

MARKED

AGENDA FOR A REGULAR COUNCIL MEETING

NOVEMBER 3, 2009

7:00 PM

ORDER OF BUSINESS

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

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Pelot and Councilmember Bailey

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 - a. **ITEMS WITHDRAWN (Indicated with “W”)**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

- Knoxville’s 84th Annual Veterans Day Parade steps off at 10:45 a.m. on Veterans Day.
- The Neighborhood Sweep program, a pilot program of Public Service Neighborhood codes Enforcement division, begins tomorrow in the Parkridge Neighborhood.
- There will be a third Creek Greenway Community Cleanup this Sunday from 10am until 4pm.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Vice-Mayor Becker announced three different Community Development events:
 - 1) A public meeting on vacant properties will be held at 7:00 pm November 5 at the Cansler YMCA, 616 Jessamine Street
 - 2) A public hearing will be held on the annual 5 Year Plan – December 14, time and place TBA
 - 3) A Community Development working group has been addressing recent issues regarding the Homemakers Program
- Councilmember Pelot discussed attended the funeral of James “Big Jake” Kelcher.

8. ELECTIONS AND CONFIRMATIONS:

Approved: R-365-09

- a. A Resolution electing Eston Williams to the Knoxville Utilities Board of Commissioners. (Requested by Mayor)

Approved: R-366-09

- b. A Resolution confirming the appointment of Clifford Rodgers to the Board of the Public Building Authority. (Requested by Mayor)

Approved: R-367-09

- c. A Resolution confirming the redesignation of Joe Petre and the appointment of Jeffrey Nash to the Downtown Design Review Board. (Requested by Mayor)

9. ORDINANCES ON SECOND READING:

None.

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

Appeal Denied

- a. An Appeal by Wayne E. Carmichael of a decision of the Board of Zoning Appeals to uphold the administrative official's decision to deny placement of a new single wide mobile home in a space that has been vacant for more than six months (Article VI, Section E. 1. b.) in a legally pre-existing non-conforming mobile home park in a C-3/IH-1 (General Commercial District/Infill Housing Overlay District), property located at 115 E. Oldham Avenue. (BZA Denied 4-0) (File No. 8-A-09-VA) (Fifth District) (Consider with 11k.)

11. RESOLUTIONS:

Withdrawn

- a. A Resolution in memory of the late Robert A. Schmid and expressing City Council's condolences to his family upon the occasion of his passing. (Requested by Councilmember Frost)

Approved: R-368-09

- b. A Resolution requesting and encouraging the Metropolitan Planning Commission to waive the usual fee for an application for a use-on-review for property located at 501 Arthur Street within the City of Knoxville. (Requested by Councilmember Woodhull)

Approved: R-369-09

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

Approved: R-370-09

- d. A Resolution authorizing the Mayor to execute Change Order No. 3 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 \$161,541.86 for a new contract price of \$4,126,229.17. (Requested by Department of Engineering)

Approved: R-371-09

- e. A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0158 with Design & Construction Services, Inc. for the 2009 Curb Cut Project to increase the contract price by \$9,218.38 for a new contract price of \$312,120.56, and to increase the time for completion by 60 calendar days to November 30, 2009. (Requested by Department of Engineering)

11. RESOLUTIONS (CONTINUED):

Approved: R-372-09

- f. A Resolution authorizing the Mayor to execute an agreement with Wilbur Smith Associates for professional engineering design, construction and inspection services for the Papermill Bluff Greenway Project for an amount not to exceed \$109,600.00 to be funded by the American Recovery and Reinvestment Act (ARRA). (Requested by Department of Engineering)

Approved: R-373-09

- g. A Resolution authorizing the Mayor to execute any and all documents to accept a Metropolitan Medical Response System grant from the State of Tennessee in the amount of \$321,221.00 enabling the Knoxville-Knox County Emergency Management Agency to develop plans and training, purchase equipment and pharmaceuticals, and conduct exercises to prepare to respond to a potential mass casualty event. (Requested by Emergency Management Agency)

Approved: R-374-09

- h. A Resolution authorizing the Mayor to execute an agreement with Time & Pay, Inc. to provide payroll and payroll tax preparation software and services for K-Trans Management, Inc. d/b/a Knoxville Area Transit. (Requested by Operations and Efficiency)

Approved: R-375-09

- i. A Resolution authorizing the Mayor to execute any and all documents to accept a grant under the American Recovery and Reinvestment Act (ARRA) as a subgrantee/sponsor of the Senior Service America, Inc. program in the amount of \$30,000.00 to provide technology training services to low-income senior citizens. (Requested by Department of Parks and Recreation)

Approved: R-376-09

- j. A Resolution requesting and encouraging the Metropolitan Planning Commission to give consideration to the zoning of certain parcels of property located within the general vicinity of the intersection of Washington Pike with Murphy Road, affording particular consideration to whether the Planned Commercial (PC-1) zoning designation is more appropriate for this property and, if so, taking any and all action necessary to implement this zoning modification. (Requested by Councilmember Frost)

Denied

- k. A Resolution approving an appeal by Wayne E. Carmichael of a decision of the Board of Zoning Appeals to uphold the administrative official's decision to deny placement of a new single wide mobile home in a space that has been vacant for more than six months (Article VI, Section E. 1. b.) in a legally pre-existing non-conforming mobile home park in a C-3/IH-1 (General Commercial District/Infill Housing Overlay District), property located at 115 E. Oldham Avenue. (BZA Denied 4-0) (File No. 8-A-09-VA) (Fifth District) (Consider with 10a.)

12. ORDINANCES ON FIRST READING:

Approved on first reading

- a. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land south of Alki Lane and approximately 160 feet southwest of the intersection of Ownby Lane and Alki Lane (2-11-09.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 51 of the City of Knoxville so as to include said area. (Requested by Mayor)

Approved on first reading

- b. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land east of Ginn Drive and approximately 685 feet northeast of the intersection of Maloney Road and Ginn Drive (3-11-09.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 25 of the City of Knoxville so as to include said area. (Requested by Mayor)

Approved on first reading

- c. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as two tracts of land northwest of the intersection of Schaad Road and Teddy Lane (4-11-09.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 44 of the City of Knoxville so as to include said area. (Requested by Mayor)

Approved on first reading

- d. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land east of Washington Pike and approximately 425 feet north of the intersection of Edmondson Lane and Washington Pike (5-11-09.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 33 of the City of Knoxville so as to include said area. (Requested by Mayor)

Approved on first reading

- e. An Ordinance to annex certain territory adjoining the bounds of the City of Knoxville, an area generally being described as a tract of land north of S. Ruggles Ferry Pike and approximately 280 feet east of the intersection of E. Governor John Sevier Highway and S. Ruggles Ferry Pike (6-11-09.AX), which property is to be incorporated into the limits of the City of Knoxville and to revise the boundary of Ward 31 of the City of Knoxville so as to include said area. (Requested by Mayor)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading as amended

- f. An Ordinance to amend Chapter 11, Article II of the Knoxville City Code, so as to require tire recycling facilities operating within the city limits of Knoxville to meet additional fire prevention safety standards. (Requested by Fire Department)

Approved on first reading as amended two times

- g. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article II, Definitions and Article IV, Section 3.12, TC-1 town center district, to change provisions relative to permitted and prohibited uses, height, parking, development plan requirements, administration and related ordinance provisions. (MPC Approved 11-0-1) (File No. 5-A-09-OA)

Approved on first reading

- h. An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article IV, Section 2.3.3, I-4 heavy industrial district; Article V, Section 10, Signs, billboards, and other advertising structures; and Article VII, Section 5.B.5., Effective date of approval, intended to correct certain discrepancies in the Knoxville City Code. (MPC Approved 11-0-1) (File No. 10-A-09-OA)

Approved on first reading

- i. An Ordinance to close a portion of Park Village Road between Fox Lonas Road and the southern property line of Parcel 004.02, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, W & L Properties, Applicant. (MPC Approved 12-0) (File No. 4-A-09-SC) (Second District)

Approved on first reading

- j. An Ordinance to change the street name of E Street between Langford Avenue and Phillips Avenue to Empire Street, City of Knoxville, Applicant. (MPC Approved 12-0) (File No. 8-A-09-SNC) (First District)

Approved on first reading

- k. An Ordinance to change the street name of Lincoln Street between Sevier Avenue and Phillips Avenue to Foggy Bottom Street, City of Knoxville, Applicant. (MPC Approved 12-0) (File No. 8-B-09-SNC) (First District)

Approved on first reading

- l. An Ordinance approving the request of the City of Knoxville for an amendment to the Central City Sector Plan from Commercial to Low Density Residential for property located on the southwest side of Johnston Street, southeast of Heiskell Avenue. (MPC Approved 11-0-1) (File No. 10-C-09-SP) (Fifth District)

12. ORDINANCES ON FIRST READING (CONTINUED):

Approved on first reading

- m. An Ordinance to rezone property located on the southwest side of Johnston Street, southeast of Heiskell Avenue from C-1, Neighborhood Commercial District/IH-1, Infill Housing Overlay District, to R-1A, Low Density Residential District/IH-1, Infill Housing Overlay District, City of Knoxville, Applicant. (MPC Approved 11-0-1) (File No. 10-F-09-RZ) (Fifth District)

Approved on first reading

- n. An Ordinance to rezone property located on the southeast side of Millertown Pike, northeast of Loves Creek Road from R-1A, Low Density Residential District, to C-3, General Commercial District, Sharon Johnson, Applicant. (MPC Approved 11-0-1) (File No. 10-C-09-RZ) (Fourth District)

Approved on first reading

- o. An Ordinance to rezone property located on the north side of Kingston Pike, east side of N. Cedar Bluff Road from A-1, General Agricultural District, and R-2, General Residential District, to PC-1, Retail and Office Park District, Holrob-Cedar Bluff, LLC, Applicant. (MPC Approved 11-0-1) (File No. 10-D-09-RZ) (Second District)

Approved: O-142-09

- p. An Emergency Ordinance appropriating the sum of \$1,800.00 from the Community Improvement (202) Fund and donating same to Legacy Parks Foundation as financial contribution toward the Fountain City Skate Park Project. (Requested by Councilmembers Pelot, Hall, Booker, Woodhull, and Vice Mayor Becker)

Approved: O-143-09

- q. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Austin-East High School to be utilized toward re-sprigging the school's football field. (Requested by Councilmember Booker)

Approved: O-144-09

- r. An Emergency Ordinance appropriating the sum of \$550.00 from the Community Improvement (202) Fund and donating same to Christenberry Elementary School to be utilized as financial support toward the fourth grade class trip to the American Museum of Science and Energy. (Requested by Councilmembers Pelot, Hall, and Woodhull)

Approved: O-145-09

- s. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Green Magnet Math and Science Academy to be utilized toward certain needed improvements to the school's outdated playground facility. (Requested by Councilmember Booker)

13. PUBLIC FORUM:

None.

14. ADJOURNMENT: 8:25 p.m.