

DRAFT

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

**July 27, 2010 - 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 of the City-County Building on Tuesday, July 27, 2010.

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Daniel Brown led in the Invocation and Councilmember Joe Bailey led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

Present: Joe Bailey, Vice-Mayor Bob Becker, Daniel Brown, Nick Della Volpe, Brenda Palmer, Nick Pavlis, Marilyn Roddy and Chris Woodhull.

Cindy Mitchell, City Recorder, read the following statement from Councilman Duane Grieve who was absent due to illness:

Mayor, Fellow Council Colleagues, Friends and Knoxvillians,

On behalf of myself and my family I want to thank all of you for the prayers, care and concern shown to us during my illness and current hospital stay. I think the worst is over and I am working on my recovery and eventual return to my architectural practice and my responsibilities on Council. I have been overwhelmed by the outpouring of support you have shown me.

Thank you and God Bless,
Duane

4. APPROVAL OF MINUTES

Motion to approve minutes from July 13, 2010: Councilmember Della Volpe

Second: Vice-Mayor Becker

Vote: Unanimous “Aye”

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with “W”)

None.

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

None.

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

None.

5-d. CONSENT ITEMS (Indicated with “*”)

Councilmember Della Volpe made a motion to approve resolutions 11p through 11t on the consent agenda. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved. (See “Resolutions”).

6. MAYOR’S REPORT

- A Ft. Sanders Stakeholders meeting will be held July 29 at 3:30 p.m. in the second floor classroom at the Baker Center.
- Waste Connections is conducting a pilot program for recycling with the City of Knoxville
- Early voting is now taking place until Saturday with Election Day being August 5.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES:

- Councilmember Brown reminded everyone that the early voting location that used to be at Five Points has now been changed to Austin-East High School.
- Councilmember Brown stated that the KAT administrative offices are now open in the new transit center and the grand opening for the new center will be August 13 at 11:00 p.m.
- Councilmember Pavlis announced that a Flenniken (10-year Plan) meeting will be held Thursday, July 29 at 6:00 p.m. at the South Knox Community Center.
- Vice-Mayor Becker announced that the annual Lonsdale Homecoming will take place August 7.

- Vice-Mayor Becker stated that the Ten Year Plan Office has requested a workshop with Council to discuss their communication plan and their updated Ten Year Plan.

8. ELECTIONS AND CONFIRMATIONS

None.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – CHAPTER 5 – DOMESTICATED CHICKENS

- 9-a.** An Ordinance to amend Chapter 5 of the City Code so as to authorize residents to keep limited numbers of domesticated chickens on a noncommercial basis. (Requested by Councilmember Woodhull)

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

Councilmember Woodhull made a motion to amend the ordinance to include the amendments he handed out in a revised ordinance prior to the meeting. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. Amendment #1 was adopted.

Discussion began with the following persons addressing the ordinance: Councilmember Woodhull, Councilmember Della Volpe, Councilmember Pavlis, Councilmember Roddy, Public Works Director Steve King, Stephanie Welch, Knoxville-Knox County Food Policy- in favor; Chad Hellwinkel-in favor; James Pierce - opposed; Jamie Rowe – opposed, Councilmember Bailey, Councilmember Brown, Vice-Mayor Becker, Mayor Haslam., Councilmember Palmer

Vice-Mayor Becker made a motion to amend page 3, subsection (b) (1) to change the time a permittee is allowed to be absent from the property from sixty (60) days to thirty (30) days. Councilmember Palmer seconded the motion. By unanimous voice vote the motion carried. Amendment #2 was adopted.

Councilmember Della Volpe made a motion to amend the ordinance to add the following language as Amendment #3:

Section (f) – add (10) to say:

“Henhouses and enclosures shall not be permitted in front yards.”

Councilmember Roddy seconded the motion.

Discussing Amendment #3 were the following persons: Vice-Mayor Becker, Councilmember Roddy, Tom Reynolds, COK Building Inspections.

By unanimous voice vote the motion carried. Amendment #3 was adopted.

Councilmember Della Volpe made a motion to add Amendment #4 to the ordinance by adding the following language:

“As a condition of issuance of the permit, the Animal Control Board shall have The right to enter the permitted property during reasonable daylight hours to Inspect the hen enclosure and condition of the animals in the enforcement of this Law, and shall have the authority to enter the property at any time in case of Emergency or health threat, and to remove chickens from the premises, if Necessary.”

Vice-Mayor Becker seconded the motion.

Discussion ensued on the amendment with the following persons speaking: Councilmember Roddy, Debbie Poplin, Law Director, Councilmember Della Volpe, Councilmember Palmer, Vice-Mayor Becker, Brian Benson (Vincent), Charles Swanson.

Upon roll call on the ordinance, Councilmembers Becker, Brown, Della Volpe, Palmer and Pavlis voted “Aye.” Councilmembers Bailey, Roddy and Woodhull voted “Nay.” The motion carried and Amendment #4 was adopted.

Discussion continued.

By unanimous voice vote the motion to approve the ordinance, as amended four times, was adopted. Because the amendments to the ordinance were substantive, the ordinance was approved, as amended, on first reading.

RE: STREET CLOSURE – CRESCENT AVENUE – AVALON TRAIL – JOHNNY CHAMBERLAIN, APPLICANT

Ordinance No. O-105-2010

9-b. An Ordinance to close a portion of Crescent Avenue from Avalon Trail to the eastern terminus of Crescent Avenue, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Johnny Chamberlain, Applicant. (MPC Approved 14-0) (File No. 6-A-10-SC) (First District)

Motion to approve on second reading: Councilmember Pavlis
Second: Councilmember Roddy
Vote: Unanimous “Aye”

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

None.

11. RESOLUTIONS

RE: CERTIFICATE OF COMPLIANCE – POP’S WINE & LIQUOR

Resolution No. R-208-2010

- 11-a.** A Resolution approving the issuance of a Certificate of Compliance to Pop’s Wine & Liquor relative to its application to the Tennessee Alcoholic Beverage Commission to renew its license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Motion to Approve: Councilmember Pavlis
Second: Vice-Mayor Becker
Vote: Unanimous “Aye”

RE: CERTIFICATE OF COMPLIANCE – SQUIRES LIQUOR STORE

Resolution No. R-209-2010

- 11-b.** A Resolution approving the issuance of a Certificate of Compliance to Squires Liquor Store relative to its application to the Tennessee Alcoholic Beverage Commission to renew its license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Motion to Approve: Councilmember Brown
Second: Councilmember Bailey
Vote: Unanimous “Aye”

RE: CERTIFICATE OF COMPLIANCE – UNIVERSITY LIQUOR & WINE

Resolution No. R-210-2010

- 11-c.** A Resolution approving the issuance of a Certificate of Compliance to University Liquor & Wine relative to its application to the Tennessee Alcoholic Beverage Commission to renew its license to operate a liquor store in the City. (Requested by Department of Finance and Accountability)

Motion to Approve: Councilmember Bailey
Second: Councilmember Pavlis
Vote: Unanimous “Aye”

**RE: TENNESSEE ASSOCIATION CHIEFS OF POLICE – INTERNET
CRIMES AGAINST CHILDREN – OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PROGRAMS**

Resolution No. R-211-2010

- 11-d.** A Resolution authorizing the Mayor to execute an agreement with the Tennessee Association Chiefs of Police to coordinate basic/advanced internet crimes against children investigation training, prosecutors training and website database development pursuant to a grant from the Office of Juvenile Justice and Delinquency Programs (OJJDP) in an amount not to exceed \$30,000.00. (Requested by Police Department)

Motion to Approve: Councilmember Roddy
Second: Councilmember Roddy
Discussion: Councilmember Della Volpe, Mayor Haslam, Chief Sterling Owen, IV
Vote: Unanimous “Aye”

**RE: STELLAR VISIONS AND SOUND – 2010 FOURTH OF JULY
SPECIAL EVENT**

Resolution No. R-212-2010

- 11-e.** A Resolution expressing appreciation for a donation from Stellar Visions and Sound of projection screens for the 2010 Fourth of July special event at World’s Fair Park. (Requested by Special Events)

Motion to Approve: Vice-Mayor Becker
Second: Councilmember Palmer
Vote: Unanimous “Aye”

**RE: UPDATED COOPERATION AGREEMENT - KNOXVILLE’S
COMMUNITY DEVELOPMENT CORPORATION**

Resolution No. R-213-2010

- 11-f.** A Resolution authorizing the Mayor to execute an updated cooperation agreement between the City of Knoxville and Knoxville’s Community Development Corporation as required by the United States Housing Act of 1937, as amended. (Requested by Department of Community Development)

Motion to Approve: Councilmember Palmer
Second: Councilmember Brown
Discussion: Councilmember Della Volpe, Madeline Rogero and Councilman Brown
Vote: Unanimous “Aye”

RE: TYLER TECHNOLOGIES, INC. – MUNICIPAL COURT SOFTWARE SYSTEM

Resolution No. R-214-2010

- 11-g.** A Resolution authorizing the Mayor to execute an amendment to the agreement with Tyler Technologies, Inc. in order to provide software enhancements to the Municipal Court software system and training at a cost of \$11,681.00 for a total contract price not to exceed \$371,847.00. (Requested by Department of Finance and Accountability)

Motion to Approve: Councilmember Roddy
Second: Vice-Mayor Becker
Vote: Unanimous “Aye”

RE: STATE OF TENNESSEE – DOWNTOWN DOG PARK – SUMMIT HILL AND CENTRAL AVENUE

Resolution No. R-215-2010

- 11-h.** A Resolution authorizing the Mayor to execute a license agreement between the City of Knoxville and the State of Tennessee for a downtown dog park located at the southeast corner of Summit Hill and Central Avenue. (Requested by Department of Parks and Recreation)

Motion to Approve: Councilmember Roddy
Second: Councilmember Bailey
Discussion: Councilmember Della Volpe and Mayor Haslam
Vote: Unanimous “Aye”

RE: VAUGHN & MELTON, INC. – WESTLAND DRIVE BRIDGE REPLACEMENT AND DRAINAGE PROJECT

Resolution No. R-216-2010

- 11-i.** A Resolution authorizing the Mayor to execute Change Order No. 3 to Contract No. C-08-0163 between the City of Knoxville and Vaughn & Melton, Inc. for the Westland Drive Bridge Replacement and Drainage Project to increase the contract price by \$42,345.00 for a new contact price of \$206,952.00 and to increase the contract time by 455 days to June 30, 2011. (Requested by Department of Engineering)

Motion to Approve: Vice-Mayor Becker
Second: Councilmember Palmer
Discussion: Councilmember Della Volpe, Public Works Director Steve King
and Councilmember Roddy
Vote: Unanimous "Aye"

**RE: 2813 WHITTLE SPRINGS ROAD – SHELBY J. STROUD – 2009
SIDEWALK IMPROVEMENTS PROJECT**

Resolution No. R-217-2010

- 11-j.** A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to purchase a 65 square foot temporary construction easement within property located at 2813 Whittle Springs Road, CLT No. 070P-C-028, from Shelby J. Stroud for \$550.00, as part of the 2009 Sidewalk Improvements Project. (Requested by Department of Engineering)

Motion to Approve: Vice-Mayor Becker
Second: Councilmember Bailey
Vote: Unanimous "Aye"

**RE: TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT)– FT.
SANDERS AREA – SIDEWALK IMPROVEMENTS**

Resolution No. R-218-2010

- 11-k.** A Resolution authorizing the Mayor to execute an agreement with the Tennessee Department of Transportation (TDOT) for sidewalk improvements on various streets in the Ft. Sanders area, with TDOT to reimburse the City up to \$250,000.00 in eligible costs through CMAQ funding. (Requested by Department of Engineering)

Motion to Approve: Councilmember Roddy
Second: Councilmember Bailey
Vote: Unanimous "Aye"

**RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – TRAFFIC
SIGNAL –SR 9 (CLINTON HIGHWAY) – MCCLAIN DRIVE**

Resolution No. R-219-2010

- 11-l.** A Resolution authorizing the Mayor to execute a Memorandum of Understanding between the City of Knoxville and the Tennessee Department of Transportation for the purchase, installation, operation, and maintenance of a multiphase traffic signal at the intersection of SR 9 (Clinton Highway) and McClain Drive. (Requested by Department of Engineering)

Motion to Approve: Councilmember Palmer
Second: Vice-Mayor Becker
Discussion: Councilmember Della Volpe, Public Works Director Steve King
Vote: Unanimous "Aye"

**RE: SUMMIT MEDICAL GROUP, PLLC – HEALTH AND WELLNESS
MEDICAL SERVICES FOR CITY EMPLOYEES**

Resolution No. R-220-2010

11-m. A Resolution authorizing the Mayor to execute an amendment to the agreement with Summit Medical Group, PLLC to extend the provision of health and wellness medical services to the City employees through December 31, 2010 at an estimated cost of \$235,000.00. (Requested by Department of Finance and Accountability)

Motion to Approve: Councilmember Pavlis
Second: Councilmember Palmer
Discussion: Councilmember Della Volpe, Mayor Haslam, Gary Eastes and
Vice- Mayor Becker
Vote: Unanimous "Aye"

**RE: CITY OF KNOXVILL'ES PRUDENTIAL RETIREMENT SPECIMEN
GOVERNMENTAL 457(B) PLAN ADOPTION AGREEMENT**

Resolution No. R-221-2010

11-n. A Resolution authorizing the Mayor to execute the City of Knoxville's Prudential Retirement Specimen Governmental 457(b) Plan Adoption Agreement, as amended, effective March 23, 2010, to allow regular part-time employees to participate in the City's Deferred Compensation 457(b) plan, to allow participants to contribute the value of their accumulated sick pay, vacation pay and back pay to the plan, and to allow all participants, including former employees, to make rollover contributions to the plan. (Requested by Department of Finance and Accountability)

Motion to Approve: Vice-Mayor Becker
Second: Councilmember Palmer
Discussion: Councilmember Della Volpe and Finance Director Jim York
Vote: Unanimous "Aye"

**RE: EXPRESS SCRIPTS, INC. – PHARMACY MANAGEMENT SERVICES
FOR THE CITY'S SELF INSURED WORKERS' COMPENSATION
PROGRAM**

Resolution No. R-222-2010

- 11-o.** A Resolution authorizing the Mayor to execute an agreement with Express Scripts, Inc. for the provision of pharmacy management services for the City's self insured workers' compensation program for a period of three years at an estimated annual cost of \$400,000.00. (Requested by Department of Finance and Accountability)

Motion to Approve: Vice-Mayor Becker
Second: Councilmember Bailey
Vote: Unanimous "Aye"

The following pension resolutions were approved unanimously on first and final reading under the consent agenda:

Resolution No.R-223-2010

- “*” **11-p.** A Resolution granting a pension of \$2,482.79 per month to Goble J. Bell, an employee of the Knoxville General Government. (Requested by Pension Board)

Resolution No. R-224-2010

- “*” **11-q.** A Resolution granting a pension of \$636.27 per month to Mamie Knott, an employee of the former Knoxville City School system. (Requested by Pension Board)

Resolution No. R-225-2010

- “*” **11-r.** A Resolution granting a pension of \$247.54 per month to Ella M. Waddell, an employee of the former Knoxville City School System. (Requested by Pension Board)

Resolution No. R-226-2010

- “*” **11-s.** A Resolution granting a pension of \$359.07 per month to Frank Scimonelli, Jr., an employee of the former Knoxville City School System. (Requested by Pension Board)

Resolution No. R-227-2010

- “*” **11-t.** A Resolution granting a pension of \$306.40 per month to Brenda Harbin-Hankins, an employee of the former Knoxville City School System. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – APPENDIX B, ZONING REGULATIONS – CREATION OF NEW R-4 ZONING

- 12-a.** An Ordinance to amend certain portions of the Knoxville City Code, Appendix B “Zoning Regulations,” Articles II, IV, and V to add definitions and to create a new R-4 (Residential/Office) District to provide

a mix of uses that are complementary in scale to adjacent residential neighborhoods. (MPC Approved 13-0) (File No. 11-A-07-OA)

Motion to Approve on first reading: Vice-Mayor Becker
Second: Councilmember Roddy
Discussion: Vice-Mayor Becker, Councilmember Roddy, Mark Donaldson of MPC, Councilmember Palmer, Councilmember Della Volpe, Councilmember Pavlis, Councilmember Brown, Councilmember Woodhull, Randy Massey, Director of Neighborhoods, Councilmember Bailey.

Motion to PP eight (8) weeks: Councilmember Bailey
Second: Roddy
Discussion: Councilmember Roddy, David Garner – favored postponement, Janice Tocher, S. Knoxville Neighborhood and Business Coalition - favored postponement, David Booker – opposed to ordinance, Lauren Rider, Historic Old North Knoxville – opposed to ordinance, Jamie Rowe, Ft. City Town Hall – opposed to ordinance.
Vote: “Aye”–Bailey, Becker, Pavlis, Roddy and Woodhull
“Nay” – Brown, Della Volpe and Palmer

Motion carried and ordinance 12a was postponed eight (8) weeks.

RE: COMMUNITY IMPROVEMENT FUND – PARKS AND RECREATION DEPARTMENT “SPLAH JAM”- CECIL WEBB RECREATION CENTER

Ordinance No. O-106-2010

12-b. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and making said funds available to the Parks and Recreation Department to defray certain costs of hosting the annual summer “Splash Jam” event and toward improvements to benefit the Cecil Webb Recreation Center in South Knoxville. (Requested by Councilmember Pavlis)

Motion to Approve: Councilmember Pavlis
Second: Councilmember Della Volpe
Vote: Unanimous “Aye”

RE: COMMUNITY IMPROVEMENT (202) FUND – KNOXVILLE BOTANICAL GARDEN AND ARBORETUM

Ordinance No. O-107-2010

12-c. An Emergency Ordinance appropriating the sum of \$1,550.00 from the Community Improvement (202) Fund and donating same to the Knoxville

Botanical Garden and Arboretum as financial support toward their fall festival event. (Requested by Councilmembers Palmer, Della Volpe, Brown, and Vice Mayor Becker)

Motion to Approve: Councilmember Della Volpe
Second: Councilmember Palmer
Vote: Unanimous "Aye"

RE: COMMUNITY IMPROVEMENT (202) FUND – BECK CULTURAL EXCHANGE CENTER, INC.

Ordinance No. O-108-2010

12-d. An Emergency Ordinance appropriating the sum of \$900.00 from the Community Improvement (202) Fund and donating same to the Beck Cultural Exchange Center, Inc. acting as fiscal agent for the Dandridge Avenue Neighborhood Watch Association. (Requested by Councilmembers Brown, Woodhull, and Vice Mayor Becker)

Motion to Approve: Councilmember Brown
Second: Councilmember Della Volpe
Vote: Unanimous "Aye"

RE: COMMUNITY IMPROVEMENT (202) FUND – TRIBE ONE

Ordinance No. O-109-2010

12-e. An Emergency Ordinance appropriating the sum of \$200.00 from the Community Improvement (202) Fund and donating same to Tribe One to be utilized toward the ongoing Children's Defense Fund, Summer Freedom School Program. (Requested by Councilmember Brown)

Motion to Approve: Councilmember Brown
Second: Councilmember Della Volpe
Vote: Unanimous "Aye"

13. PUBLIC FORUM

None.

14. ADJOURNMENT

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

Presiding Officer of the Council

Recorder