

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A SPECIAL CALLED SESSION THIS MONDAY, JANUARY 13, 2020 AT 2:00 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Parks and Recreation Director; Fire Chief Ron Harrison; Sue Zius, Assistant to the Mayor/Legislative Liaison; Beverley Lindsey, Assistant to the City Manager; Brian Moran, Assistant to the City Manager; John Sheehan; Dustin Tommey with City Fields; Mike Griffin with the Chamber of Commerce; Scott Wright; Paul Patel; Tad Bacon with Cleveland Utilities; Hal Taylor with Cleveland City Schools; Building Official Bryan Turner and Tim Siniard with *The Cleveland Daily Banner*.

**WAIVER OF NOTICE AND CONSENT TO A CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE**

The undersigned, who constitute the City Council of the City of Cleveland, Tennessee, waive notice of and consent to a called meeting of the City Council of the City of Cleveland, Tennessee, to be held at its regular meeting place in the Municipal Building at 2:00 p.m. on Monday, January 13, 2020 in order to consider an ordinance concerning amending the International Residential Code, 2018 Edition relative to sprinkler requirements in townhomes.

This special meeting has been called by the Mayor, pursuant to Article IV, Section 5 of the City Charter which states: “Whenever in the opinion of the Mayor or any three (3) Council members, the welfare of the city demands it, the City Manager shall call a special meeting of the City Council.”

CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE

DATED: January 13, 2020

By: /s/Kevin Brooks  
Mayor

By: /s/Avery Johnson  
Vice Mayor

By: /s/Ken Webb  
Councilman – At Large

By: /s/Charlie McKenzie  
Councilman – District One

By: /s/Bill Estes  
Councilman – District Two

By: /s/Tom Cassada  
Councilman – District Three

By: s/David May, Jr.  
Councilman – District Four

By: s/Dale Hughes  
Councilman – District Five

The following Ordinance was then presented in full:

**ORDINANCE NO: 2020-03**

**AN ORDINANCE OF THE CITY OF CLEVELAND TO AMEND THE  
INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION RELATIVE TO SPRINKLER  
REQUIREMENTS IN TOWNHOMES**

WHEREAS, on April 30, 2015, the State of Tennessee passed a law amending Tennessee Code Annotated, Section 68-120-101(a)(8) which, upon its signing by the governor, removed any townhome sprinkler requirement in any jurisdiction in the state; and

WHEREAS, prior to April 30, 2015, the state had required that when more than four townhomes were built adjacent to one another, that a residential sprinkler system must be installed by a licensed sprinkler contractor; and

WHEREAS, this law allows for local governments to adopt townhome sprinkler requirements, but requires that it be done in two separate special called meetings as described in Public Chapter No. 378 through the process for one-family and two-family dwellings pursuant to Tennessee Code Annotated 68-120-101 (a)(8); and

WHEREAS, the City of Cleveland adopted a requirement in 2009 that within the limits of the City, when more than four townhomes are built adjacent to one another, a residential sprinkler system is required; and

WHEREAS, if the City Council wishes to keep this townhome sprinkler requirement, the adoption process as described in Tennessee Code Annotated 68-120-101 (a)(8) must be followed; and

WHEREAS, the City Council now desires to re-adopt this requirement through two separate special called meetings as required by Tennessee Code Annotated 68-120-101 (a)(8).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee, in special called session assembled:

Section 1: Pursuant to authority granted by Tennessee Code Annotated Sections 6-54-502 and in accordance with Tennessee Code Annotated 68-120-101(a)(8), the *International Residential Code, 2018 Edition*, as prepared and adopted by the International Code Council, Inc., and as amended as follows, is hereby adopted by the City of Cleveland:

1. Under R302.2 Townhouses, replace the current exception with the following language:

A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses that are equipped throughout with an automatic residential fire sprinkler system, or a common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is also permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for the fire exposure from both sides and shall extend to and be tight against the exterior wall and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of the electrical outlet boxes shall be in accordance with Section R302.4.

2. Section R313 add words to R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses with five (5) or more units connected together in accordance with Section 903.2.8 of the International Building Code, 2018 Edition.

Section 2: BE IT FURTHER ORDAINED that this ordinance shall become effective and be enforced after it is passed upon final reading at a special called meeting.

1st Special Called Meeting: January 13, 2020 at 2 p.m.

2nd Special Called Meeting: January 27, 2020 at 2 p.m.

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

Councilman Estes moved that Ordinance No: 2020-03 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

There being no further business, the meeting was adjourned at 2:04 p.m.

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Mayor

\_\_\_\_\_  
City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 13, 2020 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Ken Webb and Dale Hughes. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Parks and Recreation Director; Fire Chief Ron Harrison; Sue Zius, Assistant to the Mayor/Legislative Liaison; Beverley Lindsey, Assistant to the City Manager; Brian Moran, Assistant to the City Manager; John Sheehan; Mike Griffin with the Chamber of Commerce; Scott Wright; Paul Patel; Tad Bacon with Cleveland Utilities; Hal Taylor with Cleveland City Schools; Building Official Bryan Turner; Sharon Marr with Mainstreet Cleveland; Dustin Tommey with City Fields; JF Thaggard; Scott Wright; Paul Patel; Sherry Brown; Hampton Patel; Sandip Patel; Vilas Patel; Sweta Patel; Purvi Patel; Shiv Patel; Blake Mantooth and Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Alex Melnikov with Cleveland Church of Evangelical Faith, 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 December 9, 2019 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

Lake Mantooth addressed the City Council concerning a new law adopted April 2018 by the United States Post Office that all new roads built in Bradley County are required to have cluster boxes as they will not deliver to a single mailbox anymore. Postmaster Steven Coleman has agreed to deliver throughout Falcon Crest but we are still unclear about any future developments. His concern is nothing was presented to the Planning Commission and we are still seeking answers from the Postal Service on how to proceed. Mayor Brooks stated many developers have contacted him regarding this new law. He then asked staff to reach out to Mr. Coleman to gain understanding of why no individual mailboxes are no longer allowed in new residential developments.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request to rezone 0.17 acres located on Gale Drive (Tax Map 42G Group D Parcel 1.00) from PI Professional Institutional Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 7-0 with 2 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request to rezone 36.6 acres located at 405 Airport Rd NW (Tax Map 034C Group C Parcel 3.00) from RA Residential Agricultural Zoning District and R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 7:0 with 2 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the

approval of the rezoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks announced he is reappointing Tricia Pennington, Blake Allison and Maryl Elliott to the Planning Commission for terms to expire January, 2023.

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Zoning Ordinance No: 2019-47** – heretofore passed on first reading December 9, 2019 and found in Minute Book 29, Page 716; zoning of about 5.85 acres located at 265 Tasso Ln NE from the unincorporated county to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Approved 8-0; 1 member absent).
- **Final Passage - Zoning Ordinance No: 2019-48** – heretofore passed on first reading December 9, 2019 and found in Minute Book 29, Page 717; rezoning 39.5 acres located on the 1200 block of Stuart Rd and also known as 4100 Stephens Rd (Tax Map 42 Parcel 6.00) from R2 Low Density Single and Multi- Family Residential Zoning District and IL Light Industrial Zoning District to CH Commercial Highway Zoning District and CG General Commercial Zoning District (Planning Commission: Approved 8-0; 1 member absent).
- **Final Passage - Ordinance No: 2019-49** – heretofore passed on first reading December 9, 2019 and found in Minute Book 29, Page 719; amending Title 7, Chapter 2 of the Municipal Code to adopt the International Fire Code, 2018 Edition and Chapter 15 and 17 of the NFPA Life Safety Code 101, 2018 Edition.
- **Final Passage – Ordinance No: 2019-50** – heretofore passed on first reading December 9, 2019 and found in Minute Book 29, Page 720; amending Title 9, Chapter7, Section 9-719 (1) of the Municipal Code related to Taxicab driver permit renewals.
- **Resolution No: 2020-01** – Amending the Personnel Policies relating to the Human Resource, Health Care & Retirement Committee.

**RESOLUTION NO: 2020-01**

**A RESOLUTION AMENDING THE PERSONNEL POLICIES OF THE CITY OF CLEVELAND, TENNESSEE**

**THAT WHEREAS**, the City Council of the City of Cleveland has previously established and adopted by Resolution on February 22, 2016 a revised Personnel Rules and Regulations document entitled “The City of Cleveland Personnel Rules and Regulations”; and

**WHEREAS**, this document contains the personnel policies of the City of Cleveland; and

**WHEREAS**, the City Manager, Department Heads, and the City’s Human Resources Committee are recommending the following amendment to the City’s Personnel Rules and Regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 13<sup>h</sup> day of January 2020, that the document titled “The City of Cleveland Personnel Rules and Regulations” is hereby amended as follows:

Section 1. Amend the City’s Personnel Rules and Regulations as follows:

Section I – Purpose and Objectives

Delete paragraph that reads:

The Human Resources Committee shall review the Personnel Rules and Regulations contained herein on an annual basis in January or each year (beginning January 2016). The

Human Resources Committee shall report to the City Council by February 28<sup>th</sup> and recommend any revisions to the Personnel Rules and Regulations deemed necessary.

Add alternate language to Section VII – Human Resources, Health Care and Retirement Committee

Section VII – Human Resources Committee (Revise Section to read):

Section VII – Human Resources, Health Care & Retirement Committee

There is hereby created an internal Human Resources, Health Care and Retirement Committee. The Committee shall consider proposed amendments or revisions to these Personnel Policy Rules & Regulations; annually review City health care benefits; annually review City retirement benefits, and act as the City’s Americans with Disabilities Act (ADA) Compliance Committee.

It is critical that City employees have an active voice of human resources policy making. The City strives for transparency in its human resources policy decision making process and want to annually review and have discussion of all health care benefits and retirement benefits. This will bring substantial benefit for the City Manager to hear the discussion and to receive recommendations from this committee.

The Human Resources, Health Care and Retirement Committee shall consist of the following members that will represent each department and every City employee:

1. Administration and Human Resources Department
2. Finance Department
3. IT & GIS Department
4. Development and Engineering
5. Fire Department
6. Police Department
7. Assistant City Manager (Fleet, Landscaping, Codes Enforcement, Facility Maintenance Divisions)
8. Jetport
9. Assistant to the Mayor/Legislative Liaison (Non-Voting)
10. Parks and Recreation Department
11. Public Works Department

The Human Resources Director will be the Chairperson/Secretary of the Committee and will be a Non-Voting member. All other members and alternate members will be appointed by the Department Head of each respective Department. The Chairperson is responsible for setting annual meeting times and dates and calling any other necessary meetings.

The Human Resources, Health Care and Retirement Committee shall review the Personnel Rules and Regulations, health care benefits and retirement benefits contained herein on an annual basis in February of each year. The Committee shall report to the City Manager by April 1<sup>st</sup> and recommend any revisions to the Personnel Rules and Regulations deemed necessary.

Section X – Amendments/Severability

Revise Subsection A to read as follows:

- A. Amendments

Any proposed amendments or revisions of these rules and regulations shall be reviewed by the Human Resources, Health Care and Retirement Committee prior to any action on the proposals by the City Council. The Committee shall review the Personnel Rules and Regulations contained herein on an annual basis in February of each year. The Committee shall report to the City Manager by April 1<sup>st</sup> and recommend any revisions to the Personnel Rules and Regulations deemed necessary. Such amendments or revisions of these rules shall become effective only after approval by resolution of the City Council.

Section 2. That this Resolution shall become effective from and after its approval by the Cleveland City Council.

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

- **Reappointment** – *Parks & Recreation Board* - Janie Moore for an additional 3-year term to expire December, 2022.
- **Appointment** - Board of Zoning Appeals – Matthew Coleman for a 3-year term to expire November, 2022.
- **Street Light Recommendation** – Councilman Cassada located at 2206 Brentwood Drive NW (Cleveland Utilities recommends the installation of one new 45-watt LED cobra fixture on the pole located on the property line between 2206 and 2208 Brentwood Drive NW).

The motion to approve the consent agenda was seconded by Councilman Cassada; and upon roll call, the motion was unanimously passed.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman McKenzie reported a hole in the asphalt on a side street connecting Grove Avenue and Keith Street. Mr. Fivas stated he and Councilman McKenzie would take a drive to look at the area and see what could be done.

Councilman Cassada thanked the Parks and Recreation Department and the City Schools on the new basketball program and for working together for our community. He understands there are over 500 kids participating in the program. He attended a game at Blythe Bower and there were a lot of participants. It was a great game.

Councilman Hughes thanked the Bradley County Sheriff’s Office for the facility tour. He had always heard it was a dirty place, but he was impressed with the offices, kitchen, cell holding area and the exterior. He appreciates Chief Gibson and Sheriff Lawson having a great working relationship.

Mayor Brooks congratulated Hampton Patel and the award winning La Quinta Inn & Suites. The facility is the number one Wyndham Hotel in the world. He also thanked Greg Thomas for his memo concerning the recent federal action in Congress which is repealing the rescission of Fast Act funding, which was rescinded last year. We have heard that a couple of our projects had been delayed because the action to recind the funds. The repeal puts approximately \$66 million back to Tennessee so projects can continue.

**NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-01** - Rezoning 0.17 acres located on Gale Drive (Tax Map 42G Group D Parcel 1.00) from PI Professional Institutional Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 7-0; 2 members absent).

**Zoning Ordinance No. 2020-01**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from PI Professional Institutional Zoning District and R2 Low Density Single and Multi-family Residential Zoning District.

Approximately .17 acres, more or less, located on Gale Dr NE as shown as lot 2 on the attached survey and map.

For reference, same property is being shown Tax Map 42G Group D a portion of Parcel 1.00, in the Assessor's Office for Bradley County, Tennessee and described as

Beginning at and iron pin located at the northeast corner of the lands of Nelson Properties & Management LLL, as recorded in BCROD deed book 2519 page 494; thence north 85 degrees 17 minutes west, 75 feet to a point; thence south 5 degrees 24 minutes west, 100.08 feet to a point; thence south 85 degrees 18 minutes east, 75 feet to an iron pin; thence north 5 degrees 24 minutes east, 100.08 feet to the point of beginning.

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Exhibit A

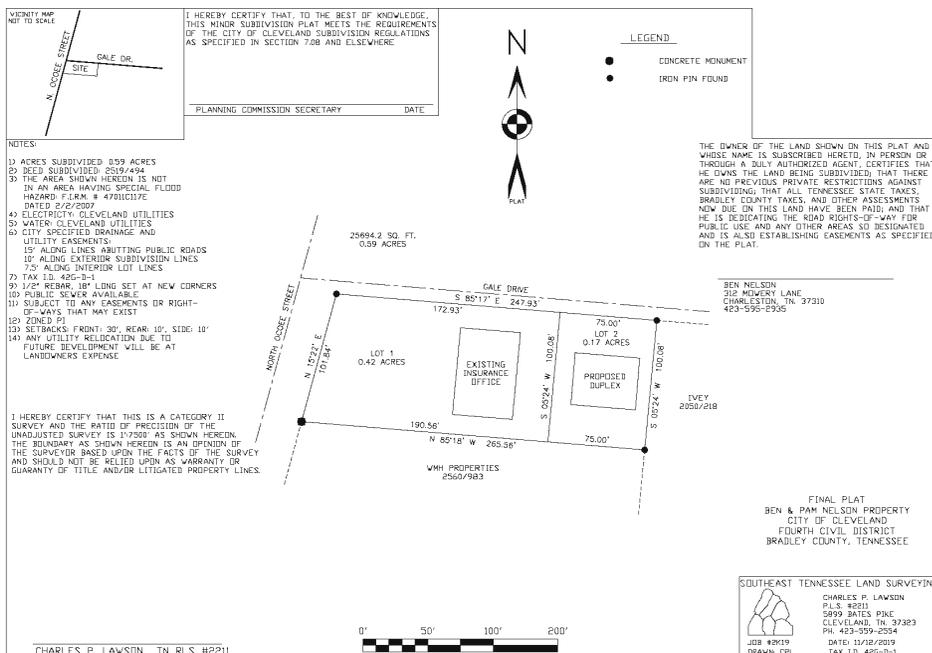


Exhibit B



Councilman Webb moved that Zoning Ordinance No: 2020-01 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-02** - Rezoning 36.6 acres located at 405 Airport Rd NW (Tax Map 034C Group C Parcel 3.00) from RA Residential Agricultural Zoning District and R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 7-0; 2 members absent).

**Zoning Ordinance No. 2020-02**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R2 Low Density Single and Multi-family Residential Zoning District and RA Residential Agricultural Zoning District to CH Commercial Highway Zoning District.

Approximately 36.62 acres, more or less, located at 405 Airport Rd NW as shown on the attached map.

For reference, same property is being shown Tax Map 34C Group C Parcel 3.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

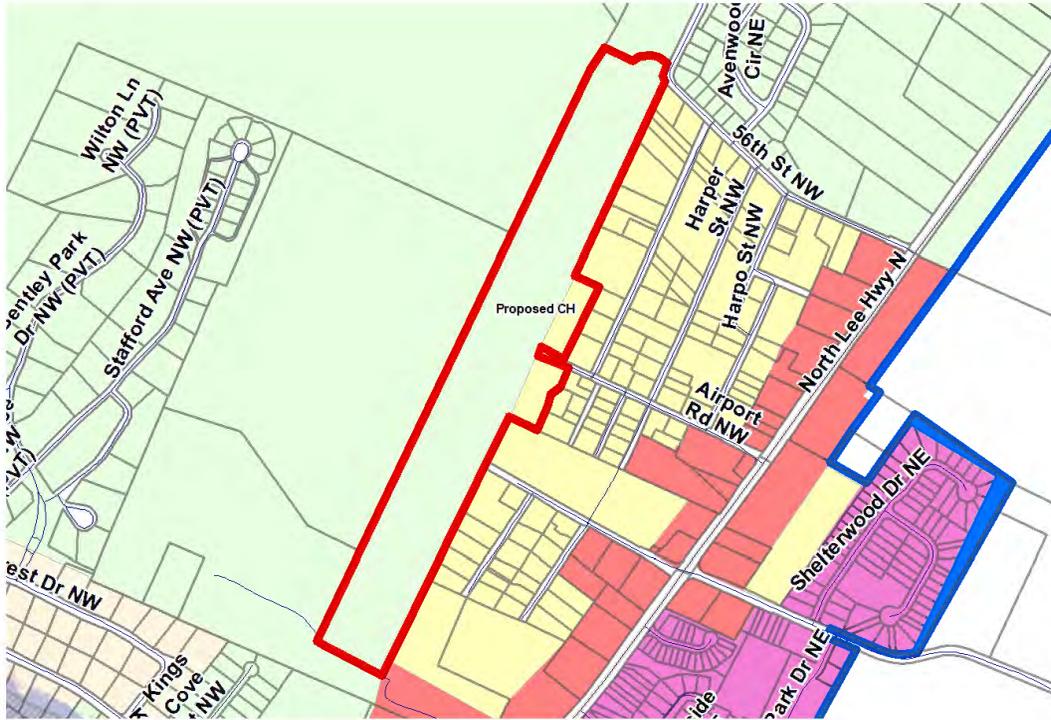
APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance No: 2020-02 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2020-04** – Amending Title 12 of the Municipal Code to adopt the International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the National Electrical Code, 2017 Edition; the ICC A117.1-2017 Accessibility Code; the International Property Maintenance Code, 2018 Edition; the International Plumbing Code, 2018 Edition, the International Mechanical Code, 2018 Edition; The International Fuel Gas Code, 2018 Edition; the International Energy Conservation Code, 2018 Edition; the International existing Building Code, 2018 Edition.

**ORDINANCE NO: 2020-04**

**AN ORDINANCE OF THE CITY OF CLEVELAND TO AMEND TITLE 12 OF THE CLEVELAND MUNICIPAL CODE TO ADOPT THE INTERNATIONAL BUILDING CODE, 2018 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION; THE NATIONAL ELECTRICAL CODE, 2017 EDITION; THE ICC A117.1-2017 ACCESSIBILITY CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION; THE INTERNATIONAL PLUMBING CODE, 2018 EDITION; THE INTERNATIONAL MECHANICAL CODE 2018 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION**

WHEREAS it is necessary for the City of Cleveland to update its adopted standard codes to be consistent with the laws of the State of Tennessee, and

WHEREAS, the City Council desires to amend various sections of Title 12, Chapters 1 through 12 of the Cleveland Municipal Code relative to these various codes; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee, in regular session assembled:

Section 1: Title 12, Chapter 1, Section 12-101 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-101 Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-502, the *International Building Code, 2018 Edition* and Appendices A, B, D, F, G, I, and J as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction)
2. Section 1612.3 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction)
3. Section 1612.3 Insert "February 2, 2007 or as revised and updated by FEMA, Army Corps of Engineers, or other approved licensed surveyor, whichever is the most current and accurate information as determined by the floodplain manager" in (Date of Issuance)

is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Pursuant to authority granted by Tennessee Code Annotated 6-54-502, the *International Residential Code, 2018 Edition* and Appendix E, as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction)
2. Table R301.2(1) adding the following: Ground Snow Load "10", Wind Design Speed "90 mph", Wind Design Topographic Effects "No", Special wind region "No", Windborne debris zone "No", Seismic Design Category "C", Weathering "Moderate", Frost Line Depth "12 inches", Termite Protection "Yes", Winter Design Temperature "18 degrees Fahrenheit", Ice Barrier Underlayment Required "No", Flood Hazards "See FIRM current panel #", Air Freezing Index "1500 or less", Mean Annual Temperature "58.8"; and, Manual J Design Criteria: Elevation "797 feet", Latitude "35.22", Winter heating "18 degrees Fahrenheit", Summer cooling "92 degrees Fahrenheit", Indoor design temperature "70 degrees Fahrenheit", delete footnote n and revise to say "values not specified in the amendments to this code as adopted by the City of Cleveland to be determined in accordance with Tables 1a or 1b ACCA Manual J and as approved by the building official".
3. Figure R301.2.2 Seismic Design Categories shall be deleted and replaced with Figure R301.2.2 Seismic Design Categories from the 2015 International Residential Code

4. Under R302.2 Townhouses, replace the current exception with the following language:

A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses that are equipped throughout with an automatic residential fire sprinkler system, or a common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is also permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for the fire exposure from both sides and shall extend to and be tight against the exterior wall and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of the electrical outlet boxes shall be in accordance with Section R302.4.

5. Section R313 add words to R313.1 Townhouse automatic fire sprinkler systems. "An automatic residential fire sprinkler system shall be installed in townhouses with five (5) or more units connected together in accordance with Section 903.2.8 of the International Building Code, 2012 Edition."

6. Section R313.2 One- and two- family dwellings automatic fire sprinkler systems is not mandatory.

7. Section R314.6, Power Source, relating to Smoke Alarms, is amended to create Exception 3 that shall read:

Exception 3. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure.

8. Tables N1102.1.2 Insulation and Fenestration Requirement by Component, and N1102.1.4 Equivalent U-Factors from 2018 International Residential Code shall be replaced with tables N1102.1 Insulation and Fenestration Requirement by Component and N1102.1.2 Equivalent UFactors from the 2009 International Residential Code.

9. N1102.4.1.2 Replace "three air changes per hour in Climate Zones 3 through 8" with "five air changes per hour in Climate Zones 3 through 8"

10. Section P2603.5.1 Insert "twelve (12) inches" (Number of inches in two locations).

11. Chapters 34-43 are revised in accordance with the provisions of Chapter 0780-02-01 of the Rules of the Tennessee Department of Commerce and Insurance pertaining to electrical installations.

is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Pursuant to the requirement of Tennessee Code Annotated 6-54-502, one (1) copy of these codes, with the referenced appendices, have been filed with the city clerk and are available for public use and inspection.

Any matters in said codes which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 2: Title 12, Chapter 1, Section 12-104 of the Cleveland Municipal Code is hereby revised in accordance with the following:

In 12-104. Permit Fee Schedule, “2012 International Building Code” shall be replaced with “2018 International Building Code”

Section 4: Title 12, Chapter 2, Section 12-201 of the Cleveland Municipal Code is hereby amended by deleting the current section and replacing it with the following:

Pursuant to authority granted by Tennessee Code Annotated 6-54-502, and for the purpose of providing a practical minimum standard for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes, the 2017 Edition of the National Electrical Code as modified by the provisions of this article, and Chapter 0780-02-01 of the Rules of the Tennessee Department of Commerce and Insurance pertaining to electrical installations is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Section 5: Title 12, Chapter 2, Section 12-202 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-202 Electrical Permit Fees. Electrical permit fees are hereby established as follows:

<u>Size of Service</u>	<u>FeeTotal</u>
Permit Fee	\$5.00
0 through 30 amperes	\$35.00
31 through 60 amperes	\$35.00
61 through 200 amperes	\$35.00
201 through 400 amperes	\$40.00
401 through 600 amperes	\$50.00
601 through 1,000 amperes	\$90.00
Rough-in-inspection	\$35.00
Dwelling Unit HVAC Inspection	\$35.00
Re-inspection 0 through 1,000 amperes	\$35.00
Temporary Pole	Based on svc size
Service Release	Based on svc size
Commercial HVAC	Based on svc size
1001 and above are non-standard permits	
Service entrance inspection	\$175.00
Rough-in-inspection	\$35.00
Re-Inspection	\$35.00
Occupancy Authorization	\$75.00
Occupancy Authorization	\$350.00

Section 6: Title 12 of the Cleveland Municipal Code is hereby amended to add a new Chapter 3 to Title 12 entitled "Accessibility Code" which shall read as follows:

Chapter 3. Accessibility Code

Section 12-301 Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 6-54-506, the *ICC A117.1-2017*, as prepared and adopted by the International Code Council, Inc., is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Pursuant to the requirement of Tennessee Code Annotated 6-54-502, one (1) copy of this code, has been filed with the city clerk and are available for public use and inspection.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 7: Title 12, Chapter 6, Section 12-601 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-601 Plumbing Code Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 6-54-506, the *International Plumbing Code, 2018 Edition* as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
2. Section 106.6.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
3. Section 106.6.3 Insert "50% of fee" in (Percentages in Two Locations).
4. Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).
5. Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).
6. Section 305.4.1 Insert "Twelve (12) inches" (Number of inches in Two Locations).
7. Section 903.1 Insert "Six (6) inches" (Number of Inches).

is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 8: Title 12, Chapter 8, Section 12-802 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-802 Purpose and Scope. The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits of the city shall conform to the requirements of this chapter and to the *International Fuel Gas Code, 2018 Edition*, as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
2. Section 106.6.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
3. Section 106.6.3 Insert "50% of fee" in (Percentages in Two Locations).
4. Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).
5. Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).

Said code is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 9: Title 12, Chapter 9, Section 12-901 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-901 Unsafe Building Abatement Code Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 6-54-506, and for the purpose of regulating buildings and structures to insure structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of

buildings, structures or premises, within or without the city, the *International Property Maintenance Code, 2018 Edition* and Appendix A as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
2. Section 103.5 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
3. Section 112.4 Insert "\$50.00 and \$500.00" in (Dollar amount in Two Locations).
4. Section 302.4 Insert "Twelve (12) Inches " in (Height in Inches).
5. 304.14 Insert "Labor Day to Memorial Day" in (Date in Two Locations).
6. Section 602.3 Insert "Labor Day to Memorial Day" in (Date in Two Locations).
7. Section 602.4 Insert "Labor Day to Memorial Day" in (Date in Two Locations).

is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and is hereinafter referred to as the unsafe building abatement code, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 10: Title 12, Chapter 10, Section 12-1001 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

12-1001 Mechanical Code Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 6-54-516, and for the purpose of regulating the installation and replacement of mechanical systems, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the *International Mechanical Code, 2018 Edition* as prepared and adopted by the International Code Council, Inc., and as amended as follows:

1. Section 101.1 Insert "City of Cleveland Tennessee" in (Name of Jurisdiction).
2. Section 106.5.2 Insert "City of Cleveland Fee Schedule" in (Appropriate Schedule).
3. Section 106.5.3 Insert "50% of fee" in (Percentages in Two Locations).
4. Section 108.4 Insert "Code Violation, \$50.00, 30 days" in (Offense, Dollar Amount, Number of Days).
5. Section 108.5 Insert "\$50.00 and \$500.00" in (Dollar amounts in Two Locations).

is hereby adopted and incorporated by reference as fully as if set out verbatim herein, and is hereinafter referred to as the mechanical code, and the provisions thereof shall be controlling within the corporate limits of the city.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 11: Title 12, Chapter 12, Section 12-1201 of the Cleveland Municipal Code is hereby deleted in its entirety and replaced with the following:

Section 12-1201 Energy Conservation Code Adopted. Pursuant to authority granted by Tennessee Code Annotated 6-54-501 through 6-54-506, the *International Energy Conservation Code, 2018 Edition*, as prepared and adopted by the International Code Council, Inc., and amended as follows:

1. Tables R402.1.2 Insulation and Fenestration Requirement by Component, and R402.1.4 Equivalent U-Factors shall be replaced with Tables 402.1.1 Insulation and Fenestration Requirements by Component and 402.1.3 Equivalent U-Factors from the 2009 International Energy Conservation Code.
2. Section R402.4.1 Replace "three air changes per hour in Climate Zones 3 through 8" with "five air changes per hour in Climate Zones 3 through 8"

Pursuant to the requirement of Tennessee Code Annotated 6-54-502, one (1) copy of this code, has been filed with the city clerk and are available for public use and inspection.

Any matters in said code which are contrary to the existing ordinances of the City of Cleveland, Tennessee shall prevail, any existing ordinances to the contrary are hereby repealed in that respect only.

Section 12: BE IT FURTHER ORDAINED that within all of the codes adopted in this ordinance, when reference is made to the duties of certain official named therein, that designated official of the City of Cleveland, Tennessee who has the duties corresponding to those of the named official in said codes shall be deemed to be the responsible official insofar as enforcing the provisions of said codes are concerned.

Section 13: BE IT FURTHER ORDAINED that the provisions of this ordinance are declared to be severable. If any section, subsection, sentence, clause or phrase of this ordinance is declared to be unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining provisions of this ordinance. The City Council declares that the remainder of this ordinance shall survive such a decision, it being the intent of the City Council that the valid and enforceable provisions of this ordinance shall remain in full force and effect.

Section 14: BE IT FURTHER ORDAINED that this ordinance shall become effective and be enforced from and after March 2, 2020, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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Kevin Brooks, Mayor

\_\_\_\_\_  
Shawn McKay, City Clerk

Vice Mayor Johnson moved that Ordinance No: 2020-04 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

Councilman Cassada moved to reappoint Councilman Webb and Councilman Estes to the Economic Development Council. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-02** – Adopting a resolution authorizing a loan agreement between the Cleveland City Schools and the TN Department of Education’s Energy Efficient School’s Initiative (Replacing the chiller at CHS).

**RESOLUTION NO. 2020-02**

**WHEREFORE**, the Cleveland City Council is duly elected legislative body of the city of Cleveland, Tennessee;

**WHEREAS**, the Cleveland City Council is charged with looking after the best interest of the citizenry of Cleveland, Tennessee;

**WHEREAS**, it is in the best interest of the citizenry to provide good schools and good places of learning for the children and students of Cleveland, Tennessee;

**WHEREAS**, there is available to Cleveland, Tennessee, an Energy Efficient Schools Initiative loan agreement in accord with T.C.A. § 49-17-101;

**WHEREAS**, the 375-ton centrifugal chiller that serves the East Wing of Cleveland High School and the cooling tower serving the West Wing of Cleveland High School are inoperable. The equipment is to be replaced with a properly sized 300-ton air-cooled chiller in the East Wing and a more efficient cooling tower in the West Wing;

**WHEREFORE**, the loan would be repaid over 12 years at 1.5 % interest in the total amount of \$437,329.00 to finish the project of replacing chiller and cooling tower at Cleveland High School;

**NOW, THEREFORE BE IT RESOLVED**, that the Cleveland City Council approves the entering into of an Energy Efficient Schools Initiative loan agreement by the Cleveland City Schools Board in the amount of \$437,329.00 through the office of State and Local Finance as Loan Administrator under T.C.A. § 49-17-101 et seq. to be paid to the Energy Efficient Schools Council of the State of Tennessee at 1.5% to be paid over 12 years in equal payments.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman Hughes moved that Resolution No: 2020-02 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Estes asked to discuss liquor licensure and the email received from Joshua Stepp, Counsel with the Alcoholic Beverage Commission who answered many of his questions concerning the expiration of certificates. Councilman Estes stated he feels with the current certificates of compliance the applicants can apply to ABC for a conditional license and have an extra 90 days. Councilman May stated if you have someone who thinks they can make the 90 days but for some reason, like weather delays the project. Councilman Estes stated they can apply for an extension with the State. The other options are to pick who gets an extension or give everyone an extension. We gave twelve months and we have seen little movement. His opinion is they can continue, go to the State for a license and if needed the State decides on a extension. If they don't make it, they can reapply with us and we pick the best to add up to five. Councilman May stated we live in a society to let free enterprise make the determination. Councilman Webb stated the ordinance says the certificate is good for twelve months, unless an extension is granted by the City Council. He feels that was left in there for a reason because an extension might be necessary. Councilman May asked if an extension could be approved without an ordinance. Mr. Kimball stated no, if you want to change the twelve month from the date of issue that needs to be writing. It will be helpful to know what you would like the date to be. Councilman Hughes stated if this is turned down then the applicants can reapply for a new certificate. Mr. Kimball stated he doesn't know if that is true because we don't know who can or can not meet their current deadline. Councilman Estes stated he agrees with Councilman Hughes and if we don't have five stores then yes, they can reapply. Mr. Kimball stated if all of them expire, you would need to decide what your process would be to issue four certificates. Councilman Estes stated we gave them twelve months. We gave them a chance. We approved building plans that weren't even plans. We shouldn't keep changing the rules again and again. Councilman May stated he feels we would be making the decision who could have a business or not. Councilman Cassada asked how many beer licenses are allowed. Mr. Kimball stated all licenses are unlimited except for Class 2 which is on premises consumption. Historically, we have raised the limit when requested by businesses and now the number is at 16. Councilman May stated we don't live in a perfect world and is sure that everyone that applied had good intentions of being done in a year. Councilman Cassada asked how long do you give an extension. At some point we could be back here again with expired extensions. His personal opinion is Cleveland can only sustain three liquor stores. Councilman Estes stated if you vote for an extension, it is not fair to those who followed the rules. It's not unfair to those who get tapped out because they can reapply and lastly, it is a terribly bad business precedence. Vice Mayor Johnson stated he wishes we could be unanimous on this decision and Councilman Estes is right on the way we are trying to flex on what we decided and how we wrote the guidelines. Because we put the provision for an extension, we should extend them for six months. In six months, if we have five stores then that's the end of it. Councilman May stated he agrees with six month extension. Councilman Estes stated he disagrees but if the Council votes for six months to put a hard date in the Ordinance. Councilman Hughes stated six months from the original date of issuance. Councilman Estes stated it should be one date for all. Councilman May suggested December 31, 2020 as the date. Councilman Estes stated again we gave out certificates without plans. Councilman May stated they had a business concept and life is not

perfect and sure everyone had good intentions. Councilman Estes stated we have people who followed the rules and now we are going to change them. It is not a tone we should set. Councilman May stated we have always tried to help people going into business. Mayor Brooks stated six months or December 31, 2020 has been suggested. Vice Mayor Johnson stated he would like it six months from the last date of issuance. Mr. Kimball stated that would be December 13, 2020. Councilman Webb stated to keep everyone on a level playing field it should be six months from the original deadline. Mayor Brooks asked that the language about granting extensions be removed. Vice Mayor Johnson moved for Mr. Kimball to draft an ordinance for the next meeting allowing an extension for certificates of compliance for six months from their original deadline, remove the language about granting extensions, and allow a one-time extension. The motion was seconded by Councilman May. Upon roll call, Vice Mayor Johnson, Councilman May, Councilman Webb, Councilman Cassada and Councilman Hughes voted aye. Councilman McKenzie and Councilman Estes voted no. The motion carried 5:2.

Mayor Brooks announced City Offices will be closed on Monday, January 20, 2020 in observance of Martin Luther King Jr. Day.

There being no future business the meeting was adjourned at 3:50 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A SPECIAL CALLED SESSION THIS MONDAY, JANUARY 27, 2020 AT 2:00 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Kim Miller; HR Director; Patti Pettit, Parks and Recreation Director; Fire Chief Ron Harrison; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Public Works Director Tommy Myers; Beverley Lindsey, Assistant to the City Manager; Brian Moran, Assistant to the City Manager; Bethany McCoy with Lee University; Rusty Langford with City Fields; Sharon Marr with Mainstreet Cleveland; Tad Bacon with Cleveland Utilities; Building Official Bryan Turner and Tim Siniard with *The Cleveland Daily Banner*.

**WAIVER OF NOTICE AND CONSENT TO A CALLED MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF CLEVELAND, TENNESSEE**

The undersigned, who constitute the City Council of the City of Cleveland, Tennessee, waive notice of and consent to a called meeting of the City Council of the City of Cleveland, Tennessee, to be held at its regular meeting place in the Municipal Building at 2:00 p.m. on Monday, January 27, 2020 in order to consider an ordinance concerning amending the International Residential Code, 2018 Edition relative to sprinkler requirements in townhomes.

This special meeting has been called by the Mayor, pursuant to Article IV, Section 5 of the City Charter which states: “Whenever in the opinion of the Mayor or any three (3) Council members, the welfare of the city demands it, the City Manager shall call a special meeting of the City Council.”

CITY COUNCIL OF THE CITY OF  
CLEVELAND, TENNESSEE

DATED: January 27, 2020

By: /s/Kevin Brooks  
Mayor

By: /s/Avery Johnson  
Vice Mayor

By: /s/Ken Webb  
Councilman – At Large

By: /s/Charlie McKenzie  
Councilman – District One

By: /s/Bill Estes  
Councilman – District Two

By: /s/Tom Cassada  
Councilman – District Three

By: s/David May, Jr.  
Councilman – District Four

By: s/Dale Hughes  
Councilman – District Five

Councilman Estes moved that Ordinance No: 2020-03; heretofore passed on first reading January 13, 2020 and found in Minute Book 29, Page 724; amending the International Residential Code, 2018 Edition, relative to sprinkler requirements in townhomes. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

There being no further business, the meeting was adjourned at 2:02 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 27, 2020 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Kim Miller, HR Director; Patti Pettit, Parks and Recreation Director; Fire Chief Ron Harrison; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Public Works Director Tommy Myers; Beverley Lindsey, Assistant to the City Manager; Brian Moran, Assistant to the City Manager; Bethany McCoy with Lee University; Rusty Langford with City Fields; Sharon Marr with Mainstreet Cleveland; Tad Bacon with Cleveland Utilities; Building Official Bryan Turner and Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Josh Cross with Westwood Baptist, 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 January 13, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Special Called Session of the City Council held on January 13, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

No special presentation and public comments.

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

No hearing petitions and communications.

#### **CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Zoning Ordinance No: 2020-01** – heretofore passed on first reading January 13, 2020 and found in Minute Book 29, Page 730; rezoning 0.17 acres located on Gale Drive (Tax Map 42G Group D Parcel 1.00) from PI Professional Institutional Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 7-0; 2 members absent).
- **Final Passage - Zoning Ordinance No: 2020-02** – heretofore passed on first reading January 13, 2020 and found in Minute Book 29, Page 731; rezoning 36.6 acres located at 405 Airport Rd NW (Tax Map 034C Group C Parcel 3.00) from RA Residential Agricultural Zoning District and R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 7-0; 2 members absent).

- **Final Passage - Ordinance No: 2020-04** – heretofore passed on first reading January 13, 2020 and found in Minute Book 29, Page 732; amending Title 12 of the Municipal Code to adopt the International Building Code, 2018 Edition; the International Residential Code, 2018 Edition; the National Electrical Code, 2017 Edition; the ICC A117.1-2017 Accessibility Code; the International Property Maintenance Code, 2018 Edition; the International Plumbing Code, 2018 Edition, the International Mechanical Code, 2018 Edition; The International Fuel Gas Code, 2018 Edition; the International Energy Conservation Code, 2018 Edition; the International Existing Building Code, 2018 Edition.
- **Resolution No: 2020-03** - Approving a utility easement to Chattanooga Gas Company in connection with the Candies Lane project.

**RESOLUTION NO. 2020-03**

**WHEREAS**, the City of Cleveland is the owner of a parcel of real property located near Candies Lane in the City of Cleveland and generally identified as Tax Map 041 005.22; and

**WHEREAS**, in connection with the on-going Candies Lane project, Chattanooga Gas Company needs to relocate an existing gas line and there is a possibility that other utilities may need to be relocated as well; and

**WHEREAS**, after looking at various options, the City of Cleveland’s Development and Engineering Department is recommending to the City Council that it grant the attached utility easement to Chattanooga Gas Company and Cleveland Utilities, across the parcel owned by the City so that the gas line can be relocated and other utilities may also be relocated if necessary; and

**WHEREAS**, the City Council desires to approve of this utility easement to Chattanooga Gas Company and Cleveland Utilities and to authorize the Mayor to execute the same 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 attached utility easement to Chattanooga Gas Company and Cleveland Utilities and to their successors.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the utility easement on behalf of the City of Cleveland.

This 27<sup>th</sup> day of January 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Reappointment** – *Building Board of Adjustment and Appeals* – Chad Dean for an additional 3-year term to expire January, 2023.
- **Reappointment** – *Building Board of Adjustment and Appeals* – Jim Williams for an additional 3-year term to expire January, 2023.
- **Reappointment** – *Building Board of Adjustment and Appeals* – Dennis Epperson for an additional 3-year term to expire January, 2023.
- **RFP Update** – Waterville Golf Course

**AGENDA ITEM  
MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: January 27, 2020**  
**RE: Waterville Golf Course Lease RFP**

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**SUMMARY:**

The City advertised to accept proposals on January 16<sup>th</sup> for the Waterville Golf Course lease. No proposals were received.

**COMMITTEE FINDINGS:**

None.

**FISCAL ANALYSIS:**

None.

**RECOMMENDATION:**

City staff will proceed with another RFP with modified terms including only a 9-hole golf course.

The motion to approve the consent agenda was seconded by Councilman Cassada; and upon roll call, the motion was unanimously passed.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman McKenzie inquired if King Edward Avenue would reopen once Whirlpool clears the site. Councilman Estes stated the masterplan shows it would not be reopened due to water retainage and the natural spring, but it is not ours to decide at this point.

Councilman Estes thanked Brian Moran for organizing the dedication of what's happening on Chippewa and also thanks to Tommy Myers for the progress there.

Councilman Hughes stated he would like the Council to vote to have a meeting with the Bradley County Commission. There are a lot of things that are beneficial to both bodies we could discuss. He suggested the John Nichols Room at Lee University and the food could be catered. It could be the 1<sup>st</sup> or 3<sup>rd</sup> Monday in March and we could have an agenda of things to discuss. Councilman Cassada asked if we are asking the Mayor to send a letter. Councilman Hughes replied yes. Mayor Brooks stated we might be in receipt of a letter. Mr. Fivas replied he was notified that a letter was imminent, but he has not seen it yet. Councilman Estes asked if any topics were mentioned. Mr. Fivas stated traffic. Mayor Brooks added a motion to new business.

Councilman Webb stated several months ago we were successful in refinancing some bond issues and asked if we continue to monitor for other opportunities. Mr. McKay replied he believes there could be something at Cleveland Utilities and at a later meeting we will discuss a plan for capital money we may need.

Mayor Brooks asked if staff spoke with Postmaster Coleman regarding cluster mailboxes. Secondly, he asked for a list of projects that had been on hold from the rescission of federal funding. Lastly, he inquired about the status of the city live-streaming the meetings. Mr. Fivas replied regulations were passed in 2018 by the federal government, which is single-family neighborhoods have cluster mailboxes. This does affect us and we have looked at our code. We asked to regulate where mailboxes go in these neighborhoods, which we do not. It is our

position as a City, and certainly up the Council to change it, is that right now it is an issue between the post office and the developers. It is not a part of our code and we don't have enforcement authority over where mailboxes should go. It is a post office decision. Councilman Estes asked if we have an ordinance regulating it would it change how we approach this. Mr. Kimball replied not likely. Federal law generally preempts state and local laws on certain issues. Mr. Fivas stated the post office has done this to cut cost. Each neighborhood is evaluated for the best approach from a cost savings. Some communities have strict regulations and it is across the board on what they are doing as some prefer single mailboxes. However, it comes down to enforcement and the postmaster dictates where the mail will be delivered. Councilman Estes stated he would like the Mayor to write a letter to the postmaster saying we are in favor of single mailboxes. Councilman Webb asked if the Senators and Congressmen could be included as well, and he didn't see any downside to writing a letter. To answer the second question about our projects and federal funding, Mr. Jobe stated the money that the State is giving back is PL money, which is for larger planning projects and we didn't have any funds obligated that they took. It only took our balance down and now it is back. Thirdly, the live-streaming. Mr. Fivas stated yes, the meeting is streamed on Facebook but agrees the quality could be better.

### NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance No: 2020-05** – Amending the Municipal Code Title 8, Chapter 3, Section 8-315 relating to Liquor Stores.

#### **ORDINANCE NO. 2020-05**

#### **AN ORDINANCE TO AMEND SECTION 8-315 (d) OF THE CLEVELAND MUNICIPAL CODE RELATIVE TO CERTIFICATES OF COMPLIANCE FOR LOCAL LIQUOR STORE PRIVILEGE LICENSES IN THE CITY OF CLEVELAND**

**WHEREAS, at its regular meeting held on January 13, 2020, the City Council discussed the idea of extending the certificates of compliance that were previously issued by the City of Cleveland; and**

**WHEREAS, after discussion, the City Council desires to allow one six-month extension for each certificate holder from the date that the certificate of compliance was issued; and**

**WHEREAS, the City Council now desires to amend a portion of the Cleveland Municipal Code relative to liquor stores, specifically Section 8-315(d), to provide for a six-month extension for each of the certificates of compliance.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE, IN REGULAR SESSION ASSEMBLED:**

SECTION 1: Section 8-315 (d) of the Cleveland Municipal Code is deleted in its entirety and is replaced with the following:

**(d) Time periods for Action.**

For those applicants that have previously applied for and received a certificate of compliance from the City Council, those applicants must apply to the State of Tennessee Alcoholic Beverage Commission for a permit by no later than eighteen (18) months from the date that their certificate of compliance was issued.

The City shall provide each of the following applicants with a new certificate of compliance showing both the original issuance date and the expiration date.

The following certificates of compliance have been issued by the City Council, and the table below shows the date of the certificates of compliance were issued and the new expiration date for each certificate.

<u>STORE</u>	<u>ADDRESS</u>	<u>ISSUE DATE</u>	<u>EXPIRATION DATE</u>
Riverstone Wine & Spirits	Ocoee Crossing	2/25/2019	N/A-Store is open
Elxr Wine & Spirits	640 West Inman Street	3/11/2019	9/11/2020
City Spirits	2845 Keith Street	3/20/2019	9/20/2020
Fish Creek Wine & Spirits	5200 N. Lee Highway	6/13/2019	12/13/2020
Red Hot Liquors	1708 Wildwood Avenue	4/8/2019	10/8/2020
Southside Liquor & Wine	1450 Fritz Street	4/8/2019	10/8/2020
Interstate Wine & Spirits	1420 25 <sup>th</sup> Street	4/8/2019	10/8/2020
Georgetown Wine & Spirits	2325 Georgetown Road	4/8/2019	10/8/2020
Paul's Liquors	2254 Dalton Pike	4/8/2019	10/8/2020
Eagle Liquors	1800 Dalton Pike	4/8/2019	10/8/2020

It is the intent of the City Council that no additional extensions of these certificates of compliance will be granted by the City Council, and that if an applicant fails to apply to the State of Tennessee Alcoholic Beverage Commission on or before the expiration date shown, then the City Council will consider the certificate revoked by the passage of time and the failure of the applicant to apply to the State of Tennessee by the expiration date, and the City shall then consider the certificate canceled and revoked.

Nothing in this section is intended to prohibit an applicant from receiving an extension that any applicant may be entitled to under the rules and regulations of the State of Tennessee Alcoholic Beverage Commission. Therefore, if an applicant applies to the State of Tennessee Alcoholic Beverage Commission on or before the expiration date, then the State of Tennessee's rules and regulations will determine whether an applicant is entitled to an extension.

Nothing in this section is intended to increase the number of certificates of compliance for liquor stores within the City of Cleveland.

SECTION 2. This ordinance shall take effect upon passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
 Shawn McKay, City Clerk

Councilman May moved that Ordinance No: 2020-05 be approved on first reading. The motion was seconded by Councilman Webb. Mr. Kimball clarified the ordinance is to give a one-time extension for six months from the original issue date and not to give further extensions. Upon roll call Councilman May, Councilman Hughes, Councilman Cassada, Councilman Webb and Vice Mayor Johnson voted aye. Councilman McKenzie and Councilman Estes voted no. The motion passed 5:2.

The following Ordinance was then presented in full:

- **Ordinance No: 2020-06** – Amending the FY2020 Budget.

**ORDINANCE NO: 2020-06**

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2019-2020 BUDGET FOR THE CITY OF CLEVELAND, TENNESSEE.

BE IT ORDAINED by the City Council of the City of Cleveland that the City of Cleveland, Tennessee budget for fiscal year 2019-2020 be amended according to the attached amendment.

BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee that all ordinances in conflict with the provisions of this ordinance are hereby repealed. This Ordinance shall take effect from and after its final passage, the public welfare of the City of Cleveland requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
 City Attorney

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

\_\_\_\_\_  
 Shawn McKay, City Clerk

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>GENERAL FUND</b>				
Tax Revenues:	41,082,500	41,082,500	0	
Licenses & permits:	1,271,050	971,050	(300,000)	Alcohol Inspection Fees
Intergovernmental:	5,262,900	5,262,900	0	
Charges for services:	1,066,400	1,148,400	82,000	Contracted Svcs-CPD, Acct Svcs 911, Rec Program F
Fines & forfeits:	617,100	617,640	540	
Interest income:	153,000	200,000	47,000	Increase in Interest Income
Miscellaneous:	80,500	120,000	39,500	Misc Insur Reimb, Donations
Public Enterprise Revenue:	272,200	273,950	1,750	Jetport Special Event
Subtotal	49,805,650	49,676,440	(129,210)	
Other Funding Sources:	2,773,725	2,773,725	0	
Total revenues	52,579,375	52,450,165	(129,210)	
Legis. & Judicial	606,637	618,837	12,200	Ocoee St Crosswalk Repair
Administration	892,938	892,938	0	
Codes Enforcement	259,800	259,800	0	
Fleet	737,000	737,000	0	
Forestry & Landscaping	799,000	812,917	13,917	Donations, Metal Bldg
Jetport	280,300	280,300	0	
Human Resources	334,696	334,696	0	
Finance	1,225,033	1,225,033	0	
Information Technology	847,593	847,593	0	
Development & Engineering	1,581,800	1,581,800	0	
Police	11,385,062	11,418,338	33,276	Extra Duty Contracted Svcs, Child Restraints
Animal Control	603,461	607,783	4,322	Spay/Neuter Donations
Fire	10,574,362	10,585,739	11,377	Various Donations
PW Operations	2,610,000	2,610,000	0	
Street Lighting & Signals	1,519,400	1,519,400	0	
Parks & Recr.	1,097,275	1,149,963	52,688	Rec Programs, Greenway Maintenance
College Hill Rec Center	482,950	472,250	(10,700)	Rec Programs
Cleveland Comm Center	446,700	434,898	(11,802)	Rec Programs
Tinsley Park	369,800	367,702	(2,098)	Rec Programs
P&R - Leases	24,937	24,937	0	
Appropriations	1,313,036	1,313,036	0	
Subtotal:	37,991,780	38,094,960	103,180	
Transfers	14,455,004	14,538,186	83,182	
Total expenditures	52,446,784	52,633,146	186,362	
Increase (use) of fund balance	132,591	(182,981)	(315,572)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>SPECIAL REVENUE FUNDS:</b>				
<b>Solid Waste Mgmt. Fund</b>				
Revenues	2,880,000	2,880,000	0	
Transfers from Other Funds	1,075,400	1,079,381	3,981	Transfer from Recycle Grant
<b>Total Rev. &amp; Transfers In</b>	<b>3,955,400</b>	<b>3,959,381</b>	<b>3,981</b>	
Expenditures	3,955,400	3,959,381	3,981	Transfer from Recycle Grant
Increase (Use) of Fund Balance:	0	0	0	
<b>State Street Aid Fund</b>				
Revenues	1,500,000	1,500,000	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>1,500,000</b>	<b>1,500,000</b>	<b>0</b>	
Expenditures	759,200	759,200	0	
Transfers Out	447,145	447,145	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>1,206,345</b>	<b>1,206,345</b>		
Increase (Use) of Fund Balance:	293,655	293,655	0	
<b>Cleveland Public Library Fund</b>				
Revenues	807,600	807,600	0	
Transfers from Other Funds	673,600	673,600	0	
<b>Total Rev. &amp; Transfers In</b>	<b>1,481,200</b>	<b>1,481,200</b>	<b>0</b>	
Expenditures	1,481,200	1,481,200	0	
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>Drug Enforcement Trust Fund</b>				
Revenues	18,600	18,600	0	
Expenditures	18,600	18,600	0	
Increase (Use) of Fund Balance:	0	0	0	
<b>Bryne Mem. Justice Asst. Grant</b>				
Revenues	0	38,036	38,036	New Grant
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>0</b>	<b>38,036</b>	<b>38,036</b>	
Expenditures	0	38,036	38,036	
Increase (Use) of Fund Balance:	0	0	0	
<b>Community Dev. Block Grant</b>				
Revenues	536,250	744,798	208,548	Carryovers
Transfers from Other Funds	30,000	30,000	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>566,250</b>	<b>774,798</b>	<b>208,548</b>	
Expenditures	536,240	767,983	231,743	Carryovers
Increase (Use) of Fund Balance:	30,010	6,815	(23,195)	
<b>MPO Fund</b>				
Revenues	178,100	178,100	0	
Transfers from Other Funds	44,500	44,500	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>222,600</b>	<b>222,600</b>	<b>0</b>	
Expenditures	222,600	222,600	0	
Increase of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>School Food Service Fund</b>				
Revenues	3,546,017	3,546,017	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>3,546,017</b>	<b>3,546,017</b>	<b>0</b>	
Expenditures	3,546,017	3,546,017	0	
Transfer to Other Funds	0	0	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>3,546,017</b>	<b>3,546,017</b>	<b>0</b>	
Increase (Use) of Fund Balance:	0	0	0	
<b>School General Fund</b>				
Revenues	45,059,230	45,059,230	0	
Transfers from Other Funds	5,432,000	5,432,000	0	
<b>Total Rev. &amp; Transfers In</b>	<b>50,491,230</b>	<b>50,491,230</b>	<b>0</b>	
Expenditures	49,777,111	49,777,111	0	
Transfer to Other Funds	555,719	555,719	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>50,332,830</b>	<b>50,332,830</b>	<b>0</b>	
Increase (use) of Fund Balance:	158,400	158,400	0	
<b>Recycling Grant</b>				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Expenditures	0	3,981	3,981	Closing Fund to Solid Waste
Transfer to Other Funds	0	0	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>0</b>	<b>3,981</b>	<b>3,981</b>	
Increase (use) of Fund Balance:	0	(3,981)	(3,981)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>E Ticketing Technology Fund</b>				
Revenues	0	12,000	12,000	FY19 Carryover
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>0</b>	<b>12,000</b>	<b>12,000</b>	
Expenditures	0	31,869	31,869	FY19 Carryover
Transfer to Other Funds	0	0	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>0</b>	<b>31,869</b>	<b>31,869</b>	
Increase (use) of Fund Balance:	0	(19,869)	(19,869)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>CAPITAL OUTLAY FUNDS:</b>				
<b>Capital Improv. Program Fund</b>				
Revenues	0	11,580,827	11,580,827	FY19 Carryover - various projects
Transfers & Other Fin.	1,450,000	1,450,000	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>1,450,000</b>	<b>13,030,827</b>	<b>11,580,827</b>	
Expenditures	1,450,000	17,373,378	15,923,378	FY19 Carryover - various projects
Transfers to Other Funds	0	0	0	
<b>Total Expenditures &amp; Other Uses</b>	<b>1,450,000</b>	<b>17,373,378</b>	<b>15,923,378</b>	
Increase (Use) of Fund Balance:	0	(4,342,551)	(4,342,551)	
<b>Sales Tax Capital Projects Fund</b>				
Revenues	4,103,365	4,103,365	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>4,103,365</b>	<b>4,103,365</b>	<b>0</b>	
Expenditures	4,103,365	6,935,210	2,831,845	FY19 Carryover - various projects
<b>Total Expenditures &amp; Other Uses</b>	<b>4,103,365</b>	<b>6,935,210</b>	<b>2,831,845</b>	
Increase (Use) of Fund Balance:	0	(2,831,845)	(2,831,845)	
<b>THDA Home Grant</b>				
Revenues	0	545,362	545,362	Contract Amended
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>0</b>	<b>545,362</b>	<b>545,362</b>	
Expenditures	0	545,362	545,362	Contract Amended
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>Blythe Diabetes Grant</b>				
Revenues	0	150,000	150,000	New Grant
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>0</b>	<b>150,000</b>	<b>150,000</b>	
Expenditures	0	150,000	150,000	Sidewalk Improvements
Transfer to Other Funds	0	0	0	
<b>Total Expenditures &amp; Other Uses</b>	<b>0</b>	<b>150,000</b>	<b>150,000</b>	
Increase (Use) of Fund Balance:	0	0	0	
<b>Internal Service Funds:</b>				
<b>Health Insurance Trust Fund</b>				
Revenues	4,182,416	4,182,416	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>4,182,416</b>	<b>4,182,416</b>	<b>0</b>	
Expenditures	4,033,490	4,033,490	0	
Increase (Use) of Fund Balance:	148,926	148,926	0	
<b>Debt Service Fund:</b>				
Revenues	151,100	151,100	0	
Transfers from Other Funds	6,932,161	6,932,161	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>7,083,261</b>	<b>7,083,261</b>	<b>0</b>	
Expenditures	7,521,126	7,521,261	135	Revised Amort Schedule
Increase (Use) of Fund Balance:	(437,865)	(438,000)	(135)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - January 2020				
	ORIGINAL BUDGET	January 2020 Amendment	INCREASE (DECREASE)	EXPLANATION
<b>Enterprise Funds:</b>				
<b>Storm Water Management Fund</b>				
Revenues	1,612,500	1,612,500	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>1,612,500</b>	<b>1,612,500</b>	<b>0</b>	
Expenditures	2,301,450	2,704,337	402,887	Drainage Candies Lane
Increase (Use) of Fund Balance:	(688,950)	(1,091,837)	(402,887)	
<b>Fiduciary Funds:</b>				
<b>Meiler Estate/Animal Shelter Trust Fund</b>				
Revenues	500	500	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>500</b>	<b>500</b>	<b>0</b>	
Expenditures	0	0	0	
Increase (Use) of Fund Balance:	500	500	0	

Councilman May moved that Ordinance No: 2020-06 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2020-07** – Amending the Municipal Code Title 14, Chapter 10, Section 14-1003(2) pertaining to the FEMA flood map in order to add additional required language.

**ORDINANCE NO: 2020-07**

**WHEREAS, the City Council desires to amend Section 14-1003 (2) of the Cleveland Municipal Code to correct a typographical error in the code and to update this section with additional language.**

**NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee, in regular session assembled:**

**Section 1: Title 14, Chapter 10, Section 14-1003 (2) of the Cleveland Municipal Code is amended by deleting Section 14-1003 (2) in its entirety and replacing it with the following language:**

**14-1003 (2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified in the City of Cleveland, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47011C109E, 47011C110E, 47011C117E, 47011C119E, 47011C120E, 47011C125E, 47011C126E, 47011C127E, 47011C128E, 47011C129E, 47011C136E, 47011C137E, 47011C138E, 47011C139E, 47011C150E, 47011C207E, 47011C210E, 47011C230E, dated **February 7, 2007 February 2, 2007 or as revised and updated by FEMA, Army Corps of Engineers, or other approved****

**licensed surveyor, whichever is the most current and accurate information as determined by the floodplain manager, along with all supporting technical data, and letters of map revision affecting the aforementioned FIRM Community Panel Numbers approved by FEMA, are adopted by reference and declared to be a part of this ordinance.**

**Section 2: BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage on final reading, 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 No: 2020-07 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

- **Motion** – Authorizing the purchase of 4036 Tomahawk Circle for public purpose.



**City Council**

190 Church St., NE  
Cleveland, TN 37312  
[www.clevelandtn.gov](http://www.clevelandtn.gov)

**AGENDA ITEM  
MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Joe Fivas, City Manager  
Jonathan Jobe, Director, Development & Engineering

**DATE:** January 27, 2020

**RE:** Property Purchase- 4036 Tomahawk Circle

**SUMMARY:**

Over the past several years, the City has had a number of questions and comments from residents about the safety of the intersection at Peerless Road and Tomahawk Circle. This intersection has been increasingly getting more traffic since the Publix development, the development along Paul Huff Parkway, and the new retail development located adjacent to this neighborhood. The traffic geometry on this intersection is also problematic for proper traffic circulation. During our last city-wide Community Meetings, this neighborhood requested the City to find a solution to these safety issues. In order to develop a solution, we had a neighborhood meeting to review options for the neighborhood. The most consistent resolution was the creation of a new entrance into the neighborhood.

Our Development & Engineering Services staff developed options, and we identified the one that was most feasible. This was creating a new neighborhood entrance further south along Peerless Road. This would require the acquisition of two parcels of property. One of those properties included a residential home at 4036 Tomahawk Circle.

City staff completed appraisals for these properties, and using a property acquisition framework used by TDOT, we approached these property owners and made non-binding offers pending City Council approval. The owners at 4036

Tomahawk Circle have agreed to sell their home and land for the cost of \$290,000, and \$5,000 in moving expenses. If the City Council approves this agreement, the closing on this piece of property is still contingent upon the acquisition of all needed Right-of-Way.

Once these properties are acquired the City will give the owners at 4036 Tomahawk Circle until December 31, 2020 to relocate. We are hopeful the relocation will occur before this time. After this time, we will mobilize and have Public Works demolish the home and begin construction of a new entrance.

Furthermore, we have had several internal meetings with our Planning and Development staff to make sure our development practices in the future will require the development community to due a traffic analysis and be required to protect neighborhood's from commercial traffic during the development construction.

**COMMITTEE FINDINGS:**

None

**FISCAL ANALYSIS:**

The City will make two payments in two fiscal years to acquire this property for \$290,000.

**RECOMMENDATION:**

City staff's recommendation is to approve this agreement and give direction to the City Attorney and City Manager to close on the property as dictated by the agreement. If the City Council approves this agreement, the closing on this piece of property is still contingent upon the acquisition of all needed Right-of-Way.

Councilman Hughes moved to approve the purchase of 4036 Tomahawk Circle for public purpose. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

Councilman Hughes moved to approve a joint meeting with the Bradley County Commission. The motion was seconded by Councilman May. Councilman Estes stated he would love to have topics sorted to keep the meeting focused and productive. Also, the 2<sup>nd</sup> Monday of March is spring break. If you want to hold the meeting on campus, that would be the time to do it. Councilman Hughes stated it doesn't have to be at Lee and is not opposed to the 2<sup>nd</sup> Monday in March and agreed we should have topics of discussion. He then asked Mr. Fivas to develop topics that will be beneficial to both bodies and also, any Councilmember that would like to make suggestions, they be sent to Beverley. Mr. Fivas stated we will get a list together, let everyone know of the topics and package it in letter form for the Mayor to send, once everyone agrees on topics. Councilman Hughes asked if anyone had an objection to the 2<sup>nd</sup> Monday in March. Councilman Cassada stated that is spring break week and some people may be out of town. Mayor Brooks stated Mr. Fivas can bring back topics and dates. Councilman Cassada stated also remember the Commission meets every Monday. Upon roll call, the motion unanimously passed.

Councilman Estes moved for a letter to be written to Postmaster Coleman from the Mayor's office on behalf of the City Council concerning cluster mailboxes. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

Councilman Webb asked if we were still on tap for the district meetings in February. Mr. Fivas stated yes, we will get Councilmembers signed up for each date which will probably be more towards the end of February.

There being no future business the meeting was adjourned at 3:33 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 10, 2020 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Fire Chief Ron Harrison; Mark Fidler, Jetport Director; Kim Miller, HR Director; Patti Pettit, Parks and Recreation Director; Tommy Myers, Director of Public Works; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Brian Moran, Assistant to the City Manager; Dan Hartman, Forestry/Landscaping Director; Bethany McCoy with Lee University; Mark Lay, with Wedgewood Accounting, PLLC; Rusty Langford with City Fields; Sharon Marr with Mainstreet Cleveland; Tad Bacon with Cleveland Utilities and Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Dr. John Vining from Family Matters, 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 January 27, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Special Called Session of the City Council held on January 27, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

Auditor Mark Lay with Wedgewood Accounting, PLLC gave his annual report on the FY2019 City Audit. He thanked the City, Library, City School and Cleveland Utilities staff for their assistance and cooperation in obtaining any information that was requested. He encouraged the Council to read the Management Discussion and Analysis and the Statistical section of the audit to have a better understanding of the audit and to see 10-year trends of the finances. There were no new GASB statements to implement this year but we do have a new schedule required by the State of Tennessee, which lists activity of all bonds, notes payable for capital leases by individual issues. Next year, we will have a new GASB statement that will change the reporting of leases. Previously known capital leases, they will be treated as notes payable in the future. Operating leases will be set up as tangible assets and amortized over the life of the lease along with an off-setting liability that will be reduced as the lease payments are being made. Mr. Lay concluded by stating if anyone had any questions concerning the audit to feel free to contact him directly and as always, it is a pleasure to serve as your auditor.

Mr. Fivas stated he appreciates Mr. Lay and the works his team does for the City. They are a great resource throughout the year. Councilman Estes stated it is impressive to see the fund balance double in only five years. There is a lot to be proud of here. Mr. Fivas continued our staff, mainly Shawn, Amy, Christy and Kristi do a great job for being a limited staff. It is important to note the unbelievable job they do on a daily basis. This is while they are doing daily work, the budget, the audit, finances for other organizations, all while also undergoing the most important software transformation in the City. You would not know how much time and effort they are spending on it. The team is literally doing two jobs right now recreating a whole new software system that will go partially live July 1. Words do not do enough and we are trying to find ways to ensure they are noticed, and they deserve a lot of credit. It is something to be proud

of and incredible to see such a small staff do amazing things. We have to make sure we recognize and award that and he expects to do something to honor that, potentially financially, to make sure all the extra work goes into account. He appreciates all they do. Councilman Webb commented it is a big job to go through a conversion. It is a major undertaking and once again from the Council level thank you for the work you're doing.

**HEARING PETITIONS AND COMMUNICATIONS**

No hearing petitions and communications.

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Ordinance No: 2020-06** – heretofore passed on first reading January 27, 2020 and found in Minute Book 29, Page 747; amending the FY2020 Budget.
- **Final Passage - Ordinance No: 2020-07** – heretofore passed on first reading January 27, 2020 and found in Minute Book 29, Page 745; amending the Municipal Code Title 14, Chapter 10, Section 14-1003(2) pertaining to the flood map in order to correct the date and add additional required language.
- **Resolution No: 2020-04** – Accepting Franitza Way as a city street.

**RESOLUTION 2020-04**

**WHEREAS**, Victory Cove Subdivision-Phase 2 is a development located in the City of Cleveland; and

**WHEREAS**, Victory Cove Subdivision-Phase 2 is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 29; and

**WHEREAS**, Franzita Way is a street located within this development and is depicted on this Plat; and

**WHEREAS**, the developer has requested that the City accept Franzita Way as a City street; and

**WHEREAS**, the City's engineering staff has inspected Franzita Way and is now recommending that the City accept Franzita Way (approximately 450 feet) as a City street.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Franzita Way as a City street.

This 10<sup>th</sup> day of February 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-05** – Authorizing a license agreement with TDOT for the installation and maintenance of a Gateway Monument on State Route 60.

**RESOLUTION NO. 2020-05**

**WHEREAS**, the City has received the attached license agreement from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

Description of Project: Project Number: I-75-1(21)21

License Agreement for the installation and maintenance of a Gateway Monument on State Route 60 at Mile Marker 16.979

**WHEREAS**, the City Council desires to enter into the attached license agreement with TDOT and to further authorize the Mayor to execute the attached 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 license agreement with TDOT for the project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 10<sup>th</sup> day of February 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-06** – Authorizing an agreement with Dan Wilson Electrical Inspections, P.C. for electrical inspections for the City.

**RESOLUTION NO. 2020-06**

**WHEREAS**, the City is in the process of securing approval from the State of Tennessee to become an exempt jurisdiction which will allow the City to perform its own electrical inspections; and

**WHEREAS**, Dan R. Wilson Electrical Inspections, P.C currently performs inspections of electrical installations in the City of Cleveland and Bradley County under an existing contract with the State of Tennessee Department of Commerce and Insurance; and

**WHEREAS**, Dan R. Wilson Electrical Inspections, P.C has the necessary background, qualifications, certifications, experience and training to perform electrical inspections for the City; and

**WHEREAS**, the City’s building official is recommending that the City enter a Contract with Dan R. Wilson Electrical Inspections, P.C whereby Wilson will perform inspections of electrical installations for the City upon the terms and conditions set forth in the attached contract; and

**WHEREAS**, the City Council desires to enter the attached contract with Dan R. Wilson Electrical Inspections, P.C., and to further authorize the Mayor to execute the attached 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 contract with Dan R. Wilson Electrical Inspections, P.C., and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 10<sup>th</sup> day of February 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

The motion to approve the consent agenda was seconded by Councilman Webb; and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

Councilman May moved that Ordinance No: 2020-05; heretofore passed on first reading January 27, 2020 and found in Minute Book 29, Page 745; amending the Municipal Code Title 8, Chapter 3, Section 8-315 relating to Liquor Stores. The motion was seconded by Councilman Webb. Upon roll call, Councilman May, Councilman Webb, Councilman McKenzie, Councilman Cassada, Councilman Hughes and Vice Mayor Johnson voted aye. Councilman Estes voted no. The motion was approved 6:1.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman McKenzie inquired when the 20<sup>th</sup> Street bridge construction would be complete. Mr. Fivas replied depending on the weather, approximately two months. The gas company should be finished with their portion and should be finishing it up soon. Councilman McKenzie then asked about the Waterville Golf Course lease. Mr. Fivas stated we are looking at options, which are different than its current use but will bring those back to the Council and figure out our next steps.

Councilman Estes reminded everyone of the CDBG and Blythe Oldfield community input meeting for next year’s plan tomorrow at 5:30 p.m. Also, he asked for staff to continue to get the word out about the VITA tax preparation service.

Councilman Hughes asked that his 1:00 Work Session comments concerning the stormwater issue on the North Lee subdivision project near Anatole be entered into the record.

*...Councilman Hughes stated he would like to talk a little bit about a stormwater problem on the north end of the city. He has been in contact with, at least three of the residents there in the last couple of days. It is unfortunate that we have 37-38 homes going in but we’re also damaging the adjacent properties. If you will look, Pat Fuller has a video of all of this, water is rushing onto some very expensive property. It actually devalues that property tremendously. We need some stormwater attention on that property. The elevations are being checked out now by the City. Even today before I came, we were talking about what we can do to salvage the property adjacent to that with some type of stormwater attention. He has the video on his phone to see what is happening up there. It’s supposed to be a rainy week so it’s just going to get worse. The property is being devalued by the new project. He would appreciate staff to check it out and see what can be done and also the residents of Anatole would appreciate it. Building Official Bryan Turner replied City Engineer Brian Beck has been there today. We have been discussing it since last week and are working on it.*

Councilman Webb thanked Public Works, Cleveland Police and Fire Departments during the unusual weather last week. He appreciates everyone working together to keep the city operating. He then announced on March 26 the Senior Citizen Advisory Committee will hold a presentation to help get the word out about activities available in the community.

Vice Mayor Johnson thanked Mr. Fivas for his reports on the Strategic Transportation Plan and the Build our Future Initiative. He is excited about the direction the city is heading.

Mayor Brooks reported he has received positive responses from Bradley County Commission on a joint meeting, also from Whirlpool for a meeting about downtown and we are looking forward to a response from the Postmaster concerning mailboxes.

**NEW BUSINESS AND ORDINANCES**

Vice Mayor Johnson moved to allow The Alders Gate Garden Club to install the Blue and Gold Star Markers at the new Veterans Home Complex, once completed. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

**RESOLUTION NO: 2020-07**

**RESOLUTION IN SUPPORT OF RECOMMENDED 911 FEE & SJR 836**

**WHEREAS**, in accord with state law, the Tennessee Emergency Communications Board (“TECB”) held a public hearing and proposed an increase of the 911 monthly fee to \$1.50 per line, for the life-saving service, which change is subject to approval by the State House and Senate by Joint Resolution (Senate Joint Resolution 836); and

**WHEREAS**, the current fee is set at \$1.16 statewide for all devices capable of calling 911, with two cents (\$0.02) reserved to fund the Telecommunications Devices Access Program, which provides devices to the speech or hearing-impaired, and will remain in place with the proposed increase; and

**WHEREAS**, the additional revenue is needed to meet increased operational costs of the Emergency Communications District, which is funded, in part, by this government;

**NOW, THEREFORE, BE IT RESOLVED** by this legislative body, in session assembled:

That we do hereby express support of the 911 fee change, and SJR 836, which would implement the recommended monthly fee by the TECB, effective July 1, and, further,

That we direct that a copy of this resolution be promptly forwarded to the elected state representatives with legislative districts that include this jurisdiction.

Approved this 10<sup>th</sup> day of February, 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman Estes moved that Resolution No: 2020-07 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

**RESOLUTION NO: 2020-08**

**RESOLUTION TO SUPPORT A GRANT APPLICATION TO THE CONSERVATION FUND FOR A GREENWAY ACCESS PROJECT**

**WHEREAS**, the Conservation Fund initiated by Volkswagen is partnering with TVA to offer grants of up to \$50,000 for projects in East Tennessee that are focused on improving water quality, enhancing outdoor recreation and providing environmental education; and

**WHEREAS**, the Conservation Fund grant would allow the City to extend the impact of its on-going investment in Greenway improvements, by increasing access for Greenway users in different locations;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cleveland, Tennessee that:

1. Authorizes the application for a Conservation Fund Grant of up to \$50,000 to construct improvements that increase access to the Greenway.

2. Authorizes the use of available cash and/or in-kind services for additional project costs above the grant amount.

3. The Mayor is authorized to sign any documents requiring his signature for the Conservation Fund grant.

Approved this 10<sup>th</sup> day of February, 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2020-08 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks then announced the following:

- City Offices will be closed Monday, February 17<sup>th</sup> in observance of President’s Day.
- February 24, 2020 - Strategic Planning Session - 10:30 a.m.

There being no future business the meeting was adjourned at 3:27 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 24, 2020 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 Charlie McKenzie, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Councilman Bill Estes was absent from the meeting. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager/CFO Shawn McKay; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Fire Chief Ron Harrison; Mark Fidler, Jetport Director; Patti Pettit, Parks and Recreation Director; Tommy Myers, Director of Public Works; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Dan Hartman, Forestry/Landscaping; Bethany McCoy with Lee University; Tad Bacon with Cleveland Utilities and Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Paul Davis with Westwood Baptist, 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 February 10, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

**SPECIAL PRESENTATIONS AND PUBLIC COMMENTS**

No special presentations and public comments.

**HEARING PETITIONS AND COMMUNICATIONS**

No hearing petitions and communications.

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Bid Report – HVAC Service.**

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: February 24, 2020**  
**RE: Bid Summary – HVAC Service**

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**SUMMARY:**

Sealed bids were received on February 11, 2020, for HVAC Service and Maintenance. The bids are listed below:

- Bell Heating & Air  
Soddy Daisy, TN \$50.00/hr
- Interstate Mechanical  
Knoxville, TN \$90.00/hr

- Del Air Mechanical  
Knoxville, TN \$79.00/hr
- \$83.00/hr (Technician)**
- Mechanical Systems  
Charleston, TN **\$45.00/hr (Lead Install)**
- \$35.00/hr (Helper)**

**COMMITTEE FINDINGS:**  
No Board or Committee findings.

**FISCAL ANALYSIS:**  
Funds are available.

**RECOMMENDATION:**  
Staff recommends award to Bell Heating & Air. The term of this contract will be for a one-year period beginning March 1, 2020.

- **Street Light Recommendation** – 2030 Ridgeview Dr NW (Cleveland Utilities recommends the installation of one new 45-watt LED cobra fixture. If desired by the City, approval to upgrade two existing HPS cobra fixtures to 45-watt LED cobra fixtures at a cost of \$162.83 each).
- **Street Light Recommendation** – 2903 22<sup>nd</sup> Street NW (Cleveland Utilities recommends no additional lighting; meet’s city guidelines. If desired by the City, the existing LED fixture can be upgraded to a 133-watt LED cobra at a cost of \$162.83).
- **Motion** - Authorizing the Mayor to sign an agreement with Volkert, Inc. to assist in developing the Build Grant application.

The motion to approve the consent agenda was seconded by Councilman Webb; and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

No reports of Council members.

**NEW BUSINESS AND ORDINANCES**

Vice Mayor Johnson moved to excuse Councilman Bill Estes from today’s meeting. The motion was seconded by Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

**RESOLUTION NO: 2020-09**

**WHEREAS**, Spring Creek Cove is a development located in the City of Cleveland; and

**WHEREAS**, Spring Creek Cove is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 29 Page 70; and

**WHEREAS**, Parkside Place and Ridge Park Drive are streets located within this development and are depicted on this Plat; and

**WHEREAS**, the developer has requested that the City accept Parkside Place and Ridge Park Drive as City streets; and

**WHEREAS**, the City's engineering staff is recommending that Parkside Place and Ridge Park Drive be accepted as City streets, contingent upon the City receiving a surety bond in a form acceptable to the City in the amount of \$18,000 to cover the cost of paving the asphalt topping layer.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Parkside Place and Ridge Park Drive as City streets, contingent upon the City receiving a surety bond in a form acceptable to the City in the amount of \$18,000 to cover the cost of paving the asphalt topping layer.

**BE IT FURTHER RESOLVED** that this street acceptance resolution shall not be effective until and unless the City receives a surety bond in a form acceptable to the City in the amount of \$18,000 to cover the cost of paving the asphalt topping layer.

This Resolution is adopted this 24<sup>th</sup> day of February 2020 and shall take effect once the bond described herein is provided to the City.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman May moved that Resolution No: 20120-09 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Vice Mayor Johnson moved to approve the agreement with the Tennessee Main Street Program for Mainstreet Cleveland to continue participation in the National Main Street network. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks stated the City Council is declaring March 2-6 as National Beta Club Week. Also, this evening at 6:00 p.m. there will be a Blythe Oldfield Community Association Meeting. Third, at 6:30 p.m. will be a celebration at the Boys and Girls Club celebrating the Youth of the Year. Lastly, Mayor Brooks thanked Chief Harrison for the Cleveland Fire Department hats and thanked all Cleveland Police, Fire, Public Works and Utility workers for their work in the outside elements.

There being no future business the meeting was adjourned at 3:11 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 9, 2020 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 Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance according to the sign-in sheet were as follows: City Manager Joe Fivas; Assistant City Manager Melinda Carroll; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Jonathan Jobe, Director of Development and Engineering; Police Chief Mark Gibson; Fire Chief Ron Harrison; Mark Fidler, Jetport Director; Patti Pettit, Parks and Recreation Director; Tommy Myers, Director of Public Works; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Dan Hartman, Forestry/Landscaping; Tad Bacon with Cleveland Utilities, Martha Ledford; Morgan Jenney with Mix 104.1; Mike Griffin with the Chamber of Commerce; and Tim Sinead with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Mayor Kevin Brooks, 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 February 24, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

No special presentations and public comments.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) and a resolution to adopt a Plan of Service for the annexation area. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 8-0 with 1 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the annexation. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the annexation. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) from the unincorporated county to R1 Single Family Residential Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 8-0 with 1 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the zoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

#### **CONSENT AGENDA**

Councilman May moved to approve the following items from the Consent Agenda:

- **Resolution No: 2020-10** - Authorizing the Mayor to sign contract amendment #2 with TDOT for the 25<sup>th</sup> Street Corridor Area Multi-Modal Project.

**RESOLUTION NO. 2020-10**

**WHEREAS**, the City has received the attached contract amendment #2 from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

**Project:** 25<sup>th</sup> Street Corridor Area Multi-Modal Project- Construction and reconstruction of sidewalks along 25th Street (SR-60) from Peerless Road to Keith Street (SR-2) and along Peerless Road from 25 Street (SR-60) to the Bradley County Nursing Home. Project also includes curb and gutter, guardrail, ADA upgrades, striping, landscaping, pedestrian amenities and a bus stop.

Agreement Number: 180073  
Project Identification Number: 125182.01  
Federal Project #: TAP-9203(24)  
State Project #: 06LPLM-F3-060

**WHEREAS**, the City Council desires to enter into the attached contract amendment #2 with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract amendment #2 with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 9<sup>th</sup> day of March, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-13** - Authorizing the Mayor to sign an interlocal agreement with Bradley County for the 2019 Byrne Justice Assistance Grant (JAG) Program Award.

**RESOLUTION NO: 2020-13**

**WHEREAS**, the Cleveland Police department has received notification from the United States Department of Justice, Office of Justice Programs that an Interlocal agreement needs to be executed between the City of Cleveland and Bradley County, Tennessee in connection with grant funds being provided from the 2019 Byrne Justice Assistance Grant (JAG) Program; and

**WHEREAS**, the attached interlocal agreement has been prepared using a template provided by the United States Department of Justice, Office of Justice Programs; and

**WHEREAS**, the City Council desires to enter into the attached interlocal agreement with Bradley County, Tennessee and to further authorize the Mayor to execute the 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 interlocal agreement with Bradley County, Tennessee, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Bid Report** – Laundry & Dry Cleaning.

**AGENDA ITEM  
MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: March 9, 2020**  
**RE: Bid Summary – Laundry & Dry Cleaning**

**SUMMARY:**

Sealed bids were received on March 3, 2020, for Laundry & Dry Cleaning Services. The bids are listed below:

**CHAMPION CLEANERS  
CLEVELAND, TN:**

DRESS PANT	2.75	SPORT COAT (CIVILIAN)	2.84
DRESS SHIRT	2.75	SUIT - 2 PIECES (CIVILIAN)	5.59
EISENHOWER JACKET	3.28	BLACK FATIGUES - 2 PIECES	5.50
SERVICE JACKET, FUR LINED	3.28	JEANS	2.75
DRESS SHIRT, LAUNDRY	1.37	SHORTS	2.75
KNIT SHIRT	2.00	DRESS	4.50
BROWN FATIGUES, LAUNDRY	2.75	BLOUSE	2.85
KNIT PULLOVER, LAUNDRY	2.75	RAINCOAT	2.75
TIES	0.00	SUIT JACKET	2.75
BULLET PROOF VEST (CARRIER)	1.00	VEST	1.00
SWEATER (CIVILIAN)	2.75	SEWING OF INSIGNIAS	3.00

**COMMITTEE FINDINGS:**

No Board or Committee findings.

**FISCAL ANALYSIS:**

Funds are available.

**RECOMMENDATION:**

Staff recommends award to Champion Cleaners. The term of this contract will be for a one-year period beginning April 1, 2020.

- **Motion** – Requesting the Planning Commission to consider a Plan of Service and annexation of 3855 Dalton Pike (approximately 102.94 acres).

**AGENDA ITEM  
MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Joe Fivas, City Manager**  
**DATE: February 24, 2020**  
**RE: Annexation of 3855 Dalton Pike**

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**SUMMARY:**

City staff has been researching options for the annexation of 3855 Dalton Pike (i.e. Waterville Golf Course) into the City. This is a 102.94 acre parcel. The property is already served with sewer and water for existing structures. The zoning would be professional & institutional (PI). The City is not intending for the expansion of current facilities on this property, and not allowed by zoning to construct any industrial, and/or single or multi-family homes. The first step in this process is for the City Council to begin the public process for this annexation request.

**COMMITTEE FINDINGS:**

None

**FISCAL ANALYSIS:**

None

**RECOMMENDATION:**

City staff's recommendation is to approve this request to begin annexation process.

- **Motion** – Approving the purchase real property for public purpose.

**AGENDA ITEM  
MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Joe Fivas, City Manager**  
**Jonathan Jobe, Director, Development & Engineering**  
**DATE: March 9, 2020**  
**RE: Property Purchase-4125 Peerless Road**

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**SUMMARY:**

Over the past several years, the City has had a number of questions and comments from residents about the safety of the intersection at Peerless Road and Tomahawk Circle. This intersection has been increasingly getting more traffic since the Publix development, the development along Paul Huff Parkway, and the new retail development located adjacent to this neighborhood. The traffic geometry on this intersection is also problematic for proper traffic circulation. During our last city-wide Community Meetings, this neighborhood requested the City to find a solution to these safety issues. In order to develop a solution, we had a neighborhood meeting to review options for the neighborhood. The most consistent resolution was the creation of a new entrance into the neighborhood.

Our Development & Engineering Services staff developed options, and we identified the one that was most feasible. This was creating a new neighborhood entrance further south along Peerless Road. This would require the acquisition of two parcels of property. One of those properties included a 4125 Peerless Road.

City staff completed appraisals for these properties, and using a property acquisition framework used by TDOT, we approached these property owners and made non-binding offers pending City Council approval. When the owners at

4125 Peerless Road sign the agreement they will be paid \$39,000 at closing. If the City Council approves this agreement, the closing on this piece of property will be scheduled and executed.

Furthermore, we have had several internal meetings with our Planning and Development staff to make sure our development practices in the future will require the development community to due a traffic analysis and be required to protect neighborhood's from commercial traffic during the development construction.

**COMMITTEE FINDINGS:**

None

**FISCAL ANALYSIS:**

The City will make one payment in two to acquire this property for \$39,000.

**RECOMMENDATION:**

City staff's recommendation is to approve this agreement and give direction to the City Attorney and City Manager to close on the property as dictated by the agreement. If the City Council approves this agreement, the closing on this property will be scheduled and executed.

- **Motion** – Authorizing the minimum bid and selling a portion of 655 Weeks Drive by public auction.

**AGENDA ITEM  
MEMORANDUM**

**TO:** Mayor and City Council  
**FROM:** Kristi Powers, Purchasing Coordinator  
**DATE:** March 9, 2020  
**RE:** 655 Weeks Drive (Map 420 - Group E - Parcel 1.0)

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**SUMMARY:**

I met with an auctioneer concerning this site, and in his opinion the spring that runs through the property would be considered a major liability to potential buyers. Due to this, he doesn't feel it would meet the minimum bid of \$100,000 previously set by Council.

Staff believes it would be in the City's best interest to subdivide the property and retain the approximately 1.7 acres on the west side that contains the spring and stream. The City would auction off the remaining property, approximately 1.5 acres, on the east side with a minimum bid of \$55,000.

**COMMITTEE FINDINGS:**

No Board or Committee action.

**FISCAL ANALYSIS:**

No fiscal impact.

**RECOMMENDATION:**

Staff recommends approval of this item.

The motion to approve the consent agenda was seconded by Councilman Hughes and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman May stated last week we discussed traffic and feels it would be wise money spent if we could improve the intersection at 20<sup>th</sup> Street and the roadway from the bypass to Tasso Road, so the traffic would move quicker and people would have a shortcut to the north end of the city coming from the eastside. Mr. Fivas replied he has asked for staff to development an alignment to see what it could look like and to know how much right-of way it would be. They anticipate something will be brought before the Council in the future.

Councilman Hughes thanked city staff for expediting the Indian Hills project. Also, thanks to Chief Gibson for the appointment of Assistant Chief Stacy Smith.

Councilman McKenzie inquired when the 20<sup>th</sup> Street bridge repair at Barney Lane would be completed. Mr. Jobe stated he would check but approximately 4-5 months before completion.

**NEW BUSINESS AND ORDINANCES**

The following Resolution was then presented in full:

- **Resolution No: 2020-11** – Adopting a Plan of Service for the annexation of about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) (Planning Commission: Approved 8-0; 1 member absent).

**RESOLUTION NO: 2020-11**

**A RESOLUTION APPROVING A PLAN OF SERVICES FOR A PROPOSED ANNEXATION OF TERRITORY INTO THE CITY OF CLEVELAND BY OWNER CONSENT**

**NEW MURRAYTOWN RD MARTIN BROWN CONSTRUCTION PROPERTY ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by owner consent; and

WHEREAS, a Plan of Services for the territory proposed for annexation by owner consent has been reviewed by the Cleveland Municipal Planning Commission; and

WHEREAS, the governing body desires to conduct a public hearing on the proposed annexation and plan of services;

NOW THEREFORE BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

A. That a public hearing is hereby held at 3:00 pm on March 9, 2020 at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Beginning at the Northeast corner of the gates, in the West lien of Murraytown Road; running in a northerly direction with and along the West line of Murraytown Road, 171 feet, more or less, to the Southeast corner of Harden and running in a Westerly direction, on a line parallel with Gates, 360 feet to established marker and running in a Southerly direction, 191 feet more or less to established marker in the North line of Gates and running in an Easterly direction, 40 feet to a stake, then south 20 feet to a stake marker, running in a Easterly direction along the North line of Gates, 320 feet to the point of beginning bounded on the North by Harden and the lands of Gary Murray.

B. That a copy of this Resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland.

C. That notice of the time and purpose of a public hearing on the proposed annexation by owner consent and the Plan of Services shall be published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk



**FEBRUARY 11, 2020**  
**NEW MURRAYTOWN RD- MARTIN BROWN CONSTRUCTION PROPERTY**  
**ANNEXATION ANALYSIS**  
**PLAN OF SERVICE**  
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 1.31 acres located on New Murraytown Rd as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 2020.

This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services in accordance with the POS.

**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in

which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

PC 1101 Section 19 requires a “Plan of Services” (POS) prior to annexation and these services must include: police and fire protection: water, electrical and sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The property consists of one vacant parcel. Three new residential dwellings are anticipated post annexation. The property is described as Tax Map 40 Parcel 24.13.

### New Murraytown Rd



### Legal Description

Beginning at the Northeast corner of the gates, in the West line of Murraytown Road; running in a northerly direction with and along the West line of Murraytown Road, 171 feet, more or less, to the Southeast corner of Harden and running in a Westerly direction, on a line parallel with Gates, 360 feet to established marker and running in a Southerly direction, 191 feet more or less to established marker in the North line of Gates and running in an Easterly direction, 40 feet to a state, then south 20 feet to a stake marker, running in a Easterly direction along the North line of Gates, 320 feet to the point of beginning bounded on the North by Harden and the lands of Gary Murray.

### Plan of Services

#### 1. Police Protection

Patrolling, radio response to calls and other routine police services using the City’s personnel and equipment will be provided on the effective date of the annexation.

There is no additional cost expected from this annexation.

**2. Fire Protection**

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 5 on Freewill Rd. Providing service to this parcel would have no budgetary impact on the Fire Department.

**3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants**

A. Domestic Water--- Water service is available to this parcel via existing 4-inch water main along New Murraytown Road.

B. Sanitary Sewer--- This parcel is east of and adjacent to Stone Creek Subdivision. It appears this lot can be served by gravity sewer. Approximately 470 feet of 8-inch gravity sewer can be installed from an existing manhole (MH 187-35) south along the west side of New Murraytown Road. The gravity sewer main is estimated to cost \$56,400 and would be available in eight (8) years.

C. Fire Protection--- A fire hydrant is located just north of this parcel along New Murraytown Road at the entrance to Stone Creek Subdivision approximately 550 feet north of this parcel.

If it is determined that a fire hydrant is needed closer to this parcel, approximately 365 feet of 8-inch diameter water main is proposed along with a new fire hydrant along New Murraytown Road in front of the parcel. It is estimated to cost \$23,000 and would be available in eight (8) years.

**SUMMARY OF COSTS**

<b>Location</b>	<b>Domestic Water</b>	<b>Sanitary Sewer</b>	<b>Fire Protection</b>	<b>Total</b>
New Murraytown Road	\$0	\$56,400	\$23,000	\$79,400

**4. Electric Service**

This property is currently served by Cleveland Utilities Electric Division. No additional costs are anticipated.

**5. Public Works**

*A. Refuse Collection*

- a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City’s contract with Waste Connections of Tennessee, Inc.
- b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

- a. Current city policies regarding residential debris, brush, and white good collections will apply in all proposed areas and will begin at the time of annexation. Each residence will be included in the City’s ten route collection system. No additional equipment or manpower will be needed at this time.
- b. The current city policies regarding residential leaf collection will be provided annually

for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

- a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.
- b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.
- c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.
- d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

No major drainage problems were identified in these areas. Emergency drainage maintenance (i.e. cleaning catch basins, unblocking tile, installing drainage tile and/or catch basins) within these areas will begin at time of annexation.

*E. General Rights-of-Way Maintenance (i.e. street sweeping, snow removal)*

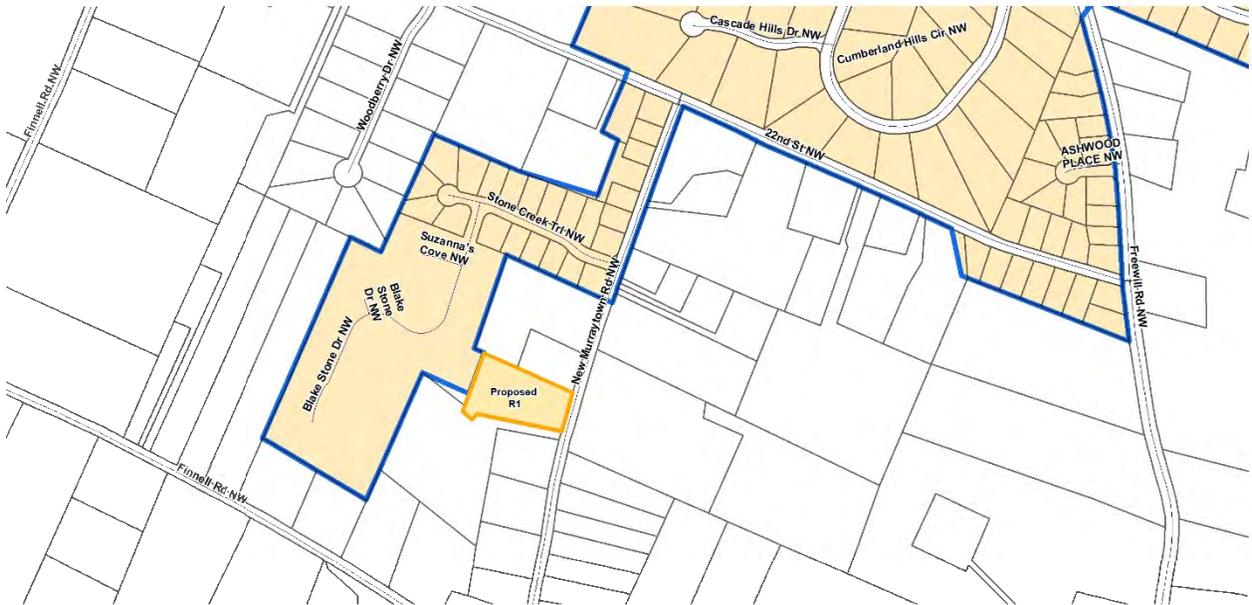
- a. Current city policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.
- b. Current city policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

## **6. Schools**

The current cost to the school system is \$976.59 per student per year. It is estimated that one additional student would be added to the school system enrollment as a result of this annexation.

## **7. Planning and Zoning**

- A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.
- B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for R1 Single Family Residential Zoning District as its post-annexation zoning.



- C. In the case of lots of record that are recorded prior to the effective date of annexation, if there are prevailing deed or subdivision restrictions on record, these deed or subdivision restrictions shall apply if in conflict with City zoning or subdivision regulations.

**8. Animal Shelter**

The City operates a full-time animal control program including an animal shelter. The Animal Shelter is located on Hill Street SE. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

**9. Voting Rights and City Elections**

- A. If an eligible voter’s permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.
- B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.
- C. This annexation is expected to add approximately 8 residents to the 3rd City Council District.

**10. Stormwater**

- a. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. The monthly fee will be \$1.63.
- b. All new development will need to adhere to the City of Cleveland Stormwater Ordinance.
- c. The City of Cleveland is now a Qualified Local Program (QLP). All development needing the Tennessee Department of Environment and Conservation (TDEC) Construction General Permit coverage will submit all required documentation and fees to the City of Cleveland only.

**Revenue**

The property is currently vacant with a total assessed value of \$32,300. At the City's current tax rate this would result in approximately \$166.35 in annual property tax.

With the expected three new homes on the site conservatively estimated at a value of \$225,000 each, property tax revenue would increase to approximately 3,476.25. With an estimated 8 additional residents in the annexation area after being developed and a current state shared appropriation per person of \$115.75 the property would generate approximately \$926.

Total revenue generated as a result of this annexation after being developed with three new homes would be approximately **\$4,402.25**.

Councilman Cassada moved that Resolution No: 2020-11 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-12** – Annexing about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) (Planning Commission: Approved 8-0; 1 member absent).

**RESOLUTION NO: 2020-12**

**A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF CLEVELAND, TENNESSEE**

**NEW MURRAYTOWN RD- MARTIN BROWN CONSTRUCTION PROPERTY ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries; and

WHEREAS, the owners of all property within the territory proposed for annexation have given their written consent by notarized petition so that a referendum is not required; and

WHEREAS, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland; and

WHEREAS, a Plan of Services for the area proposed for annexation is attached as *Exhibit A* hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

WHEREAS, the proposed annexation and Plan of Services were submitted to the Cleveland Municipal Planning Commission for study, and it has recommended the same; and

WHEREAS, notice of the time and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on March 9, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

A. That the following territory is hereby annexed and incorporated into boundaries of the City of Cleveland, to wit:

Beginning at the Northeast corner of the gates, in the West line of Murraytown Road; running in a northerly direction with and along the West line of Murraytown Road, 171 feet, more or less, to the Southeast corner of Harden and running in a Westerly direction, on a line parallel with Gates, 360 feet to established marker and running in a Southerly direction, 191 feet more or less to established marker in the North line of Gates and running in an Easterly direction, 40 feet to a state, then south 20 feet to a stake marker, running in a Easterly direction along the North line of Gates, 320 feet to the point of beginning bounded on the North by Harden and the lands of Gary Murray.

B. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted.

C. That the City Clerk’s office will cause a copy of this Resolution to be forwarded to the Mayor of Bradley County including the Plan of Services.

D. That a copy of this Resolution shall be sent to the Tennessee Comptroller of the Treasury and the Bradley County Assessor of Property.

E. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district.

WHEREUPON, the Mayor affixed a signature and date thereto and directed that the same be recorded.

EFFECTIVE DATE: Be it further resolved that this Resolution shall only become effective at the time of the final passage of the ordinance zoning for the aforementioned property within the City of Cleveland.

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

Councilman Cassada moved that Resolution No: 2020-12 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-08** – Zoning of about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 8-0; 1 member absent).

**Zoning Ordinance No: 2020-08**

**AN ORDINANCE TO ZONE THE “NEW MURRAYTOWN RD- MARTIN BROWN CONSTRUCTION PROPERTY ANNEXATION AREA” WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE**

WHEREAS, a public hearing before this body was held on the 9th day of March 2020 a notice thereof published in the *Cleveland Daily Banner* on February 23, 2020 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution No: 2020-11; and,

WHEREAS, this property was annexed by Resolution No: 2020-12; and

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

Section 1. BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, zoned from FAR Forestry/Agricultural/Residential Zoning within the unincorporated County to R1 Single Family Residential Zoning District within the corporate limits of the City of Cleveland.

Section 2. The property shown in Exhibit “A” and shall be zoned in accordance with the legal description described in Exhibit “B”, attached hereto and made a part hereof by reference, upon the effective date of this ordinance.

Section 3. Be it further ordained that this Ordinance shall take effect immediately on final reading the public welfare requiring it.

APPROVED AS TO FORM:

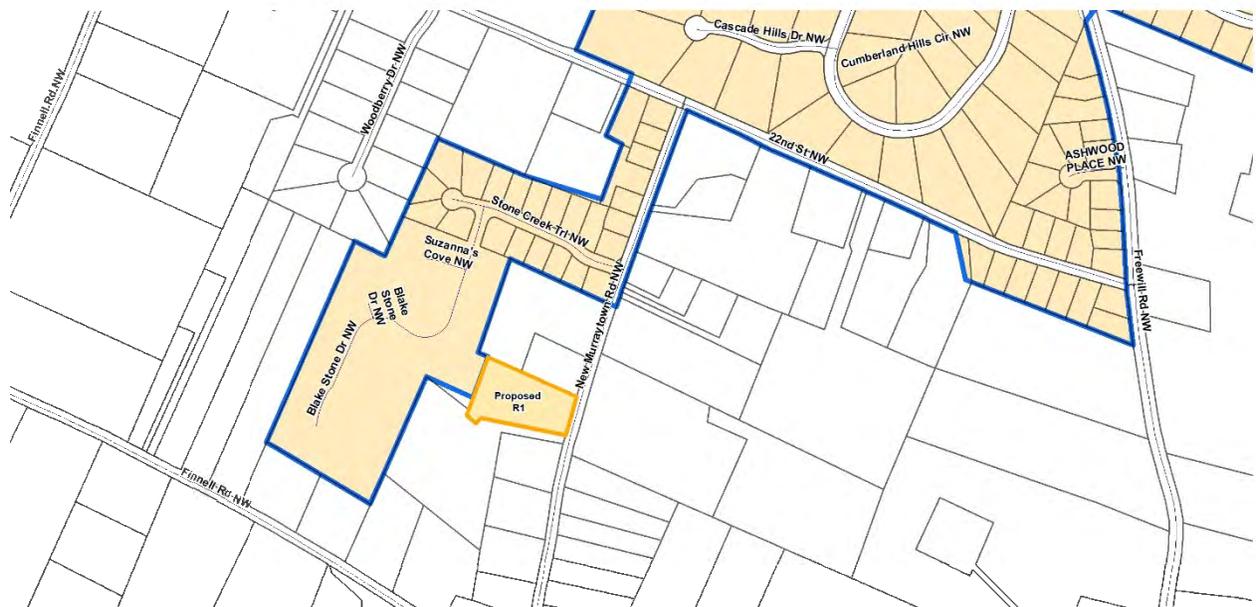
/s/John F. Kimball

City Attorney

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

**Exhibit A**



## Exhibit B

### Legal Description

Beginning at the Northeast corner of the gates, in the West line of Murraytown Road; running in a northerly direction with and along the West line of Murraytown Road, 171 feet, more or less, to the Southeast corner of Harden and running in a Westerly direction, on a line parallel with Gates, 360 feet to established marker and running in a Southerly direction, 191 feet more or less to established marker in the North line of Gates and running in an Easterly direction, 40 feet to a state, then south 20 feet to a stake marker, running in a Easterly direction along the North line of Gates, 320 feet to the point of beginning bounded on the North by Harden and the lands of Gary Murray.

Councilman Cassada moved that Zoning Ordinance No: 2020-08 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-14** – Requesting TDOT to partner with the City for widening of 25<sup>th</sup> Street and N. Ocoee Intersection.

### **RESOLUTION NO: 2020-14**

#### **RESOLUTION TO REQUEST THAT THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FUND AND CONSTRUCT NEEDED IMPROVEMENTS TO THE INTERSECTION OF 25<sup>TH</sup> STREET (SR 60) AND OCOEE STREET (SR 74)**

**WHEREAS**, the 25<sup>th</sup> Street (SR 60) and Ocoee Street (SR 74) intersection is extremely over capacity causing roadway congestion and excessive delays for drivers; and

**WHEREAS**, the problems of congestion and driver delay have been exacerbated by continued growth and development in Bradley County and the City of Cleveland which has brought and will continue to bring increasing amounts of traffic to the intersection; and

**WHEREAS**, the unexpected cost of the project caused the City of Cleveland to determine in 2013 that it lacked the fiscal capacity, among other local obstacles, to advance the project in cooperation with TDOT and to ask TDOT to build the needed improvements to these two intersecting state routes at TDOT expense.

**WHEREAS**, under any matrix these two state maintained roads are functionally failing, causing safety concerns for the community, and significantly delaying commerce of our region. The City stands prepared and ready to partner with TDOT on these improvements.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cleveland, Tennessee that:

1. Authorizes the Mayor & City Council to renew its request in writing to TDOT for TDOT funding and construction of needed improvements to the 25<sup>th</sup> Street (SR 60) and Ocoee Street (SR 74) intersection.

2. Authorizes City staff to seek a determination of the needed design, project costs, and project schedule from State officials, and to report the same to the City Council for further consideration.

3. Authorizes City staff to work with the TDOT on project funding match, if necessary.

Approved this 9<sup>th</sup> day of March, 2020.

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

Councilman Webb moved that Resolution No: 2020-14 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman May moved to reappoint Scott Taylor to the Industrial Development Board for a new term to expire March 2026. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced City Offices will be closed on Monday, May 25<sup>th</sup> in observance of Memorial Day. Also, the May 25<sup>th</sup> 3:00 p.m. Regular Session Council meeting will be held on Tuesday, May 26<sup>th</sup> due to the Memorial Day Holiday. (No Work Session)

Councilman Estes asked when stop signs are placed in the Historic District in the future, they be the black post and base models. Vice Mayor Johnson stated behind the old Mayfield School along 15<sup>th</sup> and Peoples Street have a four-way stop sign installed. Mr. Fivas stated staff would study the area.

Councilman Hughes stated this Friday the Lady Flames will be playing in a conference this weekend in town, which includes several surrounding states. He has a bias interest in number 12. The first basketball game will be at 5:00 on Friday.

There being no future business the meeting was adjourned at 3:22 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, MARCH 23, 2020 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Due to Governor Bill Lee's Executive Order No. 17 which limits public gatherings due to the COVID-19 pandemic, the City Council meeting was cancelled.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, APRIL 13, 2020 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Due to Governor Bill Lee's Executive Order No. 17 which limits public gatherings due to the COVID-19 pandemic, the City Council meeting was cancelled.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 27, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 16, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson; Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance were: City Manager Joe Fivas; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Kristi Powers; Budget/Purchasing Coordinator; Corey Divel, Assistant to the City Manager/ Communications Coordinator/Downtown Coordinator/Senior Planner and Tim Sinead with *The Cleveland Daily Banner*. Also, various staff and Department Heads were dialed into the virtual meeting line. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 March 9, 2020 and approve them as written. The motion was seconded by Councilman Estes; and upon roll call, the motion unanimously passed.

#### **CITY MANAGER REPORT**

City Manager Joe Fivas first gave an update on current city projects, like the new pickleball courts, Blythe to Blythe park improvements and current traffic congestion project. He also updated the Council on the City's response to Covid-19 and addressed the recent tornado damage and how the community has pulled together with cleanup efforts. Mr. Fivas then reviewed the meeting agenda, which included the FY2021 budget review. Budget highlights included:

- Economic uncertainty and increased costs made this a very difficult budget to balance.
- Potential loss of sales tax and other revenues.
- Mayor, City Council, and staff planned for a potential economic downturn. It will be difficult, but we will weather this storm.
- Temporary hiring freeze, no new positions, and reductions in some budgets.
- ✓ Priority NO TAX INCREASE.
- ✓ Priority was to maintain all Community Services for residents.
- ✓ Priority for Increased Traffic Congestion Projects.
- ✓ Priority for Neighborhood Street Paving.
- ✓ Priority for Police & Fire Services.

Mr. Fivas continued to update the Council on the FY19-21 project list related to traffic congestion and their timelines, which includes forty-three projects with seven of those being completed.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the FY2021 Budget. Mayor Brooks asked if anyone would like to speak in favor of the adoption of the FY2021 Budget. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the adoption of the FY2021 Budget. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically concerning the adoption of the FY2021 Budget.]

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Zoning Ordinance No: 2020-08** – heretofore passed on first reading March 9, 2020 and found in Minute Book 29, Page 776; zoning of about 1.31 acres located on New Murraytown Rd NW (Tax Map 40 Parcel 24.13) from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 8-0; 1 member absent).
- **Resolution No: 2020-15** – Authorizing the Mayor to sign they FY2021 TDOT Highway Maintenance contract.

**RESOLUTION NO: 2020-15**

WHEREAS, the State of Tennessee Department of Transportation has submitted the attached contract for maintenance of State Highways through the City of Cleveland, Tennessee, to the City Council of the City of Cleveland for the purpose of providing for approval of said Contract; and

WHEREAS, the City Council of the City of Cleveland desires to approve said Contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be, and hereby is, authorized to sign the Contract on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

Adopted this 27<sup>th</sup> day of April, 2020.

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

- **Resolution No: 2020-16** – Authorizing the Mayor to sign an agreement with Southeast Tennessee Development District for Housing Rehabilitation Coordinator Services.

**RESOLUTION NO. 2020-16**

WHEREAS, in connection with the HOME Investment Partnerships Program made available by competitive award from the Tennessee Housing Development Agency (THDA), the City has determined that it is necessary to obtain a contractor to perform certain technical or professional administrative services, specifically Housing Rehabilitation Coordinator Services, in connection with this program; and

WHEREAS, in connection with said program, City staff are recommending that the City enter into the attached agreement with the Southeast Tennessee Development District for these services; and

WHEREAS, the City Council now desires to approve of the attached agreement with Southeast Tennessee Development District for the referenced program, and to further authorize the Mayor to execute the same 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 agreement with Southeast Tennessee Development District for the referenced program described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of April, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-17** – Accepting Stone Creek Trail (approximately 570 feet) and Blake Stone Drive (the northern 100-foot section) in Stone Creek Subdivision as city streets.

**RESOLUTION NO: 2020-17**

**WHEREAS**, Stone Creek Subdivision is a development located in the City of Cleveland; and

**WHEREAS**, Stone Creek Subdivision is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 119; and

**WHEREAS**, Stone Creek Trail is a street located within this development and is depicted on this Plat; and

**WHEREAS**, Blake Stone Drive is also a street located within this development and is depicted on this Plat; and

**WHEREAS**, the developer has requested that the City accept Stone Creek Trail (approximately 570 feet) as a City street; and

**WHEREAS**, the developer has also requested that the City accept Blake Stone Drive (the northern 100-foot section) as a City street; and

**WHEREAS**, the City's engineering staff has inspected Stone Creek Trail and is now recommending that the City accept Stone Creek Trail (approximately 570 feet) as a City street; and

**WHEREAS**, the City's engineering staff has also inspected Blake Stone Drive and is now recommending that the City also accept the northern 100-foot section of Blake Stone Drive as a City street.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Stone Creek Trail (approximately 570 feet) as a City street.

**BE IT FURTHER RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept the northern 100-foot section of Blake Stone Drive as a City street.

This 27<sup>th</sup> day of April 2020.

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

- **Resolution No: 2020-18** – Authorizing the Mayor to sign amendment 1 with Wright Brothers Construction Company related to Candies Lane improvement project.

**RESOLUTION NO. 2020-18**

**WHEREAS**, the City entered a contract with Wright Brothers Construction Company, Inc. for the Candies Lane improvement project; and

**WHEREAS**, the City has prepared the attached contract amendment number 1 with Wright Brothers Construction Company, Inc. for the described project; and

**WHEREAS**, the City Council desires to enter the attached contract amendment number 1 with Wright Brothers Construction Company, Inc. for the project described herein, and to further authorize the Mayor to execute this contract amendment 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 contract amendment number 1 with Wright Brothers Construction Company Inc. for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 27<sup>th</sup> day of April 2020.

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

- **Resolution No: 2020-19** – Accepting the remaining conveyances with D&G and the City for property located at Paul Huff Corners.

**RESOLUTION NO: 2020-19**

**WHEREAS**, Paul Huff Corners is a development located off Paul Huff Parkway in the City of Cleveland; and

**WHEREAS**, by Resolution 2018-89 approved on October 22, 2018, the City Council approved an agreement with the Developer of Paul Huff Corners; and

**WHEREAS**, by Resolution 2019-91 passed on September 23, 2019, the City Council agreed to accept Faith Lane from the developer, which street is located within the development, and

**WHEREAS**, the Developer subsequently conveyed Faith Lane to the City by deed recorded on December 9, 2019 in the Register of Deeds office; and

**WHEREAS**, the City and the Developer wish to complete the remaining conveyances that were contemplated and agreed to between the parties in the agreement approved by Resolution 2018-89;and

**WHEREAS**, the City and the developer are seeking the City Council’s approval for these remaining conveyances; and

**WHEREAS**, the deeds for the proposed conveyances are attached hereto and incorporated herein by reference; and

**WHEREAS**, the City's engineering staff has reviewed the legal descriptions in these documents and has approved the accuracy of the descriptions; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept the conveyances from the developer as described in the attached deed to the City from the developer.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the deed from the City to the Developer which is attached to this Resolution.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-20** – Authorizing the Mayor to sign a contract with TDOT relating to the Cleveland Chattanooga Commute Hub Park and Ride.

**RESOLUTION NO. 2020-20**

**WHEREAS**, the City has received the attached contract from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

**Project:** Cleveland-Chattanooga Commute Hub

Agreement Number: 190175  
Project Identification Number: 125584.00  
Federal Project #: CM-9203(25)  
State Project #: 06LPLM-F3-067

**WHEREAS**, the City Council desires to enter into the attached contract with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 27<sup>th</sup> day of April, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Motion** – Authorizing staff to submit an application for the Local Government Support Grant through the State of Tennessee.

**TO: Mayor and City Council**  
**FROM: Joe Fivas, City Manager**  
**DATE: April 23, 2020**  
**RE: Governor Lee’s Local Government Support Grant**

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**SUMMARY:**

In the State of Tennessee’s FY 2021 budget, the Governor proposed and the legislature approved, a new Local Government Support Grant to financially assist community’s during these uncertain times. The city of Cleveland has been allocated approximately \$1,022,000 that must be spent before April 30, 2021. These funds will be available for distribution on July 1<sup>st</sup>, 2020.

City staff has internally reviewed a number of options on to how utilize these funds to best support our local economy, equally benefit all residents, and provide additional safety for all residents.

City staff has developed an option to fund the widening improvements of Mouse Creek Road and Paul Huff intersection. We are in the process of finalizing the Mouse Creek Rd/Paul Huff Parkway design parameters. We hope to include double left turns from Mouse Creek to Paul Huff, an individual slip lane for vehicles going right from Mouse Creek Rd to Paul Huff, and the widening and turn lane extension on the other intersection turns. We hope to also put up mast arms for the traffic lights at this location. This project will also assist with the future development from the new LeConte Development that exits onto Mouse Creek Road from the future Peerless Connector Project, near Home Depot, that will bring significant additional traffic to this area. LeConte Development has already dedicated the Right-of-Way for our project. This project will cost approximately \$900,000 to \$1,000,000. The City will be responsible for design and project management of this bid project.

Furthermore, the grant would be able to facilitate the costs for a VOIP phone system to replace our current phone system. We estimate that the cost for a new VOIP phone system would be approximately \$100,000. The City would save funds with the reduced costs from our current phone provider.

**COMMITTEE FINDINGS:**

None

**FISCAL ANALYSIS:**

None

**RECOMMENDATION:**

City staff’s recommendation is for the City Council to approve this Grant Application and give the authority to the City Manager turn in a Grant Application to the State for the total of approximately \$1,022,000, and City would budget for any project overruns. City staff’s intent is to bid this project this summer.

- **Bid Report - Waterville Golf Course.**

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: April 27, 2020**  
**RE: Waterville Golf Course Lease RFP**

**SUMMARY:**

The City advertised to accept proposals on April 9th for the Waterville Golf Course lease. No proposals were received.

**COMMITTEE FINDINGS:**

None.

**FISCAL ANALYSIS:**

None.

**RECOMMENDATION:**

Recommendation is to further discuss options that were previously presented to Council for the golf course operations.

The motion to approve the consent agenda was seconded by Councilman May and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Mayor Brooks thanked city staff, particularly Public Works, Cleveland Fire and Police Departments, for their cooperation with Bradley County Departments in assisting them during the tornado relief efforts.

Councilman Webb reported it was good to see Wright Brothers beginning the construction project on Candies Lane this morning.

Vice Mayor Johnson commended staff on another budget year with no tax increase, restricting our debt and reducing our paving cycle. He appreciates all the hard work.

Councilman McKenzie stated he is thankful for no new taxes in the upcoming budget year.

Councilman Estes stated he went out Monday morning after the tornado and it was amazing to see the people in District 2 come together. It was an emotional time and people were very professional, so kudos to the workers. Second, he encouraged the Council to drive down Chippewa Avenue to see the sidewalk stakes from the detention pond to Avery Johnson Park. Great things are happening in the Blythe area with new homes through City Fields and Century Village off 20<sup>th</sup> Street and the old Whirlpool site coming down. He encouraged everyone again to get out and see all the good things happening in the area. Lastly, he thanked Mr. Fivas on the budget and thanks to Mr. McKay for being conservative. He asked that Mr. McKay continue to look for ways to lock in debt while the bond market fluctuates.

Councilman Cassada thanked staff for no increase in taxes in the budget proposal. He then thanked all first responders and all city employees, including Cleveland Utilities who are working the front line still serving the citizens during the coronavirus pandemic.

Mayor Brooks thanked our partners Cleveland Utilities, who quickly restored power in the areas that were able to have power. Tim Henderson thanked Mayor Brooks and stated it was challenging but several surrounding counties like Loudon, Morristown and Oak Ridge came to assist.

Councilman Hughes added he would like to recognize Beverley Lindsey, who took over the responsibility from Brian Moran of the Cleveland Connector. She has done an excellent job.

Councilman Webb added he would like to thank Cleveland Utilities' for their work after the storms, knowing first-hand what they had to deal with, he'd like to thank them in addition to all other departments for their work.

**NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Ordinance No: 2020-09** – Adopting the 2020 Tax Rate for FY2021 (\$2.06).

**ORDINANCE NO: 2020-09  
TAX ORDINANCE – YEAR 2020**

AN ORDINANCE TO PROVIDE AND FIX FOR THE CITY OF CLEVELAND, TENNESSEE, FOR THE YEAR 2020, AND SUBSEQUENT YEARS, THE TAX RATE ON ALL PROPERTY, BOTH REAL AND PERSONAL; TO PROVIDE A BUSINESS TAX; TO PROVIDE FOR A SPECIAL FRANCHISE PRIVILEGE TAX, IN ACCORDANCE WITH AND AS SET FORTH IN THE “BUSINESS TAX ACT” KNOWN AS CHAPTER 387 OF THE PUBLIC ACTS OF 1971, PASSED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEVELAND, AND TO FIX A PENALTY FOR ANY PERSON, FIRM OR CORPORATION EXERCISING ANY SUCH VOCATION, OCCUPATION OR BUSINESS WITHIN SAID CITY OF CLEVELAND WITHOUT FIRST PAYING SAID TAX.

SECTION 1. BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee, that the tax levy on all property, both real and personal, for the year 2020, and each subsequent year thereafter be, and is, \$2.06 on each One Hundred Dollars (\$100.00) of assessed valuation.

SECTION 2. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that all persons, firms and corporations engaged in any location, occupation or business within the corporate limits of said City shall pay a business tax to the City of Cleveland equal to and in the same amount as the business tax prescribed to be paid by such person, firm or corporation under the terms and provisions of the “Business Tax Act”, known and designated as Chapter 387 of the Public Acts of 1971, as passed by the aforesaid Act hereto attached, read and understood by the said City Council, and made a part of this Ordinance; and the rate of taxes on such business is made a part hereof as fully as if the same were incorporated in full herein; and the rate of taxes on such privilege and privileges named in said Act for retail businesses shall be as follows:

Class 1A	1/10 of 1% retail 1/40 of 1% wholesale
Class 1B	1/10 of 1% retail 3/80 of 1% wholesale
Class 1C	1/10 of 1% retail 3/80 of 1% wholesale
Class 1D	1/20 of 1%
Class 2	3/20 of 1% retail 3/80 of 1% wholesale
Class 3	3/16 of 1% retail 3/80 of 1% wholesale
Class 4	1/10 of 1%

and the taxes shall be paid to the City Clerk as provided by law and Ordinances for the collection of all revenues for the City of Cleveland, Tennessee.

SECTION 3. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that there is also levied a special franchise privilege tax, in accordance with the provisions of Chapter 311 of the Public Acts of the 85th General Assembly of the State of Tennessee, on all public utility corporations, domestic and foreign, and which do business, own property, or operate as a public utility in the City of Cleveland, Tennessee. The base of such tax shall be determined as set forth in Chapter 311 aforesaid. The rate of said tax shall be \$2.06 for each one hundred dollars (\$100.00) of assessed valuation.

SECTION 4. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that it shall be unlawful for any person, firm or corporation to exercise the privileges set forth and referred to in this Ordinance before complying with the provisions of the Ordinance, and anyone exercising any of the forgoing privileges without paying the tax prescribed shall be guilty of a misdemeanor and liable to a fine on conviction of not less than \$5.00, nor more than \$50.00, for each such privilege which is exercised without a license, to be imposed by the City Judge of the City of Cleveland.

SECTION 5. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that if any Section or part of this Ordinance shall be declared invalid or unenforceable, the invalidity of such Section or part shall not otherwise affect its validity but the remaining Sections or parts of this Ordinance shall be enforced without regard to the Section or part declared to be invalid.

SECTION 6. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; however, this Ordinance shall not be the exclusive means of taxation within the City of Cleveland, Tennessee, but is in addition to any other valid Ordinances in existence at the present time by which the City may collect a tax or taxes, and this Ordinance shall take effect from and after its passage, the public welfare of the City of Cleveland requiring it.

Signed in Open Meeting:

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

\_\_\_\_\_  
 Councilman McKenzie

\_\_\_\_\_  
 Councilman Estes

ATTEST:

\_\_\_\_\_  
 Shawn McKay, City Clerk

\_\_\_\_\_  
 Councilman Cassada

\_\_\_\_\_  
 Councilman May

APPROVED AS TO FORM:

\_\_\_\_\_  
 John F. Kimball, City Attorney

\_\_\_\_\_  
 Councilman Hughes

\_\_\_\_\_  
 Councilman Webb

\_\_\_\_\_  
 Vice Mayor Johnson

Councilman Cassada moved that Ordinance No: 2020-09 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously approved.

The following Ordinance was then presented in full:

- **Ordinance No: 2020-10 – Adopting the FY2021 Budget.**

**ORDINANCE NO: 2020-10**

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF CLEVELAND, TENNESSEE.

BE IT ORDAINED by the City of Cleveland as follows:

Whereas, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance including a financial plan with at least the information required by that state statute;

Whereas, Section 6-22-124, Tennessee Code Annotated, requires the city council to adopt an appropriation ordinance including all funds before the first day of the fiscal year;

Whereas, the budget process is one of the most important activities undertaken by governments for the public welfare. With the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

Whereas, the financial plan developed in this process being the document to communicate the plan the City of Cleveland has decided to implement for the coming fiscal year;

SECTION 1: **REVENUES.** That the City of Cleveland estimates anticipated revenues of the municipality from all sources including current and delinquent taxes, nontax revenues, and proceeds from the sale of debt to be \$272,664,764. All of these sources are available for appropriation.

Anticipated Revenues	2018-2019 (ACTUAL)	2019-2020 (ESTIMATED)	2020-2021 PROPOSED
<b>Revenues:</b>			
<b>General Fund</b>	\$49,492,710	\$49,676,620	\$50,374,400
<b>Special Revenue Funds:</b>			
Solid Waste Management	2,573,373	2,880,000	2,882,000
State Street Aid	1,475,676	1,500,000	1,440,000
General Purpose School	44,147,995	44,968,460	45,024,913
Schools Food Service	3,123,074	3,576,383	3,849,320
Cleveland Public Library	767,196	807,600	793,600
Drug Enforcement	45,290	10,100	18,600
2017 Byrne Mem. Justice Asst. Grant	0	0	0
2018 Byrne Mem. Justice Asst. Grant	36,481	38,036	0
Community Dev. Block Grant	496,169	744,798	739,000
E-Ticketing	14,720	12,000	0
Recycling Grant	0	0	0
Schools Federal Projects	3,778,135	0	0
Metropolitan Planning Organization	159,551	178,100	178,100
<b>Debt Service</b>	303,309	2,930,597	3,004,075

Anticipated Revenues, cont'd:	<u>2018-2019</u> <u>(ACTUAL)</u>	<u>2019-2020</u> <u>(ESTIMATED)</u>	<u>2020-2021</u> <u>PROPOSED</u>
<b>Revenues:</b>			
<b>Capital Projects Funds:</b>			
THDA Home Grant	135,106	545,362	0
Greenway Fund	0	0	0
Capital Improvements Program	2,849,161	9,759,074	0
Sales Tax Capital Projects Fund	4,285,709	4,103,365	4,088,000
Spring Branch Industrial Park Fund	828	0	0
<b>Enterprise Funds:</b>			
Stormwater Management	1,575,688	1,612,500	1,622,700
Cleveland Utilities Electric Division	103,540,307	105,653,441	102,122,246
Cleveland Utilities Water/Wastewater Division	29,389,874	31,239,222	33,248,251
<b>Trust Funds:</b>			
Meiler Trust Fund	5,230	6,700	500
<b>Internal Service Fund:</b>			
Fleet Management	0	0	0
Health Insurance Trust Fund	4,494,075	4,182,416	5,009,531
<b>Total Revenues</b>	<b>252,689,657</b>	<b>264,424,774</b>	<b>254,395,236</b>
<b>Other financial sources</b>			
<b>Operating transfers in:</b>			
<b>General Fund:</b>			
	2,732,072	2,773,725	2,923,806
<b>Special Revenue Funds:</b>			
Solid Waste Management	1,074,100	1,075,400	950,000
State Street Aid	0	0	0
General Purpose School	5,273,600	5,432,000	5,432,000
Cleveland Public Library	654,000	673,600	673,600
Community Dev. Block Grant	20,000	30,000	30,000
Recycling Grant	10,000	0	0
Metropolitan Planning Organization	57,000	44,500	44,500
<b>Debt Service</b>	<b>8,687,641</b>	<b>6,752,368</b>	<b>6,765,622</b>
<b>Capital Projects Funds:</b>			
Capital Improvement Program	1,419,289	1,533,182	1,450,000
Greenway Fund	0	0	0
<b>Enterprise Funds:</b>			
Stormwater Management	0	0	0
<b>Total Operating Transfer In:</b>	<b>\$19,927,702</b>	<b>\$18,314,775</b>	<b>\$18,269,528</b>
<b>Anticipated Revenues</b>			
	<u>2018-2019</u> <u>(ACTUAL)</u>	<u>2019-2020</u> <u>(ESTIMATED)</u>	<u>2020-2021</u> <u>PROPOSED</u>
<b>Other financial sources:</b>			
<b>Operating transfers in, cont'd:</b>			
<b>Capital Contributions</b>			
<b>Enterprise Funds:</b>			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	271,254	0	0
Cleveland Utilities Water/Wastewater Division	348,439	0	0
<b>Internal Service Funds:</b>			
Health Insurance Trust	0	0	0
<b>Total Capital Contributions:</b>	<b>619,693</b>	<b>0</b>	<b>0</b>
<b>Bond &amp; Note Proceeds and Capital Lease</b>			
General Fund	69,475	0	0
General Purpose School Fund	0	400,000	0
Capital Improvement Program	10,394,653	1,753,452	0
Spring Branch Industrial Park	0	0	0
Debt Service	40,431,684	0	0
<b>Total Bond &amp; Note Proceeds:</b>	<b>\$50,895,812</b>	<b>\$2,153,452</b>	<b>\$0</b>
<b>Total Other Financing Sources</b>	<b>\$71,443,207</b>	<b>\$20,468,227</b>	<b>\$18,269,528</b>
<b>Total Revenues and Other Financing Sources</b>	<b>\$324,132,864</b>	<b>\$284,893,001</b>	<b>\$272,664,764</b>

Details of these revenues and other financing sources are shown in the City of Cleveland's budget document by fund.

SECTION 2: **APPROPRIATIONS.** That the City of Cleveland appropriates from these anticipated revenues and unexpended and unencumbered funds the following:

Expenditures	<u>2018-2019 (ACTUAL)</u>	<u>2019-2020 (ESTIMATED)</u>	<u>2020-2021 PROPOSED</u>
<b>General Fund</b>	\$34,905,499	\$38,095,140	\$38,915,989
<b>Special Revenue Funds:</b>			
Solid Waste Management	3,766,405	3,959,381	3,931,750
State Street Aid	792,751	759,200	752,975
General Purpose School	53,322,741	50,244,741	50,385,394
Schools Food Service	3,260,642	3,576,383	3,849,320
Cleveland Public Library	1,410,372	1,481,200	1,480,700
Drug Enforcement	80,168	18,600	18,600
2017 Byrne Mem. Justice Asst. Grant	0	0	0
2018 Byrne Mem. Justice Asst. Grant	36,481	38,036	0
Community Dev. Block Grant	511,025	898,579	375,000
E Ticketing	22,928	31,869	0
Recycling Grant	11,180	0	0
Schools Federal Project	3,778,135	0	0
Metropolitan Planning Organization	203,095	222,600	299,800
<b>Debt Service</b>	47,558,224	10,200,758	10,251,341
<b>Capital Projects Funds:</b>			
THDA Home Grant	135,106	545,362	0
Greenway Fund	0	0	0
Capital Improvements Program	9,149,989	17,389,280	1,450,000
Sales Tax Capital Projects Fund	3,377,184	7,181,435	3,816,006
Spring Branch Industrial Park Fund	167,075	0	0
<b>Enterprise Funds:</b>			
Stormwater Management	452,761	1,809,587	1,424,910
Cleveland Utilities Electric Division	96,845,949	99,609,040	95,451,503
Cleveland Utilities Water/Wastewater Division	24,849,065	25,745,441	27,279,806
<b>Trust Funds:</b>			
Meiler Estate Trust Fund	0	0	0
<b>Internal Service Fund:</b>			
Health Insurance Trust Fund	4,260,720	4,033,490	4,647,772
<b>Total Expenditures</b>	288,897,495	265,840,122	244,330,866
<b>Nonoperating Revenues (Expenses)</b>	<u>2018-2019 (ACTUAL)</u>	<u>2019-2020 (ESTIMATED)</u>	<u>2020-2021 PROPOSED</u>
<b>Enterprise Funds:</b>			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	(679,211)	(628,018)	(534,876)
Cleveland Utilities Water/Wastewater Division	(1,702,486)	(1,744,642)	(1,744,642)
<b>Debt Service</b>	(256,558)	(5,000)	(5,000)
<b>Internal Service Fund:</b>			
Health Insurance Trust Fund	0	0	0
<b>Total Nonoperating Revenues (Expenses)</b>	(2,638,255)	(2,377,660)	(2,284,518)
<b>Other Financing Uses</b>	<u>2018-2019 (ACTUAL)</u>	<u>2019-2020 (ESTIMATED)</u>	<u>2020-2021 PROPOSED</u>
<b>Operating Transfers Out</b>			
<b>General Fund</b>	14,747,493	14,538,186	14,340,325
<b>Special Revenue Funds:</b>			
Solid Waste Management	10,000	0	0
State Street Aid	440,618	447,145	449,878
General Purpose School	555,519	555,719	555,519
Schools Federal Project	0	0	0
<b>Capital Projects Funds:</b>			
Capital Improvements Program	0	0	0
Spring Branch Industrial Park Fund	1,442,000	0	0
Greenway Fund	12,735	0	0
<b>Enterprise Funds:</b>			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	2,265,314	2,310,622	2,449,223
Cleveland Utilities Water/Wastewater Division	454,023	463,103	474,583
<b>Internal Service Fund:</b>			
Health Insurance Trust	0	0	0
<b>Nonexpendable Trust Funds:</b>			
Meiler Estate Trust Fund	0	0	0
<b>Total Operating Transfers Out</b>	19,927,702	18,314,775	18,269,528
<b>Total Other Financing Uses</b>	22,565,957	20,692,435	20,554,046
<b>Total Expenditures and Other Financing Uses</b>	311,463,452	286,532,557	264,884,912
Details of these appropriated expenditures are shown in the City of Cleveland's budget document by fund.			
<b>Increase (Use) of Fund Balance or Net Assets</b>	<u>2018-2019 (ACTUAL)</u>	<u>2019-2020 (ESTIMATED)</u>	<u>2020-2021 PROPOSED</u>
<b>General Fund</b>	2,641,265	(182,981)	41,892
<b>Special Revenue Funds:</b>			
Solid Waste Management	(128,932)	(3,981)	(99,750)
State Street Aid	242,307	293,655	237,147
General Purpose School	(4,456,665)	0	(484,000)
Schools Food Service	(137,568)	0	0
Cleveland Public Library	10,824	0	(13,500)
Drug Enforcement	(34,878)	(8,500)	0
2017 Byrne Mem. Justice Asst. Grant	0	0	0
2018 Byrne Mem. Justice Asst. Grant	0	0	0

Increase (Use) of Fund Balance or Net Assets	2018-2019 (ACTUAL)	2019-2020 (ESTIMATED)	2020-2021 PROPOSED
<b>Special Revenue Funds cont'd:</b>			
Community Development Block Grant	5,144	(123,781)	394,000
E Ticketing	(8,208)	(19,869)	0
Recycling Grant	(1,180)	0	0
Schools Federal Project	0	0	0
Metro. Planning Organization (MPO)	13,456	0	(77,200)
<b>Debt Service</b>	<b>1,607,852</b>	<b>(522,793)</b>	<b>(486,644)</b>
<b>Capital Projects Funds:</b>			
Capital Improvements Program	5,513,114	(4,343,572)	0
THDA Home Grant	0	0	0
Greenway Fund	(12,735)	0	0
Sales Tax Capital Projects Fund	908,525	(3,078,070)	271,994
Spring Branch Industrial Park Fund	(1,608,247)	0	0
<b>Enterprise Funds:</b>			
Stormwater Management	1,122,927	(197,087)	197,790
Cleveland Utilities Electric Division	4,021,087	3,105,761	3,686,644
Cleveland Utilities Water/Wastewater Division	2,732,739	3,286,036	3,749,220
<b>Internal Service Fund:</b>			
Fleet Management	0	0	0
<b>Trust Funds:</b>			
Meiler Estate Trust Fund	5,230	6,700	500
Health Insurance Trust Fund	233,355	148,926	361,759
<b>Total Incr. (Use) of Fund Balance or Net Assets</b>	<b>12,669,412</b>	<b>(1,639,556)</b>	<b>7,779,852</b>

SECTION 3: **STATEMENT OF BALANCE/DEFICIT.** At end of the current fiscal year, the City of Cleveland estimates that it will use none of its \$16,878,360 General Fund fund balance and \$486,644 of the \$6,837,424 Debt Service fund balance.

SECTION 4: **CAPITAL IMPROVEMENT PROGRAM.** During the coming fiscal year the City of Cleveland has planned for capital projects and proposed capital projects for future implementation and has included a statement listing these capital projects and the sources of financing these projects.

SECTION 5: All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

First Reading: April 27, 2020  
 Final Reading: May 11, 2020

APPROVED AS TO FORM:

\_\_\_\_\_  
 City Attorney

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

Councilman May moved that Ordinance No: 2020-10 be voted for passage on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- The next City Council meeting will be May 11 and will be held electronically.
- City Offices will be closed on Monday, May 25 in observance of Memorial Day.
- The Council meeting scheduled for Tuesday May 26 will be cancelled.

There being no future business the meeting was adjourned at 3:40 p.m.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 11, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 16, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson; Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Ken Webb. Others in attendance were: City Manager Joe Fivas; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Corey Divel, Assistant to the City Manager/ Communications Coordinator/Downtown Coordinator/Senior Planner and Tim Sinead with *The Cleveland Daily Banner*. Also, various staff, Department Heads and developers were dialed into the virtual meeting line. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 27, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

#### **CITY MANAGER REPORT**

City Manager Joe Fivas announced he would like to add two items to the consent agenda; Resolution 2020-34 for consideration of a proposed Greenway easement and also a motion to authorize a MOU with Bradley County for storm debris cleanup. Mr. Fivas then reviewed today's agenda items.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .68 acres, more or less, located at 205 Hiwassee Ave (Tax Map 42G Group B Parcels 19.00 & 20.00) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Denied 7-0; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Chris Townsend stated they were unable to connect to the Planning Commission meeting when this was presented due to technical difficulty but would like to ask the City Council to refer this item back to the Planning Commission. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 4.38 acres, more or less, located on Humphrey Bridge Rd SW (Tax Map 56 Parcels 79.00 & 57.04 and Tax Map 56K Group A Parcels 1.00, 2.00 & 3.00) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Denied 7-0; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Josh Keller stated they have spoken with city staff and asked if this item would be referred back to the Planning Commission for the July meeting. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 7-0; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [Comments were received online for the Planning Commission meeting in opposition to the rezoning and copies were given to the City Council by Corey Divel. Email correspondence to Mr. Fivas from Andy and Kellye Bender was received in opposition to the rezoning.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 26.91 acres, more or less, located on Hensley Rd NW (Tax Map 41 Parcel 55.01) from R1 Single Family Residential Zoning District to PUD22 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 104 acres, more or less, located on Durkee Rd (Tax Map 58 Parcel 28.00) from IL Light Industrial Zoning District to PUD23 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent) Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Brent Bolan announced he was on the line to answer any questions. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) and a resolution to adopt a Plan of Service (POS) for the annexation area (Planning Commission: Approved 7-0; 2 absent) Mayor Brooks asked if anyone would like to speak in favor of the annexation and Plan of Service. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the annexation and Plan of Service. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 7-0; 2 absent) Mayor Brooks asked if anyone would like to speak in favor of the zoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .58 acres, more or less, located at 115 56<sup>th</sup> St NW (Tax Map 34D Group D Parcel 8.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 7-0; 2 absent) Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments were received electronically.]

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Ordinance No: 2020-09** – heretofore passed on first reading on April 27, 2020 and found in Minute Book 29, Page 788; Adopting the 2020 Tax Rate for FY2021 (\$2.06).
- **Final Passage - Ordinance No: 2020-10** – heretofore passed on first reading on April 27, 2020 and found in Minute Book 29, Page 790; Adopting the FY2021 Budget.
- **Resolution No: 2020-21** – Approving the FY2021 Appropriations.

**RESOLUTION NO: 2020-21**

**CITY OF CLEVELAND  
APPROPRIATION RESOLUTION**

WHEREAS, the City of Cleveland recognizes that its citizens have various needs which must be addressed; and

WHEREAS, the municipal government has neither the expertise or manpower to assist its citizens with all their special needs; and

WHEREAS, several not-for-profit organizations have been established over the years to help the citizens with their special needs; and

WHEREAS, the enclosed organizations have demonstrated, through their financial statements and by reputation, to be of service in enhancing the quality of life in this area;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee that these contributions be made for FY 2020-2021:

Adopted this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

FUND 110-GENERAL FUND		DEPT-51500- APPROPRIATIONS				
OBJECT CODE	2018-2019 ACTUAL BUDGET	2019-2020 ORIGINAL BUDGET	2019-2020 AMENDED BUDGET	2020-2021 REQUESTED BUDGET	2020-2021 PROPOSED BUDGET	
<b>Operating expenditures:</b>						
<b>General government:</b>						
700 JOINTLY FUNDED	0	5,376	5,376	15,000	0	
701 CLEVE/BRAD REG MUSEUM	42,300	42,300	42,300	42,300	42,300	
703 MUNICIPAL LEAGUE DUES	9,102	10,000	10,000	10,200	10,200	
704 CHAMBER-ECONOMIC DEV	45,000	45,000	45,000	45,000	45,000	
705 SE TN DISTRICT DUES	8,670	8,000	8,000	8,000	8,000	
706 MAINSTREET CLEVELAND	25,000	25,000	25,000	25,000	25,000	
707 CEMETERY ASSOCIATION (50%)	10,000	10,000	10,000	10,000	10,000	
708 COURTS COMMUNITY SVC (50%)	56,373	59,400	59,400	59,400	59,400	
709 KEEP AMERICA BEAUTIFUL(50%)	28,200	28,200	28,200	28,200	28,200	
710 JUVENILE COURT MATCH	1,100	1,100	1,100	1,100	1,100	
711 UNITED WAY SUPPORTERS	1,000	1,000	1,000	1,000	1,000	
712 SETHRA-TRANSIT	135,000	135,000	135,000	135,000	135,000	
719 HVAC @ MUSEUM	12,000	12,000	12,000	12,000	12,000	
<b>Total General government</b>	<b>373,745</b>	<b>382,376</b>	<b>382,376</b>	<b>392,200</b>	<b>377,200</b>	
<b>Public safety:</b>						
713 CLEVE/BRAD COMM CTR (49.5%)	650,000	650,000	650,000	650,000	650,000	
714 EMERGENCY MGMT (20%)	108,938	87,300	87,300	87,300	108,000	
715 MAINSTREET PROJECTS	4,000	4,000	4,000	4,000	4,000	
716 SETDD LEGAL FEES	0	1,000	1,000	1,000	1,000	
<b>Total Public safety</b>	<b>762,938</b>	<b>742,300</b>	<b>742,300</b>	<b>742,300</b>	<b>763,000</b>	
<b>Health &amp; welfare:</b>						
717 VETERANS AFFAIRS (20%)	31,664	22,600	22,600	22,600	31,500	
718 BEHAVIORAL RESEARCH	0	2,000	2,000	2,000	2,000	
720 LIFE BRIDGES (20%)	6,200	6,200	6,200	6,200	6,200	
721 COMMUNITY SVCS AGCY (50%)	96,933	94,400	94,400	94,400	97,000	
722 ALLIED ARTS OF CLEVELAND	0	1,000	1,000	1,000	0	
<b>Total Health &amp; welfare</b>	<b>134,797</b>	<b>126,200</b>	<b>126,200</b>	<b>126,200</b>	<b>136,700</b>	
<b>Parks &amp; recreation:</b>						
725 CLEVELAND YOUTH FOOTBALL	8,000	8,000	8,000	8,000	8,000	
726 AQUA TIGER EQUIPMENT	2,000	2,000	2,000	2,000	2,000	
727 BOYS AND GIRLS CLUB	12,724	14,000	14,000	14,000	13,000	
729 WATER DOGS	2,000	2,000	2,000	2,000	2,000	
731 SOCCER ASSOCIATION	5,000	5,000	5,000	5,000	5,000	
733 LAND PAYMENT-SOCCER	5,000	5,000	5,000	5,000	5,000	
<b>Total Parks &amp; recreation</b>	<b>34,724</b>	<b>36,000</b>	<b>36,000</b>	<b>36,000</b>	<b>35,000</b>	
<b>Education:</b>						
735 VOCATIONAL SCHOOL (20%)	26,160	26,160	26,160	26,160	27,000	
<b>Total Education</b>	<b>26,160</b>	<b>26,160</b>	<b>26,160</b>	<b>26,160</b>	<b>27,000</b>	
<b>TOTAL DEPARTMENT 51500</b>	<b>1,332,364</b>	<b>1,313,036</b>	<b>1,313,036</b>	<b>1,322,860</b>	<b>1,338,900</b>	

- **Resolution No: 2020-22** – Directing the payment by the Cleveland Utilities Board to the City of Cleveland Tax Equivalent Payment for the Cleveland Utilities Board’s Electric System.

**RESOLUTION NO: 2020-22**

**A RESOLUTION DIRECTING THE PAYMENT BY THE CLEVELAND UTILITIES BOARD TO THE CITY OF CLEVELAND TAX EQUIVALENT PAYMENTS FOR THE CLEVELAND UTILITIES BOARD’S ELECTRIC SYSTEM**

**WHEREAS**, section 7-52-304 of the Tennessee Code annotated empowers a municipality’s governing body, after consultation with the supervisory body of an electric system, to determine the amounts of tax equivalents to be paid to the taxing jurisdiction (municipality) in the service area of the electric system; and

**WHEREAS**, the City Council of the City of Cleveland, through its City Manager and Finance Director, has held such consultation with the supervisory body of the electric system of the City of Cleveland; and

**WHEREAS**, the necessary calculations of tax equivalents payable have been made in accordance with the provisions of Tennessee Code annotated Section 7-52-304;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND;**

Section 1. The Cleveland Utilities Board electric system is hereby directed to pay to the City of Cleveland \$2,449,223 in tax equivalents for FY2021.

Section 2. This resolution shall become effective July 1, 2020 the public welfare requiring it.

Adopted this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-23** - Directing the payment by the Cleveland Utilities Board to the City of Cleveland Tax Equivalent Payment for the Cleveland Utilities Board’s Water System.

**RESOLUTION NO: 2020-23**

**A RESOLUTION DIRECTING THE PAYMENT BY THE CLEVELAND UTILITIES BOARD TO THE CITY OF CLEVELAND TAX EQUIVALENT PAYMENTS FOR THE CLEVELAND UTILITIES BOARD’S WATER SYSTEM.**

**WHEREAS**, section 7-34-115 of the Tennessee Code annotated empowers a municipality’s governing body, after consultation with the supervisory body of a water system, to determine the amounts of tax equivalents to be paid to the taxing jurisdiction (municipality) in the service area of the water system; and

**WHEREAS**, the City Council of the City of Cleveland, through its City Manager and Finance Director, has held such consultation with the supervisory body of the water system of the City of Cleveland; and

**WHEREAS**, the necessary calculations of tax equivalents payable have been made in accordance with the provisions of Tennessee Code annotated Section 7-34-115;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND;**

Section 1. The Cleveland Utilities Board water system is hereby directed to pay to the City of Cleveland \$246,094 in tax equivalents for FY2021.

Section 2. This resolution shall become effective July 1, 202 the public welfare requiring it.

Adopted this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-24** – Directing the payment by the Cleveland Utilities Board to the City of Cleveland Tax Equivalent Payment for the Cleveland Utilities Board’s Wastewater System.

**RESOLUTION NO: 2020-24**

**A RESOLUTION DIRECTING THE PAYMENT BY THE CLEVELAND UTILITIES BOARD TO THE CITY OF CLEVELAND TAX EQUIVALENT PAYMENTS FOR THE CLEVELAND UTILITIES BOARD’S WASTEWATER SYSTEM.**

**WHEREAS**, section 7-34-115 of the Tennessee Code annotated empowers a municipality’s governing body, after consultation with the supervisory body of a wastewater system, to determine the amounts of tax equivalents to be paid to the taxing jurisdiction (municipality) in the service area of the water system; and

**WHEREAS**, the City Council of the City of Cleveland, through its City Manager and Finance Director, has held such consultation with the supervisory body of the wastewater system of the City of Cleveland; and

**WHEREAS**, the necessary calculations of tax equivalents payable have been made in accordance with the provisions of Tennessee Code annotated Section 7-34-115;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND;**

Section 1. The Cleveland Utilities Board wastewater system is hereby directed to pay to the City of Cleveland \$228,489 in tax equivalents for FY2021.

Section 2. This resolution shall become effective July 1, 2020 the public welfare requiring it.

Adopted this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-25** – Regarding the Cleveland City Schools Federal Project Fund.

**RESOLUTION NO: 2020-25**

**A RESOLUTION REGARDING THE CLEVELAND CITY SCHOOLS  
FEDERAL PROJECT FUND**

**THAT WHEREAS**, the Cleveland City Schools receive monies from the federal government to assist with the educational programs of the local school system; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee in regular session assembled this 11<sup>th</sup> day of May, 2020, as follows:

Section 1. That the Cleveland City Schools General Fund is hereby approved, and the budget for the Cleveland City Schools Federal Project Fund shall be the budget for the separate projects approved within the fund by the Tennessee Department of Education and for the *No Child Left Behind* projects as approved by the Cleveland Board of Education.

Section 2. That a certified copy of this Resolution shall be furnished to the Director of Schools to forward to the Tennessee Department of Education as proof of compliance with its regulations regarding federal project funds.

Section 3. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Passed and adopted this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-26** - Annual Review of the City’s Debt Management Policy.

**RESOLUTION NO: 2020-26**

**A RESOLUTION APPROVING THE DEBT MANAGEMENT POLICY FOR THE CITY OF CLEVELAND**

**WHEREAS**, the Tennessee Comptroller of the Treasury issued provisions regarding the establishment of a debt management policy; and

**WHEREAS**, the Comptroller’s provisions require that cities annually review its debt management policy; and

**WHEREAS**, the City of Cleveland adopted its Debt Management Policy on November 14, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Manager, Assistant City Manager/CFO, and the Mayor and City Council have reviewed the City of Cleveland Debt Management Policy and do not recommend any changes to the policy at this time. The City’s Debt Management Policy will be reviewed annually during the budget process, which process allows public input.

Approved the 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-29** – Authorizing the Mayor to sign a contract with TDOT relating to the city’s share of the NEPA phase for the 25<sup>th</sup> Street sidewalk project.

**RESOLUTION NO. 2020-29**

**WHEREAS**, the City has received the attached contract from the Tennessee Department of Transportation, Program Development and Administration Division (hereafter “TDOT”) for the project described below; and

**Project:** Various Streets in Cleveland  
Contract Number: 180073  
Project Identification Number: 125182.01  
Federal Project #: TAP/STP-M-9203(24)  
State Project #: 06LPLM-F3-060

**WHEREAS**, the City Council desires to enter the attached contract with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [On file in the City Clerk’s Office.]

This 11<sup>th</sup> day of May 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-30** – Authorizing the Mayor to sign an agreement with Ragan Smith for professional services for the Mouse Creek Greenway Phase 6.

**RESOLUTION NO. 2020-30**

**WHEREAS**, in connection with the Mouse Creek Greenway Phase 6, the City desires to enter into the attached agreement with Ragan Smith Associates; and

**WHEREAS**, the City Council has reviewed the proposed agreement, and now desires to accept the proposed agreement with Ragan Smith Associates for the referenced project, and to further authorize the Mayor to execute the same 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 agreement with Ragan Smith Associates for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [On file in the City Clerk’s Office.]

This 11<sup>th</sup> day of May 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-31** – Authorizing the Mayor to sign contract amendment #4 with TDOT extending the project completion date until June 30 for the intersection improvements for Georgetown Road at 25<sup>th</sup> Street project.

**RESOLUTION NO. 2020-31**

**WHEREAS**, the City has received the attached contract amendment #4 from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

Project: Intersection Improvements for Georgetown Road and Westside Drive at 25th Street NW (SR-60)  
Agreement Number: 110328  
Project Identification Number: 116143.00  
State Project #: 06LPLM-F3-030  
Federal Project #: STP-M-60(23)

**WHEREAS**, the purpose of this amendment is to extend the project completion date until June 30, 2020; and

**WHEREAS**, the City Council desires to enter into the attached contract amendment #4 with TDOT, and to further authorize the Mayor to execute this contract amendment #4 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 contract amendment #4 with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [On file in the City Clerk’s Office.]

This 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-32** – Supporting an application for the BUILD Grant to assist in the redevelopment in downtown Cleveland.

**RESOLUTION NO: 2020-32**

**A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND, TENNESSEE TO APPLY FOR AND PARTICIPATE IN BETTER UTILIZING INVESTMENTS TO LEVERAGE DEVELOPMENT (BUILD) TRANSPORTATION GRANT AND TO PROVIDE THE REQUIRED MATCH**

**WHEREAS**, the City of Cleveland is aware that Better Utilizing Investments to Leverage Development (BUILD) Transportation Grant funds are available for application by the City as an investment in surface transportation projects; and

**WHEREAS**, the City Council of the City of Cleveland seeks and supports an application to the United States Department of Transportation for BUILD grant funds to assist in the transportation framework for the redevelopment of over 100 acres in downtown Cleveland;

**WHEREAS**, the Inman Street Redevelopment Project will provide a regional transportation solution with vital transportation access largely connecting US-64 to APD 40 serving Bradley County and City of Cleveland, Tennessee; and

**WHEREAS**, the construction of the Inman Street Diet and other connecting and supporting infrastructure will facilitate and encourage further regional economic benefits, as well as improvements to the quality of life, not only for the City of Cleveland, but for Bradley County, Tennessee and other surrounding rural and developing areas;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CLEVELAND, TENNESSEE, MAYOR AND CITY COUNCIL THAT:**

- 1) The the City Council of the City of Cleveland approves the submittal of the grant application and commits to provide the required minimum 20 percent match up to \$5,000,000 in City funds.
- 2) The City Council of the City Cleveland hereby authorizes the expenditure of funds and authorizes the Mayor to execute all appropriate agreements and contracts necessary to expedite the BUILD application and any follow up documentation required or requested by the United States Department of Transportation related to this application and project.

- 3) The City Council of the City of Cleveland, Tennessee supports the grant application and pledges full support and hereby authorizes and directs full cooperation with the appropriate national, state and local authorities to implement this application and any necessary supporting documentation.

This resolution passed and adopted by the City Council of Cleveland, Tennessee on this 11<sup>th</sup> day of May, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-33** – Authorizing the Mayor to sign a TDOT contract for the Cleveland-Chattanooga Commute Hub bus purchase and operation.

**RESOLUTION NO. 2020-33**

**WHEREAS**, the City is proceeding with the following projects in conjunction with the Tennessee Department of Transportation, (hereafter “TDOT”) for the project described below; and

**Project:** Cleveland-Chattanooga Commute Hub Bus Purchase and Operation

**WHEREAS**, the City Council has been presented with the attached memo from the Transportation director for the City relating to these projects outlining various recommendations and actions that the City Council needs to approve in connection with the projects; and

**WHEREAS**, the City desires to accept the recommendations of the Transportation director as outlined in the attached memo; and

**WHEREAS**, the purpose of this Resolution is to accept the recommendations and proposed actions contained within the memo and to authorize the Mayor to execute the forthcoming TDOT contract with TDOT for the projects described, plus any and all related documents, including, but not limited to, relevant updates to the agreement between the City and SETHRA for bus service, and any documents that may be necessary for the Cleveland-Chattanooga Commute Hub Bus purchase and operation as described in the attached memo.

**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 accept the recommendation and approve of the actions described in the attached memo from the transportation director, and it further authorizes the Mayor to execute all the documents described in the memo on behalf of the City of Cleveland. [On file in the City Clerk’s Office.]

This 11<sup>th</sup> day of May 2020

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Motion** – Designating Depositories for the City of Cleveland.

Andrew Johnson Bank	Capstar Bank (Athens Federal Community Bank)
Bank of Cleveland	BB&T Bank
Bowater Credit Union	Cleveland Bradley Teachers Credit Union
First Citizens National Bank (Southern Heritage Bank)	
First Tennessee Bank	Smart Bank (FSG Bank)
Pinnacle Bank	Regions Bank
Southeast Bank and Trust	Suntrust Bank
Tennessee Valley Federal Credit Union	United Community Bank

- **Resolution No: 2020-34** – Greenway Easement near Mohawk Drive.

**RESOLUTION NO. 2020-34**

**WHEREAS**, the City of Cleveland is in the process of acquiring easements and property for the purpose of the future extension of the greenway in the City of Cleveland along Mouse Creek near East Circle Drive; and

**WHEREAS**, in connection with this section of the future greenway, representatives of the City have approached Christian and Jennifer Fox about the City obtaining a permanent greenway easement from them across their two parcels of property located on or near East Circle Drive; and

**WHEREAS**, these property owners have agreed to convey a permanent greenway easement to the City in exchange for certain agreements by the City as are more fully described in the agreement attached hereto, which includes the installation and maintenance of a fence by the City within the proposed greenway easement; and

**WHEREAS**, the City Council now desires to approve of the attached agreement with Christian and Jennifer Fox, and to further authorize the Mayor to execute the same 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 agreement with Christian and Jennifer Fox, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 11<sup>th</sup> day of May, 2020

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Motion** – To approve a MOU with Bradley County for storm debris cleanup.

The motion to approve the consent agenda was seconded by Councilman May and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Webb stated the Wi-Fi Task Force has not met recently due to Covid-19 but reported we now have remote internet access locations at Cleveland Middle School and Blythe Bower Elementary School. We are close to announcing the availability of wi-fi to the general public in the parking lot area of the Chamber of Commerce. This installation is available to anyone needing the service and this project was a joint effort between the Chamber of Commerce, Public Education Foundation, Gibson Woods Foundation, the City of Cleveland and the Wi-Fi Task Force. We are hopeful this will become the modal for additional access points in the downtown area.

Councilman McKenzie inquired about Waterville Golf Course. Mr. Fivas stated staff has been meeting to discuss options. In the next few weeks we should have a clearer picture of what we will be doing with the course. Councilman McKenzie then asked about the excess dirt in front of Candy's Creek Elementary School. Mr. Fivas stated we have been working with numerous construction sites and we will continue to work on finding a solution.

Councilman Cassada thanked Cleveland Utilities staff for working so quickly to restore power to residents over the weekend. He continued to thank Dr. Dyer for his personal scholarships and thanked him for putting education first. Dr. Dyer commended his staff for their hard work as well. Councilman Cassada then reminded everyone it's National Police Week and thanked Chief Gibson and the frontline employees for their work. Also, to the Fire Department, Public Works, Forestry Department and Engineering Department thank you for your service to the residents of Cleveland.

**NEW BUSINESS AND ORDINANCES**

Councilman Cassada moved that Zoning Ordinance No: 2020-11; rezoning .68 acres, more or less, located at 205 Hiwassee Ave (Tax Map 42G Group B Parcels 19.00 & 20.00) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Denied 7-0; 2 absent) be referred back to the Planning Commission for further review. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Councilman May moved that Zoning Ordinance No: 2020-12; rezoning 4.38 acres, more or less, located on Humphrey Bridge Rd SW (Tax Map 56 Parcels 79.00 & 57.04 and Tax Map 56K Group A Parcels 1.00, 2.00 & 3.00) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Denied 7-0; 2 absent) be referred back to the Planning Commission for further review. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-13** – Rezoning .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 7-0; 2 absent).

**ZONING ORDINANCE NO: 2020-13**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R2 Low Density Single and Multi-family Residential Zoning District to CH Commercial Highway Zoning District.

Approximately .36 acres, more or less, located at 1120 Valley Head Rd NW as shown on the attached map.

For reference, same property is being shown Tax Map 34I Group B Parcel 1.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved to deny Zoning Ordinance No: 2020-13 on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-14** – Rezoning 26.91 acres, more or less, located on Hensley Rd NW (Tax Map 41 Parcel 55.01) from R1 Single Family Residential Zoning District to PUD22 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent).

**ZONING ORDINANCE NO: 2020-14**

**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 HENSLEY RD NW PROPERTY “PUD 22” ON PROPERTY DESCRIBED AS TAX MAP 41 PARCEL 55.01, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 22; 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 22” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 22 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 22 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 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 22, Hensley Rd Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 41 Parcels 55.01. Exhibit C illustrates the overall Hensley Rd Conceptual Plan for the subject property.

**Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.**

This section is intended to provide a general description of the Hensley Rd Development. The project consists of a mixture of detached single-family homes on small lots and attached single-family dwellings in multi-unit townhome structures. The attached multi-unit townhome units may constitute no more than 20 percent of the overall units within the greater development. Exhibit C shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one unit per 4000 square feet for lots containing single-family detached homes; two units per 7500 square feet on lots containing two-unit structures; and three units per 10,000 square feet on lots containing three-unit structures. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas or landscaped common area.

**Section 5. PERMITTED USES AND PROHIBITED USES.**

The PUD 22 Subdivision allows for the construction of up to 125 dwelling units in detached single family houses and multi-unit townhome structures with up to four dwelling units per building. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed.

Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 22 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 residential uses within the Hensley Rd NW development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit C 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 22 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 C) for PUD22, The Hensley Rd Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on March 17, 2020. 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 PUD22 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. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 125 without a revision to the PUD ordinance approved by the City Council. 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 Hensley Rd NW development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. 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.).

All streets within the PUD22 Hensley Rd NW development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Existing Right of Way along Hensley Rd is narrow adjacent to PUD 22 and the intention is that the Hensley Rd ROW be at least 50 feet in width; therefore the developer grants additional ROW to the City of Cleveland such that the ROW is at least 25 feet from the existing center line of Hensley Rd along the entire property so as to make room for future city improvements to the Hensley Rd roadway including sidewalks. Exhibit A shall be modified to reflect the additional ROW along Hensley Rd.

### **6.B. PLATS.**

One or more plats will be prepared for the PUD22 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 22 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 22 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 PUD22 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.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. The front façade of all structures shall contain a minimum of at least 50% of either brick or stone materials. No blank walls along street elevations are allowed. A two inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

All lots shall be serviced by sidewalks within the subdivision. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission.

A monument style ground sign shall be installed at all entrances to the site. A landscaped berm no smaller than 8' in height shall be installed along Hensley Rd to provide privacy and to maintain a high-quality appearance. Open space shall be maintained at proportion no less than 15% of the total buildable area. A playground or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

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 Setbacks**

The minimum setbacks and lot width requirements single-family detached home sites is 46 feet (townhome sites shall comply with existing city townhome regulations for lot width), front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 15' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer 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 developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by

the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. 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. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

**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 PUD22 Hensley Rd 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 PUD22, 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 C 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 PUD22 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 CTP Properties of Chattanooga, TN 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 after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

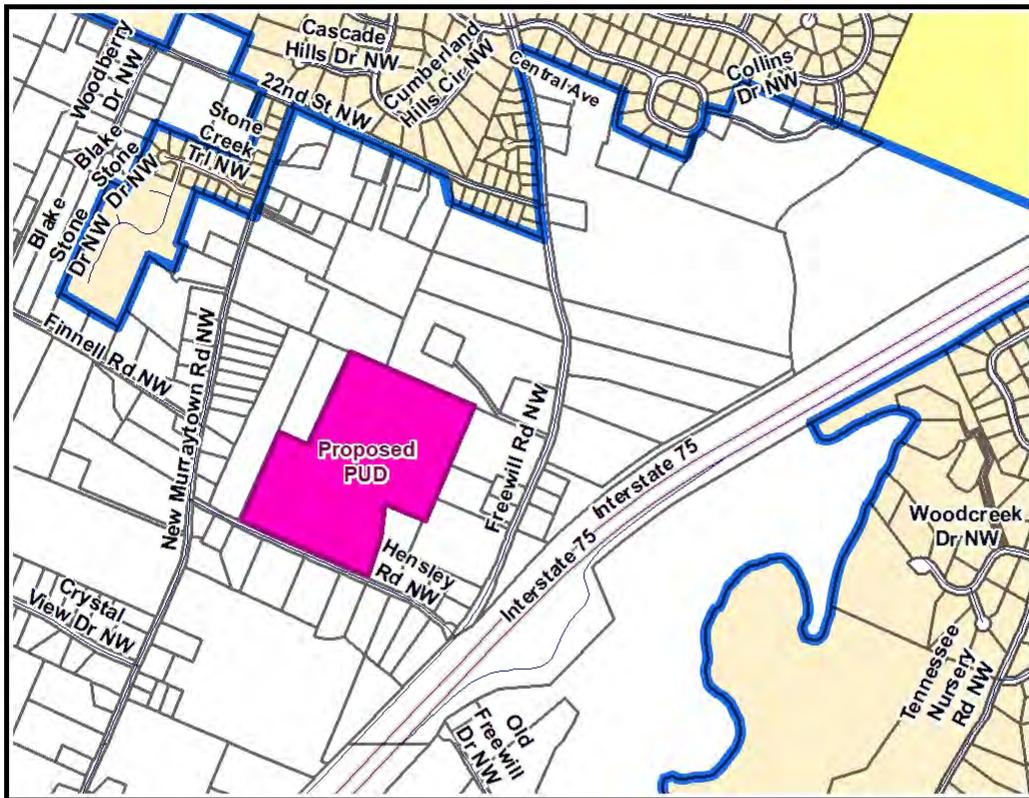
APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

**Exhibit A**

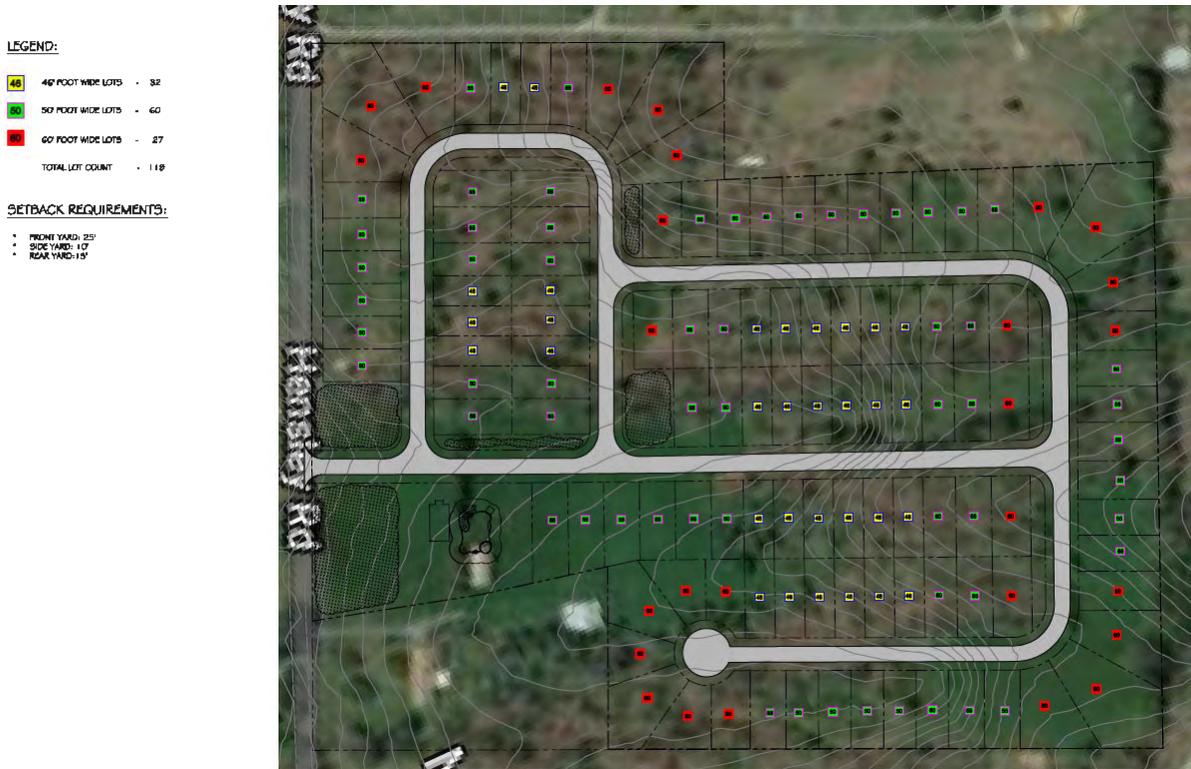


**Exhibit B**

**Legal Description**

Beginning at the southeast corner of the lands of Greer, as recorded in the BCROD deed book 1323 page 240, said point lying in the northern ROW of Hensley Rd; thence in a south easterly direction with the northern ROW of Hensley Rd 906.5 feet, more or less, to an iron pin located at the southwest corner of lot 1 of the Garner Hensley Road Property Plat, as recorded in BCROD plat book 37 page 5; thence north 16 degrees 0 minutes 14 seconds east, 260.82 feet to an iron pin; thence north 12 degrees 23 minutes 5 seconds east, 200.97 feet to an iron pin; thence south 65 degrees 23 minutes 37 seconds east, 279.06 feet to an iron pin; thence in a northerly direction with the western lines Mooneyham (Book 2407 page 808), Mooneyham (book 2704 page 806), and Bebb ( book 1490 page 513) 843 feet, more or less, to the northwest corner of the lands of Bebb; thence in a northwesterly direction with the southern line of the lands of Tinsely (book 2286 page 795) and Smith (book 2390 page 71), 873 feet, more or less, to the north east corner of the lands of Greer; thence with the lands of Greer in a southerly direction 670.14 feet to a point; thence in a westerly direction with the lands of Greer 217 feet to a point; thence in a southerly direction with the lands of Greer 669.7 feet to the point of beginning.

**Exhibit C**  
**Conceptual Plan**



Councilman Cassada moved that Zoning Ordinance No: 2020-14 be voted for passage on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-15** – Rezoning 104 acres, more or less, located on Durkee Rd (Tax Map 58 Parcel 28.00) from IL Light Industrial Zoning District to PUD23 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent).

**ZONING ORDINANCE NO: 2020-15**

**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 DURKEE RD NE PROPERTY “PUD 23” ON PROPERTY DESCRIBED AS TAX MAP 58 PARCEL 28.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 23; 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 23” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 23 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 23 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 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 23, Durkee Rd Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 58 Parcels 28.00. Exhibit B & C illustrates the overall Durkee Rd Conceptual Plan for the subject property.

**Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.**

This section is intended to provide a general description of the Durkee Rd Development. The project consists of a mixture of detached single-family homes on small lots with the potential for attached single-family dwellings in multi-unit townhome structures. The attached multi-unit townhome units may constitute no more than 20 percent of the overall units within the greater development. Exhibits B & C shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceeding one unit per 5000 square feet for lots containing single-family detached homes; two units per 7500 square feet on lots containing two-unit structures; and three units per 10,000 square feet on lots containing three-unit structures. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas or landscaped common area.

**Section 5. PERMITTED USES AND PROHIBITED USES.**

The PUD 23 Subdivision allows for the construction of up to 512 dwelling units in detached single family houses and multi-unit townhome structures with up to four dwelling units per building. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 23 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 residential uses within the Durkee Rd NE development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B & C 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 23 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 (Exhibits B& C) for PUD23, The Durkee Rd Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on March 17, 2020. 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 PUD23 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. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 512 without a revision to the PUD ordinance approved by the City Council. 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 Durkee Rd NE development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. 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.).

One connection to the property to the east must be provided for by the dedicated of right-of-way. The right-of-way will not be required to be improved if the adjacent property is undeveloped at the time of the platting of the subject property.

All streets within the PUD23 Durkee Rd development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer.

### **6.B. PLATS.**

One or more plats will be prepared for the PUD23 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 23 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 23 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 PUD23 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.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. The front façade of all structures shall contain a minimum of at least 50% of either brick or stone materials. No blank walls along street elevations are allowed. A two inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

All lots shall be serviced by sidewalks within the subdivision. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission.

A monument style ground sign shall be installed at all entrances to the site. A landscaped berm no smaller than 8' in height shall be installed along Durkee Rd to provide privacy and to maintain a high-quality appearance. A landscaping area no less than a "Type E" as described in the City's zoning ordinance for any areas adjoining a non-residential use except that the buffer may be lowered to a 35' width. Open space shall be maintained at proportion no less than 15% of the total buildable area. A playground, dog park, walking trail or other community area determined acceptable to the Planning Commission shall be provided by the developer once 25% the buildable lots in the development are established or under construction. The common areas and amenities must be internal to the development, accessed directly from public right-of-ways and must be practical in the application of its intended use (not in fragmented or unusable areas). All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

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 Setbacks

The minimum setbacks and lot width requirements single-family detached home sites is 46 feet (townhome sites shall comply with existing city townhome regulations for lot width), front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 20' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer 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 developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. 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. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

**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 PUD23 Durkee Rd 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 PUD23, 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 B &C 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 PUD23 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 after 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

Exhibit A

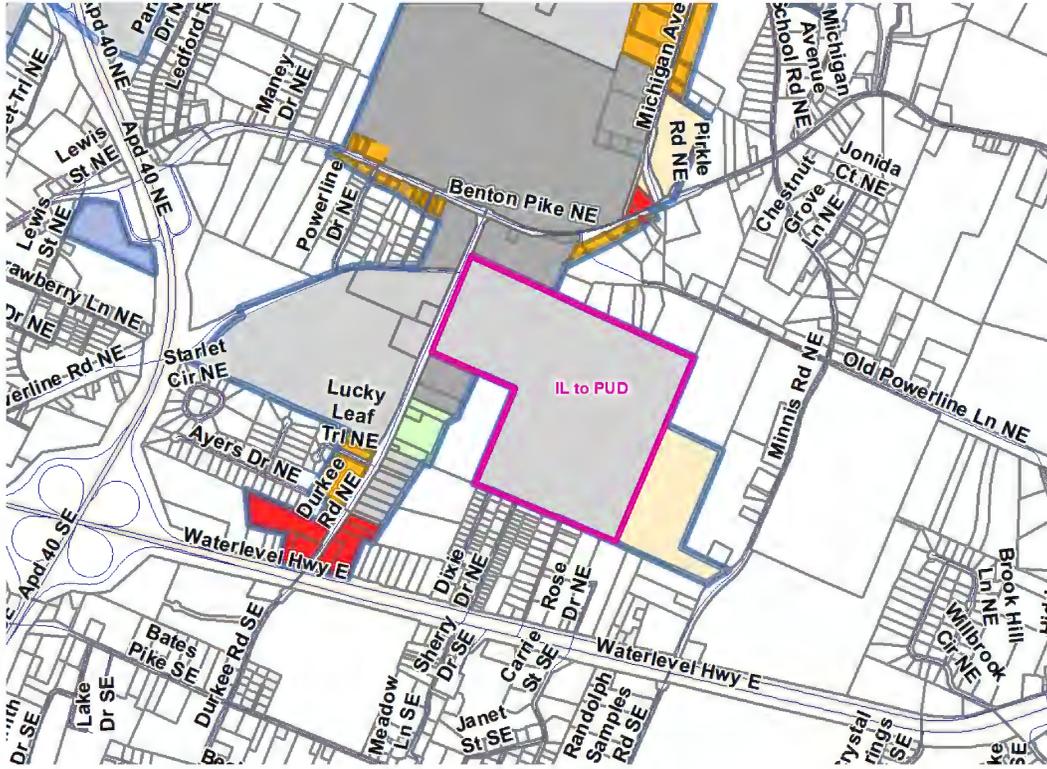
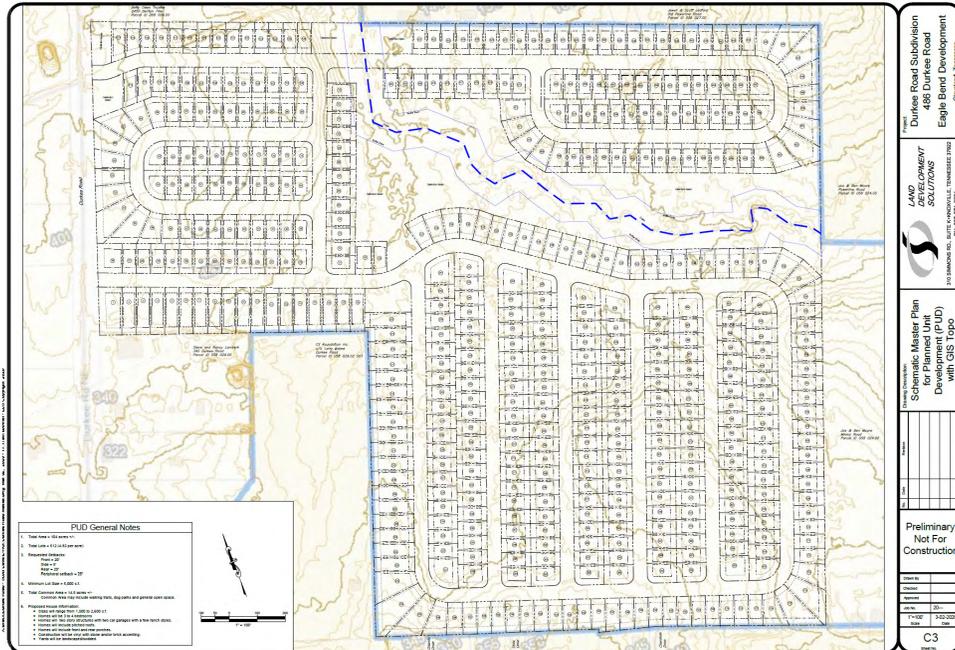


Exhibit B  
Conceptual Plan 1



**Exhibit C**  
**Conceptual Plan 2**



Councilman Hughes moved that Zoning Ordinance No: 2020-15 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-27** – Adopting a Plan of Service to annex about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) (Planning Commission: Approved 7-0; 2 absent).

**RESOLUTION NO: 2020-27**

**A RESOLUTION APPROVING A PLAN OF SERVICES FOR A PROPOSED ANNEXATION OF TERRITORY INTO THE CITY OF CLEVELAND BY OWNER CONSENT**

**MICHIGAN AVE RD- COFFEY PROPERTY ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by owner consent; and

WHEREAS, a Plan of Services for the territory proposed for annexation by owner consent has been reviewed by the Cleveland Municipal Planning Commission; and

WHEREAS, the governing body desires to conduct a public hearing on the proposed annexation and plan of services;

NOW THEREFORE BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

A. That a public hearing is hereby held at 3:00 pm on May 11, 2020 at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Being the county portion of the lands of Darrell and Pamela Coffey, the property is described as follows: beginning at an iron pin located at the northeast corner of the lands of Darrell and Pamela Coffey, as recorded in the BCROD deed book 2602 page 158, thence in a south easterly direction with a portion of the eastern property line of the lands of Coffey 614 feet, more or less to an iron pin located in the northern line of the lands of June and Arthur Miller, as recorded in BCROD deed book 324 page 326; thence with a portion of the southern line of the lands of Coffey in a northwesterly direction 633 feet, more or less, to the northwest corner of the lands of Colleen Craig, as recorded in the BCROD deed book 2487 page 566; thence with a portion of the eastern lines of the lands of Coffey in a southwesterly direction 387 feet, more or less, to the southwestern corner of the lands of Craig, said point being in the northern right of way of 31<sup>st</sup> Street; thence with the southern line of the lands of Coffey and the northern right of way of 31<sup>st</sup> Street 561 feet, more or less, to a point where the existing City Limits meets the southern property line of the lands of Coffey; thence in the northeasterly direction with the existing City Limits 967 feet, more or less, to a point where the existing City Limits crosses the northern property line of the lands of Coffey; thence in a southeasterly direction with the northern property line of the lands of Coffey 2146 feet, more or less, to the point of beginning.

B. That a copy of this Resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland.

C. That notice of the time and purpose of a public hearing on the proposed annexation by owner consent and the Plan of Services shall be published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk



**APRIL 15, 2020**  
**MICHIGAN AVE RD- COFFEY PROPERTY**  
**ANNEXATION ANALYSIS**  
**PLAN OF SERVICE**  
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> NE as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 2020.

This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services in accordance with the POS.

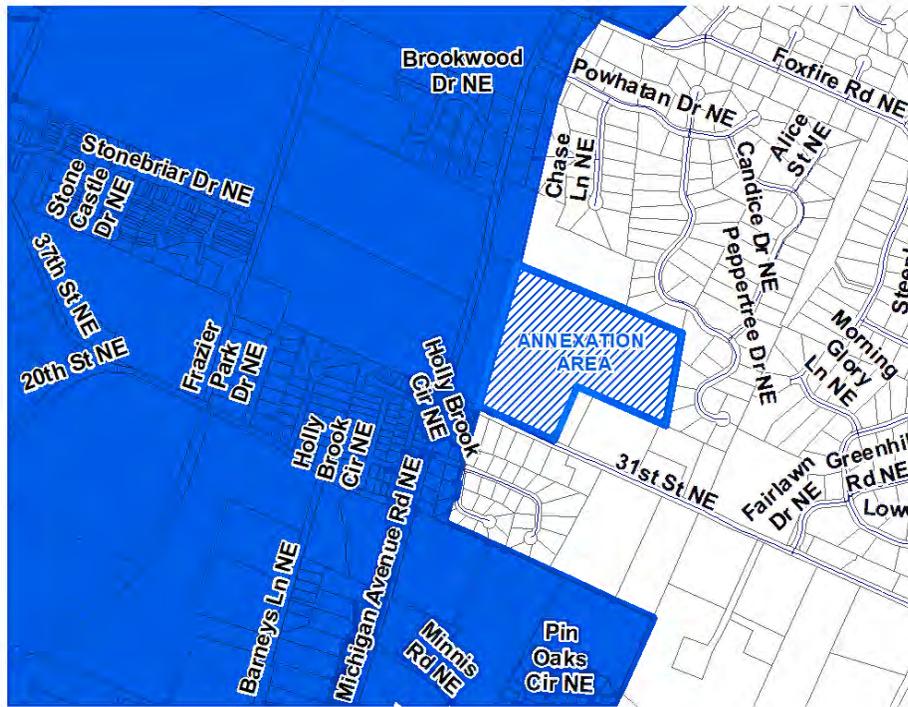
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

PC 1101 Section 19 requires a “Plan of Services” (POS) prior to annexation and these services must include: police and fire protection; water, electrical and sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The property consists of a portion of one vacant parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. Approximately 100 residential dwelling units are anticipated within the annexation area post annexation. The property is described as a portion of Tax Map 50 Parcel 14.04.

**MICHIGAN AVE RD AREA MAP**



**Legal Description**

Being the county portion of the lands of Darrell and Pamela Coffey, the property is described as follows: beginning at an iron pin located at the northeast corner of the lands of Darrell and Pamela Coffey, as recorded in the BCROD deed book 2602 page 158, thence in a south easterly direction with a portion of the eastern property line of the lands of Coffey 614 feet, more or less to an iron pin located in the northern line of the lands of June and Arthur Miller, as recorded in BCROD deed book 324 page 326; thence with a portion of the southern line of the lands of Coffey in a northwesterly direction 633 feet, more or less, to the northwest corner of the lands of Colleen Craig, as recorded in the BCROD deed book 2487 page 566; thence with a portion of the eastern lines of the lands of Coffey in a southwesterly direction 387 feet, more or less, to the southwestern corner of the lands of Craig, said point being in the northern right of way of 31<sup>st</sup> Street; thence with the southern line of the lands of Coffey and the northern right of way of 31<sup>st</sup> Street 561 feet, more or less, to a point where the existing City Limits

meets the southern property line of the lands of Coffey; thence in the northeasterly direction with the existing City Limits 967 feet, more or less, to a point where the existing City Limits crosses the northern property line of the lands of Coffey; thence in a southeasterly direction with the northern property line of the lands of Coffey 2146 feet, more or less, to the point of beginning.

**Plan of Services**

**1. Police Protection**

Patrolling, radio response to calls and other routine police services using the City’s personnel and equipment will be provided on the effective date of the annexation.

There is no additional cost expected from this annexation.

**2. Fire Protection**

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 3. Providing service to this parcel would have no budgetary impact on the Fire Department.

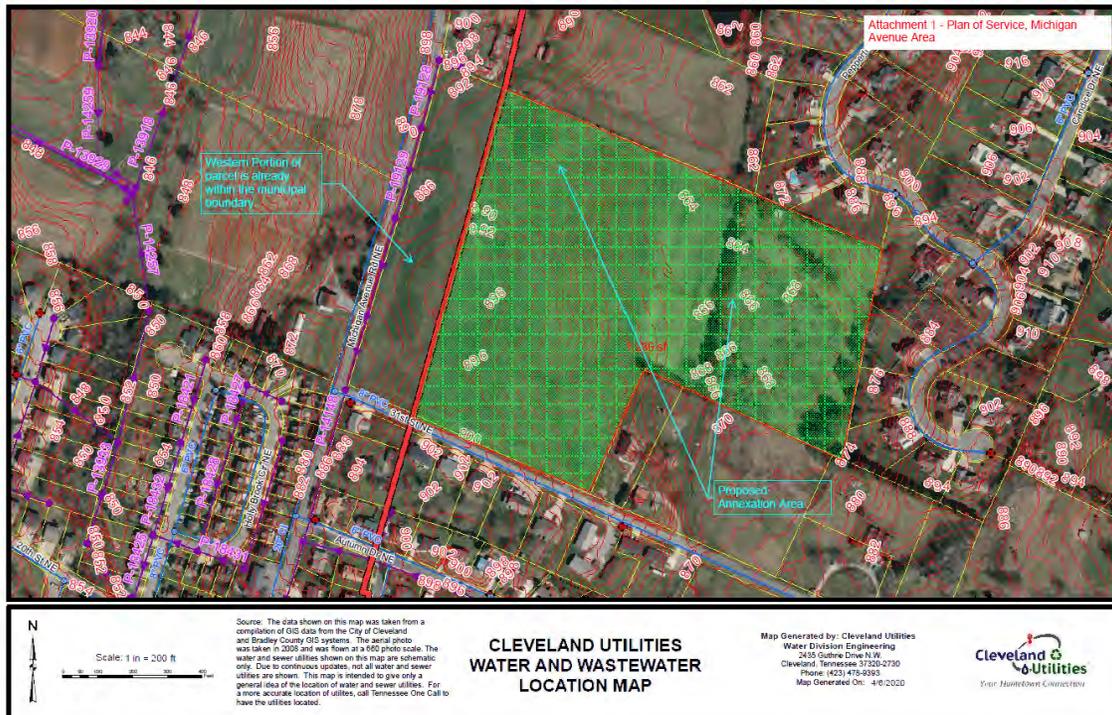
**3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants**

The western portion of the parcel (Tax Map 050-014.04) is presently inside the City of Cleveland’s municipal boundary. The parcel is currently served by both water and sewer. See Attachment 1.

- A. Domestic Water--- Water service is available to this parcel via water mains along Michigan Avenue Road (20-inch water main) and 31<sup>st</sup> Street (8-inch water main).
- B. Sanitary Sewer--- Sanitary sewer service to this site is presently available along the entire western boundary of the parcel (along Michigan Avenue Road).
- C. Fire Protection--- There is an existing fire hydrant at the 31<sup>st</sup> Street and Michigan Avenue Road intersection. No additional fire hydrants are anticipated to be required by Cleveland Utilities.

**SUMMARY OF COSTS**

<b>Location</b>	<b>Domestic Water</b>	<b>Sanitary Sewer</b>	<b>Fire Protection</b>	<b>Total</b>
Michigan Avenue Road near 31 <sup>st</sup> Street	\$0	\$0	\$0	\$0



#### 4. Electric Service

This property is currently served by Cleveland Utilities Electric Division. No additional costs are anticipated.

#### 5. Public Works

##### A. Refuse Collection

- Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.
- The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

##### B. Route Collection Services

- Current city policies regarding residential debris, brush, and white good collections will apply in all proposed areas and will begin at the time of annexation. Each residence will be included in the City's ten route collection system. No additional equipment or manpower will be needed at this time.
- The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

##### C. Street Repair and Maintenance

- Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.
- Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.
- Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished

in accordance with the priorities and policies established for the entire city.

- d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

No major drainage problems were identified in these areas. Emergency drainage maintenance (i.e. cleaning catch basins, unblocking tile, installing drainage tile and/or catch basins) within these areas will begin at time of annexation.

*E. General Rights-of-Way Maintenance (i.e. street sweeping, snow removal)*

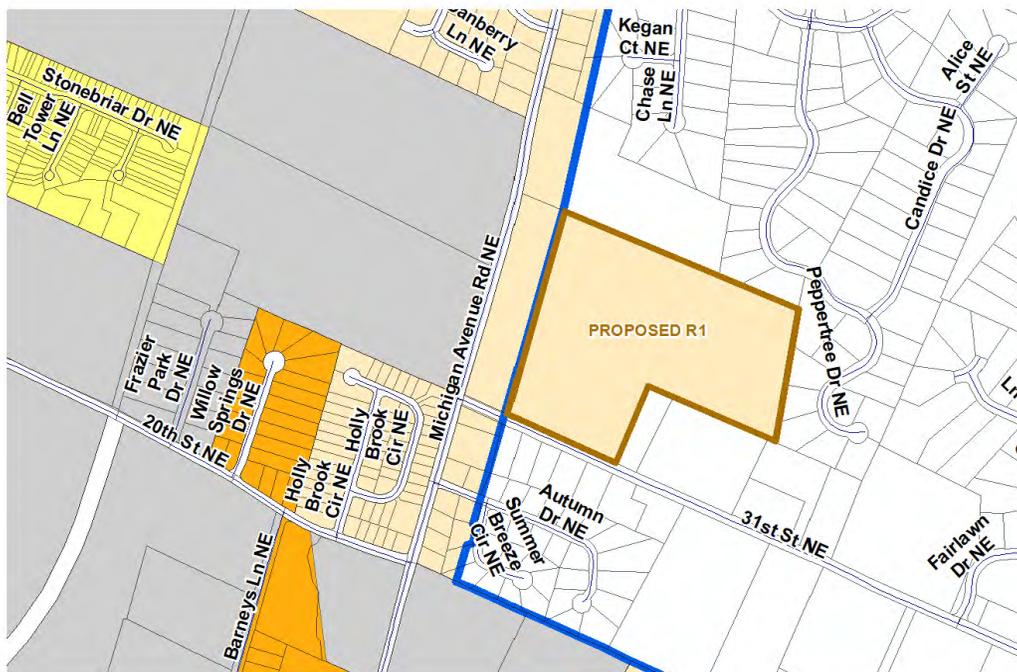
- a. Current city policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.
- b. Current city policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

**6. Schools**

The current cost to the school system is \$976.59 per student per year. It is estimated that approximately 38 additional students would be added to the school system enrollment as a result of this annexation. Total cost as a result of these students is \$37,110.42.

**7. Planning and Zoning**

- A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.
- B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for R1 Single Family Residential Zoning District as its post-annexation zoning.



- C. In the case of lots of record that are recorded prior to the effective date of annexation, if there are prevailing deed or subdivision restrictions on record, these deed or subdivision restrictions shall apply if in conflict with City zoning or subdivision regulations.

## 8. Animal Shelter

The City operates a full-time animal control program including an animal shelter. The Animal Shelter is located on Hill Street SE. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

## 9. Voting Rights and City Elections

- A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.
- B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.
- C. This annexation is expected to add approximately 240 residents to the 4th City Council District.

## 10. Stormwater

- a. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. The monthly fee will be \$1.63.
- b. All new development will need to adhere to the City of Cleveland Stormwater Ordinance.
- c. The City of Cleveland is now a Qualified Local Program (QLP). All development needing the Tennessee Department of Environment and Conservation (TDEC) Construction General Permit coverage will submit all required documentation and fees to the City of Cleveland only.

## Revenue

The property is currently vacant with a total assessed value of \$51,200. At the City's current tax rate this would result in approximately \$263.68 in annual property tax.

With approximately 100 homes developed on the site with an estimated value of \$250,000 each, property tax revenue would increase to approximately \$128,750. With an estimated 240 additional residents in the annexation area after being developed and a current state shared appropriation per person of \$115.75 the property would generate approximately \$27,780.

The annual stormwater fee for all homes on this site is estimated at \$1,956.

Total revenue generated as a result of this annexation after being developed with three new homes would be approximately **\$158,256**.

Once developed, Bradley County is expected to receive approximately \$111,381.25 in additional tax revenue as a result of this annexation.

Vice Mayor Johnson moved that Resolution No: 2020-27 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-28** - Annexing about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) (Planning Commission: Approved 7-0; 2 absent).

**RESOLUTION NO: 2020-28**

**A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT  
OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE  
BOUNDARIES OF THE CITY OF CLEVELAND, TENNESSEE**

**MICHIGAN AVE RD- COFFEY PROPERTY ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries; and

WHEREAS, the owners of all property within the territory proposed for annexation have given their written consent by notarized petition so that a referendum is not required; and

WHEREAS, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland; and

WHEREAS, a Plan of Services for the area proposed for annexation is attached as *Exhibit A* hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

WHEREAS, the proposed annexation and Plan of Services were submitted to the Cleveland Municipal Planning Commission for study, and it has recommended the same; and

WHEREAS, notice of the time and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on May 11, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

A. That the following territory is hereby annexed and incorporated into boundaries of the City of Cleveland, to wit:

Being the county portion of the lands of Darrell and Pamela Coffey, the property is described as follows: beginning at an iron pin located at the northeast corner of the lands of Darrell and Pamela Coffey, as recorded in the BCROD deed book 2602 page 158, thence in a south easterly direction with a portion of the eastern property line of the lands of Coffey 614 feet, more or less to an iron pin located in the northern line of the lands of June and Arthur Miller, as recorded in BCROD deed book 324 page 326; thence with a portion of the southern line of the lands of Coffey in a northwesterly direction 633 feet, more or less, to the northwest corner of the lands of Colleen Craig, as recorded in the BCROD deed book 2487 page 566; thence with a portion of the eastern lines of the lands of Coffey in a southwesterly direction 387 feet, more or less, to the southwestern corner of the lands of Craig, said point being in the northern right of way of 31<sup>st</sup> Street; thence with the southern line of the lands of Coffey and the

northern right of way of 31<sup>st</sup> Street 561 feet, more or less, to a point where the existing City Limits meets the southern property line of the lands of Coffey; thence in the northeasterly direction with the existing City Limits 967 feet, more or less, to a point where the existing City Limits crosses the northern property line of the lands of Coffey; thence in a southeasterly direction with the northern property line of the lands of Coffey 2146 feet, more or less, to the point of beginning.

B. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted.

C. That the City Clerk’s office will cause a copy of this Resolution to be forwarded to the Mayor of Bradley County including the Plan of Services.

D. That a copy of this Resolution shall be sent to the Tennessee Comptroller of the Treasury and the Bradley County Assessor of Property.

E. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district.

WHEREUPON, the Mayor affixed a signature and date thereto and directed that the same be recorded.

EFFECTIVE DATE: Be it further resolved that this Resolution shall only become effective at the time of the final passage of the ordinance zoning for the aforementioned property within the City of Cleveland. [Plan of Service on file with original copy.]

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Vice Mayor Johnson moved that Resolution No: 2020-28 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-16** – Zoning of about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 7-0; 2 absent).

**ZONING ORDINANCE NO: 2020-16**

**AN ORDINANCE TO ZONE THE “MICHIGAN AVE RD- COFFEY PROPERTY ANNEXATION AREA” WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE**

WHEREAS, a public hearing before this body was held on the 11<sup>th</sup> day of May, 2020 a notice thereof published in the *Cleveland Daily Banner* on April 26, 2020; and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution No: 2020-27; and,

WHEREAS, this property was annexed by Resolution No: 2020-28; and

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

Section 1. BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, zoned from FAR Forestry/Agricultural/Residential Zoning within the unincorporated County to R1 Single Family Residential Zoning District within the corporate limits of the City of Cleveland.

Section 2. The property shown in Exhibit "A" and shall be zoned in accordance with the legal description described in Exhibit "B", attached hereto and made a part hereof by reference, upon the effective date of this ordinance.

Section 3. Be it further ordained that this Ordinance shall take effect immediately on final reading the public welfare requiring it.

APPROVED AS TO FORM:

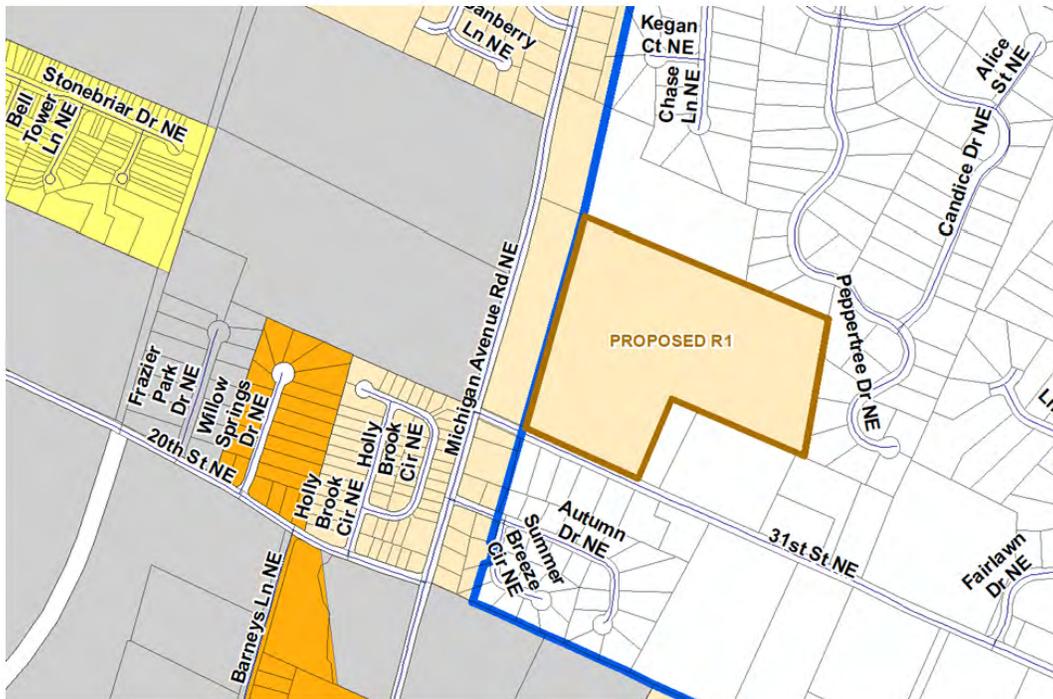
/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

**Exhibit A**



**Exhibit B**

Being the county portion of the lands of Darrell and Pamela Coffey, the property is described as follows: beginning at an iron pin located at the northeast corner of the lands of Darrell and Pamela Coffey, as recorded in the BCROD deed book 2602 page 158, thence in a south easterly direction with a portion of the eastern property line of the lands of Coffey 614 feet, more or less to an iron pin located in the northern line of the lands of June and Arthur Miller, as recorded in BCROD deed book 324 page 326; thence with a portion of the southern line of the lands of Coffey in a northwesterly direction 633 feet, more or less, to the northwest corner of the lands of Colleen Craig, as recorded in the BCROD deed book 2487 page 566; thence with a portion of the eastern lines of the lands of Coffey in a southwesterly direction 387 feet, more or less, to the southwestern corner of the lands of Craig, said point being in the northern right of way of 31<sup>st</sup> Street; thence with the southern line of the lands of Coffey and the northern right of way of 31<sup>st</sup> Street 561 feet, more or less, to a point where the existing City Limits meets the southern property line of the lands of Coffey; thence in the northeasterly direction with the existing City Limits 967 feet, more or less, to a point where the existing City Limits crosses the northern property line of the lands of Coffey; thence in a southeasterly direction with the northern property line of the lands of Coffey 2146 feet, more or less, to the point of beginning.

Councilman May moved that Zoning Ordinance No: 2020-16 be voted for passage on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-17** – Rezoning .58 acres, more or less, located at 115 56<sup>th</sup> St NW (Tax Map 34D Group D Parcel 8.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 7-0; 2 absent).

**ZONING ORDINANCE NO: 2020-17**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R2 Low Density Single and Multi-family Residential Zoning District to CH Commercial Highway Zoning District.

Approximately .58 acres, more or less, located 115 56<sup>th</sup> St NW as shown on the attached map.

For reference, same property is being shown on Tax Map 34D Group D Parcels 8.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved that Zoning Ordinance No: 2020-17 be voted for passage on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- City Offices will be closed on Monday, May 25 in observance of Memorial Day.
- The Council meeting scheduled for Tuesday, May 26 will be cancelled.
- The next City Council will be Monday, June 8, 2020.

There being no future business the meeting was adjourned at 4:05 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, MAY 25, 2020 AT 3:00 P.M. DUE TO THE MEMORIAL DAY HOLIDAY.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 8, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 16, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Charlie McKenzie, Tom Cassada and Ken Webb. On the conference call were Vice Mayor Avery Johnson, Councilmen Bill Estes, David May, Jr., and Dale Hughes. 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, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Corey Divil, Assistant to the City Manager/ Communications Coordinator/Downtown Coordinator/Senior Planner and Tim Sinead with *The Cleveland Daily Banner*. Also, various staff, Department Heads and developers were dialed into the virtual meeting line. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 May 11, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

**SPECIAL PRESENTATIONS AND PUBLIC COMMENTS**

Mayor Brooks read the following Proclamation recognizing National Public Works Week.



**PROCLAMATION**

**“National Public Works Week”**

**WHEREAS**, public works services provided in our community are an integral part of our citizen's every day lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

**WHEREAS**, the safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities is vitally dependent upon the efforts and skill of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel, who staff public works departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

**NOW, THEREFORE**, I, Kevin Brooks, by virtue of the authority vested in me as Mayor of the City of Cleveland, in the great state of Tennessee, do hereby proclaim the week of May 17<sup>th</sup> through 23<sup>rd</sup> as “NATIONAL PUBLIC WORKS WEEK” in the City of Cleveland, and calls upon all citizens and civic organizations to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Cleveland, Tennessee to be affixed on the 6<sup>th</sup> day of June, 2020.

---

Kevin Brooks, Mayor

Vice Mayor Johnson thanked Public Works for their hard work and quick responses. We have the best of the best with Director Tommy Myers and the Public Works staff.

Councilman Hughes stated he admires the work of the Public Works Department. Director Tommy Myers is an excellent leader and gets the job done. This Proclamation is well deserved.

Councilman Cassada thanked Director Tommy Myers and Public Works staff for their work and addressing public concerns.

Councilman Webb congratulated the Public Works team. They complete projects you might look at a contractor to do and we rely on them to do it and they do it well. It is well-deserved to receive this recognition.

Mayor Brooks announced anyone watching on Facebook Live can email the City Manager's office at [blindsey@clevelandtn.gov](mailto:blindsey@clevelandtn.gov) or by calling 423-472-4551x5327.

### **CITY MANAGER REPORT**

City Manager Joe Fivas stated he has received a few inquiries concerning the playgrounds. We have decided to open the playgrounds on June 13. Also, the city pools, Mosby Pool will be open on June 19. We have lifeguards ready to go and we will communicate further with the public. The swim clubs that utilize our pools have cancelled for the summer, which will open up more time for people in the community. Next, he announced we are working on the final touches on the Pickleball Courts at Tinsley Park. Tentatively, June 26 is planned for a grand opening. Currently pavilions in our parks are open but beginning July 1 we will begin taking reservations. Mr. Fivas reported concrete was poured on the 20<sup>th</sup> Street bridge project last week and we have been advised that in the next several weeks the project will be completed. The most important thing about the project is it is 100% paid for by the State, as it is a part of the State Bridge Program. This has been a partnership and hopefully in the next few weeks it will be open. Next, the Candies Lane stormwater improvement project was flooding and closed several times a year. The Council wanted to fix the issue and Wright Brothers Construction has done a fantastic job and it is ahead of schedule. We know it is an inconvenience for a number of families, but we are happy with the work being done out there. The last project update is Norman Chapel Road. Finishing touches are happening and the completion date is set for the end of June. Mr. Fivas continued we have previously discussed with the City Council the project process where we bid projects out, and we have due dates. If the contractors don't keep the due dates the City establishes, we charge liquidated fees and penalties. We can't tell private contractors that they have to do something but if they are not performing the work fast enough, they will get liquidated damages. If things are not efficiently as possible that's how we cover ourselves when projects go over. Some comments have come in about Norman Chapel Road project, but it is still within the scope of the time limits. Mr. Fivas continued staff has spent time on the Census. Currently we are at about 60% of participation and we would like it to be at 75-80% by August. The higher and more accurate our census numbers are is more money we get from the State and Federal Government. He then updated the Council on the BUILD grant. It has been submitted and feels it is a very strong grant. We expanded the focus of the grant and helping with infrastructure around the old Whirlpool site, working on the bridge downtown and connecting Lee University better to into the downtown area, and the traffic on Inman Street. It is a more defined grant and we're certainly excited about the opportunity. Greg Thomas, Cathy Andrews, Corey Divel Jonathan Jobe and Mayor Brooks, all did a lot of work and a team effort. Lastly, Mr. Fivas updated the Council on the proposed Waterville Golf Course lease with Apex Turf Management, LLC. The lease agreement lays out a plan of action and the needs of the course to be completed. Apex Turf Management envisions it as a family run operation and have youth and high school golf opportunities along with leagues and tournaments. This item is on the agenda for Council consideration.

Mr. Fivas then reviewed today's agenda items.

Councilman Cassada address his agenda item concerning the request to the City Council make Paul Huff Extension a priority to connect Paul Huff Parkway to Freewill Road to resolve traffic congestion in the North Cleveland area. He stated he would like to get in front of the Paul Huff extension and with the new development on the northside of town, we have infrastructure needs and the growth is going to be greater. Other neighborhoods, with approximately 200 homes, will be built in the area and with the traffic influx, we have seen with the Candies Lane project, how it affects the community. He would like Council and Mayor to look into the needs and how can get the project underway. We need to be more proactive. Also, the Hwy 60 project. Once that is completed, we could see more strip-malls and doctor offices along with additional traffic.

Councilman Webb asked if the budget amendment which projected a \$650,000 decrease in property and local sales tax was mostly associated with the downturn in the economy during Covid-19. Assistant City Manager/CFO Shawn McKay replied yes.

Mayor Brooks stated there has been several email comments come through his office concerning defunding the Police Departments and he would like to go on record to say we are in fact increasing and fully funding our Police Department. We are supporting our Police Officers. Mr. Fivas stated we have two emails concerning the Police Department policies and Chief Gibson's has responded accordingly. We will include them in the minutes.

----- Original message -----

From: Matthew Ryan <[matthew.ryan@revolutionprep.com](mailto:matthew.ryan@revolutionprep.com)>

Date: 6/8/20 3:20 PM (GMT-05:00)

To: Beverley Lindsey <[BLindsey@clevelandtn.gov](mailto:BLindsey@clevelandtn.gov)>

Subject: Questions for City Council Meeting

Hi, as a concerned citizen, I'd like to ask some questions of the council.

What are our policies regarding police use of force? Does the city of Cleveland have a clear, concise continuum of force? Do we have a ban on knee holds and choke holds by police? Do we have a policy requiring officers to intervene and stop use of excessive force by other officers? Do we have a ban on officers shooting at moving vehicles? Are police required to exhaust all other reasonable means before resorting to lethal force? Are police required to give a verbal warning before shooting a civilian? Are officers required to report any use or threat of force against civilians? Are those records maintained accurately and effectively?

I really would like answers to all these questions. As you might surmise, my goal is to see what action has been taken and what still needs to be taken in order to prevent police brutality in our city. I don't want this to be read with any sort of aggression (I know with that many questions in may come off that way, but that's not my intention), but I am committed to ensuring our city is safe for everyone.

**Matt Ryan**

*Professional Tutor, Revolution Prep*

931.215.7752

[matthew.ryan@revolutionprep.com](mailto:matthew.ryan@revolutionprep.com)

[revolutionprep.com](http://revolutionprep.com)

# City of Cleveland

CLEVELAND, TENNESSEE  
Police Department

Mark D. Gibson  
Chief of Police  
mgibson@clevelandtn.gov

100 Church Street N.E.  
Cleveland, Tennessee 37311-5330  
Phone: (423) 559-3311  
Fax: (423) 559-3327



To: Mr. Matt Ryan  
From: Chief Mark Gibson  
Re: Response to Resistance /Use of Force

In response to your email, thank you for reaching out and asking questions. So many times, assumptions are made about our department without any efforts to research or simply ask questions. I will answer your questions and give you some context on how our policies are developed.

The Cleveland Police Department has been a CALEA accredited agency since 2009. The Commission on Accreditation for Law Enforcement (CALEA) is a national and international program that provides law enforcement with established professional standards and guidance for best practices in policing. They provide comprehensive and uniformed written directives that clearly define authority, performance, and responsibilities. This commission evaluates our agency annually and uses assessment measures to ensure excellence and professionalism. In 2018, the Cleveland Police Department received our 4<sup>th</sup> reaccreditation award. Our police department was recognized as a Gold Standard agency, which is the highest level of achievement for CALEA.

Now what does that mean? We are held to the highest standard and are among only about 4% of the police departments in this country that are a Gold Standard CALEA agency. We progressively review and revise our policies and training to meet the continuously changing demands of law enforcement. CALEA provides up to date and clear directions related to response to resistance polices (Use of Force). Our policies closely mirror and follow those recommended standards.

Operation Zero (8 Can't Wait campaign) has conducted research and have identified 8 policy changes that will decrease police violence. First, I am addressing the 8 recommendations provided. Second, the term police violence is the term used for their research. It is a term that is used out of context and isn't a term that comprehensively represents the complexity of Use of Force events. Regardless of policies that any agency has in place, the officer's response to resistance primarily depends on the actions of the offender. So, we must look at officer's response to violence and work from that aspect as well.

The Cleveland Police Department's policies in comparison to the 8 Can't Wait recommendations;

*Nationally Accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc.*

1. The Cleveland Police Department prohibits arterial and neck restraints. This is considered a lethal use of force and is prohibited.
2. Our agency conducts quarterly de-escalation training for all officers. We utilize an interactive training simulator that puts the officers in real life scenarios and requires the officer to utilize verbal de-escalation techniques in order to resolve the simulated conflict.
3. Officers are required by policy to attempt to resolve all deadly force situations by using de-escalation techniques and verbal commands before the use of deadly force. As stated earlier, action by the officers depends on the actions of the offenders. There are situations where its not practical for verbal commands and the officer must react immediately with deadly force in protection for their life or others.
4. Deadly force is the last opinion. It is the last resort by policy.
5. The Cleveland Police Department has multiple policies that require officers to intervene or report officers that are involved in any actions that are illegal or violate policy. Officers face the same level of disciplinary action as the individual committing the actions if they fail to intervene.
6. CPD policy prohibits shooting into a moving vehicle unless the officer reasonably believes the occupants of the vehicle are or are about to use deadly physical force against the officer or another person.
7. Our policy includes a use of force matrix or continuum with 8 steps. This matrix gives the officer directions on progressive escalation in their response to resistance, but also gives progressive de-escalation directions.
8. All response to resistance events are reported and investigated per policy. CPD requires all officers to complete a use of force packet and require a scene investigation by supervisors. All reports are reviewed at every level and are reviewed for final approval by the Chief of Police.

The Cleveland Police Department keeps data on all use of force events. For example, in 2019 the Cleveland Police Department responded to 64,400 calls for service. Officers arrested almost 4,500 people and had 97 use of force reports filed. During an arrest officers used force to gain compliance .022% of the time. We had zero events involving officers discharging their firearms at an offender. The last officer involved shooting involving the Cleveland Police Department was in 2014.

That data is used to address specific issues in the community, patterns by the department, and patterns among individual officers. The information helps us develop training, revise policies, and ensure accountability for our agency.

From: Sara Keel <[sarakdkeel@gmail.com](mailto:sarakdkeel@gmail.com)>  
Date: 6/8/20 2:23 PM (GMT-05:00)  
To: Beverley Lindsey <[BLindsey@clevelandtn.gov](mailto:BLindsey@clevelandtn.gov)>  
Subject: Questions for City Council Meeting

I'm emailing the Cleveland City Council to urge them to take the pledge to enact the #8CantWait Use of Force policies. I live in Cleveland, TN in the 3rd District (Estes), and I know our city would benefit from these policies.

The #8CantWait policies are simple, common-sense and would make our community safer. Can Cleveland commit to enacting these policies right now?

Ban chokeholds and strangleholds  
Require de-escalation  
Require warning before shooting  
Exhaust all alternatives before shooting  
Duty to Intervene: Require officers to intervene and stop excessive force used by other officers  
Ban shooting at moving vehicles  
Require use of force continuum  
Requires Comprehensive Reporting

Thank you for your consideration and your service to our city,  
Sara Keel



**Sara Keel** Copywriter / Copy Editor

e: [sarakdkeel@gmail.com](mailto:sarakdkeel@gmail.com) | w: [www.sarakdkeel.com](http://www.sarakdkeel.com)  
p: 423-715-6265

# City of Cleveland

CLEVELAND, TENNESSEE  
Police Department

Mark D. Gibson  
Chief of Police  
mgibson@clevelandtn.gov

100 Church Street N.E.  
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Re: Response to Resistance /Use of Force

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That data is used to address specific issues in the community, patterns by the department, and patterns among individual officers. The information helps us develop training, revise policies, and ensure accountability for our agency.

**HEARING PETITIONS AND COMMUNICATIONS**

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request to rezone .68 acres located at 205 Hiwassee Ave (Tax Map 42G Group B Parcels 19.00 & 20.00) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Denied 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [Comments received electronically.]

-----Original Message-----

From: Shari Horton <[sharihorton@gmail.com](mailto:sharihorton@gmail.com)>

Sent: Wednesday, June 3, 2020 10:48 AM

To: Corey Divel <[cdivel@clevelandtn.gov](mailto:cdivel@clevelandtn.gov)>

Cc: Kevin Brooks <[kbrooks@clevelandtn.gov](mailto:kbrooks@clevelandtn.gov)>; Avery Johnson <[ajohnson@clevelandtn.gov](mailto:ajohnson@clevelandtn.gov)>; David May <[dmay@clevelandtn.gov](mailto:dmay@clevelandtn.gov)>; Dale Hughes <[drhughes@clevelandtn.gov](mailto:drhughes@clevelandtn.gov)>; Bill Estes <[bestes@clevelandtn.gov](mailto:bestes@clevelandtn.gov)>; Ken Webb <[kwebb@clevelandtn.gov](mailto:kwebb@clevelandtn.gov)>; Charles McKenzie <[cmckenzie@clevelandtn.gov](mailto:cmckenzie@clevelandtn.gov)>; Tom Cassada <[tcassada@clevelandtn.gov](mailto:tcassada@clevelandtn.gov)>

Subject: Opposition of rezoning 205 Hiwassee Avenue property

Mr. Divel,

*I want to go on public record that I oppose the rezone of the property on 205 Hiwassee Avenue, NE. This property rezoning will cause more congestion, litter and other problems. With all the apartments and multiple family already in place this will only cause more problems. The through traffic from Stuart Road opening around the strip mall is dangerous and bothersome for all residents, this traffic will only compound the problems. The litter problem is excessive and hazardous to all people involved. Yes, I live in the next block but no one has approached me or any of the current residents about whether there is any opposition of this act. Yes, there are duplexes and a tri-plex on Hiwassee Avenue already but these were built before city ordinances were put into place.*

*I really thought there would be more people stepping forward about stopping this act but so many people are reluctant to take the time and effort it takes to stop this sort of thing. Does Mr. Townsend have, in writing, the people that he said did not oppose to this?*

*Your consideration of rejecting this process will be greatly appreciated. Please alert The Cleveland Municipal Planning Commission of this opposition, Tricia Pennington, Alma Dotson, Blake Allison, Larry Presswood, Clarke Taylor, Maryl Elliott, Jamie Creekmore, Ben Perry, Bill Estes at the next meeting, Monday, June 8, 2020, at 3:00 p.m.*

*Thank you,*

*Shari Horton*

*450 Hiwassee Avenue, NE*

*423-476-3766*

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .42 acres located on Mouse Creek Rd NW (Tax Map 27G Group A Parcel 12.01) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Approved 7-0; 1 recused, 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments received electronically.]

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .16 acres located on Nevin Ln

NW (a portion of Tax Map 49F Group L Parcel 17.00) from R1 Single Family Residential Zoning District to CN Neighborhood Commercial Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed. [No comments received electronically.]

Mayor Brooks announced the following reappointments to the Shade Tree Board – Matt Coleman, County Commissioner Milan Blake, County Commissioner Dennis Epperson and Tim Henderson for additional 2-year terms to expire August, 2022.

**CONSENT AGENDA**

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage – To Deny Zoning Ordinance No: 2020-13** – heretofore denied on first reading May 11, 2020 and found in Minute Book 29, Page 805; rezoning .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 7-0; 2 absent).
- **Final Passage - Zoning Ordinance No: 2020-14** – heretofore passed on first reading May 11, 2020 and found in Minute Book 29, Page 806; rezoning 26.91 acres, more or less, located on Hensley Rd NW (Tax Map 41 Parcel 55.01) from R1 Single Family Residential Zoning District to PUD22 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance No: 2020-15** – heretofore passed on first reading May 11, 2020 and found in Minute Book 29, Page 812; rezoning 104 acres, more or less, located on Durkee Rd (Tax Map 58 Parcel 28.00) from IL Light Industrial Zoning District to PUD23 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance No: 2020-16** – heretofore passed on first reading May 11, 2020 and found in Minute Book 29, Page 826; zoning of about 21.48 acres located on Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance No: 2020-17** – heretofore passed on first reading May 11, 2020 and found in Minute Book 29, Page 828; rezoning .58 acres, more or less, located at 115 56<sup>th</sup> St NW (Tax Map 34D Group D Parcel 8.00) from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Bid Report** – Street Striping (Extending the current contract with Superior Pavement Markings, Inc. for an additional one-year term).

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: June 8, 2020**  
**RE: Contract Extension – Street Striping & Thermoplastic**

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**SUMMARY:**

Public Works’ street striping & thermoplastic contract is currently with Superior Pavement Marking, Inc. in Knoxville, TN. Jerry Burnette (Superior Pavement Marking) has agreed to extend the current contract for an additional one-year term.

**COMMITTEE FINDINGS:**

No Board or Committee findings.

**FISCAL ANALYSIS:**

Funds are available.

**RECOMMENDATION:**

Recommendation is to approve the extension of the current contract for an additional one-year term.

- **Bid Report** – Brush Chipping

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: June 8, 2020**  
**RE: Bid Summary – Brush Chipping Services**

**SUMMARY:**

Sealed bids were received on June 2, 2020, for Brush Chipping Services. The bids are listed below:

- Big Woody’s Tree Service, LLC  
Apison, TN \$350.00/hr
- G.W. & Son Excavating, LLC  
Vonore, TN \$369.97/hr

**COMMITTEE FINDINGS:**

No Board or Committee findings.

**FISCAL ANALYSIS:**

Funds are available.

**RECOMMENDATION:**

Staff recommends award to Big Woody’s Tree Service. The term of this contract will be for a one-year period beginning July 1, 2020.

- **Resolution No: 2020-35** – Authorizing the Mayor to sign a grant contract with TDOT for the Multimodal Access Shared-use path and bike lane on the south side of SR60.

**RESOLUTION NO. 2020-35**

**WHEREAS**, the City has received the attached contract from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

**Project Description:** Shared-use path and bike lane on the south side of SR-60.

Agreement Number: 200110

Project Identification Number (PIN): 130251.00

State Project #: 06LPLM-S3-079

**WHEREAS**, the City Council desires to enter the attached contract with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 8th day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-36** – Authorizing the Mayor to sign an application for the FY2020 Bulletproof Vest Partnership Program.

**RESOLUTION NO: 2020-36**

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY FOR A BULLETPROOF VEST PARTNERSHIP GRANT FOR FY 2020 YEAR THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE**

**WHEREAS**, the City of Cleveland desires to apply for a FY 2020 Bulletproof Vest Partnership Grant through the United States Department of Justice, Bureau of Justice Assistance, for bulletproof vests to be used in the Cleveland Police Department; and

**WHEREAS**, the cost of these 25 vests is \$19,750 (\$790 each), and the grant, if approved, would reimburse the City for 50% of the cost of these vests; and

**WHEREAS**, the City Council desires to apply for this grant, and to authorize the Mayor to sign all documents and to take all actions on behalf of the City that may be necessary or appropriate in connection with the grant application, and to accept the grant if approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland that the City of Cleveland is hereby authorized to apply for this grant, and the Mayor is hereby further authorized to sign all documents on behalf of the City that may be necessary or appropriate for the completion of the grant application.

**BE IT FURTHER RESOLVED** that if the City is awarded the grant, that the Mayor is further authorized to sign all documents and to take any other action on behalf of the City that may be necessary or appropriate for the City to accept this grant.

This 8<sup>th</sup> day of June, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-37** – Approving amendments to the Citizen Participation Plan and the 2019-2023 CDBG Consolidated Action Plan.

**RESOLUTION NO: 2020-37**

**RESOLUTION FOR APPROVAL OF THE  
2019-2023 CONSOLIDATED PLAN AMENDMENT FOR COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS  
AND APPROVAL OF THE AMENDMENT TO THE CITIZEN PARTICIPATION PLAN**

**WHEREAS**, the City of Cleveland, Tennessee has received an allocation under the Corona Virus Aid, Relief and Economic Security Act (CARES Act) through the Community Development Grant Program; and

**WHEREAS**, City of Cleveland is amending the 2019-2023 Consolidated plan to include public services and economic development;

**WHEREAS**, City of Cleveland is required to amend its citizen participation plan as it relates to comment period pertaining to the Consolidated plan;

**WHEREAS**, the 2019-2023 Consolidated Plan Amendment was the subject of a public hearing that was advertised in the Cleveland Banner for comment on May 13, 2020 and held on May 28, 2020 with a comment period of no less than 5 days to end on June 5, 2020;

**WHEREAS**, comments concerning the 2019-2023 Consolidated Plan Amendment were received by City staff;

**WHEREAS**, the City Council approves the amendment to the Consolidated Plan to include economic development and public services activities and approves the amendment to the Citizen Participation Plan;

**NOW, THEREFORE, BE IT RESOLVED THAT;**

That City Council of City of Cleveland approves both amendments and authorize the submittal to the United States Department of Housing and Urban Development (HUD), and the Mayor is authorized to sign all agreements, contracts, certifications and other documents with HUD that are required to carry out the amendments.

This 8<sup>th</sup> day of June, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-38** – Authorizing the Mayor to sign a lease agreement and contract with Apex Turf Management LLC for the Waterville Golf Course.

**RESOLUTION NO. 2020-38**

**WHEREAS**, the City Council has reviewed the recommendations from the City Manager concerning Waterville Golf Course, and it now desires to enter into the attached lease agreement with Apex Turf Management LLC and also the attached Contract with Apex Turf Management LLC and to further authorize the Mayor to execute these 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 lease agreement for Waterville Golf Course with Apex Turf Management LLC as well as the attached Contract with Apex Turf Management LLC, and it further authorizes the Mayor to execute these agreements on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 8<sup>th</sup> day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-39** – Approving utility easements to Cleveland Utilities along Georgetown Road at Cleveland Middle School and Candy’s Creek Cherokee Elementary School in connection with the TDOT project.

**RESOLUTION NO. 2020-39**

**WHEREAS**, the City of Cleveland is the owner of a parcel of real property located at 3661 Georgetown Road in the City of Cleveland, which is the location of Cleveland Middle School, and is generally identified as Tax Map 033 112.00; and

**WHEREAS**, the City of Cleveland is also the owner of a parcel of real property located at 4445 Georgetown Road in the City of Cleveland, which is the location of Candy’s Creek Cherokee Elementary School, and is generally identified as Tax Map 033 004.03; and

**WHEREAS**, in connection with the on-going TDOT project which will eventually widen U.S. 60 (Georgetown Road), Cleveland Utilities will need to relocate some existing utility lines; and

**WHEREAS**, the consultant retained by Cleveland Utilities in connection with this TDOT project has prepared the attached utility easements for approval by the City Council and the Cleveland City School Board; and

**WHEREAS**, since the two parcels are titled in the name of the City of Cleveland for the use and benefit of the Cleveland Board of Education, the easements need to be approved by the City Council; and

**WHEREAS**, the City Council desires to approve of these utility easements and to authorize them to be executed.

**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 utility easements to Cleveland Utilities across the two parcels described herein. [on file in the City Clerk’s Office.]

This 8<sup>th</sup> day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-40** - Authorizing a contract with SETDD for services related to the CDBG-CV Forgivable Loan Program.

**RESOLUTION NO. 2020-40**

**WHEREAS**, the City’s redevelopment coordinator has determined that it is necessary to obtain a contractor to perform certain technical or professional administrative services to develop and implement an Economic Development Program to be funded by the HUD CDBG-CV allocation of funds; and

**WHEREAS**, in connection with said project, the City's redevelopment coordinator is recommending that the City enter into the attached agreement with the Southeast Tennessee Development District for these services; and

**WHEREAS**, the City Council now desires to approve of the attached agreement with Southeast Tennessee Development District for the referenced project, and to further authorize the Mayor to execute the same 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 agreement with Southeast Tennessee Development District for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 8<sup>th</sup> day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Motion** - Avery Johnson Park Plan Modification.

**TO: Mayor and City Council**  
**FROM: Joe Fivas, City Manager**  
**DATE: June 8, 2020**  
**RE: Avery Johnson Park Plan Modifications**

**SUMMARY:**

The City started the construction of Avery Johnson Park in 2019. The new Park facility will consist of multiple soccer field/multi-purpose fields, two dog parks, walking trail, and a parking lot. The Plan included a phased in approach to also include a pavilion and restrooms in the future.

Furthermore, the City has an additional \$150,000 in CDGB funds available to start the second phase of the project. City staff would like to propose to the City Council that we fold Phase 2 into the final construction to build at least a pavilion and restroom space for visitors when it is officially opened. The City would also use some additional funds already within the Public Works and Parks & Recreation budget to complete this project.

City staff has a goal to have a Grand Opening of this facility in the fall of 2020. I’ve included some draft visuals and drawing of the proposed facility.

**COMMITTEE FINDINGS:**

None

**FISCAL ANALYSIS:**

None

**RECOMMENDATION:**

City staff recommends the approval of the construction of Phase 2 at Avery Johnson Park.

- **Reappointment** – *Animal Shelter* – Dr. Sally Poston for an additional 3-year term to expire April, 2023
- **Reappointment** – *Animal Shelter* – Pat Ownby for an additional 3-year term to expire June, 2023.
- **Reappointment** – *Beer Board* – Mark Smith for an additional 2-year term to expire July, 2022.
- **Reappointment** – *Beer Board* – Gerald Lillard for an additional 2-year term to expire July, 2022.
- **Reappointment** – *Historic Preservation* – Jo Benjamin for an additional 4-year term to expire June, 2024.

- **Reappointment** – *Historic Preservation* – Rufus Triplett for an additional 4-year term to expire June, 2024.
- **Reappointment** – *Health Education Facilities and Industrial Bond Board* – Dr. Robert Taylor for an additional 6-year term to expire July, 2026.
- **Reappointment** – *Health Education Facilities and Industrial Bond Board* – Mike Griffin for an additional 6-year term to expire July, 2026.
- **Reappointment** – *Utility Board* – Eddie Cartwright for an additional 4-year term to expire August, 2024.
- **Reappointment** – *Vacant Property Review Board* – Duane Gilbert for an additional 2-year term to expire May, 2022.
- **Reappointment** – *Vacant Property Review Board* – Verrill Norwood for an additional 2-year term to expire May, 2022.

The motion to approve the consent agenda was seconded by Councilman Cassada and upon roll call, the motion was unanimously passed.

### UNFINISHED BUSINESS

No unfinished business.

### REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman McKenzie stated he has a grandson graduating from Cleveland High School this Friday. He encouraged everyone to attend.

Councilman Estes congratulated Westmore Church of God for opening back up this past weekend. He then thanked Mr. Fivas and city staff for opening the parks back up. Lastly, he had been in communication with Sarah Keel regarding CALEA policies and he wanted to publicly thank Larry Wallace for encouraging and walking us through this process early on. He is glad to hear Chief Gibson will be responding to Ms. Keel as well.

Councilman Cassada stated over the weekend in Mountain Brooks and Mountain Pointe subdivisions had a lot of tree debris and just wanted to make sure it gets cleaned up soon. Also, we've seen reports and the media about defunding the Police Departments and he is in no way in support of defunding First Responders or any Police and Fire Departments to jeopardize our safety in our community.

Councilman Hughes thanked Councilman Estes for mentioning Larry Wallace and his work with our Police and Fire Departments. Councilman Hughes then stated he stands with our Police Department, Fire Department and First Responders.

Mr. Fivas stated Mountain Brook residents have been doing some clearing of trees and Public Works have been working to clear the neighborhood. Having such large piles sometimes causes them to run behind schedule.

### NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance No: 2020-18** – FY2020 Budget Amendments.

#### **ORDINANCE NO: 2020-18**

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO  
AMEND THE 2019-2020 BUDGET FOR THE CITY OF CLEVELAND, TENNESSEE.

BE IT ORDAINED by the City Council of the City of Cleveland that the City of Cleveland, Tennessee budget for fiscal year 2019-2020 be amended according to the attached amendment.

BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee that all ordinances in conflict with the provisions of this ordinance are hereby repealed. This Ordinance shall take effect from and after its final passage, the public welfare of the City of Cleveland requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
 Shawn McKay, City Clerk

City of Cleveland, Tennessee				
FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>GENERAL FUND</b>				
Tax Revenues:	41,082,500	40,432,500	(650,000)	Decrease in Prop and Local Sales Tax
Licenses & permits:	971,050	1,078,550	107,500	Permits and fees
Intergovernmental:	5,262,900	5,149,700	(113,200)	Decrease Est. State Shared Revenues
Charges for services:	1,148,400	1,258,388	109,988	Contracted Svcs and Rec. Fees
Fines & forfeits:	617,640	620,140	2,500	
Interest income:	200,000	200,000	0	
Miscellaneous:	120,000	108,851	(11,149)	
Public Enterprise Revenue:	273,950	277,450	3,500	
Subtotal	49,676,440	49,125,579	(550,861)	
Other Funding Sources:	2,773,725	2,773,725	0	
Total revenues	52,450,165	51,899,304	(550,861)	
Legis. & Judicial	618,837	630,487	11,650	Lee Crosswalk Additional, Back Alley Gallery
Administration	892,938	892,938	0	
Codes Enforcement	259,800	259,800	0	
Fleet	737,000	737,000	0	
Forestry & Landscaping	812,917	814,717	1,800	Donations Memorial Trees
Jetport	280,300	280,300	0	
Human Resources	334,696	334,696	0	
Finance	1,225,033	1,225,033	0	
Information Technology	847,593	847,593	0	
Development & Engineering	1,581,800	1,581,800	0	
Police	11,418,338	11,484,725	66,387	Training Supplement Increase, Extra Duty-Cont. S
Animal Control	607,783	608,888	1,105	Donations Spay/Neuter
Fire	10,585,739	10,586,387	648	Donations
PW Operations	2,610,000	2,610,000	0	
Street Lighting & Signals	1,519,400	1,519,400	0	
Parks & Recr.	1,149,963	1,176,507	26,544	Recreational Programs
College Hill Rec Center	472,250	469,250	(3,000)	Tfr - CIP
Cleveland Comm Center	434,898	424,898	(10,000)	Tfr - CIP
Tinsley Park	367,702	362,702	(5,000)	Tfr - CIP
P&R - Leases	24,937	24,937	0	
Appropriations	1,313,036	1,313,036	0	
Subtotal:	38,094,960	38,185,094	90,134	
Transfers	14,538,186	14,092,501	(445,685)	CIP
Total expenditures	52,633,146	52,277,595	(355,551)	
Increase (use) of fund balance	(182,981)	79,299	(195,310)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>SPECIAL REVENUE FUNDS:</b>				
<b>Solid Waste Mgmt. Fund</b>				
Revenues	2,880,000	2,880,000	0	
Transfers from Other Funds	1,079,381	1,079,381	0	
<b>Total Rev. &amp; Transfers In</b>	<b>3,959,381</b>	<b>3,959,381</b>	<b>0</b>	
Expenditures	3,959,381	3,959,381	0	
Increase (Use) of Fund Balance:	0	0	0	
<b>State Street Aid Fund</b>				
Revenues	1,500,000	1,500,000	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>1,500,000</b>	<b>1,500,000</b>	<b>0</b>	
Expenditures	759,200	759,200	0	
Transfers Out	447,145	447,145	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>1,206,345</b>	<b>1,206,345</b>	<b>0</b>	
Increase (Use) of Fund Balance:	293,655	293,655	0	
<b>Cleveland Public Library Fund</b>				
Revenues	807,600	807,600	0	
Transfers from Other Funds	673,600	673,600	0	
<b>Total Rev. &amp; Transfers In</b>	<b>1,481,200</b>	<b>1,481,200</b>	<b>0</b>	
Expenditures	1,481,200	1,481,200	0	
Increase (Use) of Fund Balance:	0	0	0	
<b>Drug Enforcement Trust Fund</b>				
Revenues	18,600	18,600	0	
Expenditures	18,600	18,600	0	
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>Bryne Mem. Justice Asst. Grant</b>				
Revenues	38,036	38,036	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>38,036</b>	<b>38,036</b>	<b>0</b>	
Expenditures	38,036	38,036	0	
Increase (Use) of Fund Balance:	0	0	0	
<b>Recycling Grant</b>				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Expenditures				
Transfers Out		3,981	3,981	
<b>Total Expenditures &amp; Transfers:</b>	<b>0</b>	<b>3,981</b>	<b>3,981</b>	Closed fund
Increase (Use) of Fund Balance:	0	(3,981)	(3,981)	
<b>Community Dev. Block Grant</b>				
Revenues	744,798	744,798	0	
Transfers from Other Funds	30,000	30,000	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>774,798</b>	<b>774,798</b>	<b>0</b>	
Expenditures	767,983	767,953	(30)	
Increase (Use) of Fund Balance:	6,815	6,845	30	
<b>MPO Fund</b>				
Revenues	178,100	178,100	0	
Transfers from Other Funds	44,500	44,500	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>222,600</b>	<b>222,600</b>	<b>0</b>	
Expenditures	222,600	222,600	0	
Increase of Fund Balance:	0	0	0	

City of Cleveland, Tennessee FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>School Food Service Fund</b>				
Revenues	3,546,017	3,289,123	(256,894)	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>3,546,017</b>	<b>3,289,123</b>	<b>(256,894)</b>	
Expenditures	3,546,017	3,576,383	30,366	
Transfer to Other Funds	0		0	
<b>Total Expenditures &amp; Transfers:</b>	<b>3,546,017</b>	<b>3,576,383</b>	<b>30,366</b>	
Increase (Use) of Fund Balance:	0	(287,260)	(287,260)	
<b>School General Fund</b>				
Revenues	45,059,230	45,368,460	309,230	
Transfers from Other Funds	5,432,000	5,432,000	0	
<b>Total Rev. &amp; Transfers In</b>	<b>50,491,230</b>	<b>50,800,460</b>	<b>309,230</b>	
Expenditures	49,777,111	50,244,741	467,630	
Transfer to Other Funds	555,719	555,719	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>50,332,830</b>	<b>50,800,460</b>	<b>467,630</b>	
Increase (use) of Fund Balance:	158,400	0	(158,400)	

City of Cleveland, Tennessee FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>E Ticketing Technology Fund</b>				
Revenues	12,000	12,000	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>12,000</b>	<b>12,000</b>	<b>0</b>	
Expenditures	31,869	31,869	0	
Transfer to Other Funds	0	0	0	
<b>Total Expenditures &amp; Transfers:</b>	<b>31,869</b>	<b>31,869</b>	<b>0</b>	
Increase (use) of Fund Balance:	(19,869)	(19,869)	0	
<b>CAPITAL OUTLAY FUNDS:</b>				
<b>Capital Improv. Program Fund</b>				
Revenues	11,580,827	11,565,426	(15,401)	
Transfers & Other Fin.	1,450,000	1,087,497	(362,503)	Reduce General Fund Tfr
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>13,030,827</b>	<b>12,652,923</b>	<b>(377,904)</b>	
Expenditures	17,373,378	17,616,473	243,095	Indian Hills Project, PR Vehicle, Vehicle Repair - T
Transfers to Other Funds	0	0	0	
<b>Total Expenditures &amp; Other Uses</b>	<b>17,373,378</b>	<b>17,616,473</b>	<b>243,095</b>	
Increase (Use) of Fund Balance:	(4,342,551)	(4,963,550)	(620,999)	

City of Cleveland, Tennessee FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>Sales Tax Capital Projects Fund</b>				
Revenues	4,103,365	4,026,365	(77,000)	Revise Revenue Estimate
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>4,103,365</b>	<b>4,026,365</b>	<b>(77,000)</b>	
Expenditures	6,935,210	7,181,435	246,225	Cleveland City Schools - Capital Projects
<b>Total Expenditures &amp; Other Uses</b>	<b>6,935,210</b>	<b>7,181,435</b>	<b>246,225</b>	
Increase (Use) of Fund Balance:	(2,831,845)	(3,155,070)	(323,225)	
<b>THDA Home Grant</b>				
Revenues	545,362	545,362	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev. &amp; Transfers In</b>	<b>545,362</b>	<b>545,362</b>	<b>0</b>	
Expenditures	545,362	545,362	0	
Increase (Use) of Fund Balance:	0	0	0	
<b>Blythe Diabetes Grant</b>				
Revenues	150,000	150,000	0	
<b>Total Rev., Transfers &amp; Other Fin.</b>	<b>150,000</b>	<b>150,000</b>	<b>0</b>	
Expenditures	150,000	150,000	0	
Transfer to Other Funds	0		0	
<b>Total Expenditures &amp; Other Uses</b>	<b>150,000</b>	<b>150,000</b>	<b>0</b>	
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>Internal Service Funds:</b>				
<b>Health Insurance Trust Fund</b>				
Revenues	4,182,416	4,182,416	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>4,182,416</b>	<b>4,182,416</b>	<b>0</b>	
Expenditures	4,033,490	4,033,490	0	
Increase (Use) of Fund Balance:	148,926	148,926	0	
<b>Debt Service Fund:</b>				
Revenues	151,100	246,100	95,000	Interst
Transfers from Other Funds	6,932,161	9,436,865	2,504,704	Refunding
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>7,083,261</b>	<b>9,682,965</b>	<b>2,599,704</b>	
Expenditures	7,521,261	10,205,758	2,684,497	Refunding
Increase (Use) of Fund Balance:	(438,000)	(522,793)	(84,793)	
<b>Enterprise Funds:</b>				
<b>Storm Water Management Fund</b>				
Revenues	1,612,500	1,612,500	0	
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>1,612,500</b>	<b>1,612,500</b>	<b>0</b>	
Expenditures	2,704,337	3,386,887	682,550	Flood Plain Buyouts per Army Corps
Increase (Use) of Fund Balance:	(1,091,837)	(1,774,387)	(682,550)	

City of Cleveland, Tennessee				
FY2020 Budget Amendment - June 2020				
	January 2020 Amendment	June 2020 Amendment	Increase (Decrease) from January 2020	Explanation
<b>Fiduciary Funds:</b>				
<b>Meiler Estate/Animal Shelter Trust Fund</b>				
Revenues	500	6,700	6,200	Interest Income
Transfers from Other Funds	0	0	0	
<b>Total Rev., Transfers &amp; Other Fin..</b>	<b>500</b>	<b>6,700</b>	<b>6,200</b>	
Expenditures	0	0	0	
Increase (Use) of Fund Balance:	500	6,700	6,200	

Councilman Webb moved that Ordinance No:2020-18 be voted for passage on first reading. The motion was seconded Councilman May; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-19** – Rezoning .68 acres located at 205 Hiwassee Ave (Tax Map 42G Group B Parcels 19.00 & 20.00) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Denied 8-0; 1 absent).

**ZONING ORDINANCE NO: 2020-19**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R1 Single Family Residential Zoning District to R3 Multi-family Residential Zoning District.

Approximately .68 acres, more or less, located at 205 Hiwassee Ave NE as shown on the attached map.

For reference, same property is being shown Tax Map 42G Group B Parcel 19.00 & 20.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Vice Mayor Johnson moved that Zoning Ordinance No:2020-19 be voted for denial on first reading. The motion was seconded Councilman Cassada; and upon roll call, it was unanimously passed to deny the Ordinance.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-20** – Rezoning .42 acres located on Mouse Creek Rd NW (Tax Map 27G Group A Parcel 12.01) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Approved 7-0; 1 recused, 1 absent).

**Zoning Ordinance No. 2020--20**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R1 Single Family Residential Zoning District to R3 Multi-family Residential Zoning District.

Approximately .42 acres, more or less, located on Mouse Creek Rd as shown on the attached map.

For reference, same property is being shown on Tax Map 27G Group A Parcels 12.01, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Councilman Hughes moved that Zoning Ordinance No:2020-20 be voted for passage on first reading. The motion was seconded Councilman Webb; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-21** – Rezoning .16 acres located on Nevin Ln NW (a portion of Tax Map 49F Group L Parcel 17.00) from R1 Single Family Residential Zoning District to CN Neighborhood Commercial Zoning District (Planning Commission: Approved 8-0; 1 absent).

**Zoning Ordinance No. 2020-21**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R1 Single Family Residential Zoning District to CN Neighborhood Commercial Zoning District.

Approximately .16 acres, more or less, located on Nevin Ln as shown on the attached map.

For reference, same property is being shown on Tax Map 49F Group L Parcels 17.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

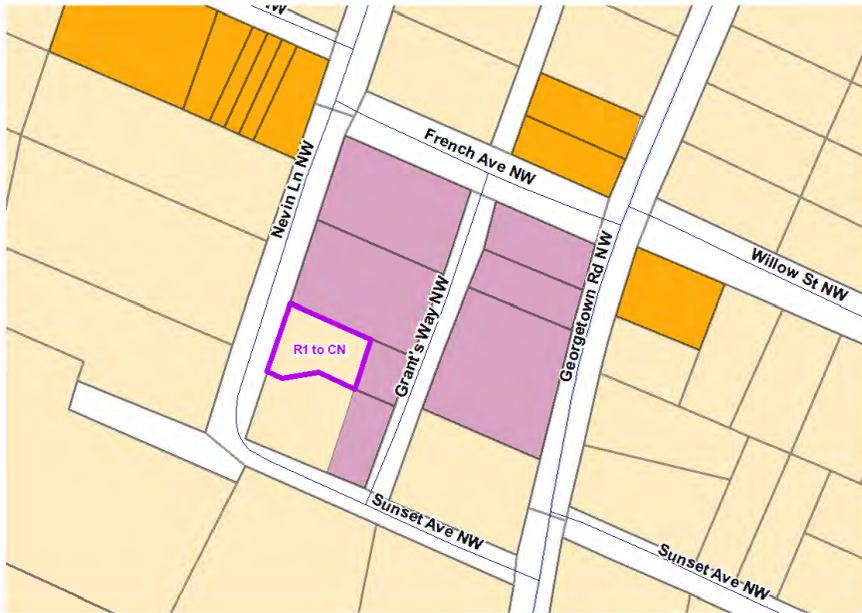
/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Councilman Cassada moved that Zoning Ordinance No:2020-21 be voted for passage on first reading. The motion was seconded Councilman Webb; and upon roll call, unanimously passed.

- **Motion** – Requesting the City Council make Paul Huff Extension a priority to connect Paul Huff Parkway to Freewill Road to resolve traffic congestion in the North Cleveland area (Requested by Councilman Cassada).

Councilman Cassada stated he would like to get the groundwork on the Paul Huff extension started since it could be a long project. He would like staff to look and complete preliminaries and report back costs and the process. Mr. Fivas replied we know one of our weaknesses from an infrastructure standpoint is the lack of the connectors from Freewill to Georgetown. It is a growing community and the Paul Huff extension project has been out there for a while. He then asked if he should have staff look at other alternatives or only the Paul Huff extension. Councilman Cassada stated he would like to see alternatives as well that could possibly make more sense, especially anything cost efficient for taxpayers. For instance, possibly widening Villa Drive. Anything we can do to relieve the traffic pressure in that community. Vice Mayor Johnson stated this has been an issue for some time. He agrees with Councilman Cassada that something needs to be done and work towards completing the extension. Mayor Brooks asked if this could be added to the MPO prioritization list and also, would a motion be required for this item. Mr. Fivas replied you don't necessarily need to vote on it, the consensus of you would like us to do further work and bring back alternatives is enough. We will need to do some due diligence on what the best way is to approach this project and what will carry the most traffic. Once the Council decides on an option, we could then approach the MPO. We need to make sure what we do now will continue to help in the future.

The following Resolution was then presented in full:

**RESOLUTION NO: 2020-42**

**A RESOLUTION AUTHORIZING AN ENGAGEMENT LETTER AND A CONTRACT WITH WEDGEWOOD ACCOUNTING, PLLC TO AUDIT THE ACCOUNTS OF THE CITY OF CLEVELAND, TENNESSEE**

**WHEREAS**, the City of Cleveland has received a proposal from the Certified Public Accounting firm of Wedgewood Accounting, PLLC, to audit the accounts for the period from July 1, 2019, through June 30, 2020, with a fee of \$49,000.00; and

**WHEREAS**, the City Council desires to enter into an engagement letter and a contract with Wedgewood Accounting, PLLC, and to further authorize the Mayor to execute the required engagement letter and the attached contract on behalf of the City of Cleveland.

**BE IT THEREFORE RESOLVED** by the City Council of the City of Cleveland, Tennessee that the Mayor be, and hereby is, authorized to sign the engagement letter and contract and all other necessary forms for said audit on behalf of the City of Cleveland for the above referenced contract. [on file in the City Clerk’s Office.]

Adopted this 8<sup>th</sup> day of June, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman Webb moved that Resolution No: 2020-42 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Mr. Fivas thanked Mayor Brooks for orchestrating the help of our delivery and for bringing in Rob Maggard with the Church of God Department of Communications to help with our enhanced Facebook live presentation. Mayor Brooks also thanked Mr. Maggard for his assistance.

There being no future business the meeting was adjourned at 4:19 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 22, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 16, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Charlie McKenzie, Bill Estes and Tom Cassada. On the conference call were Vice Mayor Avery Johnson, Councilmen David May, Jr., Dale Hughes and Ken Webb. 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, Assistant to the Mayor/Legislative Liaison; Dustin Roberts, IT Support; Beverley Lindsey, Assistant to the City Manager; Corey Divel, Assistant to the City Manager/ Communications Coordinator/Downtown Coordinator/Senior Planner and Tim Sinead with *The Cleveland Daily Banner*. Also, various staff, Department Heads and developers were dialed into the virtual meeting line. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 June 8, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

There were no special presentations.

#### **CITY MANAGER REPORT**

City Manager Joe Fivas updated the City Council on the approval from the State to initiate our contract for electrical inspection services directly through Dan Wilson. Bryan Turner will also be performing electrical inspections, as he recently passed the examination. Second, he acknowledged Assistant City Manager Shawn McKay, IT Director Kris Miller, Accountant Amy Newman, Purchasing Coordinator Kristi Powers and Assistant City Clerk Christy Brandon who have worked diligently on the implementation of the new financial software, along with the responsibilities of their regular job duties. During this time of Covid, training was done remotely, and he appreciates their efforts. Third, the grand opening of the pickleball courts should be held sometime in July, once things begin to open back up. Lastly, over the weekend at First Street Square, Music in the Park was held and had a great turnout. The next event will be based on art and social distancing will take place.

Mr. Fivas then reviewed today's agenda items.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the City of Cleveland to abandon a section of Magnolia Ave NE located between Billy Graham Ave NE and 13<sup>th</sup> St NE and a section of 13<sup>th</sup> St NE between Parker St NE and Magnolia Ave NE (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the abandonment. No one spoke. Mayor Brooks then asked if anyone would like to speak in opposition of the amendment. [Following comment was received electronically.] Mayor Brooks then declared the public hearing to be closed.

To the Editor

Street closures in Cleveland cause confusion, concern, and can be dangerous. To say nothing of the expense associated with updating maps etc.

The latest street closure proposed is Magnolia Ave N.E. from 13<sup>th</sup> to 15<sup>th</sup> street, a very busy thoroughfare, which also accommodates the exit of Emergency Vehicles from North Cleveland Towers, a senior retirement building with over 100 residents. In addition, to Emergency Vehicles use, the residents exit on Magnolia N.E. Street. They order deliveries from pharmacies, grocery stores, and other deliveries. Their caregivers, visitors, family members are constantly coming and going at a steady pace.

To my knowledge, no traffic count was ever conducted on Magnolia Avenue N.E.. Recently a sign appeared on the corner of each end of Magnolia Avenue N.E. advising the city council's hearing on July 13, 2020. With great urgency, I began to gather information opposing the closure. A couple of days after expressing opposition to the closure, the date was changed to June 22, 2020. The only relevant information time constraints permitted gathering, was on Emergency Vehicle count of "calls" to North Cleveland Towers between January 1, 2020 thru May 31, 2020. \_\_\_ Ambulance answered calls and \_\_\_ Fire Department answered calls during the 5 month period.

Emergency Vehicles approach from Ocoee Street down 11<sup>th</sup> Street to Magnolia Avenue N.E. The North Cleveland Towers located at 1200 Magnolia Avenue N.E. To exit the Towers, ambulances use Magnolia to 15<sup>th</sup> Street, and the fastest route to the hospital. Large fire trucks also find that route easier. to use, and the hydrant is located Magnolia Avenue at 15<sup>th</sup> Street.

Sethra buses are regularly scheduled to pick up and discharge passengers at the Towers several times a day. Inconvenience is apparent. Loss of emergency exit needs immediate reversal of intention to close Magnolia Avenue N.E. from 13<sup>th</sup> to 15<sup>th</sup> Street. Please help assist in making this request to help the senior citizen residents of North Cleveland Towers.

Thank you,

J. Croghan  
Cleveland

CONSENT AGENDA

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Ordinance No: 2020-18** – heretofore approved on first reading June 8, 2020 and found in Minute Book 29, Page 849; FY2020 Budget Amendments.
- **Final Passage - To Deny Zoning Ordinance No: 2020-19** – heretofore denied on first reading June 8, 2020 and found in Minute Book 29, Page 853; Rezoning .68 acres located at 205 Hiwassee Ave (Tax Map 42G Group B Parcels 19.00 & 20.00) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Denied 8-0; 1 absent).
- **Final Passage - Zoning Ordinance No: 2020-20** – heretofore approved on first reading June 8, 2020 and found in Minute Book 29, Page 854; Rezoning .42 acres located Mouse Creek Rd NW (Tax Map 27G Group A Parcel 12.01) from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District (Planning Commission: Approved 7-0; 1 recused, 1 absent).

- **Final Passage - Zoning Ordinance No: 2020-21** – heretofore passed on first reading June 8, 2020 and found in Minute Book 29, Page 855; Rezoning .16 acres located on Nevin Ln NW (a portion of Tax Map 49F Group L Parcel 17.00) from R1 Single Family Residential Zoning District to CN Neighborhood Commercial Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Bid Report** – Concrete Services.

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Purchasing Coordinator**  
**DATE: June 22, 2020**  
**RE: Bid Summary – Concrete Services**

**SUMMARY:**

Sealed bids were received on June 16, 2020, for Concrete Services. The bids listed below:

- Black Construction  
Cleveland, TN **\$321,787.50**
- Integrated Properties  
Chattanooga, TN **\$1,617,653.75**

**COMMITTEE FINDINGS:**  
No Board or Committee findings.

**FISCAL ANALYSIS:**  
Funds are available.

**RECOMMENDATION:**  
Staff recommends award to Black Construction. The term of this contract will be for a three-year period beginning July 1, 2020.

- **Resolution No: 2020-43** - Authorizing the Mayor to sign contract amendment #10 with WPS USA, Inc. for MPO projects.

**RESOLUTION NO: 2020-43**

**RESOLUTION TO APPROVE AMENDMENT 10 TO A TRANSPORTATION PLANNING CONTRACT WITH WSP USA, INC., FORMERLY PARSONS BRINKERHOFF, INC., IN SUPPORT OF THE CLEVELAND URBAN AREA METROPOLITAN PLANNING ORGANIZATION**

**WHEREAS**, the City of Cleveland serves as the contracting entity on behalf of the Cleveland Urban Area Metropolitan Planning Organization (MPO) in order to plan and implement transportation improvements within the Cleveland MPO area; and,

**WHEREAS**, the City of Cleveland has maintained a contract with WSP USA, Inc., Parsons Brinkerhoff, Inc., for transportation planning services on behalf of the Cleveland Urban Area MPO and additional services are anticipated to be needed above the current “not to exceed” amount established by a prior contract amendment,

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Cleveland, Tennessee does hereby:

Authorize the Mayor to sign the attached amendment 10 to the existing contract with WSP USA, Inc. for transportation planning services. [On file in the City Clerk’s Office.]

Approved this 22<sup>nd</sup> day of June, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-44** – Approval of the 2020 Annual Action Plan for the Community Development Block Grant Program.

**RESOLUTION NO: 2020-44**

RESOLUTION FOR APPROVAL OF THE  
2020 ANNUAL ACTION PLAN FOR THE  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the CDBG *2020 Annual Action Plan* was the subject of public hearings on , September 23, 2019 , February 11<sup>th</sup> and February 18<sup>th</sup>, 2020. A draft of the *Action Plan* was available on March 31, 2020 , which began a thirty-day comment period ending on May 1, 2020. Copies of the Plan were made available at the Development and Engineering Services Office and the Cleveland Public Library, as advertised in the *Cleveland Daily Banner* on March 31, 2010; and

WHEREAS, a document describing the plan was provided to the Cleveland Municipal Planning Commission and members had the opportunity to review and comment; and

WHEREAS, comments concerning the Action Plan were received by City staff and documented;

NOW, THEREFORE, BE IT RESOLVED, the *2020 Action Plan* be approved by the City Council, and be it further resolved that City staff are authorized to submit the 2020 -2021 Action Plan to the United States Department of Housing and Urban Development (HUD), and be it resolved that the Mayor is authorized to sign all grant agreements, contracts and certifications with HUD that are required to carry out the CDBG program described in the Action Plan. [On file in the City Clerk’s Office.]

Approved this 22<sup>nd</sup> day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-45** – Authorizing the Mayor to sign a contract with TDOT resurfacing Paul Huff Parkway and adjoining portion of Stuart Road between Georgetown Road and Hardwick Farm Road.

**RESOLUTION NO. 2020-45**

WHEREAS, the City has received the attached contract from the Tennessee Department of Transportation, (hereafter “TDOT”) for the project described below; and

**Project:** Resurfacing and Safety on Paul Huff Parkway N.W. and Stuart Road N.E. between Georgetown Road to Hardwick Farms Parkway NE

Agreement Number: 200153  
Project Identification Number: 130477.00  
Federal Project #: STP-M-NH-9203(26)  
State Project #: 06LPLM-F3-082

**WHEREAS**, the City Council desires to enter into the attached contract with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

Approved this 22<sup>nd</sup> day of June, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-46** – Authorizing the Mayor to sign a contract with TDOT for the widening of Adkisson Drive.

**RESOLUTION NO. 2020-46**

**WHEREAS**, the City has received the attached contract from the Tennessee Department of Transportation, (hereafter “TDOT”) for the project described below; and

**Project:** Widening Adkisson Drive, from Paul Huff Parkway to 0.22 miles South of Norman Chapel Road

Agreement Number: 190097  
Project Identification Number: 128789.00  
Federal Project #: STP-M-3660(10)  
State Project #: 06LPLM-F3-064

**WHEREAS**, the City Council desires to enter into the attached contract with TDOT for the project described, and to further authorize the Mayor to execute this contract 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 contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 22<sup>nd</sup> day of June 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-47** - Approving a MOU with THSML2020LP concerning a downtown residential development project.

**RESOLUTION NO. 2020-47**

**WHEREAS**, the City Manager and representatives of the City have been in discussions with THSML2020LP, a North Carolina Limited Partnership, which is a prospective purchaser of the Sanda Hosiery Mill property located on Edwards Street, about entering into a Memorandum of Understanding (hereafter "MOU") for a downtown residential development project; and

**WHEREAS**, the proposed MOU with THSML2020LP for this development project is attached hereto and incorporated herein by reference: and

**WHEREAS**, the City Council desires to approve of the MOU; and

**WHEREAS**, the City Council further desires to authorize the Mayor to execute the MOU 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 MOU between the City of Cleveland and THSML2020LP for the project described in the MOU.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the MOU with THSML2020LP on behalf of the City. [On file in the City Clerk’s Office.]

This 22<sup>nd</sup> day of June 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Reappointment** – *Airport Authority* – Tom Rowland for an additional five-year term to expire August, 2025.
- **Reappointment** – *Greenway Board* – Annie Robbins for an additional two-year term to expire August, 2022.
- **Reappointment** – *Greenway Board* – Dr. Pat Stone for an additional two-year term to expire August, 2022.

The motion to approve the consent agenda was seconded by Councilman Webb and upon roll call, the motion was unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Estes inquired as to when the 17<sup>th</sup>/20<sup>th</sup> sidewalk project would begin. Mr. Fivas stated everything has been turned into the State and it is possible that we will receive a letter obligating funds after July 1, but we do email the State weekly for updates. Councilman Estes asked to be copied on the next email to the State. Secondly, Adkisson Drive, Vice Mayor Johnson has been after this project for a long time and he is glad to see it finally in the hopper. Third, he would like to see everyone in person at the July meeting, while following State guidelines. Lastly, the monument. He does not see this as a one-sided issue, or outside agitators

coming into town. He is not comfortable just saying it's not ours to control, nothing we can do about it. There are a couple of roads to go down and one is legally. Legal like we know how it all applies to the situation at hand. A lot more needs to be discussed and today's is not that time. He then asked for city staff to pursue the following questions. Who owns the memorial? Who owns the land that it sits on? How much is that plot? How is it deeded? Who has control of the right-of-way? Also, an answer who owns the GAR Memorial at the end of Worth Street at Fort Hill Cemetery? Who owns that land and how large is the plot? Also, where does our local chapter of the United Daughters of the Confederacy stand on this and would they like to give us insights on their thoughts? What do they think about moving it? What about opening it and see what's in the box hidden underneath the pedestal? Would the city be willing to help them move it if they were open to it? As for the GAR Memorial, who owns it, who controls it? Oviatt Post No. 20 erected it, but they are no longer established. We need facts on this and understands facts won't change feelings, but we need to move forward with facts. He requested answers before the next meeting in order to have discussion.

Councilman Cassada reported the Candies Lane project is well under way. He spoke with Wright Brothers, who have done a wonderful job, and the road should be open on July 23. They will have some finishing work to be completed but if weather permits the roadway can be opened.

Councilman Hughes stated City Judge Barrett Painter has been appointed to the Juvenile Judgeship that was previously held by Judge Swafford, who recently retired. Councilman Hughes then asked to add under new business a motion to appoint Richard Banks as the City Judge. Mr. Fivas stated he spoke with Judge Painter and thanked him for his service. He will submit a resignation sometime in July but plans to remain City Judge until September 30. In the past, we have used an application and a selection process by the Council. Councilman Hughes stated he was receiving calls from attorneys and would like to handle this today.

Mayor Brooks reported he received a call concerning a sinkhole at 3804 Jill Street, at the owners mailbox on the street. He asked city staff to follow up.

### **NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Ordinance No: 2020-22** - Abandoning a section of Magnolia Ave NE located between Billy Graham Ave NE and 13<sup>th</sup> St NE and a section of 13<sup>th</sup> St NE between Parker St NE and Magnolia Ave NE (Planning Commission: Approved 8-0; 1 absent).

### **ORDINANCE NO. 2020-22**

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:

**13<sup>th</sup> St, south portion**

Beginning at the northwest corner of the lands of Church of God, as recorded in BCROD deed book 279 page 792; thence north 18 degrees 22 minutes east, 25.14 feet to the center of 13<sup>th</sup> Street; thence south 65 degrees 34 minutes east, 315 feet to a point in the center of 13<sup>th</sup> Street; thence south 18 degrees 22 minutes west, 25.14 feet to a point; thence north 65 degrees 34 minutes west, 315 feet to the point of beginning.

**13<sup>th</sup> St, north portion**

Beginning at the southwest corner of the lands of Church of God, as recorded in BCROD deed book 293 page 678' thence south 65 degrees 34 minutes east, 315 feet to a point; thence south 18 degrees 22 minutes west, 25.14 feet to the center of 13<sup>th</sup> Street; thence north 65 degrees 34 minutes west, 315 feet to the center of 13<sup>th</sup> Street; thence north 18 degrees 22 minutes east, 25.14 feet to the point of beginning.

**Magnolia, West portion**

Beginning at the southwest corner of the lands of Lee University, as recorded in BCROD deed book 1859 page 982; thence north 18 degrees 21 minutes 48 seconds east, 416.52 feet to the northwest corner of the lands of Lee University; thence in a northwesterly direction in a direction that is an extension of the north property line of Lee University 25 feet, more or less, to the center of Magnolia Avenue; thence in a southwesterly direction with the center of Magnolia Avenue 416 feet, more or less, to a point in the center of Magnolia Avenue that is an extension of the southern property line of Lee University; thence in a southeasterly direction 25 feet, more or less, to the point of beginning.

**Magnolia, East portion**

Beginning at the southeast corner of the lands of Church of God, as recorded in BCROD deed book 293 page 678; thence in a northeasterly direction 416 feet, more or less, to the northwest corner of the lands of Church of God Trustees, as recorded in BCROD deed book 265, page 596; thence in a northeasterly direction in a direction that is an extension of the north property line of Church of God Trustees 25 feet, more or less, to the center of Magnolia Avenue; thence in a southwesterly direction with the center of Magnolia Avenue 416 feet, more or less, to a point in the center of Magnolia Avenue that is an extension of the southern property line of Church of God; thence in a southwesterly direction 25 feet, more or less, 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 replatted 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

Exhibit A

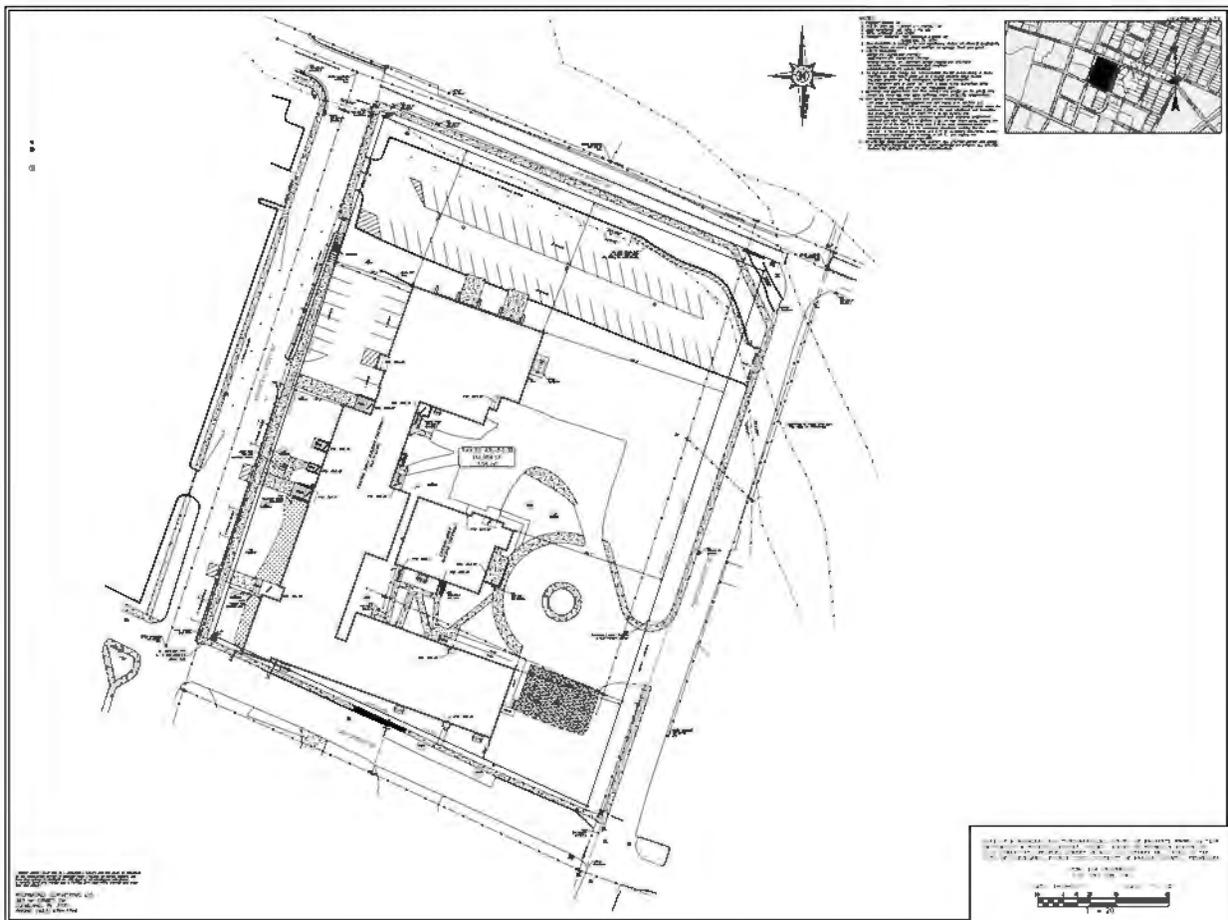


Exhibit B

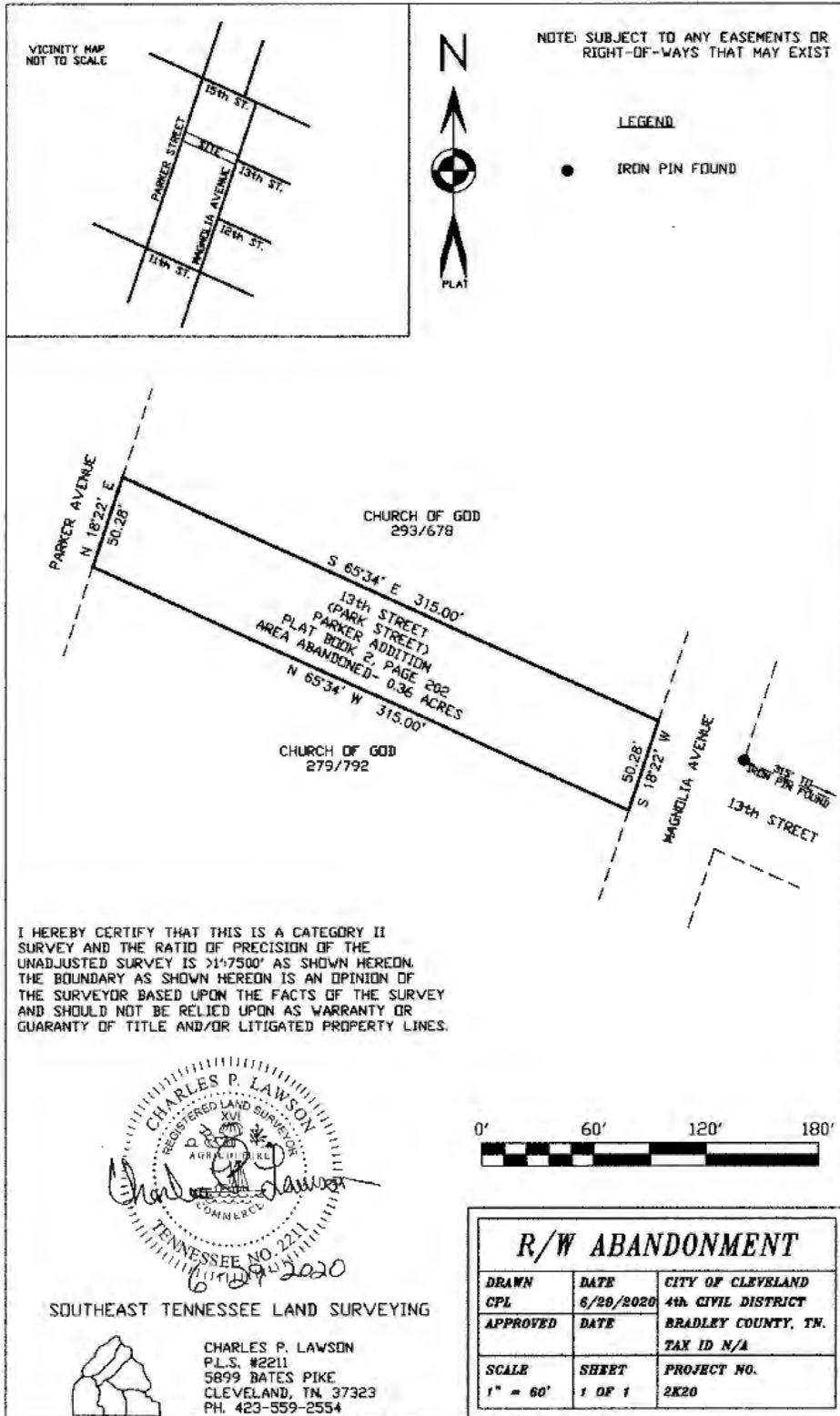
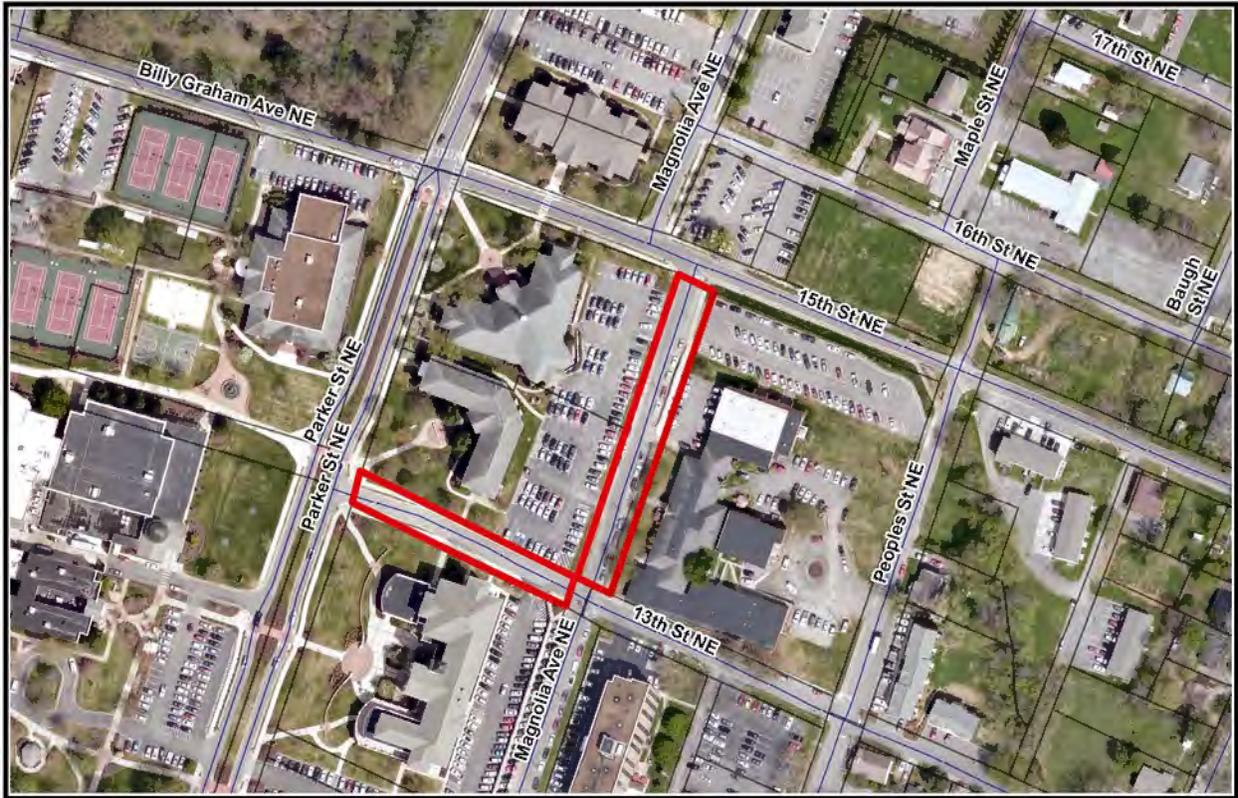


Exhibit C



Councilman Webb moved that Ordinance No: 2020-22 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson. Councilman Estes stated Lee University is his employer, which does not affect his vote. Upon roll call, unanimously passed.

Councilman Hughes moved to appoint Richard Banks as City Judge to begin October 1, 2020. The motion was seconded by Councilman May. Councilman Estes stated Richard Banks would make a great Judge, but this looks bad. First meeting back, we haven't even discussed or taken applications. Numerous Attorney's have contacted him as well and he would like to see an application process. He then made a substitute motion to use an application process for this appointment and from this point forward, we always take applications for City Judge and City Attorney when there are vacancies. This is meant as no disrespect to Richard Banks. This is about the process. The substitute motion was seconded by Councilman McKenzie. Upon roll call, Councilman Estes, Councilman McKenzie, Vice Mayor Johnson and Councilman Cassada voted aye. Councilman May, Councilman Hughes and Councilman Webb voted no. The motion carries 4:3.

Mr. Fivas stated he will pull the previous application for the City Council to review and then make it available to the public and to set the application deadline to the Mayor's Office as August 1, 2020.

**ANNOUNCEMENTS**

Mayor Brooks announced City Offices will be closed Friday, July 3 in observance of Independence Day.

There being no future business the meeting was adjourned at 3:52 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, JULY 13, 2020 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Due to Governor Bill Lee's Executive Order No. 17 which limits public gatherings due to the COVID-19 pandemic, the City Council meeting was cancelled.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 27, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 16, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Presiding was Mayor Kevin Brooks. Also present on the virtual meeting line were Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Vice Mayor Avery Johnson. In attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Corey Divel, Assistant to the City Manager/ Communications Coordinator/Downtown Coordinator/Senior Planner. Also, on the line wither various staff members, Department Heads, City Attorney John Kimball, Herbert McGinnis; Candace Marchant and Tim Sinead with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery Johnson, the following business was then entered into:

#### **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 June 22, 2020 and approve them as written. The motion was seconded by Vice Mayor Johnson; and upon roll call, the motion unanimously passed.

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

Mayor Brooks read the following proclamation.

#### **PROCLAMATION**

#### ***July is National Park and Recreation Month***

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including the City of Cleveland; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our community, and contributing to the economic and environmental well-being of our community and region; and

**WHEREAS**, parks and recreation areas are fundamental to the environmental well-being of our community; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the City Council of the City of Cleveland has designated July as Parks and Recreation Month; and

**WHEREAS**, the City of Cleveland recognizes the benefits derived from parks and recreation resources; and

**WHEREAS**, the City of Cleveland recognizes the hard work and dedication our Parks and Recreation Director Patti Petitt and all of Parks and Recreation employees and;

**WHEREAS**, also recognize those employees who work in extreme weather conditions to keep our parks maintained, clean and safe for our community and;

**NOW THEREFORE, BE IT RESOLVED BY** the Cleveland City Council on this day, the 27<sup>th</sup> of July, that July is recognized as Park and Recreation Month in the City of Cleveland.

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Mayor Kevin Brooks

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Attested by: City Clerk Shawn McKay

Councilman Hughes congratulated Ms. Petitt and the Parks and Recreation Department employees for their hard work. We have a terrific recreation opportunity in Cleveland. We have the dog park, new tennis courts, new pickleball courts, a newly renovated Deer Park and the new Avery Johnson Park. Thank you to all who do a good job in the recreation area. Councilman Cassada thanked Ms. Petitt and staff for all they do maintaining and keeping the parks clean. Councilman May stated Parks and Recreation is extremely important for the quality of life in Cleveland and appreciates the team we have to make it possible. Vice Mayor Johnson also congratulated the Parks and Recreation staff. The community is pleased with the department and thanks for a job well done. Councilman Webb thanked the department staff and Ms. Petitt as well. Mayor Brooks also congratulated Ms. Petitt and the department.

Hebert McGinnis, a resident of North Cleveland Towers spoke against the closure of a portion of Magnolia Avenue, which is one the agenda for final passage. He feels it would be a disservice to the approximately one hundred residents of North Cleveland Towers to close the roadway. Candace Marchant, also a resident of North Cleveland Towers, spoke against the closure of a portion of Magnolia Avenue. She doesn't feel residents won't be able to access the transit system nor in case of an emergency an ambulance will take longer accessing the area. Lee is a beautiful university, but the street needs to remain open.

### CITY MANAGER REPORT

Mr. Fivas updated the City Council on the following items:

- 80 Church Street Condemnation – the building has been deemed unsafe and the owner has been sent a letter and given 45 days to demolish the structure otherwise the city will step in and demolish it.
- Mouse Creek Road Intersection Widening – staff is continuing conversations with adjoining property owners as far as right-of-way acquisition, grading work and hopefully work will be underway in the next couple of months.
- 17<sup>th</sup>/20<sup>th</sup> Sidewalk Project Initiation – the State has given us the notice to proceed and we will begin the bidding process and hopefully in the next few months the project will be underway and maybe completed by the end of this fiscal year.
- Blue Cross/Blue Shield Healthy Places Grant – we have a public hearing listed for this item and to apply for this grant would require a healthy lifestyle component and a shovel ready site. The deadline to apply is August 30 and the Greenway Park has been chosen as the best location because of access to the Greenway.
- TDOT Resurfacing Projects for FY2021 – TDOT has notified us they will be paving all of North Ocoee Street from Keith Street to the downtown area then Wildwood Avenue out to Spring Place Road, along with smaller streets in the downtown area. These are major projects and beneficial to our community.
- Candies Lane Project Completion – The road was officially opened on July 23 for travel with minor issues to be completed and it will be intermittently closed during those specific times.
- Georgetown Road/25<sup>th</sup> Street Intersection – The road was opened last week, which added two additional turn lanes to help with traffic in the area.
- 20<sup>th</sup> Street Bridge Replacement – We are communicating with TDOT and the contractor to get the bridge opened while minor work is completed. That work was a part of the State's bridge program and funded 100% by the State.

- On July 31 will be the ribbon cutting for the Tinsley Park pickleball courts at 10 a.m.
- Redevelopment Plan for the College Hill/Whirlpool area – we are starting this process and will bring information back before the Council.
- August 10<sup>th</sup> In-Person Work Session beginning at 10 a.m. Times can be scheduled to come and discuss items with the Council as social distancing will be enforced. The Regular Session will be held electronically at 3:00 p.m.

Mr. Fivas then reviewed today's agenda items.

### HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 25.9 acres, more or less, located at Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from R1 Single Family Residential Zoning District to PUD24 Planned Unit Development Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request to abandon a portion of unopened right-of-way located off Johnson Blvd between 425 Johnson Blvd and 455 Johnson Blvd (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the abandonment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the abandonment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning an amendment to section 2.10.2, 2.11.2 and Table 1 of the zoning regulations concerning the use of animal boarding and kennels within the CG General Commercial and CH Highway Commercial Zoning Districts (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the Blue Cross Blue Shield Healthy Places Grant. Mayor Brooks asked if anyone would like to speak concerning the grant. Mr. Fivas stated this grant would be used to make a healthy lifestyle component at Greenway Park with several exercise stations. We will continue to receive public input and listen to any concerns.

Councilman Cassada has requested to be excused from the meeting to attend a funeral.

### CONSENT AGENDA

Councilman Hughes moved to approve the following items from the Consent Agenda:

- **Final Passage - Ordinance No: 2020-22** – heretofore passed on first reading June 22, 2020 and found in Minute Book 29, Page 864; abandoning a section of Magnolia Ave NE located between Billy Graham Ave NE and 13<sup>th</sup> St NE and a section of 13<sup>th</sup> St NE between Parker St NE and Magnolia Ave NE (Planning Commission: Approved 8-0; 1 absent).
- **Resolution No: 2020-48** – Authorizing the City of Cleveland to participate in the Public Entity Partners Safety Partners Matching Grant Program.

**RESOLUTION NO: 2020-48**

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND  
TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS  
“SAFETY PARTNERS” MATCHING GRANT PROGRAM.

\*\*\*\*\*

**WHEREAS**, the safety and well being of the employees of the City of Cleveland is of the greatest importance; and

**WHEREAS**, all efforts shall be made to provide a safe and hazard-free workplace for the City of Cleveland employees; and

**WHEREAS**, Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a “Safety Partners” Matching Grant program; and

**WHEREAS**, the City of Cleveland seeks to participate in this important program;

**BE IT THEREFORE RESOLVED** by the City Council that the Mayor is hereby authorized to submit an application for a “Safety Partners” Matching Grant program through the Public Entity Partners;

**BE IT FURTHER RESOLVED** that the City of Cleveland agrees to provide a matching sum to serve as a match for any monies provided by this grant.

Adopted this 27<sup>th</sup> day of July, 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-49** – Amending TDOT Grant contract Z19MPO004 to add Consolidated Planning Grant funds supporting transportation planning activities of the Cleveland MPO.

**RESOLUTION NO. 2020-49**

**WHEREAS**, the City has received the attached contract amendment number 1 from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

Project description: To add Consolidated Planning Grant funds  
Contract #: Z19MPO004

**WHEREAS**, the City Council desires to enter into the attached contract amendment number 1 with TDOT for the Transportation for Long Range Planning funding for the Cleveland Urban Area Metropolitan Planning Organization (MPO) and to further authorize the Mayor to execute the attached contract amendment 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 contract amendment number 1 with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-50** – Authorizing TDOT change order #2 with Greenstar, LLC related to the Norman Chapel Road project.

**RESOLUTION NO. 2020-50**

**WHEREAS**, the City of Cleveland and Greenstar, LLC. previously entered into a construction agreement dated July 15, 2019 for the following project:

Project: Norman Chapel Road Improvements  
PIN: 114567.00  
State Project Number: 06LPLM-F3-027  
Federal Project Number: STP-M-9203(18)  
Contract Number: R-1-18

**WHEREAS**, the City has recently received the attached proposed change order #2 to the agreement with Greenstar, LLC., which would raise the total contract amount by \$192,292.66; and

**WHEREAS**, based upon the recommendation of City staff, the City Council desires to approve of this change order and to further authorize the Mayor to execute the supplemental agreement incorporating the change order 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 change order #2 to the referenced agreement with Greenstar, LLC., and it further authorizes the Mayor to execute the supplemental agreement incorporating the change order on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-51** – Authorizing TDOT change order #3 with Greenstar, LLC related to the Norman Chapel Road project.

**RESOLUTION NO. 2020-51**

**WHEREAS**, the City of Cleveland and Greenstar, LLC. previously entered into a construction agreement dated July 15, 2019 for the following project:

Project: Norman Chapel Road Improvements  
PIN: 114567.00  
State Project Number: 06LPLM-F3-027  
Federal Project Number: STP-M-9203(18)  
Contract Number: R-1-18

**WHEREAS**, the City has recently received the attached proposed change order #3 to the agreement with Greenstar, LLC., which would raise the total contract amount by \$10,858.10; and

**WHEREAS**, based upon the recommendation of City staff, the City Council desires to approve of this change order and to further authorize the Mayor to execute the supplemental agreement incorporating the change order 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 change order #3 to the referenced agreement with Greenstar, LLC., and it further authorizes the Mayor to execute the supplemental agreement incorporating the change order on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-52** – Authorizing contract amendment #1 with CDM Smith, LLC related to the Norman Chapel Road project.

**RESOLUTION NO: 2020-52**

**WHEREAS**, the City development and engineering department previously determined that it is necessary to obtain professional construction engineering inspection (CEI) services in connection with the City's Norman Chapel Sidewalk Project (hereafter "the Project"); and

**WHEREAS**, in connection with said project, the City's development and engineering department recommended that the City enter into a professional engineering services agreement with CDM Smith, Inc. for these services; and

**WHEREAS**, in connection with said project, the City's development and engineering department is now recommending that the City enter into the attached amendment #1 to the professional engineering services agreement with CDM Smith, Inc.; and

**WHEREAS**, the attached amendment #1 to the professional engineering services agreement with CDM Smith, Inc. will increase the contract price by \$71,778; and

**WHEREAS**, the City Council now desires to accept the proposed amendment #1 to the agreement with CDM Smith, Inc. for the referenced project, and to further authorize the Mayor to execute the same 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 amendment #1 to the existing agreement with CDM Smith, Inc. for the referenced project described herein, and it further authorizes the Mayor to execute the amendment on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-53** – Authorizing contract amendment #3 with TDOT related to the 17<sup>th</sup> Street/20<sup>th</sup> Street project.

**RESOLUTION NO. 2020-53**

**WHEREAS**, the City has received the attached contract amendment number 3 from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

Project description: Miscellaneous Improvements on 17th Street from SR-2 (Keith Street NW) to SR-74 (Ocoee Street) and 20th Street, from Harle Avenue to Neely Circle  
PIN # 118870.00  
Federal Project #: STP-M-9203(21)  
State Project #:06LPLM-F3-036  
Contract #: 130159

**WHEREAS**, the City Council desires to enter into the attached contract amendment number 3 with TDOT and to further authorize the Mayor to execute the attached contract amendment 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 contract amendment number 3 with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

This 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-54** – Authorizing the Mayor to sign a sewer easement to Cleveland Utilities related to their Sewer Main Extension project.

**RESOLUTION NO. 2020-54**

**WHEREAS**, the City of Cleveland is the owner of a parcel of real property located in the City of Cleveland and generally identified as Tax Map 049 001.03; and

**WHEREAS**, in connection with a Sewer Main Extension project, Cleveland Utilities needs to obtain an easement from the City across this parcel of land owned by the City; and

**WHEREAS**, the City Council desires to approve of this sewer easement to Cleveland Utilities and to authorize the Mayor to execute the same 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 attached sewer easement to Cleveland Utilities.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the easement on behalf of the City of Cleveland.

This 27<sup>th</sup> day of July 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-55** – Authorizing the submission of a 2021 Multi-Modal Access Grant notice of intent to apply and application to TDOT for multi-modal improvements project along SR60 Georgetown Road.

**RESOLUTION NO: 2020-55**

**RESOLUTION TO AUTHORIZE SUBMISSION OF A 2021 MULTI-MODAL ACCESS GRANT NOTICE OF INTENT TO APPLY AND APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZATION OF REQUIRED MATCHING FUNDS FOR MULTI-MODAL IMPROVEMENTS IN THE STATE ROUTE 60 GEORGETOWN ROAD CORRIDOR**

**WHEREAS**, the Tennessee Department of Transportation (TDOT) is soliciting applications for its competitive Multi-modal Access (MMA) Grant for multi-modal improvements on state routes, these improvements generally being pedestrian, bicycle, and transit infrastructure; and

**WHEREAS**, it has been determined that a gap exists in the planned and funded multi-modal improvement areas along State Route 60 Georgetown Road in the road segment between Georgetown Road/Westside Drive and Eveningside Drive near Cleveland Middle School; and

**WHEREAS**, it is desirable to submit an MMA Grant application for multi-modal improvements in this area for the maximum state investment of \$950,000 with the required local match of \$50,000,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cleveland, Tennessee that:

1. Authorizes the Mayor to work with staff to develop and submit all materials necessary for the MMA Grant Notice of Intent to Apply and Application for a multi-modal improvements project along State Route 60 in the gap area identified herein.

2. The MMA grant submission is to be for up to \$950,000 and the required city match is approved up to \$50,000.

3. The Mayor is authorized to sign all documents necessary to the grant application process described herein.

Approved this 27<sup>th</sup> day of July, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Bid Extension** - Extending the contract with Advanced Collision for an additional two-year term for Automotive Paint and Body Service.

- **Bid Extension** - Extending the contract with Conley Electric for an additional two-year term for Electrical Service/Maintenance.
- **Bid Extension** - Extending the contract with Goodaker Plumbing for an additional two-year term for Plumbing Service/Maintenance.
- **Surplus Property** – Declaring various computer equipment as surplus property and recycled through E-Cyclers.

The motion to approve the consent agenda was seconded by Councilman Webb. Councilman Hughes stated he received a call from Janie Patton who stated she was in opposition to the closing of Magnolia Avenue. Councilman Estes stated he is an employee of Lee University and has a conflict of interest, but his vote is his conscience and obligation to his constituents he represents. Also, he received a few calls concerning the closing of Magnolia Avenue, but city staff has previously answered the questions about buses and emergency services still having adequate access with this closure. Vice Mayor Johnson stated he has received numerous calls concerning the closure of all of Magnolia Avenue and asked will the parking lot of the Towers still be accessible. Mayor Brooks asked for clarification of what sections are to be closed and to show the map on the screen that shows the intersection will not be closed. Councilman Webb stated the map in the packet on page 28. Mr. Fivas responded this item has been discussed and analyzed by city staff for a few months for planning and public safety, especially the students. Concerns raised by the residents and they will have full access from all sides of the Towers, 12<sup>th</sup> Street allows access to Parker Street. Again, this closure is between Billy Graham Ave NE and 13<sup>th</sup> Street NE and a section of 13<sup>th</sup> Street NE between Parker St NE and Magnolia Ave NE. Upon roll call to approve the consent agenda, Councilmen Hughes, Webb, Estes, May and Vice Mayor Johnson voted aye. Councilman McKenzie voted no. The motion was 5:1; 1 absent. [The consent agenda must be a unanimous vote.] Councilman Estes then moved to remove final passage of Ordinance No: 2020-22 from the consent agenda and place under new business. The motion was seconded by Councilman May. Upon roll call to remove final passage of Ordinance No: 2020-22 from the consent agenda and place under new business, Councilmen Estes, May, Hughes, Webb, and Vice Mayor Johnson voted aye. Councilman McKenzie voted no. The motion passed 5:1;1 absent. Councilman May then moved to approve the consent agenda without the final passage of Ordinance No: 2020-22. The motion was seconded by Councilman Estes. Upon roll call, Councilmen May, Estes, Hughes, Webb and Vice Mayor Johnson voted aye. Councilman McKenzie abstained. The motion passed 5:0:1.

### UNFINISHED BUSINESS

No unfinished business.

### REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes thanked city staff on the answers to his questions regarding the Confederate and GAR monuments. Follow-up question, if we could see who has control of the GAR monument, or who controls the land. Secondly, he asked staff to contact MTAS concerning any objective measures they recommend for the City Judgeship appointment. Third, Blythe Old Field residents are wanting to know when the sidewalk project will finish over to the Greenway extension from 18<sup>th</sup> to 20<sup>th</sup> and what's a ballpark timeline. Fourth, he thanked Mr. Myers on the quick answer concerning 18<sup>th</sup> Street. Lastly, for the Blue Cross Blue Shield grant request, if we can ask Cameron Fisher his thoughts and help with thinking through it, that would help going forward.

Councilman Webb stated last Friday, University Square at Tennessee Wesleyan University in Athens was dedicated and named in honor of Larry Wallace. He did a considerable amount of work for the City of Cleveland and wanted to recognize him today.

Vice Mayor Johnson stated the 17<sup>th</sup> and 20<sup>th</sup> sidewalk project will be to Ocoee Street but what about Mayfield School. Mr. Fivas stated yes, the sidewalks will go along 20<sup>th</sup> Street they will go past Mayfield School and up the hill to the apartments.

**NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-23** – Rezoning 25.9 acres, more or less, located at Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from R1 Single Family Residential Zoning District to PUD24 Planned Unit Development Zoning District (Planning Commission: Approved 8-0; 1 absent).

**ZONING ORDINANCE NO: 2020-23**

**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 DURKEE RD NE PROPERTY “PUD 24” ON PROPERTY DESCRIBED AS TAX MAP 50 PARCEL 14.04, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 24; 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 24” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 24 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 24 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 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 24, Meadow Creek Subdivision (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 50 Parcels 14.04. Exhibit B & C illustrates the overall Meadow Creek Conceptual Plan for the subject property.

**Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.**

This section is intended to provide a general description of the Meadow Creek Subdivision. The project consists of detached single-family homes on small lots with a large common area primarily located to the east of a tributary Exhibits B & C shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one unit per 6000 square feet in any phase of development. 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 24 Subdivision allows for the construction of up to 75 dwelling units in detached single family houses without amending this ordinance. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 24 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 residential uses within the Meadow Creek development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B & C 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 24 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 (Exhibits B& C) for PUD24, Meadow Creek Subdivision was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on June 16, 2020. 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 PUD24 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 Meadow Creek Subdivision 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.).

All streets within the PUD24 Meadow Creek shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer.

**6.B. PLATS.**

One or more plats will be prepared for the PUD24 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 24 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 24 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 PUD24 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 R1 zone, from the City of Cleveland's zoning regulations.

#### **7.A. Building Lot Size & Setbacks**

The minimum setbacks and lot width requirements for single-family detached home sites is 46 feet, the front setback requirements are 25 feet, side setback requirements are 7.5 feet, and rear setbacks shall be no less than 20' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage. Storage sheds and similar accessory structures, if allowed by the Developer 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 developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, 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. The development standards for the R1 Single Zoning District shall apply for any standards this ordinance does not address.

#### **Section 7.B CBU/Mail Kiosk Standards**

Should the developer be required by the United States Postal Service or choose to install a Cluster Box Unit (CBU)/Mail Kiosk then the following regulations shall apply;

- a. Installation of CBUs, as well as any associated improvements (e.g. shelters, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.
- b. Approval and installation of all CBU related improvements must be completed prior to the initial final plat being recorded for the development creating residential building lots.
- c. The establishment of a homeowners' association is required in developments with CBU related improvements. Maintenance of all CBU related improvements shall be the responsibility of the homeowners' association.

- d. CBU related improvements not part of a designated amenity area shall be on their own lot. Lot area does not have to meet the minimum area of the district, nor do typical setbacks or lot frontage apply as defined in this Ordinance.
- e. CBU related improvements shall be prohibited within the public right-of-way or in any utility easement unless written permission is granted by the easement holder.
- f. CBU related improvements shall not be located within the vision triangle as determined by the Transportation Division of the Development and Engineering Services Department of the City of Cleveland.
- g. A site plan for the CBUs shall be submitted simultaneous with preliminary plan submittal for review and approval. Site plans for CBU related improvements in designated amenity areas can be submitted simultaneously with a site plan for the amenity area.

Site plans for CBUs not within designated amenity areas shall include the following elements:

- a. Landscaping: Improvements shall be landscaped consistent with the requirements of this ordinance. Landscaping Requirements for Parking and Vehicular Use Areas
- b. Lighting Plan: Security lighting is required and should be designed consistent with this Ordinance
- c. Parking: These improvements shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues. No less than two parking spaces servicing a proposed CBU shall be provided for.

Parking spaces may be provided in a dedicated parking area or within a bulb-out along the right- of-way, subject to approval by the Transportation Division of the Development and Engineering Services Department of the City of Cleveland. CBU related improvements that are located in designated amenity areas may utilize the off-street parking provided. Parking areas and access to the CBUs shall be compliant with current Americans with Disabilities Act (ADA) standards.

- h. CBUs and associated improvements shall be exempt from the normal setback requirements prescribed in this Ordinance.
- i. CBUs and associated improvements must be installed according to USPS standards and must meet all applicable building and fire codes.
- j. Address numbering on each dwelling unit shall comply with the adopted building code for City of Cleveland.

#### 7.C Miscellaneous Standards

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. The front façade of all structures shall contain a minimum of at least 50% of either brick or stone materials. No blank walls along street

elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

All lots shall be serviced by sidewalks within the subdivision. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission.

A monument style ground sign shall be installed at all entrances to the site. A landscaped berm no smaller than 8' in height shall be installed along Michigan Ave Rd to provide privacy and to maintain a high-quality appearance. Open space shall be maintained at proportion no less than 20% of the total buildable area. A playground, dog park, walking trail or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. The common areas and amenities must be internal to the development, accessed directly from public right-of-ways and must be practical in the application of its intended use (not in fragmented or unusable areas). All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

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.

#### **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 PUD24 Meadow Creek Subdivision. 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 PUD24, 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 B & C 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 PUD24 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 after 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

**Exhibit A**



**Exhibit B**  
 Conceptual Plan 1



**Exhibit C**  
 Conceptual Plan 2



Councilman May moved that Zoning Ordinance No: 2020-23 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously approved.

The following Ordinance was then presented in full:

- **Ordinance No: 2020-24** – Abandoning a portion of unopened right-of-way located off Johnson Blvd between 425 Johnson Blvd and 455 Johnson Blvd (Planning Commission: Approved 8-0; 1 absent).

**ORDINANCE NO. 2020-24**

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:

455 Johnson Blvd

Beginning at the northwest corner of the lands of Dennis Bauer, as recorded in BCROD deed book 226 page 834; thence north 39 degrees 57 minutes 34 seconds east, 10 feet to the center of an unopened alley; thence south 50 degrees 25 minutes 25 seconds east, 200 feet to a point; thence south 39 degrees 57 minutes 34 seconds west, 10 feet to a point; thence north 50 degrees 25 minutes 25 seconds west, 200 feet to the point of beginning.

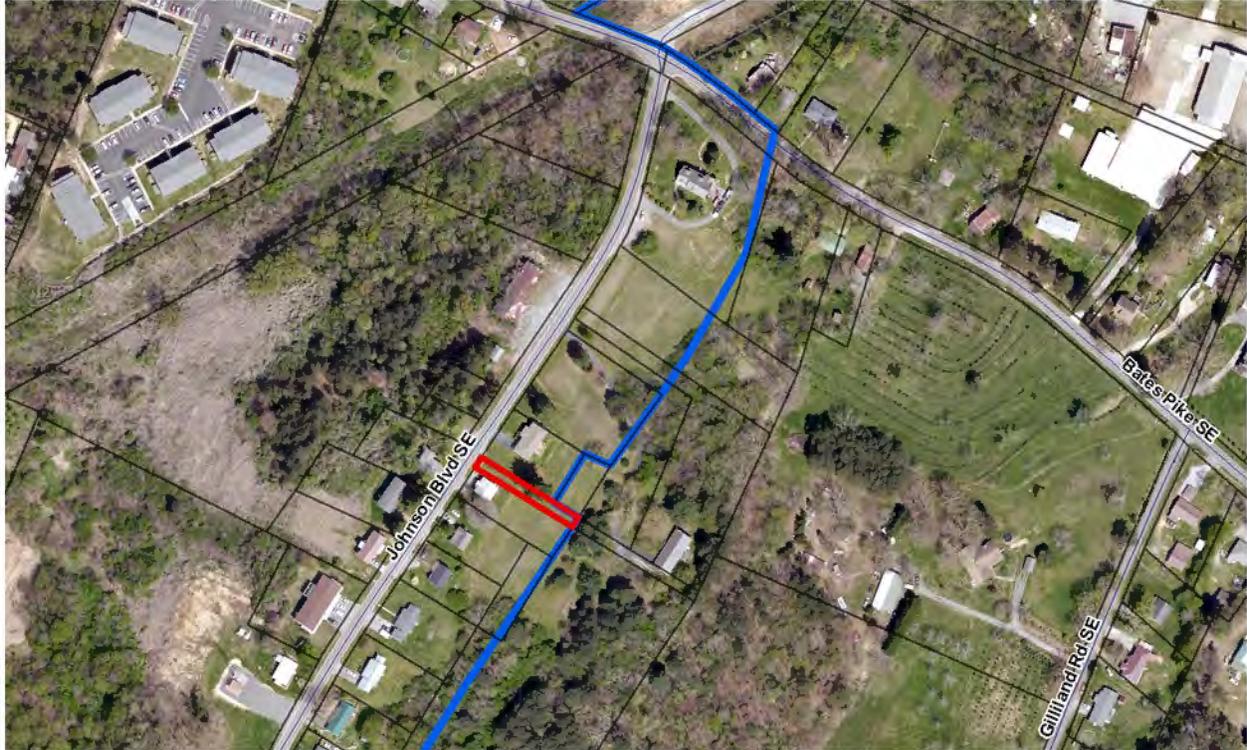
425 Johnson Blvd

Beginning at the southwest corner of the lands of Dennis Bauer, as recorded in BCRD deed book 2276 page 781; thence south 50 degrees 25 minutes 25 seconds west, 200 feet to a point; thence south 39 degrees 57 minutes 34 seconds west, 10 feet to a point; thence north 50 degrees 25 minutes 25 seconds west, 200 feet to a point; thence north 39 degrees 57 minutes 34 seconds east, 10 feet to the point of beginning.

2. RETENTION OF EASMENTS: The City shall retain an easement to maintain access to public electric facilities as long as they remain in place.



Exhibit B



Councilman Estes moved that Ordinance No: 2020-24 be voted for passage on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously approved.

The Ordinance was then presented in full:

- **Ordinance No: 2020-25** – Amending Sections 2.10.2, 2.11.2 and Table 1 of the Zoning Regulations concerning the use of animal boarding and kennels within the CG General Commercial and CH Highway Commercial Zoning Districts (Planning Commission: Approved 8-0; 1 absent).

**ORDINANCE NO: 2020-25**

**AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING SECTION 2.10.2, 2.11.2 AND TABLE 1 SO AS TO PROVIDE FOR PROVISIONS FOR ANIMAL BOARDING AND KENNELS WITHIN THE CG GENERAL COMMERCIAL ZONING DISTRICT AND THE CH COMMERCIAL HIGHWAY ZONING DISTRICT; 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 proposed provisions for Animal Boarding and Kennels as a conditional use in the CG General Commercial Zoning District and CH Commercial Highway Zoning District; and

**WHEREAS** the City Council has determined that the proposed amendment provides for the appropriate review by the Board of Zoning Appeals when considering the proper location and layout of Animal Kennel and Boarding; and

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

**Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, be amended by revising Section 2.12.2 to read as follows:**

**Section 2. 2.10.2 shall include the following as a conditional use:**

“D. ANIMAL KENNEL AND BOARDING”

**Section 3. 2.11.2 shall include the following as a conditional use:**

“G. ANIMAL KENNEL AND BOARDING”

**Section 4. Table 1 within the Zoning Ordinance shall reflect the following:**

“Animal Boarding and Kennels” shall be amended to be reflected as a conditional use within the CH Highway Commercial Zoning District and CG General Commercial Zoning District.

**Section 5.** That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

**Section 6.** 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 7.** 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 May moved that Ordinance No: 2020-25 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously approved.

Councilman Hughes moved to extend the current banking services agreement with Bank of Cleveland from September 1, 2020 through December 31, 2020. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

Councilman May moved that Ordinance No: 2020-22; heretofore passed on first reading June 22, 2020 and found in Minute Book 29, page 864; abandoning a section of Magnolia Ave NE located between Billy Graham Ave NE and 13<sup>th</sup> St NE and a section of 13<sup>th</sup> St NE between Parker St NE and Magnolia Ave NE (Planning Commission: Approved 8-0; 1 absent) be voted for passage on final reading. The motion was seconded by Councilman Hughes. Councilman Estes stated Lee University is his employer which does not affect his vote. Vice Mayor Johnson asked if something could be worked out about the abandonment of 13<sup>th</sup> Street. Mr. Fivas responded it is up to the Council on what they would like to do but the intention to closing that portion is to increase the safety of the 5,000 plus students walking through there. Councilman Estes stated Lee counted 9,700 students would pass through this area in a week as this is the heaviest part of campus when it’s not Chapel time. The city has alleviated his concerns about emergency vehicles and the buses and Lee will make the area safer for all. Councilman Webb added it is important to recognize that the intersection of Magnolia/13<sup>th</sup> will remain open. It will not become a dead-end street. Vice Mayor Johnson stated he was impressed by the design and looking at the safety of the students and the residents. Upon roll call, Councilman May, Councilman Hughes, Councilman Webb, Councilman Estes and Vice Mayor Johnson voted aye. Councilman McKenzie voted no. The motion passed 5:1.

**ANNOUNCEMENTS**

Mayor Brooks announced the next meeting would be held on August 10. An in-person Work Session will be held at the Museum Center at Five Points beginning at 10 a.m. and the Regular Session will be held electronically at 3:00 p.m.

There being no future business the meeting was adjourned at 4:53 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 10, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 51, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Vice Mayor Avery Johnson. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kris Miller, IT Director; Beverley Lindsey, Assistant to the City Manager; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner. Also, on the virtual line were various staff members, Department Heads, City Attorney John Kimball and Tim Sinead with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 July 27, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

There were no special presentations and public comments.

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

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 4.46 acres, more or less, located on Humphrey Bridge Rd SW (Tax Map 56 Parcel 79.00 and Tax Map 56K Group A Parcels 1.00, 2.00 and 3.00) from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 2.72 acres located Nicholson Dr SW and Country Club Dr SW (Tax Map 49O Group B Parcel 28.00) and a resolution to adopt a Plan of Service (POS) for the annexation area (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the annexation and plan of service. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the annexation and plan of service. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 2.72 acres located on Nicholson Dr SW and Country Club Dr SW (Tax Map 49O Group B Parcel 28.00) from the unincorporated county to R2 Low Density Single and Family Residential Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 5.29 acres, more or less, located on Georgetown Rd and Paul Huff Parkway Extension (Tax Map 33F Group B a portion of Parcels 1.00 & 5.00) from CG General Commercial Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .76 acres, more or less, located at 4665 Fairfield Farm Rd (Tax Map 34O Group A a portion of Parcel 7.00) from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the FY2020-2021 CDBG Annual Action Plan and the FY2020-2021 CDBG CARES Act Allocation. Mayor Brooks asked if anyone would like to speak concerning this public hearing. Councilman Estes stated he received the following text message "as a small business owner, I fully support the CDBG Cares Act funding plan which directly supports struggling small businesses that serve the CDBG area of Cleveland. Small businesses have taken on a large negative economic impact during the Covid19 shutdown and slowdown in local businesses. I believe this is a responsible use of CDBG funds to support those local businesses as they continue to employ and serve the CDBG area." Brittany Katz, Terra Running Company. Mayor Brooks declared the public hearing to be closed.

### CONSENT AGENDA

Councilman May moved to approve the following items from the Consent Agenda:

- **Final Passage - Zoning Ordinance No: 2020-23** – heretofore passed on first reading July 27, 2020 and found in Minute Book 29, Page 879; rezoning 25.9 acres, more or less, located at Michigan Ave Rd and 31<sup>st</sup> St NE (Tax Map 50 Parcel 14.04) from R1 Single Family Residential Zoning District to PUD24 Planned Unit Development Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Ordinance No: 2020-24** – heretofore passed on first reading July 27, 2020 and found in Minute Book 29, Page 879; abandoning a portion of unopened right-of-way located off Johnson Blvd between 425 Johnson Blvd and 455 Johnson Blvd (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Ordinance No: 2020-25** – heretofore passed on first reading July 27, 2020 and found in Minute Book 29, Page 888; amending Sections 2.10.2, 2.11.2 and Table 1 of the Zoning Regulations concerning the use of animal boarding and kennels within the CG General Commercial and CH Highway Commercial Zoning Districts (Planning Commission: Approved 8-0; 1 absent).
- **Resolution No: 2020-58** – Authorizing the CEO of Cleveland Utilities to act on behalf of the City with respect to a loan application with the Tennessee Department of Environment and Conservation for sewer collection system inflow and infiltration correction.

**CITY OF CLEVELAND  
SRF 2018-417-01  
AUTHORIZING RESOLUTION NO: 2020-58**

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

**WHEREAS**, the City of Cleveland is a public and governmental body in Cleveland (Bradley County), Tennessee (the "Local Government"); and

**WHEREAS**, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number SRF 2018-417-01(the "Project"), in and for the Local Government; and

**WHEREAS**, Tennessee Code Annotated, Section 68-221-1001 *et. seq.*, provide for the lending of funds in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for project loans; and

**WHEREAS**, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

**NOW, THEREFORE, be it resolved as follows:**

**Section 1.** Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of Ten million dollars (\$10,000,000) by the obtaining of a project loan.

**Section 2.** The execution and delivery of the Application for a Project loan in the principal amount of ten million dollars (\$10,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project twenty million dollars (\$20,000,000), by Kevin Brooks, the Mayor of the Local Government, is hereby ratified and approved in all respects.

**Section 3.** The form, terms, and provisions of the agreement for the Project loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

**Section 4.** The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

**Section 5.** The Local Government hereby agrees to make the monthly payments on the Project loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

**Section 6.** The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the wastewater system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

**Section 7.** The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

**Section 8.** The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

**Section 9.** The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

**Section 10.** The CEO of Cleveland Utilities is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project loan.

**Section 11.** All orders, resolutions, or ordinances in conflict with this resolution are and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-59** – Accepting Little Pond Road (approx. 720 feet) and Preservation Drive (beginning at Spring House Road and continuing approx. 600 feet) in Timber Creek Subdivision as city streets.

**RESOLUTION NO: 2020-59**

**WHEREAS**, Timber Creek Subdivision-Phase 3 is a development located in the City of Cleveland; and

**WHEREAS**, Timber Creek Subdivision-Phase 3 is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 62; and

**WHEREAS**, Preservation Drive is a street located within this development and is depicted on this Plat; and

**WHEREAS**, Little Pond Road is also a street located within this development and is depicted on this Plat; and

**WHEREAS**, the developer has requested that the City accept Preservation Drive and Little Pond Road as City streets; and

**WHEREAS**, the City's engineering staff has inspected Little Pond Road (approximately 720 feet) and is now recommending that the City accept Little Pond Road (approximately 720 feet) as a City street; and

**WHEREAS**, the City's engineering staff has also inspected Preservation Drive beginning at Spring House Road and continuing approximately 600 feet in a southeasterly direction to the end of the cul de sac depicted on the Plat, and is now recommending that the City accept this section of Preservation Drive (approximately 600 feet) as a City street.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Little Pond Road (approximately 720 feet) as a City street.

**BE IT FURTHER RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Preservation Drive beginning at Spring House Road and continuing approximately 600 feet in a southeasterly direction to the end of the cul de sac as a City street.

This 10<sup>th</sup> day of August 2020

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-60** – Accepting Mountain Cove Place (approx. 210 feet) in Mountain Cove Subdivision as a city street.

**RESOLUTION NO: 2020-60**

**WHEREAS**, Mountain Cove Subdivision is a development located in the City of Cleveland; and

**WHEREAS**, Mountain Cove Subdivision is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 22 Page 110; and

**WHEREAS**, Mountain Cove Place is a street located within this development and is depicted on this Plat; and

**WHEREAS**, the developer has requested that the City accept Mountain Cove Place as a City street; and

**WHEREAS**, the City's engineering staff has inspected Mountain Cove Place and is now recommending that the City accept Mountain Cove Place (approximately 210 feet) as a City street.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Mountain Cove Place as a City street.

This 10<sup>th</sup> day of August 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-61** – Supporting an application to TDOT for the 2021 IMPROVE Act for construction of up to 8 bus shelters throughout Cleveland.

**RESOLUTION NO: 2020-61**

**RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR AN IMPROVE ACT GRANT FOR CONSTRUCTION OF UP TO 8 BUS SHELTERS THROUGHOUT CLEVELAND**

**WHEREAS**, the City of Cleveland submitted to the Tennessee Department of Transportation (TDOT) a Notice of Intent to Apply for the IMPROVE Act Grant for up to 8 Bus Shelters to serve the CUATS System throughout Cleveland; and

**WHEREAS**, TDOT has invited the City of Cleveland’s transit provider SETHRA to submit an IMPROVE Act Grant application for the aforementioned shelters;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cleveland, Tennessee that:

1. The application for IMPROVE Act funds is hereby approved for the Construction of up to 8 Bus Shelters up to the amount of \$150,000 and a local cash match of 25% of the grant amount is approved.

2. The City of Cleveland understands that this is a reimbursable grant project and that it would need to pay 100% of all project invoices upfront prior to seeking reimbursement for 75% from TDOT.

3. The City of Cleveland understands that it will be responsible for future maintenance of facilities constructed with the IMPROVE Act grant.

4. The Mayor is authorized to sign all documents necessary to apply for this IMPROVE Act grant.

Approved this 10th day of August, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-62** – Authorizing the Mayor to sign contract amendment #6 with TDOT related to the sidewalk project along Wildwood/Dalton Pike.

**RESOLUTION NO: 2020-62**

**RESOLUTION TO AUTHORIZE CONTRACT AMENDMENT SIX FOR MULTI-MODAL ACCESS GRANT PROJECT ON WILDWOOD AVENUE AND DALTON PIKE FOR THE PURPOSE OF EXTENDING THE GRANT DEADLINE**

**WHEREAS**, the City of Cleveland entered a contract with the Tennessee Department of Transportation (TDOT) to carry out as grantee a Multi-modal Access Grant Program on Wildwood Avenue and Dalton Pike; and

**WHEREAS**, the grant contract will expire before the project can be completed and TDOT has prepared for approval a contract extension to September 25, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cleveland, Tennessee that:

1. The Mayor is authorized to sign the contract amendment with TDOT extending the contract date to September 25, 2021.

Approved this 10th day of August, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-63** – Initial resolution authorizing the issuance of not to exceed \$6,200,000 General Obligation Bond related to Cleveland Utilities projects.

**RESOLUTION NO: 2020-63**

**INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SIX MILLION TWO HUNDRED THOUSAND AND N0/100 DOLLARS (\$6,200,000) GENERAL OBLIGATION BOND OF THE CITY OF CLEVELAND, TENNESSEE**

BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee (the "Municipality") that for the purpose of financing, in whole or in part, (i) the improvement and extension of the electric distribution system of the Municipality, (ii) the improvement and extension of the water and wastewater system of the Municipality, (iii) the acquisition of all property, real or personal, appurtenant thereto, or connected with such public works projects; (v) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (vi) reimbursement to the Municipality for any funds expended for any of the foregoing prior to the issuance of the bonds referred herein; and (v) payment of costs incident to the issuance and sale of the bonds authorized herein, there shall be issued bonds, in one or more emissions, of said Municipality in the aggregate principal amount of not to exceed \$6,200,000, which shall bear interest at a rate or rates not to exceed five percent per annum (5.00%), and which shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality, provided that the respective portions of the bonds that finance improvements to the water and wastewater system and the electric distribution system of the Municipality shall also be payable from but not secured by the revenues of such respective systems.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland, Tennessee that the City Clerk of the Municipality be, and is, hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$6,200,000 general obligation bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper followed by the statutory notice:

**NOTICE**

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Shawn McKay, City Clerk

This Resolution shall be in immediate effect from and after its adoption, the public welfare requiring it.

Adopted and approved this 10th day of August, 2020.

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Appointment** – *Beer Board* - Tina Turner for a two-year term to expire July 2022.

The motion to approve the consent agenda was seconded by Councilman Webb; and upon roll call, unanimously passed.

### UNFINISHED BUSINESS

No unfinished business.

### REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes congratulated the Cleveland Fire Department on receiving the ISO 2 rating. Very few communities have an ISO rating of 2. The work that is done upfront saves residents money on the backend. Also, he thanked Dr. John Powell for cleaning the concrete obelisks that have street names on them in the historic district.

Councilman Cassada thanked District 3 residents on his re-election for a second term. He will work even harder. He also thanked his family, friends and his wife for their support and hard work.

Councilman Hughes stated he is proud of all the project accomplishments within the City, especially Norman Chapel Road project. It got finished before school started. North Lee/Sequoia was right down to the wire. The additional lane for safety done by our staff. He contacted Sandra Knight with Bradley County and asked to partner on the project which was in the city but leading to a county school. The PTA met with Commissioners, as well as Councilman Cassada meeting with them asking for a partnership. He is proud of the North Lee project as a city project and in the arena of safety we were able to help in that area. Lastly, he congratulated Councilman May on his re-election as well.

Councilman Webb stated he was happy to hear about all the completed projects and excited to hear during our work session the report on refinancing our bond issues to save taxpayer dollars. Mr. McKay and Mr. Fivas have stayed on top of our finances and he is appreciative.

Vice Mayor Johnson congratulated the Cleveland Fire Department on receiving the ISO 2 rating. He also congratulated the Police Department on their CALEA recertification where they as well received high marks. He thanked the voters of Cleveland for re-electing him and all those that supported him. He is looking forward to the next few years.

Councilman McKenzie stated the business at 20<sup>th</sup> and Keith Street is regularly leaving various items for sale out overnight. He asked that staff take a look at the issue.

Councilman Hughes added the City Manager met with the principal of North Lee Elementary on numerous occasions and was a catalyst in that operation and greatly appreciates it. Mayor Brooks thanked Councilman Hughes for bringing up that particular project and stated he enjoys helping out when we possibly can. He was surprised to hear they couldn't help us in front of a county school, as we are spending thousands of dollars on a city street in front of the PIE Center. We are about to enter into a partnership for the project, so it is disappointing to hear that wasn't reciprocated on the North Lee/Sequoia project.

Mayor Brooks announced that Mr. Joe Washington has resigned from the Cleveland Housing Authority Board. We have received and accepted an application from Mr. Lamar Arp to serve on the board as the Mayoral appointment.

### NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-26** - Rezoning 4.46 acres, more or less, located on Humphrey Bridge Rd SW (Tax Map 56 Parcel 79.00 and Tax Map 56K Group A Parcels 1.00, 2.00 and 3.00) from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0;1 absent).

**ZONING ORDINANCE NO: 2020-26**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District.

Approximately 4.38 acres, more or less, located on Humphrey Bridge Rd as shown on the attached map.

For reference, same property is being shown on Tax Map 56 Parcels 79.00 and Tax Map 56K Group A Parcels 1.00, 2.00 and 3.00, in the Assessor’s Office for Bradley County, Tennessee

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

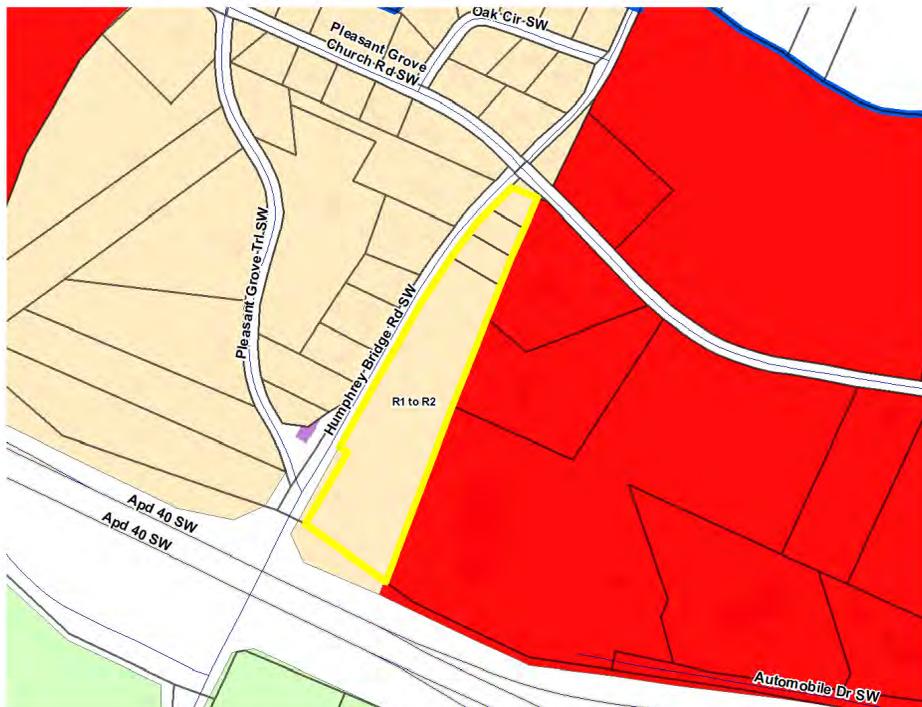
APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved that Zoning Ordinance No: 2020-26 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously approved.

The following Resolution was then presented in full:

- **Resolution No: 2020-56** – Adopting a Plan of Service for the annexation area of about 2.72 acres located Nicholson Dr SW and Country Club Dr SW (Tax Map 49O Group B Parcel 28.00) (Planning Commission: Approved 8-0; 1 absent).

**RESOLUTION NO: 2020-56**

**A RESOLUTION APPROVING A PLAN OF SERVICES FOR A PROPOSED  
ANNEXATION OF TERRITORY INTO THE CITY OF CLEVELAND BY OWNER  
CONSENT**

**NICHOLSON DR AND COUNTRY CLUB DR ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by owner consent; and

WHEREAS, a Plan of Services for the territory proposed for annexation by owner consent has been reviewed by the Cleveland Municipal Planning Commission; and

WHEREAS, the governing body desires to conduct a public hearing on the proposed annexation and plan of services;

NOW THEREFORE BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

- A. That a public hearing is hereby held at 3:00 pm on August 10, 2020 at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

The below describes the county portion of the lands of Brown Realty Corp, as recorded in BCROD deed book 128 page 168. Description is as follows: Beginning at the northwest corner of the lands of Dale Goff, as recorded in BCROD deed book 1005 page 411; thence with the eastern right of way of Nicholson Dr in a northeasterly direction 228 feet, more or less, to a point where the existing City Limits intersects the western property line of the lands of brown Realty; thence in a south easterly direction with the existing City Limits 323 feet, more or less, to a point where the existing City Limits intersects the eastern line of the lands of Brown Realty; thence in a south easterly direction with the eastern line of the lands of Brown Realty 325 feet, more or less, to the northeastern corner of the lands of CT Properties, as recorded in BCROD deed book 1707 page 355; thence with the northern line of the lands of CT Properties in a northwesterly direction 168 feet, more or less, to the northwest corner of the lands of CT Properties; thence with the western line of the lands of CT properties 110 feet, more or less, to the southwest corner of the land of CT Properties, said point being located in the northern right of way of Country Club Dr; thence with the northern right of way of Country Club Dr along a curve in a northwesterly direction 54 feet, more or less, to the southeast corner of the lands of William Terrell, as recorded in BCROD deed book 2567 page 370; thence in a northeasterly direction with the eastern line of the lands of Terrell 115.3 feet to the southeastern corner of the lands of Goff; thence in a north easterly direction with the eastern line of the lands of Goff 84.7 feet to the northeastern corner of the lands of Goff; thence in a northwesterly direction with the northern line of the lands of Goff 118.25 feet to the point of beginning.

- B. That a copy of this Resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland.

C. That notice of the time and purpose of a public hearing on the proposed annexation by owner consent and the Plan of Services shall be published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk



**JULY 16, 2020**  
**NICHOLSON DR ANC COUNTRY CLUB DR NW PROPERTY**  
**ANNEXATION ANALYSIS**  
**PLAN OF SERVICE**  
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 2.3 acres located on Nicholson Dr and Country Club Dr NW as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 2020.

This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services in accordance with the POS.

**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

PC 1101 Section 19 requires a "Plan of Services" (POS) prior to annexation and these services must include: police and fire protection; water, electrical and sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The property consists of one vacant parcel, with a portion of which is already within the City limits. Four new four-unit residential dwellings are anticipated post annexation (16 total units). The property is described as Tax Map 490 Group B Parcel 28.00.

**Nicholson Dr/Country Club Dr****Legal Description**

The below describes the county portion of the lands of Brown Realty Corp, as recorded in BCROD deed book 128 page 168. Description is as follows: Beginning at the northwest corner of the lands of Dale Goff, as recorded in BCROD deed book 1005 page 411; thence with the eastern right of way of Nicholson Dr in a northeasterly direction 228 feet, more or less, to a point where the existing City Limits intersects the western property line of the lands of brown Realty; thence in a south easterly direction with the existing City Limits 323 feet, more or less, to a point where the existing City Limits intersects the eastern line of the lands of Brown Realty; thence in a south easterly direction with the eastern line of the lands of Brown Realty 325 feet, more or less, to the northeastern corner of the lands of CT Properties, as recorded in BCROD deed book 1707 page 355; thence with the northern line of the lands of CT Properties in a northwesterly direction 168 feet, more or less, to the northwest corner of the lands of CT Properties; thence with the western line of the lands of CT properties 110 feet, more or less, to the southwest corner of the land of CT Properties, said point being located in the northern right of way of Country Club Dr; thence with the northern right of way of Country Club Dr along a curve in a northwesterly direction 54 feet, more or less, to the southeast corner of the lands of William Terrell, as recorded in BCROD deed book 2567 page 370; thence in a northeasterly direction with the eastern line of the lands of Terrell 115.3 feet to the southeastern corner of the lands of Goff; thence in a north easterly direction with the eastern line of the lands of Goff 84.7 feet to the northeastern corner of the lands of Goff; thence in a northwesterly direction with the northern line of the lands of Goff 118.25 feet to the point of beginning.

**Plan of Services****1. Police Protection**

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

There is no additional cost expected from this annexation.

**2. Fire Protection**

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 1. Providing service to this parcel would have no budgetary impact on the Fire Department.

**3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants**

A. Domestic Water--- Water service is available to this parcel via approximately 2-inch diameter cast iron water main along Country Club Drive and Nicholson Drive. See

B. Sanitary Sewer--- Sanitary sewer service is presently available to this site. No additional improvements are required.

C. Fire Protection--- The existing water mains in the area are not sufficient to provide fire protection. To provide fire protection, approximately 720 linear feet of 6-inch diameter water main is required and two fire hydrants. Two hydrants are proposed. It is estimated to cost \$53,200.

**SUMMARY OF COSTS**

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Nicholson Drive	\$0	\$0	\$53,200	\$53,200



**4. Electric Service**

This property is currently served by Cleveland Utilities Electric Division. No additional costs are anticipated.

**5. Public Works***A. Refuse Collection*

- a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.
- b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

- a. Current city policies regarding residential debris, brush, and white good collections will apply in all proposed areas and will begin at the time of annexation. Each residence will be included in the City's ten route collection system. No additional equipment or manpower will be needed at this time.
- b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

- a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.
- b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.
- c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.
- d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

No major drainage problems were identified in these areas. Emergency drainage maintenance (i.e. cleaning catch basins, unstopping tile, installing drainage tile and/or catch basins) within these areas will begin at time of annexation.

*E. General Rights-of-Way Maintenance (i.e. street sweeping, snow removal)*

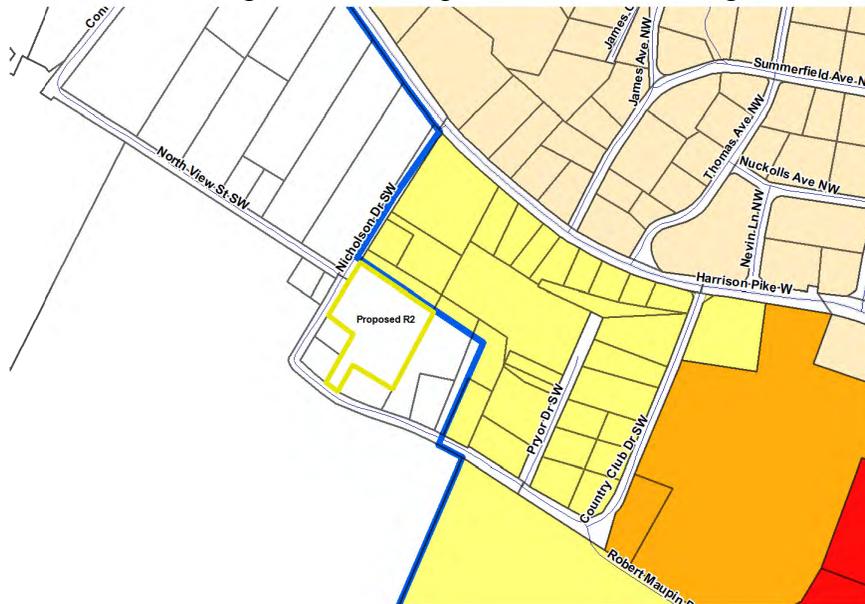
- a. Current city policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.
- b. Current city policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.

**6. Schools**

It is estimated that five to six additional students would be added to the school system enrollment as a result of this annexation. The impact of the Country Club Dr. property will be \$5,126.78 per year from education.

**7. Planning and Zoning**

- A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.
- B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for R2 Low Density Single and Multi-Family Residential Zoning District as its post-annexation zoning.



- C. In the case of lots of record that are recorded prior to the effective date of annexation, if there are prevailing deed or subdivision restrictions on record, these deed or subdivision restrictions shall apply if in conflict with City zoning or subdivision regulations.

**8. Animal Shelter**

The City operates a full-time animal control program including an animal shelter. The Animal Shelter is located on Hill Street SE. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

**9. Voting Rights and City Elections**

- A. If an eligible voter’s permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.
- B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.
- C. This annexation is expected to add approximately 36 residents to the 1st City Council District once developed.

**10. Stormwater**

- a. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. The monthly fee will be \$1.63.
- b. All new development will need to adhere to the City of Cleveland Stormwater Ordinance.
- c. The City of Cleveland is now a Qualified Local Program (QLP). All development needing the Tennessee Department of Environment and Conservation (TDEC) Construction General Permit coverage will submit all required documentation and fees to the City of Cleveland only.

**Revenue**

The property is currently vacant with a total assessed value of \$61,400. At the City’s current tax rate this would result in approximately \$316.21 in annual property tax.

With the expected four quadraplex units on the site conservatively estimated at a value of \$250,000 each, property tax revenue would create an additional revenue of approximately \$8,240.00 and a total of \$8556.21 in property tax. With an estimated 36 additional residents in the annexation area after being developed and a current state shared appropriation per person of \$115.75 the property would generate approximately \$4,167.

Total revenue generated as a result of this annexation after being developed with three new homes would be approximately **\$12,723.21**.

Vice Mayor Johnson moved that Resolution No: 2020-56 be accepted as presented. The motion was seconded by Councilman McKenzie; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2020-57** – Annexing about 2.72 acres located Nicholson Dr SW and Country Club Dr SW (Tax Map 49O Group B Parcel 28.00) (Planning Commission: Approved 8-0; 1 absent).

**RESOLUTION NO: 2020-57**

**A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF CLEVELAND, TENNESSEE**

**NICHOLSON DR AND COUNTRY CLUB DR ANNEXATION AREA**

WHEREAS, the City of Cleveland, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries; and

WHEREAS, the owners of all property within the territory proposed for annexation have given their written consent by notarized petition so that a referendum is not required; and

WHEREAS, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of Cleveland, and by publishing notice of the Resolution at or about the same time in the Cleveland Daily Banner, a newspaper of general circulation in such territory and the City of Cleveland; and

WHEREAS, a Plan of Services for the area proposed for annexation is attached as *Exhibit A* hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

WHEREAS, the proposed annexation and Plan of Services were submitted to the Cleveland Municipal Planning Commission for study, and it has recommended the same; and

WHEREAS, notice of the time and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on August 10, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City of Cleveland, Tennessee as follows:

A. That the following territory is hereby annexed and incorporated into boundaries of the City of Cleveland, to wit:

The below describes the county portion of the lands of Brown Realty Corp, as recorded in BCROD deed book 128 page 168. Description is as follows: Beginning at the northwest corner of the lands of Dale Goff, as recorded in BCROD deed book 1005 page 411; thence with the eastern right of way of Nicholson Dr in a northeasterly direction 228 feet, more or less, to a point where the existing City Limits intersects the western property line of the lands of brown Realty; thence in a south easterly direction with the existing City Limits 323 feet, more or less, to a point where the existing City Limits intersects the eastern line of the lands of Brown Realty; thence in a south easterly direction with the eastern line of the lands of Brown Realty 325 feet, more or less, to the northeastern corner of the lands of CT Properties, as recorded in BCROD deed book 1707 page 355; thence with the northern line of the lands of CT Properties in a northwesterly direction 168 feet, more or less, to the northwest corner of the lands of Ct Properties; thence with the western line of the lands of CT properties 110 feet, more or less, to the southwest corner of the land of CT Properties, said point being located in the northern right of way of Country Club Dr; thence with the northern right of way of Country Club Dr along a curve in a northwesterly direction 54 feet, more or less, to the southeast corner of the lands of William Terrell, as recorded in BCROD deed book 2567 page 370; thence in a northeasterly direction with the eastern line of the lands of Terrell 115.3 feet to the southeastern corner of the lands of Goff; thence in a north easterly direction with the eastern line of the lands of Goff 84.7 feet to the northeastern corner of the lands of Goff; thence in a northwesterly direction with the northern line of the lands of Goff 118.25 feet to the point of beginning.

B. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted [on file in the City Clerk's Office.]

C. That the City Clerk's office will cause a copy of this Resolution to be forwarded to the Mayor of Bradley County including the Plan of Services.

D. That a copy of this Resolution shall be sent to the Tennessee Comptroller of the Treasury and the Bradley County Assessor of Property.

E. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district.

WHEREUPON, the Mayor affixed a signature and date thereto and directed that the same be recorded.

EFFECTIVE DATE: Be it further resolved that this Resolution shall only become effective at the time of the final passage of the ordinance zoning for the aforementioned property within the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman Webb moved that Resolution No: 2020-57 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-27** – Zoning of about 2.72 acres located on Nicholson Dr SW and Country Club Dr SW (Tax Map 490 Group B Parcel 28.00) from the unincorporated county to R2 Low Density Single and Family Residential Zoning District (Planning Commission: Approved 8-0; 1 absent).

**ZONING ORDINANCE NO: 2020-27**

**AN ORDINANCE TO ZONE THE “NICHOLSON DR AND COUNTRY CLUB DR ANNEXATION AREA” WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE**

WHEREAS, a public hearing before this body was held on the 10th day of August 2020 a notice thereof published in the *Cleveland Daily Banner* on July 26, 2020 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution No: 2020-56; and,

WHEREAS, this property was annexed by Resolution No: 2020-57; and

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

Section 1. BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, zoned from FAR Forestry/Agricultural/Residential Zoning within the unincorporated County to R2 Low Density Single and Multi-Family Residential Zoning District within the corporate limits of the City of Cleveland.

Section 2. The property shown in Exhibit “A” and shall be zoned in accordance with the legal description described in Exhibit “B”, attached hereto and made a part hereof by reference, upon the effective date of this ordinance.

Section 3. Be it further ordained that this Ordinance shall take effect immediately on final reading the public welfare requiring it.

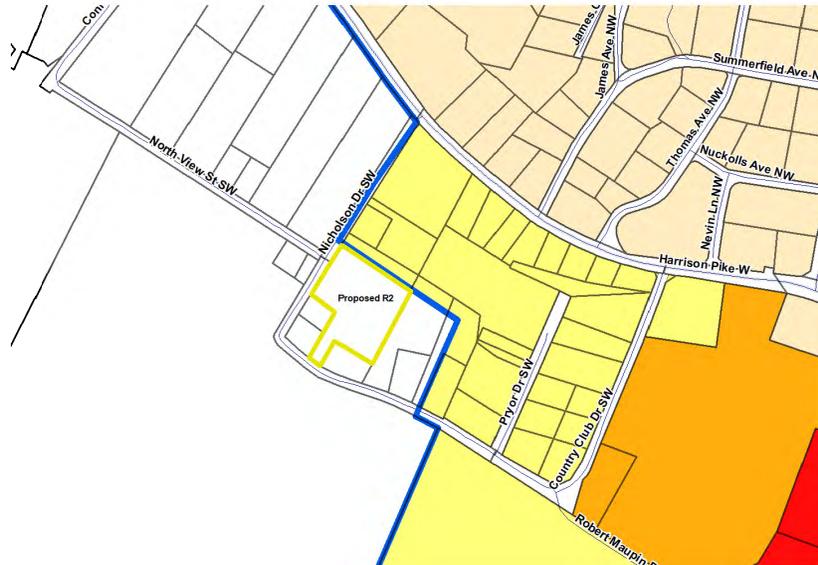
APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

**Exhibit A**



**Exhibit B**

**Legal Description**

The below describes the county portion of the lands of Brown Realty Corp, as recorded in BCROD deed book 128 page 168. Description is as follows: Beginning at the northwest corner of the lands of Dale Goff, as recorded in BCROD deed book 1005 page 411; thence with the eastern right of way of Nicholson Dr in a northeasterly direction 228 feet, more or less, to a point where the existing City Limits intersects the western property line of the lands of brown Realty; thence in a south easterly direction with the existing City Limits 323 feet, more or less, to a point where the existing City Limits intersects the eastern line of the lands of Brown Realty 325 feet, more or less, to the northeastern corner of the lands of CT Properties, as recorded in BCROD deed book 1707 page 355; thence with the northern line of the lands of CT Properties in a northwesterly direction 168 feet, more or less, to the northwest corner of the lands of CT Properties; thence with the western line of the lands of CT properties 110 feet, more or less, to the southwest corner of the land of CT Properties, said point being located in the northern right of way of Country Club Dr; thence with the northern right of way of Country Club Dr along a curve in a northwesterly direction 54 feet, more or less, to the southeast corner of the lands of William Terrell, as recorded in BCROD deed book 2567 page 370; thence in a northeasterly direction with the eastern line of the lands of Terrell 115.3 feet to the southeastern corner of the lands of Goff; thence in a north easterly direction with the eastern line of the lands of Goff 84.7 feet to the northeastern corner of the lands of Goff; thence in a northwesterly direction with the northern line of the lands of Goff 118.25 feet to the point of beginning.

Councilman Hughes moved that Zoning Ordinance No: 2020-27 be voted for passage on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously approved.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-28** – Rezoning 5.29 acres, more or less, located on Georgetown Rd and Paul Huff Parkway Extension (Tax Map 33F Group B a portion of Parcels 1.00 & 5.00) from CG General Commercial Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).

**ZONING ORDINANCE NO: 2020-28**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from CG General Commercial Single to CH Commercial Highway Zoning District.

Approximately 5.29 acres, more or less, located on Georgetown Rd and Paul Huff Hwy Extension as shown on the attached exhibit A.

For reference, same property is being shown on Tax Map 33F Group B a portion of Parcels 1.00 & 5.00 in the Assessor's Office for Bradley County, Tennessee. It is further described as lots 7,8, 9, 10, 11 and 12 of Barker Crossing Subdivision shown in exhibit B.

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A

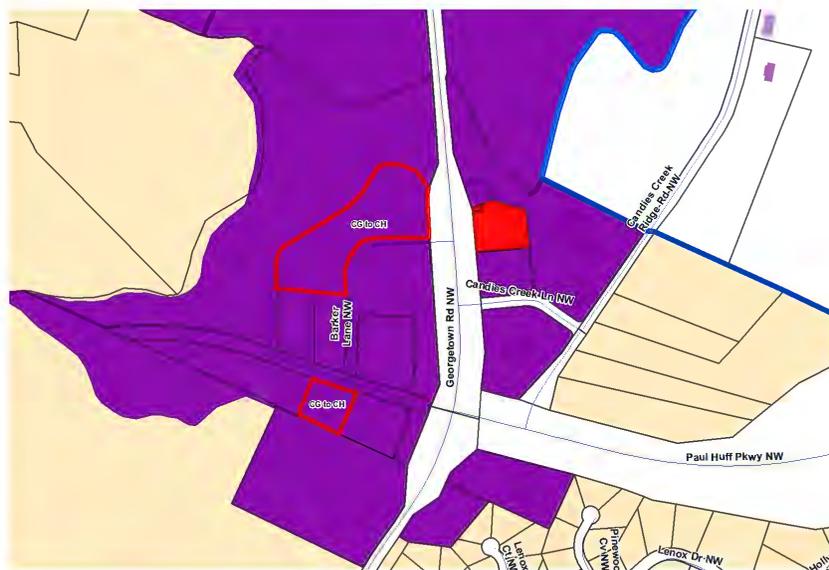
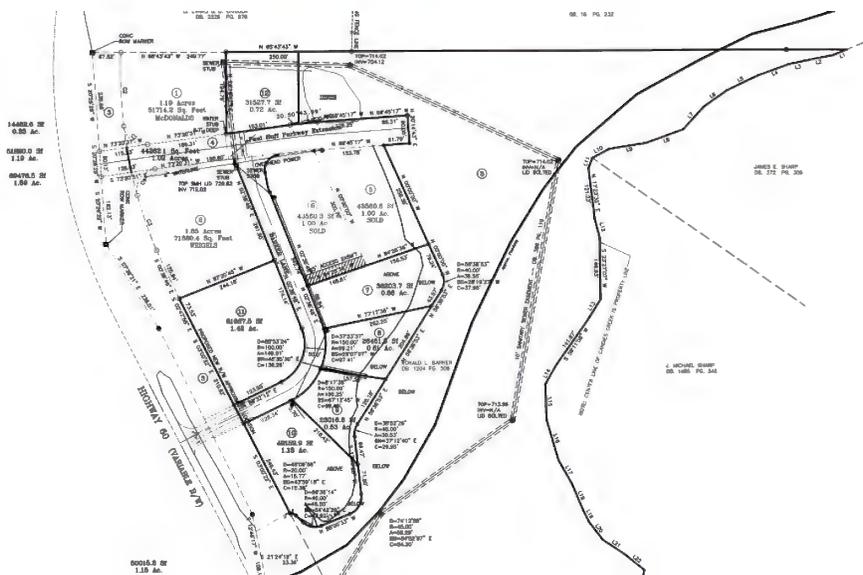


Exhibit B



Councilman Cassada moved that Zoning Ordinance No: 2020-28 be voted for passage on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously approved.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2020-29** – Rezoning .76 acres, more or less, located at 4665 Fairfield Farm Rd (Tax Map 34O Group A a portion of Parcel 7.00) from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).

**ZONING ORDINANCE NO: 2020-29**

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, re-zoned from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District.

Approximately .76 acres, more or less, located at 340 Group A a portion of Parcel 7.00 as shown on the attached map.

BE IT FURTHER ORDAINED that all Ordinances in conflict herewith are repealed to the extent of said conflict.

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit A



Vice Mayor Johnson moved that Zoning Ordinance No: 2020-29 be voted for passage on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously approved.

Mr. Fivas stated at the last meeting staff was asked to gather information on a process appointing a new city judge which was in the work session packet. Councilman Estes stated at the last meeting it was decided we would take applications and going forward we should have a process. He asked that at the next meeting we look at the possibility of producing a policy for future openings for city judge or city attorney and that we have some type of objective eyes from the outside look at this and bring someone to us. He is comfortable moving forward today with the city judge after seeing the applications; just moving forward and long-term he would like to see a process in place that has some external objective review system in place. Possibly an ordinance in two weeks to say this is our process going forward in selecting these two positions. Vice Mayor Johnson asked if everyone received a copy of all the applications and if they willing to move forward today as he was. Vice Mayor Johnson then moved to nominate Richard Banks to be appointed as municipal judge. The motion was seconded by Councilman Hughes. Councilman McKenzie asked if the city's nepotism policy would apply to a former councilmember or city manager. Mr. Kimball stated you can't appoint family of a councilmember during their term of office. There is not a period of time after in our current policy. Councilman Estes stated he supports this motion but in two weeks add to the agenda something objective for this process in the future. These are important positions, municipal judge and attorney, especially the city attorney's job. Councilman May stated our city attorney does a great job and the process we have is how he ended up with the job. We received applications and have made a recommendation for municipal judge. Councilman Estes stated yes, and he is supporting it and in two weeks take it a step further. Councilman Hughes stated he brought it up at the last meeting and would have made a motion today if Vice Mayor Johnson had not. He spoke with three people who had interest in the judgeship and one person, George McCoin agreed Richard Banks was the best choice. We have received applications and the Charter states the City Council will appoint the municipal judge. We don't need to pass it off to seven attorneys in town to decide and bring something back to us. He does not remember ever taking applications for this position and felt his motion at the last meeting was correct. We are all ready to vote maybe with the exception of one. Councilman McKenzie stated he wasn't against anyone just wanted to make sure it's right. Mayor Brooks stated his understanding is the last appointment for city judge, three applications were received. Councilman Hughes stated we never saw those applications in a meeting. We received a name and voted. He is fully in favor of the application process but not for passing this off to a group of attorneys to tell us who to put in the position. Councilman Estes stated he'd like this to be further discussed in two weeks. He is in support of the current motion from Vice Mayor Johnson. Upon roll call, Vice Mayor Johnson, Councilman Hughes, Councilman Estes, Councilman Cassada, Councilman May, and Councilman Webb voted aye. Councilman McKenzie voted no. The motion passed 6:1.

Councilman Webb stated refinancing our debt is something we need to be doing on a regular basis when the opportunity arises. He was pleased with the report from Davenport during the work session. He then moved to proceed with Davenport for any available refunding with our city bond issues and for Cleveland Utilities. The motion was seconded Councilman Estes; and upon roll call, unanimously passed.

Councilman Estes stated over three hundred people have contacted him regarding the monument over the last month. The image portrayed by the UDC monument, facing defiantly north and that in part of town, is not the image we want our city to portray. This morning, Dr. Ector stated we need messages that elevate and unite us and certainly the monument does not do that. We were given a lot of information from Emancipate Cleveland. It is not a complete picture or comparative data, but those are things that are very important and to many people more important than a monument; things we can work on. This is not a Lee University issue. This is not outsiders or agitators coming to bother us. This is Cleveland. This is us. This represents us and our city. Change is happening. NASCAR, no confederate flag. Mississippi, voting on the confederate flag. Georgia took the confederate flag down. Old Miss changing their flag. Monuments coming down. Our society and culture are changing. Sometimes change is multidirectional not just one direction. We need to thoughtfully think through this on how to go forward. We heard four suggestions this morning and would love to hear other ideas. Dr. Ector saying we need to contextualize it. Sarah Keel said give a 12x12 piece of property to Emancipate Cleveland or similar group to make a statement with art or a symbol. Angelique Harris said use

your bully pulpit. Declaring it a nuisance or eminent domain will go straight to court. That's a difficult road, as the Mayor previously laid out. Dr. Reynoso gave different options and we're still sorting through, not just the Heritage Act but laws to see what we can really do or if we even have the authority to do what he is asking. Even considering the four choices, can you get four votes. On a personal level, assuming everyone read his article about moving the GAR monument, it was hard because he is familiar with Letter from Birmingham jail, and the idea of a white moderate as written by King and the white northern Pastorate. Both of his kids read his piece before submitting it to the Banner because it was very important because it's their world, they have to live in. He asked them if he was being a white moderate. Is this just going halfway. He has tried to communicate with everyone that this is going to be a long process. It is not going to be dropped and dragged down the street and it all be over. All the things with Emancipate Cleveland are a whole lot more important going forward. He is not sure what this body can do or even pull off moving the GAR monument, but he thinks we can. The message that would send is so important to the community. We are not saying we don't want the monument down. We are not saying we are taking sides. We are saying what the Daughters of the Confederacy have there, that's not the best image for Cleveland. That is not the City with Spirit. We can buffer it with the GAR, put a contextualization plaque there and do more so in the library. We can do many of those things. This is a short- or medium-term solution this body would take. Federal or State government could step in and take it out of our hands. We have a large segment of Cleveland that are ostracized by that. We need to acknowledge it, have courage, and act in some form or fashion and start going in the right direction. Moving the GAR is the right direction to say that we are not represented by the confederate monument as it is symbolized today. He is one vote and wishes there was a better solution, but it will take time. At the next meeting, he will make a motion to do four things; rebuild the GAR to its original design and structure, move it to the north side of the DAR monument, put up a plaque for contextualization and put a whole room in the historic branch of the library for contextualization. There is so much we have learned during this process that needs to be in the library for students to understand. For this body to take a step in the right direction, trying to unite, that is what he hopes for in the next couple of weeks. Vice Mayor Johnson shared his grandmother was from Hollywood, AL and told him they left Alabama because too much lynching was going on. They moved to Cleveland. Forty-two families moved to Cleveland to get away from the lynching in Mississippi and Alabama. Today when he heard Dr. Ector speak it reminded him of his grandmothers' stories. Hearing the presentations and pain, it reminded him of the first time someone called him about the monument where they didn't think it needed to be moved and too much history. At first, he agreed, but didn't know all the history there. When the monument was dedicated one gentleman spoke about the white race being superior over the black race and no equality. He wishes that gentleman was living today to see how this community has a way of coming together. There is still too much pain associated with it. We need to stand up. It will cause criticism, but he has always tried his best to do what is right for the City of Cleveland. This is one time that we need to stand up and whatever it takes, all the pain and memories, we need to stand up for the community. Even back then the community wanted to stand together. We have a great community, and this is the time to get on the side of the underdog and stick together. We have come so far, and we need to try to encourage the people and do the right thing. If it takes moving the monument or whatever we need to do the right thing but not stop there. The history associated with the monument causes so much pain. We need to continue to find a way to come together and move forward.

Mayor Brooks thanked the staff for this morning work session and all the presentations. He then asked staff to look into improving the audio on the Facebook live stream, as people are unable to hear.

### ANNOUNCEMENTS

There being no future business the meeting was adjourned at 4:20 p.m.

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Mayor

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City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 24, 2020 AT 3:00 P.M. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 51, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. THERE WAS NOT BE A PHYSICAL LOCATION FOR THE MEETING. PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Vice Mayor Avery Johnson. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Sue Zius, Assistant to the Mayor/Legislative Liaison; Dustin Roberts, IT Support; Beverley Lindsey, Assistant to the City Manager; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner and City Attorney John Kimball. Also, on the virtual line were various staff members, Department Heads, and Tim Sinead with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag by Councilman Cassada and prayer by Vice Mayor Avery 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 August 10, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

City Manager Joe Fivas stated the following comments concerning the monument have been received via email.

From: Charlotte Peak <[charlotte@charlottepeak.com](mailto:charlotte@charlottepeak.com)>  
Date: 8/23/20 10:11 PM (GMT-05:00)  
To: Beverley Lindsey <[BLindsey@clevelandtn.gov](mailto:BLindsey@clevelandtn.gov)>, Darla Jenkins <[djenkins@clevelandtn.gov](mailto:djenkins@clevelandtn.gov)>, [rick.norton@clevelandbanner.com](mailto:rick.norton@clevelandbanner.com)  
Subject: City council meeting

I have comments for today's meeting. Will they be read? The paper said to send comments but I saw that Emancipate Cleveland was going to address the Council in person?  
Either way I want to request that my comments added to the minutes.  
I have also copied the Banner.

Thank you Councilmen for taking the time to hear me today.

Today you will consider four different proposals to resolve a problem that, according to recent polling, shows 95 percent of longtime residents and taxpaying citizens don't view as a problem or understand the effort put forth by the Council.

Why do most feel it is not worth this effort?

Simple answer: It doesn't belong to the city or the county. The monument is private property and unless the City is going to enforce eminent domain then the conversation is in vein and seems to be for pomp and circumstance.

If you do vote to remove or cover the monument then it will violate private property rights and taxpayers should have a voice.

We should always be mindful of what precedent could be set if you continue down this path.

Private property rights are to protect your rights to keep on your the property what you want on it – whether it have on it a Rebel flag or a BLM flag.

I may not agree with the reasons or the rhetoric of the organizations represented, but I do agree with their right to peacefully protest and if they so choose to fly a BLM Flag or a rebel flag on their own property they should be able to do so. This is the beauty of private property rights.

However, I totally disagree with the statements made by these groups that Bradley County and City Of Cleveland are mainly racist and a problem exists. Every town always has a few rogue people that some media seem to find to make the case that "All" residents are racists rednecks. Most of the time they do not do interviews with the more affluent and educated business owners that are in total support of keeping the monument where it is. People that have only lived here a year or so choose to see what they want to see. The young lady that started the petition references racist acts don't by a few (that she never witnessed but heard about) and most of her examples are from people who live in other towns!

I was recently put on a boycott business list and called racist because I have been vocal about keeping the monument and leaving it alone.

I don't even want to start trying to defend myself about that because my service to this community speaks for itself and everyone that knows me knows the truth. I did not grow up with luxuries or a lot of money. My parents taught me to earn my way through life with hard work and integrity. "White privilege" is a myth and in my opinion people have started pointing out color and race as an excuse to justify their "Cancel culture"! I take pride in our town and our mantra the City with Spirit. There isn't a more welcoming place to live. I was born and raised here and love this place.

It's time we as a town stand up against people that want to dictate what we do on our private property and on our public property. We as taxpayers have the right to say what happens.

If the City thinks they have some jurisdiction to propose resolutions to a problem that doesn't exist then we as taxpayers deserve the right to vote on this "Non-matter."

I have multiple properties in every one of your districts and I am one of your city taxpayers.

The matter of the monument was never an issue until the cancel culture decided to try and take over our peaceful town and try to disparage our town's good name with discrimination and racist claims.

To prove my point that the monument was not an issue with Lee University until now, I will reference an article in the Banner July 10,2012.

I quote Dr Conn where he said, "All Clevelanders back then knew the monument as the local point much like the Arc de Triomphe in Paris Trafalgar Square in London or time square in New York.

There is some place that's the center the sort of cultural geographic, social, psychological center of the town and the monument was always that place."

I have attached the article to be included in the minutes with this statement.

In other words, that monument has been more of a location marker for most people than a monument of any sort.

Representative John Deberry Jr from Memphis TN said it best last week

"If we don't start standing for something don't you know that the people that are looking at what's happening in Washington, Detroit and Seattle. They're getting emboldened because we act like a bunch of punks too frightened to stand up and protect our own stuff. You tell me that somebody got the right to tear down property that TN taxpayers paid for..... That American taxpayers paid for.... and somebody has the right to destroy it, deface it and tear it down? what kind of people have we become that we can't protect our own stuff."

Representative John DeBerrys own words and for those of you who don't know what kind of impact this is then you should know he is a black man.

What will be left to do when the markers of our history are moved from the spot of that history, completely covered from view, or completely demolished?

It doesn't magically erase those moments from time and it shouldn't.

The thing that makes this such a great country is we don't hide or deny our mistakes. We let our bad spots show and then do all we can to understand why they got there and how to prevent them from returning.

Let's rise up above the rhetoric and noise and call this movement for what it is "The cancel culture" and not give it any more attention.

Thank you for your time and your service to this great city that we live in!

CLEVELAND PUBLIC LIBRARY  
CLEVELAND, OHIO, 44115



LEE UNIVERSITY grounds and landscaping and city of Cleveland park maintenance staff work in the median on North Cooper Street at the Confederate Monument. Lee University has accepted maintenance of the garden area viewed as the entrance to downtown Cleveland. The plants will be installed by the end of next week in areas around town, including 25th and Cooper streets. Lee staff is working on the irrigation system and the landscape design aided by Joe Washington of Black Fox Nursery.

# Lee to assume Monument area landscaping

JUL 01 2012  
C08 P.1,8

By DAVID SAWYER  
Managing Editor

City park maintenance staff began installing plants and shrubs from the garden atop the Confederate monument Wednesday morning when Lee University groundskeepers began reworking the irrigation system before they assume responsibility for the gateway to the downtown business center.

Cleveland City Commissioner David May recently issued the school to take over the garden spot as an extension of the school's landscape along the east side of North Cooper Street.

Lee University's campus already looks like a park, and the groundskeepers will be responsible for the landscaping of the monument and the adjacent area, including the irrigation system.

"We're excited and honored that we will be able to take on this responsibility," said Dr. Paul Conn, who remembers walking as a young boy past the water and obelisk on his way to Arnold Elementary School in the early 1940s when the campus of a small Christian school was three blocks to the north.

part of our family good neighborhood," he said Wednesday.

"We believe in such capital, we believe that grass, shrubbery and flowers are important in setting a tone for the neighborhood and we've demonstrated we believe that in the way we've maintained our campus."

"We've invested a huge amount of money in underground sprinkling systems in Lowerland, Shakerbury and grass areas. It has become kind of a signature of Lee University that we care what our grounds look like."

He pointed out buying quality trees is another way the school has invested in improving the campus.

"We've spent tens of millions of dollars over the last 20 years on quality trees and shrubs and we've been able to create a certain quality atmosphere," he said.

Dr. Conn attended Arnold Memorial Elementary School in the first grade in fall of 1941 with two brothers and one sister. Paul was in fourth grade, Sarah in third, and Stephen, who was also in first grade.

"My parents were hard that their children, there were approximately 12 of us, all attending public schools get the best possible education so when they moved to Cleveland from Missouri, as young parents, they asked, 'What is the best secondary school in town?'"

See LANDSCAPING, Page 8

# Landscaping

JUL 01 2012  
C08 P.1,8

From Page 1

They were told it was Arnold, so even though we lived near the railroad tracks in East Cleveland, we all began school at Arnold, walking together to school and back each day, crossing Cooper Street at the monument.

"By the fall of 1952, my parents had begun to hear that the nearby neighborhood school, Mayfield, was academically every bit as good as Arnold, and decided that we could attend there with a much shorter walk and an equal education. So that's what we did. I entered Mayfield as a second-grader in 1952, and attended there for the next seven years, through eighth grade."

But during his first year in public school, the three brothers and one sister walked westward along 8th Street. The children crossed the railroad tracks over which passenger trains ferried riders to and from the Southern Railway Depot a few blocks to the south on Edward Street in the Five Points area of Cleveland.

They crossed Church Street. Lee College was three blocks north on 11th Street. The school's name was changed in 1947 and most people probably still thought of it as the Church of God Bible Training School. To

the south along Church Street where it met Central Avenue, a cross and steeple towered high above First Baptist Church. Ahead of them, the two monuments stood where 8th Street intersected Broad and Cooper Streets.

"This was U.S. Highway 11," Dr. Conn said, referring to the point where Cooper and Broad Streets merge. "Before the interstate, there was a vibrant downtown shopping district around the courthouse square. This was one of the busiest highways in the federal system. If you were traveling north or south, you came through here, so for a little boy 5-years old going to school in the first grade, crossing this wide road was a big deal."

And, it was big deal for his parents who worried about their children's safety as they crossed the busy highway. His older sister Sarah, who was in the third grade, was given the responsibility of making sure he got safely across to and from school.

"They worried about our crossing this U.S. Highway 11, and their thing was when you go to school, you have to promise that when you get to the monument, you'll hold hands and cross together," he said.

"Since I was the smallest, my

mother required me to cross Cooper Street holding my sister Sarah's hand. Mom would sometimes ask us, when we got home in the afternoon, if we had observed this rule."

The obelisk was erected in the memory of Will Stead, Will Marshall and Jonathan Handwick. The three young men were killed in a railroad wreck near Thaxton, Va., July 3, 1889, while en route to Europe.

According to the monument, "the body of Will Stead alone was recovered and interred in the city cemetery. This monument is erected in loving remembrance of the three by their associates and friends."

The statue was erected in 1910 by the Jefferson Davis Chapter of the United Daughters of the Confederacy "to our known and unknown Confederate dead."

Dr. Conn said all Clevelanders back then knew the monument as the local spot, much like the Arc de Triomphe in Paris, Trafalgar Square in London or Times Square in New York.

"There is some place that's the center -- the sort of cultural, geographic, social, psychological center of the town -- and the monument was always that place," he said.



CITY OF CLEVELAND foreground and Wednesday for Confederate Monument of the garden street Cleveland. The areas around to reworking the monument.

Charlotte Peak  
423-667-5760  
Kaceproperties.com

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**From:** Sara Keel <[sarakdkeel@gmail.com](mailto:sarakdkeel@gmail.com)>  
**Sent:** Sunday, August 23, 2020 10:49 PM  
**To:** Joe Fivas <[jfivas@clevelandtn.gov](mailto:jfivas@clevelandtn.gov)>  
**Cc:** Bill Estes <[bestes@clevelandtn.gov](mailto:bestes@clevelandtn.gov)>  
**Subject:** Comments on the Confederate Statue for City Council meeting on 8/24

Dear Mayor Brooks and City Council Members,

My name is Sara Keel, and I write to you as a representative of Emancipate Cleveland, a grassroots coalition of Cleveland residents dedicated to enhancing equity in our city.

Today you will be asked to consider a number of proposals concerning the Confederate statue in our fair Downtown Cleveland.

We ask that the Council work toward a resolution on this subject. In years past, Cleveland's Black community has been marginalized and ignored by city government. You have the opportunity, in this moment, to change that history and to show that Cleveland's Black residents *are* a valued part of the larger community and that their concerns are taken under serious consideration by Cleveland's leaders.

Emancipate Cleveland stands with our Black members and neighbors as well as prominent local Black organizations to ask for the removal of the Confederate statue on Ocoee Street.

If the Council is not prepared to pass a resolution today to remove the statue, we offer an alternative that will move us all closer to the goal:

Emancipate Cleveland asks that the City Council move to form a research committee made up of representatives from each of the following, where willing: Emancipate Cleveland, the Cleveland/Bradley NAACP, the Black Clergy, the 100 Black Men of Bradley County, and the United Daughters of Confederacy. In addition, there should be two city staff members, at minimum one independent attorney, and one representative from the City Attorney's office.

The research committee should meet at a minimum once every two weeks and report to the City Council within three months of its formation.

The purpose of the research committee is to research and resolve standing legal and financial issues barring the removal of the Confederate statue on Ocoee Street and to find an equitable agreement if the statue cannot be moved.

The research committee will be formed with an understanding from the City Council that the obstacles to the statue's removal are strictly legal and financial. The committee will perform with the understanding that should these obstacles be overcome, the Council will resolve to move the statue to a suitable location, as advised by the research committee. Additionally, if the research committee finds that there is no way legally or financially for the Confederate statue to be moved, the members of the City Council will, in good faith, take under serious consideration any compromise advised by the research committee.

We ask that the City Council accept this proposal.

With equal gravity, we state that Emancipate Cleveland is opposed to the suggestion that a Union monument be moved from Fort Hill Cemetery to Ocoee Street. Please do not vote to accept this proposal. It does not address the concerns brought forth by the Black community; nor did the development of this idea take into account feedback from any Black leaders of Cleveland, including executives of the Cleveland/Bradley NAACP or the 100 Black Men of Bradley County. It is not a suitable solution nor stopgap.

We encourage each member of the City Council to listen to the voices of Cleveland's Black community, to show that you embrace Black residents as an integral part of our city, and to vote to remove the Confederate monument that has cast a shadow over Cleveland for far too long. You have the opportunity and the honor to do a great thing for each resident of our city today.

Thank you for your service and dedication.  
Kindest regards,  
Sara Keel

----- Original message -----

From: linda ballew <[lballew2012@gmail.com](mailto:lballew2012@gmail.com)>  
Date: 8/23/20 7:40 PM (GMT-05:00)  
To: Beverley Lindsey <[BLindsey@clevelandtn.gov](mailto:BLindsey@clevelandtn.gov)>  
Subject: GAR Monument

I hope this will be shared at the Commission Meeting on Monday Aug. 24. This is from the Ladies of the United Daughters of the Confederacy, Jefferson Davis Chapter 900. Lee University has really created a hornet's nest in our town. First it was the Confederate Monument, and now the GAR Monument. Mr. Estes contacted me (Linda Ballew-President) about our opinion on moving the Union Monument to Ocoee St. All members unanimously agreed that we are NOT in favor of moving it. The UDC honors all our Veterans, both Union and Confederate. A lot of our members have Union soldiers in their families, and a lot of them are buried at Fort Hill Cemetery. Mr. Estes also stated that the UDC had donated \$1,000.00 to place the Union Monument. Some of the opinions of our members are as follows. Moving one monument will only lead to more wanting to be removed because it offends someone. The Heritage Act prohibits the removal, relocation, or renaming of a Memorial. Since the UDC helped donate we should have some say so of what happens to it. Moving the Monument might also compromise it and it could be destroyed. Our History would be lost. The anarchist, Antifia, and Black Lives Matter want all monuments taken down. Moving the Monument will not appease anyone. Our Tn. President stated Socialism and Communism have always been bred on college campuses. Look at the poor Raleigh Durham Winston Salem area. What a wasteland for trying to appease students. As President of our UDC Chapter, please don't let this happen in our town. Linda Ballew President UDC Jefferson Davis Chapter 900

**From:** Mitchell Kinder <[mtkinder@aol.com](mailto:mtkinder@aol.com)>  
**Sent:** Monday, August 24, 2020 12:22 PM  
**To:** Beverley Lindsey <[BLindsey@clevelandtn.gov](mailto:BLindsey@clevelandtn.gov)>  
**Subject:** City Council Meeting Today - New Business

Ms. Lindsey;

I would like to express my opposition to the proposed motions by Councilman Estes to move the GAR (Union) Monument at Fort Hill Cemetery in the New Business portion of the Council meeting today.

My first reason lies in the fact that this was the location chosen by the Vets themselves who fought on the Union side of the Civil War. The GAR stands for the Grand Army of the Republic which was entirely composed of Union Veterans. It was erected in that location by those who survived the war, lost friends and family, etc. Our local Post (Chapter) was named Oviatt Post and I believe it was number 20. They were a very strong organization. Even Charleston, TN had one as well in years past.

Secondly, this is extremely important and I believe this type of discussion needs to wait for an "in person" meeting when the Covid19 threat is down and we are back to meeting in person. This needs give and take. I am not opposed to discussion but this is not the time, place (virtual) or way to handle it.

Third, have any local historians been contacted for input? I have not sought their consent to being named herein but I am referring to persons like Bob George who is the City Historian, Debbie Moore, Margot Still, and others who care deeply about local history. There are others as well but I am speaking of qualified individuals like those mentioned (and others) who know and care about local history and have invested much time in regional history.

Fourth, and finally, is the area with the monuments EXCEPT for the 12' square owned by the UDC, owned by the City, the State, etc. Regardless, isn't it all road right-of-way and not even yard sale signs on a temporary basis can be placed in the right-of-way. How can a permanent monument then be placed without it being somewhat of a double standard? It is all right-of-way as per the original 1830's plat of the Town of Cleveland (redrawn in 1868) and recorded in the Registers Office in Plat Book 3 Page 39 from the way I see it. Former City attorney L. Harlen Painter told me personally that ALL right-of-ways

on that plat are still like they were originally platted except for Lea St. (now Broad St) which was narrowed. Of course, the 12' square to the UDC is another exception as well.

I would appreciate your consideration of my thoughts, with the main thought being, that it needs to be tabled for now.

Best Regards,  
Mitchell Kinder,  
Past President of the Bradley Co. Historical Society

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**From:** Debbie Moore <[bradleyfolks@aol.com](mailto:bradleyfolks@aol.com)>  
**Sent:** Monday, August 24, 2020 9:35 AM  
**To:** Corey Divel <[cdivel@clevelandtn.gov](mailto:cdivel@clevelandtn.gov)>; Jonathan Jobe <[jjobe@clevelandtn.gov](mailto:jjobe@clevelandtn.gov)>  
**Subject:** the GAR monument

I just wanted to weigh in on the possible moving of the Grand Army of the Republic monument at Fort Hill. As you know I have written a few local history book, had a radio history show and made 6 local history documentaries.....

The GAR monument was place at Fort Hill as a response to the Confederate Monument in 1911--maybe 1912. It was placed at Fort Hill because that had been the location of the Union Forts during their occupation of Cleveland. The Union Veterans selected the location themselves. Let me also say many Union veterans attended the dedication of the Confederate monument.

The monument looks like a big grave marker that contains the names of the Union Soldiers....it would be impossible to read without walking over to monument. As far as the signs are concerned there are 2 fairly new informative signs near the Veteran's Cemetery at Fort Hill that explains Bradley County's participation in the Civil War. There is a marker across the street from the Library by the Monument Building that addresses encampments in the area....other Civil War markers are located on Dalton Pike, at Blue Springs Ball Park, the Museum and in Charleston. Plans are being made to place markers at the History Branch and the main Branch of the Library by the Library Board. The signs at the history branch will tells the history of the house and the Craigmile family. I don't remember the topics the signs on the main branch lawn.

I say all of that to say....if nothing else this needs to be tabled and thought about.

Thank you,  
Debbie Moore  
423-715-2254

### **CITY MANAGER REPORT AND AGENDA REVIEW**

Mr. Fivas reminded everyone to shop locally to help the local economy. Local businesses are struggling. Also, the application period for the Community Development Block Grant Forgivable Loan Program for Small Businesses will be open August 31-September 21, 2020. He then reviewed today's agenda.

### **HEARING PETITIONS AND COMMUNICATIONS**

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning an amendment to section 7.A.4 of PUD4 Planning Unit Development regarding the buffer requirements for Spring Creek Highlands. (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the Stormwater Division's Annual Report to Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control. Mayor Brooks asked if anyone would like to speak in favor of the annual report. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the annual report. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the use of the FY2020 Byrne Justice Assistance Grant Award to be received by the Cleveland Police Department. Mayor Brooks asked if anyone would like to speak in favor of the grant. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the grant. No one spoke. Mayor Brooks declared the public hearing to be closed.

### **CONSENT AGENDA**

Councilman May moved to approve the following items from the Consent Agenda:

- **Final Passage - Zoning Ordinance No: 2020-26** - heretofore passed on first reading August 10, 2020 and found in Minute Book 29, Page 899; rezoning 4.46 acres, more or less, located on Humphrey Bridge Rd SW (Tax Map 56 Parcel 79.00 and Tax Map 56K Group A Parcels 1.00, 2.00 and 3.00) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-Family Residential District (Planning Commission: Approved 8-0;1 absent).
- **Final Passage - Zoning Ordinance No: 2020-27** – heretofore passed on first reading August 10, 2020 and found in Minute Book 29, Page 908; zoning of about 2.72 acres located on Nicholson Dr SW and Country Club Dr SW (Tax Map 490 Group B Parcel 28.00) from the unincorporated county to R2 Low Density Single and Family Residential Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Zoning Ordinance No: 2020-28** – heretofore passed on first reading August 10, 2020 and found in Minute Book 29, Page 910; rezoning 5.29 acres, more or less, located on Georgetown Rd and Paul Huff Parkway Extension (Tax Map 33F Group B a portion of Parcels 1.00 & 5.00) from CG General Commercial Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Zoning Ordinance No: 2020-29** – heretofore passed on first reading August 10, 2020 and found in Minute Book 29, Page 911; rezoning .76 acres, more or less, located at 4665 Fairfield Farm Rd (Tax Map 34O Group A a portion of Parcel 7.00) from R1 Single Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Resolution No: 2020-64** - Granting approval to the Board of Public Utilities to institute eminent domain proceedings to acquire an easement for a sewer main project.

### **RESOLUTION NO: 2020-64**

**WHEREAS**, the Board of Public Utilities of the City of Cleveland (Cleveland Utilities) is in the process of installing a 15” sewer main in Cleveland to serve property annexed by the City of Cleveland off Hensley RD NW; and

**WHEREAS**, a portion of the new sewer line crosses the property of Brent and Sonya Crago (Tax Map 47-17.0); and

**WHEREAS**, an easement across the referenced parcel is necessary for the completion of this project; and

**WHEREAS**, based upon Cleveland Utilities' discussions with Brent and Sonya Crago, it does not appear that Cleveland Utilities will be able to obtain the necessary easement except through eminent domain proceedings; and

**WHEREAS**, pursuant to Section 2-304(b) of the Cleveland Municipal Code, the Board of Public Utilities of the City of Cleveland (Cleveland Utilities) has the right to exercise the rights of eminent domain, in the name of the City of Cleveland, by and with the consent of the City Council; and

**WHEREAS**, the Board of Public Utilities of the City of Cleveland (Cleveland Utilities) passed a resolution at its meeting on August 7, 2020 approving of eminent domain proceedings against Brent and Sonya Crago in order to obtain the necessary easement for the project described herein; and

**WHEREAS**, a copy of the resolution passed by the Board of Public Utilities of the City of Cleveland (Cleveland Utilities) at its meeting on August 7, 2020 is attached hereto and incorporated herein by reference; and

**WHEREAS**, the City Council of the City of Cleveland desires to grant its consent to and approve of eminent domain proceedings against the property owner listed herein by the Board of Public Utilities (Cleveland Utilities) in order to obtain the easement listed herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City Council hereby consents to and grants approval to the Board of Public Utilities of the City of Cleveland (Cleveland Utilities) to institute eminent domain proceedings against the property owner listed herein in order to acquire the easement described herein.

**BE IT FURTHER RESOLVED** that Cleveland Utilities is hereby authorized to institute eminent domain proceedings in order to acquire the easement described herein.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-65** – Authorizing the Mayor to sign a grant application for the 2020 Edward Byrne Grant to be used for in-car camera systems.

**RESOLUTION NO: 2020-65**

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY  
FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT  
FOR FY2020 THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE,  
BUREAU OF JUSTICE ASSISTANCE**

**WHEREAS**, the City of Cleveland desires to apply for a FY2020 Edward Byrne Memorial Justice Assistance Grant in the amount of \$35,670 through the United States Department of Justice, Bureau of Justice Assistance, to be used for in-car camera systems; and

**WHEREAS**, the City Council desires to apply for this grant, and to authorize the Mayor to sign all documents and to take all actions on behalf of the City that may be necessary or appropriate in connection with the grant application and the grant if approved.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Cleveland is authorized to apply for this grant, and the Mayor is hereby authorized to sign all documents on behalf of the City that may be necessary or appropriate for the completion of the grant application.

**BE IT FURTHER RESOLVED** that if the City is awarded the grant, that the Mayor is further authorized to sign all documents or take any other action on behalf of the City that may be necessary or appropriate for the City to accept the grant.

This 24<sup>th</sup> day of August, 2020.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Resolution No: 2020-66** - Authorizing the Mayor to sign an interlocal agreement with Bradley County for the 2020 Byrne Justice Assistance Grant (JAG) Program Award.

**RESOLUTION NO: 2020-66**

**WHEREAS**, the Cleveland Police department has received notification from the United States Department of Justice, Office of Justice Programs that an Interlocal agreement needs to be executed between the City of Cleveland and Bradley County, Tennessee in connection with grant funds being provided from the 2020 Byrne Justice Assistance Grant (JAG) Program; and

**WHEREAS**, the attached interlocal agreement has been prepared using a template provided by the United States Department of Justice, Office of Justice Programs; and

**WHEREAS**, the City Council desires to enter into the attached interlocal agreement with Bradley County, Tennessee and to further authorize the Mayor to execute the 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 interlocal agreement with Bradley County, Tennessee, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

- **Motion** – Authorizing the Mayor to sign the annual report to Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control from the Stormwater Division.
- **Bid Extension** – Extending the contract with McPherson Physicals for an additional two-year term for employee drug & alcohol testing services.
- **Surplus Property** – Declaring six vehicles as surplus property to be used by the Cleveland Fire Department for training, one forklift and trailer to be sold on GovDeals.
- **Appointment** – *Building Board of Adjustment and Appeals* – Alan Colloms for a three-year term to expire January 2023.
- **Street Light Recommendation** – Mountain Cove Place NW (Cleveland Utilities recommends the installation of a 60-watt LED decorative fixture and pole at the dead end of the cul-de-sac).

The motion to approve the consent agenda was seconded by Councilman Hughes; and upon roll call, unanimously passed.

**UNFINISHED BUSINESS**

No unfinished business.

**REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Cassada stated he would like to get ahead of the traffic in the Freewill Road area and future developments and possibly construct another route from Candies Lane on the other side of the BP station. Mr. Fivas replied staff is looking at alternative roads around the area. We know there will continue to be traffic issues in the Freewill, Villa and Candies Lane corridors. We can expedite possible options for Candies Lane. Councilman Cassada stated yes and this could help with the interstate traffic as well. Secondly, on Inverness and Interlackin Circle, due to the Candies Lane construction, those roads experienced high traffic volume and large trucks. They had some damage and asks that the road be looked at and possible repaved next year.

Councilman May stated we previously discussed another route from Stuart Road to Tasso to 20<sup>th</sup> Street to APD40. What is the possibility of starting on costs estimates? Mr. Fivas stated we have been looking at design options and the type of route. It is on our list to get an option and then approach the Council for funding options to move forward. Councilman May stated it is extremely important with our current traffic situation.

Councilman Hughes stated at Mohawk and Mouse Creek the bushes have blocked the visibility again. He would like Dan Hartman to remove the bushes to help with the site distance. Mr. Fivas stated we can look to see what is in the right-of-way or on private property and what we can do. Councilman Hughes then thanked Beverly Lindsey for another edition of the Cleveland Connector. He then asked for a motion to be added to new business to rename a portion of Parker Street NE from Central Avenue to 20<sup>th</sup> Street to Paul Conn Parkway.

Councilman Webb commended the Cleveland Police Department for going the extra mile working a car accident and helping take care of a visitor and getting him information to help him get back to Massachusetts. Secondly, as of yesterday, we had our first site available for public Wi-Fi. In cooperation with the Chamber of Commerce, the City of Cleveland, IT Director Kris Miller, Gibson Woods Foundation, Public Education Foundation and Jeff Cocks we now have public Wi-Fi available at the Chamber of Commerce outside the building.

Vice Mayor Johnson stated he has received a call from Ms. Penny who lives on Julian Drive concerning dumping trash and debris at the corner of 6<sup>th</sup> Street. The City has cleaned it up but the next day items were dumped again and asked if staff could check it again. Also, Mr. Paul Mathews would still like some signs to slow traffic down on Rolling Hills Drive.

Councilman McKenzie made everyone aware that the Joe V. Williams building at Church and 1<sup>st</sup> Street will be torn down today.

Councilman Estes confirmed with Mr. McKay that we are still on track with refinancing with Davenport. Next, he thanked Chief Gibson for having SRO's at the school zones to help with traffic in the neighborhoods. Third, he inquired about the departmental monthly reports, particularly the building enforcement division. He then thanked Cathy Andrews for her work on the Cares Act and all the public information going out on it. Lastly, he asked where we were at the bidding process for the 17<sup>th</sup>/20<sup>th</sup> Sidewalk Project. Mr. Fivas stated we ready to advertise but are waiting on one final inspection question from TDOT. We are hoping to go in the next couple of weeks.

**NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Ordinance No: 2020-30** – Amending Section 7.A.4 of PUD4 Planned Unit Development regarding the buffer requirements for Spring Creek Highlands (Planning Commission: Approved 8-0; 1 absent).

**ORDINANCE NO: 2020-30**

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO AMEND THE PUD 4 ZONING DISTRICT AS DESCRIBED BY ORDINANCE 2007-21 BY AMENDING THE REQUIREMENTS OF THE BUILDING SETBACKS AND BUFFERS OF SPRING CREEK HIGHLANDS AS OUTLINED IN SECTION 7.A.4.

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 the City zoned certain property as PUD4 by Ordinance 2007-21 which ordinance contains the PUD4 standards for buffering of the proposed Spring Creek Highlands from the adjoining Sullivan Estates; and

WHEREAS, at its meeting on July 21, 2020 the Cleveland Municipal Planning Commission recommended changes to PUD 4 sought by the current owner(s) in order to adjust the buffering requirements but preserving the protection of the neighboring Sullivan Estates, and the City Council desires to approve those changes.

NOW THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, IN REGULAR SESSION ASSEMBLED.

Section 4, Subsection 7.A.4 of Ordinance Number 2007-21, which established the setbacks and buffering requirements, is hereby replaced with the following language:

7.A.4 Spring Creek Highlands

Spring Creek Highlands will maintain a 20-foot minimum setback for all principal structures from the adjoining Sullivan Estates. Other setbacks are to be established by the Cleveland Municipal Planning Commission by designation on the preliminary plat. A minimum 15' buffer shall be provided along the adjoining Sullivan Estates, including both a row of evergreens and hardwood, consistent the Landscape Plan shown in exhibit A of this ordinance. All trees must be a minimum of 6' in height and 2' caliper at the time of planting.

Section 2: This Ordinance shall take effect on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

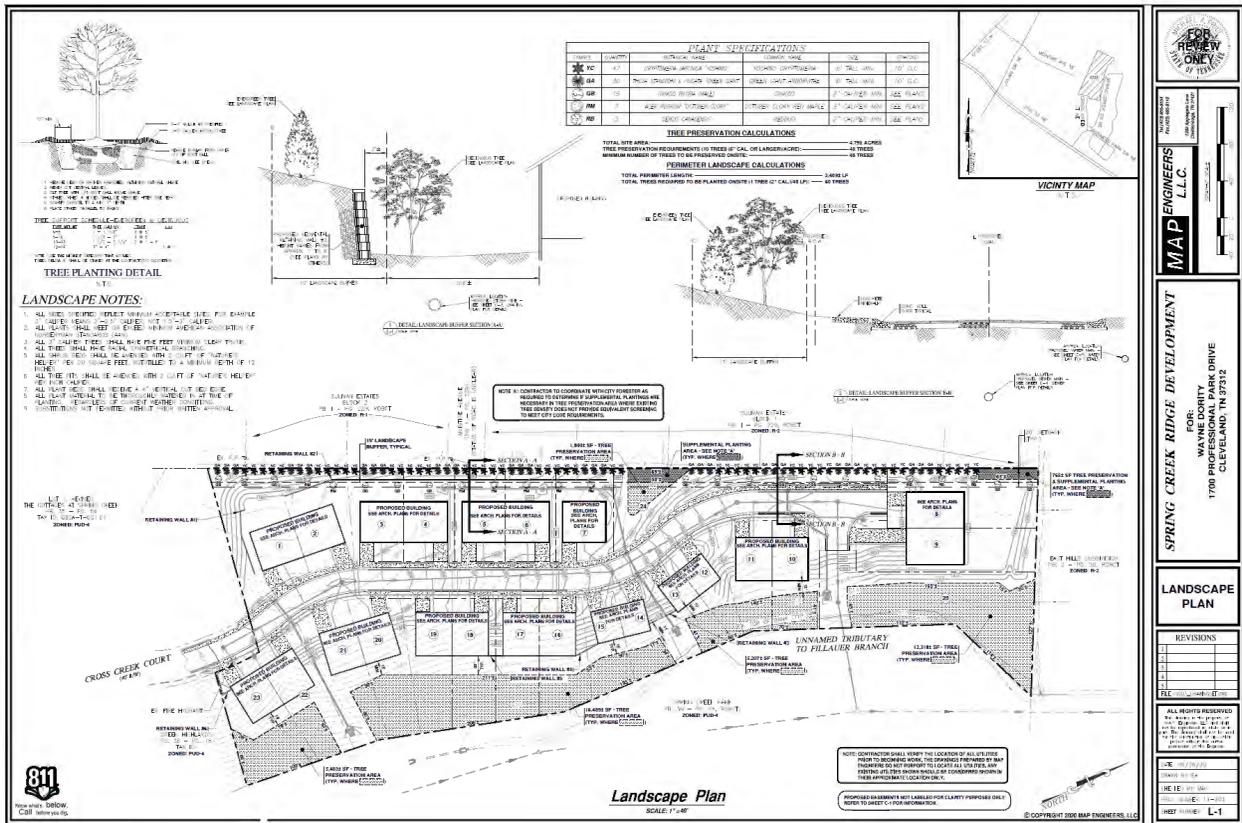
/s/John F. Kimball

City Attorney

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

\_\_\_\_\_  
Shawn McKay, City Clerk

Exhibit



Councilman May moved that Zoning Ordinance No: 2020-30 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson. Vice Mayor Johnson then stated he had received a call from Amy Rogers and understands there is a petition against the development. Mr. Fivas replied there are two separate issues with this development. This ordinance is for a buffer amendment. The Planning Commission heard an item to consider a site plan that is likely directed to the petition you mentioned. The Planning Commission delayed that vote for additional information and continued discussion with the residents and the developer. Councilman May stated he had been contacted regarding this item as well. This is supposed to be better than what we promised the adjoining subdivision at the time of development. Mr. Fivas stated yes, it increases the amount of buffering. Councilman Hughes stated Jim Thurman contacted him about buffer concerns and additional traffic in the area. Mr. Fivas stated yes, traffic will be addressed in the new site plan through the work group. We will keep everyone updated as more information is provided. Upon roll call, the motion was unanimously approved.

Councilman Estes stated Sunday’s edition of the *Cleveland Daily Banner* had an editorial calling for a task force for the monument. He would like to know if that is a route the Council would like to take. Vice Mayor Johnson stated he feels we need a task force. There are so many opinions and all the people that have spoken to us, we need to organize them and see if they can reach a consensus. We need the people in agreement and to listen to one another to try to reach an agreement. Councilman Estes stated it is important to deal with the issue raised by the Vice Mayor first, so he requests to table the following motions:

- **Motion** - A motion to rebuild the GAR Memorial to its original design and specifications. The cost of this can come from private donations. I believe the SUV-CW of TN will assist in such per their letter (Requested by Councilman Estes).
- **Motion** - A motion to move the rebuilt GAR Memorial to the north side of the 12x12 piece of property currently holding the Confederate Memorial at 8th and Broad/Ocoe (Requested by Councilman Estes).
- **Motion** - A motion to place a plaque between the two giving initial contextualization and directing the reader to the Historical Branch of the Cleveland/Bradley County Public Library for more (Requested by Councilman Estes).

- **Motion** - A motion to request the Cleveland/Bradley County Public Library to place a permanent exhibit to both monuments in the Historical Branch; and to do so in conjunction with Cleveland and Bradley County's participation in the Civil War (Requested by Councilman Estes).

The following Resolution was then presented in full:

**RESOLUTION NO: 2020-67**

WHEREAS, Dr. Paul Conn has served as president of Lee University since 1986; and

WHEREAS, during his administration, Lee University has seen significant growth and the physical campus has been substantially enlarged and rebuilt; and

WHEREAS, in November 2019, Dr. Conn announced he will transition from president into a new role as Chancellor on August 1, 2020 to advise and support the new president of Lee University; and

WHEREAS, the Cleveland City Council wishes to honor Dr. Paul Conn by renaming a portion of a current City street in his honor; and

WHEREAS, the section of street to be re-named begins at the intersection of Central Avenue, NE and Parker Street, NE and runs in a generally Northern direction to the point where Parker Street, NE intersects with 20<sup>th</sup> Street, NE; and

WHEREAS, this section of Parker Street, NE, to be re-named passes through the Lee University Campus; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cleveland, in regular session assembled, that the City Council does hereby approve of the re-naming of Parker Street, NE, beginning at the intersection of Central Avenue, NE and Parker Street, NE and traveling in a generally Northern direction on Parker Street, NE to the intersection of Parker Street, NE and 20<sup>th</sup> Street, NE, to honor Dr. Paul Conn.

BE IT FURTHER RESOLVED that the aforementioned section of Parker Street, is renamed Paul Conn Parkway.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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Kevin Brooks, Mayor

\_\_\_\_\_  
Shawn McKay, City Clerk

Councilman Hughes moved that Resolution No: 2020-67 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed. [The intent is no address changes except for Lee University.]

Vice Mayor Johnson stated we have received so much input regarding the monument and still so many unanswered questions, especially how much authority we have. He feels we are not going to be able to put this to rest and come to an agreement until we all hear the different sides and views. A task force including some of the different organizations that have spoken and even some citizens in opposition can be on it, so we can hear all the different views. It would be a good process for the citizens of Cleveland to go through. He then moved to form a Monument Task Force. The motion was seconded by Councilman Estes. Councilman Estes then asked who would be on the task force. Vice Mayor Johnson replied someone from the NAACP, some Ministers, a representative from Emancipate Cleveland, a Council representative and citizens, possibly from each district. Councilman Cassada made a substitute motion to table the motion

for 30 days or until September 28, to work out the details before moving forward. The motion was seconded by Councilman McKenzie. Councilman Estes stated he doesn't know that this issue will just go away, so we punt for 30 days, and we vote for the task force then. It is important to hash out the mechanics and try to find people to bring consensus. Councilman Cassada stated it is important but doesn't know if it's the roll of the City Council to make the appointees since it is on private property. We are getting into areas we don't have authority. He doesn't mind parties coming together and working it out, but as Council being involved... he then asked Mr. Kimball about their authority? Mr. Kimball stated you want to make sure, as a City, you don't run afoul of the Tennessee Heritage Act. Councilman Estes stated that could be a charge to the task force. They need to unite the community, not punt. Councilman Cassada stated he agreed, the task force not the Council. Upon roll call on the substitute motion, Councilman Cassada, Councilman McKenzie and Councilman Estes voted aye. Councilman May, Councilman Hughes, Councilman Webb and Vice Mayor Johnson voted no. The substitute motion failed 4:3.

Mayor Brooks stated we are back to the original motion to form a Monument Task Force. Vice Mayor Johnson stated he thinks a task force will give people an opportunity to participate and it could resolve the issue. Councilman Cassada stated he is not against a task force, we just don't know who will be on it, how we go about the process and we don't have a plan in place. Mayor Brooks stated if the motion passes today then by the September 14 meeting, we should have parameters, who will serve, who will chair and the tasks and goals of the task force. Upon roll call of the original motion to form a Monument Task Force, Vice Mayor Johnson, Councilman Estes, Councilman Webb and Councilman Cassada voted aye. Councilman McKenzie, Councilman May and Councilman Hughes voted no. The motion carries 4:3.

#### **ANNOUNCEMENTS**

Mayor Brooks announced the September 14 City Council meeting will be held at the Museum Center – 3:00 session only (Presentation of Certificates of Election).

There being no future business the meeting was adjourned at 4:00 p.m.

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Mayor

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City Clerk