

FOURTH AMENDED AGENDA FOR TUESDAY, OCTOBER 6, 2009

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (**Michael A. McMahan**)
- III. Minute Approval.
- IV. Special Presentations.

“Mayor Special Presentation re: Resolution VII(d)”

- V. Ordinances – Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 31, Article VIII, Sections 31-302, 31-352, 31-354, 31-356, and 31-357, to add definitions, revise the water quality fee (formerly known as **storm water user’s fee**) rate structure, and provide a schedule of charges for the funding of the operation, maintenance, and improvement of the **storm water system** within the City limits. (**Revised.**) (**Public Hearing.**)
 - b) 2009-090 Gurdeep K. Madan, Broker (C-5 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 3467 Wilcox Boulevard, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.
 - c) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 8A, being certain parcels adjacent to Interstate 75 and Hunter Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. (**Public Hearing.**)
 - d) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 8B, being certain parcels adjacent to Interstate 75 and Relocation Way within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. (**Public Hearing.**)
 - e) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 9A, being certain parcels adjacent to Enterprise South property and the right-of-way of Interstate 75 within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. (**Public Hearing.**)

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- f) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 11A, being certain parcels adjacent to the current City limits of Morris Hill Road, East Brainerd Road, and Igou Gap Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**

VI. Ordinances – First Reading:

- a) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10A, being certain parcels adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle, and Maywater Road, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map.
- b) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10B, being certain parcels adjacent to Old Lee Highway, Apison Pike, Pattenown Road, Woodland Drive, and Old Woodland Drive, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Alternate version to be presented.)**

VII. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Education, Arts & Culture to negotiate and enter into a License Agreement with Chattanooga Public Market, Inc. for Oktoberfest on Saturday, October 24, 2009, to be held at Renaissance Park, Coolidge Park, Walnut Street Bridge, and Bluff View. **(Added by permission of the Education, Arts & Culture Committee.)**
- b) **A resolution to make certain findings relating to the Columbus McKinnon Corporation/Dixie Industries Project, to delegate certain authority to the Industrial Development Board of the City of Chattanooga, and to authorize the Mayor to enter into and execute an agreement for payments in lieu of ad valorem taxes.**
- c) **A resolution to make certain findings relating to the AKI, Inc. project, to delegate certain authority to the Industrial Development Board of the City of Chattanooga, and to authorize the Mayor to enter into and execute an agreement for payments in lieu of ad valorem taxes.**
- d) **A resolution respectfully requesting that the Hamilton County Board of Commissioners take action to equitably fund services for unincorporated areas of the County through local implementation of existing Tennessee State Law. (Added by permission of Council Chair Benson.)**
- e) **A resolution authorizing the appointment of special policemen (armed) for Erlanger Hospital security police to do special duty as prescribed herein, subject to certain conditions and restrictions. (Added by permission of Council Vice-Chair Rico.)**

- f) A resolution authorizing the Administrator of the Department of Public Works to spend an amount not to exceed \$350,000.00 to purchase used construction equipment from Stowers Machinery Corporation. (Revised) (Added by permission of Council Vice-Chair Rico.)**

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, October 13, 2009 (see below).

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, October 13, 2009:

AGENDA FOR TUESDAY, OCTOBER 13, 2009

1. Call to Order.
2. Pledge of Allegiance/Invocation (Council Vice-Chair Rico).
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10A, being certain parcels adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle, and Maywater Road, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**
 - b) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10B, being certain parcels adjacent to Old Lee Highway, Apison Pike, Pattentown Road, Woodland Drive, and Old Woodland Drive, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**
6. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, to include modifications to Chapter 38, Division 14, UGC Urban General Commercial Zone.
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-288 and 38-289, and by adding a new Section 38-288 to provide for prohibited uses in the C-7 North Shore Commercial/Mixed Use Zone and new Section 38-289 for uses that require a special permit.
 - c) 2009-019 George V. Morgan (from C-5 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 603 Tunnel Boulevard, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning – see alternate version.) (District No. 9.)**

2009-019 George V. Morgan (from C-5 to C-2 and R-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 603 Tunnel Boulevard, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone and R-2 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- d) 2009-129 Fenella Pinewood, LLC (from R-1 & R-T/Z to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7417, 7421, 7423, 7425, and 7427 Pinewood Drive, more particularly described herein, from R-1 Residential Zone and R-T/Z Residential Townhouse/Zero Lot Line Zone to R-3 Residential Zone. **(Not recommended for approval by Planning. Recommended for deferral by Staff.) (District No. 4.)**

2009-129 Fenella Pinewood, LLC (from R-1 & R-T/Z to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7417, 7421, 7423, 7425, and 7427 Pinewood Drive, more particularly described herein, from R-1 Residential Zone and R-T/Z Residential Townhouse/Zero Lot Line Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- e) 2009-130 William Lewin (from R-1 to R-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 4519 Balcomb Street, more particularly described herein, from R-1 Residential Zone to R-2 Residential Zone. **(Recommended for approval by Planning) (District No. 7.)**

- f) 2009-131 Chattanooga Outreach, Inc. (from R-2 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 107 Signal Hills Drive, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff – see alternate version.) (District No. 2.)**

2009-131 Chattanooga Outreach, Inc. (from R-2 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 107 Signal Hills Drive, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

7. Resolutions:

- a) A resolution authorizing the appointment of Guy Satterfield as special police officer (unarmed) for the City of Chattanooga to do special duty as prescribed herein, subject to certain conditions.
- b) A resolution authorizing the Mayor to apply for and, if awarded, accept a 2010 United States Environmental Protection Agency Brownfields Cleanup Grant for cleanup of property on Tennessee Avenue, in an amount up to \$200,000.00, and further authorizing matching funds of 20% of the Grant, or an amount up to \$40,000.00. **(Revised.)**

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- c) A resolution authorizing the Director of General Services to execute a one-year extension of the Eastgate Library property lease, beginning November 1, 2009 through October 31, 2010, for the amount of \$59,046.00 annually.
- d) A resolution authorizing the exchange of City-owned property located on Mercer Street and Sholar Avenue to John McDonald for property located at 628 Oliver Street, all of which are more particularly described herein, and authorizing the Director of General Services to execute any and all documents necessary for said exchange.
- e) A resolution authorizing the Chief of the Chattanooga Police Department to enter into a five (5) year agreement with the U.S. Nuclear Regulatory Commission (“NRC”) for the NRC to use Chattanooga Police Department facilities to provide training courses for NRC personnel and contractors, for an amount payable to the City of Chattanooga of \$40,450.00 **annually**, the agreement being attached hereto and incorporated herein by reference.
- f) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-07-003-101, Improvements to Oxygen Generation System at Moccasin Bend Wastewater Treatment Plant, with Consolidated Technologies, Inc., which change order increases the contract amount by \$17,500.00, for a revised contract amount not to exceed \$125,500.00.
- g) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-07-003-201 (28J1), Improvements to Oxygen Generation System at Moccasin Bend Wastewater Treatment Plant, with H&H Brown, Inc., which change order increases the contract amount by \$481,644.59, for a revised contract amount not to exceed \$5,027,544.59.
- h) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. E-08-024-101, Traffic Impact Study for 36 Intersections and 4 Rail Crossings near the Volkswagen Facility at Enterprise South Industrial Park, with Volkert & Associates, Inc., which change order increases the contract amount by \$49,700.00, for a revised contract amount not to exceed \$216,000.00.
- i) A resolution authorizing the execution of Change Order No. 4 relative to Contract No. W-05-007-102, Warner Park Combined Sewer Overflow (CSO) Control Facility, with Consolidated Technologies, Inc., which change order increases the contract amount by \$57,000.00, for a revised contract amount not to exceed \$528,550.00.
- j) A resolution authorizing the Mayor to execute any documents for the City of Chattanooga to be a member of a Brownfield Coalition with other regional and local governmental entities in order to apply for and, if approved, accept a Brownfield Coalition Grant from the United States Environmental Protection Agency, in an amount not to exceed \$1,000,000.00.
- k) **A resolution authorizing the Mayor to apply for and, if awarded, accept a 2010 United States Environmental Protection Agency Brownfields Cleanup Grant for cleanup of the Old 36th Avenue Landfill, in an amount up to \$200,000.00, and further authorizing matching funds of 20% of the Grant, or an amount up to \$40,000.00.**

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8. Overtime Report.
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, October 20, 2009
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.