

AMENDED AGENDA FOR TUESDAY, JUNE 9, 2009

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

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

- V. 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.
 - 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.
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-2, 38-185, and 38-527, relative to the regulation of nightclubs. **(Tabled from 5/26/09. Revised.)**
 - 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 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,” and “Nursery, 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 as permitted uses.
 - 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.)**

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- 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 Zone**, 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.)**

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- 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.)**

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- 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.)**

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- 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.)**

- k) An ordinance to amend Chattanooga City Code, Part II, Chapter 18, relative to garbage and refuse. (Added by permission of the Public Works Committee.)

VII. 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. **(Added 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. **(Added 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.)**

Amended Agenda for Tuesday, June 9, 2009

Page 5 of 10

- i) A resolution authorizing the Department of Education, Arts & Culture to apply for and, if granted, accept a sponsorship 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.)**
- j) **A resolution declaring a moratorium on building permits for lots in staff-approved subdivisions for sixty (60) days, or until the City Council can act upon the Chattanooga-Hamilton County Regional Planning Agency’s recommendations, whichever occurs sooner. (Added by permission of Council Chair Benson.)**

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 16, 2009.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, June 16, 2009:

AGENDA FOR TUESDAY, JUNE 16, 2009

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman McGary)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-2, 38-185, and 38-527, relative to the regulation of nightclubs.
 - 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.
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- k) An ordinance to amend Chattanooga City Code, Part II, Chapter 18, relative to garbage and refuse.

6. Ordinances – First Reading:

7. Resolutions:

- a) A resolution accepting the highest and best offers for certain parcels of property acquired by the City of Chattanooga and Hamilton County through previous delinquent tax sales and authorizing the Director of General Services to enter into and execute deeds conveying said parcels to individuals as shown on the list attached hereto and made a part hereof by reference.
- b) A resolution authorizing the Mayor to enter into and execute an Interlocal Agreement with Hamilton County, Tennessee relative to maintenance and operational funding for the Bessie Smith Hall located at 200 East Martin Luther King Boulevard.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with CSX Railway to conduct preliminary engineering services relative to a proposed trail under the South Chickamauga Bridge in an amount not to exceed \$10,000.00.

- d) A resolution authorizing the award of Contract No. E-09-040-201, Summit Landfill Gas Extraction System Additions, to SCS Field Services in the amount of \$294,260.00, plus a contingency amount of \$29,340.00, for a total amount not to exceed \$323,600.00.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Electric Power Board (EPB) to relocate existing facilities within an existing EPB easement relative to Contract No. E-08-028-201, Old Hixson Pike Roadway Improvements Project, in an amount not to exceed \$14,712.50.
- f) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Electric Power Board (EPB) to relocate existing facilities within an existing EPB easement relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Phase 2, in an amount not to exceed \$21,216.00.
- g) A resolution authorizing the Administrator of the Department of Public Works to amend the agreement with Civic Engineering for implementation of Azteca City Works at the Waste Water Treatment Plant to increase the contract amount by \$9,600.00 for additional services required, for a revised total amount not to exceed \$39,470.00.
- h) A resolution authorizing Elemi Architects, on behalf of Joshua McManus with CreateHere, to use temporarily the right-of-way at 55 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**
- i) A resolution authorizing Elemi Architects, on behalf of Madia Siniard with Madia's Studio, to use temporarily the right-of-way at 48 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**
- j) A resolution authorizing Elemi Architects, on behalf of Mariah S. Mayfield with Shadowbox, to use temporarily the right-of-way at 46 East Main Street to install signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**
- k) MR-2008-120 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing the Director of General Services to enter into a Lease Agreement with the Chattanooga African American Museum and Hamilton County for property located at 200 East Martin Luther King Boulevard, more particularly described herein, for a term of ten (10) years and for a monthly rental rate of \$1.00 and other good and valuable consideration.

8. Overtime Report.

Amended Agenda for Tuesday, June 9, 2009

Page 10 of 10

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 23, 2009
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.