

MNUTES OF THE REGULAR SESSION OF THE COUNCIL OF THE CITY OF KNOXVILLE

**OCTOBER 6, 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 on Tuesday, October 6, 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 Council Members were present: Vice-Mayor Bob Becker, Bob Booker, Rob Frost, Steve Hall, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull. Councilmember Bailey absent.

4. APPROVAL OF MINUTES

Councilmember Pelot made a motion to approve the minutes from the September 22, 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5-a. ITEMS WITHDRAWN (Indicated with "W")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 Pelot made a motion to postpone the following item for two (2) weeks:

11-n. A Resolution amending and restating the Investment Policy of the City of Knoxville Pension Board. (Requested by Pension Board)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolution was postponed two (2) weeks.

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

None.

5-d. CONSENT ITEMS (Indicated with "*")

6. MAYOR'S REPORT

- The 2009 East Tennessee Solar Energy Self Guided Tour and Open House took place October 3, 2009.
- The Official opening of the S & W Grand restaurant will take place October 17-19.
- The Cross Knox run is set for 3:00 p.m. October 11 with a 9.3 mile point to point race run on city greenways.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Woodhull Introduced Grant Stanifer from the Compassion Coalition who presented City Council with the book “*Salt & Light: A Guide to Loving Knoxville.*”
- Councilmember Booker announced that the Carpetbag Theater is celebrating its 40th anniversary with planned activities October 8 – 10 at the Botanical Gardens.
- Vice-Mayor Becker announced the following City Council Workshops:
 - 1) October 15 – 5:00 p.m. Subject: Wayfinding
 - 2) November 12 – 5:00 p.m. Subject: Recycling

8. ELECTIONS AND CONFIRMATIONS

RE: KIM WOOD MCCLAMROCH – DR. MICHAEL BLACKWELL – KNOXVILLE-KNOX COUNTY ANIMAL WELFARE BOARD

- 8-a.** A Resolution confirming the reappointments of Kim Wood McClamroch and Dr. Michael Blackwell to the Knoxville-Knox County Animal Welfare Board. (Requested by Mayor)

Councilmember Hultquist 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-335-09

9. ORDINANCES ON SECOND READING

None.

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

RE: APPEAL BY PARIS KADKHODA – 126 STONE ROAD

- 10-a.** An Appeal by Parisa Kadkhoda of the Board of Zoning Appeals’ decision to deny a variance to reduce the front yard setback from 25 feet to 24.5 feet (Knoxville City Code, Appendix B, Article IV, Section 2. 1. 1. E. 1. a.) as per site plan to convert an existing garage into a detached dwelling in an R-1, Low Density Residential District, property located at 126 Stone Road. (BZA Denied 4-0) (File No. 8-C-09-VA) (First District) (Consider with 11o.)

In conjunction with

- 11-o.** A Resolution approving an appeal by Parisa Kadkhoda of the Board of Zoning Appeals’ decision to deny a variance to reduce the front yard setback from 25 feet to 24.5 feet (Knoxville City Code, Appendix B, Article IV, Section 2. 1. 1. E. 1. a.) as per site plan to convert an existing garage into a detached dwelling in an R-1, Low Density Residential District, property located at 126 Stone Road. (BZA Denied 4-0) (File No. 8-C-09-VA) (First District) (Consider with 10a.)

Councilmember Hultquist made a motion to deny the appeal. Vice-Mayor Becker seconded the motion.

Discussion ensued with the following persons addressing the appeal: Attorney Carl Eshbaugh, 1600 Plaza Tower, was present and represented Parisa Kadkhoda, in favor of appeal; Terry Caruthers, 6102 Arcadia Drive, was present in opposition to the appeal; Councilmember Frost.

By unanimous voice vote, Council voted in favor of denying the appeal. The appeal and the resolution were denied.

11. RESOLUTIONS

RE: CITY OF MORRISTOWN – MORRISTOWN POLICE DEPARTMENT – INTERNET CRIMES AGAINST CHILDREN TASK FORCE – U. S. DEPARTMENT OF JUSTICE – AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

- 11-a.** A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant of \$87,595.04 to the City of Morristown, on behalf of the Morristown Police Department, for the Internet Crimes Against Children Task Force program pursuant to a grant from the U.S. Department of Justice under the American Recovery and Reinvestment Act of 2009 (ARRA). (Requested by Police Department)

Councilmember Roddy 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-336-09.

RE: BRADLEY COUNTY, TENNESSEE SHERIFF'S OFFICE – INTERNET CRIMES AGAINST CHILDREN TASK FORCE – U. S. DEPARTMENT OF JUSTICE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

- 11-b.** A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant of \$95,100.00 to the Bradley County, Tennessee Sheriff's Office, for the Internet Crimes Against Children Task Force program pursuant to a grant from the U.S. Department of Justice under the American Recovery and Reinvestment Act of 2009 (ARRA). (Requested by Police Department)

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-337-09.

RE: AMERICAN APARTMENT MANAGEMENT COMPANY, INC. – POLICE SERVICES – GREEN HILLS APARTMENTS COMPLEX

- 11-c.** A Resolution authorizing the Mayor to execute an agreement with American Apartment Management Company, Inc. to provide additional police services to the Green Hills Apartments complex. (Requested by Police Department)

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-338-09.

RE: KNOXVILLE HARLEY-DAVIDSON – KNOXVILLE POLICE DEPARTMENT

- 11-d.** A Resolution authorizing the Mayor to execute extensions to agreements with Knoxville Harley-Davidson for the lease of nineteen (19) motorcycles for use of the Knoxville Police Department, in an amount not to exceed \$33,250.00 per year. (Requested by Operations and Efficiency, Fleet Services)

Councilmember Pelot made a motion to approve the resolution. Councilmember Booker seconded the motion.

Councilmember Hultquist and Chief Leland Price discussed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-339-09.

RE: KNOX HOUSING PARTNERSHIP, INC. – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – KNOX HOUSING PARTNERSHIP, INC.

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with Knox Housing Partnership, Inc. to provide \$40,000.00 in Community Development Block Grant funding for homebuyer pre-purchase counseling and to develop a pipeline of eligible homebuyers for homes built by Knox Housing Partnership, Inc. (Requested by Department of Community Development)

Councilmember Pelot made a motion to approve the resolution. Vice-Mayor Becker and Councilmember Woodhull seconded the motion.

Councilmember Roddy began discussion with questions for Madeline Rogero. Jackie Mayo also addressed Councilmember Roddy's questions.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-340-09.

RE: KNOX HOUSING PARTNERSHIP, INC. – PARK CITY HOME ENERGY IMPROVEMENT PROGRAM – COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS – AMERICAN RECOVERY AND REINVESTMENT ACT

- 11-f.** A Resolution authorizing the Mayor to execute an agreement with Knox Housing Partnership, Inc. to support the Park City Home Energy Improvement Program utilizing \$304,500.00 in Community Development Block Grant Recovery funds, as authorized by the American Recovery and Reinvestment Act. (Requested by Department of Community Development)

Councilmember Booker made a motion to approve the resolution. Vice-Mayor Becker seconded the motion.

Discussion ensued with the following persons addressing the resolution: Councilmember Roddy; Becky Wade; Councilmember Hultquist; Ken Block, Knox Housing Partnership; Councilmember Frost.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-341-09.

RE: GENERAL MOTORS CORPORATION – FLEET SERVICES

- 11-g.** A Resolution authorizing the Mayor to execute an authorized Fleet Service Agreement with General Motors Corporation in order for the City of Knoxville to perform its own warranty and recall repairs. (Requested by Operations and Efficiency, Fleet Services)

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-342-09.

RE: CHRYSLER GROUP, LLC – FLEET SERVICES

- 11-h.** A Resolution authorizing the Mayor to execute an authorized Fleet Service Agreement with Chrysler Group LLC in order for the City of Knoxville to perform its own warranty and recall repairs. (Requested by Operations and Efficiency, Fleet Services)

Vice-Mayor Becker 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-343-09.

RE: UNIVERSITY OF TENNESSEE CENTER FOR INDUSTRIAL SERVICES – STRUCTURAL COLLAPSE RESPONSE TRAINING COURSES – KNOXVILLE FIRE DEPARTMENT

- 11-i.** A Resolution authorizing the Mayor to enter into a contract with the University of Tennessee Center for Industrial Services to provide two Structural Collapse Response Training courses for the Knoxville Fire Department for a total amount not to exceed \$37,500.00. (Requested by Emergency Management)

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-344-09.

RE: BASELINE SPORTS CONSTRUCTION, LLC – CECIL WEBB RECREATION CENTER

- 11-j.** A Resolution authorizing the Mayor to enter into an agreement with Baseline Sports Construction, LLC for the renovation of the two (2) tennis courts at Cecil Webb Recreation Center by turning them into two (2) basketball courts for an amount not to exceed \$60,968.00. (Requested by Department of Parks and Recreation)

Councilmember Pelot 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-345-09.

RE: 1021 KATHERINE AVENUE PROPERTY – FRANK TALMADGE NICHLS – 2009 NEIGHBORHOOD DRAINAGE PROJECT

- 11-k.** A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase a portion of certain real property located at 1021 Katherine Avenue from Frank Talmadge Nichols for \$1,085.00 as part of the 2009 Neighborhood Drainage Project. (Requested by Department of Engineering)

Vice-Mayor 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-346-09.

RE: 1025 KATHERINE AVENUE PROPERTY – LOIS OWNES AND RADEANA JANE HOLTON

- 11-l.** A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase a portion of certain real property located at 1025 Katherine Avenue from Lois Owens and Radeana Jane Holton for \$1,000.00 as part of the 2009 Neighborhood Drainage Project. (Requested by Department of Engineering)

Vice-Mayor Becker 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-347-09.

RE: ROCKY TOP REBATH – INSTALLATION OF 12 SHOWER ENCLOSURE – KNOXVILLE CIVIC AUDITORIUM-COLISEUM

- 11-m.** A Resolution authorizing the Mayor to execute an agreement with Rocky Top Rebath for the provision and installation of twelve (12) shower enclosures at the Knoxville Civic Auditorium-Coliseum, for a total contract price not to exceed \$40,350.00. (Requested by Public Assembly Facilities)

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-348-09.

12. ORDINANCES ON FIRST READING

RE: ONE YEAR PLAN AMENDMENT REQUEST OF THE CITY OF KNOXVILLE – RUDY STREET AND HEISKELL AVENUE

- 12-a.** An Ordinance approving the request of the City of Knoxville for a One Year Plan Amendment from Major rights of Way to Mixed Use (General Commercial and Light Industrial) for property located on the northeast side of Rudy Street, northwest side of Heiskell Avenue, southwest side of I-275. (MPC Approved 10-0-1) (File No. 9-A-09-PA) (Fifth District)

Councilmember Woodhull made a motion to approve the ordinance. Councilmember Pelot seconded the motion.

Councilmember Hultquist made a motion to amend the ordinance to make it an emergency. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By unanimous voice vote on the original motion to approve, as amended to an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-138-09.

RE: CENTRAL CITY SECTOR PLAN AMENDMENT REQUEST OF PALACE PACKAGE STORE, INC. – RUDY STREET AND HEISKELL AVENUE

- 12-b.** An Ordinance approving the request of Palace Package Store, Inc. for an amendment to the Central City Sector Plan from Transportation to Commercial for property located on the northeast side of Rudy Street, northwest side of Heiskell Avenue, southwest side of I-275. (MPC Approved 10-0-1) (File No. 9-D-09-SP) (Fifth District)

Councilmember Woodhull made a motion to approve the ordinance. Councilmember Hultquist seconded the motion.

Councilmember Hultquist made a motion to amend the ordinance to make it an emergency. Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By unanimous voice vote on the original motion to approve, as amended to an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-139-09.

RE: REZONING REQUEST OF PALACE PACKAGE STORE, INC. – RUDY STREET AND HEISKELL AVENUE

- 12-c.** An Ordinance to rezone property located on the northeast side of Rudy Street, northwest side of Heiskell Avenue, southwest side of I-275 from I-2, Restricted Manufacturing and Warehousing District, to C-3, General Commercial District/IH-1, Infill Housing Overlay District, Palace Package Store, Inc., Applicant. (MPC Approved 10-0-1) (File No. 9-H-09-RZ) (Fifth District)

Councilmember Woodhull made a motion to approve the ordinance. Councilmember Hultquist seconded the motion.

Councilmember Woodhull made a motion to amend the ordinance to make it an emergency. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The amendment was adopted.

By unanimous voice vote on the original motion to approve, as amended to an emergency, was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-140-09.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – CUMBERLAND AVENUE – ELEVENTH STREET

- 12-d.** An Ordinance to rezone property located on the northwest side of Cumberland Avenue, northeast of Eleventh Street from C-2, Central Business District, to C-2, Central Business District/D-1, Downtown Design Overlay District and Design Guidelines, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 9-C-09-RZ) (First District)

Councilmember Hultquist made a motion to approve the ordinance. Vice-Mayor Becker seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Councilmember Frost, Councilmember Hultquist, Bill Lyons, Charles Swanson.

Councilmember Hultquist made a motion to refer the ordinance back to MPC to have them review Open Space and zoning guidelines. Councilmember Frost seconded the motion.

Vice-Mayor Becker and Councilmember Hultquist addressed the motion.

By unanimous voice vote the motion to refer the ordinance back to MPC for further review was approved. The matter was sent back to MPC.

RE: COMMUNITY IMPROVEMENT (202) FUND – COMPASSION COALITION

- 12-e.** An Emergency Ordinance appropriating the sum of \$200.00 from the Community Improvement (202) Fund and donating same to the Compassion Coalition acting as fiscal agent on behalf of the Juvenile Court Assistance Board. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the emergency ordinance. Vice-Mayor 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-141-09

13. PUBLIC FORUM

None.

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 8:13 p.m.

Presiding Officer of the Council

Recorder