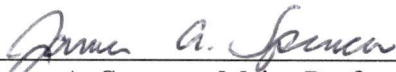
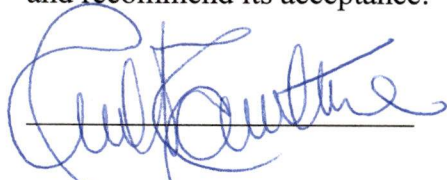
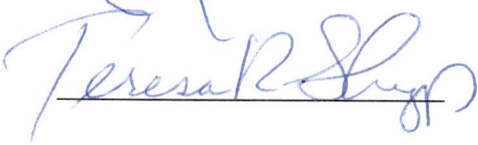


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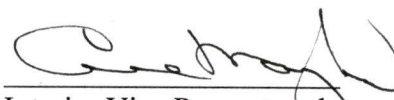
I am submitting herewith a thesis written by Lee Hedberg entitled "An Analysis of Participant Perception and Behavior at the Knoxville/Knox County Metropolitan Planning Commission Public Hearings. " I have examined the final copy for form and content and recommend that it be accepted in partial fulfillment of the requirements for the Master of Science in Planning, with a major in Planning.


James A. Spencer, Major Professor

We have read this thesis
and recommend its acceptance:

Accepted for the Council:


Interim Vice Provost and
Dean of the Graduate School

**AN ANALYSIS OF PARTICIPANT
PERCEPTION AND BEHAVIOR
AT THE KNOXVILLE/KNOX COUNTY
METROPOLITAN PLANNING COMMISSION PUBLIC HEARINGS**

A Thesis for the
Master of Science in Planning Degree
The University of Tennessee, Knoxville

Lee Margaret Düver Hedberg
August 2000

DEDICATION

This thesis is dedicated to my parents

Mrs. Sondra Lee Hedberg

and

Dr. Wilham Hollis Hedberg

who have given me immeasurable strength and support

throughout my educational experiences

ACKNOWLEDGMENTS

I would like to thank the many people who have been so influential in creating a positive experience for me while at the University of Tennessee. The Graduate School of Urban Planning and its faculty have enriched my educational experience tremendously. I am very grateful for working with three very influential educational figures on my Thesis Committee, and would like to thank Professor Terri Shupp and Dr. Cecilia Zanetta for their patience and time. I would like to especially thank Professor Jim Spencer for his support, immense knowledge, and council during such trying times.

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ABSTRACT

In this study the perceptions and behaviors of participants in the Knoxville/Knox County Metropolitan Planning Commission (MPC) public hearings are examined. The participants used for the research were selected by examining frequency of visitation in the past five years. They consisted of neighborhood organizations, as well as lawyers who represented applicants. They responded to questionnaires and interviews given by the researcher to draw conclusions as to the common perceptions and behaviors displayed at the Knoxville public hearings. The research showed seven common themes existed. The participants (1) disliked repetitive applications, appeals, and variances, (2) preferred City Council over the MPC, (3) disliked the time and length of the public hearings, (4) perceived the MPC staff and neighborhood organizations did not have adequate representation, (5) perceived the MPC as not listening at times and not making decisions upon fact, (6) displayed unruly behavior at times during hearings, and (7) displayed a reoccurrence of developer vs. neighborhood organization perception. It was concluded that the underlying problem with the public hearing setting in Knoxville is the reoccurring dissonance the lawyers and neighborhood organization have regarding their perception of growth and development in the Knoxville area. As a result, the MPC is caught in the middle of the ongoing battle between the two sides.

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CHAPTER I

A public hearing is a meeting required by law which must be held prior to specific kinds of public decisions. During this meeting, the public presents decision-makers with facts and perceptions. The idea is that public hearing matter informs decision makers, and they provide an opportunity for affected parties to share information and opinions.

Public hearings are required in most states in at least one of the following circumstances:

- When a planning commission is making a recommendation on a proposed amendment to a zoning ordinance, map or text.
- When a planning commission is making a decision to approve a proposed subdivision plat, preliminary or final.
- When a local legislative body is making a decision on a proposed amendment to a zoning ordinance, text or map
- When a local Board of Zoning Appeals considers a proposal variance to the standards of the zoning ordinance, or approval of a special exception

The Knoxville/Knox County Metropolitan Planning is the land planning body for the city of Knoxville and Knox County. In 1956, the MPC was established for comprehensive planning, implementing zoning and subdivision regulations. The commission has 15 members. The Mayor of Knoxville appoints seven members and the Knox County Executive appoints eight. These are then confirmed by the Local Government Planning Committee, Tennessee State Planning Office. The Metropolitan

Planning Commission holds regular monthly public meetings every second Thursday of each month at 1:30 p.m. in the Large Assembly Room at the City County building.¹

Public notice of the hearing is required. These meetings are held to review proposals for items such as Board of Zoning Appeals, rezonings, subdivision plat approvals, comprehensive plan amendments, and site reviews of planned developments. These proposals are requested by submitting an application to the planning commission. Any support or opposition then has the opportunity to petition this proposal by attending the public hearing.

In general, public hearings held by planning commissions are likely to involve these kinds of participants.

- An applicant or representative who seeks approval of a proposed action.
- An individual(s) or neighborhood group representative who comes to support or oppose a particular proposal.
- A lawyer representative of a group or individual in any of the above positions.

In addition, there may be the Planning Commission members themselves, and citizens who come as interested observers.

Purpose of Study

What is being explored in this study is how people who participate in public hearings perceive them. To do this, three actions will be taken: (1) to identify participant perceptions of and behaviors at the Knoxville Metropolitan Planning Commission

¹ *Bylaws of the Knoxville-Knox County Metropolitan Planning Commission*

hearings, (2) to identify any problems the public might have with the hearings, and (3) to determine if the public is satisfied with the hearings.

In this study, the public hearing experience will be explored through the eyes of the neighborhood organizations and applicant or petitioner representatives.

Four Guiding Questions

This is the study of perceptions and behaviors. To identify these, the following four guiding questions will be addressed.

1. Were the participants provided ample opportunity to present and be listened to by the planning commission?
2. To what extent did people at the hearings display emotive behavior?
3. Was the overall process satisfactory?
4. What are the underlying perceptions of the participants about the process as a whole?

Assumptions

The following are assumptions for the basis of the questionnaire and research.

1. Attitudes and perspectives differ with each experience and circumstance.
2. Participants were affected by the experience.
3. Participants will be able and willing to accurately and honestly recall their experience.

Limitations

1. The study is a regional study, and results cannot be used to generalize about all planning commission hearings in U.S.
2. Each hearing's subject content is different and may influence behavior.

Delimitations

1. Due to the extensive experience of the participants, a generalization can be made about the neighborhood organizations and applicant/petitioner representatives' views of the Knoxville's public hearing process
2. Participants are local and English speaking.
3. Open-ended questions are provided in the interviews.
4. Participants used for the study will represent different economic and racial areas of Knoxville

Scope of Study

This study is qualitative in nature. The information gathered from the experiences of the participants relates only to Knoxville and should not be generalized to other city planning commission public hearings. This research aims to focus only on the opinions of the non-staff participants in the public hearing process, and does this through the use of a questionnaire and interview process. All information gathered has been sifted through, acknowledging any pertinent information relevant to the research at hand. It should be noted, however, that some information gathered could provide additional insight to other areas not addressed in this study.

The following will not be addressed in the study:

1. The perceptions of the MPC staff.
2. The perceptions of the applicants. Their representatives (lawyers) will be used due to their extensive experience.
3. Staff and applicant discussion prior to the public hearing.

However, the following subject matter will be addressed:

1. The perceptions of local neighborhood organizations and petitioner representatives.
2. The emotions displayed during each hearing.
3. The elements of opportunity.
4. The widely accepted thoughts on public planning commission hearings in general

5. MPC's required format for hearings.
6. Representation of different racial and economic areas.
7. Subject matter of hearings attended.

Significance of Study

This research is about the quality of public planning hearings in Knoxville. It is not so much about the formalities, but how participants see and feel about the hearings they attended. It is about their personal experience and their overall satisfaction with the Knoxville MPC hearings.

Perceived quality of the experience is a good indicator of whether or not a system is at its best and is serving its users well. In the public hearing arenas, quality is definitely an issue, for the people are at the mercy of the process and its setting. Keeping this in mind, the only way to improve or change the level of quality in a system is to find out what its problems are. This is most commonly achieved through the gathering of public opinion. With this in mind, four goals will guide this study. Aside from the research providing a gateway for possible change, this study also aims to expand the limited information on the subject of public input regarding public planning commission hearings. Another goal of this study is to establish what the public perceives should occur at the public hearings. Lastly, this study aims to provide a "backbone" for measuring participants' perceptions of the process. This study and the questions it raises, although specific to the City of Knoxville, can also be applied to other cities as a tool for

analyzing and identifying the public's perception of the planning commission hearing processes.

CHAPTER II

LITERATURE REVIEW

Introduction

Planning commission public hearings have been described as a game with role players.² During this “game”, each participant has developed his or her own perception of the process. To better understand what some of these common perceptions might be, this chapter presents a review of literature related to the subjects of public hearings.

The first section titled *Review of Planning Commissions and Zoning* explains how planning and zoning originated. The second section titled *Tennessee Code* explains the origin and duties of Tennessee Planning Commissions. The third section titled *History of Public Participation in Planning* describes the process of how the public became interested in participating in planning and zoning. This section is followed by the fourth section titled *Review of Knoxville’s Public Planning Hearing*. The fifth section, *Review of Literature on Public Planning Hearings*, describes research already conducted on the topic and explores the many thoughts and criticisms of public hearings that authors in the past have expressed. This chapter then ends with a summary of all the literature reviewed.

² Richard F Babcock 1966. *The Zoning Game*

Review of Planning Commissions and Zoning³

Planning commissions and zoning have their origins in America in the early 1900's. During this time, many cities were thriving in a skyscraper-oriented world. There were no height or lot size restrictions and this resulted in dark streets and buildings with restricted light and air. One of these cities, New York, had an important study conducted by the Commission on Heights of Buildings. This commission, created by the Board of Estimate and Apportionment, was to investigate the relationship of safety and health conditions of the community to the city skyscrapers. The Board of Estimate was trying to see what, if any, regulations could be put into effect to improve the conditions of the city. From this study came the recommendation from the Commission on Heights of Buildings that there should be regulations for height, area, and land use in order to protect the public health and safety. The Commission then presented a bill which was passed by the state legislature in 1914 that gave the Board of Estimate power to create a "districting commission" to prepare a map and resolution for New York. From this, the beginnings of organized planning commissions came, and in 1921 Secretary of Commerce member Herbert Hoover appointed an Advisory Committee. This Committee was to prepare a standard city planning enabling act for state legislatures who wanted to improve their methods of planning in the different municipalities. Then in 1924, the Herbert Hoover and the Department of Commerce distributed the "Standard State Zoning Enabling Act Under Which Municipalities May Adopt Zoning Regulations." Shortly following this, the United States Department of Commerce issued a pamphlet titled "A Standard City

³ The following section contains information from
Edward M. Bassett 1938 *The Master Plan*
Edward M. Bassett 1936 *Zoning*

Planning enabling Act by the Advisory Committee on City Planning and Zoning of the United States Department of Commerce in 1928. Both of these forms provided recommendations that were used by states nation-wide to create planning commissions, master plans, zoning, and regulations. In this code, there is also mention of the requirement for holding public hearings for decision-making. It is also important to note that the acts are permissive only and states that adopted their own versions of them did so voluntarily.

Tennessee Code

In 1934, Tennessee adopted its own version of the Standard Acts for planning and zoning. In title 13 of the Tennessee Code, authorization is given to local governments to regulate land use. In general, this code gives planning commissions statewide the authority to:

- Prepare and adopt a General Plan that places under a single cover long-range policies for land use, utilities, recreation, transportation, public facilities and other concerns.
- Review subdivision regulations and site plans, approving proposals that encourage the harmonious development of the community and create conditions favorable to health, safety, convenience and prosperity.
- Prepare and recommend zoning ordinances and maps for the city and county.
- Review proposed zoning amendments and advise legislative bodies on the appropriate zoning action.
- Review proposed capital improvements and advise the appropriate legislative body regarding project necessity, feasibility and compliance with long-range

plans; and, promote coordination between various agencies and different levels of government. (Knox County Governments, 172-173.)

History of Public Participation in Planning⁴

Along with the Standard Acts, public participation has also grown to be a very important tool for decision-making. It was a slow process and took over forty to fifty years to become so crucial to planning commissions nation-wide.

In the 1950's, planning was reserved strictly for planning experts and seen as a very technical profession. It was the community leaders, selected elite populations, who were consulted on matters of planning by these experts. This was done mainly to encourage support of planning. America then began to become more diversified in the 1960's and 1970's politically, and with this came an awakening of the need for public involvement in government decision-making. Movements such as the women's rights, environmental, and civil rights were taking place and with them came people of low income demanding a voice in planning decisions such as large-scale, twenty-year master plans. Planners began trying to develop solutions to growing social problems of the inner cities, urban renewal projects, and transportation projects. These projects began to be seen by interest groups as destructive and they demanded that decisions be made with their input. Due to the demands from the public, planning processes began to include public participation, in the form of getting people involved in the urban renewal project activity. Gradually, planners realized that in order to gain popular acceptance of plans they must make a partnership with the public and their input. Public participation then

⁴ The following section contains information from

became formally institutionalized into the planning process. In the 1980's, issues that were concerns many years ago rose again, as seen in the environmental movement. Rezoning and housing issues added to the concerns of the public. Gradually, middle class neighborhood organizations' new buzzword was "preservation" and they began demanding greater input in municipal decisions. This demand for input is one well known to planning commissions today. Now the question that plagues planning commissions is not that of deciding to let the public in, but how to have better public participation methods.

Review of Knoxville's Public Planning Hearing

Knoxville, like all planning commissions, has a process by which a person can submit an application to the commission for developments, rezonings, plat approval, etc. These applications are reviewed and then considered at the public hearing for approval. The amendment process leading to the public hearing in Knoxville, Tennessee is as follows.

Step one. Application submittal to Planning Commission.

Step two: Planning Commission schedules public hearing. Commission gives ten days notice of hearing via newspaper publication. The Planning Commission then notifies all owners of properties that are affected ten days prior to public hearing.

Step three: Public hearing is held and commission decides to approve or disapprove proposal.

Regarding the MPC, the suggested public hearing format in Knoxville is listed in the Metropolitan Planning Commission's Administrative Rules and Procedures booklet. Under Article XI, Section 2, it is stated that:

At the monthly meeting, the Planning Commission shall consider the views of the applicant and other interested parties, staff reports and recommendations, and the standards set forth in the Knoxville Zoning Ordinance, the Knox County Zoning Ordinance and/or the Knoxville-Knox County Minimum Subdivision Regulations, as is appropriate, and all applicable plans and formal policy statements.

This section goes on to describe in what order each matter on the agenda will be considered, and has a section regarding public participation:

Public participation in the discussion and debate shall be conducted in conformity with the following:

1. Any group in favor of an application will be allowed a total of five (5) minutes to speak.
2. Any group in opposition to an application will be allowed a total of five (5) minutes to speak.
3. Speakers must limit their remarks to the facts of the case, and should avoid repeating comments that have been previously presented to the Planning Commission.
4. Any group wishing to speak should select a spokesperson.

It is also important to note that the Knoxville MPC meets three times each month.

There is a dinner meeting at which staff presents long range plans or reviews broad policy issues. There is an "agenda review" meeting held a few days before the public hearing meeting. The staff walks the members of the commission through the agenda, explaining the facts in detail on those issues that are especially complicated or controversial. There are no votes or decisions. The public can attend as observers, but cannot talk. The public hearing meeting begins at 1:30 p.m. on the date advertised and

continues until the agenda is finished, often in the evening of the same day. So, by law, the MPC has to:

- Accept all petitions
- Act within a time limit set in legislation
- Serve during the public hearing that has been advertised

Also important for this research are any previous surveys that have been used for the purposes of gathering public opinion about Knoxville's public planning hearings. In 1990, there was a customer service survey that was implemented by the Knoxville/Knox County Metropolitan Planning Commission. It was mailed to 645 people. The mailing list included people such as the planning commissioners, city council members, the mayor, neighborhood organizations, University of Tennessee department heads, and libraries. Sixty-eight people responded to the survey. Relevant questions to this study and their responses are as follows.

When asked if in the past twelve months they have had to appear at an MPC public meeting to provide information or to respond to questions, 50% said "yes" and 40% said "no". When asked if they felt as though they were treated fairly and received a fair hearing, 38% responded "yes", and 10% responded "no". The participants were asked if they were satisfied with the action taken by the commission and twenty percent said they were, while fourteen percent said they were not. Forty four percent said the MPC was exceptionally cooperative, nine percent said they need improvement. Four percent said that the planning commission was excessively anti-development, and ten

percent said that MPC was pro-development. When asked if they are generally satisfied with the service they get from MPC, eighty two percent said “yes” and twelve percent said “no.”

Additional findings of the survey were that complaints directed toward MPC and its services were generally based upon decisions made, not operations. The public felt that MPC is inconsistent in its advice and opinions, but there was a general feeling that the MPC makes a legitimate effort to encourage public participation.

Review of Literature on Public Planning Hearings

As stated earlier, once a public hearing is scheduled anyone wanting to oppose or support the proposal has the chance to attend. There are expected behaviors at these hearings and they should be followed. Character behavior at public hearings can make a forum work towards the intended goal or impede good decision making. For the purpose of this research, the following comments by Herbert A. Smith will provide a guide to some of the expected behaviors at public hearings.

In Herbert Smith’s book, *A Citizen’s Guide to Zoning*, he effectively explains the expected roles of each participant involved in a public hearing format. He stresses (1) facts only; emotion aside (2) opportunity to be heard and (3) follow basic protocol.

As he begins describing his guidelines for the hearing, Smith stresses heavily that only facts will move the process forward for all involved. He states that the board, who will ultimately decide whether or not to approve the request given, “are not, or at least they should not be, interested in emotional arguments or extraneous statements regarding

the reasons you think you ought to be entitled to do what you would like to do (131).”

He also suggests that any opponent of the proposed application or even people interested in the application should ultimately be allowed to speak as well, again keeping far from emotional upset: “facts are what the members of the board should be interested in, not an emotional statement from someone who just happens to be opposed to something (132).”

Opportunity to be heard seems to be a great concern stressed heavily by Smith.

He considers it the democratic process that makes public hearings so successful:

Throughout the entire process, one of the key provisions is for the public to have the opportunity to be heard. This is not put in enabling legislation simply to provide an exercise or to provide a meaningless forum. It is intended to indicate the importance of public understanding and support, as well as the necessity of having an expression given, both for and against, to those responsible for framing the ordinance and for its administration...The hearing process has been designed to provide a check and balance system in the adoption of or varying from legislation that directly concerns us. (132)

Not only is it important how the public behaves at public hearings, but the behavior of the board and its chairperson also matters greatly. On this matter, Smith states that:

The success or failure of the meeting will be largely dependent upon performing this role properly. That person should be firm but courteous, polite but sincere, efficient but friendly. He or she should be informed on the subject matter and keep in mind that, although this is a public hearing and not a public meeting, the primary purpose is to provide an opportunity for the public to be heard. The chairperson should keep the meeting well in hand at all times and should set the pattern that will be followed throughout the proceedings. (133)

In the book, protocol is also listed as an important part of the public hearing format. These would be required actions listed in that town’s particular book of procedures and in the local zoning ordinance. They also include the expected behavior of the chairperson. Smith lists these in a checklist format:

1. The chairperson of the meeting should make a statement at the very outset concerning how the hearing will proceed.
2. A secretary or stenographer should be present to take careful notes, and, if possible, verbatim reporting should be provided.
3. The subject under consideration should have been made public sometime prior to the meeting, and there should be no necessity for any lengthy restatement of the application during this meeting. Witnesses should be sworn, instructed to give full name and address, and asked to state their views as roughly and quickly as possible.
4. At the conclusion of each statement, the chair should thank the witness politely, assure the person that his or her views will be considered, and then immediately move on to the next person. No cross-examination or prolonged argumentative questioning of the board should be permitted.
5. Upon the conclusion of the statements of the public, the chair should again thank all for their interest and attendance, assure them that their views will be studied carefully, and that the entire matter will be given full consideration. Each member of the hearing body should be afforded the opportunity to-and should be expected to-review the transcript of the hearing before rendering a decision. (135-136)

As for guidelines for the public attending the hearing, Smith urges the citizen to

1. Be well informed on the subject matter before attending.
2. Present facts only
3. Insist that the conduct of the hearing be done as correctly as possible.
4. Don't be swayed by emotion
5. Be courteous at all times
6. Try to understand others' points of view. This includes the board.

To further investigate rules and behavior expectations for public hearings in planning, Richard Babcock's "The Zoning Game," lists, in very similar fashion to Smith, basic rules of running a public hearing. The most relevant to this study are:

- (1) All witnesses intending to speak in favor of or opposed to a proposed amendment, variance, or exception shall be sworn under oath by the chairman.
- (2) A transcript of the testimony at the hearing shall be made.
- (3) The local agency shall support its conclusions by findings of fact and shall recite with particularity the reasons for its conclusions in the specific case before it. (157-158)

On a more behavioral level, the Institute on Zoning lists several guidelines, again similar to Smiths:

- (1) Primary purpose of public hearing is to gather facts and information.
- (2) Board members and citizens should be courteous and polite during the process.
- (3) Citizens should be given the opportunity to be heard.
- (4) The board should contain the meeting at all times and should not allow arguing
- (5) The board must keep minutes of its proceedings. (5-10)

In remaining literature on public hearings, common themes were found. One of these common themes is what public hearings are for and their intended atmosphere.

"The objectives of public participation are... to inform or educate, to identify problems and values, to get ideas and solve problems, to receive feedback, to resolve conflict or reach consensus, and lastly, to implement solutions"(Callow 32). Overall, it is known that

public hearings are designed for the public to participate in planning decisions.⁵ The decision-makers involve the public “to provide planners with a source of wisdom and information that can only come for the community for whom the plans are to serve” (22). As such, it is also known that because many of the hearings conducted produce an opportunity for all to be heard that oftentimes they become a place for the community to air all of their complaints.⁶ Callow tells us that

Public hearings create confrontation since they often attract only those members of the public who are opposed to plans suggesting that public hearings lack the ability to attract a representative audience...Alternatively, public groups which represent minority interests can use the public hearing process to manipulate decision-making by creating the sense that they represent majority opinion. (33)

With the friction that these hearings present, all involved should refrain from being overly argumentative. If the leaders do this, they will set the stage for the audience to listen and refrain from heated arguments as well.⁷ If a citizen provides too long of a response or grievance, the board should try to refrain from limiting the person. If absolutely necessary, they may curtail remarks but must do so while giving the audience reason.⁸

When making their final decision, the board should make that decision based on facts presented at the hearing. This is their sole purpose for having a hearing: gathering of facts on which to make a decision upon. The “public-applause meter” should not govern the decision-makers⁹. Decision-making has also been referred to as being “the art of influence and compromise, pressure and concession” (53) Finally, neighborhood

⁵ Howard W. Pardue, Jr., *Urban Planning and the Stimulation of Citizen Participation* (University of Tennessee: 1968) 33.

⁶ *Ibid*

⁷ Institute on Zoning, *Zoning is Planning* (University of Illinois at Urbana-Champaign 1969) 5.

⁸ *Ibid* p 8

⁹ *Ibid* p 6, p 8

organizations are also a concern when making decisions. Richard Babcock states, “it is a rare municipal legislature that will reject what it believes to be the wishes of the neighbors” (141).

Unfortunately, one of the other common complaints about public hearings in planning is the lack of community attendance. Why this is, no one is really sure. One opinion is that the public does not think very highly of the process or the planning commission in general. Because of this, public meetings are seen as not being able to acquire an accurate public consensus due to the lack of representation of different sides of an issue.¹⁰

Another strong criticism of public hearings is that they are not very suitable means of communication. There is no doubt that citizens should be given the opportunity to be heard at hearings. At these meetings, the public is urged to participate and is assured participation in the rezoning process.¹¹ However, even though the hearing setting is designed to provide the opportunity to be heard, some criticism remains that the format fails at its attempt at public involvement. It is thought that the public hearing is mainly for “disseminating information, for exposing local politicians and planners to their client public, and for airing sectionalized opinions” and “functions as a one-way information flow, from the planning agency to the client public, with little opportunity for feedback which can be usefully translated into the plan-making process” (Arnstein 1969) It is believed that they are manipulating and accommodate superficial attempts of involvement. Some even say that the public meeting is “too susceptible to control, by

¹⁰ Michael Fagence, *Citizen Participation in Planning* (Great Britain A Wheaton & Co 1977) 278, 279.

¹¹ Ewing Matherly Johnson, Jr, *The Rezoning Process Babcock's Players in a Real World Setting* (University of Tennessee. 1973) 41

restricting the flow of information and by neutralizing creative discussion” and that they are “little more than a public relations exercise” (Grove and Proctor 1966 and Loveday 1972).¹²

Another great concern is that the public hearing has an overly emotional atmosphere. Bitter citizens may cause the hearing officials to not listen to them.¹³ Most often the subject material being debated brings about the high levels of emotions. Because of this, officials should be cautious to not make their decision based on actions of citizens, but instead look at the facts. Callow states, “political decisions, threats, innuendo, and power brokering tend to overcome facts and figures” (52). Robert Michalski adds that “too often decisions are not based on facts or master plans, but on pressures of bitterly complaining or opposing neighborhood improvement associations who are coming out from every rock, packing council chambers and snowing commissions with petitions” (64).¹⁴ Opinions on citizen behavior at the quasi-judicial hearings seem to generally follow the desire that they should not make a big spectacle of themselves, but instead be clear and accurate with their statements to the board. They should feel welcome and be fully heard. The chairman should be firm and patient with those who go before the board.¹⁵

Other criticisms of public hearings include that the meetings are not balanced socio-economically or geographically. Fagence tells us that “there is an emerging consensus that to be useful, public meetings should be restricted in size, localized and

Institute on Zoning p 6

¹² Fagence p 279

¹³ Carolyn J Logan, *Winning the Land Use Game A Guide for Developers and Citizen Protesters* (New York Praeger Publishers. 1982) 27

¹⁴ Johnson p 42

¹⁵ E C Yokely, *Zoning Law and Practice, Volume 2* (Virginia The Michie Company. 1965) section 11-4

should concentrate the consideration of issues which are fairly simple (Detrait, 1968; Gostwick, 1969).”¹⁶ Also, it has been said that oftentimes due to the proposed subject matter, the public attendance at certain meetings is in fact too large for the board, which has a difficult time controlling the meeting.¹⁷

Summary

From looking at the previous literature and research on public hearings in planning, one can see that the opinions are varied, but that certain themes appear. First, there are certain rules and procedures that are expected to occur as listed by Smith and others. Regarding the MPC, it can be seen that in their bylaws similar rules are written. Second, some common criticisms of public hearings occur: the need for an opportunity to be heard, the argumentative nature, lack of respect, poor attendance, poor means of communication and decision making, emotional nature, and lack of control. Third, neighborhood organizations, their representatives, and applicants and their lawyers seem to all be important factors to the planning commissions when rendering decision in the public hearing arena. Last, the previous research conducted by the Knoxville Metropolitan Planning commission seems inconclusive about the public's perceptions about the process and behaviors. The research itself is also not up to date and the return responses of the mailed survey were much fewer than the number originally sent out to the public. These factors are the foundation for the need to study the public planning hearing.

¹⁶ Fagence p 279

CHAPTER III

METHODOLOGY

Overview of Methodology

As stated in Chapter One, the area of focus is perceptions and behaviors participants have when involved in the public hearing setting. Chapter Two identified and explained specific behaviors and procedures to follow at public hearings, along with past research on Knoxville's Planning Commission. These criticisms and expected structure presented from Chapter Two were used to guide the research for the purpose of revealing the public's perception and behaviors in the public hearing setting. The most repeated users of the system, drawn from local neighborhood organizations or their representatives as well as applicant representatives, were used as the subjects of study for this research.

Subjects

A group of twelve people including representatives of neighborhood organizations as well as petitioner and/or applicant representatives that repeatedly attend Knoxville rezoning hearings were selected for the study. These were selected by looking at the meeting minutes of the public hearings held within the last five years. The participants whose names occurred most frequently (at least three times) were chosen for the research.

¹⁷ Institute on Zoning p 8

Upon choosing the participants, each group representative of the neighborhood organizations and petitioner and/or applicant representative was given an entrance questionnaire some time before the interview. They were then interviewed in person with detailed questions about their experiences at Knoxville public hearings. Each participant and their meeting record used for the study will remain anonymous and private. To better represent the Knoxville area, neighborhood organizations will be chosen to represent the different areas of high, medium, and low-income populations.

The Interview Process

As stated before, the participants were given an entrance questionnaire consisting of four closed and open-ended questions before the interviews were conducted (see Appendix A). This questionnaire gathered statistical information asking income levels of the people represented, number of hearings attended in the past five years, number of approvals and denials at those hearings, and how many times the participants attended in support of or opposition to the proposed rezoning. This information was then analyzed and put into a data table format.

Following the entrance questionnaire, the interview was conducted (see Appendix B). It consisted of eight (or nine depending on the person interviewed) qualitative, open-ended questions asking about emotional content, opportunity, behavior, material covered at hearings, satisfaction, and communication factors. For the petitioner and applicant representatives, a third part was added to question 6 asking if they feel as though their representative stance caused them to feel any different regarding satisfaction of

Knoxville's MPC rezoning hearings. The last question on both versions of the interview asked for any suggestions for improvement of MPC rezoning hearings. This information was later analyzed and put into a data table format.

Analyzing Data

After the questionnaires and interviews were completed and transcribed, the data was analyzed. This was done through examining the answers to the questions asked and finding common themes and elements among them. From these common themes, an eventual summary of participants' perceptions of MPC's public hearings was made. After the data was fully analyzed, conclusions and recommendations were made about the research findings.

CHAPTER IV

RESULTS, ANALYSIS, AND SUMMARY

Introduction

The purpose of this study was to measure participants' perceptions of the MPC hearing process in Knoxville, TN. Secondary questions included elements of emotive behavior, opportunity, and overall satisfaction with the hearings. These questions also searched for other possible factors that influenced the participants' experience. Chapter Four has been organized by the following topics: (a) demographics, (b) the entrance questionnaire, (c) the interview, (d) themes, and (e) summary.

Demographics

Given the qualitative nature of the study, twelve subjects were chosen as participants for this study. Seven of them were neighborhood representatives and five were lawyers, either representing petitioners and/or applicants. All had attended the MPC hearings at least three times in the past five years, with most having attended more than ten times. They were all local residents of Knoxville.

The Entrance Questionnaire

Each subject provided information about themselves, or the people they represented, in the entrance questionnaire. Three brief informational questions were asked as shown in Appendix A. This questionnaire was followed with the interview as shown in Appendix B

Table 1 Summary of Entrance Questionnaire Results

Subject	Type of Participant ¹⁸	Income Level	# Of Hearings Attended in Past Five Years	% Of Hearings Attended In Support of Proposal	% Of Hearings Attended For Information Only	% Of How often MPC Gave Approval
1	N O	MEDIUM	10+	10%	0%	75%
2	N O	LOW	10+	50%	20%	70%
3	N O	MEDIUM	3-5	1%	0%	75%
4	N O	MEDIUM-HIGH	6-9	50%	10%	95%
5	N O	MEDIUM	10+	25%	20%	75%
6	LAWYER	HIGH	10+	95%	2%	75%
7	LAWYER	HIGH	10+	100%	0%	75%
8	LAWYER	ALL INCOME LEVELS	10+	70%	5%	75%
9	N O	MEDIUM	10+	10%	50%	50%
10	N O	MEDIUM-HIGH	10+	10%	0%	75%
11	LAWYER	HIGH	10+	20%	10%	50%
12	LAWYER	HIGH	10+	98%	1%	50%

¹⁸ N O is an abbreviation for neighborhood organization

Table 2. Summary of Entrance Questionnaire Responses of Lawyers

Subject	Type of Participant	Income Level	# Of Hearings Attended	% Of Hearings Attended In Support of Proposal	% Of Hearings Attended for Information Only	% Of How often MPC Gave Approval
6	LAWYER	HIGH	10+	95%	2%	75%
7	LAWYER	HIGH	10+	100%	0%	75%
8	LAWYER	ALL INCOME LEVELS	10+	70%	5%	75%
11	LAWYER	HIGH	10+	20%	10%	50%
12	LAWYER	HIGH	10+	98%	1%	50%

Table 3. Summary of Entrance Questionnaire Responses of Neighborhood Organizations

Subject	Type of Participant	Income Level	# Of Hearings Attended	% Of Hearings Attended In Support of Proposal	% Attended for Information Only	% Of How often MPC Gave Approval
1	N O	MEDIUM	10+	10%	0%	75%
2	N O	LOW	10+	50%	20%	70%
3	N O	MEDIUM	3-5	1%	0%	75%
4	N O	MEDIUM-HIGH	6-9	50%	10%	95%
5	N O	MEDIUM	10+	25%	20%	75%
9	N O	MEDIUM	10+	10%	50%	50%
10	N O	MEDIUM-HIGH	10+	10%	0%	75%

Table 1 shows the results of the responses to the entrance questionnaire given before the interview. When first examining the recorded responses, it is important to notice that all but two of the participants have attended at least ten times in the past five years. Also significant in the above table is that all subjects, regardless of their representation, rated how often the MPC recommends approval of proposals as being very high. The percentages never fall below fifty percent and go as high as ninety-five percent.

Table 2 shows the responses given by lawyers to the entrance questionnaire. When looking at the data grouped by type of participant, it can be seen that the lawyers have the most attendance as they are more often representing applicants and are there in support of a proposal. One exception shown here is subject eleven, who almost always represents neighborhood organizations. It can also be seen that the lawyers seem to rarely attend the meetings solely for the purpose of information gathering. This could possibly be due to their extensive attendance and experience with the MPC and their hearings. When looking at this data, it should also be noted that these subjects are also shown to represent people with high-income levels. This is mostly due to their representation of real estate companies and developers, excluding subject eleven.

Table 3 shows the responses given by neighborhood organization leaders in the entrance questionnaire. As compared with the ratings from the lawyers, the neighborhood organizations are most often representing the opposition and the percentage of times they are attending in support of the proposed issue is much lower than the lawyers' percentages. Another interesting fact is that the percentage of times that the neighborhood organizations are there solely for information purposes is higher

than the lawyers' percentages. Differences can be seen in the income levels as well. The neighborhood organizations represent a lower level of income than do the lawyers, for they are not representing large companies at the hearings, as do the lawyers.

The Interview

As stated previously, the interview consists of eight main open-ended questions, with question number six containing an alternative question aimed at lawyers. Following is an explanation of each question.

The first question asks if the hearings they have attended ever became emotional or out of control. This question was designed to evoke a personal response from the subject containing factual information about any violent or disruptive behavior that was displayed during any hearing they have attended in Knoxville held by the MPC. If the subject answers yes to the question, the researcher asks them to explain their answer, thereby getting the participant to expound on the issue and recall specific behaviors.

Question two asks the subject if they feel they were given the opportunity to be heard. This question was constructed to initially get a yes or no answer from the participant, along with an explanation of any negative or positive comments about the opportunity to be heard at MPC hearings.

Question three asks the subject if the commission behavior changed depending on the proposal issue. It was designed to get a straightforward answer about overall attention the commission gave to the subject, and if the commission displayed negative

behavior to them at any time during the hearing. If the participant answered yes, the researcher would ask them to give examples.

Question four simply asks the subject how they presented their material to the commission during the hearing. It is a straightforward question requiring the subject only to describe the methods used, such as handouts, mailings, poster boards, etc. Any additional information they volunteered was also considered.

The fifth question asks for reasons why the subject attended the hearings. This question is used to get the subject to recall and describe specific subject matters (such as proposed developments, controversial issues, or more memorable situations) brought up at the hearings and any personal comments they might want to add. This question is also designed to get the subject to express their sentiments about those issues.

Question six holds the most weight for this research. It asks the subject to indicate if they were (1) not satisfied, (2) somewhat satisfied, (3) satisfied, or (4) very satisfied with the hearings that they have attended. This is a very important question, for after the subject gives their rating, the researcher asks them why they rate their satisfaction this way. This question gets to the heart of the reason why the participant is satisfied or not. The second part of the question is for the lawyers who represent petitioners and/or applicants. It asks them if their satisfaction changed depending on whether they were representing a petitioner or an applicant. It is an important sub-question in that it asks the lawyer how he or she perceives satisfaction when representing each side in the hearing setting.

Question number seven asks the participant if they feel as though the hearings are an accurate means of communication for decision-making. The subject is asked to

evaluate how decisions are made in the hearing process and determine if they feel it is an accurate means of arriving at a decision.

The last question asks the subject if they feel that anything should be done differently at the hearings. It is a question directed at getting at exactly what the participant feels is wrong with the system or what works well. It is aimed at getting suggestions for change regarding the MPC and the hearings.

Once the interviews were given, common themes began to develop in the responses given by subjects. In this section, each participant and their responses to the interview questions are explored. These are explored by examining the proposal subject matter, style of presentation of material that the organization or lawyer uses, emotional and behavioral responses during the hearings, and the subjects' overall evaluation of hearings.

SUBJECT 1

Subject 1 is a neighborhood organization representative. He has attended more than 10 hearings in the past five years and represents a community of medium income level. The subject matter of the hearings discussed by subject one was mostly about high-density residential and commercial developments. He and his neighborhood were concerned with preserving the setting of the area and avoiding drastic changes. They want to avoid strip development like Kingston Pike in Knoxville. Subject 1 and his neighborhood fought the development of a proposed airport in the area by using petitions and won. Many times, he said, his neighborhood members and he would make

compromises with the developer. Regarding density, he mentioned that once a developer wanted to develop a 60-acre field into a subdivision and six families in the area put together their money, bought the land from the developer, and developed it at a much lower density. Subject 1 also went on to say that "many times the developer will get up and make the density he's requesting greater than what he really wants in order to give the appearance that he is compromising. That's an old trick." His organization acts as a back up for petitioners. He said that "the person who is most affected by it will get up and give their reasons for their opposition, and the club will get up and say that we represent the community and would like to support those reasons of opposition. In some cases, I have given my own reasons." When asked if the hearings he had attended ever got overly emotional, he said that he didn't recall any of them getting out of control. He did go on to say that many times someone in the room is very affected by the proposed development and feels as though there is an "incompatibility between the new development and their home. They will express their feelings in emotional terms, but I never really recall it getting out of hand." When talking of MPC, Subject 1 looks favorably upon them:

They do try to see that development interests, real estate, developers, building contractors, as well as just business or economic interests are well represented, but they also have people who are just ordinary citizens that you could say that their outlook would be concern just for the residents of Knox County. I don't think that I've seen blatant interests where development interests seem to be over represented. I think they generally try to keep a balance.

Furthering his democratic view of MPC, he goes on to say that the meetings contain a lot of different issues and people who want to talk about them. Even so, he says that MPC does give the public an opportunity to talk, and limits the speaking time at the podium to

three to five minutes. He confirms that the MPC tells people to be precise in their statements and not to be repetitive on an issue.

SUBJECT 2

Subject 2 is president of his neighborhood organization and represents a low-income neighborhood. His neighborhood tries to dissuade things such as nursing homes, Habitat for Humanity houses, halfway houses, subdivisions, and general density and traffic issues. He says that they try to just state the facts and to stay away from arguing. He explains that many times his organization fights the battles the elderly people in his area want to but can't. Their goal is to keep their neighborhood clean. Before they attend the meeting, they meet and decide what it is they are going to talk about. It is there that they vote on the issue and choose a speaker for the group. They sometimes even have a representative of the proposed development they are fighting come to their neighborhood and explain the development to the neighborhood. He does this "because you might be opposing something that's good for your neighborhood." Also, many times his organization calls the MPC ahead of times to find out more information on the proposal.

Regarding emotional issues, subject two said that a few of the meetings he had attended did get out of control. He gives an example of this by saying:

We were trying to stop someone from building a lot of houses in an area of our neighborhood where it would have a lot of impact on traffic. Somehow, one of our members got up and got really emotional. I had to write a letter of apology for our members' behavior. It embarrassed me.

When speaking of the MPC, subject two says, "MPC has a tough job. People try to push them and they try to do what's right." He says that they always give them an opportunity to talk as well, even if it is only for a specified number of minutes. As far as changing anything with the hearings, subject two recommends changing the time that the hearings are offered to a later time when non-retirees can attend. He also says that he does not like the appeals process. However, subject two feels as though overall they do a good job.

SUBJECT 3

Subject 3 is a representative member of his neighborhood organization, which he categorized as being medium income. Most of the proposals his organization deals with are rezonings. Most include high-density residential or commercial development. One included opposing a proposed landfill. He expresses that they lost one case at the MPC level, but then went on to succeed at the city council level. When presenting, his group uses photographs and GIS maps. When asked if the meetings he attended ever got emotional, he simply responded with a flat "no."

His overall evaluation of the meetings was very informative. He says that most of the time he is given ample opportunity to be heard, but then goes on to say that when he isn't given the opportunity to be heard he feels it is due to the structure of the system. This idea is explained through his comparison of MPC with city council. He says that city council will allow around three people on each side to speak and that rebuttal time is also offered, but limited. The only way to achieve more discussion at the MPC level is to rely on certain people who will tend to open up the floor for more. He says that one of

his members was cut off verbally by one of the commissioners and that that particular commissioner just happened to be the daughter or daughter in law of the person who was proposing the landfill that the neighborhood organization was there to oppose. He and his organization try to cooperate with the MPC. Their organization has an unwritten agreement with MPC not to allow any more commercial development than there is in their neighborhood, which they have stuck to. He says, however that three fourths of the time things do not go their way. Too often there are staff recommendations that the community also agrees with and then MPC votes the other way. He goes on to share more problems he feels exists in the system:

They have meetings in the afternoon so people have to take time off to go there and then it might get delayed over and over. Someone can request a rezoning on a property every six months so we have to keep on top of that – keep coming every time they request the rezoning to commercial when MPC has said no more commercial. The whole reason that we have the one year plan and sector plans is to say ‘No! Forget it!’ I mean, why have an ordinance if you’re going to give variances on that ordinance every other week? If you are going to have plans, stick with them!

Subject 3 adds that he feels as though the MPC, as well as the city council, already have their minds made up when they walk into the meetings. He states:

I’m sure they are discussing the issues ahead of time before they get to the meeting and come to some sort of consensus, because if they didn’t then there would be much more discussion between the commissioners at the meetings than there already is.

When asked what he would like to see changed at the meetings, he lists several items.

Firstly, he feels that the hearings should have the same speaking system as the city council does – three or four people designated to speak for the groups on each side, with a rebuttal of about five minutes. He says that they should also be more in tune with the community organizations and not let business control their decisions. He would also like

to see the meetings are held in the evenings or on Saturdays. Finally, he would like to see a policy made as to how many times something can come up for a rezoning or variance. He feels this is an unfair aspect of the system. He ended the interview with "maybe the MPC just doesn't care."

SUBJECT 4

Subject 4 represents a neighborhood of medium to high income. The type of proposals that he remembers most were planned residential districts and rezoning. His organization most often gives material to the MPC in advance. At the hearings, they try to give brief presentations and try not to be redundant in their statements. One person does their presentations, and sometimes this person may be a hired attorney. They do not attend the meetings unless they feel as though they have a strong case either. He says that they prevail quite often at the MPC meetings and have an outstanding record of prevailing at the city council level. Very often, their members attend the sector planning sessions. He continues to say that they have great attendance records at the hearings and, in his opinion they are more involved than any other neighborhood organization. At the hearings, some subjects do become emotional, but he is not sure whether or not they ever get out of control. He states, "If there's anything that might infringe upon the value of someone's house, it's going to get very emotionally charged." Subject 4 goes on to say that often, his organization feels as though they get a fairer hearing in front of city council:

Well, they give you a chance to be heard, but that doesn't necessarily mean they listen. That's one reason why our community feels that we get a fairer hearing in front of city council than we do at MPC. I think part of that is the composition of

MPC. There are a couple of people that are development oriented on the Planning Commission. They are not elected and do not have to answer to anyone...if there is something that is a major capital investment or something that involves significant property taxes, I think they would try to find a way to go along with the developer.

Subject 4 adds that he gets the impression that MPC, as well as city council, has often sided with the industries and ignored the needs of the community. He is very concerned with the administration and how the developers seem to have the most political influence. Adding on to this idea, he feels as though the record keeping is bad and the basis for their decision-making is often not well documented. Moreover, he says that the length of the agenda is too long, the times that they are held is bad for working people, and that some people just won't attend as a result. He also expresses his concern of how the commissioners are appointed and not elected and because of this, he says, many times personal interests will get in the way during the hearings.

SUBJECT 5

Subject 5 represents a neighborhood of medium income level. Most of the issues that were discussed at the hearings he attended were about multiple housing projects and density issues. Some were dealing with commercial developments. At the hearings, his organization presents briefly and vary rarely do they use visuals. He doesn't feel as though any of the hearings he attended became emotional or out of control. At the hearings, however, he feels as though the commissioners' minds are already made up before they enter the room. He also mentions that many times the board will have conversations amongst themselves while they were presenting. In regards to their behavior, Subject 5 states that:

I have little respect for them because they are very inattentive and didn't seem to care less as to who is at the microphone talking... Their decision making process is erred. I think there might be a lack of communication or even education. They don't really understand the consequences of some of the decisions they make. I think that there is really no way that some of the members of the MPC have been properly educated and informed to make those decisions.

Regarding the staff, he says that the whole process is very political. Sometimes he feels as though the county people do not care about what happens in the city and the city people do not care about what happens in the county. He suggests that maybe there should be separate planning commissions for the city and county. Subject 5 complains about the times of the meetings as well. He said the meetings are held during unfavorable times and they last too long. He suggests that maybe the meetings should be held more frequently and for a smaller amount of time. His compares the MPC level with the city council level and says that the MPC lets the speakers talk for too long at the microphone. He also feels as though the city council has a better speaking policy than does the MPC. He desires a better screening process for appointing members on the MPC board and better-qualified people to be appointed than the current ones. He states that possibly having appointees approved by city council might solve the problem. Regarding appointees who represent the homeowner side, he says that they do not have an accurate representation of these.

SUBJECT 6

Subject 6 is a lawyer who has represented both applicants and petitioners at the Knoxville Planning Commission hearings. Most of the time, however, he represents the applicant or developer of high-income levels. This particular lawyer has covered subject

such as sanitary landfills, surface mining, rezonings, shopping centers, and incinerators for waste disposal. At the hearings, he uses visuals, such as photographs and drawings. Sometimes he even conducts surveys. In doing his work, he also looks at how the surrounding property would be affected by the proposed development. All in all, he says he tries to keep his presentations very basic. When asked if the hearings ever got emotional or out of control, he said they do, but that it is not very often when it happens.

He states that:

Frequently it is exhibited by people who are members or somewhat associated with neighborhood organizations or a group of an environmental nature. Yes, I have been on occasion physically threatened. My clients have been physically threatened...For example, one of my clients was actually struck. Another time, there was some picketing when my clients and I entered the building...On some of the landfill issues, as I was leaving, I was met by a couple of men who basically told me that I may have gotten this approved, but that I'd never live to see it built. I can remember one matter over the county pursuing an incinerator for waste disposal in east Knox County and people showed up in white uniforms with gas masks on. One of the persons was speaking and someone in the balcony dropped a dummy over the side with a rope around the neck -- essentially hung in effigy. I remember after we got an issue approved and were leaving, my client's wife was struck in the back by someone who had been in opposition to the request...I think most of the time where there is a heightened degree of emotions likely, that they have police officers or security in the room to intimidate the situation. Sometimes I ask for them to do it too.

Evaluating the time allotment, subject 6 mentions that the five-minute time period to speak most often becomes "elastic." Many times, he says, a few of the members of the board will be activists of a certain position and will give the person more opportunity to speak:

...they will tend to yield time to the side that they prefer or call upon them for further presentation or information to the exclusion of opportunity to respond...there have been times that I have had to insist on the right to speak.

When talking about the board members, he says that he feels that many times the members are "tagged" as being pro-developer or pro-neighborhood and that he does not believe this works because many times they change their "position." However, he does state that:

There is somewhat of a prevailing attitude in the development community and real estate that both legislative bodies are prone to be anti-development...Homeowner's associations and the like hold a little bit too much sway. A lot of neighborhood organizations know how expensive it is to use a lawyer and so they purposely drag it out to tire out the developer financially.

He goes on to talk about the opposition or neighborhood organizations:

It's generally easier to represent the opposition...The only problems with the opposition are getting a consensus among the people and getting paid. And that's why I don't represent them a lot because they don't know that they want and who the group representative is. Somehow, someday I would like to see a process where there is more accountability on the part of the neighborhood organization leaders who say they represent the group. There are people who claim to represent these amorphous groups. There is no accountability. People will call them a group representative when there is no proof of it. The issue they are debating may not be what the group is wanting to debate.

Another complaint made by subject 6 is that there should not be the opportunity to appeal an approval once the commission has made the decision.

If you submit a plan, and they say we recommend approval because it meets all requirements, that ought to be the end of it from an administrative standpoint rather than permitting someone whom doesn't like it to appeal to city council. If someone has a problem with a plan that has been approved and goes along with all the requirements, their next step should be court where now they have to file a plea and incur an expense, rather than giving them another free shot.

Subject 6 ends the interview by stating that overall, he feels the process is "pretty straightforward and reasonable." He feels as though the board members mostly "have the attitude of looking at it from the right planning move." Even so, he says, "if there was a

little bit more of a pro-development attitude on the side of the decision-makers, I'd feel a lot better about the process."

SUBJECT 7

Subject 7 is a lawyer who represents only developers of high-income levels at the MPC meetings. Some of the subject matter that he has encountered at the hearings contained topics such as historic houses, landfills, quarries, and shopping centers. At the hearings, he says that you have to get the boards' attention in the first thirty seconds you stand up to speak because there is only five minutes to state your case. Subject 7 is very involved with the MPC prior to the public meetings. He sends them ahead of time the nature of his case, and even will take them to the proposal site if needed. During the meetings, he uses plenty of maps to convey his subject matter better. When asked if any of the meetings he had attended ever became emotional or out of control, he said that they did. His clients have been threatened, biblical quotes have been yelled at him, and many times, he has had to take his clients out the back entrance due to the many threats that were being made. Even so, Subject 7 feels as though most of the time he receives a fair hearing. He says that "sometimes they do come in to the meetings with their minds already made up, and then because of certain presentations, they change their mind. I think they are pretty open to listen to all of the issues though." On matters of structure, he feels as though the non-controversial issues should be taken first to get them out of the way. Subject 7 also does not like or approve of the concept of zoning. He ended the interview with the statement: "I feel it violates the Fifth Amendment of the Constitution."

SUBJECT 8

Subject 8 is a lawyer who has represented both the applicants and the neighborhood organizations. Most of the people he represents are of high-level incomes, and more often they are developers. The applications that he represents range from renting out rooms for university students to locating factories and building jails. Many times he even represents clients free of charge. He feels as though he is very thorough in presenting his materials. Before he attends the meetings, he compiles a packet of information along with pictures, fact sheets, maps, and a cover letter for the planning commission to review. He often visits the area where the proposed development will take place and talks to any concerned citizens that may be interested in knowing more about the proposal. Subject 8 definitely feels as though the hearings become emotional and out of control at times. He has dealt with things such as neighborhoods sending around flyers with false information against the proposed development. He has been pushed down and spat upon. He says groups have brought their children to the lectern to bring sympathy to the case at hand. He even says that at one hearing, the audience began to stomp their feet on the floor in protest. Another time, the neighborhood organization formed a corridor for the commissioners to pass through on their break thereby dominating any conversation with board members. When talking about neighborhood organizations, Subject 8 says:

Right now, neighborhood organizations seem to hold the power now. It is amazing to me how just six very vocal people who don't appear to have a day job can completely knock something off track that in the long run would have been really beneficial. Any time anyone wants to do any development in Knoxville, it's always about a "conspiracy."

He also says that many times the wrong ideas about a particular development will circulate throughout a neighborhood area and people will have the true nature of the development completely distorted. Then he says he will have to go to the particular community and straighten the whole issue out so the people will know what the project is really about. Regarding MPC and their decision-making, Subject 8 says that many times the decisions are based on politics and emotion, not based on the merits of the projects. Had they been, he feels many proposals would have passed that did not pass. They also are not as interested in something that's not controversial or where opposition is present he says, but even so he feels impressed with their attentiveness. He goes on to say "a lot of it depends on the demeanor of the chairman. The current one is good – energetic and sensitive." He also receives letters from the commissioners sometimes thanking him for his honesty on issues even though he did not win. Regarding time elements, he says at the meetings things are incredibly limited, but that generally things continue a lot longer than were intended to. He feels better about MPC than he does about the legislative bodies. He states, "When it bumps up levels, it becomes much less about facts and a lot about politics " He is satisfied with the hearings he has attended and says:

It's a system that is fairly reasonable and when I compare it to the legislative level, MPC is a joy. They pay attention and actually read what you send them in the mail. That is such a joy to me.

Regarding the general public, subject 8 also feels as though many times they are ill prepared and have a hard time answering the questions and a lot of people end up asking him about procedure during the meeting. He says many times people lose their case

because they do not understand procedure. He feels the process could be a lot more user friendly. He concludes his opinion of the need for improvement in other areas by saying:

If somehow we could make it based on facts and not on emotions. Another problem is when the neighborhood groups band together to help each other oppose things...Their 'facts' are more often than not facts. For neighborhood groups, there needs to be better factual representation of the group as a whole. It seems as though the leaders are not representing what the group wants. They call themselves 'legal representatives. Also, look at the differences in the way the neighborhood organizations and the legal representatives present their material too. Question the "facts."

SUBJECT 9

Subject 9 is a neighborhood representative of people of medium-income levels. He says the most recent issue that he has dealt with at MPC hearings is that of a proposed cellular telephone tower location. When he is presenting, he always uses a prepared written text. Sometimes he uses visual aids, such as pictures or handouts, and he stresses that he tries to use facts only. Regarding emotional aspects of the hearings, he does feel as though the hearings he attended have gotten emotional or out of control and says about a particular developer.

The applicant basically said that if he didn't get his way, he would sell the property to Habitat for Humanity and they could build houses on it instead. On this particular case, the chair did not rule this person out of order even though I felt it would be appropriate.

Even though subject 9 represents neighborhood organizations, he sees that no one is innocent. When speaking of his neighborhood organization, he says that during a rezoning issue at the hearing:

We had someone representing us, and they basically threatened the applicant by saying, "you better not come into our community because you might not get to leave." You have to be careful in choosing who speaks.

He explains that developers are not favored by neighborhood organizations and that is why the neighborhoods get so upset with them. He expresses his personal opinion by saying:

I feel as though developers are selfish...And a lot of times, when you have a controversial issue, the applicants tend to be represented by legal staff, and they seem to be liberal with their use of facts or border on misrepresenting facts...The "hired guns" are sometimes just getting something done using whatever means possible.

When talking about the commissioners, he says that in general:

I think there are certain commissioners that tend to be pro-developer. But I think the appointments that the mayor makes balance them out. But you quickly learn which commissioners vote which way. People are consistent too. I think sometimes on big issues, MPC comes in with their minds made up, but not on small issues.

Subject 9 speaks fairly well of MPC and the overall process. He says that MPC seems fair and uses good planning principles. He feels as though they provide a solid platform on which to make your argument. Even so, he says that he is glad it is not the final platform – which he can still appeal with City Council.

SUBJECT 10

Subject 10 is a neighborhood representative of a medium to high-level income community located in Knox County. Their neighborhood mostly fights commercial development and rezonings, and is located near an interstate. Before the hearings, she submits a written record of the neighborhood's side and says there is not enough time to use visual aids. She says at the hearings that she attended they did get emotional, but not out of control. People sometimes express their opinion by clapping or booing at the meetings. Subject 10 also goes on to say that regarding the commercial development

they have been fighting in their neighborhood, she has had problems outside of the meetings. She describes how she feels the developer went a little too far:

I have great animosity towards this person too. We have had one of our neighbors' house egged four times too, and we know it was related to this particular case. We couldn't prove it, but we have a good idea it's the developers' son.

She even goes on to say that their neighborhood has even fought at the State Supreme Court level. Overall, Subject 10 is not satisfied with the process. She says that even though MPC is steady in their attention and behavior towards people, their attention and behavior has much to be desired. On the opportunity to be heard, she says:

It depends on who you are. Some lawyers have a lot of time to speak. The rules are made to move things along, but not to give opportunity...The commissioners cut you off and make facts that aren't necessarily true...The meetings are very citizen unfriendly also because the meetings are held in the afternoon.

When talking about the makeup of the staff, Subject 10 does not feel as though it is a fair composition of the commissioners:

If it's a wealthy person (developer) with influence, you (the neighborhood organization) are going to lose. And if it's a small person with no influence or political pull, you'll win. A good majority of MPC staff is straight developer oriented. They are very deliberately placed...I'm not sure they represent the people very well. A lot of them have no experience or planning background. At least at the next level, the people are elected and it seems fairer.

Adding to her complaints about the process, she goes on to say that the time of day that the hearings are held should actually begin at five or six o'clock in the evening, or that they should have them more often. Subject 10 dislikes the power the commissioners have over the planning staff. She says that she feels it is unfair that after the planners make the plans that the commission can quickly change it. Regarding opportunity for the neighborhood organizations, she feels as though sometimes the developers purposely

postpone their case when the neighborhoods have brought in large amounts of people in protest, so as to decrease any impact the neighborhood organization might have upon the eventual decision. She looks unfavorably upon reoccurring applications as well. For example, she says that the planning commission has fought against the commercial development in the area for a long time. Even so, her neighborhood has to keep coming back every year for the same fight. Subject 10 ends her interview by saying that the whole process has become too political and that she is not satisfied with the hearings.

SUBJECT 11

Subject 11 is a lawyer who represents mostly petitioners of high income, who are often neighborhood organizations. He says that he deals mostly with commercial issues and variances. In his words, he "has gotten laws changed". When he presents, he uses visual aids, but before each hearing he puts a package together and sends it to the commission members about a week in advance and keeps in touch with them in case they have any questions. He has seen many hearings get overly emotional, but never out of control. He says that he has seen "shouting matches with the chairperson, people get up and walk out, and people stealing the microphone to speak" even though he tries to dissuade them from doing so. Subject 11 feels as though the board already has their minds made up when they walk in and that you can tell which way they are leaning even before the public gets a chance to speak. Also, he goes on to say that he feels as though the board behavior changes according to the severity of the topic. He says this because he feels that "certain board members have a greater interest in things." Even so, he says

he is satisfied. He goes on to talk about the political angle that the developer has at the meetings:

Developers who have lots of money have an advantage over the homeowners with limited resources. That can cause development to take place that is not good in a planning sense...(and) the developers get their way most all of the times.

Lastly, he feels as though the system, due to the lack of understanding by the citizens of procedures, sometimes takes advantage of the individual citizen:

If I were an individual citizen at the meetings, I would feel swept away by the procedures without knowing what's going on. And I think that that is not responsible planning body. The individual guy doesn't get heard. So, if I could change anything, I would make it user friendly – have an ombudsman or something.

SUBJECT 12

Subject 12 is a lawyer who only represents applicants, namely developers in the Knoxville area who are of high-income levels. He has represented issues such as plan amendments, rezonings, changes within a use area, subdivision plat applications, and use on review. He says that most of the times he is dealing with a density issue. When presenting his material he uses handouts and/or mailings beforehand. Regarding emotional behavior at the meetings, he says “they do get very emotional but never out of control in a physical or violent sense, or to where the chairman isn't able to keep it in order.” Subject 12 says that people will shout and or bring large amounts of people in protest of the proposal at times. When speaking of the opposition, he says:

They tend to fall into the categories of the usual neighborhood organization that attends and ‘represents’ thousands of people who aren't even there...The neighborhood organizations are not accurately represented. Some do a good job, but I can bet the average person does not care as much about the issue as the ‘leader’ does. They don't meet every month, yet they are represented at every

MPC meeting. In many cases, there isn't even a formal organization. Our stance seems much more accurate than theirs does – we represent one specific person. Sometimes it's a vast overstatement who they say they represent.

When speaking about the MPC board, subject 12 says that there are three points of view:

These are the applicant, the opposition, and the chairman. It seems to me unfair that the chairman is not limited to the same presentation limitations that the others have. He has already made his recommendation in writing and the MPC has received that. So he has already gotten to express his opinion. He also doesn't get actively involved unless a commissioner calls him upon for his opinion. And if he is, you don't have an opportunity to rebut that. You can sometimes get to respond if you ask.

He also feels as though the board enters the room with their minds already made up.

Subject 12 believes the overall process works in terms of getting information presented as well as getting decisions made. He adds that the MPC, considering the number of applications they must review, does a very good job of condensing the issues and gives ample opportunity to contact them before the actual hearing. He says that the meetings still need to be shortened somehow and that the MPC has been very open to any suggestions that the public might have in regards to improving the meetings.

Summaries

The following table (Table 4.) shows all participant responses to questions 1, 2, 6, and 7. These questions are close-ended questions and are important to the research because they ask for definitive information that will be used as accurate measures when assessing the participants' perceptions and behavior at the MPC hearings held in Knoxville.

Table 4. Summary of Subjects' Response to Questions 1, 2, 6, and 7

Subject	Did the hearings get emotional or out of control?	Do you feel you were you given the opportunity to be heard?	Do you feel as though the hearing format is an effective means of communication?	Are you satisfied with the hearing process?
1/N O	YES	YES	YES	SATISFIED
2/N O	YES	YES	YES	SATISFIED
3/N O	NO	USUALLY	NO	SOMEWHAT SATISFIED
4/N O	YES	SOMETIMES	NO	SATISFIED
5/N O	NO	NO	NO	SOMEWHAT SATISFIED
6/LAW	YES	MOST OF THE TIME	NO	SOMEWHAT TO NOT SATISFIED
7/LAW	YES	YES	YES	SATISFIED
8/LAW	YES	USUALLY	YES	SATISFIED
9/N O	YES	YES	YES	SATISFIED
10/N O	YES	MOST OF THE TIME	YES	NOT SATISFIED
11/LAW	YES	ALWAYS	YES	SATISFIED
12/LAW	YES	YES	YES	SOMEWHAT SATISFIED

From looking at Table 4, it can be seen that eighty percent of the participants said that the hearings became emotional or became out of control. Ninety percent of them said that they more or less feel as though they have the opportunity to be heard at the hearings. When asked if they felt as though the hearing is an effective means of communication, about sixty percent of them said yes. Regarding their satisfaction with the hearings, sixty percent of the participants said they were satisfied, twenty percent said they were somewhat satisfied, one participant was somewhat to not satisfied, while another participant was completely not satisfied with the hearings. Given this data, it is important to present any additional themes that might exist for the purpose of further exploring the subjects' perceptions and behaviors regarding the Knoxville/Knox County Metropolitan Planning Commission Public Hearings.

Themes

Adding to the above findings, there were common themes found in the interview answers given by the participants that warrant exploration. The data provided from each interview will be analyzed, identifying and examining these common themes. Also, while the themes are being reviewed, any suggestions the participants might have will be included. Finally, any further comments made in the interviews will be measured against any relevant rules, procedural methods, or ideas mentioned in chapters 1 and 2.

The only themes that will be considered in determining perceptions and behaviors in regards to the public hearings are the themes that were mentioned more than five times by the participants as a group. These are (1) appeals, variances and repetitive applications, (2) MPC vs. City Council, (3) time and length of the hearings, (4) lack of

adequate representation, (5) commissioner behavior, (6) emotive behavior displayed by the public, and (7) developer vs. neighborhood organization. Information that the subjects provided in the interview will be summarized and used to define the seven themes.

Appeals, variances and repetitive applications – One lawyer expressed his dislike of the ability to appeal the end decision. He felt as though once the decision was made, that that should be the end of the process. Having a similar view, a neighborhood organization leader felt the same way about variances. Regarding repetitive applications, the neighborhood organizations strongly expressed their opinions against this process, for they have to continually attend the hearings for the same issue over and over.

MPC vs. City Council – This comparison occurred often in the interviews. It included the idea that one could achieve better success at the City Council level than the MPC level due to less time constraints (time of meetings and length of time to speak) and the fact that the members are elected and not appointed as they are for MPC. To remedy this, it was suggested that there be an “ombudsman” of sorts to be there for the citizens if they have any complaints about the board members.

Time and length of the hearings – The times of the meetings were referred to as being too early in the day. These people felt as though it is not citizen friendly to those who work. It was suggested that the beginning time be moved to five or six o’clock, have

hearings offered more often than once a month, and that the smaller issues be dealt with first.

Lack of adequate representation – This was a complaint about both the MPC staff and neighborhood representatives. It was mentioned that the MPC staff did not correctly represent the public. Regarding the neighborhood organizations, the people who speak for the group were thought to not be adequately representing their neighborhood, but only their own ideas and feelings. It was suggested that the representatives of the neighborhood groups must give proof of their representation and group consensus in order to be able to participate in the process.

Commission behavior – The commissioners are thought to not listen at times and talk amongst themselves, cut people off when speaking, and not allow ample opportunity to rebut a comment. It is thought that many times the decisions they make are based on emotional responses displayed by the public, not on fact. Also, many times it is believed that the commissioners are personally involved in the issues at stake and vote accordingly.

Emotive behavior displayed by public – The behaviors shown at hearings range from minor, dramatic child – like behavior to threats and actual violence against people, mostly coming from the neighborhood organizations and their representatives.

Developer vs. Neighborhood Organization – There is a continual “us against them” attitude held by both the developer/lawyer and the neighborhood organizations. Many people in the process are convinced that there are certain members of the board who favor development and certain members who favor neighborhood organizations. The lawyers and their clients feel as though the board caters to the emotional reactions of the neighborhood groups, and the neighborhood groups feel as though the lawyers get their way due to the financial influence and therefore have a lot of hostility towards them.

Summary

This chapter has discussed the findings from the data of this qualitative study. Seven major ideological themes emerged from the study: 1) complaints about appeals, variances and repetitive applications, 2) MPC vs. City Council, 3) complaints about time and length of hearings, 4) lack of adequate representation, 5) negative commissioner behavior, 6) negative emotive behavior displayed by public, and 7) the developer vs. the neighborhood organization. Adding to these themes are significant trends that were found in the data provided by the entrance questionnaire and close-ended questions from the interview. This included the fact that most all subjects, regardless of representation, said that the MPC recommends approval of applications most of the time. It was also found that neighborhood organizations attend the meetings in support much less often than they do to oppose an issue. The neighborhood organizations also represent a much lower income bracket than the lawyers. Most importantly, however, is the fact that eighty percent of the participants said they have seen negative emotive behavior at the

hearings. On the other hand, ninety percent said that they are given an ample opportunity to be heard in front of the commissioners, and sixty percent said they feel as though the hearing provides an effective means of communication. Regarding satisfaction with the Knoxville hearings, sixty percent said they were satisfied, twenty percent said they were somewhat satisfied, one participant was somewhat to not satisfied, while another subject was completely unsatisfied with the hearings. Any other comments made by the subjects that did not occur more than five times in the interviews as a whole were not considered as primary themes but are listed in Appendix C as additional perceptions participant have of the MPC hearings.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECCOMENDATIONS

This chapter includes a summary of this study, presents conclusions reached by the investigator and provides recommendations for future research and practical application.

Summary

The purpose of this study was to identify participants' perceptions and behaviors when dealing with the Knoxville Metropolitan Planning Commission at the public hearings. The review of literature prompted the following guiding questions:

- 1) Were the participants provided ample opportunity to present and be listened to by the board of commissioners?
- 2) To what extent did people at the hearings display emotive behavior?
- 3) Was the overall process satisfactory?
- 4) What are the underlying perceptions of the participants about the process as a whole?

The participants used for this research were twelve people who have attended at least three hearings in the past five years. They were recruited through the MPC minutes of the hearings. Each participant participated in an entrance questionnaire and an interview. They were asked to recall and provide information about themselves and

others involved in the hearings that they attended. At the onset of the interview, informed consent statements were signed by the participants to indicate understanding of the conditions of the study. It was emphasized that the investigator would protect the participant's anonymity.

A qualitative research method was used in the study to provide the optimum forum for individual expression of the participants' experiences. Data was collected using an open-ended interview format. The investigator transcribed the results of the interviews and the investigator reviewed these. From the transcripts, common themes were then identified.

Conclusions

The data revealed several perceptions and behaviors displayed by the subjects in their interviews along with the definitive information found in the entrance questionnaire. Using the themes and information found in the entrance questionnaire and interview, the following conclusions can be made as to the four guiding questions:

OPPORTUNITY

It seems as though most of the participants said that they are given the opportunity to speak, but that it does not offer enough time to adequately express themselves. The subjects seem to prefer the next level, the City Council hearings, as giving them a better opportunity to express themselves. The commissioners were found to be rude at times, while others feel as though they did a good job of listening and that their job is a difficult one.

EMOTIONS

Emotional behavior at the hearings becomes very unruly at times. Physical violence, threats, and child-like behavior by opposition to the applicants do occur at the hearings. The lawyers seem to be the victim of these actions that are displayed by neighborhood organizations.

SATISFACTION

It seems as though the satisfaction level of the hearings is good, even though there were complaints about many aspects of the hearings. The dissatisfaction elements that prevailed were: (1) animosity between the neighborhood organizations and the lawyers or developers, (2) dislike of appeals, variances and repetitive applications, (3) time and length of the hearings, (4) personal interests by the commissioners, and (5) lack of adequate representation on both the parts of the neighborhood organizations and the commissioners. Despite these complaints, many subjects feel as though the system works the best way it can given the circumstances

Given these conclusions about the research it can be said that the perceptions of the participants involved in the public planning hearings vary. However, one common theme prevails. This is the theme of the developer vs. the neighborhood. It seems as though this idea, dominating throughout the entire research, should be considered as the underlying perception of participants in the hearing arena. The problem, therefore, lies not with dissatisfaction of MPC and their procedures, but with the constant battle between developer and Knoxville neighborhoods – the smaller complaints are more than likely manifestations of this larger problem. By examining the participants' responses to

the interview questions, it can be assumed that this battle has been created by the two sides' differing opinion of growth and development in the Knoxville area. In this dispute, the neighborhood organizations have at times crossed the boundaries in the way of unruly behavior. The Metropolitan Planning Commission appears to be the victim caught in the middle of this ongoing battle. Despite its role, it seems as though the planning commission handles both sides equally and professionally. In addition to these conclusions, the themes that are listed in Chapter Four are supported by the concerns expressed in the literature review in Chapter Two.

Recommendations

Based on the findings and conclusions of this study, the following recommendations are made for future research:

- 1) Conduct a similar research project including the planning commission as participants, tailoring the interview to questions dealing with the ongoing battle of neighborhood organization vs developer.
- 2) Conduct a comparative study of the level and progression of development in Knoxville to determine what type of growth is occurring and if it is a problem for the area. From this, determine what type of growth should occur.
- 3) Assess the feasibility of restructuring the hearings to improve (1) emotive behaviorism, (2) time constraints, (3) overly repetitive applications, and (4) lack of "certified" representation on the part of both the commissioners and neighborhood organizations.

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APPENDICES

Appendix A
The Entrance Questionnaire

1. Please circle the average income level of the people you represent. Circle more than one if necessary.

High
50,000- 100,000+

Medium
25,000-50,000

Low
0-25,000

2. a Roughly, how many hearings have you attended in the last five years?

3-5

6-9

10+

- b. Out of those, how many of them were you there **in support of** the proposed rezoning?

- c. How many of them were you there **in opposition to** the proposed rezoning?

- d. How many of them were you there just for **informational** reasons?

3. a. On average, how many of the hearings that you attended did the MPC recommend **approval**?

- b. On average, how many of the hearings that you attended did the MPC recommend **denial**?

Appendix B
The Interview

1. Did the hearings ever get emotional or out of control? If so, explain.
2. Do you feel you were given an opportunity to be heard? Explain.
3. Do you feel as though the behavior of the board changed depending on the issues at stake? If so, how?
4. How did you present your material?
5. What were some of the reasons why you attended the hearings?
6. a. Would you say you are not satisfied, somewhat satisfied, satisfied, or very satisfied with the rezoning hearings you attended?
b. Why or why not?

For petitioner representatives:

- c. *Do you feel as though depending on whether you were representing support or opposition that your satisfaction with the hearings changed?*
7. Do you feel that the hearings are an accurate means of communication for decision-making?
8. Do you feel as though some things should be done differently at public rezoning hearings? If so, please explain.

Appendix C

Additional Comments Made by Participants

1. Two subjects said that they feel as though the reason why they achieve greater satisfaction at the city council level is due to the fact that the members are elected versus the appointed representatives at the MPC level.
2. Four subjects said as though they feel as though the commissioners already have their minds made up on the issues before they enter the hearing setting. Some of these people went on to say that even though they did, they did use the hearing as a process to listen further on the issues and decided using the new information presented by the public at the hearings.
3. Four people interviewed referred to the process as being an overall very political process

Appendix D

Definitions

Satisfaction – Whether or not the process lived up to the participant's expectations.

Public hearings – Quasi-judicial hearings given by the local planning commission with which to decide on whether or not a particular application or proposal will be approved.

Zoning Ordinance – an ordinance containing the rules for use of local land.

Knoxville/Knox County Metropolitan Planning Commission (MPC) – Organization charged with the responsibility for reviewing applications for amendments to the zoning ordinance or proposals for developments.

Participants – Any opposition or support to the proposed rezoning

Applicant – One who has submitted a request for rezoning, usually a landowner or developer.

Petitioner – One who is attending a hearing to petition either for or against a proposed rezoning

Applicant representative - One who represents applicant, usually in the form of a lawyer

Neighborhood organization – Any organization, representing the people in a certain neighborhood, formed for the purposes of maintaining and protecting the interests of that particular neighborhood

VITA

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