

## Construction on New Airport to Begin Soon

by Ashley Murphy

The Cleveland Municipal Airport Authority (CMAA) held their monthly meeting on Friday, November 20, 2009. Chairwoman Lynn DeVault was absent and standing in as Chairman was Mike McCoy.

Opening the agenda were issues regarding the new airport. CMAA member Lou Patten stated that although an appeal petition was

placed on the National Pollutant Discharge Elimination System (NPDES) permit, a written opinion from attorneys Stites and Harbison gives the CMAA the go ahead to complete contracts due to the appeal having no justifiable standing. The TVA permit, however, was approved and issued on Friday, November 13, 2009 and was received by the CMAA on Tuesday, November 17, 2009.

Due to the absence of Lynn DeVault, a vote was taken to allow Lou Patten to sign contracts for the wetland mitigation and for Phase I of construction. The vote passed and the contracts will now be sent to the state for approval. Once approved, construction of the airport can begin. Assistant Director of Administration for Public Works, Gloria Malone stated that no work could begin and the contract

with Wright Brothers Construction could not begin until the completed contract from the state is returned. This process could take up to one month. Malone did say that the mitigation process could begin at any time, but reimbursement won't be given from the state without this contract.

Before the meeting was adjourned, Erin Fuller, a long-standing opponent of the new airport, stood to ask the CMAA questions regarding funding and revenue. Fuller's first question was regarding the source of payment that was used to replace the fuel pump that was struck by lightning at Hardwick Field. Malone answered, stating that part of the fuel pump was still covered under warranty and the other was covered by insurance. Insurance is paid out of the CMAA account, which insurance is budgeted into.

As Fuller continued with her concerns and McCoy and Patton were attempting to answer her questions,

CMAA member LeRoy Rymer interrupted stating, "you're never going to be able to answer this lady's questions" and proceeded to walk out of the still ongoing meeting.

Before adjourning, McCoy informed Fuller that once the business plan for the new airport was put together and in place, she would be more than welcome to take a look at it, in hopes that it will answer some of her questions.

Also, Taylor Newman of Crystal Air at Hardwick Field announced that they will be offering charter flights over the rockslide that occurred on Highway 64. Newman stated that Crystal Air does not nor-

mally do charters this short, but due to the inconvenience and the length of the detour, this will be a temporary service to help out the citizens.

A roundtrip charter from Cleveland to Copperhill or Collegedale to Copperhill costs \$75. A one-way charter costs \$40. A roundtrip charter from Copperhill to Chattanooga costs \$90 and \$50 for a one-way trip. All prices are per seat.

The Cleveland Municipal Airport Authority will hold their next meeting on Friday, December 18, 2009 at 9:00 a.m. in the City Council Room of the Cleveland Municipal Building on Church Street.

All meetings are open to the public.

## Several Residents Request Rural Designation

by Tonya Brantley

The Charleston / Cleveland / Bradley County Growth Policy Coordinating Committee was recently reconvened to consider changes to the growth plan. The committee held several regular meetings and two public hearings during the month of November to discuss the proposed amendments to the Urban Growth Boundary (UGB). Discussion centered around the area south of APD-40 (area A) and an area on the north side of the city where the new airport is planned at Tasso Lane (area B).

According to the City of Cleveland urban growth boundary expansion report for areas A and B, the sewer lines follow Brymer Creek so the most efficient way to serve this area is to encourage development along Brymer Creek Road over to Bancroft Road until it goes under I-75. Bancroft Road is not proposed at all in the UGB. However, the report states Bancroft Road is the most rational location for a new interstate interchange in the county. The ridge and valley topography have dictated the location of the interstate and makes following the interstate a realistic way to maintain compact development that is sufficient to serve the needs of the development the City of Cleveland is anticipating. Both areas A and B are connected to the current UGB or the current city limits with no islands. Area A's cut off point is just below Exit 20 at mile marker 18.

The current airport is in the city limits. The report explains that by expanding the UGB to include the entire proposed airport site allows for the possibility of once again having the

airport in the city limits. This consideration is the rationale for including Area B.

Several residents from area A are disappointed with the Growth Committee's decision to include their property in the UGB and have filed requests to County Planner, Corey Divel to have their property placed on a rural designation and not be considered for the urban growth plan.

At the first public hearing held on November 11th, Divel pointed out that parcels that are zoned rural would not be included in the UGB. Once the amendments to the UGB are approved, the areas included within can eventually be annexed by the city.

T.C.A. 6-58-106 (c) (1) states: Rural designated areas identify territory that is not within urban growth boundaries, identify territory that is not within a planned growth area, and identify territory that, over the next twenty years, is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial or residential development and reflect the county's duty to manage growth and natural resources in a manner that reasonably minimizes detrimental impact to agricultural lands, forests, recreational areas and wildlife management areas.

Land Trusts are also an option for residents who qualify and help land owners keep their historic family lands away from development and gives them the knowledge that the land's special features will be protected forever. In order for property to qualify for selection, it must meet all of the following criteria: The property is in a relatively undis-

turbed natural, scenic and historic location or the land has recreational value and/or agricultural value. The property must also be sufficient in size that its conservation resources are likely to remain intact, even if adjacent properties are developed, or sufficient neighboring property is either protected or could be included as to have the same effect. Protection of the property must promote land conservation and encourage careful stewardship of land and water resources. More information on land trusts can be found at [www.landtrustn.org](http://www.landtrustn.org).

At the second public hearing held on November 24th, the Growth Committee presented an updated map which showed their proposed UGB with the rural designations omitted. Divel stated he has received numerous requests from residents who wish for their property to be designated rural and said they can submit a rural area designation request form to the Bradley County planning office for consideration. The form can be found on the Bradley County web site at [www.bradleyco.com](http://www.bradleyco.com), or at the county planning office located in the basement of the courthouse annex just across Broad Street from the main Courthouse. You may enter either from the main entrance at 155 Broad Street N.W. and come down the stairs, or under the burgundy awning on First St.

Residents who attended the public hearings requested the opportunity to have another public meeting. As of press time, the Growth Committee has yet to vote on the amended UGB before they submit it to the Cleveland City Council and the Bradley County Commission.

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Bebb went on to say, "The weakness of pre-trial diversion is that the defendant does not have to report to probation under the law. Unless somebody alerts us, there is no way we can know if somebody is charged with something. There is no system in place where we can know they've violated the terms of the pre-trial diversion unless we are alerted." According to Bebb, under a pre-trial diversion, there is no way the DA can require a defendant to report to probation and there is nothing placed on a person's record that shows he is participating in a pre-trial diversion.

According to court docket records, Stewart violated the terms of his pre-trial diversion when he was arrested for DUI less than three months after it was granted and should have been charged with the four counts of official misconduct which read as follows: The Grand Jurors upon their oath do present that John Mark Stewart on or between the 1st day of May, 2008 and the 17th day of

June, 2008, in McMinn County, Tennessee, and before the finding of this indictment, a public servant as an examiner with the Tennessee Department of Financial Institutions, did unlawfully and intentionally or knowingly, with the intent to obtain a benefit, to wit: the satisfaction of personal debt, commit an act relating to the servant's office or employment that exceeds the servant's official power, commit and act under color of office or employment that exceeds the servant's official power, refrain from performing a duty that is imposed by law or that is clearly inherent in the nature of the servant's office or employment, and violate a law relating to the servant's office or employment in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.

A sentence range of not less than one year, nor more than two years in jail should have been given to Stewart. *The People News* attempted several times prior to going to

press to contact via phone Stewart's Attorneys, Roger Jenne, Michael Jenne, and Joshua Jenne, to question: During the course of the hearings for John Mark Stewart, was the fact that he was on pre-trial diversion ever mentioned? None of Stewart's attorneys were available to take the call.

Stewart, who no longer works for TDFI and is currently employed by a Cleveland mortgage lending company, had several court hearings overseen by Judge Sheridan Randolph in Bradley County General Sessions Court after his arraignment for DUI on December 8, 2008.

His preliminary hearing was March 10, 2009, a hearing took place May 12, 2009 and a hearing for his guilty plea on October 27, 2009. He served out the remainder of his sentence last month from November 13th through the 15th. Stewart must participate in CADAS (a drug and alcohol program) and his driver's license is suspended for one year.

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