

A MEETING OF THE BOARD OF COMMISSIONERS  
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS  
HELD ON THURSDAY, NOVEMBER 1, 2012 AT 7:00 P.M.

MEMBERS PRESENT:  
MAYOR ADAMS  
VICE-MAYOR CAGLE  
COMMISSIONER HARMON  
COMMISSIONER NUNLEY  
COMMISSIONER SHIPLEY  
CITY MANAGER STULCE  
CITY ATTORNEY ELLIOTT  
CITY RECORDER JOHNSON

The minutes of the meeting held October 18, 2012 and the special called meeting held October 23, 2012 were approved as presented.

OLD BUSINESS: None.

NEW BUSINESS:

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, TO ANNEX  
CERTAIN TERRITORY DESIGNATED AS THE OLD DAYTON PIKE NORTH  
AREA (AREA A) AND TO INCORPORATE THE SAME WITHIN THE  
CORPORATE BOUNDARIES OF THE CITY OF SODDY-DAISY, TENNESSEE.  
PUBLIC HEARING AND FIRST READING.**

City Attorney Elliott stated that this is a public hearing and asked that unless commenting in general on the annexations that comments be limited to those who live in or have an interest in the proposed annexation areas. George Wright, 12504 Old Dayton Pike, spoke in opposition to the annexation. Mr. Wright stated that although Soddy-Daisy is a great place, he chose to build and live in the county. He questioned the purpose of annexing the area and asked what he would get for his tax dollars. City Manger Stulce stated that he would receive protection from the police and fire departments, garbage service, use of the parks and recreation areas, and all other services that the incorporated area already receives. Mr. Wright stated that his business is located in the City, he pays taxes to the City on that and he purchases gas, food, etc. from within

the City as well. He stated that he felt the annexation was only for tax revenue and no other reason. Stacey Fuller, 426 Red Bird Lane, spoke in opposition to the annexation. She stated that she had chosen to live in the County and did not want to be in the City. She said that she has a concern that a lot of the residents cannot afford the extra taxes that annexation will add. She said that when she calls for emergency help she does have to specify if she is in the County or in the City, but has no problem with this. She asked if the residents would be allowed to vote on the annexation. City Attorney Elliott stated they would not. Mrs. Fuller further stated that she feels she is already receiving all the services from the County that the City is offering. Scott Hickman, 12728 Old Dayton Pike, asked if the Commission had already decided to annex the properties or will there be a vote by the residents. He said that he understands that there will be an additional charge for garbage service. Commission Harmon stated that in the past there was an additional charge for garbage, but this is no longer the case. Mr. Hickman stated that sewers are proposed in the area and this too will bring an additional cost to the property owners. Wade Wright, 390 Skip Lane, stated that 6 of the 10 residents on Skip Lane were present and were opposed to the annexation. He reiterated that he too felt the residents should be allowed to vote on the annexation. Commissioner Harmon stated that he had suggested deannexation. City Attorney Elliott stated that Tennessee Legislature gives the procedure for annexations and was amended in 1998. Over 10 years ago in 2001, Hamilton County and the municipalities within the County met to develop a 20 year Urban Growth Boundary and all had to agree on these areas. The Urban Growth Boundary sets the areas that the cities will annex should they decide to do so. He assured those in attendance that these areas were not chosen haphazardly, but were a part of an orderly process. He further stated that city property taxes would not be assessed until next year. The residents stated that they had no idea of the Urban Growth Boundary. City Attorney Elliott

stated that the maps were published 10 years ago and that public hearings were held. Mrs. Fuller questioned how she could determine if an area is in the Growth Boundary for Soddy-Daisy. Mr. Elliott stated that the maps could be found on the Regional Planning Agency's website. City Manager Stulce stated that this is not a wholesale land grab, but rather to clear up confusion in emergency responses. He said that you can annex the remaining side of the road in Area A or de-annex the area from Highwater Road north, Area B is an island that was left out of the original City Limits, Area C the road is in the City, out of the City, in the City serviced by two fire departments and two police departments, Area D has one side of the road as well as the roadway in the City, but the other side is out. He said this was nothing more than a way to clear up confusion in emergency responses. If all four areas are annexed, the City will realize less than a total of \$80,000 in City taxes. Scott Hickman, 12728 Old Dayton Pike, questioned if the City could de-annex the other side of the road from his property rather than annexing his side. City Attorney Elliott stated that the residents would have a say in de-annexation according to State Law. Commissioner Harmon asked if a study had been done to compare de-annexation of the other side of the road with the annexation as proposed. City Attorney Elliott stated that the City is proposing to annex a limited area only and the reason is logical from the City government's point of view. Mayor Adams and City Attorney Elliott stated that the Urban Growth Boundary would be re-negotiated in 10 years. Commissioner Shipley stated that he did not feel de-annexation was in the best interest of the City. He said that the annexation will require two readings before being approved. Commissioner Shipley made a motion to approve the annexation on first reading and to review the area before the second reading. Vice-Mayor Cagle stated that the residents on Scribner Lane had asked to be included in the annexation. Mr. George Wright stated that it would be easier for him to accept the annexation if the City also

annexed a portion of Lee Pike to include the Emerald Bay area. He said that he understands this would require the construction of a new fire station. He asked if the City could get a grant to build a new fire hall? City Manager Stulce said they had not received one in 40 years. Mr. Wright questioned the amount of revenue that the Emerald Bay area would bring in. He said he felt over time it would cover the cost of a new fire station. City Attorney Elliott stated that the Courts look at the proposed area as basically already in the City and that the annexation is reasonable. Commissioner Shipley stated that it was not feasible at this time to annex the additional area.

- 1<sup>st</sup> - Commissioner Shipley to approve
- 2<sup>nd</sup> - Vice-Mayor Cagle
- Ayes - Vice-Mayor Cagle, Commissioner Shipley, Mayor Adams
- Nays - Commissioner Harmon, Commissioner Nunley

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE TO ANNEX CERTAIN TERRITORY DESIGNATED AS THE PENOBSCOT DRIVE AREA (AREA B) AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SODDY-DAISY, TENNESSEE. PUBLIC HEARING AND FIRST READING.**

City Attorney Elliott stated that this too was a public hearing and first reading. An unidentified resident of the Penobscot Drive area was present in opposition to the annexation. City Attorney Elliott stated that this area is already receiving fire protection from Soddy-Daisy. The unknown resident stated that he had contacted several insurance agencies all of which had stated that his property would fall under the Sale Creek Volunteer Fire Department rating. He said his premium is way higher because of this. He further stated that the road is very hazardous. He said that the County has raised the appraisal of his property and now the City is annexing it. City Manager Stulce stated that in an agreement with Sale Creek the Soddy-Daisy Fire Department services this area. Sale Creek has a fire rating of a Class 4 and a Class 9 based on

fire hydrant locations and proximity to fire stations as well as several other factors used to determine the fire class. City Attorney Elliott stated that if annexed the fire rating would be reduced to a Class 3 fire rating. Mayor Adams said in most cases the fire rating savings to the homeowners insurance will offset the tax increase. Ted Keith, 352 Skip Lane, stated that he has been a State Farm policy holder for several years and his agent had advised that for the past 7 years State Farm has rated policyholders based on their zip code and not their zoning. He said that Sale Creek and Soddy-Daisy has the same rating because they have the same zip code. Shirley Meeks Cloud, Penobscot Road, spoke in opposition to the annexation. She stated that she had resided at this address since 1971 and did not need Soddy-Daisy to annex her. She said several of her neighbors were older and unable to attend tonight's meeting. They are unable to pay additional taxes due to their fixed income. Mayor Adams asked if anyone was present in favor of the annexation. There was none.

- 1<sup>st</sup> - Commissioner Shipley to approve
- 2<sup>nd</sup> - Vice-Mayor Cagle
- Ayes - Vice-Mayor Cagle, Commissioner Nunley, Commissioner Shipley, Mayor Adams
- Nays - Commissioner Harmon

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, TO ANNEX CERTAIN TERRITORY DESIGNATED AS THE DALLAS HOLLOW ROAD AREA (AREA C) AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SODDY-DAISY, TENNESSEE. PUBLIC HEARING AND FIRST READING.**

Mayor Adams stated that this is a public hearing and first reading. Kenneth Jeffers, 10456 Dallas Hollow Road, spoke in opposition to the annexation. He said the purpose of annexation is to benefit the citizens in the annexation area and not the City. He stated that he did not feel Soddy-Daisy had anything to offer him. He said he currently has a volunteer fire department, a very large county sheriff's department, county public works, county ambulance service and can have his garbage picked up for \$156 per year. He stated that in 34 years Soddy-

Daisy has never cleaned out his drainage ditch nor mowed the side of the road. He further said that the county provides the animal control at no cost to the City. Mayor Adams stated that the City pays the Hamilton County Humane Society \$44,000 per year to provide animal control in the City. He said in the recent Planning Commission Meeting the Manager noted that the annexation is not about the money, but yet future revenue was discussed concerning the south end annexation. City Attorney Elliott stated that there are 4 areas being considered for annexation and only one (south end of the City) has a potential for future revenue, but the Dallas Hollow Road annexation is not about the money. Mr. Jeffers said that in the past 49 years that the City has been incorporated he feels it has failed to grow and develop a full time paid fire department, large public works department and large police department. He further stated that he did not feel that the Soddy-Daisy departments could compare to that of the Hamilton County departments. He said that a few years ago the City gave them a choice to be annexed into the City and the residents voted no. City Attorney Elliott explained that the reason they were given a choice then was because there was a choice between Soddy-Daisy and the proposed Middle Valley municipality that was ruled invalid by the court before it went to a vote. City Attorney Elliott stated that a Plan of Services for the area will be voted on later tonight. Commissioner Harmon stated that nine people in the Dallas Hollow Road area had approached him and asked that the City annex their properties. He further stated that he resents the comments made in regard to the City's public works, fire and police departments. Commissioner Shipley said that over the past 43 years we may not have grown like you feel we should, but that is relatively due to the low tax rate. He said that in the past when the County increased the property assessments, the City would lower its tax rate for the protection of the citizens. He said had the City chosen to raise taxes each time the assessment was raised then the City could have done a lot more. This past year was the first substantial tax increase. Mr. Jeffers stated he had a problem with the City

saying it will offer better services when it will not. If annexed, he would get his services. City Attorney Elliott clarified that there had been no discussion between the Commissioners relative to the annexation vote prior to the meeting. Commissioner Harmon stated that this was correct.

- 1<sup>st</sup> - Commissioner Harmon to approve
- 2<sup>nd</sup> - Vice-Mayor Cagle
- Ayes - Vice-Mayor Cagle, Commissioner Harmon, Commissioner Nunley, Commission Shipley, Mayor Adams

Commissioner Harmon stated that the second reading will be held in two weeks.

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, TO ANNEX CERTAIN TERRITORY DESIGNATED AS THE OLD DAYTON PIKE SOUTH AT HIGHWAY 153 (AREA D) AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SODDY-DAISY, TENNESSEE. PUBLIC HEARING AND FIRST READING.**

Mayor Adams stated that this was a public hearing and first reading. Scott Hickman, Area A, again questioned what keeps the annexation from being voted on by the citizens? City Attorney Elliott stated State Law. There was no opposition present.

- 1<sup>st</sup> - Commissioner Harmon to approve
- 2<sup>nd</sup> - Commissioner Nunley
- Ayes - Vice-Mayor Cagle, Commissioner Harmon, Commissioner Nunley, Commissioner Shipley, Mayor Adams

**2012-2013 RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE, ADOPTING A PLAN OF SERVICES FOR THE PROPOSED ANNEXATION OF PROPERTIES IDENTIFIED AS OLD DAYTON PIKE NORTH (AREA A), PENOBSCOT DRIVE (AREA B), DALLAS HOLLOW ROAD (AREA C), AND OLD DAYTON PIKE SOUTH AT HIGHWAY 153 (AREA D).**

City Attorney Elliott stated that the Plan of Services for the areas had been advertised and would require a vote from the City Commission.

- 1<sup>st</sup> - Vice-Mayor Cagle to approve
- 2<sup>nd</sup> - Commissioner Shipley
- Ayes - Vice-Mayor Cagle, Commissioner Harmon, Commissioner Nunley, Commissioner Shipley, Mayor Adams

Citizens Participation:

Punk Heard, 9061 Daisy Dallas Road, questioned why a large pile of garbage on Daisy Dallas Road had not been picked up by the trash collectors for the past two weeks. Commissioner Harmon advised that he would contact Mr. Heard tomorrow with an answer.

Jinnie Henry, 1445 Bowman Road, stated that she had questioned at a previous meeting why the minutes of the meeting are not read and citizens permitted to ask questions on them. She said that Mr. Elliott had provided her with an explanation, but she asked for further clarification. City Attorney Elliott stated that the Code prescribes the order in which the minutes are approved. She again asked for further clarification. City Attorney Elliott said that the Code sets forth that the minutes are approved.

Margaret Chastain, 206 Northern Trails Drive, stated that Soddy Elementary has an excellent principal who recently took the time to write a personal note on each student's report card. She thanked the City Commission for helping with the school's recent fund raiser. She stated that a fall festival parade will be held at the school tomorrow and asked the commission as well as commission candidates to participate.

Peter D'Amico thanked the Commission for repairing Brumlow Hollow Road. He said that Mrs. Abernathy also appreciates the work.

Rita Shipley, 11668 Walker Road, stated that she was proud of Soddy-Daisy. She stated that Soddy-Daisy is one of the most giving cities.

City Manager Stulce asked the Commission to authorize the contract with Miller McCoy for the Durham Street sewer project.

- 1<sup>st</sup> - Vice-Mayor Cagle to approve
- 2<sup>nd</sup> - Commissioner Shipley
- Ayes - Unanimous

City Manager Stulce stated that the City had recently accepted bids to replace the lighting at the north ballfields. He stated that Service Electric had been the low bidder, but had recently requested that their bid be withdrawn. He gave the next lowest bidder as Lawson Electric for \$55,017 and asked the Commission for approval to award the bid to Lawson.

- 1<sup>st</sup> - Commissioner Harmon to approve
- 2<sup>nd</sup> - Commissioner Nunley
- Ayes - Unanimous

Commissioner Nunley noted that the Soddy Elementary parade was scheduled for tomorrow. John Allen Elementary's fall festival would be held Saturday from 11 a.m. to 4 p.m. Soddy-Daisy Middle School would hold a Veteran's Day program at 9 a.m. on November 8<sup>th</sup>.

Commissioner Shipley stated that the recent Wall of Honor Ceremony was a success with nearly 600 people in attendance. He said that all the annexations had been approved on first reading. This will give the Commission time to consider everything said tonight before voting on the second reading in two weeks.

Commissioner Harmon said if re-elected he would continue to look at things on an individual basis.

City Manager Stulce stated that the City Attorney wished to discuss a legal issue with the Commission immediately following the meeting.

ADJOURNMENT 8:26 P.M.

RECORDER JOHNSON