

AGENDA FOR TUESDAY, APRIL 26, 2005

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Page).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Second Reading:
 - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by deleting Article VI, Section 109, relative to the non-conforming plan exception.
 - b) MR-2005-030 Eddy Bowman (Close & Abandon). An ordinance closing and abandoning the unopened 5300 block of Kimbro Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.
 - c) 2005-035 Priscilla Johnson (from R-1 & R-5 to O-1). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 8494 East Brainerd Road, more particularly described herein, from R-1 Residential Zone and R-5 Residential Zone to O-1 Office Zone, subject to certain conditions.
 - d) 2005-039 Ken DeFoor (from C-5 to C-2). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone a tract of land located at 7440 Goodwin Road, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.
- VI. Ordinances – First Reading:
 - a) MR-2004-236 Joe V. Williams, II (Close & Abandon). An ordinance closing and abandoning an opened alley located between the 300 blocks of West 25th Street and West 26th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Deferred from 1/18/05 and 1/25/05.)**
- VII. Resolutions:
 - a) A resolution authorizing the appointment of Judy A. Smith as special policeman (armed) for the Chattanooga Police Department, to do special duty as prescribed herein, subject to certain conditions. **(Deferred from 4/19/05.)**

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- b) 2004-121 Barry A. Payne (Final PUD). A resolution approving a proposed Final Planned Unit Development Special Exceptions Permit for a Planned Unit Development known as Kirkman Road Payne Planned Unit Development on tracts of land located at 2817 and 2827 Kirkman Road, more particularly described herein and as shown on the Final Planned Unit Development Plan attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- c) 2004-170 Waterhaven Development Partnership (Final PUD). A resolution approving a proposed Final Planned Unit Development Special Exceptions Permit for a Planned Unit Development known as Waterhaven Planned Unit Development on a tract of land located at 2869 Harrison Pike, more particularly described herein and as shown on the Final Planned Unit Development Plan attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- d) A resolution authorizing the purchase of a right-of-way and temporary construction easement from Virgil Raymond Catlett, III and Ruth Ann H. Catlett at 2111 Hamill Road, Parcel No. 110J-A-013, Tract No. A-13, relative to the Hamill Road Widening at Highway 153 Project, Contract No. E-02-008, for an amount not to exceed \$20,032.00.
- e) A resolution authorizing the purchase of a permanent sanitary sewer easement from RICH, LLC at 6960 Lee Highway, Parcel No. 148D-H-011, Tract No. 67, relative to the Shallowford Road Sewer Relocation Project, Contract No. W-03-004, for an amount not to exceed \$9,630.00.
- f) A resolution authorizing the execution of Change Order No. 3 (Final), relative to the Moccasin Bend Wastewater Treatment Plant Filter Press System Installation, Contract No. 28L, with Jake Marshall, LLC, which change order increases the contract amount by \$9,674.04, for a revised contract amount not to exceed \$6,553,653.04.
- g) A resolution authorizing the Administrator of the Department of Public Works to execute an agreement with SL King & Associates, Inc. relative to Contract No. S-05-001-101, Private Detention Pond Inspections, in an amount not to exceed \$50,000.00.
- h) A resolution authorizing Chattanooga Christian Assembly Church to use temporarily the City's right-of-way on 8100 Bremerwood Drive for parking, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- i) A resolution authorizing the Administrator of the Department of Parks, Recreation, Arts & Culture to execute a contract with Competition Athletic Surfaces for the resurfacing of Brainerd and Champions Tennis Club in an amount not to exceed \$44,544.00.
- j) A resolution authorizing the Administrator of the Department of Parks, Recreation, Arts & Culture to execute a Lease Agreement with Friends of the Festival for the period of June 1, 2005 through June 25, 2005, relative to Riverbend Festival 2005.

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- k) A resolution authorizing the Administrator of the Department of Parks, Recreation, Arts & Culture to accept the donation of a handicap-accessible van from Alexian Brothers Community Services.

VIII. Overtime Report.

IX. Departmental Reports:

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

X. Other Business.

XI. Committee Reports.

XII. Agenda Session for Tuesday, May 3, 2005.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, May 3, 2005:

AGENDA FOR TUESDAY, MAY 3, 2005

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Benson).
3. Minute Approval.
4. Special Presentations.
5. Ordinances – Second Reading:
 - a) MR-2004-236 Joe V. Williams, II (Close & Abandon). An ordinance closing and abandoning an opened alley located between the 300 blocks of West 25th Street and West 26th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
6. Ordinances – First Reading:
 - a) 2005-003 City of Chattanooga (Close & Abandon). An ordinance closing and abandoning an unopened portion of the City’s right-of-way along the west line of the 300 block of North Lyerly Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for approval by Public Works. Not recommended for approval by Planning – see alternate version.)**

2005-003 City of Chattanooga (Close & Abandon). An ordinance closing and abandoning an unopened portion of the City’s right-of-way along the west line of the 300 block of North Lyerly 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.)**
 - b) 2005-033 Chattanooga Neighborhood Enterprise (from R-3 & M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone tracts of land located at 1902, 1904, and 1910 Rossville Avenue, more particularly described herein, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or City Attorney– see alternate versions and City Attorney Memo.) (Deferred from 4/19/05.)**

2005-033 Chattanooga Neighborhood Enterprise (from R-3 & M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone tracts of land located at 1902, 1904, and 1910 Rossville Avenue, more particularly described herein, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning, but not City Attorney - see alternate version and City Attorney Memo.)**

2005-033 Chattanooga Neighborhood Enterprise (from R-3 & M-1 to C-3). An ordinance to amend Ordinance No. 6958, known as the Zoning Ordinance, so as to rezone tracts of land located at 1902, 1904, and 1910 Rossville Avenue, more particularly described herein, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by City Attorney - see City Attorney Memo.)**

7. Resolutions:

- a) A resolution to accept the proposal of Hudson Company to purchase real property located near the intersection of Frazier Avenue and Tremont Street, Tax Map Nos. 135E-E-01100 and 01101, subject to negotiation by the Mayor of a satisfactory agreement and other conditions.
- b) A resolution to authorize the transfer and assignment of the rights and obligations of KMC Telecom III, Inc. as set forth in its franchise with the City to CenturyTel Acquisitions, LLC.

8. Overtime Report.

9. Departmental Reports:

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

10. Other Business.

11. Committee Reports.

12. Agenda Session for Tuesday, May 10, 2005.

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

14. Adjournment.