

LEGAL AND LEGISLATIVE COMMITTEE

APRIL 26, 2011

3:40 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Benson, Scott, Robinson, Rico, Berz, McGary and Gilbert present. Councilwoman Ladd joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Fire Marshall Whitmire, Dan Johnson, Larry Zehnder, Danny Thornton, Richard Beeland, David Johnson, Chief Parker, Steve Leach, Dennis Malone, Gary Hilbert, Daisy Madison, Jerry Stewart, Lee Norris, Officer Kennedy, Chief Flint, Jim Templeton, Paul Page, Donald Green, Brian Shultz, Karen Rennich, Dickie Hutsell and Bill Payne. Missy Crutchfield joined the meeting later.

Chairman Murphy stated that there were a number of things to be taken up—that we had the Sprinkler Issue, the Address issue, and the City Attorney would speak about curfew.

SPRINKLER ISSUE

Chairman Murphy stated that a representative of the Tennessee American Water Co. was present at his request to speak about the installation of sprinklers; then the Fire Department would make a presentation and there would be a representative for businesses that will be affected. He called on Kim Dalton of the Tennessee American Water Co.

Ms. Dalton had a few pieces of paper to hand out and also a packet that they give Sprinkler Contractors. She first spoke of the installation cost, explaining that they go out and tap into the main and put the valve box in and run a line to the property; that the most expensive is for a 12" tap, which could be \$3,400, including material and labor; there would also be a quarterly charge for anywhere from 4" to 12" taps and an annual cost for 6" to 8" taps, which are the most common—that the only two costs to TAWC would be in the installation cost and the annual cost.

Councilwoman Scott noted that she mentioned a quarterly cost for a 4" tap at \$147 per quarter. She asked if an annual cost would be charged also. Ms. Dalton stated that it would be \$147 quarterly. Councilwoman Scott asked what they were getting for this cost—that they would not be using water unless there was a fire. She asked if there was a fire, would there be an additional cost? Ms. Dalton responded "no"—that this quarterly cost just insures that the water is available for a fire.

Chairman Murphy noted that just having service available costs something; that the annual cost to have it available would be \$2,360 for an 8" tap. He asked why so much? Ms. Dalton

responded that it was set by the Tennessee Regulatory Authority, and they still had to maintain mains and the infrastructure costs; that they still processed water. Chairman Murphy stated that he understood the installation cost but once it is hooked up, he questioned how much maintenance was required. Ms. Dalton responded that the service line has to be there—that it is like an insurance policy.

Councilwoman Berz asked if anyone had calculated the cost of water using a sprinkler system should a fire occur? Ms. Dalton responded that it would depend on the water that goes through the system. Councilwoman Berz questioned if it would be cheaper to have the insurance policy or just wait until the water is used? She wanted to know what the cost is based on? Ms. Dalton responded the size of the main. Councilwoman Berz stated that an insurance policy is used when she needs it and should she incur a fire, Ms. Dalton had said she would not pay for the water. She asked if the fee was based on some calculation? Ms. Dalton responded that it is like a fire hydrant—that it takes so much water to perform at a rate, and they had to have infrastructure. Ms. Dalton thanked the Council for inviting them and helping keep them from getting kicked around so badly.

Fire Marshall Whitmire stated that he had invited a guest to speak—Vickie Pritchett.

Ms. Pritchett stated that she was from Pleasant View, Tennessee, and was here today working as an Assistant Director for a Fire Sprinkler Co. and also a group of common voices that had all been affected by fire; that they had all become involved because of what had happened, and they had a unique voice. She applauded the Council for their first reading vote, stating that it takes leadership and that the Council has a “thankless job”. She also added that she had a vested interest because her daughter lived here in Chattanooga, and she knew where she would be hanging out. She stated for those of the Council who voted “yes”, she thanked them for listening to the Fire Department representatives and being pro-active; that it was easy to say “it won’t happen to us”, but we learn it can happen anywhere because fire does not discriminate; that the Council had to work with these advocates and were leaders in this effort; that she cheered them on. She stated that she had a keen sense about business owners. She went on to say that Jeff and Mike, the owners of the nightclub in Rhode Island, were not able to be here today but that they had sent a statement; that there was also a survivor of the nightclub present.

She read a statement from the owners of the nightclub in Rhode Island that thanked everyone for the opportunity to address this issue, stating that there had been a tragic fire of 100 people and it had been in the headlines; that while they were the business owners, they did not own the building. They offered their support—that the loss of life is immeasurable; that if they had had sprinklers installed, the results would have been different. They stated that they fully supported this measure; that in thinking about the February 20th event and the destruction and loss, it shows how vital sprinklers can be; that the building they rented was grandfathered in

but rules had changed as a result of this fire. They went on to say that they understood the concerns of business owners; that they should be given support, and they strongly encouraged that business owners be assisted through grants or low interest. They added that they had heard business owners say “it will never happen to me”, but theirs was a “perfect storm”—that no one could have predicted this, and it did happen, and they would speak out in any measure to save lives. They stated that no business owner ever wanted to be them and a sprinkler system could have changed the situation.

Ms. Pritchett stated that theirs was a very powerful voice; that no one could speak with more authority than someone who had lived through it. She stated that Rob Feeney had traveled from Boston to be here.

Mr. Feeney stated that he was a survivor of the 2003 Rhode Island fire; that it changed his life, and the irony was it lasted only three minutes; that his fiancé lost her life; that the argument against passing this was “don’t make us spend the money” and “we want to make money”. He stated that a lot of people were having fun and then the fire—that human nature is to find the door you entered to exit out; that the crowd pushed fast to get out; that the lights went out and the smoke got thicker and panic set in; that there were not lights and panic; that he spent two minutes on the floor, and the ceiling was falling in on them; that you think you can find an exit and know you are just moments away from death and smoke will overcome you; that once he knew he was still alive, he crawled to find his fiancé and tried to drag her out, but he could do nothing but try to crawl across bodies; that they could not get out and firefighters could not get in. He went on to say that his fiancé had two daughters and 70 children lost at least one parent. He stated months later, he got out of the hospital and had to learn to walk again and to brush his teeth, but he was lucky; that he was able to learn the skills and return to life, and he had also learned how this tragedy could have been prevented. He went on to enumerate a long list of night club fires that had happened in the past, stating that no one expects these fires to happen and asked how many people would have to die in Chattanooga before we get proactive; that this Council has the opportunity and responsibility to protect its citizens.

Chairman Murphy asked Attorney Tidwell to come to the podium; however Fire Marshall Whitmire stated that he had a couple of more people to speak.

Randy Safer spoke next, stating that he was with the National Fire Protection Agency; that there were 300 codes, and the first standard was developed in 1896, and this was the sprinkler system. He spoke of the New York factory fire where thousands of New Yorkers watched young girls jump to their death; that the NFPA had written a Code of Standards for safety in the work place and now it was nationally recognized and was needed for rescuers; that the requirement is for 100 occupancy and sprinklers for bars and nightclubs. He explained that night clubs were different from office buildings because of the high density of people, the late time, and the low lighting—that there a considerable amount of things available; that the Rhode Island fire was not the reason but the trigger; that the fires had one thing in common—none had sprinklers;

that people will exit out the way they came in; that the codes work together; that there would have been a different outcome with a sprinkler system. He stated that the Council had a tough job with tough decisions; that these are minimum requirements; that there had been tragedies and people had lost their lives. He stated that he knew the Council was proud of the Chattanooga Fire Dept. and the fact that they were trying to be pro-active; that no fire safety device does more than a sprinkler system. He thanked the Council for the opportunity to speak and for spending so much time on this.

Roger Bird, Fire Chief of Knoxville, spoke next. He stated that in 2006 they adopted the Life Safety Code with the sprinkler system required within; that they educated bar owners of the importance of this; that they did meet with resistance and worked their way through this and made it more palatable; that they worked within their time frame and budget and got all bars in Knoxville with sprinklers and “zero” had gone out of business; that they got a 25% discount on their insurance, which would pay for the sprinkler system over a period of time. He stated that they saw tragedy; that sprinkler systems save lives; that he had been in the Fire Department for 37 years, and they do save lives.

Councilman Rico asked him what the temperature had to get to before the sprinkler system comes on? He responded 165 degrees normally.

Fire Marshall Whitmire thanked everyone for listening.

Attorney Tidwell spoke next, stating that he was afraid that his side was giving the appearance of being against safety; that the businesses he represented wanted their customers to be safe but questioned the fairness of requiring sprinklers for night clubs as opposed to other establishments; that we were not requiring sprinklers in homes and 85% of the people die in home fires and only 1.6% in drinking and eating establishments. Less than 12% are in bars and nightclubs; that he would like the Council to understand this when requiring his clients to have sprinklers but not all of the rest of the restaurants that serve food. He mentioned a grandfather clause to look at other structures, stating that we would not be protecting a vast majority of the people in this city.

At this point, Attorney McMahan spoke, stating that he had given this further consideration; that there was a fire on Main Street and the sprinkler system was inoperative and one died, and the City was sued; that the law today says that if the Fire Marshall misses seeing a sprinkler and knows the building is unsafe, the City could be liable.

Attorney Tidwell asked if this did not constitute a Grandfather Clause? Attorney McMahan read from Section 13.3.5.1 applying to assemble occupancy and the NFPA 2006 Code says may change the requirement for existing structures. Attorney Tidwell responded that they never expected to dis-enact the Code, but it should be applied to all, and this reads and sounds like a Grandfather Clause, and buildings could be examined on a case by case basis.

Attorney Tidwell stated that they had been told that sprinkler systems would cost from \$50,000 to \$75,000—that this was the estimate that sprinkler people were telling them and that this was an exceptional investment. He stated that safety was important; that we had heard tragic information today; however we are not protecting everyone with sprinklers; that this would cover lots of buildings. He asked the Council to consider including a Grandfather Clause and let the Fire Marshall see if buildings truly require a sprinkler system or make this across the board, and it only apply to nightclubs. He asked if this would happen to all other restaurants or just nightclubs—that they were the only ones being required to have sprinklers, and this was not fair; that they wanted their businesses to be safe, but many buildings do not have sprinklers, and they felt this was unfair to them unless it is across the board. He asked that they be allowed to be examined on a case by case basis—that they recommended this. Again, he stated, his sympathy goes out to anyone involved in this tragedy, but the Council can't prevent all tragedies; that it is not just a night club problem—that the problem is much bigger, and he asked the Council to give them a case by case analysis rather than this large expenditure.

Councilman McGary stated that he had three questions. The first question was addressed to the NFPA representative and concerned the comment by Mr. Tidwell that if a business exceeds 100, they shall be protected by sprinklers. He asked the representative “why not restaurants”?

Mr. Safer responded that he was not on the committee; that there were several thousand volunteers; that it was said that all the sprinkler people are trying to make money but only one-third of the committee involved sprinkler people, and it takes 2/3rds to pass, and this rule was made in 2006; that the reason for bars was that the lighting was different and the time was usually later at night and people had more alcohol intake—that all this was more than restaurants.

Councilman McGary asked Chief Bird of Knoxville if it was his professional opinion that this should be nightclubs and not restaurants? Chief Bird responded in Knoxville it was only in night clubs. Councilman McGary wanted to know how the fairness issue was addressed? Chief Bird responded that basically there was an understanding—that low lighting played into this.

Councilman McGary asked the Fire Marshall if he already had the authority in the Fire Code to enforce sprinklers—if this was a power he held? Fire Marshall Whitmire stated that he was sympathetic with cost, and the enforcement was to have started in 2012 and at the urging of the Council, they changed it to 2013.

Councilwoman Berz addressed the Fire Marshall, stating as she said last week, if we pass this, that the Fire Marshall already has this power and now the time will be extended until 2013. Fire Marshall Whitmire responded that they wanted approval from the Council to implement this part of the Code; that they were going to start enforcing it in 2012, and they had extended

the time to 2013. Councilwoman Berz stated that if the Council did not pass this, they still had the power to enforce, and people would have less time to implement. She asked Attorney Tidwell if he was in favor of this but just wanted it extended also to restaurants? Mr. Tidwell denied this. Councilwoman Berz emphasized that without passing this, there would be less time to implement.

Attorney Tidwell referred to two documents, questioning if the Council would adopt both—that the definition of occupancy is different in both books. He asked how night clubs got singled out; that they would like to leave the present Code like it is—that it looked like a grandfather clause to him and if it were not, he would like a grandfather clause included—that there were a big difference between these places. (He spoke of himself as being a simple country lawyer).

Councilwoman Berz stated that he was far from being a simple county lawyer; that we have the power on a case by case basis, and if we follow through with this, people would have less time to implement. Attorney Tidwell agreed that this possible, with Councilwoman Berz stating “no it is true”. Councilwoman Berz asked if he just did not want to be singled out or wanted it extended to restaurants? Attorney Tidwell responded that they wanted to implement the Code as written in 2009; that it was adequate and uses could be examined to see if they were safe without a sprinkler. Councilwoman Berz still maintained that right now we have the power to tell clubs that they need to be sprinkled, and this could happen in months; that what we are passing tonight would not become effective until 2013. She asked Attorney Tidwell if that was not what he wanted? Attorney Tidwell responded that he would not mind a different time; however there may have to be a court interpretation of which version applies, and this would take longer. He was advocating treating this on a case by case basis without sprinklers being authorized with a reasonable grandfather clause.

Councilman Gilbert asked about restaurants? Attorney Tidwell mentioned A-2 assemblies, which includes restaurants. Fire Marshall Whitmire stated that they were talking about A-2 assemblies; that there was some question about dance halls, and the Council had passed an Ordinance for night clubs; that the sprinkler system would apply to night clubs based on this—that they were implementing sprinkler systems in night clubs. Councilman Gilbert asked if he was saying the definition applied to all other facilities and if not, why not? Fire Marshall Whitmire responded that we have A-2 assemblies, with Attorney McMahan noting that the question is what assembly is a restaurant.

Councilman Gilbert stated that he had a question for the Fire Chief from Knoxville. He wanted to know when they based this on clubs, what was the definition required for the facility? Chief Bird responded that they don't have the International Fire Code adopted; that they were using the Life Safety Code. Councilman Gilbert asked what determined a bar in Knoxville? Chief Bird responded that the key word is “entertainment”. Councilman Gilbert asked what about Sports Bars—that some of them have entertainment? Chief Bird responded that lives had been extended since the clubs were sprinkled. Councilman Gilbert asked if the Knights of Columbus

would count as a bar? Chief Bird responded that they did not have to address this—that they already were sprinkled; that they were under a different Code. Councilman Gilbert asked “why”? He mentioned a facility in his district that was mostly a restaurant but was occasionally open after 3:00 a.m. and had to be listed as a night club under our rules. He went on to say that he would like more information regarding liquor sold versus food. Chief Bird stated that they went by just what the Life Safety Code had indicated and all clubs were sprinkled. Councilman Gilbert asked if a sprinkler system would put out any fire, such as one caused by grease or chemicals? Chief Bird responded that it would be according to the design—that something else might be needed for a grease fire. Councilman Gilbert asked if a sprinkler system would not put out a grease fire or if it would not put out a fire caused by oil or chemicals? Chief Bird responded “under most circumstances, yes”—that some could.

Councilman Rico stated that he had thought about passing something like this, and the more he thought about it, he thought we did discuss a grandfather clause. He asked Councilman Benson and Councilwoman Robinson to help him with this.

Councilman Benson stated that the minutes reflected no such discussion. He went on to say that we hired a Fire Marshall and that he had experience and knowledge and this could be considered on a case by case justification; that people needed to be able to make a go of a business during this bad economy and it should not be carte blanche that all have new systems; that the fire in New Jersey was not like fires we have here; that what we had heard was very emotional and a sad situation; however we needed to detach ourselves and use better judgment; that he thought this was being influenced by the Sprinkler System people—that everyone knew the pressure you could get—that the Sprinkler Industry had jumped in here and taken advantage of a very sad outcome in New Jersey. He stated that the application was unequal; that we had had no deaths in night clubs in Tennessee and never one in Chattanooga; that larger restaurants could be much more damaging; that during this economy, was not the time to take good judgment out of our action; that checking these businesses is what the Fire Marshall is paid for—that if it took a sprinkler, then he could tell them to do it. He stated that this was not ready to be adopted across the board, and there needed to be some regards to paying for this expense.

Councilwoman Ladd thanked Ms. Pritchett and Mr. Feeney for their attendance; that it was not easy for them to speak out, but they had come because of their passion and bravery; that her good judgment told her that she did not want our Fire Marshall to have to go evaluate these businesses on a case by case basis—that we need a standard, and we should ask him to apply the standard. She went on to say that the Fire Department employees of Chattanooga are responsible for safety in the work environment, and she did not feel good about asking them to approach a building and go into a hotter fire because there were no sprinklers; that they have to respond to emergencies, and we need to back up our employees, and they would be able to respond to a cooler facility with sprinklers in place; that there is a lot we can't do, and it does not cost us a penny to make a good common sense judgment; that a business with a good plan

could meet these costs; that she had heard the Knoxville Fire Chief say they will receive a 25% discount on insurance if they have sprinklers; that she would recommend this because she felt expenses were reasonable for doing business, and she would support standing up for this.

Councilwoman Robinson stated that she could not say it any better than Councilwoman Ladd; that what we are considering is not unique to the City of Chattanooga; that Knoxville had dealt with it; that we should not put our Fire Marshall in the position of exercising independent judgment for every business; that it might be a hardship on the business community, but this is the cost of doing business and needs to be taken into account; that the sting was being taken out by changing the timeline and allowing time for businesses to prepare; that if one owns a building, they have to replace a roof, and they plan for it—that this is the cost of doing business was the way that she saw this; that public safety is the most important work that the Council does.

Councilwoman Scott stated that she could not add any more to what Councilwomen Ladd and Robinson had so eloquently stated about safety.

Chairman Murphy asked if the Knoxville Utility District charged \$2,360 for sprinkler service for an 8" tap—if this was in the ballpark for Knoxville? Chief Bird responded that he thought it was much less in Knoxville.

Councilman Gilbert stated that he would urge us to look at the definition of a night club and the sales of restaurant alcohol; that if a facility sold more food than alcohol, then they should not be defined as a night club. Mr. Hutsell was present, and he asked him to verify and look into this.

Chairman Murphy stated that this was not time to get into this issue.

Councilman McGary asked the Fire Chief from Knoxville to inform the Council as to the percentage of people who actually owned their buildings and the percentage of those who leased for night clubs? Chief Bird responded that 60% to 70% owned and about 30% leased; that owners are responsible for installing sprinklers. Councilman McGary stated that tenants may want to leave and go elsewhere; that with a two-year window, they could consider this possibility if they did not own the building.

Attorney McMahan stated that this was not something the City could regulate—agreements between tenants and landlords—that we don't know this relationship, and it is a matter of contract.

ADDRESSING ISSUE IN BLUFF VIEW ART DISTRICT

Chairman Murphy stated that some in the Bluff View Art District did not get notice about a street name change. He asked if anyone was present from Public Works who could speak to this?

Adm. Leach stated that they had slides that showed options.

Chairman Murphy noted that after this was approved by the Council, it was then modified by the Council.

Bill Payne went through a slide presentation, stating that this policy was approved by the City Council in 2009; that the renaming was passed by Resolution; that Hunter Museum had complied; that all had been treated the same prior to the Council's action; that notices did not go to certain areas, and they had corrected this internally. He stated that they understood the complications of having to change; that the reason for the name change was because a disconnection had been created for E. 2nd Street. The slide showed the proposal for re-naming 2nd St. to "Aquarium Way" and changing back the name of Bluff View to E. 2nd Street; that Hunter Museum had already complied with the name change, and they would have to change back to 2nd Street, and there would still be a dis-connect.

Chairman Murphy asked if 2nd Street went further to the east and was told "no"—that there is a disconnect on three blocks.

Mr. Payne stated that a portion needed to be resolved; that to change from Bluff View back to 2nd Street would impact Hunter Museum. He went on to say if the restaurant has a 2nd Street address, there would still be a disconnect.

Chairman Murphy noted that the Council changed the prefix—no new prefixes, but the existing stay as is—that nothing says we have to change W. 2nd Street because we altered this.

Mr. Payne stated that he did not review this, but there is a disconnect segment. Chairman Murphy mentioned Power Alley to Riverfront Parkway, with Mr. Payne noting that in 2009 there was an adoption of one way. Chairman Murphy stated that his point was go over the bridge and down to Hunter Museum—a public road to where? Mr. Payne mentioned stopping at the intersection—that the frontage is on Bluff View.

Councilman McGary asked that the guests from Bluff View be allowed to respond.

Chris Anderson spoke. He noted that Hunter Museum had complied; however Hunter Museum was 10 Bluff View prior to the 2009 Ordinance; that Hunter Museum is not in the 400 Block of E. 2nd St.; that it had always been 10 Bluff View prior to 2009; that there is one business on E. 2nd St.

Angela (Portera) spoke next, stating that back in 1996, they renovated, and it was 28 Bluff View when they purchased it; that Gordon Phillips with the City told her about the E. 2nd Street address, and it was 411 E. 2nd St. and now they are saying go back to Bluff View. She stated that they had several businesses, and it would be a hardship to make the change—that it would be unbelievable.

Councilman McGary asked her what she would like to see happen? She responded “to keep the E. 2nd Street address”; that if they switched to Bluff View, they would be getting Hunter Museum mail; that they would like to keep it E. 2nd Street.

Chairman Murphy asked if we did not have disconnected streets throughout the city and if it had caused a major problem?

Mr. Payne agreed that they do all need to be addressed on a case by case basis, but all this changed in 2009, and this is part of the problem; that they are getting some calls and addresses do not match and some dispatches have been missed; that we do not have the resources to do all at once; that it is always a recurring item to have different addresses.

Chairman Murphy asked if they planned to re-name all the streets and was told “yes”, to which he responded “WOW”—that this would not be popular in his district. He stated that these seem schizophrenic; mentioning the different numbers. Mr. Anderson noted that in one block they had an 80, 120, 65 and 31, with Chairman Murphy adding “and this is a really short block”.

Mr. Payne explained that addressing is based on the center of a door and business and how it is accessed; that they had to deal with infill and the need for a new number; that it was based on parallel to center. Chairman Murphy pointed out that the block is already built out, with Mr. Payne noting that there is no limit to new buildings.

Councilwoman Berz stated that we are government, and we are here to help. She asked what 9th Street and MLK was called? Mr. Payne responded MLK. She mentioned Brainerd Rd. that leads into Lee Highway and asked how the decision was made where this changes? Mr. Payne responded that it was a historical name, with Councilwoman Berz noting that it is all the same road. Mr. Payne stated that there were different segments. Councilwoman Berz wanted to know who makes the break where it is called a different name? Mr. Payne still maintained that it was a historical name with no change. Councilwoman Berz continued, stating that technically it was all one unbroken street; that GIS could make it all Lee Highway or all Brainerd Rd., noting that history plays a part. Mr. Payne noted that these are considered to be base line streets. Councilwoman Berz stated that the present situation being discussed could be considered the same way—that it is all the Bluff View Art District. She asked if calling it a 2nd Street address would hamper a safety call? Mr. Payne responded that he could not answer this because he was not a dispatcher—that this was out of the realm of Public Works.

Councilwoman Scott asked if there was any possibility that Lee Highway and Brainerd Rd. would be made one name? Mr. Payne responded “no”—that they are considered base line streets. She asked if there was not a safety concern?

At this point, Councilman Benson stated that he did not believe we needed a Safety Committee meeting today but that he did have a question for the Legal and Legislative Committee; that we had spent a lot of time on taxi rates; that a man who had been sitting in the audience since 3:00 p.m. had informed him that he needs to speak concerning raising the rate, and he was told to be at this meeting—that he had been sitting here since 3:00 p.m.

Randy VanHoosier came to the podium, stating that maybe he was at the wrong meeting. Chairman Murphy asked him if he thought the rates were not high enough, stating that he could come back in two weeks when this will be discussed.

Councilwoman Ladd came back to the question about addressing, stating that there was not an easy answer; that we need to back up our departments once there is a rule in place; that this looks like a case where we need to apply creativity to meet all needs; that we had told these people that their address would be a certain address and now we were telling them to change. She mentioned the sheer inconvenience that they would incur, stating that she thought we needed to talk to the 911 folks; that this is a case that merits an examination; that she did not like not having something from them to “hang their hat on”, and she was not ready to end this.

Chairman Murphy stated that it was an issue of lack of notice prior to the change; that we need to research the Resolution and start over, and we need to give these people notice to be at the table.

Councilman Rico suggested getting Bill Payne and the 911 people together to work this out.

Chairman Murphy stated that these people had gotten a letter about this new address now; that he agreed with Dr. Berz that anyone who calls 911 and says Bluff View at Tony’s Pasta has an emergency and you need to get up here, would know where to go.

Angela (P) agreed that there would be no problem with Emergency people trying to find them; that she understood safety and wanted to be as safe as possible; that this is a whole other issue; that emergency people would be able to find them.

Councilman Gilbert asked Chief Parker to help us on calls going to Bluff View versus 2nd Street. Chief Parker stated that 2nd Street is a physical address and Bluff View the name of the building—that it would be based on this.

Mr. Payne suggested looking at the issue from the 911 perspective; that if 402 E. 2nd Street gets pushed forward and it does not exist—that 911 needs to get involved with this.

Chairman Murphy reminded everyone again that there is a present problem.

Councilman McGary stated that there were actually two problems, asking if disconnect streets and 911 issues were the same? Mr. Payne responded that 911 issues present a problem and also disconnect streets. Councilman McGary asked what the issue was—that the two issues may be one; that Mr. Stuermer might have some other way to address the 911 issue, and the other issue would be resolved.

Mr. Payne responded “not in accordance with City Code”; that this needs to be addressed; that addressing falls under the City Engineer’s office and 911 looks for an address match and a disconnect creates a problem between the dispatcher and responder; that if the dispatcher can’t verify, they will send people to the wrong place; that the address system that we are implementing is to have one that is safe and reliable for emergency response; that John Stuermer gets addresses verified.

Councilman McGary pointed out that these people were omitted, and the problem is on our end, and we need to deal with it without passing the buck; on their end, we are asking them to do something else. Mr. Payne responded that we are trying to correct the disconnected streets; that the choice has to be made one way or the other.

Councilman Benson stated that the problem is our Code and Public Works trying to enforce the Code; that this is the same thing that applied on Bragg and Crest Rd.; that we need to look at the Code.

Mr. Payne stated that the addressing system is regional and goes beyond the City; that he would caution about making too many modifications to the Code.

CURFEW

Attorney McMahan stated that he had been asked to look at the Curfew Ordinance; that he had compared ours to other cities in Tennessee and our Ordinance is State of the Art; that we have to comply with the Constitution about the right of assembling; that we might could “tweak” it a little bit, but it needs no major changes; that the State uses our Ordinance as a model with a slight variation that the State has different hours for 17 year olds.

Councilman Benson stated that it says nothing about truancy. Attorney McMahan stated that on that issue, we needed to come to an agreement with the Hamilton County School System.

Attorney McMahan had one last matter concerning Officer Michael Hoback’s case; that the decision had been made to offer a judgment; that Officer Hoback was terminated for medical

reasons—that one doctor said “yes” and another “no”; that we sued in Federal Court, and it was still pending; that the recommendation was to offer judgment in Federal Court that if Officer Hoback could pass a medical examination by a third doctor, he could get his job back; however he would have to go to lateral academy. Attorney McMahan stated that he would make this recommendation at the regular council meeting.

Chairman Ladd stated that during supper there would be a brief meeting to discuss committee meeting assignments.

The meeting adjourned at 5:30 P.M.