

SECOND AMENDED AGENDA FOR TUESDAY, APRIL 12, 2011

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Council Chairman Rico)
- III. Minute Approval.
- IV. Special Presentations.
 - a) **“Proclamation for National Animal Services Officers week by Dan Johnson”**
 - b) **“Election of Chair and Vice Chair”**
 - c) **“Delegation from Nizhnii Tagil, Russia by Councilwoman Berz”**
- V. Ordinances – Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 26, Sections 26-22, 26-23, 26-24, 26-25, and 26-134, and by adding new Sections 26-26, 26-27, 26-28, 26-29, 26-30, 26-31, 26-32, 26-33, and 26-34, establishing the event fees for usage of various Chattanooga Parks and Recreation facilities. **(See alternate version.) (Motion to Substitute.)**
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Article VIII, Section 38-568(4) to clarify use of cremation/crematory in the M-1 Manufacturing Zone; and funeral homes, mortuaries, and undertaking establishments in the R-4 Special Zone.
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII by repealing or deleting Section 38-563(5) regarding appeals of the Downtown Residential/Mixed Use District Review Committee.
 - c) 2011-024 Miriam J. Herstik/Peggy Holder (R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 4200 Randolph Circle, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone, subject to certain conditions. **(Planning Version, District No. 5.)**

2011-024 Miriam J. Herstik/Peggy Holder (R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 4200 Randolph Circle, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone. **(Applicant Version.)**

Second Amended Agenda for Tuesday, April 12, 2011

Page 2 of 8

- d) 2011-029 Travis Hulsey (M-2 Light Industrial Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6101 Mountain View Road, more particularly described herein, from M-2 Light Industrial Zone to C-2 Convenience Commercial Zone. **(District No. 4.)**

- e) 2011-031 City of Chattanooga/RPA (Temporary R-2 Residential Zone and M-2 Light Industrial Zone to Permanent R-2 Residential 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 3A of Ordinance No. 12308, from temporary R-2 Residential Zone and M-2 Light Industrial Zone to permanent R-2 Residential Zone and M-2 Light Industrial Zone. **(District No. 1.)**

- f) 2011-032 City of Chattanooga/RPA (Temporary R-2 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 property located in annexed Area 3C of Ordinance No. 12311, from temporary R-2 Residential Zone to permanent R-1 Residential Zone. **(District No. 1.)**

- g) 2011-037 Carylon Killebrew/CFS 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 1416 Williams 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.)**

2011-037 Carylon Killebrew/CFS 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 1416 Williams Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Applicant Version.)**

- h) 2011-044 Darren W. Kennedy, Attorney/Hubert Properties (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3883 Wilcox Boulevard, more particularly described herein, from R-1 Residential Zone to C-5 Neighborhood Commercial Zone. **(Planning Version, District No. 5.)**

2011-044 Darren W. Kennedy, Attorney/Hubert Properties (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3883 Wilcox Boulevard, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Recommended for denial by Planning.) (Applicant Version.)**

VII. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a two-year Lease Agreement with Darde Long for the use of the barn on the Brown Acres Golf Course property with a rental rate of \$200.00 per month. **(Deferred from 4/5/2011.)**
- b) A resolution amending Resolution No. 26141 relating to the Agreement with Brightbridge for the administration of the Brownsfield grants at Ohls Avenue and the Anchor Glass Office Building sites to redistribute the authorized funds for a combined total amount of \$25,300.00.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an Agreement with Ooltewah Nursery to install an irrigation system at Warner Park in an amount not to exceed \$17,759.00.
- d) A resolution authorizing Rita's to use temporarily the right-of-way located at 100 Market Street for the installation of a sign and canopy along a portion of the right-of-way, as shown in the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 8.)**
- e) A resolution authorizing Graphic Works, LLC to use temporarily the right-of-way located at 429 Broad Street for the installation of a sign along a portion of the right-of-way, as shown in the drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 8.)**
- f) A resolution authorizing James C. Berry to use temporarily the right-of-way located at 605 Chestnut Street for the installation of a parapet cap atop the Liberty Tower that will project into the right-of-way, as shown in the drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 8.)**
- g) A resolution authorizing the execution of a Change Order with H&H Brown for liquid oxygen provided to the Moccasin Bend Wastewater Treatment Plant between April 3, 2009, and April 17, 2009, relative to Contract No. W-07-003 (28J1), in the amount of \$80,000.00.
- h) 2011-045 Fort Town, LLC/Dale Darby (PUD). A resolution to amend Resolution No. 26062 relative to Amberbrook Gardens Planned Unit Development (Case No. 2005-007) on properties located at 5506, 5542, 5556, 5594, and 5598 Cassandra Smith Road by lifting Condition No. 1 and amending Condition No. 2. **(Recommended for approval by Planning, District No. 3.)**
- i) **A resolution declaring that the City of Chattanooga will not renew the 1966 Sales Tax Agreement. (Added by permission of Council Chair Rico.)**
- j) **A resolution authorizing the waiver of the landfill disposal fees associated with the Great American Clean-Up in an amount not to exceed \$1,500.00. (Added by permission of Council Chair Rico.)**

Second Amended Agenda for Tuesday, April 12, 2011

Page 4 of 8

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 April 19, 2011

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

XIV. Adjournment.

AGENDA FOR TUESDAY, APRIL 19, 2011

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman McGary).
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Part II, Chattanooga City Code, Chapter 17, Article I, Section 17-1, relative to the adoption of the International Fire Code, 2006 Edition, including all referenced standards and publications specified therein, and the 2006 National Fire Protection Association (NFPA) 101 Life Safety Code in its entirety for certain specified occupancies, including existing buildings, as defined by the 2006 NFPA 101 Life Safety Code, as the official fire code of the City of Chattanooga; and to amend Sections 17-2, as to appendices, and 17-3 as amendments to the Code. **(Deferred from 2/22/2011.)**
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by amending Article VIII, Section 38-568(4) to clarify use of cremation/crematory in the M-1 Manufacturing Zone; and funeral homes, mortuaries, and undertaking establishments in the R-4 Special Zone.
 - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII by repealing or deleting Section 38-563(5) regarding appeals of the Downtown Residential/Mixed Use District Review Committee.
 - d) 2011-024 Miriam J. Herstik/Peggy Holder (R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 4200 Randolph Circle, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to A-1 Urban Agricultural Zone, subject to certain conditions. **(Planning Version, District No. 5.)**

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 - e) 2011-029 Travis Hulsey (M-2 Light Industrial Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6101 Mountain View Road, more particularly described herein, from M-2 Light Industrial Zone to C-2 Convenience Commercial Zone. **(District No. 4.)**

f) 2011-031 City of Chattanooga/RPA (Temporary R-2 Residential Zone and M-2 Light Industrial Zone to Permanent R-2 Residential 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 3A of Ordinance No. 12308, from temporary R-2 Residential Zone and M-2 Light Industrial Zone to permanent R-2 Residential Zone and M-2 Light Industrial Zone. **(District No. 1.)**

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h) 2011-037 Carylton Killebrew/CFS 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 1416 Williams 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.)**

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6. Ordinances – First Reading:

7. Resolutions:

a) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against RI TN 2, LLC, Jenkins Road, Tract No. 7, Tax Map and Parcel No. 149K-C-033.01 for Shallowford Road at Jenkins Road Intersection Improvements, Contract No. E-08-010. **(District No. 4.)**

Second Amended Agenda for Tuesday, April 12, 2011

Page 7 of 8

- b) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against GVH (SHALL-JEN) & Associates, Inc. relative to Shallowford Road, Tract No. 10, Tax Map and Parcel No. 149J-E-015 for Shallowford Road at Jenkins Road Intersection Improvements, Contract No. E-08-010. **(District No. 4.)**
- c) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against Grace Baptist Church of Hamilton County relative to Contract No. E-08-010, Shallowford Road at Jenkins Road Intersection, for Tract No. 3, Tax Map No. 149G-B-022, on Jenkins Road. **(District No. 4.)**
- d) A resolution authorizing payment to Soon Ja Cho, for a right-of-way easement, relative to Contract No. E-08-010, Shallowford Road at Jenkins Road Intersection Improvement, for Tract No. 6, property located at 2302 Jenkins Road, Tax Map No. 149K-C-033.02, in an amount not to exceed \$13,818.00. **(District No. 4.)**
- e) A resolution authorizing payment to Landscape, LLC for a right-of-way easement relative to Contract No. E-08-010, Shallowford Road at Jenkins Road Intersection Improvement, for Tract No. 5, Tax Map No. 149K-C-033.03, on Jenkins Road, in an amount not to exceed \$15,015.00. **(District No. 4.)**
- f) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Volkert, Inc. for professional services relative to Contract No. W-10-012-101, Evaluation of Telemetry and SCADA Systems for the Moccasin Bend Wastewater Treatment Plant and remote facilities, in an amount not to exceed \$127,500.00.
- g) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Burns and McDonnell Engineering Company for profession services relative to Contract No. W-11-001-101, Moccasin Bend Wastewater Treatment Plant SF6, **circuit breaker replacement**, in an amount not to exceed \$165,607.00. **(District No. 1.) (Revised.)**
- h) A resolution authorizing the Director of General Services to enter into a Change Order with Tower Construction relative to the construction of a building to be used by Chattanooga Mobile Communications Services for the management and maintenance of the Tennessee Valley Regional Communication System for an increase of \$20,221.00.
- i) A resolution authorizing the City Finance Officer to accept the proposal of First Tennessee Bank to provide merchant card, payroll card, lockbox processing, and branch property tax collection services, and to execute a contract with First Tennessee Bank for said services.
- j) A resolution authorizing the City Finance Officer to accept the proposal of SunTrust Bank to provide general banking services, and to execute a contract with SunTrust Bank for said services.

- k) **A resolution authorizing the City Finance Officer to accept the proposal of Bank of America to provide purchasing card services, and to execute a contract with Bank of America for said services.**
 - l) **A resolution authorizing the Director of General Services to enter into an agreement with March Adams & Associates, Inc. to perform professional engineering services for the design and construction administration of the Chattanooga Community Resource Center (CCRC) Police Precinct Area on 11th Street for a total design fee, in an amount not to exceed \$77,500.00.**
 - m) **A resolution authorizing the Mayor to enter into an agreement with Hamilton County for the Hamilton County Courts Community Service Program to pick up litter along City right-of-way using first-time, non-violent offenders, in an amount not to exceed \$60,000.00.**
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 April 26, 2011.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.