

## AGENDA FOR TUESDAY, JULY 11, 2006

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Rico).
- III. Minute Approval.
- IV. Special Presentations.

### **Proclamation Presentation to World Changers**

#### V. Ordinances – Final Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 16, Article III, by repealing Sections 16-44, 16-45, 16-47, and 16-48, relative to the Chattanooga Police Department.
- b) An ordinance, hereinafter also known as the “Fiscal Year 2006-2007 Budget Ordinance”, to provide revenue for the fiscal year beginning July 1, 2006, and ending June 30, 2007, and appropriating same to the payment of expenses of the Municipal Government; fixing the rate of taxation on all taxable property in the City, and the time taxes and privileges are due, how they shall be paid, when they shall become delinquent; providing for interest and penalty on delinquent taxes and privileges; and to amend City Code Chapter 18, Section 18-123(b).
- c) 2006-060 Chattanooga Housing Authority (from R-3 & M-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 1 East 25<sup>th</sup> Street, more particularly described herein, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Deferred from 4/11/06.)**
- d) 2006-114 City of Chattanooga - City Council (from C-2 to C-5). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone the rear portion of a tract of land located at 4803 Brainerd Road, more particularly described herein, from C-2 Convenience Commercial Zone to C-5 Neighborhood Commercial Zone. **(Deferred from 6/13/06.)**

#### VI. Ordinances – First Reading:

- a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 406, Mixed Use Zone (MXU), by adding language to subsection (3) relative to area requirements and deleting subsection (17)(K) relative to process.
- b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending certain sections of Article II, Article V, and Article VIII, Section 107, relative to the location of alternative financial services which include deferred presentment services, title pledge lenders, and pawnbrokers, as defined herein.

## Agenda for Tuesday, July 11, 2006

Page 2 of 9

- c) MR-2006-099 CBL & Associates/Shumaker, Witt, Gaither & Whitaker (Close & Abandon). An ordinance closing and abandoning a portion of a sewer line located at 2200 Hamilton Place Boulevard, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- d) 2006-117 Mt. Canaan Baptist Church (Rename ROW). An ordinance to change the right-of-way name of the 2500 block of Boone Street to Melvin Jordan Drive, 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 - see alternative version.)**
- 2006-117 Mt. Canaan Baptist Church (Rename ROW). An ordinance to change the right-of-way name of the 2500 block of Boone Street to Melvin Jordan Drive, 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.)**
- e) 2006-119 City of Chattanooga (from R-2 to M-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 4267 Benton Drive, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. **(Recommended for approval by Planning.)**
- f) 2006-122 B. Paul Hatcher & Bambi L. Hatcher (from C-5 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 1412 McCallie Avenue, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for denial by Staff.)**
- 2006-122 B. Paul Hatcher & Bambi L. Hatcher (from C-5 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 1412 McCallie Avenue, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- g) 2006-124 Linda C. Herrick (from R-2 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 7821 Townsend Road, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. **(Recommended for denial by Planning.)**
- h) 2006-125 DeFoor Brothers Development, LLC (from O-1 to MXU). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2310 Timberlane Trail, more particularly described herein, from O-1 Office Zone to MXU Mixed Use Zone. **(Recommended for approval by Planning.)**

## Agenda for Tuesday, July 11, 2006

### Page 3 of 9

- i) 2006-126 DeFoor Brothers Development, LLC (from MXU to C-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 2415 Elam Lane, more particularly described herein, from MXU Mixed Use Zone to C-4 Planned Commerce Center Zone. **(Recommended for approval by Planning.)**
- j) 2006-133 Jerry Hagan (from R-1 to R-T/Z). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracks of land located at 2409 and 2415 Jenkins Road, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone. **(Recommended for approval by Planning.)**
- k) 2006-136 Cowart Holdings, c/o Diana Van Cleave (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 1406 Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

2006-136 Cowart Holdings, c/o Diana Van Cleave (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 1406 Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- l) 2006-138 City of Chattanooga (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracks of land located in the 5500 block of Miller Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version.)**

2006-138 City of Chattanooga (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracks of land located in the 5500 block of Miller Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

#### VII. Resolutions:

- a) A resolution authorizing the award of Contract No. W-06-002-201, City Landfill at Birchwood, Area 3, Phase 1 Liner, to Wright Brothers Construction Company, Inc. in an amount not to exceed \$9,342,405.73, subject to Council appropriation of funds. **(Deferred from 6/20/06 and 6/27/06.)**
- b) A resolution authorizing the Administrator of the Department of Education, Arts & Culture to execute an agreement with Eastgate Town Center, LLC for a temporary use of certain facilities located at 5600 Brainerd Road, Eastgate Town Center, Chattanooga, TN 37411, for the operation of the Eastgate Senior Activities Center.

## Agenda for Tuesday, July 11, 2006

### Page 4 of 9

- c) A resolution authorizing the Mayor of the City of Chattanooga to enter into and execute a Planning Funding Agreement with Nextel Operations, Inc. for the Planning Phase of the 800 MHz Reconfiguration, as ordered by the Federal Communications Commission (FCC) to be completed by Nextel.
- d) A resolution authorizing the Mayor of the City of Chattanooga to enter into and execute a Reconfiguration Planning Phase Agreement with Motorola, Inc. for the provision of Planning Phase services of the 800 MHz Reconfiguration.
- e) A resolution accepting the donation of one (1) LifePak 10 Cardiac Monitor Defibrillator, the value of which is estimated at \$5,000.00, to the Chattanooga Fire Department from Memorial Hospital.
- f) A resolution authorizing the Mayor to enter into an agreement with the Tennessee Department of Transportation (TDOT) relative to Federal Project No. BR-STP-2 (71) and State Project No. 33010-2228-94, SR-2 (Lee Highway) Bridge and Approaches Over CSX Railroad at LM 16.10.
- g) A resolution authorizing Anthony O. Sammons, Deputy Administrator of the Department of Neighborhood Services, to sign vouchers, requisitions, and other necessary documents for and on behalf of the Department effective July 12, 2006.
- h) 2006-130 Kluting & Wolfe Construction, LLC (Prelim. PUD). A resolution approving a Preliminary Planned Unit Development Special Exceptions Permit for a Proposed Planned Unit Development, known as the Webb Road Residential Planned Unit Development, on tracts of land located in the 4500 block of Webb Road, more particularly described herein as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- i) 2006-134 ABT Properties/Aaron Smith (Prelim. PUD). A resolution approving a Preliminary Planned Unit Development Special Exceptions Permit for a Proposed Planned Unit Development, known as Southernwood Village Planned Unit Development, on tracts of land located at 1700 and 8600 Petty Road, more particularly described herein and as shown on the map 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 & Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

**Agenda for Tuesday, July 11, 2006**  
**Page 5 of 9**

- X. Other Business.
- XI. Committee Reports.
- XII. Agenda Session for Tuesday, July 18, 2006.
- XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- XIV. Adjournment.

XII. Agenda Session for Tuesday, July 18, 2006:

**AGENDA FOR TUESDAY, JULY 18, 2006**

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 Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 406, Mixed Use Zone (MXU), by adding language to subsection (3) relative to area requirements and deleting subsection (17)(K) relative to process.
  - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending certain sections of Article II, Article V, and Article VIII, Section 107, relative to the location of alternative financial services which include deferred presentment services, title pledge lenders, and pawnbrokers, as defined herein.
  - c) MR-2006-099 CBL & Associates/Shumaker, Witt, Gaither & Whitaker (Close & Abandon). An ordinance closing and abandoning a portion of a sewer line located at 2200 Hamilton Place Boulevard, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, subject to certain conditions.
  - d) 2006-117 Mt. Canaan Baptist Church (Rename ROW). An ordinance to change the right-of-way name of the 2500 block of Boone Street to Melvin Jordan Drive, 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 - see alternative version.)**

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  - e) 2006-119 City of Chattanooga (from R-2 to M-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 4267 Benton Drive, more particularly described herein, from R-2 Residential Zone to M-1 Manufacturing Zone. **(Recommended for approval by Planning.)**

- f) 2006-122 B. Paul Hatcher & Bambi L. Hatcher (from C-5 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 1412 McCallie Avenue, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for denial by Staff.)**

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- g) 2006-124 Linda C. Herrick (from R-2 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 7821 Townsend Road, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. **(Recommended for denial by Planning.)**

- h) 2006-125 DeFoor Brothers Development, LLC (from O-1 to MXU). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2310 Timberlane Trail, more particularly described herein, from O-1 Office Zone to MXU Mixed Use Zone. **(Recommended for approval by Planning.)**

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- j) 2006-133 Jerry Hagan (from R-1 to R-T/Z). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracks of land located at 2409 and 2415 Jenkins Road, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone. **(Recommended for approval by Planning.)**

- k) 2006-136 Cowart Holdings, c/o Diana Van Cleave (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 1406 Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

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**Agenda for Tuesday, July 11, 2006**

**Page 8 of 9**

- 1) 2006-138 City of Chattanooga (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracks of land located in the 5500 block of Miller Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version.)**  
  
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6. Ordinances – First Reading:
7. Resolutions:
  - a) A resolution accepting the highest bid by Parthenon Properties, Inc. for the sale of the Morrison Springs Apartments property, located at 701 Morrison Springs Road, Tax Map No. 108E-A-001, in the amount of \$3,015,000.00 and authorizing the Mayor to execute any and all documents necessary to facilitate said sale.
  - b) 2005-117 David Dalton/Signature Land Company (Final PUD). A resolution approving a Proposed Final Planned Unit Development Special Exceptions Permit for a Planned Unit Development, known as Longholm On Riverview Planned Unit Development, on tracts of land located at 1112 and 1154 East Dallas 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.
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, July 25, 2006.

**Agenda for Tuesday, July 11, 2006**  
**Page 9 of 9**

13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.