

**TUESDAY, MAY 10, 2016**  
**CITY COUNCIL REVISED AGENDA**  
**6:00 PM**

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

**CITY ATTORNEY'S OFFICE**

- a. [An ordinance to amend Ordinance No. 13007 to change Section 5 only to reflect the general state election date as November 8, 2016.](#)

**PUBLIC WORKS AND TRANSPORTATION**

**Public Works**

- b. [MR-2016-021 Bobby Fairbanks \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 7373 and 7385 Applegate Lane, subject to certain conditions. \(District 4\)](#)
  - c. [MR-2016-022 Ashford Square Retirement Community \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 7683 Shallowford Road, subject to certain conditions. \(District 4\)](#)
  - d. [MR-2016-047 MAP Engineers c/o Mike Price and Peter Cory \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 1813 Morris Hill Road, subject to certain conditions. \(District 4\)](#)
  - e. [MR-2016-029 M&M Industries, Inc. \(Abandonment\). An ordinance closing and abandoning a sewer easement located at 6162 Enterprise Park Drive. \(District 5\)](#)
- VI. Ordinances – First Reading:

**PLANNING**

- a. [2016-052 David J. Kluttz \(C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone\). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 5277 Wilbanks Road, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions. \(District 3\) \(Recommended for approval by Planning and Staff\)](#)

- 2016-052 David J. Kluttz (C-5 Neighborhood Commercial 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 5277 Wilbanks Road, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone. **(Applicant Version)**
- b. 2016-053 Adamson Developers, LLC c/o Bobby Joe Adamson (R-2 Residential Zone to R-3 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone parts of properties located at 8062 and 8074 Old Lee Highway, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone. **(District 4) (Recommended for approval by Planning and Staff)**
- c. 2016-054 Chambliss Center for Children (R-1 Residential Zone to R-2 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 402 and 406 Gillespie Road, more particularly described herein, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions. **(District 5) (Recommended for approval by Planning and Staff) (Revised)**
- 2016-054 Chambliss Center for Children (R-1 Residential Zone to R-2 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 402 and 406 Gillespie Road, more particularly described herein, from R-1 Residential Zone to R-2 Residential Zone. **(Applicant Version)**
- d. 2016-062 Global Southern Realty Holdings, LLC (Lift Condition). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift Condition No. 4 from Ordinance No. 12867 for previous Case No. 2014-094, on property located at 7408 Bonny Oaks Drive, being more particularly described herein. **(District 6) (Recommended for approval by Planning and Staff)**
- e. 2016-048 Sunnyside Properties, LLC (M-1 Manufacturing Zone to R-1 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone part of property located at 4820 Oakland Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-1 Residential Zone, subject to certain conditions. **(District 7) (Planning and Staff recommends denial of R-T/Z Residential Townhouse Zero Lot Line and approves R-1 Residential Zone) (Revised)**

- 2016-048 Sunnyside Properties, LLC (M-1 Manufacturing 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 part of property located at 4820 Oakland Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone. **(Applicant Version)**
- f. 2016-049 Sonja Y. Benning (M-1 Manufacturing Zone to R-1 Residential Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 109 Workman Road, more particularly described herein from M-1 Manufacturing Zone to R-1 Residential Zone. **(District 7) (Recommended for approval by Planning and Staff)**
- g. 2016-051 Duane Carleo and Mark Neal (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 24 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) (Recommended for approval by Planning and Staff)**
- 2016-051 Duane Carleo and Mark Neal (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 24 East 14<sup>th</sup> Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Applicant Version)**
- h. 2016-024 Belle Investment Company/Third Street Partners/Jimmy & Molly Seal (R-4 Special Zone to C-3 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1028 and 1042 East 3<sup>rd</sup> Street and 1039, 1043, and 1047 East 4<sup>th</sup> Street, more particularly described herein, from R-4 Special Zone to C-3 Convenience Commercial Zone, subject to certain conditions. **(District 8) (Recommended for approval by Planning and Staff) (Deferred 21 days from 4/19/2016)**
- i. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-2; 38-184; 38-204; 38-302; and 38-568; Defining, Regarding, and Referencing Facilities such as Boarding, Grooming, Training, and Similar Uses for Small Animals in Article II, Definitions; Article V, Zoning Regulations; Article VIII, Board of Appeals for Variances and Special Permits.
- j. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article V, Zoning Regulations, Division 24, Flood Hazard Zone Regulations to the Flood Insurance Rate Map Community Panel Members.

## **PUBLIC WORKS AND TRANSPORTATION**

### **Transportation**

- k. MR-2016-038 Pryor Bacon/TTG Partnership (Abandonment). An ordinance closing and abandoning a portion of the right-of-way along Bush Street from North Market Street to Hamilton Avenue, detailed on the attached map, to alleviate encroachment of existing building into right-of-way, subject to certain conditions. (District 2) (Recommended for approval by Transportation)
- l. MR-2016-045 David Daveney and Ridgedale Baptist Church (Abandonment). An ordinance closing and abandoning an unnamed alley at the rear of the property located at 6400 Lee Highway, detailed on the attached map, subject to certain conditions. (District 6) (Recommended for approval by Transportation)
- m. MR-2016-011 Claudia Pullen of SEB 2 LLC (Abandonment). An ordinance closing and abandoning a portion of the right-of-way located in the 3800 block of St. Elmo Avenue, detailed on the attached map, on which the existing building is located, subject to certain conditions. (District 7) (Recommended for approval by Transportation)
- n. MR-2016-034 Steward Advanced Materials, LLC (Abandonment). An ordinance closing and abandoning a portion of the right-of-way located along the 3500 and 3600 blocks of Jerome Avenue, detailed on the attached map, to alleviate encroachment of the existing building into the right-of-way, subject to certain conditions. (District 7) (Recommended for approval by Transportation)
- o. MR-2016-046 W.C. Helton (Abandonment). An ordinance closing and abandoning a portion of the right-of-way located in the 300 block of East 36<sup>th</sup> Street and two (2) unnamed alleys, detailed on the attached map, subject to certain conditions. (Districts 7 & 8) (Recommended for approval by Transportation)

## VII. Resolutions:

### **CITY ATTORNEY'S OFFICE**

- a. A resolution authorizing the City of Chattanooga to settle a lawsuit concerning a claim on August 15, 2014, with Sue A. Wilson and Gordon Wilson and their attorneys, Wooden Law Firm, P.C., subject to the execution of a general release of all claims and a dismissal with prejudice, in the amount of \$110,000.00. (Added by permission of Chairman Freeman)

### **ECONOMIC AND COMMUNITY DEVELOPMENT**

- b. A resolution approving the acceptance and distribution of Fiscal Year 2016-2017 Community Development Block Grant (CDBG), HOME Investment Partnership Act Funds (HOME), and Emergency Solutions Grant (ESG) Funds from the U.S. Department of Housing and Urban Development (HUD) Program Income, all totaling approximately \$2,783,145.00.

### **GENERAL SERVICES**

- c. A resolution authorizing the Mayor to execute, in cooperation with the Agawela Drive Stream Restoration Project, a Declaration of Restrictive Covenant, in substantially the form attached, for City-owned property located on Agawela Drive, further identified as Tax Parcel No. 147C-E-001.03. (District 5)
- d. A resolution authorizing the Mayor to execute a Property Exchange Agreement, in substantially the form attached, with Highland Park Commons, Inc., involving 809 S. Willow, identified as Tax Map No. 1460-V-006, and three (3) Vance Avenue parcels, identified as Tax Map Nos. 1460-V-004.01, 1460-V-007, and 1460-V-008. (District 9)
- e. **A resolution authorizing the Mayor to execute quitclaim deeds, with an effective date of May 4, 2016, conveying one hundred (100) certain or certain combination of parcels to the approved highest bidders on jointly owned properties of the City of Chattanooga and Hamilton County as acquired through previous delinquent tax sales. (Added by permission of Chairman Freeman)**

### **MAYOR'S OFFICE**

- f. A resolution to confirm the Mayor's re-appointments of Lora Dawson and Grady Rhoden to the Hamilton County Board of Equalization.
- g. A resolution to confirm the Mayor's re-appointments of Marty Bourquin and David Ashburn to the Wastewater Regulations and Appeals Board.

### **PUBLIC WORKS AND TRANSPORTATION**

#### **Public Works**

- h. A resolution authorizing the Administrator for the Department of Public Works to enter into a contract (S-15-016) with CDM Smith for an East Lake concept in District 7 for "Water Quality Design and Planning for Lake Restoration and Green Stormwater Infrastructure, in the amount of \$100,000.00. (District 7)
- i. A resolution authorizing the approval of Change Order No. 1 for HDR Engineers, Inc. relative to Contract No. W-12-028-101, Focused SSES and Rehabilitation of Dobbs Branch 3 Sub-basin Project, for an increased amount of \$78,565.20, for a revised contract amount not to exceed \$580,105.20. (Districts 7, 8, and 9)

**Transportation**

- j. A resolution authorizing Fiamma Pizza, LLC c/o Jim Richards, tenant of the property owner, M Street Chatt, LLC, to use temporarily the right-of-way located on North Market Street adjacent to 405 North Market Street to install awnings, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 1)
- k. A resolution authorizing The Perfect Fit, LLC c/o Tonja Perkins, tenant of the property owner, James Keef, Jr., to use temporarily the right-of-way located on Cherokee Boulevard adjacent to 440 Cherokee Boulevard to install signage and exterior lights, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 1)
- l. A resolution authorizing Robert Roberts, LLC c/o Robert Roberts, agent for the property owner, CADAS c/o James Shaw, to use temporarily the right-of-way located on Minor Street and Manning Street adjacent to 216 Minor Street to install building overhangs, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 1)
- m. A resolution authorizing HGH Construction c/o Lisa Williams, agent for the property owner, John Coffett, to use temporarily an unopened portion of the right-of-way located on Glenroy Avenue to access the property, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 2)
- n. A resolution authorizing Office Coordinators c/o Tripp Goodman to use temporarily the right-of-way located on East Main Street adjacent to 326 East Main Street to install a sign and display area, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 7)
- o. A resolution authorizing Collier Construction c/o Gabe Thomas, agent for the future Homeowner's Association for the 100 @ S. Broad Subdivision, to use temporarily the right-of-way located adjacent to 3100 St. Elmo Avenue to install freight containers to be used as storage units and buffers to the adjacent railroad, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 7)
- p. A resolution authorizing BP Construction c/o Jeffrey Garner, agent for the property owner, Citipark Investors, LLC c/o Blake Defoor, to use temporarily the right-of-way located along Chestnut Street and 8<sup>th</sup> Street adjacent to 803 Chestnut Street to install planters and maintain building overhangs, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. (District 7)

- q. [A resolution authorizing Benton C. Torrence, property owner, to use temporarily the right-of-way of the unopened portion located on Belmont Avenue for secondary access to 1619 West 54<sup>th</sup> Street, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. \(District 7\)](#)
- r. [A resolution authorizing Franklin Architects c/o Bob Franklin, agent for the property owner, Dew Edney, LLC, to use temporarily the right-of-way located on Market Street and East 11<sup>th</sup> Street adjacent to 1100 Market Street to install awnings, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. \(District 8\)](#)
- s. [A resolution authorizing River Street Architecture c/o Terry Barker, agent for the property owner, Gary Ivey, to use temporarily the right-of-way located on Hillcrest Road adjacent to 1692 Riverview Road during the pending abandonment process, as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. \(District 2\)](#)

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) **Approval of certifications regarding grocery stores wishing to sell wine:**
  - 1. Sam's Club #8112, 6101 Lee Highway (District 6)
  - 2. Walmart #5251, 490 Greenway View Drive (District 6)
  - 3. Walmart #5143, 8101 East Brainerd Road (District 4)
  - 4. Walmart #4671, 4110 Shallowford Road (District 5)
  - 5. Walmart #3660, 3550 Cummings Highway (District 1)
  - 6. Walmart #3659, 501 Signal Mountain Road (District 1)
  - 7. Walmart #3619, 3901 Hixson Pike (District 2)
  - 8. Walmart #1606, 5764 Highway 153 (District 3)
  - 9. Walmart #1469, 2020 Gunbarrel Road (District 4)

**Revised Agenda for Tuesday, May 10, 2016**  
**Page 8 of 13**

XI. Committee Reports.

XII. Agenda Session for Tuesday, May 17, 2016.

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

XIV. Adjournment.



**TUESDAY, MAY 17, 2016**  
**CITY COUNCIL AGENDA**  
**6:00 PM**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Smith).
3. Minute Approval.
4. Special Presentation.

**“Public Works Week Proclamation”**  
**By Councilman Ken Smith**

5. Ordinances – Final Reading:

**PLANNING**

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## **PUBLIC WORKS AND TRANSPORTATION**

### **Transportation**

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- n. [MR-2016-034 Steward Advanced Materials, LLC \(Abandonment\). An ordinance closing and abandoning a portion of the right-of-way located along the 3500 and 3600 blocks of Jerome Avenue, detailed on the attached map, to alleviate encroachment of the existing building into the right-of-way, subject to certain conditions. \*\*\(District 7\) \(Recommended for approval by Transportation\)\*\*](#)

- o. [MR-2016-046 W.C. Helton \(Abandonment\). An ordinance closing and abandoning a portion of the right-of-way located in the 300 block of East 36<sup>th</sup> Street and two \(2\) unnamed alleys, detailed on the attached map, subject to certain conditions. \(Districts 7 & 8\) \(Recommended for approval by Transportation\)](#)
- 6. [Ordinances – First Reading: \(None\)](#)
- 7. [Resolutions:](#)

### **GENERAL SERVICES**

- a. [A resolution authorizing the Director of General Services to enter into and execute a contract with Russo Corporation for compaction grouting soil stabilization services at The Chattanooga Hotel for \\$233,975.00, with a contingency amount of \\$23,397.00, for a total estimated amount not to exceed \\$257,372.50.](#)
- b. [A resolution declaring surplus and authorizing the Mayor to execute a quitclaim deed to donate to the Tennessee Valley Railroad Museum the interest of the City of Chattanooga in back tax parcels 136E-F-001, 137B-A-008, 137B-B-025, 137H-E-003, and 136L-S-005.01, pending parcels being approved as surplus by the Regional Planning Agency, and as jointly-owned by the City of Chattanooga and Hamilton County, with the five \(5\) properties having a total assessed value of \\$19,800.00. \(Districts 5, 8 & 9\)](#)
- c. [A resolution authorizing the Mayor to execute an Agreement with Exercise Option to Renew with Captain Brian Cotter for the house located at 324 Bass Road, known as the Brown Acres Rental House, for one \(1\) additional one \(1\) year term, with an expiration date of July 31, 2017, for the continued consideration of \\$100.00 per month and Captain Cotter's security services at Brown Acres Golf Course and Brainerd Golf Course shall be valued at an additional \\$700.00 per month in consideration of the total, monthly rent of \\$800.00 per month. \(District 6\)](#)

### **IT**

- d. [A resolution authorizing the Chief Information Technology Officer to renew the blanket contract with EpheSoft Software License and support with ZIA Consulting for technical services and maintenance for Electronic Content Management \(ECM\) for a contract term of one year, for a total amount not to exceed \\$85,000.00.](#)

### **PUBLIC WORKS AND TRANSPORTATION**

#### **Public Works**

- e. [A resolution authorizing the approval of Change Order No. 1 for Jacobs Engineering Group, Inc. relative to Contract No. W-10-004-101, East Brainerd Pump Station Upgrade and Collection System Rehab, for an increased amount of \\$97,417.17, for a revised contract amount not to exceed \\$2,459,827.17. \(District 6\)](#)

- f. [A resolution authorizing the Administrator for the Department of Public Works to award Contract No. W-15-013-201 to Adams Contracting, LLC of Lexington, KY, Citico Creek Handrail Project, in the amount of \\$60,600.00, with a contingency amount of \\$6,000.00, for an amount not to exceed \\$66,600.00. \(District 8\)](#)
- g. [A resolution authorizing the Administrator for the Department of Public Works to award Contract No. W-15-015-201 to Talley Construction Company, Inc. of Rossville, GA, 818 Georgia Avenue \(19 Patten Parkway\) Sewer Relocation, in the amount of \\$112,489.35, with a contingency amount of \\$12,000.00, for an amount not to exceed \\$124,489.35. \(District 8\)](#)

**Transportation**

- h. [A resolution authorizing the Administrator for the Department of Transportation to amend an agreement with Talley Construction Company, Inc. for construction services relative to Contract No. T-15-001, associated with resurfacing city streets, for an increased amount of \\$181,792.46, for a revised contract amount of \\$3,064,580.25.](#)
- 8. 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.
  - 9. Purchases.
  - 10. Other Business.
  - 11. Committee Reports.
  - 12. Agenda Session for Tuesday, May 24, 2016.
  - 13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
  - 14. Adjournment.