

## AGENDA FOR TUESDAY, APRIL 14, 2009

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Gaines)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
  - a) MR-2008-155 Grady H. Dagnan (Close & Abandon). An ordinance closing and abandoning a portion of the unopened 300 block of Delawanna Terrace, 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.
- VI. Ordinances – First Reading:
  - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article II to revise the definitions of “Bed and Breakfast” and “Boarding House” and amending Article V, Sections 304(2) and 404(2) to provide for lot area requirements for bed and breakfast establishments in R-3 Residential Zone and R-4 Special Zone.
  - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article II by deleting the definitions of “Guest House,” “Motor Camp,” and “Tourist Home” and adding a definition for “Short-Term Vacation Rental,” and amending Article V, Sections 201 and 401, to include Short-Term Vacation Rental as a permitted use.
  - c) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Articles V and VI by providing for a Revocable Special Exceptions Permit for Non-Profit Heritage Educational Facilities and to allow said use in certain zones.
  - d) 2008-114 Mehdi Malekzadeh (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 6709 Shallowford Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Deferred from 10-14-08. Recommended for denial by Planning.)**
  - e) 2009-020 A. C. Properties, Inc. (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1908 Cowart Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning – see alternate version.)**

2009-020 A. C. Properties, Inc. (From M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 1908 Cowart Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- f) 2009-026 Ray A. Smith (from R-4 to R-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 328 Browns Ferry Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-4 Special Zone to R-2 Residential Zone. **(Recommended for approval by Planning.)**
- g) 2009-027 Tina Harvey Crawford (from R-1 & M-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 400 Garden Road, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, from R-1 Residential Zone and M-1 Manufacturing Zone to R-4 Special Zone. **(Recommended for denial by Planning, but recommended for a Special Exceptions Permit – see Resolution 7(e) below.)**
- h) 2009-029 W. C. Helton (from R-3 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 200 East 37<sup>th</sup> Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-3 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2009-029 W. C. Helton (from R-3 to R-4). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 200 East 37<sup>th</sup> Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-3 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- i) 2009-034 Robert Hall (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the 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 R-4 Special Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff – see alternate version.)**

2009-034 Robert Hall (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, known as the 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 **O-1 Office Zone**, subject to certain conditions. **(Recommended for denial by Planning. Recommended for approval by Staff.)**

- j) 2009-035 Flournoy Development Company (Lift Conditions). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 12184 (Case No. 2008-179) on tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning – see alternate version.)**

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- k) 2009-036 Thomas A. Austin (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 2123 Hamill 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, but recommended for O-1 Office Zone – see alternate version.)**

2009-036 Thomas A. Austin (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 2123 Hamill 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 **O-1 Office Zone**. **(Recommended for approval by Planning.)**

VII. Resolutions:

- a) A resolution authorizing the Chief of Police to apply for and accept a grant from the Governor's Highway Safety Office in the amount of \$300,000.00 which will be used to purchase radar guns and pay overtime for traffic enforcement with no local matching funds required.
- b) A resolution authorizing acceptance of permanent conservation easements from **Hixson Development Partners, LLC** through the Trust for Public Land on a portion of **Lot 2, Morning Pointe Subdivision**, as set forth in Exhibit A attached hereto and made a part hereof by reference, to be used as part of the Chattanooga Greenway System, and expressing the gratitude of the Mayor and City Council for said **easement**.
- c) A resolution authorizing the award of Contract No. E-08-002-201, 2008 City Sidewalks Requirements Contract – CDBG, to Yerbey Concrete Construction, Inc. in the amount of \$268,508.00, plus a contingency amount of \$31,492.00, for a total amount not to exceed \$300,000.00.
- d) A resolution adopting the "Shallowford Road: Standifer Gap Road to Hickory Valley Road Policy", attached hereto and made a part hereof by reference.

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- e) 2009-027 Tina Harvey Crawford (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for Non-Profit Heritage Educational Facility on a tract of land located at 400 Garden Road, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning. See Ordinance 6(g) above.)**
- f) 2009-039 Signature Investments, LLC (Prelim. & Final PUD). A resolution approving a revised proposed Preliminary and Final Residential Planned Unit Development Special Exceptions Permit for a Planned Unit Development known as Longholm at Riverview Planned Unit Development, Lots 1-32, on tracts of land located in the 1100 and 1200 blocks of Longholm Court, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- g) 2009-043 City of Chattanooga, c/o Dan Thornton (Declare Surplus). A resolution declaring as surplus property on part of a tract of land located in the 500 block of Stringer Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, and authorizing correction of the legal description of said property. **(Recommended for approval by Planning.)**
- h) 2009-045 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing the Director of General Services to enter into a Lease Agreement with Heather Wagner for property known as the "Little Greenhouse" located at 451 West Main Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, to maintain a greenhouse on the property. **(Recommended for approval by Planning.)**
- i) A resolution authorizing the Office of Multicultural Affairs to sponsor the 3<sup>rd</sup> Annual Power of One Mayor's Luncheon to be held on June 30, 2009 at the Chattanooga Hotel, including the sale of tables to said luncheon, authorizing all City departments to buy tables at said luncheon, and authorizing profits of said luncheon to be placed in an established Executive Programs Account for next year's annual Power of One Mayor's Luncheon. **(Added by permission of Council Chair Bennett.)**

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.

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- XI. Committee Reports.
- XII. Agenda Session for Tuesday, April 21, 2009.
- XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- XIV. Adjournment.

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XII. Agenda Session for Tuesday, April 21, 2009:

### AGENDA FOR TUESDAY, APRIL 21, 2009

1. Call to Order.
2. Pledge of Allegiance/Invocation (Council Chair Bennett)
3. Election of Chair and Vice-Chair.
4. Minute Approval.
5. Special Presentations.
6. Ordinances - Final Reading:
  - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article II to revise the definitions of “Bed and Breakfast” and “Boarding House” and amending Article V, Sections 304(2) and 404(2) to provide for lot area requirements for bed and breakfast establishments in R-3 Residential Zone and R-4 Special Zone.
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7. Ordinances – First Reading:

8. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Barge Waggoner Sumner & Cannon, Inc. to provide professional design services for expansion of the existing Heritage Park at 1428 Jenkins Road in the amount of \$24,550.00, plus a contingency amount of \$2,000.00, for a total contract amount not to exceed \$26,550.00.
- b) A resolution authorizing the appointment of Scott Sargraves as special policeman (unarmed) for the City of Chattanooga Land Development Office to do special duty as prescribed herein, subject to certain conditions.
- c) A resolution authorizing the Director of General Services to execute a Tower Site Lease Agreement with the Board of Public Utilities of the City of Cleveland, Tennessee for use of a portion of the Candies Creek Ridge Water Storage Tank site in connection with the Public Safety Interoperable Communications System, with necessary easements for access and utilities in lieu of rent and for a term of five (5) years, with an option to renew.



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- d) A resolution authorizing the Director of General Services to execute an Antenna Site License Agreement with Premier Towers, LLC for use of a large antenna site on Bean Mountain in Polk County for an annual rent amount not to exceed \$150,000.00 and a term of twenty-one (21) months as part of the Tennessee Valley Regional Communications System.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an Interlocal Agreement with Hamilton County relative to the Planametric Photography Mapping Project for the Hamilton County GIS for 50% of the shared cost in an amount not to exceed \$95,126.00.
- f) A resolution requesting and encouraging the Legislature of the State of Tennessee to adopt legislation promoted by the Tennessee Public Safety Coalition which would enhance the penalties for certain violent crimes and provide for an increased number of prosecutors to enforce these laws.
- g) A resolution authorizing the award of Contract No. W-09-004-201, Miscellaneous Sanitary Sewer Manhole Adjustment Contract, to CK Masonry Company, Inc. In the amount of \$153,700.00, plus a contingency amount of \$6,300.00, for a total amount not to exceed \$160,000.00.
- h) A resolution authorizing the award of Contract No. W-09-004-202, Miscellaneous Sanitary Sewer Manhole Adjustment Contract, to Professional Concrete Finishing Company, Inc. in an amount not to exceed \$50,000.00.
- i) A resolution authorizing LaMonte P. Vaughn, Sr., on behalf of the Orchard Knob Neighborhood Association, to use temporarily the rights-of-way throughout the Orchard Knob Neighborhood to install Community Sign Markers, as shown on the list of sites and drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- j) 2009-PW-002 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 200 block of Godsey Street to the 2800 block of Northpoint Boulevard, as shown on the map attached hereto and made a part hereof by reference.
- k) 2009-PW-003 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 5100 block of Adams Road to the 5200 block of Wilbanks Road, as shown on the maps attached hereto and made a part hereof by reference.
- l) 2009-PW-004 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 900 block of Frazier Circle to the 3900 block of McDowell Street, as shown on the map attached hereto and made a part hereof by reference.
- m) 2009-PW-005 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 400 block of East 2<sup>nd</sup> Street to the 400 block of Bluff View, as shown on the map attached hereto and made a part hereof by reference.

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- n) 2009-PW-006 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of the 100 block of Spring Street to the 100 block of Burke Lane, as shown on the map attached hereto and made a part hereof by reference.
  - o) 2009-PW-007 City, c/o Bill Payne (Street Name Change). A resolution to change the right-of-way name of 7311 through 7337 Standifer Gap Road to 7314 through 7319 Courage Way, as shown on the map attached hereto and made a part hereof by reference.
9. Overtime Report.
10. 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.
11. Other Business.
12. Committee Reports.
13. Agenda Session for Tuesday, April 21, 2009
14. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
15. Adjournment.