

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

JUNE 16, 2009

7:00 PM

ORDER OF BUSINESS

1. **CALL TO ORDER:** Vice-Mayor Bob Becker

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Barbara Pelot and Councilmember Rob 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 - a. **ITEMS WITHDRAWN (Indicated with "W")**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 ":")**

6. MAYOR'S REPORT:

Approved

- a. An application for renewal of a Certificate of Compliance for Steven C. Swafford d/b/a K&K Wines & Spirits, 5746 Western Avenue, Knoxville, Tennessee, 37921. (Requested by Department of Finance and Accountability)

Approved

- b. An application for renewal of a Certificate of Compliance for John Curry, Curry Enterprises, LLC d/b/a West Town Wine & Spirits, 7319 Kingston Pike, Knoxville, Tennessee, 37919. (Requested by Department of Finance and Accountability)

- The COK received the 2009 Tennessee Municipal League Achievement Award for Excellence in Green Leadership

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Roddy and Councilmember Hultquist talked about the Committee they have been working on with MPC concerning Sustainable Development Incentives. Councilmember Frost and Mark Donaldson also commented on the committee
- Vice-Mayor Becker talked about items for possible discussion at a City Council dinner including the Consent Agenda and the Ten Year Plan.
- Vice-Mayor Becker announced that the next Audit Committee meeting will be held Thursday, June 25, 2009 at 4:00 p.m. in Room 460 of the City-County Building.
- Vice-Mayor Becker wished Law Director Debbie Poplin a very Happy Birthday today!

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-178-09

- a. A Resolution approving the appointment of Earl Taylor and the reappointment of Fred Forster to the Metropolitan Knoxville Airport Authority. (Requested by Mayor)

Approved: R-179-09

- b. A Resolution confirming the appointment of James C. McSpadden to serve as a member of the Knoxville Solicitations Board. (Requested by Mayor)

Approved: R-180-09

- c. A Resolution confirming the appointment of Robyn McAdoo to the Board of Zoning Appeals for the City of Knoxville. (Requested by Mayor)

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-181-09

- d. A Resolution reappointing Rob McNutt to the Citizens Board for the operation of the Public Assembly Facilities. (Requested by Councilmember Hall)

Approved: R-182-09

- e. A Resolution reappointing Marcus “Blake” Blakemore to the Citizens Board for the operation of the Public Assembly Facilities. (Requested by Councilmember Woodhull)

Approved: R-183-09

- f. A Resolution appointing Marcus “Blake” Blakemore to serve as a member of the Public Property Naming Committee. (Requested by Councilmember Woodhull)

Approved: R-184-09

- g. A Resolution reappointing Cynthia Andresen to serve as a member of the Citizens Advisory Committee to the Knoxville Area Transit Authority. (Requested by Councilmember Hultquist)

Approved: R-185-09

- h. A Resolution appointing Laurence Eaton to serve as a member of the Citizens Advisory Committee to the Knoxville Area Transit Authority. (Requested by Councilmember Frost)

9. ORDINANCES ON SECOND READING:

Approved: O-94-09

- a. An Ordinance to amend the Capital Budget and the Operating Budget both as approved by Ordinance O-115-08 for Fiscal Year 08-09 and to transfer surplus, excess, or unencumbered funds between various units and funds as reflected in the various funds and budgets of the City of Knoxville. (Requested by Department of Finance and Accountability)

Approved: O-95-09

- b. An Ordinance to amend Section 17-74 of the Knoxville City Code, entitled, “Traffic Violator School” so as to provide for the provision of such schools or courses consistent with the provisions of current state law. (Requested by Vice Mayor Becker)

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

Failed due to lack of motion

- a. An Appeal by Easterday Estates, LLC of the Metropolitan Planning Commission's decision to deny a One Year Plan Amendment from Low Density Residential to Medium Density Residential for property located on the west side of Sisk Road, south of Pleasant Ridge Road. (MPC Denied 13-0) (File No. 4-C-09-PA) (Third District) (Consider with 12d.)

11. RESOLUTIONS:

Approved: R-186-09

- a. A Resolution authorizing the Mayor to execute an amendment to the agreement with the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for City projects, to include general provisions concerning compliance with federal regulations when federal funding sources are used for a project. (Requested by Operations and Efficiency)

Approved: R-187-09

- b. A Resolution authorizing the Industrial Development Board of the City of Knoxville to amend its Charter to increase the number of directors on its governing board. (Requested by Law Department)

Approved: R-188-09

- c. A Resolution authorizing the Industrial Development Board of the City of Knoxville for the Downtown Cinema, Inc. to amend its Charter to increase the number of directors on its governing board. (Requested by Law Department)

Approved: R-189-09

- d. A Resolution authorizing the Mayor to execute an agreement with Knoxville Habitat for Humanity, Inc. to provide \$300,000.00 in Neighborhood Stabilization Program funding to purchase and rehabilitate residential properties that have been abandoned and/or foreclosed to sell to low-income families. (Requested by Department of Community Development)

Approved: R-190-09

- e. A Resolution authorizing the Mayor to execute a quitclaim deed to Gilbert D. Gideon, for one parcel of property located at 1146 Massachusetts Avenue, CLT No. 081-OE-004, within the city limits of the City of Knoxville pursuant to the Homemaker Program for a contract sales price of \$15,000.00. (Requested by Department of Community Development)

11. RESOLUTIONS:

Approved: R-191-09

- f. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire a fee simple interest and a temporary construction easement within a portion of the property located at 1715 Washington Pike, CLT #081D-D-037, and a fee simple interest and a temporary construction easement within a portion of the property located at 1717 Washington Pike, CLT #081D-D-036, from John Stephen Scarbrough and wife, Jackalyn I. Scarbrough for the 2008 Sidewalk Improvement Project, #08W-S-0455, for \$3,550.00. (Requested by Department of Engineering)

Approved: R-192-09

- g. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire a fee simple interest and a temporary construction easement within a portion of the property located at 1725 Washington Pike, CLT #081D-D-035, from Andrew C. Lewis and wife, Marylou Lewis for the 2008 Sidewalk Improvement Project, #08W-S-0455, for \$700.00. (Requested by Department of Engineering)

Approved: R-193-09

- h. A Resolution authorizing the acquisition by condemnation, if necessary, of two parcels of unimproved real property located at 810 S. Chestnut Street, CLT No. 082N-F-040, and 815 S. Chestnut Street, CLT No. 082N-K-003, owned by the Estate of Mary M. Mauger, for the Martin Luther King Jr. Avenue Drainage Improvements Project. (Requested by Department of Engineering)

Approved: R-194-09

- i. A Resolution authorizing the Mayor to execute all documents necessary to accept a grant from the State of Tennessee Department of Environment and Conservation in the amount of \$50,000.00 to construct a greenway loop on City property located at 2531 Maple Drive, Knoxville, Tennessee, CLT#058K-D-007. (Requested by Department of Parks and Recreation)

Approved: R-195-09

- j. A Resolution authorizing the Mayor to execute a Memorandum of Understanding between the City of Knoxville and Knoxville Utilities Board to provide fire service computations for a period of three (3) years. (Requested by Department of Finance and Accountability)

Approved: R-196-09

- k. A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with Minnesota Life Insurance Company to provide employee basic life and accidental death and dismemberment insurance. (Requested by Department of Finance and Accountability)

11. RESOLUTIONS:

Approved: R-197-09

- l. A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with the Prudential Insurance Company of America to provide employee long-term disability insurance. (Requested by Department of Finance and Accountability)

Approved: R-198-09

- m. A Resolution authorizing the Mayor to file a grant application with the Department of Energy, United States of America, to provide funding for energy efficiency and conservation projects under the American Recovery and Reinvestment Act of 2009 (ARRA), and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Department of Policy & Communications)

Approved: R-199-09

- n. A Resolution authorizing the Mayor to execute an agreement with Stellar Visions and Sound, Inc. to provide and operate video and sound equipment for the City of Knoxville's July 4, 2009 festivities at World's fair Park in a total amount not to exceed \$30,900.00. (Requested by Department of Special Events)

Approved: R-200-09

- o. A Resolution authorizing the Mayor to execute a contract with the Tennessee Department of Transportation for the maintenance of state highways through municipalities for the period July 1, 2008 through June 30, 2009. (Requested by Department of Public Service)

Approved: R-201-09

- p. A Resolution approving an amendment to the lease agreement between the City and Southeastern Glass Building, LLC. (Requested by Department of Policy & Communications)

12. ORDINANCES ON FIRST READING:

Approved on first reading

- a. An Ordinance to amend the Operating Budget for Fiscal Year 08-09 relative to the construction of miniature buildings at Safety City. (Requested by Department of Finance and Accountability)

12. ORDINANCES ON FIRST READING:

Approved on first reading

- b. An Ordinance to close a portion of Honeysuckle Avenue between the west side of Chillicothe Street and the east side of the unnamed alley, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Kenny A. & Allen Smart, Applicant. (MPC Approved 12-0-2) (File No. 5-A-09-SC) (Third District)

Approved on first reading

- c. An Ordinance to close a portion of Marion Street between Belleaire Avenue and the deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Knoxville Habitat for Humanity, Applicant. (MPC Approved 12-0-2) (File No. 5-B-09-SC) (Fifth District)

Failed due to lack of motion

- d. An Ordinance approving the request of Easterday Estates, LLC for a One Year Plan Amendment from Low Density Residential to Medium Density Residential for property located on the west side of Sisk Road, south of Pleasant Ridge Road, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 13-0) (File No. 4-C-09-PA) (Third District) (Consider with 10a.)

Approved on first reading

- e. An Ordinance to rezone property located on the west side of Sisk Road, south of Pleasant Ridge Road from RP-1, Planned Residential District, at a density of 1-5 dwelling units per acre to RP-1, Planned Residential District, at a density up to 5.99 dwelling units per acre, Easterday Estates LLC, Applicant. (MPC Approved 12-1) (File No. 4-E-09-RZ) (Third District)

Approved on first reading

- f. An Ordinance to rezone property located on the northwest side of Chambliss Avenue, west of Lebanon Street from R-2, General Residential District, to O-1, Office, Medical, and Related Services District, Robert L. Slusher, Applicant. (MPC Approved 12-0-2) (File No. 5-C-09-RZ) (Second District)

Approved: O-96-09

- g. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to CASA of East Tennessee to be utilized toward the expense of training and monitoring volunteers/advocates for abused and neglected children. (Requested by Councilmember Pelot)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-97-09

- h. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Lonsdale United for Change to acquire certain learning aides for the benefit of Lonsdale Elementary School. (Requested by Vice Mayor Becker)

Approved: O-98-09

- i. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Lonsdale Community Development Corporation to be utilized toward expenses related to the Annual Community Homecoming Celebration. (Requested by Vice Mayor Becker)

Approved: O-99-09

- j. An Emergency Ordinance appropriating the sum of \$2,600.00 from the Community Improvement (202) Fund and donating same to the Emerald Youth Foundation to be designated toward the operating budget of The Flagship Ministry, JustLead. (Requested by Councilmembers Pelot, Hall and Vice Mayor Becker)

Approved: O-100-09

- k. An Emergency Ordinance appropriating the sum of \$1,800.00 from the Community Improvement (202) Fund and donating same to Northwest Youth Sports to be utilized toward needed improvements to the park, field house and concession areas. (Requested by Councilmember Hall)

Approved: O-101-09

- l. An Emergency Ordinance appropriating the sum of \$300.00 from the Community Improvement (202) Fund and donating same to Ijams Nature Center to improve signage and interpretation around the wildlife sanctuary. (Requested by Councilmember Booker)

Approved: O-102-09

- m. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Knoxville-Knox County Community Action Committee, Office on Aging to be utilized toward their Mobile Meals program. (Requested by Councilmember Booker)

Approved: O-103-09

- n. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to UUNIK Academy, Inc., as sponsorship support toward their annual read-a-thon event. (Requested by Councilmember Booker)

13. PUBLIC FORUM:

Lynn Redmon, 5246 Oakhill Lane, discussed Pleasant Ridge Road improvements

14. ADJOURNMENT: 9:05 p.m.