

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

**MAY 3, 2011 - 7:00 PM
Main Assembly Room, City-County Building**

1. CALL TO ORDER

Presiding Officer Mayor Daniel Brown called the meeting of the Knoxville City Council to order in the Main Assembly Room of the City-County Building on Tuesday, May 3, 2011.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Chris Woodhull led in the Invocation and Councilmember Charles Thomas led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

Members Present: Vice-Mayor Joe Bailey, Nick Della Volpe, Duane Grieve, Brenda Palmer, Nick Pavlis, Marilyn Roddy, Charles Thomas and Chris Woodhull.

Members Absent: None

4. APPROVAL OF MINUTES

Motion: Vice Mayor Bailey moved to approve the minutes from April 19, 2011.

Second: Councilmember Della Volpe

Vote: Unanimous "Aye."

Disposition: Minutes 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5-a. ITEMS WITHDRAWN (Indicated with "W")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”)

None

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

None

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

Motion: Councilmember Roddy moved to approve resolutions 11k through 11m on the consent agenda.
Second: Vice-Mayor Bailey seconded the motion.
Vote: Unanimous “Aye”
Disposition: Resolutions approved on consent

6. MAYOR’S REPORT

- Thanks to City of Knoxville Public Service Department crews, KUB and 311 for all their hard work last week dealing with storm damage.
- Nearly 6,000 households are signed up for the new curbside recycling program.
- Provided to each Council member a copy of the annual Report to the Mayor on Preservation. The report is prepared by MPC. Thank you to Ann Bennett and Kim Trent for their tireless efforts on preservation.
- Mayor Brown introduced the new Knox County Administrator of Elections, Clifford Rodgers, who was present at the City Council meeting.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Vice-Mayor Bailey announced a City Council Workshop on May 12, 2011 to discuss a Henley Street corridor request by George Scott.
- Councilmember Pavlis spoke words of appreciation for the recent care and concern during the death of his mother.
- Councilmember Grieve thanked the city’s Public Service department and KUB for their tireless work in the Second District during the recent storm.
- Councilmember Grieve stated that a ribbon cutting was held to re-open the Bearden Bridge and he thanked TDOT for their work on the bridge.
- Councilmember Grieve thanked the Dogwood Arts Festival for the wonderful parade held Friday evening.
- Councilmember Woodhull discussed recent concerns during Sundown in the City. Police Chief David Rausch reported.

8. ELECTIONS AND CONFIRMATIONS

RE: REAPPOINTMENT OF CORTNEY PIPER AND JENNIFER MONTGOMERY TO THE BETTER BUILDING BOARD

Resolution No. R-108-2011

- 8-a.** A Resolution confirming the reappointment of Cortney Piper and Jennifer Montgomery to the Better Building Board of the City of Knoxville.
(Requested by Mayor)

Motion: Councilmember Grieve moved to approve the resolution.
Second: Councilmember Woodhull
Discussion: Cortney Piper
Vote: Unanimous "Aye"
Disposition: Resolution approved.

9. ORDINANCES ON SECOND READING

RE: CITY CODE AMENDMENT – ZONING REGULATIONS, APPENDIX B, ARTICLE V – SECTION 10 (SIGNS, BILLBOARDS AND OTHER ADVERTISING STRUCTURES) – ON PREMISE INCIDENTAL USAGE

Ordinance No. O-38-2011

- 9-a.** An Ordinance to amend the Knoxville City Code, Appendix B, "Zoning Regulations," Article V, Section 10 (Signs, Billboards and other Advertising Structures) regarding regulations and definitions for on-premise incidental signage. (MPC Approved 14-0) (File No. 1-A-11-OA)

Motion: Councilman Grieve moved to approve the ordinance on second reading.
Second: Councilmember Palmer
Vote: Unanimous "Aye"
Disposition: Ordinance approved on second reading.

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

None

11. RESOLUTIONS

RE: CERTIFICATE OF COMPLIANCE – ADOBE PACKAGE STORE – MB INVESTMENTS, INC.

Resolution No. R-109-2011

- 11-a.** A Resolution approving the issuance of a Certificate of Compliance to Adobe Package Store – MB Investments, Inc. 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: Councilmember Pavlis moved to approve the resolution.
Second: Vice-Mayor Bailey
Vote: Unanimous “Aye”
Disposition: Resolution approved.

RE: METROPOLITAN PLANNING COMMISSION – SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

Resolution No. R-110-2011

- 11-b.** A Resolution authorizing the Mayor to enter into an agreement with the Knoxville-Knox County Metropolitan Planning Commission for services as the lead planning agency, on behalf of a five county region, for \$3,405,704.00 in Sustainable Communities Regional Planning Grant funds. (Requested by Department of Community Development)

Motion: Councilmember Palmer moved to approve the resolution.
Second: Councilmember Woodhull
Discussion: Councilmember Della Volpe, Becky Wade, Director of Community Development
Vote: Unanimous “Aye”
Disposition: Resolution approved.

**RE: 2011-2012 ACTION PLAN TO THE CONSOLIDATED PLAN FOR
HOUSING AND COMMUNITY DEVELOPMENT – U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT – COMMUNITY
DEVELOPMENT BLOCK GRANT – HOME INVESTMENT
PARTNERSHIPS ACT – FAIR HOUSING ASSISTANCE – EMERGENCY
SHELTER GRANTS**

Resolution No. R-111-2011

- 11-c.** A Resolution authorizing the submission of the 2011-2012 Action Plan to the Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development, and authorizing the Mayor to execute any required documents under the Community Development Block Grant, HOME Investment Partnerships Act, Fair Housing Assistance and Emergency Shelter Grant programs. (Requested by Department of Community Development)

Motion: Vice Mayor Bailey moved to approve the resolution.
Second: Councilmember Della Volpe
Vote: Unanimous “Aye”
Disposition: Resolution approved.

**RE: KNOXVILLE-KNOX COUNTY EMERGENCY MANAGEMENT
AGENCY – KNOX COUNTY – STATE OF TENNESSEE, DEPARTMENT
OF MILITARY, TENNESSEE EMERGENCY MANAGEMENT AGENCY**

Resolution No. R-112-2011

- 11-d.** A Resolution authorizing the Mayor, on behalf of the Knoxville-Knox County Emergency Management Agency, to enter into a memorandum of understanding with Knox County regarding receipt and use of funds totaling \$46,075.00 from a homeland security grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency. (Requested by Emergency Management Agency)

Motion: Councilmember Della Volpe moved to approve the resolution.
Second: Vice Mayor Bailey
Vote: Unanimous “Aye”
Disposition: Resolution approved.

**RE: SURPLUS EQUIPMENT – WAYNESBORO, GEORGIA POLICE
DEPARTMENT**

Resolution No. R-113-2011

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with the City of Waynesboro Police Department in Waynesboro, Georgia for the transfer of surplus City equipment (Five (5) Crown Victoria full-size sedan vehicles) for a total price of \$20,000.00. (Requested by Department of Fleet Services)

Motion: Vice Mayor Bailey moved to approve the resolution.
Second: Councilmember Roddy
Vote: Unanimous “Aye”
Disposition: Resolution approved.

**RE: MCGILL ASSOCIATES, P.A. – 2011 NEIGHBORHOOD DRAINAGE
PROJECT**

Resolution No. R-43-2011

- 11-f.** A Resolution authorizing the Mayor to execute an agreement with McGill Associates, P.A. for the 2011 Neighborhood Drainage Project for an amount not to exceed \$98,720.00. (Requested by Department of Engineering)

Motion: Councilmember Roddy made a motion to approve the resolution.
Second: Councilmember Palmer
Discussion: Councilmember Della Volpe, Steve King
Vote: Unanimous “Aye”
Disposition: Resolution approved.

**RE: UNIVERSITY OF TENNESSEE – RETAINING WALL
ENCROACHMENT**

Resolution No. R-115-2011

- 11-g.** A Resolution authorizing the Mayor to execute an agreement with the University of Tennessee to permit an encroachment for a retaining wall within the right-of-way on the west side of Lake Loudoun Boulevard. (Requested by Department of Engineering)

Motion: Councilmember Roddy moved to approve.
Second: Councilmember Pavlis
Vote: Unanimous “Aye”
Disposition: Resolution approved.

RE: PUBLIC BUILDING AUTHORITY – KNOXVILLE MUNICIPAL GOLF COURSE

Resolution No. R-116-2011

- 11-h.** A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for a replacement roofing system, structural repairs and siding of the golf cart storage shed at Knoxville Municipal Golf Course in an amount not to exceed \$32,000.00. (Requested by Department of Public Service)

Motion: Councilmember Pavlis moved to approve.
Second: Vice Mayor Bailey
Vote: Unanimous “Aye”
Disposition: Resolution approved.

RE: PUBLIC BUILDING AUTHORITY – DR. WALTER HARDY PARK AMPHITHEATRE

Resolution No. R-117-2011

- 11-i.** A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for construction of a replacement roofing system, structural repairs and siding at the Dr. Walter Hardy Park Amphitheatre in an amount not to exceed \$25,500.00. (Requested by Department of Public Service)

Motion: Councilmember Della Volpe moved to approve.
Second: Councilmember Roddy
Discussion: Councilmember Grieve, David Brace, Public Service Department
Vote: Unanimous “Aye”
Disposition: Resolution approved.

RE: PUBLIC BUILDING AUTHORITY – OAKLAND RECREATION CENTER

Resolution No. R-118-2011

- 11-j.** A Resolution authorizing the Mayor to request the Public Building Authority of the County of Knox and the City of Knoxville, Tennessee, to perform project management services for construction of a replacement roofing system at the Oakland Recreation Center in an amount not to exceed \$40,000.00. (Requested by Department of Public Service)

Motion: Vice Mayor Bailey moved to approve.
Second: Councilmember Palmer
Vote: Unanimous "Aye"
Disposition: Resolution approved.

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

Resolution No. R-119-2011

“*” **11-k.** A Resolution granting a pension of \$2,404.18 per month to Carolyn Smith-Ingle, survivor of Eddie L. Ingle, a former employee of the Knoxville General Government. (Requested by Pension Board)

Resolution No. R-120-2011

“*” **11-l.** A Resolution granting a pension of \$1,504.20 per month to Craig B. Milne, an employee of the Knoxville Police Department. (Requested by Pension Board)

Resolution No. R-121-2011

“*” **11-m.** A Resolution granting a pension of \$1,430.69 per month to David W. Walton, an employee of the Knoxville Police Department. (Requested by Pension Board)

RE: KNOX COUNTY COMMISSION – TOWN OF FARRAGUT – KNOX COUNTY SCHOOL BOARD – KNOXVILLE AREA CHAMBER PARTNERSHIP – CHILDREN’S READING FOUNDATION OF KNOX COUNTY

Resolution No. R-122-2011

11-n. A Resolution authorizing and approving a joint resolution with the Knox County Commission, the Town of Farragut, the Knox County School Board, and the Knoxville Area Chamber Partnership expressing support for the goals of the Children’s Reading Foundation of Knox County. (Requested by Mayor)

Motion: Councilmember Roddy moved to approve.
Second: Councilmember Palmer
Vote: Unanimous "Aye"
Disposition: Resolution approved.

12. ORDINANCES ON FIRST READING

RE: BUDGET ORDINANCE FOR FISCAL YEAR 2011-2012

Approved on First Reading

- 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, 2011 and ending June 30, 2012. (Requested by Department of Finance and Accountability)

Motion: Councilmember Pavlis moved to approve the ordinance on first reading
Second: Councilmember Grieve
Discussion: Councilmember Della Volpe, Jim York, Finance Director
Vote: Unanimous "Aye"
Disposition: Ordinance approved on first reading

RE: TAX LEVY ORDINANCE FOR FISCAL YEAR 2011-2012

Approved on First Reading

- 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, 2011 and ending June 30, 2012. (Requested by Department of Finance and Accountability)

Motion: Vice Mayor Bailey moved to approve the ordinance on first reading
Second: Council members Palmer and Pavlis
Discussion: Councilmember Della Volpe, Jim York, Finance Director
Vote: Unanimous "Aye"
Disposition: Ordinance approved on first reading

RE: CLASSIFICATION AND COMPENSATION PLANS ADJUSTMENT

Approved on First Reading

- 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)

Motion: Councilmember Roddy moved to approve the ordinance on first reading
Second: Councilmember Palmer
Discussion: Council members Pavlis and Della Volpe
Vote: Unanimous "Aye"
Disposition: Ordinance approved on first reading

RE: COUNCILMANIC DISTRICTS – REDISTRICTING PLAN

Approved on First Reading

- 12-d.** An Ordinance to Amend Section 7.5-5 of the Knoxville City Code entitled "Councilmanic Districts," within the City of Knoxville and to repeal all ordinances in conflict therewith. (Requested by Council)

Motion: Councilman Della Volpe moved to approve the ordinance on first reading
Second: Councilmember Grieve
Discussion: Councilmember Della Volpe
Vote: Unanimous "Aye"
Disposition: Ordinance approved on first reading

**RE: COMMUNITY IMPROVEMENT (202) FUND EMERGENCY
APPROPRIATION ORDINANCES**

Councilmember Della Volpe made a motion to approved item 12-e. Vice Mayor Bailey seconded the motion.

Councilmember Grieve made a substitute motion to combine the Community Improvement (202) Fund items 12-e through 12-l and consider them together. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

Councilmember Della Volpe made a motion to approve items 12-e through 12-l. Councilmember Thomas seconded the motion. By unanimous voice vote the motion carried and the following ordinances were approved as emergency on first reading:

Ordinance No. O-39-2011

- 12-e.** An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center toward the furtherance of certain efforts of Fountain City Town Hall. (Requested by Councilmember Della Volpe)

Ordinance No. O-40-2011

- 12-f. An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to Golden Gloves Charities, Inc., acting as fiscal agent for the Baby Roadrunner Football Organization. (Requested by Councilmember Palmer)

Ordinance No. O-41-2011

- g. An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to Golden Gloves Charities, Inc. to be utilized toward the Summer Amateur Boxing Program. (Requested by Councilmember Palmer)

Ordinance No. O-42-2011

- h. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Candoro Arts and Heritage Center to be utilized toward funding the Eleventh Annual South Knoxville Art and Heritage Festival. (Requested by Mayor Brown and Councilmember Woodhull)

Ordinance No. O-43-2011

- i. An Emergency Ordinance appropriating the sum of \$400.00 from the Community Improvement (202) Fund and donating same to the Greater Federation of Women's Clubs (GFWC), Ossoli Circle to be utilized toward a beautification project at the intersection of Kingston Pike, Alcoa Highway and Highway 129. (Requested by Council members Grieve and Woodhull)

Ordinance No. O-44-2011

- j. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to the Great Smoky Mountain Council – Boy Scouts of America for the benefit of the Cub Scouts Program at Sarah Moore Greene Magnet Technology Academy and Green Math and Science Academy. (Requested by Mayor Brown)

Ordinance No. O-45-2011

- k. An Emergency Ordinance appropriating the sum of \$500.00 from the Community Improvement (202) Fund and donating same to Sunnyview Primary School to be utilized toward certain capital playground improvements. (Requested by Councilmember Della Volpe)

Ordinance No. O-46-2011

1. An Emergency Ordinance appropriating the sum of \$750.00 from the Community Improvement (202) Fund and donating same to South-Doyle High School to defray certain cost of hosting the 2011 Graduation Luncheon Event. (Requested by Mayor Brown and Council members Thomas and Woodhull)

13. PUBLIC FORUM

None

14. ADJOURNMENT

There being no further business to come before City Council, upon motion, the meeting adjourned at 7:37 p.m.

Presiding Officer of the Council

Assistant Recorder