

**HAMILTON COUNTY COMMISSION
REGULAR MEETING
OCTOBER 1, 2014**

Commissioner Boyd introduced Pastor Ron Johnson, Fellowship Baptist Church, who gave the invocation. Commissioner Bankston led in the pledge to the flag.

3:23 **APPROVAL OF MINUTES**

ON MOTION of Commissioner Mackey, seconded by Commissioner Graham, that the minutes of the Agenda Preparation Session of September 10, 2014, the Regular Meeting of September 17, 2014, be approved, treat same as read, made a matter of record and filed. The foregoing Motion was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

3:56 **TRUSTEE'S UNAUDITED FINANCIAL REPORT**

The Trustee's unaudited financial report for fiscal year ending June 30, 2014 was submitted and made a matter of record.

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TRUSTEE'S EXCESS FEE REPORT

The Trustee's excess fee report for August 2014 was submitted and made a matter of record.

TRUSTEE'S MONTHLY REPORT

The Trustee's monthly report for August 2014 was submitted and made a matter of record.

Chairman Fields reported Resolution No. 1014-14 had been heard by the Legal Committee had not reached a recommendation. He stated that unless there was objection this Resolution would be withdrawn from consideration.

ON MOTION of Commissioner Fairbanks, seconded by Commissioner Haynes, to adopt Resolution No. 1014-14. The motion was not voted on at this time.

4:11 **RESOLUTION NO. 1014-14 A RESOLUTION EXPRESSING THE AGREEMENT AND SUPPORT OF THE COUNTY LEGISLATIVE BODY OF HAMILTON COUNTY TENNESSEE, FOR THE ADOPTION OF AMENDMENT #1 TO THE CONSTITUTION FOR THE STATE OF TENNESSEE.**

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Commissioner Fairbanks indicated that it had been the overwhelming response from District 1 asking that he support this Resolution. He stated his intent to do so.

The Resolution relates to the November 4, 2014 General Election ballot containing a Constitutional issue pertaining to the abortion law.

Commissioner Haynes reported that he had released a public statement earlier today expressing his personal support of Amendment 1. He also indicated he planned to vote in affirmation of this Resolution. He noted that members of the Commission had been personally attacked regarding this matter.

Commissioners Beck and Boyd stated their opinion that this matter was a personal decision for the voters and not for the Commission as a legislative body to publically support. They felt the Resolution was outside the duties and responsibilities of the Commission.

Commissioner Turner-Smedley indicated that she had received hundreds of phone calls and emails in support of the Resolution. She stated that approval of Amendment 1 would help legislators to be able to provide better information on this subject. She stated her intent to support this Resolution.

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Commissioner Boyd stated he did not intend to vote on this item, as he felt it should not be under the purview of the Commission.

15:07

Commissioner Mackey expressed his agreement with a more limited government on matters such as these. He stated that the voters of Hamilton County would have the opportunity at the General Election in November to vote their own convictions.

The foregoing Resolution was adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows:

Commissioner Bankston, "Aye"; Commissioner Beck, "Nay"; Commissioner Boyd, "Abstain"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Abstain"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Nay"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 5. Total "Nay" votes – 2. Total Abstentions – 2.

During the roll call, Commissioner Bankston indicated his belief that this issue should not have been brought before the Commission, but as a pro-life supporter and follower of Jesus Christ, he would cast his vote in favor of the Resolution.

Clerk Knowles responded that Resolution No. 1014-14 had been adopted.

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At this point, someone in the audience asked for permission to speak. Chairman Fields stated that there would be an opportunity to discuss this issue or any matter other than zoning at the end of the meeting.

17:48

RESOLUTION NO. 1014-1 A RESOLUTION TO APPROVE AND ACCEPT APPLICATIONS FOR NOTARY PUBLIC POSITIONS, THE OATHS OF DEPUTY COUNTY CLERKS, THE OATH OF DEPUTY SHERIFF, THE OATH OF DEPUTY REGISTER, THE OATH OF SESSIONS COURT JUDGE, AND THE OFFICIAL BOND AND OATH OF PUBLIC ADMINISTRATOR.

ON MOTION of Commissioner Graham, seconded by Commissioner Haynes, to adopt Resolution No. 1014-1. The foregoing Resolution was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

Chairman Fields asked that Resolution No. 914-14, previously adopted on September 17, 2014, be read at this time.

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RESOLUTION NO. 914-14 A RESOLUTION TO REZONE FROM M-1 INDUSTRIAL DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, PROPERTIES LOCATED IN THE 4000 BLOCK OF BANNER CREST DRIVE; 6400 BLOCK BRITTANY LANE; 5700 BLOCK OF BURNING BUSH LANE; 8300 BLOCK CROSSBOW COURT; 5200 BLOCK DARROWBY DRIVE; 6100 BLOCK FLAG POINT DRIVE; 6200 & 6400 BLOCKS OF FLAG POINT DRIVE; 6500-7200 BLOCKS FLAGSTONE DRIVE; 5500 BLOCK HIDDEN OAKS LANE; 4900-5400 BLOCKS OF HUNTER VILLAGE DRIVE; 5300 BLOCK OF KELLY`S POINT; 5700 BLOCK KNOTTY PINE DRIVE; 5600 BLOCK KRISTY LANE; 5400 BLOCK LODESTONE DRIVE; 3900 BLOCK MOUNT VERD LANE; 5500 BLOCK OLD HUNTER ROAD; 7100-7200 BLOCKS OF TEABERRY COURT; 8200-8400 BLOCKS TROUBADOUR WAY; AND THE 5200-5300 BLOCKS VILLAGE GARDEN DRIVE.

Commissioner Haynes, Chairman of the Zoning Committee, reported that this matter had been heard by the Planning Commission on August 11. The public was given an opportunity to give input at that time. The Planning Commission and Regional Planning Agency (RPA) staff recommended its approval. A Resolution was submitted for consideration and adopted by the Commission on September 17, 2014. However, at that meeting the Commission failed to hear from those in the audience who desired to speak on the matter. It was coming back before the Commission today to give the public the chance to speaker further on this item.

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ON MOTION of Commissioner Haynes, seconded by Commissioner Fairbanks, to reconsider Resolution No. 914-14.

Zachary Wiley, a resident at 5701 Knotty Pine Drive, addressed the Commission regarding his specific parcel of property. He reported that he was also a City of Chattanooga employee, working in the code enforcement division. He stated that he worked with an individual who owned an inflatables company. A portion of those inflatables were stored on his property, with customers picking them up at the property. He requested that the Commission consider returning 5701 Knotty Pine Drive to its previous zoning of M-1, which would permit use of the property for his type of business.

RPA staff member Greg Haynes provided historical details regarding why the properties had previously been zoned as M-1. He stated it was his understanding that the Commission had the authority to reconsider this matter without it having to first go back before the Planning Commission.

Attorney Taylor confirmed that the Commission was the final decision for matters that had been submitted by RPA staff.

RPA Executive Director John Bridger responded to additional questions by members of the Commission.

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Mr. Haynes explained that the RPA in making their recommendation to the Commission, had already exempted three parcels of property being considered in the original rezoning application. These were exempted at the request of the property owners. Those parcels were located on the fringe of the subdivisions in question. This request being made today by Mr. Wiley was for exemption of a parcel that was within the core of one of the subdivisions being rezoned. He noted that the M-1 was considered the least restrictive zone unless certain conditions were attached.

Ms. Kranske the owner of properties previously exempted by the RPA indicated this matter was back before the Commission today because someone in opposition to her exemption wasn't given the opportunity to speak at the September 17th meeting. That individual was not present in opposition today.

She explained that she had purchased the parcels of acreage under the M-1 zone with the intent to have horses. That is how the property is currently being used. She questioned whether today's action would be final so she could be assured that she was in compliance with zoning regulations.

Chairman Fields indicated his understanding that if today's Resolution was reconsidered and adopted, she could begin using her property as M-1.

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Upon questioning by Commissioner Bankston, Mr. Haynes responded that if the Commission wished to grant Mr. Wiley's request for exemption from the mass rezoning, restrictions could be included in a Motion to limit the use to an inflatable business only.

The previous motion to reconsider Resolution No. 914-14 was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Commissioner Beck was not present during this vote. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

ON MOTION of Commissioner Haynes, seconded by Commissioner Graham, to adopt Resolution No. 914-14 as amended to leave the property at 5701 Knotty Pine Drive in the M-1 Zone with the restriction that the property can only be used as an inflatable business. The motion was not voted on at this time.

Chairman Fields stated that an amended Resolution would require a new number indicating its action for an October meeting. Clerk Knowles confirmed the new number would be Resolution No. 1014-15 and requested his office be furnished the new Resolution.

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Upon questioning by Commissioner Bankston, Mr. Wiley stated that the inflatable business was owned by another individual and that the main business office was at another location. The Knotty Pine Drive address would be used for some storage and pick-up.

There was additional lengthy discussion regarding the use of the property and the possible change in the tax assessment.

The motion to adopt Resolution No. 1014-15, made by Commissioner Haynes, seconded by Commissioner Graham, was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

48:55 **RESOLUTION NO. 1014-2 A RESOLUTION TO CONFIRM THE APPOINTMENTS BY THE COUNTY MAYOR OF ADMINISTRATORS OF DIVISIONS AND DIRECTORS OF DEPARTMENTS FOR HAMILTON COUNTY GENERAL GOVERNMENT.**

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Resolution No. 1014-2 had been heard by a Committee of the Whole.

ON MOTION of Commissioner Bankston, seconded by Commissioner Graham, to adopt Resolution No. 1014-2. The foregoing Resolution was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

Chairman Fields asked that Resolutions No. 1014-3 and 1014-3A be considered together at this time.

49:31

RESOLUTION NO. 1014-3 A RESOLUTION RE-APPOINTING TWO (2) JUDICIAL COMMISSIONERS FOR A ONE (1) YEAR TERM, COMMENCING NOVEMBER 1, 2014, AND EXPIRING OCTOBER 31, 2015; AND ESTABLISHING THE COMPENSATION TO BE RECEIVED BY EACH DURING THEIR RESPECTIVE TERM(S) IN OFFICE.

RESOLUTION NO. 1014-3A A RESOLUTION RE-DESIGNATING RANDALL L. RUSSELL AS CHIEF JUDICIAL COMMISSIONER FOR A TERM BEGINNING

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**NOVEMBER 1, 2014, AND ENDING MAY 31, 2015; AND ESTABLISHING THE
COMPENSATION TO BE RECEIVED.**

Chairman Fields reported that Resolution No. 1014-3 had been heard by a Committee of the Whole. He stated that Resolution No. 1014-3A was a late item for consideration.

ON MOTION of Commissioner Mackey, seconded by Commissioner Boyd, to adopt Resolutions No. 1014-3 and 1014-3A. The motion was not voted on at this time.

As a matter of explanation for Resolution No. 1014-3A, Attorney Taylor informed the Commission that during the previous meeting, it had been stated that Chief Judicial Commissioner Russell's term as Chief would not expire until 2015. It was discovered after the meeting that Chief Russell's term as Chief would expire on October 31, 2014. Therefore, it was necessary to designate a Chief Judicial Commissioner for the following six-month term.

Commissioner Beck expressed concern with the method used for reappointing the Chief Judicial Commissioner position.

The foregoing Resolutions were unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows:

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Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

Chairman Fields asked that without objection, Resolutions No. 1014-4 through 1014-13 be considered together at this time.

52:28 **RESOLUTION NO. 1014-4 A RESOLUTION ACCEPTING A U.S.D.O.J. GRANT AND TO AMEND THE SHERIFF'S OPERATING BUDGET BY INCREASING REVENUES AND EXPENDITURES BY \$14,459. PURSUANT TO THE GRANT TERMS, THE FUNDS MAY BE USED FOR CORRECTION PURPOSES ONLY.**

RESOLUTION NO. 1014-5 A RESOLUTION TO ACCEPT A CONTINUATION CONTRACT BETWEEN THE SHERIFF'S OFFICE AND THE STATE OF TENNESSEE'S DEPARTMENT OF HUMAN SERVICES FOR A CHILD SUPPORT PROGRAM FOR THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2015.

RESOLUTION NO. 1014-6 A RESOLUTION RATIFYING THE PURCHASE OF CLASSIFIED LEGAL ADS FOR THE STATE PRIMARY AND COUNTY GENERAL ELECTIONS FROM CHATTANOOGA PUBLISHING COMPANY FOR THE ELECTION

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**COMMISSION AMOUNTING TO \$15,951.93 AND TO AUTHORIZE THE COUNTY
MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS
RESOLUTION.**

**RESOLUTION NO. 1014-7 A RESOLUTION APPROVING THE PURCHASE OF U. S.
POSTAGE FOR THE 2014 TAX BILLS FROM DIVERSIFIED COMPANIES, LLC FOR
THE HAMILTON COUNTY TRUSTEE IN AN AMOUNT NOT TO EXCEED \$42,900
AND TO AUTHORIZE THE COUNTY MAYOR TO SIGN ANY CONTRACTS
NECESSARY TO IMPLEMENT THIS RESOLUTION.**

**RESOLUTION NO. 1014-8 A RESOLUTION RATIFYING THE PURCHASE OF
GASOLINE AND DIESEL FUEL FOR THE PERIOD OF AUGUST 1, 2014, THROUGH
AUGUST 31, 2014, AND TO AUTHORIZE THE COUNTY MAYOR TO SIGN ANY
CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.**

**RESOLUTION NO. 1014-9 A RESOLUTION APPROVING A SOFTWARE UPDATE
AND SUPPORT CONTRACT FOR CITYWORKS SOFTWARE FROM AZTECA
SYSTEMS, INC. FOR ONE (1) YEAR, BEGINNING NOVEMBER 11, 2014, THROUGH
NOVEMBER 10, 2015, FOR THE GEOGRAPHIC INFORMATION SYSTEMS
DEPARTMENT AMOUNTING TO \$33,750.00 AND AUTHORIZING THE COUNTY
MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS
RESOLUTION.**

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RESOLUTION NO. 1014-10 A RESOLUTION ACCEPTING THE BID OF CBGC OF MURFREESBORO FOR ONE (1) HEAVY DUTY VAN AMOUNTING TO \$24,813.51 FOR THE MAINTENANCE DEPARTMENT AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

RESOLUTION NO. 1014-11 A RESOLUTION AUTHORIZING THE COUNTY MAYOR ON BEHALF OF HAMILTON COUNTY, TENNESSEE, THE HEALTH SERVICES DIVISION, OPERATING AS THE CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT TO ENTER INTO AND EXECUTE A CONTINUATION CONTRACT WITH THE TENNESSEE DEPARTMENT OF HEALTH FOR THE PROVISION OF WIC (WOMEN, INFANTS AND CHILDREN) FOR THE TIME PERIOD OCTOBER 1, 2014 TO SEPTEMBER 30, 2018 IN THE AMOUNT OF \$6,535,600.00 AND TO INCREASE THE EXPENSE AND REVENUE BUDGETS BY \$56,600.00.

RESOLUTION NO. 1014-12 A RESOLUTION ACCEPTING THE BID OF TALLEY CONSTRUCTION COMPANY, INC. FOR SEWER AND WATER IMPROVEMENTS FOR THE COCA-COLA BOTTLING COMPANY UNITED, INC. AMOUNTING TO \$585,069.15 FOR THE ENGINEERING DEPARTMENT AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

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RESOLUTION NO. 1014-13 A RESOLUTION ACCEPTING THE BID OF JAKE MARSHALL SERVICE, INC. FOR HAMILTON COUNTY COURTS BUILDING HVAC CONTROLS AMOUNTING TO \$373,733.00 AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

Commissioner Graham provided details regarding Resolutions No. 1014-4 through 1014-13 and stated that the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Graham, seconded by Commissioner Mackey, to adopt Resolutions No. 1014-4 through 1014-13.

59:58

Commissioner Mackey spoke regarding Resolution No. 1014-6. He noted that it had been implied that only one newspaper qualified to publish the information and was therefore sole source. He stated that he had received a ruling that if a newspaper company publishes at least once a week is has been determined to be a newspaper of general circulation under the law and would therefore be qualified to bid on this type of contract.

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The foregoing Resolutions were unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye"; Commissioner Beck, "Aye"; Commissioner Boyd, "Aye"; Commissioner Fairbanks, "Aye"; Commissioner Graham, "Aye"; Commissioner Haynes, "Aye"; Commissioner Mackey, "Aye"; Commissioner Turner-Smedley, "Aye"; and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

ANNOUNCEMENTS

Chairman Fields asked for announcements from members of the Commission.

1:01:28

Commissioner Graham spoke regarding the upcoming election in November. He announced that the Lookout Valley Neighborhood Association would be hosting a political candidate forum on Thursday, October 2 at 7:00 PM in the auditorium at the John A. Patten Center. He invited everyone interested to attend.

1:03:03

Commissioner Graham, Mayor Coppinger, and Chairman Fields spoke regarding the various community events that occurred this past weekend. These events included the County Fair, the Ironman Triathlon, and the Buddy Walk. Each thanked all the volunteers and staff who had contributed to make these events possible.

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1:04:21 Commissioner Boyd spoke regarding Resolution No. 1014-14. He reiterated the importance of the Commission continuing to focus on the important business of the county.

1:05:28 Commissioner Fairbanks announced that the 2014 Punkinfest fall festival would be held at the Soddy Daisy parks on Saturday, October 4 at 10:00 AM.

 Commissioner Turner-Smedley welcomed her husband Mark Smedley, who was in attendance for today's meeting.

1:06:06 Attorney Taylor asked that members of the Commission meet with him for a brief legal meeting in the adjacent conference room immediately following adjournment of today's meeting.

1:06:49

DELEGATIONS

 Chairman Fields asked for delegations on matters other than zoning.

 Chairman Fields recognized a large group in the audience regarding Resolution No. 1014-14. He stated that a total of ten minutes would be allotted to each group wishing to speak for or against this matter.

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1:07:21 Those individuals speaking in support of the Commission's action today included Charlie Wysong, a resident at 6872 Robin Drive; Wendy Morgan, a resident at 1143 James Boulevard; and Isabella Von Memmingen, a resident in Jaycee Towers.

1:17:33 The group of individuals speaking in opposition to the Commission's action included Brian Merritt, a resident of District 4; Ann Coulter, a resident at 516 Graham Street; Annie Hall, a resident of District 2; Carla Askonas, a resident of District 2; and Landon Howard, a resident of District 9.

 There being no further business, Chairman Fields declared the meeting in recess until Wednesday, October 8, 2014 at 9:30 AM.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved:

10-15-14
Date

W.F.K.
Clerk's Initials