

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

**JANUARY 13, 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, January 13, 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 Becker led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Bailey made a motion to approve the minutes from the December 30, 2008 City Council meeting. Councilmember Pelot 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5-a. ITEMS WITHDRAWN (Indicated with “W”)

Councilmember Becker made a motion to withdraw the following resolution from the agenda:

- 11-a.** A Resolution requesting and encouraging the Executive Director and the professional staff at the Metropolitan Planning Commission to study, evaluate and analyze the feasibility and potential for adopting a comprehensive sidewalk ordinance for the City of Knoxville. (Requested by Councilmember Becker)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolution was withdrawn.

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

None.

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

None.

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

None.

6. MAYOR’S REPORT

- Mayor Haslam announced the many different activities taking place in Knoxville next week during the Martin Luther King, Jr. Celebration.
- Roy Cruze invited everyone to attend The Knoxville Presidential Inaugural Celebration, a civil rights celebration, at the Crowne Plaza Hotel, January 20 beginning at 9:00 a.m. with some of the proceeds going to Lost Sheep Ministries.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

None.

8. ELECTIONS AND CONFIRMATIONS

RE: LOUIS CROSSLEY AND BETH WATERS

- 8-a.** A Resolution confirming the reappointments of Louis Crossley and Beth Waters to the Board of Directors of Community Television of Knoxville. (Requested by Department of Policy and Communications)

Councilmember Bailey 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-1-09.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – ZONING REGULATIONS – SOUTH WATERFRONT DISTRICT

- 9-a.** An Ordinance amending the Knoxville City Code, Appendix B, “Zoning Regulations”, Article 4, “South Waterfront District”, providing new street section designations in Chapter 3 (the Regulating Plan), and creating new street standards within Chapter 6 (Streetscape Standards). (MPC Approved 13-0) (File No. 12-A-08-OA) (First District)

Councilmember Hultquist made a motion to approve the ordinance on second reading. Councilmember 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-1-09.

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

None.

11. RESOLUTIONS

RE: PUBLIC BUILDING AUTHORITY OF THE COUNTY OF KNOX AND THE CITY OF KNOXVILLE, TENNESSEE – WORLD’S FAIR PARK – LOWER SECOND CREEK GREENWAY

11-b. A Resolution authorizing the Mayor to execute an amendment to the Operating Contract between the City of Knoxville and the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee with respect to the management of World’s Fair Park to add management services for the Lower Second Creek Greenway. (Requested by Operations and Efficiency)

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

Sam Anderson explained the summary he prepared on the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-2-09.

RE: METROPOLITAN PLAZA, LLC – FORMER SITE OF THE TENNESSEE SUPREME COURT

11-c. A Resolution authorizing the Mayor to execute an agreement with Metropolitan Plaza, LLC, for the development of property comprising a city block in Downtown Knoxville, commonly referred to as the former site of the Tennessee Supreme Court. (Requested by Department of Policy and Communications and Law Department)

Vice-Mayor Brown made a motion to approve the resolution. Councilmember Pelot seconded the motion.

Discussion ensued with the following persons addressing the resolution: Councilmember Hall; Law Director Debbie Poplin; Councilmember Frost; Councilmember Hultquist and developer Nick Cazana.

By voice vote the Council voted as follows on the motion to approve the resolution: Councilmembers Bailey, Becker, Brown, Frost, Hultquist, Pelot, Roddy and Woodhull voted “Aye”. Councilmember Hall voted “Nay.” The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-3-09.

RE: KNOXVILLE-KNOX COUNTY EMERGENCY MANAGEMENT AGENCY – TENNESSEE EMERGENCY MANAGEMENT AGENCY

11-d. A Resolution authorizing the Mayor to execute any and all documents to accept a grant award in the amount of \$15,000.00 for the use of the Knoxville-Knox County Emergency Management Agency from the Tennessee Emergency Management Agency. (Requested by Emergency Management Agency)

Councilmember 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-4-09.

RE: UNIVERSITY OF TENNESSEE – EMERGENCY HEALTHCARE FACILITY EVACUATION TRAINING

11-e. A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee in an amount not to exceed \$34,000.00 to provide emergency healthcare facility evacuation training in order to prepare for an incident involving terrorism or mass casualty. (Requested by Emergency Management Agency)

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-5-09.

RE: WILBUR SMITH ASSOCIATES – LAKE AVENUE DRAINAGE IMPROVEMENT PROJECT

- 11-f.** A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for design services for the Lake Avenue Drainage Improvement Project in an amount not to exceed \$48,300.00. (Requested by Department of Engineering)

Councilmember 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-6-09.

RE: SOUTHERN CONSTRUCTORS, INC. – GAY STREET STREETSCAPES PROJECT

- 11-g.** A Resolution authorizing the Mayor to execute an agreement with Southern Constructors, Inc. for the Gay Street Streetscapes Project, No. 08A-R-0449, in an amount not to exceed \$3,496,701.10. (Requested by Department of Engineering)

Vice-Mayor Brown 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-7-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION - STATE ROUTE 33 (HENLEY STREET) BRIDGE PROJECT

- 11-h.** A Resolution authorizing the Mayor to execute a proposal with the Tennessee Department of Transportation for Federal Project No. HPP-NHE-33(51), State Project No. 47017-2217-94, State Route 33 (Henley Street) bridge and approaches, widening from Main Street to Blount Avenue. (Requested by Department of Engineering)

Councilmember Hultquist made a motion to postpone the resolution two (2) weeks. Councilmember Becker seconded the motion.

Discussion ensued with the following persons addressing the resolution: Councilmember Hultquist; Public Works Director Steve King; Councilmember Roddy; Councilmember Pelot; Vice-Mayor Brown.

By unanimous voice vote the resolution was postponed two (2) weeks.

RE: PUBLIC BUILDING AUTHORITY OF THE COUNTY OF KNOX AND THE CITY OF KNOXVILLE, TENNESSEE – NEW HOPE RECREATION CENTER ROOF SYSTEM AND HVAC SYSTEM REPLACEMENT PROJECT

- 11-i.** 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 New Hope Recreation Center Roof System and HVAC System Replacement Project under the agreement for project management services for designated projects, at a budgeted amount not to exceed \$40,418.15. (Requested by Department of Public Service)

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-8-09.

RE: TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY COMPREHENSIVE DEVELOPMENT 2008 PLAN UPDATE – NORTHWEST COUNTY SECTORY PLAN

- 11-j.** A Resolution adopting the Tennessee Technology Corridor Development Authority Comprehensive Development 2008 Plan Update and adopting the amendment to the Northwest County Sector Plan needed to incorporate said update by reference. (MPC Approved 13-0) (File No. 10-A-08-SAP) (Second District)

Councilmember Pelot 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-9-09.

RE: VICE-MAYOR M. T. “TEE” BELLAH

- 11-k.** A Resolution honoring the memory of former Vice Mayor M.T. “Tee” Bellah and expressing City Council’s sincere sympathy to members of his family upon the occasion of his passing. (Requested by Council)

Councilmember Frost 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-10-09.

RE: HOWARD N. KESLEY

- 11-l.** A Resolution honoring the memory of the late Howard N. Kesley and expressing City Council’s sincere condolences to the members of his family upon the occasion of his passing. (Requested by Council)

Councilmember Frost 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-11-09.

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS, ARTICLE V – SIGNS, BILLBOARD AND OTHER ADVERTISING STRUCTURES –ELECTRONIC MESSAGE CENTER

- 12-a.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 10 “Signs, Billboards, and other Advertising Structures”, and related sections regarding the operating regulations of Electronic Message Centers. (MPC Approved 9-4) (File No. 5-A-08-OA)

Lengthy discussion took place on the ordinance. The following motions were made.

Councilmember Becker:

Make a motion to adopt the ordinance.
Councilmember Roddy seconded the motion.

Councilmember Becker:

Move to amend the ordinance that would substitute Option D for Option A.

Councilmember Roddy:

Second.

City Recorder Mitchell:

Option D is to ban new EMC, except changeable price signs, while requiring existing EMC to meet amended operational and locational characteristics and consideration of amortization of all existing EMC.

Vote: Councilmembers Becker, Frost, Hultquist, Roddy and Woodhull voted “Aye”. Councilmembers Brown, Hall and Pelot voted “Nay”. Councilman Bailey was not in the Council Chamber and did not vote.

The motion carried. Amendment #1 was adopted.

AMENDMENT #2

Becker:

My motion: No EMC will be permitted in any location after the effective date of this ordinance except those in an H-1 or D-1 Overlay, a Master Sign Plan or any special zoning district that allows EMC’s with design requirements.

Brown:

I second that.

Roddy:

Will you go over language?

Charles:

Adoption of Option D except that one EMC may be permitted as a development directory sign within an area covered by a Master Signage Plan or
An EMC may be permitted in those areas covered by an H-1 Overlay District; or
An EMC may be permitted in those areas covered by a D-1 Overlay District; or
Any special zoning district that allows EMC’s with design requirements.

VOTE: Councilmembers Bailey, Becker, Brown, Hall, Pelot voted “Aye” Councilmembers Frost, Hultquist, Roddy and Woodhull voted “Nay.”

The motion carried. Amendment #2 was adopted.

AMENDMENT #3

Hultquist:

Make a motion to amend to exclude area covered by a Master Sign Plan from list of exceptions (listed in Amendment #2).

Frost:

Second

VOTE: Councilmembers Frost, Hultquist, Roddy and Woodhull voted “Aye.” Councilmembers Bailey, Becker, Brown, Hall and Pelot voted “Nay”. **The motion failed.**

AMENDMENT #4

Councilmember Becker:

I want to add the language that is in Option A, Page 1 (f)

I'll just read it:

“A development directory sign approved as part of a master signage may incorporate on Electronic Message Center as an integral part of a business ground or monument sign and shall have a minimum matrix area of 20 square feet and a maximum matrix area of 1/3 of the total sign area or 100 square feet, whichever is less. Such sign shall be identified on and constructed in accordance with an approved master signage plan.

Vice-Mayor Brown: Second.

Discussion followed with several Councilmembers addressing the amendment.

Vice-Mayor Brown: May I withdraw my second now?

Mayor Haslam: Would anyone else like to second Mr. Becker's motion?

The motion died due to a lack of a second to the motion.

AMENDMENT #5

Vice-Mayor Brown:

I would like to amend the motion to add the language that is on page 3 (that Mr. Swanson has).

Charles: (Language added to Master Signage Plan Amendment)

Except in developments of 100 acres or larger shall be allowed to have a 400 square foot EMC. In the event a 400 square foot EMC is permitted no additional EMC's shall be permitted in said development.

Brown: Make sure we have Master Signage Plan language in there.

Charles: Should be in accepted developments subject to the Master Signage Plan. Right?

Brown: That's correct.

Pelot: I second that motion.

VOTE: Councilmembers Bailey, Brown, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted "Aye." Councilmember Becker voted "Nay". **The motion carried. Amendment #5 was adopted.**

AMENDMENT #6

Becker:

I make a motion to add to Article 5, Section 10, A:

4. **No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination.**

Frost:

None of that would be allowed for currently existing EMC's, right?

Becker:

Right.

Councilmember Pelot:

Second.

VOTE: By unanimous voice vote the motion carried. Amendment #6 was adopted.

AMENDMENT #7

Councilmember Becker:

I make a motion to add **Pages 2, 3, 4 & 5 of Exhibit A, excluding E 1 E 1 (A) and G 5 (A).**

Councilmember Pelot:

Second.

VOTE: By unanimous voice vote the motion carried. Amendment #7 was adopted.

AMENDMENT #8

Councilmember Becker:

In #12 it says “Every line of text in an EMC shall exceed the following standards”:

Maximum Text Size (in inches) should actually say **Minimum** Text Size (in inches). I would like to amend Maximum to Minimum.

Councilmember Roddy:

Second

VOTE: By unanimous voice vote the motion carried Amendment #8 was adopted.

AMENDMENT #9

Councilmember Becker made a motion to amend the Master signage Plan Amendment (that was previously amended to 400 square feet) to 100 square feet.

Becker:

Except in developments of 100 acres or larger which shall be allowed to have up to a 100 square foot EMC.

Councilmember Hultquist:

Second.

VOTE: Councilmembers Becker, Frost, Hultquist, Roddy and Woodhull voted “Aye”.

Councilmember Bailey, Brown, Hall and Pelot voted “Nay”. The motion carried.

Amendment #9 was adopted.

By voice vote, Council voted as follows on the original motion to approve ordinance 12-a, as amended: Councilmembers Becker, Brown, Frost, Hultquist, Roddy and Woodhull voted “Aye”. Councilmembers Bailey, Hall and Pelot voted “Nay”. The motion carried. The Ordinance was approved on first reading.

RE: ALLEY CLOSURE FROM STONEWALL STREET TO BRAGG STREET – CITY OF KNOXVILLE, APPLICANT

12-b. An Ordinance to close an unnamed alley from Stonewall Street to Bragg Street (closed portion), and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 12-A-08-AC) (Fifth District)

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: STREET CLOSURE – BRIDGE AVENUE NEAR TWELFTH STREET AND ELEVENTH STREET – CHIP STANLEY, APPLICANT

- 12-c.** An Ordinance to close a portion of the radius of Bridge Avenue at the northeast corner of Twelfth Street and northwest corner of Eleventh Street conditional upon the recording of a resubdivision plat, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Chip Stanley, Applicant. (MPC Approved 13-0) (File No. 12-A-08-SC) (First District)

Councilmember Becker made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: STREET CLOSURE – HIGHLAND AVENUE NEAR ELEVENTH STREET – CHIP STANLEY, APPLICANT

- 12-d.** An Ordinance to close a portion of the radius of Highland Avenue at the southwest corner of Eleventh Street conditional upon the recording of a resubdivision plat, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Chip Stanley, Applicant. (MPC Approved 13-0) (File No. 12-B-08-SC) (First District)

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – SHERLAKE LANE

- 12-e.** An Emergency Ordinance to rezone property located on the east side of Sherlake Lane, west side of Hayfield Road, south of Parkside Drive, from No Zone to C-6, General Commercial Park District, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 3-R-02-RZ) (Second District)

Councilmember Pelot made a motion to approve the emergency ordinance. Councilmember 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-2-09.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF THE KNOXVILLE CITY COUNCIL – KINGSTON PIKE NEAR ALCOA HIGHWAY

- 12-f.** An Ordinance approving the request of Knoxville City Council for a One Year Plan Amendment from Light Industrial to Mixed Uses (Office, General Commercial, High Density Residential) for property located on the southeast side of Kingston Pike, southeast of Alcoa Highway. (MPC Approved 13-0) (File No. 12-A-08-PA) (First District).

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: REZONING REQUEST OF THE KNOXVILLE CITY COUNCIL – KINGSTON PIKE - ALCOA HIGHWAY

- 12-g.** An Ordinance to rezone property located on the southeast side of Kingston Pike, southeast of Alcoa Highway, from O-2, Civic and Institutional District to RP-3, Planned Residential District, Knoxville City Council, Applicant. (MPC Approved 13-0) (File No. 12-D-08-RZ) (First District)

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: REZONING REQUEST OF THE KNOXVILLE CITY COUNCIL – ABERDEEN LANE - HAROLD LANE – SOUTHSIDE ROAD – ISLAND HOME PIKE

- 12-h.** An Ordinance to rezone property located south, southeast and west of Aberdeen Lane, northwest, west and southwest of Harold Lane, north and northeast of Southside Road, southwest of Island Home Pike, from I-4, Heavy Industrial District and R-1, Low Density Residential District to R-1, Low Density Residential District and OS-1, Open Space, Knoxville City Council, Applicant. (MPC Approved 13-0) (File No. 12-E-08-RZ) (First District)

Councilmember Hultquist made a motion to approve the ordinance on first reading. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The ordinance was adopted on first reading.

RE: REZONING REQUEST OF THE CITY OF KNOXVILLE – PINE GROVE ROAD AND UNION SCHOOL ROAD

- 12-i.** An Emergency Ordinance to rezone property located on the south side of Pine Grove Road, east of Union School Road, from No Zone to RP-1, Planned Residential District at a density up to 4 dwelling units per acre, City of Knoxville, Applicant. (MPC Approved 13-0) (File No. 12-F-08-RZ) (Fourth District)

Councilmember Frost made a motion to approve the emergency ordinance. Councilmember 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-3-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – DR. MARTIN LUTHER KING, JR. COMMEMORATIVE COMMISSION OF GREATER KNOXVILLE, INC.

- 12-j.** An Emergency Ordinance of the Council appropriating the sum of \$2,250.00 from the Community Improvement (202) Fund and donating same to the Dr. Martin Luther King, Jr. Commemorative Commission of Greater Knoxville, Inc., as a contribution toward the “2009 King Week Celebration” events. (Requested by Councilmembers Pelot, Hall, Frost, Becker, Woodhull, and Vice Mayor Brown)

Vice-Mayor Brown made a motion to approve the emergency ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-4-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – KNOXVILLE SYMPHONY SOCIETY, INC.

- 12-k.** An Emergency Ordinance of the Council appropriating the sum of \$1,200.00 from the Community Improvement (202) Fund and donating same to the Knoxville Symphony Society, Inc., to be utilized as financial assistance toward the

Symphony League Show House 2009, annual fundraiser event. (Requested by Councilmember Pelot)

Councilmember Pelot made a motion to approve the emergency ordinance. Vice-Mayor Brown seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-5-09.

13. PUBLIC FORUM

None.

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 10:10 p.m.

Presiding Officer of the Council

Recorder