REGULAR SESSION **DECEMBER 17th, 2018**

The Bradley County Commission meets in REGULAR SESSION at the Courthouse in Cleveland, Tennessee, on December 17th, 2018, at 12:00 noon EST. 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, 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. Commissioners MIKE HUGHES and TIM MASON are absent. TOTAL PRESENT: 12; ABSENT: 2. There is a quorum present and Chairman Johnny Mull calls the meeting to order.

Following the Pledge of Allegiance to the Flag, Commissioner Jeff Yarber leads in the invocation.

Commissioner Thomas Crye moves for the approval of the December 3rd, 2018, REGULAR SESSION Minutes; Commissioner Bobby Goins seconds the motion. On roll call the Commissioners vote as follows: Epperson, 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: 12; OPPOSES: NONE; ABSENT: 2. The motion passes.

COMMISSIONERS MIKE HUGHES AND TIM MASON ENTER THE MEETING

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

CONSENT AGENDA RECORDED AS AN ATTACHMENT

Chairman Johnny Mull appoints the following to serve on the Ad Hoc Committee to consider issues facing the Veterans Cemetery at Fort Hill Cemetery:

Commissioners Milan Blake, Thomas Crye, Howard Thompson, Mr. Cid Heidel, Mr. John Thomason and the Veterans Affairs Officer Brian Heusterberg

Commissioner Bobby Goins moves that the Meeting Agenda be approved; Commissioner Jeff Yarber seconds the motion.

Commissioner Milan Blake offers a substitute motion to consolidate Items B, C and D on the Meeting Agenda Resolution(s) Authorizing The Bradley County Juvenile Detention Center To Provide Juvenile Detention Services to (B. Meigs; C. McMinn & D. Sequatchie) County And Authorizing The Mayor To Execute An Interlocal Agreement With (B. Meigs; C. McMinn D. Sequatchie) County For The Provision Of Said Services; Commissioner Thomas Crye seconds the substitute motion.

Voting on the substitute motion 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 substitute motion passes, therefore no vote taken on the original motion.

MEETING AGENDA RECORDED AS AN ATTACHMENT

RESOLUTION 2018-52

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH LOWEST AND BEST BIDDER FOR THE INSTALLATION AND/OR UPGRADE TO THE SECURITY CONTROL SYSTEMS IN THE BRADLEY COUNTY JAIL FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED AND FIFTY THOUSAND DOLLARS ($350,000.00)

WHEREAS, the Bradley County Sheriff's Office seeks the purchase and installation and/or upgrade to the Security Control Systems in the Bradley County Jail located at 2290 Blythe Avenue, Cleveland, Tennessee 37311; and

WHEREAS, this project is vital to the continued operation of the Bradley County Jail; and

WHEREAS, the purchase and installation services for the Sheriff's Office was the subject of competitive bidding as required by Tennessee Law; and

WHEREAS, the Bradley County Sheriff's Office has reviewed the bids submitted and has recommended proceeding with Montgomery Technology Systems, LLC as the lowest and best bidder for the project.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Mayor is hereby authorized to negotiate and enter into an agreement with Montgomery Technology Systems, LLC for the installation and/or upgrade to the Security Control Systems in the Bradley County Jail for an amount not to exceed three hundred fifty thousand dollars ($350,000.00).

Commissioner Jeff Yarber puts in the form of a motion the adoption of this Resolution; Commissioner Bobby Goins seconds the motion.

Following some discussion relative to Resolution 2018-52 Commissioner Jeff Yarber offers a substitute motion to approve Resolution [2018-53] as written with no dollar [amount] attached; Commissioner Bobby Goins seconds the substitute motion.

Voting on the substitute motion the Commissioners vote as follows: Epperson, nay; Hughes, aye; Alford, nay; Crye, nay; Blake, aye; Mull, aye; Peak, aye; Thompson, aye; Goins, aye; Yarber, aye; Mason, aye; Davis, aye; Raper, nay; and Winters, nay. The Clerk asks if anyone would like to change their vote. TOTAL FOR: 9; OPPOSES: 5. The substitute motion passes, therefore no vote taken on the original motion.

THE FOLLOWING IS RESOLUTION 2018-53 AS ADOPTED IN THE PREVIOUS SUBSTITUTE MOTION

RESOLUTION 2018-53

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH MONTGOMERY TECHNOLOGY SYSTEMS, LLC FOR THE INSTALLATION AND/OR UPGRADE TO THE SECURITY CONTROL SYSTEMS IN THE BRADLEY COUNTY JAIL

WHEREAS, the Bradley County Sheriff's Office seeks the purchase and installation and/or upgrade to the Security Control Systems in the Bradley County Jail located at 2290 Blythe Avenue, Cleveland, Tennessee 37311; and

WHEREAS, this project is vital to the continued operation of the Bradley County Jail; and

WHEREAS, the purchase and installation services for the Sheriff's Office was the subject of competitive bidding as required by Tennessee Law; and

WHEREAS, the Bradley County Sheriff's Office has reviewed the bids submitted and has recommended proceeding with negotiation with Montgomery Technology Systems, LLC as the lowest and best bidder for the project.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on the 17th day of December, 2018, that the Bradley County Mayor is hereby authorized to negotiate and upon successful negotiation to enter into an agreement with Montgomery Technology Systems, LLC for the installation and/or upgrade to the Security Control Systems in the Bradley County Jail.

Commissioner Bill Winters moves that Items B, C and D on the Meeting Agenda be adopted in one (1) motion and add also [Resolutions for] Polk County and Marion County; 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 FOLLOWING ARE RESOLUTIONS 2018-54; 2018-55; 2018-56; 2018-57 AND 2018-58 AS ADOPTED IN THE PREVIOUS MOTION

(1)

RESOLUTION 2018-54
RESOLUTION AUTHORIZING THE BRADLEY COUNTY JUVENILE DETENTION CENTER TO PROVIDE JUVENILE DETENTION SERVICES TO MEIGS COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH MEIGS COUNTY FOR THE PROVISION OF SAID SERVICES

WHEREAS, Bradley County and Meigs County are both local governmental entities of the State of Tennessee and, as such, are authorized to enter into an interlocal agreement pursuant to Tennessee Code Annotated 12-9-104; and

WHEREAS, Bradley County currently maintains and operates a juvenile detention facility known as the Bradley County Juvenile Detention Center (hereinafter "Facility") located at 1620 Johnson Blvd., Cleveland, Tennessee 37311; and

WHEREAS, Bradley County and Meigs County each have the statutory power and authority to maintain and operate a juvenile detention facility and to confine juvenile offenders therein pursuant to Tennessee Code Annotated Title 37; and

WHEREAS, Meigs County, from time to time desires to confine in the Bradley County Juvenile Detention Center juveniles pursuant to Tennessee Code Annotated Title 37, and Bradley County is willing to furnish its facilities and personnel in exchange for payment from Meigs County of fees and costs, all as more fully described in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Juvenile Detention Department is hereby authorized to provide juvenile detention services to Meigs County for a period of three (3) years in exchange for payment from Meigs County of one hundred twenty dollars ($120.00) per day for each juvenile detained in the Bradley County Detention Center.

BE IT FURTHER RESOLVED that the Bradley County Mayor is authorized to execute an Interlocal Agreement with Meigs County for the provision of Juvenile detention services.

(2)

RESOLUTION 2018-55
RESOLUTION AUTHORIZING THE BRADLEY COUNTY JUVENILE DETENTION CENTER TO PROVIDE JUVENILE DETENTION SERVICES TO MCMINN COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH MCMINN COUNTY FOR THE PROVISION OF SAID SERVICES

WHEREAS, Bradley County and McMinn County are both local government entities of the State of Tennessee and, as such, are authorized to enter into an interlocal agreement pursuant to Tennessee Code Annotated 12-9-104; and

WHEREAS, Bradley County currently maintains and operates a juvenile detention facility known as the Bradley County Juvenile Detention Center (hereinafter "Facility") located at 1620 Johnson Blvd., Cleveland, Tennessee 37311; and

WHEREAS, Bradley County and McMinn County each have the statutory power and authority to maintain and operate a juvenile detention facility and to confine juvenile offenders therein pursuant to Tennessee Code Annotated Title 37; and

WHEREAS, McMinn County from time to time desires to confine in the Bradley County Juvenile Detention Center juveniles pursuant to Tennessee Code Annotated Title 37, and Bradley County is willing to furnish its Facilities and personnel in exchange for payment from McMinn County of fees and costs, all as more fully described in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Juvenile Detention Department is hereby authorized to provide juvenile detention services to McMinn County for a period of three (3) years in exchange for payment from McMinn County of one hundred twenty dollars ($120.00) per day for each juvenile detained in the Bradley County Detention Center.

BE IT FURTHER RESOLVED that the Bradley County Mayor is authorized to execute an Interlocal Agreement with McMinn County for the provision of juvenile detention services.

12/17/2018
(3)

RESOLUTION 2018-56
RESOLUTION AUTHORIZING THE BRADLEY COUNTY JUVENILE DETENTION CENTER TO PROVIDE JUVENILE DETENTION SERVICES TO SEQUATCHIE COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH SEQUATCHIE COUNTY FOR THE PROVISION OF SAID SERVICES

WHEREAS, Bradley County and Sequatchie County are both local governmental entities of the State of Tennessee and, as such, are authorized to enter into an interlocal agreement pursuant to Tennessee Code Annotated 12-9-104; and

WHEREAS, Bradley County currently maintains and operates a juvenile detention facility known as the Bradley County Juvenile Detention Center (hereinafter "Facility") located at 1620 Johnson Blvd., Cleveland, Tennessee 37311; and

WHEREAS, Bradley County and Sequatchie County each have the statutory power and authority to maintain and operate a juvenile detention facility and to confine juvenile offenders therein pursuant to Tennessee Code Annotated Title 37; and

WHEREAS, Sequatchie County from time to time desires to confine in the Bradley County Juvenile Detention Center juveniles pursuant to Tennessee Code Annotated Title 37, and Bradley County is willing to furnish its Facilities and personnel in exchange for payment from Sequatchie County of fees and costs, all as more fully described in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Juvenile Detention Department is hereby authorized to provide juvenile detention services to Sequatchie County for a period of three (3) years in exchange for payment from Sequatchie County of one hundred twenty dollars ($120.00) per day for each juvenile detained in the Bradley County Detention Center.

BE IT FURTHER RESOLVED that the Bradley County Mayor is authorized to execute an Interlocal Agreement with Sequatchie County for the provision of juvenile detention services.

(4)

RESOLUTION 2018-57
RESOLUTION AUTHORIZING THE BRADLEY COUNTY JUVENILE DETENTION CENTER TO PROVIDE JUVENILE DETENTION SERVICES TO POLK COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH POLK COUNTY FOR THE PROVISION OF SAID SERVICES

WHEREAS, Bradley County and Polk County are both local governmental entities of the State of Tennessee and, as such, are authorized to enter into an interlocal agreement pursuant to Tennessee Code Annotated 12-9-104; and

WHEREAS, Bradley County currently maintains and operates a juvenile detention facility known as the Bradley County Juvenile Detention Center (hereinafter "Facility") located at 1620 Johnson Blvd., Cleveland, Tennessee 37311; and

WHEREAS, Bradley County and Polk County each have the statutory power and authority to maintain and operate a juvenile detention facility and to confine juvenile offenders therein pursuant to Tennessee Code Annotated Title 37; and

WHEREAS, Polk County from time to time desires to confine in the Bradley County Juvenile Detention Center juveniles pursuant to Tennessee Code Annotated Title 37, and Bradley County is willing to furnish its Facilities and personnel in exchange for payment from Polk County of fees and costs, all as more fully described in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Juvenile Detention Department is hereby authorized to provide juvenile detention services to Polk County for a period of three (3) years in exchange for payment from Polk County of one hundred twenty dollars ($120.00) per day for each juvenile detained in the Bradley County Detention Center.

BE IT FURTHER RESOLVED that the Bradley County Mayor is authorized to execute an Interlocal Agreement with Polk County for the provision of juvenile detention services.

(5)

RESOLUTION 2018-58
RESOLUTION AUTHORIZING THE BRADLEY COUNTY JUVENILE DETENTION CENTER TO PROVIDE JUVENILE DETENTION SERVICES TO MARION COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH MARION COUNTY FOR THE PROVISION OF SAID SERVICES

WHEREAS, Bradley County and Marion County are both local governmental entities of the State of Tennessee and, as such, are authorized to enter into an interlocal agreement pursuant to Tennessee Code Annotated 12-9-104; and

WHEREAS, Bradley County currently maintains and operates a juvenile detention facility known as the Bradley County Juvenile Detention Center (hereinafter "Facility") located at 1620 Johnson Blvd., Cleveland, Tennessee 37311; and

WHEREAS, Bradley County and Marion County each have the statutory power and authority to maintain and operate a juvenile detention facility and to confine juvenile offenders therein pursuant to Tennessee Code Annotated Title 37; and

WHEREAS, Marion County from time to time desires to confine in the Bradley County Juvenile Detention Center juveniles pursuant to Tennessee Code Annotated Title 37, and Bradley County is willing to furnish its Facilities and personnel in exchange for payment from Marion County of fees and costs, all as more fully described in the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 17th day of December, 2018, that the Bradley County Juvenile Detention Department is hereby authorized to provide juvenile detention services to Marion County for a period of three (3) years in exchange for payment from Marion County of one hundred twenty dollars ($120.00) per day for each juvenile detained in the Bradley County Detention Center.

BE IT FURTHER RESOLVED that the Bradley County Mayor is authorized to execute an Interlocal Agreement with Marion County for the provision of juvenile detention services.

Commissioner Milan Blake makes as a motion to authorize the County Mayor to negotiate the 911 [Interlocal Agreement] renewal for 2019-2020 with the City of Cleveland and the 911 Board; 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 Dennis Epperson moves that on recommendation from the Road Committee, the County Commission send a written request to Representative Dan Howell, who has said he would be willing to do this, asking him to request a Tennessee Attorney General's opinion regarding the legality of the Road Superintendent performing work or spending Road Department funds to repair drainage infrastructure located within utility and drainage easements on private property; Commissioner Charlotte Peak seconds the motion.

Commissioner Louie Alford offers a substitute motion to take this to CTAS and see what CTAS says and take this back to a Work Session; Commissioner Thomas Crye seconds the substitute motion.

Voting on the substitute motion 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; 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.

Commissioner Jeff Yarber asks that the request to Representative Howell asking for the Attorney General's opinion be contingent on working the wording out with the County Attorney and both the maker of the motion and the second agree to this.

Voting on the original motion to have Representative Dan Howell request a Tennessee Attorney's opinion on the legality of the Road Superintendent performing work or spending Road Department funds to repair drainage infrastructure located within utility and drainage easements on private property contingent on working the wording out with the County Attorney, the Commissioners vote as follows: Epperson, aye; Hughes, aye; Alford, nay; Crye, nay; 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: 12; OPPOSES: 2. 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 1:26 P.M. EST.

Johnny Mull, Chairman
Bradley County Commission

Donna A. Simpson
Bradley County Clerk