

# **MINUTES OF THE REGULAR SESSION OF THE COUNCIL OF THE CITY OF KNOXVILLE**

**December 16, 2008 - 7:00 p.m.  
Main Assembly Room, City-County Building**

## **1. CALL TO ORDER**

The Council of the City of Knoxville met in Regular Session at 7:00 p.m. in the Main Assembly room of the City-County Building on Tuesday, December 16, 2008. Mayor Bill Haslam was present and presiding officer of the Council.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Barbara Pelot led in the Invocation and Councilmember Chris Woodhull led in the "Pledge of Allegiance" to the Flag.

## **3. ROLL CALL**

The following City Council Members were present: Joe Bailey, Bob Becker, Vice-Mayor Mark Brown, Rob Frost, Steve Hall, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull.

## **4. APPROVAL OF MINUTES**

Councilmember Roddy made a motion to approve the minutes from December 2, 2008. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The minutes were approved.

## **5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA**

### **5-a. ITEMS WITHDRAWN (Indicated with "W")**

Councilmember Frost made a motion to withdraw the following resolution:

- 11-c.** 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)

Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The resolution was withdrawn.

### **5-b. ITEMS FOR POSTPONEMENT (Indicated with "P")**

Councilmember Becker made a motion to postpone the following resolution for four (4) weeks:

- 11-b.** 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)

Councilmember Pelot seconded the motion.

Law Director Debbie Poplin addressed the status of the legal issues concerning this matter.

By unanimous voice vote the Council voted to postpone the resolution four (4) weeks.

**5-c. ITEMS REQUESTED TO BE ADDED BY MOTION  
(Indicated with “M”)**

None.

**5-d. CONSENT ITEMS (Indicated with “\*”)**

None.

**6. MAYOR’S REPORT**

**Mayor Haslam commented on the following items:**

- The re-striping and other work being done on North Central.
- Christmas in the City celebration huge success this year.
- Graduation of the 2008 Firefighter class on December 17, 2008 – 6:30 p.m. at the Knoxville Convention Center.
- The city’s Community Development Department and Knox Housing Partnership celebrated the completion of the first group of affordable Gold-certified LEED houses in the State of Tennessee on December 1, 2008.

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

- Councilmember Hultquist announced that the Tour de Lights will take place December 17 at 7:00 p.m. at Krutch Park
- Vice-Mayor Brown congratulated the City of Knoxville on the first group of LEED Certified Housing in the Five Points Community.
- Vice-Mayor Brown announced that County Commissioner Tank Strickland is in the hospital and requested thoughts and prayers for him.

**8. ELECTIONS AND CONFIRMATIONS**

**RE: BETTER BUILDING BOARD – STEPHANIE WELCH**

- 8-a.** A Resolution rescinding Resolution No. R-398-08 and confirming the appointment of Stephanie Welch to serve as a member of the Better Building Board of the City of Knoxville. (Requested by Mayor)

Councilmember Roddy made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-416-08.

**RE: BOARD OF ZONING APPEALS – DAWN MICHELLE FOSTER**

- 8-b.** A Resolution confirming the reappointment of Dawn Michelle Foster to the Board of Zoning Appeals for the City of Knoxville. (Requested by Mayor)

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-417-08.

**RE: CITY TREE BOARD – DAVID S. VANDERGRIFF – EMILY WOODLE**

- 8-c.** A Resolution confirming the appointments of David S. Vandergriff and Emily Woodle to serve as members of the City Tree Board. (Requested by Mayor)

Councilmember Pelot made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-418-08.

**9. ORDINANCES ON SECOND READING**

**RE: CITY CODE AMENDMENT – CHAPTER 2 – JOB CLASSIFICATIONS**

- 9-a.** An Ordinance to amend Section 2-450 (4) of the Knoxville City Code to create new job classifications and to delete unused job classifications. (Requested by Civil Service)

Councilmember Roddy made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-230-08.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF PRIORITY HEALTHCARE SERVICES OF TENNESSEE**

- 9-b.** 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 13-0-1) (File No. 7-A-08-PA) (Third District).

Councilmember Hall made a motion to approve the ordinance on second reading. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-231-08.

**RE: REZONING REQUEST OF PRIORITY HEALTHCARE SERVICES OF TENNESSEE**

- 9-c.** 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 13-0-1) (File No. 7-B-08-RZ) (Third District).

Councilmember Hall made a motion to approve the ordinance on second reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-232-08.

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

**RE: APPEAL BY MARKUS CHADY**

**10-a.** An appeal by Markus Chady of the Board of Zoning Appeals' denial of variances to reduce the east side yard setback from 12 feet to 6 feet, and reduce the west side yard setback from 12 feet to 6.5 feet (Article IV, Section 2. E. 2. a.) as per site plan, to construct a two-story residence in an R-1, Low Density Residential District, property located at 225 Sequoyah Gardens Way. (BZA Denied 2-2) (File No. 10-B-08-VA) (Second District) (Consider with 111.)

in conjunction with

**11-l.** A Resolution approving an appeal by Markus Chady of the Board of Zoning Appeals' denial of variances to reduce the east side yard setback from 12 feet to 6 feet, and reduce the west side yard setback from 12 feet to 6.5 feet (Article IV, Section 2. E. 2. a.) as per site plan, to construct a two-story residence in an R-1, Low Density Residential District, property located at 225 Sequoyah Gardens Way. (BZA Denied 2-2) (File No. 10-B-08-VA) (Second District) (Consider with 10a.)

There was no one present to speak in opposition to the appeal.

Councilmember Pelot addressed the matter and stated that a compromise had been worked out between the parties.

Councilmember Pelot made a motion to approve the appeal. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-427-08.

**11. RESOLUTIONS**

**RE: FRED D. (TONY) THOMPSON, JR. – GOVERNMENTAL RELATIONS SERVICES FOR THE CITY OF KNOXVILLE**

**11-a.** A Resolution authorizing the Mayor to execute an agreement with Fred D. (Tony) Thompson, Jr. in the amount of \$50,000.00 to provide governmental relations services for the City of Knoxville. (Requested by Law Department)

Councilmember Roddy made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-419-08.

**RE: KNOXVILLE CATHOLIC FIGHTING IRISH FOOTBALL TEAM – TSSAA CLASS 3-A STATE FOOTBALL CHAMPIONS**

**11-d.** A Resolution honoring and congratulating the Knoxville Catholic Fighting Irish football team upon winning the TSSAA Class 3A State Football Championship. (Requested by Council)

Councilmember Frost made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-420-08.

**RE: STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION – HENLEY STREET BRIDGE RECONSTRUCTION PROJECT**

- 11-e.** A Resolution requesting and encouraging appropriate officials at the State of Tennessee Department of Transportation to conduct a context sensitive solutions/mitigation planning process for the Henley Street Bridge Reconstruction Project. (Requested by Councilmember Hultquist)

Councilmember Hultquist made a motion to approve the resolution. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-421-08.

**RE: BEACON RISK STRATEGIES, INC. – STOP LOSS INSURANCE FOR THE CITY’S SELF INSURED MEDICAL INSURANCE PLAN**

- 11-f.** A Resolution authorizing the Mayor to accept a quotation from Beacon Risk Strategies, Inc. for Stop Loss Insurance for the City of Knoxville’s self insured medical insurance plan, with a premium in the estimated amount of \$488,349. (Requested by Department of Risk Management)

Councilmember Roddy made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-422-08.

**RE: NATIONWIDE RETIREMENT SOLUTIONS, INC. – CITY’S DEFERRED COMPENSATION PROGRAM**

- 11-g.** A Resolution authorizing the Mayor to execute the fourth amendment to Agreement No. C-97-0239 between the City of Knoxville and Nationwide Retirement Solutions, Inc. to provide administration of the City’s deferred compensation program. (Requested by Department of Finance and Accountability)

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-423-08.

**RE: KNOXVILLE TOURISM & SPORTS CORPORATION – TOUCHKNOW & GO KIOSK – MARKET SQUARE**

- 11-h.** A Resolution authorizing the Mayor to execute an agreement with Knoxville Tourism & Sports Corporation to permit a “TouchKnow&Go Kiosk” on the Market Square. (Requested by Department of Engineering)

Councilmember Pelot made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-424-08.

**RE: AMERICAN BEVERAGE ASSOCIATION – CLIMATE GROUP – CITY OF KNOXVILLE’S RECYCLING PROGRAM**

- 11-i.** A Resolution authorizing the Mayor to sign a Memorandum of Understanding with the American Beverage Association and the Climate Group to accept grant services valued at an amount not to exceed \$200,000.00 under a “Model City” initiative in order to improve the City of Knoxville’s recycling program participation. (Requested by Department of Public Service)

Councilmember Becker made a motion to move the resolution to the end of the agenda since representatives of the Climate Group are flying into Knoxville to attend the meeting. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. (See end of minutes).

**RE: ALEX BRANDAU, III**

- 11-j.** A Resolution authorizing the Mayor to execute a lease agreement between the City of Knoxville and Alex Brandau, III. (Requested by Department of Parks and Recreation)

Councilmember Becker made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-426-08.

### **SUSPENSION OF COUNCIL RULES**

Councilmember Frost made a motion to suspend the Rules of Council to allow ordinance 12 e to be heard at the present place on the agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

**RE: KNOXVILLE CITY CODE, APPENDIX B, “ZONING REGULATIONS” – SELF-SERVICE STORAGE FACILITIES**

- 12-e.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 3. F. 7. “Self-service storage facilities” regarding the location of and access to self-service storage units. (MPC Approved 13-0-1) (File No. 11-A-08-OA)

Councilmember Frost made a motion to approve the ordinance. Councilmember Becker seconded the motion.

Councilmember Frost made a motion to amend the ordinance to an emergency. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the motion to approve the ordinance, as amended to an emergency, was adopted. The printed ordinance can be found attached to these minute as Ordinance No. O-233-08.

**RE: MAJOR ROAD PLAN FOR THE CITY OF KNXOVILLE AND KNOX COUNTY-LOVES CREEK ROAD CHANGE TO MAJOR COLLECTOR STREET**

- 11-k.** 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)

Councilmember Frost made a motion to deny (see ordinance 12e). Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolution was denied.

### **12. ORDINANCES ON FIRST READING**

**RE: CITY CODE AMENDMENT – SECTION 2-546 – DRUG AND ALCOHOL TESTING POLICY**

- 12-a.** An Ordinance to amend Section 2-546 of the Knoxville City Code regarding drug and alcohol testing policy. (Requested by Law Department)

Councilmember Roddy made a motion to approve the ordinance on first reading. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: CITY CODE AMENDMENT – CHAPTER 6, ARTICLE V – GRAY WATER RECYCLING SYSTEMS – INTERNATIONAL PLUMBING CODE – PIPE IDENTIFICATION**

**12-b.** An Ordinance amending Chapter 6, Article V, § 6-107 of the Knoxville City Code to adopt Appendix C, Gray Water Recycling Systems, and to amend certain provisions of the International Plumbing Code, as adopted by the City of Knoxville, regarding pipe identification. (Requested by Department of Plans Review and Building Inspections)

Councilmember Roddy made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: CITY CODE AMENDMENT – CHAPTER 6 – 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE – EXISTING BUILDING CODE OF THE CITY OF KNOXVILLE**

**12-c.** An Ordinance amending Chapter 6 of the Knoxville City Code to add a new Article IIC; adopting the 2006 Edition of the International Existing Building Code as provided in this Ordinance, as the Existing Building Code of the City of Knoxville, regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings in the City of Knoxville; providing for the review of plans, inspections, and the issuance of permits and collection of fees therefor; providing penalties for the violation of said Existing Building Code. (Requested by Department of Plans Review and Building Inspections)

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: CITY CODE AMENDMENT – APPENDIX B, “ZONING REGULATIONS” – PARKING IN FRONT YARDS**

**12-d.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, regarding parking in front yards, including driveway requirements. (MPC forwarded all four options with no option recommended for approval (14-0)) (File No. 2-C-08-OA)

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Terry Faulkner, 4178 Ridgeway Lane; Vice-Mayor Brown; Councilmember Becker; Councilmember Roddy; Councilmember Pelot; Dr. Bill Lyons; Councilmember Bailey; Jim Bletner, 3819 Glenfield Drive; Councilmember Becker; Gary Norman, City Inspections; Anita Cash, City Inspections; Steve King, Director of Public Works; Brent Johnson, Deputy Director of Engineering.

Councilmember Pelot made a motion to amend the ordinance to approve the Debra C. Poplin Memo dated December 11, 2008 and its attachment entitled, “Front Yard Parking Ordinance Option Drafted by the Community Task Force, City Engineering and Inspections dated 12/10/2008, as the option approved. Councilmembers Becker and Frost seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By voice vote on the original motion to approve the ordinance, as amended to accept the option entitled, "Front Yard Parking Ordinance Option Drafted by the Community Task Force, City Engineering and Inspections dated 12/10/2008, the Council voted as follows: Councilmembers Bailey, Becker, Brown, Frost, Hultquist, Pelot, Roddy and Woodhull voted "Aye" Councilmember Hall voted "Nay." The motion carried. The ordinance was approved on first reading, as amended.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF RECI/RUSS LEWIS**

- 12-f.** An Ordinance approving the request of RECI/Russ Lewis for a One Year Plan Amendment from Office to General Commercial for property located on the north side of Middlebrook Pike, west of Keith Avenue. (MPC Approved 13-0-1) (File No. 10-A-08-PA) (Third District).

Councilmember Hall made a motion to approve the ordinance. Councilmember Roddy seconded the motion.

Councilmember Hall made a motion to amend the ordinance to make it an emergency. Councilmember Pelot seconded the motion.

Councilmember Becker, Russ Lewis and Mark Donaldson addressed the amendment.

By voice vote Council voted as follows on the motion to amend the ordinance to an emergency: Councilmembers Bailey, Brown, Frost, Hall, Pelot, Roddy and Woodhull voted "Aye". Councilmembers Becker and Hultquist voted "Nay". The motion carried.

By unanimous voice vote the original motion to approve the ordinance, as amended, was approved. The printed ordinance can be found attached to these minutes as Ordinance No. O-234-08.

**RE: REZONING REQUEST OF RECI/RUSS LEWIS**

- 12-g.** An Ordinance to rezone property located on the north side of Middlebrook Pike, west of Keith Avenue from R-2, General Residential District to C-3, General Commercial District, RECI/Russ Lewis, Applicant. (MPC Approved 13-0-1) (File No. 10-A-08-RZ) (Third District).

Councilmember Hall made a motion to approve the ordinance. Councilmember Pelot seconded the motion.

Councilmember Hall made a motion to amend the ordinance to make it an emergency. Councilmember Pelot seconded the motion. By voice vote Council voted as follows on the motion to amend the ordinance to an emergency: Councilmembers Bailey, Brown, Frost, Hall, Pelot, Roddy and Woodhull voted "Aye". Councilmembers Becker and Hultquist voted "Nay". The motion carried.

By unanimous voice vote the original motion to approve the ordinance, as amended, was approved. The printed ordinance can be found attached to these minutes as Ordinance No. O-235-08.

**RE: ONE YEAR PLAN REQUEST OF MIDDLEBROOK PIKE UNITED METHODIST CHURCH**

- 12-h.** An Ordinance approving the request of Middlebrook Pike United Methodist Church for a One Year Plan Amendment from Low Density Residential (limited to Low Density Exclusive Residential) to Low Density Residential for property located on the southeast side of Middlebrook Pike, east of Vanosdale Road. (MPC Approved 13-0-1) (File No. 10-B-08-PA) (Second District).

Councilmember Pelot made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF MIDDLEBROOK PIKE UNITED METHODIST CHURCH, APPLICANT**

- 12-i.** An Ordinance to rezone property located on the southeast side of Middlebrook Pike, east of Vanosdale Road, from R-1E, Low Density Exclusive Residential District to R-1, Low Density Residential District, Middlebrook Pike United Methodist Church, Applicant. (MPC Approved 13-0-1) (File No. 10-B-08-RZ) (Second District).

Councilmember Pelot made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF PAUL TRAUSCH**

- 12-j.** An Ordinance approving the request of Paul Trausch for a One Year Plan Amendment from Medium Density Residential to Office for property located on the northwest side of Essary Drive, southwest of Glenhaven Road. (MPC Approved 13-0-1) (File No. 10-C-08-PA) (Fourth District).

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF PAUL TRAUSCH**

- 12-k.** An Ordinance to rezone property located on the northwest side of Essary Drive, southwest of Glenhaven Road from R-2, General Residential District to O-1, Office, Medical, and Related Services District, Paul Trausch, Applicant. (MPC Approved 13-0-1) (File No. 10-C-08-RZ) (Fourth District).

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF KNOXVILLE HABITAT FOR HUMANITY, INC.**

- 12-l.** An Ordinance approving the request of Knoxville Habitat for Humanity, Inc. for a One Year Plan Amendment from General Commercial to Mixed Use (General Commercial/Office/Low Density Residential) for property located on the southeast side of Linden Avenue, east of Nash Road. (MPC Approved 13-0-1) (File No. 10-D-08-PA) (Sixth District).

Vice-Mayor Brown made a motion to approve the ordinance on first reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF KNOXVILLE HABITAT FOR HUMANITY, INC.**

- 12-m.** An Ordinance to rezone property located on the southeast side of Linden Avenue, east of Nash Road, from C-3, General Commercial District to R-1, Low Density Residential District, Knoxville Habitat for Humanity, Inc., Applicant. (MPC Approved 13-0-1) (File No. 10-D-08-RZ) (Sixth District).

Vice-Mayor Brown made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF KENT AND STEVE COPELAND, APPLICANTS**

- 12-n.** An Ordinance to rezone property located on the northwest side of Hillwood Drive, north of Dexter Lane, from C-3, General Commercial District to RP-3, Planned Residential District, Kent and Steve Copeland, Applicants. (MPC Approved 13-0-1) (File No. 10-E-08-RZ) (First District).

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF CASEY AND DANIEL COLLINS**

- 12-o.** An Ordinance approving the request of Casey and Daniel Collins for a One Year Plan Amendment from Light Industrial to Mixed use (Light Industrial/Office/Medium Density Residential) for property located on the north side of Division Street, northeast of Cox Street. (MPC Approved 13-0-1) (File No. 10-F-08-PA) (Sixth District).

Vice-Mayor Brown made a motion to approve the ordinance. Councilmember Pelot seconded the motion.

Vice-Mayor Brown made a motion to amend the ordinance to make it an emergency. Councilmember Frost seconded the motion.

Casey Collins addressed the emergency amendment.

By unanimous voice vote the motion to amend the ordinance to make it an emergency was adopted.

By unanimous voice vote the original motion to approve the ordinance, as amended, was approved. The printed ordinance can be found attached to these minutes as Ordinance No. O-236-08.

**RE: REZONING REQUEST OF CASEY AND DANIEL COLLINS**

- 12-p.** An Ordinance to rezone property located on the north side of Division Street, northeast of Cox Street, from I-3, General Industrial District to R-2, General Residential District, Casey and Daniel Collins, Applicants. (MPC Approved 13-0-1) (File No. 10-F-08-RZ) (Sixth District).

Vice-Mayor Brown made a motion to approve the ordinance. Councilmember Frost seconded the motion.

Vice-Mayor Brown made a motion to amend the ordinance to make it an emergency. Councilmember Frost seconded the motion. By unanimous voice vote the motion to amend the ordinance to make it an emergency was adopted.

By unanimous voice vote the original motion to approve the ordinance, as amended, was approved. The printed ordinance can be found attached to these minutes as Ordinance No. O-237-08.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF NOLAN PROPERTIES, LLC**

- 12-q.** An Ordinance approving the request of Nolan Properties, LLC for a One Year Plan Amendment from Office to General Commercial for property located on the north side of Old Callahan Drive, northwest of Callahan Drive. (MPC Approved 13-0-1) (File No. 10-G-08-PA) (Third District).

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By voice vote Council voted as follows on the motion to approve: Councilmembers Bailey, Brown, Frost, Hall, Pelot, Roddy and Woodhull voted "Aye." Councilmembers Becker and Hultquist voted "Nay." The motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF NOLAN PROPERTIES, LLC**

- 12-r.** An Ordinance to rezone property located on the north side of Old Callahan Drive, northwest of Callahan Drive, from O-1, Office, Medical, and Related Services District to C-4, Highway and Arterial Commercial District, Nolan Properties, LLC, Applicant. (MPC Approved 13-0-1) (File No. 10-I-08-RZ) (Third District).

Councilmember Hall made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By voice vote Council voted as follows on the motion to approve: Councilmembers Bailey, Brown, Frost, Hall, Pelot, Roddy and Woodhull voted "Aye." Councilmembers Becker and Hultquist voted "Nay." The motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF JOHN THOMAS**

- 12-s.** An Ordinance to rezone property located on the east and west sides of Sherrod Road from the intersection with Millers Avenue, and south and east to 2676 Sherrod Road, from R-1, Low Density Residential District, R-1A, Low Density Residential District, and R-2, General Residential District to R-1/NC-1, Low Density Residential District/Neighborhood Conservation Overlay, R-1A/NC-1, Low Density Residential District/Neighborhood Conservation Overlay, and R-2/NC-1, General Residential District/Neighborhood Conservation Overlay, and Design Guidelines, John Thomas, Applicant. (MPC Approved 13-0-1) (File No. 11-C-08-RZ) (First District).

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: COMMUNITY IMPROVEMENT (202) FUND – WEST HILLS COMMUNITY ASSOCIATION – CUMBERLAND ESTATES COMMUNITY – ROBINDALE WOODS POOL**

- 12-t.** An Emergency Ordinance of the Council to amend Ordinance No. O-155-07, entitled "An Emergency Ordinance of the City of Knoxville appropriating the sum of \$2,200.00 from the Community Improvement (202) Fund and donating same to the West Hills Community Association acting as fiscal agent for the Cumberland Estates Community and the project to construct a new sign at the entrance to Cumberland Estates Subdivision" so as to authorize the use of the appropriated funds to the Robindale Woods Pool located in Cumberland Estates. (Requested by Councilmember Hall)

Councilmember Hall made a motion to approve the emergency ordinance. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-238-08.

**RE: COMMUNITY IMPROVEMENT (202) FUND – FULTON HIGH SCHOOL**

- 12-u.** An Emergency Ordinance of the Council appropriating the sum of \$2,000.00 from the Community Improvement (202) Fund and donating same to Fulton High School to be utilized toward the ongoing auditorium renovation project. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Woodhull, and Vice Mayor Brown)

Councilmember Woodhull made a motion to approve the emergency ordinance. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-239-08.

**RESOLUTION 11- I (POSTPONED FROM EARLIER IN MEETING)**

**RE: AMERICAN BEVERAGE ASSOCIATION – CLIMATE GROUP – KNOXVILLE’S RECYCLING PROGRAM**

- 11-i.** A Resolution authorizing the Mayor to sign a Memorandum of Understanding with the American Beverage Association and the Climate Group to accept grant services valued at an amount not to exceed \$200,000.00 under a “Model City” initiative in order to improve the City of Knoxville’s recycling program participation. (Requested by Department of Public Service)

Councilmember Pelot made a motion to approve the resolution. Councilmember Frost seconded the motion.

The following persons addressed the resolution: David Brace, Deputy Director of Public Service; Kate Krebbs, Climate Group representative; Mayor Haslam.

By unanimous voice vote the motion to approve was adopted. The printed resolution can be found attached to these minute as Resolution No. R-425-08.

**13. PUBLIC FORUM**

None.

**14. ADJOURNMENT**

There being no further business to come before City Council, upon motion the meeting adjourned at 8:07 p.m.

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Presiding Officer of the Council

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Recorder