August 9, 2016

Mayor Jane W. Dawkins	P
Commissioner Paul Don King	P
Commissioner Ronnie Lancaster	A
Commissioner Jeff Powers	P
Commissioner Jimmy Wigfall	P

The Board of Mayor and City Commissioners met in a regular city meeting on Tuesday, August 9, 2016.

A **Motion** was made by Commissioner Powers, seconded by Commissioner King, to approve the minutes of the July 12, 2016 meeting. All in favor.

A **Motion** was made by Commissioner Powers, seconded by Commissioner Wigfall, to approve plans for a Veterans Day Parade and Fun Run on November 12, 2016. The Veterans Day Celebration will be held November 11th through November 13th. All in favor.

A **Motion** was made by Commissioner Wigfall, seconded by Mayor Dawkins, to pass on first (1st) reading **Ordinance #767** (An Ordinance to Abandon a Portion of Right of Way Described Within the Body of this Ordinance and Shown on the Attached Graphic Within the Corporate Limits of South Pittsburg, TN). Roll call vote: Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Ordinance died due to lack of passage on first reading.

It was the consensus of Mayor Dawkins and Commissioner Powers to table **Ordinance #768** (An Ordinance to Amend the Official Zoning Ordinance to Require Principal Structures to Face Dedicated Local Streets in Residential Districts in the City of South Pittsburg, TN) until the Board has time to review the ordinance and look into this matter further.

A **Motion** was made by Commissioner Wigfall, seconded by Mayor Dawkins, to pass on first (1st) reading **Ordinance #769** (An Ordinance to Amend the Zoning

Ordinance of the City of South Pittsburg, TN, to Include Conservation Subdivisions). Roll call vote: Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Mayor Dawkins requested that this ordinance be tabled and discussed at a future workshop for reconsideration.

Ordinance #770 (An Ordinance to Amend the Official Zoning Ordinance of the City of South Pittsburg, TN, to Include Stream Buffers) died from lack of motion.

Ordinance #771 (An Ordinance to Amend the Zoning Ordinance of the City of South Pittsburg, TN, to Allow Landscaping Requirements that Promote Storm Water Management) died from lack of motion.

A **Motion** was made by Commissioner Wigfall, seconded by Mayor Dawkins to pass on first (1st) reading **Ordinance #772** (An Ordinance to Amend the Annual Budget for the City of South Pittsburg, TN, for Fiscal Year 2015-2016). Roll call vote: Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Four voted aye.

A **Motion** was made by Commission Powers, seconded by Commissioner Wigfall, to pass **Resolution #968** (A Resolution to Purchase a Backhoe for the City of South Pittsburg, TN, Street Department) stating this capital outlay note is for a 5 year term. Roll call vote: Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, Yes. Four voted aye.

A **Motion** to adjourn the meeting was made by Commissioner Wigfall, seconded by Commissioner Powers. All in favor.

Respectfully submitted,

Mayor Jane W. Dawkins
Diane Beavers, City Recorder

Died - did not pass
on 1st Reading

ORDINANCE NUMBER: 767

AN ORDINANCE TO ABANDON A PORTION OF RIGHT OF WAY DESCRIBED WITHIN THE BODY OF THIS ORDINANCE AND SHOWN ON THE ATTACHED GRAPHIC WITHIN THE CORPORATE LIMITS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE.

WHEREAS, the City of South Pittsburg has agreed to abandon a portion of right of way belonging to 3rd Avenue between North Elm Avenue and an unnamed alleyway as described in the body of this ordinance; and

WHEREAS, the Board of Mayor and Commissioners wish to formalize this agreement in writing; and

WHEREAS, the South Pittsburg Municipal Planning Commission has reviewed and recommended the proposed abandonment of the aforementioned right of way in their meeting on _____, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Mayor and Commissioners of the City of South Pittsburg that the Director of Public Works, for the City of South Pittsburg, is instructed and authorized to abandon a portion of right of way belonging to 3rd Avenue between North Elm Avenue and an unnamed alleyway described more accurately within the body of this ordinance, said roadway being within the corporate limits of the City of South Pittsburg:

Section 1: Portion of 3rd Avenue right of way defined by being adjacent to the northernmost lot line of parcel 142J D 017.00, which runs parallel to First Street, and touches and is perpendicular to Elm Avenue and an unnamed alleyway. The abandonment does not include any portion of the right-of way for the adjacent McReynolds Street, and is shown on the attached graphic.

Section 2: The adjoining property owner shall be entitled to claim the abandoned right of way.

Section 3: The City of South Pittsburg, Tennessee reserves the right to maintain any utility easements within the abandoned right-of-way. Nor shall this ordinance impact any other easements which may be in place on the impacted road.

Section 4: Any need to relocate utilities within the roadway including but not limited to water, sewer and gas shall be the responsibility of the property owner(s) claiming the abandoned areas.

NOW, THEREFORE, BE IT ORDAINED that the Mayor of South Pittsburg and the City Administrator are authorized and instructed to execute the abandonment on behalf of the city.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force immediately from and after its final passage, the public welfare requiring it.

FIRST READING: _____, 2016
SECOND READING:_____, 2016

_____MAYOR

ATTEST: _____
Recorder

South Pittsburg, Tennessee

3rd Avenue
Right of Way Amendment

May 2016

Ordinance No 767

Legend

Area to be abandoned

Map Prepared By:
Community Development
Southeast Tennessee Development District
Chattanooga, TN
Geographic Information Systems

This map is for planning purposes only.
This is not an engineering map.

SETDD
SOUTHEAST TENNESSEE DEVELOPMENT DISTRICT

N
W E
S

100 50 0 100
Feet

ORDINANCE # 768

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO REQUIRE PRINCIPAL STRUCTURES TO FACE DEDICATED LOCAL STREETS IN RESIDENTIAL DISTRICTS IN THE CITY OF SOUTH PITTSBURG, TENNESSEE

WHEREAS, Tennessee Code Annotated (TCA) § 13-7-201, allows for the zoning of territory within a municipality; and

WHEREAS, the South Pittsburg Municipal Planning Commission has certified a zoning ordinance as provided for in TCA § 13-7-202; and

WHEREAS, TCA §13-7-204 authorizes amendments to a zoning ordinance; and

WHEREAS, in accordance with TCA § 13-7-203 subsection (b), the South Pittsburg Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Commissioners; and

WHEREAS, in accordance with TCA § 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Commissioners of the City of South Pittsburg, Tennessee, that

Section 1: **Chapter 4, <u>Section 04.05. Dimensional Regulations</u>** shall be amended with the addition of an item "7", which shall read as follows:

7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

Section 2: **Chapter 5, <u>Section 05.05. Dimensional Regulations</u>** shall be amended with the addition of an item "7", which shall read as follows:

7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

Section 3: **Chapter 6, <u>Section 06.05. Dimensional Regulations</u>** shall be amended with the addition of an item "7", which shall read as follows:

7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

NOW, BE FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commissioners, the public welfare requiring it.

RECOMMENDED BY THE PLANNING COMMISSION: May 12, 2016

Date Advertised in the South Pittsburg Hustler: _____

Date of Public Hearing: _____

First Reading: _____ _____

Second Reading: _____ **MAYOR**

ATTEST:

_____

City Recorder

ORDINANCE NUMBER 769

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SOUTH PITTSBURG, TN TO INCLUDE CONSERVATION SUBDIVISIONS

WHEREAS, Tennessee Code Annotated (TCA) § 13-7-201, allows for the zoning of territory within a municipality; and

WHEREAS, the South Pittsburg Municipal Planning Commission has certified a zoning ordinance as provided for in TCA § 13-7-202; and

WHEREAS, TCA §13-7-204 authorizes amendments to a zoning ordinance; and

WHEREAS, in accordance with TCA § 13-7-203 subsection (b), the South Pittsburg Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Commissioners; and

WHEREAS, in accordance with TCA § 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE THAT:

Section 1: **CHAPTER 2, Section 02.02. Definitions**. is amended with the addition of the following term:

Conservation Subdivision. A coordinated development which preserves undivided, buildable areas of land for communal space by densely grouping development. To qualify for a conservation subdivision, at least 25% of the total tract considered for development must be preserved as conservation land, and the total tract must consist of at least 5 acres. Conservation lands must be designated as such on all plans and plats and protected from future development.

Section 2: **CHAPTER 4, Section 04.02. Uses Permitted**. is amended with the addition of an item "3" which shall read as follows:

3. If the lot is in a Conservation Subdivision, the following uses shall be permitted on Conservation Lands:

   A. Low impact recreation activities such as picnic areas, trails, or community gardens.
   B. Playing fields, playgrounds, or other built recreation areas are permitted as long as they do not take up more than 50% of designated Secondary Conservation Lands or more than 5 acres, whichever is

smaller. Parking for any such activity must be made of a permeable material, such as gravel.

C. Easements for drainage, access, sewer or water lines, or other public purposes.

D. Underground utilities.

Section 3: **CHAPTER 4, <u>Section 04.05. Dimensional Regulations</u>**. is amended with the addition of the following text, shown here in italics:

<u>04.05. Dimensional Regulations.</u>

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05 *or in the case of a Conservation Subdivision. Lots in a Conservation Subdivision shall have a minimum front yard building setback line of fifteen (15) feet.*

2. **Rear Yard:** The minimum depth of the rear yard shall be fifteen (15) feet for the principal structure and five (5) feet for any permitted accessory structure, *except in the case of a Conservation Subdivision. Lots in a Conservation Subdivision shall have a minimum rear yard setback of ten (10) feet.*

3. **Side Yard:** The side yard shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

   A. If the side yard abuts an alley, the side yard setback shall be seven (7) feet.

   B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet, *or ten (10) feet if the lot is in a Conservation Subdivision.*

4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service and providing that said lot of record is not less than 5,000 square feet in area. *Lots in a Conservation Subdivision may have an area of 5,000 square feet or greater, provided the water and sewage systems meet all health requirements provided by the Tennessee Department of Environment and Conservation or any other applicable public health entity.*

5. **Lot Width:** No lot shall be less than 50 feet wide at the building setback line.

6. **Height Requirement:** No building shall exceed forty (40) feet in height except as provided in Section 14.03.

Section 4: **CHAPTER 5, <u>Section 05.05. Dimensional Regulations</u>.** is amended with the addition of the following text, shown here in italics:

<u>05.05. Dimensional Regulations.</u>

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05 *or in the case of a Conservation Subdivision. Lots in a Conservation Subdivision shall have a minimum front yard building setback line of fifteen (15) feet.*

2. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for the principal structure and five (5) feet for any permitted accessory structure.

3. **Side Yard:** The side yard shall be shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

   A. If the side yard abuts an alley, the side yard setback shall be ten (10) feet.

   B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet, *or ten (10) feet if the lot is in a Conservation Subdivision.*

4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area. *Lots in a Conservation Subdivision may have an area of 5,000 square feet or greater, provided the water and sewage systems meet all health requirements provided by the Tennessee Department of Environment and Conservation or any other applicable public health entity.*

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

1) Two dwelling units ..... 7,000 sq. ft.
   Conservation Subdivision ..... 5,000 sq. ft.
2) Three dwelling units ..... 10,500 sq. ft.
   Conservation Subdivision ..... 7,000 sq. ft.
3) Four dwelling units ..... 14,000 sq. ft.
   Conservation Subdivision ..... 10,500 sq. ft.

5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:

1) Single family ..... 50 ft.

2) Two family ..... 75 ft.
3) Three family or greater ..... 100 ft.
4) *Conservation Subdivision (any lot)*..... *50 ft.*

6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 14.03.

Section 5: **CHAPTER 6, <u>Section 06.05. Dimensional Regulations</u>**. is amended with the addition of the following text, shown here in italics:

<u>06.05. Dimensional Regulations.</u>

All uses permitted in the R-3 High Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05 *or in the case of a Conservation Subdivision. Lots in a Conservation Subdivision shall have a minimum front yard building setback line of fifteen (15) feet.*

2. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for the principal structure and five (5) feet for any permitted accessory structure.

3. **Side Yard:** The side yard shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

   A. If the side yard abuts an alley, the side yard setback shall be seven (7) feet.

   B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet, *or ten (10) feet if the lot is in a Conservation Subdivision.*

4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area. *Lots in a Conservation Subdivision may have an area of 5,000 square feet or greater, provided the water and sewage systems meet all health requirements provided by the Tennessee Department of Environment and Conservation or any other applicable public health entity.*

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

1) Two dwelling units .....7,000 sq. ft.
Conservation Subdivision.....5,000 sq. ft.

2) Three dwelling units .....10,500 sq. ft.
Conservation Subdivision.....7,000 sq. ft.

3) Greater than three units10,500 sq. ft. plus 3,500 sq. ft. for **each** unit over 3.

5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:

1) Single family..... 50 ft.

2) Two family ..... 75 ft.

3) Three family or greater..... 100 ft.

4) Conservation Subdivision (any lot).....50 ft.

6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 14.03.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commission of South Pittsburg, Tennessee, THE PUBLIC WELFARE REQUIRING IT.

RECOMMENDED BY THE PLANNING COMMISSION: MAY 12, 2016

DATE ADVERTISED IN THE CHATTANOOGA TIMES FREE PRESS: _____

DATE OF PUBLIC HEARING: _____

FIRST READING: _____

FINAL READING: _____

_____

MAYOR JANE W. DAWKINS,

CITY OF SOUTH PITTSBURG, TN

ATTEST: _____

DIANE BEAVERS, CITY RECORDER

8/9/16
Died from lack of Motion

ORDINANCE NO. 770

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE OF THE CITY OF SOUTH PITTSBURG TO INCLUDE STREAM BUFFERS

WHEREAS, the City of South Pittsburg, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

WHEREAS, Tennessee Code Annotated Section 13-7-204 enables a municipality to amend zoning ordinances and maps; and,

WHEREAS, pursuant to the requirements of TCA Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the City of South Pittsburg conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

NOW, THEREFORE, BE IT ORDAINED BY the Board of Mayor and Commission of South Pittsburg, Tennessee, in accordance with those powers granted to it by the State of Tennessee that:

Section 1: **CHAPTER 2, Section 02.02. Definitions** is amended with the addition of the following term in its proper alphabetical location:

Stream. Perennial and intermittent watercourses identified through site inspection, USGS or FEMA maps, or information from the Tennessee Department of Environment and Conservation.

Section 2: **CHAPTER 13, Section 13.09. General Lot Restrictions** is amended with the addition of a section **13.09.06. Stream Setbacks and Buffers.** The section shall read as follows:

13.09.06. Stream Setbacks and Buffers. All buildings, including accessory uses, must be setback at least twenty five (25) feet from all streams. Lots in the C-2, I-1, and I-2 zones must leave a vegetative buffer at least five (5) feet in width along the banks of all streams. The Planning Commission may waive or reduce this requirement if geographic conditions on the lot make these requirements overly burdensome.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commission of South Pittsburg, Tennessee, THE PUBLIC WELFARE REQUIRING IT.

RECOMMENDED BY THE PLANNING COMMISSION: MAY 12, 2016

DATE ADVERTISED IN THE CHATTANOOGA TIMES FREE PRESS: _____

DATE OF PUBLIC HEARING: _____

FIRST READING: _____

FINAL READING: _____

_____

MAYOR JANE W. DAWKINS,

CITY OF SOUTH PITTSBURG, TN

ATTEST: _____

DIANE BEAVERS, CITY RECORDER

8/9/16
Died from lack of Motion

ORDINANCE NO. 771

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SOUTH PITTSBURG, TENNESSEE TO ALLOW LANDSCAPING REQUIREMENTS THAT PROMOTE STORMWATER MANAGEMENT

WHEREAS, the City of South Pittsburg, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and,

WHEREAS, Tennessee Code Annotated Section 13-7-204 enables a municipality to amend zoning ordinances and maps; and,

WHEREAS, pursuant to the requirements of TCA Section 13-7-204, the planning commission has recommended this amendment to the zoning ordinance, as herein described; and,

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the City of South Pittsburg conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment herein described;

NOW, THEREFORE, BE IT ORDAINED BY the Board of Mayor and Commission of South Pittsburg, Tennessee, in accordance with those powers granted to it by the State of Tennessee that:

Section 1: **CHAPTER 13, Section 13.05.07. Site Plan.** is hereby amended with the addition of a number "5," which shall read as follows:

5. When required, the site plan shall include a Landscape Plan as regulated in Section 13.15 of this Ordinance.

Section 2: **CHAPTER 13 Supplementary Provisions Applying to All Districts** is amended with the addition of a new Section 13.15. Landscaping Requirements, which shall read as follows:

13.15. Landscaping Requirements

The purpose of this section is improve water quality and reduce flood risks in the City of South Pittsburg by increasing vegetative cover in new developments.

13.15.01. Applicability

1. Requirement

   A. All new development with a building area of ten thousand (10,000) square feet and greater or any development which disturbs more than one (1) acre of land in the I-1, I-2, C-2, and R-3 zones shall comply with this section. The only exceptions to this requirement are developments for active agricultural uses and single-family or two-

family dwelling units.

2. Minimum Landscape Coverage by Zoning District

   A. The following chart outlines landscaping coverage requirements in each zoning district.

Minimum Landscape Coverage by Land Use

Zoning District	Landscape Coverage
Heavy Industrial (I-2)	15%
Light Industrial (I-1)	15%
General Commercial (C-2)	10%
Residential: High Density (R-3)	10%

3. The landscaping coverage requirements listed above can be met by:

   A. The planting of new landscaping as the site is developed;

   B. Maintaining existing vegetation on the site;

   C. Parking lot landscaping; or

   D. Landscaping done as a result of buffer requirements.

4. Landscape Plan Required for Site Approval

   A. If landscaping is required in a development, a Landscape Plan must be submitted as part of the site plan; however, the planning commission may give provisional approval of a site plan pending approval of a separate Landscape Plan. The landscape plan must be approved by the Planning Commission prior to the issuing of a building permit.

13.15.02. Landscape Plan

1. Landscape Plan as Part of Site Plan: The Landscape Plan may be included on the site plan or as a separate drawing, labeled "Landscape Plan." The following elements shall be shown as part of the Landscape Plan:

   A. Title, name of owner, date, graphic scale, and north arrow;

B. Name and phone number of person or firm responsible for landscape plan;

C. Location, common name, and size of plant materials to be used;

D. Boundary lines and lot dimensions;

E. Zoning of site and adjoining properties;

F. Proposed building locations;

G. Location of existing and proposed streets, driveways, sidewalks, and parking areas;

H. Size and location of landscaped areas, islands, screening, and buffers;

I. Location of any tree(s) to be preserved;

J. The location and extent of utilities, including electric, telephone, cable, TV, natural gas, utility poles, and interior lighting poles.

13.15.03. Parking Lot Landscaping Requirements

1. Because large expanses of paved parking lots are major contributors to problematic storm water runoff, any parking lot over 10,000 square feet in area must include at least 5% landscaping coverage. Any parking lot landscaping may be used to meet the overall landscape coverage requirement on the site.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commission of South Pittsburg, Tennessee, THE PUBLIC WELFARE REQUIRING IT.

RECOMMENDED BY THE PLANNING COMMISSION: MAY 12, 2016

DATE ADVERTISED IN THE CHATTANOOGA TIMES FREE PRESS: _____

DATE OF PUBLIC HEARING: _____

FIRST READING: _____

FINAL READING: _____

_____ ATTEST: _____

MAYOR JANE W. DAWKINS,
CITY OF SOUTH PITTSBURG, TN

DIANE BEAVERS,
CITY RECORDER

ORDINANCE NO. 772

AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE CITY OF SOUTH PITTSBURG, TENNESSEE FOR FISCAL YEAR 2015-2016

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires funds first be appropriated before being expended and that no appropriations may exceed available funds;

WHEREAS, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows amendment of the budget ordinance in the same manner as any other ordinance may be amended;

WHEREAS, funds were either 1) not appropriated for the payment of all outstanding obligations for the fiscal year, or 2) certain expenditures appropriated in a capital projects fund will be paid from the general fund to ease accounting and bookkeeping, as noted below ;

WHEREAS, unanticipated expenditures need to be budgeted within the General Fund and the Capital Projects Fund to better reflect anticipated spending requirements for the remainder of the fiscal year;

NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Commissioners for South Pittsburg, Tennessee, that:

SECTION 1: **Appropriations.** The governing body appropriates the following increases:

General Fund:	**Account Name**	**Current Budget**	**New Budget**	**Increase (Decrease)**
New Revenues				
110-31211	Delinquent Property Taxes	35,850	52,550	16,700
110-31330	Court Cost on Del. Property Tax	4,000	7,000	3,000
110-33310	Housing Authority In-lieu-of taxes	5,000	20,000	15,000
110-33400	Grant Proceeds	100,000	163,000	63,000
New Expenditures:				
110-42200-320	Fire Protection – Operating Supplies	6,000	63,000	57,000
110-43200-761	Sanitation – Transfer to Sanitation Fund	0	2,600	2,600
110-49202-621	Note - Mower	3,768	3,868	100
110-49206-621	Note – Marion Natural Gas	14,000	52,000	38,000
Capital Projects Fund:				
New Revenues:				
300-36961	Operating Transfer from General Fund	2,750	51,250	48,500
New Expenditures:				
300-41900-269	Repairs and Maintenance	100,000	108,000	8,000
300-42100-941	Police - Machinery	0	22,500	22,500
300-42200-940	Fire - Machinery	2,750	5,750	3,000
300-43200-195	Sanitation – Collection Fees	0	15,000	15,000

Section 3 : **Submission to the Director of Local Finance.** This amendment will be submitted to the Director of the Office of State and Local Finance as required by state statute to show continued compliance with the requirements of Tennessee Code Annotated Title 9 Chapter 21 Section 403 to maintain a balanced budget.

_____
Jane W. Dawkins
Mayor

_____
Diane Beavers
City Recorder

Passed 1st Reading 8.9.16

Passed 2nd Reading _____

Resolution No. 968

RESOLUTION OF THE GOVERNING BODY OF
THE CITY OF SOUTH PITTSBURG , TENNESSEE,
AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT
OF
12 – YEAR NEW HOLLAND BACKHOE CAPITAL OUTLAY NOTES NOT TO EXCEED $ 80,000
PURSUANT TO THE IN FORMAL BID PROCESS

WHEREAS, the Governing Body of the City of South Pittsburg , Tennessee, (the "Local Government") has determined that it is necessary and desirable to issue capital outlay notes in order to provide funds for the following public works project: New Holland Backhoe(the "Project") at a cost of $80,000 with an economic life of 12 years; and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, I V and VI of Title 9, Chapter 21 , Tennessee Code Annotated (the "Act"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest-bearing capital outlay notes upon the approval of the Comptroller of the Treasury or Comptroller's Designee; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the City of South Pittsburg, Tennessee, as follows:

Section I. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution, and upon approval of the Comptroller of the Treasury or Comptrollers Designee, to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed Eighty Thousand ($80,000)Dollars (the "Notes") by an informal bid process pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Backhoe Capital Outlay Notes, Series 2016"; shall be numbered serially from I upwards; shall be dated as of the date of issuance; shall be in denomination(s) as agreed upon with the purchaser; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed 2.85per cent (2.85%) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature five(5) fiscal years after the fiscal year of issuance and, unless otherwise approved by the Comptroller of the Treasury or Comptroller's Designee, the Notes shall be amortized in an amount reflecting at least level debt service on the Notes approximately according to the following schedule:

FISCAL YEAR	PRINCIPAL AMOUNT
2017	**$13,750**
2018	**$16,500**
2019	**$16,500**
2020	**$16,500**
2021	**$16,500**
2022	**$2,750**

The final maturity of the Notes shall not exceed the reasonably expected economic life of the Project which is hereby estimated to be 12 years which at least equal to or greater than the life of the notes.

Section 3. That, the Notes shall be subject to redemption at the option of the Local **Government, in whole or in part, at any time, at the principal amount and accrued interest** to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and cred it of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxi ng power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Bod y of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes **with interest as they mature in an amount necessary for that purpose.**

Section 5. That, the Notes shall be executed in the name of the Local Government; shall bear the manual signature of the chief executive officer of the Local Government and the manual signature of the city recorder together with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the city recorder or at the office of the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the official designated by law as custodian of the funds. All proceeds shall be paid out for financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times **during which any Note remains outstanding and unpaid, the Local Government or its** agent shall keep or cause to be kept at its office a note register for the registration,

exchange or transfer of the Notes. The note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note i n person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument or transfer satisfactory to the Local Government duly executed by the registered owner or the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date on the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of **redemption.**

Section 7. That, the Notes shall be in substantially the form authorized by the Comptroller of the Treasury or Comptroller's Designee and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated which is attached to this resolution as attachment I .

Section 8. That, prior to the sale of the Notes, the Local Government shall submit a copy of this resolution authorizing the Notes to the Comptroller of the Treasury or Comptroller's Designee for approval and a copy of the proposed disclosure statement, if any, and a statement showing the estimated annual principal and interest requirements for the Notes and a detailed statement showing the estimated cost of issuance which shall include at least the following, if applicable: (I) fiscal agent and/or financial advisor fees;
(2) bond counsel fees; (3) other legal charges if any; (4) credit enhancement fees; (5) trustee fees; (6) registration fees; (7) paying agent fees; (8) rating agency fees; (9) underwriters' discount or charges; (10) remarketing agent fees; (11) printing, advertising and other expenses; (12) the number of financial institutions contacted by telephone or by letter (which should be at least three) for the purpose of obtaining interest rates, and at least three institutions were contacted.

In its request for approval, the Local Government shall state and demonstrate that the proposed sale by the informal bid process is feasible, in the best interest of the Local Government, and that the Local Government should be able to amortize the proposed indebtedness together with al l the obligations then outstanding.

Section 9. The Notes shall not be sold until receipt of the Comptroller of the Treasury or Comptroller's Designee's written approval for the sale of the Notes.

Section I 0. That the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 1 1 . That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget and budget ordinance i n a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee. The budget shall be kept balanced during the life of the notes and shall appropriate sufficient monies to pay all

annual debt service. The annual budget and ordinance shall be submitted to the Comptroller of the Treasury or Comptroller's Designee immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21 , Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee.

Section 12. That, if any of the Notes shall remain unpaid at the end of (_) years from the issue date, then the unpaid Notes shall be retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the Comptroller of the Treasury or Comptroller's Designee.

Section 13. That, all orders or resolutions in conflict with this Resolution are hereby repealed in so far as such conflict exists; and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this 9th day of August, 2016

Mayor Jane W. Dawkins

ATTESTED:

CMFO Diane Beavers

SEAL