

**AGENDA SESSION**  
**March 30, 2010**  
**3:00 P.M.**

The Agenda Session was called to order by Councilman Benson, with Councilmen Rico, Berz, Ladd, Scott, Gilbert and McGary present. Councilman Murphy joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included John Van Winkle, Mayor Littlefield, Frank Hamilton, Mark Keil, Kathie Fulghum, Jerry Stewart, Dan Johnson, Chief Rawlston, Dennis Malone, Bill Payne, Larry Zehnder, Lee Norris, Chief Parker, Steve Leach, Jim Templeton, Gary Hilbert, Barry Bennett, Ariel Sorano, Solomon Hatch, and Dickie Hutsell. Chief Snyder and Daisy Madison joined the meeting later.

Chairman Benson noted that Councilwoman Robinson was ill and not able to attend the meeting. He asked Mr. Johnson to continue with the agenda.

Mr. Johnson began with **Resolution 7(a)** authorizing the Mayor to enter into a contract with Freeman Cooper to be Chief of Police.

Councilwoman Berz asked to speak, stating that she would like to go further in the discussion of this; that the procedure as it relates to Council input had bothered her. She stated that she had a great deal of respect for her colleagues; that this matter was on last week's agenda and did not get the five votes needed and was put on the agenda again for good conversation to take place; that we had good conversation last week, and she stated that she was very much in favor of transparency and public discussion of issues—however discussion had been among the Council, themselves, and this is a public issue that relates to the safety of the community and is important. She stated that she would like to have the conversation take place and not just with the Mayor—that we were missing discourse in the sunshine from everyone, reiterating that she had a great deal of respect for all the Council. She noted that this is an Administrative agenda, but it is also the Council's agenda; that it could be discussed here, but she was not sure that it was a Legal and Legislative matter; that actually it was a Public Safety matter and should have been in Councilwoman Ladd's committee, and Councilwoman Berz felt that Councilwoman Ladd's expertise had been overlooked and that was not "okay". She went on to say that this was a Council matter, and it did not get five votes last week; that some wanted it back on the agenda, which she felt showed that they wanted someday for this to pass.

Councilwoman Ladd responded that she wanted to be fair—that Mayor Littlefield came to her and stated that this should be in the Public Safety committee meeting; however her committee had a full agenda last week, and she let it roll with the agenda session; that at that time she did not know that we would have another week. She explained that she was the one that bypassed the issue but that she was not overlooked.

Councilwoman Berz stated that the matter was not assigned to Councilwoman Ladd at last week's meeting and her careful grasp; that it should have been discussed in a Public Safety Committee meeting; that there had been no open discussion in the sunshine; that it was important for her colleagues to speak to the issue—that the issue is about a contract and other information had been brought forward. She stated that she would like to keep the Chief but wanted the full benefit of the wisdom of her colleagues. She went on to say that the Mayor has the right to appoint a Police Chief, and the Council has the right to approve or disapprove; however there had been no public discussion, only e-mails and innuendo. She reiterated that she wanted this discussed publicly and wanted to hear from her colleagues.

Councilman Rico stated that this was discussed last week, and he had made his decision based on facts and city government; that it was brought back another week because there was a 4-4 vote and all members of the Council were not present.

Councilwoman Berz still maintained that there was not full discussion—that in the week between all kinds of e-mails had been sent, and she had had no discussion with her colleagues.

Chairman Benson stated that he had asked Councilman Murphy to represent him in meeting with the Mayor; that they had been handed this 40 hours before voting and there had been no chance to meet, and he did not call a meeting.

Mayor Littlefield stated that he would start the discussion; that this morning during the meeting on the Agenda that he began by suggesting that all who were drawing a pension to leave the room (that this would pretty much clear the room)—that he was not trying to be trite; that this was a big issue that has been in the Public's mind a pension issue, which was a misunderstanding; that this was not compensation and Chief Cooper had a right to collect his pension; that misunderstanding had ensued and confusion, which was not surprising to him; that he had been through a few things like this before in city government when selecting a Police Chief. He mentioned a conversation that he had had with former Mayor Kinsey, reminding him of the difficult task of selecting a new Police Chief. He continued, stating that the pension had received much public discussion and pension was **not** the issue. He mentioned that former Police Chief Steve Parks was now working and drawing a pension; that former Fire Chief Coppinger is drawing a pension; that Chairman Benson is drawing a city pension (Chairman Benson corrected him, stating that his pension was a State pension). He stated that all of these individuals were

qualified to draw pensions; that people saw this situation as a tremendous amount of money and were envious. He reiterated that pensions were not the issue, and we needed to put this idea aside and talk about compensation. He mentioned that he had pulled Chief Dodson's contract, who had been brought in from the outside, and it was a very rich contract—that we paid all his expenses to come here and would pay his expenses to go back if things did not work out; that when he left office his final salary was \$124,000 plus, which was more than the present Chief is making and that was several years ago.

Mayor Littlefield continued, stating that Chief Parks retired and that he was an excellent Chief; that he had the same barrier with DROP—that being Police Chief was a tough job and tenure was not that long—that Chief Parks was making what Chief Cooper is making and that was a few years back, too.

He stated that the goal in this process is consolidation of services—that that is what we need to do; that he and Mayor Ramsey had a meeting with some Germans about what will continue to unfold, and we need to put a government in place that is prepared for the future. He stated that his job was to make a recommendation, and he had recommended that we take Chief Cooper out of retirement and pay him what he had been paid before; that in his opinion, there was no one better to serve in this particular time to help in this transition; that we have a stable Police Dept., and he would say let's leave the team intact and appoint Freeman Cooper. He stated that he knew the Council had endured a week of frenzy, and it had been very nasty and confusing but this, too, will pass. He urged to recommend Freeman Cooper as candidate.

Chairman Benson stated that the Council needed to discuss this.

Councilman McGary stated that the public had had a week to chime in, but this does not mitigate our need to have an open discussion after hearing the voice of his constituents. He stated first, that in the event that Chief Cooper is not confirmed today, it was his understanding the Police Chief would be Jim Hammond.

Mayor Littlefield responded, ultimately—yes—that the two departments would fold together; that an Interim Chief of Police would be put in place until negotiations could be held with the County as to how consolidation would be accomplished.

Councilman McGary stated that the Council's vote is about Chief Cooper's contract; that Councilman Murphy had received a letter from the leadership that they desired Chief Cooper to stay on. He asked him about the contents of that letter.

Councilman Murphy stated that if he implied he received a letter, he was sorry; that he had talked with the Deputy Chief and the Assistant Chief and all had good things to say; that some had come to him to request that Chief Cooper be afforded the opportunity to stay on—that Chief Cooper could withdraw his letter of Retirement and stay on; that obviously the leadership team had built a great deal of loyalty.

Councilman McGary confirmed that Chief Cooper had not withdrawn his letter.

Mayor Littlefield stated that the goal is the same—to make consolidation smoother.

Councilman Rico stated that he had made his decision based on what is best for the City—that that was how he made his decision; that it is tough to make changes, and his decision was based on the facts that he knew—that public opinion does not have all the facts.

Chairman Benson stated that it was not about Chief Cooper with him—that when Chief Rowe came back in, he asked him if he was going to put his pension in abeyance, and he said “no”; that to retire and come back does not open the department up for professional development in rank; that he had asked that anyone who supported this to call him; that he had been asking Councilman Rico for a week to have those who supported this to call him.

Mayor Littlefield questioned if it would make a difference if the pension were earned somewhere else—that people from our department could earn a pension and then go to work somewhere else, such as the County, and we would lose their experience. He questioned why this was so “sacred”; that these people had built up their pension—that this was a self-defeating law and not a good thing.

Councilman Murphy stated that he would not make it as a policeman for even a week and Chief Cooper had been on the job for 28 years as a police officer and then Chief and had a healthy pension, and we should applaud this for our men in uniform—that very few could make it as policemen. He noted that these pensions are so rewarding and so good because of the nature of the work and if we do it for Chief Cooper, who would be able to look the others in the eye and say “you are not worth it”; that if we start doing this across the ranks, we would deplete the Pension funds; that the money goes into the Pension Fund as a whole (not earmarked for a particular person) and the top earners could skim it.

Mayor Littlefield maintained that they would draw the same pension.

Councilman Murphy mentioned the precedent we would have for those drawing a pension and working under contract; that sometimes people on a pension will take a pay cut if they go back to work; that this is something completely new; that Chief Cooper wants to retire, and he felt badly for him to be caught up in this maelstrom; that he knew it would be better for Mayor Littlefield, but he thought this was going a step too far; that no one thinks this is a good idea—that how could you tell others that Chief Cooper is worthy of this and you are not—that it is not a great idea. Mayor Littlefield explained that under Mayor Roberts, people were given an incentive to retire and that is why they would come back for less.

Councilman Gilbert stated that all of his phone calls had been negative and no positive ones; that several people in the Police Dept. can “fit these shoes”; that if Chief Cooper had passed away a few years ago, we would have had to have someone to replace him. He went on to say that the regular firemen and policemen don’t make that much and their pension is their social security; that they don’t receive social security benefits, and this is part of their pension; that their life span is shorter; that they face fires and a lot of guys do this job, and they do deserve the pension; that we need to look to the workers who put their lives on the line, and they deserve this. He questioned the need to keep Chief Cooper on when we have qualified people to become Chief; that he could not see hiring someone again.

Councilman McGary noted that the majority of the comments are about the contract, itself. He questioned why it had to be a three-year contract; that it could be a one-year contract; that a year’s time would be enough time to either renew the current contract at the Council’s prerogative; that he had heard a sense of balance, and we should not pigeonhole this into only one option; that a three-year Contract is a long time and one year would be better—that it is not about money but setting a precedent. Mayor Littlefield indicated that he could go along with a one-year contract.

Councilwoman Berz stated that her calls had been as many pro as con; that about seven people from her district had called; that she guessed they trusted her judgment or either did not care; that two of the calls were racist in nature and one had to do with not liking the Mayor; that there had been great and open discussions. She stated that she liked the idea of a compromise of a one-year renewal; that it was important that Chief Cooper stay for transition and to get goals and objectives accomplished; that the foremost problem is gangs; that the large issue is the need to bring our officers up to a proper pay grade and have their longevity restored and reward those who are in the job right now; that we need to look at the larger picture; that there is a much larger issue than whether one likes or dislikes a Mayor or Chief of Police—that the Mayor has made “metro” clear, and there is the fairness of the pay that we need to be looking at. She stated that the pension is off the table and should have never been on the table; that everything we are doing is legal, and we have to vote this up or down and explain this to our constituents, as she had. She questioned this extraneous talk in our growing City, stating that we needed to make a quality decision and stop being like the Harper Valley PTA.

Councilwoman Scott stated that she would share at 6:00 p.m.

Councilman Rico stated that he did not feel that there was no one else who could do the job; that Mayor Littlefield was trying to do something else and the “Buck stops with him”.

Chairman Benson disagreed, stating that the “Buck stops with the Council”.

Mr. Johnson continued with **Resolution (b)** authorizing payment to the Southeast Tennessee Development District for 2010 dues in the amount of \$36,038.00.

**Resolutions (d) thru (j)** are Public Works’ items. **Resolution (f)** will be deferred indefinitely.

**Resolution (k)** has to do with the “Untouchables” again. **Resolution (l)** is a Public Works’ item. **Resolution (m)** authorizes General Services to accept a proposal from Emerson Burch for the purchase of the old St. Elmo Fire Hall in an amount not to exceed \$10,000.00.

**AGENDA ITEMS FOR APRIL 6, 2010**

**Ordinance 5(a)** amends the City Code relative to two-family dwellings in an R-1 Residential Zone. Mr. Bennett stated that RPA was working on a list of criteria to be used when one makes application and also criteria to determine whether it should be approved or not; that when this is ready, he will send it to the Council.

**Ordinance 6(b)** First Reading amends the City Code by adding a “Whistle Blower” Protection.

Mr. Johnson noted that all of the Resolutions are Public Works’ related.

He then proceeded to go over the purchases, beginning with a purchase for Public Works for a Biosolids Management System Support Services from Material Matters, Inc. in the amount of \$39,500.00. Councilwoman Scott questioned why this support service would not be a part of Synagro? Mr. Stewart responded that he wanted to control his own data. She asked how he controlled his own data? He responded with a central base. Councilwoman Scott asked if Synagro did not input data? She stated that it did not sound like we were managing data. Mr. Stewart maintained that this helped us to do certain things. She asked if we were buying their equipment? Mr. Stewart responded “yes”; that we want to make sure we collect data.

The second purchase was also for Public Works and was a contract for monitoring equipment from Eureka Environmental in the amount of \$16,440.00. The last purchase was for the Police Dept. and a contract for photographic supplies from W. B. Hunt Company for \$12,500.00.

The meeting adjourned at 3:45 p.m.