REGULAR SESSION **AUGUST 6th, 2018**

The Bradley County Commission meets in REGULAR SESSION on August 6th, 2018, at 7:00 P.M. EDST in the Board Room of the Bradley County Schools System Central Office. 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: 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, Robin Ridgeway, Minister of Music North Cleveland Church of God, leads in the invocation.

Commissioner Johnny Mull moves that the Minutes of the July 16th, 2018, REGULAR SESSION 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.

Commissioner Jeff Yarber moves that the Consent Agenda be approved; Commissioner Terry Caywood 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.

MEETING AGENDA RECORDED AS AN ATTACHMENT

RESOLUTION 2018-34

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO A LEGAL REPRESENTATION AGREEMENT WITH ATTORNEY ROBERT T. LEE TO PROVIDE LEGAL REPRESENTATION TO THE BRADLEY COUNTY ASSESSOR OF PROPERTY REGARDING THE STATE BOARD OF EQUALIZATION APPEAL OF ASSESSMENTS BY COLONIAL PIPELINE COMPANY FOR A RATE OF TWO HUNDRED TWENTY-FIVE DOLLARS ($225.00) PER HOUR NOT TO EXCEED FOUR THOUSAND DOLLARS ($4,000.00) TO BE PAID FROM THE COUNTY ASSESSOR'S CURRENT BUDGETED FUNDS

WHEREAS, Colonial Pipeline Company has appealed Bradley County property assessments to the State Board of Equalization seeking to lower its tax liability previously paid to Bradley County; and

WHEREAS, Robert T. Lee is sole practitioner attorney in Mr. Juliet and Franklin, Tennessee, specializing in property tax and assessment law; and

WHEREAS, Robert T. Lee retired after thirty (30) years of service in the Office of the Tennessee Comptroller of the Treasury where he served as General Counsel the last 13 years of his State career; and

WHEREAS, the Bradley County Assessor of Property recommends employing Mr. Robert Lee to represent the Assessor's Office in the appeal matter related to Colonial Pipeline Company.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 6th day of August, 2018, that the Bradley County Mayor be and is hereby authorized to enter into a legal representation agreement with attorney Robert T. Lee to provide legal representation to the Bradley County Assessor of Property regarding the State Board of Equalization appeal of property assessments by Colonial Pipeline Company for a rate of two hundred twenty-five dollars ($225.00) per hour not to exceed four thousand dollars ($4,000.00) to be paid from the County Assessor's current budgeted funds.

Commissioner Thomas Crye makes in the form of a motion the adoption of Resolution 2018-34 authorizing the County Mayor to enter into a legal representation agreement with Attorney Robert T. Lee to provide legal representation to the Bradley County Assessor of Property regarding the State Board of Equalization appeal of assessments by Colonial Pipeline Company for a rate of two hundred twenty-five dollars per hour not to exceed four thousand; Commissioner Mike Hughes seconds the motion.

08/06/2018
RESOLUTION 2018-34 ROLL CALL

Commissioner Jeff Yarber offers a substitute motion that the Commission approve Commissioner Crye's motion [to adopt Resolution 2018-34] but add contingent on Mr. Lee's being able to represent us [Bradley County Assessor]; Commissioner Charlotte Peak seconds the substitute motion.

Voting on the substitute motion 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 substitute motion passes therefore no vote required on the original motion.

LETTER FROM ATTORNEY ROBERT T. LEE RECORDED AS AN ATTACHMENT

RESOLUTION 2018-35
RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO A LEGAL REPRESENTATION AGREEMENT WITH ATTORNEY ROBERT T. LEE TO PROVIDE LEGAL REPRESENTATION TO THE BRADLEY COUNTY ASSESSOR OF PROPERTY REGARDING THE STATE BOARD OF EQUALIZATION APPEAL OF ASSESSMENTS BY WACKER POLYSILICON NORTH AMERICA, LLC FOR A RATE OF TWO HUNDRED TWENTY-FIVE DOLLARS ($225.00) PER HOUR NOT TO EXCEED EIGHT THOUSAND DOLLARS ($8,000.00) TO BE PAID FROM THE COUNTY ASSESSOR'S CURRENT BUDGETED FUNDS

WHEREAS, Wacker Polysilicon North American, LLC has appealed Bradley County property assessments to the State Board of Equalization seeking to lower its tax liability owed to Bradley County; and

WHEREAS, Robert T. Lee is a sole practitioner attorney in Mt. Juliet and Franklin, Tennessee, specializing in property tax and assessment law; and

WHEREAS, Robert T. Lee retired after thirty (30) years of service in the Office of the Tennessee Comptroller of the Treasury where he served as General Counsel the last 13 years of his State career; and

WHEREAS, the Bradley County Assessor of Property recommends employing Mr. Robert Lee to represent the Assessor's Office in the appeal matter related to Wacker Polysilicon North America, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 6th day of August, 2018, that the Bradley County Mayor be and is hereby authorized to enter into a legal representation agreement with attorney Robert T. Lee to provide legal representation to the Bradley County Assessor of Property regarding the State Board of Equalization appeal of property assessments by Wacker Polysilicon North America, LLC for a rate of two hundred twenty-five dollars ($225.00) per hour not to exceed eight thousand dollars ($8,000.00) to be paid from the County Assessor's current budgeted funds.

Commissioner Thomas Crye puts in the form of a motion the adoption of Resolution 2018-35 authorizing the Bradley County Mayor to enter into legal representation with Attorney Robert T. Lee to provide legal representation to the Bradley County Assessor of Property regarding the State Board of Equalization appeal of property assessments by Wacker Polysilicon North America, LLC for a rate of two hundred twenty-five dollars per hour not to exceed eight thousand dollars; Commissioner Mike Hughes seconds the motion. On roll all 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. The motion passes.

LETTER FROM ATTORNEY ROBERT T. LEE RECORDED AS AN ATTACHMENT

RESOLUTION 2018-36
RESOLUTION AMENDING THE BRADLEY COUNTY COMMISSION RULES OF PROCEDURE RULE 12 REGARDING THE CHAIRPERSON

WHEREAS, the Bradley County Commission follows the adopted Bradley County Commission Rules of Procedure when conducting meeting of said Body; and

WHEREAS, the Bradley County Commission seeks to amend Rule 12 to add a new Section K related to the Chairman serving as an ex-officio non-voting member of all internal standing committees.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 6th day of August, 2018, that Rule 12 of the Bradley County Rules of Procedure shall be modified by adding a new Section 12K as follows:

> **12K. EX OFFICIO STATUS: The Chairperson shall serve as an ex-officio non-voting member of all internal standing committees. The Chairperson may attend the meetings of any internal standing committee and participate in all discussion with the members.**

Commissioner Milan Blake puts in the form of a motion to make the Chairperson [County Commission] an ex-officio member of all internal standing committees; Commissioner Thomas Crye seconds the motion.

Commissioner Charlotte Peak offers a substitute motion to send this back to the Policy Committee [Ad Hoc]; Commissioner Bill Winters seconds the substitute motion.

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

Voting on the original motion to allow the Commission Chairperson to be an ex-officio member of all internal standing committees, the Commissioners vote as follows: Caywood, nay; Hughes, nay; Alford, aye; Crye, aye; Blake, nay; Mull, aye; Peak, nay; Thompson, nay; Goins, nay; Yarber, nay; Rawls, aye; Rominger, aye; Hall, nay; and Winters, nay. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 5; OPPOSES: 9. The motion FAILS.

08/06/2018

There is no further business to come before the Commission and on a motion by Commissioner Jeff Yarber, the Commission adjourns at 8:04 P.M. EDST.

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Louie Alford, Chairman
Bradley County Commission

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Donna A. Simpson
Bradley County Clerk