

cMARKED

AGENDA FOR A REGULAR COUNCIL MEETING

MAY 19, 2009

7:00 PM

ORDER OF BUSINESS

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

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilman Barbara Pelot
Councilman Robert Booker

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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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

Recognition of Public Works Week
Sundown in the City, Thursday, May 21

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

Cm. Frost announced that Memorial Day will be Honor Fountain City Day with festivities at Fountain City Lake, Noon-6 pm.

Cm. Booker-attended Centennial at Arthur St. Firehall yesterday; it was great event
Vice Mayor Becker announced Leg. Budget Hearings, May 20, 8:30 am, in the Small Assembly Rm.; 2nd day will be June 1 with Public Hearings on the budget and Convenience Voting following at 5:300

8. ELECTIONS AND CONFIRMATIONS:

APPROVED R-146-09

- a. A Resolution appointing Barbara Ray to the Knox County Tax Equalization Board. (Requested by Mayor)

APPROVED R-147-09

- b. A Resolution reappointing Bob Booker as a member of the Public Property Naming Committee. (Requested by Vice Mayor Becker)

APPROVED R-148-09

- c. A Resolution appointing Mark Donaldson to serve as a member of the Public Property Naming Committee. (Requested by Councilmember Bailey)

9. ORDINANCES ON SECOND READING:

APPROVED O-72-09

- a. An Ordinance to amend Section 2-450 (5) of the Knoxville City Code to adjust the City's hourly/events payroll rates. (Requested by Civil Service)

APPROVED O-73-09

- b. An Ordinance to close an unnamed alley from Bluff Avenue to the southwest property line of Parcel 081EL007, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Bethany Missionary Baptist Church, Applicant. (MPC Approved 12-0-1) (File No. 4-A-09-AC) (Fourth District)

APPROVED O-74-09

- c. An Ordinance to rezone property located on the northeast side of Flenniken Avenue, southeast side of Maryville Pike, northwest of Martin Mill Pike from C-3, General Commercial District, to O-1, Office, Medical, and Related Services District, Flenniken Housing, L.P., Applicant. (MPC Approved 11-2) (File No. 7-L-08-RZ) (First District)

APPROVED O-75-09

- d. An Ordinance approving the request of Gary Mitchell for a One Year Plan Amendment from Mixed Uses (Heavy Industrial & General Commercial) to Mixed Uses (Light Industrial, General Commercial, and Central Business District) for property located on the southeast side of Blackstock Avenue, north side of Western Avenue, west side of Ramsey Street. (MPC Approved 12-0-1) (File No. 4-A-09-PA) (Sixth District)

9. ORDINANCES ON SECOND READING (CONTINUED):

APPROVED O-76-09

- e. An Ordinance to rezone property located on the southeast side of Blackstock Avenue, north side of Western Avenue, west side of Ramsey Street from C-3, General Commercial District, to C-2, Central Business District, Gary Mitchell, Applicant. (MPC Approved 12-0-1) (File No. 4-A-09-RZ) (Sixth District)

APPROVED O-77-09

- f. An Ordinance approving the request of the Metropolitan Planning Commission for a One Year Plan Amendment from Medium Density Residential to Low Density Residential for property located on the north and south sides of Washington Avenue, west side of N. Bertrand Street, east of Winona Street. (MPC Approved 12-0-1) (File No. 4-B-09-PA) (Sixth District)

APPROVED O-78-09

- g. An Ordinance to rezone property located on the north and south sides of Washington Avenue, west side of N. Bertrand Street, east of Winona Street from R-2, General Residential District/H-1, Historic Overlay, to R-1A, Low Density Residential District/H-1, Historic Overlay, Metropolitan Planning Commission, Applicant. (MPC Approved 12-0-1) (File No. 4-B-09-RZ) (Sixth District)

APPROVED O-79-09

- h. An Ordinance to rezone property located on the north side of Brandon Road, northwest side of Clearfield Road from R-1E, Low Density Exclusive Residential District, to R-1, Low Density Residential District, Cedar Springs Presbyterian Church, Applicant. (MPC Approved 12-0-1) (File No. 4-C-09-RZ) (Second District)

APPROVED O-80-09 AMENDED TO TAKE EFFECT IMMEDIATELY

- i. An Ordinance to rezone property located on the northeast side of Midpark Road, south side of Beard Drive from I-3, General Industrial District, to C-6, General Commercial Park District, Abiding Glory Ministries, Applicant. (MPC Approved 12-0-1) (File No. 4-D-09-RZ) (Third District)

APPROVED O-81-09

- j. An Ordinance approving the request of Knoxville's Community Development Corporation for a One Year Plan Amendment from Low Density Residential to Medium Density Residential for property located on the southeast side of Bethel Avenue, southwest side of McConnell Street. (MPC Approved 12-0-1) (File No. 4-D-09-PA) (Sixth District)

APPROVED O-82-09

- k. An Ordinance to rezone property located on the southeast side of Bethel Avenue, southwest side of McConnell Street from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density up to 24 dwelling units per acre, Knoxville's Community Development Corporation, Applicant. (MPC Approved 12-0-1) (File No. 4-I-09-RZ) (Sixth District)

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

DENIED

- a. An Appeal by Babelay Farm, LLC of a decision by the City of Knoxville Board of Zoning Appeals to deny variances to increase the maximum driveway width from 30 feet to 37 feet and the maximum driveway curb cut length from 60 feet to 90 feet (Article V, Section 7.B.3.c. of the Zoning Regulations), as per site plan, to construct a three lane entrance to an apartment development from Washington Pike, located at 5304 McCampbell Drive. (BZA Denied) (File No. 3-F-09-VA) (Fourth District) (Consider with 11h.)

11. RESOLUTIONS:

POSTPONED TWO (2) WEEKS

- a. A Resolution expressing City Council's willingness to participate in the convenient voting pilot project. (Requested by Vice Mayor Becker)
APPROVED R-149-09
- b. A Resolution authorizing the Mayor to execute an agreement with Rogers Group, Inc. for the 2009 Resurfacing Project, No. 09W-P-0466, in an amount not to exceed \$4,351,313.90. (Requested by Department of Engineering)
APPROVED R-150-09
- c. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire, in fee simple, the property located at 3124 Morris Avenue, CLT #094P-C-010, owned by Nola Ann Brummitt, for the Loraine Street Public Works Complex Project, for \$42,000.00. (Requested by Department of Public Service)
APPROVED R-151-09
- d. A Resolution authorizing the Mayor to execute an amendment to Agreement No. C-09-0064 with East Tennessee Community Design Center for construction design and technical assistance for community improvement projects to increase the total amount of Community Development Block Grant funding provided under the agreement by \$15,000.00. (Requested by Department of Community Development)
APPROVED R-152-09
- e. A Resolution authorizing the Mayor to execute an amendment to the agreement with Orpak USA, Inc. to provide a new fuel management system for the City of Knoxville Fleet Services Department to revise the contract price to include funding of \$10,000.00 per year for the maintenance services to be provided during years two through five of the contract term. (Requested by Department of Fleet Services)

11. RESOLUTIONS (CONTINUED):

APPROVED R-153-09

- f. A Resolution setting the in lieu of tax payments for the electric and gas systems of the Knoxville Utilities Board for the fiscal year beginning July 1, 2008 and providing for the allocation and distribution of such payments to the affected taxing jurisdictions. (Requested by Department of Finance and Accountability)

APPROVED R-154-09

- g. A Resolution authorizing the Mayor to approve Change Order No. 2 to Contract No. C-07-0137 between the City of Knoxville and Vaughn & Melton, Inc. for the Gay Street Streetscapes Project for environmental testing, analysis of existing columns and design services which will increase the contract price by \$56,800.00 for a new contract price of \$395,840.00. (Requested by Department of Engineering)

DENIED

- h. A Resolution approving an appeal by Babelay Farm, LLC of a decision by the City of Knoxville Board of Zoning Appeals to deny variances to increase the maximum driveway width from 30 feet to 37 feet and the maximum driveway curb cut length from 60 feet to 90 feet (Article V, Section 7.B.3.c. of the Zoning Regulations), as per site plan, to construct a three lane entrance to an apartment development from Washington Pike, located at 5304 McCampbell Drive. (BZA Denied) (File No. 3-F-09-VA) (Fourth District) (Consider with 10a)

12. ORDINANCES ON FIRST READING:

APPROVED ON FIRST READING

- a. An Ordinance amending Section 26-91(b) and deleting Section 26-94 of the Knoxville City Code so as to provide that the issuance of certificates of public convenience and necessity for taxis, shuttles and limousines will occur in January of each year instead of July and to extend the current certificates and registration stickers from June 30, 2009 until December 31, 2009. (Requested by Police Department)

POSTPONED TWO (2) WEEKS

- b. An Ordinance to amend Section 17-74 of the Knoxville City Code, entitled, "Traffic Violator School" so as to provide for the provision of such schools or courses consistent with the provisions of current state law. (Requested by Vice Mayor Becker)

APPROVED ON FIRST READING

- c. An Ordinance to approve and adopt the FY2010-2015 Knoxville Capital Improvement Program, including the FY2010 Capital Improvement Budget. (MPC Approved 14-0) (File No. 5-A-09-OB)

APPROVED O-83-09

- d. An Emergency Ordinance of the Council appropriating the sum of \$200.00 from the Community Improvement (202) Fund and donating same to South-Doyle Middle School to be utilized toward the purchase of certain materials to advance the science department program. (Requested by Councilmembers Hultquist and Woodhull)

13. PUBLIC FORUM:

14. ADJOURNMENT: 8:34 PM