

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JUNE 17, 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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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:

- The Honda Hoot is in town this week headquartered at Chilhowee Park.
- The Gay Street Bridge will be closed June 17-19 for inspection.
- Free Summer Concerts with the Knoxville Recreation Band will be held June 22 at The Cove and June 29 on Market Square.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Becker reminded everyone of the City Council workshop re: parking in front yards to be held June 26 at 5:00 p.m.

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-181-08

- a. A Resolution confirming the appointment of Reverend John A. Butler to serve as a member on the Police Advisory and Review Committee. (Requested by Mayor)

Approved: R-182-08

- b. A Resolution confirming the appointment of Cecilia Whittington to the Better Building Board of the City of Knoxville. (Requested by Mayor)

9. ORDINANCES ON SECOND READING:

Approved: O-126-08

- 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: O-127-08

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

Approved: O-128-08

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

9. ORDINANCES ON SECOND READING (CONTINUED):

Postponed four (4) weeks

- d. 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 as Amended: O-129-08

- e. 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 two (2) weeks

- “P” f. 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-130-08

- g. 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)

Approved: O-131-08

- h. 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: O-132-08

- i. 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: O-133-08

- j. 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)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-134-08

- k. 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)

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

Appeal denied

- a. 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 11q.)

Postponed two (2) weeks

- b. An Appeal by Mark D. Harmon of the Board of Zoning Appeals' decision to approve a variance to reduce the Kantebury Drive front yard setback from 25 feet to 6 feet (Knoxville City Code, Appendix B, Article IV, Section 2a. D. 1. a.) as per site plan, to construct a dwelling on a substandard lot of record in an R-1A, Low Density Residential District, property located at 2748 Gaston Avenue. (BZA Approved 4-1) (File No. 4-A-08-VA) (Fourth District) (Consider with 11r.)

11. RESOLUTIONS:

Postponed twelve (12) weeks

- a. A Resolution requesting and encouraging the Executive Director and the professional staff at the Metropolitan Planning Commission to study, evaluate and analyze the feasibility and potential for adopting a comprehensive sidewalk ordinance for the City of Knoxville. (Requested by Councilmember Becker)

Approved: R-183-08

- b. A Resolution approving a tax increment financing amendment to the Jackson/Depot Redevelopment and Urban Renewal Plan to support the redevelopment of the former Southeastern Glass Building located at 100 North Broadway. (Requested by Department of Policy and Communications)

Approved: R-184-08

- c. A Resolution authorizing the Mayor to execute an agreement with B&B Lawn Service, LLC to provide mowing services for state medians within the City of Knoxville for a contract price of \$26,433.79. (Requested by Department of Public Service)

11. RESOLUTIONS (CONTINUED):

Approved: R-185-08

- d. A Resolution authorizing the Mayor to execute a proposal with the Tennessee Department of Transportation for State Project No. 47023-1257-14, Knox County, S.R. 62 (Western Avenue) from 525 feet east of Texas Avenue to Major Drive. (Requested by Department of Engineering)

Approved: R-186-08

- e. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire real property located at 3321 Ocoee Trail, CLT #069M-J-005 from Louise Marie Kreis Guinn, Cecil D. Meek, Jr., Edward Gary Meek, Sr., Powell Truan Meek, and Claude Hazen Meek, devisees under the will of Louise T. Meek, a/k/a Louise Truan Meek Reddick, for the First Creek Improvements Project, Phase II for \$97,500.00. (Requested by Department of Engineering)

Approved: R-187-08

- f. A Resolution authorizing the Mayor to execute an agreement with Home Federal Bank to permit encroachments for portions of the exterior façade and footings within the right-of-way at 507 and 515 Market Street. (Requested by Department of Engineering)

Approved: R-188-08

- g. A Resolution authorizing the Mayor to execute all documents, on behalf of the City of Knoxville, necessary to purchase a fee simple interest in property located at the corner of Loraine Street and Morris Avenue, CLT No. 094P-B-013, with the address of 3101 Morris Avenue, Knoxville, Tennessee, 37921, from Wilda A. Greene and Jerrye Greene, for a total price of \$79,000.00. (Requested by Public Works)

Approved: R-189-08

- h. A Resolution authorizing the Mayor to execute an agreement with Design & Construction Services, Inc. for the replacement of existing brick crosswalks on Main Street and West Summit Hill Drive with stamped asphalt crosswalks for an amount not to exceed Ninety-Nine Thousand Twenty-Five and 64/100 Dollars (\$99,025.64). (Requested by Department of Engineering)

Approved: R-190-08

- i. A Resolution approving a contract between the City and Environmental Science Corporation to provide the City with stormwater laboratory services for a period of three years for a contract price not to exceed Forty-One Thousand, Two Hundred and Twenty-Seven and 50/100 Dollars (\$41,227.50). (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

Approved: R-191-08

- j. A Resolution authorizing the Mayor to execute a proposal with the Tennessee Department of Transportation for State Project No. 47003-2152-44, Knox County, I-40 from east of I-275 to east of Cherry Street, including Hall of Fame Drive. (Requested by Department of Engineering)

Approved: R-192-08

- k. A Resolution authorizing the Mayor to execute a proposal with the Tennessee Department of Transportation for State Project No. 47009-2282-94, Knox County, State Route 1 (Kingston Pike) bridge and approaches over Norfolk Southern Railroad at L.M. 15.17. (Requested by Department of Engineering)

Approved: R-193-08

- l. A Resolution authorizing the Mayor to execute a revised agreement with Knoxville-Knox County Community Action Committee in an amount not to exceed \$138,000.00 to provide adult education, health, social services and recreation programs in the John T. O'Connor Senior Citizen Center, and rescinding R-152-08 approving the original agreement. (Requested by Department of Parks and Recreation)

Approved: R-194-08

- m. A Resolution authorizing the Mayor to execute an addendum to the agreement with the Knoxville Tourism and Sports Corporation to extend the agreement for up to an additional three months. (Requested by Department of Policy and Communications)

Approved: R-195-08

- n. A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with Travelers Companies to provide workers' compensation, liability and vehicle physical damage insurance coverage for Knoxville Area Transit. (Requested by Operations and Efficiency, Knoxville Area Transit)

Approved: R-196-08

- o. A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with Safety National Casualty Corporation to provide workers' compensation excess insurance for the City's workers' compensation program. (Requested by Department of Finance and Accountability)

Approved: R-197-08

- p. A Resolution authorizing the Mayor to execute an amendment to Lease Agreement with Lakeshore Park to provide for additional terms and conditions relating to construction and operation of recreational facility. (Requested by Law Department)

11. RESOLUTIONS (CONTINUED):

Denied

- q. 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 10a.)

Postponed two (2) weeks

- r. A Resolution approving an appeal by Mark D. Harmon of the Board of Zoning Appeals' decision to approve a variance to reduce the Kantebury Drive front yard setback from 25 feet to 6 feet (Knoxville City Code, Appendix B, Article IV, Section 2a. D. 1. a.) as per site plan, to construct a dwelling on a substandard lot of record in an R-1A, Low Density Residential District, property located at 2748 Gaston Avenue. (BZA Approved 4-1) (File No. 4-A-08-VA) (Fourth District) (Consider with 10b.)

12. ORDINANCES ON FIRST READING:

Approved: O-135-08

- a. 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 Council)

Approved on first reading

- b. An Ordinance to amend Chapter 17, Section 2 of the Knoxville City Code, defining the term "pedestrian" as it relates to traffic. (Requested by Police Department)

Approved on first reading

- c. An Ordinance to amend Chapter 16, Article VII, Division 1, Section 16-181 of the Knoxville City Code relating to pawnbrokers, junk dealers and related businesses. (Requested by Police Department)

Approved on first reading

- d. An Ordinance amending Chapter 2 of the Knoxville City Code to add a new Article XI to establish a public art committee to deal with the acceptance of and placement of art in public spaces. (Requested by Department of Policy and Communications)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-137-08

- e. An Emergency Ordinance of the Council appropriating the sum of \$2,250.00 from the Community Improvement (202) Fund and donating same to the South Knoxville Foundation to be utilized toward certain projects to further the South Knoxville Community. (Requested by Councilmembers Hultquist and Woodhull)

Approved: O-138-08

- f. An Emergency Ordinance of the Council appropriating the sum of \$525.00 from the Community Improvement (202) Fund and donating same to the Fourth & Gill Neighborhood Organization to be utilized toward general improvements and maintenance projects. (Requested by Councilmembers Frost and Becker)

Approved: O-139-08

- g. An Emergency Ordinance of the Council appropriating the sum of \$778.28 from the Community Improvement (202) Fund and donating same to Town Hall East, Inc. to be utilized toward the capital project to improve property for a park, adjacent to the East Knoxville/Burlington Branch Library. (Requested by Councilmembers Frost, Becker, and Woodhull)

Approved: O-140-08

- h. An Emergency Ordinance of the Council appropriating the sum of \$753.28 from the Community Improvement (202) Fund and donating same to the Alice Bell-Spring Hill Neighborhood Association to underwrite certain costs related to their community newsletter. (Requested by Councilmembers Frost, Becker, and Woodhull)

Approved: O-141-08

- i. An Emergency Ordinance of the Council appropriating the sum of \$7,925.00 from the Community Improvement (202) Fund and donating same to Knox Youth Sports, Inc. to assist toward purchase of certain needed field maintenance equipment. (Requested by Councilmembers Bailey and Becker)

Approved: O-142-08

- j. An Emergency Ordinance of the Council appropriating the sum of \$1,500.00 from the Community Improvement (202) Fund and donating same to the Knoxville Civil War Roundtable acting as fiscal agent for the benefit of the East Tennessee Civil War Alliance. (Requested by Councilmember Hultquist)

Approved: O-143-08

- k. An Emergency Ordinance of the Council appropriating the sum of \$5,000.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center, as matching grant funds toward a local transit coalition grant program. (Requested by Councilmember Hultquist)

13. PUBLIC FORUM:

None.

14. ADJOURNMENT: 9:40 p.m.