

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE WAS HELD
ON THURSDAY, NOVEMBER 19, 2020 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR NUNLEY
VICE-MAYOR COTHRAN
COMMISSIONER COLEMAN
COMMISSIONER EVERETT
CITY MANAGER CAGLE
CITY ATTORNEY ELLIOTT
RECORDER JOHNSON

Hamilton County General Sessions Court Judge Clarence E. Shattuck presented the Oaths of Office to newly elected Commissioners Jim Coleman, and Commissioner Steve Everett and Gene Shipley who was re-elected.

Nominations were requested for Mayor. Commissioner Shipley made a motion to nominated Commissioner Nunley, seconded by Commissioner Everett and the ayes were unanimous. Mayor Nunley requested nominations for Vice-Mayor. Commissioner Coleman nominated Commissioner Cothran, seconded by Commissioner Cothran and the ayes were Commissioner Coleman, Commissioner Cothran, and Mayor Nunley with Commissioners Everett and Shipley voting nay.

The minutes of the regular meeting held November 5, 2020 were approved as presented.

OLD BUSINESS:

None.

NEW BUSINESS:

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 LOCAL
BUSINESS DISTRICT TRACTS OF LAND LOCATED AT 9210 AND 9212 DAYTON
PIKE. PUBLIC HEARING AND FIRST READING.**

Glen Johnson, 105 Hatlin Drive, questioned the purpose of the rezoning. He stated he was not opposed, but is worried about the traffic issue that could be caused. City Manager Cagle stated the police department would monitor traffic. She said there were no plans for these properties, at this time. City Manager Cagle stated the owners believe the sell price could be higher if the properties were zoned commercial.

1st - Commissioner Shipley
2nd - Vice-Mayor Cothran
Ayes - Unanimous

CITIZENS PARTICIPATION:

None.

Vice-Mayor Cothran said he would like to discuss the Christmas Parade. He stated COVID-19 are were rising in Hamilton County. He said he spoke with Hamilton County Mayor Jim Coppinger who referred him to Beck Barnes from the Health Department. Vice-Mayor Cothran read a statement from Ms. Barnes. The statement voiced her concerns with having an event that put a lot of people in close proximity to one another. Vice-Mayor Cothran said he has the same concern. He stated to date only seven applications to participate in the parade, have been received and both JROTC groups from the high schools are not allowed to participate this year. Vice-Mayor Cothran said the members of the Vietnam Veterans of America Chapter 942 are at an age that they do not need to be exposed to the coronavirus either. He said all other municipalities have canceled their parades. City Manager Cagle stated she participated in a Zoom meeting with Mayor Coppinger, Becky Barnes and an infectious disease doctor. She said they were advising everyone to cancel events that brought a lot of people together.

Commissioner Shipley questioned the status of the Christmas at Poe's Tavern Celebration. He said the elementary schools are not allowed to participate due to the pandemic. He stated he

hates to cancel, but cases are rising in both the Soddy-Daisy and Hixson areas. Vice-Mayor Cothran made a motion to cancel the Christmas Parade and the Christmas at Poe's Tavern Celebration, seconded by Commissioner Coleman and the ayes were unanimous.

Commissioner Coleman stated that in the previous meeting Commissioner Shipley asked Deputy Chief Dusty Morgan how much it would cost to repair Engine #2. Deputy Chief Morgan said he was told well over \$25,000. Commissioner Coleman stated he spoke with someone at Diesel Performance who would like to look at the truck. He said this would cost \$1,000. Commissioner Coleman said he was told it might not cost near what was originally anticipated. He stated \$20,000 would be the worst-case scenario. Commissioner Coleman made a motion to have Diesel Performance evaluate the truck, seconded by Commissioner Shipley and the ayes were unanimous.

Commissioner Shipley asked the original name of the large softball tournament formerly held at the ball fields at Soddy Lake. City Manager Cagle stated it was originally called the St. Jude Softball Tournament and then later it was changed to the Soddy-Daisy Softball Tournament. Commissioner Shipley said he has been approached to bring it back. He stated the tournament would potentially take place in April. It was the consensus of the Board to allow the tournament to take place.

Commissioner Shipley questioned if City Manager Cagle went forward with hiring anyone in the police department. City Manager Cagle stated she had not. Commissioner Shipley questioned how many officers the police department was currently down. City Manager Cagle said the three and they are about to be down a fourth. Commissioner Shipley questioned if the person she wanted to promote was road ready. City Manager Cagle stated it would take a few weeks because the required class is currently full. Commissioner Shipley questioned if having a

non-certified officer in a patrol car created a liability. City Manager Cagle said the officer would be covered by POST. Commissioner Shipley asked when the officer would be ready to operate alone. City Manager Cagle said it would be Spring. City Attorney Elliott questioned how long it had been since the City put a non-certified officer in a car. City Manager Cagle stated former police officer now Fire Chief Mike Guffey was allowed to do this. Fire Chief Guffey said it was in 2010. City Attorney Elliott stated if there happened to be a use of force, a good attorney could use that against the City. Commissioner Everett said it is standard to have twelve weeks of field training. He asked Sergeant Jerry Workman how much field training officers receive in the Soddy-Daisy Police Department. Sergeant Workman stated up to twelve weeks. City Manager Cagle said it varies. Commissioner Shipley said he would feel better if the City waits until an officer is completely certified before putting them in a patrol car. He said it doesn't help the City to pay someone to ride around that can't perform all duties of a police officer. Commissioner Shipley made a motion to wait until an officer is certified and ready to go on the road before putting them on patrol, seconded by Commissioner Everett. Vice-Mayor Cothran questioned if the Board was taking away the City Manager's ability to run the day to day operations. City Attorney Elliott said it could be interpreted that way. Vice-Mayor Cothran stated he was worried about the motion made last week by former Mayor Shipley to not hire or promote anyone until the new Board was in place. Vice-Mayor Cothran read an Attorney General Opinion regarding a City Manager following detailed instruction from the Board. He said the opinion was that a City Manager did not have to follow detailed instructions and he doesn't want the City to get in trouble. Commissioner Shipley stated it is the Board's job to look after the City's funds. Vice-Mayor Cothran questioned if this was about money. Commissioner Everett stated it is unnecessary to spend money for someone that can't perform the necessary duties of their

position. Vice-Mayor Cothran asked if the City could afford it. Commissioner Everett stated the Board just voted to look into repairing a truck instead of potentially purchasing a new one in order to spending money. Vice-Mayor Cothran asked how the City would fill the position. Commissioner Everett stated the position should be opened to certified officers. City Attorney Elliott reiterated this was a duty of the City Manager. Commissioner Everett stated it is unnecessary to have two people in a car and one cannot enforce the law. Commissioner Shipley said it has been a long time since the City put a non-certified officer in a car. Vice-Mayor Cothran questioned if the dispatcher that was going to become an officer would stay. City Manager Cagle said it would be up to her. Mayor Nunley called for the vote and the ayes were unanimous to wait until someone was certified to put them in a patrol car.

Commissioner Everett thanked the citizens for voting him into office. He said the candidates did not belittle each other and thanked the candidates for that. Commissioner Everett stated he was a police officer for twenty years and his father was the police chief in Soddy-Daisy for fifteen years. He said he was unhappy with actions of one of the City's former police officers and asked the if everyone knew about a felony that was committed by the City's administration and the police department. He read a T.C.A. regarding an officer exceeding official power and a T.C.A. regarding officers being public servants, intentional mistreatment, performing unlawful acts and impeding citizens' rights. Commissioner Everett stated he asked the Board in a previous commission meeting, before he was a commissioner, if they heard a taped conversation with the City Manager and members of the police department but was told they could not answer due to litigation. He played the audio for the Board. Commissioner Everett stated the audio was of City Manager Cagle stating that "we need to drive the price down" of a trailer park in the north end of the City. Vice-Mayor Cothran said when Lieutenant Mike Sneed played the audio

for him it was not near as long as the one that was just played. He stated he could not interpret what was being said and asked for a copy but Lieutenant Sneed said he could not give him a copy and “stomped out.” Commissioner Everett said the Attorney General’s Office doesn’t mind now. He questioned City Attorney Elliott if he had asked for more information about this. City Attorney Elliott stated he was informed there was nothing more to investigate. Commissioner Everett said on July 23, 2019 nine of the City’s police officers went to the mobile home park to enforce codes. He said he never heard of anyone doing anything like this in the past to enforce codes. City Manager Cagle said they were not there to enforce codes. She stated she did not care about the sale price of the park. She said she was interested in cleaning up the park. Commissioner Everett said Mimosa Mobile Home Park has a murder and questioned if the police department took nine officers there. City Manager Cagle stated the mobile home park on the north end had a lot of drug activity and the Mayor complained about it. The Board took a recess at 8:03 p.m. and restarted the meeting at 8:06 p.m. Commissioner Everett read the transcript again and reiterated “run the price down.” He said he ran for commissioner to restore integrity. He said he feels the commissioners do not think they can be sued for negligence. City Attorney Elliott said they cannot. Commissioner Everett read a passage from MTAS saying commissioners can be sued for gross negligence. City Attorney Elliott stated Commissioner Everett did not say “gross” negligence before. Commissioner Everett said there should be a standard of conduct. He said the City has committed two felonies and kept a police officer on the force for three months. Commissioner Everett stated the officer was allowed to continue to work patrol until the FBI came in and “did our job for us.” Commissioner Everett asked the City Attorney who the Board employs. City Attorney Elliott said the City Manager and all employees. Commissioner Everett said the City currently has two open lawsuits and more are

coming. He said the City has not performed thorough background checks when hiring and asked could the City be liable due to this. City Attorney Elliott said there has to be a logical reason. Commissioner Everett reiterated the issues already discussed in the meeting and questioned if the City had a problem. He said City Attorney Elliott seems to want to recuse himself. City Attorney Elliott stated he has worked with City Manager Cagle a long time and she is his boss. He said the codes enforcement was the same as for any other mobile home park and questioned if harm was inflicted by the enforcement. Commissioner Everett spoke of the “knock and talk” that was performed and asked what if the City Manager did this to your family. He stated he and Commissioner Coleman are clean right now. He said the police were used unlawfully to affect a real estate transaction. Commissioner Everett made a motion to terminate the City Manager, seconded by Commissioner Shipley. Mayor Nunley stated he thought no action would be taken while the incident was under investigation and to his knowledge the investigation is still ongoing with the FBI and the Attorney General. Mayor Nunley called for the vote. The ayes were Commissioner Everett, Commissioner Shipley and Mayor Nunley with Vice-Mayor Cothran and Commissioner Coleman voting nay.

Vice-Mayor Cothran made a motion to have Finance Director/Recorder Burt Johnson serve as Interim City Manager, seconded by Commissioner Coleman, and the ayes were unanimous.

Commissioner Coleman thanked the citizens for voting him in as commissioner and stated it was a clean campaign. He stated he never heard a negative comment.

ADJOURNED 8:21 P.M.

RECORDER JOHNSON