

AMENDED AGENDA FOR TUESDAY, MARCH 8, 2011

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Robinson)
- III. Minute Approval.
- IV. Special Presentations.
- V. 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. **(Revised. Need Motion to Substitute.) (Two versions.)**
 - b) An ordinance to amend Part II, Chattanooga City Code, Chapter 2, Article III, Section 174, relative to Personnel Appeal Hearings. **(Revised. Need Motion to Substitute.)**
- VI. 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.)**

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VII. 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.)**

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 15, 2011

1. Call to Order.
2. Pledge of Allegiance/Invocation (Vice Chair Ladd).
3. Minute Approval.
4. Special Presentations.

**Girls' Summit - Councilwoman Berz
Summit sponsored by Delta Sigma Theta Sorority, Inc.
Chattanooga Alumnae Chapter**

5. Ordinances - Final 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.
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6. Ordinances – First Reading:

- a) MR-2011-018 Memorial Health Care System c/o Williams H. Wilkerson (Abandonment). An ordinance closing and abandoning a right-of-way through a portion of the 2400 block of Citico Avenue near its intersection with the 800 block of North Chamberlain Avenue, more particularly described herein and as shown on the drawings and map attached hereto, to install underground piping required for a franchise agreement relative to Memorial Health Care System's proposed Central Utilities Plant, subject to certain conditions. **(Public Works Version, District Nos. 8 and 9.) (Recommended for approval by Planning.) (Revised – effective immediately after second reading.)**

7. Resolutions:

- a) A resolution authorizing the Chief of the Chattanooga Fire Department to apply for and, if awarded, accept a Fire Prevention and Safety Grant from the Federal Emergency Management Agency (FEMA) in the amount of \$47,980.00, and authorizing a City match of twenty percent (20%), or \$9,578.00.
- b) A resolution authorizing the Administrator of the Department of Public Works to enter into a Professional Services Agreement with Halcrow, Inc. relative to Contract No. E-10-013-101, Construction Feasibility and Conceptual Designs for Improvements to the Wilcox Tunnel, in the amount of \$808,971.00. **(District Nos. 5 & 9.)**
- c) A resolution authorizing the Administrator of the Department of Public Works **on behalf of Public Works and the CDRC** to enter into a Professional Services Agreement with HDR, Inc. relative to Contract No. E-10-012-101, 21st Century Waterfront Ross's Landing Riverfront Parkway Phase 1 - Evaluation-Investigation, in the amount of \$610,000.00. **(District No. 8.) (Revised.)**
- d) A resolution authorizing the Administrator of the Department of Public Works to award a contract to Cranston Engineering Group, P.C. for the Brainerd Levee FEMA Compliance Determination in an amount not to exceed \$511,520.00. **(District Nos. 5 and 6.)**
- e) A resolution authorizing the execution of Change Order No. 1 (Final) with Thomas Brothers Construction Company, Inc., relative to Contract No. W-05-007-203, North Warner Park Storm Water Detention Basin, for an increased amount of \$60,708.60, for a revised contract amount not to exceed \$1,764,707.60, and to release the remaining contingency amount of \$109,291.40. **(District No. 9.)**
- f) A resolution authorizing the execution of Change Order No. 1 with Volkert and Associates, Inc., for professional services relative to Contract No. E-09-020-101, Intersection Improvements at Discovery Drive at Hickory Valley Road and Discovery Drive at Enterprise South Boulevard (Volkswagen Drive), to increase

the contract amount by \$24,800.00, for a revised contract amount not to exceed \$199,200.00. **(District No. 4.)**

g) A resolution authorizing the execution of Change Order No. 1 with Volkert and Associates, Inc., for Construction Engineering Inspection (CEI) Services relative to Contract No. E-04-036-401, Enterprise South Roadway Projects, to increase the contract amount by \$36,866.19, for a revised contract amount not to exceed \$712,877.82. **(District No. 4.)**

h) A resolution authorizing the execution of Change Order No. 3 (Final) with Arcadis U.S., Inc. for professional services relative to Contract No. W-05-007-203, Warner Park Stormwater Denterion Basin, to increase the contract amount by \$26,868.00, for a revised contract amount not to exceed \$261,093.00. **(District No. 9.)**

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 on March 22, 2011.

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

14. Adjournment.