

THIRD AMENDED AGENDA FOR TUESDAY, DECEMBER 9, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Bennett)
- III. Minute Approval.
- IV. Special Presentations.
- V. 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. (**Revised – need motion for substitution.**)
 - 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 and Firehall Construction and Equipment in the amount of \$5,985,000.00 for FY08 and \$10,702,473.00 for FY09.
- VI. 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 and to include guidelines for movement of single-family residences as set out by recent changes in Tennessee law. (**Originally had (b) below included. Now separated into two ordinances.**)
 - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article VI, Height and Area Exceptions, Section 106, to clarify the lot of record requirements for duplex development in the R-3MD Moderate Density Zone. (**Was part of (a) above.**)
 - c) 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.**)

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- d) 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.)**
- e) 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.)**
- f) 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.)**

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- g) 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.)**

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- h) 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.)**

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- i) 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.)**

- j) 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.)**

- k) 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.)**

- l) 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.)**

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- m) 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.)**
- n) 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.)**

- o) 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.)**

VII. Resolutions:

- a) A resolution authorizing payment to the Chattanooga Area Regional Transportation Authority (CARTA) in the amount of \$3,958,592.00 for the North Shore Garage as approved in the FY09 Capital Budget by Ordinance No. 12161 dated September 16, 2008, as amended.
- 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 the middle driveway to The Fountains of Chattanooga.

- d) A resolution authorizing Tamara Dillard to use temporarily the rights-of-way of 401 North 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.)**

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- 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.)**
- l) A resolution authorizing the Personnel Director to enter into a contract with Hewitt Coleman to provide OJI claims re-pricing and adjusting, check processing, and other OJI services in an amount not to exceed \$6,000.00 per month for a term of three (3) years with an option to renew for two (2) additional years.
- m) A resolution authorizing the Personnel Director to enter into a contract with Mercury Payment Services to process credit, debit, and medical reimbursement card transactions for a term of three (3) years.
- n) A resolution authorizing the Personnel Director to enter into a contract with PHP Companies, Inc. d/b/a Cariten TPA Services to administer and process claims for a select group of retirees at a cost of \$32.41 per member, with the total annual amount not to exceed \$35,000.00.
- o) A resolution authorizing the appointment of Kelli H. Haney as special policeman (armed) for the Chattanooga Police Department, to do special duty as prescribed herein, subject to certain conditions. **(Added by permission of Council Chair Bennett.)**

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, December 16, 2008

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

XIV. Adjournment.

XV. Agenda Session for Tuesday, December 16, 2008:

AGENDA FOR TUESDAY, DECEMBER 16, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Robinson)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
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6. Ordinances – First Reading:

7. Resolutions:

- a) A resolution authorizing the Department of Public Works to apply for and, if awarded, accept a grant from the Lyndhurst Foundation relative to Contract No. E-07-009, Jefferson Park Project, for the revitalization of Jefferson Heights Park in the amount of \$100,000.00.
- b) A resolution authorizing the award of Contract No. E-07-018-201, to P&C Construction, Inc. relative to The Passage Repair Contract, in the amount of \$1,165,000.00, plus a contingency amount of \$116,500.00, for a total contract amount not to exceed \$1,281,500.00.
- c) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Volkert & Associates, Inc. relative to Contract No. E-08-024-101, for Traffic Engineering Services to conduct a Traffic Impact Study for thirty six intersections and three rail crossings near the Volkswagen facility at Enterprise South Industrial Park in an amount not to exceed \$166,300.00 and to accept funds in the amount of \$25,000.00 from Hamilton County Government for their participation of the contract.
- d) A resolution authorizing the Chief of Police to execute a contract for Architect Services to Billingsley Architecture for the following projects A. Reroofing Police Annex Building and Service Center Penthouse B. HVAC modifications for Service Center, Second Floor, C. Office Build-Out for Service Center, Second Floor.

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. There will be no Agenda Session as the next meeting will be Tuesday, January 6, 2009.

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

14. Adjournment.