

AGENDA FOR TUESDAY, MAY 1, 2007

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Rico).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) MR-2007-003 Pearlene Smith (Close & Abandon). An ordinance closing and abandoning an unnamed alley located on the south lien of the 5900 block of Shaw Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - b) MR-2007-013 Bouman Development (Close & Abandon). An ordinance closing and abandoning a portion of the unopened 2500 block of East 16th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - c) MR-2007-052 City of Chattanooga (Close & Abandon). An ordinance closing and abandoning Sewer Easement MF No. 11593 on a tract of land located at 1734 East 3rd Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 25, Article I, by substituting a new Section 25-45(2) relative to panhandling. **(Added by permission of the Legal and Legislative Committee.)**
 - b) An ordinance appropriating from the General Fund to A Night To Remember, Inc., a non profit organization, the amount of \$1,500.00 as a sponsorship of its 20th anniversary event. **(Added by permission of Council Chair Page.)**
 - c) An ordinance to amend Ordinance No. 11903 entitled “An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the Fiscal Year 2006/2007” to provide for the appropriation from the Department of Human Services and from Human Services Department Operations for the renovation of the Daisy Head Start/Early Head Start Center.
 - d) MR-2007-004 Richard Dillard (Close & Abandon). An ordinance closing and abandoning a portion of an unnamed alley located at the rear of 2010 East 13th 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 denial with recommendation for temporary use instead by Planning and Public Works. - See 7(h) below for alternate temporary use resolution.)**

- e) MR-2007-018 Charter Real Estate Corporation (Close & Abandon). An ordinance closing and abandoning a portion of the 6000 block of Hall Road, 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 denial by Planning. Recommended for approval by Public Works.)**
- f) MR-2007-031 Hamilton County Real Property (Close & Abandon). An ordinance closing and abandoning a portion of the 1900 block of East 4th 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.)**

VII. Resolutions:

- a) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-03-009-101, Ashland Terrace Sewer Relocation Project, with Consolidated Technologies, Inc., which change order increases the contract amount by \$15,125.00, for a revised contract amount not to exceed \$86,507.00. **(Revised. Deferred from 4-24-07.)**
- b) A resolution authorizing the Chief of the Chattanooga Fire Department to enter into an agreement with Environmental Systems Research Institute for consulting and training services relative to the GIS System being purchased in an amount not to exceed \$16,782.50 using Metropolitan Medical Response System Grant funds.
- c) A resolution authorizing the Administrator of the Department of Education, Arts & Culture to execute a Lease Agreement for office space with the Chattanooga Housing Authority, in substantially the form attached hereto and incorporated herein by reference.
- d) A resolution authorizing the award of Contract No. S-07-003-201, Storm Sewer Separation Project for 2nd and 3rd Streets, to Global Infrastructure, Inc. in the amount of \$309,000.47, plus a contingency amount of \$30,999.53, for a total amount not to exceed \$340,000.00.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Consolidated Technologies, Inc. for engineering services relative to groundwater sampling, monitoring, and reporting during 2007 for Summitt Landfill, North Hawthorne Street Landfill, and City Landfill on Birchwood Pike in an amount not to exceed \$32,000.00.
- f) A resolution authorizing the Administrator of the Department of Public Works to execute an agreement with Barge Waggoner Sumner & Cannon, Inc. relative to Contract No. E-06-024, Tunnel Boulevard Sidewalk Extension Project, in an amount not to exceed \$22,758.00.
- g) A resolution authorizing the Administrator of the Department of Public Works to execute Amendment No. 1 with Consolidated Technologies, Inc. for additional engineering services relative to the contract for replacement of the cooling tower at Moccasin Bend Wastewater Treatment Plant, which amendment increases the contract amount by \$1,700.00, for a total contract amount not to exceed \$10,600.00.

Agenda for Tuesday, May 1, 2007

Page 3 of 8

- h) A resolution authorizing Richard Dillard to use temporarily an unnamed alley located at the rear of 2010 East 13th Street, as referenced in Case No. 2007-004 and shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- i) A resolution authorizing Betty Bell to use temporarily 6307 and 6309 Potts Road to allow two (2) existing carports to encroach the right-of-way, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for denial by Public Works.)**
- j) A resolution authorizing Northside Learning Center to use temporarily an unopened extension of Winthrop Street to make a passive park, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- k) A resolution authorizing Albert Waterhouse to use temporarily 401 Broad Street to install an awning, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- l) A resolution authorizing Barry W. Rick to use temporarily a portion of the sidewalk on the east side of Pine Street between Martin Luther King, Jr. Boulevard and 8th Street to install a canopy, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- m) A resolution authorizing Second Presbyterian Church to use temporarily 801 Pine Street and Martin Luther King, Jr. Boulevard near the entrance ramp to I-124 (US-27) to install a sign, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- n) A resolution authorizing Tower Place, LLC to use temporarily West 17th Street to extend steps from four (4) condominiums into the right-of-way, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- o) A resolution awarding the contract for the renovation of the Daisy Head Start/Early Head Start Center to P&C Construction in an amount not to exceed \$133,328.00. **(Added by permission of Council Chair Page.)**
- p) A resolution authorizing the Mayor to accept a sponsorship of the City Hall Grand Reopening from the Chattanooga Manufacturers Association in the amount of \$5,000.00. **(Added by permission of Council Chair Page.)**

VIII. Overtime Report.

Agenda for Tuesday, May 1, 2007

Page 4 of 8

VIX. 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, May 8, 2007.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, May 8, 2007:

AGENDA FOR TUESDAY, MAY 8, 2007

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Gaines).
3. Minute Approval.
4. Special Presentations.
5. Ordinances – Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 25, Article I, by substituting a new Section 25-45(2) relative to panhandling.
 - b) An ordinance appropriating from the General Fund to A Night To Remember, Inc., a non profit organization, the amount of \$1,500.00 as a sponsorship of its 20th anniversary event.
 - c) An ordinance to amend Ordinance No. 11903, entitled “An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the Fiscal Year 2006/2007” to provide for the appropriation from the Department of Human Services and from Human Services Department Operations for the renovation of the Daisy Head Start/Early Head Start Center.
 - d) MR-2007-004 Richard Dillard (Close & Abandon). An ordinance closing and abandoning a portion of an unnamed alley located at the rear of 2010 East 13th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - e) MR-2007-018 Charter Real Estate Corporation (Close & Abandon). An ordinance closing and abandoning a portion of the 6000 block of Hall Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - f) MR-2007-031 Hamilton County Real Property (Close & Abandon). An ordinance closing and abandoning a portion of the 1900 block of East 4th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
6. Ordinances – First Reading:
 - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Sections 650 and 1700, so as to clarify parking requirements within the Urban General Commercial (UGC) Zone.

- b) 2007-038 Sabrena Turner (from R-1 to O-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1413 North Concord Road and the 6900 block of Concord Circle, more particularly described herein, from R-1 Residential Zone to O-1 Office Zone. **(Recommended for denial by Planning.)**

- c) 2007-049 THP-Investors, Inc. (from R-1 & R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 3928 and 3952 Webb Road, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-049 THP-Investors, Inc. (from R-1 & R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 3928 and 3952 Webb Road, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-049 THP-Investors, Inc. (from R-1 & R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 3928 and 3952 Webb Road, more particularly described herein, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- d) 2007-055 Earthworx, LLC (Lift Condition). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to **lift** Condition No. 2 imposed in Ordinance No. 11540 (Case No. 2004-030) on a tract of land located in the 5500 block of Clear Creek Road, more particularly described herein. **(Not recommended for approval by Planning - see alternate version.)**

2007-055 Earthworx, LLC (Lift Condition). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to **amend** Condition No. 2 imposed in Ordinance No. 11540 (Case No. 2004-030) on a tract of land located in the 5500 block of Clear Creek Road, more particularly described herein. **(Recommended for approval by Planning.)**

- e) 2007-056 Frederick Metzger (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5933 Fisk Avenue, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-056 Frederick Metzger (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5933 Fisk Avenue, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- f) 2007-058 Gregg Juster, c/o Elder Healy & Company (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1601 Rossville Avenue, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-058 Gregg Juster, c/o Elder Healy & Company (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1601 Rossville Avenue, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-058 Gregg Juster, c/o Elder Healy & Company (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1601 Rossville Avenue, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Not recommended for approval by Staff.)**

- g) 2007-059 Ken Defoor (from R-1 & O-1 to MXU). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 2307, 2319, 2323, 2327, 2331, and 2335 Gunbarrel Road and 7340 McCutcheon Road, more particularly described herein, from R-1 Residential Zone and O-1 Office Zone to MXU Mixed Use Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff - see alternate version.)**

2007-059 Ken Defoor (from R-1 & O-1 to MXU). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 2307, 2319, 2323, 2327, 2331, and 2335 Gunbarrel Road and 7340 McCutcheon Road, more particularly described herein, from R-1 Residential Zone and O-1 Office Zone to MXU Mixed Use Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- h) 2007-063 Robert L. Cummings (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 7425 Ziegler Road, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Recommended for denial by Staff. Not recommended for approval by Planning - see alternate version.)**

2007-063 Robert L. Cummings (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 7425 Ziegler Road, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

7. Resolutions:

- a) A resolution authorizing the adoption of the North Shore Plan.

Agenda for Tuesday, May 1, 2007

Page 8 of 8

- b) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contract No. E-06-002-201, 2006 City Sidewalks Requirements Contract - CDBG Phase 2, with Yerbey Concrete Construction, Inc., which Change Order increases the contract amount by \$10,800.60, for a revised contract amount not to exceed \$240,800.60.
 - c) MR-2007-067 City of Chattanooga (Declare Surplus & Donate). A resolution declaring surplus a tract of land located at 2312 Duncan Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, authorizing the donation of said parcel to the Boys and Girls Clubs of Chattanooga, Inc., and authorizing the Director of General Services to execute any and all documents necessary to facilitate said donation.
 - d) MR-2007-068 City of Chattanooga (Declare Surplus). A resolution declaring surplus a tract of land located in the 1200 block of Sholar Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
 - e) MR-2007-069 City of Chattanooga (Declare Surplus). A resolution declaring surplus a tract of land located at 3501 Central Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
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 for Tuesday, May 15, 2007.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.