

AMENDED AGENDA FOR TUESDAY, DECEMBER 2, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Gaines)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) An ordinance appropriating from the Capital Projects Fund to the Chattanooga Area Regional Transit Authority (CARTA) an amount not to exceed \$984,592.00 to be used for the North Shore Garage and capital need of CARTA and authorizing the Administrator of the Department of Finance to enter into an agreement with CARTA to reimburse the City an amount not to exceed \$479,288.00 over a term of ten (10) years at an interest rate of four percent (4%).
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Sections 3-6, 3-94, 3-101, 3-102, 3-131, and 3-132, relative to signs.
 - c) An ordinance amending and modifying Ordinance No. 11704 (Case No. MR-2005-075) which is an ordinance closing and abandoning a portion of the 7500 block of Plymouth Lane, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Revised – need motion for substitution.)**
 - d) An ordinance amending and modifying Ordinance No. 11705 (Case No. MR-2005-076) which closed and abandoned a portion of the dedicated right-of-way within the 7500 block of Hewitt Lane, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Revised – need motion for substitution.)**
 - e) MR-2008-137 Jacquelyn C. Smith (Close & Abandon). An ordinance closing and abandoning the right-of-way designated for building of connectivity to Hewitt Lane per conditions of prior Ordinance No. 11705 located on the west line of the 1700 block of Holly Oak Lane, 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. **(Revised – need motion for substitution.)**
- VI. Ordinances – First Reading:
 - a) An ordinance amending Chattanooga City Code Section 3-19 to include advertising sign requirements for signs containing light emitting diode (LEDS) within signage near streets and roadways within the City of Chattanooga. **(Deferred from 11-25-08.)**

- b) An ordinance to amend Ordinance Nos. 12024 and 12161 as amended entitled “an Ordinance appropriating, authorizing or allocating funds to the capital improvements budget for the fiscal years 2007/2008 and 2008/2009” to provide for additional funding from general obligation bonds and allocate additional funds to Volkswagen site improvements in the amount of \$5,985,000.00 for FY08 and \$4,989,473.00 for FY09.

VII. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with the Tennessee Department of Transportation (TDOT) relative to the Railroad Crossing Improvement Project at Jersey Pike and Pelican Drive (RR#736677A) with the City’s participation to be ten percent (10%) of the Project cost, estimated to be \$30,000.00.
- b) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contract No. E-06-024-201, Tunnel Boulevard Sidewalk Extension Project, with Talley Construction Company, Inc., which change order increases the contract amount by \$10,316.38, for a revised contract amount not to exceed \$268,451.23, and releasing the contingency funds in the amount of \$15,498.77.
- c) MR-2008-197 City of Chattanooga, c/o Dan Thornton (Declare Surplus). A resolution declaring as surplus property located at 400 West 45th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
- d) MR-2008-198 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing a Lease Agreement by and between the City and the University of Tennessee at Chattanooga for the use and management of the Warner Park Indoor Softball Complex located in the 1000 block of McCallie Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
- e) A resolution authorizing the issuance and sale of an amount not to exceed \$51 million principal amount of the City of Chattanooga, General Obligation Bonds, Series 2008.

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.

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- X. Other Business.
- XI. Committee Reports.
- XII. Agenda Session for Tuesday, December 9, 2008
- XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- XIV. Adjournment.

XV. Agenda Session for Tuesday, December 9, 2008:

AGENDA FOR TUESDAY, DECEMBER 9, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Gaines)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance amending Chattanooga City Code Section 3-19 to include advertising sign requirements for signs containing light emitting diode (LEDS) within signage near streets and roadways within the City of Chattanooga.
6. Ordinances – First Reading:
 - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article VI, Height and Area Exceptions, to create uniformity in the listed requirements, to clarify the Lot of Record requirements for duplex development in the R-3MD Moderate Density Zone, and to include guidelines for movement of single-family residences as set out by recent changes in Tennessee law.
 - b) MR-2008-130 C & L Rentals, LLC (Close & Abandon). An ordinance closing and abandoning a portion of the 2400 block of 10th Avenue, the 2500 block of East 24th Street, and portions of an unopened alley located off of said block of East 24th 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 and Public Works - see alternate version. Recommended for denial by Staff.)**

MR-2008-130 C & L Rentals, LLC (Close & Abandon). An ordinance closing and abandoning a portion of the 2400 block of 10th Avenue, the 2500 block of East 24th Street, and portions of an unopened alley located off of said block of East 24th 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) 2008-161 City of Chattanooga (from R-2, R-3MD, & R-4 to R-1, R-3, & R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific properties within the Highland Park Neighborhood, more particularly described herein and in the Zoning Study attached hereto and made a part hereof by reference, from R-2 Residential Zone, R-3MD Moderate Density Zone, and R-4 Special Zone to R-1 Residential Zone, R-3 Residential Zone with Conditions, and R-4 Special Zone with Conditions, subject to said Zoning Study. **(Recommended for approval by Planning.)**

- d) 2008-162 Ernest C. Noll (from R-3 to RT-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 222 Oliver Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-3 Residential Zone to RT-1 Residential Townhouse Zone. **(Recommended for approval by Planning. Staff recommends deferral.)**
- e) 2008-163 Tennessee Temple University (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 910 South Beech Street and 203 Anderson Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-163 Tennessee Temple University (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 910 South Beech Street and 203 Anderson Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- f) 2008-172 DHW Architects – Memorial Hospital (from R-1 to R-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 2400 block of Citico Avenue, the 800 block of Wheeler Avenue, and the 800 block of North Chamberlain Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning – see alternate version.)**

2008-172 DHW Architects – Memorial Hospital (from R-1 to R-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 2400 block of Citico Avenue, the 800 block of Wheeler Avenue, and the 800 block of North Chamberlain Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- h) 2008-187 Kimberly A. Wolf (from M-2 to M-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 21 West 28th Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-2 Light Industrial Zone to M-1 Manufacturing Zone. **(Recommended for denial by Planning.)**
- i) 2008-190 Margaret Weinzettel (from R-2 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 907 Altamont Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**
- j) 2008-194 Trudy Mott (from R-1 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1203 Rockway Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**
- k) 2008-195 Horvah Associates, c/o John Combs (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 in the 300 blocks of Chestnut and Broad Streets, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-195 Horvah Associates, c/o John Combs (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 in the 300 blocks of Chestnut and Broad Streets, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- l) 2008-196 John Anderson (from R-2 & R-4 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 2906 Silverdale Road and 2809 and 2815 Walker Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone and R-4 Special Zone to O-1 Office Zone. **(Recommended for approval by Planning.)**
- m) 2008-199 Jeff Cannon (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 26 East Main Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-199 Jeff Cannon (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 26 East Main Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- n) 2008-201 Marlene and Thomas Cain (from R-2 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 1308 Hanover Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-201 Marlene and Thomas Cain (from R-2 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 1308 Hanover Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

7. Resolutions:

- a) A resolution authorizing payment to the Chattanooga Area Regional Transportation Authority (CARTA) in an amount not to exceed \$3,479,304.00 for the North Shore Garage as approved in the FY09 Capital Budget by Ordinance No. 12161 dated September 16, 2008.
- b) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to execute a contract with the Urban League of Greater Chattanooga relative to the 2009 Earned Income Tax Credits Campaign in an amount not to exceed \$30,000.00.
- c) A resolution authorizing the Mayor to execute a contract with the Tennessee Department of Transportation to authorize the installation of a multi-purpose traffic signal at the intersection of SR 153 at Middle Drive to The Fountains of Chattanooga.
- d) A resolution authorizing Tamara Dillard to use temporarily the rights-of-way of 401 Market Street, Suites A, B, and C, to install perpendicular signs, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- e) 2008-PW-007 City (Street Name Change). A resolution to change the rights-of-way names of the 500 to 599 block of Wyandot to the 500 to 599 block of Healthy Street, and the 2750 to 2899 block of Wyandot to the 600 block of Latimore Street, as shown on the map attached hereto and made a part hereof by reference, due to duplicate street name-911 issue.

- f) 2008-160 Tennessee Temple University (IPUD). A resolution approving a proposed Preliminary and Final Institutional Planned Unit Development Special Permit for a Planned Unit Development known as the Tennessee Temple University Institutional Planned Unit Development on tracts of land being generally bounded on the north by Bailey Avenue, on the south by Bennett Avenue, on the east by South Willow Street, and on the west by South Hickory 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.)**
- g) 2008-164 City of Chattanooga, c/o RPA (Abandon Final PUD Plan). A resolution approving abandonment of an Institutional Final Planned Unit Development Plan of Tennessee Temple University – Highland Park Baptist Church as recorded in Plat Book 26, Page 197-1 through 197-5 and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions, to correct the current layout of area considered to be in the Institutional Planned Unit Development. **(Recommended for approval by Planning.)**
- h) MR-2008-185 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing a Lease Agreement by and between the City and Norfolk Southern-Alabama Great Southern Railroad for 17,912 sq. ft. of property located in the 1100 block of East 3rd Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**
- i) 2008-193 Mattie Wilson & Joyce Edmonds (Special Permit – Res. Home for Handicapped or Aged). A resolution approving a Special Exceptions Permit for a Residential Home for the Handicapped or Aged on tracts of land located at 2005 and 2009 Daisy Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- j) 2008-202 Windward Properties (Bernard H. Brown, III) (Prel. PUD). A resolution approving a Preliminary Residential Planned Unit Development Special Exceptions Permit for a proposed Planned Unit Development on tracts of land located in the 4500 block of Webb Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- k) MR-2008-203 City of Chattanooga, c/o Dan Thornton (Lease). A resolution authorizing a Lease Agreement by and between the City and the Chattanooga Food Bank for a portion of property located in the 2000 block of Curtain Pole Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, to be used as a gardening center and a greenhouse. **(Recommended for approval by Planning.)**

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 & 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, December 16, 2008.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.