

**AMENDED AGENDA FOR TUESDAY, OCTOBER 20, 2009**

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman McGary).
- III. Minute Approval.
- IV. Special Presentations.
- V. 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.
  - c) 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.
  - 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, subject to certain conditions. **(Revised.) (Motion to Substitute is needed.)**
  - 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.
  - f) 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.

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 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. **(Revised.)**
- 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, 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. **(Revised - Recommended for approval by the Mayor.)**

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. **(Original version.)**

- 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, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

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.)**

VII. 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.
- 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.

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- 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.
- 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.”
- 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 of \$20,800.00, plus a 10% contingency amount of \$2,080.00, for a total amount not to exceed \$22,880.00. (Revised.)**

### 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 27, 2009 (see below).

XIII. 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

XIV. Adjournment.

XII. Agenda Session for Tuesday, October 27, 2009:

**AGENDA FOR TUESDAY, OCTOBER 27, 2009**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Murphy).
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 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. **(Revised.) (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 4B, being certain parcels adjacent to streets including, but not limited to, 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.) (Public Hearing.)**

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. **(Original version.)**
  - 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, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

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.)**

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 3C, which includes certain properties adjacent to Ruby Falls and the U.S. Park Service Land Resource Division, on the side of Lookout Mountain, 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 6A, which includes certain properties adjacent to the western right-of-way of Highway 58 and Turkeyfoot Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**
- 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 6B, which includes certain properties adjacent to the western right-of-way of Highway 58 and adjacent to the right-of-way for Hickory Valley 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 6C, which includes certain properties adjacent to the eastern and western rights-of-way of Highway 58 up to its intersection with Harrison-Ooltewah Road, including portions of other streets named Bent Pine, Congress, Deerwood, Mahlon, Clark, Church, Tyner, and Easter, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**
- e) MR-2009-112 Chestnut Properties, LLC (Close & Abandon). An ordinance closing and abandoning the 900 block of East 23<sup>rd</sup> Street, a portion of the unopened 2000 block of East End Avenue, and a portion of an unopened alley located on the west line of the 2000 block of Central Avenue, more particularly described herein. **(Recommended for approval by Public Works.)**  
  
MR-2009-112 Chestnut Properties, LLC (Close & Abandon). An ordinance closing and abandoning the 900 block of East 23<sup>rd</sup> Street, a portion of the unopened 2000 block of East End Avenue, and a portion of an unopened alley located on the west line of the 2000 block of Central Avenue, more particularly described herein.
- f) MR-2009-121 Kirti Naik (Close & Abandon). An ordinance closing and abandoning an unopened alley located off of the 2100 block of East 23<sup>rd</sup> Street, more particularly described herein, and subject to certain conditions. **(Recommended for approval by Public Works.)**

MR-2009-121 Kirti Naik (Close & Abandon). An ordinance closing and abandoning an unopened alley located off of the 2100 block of East 23<sup>rd</sup> Street, more particularly described herein.

- g) **An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Section 5-75(b), relative to sale of beer in the UGC Urban General Commercial Zone. (Added.)**

7. Resolutions:

- a) A resolution authorizing the Director of General Services to execute a lease with the Tennessee Valley Regional Communications System for a tower site located on Cross Mountain **in Campbell County for a term of ten (10) years and a monthly rental amount of \$1,200.00 for years one through three, with an escalating clause for years four through ten as described herein. (Revised.)**
- b) A resolution authorizing the Director of General Services to execute a lease with the Tennessee Valley Regional Communications System for a tower site located on Windrock Mountain **in Anderson County for a term of ten (10) years and a monthly rental amount of \$1,200.00 for years one through three, with an escalating clause for years four through ten as described herein. (Revised.)**
- c) A resolution authorizing the award of Contract No. W-05-007-203, North Warner Park Stormwater Detention Basin, to Thomas Brothers Construction Company, Inc. in the amount of \$1,703,999.00, plus a contingency amount of \$170,000.00, for a total amount not to exceed \$1,873,999.00, subject to SRF Loan Funding approval.
- d) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W08-005, performance testing with the J-VAP Remedial Action, with Jordan, Jones & Goulding (JJ&G), which change order is for an increase in an amount not to exceed \$4,000.00. This increases the original contract cost from \$143,850.00 to \$147,850.00.
- e) A resolution authorizing the Chattanooga-Hamilton County Regional Planning Agency to develop a Land Use and Redevelopment Plan for the Missionary Ridge Area which includes all of Missionary Ridge as well as parts of the East Lake, Ridgeside, Glenwood, Foxwood Heights, and Avondale Neighborhoods.

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.

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10. Other Business.
11. Committee Reports.
12. Agenda Session for Tuesday, November 3, 2009.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.