

LEGAL AND LEGISLATIVE COMMITTEE
NOVEMBER 16, 2010
2:00 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Benson, Gilbert, Scott, Berz, Ladd and Rico present. Councilmen McGary and Robinson were present for the latter part of the meeting. City Attorneys Phil Noblett and Patrick Bobo; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Karen Rennich, Gary Hilbert, Dan Johnson, Jim Templeton, Dickie Hutsell, Mike Patrick, Chief Dodd, Chief Parker, Officer Blaine, Lee Norris, Steve Leach, Chief Haney, Daisy Madison, and Robert Ledford. Chip O'Dell, Alice Cannelli, John Bridgeman, Randy Ray, Richard Beeland and Brian Smart joined the meeting later.

On motion of Councilman Rico, seconded by Councilwoman Berz, the minutes of the previous meeting were approved as published.

DEANNEXATION REQUESTS

Attorney Noblett noted that John Anderson, Attorney, was present to represent the Littles, and their request to deannex certain territory adjacent to O'Grady Drive and Scenic Waters Lane. The second request is by G. Brent Burks regarding the deannexation of certain properties on Elder Mountain., which is in Marion County.

The second deannexation was discussed first and involves the Ruth Holmberg property on Elder Mountain. This property is being requested to be deannexed, and the issue for the City is this is one parcel, that if deleted, will make Fire and Police service obsolete on the top of Elder Mountain. Mr. Noblett stated that there was only one request—this entire parcel, owned by G. Brent Burks is in the City of Chattanooga limits. The question is—if the City deannexes this portion, why keep any of the others? Mr. Noblett noted that most of the houses are in Marion County, and we continue to provide services; that Public Works and the Fire Dept. were recommending that if we get rid of this parcel that we get rid of the others too.

Chairman Murphy noted that one question was what would Mr. Burks do for fire service, and he seemed okay.

Councilwoman Scott asked where his fire protection would come from? Attorney Noblett responded that it would come from Marion County, noting that also it could be a Volunteer Fire Service such as the one on Raccoon Mountain—that would be the only one available, and it would depend on the availability of people. He stated that it could also have an effect on homeowners' insurance cost.

Councilwoman Ladd asked if the other neighbors that are being discussed have been asked about this deannexation? Mr. Noblett responded “no”—that a publication is required in the newspaper for deannexation. Chairman Murphy asked how few a number we were talking about and was told about 30 parcels. Councilwoman Berz asked if these that were being proposed were in Marion County? Mr. Noblett explained that the houses are in Marion County and the yards in the City of Chattanooga. Councilwoman Berz asked if they had asked to be deannexed? Attorney Noblett explained that they were annexed in 1974—that it was not a petition request; that in 1994, Mrs. Holmberg made a request to be annexed, and her house was in Marion County. Councilwoman Berz asked if we took in all the top of the mountain? Attorney Noblett responded “no”—just her home in 1994—that Cumberland Rd. is in Marion County, but our Fire and Police will respond. Public Works is responding, also and services are being provided to this area. He questioned if this made sense.

Councilman Benson noted that in 2003, Marion County agreed to this and other issues involved; that he thought it had something to do with getting Comcast—that it involved more than Mrs. Holmberg’s house. Attorney Noblett noted that there were a total of three homes in the City of Chattanooga on top of the mountain. Councilman Benson asked if Mr. Burks was saying he did not know he was in the City? Attorney Noblett confirmed that he was saying that. Councilman Benson asked if they realized there would be no more cleaning of ice on the street? Attorney Noblett responded that Public Works did not want to continue this—that they would no longer be provided with de-icing and salting. Councilman Benson asked if anyone objected in 2003? Attorney Noblett noted that he did not know if they agreed in 1974.

Chief Parker noted that the Fire Dept. had a call a few months ago—that the whole area is really unclear—that there were misconceptions of fire protection; that there is no control or agreement, and we would not keep providing free fire service for property that was not in the City; that a lot of it is in Marion County and Hamilton County EMS choose to service them; that there is no way to get to it from Marion County, and we provide fire protection for this house and two or three others; that this had been discussed with the City Attorney and negotiations with Hamilton County, and they won’t continue to provide services.

Chairman Murphy suggested that the other owners be sent certified mail—that he could see some of these folks getting dropped from insurance.

Attorney Noblett noted that the State regulates deannexation, and these property owners could request by petition to come back into the City.

Councilwoman Berz stated that she thought the issue was notification. Attorney Noblett agreed that they would send notices through certified mail.

Councilwoman Scott asked if 30 people were involved and we deannexed and 10% voted against deannexation would this one who still wanted to be deannexed, be kept in or left out? Attorney Noblett responded “he could be”. He stated that first reading would be next week and a public hearing on November 30th; that anything else would have to be at the next general election, which is two years off. Chairman Murphy noted that this could result in a big gap of services.

The next issue was the deannexation of certain territory adjacent to O’Grady Drive and Scenic Waters Lane and is a request by the Little, Fryar and Shown families. Attorney Noblett noted that Dr. Little’s attorney is present today to represent him in the areas that are sought to be deannexed. This is 3104 Scenic Waters Lane, 1418 O’Grady Drive, 1402 O’Grady Drive, and 1335 O’Grady Drive—all are adjacent to O’Grady Drive, which is a two-lane road of the City and Public Works provides services and also the Fire and Police Dept. He stated that there had been a number of zoning requests for this area as well, noting that it is the old Crittenden home and one of the parcels that Dr. Little owns. He also showed property involved with the Fryars. He noted that this was supposed to be a Bed and Breakfast type operation but now there are meetings for special events and formal receptions that sometimes caters to up to 500 guests.

Councilman Benson asked what this was zoned and told a portion of it was R-3; that they had asked that this be rezoned to accommodate their use; that right now it was for a Bed and Breakfast or single-family.

Councilwoman Berz asked what was considered when we deannex? Attorney Noblett responded what is in the best interest of the rest of the citizens to allow this to occur.

Councilman Benson stated that the issue is the services received now versus the services we should be giving.

Attorney Noblett stated that the Littles had made a written request—that deannexation could occur by a Court Action if services are denied.

Councilman Benson pointed out that they are on septic tanks. Attorney Noblett stated that the problem is distance and the issue of a lateral line and the City maintaining the line. Councilman Benson asked why they would want to be deannexed?

At this point, John Anderson spoke. He stated that they had provided a notebook and that Rebecca Little was here today. In the notebook were pictures of aerials, denoted by tabs. The aerial showed the center of the property. Mr. Anderson showed on the map the property of

the Littles, Fryars, and Showns, adjacent to what has been deannexed. He showed where the sewers stopped. He then stated that he would answer in response to what Councilman Benson had asked. He stated that Dr. Little had paid more in taxes than the services he was getting—that they had no sewers; that as far as fire insurance, they had talked to their carrier and coverage will continue. He stated that they did not use garbage service; that only left Police protection and Hamilton County could service this. He stated that they were comfortable about their insurance coverage, and it was unlikely that they would ever get sewers; that the City would not upgrade O’Grady Drive, and there were steep, deep ditches, and this was their rationale; that the City would not be able to upgrade the road. He stated that this was a cost problem, and this was the right request, and he asked respectively that the Council permit deannexation.

Councilwoman Berz asked if Mr. Anderson came and talked to the Council about this during annexation and was told “yes”.

Councilwoman Scott asked for clarification about the sewers. Steve Leach stated that they had had this discussion with the Littles before, and they were agreeable for sewers and upgrading the road; that the Littles did not pursue the zoning. An estimate for the cost of sewers was \$200,000. Mr. Leach noted that they run a large operation with events that sometimes involve 500 guests, which loads a grinder system; that laterals would have to be run. Councilwoman Scott asked how they would access and was told by Mr. Leach that they had spotted a location for a pump station. He asked Mike Patrick to show the sewers. Councilwoman Scott asked if this would serve any other properties? Mr. Leach responded that it would depend on the system we put in. Mr. Patrick stated that it would be more expensive to cover more—that the Fryar property is harder to serve. Councilwoman Scott noted that they would have a longer distance to come in and serve three owners. Adm. Leach noted that these were deep flag lots.

Councilman Benson noted that there could be 500 people there and asked if they felt secure about fire service? Ms. Little stated that if their insurance coverer is comfortable, then they were secure. Attorney Anderson verified that they felt secure. Councilman Benson noted that his concern was with public safety. Ms. Little stated that they would be outside the City and Hamilton County would be servicing them.

Chief Parker stated that we were in negotiations with the County and had been for several months—that we can’t continue service, and the County can’t provide service; that they would have to contract with us or hire people—that there is no fire protection or contract; that no agreement is in place and Attorney Noblett was aware of this.

Ms. Little stated that it was more than sewers and fire protection and given this criteria, questioned why they were left in the City—that they had been left out of sewers for eight years. She went on to say that this all started when Councilwoman Scott came to a neighborhood association meeting, and Ms. Little brought this up, and Councilwoman Scott suggested deannexation, and they then met with Mayor Littlefield and discussed the passing of a Resort Zone, and they were working with the City, and all of this was expensive, and they would have to provide the services anyway.

Mr. Anderson spoke to the rezoning issue, stating that they met with the Mayor and ten others, and they wanted them to do a Resort Zone, and they went through a process and spent money and felt that they had taken a step backwards with restrictions on the number of units on the property—that the conditions created a worse situation, and they withdrew, and now had a request for deannexation. Ms. Little added that it was more of a business decision.

Councilwoman Berz asked if they were going to develop a PUD, but the restrictions were too great, and it was a bad business situation and this was being requested because of sheer cost? Ms. Little responded that they would continue farming the land and provide a regional pump station. Councilwoman Berz asked if the County did not have as stringent requirements? Mr. Anderson responded “yes”. Adm. Leach stated that the City was going to do the pump station. Mr. Anderson stated that they were never able to get this in writing, with Adm. Leach maintaining that the City did agree to do this. Chairman Murphy noted that annexation in Cummings Cove was an easy call. He asked where the fire trucks would come from, stating that he did not think they knew. Mr. Anderson indicated that they would have this information in writing in the next few days—that they are not receiving commensurate services with the taxes they are paying, and the City will not upgrade O’Grady Drive—that fire protection seems to be the issue—that the Littles want all the rest of the services.

Chairman Murphy noted that just because an insurance carrier will not drop insurance does not mean that fires won’t happen; that he would like to know where the fire trucks will come from and roll out from.

Mr. Anderson assured that they would get this information to Chairman Murphy; that Dr. Little was not an unsophisticated man in any way; that he understood the Council’s concern; that there needs to be a Plan for Services in a timely fashion—that this was annexed in 1974, using as an example that ten years ago, UTC got a Doctoral Program and questioned if as soon as practical could possibly be 35 years? He stated that sewers and roads should have been taken care of a long time ago; that if Fire Protection was the issue, the Littles will give the Council this information.

Councilwoman Berz asked the effect on the Tiftons? Mr. Anderson responded that they had separate access, and there should be no effect.

Chairman Murphy stated that as we discussed with Elder Mountain—we should let the Tiftons go, too. Attorney Noblett stated that he could send a letter to the Tiftons, too.

Councilwoman Scott stated that for the record so that all will understand the services provided—that sewers are not there. She asked if we were providing fire service? Chief Parker responded “yes”. She asked if we provided animal service? She noted that they had a dumpster but asked if we provided garbage service and brush pick-up and was told “yes”. Adm. Leach stated that they were receiving all the standard services. She asked about police protection, and the answer was “yes”, with the notation that there were not that many calls. She asked if they paid the stormwater fee? Ms. Little responded that they appealed this—that they drain to the river and do not need stormwater drainage. Mr. Anderson stated that they were charged a fee, but they appealed it. Ms. Little stated that their main concerns were sewers and hazardous roads.

Mr. Leach stated that they did preliminary engineering on the roads—that it is a narrow right-of-way; that they did proposals. Councilwoman Scott asked if it required us to purchase property easements? Mr. Leach agreed that it could—that we were talking \$600,000 to one and a half million dollars for O’Grady, maybe two million dollars; that they would stage their development over 12 years, and we would stage our re-building—that we had about 12 years and services would be in accordance with the site plan; that we had talked to them about it—that we could provide sewers and a road upgrade. Councilwoman Scott asked about the road. Ms. Little stated that it was 15 ft. wide; that she guessed looking at the 2003 deannexation, the City would not be able to fix the roads; that they identified deficiencies in services, and there had been no progress on the part of the City. Councilwoman Scott asked if they wanted the road widened and for the City to maintain it? Ms. Little added that they would also like street lights.

Chief Dodd indicated that the Police Dept. had received one call in 2009 on this property and two calls in 2010.

Chairman Murphy asked if this would stay as a farm, and was told “yes”.

Adm. Leach pointed out that public safety includes roads, too, and it would cost money.

Councilman Benson asked if it would cost more to keep them than letting them out? He asked if we would be better off financially without them? Adm. Leach stated that Councilman Benson would have to ask this question of Daisy Madison. He added that they were using this for a convention retreat. Councilman Benson asked about the general sales tax in regards to the financing, stating that he was still scared about public safety. Mr. Leach stated that it would cost money to improve the road.

Attorney Noblett noted that it opened as a Bed and Breakfast and questioned if it was now operating legally. Mr. Anderson responded that they believed that the zoning was right, and they disagreed they were operating illegally.

Councilwoman Scott asked Dickie Hutsell if he could add anything? He mentioned the PUD last year.

Councilwoman Berz stated that there were a lot of roads in Chattanooga and many have homes on those roads—that these roads are in bad shape and people are paying taxes; that the economy is bad; that everyone would like to have better and nicer roads—that this argument was not holding much water with her. She questioned if they wanted to do some development and felt they would be better off doing this in the County? She verified that they were saying it was a business decision and asked if they were saying do something with the roads and sewer lines and all will be fine?

Mr. Anderson responded that this happened a year and a half ago; that the City wanted them to make it more ADA friendly, and they disagreed—that they were going through the rezoning process and found that the cure was worse than the disease; that they would like to be deannexed; that in August of 2009, talk was about a Resort Zone and come back with a PUD, and it was a worse condition and there were so many restrictions, and they felt like they were taking a major step back—that a PUD is not a business decision.

This meeting was suspended at 3:00 P.M.

The meeting resumed again at 4:40 P.M. to discuss the topic of Employee Appeals. Chairman Murphy called on Jack Benson, Jr., who had been patiently waiting.

Mr. Benson, Jr. stated that he had nothing planned to say; that it was his understanding that the Council would try using Administrative Law Judges. He noted that he had appeared before all of the Council on Employee Appeals with the exception of his father, Jack Benson, Sr. and Councilman Gilbert. He stated that we were looking at Administrative Law Judges, who are

generally licensed members of the Board—that they should have some trial experience and stated that a pre-trial procedure would save a lot of time. He stated that if we used Administrative Law Judges the question would be to use 30 or 1? He stated that historically employees go to a Council person with their case; that it was his understanding that appeals could last all day.

Councilman McGary noted that employees would like to approach a Council person, but we try to limit this.

Jack Benson, Jr. questioned if there should be someone to represent them as opposed to an Administrative Law Judge? Councilman McGary explained that right now it is by availability of Councilmembers to serve. Mr. Benson, Jr. did not feel it should always be a Council person—that it was a matter of checks and balances; that if we deal with Administrative Law Judges, we could make sure that it is someone who adequately reflects the City of Chattanooga and will give a decent and fair ruling.

Chairman Murphy asked Mr. Benson, Jr. who he was representing? He responded Mr. Doug Collier with SEIU. He went on to say that right now Council members who serve are based on availability; that we could get a pool of Administrative Judges—that we would not always get the same Administrative Law Judge, which is not what fairness is based on. He emphasized that it really should be rotated; that he would like to make sure that the Administrative Law Judge signs a Conflict of Interest statement, stating that he does not know the parties and there is no monetary interest. He stated that an Administrative Law Judge would alleviate some concerns such as talking to people before the hearing; that the only other suggestion would be on a trial basis. He asked if any other municipalities were using this approach and was told “Nashville”. Mr. Benson, Jr. stated that anything we can learn from experience would be helpful. Attorney Noblett stated that they had been doing this more than five years.

Councilwoman Berz stated that Administrative Law Judges regularly come to Chattanooga on a rotation basis now; that they come for TN-Care case hearings and do it on a rotating basis with a check for conflict of interest; that they were licensed attorneys, and she was very impressed with their caliber—that they were not from Chattanooga, and she favored using them very much; that they were above reproach. She noted that our decision is a budget item, and they charge \$100 an hour, which would cover one judge. She stated that this might sound high to some, but our hearings don’t last long. She stated that she thought this was something we should pursue; that they would be rotating individually. She stated that she would have to make a confession—that she was very biased because her firm had trained most of them.

Chairman Murphy asked the City Attorney if they felt we should go this direction? Attorney Noblett stated that they had met with Mr. Stovall; that he would try to provide Attorney McMahan's recommendation, which was to go through the Secretary of State.

Councilman Benson stated that he was in favor of more of something like the Variance Board approach, where we have eight people; that he would personally like to see us go this route—that he already had a retired Judge out of his District who would serve for him; that each Councilperson would pick someone to represent them rather than paying out more money for this.

Councilwoman Robinson stated that she thought the whole point was that the Council did not want to do this.

Councilman Rico stated that we needed to get the politics out, and the Council needs to stay away—period! He noted that it was hard to get the Councilmembers to serve on these panels, and the Council does not need to be doing this.

Councilwoman Robinson stated that she thought we did not want to do this anyway.

Councilwoman Berz stated that we were talking about peoples' jobs and reputations, and we needed unbiased and the best trained people.

Councilwoman Ladd stated that the most important reason was to give more of a fair process; that employees should be treated fairly and be able to voice their concerns with due process; that there is a conflict when it is us; that independent of the Council is the way to handle this; that we need fewer people—that nine is too many. She restated that her main goal was that the employee feel good about a fair process.

Councilwoman Scott stated that this was very well put.

Councilman Gilbert wanted to talk about the Fire and Police Departments and the difference between them and a department such as Parks and Recreation.

Chairman Murphy stated that Councilman Gilbert wanted to get a final consensus of how appeals have to happen. Councilman McGary questioned if this was something that we as a Council can regulate? Jack Benson, Jr. stated that the Council could do it—that he was not recommending one way or the other; that he was approached by the SEIU to ask for input; that there was one strong proponent of the Secretary of the State. He thanked the Council for their time. Chairman Murphy stated that we had discussed the Secretary of the State and Administrative Law Judges.

Councilman Benson indicated that he was worried about the cost. Chairman Murphy pointed out that we are already paying attorneys more than \$100 an hour. Councilman McGary asked if this process would eliminate us having to hire attorneys? Councilwoman Robinson stated that she thought this was great.

Attorney Noblett indicated that he could make contact with the Secretary of State.

Councilman Gilbert was still concerned about the Fire and Police grievances versus departments such as Public Works and Parks and Recreation. He stated that there should be an equal opportunity.

Jack Benson, Jr. pointed out that it is in the Code that an employee with a situation of a grievance cannot have lost more than 10% of gross wages or there can be no appeal.

Councilman Gilbert felt that the 10% rule should apply to all. Chairman Murphy stated that then all could appeal a two-day suspension. Councilwoman Robinson stated that if it were frivolous, there could be some sort of reprimand and the situation could be increased from two days to seven days. Councilman McGary stated that he would like to know the history of the 10% ruling. Attorney Noblett explained that it was a Charter provision—that Fire and Police employees were entitled to a hearing regardless of the issue. Councilman McGary still questioned the 10%? Attorney Noblett stated that the Council put this in because they did not want to hear one to two day suspensions—that we have to think about this cost as well as the \$100 per hour; that if we open it up and do away with the 10%, it might cost us more. Councilman McGary noted that the Fire and Police hearings are more numerous. Attorney Noblett noted that there is no Charter protection other than the Fire and Police.

Councilwoman Scott asked if the the Fire and Police employees can appeal anything, no matter how small or how much expense it is for the City? Attorney Noblett responded that Administrative Law Judges could increase the punishment. She asked if we had the ability to change the Fire and Police to the 10% or above? Attorney Noblett explained that it would have to go to the voters—that it would be a Charter amendment; that the 10% is done by an Ordinance and is another matter.

Councilwoman Berz noted that the Fire and Police is by Charter and the other by Ordinance—that she would like for all to be equal.

Councilwoman Ladd mentioned the steps of discipline and whether this was equal to regular employees; that regular employees can just receive a written reprimand and the Police handles

it with suspensions; that the severity could be greater with the Fire and Police, and they should be removed from the 10%. She noted that some people get mad with just a verbal reprimand; that a three-day suspension that involves take-home pay is another issue—that there are two different issues.

Attorney Noblett added that the Fire and Police service is somewhat like the military—that there is a proven difference.

Councilwoman Ladd stated that she would not be in favor of making this applicable across the board.

Councilwoman Robinson stated that she would echo what Councilwoman Ladd had said; that the Police and Fire Department operate separately and to do something across the Board, we need to be careful; that they are held to a different standard, and their responsibilities are much more essential for safety. She stated that she would be very slow to change this.

Councilman Gilbert stated that this should not be based on whether this person went to college or not; that a person should be heard, regardless; that the City has a lot of lawsuits, and we are accountable for the decisions we make; that everything is not equal and some can't speak for themselves.

Councilman Benson stated that he wished Donna Kelley was here; that he would like to speak to evaluations for professional growth; that someone is held accountable for employees being able to overcome deficiencies; that managers should show just cause for termination; that here in this City we have suffered through hearing managers give good reports but then terminating the employees (using the Police Dept. as an example). He stated that the Council was never shown any evaluations—that in one situation an individual was asked if he was lying when he evaluated employees or was lying about their termination? He stated that we needed to start with the top and train our managers. Councilwoman Robinson agreed that this was a good idea.

Councilman McGary stated that if there is some disparity, he did not want it perceived and contested—that it is not the same type of work, but the tracking should be together; that using 10% was not a similar track.

Councilwoman Ladd stated that she had heard Councilman Gilbert's concern addressed and suggested an HR Model; that she felt like hearings should be addressed by a standard HR Model; that a lot should be defined—that we don't have an evaluation tool, and it could be due

to a lack of training; that this needs to be defined, and it is lacking; that we need to look at the entire HR Model, and the HR should be generated first.

Attorney Noblett stated that it depends on whether the offense is so egregious that it warrants termination; that some making decisions could be an over-reaction of management.

Chairman Murphy made a comparison with the use of alcohol; that a firefighter using alcohol might be looking at the maximum penalty or even termination; that a Public Works employee could be looked at in a totally different context.

At this point, Councilwoman Berz announced that there would be no Bond Hearing tomorrow because the rate is not good.

Councilman Gilbert wanted to return to the Police Dept. versus other departments, stating that there was different treatment in separate entities

Councilwoman Scott stated that we needed a Personnel Policy Prescriptive upfront—that some things are repetitive, but it needs to be explained by policy, saying that such action will result in --- or suspension; that doing something one time is bad but two times the punishment will be different, taking into consideration the number of offenses and time period and repetitiveness overtime based on what meets criteria. She went on to say that giving an evaluation is difficult if one is completely honest, and it is stressful if you are doing what needs to be done in a situation, which leads to Administration not wanting to have these confrontations, and it is imperative that we educate Administration that they have to do this and also let them know the downside of not doing this, mentioning evaluating someone saying they are perfect and then firing them. She stated that we had plenty of evidence of this and something had been wrong for a long time and a lot of people know about it, and this is not related on evaluations; that everyone needs to be frank and honest and employees need to be evaluated or else there is no reality.

Councilwoman Berz asked if Councilwoman Scott wanted Personnel to educate the Council on the process. Councilwoman Scott stated that the process is broken in many places and needs to be examined. Councilwoman Berz stated that more training is needed and funding for training is critical. Councilwoman Scott felt that we could sit down in an hour and examine the process; that if you look at evaluations and 98% are striking a perfect score, then something is wrong. Councilwoman Berz asked if she would like data, and Councilwoman Scott responded “yes”.

Chairman Murphy stated that this was not really the Council’s role to dictate how Department heads are managing people. Mr. Beeland added that the Mayor has a Staff in place to do this. Councilwoman Berz stated that we would just like to know the process. Councilwoman Scott

stated that we would not be at the place we were if there was more accountability; that it was not unusual to ask these questions.

Councilwoman Berz stated that it could be a win-win situation if we knew what the process is.

Lee Norris asked if the Council wanted the process or a briefing? Councilwoman Berz responded with asking what is policy and process? She stated that the Council wanted the understanding of the Staff and the process—that it would be an educational session. She stated that we were not saying that things should be different; that we were not trying to micro-manage.

Councilman Gilbert asked Jack Benson, Jr. in his legal opinion should personnel all get the same treatment? Mr. Benson, Jr. responded that the Police and Fire Department are more protective; that 10% is a high bar—that it is over a month of work's pay before you can file a grievance. He stated that this was too high of a bar.

Mr. Norris stated that it is 10% before a grievance is heard in a hearing—that ever offense can be grieved.

Chairman Murphy stated that Councilman Gilbert had asked for a poll for consensus on this issue of all that are in favor of an equal 10%: Councilman McGary stated that he needed more information before making a decision; Councilwoman Berz noted that we do levels—that “yes”, she wanted equity on par; Councilwoman Robinson stated that it was a difficult issue and she needed more information; Councilman Gilbert was in favor of everyone taking the 10%; Councilman Benson needed more information; Councilwoman Scott needed more information; Councilwoman Ladd needed more information. Councilman Rico was not in the room at this time.

The meeting was adjourned at 5:30 P.M.