

REGULAR SESSION

APRIL 15th, 2019

The Bradley County Commission meets in REGULAR SESSION at 12:00 noon EDT on April 15th, 2019, at the Bradley County Courthouse in Cleveland, Tennessee. D. Gary Davis, County Mayor; Donna A. Simpson, County Clerk; and Crystal Freiberg, County Attorney are present. On roll call the following Commissioners are present: DENNIS EPPERSON, MIKE HUGHES, LOUIE ALFORD, THOMAS L. CRYE, MILAN M. BLAKE, JOHNNY MULL, CHARLOTTE PEAK, HOWARD LEWIS THOMPSON, BOBBY GOINS, JEFF YARBER, TIM MASON, ERICA DAVIS, KEVIN RAPER and BILL WINTERS. TOTAL PRESENT: 14; ABSENT: NONE. There is a quorum present and Chairman Johnny Mull calls the meeting to order.

Following the Pledge of Allegiance to the Flag, Connie Kennard leads in the invocation.

Commissioner Jeff Yarber moves that the Minutes of the April 1st, 2019, REGULAR SESSION be approved; Commissioner Bobby Goins seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

Commissioner Mike Hughes moves that the Consent Agenda be approved; Commissioner Jeff Yarber seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

CONSENT AGENDA RECORDED AS AN ATTACHMENT

Commissioner Dennis Epperson adds as Item J to the Meeting Agenda to start the bid process for the demolition of the old McDonald School Building and this be in the 2019-2020 Budget.

Commissioner Jeff Yarber moves that the Meeting Agenda be approved with the addition of **Item J**; Commissioner Bill Winters seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

MEETING AGENDA RECORDED AS AN ATTACHMENT

RESOLUTION 2019-07

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO AN ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEVELAND AND BRADLEY COUNTY REGARDING THE NON-CONTIGUOUS ANNEXATION OF THE PROPERTY LOCATED AT 2764 SOUTH LEE HIGHWAY TAX MAP 56 PARCEL 79.03

WHEREAS, Tennessee Code Annotated 6-51-104 (d) allows for a municipality to annex by Resolution territory that does not adjoin the boundary of the municipality provided that the area is within the Urban Growth Boundary of the municipality; and

WHEREAS, Tennessee Code Annotated 6-51-104 (d) (4) provides that the plan of services for said annexation include a plan of services adopted under *Tennessee Code Annotated 6-51-102*, and that the plan be prepared by the municipality in cooperation with the county in which the territory is located; and

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RESOLUTION 2019-07 CONTINUES

WHEREAS, Tennessee Code Annotated 6-51-104 (d) (4) further provides that the municipality and the county shall enter into an interlocal agreement pursuant to *Tennessee Code Annotated 5-1-113* to address emergency services for any interceding properties and to provide for maintenance of county roads and bridges comprising the primary route to the area annexed; and

WHEREAS, the property to be annexed and as described in the Annexation Interlocal Agreement attached hereto is not contiguous to the existing City boundary, but is within the City's Urban Growth Boundary; and

WHEREAS, the owner of this property has petitioned the City for annexation and desires to obtain city services necessary to support the proposed development of his property; and

WHEREAS, the City and the County desire to cooperate with one another and to address the issues contemplated by Tennessee Code Annotated 6-51-104 (d) (4) which include the provision of emergency services for any interceding properties, if any, and to assign responsibility for the maintenance of county roads and bridges comprising the primary route between the current City boundary to the area to be annexed into the City.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in Regular Session at Cleveland, Tennessee on this 15th day of April, 2019, that the Bradley County Mayor is hereby authorized to enter into the attached Annexation Interlocal Agreement between the City of Cleveland and Bradley County regarding the non-contiguous annexation of the property located at 2764 South Lee Highway, Tax Map 56, Parcel 79.03.

Commissioner Thomas Crye makes in the form of a motion to authorize the Bradley County Mayor to enter into an annexation interlocal agreement between the City of Cleveland and Bradley County regarding the non-contiguous annexation of the property located at 2764 South Lee Highway, Tax Map 56, Parcel 79.03; Commissioner Mike Hughes seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, nay; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, nay; Golins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 12; OPPOSES: 2. The motion passes.

ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEVELAND, TENNESSEE AND BRADLEY COUNTY, TENNESSEE DOCUMENT RECORDED AS AN ATTACHMENT

RESOLUTION 2019-08
RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A LITTER AND TRASH COLLECTING GRANT FOR FISCAL YEAR 2019-2020 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ACCEPTANCE OF SAID GRANT

Whereas, the Bradley County Sheriff's Office intends to apply for the aforementioned Grant from the Tennessee Department of Transportation; and

Whereas, the contract for the Grant for fiscal year 2019-2020 will impose certain legal obligations upon the Bradley County Sheriff's Office.

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RESOLUTION 2019-08 CONTINUES

Now, therefore, be it resolved by the Bradley County Legislative Body meeting in Regular Session at Cleveland, Tennessee, on this 15th day of April, 2019, that the Bradley County Sheriff is authorized to apply on behalf of the Bradley County Sheriff's Office for a Litter and Trash Collecting Grant for fiscal year 2019-2020 from the Tennessee Department of Transportation.

Be it further resolved that should said application be approved by the Tennessee Department of Transportation, the Bradley County Sheriff is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the Litter and Trash Collecting Grant by the Bradley County Sheriff's Office.

Commissioner Tim Mason puts the Resolution authorizing the submission of an application for a Litter and Trash Collecting Grant for Fiscal Year 2019-2020 from the Tennessee Department of Transportation and authorizing the acceptance of said Grant in the form of a motion; Commissioner Kevin Raper seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

RESOLUTION 2019-09

RESOLUTION AMENDING THE POLICY FOR THE USE OF THE BRADLEY COUNTY COURTHOUSE FOR SPECIAL COMMUNITY EVENTS DURING NON-BUSINESS HOURS

WHEREAS, the Bradley County Commission established a policy for use of the Bradley County Courthouse for special community events during non-business hours by Resolution 2013-43 adopted on August 19, 2013; and

WHEREAS, the Building and Land Committee recommended on April 1, 2019, that the Commission establish an amended policy for use of the County Courthouse for special community events during non-business hours.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Commission, meeting in Regular Session, that the previously adopted policy of Bradley County regarding community special events during non-business hours shall be amended and replaced in its entirety with the following policy:

It shall be the policy of Bradley County that no community special events shall be allowed to use the Bradley County Courthouse during non-business hours of the County. However, the Cruise-In shall be allowed to continue using the County Courthouse for this event until November 1, 2019, provided that the Cruise-In organizers obtain two reserve officers for Courthouse security during the events and clean the Courthouse at the conclusion of each event. After November 1, 2019, the Cruise-In shall be notified by the Mayor's Office that this event will not be allowed to use the Courthouse after this date. This policy shall not apply to pre-approved public meetings occurring during non-business hours in the County Courthouse.

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RESOLUTION 2019-09 CONTINUES

BE IT FURTHER RESOLVED that this amended Courthouse Use Policy shall replace, supplant and supersede Resolution 2013-43 and all other previously adopted Resolutions or Motions regarding policies for use of the Bradley County Courthouse for special community events during non-business hours.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its passage, the public welfare requiring it.

Commissioner Charlotte Peak puts in the form of a motion the Resolution amending the policy for the use of the Bradley County Courthouse for special community events during non-business hours; Commissioner Howard Thompson seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

Commissioner Charlotte Peak makes the motion to accept the Building and Land Committee recommendation to seek bids for improvement on Lake Forest Middle School building 7 including roof replacement, membrane roof replacement, resolving moisture issues and returning power to the building; Commissioner Bobby Goins seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

Commissioner Charlotte Peak makes a motion to accept the Building and Land Committee recommendation to sell the house after the Road Department vacates and use the proceeds to demolish Lake Forest Middle School buildings, old Waterville School building and the old McDonald School building; Commissioner Jeff Yarber seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 13; OPPOSES: 1. The motion passes.

The Finance Committee recommends to approve the Cedar Springs Road /Old McClure Road water project pending approval from the Southeast Tennessee Development District and private investment with the County's portion of \$13,500 to be paid from the County Public Water Funds and Commissioner Milan Blake puts this in the form of a motion; Commissioner Mike Hughes seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

THE BRADLEY COUNTY PUBLIC WATER FUNDING PLAN APPLICATION; THE OCOEE DISTRICT PROPOSAL FOR WATER EXTENTION AND A LIST OF RESIDENTS REQUESTING WATER SERVICE ARE RECORDED AS ATTACHMENTS

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Commissioner Milan Blake puts in the form of a motion to accept the Finance Committee's recommendation to approve the Bell Road SE water project pending approval from the Southeast Tennessee Development District and private investment with the County's portion of \$5,938.00 to be paid from the County Public Water Funds; Commissioner Jeff Yarber seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

THE BRADLEY COUNTY PUBLIC WATER FUNDING PLAN APPLICATION IS RECORDED AS AN ATTACHMENT

Commissioner Milan Blake puts in the form of a motion to approve the letter of support to Tennessee Department of Transportation for a multi-use/greenway path along Highway 11 as part of the widening project; Commissioner Mike Hughes seconds the motion. On roll call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The motion passes.

THIS LETTER IS RECORDED AS AN ATTACHMENT

RESOLUTION 2019-10

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO NEGOTIATE ENTER INTO A FOUR (4) YEAR LEASE AND OPERATING AGREEMENT WITH SPCA OF BRADLEY COUNTY, TN TO PROVIDE ANIMAL SHELTERING SERVICES AND LEASE THE FACILITIES LOCATED AT 1655 WASHINGTON AVENUE AND 1570 JOHNSON BOULEVARD IN BRADLEY COUNTY FOR THE PURPOSE OF USING SAID FACILITIES FOR ANIMAL SHELTERING FOR AN AMOUNT OF ONE HUNDRED NINETY-NINE THOUSAND DOLLARS (\$199,000) PER YEAR FOR THE INITIAL TWO (2) YEARS OF THE AGREEMENT AND TWO HUNDRED SIX THOUSAND DOLLARS (\$206,000) FOR THE REMAINING TWO (2) YEARS OF THE AGREEMENT

WHEREAS, Bradley County has a need for animal sheltering services to be provided to the citizens of Bradley County that live outside the corporate limits of the City of Cleveland; and

WHEREAS, SPCA of Bradley County, TN (hereinafter "SPCA") is a non-profit corporation organized and existing under the laws of the State of Tennessee for the purpose of providing humane rescue and sheltering of animals in Bradley County; and

WHEREAS, SPCA has provided animal sheltering services to Bradley County under a current contract to provide animal sheltering services in the facilities owned by Bradley County and leased to SPCA for the purpose of using said facilities for animal sheltering for the benefit of Bradley County residents; and

WHEREAS, the current lease and operating agreement between Bradley County and SPCA will terminate on June 30, 2019, unless the Agreement is negotiated by SPCA and Bradley County; and

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RESOLUTION 2019-10 CONTINUES

WHEREAS, the Bradley County Mayor and SPCA have re-negotiated the proposed terms of an additional four (4) year Lease and Operating Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in Regular Session at Cleveland, Tennessee, on this 15th day of April, 2019, that the Bradley County Mayor be and is hereby authorized to enter into the re-negotiated four (4) year Lease and Operating Agreement with SPCA to provide animal sheltering services and lease the facilities located at 1655 Washington Avenue and 1570 Johnson Boulevard for the purpose of using said facilities for animal sheltering for an amount of one hundred ninety-nine thousand dollars (\$199,000) per year for the initial two (2) years of the Agreement and two hundred six thousand dollars (\$206,000) for the remaining two (2) years of the Agreement.

BE IT FURTHER RESOLVED that the re-negotiated Lease and Operating Agreement will include a requirement that Bradley County replace the roof on both leased buildings.

Commissioner Erica Davis puts the adoption of this Resolution [Resolution 2019-10] in the form of a motion; Commissioner Thomas Crye seconds the motion.

Commissioner Howard Thompson offers a substitute motion to change the \$199,000 for the initial two years to \$175,000 and change the \$206,000 to \$182,000 for the remaining two (2) years; Commissioner Mike Hughes seconds the substitute motion.

Voting on the substitute motion the Commissioners vote as follows: Epperson, nay; Hughes, aye; Alford, nay; Crye, nay; Blake, nay; Mull, nay; Peak, nay; Thompson, aye; Goins, nay; Yarber, nay; Mason, aye; Davis, nay; Raper, nay; and Winters, nay. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 3; OPPOSES: 11. The substitute motion FAILS.

Voting on the original motion to adopt Resolution 2019-10 the Commissioners vote as follows: Epperson, aye; Hughes, nay; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, nay; Goins, nay; Yarber, nay; Mason, nay; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 9; OPPOSES: 5. The motion passes.

Commissioner Dennis Epperson moves to start the bid process for demolishing the old McDonald School building and this be in the 2019-2020 Budget; Commissioner Charlotte Peak seconds the motion.

There is some discussion on this motion and when there is a call for the question, Commissioner Louie Alford objects to the call and Commissioner Jeff Yarber seconds it.

Voting on the objection to the call the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 14; OPPOSES: NONE. The objection to the call passes.

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Commissioner Milan Blake offers a substitute motion to send this back to the Building and Land Committee to discuss the order in which the buildings come down and come back to the Commission with a recommendation on the order in which the buildings are to come down; Commissioner Louie Alford seconds the substitute motion. On roll call the Commissioners vote as follows: Epperson, nay; Hughes, nay; Alford, nay; Crye, nay; Blake, aye; Mull, aye; Peak, nay; Thompson, nay; Goins, nay; Yarber, nay; Mason, nay; Davis, nay; Raper, nay; and Winters, nay. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 2; OPPOSES: 12. The substitute motion FAILS.

Voting on the original motion for the bid process to demolish the old McDonald School building the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, aye; Crye, aye; Blake, nay; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 13; OPPOSES: 1. The motion passes.

There is no further business to come before the Commission and on a motion by Commissioner Jeff Yarber, the Commission adjourns at 1:06 P.M. EDST.

Johnny Mull, Chairman
Bradley County Commission

Donna A. Simpson
Bradley County Clerk

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