

**AGENDA SESSION**  
**September 29, 2009**  
**3:00 P.M.**

The Agenda Session was called to order by Chairman Benson, with Councilpersons Berz, Ladd, Scott, Gilbert, McGary, Rico and Robinson present. Councilman Murphy joined the meeting later. Also present were City Attorneys Michael McMahan, Valerie Maleug and Crystal Freiberg and Shirley Crownover, Assistant Clerk to the Council.

Others present included Solomon Hatch, Missy Crutchfield, Larry Zehnder, Richard Beeland, Lee Norris, Chief Cooper, Steve Leach, Dan Johnson, Chief Parker, David Johnson, Bill Payne, Dennis Malone, Dallas Rucker, and Gary Hilbert. Dickie Hutsell joined the meeting later.

Mr. Johnson proceeded to go over Agenda Items for September 29, 2009, noting that **Ordinances Final Reading** were discussed last week. Attorney McMahan mentioned an error in the Annexation Ordinance where it said 4(a) rather than 4(c). Mr. Johnson noted that **Ordinance First Reading (a)** was covered last week and that **Ordinances (b) and (c)** were zoning matters. Chairman Benson noted that there needs to be some separation between what was passed last week and what was on the Agenda for tonight—that there was a lot of confusion; that C-5 seemed to be what the neighborhood wanted, but the Special Permit to sell beer in C-5 was turned down. Adm. Leach added that one would need to go to C-2 zoning to sell beer. Councilman Gilbert noted that the area was C-2 in the first place. Chairman Benson stated that C-2 could be voted up or down—that this zoning change pertained only to Wilcox Blvd.; that he had had a call from former Councilman John Taylor urging approval for this. Chairman Benson noted the presence of J. T. McDaniel

**Mr. McDaniel** stated that he was here in support of John Taylor in changing the Wilcox Bvd. Property to C-2. Attorney McMahan read the conditions of the Ordinance.

Councilman Gilbert stated that this district was mostly commercial and several meetings had been held concerning this—that some want it and some do not; that they wanted C-5 zoning with a Special Permit—that this was all about good neighborhoods; that they were trying to upgrade the community, and this was more than about selling beer. He mentioned drug problems and felt that it was a plus for new businesses to come in.

**John Taylor** was present and passed out information on what the building looked like now and what it would look like (This is made a part of the minute material). (Chairman Benson noted at this time that this was not a public hearing but that people present could speak). Mr. Taylor directed attention to the before and after pictures, noting that there were plans for a Subway and also an Ice Cream Shop and maybe a Fresh Market, as well; that they were trying to enhance this area and improve this corner; that the owner would monitor the area.

Councilwoman Berz stated that she was okay with beer and clarified that there would be three stores. Mr. Taylor explained that there would be only one building with three bay windows—that it was a flowing area. Councilwoman Berz confirmed that C-2 was needed to sell beer. Mr. Taylor confirmed that it was not a liquor store.

Councilwoman Robinson wanted to know if Subway had committed to this. Mr. Taylor responded if not Subway, it could be Quizno.

Councilman Rico noted that one of the conditions is “no loitering”, and he did not feel that this could be stopped; that he had this in his area; that he thought the neighborhood was for this at first and then against it. Mr. Taylor noted that CVS and Walgreen both sell packaged beer.

Councilman McGary wanted to know the zoning in the surrounding area and if the other convenience stores were zoned C-2? Mr. Taylor responded that J. T. McDaniels has a place on Third Street; that activity depends on the tenant, and he would be stressing “no loitering”; that the right tenant would improve the neighborhood.

At this point it was noted that **Ordinance (c)** is the same situation, but on Ridgeside Road. Councilman Murphy did not feel it was appropriate to be talking about this at this point. Chairman Benson pointed out that we could talk about anything, just not vote in committee. Councilman Murphy felt that this should be deferred until the evening Council meeting—that we needed time to hold a public hearing.

**Mr. Mapp** was present and wished to speak. He stated that he was challenging the conditional zoning that the Council was practicing; that this goes back to 1980, and he was requesting that the Chairman get an opinion from State and Federal government; that this ties in with the census, and he was requesting that the Chairman seek an opinion.

Attorney McMahan stated that there was a court ruling, but he would have to dig it out.

Mr. Mapp stated that these were parameters for Hamilton County, and they had not been in compliance since 1990, and he would like for the City to ask for an opinion.

Chairman Benson stated that we had encountered this before, but he thought it was just Knoxville.

Mr. Johnson continued with the Agenda, noting that **Ordinances (d), (e), (f), (g) and (h)** adopted a Plan of Services for annexed areas.

**Resolution 7(a)** was discussed last week and Larry Zehnder was present if there were more questions.

Mr. Johnson covered the agenda for next week by mentioning the 10A and 10B Plan of Services that would be covered under Ordinances First Reading.

Mr. Johnson covered one purchase for Public Works for sidewalk lighting and luminaries from Sun Valley Lighting in the amount of \$2,554.00. The total for the year is \$300,000. He explained that a Requirements Contract allows the City to buy off this contract “as needed” for various departments. Councilwoman Robinson wanted to know if this was a local company and was told “no”, it is out of California and has been the company used for the last two biddings. Councilman Murphy wanted to know how sidewalk lighting differs from street lighting? Mr. Malone responded that we had sidewalk lighting right down the street between 11<sup>th</sup> and 12<sup>th</sup>; that there is some on the north shore and around Market Street. Councilman Gilbert wanted to know what determines the location. Mr. Payne explained that typically sidewalk lighting is 12’ in height and predominantly is used in an urban setting Councilman Gilbert stated that he had several people in his district that wanted sidewalk lights. Mr. Payne explained that it was Capital Budget funding.

The meeting adjourned at 3:30 p.m.