

**THIRD AMENDED AGENDA FOR TUESDAY, AUGUST 10, 2010**

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Robinson.)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
  - a) MR-2010-090 City of Chattanooga (Abandonment). An ordinance closing and abandoning a portion of the 600 block of West 18<sup>th</sup> Street and an unnamed alley located in the east line of the 400 block of Highway 27, subject to certain conditions. **(District No. 8.)**
- VI. Ordinances – First Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Section 3-55, relative to scenic corridors and relative to the prohibition of off-premise signs along scenic corridors. **(Deferred from 7/27/2010.) (See alternate version.)**
  - b) An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the fiscal year 2010/2011 and to amend the fiscal year 2010/2011 Budget Ordinance No. 12410. **(Deferred from 7/27/2010.)**
  - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 8, relative to Aviation, so as to repeal Article I and Article II.
  - d) An ordinance to amend Section 5 of Ordinance No. 12414, entitled “An ordinance to amend Chattanooga City Code, Part II, Chapter 2, Article I, Section 2-3, In General, and Article III, Divisions 1 through 7, Sections 2-136 through 2-174, and to repeal Section 2-193 of the Personnel Ordinance” so as to delay the implementation of changes to overtime and compensatory leave to August 27, 2010.
  - e) An ordinance to authorize a referendum to amend certain provisions within Title 3 and Title 13 of 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, to make certain changes to the disciplinary appeals procedures for rights of police officers, firefighters, and employees of the City of Chattanooga relative to the administrative procedures for employee disciplinary appeals.
  - f) An ordinance to amend Sections 2-436, 2-437, 2-439, and 2-442 of Ordinance No. 12413 entitled “An ordinance amending Chattanooga City Code, Part II, Chapter 2, Article III, Sections 2-151 through 2-153, by deleting these sections in their

entirety and inserting a new Division 19 entitled ‘Injury On Duty Program’.”  
**(Revised.)**

- g) 2010-096 Bell Development Company, Inc. (Lift Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 11983 (Case No. 2007-086) on tracts of land located at 7726 and 7730 Standifer Gap Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.

**VII. Resolutions:**

- a) A resolution authorizing the waiver of the landfill fees for the Chattanooga Area Food Bank, a non-profit corporation. **(Deferred from 7/27/2010.)**
- b) A resolution authorizing the waiver of the landfill fees for the Samaritan Center, a non-profit corporation. **(Deferred from 7/27/2010.)**
- c) A resolution authorizing the waiver of the landfill fees for the Salvation Army, a non-profit corporation. **(Deferred from 7/27/2010.)**
- d) A resolution authorizing the waiver of the landfill fees for the Bethel Bible Village, a non-profit corporation. **(Deferred from 7/27/2010.)**
- e) A resolution authorizing the waiver of the landfill fees for the Orange Grove Center, Inc., a non-profit corporation. **(Deferred from 7/27/2010.)**
- f) A resolution adopting a five-year Capital Improvement Plan, subject to future revision, a copy of which is attached hereto and made a part hereof by reference. **(Deferred from 7/27/2010.)**
- g) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Franklin Architects to provide professional planning and design services for completing an assessment and potential re-use plan of city property, conducting detailed community planning and visioning exercises, for a fee of \$35,000.00, with a contingency amount of \$3,500.00, for a total amount not to exceed \$38,500.00.
- h) A resolution authorizing the appointment of LaToya Williams and Donovan Basek as special police officers (unarmed) for the Department of Parks and Recreation, to do special duty as prescribed herein, subject to certain conditions.
- i) A resolution authorizing the Administrator of the Department of Public Works – Waste Resources Division to enter into an agreement with Jacobs/JJ&G for professional engineering services related to greenhouse gas evaluations and reporting for City Landfill, Summit Landfill, and the Moccasin Bend WWTP Contract No. W-10-002, for an amount not to exceed \$100,000.00.

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- j) A resolution authorizing Teresa Johnson on behalf of Sluggo's North Vegetarian Café to use temporarily the right-of-way located at 501 Cherokee Boulevard for replacement of outdoor seating to include tables and chairs, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- k) A resolution authorizing the Chief Finance Officer to advance funds to Dogwood Manor, LLC in the amount of approximately \$2.5 million to pay the outstanding loan balance to Regions Bank, plus legal fees owed in connection with past loan extensions; these funds were used to renovate Dogwood Manor, LLC which is a city-owned facility; and further authorizing the Mayor to enter into an agreement with Dogwood Manor, LLC for repayment of said advance from revenues derived from the operations. **(Revised.)**
- l) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Friends of the Zoo for the lease and management of the Chattanooga Zoo at Warner Park.
- m) A resolution authorizing the waiver of the landfill fees for the Chattanooga Goodwill Industries, a non-profit corporation.
- n) A resolution authorizing the Administrator of the Department of Public Works to accept funds from Hixson Development Partners, LLC, for an easement acquisition from Tennessee Wildlife Resources Agency relative to Contract No. E-08-028, Old Hixson Pike Improvements, for a total amount of \$500.00.
- o) A resolution authorizing the Administrator of the Department of Public Works to accept funds from Buffalo Wild Wings for sidewalk and streetscape trees relative to Cherry Street (1<sup>st</sup> Street to 2<sup>nd</sup> Street) for a total amount not to exceed \$4,000.00.
- p) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Volkert, Inc. for the Construction Engineering Inspection (CEI) professional services, relative to Contract No. T-09-003-401, CBD Signalization Upgrade Project, in an amount not to exceed \$119,500.00.
- q) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Environmental Materials to allow the City to remove and transport dirt from C&D for the mutual benefit of the City and C&D.
- r) A resolution authorizing the Administrator of the Department of Public Works to execute a lease with Volkswagen of Chattanooga Operations, LLC or assignee for a tract of land at Summit Landfill.
- s) A resolution authorizing the Administrator of the Department of Public Works to enter into a Landfill Gas Agreement with Volkswagen of Chattanooga Operations, LLC or assignee.

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- t) A resolution authorizing the Administrator of the Department of Public Works to execute easements with the Electric Power Board for electric distribution lines across Summit Landfill property.
- u) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to allocate up to \$61,000.00 in Neighborhood Stabilization Program funds to 28<sup>th</sup> Legislative District Community Development Corporation for the purpose of developing affordable housing.
- v) 2010-012 D and M Properties, LLP (Final PUD). A resolution approving a proposed Final Planned Unit Development Special Exceptions Permit for a planned unit development known as Fishers Landing Planned Unit Development, formerly Mackey Glen Planned Unit Development, on a tract of land located at 1091 Mackey Avenue, 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.
- w) A resolution authorizing the Director of General Services to execute leases with Highland Park Neighborhood Association and Missionary Ridge Neighborhood Association. (Added by permission of Council Vice-Chair Ladd.)

#### 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.

#### X. Other Business.

#### XI. Committee Reports.

#### XII. Agenda Session for Tuesday, August 17, 2010

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

#### XIV. Adjournment.

**AGENDA FOR TUESDAY, AUGUST 17, 2010**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Ladd.)
3. Minute Approval.
4. Special Presentations.

**“Special Recognition: ADM Southern Cellulose,  
Recipient of the “Pretreatment Excellence Award”**

5. Ordinances - Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Section 3-55, relative to scenic corridors and relative to the prohibition of off-premise signs along scenic corridors.
  - b) An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the fiscal year 2010/2011 and to amend the fiscal year 2010/2011 Budget Ordinance No. 12410.
  - c) An ordinance to amend Chattanooga City Code, Part II, Chapter 8, relative to Aviation, so as to repeal Article I and Article II.
  - d) An ordinance to amend Section 5 of Ordinance No. 12414, entitled “An ordinance to amend Chattanooga City Code, Part II, Chapter 2, Article I, Section 2-3, In General, and Article III, Divisions 1 through 7, Sections 2-136 through 2-174, and to repeal Section 2-193 of the Personnel Ordinance” so as to delay the implementation of changes to overtime and compensatory leave to August 27, 2010.
  - e) An ordinance to authorize a referendum to amend certain provisions within Title 3 and Title 13 of 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, to make certain changes to the disciplinary appeals procedures for rights of police officers, firefighters, and employees of the City of Chattanooga relative to the administrative procedures for employee disciplinary appeals.
  - f) An ordinance to amend Sections 2-436, 2-437, 2-439, and 2-442 of Ordinance No. 12413 entitled “An ordinance amending Chattanooga City Code, Part II, Chapter 2, Article III, Sections 2-151 through 2-153, by deleting these sections in their entirety and inserting a new Division 19 entitled ‘Injury On Duty Program’.”

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- g) 2010-096 Bell Development Company, Inc. (Lift Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 11983 (Case No. 2007-086) on tracts of land located at 7726 and 7730 Standifer Gap Road, 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) 2010-088 City of Chattanooga (Rezoning). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 5050, 5336, and 5344 Hunter Road, more particularly described herein, from temporary R-1 Residential Zone to R-1 Residential Zone and temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone. **(Planning version) (District No. 4.)**

2010-088 City of Chattanooga (Rezoning). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 5050, 5336, and 5344 Hunter Road, more particularly described herein, from temporary R-1 Residential Zone and temporary C-2 Convenience Commercial Zone and R-3 Residential Zone with conditions. **(Applicant version.)**

#### 7. Resolutions:

- a) A resolution rescinding Resolution No. 25664, Special Police Commission, for Brad C. Gardner, former Manager of Codes, Community Services and Neighborhood Relations for the Department of Neighborhood Services and Community Development.
- b) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to allocate up to \$6,500.00 in Neighborhood Stabilization Program funds to Habitat for Humanity of Greater Chattanooga to cover costs associated with the renovation and sale of 1612 Olive Street and to enter into an agreement with the organization for same.
- c) A resolution authorizing the Director of General Services to execute all documents necessary to donate property located at 1612 Olive Street to Habitat for Humanity of Greater Chattanooga.
- d) **A resolution approving and authorizing payment to four different artists who performed at the 2010 Swaggfest Youth Program due to the commodity code for all expenses for a total of \$16,000.00.**
- e) **A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Terracon Consultants, Inc. for professional services relative to Contract No. E-03-028-304, Hamill Road Improvements Phase 3 and 4, in the amount of \$24,999.00.**

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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, August 24, 2010.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.