

A MEETING OF THE BOARD OF
COMMISSIONERS OF THE CITY OF
SODDY-DAISY, TENNESSEE WAS HELD
ON THURSDAY, DECEMBER 2, 2021 AT 7:00 P.M.

INVOCATION BY: JACKIE PENNEY

MEETING CALLED TO ORDER BY:
MAYOR NUNLEY

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

The minutes of the regular meeting held on November 18, 2021 were approved as presented.

OLD BUSINESS:

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, RELATING TO
THE REQUESTED DE-ANNEXATION OF CERTAIN TRACTS OF PROPERTY
LOCATED ADJACENT TO BOWMAN ROAD. PUBLIC HEARING AND FIRST
READING.**

Mayor Nunley stated that this ordinance was tabled at the last meeting. City Attorney Elliott stated that he prepared the de-annexation criteria ordinance based on the City of Chattanooga's Ordinance regarding Lookout Valley. He recommended two changes to this Ordinance if the Board is in favor of approving it. City Attorney Elliott said the first change was to delete #5 from the criteria as it is not applicable. He said to his knowledge the City has not defaulted their obligations on any of these parcels. He said the second change would be to change Section 3 to read as follows: "Effective Date. This Ordinance shall take effect for the purpose of activating the seventy-five (75) day interval fifteen (15) days after the second reading

thereof, and if there is no petition filed will be effective on December 31, 2022 at 11:59 p.m.”

He said this would eliminate any issues with dividing the property taxes. Mayor Nunley said he had questions regarding #5 as stated in this ordinance and the City Attorney has clarified that tonight. Bill Layne, 1433 Bowman Road, said that the Board is stating that they did not default on any of the services, right? City Attorney Elliott said that is right. Mr. Layne asked if taking care of the roads is one of the City’s services? City Attorney Elliott stated the question is what the plan of services were at the time of adoption. City Attorney Elliott stated that when the road was our responsibility it did not need paving and then we de-annexed the road and gave it back to the County. Mr. Layne said once the City de-annexed the road, Hamilton County paved it two months later. He said the road condition sure went bad quickly. Commissioner Everett said the City de-annexed certain roads in 2013 and he has spoken with the previous City Manager who said he regretted doing that because of these problems. Commissioner Everett stated he has spoken with the residents on Bowman Road and they are frustrated. They feel the City de-annexed their street, did not cut their property taxes, but instead raised their property taxes by 35 percent in less than 4 months. He said as a Board we may not have defaulted as stated in the Ordinance, but we did tell them we would maintain the road. He said we de-annexed other areas in the City and there was no reason to de-annex other than convenience. He said he felt we have developed criteria now to use to de-annex property. He said we cannot by law annex property unless it is on referendum. He stated his research has revealed that this was unconstitutional to taken people in and force them to pay higher taxes. City Attorney Elliott said it was not unconstitutional, it was a power concurred by the legislature. They had the constitutional right to do that. Members of legislature have since decided that as a matter of policy that annexation should no longer take place. He said he was the City Attorney when the

annexations took place and there was some debate on whether or not to take the road. He said he was not familiar with Indian Ridge. Public Works Director Grant said he believed that Indian Ridge had requested to be out. Commissioner Everett said the citizens of Bowman Road are making that request as well. Commissioner Everett said this has been ongoing for years.

- 1st - Commissioner Everett to approve with the changes as noted by the City Attorney
- 2nd - Commissioner Shipley
- Ayes - Commissioners Coleman, Everett, Shipley and Mayor Nunley
- Nays - Vice-Mayor Cothran

2021-2022 ORDINANCE NO. 7

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING SECTION 8-220 AND 8-306 OF THE MUNICIPAL CODE RELATIVE TO DISTANCE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES. SECOND AND FINAL READING.

There was no opposition present.

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

NEW BUSINESS:

2021-2022 RESOLUTION NO. 3

A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE, ADOPTING AN UPDATED POLICE PROCEDURE MANUAL.

City Manager Johnson stated that Police Chief Sneed and his staff have worked on this Manual as it was outdated. He said the City Attorney has reviewed it and added a De-escalation Procedure.

- 1st - Commissioner Shipley
- 2nd - Commissioner Coleman
- Ayes - Unanimous

2021-2022 RESOLUTION NO. 4

**A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE,
AMENDING 2021-2022 RESOLUTION NO. 5 ADOPTING THE
CLASSIFICATION AND PAY PLAN FOR CITY EMPLOYEES FOR
FISCAL YEAR 2021-2022.**

City Manager Johnson said this amendment to the Pay Plan adds a position for a full-time dispatcher. The three part-time dispatch positions will not be filled as long as the full-time position is filled, but left in the plan for future. One additional public works position is also being added.

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

Citizens Participation:

Jim Stewart, 13015 Emerald Bay Drive, thanked the Board for purchasing the Big Soddy Creek Gulf area. He expressed what a nice place it is to hike. He stated that Ivy Academy has expressed an interest in being involved with the tree board. He reminded everyone of the Citizen Forestry Class scheduled for February 2022. He requested that each Commissioner contact him to schedule a time for him to meet with them individually. Commissioner Shipley questioned if the tree board would have any effect on developers. Mr. Stewart said it does not have to go there, but it can if that is what the City wants.

Lisa Flores, 112 Pine Street, expressed her concerns with the drainage at the Dollar General Store located at 8418 Dayton Pike. She said that she has contacted Public Works Director Steve Grant regarding the drainage issues on Pine Street. She said the goal is to keep Dollar General water on Dollar General's property. She said that Mr. Grant told her what measures had been taken to correct the issues. These consist of a berm, trench, and closing the holes. City Manager Johnson said they had also dug the pond deeper. She said she has asked for a copy of the drawings by Berry Engineering and Mr. Grant said he would send those. She said the original plan

was for a 15 inch pipe onto Pine Street from the bottom of the pond with zero infrastructure in place for additional stormwater. She said the new construction has created a liability that never existed before. She said she wants the Board to know this issue is not resolved. Mayor Nunley asked Public Works Director Grant to comment on the pond. He said the pond will hold 7000-8000 gallons of water before water will come out of the pipe. He said you will not know if the changes have alleviated the situation until a rain event happens. Public Works Director Grant said the Pine Street area had water before the Dollar General was built. Mrs. Flores said she lived there in the rainy season of 2020 and 2021 and it does not flood. Mrs. Flores said she has documentation that the water came from Dollar General which used to be below street level.

Commissioner Everett asked City Attorney Elliott if the property was rezoned for the Dollar General. It was noted that the property was already commercial and no change in zoning occurred. Commissioner Everett said that Dollar General had to meet certain criteria before permits were issued. Commissioner Everett said that he too owns property on Pine Street and it is a mess when it rains. Public Works Director Grant stated that the City still has the Dollar General Bond and will have to wait for a rain to see if the changes work. City Attorney Elliott said that the residents will have to wait for rain to see if there is an improvement. He further stated that as a matter of Tennessee Law this is a civil matter between her and Dollar General. The City has no legal responsibility. He said there is only so much the City can do. Roy Rogers, 108 Pine Street, showed the Commission photographs on his telephone of the area. He said that the Dollar General has clay mud up to the edge of the road and if the clay mud was removed the water would soak into the ground. He asked if the pipe installed by Dollar General could have a 90 degree turn added so that it did not look like a cannon aimed at his driveway. He asked why the pipe to the pond wasn't put in the 9-1/2 feet right-of-way between the Dollar General property and Charlie's that runs to the creek.

Jerry Eldridge, 113 Pine Street, said the Dollar General never finished between his property and the fence. He said the dumpster is not being emptied and the area looks trashy. He said that in researching Dollar General he has found numerous lawsuits against them for the same reasons. Public Works Director Grant said that TDEC has stipulations depending on the size of the development and these are up to the contractor and engineer. City Attorney Elliott said that the City is part of Hamilton County Stormwater and Hamilton County would address this. He said that he did not flood in 2018 and has been on Pine Street since 2015. Public Works Director Grant said he would ask William Hedgecoth to patch the paving again. He said hopefully Dayton Pike will be resurfaced in April or May of 2022. He said milling is included in the project and would be at the City's discretion, most likely 30 to 50 feet on side streets. City Attorney Elliott noted that there is a large right-of-way on Dayton Pike in this area.

City Manager Johnson stated that in previous years the Board has voted to give all city employees a \$75.00 bonus at Christmas time. He questioned if the Board wanted to do this again this year and what amount. Commissioner Shipley made a motion to give all city employees a \$75.00 bonus, seconded by Vice-Mayor Cothran and the ayes were unanimous.

Commissioner Coleman asked everyone to remember toys for kids, December 19th.

Commissioner Shipley announced that he is considering running for Hamilton County Commissioner District 1. He said that he as verified with the City's Attorney that if elected he could also continue to serve in his present capacity with the City for the remainder of his term. He wished everyone a Merry Christmas and Happy New Year!

Commissioner Everett asked if more hot patch could be added to the water main on Dayton Pike. He asked if this could be addressed with the water company. Public Works Director Grant said the current patch is temporary and once all tie-ins are made they will remove the current patch, and install asphalt with 5 inches of binder. He said this would be done by Lofty out of Dunlap. Commissioner Everett expressed his concern with safety during the parade scheduled for

Sunday, December 5th. He said he does not want to see anyone hurt and wanted the water company to be aware this would be on them. He wished everyone a Merry Christmas and a Happy New Year.

Mayor Nunley also wished everyone a Merry Christmas and a Happy New Year. He stated that the next meeting will be on Thursday, January 20, 2022. He announced the Love Run scheduled for Saturday, December 4, 2021 at 11:00 a.m. beginning at Charlie's. He said the funds raised will be used to provide Christmas to local kids.

Adjourned 8:01 p.m.

City Recorder Johnson