



Minutes of the Regular Meeting of the Council of the City of Knoxville

Tuesday, January 10, 2012

7:00 PM

City County Building

1. CALL TO ORDER

Mayor Madeline Rogero called to order the meeting of the Knoxville City Council at 7:00 p.m. in the Main Assembly Room of the City-County Building on Tuesday, January 10, 2012.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Daniel Brown led in the Invocation and Councilmember Finbarr Saunders led in the "Pledge of Allegiance" to the Flag.

3. ROLL CALL

Attendee Name	Title	Status	Arrived
Daniel Brown	Sixth District	Present	
Nick Della Volpe	Fourth District	Present	
Duane Grieve	Second District	Present	
Brenda Palmer	Third District	Present	
Nick Pavlis	First District	Present	
Finbarr Saunders	At-Large Seat C	Present	
Marshall Stair	At-Large Seat B	Present	
George Wallace	At-Large Seat A	Present	
Mark Campen	Fifth District	Present	

4. APPROVAL OF MINUTES

Motion: Councilmember Grieve moved to approve the minutes from the December 13, 2011 meeting.
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5-a. ITEMS WITHDRAWN (Indicated with "W")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")

- 8-d.** A Resolution Approving the Appointment of Councilmember Nick Della Volpe to Serve as Chair of City Council's Audit Committee and Reappointing Councilmembers Brenda Palmer, Duane Grieve, and Daniel Brown, and the Appointment of Councilmember Finbarr Saunders to Serve as Members of that Committee

RESULT:	POSTPONED [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Nick Pavlis, First District, moved to postponed two (2) weeks.
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

- 11-g.** A Resolution to Accept MPC's Consideration and Report on the Land Use Impacts of Ordinance No. O-165-2011 Authorizing the Use of Electric Fences in Outdoor Storage Areas Subject to Specific Regulations. (MPC Approved 13-0) (File No. 12-B-11-OA)

RESULT:	POSTPONED [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Nick Pavlis, First District, moved to postponed two (2) weeks
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

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

None.

5-d. CONSENT ITEMS

- Motion: Councilmember Grieve moved to add Ordinances 12h, 12i and 12j to the consent agenda.
- Second: Councilmember Saunders
- Vote: Unanimous "Aye."
- Disposition: Ordinances 12h through 12j were added to the consent agenda.
- Motion: Councilmember Grieve moved to approve the consent agenda. (Resolutions 11m through 11r and Ordinances 12h through 12j).
- Second: Councilmember Della Volpe.
- Vote: Unanimous "Aye."
- Disposition: Consent agenda approved. See below.

Resolution No. R-14-2012

- 11-m. A Resolution Granting a Pension of \$719.45 per Month to Howard G. Kidder, an Employee of the Knoxville Police Department. (Requested by Pension Board)

Resolution No. R-15-2012

- 11-n. A Resolution Granting a Pension of \$1,100.26 per Month to Steven E. Roberts, an Employee of the Knoxville General Government. (Requested by Pension Board)

Resolution No. R-16-2012

- 11-o. A Resolution Granting a Pension of \$2,809.69 per Month to Samuel Rivera, Jr., an Employee of the Knoxville Police Department. (Requested by Pension Board)

Resolution No. R-17-2012

- 11-p. A Resolution Granting a Pension of \$1,350.44 per Month to James C. Bishop, an Employee of the Knoxville General Government. (Requested by Pension Board)

Resolution No. R-18-2012

- 11-q. A Resolution Granting a Pension of \$1,116.68 per Month to Betty L. Davis, an Employee of the Knoxville General Government. (Requested by Pension Board)

Resolution No. R-19-2012

- 11-r. A Resolution Granting a Pension of \$1,181.71 per Month to John E. Huff, an Employee of the Knoxville General Government. (Requested by Pension Board)

Ordinance No. O-1-2012

- 12-h. An Emergency Ordinance Appropriating the Sum of \$250.00 from the Community Improvement (202) Fund and Donating Same to the Fountain City Art Center, Inc., to be Utilized Toward Student Scholarships for Certain Area Youth in Need.

Ordinance No. O-2-2012

- 12-i. An Emergency Ordinance Appropriating the Sum of \$250.00 from the Community Improvement (202) Fund and Donating Same to Fountain City Lions Club to be Utilized Toward the Ongoing Maintenance Project at Fountain City Lake.

Ordinance No. O-3-2012

- 12-j. An Emergency Ordinance Appropriating the Sum of \$750.00 from the Community Improvement (202) Fund and Donating Same to Gresham Middle School to Purchase and Install Two Sound Systems for the Auditorium and Gymnasium Areas.

6. MAYOR'S REPORT

- Greeting from Mayor Rogero who was presiding at her first regular City Council meeting as Mayor.
- Report on another successful Christmas in the City. Thank you to Special Events, Public Service, KPD, KFD and all other workers involved.
- Congratulations to Daniel and Mandy Watson on being chosen as the recipients of the Extreme Makeover-Home Edition.
- Recognition of a Middle School Journalism class from Nature's Way Montessori School.

- KPD will host a Community Roundtable on January 17, 2012 at 6:00 p.m. to discuss the city's ordinance relating to dealers in junk, secondhand goods, antiques or gold, silver or precious metals. The Roundtable will be held at the KPD training center at the old Moses School.

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

- Vice-Mayor Pavlis reported on the recent ribbon cutting for the re-opening of Fire Station 19 on Chapman Highway.
- Vice-Mayor Pavlis announced two upcoming meeting dates for City Council to conduct interviews of the applicants for the position of City Council Attorney.
 - 1) Thursday, January 19, 2012 – 5:00 p.m. – Main Assembly Room.
 - 2) Monday, January 23, 2012 – 5:00 p.m. – Small Assembly Room.
- The Food Policy Council gave their annual report to City Council. Stephanie Welch spoke.

8. ELECTIONS AND CONFIRMATIONS

RE: SHANNON MCCULLOCK – LOUIS CROSSLEY – BETH WATERS – BOARD OF DIRECTORS OF COMMUNITY TELEVISION OF KNOXVILLE

Resolution No. R-1-2012

- 8-a. A Resolution Confirming the Appointment of Shannon McCullock and the Reappointments of Louis Crossley and Beth Waters to the Board of Directors of Community Television of Knoxville.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: REBEKAH JANE JUSTICE – CITY TREE BOARD

Resolution No. R-2012-2

- 8-b. A Resolution Confirming the Appointment of Rebekah Jane Justice to the City Tree Board.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: ELIZABETH EASON – BOARD OF ENVIRONMENTAL APPEALS

Resolution No. R-3-2012

- 8-c. A Resolution Confirming the Appointment of Elizabeth Eason to the Board of Environmental Appeals.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Finbarr Saunders, At-Large Seat C
SECONDER:	Daniel Brown, Sixth District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

**8-d – RESOLUTION 8d WAS POSTPONED TWO (2) WEEKS – SEE
“ADOPTION OF AGENDA”**

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: KNOXVILLE COMMUNITY DEVELOPMENT DEPARTMENT –
FEDERATION OF APPALACHIAN HOUSING ENTERPRISES**

Resolution No. R-4-2012

11-a. A Resolution Authorizing the City of Knoxville Community Development Department to Partner with Federation of Appalachian Housing Enterprises to Use Loan Funds Exclusively to Provide Permanent Financing to Eligible, Low-Income Families Receiving Construction Financing and Other Subsidies from the City’s Housing Programs (The “Community Investment Program”).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Duane Grieve, Second District
SECONDER:	Finbarr Saunders, At-Large Seat C
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

**RE: ACCEPTANCE OF WHITE PAPER PREPARED BY MAYOR’S COUNCIL ON
DISABILITY ISSUES – LAKESHORE MENTAL HEALTH INSTITUTE
CLOSURE**

11-b. A Resolution to Accept a White Paper Prepared by the Mayor’s Council on Disability Issues Regarding the Proposed Closure of Lakeshore Mental Health Institute by the State of Tennessee in 2012.

Motion: Councilmember Saunders moved to approve the resolution.
Second: Councilmember Campen

MOVER:	Brenda Palmer, Third District, made a precedent motion to table the resolution.
SECONDER:	Duane Grieve, Second District
DISCUSSION:	Councilmembers Palmer, Grieve, Della Volpe, Saunders, Campen and Brown, Vice-Mayor Pavlis and Charles Swanson.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace
NAYS:	Mark Campen
RESULT:	TABLED (8-1)

RE: DESIGN AND CONSTRUCTION SERVICES, INC. – 2012 CURB CUT PROJECT

Resolution No. R-5-2012

- 11-c. A Resolution Authorizing the Mayor to Execute an Agreement with Design and Construction Services, Inc., for the 2012 Curb Cut Project for an Amount Not to Exceed \$586,249.25.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Finbarr Saunders, At-Large Seat C
SECONDER:	Nick Della Volpe, Fourth District
DISCUSSION:	Councilmember Saunders, Deputy Director of Engineering Steve King, Councilmember Della Volpe.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: WILBUR SMITH ASSOCIATES – HOLBROOK DRIVE BRIDGE REPLACEMENT PROJECT

Resolution No. R-6-2012

- 11-d. A Resolution Authorizing the Mayor to Execute Change Order No. 2 to Contract No. C-09-0257 with Wilbur Smith Associates for the Holbrook Drive Bridge Replacement Project, to Increase the Contract Amount by \$36,800.00 for a New Contract Total of \$415,984.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Finbarr Saunders, At-Large Seat C
DISCUSSION:	Councilmember Della Volpe and Deputy Director of Engineering Steve King.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: SHELTON GENERAL CONTRACTORS – BEAUMONT ELEMENTARY SIDEWALK IMPROVEMENTS PROJECT

Resolution No. R-7-2012

- 11-e. A Resolution Authorizing the Mayor to Execute an Agreement with Shelton General Contractors for the Beaumont Elementary Sidewalk Improvements Project for an Amount Not to Exceed \$103,435.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Duane Grieve, Second District
SECONDER:	Nick Della Volpe, Fourth District
DISCUSSION:	Stephanie Welch, Councilmembers Brown, Palmer, Grieve and Della Volpe, Deputy Engineering Director Steve King.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION – TRAFFIC SIGNAL INSTALLATIONS AND IMPROVEMENTS TO I-140 INTERSECTION AT WESTLAND DRIVE

Resolution No. R-8-2012

- 11-f. A Resolution Authorizing the Mayor to Enter into Agreement No. 110382, Project Identification No. 114775.00, with the State of Tennessee Department of Transportation (“TDOT”) for the Installation of Traffic Signals and Improvements to the I-140 Intersection at Westland Drive for a Cost to the City Not to Exceed \$15,200.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Duane Grieve, Second District
SECONDER:	Brenda Palmer, Third District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

11-g: RESOLUTION 11G WAS POSTPONED TWO (2) WEEKS – SEE “ADOPTION OF AGENDA”

RE: NATIONAL BUILDING SERVICE – JANITORIAL SERVICES FOR RECREATION CENTERS AND PARK BUILDINGS

Resolution No. R-9-2012

- 11-h. A Resolution Authorizing the Mayor to Enter into a Contract with National Building Service for Janitorial Services for Various Recreation Centers and Park Buildings Throughout the City for an Annual Cost of \$155,400.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Pavlis, First District
SECONDER:	Nick Della Volpe, Fourth District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: FRED D. (TONY) THOMPSON, JR. – GOVERNMENTAL RELATIONS SERVICES

Resolution No. R-10-2012

- 11-i. 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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Pavlis, First District
SECONDER:	Nick Della Volpe, Fourth District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: KCDC – REDEVELOPMENT AND URBAN RENEWAL PLAN FOR FULTON BELLOWS REDEVELOPMENT AREA

Resolution No. R-11-2012

- 11-j. A Resolution Requesting KCDC to Create a Redevelopment and Urban Renewal Plan for an Area to be Titled the Fulton Bellows Redevelopment Area, Property Bounded by Kingston Pike to the North, Railroad Tracks to the East, Joe Johnson Drive to the South, and Third Creek to the West.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Pavlis, First District
SECONDER:	Duane Grieve, Second District
DISCUSSION:	Councilmembers Della Volpe and Grieve, Vice-Mayor Pavlis, Director of Redevelopment Bob Whetsel.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: S & ME, INC. – U. S. ENVIRONMENTAL PROTECTION AGENCY – DOWNTOWN NORTH REDEVELOPMENT AND URBAN RENEWAL DISTRICT

Resolution No. R-2012-12

- 11-k. A Resolution Authorizing the Mayor to Enter into an Agreement with S&ME, Inc. in an Amount Not to Exceed \$390,000.00 in Order to Execute the Scope of Services and Work Plan as Required by Agreement BF-95443509-1 Between the City of Knoxville and the U.S. Environmental Protection Agency.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Finbarr Saunders, At-Large Seat C
SECONDER:	Nick Della Volpe, Fourth District
DISCUSSION:	Councilmember Della Volpe, Director of Redevelopment Bob Whetsel, Project Manager Anne Wallace.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: WASTE CONNECTIONS OF TENNESSEE – SOLID WASTE DISPOSAL

Resolution No. R-2012-13

- 11-l. A Resolution Authorizing the Mayor to Execute a Contract with Waste Connections of Tennessee for the Collection, Disposal and Recycling of Solid Waste from City of Knoxville Buildings And/Or Locations Throughout the City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Brenda Palmer, Third District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

12. ORDINANCES ON FIRST READING

RE: CITY CODE AMENDMENT, CHAPTER 17, ARTIBLE VI – MULTIPLE SPACE PARKING METERS

Approved on First Reading

- 12-a. An Ordinance to Amend the Knoxville City Code, Chapter 17, Article VI, Division 2, to Permit Multiple Space Parking Meters with Additional Payment Options.

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Duane Grieve, Second District
SECONDER:	Finbarr Saunders, At-Large Seat C
DISCUSSION:	Councilmembers Palmer and Della Volpe, Deputy Director of Engineering Steve King.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: STREET COSURE – PHILLIP FULMER WAY – UNIVERSITY OF TENNESSEE, APPLICANT

Approved on First Reading

- 12-b. An Ordinance to Close Phillip Fulmer Way from Cumberland Avenue to Lake Loudoun Boulevard, and Authorizing the Mayor to Execute Quitclaim Deeds to the Adjacent Property Owners, University of Tennessee, Applicant. (MPC Approved 13-0) (File No. 10-A-11-SC) (First District)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Finbarr Saunders, At-Large Seat C
SECONDER:	Duane Grieve, Brenda Palmer
DISCUSSION:	Councilmembers Della Volpe, Grieve, Brown and Wallace, Vice-Mayor Pavlis, MPC Executive Director Mark Donaldson and UT Representative Jeff Maples.
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: STREET CLOSURE – PEYTON MANNING PASS – UNIVERSITY OF TENNESSEE, APPLICANT.

Approved on First Reading

- 12-c. An Ordinance to Close Peyton Manning Pass from Volunteer Boulevard to Phillip Fulmer Way, and Authorizing the Mayor to Execute Quitclaim Deeds to the Adjacent Property Owners, University of Tennessee, Applicant. (MPC Approved 13-0) (File No. 10-B-11-SC) (First District)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: STREET CLOSURE – TEE MARTIN DRIVE – UNIVERSITY OF TENNESSEE, APPLICANT

Approved on First Reading

- 12-d.** An Ordinance to Close Tee Martin Drive from Phillip Fulmer Way to East Terminus, and Authorizing the Mayor to Execute Quitclaim Deeds to the Adjacent Property Owners, University of Tennessee, Applicant. (MPC Approved 13-0) (File No. 11-A-11-SC) (First District)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Nick Pavlis, First District
SECONDER:	Duane Grieve, Second District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: REZONING REQUEST OF GERALD BOORSE

Approved on First Reading

- 12-e.** An Ordinance to Rezone Property Located on the North Side of S. Middlebrook Pike, South Side of N. Middlebrook Pike, West Side of Henson Road from I-2 (Restricted Manufacturing and Warehousing) District to C-6 (General Commercial Park) District, Gerald Boorse, Applicant. (MPC Approved 13-0) (File No. 12-B-11-RZ) (Second District)

RESULT:	APPROVED ON FIRST READING [8 TO 1]
	Next: 1/24/2012 7:00 PM
MOVER:	Duane Grieve, Second District
SECONDER:	Finbarr Saunders, At-Large Seat C
DISCUSSION:	Councilmember Palmer and MPC Executive Director Mark Donaldson
AYES:	Brown, Della Volpe, Grieve, Pavlis, Saunders, Stair, Wallace, Campen
NAYS:	Brenda Palmer

RE: REZONING REQUEST OF HARVEY BUDDY BOWMAN

Approved on First Reading

- 12-f.** An Ordinance to Rezone Property Located on the Northwest Side of Dutch Valley Drive, Northeast of Lavaun Street from R-1 (Low Density Residential) District to R-2 (General Residential) District, Harvey Buddy Bowman, Applicant. (MPC Approved 13-0) (File No. 12-D-11-RZ) (Fifth District)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Mark Campen, Fifth District
SECONDER:	Nick Della Volpe, Fourth District
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

RE: REZONING REQUEST OF SAMUEL J. FURROW

Approved on First Reading

- 12-g.** An Ordinance to Rezone Property Located on the East Side of Simmons Road, North Side of I-40/75, South of Lexington Drive from C-6 (General Commercial Park)/TO-1 (Technology Overlay) District to I-3 (General Industrial)/TO-1 (Technology Overlay) District, Samuel J. Furrow, Applicant. (MPC Approved 13-0) (File No. 12-E-11-RZ) (Second District)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]
	Next: 1/24/2012 7:00 PM
MOVER:	Nick Della Volpe, Fourth District
SECONDER:	Duane Grieve, Second District
DISCUSSION:	Councilmembers Palmer and Grieve and MPC Executive Director Mark Donaldson
AYES:	Brown, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace, Campen

ORDINANCES 12H, 12I AND 12J WERE APPROVED ON THE CONSENT AGENDA - SEE "ADOPTION OF AGENDA"

13. PUBLIC FORUM

Attorney David Stuart, Clinton, TN
Kevin Faddis, Firefighters Association

14. ADJOURNMENT

There being no further business to come before City Council, the meeting adjourned at 8:10 p.m.

Presiding Office of the Council

Recorder