

AGENDA FOR TUESDAY, DECEMBER 11, 2007

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Feely).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 4, which is known as “The Chattanooga Air Pollution Control Ordinance,” by providing for incorporation by reference of certain state regulations and federal regulations.
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 4, which is known as “The Chattanooga Air Pollution Control Ordinance,” by providing for revised rules for new sources review and portland cement plants; increase permit fees; revised ambient air quality standards; and certain housekeeping provisions.
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, by amending, adding or deleting Sections 24-1, 24-12, 24-23, 24-30, 24-45, 24-46, 24-48, and 24-177 relative to motor vehicles and traffic.
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 7, Article IV, Sections 7-41 and 7-42, and Chapter 25, Sections 25-8, 25-9, 25-10, 25-11, 25-17, 25-38, and 25-82 through 25-85, relative to miscellaneous offenses.
 - c) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 1011, to permit limited residential in the M-2 Light Industrial Zone.
 - d) 2007-130 City of Chattanooga (from R-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-2 Residential Zone properties within the Shepherd Community, more particularly described herein, to R-1 Residential Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff - see alternate version.)**

2007-130 City of Chattanooga (from R-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-2 Residential Zone properties within the Shepherd Community, more particularly described herein, to R-1 Residential Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- e) 2007-182 City of Chattanooga c/o RPA (from R-3 & R-4 to R-3MD & R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone and R-4 Special Zone properties within the Fort Wood Area, which is bounded on the north by East 5th Street, on the south by McCallie Avenue, on the east by Central Avenue, and on the west by Palmetto Street, more particularly described herein, to R-3MD Moderate Density Zone and R-4 Special zone with Conditions. **(Recommended for denial by Planning. Not recommended for approval by Staff - see alternate version.)**

2007-182 City of Chattanooga c/o RPA (from R-3 & R-4 to R-3MD & R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone and R-4 Special Zone properties within the Fort Wood Area, which is bounded on the north by East 5th Street, on the south by McCallie Avenue, on the east by Central Avenue, and on the west by Palmetto Street, more particularly described herein, to R-3MD Moderate Density Zone and R-4 Special zone with Conditions, subject to certain conditions. **(Recommended for approval by Staff.)**

- f) 2007-190 Jack L. Webb (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 1200 block of Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-190 Jack L. Webb (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 1200 block of Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2007-192 Dawson L. Carver (from R-2 to R-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 4600 block of Delashmitt Road, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-192 Dawson L. Carver (from R-2 to R-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 4600 block of Delashmitt Road, more particularly described herein, from R-2 Residential Zone to **R-3MD Moderate Density Zone**. **(Recommended for approval by Planning.)**

- h) 2007-197 William G. Bulls (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 5312 Brainerd Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for denial by Staff.)**

2007-197 William G. Bulls (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 5312 Brainerd Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

i) 2007-198 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of part of Access Road to Lana Lane, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

j) 2007-199 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 2000 to 2500 blocks of Kelley Road to the 7800 and 7900 blocks of Min-Tom Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning - see alternate version.)**

2007-199 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 2000 to 2500 blocks of Kelley Road to the 7800 and 7900 blocks of **Will Kelley Road**, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

k) 2007-200 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 4200 block of East Avenue to the 4200 block of Westridge Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

VII. Resolutions:

a) A resolution authorizing the acquisition of a tract of land located at 1410 Jenkins Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from Jenkins Road L.L.C. for the extension to Heritage Park, and authorizing the Director of General Services to execute any and all documents necessary to acquire said property.

b) A resolution authorizing the Department of Public works to accept donations from private and public sources for the purchase, transportation, and planting of trees at the direction of the City Forester and Tree Commission.

c) A resolution authorizing the Chattanooga Police Department to accept a grant from Sam's Club, Store #8112, in the amount of \$1,000.00 to be used for the purchase of equipment for the SWAT Team.

d) A resolution authorizing the appointment of Kevin Brady as special policeman (unarmed) for the City of Chattanooga Department of Parks and Recreation to do special duty as prescribed herein, subject to certain conditions.

Agenda for Tuesday, December 11, 2007

Page 4 of 8

- e) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against Mark T. Young for right-of-way and temporary construction easements located at 2121 Hamill Road, Parcel No. 110J-A-002, Tract No. 2, relative to Contract No. E-06-006-201, the Northpoint Boulevard Extension, Phase I. **(Added by permission of Council Chair Page.)**

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 18, 2007

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, December 18, 2007:

AGENDA FOR TUESDAY, DECEMBER 18, 2007

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

**RECOGNITION OF MICHAEL HIXSON, JACQUELINE JONES, AND
LEXINE ALEXANDER BY LARRY ZEHNDER**

5. Ordinances - Final Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, by amending, adding or deleting Sections 24-1, 24-12, 24-23, 24-30, 24-45, 24-46, 24-48, and 24-177 relative to motor vehicles and traffic.
- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 7, Article IV, Sections 7-41 and 7-42, and Chapter 25, Sections 25-8, 25-9, 25-10, 25-11, 25-17, 25-38, and 25-82 through 25-85, relative to miscellaneous offenses.
- c) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 1011, to permit limited residential in the M-2 Light Industrial Zone.
- d) 2007-130 City of Chattanooga (from R-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-2 Residential Zone properties within the Shepherd Community, more particularly described herein, to R-1 Residential Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff - see alternate version.)**

2007-130 City of Chattanooga (from R-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-2 Residential Zone properties within the Shepherd Community, more particularly described herein, to R-1 Residential Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- e) 2007-182 City of Chattanooga c/o RPA (from R-3 & R-4 to R-3MD & R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone and R-4 Special Zone properties within the Fort Wood Area, which is bounded on the north by East 5th Street, on the south by McCallie Avenue, on the east by Central Avenue, and on the west by Palmetto Street, more particularly described herein, to R-3MD Moderate Density Zone and R-4 Special zone with Conditions. **(Recommended for denial by Planning. Not recommended for approval by Staff - see alternate version.)**

2007-182 City of Chattanooga c/o RPA (from R-3 & R-4 to R-3MD & R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone and R-4 Special Zone properties within the Fort Wood Area, which is bounded on the north by East 5th Street, on the south by McCallie Avenue, on the east by Central Avenue, and on the west by Palmetto Street, more particularly described herein, to R-3MD Moderate Density Zone and R-4 Special zone with Conditions, subject to certain conditions. **(Recommended for approval by Staff.)**

- f) 2007-190 Jack L. Webb (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 1200 block of Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-190 Jack L. Webb (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 1200 block of Cowart Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2007-192 Dawson L. Carver (from R-2 to R-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 4600 block of Delashmitt Road, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-192 Dawson L. Carver (from R-2 to R-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 4600 block of Delashmitt Road, more particularly described herein, from R-2 Residential Zone to **R-3MD Moderate Density Zone.** **(Recommended for approval by Planning.)**

- h) 2007-197 William G. Bulls (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 5312 Brainerd Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for denial by Staff.)**

2007-197 William G. Bulls (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 5312 Brainerd Road, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- i) 2007-198 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of part of Access Road to Lana Lane, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

- j) 2007-199 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 2000 to 2500 blocks of Kelley Road to the 7800 and 7900 blocks of Min-Tom Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning - see alternate version.)**

2007-199 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 2000 to 2500 blocks of Kelley Road to the 7800 and 7900 blocks of **Will Kelley Road**, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

- k) 2007-200 City of Chattanooga (Street Name Change). An ordinance to change the right-of-way name of the 4200 block of East Avenue to the 4200 block of Westridge Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Planning.)**

6. Ordinances – First Reading:

- a) An ordinance appropriating from the General Fund to The Stadium Campaign Corporation the amount of \$60,000.00 to cover the City's portion of the operating losses for Finley Stadium, with an equal amount of funding being provided by Hamilton County, Tennessee.

7. Resolutions:

- a) A resolution authorizing the Mayor's office to accept contributions for the Great Ideas Competition in support of this program which is applicable to juniors and seniors in all public and private schools in the City and Hamilton County area.
- b) A resolution authorizing the Department of Human Services to accept a cash donation from the Community Foundation of Greater Chattanooga, Inc. from the Jack McKee donor advised fund in the amount of \$2,000.00 for Summit Head Start Center.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to accept a donation in the amount of \$150.00 from the Brainerd Optimist Club to benefit the Therapeutic Recreation Division's CheerAbility Program.
- d) A resolution to make certain findings relating to the United Packers of Chattanooga, LLC/Coca-Cola Bottling Company United-East, LLC Project, to delegate certain authority to the Industrial Development Board of the City of Chattanooga, and to authorize the Mayor to enter into and execute an Agreement for Payment in Lieu of Ad Valorem Taxes.
- e) A resolution authorizing the Director of General Services to enter into a Reconfiguration Implementation Phase Agreement with Motorola, Inc. relative to the Federal Communications Commission mandated 800 MHz Rebanding Project to be funded by Nextel Communications, Inc.

Agenda for Tuesday, December 11, 2007

Page 8 of 8

- f) A resolution authorizing the Administrator of the Department of Public Works to execute an agreement relative to Contract No. E-07-015-201 for installation of stamped concrete intersection at Walnut Street and 1st Street in an amount not to exceed \$9,950.00.
 - g) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. 03-028-101, Hamill Road Widening Project from Hixson Pike to SR-153, with Volkert and Associates, Inc., which change order increases the contract amount by \$7,000.00, for a revised contact amount not to exceed \$192,250.00.
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 (None until January 8, 2008).
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.