

AMENDED AGENDA FOR TUESDAY, MARCH 1, 2011

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Scott)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) An ordinance granting unto Chattanooga Gas Company, a Tennessee Corporation, a franchise for the purpose of operating a system of gas distribution and service within the City of Chattanooga so as to furnish gas service within the City to its inhabitants for domestic, commercial, industrial and municipal general use.
 - b) MR-2010-158 Janet Brooks (Abandonment). An ordinance closing and abandoning the unopened 1700 block of West 49th Street, more particularly described herein, subject to certain conditions. **(Public Works version, District No. 7.)**
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 18, Article VII, Section 18-2 relative to nonresidential and residential service and Section 18-86 relative to residential bulky trash and residential yard trash.
 - b) An ordinance to amend Part II, Chattanooga City Code, Chapter 2, Article III, Section 174 relative to Personnel Appeal Hearings. **(Revised.)**
- VII. Resolutions:
 - a) A resolution authorizing the Mayor to enter into an amendment to the Interlocal Agreement between the City, Hamilton County, the Industrial Development Board, the Health Educational, and Housing Facility Board, and Volkswagen relative to the Volkswagen Project. **(Deferred from 2/22/2011.)**
 - b) A resolution authorizing Hickory Creek Townhomes Association to use temporarily the right-of-way located in the 6700 block of Hickory Valley Road for placement of a sign and message center, as well as for landscaping, as shown on the attached drawings made a part hereof by reference, subject to certain conditions. **(District No. 4.)**
 - c) A resolution authorizing Lookout Valley Neighborhood Association to use temporarily the rights-of-way throughout the Lookout Valley Neighborhood to install community markers to indicate the Association boundaries, as shown in the maps and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 1.)**

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- d) A resolution authorizing Battery Heights Neighborhood Association to use temporarily the right-of-way located at the northeast side of the entrance of Battery Heights Neighborhood Association where Parkway Drive intersects with Bonny Oaks Drive to enhance the community landscaping, as shown in the maps attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 9.)**
- e) A resolution authorizing Vaden Village Neighborhood Association to use temporarily the right-of-way located at the north and south entrances to the subdivision to beautify the entrance with new plants, as shown in the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 6.)**
- f) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with S&ME, Inc. for professional services relative to Contract No. E-10-010-303, for Geoenvironmental and Construction Materials Consulting Requirement Contracts, in the amount of \$25,000.00.
- g) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Terracon Consultants, Inc. for professional services relative to Contract No. E-10-010-301, for Geoenvironmental and Construction Materials Consulting Requirement Contracts, in the amount of \$25,000.00.
- h) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Thompson Engineering, Inc. for professional services relative to Contract No. E-10-010-302, for Geoenvironmental and Construction Materials Consulting Requirement Contracts, in the amount of \$25,000.00.
- i) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Littlejohn Engineering Associates, Inc. for professional services relative to Contract No. W-10-006-101, for Pineville Road Sewer Basin Project, in an amount not to exceed \$239,707.00. **(District No. 1.)**
- j) A resolution authorizing the payment of 2011 membership dues for the U.S. Conference of Mayors in an amount not to exceed \$12,242.00.
- k) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Jacobs Engineering Group, Inc. for professional services relative to Contract No. W-10-004-101, East Brainerd Pump Station Upgrade and Collection System Rehab, in an amount not to exceed \$2,362,410.00. **(District No. 4.)**
- l) A resolution authorizing the Director of Personnel to execute a Health Services Agreement between the City of Chattanooga and Marathon Health, Inc. to provide City employees certain preventive, wellness, and disease management, health consultation, and primary care services for a term of three (3) years in the amount of **\$2,292,390.00. (Revised.)**

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- m) A resolution to amend Resolution Nos. 21194 and 22112 and adopting administrative regulations for conduct of employee disciplinary hearings.
- n) **A resolution expressing the City Council's support of Tennessee General Assembly House Bill 1309/Senate Bill 1263 as written, which will allow Hamilton County and the municipalities therein to post public notices on a county or city government website. (Added by permission of Council Chair Rico.)**
- o) **A resolution for the Administrator of Personnel to review employment decisions before final action is taken. (Added by permission of the Legal & Legislative Committee.)**

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 on March 8, 2011

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

XIV. Adjournment.

AGENDA FOR TUESDAY, MARCH 8, 2011

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Robinson).
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 18, Article VII, Section 18-2 relative to nonresidential and residential service and Section 18-86 relative to residential bulky trash and residential yard trash.
 - b) An ordinance to amend Part II, Chattanooga City Code, Chapter 2, Article III, Section 174 relative to Personnel Appeal Hearing.
6. Ordinances – First Reading:
 - a) An ordinance to amend Ordinance No. 12410, entitled “An ordinance, hereinafter also known as “the Fiscal Year 2010-2011 Budget Ordinance”, to provide revenue for the Fiscal Year beginning July 1, 2010, and ending June 30, 2011; appropriating same to the payment of expenses of the Municipal Government; fixing the rate of taxation on all taxable property in the City, and the time taxes and privileges are due, how they shall be paid, when they shall become delinquent; providing for interest and penalty on delinquent taxes and privileges; and to amend Chattanooga City Code, Part II, Chapter 2, Section 2-267, relative to paid leave for active-duty training and to amend Chattanooga City Code, Part II, Chapter 31, Sections 31-36, 31-37, 31-41, 31-43, 31-39, and 31-40,” to amend Section 31-36(a) pertaining to sewer rates.
 - b) 2011-007 Terry W. Barker (M-1 Manufacturing Zone to UGC Urban General Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1511 and 1517 Mitchell Avenue, more particularly described herein, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone, subject to certain conditions. **(Planning Version, District No. 7.)**

2011-007 Terry W. Barker (M-1 Manufacturing Zone to UGC Urban General Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1511 and 1517 Mitchell Avenue, more particularly described herein, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone. **(Applicant Version.)**

- c) 2011-008 Ericka Stearns (R-1 Residential Zone to R-3 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 906 East 10th Street, more particularly described herein, from R-1 Residential Zone to R-3 Residential Zone. **(Planning recommends denial.) (District No. 8.)**
- d) 2011-010 Elemi Architects, LLC for RiverCity Company (M-1 Manufacturing Zone to UGC Urban General Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1624 Rossville Avenue, more particularly described herein, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone. **(District No. 7.)**
- e) 2011-011 Eugene H. Schimpf, III/Cameron Harbor, LLC (Lift Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to Lift Condition No. 2, Sections a), b), c) and Condition No. 3 Section a); and to amend Condition No. 3, Section b) of Ordinance No. 11736, on property located at 495 Riverfront Parkway, being more particularly described herein, subject to certain conditions. **(District No. 8.)**
- f) 2011-013 Frank Goodwin/Fassnacht Properties (M-1 Manufacturing Zone to C-3 Central Business Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 625 East Main Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Planning Version, District No. 8.)**

2011-013 Frank Goodwin/Fassnacht Properties (M-1 Manufacturing Zone to C-3 Central Business Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 625 East Main Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Applicant Version.)**
- g) 2011-014 City of Chattanooga/Regional Planning Agency (Temporary R-1 Residential Zone and RT-1 Residential Townhouse Zone to Permanent Zones). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located in part of the 200 block of West Hills Drive, more particularly described herein, from temporary R-1 Residential Zone and RT-1 Residential Townhouse Zone to Permanent Zones. **(District No. 1.)**
- h) 2011-022 Roberto Reyes (O-1 Office Zone to R-4 Special Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 509 Airport Road, more particularly described herein, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Planning Version, District No. 6.)**

2011-022 Roberto Reyes (O-1 Office Zone to R-4 Special Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to

rezone property located at 509 Airport Road, more particularly described herein, from O-1 Office Zone to R-4 Special Zone. (**Applicant Version.**)

- i) 2011-025 City of Chattanooga/RPA (Annexed Area 10A) (Temporary R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to Permanent R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located in Annexed Area 10A of Ordinance No. 12300 and amended by Ordinance No. 12451, from temporary R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to permanent R-2 Residential Zone, C-2 Commercial Zone, and **M-1 Manufacturing Zone.** (**Planning version, District No. 4.) (Revised.)**

2011-025 City of Chattanooga/RPA (Annexed Area 10A) (Temporary R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to Permanent R-2 Residential Zone, C-2 Commercial Zone, and M-2 **Light Industrial Zone**). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located in Annexed Area 10A of Ordinance No. 12300 and amended by Ordinance No. 12451, from temporary R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to permanent R-2 Residential Zone, C-2 Commercial Zone, and M-2 **Light Industrial Zone.** (**Staff version.) (Revised.)**

- j) 2011-026 City of Chattanooga/RPA (Annexed Area 10B) (Temporary R-1 Residential Zone, R-2 Residential Zone, R-5 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to Permanent R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located in Annexed Area 10B of Ordinance No. 12301 and amended by Ordinance No. 12452, from temporary R-1 Residential Zone, R-2 Residential Zone, R-5 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to permanent R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone. (**Planning version, District No. 4.)**

2011-026 City of Chattanooga/RPA (Annexed Area 10B) (Temporary R-1 Residential Zone, R-2 Residential Zone, R-5 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to Permanent R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located in Annexed Area 10B of Ordinance No. 12301 and amended by Ordinance No. 12452, from temporary R-1 Residential Zone, R-2 Residential Zone, R-5 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone to permanent R-2 Residential Zone, C-2 Commercial Zone, and M-1 Manufacturing Zone. (**Staff version.)**

7. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to enter into Professional Land Appraisal Services Contracts with Charles Tindell; Scott, Scott & Scott Associates; Northwest Appraisals; Prestwood Appraisal Services; and Carter Appraisal Services to provide appraisal services on Neighborhood Stabilization Program (NSP) related properties, for a total amount not to exceed \$15,000.00, with the length of the contracts being for twelve (12) months, with an option to renew for an additional twelve (12) month period.
- b) A resolution approving the acceptance and distribution of Fiscal Year 2011-2012 Community Development Block Grant funds and HOME Investment Partnership Act funds from HUD and program income, all totaling approximately \$3,690,000.00, as shown more fully hereinbelow.
- c) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against Woodard Development Company relative to Old Lee Highway at Apison Pike Sanitary Sewer Relocation and Force Main Project, Contract No. W-10-010, for Tract No. 4, Tax Map and Parcel No. 140A-A-010; Tract No. 12, Tax Map and Parcel No. 131O-B-014; Tract No. 13, Tax Map and Parcel No. 131O-B-015; and Tract No. 17, Tax Map and Parcel No. 131O-B-017.
- d) A resolution authorizing the execution of Change Order No. 1 (Final) with Lamar Dunn and Associates, Inc., relative to Contract No. W-09-013-101, Apison Pike and Old Lee Highway Sewer Relocation and Force Main, for an increased amount of \$10,918.27, for a revised contract amount not to exceed \$18,418.27.
- e) A resolution authorizing the Administrator of the Department of Public Works to accept \$5,667.10 from Fort Town, LLC relative to the cost of mitigation of asphalt issues for the Amberbrook Subdivision. **(District No. 3.)**
- f) 2011-019 Byurnis Mays, Jr. (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a residential home for handicapped and/or aged persons on a commercial basis on property located at 4609 Lockington Lane. **(Planning recommends denial, District No. 5.)**
- g) MR-2011-027 Larry Zehnder (Parks and Recreation). A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a lease agreement with the North Chickamauga Creek Conservancy for the lease of one room within an existing structure for office space at Greenway Farms at the rate of \$100.00 per month for a term of one year, all as referenced below. **(District No. 3.)**

8. Overtime Report.

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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 on March 15, 2011.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.