

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 26, 2026 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Vice Mayor Ken Webb. Also present was Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore. Mayor Kevin Brooks was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Jonathan Jobe, Assistant City Manager/Development and Recreation; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Keisha Parks with the Cleveland Public Library; Hal Taylor and Dr. Jeff Elliott with Cleveland City Schools; Tim Rader; Bill Sanders; Steve Williams; George McCain; Caden Tippens; Kathy Rosenburg; Sharon Marr with Mainstreet Cleveland; Matt Bank; KA Martin; Pastor Vera Voznyuk; Anthony Boon; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag and prayer by Pastor Vera Voznyuk with Westmore Church Of God, the following business was then entered into:

Councilman Cassada moved to excuse Mayor Kevin Brooks from today's meeting. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

WAIVE READING OF MINUTES

Councilman May 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 January 12, 2026 and approve them as written. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by Steve and Linda Williams for consideration of an ordinance to zone about 89.67 acres, more or less, of property located at Holloway Rd. from IH Heavy Industrial to PUD and includes Tax Map 065 Parcels 015.00, 15.07, 003.13 (Planning Commission: Approved 6-2; 1 recused). Robert Varnell stated the developer is requesting a PUD for residential development, which allows for up to 200 units. Key components of the PUD include a turn lane on Holloway Road and requires open space amenities. Lot size minimum width is 46' and sidewalks are required within the development. Some of the architecture requirements is the use of cement fiber board as opposed to vinyl siding. It was a lengthy discussion at Planning Commission. Vice Mayor Webb asked if anyone would like to speak in favor of the request. Ben Berry with Berry Engineers stated specifics in the PUD is going to make this a very nice neighborhood with playgrounds, sidewalks and buffering. The builder is asking that the PUD be revised to allow vinyl siding on the sides and back of the structure. The front will remain masonry. This would be consistent with current subdivisions in the city. The desire to make this an affordable neighborhood for families and vinyl siding is important to keep the cost down. Vinyl siding is widely used across the city and feels it should be up to the consumer. Councilman Moore stated it creates an affordable home. Councilman Goff stated he would like to amend the Ordinance to allow vinyl siding on three sides. Mr. Kimball stated when it's time to vote on the Ordinance, you can include in your motion the amendment for staff to revise. Vice Mayor Webb asked if anyone would

like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by multiple property owners for consideration of an ordinance to abandon a section of ROW lying between Parker Street and Trunk Street and includes Tax Map 049M Group S Parcels 001.00, 002.00, 018.00, 021.00 (Planning Commission: Approved 9-0). (Planning Commission: Approved 6-2; 1 recused). Robert Varnell stated all property owners are in agreement of the abandonment. It is unopened right-of-way and based on its location, its highest and best use is being included with the surrounding properties. Vice Mayor Webb asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Webb asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland TN Zoning Ordinance, Appendix C section 2.22.3 Conditional Uses to reduce the minimum square footage for the first unit in a multi-family structure and remove the 3 unit maximum requirement and to amend section 2.22.2.B to add the requirement of 7,500 sq. ft. minimum for the first unit and 1,500 sq. ft. per additional unit (Planning Commission: Approved 9-0). Robert Varnell stated this is a staff cleanup and follows acceptable standards to density still governed by lot square footage. Vice Mayor Webb asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Webb asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

CONSENT AGENDA

Vice Mayor Webb stated the Consent Agenda has been presented to the Council. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Cassada. Upon roll call, the motion passed 7-0.

- **Final Passage - Zoning Ordinance 2026-01** – heretofore passed on first reading January 12, 2026 and found in Minute Book 32, Page 772; Concerning a request by Sam Bruner for consideration of an ordinance to zone about 96.47 acres, more or less, of property located along Pleasant Grove Rd. from CH/FAR to PUD 72 and includes Tax Map 056 Parcel 002.00 (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance 2026-02** – heretofore passed on first reading January 12, 2026 and found in Minute Book 32, Page 779; Concerning a request by Teofil Kurochka on behalf of Cleveland Church of Evangelical Faith for consideration of an ordinance to zone about 2.95 acres, more or less, of property located along Baldwin Street NE from CH Highway Commercial zoning district to CG General Commercial zoning district and includes Tax Map 065D Group E Parcels 13.00, 16.00, and 018.00 (Planning Commission: Approved 9-0).
- **Final Passage - Ordinance 2026-03** – heretofore passed on first reading January 12, 2026 and found in Minute Book 32, Page 780; Concerning a request by Bent Tree Development for consideration to amend PUD 65 to remove townhomes as an allowable use and replace with single family homes as an allowable use (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance 2025-65** - heretofore passed on first reading January 12, 2026 and found in Minute Book 32, Page 797; Concerning a request by Bill Sanders for consideration of an ordinance to zone about 8 acres, more or less, of property located along Pleasant Grove Rd. SW from FAR to IL Light Industrial Zoning District and includes Tax Map 055 Parcel 008.00 (Planning Commission: Approved 8-0; 1 absent).

- **Final Passage - Zoning Ordinance 2025-66** - heretofore passed on first reading January 12, 2026 and found in Minute Book 32, Page 798; Concerning a request by Bill Sanders for consideration of an ordinance to zone about 32 acres, more or less, of property located along Pleasant Grove Rd. SW from C-2 to IL Light Industrial Zoning District and includes Tax Map 055 Parcel 044.00 (Planning Commission: Approved 8-0; 1 absent).
- **Motion** – Authorizing the Mayor to sign a conflict waiver form with Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.
- **Motion** – Partnering with the 100 Black Men of Bradley County on an event to encourage healthy life styles at Greenway Park in May.

TO: Mayor and City Council
FROM: Joe Fivas, City Manager
DATE: January 26, 2026
RE: Sponsorship of 100 BMBC Event

SUMMARY:

The 100 BMBC requested that the City partner with them on a Walk, Run and Bike Event, a community health initiative designed to promote wellness and healthy lifestyles for individuals and families in our community. The event is on May 16, 2026, an all-day event starting at 8:00 AM and continuing through the evening (up to 7:30 PM), welcoming participants from ages 0 to 90.

COMMITTEE RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

STAFF RECOMMENDATION:

City staff recommends to approve this Partnership with the 100 Black Men of Bradley County. The City would provide in-kind services and not a financial commitment.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie had no report at this time.

Councilman Estes stated he has submitted several work orders in the last week, and all were resolved within 48-hours. He thanked staff for the quick work and it builds confidence in the city.

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Zoning Ordinance 2026-05** - Concerning a request by Steve and Linda Williams for consideration of an ordinance to zone about 89.67 acres, more or less, of property located at Holloway Rd. from IH Heavy Industrial to PUD73 and includes Tax Map 065 Parcels 015.00, 15.07, 003.13 (Planning Commission: Approved 6-2; 1 recused).

ZONING ORDINANCE 2026-05

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS HOLLOWAY RD "PUD 73" ON PROPERTY DESCRIBED AS TAX MAP 065 PARCELS 015.00, 015.07, AND 003.13, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 62; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESSES AND RELATED REQUIREMENTS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS the City of Cleveland, Tennessee, hereinafter "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter "PUD", process as an alternative development standard whereby to accomplish such development; and whereas it is intended that the developers of the property or any subsequent owners, shall hereinafter be referred to as "Developers" and; and whereas the City desires to establish a unique zoning district with special use restrictions and development standards for the property described herein through the adoption of this PUD, NOW THEREFORE BE IT ORDAINED:

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map are hereby amended so as to zone the property described in Section 3 herein as "PUD 73" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 73 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 73 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

Any development or use of the property described herein in a manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.

PUD 73, Holloway Road (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 065 Parcels 015.00, 015.07, and 003.13. Exhibit A illustrates the overall Holloway Road Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of Holloway Road. The project consists of detached single-family homes with natural open space, and a pavilion with a playground. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 200 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 73 Subdivision allows for the construction of up to 200 residential units without amending this ordinance. Permitted uses are Single family detached dwellings and approved amenities for the neighborhood. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 73 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular uses within the Holloway Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 73 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit A) for PUD 73 Holloway Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on January 20, 2026. The conceptual plan consists of a site plan for the overall development. However, additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 73 must be consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for the Holloway Road development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 73 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan.

6.C. PRIVATE DEVELOPMENT DOCUMENTS.

The Developer shall prepare and implement such master covenants, restrictions, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 73 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 73 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD 73 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone from the City of Cleveland's zoning regulations. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks

Single Family Detached Lots:

Setbacks:

Front:	25'
Side:	5'
Rear:	15'
Min LotWidth:	46'

Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall comply with the sidewalk ordinance along the main entrance up to the first internal intersection. Sidewalks shall be installed on both sides of the road beyond that point. No sidewalk is permitted along Holloway Road.

2. The community open space shall be an accessible and usable, yet natural area, and include a pavilion and playground. Community open space shall be maintained at no less than 20% of the development. Any area showing a potential “stub out” for future development may not be counted towards the open space percentage.
3. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 lots.
4. A bus stop shelter shall be placed in cooperation with Cleveland City Schools; this may be combined with the mail kiosk.

7.C Miscellaneous Standards

1. Construct a dedicated left-turn lane on Holloway Rd. Include an appropriate taper and deceleration area per AASHTO and FHWA standards based on design speed.
2. ROW may be reduced to 40 feet in width.
3. No access is permitted from Industrial Way.
4. All exterior facades of all structures shall comprise brick, stone, wood, composite, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone for their entirety.
5. Residential buildings must incorporate a variety of building elements and treatments for single family detached housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features.
6. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed in the front yard of each single-family lot.
7. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.
8. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers, however, the city tree preservation requirements are not otherwise applicable. No buffers are required internally to the PUD area. A row of evergreens shall be planted along the western border of the PUD to provide a level of privacy and protection for the neighborhood from industrial uses.

Section 8. COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS.

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 73 Holloway Road development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed

a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

Section 9. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TO THE PUD.

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD 73, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 73 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

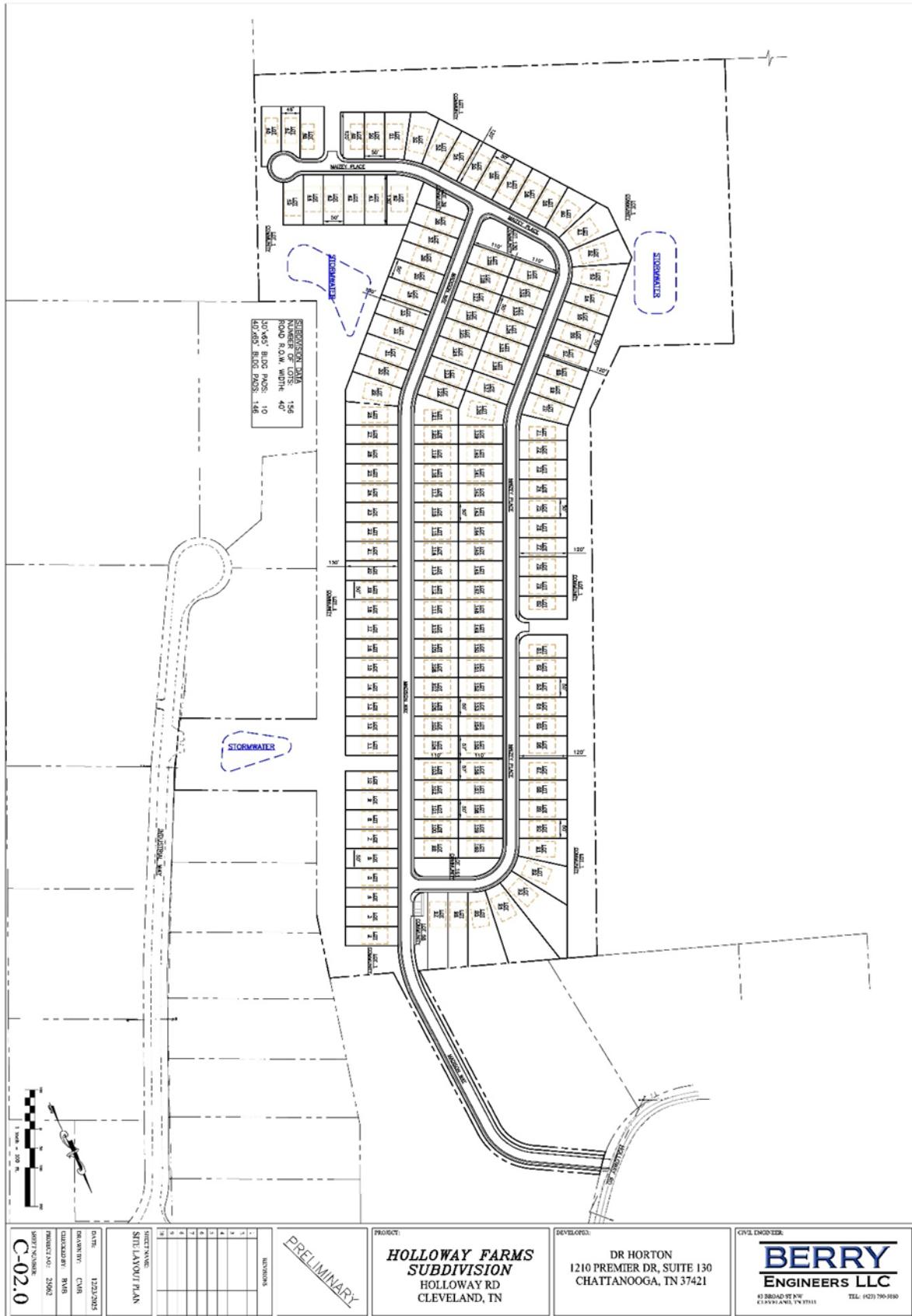
APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk



Councilwoman McKenzie moved that Zoning Ordinance 2026-05 be approved on first reading. The motion was seconded by Councilman Estes. Councilman Estes then stated it is important to know that Planning Commission did discuss getting into the weeds about different kinds of vinyl and there is no way to control the builder on what type of vinyl they choose. The comment that no one will see it, that is when neighborhoods become blighted very quickly. Affordability, the developer makes his money because we are cutting it down to 46' width. It was stated it could cost an additional \$16,000 for hardy board. We have design standards, that is what we do. We have developments that we only allow vinyl on one side. Councilman May

stated they use smart siding, which is better than hardy board. Councilman Estes stated we can't get into the weeds on types of siding. Councilman Moore offered a substitute motion to amend the ordinance PUD73 to allow vinyl siding on three sides. The substitute motion was seconded by Councilman Goff. Upon roll call, Councilman Moore, Councilman Goff, Councilman Estes, Councilman Cassada, and Councilman May voted aye. Councilwoman McKenzie and Vice Mayor Webb voted no. The motion carried 5:2.

The following Ordinance was then presented in full:

- **Ordinance 2026-06** – Concerning a request by multiple property owners for consideration of an ordinance to abandon a section of ROW lying between Parker Street and Trunk Street and includes Tax Map 049M Group S Parcels 001.00, 002.00, 018.00, 021.00 (Planning Commission: Approved 9-0).

ORDINANCE 2026-06

WHEREAS the owner(s) of all parcels of land fronting on or having their access from the section of City of Cleveland right-of-way described herein, those parcels and owners being identified in the records of Bradley County, Tennessee, have requested that the City of Cleveland abandon its right-of-way in the aforementioned section of right-of-way; and

WHEREAS the need for the subject right-of-way has been reviewed, including the need for any utility easements that were identified by the responsible utilities; and

WHEREAS the proposed right-of-way abandonment has been reviewed and approved by the Cleveland Municipal Planning Commission; and

WHEREAS the proposed right-of-way abandonment has been properly posted and advertised and the procedural requirements of Section 16-123 of the Cleveland Municipal Code for the abandonment of city rights-of-way have otherwise been met; and

WHEREAS the City Council has determined that it is appropriate to approve the requested right-of-way abandonment identified herein, subject to any easements for utilities and/or other conditions as identified herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE:

1. **DESCRIPTION RIGHT-OF-WAY TO BE ABANDONED:** Subject to the retention of utility easements and/or any other conditions described in Section 2 below, the City of Cleveland, Tennessee intends to and does hereby abandon its public right-of-way interest in the following section of right-of-way:

49M-S-021.00 HRM Properties, LLC

Beginning at the northwest corner of the lands of HRM Properties, LLC, as recorded in BCROD deed book 3185 page 745; thence north 34 degrees 22 minutes 24 seconds east, 5 feet to a point; thence south 59 degrees 40 minutes 52 seconds east, 77.00 feet to a point; thence south 30 degrees 5 minutes 22 seconds west, 5 feet to a point; thence north 59 degrees 40 minutes 52 seconds west, 77.37 feet to the point of beginning.

49M-S-018.00 Storage Park, LLC

Beginning at the northwest corner of the lands of Storage Park, LLC, as recorded in BCROD deed book 2813 page 170; thence north 30 degrees 5 minutes 22 seconds east, 5 feet to a point; thence south 59 degrees 40 minutes 52 seconds east, 126.54 feet to a point; thence south 31 degrees 9 minutes 57 seconds west, 5.00 feet to a point; thence north 59 degrees 49 minutes 47 seconds west, 125.91 feet to the point of beginning.

49M-S-001.00 Highland Properties

Beginning at the southwest corner of the lands of Highland Properties, as recorded in BCROD deed book 2286 page 900; thence south 34 degrees 22 minutes 24 seconds west, 5 feet to a point; thence south 59 degrees 40 minutes 52 seconds east, 104.47 feet to a point; thence north 30 degrees 12 minutes 44 seconds east, 5 feet to a point; thence north 59 degrees 40 minutes 52 seconds west, 104.11 feet to the point of beginning.

49M-S-001.00 HRM Properties, LLC

Beginning at the southwest corner of the lands of HRM Properties, LLC, as recorded in BCROD deed book 3134 page 715; thence south 30 degrees 12 minutes 44 seconds west, 5 feet to a point; thence south 59 degrees 40 minutes 52 seconds east, 99.06 feet to a point; thence north 31 degrees 9 minutes 57 seconds east, 5 feet to a point; thence north 59 degrees 40 minutes 52 seconds west, 99.15 feet to the point of beginning.

2. RETENTION OF EASEMENTS: The City shall retain an easement to maintain access to public electric facilities as long as they remain in place.
3. AREA TO BE ZONED: The area hereby abandoned shall be understood as zoned in the same zoning district as the adjoining zone extending to the centerline of the abandoned right-of-way.
4. CONFLICTS AND SEVERABILITY: All ordinances in conflict herewith are repealed to the extent of said conflict. In the event that any part of this ordinance is ruled to be unlawful by a court of competent jurisdiction, all other parts of the ordinance shall remain in full force and effect.
5. EFFECTIVE DATE: This ordinance shall take effect from and after its passage on final reading and after the time that any parcel which does not currently have road frontage is re-platted to obtain the necessary frontage, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Ordinance 2026-06 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion passed 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2026-07** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland TN Zoning Ordinance, Appendix C section 2.22.3 Conditional Uses to reduce the minimum square footage for the first unit in a multi-family structure and remove the 3 unit maximum requirement and to amend section 2.22.2.B to add the requirement of 7,500 sq. ft. minimum for the first unit and 1,500 sq. ft. per additional unit (Planning Commission: Approved 9-0).

ORDINANCE 2026-07

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE, SECTION 2.22.3 CONDITIONAL USES BE AMENDED BY REDUCING THE MINIMUM SQUARE FOOTAGE FOR THE FIRST UNIT IN A MULTI-FAMILY STRUCTURE AND REMOVING THE 3 UNIT CAP AND SECTION 2.22.2.B. TO ADD THE REQUIREMENT OF 7,500 SQUARE FEET MINIMUM FOR THE FIRST UNIT AND 1,500 SQUARE FEET PER ADDITIONAL UNIT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the intent of the language in the existing zoning resolution concerning density within the UMUC zoning district; and

WHEREAS the current ordinance creates a negative impact on potential development along arterial and collector streets in this zoning district.

WHEREAS the City Council has determined that the existing ordinance should be revised to removed a maximum unit requirements for multi-family units and lower square footage requirements for the first unit of multi-unit structures; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE:

Section 1. The Cleveland Tennessee Zoning Ordinance, Appendix C, Section 2.22.3.B be amended as follows:

B. Multi-family structures ~~not exceeding 3 units~~ which do not follow townhouse regulations. Conditions for approval include location on and access from an arterial or collector street and compliance with the applicable site planning requirements in sections 3.0 and 6.2. Conditions for approval would be directed toward mitigating impacts on the character of the single-use family nature of the district. Must have a minimum of ~~10,000~~ 7,500 sq. ft. plus 1,500 sq. ft. per additional unit.

Section 2. The Cleveland Tennessee Zoning Ordinance, Appendix C, Section 2.22.2.B be amended as follows:

B. Upper story residential uses above commercial/office uses. Structures shall follow density requirements for multi-family, which requires 7,500 sq. ft. for the first unit and 1,500 sq. ft. for each additional unit.

Section 3. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

Section 4. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Moore moved that Ordinance 2026-07 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, the motion passed 7-0.

The following Memo/Resolution was then presented in full:

TO: Mayor & City Council
FROM: Joe Fivas, City Manager
DATE: January 26, 2026
RE: Purchase of 300 Broad Street

SUMMARY:

City staff has been offered by Mr. Todd Duggan to purchase 300 Broad Street for stormwater purposes. The Parcel is 0.78 acres and the property has the Dye Creek going through the property. The sale price is \$205,000 for the parcel and the City would use Stormwater Funds for this purchase. On the purchase contract it has the sale price as \$250,000 with a \$45,000 credit for a charitable contribution.

COMMITTEE RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

STAFF RECOMMENDATION:

City staff recommends to the City Council to purchase 300 Broad Street for stormwater purposes for \$250,000 with a \$45,000 credit for a charitable contribution. The total would be \$205,000 and the City Council would allocate these funds from the stormwater fund balance.

Resolution 2026-13

WHEREAS, the City Manager is recommending to the City Council that the City purchase a parcel of property from Todd Duggan, which parcel is further described in the attached contract for the sale of real estate; and

WHEREAS, the City Council desires to approve of this purchase of property, and to authorize the Mayor and city staff to execute any and all documents and take any actions which may be necessary or appropriate to accomplish the purchase on behalf of the City.

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 purchase of real property from Todd Duggan as further described in the attached contract for the sale of real estate.

BE IT FURTHER RESOLVED that the Mayor and city staff are hereby authorized to execute and documents or take any actions which may be necessary or appropriate to complete the purchase.

This 26th day of January 2026.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Ken Webb, Vice Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution 2026-13 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Memo/Resolution was then presented in full:

TO: Mayor & City Council
FROM: Joe Fivas, City Manager
DATE: January 26, 2026
RE: Purchase of 501 Inman Street & 140 Harle Street

SUMMARY:

City staff has been offered by Mr. Eric Sherlin to purchase two parcels of property on 501 Inman Street and 140 Harle Street for stormwater purposes. Stormwater funds will pay for this purchase. Both parcels, which each have structures, are being offered to the City Council for a total of \$390,000. The County Assessor has the combined properties listed at \$355,800.

The City has been attempting to purchase this property as a part of our Army Corp program for a number of years because it straddles Dye Creek. The seller would receive a 5-year lease for \$1 dollar each year. However, with a 1-year notice provision the lease can be ended. The lease has to be at-least 2-years long. The City would also pay realty closing fees and realtor fees.

COMMITTEE RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

STAFF RECOMMENDATION:

City staff recommends to the City Council to purchase 501 Inman Street and 140 Harle Street for stormwater purposes. The purchase price for both properties is \$390,000, and these funds would be funded by our stormwater fund balance. The seller would receive a 5-year lease for \$1 dollar each year. However, with a 1-year notice provision the lease can be ended. The lease has to be at-least 2-years long. The City would also pay realty closing fees and realtor fees.

Resolution 2026-14

WHEREAS, the City Manager is recommending to the City Council that the City purchase parcels 501 Inman and 140 Harle Street, which parcel is further described in the attached contract for the sale of real estate; and

WHEREAS, the City Council desires to approve of this purchase of property, and to authorize the Mayor and city staff to execute any and all documents and take any actions which may be necessary or appropriate to accomplish the purchase on behalf of the City.

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 purchase of real property from Eric Sherlin as further described in the attached contract for the sale of real estate.

BE IT FURTHER RESOLVED that the Mayor and city staff are hereby authorized to execute and documents or take any actions which may be necessary or appropriate to complete the purchase.

This 26th day of January 2026.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Ken Webb, Vice Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2026-14 be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

Councilman Goff asked if staff would revise Ordinance 2026-04 - Amending the Cleveland Municipal Code Title 12, Chapter 1 Sections 13-104(1) and 13-104(8) and adding a new section 13-110 related to Overgrown and Dirty Lots and dead or diseased tree removal on private property, before final reading, to include specifics, like dead trees along lot lines, sidewalks, and roadways. Mr. Varnell stated he can look at the language, but this came about because property owners with vacant land that has dead tree potentially falling and hitting the neighbors house. The intent is good, but we can clarify in the ordinance along lot lines, could fall on other private property or roadway. Staff will bring a revised ordinance for final reading back in two weeks.

Councilman Goff then inquired about removing the burden of Code Enforcement issuing citations for expired license plates of cars in driveways and feels that should be handled by the Cleveland Police Department. Councilman Estes stated it is not about licensed vehicles; it is about junk or inoperable vehicles. It is a codes issue. Mr. Kimball stated if the vehicle is inoperable and has expired plates, that is Codes, if it is operable with expired plate that is the Police Department. Councilman Goff stated he received a call from a property owner, who received a letter from Code Enforcement about a tenant with an expired license plate. Mr. Kimball stated the letters are sent to the property owner, as the code requires. Councilman Goff stated he feels that should be changed. Property owners should not be cited because their tenant has expired tags. Mr. Kimball stated staff can review the code and find a possible solution.

ANNOUNCEMENTS

Vice Mayor Webb announced the following:

- a. The next City Council meeting will be held on Monday, February 9, 2026.

ADJOURNMENT

There being no further business, Vice Mayor Webb adjourned the meeting at 3:54 p.m.

Mayor

City Clerk