

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

**DECEMBER 29, 2009-7:00 PM  
Main Assembly Room, City-County Building, 400 Main Street**

## **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 29, 2009. Mayor Bill Haslam was present and presiding officer of the Council.

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

Councilman Chris Woodhull led in the Invocation and Councilman Nick Della Volpe 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, Daniel Brown, Nick Della Volpe, Duane Grieve, Brenda Palmer, Nick Pavlis, Marilyn Roddy and Chris Woodhull.

## **4. APPROVAL OF MINUTES**

Councilmember Roddy made a motion to approve the minutes from the December 15, 2009 City Council meeting. Councilmember 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### **5-a. ITEMS WITHDRAWN (Indicated with “W”)**

None.

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

None.

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

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

Councilmember Roddy made a motion to approve resolutions 11-p through 11-v on the consent agenda. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The resolutions were approved. (See “Resolutions”).

**6. MAYOR'S REPORT**

**RE: MAYOR'S COMMENTS**

- Mayor Haslam announced the First Night in Knoxville New Year's Celebration to benefit the Arts would be held on Market Square Mall
- Mayor Haslam recognized and honored Gregory Chambers for risking his own life to save the lives of two brothers in an apartment fire at Knob Hill Apartments.

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

Councilmember Woodhull introduced Arthur Lawson, a student at Austin East High School, who was present to observe the meeting.

Councilmember Grieve thanked Council's staff and Mickey Mallonee for the Swearing-in Ceremony on December 19.

Councilmember Grieve also requested that Council consider informal meetings to talk about a vision for Knoxville's future. Discussion ensued and Council agreed to talk further about the request at the next dinner meeting on January 12, 2010.

Councilmember Nick Della Volpe announced a meeting for neighborhood groups in the Fourth Council District to be held on January 7 from 7 – 8:15 pm at the Northside Christian Church, 4008 Tazewell Pike.

**8. ELECTIONS AND CONFIRMATIONS**

**RE: BOBBIE CHRISTENBERRY – KNOXVILLE SOLICITATIONS BOARD**

- 8-a.** A Resolution confirming the reappointment of Bobbie Christenberry to the Knoxville Solicitations Board. (Requested by Mayor)

Councilmember Roddy made a motion to approve the appointment. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-425-09.

**RE: SHIRLEY NASH-PITTS – PUBLIC ASSEMBLY FACILITIES BOARD**

- 8-b.** A Resolution confirming the reappointment of Shirley Nash-Pitts to the Public Assembly Facilities Board. (Requested by Mayor)

Councilmember Bailey made a motion to approve the appointment. 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-426-09.

**RE: CAROLYN BRYANT – FAIR HOUSING BOARD**

- 8-c.** A Resolution confirming the reappointment of Carolyn Bryant to the Fair Housing Board. (Requested by Mayor)

Councilmember Brown made a motion to approve the appointment. 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-427-09.

**RE: ESSIE JOHNSON – MARY LYNN HOLLOWAY  
KNOXVILLE TRANSPORTATION AUTHORITY BOARD**

- 8-d.** A Resolution confirming the reappointments of Essie Johnson and Mary Lynn Holloway to the Knoxville Transportation Authority Board. (Requested by Mayor)

Councilmember Brown made a motion to approve the appointment. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-428-09.

**RE: BRENDA BROOKS – PUBLIC ASSEMBLY FACILITIES BOARD**

- 8-e.** A Resolution appointing Brenda Brooks to the Citizens Board for the operation of the Public Assembly Facilities, to fill the remainder of the unexpired term of Councilmember Nick Della Volpe and to complete a full term in that position. Public Assembly Facilities Board. (Requested by Councilmember Della Volpe)

Councilmember Della Volpe made a motion to approve the appointment. Councilmember Grieve seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-429-09.

**9. ORDINANCES ON SECOND READING**

**RE: BUDGET AMENDMENT – LEGACY PARKS FOUNDATION**

- 9-a.** An Ordinance to amend the operating budget for Fiscal Year 2009/2010 to fund a contribution to Legacy Parks Foundation. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the ordinance on second reading. Councilmember Pavlis seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-175-09.

**RE: ZONING ORDINANCE AMENDMENT – DIVISION OF A LOT**

- 9-b.** An Ordinance to amend the Knoxville City Code, Appendix B, “Zoning Regulations”, Article V, Section 6(D)(5), “Division of a lot”, by rescinding Ordinance NO. O-76-08 (MPC Approved 13-0-1)(File No. 11-A-09-OA))

Vice Mayor Becker made a motion to approve the ordinance on second reading. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes as Ordinance No. O-176-09.

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

None

**11. RESOLUTIONS**

**RE: CERTIFICATE OF COMPLIANCE TO TNT, INC. d/b/a ASHE'S WINES & SPIRITS**

- 11-a.** A Resolution issuing a Certificate of Compliance to TNT Inc., d/b/a Ashe's Wines & Spirits 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)

Councilmember Roddy made a motion to approve the resolution. Councilmember Grieve seconded the motion.

Councilmember Della Volpe expressed concern that a check was not made on businesses requesting Certificates of Compliance to see if their city taxes are current. He recommended that the City look at a way of checking for delinquent taxes to at least include that kind of information in packet. Discussion ensued with the following people speaking to the issue: Debbie Poplin, Councilmember Della Volpe, and Vice Mayor Becker.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-430-09.

**RE: CERTIFICATE OF COMPLIANCE TO CORK, INC., d/b/a CEDAR BLUFF DISCOUNT WINES & SPIRITS**

- 11-b.** A Resolution issuing a Certificate of Compliance to Cork, Inc., d/b/a Cedar Bluff Discount Wines & Spirits 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)

Councilmember Roddy made a motion to approve the resolution. Councilmember Grieve seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-431-09.

**RE: CERTIFICATE OF COMPLIANCE TO VIC'S PACKAGE STORE, LLC**

- 11-c.** A Resolution issuing a Certificate of Compliance to Vic's Package Store, LLC 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)

Councilmember Bailey made a motion to approve the resolution. Vice Mayor Becker seconded the motion.

Councilmember Della Volpe noted this particular business is located on a property that has delinquent taxes. Councilmembers Woodhull and Bailey addressed the issue.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-432-09.

**RE: PERMANENT DRAINAGE EASEMENT ACQUISITION – 3008 JOHNSTON STREET – 2009 NEIGHBORHOOD DRAINAGE PROJECT**

**11-d.** A Resolution authorizing the Mayor to execute all documents necessary to purchase a permanent drainage easement of 2,200 square feet and a temporary construction easement of 166 square feet at 3008 Johnston Street, CLT #081J-A-030, for the 2009 Neighborhood Drainage Project for \$4,127.00 (Requested by Department of Engineering)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Grieve seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-433-09.

**RE: PERMANENT DRAINAGE EASEMENT ACQUISITION – TEMPORARY CONSTRUCTION EASEMENT - 9017 CROSS PARK DRIVE – CROSS PARK DRIVE DRAINAGE IMPROVEMENTS PROJECT**

**11-e.** A Resolution authorizing the Mayor to execute all documents necessary to purchase a permanent drainage easement of 12,010 square feet and a temporary construction easement of 2,758 square feet at 9017 Cross Park Drive, CLT #119-033.25, for the Cross Park Drive Drainage Improvements Project for \$64,950.00. (Requested by Department of Engineering)

Councilmember Bailey made a motion to approve the resolution. Councilmember Palmer seconded the motion. By unanimous voice vote the motion carried. The resolution was approved. The printed resolution can be found attached to these minutes as R-434-09.

**RE: DH EXCAVATING LLC – FIRST CREEK DRAINAGE IMPROVEMENTS PROJECT**

**11-f.** A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-09-0222 with DH Excavating LLC for the First Creek Drainage Improvements Project, to increase the contract amount by \$141,986.84 for a new total amount of \$2,301,674.54, and increase the time by 21 days to November 9, 2010. (Requested by Department of Engineering)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-435-09.

**RE: BEACON RISK STRATEGIES, INC. – STOP LOSS INSURANCE FOR MEDICAL INSURANCE PLAN**

**11-g.** A Resolution authorizing the Mayor to accept a quotation from Beacon Risk Strategies, Inc. for stop loss insurance for the City of Knoxville's self insured medical insurance plan, with a premium in the estimated amount of \$495,859.00. (Requested by Department of Finance and Accountability)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Palmer seconded the motion.

Councilmember Della Volpe asked for an explanation of what the City is purchasing and Larry Martin responded.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-436-09.

**RE: FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC –  
UNIVERSAL FUEL CARD SERVICES**

- 11-h.** A Resolution authorizing the Mayor to execute an agreement with FleetCor Technologies Operating Company, LLC to provide universal fuel card services for an amount not to exceed a total cost of \$54,641.76. (Requested by Operations and Efficiency, Fleet Services)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Palmer seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-437-09.

**RE: I-SYS CORPORATION – IMPOUND FACILITY AND HEAVY SHOP  
SURVEILLANCE SYSTEMS**

- 11-i.** A Resolution authorizing the Mayor to execute an agreement with I-SYS Corporation to upgrade and expand existing surveillance systems at the Impound Facility and the Heavy Shop in an amount not to exceed \$38,157.00. (Requested by Operations and Efficiency, Fleet Services)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Palmer seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-438-09.

**RE: KNOXVILLE’S COMMUNITY DEVELOPMENT CORPORATION –  
CONSTRUCTION OF TEN DUPLEXES IN THE PARK CITY  
NEIGHBORHOOD – COMMUNITY DEVELOPMENT DEPARTMENT**

- 11-j.** A Resolution authorizing the Mayor to execute an amendment to Contract No. C-10-0029 with Knoxville’s Community Development Corporation increasing the contract price by \$41,153.00 to cover unanticipated costs associated with the construction of ten (10) duplexes in the Park City neighborhood. (Requested by Department of Community Development)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Bailey seconded the motion.

Councilmember Brown questioned the location of these properties and Madeline Rogero responded.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-439-09.

**RE: KNOXVILLE’S COMMUNITY DEVELOPMENT CORPORATION – VESTAL  
COMMERCIAL REDEVELOPMENT PROJECT – EMPOWERMENT ZONE  
FUNDING**

- 11-k.** A Resolution authorizing the Mayor to execute an amendment to Contract No. C-08-0260 with Knoxville’s Community Development Corporation to provide an additional \$500,000.00 in Empowerment Zone funding for the Vestal Commercial Redevelopment Project, and to extend the term of the contract to June 30, 2010. (Requested by Department of Community Development)

Councilmember Roddy made a motion to approve the resolution. Councilmember Grieve seconded the motion.

Discussion ensued with the following people speaking to the issue: Councilmember Pavlis, Madeline Rogero, and Councilmembers Brown and Della Volpe.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-440-09.

**RE: TENNESSEE ASSOCIATION CHIEFS OF POLICE – INTERNET CRIMES AGAINST CHILDREN (ICAC) INVESTIGATIVE TRAINING PROJECT – UNDERCOVER CHATS TRAINING PROGRAM – OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PROGRAMS (OJJDP) – AMEREICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)**

- 11-l.** A Resolution authorizing the Mayor to execute an agreement with the Tennessee Association Chiefs of Police to coordinate the logistics for the Internet Crimes Against Children (ICSC) Investigative Training Program and Undercover Chats Training Program pursuant to a grant from the Office of Juvenile Justice and Delinquency Programs (OJJDP) under the American Recovery and Reinvestment Act of 2009 (ARRA). (Requested by Police Department)

Councilmember Roddy made a motion to approve the resolution. Councilmember Palmer seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-441-09.

**RE: RICH CONSTRUCTION, INC. – SAFETY CITY**

- 11-m.** A Resolution authorizing the Mayor to approve Change Order No. 4 to the agreement between the City of Knoxville and Rich Construction, Inc., in order to add a metal cupola to the miniature courthouse roof at Safety City, so as to increase the contract price by \$5,000.00 for a new contract price of \$360,628.35. (Requested by Police Department)

Councilmember Palmer made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-442-09.

**RE: ENERGY SERVICES AGREEMENT – AMERESCO, INC.**

- 11-n.** A Resolution authorizing the Mayor to execute an Energy Services Agreement with Ameresco, Inc., and to execute any and all associated financial documents necessary for Ameresco, Inc., to perform energy conservation services and equipment installation for City facilities at a total project cost of \$19,082,060.00, to be paid over 13 years using energy savings guaranteed by Ameresco, plus additional costs of \$42,171.00 per year for monitoring and verification services and \$44,523.00 per year for maintenance services. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the resolution. Vice Mayor Becker and Councilmember Woodhull seconded the motion.

Discussion ensued with the following people speaking to the issue: Councilmember Della Volpe, Boyce Evans, John Bosche, Vice-President of Ameresco, and Councilmembers Brown and Woodhull

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-443-09.

**RE: STATE FARM SAFE NEIGHBOR SAFETY GRANT – STATE FARM INSURANCE – FIRE & EXPLOSION INVESTIGATION UNIT**

- 11-o.** A Resolution authorizing the Mayor to file a grant application with State Farm Insurance for the State Farm Safe Neighbor Safety Grant in the amount of \$5,000.00 to be used for the purchase of electronic equipment for the Fire & Explosion Investigation Unit, and if such application is approved, to authorize the Mayor to execute any and all documents to accept such a grant award. (Requested by Fire Department)

Vice Mayor Becker made a motion to approve the resolution. Councilmember Bailey seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes as Resolution No. R-444-09.

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

- Approved R-445-09**  
"\*" p. A Resolution granting a pension of \$320.36 per month to Linda I. Menasco, an employee of the former Knoxville City School System. (Requested by Pension Board).
- Approved R-446-09**  
"\*" q. A Resolution granting a pension of \$156.88 per month to Merry S. Brown, an employee of the former Knoxville City School System. (Requested by Pension Board).
- Approved R-447-09**  
"\*" r. A Resolution granting a pension of \$1,147.25 per month to Kenneth B. Sutherland, an employee of the Knoxville General Government. (Requested by Pension Board).
- Approved R-448-09**  
"\*" s. A Resolution granting a pension of \$125.71 per month to Eddie L. Hicks, an employee of the Knoxville General Government. (Requested by Pension Board).
- Approved R-449-09**  
"\*" t. A Resolution granting a pension of \$3,375.08 per month to Gary R. Moyers, an employee of the Knoxville Police Department. (Requested by Pension Board).
- Approved R-450-09**  
"\*" u. A Resolution granting a pension of \$4,033.80 per month to Carlene L. Loop, an employee of the Knoxville General Government. (Requested by Pension Board).
- Approved R-451-09**  
"\*" v. A Resolution granting a pension of \$2,468.52 per month to Harold E. Owenby, an employee of the Knoxville Fire Department. (Requested by Pension Board).

**12. ORDINANCES ON FIRST READING**

None.

**13. PUBLIC FORUM**

None.

**14. ADJOURNMENT**

There being no further business to come before City Council, the meeting adjourned at 7:51 p.m.

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Presiding Officer of the Council

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Assistant City Recorder