

AGENDA FOR TUESDAY, SEPTEMBER 3, 2002

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Hakeem).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Second & Third Reading:
- VI. Ordinances - First Reading:
 - a) MR-2001-153 Americo Group by Thomas Kale (Amend Ordinances). An ordinance amending Ordinance No. 11216, adopted December 4, 2001, and Ordinance No. 11282, adopted July 9, 2002, closing and abandoning all recorded rights-of-way in an area bounded by West 33rd Street on the north, West 35th Street on the south, Broad Street on the East and St. Elmo Avenue on the west, by permitting BellSouth to retain their full easement on West 34th Street.
 - b) 2002-108 Marvin Berke and Ronald Berke (From M-1 to R-3). Rezone a tract of land located at 2152 Glass Street, more particularly described herein. **(Deferred from 08-27-02, recommended for approval by Planning)**
 - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Article III, by adding a new Section 5-87 relative to open containers of and the consumption of alcoholic beverages and beer in public places and on certain private property. **(Added by permission of the Legal and Legislative Committee)**
 - d) An ordinance appropriating, authorizing, or allocating funds to the Capital Improvements Budget for the Fiscal Year 2002/2003. **(Added by permission of Budget and Finance Committee)**
 - e) An ordinance to amend Ordinance No. 11285, so as to appropriate, authorize and allocate \$1,750,000.00 from the unreserved fund balance of the StormWater Operating Fund so as to provide funds for the construction of certain stormwater projects. **(Added by permission of Budget and Finance Committee)**
- VII. Resolutions:
 - a) A resolution authorizing the City Finance Officer to execute such documents as may be necessary so as to facilitate the renovation of the property known as the Carr Street Apartments.
 - b) A resolution expressing the intent of the City of Chattanooga to issue obligations in an amount not to exceed \$6,000,000.00, to finance the costs of various projects appropriated in the Interim Capital Budget, Ordinance No. 11271.

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VII. Resolutions (continued):

- c) A resolution authorizing and ratifying payments made by the City Finance Officer in conjunction with design and renovation of the City Hall campus and authorizing the City Finance Officer to enter into agreements with TWH Architects, Inc.
- d) A resolution authorizing the City Finance Officer to execute any and all documents necessary to facilitate the sale of certain real property located at 305 North Greenwood Avenue, more particularly described herein, to John Gilbreath for a consideration of \$3,500.00.
- e) A resolution declaring certain real properties located at 4526 Oakland Avenue and the 4500 block of West 47th Street, more particularly described herein, as surplus and authorizing the City Finance Officer to execute any and all documents necessary to facilitate the sale of said properties to W.A.S. Properties, LLC, for a consideration of \$500.00, for the development of single family housing.
- f) A resolution authorizing the City Finance Officer to execute any and all documents necessary to facilitate the sale of certain real property located at 2011 Wilson Street, more particularly described herein, to W.A.S. Properties, LLC, for a consideration of \$2,500.00.
- g) A resolution authorizing payment in an amount not to exceed \$17,211.04 to the University of Tennessee at Chattanooga, for a Water Quality Baseline Study from 1997 to 2001.
- h) A resolution authorizing the award of Contract MR-1-2002 for miscellaneous sewer repairs to East Tennessee Grading, Inc. and Mayse Construction Company for a combined contract amount of \$1,145,000.00; and to Waste Resources for emergency sewer repairs for an amount not to exceed \$100,000.00.
- i) A resolution authorizing the acceptance of an easement from Hamilton County Government on property located at 510 East 4th Street, more particularly described herein, relative to completion of work associated with the widening of 4th Street as part of Contract No. RW-1-01.
- j) A resolution authorizing the acceptance of an easement from Hamilton County Government on property located at 414 Georgia Avenue, more particularly described herein, relative to the completion of work associated with the widening of 4th Street as part of Contract No. RW-1-01.
- k) A resolution authorizing the acceptance of an easement from the United States Postal Service, Tax Map No. 138O-B-001.02, Tract No. 12A, relative to completion of work associated with the widening of Shallowford Road as part of Contract No. RW-3-00.
- l) A resolution authorizing the transfer of a deed of perpetual channel improvement easement to the government of Hamilton County in order to carry out a riverbank protection project for Tax Map No. 118N-D-008, Tract No. 609E, by Hamilton County in collaboration with the U.S. Army Corps of Engineers.

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VII. Resolutions (continued):

- m) A resolution authorizing the transfer of a deed of perpetual channel improvement easement to the government of Hamilton County in order to carry out a riverbank protection project for Tax Map No. 118N-F-001, Tract No. 608E, by Hamilton County in collaboration with the U.S. Army Corps of Engineers.
- n) A resolution authorizing the transfer of a deed of perpetual channel improvement easement to the government of Hamilton County in order to carry out a riverbank protection project for Tax Map No. 135E-N-002, Tract No. 801E, by Hamilton County in collaboration with the U.S. Army Corps of Engineers.
- o) A resolution authorizing the purchase of a deed of perpetual channel improvement from Riviera Villas, relative to the Tennessee Riverbank Stabilization Project, Tax Map No. 135E-N-023, Tract No. 800E, for a total consideration of \$11,575.00.
- p) A resolution authorizing the Chattanooga Coffee Company to use temporarily the City's right-of-way of Georgia Avenue behind 1010 Market Street for placement of a sign over the Georgia Avenue sidewalk, subject to certain conditions.
- q) A resolution authorizing the Director of the Office of Performance Review to apply for and, if approved, accept a grant from the United States Department of Health and Human Services, Substance Abuse and Mental Health Administration, relative to the provision of relapse prevention and substance abuse treatment services, in the amount of \$1,500,000.00.
- r) A resolution approving and adopting a three-year capital improvement plan subject to future revision.

VIII. Overtime Report.

IX. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks, Recreation, Arts & Culture.
- c) Department of Public Works.
- d) Fire Department.
- e) Police Department.
- f) Department of Finance and Administration.
- g) Department of Personnel.
- h) Department of Neighborhood Services.
- i) City Finance Officer.
- j) City Attorney.

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- X. Other Business.
- XI. Committee Reports.
- XII. Agenda Session for Tuesday, September 10, 2002.
- XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- XIV. Adjournment.

XII. Agenda Session for Tuesday, September 10, 2002:

AGENDA FOR TUESDAY, SEPTEMBER 10, 2002

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Lively).
3. Minute Approval.
4. Special Presentations :
5. Ordinances – Second & Third Reading:
 - a) MR-2001-153 Americo Group by Thomas Kale (Amend Ordinances). An ordinance amending Ordinance No. 11216, adopted December 4, 2001, and Ordinance No. 11282, adopted July 9, 2002, closing and abandoning all recorded rights-of-way in an area bounded by West 33rd Street on the north, West 35th Street on the south, Broad Street on the East and St. Elmo Avenue on the west, by permitting BellSouth to retain their full easement on West 34th Street.
 - b) 2002-108 Marvin Berke and Ronald Berke (From M-1 to R-3). Rezone a tract of land located at 2152 Glass Street, more particularly described herein. **(Deferred from 08-27-02, recommended for approval by Planning)**
 - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Article III, by adding a new Section 5-87 relative to open containers of and the consumption of alcoholic beverages and beer in public places and on certain private property.
 - d) An ordinance appropriating, authorizing, or allocating funds to the Capital Improvements Budget for the Fiscal Year 2002/2003.
 - e) An ordinance to amend Ordinance No. 11285, so as to appropriate, authorize and allocate \$1,750,000.00 from the unreserved fund balance of the StormWater Operating Fund so as to provide funds for the construction of certain stormwater projects.
6. Ordinances – First Reading:
 - a) 2002-042 Pro Properties of Chattanooga (Amending Ordinance). An ordinance amending Ordinance 11297, adopted July 23, 2002, closing and abandoning a fifty foot (50') wide right-of-way located in the 2200 block of Baldwin Street, as shown on the map attached hereto and made a part hereof by reference, by deleting "Tax Map No. 148G-N-007 and 008" and substituting in lieu thereof "Tax Map No. 145M-C-006".
 - b) 2002-071 Volunteer Behavioral Health Care Systems (From M-1 to C-2). Rezone a tract of land located at 413 Spring Street, more particularly described herein. **(Recommended for denial by Planning - recommend approval of different zone, see alternate version - deferred from 07-09-02)**

XII. Agenda Session for Tuesday, September 10, 2002 (continued):

6. Ordinances – First Reading (continued):

2002-071 Volunteer Behavioral Health Care Systems (From M-1 to R-4). Rezone a tract of land located at 413 Spring Street, more particularly described herein, subject to certain conditions. **(Recommended for approval)**

- c) 2002-114 Capital Toyota, Inc. (Amend Ordinance) (From R-1 to C-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 201 Chickamauga Road and 107 Aiken Road, more particularly described herein, from R-1 Residential Zone to C-1 Highway Commercial Zone. **(Recommended for denial – recommend approval of different zone, see alternate version)**

2002-114 Capital Toyota, Inc. (Amend Ordinance) (From R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 201 Chickamauga Road and 107 Aiken Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval)**

- d) 2002-126 Crest Partnership, LLC (Amend Ordinance) (From R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1526 Old Ringgold Road, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone. **(Recommended for denial – recommended for approval of different zone, see alternate version)**

2002-126 Crest Partnership, LLC (Amend Ordinance) (From R-2 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1526 Old Ringgold Road, more particularly described herein, from R-2 Residential Zone to R-3MD Moderate Density Zone, subject to certain conditions. **(Recommended for approval)**

- e) 2002-129 Center for Sports Medicine and Orthopaedics (Amend Ordinance) (From R-1 to C2). A resolution to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2421 McCallie Avenue, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Recommended for denial – recommended for approval of different zone, see alternate version)**

2002-129 Center for Sports Medicine and Orthopaedics (Amend Ordinance) (From R-1 to R-4). A resolution to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2421 McCallie Avenue, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval)**

XII. Agenda Session for Tuesday, September 10, 2002 (continued):

6. Ordinances – First Reading (continued):

- f) 2002-136 Troy L. Cox (Amend Ordinance) (From R-1 and C-2 to M-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 706 Ashland Terrace, more particularly described herein, from R-1 Residential Zone and C-2 Convenience Commercial Zone to M-2 Light Industrial Zone. **(Recommended for denial)**
- g) 2002-141 Frank Tatum (Amend Ordinance) (From R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 211 Nowlin Lane, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Recommended for denial – recommended for approval of different zone, see alternate version).**
- 2002-141 Frank Tatum (Amend Ordinance) (From R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 211 Nowlin Lane, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Recommended for approval)**
- h) MR-2002-142 William D. Scott (Closure and Abandonment). An ordinance closing and abandoning a fifty foot (50') wide right-of-way located in the 1300 block of Simmons Drive, more particularly described herein and as shown on the map attached on the map attached hereto and made a part hereof by reference, with the Electric Power Board, Chattanooga Gas Company, and the City of Chattanooga retaining their utility easements in the full width of the existing right-of-way of Simmons Drive, subject to certain conditions. **(Recommended for denial by Staff)**
- MR-2002-142 William D. Scott (Closure and Abandonment). An ordinance closing and abandoning a fifty foot (50') wide right-of-way located in the 1300 block of Simmons Drive, more particularly described herein and as shown on the map attached on the map attached hereto and made a part hereof by reference, with the Electric Power Board, Chattanooga Gas Company, and the City of Chattanooga retaining their utility easements in the full width of the existing right-of-way of Simmons Drive, subject to certain conditions. **(Recommended for approval by Planning)**
- i) 2002-144 Knitting Mill, LLC – Jon M. Kinsey (Amend Ordinance) (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1433 Williams Street, more particularly described herein, From M-1 Manufacturing Zone to C-3 Central Business Zone. **(Recommended for denial – recommended for approval of different zone, see alternate version)**

XII. Agenda Session for Tuesday, September 10, 2002 (continued):

6. Ordinances – First Reading (continued):

2002-144 Knitting Mill, LLC – Jon M. Kinsey (Amend Ordinance) (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1433 Williams Street, more particularly described herein, From M1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval)**

- j) 2002-146 Ruby B. Creighton and E. Steve Bates (Amend Ordinance) (From R-1 to R-4). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 200 Walker Street, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Recommended for approval)**

7. Resolutions:

- a) A resolution authorizing the execution of Change Order No. 1, Relative to the Southside Streetscape Project, Contract NO. SS-2-01, with J&J Contracting, Inc., which Change Order decreases the contract amount by \$14,085.61, for a revised contract price not to exceed \$508,087.79.
- b) A resolution authorizing the execution of an Agreement with Dennis Smith for construction inspection of various Public Works projects for a total amount not to exceed \$125,000.00.
- c) A resolution authorizing the Administrator of the Department of Public Works or the Mayor to execute such documents as may be necessary related to the environmental remediation of the site bounded by Martin Luther King Boulevard, 10th Street, Market Street and Broad Street (the “Butcher Block”) and conveyance of the property to the Electric Power Board.

8. Overtime Report.

9. Departmental Reports:

- a) Department of Human Services.
b) Department of Parks, Recreation, Arts & Culture.
c) Department of Public Works.
d) Fire Department.
e) Police Department.
f) Department of Finance and Administration.
g) Department of Personnel.
h) Department of Neighborhood Services.
i) City Finance Officer.
j) City Attorney.

XII. Agenda Session for Tuesday, September 10, 2002 (continued):

10. Other Business.
11. Committee Reports.
12. Agenda Session for Tuesday, September 17, 2002.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.