

**City Council Building  
Chattanooga, Tennessee  
April 27, 2004**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Hakeem, Littlefield, Lively, Page, Pierce, and Robinson present. Councilmen Franklin and Taylor were out of the city due to prior commitments. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crowover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Lively, followed by invocation.

**MINUTE APPROVAL**

On motion of Councilman Lively, seconded by Councilwoman Robinson, the minutes of the previous meeting were approved as published and signed in open meeting.

**AUDIENCE RECOGNITION**

Chairman Benson recognized the presence of two Boy Scouts who were working on Badges and who were also home schooled. Also in attendance were two students from a Red Bank High School Government Class. Each student introduced themselves.

**AMEND CITY CODE  
WRECKERS**

Councilman Littlefield explained that this was brought before the Legal and Legislative Committee; that there were a number of changes in the works, and in order to allow for the Beer and Wrecker Board, who had been working on this, to reconvene and for members of the wrecker community to get together and work out details, it was being recommended that this be delayed for three weeks.

**WRECKERS (CONT'D)**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY  
CODE, CHAPTER 35, ARTICLE IV, SECTION 160, RELATIVE TO  
BILLING AND CHARGES FOR DISTRICT WRECKERS**  
was deferred for three weeks.

**AMEND CITY CHARTER  
STATE VOTING  
REQUIREMENT**

Councilman Littlefield stated that there was quite a discussion of various items in the Legal and Legislative Committee today, and this Ordinance is also subject to further debate; that in order to determine the effects that this Charter change would have, the matter has been referred to Administration for the Office of Performance Review to take a look at it, and the recommendation is to defer it until mid-July or the second week in July. Chairman Benson added that this was well discussed in the prior committee meeting.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF  
CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER  
CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT  
TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE  
CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE  
AMENDMENT) SO AS TO REPEAL SECTION 3.1.1 OF THE  
CHARTER WHICH REQUIRES THAT CITY EMPLOYEES BE  
REGISTERED OR BE ELIGIBLE TO VOTE IN THE STATE OF  
TENNESSEE**  
was deferred until the second week in July.

**AMEND CITY CODE  
SUNDAY BUSINESS LAW**

Chairman Benson noted that a recommendation for this came out of the Legal and Legislative Committee and called on Councilman Littlefield.

**SUNDAY LAW (CONT'D)**

Councilman Littlefield stated that this issue was kind of difficult for many of the Council; that it had become confused with religious views and we had a number of religious people on this Council, and it was painful. He explained that this had never been a religious issue but was a secular issue and as a secular issue, the law had been criticized as being intrusive into free enterprise and also intrusive into freedom on religion. He stated that this had been debated quite a bit.

Chairman Benson stated that those in the audience would be given up to three minutes to register their concerns.

The first person to speak was **Mike Chapman**, a minister from Hickory Valley Road. He prefaced his remarks by noting that Councilman Littlefield was his friend and that Chairman Benson was his representative. He stated that he had just started thinking about this, and it was not a religious issue; that he was not here to “thump” a Bible, and this was no big deal; however, he stated, there were issues that we need to consider. He went on to say that he realized that there were many religions in our City—a variety of Christian religions and also other religions such as Islam and for many Sunday is not their day of worship, and some had said that the Blue Law gives preferential treatment to “Sunday Christians”.

Mr. Chapman went on to say that as a pastor, father, and counselor, he saw people who were “stressed out” every day and were living lives filled with speed; that the average work week had increased 20% over the last few years, and in the South we are the last ones to capitulate, and we do not want to look like an outdated Southern city that does not go “24-7”. However, in the South we have a slower pace and are not always rushing and people are “laid back” on Sunday morning.

He continued by saying that in our schools we emphasize family value and that he was not asking that the Council “prop” up the church with this law but that they “prop” up family time; that people won’t die if they can’t buy a flea market item or go to the mall and buy a shirt and tie or go to a movie on Sunday morning; that there is something to be said for what is in the best interest of our community; that Sunday will become no different from any other day; that right now Sunday says “slow down” and even if people don’t go to church, they sleep-in or go to the lake; that there is something about retail competition that stirs things up and everything will be just as hectic on Sunday mornings, including traffic.

**SUNDAY LAW (CONT'D)**

He asked the Council to consider what it means to be a Southerner and what we will be giving up to make more money; that he sees stressed out families with no family time and people who are about to explode and Sunday is one morning of the week when it is peaceful and not crazy and people find something to do besides running to the mall for a sale.

**Daniel Lewis** spoke next. His address was 7255 Lee Highway. He stated that he thought anytime government takes a stand to not control business, it is a good thing, and this is a good position to take and gives people freedom of choice and shows that government trusts people to be mature and responsible and elected officials trust them to make decisions and that repealing this law was a good move; that he ended up giving up his rights when government made a decision for him; that repealing this law is a good opportunity to limit the role of government.

**Hayes Ledford of the Chamber of Commerce** was the next speaker. He explained that the Chamber of Commerce conducted a survey to find out if the Sunday Law should be repealed and over 86% supported repealing the Ordinance. He stated that he could not match Reverend Chapman's eloquence—that he had made some good points; however he went on to say that this Ordinance is antiquated and that retail owners should be able to select the hours when they are open and consumers should be able to choose when they shop; that communities outside the city limits don't face these restraints and Mr. Ledford stated that he hoped the Council would consider their findings.

Chairman Benson expressed appreciation to the Chamber for getting involved.

**Doug Hamburger of Walgreens**, stationed in Knoxville, spoke next. He stated that he would like to see the Blue Laws repealed; that oftentimes on Sunday morning people are in need of medicine, and they don't have anywhere to go in Chattanooga and have to drive to surrounding communities.

**Alan McCallie** was the next speaker. He gave his address as Berkley Circle and stated that he had attended two meetings of the Legal and Legislative Committee, where this issue had come from. He pointed out that when they asked for this Ordinance to be analyzed, they brought the perspective of flea markets being allowed to open booths for business before 12:00 noon on Sundays; that when you analyze the Ordinance you can't give a "black and white" answer to these booths which are only open on Saturdays and Sundays and adhering to the Blue Laws takes away 25% of their ability to work.

**SUNDAY LAW (CONT'D)**

Mr. McCallie went on to explain that vendors selling carpets can be open but those selling handmade furniture can't open; that car dealers can be open and possibly massage parlors but not movie theaters nor retail stores; that this a 50-year old antiquated Ordinance and is unfair, and the Chamber of Commerce had done a great service in polling members and getting 500+ responses, and he expressed appreciation to the Council for being willing to hear this issue; that times have changed, and this Ordinance is not applicable today. He again expressed appreciation to the Council for their attention and "open ears", stating that it is time to change the Ordinance—that it is not a good, clear Ordinance and is not being enforced; that this is the appropriate time, and he expressed appreciation for the open and professional manner that the Council had displayed.

**Shirley Deakins** of 222 Baker Street spoke next. She stated that as far as this Ordinance is concerned that she was for repealing it; however, in a larger sense, she stated, we are in a crazy society, and this is how we got this way—by the gradual worship of our economic system; that we worship consumerism and humanity and social issues don't mean a thing and if anyone opens their mouth, they are ridiculed! She went on to say that until we learn to live like the life of Christ this will continue; that our great Mayor had a gentleman here from Virginia who spoke to organic farmers and who stated that we are a "sick society"; that we need a paradigm change and a change of values; that a lot of poor people were actually trying to make a living at Flea Markets; that she herself scraped plates on Sunday. She stated that we needed a paradigm change and needed to start living as spiritually as we can before we are consumed.

**Ian Marlow**, a student from Red Bank High, was the next speaker. He stated that he did not live in Chattanooga—that he lived in Walton and that he did not speak with eloquence; however he stated that he did feel that this law needed to be repealed as it was a violation of free enterprise; that he also did not see it as a religious issue; however it could be viewed as one; that he thought this should be repealed because of free enterprise.

Councilman Hakeem stated that he would be brief and did not want to repeat the comments he had made in the Legal and Legislative Committee; that he was often asked how we on the Council are able to maintain the relationship we have had; that this Council is willing to look at both sides of an issue and are not so extreme that we can't find ways of working together; that we realize that we need each other on other issues. He stated that he was hopeful that he did not offend any of his colleagues earlier in regards to money being a prime mover in this factor.

**SUNDAY LAW (CONT'D)**

Councilman Hakeem also added that in his opinion all on this Council have a religious perspective about them, and he hoped that their vote on this would not be perceived as not being in accordance with the religious community. He stated that he would not vote in the direction of the majority of the Council; that we have to accept and acknowledge the fact that you can be wrong sometime and that the Council will work together in the future.

Councilman Page stated that he would like to say a couple of words about the Blue Law; that he, too, had some reservations about “Sunday morning quietness”, but he had visited other great cities on Sunday and had noticed a calming effect in a lot of these cities on Sunday morning, and he thought that we could still have this in Chattanooga even if we repealed this law. He went on to say that the “crowning” thing for him was the government class that he had participated in this morning at Red Bank High School; that not one of the students supported the Blue Law—that they saw it as hypocrisy and not right for the City. He stated that he tried to present the “other side” or to get some student to take the other side for sake of debate; that with 30 students who think this way, he would be less than honest and not viewed as having this great City at heart if he did not vote to repeal this Ordinance.

Councilman Littlefield stated that he was relieved that Pastor Chapman made the statements he made; that he thought he might take him to the “religious woodshed”, but his views were very measured and that he fully agreed with retaining a time of serenity and peace; that he wished lawnmowers and leaf blowers could be outlawed before 12:00 noon on Sunday. He went on to say that he lived close to East Ridge and despite the absence of Blue Laws, East Ridge was still peaceful on Sunday morning and people were going to church. He went on to mention the impact of the large pharmacy chain, stating that he had read the 3<sup>rd</sup> Chapter of Mark this afternoon concerning Jesus being criticized for healing on the Sabbath day and in order to heal people, we have to have pharmacies open. He went on to say that we need peace on the weekends and that one of the most enjoyable things about Europe was that they close shop on Saturday at noon and don’t open until Monday morning, and it has no religious connotation; that until we become as civilized as our brothers “across the pond”, he would have to say that we are doing the right thing at this time.

**SUNDAY LAW (CONT'D)**

Chairman Benson stated that he did want to say that everyone behind this dais gets along well; that he would vote for repeal and not because of money or even to level the playing field; that he would vote for it because his Church made a mistake many years ago in trying to dominate Government and people fled because of the intrusion of government into religion; that we have to be vigilant in seeing that government does not demote or promote religion; that it is not a matter of money but fear of what can happen.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 25, CHAPTER 6 AND CHAPTER 11, BY REPEALING SECTIONS 25-25, 6-4, 6-5 AND 11-62, RELATIVE TO DOING BUSINESS ON SUNDAY**  
passed first reading.

**COUNCILWOMAN ROBINSON LEFT AT THIS TIME.**

**HUD EDUC.INITIATIVE**

On motion of Councilman Page, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF COMMUNITY SERVICES TO ENTER INTO CONTRACTS FOR SERVICES, MORE FULLY DESCRIBED HEREINBELOW, RELATIVE TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FAIR HOUSING OUTREACH AND EDUCATION INITIATIVE**  
was adopted.

**POLICEMEN APPT'S.**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ROBIN E. CABRERA (CLERK II), LILLIAN A. SMITH (COURT SPECIALIST) AND SHERRI SIVLEY (DEPUTY COURT CLERK) SPECIAL POLICEMEN (UNARMED) FOR THE CITY OF CHATTANOOGA CITY COURT CLERK'S OFFICE, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMP. ROW USAGE**

Councilman Hakeem stated that this came through Public Works Committee and is recommended for approval.

On motion of Councilman Pierce, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING DEAN M. GERSTON (READ HOUSE INVESTORS) TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 800 BLOCK OF BROAD STREET TO INSTALL CAFÉ SEATING ON THE SIDEWALK, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**SALE OF BONDS**

On motion of Councilman Pierce, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED THIRTY MILLION DOLLARS (\$30,000,000.00) PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004 A**

was adopted.

**CRIMINAL JUSTICE GRANT**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE APPLICATION BY THE CHIEF OF POLICE FOR A GRANT FROM THE OFFICE OF CRIMINAL JUSTICE PROGRAMS IN A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-SEVEN THOUSAND SEVEN HUNDRED FORTY-SEVEN DOLLARS AND 50/100 (\$167,747.50) FOR THE PURPOSES SPECIFIED HEREIN, WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS OVER A THREE-YEAR PERIOD OF FIFTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-TWO AND 50/100 DOLLARS (\$55,582.50)**

was adopted.



**OVERTIME**

Overtime for the week ending April 23, 2004 totaled \$19,141.52.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ❖ **RONALD L. SMITH**—FMLA for Crew Worker, effective 4/23/04—7/16/04.
- ❖ **ROGERS MOORE**—Suspension of Light Equipment Operator, effective 4/20/04.
- ❖ **DAVID E. PARROTT**—Resignation of Crew Worker, effective 4/27/04.

**CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **MARIO T. CUNNINGHAM**—Return from Military Leave of Police Officer, effective 4/20/04.

Chief Freeman Cooper reported that they had two personnel matters tonight; one was the release and return to duty of **Mario Cunningham**, who returned on April 20<sup>th</sup>. Chief Freeman stated that welcomed him back with open arms. He also wanted to recognize the retirement of **Terry Yates**, who retired the 15<sup>th</sup> of April after 25 years of dedicated service. He congratulated him on his retirement and dedicated service.

At this point Chief Cooper stated he would also like to report on the two incidents that had been brought before the Council regarding the Police Department. Councilman Lively explained that we were setting a Safety Committee meeting for this purpose next Tuesday. Chief Cooper stated that the individual that Ms. Erma Choice reported on last Tuesday had never filed a complaint and there was no investigation.

Chairman Benson stated that Mrs. Choice made a complaint to this body, and we would hear this next Tuesday, and if there was no information, they could let us know then. He related to Chief Cooper that it was very helpful when a Police Chief was present.

**PERSONNEL (CONT'D.)**

Councilman Littlefield did note that a Police Officer was present at the last meeting and was asked to get the information for Mrs. Choice.

Chief Cooper stated that they did not know the person's name; that they pulled a report where the arrest was made, but it showed no injury and no report was filed. I

In regards to the complaint by Lisa Dixon on April 13<sup>th</sup>, Chief Cooper reported that this person did file a formal complaint and it was under investigation at this time. He added that Chief Parks had requested that one of the Police Chiefs be present for all Council meetings and one of them would be here at each meeting.

**HOTEL PERMIT**

On motion of Councilman Lively, seconded by Councilman Page, the following Hotel Permit was approved:

**QUALITY INN—5505 Brainerd Road**

**REFUND**

On motion of Councilman Pierce, seconded by Councilman Hakeem, the Administrator of Finance was authorized to issue the following refund of Real and/or Personal Property Taxes for 2003:

**JON REALTY CORP.—Due to assessment changes--\$7,578.11.**

**BOARD APPOINTMENT**

On motion of Councilman Hakeem, seconded by Councilman Lively, the following Board appointment was approved:

**BOARD OF ADJUSTMENT AND APPEALS:**

- ❖ Appointment of **JAMES F. BALLARD, JR.** to fill the un-expired term of F. M. Russell, with term expiring **May 9, 2007.**

**HEARING: THOMAS HORTON**

Attorney Nelson reported that Mrs. O'Neal pointed out that this hearing was originally rescheduled for April 26<sup>th</sup> at 3:00 P.M. It was supposed to have been heard two weeks back, and the gentleman showed up at the Council Office without an attorney and asked for an extension. In attempting to set another date, Chairman Benson asked about the possibility of just setting aside the first Monday of each month for personnel hearings. It was explained that this would not work.

Attorney Nelson stated that he would make an endeavor to find out whether Mr. Horton now has an attorney and would report back next week.

**COMMITTEES**

Councilman Lively scheduled a **Safety Committee meeting for Tuesday, May 4<sup>th</sup> immediately following the Parks and Recreation Committee.**

Councilman Littlefield reminded members that the **Legal and Legislative Committee** would meet at the regular time of **3:00 P.M. on Tuesday, May 4<sup>th</sup>** and hopefully we would discuss Outdoor advertising regulations.

Councilman Hakeem reminded members of the **Public Works Committee meeting set for Tuesday, May 11<sup>th</sup> at 4:00 P.M.**

**JEAN SWAFFORD**

**Ms. Jean Swafford** of 15<sup>th</sup> Ave. addressed the Council. She stated that she had appeared several times before the Variance Board and her neighborhood was not doing well as a result of actions of the Variance Board and the Permits Department. She thanked Councilman Littlefield for getting information together and for his ruling on small lot sizes, stating that she knew the way the Variance Board was handling this was illegal and that this needed to be enforced. She stated that the first thing on the Board of Appeals' agenda for April 14<sup>th</sup> was a review of a Special Permit for a Day Care Center on Foust St. The permit was granted in 2002, and they were never in compliance, even when they got the permit, and it took the Variance Board 50 minutes to tell them that they would give them 60 days to come into compliance.

**JEAN SWAFFORD (CONT'D)**

Ms. Swafford asked if it were legal, she would like for the Councilpersons to consider naming an alternate to their representative on the Variance Board as there is sometimes a problem having a quorum.

Another thing she addressed was Case No. 5 on the April Board of Appeals' agenda, where the applicant was asking for a reduction in square footage from 7,500 to 6,762 on E. 37<sup>th</sup> St. She stated that the foundation was poured when she called in to see if there was room for a house there, and they were building a duplex, and there was not room for this; that they always said they were building something pretty for the neighborhood, but they don't even live in the neighborhood. She stated that the applicant explained that he had made application to the Variance Board, but he kept on working on the building and when he came to the Variance Board meeting, he told them that it was 90% completed and that the Permit Officer, Mr. Mayo, had told him it was all right to keep building because the Variance Board always allowed you 10% variance in reduction.

She also mentioned a problem with a Day Care Center, where the owner was getting \$90.00 a week for each child but didn't have money for improvements; that Milton Jackson, a member of the Variance Board, had said that children were being dropped off on the street.

She went on to say that if there was room for a duplex, she had no objection to them but noted what was going on in her neighborhood and showed pictures of where there had been a fire at a building with no back door, stating that the Fire Chief told her that this was legal! She stated that this was just a tragedy waiting to happen, and the City needed to take care of this.

Chairman Benson stated that Ms. Swafford had raised several issues, but first wanted to talk about the absence of a back door.

Councilman Hakeem noted that Adm. McDonald had heard the concerns and that maybe this should be put in a Public Works Committee to be addressed.

Chairman Benson stated that he knew what Ms. Swafford was talking about; that brand new houses were being built without back doors. He also was familiar with the 10% variance in reduction of lot sizes.

Ms. Swafford noted that the 10% reduction had been taken care of but questioned who would enforce this.

**JEAN SWAFFORD(CONT'D)**

Chairman Benson suggested that she talk to Adm. McDonald; that he was the man who was in charge of all her problems and then she could come to the committee meeting next week. (It was noted that the Public Works Committee would not meet until two weeks from now.)

Ms. Swafford urged the Council to look at the pictures she had with her of her neighborhood.

**ROBERT E. CLARK**

**Mr. Clark of 610 E. 18<sup>th</sup> St.** addressed the Council at this time. His concern was with the Southside Historic District. He stated that the manager was Larry Means, but he had to attend another meeting tonight, and the President also had to attend another meeting. He stated he was present concerning toilets on the playground; that he did not want the goals moved, but the kids were using the bathroom on the playground because they had no where else to go; that he would like approval for four but would settle for two toilets.

Councilman Pierce noted that this was the Jefferson Street Park that Mr. Clark was talking about.

Mr. Clark stated that the field was used for kick ball.

Councilman Pierce stated that no one had come to him about this.

Mr. Clark responded that Larry Means went through Public Works on this but had received no phone calls back, and he had delegated him to come to the Council with this complaint; that they needed two portable toilets so that people would stop using the grass; that a lot of people were asking for two portable toilets.

Councilman Pierce explained to Mr. Clark that he needed to go through Parks and Recreation about this matter and should work out something with Jerry Mitchell; that this was not a problem of Public Works but of Parks and Recreation. He stated that they could invite Jerry Mitchell to their meetings; that he would come to the meetings himself but had not been invited so far.

Mr. Clark stated that when he had meetings, Councilman Pierce was always invited, but if he liked, he would send him a formal invitation; that they met the second Tuesday of each month at 5:30 P.M.

**ROBERT CLARK (CONT'D)**

Chairman Benson suggested that Mr. Clark get with Councilman Pierce; that Councilman Pierce wanted to be his advocate.

Mr. Clark responded that was fine with him but that they did not want to wait four or five months to get something done; that he wanted some kind of answer from the Council.

Chairman Benson explained to him that Councilman Pierce could walk him through the bureaucracy; that the City Council was legislative; that Councilman Pierce would work with him.

**GARY BALL**

**Gary Ball** next addressed the Council, stating that he was here with Ms. Hammonds. He stated that he would reiterate that the Variance Board does things quite mysteriously; that there were three duplexes being built in his neighborhood, and the Board did "knock" them down. He stated that the third lot was next to Mr. Ernschaw and that he was quite disturbed over a duplex being built next to him; that the City Attorney said that they were actually trying to get approval based on the fact that he sold the lot to the gentleman as a single lot. He stated that Mr. Wilson, who is Chairman of the Board and also an attorney, saw that they did not have all their facts and put this matter off until the next meeting. He stated that he would encourage the City Attorney's office to come with information and see if this happened legally.

Attorney Nelson stated that if this is true, and he had no reason to doubt Mr. Ball, that someone else needs to represent the City on this particular parcel.

Mr. Ball stated that it boils down to two lots or one; that the last couple of times that they had gone to the Board of Appeals, they had gotten a little better hearing; that he, too, had been disturbed about this Board. He stated that the most disturbing thing was their allowing parking on residential lots; that the City has no requirements to shield these parking lots from neighborhoods; that the Planning Commission referred them to the Appeals Board rather than have them to rezone because with a variance you don't have to do screening.

Chairman Benson asked if he was wanting us to tighten the Code. Mr. Ball stated that he would like the Variance Board to be made to do the same things as rezoning required.

**GARY BALL (CONT'D)**

At this point Adm. McDonald informed the Council that Public Works had no authority over the Appeals Board; that the members were appointed by the Council. Councilman Littlefield responded “nor do we have any authority!”

**DANIEL DEANE**

**Mr. Deane of 3105 Dee Drive** next addressed the Council. He stated that he was here to tell his concerns about para-transit through Care-A-Van—that they were thoroughly underfunded; that he would challenge any of the Councilmembers to do normal business on the level of service that Care-A-Van was able to provide; that those who used Care-A-Van had to pay double and had to schedule to be picked up two weeks ahead of time; that if he wanted to go to the mall on Saturday, he could not go but would have to wait until the following Saturday. He asked the Council how many of them could put up with something like this. He went on to say that they were doing the best they could; that when you called they were kind and considerate and doing the best they could with the funding they had. He continued, stating that using para-transit was like a terrible and abominable thing and freedoms were cut—that they could not go anywhere; that he tried to get out once a day, but he could not afford it; that they said you could only go one place, and if they had served you already you could not schedule a second place.

Mr. Deane went on to relate that he went to Sam’s Warehouse to do business, and they did not have what he needed; that the next place to check was ten miles away, which was Office Depot, and he had maybe 1000 ft. of safe access; that he took the access and got a ticket for blocking traffic on the bridge near Sam’s Warehouse. He stated that his wife could not do the job of shopping for him because she did not have his taste or instructions as to what he needed. He asked the Council if this was anyway to live—stating that Care-A-Van was totally underfunded.

He stated that coming from Erlanger Hospital to down here, he made a survey of the easiest route—that there were three intersections and no curb cuts; that he was in a wheel chair and Care-A-Van was his only means of transportation; that most people who used Care-A-Van had a mental or physical condition or were blind, and they had to use Care-A-Van, and he asked what were they to do!

**DANIEL DEANE (CONT'D)**

Chairman Benson stated that this was disturbing; that he had heard about the lack of funding but more service would mean more tax money or taking the money from some other service. He stated that this was a real dilemma and that Mr. Eichenthal was trying to balance the budget; that if we could do anything about this, we will do it. He asked Mr. Eichenthal if he would like to say anything.

Mr. Eichenthal stated that Care-A-Van was a costly service and that CARTA had obligations under the Disability Act. He noted that CARTA has an Advisory Board for persons with disabilities; that we wind up subsidizing CARTA for Care-A-Van and the regular bus service. He stated that Mr. Deane needed to get in touch with Mr. Dugan and that he would be glad to give him the information.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, May 4<sup>th</sup> at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A List of Names of Persons in Attendance is Filed With Minute Material of this Date)**



