

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

FEBRUARY 10, 2009 - 7:00 PM
Main Assembly Room, City-County Building
400 Main Street, Knoxville, TN

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, February 10, 2009.

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 Rob Frost led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

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

There was no representative for the 6th District due to Vice-Mayor Mark Brown's resignation to take a Judicial Commissioner post. A new 6th District representative is to be named March 12, 2009.

4. APPROVAL OF MINUTES

Councilmember Becker made a motion to approve the minutes from the January 27, 2009 City Council meeting. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

Councilmember Becker made a motion to suspend the rules of Council to allow resolution 11a to be considered immediately after the adoption of the agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

Councilmember Becker made a motion to suspend the rules of Council to allow resolutions 11i, 11j and 11k to be considered immediately after ordinance 9a. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

5-a. ITEMS WITHDRAWN (Indicated with "W")

None.

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

None.

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

None.

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

None.

RE: RECOGNITION OF VICE-MAYOR MARK A. BROWN

- 11-a.** A Resolution honoring former Vice-Mayor Mark Brown and expressing to him City Council’s sincere gratitude for his years of leadership and public service to the City of Knoxville. (Requested by Council)

Councilmembers Becker, Pelot and Woodhull and Mayor Haslam thanked Vice-Mayor Brown for his service to the City of Knoxville and wished him well on his new position of Judicial Commissioner.

Vice-Mayor Brown addressed Council and the Council staff.

Councilmember Pelot 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-44-09.

6. MAYOR’S REPORT

Mayor Haslam announced that the Mardi Growl Dog Parade will take place February 21, 2009 beginning at 11:00 a.m. beginning at Summit Hill and Central.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

Councilmember Roddy recognized David Massey from the Office of Neighborhoods to give a brief report.

Councilmember Pelot discussed an article in the NY Times re: Ashley Capps, AC Entertainment and the City of Knoxville.

Councilmember Becker stated he would be out of town on vacation and would miss the March 10, 2009 City Council meeting. He also announced he was interested in the position of Vice-Mayor and discussed the process in which the Vice-Mayor would be chosen on February 24.

Councilmembers Hultquist, Bailey, Hall, Roddy and Frost and Council Attorney Charles Swanson commented on the upcoming election of Vice-Mayor.

8. ELECTIONS AND CONFIRMATIONS

None.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – ZONING REGULATIONS – ELECTRONIC MESSAGE CENTERS

- 9-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)

Councilmember Becker made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Duane Grieve, Scenic Knoxville; Arthur Seymour, Jr., Turkey Creek Partners; Councilmember Bailey; Councilmember Frost; Jan Watson, Strike and Spare Family Bowl; Councilmember Pelot; Councilmember Becker; Ben Doeden, Watchfire Signs; Rick Burnette, 9010 Candlewood Drive; Charles Swanson, Council Attorney; Councilmember Hultquist; Mayor Haslam; Law Director Debbie Poplin.

Councilmember Woodhull made a motion to postponed ordinance 9a and resolutions 11i, 11j and 11k, for two weeks. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried.

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

None.

11. RESOLUTIONS

RE: GREEN SPACE OF THE CITY COUNTY BUILDING

11-b. A Resolution in support of policy governing development on the green space of the City County Building, subject to approval by the Downtown Design Guidelines Committee. (Requested by Department of Policy and Communications)

Councilmember Roddy made a motion to approve the resolution. Councilmember Becker seconded the motion. By voice vote the Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Hultquist, Pelot, Roddy and Woodhull voted "Aye." Councilmembers Frost and Hall voted "Nay". The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-45-09.

RE: SURPLUS PROPERTY - 2227 MCCALLA AVENUE – MARCUS HALL

11-c. A Resolution authorizing the Mayor on behalf of the City of Knoxville to execute all necessary documents to sell surplus City property located at 2227 McCalla Avenue, CLT # 082O-M-024, to Marcus Hall for \$4,000.00. (Requested by Department of Finance and Accountability)

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-46-09.

RE: HAMILTON COUNTY COALITION FOR THE PROJECT SAFE NEIGHBORHOODS EAST TENNESSEE ANTI-GANG PROGRAM

11-d. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant award of \$35,000.00 to the Hamilton County Coalition for the Project Safe Neighborhoods East Tennessee Anti-Gang Program. (Requested by Police Department)

Councilmember Roddy 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-47-09.

**RE: THE HILLIER GROUP ARCHITECTURE, NEW YORK, P.C. d/b/a MERJE –
DOWNTOWN KNOXVILLE WAYFINDING SIGNAGE PROJECT**

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with The Hillier Group Architecture, New York, P.C., d/b/a Merje, for professional planning and design services necessary to develop a Downtown Knoxville Wayfinding Signage Project in an amount not to exceed \$114,840.00. (Requested by Department of Policy and Communications)

Councilmember Roddy made a motion to approve the resolution. Councilmember Bailey seconded the motion.

Discussion ensued with the following persons speaking: Councilmember Hall; Madeline Weil; Councilmember Hultquist; Councilmember Frost; Councilmember Bailey; Mayor Haslam; Law Director Debbie Poplin.

Councilmember Hultquist made a motion to postpone the resolution for two (2) weeks. Councilmember Becker seconded the motion.

Discussion continued on the motion to postpone with Councilmember Bailey, Debbie Poplin, Mayor Haslam, Councilmember Becker; Madeline Weil, Councilmember Hultquist, Councilmember Pelot and Councilmember Woodhull speaking.

Upon roll call on the motion to postpone, the Council voted as follows: Councilmembers Bailey, Becker and Hultquist voted "Aye". Councilmembers Frost, Hall, Pelot, Roddy and Woodhull voted "Nay". The motion failed.

By voice vote on the original motion to approve, Councilmembers Bailey, Becker, Frost, Hultquist, Pelot, Roddy and Woodhull voted "Aye." Councilmember Hall voted "Nay". The motion carried. The resolution was adopted. The printed resolution can be found attached to these minutes as Resolution No. R-48-09.

**RE: CITY OF KNOXVILLE'S DEPARTMENT OF COMMUNITY DEVELOPMENT
FORECLOSURE SALE OF PROPERTY AT 103 MARY STREET**

- 11-f.** A Resolution authorizing the City of Knoxville's Department of Community Development to submit a bid at a foreclosure sale of property located at 103 Mary Street, CLT #082-FF-019, and if the City of Knoxville is deemed the highest bidder, authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase the subject property for a total price not to exceed \$51,425.00. (Requested by Department of Community Development)

Councilmember Becker 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-49-09.

RE: PUGH & COMPANY, P. C.

- 11-g.** A Resolution approving a contract between the City and Pugh & Company, P.C. to audit the accounts of the City of Knoxville for the period from July 1, 2008 to June 30, 2009 for a contract price of \$166,000.00. (Requested by City Recorder/Legislative)

Councilmember Becker 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-50-09.

**RE: METROPOLITAN PLANNING COMMISSION – ONE-YEAR PLAN
AMENDMENT REQUEST FOR PARCELS ON WASHINGTON AVENUE AND
WINONA AVENUE AND BERTRAND AVENUE**

- 11-h.** A Resolution requesting and encouraging appropriate officials at the Metropolitan Planning Commission to consider amendment of the One-Year Plan and the zoning designation for certain parcels of property located on Washington Avenue between Winona Avenue and Bertrand Avenue and, as appropriate, initiate the process for rezoning such property from R-2 to R-1A. (Requested by Councilmember Roddy)

Councilmember Roddy stated that the Parkridge Neighborhood Association requested this study.

Councilmember Roddy 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-51-09.

The following resolutions were postponed earlier in minutes in consideration with ordinance 9a:

Postponed two (2) weeks

- 11-i.** A Resolution requesting and encouraging the Metropolitan Planning Commission, the City of Knoxville Law Department, the City of Knoxville Finance Department and any other pertinent department or agency to study, review and analyze the potential and feasibility for eliminating, by a program of amortization, currently existing Electronic Message Centers. (Requested by Councilmember Becker)

Postponed two (2) weeks

- 11-j.** A Resolution requesting and encouraging the Metropolitan Planning Commission and the City of Knoxville Law Department, together with the Bureau of Inspections to review, study and if appropriate, offer proposals to City Council for amendments to the City Code which would authorize and appropriately regulate changeable price signs within the corporate limits of the City of Knoxville. (Requested by Councilmember Becker)

Postponed two (2) weeks

- 11-k.** A Resolution urging the Mayor to appoint a task force charged with responsibility for reviewing, analyzing and evaluating new technology in an effort to identify and implement methods of utilizing such technology in improving the function of wayfinding within the City while simultaneously reducing visual pollution and clutter. (Requested by Councilmember Becker)

12. ORDINANCES ON FIRST READING

**RE: KNOXVILLE ONE YEAR PLAN MAP AMENDMENTS – OPEN SPACE –
MAJOR RIGHTS OF WAY**

- 12-a.** An Ordinance to adopt amendments to the Knoxville One Year Plan map changing plan designations on certain interstates and other highway segments from Open Space to Major Rights of Way. (MPC Approved 13-0-1) (File No. 1-A-09-OYP)

Councilmember Roddy 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 THOMAS TIMM

- 12-b.** An Ordinance approving the request of Thomas Timm for a One Year Plan Amendment from Low Density Residential to General Commercial for property located on the southeast side of E. Oldham Avenue, northeast of N. Central Street. (MPC Approved 13-0-1) (File No. 1-A-09-PA) (Fifth District).

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

Councilmember Becker, Councilmember Pelot and Mr. Timm addressed the ordinance.

By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: REZONING REQUEST OF THOMAS TIMM

- 12-c.** An Ordinance to rezone property located on the southeast side of E. Oldham Avenue, northeast of N. Central Street from R-2, General Residential District/IH-1, Infill Housing Overlay, to C-3, General Commercial District/IH-1, Infill Housing Overlay, Thomas Timm, Applicant. (MPC Approved 13-0-1) (File No. 1-A-09-RZ) (Fifth District).

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: REZONING REQUEST OF ASSOCIATED GENERAL CONTRACTORS OF AMERICA, KNOXVILLE BRANCH

- 12-d.** An Ordinance to rezone property located on the northwest side of Morris Avenue, northeast side of McClain Street, from I-3, General Industrial District, to C-6, General Commercial Park District, Associated General Contractors of America, Knoxville Branch, Applicant. (MPC Approved 13-0-1) (File No. 1-I-09-RZ) (Third District).

Councilmember Hall 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 DAY SPRING BAPTIST CHURCH

- 12-e.** An Ordinance to rezone property located on the northwest side of W. Oldham Avenue, northeast side of McSpadden Street from C-3, General Commercial District, to O-1, Office, Medical, and related Services District, Day Spring Baptist Church, Applicant. (MPC Approved 13-0-1) (File No. 1-J-09-RZ) (Fifth District).

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: REZONING REQUEST OF STEVE YOUNG – ODLE AND YOUNG ARCHITECTS

- 12-f.** An Ordinance to rezone property located on the northeast side of Pleasant Ridge Road, south of Sycamore Drive from I-1, Planned Industrial Park District, to I-2, Restricted Manufacturing and Warehousing District, Steve Young – Odle and Young Architects, Applicant. (MPC Approved 13-0-1) (File No. 1-K-09-RZ) (Third District).

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

Councilmember Frost asked questions regarding the rezoning. Steve Young, Odle and Young Architects was present and answered questions regarding the rezoning.

By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF TOM TATE

- 12-g.** An Ordinance approving the request of Tom Tate for a One Year Plan Amendment from Open Space to Office, limited to O-3, Office Park zoning for property located on the north side of Osprey Point Lane, south of S. Northshore Drive. (MPC Approved 13-0-1) (File No. 1-E-09-PA) (Second District).

Councilmember Roddy 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: COMMUNITY IMPROVEMENT (202) FUND – CITY OF KNOXVILLE
CAPITAL PROJECT FUND – 401 - LONSDALE RECREATION CENTER
EXPANSION**

- 12-h.** An Emergency Ordinance 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 Lonsdale Recreation Center expansion (REC094432). (Requested by Councilmember Becker)

Councilmember Becker made a motion to approve the emergency ordinance. 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-16-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – JOY OF MUSIC SCHOOL

- 12-i.** An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Joy of Music School to be utilized toward their various music education programs. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-17-09.

13. PUBLIC FORUM

Carol Borges, 2511 Adair Avenue – Obama Administration Stimulus Money

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 9:10 p.m.

Presiding Officer of the Council

Recorder