

**SECOND AMENDED AGENDA FOR TUESDAY, APRIL 13, 2010**

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Council Chair Benson.)
- III. Minute Approval.
- IV. a) Special Presentations.

**SPECIAL RECOGNITION OF RYAN MARTIN  
USA Amateur Boxing Champion, Central High School**

- b) Election of Officers.
- V. Ordinances – Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 2, by adding a new Article XV to establish a “Whistle Blower” Protection.
- VI. Ordinances – First Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, relative to Article V, Section 38-302 and Article VIII, Section 38-568(12) in order to provide a special permit process for kennels/small animal facilities.
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions of dwelling.
  - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article IV, Section 38-33, General Regulations relative to exterior lighting.
  - d) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Section 38-171(2), O-1 Office Zone, relative to detached dwellings.
  - e) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Division 14, UGC Urban General Commercial Zone for auto-oriented uses.
  - f) **An ordinance to amend Part II, Chattanooga City Code, Chapter 35, Article IV, relative to vehicles for hire. (Added by permission of Council Chair.)**

- g) **An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, by annexing certain territory contiguous to the present corporate limits of said city, being Tax Parcel No. 131-075 in Hamilton County, Tennessee, owned by Lighthouse Enterprises, LLC, being more fully described herein. (Added by permission of Vice Chair Rico.)**
- h) 2010-024 William A. Johnson, III (R-1 Residential Zone to R-5 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 167 and 195 Willie Way, more particularly described herein, from R-1 Residential Zone to R-5 Residential Zone. **(District 1, and recommended for approval by Planning.)**
- i) 2010-028 United House of Prayer for all People/Bishop C. M. Bailey, Trustee (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 a tract of land located at 3214 12<sup>th</sup> Avenue, more particularly described herein, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(District 7, and recommended for approval by Planning and denial by Staff.) (Planning version.)**
- 2010-028 United House of Prayer for all People/Bishop C. M. Bailey, Trustee (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 a tract of land located at 3214 12<sup>th</sup> Avenue, more particularly described herein, from R-1 Residential Zone to R-3 Residential Zone. **(Applicant version.)**
- j) 2010-030 City of Chattanooga – RPA (Temporary C-2 Convenience Commercial Zone to Permanent C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located in the 5000 block of Hunter Road, more particularly described herein, from temporary C-2 Convenience Commercial Zone to permanent C-2 Convenience Commercial Zone. **(District 4, and recommended for approval by Planning.)**
- k) 2010-031 City of Chattanooga – RPA (Temporary R-1 Residential Zone to Permanent R-1 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located in an unnumbered portion of Aetna Mountain Road, more particularly described herein, from temporary R-1 Residential Zone to permanent R-1 Residential Zone. **(District 1, and recommended for approval by Planning.)**
- l) 2010-033 Daniel Rose (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 tracts of land located at 15, 17, and 29 Johnson Street and the 100 block of East 14<sup>th</sup> Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(District 8, and recommended for approval by Planning.) (Planning version.)**

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- m) 2010-034 Jason Geraci (R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 816 and 818 Palmetto Street, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions. **(District 8, and recommended for approval by Planning.) (Planning version.)**

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VII. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with CSX Transportation, Inc. relative to Contract No. R-09-001, South Chickamauga Creek Greenway, for the trail construction under CSXT bridges in vicinity of Mileposts 0WA-129.13 and 0WA-129.31, CSXT OP Number TN0284, in an amount not to exceed \$95,304.00, and to reduce the contingency amount for Resolution No. 26201 by an amount of **\$63,000.00**, for a revised amount of contingency of **\$67,000.00**.
- b) A resolution authorizing the Administrator of Public Works to award Contract No. W-09-008-201, Eastgate Pump Station and Force Main, to East Tennessee Grading, Inc., in the amount of \$610,543.20, with a contingency amount of \$59,456.80, for an amount not to exceed \$670,000.00.
- c) **A resolution authorizing the City Finance Officer and the City Court Clerk to extend a partial amnesty period for outstanding fines and costs that are owed to the City by reducing the amount owned by 25% from April 19, 2010, until May 28, 2010. (Added by permission of Council Vice Chair Rico.)**
- d) 2010-029 Jeffery Timothy Johnson, Sr. (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a residential home for handicapped and/or aged on a commercial basis, on a tract of land located at 601 East 52<sup>nd</sup> Street, more particularly described herein. **(Recommended for denial by Planning and Staff.)**

- e) **A resolution ratifying and confirming the Clerk of the Council advertised for public hearing on April 20, 2010, the annexation of an area of Hunter Road, Hamilton County, Tennessee, contiguous to the City limits, the property owner of which area, Lighthouse Enterprises, LLC, has petitioned the City of Chattanooga to be annexed. (Added by permission of Council Chair.)**
- f) **A resolution expressing the desire of the Chattanooga City Council that the Tennessee General Assembly amend state law to permit the sale of alcoholic beverages at the Tivoli Theatre and the Memorial Auditorium. (Added by permission of Legal and 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 for Tuesday, April 20, 2010.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, April 20, 2010:

**AGENDA FOR TUESDAY, APRIL 20, 2010**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Gilbert.)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 31, Article VIII, Division 1, Generally, Section 31-302 and Division 7, Fees, Sections 31-354 and 31-356, and 31-359. **(Alternate version being recommended by administration – Motion to Substitute needed.)**
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, relative to Article V, Section 38-302 and Article VIII, Section 38-568(12) in order to provide a special permit process for kennels/small animal facilities.
  - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions of dwelling.
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  - f) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Division 14, UGC Urban General Commercial Zone for auto-oriented uses.
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  - h) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, by annexing certain territory contiguous to the present corporate limits of said city, being Tax Parcel No. 131-075 in Hamilton County, Tennessee, owned by Lighthouse Enterprises, LLC, being more fully described herein.

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6. Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 12, Section 12-21, relative to City Court.
- b) **An ordinance to amend Chattanooga City Code, Part II, Chapter 32, Article III, Section 32-67 to add a new subsection, relative to excavation and restoration of paving. (Added by permission of Legal and Legislative Committee.)**

7. Resolutions:

- a) A resolution authorizing the Police Department to apply for and accept a Buffer Zone Protection Plan Grant in the amount of \$192,365.65.
- b) A resolution authorizing the Staff of the Chattanooga-Hamilton County Regional Planning Agency to initiate a Moccasin Bend Gateway Plan.
- c) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against Kenneth E. Gordon, 713 Airport Road, Chattanooga, TN 37343, Tax Map No. 148P-D-005, Tract No. 6, relative to Contract No. W-08-010, Airport Road Pump Station and Force Main, with an estimated value of \$5,805.00.
- d) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against DASAC Corporation, 801 Airport Road, Chattanooga, TN 37343, Tax Map No. 148P-A-028, Tract No. 5, relative to Contract No. W-08-010, Airport Road Pump Station and Force Main, with an estimated value of \$11,077.00.

## Second Amended Agenda for Tuesday, April 13, 2010

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- e) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against DASAC Corporation, 000 Airport Road, Chattanooga, TN 37343, Tax Map No. 148P-A-026, Tract No. 6, relative to Contract No. W-08-010, Airport Road Pump Station and Force Main, with an estimated value of \$1,350.00.
  - f) A resolution authorizing the Administrator of Public Works to award Contract No. E-09-016-201, ARRA Resurfacing of Dayton Boulevard, to Highways, Inc., for \$429,385.00, plus a contingency amount of \$42,939.00, for a total amount not to exceed \$472,324.00.
  - g) A resolution authorizing the Administrator of Public Works to award Contract No. E-09-011-201, ARRA Resurfacing of Airport Road and Shepherd Road, to Highways, Inc. for \$702,362.00, plus a contingency amount of \$70,236.00, for a total amount not to exceed \$772,598.00.
  - h) A resolution authorizing the Administrator of Public Works to award Contract No. E-09-010-201, ARRA Resurfacing of Hickory Valley Road, to Highways, Inc., for \$322,949.00, plus a contingency amount of \$32,295.00, for a total amount not to exceed \$355,244.00.
  - i) A resolution authorizing the Administrator of Public Works to award Contract No. E-09-017-201, ARRA Resurfacing of Barton Avenue, to Highways, Inc. for \$189,263.00, plus a contingency amount of \$18,926.00, for a total amount not to exceed \$208,189.00.
  - j) A resolution authorizing the Administrator of Public Works to award Contract No. E-10-006-401, ARRA Resurfacing of Various Roadways, Construction Engineering Inspection Services, to Allen and Hoshall, Inc., for a total amount not to exceed \$194,000.00.
  - k) A resolution authorizing the Administrator of the Department of Public Works to accept a refund relative to Contract No. W-04-008, Lake Hills Interceptor Sewer Relocation for Private Road Grade Crossing Agreement No. CSX612535, in the amount of \$20,440.18.
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.



**Second Amended Agenda for Tuesday, April 13, 2010**  
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10. Other Business.
11. Committee Reports.
12. Agenda Session for Tuesday, April 27, 2010.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.