

**City Council Building
Chattanooga, Tennessee
March 2, 2004
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

AMEND CITY CODE

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 16, ARTICLE I, SECTION 2, BY DELETING THE SAME AND
INSERTING IN LIEU THEREOF A NEW SECTION 16-2**
passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2004-001: City of Chattanooga c/o Phillip Lynn

On motion of Councilman Lively, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING SANITARY SEWER
LINES AND ASSOCIATED SEWER EASEMENTS AT THE SPENCER J.
MCCALLIE PLANNED UNIT DEVELOPMENT, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
passed second reading. On motion of Councilman Littlefield, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

Councilman Littlefield stated this matter has been before the Legal and Legislative Committee and has been referred to the Beer and Wrecker Board for their consideration and, perhaps, a recommendation back to the Council. He stated this is in conjunction with the audit of wrecker practices conducted by Admin. Eichenthal's department. He made the motion to defer the item four weeks.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 35, ARTICLE IV, SECTION 160, SUBSECTION 4, RELATIVE TO
BILLING AND CHARGES FOR DISTRICT WRECKERS**
was tabled four weeks (March 30, 2004).

SALE OF SURPLUS REAL PROPERTY

Councilman Hakeem asked if this property is the sight of an old office building.

Councilman Littlefield clarified that it is the old nightclub close to Warner Park.

On motion of Councilman Benson, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE
ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF
CERTAIN SURPLUS REAL PROPERTY LOCATED AT 1077 DUNCAN
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, TO THE MONTESSORI WORLD OF CHILDREN, LLC, FOR A
TOTAL CONSIDERATION OF EIGHTEEN THOUSAND ONE HUNDRED
DOLLARS (\$18,100.00)**
was adopted.

CONTRACT: PARRIS ROOFING COMPANY

Councilwoman Robinson stated this matter was discussed in last week's Parks and Recreation Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO
EXECUTE A CONTRACT WITH PARRIS ROOFING COMPANY, RELATIVE
TO RE-ROOFING THE MAINTENANCE BUILDING LOCATED AT 1002
WATKINS STREET, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND
DOLLARS (\$50,000.00)**
was adopted.

AGREEMENT: DONALD L. BROOKSHIRE, PSY. D.

Councilman Littlefield stated this matter and the following Resolution came before the Legal and Legislative Committee.

On motion of Councilman Littlefield, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA
PERSONNEL DIRECTOR TO EXECUTE AN AGREEMENT WITH DONALD L.
BROOKSHIRE, PSY. D., RELATIVE TO PROVIDING POLICE DEPARTMENT
EMPLOYMENT AND FITNESS FOR DUTY PSYCHOLOGICAL
EVALUATIONS**

was adopted.

AGREEMENT: JOINER & ASSOCIATES

Councilman Littlefield stated this matter was recommended to the Council for action tonight and that he has to say he is not "sold" on this process. He stated this is the same process and ranking procedure that has caused us difficulty with the Police Department. He stated it is notable that it seems not to produce the same kind of effects we have seen in the police department and fire department; that his main concern is getting some time for this assessment system. He stated he is unable to inject a certain amount of reason or allow the managers of the Fire and Police Departments to exercise their prerogative as managers to select people of character that might not be accurately measured by this assessment process. He stated now everyone involved is attempting to do the right thing and he is not questioning that; that he has been around City government long enough to know things done differently in the past are not always satisfactory, either.

Councilman Littlefield stated he is referring to people promoted on political merit rather than on actual merit; that he also had an opportunity to look at the list of people and how they have qualified. He stated that while he has not questioned people selected at the top of the range were appropriate to be promoted, he does not take issue with that; that as he looks further down the list how the ratings have been assigned for characters he really has serious questions with. He stated that in Committee today one individual on the list that ranged near the top for public relations he knows (that individual) and, God bless him, they are awful, difficult people! He stated not everyone is skilled at public relations; that the person who has been one of the best individuals and very successful in planning undertaking ranked near the bottom!

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Councilman Littlefield continued by stating that it is his thought the assessment process is given too much credibility and if we do not do accurate evaluations each year and give them equal weight, we are creating a problem every year. He stated when we allow this issue to be put together based on rankings and tie it to two years, we are stuck; that he thinks all that does is "open our eyes" to the fact that this assessment process is putting too much weight on that and is causing us problems. He stated that he plans to vote against this.

Councilman Hakeem directed his question to Atty. Nelson and asked if the assessment itself is the "last word" in who "rises to the top", so to speak. He asked if the manager or administration has any flexibility when it comes to common sense

City Attorney Nelson responded "yes"; that they do have the "last word", so to speak. He stated they should have the "last word" if they know that something is wrong with the assessment.

Councilman Hakeem asked if lack of diversity would be considered as something wrong with the process.

City Attorney Nelson stated just because there is not representation does not mean the process was unfair, but it certainly puts on notice to look at things.

Councilman Hakeem then asked in regard to the two-year timeline, are we locked into a list for two years.

City Attorney Nelson stated that that has been the process; that it is his understanding from today's Committee meeting that it would be through December 31, 2005, which is short of two years.

Councilman Hakeem stated just as there are different Councils that take place, when new Councils are elected, it is felt they would not be bound by decisions of a previous Council. He asked if a manager would be bound by the decision made prior to coming on board.

City Attorney Nelson stated that he knows of no *Charter* provision that could not be changed within the two-year period; that it might be argued that once on the list certain steps are taken to get it there; that there is a contractual right to be there the two years, and in which case very well may be found. He stated it would depend upon the structure of how it was set up and what representation.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Councilman Hakeem acknowledged that City Attorney Nelson answered in a very "lawyer way"!

Councilman Benson stated that he has mixed emotions about this; that he spent many years in education and administration and has seen a lot of assessment programs. He stated the Master Teacher Program is a good example as some people are very adept at taking written tests and very adept at undergoing pressure of the assessment process, but a lot of times, as Councilman Littlefield indicated, that is a cognitive test and needs an effective domain. He stated that it is his thought assessment is one small tool and it cannot be misused and pre-empt the decision-making process; that it goes with the job of being Chief Administrator. He stated that it worries him that this locks us in; that one of the things that makes him feel he should vote for this is the success the Fire Department has had recently in the diversification. He stated that they have made the assessment tool a success since they reduced the cost of it by doing it in the municipal building rather than a hotel. He stated that he is glad to see it reduced to \$15,000 this year and is willing to go along this time because we had not forewarned them as to the concerns and he probably will vote for it, but is not sure if he would again.

Councilman Taylor stated that he has a couple concerns and did not have a chance to address them in Committee. He stated he would like to get a good understanding of the matter and commended the Fire Department for working so diligently in their diversity and promotions. He stated that he does know they have worked hard in the past to bring in a test that is fair and equal.

Chief Coppinger stated that his first question would be to City Attorney Nelson, in that the promotion process is a general order made by the Fire Chief and is not so strict that it could not be rescinded by another administrator in the event there was a change in the position. He stated it is not an action done by Executive Order out of the Mayor's office or by Council order; that it is a general order by the Fire Chief. He stated he is not certain it would be extended to December 2005 if there were another Fire Chief who could rescind that general order and amend it to make it for whatever period of time wanted. Having said that, he stated that the assessment centers have done several things; that they are centered in the fire department and is comprised of a written and oral component. He stated when there was a written assessment center people complained about that and department officials listened to what they said and then set up an oral assessment center.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Chief Coppinger stated people came back in 2002 and said that was not fair, as some cannot verbalize well, yet others can. He stated they listened once again and met with the internal promotions committee and it was indicated they would like to have both the written and oral components. He stated there would be one hundred multiple-choice questions on the written component, followed by an oral exam and that all components will be measured. He stated that the process would be done over three separate days; that this is what firefighters have asked for. He stated it is hoped this will clarify the matter; that questions are asked in regard to tactical things and situations, managerial questions and how to address a dispute between coworkers, to name a few. He stated that the assessment center is a way to capture a lot until something better is found. He stated that the department is wide open to another response of what it is that is better; that right now throughout this country this is commonplace. He stated they are constantly looking for a better way; that they keep integrity in the procedure so people know they have a fair and equal chance to participate.

Councilman Taylor directed his question to Chief Coppinger and stated in looking in the information how does he (Chief) look at a person on an individual basis; that he has to have some type of judgment.

Chief Coppinger stated no one fails this process; that it is just a ranking order. He stated some score higher than others and after the results are back and they are eligible for promotions, they sit down with the command staff and go through the list and review several tangible things, such as experience. He stated he has had several surprises with employees and their goal is the same as his and members of the Council, which is to have the best, progressive fire department. He thanked Councilman Benson for alluding to the fact they have been very successful with this process and diversity and would hate to give up on the assessment center so quickly.

Councilwoman Robinson stated that all agree we do want a fair non-political process, which is important, yet, she thinks something is missing from what we are using currently. She stated in reference to Councilman Littlefield's concern regarding ranking and grading, the most recent assessment two years ago produced the example of someone at the top was someone he had personal knowledge of not being the type of officer someone would want to come face-to-face with often.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Councilwoman Robinson stated by the same token, she knows an officer in her district that had exceptional ability; that at the neighborhood level he inspires confidence, is approachable and professional. She stated he scored very low on the assessment list, yet they all know him and agreed he is a great guy. She stated if someone like that can “slip through the cracks”, then something is wrong! She stated that it is her thought a couple ways we might improve the process is on the front end when recruiting cadets, which is the time to “draw the noose tight” and get the right candidate. She stated secondly, during their ongoing career, do as other departments and continue training within the department to equip officers to succeed on evaluations. She stated she does not want to imply “teach the test”, but equip and deal with questions and issues they will have to face on the test; that it is hard to approve an assessment if you do not know what you’re buying. She stated that she would like to see some of the changes we are encouraging before moving forward.

Councilman Lively stated that he realizes this process is not perfect, but it is a professional way of approaching promotions and management. He stated that he would much rather have that than the “shotgun approach” or “good ole boy, my best friend” approach. He stated there are a lot of good people who are not management material; that a lot of people do not want to be in management. He stated this is the best process we have right now and the Fire Department has proved it does work. At this point he **made the motion to approve the Resolution.**

Councilman Page seconded the motion and stated that it is his thought evaluating a person is a most difficult thing; that each Councilperson here could interview one person and all will have different ideas about that person’s capabilities. He stated the question should be whether the assessment measures what we want it to measure, whether it is culturally fair to all concerned. He stated the second question is whether we are measuring what we need to measure at the assessment center; that things are going good in the Fire Department, yet each has thoughts about other departments that are not doing so well; that the focus should be on the test and assessment rather than “throwing the baby out with the bath water”. He stated that he certainly thinks we have something going that might work and improve upon. He asked if management has the ability to veto an individual if something happened and they are on the list.

Chief Coppinger responded “yes” and indicated that it has happened on occasion; that just because they are in a certain order, they can go past them for “just cause”, reiterating that it has happened on several occasions.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Councilman Page asked if that would take away from the Fire Department's foundation for promotion they have had for a number of years and is working. Chief Coppinger responded "no".

Councilman Page stated that he certainly speaks for the motion and is proud to second the motion.

Councilman Littlefield stated that there has been quite a bit of discussion about diversity; that he wants to back up and assure everyone the diversity question is really just the "red flag" that made him look at the whole list and whole matrix of how people were ranked and rated. He stated that is where he found the problem; that diversity simply got his attention, but after getting beyond the first tier of individuals who demonstrated such stellar performance, he questioned the value of it, particularly if a written and speaking test was used. He stated that he does not think just testing those two different ways is getting all the characters; that we do not need to throw out the entire idea of an assessment process. He stated that it is his thought somewhere and some way we need to temper it with a better system that takes into consideration annual personnel evaluations, which are supposed to be done yearly and a rating people have earned for themselves year-after-year in their career and performance demonstrated under "fire and pressure". He stated those things don't seem to be taken into consideration in the rating system so far as he has seen in the matrix they are looking at tonight. He stated that he knows management has the right to override the system; that if given this matrix, the credibility of being primary means to select a person for promotion and post those figures and then if it is decided not to (promote), look out! We would have to go to court to defend this and there has to be a really good reason chosen not to do that and provide evidence. He stated explaining the system is going to be very difficult to defend in court.

Councilman Hakeem asked for clarification from Donna Kelley and inquired if the assessment before the Council tonight is for the Fire Department, period.

Ms. Kelley responded that the Fire Department has minimum standard qualifications for individuals applying for promotions. She stated a lot of that is in training and accomplishments they have to have demonstrated. She stated what the Council is being asked tonight is to allow them to utilize a consultant that will come in and help us.

Councilman Hakeem asked if this is for the City as a whole or for the Fire Department tonight.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Ms. Kelley this is only for two positions within the Fire Department – Lieutenants and Captains.

Councilman Hakeem asked if that is what the \$15,000 will be used for.

Ms. Kelley responded “yes”; that it is real important to examine the job and determine what it is you want it to test and the results you want to see.

Councilman Hakeem asked Ms. Kelley if she has an appreciation for the concerns expressed tonight with regard to things Council members feel are not in the system we have now.

Ms. Kelley responded “absolutely”!

Councilman Hakeem commented that we often use the term “fair”; that it is something that the neighborhood he represents and others have asked for other the years, to give us the goods and services that other neighborhoods have, which is important. He stated that he has to ask the question also when we talk about being fair, are we saying start at the same place; that for neighborhoods that have been behind, is there a need for additional services that other communities already have or are not in need of now. He stated are we are saying all neighborhoods only get \$5,000 and one neighborhood gets \$10,000 in services. He stated in job placement and assessments, if African Americans have started out at a place behind the rest of the community when we are saying you are being fair -- starting at the same place -- is there consideration that needs to be taken into account when we decide whom those persons are to get promotions.

Councilman Benson stated that he previously indicated he was ready to vote tonight, yet wishes the Council had more time as Councilwoman Robinson stated. He inquired as to when the Council received the information. He stated that he might have received it last Friday, yet did not look at it until today's Committee meeting. He stated there are six points to the Scope of Services and he would like to study the generalities of them (Scope of Services). He stated he would like to have time for the Chief to explain and that he has deep concern about doing what the Police Department did in posting for two years the rankings from one-to-twelve and wondered what it does to peoples' self-esteem. He stated that he was afraid this could be counterproductive if there is intent to post the rankings.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Chief Coppinger stated that it is the wish of the firefighters; that they have not posted them in the past, however, firefighters have a networking style and they call around and know where each ranks. He stated they know before he gets the eligibility list. He stated that he is not a proponent of posting the score, however, that is their wish.

Councilman Benson stated that he has many questions and would like to study to know what questions to ask the Chief; that he did not know it was coming up until the Committee meeting today and he just doesn't know enough about this!

At this point the Clerk of the Council clarified that Council members received information regarding this Resolution two weeks ago in the agenda mailing from the City Attorney's Office.

Councilman Lively suggested that the matter be tabled one week for discussion in the Safety Committee. He stated he would hate to see it fail because of someone not understanding. He inquired as to whether this would create a problem with the process.

Chief Coppinger gave a short answer of "yes"; that the entire department has been notified there would be a promotional test and they were anticipating it. He stated if the promotions are postponed, it would be quite some time before they could devise another method.

At this point, Councilmen Lively and Page withdrew their motion and second.

Councilman Taylor inquired as to whether the test would be modified, if some other type of assessment mechanism would be used or is it basically "etched in stone".

Ms. Kelley stated as far as the consultant is concerned, he is very much interested in as much input as possible and would be more than happy to address the Council. She stated what Chattanooga does is very unique to any other city in the nation; that most other cities will have some preliminary activity; that only a few individuals are invited in for the entire process. She stated that Chattanooga is the only city in the nation that allows all individuals to go through each and every component; that the entire process enables them to show how much they can really do.

AGREEMENT: JOINER AND ASSOCIATES
(Continued)

Councilman Hakeem clarified to Ms. Kelley and Chief Coppinger that he does not have a problem with them; that questions that have been generated by things that have taken place in the Police Department on this same issue. He inquired as to whether this would be the time for him to address questions to Chief Parks or wait until later in the agenda.

Chairman Franklin indicated that Councilman Hakeem's questions would be handled at the appropriate time.

On motion of Councilman Lively, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA PERSONNEL DIRECTOR TO EXECUTE AN AGREEMENT WITH JOINER & ASSOCIATES, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL TESTING FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00)

was tabled one week.

CONTRACT: SUN VALLEY LIGHTING

On motion of Councilman Littlefield, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A REQUIREMENTS CONTRACT WITH SUN VALLEY LIGHTING FOR A PERIOD OF TWO (2) YEARS, FROM JANUARY 28, 2003 THROUGH JANUARY 29, 2005, RELATIVE TO PROCUREMENT OF SIDEWALK LIGHT FIXTURES; AND AUTHORIZING THIS RESOLUTION TO SUPERSEDE RESOLUTION NO. 23676, ADOPTED JANUARY 28, 2003, ENCAPTIONED HEREINBELOW

was adopted.

OVERTIME

Overtime for the week ending January 27, 2004 totaled \$13,037.61.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- ✍ **TOMMY D. FULLER** – Hire, Equipment Operator Sr., Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective February 25, 2004.
- ✍ **CHRISTOPHER A. CRIDER** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective February 25, 2004.
- ✍ **BESSIE L. ROLLINS** – Family Medical Leave, Crew Worker, Citywide Services, effective February 28 – May 12, 2004.
- ✍ **BRITT A. WEISE** – Dismissal, Crew Worker, Sr., Citywide Services, effective February 23, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **JIM MANIS** -- Suspension (one day without pay), Captain, effective February 28, 2004.
- ✍ **NAKIA SWAFFORD** – Suspension (one day without pay), Firefighter, effective February 26, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JAMES TIM CHAPIN, MICHAEL JENKINS, MICHAEL E. MENNICK, KELLEY G. MILLER, NATHAN VAUGHN** – Promotion, Sergeant, Pay Grade P2/Step 5, \$42,865.00 annually, effective March 5, 2004.
- ✍ **DAVID FRYE, KEN NEBLETTE, KEN PHILLIPS** – Promotion, Lieutenant, Pay Grade P3/Step 6, \$51,003.00 annually, effective March 5, 2004.
- ✍ **VIVIAN HIXSON, PAUL LEE** – Promotion, Captain, Pay Grade P4/Step 6, \$57,375.00 annually, effective March 5, 2004.
- ✍ **STAN MAFFETT** – Promotion, Captain, Pay Grade P4/Step 7, \$59,647.00 annually, effective March 5, 2004.
- ✍ **CYNTHIA P. BROOKS** – Hire, Police Service Tech. Sr., Pay Grade 5/Step 1, \$19,234.00 annually, effective March 5, 2004.

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

POZZOLANIC CONTRACTING & SUPPLY CO. (Lowest and best bid)
R0074168/B0001311

Bulk Lime Kiln Dust

\$26.70 per ton

AFFILIATED TRANSPORT COMPANY (Lowest and best bid)
R0070639/B0000970

Leachate Pumping & Hauling

\$175.00 per load/6,000 gal.

\$150.00 per load/2,000 gal.

METROPOLITAN SECURITY (Lowest and best bid meeting specifications)
R0073167/B0001261

Security Guard Services

\$ 8.63 per hr./person (regular time)

\$12.17 per hr./person (overtime)

TEMPLE, INC. (Single Source)
R66243

Three Section LED Signals (per TCA 6-56-304.2)

\$10,100.00

HOTEL PERMIT

On motion of Councilman Pierce, seconded by Councilman Littlefield, the following hotel permit was approved:

HOTEL PERMIT (Continued)

ALPINE LODGE – 4828 Cummings Highway, Chattanooga, Tennessee

CHIEF STEVE PARKS

Councilman Hakeem clarified that he did not have a problem with Chief Parks; that he has a problem with the process that the Council sees before them. He stated he perceives Chief Parks as a disciplined man of character and courage and to be the type of person who goes by "the book". He stated when he thinks of scriptures from the *Bible, Torah* or *Koran* and the policies and guidelines we have, as well as the process where we update, change and redefine, he does not know if that is one of the items the Council needs to take into consideration. He stated that he sees Chief Parks as having influence and power and maybe he is not exercising that when it comes to flexibility and ways of accomplishing goals. He stated, "When there is a will there is a way" and he has great concern with the fact when we look at 40 percent of African Americans in the City and in looking at the chain of command it is very limited. He stated that he knows what is said when we look for fairness in the process and all these things, yet, if we look back beyond Chief Parks' time as Chief, these are problems that have been created and dropped upon his "doorstep" now.

Councilman Hakeem asked Chief Parks to find a way to deal with this, as there is concern that opportunities are not there for people of color. He stated former President Bush found a way to get an African American on the Supreme Court and "fast tracked" it. He stated if you look at the history of this City, you can appreciate the concern of persons like himself; that he has to speak out this issue because if he doesn't no one else will. He stated if the opportunity is not available, some people will perceive that we have not tried; that we have to raise the issue and request that you find a way within the limits of government and the law to address the problem we are talking about in regard to promotions and diversity.

Chief Parks expressed disagreement with Councilman Hakeem that if he (Hakeem) does not say anything, no one else will. He stated as the administrator of the Police Department we are saying those things; that it starts with us when we have 20 percent African American officers in the Department as opposed to being more reflective of our population. He stated it creates the implication at the "front door" that affects every decision we make and now comes the issue of promotions. He stated they absolutely get to the point where they have diversity, real diversity in the competitive area of any assessment whatever the process. He stated there would always be one more to measure in promotions in a public organization like this.

CHIEF STEVE PARKS (Continued)

Chief Parks stated they have certain flexibility as to how they go about arranging for testing processes; that they have to look long term as opposed to short term as short term "fixes" are not in this issue. He stated it starts with heavy recruitment to get as many qualified African Americans, females and the other minority groups in our front door. He stated the second part is that they have to do a better job of creating career development paths within current employees and not just taking those who take the test. He stated they have to ensure a better way to better prepare all officers to take whatever performance measures they have to put in front of them. He stated that his point is there are no short-term fixes; that they start today in trying to deal with situations in long-term goals. He stated his job is to position the department to where they want to be in a year, two, three or five years from now and it is his job to get them to that position.

Chief Parks stated as to assessments, there has been a lot of discussion about this issue; that this particular assessment identifies at the top where someone is extremely capable; that the name forwarded will do a great job in their positions. He stated what we have to do is devise a method for the future to have that competitive diversity at the top of the list.

Councilman Hakeem stated historically, those who primarily have been disadvantaged in America have been African Americans; that when we use the term "minority" so often we use groups of people from different countries around the world such as Hispanics and others, however he has no problem with people advancing. He stated when a person comes from a group that has been "stepped on" by everyone in the world, don't come to him (Hakeem) with all these different groups and say the goal has been fulfilled.

Councilman Littlefield expressed thanks to Chief Parks for spending so much time with each Council member a few days ago; that he (Parks) knows the Council does not approve personnel matters; that the Council receives and files them. He stated the Chief did know that the issue was going to lead to some discussion in the community and knew that our phones would ring! He stated that he wanted to say thanks to him for coming and spending an inordinate amount of time; that it seems when there are new positions there are always crises at first, however, based upon what the Chief told him and others he (Littlefield) believes he (Parks) handled this crisis and having known him so long, he knows he is a person of good character and will deal with this issue appropriately.

Councilman Taylor asked the Chief to elaborate on the assessment referencing both the written and verbal testing.

CHIEF STEVE PARKS (Continued)

Chief Parks stated that the Police Department has a process that is very similar to the process Chief Coppinger mentioned. He stated this assessment procedure includes a written test; that included in this assessment the written test accounts for 25 percent of a total 70 percent for the test. He stated 15 percent of the 70 percent is administrative review where the officers' proficiency studied, in essence a "snapshot" of the officer. He stated the overall assessment tends to bunch a lot of people together and when they came up with the 15 percent on seniority, many people jumped over four-to-five people very quickly. He again stated that the total assessment is 70 percent, with a 15 percent administrative evaluation of their performance and 15 percent based on seniority. He stated the prior assessment was verbal, similar to what was done in the Fire Department; no written test was within the scope. He stated the change was as a result of the wishes of the employees and they can foresee what the next assessment will be.

Chief Parks expressed agreement with Chief Coppinger that there will be always be a pull within the organization to have some sort of promotion evaluation system and we cannot get around that. He stated he does not want to get around it as there are 473 persons in his department and he cannot single out one person, as he does not have that type of scope or that specific knowledge of each and everyone. He stated we have to have some fair system agreed upon by the department and the City, basically, that is the "best foot forward" in trying to identify those talents necessary to take it to the next level. He stated the Police Department is in the business of leadership; that theirs is a tough business and they have to make a decision that will be scrutinized for months and years; that they have to sometimes quickly make decisions.

Chairman Franklin asked Chief Parks to explain the Rule of Six and how that was implemented into this.

Chief Parks stated if there is an opening, the City's Personnel Office gives a list of the top six people; that within that ranking the officers already know before they are posted. He stated he looks at the six people listed to fill that position and unless there is just cause not to pick one of those rankings he has to make a decision based on articulately just cause. He stated this is not to say there would not be the day perhaps that he would jump over people to make a selection. He gave an example where one of six people were fairly closely qualified based on the assessment application and one had been in the military for 15 years and commanded a unit; that one officer was in charge of command and was in the army police, which showed leadership skills no one else could measure. He stated that person was a proven leader and proven supervisor.

CHIEF STEVE PARKS (Continued)

Chairman Franklin stated in this situation, there were two positions of persons who did play that role in each of those categories. He asked if more were considered because more positions were available.

Chief Parks stated in reference to the Sergeant position if three people were promoted three vacancies were created, as well as two additional Sergeant positions that needed to be filled. He stated they did not ask to replace them as it would cause an undue burden on staffing on the street; that they still have 45 people and they tried to be conscientious and sensitive to doing anything that would move police officers from operational positions. He stated the staff decided on five positions -- three plus two. He stated there was one additional Lieutenant position that was not filled for sometime that the staff requested be filled. He stated in the Captain situation, two vacancies were created by moving persons up to Chief positions and "Skip" Vaughn from his position. He stated an additional Captain slot had not been filed for over a year and the discussion was that we were in this framework of reorganization and decided what was best. He stated at the same time they are preparing their own 2005 budget and making decisions and projections, which includes positions "going away" or having to be cut. He stated all this led them to believe this is a part of control that was necessary; that they needed the additional Captain.

Chairman Franklin inquired as to how the Chief came up with three Captains.

Chief Parks responded that only three were eligible; that two persons were on the list and the other was the third selection.

Councilman Benson stated that it was his belief the assessment cycle began two years ago; that 18 months ago the assessment was completed and the names were posted on the board. He stated every policeman and everybody knew who scored where. Chief Parks responded, "That is correct".

Councilman Benson asked how many people knew about this. Chief Parks responded that the entire department knew about it, everyone who took the test; that there were 473 sworn officers.

Councilman Benson stated 473 were able to see the names and who ranked highest. He expressed that he has a real problem, as it is his thought there could have been a lot of self-esteem damage because of that based on something fallible; that this worries him.

CHIEF STEVE PARKS (Continued)

Councilman Benson asked how the Chief knows whether in due time posting something does not change that person; that there may be a problem or even a psychotic problem or bipolar problem that would render him less than competent than the test shows. He asked if this were the case would the person be removed from the list.

Chief Parks responded, "thankfully none of them have that problem"; that he explained previously how six names are submitted for one position; that each are qualified in that pool as to rank within an assessment.

Councilman Benson asked if it is still administration's response to veto anyone who shows deviation from what the test proved. Chief Parks responded, "if there is just cause to do that, yes", he would.

Councilman Benson asked if there is due process in place for it. Chief Parks stated that would be a grievance issue.

Councilman Benson again commented on the posting of people's names and others having to live with watching that a year or two.

Chief Parks expressed his understanding of Councilman Benson's position, explaining that the Fire and Police Departments' network does not take long before that list would be piecemealed together.

Councilman Pierce stated in looking at the eligibility list, what did the date originate from. He asked if the assessment was done 18 months ago.

Chief Parks stated that the date reflects the date of certification; January or February of last year.

Councilman Pierce stated some names date back to 1990.

Chief Parks stated that would be the date the person would be eligible for promotion to the next rank.

Councilman Pierce inquired as to the assessment that that goes with the eligibility list; whether it was not administered until 1990.

Chief Parks responded "no"; that the eligibility date is the date that officer would go to a rank after serving three years in his current rank. He stated they allow officers to test even though they have not served three years in a rank because of the three-year window.

CHIEF STEVE PARKS (Continued)

Councilman Pierce stated it is his understanding this is a true list according to the assessment test. He stated in looking at this and the officers eligible in 1990, when did they take the assessment test.

Chief Parks explained that those persons took the assessment test in January and February of last year; that the eligibility date only deals with the date when they would have been eligible to be promoted at any time to the next rank.

Councilman Pierce stated that the Chief discussed the vacancy of the Captain position and that three were hired. He made reference to the positions having not been filled for a while and inquired whether administration had a "freeze" on hiring.

Chief Parks stated the position was not "frozen".

Councilman Pierce then stated in the Sergeant position, he could see a change moving to Captain, which created two extra Sergeant positions. He asked how many Sergeants are on the street now. Chief Parks stated there are currently 88 officers in Sergeant positions filled.

Councilman Pierce asked if there is a demand for that many Sergeants. Chief Parks responded "yes".

Councilman Pierce stated that it seems we are talking about being "top heavy" and it is unbelievable to him that we need that many to perform compared to other officers. He stated with this we have one fourth of the whole staff and 400 people ranging from Sergeant or above.

Chief Parks stated Sergeants are the "key to success" for the Police Department. He stated they are the people that get things done and is the direct link to officers in operations. He stated as an officer who rose through the ranks over 25 years, he saw where differences were made with employees who had good Sergeants, and also saw how hard it was on employees who had poor Sergeants. He stated the focus of the Department is to have sufficient Sergeants to properly lead and develop people, and leading and developing is the "key".

Councilman Page asked the City Attorney if there are six individuals that are eligible for promotion to Sergeant or Lieutenant, understanding there is concern regarding diversity, and one individual is African American and the other five are not, can the City and Police Department make a decision to achieve diversity that one of six is promoted to the position based upon being African American.

CHIEF STEVE PARKS (Continued)

City Attorney Nelson responded, "not strictly for that reason" as there are some exceptions; that just cause would have to be shown. He stated the exception to this is found in the case of Cross vs. the City of Richmond, Virginia, a U. S. Supreme Court case which held whether it can be shown there has been historical under-representation on the part of the municipality in those positions that need to be remedied, and then there are certain things you can do. He stated each case would have to be looked at on its own circumstance.

Chairman Franklin expressed appreciation to Chief Parks for his willingness to answer questions.

Chief Parks, in turn, expressed appreciation to the Council for their support on this issue.

DR. MAYA ANGELOU'S PERFORMANCE

Councilman Taylor expressed thanks to everyone for supporting Dr. Maya Angelou's recent performance. He stated it was a very successful event.

RECOGNITION OF DISTRICT 7 NEIGHBORHOOD ASSOCIATIONS

Councilman Taylor recognized the presence of representatives from the East Lake, Ridgedale, East Chattanooga and Cedar Hill Neighborhood Associations.

A NOTE OF THANKS TO THE E-TEAM

Councilman Pierce expressed appreciation to Admin. Curry and representatives of the E-Team for what they have done in his neighborhood. He stated the E-Team did not shun getting in the rain today and stayed on the property for more than an hour. He asked that Admin. pass his words of appreciation to all concerned for what they did.

COMMITTEES

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, March 9 immediately** following the meeting of the Parks and Recreation Committee.

COMMITTEES (Continued)

Councilman Lively scheduled a **Safety Committee meeting for Tuesday, March 9 at approximately 3:20 p.m.**

Councilman Littlefield stated that the **Legal and Legislative Committee would meet as usual at 3 p.m.** He indicated that the agenda for the meeting would be brief and that the Safety Committee would follow immediately.

Councilman Hakeem stated that the **Public Works Committee is scheduled to meet on Tuesday, March 16 at 4 p.m.** He stated at today's meeting there was discussion regarding the two-way conversion and how well it is going. He made reference to the true partnership within City government indicating that Mayor Corker and Administration took on an issue that others had not been willing to approach in the past, and the partnership with the Council to make this a reality, along with the partnership with the community, makes this a success! He stated all should be complimented, in his mind, for the success that has taken place.

Councilman Benson reminded Admin. Eichenthal that the Council has a Budget Committee and it is his hope things would not happen at the last minute with the upcoming budget. He asked that the Committee be "plugged in" when the budget sessions start.

JAMES MILLER

Councilman Taylor recognized the presence of James Miller of First Tennessee Bank. He expressed appreciation for his taking the time to see what is going on tonight with the Council.

KENNETH HENDRICKS

Kenneth Hendricks addressed the Council regarding alley closures and indicated that he made application for an alley closure in November; that the site has been visited and the matter ended up on a gentleman's desk on January 15. He stated he found out today that the matter has not been addressed and that it has been on his desk for a month and a half and it seems the Council could do something to speed up the process. He stated that the alleyways are badly overgrown and he has been going out to pick up debris that has been dumped and then has to pay to have it hauled off because the City will not pick it up.

KENNETH HENDRICKS (Continued)

Mr. Hendricks stated as a homeowner, he does not seem to think it should fall on him, and as a taxpayer and citizen the City has alleys for their use and have abandoned them. He stated if he had property that was abandoned, he would be liable for keeping it up.

Chairman Franklin asked Mr. Hendricks the address of the alley.

Mr. Hendricks responded that the address is 1617 Eat 48th Street. He stated another problem is that people are stealing because the alleys are overgrown. He stated the police department is great, but they cannot see through the brush and trees; that people are lingering in the brush and are breaking in houses and doing drugs. He stated that it is his thought the City should address alleys more aggressively.

Chairman Franklin indicated that Mr. Hendricks' problem would be referred to the Administrator of Public Works.

Councilman Taylor indicated that he would work with Mr. Hendricks to make sure his situation is taken care of.

Councilman Littlefield stated that he spoke with Mr. Hendricks on the telephone since he started the due process of the alley closure. He stated his application has been on the City Engineer's desk for six weeks and it has been frustrating to him. He stated that he told Mr. Hendricks that he is quite liberal about closing alleys, which is of no surprise to anyone; that if there is no reason for the alley, he simply likes to see them closed to keep people from going in and forming dumping areas. He stated unless the City Engineer has a serious rationale about closing the alley, he was told it would be coming to the Council with a final decision, even through the sewer easement and other easements will remain.

BETH HENDRICKS

Beth Hendricks stated that her neighborhood had an organization several years ago and a lot of older people in the neighborhood did not want to continue the organization and the City has never recognized them. She stated that she lives in the Boulevard Park area known as Black Bottom and her family has owned property there for over fifty years. She stated that the City has neglected the area and her family has had some rental problems. She stated that her grandfather was a "slum lord" and that she and her brother inherited most of their father's property.

BETH HENDRICKS (Continued)

Mrs. Hendricks stated the property she is making reference to is located at 1500 East 49th Street; that her husband talked to someone in Better Housing about the house in 1995 and does not remember whether it was in July or August of that year, however, that was nine years ago or will be and the City has done nothing. She stated if the City cannot do anything something is wrong somewhere. She stated there is a man there now named Billy Gifford and when he went before the Court he told the Judge he did not know the house was in such serious need for repair when he purchased it. She stated he has lived there since he was eight years old and is now at least 40! She stated this was formerly her grandfather's property and there was an old plank porch that he put plywood over, reiterating that her grandfather was a "slum lord". She stated that the whole face of the house is falling in; that six years ago Billy put siding on a large area of the house and painted it, yet the whole front is falling down along with the porch! She stated someone ran into the fence and Billy let the fence area grow up and now when a person comes out onto 49th Street, they may get hit! She stated there should be a four way stop at that location, but Traffic Engineering says "no". She stated the City has neglected this area so much they have a stop sign on the railroad!

Chairman Franklin asked Mrs. Hendricks how many residents live in the area of Black Bottom.

Mrs. Hendricks responded that she didn't know. She indicated that she refers to the area as Boulevard Park, not Black Bottom.

Chairman Franklin stated that he asked because there may be an existing neighborhood association.

Mrs. Hendricks responded that it would be Cedar Hill.

Chairman Franklin stated Councilman Taylor would help her and indicated her matter with regard to the house on 49th Street would be referred to Neighborhood Services' Codes and Inspection Division.

Councilman Taylor stated that he has just now received the Cedar Hill area due to the reconfiguration of districts and would be happy to work with Mrs. Hendricks.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, March 9, 2004 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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