

**MARKED**

**AGENDA FOR A REGULAR COUNCIL MEETING**

**MARCH 9, 2010**

**7:00 PM**

**ORDER OF BUSINESS**

1. **CALL TO ORDER:** Mayor Bill Haslam
  
2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:**  
Councilmember Woodhull and Councilmember
  
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  - a. **ITEMS WITHDRAWN (Indicated with “W”)**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:**

- Mayor Haslam discussed the Ten Year Plan to End Chronic Homelessness and a meeting to be held March 18 at 7:00 p.m. at the Arnstein Jewish Community Center on Deane Hill Drive to talk about the 48 unit complex on Teaberry Lane.

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

**7-a.** Annual Report for the Police Advisory Review Committee  
Chairman Bill Cole presented City Council and the Mayor with the annual report from PARC.

- Vice-Mayor Becker announced that a City Council workshop to discuss the East County Sector Plan will be held March 11 at 5:00 p.m. in the Small Assembly Room.

**8. ELECTIONS AND CONFIRMATIONS:**

**Approved as amended: R-65-2010**

- a. A Resolution appointing Councilmember Joe Hultquist to continue his service to the City of Knoxville as co-chair of the Committee on Transportation and Mobility. (Requested by Councilmember Hultquist)

**Approved: R-66-2010**

- b. A Resolution confirming the appointment of Dr. Paul Bergeron to the Civil Service Merit Board. (Requested by Mayor)

**Approved: R-67-2010**

- c. A Resolution confirming the reappointment of Bob Santori and the appointments of Beth MacDonald, Brian Campbell and Sam Adams to the City Tree Board. (Requested by Mayor)

**Approved: R-68-2010**

- d. A Resolution reappointing Letonia Armstrong to the Citizens Board for the operation of the Public Assembly Facilities. (Requested by Councilmember Brown)

**Approved: R-69-2010**

- e. A Resolution confirming the appointment of Andrew Polyak to the Knoxville Solicitations Board. (Requested by Mayor)

**Approved: R-70-2010**

- f. A Resolution appointing City Councilmembers Daniel Brown and Nick Della Volpe to serve as members of the Public Property Naming Committee. (Requested by Vice Mayor Becker)

**8. ELECTIONS AND CONFIRMATIONS (CONT):**

**Approved: R-71-2010**

- g. A Resolution confirming the appointment of City Councilmember Dan Brown to serve on the City of Knoxville Public Arts Committee. (Requested by Vice Mayor Becker)

**Approved as amended: R-72-2010**

- h. A Resolution approving the appointment of Councilmember Brenda Palmer to serve as Chair of City Council's Audit Committee, reappointing Councilmember Marilyn Roddy to serve as a member of that Committee and appointing Nick Della Volpe, Duane Grieve and Daniel Brown to serve as members of the Audit Committee. (Requested by Vice Mayor Becker)

**9. ORDINANCES ON SECOND READING:**

**Approved: O-20-2010**

- a. An Ordinance to amend the Operating Budget for Fiscal Year 2009-2010 to allow for completion of the Gay Street Streetscapes Project. (Requested by Department of Finance and Accountability)

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

**Appeal Approved with changes**

- a. An Appeal by Scenic Knoxville of the Metropolitan Planning Commission's decision to deny Scenic Knoxville's appeal of the Downtown Design Review Board's approval of a Certificate of Appropriateness for the operation of two Electronic Message Center signs by the Knoxville Convention Center. (MPC Denied 11-2) (File No. 1-A-10-OB) (First District) (Consider with 11n.)

**Failed – No Motion**

- b. An Appeal by David Perkins of the Metropolitan Planning Commission's limited approval of a Use on Review for a home occupation for music teacher, subject to conditions, and denial of a Use on Review request for home occupations for performer and telemarketing of performances, appearances, and other services, in an R-1, Low Density Residential District, property located on the east side of Mellen Avenue, just south of Eutaw Place. (MPC Approved 7-6) (File No. 1-C-10-UR) (Second District) (Consider with 11o.)

**11. RESOLUTIONS:**

**Approved: R-73-2010**

- a. A Resolution authorizing the issuance of a Certificate of Compliance to Shreenathji Corporation d/b/a Middlebrook 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)

**Approved: R-74-2010**

- b. A Resolution urging all citizens and residents of this community to promptly and accurately respond to the 2010 Census. (Requested by Councilmember Grieve)

**Approved: R-75-2010**

- c. A Resolution expressing support for the Mayor's appointment of Barbara Pelot and the reappointment of Whitney Stanley, Jody Mullins, Charlotte Davis and Polly Doka to the Neighborhood Advisory Council. (Requested by Mayor)

**Approved: R-76-2010**

- d. A Resolution authorizing the Mayor to execute an agreement with the Town of Jonesborough, Tennessee for the transfer of surplus City equipment (a 1989 Ford E-350 hostage negotiation vehicle) at a price of \$7,500.00. (Required by Department of Fleet Services)

**Approved: R-77-2010**

- e. A Resolution authorizing the Mayor to execute an agreement with Cardinal MS, LLC to permit an encroachment for kitchen exhaust equipment within the right-of-way in the east alley of Market Square on behalf of a tenant at 16 Market Square. (Requested by Department of Engineering)

**Approved: R-78-2010**

- f. A Resolution authorizing the Mayor to execute a Memorandum of Understanding with the County of Knox, Tennessee, to accept a subgrant of \$103,560.00 in funds provided through the Tennessee Emergency Management Agency to fund the purchase of equipment to assist the City of Knoxville Police Department in its preparation to respond to a weapons of mass destruction terrorism incident. (Requested by Police Department)

**Approved: R-79-2010**

- g. A Resolution authorizing the Mayor to file a grant application with the State of Tennessee, Department of the Military, and the Tennessee Emergency Management Agency, for a Metropolitan Medical Response System Grant in the amount of \$317,419.00 which will fund the Knoxville-Knox County Emergency Management Agency's Mass Casualty Response Program. (Requested by Department of Emergency Management)

**11. RESOLUTIONS (CONTINUED):**

**Approved: R-80-2010**

- h. A Resolution authorizing the Mayor to file a grant application with the Tennessee Department of Agriculture Division of Forestry for funding to complete a comprehensive tree inventory and assessment and to draft a forest resource management plan in an amount not to exceed \$30,000.00 with a City match of \$30,000.00, and if approved, to execute any and all documents necessary to accept such a grant. (Requested by Department of Public Service)

**Approved: R-81-2010**

- i. A Resolution authorizing the Mayor to enter into a contract with AvaLawn, Inc. to provide mowing and landscaping services for areas located at the intersections of I-275 and I-40, and at the Alcoa Highway entrance and exit ramps to Kingston Pike and Neyland Drive, for a contract amount not to exceed \$49,557.93. (Requested by Department of Public Service)

**Approved: R-82-2010**

- j. A Resolution authorizing the Mayor to enter into a contract with AvaLawn, Inc. to provide mowing and landscaping services for areas located at various sites along Hall of Fame Drive, Magnolia Avenue and Gill Avenue for a contract amount not to exceed \$37,133.75. (Requested by Department of Public Service)

**Approved: R-83-2010**

- k. A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0185 between the City of Knoxville and Wilbur Smith Associates for the Lake Avenue Drainage Improvement Project for various design changes so as to increase the contract price by \$30,700.00 for a new contract price of \$85,700.00, and to extend the contract time to December 31, 2010. (Requested by Department of Engineering)

**Approved: R-84-2010**

- l. A Resolution authorizing the Mayor to execute an agreement with Tennessee Department of Transportation to build access improvements to the I-275 Business Park, with the City to pay an amount not to exceed \$899,900.00, twenty percent (20%) of the total estimated project cost of \$4,499,500.00. (Requested by Department of Engineering)

**Approved: R-85-2010**

- m. A Resolution authorizing the Mayor to execute an agreement with Ameresco, Inc. to perform services and to install equipment necessary to replace heating, ventilating, and air conditioning (HVAC) systems in eleven City of Knoxville buildings for a total contract price not to exceed \$261,518.00 to be provided through the Energy Efficiency and Conservation Block Grant Program, an American Recovery and Reinvestment Act Program. (Requested by Department of Policy and Communications)

**11. RESOLUTIONS (CONTINUED):**

**Approved with changes: R-86-2010**

- n. A Resolution approving an appeal by Scenic Knoxville of the Metropolitan Planning Commission's decision to deny Scenic Knoxville's appeal of the Downtown Design Review Board's approval of a Certificate of Appropriateness for the operation of two Electronic Message Center signs by the Knoxville Convention Center. (MPC Denied 11-2) (File No. 1-A-10-OB) (First District) (Consider with 10a.)

**Failed – No Motion**

- o. A Resolution approving an appeal by David Perkins of the Metropolitan Planning Commission's limited approval of a Use on Review for a home occupation for music teacher, subject to conditions, and denial of a Use on Review request for home occupations for performer and telemarketing of performances, appearances, and other services, in an R-1, Low Density Residential District, property located on the east side of Mellen Avenue, just south of Eutaw Place. (MPC Approved 7-6) (File No. 1-C-10-UR) (Second District) (Consider with 10b.)

**12. ORDINANCES ON FIRST READING:**

**Approved on first reading**

- a. An Ordinance to amend Ordinance No. 1358 closing an alley located in City Block 08144 and within property located at 100 W. Fifth Avenue so as to delete an easement reserved for future public utilities. (Requested by Department of Engineering)

**Approved on first reading**

- b. An Ordinance to close an unnamed alley between Century Street and its dead end at Western Avenue, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-A-10-AC) (Sixth District)

**Approved on first reading**

- c. An Ordinance to close an unnamed alley from Ambrister Street to the southwest terminus of said alley, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-B-10-AC) (Sixth District)

**Approved on first reading**

- d. An Ordinance to close Ambrister Street between Orange Avenue and News Sentinel Drive, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-D-10-SC) (Sixth District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved on first reading**

- e. An Ordinance to close Century Street from Orange Avenue to the northwest terminus of Century Street, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-C-10-SC) (Sixth District)

**Approved on first reading**

- f. An Ordinance to close Orange Avenue from Western Avenue to the southwest terminus of Orange Avenue, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-B-10-SC) (Sixth District)

**Approved on first reading**

- g. An Ordinance to close a portion of James Road from approximately 767 feet southeast of the centerline of Skyline Drive to the present dead end of James Road, subject to conditions, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Habitat for Humanity, Applicant. (MPC Approved 10-0-1) (File No. 2-A-10-SC) (Sixth District)

**Postponed two (2) weeks**

- h. An Ordinance adopting the East County Sector Plan dated February 2010, which amends the Knoxville-Knox County General Plan. (MPC Approved 8-4) (File No. 2-A-10-SAP) (Fourth District)

**Approved: O-21-2010**

- i. An Emergency Ordinance to rezone property located on the south side of Alki Lane, west of Morrell Road from No Zone to R-1, Low Density Residential District, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-A-10-RZ) (Second District)

**Approved: O-22-2010**

- j. An Emergency Ordinance to rezone property located on the east side of Washington Pike, north of Edmondson Lane from No Zone to RP-1, Planned Residential District, at a density of up to 5 dwelling units per acre, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-B-10-RZ) (Fourth District)

**Approved: O-23-2010**

- k. An Emergency Ordinance to rezone property located on the north side of S. Ruggles Ferry Pike, east side of E. Governor John Sevier Highway from No Zone to R-1 (Low Density Residential District) in the former RB portion and C-3 (General Commercial District subject to one condition) in the former CA portion, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-C-10-RZ) (Fourth District)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved: O-24-2010**

- l. An Emergency Ordinance to rezone property located on the southeast side of Ginn Drive, northeast of Maloney Road from No Zone to A-1, General Agricultural District, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-D-10-RZ) (First District)

**Approved: O-25-2010**

- m. An Emergency Ordinance to rezone property located on the northwest side of Schaad Road, southwest of LaChrista Way from No Zone to OS-1, Open Space Preservation District, City of Knoxville, Applicant. (MPC Approved 10-0-1) (File No. 2-E-10-RZ) (Third District)

**Approved on first reading**

- n. An Ordinance approving the request of the City of Knoxville for an amendment to the Northeast County Sector Plan from Neighborhood Commercial to General Commercial for the eastern pieces of property (049 92.03, 92.06, and 92.07) and General Commercial for Parcel 92.01 of the northern pieces of property, said property located on the north, south and west sides of Washington Pike, north side of McCampbell Drive, southwest and southeast of Murphy Road. (MPC Approved 8-2 for eastern property) (MPC Approved 10-0 for northern property) (File No. 1-D-10-SP) (Fourth District)

**Denied**

- o. An Ordinance to rezone property located on the north, south and west sides of Washington pike, north side of McCampbell Drive, southwest and southeast of Murphy Road by retaining SC-1 (Neighborhood Shopping Center District) for the western property subject to conditions; retaining C-3 (General Commercial District) for the northern property subject to conditions; and retaining C-4 (Highway and Arterial Commercial District) for the eastern property subject to conditions, City of Knoxville, Applicant. (MPC Approved 10-0 for western property) (MPC Approved 6-4 for northern property and eastern property) (File No. 1-F-10-RZ) (Fourth District)

**Approved: O-27-2010**

- p. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) fund and donating same to South-Doyle High School to be utilized toward certain improvements to benefit the softball program. (Requested by Councilmember Pavlis)

**12. ORDINANCES ON FIRST READING (CONTINUED):**

**Approved: O-28-2010**

- q. An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) fund and donating same to the East Tennessee Community Design Center toward the furtherance of certain efforts of Fountain City Town Hall. (Requested by Councilmembers Pavlis, Della Volpe, Woodhull, and Vice Mayor Becker)

**Approved: O-29-2010**

- r. An Emergency Ordinance appropriating the sum of \$1,100.00 from the Community Improvement (202) fund and donating same to the East Tennessee Community Design Center as fiscal agent on behalf of the East Tennessee Civil War Alliance, for an official Civil War trails marker. (Requested by Councilmembers Pavlis, Grieve, Palmer, Della Volpe, and Vice Mayor Becker)

**13. PUBLIC FORUM:**

Terry Faulkner  
Jamie Rowe

**14. ADJOURNMENT: 10:45 p.m.**