

Bradley County Commission
Johnny Mull, Chairman
WORK SESSION MINUTES
April 8, 2019, at noon
Bradley County Courthouse

Members present: Louie Alford, Milan Blake, Thomas Crye, Erica Davis, Dennis Epperson, Bobby Goins, Mike Hughes, Tim Mason, Chairman Johnny Mull, Charlotte Peak, Kevin Raper, Howard Thompson, Bill Winters, Vice Chairman Jeff Yarber, and non voting Ex Officio member D. Gary Davis

Members absent: None

Chairman Johnny Mull called the meeting to order.

Following the Pledge of Allegiance led by Vice Chairman Jeff Yarber, Kay Horner of Awakening America Ministries prayed the invocation.

REPORT FROM COUNTY MAYOR

County Mayor D. Gary Davis welcomed and introduced Tennessee Department of Environment and Conservation (TDEC) Deputy Director of Field Office Operations Chris Rhodes. Rhodes introduced the TDEC team members Mark Dillard, Amy Katcher, and Jennifer Innes. Rhodes noted Mark Dillard is the new Bradley County TDEC Office representative. Rhodes presented a power point presentation to the Commission including an overview of the TDEC office. PRESENTATION RECORDED AS ATTACHMENT. Commissioner Milan Blake requested a revenue report for the Bradley County office for 2018 and requested a revenue projection for the current year. Blake asked if Bradley County opted to operate their own office in house could they also service surrounding counties. Rhodes confirmed that would not be an option. Commissioner Peak requested information on the possibility of Hamilton County serving Bradley County. Peak stated there have been issues with the Bradley County TDEC office since 2008. Peak requested daily morning office hours and consistency with rules. Peak also opined the online permit system is confusing.

Mayor Davis presented to the Commission for consideration a request from the City of Cleveland to annex 2764 South Lee Highway, Cleveland, Tennessee, tax map 56, parcels 79.03. REQUEST RECORDED AS ATTACHMENT. Commissioner Thomas Crye placed a resolution authorizing the annexation on the April 15, 2019, voting session agenda.

COMMITTEE AND/OR DISTRICT REPORTS

7th District

Commissioner Bill Winters introduced Isaiah House 117 Executive Director Rena Curry. Curry announced Isaiah House 117 is coming to Bradley County. Curry explained Isaiah House 117 will provide children removed from their homes with a place to stay while they await their foster home assignment. The first Isaiah House 117 expansion meeting is scheduled for noon on April 29, 2019, at the United Way office.

Commissioner Kevin Raper announced the District 7 town hall meeting is scheduled for April 18, 2019, at 6:00p.m. at the Westmore Church of God Element Building located on Legacy Drive.

6th District

Commissioner Erica Davis announced the District 6 community meeting is scheduled for 6:00p.m. on April 16, 2019, at Waterville Elementary School.

Davis announced the SPCA Launch Party will begin at 6:00p.m. on April 11, 2019, at the Bald Headed Bistro.

Davis announced the Mainstreet Mutt Strut will begin at 11:00a.m. on April 13 on the courthouse square.

Commissioner Tim Mason thanked the community for supporting the Household Hazardous Waste Day.

Mason reported the litter crew cleaned 472 miles of roadway, collected 34,640 pounds of trash, and recycled 1,275 pounds in March.

Mason placed on the April 15, 2019, voting session agenda a 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.

5th District

Commissioner Bobby Goins had no report.

Vice Chairman Jeff Yarber announced the 5th District town hall meeting is scheduled for April 17, 2019, at 6:00p.m. at the Inman Street fire hall.

4th District

Commissioner Howard Thompson announced the District 4 town hall meeting is scheduled for April 9, 2019, at 6:00p.m. at Park View Elementary School.

Commissioner Charlotte Peak placed on the April 15, 2019, voting session agenda a resolution recommended by Building and Land Committee to amend the policy for the use of the Bradley County Courthouse for special community events during non-business hours.

Peak placed on the April 15, 2019, voting session agenda a 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, moisture issues, and the return of power.

Peak placed on the April 15, 2019, voting session agenda a motion to accept the Building and Land Committee recommendation to sell the house after the Road Department vacates and to use the proceeds to demolish Lake Forest Middle School buildings, old Waterville School, and old McDonald School building.

3rd District

Commissioner Milan Blake placed on the April 15, 2019, voting session agenda a motion to accept the Finance Committee recommendation to approve the Cedar Springs/Old McClure Road water project pending approval from the Southeast Tennessee Development District and private investment with the county portion of \$13,500 to be paid from the County Public Water Funds.

Commissioner Milan Blake placed on the April 15, 2019, voting session agenda a motion to accept the Finance Committee recommendation to approve the Bell Road SE water project pending approval from the Southeast Tennessee Development District and private investment with the county portion of \$5,938 to be paid from the County Public Water Funds.

Commissioner Milan Blake placed on the April 15, 2019, voting session agenda a motion to approve a letter of support to TDOE for a multi-use/greenway path along Highway 11 as part of the widening project.

2nd District

Commissioner Thomas Crye announced the Education Committee will meet April 22, 2019, at 5:30p.m. in the Commission Office.

Commissioner Louie Alford had no report.

1st District

Commissioner Mike Hughes reported speaking with Hopewell School about some issues and potential resolutions which will be presented to the Education Committee.

Commissioner Dennis Epperson presented a number of pictures of the former McDonald School property depicting the poor condition of the building. Fire Marshal Alex Fallin confirmed the department would not send their crew into the compromised building and noted potential hazards on the premises. County Attorney Crystal Freiberg confirmed there is a lease agreement with McDonald Ruritan for the property and buildings on the property except the former school building which is to be boarded up and demolished as funds are available. Crye asked if the Fire Department could conduct training by burning the building. Fallin explained the county training burn would require approval from TDEC. Commissioner Louie Alford asked the County Attorney if an individual living on the premises would violate the lease contract. Freiberg confirmed a tenant on the property would violate the contract and the County could send a Notice to Cure to the lessee notifying them of a violation of the contract. Alford requested a written report on the buildings from McDonald Ruritan and any upgrades the lessee has undertaken.

AGENDA ITEMS

Davis presented to the Commission a resolution authorizing the County mayor to enter into a four year lease and operating agreement with SPCA of Bradley County, Tennessee 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 \$215,000 per year for the initial two years of the agreement with the addition of an amount equal to the national cost of living adjustment to be added each of the remaining two years of the agreement. Hughes opined the resolution removes the negotiation power of the Mayor. Vice Chairman Yarber requested the Commission send a letter to the city of Cleveland requesting their consideration to partner with Bradley County to provide animal services for all Bradley County residents. Peak expressed concern with the increase in years three and four of the agreement. Vice Chairman Yarber reported the Sheriff's Department responded to 944 animal control calls in 2018. Alford asked if any citations were written as a result of the 944 calls. Davis placed on the April 15, 2019, voting session agenda a resolution to authorize the County Mayor to negotiate an agreement with SPCA 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.

COMMUNICATION FROM THE AUDIENCE

There was no communication from the audience.

ANNOUNCEMENTS

*Next meeting is a voting session on April 15, 2019, at noon.

*4th district meeting, April 9, 6:00p.m., Park View School

*School board meeting, April 11, 5:30p.m., Central Office

*SPCA Launch Party, April 11, 5:00p.m., Bald Headed Bistro

*Mainstreet Mutt Strut, April 13, 11:00a.m., Courthouse Square

*Finance Committee, April 15, 1:00p.m., Commission Office

There being no further business, the meeting was adjourned.



Department of Environment & Conservation

**Bradley County Program
Subsurface Sewage Disposal
Systems**

April 8, 2019

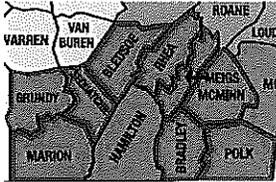
Chris Rhodes
Director of Water Resources Deputy Director of Field Office Operations

Bradley County by the Numbers (2018)

- General Field Visits: 574
- Issued SSDS Permits: 238
- Issued SSDS Repair Permits: 82
- Subdivision Approval - # of plats assigned: 35
- Subdivision Evaluation - # of lots: 58
- Final Inspection - New: 171
- Final Inspection - Repair: 44



**Chattanooga TDEC - DWR
Septic System Service Area**



- 9 Counties
- 6 employees
- Bradley County is staffed five days per week
- "Floater" position recently created



Bradley County 2018 (cont'd)

- Complaint/Enforcement Evaluation: 46
- Sewage Survey - total # of premises: 36
- Notice of Violation (NOV) Issued: 27
- File Search: 31
- Certification of Verification: 43
- Legal Action: 4
- Inspection Letter: 1
- Permit Denial Letter: 1



Subsurface Sewage Disposal Systems (SSDS) Permits

- **Who needs one?**
 - Any individual or property owner who desires to have a subsurface sewage disposal (septic) system installed on their property or requiring repair to an existing faulty system
- **What Information Must I Provide?**
 - Application for Ground Water Protection Services (Form CN-0971)
 - A rough sketch of the property lines, house site, well location, spring location, planned driveway and utilities as well as directions to the site
 - Soils maps by a soil scientist (if required) and system design by a licensed engineer for large conventional or alternative systems
 - Desired house site and property lines must be marked/staked on property before inspection



Average Turnaround Time (workdays)

<ul style="list-style-type: none"> • Bradley County Office <ul style="list-style-type: none"> - January: 1.9 - February: 2.4 - March: 2.3 - April: 2.8 - May: 3.1 - June: 3.3 - July: 2.6 - August: 2.5 - September: 3.1 - October: 4.3 - November: 4.7 - December: 4.3 	<ul style="list-style-type: none"> • Statewide Comparison <ul style="list-style-type: none"> - Bradley County: 3.1 - Dickson County: 7 - Montgomery: 8-9 - Anderson: 6 - Hamblen: 7 
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How to Get in Touch with Us:

TDEC-Division of Water Resources Office Hours:
 Wednesday 3:00-4:30 PM

If you are unable to meet with staff during these office hours, please call Mark Diland at (423) 479-0535 to schedule an appointment and/or leave a message with:

1. Your Name
2. Phone Number
3. Request

Staff will return your call as soon as possible to schedule an appointment.

Bradley County TDEC-DWR Contact:

1. Mark Diland
Office: (423) 479-0535 Cell: (423) 256-7947

Chattanooga Field Office Contact:

1. Mitch Gavett or Jennifer Irwin
Office: (423) 434-5745



Online Application

- <https://www.tn.gov/content/tn/environment/program-areas/wr-water-resources/septic-decentralized-systems/wr-sds-online-application-for-ground-water-protection-services.html>
- or Google "TDEC septic system application"
- Instructions by county-provided computer in Theresa's office. Every citizen is welcome to use this computer to apply for a permit online.

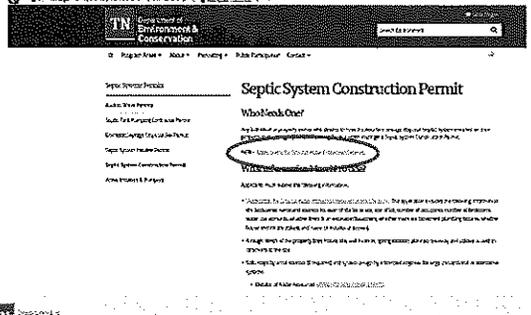


Common Questions/Issues

- Not all parcels have enough suitable soil to accommodate a septic system capable of supporting the desired number of bedrooms.
- The location of the field lines may determine where the house can be placed. Will it still be your dream home if the house is located on the back of the lot vs. near the front of the lot?
- Parcel size makes no difference. Septic approval is based on the availability of suitable soils.



Online Application



Septic System Construction Permit

Who/What/Where

Apply to build a septic system on a lot that is not served by a public sewerage system or a public water supply system. The system must be installed on a lot that is not served by a public sewerage system or a public water supply system.

Who/What/Where

Apply to build a septic system on a lot that is not served by a public sewerage system or a public water supply system. The system must be installed on a lot that is not served by a public sewerage system or a public water supply system.



This is why the permit process is important:




Online Application



Online Application for Ground Water Protection Services

Apply to build a septic system on a lot that is not served by a public sewerage system or a public water supply system. The system must be installed on a lot that is not served by a public sewerage system or a public water supply system.

Ground Water Protection Services Available for Online Application and Payment

Apply to build a septic system on a lot that is not served by a public sewerage system or a public water supply system. The system must be installed on a lot that is not served by a public sewerage system or a public water supply system.



City of Cleveland

CLEVELAND TENNESSEE
Development & Engineering Services

Kevin Brooks
Mayor
PO Box 1519
Cleveland, TN 37364



190 Church St NE
Cleveland, TN 37311
Ph: (423) 472-4551
Fax: (423) 559-3302

March 22, 2019

Mayor D. Gary Davis
PO Box 1167
Cleveland, TN 37364

Re: 2764 South Lee Highway, Cleveland, TN 37311
Tax Map 56 Parcels 79.03

Dear Mayor Davis,

The City of Cleveland has received a request to annex the above referenced property at 2764 South Lee Highway. The proposed annexation consists of one single family residential dwelling unit and the surrounding property. The Planning Commission has recommended approval of the annexation and the associated Plan of Service. The property is separated from the existing city limits by one small strip of land lying in the unincorporated County which necessitates the need for the interlocal agreement. The property is located within the Urban Growth Boundary, there are no County roads servicing the intervening property and the proposed agreement follows the same format as we have used for prior non-contiguous annexations.

We are requesting the attached agreement and Plan of Service be approved by the County Commission at your earliest convenience. Once this is completed we will proceed with the consideration of this annexation by the City Council. Please do not hesitate to contact me if you have any additional questions or if we can be of further assistance.

Sincerely,

Mayor Kevin Brooks
City of Cleveland

Cc: Johnny Mull, County Commission Chairman

ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE
CITY OF CLEVELAND, TENNESSEE AND BRADLEY COUNTY, TENNESSEE

Pursuant to Tennessee Code Annotated 5-1-113, this Annexation Interlocal Agreement (the "Agreement") for Annexation is entered into between and among the CITY OF CLEVELAND, TENNESSEE (hereafter "the City"), and BRADLEY COUNTY, TENNESSEE (hereafter "the "County).

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

WHEREAS, the owners of this property, Tony and Karen Fox, have petitioned the City for annexation and desire 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; and

WHEREAS, the Cleveland City Council authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the Mayor to execute this Agreement on behalf of the City of Cleveland, and

WHEREAS, the Bradley County Commission authorized the execution of this Interlocal Agreement on _____ by passage of Resolution No. _____, which authorizes the County Mayor to execute this Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein, and for the good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Purpose:

This Agreement is for the purpose of establishing the manner, terms and conditions by which the City shall annex the property described in Exhibit A owned by Tony and Karen Fox, and the services to be provided by the City in a portion of Bradley County as further described herein.

Section 2. Cooperative & Performance Agreement.

(a) Property to be annexed and services provided.

The City hereby agrees to provide urban services to the area of land owned by Tony and Karen Fox that is being annexed into the City which is described in Exhibit A. As used herein, the term urban services shall include those services as described in the Plan of Services attached hereto as Exhibit B.

(b) Services to be provided by the City for interceding properties located in Bradley County between the annexed property and the City boundary.

The parties agree that for the particular annexation described herein, there are no interceding properties that will require city services between the existing city boundary and the property to be annexed. Therefore, the parties agree that no provision for emergency services by the City for any property in the county is required in this particular annexation.

The City will provide emergency services to the annexed property as described in Exhibits A and B.

(c) Assignment of responsibility for the maintenance of county roads and bridges comprising the primary route to the area to be annexed.

The parties agree that in this particular annexation, there are no county roads or bridges between the existing city boundary and the area to be annexed, and therefore no maintenance is required for any county roads or bridges.

Section 3. Term.

The parties hereby agree that this agreement shall continue perpetually unless the City takes action to de-annex the territory described in Exhibit "A" after first providing public notice of affected property owners and after obtaining approval of a majority of the members of the Bradley County Commission.

Section 4. Severability.

If any of the terms and conditions of this contract is held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this agreement are declared severable.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of this _____ day of _____, 2019.

D. Gary Davis, Bradley County Mayor

Date Signed

Kevin Brooks, City of Cleveland Mayor

Date Signed

Exhibit A- AREA TO BE ANNEXED

Beginning at the northwesternmost line of US Highways 11 and 64, also known as South Lee Highway, said point of beginning being the northeastern corner of the lands of Henry; and run thence with the northeastern most line of the lands of Henry, North 66 degrees 45 minutes West, 300.0 feet to a corner; thence North 42 degrees 46 minutes East, 200.0 feet to a corner; thence South 66 degrees 45 minutes East, 300.0 feet to an iron pin set in the Northwesternmost line of US Highways 11 and 64; run thence with said line of said highways, South 42 degrees 46 minutes West, 200.0 feet to the northeasternmost corner of the lands of Henry, the place of beginning.

Exhibit B- PLAN OF SERVICES

2764 SOUTH LEE HWY FOX PROPERTY ANNEXATION ANALYSIS PLAN OF SERVICE- CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 1.33 acres located at 2764 South Lee Highway as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 2018.

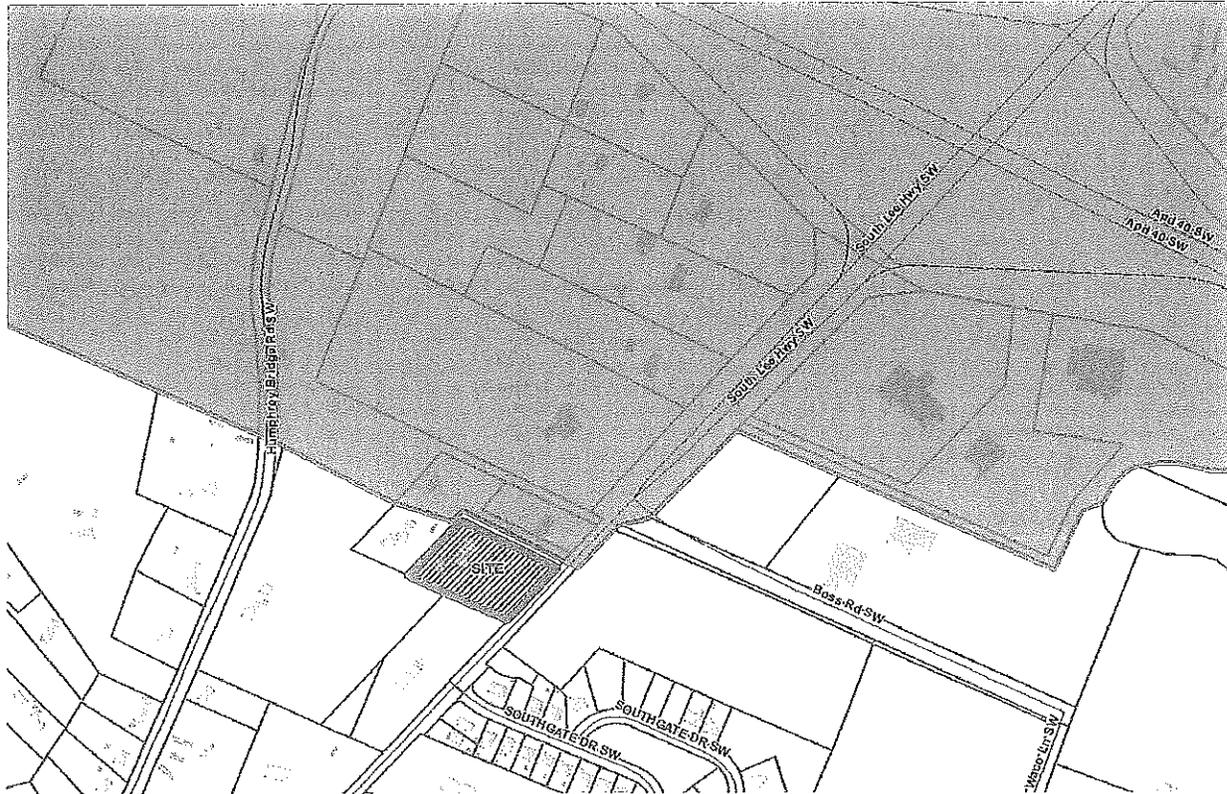
This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services in accordance with the POS.

Introduction

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

PC 1101 Section 19 requires a "Plan of Services" (POS) prior to annexation and these services must include: police and fire protection; water, electrical and sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

This property currently has one single family home and there are no immediate plans to alter the site. The property is described as Tax Map 56 Parcel 79.03.



1. Police Protection

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation. There is minimal cost expected from this annexation.

2. Fire Protection

The Cleveland Fire Department could provide service to the proposed annexation. It could be serviced immediately by Cleveland Fire Department Station 1 with no associated increase in cost to the department. This parcel will fall into CFD Station 6's response area when that station is opened in October 2018.

3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants

A. Domestic Water--- Water service is available to this parcel.

B. Sanitary Sewer--- Sanitary sewer facilities will be available upon completion of the 2010 Annexation Sewer Extensions project which is scheduled to be completed by June 2019.

C. Fire Hydrants--- Fire protection is available to this parcel

4. Electric Service

This property is presently in Cleveland Utilities' service area and no special expenditures will be required to provide electric service.

5. Public Works

A. Refuse Collection a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

B. Route Collection Services

a. Current city policies regarding residential debris, brush, and white good collections will apply in all proposed areas and will begin at the time of annexation. Each residence will be included in the City's ten route collection system. No additional equipment or

manpower will be needed at this time.

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

C. Street Repair and Maintenance

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

D. Stormwater and Drainage Services

No major drainage problems were identified in these areas. Emergency drainage maintenance (i.e. cleaning catch basins, unstopping tile, installing drainage tile and/or catch basins) within these areas will begin at time of annexation.

E. General Rights-of-Way Maintenance (i.e. street sweeping, snow removal)

a. Current city policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

b. Current city policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

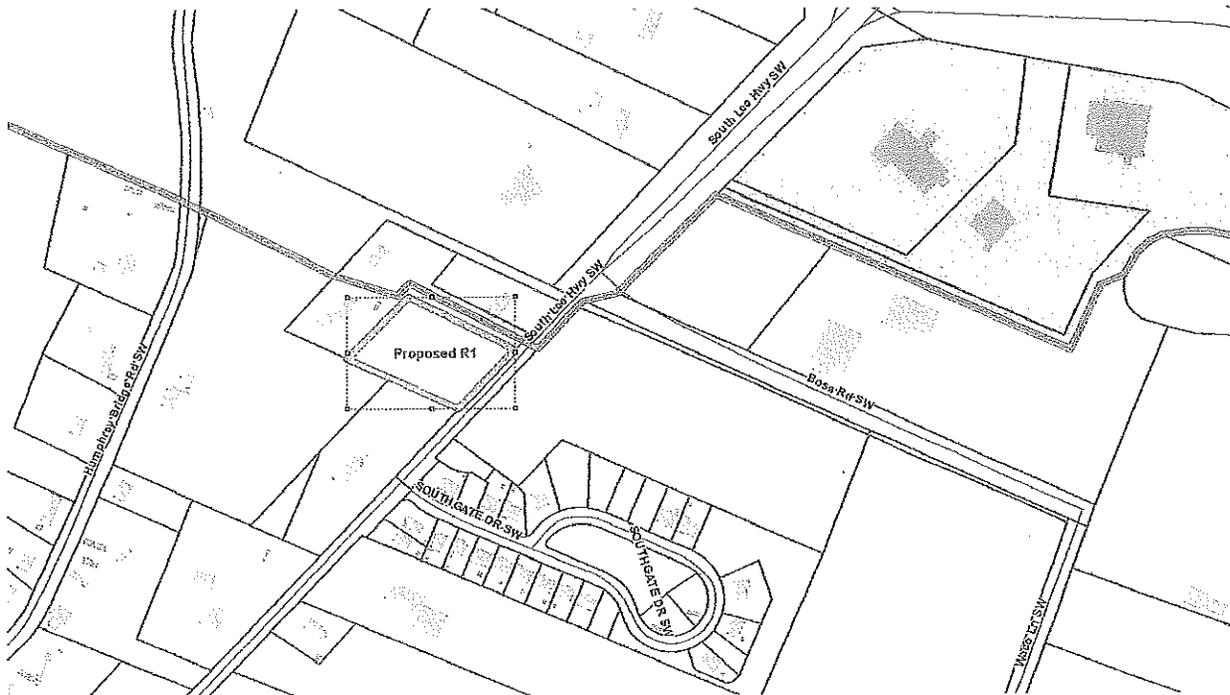
6. Schools

The proposed annexation would have minimal impact on the school system.

7. Planning and Zoning

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential in the unincorporated County. It is recommended that this property be incorporated into the R1 Single Family Residential Zoning District as its post-annexation zoning.



C. In the case of lots of record that are recorded prior to the effective date of annexation, if there are prevailing deed or subdivision restrictions on record, these deed or subdivision restrictions shall apply if in conflict with City zoning or subdivision regulations.

8. Animal Shelter

The City operates a full-time animal control program including an animal shelter. The Animal Shelter is located on Hill Street SE. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

9. Voting Rights and City Elections

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation will add approximately 3 residents to the 1st City Council District as it is currently used.

10. Revenue

The current property assessment for this property is \$159,100. This would result in a total assessed value is \$39,776. The property tax generated from this area in its current condition would be about \$819.39 a year.

The area is currently has one single family residential unit. The current state shared appropriation is \$115.75 per resident which would result in approximately \$347.25 a year.

The monthly stormwater fee associated with this property would be \$4.88 per month or \$58.56 annually.

The approximate revenue generated because of this annexation at the time of annexation would be about \$1,225.20.