

A MEETING OF THE BOARD OF
COMMISSIONERS OF THE CITY OF
SODDY-DAISY, TENNESSEE WAS HELD
ON THURSDAY, JANUARY 19, 2023 AT 7:00 P.M.

INVOCATION BY: JACKIE PENNEY

MEETING CALLED TO ORDER BY:
MAYOR EVERETT

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

Mayor Everett presented the Christmas Parade trophies. The winners were as follows:

Best of the Best School – Soddy-Daisy High School Baseball Team
Best of the Best School 2nd Place – North Hamilton County Elementary School
Best of the Best 2nd Place – Hixson Youth Athletic Association
Best of the Best – Oak Street Baptist Church

City Manager Johnson expressed appreciation to Jim Stewart for serving as a parade judge.

Brian Wright of Johnson, Murphey and Wright presented the City's audit report. He said the City received an unmodified opinion – clean opinion, which is the best you can receive. He said there were no findings. He expressed his appreciation to City Manager Johnson and his staff for their assistance and a job well done.

City Attorney Elliott stated that the December 1st minutes needed to be amended on page 4, line 7 where the word accommodation should be changed to commendation. The minutes of the regular meeting held on December 1, 2022 were approved as amended. The minutes of the special called meeting held on December 28, 2022 were approved as presented.

OLD BUSINESS:

None.

NEW BUSINESS:

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM C-2 LOCAL BUSINESS DISTRICT AND R-1 SINGLE
FAMILY RESIDENTIAL DISTRICT TO C-2 LOCAL BUSINESS DISTRICT
A TRACT OF LAND LOCATED AT 11908 DAYTON PIKE.
PUBLIC HEARING AND FIRST READING.**

Greg Middleton, 11291 Bent Creek Drive, Soddy-Daisy, Tennessee and owner of the property was present on behalf of the request. He said he is requesting the zoning change for the construction of a land surveying company. There was no opposition present. City Attorney Elliott asked if it was approved by the Planning Commission. Commissioner Shipley stated yes.

1st - Vice-Mayor Coleman
2nd - Commissioner Penney
Ayes - Unanimous

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2A RURAL RESIDENTIAL DISTRICT AND A-1
AGRICULTURAL DISTRICT TO C-2 LOCAL BUSINESS DISTRICT A
TRACT OF LAND LOCATED AT 8210 DAYTON PIKE.
PUBLIC HEARING AND FIRST READING.**

Garland Johnson, 1042 Holland Johnson Road, Soddy-Daisy, Tennessee and owner of the property was present on behalf of the request. He said plans are to sell the property and that is why he is requesting the rezoning. There was no opposition present. Mayor Everett asked if the Planning Commission had recommended approval. Commissioner Penney said yes.

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

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM A-1 AGRICULTURAL DISTRICT TO C-2 LOCAL
BUSINESS DISTRICT A TRACT OF LAND LOCATED AT 8212 DAYTON
PIKE. PUBLIC HEARING AND FIRST READING.**

Julian Atwood, 1919 Bay Hill Drive, Hixson, Tennessee and owner of the property was present on behalf of the request. He said he plans to sell the property and that is the reason for the rezoning request. There was no opposition present. City Manager Johnson said the Planning Commission had recommended approval as well.

1st - Vice-Mayor Coleman
2nd - Commissioner Keith
Ayes - Unanimous

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
AMENDING THE SODDY-DAISY ZONING ORDINANCE, ARTICLE V,
GENERAL PROVISIONS AND EXCEPTIONS, SECTION 102, HEIGHT
EXCEPTIONS AND ARTICLE VII, ADMINISTRATION AND ENFORCEMENT,
SECTIONS 128, HOTELS AND 130.8 MULTI-FAMILY STRUCTURES RELATIVE
TO HEIGHT REQUIREMENTS. PUBLIC HEARING AND FIRST READING.**

Public Works Director Steve Grant stated that currently the City's Zoning Ordinance allows a maximum height of 2-1/2 stories or 35 feet. He said in order to accommodate multi-family structures (apartments) and hotels the request is to increase the height to 75 feet from ground to roof peak. He said that he and Fire Chief Morgan have discussed this. He said Fire Chief Morgan felt that with the recent purchase of a 95 foot aerial this height would be acceptable. Public Works Director Grant said the change is only relative to hotels and apartment buildings. There was no opposition present. City Attorney Elliott questioned if the Planning Commission had recommended approval. Public Works Director Grant said yes. Commissioner Keith questioned the maximum height that would be allowed. Public Works Director Grant reiterated 75 feet from ground to roof peak relative to hotels and apartment buildings. City

Manager Johnson said that most hotels are five (5) stories and this would provide the opportunity for one to locate within the City. Commissioner Penney asked Fire Chief Morgan if the City has the fire apparatus to protect a structure of this height? Fire Chief Morgan replied yes. Public Works Director Grant noted that a hotel or multi-family building of this height would be required to have sprinklers throughout as well. Commissioner Keith stated fire hookups on the building would also be required. Public Works Director Grant said yes.

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

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE TO
AMEND THE SODDY-DAISY MUNICIPAL CODE, TITLE 1, CHAPTER 4,
BY ADDING A NEW SECTION 1-402 AUTHORIZING THE CITY MANAGER TO
EXECUTE CERTAIN CONTRACTS. PUBLIC HEARING AND FIRST READING.**

City Attorney Elliott stated that the City Charter has a provision in it that says the City Manager can execute contracts in situations where the City Commission does not direct that the Mayor does it instead. He said for convenience purposes we want to have this arrow in our quiver. He said he prepared the Ordinance to make it a Soddy-Daisy Ordinance. There was no opposition present.

- 1st - Vice-Mayor Coleman
- 2nd - Commissioner Keith
- Ayes - Unanimous

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS.

City Attorney Elliott said that the City has a long-term contract with an outfit known as Digital Ally to provide cameras and recording equipment. He said it has not been a good relationship. There have been a lot of glitches with it. He said the City did not make the last payment of \$40,000.00+. He asked Police Chief Sneed if this amount is correct. Police Chief

Sneed said yes. City Attorney Elliott said they did not make this payment in order to try and get the issue adjusted. He said the only way to resolve it would be to file a lawsuit which might require litigation in Kansas and that is not the best use of the City's time and money. City Attorney Elliott said he has reached an agreement with Digital Ally's attorney in Kansas to terminate this contract and a hard drive of our backup of what we have sent to us and the settlement is for half of the amount which is \$20,000.00. He gave his recommendation to approve the settlement. City Attorney Elliott said this is a mutual release and settlement agreement and was included in their packets and he has reviewed it. City Manager Johnson said the City was using this equipment for a considerable time without payment, but it was malfunctioning. He said this is not like we are paying for a period when we weren't using them. He said some of the cameras were working, some of them were not. He said this is the easiest way to end it without going to court.

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

Citizen's Participation:

Gary Newman, 15065 Log Cabin Lane, came before the Commission to request the use of the Veteran's Park for a car show to be hosted by the Soddy-Daisy Cruisers car club. He said the money raised is donated back into the community. He requested use of the Veterans Park on April 15th, July 22nd and September 23rd. Commissioner Shipley asked if the requested dates are available. Recording Secretary Dolberry asked Mr. Newman to contact City Hall tomorrow morning.

- 1st - Commissioner Shipley to approve provided the requested dates are available
- 2nd - Commissioner Keith
- Ayes - Unanimous

Jim Stewart, 13015 Emerald Bay Drive, gave an update on Keep Soddy-Daisy Beautiful.

He said with financial support from the City, the Tennessee Division of Forestry and community members who have made donations the second annual Arbor Day is scheduled for March 4th. He said that 35 trees will be planted along Soddy Lake. He said anyone interested in donating or volunteering to assist with Arbor Day can sign up on their website. He said there will be a master gardener tree pruning class held in a few weeks. City Manager Johnson asked what time the event would begin on March 4th? Mr. Stewart said volunteers should arrive by 9:30 a.m. and the schedule is yet to be determined, but will be posted on the website.

Lucien Scott, 5811 Northwoods Drive, Hixson, Tennessee and representative of the North Chickamauga Creek Conservancy, informed the Commission that efforts are underway to have 9 miles of the Creek protected as a Class 1 State Scenic River. He said this legislature will be passed by the Tennessee Senate. It was introduced on January 12th and is currently promoted/supported by Representative Patsy Hazlewood and Senator Bo Watson. He said they also have support from County Commissioner Chip Baker and are asking for support from the City of Soddy-Daisy and Mayor Everett's Office to have the creek's corridor upstream of the access at Montlake Road mainly just the North Chickamauga Creek Gorge protected under the Class 1 State Scenic River designation. City Attorney Elliott asked if they need a letter or resolution? Mr. Scott said a letter of support. City Attorney Elliott said that would be up to the Commission. It was the consensus of the Commission that this sounded like a good thing. Mr. Scott said that they believe the River itself includes all the scenic, historical, ecological, biological and recreational values that all the other rivers in the State Scenic River Program represent. City Attorney Elliott asked Mr. Scott to send City Manager Johnson an email of the information that needs to be in the letter. Mr. Scott said he would.

Tim Laramore, 402 Tiktin Drive, Chattanooga, Tennessee and representative of the North Chickamauga Creek Conservancy regarding the Custom Stone Handlers Association. He said December 15, 2022 their harvesting of stone operation was to cease as laid out by the ZBA, they agreed to a \$50,000 bond and timeline for the reclamation to be completed by June of 2023. He said they are very excited that the operation ceased harvesting stone and now would like the City's vigilance on the reclamation process. He said as part of that request, they have sent a certified letter to the City. Susan Crowell said they are asking how best to approach this interim period. City Manager Johnson deferred to City Attorney Elliott. City Attorney Elliott said that at the Zoning Board of Appeals they had requested an audit or something of that nature. He said at that time City Manager Cagle had said that she felt that the City Inspections Team would be sufficient for that. He asked Inspector Grant if this was on his list in the coming weeks. Inspector Grant said it is now. City Attorney Elliott said that they have a reclamation plan and they need to be making reasonable progress toward that between now and the end of June.

Susan Crowell, 916 Rose Marie Court and representative of the North Chickamauga Creek Conservancy, said they are currently conducting a watershed assessment. She thanked the Board for their support of the State Scenic River designation request. She gave the Commission a list of areas where watershed is a concern. She said it would be helpful to have their regulation on these activities. She said they are talking with the State and many of these areas are in State violation. Legal action is being taken. City Attorney Elliot asked if the City has fill regulations? Public Works Director Grant stated that the City does not have land disturbance permits at this time. City Attorney Elliott said that we are part of the Hamilton County Stormwater Program. She said she feels the City should take oversight in borrow pits,

fill areas, etc.

Hardie Stulce, 10414 Dayton Pike, Soddy-Daisy, Tennessee. He gave a brief history on the incorporation of Soddy-Daisy and the creation of the fire department. He requested that the Commission consider hiring six additional fire personnel. He said this should allow for the fire department to maintain a minimum of 5 people on the first out apparatus. He said this is the two in/two out rule which is Federal Law. He thanked the Commission for their support of the fire department.

City Manager Johnson requested approval of an audio/visual equipment bid in the amount of \$25,255.00. He that the Red Bank & Soddy-Daisy Charitable Foundation had donated \$23,000.00 toward this. Fire Chief Morgan said this is a large portion of updating the training area at Station 1 with state-of-the-art training equipment. Commissioner Shipley asked if this was a budgeted item. Fire Chief Morgan said that \$23,000 was donated for visual training equipment and the remainder was unbudgeted, but was looked at as part of the entire remodel project. City Manger Johnson said the remaining funds will be paid from the training budget.

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

City Manager Johnson requested approval for the fire department to surplus a 2012 Ford Escape. He said it is not being utilized.

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

City Manager Johnson requested approval to purchase portable radios from Motorola under State Contract. Fire Chief Morgan said this came in under budget. City Manager Johnson

gave the total cost as \$23,719.80. Fire Chief Morgan said \$24,000.00 was budgeted.

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

City Manager Johnson said that bids had been received for the resurfacing of Dayton Pike. He said Talley Construction was the only bidder. He gave the bid amount as \$4,028,469.26. He said this is part of a Federal Highway Grant in the amount of \$3.5 million of which our share is \$700,000.00, they cover \$2.8 million. City Manager Johnson said there will be an overage of approximately \$528,000.00 which he would like the City to cover using ARP Funds.

- 1st - Commissioner Shipley to award the bid to Talley Construction and cover the overage with ARP Funds.
- 2nd - Vice-Mayor Coleman
- Ayes - Unanimous

Commissioner Keith thanked those who participated in the Christmas Parade.

Vice-Mayor Coleman requested a dumpster to be placed in the Salt Shed area at the North Park.

Commissioner Shipley said the building report for this month was \$814,000. He noted this was lower than it has been in months.

Commissioner Penney said that he has been contacted by parents of students using the Soddy-Daisy High School Wrestling Arena in regard to the condition of the driveway and the need for it to be re-paved. It was noted that this property belongs to the Hamilton County Board of Education. City Manager Johnson said that he would make the County aware of the concerns. Commissioner Shipley said that the driveway is not the responsibility of the City, but that

Hamilton County is very aware of the situation. He said Rhonda Thurman is working on it. He said the water company was suppose to make the repairs, but did not. City Attorney Elliott said we do not exercise any control over the driveway and there is no liability to us.

Commissioner Penney thanked the Commission for their support during the recent passing of his mother. He also expressed appreciation to Police Chief Sneed, Captain Petty and Fire Chief Morgan for the procession to his mother's final resting place.

Mayor Everett gave the Commission a set of handouts. He said a lot was discussed at the workshop held on January 17th. He said one of the items discussed was fire personnel and we are working on addressing that. He said another item discussed with City Manager Johnson and the Department Heads was the current pay scale for the departments. He said the department heads have worked hard on this and proposed several ideas. He said we are in a time when it is hard just to get someone to come to work. He said the climate in our entire country has people demanding a good salary and we have to compete with that. He said that the number of volunteers is down as well. He said we have to be good stewards of the City's money. He said the handouts show some proposed pay plans. He said he would like for the Commissioners to review this and address it at the next meeting. He said we are in a new climate as far as personnel and compensation packages. He said the Commissioners all work and pay taxes here and they take this seriously. He said we want to set the standard on our services provided. He thanked Mr. Hardie Stulce and all the volunteers in our community for their service.

Adjourned 8:21 p.m.

Recorder Burt Johnson

