

AMENDED AGENDA FOR TUESDAY, JUNE 2, 2009

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Berz)
- III. Minute Approval.
- IV. Special Presentations.

Presentation of 2009 “Together We Can” Scholarship Recipients

- V. Ordinances – Final Reading:
 - a) An ordinance appropriating from the Department of Parks and Recreation Fund P415 to Friends of the Zoo, Inc. an amount not to exceed \$30,000.00 for their fundraising campaign to develop an ADA accessible playground at Warner Park.
 - b) MR-2009-023 Mark Jackson (Close and Abandon). An ordinance closing and abandoning an unopened alley located in the north line of the 900 block of Crutchfield Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 2, by adding a new Article XIV to establish an Audit Committee and procedures for the City Council Auditor. **(Tabled one week from 5/26/09.)**
 - b) An ordinance providing for an Interim Budget and appropriating funds for the usual and ordinary expenses of the City Government for the months of July, August, and September 2009, pending the adoption of the 2009-2010 Annual Budget.
 - c) An ordinance to amend Ordinance No. 12139, the Budget Ordinance, so as to appropriate \$4,500,000.00 from the General Fund reserves due to shortfall in projected revenues for the current fiscal year. **(Added by permission of Vice Chair Rico.)**
- VII. Resolutions:
 - a) A resolution authorizing the Mayor to enter into an agreement with Waterhouse Public Relations for public relations services relative to recycling for the term beginning May 1, 2009 and ending June 30, 2010 in an amount not to exceed \$102,000.00.
 - b) A resolution authorizing the appointment of Dean C. Hagen and Phillip W. Dyar, Sr. as special policemen (armed) for the Chattanooga Police Department, to do special duty as prescribed herein, subject to certain conditions.

Amended Agenda for Tuesday, June 2, 2009

Page 2 of 7

- c) A resolution authorizing the interim Chief of the Chattanooga Fire Department to enter into an agreement with Franklin Associates Architects, Inc. for design of the Enterprise South Fire Station in an amount not to exceed \$245,000.00.
- d) A resolution authorizing the award of a contract to GR Industrial to re-roof the Police Annex Building and Service Center in an amount not to exceed \$83,380.00.
- e) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Norfolk Southern to conduct preliminary engineering services relative to a proposed trail under the South Chickamauga Bridge in an amount not to exceed \$10,000.00.
- f) A resolution authorizing Roger A. Curtis to use temporarily 129 Walnut Street for installation of a sign, outdoor seating, and planters, as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions.

VIII. Overtime Report.

IX. Departmental Reports:

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

X. Other Business.

XI. Committee Reports.

XII. Agenda Session for Tuesday, June 9, 2009.

XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.

XIV. Adjournment.

XII. Agenda Session for Tuesday, June 9, 2009:

AGENDA FOR TUESDAY, JUNE 9, 2009

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Rico)
3. Minute Approval.
4. Special Presentations.

**Public Works Employees and Manager of the Year Presentations
By Administrator Steve Leach**

5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 2, by adding a new Article XIV to establish an Audit Committee and procedures for the City Council Auditor. **(Tabled one week from 5/26/09.)**
 - b) An ordinance providing for an Interim Budget and appropriating funds for the usual and ordinary expenses of the City Government for the months of July, August, and September 2009, pending the adoption of the 2009-2010 Annual Budget.
6. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Section 38-2, Section 38-185, and Section 38-527, relative to the regulation of nightclubs. **(Tabled two weeks from 5/26/09.)**
 - b) An ordinance to amend Chattanooga City Code, Chapter 5, by adding a new Article VI, Sections 5-189 through 5-194, relative to Special Gathering Permits. **(Tabled two weeks from 5/26/09.)**
 - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Article II to add definitions for “Garden Center,” “Greenhouse, Commercial,” “Greenhouse, Non-Commercial,” “Nursery, Commercial,” and “Nursery, Non-Commercial,” and amending Article V, Sections 38-187(3), 38-206(2), 38-321(1), and 38-473(12) within C-2 Convenience Commercial Zone, Urban General Commercial Zone, M-2 Light Industrial Zone, and parking requirements sections to include these new definitions.
 - d) 2009-057 John P. Franklin, Jr. (From R-2 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1016 Peachtree Street, more particularly described herein and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning-see alternate version.)**

2009-057 John P. Franklin, Jr. (From R-2 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1016 Peachtree Street, more particularly described herein and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- e) 2009-063 Michael Barnes (From R-1 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 1514 and 1516 Ely Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Recommended for denial by Planning.)**

- f) 2009-067 Helen W. Henley (From M-1 to C-7). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 116 Peerless Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-7 North Shore Commercial/Mixed Use Zone. **(Not recommended for approval by Planning-see alternate version.)**

2009-067 Helen W. Henley (From M-1 to C-5). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 116 Peerless Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-5 Neighborhood Commercial, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2009-075 Greg Vital (Amend Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to amend the conditions imposed in Ordinance No. 11957 (Case No. 2007-046) on property located at 5501 Old Hixson Pike, being more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning-see alternate version.)**

2009-075 Greg Vital (Amend Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to amend the conditions imposed in Ordinance No. 11957 (Case No. 2007-046) on property located at 5501 Old Hixson Pike, being more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**

- h) 2009-078 Tennessee Temple University (From R-1 & R-3 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 1715 Union Avenue and in the 1700 block of Kirby Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential Zone with conditions to R-4 Special Zone. **(Not recommended for approval by Planning or Staff-see alternate versions.)**

2009-078 Tennessee Temple University (From R-1 & R-3 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 1715 Union Avenue and in the 1700 block of Kirby Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential Zone with conditions to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2009-078 Tennessee Temple University (From R-1 & R-3 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 1715 Union Avenue and in the 1700 block of Kirby Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential Zone with conditions to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Staff.) (Different condition #3.)**

- i) 2009-079 Robert Hall (From R-1 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1101 Greens Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning-see alternate version.)**

2009-079 Robert Hall (From R-1 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1101 Greens Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- j) 2009-080 Jay M. Phillipose (From R-1 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7415 and 7419 Ziegler Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning-see alternate version.)**

2009-080 Jay M. Phillipose (From R-1 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7415 and 7419 Ziegler Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

7. Resolutions:

- a) A resolution authorizing the Department of Education, Arts & Culture to apply for and, if awarded, accept a grant from the Community Foundation of Greater Chattanooga in the amount of \$20,000.00 for the Unbroken Youth Initiative and “What’s Going On?” partnership reading initiative.

- b) A resolution authorizing the award of Contract No. E-03-028-202, Hamill Road Improvements – Hwy. 153 to Hixson Pike – Phase 2, to Tennessee Dirtworks, LLC in the amount of \$374,100.00, plus a contingency amount of \$37,400.00, for a total contract amount not to exceed \$411,500.00.
 - c) A resolution authorizing William S. Lewin to use temporarily the right-of-way at 4519 Balcomb Street to allow the porches of three houses to protrude into the right-of-way, subject to certain conditions. **(Recommended for denial by Public Works.)**
 - d) A resolution authorizing the award of Contract No. E-07-001-201, River Street Extension – Phase 1, to Dillard Construction, LLC in the amount of \$710,190.53, plus a contingency amount of \$69,809.47, for a total contract amount not to exceed \$780,000.00. **(By permission of Vice Chair Rico.)**
 - e) A resolution authorizing the Administrator of the Department of Public Works to accept funds from Tennessee Valley Authority in the amount of \$35,000.00, for the installation of a “Low Impact Parking Lot” at Renaissance Park as part of Contract No. E-07-001-201, River Street Extension, Phase 1. **(By permission of Vice Chair Rico.)**
 - f) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to enter into a Professional Services Contract with Asset Property Disposition, Inc. to develop a Neighborhood Stabilization Implementation Plan for the utilization of the City’s Neighborhood Stabilization Program funds in an amount not to exceed \$40,000.00.
 - g) 2009-074 Tennessee Temple University (Preliminary PUD). A resolution approving a Preliminary Institutional Planned Unit Development Special Exceptions Permit for a Proposed Institutional Planned Unit Development on tracts of land being generally bounded on the north by Bailey Avenue, on the south by Bennett Avenue, on the east by South Willow Street, and on the west by South Hickory Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
 - h) 2009-081 Tennessee Temple University (Abandon PUD). A resolution abandoning a Preliminary Final Institutional Planned Unit Development Special Exceptions Permit (Case No. 2008-160) for a Proposed Institutional Planned Unit Development on tracts of land being generally bounded on the north by Bailey Avenue, on the south by Bennett Avenue, on the east by South Willow Street, and on the west by South Hickory Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**
 - i) A resolution authorizing the acceptance of a sponsorship, if granted, from AT&T in the amount of \$50,000.00 for “Think & Draw and Talk About It” booklets and the “What’s Going On?” reading program. **(Added by permission of Council Chair Benson.)**
8. Overtime Report.

Amended Agenda for Tuesday, June 2, 2009

Page 7 of 7

9. Departmental Reports:
 - a) Department of Human Services.
 - b) Department of Parks and Recreation.
 - c) Department of Public Works.
 - d) Department of Neighborhood Services.
 - e) Department of Education, Arts & Culture.
 - f) Fire Department.
 - g) Police Department.
 - h) Department of Personnel.
 - i) Department of Finance and Administration
 - j) City Attorney.
10. Other Business.
11. Committee Reports.
12. Agenda Session for Tuesday, June 16, 2009
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.