



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

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Tuesday, January 24, 2012

7:00 PM

City County Building

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### 1. CALL TO ORDER

Mayor Madeline Rogero called to order the January 24, 2012 meeting of the Knoxville City Council at 7:00 p.m. in the Main Assembly Room of the City-County Building.

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

Councilmember Daniel Brown led in the Invocation and Councilmember Duane Grieve led in the "Pledge of Allegiance" to the Flag.

### 3. ROLL CALL

Attendee Name	Title	Status	Arrived
Nick Pavlis	1st District	Present	
Duane Grieve	2nd District	Present	
Brenda Palmer	3rd District	Present	
Nick Della Volpe	4th District	Present	
Mark Campen	5th District	Present	
Daniel Brown	6th District	Present	
George Wallace	At-Large Seat A	Present	
Marshall Stair	At-Large Seat B	Present	
Finbarr Saunders	At-Large Seat C	Present	
Madeline Rogero	Mayor	Present	

#### 4. APPROVAL OF MINUTES

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District,
<b>SECONDER:</b>	Duane Grieve, Nick Della Volpe
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

#### 5. ANNOUNCEMENTS AND EXTRAORDINARY MATTERS, ADOPTION OF AGENDA

**a. ITEMS WITHDRAWN (Indicated with "W")**

None.

**b. ITEMS FOR POSTPONEMENT (Indicated with "P")**

**Postponed to February 21, 2012**

- 12-a.** 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 XIII, Section 1324 of the Charter of the City of Knoxville Entitled "Pension Board" So as to Provide that the City Council Representative to the Pension Board Shall be an Active Member of the City Council and Also to Provide that Any Action of the Pension Board Shall Require the Affirmative Vote of a Majority of the Members of the Pension Board; 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 Palmer)

<b>RESULT:</b>	<b>POSTPONED TO FEBRUARY 21, 2012 [UNANIMOUS]</b>
<b>MOVER:</b>	Brenda Palmer, 3rd District
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

COMMENTS - Current Meeting:

Councilmembers Palmer, Saunders and Stair.

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

None.

**d. CONSENT ITEMS (Indicated with "\*\*")**

**Add Ordinance 12b to the Consent Agenda**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District, moved to add ordinance 12 b to the consent agenda.
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Ordinance No. O-4-2012**

- 12-b.** An Emergency Ordinance Appropriating the Sum of \$250.00 from the Community Improvement (202) Fund and Donating Same to the Dr. Martin Luther King, Jr. Commemorative Commission of Greater Knoxville, Inc., as a Contribution Toward the "2012 King Week Celebration" Events.(Requested by Councilmember Saunders)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District, Moved to approve the Consent Agenda.
<b>SECONDER:</b>	Brenda Palmer, 3rd District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**6. MAYOR'S REPORT**

- Completion of the Extreme Makeover Home Edition that was filmed in the Third District, building a new home for Daniel and Mandy Watson and their children. Thank you to all volunteers, businesses, city employees, Christi Branscom of Grace Cosntruction and Councilmember Brenda Palmer.
- The East Tennessee Housing Development Corporation broke ground on two new, affordable houses on Bishop Street in the Lonsdale Community.
- February 3, 2012 will be the Mayor's Budget Retreat beginning at 8:00 a.m. at the John T. O'Connor Center.

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

- Vice-Mayor Pavlis recognized and welcomed Rob Frost who is the new City Council Attorney.
- Councilmember Grieve reported on the status of the Sign Ordinance Review Task Force.
- Councilmember Grieve asked Law Director Swanson for an update on the illegal dumping of roofing shingles.
- Councilmember Della Volpe thanked Chief Rausch for hosting the recent meeting on Secondhand sales.
- Councilmember Della Volpe announced that a Fourth District meeting on crime and loitering will beheld tomorrow at 2:00 PM at the Time Warp Deli.

## 8. ELECTIONS AND CONFIRMATIONS

### Resolution No. R-20-2012

- a. A Resolution Confirming the Appointment of Renée Victoria Hoyos to the Knoxville Transportation Authority Board.(Requested by Mayor)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	George Wallace, At-Large Seat A
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

## 9. ORDINANCES ON SECOND READING

### Ordinance No. O-5-2012

- 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.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Brenda Palmer, Finbarr Saunders
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

### Ordinance No. O-6-2012

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

### Ordinance No. O-7-2012

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Ordinance No. O-8-2012**

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Daniel Brown, 6th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Ordinance No. O-9-2012**

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Ordinance No. O-10-2012**

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Della Volpe, 4th District
<b>SECONDER:</b>	Mark Campen, 5th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Ordinance No. O-11-2012**

- 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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

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

None.

## 11. RESOLUTIONS

### Resolution No. R-21-2012

- a. A Resolution Approving the Issuance of 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)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

### Resolution No. R-22-2012

- b. A Resolution Approving the Issuance of 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)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Nick Della Volpe, Finbarr Saunders
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

### Resolution No. R-23-2012

- c. 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 and Daniel Brown and the Appointment of Councilmembers Finbarr Saunders and Marshall Stair to Serve as Members of that Committee.(Requested by Vice Mayor Pavlis)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Resolution No. R-24-2012**

- d. A Resolution Authorizing the Mayor to Execute an Agreement with Monte Rex Hamilton and Pamela Roberts Hamilton to Permit an Encroachment into the Right-Of-Way of 535 Chippewa Circle, CLT No. 107MC003.(Requested by Department of Engineering)

<b>RESULT:</b>	<b>APPROVED [8 TO 1]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Stair, Saunders
<b>NAYS:</b>	George Wallace

COMMENTS - Current Meeting:

Motion: Councilmember Wallace moved to amend to add a provision to the resolution stating that when the fence comes down, it will be replaced in compliance.

There was no second to the motion.

The motion failed due to a lack of a second to the motion.

**Resolution No. R-25-2012**

- e. A Resolution Authorizing the Mayor to Enter into an Agreement with Croley, Davidson & Huie, PLLC for Real Estate Title Review and Evaluation Services for the Cumberland Avenue Streetscapes Project for an Amount Not to Exceed \$31,050.00.(Requested by Department of Engineering and Office of Redevelopment)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

COMMENTS - Current Meeting:

Councilmember Della Volpe and Engineering Director Jim Hagerman.

**Resolution No. R-26-2012**

- f. A Resolution Authorizing the Mayor to Enter into an Agreement with Tennessee Valley Title Insurance Company for Real Estate Title Examination and Closing Services for the Cumberland Avenue Streetscapes Project for an Amount Not to Exceed \$130,000.00.(Requested by Department of Engineering and Office of Redevelopment)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Duane Grieve, 2nd District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Resolution No. R-27-2012**

- g. A Resolution Authorizing the Mayor to Execute All Necessary Documents to Sell Surplus City Property Located at 1030 Addison Street, CLT No. 095C-K-031, to Slemmons Mathes for \$4,500.00.(Requested by Department of Finance and Accountability)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Daniel Brown, 6th District
<b>SECONDER:</b>	Finbarr Saunders, At-Large Seat C
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Resolution No. R-28-2012**

- h. A Resolution Authorizing the Mayor to Enter into a Contract with Venture Builders LLC for the Construction of a New Tennis Clubhouse at West Hills Community Park in the Amount of \$370,000.00 with the City Funding \$220,000.00 and the Remainder Being Funded by a Donation Received from the Greater Knoxville Tennis Association.(Requested by Department of Parks and Recreation)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Duane Grieve, 2nd District
<b>SECONDER:</b>	Nick Della Volpe, 4th District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**Resolution No. R-29-2012**

- i. A Resolution to Accept the Metropolitan Planning Commission'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)(Requested by Metropolitan Planning Commission)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nick Pavlis, 1st District
<b>SECONDER:</b>	Brenda Palmer, 3rd District
<b>AYES:</b>	Pavlis, Grieve, Palmer, Della Volpe, Campen, Brown, Wallace, Stair, Saunders

**12. ORDINANCES ON FIRST READING**

- a. Ordinance 12a was postponed to February 21, 2012. See "Adoption of Agenda."
- b. Ordinance 12b was approved on emergency reading under the Consent Agenda. See "Adoption of Agenda" Ordinance No. O-4-2012

**13. PUBLIC FORUM**

None.

## 14. ADJOURNMENT

There being no further business to come before City Council, the meeting adjourned at 7:38 p.m.

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Presiding Officer of the Council

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Recorder