

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

JULY 14, 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, July 14, 2009.

Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilman Barbara Pelot led in the Invocation and Councilman Steve Hall led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

Present: Joe Bailey, Bob Booker, Rob Frost, Steve Hall, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull.

Absent: Vice-Mayor Bob Becker was absent as he was on his honeymoon.

4. APPROVAL OF MINUTES

Councilmember Roddy made a motion to approve the minutes of the June 30, 2009 City Council meeting. Councilmember Woodhull 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5-a. ITEMS WITHDRAWN (Indicated with “W”)

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

Councilmember Frost made a motion to postpone the following items for four (4) weeks:

- 10-b. An Appeal by Phyllis Severance of the Board of Zoning Appeals’ decision to approve the request for variances to reduce the Martha Berry Drive front yard setback from 40 feet to 28 feet, reduce the Ridge Crest Drive front yard setback from 40 feet to 35 feet, and reduce the east side yard setback from 12.5 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2c. E. 3. a. and 4. a.) as per site plan to construct a residence on a recorded lot in an R-1EN, Established Neighborhood District, property located at 1900 Martha Berry Drive, Parcel 058GA006. (BZA Approved 4-0) (File No. 6-A-09-VA) (Fourth District) (Consider with 11n.)

11-n. A Resolution approving an appeal by Phyllis Severance of the Board of Zoning Appeals' decision to approve the request for variances to reduce the Martha Berry Drive front yard setback from 40 feet to 28 feet, reduce the Ridge Crest Drive front yard setback from 40 feet to 35 feet, and reduce the east side yard setback from 12.5 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2c. E. 3. a. and 4. a.) as per site plan to construct a residence on a recorded lot in an R-1EN, Established Neighborhood District, property located at 1900 Martha Berry Drive, Parcel 058GA006. (BZA Approved 4-0) (File No. 6-A-09-VA) (Fourth District) (Consider with 10b.)

Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The matters were postponed four (4) weeks.

Councilmember Hultquist made a motion to postpone the following items until August 25, 2009:

10-d. An Appeal by Flenniken Housing, LP of the Metropolitan Planning Commission's decision to deny a Use on Review for multi-dwelling apartments in an O-1, Office, Medical, and Related Services District, property located on the east side of Maryville Pike, north side of Flenniken Avenue. (MPC Denied 12-1) (File No. 6-G-09-UR) (First District) (Consider with 11p.)

11-p. A Resolution approving an appeal by Flenniken Housing, LP of the Metropolitan Planning Commission's decision to deny a Use on Review for multi-dwelling apartments in an O-1, Office, Medical, and Related Services District, property located on the east side of Maryville Pike, north side of Flenniken Avenue. (MPC Denied 12-1) (File No. 6-G-09-UR) (First District) (Consider with 10d.)

Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The matter was postponed until August 25, 2009.

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

Councilmember Hall made a motion to place resolution 11q on the agenda by motion. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. Resolution 11q was added to the agenda. (See "Resolutions").

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

None.

6. MAYOR'S REPORT

None.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Booker announced that his fraternity, Phi Beta Sigma, recently met in New Orleans to celebrate its 90th anniversary and that a local citizen, Jimmy Hammill, was elected the fraternity's president.

- Councilmember Pelot announced that the annual West Hills Community Picnic will be held July 20, 2009 beginning at 6:15 p.m. at the gazebo in West Hills Park.
- Councilmember Hultquist announced that the Joint City/County Task Force on Slope and Ridgetop Development is holding a series of eight public meetings that began this week.
- Councilmember Hultquist announced that a meeting of the Transportation and Mobility Committee will take place July 16, 2009 at 3:00 p.m. at the Knoxville Area Chamber Office to discuss the recent trip to Charlotte, NC.
- Councilmember Hultquist announced that a briefing will be held July 20, 2009 at 5:30 p.m. in the Small Assembly Room of the City-County Building to discuss the Sustainable Development Program.

8. ELECTIONS AND CONFIRMATIONS

RE: DOWNTOWN DESIGN REVIEW BOARD – DAVID DEWHIRST – JOHN SANDERS

- 8-a.** A Resolution confirming the reappointments of David Dewhirst and John Sanders and the appointment of Carol Montgomery to the Downtown Design Review Board. (Requested by Mayor)

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-236-09.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – PROHIBITION OF IMPEDING SIDEWALK ACCESS IN DOWNTOWN NORTH REDEVELOPMENT ZONE AND THE CENTRAL BUSINESS IMPROVEMENT DISTRICT

- 9-a.** An Ordinance to amend the Knoxville City Code, Section 19-63, to prohibit impeding sidewalk access in the Downtown North Redevelopment Zone and the Central Business Improvement District. (Requested by Department of Policy and Communications)

By consensus City Council agreed to allow all the persons signed up to speak to speak up to 3 minutes each.

The following persons addressed the ordinance: Bob Whetsel, City of Knoxville; Councilmember Woodhull; Councilmember Booker; Burt Rosen, Knox Area Rescue Ministries; Councilmember Pelot; Councilmember Frost; Councilmember Roddy; Police Chief Sterling Owen, IV; Virginia Douglas, 918 Gratz Street; Lida Mayer, 4721 Clark Drive; Rick Roach, 2404 Victoria Avenue; Tim Macklin, 307 McCormick; Vonda Morris, mission resident; Shane Wilson, 1823 Prospect Place; Ryan Bliss, 1210 Bridge Avenue; Debbie Poplin, Law Director; Mr. Blackwell, 420 E. Churchwell Avenue; Patrick, 418 N. Broadway; Doug Grant, 2201 Martha Berry Drive; Mayor Haslam; Councilmember Bailey; Councilmember Hultquist; Councilmember Hall.

Councilmember Frost made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion. Upon roll call, Councilmembers Bailey, Frost, Hall, Hultquist, Pelot and Roddy voted “Aye.” Councilmembers Booker and Woodhull voted “Nay”. Vice-Mayor Becker was absent and did not vote. The ordinance was adopted. The printed ordinance can be found attached to these minutes as Ordinance No. O-209-09.

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

RE: APPEAL BY IOAN COCAN – 5616 WALLWOOD ROAD

- 10-a.** An Appeal by Ioan Cocan of the Board of Zoning Appeals' decision to deny the request for a variance to reduce the north side yard setback from 12 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 2. a.) as per site plan to add a two-story addition to a one-story residence in an R-1, Low Density Residential District, property located at 5616 Wallwood Road, Parcel 068KH025. (BZA Denied 4-0) (File No. 3-E-09-VA) (Fifth District) (Consider with 11m.)

In conjunction with

- 11-m.** A Resolution approving an appeal by Ioan Cocan of the Board of Zoning Appeals' decision to deny the request for a variance to reduce the north side yard setback from 12 feet to 10 feet (Knoxville City Code, Appendix B, Article IV, Section 2. E. 2. a.) as per site plan to add a two-story addition to a one-story residence in an R-1, Low Density Residential District, property located at 5616 Wallwood Road, Parcel 068KH025. (BZA Denied 4-0) (File No. 3-E-09-VA) (Fifth District) (Consider with 10a.)

Discussion began with Mr. Cocan addressing Council in favor of the appeal.

Speaking in opposition to the appeal was Dan Kidd and Lana Hutchison.

Also addressing the matter were the following persons: Councilmember Roddy; Tom Reynolds, Building Official; Councilmember Pelot; Councilmember Bailey; Steve King, Public Works Director.

Councilmember Roddy asked the City Recorder to read a letter written by Mr. Cocan. (See attached to minutes).

Councilmember Roddy made a motion to postpone the matter two (2) weeks until Vice-Mayor Becker could be back in town since the location is his district. Councilmember Bailey seconded the motion. Upon roll call, Councilmembers Bailey, Frost, Hall, Roddy and Woodhull voted "Aye." Councilmembers Booker, Hultquist and Pelot voted "Nay". The motion carried. The matter was postponed two (2) weeks.

RE: APPEAL OF ROBERT A. DEW – 2719 SHERWOOD DRIVE

- 10-c.** An Appeal by Robert A. Dew of the Board of Zoning Appeals' decision to deny the request for variance to increase the maximum accessory building height from 15 feet to 34 feet (Knoxville City Code, Appendix B, Article IV, Section 2. F.) as per site plan to construct a detached two-story garage in an R-1, Low Density Residential District, property located at 6719 Sherwood Drive, Parcel 121IA02701. (BZA Denied 4-0) (File No. 6-M-09-VA) (Second District) (Consider with 11o.)

In conjunction with

- 11-o.** A Resolution approving an appeal by Robert A. Dew of the Board of Zoning Appeals' decision to deny a request for variance to increase the maximum accessory building height from 15 feet to 34 feet (Knoxville City Code, Appendix B, Article IV, Section 2. F.) as per site plan to construct a detached two-story garage in an R-1, Low Density Residential District, property located at 6719 Sherwood Drive, Parcel 121IA02701. (BZA Denied 4-0) (File No. 6-M-09-VA) (Second District) (Consider with 10c.)

Attorney Lewis Howard was present to represent Mr. Dew.
There was no one present in opposition to the appeal.
Councilmember Pelot and Councilmember Frost spoke.

Councilmember Pelot made a motion to approve the appeal by Robert A. Dew. 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-249-09.

11. RESOLUTIONS

RE: PROPERTY ACQUISITION – LESTER W. MULLINS AND WIFE, ANNA L. MULLINS – 3112 MORRIS AVENUE – LORAIN STREET PUBLIC WORKS COMPLEX PROJECT

11-a. A Resolution authorizing the Mayor to acquire, in fee simple, property located at 3112 Morris Avenue from Lester W. Mullins and wife, Anna L. Mullins, for the Loraine Street Public Works Complex Project, for \$48,000.00. (Requested by Department of Public Service)

Councilmember Hall 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-237-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – PAPERMILL BLUFF GREENWAY – AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

11-b. A Resolution authorizing the Mayor to enter into a contract with the Tennessee Department of Transportation for the Papermill Bluff Greenway for an estimated project cost of \$542,000.00 to be funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

Councilmember Roddy 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-238-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – RESURFACING - WHITTLE SPRINGS ROAD FROM CECIL AVENUE TO MINERAL SPRINGS ROAD – AMERICAN RECOVERY AD REINVESTMENT ACT (ARRA)

11-c. A Resolution authorizing the Mayor to enter into a contract with the Tennessee Department of Transportation to resurface Whittle Springs Road from Cecil Avenue to Mineral Springs Road for an estimated project cost of \$198,917.00 to be funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

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-239-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – RESURFACING - WOODLAND AVENUE EAST FROM NORTH BROADWAY TO NORTH CENTRAL STREET – AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

- 11-d.** A Resolution authorizing the Mayor to enter into a contract with the Tennessee Department of Transportation to resurface Woodland Avenue East from North Broadway to North Central Street for an estimated project cost of \$187,651.00 to be funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

Councilmember Frost 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-240-09.

RE: GRANT APPLICATION - TENNESSEE DEPARTMENT OF AGRICULTURE – PURCHASE AND INSTALLATION OF TREES

- 11-e.** A Resolution authorizing the Mayor to file a grant application with the Tennessee Department of Agriculture to provide funding for the purchase and installation of trees in an amount not to exceed \$20,000.00, with a City match up to \$20,000.00, and if approved, to execute any and all documents necessary to accept such a grant. (Requested by Department of Public Service)

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-241-09.

RE: U. S. DEPARTMENT OF TRANSPORTATION - TENNESSEE DEPARTMENT OF TRANSPORTATION – KNOXVILLE AREA TRANSIT (KAT) – LIFT VANS AND RELATED EQUIPMENT

- 11-f.** A Resolution authorizing the Mayor to file a grant application with the U.S. Department of Transportation and the Tennessee Department of Transportation in the amount of \$280,098.00, with a City match of up to \$31,122.00, to provide funding to KAT for discretionary transit grant assistance for the purchase of LIFT vans and related equipment, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Operations and Efficiency)

Councilmember Booker 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-242-09.

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – KNOXVILLE AREA TRANSIT (KAT)

- 11-g.** A Resolution authorizing the Mayor to apply for and accept a grant of \$2,050,754.00 from the Tennessee Department of Transportation for Knoxville Area Transit for operating assistance in Fiscal Year 2010. (Requested by Operations and Efficiency)

Councilmember Pelot 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-243-09.

RE: MICHAEL BRADY, INC. - 360° FIRING RANGE – KNOXVILLE POLICE DEPARTMENT

- 11-h.** A Resolution authorizing the Mayor to enter into a contract with Michael Brady, Inc. for professional architectural design services for a new 360° firing range for an amount not to exceed \$25,000.00. (Requested by Police Department)

Councilmember Roddy 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-244-09.

RE: U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-NEIGHBORHOOD STABILIZATION PROGRAM

- 11-i.** A Resolution authorizing the Mayor to file a grant application with the U.S. Department of Housing and Urban Development for Neighborhood Stabilization Program 2 funds in the amount of \$13,800,000.00 for the redevelopment of abandoned and foreclosed homes, and if such application is approved, authorizing the Mayor to accept such a grant award. (Requested by Department of Community Development)

Councilmember Roddy 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-245-09.

RE: MEMORANDUM OF UNDERSTANDING WITH KNOX COUNTY – JUSTICE ASSISTANCE GRANT PROGRAM

- 11-j.** A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with Knox County regarding distribution of funds totaling \$259,410.88 under the Justice Assistance Grant Program, of which the City of Knoxville will receive \$116,735.00. (Requested by Police Department)

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-246-09.

RE: SENIOR SERVICE AMERICA, INC. – EMPLOYMENT AND TRAINING FOR LOW-INCOME SENIOR CITIZENS

- 11-k.** A Resolution authorizing the Mayor to execute any and all documents to accept a grant from Senior Service America, Inc. in the amount of \$491,441.00, with a City match up to \$64,419.00, to provide employment and training services for low-income senior citizens. (Requested by Department of Parks and Recreation)

Councilmember Booker 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-247-09.

RE: CHILD AND FAMILY TENNESSEE – UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN – FAMILY JUSTICE CENTER

- 11-l.** A Resolution authorizing the Mayor to execute an agreement with Child and Family Tennessee, pursuant to a grant from the United States Department of Justice, Office of Violence Against Women, to provide for full-time intake services at the Family Justice Center, in the amount of \$65,812.00. (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-248-09.

RE: FORECLOSURE SALE OF PROPERTY - 103 MARY STREET

- “M” **11-q.** A Resolution authorizing the City to submit a bid at a foreclosure sale of property located at 103 Mary Street, CLT #082-FF-019, and if deemed the highest bidder, authorizing the Mayor to execute all documents necessary to purchase the subject property for a total price not to exceed \$52,598.00. (Requested by Department of Community Development)

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-250-09.

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – CHAPTER 16, ARTICLE VII – PAWNBROKERS, JUNK DEALERS AND RELATED BUSINESSES

- 12-a.** An Ordinance to amend Chapter 16, Article VII, Division 1, Sections 16-187 and 16-188 of the Knoxville City Code relating to pawnbrokers, junk dealers and related businesses. (Requested by Police Department)

Councilmember Roddy 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 approved on first reading.

RE: STREET CLOSURE – LONG SHOT LANE – MPM DEVELOPMENT COMPANY, LLC APPLICANT

- 12-b.** An Ordinance to close a portion of Long Shot Lane from the northwest parcel lines of Parcels 057BH006 and 057BH085 to the dead end (cul-de-sac) subject to conditions, and authorizing the Mayor to issue quitclaim deeds to the adjacent property owners, MPM Development Company, LLC, Applicant. (MPC Approved 11-0-2) (File No. 6-B-09-SC) (Fifth District)

Councilmember Pelot 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 approved on first reading.

RE: STREET CLOSURE – SKI LIFT DRIVE FROM STEAMBOAT LANE TO LONG SHOT LANE – MPM DEVELOPMENT COMPANY, LLC, APPLICANT

- 12-c.** An Ordinance to close Ski Lift Drive from Steamboat Lane to Long Shot Lane subject to conditions, and authorizing the Mayor to issue quitclaim deeds to the adjacent property owners, MPM Development Company, LLC, Applicant. (MPC Approved 11-0-2) (File No. 6-C-09-SC) (Fifth District)

Councilmember Roddy 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 approved on first reading.

RE: STREET COSURE - STEAMBOAT LANE – MPM DEVELOPMENT COMPANY, LLC, APPLICANT

- 12-d.** An Ordinance to close Steamboat Lane from the north end (cul-de-sac) to the south end (cul-de-sac) subject to conditions, and authorizing the Mayor to issue quitclaim deeds to the adjacent property owners, MPM Development Company, LLC, Applicant. (MPC Approved 11-0-2) (File No. 6-D-09-SC) (Fifth District)

Councilmember Pelot 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 approved on first reading.

RE: STREET NAME CHANGE – BOLLING LANE TO FOREST HILLS BOULEVARD – METROPOLITAN PLANNING COMMISSION, APPLICANT

- 12-e.** An Ordinance to change the street name of Bolling Lane to Forest Hills Boulevard located between the intersection of Bolling Lane and Forest Hills Boulevard and the dead end, Metropolitan Planning Commission, Applicant. (MPC Approved 11-0-2) (File No. 6-A-09-SNC) (Second District)

Councilmember Pelot 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 approved on first reading.

RE: STREET NAME CHANGE - FOREST HILLS BOULEVARD TO VILLAGE ROAD – METROPOLITAN PLANNING COMMISSION, APPLICANT

- 12-f.** An Ordinance to change the street name of Forest Hills Boulevard to Village Road located between the intersection of the present Village Road and Forest Hills Boulevard and the parking lot of Greentree Apartments, Metropolitan Planning Commission, Applicant. (MPC Approved 11-0-2) (File No. 6-B-09-SNC) (Second District)

Councilmember Pelot 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 approved on first reading.

RE: REZONING REQUEST OF DONA E. DIFTLER, APPLICANT

- 12-g.** An Ordinance to rezone property located on the southeast side of Chambliss Avenue, northeast of N. Forest Park Boulevard from R-2, General Residential District, to O-1, Office, Medical, and Related Services District, Dona E. Diftler, Applicant. (MPC Approved 11-0-2) (File No. 6-A-09-RZ) (Second District)

Councilmember Pelot 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 approved on first reading.

13. PUBLIC FORUM

Alonzo Montgomery
Jeremy Spears
Jason Ammons

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 9:38 p.m.

Presiding Officer of the Council

Recorder