REGULAR SESSION **JULY 1st, 2019**

The Bradley County Commission meets in REGULAR SESSION at 7:00 P.M. EDST on July 1st, 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, ERICA DAVIS, KEVIN RAPER and BILL WINTERS. Commissioner TIM MASON is absent. TOTAL PRESENT: 13; ABSENT: 1. There is a quorum present and Chairman Johnny Mull calls the meeting to order.

Following the Pledge of Allegiance to the Flag, Jane Galay with Cleveland Net leads in the invocation.

Chairman Johnny Mull reads a letter addressed to him as the Bradley County Commission Chairman from members of the Cleveland Associated Industries - - In Re: Proposed PIE Center

LETTER IS RECORDED AS AN ATTACHMENT

Commissioner Jeff Yarber moves that the Minutes of the June 17th, 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: 13; OPPOSES: NONE; ABSENT: 1. The motion passes

Commissioner Howard Thompson moves that the Consent Agenda be approved; 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; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 13; OPPOSES: NONE; ABSENT: 1. The motion passes.

CONCENT AGENDA RECORDED AS AN ATTACHMENT

Commissioner Jeff Yarber moves that the Meeting Agenda 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: 13; OPPOSES: NONE; ABSENT: 1. The motion passes.

MEETING AGENDA RECORDED AS AN ATTACHMENT

RESOLUTION 2019-16

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO EXECUTE AN EASEMENT TO SANTEK ENVIRONMENTAL, INC. ACROSS THE PUBLIC RIGHT-OF-WAY OF BANCROFT ROAD FOR AN UNDERGROUND GAS MAIN FOR THE TRANSMISSION AND DISTRIBUTION OF METHANE GAS FROM THE LANDFILL PROPERTY TO A CONNECTION WITH AN EXISTING PIPELINE

WHEREAS, Bancroft Road is a Public Road located in Bradley County, Tennessee, that was accepted by Bradley County into the County Road System and includes a sixty (60) foot right-of-way; and

WHEREAS, on June 17, 2019, Santek Environmental, Inc. officially explained the methane gas project and requested an easement from Bradley County across the public right-of-way of Bancroft Road; and

WHEREAS, the Bradley County Road Superintendent has reviewed and approved the proposed easement; and

WHEREAS, based upon the methane gas project as presented on June 17, 2019, Bradley County believes it is in its best interest to authorize the requested easement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 1st day of July, 2019, that the Bradley County Mayor be and is hereby authorized to execute an easement to Santek Environmental, Inc. across the public right-of-way of Bancroft Road to construct, operate, maintain, protect, repair, upgrade, replace and remove an underground gas main for the transmission and distribution of methane gas from the landfill property to a connection with an existing pipeline.

Commissioner Milan Blake puts in the form of a motion the Resolution authorizing the County Mayor to execute an easement to Santek Environmental, LLC across the public right-of-way of Bancroft Road for an underground gas main for the transmission and distribution of methane gas from the landfill property to a connection with an existing pipeline; 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; Davis, aye; Raper, aye; and Winters, aye. TOTAL FOR: 13; OPPOSES: NONE; ABSENT: 1. The motion passes.

RESOLUTION 2019-17

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO EXECUTE A PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY PROJECT NO. NH-60(13) WEST OF AND ADJACENT TO THE PRESENT RIGHT-OF-WAY LINE OF STATE ROUTE 60

WHEREAS, Bradley County is the owner of property located at 5345 Georgetown Road, Cleveland, Tennessee, identified as Map and Parcel Number 026 029.09; and

WHEREAS, on May 8, 2019, Bradley County was contacted by Kevin J. Layne with the State of Tennessee Department of Transportation (hereinafter "TDOT") and provided with right-of-way plans for Highway Project No. NH-60(13); and

WHEREAS, following an appraisal by TDOT, Bradley County was provided with an approved offer of compensation of $300.00 in exchange for the easement or asked to donate said easement to TDOT; and

WHEREAS, based upon the right-of-way plans provided by TDOT, Bradley County believes it is in its best interest to donate the requested permanent drainage easement and temporary construction easement to the TDOT.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on the 1st day of July, 2019, that the Bradley County Mayor be and is hereby authorized to execute all necessary documents to donate a permanent drainage easement and temporary construction easement to the State of Tennessee Department of Transportation for Highway Project No. NH-60(13) west of and adjacent to the present right-of-way line of State Route 60 across Bradley County owned property located at 5345 Georgetown Road, Map and Parcel Number 026 029.09.

Commissioner Kevin Raper puts in the form of a motion the Resolution authorizing the County Mayor to execute a permanent drainage easement and temporary construction easement to the State of Tennessee Department of Transportation for highway project number NH-60(13) West and adjacent to the present right-of-way line of State Route 60; Commissioner Thomas Crye 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: 13; OPPOSES: NONE; ABSENT: 1. The motion passes.

RESOLUTION 2019-18
RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO A FIVE (5) YEAR LEASE AGREEMENT WITH TWO ADDITIONAL OPTIONAL RENEWAL PERIODS OF FIVE (5) YEARS EACH WITH THE UNITED STATES POSTAL SERVICE FOR THE FACILITIES LOCATED AT 155 BROAD STREET NW, CLEVELAND, TENNESSEE, FOR AN AMOUNT TO BE PAID TO BRADLEY COUNTY OF TWENTY-FIVE THOUSAND FOUR HUNDRED EIGHTY DOLLARS ($25,480.OO) PER YEAR FOR THE INITIAL FIVE (5) YEARS OF THE AGREEMENT AND TWENTY-SIX THOUSAND SEVEN HUNDRED FIFTY-FOUR DOLLARS ($26,754.00) PER YEAR FOR THE FIRST OPTIONAL RENEWAL PERIOD OF FIVE (5) YEARS AND TWENTY-EIGHT THOUSAND AND NINETY-TWO DOLLARS (28,092.00) PER YEAR FOR THE SECOND OPTIONAL RENEWAL PERIOD OF FIVE (5) YEARS OF THE AGREEMENT

WHEREAS, Bradley County owns the property located at 155 Broad Street NW, Cleveland, Tennessee, which is more commonly known as the Bradley County Annex Building; and

WHEREAS, the United States Postal Service (hereinafter "USPS") is currently leasing approximately 2,116 square feet of net interior space in said facilities; and

WHEREAS, USPS desires to execute a new lease agreement for said facilities for a period up to fifteen ((15) years; and

WHEREAS, the Bradley County Mayor and USPS (through Jones Lang LaSalle Americas, Inc.) have negotiated the proposed terms of a five (5) year Lease Agreement with two optional five (5) year renewal periods.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 1st day of July, 2019, that the Bradley County Mayor be and is hereby authorized to enter into a five (5) year Lease Agreement with two additional optional renewal periods of five (5) years each with the United States Postal Service for the facilities located at 155 Broad Street NW, Cleveland, Tennessee, for an amount to be paid to Bradley County of Twenty-five thousand four hundred eighty dollars ($25,480.00) per year for the initial five (5) years of the Agreement and twenty-six thousand seven hundred fifty-four dollars ($26,754.00) per year for the first optional renewal period of five (5) years and twenty-eight thousand ninety-two dollars ($28,092.00) per year for the second optional renewal period of five (5) years of the Agreement.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute a Commission Agreement with Jones Lang LaSalle Americas, Inc. (hereinafter "JLL") as the real estate broker for the USPS requiring payment by Bradley County to JLL in the amount of two thousand five hundred forty-eight dollars ($2,548.00) upon execution of the Lease Agreement with USPS.

Commissioner Mike Hughes puts in the form of a motion the Resolution authorizing the County Mayor to enter into a five year Lease Agreement with two additional optional renewal periods of five years each with the United States Postal Service for the facilities located at 155 Broad Street NW, Cleveland, Tennessee, for an amount to be paid to Bradley County of $25,480.00 per year for the initial five years of the Agreement and $26,754.00 per year for the first optional renewal period of five years and $28,092.00 per year for the second optional renewal period of five years of the Agreement; Commissioner Louie Alford 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: 13; OPPOSES: NONE; ABSENT: 1. The motion passes.

RESOLUTION 2019-19

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 CURRENTLY OWNED BY JAMES F. WILLIAMS, DIANE WILLIAMS, JOSEPH MICHAEL MONTGOMERY AND LESLIE MONTGOMERY TAX MAP 058B GROUP C PARCEL 11.00

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

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 is not contiguous to the existing City boundary, but is within the City's Urban Growth Boundary; and

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

WHEREAS, the City and the County desire to cooperate with one another and to address the issues contemplated by *Tennessee Code Annotate* 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 1st day of July, 2019, that the Bradley County Mayor is hereby authorized to enter into an Annexation Interlocal Agreement between the City of Cleveland and Bradley County regarding the non-contiguous annexation of the property currently owned by James F. Williams, Diane Williams, Joseph Michael Montgomery and Leslie Montgomery, Tax Map 058B Group C Parcel 11.00.

Commissioner Kevin Raper puts in the form of a motion Resolution authorizing the 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 currently owned by James F. Williams, Diane Williams, Joseph Michael Montgomery and Leslie Montgomery Tax Map 058B Group C Parcel 11.00; Commissioner Bill Winters 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; Goins, aye; Yarber, aye; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 11; OPPOSES: 2; ABSENT: 1. The motion passes.

Commissioner Milan Blake moves to approve the 2019-2020 Budget [Preparation] Calendar; 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, nay; Thompson, nay; Goins, aye; Yarber, aye; Davis, aye; Raper, aye; and Winters, aye. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 11; OPPOSES: 2; ABSENT: 1. The motion passes.

2019-2020 BUDGET PREPARATION CALENDAR RECORDED AS AN ATTACHMENT

RESOLUTION 2019-20

REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY
(TCA Title 54, Chapter 7 - - Tennessee County Uniform Highway Law)

Commissioner Kevin Raper puts in the form of a motion the adoption of the Resolution for Regulations Governing The Use Of The County Right-Of-Way; Commissioner Louie Alford seconds the motion. On roll call the Commissioners vote as follows: Epperson, nay; Hughes, nay; Alford, aye; Crye, aye; Blake, nay; Mull, nay; Peak, nay; Thompson, nay; Goins, nay; Yarber, nay; Davis, nay; Raper, aye; and Winters, nay. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 3; OPPOSES: 10; ABSENT: 1. The motion FAILS.

THIS RESOLUTION AND THE ATTACHMENTS RELATED TO THIS RESOLUTION ARE RECORDED AS ATTACHMENTS TO THE MINUTES

There is no further business to come before the Commission and on a motion by Commissioner Jeff Yarber, the Commission adjourns at 8:14 P.M. EDST.

Johnny Mull, Chairman
Bradley County Commission

Donna A. Simpson
Bradley County Clerk