

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

FEBRUARY 23, 2010

7:00 PM

ORDER OF BUSINESS

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

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Woodhull and Councilmember Grieve

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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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 “*”)**
11s – 11v

6. MAYOR'S REPORT:

- Recognition of Boy Scout Troop #146 who was present and working on their Citizenship in the Community Merit Badge.
- KAT has completed an intensive Short-Range Transit Development planning effort aimed at improving the transit service. They will be holding meetings in each of the service quadrants to discuss this effort.
- Funding is available through the neighborhoods Small Grants Program to support 2010 projects. Low to moderate income neighborhoods and crime watch groups are encouraged to apply for the grants.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Grieve reported that Knoxville Green gave away an additional 40,000 bulbs for planting and will have another 30,000 to give away this Saturday I the Winston Shopping Center on Kingston Pike.
- Councilmember Brown stated that a Sixth District Neighborhood Meeting will be held March 6 at 4:00 p.m. at the Beck Cultural Exchange Center.
- Vice-Mayor Becker : 1)apologized that his e-mail had been down for a couple of days; 2)Three requests for workshops - one from the Chamber Partnership and one from the Pension Board. The third he is requesting on the East County Sector Plan; 3)Dinner discussion in two weeks should include – reports on Board and Commissions, Agenda Review and Workshop Scheduling.

8. ELECTIONS AND CONFIRMATIONS:

Postponed two (2) weeks

- a. A Resolution appointing Councilmember Joe Hultquist to continue his service to the City of Knoxville as co-chair of the Committee on Transportation and Mobility. (Requested by Councilmember Hultquist)

9. ORDINANCES ON SECOND READING:

Approved: O-9-2010

- 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: O-10-2010

- 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)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-11-2010

- c. 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)

Approved: O-12-2010

- d. 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: O-13-2010

- e. 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: O-14-2010

- f. 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)

Approved: O-15-2010

- g. 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: O-16-2010

- h. 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)

9. ORDINANCES ON SECOND READING (CONTINUED):

Approved: O-17-2010

- i. 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: O-18-2010

- j. 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)

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

Postponed two (2) weeks

- a. An Appeal by Scenic Knoxville of the Metropolitan Planning Commission's decision to deny Scenic Knoxville's appeal of the Downtown Design Review Board's approval of a Certificate of Appropriateness for the operation of two Electronic Message Center signs by the Knoxville Convention Center. (MPC Denied 11-2) (File No. 1-A-10-OB) (First District) (Consider with 11q.)

Postponed two (2) weeks

- b. An Appeal by David Perkins of the Metropolitan Planning Commission's limited approval of a Use on Review for a home occupation for music teacher, subject to conditions, and denial of a Use on Review request for home occupations for performer and telemarketing of performances, appearances, and other services, in an R-1, Low Density Residential District, property located on the east side of Mellen Avenue, just south of Eutaw Place. (MPC Approved 7-6) (File No. 1-C-10-UR) (Second District) (Consider with 11r.)

11. RESOLUTIONS:

Approved: R-46-2010

- a. A Resolution approving the issuance of a Certificate of Compliance to Frontier 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)

11. RESOLUTIONS (CONTINUED):

Approved: R-47-2010

- b. A Resolution approving the proposed Lease Agreement between the Public Building Authority and Nama, LLC for the retail space generally known as 506 S. Gay Street and located adjacent to the Regal Riviera 8 Cinema. (Requested by Law Department and Department of Policy and Communications)

- c. ***

Approved: R-48-2010

- d. A Resolution authorizing the Mayor to execute the Prudential Retirement Specimen Governmental 457(b) Plan Adoption Agreement and the Prudential Retirement Specimen Governmental 457(b) Plan with Prudential Retirement Insurance and Annuity Company for the City of Knoxville's 457(b) Deferred Compensation Plan. (Requested by Department of Finance and Accountability, Risk Management Division)

Approved: R-49-2010

- e. A Resolution authorizing the Mayor to approve Change Order No. 3 to Contract No. C-07-0137 between the City of Knoxville and Vaughn & Melton, Inc. for the Gay Street Streetscapes Project for various design changes due to unanticipated conditions encountered during the project construction which will increase the contract price by \$36,640.00 for a new contract price of \$432,480.00. (Requested by Department of Engineering)

Approved: R-50-2010

- f. A Resolution authorizing the Mayor to enter into a contract with Knoxville Recycling Coalition for collection, hauling and recycling of cardboard generated by businesses within the Central Business Improvement District in an amount not to exceed \$19,500.00 per year. (Requested by Department of Public Service)

Approved: R-51-2010

- g. A Resolution authorizing the Mayor to execute an agreement with Goodwill Industries – Knoxville, Inc. to provide drop-off recycling supercenters at nine (9) area locations throughout the City for an annual contract price not to exceed \$151,740.00. (Requested by Department of Public Service)

Approved: R-52-2010

- h. A Resolution authorizing the acquisition, by condemnation if necessary, of a fee simple interest in certain property located at 2909 Martin Luther King, Jr. Avenue (CLT No. 082-FN-022), believed to be owned by Alfred E. Grady, at a cost not to exceed \$15,000.00 as recommended by the Chronic Problem Properties Committee. (Requested by Department of Community Development)

11. RESOLUTIONS (CONTINUED):

Approved: R-53-2010

- i. A Resolution authorizing the Mayor to execute and deliver a license agreement with Knoxville Data Link for the purpose of constructing, maintaining, operating and using a fiber optic telecommunications network within the City of Knoxville's public rights-of way, subject to certain terms, conditions and limitations. (Requested by Department of Finance and Accountability)

Approved: R-54-2010

- j. A Resolution authorizing the Mayor to execute a Brownfield Agreement with the Tennessee Department of Environment and Conservation concerning the future Suttree Landing Park property within Knoxville's South Waterfront. (Requested by South Waterfront Development)

Approved: R-55-2010

- k. A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee Institute for Public Service, Law Enforcement Innovation Center, in an amount not to exceed \$93,992.51, to provide services as part of the Project Safe Neighborhoods initiative, including training and information sharing for law enforcement agencies. (Requested by Police Department)

Approved: R-56-2010

- l. A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee Institute for Public Service, Law Enforcement Innovation Center, in an amount not to exceed \$92,253.06, to coordinate community outreach efforts to law enforcement agencies in the Eastern District of Tennessee regarding gang-related issues, through the Project Safe Neighborhoods initiative. (Requested by Police Department)

Approved: R-57-2010

- m. A Resolution authorizing the Mayor to execute any and all documents necessary to apply for a grant award of \$145,000.00 from the State of Tennessee Governor's Highway Safety Office, which includes a 50% local match, for the purpose of funding for overtime for highway safety enforcement and general funding for educational events, and if such application is approved, authorizing the Mayor to accept such a grant award. (Requested by Police Department)

Approved: R-58-2010

- n. A Resolution authorizing the Mayor to execute any and all documents necessary to apply for a grant award of \$250,000.00 from the United States Department of Justice, Office of Justice Programs, for continued funding of the Internet Crimes Against Children Task Force, and if such application is approved, authorizing the Mayor to accept such a grant award. (Requested by Police Department)

11. RESOLUTIONS (CONTINUED):

Approved: R-59-2010

- o. A Resolution authorizing the Mayor to execute any and all documents necessary to apply for a grant award of \$720,000.00 from the State of Tennessee Department of Criminal Justice Programs for continued funding of the City of Knoxville's Internet Crimes Against Children Task Force, and if such application is approved, authorizing the Mayor to accept such a grant award. (Requested by Police Department)

Approved: R-60-2010

- p. A Resolution authorizing the Mayor to execute any and all documents necessary to apply for an Edward Byrne grant award of \$480,000.00 over a period of three years from the State of Tennessee Department of Criminal Justice Programs, including a 25% local match, for continued funding of the Family Justice Center, and if such application is approved, authorizing the Mayor to accept such a grant award. (Requested by Police Department)

Postponed two (2) weeks

- q. A Resolution approving an appeal by Scenic Knoxville of the Metropolitan Planning Commission's decision to deny Scenic Knoxville's appeal of the Downtown Design Review Board's approval of a Certificate of Appropriateness for the operation of two Electronic Message Center signs by the Knoxville Convention Center. (MPC Denied 11-2) (File No. 1-A-10-OB) (First District) (Consider with 10a.)

Postponed two (2) weeks

- r. A Resolution approving an appeal by David Perkins of the Metropolitan Planning Commission's limited approval of a Use on Review for a home occupation for music teacher, subject to conditions, and denial of a Use on Review request for home occupations for performer and telemarketing of performances, appearances, and other services, in an R-1, Low Density Residential District, property located on the east side of Mellen Avenue, just south of Eutaw Place. (MPC Approved 7-6) (File No. 1-C-10-UR) (Second District) (Consider with 10b.)

Approved: R-61-2010

- “*” s. A Resolution granting a pension of \$1,714.79 per month to John I. Harmon, an employee of the Knoxville General Government. (Requested by Pension Board)

Approved: R-62-2010

- “*” t. A Resolution granting a pension of \$1,852.23 per month to Lou Ann Manning, an employee of the Knoxville General Government. (Requested by Pension Board)

Approved: R-63-2010

- “*” u. A Resolution granting a pension of \$186.61 per month to Dale A. Taylor, an employee of the Knoxville General Government. (Requested by Pension Board)

11. RESOLUTIONS (CONTINUED):

- Approved: R-64-2010**
- “*” v. A Resolution granting a pension of \$225.54 per month to William E. Warwick, an employee of the former Knoxville City School System. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING:

- Failed due to no motion**
- a. An Ordinance to amend the Charter of the City of Knoxville, specifically Chapter 412 of the Private Acts of 1923 of the General Assembly of the State of Tennessee, entitled, “An act to incorporate the City of Knoxville in Knox County, Tennessee, and to define the rights, powers, and liabilities of the same; to fix the boundaries of said municipality, and to repeal all acts or parts of acts in conflict with this act,” and all acts amendatory thereto, by amending Article III, Section 303 of the Charter of the City of Knoxville entitled “Powers, duties and authority of the Mayor” so as to delete the Mayor’s responsibility to serve as presiding officer of Council; amending Article IV, Section 407 of the Charter of the City of Knoxville, entitled “City Council-officers; Vice-Mayor, Recorder” so as to designate the Vice-Mayor as presiding officer of Council; and further providing for the submission of this ordinance to the qualified voters of the City of Knoxville for approval as provided in Article XI, Section 9 of the Constitution of the State of Tennessee. (Requested by Councilmember Hultquist)
- Approved on first reading**
- b. An Ordinance to amend the Operating Budget for Fiscal Year 2009-2010 to allow for completion of the Gay Street Streetscapes Project. (Requested by Department of Finance and Accountability)
- Approved: O-19-2010**
- c. An Emergency Ordinance appropriating the sum of \$400.00 from the Community Improvement (202) Fund and donating same to North Hills Garden Club to be utilized toward their current improvement project to plant dogwoods within the community boulevards. (Requested by Councilmembers Della Volpe and Woodhull)

13. PUBLIC FORUM: None

14. ADJOURNMENT: 8:22 p.m.