

The Bradley County Commission meets in REGULAR SESSION on April 17th, 2017, at 12:00 noon EDT at the Courthouse in Cleveland, Tennessee. D. Gary Davis, County Mayor and Donna A. Simpson, County Clerk are present. County Attorney Crystal Freiberg is absent. On roll call the following Commissioners are present: TERRY CAYWOOD, MIKE HUGHES, LOUIE ALFORD, THOMAS L. CRYE, MILAN M. BLAKE, JOHNNY MULL, CHARLOTTE PEAK, HOWARD LEWIS THOMPSON, BOBBY GOINS, JEFF YARBER, DAN RAWLS, ROBERT ROMINGER, MARK HALL and BILL WINTERS. TOTAL PRESENT: 14; ABSENT: NONE. There is a quorum present and Chairman Louie Alford calls the meeting to order.

Following the Pledge of Allegiance to the flag, Hubert Seals leads in the invocation.

Commissioner Bill Winters moves that the Minutes of the April 3th, 2017, REGULAR SESSION be approved; Commissioner Robert Rominger seconds the motion. On roll call the Commissioners vote as follows: Caywood, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

Commissioner Johnny Mull moves for approval of the Consent Agenda; Commissioner Mike Hughes seconds the motion. On roll call the Commissioners vote as follows: Caywood, aye; Hughes aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

CONSENT AGENDA RECORDED AS AN ATTACHMENT

Commissioner Charlotte Peak moves that the Meeting Agenda be approved; Commissioner Jeff Yarber seconds the motion. On roll call the Commissioners vote as follows: Caywood, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

MEETING AGENDA RECORDED AS AN ATTACHMENT

**RESOLUTION 2017-18**

**RESOLUTION DECLARING THE FORMER OCOEE POST OFFICE STRUCTURE LOCATED ON THE SOUTH END OF THE PROPERTY LOCATED ON KINSER ROAD, KNOWN AS PRIMITIVE SETTLEMENT, MAP AND PARCEL NUMBER 067 052.00, AS SURPLUS PROPERTY AND DONATING THE FORMER OCOEE POST OFFICE STRUCTURE TO POLK COUNTY, TENNESSEE**

**WHEREAS, the Bradley County Commission voted to accept from a private donor certain property, formerly Primitive Settlement, Map and Parcel Number 067 052.00, including the former Ocoee Post Office structure located on the South end of the property; and**

**WHEREAS, Bradley County has declared the former Primitive Settlement property as surplus and has approved the trade of said property, excluding the post office structure; and**

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**RESOLUTION 2017-18 CONTINUES**

**WHEREAS, Polk County has expressed its desire to own and maintain the former Ocoee Post Office structure.**

**NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in Regular Session at Cleveland, Tennessee, on this 17th day of April, 2017, that the former Ocoee Post Office structure located on the South end of the former Primitive Settlement property is declared surplus property.**

**BE IT FURTHER RESOLVED that Bradley County hereby donates the former Ocoee Post Office structure located on the South end of the former Primitive Settlement property to Polk County, Tennessee, so long as said structure is removed from the Primitive Settlement property by Polk County no later than sixty (60) days from the passage of this Resolution.**

Commissioner Charlotte Peak moves to adopt Resolution 2017-18 adding that if after sixty (60) days [if not removed] the Post Office will remain under the ownership of Mr. Joe Stepp; Commissioner Howard Thompson seconds the motion. On roll call the Commissioners vote as follows: Caywood, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

**RESOLUTION 2017-17**

**AMENDED RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO THE ATTACHED REVISED CONDITIONAL SALE AGREEMENT WITH LARRY ARMOUR REGARDING THE PURCHASE OF THE PROPERTY KNOWN AS THE FORMER AMERICAN UNIFORM PROPERTY, MAP AND PARCEL NUMBERS 050 A O 004.00, 050 H A 001.00, AND 050 A P 001.00 FOR AN AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000.00) AND DIRECTING THE MAYOR TO OBTAIN AN UPDATED APPRAISAL OF THE SUBJECT PROPERTY**

**WHEREAS, Bradley County, for the use and benefit of the Bradley County Board of Education, seeks to purchase the property known as the former American Uniform Property, Map and Parcel Numbers 050 A O 004.00, 050 H A 001.00 and 050 A P 001.00; and**

**WHEREAS, the Bradley County Board of Education has expressed its desire to purchase the property for a multi-purpose use, including a school and a "STEM hub" (a science, technology, engineering and math facility which would allow students to learn career skills).**

**NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in Regular Session at Cleveland, Tennessee, on this 17th day of April, 2017, that the Bradley County Mayor be and is hereby authorized to enter into the attached Conditional Sale Agreement with Larry Armour regarding the purchase of the property known as the former American Uniform Property, Map and Parcel Numbers 050 A O 004.00, 050 H A 001.00 and 050 A P 001.00 for a purchase price of two million two hundred thousand dollars (\$2,200,000.00) and the Mayor is further directed to obtain an updated appraisal of the subject property.**

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## **RESOLUTION 2017-17 CONTINUES**

Commissioner Milan Blake reads from the revised Conditional Sale Agreement, the attachment to Resolution 2017-17, as amended: "3.1 A formal understanding in the form of an agreement must be obtained and approved by Resolution from the City of Cleveland recognizing that any and all rights to all or part of any funds that may be due the City of Cleveland as a result of borrowing funds for the financing of the Subject Property pursuant to *Tenn. Code Ann. 9-21-129* or any other statutory authority shall not be paid until July 15, 2019"and offers this amendment in the form of a motion; Commissioner Mike Hughes seconds the motion.

Commissioner Thomas Crye offers a substitute motion that we send a letter informing them [City] that we are all above board and honest and that this [letter] does the same thing as a Resolution does and we won't have the potential legal obligation as a Resolution and as long as we put in there that it will not be paid until July 1st, 2019 or whatever date we come up with; Commissioner Jeff Yarber seconds the substitute motion.

Voting on the substitute motion, the Commissioners vote as follows: Caywood, aye; Hughes, nay; Alford, aye; Crye, aye; Blake, nay; Mull, nay; Peak, nay; Thompson, nay; Goins, nay; Yarber, aye; Rawls, nay; Rominger, aye; Hall, aye; and Winters, aye. Commissioner Terry Caywood changes his "aye" vote to "nay". The Clerk asks if anyone else would like to change their vote. TOTAL FOR: 6; OPPOSES: 8. The substitute motion FAILS.

Voting on the original motion to amend Resolution 2017-17 Conditional Sale Agreement the Commissioners vote as follows: Caywood, aye; Hughes, aye; Alford, aye; Crye, nay; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 13; OPPOSES: 1. The motion passes.

REVISED CONDITIONAL SALE AGREEMENT RECORDED AS AN ATTACHMENT

### **PUBLIC HEARING REZONING REQUEST**

#### **RESOLUTION 2017-19 RESOLUTION TO REZONE FROM FORESTRY/AGRICULTURAL/RESIDENTIAL DISTRICT (FAR) TO GENERAL COMMERCIAL DISTRICT (C-2) PROPERTY LOCATED AT 2524 HARRISON PIKE AND IDENTIFIED BY TAX MAP: 048D GROUP: F PARCEL: 002.01**

**WHEREAS, Johnny R. Brewer petitioned the Bradley County Planning Commission to rezone from Forestry/Agricultural/Residential (FAR) to General Commercial (C-2) property located at 2524 Harrison Pike and identified by Tax Map: 048D Group: F Parcel: 002.01 and said Planning Commission on March 16, 2017, recommended that this petition be approved;**

**WHEREAS, Johnny R. Brewer requested that the Bradley County Commission consider said petition and notice has been published in a newspaper in general circulation in Bradley County and that the County Commission will hold a public hearing on April 17, 2017, concerning the passage of this Resolution as required by law, and such hearing having been held.**

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**RESOLUTION 2017-19 CONTINUES**

**NOW, THEREFORE, BE IT RESOLVED** by the County Legislative Body of Bradley County meeting in session at Bradley County, Tennessee, on the 17th day of April, 2017, that the zoning map of Bradley County, Tennessee, be amended to rezone from Forestry/Agricultural/Residential (FAR) to General Commercial (C-2) property located on 2524 Harrison Pike and property described in Deed Book: 2371 Page: 248, Bradley County Register of Deed's Office and identified by Tax Map: 048D Group: F Parcel: 002.01 as shown on the attached map.

Commissioner Thomas Crye moves that Resolution 2017-19 be approved; Commissioner Mike Hughes seconds the motion. On roll call the Commissioners vote as follows: Caywood, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Rawls, aye; Rominger, aye; Hall, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes

MAP RECORDED AS AN ATTACHMENT

**PUBLIC HEARING CONCLUDES**

There is no further business to come before the Commission and on a motion by Commissioner Jeff Yarber, the Commission adjourns at 12:56 P.M. EDST.

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Louie Alford, Chairman  
Bradley County Commission

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Donna A. Simpson  
Bradley County Clerk

**04/17/2017**

