

February 7, 2017  
6:00 p.m.  
Regular Monthly Meeting  
Ripley City Courtroom

Mayor Pavletic presiding

Aldermen present: Alston, Beard, Chipman, Davis, Hankins and Treadway

Aldermen absent: None

Also present: Donna Buckner, Attorney Jackson, Johnie Ford, Chief Tracey Worlds, Chief Donnell Baltimore, and Randy Danley

Visitors: Donn Barlow, Susan Worlds, Phillip Champagne, III, Phillip Champagne, Michael Norfolk, Mary Ella Barnes, Louis Ruff, and Sammy Grantland

Minister Justin Pascal, Ripley Church of Christ, opened the meeting with prayer.

Mayor Pavletic led the Pledge of Allegiance.

1. Motion by Alderman Beard and second by Alderman Hankins to approve January 3, 2017 minutes as printed and delivered in agenda package. All aye
2. Motion by Alderwoman Alston and second by Alderman Beard to approve January 2017 financial statement as printed and delivered in agenda package. All aye

Correspondence: none

Linda L. Wood addressed the board regarding Title 10 Animal Control Vicious Dogs ordinance

3. Motion by Alderwoman Alston and second by Alderman Davis to approve Ripley Downtown Development board recommendation for re-appointment of expiring term board members David Cove, Maurice Gaines, Billy Harmon, Melody Caldwell and Norman Hendren (5-year term). All aye
4. Motion by Alderman Hankins and second by Alderman Chipman to give City Attorney authority to offer names of Johnny Nelson, Willie Pounds and Rice Park Chairman to the court as prospective trustees for W.G.L. Rice Trust as recommended unanimously by city and county joint committees. All aye including mayor
5. Motion by Alderman Chipman and second by Alderwoman Treadway to approve advertisement for application for off-premises beer permit made by Ahmad Z. Abdallah, d.b.a. Zuheir Quick Stop #3, Inc., 767 Hwy. 51 N., Ripley, TN 38063. All aye
6. Motion by Alderman Davis and second by Alderman Beard to approve advertisement for application for off-premises beer permit made by Nazmi Z. Abdallah, d.b.a. Zuheir Quick Stop #2 Inc., 866 Hwy. 51 N., Ripley, TN 38063. All aye
7. Motion by Alderman Hankins and second by Alderwoman Alston to award fire truck bid to Emergency Vehicle Specialist, EVS in the amount of \$312,992 as recommended by Chief Worlds due to deficiencies with lowest bid. All aye
8. Motion by Alderman Chipman and second by Alderman Davis to award Walker Industrial Park Site Development grant project bid to Ford Construction Company in the amount of \$432,552.34 as recommended by A2H, Inc. All aye

Attorney Jackson stated Patrolman Neal had both a disciplinary review request and a grievance review request. Along with disciplinary reviews the personnel policy has had in it the availability for review of grievances since 2015 when the board adopted the personnel policy. Patrolman Neal's complaint to the board included both so the panel considered both his disciplinary review and grievance review. The panel's recommendation was that the chief's

decision regarding the disciplinary action be upheld. The panel's recommendation with regard to the grievance review was as contained in the letter to the board by the panel.

9. Motion by Alderman Chipman and second by Alderman Beard to approve Review Panel recommendation regarding Patrolman James Neal request for disciplinary review and grievance review.

Discussion:

Alderman Hankins stated he looked into the formation of the disciplinary panel put together to offer an opinion and disciplinary review of former Patrolman Stephen Kirkpatrick and of James Neal. He came to the conclusion that this board never asked nor requested an opinion from the panel for anything other than his disciplinary review action. The panel was never asked by the Board of Mayor and Aldermen to review or offer an opinion on grievances. Check the minutes of March 2015. The word grievance was never mentioned in the formation of this panel. The city never asked for an opinion, the Board of Mayor and Aldermen never asked what any department ought to do about any grievances nor operational correction or advice. These, for some reason, were taken up by the disciplinary board. Has a disagreement with Attorney Jackson on that. The Board of Mayor and Aldermen did not ask for that and only asked for the panel to offer an opinion on the disciplinary action taken in both cases. He suggested this board, tonight, not hear or consider the opinions of this panel on anything other than the original disciplinary action review as requested. In March 2015 we asked that a panel might be formed to hear disciplinary reviews by the employees and the word grievance was mentioned. That was when we were basically without a city attorney and no action was taken until we had a new attorney and a motion that a board be formed. In all the minutes recorded forming this panel, never once, was officially an employee grievance, nor departmental operational procedures suggestions one of the things this board asked the panel for an opinion on. He recommended the board not hear or discuss anything tonight except the panel's response to the disciplinary review concerning Mr. Neal's verbal warning about his absenteeism. That is all, as a board, asked the panel to do.

Attorney Jackson stated the personnel policy does provide for grievances to be brought to the attention of the board. It is certainly within the board's discretion to choose to reject or accept the panel's recommendation on the grievance review. If the board doesn't want the panel to consider Neal's grievance, then the board must consider it.

Alderman Hankins' asked if the board could appoint another panel altogether to hear the grievances.

Alderman Davis asked not on this same issue would we?

Alderman Hankins stated we didn't ask them to consider this grievance. We didn't asked them to suggest departmental policies. We asked them to consider the disciplinary review as asked by James Neal. That's what the minutes prove we asked them to do.

Attorney Jackson stated she sat in with panel and is not aware that this review panel considered anything that was department specific. They, as department heads, considered the grievances that Patrolman Neal brought to the board's attention in his letter. She stated she is not aware that they weighed in on police department policies and procedures.

Alderman Hankins stated #2 states RPD (Ripley Police Department) address the form and process of employee evaluations as the existing forms and processes are inconsistent with the city's personnel policy. That sounds very department specific.

Attorney Jackson stated any department within the city is required to comply with the city's personnel policy.

Alderman Hankins stated at the end of the letter it states the panel recommends the following be addressed; the board require Chief Baltimore to access technical support from MTAS which we have taken care of doing that; the board require that no departmental personnel change be made without board approval pending the results of the MTAS study. Basically, you're telling the chief who, where and when he can place people. This is all very specific to the police

department. The board require that the department readdress the evaluation process to ensure the compliance with the city's personnel policy; Chief Baltimore to notify any shift supervisor of any intended shift change of an officer under his/her supervision prior to the officer's notification or imposing; RPD confine within the department any non-emergency communication related to corrective or disciplinary actions between the chief, supervisors and employees. That is way, way more than we asked for, period.

Attorney Jackson stated she and the panel understood going into that meeting that the board was asking them to consider his disciplinary review and grievance.

Alderman Hankins asked Attorney Jackson if she read the minutes.

Attorney Jackson stated she was at the meeting.

Alderman Hankins asked Attorney Jackson if she heard the board ask for grievance review.

Attorney Jackson stated she was not a member of the panel. They asked three (3) department heads to do this. They were here and heard what you asked of them and they understood, as she did, and it was the same. If there was a misunderstanding then all four (4) owe the board an apology.

Alderman Hankins stated that all he was saying to Attorney Jackson, Ms. Buckner and the panel is that we asked for a review of the disciplinary action which is what the officer asked for. We didn't ask for all the additional.

Attorney Jackson stated all that you read, while it was Ripley Police Department specific, was not about policies and procedures of how to run a police department. Obviously, it's police department specific in the sense that the review involved a police officer and the head of the department. Everything that was stated in their recommendations addresses the department in that sense but they are not trying to control the police department procedures. They recommended that they comply with existing city policies and, generally, as far as personnel decisions, not police procedures but personnel decisions being made, they as department heads would have done things differently. They felt there were ways those things could be improved and they were recommending that no changes be made until MTAS could come and assist with some management issues and there be no changes unless the board approved it. The panel was not saying they should control. She heard their deliberations.

Alderman Hankins stated what he is claiming is that nobody on this board, nobody on the panel, nobody at City Hall or city attorney has ever run the police department to his knowledge. He stated he does not know how to run a police department, how to decide who should be on what shift, what they should be doing, or what officers should be placed in specific spots. That's not his job. We do have a man, as chief, with over thirty (30) years of experience with the police department so he, specifically, doesn't like the line that says he has to ask this board or anybody about where to put people.

Attorney Jackson stated that basically what Alderman Hankins is saying is that there is no oversight.

Alderman Hankins asked how it was with the last chief and the chief before that.

Attorney Jackson stated that grievances were brought to the attention of the board on the chief before that. Which is, ultimately, what lead to his leaving as chief.

Alderman Hankins stated this board never asked this particular panel to consider anything except disciplinary issues.

Attorney Jackson stated that if you want Patrolman Neal to bring his grievances and air those in front of the board-Alderman Hankins interrupted and stated he doesn't know why we can't afford a specific grievance panel since we're making panels. He just saying we never asked for all of this. We asked for them to "aye or nay" and give their opinion and recommendations on the disciplinary action review that James Neal asked for. If we need to go a step further then eventually we will.

Attorney Jackson stated his grievances will have to be addressed in some manner and the board can decide how to do that.

Alderman Hankins asked if he (Neal) had taken his grievances to the chief or to his supervisor.

Attorney Jackson stated he did.

Alderman Hankins asked Chief Baltimore if he had seen Patrolman Neal's letter.

Chief Baltimore stated no he didn't read the letter.

Alderman Hankins stated it seemed to him that policy is to go up the chain of command but this one went straight to City Hall.

Attorney Jackson stated that he (Chief Baltimore) was provided a copy of the grievances when the grievances were made available to City Hall.

Alderman Hankins stated that Chief Baltimore said he didn't get the letter. Is he a liar?

Ms. Buckner stated to the chief that he did get the letter.

Chief Baltimore stated he didn't discuss it with Neal.

Alderman Hankins asked Chief Baltimore if Neal discussed his grievances with him before he wrote the letter he took to City Hall.

Chief Baltimore stated he did not.

Alderman Hankins asked Chief Baltimore if he (Neal) discussed it with his direct supervisor and you get stiffed in the process before he took it to City Hall.

Chief Baltimore stated he (Neal) might have discussed it with his supervisor but not with him.

Mayor Pavletic asked who Neal's supervisor is.

Chief Baltimore stated Sergeant Joe Bennett.

Alderman Hankins stated he (Bennett) is the one who brought the action. At the end of the day, the minutes prove that we only asked for them to review the disciplinary action. Nothing else.

Alderwoman Alston asked if we are voting that Chief Baltimore cannot do his department.

Alderman Hankins stated that if you pass this motion that is part of what you are voting.

Alderman Chipman asked if Alderman Hankins was asking that the recommendation section be taken out.

Alderman Hankins stated he would feel better about it.

Alderman Davis asked Alderman Hankins if recommendation #1 had been taken care of.

Alderman Hankins stated it has been. City attorney made that suggestion previously but it was not acted upon. Now wish it had been.

Alderman Davis asked Ms. Buckner why we use MTAS.

Ms. Buckner stated they are a technical service totally familiar with municipal law, Tennessee state law, they have an individual that is totally police department/law enforcement driven.

Alderman Hankins stated he has no problem doing that.

Alderman Davis stated that perhaps following MTAS advice simply keeps us from getting into litigation with an employee.

Alderman Hankins stated not necessarily.

Ms. Buckner stated it helps give us the tools and knowledge for us to improve.

Attorney Jackson stated that MTAS has consultants that advise on specific subject matter. She suggested in two (2) separate meetings to the chief that he contact Rex Barton, who is a specialized consultant with MTAS in police and fire departments. She, herself, met with him at City Hall to discuss the possibility of him coming in to assist the chief because he was new to management. It seems the police department is now ready for that. It was one of the panel's recommendations.

Alderman Hankins stated he has no problem with that.

Attorney Jackson stated that she advises the board it is acceptable for them to accept some of the panel's recommendations and reject other parts. However, the board will have to address Neal's grievance and will have to decide on a method of doing that.

Alderman Chipman stated Alderman Hankins is asking the board to take out #2, #4 and #5 of the panel's recommendation. Leaving #1, which he said is already being done, and #3.

Attorney Jackson stated that if she understands Mr. Hankins correctly he is saying that you would take out all but the recommendations that consider the disciplinary review. The panel recommended that the chief's disciplinary action be upheld. He's saying the panel wasn't authorized to consider grievance which would eliminate the other recommendations because they deal with grievance. The board has the discretion to accept or reject the panel's recommendations but will have to decide how to hear Neal's grievance. If there is a better method than having three (3) department heads, who have experience of their own, it is up to the board to determine that method.

Alderman Davis stated it was his understanding that by having this panel of review was to keep it from coming before us and becoming political.

Alderman Hankins stated that is why you can form another panel if we like.

Alderman Davis stated do we need to hear the same issue before another panel.

Alderman Hankins stated no because the grievance issue wasn't asked for. This panel had no authority to look into any grievance issue or departmental procedures, etc. as addressed in the panel recommendations.

Attorney Jackson stated she didn't think this panel had any intentions of overstepping its authority. She repeated she was at the meeting and she took the direction from the board to be the same as what the panel did. Otherwise, she would have stopped them herself.

Alderman Hankins stated, again, upon reading minutes never once was it mentioned that the panel was to review anything but the disciplinary review. If we want to start all over again, that would be fine.

Attorney Jackson stated you can certainly reject.

Ms. Buckner stated that some of this was from the proposal (the draft) that was discussed at the meeting that we would operate under the proposal.

Alderman Hankins stated, again, that's not what we asked for.

Mayor Pavletic asked Mr. Chipman if he wanted to pull anything out of his motion.

Alderman Hankins stated he would be much more understanding of the recommendations of the panel if those items were taken out. They basically take away the teeth from the chief to run his department.

Attorney Jackson stated that the department heads left to serve on a panel are Randy Danley.

Alderman Hankins stated he didn't see that that's relative if we want to form another panel we can do that. Or we can take some of the recommendations from this panel. He doesn't intend to sit still while you basically take all the authority away from the chief. In his opinion, this takes too much authority away from the chief if you go with all of these recommendations. We hired the man, we approved the man to run the department, let's let him run the department. If there's something to suffer with after that then we'll deal with it.

Alderman Davis stated in his opinion we should accept all of the report or appoint a new panel. We can't pick and choose what we like what they said.

Alderman Hankins stated sure we can. They are just recommendations. If we accept all five (5) of these recommendations we are taking the power away from the chief to run his department and that's just not right.

Alderman Davis asked Mr. Hankins how he would feel if we eliminated #2 and #5. Would like to leave #4 having the chief consult his supervisors regarding decisions that affect their shifts.

Alderman Hankins stated #5 should be the chief's decision not this board's.

Attorney Jackson stated that as a legal matter, she would suggest that if you adopt Mr. Hankins' view that the panel did not have the authority to consider the grievance you must necessarily reject all parts of the grievance review.

Alderman Beard stated we're not talking about firing the chief. We're not talking about putting him down. All we're talking about is there was a complaint about how he handled a situation. We asked this group of people to look into it. Bring back a recommendation. Including our attorney and our executive who know more than we know. Because Mr. Hankins has a complaint everybody else is wrong? We wouldn't set this panel up if we thought they couldn't handle this. That's why we voted for them. Now we going to come back and reject them. Could do the same thing with another panel. They have done what we have asked them to do.

Alderman Hankins stated they have done more than we asked them to do. We asked them to review the officer's appeal of his disciplinary action. That's all we asked them to do. The other stuff was added to it. They did three (3) things, we asked them to do one. If we accept this like it's been suggested, we are taking too much power away from this chief to run his department.

Attorney Jackson stated the board determines how the panel is made up or if it even uses a panel. We were proceeding on some proposed provisions discussed at a prior meeting and that have been discussed with Lisa Kurpika, a personnel expert, about how to properly address and uniformly address city-wide disciplinary and grievance reviews so that they didn't have to come before the board like a trial. The board got a copy of the provisions.

Alderman Hankins stated the minutes will show clearly that we asked them to only look at the disciplinary review as requested by the officer.

Alderman Beard stated that he's been hearing since Mr. Baltimore became police chief that he doesn't want to adhere to policies and procedures and that Donna and the attorney are the ones running the police department. That's the talk. He is the chief but if I (Beard) were the chief those are two he would ask. Wouldn't go around them. Would go to them. We need to cooperate with each other. He needs to work with the attorney and the executive.

Alderman Hankins stated he agreed and vice versa.

Alderman Beard asked where do you find that they don't cooperate.

Alderman Hankins stated Mr. Beard should speak with the chief.

Alderman Beard stated we don't need to start setting up committees to look into these matters and when they come back to us we reject them.

Alderman Hankins stated we shouldn't make the chief ask for board approval to make a shift change or even consult with a supervisor about a shift change because it's his department. We cannot take the teeth away from the chief and expect him to run the department. If he's going to run it and mess up, let him run it and mess up and we'll deal with it. Other than that quit taking the power away from the chief to make these little paid decisions. Period. It's not right. At the end of the day we did not ask this panel to anything other than look at James Neal review he requested. They agreed with how the chief dispensed discipline and that should be the end of it.

Alderman Beard stated that it is not the intention of the board to take the power away from the chief. Our objective is that we cooperate with each other.

Alderman Chipman amended his motion second by Alderwoman Alston to accept disciplinary review and remove all five (5) recommendations regarding grievance review. Chipman, Hankins, Treadway, Alston voted aye. Beard and Davis voted nay. Motion passed.

Mayor Pavletic asked if we need to appoint another panel to hear Mr. Neal's grievances.

Attorney Jackson stated if the board is going to proceed in the manner of the proposed policy that was discussed and yes you need a new panel.

Alderman Hankins asked it that needed to be done tonight.

Attorney Jackson stated that what's intended by the policy is that grievances and disciplinary review request are addressed contemporaneously. The board would need to appoint a new panel or decide if the board wants to hear the grievances. In making this determination the board is setting a precedence for the ones that follow until there are some definite personnel provisions to vote on.

10. Motion by Alderman Davis and second by Alderman Chipman for board to hear Mr. Neal's grievances at next board meeting.

Alderman Beard stated this board does enough. Nothing wrong with a panel. It gets us out of it. A panel takes a little of the politics out of it.

Alderman Davis stated that was the purpose of the panel but if we're not going to accept their decision then we haven't accomplished anything.

Alderman Hankins stated we did accept their decision in what we asked them to do.

Alderman Beard voted nay. All others aye. Motion passed.

11. Motion by Alderman Chipman and second by Alderman Hankins to approve City of Ripley audit for fiscal year ended June 30, 2016. All aye

12. Motion by Alderman Hankins and second by Alderwoman Alston for City to pursue the procedure to abandon the use of Quality Cove as a roadway and ultimately to consider sale of that property to SRG Global and that an easement be retained for use of property in favor of the City and its contractors. All aye

13. Motion by Alderman Beard and second by Alderwoman Alston to approve 2015 delinquent property tax be forwarded to Chancery Court April 1, 2017. All aye

Department Reports:

*Ripley Parks & Recreation:* Alderman Chipman gave monthly report.

*Ripley Public Works & Codes Departments:* Alderwoman Treadway gave monthly report.

*Ripley Police Department:* Alderman Hankins gave monthly report.

*Ripley Fire Department:* Alderwoman Alston gave monthly report.

*Ripley Housing Authority:* Alderwoman Alston gave monthly report.

*Ripley Gas, Water & Wastewater Department:* Alderman Davis gave monthly report.

*Ripley Power & Light Department:* Alderman Beard gave monthly report.

Mayor Pavletic introduced student representative Monnell Ellis.

Mayor Pavletic stated pre-bid conference for Phase 3 of Washington Street with bid opening scheduled for February 17<sup>th</sup>. Reception for Chancellor of UT-Martin set for February 23<sup>rd</sup> at 4:00 p.m.

Meeting adjourned at 8:00 p.m.

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Donna Buckner, Recorder

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Jon Pavletic, Mayor