

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

APRIL 7, 2009

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:** 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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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 "C")**

6. MAYOR'S REPORT:

Approved

- a. An application for renewal of a Certificate of Compliance for Everett Martin Christen d/b/a Smoky Mountain Wine & Spirits, LLC, 7433 Chapman Highway, Knoxville, Tennessee, 37920. (Requested by Department of Finance and Accountability)

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

Ok

- a. Annual Report for the Police Advisory and Review Committee

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-102-09

- a. A Resolution appointing David McGinley, Jim Bletner and Rick Emmett to serve as members of the Public Property Naming Committee. (Requested by Councilmember Bailey)

Approved: R-103-09

- b. A Resolution appointing Deborah Langston to serve as a member of the Citizens Advisory Committee to the Knoxville Area Transit Authority. (Requested by Councilmember Roddy)

Approved: R-104-09

- c. A Resolution reappointing Venus Styles to serve as a member of the Citizens Advisory Committee to the Knoxville Area Transit Authority. (Requested by Councilmember Booker)

9. ORDINANCES ON SECOND READING:

Approved as amended on first reading

- 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 electronic message centers on a development directory sign approved as part of a Master Sign Plan. (MPC Approved 9-4) (File No. 5-A-08-OA)

Failed

- b. An Ordinance to amend the 2008-09 Operating Budget of the City of Knoxville so as to delete all remaining funds of the Community Improvement (202) Fund. (Requested by Councilmember Frost)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-48-09

- c. An Ordinance to close Claude Street and an unnamed street to the east from northwest of Langford Avenue to the south side of the waters edge of the Tennessee River, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 9-0-3) (File No. 3-A-09-SC) (First District)

Approved: O-49-09

- d. An Ordinance to close all unnamed alleys northwest of Langford Avenue to the south side of the waters edge of the Tennessee River, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 9-0-3) (File No. 3-B-09-AC) (First District)

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

Appeal denied

- a. An Appeal by Janice Loveday of the Metropolitan Planning Commission's denial of a One Year Plan amendment from Office to General Commercial for property located on the north side of W. Governor John Sevier Highway, west of Maryville Pike. (MPC Denied 10-1) (File No. 1-C-09-PA) (First District) (Consider with 12d.)

Moot because 10a was denied

- b. An Appeal by Janice Loveday of the Metropolitan Planning Commission's denial to rezone property located on the north side of W. Governor John Sevier Highway west of Maryville Pike from O-1, Office, Medical, and Related Services District, to C-3, General Commercial District. (MPC Denied 10-1) (File No. 1-C-09-RZ) (First District) (Consider with 12e.)

11. RESOLUTIONS:

Approved: R-105-09

- a. A Resolution authorizing the Mayor to execute any and all documents necessary to accept a grant award of \$500,000 from the U.S. Department of Justice, National Institute of Justice for assistance in solving cold cases through technology advances of DNA biological evidence analysis. (Requested by Police Department)

11. RESOLUTIONS (CONTINUED):

Approved: R-106-09

- b. A Resolution authorizing the Mayor to execute all documents necessary to purchase, in fee simple, real property and improvements located at 1763 Hillwood Avenue, CLT #0950-D-020, from Mrs. Barbara U. Wells for One Hundred Forty Thousand and no/100 Dollars (\$140,000.00). (Requested by South Waterfront)

Approved: R-107-09

- c. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to accept a donation of real property on Fair Drive, CLT #058KE019, from Legacy Parks Foundation for a detention pond associated with the Fountain City Skatepark. (Requested by Department of Parks and Recreation)

Approved: R-108-09

- d. A Resolution authorizing the Mayor to execute an agreement with Golden Gloves Charities, Inc. to provide an amateur boxing program for five (5) years beginning May 1, 2009 with one (1) five (5) year renewal option in an amount not to exceed Seventy-Five Thousand and no/100 Dollars (\$75,000.00) for each year of the contract. (Requested by Department of Parks and Recreation)

Approved: R-109-09

- e. A Resolution authorizing the Mayor to execute an agreement with Goodyear Tire & Rubber Company to lease tires for use on the Knoxville Area Transit ("KAT") bus fleet for an amount not to exceed a total cost of Seven Hundred Two Thousand, Seven Hundred and Four and 92/100 Dollars (\$702,704.92). (Requested by Operations and Efficiency)

Approved: R-110-09

- f. A Resolution authorizing the Mayor to execute an amendment to the operating contract between the City of Knoxville and the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee with respect to the operation and management of the Locust Street Garage to add management and maintenance of the Henley Street Walkover Bridge. (Requested by Operations and Efficiency)

Approved: R-111-09

- g. A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for professional engineering design and inspection services for the Holbrook Drive Bridge Replacement Project in an amount not to exceed \$376,934.00. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

Approved: R-112-09

- h. A Resolution authorizing the Mayor to execute an agreement for a term of six months with Rogers Petroleum, Inc. to provide bulk fuels (unleaded and diesel) for the vehicles and equipment owned by the City of Knoxville at a fixed factor price plus the daily OPIS rate per gallon. (Requested by Department of Finance and Accountability)

Approved: R-113-09

- i. A Resolution authorizing the acquisition of a fee simple interest in certain property located at 2637 Selma Avenue (CLT #082K-Q-018) within the City of Knoxville, owned by Nathaniel Brinson, said property to be used to minimize future flooding damage in the area. (Requested by Department of Community Development)

Approved: R-114-09

- j. A Resolution authorizing the Mayor to execute an agreement with The Helen Ross McNabb Center pursuant to a grant from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide intensive probation/aftercare programs for the most serious delinquent offenders to divert future delinquent behaviors in conjunction with the Knox County Juvenile Court, in an amount not to exceed \$117,884. (Requested by Police Department)

Postponed two (2) weeks

- k. A Resolution urging the Legislature of the State of Tennessee to decline to adopt a number of proposed bills which would threaten the quality of water in the State of Tennessee. (Requested by Councilmember Hultquist)

Approved: R-115-09

- l. A Resolution requesting and encouraging the Metropolitan Planning Commission to take any and all action necessary to initiate the process for rezoning certain property located generally within the Cedar Lane/Central Avenue Pike area. (Requested by Vice Mayor Becker)

Approved: R-116-09

- m. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire a fee simple interest in 0.403 acres (Tract 8A) and a fee simple interest in 0.02 acres (Tract 8B) of real property, both portions of CLT #059N-C-008, owned by Harold S. Byrd and wife, Sharon C. Byrd, 5000 Washington Pike, for the Valley View Realignment Project, #ENG073303, for the total amount of \$98,850.00. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

- Approved: R-117-09**
- “M” n. A Resolution requesting and encouraging the Legislature of the State of Tennessee to adopt legislation promoted by the Tennessee Public Safety Coalition which would enhance the penalties for certain violent crimes and provide for an increased number of prosecutors to enforce these laws. (Requested by Councilmember Roddy)

12. ORDINANCES ON FIRST READING:

- Postponed eight (8) weeks**
- a. An Ordinance enacted pursuant to T.C.A. § 67-5-705 to implement a property tax freeze program for elderly, low income taxpayers. (Requested by Councilmember Frost)
- Approved on first reading**
- b. An Ordinance to amend Chapter 2, Article VIII, Division 3, § 2-865(b) of the Knoxville City Code, regulating negotiations after competitive sealed bidding when all bids exceed available funding. (Requested by Department of Finance and Accountability)
- Approved on first reading**
- 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)
- Failed**
- d. An Ordinance approving the request of Janice Loveday for a One Year Plan amendment from Office to General Commercial for property located on the north side of W. Governor John Sevier Highway, west of Maryville Pike, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 10-1) (File No. 1-C-09-PA) (First District) (Consider with 10a.)
- Moot because 12d failed**
- e. An Ordinance to rezone property located on the north side of W. Governor John Sevier Highway, west of Maryville Pike from O-1, Office, Medical, and Related Services District, to C-3, General Commercial District, Janice Loveday, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 10-1) (File No. 1-C-09-RZ) (First District) (Consider with 10b.)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- f. An Ordinance to close an unnamed alley between Ambrose Street and the deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Don E. Guignard, Applicant. (MPC Approved 9-0-3) (File No. 3-A-09-AC) (Fifth District)

Approved on first reading

- g. An Ordinance to adopt the Knoxville One Year Plan dated 2009 as prepared by the Metropolitan Planning Commission for the City of Knoxville. (MPC Approved 9-0-3) (File No. 3-A-09-OYP)

Approved on first reading

- h. An Ordinance approving the request of Three Hughs Properties, LLC for a One Year Plan amendment from Low Density Residential to Mixed Uses (Office and Medium Density Residential) for property located on the northwest side of E. Inskip Drive, northeast of Rowan Road. (MPC Approved 12-0) (File No. 1-D-09-PA) (Fifth District).

Approved on first reading

- i. An Ordinance to rezone property located on the northwest side of E. Inskip Drive, northeast of Rowan Road from R-2, General Residential District, to O-1, Office, Medical, and Related Services District, Three Hughs Properties, LLC, Applicant. (MPC Approved 12-0) (File No. 1-E-09-RZ) (Fifth District).

Approved on first reading

- j. An Ordinance to rezone property located on the northwest side of Dutch Valley Drive, southwest of Plummer Road from R-1, Low Density Residential District, to O-3, Office Park District, Doug Shoffner, Applicant. (MPC Approved 12-0) (File No. 3-A-09-RZ) (Fifth District)

Approved on first reading

- k. An Ordinance to rezone property located on the northwest side of W. Anderson Avenue, southwest of N. Central Street from I-2, Restricted Manufacturing and Warehousing District, to C-3, General Commercial District, Metropolitan Planning Commission, Applicant. (MPC Approved 9-0-3) (File No. 3-D-09-RZ) (Fourth District)

Approved: O-50-09

- l. An Emergency Ordinance to rezone property located on the southeast side of Cherokee Trail, northeast and southwest sides of Candora Road, east side of Edington Road from No Zone to RP-1, Planned Residential District at a density up to 8 dwelling units per acre, City of Knoxville, Applicant. (MPC Approved 11-1) (File No. 3-E-09-RZ) (First District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- m. An Ordinance to rezone property located on the northeast side of Tippins Drive, northwest of Lewis Avenue from I-3, General Industrial District, to R-1, Low Density Residential District, Tim Nichols, Applicant. (MPC Approved 9-0-3) (File No. 3-F-09-RZ) (First District)

Approved: O-51-09

- n. An Emergency Ordinance appropriating the sum of \$2,450.00 from the Community Improvement (202) Fund and donating same to the Boys and Girls Clubs of Greater Knoxville, Inc., toward continuation of inner city youth services and programs. (Requested by Councilmembers Pelot, Hall, Booker, Woodhull, and Vice Mayor Becker)

Approved: O-52-09

- o. An Emergency Ordinance appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to the Junior League of Knoxville to be utilized toward the cost of hosting their current fundraiser event. (Requested by Councilmember Pelot)

Approved: O-53-09

- p. An Emergency Ordinance appropriating the sum of \$700.00 from the Community Improvement (202) Fund and donating same to the Knox County Public Library, as financial support toward the Summer 2009, Children's Festival of Reading Event. (Requested by Councilmembers Pelot, Hall, Woodhull, and Vice Mayor Becker)

Approved: O-54-09

- q. An Emergency Ordinance appropriating the sum of \$200.00 from the Community Improvement (202) Fund and donating same to the Historic Tennessee Theatre Foundation toward the ongoing, annual giving campaign. (Requested by Councilmember Pelot)

Approved: O-55-09

- r. An Emergency Ordinance appropriating the sum of \$325.00 from the Community Improvement (202) Fund and donating same to the Optimist Club of Mechanicsville Lonsdale as financial assistance toward their service projects to benefit inner city children. (Requested by Councilmembers Pelot and Booker)

Approved: O-56-09

- s. An Emergency Ordinance appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to SOAR Youth Ministries to be utilized toward the 4th Annual Lonsdale Community Cleanup Event. (Requested by Councilmembers Pelot, Booker, Woodhull, and Vice Mayor Becker)

13. PUBLIC FORUM:

None.

14. ADJOURNMENT: 9:10 p.m.