENNESSEE RESPONSIBLE VENDOR ACT OF 2006

- 11-g.** A Resolution requesting and encouraging the legislature of the State of Tennessee to repeal the Tennessee Responsible Vendor Act of 2006, as codified at T.C.A. § 57-5-601 et. seq., and to retain the provisions of T.C.A. § 57-5-301 which require mandatory identification for all persons purchasing beer for off-premises consumption. (Requested by Councilmembers Roddy and Hall)

Councilmember Roddy made a motion to approve the resolution. Councilmember Hall seconded the motion.

Councilmember Roddy, Mayor Haslam and Councilmember Pelot addressed the resolution.

By unanimous voice vote the motion to approve the resolution was adopted. The printed resolution can be found attached to these minutes as Resolution No. R-68-08.

RE: WILBUR SMITH ASSOCIATES – WASHINGTON PIKE/MILLERTOWN PIKE TRANSPORTATION PLANNING STUDY

- 11-h.** A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for the Washington Pike/Millertown Pike Transportation Planning Study in an amount not to exceed \$283,500. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-69-08.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – HOLBROOK DRIVE BRIDGE OVER FOUNTAIN ROAD

- 11-i.** A Resolution authorizing the Mayor to execute an agreement with the Tennessee Department of Transportation for the reconstruction of the Holbrook Drive Bridge over Fountain Road, Contract No. 070166, PIN #107700.00, with the cost to the City not to exceed \$131,800.00. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-70-08.

RE: STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION UNDER THE LOCAL PARKS AND RECREATION FUND

- 11-j.** A Resolution authorizing the Mayor to file a grant application with the State of Tennessee Department of Environment and Conservation under the Local Parks and Recreation Fund to provide funding to renovate Inskip Park in an amount up to \$250,000, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Department of Parks and Recreation)

Councilmember Becker made a motion to approve the resolution. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-71-08.

RE: RAY BELL CONSTRUCTION COMPANY, INC. – KNOXVILLE POLICE MEMORIAL

- 11-l.** A Resolution expressing appreciation for a donation of labor and materials by Ray Bell Construction Company, Inc. for construction of the Knoxville Police Memorial. (Requested by Police Department)

Councilmember Pelot made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-72-08.

The following pension resolutions were approved unanimously on first and final reading under the consent agenda:

RE: JOHN E. MCCOOK

Approved: R-73-08

"*" **11-m.** A Resolution granting a pension of \$444.22 per month to John E. McCook, an employee of the former Knoxville City School System. (Requested by Pension Board)

RE: MARGARET LINDA COFFEY

Approved: R-74-08

"*" **11-n.** A Resolution granting a pension of \$2,210.46 per month to Margaret Linda Coffey, an employee of the Knoxville General Government. (Requested by Pension Board)

RE: TOMMY L. WHITE

Approved: R-75-08

"*" **11-o.** A Resolution granting a pension of \$2,839.25 per month to Tommy L. White, an employee of the Knoxville General Government. (Requested by Pension Board)

RE: CHERYL F. MORRIS

Approved: R-76-08

"*" **11-p.** A Resolution granting a pension of \$1,080.70 per month to Cheryl F. Morris, an employee of the Knoxville General Government. (Requested by Pension Board)

RE: LOIS ELIZABETH KILGORE KELLY

11-q. A Resolution honoring and congratulating Lois Elizabeth Kilgore Kelly upon the occasion of the celebration of her 100th birthday. (Requested by Vice Mayor Brown and Council).

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Pelot seconded the motion.

Vice-Mayor Brown, Councilmember Pelot and Councilmember Frost addressed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-77-08.

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – CHAPTER 20, ARTICLE III - SKATEPARKS

12-a. An Ordinance to amend Chapter 20, Article III of the Code of Ordinances of the City of Knoxville, so as to adopt a definition for skatepark and a requirement that users of such skateparks wear helmets. (Requested by Department of Parks and Recreation)

Councilmember Woodhull made a motion to approve the ordinance. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: KNOLOGY OF KNOXVILLE, INC. – CALBE TELEVISION AND OTHER TELECOMMUNICATIONS PRIVILEGES

- 12-b.** An Ordinance to amend Ordinance No. O-155-00, granting to Knology of Knoxville, Inc. a franchise for the use and occupancy of public ways in the City for the purpose of constructing and operating a cable television system and other telecommunications privileges in the City, specifically relating to liquidated damages, completion of the cable system, and providing cable television service to certain facilities. (Requested by Law Department)

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Felix Boccucci, Knology; Councilmember Frost; Vice-Mayor Brown; Councilmember Hultquist; Councilmember Pelot; Alonzo Montgomery.

By voice vote the Council voted as follows on the motion to approve on first reading: Councilmembers Bailey, Becker, Frost, Hultquist, Roddy and Woodhull voted “Aye.” Councilmembers Brown, Hall and Pelot voted “Nay.” The motion carried. The ordinance was approved on first reading.

RE: DOWELL SPRINGS BOULEVARD – DOWELL SPRINGS LLC/RALPH V. SMITH, APPLICANT

- 12-c.** 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)

Councilmember Hall made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion.

Councilmember Hultquist, Steve King, Public Works Director; Councilmember Pelot and Councilmember Becker addressed the ordinance.

By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF PAULA H. ALLEN

- 12-d.** 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)

Councilmember Bailey made a motion to approve the ordinance. There was no second to the motion.

Discussion ensued with the following persons discussion the ordinance: Holland Rowe, Fountain City Town Hall, in opposition to ordinance; Councilmember Bailey; Paula Allen, 5703 Villa Road; Councilmember Pelot; Councilmember Frost.

Councilmember Frost made a motion to deny the ordinance. Councilmember Becker seconded the motion.

Discussion continued with Councilmember Bailey, Councilmember Frost, Councilmember Roddy, Mark Donaldson, MPC, Councilmember Becker and Councilmember Hultquist speaking.

By voice vote on the motion to deny the Council voted as follows: Councilmembers Bailey, Becker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted “Aye.” Vice-Mayor Brown voted “Nay.” The motion carried. The ordinance was denied.

RE: REZONING REQUEST OF PAULA H. ALLEN

- 12-e.** 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)

There was no action on the rezoning request of Paula Allen. Because the One Year Plan Amendment was denied, the rezoning request was moot.

RE: COMMUNITY IMPROVEMENT (202) FUND – BEARDEN SENIOR HIGH SCHOOL

- 12-h.** An Emergency Ordinance of the Council appropriating the sum of \$400.00 from the Community Improvement (202) Fund and donating same to Bearden Senior High School to be utilized toward their Project Graduation Celebration for the Class of 2008. (Requested by Councilmembers Pelot, Hall, and Frost)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-56-08.

RE: COMMUNITY IMPROVEMENT (202) FUND – BEAUMONT MAGNET ELEMENTARY SCHOOL

- 12-i.** An Emergency Ordinance of the Council appropriating the sum of \$1,200.00 from the Community Improvement (202) Fund and donating same to Beaumont Magnet Elementary School to be utilized as grant match funding toward an outdoor classroom for science education. (Requested by Councilmembers Pelot, Hall, Frost, Becker, and Woodhull)

Councilmember Frost made a motion to approve the emergency ordinance. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-57-08.

13. PUBLIC FORUM

None.

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 8:45 p.m.

Presiding Officer of the Council

Recorder