

**DRAFT**

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

**MAY 5, 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, May 5, 2009.

Mayor Bill Haslam was present and presiding officer of the Council.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Pelot led in the Invocation and Councilmember Frost 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 Roddy made a motion to approve the minutes from the April 24, 2009 City Council meeting. Vice-Mayor Becker 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**5-a. ITEMS WITHDRAWN (Indicated with “W”)**

None.

**5-b. ITEMS FOR POSTPONEMENT (Indicated with “P”)**

Councilmember Frost made a motion to postpone the following items for two (2) weeks:

**10-a.** An Appeal by Babelay Farm, LLC of a decision by the City of Knoxville Board of Zoning Appeals to deny variances to increase the maximum driveway width from 30 feet to 37 feet and the maximum driveway curb cut length from 60 feet to 90 feet (Article V, Section 7.B.3.c. of the Zoning Regulations), as per site plan, to construct a three lane entrance to an apartment development from Washington Pike, located at 5304 McCampbell Drive. (BZA Denied) (File No. 3-F-09-VA) (Fourth District) (Consider with 11h)

**11-h.** A Resolution approving an appeal by Babelay Farm, LLC of a decision by the City of Knoxville Board of Zoning Appeals to deny variances to increase the maximum driveway width from 30 feet to 37 feet and the maximum driveway curb cut length from 60 feet to 90 feet (Article V,

Section 7.B.3.c. of the Zoning Regulations), as per site plan, to construct a three lane entrance to an apartment development from Washington Pike, located at 5304 McCampbell Drive. (BZA Denied) (File No. 3-F-09-VA) (Fourth District) (Consider with 10a)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The items were postponed two (2) weeks.

Councilmember Hall made a motion to postpone the following ordinance four (4) weeks:

- 12-1.** An Ordinance to rezone property located on the west side of Sisk Road, south of Pleasant Ridge Road from RP-1, Planned Residential District, at a density of 1-5 dwelling units per acre to RP-1, Planned Residential District, at a density up to 5.99 dwelling units per acre, Easterday Estates LLC, Applicant. (MPC Approved 12-1) (File No. 4-E-09-RZ) (Third District)

Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinance was postponed four (4) weeks.

Vice-Mayor Becker made a motion to postpone the following resolution two (2) weeks:

- 11-c.** A Resolution expressing City Council's willingness to participate in the convenient voting pilot project. (Requested by Councilmember Becker)

Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The resolution was postponed two (2) weeks.

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

None.

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

None.

**6. MAYOR'S REPORT**

**RE: CERTIFICATE OF COMPLIANCE – ESTATE OF WILLIAM M. SCATES, CAROLYN HICKS, ADMINISTRATOR d/b/a SOUTHSIDE PACKAGE STORE, INC.**

- 6-a.** An application for a Certificate of Compliance for the Estate of William M. Scates, Carolyn Hicks, Administrator d/b/a Southside Package Store Inc., 2315 Chapman Highway, Knoxville, Tennessee, 37920. (Requested by Department of Finance and Accountability)

Councilmember Hultquist made a motion to approve the application. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The application was approved.

**RE: CERTIFICATE OF COMPLIANCE – DENNIS CARSON MILLER AND KATHY ELIZABETH MILLER d/b/a ADOBE PACKAGE STORE**

- 6-b.** An application for a renewal of a Certificate of Compliance for Dennis Carson Miller and Kathy Elizabeth Miller d/b/a Adobe Package Store, 5036 N. Broadway, Knoxville, Tennessee, 37918. (Requested by Department of Finance and Accountability)

Councilmember Frost made a motion to approve the Certificate of Compliance. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The application was approved.

**RE: MAYOR’S REMARKS**

- Mayor Haslam announced that the Sustainability Design Award given each year by the EPA was won by a team from the University of TN and Madeline Rogero’s stepson was a member of that team.
- Mayor Haslam recognized Dewayne Cole, Enzo Montenate and Amanda Bowness, employees of the Public Service Department, for meeting their GED requirements. The graduation ceremony will be held May 21 at Central United Methodist Church at 6:00 p.m.
- A Public meeting on the Merje Wayfinding project will be held May 7, 2009 at 6:30 p.m. in the Small Assembly Room of the City-County Building.
- Mayor Haslam recognized the Knoxville Ice Bears Hockey Team who won the President’s Cup in the Southern Professional Hockey League. General Manager Mike Murry and Coach Scott Hillmon were present.
- Mayor Haslam recognized Shawn Bradley and David Gray of the Knoxville Fire Department and News Sentinel carrier Cissy Mutta for their heroic efforts in saving the lives of Charles and Sue Vandergriff of Skyline Drive during a recent house fire.

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

- Councilman Frost announced that Memorial Day will be Honor Fountain City Day at Fountain City Lake with a memorial service at 4:00 p.m. and program at 5:00 p.m.
- Vice-Mayor Becker announced the following: (1) A City Council Workshop on Convenience Voting will take place May 14 at 5:00 p.m. (2) City Council budget hearings are scheduled for May 20 and June 1.
- Councilmember Roddy asked Dave Hill, Director of the South Waterfront, to give a report on the law suit concerning the Cityview at Riverwalk project.
- Councilmember Woodhull announced that the Public Library is sponsoring a community read of the book *The Green Collar Economy* and he will be hosting a read on May 13 and invited everyone to attend.

**8. ELECTIONS AND CONFIRMATIONS**

None.

**9. ORDINANCES ON SECOND READING**

**RE: CITY CODE AMENDMENT – ARTICLE REORGANIZATION – APPENDIX B, ARTICLE IV**

- 9-a.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations” to revise Article IV “Specific District Regulations” in order to accomplish reorganization of said article. (MPC Approved 13-0) (File No. 6-B-08-OA)

Vice-Mayor Becker 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-70-09.

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

None.

**11. RESOLUTIONS**

**RE: ENERGY AND SUSTAINABILITY INITIATIVES – MAYOR BILL HASLAM – CITY OF KNOXVILLE ENERGY & SUSTAINABILITY TASK FORCE**

- 11-a.** A Resolution applauding the cooperative efforts of Mayor Bill Haslam, the City of Knoxville Energy & Sustainability Task Force and other community resources for their efforts in creating job growth in green services and encouraging continued efforts to promote energy efficiency and sustainability initiatives resulting in more green jobs and development of a sustainable local economy. (Requested by Vice Mayor Becker and Councilmember Woodhull)

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

Rick Held, U. S. Government and Economics teacher at Austin East Magnet High School addressed Council and allowed several of his students to speak in favor of the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-140-09.

**RE: LEGISLATURE OF THE STATE OF TENNESSEE – WATER QUALITY**

- 11-b.** A Resolution urging the Legislature of the State of Tennessee to decline to adopt a number of proposed bills which would threaten the quality of water in the State of Tennessee. (Requested by Councilmember Hultquist)

Councilmember Hultquist made a motion to approve the resolution. Councilmember Frost seconded the motion.

Discussion ensued with the following persons addressing the resolution: Renee Hoyas, TN Cleanwater Network; Councilmember Bailey; Councilmember Roddy; Councilmember Pelot; Councilmember Hultquist and Dr. Bill Lyons.

Councilmember Hultquist made a motion to amend the resolution to **delete** the following language from Section 1:

“...and in furtherance of this policy, to defeat the following proposed legislation:

- a. SB0631/HB1616
- b. SB0632/HB1615
- c. SB0633/HB1617
- d. SB0634/HB0973
- e. SB0198/HB0425
- f. SB1738/HB2009
- g. SB1112/HB1622
- h. SB1207/HB1205
- i. SB1312/HB1619

Councilmember Roddy seconded the motion. By unanimous voice the motion carried. The amendment was adopted.

By unanimous voice vote the motion to approve the resolution, as amended, was approved. The printed resolution can be found attached to these minute as Resolution No. R-141-09.

**RE: HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM SUBSTANTIAL AMENDMENT - 2008-2009 ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT**

**11-d.** A Resolution authorizing the submission of the Homelessness Prevention and Rapid Re-housing Program Substantial Amendment to the 2008-2009 Action Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development and authorizing the Mayor to execute any associated documents and certifications. (Requested by Department of Community Development)

Councilmember Pelot 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-142-09.

**RE: PERMANENT DRAINAGE EASEMENT – 3300 NORTH BROADWAY, LLC – FIRST CREEK IMPROVEMENTS PROJECT, PHASE II – 3136 N. BROADWAY**

**11-e.** A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville to acquire a permanent drainage easement of 13,458 square feet within property located at 3300 North Broadway, CLT #069M-J-032, from 3300 Broadway, LLC for the First Creek Channel Improvements Project, Phase II, and as a like-kind exchange to transfer 11,015 square feet from the City's adjoining property at 3136 N. Broadway, CLT #069M-J-031, to 3300 Broadway, LLC. (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-143-09.

**RE: KNOX COUNTY – BYRNE JUSTICE ASSISTANCE GRANT PROGRAM**

**11-f.** A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with Knox County regarding distribution of funds under the Byrne Justice Assistance Grant Program. (Requested by Police Department)

Councilmember Roddy 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-144-09.

**RE: TML RISK MANAGEMENT POOL – WORKERS COMPENSATION AND LIABILITY INSURANCE – SENIOR AIDES**

**11-g.** A Resolution authorizing the Mayor to execute an agreement with TML Risk Management Pool to provide workers compensation and liability insurance for senior aides. (Requested by Department of Finance and Accountability)

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

Councilmember Frost, Larry Martin and Gary Eastes discussed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-145-09.

**12. ORDINANCES ON FIRST READING**

**RE: BUDGET ORDINANCE – ANNUAL APPROPRIATIONS**

- 12-a.** An Ordinance making and fixing the annual appropriations for the several departments, agencies, and funds of the City of Knoxville for the fiscal period beginning July 1, 2009 and ending June 30, 2010. (Requested by Department of Finance and Accountability)

Vice-Mayor Becker made a motion to approve the ordinance on first reading and requested that the Administration not bring the ordinance back before Council until June 2, 2009. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: TAX LEVY ORDINANCE**

- 12-b.** An Ordinance to levy a tax on all taxable properties, real, personal and mixed, within the corporate limits of the City of Knoxville to provide sufficient revenues to fund the general fund and debt service fund operations and debt service obligations of the City of Knoxville for the fiscal period beginning July 1, 2009 and ending June 30, 2010. (Requested by Department of Finance and Accountability)

Vice-Mayor Becker made a motion to approve the ordinance on first reading and requested that the Administration not bring the ordinance back before Council until June 2, 2009. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: CITY CODE AMENDMENT – CLASSIFICATION AND COMPENSATION PLANS**

- 12-c.** An Ordinance to amend Sections 2-450, 2-458, and 2-459 of the Knoxville City Code to adjust the City of Knoxville's classification and compensation plans for general government employees and uniformed members of the police and fire departments. (Requested by Civil Service)

Vice-Mayor Becker made a motion to approve the ordinance on first reading and requested that the Administration not bring the ordinance back before Council until June 2, 2009. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: CITY CODE AMENDMENT – SECTION 2-450 (5) – HOUR/EVENTS PAYROLL**

- 12-d.** An Ordinance to amend Section 2-450 (5) of the Knoxville City Code to adjust the City's hourly/events payroll rates. (Requested by Civil Service)

Vice-Mayor Becker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: UNNAMED ALLEY CLOSURE NEAR BLUFF AVENUE – BETHANY MISSIONARY BAPTIST CHURCH, APPLICANT**

- 12-e.** An Ordinance to close an unnamed alley from Bluff Avenue to the southwest property line of Parcel 081EL007, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Bethany Missionary Baptist Church, Applicant. (MPC Approved 12-0-1) (File No. 4-A-09-AC) (Fourth District)

Councilmember Frost made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF FLENNIKEN HOUSING, L. P.**

- 12-f.** An Ordinance to rezone property located on the northeast side of Flenniken Avenue, southeast side of Maryville Pike, northwest of Martin Mill Pike from C-3, General Commercial District, to O-1, Office, Medical, and Related Services District, Flenniken Housing, L.P., Applicant. (MPC Approved 11-2) (File No. 7-L-08-RZ) (First District)

Discussion began on the ordinance with the following persons speaking: David Arning, in favor of ordinance; Jon Lawler; Councilmember Roddy; Councilmember Hultquist; Councilmember Bailey; Vice-Mayor Becker; Councilmember Frost; Joe Mancello; Jeff Perkins; Charles Swanson; Mark Donaldson, MPC.

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

Further discussion followed.

Councilmember Hultquist made a substitute motion to remand the ordinance back to MPC for them to consider C-3 zoning on the entire parcel. Councilmember Booker seconded the motion. Upon roll call, Councilmembers Booker, Hall and Hultquist voted “Aye.” Councilmembers Bailey, Becker, Frost, Pelot, Roddy and Woodhull voted “Nay.” The motion failed.

Discussion continued.

By voice vote on the original motion to approve, Councilmembers Bailey, Becker, Frost, Pelot, Roddy and Woodhull voted “Aye”. Councilmembers Booker, Hall and Hultquist voted “Nay”. The motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF GARY MITCHELL**

- 12-g.** An Ordinance approving the request of Gary Mitchell for a One Year Plan Amendment from Mixed Uses (Heavy Industrial & General Commercial) to Mixed Uses (Light Industrial, General Commercial, and Central Business District) for property located on the southeast side of Blackstock Avenue, north side of Western Avenue, west side of Ramsey Street. (MPC Approved 12-0-1) (File No. 4-A-09-PA) (Sixth District)

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF GARY MITCHELL**

- 12-h.** An Ordinance to rezone property located on the southeast side of Blackstock Avenue, north side of Western Avenue, west side of Ramsey Street from C-3,

General Commercial District, to C-2, Central Business District, Gary Mitchell, Applicant. (MPC Approved 12-0-1) (File No. 4-A-09-RZ) (Sixth District)

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF THE METROPOLITAN PLANNING COMMISSION – WASHINGTON AVENUE – N. BERTRAND STREET – WINONA STREET**

**12-i.** An Ordinance approving the request of the Metropolitan Planning Commission for a One Year Plan Amendment from Medium Density Residential to Low Density Residential for property located on the north and south sides of Washington Avenue, west side of N. Bertrand Street, east of Winona Street. (MPC Approved 12-0-1) (File No. 4-B-09-PA) (Sixth District)

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF THE METROPOLITAN PLANNING COMMISSION**

**12-j.** An Ordinance to rezone property located on the north and south sides of Washington Avenue, west side of N. Bertrand Street, east of Winona Street from R-2, General Residential District/H-1, Historic Overlay, to R-1A, Low Density Residential District/H-1, Historic Overlay, Metropolitan Planning Commission, Applicant. (MPC Approved 12-0-1) (File No. 4-B-09-RZ) (Sixth District)

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

Discussion followed with Councilmember Frost, Mark Donaldson, Vice-Mayor Becker and Councilmember Hultquist speaking.

By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF CEDAR SPRINGS PRESBYTERIAN CHURCH**

**12-m.** An Ordinance to rezone property located on the north side of Brandon Road, northwest side of Clearfield Road from R-1E, Low Density Exclusive Residential District, to R-1, Low Density Residential District, Cedar Springs Presbyterian Church, Applicant. (MPC Approved 12-0-1) (File No. 4-C-09-RZ) (Second District)

Councilmember Pelot made a motion to approve the ordinance on first reading. Councilmember Booker seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF ABIDING GLORY MINISTRIES**

**12-n.** An Ordinance to rezone property located on the northeast side of Midpark Road, south side of Beard Drive from I-3, General Industrial District, to C-6, General Commercial Park District, Abiding Glory Ministries, Applicant. (MPC Approved 12-0-1) (File No. 4-D-09-RZ) (Third District)



Councilmember Hall made a motion to approve the ordinance on first reading. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: ONE YEAR PLAN AMENDMENT REQUEST OF KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION**

**12-o.** An Ordinance approving the request of Knoxville's Community Development Corporation for a One Year Plan Amendment from Low Density Residential to Medium Density Residential for property located on the southeast side of Bethel Avenue, southwest side of McConnell Street. (MPC Approved 12-0-1) (File No. 4-D-09-PA) (Sixth District)

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: REZONING REQUEST OF KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION**

**12-p.** An Ordinance to rezone property located on the southeast side of Bethel Avenue, southwest side of McConnell Street from R-1, Low Density Residential District, to RP-1, Planned Residential District, at a density up to 24 dwelling units per acre, Knoxville's Community Development Corporation, Applicant. (MPC Approved 12-0-1) (File No. 4-I-09-RZ) (Sixth District)

Councilmember Booker made a motion to approve the ordinance on first reading. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The ordinance was approved on first reading.

**RE: COMMUNITY IMPROVEMENT (202) FUND – VINE MIDDLE PERFORMING ARTS AND SCIENCES MAGNET SCHOOL**

**12-q.** An Emergency Ordinance appropriating the sum of \$1,500.00 from the Community Improvement (202) Fund and donating same to Vine Middle Performing Arts and Sciences Magnet School to be utilized toward the purchase of certain needed teaching aids. (Requested by Councilmember Woodhull)

Councilmember Woodhull made a motion to approve the emergency ordinance. Councilmember Hultquist seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as O-71-09.

**13. PUBLIC FORUM**

Dean Rager, 4923 Oakwood Court

**14. ADJOURNMENT**

There being no further business to come before City Council, upon motion, the meeting adjourned at 9:15 p.m.

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Presiding Officer of the Council

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Recorder

