

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

MEMBERS PRESENT:
MAYOR JIM ADAMS
VICE-MAYOR JANICE CAGLE
COMMISSIONER SHANE HARMON
COMMISSIONER RICK NUNLEY
COMMISSIONER GENE SHIPLEY
CITY MANAGER HARDIE STULCE
CITY ATTORNEY SAM ELLIOTT
CITY RECORDER BURT JOHNSON

Mayor Adams presented a Certificate of Achievement to the Soddy-Daisy High School Bowling Team. He called each player up to the podium individually and the Board members shook each player and the coach's hand to congratulate them. Mayor Adams noted the following: the team had a 22-0 record, were state champions and Joseph Leffew bowled a perfect game.

The minutes of the special called meeting held January 24, 2012 and the regular meeting held February 16, 2012 were approved as presented.

Old Business:

2011-2012 ORDINANCE NO. 9

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
AMENDING SECTION 10-109 OF THE MUNICIPAL CODE
TO ADD AN AFFIRMATIVE DEFENSE TO A VIOLATION
OF TITLE TEN OF SAID CODE.
PUBLIC HEARING AND SECOND READING**

City Attorney Elliott stated he was asked by Commissioner Shipley with the consensus of the Board to prepare an Ordinance that would allow someone who could prove they had animals on their property for a period of ten years to be able to keep them. He said he drafted an Ordinance that establishes the affirmative defense which allows someone who is charged with a

violation to prove they have had animals on their property for a period of ten years or more. Cecil Smith, 114 Morningside Drive, asked the Board how they planned to police this new Ordinance. He questioned if they could not police one person at one address, how could they police the whole City. Margaret Chastain, 206 Northern Trails Drive, approached the Board and stated she does not know any of the parties involved in the dispute but requested that the Board do their research before passing a new Ordinance to ensure everything is covered so that it does not need to be changed several times in the future. Ms. Chastain stated that this is the third time this Ordinance has been changed and every time they make a change it costs the tax payers money due to the fact that the City Attorney has to get involved. Brenda Smith, 109 Morningside Drive, stated in 2005 the Ordinance was written just for her but explained this Ordinance is for everyone who has had animals on their property for a period of ten years or more. She said that she would like to keep them just like everyone else. Mayor Adams stated the only question now is if she has had them for at least 10 years. Ms. Smith said that she has. Sheila Payne, Daisy Dallas Road asked the Board, what the particulars were for animals and acreage. City Attorney Elliott stated that you had to have at least 1 acre and could have up to 8 goats. He then read that section of the Ordinance to Ms. Payne. Ms. Payne said 14 years ago Ms. Smith had as many goats as she does now and asked if Ms. Smith was going to get to keep her goats. City Attorney Elliott stated as long as she can establish the affirmative defense. Commissioner Nunley stated this Ordinance does not supersede any other Ordinance. He said if animals are getting out of their lots and getting on cars or anything else like that then you can still be cited to court.

1st - Commissioner Shipley
2nd - Commissioner Harmon

Ayes - Commissioner Harmon, Commissioner Nunley, Commissioner Shipley
Nays - Mayor Adams, Vice-Mayor Cagle

Vice-Mayor Cagle said her voting no was nothing personal. She said she voted no because of the number of animals Ms. Smith has in a small space. She stated she would not want to see dogs or cats in that small of a space and saw no way the City could enforce this Ordinance. Commissioner Harmon agreed with Vice-Mayor Cagle and said “it is just like many other Ordinances in the City, you can’t enforce them”. He said there are many others in the City that are in violation of the same thing. He explained that he voted yes because the animals have been there for so long. Commissioner Harmon said there will be a valiant effort to enforce this Ordinance.

2011-2012 ORDINANCE NO. 10

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
TO AMEND THE SODDY-DAISY ZONING ORDINANCE BY CHANGING THE
NAME OF THE HAMILTON COUNTY HEALTH DEPARTMENT TO
HAMILTON COUNTY GROUNDWATER PROTECTION.
SECOND AND FINAL READING.**

City Manager Stulce said “as this relates to the Health Department’s enforcement of septic tanks and field line installation, instead of saying the Health Department is going to inspect it, they will say the Hamilton County Groundwater Protection is going to inspect it”. He said the City’s regulations need to reflect this change.

1st - Vice-Mayor Cagle
2nd - Commissioner Harmon
Ayes - Unanimous

2011-2012 ORDINANCE NO. 11

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
INCREASING THE LAB FEE ON DUI CHARGES IN ACCORDANCE
WITH T.C.A. 55-10-406(f) FOR THE MUNICIPAL COURT OF THE CITY.
PUBLIC HEARING AND SECOND READING.**

City Manger Stulce stated on January 1, 2012 the State of Tennessee passed a new law to force blood draws on DUI cases under several different circumstances whether it is first, second, or third offense and beyond. He said this Ordinance will pass the cost associated with the blood draws on to the individual who is arrested.

1st - Vice-Mayor Cagle
2nd - Commissioner Nunley
Ayes - Unanimous

2011-2012 ORDINANCE NO. 12

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
AMENDING 2010-2011 ORDINANCE NO. 8 ADOPTING THE
2011-2012 GENERAL FUND BUDGET AND TO FURTHER
AMEND BY ADDING THE DEBT SERVICE FUND.
PUBLIC HEARING AND SECOND READING.**

Mayor Adams stated passing this Ordinance is a formality of amending the budget.

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

New Business:

None.

Citizens Participation:

Ramona Johnson, 9610 Dallas Hollow Road, said the Youth for America would like to get permission to use the Veterans' Park on May 5th from 2:00 p.m. to 8:00 p.m. for a fund raiser and the proceeds will be used to help fund their Bible Clubs and the F.C.A.s in the public

schools. Commissioner Shipley made a motion to approve the use of Veterans' Park for the fund raiser, seconded by Commissioner Nunley and the ayes were unanimous.

Robert Cothran, 10175 Dallas Hollow Road, said he wanted to remind everyone that applications for the Wall of Honor are being accepted now and he would like to have 50 applications by May 5th. He said anyone that would like an application could contact him, Patti Skates or come to City Hall. Mr. Cothran said people could also obtain an application from the website at vva942.org.

City Manager Stulce said that Bill Carney has requested a meeting with the Board to discuss scheduling an open house/ceremony for Poe's Tavern in May.

City Manager Stulce said he and Finance Director Burt Johnson have discussed paying off the loan with First Tennessee Bank. He then deferred to Finance Director Johnson to explain what they had discussed. Finance Director Johnson recommended to pay off the loan early and stated it would save the City approximately \$4,000 in interest charges. He said the City will not have any more money in November, when the principal is due, than in two weeks when the City receives the bulk of its property tax revenue. Commissioner Harmon asked if the City could go ahead and pay off the loan now rather than waiting two weeks. Finance Director Johnson said yes. Commissioner Harmon made a motion for the City to pay off the loan to First Tennessee Bank immediately, seconded by Commissioner Shipley and the ayes were unanimous.

Commissioner Nunley announced that he would not be able to attend the next commission meeting because he will be having surgery that morning.

Vice-Mayor Cagle noticed there were several young faces in the crowd and asked if they were students. They said that they were and attending the meeting was part of an assignment. She thanked them for attending.

Commissioner Shipley reminded everyone that there will be a meeting on Thursday March 8th at 6:00 p.m. at City Hall to discuss drugs, violence and neighborhood watches. He said the police department made a drug bust earlier in the day with nearly 1,000 pills confiscated. Commissioner Shipley said the meeting is to get teachers, principals and everyone else involved. He said “together we can fight this problem better than just five police officers out on patrol”.

Mayor Adams announced a Hall of Fame ceremony at Soddy-Daisy High School on March 2nd at 8:00 a.m.

ADJOURNMENT 7:34 P.M.

RECORDER JOHNSON