

DRAFT

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

DECEMBER 1, 2009 - 7:00 PM
Main Assembly Room, City-County Building

1. CALL TO ORDER

The Council of the City of Knoxville met in Regular Session at 7:00 p.m. in the Main Assembly Room of the City-County Building on Tuesday, December 1, 2009. Mayor Bill Haslam was present and presiding officer of the Council.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Bob Booker led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

The following City Council Members were present: Joe Bailey, Vice-Mayor Bob Becker, Bob Booker, Rob Frost, Steve Hall, Joe Hultquist, Barbara Pelot, Marilyn Roddy and Chris Woodhull.

4. APPROVAL OF MINUTES

Councilmember Bailey made a motion to approve the minutes from the November 17, 2009 City Council meeting. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The minutes were adopted.

5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

5-a. ITEMS WITHDRAWN (Indicated with "W")

Councilmember Hultquist made a motion to withdraw the following resolution from the agenda:

- 8-c. A Resolution appointing Kevin S. Hill to the Citizens Board for the operation of the Public Assembly Facilities. (Requested by Councilmember Hultquist)

Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The resolution was withdrawn.

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 Frost made a motion to add resolutions 11d, 11e and 11f to the consent agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolutions were added for consent consideration.

Councilmember Frost made a motion to approve resolutions 11d, 11e, 11f, 11m, 11n and 11o on the consent agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved. (See “Resolutions”).

6. MAYOR’S REPORT

- Thank you to the Special Events Office for a very successful opening of the 2009 Christmas in the City Celebration.
- December 4 will be the WIVK Downtown Christmas Parade.
- The Ft. Sanders long-range planning meeting will be held Dec. 3 – 3:00 p.m. at the Baker Center
- The next Brown Bag/Green Book discussion will be Dec. 2 @ noon at the East Tennessee History Center led by Dr. Bill Shiell, Sr. Pastor of First Baptist Church.
- A meeting re: The Henley Street Bridge will take place December 8, 6:00 p.m. – Graystone Presbyterian Church on Woodlawn Pike.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Councilman Frost announced that December 4 will be the Christmas Tree Lighting Celebration at Fountain City Park
- Vice-Mayor Becker announced the following:
 - 1) December 4 at 8am will be an Advisory meeting on the 10-year Plan to End Chronic Homelessness
 - 2) December 14 at 5:30 pm will be a meeting on the 5-year Consolidated Plan at the Cansler YMCA
 - 3) A City Council workshop regarding the city’s recycling will be held December 10 at 5:00 p.m. in the Main Assembly Room.
 - 4) December 8 at 4:00 pm in room 453 of the City-County Building an informational meeting on zoning will be held for the newly elected members of Council.
- Councilmember Hultquist announced that the Candora Arts & Heritage Center will hold an open house on December 4 and the Old North Knoxville Home Tour will be Saturday and Sunday.
- Councilmember Pelot announced that December 7 will be the West Hills Tree Lighting in West Hills Park.

8. ELECTIONS AND CONFIRMATIONS

RE: COUNCILMEMBER JOE HULTQUIST – CITY OF KNOXVILLE COMMITTEE ON TRANSPORTATION AND MOBILITY

- 8-a.** A Resolution appointing Councilmember Joe Hultquist to continue his service to the City of Knoxville as co-chair of the Committee on Transportation and Mobility. (Requested by Councilmember Hultquist)

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

Councilmember Hall addressed the resolution.

Councilmember Hall made a precedent motion to postpone the resolution twelve (12) weeks. Vice-Mayor Becker seconded the motion.

Discussion ensued with the following persons addressing the resolution: Councilmember Bailey; Charles Swanson, City Council Attorney; Councilmember Hall; Councilmember Hultquist; Councilmember Frost; Vice-Mayor Becker.

By unanimous voice vote, the motion to postpone twelve (12) weeks was approved. The resolution was postponed twelve (12) weeks.

RE: COUNCILMEMBER JOE HULTQUIST – JOINT CITY/COUNTY TASK FORCE ON RIDGE, SLOPE AND HILLSIDE DEVELOPMENT AND PROTECTION

8-b. A Resolution appointing Councilmember Joe Hultquist to continue his service to the City of Knoxville and Knox County as co-chair of the Joint City/County Task Force on Ridge, Slope and Hillside Development and Protection. (Requested by Councilmember Hultquist)

Councilmember Hultquist, Councilmember Hall, Vice-Mayor Becker and Councilmember Pelot addressed the resolution.

Councilmember Hall made a motion to postpone the resolution twelve (12) weeks. Councilmember Roddy seconded the motion. Upon roll call, Councilmembers Bailey, Hall, Pelot and Roddy voted “Aye.” Councilmembers Becker, Booker, Frost, Hultquist and Woodhull voted “Nay.” The motion failed.

Councilmember Hultquist then made a motion to approve the resolution. Vice-Mayor Becker seconded the motion. By voice vote the Council voted as follows on the motion to approve: Councilmembers Bailey, Becker, Booker, Frost, Hultquist, Pelot Roddy and Woodhull voted “Aye.” Councilmember Hall voted “Nay.” The motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-391-09

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

RE: FRED D. (TONY) THOMPSON, JR. – GOVERNMENTAL RELATIONS SERVICES FOR THE CITY OF KNOXVILLE

11-a. A Resolution authorizing the Mayor to execute an agreement with Fred D. (Tony) Thompson, Jr. in the amount of \$50,000.00 to provide governmental relations services for the City of Knoxville. (Requested by Department of Policy and Communications)

Councilmember Roddy made a motion to approve the resolution. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-392-09.

RE: YWCA OF KNOXVILLE

11-b. A Resolution authorizing the Mayor to execute an amendment to Contract No. C-09-0143 with YWCA of Knoxville extending for one year a program which assists victims of domestic violence. (Requested by Police Department)

Councilmember Pelot made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-393-09.

RE: STATE OF TENNESSEE, DEPARTMENT OF CRIMINAL JUSTICE PROGRAMS – INTERNET CRIMES AGAINST CHILDREN TASK FORCE

- 11-c.** A Resolution authorizing the Mayor to execute an amendment to Contract No. C-08-0187 with the State of Tennessee, Department of Criminal Justice Programs, reducing the appropriation total by \$60,000.00, for continued funding of the Internet Crimes Against Children Task Force. (Requested by Police Department)

Councilmember Frost made a motion to approve the resolution. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-394-09.

The following three resolutions regarding the Internet Crimes Against Children Initiative were approved unanimously on first and final reading on the consent agenda:

Approved on Consent: R-395-09

- 11-d.** A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant in the amount of \$36,475.00 to the Town of Tellico Plains, on behalf of the Tellico Plains Police Department, for the Internet Crimes Against Children Initiative. (Requested by Police Department)

Approved on Consent: R-396-09

- 11-e. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant in the amount of \$48,986.00 to the City of Harriman, on behalf of the Harriman Police Department, for the Internet Crimes Against Children Initiative. (Requested by Police Department)

Approved on Consent: R-397-09

- 11-f. A Resolution authorizing the Mayor to execute any and all documents necessary to award a grant in the amount of \$28,676.00 to the City of Cookeville, on behalf of the Cookeville Police Department, for the Internet Crimes Against Children Initiative. (Requested by Police Department)

RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – STATE ROUTE 331 (TAZEWELL PIKE) – BAUM ROAD TO MCCAMEY ROAD

- 11-g.** A Resolution authorizing the Mayor to execute a cooperative agreement with the Tennessee Department of Transportation to improve State Route 331 (Tazewell Pike), from south of Baum Road to north of McCamey Road, to be funded by the State. (Requested by Department of Engineering)

Councilmember Frost made a motion to approve the resolution. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-398-09.

RE: SHARP CONTRACTING, INC. – VALLEY VIEW DRIVE ROADWAY IMPROVEMENTS PROJECT

- 11-h.** A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0243 with Sharp Contracting, Inc. for the Valley View Drive Roadway Improvements Project to increase the contract amount by \$24,039.95 for a new contract price of \$966,416.53, and to increase the time by 63 days to January 8, 2010. (Requested by Department of Engineering)

Councilmember Pelot, Councilmember Frost and Mayor Haslam remembered Charlie Haun and the impact he made on this project.

Councilmember Frost made a motion to approve the resolution. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-399-09.

RE: STATION EIGHT-TWO #4, LTD – HOLIDAY INN SELECT DOWNTOWN – HI WORLD’S FAIR PARK, LLC

- 11-i.** A Resolution authorizing the Mayor to consent to the assignment and transfer of the Lease Agreement between the City (Landlord) and Station Eighty-Two #4, Ltd. (Tenant/Assignor) in connection with certain real estate and improvements associated with the Holiday Inn Select Downtown to HI World’s Fair Park, LLC (Assignee). (Requested by Law Department)

Councilmember Hultquist made a motion to approve the resolution. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-400-09.

RE: KNOXVILLE UTILITIES BOARD – APPEAL PROCESS TREE TRIMMING

- 11-k.** A Resolution respectfully requesting and encouraging the Knoxville Utilities Board to adopt an appeal process which will allow tree owners to appeal the need or extent of tree trimming so as to avoid needless or excessive trimming of trees within the City of Knoxville. (Requested by Councilmember Frost)

Discussion began with Councilmember Frost, Larry Silverstein, Councilmember Pelot, Bill Elmore of KUB.

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

Councilmember Frost made a motion to amend the resolution to add the following language requested by KUB:

Additional WHEREAS section to read:

WHEREAS, City Council would encourage KUB to create a Tree Trim Policy Review Panel whose meetings will be open to the public and who will be charged with performing a comprehensive review of KUB’s Vegetation Management (tree trimming) Program including its impact on the safety and reliability of the electric system; tree trimming methods and standards; customer communications; contractor management; conflict resolution procedures; and the impacts on tree health and neighborhood aesthetics. KUB is encouraged to appoint not more than 15 individuals to the panel, one of which will be a KUB representative, and one of which will be a representative of the City of Knoxville (giving preference to Public Service, Parks and Greenways, or Office of Neighborhoods). The remaining members should represent a diversity of experience and opinion, including, for example, professional arborists, various neighborhood representatives, developers, UT and/or State forestry representatives, a representative of the City Tree Board, and/or other representatives reflective of the diverse views, needs and interests of the KUB customer base.

Add new Section 2 and renumber following sections appropriately:

SECTION 2: The Council of the City of Knoxville hereby respectfully but urgently encourages appropriate authorities at the Knoxville Utilities Board to initiate a fair, meaningful and timely evaluation of its tree trim policies and practices, and to consider all recommendations on modifications, additions or improvements to its Vegetation Management Program that may result from this process.

Vice-Mayor Becker seconded the motion.

Discussion continued with Vice-Mayor Becker, Councilmember Frost, Councilmember Roddy, Councilmember Booker, Councilmember Roddy and Bill Elmore of KUB addressing the resolution.

By voice vote the Council voted as follows on the motion to amend the resolution to add the new WHEREAS section and a new Section 2 as stated above: Councilmembers Becker, Booker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted "Aye." Councilmember Bailey voted "Nay." The motion carried. The amendment was adopted.

By voice vote the Council voted as follows on the motion to approve the resolution, as amended: Councilmembers Becker, booker, Frost, Hall, Hultquist, Pelot, Roddy and Woodhull voted "Aye". Councilmember Bailey voted "Nay." The motion carried. The resolution was approved, as amended. The printed resolution can be found attached to these minutes as Resolution No. R-401-09.

RE: TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY – TENNESSEE GENERAL ASSEMBLY

- 11-1.** A Resolution approving the resolution adopted by the Tennessee Technology Corridor Development Authority recommending that the Tennessee General Assembly consider changes to Chapter 148, Private Acts 1983 (amended by Chapter 229, Private Acts 1984). (MPC Approved 13-0-1) (File No. 11-C-09-OB) (Second District)

Councilmember Pelot made a motion to approve the resolution. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-402-09.

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

- Approved on Consent: R-403-09**
- “*” m. A Resolution granting a pension of \$3,662.40 per month to Kenneth E. Lowe, an employee of the Knoxville Fire Department. (Requested by Pension Board)
- Approved on Consent: R-404-09**
- “*” n. A Resolution granting a pension of \$1,651.51 per month to Matthew Hollingshead-Cook, an employee of the Knoxville Police Department. (Requested by Pension Board)
- Approved on Consent: R-405-09**
- “*” o. A Resolution granting a pension of \$28.45 per month to Jo Ellen Brown, survivor of David W. Brown, a former employee of the Knoxville General Government. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT – CHAPTER 5 – PET DOGS IN CERTAIN OUTDOOR DINING AREAS

12-a. An Ordinance to amend Chapter 5 of the Knoxville City Code so as to authorize restaurants within the City to permit pet dogs in certain outdoor dining areas. (Requested by Councilmembers Roddy and Woodhull)

Discussion began with the following persons speaking: Sarah Helm, Chair of CODI, opposed to ordinance; Councilmember Woodhull; Councilmember Roddy; Councilmember Pelot; Councilmember Bailey; Dr. Bill Lyons; Councilmember Frost; Assistant Police Chief Cindy Gass; Law Director Debbie Poplin; Councilmember Hultquist; Ronnie Neese, Director of Environmental Health, Knox County Health Department.

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

Councilmember Roddy made a motion to amend the ordinance as follows:

Amendment #1: Page 3, #5, add that the pet dog be on a non-retractable leash.

Amendment #2: Page 4, Subsection (c) add that as part of the permitting process, educational information shall be provided to restaurants that participate including, but not limited to, the Department of Justice White Paper.

Vice-Mayor Becker seconded the motion on both amendments. By unanimous voice vote the motion carried. Amendment #1 and #2 were adopted.

Further discussion took place with Councilmember Hultquist, Councilmember Roddy, Charles Swanson and Vice-Mayor Becker speaking.

Vice-Mayor Becker moved to amend the ordinance as follows:

Amendment #3: Place in #8 a requirement that participating restaurants place a sign at the appropriate place between the patio and building that states “only service animals permitted beyond this point”.

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

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

RE: CITY CODE AMENDMENT – CHAPTER 2, ARTICLE V – SPECIAL POLICE OFFICERS AND MUNICIPAL ENFORCEMENT OFFICERS

12-b. An Ordinance to amend Chapter 2, Article V, Divisions 1 and 2, Sections 2-643 and 2-657 of the Knoxville City Code to require new photographs for identification for special police officers and municipal enforcement officers every three years, rather than every year. (Requested by Police Department)

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

RE: CITY CODE AMENDMENT – ARTICLE II, DIVISION 6 – KNOXVILLE POLICE DEPARTMENT PUBLIC RECORDS CHARGE

12-c. An Ordinance to amend the Knoxville City Code, Article II, Division 6, Section 2-362, revising the schedule of charges for copies of public records in the custody of the Knoxville Police Department. (Requested by Police Department)

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

RE: COMMUNITY IMPROVEMENT (202) FUND – COMMUNITY SHARES

- 12-d.** An Emergency Ordinance appropriating the sum of \$250.00 from the Community Improvement (202) Fund and donating same to Community Shares acting as fiscal agent for the newly-formed Socially Equal Energy Efficient Development Organization toward their project to create and sustain green jobs for Knoxville's at-risk youth. (Requested by Councilmember Booker)

Councilmember Booker made a motion to approve the emergency ordinance. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-162-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – SOUTH KNOXVILLE FOUNDATION, INC.

- 12-e.** An Emergency Ordinance appropriating the sum of \$5,000.00 from the Community Improvement (202) Fund and donating same to the South Knoxville Foundation, Inc. to be utilized toward certain projects to further the South Knoxville Community. (Requested by Councilmember Hultquist)

Councilmember Hultquist made a motion to approve the emergency ordinance. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-163-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – EMERALD YOUTH FOUNDATION

- 12-f.** An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to the Emerald Youth Foundation to be designated toward the operating budget of the Flagship Ministry, JustLead. (Requested by Councilmember Hall)

Councilmember Hall made a motion to approve the emergency ordinance. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-164-09.

RE: COMMUNITY IMPROVEMENT (202) FUND – FOURTH COUNCILMANIC DISTRICT – RETURNING FUNDS TO GENERAL FUND

- 12-g.** An Emergency Ordinance appropriating the sum of Five Thousand Dollars (\$5,000.00) from that portion of the Community Improvement (202) Fund allocated to the Fourth Councilmanic District and returning such funds to the City of Knoxville's General Fund. (Requested by Councilmember Frost)

Councilmember Frost made a motion to approve the emergency ordinance. Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-165-09.

RE: CHARTER AMENDMENT – PRESIDING OFFICER OF THE COUNCIL

12-h. An Ordinance to amend the Charter of the City of Knoxville, specifically Chapter 412 of the Private Acts of 1923 of the General Assembly of the State of Tennessee, entitled, “An act to incorporate the City of Knoxville in Knox County, Tennessee, and to define the rights, powers, and liabilities of the same; to fix the boundaries of said municipality, and to repeal all acts or parts of acts in conflict with this act,” and all acts amendatory thereto, by amending Article III, Section 303 of the Charter of the City of Knoxville entitled “Powers, duties and authority of the Mayor” so as to delete the Mayor’s responsibility to serve as presiding officer of Council; amending Article IV, Section 407 of the Charter of the City of Knoxville, entitled “City Council-officers; Vice-Mayor, Recorder” so as to designate the Vice-Mayor as presiding officer of Council; and further providing for the submission of this ordinance to the qualified voters of the City of Knoxville for approval as provided in Article XI, Section 9 of the Constitution of the State of Tennessee. (Requested by Councilmember Hultquist)

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

Vice-Mayor Becker made a motion to postpone the ordinance twelve (12) weeks.

Brief discussion took place with Councilmember Frost, Councilmember Pelot and Councilmember Hultquist speaking.

Vice-Mayor Becker withdrew his motion to postpone so that amendments could be made to the ordinance.

Charles Swanson went over the following amendments that need to be made to the ordinance before consideration:

Councilmember Hultquist made a motion to amend the ordinance as follows:

- 1) Correct election dates in two places from November 1, 2011 to November 2, 2010.
- 2) In Section 4, line two omit “3, 4, 5, 6 and 7” so that it reads “1 and 2”
- 3) In Section 5, delete charter amendment question No. 2.

Vice-Mayor Becker seconded the motion. By unanimous voice vote the motion was adopted. The amendments were approved.

Councilmember Pelot and Councilmember Hultquist addressed the ordinance.

Vice-Mayor Becker made a motion to postpone the ordinance twelve (12) weeks. Councilmember Hultquist seconded the motion. By voice vote the Council voted as follows on the motion to postpone: Councilmembers Bailey, Becker, Booker, Hall, Hultquist, Roddy and Woodhull voted “Aye.” Councilmembers Frost and Pelot voted “Nay.” The motion carried. The ordinance was postponed twelve (12) weeks.

13. PUBLIC FORUM

None.

14. ADJOURNMENT

There being no further business to come before Council, upon motion the meeting adjourned at 9:17 p.m.

Presiding Officer of the Council

Recorder