

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

**JUNE 30, 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, June 30, 2009.
Mayor Bill Haslam was present and presiding officer.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Barbara Pelot led in the Invocation and Councilmember Roddy led in the “Pledge of Allegiance” to the Flag.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

Councilmember Frost made a motion to approve the minutes from the June 16, 2009 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5-a. ITEMS WITHDRAWN (Indicated with “W”)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”)

None.

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

Councilmember Roddy made a motion to move item 11-i from its present place on the agenda to the Mayor’s Report. Councilmember Pelot seconded the motion. By unanimous voice vote the motion carried.

Councilmember Frost made a motion to place pension resolutions 11s through 11ff 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

RE: CERTIFICATE OF COMPLIANCE – STEVEN C. SWAFFORD d/b/a K & K WINES & SPIRITS

- 6-a.** An application for renewal of a Certificate of Compliance for Andrea Dykes Davis d/b/a Alcoa Highway Liquors, Inc., 2913 Alcoa Highway, Knoxville, Tennessee, 37920. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the Certificate of Compliance. Councilmember Hall seconded the motion. By unanimous voice vote the motion carried. The Certificate was approved.

RE: BENJAMIN FRANKLIN, a World War II Veteran

- 11-i.** A Resolution honoring and celebrating the life and achievements of Benjamin Franklin, a veteran of World War II, who recently received the French Legion of Honor in award ceremonies in Paris, France (requested by Councilmember Roddy)

Mr. Franklin was present and thanked Council for the recognition and Fred Brown of the Knoxville News-Sentinel stated that Mr. Franklin is a hero and a National Treasure for his valor on D-Day. He further stated that Mr. Franklin had recently been awarded the French Legion of Honor, which is France’s highest military or civilian honor.

Councilmember Roddy made a motion to approve the resolution and add the entire Council as sponsors of 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-212-09.

Mayor Haslam presented Mr. Franklin with a Proclamation in honor of his service and in recognition of his distinguished award.

RE: MAYOR’S REMARKS

Mayor Haslam announced that he had reappointed George Ewart and appointed Nate Kelly to the Metropolitan Planning Commission.

Mayor Haslam announced the following:

*Festival on the Fourth (July 4) will be from 2:00 – 10:00 pm on the World’s Fair Site

*First Friday in Downtown on July 3

*Farmers Market on Market Square on July 4

*Retirement of Fred Corum from the Department of Transportation

See recognition of the Youth Action Council later in the minutes (between Items 9-d and 9-3).

7. REPORTS OF COUNCIL MEMBERS OR COMMITTEES

Councilman Booker stated that as part of the Celebration of the 130th Anniversary of the opening of Austin-East High School, buses have been rented to transport people from the Civic

Coliseum to the World's Fair Site on July 4, with buses running to the World' Fair Site from 5:00 – 7:00 pm and returning people to the Coliseum from 10:00 to midnight.

Councilmember Pelot commented on the retirement of Fred Corum and Glenn Malone from the Tennessee Department of Transportation. Mrs. Pelot also invited everyone to attend the Knoxville Community Band Concert at West Hills Park on Sunday, July 12.

Councilmember Becker announced that he will not be present at the next Council Meeting when the Flenniken Park Use on Review will be before Council. He asked if Council would be willing to postpone that item to July 28. Discussion ensued with the following people speaking to the issue: Councilmembers Pelot, Hall and Hultquist, David Arning, Councilmembers Frost, Becker, and Roddy, Charles Swanson and Mayor Haslam. Council decided that a date for setting consideration of Flenniken Park will be set at a time when everyone can be present either at a regularly scheduled meeting, which meets the developer's deadlines, or if necessary at a Special Called Meeting.

8. ELECTIONS AND CONFIRMATIONS

RE: MAYOR'S COUNCIL ON DISABILTY ISSUES

- 8-a.** A Resolution to accept nominations for members and officers for the Mayor's Council on Disability Issues (Requested by Mayor)

Councilmember Roddy 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-202-09.

RE: JEFF SMITH – METROPOLITAN KNOXVILLE AIRPORT AUTHORITY

- 8-b.** A Resolution approving the reappointment of Jeff Smith to the Metropolitan Knoxville Airport Authority (Requested by Mayor)

Councilmember Pelot 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-203-09.

9. ORDINANCES ON SECOND READING

RE: OPERATING BUDGET AMENDMENT – SAFETY CITY

- 9-a.** An Ordinance to amend the Operating Budget for Fiscal Year 08-09 relative to the construction of miniature buildings at Safety City. (Requested by Department of Finance and Accountability)

Councilmember Roddy made a motion to approve the ordinance on second reading. 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-104-09.

RE: STREET CLOSURE – HONEYSUCKLE AVENUE – CHILLICOTHE STREET – KENNY A. & ALLEN SMART, APPLICANTS

- 9-b.** An Ordinance to close a portion of Honeysuckle Avenue between the west side of Chillicothe Street and the east side of the unnamed alley, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Kenny A. & Allen Smart, Applicant. (MPC Approved 12-0-2) (File No. 5-A-09-SC) (Third District)

Councilmember Hall made a motion to approve the ordinance on second reading. 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-105-09

RE: STREET CLOSURE – MARION STREET NEAR BELLEAIRE AVENUE – KNOXVILEL HABITAT FOR HUMANITY

- 9-c.** An Ordinance to close a portion of Marion Street between Belleaire Avenue and the deadend, and authorizing the Mayor to execute quitclaim deeds to the adjacent property owners, Knoxville Habitat for Humanity, Applicant. (MPC Approved 12-0-2) (File No. 5-B-09-SC) (Fifth District)

Councilmember Becker made a motion to approve the ordinance on second reading. 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-106-09.

RE: REZONING REQUEST OF EASTERDAY ESTATES, LLC

- 9-e.** An Ordinance to rezone property located on the west side of Sisk Road, south of Pleasant Ridge Road from RP-1, Planned Residential District, at a density of 1-5 dwelling units per acre to RP-1, Planned Residential District, at a density up to 5.99 dwelling units per acre, Easterday Estates LLC, Applicant. (MPC Approved 12-1) (File No. 4-E-09-RZ) (Third District)

Councilmember Hall made a motion to approve the ordinance on second reading. Councilmember Frost seconded the motion. By unanimous voice vote the motion carried. The printed Ordinance can be found attached to these minutes as Ordinance No. O-107-09.

RE: MAYOR'S REPORT – YOUTH ACTION COUNCIL

Mayor Haslam stated that he had neglected to recognize members of the Youth Action Council, who were in attendance at the meeting. Mayor Haslam asked them to stand and Will Koronich, representing the Youth Action Council, addressed Council.

RE: REZONING REQUEST OF ROBERT L. SLUSHER

- 9-f.** An Ordinance to rezone property located on the northwest side of Chambliss Avenue, west of Lebanon Street from R-2, General Residential District, to O-1, Office, Medical, and Related Services District, Robert L. Slusher, Applicant. (MPC Approved 12-0-2) (File No. 5-C-09-RZ) (Second District)

Councilmember Pelot made a motion to approve the ordinance on second reading. Councilmember 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-108-09.

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

None

11. RESOLUTIONS

RE: CONVENIENCE VOTING

11-a. A Resolution expressing City Council's willingness to participate in the convenient voting pilot project. (Requested by Vice Mayor Becker)

Charles Frazier, 2444 MLK Avenue, and Daniel Brown, 2318 Dillon Street, addressed Council in support of the Resolution.

Discussion ensued with the following people speaking to the issue: Councilmembers Roddy, Bailey, Becker, Hultquist, Booker, Pelot, Hall, Frost and Woodhull, and Greg McKay, Administrator of Elections.

Councilmember Becker made a motion to approve the resolution. Councilmember Woodhull seconded the motion. Upon roll call, Councilmembers Bailey, Becker, Frost, Hall, Roddy and Woodhull voted "aye." Councilmembers Booker, Hultquist and Pelot voted "no." The motion carried and the printed resolution can be found attached to these minutes as Resolution No. R-204-09.

RE: PROPERTY ACQUISITION – MARY McMAHAN – LORAIN STREET PUBLIC WORKS COMPLEX PROJECT

11-b. A Resolution authorizing the Mayor to execute all documents on behalf of the City of Knoxville necessary to acquire, in fee simple, property located at 3126 Morris Avenue, CLT #094P-C-009, owned by Mary McMahan, for the Loraine Street Public Works Complex Project, for \$56,000.00 (Requested by Department of Public Service)

Councilmember Roddy 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-205-09.

RE: LB CONSTRUCTION d/b/a LB SERVICES – MARY JAMES PARK STREAM RESTORATION PROJECT

11-c. A Resolution authorizing the Mayor to execute an agreement with LB Construction, d/b/a LB Services, for the Mary James Park Stream Restoration Project, No. 09E-D-457 in an amount not to exceed \$75,582.68 (Requested by Department of Engineering)

Councilmember Hultquist made a motion to approve the resolution. Councilmember 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-206-09-.

RE: SOUTHERN CONSTRUCTORS, INC. – TRANSFER STATION WATER QUALITY IMPROVEMENT PROJECT

11-d. A Resolution authorizing the Mayor to execute an agreement with Southern Constructors, Inc. for the Transfer Station Water Quality Improvement Project, No. 09C-D-0463, in an amount not to exceed \$124,880.00 (Requested by Department of Engineering)

Councilmember Becker 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-207-09.

RE: CAROL R. JOHNSON ASSOCIATES, INC. – MORNINGSIDE AND INSKIP PARKS

- 11-e.** A Resolution authorizing the Mayor to enter into a contract with Carol R. Johnson Associates, Inc. for profession landscape architectural services for Morningside and Inskip Parks for an amount not to exceed \$59,455.00 (Requested by Department of Parks and Recreation)

Councilmember Booker made a motion to approve the resolution. Councilmember 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-208-09.

RE: AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) – SENIOR SERVICE AMERICA, INC. PROGRAM – LOW-INCOME SENIOR CITIZENS SERVICES

- 11-f.** A Resolution authorizing the Mayor to execute any and all documents to accept a grant from the American Recovery and Reinvestment Act (ARRA) as a subgrantee/sponsor of the Senior Service America, Inc., Program in the amount of \$112,346.00 to provide services to low-income senior citizens, helping participants to find employment and training (requested by Department of Parks and Recreation)

Councilmember Pelot made a motion to approve the resolution. Councilmember 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-209-09.

RE: KNOXVILLE HOUSING PARTNERSHIP, INC. – NEIGHBORHOOD STABILIZATION PROGRAM

- 11-g.** A Resolution authorizing the Mayor to execute an agreement with Knoxville Housing Partnership, Inc., to provide \$390,000.00 in Neighborhood Stabilization Program funding to acquire and rehabilitate residential properties that have been abandoned and/or foreclosed to sell or rent to low-income families (requested by Department of Community Development)

Councilmember Pelot made a motion to approve the resolution. Councilmember 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-210-09.

RE: WATER SYSTEM REVENUE BONDS

- 11-h.** A Resolution supplementing Resolution No. 2075 adopted by the City Council of the City of Knoxville, Tennessee on April 20, 1954 entitled “A Resolution Providing for the Issuance of Water Revenue Bonds” so as to provide for the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) of Water System Revenue Bonds, Series U-2009 (requested by Department of Finance and Accountability)

Councilmember Pelot made a motion to approve the resolution. Councilmember 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-211-09.

RE: UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS – AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) – INTERNET CRIMES AGAINST CHILDREN TASK FORCE

- 11-j.** A Resolution authorizing the Mayor to execute any and all documents necessary to accept a grant award of \$748,510.00 from the United States Department of Justice, Office of Justice Programs, under the American Recovery and Reinvestment Act of 2009 (ARRA) for supplemental funding of the Knoxville Police Department Internet Crimes Against Children Task Force (requested by Police Department)

Councilmember Roddy 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-213-09.

RE: UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS – INTERNET CRIMES AGAINST CHILDREN TASK FORCE

- 11-k.** A Resolution authorizing the Mayor to execute any and all documents necessary to accept a grant award from the United States Department of Justice, Office of Justice Programs, in the amount of \$384,286.0, for continued funding of the Knoxville Police Department's Internet Crimes Against Children Task Force (requested by Police Department)

Councilmember Pelot made a motion to approve the resolution. Councilmember 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-214-09.

RE: STATE OF TENNESSEE, GOVERNOR'S HIGHWAY AND SAFETY OFFICE - HIGHWAY SAFETY ENFORCEMENT

- 11-l.** A Resolution authorizing the Mayor to execute any and all documents necessary to accept a grant award of \$71,026.50, from the State of Tennessee, Governor's Highway and Safety Office, for the purpose of funding for overtime for highway safety enforcement and general funding for education events (Requested by Police Department)

Councilmember Frost made a motion to approve the resolution. 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-215-09.

RE: BYRNE JUSTICE ASSISTANCE GRANT – TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS – AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) – FAMILY JUSTICE CENTER

- 11-m.** A Resolution authorizing the Mayor to execute any and all documents necessary to accept a Byrne Justice Assistance grant award of \$120,000.00 from the Tennessee Office of Criminal Justice Programs, provided under the American Recovery and Reinvestment Act (ARRA) for the purpose of funding activities at the Family Justice Center (Requested by Police Department)

Councilmember Pelot made a motion to approve the resolution. Councilmember 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-216-09.

RE: UNITED STATES DEPARTMENT OF HOMELAND SECURITY – AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) – FIRE STATION 19 and FIRE STATION 13

11-n. A Resolution authorizing the Mayor to file a grant application with the United States Department of Homeland Security for funds in the amount of \$1,673,000.00 under the American Recovery and Reinvestment Act of 2009 (ARRA) to be used for the renovation of Fire Station 19 and the rebuilding of Fire Station 13, 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)

Councilmember Roddy made a motion to approve the resolution. Councilmember 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-217-09.

RE: SUMMIT MEDICAL GROUP, PLLC – EMPLOYEE HEALTH WELLNESS SERVICES

11-o. A Resolution authorizing the Mayor to execute an addendum to the health/wellness services agreement with Summit Medical Group, PLLC, to include additional services and to provide compensation for such services (requested by Department of Finance and Accountability)

Councilmember Pelot 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-218-09.

RE: SAFETY NATIONAL CASUALTY CORPORATION – WORKERS’ COMPENSATION EXCESS INSURANCE

11-p. A Resolution authorizing the Mayor to accept a proposal from Safety National Casualty Corporation for workers’ compensation excess insurance consistent with the proposal (requested by Department of Finance and Accountability)

Councilmember 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-219-09.

RE: TRAVELERS COMPANIES – WORKERS’ COMPENSATION, LIABILITY AND VEHICLE PHYSICAL DAMAGE INSURANCE

11-q. A Resolution authorizing the Mayor to accept a proposal from Travelers Companies for workers’ compensation, liability and vehicle physical damage insurance coverage for Knoxville Area Transit for an annual premium of \$830,148.00 and to execute a contract consistent with the proposal (requested by Operations and Efficiency)

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

Councilmember Frost made a motion to amend the Resolution to reflect the correct premium amount of \$840,013.00. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried.

By unanimous voice vote the motion to approve the Resolution as amended carried. The printed resolution can be found attached to these minutes as Resolution No. R-220-09.

RE: NavigatorMD, INC. – HEALTHCARE DATA ANALYSIS

11-r. A Resolution authorizing the Mayor to execute all documents necessary to enter into an agreement with NavigatorMD, Inc., for the use of its healthcare data analysis software in exchange for the City’s agreement to act as a partner in the development of that software (requested by Department of Finance and Accountability)

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

Councilmember Frost questioned the confidentiality of employee medical records. Larry Martin explained that HIPA requirements would apply to protect employees. By unanimous voice vote the motion to approve the Resolution carried. The printed resolution can be found attached to these minutes as Resolution No. R221-09.

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

APPROVED R-222-09
“*” **11-s.** A Resolution granting a pension of \$204.92 per month to Mary Prater, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-223-09
“*” **11-t.** A Resolution granting a pension of \$348.92 per month to Connie S. Phillips, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-224-09
“*” **11-u.** A Resolution granting a pension of \$121.24 per month to Sandra Ingle, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-225-09
“*” **11-v.** A Resolution granting a pension of \$378.30 per month to Linda P. Handly, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-226-09
“*” **11-w.** A Resolution granting a pension of \$99.43 per month to Patricia Grubb, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-227-09
“*” **11-x.** A Resolution granting a pension of \$88.52 per month to Sandra Guion, an employee of the former Knoxville City School System. (Requested by Pension Board)

APPROVED R-228-09
“*” **11-y.** A Resolution granting a pension of \$138.18 per month to Arlah Ewing, an employee of the former Knoxville City School System. (Requested by Pension Board)

- “*” **APPROVED R-229-09**
11-z. A Resolution granting a pension of \$102.58 per month to Sharon Barnes, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-230-09**
11-aa. A Resolution granting a pension of \$110.93 per month to Priscilla Ayres, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-231-09**
11-bb. A Resolution granting a pension of \$291.60 per month to Carolyn G. Noey, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-232-09**
11-cc. A Resolution granting a pension of \$1,363.61 per month to Janice M. Myers, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-233-09**
11-dd. A Resolution granting a pension of \$926.27 per month to Carolyn Sue McNutt, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-234-09**
11-ee. A Resolution granting a pension of \$207.42 per month to Rosa Lee Armes, an employee of the former Knoxville City School System. (Requested by Pension Board)
- “*” **APPROVED R-235-09**
11-ff. A Resolution granting a pension of \$232.31 per month to Margaret E. Leslie, an employee of the former Knoxville City School System. (Requested by Pension Board)

12. ORDINANCES ON FIRST READING

RE: SIDEWALK ACCESS IN THE DOWNTOWN NORTH REDEVELOPMENT ZONE AND THE CENTRAL BUSINESS IMPROVEMENT DISTRICT

- 12-a.** An Ordinance to amend the Knoxville City Code, Section 19-63, to prohibit Impeding sidewalk access in the Downtown North Redevelopment Zone and the Central Business Improvement District (requested by Department of Policy and Communications)

Councilmember Becker made a motion to approve the Ordinance. Councilmember Woodhull seconded the motion. By unanimous voice vote the motion carried and the Ordinance was approved on first reading.

13. PUBLIC FORUM

None

14. ADJOURNMENT

There being no further business to come before City Council, upon motion the meeting adjourned at 8:17 p.m.

Presiding Officer of the Council

Assistant City Recorder