

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

**JUNE 1, 2010 - 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 1, 2010.

Mayor Bill Haslam was present and presiding officer of the Council.

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

Councilmember Daniel Brown led in the Invocation and Councilmember Brenda Palmer led in the “Pledge of Allegiance” to the Flag.

## **3. ROLL CALL**

Present: Joe Bailey, Vice-Mayor Bob Becker, Daniel Brown, Nick Della Volpe, Duane Grieve, Brenda Palmer, Nick Pavlis and Marilyn Roddy.

Councilmember Chris Woodhull was absent.

## **4. APPROVAL OF MINUTES**

Councilmember Grieve made a motion to approve the minutes from the May 18, 2010 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**5-a. ITEMS WITHDRAWN (Indicated with “W”)**

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

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

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

Councilmember Della Volpe made a motion to add Ordinances 12c through 12h to the consent agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The ordinances were added to the consent agenda.

Vice-Mayor Becker made a motion to approve resolutions 11f through 11j and ordinances 12c through 12c on the consent agenda. Councilmember Roddy seconded the motion. By unanimous voice vote the motion carried. The consent agenda was approved. The printed resolutions and ordinances can be found attached to these minutes. (See “Resolutions” and “Ordinances on First Reading”).

## **6. MAYOR’S REPORT**

- City of Knoxville and MPC will hold a Fort Sanders Stakeholders Meeting at 3pm, June 3 in Ballroom B, University of TN Visitor Center, 2704 Kingston Pike.
- Bridge Closings: 1) E. Hill Avenue (bridge-viaduct) closed June 1 – June 5 for milling and asphalt and deck repair; 2) Gay Street Bridge closed between 9am – 3pm, June 7-8 while TDOT conducts its regular scheduled inspection; 3) Intersection of Jackson Ave. & Gay St. (adjoining the Gay Street viaduct) closed for at least two weeks beginning today for utility construction.; 4) Pleasant Ridge Road has re-opened to 2-way traffic for the total length of the project, Merchant Drive to the I-640 Bridge.
- Friday, June 4, 2010 is another “First Friday” in Downtown Knoxville.

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

- Councilmember Brown announced a District 6 Quarterly meeting to be held 10:30 a.m. on Saturday, June 5 at the Knoxville College Presidential Dining Room.
- Councilmember Palmer announced the upcoming Third District meeting to be held June 10, 2010 from 7pm – 8pm at West View Wesleyan Church.
- Councilmember Roddy thanked all who attended the Memorial Day service at the new Memorial at World’s Fair Park.

## **8. ELECTIONS AND CONFIRMATIONS**

**RE: KATHLEEN FINCH – METROPOLITAN KNOXVILLE AIRPORT AUTHORITY**

### **Resolution No. R-146-2010**

- 8-a.** A Resolution approving the reappointment of Kathleen Finch to the Metropolitan Knoxville Airport Authority. (Requested by Mayor)

Councilmembers Grieve and Roddy made a motion to approve. Councilmember Della Volpe seconded the motion. By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes.

**RE: STUART BLACKSTOCK – KNOX COUNTY TAX EQUALIZATION BOARD**

**Resolution No. R-147-2010**

- 8-b.** A Resolution appointing Stuart Blackstock to the Knox County Tax Equalization Board. (Requested by Mayor)

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.

**9. ORDINANCES ON SECOND READING**

**RE: BUDGET – APPROPRIATIONS ORDINANCE**

**Ordinance No. O-74-2010**

- 9-a.** An Ordinance making and fixing the annual appropriations for the several departments, agencies, and funds of the City of Knoxville for the fiscal period beginning July 1, 2010 and ending June 30, 2011. (Requested by Department of Finance and Accountability)

Vice-Mayor Becker made a motion to approve the ordinance on second reading. Councilmember Bailey seconded the motion.

Vice-Mayor Becker gave a brief overview of the budget process.

Vice-Mayor Becker recognized Indya Kincannon, Chair of the Knox County School Board. Ms. Kincannon addressed Council on the budget and thanked Vice-Mayor Becker for his proposal of additional support for schools.

Discussion began with the following persons speaking: Firefighter representative Kevin Faddis, General Government representative Anita Cash.

Anita Cash asked that it be placed in the record that she has not and will not receive any money from the Mercer Pay Plan.

Councilmember Della Volpe and Vice-Mayor Becker continued discussion.

Vice-Mayor Becker made the following amendatory motion: “To have a shift in the ratio of the tax rate to move four (4) cents of the debt service tax into the general fund, which should increase the general fund by about one million dollars. Use the one million dollars to fund the third year of the Mercer Pay Plan and reduce the debt service fund by one million and reduce the transfer from debt service to capital by one million and transfer one million from the general fund reserve into the capital fund.” Councilmember Pavlis seconded the motion.

Discussion ensued on Vice-Mayor Becker's motion – the following persons speaking: Councilmember Bailey, Deputy to the Mayor Larry Martin, Finance Director Jim York, Councilmember Grieve, Councilmember Della Volpe, Vice-Mayor Becker and Councilmember Roddy.

Councilmember Roddy made the following substitute motion: "To fully fund the Mercer Pay Plan and that \$800,000 to \$1,000,000 be taken out of debt service funds that are currently being allocated toward capital projects." Councilmember Bailey seconded the motion.

Discussion continued on Mrs. Roddy's motion with Vice-Mayor Becker, Councilmember Grieve, Larry Martin, Jim York, Councilmember Della Volpe, Councilmember Bailey, Councilmember Pavlis, Councilmember Brown, Mayor Haslam.

Upon roll call on the motion presented by Councilmember Roddy, Council voted as follows: Councilmembers Bailey and Roddy voted "Aye." Councilmembers Becker, Brown, Della Volpe, Grieve, Palmer and Pavlis voted "Nay." The motion failed.

Discussion continued with the following persons speaking: Vice-Mayor Becker, Councilmember Della Volpe, Councilmember Roddy and Larry Martin speaking.

Upon roll call on the amendatory motion presented by Vice-Mayor Becker, Council voted as follows: Councilmembers Becker, Brown, Palmer and Pavlis voted "Aye." Councilmembers Bailey, Della Volpe, Grieve and Roddy voted "Nay." The vote was tied. The motion failed.

Vice-Mayor Becker and Charles Swanson spoke.

Vice-Mayor Becker offered the following motion: "To fully fund the Mercer Pay Plan by pulling \$500,000 from capital and \$500,000 from the fund balance." Councilmember Pavlis seconded the motion.

Councilmember Grieve made a motion to call the question on the budget.

Charles Swanson stated that if you call the question you have to call the question on the motion currently prevailing which is Vice-Mayor Becker's motion, not the motion on the budget.

Councilmember Grieve made a motion to call the question on Vice-Mayor Becker's motion. Councilmember Della Volpe seconded the motion. By voice vote the Council voted as follows on the motion: Councilmembers Bailey, Brown, Della Volpe, Grieve, Palmer and Roddy voted "Aye." Councilmembers Becker and Pavlis voted "Nay." The motion carried.

Upon roll call on Vice-Mayor Becker's motion, Council voted as follows: Councilmembers Becker, Brown, Palmer and Pavlis voted "Aye." Councilmembers Bailey, Della Volpe, Grieve and Roddy voted "Nay." The voted ended in a tie. Mayor Haslam voted "Nay." The motion failed.

Councilmember Roddy made a motion to call the question on the budget. Councilmember Grieve seconded the motion. Upon roll call, Councilmembers Brown, Della Volpe and Grieve voted "Aye." Councilmembers Bailey, Becker, Palmer, Pavlis and Roddy voted "Nay." The motion failed.

Councilmember Della Volpe made the following motion: "To approve the budget as presented with an addendum that the administration take a close look and report back to City Council no later than the first meeting in January (2011) as to whether

the revenues or receipts have increased sufficient so as to fund the remaining portion of the Mercer Plan.”

Council Attorney Charles Swanson stated that because the Charter requires a budget to be set in a particular ordinance that essentially what Councilman Della Volpe’s motion is doing is surplusage and advisory to the Administration and the motion is not technically legal or enforceable.

Vice-Mayor Becker made a motion to reconsider Mrs. Roddy’s earlier motion which was restated by Councilmember Roddy as follows: “To fully fund the Mercer Plan in this year’s budget. To do that you would redirect funds from the debt service funds that are currently being used to fund capital projects and reduce the capital improvement plan expenditures by the like amount.”

Councilmember Roddy, Larry Martin, Vice-Mayor Becker, Mayor Haslam and Councilmember Della Volpe addressed the motion.

Councilmember Pavlis seconded the motion to reconsider. Upon roll call, Councilmembers Bailey, Becker and Pavlis voted “Aye.” Councilmembers Brown, Della Volpe, Grieve, Palmer and Roddy voted ‘Nay.’ The motion failed.

Councilmember Della Volpe made a motion to call the question on the budget as presented. Councilmember Grieve seconded the motion. By voice vote the vote was undistinguishable.

Vice-Mayor Becker called for a roll call vote on the motion.

Upon roll call, Councilmembers Brown, Della Volpe and Grieve voted “Aye.” Councilmembers Bailey, Becker, Palmer, Pavlis and Roddy voted “Nay.” The motion failed.

Vice-Mayor Becker, Councilmember Bailey, Jim York, Councilmember Pavlis, Councilmember Della Volpe, Councilmember Roddy, Mr. Gartner and Councilmember Grieve addressed the budget ordinance.

Upon roll call on the motion to approve the budget as presented, Councilmembers Bailey, Becker, Brown, Della Volpe, Grieve and Roddy voted “Aye.” Councilmembers Palmer and Pavlis voted “Nay.” The motion carried. The budget was approved as presented. The printed ordinance can be found attached to these minutes.

## **POSTPONEMENT OF 12B – R-4 ZONING**

**12-b.** An Ordinance to amend certain portions of the Knoxville City Code, Appendix B “Zoning Regulations,” Articles II, IV, and V to add definitions and to create a new R-4 (Residential/Office) District to provide a mix of uses that are complementary in scale to adjacent residential neighborhoods. (MPC Approved 13-0) (File No. 11-A-07-OA)

Vice-Mayor Becker and Councilmember Roddy discussed the postponement of ordinance 12b.

Councilmember Grieve made a motion to postpone the ordinance two weeks. Councilmember Palmer seconded the motion.

Councilmember Roddy made a substitute motion to postpone the ordinance four (4) weeks. Councilmember Palmer seconded the motion. By voice vote the Council voted as follows on the motion to postpone four weeks: Councilmembers Bailey, Brown, Grieve, Palmer, Pavlis and Roddy voted "Aye." Councilmembers Becker and Della Volpe voted "Nay." The motion carried. The ordinance was postponed four weeks.

## **RETURN TO AGENDA**

### **RE: TAX LEVY**

#### **Ordinance No. O-75-2010**

- 9-b.** An Ordinance to levy a tax on all taxable properties, real, personal and mixed, within the corporate limits of the City of Knoxville to provide sufficient revenues to fund the general fund and debt service fund operations and debt service obligations of the City of Knoxville for the fiscal period beginning July 1, 2010 and ending June 30, 2011. (Requested by Department of Finance and Accountability)

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.

### **RE: CITY CODE AMENDMENT – CITY OF KNOXVILLE’S CLASIFICACION AND COMPENSATION PLAN FOR GENERAL GOVERNMENT AND UNIFORMED EMPLOYEES**

#### **Ordinance No. O-76-2010**

- 9-c.** An Ordinance to amend Sections 2-450, 2-458, and 2-459 of the Knoxville City Code to adjust the City of Knoxville's classification and compensation plans for general government employees and uniformed members of the police and fire departments. (Requested by Department of Civil Service)

Councilmember Roddy made a motion to approve the ordinance on second reading. Vice-Mayor Becker seconded the motion.

Councilmembers Grieve and Della Volpe, Mayor Haslam and Melissa Berry of Civil Service addressed the ordinance.

By unanimous voice vote the motion carried. The printed ordinance can be found attached to these minutes.

**RE: 2011 – 2016 KNOXVILLE CAPITAL IMPROVEMENT PROGRAM – 2011  
CAPITAL IMPROVEMENT BUDGET**

**Ordinance No. O-77-2010**

- 9-d.** An Ordinance to approve and adopt the FY 2011–2016 Knoxville Capital Improvement Program, including the FY 2011 Capital Improvement Budget. (MPC Approved 12-0-1) (File No. 4-B-10-OB)

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 and the printed ordinance can be found attached to these minutes.

**A FIVE MINUTE RECESS WAS OBSERVED**

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

None.

**11. RESOLUTIONS**

**RE: METROPOLIAN PLANNING COMMISSION – WEST BAXTER  
AVENUE**

**Resolution No. R-148-2010**

- 11-a.** A Resolution respectfully requesting that the Metropolitan Planning Commission study and evaluate the zoning designation for certain parcels of real property located on the north side of West Baxter Avenue, giving serious consideration to whether such property should be rezoned to an appropriate residential zoning designation. (Requested by Councilmember Della Volpe)

Charles Richmond, 428 E. Scott Avenue, spoke in favor of the resolution.

Councilmember Della Volpe 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.

**RE: KNOXVILLE-KNOX COUNTY COMMUNITY ACTION COMMITTEE –  
ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT  
PROGRAM**

**Resolution No. R-149-2010**

- 11-b.** A Resolution authorizing the Mayor to execute an agreement with Knoxville-Knox County Community Action Committee to provide

\$200,000.00 in funding under the Energy Efficiency and Conservation Block Grant Program, a program funded by the American Recovery and Reinvestment Act of 2009, for a weatherization program for low- and moderate-income households within Knoxville. (Requested by Department of Policy & Communications)

Councilmember Della Volpe addressed the resolution.

Councilmember Palmer 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.

**RE: TENNESSEE DEPARTMENT OF TRANSPORTATION – KNOXVILLE SHOALS PROMENADE PROMJECT TO THE CITYVIEW RIVERWALK EXTENSION – SOUTH WATERFRONT DEVELOPMENT**

**Resolution No. R-150-2010**

- 11-c.** A Resolution amending Resolution No. R-362-08, which authorized the Mayor to file a grant application with the Tennessee Department of Transportation for funds in the amount of \$678,110.50, so as to redirect the use of these grant funds and the local matching funds from the Knoxville Shoals Promenade Project to the Cityview Riverwalk Extension Project. (Requested by South Waterfront Development)

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

Councilmember Grieve and South Waterfront Development Director Dave Hill addressed the resolution.

By unanimous voice vote the motion carried. The printed resolution can be found attached to these minutes.

**RE: HURST EXCAVATING, LLC – 2009 NEIGHBORHOOD DRAINAGE PROJECT**

**Resolution No. R-151-2010**

- 11-d.** A Resolution authorizing the Mayor to execute Change Order No. 2 to Contract No. C-10-0027 with Hurst Excavating LLC for the 2009 Neighborhood Drainage Project so as to increase the contract price by \$11,823.39 for a new contract amount of \$291,122.09 and to extend the contract time by 79 calendar days for a new completion date of June 18, 2010. (Requested by Department of Engineering)

Councilmember Della Volpe 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.



**RE: APAC-ATLANTIC, INC. – PAPERMILL BLUFF GREENWAY  
PROJECT- AMERICAN RECOVERY AND REINVESTMENT ACT**

**Resolution No. R-152-2010**

- 11-e.** A Resolution authorizing the Mayor to execute an agreement with APAC-Atlantic, Inc. for the Papermill Bluff Greenway Project, in an amount not to exceed \$646,517.90 to be funded by the American Recovery and Reinvestment Act (ARRA). (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.

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

**Resolution No. R-153-2010**

- “\*” **11-f.** A Resolution granting a pension of \$3,094.94 per month to Lloyd M. Strawn, an employee of the Knoxville Fire Department. (Requested by Pension Board)

**Resolution No. R-154-2010**

- “\*” **11-g.** A Resolution granting a pension of \$1,560.91 per month to Alfred Leon Knight, an employee of the Knoxville General Government. (Requested by Pension Board)

**Resolution No. R-155-2010**

- “\*” **11-h.** A Resolution granting a pension of \$1,719.21 per month to Michael Bensey, an employee of the Knoxville General Government. (Requested by Pension Board)

**Resolution No. R-156-2010**

- “\*” **11-i.** A Resolution granting a pension of \$256.18 per month to Royce A. Sanders, an employee of the former Knoxville City School System. (Requested by Pension Board)

**Resolution No. R-157-2010**

- “\*” **11-j.** A Resolution granting a pension of \$299.82 per month to William G. Haney, an employee of the Knoxville General Government. (Requested by Pension Board)

**12. ORDINANCES ON FIRST READING**

**RE: EAST COUNTY SECTOR PLAN DATED 2010 – KNOXVILLE-KNOX COUNTY GENERAL PLAN**

- 12-a.** An Ordinance approving the East County Sector Plan dated February 2010, which amends the Knoxville-Knox County General Plan. (MPC Approved 8-4) (File No. 2-A-10-SAP) (Fourth District)

Vice-Mayor Becker made a motion to approve the ordinance on first reading. Councilmember Bailey seconded the motion.

Discussion ensued with the following persons addressing the ordinance: Councilmember Bailey, Charles Swanson, MPC Executive Director Mark Donaldson, Councilmember Brown, Councilmember Della Volpe, Bob Wolfenbarger, Lisa Starbuck, David Buuck, Councilmember Grieve.

Councilmember Della Volpe made a motion to add amendatory language to Section 1 of the Ordinance so that the new Section 1 reads as follows:

“SECTION 1: The Council hereby approves that portion of the East County Sector Plan located within the corporate limits of the City of Knoxville, together with any policy changes associated with and required for the changes within the corporate limits of the City of Knoxville, dated February 2010, which amends the General Plan, attached hereto as Exhibit 1.”

Vice-Mayor Becker seconded the motion to amend. By unanimous voice vote the motion carried. The amendment was approved.

By unanimous voice vote the motion to approve the ordinance, as amended, was adopted. The ordinance was approved on first reading.

**The following Community Improvement (202) Fund ordinances were approved unanimously on emergency reading under the consent agenda:**

**Ordinance No. O-78-2010**

- 12-c.** An Emergency Ordinance appropriating the sum of \$4,000.00 from the Community Improvement (202) Fund and making said funds available to the City of Knoxville Capital Projects Fund-401, as adopted by Ordinance O-125-07, to provide for additional funding for golf course improvements, (REC074305). (Requested by Councilmember Bailey)

**Ordinance No. O-79-2010**

- 12-d.** An Emergency Ordinance appropriating the sum of \$1,500.00 from the Community Improvement (202) Fund and donating same to Knoxville-Knox County Community Action Committee, for the benefit of the Fifth Annual Beardsley Community Farm Festival. (Requested by Councilmembers Brown, Woodhull, and Vice Mayor Becker)

**Ordinance No. O-80-2010**

- 12-e.** An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to Chilhowee Intermediate School to be utilized toward the purchase and installation of a security system. (Requested by Councilmembers Della Volpe and Vice Mayor Becker)

**Ordinance No. O-81-2010**

- 12-f.** An Emergency Ordinance appropriating the sum of \$1,750.00 from the Community Improvement (202) Fund and donating same to Golden Gloves Charities, Inc., to be utilized toward the summer amateur boxing program. (Requested by Councilmembers Palmer and Brown)

**Ordinance No. O-82-2010**

- 12-g.** An Emergency Ordinance appropriating the sum of \$1,650.00 from the Community Improvement (202) Fund and donating same to Golden Gloves Charities, Inc., acting as fiscal agent for the Baby Roadrunner Football Organization. (Requested by Councilmembers Palmer and Brown)

**Ordinance No. O-83-2010**

- 12-h.** An Emergency Ordinance appropriating the sum of \$1,000.00 from the Community Improvement (202) Fund and donating same to the East Tennessee Community Design Center to be utilized toward the purchase of certain needed equipment. (Requested by Councilmembers Bailey and Vice Mayor Becker)

**13. PUBLIC FORUM**

Ron Peabody (see comments attached)

**14. ADJOURNMENT**

There being no further business to come before City Council, upon motion the meeting adjourned at 10:05 p.m.

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Presiding Officer of the Council

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Recorder

## AN EXCERPT FROM A KNOXVILLE CITY COUNCIL MEETING

June 1, 2010

### Re: Public Forum Comments of Ron Peabody

**RON PEABODY:** Thank you. Ron Peabody, 625 South Gay Street, Knoxville, 37902. I'll apologize for the late hour. I would normally have probably delayed this, but I think it's an urgent issue; that's why I'm going to go ahead and present this this evening. Thank you for allowing me to address you on a matter of utmost importance. I've come to ask City Council to perform an inquiry relating to the actions of our City Law Department concerning Sections 708 and 709 of the Knoxville City Charter. Our Law Department has in the past few weeks advised the Tennessee State Division of Elections that they have found flaws in our Charter, which will interfere with the right of the people to redress the City government. Because of the actions of our City Law Department, the coordinator of elections is now considering writing an opinion which would render provisions of Sections 708 and 709 invalid. Meaning that to have a referendum on the ballot we would have to collect twice the number of signatures as the total number of people who voted in the last mayoral election and that City Council would not have the ability to take action on the referendums before going to the voters as stated in our Charter. This is neither right nor fair. Section 709 has been amended in both 2003 and 2006, yet according to Ronald Mills, the Deputy Law Director, each time in this decade this section has been amended it was not amended correctly to conform to the Tennessee Code Annotated. This should trouble all voters. How does this happen? Was this a case of benign neglect; a case of indifference or something worse? We met with Knox County Election officials and read the City Charter and followed it to the letter. Our referendums were approved by the State Division of Elections and then we learned of a challenge by our own City Law Department to the legality of our referendums; referendums that had already been approved by the State Division of Elections. How is it possible that our own Law Department has taken actions to disenfranchise the voters of the City of Knoxville in this way? Whatever the law is, we will comply with it, but our group feels that an inquiry into this stunning revelation is appropriate. At this point in time no written opinion has been given by Mark Goins, the Tennessee State Coordinator of Elections, but we are a Home Rule Municipality and we have the right to choose our own standards rather than rely on state law. We have fought long and hard for this right. As soon as an opinion is rendered by Mr. Goins, we will seek action in court with a Knoxville Chancellor. We request of you a definitive inquiry of how this happened. We expect that our Charter is whole. This is the job of the Mayor, the City Council and the Law Department. Our group wants to insure that this will never happen again. I ask Council to carefully consider this request and ultimately to restore the rights of the people to redress their government. Thank you

**MAYOR BILL HASLAM:** Just for the record, it came down ... actually the State Election Commission called us and then they said their law supersedes ours. We were actually going by the old opinion; just to be clear about that.

**RON PEABODY:** Mayor, may I address that Mayor?

**MAYOR HASLAM:** Mr. Della Volpe

**COUNCILMAN NICK DELLA VOLPE:** I was going to say, if there are documents that you have, please submit them to ... I guess, Mrs. Mitchell, and we'll be happy to look at them

**RON PEABODY:** Well, I've spoken with Beth Henry Robertson and Beth Henry Robertson said this was not initiated by the State. This was initiated by the Law Department of this City.

**MAYOR HASLAM:** Beth called us.

**RON PEABODY:** Well, so, did she tell me an untruth?

**MAYOR HASLAM:** I don't know.

**RON PEABODY:** Did our State Election Commission and our State Election Board not tell me the truth?

**MAYOR HASLAM:** I don't ...

**RON PEABODY:** .... all the legal terms ...

**MAYOR HASLAM:** Excuse me, the reality is this, state law prevails in this. We were the ones going by the other way, so I'm not sure how we got to be the bad guys. We're the ones saying, "no our rules applied" and they said, no their rules apply.

**RON PEABODY:** Mr. Mayor, I respectfully disagree with what you've said, because quite frankly our legal team and myself have talked with the State election official and that is not the facts of what happened.

**MAYOR HASLAM:** Well ...

**RON PEABODY:** Quite frankly, if that's the case, then what I suggest is that this City Council take action to correct it immediately. And, they can take that action, because they can put ordinances on the ballot and go before voters in November to be corrected. That's the point of why I'm here. Thank you.