

AGENDA FOR TUESDAY, NOVEMBER 11, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Shockley)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 35, Article VII, relative to Pedal Carriages and Rickshaws, to provide for the purpose of the Article, definitions, and jurisdiction.
 - b) An ordinance granting a franchise to the Electric Power Board of Chattanooga, an independent board of the City of Chattanooga, Tennessee, to construct, operate and maintain a cable system in the City of Chattanooga, Tennessee, for the purpose of providing cable service; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system and the public rights-of-way in conjunction with the City's right-of-way ordinance, if any; and prescribing penalties for the violations of the provisions herein. **(Added by permission of Vice-Chair Benson.)**
 - c) 2008-168 William Eric Lee (from R-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 9124 Amos Road, more particularly described herein and as shown on the map and drawing 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.)**

2008-168 William Eric Lee (from R-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 9124 Amos Road, more particularly described herein and as shown on the map and drawing 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.)**
 - d) 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.)**

- e) 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.)**

- f) 2008-176 Eddie Adams – Central Baptist Church (from C-2 & M-3 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 5202 Hixson Pike, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone and M-3 Warehouse and Wholesale Zone to R-4 Special Zone. **(Recommended for approval by Planning.)**

- g) 2008-178 David M. & Janie R. Benton (from R-2 to M-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 2701 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 to M-3 Warehouse and Wholesale Zone. **(Not recommended for approval by Planning or Staff– see alternate versions.)**

2008-178 David M. & Janie R. Benton (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 2701 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 to **C-2 Convenience Commercial Zone**, subject to certain conditions. **(Recommended for approval by Planning.)**

2008-178 David M. & Janie R. Benton (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 2701 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 to **C-2 Convenience Commercial Zone**, subject to certain conditions. **(Recommended for approval by Staff.)**

- h) 2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning or Staff – see alternate versions.)**

2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- i) 2008-182 Corrie Eldred – Betts Engineering Associates, Inc. (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift all conditions imposed in Ordinance No. 10011 (Case No. 1993-234) on tracts of land located at 1005 Glenwood Drive and 950 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.)**

2008-182 Corrie Eldred – Betts Engineering Associates, Inc. (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift all conditions imposed in Ordinance No. 10011 (Case No. 1993-234) on tracts of land located at 1005 Glenwood Drive and 950 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.)**

VII. Resolutions:

- a) A resolution to make certain findings relating to the Scenic Industries, 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 Payments in Lieu of Ad Valorem Taxes.
- b) A resolution authorizing the Office of the City Attorney to institute a cause of action against Dement Construction Company for damage to property located on Williams Street relative to Waste Resources Management.

Agenda for Tuesday, November 11, 2008

Page 4 of 8

- c) A resolution authorizing the Director of General Services to enter into an agreement with Jake Marshall, LLC for modifications and corrections to the Development Resource Center (DRC) heating, cooling and ventilation systems in the amount of \$1,100,000.00, plus a contingency in the amount of \$55,000.00, for a total contract amount not to exceed \$1,155,000.00.
- d) A resolution authorizing the acceptance of a permanent conservation easement from Dean Construction, LLC on property described on the legal description and map attached hereto and made a part hereof by reference, to be used as part of the South Chickamauga Creek Greenway and authorizing the Administrator of the Department of Parks and Recreation to execute the Deed of Conservation Easement relative to this donation.
- e) 2008-PW-005 (Street Dedication). A resolution authorizing the dedication of the right-of-way for the 1300 block of West 43rd Street between Tennessee Avenue and Seneca Avenue, as shown on the map attached hereto and made a part hereof by reference, to honor Fidesah Ingram, and authorizing the placement of signage reading "In Honor of Fidesah Ingram" along said right-of-way. The official name of the right-of-way shall remain West 43rd Street on City records.

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, November 18, 2008

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

XIV. Adjournment.

XV. Agenda Session for Tuesday, November 18, 2008:

AGENDA FOR TUESDAY, NOVEMBER 18, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Berz)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 35, Article VII, relative to Pedal Carriages and Rickshaws, to provide for the purpose of the Article, definitions, and jurisdiction.
 - b) An ordinance granting a franchise to the Electric Power Board of Chattanooga, an independent board of the City of Chattanooga, Tennessee, to construct, operate and maintain a cable system in the City of Chattanooga, Tennessee, for the purpose of providing cable service; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system and the public rights-of-way in conjunction with the City's right-of-way ordinance, if any; and prescribing penalties for the violations of the provisions herein. **(Added by permission of Vice-Chair Benson.)**
 - c) 2008-168 William Eric Lee (from R-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 9124 Amos Road, more particularly described herein and as shown on the map and drawing 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.)**

2008-168 William Eric Lee (from R-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 9124 Amos Road, more particularly described herein and as shown on the map and drawing 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.)**
 - d) 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.)**

- e) 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.)**

- f) 2008-176 Eddie Adams – Central Baptist Church (from C-2 & M-3 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 5202 Hixson Pike, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone and M-3 Warehouse and Wholesale Zone to R-4 Special Zone. **(Recommended for approval by Planning.)**
- g) 2008-178 David M. & Janie R. Benton (from R-2 to M-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 2701 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 to M-3 Warehouse and Wholesale Zone. **(Not recommended for approval by Planning or Staff– see alternate versions.)**

2008-178 David M. & Janie R. Benton (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 2701 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 to **C-2 Convenience Commercial Zone**, subject to certain conditions. **(Recommended for approval by Planning.)**

2008-178 David M. & Janie R. Benton (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 2701 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 to **C-2 Convenience Commercial Zone**, subject to certain conditions. **(Recommended for approval by Staff.)**

- h) 2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning or Staff – see alternate versions.)**

2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2008-179 Flournoy Development Company, LLC (from R-1 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 7200 block of East Brainerd Road and the 1200 block of Panorama Drive, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- i) 2008-182 Corrie Eldred – Betts Engineering Associates, Inc. (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift all conditions imposed in Ordinance No. 10011 (Case No. 1993-234) on tracts of land located at 1005 Glenwood Drive and 950 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.)**

2008-182 Corrie Eldred – Betts Engineering Associates, Inc. (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift all conditions imposed in Ordinance No. 10011 (Case No. 1993-234) on tracts of land located at 1005 Glenwood Drive and 950 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.)**

6. Ordinances – First Reading:

- a) 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. **(Deferred from 10-14-08. Recommended for approval by Planning, subject to approval by the City Engineer and all public utilities. Recommended for denial by Staff and Public Works.)**

Agenda for Tuesday, November 11, 2008

Page 8 of 8

7. Resolutions:

- a) A resolution authorizing payment of the 2009 Dues in the amount of \$10,610.00 to renew the City of Chattanooga's membership in the National League of Cities.
- b) A resolution authorizing the Department of Public Works to accept a payment from Hudson Companies, Inc. for Pedestrian Poles and Fixtures relative to streetscape work at 345 Frazier Avenue per the conditions of Resolution No. 24414 for the sale and redevelopment of the property in the amount of \$5,247.00.
- c) A resolution declaring certain Chattanooga Police Department guns as surplus property and authorizing said guns to be traded in to G.T. Distributors, Inc. for credit in the unit prices as shown on the list attached hereto and made a part hereof by reference for a total credit of \$21,230.00.
- d) A resolution authorizing the Mayor to extend the Personal Services Contract with Dr. Barbara Medley for oversight of the Office of Multicultural Affairs for the period of November 1, 2008 through November 19, 2008, with no additional fees required.

8. Overtime Report.

9. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts & Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

10. Other Business.

11. Committee Reports.

12. Agenda Session for Tuesday, November 25, 2008.

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

14. Adjournment.