

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JULY 15, 2008

7:00 PM

ORDER OF BUSINESS

1. **CALL TO ORDER:** Vice Mayor Mark Brown

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Pelot and Councilmember Frost

3. **ROLL CALL:**

Councilmember Steve Hall was absent due to a motorcycle accident

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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

Cm. Woodhull: KAT Public Hearing 7/24/08, 3 PM, Main Assembly Rm. Re:Budget issues
Cm. Hultquist: Trans/Mobility Com. Mtg. 7/21/08, 7:30 am-1:00 pm facilitated by Leadership Knoxville, United Way Bldg., Hannah Ave.
Cm. Becker: email down over a week; public hearing on Downtown N. 7/22/08 5:30 pm at Health Dept.;Audit Committee Mtg. 7/29/08, 6 PM – City Council Office

8. ELECTIONS AND CONFIRMATIONS:

APPROVED: R-226-08

- a. A Resolution confirming the reappointments of William E. Cole and Ola Blackmon-McBride to serve as members of the Police Advisory and Review Committee. (Requested by Mayor)

9. ORDINANCES ON SECOND READING:

POSTPONED SIX (6) WEEKS

- a. 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)

REFERRED BACK TO MPC

- b. 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)

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

VARIANCE APPROVED W/AMENDMENT FROM 6 FT. TO 12 FT.

- a. 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 11k.)

11. RESOLUTIONS:

APPROVED: R-227-08

- a. A Resolution authorizing the Mayor to execute an agreement with Chancey & Reynolds, Inc. to furnish and install a back-up brine chiller for ice plant equipment at the Knoxville Civic Coliseum in a total amount not to exceed \$185,758.00. (Requested by Public Assembly Facilities)

APPROVED: R-228-08

- b. A Resolution authorizing the acquisition, by condemnation if necessary, of a fee simple interest in certain property located at 1122 Luttrell Street (CLT # 081-MH-032) within the City of Knoxville, believed to be owned by Dennis Parsons, said property to be used for the City's Homemaker's Program. (Requested by Department of Community Development)

APPROVED: R-229-08

- c. A Resolution authorizing the acquisition by condemnation, if necessary, of real property and improvement located at 3428 N. Broadway, CLT No. 69M-B-001, owned by Spirit Master Funding II, LLC, as part of the First Creek Improvements, Phase II, Lower End, Project No. 063305. (Requested by Department of Engineering)

APPROVED: R-230-08

- d. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire vacant real property located at 310 Dickson Street, CLT #082-D-E-001, from Francisco Tomas and wife, Catarina Tomas, a/k/a Catarina Mateo, for a purchase price of \$427.40 and the release of city liens. (Requested by Department of Public Service)

APPROVED: R-231-08

- e. A Resolution authorizing the Mayor to approve Change Order No. 1 to Contract No. C-07-0098 between the City of Knoxville and Cannon & Cannon, Inc. for the Valley View Drive Realignment Project, so as to increase the contract price by \$21,500.00 for a new contract price of \$119,500.00 and to extend the contract time to July 1, 2009. (Requested by Department of Engineering)

APPROVED: R-232-08

- f. A Resolution authorizing the Mayor to approve Change Order No. 1 to Contract No. C-08-0163 between the City of Knoxville and Vaughn & Melton, Inc. for the Westland Drive Bridge Replacement and Drainage Project, so as to increase the contract price by \$21,835.00 for a new contract price of \$102,907.00 and to extend the contract time to July 1, 2009. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

APPROVED: R-233-08

- g. A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for the Hill Avenue Viaduct Rehabilitation Project in an amount not to exceed \$147,000.00. (Requested by Department of Engineering)

APPROVED: R-234-08

- h. A Resolution authorizing the Mayor to execute an agreement with Roger E. Jarnigan and Jane Therese Perona to permit encroachments into the right-of-way of Campus Lane. (Requested by Department of Engineering)

APPROVED: R-235-08

- i. A Resolution authorizing the Mayor to file a grant application with the Tennessee Department of Transportation to provide funding to Knoxville Area Transit for Fiscal Year 2009 Operating Assistance, 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-236-08

- j. A Resolution approving an agreement between the City and the Knoxville Tourism and Sports Corporation to provide marketing, advertising, and promotion services for various venues within the City of Knoxville. (Requested by Department of Finance and Accountability)

VARIANCE APPROVED W/AMENDMENT FROM 6 FT. TO 12 FT. R-237-08

- k. 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 10a.)

12. ORDINANCES ON FIRST READING (CONTINUED):

APPROVED ON FIRST READING

- a. An Ordinance to amend Ordinance No. O-107-07 entitled “An Ordinance of the Council of the City of Knoxville 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 and 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 Section 703 of said Charter in order to provide that nonresident property owners shall cast ballots in any city election only by mail in a manner to be prescribed by the State Coordinator of Elections; 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” pertaining to election date. (Requested by Vice Mayor Brown)

APPROVED ON FIRST READING

- b. An Ordinance to close a portion of the turn-around at the end of a 10 foot alley off Eighteenth Street, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Fort Sanders Regional Medical Center, Applicant. (MPC Approved 13-0) (File No. 6-A-08-AC) (First District)

APPROVED ON FIRST READING

- c. An Ordinance to close Clinch Avenue from James White Parkway to S. Hall of Fame Drive, and authorizing the Mayor to execute a quitclaim deed to the adjacent Knoxville Station Transit Center property, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 6-A-08-SC) (Sixth District)

APPROVED ON FIRST READING

- d. An Ordinance to rezone property located on the northwest side of Millertown Pike, northwest of Amelia Road and Spring Hill Road, from R-1, Low Density Residential District to C-1, Neighborhood Commercial District, subject to limiting access to Millertown Pike (prohibiting access to Corbitt Drive) and maintaining a continuous landscape buffer along the east and north property lines, C. Edward Daniel, Applicant. (MPC Approved 13-0) (File No. 3-H-08-RZ) (Fourth District)

APPROVED ON FIRST READING

- e. An Ordinance to rezone property located on the northwest side of W. Anderson Avenue, southwest of N. Central Street, from I-2, Restricted Manufacturing and Warehousing District to C-3, General Commercial District, Anderson Avenue Properties, Applicant. (MPC Approved 13-0) (File No. 6-B-08-RZ) (Fourth District)

12. ORDINANCES ON FIRST READING (CONTINUED):

APPROVED ON FIRST READING

- f. An Ordinance to rezone property located on the northwest side of Callahan Drive, northeast and southeast sides of Old Callahan Drive, from C-4, Highway and Arterial Commercial District and C-6, General Commercial Park District to C-3, General Commercial District, Jeff Huffaker, Applicant. (MPC Approved 13-0) (File No. 6-C-08-RZ) (Third District)

APPROVED ON FIRST READING

- g. An Ordinance to rezone property located on the northwest side of McCampbell Drive, northwest of Washington Pike, southwest of Murphy Road, from A-1, General Agricultural District to C-3, General Commercial District, Coventry Creek, LLC, Applicant. (MPC Approved 13-0) (File No. 6-D-08-RZ) (Fourth District)

APPROVED: O-149-08

- h. An Emergency Ordinance of the Council appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to Holston Chilhowee Swimming Club, Inc., to be utilized toward certain operational needs. (Requested by Vice Mayor Brown)

APPROVED: O-150-08

- i. An Emergency Ordinance of the Council appropriating the sum of \$1,250.00 from the Community Improvement (202) Fund and donating same to the Mechanicsville Community Association toward sponsorship of the Third Annual Homecoming Celebration event. (Requested by Councilmembers Pelot, Frost, Becker, Woodhull, and Vice Mayor Brown)

APPROVED: O-151-08

- j. An Emergency Ordinance of the Council appropriating the sum of \$1,750.00 from the Community Improvement (202) Fund and donating same to the West Hills Community Association to defray certain expenses related to hosting the 14th Annual West Hills 5K Run, fundraiser event. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Bailey, Woodhull, and Vice Mayor Brown)

APPROVED: O-152-08

- k. An Emergency Ordinance of the Council appropriating the sum of \$1,600.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center to be utilized for expenses related to a facilitated meeting of the Committee on Transportation and Mobility. (Requested by Councilmembers Hultquist, Woodhull, and Bailey)

13. PUBLIC FORUM:

None

14. ADJOURNMENT: 9:25 PM