

**MARKED**

**AGENDA FOR A REGULAR COUNCIL MEETING**

**AUGUST 11, 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 Booker**
  
- 3. ROLL CALL: Vice-Mayor Becker and Councilmember Roddy absent**
  
- 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  - a. ITEMS WITHDRAWN (Indicated with “W”)**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 Arthur C. Ely, II d/b/a Middlebrook Package Store, 7431 Middlebrook Pike, Knoxville, Tennessee, 37909. (Requested by Department of Finance and Accountability)

**Approved**

- b. An application for a Certificate of Good Moral Character for Walter Patrick Gang for the sale of alcoholic beverages at the private club, Fraternal Order of Eagles #2698, 203 Walnut Street, Knoxville, Tennessee, 37902. (Requested by Department of Finance and Accountability)

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

- Shakespeare on the Square continues until August 16.
- The Farmer's Market on Market Square is open Wednesdays from 11am to 2pm and Saturdays 9am to 2pm.
- The Parks and Recreation Department is holding public meetings as follows:
  - Morningside Park – Wednesday, August 12 at 7pm at Mabry-Hazen House
  - Inskip Park – Thursday, August 13<sup>th</sup>, 7pm at the park shelter at Inskip Park
- Lonsdale Homecoming a great success – next year will be their 25<sup>th</sup> anniversary.

**8. ELECTIONS AND CONFIRMATIONS:**

- Cm Frost announced that August 15 will be Happy Hollerpalooza beginning at 10am with the Street Fare taking place at 4pm
- Cm Pelot announced that Friday, August 21 will be Bearden Heritage Day.
- Cm Hultquist said that the Ridgetop/Slope Task Force has added an additional public meeting to be held August 17 at Farragut Town Hall.
- Cm Frost discussed the recent Guns in Parks issue and asked Council Attorney Charles Swanson to explain a recent ruling on the matter.
- Councilmembers Hultquist, Bailey, Hall and Pelot also addressed the Guns in Parks issue.

**A straw poll was taken and the workshop originally scheduled for August 20, 2009 was cancelled until further notice.**

**9. ORDINANCES ON SECOND READING:**

**Approved: O-120-09**

- a. An Ordinance to change the street name of Forest Hills Boulevard to Village Road located between the intersection of the present Village Road and Forest Hills Boulevard and the parking lot of Greentree Apartments, Metropolitan Planning Commission, Applicant. (MPC Approved 11-0-2) (File No. 6-B-09-SNC) (Second District)

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

**Postponed four (4) weeks**

- a. An Appeal by Phyllis Severance of the Board of Zoning Appeals' decision to approve the request for variances to reduce the Martha Berry Drive front yard setback from 40 feet to 28 feet, reduce the Ridge Crest Drive front yard setback from 40 feet to 35 feet, and reduce the east side yard setback from 12.5 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2c. E. 3. a. and 4. a.) as per site plan to construct a residence on a recorded lot in an R-1EN, Established Neighborhood District, property located at 1900 Martha Berry Drive, Parcel 058GA006. (BZA Approved 4-0) (File No. 6-A-09-VA) (Fourth District) (Consider with 11n.)

**11. RESOLUTIONS:**

**Approved: R-276-09**

- a. A Resolution authorizing the Mayor to enter into a contract with Knoxville's Community Development Corporation and D&D Developers, Inc. to provide Empowerment Zone funds in the amount of \$521,500.00 to assist in the construction of neighborhood retail lease spaces and improvements to an existing convenience store and to provide up to \$80,000.00 in additional Empowerment Zone funding for improvements to make the project sustainable and energy-efficient. (Requested by Department of Community Development)

**Approved: R-277-09**

- b. A Resolution authorizing the Mayor to enter into a contract with Knoxville's Community Development Corporation and Triple M Property Management, LLC to provide Empowerment Zone funds in the amount of \$524,200.00 to assist in the construction of a neighborhood commercial and retail center and to provide up to \$80,000.00 in additional Empowerment Zone funding for improvements to make the project sustainable and energy efficient. (Requested by Department of Community Development)

**Approved: R-278-09**

- c. A Resolution approving a tax increment financing amendment to the Northside Waterfront Redevelopment and Urban Renewal Plan to support the redevelopment of real property located at 710 East Hill Avenue. (Requested by Department of Policy and Communications)

**Approved: R-279-09**

- d. A Resolution authorizing the Mayor to enter into a contract with the Tennessee Department of Transportation for Citywide signal timing hardware upgrade for an estimated project cost of \$666,000.00 to be funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-280-09**

- e. A Resolution authorizing the Mayor to execute Change Order No. 3 to Contract No. C-07-0139 with Vaughn & Melton, Inc. for First Creek Channel Improvements, Phase II, for additional construction phase services, to increase the contract price by \$25,000.00 for a new contract price of \$391,365.00 and to increase the time by 184 days to December 31, 2010. (Requested by Department of Engineering)

**Approved: R-281-09**

- f. A Resolution authorizing the sale of eight Motorola mobile radios and modems to the City of Madison, Alabama for \$200.00 per unit, for a total of \$1,600.00. (Requested by Police Department)

**Approved: R-282-09**

- g. A Resolution authorizing the Mayor to accept a quote from Brown and Brown of Tennessee, formerly Security Insurance, Inc., for property and boiler & machinery insurance, for the annual premium in the amount of \$133,142.00. (Requested by Department of Finance and Accountability)

**Approved: R-283-09**

- h. A Resolution authorizing the Mayor to amend Contract No. C-09-0331 expanding the Fire Department EMS Medical Director's services to include the provision of medical triage services during mass casualty incidents or disasters. (Requested by Fire Department)

**Withdrawn**

- i. A Resolution authorizing the Mayor to enter into a contract with Tyler Technologies, Inc. to provide a municipal court software system to track and manage court citations as well as establish a system for remote entry of citations for an amount not to exceed \$355,000.00. (Requested by Department of Finance and Accountability)

**Approved: R-284-09**

- j. A Resolution expressing appreciation to the Knoxville Track Club for the donation of a John Deere Gator XUV 620i, valued at approximately \$10,000.00, for use in maintaining, developing and enhancing City greenways and park spaces and in direct support of the "Greenway Ranger" pilot program. (Requested by Department of Parks and Recreation)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-285-09**

- k. A Resolution authorizing the Mayor to execute an agreement with The Helen Ross McNabb Center, Inc. to provide \$200,000.00 in funding from State of Tennessee HOUSE (Housing Opportunities Using State Encouragement) Program income for the development and operation of permanent supportive housing at 1010 and 1020 Cox Street. (Requested by Department of Community Development)

**Approved: R-286-09**

- l. A Resolution authorizing the Mayor to execute an agreement with Knoxville-Knox County Community Action Committee to provide \$518,000.00 in funding from The Homelessness Prevention and Rapid Rehousing Program, a program funded under the American Recovery and Reinvestment Act of 2009, for a case management program designed to prevent homelessness. (Requested by Department of Community Development)

**Approved: R-287-09**

- m. A Resolution endorsing the creation, adoption and adherence to a “Complete Streets” policy to promote safe, convenient, thoughtfully designed streets within the City of Knoxville. (Requested by Councilmember Hultquist)

**Postponed four (4) weeks**

- n. A Resolution approving an appeal by Phyllis Severance of the Board of Zoning Appeals’ decision to approve the request for variances to reduce the Martha Berry Drive front yard setback from 40 feet to 28 feet, reduce the Ridge Crest Drive front yard setback from 40 feet to 35 feet, and reduce the east side yard setback from 12.5 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2c. E. 3. a. and 4. a.) as per site plan to construct a residence on a recorded lot in an R-1EN, Established Neighborhood District, property located at 1900 Martha Berry Drive, Parcel 058GA006. (BZA Approved 4-0) (File No. 6-A-09-VA) (Fourth District) (Consider with 10a.)

**12. ORDINANCES ON FIRST READING:**

**Approved on first reading**

- a. An Ordinance setting a “Certified Tax Rate” as required by T.C.A. § 67-5-1701 and amending Ordinance O-85-09 (tax rate ordinance) to adjust the tax rate from \$2.81 to \$2.46. (Requested by Department of Finance and Accountability)

**Denied**

- b. An Ordinance to close a portion of Ramsey Street from Western Avenue to Blackstock Avenue subject to conditions and authorizing the Mayor to issue quitclaim deeds to the adjacent property owners, Gary Mitchell, Applicant. (MPC Approved 12-0) (File No. 6-A-09-SC) (Sixth District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- c. An Ordinance adopting the Magnolia Avenue Corridor Plan and amendments to the Central City and East City Sector Plans. (MPC approved 12-0) (File No. 6-A-09-SAP) (Fourth and Sixth Districts)

**Approved on first reading**

- d. An Ordinance to rezone property located on the southeast end of Holston Drive, north end of George Bounds Road, southwest side of Holston River from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density of up to 4 dwelling units per acre, subject to conditions, Delbert E. and Jana W. Morgan, Applicant. (MPC Approved 10-2) (File No. 5-D-09-RZ) (Fourth District)

**Approved on first reading**

- e. An Ordinance approving the request of Eddie Joe Bennett for a One Year Plan Amendment from Light Industrial to Mixed Use (Light Industrial and Low Density Residential) for property located on the northwest side of Gillespie Avenue, northeast of N. Sixth Avenue. (MPC Approved 12-0) (File No. 7-A-09-PA) (Fourth District)

**Approved on first reading**

- f. An Ordinance to rezone property located on the northwest side of Gillespie Avenue, northeast of N. Sixth Avenue from I-3, General Industrial District, to R-1A, Low Density Residential District, Eddie Joe Bennett, Applicant. (MPC Approved 12-0) (File No. 7-A-09-RZ) (Fourth District)

**Approved on first reading**

- g. An Ordinance approving the request of Lloyd Davis, Jr. for a One Year Plan Amendment from Light Industrial to Mixed Use (Light Industrial, Office, and General Commercial) for property located on the southeast side of Middlebrook Pike, northeast side of E. Weisgarber Road. (MPC Approved 12-0) (File No. 7-B-09-PA) (Second District)

**Approved on first reading**

- h. An Ordinance appropriating the sum of \$15,000.00 and donating same to the United Way of Greater Knoxville for the purpose of acquiring “grant information” computer software. (Requested by Operations and Efficiency)

**Approved: O-121-09**

- i. An Emergency Ordinance appropriating the sum of \$400.00 from the Community Improvement (202) Fund and donating same to One Luv Outreach Ministries to offset the cost of hosting a community concert event, recently held at Knox Area Rescue Ministries. (Requested by Councilmember Woodhull and Vice Mayor Becker)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved: O-122-09**

- j. An Emergency Ordinance appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to the North Knoxville Business & Professional Association to underwrite certain costs of hosting the North Knoxville Street Fair & Annual Happy Hollerpalooza event. (Requested by Councilmembers Pelot, Hall, Woodhull and Vice Mayor Becker)

**Approved: O-123-09**

- k. An Emergency Ordinance appropriating the sum of \$450.00 from the Community Improvement (202) Fund and donating same to Eternal Life's Restoration Outreach to purchase Thanksgiving baskets for disadvantaged families during Harvest Fest 2009. (Requested by Councilmembers Hall, Woodhull and Vice Mayor Becker)

**13. PUBLIC FORUM:**

**None.**

**14. ADJOURNMENT: 9:10 p.m.**