

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JUNE 3, 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 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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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:

Approved

- a. An application for Certificate of Compliance for Victor J. Jernigan d/b/a Murphy's Package Store LLC, 5914 Washington Pike, Knoxville, Tennessee, 37918. (Requested by Department of Finance and Accountability)
- New Transit Center groundbreaking to be held June 9 at 9:00 a.m. in front of Old American Accessories Building
 - Market Square, Gay Street and the Old City art galleries and businesses are celebrating another First Friday with special and events. The Market Square District Association invites you to attend this Friday, June 6 from 5:00 – 9:00 p.m.
 - Recognition of Troop 246 from Parkway Presbyterian Church.
 - Recognition of Youth Action Council.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Becker announced that City Council would hold a workshop on Accessory Buildings and Sidewalks on June 12, 2008 at 5:00 p.m.
- Councilmember Pelot and Mark Donaldson announced that a public hearing would be held June 4 at 7:00 p.m. in the Small Assembly room to discuss the new zoning classification Office/Residential
- Councilmember Hultquist announced that TOP would still be holding public hearings on the Regional Mobility Plan.
- Councilmember Bailey recognized Councilmember Pelot's 71ST birthday.

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-172-08

- a. A Resolution approving the appointment of Councilmember Bob Becker to serve as Chair of City Council's Audit Committee and reappointing Councilmembers Marilyn Roddy, Barbara Pelot, Joe Hultquist and Chris Woodhull to serve as members of that Committee. (Requested by Vice Mayor Brown)

9. ORDINANCES ON SECOND READING:

Approved: O-115-08

- a. An Ordinance making and fixing the annual appropriations for the several departments, agencies, and funds of the City of Knoxville for the fiscal period beginning July 1, 2008 and ending June 30, 2009. (Requested by Department of Finance and Accountability)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-116-08

- b. An Ordinance to levy a tax on all taxable properties, real, personal and mixed, within the corporate limits of the City of Knoxville to provide sufficient revenues to fund the general fund and debt service fund operations and debt service obligations of the City of Knoxville for the fiscal period beginning July 1, 2008 and ending June 30, 2009. (Requested by Department of Finance and Accountability)

Approved: O-117-08

- c. An Ordinance to amend Sections 2-449, 2-450, 2-454, 2-458, 2-459, 2-461, and 2-462 of the Knoxville City Code to adjust the City of Knoxville's classification and compensation plans for general government employees and uniformed members of the police and fire departments. (Requested by Civil Service)

Denied

- d. An Ordinance to amend the Charter of the City of Knoxville, specifically Chapter 412 of the Private Acts of 1923 of the General Assembly of the State of Tennessee, entitled, "An Act to incorporate the City of Knoxville in Knox County, Tennessee, and to define the rights, powers and liabilities of the same; to fix the boundaries of said municipality, and to repeal all acts or parts of acts in conflict with this act", and all acts amendatory thereto, by amending Article XIII of said Charter, entitled "Pensions", to eliminate a cost of living sunset provision for certain Board of Education members of Plan A, and further providing for the submission of this Ordinance to the qualified voters of the City of Knoxville for approval as provided in Article XI, Section 9 of the Constitution of the State of Tennessee. (Requested by Pension Board)

Postponed four (4) weeks

- e. An Ordinance to amend the Knoxville City Code, Chapter 5, Article VI, concerning dangerous dogs. (Requested by Police Department)

Approved: O-118-08

- f. An Ordinance to approve and adopt the 2009-2014 Knoxville Capital Improvements Program and budget. (MPC Approved 14-0) (File No. 5-A-08-OB)

Postponed two (2) weeks

- "P" g. 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)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-119-08

- h. An Ordinance to rezone property located on the southeast side of E. Magnolia Avenue, southwest of Spruce Street, from C-3, General Commercial District to C-4, Highway and Arterial Commercial District, conditioned upon a limitation of the use for this parcel of property to any use which is authorized in the C-3 District, as well as for the use of the property as truck and/or trailer rental business with all other uses involving outdoor storage and display specifically being prohibited; T. Scott Jones/Ed Navarro, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 9-4) (File No. 4-D-08-RZ) (Sixth District)

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

Failed – No Motion

- a. An Appeal by Fountain City Town Hall Inc. of the Metropolitan Planning Commission's decision to approve a Use on Review request for a 90 foot monopole telecommunications tower, subject to seven conditions, in an R-1 zoning district, property located on the northwest side of Grove Drive, southeast of Rifle Range Drive. (MPC Approved 11-1) (File No. 4-J-08-UR) (Fourth District) (Consider with 11i.)

Postponed two (2) weeks

- b. An Appeal by Charles R. Faubion of the Metropolitan Planning Commission's decision to deny his appeal of the IH-1 Housing Design Review Committee's decision requiring the structure located at 1333 Delaware Avenue have a finished floor elevation of 109 feet and roof pitch of 5:12. (MPC Denied 14-0) (File No. 5-E-08-OB) (Fifth District) (Consider with 11j.)

11. RESOLUTIONS:

Approved: R-173-08

- a. A Resolution authorizing the Mayor to file a grant application with the Department of Transportation, United States of America, and State of Tennessee, to provide funding in the amount of \$45,260.00 to Knoxville Area Transit for discretionary transit grant assistance under Project TN E-2006-BUSP-934 for transit maintenance shop equipment, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Operations and Efficiency, Knoxville Area Transit)

11. RESOLUTIONS (CONTINUED):

Approved: R-174-08

- b. A Resolution authorizing the Mayor to file a grant application with the Department of Transportation, United States of America, and State of Tennessee, to provide funding in the amount of \$290,500.00 to Knoxville Area Transit for Congestion Mitigation/Air Quality grant assistance for the “Ride Smart: Ride Free” program of transit enhancements in support of the Tennessee Department of Transportation SmartFix 40 construction project, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Operations and Efficiency, Knoxville Area Transit)

Approved: R-175-08

- c. A Resolution approving a Code of Ethics for the Public Building Authority and amending the Enabling Resolution. (Requested by Law Department)

Approved: R-176-08

- d. 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 Kerr Building Roof Project under the agreement for project management services for designated projects, at a budgeted amount not to exceed \$91,000.00. (Requested by Department of Public Service)

Approved: R-177-08

- e. A Resolution authorizing the Mayor to execute all documents necessary to renew insurance with Bollinger, Inc. to provide athletic accident insurance for participants in the City’s Parks and Recreation sports programs. (Requested by Department of Finance and Accountability)

Approved: R-178-08

- f. A Resolution authorizing the Mayor to execute an addendum to the agreement with CompIQ Corporation to provide medical bill review and audit services for the City of Knoxville’s workers’ compensation claims to extend the agreement for one additional year. (Requested by Department of Finance and Accountability)

Approved: R-179-08

- g. A Resolution authorizing the Mayor to execute an agreement with Morgan Keegan to provide consulting services for the City’s Employee Deferred Compensation Plan. (Requested by Department of Finance and Accountability)

Approved: R-180-08

- h. A Resolution authorizing the Mayor to execute an agreement with Stellar Visions and Sound, Inc. to provide and operate video and sound equipment for the City of Knoxville’s July 4, 2008 festivities at World’s Fair Park in a total amount not to exceed \$30,900.00. (Requested by Special Events)

11. RESOLUTIONS (CONTINUED):

Failed – No Motion

- i. A Resolution approving an appeal by Fountain City Town Hall Inc. of the Metropolitan Planning Commission's decision to approve a Use on Review request for a 90 foot monopole telecommunications tower, subject to seven conditions, in an R-1 zoning district, property located on the northwest side of Grove Drive, southeast of Rifle Range Drive. (MPC Approved 11-1) (File No. 4-J-08-UR) (Fourth District) (Consider with 10a.)

Postponed two (2) weeks

- j. A Resolution approving an appeal by Charles R. Faubion of the Metropolitan Planning Commission's decision to deny his appeal of the IH-1 Housing Design Review Committee's decision requiring the structure located at 1333 Delaware Avenue have a finished floor elevation of 109 feet and roof pitch of 5:12. (MPC Denied 14-0) (File No. 5-E-08-OB) (Fifth District) (Consider with 10b.)

12. ORDINANCES ON FIRST READING:

Approved on first reading

- a. An Ordinance to amend the Capital Budget and the Operating Budget both as approved by Ordinance O-125-07 for Fiscal Year 07-08 and to transfer surplus, excess, or unencumbered funds between various units and funds as reflected in the various funds and budgets of the City of Knoxville. (Requested by Department of Finance and Accountability)

Approved on first reading

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

Approved on first reading as amended two times

- 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 the operating regulations of Electronic Message Centers in the City of Knoxville. (MPC Approved 14-0) (File No. 5-A-08-OA)

Approved on first reading

- d. An Ordinance to close Simmons Road from the north side of I40/75 right-of-way to approximately 300 feet south of Lexington Drive, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Samuel J. Furrow, Applicant. (MPC Approved 14-0) (File No. 5-A-08-SC) (Second District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- e. An Ordinance to close a portion of Cogdill Road, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Samuel J. Furrow, Applicant. (MPC Approved 14-0) (File No. 5-B-08-SC) (Second District)

Approved on first reading

- f. An Ordinance to name a private unnamed easement between Dutch Valley Drive and the terminus of the easement “Whistlers Way”, Harvey R. Bowman, IV, Applicant. (MPC Approved 14-0) (File No. 5-A-08-SNC) (Fifth District)

Approved on first reading

- g. An Ordinance to rezone property located on the northwest side of W. Oldham Avenue, northeast side of Elm Street, southwest of I-275, from O-1, Office, Medical, and Related Services District to C-3, General Commercial District, Maria M. Enamorado, Applicant. (MPC Approved 10-4) (File No. 5-A-08-RZ) (Fifth District)

Approved on first reading

- h. An Ordinance to rezone property located on the southeast side of Sutherland Avenue, northeast side of Carr Street, from R-1, Low Density Residential District to O-1, Office, Medical, and Related Services District, Ann Schueler, Applicant. (MPC Approved 14-0) (File No. 5-D-08-RZ) (Second District)

Approved: O-120-08

- i. An Emergency Ordinance to rezone property located on the northwest side of Sherrill Boulevard, southeast of Mabry Hood Road, from No Zone to C-3, General Commercial District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-F-08-RZ) (Second District)

Approved: O-121-08

- j. An Emergency Ordinance to rezone property located east of Duncan Road, southeast of S. Northshore Drive, from No Zone to R-1, Low Density Residential District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-G-08-RZ) (Second District)

Approved: O-122-08

- k. An Emergency Ordinance to rezone property located on the southwest side of Cogdill Road, northwest of Land Oak Road, from No Zone to O-1, Office, Medical, and Related Services District, subject to four conditions, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-H-08-RZ) (Second District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-123-08

- l. An Emergency Ordinance to rezone property located on the northwest side of Washington Pike, northeast of New Harvest Lane from No Zone to R-2, General Residential District and I-2, Restricted Manufacturing and Warehousing District, City of Knoxville, Applicant. (MPC Approved 14-0) (File No. 5-I-08-RZ) (Fourth District)

Approved: O-124-08

- m. An Emergency Ordinance of the Council appropriating the sum of \$1,290.00 from the Community Improvement (202) Fund and donating same to the Wee Course at Williams Creek to be utilized toward renovations to the First Tee Learning Center and certain expenses related to the After School Program. (Requested by Councilmembers Pelot, Becker, Woodhull, Bailey, and Vice Mayor Brown)

Approved: O-125-08

- n. An Emergency Ordinance of the Council appropriating the sum of \$3,700.00 from the Community Improvement (202) Fund and donating same to the Emerald Youth Foundation to be utilized toward general program support. (Requested by Councilmember Hall)

Approved on first reading

- o. An Ordinance to amend Chapter 17, Section 210 of the Knoxville City Code relating to automated traffic signal enforcement systems. (Requested by Police Department)

13. PUBLIC FORUM: None

14. ADJOURNMENT: 9:00 p.m.