

TUESDAY, DECEMBER 8, 2015
CITY COUNCIL REVISED AGENDA
6:00 PM

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Hakeem).
- III. Minute Approval.
- IV. Special Presentation.
- V. Ordinances – Final Reading:

PLANNING

- a. [2015-124 Belle Investment Company and BYD Cowart, GP \(Lift Condition\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to Lift Condition 2C #4, "48 feet maximum height" from Ordinance No. 12059 of previous Case No. 2007-190 off property located in the 1200 block of Cowart Street, being more particularly described herein. \(Alternate Version #3\) \(Revised\) \(District 7\) \(Deferred from 11/10/2015\)](#)

PUBLIC WORKS AND TRANSPORTATION

Transportation

- b. [MR-2015-131 Paul Fuchar, Executive Director, Council for Alcohol and Drug Abuse Services \(Abandonment\). An ordinance closing and abandoning approximately one hundred thirty \(130'\) square feet of right-of-way at the Southeast corner of the intersection of West Manning and Minor Streets to accommodate construction of a new building to this corner, subject to certain conditions. \(District 1\) \(Recommended for approval by Transportation\)](#)
- c. [MR-2015-103 Smyrna Ready Mix Concrete/Jag Realty, LLC/RDP Properties \(Abandonment\). An ordinance closing and abandoning two alley rights-of-way off of 2510, 2560, 2614, and 2700 Asbury Park to develop the property for a concrete plant, subject to certain conditions. \(District 8\) \(Recommended for approval by Transportation\)](#)

SAFETY

- d. [An ordinance to amend Part II, Chattanooga City Code, Chapter 35, Article VII, Division 2, Section 35-252, relative to Pedal Carriage or Pedicabs.](#)

VI. Ordinances – First Reading:

GENERAL GOVERNMENT

- a. An ordinance to amend the Charter of the City of Chattanooga, and all acts, ordinances, and other Charter provisions amendatory thereof, pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment) so as to change the City Charter by amending the voter eligibility provision. **(Revised)**

PLANNING

- b. 2015-145 Bristol Development Group and Scott Black (M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 328 Cherokee Boulevard, 401, 403, 407, 409, 411, and 413 Somerville Avenue, more particularly described herein, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions. **(District 1) (Recommended for approval by Planning and Staff)**

2015-145 Bristol Development Group and Scott Black (M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 328 Cherokee Boulevard, 401, 403, 407, 409, 411, and 413 Somerville Avenue, more particularly described herein, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone. **(Applicant Version)**

- c. 2015-138 Peter C. Cory and Miles D. Raborn (R-5 Residential Zone to R-1 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 8407 and 8575 Petty Road, more particularly described herein, from R-5 Residential Zone to R-1 Residential Zone. **(District 4) (Recommended for approval by Planning and Staff)**
- d. 2015-135 Jason McGlohon/SBI Engineers (R-1 Residential 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 6501 Shallowford Road, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(District 6) (Recommended for denial by Planning and Staff)**
- e. 2015-136 James Hixson (R-2 Residential Zone to R-4 Special Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 2700 and 2708 Walker Road, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. **(District 6) (Recommended for approval by Planning and Staff)**

- f. [2015-149 City of Chattanooga/RPA \(M-1 Manufacturing Zone to M-2 Light Industrial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3000 Broad Street, more particularly described herein, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions. \(District 7\)](#)
- g. [2015-141 Wise Properties, LLC \(M-1 Manufacturing Zone to C-2 Central Business Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. \(District 7\) \(Recommended for approval by Planning and Staff\)](#)

[2015-141 Wise Properties, LLC \(M-1 Manufacturing Zone to C-2 Central Business Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, more particularly described herein, from M-1 Manufacturing Zone to C-2 Central Business Zone. \(Applicant Version\)](#)

- h. [2015-119 Matthew W. Thacker and Jean M. Thacker \(R-3 Residential Zone to C-2 Convenience Commercial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1402 Cemetery Avenue, more particularly described herein, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. \(District 8\) \(Recommended for approval by Planning and Staff\)](#)

[2015-119 Matthew W. Thacker and Jean M. Thacker \(R-3 Residential Zone to C-2 Convenience Commercial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1402 Cemetery Avenue, more particularly described herein, from R-3 Residential Zone to C-2 Convenience Commercial Zone. \(Applicant Version\)](#)

- i. [2015-144 Nick Adams and Christy Clark/Adams Masonry \(R-2 Residential Zone to M-1 Manufacturing Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. \(District 8\) \(Recommended for approval by Planning and Staff\)](#)

[2015-144 Nick Adams and Christy Clark/Adams Masonry \(R-2 Residential Zone to M-1 Manufacturing Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. \(Applicant Version\)](#)

- j. [2015-140 Owen Trepanier and Richard Puente \(M-1 Manufacturing Zone to R-3 Residential Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3120 Dodson Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to proposed use only. \(District 9\) \(Recommended for approval by Planning and Staff\)](#)
- k. [An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, relating to "Alternative Financial Services".](#)
- l. [**An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Section 38-563\(b\), Jurisdiction of the Board. \(Added by permission of Chairwoman Berz\)**](#)

PUBLIC WORKS AND TRANSPORTATION

Public Works

- m. [MR-2015-114 Vision Chattanooga Northshore, LLC/Passpointe Engineering, PLLC/Jan Pas \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 10 Cherokee Boulevard, subject to certain conditions. \(District 1\) \(Recommended for approval by Public Works\)](#)
- n. [MR-2015-102 Gabe Thomas, Collier Construction \(Abandonment\). An ordinance closing and abandoning existing sewer easements and lines located at 3100 St. Elmo Avenue, subject to certain conditions. \(District 7\) \(Recommended for approval by Public Works\)](#)
- o. [MR-2015-110 District of Cameron Harbor LLC/Aaron White \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 751 Riverfront Parkway, subject to certain conditions. \(District 7\) \(Recommended for approval by Public Works\)](#)

VII. Resolutions:

GENERAL GOVERNMENT

- a. [A resolution supporting the passage of legislation by the Tennessee Legislature to make the Bessie Smith Cultural Center eligible to possess a liquor license. \(Revised\)](#)

PLANNING

- b. [2015-123 Dreamtech Homes, LLC/Sherman Smith and First Bank/Jim McKenzie \(Special Exceptions Permit\). A resolution approving a Special Exceptions Permit for a Residential Planned Unit Development for property located at 1091 Mackey Avenue, subject to certain conditions. \(District 4\)](#)

- c. [2015-139 Peter C. Cory and Miles D. Raborn \(Special Exceptions Permit\). A resolution approving a Special Exceptions Permit for a Residential Planned Unit Development for property located at 1813 Morris Hill Road and 8407 and 8575 Petty Road, subject to certain conditions. \(District 4\)](#)

PUBLIC WORKS AND TRANSPORTATION

Transportation

- d. [A resolution authorizing the Administrator for the Department of Transportation to enter into an agreement with Talley Construction Company relative to Contract No. E-12-008-201 for construction services associated with the Gunbarrel Road Improvements from Shallowford Road to Elam Road, in the amount of \\$967,299.00, with a contingency amount of \\$96,730.00, for a total amount of \\$1,064,029.00. \(District 4\)](#)
- e. [A resolution authorizing the Tire Centers, Inc. c/o Michael Andrew to use temporarily the right-of-way of the alley adjacent to the South side of the property located at 1148 East 23rd Street to install fencing and access the alleyway, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. \(District 7\)](#)
- f. [A resolution authorizing the National Medal of Honor Museum of Military History c/o Jim Wade, Executive Director, to use temporarily the right-of-way located on the southern corner of the intersection to South Crest Road and South Crest Place to install three \(3\) medal of honor markers adjacent to the existing marker, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. \(District 9\)](#)
- g. [A resolution authorizing the Administrator for the Department of Transportation to amend an agreement with Halcrow, Inc. relative to Contract No. E-03-007-101, for professional services associated with the Wilcox Tunnel Rehabilitation, for a decreased amount of \\$757,284.12, for a revised contract amount of \\$1,291,361.88. \(District 9\)](#)

VIII. Departmental Reports:

- a) Police.
- b) Fire.
- c) Economic and Community Development.
- d) Youth and Family Development.
- e) Transportation.
- f) Public Works.
- g) Finance.
- h) IT.
- i) Human Resources.
- j) General Services.

IX. Purchases.

X. Other Business.

a) **City Attorney Report.**

- i. Horse Trails
- ii. Ethics Complaint

b) **Report on Debt Obligation – Form CT-0523.**

XI. Committee Reports.

XII. Agenda Session for Tuesday, December 15, 2015.

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

XIV. Adjournment.

TUESDAY, DECEMBER 15, 2015
CITY COUNCIL AGENDA
6:00 PM

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Henderson).
3. Minute Approval.
4. Special Presentation.
5. Ordinances – Final Reading:

GENERAL GOVERNMENT

- a. An ordinance to amend the Charter of the City of Chattanooga, and all acts, ordinances, and other Charter provisions amendatory thereof, pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment) so as to change the City Charter by amending the voter eligibility provision.

PLANNING

- b. 2015-145 Bristol Development Group and Scott Black (M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 328 Cherokee Boulevard, 401, 403, 407, 409, 411, and 413 Somerville Avenue, more particularly described herein, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions. **(District 1) (Recommended for approval by Planning and Staff)**

2015-145 Bristol Development Group and Scott Black (M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 328 Cherokee Boulevard, 401, 403, 407, 409, 411, and 413 Somerville Avenue, more particularly described herein, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone. **(Applicant Version)**

- c. 2015-138 Peter C. Cory and Miles D. Raborn (R-5 Residential Zone to R-1 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 8407 and 8575 Petty Road, more particularly described herein, from R-5 Residential Zone to R-1 Residential Zone. **(District 4) (Recommended for approval by Planning and Staff)**

- d. [2015-135 Jason McGlohon/SBI Engineers \(R-1 Residential Zone to R-4 Special Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6501 Shallowford Road, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. \(District 6\) \(Recommended for denial by Planning and Staff\)](#)
- e. [2015-136 James Hixson \(R-2 Residential Zone to R-4 Special Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 2700 and 2708 Walker Road, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. \(District 6\) \(Recommended for approval by Planning and Staff\)](#)
- f. [2015-149 City of Chattanooga/RPA \(M-1 Manufacturing Zone to M-2 Light Industrial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3000 Broad Street, more particularly described herein, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions. \(District 7\)](#)
- g. [2015-141 Wise Properties, LLC \(M-1 Manufacturing Zone to C-2 Central Business Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. \(District 7\) \(Recommended for approval by Planning and Staff\)](#)

[2015-141 Wise Properties, LLC \(M-1 Manufacturing Zone to C-2 Central Business Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, more particularly described herein, from M-1 Manufacturing Zone to C-2 Central Business Zone. \(Applicant Version\)](#)
- h. [2015-119 Matthew W. Thacker and Jean M. Thacker \(R-3 Residential Zone to C-2 Convenience Commercial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1402 Cemetery Avenue, more particularly described herein, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. \(District 8\) \(Recommended for approval by Planning and Staff\)](#)

[2015-119 Matthew W. Thacker and Jean M. Thacker \(R-3 Residential Zone to C-2 Convenience Commercial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1402 Cemetery Avenue, more particularly described herein, from R-3 Residential Zone to C-2 Convenience Commercial Zone. \(Applicant Version\)](#)

- i. [2015-144 Nick Adams and Christy Clark/Adams Masonry \(R-2 Residential Zone to M-1 Manufacturing Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. \(District 8\) \(Recommended for approval by Planning and Staff\)](#)

[2015-144 Nick Adams and Christy Clark/Adams Masonry \(R-2 Residential Zone to M-1 Manufacturing Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. \(Applicant Version\)](#)
- j. [2015-140 Owen Trepanier and Richard Puente \(M-1 Manufacturing Zone to R-3 Residential Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3120 Dodson Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to proposed use only. \(District 9\) \(Recommended for approval by Planning and Staff\)](#)
- k. [An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article II, Section 38-2, Definitions, relating to "Alternative Financial Services".](#)
- l. [An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article VIII, Section 38-563\(b\), Jurisdiction of the Board.](#)

PUBLIC WORKS AND TRANSPORTATION

Public Works

- m. [MR-2015-114 Vision Chattanooga Northshore, LLC/Passpointe Engineering, PLLC/Jan Pas \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 10 Cherokee Boulevard, subject to certain conditions. \(District 1\) \(Recommended for approval by Public Works\)](#)
 - n. [MR-2015-102 Gabe Thomas, Collier Construction \(Abandonment\). An ordinance closing and abandoning existing sewer easements and lines located at 3100 St. Elmo Avenue, subject to certain conditions. \(District 7\) \(Recommended for approval by Public Works\)](#)
 - o. [MR-2015-110 District of Cameron Harbor LLC/Aaron White \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 751 Riverfront Parkway, subject to certain conditions. \(District 7\) \(Recommended for approval by Public Works\)](#)
6. [Ordinances – First Reading:](#)

7. Resolutions:

ECONOMIC AND COMMUNITY DEVELOPMENT

- a. A resolution to authorize the Administrator for the Department of Economic and Community Development to enter into a Master Services Agreement with OpenCounter Enterprises, Inc. for access to certain software-based services via the Internet for a period of four (4) years, for a contract total not to exceed \$142,500.00, with the first year's expense not to exceed \$67,000.00.
- b. A resolution authorizing the City of Chattanooga to partner with Brightbridge for submission of a Brownsfields Cleanup Grant to leverage the cleanup of the former Glover Tract, in the amount of \$200,000.00, with the City's portion in the amount of \$40,000.00.

GENERAL SERVICES

- c. A resolution authorizing the Mayor to execute a Lease Agreement with Signal Centers, Inc. for the property located at 1714 Duncan Avenue, Tax Map No. 146J-Q-032, in substantially the form attached, for the facilities to be used for the purpose of providing educational outreach to young families through a Baby University, which will aid parents or caregivers with the information and support necessary to prepare children for life-long success. **(District 9)**

PUBLIC WORKS AND TRANSPORTATION

Public Works

- d. A resolution authorizing the Administrator for the Department of Public Works to apply for and, if awarded, accept a grant from the Lyndhurst Foundation for East Lake Park Phase One – Lake Restoration and Water Quality Improvement Plan and to execute a grant agreement in the amount of \$200,000.00 in two parts, with the City's portion in the amount of \$400,000.00, for a total project cost in the amount of \$600,000.00. **(District 7)**

Transportation

- e. A resolution authorizing the Administrator for the Department of Transportation to apply for and, if awarded, accept a multimodal access grant from the Tennessee Department of Transportation (TDOT) to construct the Midtown Pathway, a shared use pathway along Brainerd Road from Spring Creek Road to Greenway View Drive, with the City's portion in the amount of \$237,500.00, for an amount not to exceed \$1,187,500.00. **(Districts 5 & 6)**
- f. A resolution authorizing the Administrator for the Department of Transportation to amend an agreement with Allen & Hoshall, Inc. relative to Contract No. E-09-019-101, originally established under Resolution No. 26561, for professional services for SR-27 (Rossville Boulevard) Pedestrian and Bicycle Facilities, for a decreased amount of \$15,518.48, for a revised contract amount of \$53,881.52. **(District 7)**

