

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

FEBRUARY 9, 2010

7:00 PM

ORDER OF BUSINESS

1. **CALL TO ORDER:** Mayor Bill Haslam

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Chris Woodhull and Councilmember Brenda Palmer

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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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:

- The third annual Mardi Growl Parade to benefit Young-Williams Animal Center will take place February 13, 11:00 a.m. at the corner of Summit Hill Drive and Central Avenue.
- A public meeting on the Gay Street Streetscapes will take place at 5:00 p.m. on February 16 at the Emporium Building.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilman Della Volpe announced that a Sector Plan and One Year Plan meeting will be held on February 17 at 7:00 p.m. at New Harvest Park
- Councilmember Brown recognized the 100th birthday of Sarah Moore Greene.
- Vice-Mayor Becker announced the following
 - 1) April 8 Workshop requested by Community Development to discuss the Five Year consolidated Plan will begin at 5:00 p.m. in Small Assembly Room.
 - 2) February 11 Workshop on Ten Year Plan to End Chronic Homelessness will take place at 5:30 p.m. in Small Assembly Room.
 - 3) Lonsdale United For change raised \$35,000 to purchase Active Boards for Lonsdale Elementary School.
 - 4) Discussed upcoming Young Williams Animal Shelter event
- Councilman Grieve announced that Knoxville Green and Maria Compere gave out 30,000 tulip bulbs this past Saturday and will be giving out more this coming Saturday.

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-31-2010

- a. A Resolution appointing Councilmember Nick Pavlis to serve on the Board of Directors of Community Television of Knoxville. (Requested by Vice Mayor Becker)

9. ORDINANCES ON SECOND READING:

None.

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

Withdrawn

- “W”
- a. An Appeal by Jacqueline Whiteside of the Metropolitan Planning Commission's decision to deny the rezoning of property located on the south side of E. Magnolia Avenue, east side of N. Kyle Street from C-3, General Commercial District, to C-4, Highway and Arterial Commercial District. (MPC Denied 9-3-1) (File No. 12-D-09-RZ) (Sixth District) (Consider with 12o.)

11. RESOLUTIONS:

Approved: R-32-2010

- a. A Resolution approving the issuance of a Certificate of Compliance to Cork and Bottle 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)

Approved: R-33-2010

- b. A Resolution authorizing the Mayor to enter into a contract with Holston Construction, LLC for the construction of a restroom facility at Sequoyah Hills Park in an amount not to exceed \$147,850.00. (Requested by Department of Parks and Recreation)

Approved: R-34-2010

- c. A Resolution to rescind Resolution No. R-166-09 and No. R-186-09 and to authorize the Mayor to enter into a contract with the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee (PBA), to perform project management services for the Magnolia Avenue Facility Rehabilitation, Energy Upgrades and Improvements Project, budgeted at an amount not to exceed \$2,007,000.00 to be provided through the American Recovery and Reinvestment Act of 2009, including the cost of construction, a contingency, and PBA's fee. (Requested by Operations and Efficiency)

Approved: R-35-2010

- d. A Resolution authorizing the Mayor to execute an agreement with the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee (PBA), to perform project management services in connection with the environmental improvements portion of the Downtown Intermodal Transit Facility Project at a budgeted amount not to exceed \$3,000,000.00 to be provided through the American Recovery and Reinvestment Act of 2009, including the cost of construction and the construction manager fee to be paid to Johnson and Galyon, Inc. (Requested by Operations and Efficiency)

Approved: R-36-2010

- e. A Resolution authorizing the Mayor to execute all documents necessary to purchase a permanent traffic signal facilities easement of 124 square feet at 3421 N. Broadway, CLT No. 069M-L-053 for \$13,400.00. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

Approved: R-37-2010

- f. A Resolution authorizing the Mayor to execute Change Order No. 1 to Contract No. C-10-0027 with Hurst Excavating, LLC for the 2009 Neighborhood Drainage Project so as to increase the contract price by \$49,789.20 for a new contract amount of \$279,298.70 and to extend the contract time by 65 calendar days for a new completion date of March 31, 2010. (Requested by Department of Engineering)

Approved: R-38-2010

- g. A Resolution authorizing the Mayor to execute an agreement with the Knoxville Area Urban League to provide Empowerment Zone funding in an amount not to exceed \$300,000.00 to establish a loan loss reserve for the Empowerment Zone Small Business Loan Program. (Requested by Department of Community Development)

Approved: R-39-2010

- h. A Resolution authorizing the Mayor to execute an agreement with the Knoxville Area Urban League for continued management and implementation of the Empowerment Zone Small Business Loan Program, to extend the term of the agreement for five additional months and to provide increased funding in an amount not to exceed \$82,248.00. (Requested by Department of Community Development)

Approved: R-40-2010

- i. A Resolution authorizing the Mayor to execute all documents necessary to assign all of the rights and obligations of The Helen Ross McNabb Center, Inc. under Agreement No. C-10-0041 to Helen Ross McNabb Mental Health Foundation. (Requested by Department of Community Development)

Approved: R-41-2010

- j. A Resolution authorizing the Mayor to execute an agreement with Knoxville-Knox County Metropolitan Planning Commission to provide GIS, cartographic and graphic design assistance for Knoxville Area Transit at a cost not to exceed \$36,700.00. (Requested by Operations and Efficiency)

Approved: R-42-2010

- k. A Resolution authorizing the Mayor to execute an agreement with Holston Gases, Inc. to provide propane gas at a fixed price for one year of \$1.29 per gallon to be used by Knoxville Area Transit for its Clean Fuels program vehicles for an amount not to exceed an annual cost of \$350,000.00. (Requested by Operations and Efficiency)

11. RESOLUTIONS (CONTINUED):

Approved: R-43-2010

- l. A Resolution authorizing the Mayor to execute an agreement with Digital Recorders, Inc. to provide an automatic vehicle location system for Knoxville Area Transit buses for an amount not to exceed a total cost of \$1,574,210.00. (Requested by Operations and Efficiency).

Approved: R-44-2010

- m. A Resolution authorizing the Mayor to file a grant application with the State of Tennessee, Department of the Military, and the Tennessee Emergency Management Agency, for funds in the amount of \$150,000.00 which will subsidize the Knoxville-Knox County Emergency Management Agency budget for salaries and operating expenses for Fiscal Year 2009-2010. (Requested by Emergency Management Agency)

Approved: R-45-2010

- “M” n. A Resolution authorizing the creation of a joint City of Knoxville and Knox County Committee for the purpose of creating appropriate policies and procedures relative to the use of City and County parking facilities, including, but not limited to, the City/County Building and Dwight Kessel parking garages. (Requested by Councilmember Roddy)

12. ORDINANCES ON FIRST READING:

Approved on first reading

- a. An Ordinance to close Callaway Avenue from Van Street to the dead end, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Lunn Real Estate Investments, Inc., Applicant. (MPC Approved 10-0-2) (File No. 1-A-10-SC) (Sixth District)

Approved on first reading

- b. An Ordinance adopting the Vestal Site Improvement Plan dated January 2010, which amends the General Plan and South City Sector Plan, Metropolitan Planning Commission, Applicant. (MPC Approved 10-0-2) (File No. 12-B-09-SAP) (First District)

Postponed twelve (12) weeks

- c. An Ordinance approving the request of the City of Knoxville for a One Year Plan Amendment from Central Business to Public Parks and Refuges for property located on the northwest side of Cumberland Avenue, northeast of Eleventh Street. (MPC Approved 10-0-2) (File No. 11-A-09-PA) (First District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Postponed twelve (12) weeks

- 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, City of Knoxville, Applicant. (MPC Approved 11-2) (File No. 9-C-09-RZ) (First District)

Approved on first reading

- e. An Ordinance approving the recommendation of the Metropolitan Planning Commission to amend the Central City Sector Plan from Light Industrial to Mixed Use (Office, Light Industrial, Medium Density Residential) for certain areas and Mixed Use (Commercial, Office, Light Industrial, Medium Density Residential) for certain areas, property located on the northeast side of Middlebrook Pike, east side of Keith Avenue. (MPC Approved 13-0) (File No. 1-A-10-SP) (Third District)

Failed – No motion (property remains zoned R-2)

- f. An Ordinance to rezone property located on the northeast side of Middlebrook Pike, east side of Keith Avenue from R-2, General Residential District to C-6, General Commercial Park District, This and That, Applicant. (MPC Approved 7-6) (File No. 11-C-09-RZ) (Third District)

Approved on first reading

- g. An Ordinance approving the request of Huber Properties, LLC for a One Year Plan Amendment from Low Density Residential to Office for property located on the southeast side of Lonas Drive, northeast side of Redsaile Road. (MPC Approved 10-0-2) (File No. 12-A-09-PA) (Second District)

Approved on first reading

- h. An Ordinance approving the request of Huber Properties, LLC for an amendment to the Northwest City Sector Plan from Low Density Residential to Office for property located on the southeast side of Lonas Drive, northeast side of Redsaile Road. (MPC Approved 10-0-2) (File No. 12-A-09-SP) (Second District)

Approved on first reading

- i. An Ordinance to rezone property located on the southeast side of Lonas Drive, northeast side of Redsaile Road from R-1, Low Density Residential District, to O-1, Office, Medical, & Related Services District, Huber Properties, LLC, Applicant. (MPC Approved 10-0-2) (File No. 12-A-09-RZ) (Second District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- j. An Ordinance approving the request of M&T, LLC for a One Year Plan Amendment from General Commercial to Medium Density Residential for property located on the southeast end of Fennel Road, southeast of Elyria Drive, northeast of Central Avenue Pike. (MPC Approved 10-0-2) (File No. 1-A-10-PA) (Fifth District)

Approved on first reading

- k. An Ordinance approving the request of M&T, LLC for an amendment to the North City Sector Plan from Low Density Residential and Hillside Protection to Medium Density Residential and Hillside Protection for property located on the southeast end of Fennel Road, southeast of Elyria Drive, northeast of Central Avenue Pike. (MPC Approved 10-0-2) (File No. 1-B-10-SP) (Fifth District)

Approved on first reading

- l. An Ordinance to rezone property located on the southeast end of Fennel Road, southeast of Elyria Drive, northeast of Central Avenue Pike from C-6, General Commercial Park District, to RP-1, Planned Residential District, at a density up to 16 dwelling units per acre, M&T, LLC, Applicant. (MPC Approved 10-0-2) (File No. 1-C-10-RZ) (Fifth District)

Approved on first reading

- m. An Ordinance to rezone property located on the southeast side of Skyline Drive, southwest side of James Road from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density up to 4 dwelling units per acre, Knoxville Habitat for Humanity, Applicant. (MPC Approved 10-0-1) (File No. 1-D-10-RZ) (Sixth District)

Withdrawn

- n. An Ordinance approving the request of Jacqueline Whiteside for an amendment to the Central City Sector Plan from Mixed Use (limited to General Commercial, Office Park, and RP-1 & RP-2 Planned Residential) to Mixed Use (limited to General Commercial, Highway and Arterial Commercial, Office Park, and RP-1 & RP-2 Planned Residential) for a special district located on the south side of E. Magnolia Avenue, east side of N. Kyle Street. (MPC Approved 6-4-2) (File No. 12-C-09-SP) (Sixth District)

Withdrawn

- “W” o. An Ordinance to rezone property located on the south side of E. Magnolia Avenue, east side of N. Kyle Street from C-3, General Commercial District, to C-4, Highway and Arterial Commercial District, Jacqueline Whiteside, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 9-3-1) (File No. 12-D-09-RZ) (Sixth District) (Consider with 10a.)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved: O-8-2010

- p. An Emergency Ordinance appropriating the sum of \$1,850.00 from the Community Improvement (202) Fund and donating same to Austin-East Magnet High School to be utilized toward the Roadrunners Baseball program needs. (Requested by Councilmembers Pavlis, Palmer, Della Volpe, Brown, Woodhull, and Vice Mayor Becker)

13. PUBLIC FORUM:

A lady from the audience asked what action Council took regarding the appeal on tonight's agenda. It was explained that the appeal was withdrawn.

14. ADJOURNMENT: 8:25 p.m.