

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

SEPTEMBER 8, 2009 -7:00 PM
Main Assembly Room, City-County Building

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, 400 Main Street, on Tuesday, September 8, 2009. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Pelot led in the Invocation and Councilmember Chris Woodhull led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Roddy made a motion to approve the minutes from the August 25, 2009 City Council meeting. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The minutes were approved.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with "W")

None.

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

Councilmember Roddy made a motion to postpone the following resolution for two (2) weeks:

- 11-c.** A Resolution approving the annual budget of the Central Business Improvement District for Fiscal Year 2009-2010. (Requested by Department of Policy and Communications)

Councilmember Hultquist seconded the motion to postpone.

Councilmember Frost asked that this matter not be postponed now, but be heard at its regular place on the agenda so that discussion could take place on the resolution.

Councilmember Roddy withdrew her motion to postpone. Councilmember Hultquist withdrew his second to the motion. (See "Resolutions").

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

Councilmember Pelot made a motion to add Ordinance 12f to the agenda by motion. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. (See “Ordinances on First Reading”).

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

None.

6. MAYOR’S REPORT

- Mayor Haslam congratulated and recognized newly sworn in Fire Chief Stan Sharp.
- Outdoor movies begin this Thursday at dusk on Market Square
- Thank you to all who worked “Boomsday” and made it a huge success.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Pelot discussed the Minvilla groundbreaking that took place today and thanked Mayor Haslam for his leadership on this project that will be a home to the homeless.
- Councilmember Hultquist announced that a public meeting will be held as a follow-up to the “Parking in Front Yards” ordinance. The meeting will be held September 9 at 4:30 p.m. at the L. T. Ross Building.
- Councilmember Pelot announced that a forum for the Second District City Council Candidates will be held Wednesday evening at 7:30 - West High School.

8. ELECTIONS AND CONFIRMATIONS

RE: RICHARD JANTZ – CITIZENS ADVISORY COMMITTEE TO THE KNOXVILLE AREA TRANSIT AUTHORITY

- 8-a.** A Resolution reappointing Richard Jantz to serve as a member of the Citizens Advisory Committee to the Knoxville Area Transit Authority. (Requested by Councilmember Pelot)

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 as R-301-09.

9. ORDINANCES ON SECOND READING

None.

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

- 10-a.** An Appeal by Ioan Cocan of the Board of Zoning Appeals’ decision to deny the request for a variance to reduce the north side yard setback from 12 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 2. a.) as per site plan to add a two-story addition to a one-story residence in an R-1, Low Density Residential District, property located at 5616 Wallwood Road, Parcel 068KH025. (BZA Denied 4-0) (File No. 3-E-09-VA) (Fifth District) (Consider with 11r.)

In conjunction with

- 11-r.** A Resolution approving an appeal by Ioan Cocan of the Board of Zoning Appeals' decision to deny the request for a variance to reduce the north side yard setback from 12 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 2. a.) as per site plan to add a two-story addition to a one-story residence in an R-1, Low Density Residential District, property located at 5616 Wallwood Road, Parcel 068KH025. (BZA Denied 4-0) (File No. 3-E-09-VA) (Fifth District) (Consider with 10a.)

Mr. Ioan Cocan was present but did not address Council.

Dan Kidd, 5622 Wallwood Road, stated that he was still opposed to the appeal.

Vice- Mayor Becker addressed the appeal.

Mr. Cocan asked a question from the audience. Vice-Mayor Becker addressed his question.

Vice-Mayor Becker made a motion to deny the appeal. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The appeal was denied.

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

- 10-b.** 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 11s.)

in conjunction with

- 11-s** 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 10b.)

Phyllis Severance was present but did not address City Council.

Mr. Mason was not present.

Councilmember Frost made a motion to approve the appeal. Councilmember Bailey seconded the motion.

Ms. Severance explained that a neighbor has plans to purchase this property from Mr. Mason.

Councilmember Pelot, Councilmember Frost, Vice-Mayor Becker and Mark Donaldson of MPC addressed the appeal.

By unanimous voice vote the motion to approve the appeal carried. The appeal and resolution were approved. The printed resolution can be found attached to these minutes as Resolution No. R-319-09.

11. RESOLUTIONS

RE: CERTIFICATE OF COMPLIANCE – MEG’S WNE AND SPIRITS

- 11-a.** A Resolution issuing a Certificate of Compliance to Meg’s Wine and Spirits relative to its application to the Tennessee Alcoholic Beverage Commission to renew its license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Councilmember Frost made a motion to approve the resolution. Vice-Mayor 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-302-09.

RE: CERTIFICATE OF COMPLIANCE – PALACE PACKAGE STORE, INC.

- 11-b.** A Resolution issuing a Certificate of Compliance to Palace Package Store, Inc. relative to its application to the Tennessee Alcoholic Beverage Commission to renew its license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Vice-Mayor 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-303-09.

RE: ANNUAL BUDGET OF CENTRAL BUSINESS IMPROVEMENT DISTRICT

- 11-c.** A Resolution approving the annual budget of the Central Business Improvement District for Fiscal Year 2009-2010. (Requested by Department of Policy and Communications)

Discussion ensued with Councilmember Frost, Patrick Hunt, CBID, Michelle Hummel, CBID and Councilmember Pelot speaking.

Councilmember Roddy made a motion to postpone the resolution two (2) weeks. Councilmember Bailey seconded the motion. By voice vote the Council voted as follows on the motion to postpone: Councilmembers Bailey, Becker, Booker, Hall, Hultquist, Pelot, Roddy and Woodhull voted “Aye.” Councilmember Frost voted ‘Nay.’ The motion carried. The resolution was postponed two (2) weeks.

RE: MCCARTER ENTERPRISES, INC. – FIRE INVESTIGATION UNIT BUILDING-336 EAST CALDWELL

- 11-d.** A Resolution authorizing the Mayor to enter into a contract with McCarter Enterprises, Inc. for the construction of an addition to the Fire Investigation Unit building at 336 East Caldwell for an amount not to exceed \$177,000.00. (Requested by Fire Department)

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-305-09.

RE: KNOX-BRADLEY MECHANICAL CONTRACTORS, INC. – COLISEUM (West)

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with Knox-Bradley Mechanical Contractors, Inc. to rebuild the fan hub and replace the fan shaft in the West Coliseum air handler for an amount not to exceed \$38,668.00. (Requested by Public Assembly Facilities)

Councilmember Booker 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-306-09.

RE: SURPLUS EQUIPMENT SALE – DECOMMISSIONED POLICE CRUISERS AND POLICE LIGHT BARS – WHITLEY COUNTY, KENTUCKY SHERIFF’S DEPARTMENT

11-f. A Resolution authorizing the sale of six surplus decommissioned police cruisers and eight surplus Code 3 police light bars to the Whitley County, Kentucky Sheriff’s Department at a price of \$2,500.00 per vehicle and \$80.00 per light bar. (Requested by Operations and Efficiency, Department of Fleet Services)

Councilmember Roddy made a motion to approve the resolution. Councilmembers Frost and 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-307-09.

RE: PUBLIC BUILDING AUTHORITY OF THE COUNTY OF KNOX AND THE CITY OF KNOXVILLE, TENNESSEE – WEST HAVEN RECREATION CENTER

11-g. A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for the replacement and upgrade of an existing roof system at the West Haven Recreation Center at a budgeted amount not to exceed \$105,250.00. (Requested by Department of Public Service)

Councilmember Hall made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-308-09.

RE: TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION – RECYCLING REBATE

11-h. A Resolution authorizing the Mayor to file an application with Tennessee Department of Environment and Conservation for a recycling rebate pursuant to T.C.A. § 68-211-825(b) in an amount not to exceed \$17,415.00, with a City match up to \$17,415.00, to be used for expenses associated with the operation of existing recycling drop-off centers. (Requested by Department of Public Service)

Councilmember Pelot made a motion to approve the resolution. Vice-Mayor 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-309-09.

RE: DESIGN & CONSTRUCTION SERVICES, INC. – 2009 ROADWAY SAFETY PROJECT

11-i. A Resolution authorizing the Mayor to execute an agreement with Design & Construction Services, Inc. for the 2009 Roadway Safety Project in an amount not to exceed \$151,195.61. (Requested by Department of Engineering)

Councilmember Pelot made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-310-09.

RE: KNOXVILLE-KNOX COUNTY COMMUNITY ACTION COMMITTEE – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – EMERGENCY HOME REPAIR PROGRAM

- 11-j.** A Resolution authorizing the Mayor to execute an agreement with Knoxville-Knox County Community Action Committee to provide \$400,000.00 in Community Development Block Grant funding for the Emergency Home Repair Program. (Requested by Department of Community Development)

Councilmember Roddy made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Resolution No. R-311-09.

RE: NEIGHBORHOOD HOUSING, INC. – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – MINOR HOME REPAIR PROGRAM “OPERATION BACKYARD”

- 11-k.** A Resolution authorizing the Mayor to execute an agreement with Neighborhood Housing, Inc. to provide \$68,500.00 in Community Development Block Grant funding for the Minor Home Repair Program, “Operation Backyard.” (Requested by Department of Community Development)

Councilmember Frost made a motion to approve the resolution. Vice-Mayor 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-312-09.

RE: EAST TENNESSEE COMMUNITY DESIGN CENTER – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – COMMUNITY IMPROVEMENT PROJECTS

- 11-l.** A Resolution authorizing the Mayor to execute an agreement with East Tennessee Community Design Center to provide \$72,000.00 in Community Development Block Grant funding for conceptual design and technical assistance for community improvement projects. (Requested by Department of Community Development)

Councilmember Pelot made a motion to approve the resolution. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-313-09

RE: KNOXVILLE’S COMMUNITY DEVELOPMENT CORPORATION – NEIGHBORHOOD STABILIZATION PROGRAM - MECHANICSVILLE

- 11-m.** A Resolution authorizing the Mayor to execute an agreement with Knoxville’s Community Development Corporation to provide \$500,000.00 in Neighborhood Stabilization Program funding to acquire and rehabilitate residential properties in the Mechanicsville area that have been abandoned and/or foreclosed to sell or rent to lower and moderate income families. (Requested by Department of Community Development)

Councilmember Booker made a motion to approve the resolution. Vice-Mayor 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-314-09

RE: KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION – NEIGHBORHOOD STABILIZATION PROGRAM FUNDING – OLD EASTPORT ELEMENTARY SCHOOL

- 11-n.** A Resolution authorizing the Mayor to execute an agreement with Knoxville's Community Development Corporation to provide \$869,000.00 in Neighborhood Stabilization Program funding for rehabilitation of the Old Eastport Elementary School as housing for low-income senior citizens. (Requested by Department of Community Development)

Councilmember Booker 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-315-09

RE LEGAL AID OF EAST TENNESSEE – HOMELESSNESS PREVENTION AND RAPID REHOUSING PROGRAM - AMERICAN RECOVERY AND REINVESTMENT ACT

- 11-o.** A Resolution authorizing the Mayor to execute an agreement with Legal Aid of East Tennessee to provide \$108,000.00 in funding under the Homelessness Prevention and Rapid Rehousing Program, an American Recovery and Reinvestment Act program for support of the Homeless Prevention Project. (Requested by Department of Community Development)

Councilmember Frost made a motion to approve the resolution. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-316-09

RE: KNOXVILLE-KNOX COUNTY COMMUNITY ACTION COMMITTEE – HOMELESSNESS PREVENTION AND RAPID REHOUSING PROGRAM – AMERICAN RECOVERY AND REINVESTMENT ACT

- 11-p.** A Resolution authorizing the Mayor to execute an agreement with Knoxville-Knox County Community Action Committee to provide \$107,213.00 in funding under the Homelessness Prevention and Rapid Rehousing Program, a program funded by the American Recovery and Reinvestment Act for support of the Homeless Prevention Project. (Requested by Department of Community Development)

Councilmember Roddy made a motion to approve the resolution. Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-317-09

RE: VOLUNTEER MINISTRY CENTER, INC. – EMERGENCY SHELTER GRANT FUNDS – DAY RESOURCE CENTER FOR HOMELESS PERSONS

- 11-q.** A Resolution authorizing the Mayor to execute an agreement with the Volunteer Ministry Center, Inc. to provide \$27,018.00 in Emergency Shelter Grant funds for the operation of a Day Resource Center for homeless persons. (Requested by Department of Community Development)

Councilmember Booker 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-318-09

12. ORDINANCES ON FIRST READING

RE: OPERATING BUDGET AMENDMENT – CAPITAL PROJECTS FUND AMENDMENT – MORNINGSIDE PARK – INSKIP PARK

- 12-a.** An Ordinance to amend the Operating Budget for Fiscal Year 2009/2010 and the budget of the Capital Projects Fund for improvements to Morningside Park and Inskip Park. (Requested by Department of Finance and Accountability)

Councilmember Booker made a motion to approve the ordinance on first reading. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: KNOXVILLE CITY CODE AMENDMENT – CHAPTER 26 – TAXIS, SHUTTLES AND LIMOUSINES

- 12-b.** An Ordinance to amend Chapter 26, Articles I through III of the Knoxville City Code regarding taxis, shuttles, and limousines. (Requested by Police Department)

Councilmember Woodhull made a motion to approve the ordinance on first reading. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: CLOSURE OF RAMSEY STREET FROM WESTERN AVENUE TO BLACKSTOCK AVENUE – GARY MITCHELL, APPLICANT

“Motion to Reconsider”

- 12-c.** 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) (Motion to Reconsider by Councilmember Frost)

Councilmember Frost made a motion to reconsider the above stated ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was reconsidered.

Councilmember Roddy, Roger Byrd, Fire Marshall, Debbie Poplin, Law Director and Councilmember Hultquist addressed the ordinance.

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion.

Councilmember Roddy made a motion to amend the ordinance to have quit claim deeds added for fire suppression. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By voice vote the motion to approve the ordinance, as amended, was approved. The Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Booker, Frost, Hall, Pelot, Roddy and Woodhull voted “Aye.” Councilmember Hultquist voted “Nay.” The motion carried. The ordinance was approved on first reading, as amended.

RE: REZONING REQUEST OF THE ASSOCIATION OF LADIES OF CHARITY

- 12-d.** An Ordinance to rezone property located on the southeast side of W. Baxter Avenue, southwest of N. Central Street from I-2, Restricted Manufacturing and Warehousing District, to C-3, General Commercial District, Association of Ladies of Charity, Applicant. (MPC Approved 11-0) (File No. 8-B-09-RZ) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

RE: SOUTH-DOYLE HIGH SCHOOL

- 12-e.** An Emergency Ordinance appropriating the sum of \$1,350.00 from the Community Improvement (202) Fund and donating same to South-Doyle High School to be utilized toward certain improvements for the baseball field. (Requested by Councilmembers Hall, Bailey, and Vice Mayor Becker)

Councilmember Bailey made a motion to approve the emergency ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on emergency. The printed ordinance can be found attached to these minutes as Ordinance No. O-132-09.

RE: PROPERTY DESCRIPTION AMENDMENT (O-60-80) – GREG SMITH

- “M” **12-f.** An Emergency Ordinance to amend Ordinance No. O-125-80 entitled “An Ordinance to amend the property description contained in Section 1 of Ordinance No. O-60-80” so as to delete certain language from the property description reserving an easement for certain utilities. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the ordinance on emergency. Councilmember Booker seconded the motion.

Discussion ensued with the following persons speaking: Vice-Mayor Becker; Councilmember Pelot; Councilmember Hultquist; Councilmember Roddy; Steve King, Public Works Director; Greg Smith; Councilmember Frost; Charles Swanson.

By voice vote Council voted as follows on the motion to approve: Councilmembers Bailey, Booker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted ‘Aye.’ Vice-Mayor Becker voted “Nay.” The motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-133-09.

13. PUBLIC FORUM

None

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 7:57 p.m.

Presiding Officer of the Council

Recorder