

**AGENDA SESSION**  
**JANUARY 18, 2011**  
**3:00 P.M.**

Chairman Rico called the Agenda Session to order, with Councilmen Benson, Scott, Berz, Robinson, Murphy and Ladd present. Councilmen Gilbert and McGary joined the meeting later. City Attorneys Michael McMahan and Patrick Bobo; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Gary Hilbert, John Bridger, Karen Rennich, Dan Johnson, Paul Page, Jim Templeton, Randy Ray, Dickie Hutsell, Daisy Madison, Chief Williams, John Van Winkle, Lee Norris, Steve Leach, Dennis Malone, Bill Payne, Chief Dodd, Mark Keil, Doug Kelley, Fire Marshall Whitmire, and Captain Seth Miller.

Fire Marshall Whitmire did a "head count" and found that the Conference Room was not adequate for the number of people present. The meeting was then moved to the Assembly Room.

Councilwoman Berz asked to speak first stating that several things had come up during the week, and she wanted to give a "heads up" on the Budget and Finance Committee meeting schedule. First, she wanted to comment on the tremendous work done by the Police Dept., noting that both she and her husband taught classes at the "Y" and were in the process of teaching Monday night when their car was stolen from the parking lot at the "Y", along with a lot of valuables. She stated that our Police Dept. had behaved professionally, and she was proud to be working with them; that they got there quickly in their assigned cars, and she would hate for them to have to give them up; that they stayed with them until late in the evening, and she wanted to commend the Police Dept. and to thank them; that she was very proud of their professionalism and ability to work with us as citizens, and she thanked them very much.

Secondly, Councilwoman Berz wanted to make comments about meetings of the Budget and Finance Committee that are scheduled for the coming weeks—that when issues come up, we will try to get them addressed beforehand so that the Council can come to the meetings with a "full deck"—that we will give Administration notice of our questions. She stated that we had received an Audit Report about the landfill and that this would be discussed in two weeks; that Public Works was asking for time to respond properly; that in the meantime, Councilwoman Ladd would want to hear from the Council about questions ahead of time to respond fully. She mentioned the Audit Committee that she met with had issued a report and that Public Works wants to respond publically in two weeks and again asked that Councilpersons refer questions to Councilwoman Ladd.

Next, Councilwoman Berz stated that beginning in February we will be talking about Budget proceedings issues and how we will handle the process; that we were looking at morning meetings previously because one of our members could not be here in the afternoons; that she would like to hear from Councilmembers as to times that would be good for them. She mentioned a Five-Year Strategic Plan to talk about the decision-making process; that we wanted everything fully in the daylight, and we wanted a full record; that we are the Legislative arm of the government and should have everything that we can access to do proper record keeping. She noted that as far as minutes, it was her understanding we were having recordings as a backup; that she had asked Randy Burns to get to us information as to having fully and properly operating equipment so that lost tapes will never happen again.

She asked that any with questions or comments to let someone know so that it does not come up next week in a big discussion and we would not have the answers that we need. She noted that she had also met with Randy Burns, and they had redone the Non-Profit Application Forms, and this was in draft form. She asked that before these are mailed out, that councilmembers should feel free to look at this but that timing is of the essence.

Councilwoman Scott stated that she thought it was important to ask and get information before meetings, and she practiced this—asking questions in advance; however, she stated, she did mind not being able to ask questions during discussion—that does not make sense; that preparation and background was important but things come up in discussion, and the Council would not have forethought of every single question; that eliminating questions and numbers is not what the public wants to hear; that the responses that the Council gets from Administration, the public has no way of getting unless we discuss this in public and ask for an understanding.

Councilwoman Berz stated that she and Councilwoman Scott were not in disagreement; that Councilwoman Scott could ask Councilwoman Ladd about limiting questions to two—that this is a problem we get in meetings and no forewarning to Administrators—that a lot of the discussion is behind the scenes—that she and Councilwoman Scott were just looking at this from different perspectives; that if Administration is forewarned of questions, they can answer; that discussion and transparency is good.

At this point, Mr. Johnson proceeded to go over agenda items. **Ordinance (a) Final Reading** had already been discussed, and there were no changes. **Ordinance (b)** pertained to parking of motorcycles. **Ordinance (c)** extended the moratorium for nightclubs. **Ordinances (d) and (e)** were abandonments and had been discussed in the Public Works committee.

**Ordinance First Reading (a)** is the View Shed Ordinance and will be discussed in the Legal and Legislative Committee. Councilman Murphy stated that the Council would be briefed on this. **Ordinance (b)** pertains to vehicles for hire and has been discussed many times. **Ordinance (c)** is

relative to the regulation of nightclubs. **Ordinance (d)** pertains to deannexation of certain properties on Elder Mountain. This will be deferred for two months. Councilwoman Scott stated that one month was long enough. Mr. Johnson stated that Mayor Littlefield had asked for two months. She stated that she had spoken with the Mayor a few minutes ago, and he was alright with one month.

**Ordinance (e)** was discussed last week. **Ordinance (f)** amends the City Code relative to the Personnel Ordinance and the accumulation of three days for the Firemen—that the three days will go into the next period.

**Ordinance (g)** adopts the International Fire Code. Councilman Benson stated that he wished this had gone through the Safety Committee, but it had appeared on the agenda today; that the public are present today, and he thought if possible, we should stop right here and see what this is all about; that quite a number of people are here asking to speak today or it could be referred back to committee; that we do not understand this. He asked that the Fire Marshall tell us what this all about—that normally it would have been in Safety Committee. Captain Seth Miller was present with a short presentation to provide the Council with information. He asked that Randy Burns get the presentation up for everyone—that it had been set up in the other room, and the Fire Marshall had made us move.

While waiting on the presentation to be set up, Chairman Rico stated that he thought we should ask those on staff to wait until their particular subject came up and then come into the conference room so that it would not be so crowded; that the staff only come in as needed.

Councilwoman Robinson stated that she thought the Council should pause to think about this; that many want to hear the full discussion. Chairman Rico stated that he was just talking about staff. Councilwoman Robinson felt that the meetings should be held in the assembly room, which would work fine for transparency and accessibility for all.

Captain Miller continued with his presentation, explaining that they adopted the Fire Code for new buildings, and it did not address existing buildings; that this is the Life Safety Code for state-owned buildings; that only buildings with exact wording are entailed in this; that he wanted to clarify the wording of adopting this to include all existing buildings.

Councilwoman Scott asked if this was standard across the southeast? Captain Miller responded that it was adopted locally—the International Fire Code; that the NFPA is additional. Councilwoman Scott stated that we knew this was the national standard. She was asking particularly about how this affects buildings that were built a long time ago. She wanted to know what the rest of municipalities were doing. Captain Miller stated that the State was identical to the City. Councilwoman Scott confirmed that the State was requiring all those without sprinklers to update. Captain Miller stated that other municipalities had done so—that he guessed the short answer was “yes”.

Councilman Benson noted that two years would be given for buildings to come into compliance for those with an occupancy of over 100 people—that they would have to be in compliance if they sell alcohol—that they would have to have a sprinkler system, which could cost as much as \$60,000. He asked if this would pertain to all restaurants that have over 100 occupants? Captain Miller stated that this does not include restaurants. Councilman Benson asked about the clause of “live entertainment”? Captain Miller stated that all buildings have to be considered. Councilman Benson stated that he did not know what “live entertainment” meant. Gary Hilbert explained that it was like singing waiters at the Choo Choo, which would be considered live entertainment—also D.J.’s and karaoke. Councilman Benson asked if these would be classified as nightclubs? Mr. Hilbert explained that this applied to A2 establishments with 100 or more people—that alcohol has nothing to do with this—that it is the number of people in these occupancies—that basically is it nightclubs. Mr. Hilbert went on to say that a restaurant could have 150 occupants and sell alcohol and not be considered a nightclub.

Councilman Gilbert asked that someone define a dance hall? Mr. Hilbert stated that it would be something like Allemande Hall. He asked if it were just a large room with 100 people? Mr. Hilbert noted that NFPA addressed a dance hall with 100 or more people.

Councilwoman Robinson asked about the “festival section”? Mr. Hilbert responded that this would be like a gym with no chairs—standing room only, like in an amphitheater or something like Riverbend. Councilwoman Robinson questioned a sprinkler system at Riverbend? Mr. Hilbert noted that Riverbend was outside, and this only pertained to enclosed structures.

Captain Miller stated that clarification was their intent and understanding the impact on target assemblies such as churches, etc. He noted that there were restrictions for new construction, which included buildings from 2003 and after. He mentioned a large fire in Rhode Island that caused NFPA to change their restrictions from 300 occupancy to 100. He stated that International Fire Code is what we use currently; that restaurants such as Applebees were not included in the NFPA; that NFPA regulations say that where there are over 100 people assembled that a sprinkler system must be implemented—that this is for bars and nightclubs such as Club Escape. He stated that they estimated that less than 30 establishments would exceed 100 people and be required to have sprinkler systems—that less than 30 establishments fall under this requirement; that as properties make money, there is a reasonable expectation that they provide a safe environment. He presented a brief list of the history of fires in nightclubs, which is an ongoing issue and with lack of knowledge, these will continue to take place. He showed a video of a Rhode Island nightclub and a fire that happened in February of 2003. This video showed how quickly a fire can spread and how a crowd reacts. Here there were a limited number of viable exits and people were told to go to the front door, which resulted in “crowd crunch”. He added that oxygen can feed a fire. He gave further information on the nightclub fire—there were 462 people in the building and by State requirements they

were required to sprinkle, but they did not have a sprinkler; that this was the fourth deadliest fire in U.S. history and in 2003, a test was performed. Captain Miller stated that the big question was “could this happen here?” He stated that the answer was “yes”, and we wanted to prevent this from happening in Chattanooga. He noted that 31 bodies were found at the main entrance—that this resulted in jail time for the owners and huge civil settlements—that the City was a defendant in the lawsuit. He added that sprinkler systems in existing buildings are expensive; that it was their job to help business owners make establishments safe and to insure that businesses are safe by enforcement of the Fire Code; that new construction has to comply and in retro-fitting, they would work with the community—that they had until December 31, 2012 to budget and raise funds; that this could save millions in litigation and also save the lives of our citizens.

Councilman Benson asked those to speak from whom he had gotten calls.

**Mr. Russ Elliott of Luken Holdings** spoke first, stated that his company had a lot of property in office and retail; that he understood the concern was with nightclubs and other uses with more than 100 people. He stated that for existing buildings it would be a financial hardship along with the property tax increase and the stormwater increase—that it was a financial hardship if applied to any use with over 100 people. He stated that he might be understanding this code change incorrectly; that if multiple buildings had to have sprinklers it could cost \$500,000—that it could spread to other occupancies than nightclubs, and this was their fear.

Mr. Hilbert stated that the section of the Code that Mr. Elliott was speaking about had been in the Code for 8-10 years and was nothing new (30% improvements). He explained that this only applies to A-2 assemblies and does not include offices or any other kinds of occupancy other than A-2, which includes bars, dance halls, and festival seating. He stated that the Chattanooga Choo Choo would be in this list but not Mt. Vernon—that this was only for A2 occupancy.

Captain Miller reiterated that there were less than 35 on the list of businesses that would be affected.

Roger Tuder asked if he would be able to see this list? Captain Miller was reluctant, stating that they might have missed someone but that the standard was there. Mr. Tuder stated that his concern was those buildings out there. Mr. Hilbert assured that the NFPA 101 Life Safety Code applied only to those type buildings. Mr. Tuder confirmed that Luken and all the others would not have to worry unless they are considered A2?

Councilman Benson noted that Mr. Lebowitz was concerned about the area around Hamilton Place. Captain Miller stated that restaurants were not included in the list. Mr. Hilbert added that Fox and Hound, a Sports Bar would be classified as A2 Assembly; that they would have to be sprinkled.

Councilman McGary asked if because of the tragic incident mentioned, the Code was made more strict? He asked if it were possible in the future that there might be more stringent projections? Captain Miller stated that there was always the possibility with catastrophic fires—that it was hard to say. He added that the Fire Code was constantly changing in their specifications. He also noted that definitions were a matter of concern—whether an establishment was a sports club or nightclub? Mr. Hilbert noted that the key was “live entertainment”—that this was not the case with sports bars and restaurants—that “live entertainment” constituted a nightclub.

Councilman Murphy noted that new definitions were passing today that would take sports bars out of the nightclub distinction—that occasional karaoke did not make an establishment a nightclub. Mr. Hilbert stated that if it happened on a regular basis, it would be considered “live entertainment”.

**Fred Robinson** spoke next. He noted that he was owner of the old Brass Register, and they had plans for a sprinkler; that it was hard to judge how many die from fires in restaurants; that his research indicated about three people average per year (2004-2008); that a sprinkler could be a \$60,000 investment, and he wanted to make sure we define who has to meet this requirement and who does not. He stated that the big issue was what would be grandfathered in and what would not be? He stated that this change in Code was a surprise to everyone, and we needed to pin this down so that property owners will know exactly what they have to do to meet the requirements.

Mr. Elliott asked if this included the whole building or just a space that would have to be sprinkled? Mr. Hilbert stated no sprinkler was necessary if it were not an A2 assembly.

Councilman Murphy asked if the Memorial and Tivoli were considered A2 and if they had sprinklers? The answer was “just the stage area”—that they are historic buildings.

**Ordinances (h) thru (i)** were zoning matters.

**Resolutions (a) and (b)**, pertaining to Brainerd, have already been discussed. **Resolution (c)** is a Public Works’ matter. **Resolution (d)** has to do with the Police Dept. and was penned by Councilman Murphy. **Resolution (e)** involved a Police Dept. contract to erect a privacy fence. Mr. Johnson noted that Chief Dodd or Mike Williams could answer any questions. Chief Williams stated that this came from the Narcotics Fund and was for covert vehicles. **Resolutions (f) through (l)** are Public Works’ items. **Resolution (m)** is for Parks and Recreation. **Resolutions (n), (o), and (p)** are Public Works’ items.

**AGENDA ITEMS FOR JANUARY 25, 2011**

**Ordinance First Reading (a)** is relative to inspection and maintenance agreements and is a Public Work's item. **Resolution (a)** authorizes an agreement with Tn. Dept. of Revenue to collect revenue on behalf of the City for renewals of auto decals.

The first purchase was for Public Works and rescinded the purchase of Rosemount Transmitters from Procure, Inc. Adm. Leach explained that the specs were not up to what "they" wanted. Councilman Murphy asked who "they" were and who determined the specs? He wanted to know who wrote the specs. Adm. Leach stated that he could not say—that it is usually their staff and the purchasing folks. Mr. Johnson added that this was not an unusual occurrence.

The second purchase was also for Public Works and the purchase of a Patterson Pump from Southern Sales Co. in the amount of \$15,669.34. The third purchase was for General Services to ratify the purchase of vehicle repairs from Worldwide Equipment Chatt. in the amount of \$9,633.10. We will be reimbursed for this. The next purchase was for Public Works and the purchase of Chopper Pumps and Motors from Vaughan Co. in the amount of \$33,688. The next purchase was for General Services and a rejection of bids for Chevy Tahoes. Councilwoman Scott stated that she had had a question about this and needed more information and had not gotten anything. Paul Page explained that they left two specifications out. She asked if these were police vehicles and was told "yes". The next purchase was also for General Services and was an emergency purchase to furnish and install a fence from Patriot Fence in the amount of \$12,700. Councilman Murphy questioned this being an emergency and asked if this were not the security fence for police vehicles? He asked if they did not know two weeks ago that they would need the fence since 2/3 of police cars would be parked? Mr. Johnson stated that it was a matter of timing—that the Purchasing Dept. needed time to get the parking lot ready—that this was why it was an emergency purchase. Councilwoman Berz asked if we had any idea of the cost of getting the lots ready for the cars that would be turned in? Mr. Page stated that the approximate cost would be \$20,000; that this had been deferred for next year's budget as there was a plan for a Police Precinct in this area. Councilwoman Berz wanted to know the total cost to the City to have these cars parked and safe? Mr. Page again stated \$20,000. She asked if this was for everything? Mr. Page stated it would all be downtown. Councilwoman Berz asked if there would be 200+ cars parked on 11<sup>th</sup> St.? Mr. Page stated 144 spaces here and 70 at another lot—that it would all cost something in the vicinity of \$20,000. He added that this would have had to be done anyway in 8-10 months from now. The next purchase was also for General Services to add a line item to the Mountain View Ford contract in the amount of \$18,519.00.

At this point, Councilman McGary asked for a document from Mr. Page identifying the cost for the emergency fence installation. He wanted all the cost related to the Take-home cars in one place, along with the lot assessment. Mr. Page stated that this had not been put together yet. Councilman McGary asked if it would be ready in two weeks and was told "no problem".

The last purchase was for the Police Dept. and the purchase of laser scanning system from Leica Geosystems in the amount of \$377,243.95. Councilwoman Scott inquired as to what this was. Chief Williams explained that it was state of the art scanning where we could scan crime scenes in three dimension, and it could be pinpointed to a millimeter. We would also be able to scan schools or other facilities that might be in a high crime area.

Mr. Johnson went over Board Appointments. One was for Carter Street Corp.—Jim Hudson III. Three were for the Multi-Cultural Affairs Board—Tamara Hicks, Dr. Roger Thompson, and Frances McNeil.

The meeting adjourned at 4:20 P.M.