

AGENDA FOR TUESDAY, FEBRUARY 14, 2006

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Page).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Second Reading:
- VI. Ordinances – First Reading:
 - a) An ordinance granting unto First Centenary United Methodist Church a Franchise to construct and maintain a pedestrian bridge over the 400 block of Oak Street in the City of Chattanooga as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 406, by deleting said section in its entirety and creating a new Section 406, Mixed Use Zone (MXU), as a separate zoning designation.
 - c) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article VIII, Section 107(18)(A), relative to certain definitions of adult-oriented establishments.
 - d) An ordinance appropriating from the General Fund to the Tivoli Auditorium Promotion Association, Inc. (TAPA) the amount of \$100,000.00, relative to promotion of the Tivoli and Memorial Auditoriums. **(Added by permission of Council Chair Robinson.)**
 - e) 2006-001 Jesse Curtis, Jr. (from M-1 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 4105 and 4107 Highland Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-1 Residential Zone. **(Recommended for approval by Planning.)**
 - f) 2006-009 DeFoor Brothers Development, LLC (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2300 Timberlane Trail, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2006-009 DeFoor Brothers Development, LLC (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2300 Timberlane Trail, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2006-010 DeFoor Brothers Development, LLC (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2339 Timberlane Trail, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2006-010 DeFoor Brothers Development, LLC (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2339 Timberlane Trail, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- h) 2006-011 DeFoor Brothers Development, LLC (from R-4 MXU-OZ to C-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Napier Drive, 7301 and 7307 McCutcheon Road, and 7301 Shallowford Road, more particularly described herein, from R-4 MXU-OZ Mixed Use Overlay Zone to C-4 Planned Commerce Center Zone. **(Not recommended for approval by Planning – see alternate version.)**

2006-011 DeFoor Brothers Development, LLC (from R-4 MXU-OZ to C-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Napier Drive, 7301 and 7307 McCutcheon Road, and 7301 Shallowford Road, more particularly described herein, from R-4 MXU-OZ Mixed Use Overlay Zone to C-4 Planned Commerce Center Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- i) 2006-013 DeFoor Brothers Development, LLC (from R-4 to MXU-OZ). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Timberland Trail, more particularly described herein, from R-4 Special Zone to MXU-OZ Mixed Use Overlay Zone. **(Not recommended for approval by Planning – see alternate version.)**

2006-013 DeFoor Brothers Development, LLC (from R-4 to MXU-OZ). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Timberland Trail, more particularly described herein, from R-4 Special Zone to MXU-OZ Mixed Use Overlay Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

VII. Resolutions:

- a) A resolution authorizing the acquisition of certain property located west of Market Street on Manufacturers Road, commonly known as the former Chattanooga Traction Company Land, more particularly described herein, from the Cincinnati, New Orleans, and Texas Pacific Railway Company, for the amount of \$55,931.00, plus reasonable closing costs, subject to the Mandatory Referral Process.

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- b) A resolution designating February 28, 2006, as “Spay Day USA”.
- c) 2005-034 DMW Group, LLC (Final PUD). A resolution approving a proposed final planned unit development special exceptions permit for a planned unit development known as Petty Crossing Planned Unit Development on tracts of land located at 1700 and 8600 Petty Road, more particularly described herein and as shown on the final planned unit development plan attached hereto and made a part hereof by reference, subject to certain conditions.

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 and 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, February 21, 2006.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, February 21, 2006:

AGENDA FOR TUESDAY, FEBRUARY 21, 2006

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Benson).
3. Minute Approval.
4. Special Presentations.
5. Ordinances – Second Reading:
 - a) An ordinance granting unto First Centenary United Methodist Church a Franchise to construct and maintain a pedestrian bridge over the 400 block of Oak Street in the City of Chattanooga as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
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 - e) 2006-001 Jesse Curtis, Jr. (from M-1 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 4105 and 4107 Highland Avenue, more particularly described herein, from M-1 Manufacturing Zone to R-1 Residential Zone. **(Recommended for approval by Planning.)**
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- h) 2006-011 DeFoor Brothers Development, LLC (from R-4 MXU-OZ to C-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Napier Drive, 7301 and 7307 McCutcheon Road, and 7301 Shallowford Road, more particularly described herein, from R-4 MXU-OZ Mixed Use Overlay Zone to C-4 Planned Commerce Center Zone. **(Not recommended for approval by Planning – see alternate version.)**

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- i) 2006-013 DeFoor Brothers Development, LLC (from R-4 to MXU-OZ). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2300 block of Timberland Trail, more particularly described herein, from R-4 Special Zone to MXU-OZ Mixed Use Overlay Zone. **(Not recommended for approval by Planning – see alternate version.)**

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6. Ordinances – First Reading:

- a) MR-2005-203 Chris Farris (Close & Abandon). An ordinance closing and abandoning an unopened alley located on the north line of the 3400 block of Martin Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works – see alternate version.)**

MR-2005-203 Chris Farris (Close & Abandon). An ordinance closing and abandoning an unopened alley located on the north line of the 3400 block of Martin Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- b) MR-2005-204 Robmer Partners (Mervin Pregulman) (Close & Abandon). An ordinance closing and abandoning the partially opened 1900 block of Fort Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works – see alternate version.)**

MR-2005-204 Robmer Partners (Mervin Pregulman) (Close & Abandon). An ordinance closing and abandoning the partially opened 1900 block of Fort Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- c) MR-2005-213 Paul Wirz (Close & Abandon). An ordinance closing and abandoning the 2100 block of Peacock Street beginning on the north line of the 2300 block of 15th Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works – see alternate version.)**

MR-2005-213 Paul Wirz (Close & Abandon). An ordinance closing and abandoning the 2100 block of Peacock Street beginning on the north line of the 2300 block of 15th Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- d) MR-2005-216 Watson Properties (Close & Abandon). An ordinance closing and abandoning the 300 block of Patten Street on the west line of the 2000 block of Washington Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning or Public Works – see alternate version.)**

MR-2005-216 Watson Properties (Close & Abandon). An ordinance closing and abandoning the 300 block of Patten Street on the west line of the 2000 block of Washington Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- e) MR-2005-220 City of Chattanooga, c/o William Payne (Close & Abandon). An ordinance closing and abandoning a portion of the 700 block of Wall Street and the 900 block of Magnolia Alley, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Public Works – see alternate version.)**

MR-2005-220 City of Chattanooga, c/o William Payne (Close & Abandon). An ordinance closing and abandoning a portion of the 700 block of Wall Street and the 900 block of Magnolia Alley, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**

- f) MR-2005-225 The Krystal Company, c/o Roger Rending (Close & Abandon). An ordinance closing and abandoning an unnamed alley located on the south line of the 1600 block of East 37th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for denial with recommendation to apply for temporary use by Planning and not recommended for approval by Public Works – see alternate version.)**

MR-2005-225 The Krystal Company, c/o Roger Rending (Close & Abandon). An ordinance closing and abandoning an unnamed alley located on the south line of the 1600 block of East 37th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**

7. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Education, Arts and Culture to execute an agreement with Tivoli Auditorium Promotion Association, Inc. for the management of fund appropriated for the promotion of the Tivoli and Memorial Auditoriums.
- b) A resolution authorizing acceptance of the proposal by the Sheraton Read House Hotel Chattanooga for use of their facilities for a total amount not to exceed \$36,000.00, relative to the 2006 Chattanooga Police Department Promotional Assessment Center to be held in April 2006.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to apply for a local Parks and Recreation Fund Grant from the Tennessee Department of Environment and Conservation, as a joint project with Hamilton County totaling \$400,000.00, relative to Enterprise South Nature Park, which, if awarded, will require matching funds in the amount of \$100,000.00 from the City of Chattanooga.
- d) A resolution authorizing the Administrator of the Department of Parks and Recreation to apply for a Recreational Trails Program Grant from the Tennessee Department of Environment and Conservation to install canoe launches in two locations along the South Chickamauga Creek, which, if awarded, will require matching funds in an amount not to exceed \$20,000.00 from the City of Chattanooga.
- e) A resolution authorizing Franklin Associates Architects, Inc. to proceed with schematics design for renovation of the Memorial Auditorium Community Theatre at a cost not to exceed \$25,000.00.

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- f) A resolution authorizing the appointment of Keith Curtis as special policeman (unarmed) for the City of Chattanooga Department of Public Works to do special duty as prescribed herein, subject to certain conditions.
 - g) A resolution authorizing acceptance of a grant from the Tennessee Film, Entertainment & Music Commission in the amount of \$2,500.00 toward funding the establishment of the Chattanooga Film Commission.
 - h) A resolution authorizing the award of Contract No. E-06-001-201, 2006 City Sidewalk Requirement Contract – Phase I, to Talley Construction Company, Inc. for a total amount not to exceed \$230,742.56, subject to approval of Community Development Block Grant funding.
 - i) A resolution authorizing the award of Contract No. E-06-001-202, 2006 City Sidewalk Requirement Contract – Phase I, to Yerbey Concrete Construction Company for a total amount not to exceed \$200,000.00, subject to approval of Community Development Block Grant funding.
 - j) A resolution authorizing the Administrator of the Department of Public Works to execute an agreement with Consolidated Technologies, Inc. to conduct an investigation of ground water for Closure/Post-Closure at Summitt Landfill in an amount not to exceed \$35,100.00.
 - k) A resolution authorizing the purchase of a right-of-way, slope easement, and temporary construction easement from Raymond and Betty Haggard at 7504 Igou Gap Road, Parcel No. 159A-C-030, Tract 25A, relative to the Igou Gap Road Widening Project, Contract No. E-03-011, for an amount not to exceed \$1,290.00.
 - l) A resolution authorizing the purchase of a right-of-way, slope easement, and temporary construction easement from Marie P. Kilgore and Mildred P. Baggett at 7439 Igou Gap Road, Parcel No. 159A-B-003, Tract 20A, relative to the Igou Gap Road Widening Project, Contract No. E-03-011, for an amount not to exceed \$1,620.00.
 - m) A resolution authorizing the purchase of a right-of-way, slope easement, and temporary construction easement from James A. and Lennie A. Franks at 0000 Clearview Drive, Parcel No. 159A-A-016, Tract 17A, relative to the Igou Gap Road Widening Project, Contract No. E-03-011, for an amount not to exceed \$1,200.00.
 - n) A resolution authorizing Ray Marler to use temporarily the City's right-of-way along the 1300 block of Wisdom Street and 3300 block of Wood Avenue to install sewer lines, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
8. Overtime Report.

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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 and 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 for Tuesday, February 28, 2006.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.