

City Council Building
Chattanooga, Tennessee
December 6, 2011
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Mike McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Rev. Ann Weeks gave the invocation for the evening.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Benson,
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, BY ADDING A NEW ARTICLE XVI, ESTABLISHING THE
OFFICE OF ADMINISTRATIVE HEARING OFFICER**
was deferred four weeks (January 3, 2012).

AGREEMENT

Councilman Murphy stated this is not required and we have people that judge other entities' installations every month, if not more often, on staff. He stated this is something we ought to keep in-house and will vote "no".

AGREEMENT (Continued)

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH MCGILL ASSOCIATES, P.A. FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-11-011-101, PLANNING AND DESIGN OF WATER QUALITY BEST MANAGEMENT PRACTICES FOR INTERCEPTOR SEWER SYSTEM AND WASTE RESOURCES DIVISION SITES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$107,500.00)

was adopted; Councilman Murphy voted "no".

TEMPORARY USE

On motion of Councilman Scott, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING JOE DEGATAENO TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 50 FRAZIER AVENUE FOR THE PLACEMENT OF A SIGN OVER A PORTION OF THE RIGHT-OF-WAY (SIDEWALK), AS SHOWN IN THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilwoman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING ABUNDANT LIFE CHURCH OF GOD C/O REVEREND LEBRON HAWKINS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 3001 NORTH CHAMBERLAIN AVENUE TO ALLOW GRAVEL PARKING SPACE AND ACCESS FROM THE ALLEY, AS SHOWN IN THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

Councilwoman Scott inquired as to what the sign will say. Rev. Ann Weeks of St. Paul's Episcopal Church stated it is a historical marker and could not tell the exact words but it talks about St. Paul's history and it is huge; that it is by *Code* as far as the historical part of it goes.

TEMPORARY USE (Continued)

Councilwoman Scott asked if it involves the history of the Church and dates. Rev. Weeks responded "yes".

Councilwoman Scott stated it has been the practice to see not only a copy of the sign but what it actually says which is why she asked. She stated she asked others, as well, and this is not out of the ordinary.

On motion of Councilwoman Robinson, seconded by Councilman McGary,

A RESOLUTION AUTHORIZING ST. PAUL'S EPISCOPAL CHURCH C/O MINISTER DONALD D. FISHBURNE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 305 WEST 7TH STREET FOR A PORTION OF THE RIGHT-OF-WAY ALONG THE FRONT OF THE ESTABLISHMENT FOR THE PLACEMENT OF A HISTORICAL MARKER ATTACHED TO A POLE, AS SHOWN IN THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

A representative for the applicant stated that this is a typical historical marker submitted to the Tennessee Historical Commission. He expressed thanks to engineering, Mr. Hutsell, Mr. Malone and Mr. Cannon noting he has been in the city a long, long time and has had a lot of different projects over the years and stated this is the "smoothest" engineering group he has ever worked with and expressed thanks for their cooperation; that it is a complement to the Council and the city.

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING ROBERT R. BYRD TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG THE 500 BLOCK OF DODDS AVENUE FOR THE PLACEMENT OF A HISTORICAL MARKER ALONG THE GRASS STRIP AREA, AS SHOWN IN THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO EXTEND THE AGREEMENT WITH MERCURY PAYMENT SERVICES TO PROCESS CREDIT, DEBIT, AND MEDICAL REIMBURSEMENT CARD TRANSACTIONS AT THE WELLADVANTAGE PHARMACY FOR A TERM FOR UP TO ONE (1) YEAR
was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO FINALIZE THE AGREEMENT WITH CSX TRANSPORTATION, INC. RELATIVE TO CONTRACT NO. R-09-001, SOUTH CHICKAMAUGA CREEK GREENWAY, FOR THE TRAIL CONSTRUCTION UNDER CSXT BRIDGES, FOR A REVISED CONTRACT AMOUNT OF TWENTY-FIVE THOUSAND SEVEN HUNDRED NINETY-FIVE AND 02/100 DOLLARS (\$25,795.02), AND ACCEPTING REIMBURSEMENT FUNDS OF SEVENTY-NINE THOUSAND FIVE HUNDRED EIGHT AND 98/100 DOLLARS (\$79,508.98)
was adopted.

CONTRACT

Councilmen McGary and Berz made the initial motion and second to adopt this Resolution; however, Councilwoman Scott made the motion to defer the matter one week.

Councilman Murphy inquired as to the reason for the deferral to which Councilwoman Scott stated that she had requested two things and one item she received a few minutes ago and the other she has not (received). At this point **Councilman Murphy seconded the motion.**

On motion of Councilwoman Scott, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH FRANKLIN ASSOCIATES ARCHITECTS, INC. FOR A GREEN ROOF FOR THE CITY COUNCIL BUILDING IN THE AMOUNT OF TWENTY-SIX THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$26,890.00)
was deferred one week; Councilman Rico voted "no".

ADOPTION OF DEBT MANAGEMENT POLICY

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION TO ADOPT A REVISED DEBT MANAGEMENT POLICY TO ESTABLISH THE OBJECTIVES AND PRACTICES FOR DEBT MANAGEMENT FOR THE CITY AND TO ASSIST ALL CONCERNED PARTIES IN UNDERTANDING THE CITY'S APPROACH TO DEBT MANAGEMENT
was adopted.

OVERTIME

Overtime for the week ending December 1, 2011 totaled \$24,943.74.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **NICHOLAS COOKSON** – Resignation, Water Quality Specialist 1, Engineering, effective December 9, 2011.
- **DANNY DEAL** – Retirement, Plant Operator 2, Waste Resources, effective November 23, 2011

CHATTANOOGA FIRE DEPARTMENT:

- **JAMES HANES** – Retirement, Fire Captain, effective November 21, 2011.

CHATTANOOGA POLICE DEPARTMENT:

- **ERIC JONES** – Military Leave, Police Officer 2, effective October 1, 2011.
- **DANIEL ANDERSON** – Suspension (3 days without pay), Master Police Officer, effective November 29, 2011.
- **DEIDRA ANDERSON** – Hire, Police Service Technician 2, Range 6, \$23,149.00 annually, effective December 2, 2011.

PERSONNEL (Continued)

- **CHARLES MARTIN, JR.** – Resignation, Police Officer 1, effective December 1, 2011.

DONATION

Admin. Zehnder duly reported the donation of \$550.00 from the Chattanooga Speeders United States Power Soccer Association and \$100 from Brinker International – Chili’s for use in the Parks and Recreation Department’s Therapeutic Recreation Fund.

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds for property tax overpayments:

CARL TAYLOR	\$2,341.08
GUY R. & NANCY N. FULCHER	\$1,952.59

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

TAG GRINDING SERVICES, INC. (Lower and better bid)
R48140

Blanket Contract for Wood chip and Leaf Compost Hauling

\$23,000.00 – Annual estimation

SANI-TECH JETVAC SERVICES LLC (Lowest and best bid)
R51143/301514

Blanket Contract for Sewer Line Cleaning Services

\$350,000.00 – Annual approximation

AIR FILTRATION SERVICE (Lowest and best bid)
R50817/301492

Blanket contract for Air Filters

\$40,000.00 – Annual approximation

RSI GLOBAL, INC. (Lowest and best bid)
R49822/301447

Purchase of Relay Panels and Enclosure

\$114,458.00

PARKSON CORPORATION (Only complete bid)
R49645/301483

Purchase of a Gear Reducer and Spiral

\$25,604.00

CHATTANOOGA FIRE DEPARTMENT:

SAFE INDUSTRIES (Lowest and best bid)
R41222/301498

Purchase of MSA Fire Suppression Equipment

\$14,520.16

PROGRAM ASSISTANCE

Councilman Gilbert requested assistance from the Council with reference to the Forgotten Child Fund, noting that representatives of the Fund has asked that the Council come as a whole in a show of support, if possible, and go to the areas where they have toys and to bring a toy, as well. He asked that a day and time be identified between now and next week to do this.

Councilman Gilbert continued by stating John Bridger is a business owner who has developed a program entitled "One Business, One School, One Child" in an effort to encourage businesses to get involved with the school system and spend a day in that class by reading to the children or developing a project with them; that they are asked to make an investment in that classroom. He stated a project was done at Hillcrest and it turned out to be a great opportunity. He stated he knows the city is "out of the school business" but asked that the Council agree this is a good idea to have businesses come to the school and provide the resources needed.

Councilman Murphy asked if Councilman Gilbert is asking for a Resolution of Support, noting that he sees heads nodding. He asked if Councilman Gilbert wanted to draft the substance of the Resolution for submission to the City Attorney's Office. Councilman Gilbert responded "no"; that he would prefer Councilman Murphy draft it.

Councilman Gilbert stated he was disappointed and discouraged that the police department was not present for the recent "Guns and Hoses" event; that not one person from the Police Department showed up to fight the Fire Department.

Captain Jacks stated he was not going to touch that; that he does not know why they were not there as the Sheriff's Department did come and support but cannot speak why the police department was not present.

Councilmen Gilbert extended a challenge for next year, expressing hope that at least one person will get in the ring with a faithful firefighter. He stated the fire fighters have won three years in a row and he does not want to embarrass the police department; that the other team missed by one point.

Captain Jacks stated the effort raised a lot of money for the Forgotten Child Fund and the police and fire departments are very competitive but he recognizes they are on the same team fighting for the same cause. He expressed "hats off" to the police and noted he is a sworn policeman himself and will not "put them down"; that they will continue to get along great with them.

PROGRAM ASSISTANCE (Continued)

Councilwoman Scott stated she wanted to say police officers were busy this weekend fighting in their jobs so they may have been tired, and asked that they be forgiven this time!

COMMITTEES

Councilwoman Scott announced that the **Sub-Committee on Beer Code Review would meet on December 16 in the J. B. Collins Conference Room from 10 a.m. until 12 noon**; that the public is invited and everyone else.

Councilman Rico reminded everyone of the meeting of the **Public Works Committee scheduled for Tuesday, December 13.**

Councilman Murphy stated the **Legal and Legislative/Safety Committee would meet on Tuesday, December 13** to discuss *Charter* changes and other matters within the Committee's jurisdiction. He expressed thanks to the Sub-Committee on the Beer Issues and noted that we have had such a "full plate" in this Committee there is no way we could have done what they are doing and everything else we have been doing, again thanking them.

Councilman McGary stated he did not have a committee report but wanted to state publicly he will not be present next week; that he has the honor of journeying to Germany on behalf of the Sister City arrangement.

Councilman Benson scheduled a meeting of the **Economic Development and Sustainability Committee for Tuesday, December 13 immediately following the Agenda Session** for a report from The Enterprise Center. He stated all were invited to a luncheon for them to give a presentation on their accomplishments, missions and goals for the coming year and several Council members could not attend. He stated they agreed to bring it to the Council and Council members will be pleased with what they will hear.

Chairman Ladd stated it was a great presentation and it is her thought Council members will be very impressed.

AGENDA: DECEMBER 13, 2011

Chairman Ladd stated the agenda for next week was discussed previously during today's Agenda Session.

**RULES OF PROCEDURE FOR
ADDRESSING THE COUNCIL**

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

JEFF BERNSON

Jeff Bernson of the Service Employees International Union, 3922 Volunteer Drive, stated that he wanted to speak on what has become known as the ten percent rule and knows it has been pushed aside and has been talked about for the last 12-18 months. He stated right now general employees if they have a grievance and are suspended in order to take that past the administrator of that department they have to have their salary affected by ten percent of their gross wages; that in many cases employees have anywhere from two-to-three weeks suspension and after that period of time is when they can grieve it; that if they are suspended 3-5 days they cannot grieve it past the administration. He stated the administrator's designee is the one that gives the punishment and they have no grievance procedures, nobody to take that past. He stated to him that is a problem as general employees are the only ones affected. He stated right now he has seen a copy personnel's new disciplinary package and the ten percent rule is still in there. He stated he would like to see the ten percent eliminated and taken out of the disciplinary package and voted on; that at this point we have been talking about it and would like it voted "yes" or "no" as many employees do not agree with it and the Union he represents does not agree with it.

Councilman Benson stated it is his guess we have been remiss and have not given this attention; that the more he thinks about it the ten percent rule is inconsistently applied in this city and is arbitrary; that it should be applied to everybody or no departments. He stated an administrator that has a personal problem with somebody could suspend someone arbitrarily as long as he did not exceed the ten percent of the employee's monthly salary. He gave an example of a person with a salary of \$24,000 annually and noted as long as he did not exceed \$2,400, that is ten percent and say that is five days, he can suspend that person who would not have the right to appeal or anything, and then let him come back to work and suspend him the next week for another time and just keep on doing it. He stated it is wide open for malfeasance of the administrator's position.

JEFF BERNSON (Continued)

Mr. Bernson stated he is not saying it happens on every case, but it would be very easy for an employee making \$24,000 a year, ten percent would be \$2,400; that they can calculate pretty easily how many days they can suspend them for whether it is 15 or 21 days; that they can give them 20 days off and they have no grievance.

Councilman Benson stated the employee has no right to appeal to an Administrative Judge if he keeps under that ten percent, no right to go into court and is not certain we can take that right away from him.

Mr. Bernson stated the employee could go to the administrator; that it might be the deputy administrator that gives him that discipline.

Councilman Benson stated he did not catch it until the new policy came through; that there is no right of an appeal to an Administrative Judge, no right to even go into Chancery Court the way it is written. He stated he cannot see how we can deny that right.

Mr. Bernson stated it is his thought if it is under 10 percent they can go to the Mayor and have the Mayor look at it, but if it is over 10 percent they can go to an Administrative Law Judge; that the discipline still has the City Council in it and does not know if that needs to be changed, but that is what is in the new policy.

Councilman Gilbert stated he is glad Mr. Bernson brought this back up again as we have discussed this on several occasions. He agreed with Councilman Benson that every department is basically the same when it comes to grievances and should not be something for someone to pay. He stated at one time administration stated they wanted to go the corporate way, but that is not the corporate way; that as far as he knows he does not know of any corporation that has anything similar to this. He stated a lot of time the city is difference from corporations, but not really because we do have facilities like hospitals that basically are like the city; the amount of employees are about the same or more and there are different types of employees in the hospital such as nurses, housekeeping, dietary, x-ray technicians – multiple people in the organization. He stated every last one has the right to a grievance without paying and it should not be in there; that he does not know how it was thought of years ago as there is no way to say one person is better than another person when it comes to grievances; salaries, yes, he can understand that due to educational backgrounds, but when it comes to grievances we should not make a difference in departments and should have the same rights.

JEFF BERNSON (Continued)

Councilwoman Robinson also expressed thanks to Mr. Bernson for bringing this to the Council; that she definitely feels we need to take this to a higher level of discussion than just an ad hoc discussion today; that she would like for the Council to take it up and look at it. She expressed hope employees would agree we are on the right track by having guidelines and maybe that will help people understand what the limits are and what the acceptable range of response is in the workplace to various situations. She stated she senses the Council really would like to discuss this further.

Councilwoman Scott stated by way of clarification, it is her thought the issues and concerns that Mr. Bernson has voiced . . . the bottom line is are the appropriate things happening and are there safeguards in place to protect and create the right type of environment when a problem is occurring that that is worked on and people understand what the plan is and what remediation there needs to be or what have you. She stated the policy that we have discussed actually has instead of a manager going in and saying, "Okay, this happened and you are suspended for this for three days". She stated the policy has stratification and several different layers have to be involved in making a decision. She stated it is her thought maybe the problem we have had is that it has been more of a one person or two persons making a decision; that one person makes a decision and the other person may say "okay". She stated this is going to require there to be more discussion of that, making sure all the facts are laid out, that it makes sense and if it goes to termination then it would be going and getting the opinion of whether this is legal, correct, violating any rules and an attorney opinion of our city attorney. She stated there are multiple things, regardless of whether we do a ten percent rule, there are going to be more protections laid in there and quite frankly, she is also deciding if there is an employee/employer discussion in controversy and both sides are thinking it is a tough policy and there may be something good in that. She stated the protections are going to be there more than they have ever been and expressed that that would mean we would have fewer decisions made on isolated events by a person who is bias in some way, mad or personality issues and that is the goal right now.

Chairman Ladd stated this issue would fall under Councilwoman Scott's committee and asked that she put it on her agenda.

Councilwoman Scott stated she would be happy to do that; that she would like to "hit" the discipline policy. She asked if Mr. Bernson has submitted anything in writing. Mr. Bernson stated he has not gotten much past the ten percent; that his eyes keep "falling" on that.

JEFF BERNSON (Continued)

Councilwoman Scott stated everyone has been asked to write down and submit that and personnel is relooking at that; that it is her thought Mr. Johnson has been having meetings with management staff. She stated to make sure that we all have an opportunity to consider all feedback please put that in writing and submit it. Mr. Bernson expressed appreciation and stated that he has never had that offered to him.

Councilwoman Berz asked if Mr. Bernson wants to look at more than the ten percent rule or is his issue he would like it lifted out of the policy.

Mr. Bernson stated he would like the ten percent issue lifted out, and in the beginning some employees would like to have had some initial say; have someone ask for their input. He stated being able to have that feedback on this whole discipline thing is all well in good but, personally, if the ten percent is still in as written, he does not have any use to even look at this.

Councilwoman Berz stated she is thinking process, whether he is looking for a motion that would lift the ten percent piece out or hold back and look at the total picture and then see. She stated she is asking what he wants.

Mr. Bernson stated he does not see how this policy can be looked at in its entirety with the ten percent in there; that we have discussed this for 12-18 months and it has gotten pushed back and it is still in there. He stated he personally does not see how that needs to be in or how it is fair across the board because it is not like that for all departments, just for general employees only.

Councilwoman Berz stated that one concept needs a lot more discussion and asked if Mr. Bernson is saying in light of the good discussion we just had he still wants it lifted out and have the Council look at it.

Mr. Bernson stated he would like to have an "up or down" vote on the ten percent, whether to leave it like that, open, or removed to be fair across the Board; that "yes", he wants it lifted out.

Councilwoman Berz confirmed that Mr. Bernson wants the ten percent lifted out, to which Mr. Bernson responded "absolutely".

Councilwoman Berz stated the Union has asked for that several times and she does not mind making a motion to lift it out and look at that one issue.

Chairman Ladd again stated the matter needs to go to the Personnel Committee for further discussion.

JEFF BERNSON (Continued)

Councilwoman Berz inquired as to the next meeting of the Personnel Committee.

Councilwoman Scott stated the requested date for getting written feedback is December 7 and obviously we have the holidays and with all the meetings and the week we are out, she does not expect for it to come back until sometime in January. She stated they have to incorporate the feedback and we cannot incorporate something we have not seen; that it will be January or February, maybe.

Councilwoman Robinson second Councilwoman Berz' motion. Councilwoman Berz stated she wants that lifted out and given all the feedback, we have had a request that it be lifted and she would like it looked at on its own.

Councilwoman Scott stated if the Council prefers to vote on this now and if the Council is ready, then that is under the purview of the Council.

Councilwoman Berz stated she just heard her co-Council members say they would like to talk about it more; that they have asked and asked and we need to make that happen.

Chairman Ladd asked that Councilwoman Berz restate her motion.

Councilwomen Berz made the motion that the item in the personnel grievance draft dealing with the ten percent rule be lifted for discussion and voted on one way or another; Councilwoman Robinson seconded the motion.

Councilman Murphy stated he was the last person to bring this up and from our prior meeting when discussed, from the public statements he heard in committee from Council members he did not perceive there were five votes to take it to what Mr. Bernson want, which is any suspension triggers review. He gave the scenario of unsafe equipment operation witnessed by a supervisor with the supervisor saying "You cannot do that with the equipment, go punch out" or abuse of equipment where a supervisor on the spot sees equipment being abused and says go punch out. He stated he did not perceive there was support to go from ten percent; that everyone on this Council agrees that ten percent being more than a month of work for a worker is too high a threshold. He stated he asked the Mayor and the Mayor agrees who used to be a Public Works Commissioner.

JEFF BERNSON (Continued)

Councilman Murphy stated he brought it up in his committee about what we should set the standard at and he had a great meeting; that Mr. Bernson was in another part of the country at this point. He stated every union that represents employees had a representative there and probably some representatives of some unions that do not represent employees. He stated the consensus – noting he did not want to “put words in anyone’s mouth” – was he was encouraged to allow a progressive discipline reformation to go forward that folks did not want to go ahead and address the ten percent issue at that time. He stated he was also essentially advised to come back when we wanted it addressed; that his point was every month that goes by we have employees getting disciplined, some of whom Mr. Bernson’s organization contends are being inappropriately sanctioned; that either they should not have been sanctioned at all or the sanction was far too severe. He stated it is his thought we could have had some sort of reformation that would be of a very tangible benefit and trigger a review much sooner in the discipline chain and we could have done it months ago when he brought this up but (he) was told to wait for this process to conclude. He stated that was the consensus and noted he was not going to put that onus on any particular organization as that was the gist of it. He stated that is why we have not taken it up again and that is why he has not brought it up again because he was basically told “not now”. He stated there was also some debate about whether we are going to vote on taking it down to any suspension, in other words go punch out because you just did something really grossly unsafe, or whether we are going to do the best we could bringing it down to whatever level five votes would allow it to come down to. He stated he did not perceive there was any consensus or agreement on whether we were to vote on strictly any suspension or whether to see how good we could get it to get five votes for whatever level of discipline triggered the review.

Mr. Bernson stated he understood; that the last he heard when he returned in November was that the matter was put in Councilwoman Scott’s committee and was told three days has been suggested; that at this point he does not know if three-to-five days should even fall under the equation. He stated if people are being suspended for the right reasons it is null and void, at least they should be; that lately that does not seem to be the way it is going, unfortunately, but that was a concern he knows of administration. He stated they are going to take written reprimands to Administrative Law Judges and that is just not going to happen as it costs money for the city as well as the Union and that is just not part of it. He stated as for three days they look at these cases and if they are blatantly guilty, then they’re guilty and they are not going to waste their resources or the city’s resources in taking something that has no merit.

JEFF BERNSON (Continued)

Councilman Benson stated Mr. Murphy brought up our past thinking on this and he (Benson) has changed since his past thinking and really wants the City Attorney to tell us if we can take away a Constitutional right of a citizen as that is what we are doing when we say no court and it will not go to court. He stated he would like to reopen it up again and get some of that answered.

Chairman Ladd stated that is what the motion is about to have extended discussion on just this separate issue from any other draft that has been written.

At this point Councilwoman Robinson called for the question.

At this point the vote on the motion by Councilwomen Berz and Robinson was taken; the motion carried unanimously to continue discussion on its own merit in Personnel Committee.

Councilman Gilbert stated the biggest thing was the additional money; that we have a system set up that personnel be governed by its own entity so they know the rules and regulations of state and federal governments because they know what the laws are. He stated when we deal with management, supervisors and directors, they might not know and most likely they do not; that new federal laws have been passed and we have a good start and we do need to discuss it and take the ten percent out.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, December 13, 2011 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)**