

**City Council Building
Chattanooga, Tennessee
December 18, 2012**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Rico, Robinson, Murphy and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Rico, followed by invocation.

MINUTE APPROVAL

On motion of Councilman McGary, seconded by Councilwoman Robinson, the minutes of the previous meeting were approved as published and signed in open meeting.

**SPECIAL PRESENTATION:
LETA MILLER TOLBERT**

Councilwoman Robinson recognized the family of Leta Miller Tolbert and asked them to come to the podium, along with the honoree. She thanked them for this great opportunity to recognize Ms. Tolbert and her outstanding contributions to the City of Chattanooga. Councilwoman Robinson had a certificate, prepared and signed by the Mayor, to present to Ms. Tolbert, which she read at this time. Her son, who was from out of town, thanked his aunt and cousin for the time they spent with her on errands and keeping her young. Councilwoman Robinson noted that she had visited with this family, and it was her great pleasure to wish her well on her 100th birthday—that Mrs. Tolbert had fabulous memories and had lived in an exciting time.

COUNCILWOMAN ROBINSON LEFT AT THIS POINT.

DAVID DISTEFANO

Councilwoman Scott welcomed David Distefano, Chairman of the Audit Committee, to give the final year-end report to the Council.

Mr. Distefano stated that he wanted to keep the Council up to speed concerning the exterior audit of Henderson, Hutcherson, and McCullough; that the Council had a copy of the Audit that reported a clean opinion, with no findings to be addressed; that they were very pleased with this. This report is being bound, and he urged the Council to read through this for valuable information.

His second concern was the Hotline designed to report waste and fraud. 23 cases were reported in 2012, and he passed out a report, stating that this Hotline continued to serve the City well by exposing potential problem areas that can be handled as quickly as possible.

His third concern centered around the City Audit Committee becoming independent through a charter change. He stated that bylaws were now in place, and they could operate from this document—that each member of the Committee would serve as chairman on a rotating basis.

His last issue was the Birchwood Landfill, with problems that had been going on for quite some time. This was first noted on May 28, 2008; that in 2010 it was operated by Santek, but there was no formal contract; there are still a number of unresolved issues, and we need to do what it takes to get this under contract.

Councilman McGary thanked Mr. Distefano for his distinguished service.

Councilman Murphy explained the difficulty of the setup at Birchwood Landfill, stating that this was a business decision made by the City of Chattanooga—that the amount of cash was so small that it made no sense to hire an employee to handle it—that this was a business decision because it makes no economic sense for staffing. He asked Mr. Distefano how we could solve this, with Mr. Distefano responding by putting in cameras to mitigate—that his problem was more substantial—using city property and no control.

Councilwoman Scott offered the opportunity to have this discussion in her committee—that the contract was brought to the Council, and we did not approve it, and they were operating without a contract, which was not consistent with state law; that a document was made available to the Council, which everyone could review.

DAVID DISTEFANO (CON'T)

Councilman Rico stated that he would set up a meeting in his committee to discuss this.

Councilwoman Scott stated that Mr. Distefano was a perfect example that people who have served on the City Council can go on to bigger and better things; that he serves in an important role for zero dollars.

Councilwoman Berz gave her personal thanks, noting that she had asked him to serve on this committee, and he had worked well with Councilwoman Scott. She thanked him for staying above the fray, stating that she was proud of the work he had done.

Councilman Benson wanted to know why 2008 was a benchmark. Mr. Distefano responded that was when an audit was done by the Internal Auditor.

AMEND CITY CODE
PURCHASING PROPOSALS

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE V, SECTION 2-554, RELATIVE TO PURCHASING AND COMPETITIVE SEALED PROPOSALS
passed second and final reading and was signed in open meeting, with Councilwoman Scott voting **no**.

AMEND CITY CHARTER
DELETE ARCHAIC PROVISIONS

On motion of Councilwoman Scott, seconded by Councilman McGary,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY'S CHARTER BY DELETING ARCHAIC PROVISIONS, TO MODERNIZE ITS PROVISIONS, TO CONFORM TO STATE LAWS OF GENERAL APPLICATION, AND TO GENERALLY IMPROVE THE CHARTER
was amended. On motion of Councilman Murphy, seconded by Councilman McGary, the ordinance passed second reading and was signed in open meeting.

REZONING

2012-108 Yerbey Concrete Construction

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4121, 4123, AND 4215 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-3 WARE HOUSE AND WHOLESALE ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2012-148-Young Properties, LLC

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3906 10TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2012-152 Napier & Associates

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7329, 7331, AND 7335 MCCUTCHEON ROAD AND 2405 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO MXU ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2012-153 J R Realty/James Vincent, Sr.

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 6400 BLOCK OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

2012-083 Dr. W.C. Helton

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING OF THE 4200 BLOCK OF CHERRYTON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

TEMP. USAGE

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING MARKET STREET TAVERN C/O AARON LONG TO USE TEMPORARILY A PORTION OF SAID RIGHT-OF-WAY LOCATED IN THE 800 BLOCK OF MARKET STREET FOR THE INSTALLATION OF AN AWNING AND OUTDOOR SEATING, AS SHOWN ON THE DRAWINGS AND MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR
ARCADIS U.S., INC. RELATIVE TO CONTRACT NO. 2-11-005,
GREEN INFRASTRUCTURE RETROFIT FOR THE BRAINERD
CORRIDOR, FOR AN INCREASED AMOUNT OF NINETEEN
THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00), FOR A
REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED
NINETY-FOUR THOUSAND FIVE HUNDRED DOLLARS
(\$294,500.00)**
was adopted.

SPECIAL POLICE APPOINT.

On motion of Councilman Rico, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF GARY
ROBKIN AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE
CITY OF CHATTANOOGA PUBLIC WORKS DEPARTMENT, TO DO
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

CONTRACTS

On motion of Councilwoman Rico, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO CONTRACT(S)
FOR THE PURCHASE OF FRAWLEY ROAD #2 PUMP STATION
LOCATED AT 15 FRAWLEY ROAD IN EAST RIDGE, TENNESSEE,
AND EQUIPMENT THEREIN, FOR A PURCHASE PRICE OF ONE
HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00)**
was adopted.

SEWER EASEMENT

On motion of Councilman Gilbert, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING PAYMENT TO PAVESTONE, LLC FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-005, ESIP SANITARY SEWER BASIN IMPROVEMENTS FOR TRACT NO. 4, PROPERTY LOCATED AT 7322 BONNYSHIRE DRIVE, FOR AN AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND ONE HUNDRED TWENTY-SIX DOLLARS (\$61,126.00)

was adopted.

TEMPORARY USAGE

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING UPTOWN VISION C/O DR. DAVE PIFER TO USE TEMPORARILY A PORTION OF RIGHT-OF-WAY LOCATED AT 629 MARKET STREET FOR THE INSTALLATION OF SIGNAGE, AS SHOWN ON THE ATTACHED MAPS, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SPECIAL POLICE APPOINT.

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF LT. CARL A. HARTUNG AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA FIRE DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE, AND THE ENTERPRISE CENTER, INC. FOR THE PURPOSE OF PROMOTING ECONOMIC DEVELOPMENT

was adopted.

MASTER SERV. AGREEMENT

Councilwoman Scott stated that she did not think the Council had enough information on this and **moved to defer it until January 22nd**. In order to allow discussion, **Councilman Murphy seconded her motion.**

Councilman McGary stated that the IS Department and Finance had done due diligence so far; the only concern was the appropriation for software for City Court; however he felt that this should move forward and that the appropriate department be selected to move this forward.

Councilwoman Scott questioned if everyone had had the opportunity to read the documentation put forth? If not, she questioned how they could be ready to vote today because they had not been informed.

Councilwoman Berz stated that she had sufficiently read the documentation so that she had no problem with this; that her only concern was the judges being brought up to "snuff", but this should not hold up the process.

On motion of Councilwoman Scott, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO ENTER INTO A MASTER SERVICES AGREEMENT WITH ARMEDIA, LLC FOR THE BLANKET PURCHASE OF AN ELECTRONIC CONTENT MANAGEMENT SOFTWARE SUITE, WITH AN INITIAL PURCHASE OF FOUR HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED EIGHT DOLLARS (\$457,108.00), WITH AN ANNUAL MAINTENANCE FEE OF FIFTY-EIGHT THOUSAND FOUR HUNDRED TWENTY-THREE DOLLARS (\$58,423.00), AND AN ESTIMATED TOTAL OF ONE MILLION DOLLARS (\$1,000,000.00) FOR ADDITIONAL IMPLEMENTATION ACROSS THE CITY

was put to a roll call vote for deferral as follows:

GILBERT	NO
BERZ	NO
RICO	NO
MCGARY	NO
MURPHY	NO

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SERVICES AGREE. (CONT'D)

SCOTT	YES
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BENSON NO

LADD NO

The motion failed.

On motion of Councilman McGary, seconded by Councilman Rico, the Resolution was **approved with Councilwoman Scott voting No.**

Councilman McGary asked if the Council could get periodic updates? Mr. Eckert responded in the affirmative. Councilman Gilbert asked if they were going to talk to the judges? Mr. Eckert stated that they had already talked to them in order to make them a part of this in order to be successful. Councilman McGary wanted to know who made the final decision as to who would start this program out—would it be City Court? Mr. Eckert stated that they would help with this. Ms. Madison stated that they would not do anything adverse to affect the judges' office; that we could start with the Finance Dept. until we work through it.

LEASE AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXTEND THE LEASE AGREEMENT WITH CROWN CASTLE FOR A CELLULAR TOWER LOCATED AT CORNELISON ROAD AND TO ACQUIRE 815 AUBREY DRIVE AS PART OF THE RENTAL AGREEMENT

was adopted.

Councilwoman Scott indicated that she did not understand what we were doing. Attorney McMahan explained that the current lease is with Lamar Co.—they traded to Crown Castle, and we are leasing the space for a billboard. Councilwoman Scott confirmed that we own the land, and they own the billboard. She wanted to know how much the lease was for and was told by Attorney McMahan that it was whatever it was with Lamar Co. Mr. Johnson added that it was a percentage. Councilman Benson wanted to know if it were the same billboard and the same size? Mr. Johnson responded that it was grandfathered in.

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CONSENT/LEASE TRANSFER

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A CONSENT FOR THE TRANSFER OF A

**LEASE WITH LAMAR COMPANIES FOR A BILLBOARD LOCATED
ADJACENT TO INTERSTATE 75, MILE MARKER 1.9, TO FAIRWAY
OUTDOOR ADVERTISING**

was adopted.

PAYMENT

On motion of Councilwoman Scott, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING PAYMENT TO ARTHUR J.
GALLAGHER FOR RENEWAL OF PROPERTY, EQUIPMENT, AND
FLEET INSURANCE FOR 2013, WHICH INCLUDES THE LIBRARY
LOCATIONS, FOR AN ANNUAL PREMIUM OF THREE HUNDRED
THIRTY-EIGHT THOUSAND FIVE HUNDRED EIGHTY-THREE AND
65/100 DOLLARS (\$338,583.65)**

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH T & C HOLDINGS, GP AND WALGREEN DRUG
STORE FOR THE DONATION AND PLACEMENT OF ARTWORK AT
THE CORNER OF THE PARKING LOT LOCATED AT 110 NORTH
MARKET STREET**

was adopted.

OVERTIME

Overtime for the week ending December 13, 2012, totaled \$36,640.71.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL DEPT.:

- **DONNA KELLEY**—Retirement of Personnel Administrator, effective 12/31/12.

INFORMATION SERVICES:

- **ROBERT SELLER**—Promotion to Network Engineer, Range 20, \$48,000 annually, effective 12/14/12.

CHATTANOOGA POLICE DEPT.:

- **JEREMY I. WILLIAMS**—3 days without pay suspension for Police Officer I, effective 12/6—12/8, 2012.

INTERNAL AUDIT DEPT.:

- **MEGHAN PETTY**—Return to duty from leave of absence, effective 1/2/13.

PUBLIC WORKS DEPT.:

- **W. WAYNE HERRING**—Retirement of Traffic Engineering Technician, effective 12/31/12.
- **JERRY STEWART**—Retirement of Director of Waste Resources, effective 12/31/12.
- **TERRY COTTER, JR.**—Retirement of Survey Party Chief, effective 12/31/12.
- **TIMOTHY ALEXANDER**—Retirement of Survey Party Chief, effective 12/31/12.
- **ROBERT M. HARRIS**—Retirement of Construction Inspector 2, effective 12/31/12.

- **DAVID REED**—Hire as Plant Maintenance Lubricator, Range 5, \$23,050.00 annually, effective 11/30/12.

- **STEPHEN PORTER**—Promotion to Chief Electrical Instrument Tech., Range 19, \$46,000.00 annually, effective 11/30/12.
- **ROY CURRY**—Promotion to Pretreatment Inspector, Range 14, \$48,410.52, effective 11/20/12.
- **LABRONE PARIS**—4 Days Suspension without Pay for Equipment Operator 5, effective 12/6—12/11, 2012.
- **ROY MASSENGALE**—Retirement of Plant Maintenance Lubricator, effective 12/31/12.

DONNA KELLEY

Chief Parker acknowledged that we were losing a very good city employee—Donna Kelley—that during her tenure she had started the Clinic and had done a lot for the City of Chattanooga, and he publicly thanked her. Ms. Susan DuBose echoed the comments of Chief Parker, stating that it was sad to see her go. Mr. Johnson added that there was an event in preparation for Ms. Kelley. Councilman McGary noted that there would be people retiring at the end of the term; that he had visited with Ms. Kelley, and she was hired by the City the year he was born—that all of these individuals would be taking away a wealth of knowledge.

DONATIONS

Adm. Zehnder reported the following two donations:

BRIDGE CHRISTIAN CHURCH—Use of portable movie screen and sound Equipment for “Christmas at Coolidge” program on Tuesday, December 18, 2012. The value of the use of the screen and sound equipment is \$500.00.

FRIENDS OF THE FESTIVAL—Fireworks Permit, Fireworks, Site Surveys, Santa Suit, Santa at Coolidge, and Renaissance Park Permit, all totaling \$10,740.00

Adm. Zehnder also mentioned the Art Dedication that will be conducted, tomorrow, December 19th at 9:30 a.m.

EMERGENCY PURCHASE

The Emergency Purchase for Unsuitable Dirt Replacement for the Fire Dept., issued to HJ Blakemore in the amount of \$26,625.00, was reported by Chief

Parker and signed in open meeting. Councilwoman Scott asked for background on buying dirt. Chief Parker explained that Public Works did the removal, and this was a net savings—that they were on a tight timeline, and this resulted in \$60,000 to \$70,000 savings. She confirmed that the soil was not contaminated.

Chief Parker mentioned the \$13,000+ that was raised at the boxing match between the Fire Dept. and the Police Dept. This was for the Forgotten Child Fund, and he indicated that he would be sending more information out concerning this.

REFUNDS

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds due to Water Quality Credits and Overpayments for the Year 2012.

COVENANT TRANSPORT--\$58,804.80 due to Water Quality Credits

MICHAEL T. JENO--\$1,505.22 overpayment

JAMES C. MEYERS--\$1,591.81 overpayment

TENN. TEMPLE SCHOOL--\$1,155.00 overpayment

GINA MCCOMMON--\$2,641.82 overpayment

PURCHASES

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchases were approved for use by the various departments:

CHATTANOOGA POLICE DEPT.

MOTOROLA SOLUTIONS, INC. (TCA ALLOWS FOR THIS PURCHASE)
Requisition R69402

50 Motorola Radios & Accessories

\$235,092.50

GENERAL SERVICES DEPT.:

INSIGHT PUBLIC SECTOR (Lowest and best bid meeting specs.)
Requisition R68049

Blanket Contract for Panasonic Arbitrator Cameras

\$120,000 annually, estimated

INFORMATION SERVICES:

MAC SOURCE COMMUNICATIONS (Best Complete Bid Meeting Specs.)
Requisition \$69039/302335

Blanket Contract for Nortel Legacy Phone System Equipment Maintenance

\$15,000 annually, estimated

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APPOINTMENTS

On motion of Councilwoman Berz, seconded by Councilman Rico, the following appointments were approved:

NORTH SHORE DESIGN REVIEW COMMITTEE:

- Appointment of **BROOKE BRADLEY-KING** for a three year term, expiring **December 18, 2015**.

HUMAN SERVICES DEPT. BOARD:

- Reappointment of **BONNIE CUMMINS** for a three year term, expiring **May 31, 2015**.
- Appointment of **CATHY ALLSHOUSE** for a three year term, expiring **May 31, 2015**.
- Reappointment of **GWEN STRINGER** for a three year term, expiring **May 31, 2015**.
- Reappointment of **DR. JACKIE HILL** for a three year term, expiring **May 31, 2015**.
- Reappointment of **JUDITH MILLER** for a three year term, expiring **May 31, 2015**.
- Reappointment of **DAISY MADISON** for a three year term, expiring **May 31, 2015**.
- Reappointment of **FAYE ISON** for a three year term, expiring **May 31, 2015**.
- Reappointment of **ANITA BELL** for a three year term, expiring **May 31, 2015**.

WATER & SEWER BILLS

Councilman Benson stated that between 5:30 p.m. and 6:00 p.m, he received two calls, which is a harbinger of what the Council might have to go through. Both calls were from East Brainerd residents who were upset over a letter they received in the mail today informing citizens that their sewer tax will be collected by someone in California; this will require another stamp, or they will

be charged a fee for another form of payment. He asked if the City sent these letters out?

Mr. Johnson responded that the City contracted this out. Adm. Leach stated that Daisy Madison could speak to the setup for collection. Ms. Madison explained that the Council approved a vendor to handle the billing process, and it should be handled like TAWC; that she did not know that the bill came out of California. She related a number of options for payment, stating that you could pay through your bank account without a fee. Councilman Benson noted that the cheapest way might be to use a stamp and send it that way.

Councilwoman Scott stated that she had a call, as well—they were complaining about being charged \$3.00 per month for the convenience of paying this on-line.

Councilman Benson noted that we had a disturbed public with this letter, and people need reassurance on how this is collected.

ANIMAL CONTROL BOARD

Attorney McMahan stated that the Council had assigned him the responsibility of compiling the Animal Control Board; that he would start early in January with an orientation of the new members as to sustainability law and ethics. **On motion of Councilwoman Scott, seconded by Councilman McGary, Attorney McMahan was given permission to begin this orientation.**

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EARLY VOTING PRECINCTS

Councilman Gilbert noted that the Council had decided on four precincts for early voting. Attorney McMahan indicated that he had called Charlotte Morgan Mullis, and she was very adamant about not entertaining four early voting districts. There was thought to be some IT problems, and the Election Commission was concerned about showing favoritism to certain candidates—a problem that had occurred in a previous election; they did not want three

locations. Councilman Gilbert stated that Bethlehem Center had a precinct for regular voting with no IT problems. Attorney McMahan pointed out that early voting depends on computers. Councilman Benson mentioned the problem in 2005 with Councilman Pierce. Attorney McMahan stated that one good thing might be that the Election Commission was going to submit a bill for the Legislature to establish satellite voting locations across the city.

COMMITTEES

Councilwoman Scott scheduled a **Personnel, Performance and Audit Review Committee** for **Tuesday, January 8th to immediately follow the Legal and Legislative Committee** to hear the Fire/Police Pension Board Quarterly Report.

Councilman Rico reminded everyone of the **Public Works Committee** scheduled for **Tuesday, January 8, 2013 at 2:00 P.M.**

Councilman Murphy scheduled a **Legal, Legislative/Safety Committee** for **Tuesday, January 8, 2013 to immediately follow the Agenda Session.**

Councilwoman Berz announced that she would be beginning to schedule educational sessions of the **Budget and Finance Committee** to hear Social Services, Quasi-Governmental and Government Agencies; that these meetings could be held either on Tuesday or Thursday mornings. She asked the Council which they preferred?

Councilman Murphy responded that he prepared Tuesdays; that we have folks retiring from the Council, and there will be contested races, and we will have a new Mayor. He questioned if we were having Budget meetings ahead of the curve and might get too far out.

Councilwoman Berz indicated that these would be educational sessions for the Council, and no decisions would be made; that we would be educating ourselves and learning what the needs are; that we could invite candidates to come and also receive the education on Tuesdays.

COMMITTEES (CONT'D)

Councilwoman Scott noted that Councilwoman Berz was saying what she would say—that inviting the candidates was a great idea; that anyone could attend, and we would welcome all of the candidates.

Councilwoman Berz noted that we would be publishing the schedule on the web; that it would be open meetings to be held in the Conference Room; that it was educational sessions.

Councilman Benson scheduled an **Economic Development Committee for Tuesday, January 8th to immediately follow the Personnel, Performance and Audit Review Committee.** (Since there were already four committee meetings on that date, he graciously agreed to reschedule his meeting for **January 15th**).

PATRICK KELLOGG

Mr. Kellogg of 2510 Oak Street addressed the Council. He first spoke to the early voting precincts, that had been put on the back burner because of lack of technology. He felt like the needed technology could be purchased for less than \$100 and accomplished with ten laptops. He felt like voters from the Bethlehem Center and Howard High School would be disenfranchised.

He went on to say that he was very interested in the Audit Committee; however no materials from Henderson, Hutcherson, and McCullough could be found; that the Audit Bylaws alluded to were not on the website nor could he find the materials that had been presented to the Council. He added that he would like to request under Open Records the material that was talked about today. He said that he had requested Open Records in the past and had not received them, and he hoped to have an informed decision when speaking of the Audit Committee. He wished everyone a Merry Christmas and Happy New Year.

Councilman Murphy stated that he shared Mr. Kellogg's concerns about early voting locations and the thought that adding more would favor some candidates. He was also concerned about going to mega precincts, where there would be long lines, and it would be difficult for the elderly and handicapped—that this was troubling to him—that it sounded like a solution in search of a problem. As to Mr. Kellogg's Public Records' request for Audit Information, he explained to him that there was a way he needed to make this request, and he would ask the City Attorney to explain this process to Mr. Kellogg. He thanked him for coming, saying that he appreciated him.

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PATRICK KELLOGG (CONT'D)

Mr. Kellogg responded that he had made Open Records' Requests at three meetings; that he had sent the requests in written form and electronically to no avail.

Chairman Ladd asked that he see the City Attorney because he handled this; that he could make sure Mr. Kellogg was going through the right process; that this was in his jurisdiction, and that was the right place to go.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, January 8th, 2013, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

(A full digital audio of the Council Meeting of this date is filed in the Clerk of the Council's office)

(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED WITH MINUTE MATERIAL OF THIS DATE)