

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

**OCTOBER 20, 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, October 20, 2009. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Steve Hall led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Frost made a motion to approve the minutes from the City Council Meeting held October 6, 2009. Vice-Mayor Becker 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5-a. ITEMS WITHDRAWN (Indicated with "W")

At the request of the petitioner, Councilmember Frost made a motion to withdraw the following items from the agenda:

- 10-a.** An Appeal by Murphy Road Car Wash, LLC of the Metropolitan Planning Commission's decision to deny a request to rezone property located on the southeast side of Washington Pike, southeast of Murphy Road from C-4, Highway and Arterial Commercial District with conditions, to C-4, Highway and Arterial Commercial District. (MPC Denied 11-1) (File No. 9-I-09-RZ) (Fourth District) (Consider with 12c.)
- 12-c.** An Ordinance to rezone property located on the southeast side of Washington Pike, southeast of Murphy Road from C-4, Highway and Arterial Commercial District with conditions, to C-4, Highway and Arterial Commercial District, Murphy Road Car Wash, LLC, Applicant, on appeal from a decision of the Metropolitan Planning Commission. (MPC Denied 11-1) (File No. 9-I-09-RZ) (Fourth District) (Consider with 10a.)

Councilmember Roddy seconded the motion.

There was no one present to address the withdrawal.

By unanimous voice vote the motion to withdraw was adopted. The items were withdrawn from the agenda.

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 “*”)

Councilmember Roddy made a motion to approve resolutions 111-11n on the consent agenda. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The consent items were approved. (See “Resolutions”).

6. MAYOR’S REPORT

- Christmas in the City will be November 1 through December 31, 2009 with Friday night after Thanksgiving being big night of Celebration of Lights.
- The S & W Grand official opening will be tomorrow, Wednesday, October 21.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilmember Booker announced that the Knoxville College Homecoming will be held this weekend with many activities including Cecelia Tucker performing a classical concert on Friday night.
- Councilmember Hultquist reminded everyone that tomorrow at 11:30 is the Mayor’s luncheon for Legacy Parks.

8. ELECTIONS AND CONFIRMATIONS

RE: JIM HAGERMAN – TONY NORMAN – STACY BRYSON – BOARD OF ENVIRONMENTAL APPEALS FOR THE CITY OF KNOXVILLE

- 8-a.** A Resolution confirming the appointments of Jim Hagerman and Tony Norman and the redesignation of Stacy Bryson to the Board of Environmental Appeals for the City of Knoxville. (Requested by Mayor)

Councilmember Hultquist made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-349-09.

RE: CHARLIE VAN BEKE – BOARD OF ZONING APPEALS FOR THE CITY OF KNOXVILLE

- 8-b.** A Resolution confirming the appointment of Charlie Van Beke to the Board of Zoning Appeals for the City of Knoxville. (Requested by Mayor)

Councilmember Frost made a motion to approve the resolution. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-350-09.

9. ORDINANCES ON SECOND READING

None.

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

None.

11. RESOLUTIONS

RE: AMBASSADOR VICTOR ASHE, AMBASSADOR TO POLAND

- 11-a.** A Resolution honoring Ambassador Victor Ashe for his years of dedicated service to this country as Ambassador to Poland, congratulating him upon the completion of that service and extending best wishes to him in all of his future endeavors. (Mayor Haslam and Council)

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-351-09.

RE: INVESTMENT POLICY OF THE CITY OF KNOXVILLE PENSION BOARD

- 11-b.** A Resolution amending and restating the Investment Policy of the City of Knoxville Pension Board. (Requested by Pension Board)

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

Discussion ensued with the following persons addressing the resolution: Councilmember Roddy; Councilmember Pelot; Vice-Mayor Becker; Bud Gilbert, Pension Board Attorney; Councilmember Hultquist.

Councilmember Roddy made a substitute motion to postpone the resolution four (4) weeks. Councilmember Hultquist seconded the motion.

Discussion continued with Councilmember Frost; Councilmember Pelot; Vice-Mayor Becker; Finance Director Jim York; Councilmember Roddy and Bud Gilbert speaking.

A friendly amendment was made to the substitute motion to postpone to make it a two week postponement instead of a four week postponement.

By voice vote on the motion to postpone two (2) weeks, Council voted as follows: Councilmembers Becker, Frost, Hall, Hultquist, Roddy and Woodhull voted "Aye." Councilmembers Bailey, Booker and Pelot voted "Nay." The motion carried. The resolution was postponed two (2) weeks.

RE: BRUCE GOFF – 459 CHICKAMAUGA AVENUE – HOMEMAKERS PROGRAM

- 11-c.** A Resolution authorizing the Mayor to execute a quitclaim deed to Bruce Goff for one parcel of property located at 459 Chickamauga Avenue, CLT No. 081-CB-043, within the city limits of the City of Knoxville pursuant to the Homemakers Program for a contract sales price of \$30,101.00. (Requested by Department of Community Development)

Vice-Mayor Becker made a motion to approve the resolution. Councilmember Bailey seconded the motion.

Councilmember Frost and Madeline Rogero addressed the resolution.

By voice vote the Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Booker, Pelot and Woodhull voted "Aye." Councilmembers Frost, Hall, Hultquist and Roddy voted "Nay." The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-352-09.

RE: KNOX AREA RESCUE MINISTRIES – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – 418 NORTH BROADWAY IN KNOXVILLE

11-d. A Resolution rescinding Resolution No. R-477-07 and authorizing the Mayor to execute an agreement with Knox Area Rescue Ministries to provide \$30,000.00 in Community Development Block Grant funding for renovations to the building located at 418 North Broadway in Knoxville to improve safety and to enhance the physical appearance of the building. (Requested by Department of Community Development)

Councilmember Booker made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-353-09.

RE: STOOKSBURY CONSTRUCTION, INC. – WASHINGTON PIKE RETAINING WALL – 2008 SIDEWALK IMPROVEMENT PROJECT

11-e. A Resolution authorizing the Mayor to execute Change Order No. 1 to Contract No. C-09-0154 with Stooksbury Construction, Inc. for construction of a retaining wall to stabilize a slope along Washington Pike as part of the 2008 Sidewalk Improvement Project, to increase the contract amount by \$12,000.00, for a new total of \$128,088.60 and to increase the time by 35 days to October 31, 2009. (Requested by Department of Engineering)

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-354-09.

RE: DURACAP ASPHALT PAVING COMPANY, INC. – 2010 ALLEY PAVING PROJECT

11-f. A Resolution authorizing the Mayor to enter into a contract with Duracap Asphalt Paving Company, Inc. for the 2010 Alley Paving Project for an amount not to exceed \$89,356.00. (Requested by Department of Engineering)

Councilmember Booker made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-355-09.

RE: WILBUR SMITH ASSOCIATES – HILL AVENUE VIADUCT REHABILITATION PROJECT

11-g. A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for professional engineering design, construction and inspection services for the Hill Avenue Viaduct Rehabilitation Project for an amount not to exceed \$156,500.00. (Requested by Department of Engineering)

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-356-09.

RE: STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION – CITYWIDE SIGNAL TIMING HARDWARE UPGRADE – AMERICAN RECOVERY AND REINVESTMENT ACT

- 11-h.** A Resolution to rescind Resolution No. R-279-09 and to authorize the Mayor to enter into a contract with the State of Tennessee Department of Transportation for Citywide signal timing hardware upgrade for an estimated project cost of \$666,000.00, funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

Councilmember Roddy made a motion to approve the resolution. Councilmember Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-357-09.

RE: N. BROADWAY – KNOX ROAD – KROGER, COMPANY

- 11-i.** Resolution authorizing the Mayor to execute a permanent easement for a sidewalk adjacent to N. Broadway and a sidewalk and stairs adjacent to Knox Road, both within CLT #058K-C-007, with the Kroger Co. (Requested by Department of Engineering)

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-358-09.

RE: DOWNTOWN KNOXVILLE WAYFINDING PROJECT

- 11-j.** A Resolution in support of the general design direction of the Downtown Knoxville Wayfinding Project. (Requested by Department of Policy and Communications)

Councilmember Booker made a motion to approve the resolution. Councilmember Woodhull seconded the motion.

Discussion ensued with the following persons addressing the resolution: Councilmember Roddy; Anne Wallace; Vice-Mayor Becker; Councilmember Pelot.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-359-09.

RE: TAXEWELL PIKE TASK FORCE

- 11-k.** A Resolution to extend the time period for the operation of the Tazewell Pike Task Force. (Requested by Councilmember Frost)

Councilmember Frost made a motion to approve the resolution. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-360-09.

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

Approved: R-361-09

- "*" 1. A Resolution granting a pension of \$3,841.50 per month to Robert L. Hubbs, an employee of the Knoxville Police Department. (Requested by Pension Board)

Approved: R-362-09
"*" m. A Resolution granting a pension of \$1,195.52 per month to Donna R. Young, an employee of the Knoxville General Government. (Requested by Pension Board)

Approved: R-363-09
"*" n. A Resolution granting a pension of \$244.88 per month to Robert W. Walton, an employee of the former Knoxville City School System. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING

RE: PROPERTY TAX FREEZE PROGRAM FOR ELDERLY, LOW-INCOME TAXPAYERS

12-a. An Ordinance enacted pursuant to T.C.A. § 67-5-705 to implement a property tax freeze program for elderly, low-income taxpayers. (Requested by Councilmember Frost)

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Hall seconded the motion.

Discussion began with Councilmember Frost, Councilmember Roddy, Finance Director Jim York, Councilmember Bailey and Councilmember Pelot speaking.

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

RE: ELECTRONIC MESSAGE CENTERS USED AS CHANGEABLE PRICE SIGNS

12-b. An Ordinance to amend Article V, Sections 10(E)(1)(e)(4), 10(E)(2)(a)(4)(b) and 10(G)(5)(a)(4)(b) so as to reduce the minimum street frontage requirement for electronic message centers used as changeable price signs from 250 feet to 100 feet. (Requested by Councilmember Hall)

Discussion began with Mike Hamil, Pilot Oil, speaking in favor of ordinance; Joyce Feld, Scenic Knoxville, speaking in opposition to ordinance and Melissa McAdams speaking in opposition to ordinance.

Mayor Haslam asked Vice-Mayor Becker to chair the meeting for the remainder of this discussion.

Vice-Mayor Becker acted as presiding officer of the meeting.

Further discussion continued with Councilmember Frost, Councilmember Hall, Councilmember Roddy and Vice-Mayor Becker speaking.

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Hall seconded the motion.

Discussion continued with Councilmember Pelot, Law Director Debbie Poplin, Councilmember Bailey and Councilmember Hultquist speaking.

Councilmember Roddy made a motion to amend the caption of the ordinance by adding the words "OF THE ZONING ORDINANCE" in the 5th line before the word "so". Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The ordinance was amended.

Councilmember Roddy then made a motion to amend the ordinance by deleting the third "Whereas" section in its entirety. Councilmember Frost seconded the motion.

Councilmember Booker commented on the amendment.

By voice vote, Council voted as follows on the motion to delete the third "Whereas" section: Councilmembers Bailey, Becker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted "Aye." Councilmember Booker voted "Nay." The motion carried. The amended was adopted.

Councilmember Roddy then made a motion to refer the ordinance to the Metropolitan Planning Commission for consideration. Councilmember Hall seconded the motion. Upon roll call, Councilmembers Bailey, Booker, Hall, Pelot and Roddy voted “Aye.” Councilmembers Becker, Frost, Hultquist and Woodhull voted “Nay.” The motion carried. The ordinance was referred to MPC for consideration.

Mayor Haslam once again became Presiding Officer of the Council.

13. PUBLIC FORUM

Ken Murphy, Lisa Starbuck and Bob Wolfenbarger discussed the Washington Pike and Murphy Road rezoning proposal (see attached).

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 9:12 p.m.

Presiding Officer of the Council

Presiding Officer of the Council

Recorder