

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

**AUGUST 25, 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, August 25, 2009. Mayor Bill Haslam was present and presiding officer of the meeting.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Marilyn Roddy led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

Present: Joe Bailey, Vice-Mayor Bob Becker, Bob Booker, Rob Frost, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull.

4. APPROVAL OF MINUTES

Vice-Mayor Becker made a motion to approve the minutes from the August 11, 2009 City Council meeting. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with "W")

Vice-Mayor Becker made a motion to withdraw the following resolution from the agenda:

- 11-i.** 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)

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 The resolution was withdrawn.

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

Councilmember Roddy made a motion to postpone the following ordinance for four (4) weeks and have a workshop.

- 12-a.** An Ordinance to amend Section 20-60 of the Knoxville City Code so as to delete there from the provisions prohibiting the use or possession of firearms or weapons within City parks. (Requested by Councilmember Hall)

Councilmember Bailey seconded the motion.

Discussion ensued on the motion to postpone. The following persons spoke: Councilmember Roddy, Councilmember Hall, Councilmember Bailey, Councilmember Frost, Joe Walsh from Parks and Recreation, Councilmember Woodhull, Councilmember Pelot, Charles Swanson, City Council Attorney.

Council decided to hold the workshop on this matter on September 3, 2009 at 5:00.

Upon roll call on the motion to postpone four (4) weeks and hold a workshop on September 3, Councilmembers Bailey, Booker, Hall, Hultquist, Roddy and Woodhull voted "Aye." Vice-Mayor Becker and Councilmembers Frost and Pelot voted "Nay." The motion carried. The matter was postponed four (4) weeks and a workshop on the matter was scheduled for September 3, 2009.

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

None.

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

Councilmember Roddy made a motion to approve resolutions 11j through 11n on the consent agenda. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. (See "Resolutions").

6. MAYOR'S REPORT

- Recognition of retiring Fire Chief Bob Key and introduction of newly appointed Fire Chief Stan Sharp.
- Introduction of Janice Greer of Tanasi Girl Scouts who recognized three young women who received their Girl Scout Gold Award, the highest award achievable by a Girl Scout. The young women recognized were: Kelly Sellers, Knoxville Catholic High School; Emily Hooyman, Farragut High School; and Stefanie Lewis, Hardin Valley Academy.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Frost thanked Cindy McGinnis, Sam Anderson and Chris Woodhull for their participation in deciding an amicable resolution to the KAT LIFT service issue.
- Vice-Mayor Becker announced that there would be a forum for potential new City Council members on Thursday, August 27, 2008 in the Main Assembly Room.
- Vice-Mayor Becker discussed the possible Downtown Wayfinding workshop.
- Vice-Mayor Becker discussed the new Community Improvement (202) Fund law that certain organizations.
- Councilmember Pelot addressed the tragedy at West High School on Friday evening where a football player from visiting Sullivan South High School in Kingsport, died while playing football.

8. ELECTIONS AND CONFIRMATIONS

None.

9. ORDINANCES ON SECOND READING

RE: CERTIFIED TAX RATE

- 9-a.** An Ordinance setting a “Certified Tax Rate” as required by T.C.A. § 67-5-1701 and amending Ordinance O-85-09 (tax rate ordinance) to adjust the tax rate from \$2.81 to \$2.46. (Requested by Department of Finance and Accountability)

Councilmember Frost made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-124-09.

RE: MAGNOLIA AVENUE CORRIDOR PLAN – CENTRAL CITY AND EAST CITY SECTOR PLANS

- 9-b.** An Ordinance adopting the Magnolia Avenue Corridor Plan and amendments to the Central City and East City Sector Plans. (MPC approved 12-0) (File No. 6-A-09-SAP) (Fourth and Sixth Districts)

Councilmember Booker made a motion to approve the ordinance on second reading. Councilmember Woodhull seconded the motion. By voice vote on the motion to approve, City Council voted as follows: Councilmembers Bailey, Becker, Booker, Frost, Hultquist, Pelot Roddy and Woodhull voted “Aye.” Councilmember Hall voted “Nay.” The motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-125-09.

RE: REZONING REQUEST OF DELBERT E. AND JANA W. MORGAN

- 9-c.** An Ordinance to rezone property located on the southeast end of Holston Drive, north end of George Bounds Road, southwest side of Holston River from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density of up to 4 dwelling units per acre, subject to conditions, Delbert E. and Jana W. Morgan, Applicant. (MPC Approved 10-2) (File No. 5-D-09-RZ) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on second reading. Vice-Mayor 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-126-09.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF EDDIE JOE BENNETT

- 9-d.** An Ordinance approving the request of Eddie Joe Bennett for a One Year Plan Amendment from Light Industrial to Mixed Use (Light Industrial and Low Density Residential) for property located on the northwest side of Gillespie Avenue, northeast of N. Sixth Avenue. (MPC Approved 12-0) (File No. 7-A-09-PA) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-127-09.

RE: REZONING REQUEST OF EDDIE JOE BENNETT

- 9-e.** An Ordinance to rezone property located on the northwest side of Gillespie Avenue, northeast of N. Sixth Avenue from I-3, General Industrial District, to R-1A, Low Density Residential District, Eddie Joe Bennett, Applicant. (MPC Approved 12-0) (File No. 7-A-09-RZ) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on second reading. 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-128-09.

RE: ONE YEAR PLAN AMENDMENT REQUEST OF LLOYD DAVIS, JR.

- 9-f.** An Ordinance approving the request of Lloyd Davis, Jr. for a One Year Plan Amendment from Light Industrial to Mixed Use (Light Industrial, Office, and General Commercial) for property located on the southeast side of Middlebrook Pike, northeast side of E. Weisgarber Road. (MPC Approved 12-0) (File No. 7-B-09-PA) (Second District)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-129-09.

RE: UNITED WAY OF GREATER KNOXVILLE – GRANT INFORMATION COMPUTER SOFTWARE

- 9-g.** An Ordinance appropriating the sum of \$15,000.00 and donating same to the United Way of Greater Knoxville for the purpose of acquiring “grant information” computer software. (Requested by Operations and Efficiency)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember Booker seconded the motion.

Councilmember Pelot, Mayor Haslam, Councilmember Hultquist and Councilmember Frost addressed the ordinance.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-130-09.

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

RE: APPEAL BY FLENNIKEN HOUSING, LP (PERMANENT SUPPORTIVE HOUSING) – TEN YEAR PLAN TO REDUCE CHRONIC HOMELESSNESS

- 10-a.** 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 11h.)

In conjunction with

- 11-h.** 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 10a.)

Councilmember Hultquist made a motion to deny. Councilmembers Booker and Hall seconded the motion.

Discussion began with the following speakers: Councilmember Frost; Charles Swanson; Vice-Mayor Becker; Reagan Shriver, 620 Cedar Bluff Road, in favor of appeal; Ginny Weatherstone, Volunteer Ministry, in favor of appeal; David Arning, Southeastern Housing, in favor of appeal; Ron Emery, business owner, opposed to appeal; Monty Stanley, 3029 Davenport Road, opposed to appeal; Orin Mudrich, 206 Flenniken Road, opposed to appeal.

David Arning gave rebuttal.

Discussion continued with the following persons speaking: Councilmember Roddy; Mayor Haslam; Larry Martin; Councilmember Booker; Councilmember Bailey; David Arning; County Commissioner Mike Brown; Councilmember Pelot; Ginny Weatherstone.

Upon roll call on the motion to deny, Councilmembers Booker, Frost, Hall and Hultquist voted "Aye." Councilmembers Bailey, Becker, Pelot, Roddy and Woodhull voted "Nay." The motion failed.

Councilmember Pelot made a motion to approve the appeal. Councilmember Woodhull seconded the motion.

Councilmember Hultquist made a motion to amend the motion to reduce the number of proposed units from 48 to 24. Councilmember Frost seconded the motion.

Discussion ensued on the motion to amend. The following persons addressed the amendment: Councilmember Frost; David Arning; Councilmember Hultquist; Mayor Haslam. Upon roll call on the amendment, Councilmembers Booker, Frost, Hall and Hultquist voted "Aye." Councilmembers Bailey, Becker, Pelot, Roddy and Woodhull voted "Nay." The amendment was denied.

Upon roll call on the motion to approve the appeal, Councilmembers Bailey, Becker, Pelot, Roddy and Woodhull voted "Aye." Councilmembers Booker, Frost, Hall and Hultquist voted "Nay." The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-295-09.

11. RESOLUTIONS

RE: RICHARD W. "DICK" KRIEG – METROPOLITAN KNOXVILLE AIRPORT AUTHORITY

- 11-a.** A Resolution honoring, congratulating and expressing gratitude to Richard W. "Dick" Krieg for his many years of exemplary service to this community on the Board of Commissioners of the Metropolitan Knoxville Airport Authority. (Requested by Councilmember Frost)

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-288-09

RE: CERTIFICATE OF COMPLIANCE – JENA, INC. d/b/a MERCHANT'S LIQUOR STORE

- 11-b.** A Resolution issuing a Certificate of Compliance to Jena, Inc. d/b/a Merchant's Liquor Store relative to its application to the Tennessee Alcoholic Beverage Commission for a license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Vice-Mayor 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-289-09.

RE: CERTIFICATE OF COMPLIANCE – TODDY'S PACKAGE STORE, INC. – TENNESSEE ALCOHOLIC BEVERAGE COMMISSION

- 11-c.** A Resolution issuing a Certificate of Compliance to Toddy's 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)

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-290-09.

RE: EC CORPORATION – FOUNTAIN CITY SKATE PLAZA

11-d. A Resolution authorizing the Mayor to enter into a contract with the EC Corporation for construction of the Fountain City Skate Plaza for an amount not to exceed \$169,360.28. (Requested by Department of Parks and Recreation)

Vice-Mayor Becker 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-291-09.

RE: PUBLIC BUILDING AUTHORITY OF THE COUNTY OF KNOX AND THE CITY OF KNOXVILLE, TENNESSEE – DOWNTOWN DOG PARK

11-e. 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 design and construction of the Downtown Dog Park at a total project cost not to exceed \$162,000.00. (Requested by Department of Parks and Recreation)

Vice-Mayor Becker made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-292-09.

RE: TAX INCREMENT FINANCING AMENDMENT – JACKSON/DEPOT REDEVELOPMENT AND URBAN RENEWAL PLAN – 131 SOUTH GAY STREET

11-f. A Resolution approving a tax increment financing amendment to the Jackson/Depot Redevelopment and Urban Renewal Plan to support the redevelopment of real property located at 131 South Gay Street. (Requested by Department of Policy and Communications)

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-293-09.

RE: SPRING FARM – PROPERTY EXCHANGE – MIDDLEBROOK PIKE AND EAST WEISGARBER ROAD

11-g. A Resolution authorizing the Mayor to execute any and all documents to exchange 186.86 square feet of property located at the northwest corner of the intersection of Middlebrook Pike and East Weisgarber Road with Spring Farm, LLC. (Requested by Department of Engineering)

Councilmember Hall 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-294-09.

The following pension resolutions were approved unanimously on first and final reading under the consent agenda:

- “*” **Approved: R-296-09**
j. A Resolution granting a pension of \$148.06 per month to Stephen D. Backiel, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **Approved: R-297-09**
k. A Resolution granting a pension of \$3,308.77 per month to David S. Ballard, an employee of the Knoxville General Government. (Requested by Pension Board)
- “*” **Approved: R-298-09**
l. A Resolution granting a pension of \$1,872.99 per month to Norman L. Rickman, an employee of the Knoxville Police Department. (Requested by Pension Board)
- “*” **Approved: R-299-09**
m. A Resolution granting a pension of \$3,342.90 per month to Gregory A. Taylor, an employee of the Knoxville Police Department. (Requested by Pension Board)
- “*” **Approved: R-300-09**
n. A Resolution granting a pension of \$2,346.77 per month to Carol E. Russell-Kirksey, an employee of the Knoxville General Government. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING

RE: COMMUNITY IMPROVEMENT (202) FUND – AUTISM SOCIETY OF AMERICA, EAST TENNESSEE CHAPTER

- 12-b.** An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Autism Society of America, East Tennessee Chapter to defray certain costs of hosting a local fall educational conference. (Requested by Councilmembers Pelot, Woodhull, and Vice Mayor Becker)

Councilmember Pelot made a motion to approve the emergency ordinance. Vice-Mayor 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-131-09

13. PUBLIC FORUM JoAnn DeFord, 201 Locust Street

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 9:10 p.m.

Presiding Officer of the Council

Recorder