

AGENDA FOR TUESDAY, NOVEMBER 18, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Berz)
- III. Minute Approval.
- IV. Special Presentations.

**SWEARING IN OF DISTRICT 5 COUNCIL MEMBER
RUSSELL GILBERT, SR.
BY THE HONORABLE ARVIN H. REINGOLD**

- V. 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.
 - 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, subject to certain conditions.
 - d) 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.
 - e) 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.

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- f) 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. **(Revised. Need Motion for Substitution.)**
- g) 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.

VI. Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Section 24-438, relative to mufflers and approved engine compression braking devices. **(Added by permission of Council Chair Bennett.)**
- b) 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. **(Added by permission of Council Vice-Chair Benson.)**
- c) 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. **(Added by permission of Council Vice-Chair Benson.)**
- d) 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. Not recommended for approval by Public Works – see alternate version.)**

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. **(Recommended for approval by Public Works.)**

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VII. 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.

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 25, 2008

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

XIV. Adjournment.

XV. Agenda Session for Tuesday, November 25, 2008:

AGENDA FOR TUESDAY, NOVEMBER 25, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Rico)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Section 24-438, relative to mufflers and approved engine compression braking devices.
 - b) 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.
 - c) 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.
 - d) 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.)**

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. **(Recommended for approval by Public Works.)**
6. Ordinances – First 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%).

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7. Resolutions:

- a) A resolution authorizing the award of Contract No. T-06-003-201, St. Elmo Avenue at Tennessee Avenue Intersection Improvement, to Talley Construction Company, Inc. in the amount of \$152,348.34, plus a contingency amount of \$15,234.66, for a total contract amount not to exceed \$167,583.00.
- b) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Increte Systems relative to Contract No. E-07-015-202, Installation of Stamped Concrete at Walnut Street and 1st Street, in an amount not to exceed \$10,976.50.
- c) A resolution to make certain findings relating to the Volkswagen Group of America, Inc. 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.
- d) A resolution authorizing the Mayor to execute, on behalf of the City, a Memorandum of Understanding by and between the City, the State of Tennessee, Hamilton County, the Industrial Development Board of the City of Chattanooga, the Chattanooga Area Chamber of Commerce, Volkswagen Group of America, Inc., and/or agencies of any of the foregoing relative to the Volkswagen Group of America, Inc. Project.
- e) MR-2008-206 City of Chattanooga, c/o Dan Thornton (Declare Surplus & Convey). A resolution declaring surplus the City's interest in property owned jointly by the City and Hamilton County and known as Tracts 1 and 2 of the Proposed Mega Site of the Enterprise South Industrial Park, Tax Map Nos. 130-001.01 and 001.10, and authorizing the Mayor to execute a quitclaim deed conveying said property to the Industrial Development Board of the City of Chattanooga for development relative to the Volkswagen Group of America, Inc. Project.

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, December 2, 2008.

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