

**MARKED**

**AGENDA FOR A REGULAR COUNCIL MEETING**

**NOVEMBER 18, 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 Hall
  
3. **ROLL CALL:** All present
  
4. **APPROVAL OF MINUTES:** Ok
  
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  - a. **ITEMS WITHDRAWN (Indicated with “W”)**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:**
  - a. **Approved**  
An application for renewal of a Certificate of Compliance for Penelope A. Maples d/b/a 640 Liquor Store, LLC, 4425 Western Avenue, Knoxville, Tennessee, 37921. (Requested by Department of Finance and Accountability)

**6. MAYOR'S REPORT (CONTINUED):**

**Mayor Haslam announced the following:**

- The CrossKnox 15k run would be Saturday, November 22, 2008.
- A new home repair program called E-Z Home Repair is being launched for those who live in the Empowerment Zone and would be administered by the city's Community Development Department. Two public meetings would be held at the L. T. Ross Building : 5:00 p.m. for general public, 6:00 p.m. for contractors.
- Christmas in the City begins next weeks with the Regal Celebration of Lights Friday at 6:00 p.m. The skating rink opens that evening as well.
- Mayor Haslam and Public Service Director David Brace recognized Public Service employee Mark Jinks who is the first city employee to complete the new city sponsored GED program.

**7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:**

- Councilmember Frost stated that the reception he hosted for new School Superintendent James McIntyre was successful with several neighborhoods being represented.
- Councilmember Pelot discussed the opening of the new 3<sup>rd</sup> Creek Greenway and the new tennis courts at West Hills Parks.
- Councilmember Pelot stated that the Art in Public Places Committee announced the expansion to 35 sculptures the 3<sup>rd</sup> annual public art exhibit to be displayed from April through October, 2009 throughout the city. (See attached)
- Bob Becker announced he has a cold and might be contagious. He also announced that sometime after Thanksgiving he would be disconnecting his home phone and could be reached by cell phone at 387-0752.
- Councilmember Hultquist announced that on November 20, 2008 a Design Open House for the final link of the Lincoln Landing River Road design would be held at 6:00 p.m. at South Knoxville Elementary School.

**8. ELECTIONS AND CONFIRMATIONS:**

**Approved: R-372-08**

- a. A Resolution reappointing Barbara Dowell and James Allen to serve three-year terms as members of the Board of Directors of the Partnership for Neighborhood Improvement. (Requested by Vice Mayor Brown and Councilmembers Becker and Hall)

**Approved: R-373-08**

- b. A Resolution confirming the reappointment of Melynda Whetsel to serve as a member of the Historic Zoning Commission. (Requested by Mayor)

**Approved: R-374-08**

- c. A Resolution confirming the reappointment of Shelley Wascom to serve as a member of the Knoxville Solicitations Board. (Requested by Mayor)

**9. ORDINANCES ON SECOND READING:**

**Approved: O-212-08**

- a. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as two tracts of land northwest of the intersection of Murphy Road and Washington Pike (1-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 33 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11a.)

**Approved: O-213-08**

- b. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of Callahan Drive and approximately 680 feet southwest of the intersection of Keck Road and Callahan Drive (2-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 39 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11b.)

**Approved: O-214-08**

- c. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land northwest of the intersection of Haynes Sterchi Road and Chesswood Drive (3-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 38 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11c.)

**Approved: O-215-08**

- d. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land northeast of the intersection of Chesswood Drive and Woodleaf Drive (4-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 38 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11d.)

**Approved: O-216-08**

- e. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of Kildare Drive and Killarney Road and a portion of the right of way of I-40 (5-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 47 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11e.)

**9. ORDINANCES ON SECOND READING (CONTINUED):**

**Approved: O-217-08**

- f. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land south of Chesswood Drive and approximately 300 feet southwest of the intersection of Woodleaf Drive and Chesswood Drive (6-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 38 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11f.)

**Approved: O-218-08**

- g. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of Mountaincrest Drive and approximately 885 feet northeast of the intersection of Ridgmont Drive and Mountaincrest Drive (7-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 35 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11g.)

**Approved: O-219-08**

- h. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of Mountaincrest Drive and approximately 1000 feet northwest of the intersection of Ridgmont Drive and Mountaincrest Drive (8-11-08.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 35 of the City of Knoxville so as to include said area. (Requested by Mayor) (Consider with 11h.)

**Approved: O-220-08**

- i. An Ordinance to close High Drive from the unimproved street section north of Parcels 079MA040 and 079MA041, and south of Parcel 079MA017 (approximately 200 feet), and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Frederick Trotter, Applicant. (MPC Approved 14-0-1) (File No. 10-A-08-SC) (Third District)

**Approved: O-221-08**

- j. An Ordinance to close an unnamed alley from E. Inskip Drive to the northwestern property line of Parcel 069HC015, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, David Varner, Applicant. (MPC Approved 14-0-1) (File No. 10-A-08-AC) (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 Paul Dickenson/Michael Tjaarda, representatives of the Historic Gibbs Drive Neighborhood Association, of the Metropolitan Planning Commission's decision to approve a Use on Review for a retail establishment containing up to 79,599 square feet of floor space and the accompanying parking, subject to conditions, in a PC-1, Retail and Office Park District, property located on the southwest side of N. Broadway, north side of Knox Road. (MPC Approved 13-0) (File No. 8-B-08-UR) (Fifth District) (Consider with 11y.)

**11. RESOLUTIONS:**

**Approved: R-375-08**

- a. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as two tracts of land northwest of the intersection of Murphy Road and Washington Pike (1-11-08.AX). (Requested by Mayor) (Consider with 9a.)

**Approved: R-376-08**

- b. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land north of Callahan Drive and approximately 680 feet southwest of the intersection of Keck Road and Callahan Drive (2-11-08.AX). (Requested by Mayor) (Consider with 9b.)

**Approved: R-377-08**

- c. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land northwest of the intersection of Haynes Sterchi Road and Chesswood Drive (3-11-08.AX). (Requested by Mayor) (Consider with 9c.)

**Approved: R-378-08**

- d. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land northeast of the intersection of Chesswood Drive and Woodleaf Drive (4-11-08.AX). (Requested by Mayor) (Consider with 9d.)

**Approved: R-379-08**

- e. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land north of Kildare Drive and Killarney Road and a portion of the right of way of I-40 (5-11-08.AX). (Requested by Mayor) (Consider with 9e.)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-380-08**

- f. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land south of Chesswood Drive and approximately 300 feet southwest of the intersection of Woodleaf Drive and Chesswood Drive (6-11-08.AX). (Requested by Mayor) (Consider with 9f.)

**Approved: R-381-08**

- g. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land north of Mountaincrest Drive and approximately 885 feet northeast of the intersection of Ridgemont Drive and Mountaincrest Drive (7-11-08.AX). (Requested by Mayor) (Consider with 9g.)

**Approved: R-382-08**

- h. A Resolution to adopt the Plan of Service dated November 2008 for annexation of an area generally being described as a tract of land north of Mountaincrest Drive and approximately 1000 feet northwest of the intersection of Ridgemont Drive and Mountaincrest Drive (8-11-08.AX). (Requested by Mayor) (Consider with 9h.)

**Approved: R-383-08**

- i. A Resolution honoring the memory of the late Charles R. "Charlie" Burchett, Sr., and expressing sincere sympathy to the members of his family upon the occasion of his passing. (Requested by Council)

**Postponed 28 days**

- j. 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)

**Postponed two (2) weeks**

- "P" k. A Resolution authorizing the Mayor to execute an agreement with Bank of America, N.A. to provide comprehensive banking services for the City for an annual amount not to exceed \$60,000.00. (Requested by Department of Finance and Accountability)

**Postponed to November 25, 2008**

- l. A Resolution authorizing the submission of the Neighborhood Stabilization Program Substantial Amendment to the 2008-2009 Action Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development and authorizing the Mayor to execute any associated documents and certifications. (Requested by Department of Community Development)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-384-08**

- m. A Resolution authorizing the Mayor to execute an amendment to Agreement C-06-0284 with Volunteer Ministry Center to extend the required date of completion for the rehabilitation of the Fifth Avenue Motel located at 447 N. Broadway, Knoxville, Tennessee from January 1, 2009 to December 31, 2010. (Requested by Department of Community Development)

**Approved: R-385-08**

- n. A Resolution authorizing the Mayor to execute an agreement between the City of Knoxville and the Tennessee Department of Transportation for the purchase, installation, operation and maintenance of a multiphase traffic signal at the intersection of North Mall Road and East Towne Road East. (Requested by Department of Engineering)

**Postponed four (4) weeks**

- o. A Resolution authorizing the Mayor to execute an agreement between the City of Knoxville and the Tennessee Department of Transportation for the purchase, installation, operation and maintenance of a multiphase traffic signal at the intersection of Broadway (S.R. 33) and Jacksboro Pike. (Requested by Department of Engineering)

**Approved: R-386-08**

- p. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase certain real property located at 2405 Martin Luther King, Jr. Boulevard from John R. and Minnie Johnson Goss for \$25,000.00 as part of the Five Points Comprehensive Redevelopment Plan. (Requested by Department of Community Development)

**Approved: R-387-08**

- q. A Resolution authorizing the Mayor to execute an Air Rights Easement for construction and maintenance of a cantilevered expansion of Neyland Stadium which will encroach 14 feet, 3 inches at a height of 55 feet and 11 inches into the right-of-way of Phillip Fulmer Way. (Requested by Department of Engineering)

**Approved: R-388-08**

- r. A Resolution authorizing the Mayor to execute an agreement with Brookview Town Centre, LLC for installation of curb and gutter, sidewalk, and curb cuts along Weisgarber Road, construction of a bridge over 4<sup>th</sup> Creek at Northshore Drive of sufficient width for a greenway, and to acquire the associated greenway easement for said bridge, at a cost to the City not to exceed \$250,000.00. (Requested by Department of Engineering)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-389-08**

- s. A Resolution authorizing the Mayor to execute an agreement with Stooksbury Construction, Inc. for the 2008 Sidewalk Improvements Project, No. 08W-S-0455, in an amount not to exceed \$116,088.60. (Requested by Department of Engineering)

**Approved: R-390-08**

- t. A Resolution authorizing the Mayor to approve Change Order No. 2 to Contract No. C-09-0059 between the City of Knoxville and Duracap Asphalt Paving Co., Inc. for the 2009 Alley Paving Project to pave the Wee Course maintenance facilities parking lot, so as to increase the contract price by \$22,000.00 for a new contract price of \$269,494.33 and to extend the completion date by 20 days to December 31, 2008. (Requested by Department of Engineering)

**Approved: R-391-08**

- u. A Resolution authorizing the Mayor to approve Change Order No. 1 to Contract No. C-07-0137 between the City of Knoxville and Vaughn & Melton, Inc. for the Gay Street Streetscapes Project due to changes in the scope of the Project, so as to increase the contract price by \$46,500.00 for a new contract price of \$339,040.00, and to increase the project time by 914 calendar days to December 31, 2010. (Requested by Department of Engineering)

**Approved: R-392-08**

- v. A Resolution authorizing the Mayor to execute a change order dated October 30, 2008 to Agreement No. C-08-0094 with Waste Connections of Tennessee, Inc. to increase the contract price from \$360,000.00 to \$475,000.00 to compensate the contractor for additional pick-ups not covered in the original contract price due to increased usage and volumes at drop centers. (Requested by Department of Public Service)

**Approved: R-393-08**

- w. A Resolution authorizing the Mayor to execute all documents necessary to accept a grant in the amount of \$6,700.00 from the Tennessee Department of Environment and Conservation to provide funding to purchase equipment to operate a used automobile oil collection center. (Requested by Department of Public Service)

**Postponed to December 16, 2008**

- x. A Resolution amending the Major Road Plan for the City of Knoxville and Knox County to change Loves Creek Road to a Major Collector Street through its entire length. (MPC Approved 13-0) (File No. 7-A-08-MRP) (Fourth District)

**11. RESOLUTIONS (CONTINUED):**

**Postponed two (2) weeks**

- y. A Resolution approving an appeal by Paul Dickenson/Michael Tjaarda, representatives of the Historic Gibbs Drive Neighborhood Association, of the Metropolitan Planning Commission's decision to approve a Use on Review for a retail establishment containing up to 79,599 square feet of floor space and the accompanying parking, subject to conditions, in a PC-1, Retail and Office Park District, property located on the southwest side of N. Broadway, north side of Knox Road. (MPC Approved 13-0) (File No. 8-B-08-UR) (Fifth District) (Consider with 10a.)

**12. ORDINANCES ON FIRST READING:**

None.

**13. PUBLIC FORUM:**

None.

**14. ADJOURNMENT: 10:42 p.m.**