

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

MARCH 11, 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 Becker

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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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 renewal of a Retailer's Certificate for Carol A. Seeman d/b/a Frontier Package Store, 10421 Kingston Pike, Knoxville, Tennessee, 37922. (Requested by Department of Finance and Accountability)

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

None.

8. ELECTIONS AND CONFIRMATIONS:

Approved as amended: R-78-08

- a. A Resolution to appoint the membership of the Transportation and Mobility Committee. (Requested by Councilmembers Bailey and Hultquist)

9. ORDINANCES ON SECOND READING:

- “P” a. **Postponed four (4) weeks**
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)
- b. **Approved: O-58-08**
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)
- c. **Postponed four (4) weeks**
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)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-59-08

- d. 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)

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

None.

11. RESOLUTIONS:

Approved: R-79-08

- a. 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)

Approved: R-80-08

- b. A Resolution authorizing the Mayor to execute any and all documents necessary to accept a grant award of \$357,812.00 from the U.S. Department of Justice, Office of Justice Programs, under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. (Requested by Police Department)

Approved: R-81-08

- c. A Resolution authorizing the Mayor to execute and deliver an agreement with the Knoxville Track Club to provide additional police services for the Knoxville Marathon, scheduled for March 30, 2008. (Requested by Police Department)

Approved: R-82-08

- d. A Resolution authorizing the Mayor to execute agreements with Knoxville Harley-Davidson for the lease of nineteen (19) motorcycles for use of the Knoxville Police Department, in an amount not to exceed \$33,250.00 per year. (Requested by Department of Fleet Services)

Approved: R-83-08

- e. A Resolution authorizing the Mayor to execute an agreement between the City of Knoxville and Buckhead Construction Company for construction of a new women's restroom facility at the Knoxville Civic Auditorium in an amount not to exceed \$239,000.00. (Requested by Public Assembly Facilities)

11. RESOLUTIONS (CONTINUED):

Approved: R-84-08

- f. A Resolution authorizing the Mayor to execute a Surface Transportation Program Project contract, No. 080013, PIN 110692.00 with State of Tennessee, Department of Transportation for streetscape and pedestrian improvements and utility relocations along Cumberland Avenue from Alcoa Highway to 16th Street, with the city to pay an amount not to exceed twenty percent (20%) of the total estimated cost, or \$2,371,400.00. (Requested by Department of Engineering)

Approved: R-85-08

- g. A Resolution authorizing the Mayor to execute Change Order No. 1 to Contract No. C-07-0138 between the City of Knoxville and Foundation Systems Engineering, P.C. to design a Gabion wall, a pedestrian bridge, and micropiles and bridge abutments for the Knox Blount Greenway so as to increase the contract price by \$16,000.00 for a new contract price of \$36,000.00 and to increase the contract time by one calendar year to December 31, 2008. (Requested by Department of Engineering)

Approved: R-86-08

- h. A Resolution amending Resolution No. R-23-08, which authorizes 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 Department of Community Development)

Approved: R-87-08

- i. A Resolution authorizing the Mayor to execute a lease purchase agreement between the City of Knoxville and Smith Turf & Irrigation for equipment necessary to operate and maintain the city's two public golf courses. (Requested by Department of Parks and Recreation)

Approved: R-88-08

- j. A Resolution authorizing the Mayor to file a grant application with the Tennessee Department of Environment and Conservation for a Tennessee Trails Grant so as to construct a greenway on city property located in the area of Knox Road and Maple Drive in Fountain City, 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)

11. RESOLUTIONS (CONTINUED):

Approved: R-89-08

- k. A Resolution authorizing the Mayor to partner with Knox County in applying for a grant from the Tennessee Department of Environment and Conservation so as to construct a greenway near the Sarah Moore Greene Elementary Magnet School, 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)

Approved: R-90-08

- l. A Resolution authorizing the Mayor to execute an amendment to Agreement No. C-02-0266 with Goodwill Industries-Knoxville, Inc. to extend the term of the agreement for one additional year and to increase the contract price by three and a half percent (3.5%) for a new total annual cost of \$125,311.59. (Requested by Department of Public Service)

Approved: R-91-08

- m. A Resolution authorizing the Mayor to execute an agreement with A&T Lawn Care and Landscaping to provide mowing services for state medians within the City of Knoxville for a contract price of \$32,000.00. (Requested by Department of Public Service)

Approved: R-92-08

- n. A Resolution authorizing the Mayor to execute an agreement with A&T Lawn Care and Landscaping to provide mowing services for local medians and boulevards within the City of Knoxville for a contract price of \$32,000.00. (Requested by Department of Public Service)

Approved: R-93-08

- o. A Resolution authorizing the Mayor to execute an agreement with B&B Lawn Services, LLC to provide landscaping maintenance services for the Henley Street Connector Landscaping Project in a contract amount of \$28,244.42. (Requested by Department of Public Service)

Approved: R-94-08

- p. A Resolution to accept the Visitability Report and acknowledge the efforts of the Metropolitan Planning Commission and the Visitability Working Group. (MPC Approved 14-0) (File No. 2-A-08-MP)

Approved: R-95-08

- “M” q. A Resolution honoring and congratulating Coach Pat Summitt and the University of Tennessee Lady Vols upon winning the 2008 Southeastern Conference Women’s Basketball Tournament and wishing them continued success in the upcoming NCAA Tournament. (Requested by Council)

11. RESOLUTIONS (CONTINUED):

- Approved: R-96-08**
- “M” r. A Resolution honoring and congratulating Coach Bruce Pearl and the University of Tennessee Men’s Basketball team upon winning the 2008 Southeastern Conference regular season championship and wishing the best of luck to the team in the upcoming Southeastern Conference and NCAA Tournaments. (Requested by Council)

12. ORDINANCES ON FIRST READING:

- Postponed to July 1, 2008**
- a. 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)
- Approved on first reading as amended to approve Option B (Alternative Proposal)**
- b. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, regulating the size of residential accessory buildings. (MPC Approved 13-1) (File No. 7-B-07-OA)
- Postponed four (4) weeks**
- “P” c. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 10 “Signs, Billboards, and other Advertising Structures”, and related sections regarding regulation of dynamic displays on signs and billboards in the City of Knoxville. (MPC Approved 11-3) (File No. 12-B-07-OA)
- Approved on first reding**
- d. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article IV, Section 25 “IH-1 Infill Housing Overlay District” to clarify that the Infill Housing Design Review Committee has the authority to approve lot sizes. (MPC Approved 14-0) (File No. 12-C-07-OA)
- Approved on first reading**
- e. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 6 “Yard, Building Setback and Open Space Exceptions” dealing with substandard parcels and lots of record. (MPC Approved 14-0) (File No. 2-B-08-OA)
- Approved on first reading**
- f. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article IV, Section 26, E, “Design Review Board: Creation, Responsibilities, Membership, and Administrative Rules”. (MPC Approved 14-0) (File No. 2-D-08-OA)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- g. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 13 “Temporary Uses” adding additional temporary uses. (MPC Approved 14-0) (File No. 2-E-08-OA)

Approved on first reading

- h. An Ordinance to close an unnamed 12-foot alley from Sherman Street to Connecticut Avenue, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Knoxville’s Community Development Corporation, Applicant. (MPC Approved 12-0-2) (File No. 2-A-08-AC) (Fifth District)

Approved on first reading

- i. An Ordinance to close a 10-foot alley off Fulton Place, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Paramount/U-li-ka Cleaners, Inc., Applicant. (MPC Approved 12-0-2) (File No. 2-B-08-AC) (Fourth District)

Approved on first reading

- j. An Ordinance to close Gray Avenue from Ellen Street to Maxey Street, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Knoxville Habitat for Humanity, Inc., Applicant. (MPC Approved 14-0) (File No. 2-A-08-SC) (First District)

Approved on first reading

- k. An Ordinance to rezone property located on the southeast side of Creekhead Drive, southwest of Helmbolt Road from A-1, General Agricultural District to R-1, Low Density Residential District, Wanda English/Wayne Tipton, Applicant. (MPC Approved 12-0-2) (File No. 1-H-08-RZ) (Third District)

Approved on first reading

- l. An Ordinance to rezone property located on the southeast side of W. Jackson Avenue, southwest of State Street from I-3, General Industrial District/D-1, Downtown Design Overlay to C-2, Central Business District/D-1, Downtown Design Overlay, David Dewhirst, Applicant. (MPC Approved 12-0-2) (File No. 2-A-08-RZ) (Sixth District)

Approved: O-60-08

- m. An Emergency Ordinance to rezone property located on the north side of Clinton Highway, southeast side of Old Callahan Drive, from No Zone to C-3, General Commercial District, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-C-08-RZ) (Sixth District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-61-08

- n. An Emergency Ordinance to rezone property located on the southeast side of Tazewell Pike, southwest of Anderson Road, from No Zone to RP-1, Planned Residential District at a density up to 5.9 dwelling units per acre, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 2-D-08-RZ) (Fourth District)

Approved: O-62-08

- o. An Emergency Ordinance to rezone property located on the northwest side of Deerbrook Drive, southwest of Glade Drive, from No Zone to C-3, General Commercial District and F-1, Floodway, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-E-08-RZ) (Second District)

Approved: O-63-08

- p. An Emergency Ordinance to rezone property located on the southwest side of Central Avenue Pike, northwest of Murray Drive, from No Zone to C-4, Highway and Arterial Commercial District, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-F-08-RZ) (Fifth District)

Approved: O-64-08

- q. An Emergency Ordinance to rezone property located northeast of N. Cedar Bluff Road, northwest of Cross Park Drive, from No Zone to C-3, General Commercial District, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-G-08-RZ) (Second District)

Approved: O-65-08

- r. An Emergency Ordinance to rezone property located on the southeast side of Callahan Drive, northeast of Campbell Lane, from No Zone to C-6, General Commercial Park District, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-H-08-RZ) (Third District)

Approved: O-66-08

- s. An Emergency Ordinance to rezone property located on the northwest side of Strawberry Plains Pike, south side of I-40, from No Zone to C-6, General Commercial Park District, City of Knoxville, Applicant. (MPC Approved 12-0-2) (File No. 2-L-08-RZ) (Fourth District)

Approved on first reading

- t. An Ordinance to rezone the Curtis Lane area within Fountain City from R-1, Low Density Residential District to R-1EN, Established Neighborhood District, Metropolitan Planning Commission, Applicant. (MPC Approved 11-1-1) (File No. 2-M-08-RZ) (Fourth District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-67-08

- u. An Emergency Ordinance of the Council appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to the Black Law Students Association (BLSA) of the University of Tennessee, College of Law. (Requested by Vice Mayor Brown)

Approved: O-68-08

- v. An Emergency Ordinance of the Council appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to the Optimist Club of Mechanicsville Lonsdale as financial assistance toward their service projects to benefit inner city children. (Requested by Vice Mayor Brown)

Approved: O-69-08

- w. An Emergency Ordinance of the Council appropriating the sum of \$50.00 from the Community Improvement (202) Fund and donating same to Beaumont Magnet Elementary School to be utilized as final grant match funding toward an outdoor classroom for science education. (Requested by Vice Mayor Brown)

Approved: O-70-08

- x. An Emergency Ordinance of the Council appropriating the sum of \$200.00 from the Community Improvement (202) Fund and donating same to Central High School to be utilized toward the benefit and betterment of the school's choral program. (Requested by Councilmember Frost)

Approved: O-71-08

- y. An Emergency Ordinance of the Council appropriating the sum of \$2,000.00 from the Community Improvement (202) Fund and donating same to the Legacy Parks Foundation as financial contribution toward construction of a skate plaza/park to be located in Fountain City. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Woodhull, Bailey, and Vice Mayor Brown)

Approved: O-72-08

- z. An Emergency Ordinance of the Council appropriating the sum of \$400.00 from the Community Improvement (202) Fund and donating same to West Hills Elementary School to be utilized toward the cost of hosting a walk-a-thon fundraiser event on April 24, 2008. (Requested by Councilmembers Pelot and Hall)

Approved: O-73-08

- aa. An Emergency Ordinance of the Council appropriating the sum of \$510.00 from the Community Improvement (202) Fund and donating same to Nu Zeta Chapter of Zeta Phi Beta Sorority, Inc., to be utilized as seed money toward establishing the Lois Kelly Scholarship Fund. (Requested by Councilmembers Pelot, Frost, and Vice Mayor Brown)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-74-08

- bb. An Emergency Ordinance to extend for ninety (90) additional days, the temporary stop-gap moratorium upon the issuance of new permits for the erection of electronic message centers within the City of Knoxville pending a review and potential modification of zoning requirements regulating such signs. (Requested by Councilmember Becker)

13. PUBLIC FORUM: None

14. ADJOURNMENT: 8:30 p.m.