



# Minutes of the Regular Meeting of the Council of the City of Knoxville

Tuesday, July 16, 2019

6:00 PM

City County Building: Main Assembly Room

## 1. CALL TO ORDER

The meeting was called to order at 6:18 PM by Mayor Madeline Rogero

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

Council Member Campen gave the invocation, and Council Member Wallace led in the Pledge of Allegiance.

## 3. ROLL CALL

Attendee Name	Title	Status	Arrived
Madeline Rogero	Mayor	Present	
Mark Campen	Fifth District	Present	
Gwen McKenzie	Sixth District	Present	
Lauren Rider	Fourth District	Present	
Andrew Roberto	Second District	Present	
Finbarr Saunders	Vice-Mayor, At-Large Seat C	Present	
Seema Singh	Third District	Present	
Marshall Stair	At-Large Seat B	Present	
George C. Wallace	At-Large Seat A	Present	
Stephanie Welch	First District	Present	

## 4. APPROVAL OF MINUTES

**Motion to:** approve the minutes of the July 2, 2019 Regular Meeting of City Council

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Lauren Rider, Fourth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS,  
ADOPTION OF AGENDA**

**a. ITEMS WITHDRAWN (Indicated with "W")**

None

**b. ITEMS FOR POSTPONEMENT (Indicated with "P")**

**Postponed**

- 11-i** A Resolution authorizing the Mayor to execute an agreement with Merit Construction, Inc. for an amount not to exceed \$510,745.00 for the New City of Knoxville Vehicle Impoundment Project.(Requested by Fleet Services and Engineering Department)

<b>RESULT:</b>	<b>POSTPONED [UNANIMOUS] Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Stephanie Welch, First District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Postponed**

- 11-j** A Resolution authorizing the Mayor to amend Contract No. C-17-0161 with Thomas Caldwell, Architect for design services for the New City of Knoxville Vehicle Impoundment Project, increasing the contract amount by \$10,000.00 for a new contract total of \$52,400.00, and extending the date of completion to May 31, 2020. (Requested by Fleet Services and Engineering Department)

<b>RESULT:</b>	<b>POSTPONED [UNANIMOUS] Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Stephanie Welch, First District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Postponed**

- 11-l** A Resolution authorizing the Mayor to execute an amendment to an agreement with Volkert, Inc. to provide the Owner's Representative services to manage the planning, design, bidding and construction of a new Public Safety Complex, to increase the contract price by \$227,000.00 for a total contract amount not to exceed \$1,668,960.00.(Requested by Finance Department and Administration)

<b>RESULT:</b>	<b>POSTPONED [UNANIMOUS] Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Stephanie Welch, First District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Postponed**

- 11-m** A Resolution authorizing the Mayor to enter into a contract with Messer Construction to provide professional construction manager at risk services for the redevelopment of the Tennova Hospital site as the new Public Safety Complex for an amount not to exceed \$35,500,000.00.(Requested by Finance Department)

<b>RESULT:</b>	<b>POSTPONED [UNANIMOUS] Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Stephanie Welch, First District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

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

None

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

None

**6. MAYOR'S REPORT**

Mayor Rogero announced that the Community Development Department has begun planning and is gathering input for the Five Year Consolidated Plan.

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

Council Member Rider announced the Uptown North Broadway Bash on Saturday, July 27, 2019 from noon to 4:00pm at the Broadway Shopping Center. This includes the Stuff the Bus, which will provide school supplies at Fulton High School.

Council Member McKenzie announced a City Council Candidate Forum on Saturday, July 20, 2019 at 11:00am at Vine Magnet School.

Council Member McKenzie announced the Walter P Five Points Community will be hosting the annual Homecoming beginning on Friday, July 19, 2019 at Walter Hardy Park. A parade will take place on Saturday, July 20, 2019.

Council Member McKenzie also announced that UUNIK Academy will hold a fundraiser, Groves in the Garden, at the Botanical Gardens on Saturday, July 20, 2019 at 5:00pm.

Council Member Singh announced a City Mayoral Candidates event for Thursday, July 25, 2019 at 6:00pm at Calvary Baptist Church. This event will be hosted by Community Voices Coalition.

Council Member Roberto recognized in the audience former City Council Member Barbara Pelot.

**8. ELECTIONS AND CONFIRMATIONS**

None

**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**

**Resolution No. R-236-2019**

- a. A Resolution authorizing the Mayor to execute an agreement with SEED, Inc. to provide \$43,000.00 in U. S. Department of Housing and Urban Development Office of Lead Hazard Control funding to carry out an outreach campaign in targeted neighborhoods for education and enrollment in lead-based paint remediation programs.(Requested by Community Development Department)

<b>RESULT:</b>	<b>APPROVED [8 TO 0]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Stair, Wallace, Welch
<b>RECUSED:</b>	Seema Singh

*Council Member Singh recused herself from the vote on this matter.*

**Discussion:**

*Council Member Wallace, Becky Wade, Director of Community Development; and Stan Johnson, 2805 Woodbine Ave*

**Resolution No. R-237-2019**

- b. A Resolution authorizing the Mayor to execute an agreement with the Volunteer Ministry Center to provide \$118,000.00 in General Funds for the provision of supportive services for homeless persons who utilize the Day Resource Center, Bush Family Refuge, The Foyer Low Barrier Shelter, and the Volunteer Ministry Center Dental Clinic.(Requested by Community Development Department)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Resolution No. R-238-2019**

- c. A Resolution authorizing the Mayor to execute an agreement with the Knoxville-Knox County Community Action Committee to provide \$140,000.00 in Emergency Solutions Grant funding for the Homeward Bound Program.(Requested by Community Development Department)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Resolution No. R-239-2019**

- d. A Resolution authorizing the Mayor to execute an agreement with Jones Bros. Contractors, LLC for an amount not to exceed \$1,188,554.14 for the Mineral Springs Avenue Bridge Project.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Lauren Rider, Fourth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Discussion:**

*Council Member Rider*

**Resolution No. R-240-2019**

- e. A Resolution authorizing the Mayor or her designee to execute all documents necessary to allow Elmington Capital Group to construct a retaining wall and small portion of fencing in the public right-of-way of Hollywood Road at no cost to the City.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Mark Campen, Fifth District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Discussion:**

*Council Member Roberto, Jim Hagerman, Director of Engineering; and John Shepard, 118 16th Ave S Suite 200 Nashville, TN 37203; Vice President of Affordable Housing Development for Elmington CG, LLC*

**Resolution No. R-241-2019**

- f. A Resolution authorizing the Mayor to execute an agreement with Barge Design Solutions, Inc. for an amount not to exceed \$214,500.00 for design of the Chapman Highway Multimodal Project.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Stephanie Welch, First District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Resolution No. R-242-2019**

- g. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire property by negotiated purchase, or condemnation if necessary, for easements and certain associated expenses within property located at 409 Biddle Street as part of the Williams Creek Urban Forest Trail for an amount not to exceed \$11,350.00. (Requested by Parks and Recreation Department)

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	George C. Wallace, At-Large Seat A
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

*Council Member McKenzie moved to approve the resolution, and Council Member Wallace seconded the motion.*

*Charles Swanson, Law Director; suggested an amendment to correct the street number for this property.*

*Council Member McKenzie moved to amend the resolution to correct the street number from 409 Biddle Street to 904 Biddle Street in the caption, the second whereas clause, and the in section one of the resolution. Council Member Wallace seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried.*

*On unanimous voice-vote, the motion to approve the resolution carried, and the resolution was approved as amended.*

**Resolution No. R-243-2019**

- h. A Resolution authorizing the Mayor to execute an agreement with Robin Easter Design to provide professional design services for the Urban Wilderness wayfinding and branding for one (1) year in an amount not to exceed Fifty Thousand and no/100 Dollars (\$50,000.00) with the option to extend the term for two (2) additional one (1) year terms at an hourly rate of One Hundred Fifty and no/100 Dollars (\$150.00). (Requested by Department of Parks and Recreation)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Stephanie Welch, First District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Discussion:**

*Council Member Wallace, David Brace, Chief Operating Officer and Deputy to the Mayor; Rebecca Jane Montgomery, Urban Wilderness Coordinator, and Council Member Singh*

- i. Resolution 11-i was postponed earlier in the meeting - see Section 5-b
- j. Resolution 11-j was postponed earlier in the meeting - see Section 5-b

**Resolution No. R-244-2019**

- k. A Resolution authorizing the Mayor to execute an easement agreement with 417 Gay Street, LLC to allow existing and proposed building features to encroach into the public rights-of-way of Gay Street and Strong Alley.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Lauren Rider, Fourth District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

- l. Resolution 11-l was postponed earlier in the meeting - see Section 5-b
- m. Resolution 11-m was postponed earlier in the meeting - see Section 5-b

**Resolution No. R-245-2019**

- n. A Resolution amending Resolution R-41-2017 confirming the Mayor's appointment of members to the Public Stakeholder Advisory Committee, an ad hoc advisory group of citizens to provide feedback on the proposed comprehensive update (commonly known as "Recode") to the Zoning Ordinance of the City of Knoxville and establishing a termination date for the committee.(Requested by Law Department)

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	George C. Wallace, At-Large Seat A
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

*Vice-Mayor Saunders moved to approve the resolution, and Council Member Wallace seconded the motion.*

Council Member Singh moved to amend the resolution to add a tenant representative to the committee, and Council Member Campen seconded the motion. On unanimous voice-vote, the motion to amend the resolution carried.

Council Member Welch stated that she serves on the committee, and that service does not constitute a conflict. She stated that she would vote on the matter. Council Member Welch recognized several members of the committee present in the audience.

**Discussion:**

Council Member Rider and Gerald Green, Executive Director of Knoxville-Knox County Planning

On unanimous voice-vote, the motion to approve the resolution carried, and the resolution was approved as amended.

**Resolution No. R-246-2019**

- o. A Resolution authorizing the Mayor to execute a three month extension to an agreement with Golden Gloves Charities, Inc. to provide an amateur boxing program in an amount not to exceed Eighteen Thousand Seven Hundred Fifty and No/100 Dollars (\$18,750.00).(Requested by Parks and Recreation Department)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	George C. Wallace, At-Large Seat A
<b>SECONDER:</b>	Gwen McKenzie, Sixth District
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Resolution No. R-247-2019**

- p. A Resolution authorizing the Mayor to execute an agreement with the Tennessee Association of Chiefs of Police to coordinate Internet Crimes Against Children investigation training pursuant to a grant from the State of Tennessee Office of Criminal Justice Programs in an amount not to exceed \$60,532.00.(Requested by Knoxville Police Department)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch



**Resolution No. R-248-2019**

- q. A Resolution authorizing the Mayor to execute an agreement with Avalawn, Inc. to provide mowing and grounds maintenance of TDOT controlled access sites, including I-40, James White Parkway, and I-275 corridors for an annual contract price not to exceed \$173,500.00 with the first initial term not to exceed \$94,500.00.(Requested by Public Service Department)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	George C. Wallace, At-Large Seat A
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

**Resolution No. R-249-2019**

- r. A Resolution authorizing the Industrial Development Board of the City of Knoxville to negotiate and accept from Blueprint Group LLC, payments in lieu of ad valorem taxes with respect to property located at 835 North Central Street, 117 Pruett Place, and 141 Pruett Place, Parcel Nos. 094 DQ 032, 094 DQ 021, and 094 DQ 01201, respectively, and finding such payments are deemed to be in the furtherance of the public purposes of the Board as defined in Tennessee Code Annotated § 7-53-305.(Requested by Office of Redevelopment)

<b>RESULT:</b>	<b>APPROVED, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	George C. Wallace, At-Large Seat A
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

*Vice-Mayor Saunders moved to approve the resolution, and Council Member Wallace seconded the motion.*

**Discussion:**

*Council Member Rider*

*Council Member Rider moved to amend the resolution to authorize the Chief Policy Officer to perform administrative actions regarding the PILOT in the event that the tax value as assessed by Knox County changes on Parcel ID No. 094 DQ 01201. Council Member Welch seconded the motion.*

**Discussion:**

*Council Members Wallace and Rider, Dawn Michelle Foster, Director of Redevelopment; Dr. Bill Lyons, Chief Policy Officer and Deputy to the Mayor; and Council Member Singh*

*On unanimous voice-vote, Council Member Rider's motion to amend the resolution carried.*

**Discussion:**

*Council Member Welch, Dawn Michelle Foster, Council Member Rider, and Joe Petre, President of Conversion Properties, Inc., 520 W Summit Hill Dr*

*On unanimous voice-vote, Vice-Mayor Saunders' motion to approve the resolution carried, and the resolution was approved as amended.*

**12. ORDINANCES ON FIRST READING**

**Approved on First Reading**

- a. An Ordinance to amend the Operating and Capital budgets for fiscal year 19/20. (Requested by Finance Department)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	George C. Wallace, At-Large Seat A	
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C	
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch	

**Approved on First Reading**

- b. An Ordinance extending the moratorium imposed by Ordinance Nos. O-137-2018 and O-16-2019 upon shared mobility vehicles within the City of Knoxville through March 5, 2020, with the exception of those shared mobility vehicle providers operating in accordance with and authorized by the City's pilot program. (Requested by Law Department)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C	
<b>SECONDER:</b>	George C. Wallace, At-Large Seat A	
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch	

**Approved on First Reading**

- c. An Ordinance to rezone property located at 5703 Jacksboro Pike, Parcel ID 48 M A 016 from R-1 (Low Density Residential) District to R-2 (General Residential) District, Alonzo Gregg, Applicant. (Planning Commission Approved 13-0 Consent) (PC file No. 6-A-19-RZ) (Fourth District)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Lauren Rider, Fourth District	
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C	
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch	

**Approved on First Reading**

- d. An Ordinance to rezone property located at 114 Cedar Lane, Parcel ID 68 L D 009 from O-1 (Office, Medical, and Related Services) District to C-3 (General Commercial) District, Merchants Investments, LLC, Applicant. (Planning Commission Approved 13-0 Consent) (PC file No. 6-M-19-RZ) (Fifth District)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Mark Campen, Fifth District	
<b>SECONDER:</b>	Stephanie Welch, First District	
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch	

**Ordinance No. O-99-2019**

- e. An Ordinance to rezone property located at 1001 Spring Hill Road, Parcel ID Nos. 071 IA 001, 071 IA 028, and 071 IA 027 from C-6 (General Commercial Park) District to I-3 (General Industrial) District, Chris Burkhart, I-40 Construction Services, Applicant. (Planning Commission Approved 13-0 Consent) (PC file No. 6-P-19-RZ) (Sixth District)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED, EMERGENCY [UNANIMOUS]</b>
<b>MOVER:</b>	Gwen McKenzie, Sixth District
<b>SECONDER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>AYES:</b>	Campen, McKenzie, Rider, Roberto, Saunders, Singh, Stair, Wallace, Welch

*Council Member McKenzie moved to approve the ordinance, and Vice-Mayor Saunders seconded the motion.*

*Council Member McKenzie moved to amend the ordinance to approve it on emergency reading, and Vice-Mayor Saunders seconded the motion.*

*On unanimous voice-vote, the motion to amend the ordinance carried.*

*On unanimous voice-vote, the motion to approve the ordinance carried, and the ordinance was approved on emergency reading.*

**Approved on First Reading**

- f. An ordinance of the Council of the City of Knoxville to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement; to repeal Ordinance No. 3369, known and cited as “the Zoning Ordinance of the City of Knoxville, Tennessee” and all amendments thereto, all as the product of a public process known as “Recode Knoxville.” (Planning Commission Approved 9-4 on June 13, 2019) (Planning Commission File Nos. 11-A-18-OA and 6-A-19-OA) (All Districts)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [7 TO 2]    Next: 7/30/2019 6:00 PM</b>
<b>MOVER:</b>	Finbarr Saunders, Vice-Mayor, At-Large Seat C
<b>SECONDER:</b>	Stephanie Welch, First District
<b>AYES:</b>	McKenzie, Rider, Roberto, Saunders, Stair, Wallace, Welch
<b>NAYS:</b>	Mark Campen, Seema Singh

*Mayor Rogero provided a review and gave the status of the comprehensive update of the zoning ordinance. She proposed beginning with reviewing the text of the ordinance beginning with the handout for Council Initiated Revisions to Recode Draft 5. Consideration would then proceed to the handout for Staff-Initiated Revisions to Draft 5 of Recode followed by a review of revisions made by the Planning Commission at its June 2019 meeting. She stated that new Council initiated revisions would be appropriate.*

*(copies of all handouts are attached to these minutes)*

*The Mayor stated that consideration of the map and proposed revisions to it would follow consideration and possible action on the text.*

**Speaking to the matter:**

*Constance Every, 301 N Chilhowee Dr*

*Michael Conrad, 605 Hickory Dr*

Donald Beaman, 118 W Jackson Ave

City Council began consideration of the Council Initiated Revisions.

City Council began with consideration of revisions from the Council Initiated Revisions to Recode Draft 5 handout.

## **Article 2. General Definitions & Measurement Methodologies**

Mayor Rogero introduced the twenty-fourth revision, for the definitions of Temporary Contractor Office and Contractor Yard, Temporary Outdoor Entertainment, Temporary Outdoor Sales, Temporary Outdoor Storage Container, Temporary Recreational Vehicle (RV) Park, Temporary Sign, and Temporary Warehouse Sales (Indoor); the substitution of "temporary" with "short-term" in **Section 2.3 Definitions** on page 2-24.

Council Member Stair moved to amend the ordinance by approving this revision, and Council Member Rider seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.

### **Language as amended:**

*Temporary Contractor Office and Contractor Yard. A short-term temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.*

*Temporary Outdoor Entertainment. A short-term temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space.*

*Temporary Outdoor Sales. Short-term temporary uses, which may include short-term temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, rummage sales, temporary vehicle sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This short-term temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.*

*Temporary Outdoor Storage Container. Short-term temporary self-storage containers delivered to a residence or business owner to store belongings,*

*and then picked up and returned to a warehouse until called for.*

*Temporary Recreational Vehicle (RV) Park. An existing parking lot or structure used on a short-term basis temporarily for the accommodation of recreational vehicles for short-term accommodations.*

*Temporary Sign. Any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time consistent with the terms of these regulations.*

*Temporary Warehouse Sales (Indoor). The short-term temporary sales of the items manufactured on-site and only an accessory activity to principal use of industry.*

## **Article 8. Special Purpose & Overlay Districts**

*The Mayor introduced the twenty-sixth revision, specifically revisions to **Section 8.9 HP Hillside Protection Overlay Zoning District B. Applicability** and **C. Density and Land Disturbance Limitations** on page 8-10.*

*Gerald Green gave an overview of the different revisions recommended for this section. (see Attachment 4)*

*Council Member Welch, in addition to the revisions outlined in Attachment 4, suggested additional revisions to this section.*

### **Language as suggested:**

#### **B. Applicability**

*The HP Overlay regulations apply to all development on lots in all residential and commercial districts within the HP Overlay District with the following exceptions:*

- 4. Lots that have been previously legally disturbed or developed would also be excepted provided that any new/additional disturbance does not exceed the previously-disturbed area or the maximum land disturbance permitted by Table 8.6 below, whichever is greater. For the purposes of this section, disturbances shall mean any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation.*

### **C. Density and Land Disturbance Limitations**

*Table 8-6: Density and Land Disturbance Limitations establishes the maximum residential density and maximum land disturbance of the site for residential districts that are within the HP Overlay District. Only the maximum land disturbance is applicable in commercial districts that are within the HP Overlay District. All other dimensional regulations apply unless specifically modified by the HP Overlay District.*

*Gerald Green and Council Member Stair suggested revisions to this language.*

### **Language as suggested:**

#### **B. Applicability**

*The HP Overlay regulations apply to all development on lots in all districts within the HP Overlay District with the following exceptions:*

*4. Lots that have been previously legally disturbed or developed would also be excepted provided that any new/additional disturbance does not exceed the previously-disturbed area or the maximum land disturbance permitted by Table 8.6 below, whichever is greater. For the purposes of this section, disturbances shall mean any activity that changes the physical conditions of land form, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation.*

### **C. Density and Land Disturbance Limitations**

*Table 8-6: Density and Land Disturbance Limitations establishes the maximum residential density and maximum land disturbance of the site for residential districts that are within the HP Overlay District. Only the maximum land disturbance is applicable in non-residential districts that are within the HP Overlay District. All other dimensional regulations apply unless specifically modified by the HP Overlay District.*

*Council Member Welch accepted these suggested revisions. She moved to amend the ordinance by revising the ordinance as suggested in Attachment 4 as well as with the language suggested above. Council Member Rider seconded the motion.*

*A discussion arose with the following participating: Council Member Wallace, Joe Hulquist, Council Member Rider, Vice-Mayor Saunders, and Council Member Roberto.*

*On voice-vote, Council Member Welch's motion to amend the ordinance carried seven to two with Council Members Campen, McKenzie, Rider, Roberto, Singh, Stair,*

and Welch voting "aye" and Vice-Mayor Saunders and Council Member Wallace voting "nay." The ordinance was amended.

**Article 9. Uses**

The Mayor introduced the thirtieth revision, the insertion of Special Use in **Section 9.2 Table 9-1 Use Matrix** on page 9-4 for Halfway House in RN-5, RN-6, RN-7, O, OP, and I-MU, and the insertion of Permitted Use for Halfway House in C-G, C-H, C-R, and DK.

Council Member McKenzie moved to amend the ordinance by approving this revision, and Council Member Welch seconded the motion.

A discussion ensued with Council Member Roberto and Gerald Green participating.

On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.

**Language as amended:**

	RN-5	RN-6	RN-7	C-G	C-H	C-R	DK	O	OP
Halfway House	S	S	S	P	P	P	P	S	S
I-MU									

**Article 13. Signs**

The Mayor reviewed the fortieth item, which was consideration for an update of **Section 13.9 Signs Permitted In Specific Districts C. H Historic Overlay Districts** on page 13-15. The Mayor stated that staff reviewed this matter but recommended that no change was needed.

No action was taken in this matter.

**Article 14. Code Administrators**

Mayor Rogero reviewed the forty-fourth item, which was consideration of inserting term and renewal language in **Section 14-15 Infill Housing Review Committee Organization** on page 14-6. The Mayor stated that staff reviewed this matter but recommended no change as members of this body do not presently have terms.

No action was taken in this matter.



## **Article 16. Zoning Applications**

*The Mayor introduced the forty-sixth revision, the insertion of updated flowcharts from Attachment 3 (a copy of which is attached to these minutes) throughout this article on multiple pages.*

*Council Member Rider moved to amend the ordinance by approving this revision, and Council Member Welch seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.*

*Mayor Rogero reviewed the forty-seventh item, a request from staff for clarification in **Section 16.2 Special Use Review A. Purpose** on page 16-4, specifically regarding a previous revision to strike language in this paragraph.*

*A discussion ensued with the following participating: Council Member Welch, Gerald Green, and Council Member Wallace.*

*No action was taken in this matter.*

*Mayor Rogero introduced the forty-ninth revision, the staff recommended re-lettering of subsections after **Section 16.3 Variance F. Requirements for the Granting of a Variance** on page 16-7.*

*Council Member Wallace moved to approve amend the ordinance by approving this revision, and Council Member Campen seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.*

### **Language as amended:**

#### **G. Limitations**

- 1. No variance may allow a use that is prohibited in the applicable base or overlay district.*
- 2. The variance granted is the minimum adjustment necessary for the reasonable use of the land.*

#### **H. Appeals**

*Anyone aggrieved by a final determination of the Board of Zoning Appeals may file an appeal in accordance with Section 16.12.*

## **Article 14. Code Administrators (continued)**

The Mayor introduced the fiftieth revision, the striking **Section 14.2 Knoxville-Knox County Planning Commission Powers F. 3.** and the insertion of same in **Section 14.4 Zoning Administrator Powers** on pages 14-1 and 14-2. The Mayor stated that staff recommended this revision because of an earlier amendment to transfer landscape review power to the Zoning Administrator.

Speaking further to the matter were Council Member Rider, Gerald Green, Staff Attorney Christina Magrans, Council Member Roberto, Peter Ahrens, Director of Plans Review and Building Inspection; Joyce Feld, 1540 Agawela Ave; and David Brace.

Council Member Wallace moved to amend the ordinance by approving this revision, and Council Member Campen seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.

### **Language as amended:**

#### **14.2 Knoxville-Knox County Planning Commission Powers**

F. In addition, Knoxville-Knox County Planning staff will make final decisions on site plan review applications as follows:

1. Site plan review applications in the EN District.
2. Site plan review applications for townhouse and multi-family dwellings in the RN-4 District Per Section 4.2.B.
- ~~3. Landscape plans for all development that require landscape per Article 12, with the exception of alternative landscape design per Section 12.2.D.~~

#### **14.4 Zoning Administrator Powers**

The Zoning Administrator has the following powers pursuant to this Code. The Zoning Administrator may appoint a designee to act as the Zoning Administrator.

- A. To make final decisions on site plan review applications, as applicable.
- B. To make final decisions on zoning certification applications.
- C. To make final decisions on zoning interpretation applications.
- D. To make final decisions on temporary use permit applications.
- E. To make final decisions on requests for reasonable accommodation.
- F. To allow temporary use permit timeframe extensions per Section 9.4.

G. Landscape plans for all development that require landscape per Article 12, with the exception of alternative landscape design per Section 12.2.D.

### **Article 16. Zoning Applications (continued)**

The Mayor introduced the fifty-first revision, the striking of **Section 16.12 Zoning Appeals A. Preliminary Appeals of Administrative Decisions 5. Limitations on Zoning Appeals** on page 16-32.

Council Member Wallace moved to amend the ordinance by approving this revision, and Vice-Mayor Saunders seconded the motion.

A discussion of same arose, specifically the issue of public notice of these decisions, with the following participating: Council Members Rider and McKenzie, Gerald Green, Peter Ahrens, Carlene Malone, 6051 Fountain Rd; Christina Magrans, and Council Member Roberto.

On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.

#### **Language as amended:**

##### ~~5. Limitations on Zoning Appeals~~

~~A zoning decision of the Zoning Administrator, Director of Plans Review and Building Inspections, or Knoxville Knox County Planning staff may be appealed if an application is filed.~~

### **Article 17. Nonconformities**

Mayor Rogero introduced the fifty-second revision, insertion of nonconforming use and/or structure/building before the text in **Section 17.1 Nonconforming Buildings, Structures and Uses of Land A. Alteration or enlargement of buildings and structures 1. and 2.** on page 17-1.

Council Member Welch moved to amend the ordinance by approving this revision, and Council Member Rider seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was approved.

#### **Language as amended:**

1. Nonconforming use and/or structure/building. The board of zoning appeals may, in appropriate cases and after public notice and hearing, permit the extension of an existing building and the existing use thereof upon the lot occupied by such building, or permit the erection of an additional building. The addition or extensions shall be subject to the following requirements:

2. *Nonconforming structures/buildings only. Where a building or structure is conforming as to use, but nonconforming as to yard, height, or off-street parking requirements, such building or structure may be enlarged or added to along existing building lines providing:*

*This concluded consideration of revisions from the Council Initiated Revisions to Recode Draft 5 handout.*

#### **Article 4. Residential Neighborhood Districts**

*A discussion arose concerning Residential Occupancy Standards and Criteria for Functional Family Determination from **Section 4.2 Uses C. and D.** on pages 4-2 and 4-3. The following participated: Council Member Wallace, Sarah Elizabeth Rowland and 615 Balsam Dr.*

*Council Member Wallace moved to amend the ordinance by striking C and D from **Section 4.2 Uses** and inserting proposed language, and Council Member Welch seconded the motion.*

#### **Language as proposed:**

##### *C. Residential Occupancy Standards*

*Minimum Space Requirement. It shall be unlawful for any person to occupy or let to another for occupancy any dwelling unit which does not contain at least 150 square feet of floor space for each occupant thereof, including at least fifty (50) square feet of bedroom floor space for each occupant thereof. The floor space shall be calculated on the basis of total enclosed habitable space within the dwelling. No attached garage, basement, or cellar space shall be used for floor space under this section unless such space was lawfully improved and finished for occupancy in compliance with all applicable requirements of the city code as it existed at the time of the improvement. Accessory Structures, except those that are Accessory Dwelling Units (ADUs), shall not be used for occupancy.*

*A discussion of same ensued, specifically concerns with about studio apartments, other small homes, and transitional housing; with the following participating: Council Member Welch, David Brace, Christina Magrans, Peter Ahrens, Council Members Singh, Roberto, McKenzie, Rider, Stair, and Wallace*

*On voice-vote, the motion to amend the ordinance carried eight to one with Council Members Campen, McKenzie, Rider, Roberto, Saunders, Stair, Wallace, and Welch voting "aye" and Council Member Singh voting "nay." The ordinance was amended.*

*At approximately 9:02pm, Mayor Rogero announced a recess.*

*At approximately 9:20pm, Mayor Rogero called the meeting back to order.*

*City Council continued its deliberations with consideration of the Staff-Initiated Revisions to Draft 5 of Recode handout.*

## **Article 12. Landscape**

Mayor Rogero introduced the seventh revision, and Christina Magrans elaborated and clarified this revision, striking "Knoxville-Knox County Planning Staff" and inserting in its place "Zoning Administrator" in **Section 12.2 C. Minor Changes to Approved Landscape Plans** on page 12-2.

Council Member Rider moved to amend the ordinance by approving this revision, and Council Member Wallace seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.

### **Language as amended:**

#### *C. Minor Changes to Approved Landscape Plans*

*Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.*

## **Article 2. General Definitions & Measurement Methodologies (continued)**

The Mayor reviewed the twelfth item, a revision that the Planning Commission made at its June 13, 2019 meeting. This was the insertion of a new subsection G. to **Section 2.1 Rules of Interpretation** on page 2-1.

No action was needed on this matter.

## **Article 17. Nonconformities (continued)**

The Mayor reviewed the thirteenth item, a revision that the Planning Commission made at its June 13, 2019 meeting. This deleted **Section 17.3 Nonconforming Buildings, Structures and Uses of Land F. Damage** on page 17-3.

No action was needed on this matter.

## **Article 2. General Definitions & Measurement Methodologies (continued)**

Mayor Rogero introduced the fifteenth revision, the clarification of the definition of **Storage Yard - Outdoor** in Section 12.3 Definitions on page 2-24.

### **Language as proposed:**

*Storage Yard - Outdoor. The storage of material outdoors as a principal use of land for more than 24 hours. When an outdoor storage yard is allowed as a secondary use, such storage yard must be associated with the principal use on the lot and materials and/or equipment stored outdoors must be related to the principal use.*

Council Member Wallace moved to amend the ordinance by approving this revision, and Council Member Rider seconded the motion.

*Speaking to the matter were the following: Carlene Malone and Council Member Roberto.*

*Council Member Roberto proposed substitute language for this definition as well as the addition of another definition.*

***Language as proposed:***

*Storage Yard - Outdoor. The storage of materials outdoors as a principal use of land for more than 24 hours. When an outdoor storage yard is allowed as a secondary use, such storage yard must be associated with the principal use on the lot and materials and/or equipment stored outdoors must be related to the principal use.*

*Storage Yard - Outdoor, Secondary: An outdoor storage yard containing materials and/or equipment that serves another principle use on the same lot. The "Storage Yard, Outdoor - Secondary Use" may be larger than the principle use it serves.*

*Speaking to the matter was Carlene Malone.*

*Council Member Roberto moved to amend the ordinance by substitution with the proposed language, and Council Member Rider seconded the motion.*

*A discussion of same arose with the following participating: Council Member Wallace, Gerald Green, Carlene Malone, Council Members Singh and Rider, and Charles Swanson.*

*On voice-vote, Council Member Roberto's motion to amend the ordinance by substitution carried seven to two with Council Members Campen, McKenzie, Rider, Roberto, Singh, Stair, and Welch voting "aye" and Council Members Saunders and Wallace voting "nay." The ordinance was amended.*

**Article 10. Site Development Standards**

*Mayor Rogero introduced the sixteenth revision, the striking of "home office" and substitution with "home occupation" in **Section 10.3 Accessory Structures and Uses R. Home Occupation 2.** on page 10-10.*

*Council Member Welch moved to amend the ordinance by approving this revision, and Council Member Stair seconded the motion. On unanimous voice-vote, the motion to amend the ordinance carried, and the ordinance was amended.*

*This concluded consideration of revisions from the Staff-Initiated Revisions to Draft 5 of Recode handout.*

*Deliberations continued with City Council initiated proposed revisions to the ordinance.*

*Council Member Roberto spoke to concerns about accessory dwelling units.*

Council Member Roberto moved to amend the ordinance by inserting proposed language in **Section 10.3 Accessory Structures and Uses B. Accessory Dwelling Unit (ADU) 2.** on page 10-4.

**Language as proposed:**

*An ADU may be located only on a lot with one single-family dwelling in RN-1 and RN-2 and shall be permitted in EN only if the neighborhood so designates in a new EN application. One of the dwelling units must be occupied by the owner of the property.*

*A discussion of same ensued with Council Member Roberto and Gerald Green participating.*

*Council Member Stair seconded Council Member Roberto's motion to amend the ordinance.*

*Speaking to the matter were the following: Donnie Earnst, 6830 Sheffield Dr 4218; Jay Schmid, 4218 Hiawatha Dr; Council Members Roberto and Wallace, Gerald Green, Council Member Singh, Vice-Mayor Saunders, Council Members McKenzie, Stair, and Rider; Tim Hill, 311 S Weisgarber Rd; and Council Member Welch.*

*Christina Magrans suggested a clarification to Council Member Roberto's proposed language.*

**Language as proposed:**

*An ADU may be located only on a lot with one single-family dwelling. However, in EN districts, ADUs shall be permitted only if the neighborhood so designates in a new EN application. One of the dwelling units must be occupied by the owner of the property.*

*Council Member Roberto accepted this clarification of the proposed language.*

*On roll-call vote, Council Member Roberto's motion to amend the ordinance carried six to three with Council Members Roberto, Stair, Welch, Campen, McKenzie, and Rider voting "aye" and Council Members Saunders, Singh, and Wallace voting "nay." The ordinance was amended.*

**Article 4. Residential Neighborhood Districts (continued)**

*A discussion ensued concerning the minimum lot area of 5,000 square foot in RN-2*

*districts for single family dwellings in **Section 4.3 Dimensional Standards Table 4-1** on page 4-5. The following participated: Council Member Campen, Gerald Green, Carlene Malone, Council Member Rider, Larry Dearing, 200 Adair Dr; Charles Swanson, and Council Member Roberto.*

*Vice-Mayor Saunders moved to approve the ordinance, as amended.*

*Christina Magrans and Charles Swanson clarified how the motion should be made.*

*Vice-Mayor Saunders moved to approve on first reading the text of the ordinance, and Council Member Welch seconded the motion. The zoning map would be considered at a later time.*

*A discussion arose concerning when to begin consideration of the zoning map with the following participating: Council Member Wallace and Rider.*

*Council Member Campen moved to post the ordinance for two weeks, and Council Member Singh seconded the motion.*

*Speaking to the matter of the postponement was Larry Silverstein, 7808 Sheffield Dr.*

*On voice-vote, the motion to postpone the ordinance two weeks failed two to seven with Council Members Campen and Singh voting "aye" and Council Members McKenzie, Rider, Roberto, Saunders, Stair, Wallace, and Welch voting "nay."*

*Charles Swanson stated that the motion to approve the text of the ordinance should include the postponement of consideration of the map.*

*A discussion arose of same with the following participating: Council Member Stair, Charles Swanson, and Mayor Rogero.*

*Mayor Rogero clarified and restated the motion: to approve the text of the ordinance on first reading, as amended, and postpone consideration of the zoning map to July 30, 2019.*

*Vice-Mayor Saunders accepted that clarification of his motion, and Council Member Welch seconded that motion.*

*A discussion of same continued with Council Member Stair, Gerald Green, Council Members Roberto, Rider, and Singh.*



*On voice-vote, the motion to approve the ordinance, as amended, on first reading and postpone consideration of the zoning map to July 30, 2019 carried seven to two with Council Members McKenzie, Rider, Roberto, Saunders, Stair, Wallace, and Welch voting "aye" and Council Members Campen and Singh voting "nay." The ordinance was approved, as amended, on first reading and consideration of the zoning map was postponed to July 30, 2019.*

### **13. PUBLIC FORUM**

**Kristen Kempfer**

429 E Morelia Ave

**Amanda Burns**

2310 Harvey St

**Wes Brietenbach**

726 Chickamauga Ave

*David Brace and Fire Chief Stan Sharp provided an update on the City's response to the Fort Loudon Waste and Recycling fire.*

***Discussion:***

*Council Member Wallace, Peter Ahrens, David Brace, and Council Member Campen*

### **14. ADJOURNMENT**

The meeting was closed at 11:35 PM

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Presiding Officer of the Council

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Recorder