

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

AUGUST 26, 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 Frost

3. **ROLL CALL:** Vice-Mayor Mark Brown absent

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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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 Certificate of Compliance for David Michael Chandler d/b/a Eastown Package Store, 4784 Centerline Drive, Knoxville, Tennessee, 37917. (Requested by Department of Finance and Accountability)

Approved

- b. An application for renewal of a Certificate of Compliance for George C. Taylor II, d/b/a Squire's Liquor Store, 601 N. Seventeenth Street, Knoxville, Tennessee, 37921. (Requested by Department of Finance and Accountability)

Approved

- c. An application for renewal of a Certificate of Compliance for David J. Ewan d/b/a Downtown Wine & Spirits LLC, 407 S. Gay Street, Knoxville, Tennessee 37902. (Requested by Department of Finance and Accountability)

Approved

- d. An application for a Certificate of Good Moral Character for Diane H. Carlini for the sale of alcoholic beverages at the private club, Knoxville Elks Lodge 160, 6000 Lonas Drive, Knoxville, Tennessee, 37909. (Requested by Department of Finance and Accountability)

- Recognition of Boy Scout Troop #451 from Cumberland Baptist Church
- Recognition of Terry Brobowski from East TN Development District to present membership certificate to City of Knoxville - a member of ETDD since 1966.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Frost addressed the recent shooting at Central High School.

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-277-08

- a. A Resolution appointing Rick Emmett to serve on the Public Property Naming Committee. (Requested by Mayor)

Approved: R-278-08

- b. A Resolution reappointing Jennifer Holder to the Citizens Board for the Operation of Public Assembly Facilities. (Requested by Councilmember Roddy)

Approved: R-279-08

- c. A Resolution appointing George Reynolds to the Citizens Board for the Operation of the Public Assembly Facilities. (Requested by Councilmember Becker)

9. ORDINANCES ON SECOND READING:

Approved: O-164-08

- a. An Ordinance to rescind Ordinance No. O-107-07. (Requested by Law Department)

Postponed two (2) weeks

- b. 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: O-165-08

- c. An Ordinance to amend the Knoxville City Code, Appendix B, "Zoning Regulations", Article IV, Section 26, "D-1 Downtown Design Overlay District", to require a Certificate of Appropriateness for demolitions and to add demolitions to the list of items that may be approved by the Metropolitan Planning Commission Staff. (MPC Approved 13-0) (File No. 7-B-08-OA) (Sixth District)

Approved: O-166-08

- d. An Ordinance adopting the Downtown Knoxville Design Guidelines, including amendments proposed by the Downtown Design Review Board and Metropolitan Planning Commission Staff as approved at the July 10, 2008 Meeting of the Metropolitan Planning Commission. (MPC Approved 13-0) (File No. 7-E-08-OB) (Sixth District)

Approved: O-167-08

- e. An Ordinance to close a portion of Badgett Drive from Louisiana Avenue to the eastern boundary of Parcels 094-A-A-001.01 and 081-P-P-001, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-A-08-SC) (Fifth District)

Approved: O-168-08

- f. An Ordinance to close an unnamed alley off Badgett Drive, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-A-08-AC) (Fifth District)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-169-08

- g. An Ordinance to close a portion of Louisiana Avenue from Sherman Street southwest to its terminus, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-B-08-SC) (Fifth District)

Approved: O-170-08

- h. An Ordinance to close Tennessee Avenue to traffic between Western Avenue and Schofield Street, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-C-08-SC) (Fifth District)

Approved: O-171-08

- i. An Ordinance to close a sliver off the north side of E. Church Avenue generally between James White parkway and S. Hall of Fame Drive, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 7-D-08-SC) (Sixth District)

Approved: O-172-08

- j. An Ordinance to rezone property located on the southeast side of Washington Pike, southwest of Mill Road, from R-1, Low Density Residential District to C-1, Neighborhood Commercial District, Kelly Nichols, Applicant. (MPC Approved 13-0) (File No. 7-A-08-RZ) (Fourth District)

Approved: O-173-08

- k. An Ordinance approving the request of Priority Healthcare Services of Tennessee for a One Year Plan amendment from Light Industrial to Mixed Uses (O/MDR) for property located on the northeast side of Liberty Street, northwest of Middlebrook Pike. (MPC Approved 13-0) (File No. 7-A-08-PA) (Third District)

Approved: O-174-08

- l. An Ordinance to rezone property located on the northeast side of Liberty Street, northwest of Middlebrook Pike, from I-2, Restricted Manufacturing and Warehousing District, and R-2, General Residential District to O-1, Office, Medical, and Related Services District, Priority Healthcare Services of Tennessee, Applicant. (MPC Approved 13-0) (File No. 7-B-08-RZ) (Third District)

Approved: O-175-08

- m. An Ordinance to rezone property located on the south side of Chambliss Avenue, west side of Lebanon Street, from R-2, General Residential District to O-1, Office, Medical, and Related Services District, Stephen T. Blankenship, Applicant. (MPC Approved 13-0) (File No. 7-D-08-RZ) (Second District)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-176-08

- n. An Ordinance approving the request of Gerdau Ameristeel for a One Year Plan amendment from Light Industrial, Public Institution, and Medium Density Residential to Heavy Industrial for property located on the east side of Mynderse Avenue, north of Western Avenue, northwest side of Tennessee Avenue. (MPC Approved 13-0) (File No. 7-B-08-PA) (Fifth District)

Approved: O-177-08

- o. An Ordinance to rezone property located on the east side of Mynderse Avenue, north of Western Avenue, northwest side of Tennessee Avenue, from I-3, General Industrial District and I-3/IH-1, Infill Housing Overlay to I-4, Heavy Industrial District and I-4/IH-1, Infill Housing Overlay, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-F-08-RZ) (Fifth District)

Approved: O-178-08

- p. An Ordinance approving the request of Gerdau Ameristeel for a One Year Plan amendment from Low Density Residential to Heavy Industrial for property located on the northwest side of Louisiana Avenue, southwest side of Sherman Street, northeast side of Badgett Drive. (MPC Approved 13-0) (File No. 7-C-08-PA) (Fifth District)

Approved: O-179-08

- q. An Ordinance to rezone property located on the northwest side of Louisiana Avenue, southwest side of Sherman Street, northeast side of Badgett Drive, from R-1A, Low Density Residential District/IH-1, Infill Housing Overlay to I-4, Heavy Industrial District/IH-1, Infill Housing Overlay, subject to two conditions, Gerdau Ameristeel, Applicant. (MPC Approved 13-0) (File No. 7-G-08-RZ) (Fifth District)

Postponed two (2) weeks

- r. An Ordinance to rezone property located on the northeast side of Cherokee Trail, northwest of Edington Road, from R-1, Low Density Residential District to RP-1, Planned Residential District at a density up to 3.5 dwelling units per acre with a maximum of 80 bedrooms total, Todd Kennedy, Applicant. (MPC Approved 12-0 PR, 10-2 for density) (File No. 7-I-08-RZ) (First District)

Approved: O-180-08

- s. An Ordinance to rezone property located on the northeast side of Western Avenue, northwest of John May Drive, from O-1, Office, Medical, and Related Services District, to C-3, General Commercial District, Shan Wilcox, Applicant. (MPC Approved 13-0) (File No. 7-K-08-RZ) (Third District)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-181-08

- t. An Ordinance to rezone property located on the southwest side of N. Broadway, northeast side of Knox Road, from SC-1, Neighborhood Shopping Center District to PC-1, Retail and Office Park District, subject to two conditions, The Kroger Co., Applicant. (MPC Approved 13-0) (File No. 7-M-08-RZ) (Fifth District)

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

Postponed two (2) weeks

- a. An Appeal by Jim Bletner, on behalf of the Kingston Pike/Sequoyah Hills Homeowners Association, of the Metropolitan Planning Commission's decision to approve a Use on Review request for a financial planning office as a home occupation subject to seven conditions, property located on the northwest side of Lyons View Pike, southwest of Colony Way. (MPC Approved 7-5) (File No. 6-A-08-UR) (Second District) (Consider with 11j.)

11. RESOLUTIONS:

Approved: R-280-08

- a. A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with Knox County regarding distribution of funds for the purpose of establishing a second booking site for Knox County's Courts under the Byrne Justice Assistance Grant program. (Requested by Police Department)

Approved as amended: R-281-08

- b. A Resolution authorizing the Industrial Development Board of the City of Knoxville to negotiate and accept from Minvilla Manor, L.P. payments in lieu of ad valorem tax with respect to a low and moderate-income housing facility to be constructed in Knoxville, Tennessee, and finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305. (Requested by Department of Community Development)

Approved: R-282-08

- c. A Resolution approving a contract between the City and GFI Genfare, a unit of SPX Corporation, for the purchase and installation of electronic validating fareboxes and other related equipment for Knoxville Area Transit for a contract price not to exceed One Million, Four Hundred and Nineteen Thousand, Four Hundred Seventy Two and 42/100 Dollars (\$1,419,472.42). (Requested by Operations and Efficiency, Knoxville Area Transit)

11. RESOLUTIONS (CONTINUED):

Approved: R-283-08

- d. A Resolution authorizing the Mayor to execute an agreement with Daktronics, Inc. for purchase and installation of a new LED video, messaging, advertising and scoring system for the ice hockey arena at the Knoxville Civic Coliseum in an amount not to exceed \$156,530. (Requested by Public Assembly Facilities)

Approved: R-284-08

- e. A Resolution authorizing the Mayor to execute a lease agreement with East Tennessee Hockey, LLC for a three-year term commencing with the June 2008-2009 season and concluding with the 2010-2011 season. (Requested by Public Assembly Facilities)

Approved: R-285-08

- f. A Resolution authorizing the Mayor to enter into a contract with Cannon & Cannon, Inc. for final design and construction documentation of the South Waterfront Public Improvement Project known as the Blount Avenue Reconstruction Project for an amount not to exceed \$179,418.00. (Requested by South Waterfront)

Approved: R-286-08

- g. A Resolution authorizing the Mayor to execute an agreement with the Knoxville Volunteer Emergency Rescue Squad, Inc., for the lease of a truck. (Requested by Emergency Management)

Approved: R-287-08

- h. A Resolution requesting and encouraging appropriate officials of the University of Tennessee Administration and the Board of Trustees to reject the proposal to eliminate the UT Department of Audiology and Speech Pathology. (Requested by Councilmembers Pelot, Roddy, Bailey, Frost, and Vice Mayor Brown)

Approved: R-288-08

- i. A Resolution authorizing the Mayor to execute and deliver, on behalf of the City, a letter agreement consenting to the assignment by Larry E. Tragesser and wife, Kathleen D. Tragesser of their ground lease to BWDC Law, LLC, and a non-disturbance agreement relative thereto. (Requested by Law Department)

Postponed two (2) weeks

- j. A Resolution approving an appeal by Jim Bletner, on behalf of the Kingston Pike/Sequoyah Hills Homeowners Association, of the Metropolitan Planning Commission's decision to approve a Use on Review request for a financial planning office as a home occupation subject to seven conditions, property located on the northwest side of Lyons View Pike, southwest of Colony Way. (MPC Approved 7-5) (File No. 6-A-08-UR) (Second District) (Consider with 10a.)

11. RESOLUTIONS (CONTINUED):

- Approved: R-289-08**
- “*” k. A Resolution granting a pension of \$555.60 per month to Terry D. Gilland, an employee of the Knoxville General Government. (Requested by Pension Board)
- Approved: R-290-08**
- “*” l. A Resolution granting a pension of \$1,822.42 per month to Allen W. Dishman, an employee of the Knoxville General Government. (Requested by Pension Board)
- Approved: R-291-08**
- “*” m. A Resolution granting a pension of \$960.09 per month to Lester M. Colquitt, an employee of the former Knoxville City School System. (Requested by Pension Board)
- Approved: R-292-08**
- “*” n. A Resolution granting a pension of \$705.78 per month to Brenda Bullard French, an employee of the Knoxville General Government. (Requested by Pension Board)
- Approved: R-293-08**
- “M” o. A Resolution authorizing the Mayor to execute an agreement with North Central Village, LLC to permit certain encroachments into the right-of-way of 912 North Central Street, CLT # 081-M-U-011. (Requested by Department of Engineering)

12. ORDINANCES ON FIRST READING:

- Approved on first reading**
- a. An Ordinance to amend Chapter 17, Article VI of the Knoxville City Code, so as to regulate the booting of vehicles parked within the city limits of Knoxville. (Requested by Police Department)
- Approved on first reading**
- b. An Ordinance to amend Section 2-450 (5) of the Knoxville City Code to adjust the City of Knoxville’s hourly/events payroll rates. (Requested by Civil Service)
- Amended and postponed until reviewed by Code Studio**
- c. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, to revise Article IV, “Specific District Regulations” and Article VII, “Administration and Enforcement” in order to accomplish reorganization of said articles. (MPC Approved 13-0) (File No. 6-B-08-OA)

12. ORDINANCES ON FIRST READING:

Approved: O-182-08

- d. An Emergency Ordinance of the Council appropriating the sum of \$750.00 from the Community Improvement (202) Fund and donating same to West View Elementary School to defray the cost of a new concrete walkway. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Woodhull, and Vice Mayor Brown)

Approved: O-183-08

- e. An Emergency Ordinance of the Council appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to the Fort Loudoun Lake Association and utilized to defray certain costs of hosting the Paddling for Clean Water event. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Woodhull, and Vice Mayor Brown)

13. PUBLIC FORUM:

Councilmember Bailey recognized Rick Emmett who has agreed to serve on the city's Public Property Naming Committee.

14. ADJOURNMENT: 8:25 p.m.