

A MEETING OF THE BOARD OF COMMISSIONERS  
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS  
HELD ON THURSDAY, MARCH 15, 2012 AT 7:00 P.M.

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

MEMBERS ABSENT:  
COMMISSIONER RICK NUNLEY

The minutes of the regular meeting held March 1, 2012 were approved as presented.

Old Business:

None.

New Business:

**2011-2012 ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,  
REZONING FROM R-2A RURAL RESIDENTIAL DISTRICT TO M-2  
WHOLESALE AND LIGHT INDUSTRY DISTRICT A TRACT OF  
LAND LOCATED AT 11030 OLD DAYTON PIKE.  
PUBLIC HEARING AND FIRST READING.**

Robert Lo Tufo, 631 River Landing Drive, stated the piece of land that he wants to rezone was repossessed by the bank and has been empty for nearly 3 years. He stated the bank had an auction last fall and received no bids. Mr. Lo Tufo said he felt it needed to be zoned commercial to get full use of the property. He said he would employ 4 to 6 employees and it would be light industrial with some machine shop work and plastics fabrication. Mr. Lo Tufo stated he has met a lot of resistance but stated he would a good employer and be a good neighbor in the community. Gene Eustice, 11045 Old Dayton Pike, stated that the residents on Old

Dayton Pike oppose the rezoning and stated there are no other commercial properties in their neighborhood. City Manager Stulce stated, according to his conversation with Mr. Lo Tufo, it would be zero emissions and the business would have self contained cooling systems for the plastics. City Manager Stulce said he thought Mr. Lo Tufo was applying for an M-2 with conditions so that it could only be used for a specific purpose. He asked City Attorney Elliott if this could be done. City Attorney Elliott stated that conditions can be imposed on any rezoning in Hamilton County. Max Orr, Chairman of the Planning Commission, said they recommended to deny the rezoning and thought if this property was allowed to be rezoned it would set quite a precedence due to the spot zoning issue. Mr. Lo Tufo asked what else could be done with this property if it is not rezoned. He said the Board would be condemning it to be demolished and put back to R-1. City Attorney Elliott stated he was not sure what could be done to overcome the spot zoning issue. Commissioner Harmon stated he felt it was not a good location for any type of commercial traffic and said it would be a hazard. The issue died due to a lack of a motion.

Citizens Participation:

Arnold Stulce, 141 Lewis Street, read a letter to the Board from the Red Bank and Soddy-Daisy Charitable Foundation. The letter stated that the Foundation wished to award the City of Soddy-Daisy a grant for \$25,000 to be used exclusively for the expansion or replacement of Fire Hall #3. As a condition of accepting the \$25,000 grant, the City had to agree to keep the funds segregated in the separate interest bearing account previously established in conjunction with the \$61,000 grant awarded in December of 2010. Also the letter stated the Foundation wished to award the City a \$5,000 grant to purchase materials for a pavilion for the Poe's Tavern Project. Commissioner Harmon made a motion to accept the grant on the terms stated in the letter from

the Red Bank and Soddy-Daisy Charitable Foundation, seconded by Commissioner Shipley and the ayes were unanimous.

Bob Stone, Allied Waste, made a presentation to the Board on Allied Waste's recycling program. He stated that they currently service approximately 7,000 homes in Hamilton County and North Georgia. Mr. Stone said they pick up every other week. He said each cart has an RFI ID tag on the handle and the truck reads the tag when picked up. He stated customers receive award points for recycling and can go on the internet to keep up with how many points they have accumulated. He said there is over 2,000 vendors that customers can redeem their points with. Mr. Stone explained from his own experience recycling has cut down on his regular waste. He said now he usually sets his regular trash out every 3<sup>rd</sup> week. He then explained that recycling reduces waste at the landfill. Mr. Stone informed the Board of all the different items that can be recycled and that all the items can go in the cart together and need not be separated.

Commissioner Harmon asked Mr. Stone how much they charged for the service. Mr. Stone said it would be anywhere between \$3.00 and \$3.50 per home. Commissioner Harmon asked where the recycling was hauled to and Mr. Stone said they took it to Rock Ten. Commissioner Shipley asked if this program would cut the City tipping fees in half. Mr. Stone stated it could if everyone got involved. Commissioner Harmon asked if the City's regular garbage service could be cut in half and Mr. Stone said "it could easily be cut in half." Mayor Adams asked could the contract be separate from the regular garbage contract and Mr. Stone said it would be up to the Board. There was some conversation between Board members about how the proposals could be written up. The Board thanked Mr. Stone for his presentation.

City Manager Stulce said five years ago the federal government issued a mandate concerning radios and communications equipment. He said for 3 years the City has applied for

grants to help offset the cost of replacing their equipment but to no avail. City Manager Stulce said by December 31, 2012 the fire department must have an entire new radio system. He said the federal government has mandated everyone to go to narrow band radio frequencies and that the older radios are not capable of doing this. He said all new mobiles and portables have to be purchased as well as a new repeater. City Manager Stulce stated the total capital outlay for the fire department will be \$113,719.16, which is the state contract price. Vice-Mayor Cagle made a motion to approve the purchase, seconded by Commissioner Shipley and the ayes were unanimous.

City Manager Stulce said the police department replaced the majority of their radio equipment nearly a year and a half ago, but due to the growth of the department, they would like to purchase 6 portable radios, 1 mobile radio and a group charger. He said the request is for \$20,297.22 and he recommended the City make the purchase. Commissioner Harmon made a motion to approve the purchase, seconded by Vice-Mayor Cagle and the ayes were unanimous.

City Manager Stulce stated the Public Works Department has not had portable radios for many years now and they rely heavily on cell phones. He recommended that the City purchase 6 portable radios at a cost of \$15,358.80. He said during storms they borrow radios from the police department. He stated they are better able to communicate with the police department and situations get handled much quicker. Vice-Mayor Cagle made a motion to approve the purchase, seconded by Commissioner Shipley and the ayes were unanimous.

City Manager Stulce informed the Board that Hamilton County Commissioner Fred Skillern gave the fire department a check for \$5,000 to help offset the cost incurred when they assist on Mutual Aid responses with the surrounding unincorporated county departments.

City Manager Stulce informed the Board that the rules have changed in certain instances when applying for grants. He said now it is a requirement for the City to have a Parks and Recreation Board. He explained that the purpose of this is to get more community involvement. City Attorney Elliott said he would send City Manager Stulce an Ordinance to establish the Parks and Recreation Board.

City Manager Stulce informed the Board that the City's application for a \$150,000 recreational trails grant for Holly Circle was denied. He said he spoke with an individual from TDEC who requested the City submit a master plan for this project.

City Manager Stulce said all the Board members have received a copy of the garbage contract proposal that was used the last time it was up for bid. He said in a prior meeting the Board voted to rebid the contract with some changes so that it would be less restrictive. City Manager Stulce asked the Board to let him know of the changes they would like to make by next Friday so he could get those changes to City Attorney Elliott and together they will rework the contract so that it can be put out for bid.

City Manager Stulce reminded the Board that the City has paid for a table at the Chattanooga Area Leadership Prayer Breakfast.

City Manager Stulce said he has received several complaints from all of the district wrecker operators in the City in regard to other wrecker services who are unlicensed being allowed to come into the City and tow cars. He said he has asked City Attorney Elliott to research whether or not a wrecker service has to be licensed and carry insurance to be allowed to make pulls in the City according to the wrecker ordinance. City Attorney Elliott stated that he has not had a chance to research the issue. He said he spoke with Commissioner Shipley and explained that there is a federal law that severely restricts what the City can do with wrecker

services. City Manager Stulce said he is concerned about the City's liability in cases where a wrecker service has substandard equipment and causes an accident. There was some conversation between Board members about who is required to have a business license, what is considered a district pull and having to honor a car owner's request of which wrecker service they would like to tow their car. City Attorney Elliott said he will research the issue and get some answers to the Board's questions.

Vice-Mayor Cagle asked City Manager Stulce to look into getting an easement for the areas at the north end of town around the lake and behind Fire Hall #2. City Manager Stulce said he spoke with Nancy Mitchell from TVA and she is in the process of compiling all the land use agreements the City has with TVA. He said they have set a meeting for March 29<sup>th</sup>. City Manager Stulce said Ms. Mitchell is also looking into getting TWRA to relinquish the rights to the "State Park" back to TVA and then in turn sign the rights over to the City.

Mayor Adams thanked Arnold Stulce and the organization he represents for the \$86,000 they have given the City for reconstruction or expansion of Fire Hall #3.

Mayor Adams announced there will be a meeting in the Court Room at City Hall on Saturday March 17<sup>th</sup> at noon for the Trail of Tears National Historic Society.

Mayor Adams recognized Max Orr, Chairman of the Planning Commission, for his 17 years of service. He announced that Mr. Orr was stepping down and thanked him for his many years of service.

ADJOURNMENT 8:05 P.M.

RECORDER JOHNSON