

AMENDED AGENDA FOR TUESDAY, OCTOBER 13, 2009

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Council Vice-Chair Rico).
- III. Minute Approval.
- IV. Special Presentations.
- V. 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, and Woodland Drive within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.) (Revised – need motion to substitute.)**
- VI. 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.)**

- g) An ordinance to amend Ordinance No. 12251, “providing for an Interim Budget and appropriating funds for 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,” to extend the interim period for the Interceptor Sewer System through December 2009, pending the adoption of the 2009-2010 Annual Budget. **(Permission granted by Council Chair Benson.)**

VII. 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. **(Revised.)**
- 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 related 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 a Brownfield Coalition Grant from the United States Environmental Protection Agency, in an amount up to \$1,000,000.00. **(Revised.)**
- 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 Street 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. **(Revised.)**

- l) A resolution expressing the City Council's support of efforts to allow photo enforcement programs to be used to improve traffic safety on the state's streets and highways. (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, October 20, 2009 (see below).

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

Public Hearing on Plan of Services for Area 3A

XIV. Adjournment.

Public Hearing on Plan of Services for Area 4B, Thursday, October 15, 2009, at 6:00 p.m.

XII. Agenda Session for Tuesday, October 20, 2009:

AGENDA FOR TUESDAY, OCTOBER 20, 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, 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.
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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.)**

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- 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.)**

6. 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 3A, being certain parcels adjacent to Interstate 24 and the Tennessee River 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 4B, being certain parcels adjacent to streets including, but not limited to Stonington, Gold Crest, Dahl Springs, Houser Ridge, Ely Ford, Bullock, Manassas Gap, Dove Field, Jackson Mill, Rapidan River, Orange Plank, Bayonet, Brigade, Musket, Clearwater, Cotter, and Fairview Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Revised - see alternate version.)**

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 4B, being certain parcels adjacent to streets including, but not limited to Stonington, Gold Crest, Dahl Springs, and Fairview Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Recommended for approval by the Mayor.)**

- c) MR-2009-125 Charles L. Harrison (Close & Abandon). An ordinance closing and abandoning two alleys located off of the east line of the 1900 block of Myrtle Street, more particularly described herein. **(Not recommended for approval by Planning or Public Works – see alternate version.)**

MR-2009-125 Charles L. Harrison (Close & Abandon). An ordinance closing and abandoning two alleys located off of the east line of the 1900 block of Myrtle Street, more particularly described herein, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

7. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into Addendum #3 (Final) to the agreement with Barge, Waggoner, Sumner and Cannon, Inc. relative to the Summit Softball Complex Project for additional construction administration costs, which amendment increases the amount of the contract by \$10,246.00, for a revised contract amount not to exceed \$969,419.00. **(Moved from 10/13/09 Council Agenda.)**
- b) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a Management Agreement with the Trust for Public Land in an amount not to exceed \$100,000.00. **(Moved from 10/13/09 Council Agenda.)**
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to accept a grant from the Tennessee Department of Education in the amount of \$27,900.00. **(Moved from 10/13/09 Council Agenda.)**
- d) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Norfolk Southern Corporation for construction engineering, accounting and flagging services relative to the Walking Trail under the South Chickamauga Bridge Project in an amount not to exceed \$46,750.00.
- e) A resolution authorizing sworn police officers to apply for and accept, if selected by Community Impact of Chattanooga, Inc., home purchase incentives for qualified home buyers in Churchville, Glenwood and Orchard Knob areas, in an amount not to exceed \$10,000.00 for each approved applicant.
- f) A resolution authorizing the Administrator of the Department of Public Works to renew membership with and the payment of 2009 dues to the National Association of Clean Water Agencies (NACWA) in the amount of \$10,060.00.
- g) A resolution amending Resolution No. 25620, adopted August 19, 2008, relative to the agreement for the Closure/Post Closure Plan for the City Landfill, Project No. SNL 33-0273, with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$6,171,474.00,” and substituting in lieu thereof “not to exceed \$6,311,902.00.”
- h) A resolution amending Resolution No. 25621, adopted August 19, 2008, relative to the Agreement for the Closure/Post Closure Plan for the Summit Sanitary Landfill, Project No. SNL 33-0035, with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$2,911,860.00,” and substituting in lieu thereof “not to exceed \$2,832,657.00.”

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- i) A resolution amending Resolution No. 25622, adopted August 19, 2008, relative to the Agreement for the Closure/Post Closure Plan for the North Hawthorne/Wood Recycling Solid Waste Management, by deleting “not to exceed \$31,612.00,” and substituting in lieu thereof “not to exceed \$32,371.00.”
 - j) A resolution amending Resolution No. 25623, adopted August 19, 2008, relative to the Agreement for the Closure/Post Closure Plan for the City Landfill, Lateral Expansion Area 3, with the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, by deleting “not to exceed \$6,555,479.00,” and substituting in lieu thereof “not to exceed \$6,712,810.00.”
 - k) A resolution authorizing the Chief of the Chattanooga Fire Department to retain Campbell and Associates engineers to provide LEED compliance review and certification for Firehall No. 7 at a cost not to exceed \$20,800.00.
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 27, 2009.
 13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.

Public Hearing on Plan of Services for Areas 3C, 6A, 6B, and 6C
 14. Adjournment.

Public Hearing on Plan of Services for Area 12A, Thursday, October 22, 2009, at 6:00 p.m.