

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JANUARY 27, 2009

7:00 PM

ORDER OF BUSINESS

1. **CALL TO ORDER:** Mayor Bill Haslam

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

Council Member Pelot
Council Member Woodhull

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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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 “*”)**
11y – 11hh

6. MAYOR'S REPORT:

Approved

- a. An application for a Certificate of Compliance for John A. Meese d/b/a Cristy's Liquor Store, 4613 Rutledge Pike, Knoxville, Tennessee, 37914. (Requested by Department of Finance and Accountability)

Approved

- b. An application for a Certificate of Good Moral Character for Daniel Thomas Fritz, Jr., Veterans of Foreign Wars #1733, for the sale of alcoholic beverages at the private club, Knoxville Elks Lodge 160, 734 N. Fourth Avenue, Knoxville, Tennessee, 37917. (Requested by Department of Finance and Accountability)

- Mayor Haslam recognized and congratulated Public Service Director David Brace who recently won the Ed Archer Young Public Works Leader of the Year Award
- The Knoxville Zoo is currently hosting their cold weather Penguin Discount Days.
- The Bijou Theater is celebrating it's 100th Birthday. The new/old marquee unveiling will be Wednesday, at 5:50 p.m.
- Mayor Haslam recognized Park Superintendent Dale Ditsaman to talk about the 75th birthday celebration for the Smoky Mountains National Park.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- a. Report of Mayor's Council On Disability Issues (CODI) regarding the abandonment of comprehensive LIFT services for citizens of Knoxville with disabilities.

8. ELECTIONS AND CONFIRMATIONS:

None.

9. ORDINANCES ON SECOND READING:

Amended and passed on first reading only

- 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. (MPC Approved 9-4) (File No. 5-A-08-OA)

APPROVED O-6-09

- b. An Ordinance to close an unnamed alley from Stonewall Street to Bragg Street (closed portion), and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 12-A-08-AC) (Fifth District)

9. ORDINANCES ON SECOND READING (CONTINUED):

APPROVED O-7-09

- c. An Ordinance to close a portion of the radius of Bridge Avenue at the northeast corner of Twelfth Street and northwest corner of Eleventh Street conditional upon the recording of a resubdivision plat, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Chip Stanley, Applicant. (MPC Approved 13-0) (File No. 12-A-08-SC) (First District)

APPROVED O-8-09

- d. An Ordinance to close a portion of the radius of Highland Avenue at the southwest corner of Eleventh Street conditional upon the recording of a resubdivision plat, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Chip Stanley, Applicant. (MPC Approved 13-0) (File No. 12-B-08-SC) (First District)

APPROVED O-9-09

- e. An Ordinance approving the request of Knoxville City Council for a One Year Plan Amendment from Light Industrial to Mixed Uses (Office, General Commercial, High Density Residential) for property located on the southeast side of Kingston Pike, southeast of Alcoa Highway. (MPC Approved 13-0) (File No. 12-A-08-PA) (First District).

APPROVED O-10-09

- f. An Ordinance to rezone property located on the southeast side of Kingston Pike, southeast of Alcoa Highway, from O-2, Civic and Institutional District to RP-3, Planned Residential District, Knoxville City Council, Applicant. (MPC Approved 13-0) (File No. 12-D-08-RZ) (First District)

APPROVED O-11-09

- g. An Ordinance to rezone property located south, southeast and west of Aberdeen Lane, northwest, west and southwest of Harold Lane, north and northeast of Southside Road, southwest of Island Home Pike, from I-4, Heavy Industrial District and R-1, Low Density Residential District to R-1, Low Density Residential District and OS-1, Open Space, Knoxville City Council, Applicant. (MPC Approved 13-0) (File No. 12-E-08-RZ) (First District)

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

Appeal approved to the extent of adding additional condition to condition #10 and then denying remainder of the appeal.

- a. An appeal by Cherokee Bluff Council of Co-owners, Inc., of the Metropolitan Planning Commission's decision to approve a Use on Review for a development plan for up to 30 residential dwelling units with a maximum of 80 bedrooms, subject to nine conditions, in an RP-1, Planned Residential District, property located on the northeast side of Cherokee Trail, west of Edington Road. (MPC Approved 13-0-1) (File No. 10-G-08-UR) (First District) (Consider with 11x.)

11. RESOLUTIONS:

AMENDED AND POSTPONED TWO (2) WEEKS

- a. A Resolution in support of policy governing development on the green space of the City County Building. (Requested by Department of Policy and Communications)

APPROVED R-12-09

- b. A Resolution authorizing Knoxville's Community Development Corporation to study and prepare a redevelopment plan for the Magnolia Avenue Warehouse District within the City of Knoxville and to conduct a public hearing regarding the necessity for the adoption of such a redevelopment plan. (Requested by Department of Policy and Communications, Councilmember Woodhull, and Vice Mayor Brown)

APPROVED R-13-09

- c. A Resolution respectfully requesting the Metropolitan Planning Commission to design and implement a form for appeals which fully comports with the requirements of the City Code relative to the filing of appeals. (Requested by Councilmember Frost)

APPROVED R-14-09

- d. A Resolution authorizing the Mayor to execute a proposal with the Tennessee Department of Transportation for Federal Project No. HPP-NHE-33(51), State Project No. 47017-2217-94, State Route 33 (Henley Street) bridge and approaches, widening from Main Street to Blount Avenue. (Requested by Department of Engineering)

APPROVED R-15-09

- e. A Resolution authorizing the Mayor to execute a special construction agreement with American Telephone and Telegraph (AT&T) to pay AT&T to relocate underground communications lines as part of the Cross Park Drive Drainage Improvement Project, Phase II, in an amount not to exceed \$57,000.57. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

APPROVED R-16-09

- f. A Resolution to repeal Resolution Number R-387-08 and to grant a revised Air Rights Easement to the University of Tennessee for a cantilevered expansion of Neyland Stadium over Phillip Fulmer Way. (Requested by Department of Engineering)

APPROVED R-17-09

- g. A Resolution authorizing the Mayor to accept on behalf of the Fire Department a scholarship from State Farm as part of their 2009 State Farm Arson Dog Program and to express the City's appreciation to State Farm and Maine Specialty Dogs for their donation to the City of Knoxville of a fully-trained arson dog to assist in the investigation of suspicious fires. (Requested by Fire Department)

APPROVED R-18-09

- h. A Resolution authorizing the Mayor to execute an agreement with Knox-Bradley Mechanical Contractors, Inc. for purchase and installation of two water heaters to replace the water heater at the Knoxville Civic Auditorium/Coliseum in an amount not to exceed \$32,000.00. (Requested by Public Assembly Facilities)

APPROVED R-19-09

- i. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$30,000 to the Chattanooga Housing Authority, on behalf of East Chattanooga Weed and Seed and the East Side Task Force, for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

APPROVED R-20-09

- j. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$20,500.00 to the Kingsport Housing and Redevelopment Authority, on behalf of the South Central Kingsport Weed and Seed and South Central Kingsport Community Development, Inc., for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

APPROVED R-21-09

- k. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$ 18,000.00 to the City of Johnson City, on behalf of Johnson City Weed and Seed, for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

- l. ***

11. RESOLUTIONS (CONTINUED):

APPROVED R-22-09

- m. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$16,000.00 to the City of Bristol, on behalf of Bristol's Promise, a non-profit corporation, for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

APPROVED R-23-09

- n. A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee Institute for Public Service, Law Enforcement Innovation Center, in an amount not to exceed \$100,000 to continue operation of a comprehensive program to provide services for the Project Safe Neighborhoods East Tennessee Anti-gang Initiative. (Requested by Police Department)

APPROVED R-24-09

- o. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$30,000.00 to the City of Johnson City, on behalf of the Johnson City Police Department, for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

APPROVED R-25-09

- p. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$34,984 to the City of Chattanooga, on behalf of the Chattanooga Police Department, for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

APPROVED R-26-09

- q. A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee institute for Public Service, Law Enforcement Innovation Center, in an amount not to exceed \$100,000 to continue operation of a comprehensive program to provide services for the Project Safe Neighborhoods Crime Research Project to reduce gun violence in East Tennessee. (Requested by Police Department)

APPROVED R-27-09

- r. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$10,000 to the City of Bristol, on behalf of the Bristol Police Department, for the Project Safe Neighborhoods Gun Violence Reduction Program. (Requested by Police Department)

APPROVED R-28-09

- s. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$10,000 to the City of Winchester, on behalf of the Winchester Police Department, for the Project Safe Neighborhoods Gun Violence Reduction Program. (Requested by Police Department)

11. RESOLUTIONS (CONTINUED):

APPROVED R-29-09

- t. A Resolution authorizing the Mayor to enter into a contract with Lasercraft, Inc. for the provision of an automated red light enforcement system for a period of five years at no cost to the City of Knoxville. (Requested by Police Department)

APPROVED R-30-09

- u. A Resolution authorizing the Mayor to execute a permanent easement with George P. Ramey and wife, Nanae Ramey, Phillip J. Ramey, and Lula Yuki Hateruma to access William Hastie Park on Margaret Road. (Requested by Department of Parks and Recreation)

APPROVED R-31-09

- v. A Resolution authorizing the Mayor to execute an agreement with the Knoxville Area Urban League to provide funding in an amount not to exceed \$228,000.00 to continue the management and implementation of the Empowerment Zone Small Business Loan Program. (Requested by Department of Community Development)

APPROVED R-32-09

- w. A Resolution authorizing the Mayor to execute a quitclaim deed to Knoxville's Community Development Corporation for one parcel of real property located at 2405 Martin Luther King, Jr. Avenue, CLT No. 082-OH-025, within the city limits of the City of Knoxville, for the purpose of redevelopment in accordance with the Five Points Redevelopment Plan. (Requested by Department of Community Development)

Appeal approved to the extent of adding additional condition to condition #10 and then denying the remainder of the appeal. R-33-09

- x. A Resolution approving an appeal by Cherokee Bluff Council of Co-owners, Inc., of the Metropolitan Planning Commission's decision to approve a Use on Review for a development plan for up to 30 residential dwelling units with a maximum of 80 bedrooms, subject to nine conditions, in an RP-1, Planned Residential District, property located on the northeast side of Cherokee Trail, west of Edington Road. (MPC Approved 13-0-1) (File No. 10-G-08-UR) (First District) (Consider with 10a.)

APPROVED R-34-09

- “*” y. A Resolution granting a pension of \$844.64 per month to Jimmie Thacker, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-35-09

- “*” z. A Resolution granting a pension of \$447.45 per month to Sandra W. Morgan, an employee of the former Knoxville City School System. (Requested by Pension Board)

11. RESOLUTIONS (CONTINUED):

- “*” **APPROVED R-36-09**
aa. A Resolution granting a pension of \$438.94 per month to James L. Myers, an employee of the Knoxville General Government. (Requested by Pension Board)
- “*” **APPROVED R-37-09**
bb. A Resolution granting a pension of \$131.92 per month to Jacqueline E. Womack, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-38-09**
cc. A Resolution granting a pension of \$3,492.90 per month to Randall C. Carman, an employee of the Knoxville Police Department. (Requested by Pension Board)
- “*” **APPROVED R-39-09**
dd. A Resolution granting a pension of \$3,321.77 per month to Thomas A. Fox, an employee of the Knoxville Police Department. (Requested by Pension Board)
- “*” **APPROVED R-40-09**
ee. A Resolution granting a pension of \$3,104.70 per month to Lloyd S. Huskey, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- “*” **APPROVED R-41-09**
ff. A Resolution granting a pension of \$3,030.24 per month to Stanley W. Ingle, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- “*” **APPROVED R-42-09**
gg. A Resolution granting a pension of \$3,318.60 per month to Robert E. Pointer, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- “*” **APPROVED R-43-09**
hh. A Resolution granting a pension of \$5,063.70 per month to Robert P. Pressley, an employee of the Knoxville Fire Department. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING:

- APPROVED AS EMERGENCY O-12-09**
a. An Ordinance to rezone property located on the south side of Division Street, east side of Cary Street, from I-2, Restricted Manufacturing and Warehousing District to O-1, Office, Medical, and Related Services District, Keith Pope/Billy Mullins, Applicant. (MPC Approved 13-0-1) (File No. 1-H-09-RZ) (Sixth District)

12. ORDINANCES ON FIRST READING (CONTINUED):

APPROVED O-13-09

- b. An Emergency Ordinance of the Council appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to West Hills Community Association acting as fiscal agent for the Lyons View Community Club and utilized toward the project to purchase needed furnishings for the reopening of the Lyons View Neighborhood Community Center. (Requested by Councilmembers Pelot, Frost, Woodhull, and Vice Mayor Brown)

APPROVED O-14-09

- c. An Emergency Ordinance of the Council appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and making said funds available to the City of Knoxville Capital Projects Fund-401, as adopted by Ordinance O-116-08, to provide for additional funding for the Sidewalk Safety Program (ENG033002). (Requested by Councilmember Becker)

APPROVED O-15-09

- d. An Emergency Ordinance of the Council appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to Fort Sanders Community Development Corporation to be utilized toward certain start up costs necessary to establish this newly formed neighborhood group. (Requested by Councilmembers Hultquist, Frost, and Woodhull)

13. PUBLIC FORUM:

Councilmembers Roddy and Pelot
Hubert Smith
Jamie Rowe Re: Joshua's Landing @BZA –building permits

14. ADJOURNMENT: 10:50 pm