

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 24, 2023 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, David May, Tom Cassada, Ken Webb and Councilwoman Marsha McKenzie. Councilman Dale Hughes was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Sue Zius, Administrative Coordinator; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Jonathan Jobe, Development and Engineering Director; Patti Pettit, Parks and Recreation Director; Chris Gaylor, Assistant IT Director; Cathy Andrews, CDBG Coordinator; Zachary Colescott, Regional Jetport Manager; Sharon Marr with Mainstreet Cleveland; Doug Berry with the Chamber of Commerce; Bryan Turner, Assistant Development and Engineer Director; Warbrit Lowery; John Thurman with MHM; Dustin Tommey, David Goodwill and Mackenzie Colsten with City Fields and Tim Siniard with the *Cleveland Daily Banner*.

#### **PLEDGE OF ALLEGIANCE AND INVOCATION**

Following the Pledge of Allegiance to the American Flag, a moment of silence was observed for Tim Delk. Following the prayer by Vice Mayor Johnson, the following business was then entered into:

#### **WAIVE READING OF MINUTES**

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on April 10, 2023 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

Councilman Webb moved to excuse Councilman Hughes from the meeting. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

#### **SPECIAL PRESENTATIONS AND PUBLIC COMMENTS**

Michelle Goldston addressed the City Council concerning the renovation of Mosby Park and the year long timeline. She mentioned several concerns with the fencing, security, and first responder access. When residents ask, they are told "it will get finished". They are frustrated as it has been a year. She then asked for a completion date for when kids will have full access to the park and pool. Will it be completed and if so, when? Mr. Fivas stated yes, the things you have talked about should be done in a month. Ms. Goldston questioned before May 30, before Memorial Day? Mr. Fivas stated should be, pretty much everything is done except for the landscaping. Ms. Goldston stated there's no power in the second pavilion and asked when they would start on the pool. Ms. Pettitt stated they are already working on the pool. Ms. Goldston added the fence fell down on the pool about three weeks ago and it was temporarily fixed. Will it be fixed permanently? Ms. Pettitt stated yes, it will be fixed permanently.

Alma Dotson addressed the City Council concerning the safety of the fencing at Mosby Park. There is no adequate safety entrance or exit for ambulances, should something happen in the park. The back side on First Street would be very appropriate and an easy fix to make a gate there. She would like to see that done.

#### **HEARING PETITIONS AND COMMUNICATIONS**

There were no hearing petitions.

**CONSENT AGENDA**

Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

- a. **Final Passage - Zoning Ordinance 2023-09** – heretofore passed on first reading April 10, 2023 and found in Minute Book 31, Page 112; Rezoning 1.40 acres, more or less, for property located at Blackburn Road from CH Highway Commercial to R2 Low Density Single and Multi-Family Residential and includes Tax Map 065D Group F Parcel 002.01 (Planning Commission: Approved 9-0).
- b. **Final Passage - Zoning Ordinance 2023-10** – heretofore passed on first reading April 10, 2023 and found in Minute Book 31, Page 113; Rezoning 0.41 acres, more or less, for property located at Ohio Avenue from R-1 Single Family Residential to R-3 High Density Single and Multi-Family Residential and includes Tax Map 049C Group B Parcel 021.00 (Planning Commission: Approved 9-0).
- c. **Bid Report** – Cherokee Hotel Abatement and Demolition.

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Budget/Purchasing Coordinator**  
**DATE: April 24, 2023**  
**RE: Bid Summary – Cherokee Hotel Abatement & Demolition**

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**SUMMARY:**

The City advertised to accept sealed bids on April 11, 2023, for the Cherokee Hotel Abatement and Demolition project. Bids are listed below:

|                                 |                     |
|---------------------------------|---------------------|
| • AAA Remediation               | <u>\$182,199.00</u> |
| • E. Luke Greene                | <u>\$692,777.00</u> |
| • Environmental Abatement, Inc. | <u>\$442,500.00</u> |
| • Triple E Construction         | <u>\$894,707.00</u> |

**COMMITTEE FINDINGS:**

No Board or Committee findings.

**FISCAL ANALYSIS:**

Funding is available.

**RECOMMENDATION:**

Proposal submitted by low bidder, AAA Remediation, was found to be incomplete. Staff recommends awarding the contract to the 2<sup>nd</sup> lowest bidder, Environmental Abatement, Inc.

- d. **Bid Report** – Laundry and Dry Cleaning Services.

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Budget/Purchasing Coordinator**  
**DATE: April 24, 2023**  
**RE: Bid Summary – Laundry & Dry Cleaning**

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**SUMMARY:**

Sealed bids were received on April 18, 2023, for Laundry & Dry Cleaning Services. The bids are listed below:

| VENDOR:                     | Champion Cleaners |                                 |
|-----------------------------|-------------------|---------------------------------|
| DRESS PANT                  | 4.89              | SPORT COAT (CIVILIAN) 4.74      |
| DRESS SHIRT                 | 4.58              | SUIT - 2 PIECES (CIVILIAN) 9.78 |
| EISENHOWER JACKET           | 5.57              | BLACK FATIGUES - 2 PIECES 9.80  |
| SERVICE JACKET, FUR LINED   | 7.75              | JEANS 4.74                      |
| DRESS SHIRT, LAUNDRY        | 2.38              | SHORTS 4.39                     |
| DRESS PANT, LAUNDRY         | 4.90              | DRESS 7.44                      |
| KNIT SHIRT                  | 4.74              | BLOUSE 4.74                     |
| BROWN FATIGUES, LAUNDRY     | 4.90              | RAINCOAT 12.15                  |
| KNIT PULLOVER, LAUNDRY      | 4.74              | SUIT JACKET 4.74                |
| TIES                        | 2.71              | VEST 4.20                       |
| BULLET PROOF VEST (CARRIER) | 4.00              | SEWING OF INSIGNIAS 4.84        |
| SWEATER (CIVILIAN)          | 5.41              |                                 |

**COMMITTEE FINDINGS:**

No Board or Committee findings.

**FISCAL ANALYSIS:**

Funds are available.

**RECOMMENDATION:**

Staff recommends award to Champion Cleaners. The initial term of this contract will be for a one-year period beginning May 1, 2023.

- e. **Motion** – Extending the Paving Contract with Talley Construction for an additional one-year period [July 1, 2023-June 30, 2024].
- f. **Change Order #1** – Cleveland Fire Station 1 Roofing Project [\$12,383.00; new contract total \$163,453.00].

**TO: Mayor and City Council**  
**FROM: Bryan Turner, Assistant Director of Development & Engineering**  
**DATE: March 27, 2023**  
**RE: Fire Station #1 Roof Project - Change Order #1**

**SUMMARY:**

The change order will allow the roofing contractor on site to replace the old nonfunctioning skylights with new skylights. This change order will not affect the completion time of the project and includes all skylights.

- g. **Surplus Property** – Declaring a 2004 Ford Explorer as surplus property and to be sold to Bradley Cleveland Community Services Agency.

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Budget/Purchasing Coordinator**  
**DATE: April 24, 2023**  
**RE: Surplus Property**

**SUMMARY:**

The City Manager has requested the City Council declare the asset listed below as surplus property to be sold to Bradley/Cleveland Community Service Agency.

- 2004 Ford Explorer VIN 1FMZU72KX4ZA61694

**COMMITTEE FINDINGS:**

None.

**FISCAL ANALYSIS:**

None.

**RECOMMENDATION:**

City staff recommends approval of this item.

- h. **Resolution 2023-30** – Authorizing the Mayor to sign a grant agreement with the United States Department of Transportation for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE21).

**RESOLUTION 2023-30**

**WHEREAS**, the City has received the attached grant agreement from the United States Department of Transportation (hereafter “USDOT”) for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE21) Grant Program; and

**WHEREAS**, the grant provides funding to develop a plan and preliminary drawings for a new east-west connector corridor in downtown Cleveland; and

**WHEREAS**, the City Council desires to enter into the attached grant agreement with USDOT for the project described, and to further authorize the Mayor to execute this agreement on behalf of the City of Cleveland;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached grant agreement with USDOT for the project described herein, and further authorizes the Mayor to execute the same on behalf of the City of Cleveland, and to execute any other documents or take such actions as may be necessary to accept the grant.

This 24<sup>th</sup> day of April 2023.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- i. **Resolution 2023-31** – Authorizing the Mayor to sign an agreement with McCarty Holsaple McCarty (MHM) for professional architectural services for the Cherokee Hotel Restoration.

**RESOLUTION 2023-31**

**WHEREAS**, the City is proceeding with redevelopment of the Cherokee Hotel; and

**WHEREAS**, in connection with said project, City staff are recommending that the City Council select McCarty Holsaple McCarty (MHM) to provide professional architectural services for the project; and

**WHEREAS**, the proposal from MHM for this project is attached hereto and incorporated herein by reference along with an agenda item memorandum prepared by Bryan Turner; and

**WHEREAS**, based upon the recommendation of City staff, the City Council desires to accept this proposal and to enter into an agreement with MHM for this project and to authorize the Mayor to execute any agreements and any other documents with MHM for this project on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached proposal of MHM for the referenced project, and the City Council further authorizes the Mayor to execute any agreements or other documents with MHM for this project on behalf of the City of Cleveland.

This 24<sup>th</sup> day of April 2023.  
APPROVED AS TO FORM:  
/s/John F. Kimball  
City Attorney

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Kevin Brooks, Mayor  
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Shawn McKay, City Clerk

- j. **Resolution 2023-32** – Authorizing the Mayor to sign contract amendment for LIC North/Pleasant Grove Church Road to extend the contract period to July 31, 2023.

**RESOLUTION 2023-32**

**WHEREAS**, the City of Cleveland and the Tennessee Department of Transportation (TDOT) are parties to an existing agreement relating to the project generally identified as LIC North-Pleasant Grove Church Road from APD-40 (US-74/SR-311) to South Lee Highway (US-11/SR-2) (TDOT PIN 114573); and

**WHEREAS**, the construction of the project is ongoing, and the City’s Department of Development and Engineering has requested an amendment to the existing contract with TDOT for this project to extend the completion date for this project; and

**WHEREAS**, the City’s development and engineering staff anticipates that it will receive the amendment to the contract from TDOT after the April 24, 2023, City Council meeting, but before the end of the existing contract expiration date; and

**WHEREAS**, the City Council desires to go ahead and approve of an amendment to the existing agreement with TDOT for the purpose of extending the completion date for the project, and to further authorize the Mayor to execute an amendment to this agreement for that purpose on behalf of the City of Cleveland once the amendment has been provided to the City by TDOT.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of an amendment to the existing agreement with TDOT for this project for the purpose of extending the project completion date, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland once the amendment has been provided to the City by TDOT.

This 24<sup>th</sup> day of April, 2023.  
APPROVED AS TO FORM:  
/s/John F. Kimball  
City Attorney

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Kevin Brooks, Mayor  
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Shawn McKay, City Clerk

- k. **Resolution 2023-33** – Authorizing staff to submit an application for the Energy Efficiency and Conservation Block Grant program to support energy efficiency.

**RESOLUTION 2023-33**

**WHEREAS**, the City of Cleveland has made every effort to make responsible use of city funds and evaluates opportunities to leverage those funds through other funding mechanisms including grants or similar programs; and

WHEREAS, the United States Department of Energy has allocated \$430 million in funding through the Energy Efficiency and Conservation Block Grant Program (EECBG); and

WHEREAS, the City of Cleveland is eligible to apply for \$76,790 for projects related to a wide variety of projects that cut carbon emissions, improve energy efficiency and reduce energy use; and

WHEREAS, the EECBG program requires a Pre-Award Information Sheet to be submitted by April 28, 2023 and a full application deadline of January 31, 2024; and

WHEREAS, the EECBG program offers options to apply for formula funding through a traditional grant application or a simplified voucher program; and

WHEREAS, the EECBG program guidelines recommend communities that are similarly sized with Cleveland and entitled to similar formula funding amounts to apply through the voucher program; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND that the City of Cleveland is hereby authorized to submit a Pre-Award Information and any associated pre-application requirements for the EECBG program so support city-related energy efficiency projects.

This 24<sup>th</sup> day of April, 2023

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

\_\_\_\_\_  
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- l. **Reappointment** - *Board of Zoning Appeals* – Charlotte Peak for an additional 3-year term to expire November 2025.
- m. **Reappointment** - *Board of Zoning Appeals* – Mathew Coleman for an additional 3-year term to expire November 2025.
- n. **Reappointment** - *Building Board of Adjustments and Appeals* – Dennis Epperson for an additional 3-year term to expire January 2026.
- o. **Reappointment** - *Building Board of Adjustments and Appeals* – Jim Williams for an additional 3-year term to expire January 2026.
- p. **Reappointment** - *Building Board of Adjustments and Appeals* – Alan Colloms for an additional 3-year term to expire January 2026.
- q. **Reappointment** - *Building Board of Adjustments and Appeals* – Chad Dean for an additional 3-year term to expire January 2026.
- r. **Reappointment** - *Building Board of Adjustments and Appeals* – Keith Davis for an additional 3-year term to expire January 2026.

**UNFINISHED BUSINESS**

There was no unfinished business.

**REPORTS OF COUNCIL MEMBERS**

Councilman Estes reminded everyone of Lee’s graduation on May 6<sup>th</sup>. This will be the largest graduation and a lot of out of towners. Secondly, he noticed smoke in town and arrived as Police and Fire responded. They were all very professional. It was fascinating to see them work, handle traffic and patrons.

Councilman Cassada thanked staff for completion of the Candies Greenway. Secondly, the sand at Deer Park has washed away and asked if it will be replaced. Ms. Petitt stated they will have it taken care of.

Councilman May thanked Public Works for the tile work on Blythe Ferry Road before the asphalt so there will be more roadway. He still has concerns on the west side of Moreland Drive and asked if it could be added as a project? He understands we have no right-of-way, and it might need a retainer wall. It would be nice to straighten it out and make it safer. Mr. Fivas stated they have looked at it several times and the right-of-way is at the white line, on pretty much on both sides. It can be added as a project, but I don't know what the extent that is. Councilman May asked how do we see if it can be corrected, made safer and what would be involved. Mr. Fivas stated the issue, if you go too far back on the wall, if you build a retaining wall, then you probably lose all the trees in the back yards of those three or four houses. They would be exposed so we would need a workaround for that. We can program it and get a budget number. There is enough of a crash history that indicates there is a safety issue.

Councilman Cassada added he has had a few residents speak to him concerning speeding along Freewill Road and if staff could take a look and make a recommendation. Mr. Fivas stated yes, our Traffic Engineer can perform a study to obtain data and we can see what the program reports.

Councilman Webb stated if you haven't seen the construction progress at Mouse Creek/Paul Huff Parkway it is really looking good. He appreciates all that have been involved.

Vice Mayor Johnson stated he has received a call from Mr. Ron Williams concerning the wetlands at Candies Lane and if the walkways can be cleaned up a bit. Mr. Fivas stated he also spoke with Mr. Williams, who had good points and staff will go out and see what can be done. Lastly, Vice Mayor Johnson asked about the lighting on Martin Drive and the three homes that need streetlights. Mr. Fivas stated Cleveland Utilities provided us with a map, and staff is currently looking into the history of why that portion of the roadway is not inside the city limits.

Mayor Brooks asked if the concrete culvert at Peerless/25<sup>th</sup> Street could staff maintain the brush overgrowth there in the ditch. He feels it's our city and local control, our guys should just do it and if the State gets frustrated it will be handled then. Mr. Fivas responded the brush isn't an issue, and of course we have that project that's programmed that will widen out, in both directions, that culvert that will fix it in the future, but we will go take a look.

### **NEW BUSINESS AND ORDINANCES**

There was no new business.

### **ANNOUNCEMENTS**

Mayor Brooks announced the following:

- a. The next City Council meeting will be held on Monday, May 8, 2023.
- b. Public Hearing and First Reading of the FY2024 Budget will be on Monday May 8, 2023.

### **ADJOURNMENT**

There being no future business the meeting was adjourned at 3:28 p.m.

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Mayor

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City Clerk