

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, SEPTEMBER 17, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY MANAGER STULCE
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

The minutes of the meeting held September 3, 2009 were approved as presented.

Old business: None.

New business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REVISING THE VARIOUS MUNICIPAL COURT COSTS OF THE CITY.
PUBLIC HEARING AND FIRST READING.

City Recorder Burris stated that currently the court cost is \$55.00 which has not been increased for more than eleven years. She said periodically it is necessary to review the cost stating funds are currently needed for upgrading the technology of the court. She said the new cost will be \$68.75 or an increase of \$13.75. Mayor Shipley stated it was a public hearing and asked for comments and/or questions from those present. City Manager Stulce said it was his personal opinion as a citizen that the cost of the court system should be borne by people who break the law.

1st - Commissioner Adams
2nd - Commissioner Harmon
Ayes - Unanimous

Citizens Participation:

Robert Cothran, 10175 Dallas Hollow Road, displayed a small banner and requested permission to display it and a larger one at the North Park advertising the Punkin' Festival to be held on October 17th. He acknowledged that there is a sign ordinance, asking for permission to put a larger banner, 21 feet long and 39 inches high, across Dayton Pike at Soddy Lake. He gave the cost of the large banner at \$400 asking if the City could contribute toward its cost. City Attorney Elliott said donations must be a specified line item in the budget. Mr. Cothran spoke of the various events planned for that day. After discussion it was the consensus of the Board to have the City Manager and Public Works Director work with Mr. Cothran on placement of the sign.

John Grace, 12209 Plow Lane, said at the last council meeting he brought up the fact that there were city regulations and that they were to be reviewed as to the City's position on meeting those requirements. Vice-Mayor Privett said he chaired the last meeting, adding that he did get a current copy of the regulations which he has reviewed. Those regulations state that the Public Works Director will inspect all ditches, culverts, drainage

easements, etc. The Director looks at the plat to see that there is a catch basin or a drainage ditch and that it is in place. The actual design and the size are not his obligation. He has the plans that show where everything is, but it doesn't show the depth or design of the ditch. Commissioner Harmon said he felt that if there are regulations in place, the City should back them up. City Attorney Elliott said as he mentioned in the last meeting, Tennessee law specifically states that the City does not have any liability for inspections even if the City's regulations say something else, the Tennessee Code overrides that. He stated that the City has made the determination to investigate exactly what is wrong in the subdivision. A third party engineer is being hired to see what is causing the problem and how to fix it. Once the determination has been made and it is found that a design defect is responsible or something that was done by the developer or homeowners, the City will take action. He said this was the first step in addressing the problem. John Grace said two meetings ago there was discussion about allowing the developer to continue work in the subdivision and the City Attorney stated his reluctance from discontinuing permits. He asked for an update. City Attorney Elliott said that a legal issue has been discovered that may make a difference in the decision as to further development.

City Manager Stulce commented on the police department's overtime report saying that the majority of the cost is funded by a Governor's Highway Safety Office Grant.

City Manager Stulce thanked and recognized the Public Works Department along with the help of Robert Cothran for successfully moving the World War I Monument. He added that S & H Erectors provided a crane at no charge.

City Manager Stulce gave an update on items from the last meeting. He reported that the signs requested for the parks pertaining to dogs on the walking track, the "do not block intersection" sign on Hotwater Road and Oak Street and the signs on Daisy Dallas Road by the church have all been installed. He reported that the new HVAC units for Station #1 have been installed.

City Manager Stulce announced that the North Hamilton County and Rhea County Creek Management Task Force will be meeting on Thursday, September 24th at 1:30 p.m. at the main station of the Sale Creek Fire Department. He said the City needs a presence there and asked for those planning on attending to please let him know.

City Manager Stulce requested permission to enter into a contractual agreement with David Matthews Engineering Company to conduct an engineering design study to address the drainage issue problems for the Plantation Subdivision. City Attorney Elliott asked the Board to approve the City Manager entering into a contract once he has reviewed and approved it. City Manager Stulce gave the cost estimate to be between \$8,000 and \$12,000. Vice-Mayor Privett said the residents deserve to know what's wrong and made a motion to hire the third party engineer. The motion was seconded by Commissioner Harmon. City Attorney Elliott asked

that the record reflect that Commissioner Adams is a resident of the area and that the possible disclosure of conflict is stated. Mayor Shipley said \$8,000 to \$12,000 may seem like a lot of money but due to the cost of some of the solutions looked at, he felt this study was needed. A roll call vote was taken and the ayes were unanimous. Commissioner Adams said his yes vote is with the aforementioned disclosure notice. Vice-Mayor Privett stated that the study was to commence immediately with a report within 30 days.

City Manager Stulce said that drainage regulations being proposed have been given to the Planning Commission for their review for their recommendation to this Board.

The City Manager presented a request to initiate offers to certain nonexempt personnel that have 25 years of service and are at least 55 years of age. He said this is not a forced retirement but rather an intent to reduce cost. He said three people were eligible and asked for permission to offer a one time buyout incentive in the amount of \$10,000 for each with insurance coverage until the employee is eligible for medicare. He gave the incentive cost at \$30,000 and the insurance cost \$28,000. He said the annual salary for the three employees is currently \$141,292 and benefits are \$23,652. By eliminating the three positions, the annual savings would be \$164,943 less the one time \$58,000 cost. He advised that the three employees were made aware of the potential offer but were told that this would not be official until voted on. He stated that there are no plans to fill these positions at this time. Their duties will be assigned to other people and in some cases the work load may be shared by two or more. Commissioner Harmon asked for the consensus from those eligible. City Manager Stulce said he did not seek an answer. He noted that one employee has 34+ years of service and two with more than 27. Commissioner Adams asked if one position should be left open in case it is needed. Vice-Mayor Privett said that one of the employees is his sister and for the record he wanted to state that he has never been in any discussion about this. City Manager Stulce stated emphatically that it has not been discussed with him at any time. Vice-Mayor Privett said something similar was done eleven years ago whereby positions were eliminated as a cost savings. City Attorney Elliott stated that the employees taking the incentive will be required to sign a release saying they understand the offer. He said he would prepare the release. Commissioner Skiles responded to Commissioner Adams' mention of leaving a position open saying that the three are from different departments. If one person is hired, they could not do all three jobs. A motion was made by Commissioner Harmon to approve the offer. It was seconded by Commissioner Skiles. A roll call vote was taken with the ayes being Commissioner Adams, Commissioner Harmon, Commissioner Skiles and Mayor Shipley. Vice-Mayor Privett abstained from voting.

Public Works Director Steve Grant gave an update on the two sewer projects being planned. He said he attended the WWTA meeting yesterday with the WWTA approving both. He reported that he spoke with Mark Harrison, WWTA's chief engineer, who is working on the Bell Street plans and he said that the plans should be

on his desk by Monday. The cost of Bell Street is estimated to be \$16,000 for 160 feet of pipe and a manhole with the City's cost being \$11,400. He said he would need a vote from the Commission to go forward with the project. He said the WWTA will bid the project, do all the engineering and award the contract. He reported that raw sewage is coming to the top of the ground and the lots' sizes are so small that there isn't enough room to duplicate the field lines. Commissioner Skiles asked if the WWTA will be responsible for the line once it's complete. Director Grant said none of it will be placed in the roadway. Service will be to two houses and to the old medical center. Vice-Mayor Privett said due to it being a health hazard, he would make a motion to approve the Bell Street project at an amount not to exceed \$12,000. Commissioner Adams asked about the project funding. Vice-Mayor Privett amended his motion to have expenditure from the reserve for authorized expense. Commissioner Adams seconded the motion and the ayes were unanimous. Director Grant said the other project will provide service to #3 Fire Hall. He reported that he and the City Manager met with Tom Pennell a couple of weeks ago about including service for his property in the design. He said Jim Copp, engineer for the project, said the plans should be completed by the first of next week. The project will come from the wetlands, up Nale Road, across Dayton Pike, going south on Dayton Pike and up to the fire hall. There is an alternate bid being added to include service to Springfield Road. The estimated cost from the WWTA is \$140,000 with their part being \$19,200 for 1,400 feet of sewer line. Engineer Copp said with the redesign, he thinks the line will be around 1,200 feet. City Manager Stulce said the City will do the bidding and WWTA will handle the easements and the inspections. Inspector Grant reported that George Luttrell and Mr. Pennell have agreed to contribute toward the project. Commissioner Harmon asked if the project had been bid once before. Vice-Mayor Privett said it had, but at that time it was a different design and a larger project. Commissioner Adams questioned funding. Director Grant said he would report back after the bids are received. Vice-Mayor Privett made a motion to put the project out to bid. The motion was seconded by Commissioner Harmon and the ayes were unanimous.

Director Grant reported that the spillways in the Plantation have been cut out and will be completed when the weather permits. He said he was obtaining prices on pipe to go under Posey Hollow Road, but would now wait until the engineering study approved earlier in the meeting is complete.

Vice-Mayor Privett reported that the WWTA has approved an agreement with plumbers on a six month pilot project to replace residential service lines. He said this will be a lot of work for local plumbers with plans to start in two areas, Signal Mountain and East Ridge. Commissioner Adams asked the total amount of the project. Vice-Mayor Privett said \$46 million has been allocated, noting that there are some 24,000 members (homeowners) of the WWTA and that many will have to have their service lines rebuilt.

Vice-Mayor Privett said there is a private sewer project currently underway on Dayton Pike in front of

Hickman's Garage and that the contractor is digging very close to the city street. In the type soil that is there, the rocks are undermined and will wash out. He suggested putting something in the City's regulations that would require any time a utility digs beside a city street, to make sure the road bedding is secured. Director Grant said he had spoken with the contractor who has agreed to cut into the road, digging back to stable soil and putting concrete in the cut. Vice-Mayor Privett said this one cut may be covered but regulations still need to be in place. City Attorney Elliott said he would work with Director Grant on this amendment.

Commissioner Adams said discussion has been held previously about modifying the acceptance of new streets. City Manager Stulce said his recommendation is to accept the city street as a publicly dedicated street so lots can be sold and continuance of building, etc., but not to accept the warranty on the road until the road's development is seventy-five percent (75%) complete. This will protect the city from having to rebuild a new street caused by damages to it from heavy trucks used during construction. Vice-Mayor Privett said this was a good idea and would put the road to its test. Mayor Shipley said the City of Chattanooga now requires that the binder be in place until the development is complete after which the final asphalt coating is added. Vice-Mayor Privett stated that could be a problem if the development went "belly up" and the only way to protect from this is to require a bond. City Manager Stulce said he would present something at the next meeting for their consideration.

Commissioner Skiles commended Public Works Director Grant and his department for the job they are doing.

Mayor Shipley said he had been in conversation with Kenny Rose, owner of Rose's Auto Sales, 9325 Dayton Pike, about a 19 foot to 23 foot section of property that was abandoned by the developer, Greg Hurley. This section of property is on the south side of the new Springfield Road entrance and adjoins Mr. Rose's property. Mr. Rose needs a portion of the property for parking and to help sell his lot. He has agreed not to increase the value of the sale of his property, saying the request was only to help sell the lot. Mayor Shipley asked that the plat be researched before the next meeting. Vice-Mayor Privett said he was unsure if the property was abandoned. After discussion it was decided to research this request.

Mayor Shipley said during the time the City was without a city manager, Recorder Burris filled the position. There were talks at different times about compensating her for the extra work for the four or five months. He suggested that she receive a week's vacation and the difference in her salary (\$1,973.75) and the city manager's salary. He asked the Board for their input. Commissioner Adams made a motion to give her the option of the two. Vice-Mayor Privett said the savings was much more than the difference in the salary. Commissioner Skiles suggested giving the money instead of the time off, but agreed this should be left to her. Commissioner Harmon made a motion to give Ms. Burris a week's vacation and the difference in pay. The

motion was seconded by Commissioner Adams and the ayes were unanimous.

Mayor Shipley announced Community Day at Stoney Point Baptist Church on Saturday, September 19th at 9:00 a.m. He also announced the fund raising dinner for Miss Tennessee, Stefanie Wittler, on Monday, September 21st at 6:00 p.m. to be held at Charlie's Restaurant.

ADJOURNMENT 8:12 P.M.

RECORDER SARA BURRIS