

**MARKED**

**AGENDA FOR A REGULAR COUNCIL MEETING**

**JULY 28, 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 Joe Bailey
  
3. **ROLL CALL:** Councilman Steve Hall was absent
  
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  - a. **ITEMS WITHDRAWN (Indicated with "W")**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 "S")**  
11r – 11z

**6. MAYOR'S REPORT:**

**Approved**

- a. An application for renewal of a Certificate of Compliance for Gus Kampas d/b/a Kampas Liquor Store, 3103 Alcoa Highway, Knoxville, Tennessee, 37920. (Requested by Department of Finance and Accountability)

**Approved**

- b. An application for renewal of a Certificate of Compliance for Milind L. Desai and Chester C. Crowley - MC's of Knox Inc. d/b/a MC's Package Store, 7500 Strawberry Plains Pike, Knoxville, Tennessee, 37924. (Requested by Department of Finance and Accountability)

- American Quilters in town last Tuesday through Thursday and have signed agreement to come back to Knoxville in 2010, 2011 & 2012.
- Shakespeare on the Square begins Friday and continues through August 16.
- Movies at the Bijou begin in August.

**7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:**

- Councilmember Pelot discussed the resent article in the *Boston Globe* regarding Knoxville's "Boomsday" event that takes place on Labor Day.

**8. ELECTIONS AND CONFIRMATIONS:**

**Approved R-251-09**

- a. A Resolution electing David Goodson and Jonathan Johnson, Jr. to serve as members of the Industrial Development Board of the City of Knoxville. (Requested by Mayor)

**Approved R-252-09**

- b. A Resolution electing David Goodson and Jonathan Johnson, Jr. to serve as members of the Industrial Development Board of the City of Knoxville for the Downtown Cinema, Inc. (Requested by Mayor)

**Approved R-253-09**

- c. A Resolution confirming the appointment of Roger Osborne to serve as a member of the Board of Directors of the Development Corporation of Knox County. (Requested by Mayor)

**9. ORDINANCES ON SECOND READING:**

**Approved O-110-09**

- 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)

**9. ORDINANCES ON SECOND READING (CONTINUED):**

**Approved O-111-09**

- 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)

**Approved O-112-09**

- 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)

**Approved O-113-09**

- 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)

**Approved O-114-09**

- 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)

**POSTPONED TWO (2) WEEKS**

- 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)

**Approved O-115-09**

- 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)

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

**POSTPONED SIX (6) WEEKS**

- 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 11p.)

**DENIED**

- b. An Appeal by Jamie Rowe of the Metropolitan Planning Commission's decision to approve a Use on Review for an attached residential development subject to conditions, in an RP-1, Planned Residential District, property located on the southeast side of Tazewell Pike, southwest of Anderson Road. (MPC Approved 11-2) (File No. 6-F-09-UR) (Fourth District) (Consider with 11q.)

**11. RESOLUTIONS:**

**Approved R-254-09**

- a. A Resolution authorizing the Mayor to file a grant application with the U.S. Department of Energy to provide funding for Solar America Cities program under the American Recovery and Reinvestment Act of 2009 (ARRA), in the amount of \$400,000.00, with the City of Knoxville contributing in-kind services with a total value of \$18,000.00 to be used for solar energy programs; and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Department of Policy and Communications)

**Approved R-255-09**

- b. A Resolution authorizing the Mayor to sell 3.58 acres, 549 McConnell Street, CLT No. 095-B-G-002.03, to Knoxville's Community Development Corporation's Passport Development Corporation, for an elderly low-income housing development for \$10.00. (Requested by Department of Finance and Accountability)

**Approved R-256-09**

- c. A Resolution expressing appreciation to American Fire Sprinklers, LLC for the donation of a fire sprinkler system, valued at \$18,254.00, for use at the City of Knoxville Fire Department Training Center. (Requested by Fire Department)

**11. RESOLUTIONS (CONTINUED):**

**Approved R-257-09**

- d. A Resolution authorizing the sale of six surplus vehicles previously leased to various governmental and public safety organizations at a price of \$1.00 per vehicle, pursuant to Knoxville City Code §§ 2-721(d), 2-723 and 2-992. (Requested by Department of Fleet Services)

**Approved R-258-09**

- e. A Resolution authorizing the Mayor to enter into a contract with Hurst Excavating, LLC for drainage improvements for the 2009 Neighborhood Drainage Project for an amount not to exceed \$229,509.50. (Requested by Department of Engineering)

**Approved R-259-09**

- f. A Resolution authorizing the Mayor to enter into a contract with Cannon & Cannon, Inc. for surveying and engineering services for the Central Avenue Pike at Merchant Drive Intersection Improvement Project for an amount not to exceed \$99,521.00. (Requested by Department of Engineering)

**Approved R-260-09**

- g. A Resolution authorizing the Mayor to execute Change Order No. 1 to Contract No. C-09-0159 with Design and Construction Services for removal and replacement of sidewalks and driveway for the 2009 Sidewalk Replacement Project to increase the contract amount by \$37,066.65 for a new total of \$209,453.65 and to increase the time by 30 days to August 22, 2009. (Requested by Department of Engineering)

**Approved R-261-09**

- h. A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0186 with Southern Constructors, Inc. for excavation services for the Gay Street Streetscapes Project to increase the contract price by \$133,420.70 for a new contract price of \$3,964,687.31. (Requested by Department of Engineering)

**Approved R-262-09**

- i. A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0236 with Creative Structures, Inc. for excavation and infill work necessary to complete the 2,400 square foot metal utility building in Chilhowee Park to increase the contract price by \$24,443.90 for a new contract price of \$110,133.92. (Requested by Public Assembly Facilities)

**Approved R-263-09**

- j. A Resolution expressing appreciation to Johnson Architecture, Inc. for the donation of engineering and architectural services for the design of a restroom facility in Sequoyah Hills Park valued at approximately \$14,000.00. (Requested by Department of Parks and Recreation)

**11. RESOLUTIONS (CONTINUED):**

**Approved R-264-09**

- k. A Resolution authorizing the Mayor to execute an agreement with Knoxville's Community Development Corporation (KCDC) for construction of ten duplexes to be occupied by elderly residents previously housed in Walter P. Taylor Homes, for a total contribution by the City not to exceed \$650,000.00. (Requested by Department of Community Development)

**POSTPONED TWO (2) WEEKS**

- l. A Resolution authorizing the Mayor to enter into a contract with Knoxville's Community Development Corporation and D&D Developers, Inc. for the construction of neighborhood retail lease spaces and improvements to the existing convenience store for a base contract price not to exceed \$521,500.00 plus up to \$80,000.00 for approved improvements to make the project sustainable and energy-efficient. (Requested by Department of Community Development)

**POSTPONED TWO (2) WEEKS**

- m. A Resolution authorizing the Mayor to enter into a contract with Knoxville's Community Development Corporation and Triple M Property Management, LLC for the construction of a neighborhood commercial and retail center for a base contract price not to exceed \$524,200.00 plus up to \$80,000.00 for approved improvements to make the project sustainable and energy efficient. (Requested by Department of Community Development)

**Approved R-265-09**

- n. A Resolution authorizing the Mayor to execute an amendment to Agreement No. C-97-0239 with Nationwide Retirement Solutions, Inc. to provide administration of the City's deferred compensation program to December 31, 2009. (Requested by Department of Finance and Accountability)

**POSTPONED TO AUGUST 25 W/WORKSHOP ON AUGUST 20**

- o. A Resolution to prohibit handguns in public municipal parks, natural areas, historic parks, nature trails, campgrounds, forests, greenways, waterways, or other similar public places. (Requested by Vice Mayor Becker)

**POSTPONED SIX (6) WEEKS**

- p. 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.)

**11. RESOLUTIONS (CONTINUED):**

**DENIED**

- q. A Resolution approving an appeal by Jamie Rowe of the Metropolitan Planning Commission's decision to approve a Use on Review for an attached residential development subject to conditions, in an RP-1, Planned Residential District, property located on the southeast side of Tazewell Pike, southwest of Anderson Road. (MPC Approved 11-2) (File No. 6-F-09-UR) (Fourth District) (Consider with 10b.)

**R-266-09**

- “\*” r. A Resolution granting a pension of \$1,461.59 per month to Jason A. Roark, an employee of the Knoxville Fire Department. (Requested by Pension Board)

**R-267-09**

- “\*” s. A Resolution granting a pension of \$512.14 per month to Margaret Massey-Cox, an employee of the former Knoxville City School System. (Requested by Pension Board)

**R-268-09**

- “\*” t. A Resolution granting a pension of \$296.93 per month to James Andrews, an employee of the former Knoxville City School System. (Requested by Pension Board)

**R-269-09**

- “\*” u. A Resolution granting a pension of \$121.31 per month to Lenora J. Knight, an employee of the former Knoxville City School System. (Requested by Pension Board)

**R-270-09**

- “\*” v. A Resolution granting a pension of \$129.31 per month to Richard Ward, an employee of the former Knoxville City School System. (Requested by Pension Board)

**R-271-09**

- “\*” w. A Resolution granting a pension of \$134.81 per month to William J. Curran, an employee of the Knoxville General Government. (Requested by Pension Board)

**R-272-09**

- “\*” x. A Resolution granting a pension of \$848.62 per month to Carol T. Michaels, an employee of the Knoxville General Government. (Requested by Pension Board)

**R-273-09**

- “\*” y. A Resolution granting a pension of \$672.71 per month to Carolyn S. Nelson, an employee of the Knoxville General Government. (Requested by Pension Board)

**11. RESOLUTIONS (CONTINUED):**

**R-274-09**

- “\*” z. A Resolution granting a pension of \$149.43 per month to James H. Fletcher, an employee of the Knoxville General Government. (Requested by Pension Board)

**APPROVED R-275-09**

- “M” aa. A Resolution requesting the Metropolitan Planning Commission to consider a One Year Plan Amendment at its September meeting for property located at 3208 Rudy Street, CLT No. 081-HD-001. (Requested by Department of Community Development)

**12. ORDINANCES ON FIRST READING:**

**APPROVED O-116-09**

- a. An Emergency Ordinance appropriating the sum of \$800.00 from the Community Improvement (202) Fund and donating same to the Fraternal Order of Police Volunteer Lodge #2, as financial assistance toward their “Back to School Shop with a Cop” Program. (Requested by Councilmembers Pelot, Hall, Bailey, and Woodhull)

**APPROVED O-117-09**

- b. An Emergency Ordinance appropriating the sum of \$100.00 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 Councilmember Pelot)

**APPROVED O-118-09**

- c. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Beck Cultural Exchange Center, Inc., acting as fiscal agent for the Dandridge Avenue Neighborhood Watch Association. (Requested by Councilmember Booker)

**APPROVED O-119-09**

- d. An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to the West Hills Community Association to defray certain expenses related to hosting the 15<sup>th</sup> Annual West Hills 5K Run fundraiser event. (Requested by Councilmembers Pelot, Hall, Bailey, and Woodhull)

**13. PUBLIC FORUM:**

None.

**14. ADJOURNMENT:**