



City of Dayton

399 First Avenue, P O Box 226, Dayton, Tennessee 37321
Phone: 423-775-1817 Fax: 423-775-8404

January 5, 2024

Dear Councilman:

RE: Agenda
Monday, January 8, 2024
Dayton Municipal Building

Meeting to Start 5 Minutes after Dayton City School Board Meeting Adjourns

1. Call to Order
2. Roll Call by Recorder
3. Reading and Approval of Minutes of Previous Meetings
A. December 4, 2023
4. Public Comment*

***The public comment period shall be limited to 30 minutes. A sign-up sheet for public comment will be available 30 minutes prior to each applicable meeting and will be closed and removed at the start of the meeting. If you wish to address the City Council, you must indicate which agenda item you wish to provide comment. Only those members of the public that have signed the sign-up sheet prior to the start of the meeting will be permitted to address the City Council. PUBLIC COMMENTS ARE LIMITED TO AGENDA ITEMS ONLY. Members of the public wishing to address an item NOT on the agenda must first contact the City Manager or other appropriate city official who will determine whether or not such item should be placed on the agenda.**

Public comments shall be taken in the order in which the sign-up is listed. Members of the public wishing to address the City Council shall be limited to 3 minutes. However, if there are more people wishing to address the City Council than can be heard in the 30 minutes public comment period and in order to hear opposing views, the City Council by motion can limit each speaker to 2 minutes and/or require the public to limit the number

of speakers addressing the City Council on the same subject and expressing the same viewpoint. All members of the public signing up for comment shall be required to review the rules of procedure for public comment.

The City Council reserves the right to temporarily suspend these rules of procedure upon a motion, second and majority vote of the City Council.

5. Communications from the Mayor
6. Reports from the City Manager, City Recorder, Councilmen, Committees and Other Officers.
7. OLD BUSINESS:
 - A. Consideration of Whitestone Property, Electric Dept.
 - B. Consideration of Resolutions 092023-01 and 092023-02, for ETickets and Court Software, Police Department.
8. NEW BUSINESS:
 - A. Consideration of Consent Agenda:
 1. Consideration of Invoices from W. A. Kendall and Company, LLC. for Tree Trimming, Electric Department – Totaling \$74,150.60.
 2. Consideration of Invoice from NISC for November 2023 Recurring Invoices totaling in the amount of \$14,154.01.
 3. Consideration of Pay Estimate #19 from Reeves Young LLC, Wastewater Treatment Plant Project in the amount of \$480,307.64 plus an additional \$25,279.35 for Retainage.
 4. Consideration of Invoice from J R Wauford & Company, Wastewater Treatment Plant Project in the amount of \$25,000.
 5. Consideration of Pay Estimate #5 from Service Electric, Transmission Line (EDA Project), Electric Department, in the amount of \$25,666.57 plus an additional \$1,350.87 for Retainage.

6. Consideration of Invoice from Utility Service Co., Inc., Water Department, in the amount of \$96,354.64.

- B. Consideration of Ordinance #700, An Ordinance to Amend Title 10, Animal Control, to Add a New Chapter 3, Keeping of Domesticated Chickens and to Amend Title 10, Animal Control, Chapter 1, in General, Section 10-102, of the Municipal Code of the City of Dayton, Tennessee, First Reading.

- C. Consideration of Call for Public Hearing, Beer License Application, Dennis Van Meter DBA CHIANTI, 185 Chickamauga Dr..

- D. Consideration of Call for Public Hearing, Beer License Application, Beer License Application, Shaileshkumar B. Patel, Shiv Deva, Inc., DBA Food Mart, 156 Iowa Ave.

- E. Consideration of Call for Public Hearing, Short Term Rental Application, Jean Beaulieu, BHS Property Management, LLC, at 177 Bryan Dr..

- F. Consideration of Naming of Alley.

- G. Consideration of Quotes from Survalent and SEL, Electric Department.

- H. Consideration of Authorization to Purchase 2023 Ford Maverick Truck on State Bid from Ford of Murfreesboro, Water Department.

- I. Consideration of Amendment #6 to Grant Contract with Tennessee Department of Transportation for Paving of Various Streets.

- J. Consideration of Ladder Truck, Fire Department.

- K. Consideration of Resolution 012024-01, A Resolution to Approve the Purchase of Firefighting Personal Protective Equipment, Apparel & Accessories with Related Cleaning & Maintenance Equipment from LION Fire Responder PPE, VIA A Cooperative Purchasing Agreement.

- L. Consideration of Option to Purchase Real Estate, Abel Property, Chattanooga State.

- M. Consideration of Authorization to Donate Vehicles to Rhea County Fire Department.
- N. Consideration of Grant Contract with Tennessee Department of Transportation for Terminal Building Roof Replacement Design, Mark Anton Municipal Airport.
- O. Consideration of Memorandum of Understanding with Rhea County on Competitive Collaborative Enhancement Grant, Police Department.
- P. Consideration of Budget Amendments:
- Fire Department, Norfolk Southern Grant
 - Fire Department, Insurance Recovery
 - General Fund
 - Street Department
- Q. Consideration of Budget Adjustments since December Meeting.

9. Other Business

10. Adjournment

Sincerely,



David Shinn,
City Manager

Dayton City Council
Date: January 8, 2024
Time: 6:14

The meeting was called to order by Mayor Hurley Marsh.

City Recorder L. Michelle Horton called the roll with the following being present: Councilman Bill Graham, Mayor Hurley Marsh, Vice Mayor Steve Randolph, and Councilman Caleb Yawn. Councilman Bobby Doss was absent.

Mayor Marsh called for Agenda Item 3 – Reading and Approval of Minutes of Previous Meetings

A. December 4, 2023

Vice Mayor Randolph moved to approve the December 8, 2023 Regular Meeting minutes as presented. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 4 – Request from Citizens

Mrs. Hall said it was stated last month that there would be changes to the chicken ordinance and she was informed there were no changes made. She said she would like the Council to consider codes of other cities and what is practical for chicken owners. She said she would like them to consider a one-time \$25 permit fee with no renewal and the number and type of chickens allowed. She said 6 is just not enough for the average family. She asked it be based off square footage and what each owner wants to set aside based on expert guidelines. She said rather than requiring 25 feet from property line; require 10 feet. She said rather than requiring waste being contained; it be up to the owner on how they compost. She thanked the Council for considering the changes.

Mayor Marsh called for Agenda Item 5 – Communications from the Mayor

NONE.

Mayor Marsh called for Agenda Item 6 – Reports from the City Manager, City Recorder, Councilmen, Committees and Other Officers.

NONE.

Mayor Marsh called for Agenda Item 7A – OLD BUSINESS – Consideration of Whitestone Property, Electric Department.

PASSOVER

Mayor Marsh called for Agenda Item 7B – OLD BUSINESS - Consideration of Resolutions 092023-01 and 092023-02, for ETickets and Court Software, Police Department.

Attorney Susan Arnold said the Council approved the resolutions for the purchase of the Etickets and court software subject to any city attorney changes. She said the price of the software has increased and this will allow us to purchase for the new price and it will need to be inserted.

City Recorder Horton said they are going to honor the previous price.

PASS OVER

Mayor Marsh called for Agenda Item 8A – NEW BUSINESS - Consideration of Consent Agenda:

1. Consideration of Invoices from W.A. Kendall and Company, LLC. for Tree Trimming, Electric Department – Totaling \$74,150.60.
2. Consideration of Invoice from NISC for November 2023 Recurring Invoices totaling in the amount of \$14,154.01.
3. Consideration of Pay Estimate #19 from Reeves Young LLC, Wastewater Treatment Plant Project in the amount of \$480,307.64 plus an additional \$25,279.35 for Retainage.
4. Consideration of Invoice from J R Wauford & Company, Wastewater Treatment Plant Project in the amount of \$25,000.
5. Consideration of Pay Estimate #5 from Service Electric, Transmission Line (EDA Project), Electric Department, in the amount of \$25,666.57 plus an additional \$1,350.87 for Retainage.
6. Consideration of Invoice from Utility Service Co., Inc., Water Department, in the amount of \$96,354.64.

Vice Mayor Randolph moved to approve the Consent Agenda as presented. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Agenda Item 8B - NEW BUSINESS – Consideration of Ordinance #700, An Ordinance to Amend Title 10, Animal Control, to Add a New Chapter 3,

Keeping of Domesticated Chickens and to Amend Title 10, Animal Control, Chapter 1, in General, Section 10-102, of the Municipal Code of the City of Dayton, Tennessee, First Reading.

Councilman Yawn said he would like to see if some of the items can be amended when mainly this is to stop those who won't follow the rules.

Vice Mayor Randolph said we are amending our ordinances and we have to cover some of the costs of the permit and inspections.

Councilman Yawn said if we approve this then the gentleman who has 20 chickens is thrown for a loop.

Attorney Arnold said you will have to have your permit because that is the way to enforce it.

Vice Mayor Randolph said he doesn't have a problem with a permit and inspection. He asked Attorney Arnold what she found out about setback lines.

Attorney Arnold said most did not allow chickens in the city limits and most zoned it to a certain area or created a new zoning classification.

Councilman Yawn said he likes the idea of using lot size to determine the number because everybody is going to have a different size.

Vice Mayor Randolph said we do have some people with roosters and chickens running loose. We don't want to penalize those doing it right. He said he thinks we are going to have to go with at least 12 chickens.

Building Inspector Dan Fry said he approached a family in a neighborhood about their chickens and didn't realize it was for 4-H. He said 4-H requires at least 15 chickens and he would hate us to set a number to rule out 4-H participation.

Vice Mayor Randolph said with 15 hens it would be 90 square feet minimum.

Vice Mayor Randolph moved to raise the chicken limit to 15, 15 feet from lot lines, 36 square feet maximum hen house, maximum 90 square feet of fenced enclosure, compost not less than 15 feet from property line, permit fee, and inspection stand as is on first reading. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Vice Mayor Randolph moved to call for a Public Hearing on new ordinance with changes on February 5th at 5:30 PM. Motion seconded by Councilman Yawn.

VOTE:

DOSS, AYE GRAHAM, AYE MARSH, AYE
RANDOLPH, AYE YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8C - NEW BUSINESS - Consideration of Call for Public Hearing, Beer License Application, Dennis VanMeter DBA Chianti, 185 Chickamauga Dr.

Vice Mayor Randolph moved to hold a Public Hearing at 5:15 PM on February 5, 2024 on Beer License Application, Dennis VanMeter DBA Chianti, 185 Chickamauga Dr. Motion seconded by Councilman Graham.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8D – NEW BUSINESS – Consideration of Call for Public Hearing, Beer License Application, Shaileshkumar B. Patel, Shiv Deva, Inc., DBA Food Mart, 156 Iowa Ave.

Councilman Yawn moved to hold a Public Hearing at 5:00 PM on February 5, 2024 on Beer License Application, Shaileshkumar B. Patel, Shiv Deva, Inc., DBA Food Mart, 156 Iowa Ave. Motion seconded by Vice Mayor Randolph.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8E - NEW BUSINESS - Consideration of Call for Public Hearing, Short Term Rental Application, Jean Beaulieu, BHS Property Management, LLC, at 177 Bryan Dr.

Councilman Yawn moved to hold a Public Hearing at 4:45 PM on February 5, 2024 on Short Term Rental Application, Jean Beaulieu, BHS Property Management, LLC, at 177 Bryan Dr. Motion seconded by Vice Mayor Randolph.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8F - NEW BUSINESS - Consideration of Naming of Alley.

City Manager Shinn said last month it was discussed naming the alley between Market and Church. The question was if 911 named it does it keep it from becoming a City Street. Shane Clark from 911 said once he names it, it immediately becomes a City street. If we name it we can limit it to just that particular section. He asked what we would be looking for from Cannon & Cannon on a traffic study.

Councilman Yawn said the flow of traffic since it would have to be a one way street.

City Manager Shinn said he will contact Cannon & Cannon.

Mayor Marsh said it was talked about being called Monkeytown Alley.

Vice Mayor Randolph moved to name alley Monkeytown Alley from Church to Market. Motion seconded by Councilman Yawn.

VOTE:

DOSS, AYE GRAHAM, AYE MARSH, AYE
RANDOLPH, AYE YAWN, AYE MOTION CARRIED.

Councilman Yawn moved to call for a Public Hearing on February 5th at 4:30 contingent on Cannon & Cannon getting their study done. Motion seconded by Vice Mayor Randolph.

VOTE:

DOSS, AYE GRAHAM, AYE MARSH, AYE
RANDOLPH, AYE YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8G - NEW BUSINESS - Consideration of Quotes from Survalent and SEL, Electric Department.

City Manager Shinn said this is software already in 2 of our substations and we are going to put into the 3rd substation. He said we are basically purchasing another user license to use it at an additional station.

Vice Mayor Randolph asked if we need to add allowable by laws of State of Tennessee

City Manager Shinn said it is SEL that has the State of Washington in their agreement, but they are just coming in for 3 days to install.

Vice Mayor Randolph asked how long we have been using the software.

Electric Department General Manager Steve Clift said probably since 2011.

Vice Mayor Randolph moved to approve Survalent and SEL, Electric Department as single source. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8H - NEW BUSINESS - Consideration of Authorization to Purchase 2023 Ford Maverick Truck on State Bid from Ford of Murfreesboro, Water Department.

Councilman Yawn moved to approve purchasing 2023 Ford Maverick Truck on State Bid from Ford of Murfreesboro, Water Department. Motion seconded by Vice Mayor Randolph.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Vice Mayor Randolph called for Agenda Item 8I - NEW BUSINESS - Consideration of Amendment #6 to Grant Contract with Tennessee Department of Transportation for Paving of Various Streets.

City Recorder Horton said the State has agreed to do the extension until August 31, 2024. She said the State approved the bid specs in June and at this point once this is agreed to we can go out for bid.

Vice Mayor Randolph moved to approve amendment 6. Motion seconded by Councilman Yawn.

VOTE:

DOSS, AYE GRAHAM, AYE MARSH, AYE
RANDOLPH, AYE YAWN, AYE MOTION CARRIED.

Attorney Arnold said unless there are documents missing it doesn't appear there is a description of the scope of project to be bid out. She suggests in the agreement portion we can add an addendum to the agreement with the contractor that we enter into.

Vice Mayor Randolph moved to approve including an addendum with required language for bid spec agreement. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8J – NEW BUSINESS – Consideration of Ladder Truck, Fire Department.

PASSOVER

Mayor Marsh called for Agenda Item 8K – NEW BUSINESS – Consideration of Resolution 012024-01, A Resolution to Approve the Purchase of Firefighting Personal Protective Equipment, Apparel & Accessories with Related Cleaning & Maintenance Equipment from LION Fire Responder PPE, VIA A cooperative Purchasing Agreement.

City Recorder Horton said this was budgeted.

Vice Mayor Randolph moved to approve Resolution 012024-01, A Resolution to Approve the Purchase of Firefighting Personal Protective Equipment, Apparel & Accessories with Related Cleaning & Maintenance Equipment from LION Fire Responder PPE, VIA A cooperative Purchasing Agreement. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8L – NEW BUSINESS – Consideration of Option to Purchase Real Estate, Abel Property, Chattanooga State.

City Manager Shinn said the President of Chattanooga State sent him an option to purchase the Chattanooga State property. He said he requested the survey and it has been received. We would have to have County approval.

Vice Mayor Randolph moved to approve the Option to Purchase Real Estate, Abel Property, Chattanooga State. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8M –NEW BUSINESS – Consideration of Authorization to Donate Vehicles to Rhea County Fire Department.

City Manager Shinn said the Rhea County Fire Dept. contacted us and we have 5 trucks at the salvage yard and they would like the vehicles gifted to them. They are hoping to turn them into 2 operating trucks.

Vice Mayor Randolph moved to approve donating Vehicles to Rhea County Fire Department. Motion seconded by Councilman Yawn.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8N – NEW BUSINESS – Consideration of Grant Contract with Tennessee Department of Transportation for Terminal Building Roof Replacement Design, Mark Anton Municipal Airport.

Councilman Yawn moved to approve the Grant Contract with Tennessee Department of Transportation for Terminal Building Roof Replacement Design, Mark Anton Municipal Airport. Motion seconded by Vice Mayor Randolph.

VOTE:

GRAHAM, AYE MARSH, AYE RANDOLPH, AYE
YAWN, AYE MOTION CARRIED.

Mayor Marsh called for Agenda Item 8O – NEW BUSINESS – Consideration of Memorandum of Understanding with Rhea County on Competitive Collaborative Enhancement Grant, Police Department.

City Manager Shinn said this is a grant Tracy has been working with the Sheriff to purchase new radios. The grant was awarded to the Sheriff to provide radios to the 3 municipalities.

