

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 8, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., and Richard Banks. Councilmen Charlie McKenzie and Dale Hughes were 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director, Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Brian Moran, Social Media Coordinator; Bethany McCoy with Lee University; City Reporter Randall Higgins; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; School Board Members Charlie Cogdill and Dawn Robinson; Desiree Abraham; Larry Bowers with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Steve Smart with Westwood Baptist Church, the following business was then entered into:

Councilman May moved to excuse Councilman Hughes and Councilman McKenzie from today's meeting. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

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 11, 2017 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland stated today we are swearing-in three Police Officers to the Cleveland Police Department. He stated officers sometimes can be the first line of greeting someone in our community and you never get a second chance at a first impression. He reminded each officer that he, as well as the City Council and department managers support the police officers and wished them well and safety. Mayor Rowland then administered the Oath of Office to Police Officers Brandon Goodman and Dustin Moorehead. Judge Sharp administered the Oath of Office to Police Officer Matthew Sharp. Judge Sharp and Mayor Rowland both welcomed them all to the Cleveland Police Department. Chief Gibson introduced each officer and gave a brief background of their qualifications and welcomed them to the department.

Mayor Rowland stated today's meeting is being held to hear public comments concerning request to abandon a portion of unopened right-of-way located between East St NE and Lang St NE. Mayor Rowland asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Rowland then asked if anyone would like to speak in opposition to the approval of the rezoning. No one spoke. Mayor Rowland then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage to Deny - Zoning Ordinance No: 2017-58** – Rezoning 2.10 acres from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District for a property located on Harrison Pike and Georgetown Rd (Planning Commission: Denied; 9-0 .

- **Resolution No: 2018-01** – Accepting Glenhaven Cove as a city street.

RESOLUTION NO: 2018-01

WHEREAS, Glenhaven Cove is a street shown on a plat of The Haven At Glenwood Subdivision, which plat is recorded on June 17, 2015 in Plat Book 29, page 109, in the Register of Deeds’ Office of Bradley County, Tennessee; and

WHEREAS, Glenhaven Cove is located inside the City limits of the City of Cleveland; and

WHEREAS, the developer of this subdivision has requested that the City accept Glenhaven Cove as a City street; and

WHEREAS, City engineering staff have inspected Glenhaven Cove to confirm that this street has been constructed to City of Cleveland street construction standards; and

WHEREAS, City engineering staff is now recommending that the City accept Glenhaven Cove 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 a Glenhaven Cove as a City Street.

This 8th day of January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-02** – Authorizing the Mayor to sign an agreement with John Sieh/dba TATSOR Group for tactical training for the Cleveland Police Department’s SWAT team and other members of the department.

RESOLUTION NO: 2018-02

WHEREAS, the City of Cleveland's Police Department and John Sieh d/b/a the TATSOR Group (hereafter John Sieh) have discussed entering into an agreement for the provision of tactical training by Sieh to the Police department's SWAT team and other members of the police department; and

WHEREAS, the proposed agreement between the City and Sieh is attached to this Resolution and incorporated herein by reference; and

WHEREAS, the City Council desires to approve of this agreement with Sieh and to 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 agreement with John Sieh d/b/a the TATSOR Group for police tactical training, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland [On file in the City Clerk’s Office]

This 8th day of January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-03** – Authorizing the Mayor to sign an agreement with the Department of the Army for the Mouse Creek Flood Risk Management Project.

RESOLUTION NO. 2018-03

WHEREAS, the City has received the attached project partnership agreement from the Department of the Army for the Mouse Creek Flood Risk Management Project; and

WHEREAS, the City Council desires to enter into this agreement with the Department of the Army, and to further authorize the Mayor to execute this agreement on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached project partnership agreement with the Department of the Army for the Mouse Creek Flood Risk Management Project, 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 January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-04** – Authorizing the Mayor to sign a contact amendment #2 with TDOT for the intersection improvements for Georgetown Road and Westside Drive at 25th Street.

RESOLUTION NO. 2018-04

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: 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 December 31, 2018; and

WHEREAS, the City Council desires to enter into the attached contract amendment #2 with TDOT, and to further authorize the Mayor to execute this contract amendment #2 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 8th day of January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-05** – Authorizing the Mayor to sign a contract amendment #3 with TDOT for the Pleasant Grove Church Road from APD40 to South Lee Highway project.

RESOLUTION NO. 2018-05

WHEREAS, the City has received the attached contract amendment #3 from the Tennessee Department of Transportation (hereafter “TDOT”) for the project described below; and

Project: Pleasant Grove Church Road from APD-40 (US-74/SR-311)
to South Lee Highway (US 11/SR-2)
Agreement Number: 100252
Project Identification Number: 114573.00
State Project #: 06LPLM-S3-022

WHEREAS, the purpose of this amendment is to extend the project completion date until December 31, 2019; and

WHEREAS, the City Council desires to enter into the attached contract amendment #3 with TDOT, and to further authorize the Mayor to execute this contract amendment #3 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 #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.

This 8th day of January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- Reappointment – Councilman Cassada to the Economic Development Council
- Reappointment – Councilman Estes to the Economic Development Council

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Cassada stated he would like to share a few New Year's Resolutions, but first he echoed Councilman Banks' earlier statement concerning a no-kill shelter. He also would like the possibility of implementing stages for the City to move towards a no-kill animal shelter. Mr. Fivas replied we've always been moving in that direction but will happy to work on a plan to get us to that point sometime in the future. Councilman Cassada then asked if there was a way to discuss a possible recycling program with Waste Connections and a place to take recycling to and move in that direction. Mr. Fivas stated we can explore our options, including centers and curbside recycling. Mayor Rowland stated he supports recycling 100%. Councilman Cassada then thanked Councilman Banks for his friendship and leadership. He also announced Mayor Rowland will be leaving us, as he is not running for re-election and will be missed. Councilman Cassada continued that he cares about the ones he serves with, along with the County Commission. When the fire broke out at the courthouse, Mayor Rowland and Mr. Fivas stepped up and offered our support and services, at no cost to the County. There are things we can work together on with the County and he appreciates it. He then had a first year in review: he is proud of the position the city took in being proactive. We have invested funds to bring this city into the 21st Century. We have a new elementary school being built on Hwy 60, Fire Hall #6, 12 new Police Officers and that makes a strong statement that will be not be soft on crime. The city is moving into major intersections to reduce traffic congestion and making our streets safer to drive. Downtown Inman Street project this year. We've reduced the paving cycle from 30 to 20 years. With that said, the City and County should have common goal, to provide the best services for our community. There are always individuals who want to divide the community and with division it only weakens the ones we serve. He is a true believer that a person needs to run on their own achievement, beliefs and values. He's asking for everyone to work together and make Cleveland a better place for everyone.

Councilman Banks stated his dog Lucy was a shelter dog, who he's had for fifteen years and has given him many years of enjoyment. There are people in northern cities and western towns that have strict spay/neuter requirements and they need our overpopulation of animal, so anything our city can do to promote a no-kill shelter would be something we owe to our four-legged friends. Councilman Banks continued to thank Larry Bowers for covering the meetings and the fine reporting he does.

Vice Mayor Johnson commented on the absence of Councilmembers. He feels it is unfair to the First and Fifth Districts to not have a representative here. He understands excusing absenteeism, but it seems to be pretty long for Councilman Hughes. He feels he should find someone from his district to sit in his place. It appears Councilman McKenzie might be out for a long time as well. We have several people who are willing and qualified to serve and we need to fill these seats. We need to come to an agreement on following the Charter and someone representing the districts. We owe it to the citizens in the districts to have someone in the seat during all the meetings because it's important to have representation from all districts.

Ms. Abraham addressed the Council concerning Julian Drive NE and McIntire Ave NW and the concerns of the neighborhood. First, there is considerable commercial vehicles who are speeding. Their road is an alternate route off Ocoee Street. The commercial vehicles are damaging the roads. Secondly, the residents would like to see the two-way stop to be changed to a four-way stop at Julian Drive and McIntire Avenue. There have been several accidents with the increased traffic as well. Lastly, they would like to see traffic calming devices. After a bit of discussion on the neighborhood, she thanked the City Council for hearing their concerns. Mayor Rowland stated he understands the Engineering Department is currently conducting traffic counts and compiling data and hopefully we will have a solution soon.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance No: 2018-01** - Abandoning a portion of unopened right-of-way located between East St NE and Lang St NE (Planning Commission: Approved 8:0; 1 member absent).

ORDINANCE NO: 2018-01

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:

Beginning at an iron pin located at the northeast corner of the lands of Marquis and Alma Dotson, as recorded in BCROD deed book 383 page 613; thence north 22 degrees 50 minutes 00 seconds east, 7 feet to an iron pin; thence north 65 degrees 12 minutes 00 seconds west, 100 feet to an iron pin; thence south 22 degrees 50 minutes 00 seconds west, 7 feet to an iron pin; thence south 65 degrees 12 minutes 00 seconds east, 100 feet to the point of beginning.

2. 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.

3. 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.

4. EFFECTIVE DATE: this ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Councilman Estes moved that Ordinance No: 2018-01 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed. City Attorney John Kimball stated at a later meeting, once it goes through Planning Commission, there will be an additional 50' section to be abandoned.

- **Change Order #1 – Fire Hall #6.**

MEMO:

TO: MAYOR & CITY COUNCIL

FROM: MELINDA CARROLL

DATE: JANUARY 8, 2018

**SUBJECT: CHANGE ORDER #1
FIRE HALL #6**

This is an update to inform you of change order #1 for Fire Hall #6 in the amount of \$200,245.08, which include the following changes:

- Change Order #1 –**
- 1. Mediate unsuitable soils;**
 - 2. Undercut costs, delay of project start & repair of unsuitable soils;**
 - 3. Relocation of building & removal of unsuitable soil from retaining wall;**
 - 4. Removal of Inlet structures & replace with river stone.**

The original contract price is \$2,111,070.00 and will change to \$2,311,315.08.

Councilman Estes moved to accept the change order as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

There being no future business the meeting was adjourned at 3:36 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, JANUARY 22, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. Councilman Charlie McKenzie 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director, Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Bethany McCoy with Lee University; City Reporter Randall Higgins; Auditor Mark Lay; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; Demetrius Ramsey; Lawrence Armstrong; Tiffany Wood; Ken Webb; Sherry Brown; Desire Abraham; Brian Graves with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Reverend Randy Bonner the following business was then entered into:

Councilman Cassada moved to excuse Councilman McKenzie from today's meeting. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

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 8, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Auditor Mark Lay with Arnett, Kirksey, Kimsey, Sullivan, Lay & Hall, PLLC gave his annual report on the FY2017 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. He reviewed new GASB requirements, which required new disclosures for tax abatements. He also reviewed the OPEB cost and suggested the City begin setting funds aside for the future benefit of health insurance for retirees. Mr. Lay concluded by stating if anyone had any questions concerning the audit to feel free to contact him directly.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Ordinance No: 2018-01** – heretofore passed on first reading January 8, 2018 and found in Minute Book 29, Page 6; abandoning a portion of unopened right-of-way located between East St NE and Lang St NE (Planning Commission: Approved 8:0; 1 member absent).
- **Reappointment** – *Human Resource Committee* – Lt. Brian Pritchard as representative of the Cleveland Police Department.
- **Reappointment** – *Wrecker Board* – Verrill Norwood for an additional term to expire October, 2022.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes welcomed the new employees that are with us today during their orientation.

Councilman Cassada announced the Opioid Summit would be held on February 9 from 10-12 at the Museum. Attorney General Steve Crump will speak and everyone is invited to attend for an open dialogue.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance No: 2018-02** – Amending Title 8, Chapter 2, Section 8-209(1) to increase the number of Class 2 Beer Permits from 12 to 14.

ORDINANCE NO: 2018-02

WHEREAS, under Section 8-209(1) of the Cleveland Municipal Code, Class 2 beer permits for on premises consumption are currently limited to twelve (12) permits; and

WHEREAS, the City Council desires to amend Section 8-209 (1) of the Cleveland Municipal Code to increase the number of Class 2 beer permits from twelve (12) to fourteen (14).

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

Section 1: Title 8, Chapter 2, Section 8-209(1) of the Cleveland Municipal Code is amended by deleting 8-209 (1) in its entirety and replacing it with the following language:

8-209 Beer permits shall be restrictive. (1) All beer permits shall be restrictive as the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. Beer permits for Class 2 on-premises consumption shall be limited to **fourteen (14) permits**. As Class 2 permits are revoked or expire, the limit on the number of Class 2 permits may fall below **fourteen (14)**. If the number of Class 2 permits falls below **fourteen (14)**, applications shall then be accepted for new Class 2 permits. Any new applications for Class 2 permits shall be processed in the order by which the permit applications are received by the City of Cleveland. Unless a new Class 2 permit is issued to a purchaser of a business holding an existing Class 2 beer permit under the provisions of Section 8-209(2), a new Class 2 permit may not be issued by the City of Cleveland so long as the total number of Class 2 permits is **fourteen (14)**. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by their permit. It shall likewise be unlawful for a beer permit holder to fail to comply with any and all express restrictions or conditions which may be written into a permit by the beer board.

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

 Tom Rowland, Mayor

 Shawn McKay, City Clerk

Councilman May moved that Ordinance No: 2018-02 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

- **Ordinance No: 2018-03** – Amending the FY2018 Budget.

ORDINANCE NO: 2018-03

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2017-2018 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 2017-2018 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

 Tom Rowland, Mayor

 Shawn McKay, City Clerk

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
GENERAL FUND				
Tax Revenues:	38,580,000	38,580,000	0	
Licenses & permits:	630,700	630,700	0	
Intergovernmental:	5,696,800	5,434,460	(262,340)	Hall Income Tax
Charges for services:	1,108,000	1,136,300	28,300	Contracted Svcs - CPD
Fines & forfeits:	733,100	736,600	3,500	
Interest income:	17,500	17,500	0	
Miscellaneous:	32,500	126,984	94,484	TML Grants, Reimbursements, Donations
Public Enterprise Revenue:	218,800	218,800	0	
Subtotal	47,017,400	46,881,344	(136,056)	
Other Funding Sources:	2,981,085	2,981,085	0	
Total revenues	49,998,485	49,862,429	(136,056)	
Legis. & Judicial	584,015	586,636	2,621	Back Alley Galleries
Administration	986,635	987,335	700	City Photo Contest
Finance	955,620	967,476	11,856	Education Reimb., Postage Machine
Code Enforcement	295,750	295,750	0	
Information Technology	493,895	493,895	0	
Development & Engineering	1,532,900	1,541,372	8,472	FY17 Carryover, Stepping It Up
Police	10,082,918	10,226,889	143,971	Vehicle Maint-TML Reimb, Police Contacted Svcs., Gr
Fire	9,089,025	9,098,330	9,305	FY17 Carryover - Office Equip., Donations
PW Operations	2,551,700	2,563,384	11,684	FY17 Carryover - Vehicle Repair - Hail Damage
Street Lighting & Signals	1,507,800	1,507,800	0	
Fleet Management	680,200	680,200	0	
Cleveland Regional Jetport	243,050	254,009	10,959	Tractor repairs - TML Reimb
Animal Control	528,797	580,726	51,929	FY17 Carryover - Donated Exp, Vehicle Damage
Safety Program	159,665	159,665	0	
Parks & Recr.	1,012,275	1,081,841	69,566	FY17 Carryover - Vehicle Damage, Greenway Sound
Landscaping	622,500	653,917	31,417	Memorial Tree Donations, Salaries
College Hill Rec Center	450,000	450,000	0	
Cleveland Comm Center	432,910	432,910	0	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Tinsley Park	350,600	353,072	2,472	Property Damage Reimb-TML
P&R - Leases	37,376	37,376	0	
Appropriations	1,317,236	1,317,236	0	
Subtotal:	33,914,867	34,269,819	354,952	
Transfers	15,285,131	15,700,438	415,307	CIP-Addl costs MPO projects and Firehall 6
Total expenditures	49,199,998	49,970,257	770,259	
Increase (use) of fund balance	798,487	(107,828)	(906,315)	
SPECIAL REVENUE FUNDS:				
Solid Waste Mgmt. Fund				
Revenues	2,521,800	2,521,800	0	
Transfers from Other Funds	1,074,100	1,056,494	(17,606)	Reduce General Fund transfer-Employee tfr
Total Rev. & Transfers In	3,595,900	3,578,294	(17,606)	
Expenditures	3,560,000	3,542,394	(17,606)	
Increase (Use) of Fund Balance:	35,900	35,900	0	
State Street Aid Fund				
Revenues	1,151,000	1,151,000	0	
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	1,151,000	1,151,000	0	
Expenditures	706,400	706,400	0	
Transfers Out	426,353	426,353	0	
Total Expenditures & Transfers:	1,132,753	1,132,753		
Increase (Use) of Fund Balance:	18,247	18,247	0	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Cleveland Public Library Fund				
Revenues	779,800	779,800	0	
Transfers from Other Funds	645,800	645,800	0	
Total Rev. & Transfers In	1,425,600	1,425,600	0	
Expenditures	1,425,600	1,425,600	0	
Increase (Use) of Fund Balance:	0	0	0	
Drug Enforcement Trust Fund				
Revenues	10,100	10,100	0	
Expenditures	18,600	25,944	7,344	FY17 Carryover-Canine Equip
Increase (Use) of Fund Balance:	(8,500)	(15,844)	(7,344)	
2017 Bryne Mem. Justice Asst. Grant				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	0	0	
Expenditures	0	0	0	
Increase (Use) of Fund Balance:	0	0	0	
Community Dev. Block Grant				
Revenues	350,000	884,605	534,605	FY17 Carryover
Transfers from Other Funds	35,000	35,000	0	
Total Rev., Transfers & Other Fin.	385,000	919,605	534,605	
Expenditures	383,000	910,128	527,128	FY17 Carryover
Increase (Use) of Fund Balance:	2,000	9,477	7,477	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
MPO Fund				
Revenues	200,000	200,000	0	
Transfers from Other Funds	57,000	57,000	0	
Total Rev., Transfers & Other Fin.	257,000	257,000	0	
Expenditures	257,000	257,000	0	
Increase of Fund Balance:	0	0	0	
Recycling Grant				
Revenues	0	0	0	
Transfers from Other Funds	10,000	10,000	0	
Total Rev. & Transfers In	10,000	10,000	0	
Expenditures	10,000	10,000	0	
Increase (Use) of Fund Balance:	0	0	0	
School Food Service Fund				
Revenues	3,646,618	3,646,618	0	
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	3,646,618	3,646,618	0	
Expenditures	3,646,618	3,646,618	0	
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	3,646,618	3,646,618	0	
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
School General Fund				
Revenues	41,518,181	41,518,181	0	
Transfers from Other Funds	5,273,600	5,273,600	0	
Total Rev. & Transfers In	46,791,781	46,791,781	0	
Expenditures	46,236,862	46,236,862	0	
Transfer to Other Funds	554,919	554,919	0	
Total Expenditures & Transfers:	46,791,781	46,791,781	0	
Increase (use) of Fund Balance:	0	0	0	
E Ticketing Technology Fund				
Revenues	0	10,900	10,900	Revised revenue estimate
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	0	10,900	10,900	
Expenditures	0	49,510	49,510	FY17 Carryover
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	0	49,510	49,510	
Increase (use) of Fund Balance:	0	(38,610)	(38,610)	
CAPITAL OUTLAY FUNDS:				
Capital Improv. Program Fund				
Revenues	0	9,397,346	9,397,346	FY17 Carryover - various projects
Transfers & Other Fin.	11,539,000	16,310,009	4,771,009	FY17 Carryover - various projects
Total Rev., Transfers & Other Fin.	11,539,000	25,707,355	14,168,355	
Expenditures	11,026,621	27,849,069	16,822,448	FY17 Carryover - various projects
Transfers to Other Funds	471,763	471,763	0	
Total Expenditures & Other Uses	11,498,384	28,320,832	16,822,448	
Increase (Use) of Fund Balance:	40,616	(2,613,477)	(2,654,093)	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Sales Tax Capital Projects Fund				
Revenues	3,894,000	3,879,600	(14,400)	Decrease interest revenue
Total Rev., Transfers & Other Fin.	3,894,000	3,879,600	(14,400)	
Expenditures				
Total Expenditures & Other Uses	3,840,032	6,027,779	2,187,747	FY17 Carryover - various projects
Increase (Use) of Fund Balance:	53,968	(2,148,179)	(2,202,147)	
Fletcher Park				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	0	0	0	
Expenditures				
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	0	0	0	
Increase (Use) of Fund Balance:	0	0	0	
Greenway Fund				
Revenues	0	6,200	6,200	Revised revenue estimate
Transfers from Other Funds	0	0	0	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Total Rev. & Transfers In	0	6,200	6,200	
Expenditures				
	0	8,064	8,064	Greenway benches
Increase (Use) of Fund Balance:	0	(1,864)	(1,864)	
Spring Branch Industrial Park				
Revenues	0	0	0	
Total Rev., Transfers & Other Fin.	0	0	0	
Expenditures				
Transfer to Other Funds	180,027	180,027	2,982,000	FY17 Carryover
Total Expenditures & Other Uses	180,027	3,162,027	2,982,000	
Increase (Use) of Fund Balance:	(180,027)	(3,162,027)	(2,982,000)	
Internal Service Funds:				
Fleet Management Fund				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	0	0	
Expenditures				
	0	0	0	
Increase (Use) of Fund Balance:	0	0	0	

City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Debt Service Fund:				
Revenues	886,846	886,846	0	
Transfers from Other Funds	6,140,984	6,140,984	0	
Total Rev., Transfers & Other Fin..	7,027,830	7,027,830	0	
Expenditures	7,027,030	6,871,832	(155,198)	Revised debt schedule
Increase (Use) of Fund Balance:	800	155,998	155,198	
Insurance Trust Fund:				
Revenues	3,714,359	3,714,359	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	3,714,359	3,714,359	0	
Expenditures	3,614,289	3,614,289	0	
Increase (Use) of Fund Balance:	100,070	100,070	0	
Enterprise Funds:				
Storm Water Management Fund				
Revenues	1,598,500	1,598,500	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	1,598,500	1,598,500	0	
Expenditures	1,453,021	1,786,991	333,970	FY17 Carryover - Parker, Benjamin Crest, Oak St.
Increase (Use) of Fund Balance:	145,479	(188,491)	(333,970)	
Fiduciary Funds:				
Meiler Estate/Animal Shelter Trust Fund				
Revenues	1,500	1,500	0	
Transfers from Other Funds	0	0	0	

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City of Cleveland, Tennessee				
FY2018 Budget Amendment - January 2018				
	ORIGINAL BUDGET	January 2018 Amendment	INCREASE (DECREASE)	EXPLANATION
Total Rev., Transfers & Other Fin..	1,500	1,500	0	
Expenditures	0	0	0	
Increase (Use) of Fund Balance:	1,500	1,500	0	

Assistant City Manager/CFO Shawn McKay reviewed the budget amendments, explaining the carryovers for hail damaged vehicles and the loss of Hall Income tax revenue. Councilman Estes moved that Ordinance No: 2018-03 be approved on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

- **Resolution No: 2018-06** – Authorizing the Mayor to sign an agreement for the Downtown Redevelopment Consultants.

RESOLUTION NO: 2018-06

A RESOLUTION APPROVING OF THE SELECTION OF WSP USA, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE DOWNTOWN REVITALIZATION PLAN (PHASE I)

WHEREAS, the City Manager and City development and planning staff have completed the consultant selection process for the City's downtown revitalization initiative; and

WHEREAS, the City Manager and City development and planning staff are now recommending that the City select WSP USA, Inc. to provide professional services in connection with the City's Downtown Revitalization Plan-Phase I; and

WHEREAS, the City Manager and City development and planning staff have been working with WSP USA, Inc. to finalize a professional services agreement with WSP USA, Inc. for this project, which agreement would provide for maximum compensation in the amount of Three Hundred Ninety Nine Thousand Dollars (\$399,000.00); and

WHEREAS, the City Council desires to approve of the selection of WSP USA, Inc. for the project described herein, and to authorize the Mayor to execute a professional services agreement with WSP USA, Inc. on behalf of the City once the agreement has been finalized and approved by the City Manager and City's development and engineering staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee that the City Council does hereby approve of the selection of WSP USA, Inc. to provide professional services for the project described herein, and the City Council further authorizes the Mayor to execute the professional services agreement on behalf of the City once the agreement has been finalized and approved by the City Manager and City development and engineering staff, subject to WSP, USA, Inc. agreeing that all data is owned by the City.

Approved this 22nd day of January, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
 City Attorney

 Tom Rowland, Mayor

 Shawn McKay, City Clerk

City Manager Joe Fivas reviewed the following cost proposal from WSP.

WSP TEAM - ESTIMATE OF COSTS
 Cleveland Downtown Revitalization

Phase I Downtown Revitalization Cost Proposal City of Cleveland, Tennessee			
Deliv. No.	Description/Deliverables	Costs	Hours
II.A	Inman Street Corridor Design Plan	\$ 99,754	799
II.B	Core Revitalization Area Plan & Market Study	\$ 82,288	592
II.C	Parking Analysis & Plan	\$ 10,150	80
II.D	Cherokee Hotel Catalyst Project	\$ 13,050	96
II.E	Old Woolen Mill Catalyst Project	\$ 20,154	162
II.F	Moore Building Catalyst Project	\$ 13,050	96
II.G	Plan Development & Public Engagement	\$ 109,321	756
	Direct Expenses	\$ 13,000	-
	Total	\$ 360,767	2581

Councilman Estes moved that Resolution No: 2018-06 be accepted as presented. The motion was seconded by Councilman May. Councilman Estes asked if the City would own all the data once completed. Mr. Fivas stated yes, that is our position. Councilman Estes then amended his motion to include in the resolution subject to WSP agreeing that all data is owned by the City. Councilman Banks seconded the amendment. He then stated staff is recommending WSP based on numerous criteria and also a significant cost factor involved. Mr. Fivas stated that is correct. Upon roll call the motion to approve the Resolution was unanimously passed.

Councilman Cassada thanked Mayor Rowland, Sue Zius, Joe Fivas and Beverley Lindsey for their help on the upcoming Opioid Summit. It is a good thing to discuss in our community.

There being no future business the meeting was adjourned at 3:24 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 12, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. Councilman Charlie McKenzie 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director, Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Bethany McCoy with Lee University; City Reporter Randall Higgins; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; Ken Webb; Sherry Brown; Hal Taylor; Dr. Russell Dyer; Cindy Geren; Max Phillips; Pastor Coby Goins; Brian Graves with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Coby Goins with Waterville Baptist Church 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 22, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

Councilman Cassada moved to excuse Councilman McKenzie from today's meeting. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland presented Assistant City Manager/CFO Shawn McKay and the entire finance budget team with the Budget Presentation Award from the Government Finance Officers Association for FY2018. This is the twentieth consecutive year the City has received this award for its budget document. This award reflects the commitment of the governing body and staff to meet the highest principles of governmental budgeting; according to GFOA. In order to receive the budget award, the city had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as a policy document; a financial plan; an operations guide and a communications device. A budget document must be rated "proficient in all four categories to receive the award" according to GFOA.

Mayor Rowland then presented the Municipal Management Academy Supervisory Training Certificates for Level 1 to Tom Castello and Chris Allen, who was unable to attend.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Ordinance No: 2018-02** – heretofore approved on first reading January 22, 2018 and found in Minute Book 29, Page 10; amending Title 8, Chapter 2, Section 8-209(1) to increase the number of Class 2 Beer Permits from 12 to 14.
- **Final Passage - Ordinance No: 2018-03** – heretofore approved on first reading January 22, 2018 and found in Minute Book 29, page 11; amending the FY2018 Budget.

- **Resolution No: 2018-07** – Authorizing the submission of the 2017 Access to Health Through Healthy Built Environments Grant.

RESOLUTION NO: 2018-07

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2017 ACCESS TO HEALTH THROUGH HEALTHY ACTIVE BUILT ENVIRONMENTS GRANT

WHEREAS, the State of Tennessee Department of Health is sponsoring competition for \$1,500,000 of grant funds for publicly-accessible infrastructure such as parks, greenways, sidewalks, bikeways, playgrounds and walking tracks, which provide opportunity for physical activity for a community of population which currently has limited access to these type of facilities; and

WHEREAS, each winning proposal may be awarded a total up to \$85,000 in grant funds, which will be used to reimburse expenses on a quarterly basis for a maximum of eighteen months with no matching requirement; and

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Tennessee Department of Health.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application with the State of Tennessee Department of Health on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Tennessee Department of Health.

Adopted this 12th day of February, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-09** – Authorizing the Mayor to sign an engagement letter with Bass Berry and Sims to serve as bond counsel for the City of Cleveland.

RESOLUTION NO: 2018-09

WHEREAS, the City has received the attached engagement letter from Attorney Mark Mamantov of the law firm of Bass Berry and Sims in Nashville Tennessee who is willing to serve as bond counsel for the City of Cleveland; and

WHEREAS, the City Council desires to approve of this engagement letter with Bass Berry and Sims and to authorize the Mayor to execute the engagement letter 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 engagement letter with Bass Berry and Sims to serve as bond counsel for the City of Cleveland, and the City Council further authorizes the Mayor to execute the engagement letter on behalf of the City of Cleveland.

This 12th day of February, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Surplus Property** – Declaring the Pitney Bowes mailing system as surplus property and to be sold on GovDeals.com.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: February 7, 2018
SUBJECT: Surplus Equipment

I respectfully request the City Council declare the following item surplus and to be sold on GovDeals:

- Pitney Bowes DM 575 Digital Mailing System

This item will be placed on Govdeals with a minimum bid set.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Rowland thanked Councilman Cassada for his work and leadership on the Opioid Summit, held last Friday with General Crump. It was a very informative session.

There were no other reports of Councilmembers.

NEW BUSINESS AND ORDINANCES

RESOLUTION NO: 2018-08

WHEREAS, the Cleveland City Schools Board of Education (“Board of Education”) has submitted to the Cleveland City Council notice of a proposal for facility improvements involving energy conservation; and

WHEREAS, the Board of Education proposes to enter into a guaranteed savings agreement with Energy Systems Group (ESG) to upgrade school facilities utilizing existing budget dollars; and

WHEREAS, the Board of Education intends to enter into a twenty (20) year municipal lease-purchase agreement to fund the project; and

WHEREAS, the cost of the project is eight million two hundred fourteen thousand dollars (\$8,214,000); and

WHEREAS, the program proposed by ESG assures that the Board of Education will realize a savings in energy costs resulting from the efficiency renovation; and

WHEREAS, the Board of Education agrees to designate all dollars realized from energy savings, reductions in maintenance expenses and other budget revenues sufficient to cover the principal and interest expense associated with the financing of the project; and

WHEREAS, pursuant to the opinion issued by the office of the Tennessee Attorney General and Reporter, to wit, OAG 86-65 (1986 Tenn. AG LEXIS 156), the approval of the City Council is required for the Board of Education to enter into a capital improvement lease-purchase project of multi-year duration; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the Board of Education is hereby authorized to enter into agreements with ESG for facility improvements involving energy conservation.

BE IT FURTHER RESOLVED that the Director of Schools and/or the Board Chairman are authorized to execute any and all agreements approved by the Board of Education that are necessary to effectuate this project.

BE IT FURTHER RESOLVED that representatives of the Board of Education shall provide periodic reports from time to time as requested by the City Council on the progress of the project.

Adopted this 12th day of February, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Banks moved that Resolution No: 2018-08 be accepted as presented. The motion was seconded by Councilman Estes. Dr. Russell Dyer updated the Council on the School’s energy program with Energy Systems Group. Currently, there is a lot of old equipment in the schools that needs to be replaced like the HVAC and control systems and lighting system. The desire to go with a company like ESG, they can take care of the big ticket items for us that will allow Hal and his team to take care of these items. Hal Taylor then reviewed the projects and the detailed the scope of work for several of the schools, like HVAC units, boiler systems and cooling towers that are beyond repair and need replacing. Total cost is estimated \$8.2 million and a majority of the debt service will be paid by the energy savings and what is left will be paid from the city schools portion of sales tax. Councilman Banks asked if this was the same company Bradley County is using. Mr. Dyer stated it is the same company. Councilman Banks continued when the issue came up with the County there was question if it needed to be bonded by the County and the City to receive a portion but then they decided the School Board could do it and thereby avoid paying a percentage to the City. Is it the same or different with City Schools? Dr. Dyer stated our attorney has advised we have to come before the City Council for approval of the debt. Councilman Banks then inquired about the warranty of the equipment. Mr. Taylor stated the equipment will have an initial warranty and the projected life of twenty years. Upon roll call, the Resolution was unanimously passed.

Mayor Rowland announced City offices will be closed on Monday, February 19th in observance of President’s Day.

There being no future business the meeting was adjourned at 3:13 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 26, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. Councilman Charlie McKenzie 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; City Reporter Randall Higgins; Brian Media, Social Media; Pastor Mark Williams with North Cleveland Church of God; Tom Cate; Blake Allison; Tad Bacon with Cleveland Utilities; Doug Berry with the Chamber of Commerce; Ken Webb; Sherry Brown; Max Phillips; Brian Graves with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Mark Williams 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 12, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland 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 between East St NE and Lang St NE. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the abandonment. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the abandonment. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 5.3 acres located on Tasso Ln and a resolution to adopt a Plan of Service (POS) for the annexation area. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the annexation and plan of service. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the annexation and plan of service. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 5.3 acres located on Tasso Ln from the unincorporated county to PUD Planned Unit Development Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the zoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the zoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 15.68 acres located at 861 Old Chattanooga Pike and a resolution to adopt a Plan of Service (POS) for the annexation area. Mayor Rowland

then asked if anyone would like to speak in favor of the approval of the annexation and plan of service. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the annexation and plan of service. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 15.68 acres located at 861 Old Chattanooga Pike from the unincorporated county to R1 Single Family Residential Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the zoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the zoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 36.70 acres located at APD40 and Holloway Rd and a resolution to adopt a Plan of Service (POS) for the annexation area. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the annexation and plan of service. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the annexation and plan of service. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 36.70 acres located at APD40 and Holloway Rd from the unincorporated county to IH Heavy Industrial Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the zoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the zoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by Steve and Linda Williams to rezone 1.7 acres, more or less, located on Shady Ln and Fulbright Rd (Tax Map 50G Group I Parcels 6.00, 7.00, 8.00) from IL Light Industry District to R2 Low Density Single and Multi-Family Residential Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Resolution No: 2018-10** – Approving an Emergency Solution Grant application to the Tennessee Housing Development Agency for funding up to \$150,000.

RESOLUTION NO: 2018-10

A Resolution Approving an Emergency Solutions Grant Application to the Tennessee Housing Development Agency

WHEREAS, the Tennessee Housing Development Agency (THDA) administers funds provided by the U.S. Department of Housing and Urban Development for an Emergency Solutions Grant Program; and

WHEREAS, the program is intended to restrict the increase of homelessness through the provision of preventive programs by assisting individuals and families who are homeless to move into permanent and safe housing; and

WHEREAS, the City of Cleveland, Tennessee, will prepare an application for funding and will allocate such funds to the nonprofit agency of the Cleveland Emergency Shelter, Inc. for such prevention activities;

WHEREAS, the Emergency Solutions Grant Program requires a 100% match. Said match will be provided by the Cleveland Emergency Shelter, Inc. and stated in the application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that City staff are authorized to submit the aforementioned application to the Tennessee Housing Development Agency on behalf of the Cleveland Emergency Shelter, Inc. for funding up to \$150,000.00;

BE IT FURTHER RESOLVED by the City Council that the Mayor be and hereby is authorized to submit the application and all forms necessary for applying for the above referenced grant. If said grant is approved, the Mayor is hereby authorized to accept (on behalf of the City of Cleveland) said grant and the Mayor is hereby designated as Cleveland’s representative to act in connection with the application and to provide additional information as may be required.

Approved this 26th day of February, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-11** – Authorizing a grant application with the State of Tennessee Department of Health for the Safe Routes to Parks Action Program.

RESOLUTION NO: 2018-11
A RESOLUTION AUTHORIZING THE SUBMISSION OF THE SAFE ROUTES TO
PARKS ACTION PROGRAM GRANT

WHEREAS, the Safe Routes to Parks Action Program is sponsoring competition for grant funds for publicly-accessible infrastructure making it easier and safer to walk and bicycle, expanding access to parks, and more; and

WHEREAS, each winning proposal may be awarded a total up to \$12,000 in grant funds, which will be used to reimburse expenses from March to September 2018; and

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Safe Routes to Parks Action Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application with the State of Tennessee Department of Health on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Safe Routes to Parks Action Program

Adopted this 26th day of February, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Banks inquired about the construction status of the Firehall 6. Chief Harrison responded Station 6 is on schedule with a completion date of May 14. Councilman Banks suggested photos be distributed to the press to show tax dollars at work.

Councilman Estes asked Chief Gibson if they were ready for CELEA. Chief Gibson replied yes.

Councilman Cassada inquired about the tennis courts at Tinsley Park and the progress of Deer Park. Ms. Petitt stated both are good. Completion of the tennis courts is scheduled for the end of April or early May and we are still waiting on the design from the playground company for Deer Park.

Councilman Cassada moved to excuse Councilman McKenzie from today's meeting. The motion was seconded by Councilman Hughes; and upon roll call Councilmen Cassada, Hughes, Banks, May and Vice Mayor Johnson voted aye. Councilman Estes passed. Councilman Cassada then extended an invitation to visit with Councilman McKenzie while he is in rehab.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance No: 2018-04** – Abandoning a portion of unopened right-of-way located between East St NE and Lang St NE (Planning Commission: Approved 9-0).

ORDINANCE NO: 2018-04

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:

Beginning at an iron pin located at the southeast corner of the land of Dotson, as recorded in BCROD deed book 1874 page 630, said point being located at the northeast corner of an unopened section of 1st Street; thence north 65 degrees 12 minutes 00 seconds west, 150 feet to a point; thence south 22 degrees 50 minutes 00 seconds west, 14 feet to an iron pin; thence south 65 degrees 12 minutes 00 seconds east, 50 feet to an iron pin; thence north 22 degrees 50 minutes 00 seconds east, 7 feet to an iron pin; thence south 65 degrees 12 minutes 00 seconds east, 100 feet to an iron pin; thence north 22 degrees 50 minutes 00 seconds east, 7 feet to the point of beginning.

2. 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.

3. 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.

4. EFFECTIVE DATE: 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A

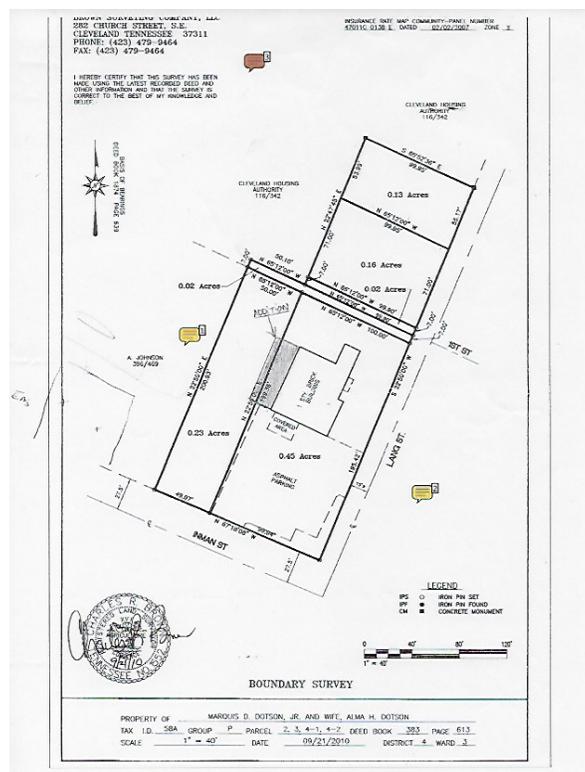


Exhibit B



Councilman Banks moved that Ordinance No: 2018-04 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-12** - Adopting a Plan of Service for the annexation of about 5.3 acres located on Tasso Ln (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-12

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

TASSO LN NE 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 February 26, 2018 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 lands of 4 Star LLC, as recorded in the BCROD deed book 2429 page 796, said point being located in the southern right of way of Tasso Lane; thence south 66 degrees 43 minutes 57 seconds east, 174.50 feet to an iron pin; thence south 28 degrees 42 minutes 3 seconds west, 655.57 feet to an iron pin; thence south 36 degrees 2 minutes 28 seconds west, 468.74 feet to an iron pin; thence north 66 degrees 14 minutes 29 seconds west, 209.89 feet to an iron pin; thence north 31 degrees 27 minutes 18 seconds east, 524.54 feet to an iron pin; thence north 66 degrees 15 minutes 48 seconds west, 38.37 feet to an iron pin; thence north 26 degrees 10 minutes 46 seconds east, 425.70 feet to an iron pin; thence south 66 degrees 28 minutes 3 minutes east, 142.39 feet to an iron pin; thence north 23 degrees 31 minutes 57 seconds east, 163.97 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

Tom Rowland, Mayor

Shawn McKay, City Clerk



**JANUARY 26, 2018
TASSO LN ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 5.3 acres located Tasso Ln 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 2018.

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.

This property is currently vacant but is proposed to serve an extension of a residential development currently being developed adjacent to the site. Approximately 18 additional single family homes could be built in this area. The property is a portion of the property described as Tax Map 34 Parcel 57.00.

Tasso Ln NE



Legal Description

Beginning at the northeast corner of the lands of 4 Star LLC, as recorded in the BCROD deed book 2429 page 796, said point being located in the southern right of way of Tasso Lane; thence south 66 degrees 43 minutes 57 seconds east, 174.50 feet to an iron pin; thence south 28 degrees 42 minutes 3 seconds west, 655.57 feet to an iron pin; thence south 36 degrees 2 minutes 28 seconds west, 468.74 feet to an iron pin; thence north 66 degrees 14 minutes 29 seconds west, 209.89 feet to an iron pin; thence north 31 degrees 27 minutes 18 seconds east, 524.54 feet to an iron pin; thence north 66 degrees 15 minutes 48 seconds west, 38.37 feet to an iron pin; thence north 26 degrees 10 minutes 46 seconds east, 425.70 feet to an iron pin; thence south 66 degrees 28 minutes 3 minutes east, 142.39 feet to an iron pin; thence north 23 degrees 31 minutes 57 seconds east, 163.97 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 2 at 505 Paul Huff Parkway. Providing service to this parcel would have no budgetary impact for our agency.

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

A. Domestic water, sanitary sewer and fire hydrants would add minimal cost to extend to the property and could be completed within eight (8) years after annexation.

4. Electric Service

Cleveland Utilities has already worked out an agreement with Volunteer Energy and will be providing electric service to this property. Cost of service would be equivalent to other properties presently in the Cleveland Utilities service area and will not require any special expenditures

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

According to the funding formula, this addition would have \$6,748.24 annual impact for City Schools.

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 in the unincorporated County. It is recommended that this property be incorporated into the PUD12 Planned Unit Development Zoning as describe in Ordinance 2016-26 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 will add approximately 0 residents to the 5th City Council District as it is currently used. Once developed it would likely add approximately an additional 43 residents.

Revenue

The approximate property for the portion of this property currently located in the unincorporated County is \$100,000. This would result in a total assessed value is \$25,000. The property tax generated from this area in its current condition would be about \$515 a year.

The area is currently vacant and would not add any additional residents. In addition, there would be no stormwater fee associated with this property.

The approximate revenue generated because of this annexation at the time of annexation would be about **\$515**.

This amount is expected to increase significantly if it developed as expected as it could accommodate approximately 18 residential units. If 18 single family homes were developed, with an average value of \$200,000 per unit, on this site it would result in a total land and improvement value of \$3,600,000. The assessed value would be \$900,000 which would result in approximately **\$18,540** in annual property tax revenue.

With 18 residential units and approximately 2.5 residents per structure the annexation would add an additional 45 residents. The current state shared appropriation is \$115.75 per resident which would result in approximately **\$5,208.75** a year.

Councilman May moved that Resolution No: 2018-12 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-13** – Annexing about 5.3 acres located on Tasso Ln (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-13

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

TASSO LN NE 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 February 26, 2018.

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 lands of 4 Star LLC, as recorded in the BCROD deed book 2429 page 796, said point being located in the southern right of way of Tasso Lane; thence south 66 degrees 43 minutes 57 seconds east, 174.50 feet to an iron pin; thence south 28 degrees 42 minutes 3 seconds west, 655.57 feet to an iron pin; thence south 36 degrees 2 minutes 28 seconds west, 468.74 feet to an iron pin; thence north 66 degrees 14 minutes 29 seconds west, 209.89 feet to an iron pin; thence north 31 degrees 27 minutes 18 seconds east, 524.54 feet to an iron pin; thence north 66 degrees 15 minutes 48 seconds west, 38.37 feet to an iron pin; thence north 26 degrees 10 minutes 46 seconds east, 425.70 feet to an iron pin; thence south 66 degrees 28 minutes 3 minutes east, 142.39 feet to an iron pin; thence north 23 degrees 31 minutes 57 seconds east, 163.97 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 the aforementioned property within the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Hughes moved that Resolution No: 2018-13 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-05** - Zoning of about 5.3 acres located on Tasso Ln from the unincorporated county to PUD Planned Unit Development Zoning District (Planning Commission: Approved 9-0).

ZONING ORDINANCE NO: 2018-05

AN ORDINANCE TO ZONE THE “TASSO LN ANNEXATION AREA” WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE

WHEREAS, a public hearing before this body was held on the 26th day of February, 2018 a notice thereof published in the *Cleveland Daily Banner* on February 11, 2018 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution 2018-12; and,

WHEREAS, this property was annexed by Resolution 2018-13; 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 within the unincorporated County to PUD12 Planned Unit Development (2016-26) 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Exhibit B

Legal Description

Beginning at the northeast corner of the lands of 4 Star LLC, as recorded in the BCROD deed book 2429 page 796, said point being located in the southern right of way of Tasso Lane; thence south 66 degrees 43 minutes 57 seconds east, 174.50 feet to an iron pin; thence south 28 degrees 42 minutes 3 seconds west, 655.57 feet to an iron pin; thence south 36 degrees 2 minutes 28 seconds west, 468.74 feet to an iron pin; thence north 66 degrees 14 minutes 29 seconds west, 209.89 feet to an iron pin; thence north 31 degrees 27 minutes 18 seconds east, 524.54 feet to an iron pin; thence north 66 degrees 15 minutes 48 seconds west, 38.37 feet to an iron pin; thence north 26 degrees 10 minutes 46 seconds east, 425.70 feet to an iron pin; thence south 66 degrees 28 minutes 3 minutes east, 142.39 feet to an iron pin; thence north 23 degrees 31 minutes 57 seconds east, 163.97 feet to the point of beginning.

Councilman Estes moved that Zoning Ordinance No: 2018-05 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-14** – Adopting a Plan of Service for the annexation of about 15.68 acres located at 861 Old Chattanooga Pike (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-14

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

OLD CHATTANOOGA PIKE SW 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 February 26, 2018 at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Located in the Fourth Civil District of Bradley County, Tennessee and being more particularly described as follows: Beginning at an iron pin found (N: 290,887.53, E: 2,297,732.18 (NAD 83) on the eastern right of way of Old Chattanooga Pike SW (having a 50-foot RIW), said point marking the northwest corner of the herein described tract and the southwest corner of Lot 10 of the Final Plat of The Farm Subdivision (plat Book 11, Page 139, ROBCT); thence leaving said right of way and running along the south line of Lots 10 -17 of said subdivision, and of the land of Rick Nease (Deed Book 2229, Page 884, ROBCT) on a bearing of South 66 deg. 08 min. 42 sec. East for a distance of 958.01 feet to an iron pin set, said point marking the northeast corner of the herein described tract and the northwest corner of Lot 7 of the Final Plat of South Hills Subdivision (Plat Book 3, Page 145, ROBCT); thence running along the west line of Lots 7 -12 of

said subdivision on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 634.56 feet to an iron pipe found, said point marking the southwest comer of Lot 12 of said South Hills Subdivision and the northwest comer of a 50 foot platted right of way; thence continuing along a tie-line across said right of way on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 50.00 feet to an iron pin set, said point marking the southwest comer of said right of way and the northwest comer of Lot 13 of said South Hills Subdivision; thence continuing along the west line of said Lot 13 on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 121.69 feet to an iron pin set on the northern line of the land of Jon Morris (Deed Book 1818, Page 365 and being Lot 1, Hank Wilson -Old Chattanooga Pike Property as recorded in Plat Book 24, Page 39, ROBCT), said point marking the southeast comer of the herein described tract; thence running along the north line of Jon Morris on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 530.82 feet to an iron pin set, said point marking the southeast comer of the land of Morris Cronan (being Lot 1, Cronan -Old Chattanooga Pike Property, as recorded in Plat Book 34, Page 21, ROBCT); thence running along the east line of Morris Cronan on a bearing of North 24 deg. 14 min. 56 sec. East for a distance of 207.80 feet to an iron pin set, said point marking the northeast comer of the land of Morris Cronan; thence continuing along the north line of Morris Cronan on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 422.66 feet to an iron pin set on the eastern right of way of Old Chattanooga Pike SW, said point being the southwest comer of the herein described tract and the northwest comer of the land of Morris Cronan; thence running along the east right of way of Old Chattanooga Pike SW on a bearing of North 24 deg. 14 min. 37 sec. East a distance of 598.80 feet to the Point of Beginning, said tract containing 15.68 acres, as shown on survey by Richmond Surveying Company dated 12-30-2016.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk



JANUARY 26, 2018
OLD CHATTANOOGA PIKE ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 15.68 acres located on Old Chattanooga Pike 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 2018.

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.

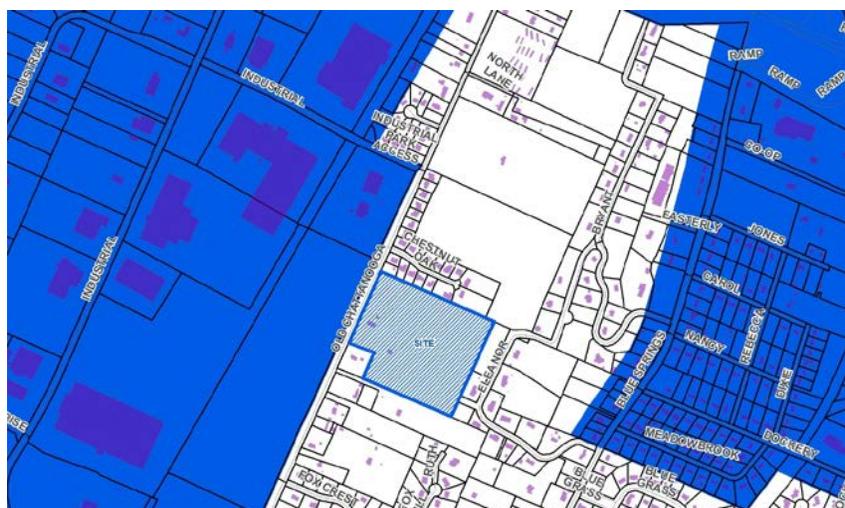
Introduction

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.

This property is currently vacant but is proposed for a residential development which will serve approximately 50 single family home. The property is a portion of the property described as Tax Map 65J Group E Parcel 16.00.

Old Chattanooga Pike SW



Legal Description

Located in the Fourth Civil District of Bradley County, Tennessee and being more particularly described as follows: Beginning at an iron pin found (N: 290,887.53, E: 2,297,732.18 (NAD 83» on the eastern right of way of Old Chattanooga Pike SW (having a 50-foot RIW), said point marking the northwest corner of the herein described tract and the southwest corner of Lot 10 of the Final Plat of The Farm Subdivision (plat Book 11, Page 139, ROBCT); thence leaving said right of way and running along the south line of Lots 10 -17 of said subdivision, and of the land of Rick Nease (Deed Book 2229, Page 884, ROBCT) on a bearing of South 66 deg. 08 min. 42 sec. East for a distance of 958.01 feet to an iron pin set, said point marking the northeast corner of the herein described tract and the northwest corner of Lot 7 of the Final Plat of South Hills

Subdivision (Plat Book 3, Page 145, ROBCT); thence running along the west line of Lots 7 -12 of said subdivision on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 634.56 feet to an iron pipe found, said point marking the southwest comer of Lot 12 of said South Hills Subdivision and the northwest comer of a 50 foot platted right of way; thence continuing along a tie-line across said right of way on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 50.00 feet to an iron pin set, said point marking the southwest comer of said right of way and the northwest comer of Lot 13 of said South Hills Subdivision; thence continuing along the west line of said Lot 13 on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 121.69 feet to an iron pin set on the northern line of the land of Jon Morris (Deed Book 1818, Page 365 and being Lot 1, Hank Wilson -Old Chattanooga Pike Property as recorded in Plat Book 24, Page 39, ROBCT), said point marking the southeast comer of the herein described tract; thence running along the north line of Jon Morris on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 530.82 feet to an iron pin set, said point marking the southeast comer of the land of Morris Cronan (being Lot 1, Cronan -Old Chattanooga Pike Property, as recorded in Plat Book 34, Page 21, ROBCT); thence running along the east line of Morris Cronan on a bearing of North 24 deg. 14 min. 56 sec. East for a distance of 207.80 feet to an iron pin set, said point marking the northeast comer of the land of Morris Cronan; thence continuing along the north line of Morris Cronan on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 422.66 feet to an iron pin set on the eastern right of way of Old Chattanooga Pike SW, said point being the southwest comer of the herein described tract and the northwest comer of the land of Morris Cronan; thence running along the east right of way of Old Chattanooga Pike SW on a bearing of North 24 deg. 14 min. 37 sec. East a distance of 598.80 feet to the Point of Beginning, said tract containing 15.68 acres, as shown on survey by Richmond Surveying Company dated 12-30-2016.

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 minimal cost expected from this annexation.

2. Fire Protection

The Cleveland fire Department could provide service to this area of proposed annexation from our current Station One immediately with no increased cost.

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

A. Domestic Water--- Water service is available to this parcel.

B. Sanitary Sewer--- Sanitary sewer facilities will need to be extended to serve this parcel. To provide sanitary sewer facilities, it is estimated to cost \$12,500 and can be completed within eight (8) years after annexation.

C. Fire Hydrants--- Fire protection is available to this parcel

	SUMMARY OF COSTS		
	Water	Sanitary Sewer	Total
Hawkins Property on Old Chattanooga Pike Annexation Area	\$0	\$12,500	\$12,500

4. Electric Service

This property is presently in Cleveland Utilities' service area and no special expenditures will be required to provide electric service.

5. Public Works*C. 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.

D. 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.
- e. 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)

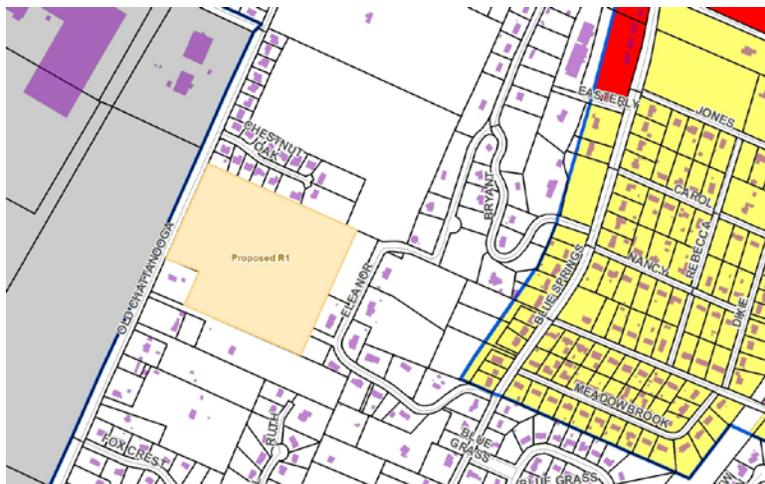
- a. Current city policies for routine street sweeping will be scheduled on the same basis as in the rest of the City and will apply in all proposed areas.
- b. Current city policies for snow removal and salting will be scheduled on the same basis as in the rest of the City and will apply in all proposed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

6. Schools

According to the funding formula, this addition would have \$18,750.53 annual impact for City Schools.

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 in the unincorporated County. It is recommended that this property be incorporated into the 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 will add approximately 0 residents to the 1st City Council District as it is currently used. Once developed it would likely add approximately an additional 125 residents.

Revenue

The current property assessment for this property is \$237,200. This would result in a total assessed value is \$59,300. The property tax generated from this area in its current condition would be about \$1,221.58 a year.

The area is currently vacant and would not add any additional residents. In addition, there would be no stormwater fee associated with this property at the time of annexation.

The approximate revenue generated because of this annexation at the time of annexation would be about **\$1,221.58**.

This amount is expected to increase significantly if it developed as expected as it could accommodate approximately 50 residential units. If 50 single family homes were developed, with an average value of \$200,000 per unit, on this site it would result in a total land and improvement value of \$10,000,000. The assessed value would be \$2,500,000 which would result in approximately **\$51,500** in annual property tax revenue.

With 50 residential units and approximately 2.5 residents per structure the annexation would add an additional 120 residents. The current state shared appropriation is \$115.75 per resident which would result in approximately **\$14,468.75** a year.

Councilman May moved that Resolution No: 2018-14 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-15** – Annexing about 15.68 acres located at 861 Old Chattanooga Pike (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-15

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

OLD CHATTANOOGA PIKE SW 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 [On file in the City Clerk's Office.]

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 February 26, 2018.

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:

Located in the Fourth Civil District of Bradley County, Tennessee and being more particularly described as follows: Beginning at an iron pin found (N: 290,887.53, E: 2,297,732.18 (NAD 83) on the eastern right of way of Old Chattanooga Pike SW (having a 50-foot RIW), said point marking the northwest corner of the herein described tract and the southwest corner of Lot 10 of the Final Plat of The Farm Subdivision (plat Book 11, Page 139, ROBCT); thence leaving said right of way and running along the south line of Lots 10 -17 of said subdivision, and of the land of Rick Nease (Deed Book 2229, Page 884, ROBCT) on a bearing of South 66 deg. 08 min. 42 sec. East for a distance of 958.01 feet to an iron pin set, said point marking the northeast corner of the herein described tract and the northwest corner of Lot 7 of the Final Plat of South Hills Subdivision (Plat Book 3, Page 145, ROBCT); thence running along the west line of Lots 7 -12 of said subdivision on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 634.56 feet to an iron pipe found, said point marking the southwest corner of Lot 12 of said South Hills Subdivision and the northwest corner of a 50 foot platted right of way; thence continuing along a tie-line across said right of way on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 50.00 feet to an iron pin set, said point marking the southwest corner of said right of way and the northwest corner of Lot 13 of said South Hills Subdivision; thence continuing along the west line of said Lot 13 on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 121.69 feet to an iron pin set on the northern line of the land of Jon Morris (Deed Book 1818, Page 365 and being Lot 1, Hank Wilson -Old Chattanooga Pike Property as recorded in Plat Book 24, Page 39, ROBCT), said point marking the southeast corner of the herein described tract; thence running along the north line of Jon Morris on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 530.82 feet to an iron pin set, said point marking the southeast corner of the land of Morris Cronan (being Lot 1, Cronan -Old Chattanooga Pike Property, as recorded in Plat Book 34, Page 21, ROBCT); thence running along the east line of Morris Cronan on a bearing of North 24 deg. 14 min. 56 sec. East for a distance of 207.80 feet to an iron pin set, said point marking the northeast corner of the land of Morris Cronan; thence continuing along the north line of Morris Cronan on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 422.66 feet to an iron pin set on the eastern right of way of Old Chattanooga Pike SW, said point being the southwest corner of the herein described tract and the northwest corner of the land of Morris Cronan; thence running along the east right of way of Old Chattanooga Pike SW on a bearing of North 24 deg. 14 min. 37 sec. East a distance of 598.80 feet to the Point of Beginning, said tract containing 15.68 acres, as shown on survey by Richmond Surveying Company dated 12-30-2016.

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 the aforementioned property within the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Hughes moved that Resolution No: 2018-15 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-06** - Zoning of about 15.68 acres located at 861 Old Chattanooga Pike from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 9-0).

ZONING ORDINANCE NO: 2018-06

AN ORDINANCE TO ZONE THE “OLD CHATTANOOGA PIKE SW ANNEXATION AREA” WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE

WHEREAS, a public hearing before this body was held on the 26th day of February, 2018 a notice thereof published in the *Cleveland Daily Banner* on February 11, 2018 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution 2018-14; and,

WHEREAS, this property was annexed by Resolution 2018-15; 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 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A**Exhibit B****Legal Description**

Located in the Fourth Civil District of Bradley County, Tennessee and being more particularly described as follows: Beginning at an iron pin found (N: 290,887.53, E: 2,297,732.18 (NAD 83) on the eastern right of way of Old Chattanooga Pike SW (having a 50-foot RIW), said point marking the northwest corner of the herein described tract and the southwest corner of Lot 10 of the Final Plat of The Farm Subdivision (plat Book 11, Page 139, ROBCT); thence leaving said right of way and running along the south line of Lots 10 -17 of said subdivision, and of the land of Rick Nease (Deed Book 2229, Page 884, ROBCT) on a bearing of South 66 deg. 08 min. 42 sec. East for a distance of 958.01 feet to an iron pin set, said point marking the northeast corner of the herein described tract and the northwest corner of Lot 7 of the Final Plat of South Hills Subdivision (Plat Book 3, Page 145, ROBCT); thence running along the west line of Lots 7 -12 of said subdivision on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 634.56 feet to an iron pipe found, said point marking the southwest corner of Lot 12 of said South Hills Subdivision and the northwest corner of a 50 foot platted right of way; thence continuing along a tie-line across said right of way on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 50.00 feet to an iron pin set, said point marking the southwest corner of said right of way and the northwest corner of Lot 13 of said South Hills Subdivision; thence continuing along the west line of said Lot 13 on a bearing of South 24 deg. 33 min. 58 sec. West for a distance of 121.69 feet to an iron pin set on the northern line of the land of Jon Morris (Deed Book 1818, Page 365 and being Lot 1, Hank Wilson -Old Chattanooga Pike Property as recorded in Plat Book 24, Page 39, ROBCT), said point marking the southeast corner of the herein described tract; thence running along the north line of Jon Morris on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 530.82 feet to an iron pin set, said point marking the southeast corner of the land of Morris Cronan (being Lot 1, Cronan -Old Chattanooga Pike Property, as recorded in Plat Book 34, Page 21, ROBCT); thence running along the east line of Morris Cronan on a bearing of North 24 deg. 14 min. 56 sec. East for a distance of 207.80 feet to an iron pin set, said point marking the northeast corner of the land of Morris Cronan; thence continuing along the north line of Morris Cronan on a bearing of North 66 deg. 10 min. 09 sec. West for a distance of 422.66 feet to an iron pin set on the eastern right of way of Old Chattanooga Pike SW, said point being the southwest corner of the herein described tract and the northwest corner of the land of Morris Cronan; thence running along the east right of way of Old Chattanooga Pike SW on a bearing of North 24 deg. 14 min. 37 sec. East a distance of 598.80 feet to the Point of Beginning, said tract containing 15.68 acres, as shown on survey by Richmond Surveying Company dated 12-30-2016.

Councilman Hughes moved that Zoning Ordinance No: 2018-06 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-16** – Adopting a Plan of Service for the annexation of about 36.70 acres located at APD40 and Holloway Rd (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-16

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

APD40/HOLLOWAY RD SW 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 February 26, 2018 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 lands of Thomas D and Paul Steven Williams, as recorded in BCROD deed book 1325 page 903; thence with the western right of way of Holloway Road south 21 degrees 13 minutes 37 seconds east, 72.50 feet to a point; thence south 28 degrees 7 minutes 29 seconds west, 252.02 feet to a point; thence along a right handed curve R=525.00' L=471.73' Tan=253.13' Delta=51 degrees 28' 56" Ch Dir=north 53 degrees 51 minutes 57 seconds east Chord= 456.02' to a point; thence along a left handed curve R=450.00' L= 344.28' Tan= 181.06' Delta= 43 degrees 50 minutes 6 seconds Ch. Dir= south 57 degrees 41 minutes 23 seconds west Chord= 335.94' to a point; thence south 35 degrees 46 minutes 21 seconds west, 76.42 feet to a point; thence north 66 degrees 23 minutes 43 seconds west, 708.66 feet to a point; thence north 25 degrees 7 minutes 46 seconds east, 372.96 feet to a point; thence north 24 degrees 57 minutes 9 seconds east, 253.74 feet to a point; thence north 25 degrees 5 minutes 54 seconds east, 265.15 feet to a point; thence north 68 degrees 31 minutes 00 seconds west, 458.96 feet to a point; thence north 66 degrees 41 minutes 41 seconds west, 559.39 feet to a point; thence north 21 degrees 36 minutes 28 seconds east, 366.80 feet to a point; thence south 65 degrees 31 minutes 59 seconds east, 225.00 feet to a point; thence south 49 degrees 40 minutes 59 seconds east, 830.85 feet to a point; thence north 24 degrees 28 minutes 11 seconds east, 210.00 feet to point; thence south 65 degrees 31 minutes 19 seconds east, 1298.43 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

Tom Rowland, Mayor

Shawn McKay, City Clerk



**JANUARY 26, 2018
APD40/HOLLOWAY RD ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 36.70 acres located on APD40/Holloway Rd SW 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 2018.

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.

This property is currently vacant but a portion of the property, approximately 2 acres, is proposed to be used as a gasoline sales facility. The future use of the remainder of the property is undetermined but expected to be commercial or industrial in nature. The property is described as Tax Map 65 Parcel 1.00.

APD40/HOLLOWAY RD**Legal Description**

Beginning at the northeast corner of the lands of Thomas D and Paul Steven Williams, as recorded in BCROD deed book 1325 page 903; thence with the western right of way of Holloway Road south 21 degrees 13 minutes 37 seconds east, 72.50 feet to a point; thence south 28 degrees 7 minutes 29 seconds west, 252.02 feet to a point; thence along a right handed curve $R=525.00'$ $L=471.73'$ $Tan=253.13'$ $Delta=51\text{ degrees }28'56''$ $Ch\ Dir=north\ 53\text{ degrees }51\text{ minutes }57\text{ seconds east Chord}=456.02'$ to a point; thence along a left handed curve $R=450.00'$ $L=344.28'$ $Tan=181.06'$ $Delta=43\text{ degrees }50\text{ minutes }6\text{ seconds Ch. Dir=south }57\text{ degrees }41\text{ minutes }23\text{ seconds west Chord}=335.94'$ to a point; thence south 35 degrees 46 minutes 21 seconds west, 76.42 feet to a point; thence north 66 degrees 23 minutes 43 seconds west, 708.66 feet to a point; thence north 25 degrees 7 minutes 46 seconds east, 372.96 feet to a point; thence north 24 degrees 57 minutes 9 seconds east, 253.74 feet to a point; thence north 25 degrees 5 minutes 54 seconds east, 265.15 feet to a point; thence north 68 degrees 31 minutes 00 seconds west, 458.96 feet to a point; thence north 66 degrees 41 minutes 41 seconds west, 559.39 feet to a point; thence north 21 degrees 36 minutes 28 seconds east, 366.80 feet to a point; thence south 65 degrees 31 minutes 59 seconds east, 225.00 feet to a point; thence south 49 degrees 40 minutes 59 seconds east, 830.85 feet to a point; thence north 24 degrees 28 minutes 11 seconds east, 210.00 feet to point; thence south 65 degrees 31 minutes 19 seconds east, 1298.43 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 minimal cost expected from this annexation.

2. Fire Protection

Cleveland Fire Department service to this proposed annexation could be provided immediately by CFD Station One, then CFD Station Six immediately upon its' completion. Serving this area would not create any additional cost to the CFD.

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

Water, Wastewater, and Fire Protection are currently available to this property. No improvements are necessary to serve this property.

4. Electric Service

This property is presently in Cleveland Utilities' service area and no special expenditures will be required to provide electric service.

5. Public Works

E. 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.

F. 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.
- f. 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)

Revenue

The current property assessment for this property is \$1,216,200. This would result in a total assessed value is \$486,480. The property tax generated from this area in its current condition would be about \$10,021.49 a year.

The area is currently vacant and would not add any additional residents. In addition, there would be no stormwater fee associated with this property at the time of annexation.

The approximate revenue generated because of this annexation at the time of annexation would be about **\$10,021.49**.

If two acres of the property were to be developed into a full service gasoline sales facility then the property tax revenue would be approximately double.

Councilman May moved that Resolution No: 2018-16 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: 2018-17** – Annexing about 36.70 acres located at APD40 and Holloway Rd (Planning Commission: Approved 9-0).

RESOLUTION NO: 2018-17

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

APD40/HOLLOWAY RD SW 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 [On file in the City Clerk's Office.]

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 February 26, 2018.

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 lands of Thomas D and Paul Steven Williams, as recorded in BCROD deed book 1325 page 903; thence with the western right of way of Holloway Road south 21 degrees 13 minutes 37 seconds east, 72.50 feet to a point; thence south 28 degrees 7 minutes 29 seconds west, 252.02 feet to a point; thence along a right handed curve R=525.00' L=471.73' Tan=253.13' Delta=51 degrees 28'56" Ch Dir=north 53 degrees 51 minutes 57 seconds east Chord= 456.02' to a point; thence along a left handed curve R=450.00' L= 344.28' Tan= 181.06' Delta= 43 degrees 50 minutes 6 seconds Ch. Dir= south 57 degrees 41 minutes 23 seconds west Chord= 335.94' to a point; thence south 35 degrees 46 minutes 21 seconds west, 76.42 feet to a point; thence north 66 degrees 23 minutes 43 seconds west, 708.66 feet to a point; thence north 25 degrees 7 minutes 46 seconds east, 372.96 feet to a point; thence north 24 degrees 57 minutes 9 seconds east, 253.74 feet to a point; thence north 25 degrees 5 minutes 54 seconds east, 265.15 feet to a point; thence north 68 degrees 31 minutes 00 seconds west, 458.96 feet to a point; thence north 66 degrees 41 minutes 41 seconds west, 559.39 feet to a point; thence north 21 degrees 36 minutes 28 seconds east, 366.80 feet to a point; thence south 65 degrees 31 minutes 59 seconds east, 225.00 feet to a point; thence south 49 degrees 40 minutes 59 seconds east, 830.85 feet to a point; thence north 24 degrees 28 minutes 11 seconds east, 210.00 feet to point; thence south 65 degrees 31 minutes 19 seconds east, 1298.43 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.

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 the aforementioned property within the City of Cleveland.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Resolution No: 2018-17 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Exhibit B

Legal Description

Beginning at the northeast corner of the lands of Thomas D and Paul Steven Williams, as recorded in BCROD deed book 1325 page 903; thence with the western right of way of Holloway Road south 21 degrees 13 minutes 37 seconds east, 72.50 feet to a point; thence south 28 degrees 7 minutes 29 seconds west, 252.02 feet to a point; thence along a right handed curve R=525.00' L=471.73' Tan=253.13' Delta=51 degrees 28'56" Ch Dir=north 53 degrees 51 minutes 57 seconds east Chord= 456.02' to a point; thence along a left handed curve R=450.00'L= 344.28' Tan= 181.06' Delta= 43 degrees 50 minutes 6 seconds Ch. Dir= south 57 degrees 41 minutes 23 seconds west Chord= 335.94' to a point; thence south 35 degrees 46 minutes 21 seconds west, 76.42 feet to a point; thence north 66 degrees 23 minutes 43 seconds west, 708.66 feet to a point; thence north 25 degrees 7 minutes 46 seconds east, 372.96 feet to a point; thence north 24 degrees 57 minutes 9 seconds east, 253.74 feet to a point; thence north 25 degrees 5 minutes 54 seconds east, 265.15 feet to a point; thence north 68 degrees 31 minutes 00 seconds west, 458.96 feet to a point; thence north 66 degrees 41 minutes 41 seconds west, 559.39 feet to a point; thence north 21 degrees 36 minutes 28 seconds east, 366.80 feet to a point; thence south 65 degrees 31 minutes 59 seconds east, 225.00 feet to a point; thence south 49 degrees 40 minutes 59 seconds east, 830.85 feet to a point; thence north 24 degrees 28 minutes 11 seconds east, 210.00 feet to point; thence south 65 degrees 31 minutes 19 seconds east, 1298.43 feet to the point of beginning.

Councilman May moved that Zoning Ordinance No: 2018-07 be approved on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-08** – Rezoning 1.7 acres, more or less, located at 1996 Westland Dr (Tax Map 50G Group I Parcels 6.00, 7.00, 8.00) from IL Light Industry District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).

Zoning Ordinance No: 2018-08

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 IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District.

Approximately 1.71 acres, more or less, located at Shady Ln and Fulbright Rd NE as shown on the attached map.

For reference, see Book 1002 Page 126 in the Register's Office of Bradley County, Tennessee, and being shown on Tax Map 50G Group I Parcel 6.00,7.00 & 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:

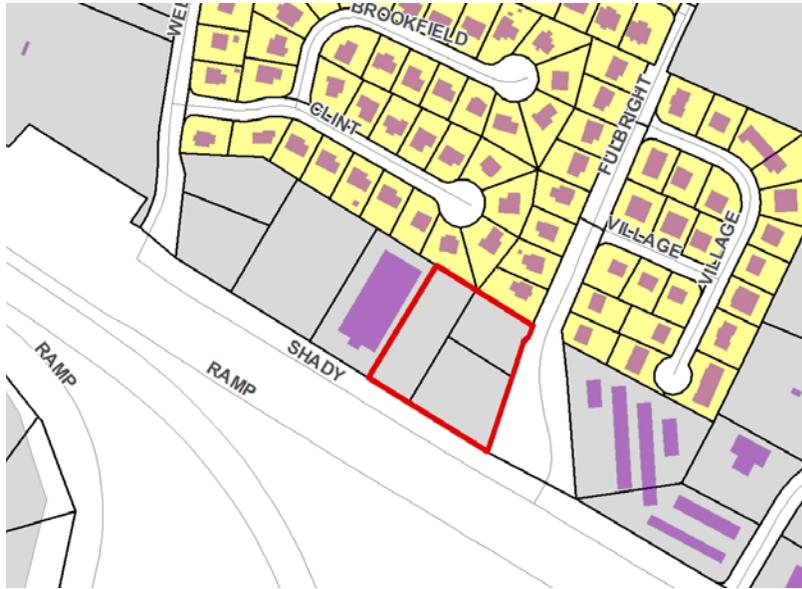
/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit



Councilman Banks moved that Zoning Ordinance No: 2018-08 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-18** – Amending the Personnel Rules and Regulations.

RESOLUTION NO: 2018-18

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 Human Resources Committee, department heads and the City Manager will review the personnel manual and submit any recommended amendments to the City Council for their consideration by the end of February each year; 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 26th day of February, 2018 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 – PERSONNEL POLICIES:

- Subsection C. Coverage: Regarding those exempt from Personnel Rules and Regulations

Delete #6. Persons employed by the City for not more than three (3) months during a fiscal year

Section VI – BENEFITS:

- Subsection D. Sick Leave: Regarding use of sick leave – Revise #3 as follows:
 3. If required to do so when a Supervisor and/or Department Head observes an employee demonstrating signs of illness, thereby creating reasonable concern of an exposure risk to other employees
- Subsection N. Education Reimbursement: Add the following to the beginning of the subsection:

“Upon completion of the required probationary period, employees are eligible to request education reimbursement”

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-18 be accepted as presented. The motion was seconded by Councilman Banks. Councilman Banks then asked if the Human Resource Committee met for the annual review of the policy. Mr. Fivas confirmed they did and made the recommendations listed in the resolution, and additional recommendations will soon follow. Upon roll call, the Resolution unanimously passed.

There being no future business the meeting was adjourned at 3:17 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 12, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. Councilman Charlie McKenzie 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; City Reporter Randall Higgins; Brian Media, Social Media; Nicki Beaty; Jenna Curts; Ken Webb; Duane Schriver; Nicole Quince; Thomas Williams; Carl Lansden; Greg Clark and Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; Larry Bowers with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor John Dalton, 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 26, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland presented the Cleveland Blue Raider Wrestling Team the following proclamation:

“CLEVELAND HIGH SCHOOL RAIDER WRESTLING DAY”

Whereas, the Cleveland High School Blue Raider Wrestling Team has brought home the 2018 TSSAA Tennessee Traditional Wrestling Championship title; and

Whereas, this marks another successful year that Cleveland High has claimed the number 1 championship title in the State; and

Whereas, eight members of the team earned medals in the 2018 state wide event, including Austin Sweeney, 1st place and Trae McDaniel, runner up, and the overall team worked together to claim the championship title; and

Whereas, Coach Joey Knox and his staff have distinguished themselves as coaches who give credit to their wrestlers for their hard work, pursuing their dream, and claim each and every hard earned victory as an outstanding accomplishment by a team of great wrestlers; and

Whereas, Coach Knox has a capable support team of coaches including Nick Soto, Jesse Jones, John Weiss, Niko Brown and Sean Russell,

NOW THEREFORE, I, Tom Rowland, Mayor of the City of Cleveland, Tennessee do hereby declare Monday, March 12, 2018 as “**CLEVELAND HIGH SCHOOL BLUE RAIDER WRESTLING DAY**” in our city and ask all citizens to congratulate this fine group of young men and their coaches for a job well done.

I hereby declare that Coach Joey Knox, his staff and the Raider wrestlers as ambassadors for this City, exemplifying that true spirit of sportsmanship and a winning spirit that is the envy of the State of Tennessee. Congratulations 2018 TSSAA Tennessee Traditional Wrestling Champions—Cleveland High Blue Raiders.

The City Council then joined in to congratulate the members of the wrestling team.

Ms. Denise McNeely addressed the City Council concerning parking in the downtown area. She recently opened a business on North Ocoee Street and has observed a lack of parking for business patrons near the stores. It appears people who work downtown and Lee students are parking in the timed-spots all day. She then asked if the two-hour parking would be re-enforced and what is the future of downtown parking. Chief Gibson stated parking enforcement is difficult because people move their vehicles once the tires have been marked. Ms. McNeely stated she would also be willing to pay for a spot in a nearby parking lot to ensure she'd have a place to park. Mr. Fivas stated parking is something the downtown consultants are aware of and will be conducting a downtown parking analysis and give us some solutions. These suggestions will be given to the City Council. We are looking at options to add 150-175 spaces that would be targeted toward downtown employees, which would open parking to downtown patrons. Mayor Rowland stated having the consultant is a start to correcting the problem.

Mayor Rowland read the following letter:



City of Lawrenceburg

25 Public Square
Lawrenceburg, TN 38464

(931) 762-4459
Fax (931) 762-8829

February 28, 2018

Mayor Tom Rowland
City of Cleveland
P. O. Box 1519
Cleveland, TN 37364-1519

Dear Mayor Rowland:

There are not enough words to describe how amazed and grateful we are for the dedication, compassion, and generosity for all the help and support demonstrated by various persons and agencies during one of the most trying times the City of Lawrenceburg has ever experienced. While there is no doubt Engineer Jason Dickey is a hero, the same is true for each volunteer supporting our city. I have heard it said that there is nothing stronger than the heart of a volunteer, and I have witnessed that first-hand in the last week. Help has ranged from words of support and prayers to manning our stations and protecting our city. These actions demonstrate not only the brotherhood within the fire service, but also compassion toward one's fellow man. With your support, we were able to pay proper respect to Jason and honor his family. Without your help, we would not have been able to keep our community safe. On behalf of the City of Lawrenceburg, we would like to say thank you for your unwavering support and generosity. Please share our gratitude with all who took the time out of their busy schedules to help in this most difficult time.

God bless you and all first responders who give selfishly to keep us safe.

Sincerely,

William K. Durham, Mayor

Chris Shaffer, City Administrator

Chad Moore, Council Member

Jamie Sevier, Council Member

Ronald Fox, Council Member

Robin Williams, Council Member

Mayor Rowland stated he is reappointing Dee Burris to the Planning Commission with a term to expire January 2021.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by Steve and Linda Williams to rezone 1.7 acres, more or less, located on Shady Ln and Fulbright Rd (Tax Map 50G Group I Parcels 6.00, 7.00, 8.00) from IL Light Industry District to R2 Low Density Single and Multi-Family Residential Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by Ben Nelson to rezone approximately 0.66 acres located at 2020 Harle Ave NW and 20th St NW (Tax Map 049E Group B Parcels 5.00 and 6.00) from R1 Single Family Residential Zoning District to PI Professional Institutional Zoning District. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Ordinance No: 2018-04** – heretofore passed on first reading February 26, 2018 and found in Minute Book 29, Page 25; abandoning a portion of unopened right-of-way located between East St NE and Lang St NE (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-05** – heretofore passed on first reading February 26, 2018 and found in Minute Book 29, Page 34; zoning of about 5.3 acres located on Tasso Ln from the unincorporated county to PUD Planned Unit Development Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-06** – heretofore passed on first reading February 26, 2018 and found in Minute Book 29, Page 43; zoning of about 15.68 acres located at 861 Old Chattanooga Pike from the unincorporated county to R1 Single Family Residential Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-07** – heretofore passed on first reading February 26, 2018 and found in Minute Book 29, Page 52; zoning of about 36.70 acres located at APD40 and Holloway Rd from the unincorporated county to IH Heavy Industrial Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-08** – heretofore passed on first reading February 26, 2018 and found in Minute Book 29, Page 53; rezoning 1.7 acres, more or less, located at Shady Ln and Fulbright Rd NE (Tax Map 50G Group I Parcels 6.00, 7.00, 8.00) from IL Light Industry District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).
- **Resolution No: 2018-19** - Authorizing a loan agreement in the principal amount of not to exceed \$10,000,000 for Wastewater Facilities Project (Cleveland Utilities).

AUTHORIZING RESOLUTION NO: 2018-19

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 Cleveland Utilities is a public and governmental body in the City of Cleveland, 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** (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of moneys 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 TEN MILLION Dollars (\$10,000,000), by Tim Henderson, President and CEO of Cleveland UB 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 President of the Cleveland Utilities Board of the Local Government 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 be 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 _____, 2018.

Tom Rowland, Mayor City of Cleveland

WITNESS:

(Affix Seal As Appropriate)

(Name and Title)

- **Resolution No: 2018-20** – Authorizing the Mayor to sign a grant contract amendment for MPO Funds to add consolidated planning grant funds.

RESOLUTION NO. 2018-20

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

Project: Long Range Transportation Planning
Contract Number: Z14MPO004
Agency Tracking Number: 40100-29014
Edison ID Number: 38616

WHEREAS, the purpose of this contract amendment is to add Consolidated Planning Grant funds, and to increase the Grant Contract amount by \$31,430.00; and

WHEREAS, the City Council desires to enter into the attached contract amendment number 2 with TDOT, and to further authorize the Mayor to execute this contract amendment on behalf of the City of Cleveland. [On file in the City Clerk’s Office.]

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 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 12th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-21** – Amended the lease agreement with the Cleveland Amateur Radio Club for the proposed expansion of the building into the ingress/egress easement area.

RESOLUTION NO. 2018-21

WHEREAS, by Resolution 2017-67 passed on September 25, 2017, the City of Cleveland and the Cleveland Amateur Radio Club entered into a Lease Agreement for a tract of land on Johnson Boulevard; and

WHEREAS, a copy of that lease agreement is attached hereto as an Exhibit to this Resolution; and

WHEREAS, the Lessee desires to expand the current building located on the Leased Premises, and after looking at various options, the Lessee desires to expand its building in a general southerly direction a distance of approximately twenty four (24) feet; and

WHEREAS, the current lease between the parties provides that there is an "Ingress/Egress Easement" as depicted on Exhibit A attached to the Lease agreement; and

WHEREAS, the current lease provides in Paragraph 6 that the Lessee shall not be allowed to erect any structures in the Ingress/Egress Easement area; and

WHEREAS, the Lessee has approached the City about the possibility of the Lessee expanding its building into this Ingress/Egress Easement area a distance of between 10 and 11 feet; and

WHEREAS, the City Manager and City staff have reviewed the proposed expansion of the building into the Ingress/Egress Easement area and are of the opinion that the expansion would still leave sufficient space for the Lessor as well as Bradley County Emergency Management Agency to have access to the existing emergency communications tower located on the property; and

WHEREAS, the City Manager has also contacted Troy Spence, the Director of the Emergency Management Agency and requested that he review the proposed building expansion to make sure the proposed expansion would not impair ingress and egress to the existing emergency communications tower; and

WHEREAS, Troy Spence, the Director of the Emergency Management Agency, has advised the City Manager that he has reviewed the proposed building expansion and is of the opinion that the proposed expansion would not impair ingress and egress to the existing emergency communications tower; and

WHEREAS, in view of the foregoing, City staff is recommending that the City enter into a lease amendment with the Cleveland Amateur Radio, upon the terms and conditions set forth in the lease amendment which is also attached to this Resolution; and

WHEREAS, the City Council desires to approve of this lease amendment and to authorize the Mayor to execute the lease amendment 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 lease amendment with the Cleveland Amateur Radio Club.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the lease amendment on behalf of the City of Cleveland. [On file in the City Clerk's Office.]

This 12th day of March, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-25** – Authorizing the Mayor to sign a grant application for the High Visibility Enforcement Grant (\$5,000; to purchase cameras, computer and lighting supplies).

RESOLUTION NO: 2018-25

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY
FOR A GRANT THROUGH THE GOVERNOR’S HIGHWAY SAFETY PROGRAM**

WHEREAS, the Cleveland Police Department would like to apply for the Governor's Highway Safety - High Visibility Enforcement Grant; and

WHEREAS, the grant is for one year beginning October 1, 2018, and based upon the grant’s program requirements, the City, if approved, would be eligible for up to a maximum of \$5,000 of grant funding which would be used by the Cleveland Police Department to purchase supplies for cameras, computers and lighting; and

WHEREAS, the City Council desires to apply for this grant, and to authorize the Mayor to sign all documents that may be necessary or appropriate in connection with the grant application.

NOW, THEREFORE, BE IT RESOLVED that the City of Cleveland is hereby authorized to apply for funding through this grant program, and the Mayor is hereby authorized to sign all documents that may be necessary or appropriate for the completion of the grant application.

Approved this 12th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Surplus Property** – Declaring certain items from Parks & Recreation to be surplus and sold on GovDeals.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: March 6, 2018
SUBJECT: Surplus Equipment

I respectfully request the City Council declare the following items surplus and to be sold on GovDeals:

- 1998 DODGE W2500 TRUCK – Vin# 3B7KF22Z3WG222793
- 1993 TOYOTA TRUCK – Vin# JT4RN01P6P7059365
- 2002 NEW HOLLAND TS100 Tractor – Vin# 166112B

These items will be placed on Govdeals with a minimum bid set.

Councilman Hughes moved to approve the Consent Agenda. The motion was seconded by Councilman Cassada. Councilman Banks inquired about the minimum bid on the Holland tractor. Ms. Carroll replied it has not been established from Fleet Department yet, but when posted a minimum bid will be listed. Upon roll call, the motion to approve the consent agenda was unanimously passed.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Johnson stated he received a phone call concerning the downtown parking issue. He then asked if there was a way to reserve parking in a public parking lot. Mr. Fivas suggested to allow the consultants to complete their study and make suggestions to correct the problem. Vice Mayor Johnson then inquired about Julian Drive. Mr. Fivas stated there will be a presentation at the next meeting. We are looking at budget numbers, as well as solutions.

Councilman Estes asked for Bryan Turner to provide, at the next meeting, an update on all of Joe V. Williams' properties.

Councilman Cassada asked if it was uncommon for cities to have different parking times, like one-hour or two-hour. Is it due to congestion? Mr. Fivas responded downtown parking is different every place you go. There are different solutions and ours could possibly be educating the businesses and employees, to keep the spaces open for patrons but also to have a place for the employees to park. Having our consultant give us our best parking strategy is our best option.

Councilman May asked Mr. Fivas when he felt we could begin receiving information back from the consultants. Mr. Fivas stated we have met and are ready to begin an advisory committee. The consultants are currently working and at the next meeting he will provide a timeline so they will know what to expect.

Councilman Banks stated the Arnold School flag pole ceremony place last week and through efforts of Lee University, Tri-Con, Historic Neighborhood, Woodman, Allan Jones Foundation, the McReynolds Foundation the project was completed. He personally wanted to thank Kim Griffin, President of the Historic Cleveland Neighborhood Association who spear-headed and coordinated everything. He then moved to send her a letter of appreciation for her hard work from the City. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Mr. Fivas stated at the next meeting he will provide an outline of what the process will look like with the downtown consultants and then on April 9, they will be here to ask questions about your priorities and what they should be working on. It will be a good session to communicate with them.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

RESOLUTION NO: 2018-22

WHEREAS, the City Council of the City of Cleveland, Tennessee, passed Resolution No. 2009-38, on April 13, 2009, expressing the intent of the City of Cleveland to jointly participate with Bradley County to fund a Veterans Home in Bradley County with the City and Bradley County each committing \$2,010,010 for this project; and

WHEREAS, the City Council of the City of Cleveland, Tennessee later reaffirmed its commitment to the project with the passage of the following Resolutions and Motion, specifically Resolution No: 2012-89 passed on July 23, 2012; a Motion passed on July 14, 2014; and by Resolution 2016-51 passed on May 23, 2016; and

WHEREAS, the State of Tennessee has now requested that the City Council pass a resolution reaffirming its commitment to the project and to add a specific expiration date of September 1, 2020 to the commitment; and

WHEREAS, the City Council desires to reaffirm the content of Resolution No: 2009-38 passed on April 13, 2009; Resolution No: 2012-89 passed on July 23, 2012; the Motion passed on July 14, 2014; and Resolution 2016-51 passed on May 23, 2016 in all respects; and

WHEREAS, as requested by the State of Tennessee, the City Council desires to adopt a new resolution to reaffirm its commitment to the project and to add an expiration date of September 1, 2020, for its pledge for the construction of the Veterans Home to be located in Bradley County.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City of Cleveland hereby reaffirms the content of Resolution No. 2009-38 passed on April 13, 2009; Resolution No: 2012-89 passed on July 23, 2012; the Motion passed on July 14, 2014; and Resolution 2016-51 passed on May 23, 2016 in all respects.

BE IT FURTHER RESOLVED that the City hereby adds an expiration date of September 1, 2020, to its commitment for this project.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to send a letter to the State reaffirming the City’s commitment to the project.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-22 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

RESOLUTION NO. 2018-23

WHEREAS, City representatives have been in discussion with Bradley County representatives concerning the attached Interlocal agreement between the City and the County in connection with the annexation of a portion of a parcel of property owned by D&S Custom Homes LLC, which parcel is located off Old Chattanooga Pike SW, and which is generally described as Tax Map 65J Group E Parcel 016.00; and

WHEREAS, the Bradley County Commission approved of this Interlocal agreement at its voting meeting on March 5, 2018; and

WHEREAS, the City Council desires to approve of this Interlocal Agreement with Bradley County; and

WHEREAS, the City Council further desires to authorize the Mayor to execute the Interlocal agreement with Bradley County 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 between the City of Cleveland and Bradley County.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Interlocal agreement on behalf of the City. [on file in the City Clerk’s Office.]

This 12th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Cassada moved that Resolution No: 2018-23 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. 2018-24

WHEREAS, City representatives have been in discussion with Bradley County representatives concerning the attached Interlocal agreement between the City and the County in connection with the annexation of a parcel of property owned by Paul Steven Williams *et al*, which parcel is located off APD40/Holloway Road, and which is generally described as Tax Map 65 Parcel 001.00 ; and

WHEREAS, the Bradley County Commission approved of this Interlocal agreement at its voting meeting on March 5, 2018; and

WHEREAS, the City Council desires to approve of this Interlocal Agreement with Bradley County; and

WHEREAS, the City Council further desires to authorize the Mayor to execute the Interlocal agreement with Bradley County 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 between the City of Cleveland and Bradley County.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Interlocal agreement on behalf of the City.

This 12th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-23 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

Zoning Ordinance No: 2018-09

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 R1Single-family Residential District to PI Professional Institutional Zoning District

Approximately 0.66 acres, more or less, located on Harle Avenue and 20th Street NW as shown on the attached map and identified as Tax Map 49E Group B Parcels 5.00 & 6.00, containing a home addressed as 2020 Harle Avenue, being the same property described in a Warranty Deed from Nancy Arnold Childers to Joseph A. Nelson and wife Pansy Nelson in Bradley County Registers Deed Book 193 pages 691-692, as Lot Numbers Fourteen (14), Thirteen (13), Twelve (12), and the South Twenty-three feet of Lot Number Eleven (11) in Block "D" of the Fike & Shelton Addition to the City of Cleveland as shown in Plat Book 1, page 106 in the Bradley County Registers Office.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk



Councilman Estes moved to deny Zoning Ordinance No: 2018-09. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Mayor Rowland stated the Bill Norwood marker at 1st Street Square will be placed in a few weeks and ceremony will be announced. He also mentioned flag pole and solar light will be coming soon to 1st Street Square.

There being no future business the meeting was adjourned at 3:39 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 26, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. Vice Mayor Avery Johnson 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; City Reporter Randall Higgins; Brian Moran, Social Media; Nicki Beaty; Jenna Curts; Ken Webb; Duane Schriver; Roger Jenne; Carrie and Brian Workman; Susie Gilbert; Jaime Harper; Bill Chandler; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Stan Gibson, the following business was then entered into:

Councilman Banks moved to excuse Vice Mayor Johnson from today's meeting. He is attending the TML Legislative meeting. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mayor Rowland introduced the Mayor of the Day Olivia Workman. Olivia is the daughter of Brian and Carrie Workman. She is the oldest of four children, two sisters and a baby brother. She is the granddaughter of Jim and Marilyn Workman. Olivia was chosen due to her community services through Christmas Empty Stocking Fund. This past year she shopped and wrapped for children, alongside her mom, dad and sister Jules. Olivia gave many volunteer hours and was a very dedicated shopper, carefully selecting each gift she purchased. Her middle name is Christmas – but not because she was born in December, it's her mother's maiden name. Her mom Carrie is a noted photographer in this area and father Brian is associated with Bender Realty. Her grandparents, Jim and Marilyn have been long time volunteers with our shopping for children plus the Bender Realty team always helps with wrapping of gifts and volunteering for the big Empty Stocking Fund party. It's easy to see why Olivia has a volunteer spirit.

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 March 12, 2018 and approve them as written. The motion was seconded by Councilman Banks; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by Gilbert Real Estate to rezone approximately 1.22 acres located on Church St NE and 20th St NE from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning. Mayor Rowland asked if anyone would like to speak in favor of the approval of the rezoning. Mr. Harper stated the existing building is multi-family dwellings but the tax maps show the zoning as R1, but everything located on the property is R3. We were advised, before any improvements were made, we should correct the zoning. Councilman May stated it is existing properties. Councilman Estes asked when the house was split. Mr. Harper stated he wasn't sure of the exact time, but at least 10 years ago. Councilman Estes then asked if there were 2 meters. Mr. Harper replied he wasn't sure but believed so. Mayor Rowland asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Councilman Hughes introduced John Sheehan and asked him to speak regarding having a dog friendly city. Mr. Sheehan’s donations for the Dog Park are what made it possible. Mr. Sheehan thanked the Council and continued he understands the Dog Park is a great success. We can become a more-friendly dog city by building another dog park, dog artwork and activities for animals to participate in. We are excited to have one park and another park, in another part of town, would be a good idea since Cleveland is so spread out. Councilman Hughes then thanked Mr. Sheehan for his support of the dog park and helping making it possible.

Mayor Rowland welcomed Councilman McKenzie back and is glad he is on the mend.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage – Motion to Deny Zoning Ordinance No: 2018-09** – heretofore denied on first reading March 12, 2018 and found in Minute Book 29, Page 65; rezoning approximately 0.66 acres located at 2020 Harle Ave NW and 20th St NW (Tax Map 049E Group B Parcels 5.00 and 6.00) from R1 Single Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Motion to Deny 9-0).
- **Resolution No: 2018-26** – Authorizing the Mayor to sign an agreement with Stantec Consulting Service Inc., for drainage and intersection improvement near Candies Lane/Inverness Drive.

RESOLUTION NO. 2018-26

WHEREAS, the City development and engineering department has determined that it is necessary to obtain professional engineering services in connection with drainage and intersection improvements near Candies Lane and Inverness Drive (hereafter "the Project"); and

WHEREAS, in connection with said project, the City's development and engineering department is recommending that the City enter into the attached professional engineering services agreement with Stantec Consulting Services, Inc.; and

WHEREAS, the City Council now desires to accept the proposed agreement with Stantec Consulting Services, 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 agreement with Stantec Consulting Services, Inc. for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 26th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-27** – Authorizing the Mayor to sign an agreement with CDM Smith, Inc. to provide consulting services for the development of the City’s Multi-Sector Stormwater Permit submittal package for the Cleveland Hill Street Site.

RESOLUTION NO. 2018-27

WHEREAS, the City development and engineering department has determined that it is necessary to obtain professional engineering services in connection with the City's application for and the obtaining of a Tennessee Stormwater Multi-Sector Permit in connection with the City's Hill Street Borrow pit and brush grinding activities (hereafter "the Project"); and

WHEREAS, in connection with said project, the City's development and engineering department is recommending that the City enter into the attached professional engineering services agreement with CDM Smith, Inc.; and

WHEREAS, the City Council now desires to accept the proposed 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 agreement with CDM Smith, Inc. for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 26th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Surplus Property** – Declaring a 1990 Case 495 Tractor from Parks & Recreation to be surplus and sold on GovDeals.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: March 21, 2018
SUBJECT: Surplus Equipment

I respectfully request the City Council declare the following item surplus and to be sold on GovDeals:

- 1990 CASE 495 Tractor – Vin# JJE0012243

This item will be placed on GovDeals with a minimum bid of \$750.

- **Update Surplus Property** – Equipment sold on GovDeals.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: March 21, 2018
SUBJECT: Surplus Equipment - Update

The following items were sold on GovDeals for the following amounts:

- 1998 DODGE W2500 TRUCK – \$1,685.00
- 1993 TOYOTA TRUCK – \$2,010.00
- 2002 NEW HOLLAND TS100 Tractor – \$7,826.00

Total revenue of \$11,521.00 will applied toward future equipment purchases.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes asked if Tad Bacon would review the entrance at Bradley Square Mall on North Lee Highway, near Don Ledford for a possible red light. He feels it is a dangerous area and hopefully a light would be warranted.

Councilman Banks stated during the break he found that Joe V. Williams has paid over \$7,200 in fines. Councilman May asked what is the status of the properties now. Mr. Kimball stated the properties are still in the administrative process. Mr. Williams appealed and until the Chancellor makes a ruling we are in limbo. Councilman Banks then asked about the status of the recycling center on South Lee Hwy. Mr. Divel stated Attorney Travis Henry has sent a letter to the owners and they are aware of the deadline. Councilman Banks continued that Martha Ledford asked him about sidewalks along South Lee Hwy and we should make improvements to the south end of town now that we have the new Mayor Rowland Interchange.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

Zoning Ordinance No. 2018-10

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 R1Single-family Residential District to R3 Multi-Family Residential Zoning District

Approximately 1.22 acres, more or less, located on Church Street NE and 20th Street NE as shown on the attached map and identified as Tax Map 49E Group G Parcels 16.00 & 16.01, being the same property described as Tract One and Tract Two in a Warranty Deed from Walter H. Davis, Jr. and wife Linda Davis, as shown in Bradley County Registers Deed Book 2498, pages 354-356.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk



Councilman May moved that Zoning Ordinance 2018-10 be accepted as presented. The motion was seconded by Councilman Hughes. Councilman Banks stated this shows the importance of public meetings because he wasn't aware this was already a duplex. Councilman May stated there was no opposition at the Planning Commission and it had been grandfathered in. Councilman Estes made a substitute motion to send this item back to the Planning Commission for further review. The motion died for lack of a second. Councilman Estes then stated he feels the information packet received was incomplete. When was it grandfathered in? When was it split into two units? Are there two meters? Councilman May stated he remembers at one time it was just one deed, one person. Councilman Estes feels this is opening up a door. If it is grandfathered in, just leave it be. Making this R3 will change what can happen to the property. Councilman May stated if you have someone trying to improve the property, borrow money, the zoning is their ticket. Councilman Estes stated we don't even know the number of meters. He is not against it but feels we need additional information. Upon roll call, Councilmen May, Hughes, McKenzie, Cassada and Banks voted aye. Councilman Estes voted no. The motion passed 5:1.

The following Resolution was then presented in full:

RESOLUTION NO. 2018-28

WHEREAS, the City is proceeding with a project generally described as Fire Hall Number 6 which will be located at or near Westland Drive; and

WHEREAS, River Street Architecture, LLC has been providing professional architectural services for the project; and

WHEREAS, a contract amendment from River Street Architecture, LLC for this project is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council desires to accept this contract amendment with River Street Architecture, LLC for this project and to authorize the Mayor to execute this contract amendment with River Street Architecture, LLC 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 with River Street Architecture, LLC for the referenced project, and the City Council further authorizes the Mayor to execute the contract amendment on behalf of the City of Cleveland. [Increases the contract amount from \$57,500 to \$68,752.50].

This 26th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-28 be accepted as presented. The motion was seconded by Councilman Estes. Councilman Banks and Cassada asked for additional information. Ms. Carroll stated this is for additional design work needed for the Firehall. Chief Harrison stated because of the soil not being stable enough to pour a footing the design had to be changed to move the engine bay to the opposite side. Councilman Banks asked about the cost. Chief Harrison replied it is going from \$57,500 to \$68,752.50. Councilman Estes asked if the contingency line would absorb this additional cost. Mr. Fivas stated no, the contingency line was used with the bad soil. The additional amount is above what is budgeted. Upon roll call, the motion unanimously passed.

Chief Harrison then presented the following information concerning the proposed Fire Training Tower purchase.



Training Facility
Existing training tower

- Specifications
 - Located at 701 Weeks Drive
 - Constructed in 1987
 - 20' x 20' block building
- Condition
 - The second floor is structurally unsafe—Deterioration has occurred due to age, heat, and moisture.
 - Inspection determined that significant safety concerns are present—Dodd Engineering July 18, 2014





Training Facility

Departmental Needs

- Location for ongoing training
 - Each company averages eight hours of training per week
- Technical Rescue training
 - Safe venue to conduct specialized training
- Recruit Academy
 - Sufficient facility/props to develop basic skill sets
- Location suitable for annual fit-for-duty testing



Training Facility

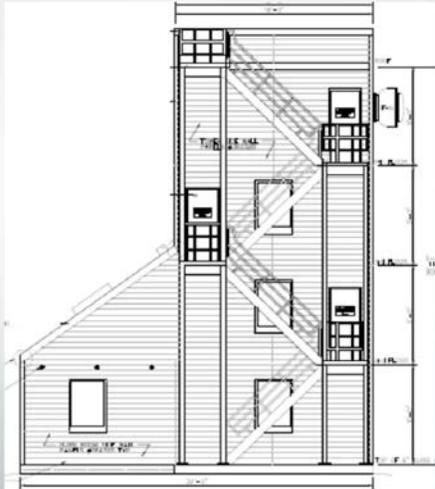
ISO Requirements

- Smoke Room (Live burn area)
- Three Stories
- Minimum of two acres

Training Tower

Proposed Design Features

- 3 Story tower with attic space
- Exterior Staircase
- Interior Staircase
- Attached 1.5 story annex with burn room
- Built-in smoke distribution system



Proposed Location Fulbright Rd



Training Facility

Projected Cost

Site Preparation	\$284,804
Electrical Service	\$3,000
Tower Material Package	\$191,887
Erection Cost	\$145,340
Project Total	\$625,031
15% Contingency	\$93,754
High-end Projected Cost	\$718,786

Chief Harrison then stated funds to erect the structure will not be available until July 1 but we do have funds to order the tower package and specify a material delivery date. It will take approximately 14-16 weeks to construct the tower. Councilman Cassada inquired about funding. Mr. Fivas stated we do have funds to make the initial purchase between both fiscal years and

Chief Harrison has been asked not to go over the project total. Councilman Cassada asked why there is only one quote. Chief Harrison replied we will get bids on every part of the project. The tower itself, I'm sure you can go out and get an architect to design a fire training tower and build it, but to my knowledge this Fire Facilities is the only company that designs this. Councilman Cassada stated the only one that does this in the United States, North America? Ms. Carroll stated it is on GSA, which is General Services Agreement, and has already been bid out throughout the State. Councilman Cassada stated he felt there could be an opportunity to save money on materials. Ms. Carroll stated this is a complete package. Chief Harrison added GSA bids the projects, so we know we are getting the best price by going with GSA. Councilman Cassada replied for example, the smoke generator 7600cfm is listed at \$6,563.75. He found online a smoke generator 60,000cfm for \$2,100 and free shipping. He still feels there is an opportunity to save money and there could be opportunities in the southeast area to purchase this. Chief Harrison asked them to keep in mind we are buying their engineering services, their expertise, they designed this and the parts are precut and predesigned. Councilman Cassada asked if a decision had to be made today and how can we look for cost savings. Councilman Estes stated in his opinion, somethings are not fair to ask of city staff. Councilman May stated what we are building this is a 50-year facility. Councilman Cassada asked if other cities have used this company. Mr. VanDusen stated Nashville and Murfreesboro have just completed work through them. Councilman May stated we are building for the future. Councilman Cassada stated he is not debating the building, just the components and if there could be a cost savings, which could go a long-way. Councilman May asked if we can approve it today and Chief Harrison check on a possible savings. Chief Harrison stated he'd be happy to check. Councilman Cassada stated that is all he asks. Ms. Carroll stated they can ask if items can be removed but it's bid in certain perimeters, but she will check with the company.

Councilman May then moved to approve the purchase of the fire training tower materials. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed. Mr. Fivas added that we are using apparatus money and once the old tower site is sold, that money will be placed back into the apparatus line item.

MEMO

TO: MAYOR & CITY COUNCIL
FROM: MELINDA B. CARROLL
DATE: MARCH 21, 2018
SUBJECT: FIRE TRAINING TOWER MATERIALS

Attached is a detailed list of all materials required for the construction of the Cleveland Fire Department's training tower. The materials will be purchased from L.N. Curtis & Sons which is on a GSA contract # GS-07F-0043L; at a total cost of \$191,886.96.

The training towers proposed location will be located at the City's Public Works Fleet Facility which is located on Fulbright Road.

L.N.CURTIS & SONS

TOOLS FOR HEROES® since 1929

L.N. CURTIS & SONS
U.S. GOVERNMENT DIVISION
1800 PERALTA STREET
OAKLAND, CALIFORNIA 94607
Phone: 888-950-6677
Facsimile: 510-446-2224
Website: www.lncurtis.com
Email: GOVTSALES@LNCURTIS.COM

Small Business
CAGE Code: 5E720
DUNS#: 009224163
Fed ID#: 94-1214350
CCR Registration Status: Current & Active
GSA Contract: GS-07F-0043L
DLA Fire & Emergency Services Prime Contractor

U. S. GOVERNMENT QUOTATION QUOTATION #: 1152018

DATE	1/15/2018	TERMS	Net 30 or Impac Card	F.O.B.	Cleveland, Tn.	SHIP APPROX.	150	DAYS ARO
TO:	Cleveland Fire Department 555 South Osceola Street, SE Cleveland, Tn 37311			NOTES:	GSA PROPOSAL			
Fax								
Phone								
E-Mail								
<p>THANK YOU FOR THE OPPORTUNITY TO QUOTE. WE ARE PLEASED TO OFFER REQUESTED ITEMS AS FOLLOWS. IF YOU HAVE QUESTIONS, NEED ADDITIONAL INFORMATION, OR WOULD LIKE TO PLACE AN ORDER, PLEASE CONTACT L.N. Curtis & Sons at 888-950-6677 or GOVTSALES@LNCURTIS.COM</p> <p>L.N.CS' offer is contingent upon receiving timely Customer Furnished Information (CFI) as may be required for order fulfillment and prior to order acceptance. Such CFI includes, but is not limited to garment sizing, product colors, fabric types, and the selection and placement of options and accessories. All prices quoted are subject to applicable taxes.</p>								
QUANTITY	PART NUMBER	DESCRIPTION			UNIT PRICE	TOTAL		
		THE FOLLOWING ARE PER GSA SCHEDULE GS-07F-0043L						
1	WH-3S	<p>Wesco Model WH-3S Lieutenant Tower: 18'L x 16"W x 34'H Flat Roof Parapet Roof Guard with Chained Opening Interior Stair to 3th Floor Interior Fixed Ladder, 3th Floor to Attic (1) 3' x 7' Exterior Steel Doors (1) 3' x 7' Interior Steel Door (8) 3' x 4' Window Openings with Steel Shutters (2) 2'6" x 3' Window Opening with Steel Shutters (1) 4' x 4' roof chop out curb</p> <p>Burn Room Annex: 14'L x 16"W x 25'H X 9'H Roof: ½" X 12" Single pitch (1) 3' x 7' Exterior steel door (3) 3' x 4' Window openings with steel shutters (1) Westec™ Insulation System (1) Scout Temperature Monitoring System</p>			\$108,811.03	\$108,811.03		

SERVING THE U. S. FEDERAL GOVERNMENT WITH FIRE PROTECTION & SAFETY EQUIPMENT

L.N.CURTIS & SONS

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U.S. GOVERNMENT DIVISION
1800 PERALTA STREET
OAKLAND, CALIFORNIA 94607
Phone: 888-950-6677
Facsimile: 510-446-2224
Website: www.lncurtis.com
Email: GOVTSALES@LNCURTIS.COM

Small Business
CAGE Code: 5E720
DUNS#: 009224163
Fed ID#: 94-1214350
CCR Registration Status: Current & Active
GSA Contract: GS-07F-0043L
DLA Fire & Emergency Services Prime Contractor

1		Exhaust Fan	\$2,345.39	\$2,345.39
.9		Fire Escape, 40' tall, 5th floor	\$32,432.50	\$32,432.50
1		Forcible entry/Power door jamb door	\$3,843.84	\$3,843.84
1		Ladder hook bar, 10'6"	\$307.86	\$307.86
(1)		Delete Ladder interior, 10'	(\$1,310.40)	(\$1,310.40)
1		Ladder ships, 10'	\$3,322.92	\$3,322.92
10		Movable wall panels with working door	\$323.50	\$3,235.00
1		Movable Wall Panel with working door	\$833.66	\$833.66
6		Rappelling anchors	\$285.38	\$1,712.28
1		Rappelling Railing System	\$1,451.34	\$1,451.34
.9		Risor system with FDC, 4 story	\$3,907.17	\$3,907.17
1		Roof Hatch, 2'6" X 4'6"	\$2,020.14	\$2,020.14
1		Smoke distribution system, 6 outlet	\$4,246.50	\$4,246.50
1		Smoke generator, 7600cfm	\$6,563.75	\$6,563.75
OPEN MARKET OPTIONS				
1		Tower height increase and added slope roof/attic to annex	\$11,380.98	\$11,380.98
1		Shipping	\$6,783.00	\$6,783.00
1		TOTAL		\$191,886.96

SERVING THE U. S. FEDERAL GOVERNMENT WITH FIRE PROTECTION & SAFETY EQUIPMENT

The following Resolution was then presented in full:

RESOLUTION NO: 2018-29

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 Human Resources Committee, department heads and the City Manager will review the personnel manual and submit any recommended amendments to the City Council for their consideration by the end of February each year; 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 26th day of March, 2018 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 VI – BENEFITS

- Subsection C. Annual Vacation with Pay:

Begin section “Vacation will be granted to regular employees on a monthly basis depending on their length of service and based on the anniversary of their hire date.”

Revised Accrual Schedule: Employees Working a 40-Hour/Week Schedule:

Years of Service	# of Vacation Days	# of Vacation Hours	# of Vacation Hours/Month
0 – 1	5	40	3.33
1 – 5	10	80	6.67
5 – 10	15	120	10.00
10 – 15	17.5	140	11.67
15 - 20	20	160	13.33
20 +	25	200	16.67

Revised Accrual Schedule: Employees Working a 24/48 Hour Schedule:

Years of Service	# of Vacation Days	# of Vacation Hours	# of Vacation Hours/Month
0 – 1	2.33	56	4.67
1 – 5	4.67	112	9.34
5 – 10	7.00	168	14.00
10 – 15	8.165	196	16.34
15 - 20	9.33	224	18.67
20 +	11.67	280	23.23

Section VIII – MISCELLANEOUS POLICIES

- Subsection C. Social Media Policy:

The City of Cleveland recognizes the importance social media has in improving communication and interaction with the public while reaching new and broader audiences from traditional media sources. The City supports an appropriate use of social media outlets to create, share, and exchange information and ideas with the public to promote the goals of the City and expand traditional communication methods.

Purpose

The purpose of this policy is to provide guidelines for social media uses for the City of Cleveland. The City's use of social media is intended to convey information about the City and its events, activities, projects, programs and information to the public for dissemination.

For purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples of social media include but are not limited to: Facebook, blogs, RSS, YouTube, Snap Chat, Twitter, LinkedIn, discussion forums, and online collaborative information and publishing systems that are accessible to internal and external audiences (i.e. wikis, including Wikipedia).

This policy also ensures that the City's social media outlets maintain the professional image of the City of Cleveland and meet legal standards.

Scope

This policy applies to City of Cleveland employees. Employees who violate the terms of this policy are subject to discipline up to and including termination.

This policy does not apply to an individual employee or official's personal use of social media. Please refer to the City's Technology's Policy contained in the City's Personnel Rules and Regulations on Acceptable Uses of Technology i.e. Facebook, Twitter, Instagram.

Administration of Social Sites

The Social Media Relations/Grants Coordinator or City Manager's designee must be able to immediately add, edit or remove content from all City sanctioned social media sites/accounts, including but not limited to access in a crisis situation. The Social Media Relations/Grants Coordinator or City Manager's designee will:

1. Maintain a list of social media tools that are approved for use for City business.
2. Maintain a registry of all City social media accounts, including log-in and password information.

3. Monitor content on City social media sites to ensure compliance with the City's Social Media Policy and the interests and goals of the City.
4. Create style and usage standards for specific social media tools as appropriate.
5. Work directly with departments to coordinate social media strategies and tactics, including digital communications for specific events and programs.
6. Set standards for measuring effectiveness of social media, working with departments to establish reporting techniques and success metrics.
7. Accounts inactive for 30 days will be subject to deactivation.

Departments Heads may designate an employee(s), or any person acting on behalf of the department, as persons authorized to establish, monitor, and publish information to social media sites.

Employee Responsibilities

Any Employee authorized to post items on any of the City's social media sites shall review, be familiar with, and comply with the City's Social Media Policy, the social media sites' use policies and terms and conditions and any related guidelines issues by the Social Media Relations/Grants Coordinator or City Manager's designee. By posting on the City's sites, an employee may be granting to the City an irrevocable, perpetual, non-exclusive license to use and distribute content for any purpose, commercial, advertising, or otherwise.

Any employee authorized to post items on any of the City's social media sites shall sign a document stating they have read and understand policy guidelines. Postings on any of the City's social media sites shall be by an authorized City employee designated by the Department Head and approved by the City Manager and shall only reflect the views or concerns of the City.

General

At this time, social media use will be routed through the Social Media Relations/Grants Coordinator or City Manager's designee to maintain consistency and accuracy of content across departments and city wide. All new social media sites or administrative changes to existing sites shall be managed by the Social Media Relations/Grants Coordinator or City Manager's designee and approved by the City Manager.

1. The City will utilize social media to engage, build relationships with, and provide useful information to the City's residents, partners and stakeholders. To build awareness of the City's mission through providing relevant and timely information and opportunities for interaction.
2. Our goals in using social media include:
 - a. Expanding visibility and outreach;
 - b. Increasing credibility with the public by posting credible, relevant information and transparency;
 - c. Creating a media presence that positively promotes the City and or its departments and programs;
 - d. Increasing engagement with residents/visitors/businesses/stakeholders/members;

- e. Disseminating time-sensitive information efficiently and quickly.
3. The City's website (www.clevelandtn.gov) is the City's predominate internet presence.
 - a. Where appropriate, content posted to City social media sites will also be available on the City's official website.
 - b. Where appropriate, content posted to City social media sites should contain links directing users back to the City's official website for further information and services.
4. All official social media presences are to be listed on the City of Cleveland website to assist the public in identifying official social media presences.
5. Accounts and pages should, where possible, feature the official City of Cleveland name and logo. The City's social media platforms are also encouraged to use the official City of Cleveland Graphic Identity Standards for color, logo, seal, type font, marks, etc.
6. All City social media sites shall comply with usage rules and regulations provided by the site provider, including privacy policies as well as local, state and federal laws.
7. The City reserves the right to terminate any City social media site at any time without notice.

Creating Social Media Accounts

Staff must obtain their Department Head's and Social Media Relations/Grants Coordinator or City Manager's designee approval prior to creating a social media site or account before an official request to the City Manager is made.

Before creating a social media site or account, the Department Head will consider whether social media is appropriate and/or useful to the Department.

All City social media sites shall utilize official City contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting up, monitoring or updating a City social media site.

All City social media sites directly or indirectly representing that they are an official site or statement of the City must be created pursuant to this policy and be approved by the City Manager or a designee appointed in writing by the City Manager.

Content Guidelines for Third Parties

The content of the City of Cleveland social media sites shall pertain to City sponsored or City endorsed programs, services and events or other content as approved by the City Manager or designee. Content includes but not limited to information, photographs, videos and hyperlinks.

The City reserves the right to restrict or remove any content that is deemed to be inappropriate or inconsistent with this policy. Content prohibited on the City's social media includes, but is not limited to, the items listed below:

1. Personal information or attacks of any kind;
2. Language that is profane, obscene, threatening, or harassing;
3. Obscene images;
4. Content that promotes, fosters, disparages, or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, marital status, status with regard to public assistance, disability status, national origin, physical or mental disability or veteran status;
5. Content meant to threaten or defame any person or organization;
6. Content that is hateful, incites violence, or is harassing;
7. Conduct of illegal activity;
8. Sexual content or links to sexual content;
9. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
10. Information that may compromise the safety or securing of the public or public system;
11. Links to third party sites and platforms; or
12. Content that violates a legal ownership interest of any other party.

These guidelines shall be posted as a disclaimer and are made available on the city's website.

Rights and permissions must be secured before posting, sharing or distributing copyrighted materials, including but not limited to: music, art, copyrighted photographs or texts, portions of copyrighted video, or information considered proprietary by a City employee, vendor, affiliate or contractor. Authorized employees must secure written permission prior to using/incorporating any copyrighted or proprietary materials except when such material is covered under Fair Use provisions.

An employee must not post content on City sites and platforms that might be embarrassing to an individual or that could be construed as placing a customer, employee or other individual in a negative or false light. An employee must not post content that might cause someone to believe that his/her name, image, likeness or other identifying aspect of his/her identity is being used, without permission, for commercial purposes. Employees shall not post any content to a city's social media site or platform for their financial gain or for the financial gain of any other person or entity. A City employee posting on a City social media site or platform shall take reasonable care not to disclose any confidential information in any posting.

Public Records

All City social media sites and platforms are subject to the Tennessee's Public Records Act (T.C.A. § 10-7-101, et seq.), and no social media site or platform shall be used to circumvent or otherwise violate this law. All lawful records requests for information contained on a City social media site or platform shall be directed to the (the City Clerk's Office) and will be fulfilled by any employee whose assistance is necessitated. Every social media site or platform shall contain a clear and conspicuous statement referencing the state law. All official postings on a City social media site or platform shall be preserved to the

extent possible in each platform in accordance with any applicable retention policy. All City social media sites shall comply with all other applicable City policies, including the City's Technology Policy.

A social media site or platform shall also contain a clear and conspicuous statement that the purpose of the site or platform is to serve as a mechanism for communication between the City and its citizens/customers and that all postings are subject to review and deletion by the City, to the extent permitted by law. City of Cleveland social media sites and platforms shall include a disclaimer notifying the public that their images may be captured and included on the sites and platforms.

- Subsection J. Use of City Vehicles and Equipment: Revise 2nd from last paragraph to read:

“Vehicles and equipment shall be marked with a City insignia and equipped with GPS unless it is for de minimus use and approved by the City Manager

- Subsection N. Inclement Weather and Hazardous Conditions

Revise subsection to read:

During inclement weather situations, the City will make every effort to maintain normal work hours to provide City services. Partial or full-day closings of City administrative offices may be authorized by the City Manager, or the designee, as a result of inclement weather causing hazardous road conditions and other emergency circumstances. The City Manager, or the designee, with consultation from the department heads will determine which departments will provide essential services during inclement weather with as much notice as possible.

If an inclement weather period is determined, the Department heads, Police Chief, and Fire Chief will determine which specific staff is essential for each event. Generally, most inclement weather periods are the times where City administrative offices are closed during usual business hours. However, during extreme inclement weather situations where there is prolonged period of time or extremely hazardous conditions related to the weather the City Manager, or the designee, and department head shall both agree to designate employees as essential during times non-usual City administrative business hours.

All designated essential employees must report for duty regardless of weather conditions. Failure to report will be considered an unexcused absence. All designated essential employees shall be paid at the regular rate of pay for all hours worked. In addition, during the period of time the City Manager, or the designee, determines the inclement weather policy is in effect, all essential employees who have worked during that period shall be given one hour of pay or compensatory time off for each hour actually worked. The City reserves the right to either give compensatory time off or pay for this additional time, depending upon scheduling requirements of each department. If the City chooses to pay for the hours not

actually worked, these hours shall not be considered hours worked for purposes of calculating overtime under the FLSA. If a department head work schedule is impacted by inclement weather or hazardous conditions they may be compensated with only compensatory time.

All non-essential employees must report for duty regardless of weather conditions unless the City Manager, or the designee, delays the opening of, or closes their specific City administrative offices to the public due to inclement weather. If offices are closed, the non-essential employees will not report for work unless required to do so by their respective department head.

All non-essential employees shall be paid at the regular rate of pay for all regularly scheduled hours not actually worked during the inclement weather policy period determined by the City Manager or the designee. If the City chooses to pay for these hours not actually worked, these hours shall be considered hours worked for purposes for calculating overtime under the FLSA. Temporary full-time employees will only be paid if normally scheduled to that day and only for those hours which the employee would normally work

If the department head authorizes in writing a non-essential employee to work during any part of the inclement weather policy period, the employee is entitled to pay for the regularly scheduled hours under the inclement weather policy, plus pay for the hours during that period actually worked.

Under essential circumstances, each department head may use City vehicles to assist essential employees in getting to and from work during inclement weather policy periods, but the responsibility remains with the employee to get to work.

- Subsection T. Appearance and Grooming

New subsection to read:

All employees are representatives of the City of Cleveland and should maintain a neat, professional appearance during work hours. Some departments furnish uniforms and have safety or public service related grooming requirements for their employees and guidelines for those uniforms and grooming requirements should be in place with written policies within those departments.

All other employees: Proper grooming and attire have a positive impact on the City of Cleveland's image. Positions that involve frequent, direct contact with the public and other employees are subject to the following appearance & grooming standards:

- Male employees are required to wear neat and clean pants, shirt and shoes. Hair and facial hair will be clean, neatly trimmed and present a professional appearance.

- Female employees are required to wear neat and clean skirts, dresses, slacks, top and shoes. Hair will be clean and styled in a way to present a professional appearance.

If an employee’s religion requires specific grooming and/or attire practices that deviate from this policy, the employee should inform their department head of the specific religious grooming and/or attire practice. Once the department head is informed by the employee, the department head will consider a potential exception to the policy to accommodate an employees sincerely held religious belief, unless the accommodation would pose an undue hardship.

When an employee is found to be outside acceptable appearance and grooming standards, the employee will be sent home on annual leave to correct the issue.

In departments that have specified “casual” days, department heads and supervisors shall determine appropriate attire standards for those days.

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

This 26th day of March, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-29 be accepted as presented. The motion was seconded by Councilman Banks. Councilman Banks inquired about social media and training for employees. Mr. Fivas stated yes, the people using social media staff will be trained on the policy. Upon roll call, unanimously passed.

There being no future business the meeting was adjourned at 3:53 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, APRIL 9, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Director of Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; City Reporter Randall Higgins; Brian Moran, Social Media; Ken Webb; Duane Schriver; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; Jim Gibson; Vera Voznyuk; Paul and Janice Matthews; Bryan Richardson; Earlene Shrable; Deborah Page; Rod Dunn; Kendra Gray; Sara Groos; Dean Helsdon; Carl Landsen; Steve Bullins; Chris and Paula Knipp; Kelvin Page; Bill Thompson; Laura Allen; Steve Allen; Joe Sharp. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Rodney Dunn, 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 26, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by the adjoining property owners to abandon a section of 7th Street SE located between Cincinnati Ave SE and Wildwood Ave SE. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the abandonment. No one spoke. Mayor Rowland then asked if anyone would like to speak in opposition of the approval of the abandonment. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owners to rezone 1.5 acres located on Candies Ln (Tax Map 041G Group A Parcels 16.00, 17.00, 18.00 & 19.00) from R2 Low Density Single Family and Multi-Family Residential Zoning District to CG General Commercial Zoning District. Mayor Rowland asked if anyone would like to speak in favor of the approval of the rezoning. Attorney Travis Henry stated several residents from the community are here today in support of this request. There are four parcels, one is owned by the Church, one by Pastor Page himself, and the other two are in the Page Trust. The Planning Commission voted unanimously in support of the rezoning. The Church is currently using the property as offices and intend on continued use for that same purpose. There are restrictions that were recorded for the property that it would not be used beyond office space for the church. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the rezoning. Joe Sharp, who lives at 3430 Candies Lane, stated he had many questions concerning this request. One, how could four pieces of property be considered as one. Secondly, he feels these are premature actions. Third, he doesn't understand why they need these four parcels when they have 156 acres on the other side of the road. If they do sell the property, under the CG zoning it could be many things besides office space. He then listed types of businesses allowed. He then asked what assurance we have that the property will not be sold in the future. Councilman Cassada commented if all the adjoining property owners are

in agreement, it can be counted as one rezoning request. Mr. Kimball stated yes. Mr. Travis stated there are restrictions that run with the land. If they sell, the restrictions will remain and it will take all adjoining property owners agreeing for the restrictions to be waived. Councilman Cassada stated Westmore Church wants to enhance the property, be involved and do what is best for the community. Mr. Sharp asked if there was a plan for the traffic in the area. Mr. Fivas stated there are two intersections that will be reworked in the area, Candies Lane and Legacy Parkway turning lane, which should be completed before the sanctuary is open next spring and also Candies Lane at Inverness Drive. Vice Mayor Johnson inquired about the possibility of a three-way stop at Inverness Drive/Candies Lane or something to help the traffic and speeding. Mr. Fivas replied we've done some analyst and a three-way stop would not be warranted due to site distance, it would actually make to more dangerous. But when the lowering of the roadway project is complete it will help improve the safety and blind spots. Vice Mayor Johnson stated speeding could still be an issue and might have to increase patrol. Paul Mathews, who lives at 2825 Rolling Hills Drive asked when his street would be paved. Councilman Cassada stated that neighborhood will be paved this summer. Mr. Mathews continued when construction on Hwy 60 begins more people will use Candies Lane and Rolling Hills Drive, therefore traffic and speeding will increase, as it will become a shortcut to Freewill Road. He is requesting speed bumps. Cleveland State and Lee College have them so why can't they. As soon as the dip is fixed on Candies Lane it will increase speeding. He continued that he hopes the Church will do what is right for the neighborhood. He then asked again about speed bumps. Mayor Rowland stated speed bumps in neighborhoods are hard on firetrucks. Mr. Mathews stated his son is a firefighter in Chattanooga, they have speed bumps all over town and it doesn't slow the trucks down. Councilman Cassada stated staff will further discuss speed humps in Cleveland. Mayor Rowland then declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 0.37 acres located at 3910 North Ocoee St (Tax Map 042G Group D Parcel 27.00) from R1 Single Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved, subject to legal opinion providing the zoning is not contrary to the restrictive covenant. Vote: 6-3). Mayor Rowland asked if anyone would like to speak in favor of the approval of the rezoning. Brian Richardson spoke for Andrew Morgan updated the Council that all but 3 waivers have been obtained from the residents and those will be signed by tomorrow. Mayor Rowland stated the Ordinance had been delayed until the next meeting. Mr. Richardson stated that would be fine. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the rezoning.

Mayor Rowland then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Surplus Property** – Declaring a 2008 Ford Escape for Development & Engineering to be surplus and sold on GovDeals.
- **Resolution No: 2018-30** – Authorizing the Mayor to sign agreements in connection with the property leased for a cellular tower at the Weeks Road Water Storage Tank Site (Cleveland Utilities).

RESOLUTION NO. 2018-30

WHEREAS, New Cingular Wireless PCS, LLC has been in discussion with Cleveland Utilities representatives concerning the attached agreement and memorandum of second amendment to option and lease and second amendment to option and lease agreement in connection with a request to extend the term and expand the area of property leased for a cellular tower and related appurtenances on the Weeks Road Water Storage Tank Site; and

WHEREAS, this is a second amendment to the original lease Agreement dated August 26, 1997 and the first amendment dated June 5, 2008; and

WHEREAS, the second amendment will extend the lease agreement in five year increments to October 14, 2047 and increase the area leased by 1,676 square feet. The second amendment also increases the payment to Cleveland Utilities to \$1,000 per month until October, 2022 then increases \$100 per month every five year increments; and

WHEREAS, the Board of Public Utilities of the City of Cleveland, Tennessee, acting under the name of Cleveland Utilities, authorized Tim O. Henderson, President and CEO to execute the agreement and memorandum of second amendment to option and lease and second amendment to option and lease agreement at their regular Board meeting on March 23, 2018; and

WHEREAS, the City Council desires to approve this agreement and memorandum of second amendment to option and lease and second amendment to option and lease agreement; and

WHEREAS, the City Council further desires to authorize the Mayor to execute agreement and memorandum of second amendment to option and lease and second amendment to option and lease agreement.

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 and memorandum of second amendment to option and lease and second amendment to option and lease agreement; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the agreement and memorandum of second amendment to option and lease and second amendment to option and lease agreement on behalf of the City.

This 9th day of April, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

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

UNFINISHED BUSINESS

Councilman May moved that Zoning Ordinance No: 2018-10 – heretofore passed on first reading March 26, 2018 and found in Minute Book 29, Page 70; rezoning approximately 1.22 acres (Tax Map 049E Group G Parcels 16.00 & 16.01) located on Church St NE and 20th St NE from R1 Single Family Residential Zoning District to R3 Multi-Family Residential Zoning District be voted for passage on final reading. The motion was seconded by Councilman Hughes. Upon roll call, Councilmen May, Hughes, Banks, McKenzie, Cassada and Vice Mayor Johnson voted aye. Councilman Estes voted no. The motion passed 6:1.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes introduced Charlie Smith. Mr. Smith addressed the City Council concerning naming the tennis courts at Tinsley Park after Tony Cavitt, who is a long-time tennis pro here in Cleveland. Mr. Cavitt is a life-long resident of Cleveland and dedicated his life and

career to tennis. Mr. Cavitt taught hundreds of people the sport of tennis during his long career, with many Regional National Championships. Mayor Rowland and Patti Petti are recommending naming the facility at Tinsley Park the Tony Cavitt Tennis Center. Councilman Hughes moved to name the new tennis facility at Tinsley Park the Tony Cavitt Tennis Center. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

Councilman Banks stated we have the issue of the nonconforming use of the metal salvage business on South Lee Highway and after speaking with Attorney Travis Henry, Councilman Banks moved that we allow Mr. Henry to draft an appropriate agreement with the owner of the facility, which will give him six months from today to remove his business so that property is in compliance and there be certain provisions in that agreement, that he will hopefully sign, which would waive he would have again the city or past conduct that would he would agree to the six month time to move and a monetary provision in the agreement that if he doesn't move he will pay the penalty and anything else Mr. Henry would be appropriate in the agreement. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Vice Mayor Johnson thanked Mr. Fivas and staff on the budget presentations today. We sit and discuss many issues and he is happy to see all his projects and requests in the budget.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

ORDINANCE NO: 2018-11

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:

7th St SE located between Cincinnati Ave SE and Wildwood Ave SE.

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, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

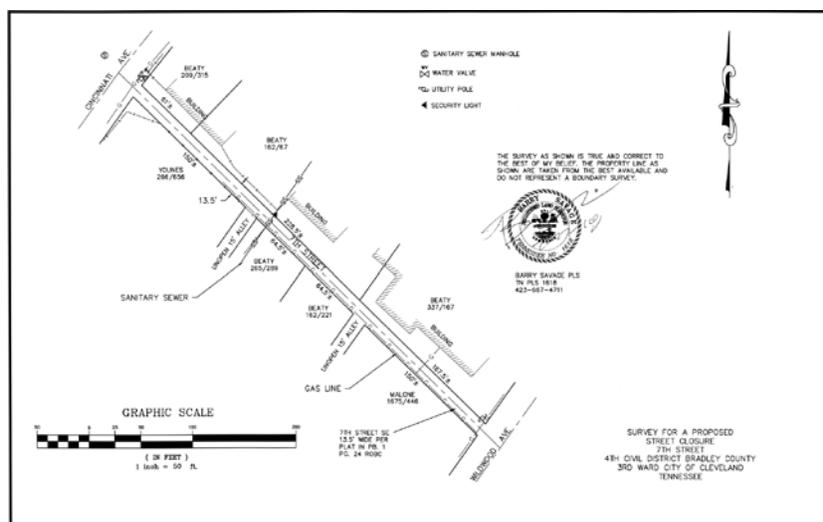
Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Exhibit B



Councilman May moved that Ordinance No: 2018-11 be voted for passage on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

Zoning Ordinance No. 2018-12

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 Single and Multi-Family Residential District to CG General Commercial Zoning District

Approximately 1.5 acres, more or less, located from 2232 through 2250 Candies Ln NW as shown on the attached map and identified as Tax Map 41G Group A Parcels 16.00, 17.00, 18.00 & 19.00, being the same property described as lots 134, 135, 136 and 137 of Rolling Hills Subdivision, section III on the plat of record in Plat Book 4, page 80 in the Bradley County Registers Office.

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.

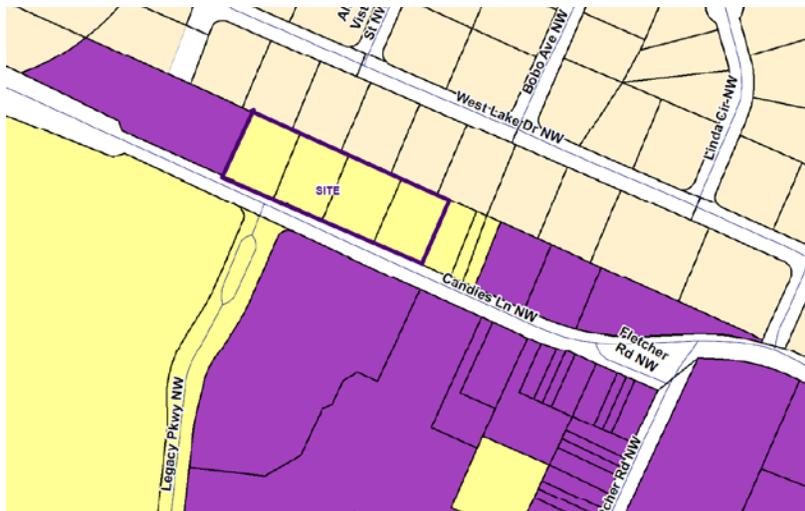
APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit



Councilman Hughes moved that Zoning Ordinance No: 2018-12 be voted for passage on first reading. The motion was seconded by Councilman Cassada. Councilman Banks asked for a copy of the restricted covenants be enter into the minutes. Upon roll call, the motion was unanimously passed.

Prepared by: Travis D. Henry, Attorney
& Return to 175 Spring Street NW
Cleveland, TN 37311

**DECLARATION OF PRIVATE COVENANTS AND RESTRICTIONS FOR
WESTMORE CHURCH OF GOD PROPERTY**

THIS DECLARATION OF PRIVATE COVENANTS AND RESTRICTIONS FOR THE WESTMORE CHURCH OF GOD PROPERTY (this "Declaration") made this 17th day of April, 2018, by WESTMORE CHURCH OF GOD, INC., A Tennessee Non-Profit Corporation, herein referred to as (the "Developer").

WITNESSETH:

WHEREAS, Developer is the owner of certain real property located in Bradley County, Tennessee as described on Tax Map 41G, Group A, Parcel 016.00 in the Tax Assessor's Office for Bradley County, Tennessee, and as more particularly described in Exhibit "A" attached hereto (herein "Property"); and

WHEREAS, Developer desires to provide for the preservation of the Property consistent with its current and previous use and desires to subject the Property to certain covenants, restrictions, and affirmative obligations, as hereinafter set forth, each and all of which are hereby declared to be for the benefit of the Property and the adjacent property; and

NOW THEREFORE, Developer, subjects the Property to the terms of this Declaration and declares that the same is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, restrictions, conditions, and affirmative obligations (sometimes referred to as the "Covenants") hereinafter set forth. These Covenants shall touch and concern and run with the Property.

**ARTICLE I
COVENANTS, USES, AND RESTRICTIONS**

1.01 Commercial Offices. It is expressly stipulated that the Property is used and is intended to continue to be used for the business office for the Developer. As such, the Property shall not be used for the operation of any commercial business. In addition, the Property shall not be used as a means of service to business establishments or adjacent property.

**ARTICLE II
GENERAL PROVISIONS**

2.01 Duration. The covenants of this declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the board, the association, the Developer or owner, their respective legal representatives, heirs, successors, and assigns, in perpetuity.

2.02 Amendments. This Declaration may be amended, modified or revoked in any

1

Book 2513 Page 818

respect from time to time by the Developer with the consent of the adjoining property owners.

2.03 Severability. Should any covenant or restriction herein contained, or any Article, Section, Subsection, sentence, clause, phrase or term of this Declaration be declared void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction over the parties hereto and the subject matter hereof, such judgment shall in no way affect the other provisions hereof which are hereby declared to be severable, and which shall remain in full force and effect.

2.04 Captions. The captions herein are inserted only as a matter of convenience and for reference and are in no way intended to define, limit or described the scope of this Declaration nor any provision hereof.

2.05 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purpose. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce said provision or any other provision hereof.

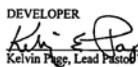
2.06 Law Governing. This Declaration is made in the State of Tennessee, and any question pertaining to its validity, enforceability, construction or administration shall be determined in accordance with the laws of that State.

2.07 Effective Date. This Declaration shall become effective upon its recording in the office of the Register of Bradley County, Tennessee.

**ARTICLE VII
SCOPE OF RESTRICTIONS**

3.01 THESE RESTRICTIONS SHALL BE BINDING ONLY UPON THE PROPERTY AS DEFINED HEREIN. THESE RESTRICTIONS ARE NOT MEANT TO AFFECT NOR INTENDED TO AFFECT ANY OTHER LAND(S) WHETHER ADJOINING OR OTHERWISE OWNED NOW OR IN THE FUTURE BY THE OWNERS/DEVELOPER.

IN WITNESS WHEREOF, the Developer has executed this Declaration on the date first above written.

DEVELOPER

Kelvin Page, Lead Pastor Westmore Church of God

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STATE OF TENNESSEE
COUNTY OF BRADLEY

On this 5th of April, 2018, before me personally appeared Kelvin Page to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his their free act and deed.

Aurora E. Allen
NOTARY PUBLIC
My Commission Expires: *July 21, 2020*



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**EXHIBIT A
LEGAL DESCRIPTION**

**LOCATED IN THE FOURTH CIVIL DISTRICT OF BRADLEY COUNTY, TENNESSEE,
TO-WIT:**

Being Lot One Hundred Thirty-Seven (137), in North Rolling Hills Subdivision, Section III, as shown by plat of record in Plat Book 4, page 80, in the Register's Office of Bradley County, Tennessee (ROBCT), to which reference is made for a more complete description.

For Prior Title: Being the same property conveyed to Westmore Church of God, Inc. by warranty deed dated 31 August 2017 and recorded in Book 2472, page 181, ROBCT.

Subject to any and all governmental zoning and/or subdivision ordinances, regulations and requirements in effect thereon.

Subject to any notes, drainage and utility easements and to building setback line requirements as set out on plat recorded in Plat Book 4, page 80, ROBCT.

Subject to Restrictions as recorded in Deed Book 235, page 542, Register's Office of Bradley County, Tennessee (ROBCT), but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap but does not discriminate against handicapped persons.

Subject to Plat that floor joist for a crawl space type of structure or concrete slab type of structure shall be above the 100 year flood line.

Subject to Bradley County Health Department regulations and/or requirements.

BK/PG: 2513/818-421	
18004103	
4 PGS AL-RESTRICTIONS	
BOOKING FEE	20.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
NOTARY FEE	15.00
OP. FEES	7.00
TOTAL AMOUNT	62.00
STATE OF TENNESSEE - BRADLEY COUNTY	
DINA SWAFFORD	
CLERK OF SEEM	

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Mayor Rowland stated first reading of Zoning Ordinance No: 2018-13 has been delayed until the April 23, 2018 meeting.

The following Resolution was then presented in full:

RESOLUTION NO. 2018-31

WHEREAS, Animal Shelter Advisory Board is recommending to the City Council that it approve a new rescue agreement with Westwood Farms Foundation;

WHEREAS, the proposed rescue agreement is attached to this Resolution.

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 rescue agreement with Westwood Farms Foundation.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute this rescue agreement with this rescue group on behalf of the City. [on file in the City Clerk’s Office]

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Cassada moved that Resolution No: 2018-31 be accepted as presented. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

Councilman May moved that the street light recommendation for 3008 Pine Drive for the installation of one 51-watt LED street light fixture on an existing pole be approved. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

There being no future business the meeting was adjourned at 3:53 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, APRIL 23, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Amy Newman, City Accountant; Jonathan Jobe, Director of Development and Engineering; Kristi Powers, Support Services Manager for Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; Teresa Torbett, CDBG Coordinator; City Reporter Randall Higgins; Brian Moran, Social Media; Ken Webb; Duane Schriver; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce and Micha Nicolaus. Following the Pledge of Allegiance to the American Flag and prayer by Reverend Micha Nicolaus, 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 9, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland congratulated Cleveland Daily Banner staff writer Brian Graves on receiving the 2017 Golden Press Card Award from the East Tennessee Society of Professional Journalist.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning the FY2019 Budget. Mayor Rowland then asked if anyone would like to speak in favor of the approval of the budget. No one spoke. Mayor Rowland then asked if anyone would like to speak in opposition of the approval of the budget. No one spoke. Mayor Rowland declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Ordinance No: 2018-11** – Abandoning a section of 7th Street SE located between Cincinnati Ave SE and Wildwood Ave SE (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-12** – Rezoning 1.5 acres located on Candies Ln (Tax Map 041G Group A Parcels 16.00, 17.00, 18.00 & 19.00) from R2 Low Density Single Family and Multi-Family Residential Zoning District to CG General Commercial Zoning District (Planning Commission: Approved 9-0).
- **Resolution No: 2018-32** – Authorize the Mayor to sign a grant amendment with TDOT concerning an amendment for the Gaut Street Sidewalk Construction Project.

RESOLUTION NO. 2018-32

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

Projects: Various Streets in Cleveland as described in the amendment attached hereto.
Agreement Number: 170087
Project Identification Number: 123116.01
State Project #: 06LPLM-F0-057, 06LPLM-F1-058, 06LPLM-F2-059, 06LPLM-F3-056
Federal Project #: TAP/STP-M-9203(23)

WHEREAS, the City Council desires to enter into the attached contract amendment number 1 with TDOT for the projects described in the amendment, 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 TDOT for the projects described herein and in the amendment, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 23rd day of April, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-33** – Authorizing the Mayor to sign a grant application for the 2018 Boyd Foundation Tennessee Dog Park Dash Grant.

RESOLUTION NO: 2018-33

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2018 BOYD FOUNDATION TENNESSEE DOG PARK DASH GRANT

WHEREAS, The Boyd Foundation is sponsoring competition for grant funds for making Tennessee the most pet-friendly state in America.

WHEREAS, The Boyd Foundation’s Tennessee Dog Park Dash Fund will fund 36 dog parks across the state through a grant program, with one additional park awarded through an ongoing community contest. Each winning proposal may be awarded a total up to \$25,000 in grant funds with no matching funds from the City. A final \$100,000 will be awarded through a contest to find the most pet-friendly community in Tennessee

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by The Boyd Foundation

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application with The Boyd Foundation on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by The Boyd Foundation

Adopted this 23th day of April, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-34** – Authorizing the Mayor to sign a grant application with the United States Soccer Foundation for the 2018 Safe Places to Play Grant.

RESOLUTION NO: 2018-34

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2018 SAFE PLACES TO PLAY GRANT

WHEREAS, the United States Soccer Foundation is sponsoring competition for grant funds for transforming abandoned courts, empty school yards, vacant lots and the link into state-of-the-art soccer fields for kids through the Safe Places to Play Grant.

WHEREAS, the United States Soccer Foundation’s Safe Places to Play Gran will fund grants to communities to help cover the costs of lighting, irrigation, construction, surfacing and enhancement. Each winning proposal may be awarded financial support between 15-50% of the project cost with the exception of irrigation, which can support 100% of the project costs. Maximum supports by category include: irrigation \$15,000, lighting \$25,000 for single field and \$50,000 for multi-field, sport court \$15,000 for single field and \$30,000 for multi-field and AstroTurf is no more than 15% of the project cost.

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the United States Soccer Foundation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application with the United States Soccer Foundation on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the United States Soccer Foundation.

Adopted this 23th day of April, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-35** – Authorizing the Mayor to sign a contract amendment with Ragan Smith relating to the Gaut Street area sidewalk project.

RESOLUTION NO. 2018-35

WHEREAS, in connection with the Gaut Street Multi-modal project, the City desires to enter into the attached amended agreement with Ragan Smith Associates; and

WHEREAS, the City Council has reviewed the proposed amended agreement, and now desires to accept the proposed amended 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 amended 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.

This 23rd day of April, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-36** – Amending the Personnel Rules and Regulations.

RESOLUTION NO: 2018 -36

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 Human Resources Committee, department heads and the City Manager will review the personnel manual and submit any recommended amendments to the City Council for their consideration by the end of February each year; and

WHEREAS, an amendment to the City’s Personnel Rules and Regulations is necessary in order to make corrections to the previous revision.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 23rd day of April, 2018 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 VI – BENEFITS

- Subsection C. Annual Vacation with Pay

Revise annual schedule for employees working a 24/48 hour schedule to read:

Years of Service	#of Equivalent Vacation Days	#of Annual Vacation Hours	#of Vacation Hours/Month
0 – 1	2.33	56	4.67
1 – 5	4.67	112	9.34
5 – 10	7.00	168	14.00
10 – 15	8.165	196	16.34
15 - 20	9.33	224	18.67
20 +	11.67	280	23.34

Section VIII – MISCELLANEOUS POLICIES

- Subsection O. Inclement Weather and Hazardous Conditions

Revise 6th paragraph to read:

All non-essential employees shall be paid at the regular rate of pay for all regularly scheduled hours not actually worked during the inclement weather policy period determined by the City Manager or the designee. If the City chooses to pay for these hours not actually worked, these hours shall not be considered hours worked for purposes for calculating overtime under the FLSA. Temporary full-time employees will only be paid if normally scheduled to that day and only for those hours which the employee would normally work.

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

Adopted this 23rd day of April, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

 Tom Rowland, Mayor

 Shawn McKay, City Clerk

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Banks submitted his names for the 2030 Committee which were Travis Henry, Beverley Johnson and Bailey Jones. Councilman Cassada stated he had people interested in serving but had a few questions like when would they begin meeting and what was the anticipated timeframe. Mr. Fivas replied meetings would begin next fall and last approximately 6-8 months.

Councilman McKenzie asked for a property update on Emmett Avenue. Mr. Jobe stated he would meet with him after the meeting. Councilman McKenzie then expressed concern about speeding along 25th Street and the number of accidents. He then asked for staff to look at possibilities to slow traffic.

Councilman Cassada spoke regarding the family aspect of the city and different options for City staff to look at to allow employees a good work/life balance. The employees are our biggest assets and when you ask them to do more, we should look at different avenues to reduce time in the upcoming year.

NEW BUSINESS AND ORDINANCES

Mayor Rowland stated first reading of Zoning Ordinance No: 2018-13 has been delayed until the May 14, 2018 meeting.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-14** - Adopting the 2018 Tax Rate for FY2019 (\$2.06).

ORDINANCE NO: 2018-14

TAX ORDINANCE - YEAR 2018

AN ORDINANCE TO PROVIDE AND FIX FOR THE CITY OF CLEVELAND, TENNESSEE, FOR THE YEAR 2017, 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 2017, 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:

Councilman McKenzie

ATTEST:

Councilman Estes

Shawn McKay, City Clerk

Councilman Cassada

Councilman May

APPROVED AS TO FORM:

Councilman Hughes

John F. Kimball, City Attorney

Councilman Banks

Tom Rowland, Mayor

Vice Mayor Johnson

Councilman Estes moved that Ordinance No: 2018-14 be approved on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

ORDINANCE NO: 2018-15

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 \$261,799,067. All of these sources are available for appropriation.

Anticipated Revenues	2016-2017 (ACTUAL)	2017-2018 (ESTIMATED)	2018-2019 PROPOSED
Revenues:			
General Fund	\$41,894,584	\$47,662,875	\$48,322,950
Special Revenue Funds:			
Solid Waste Management	2,518,997	2,521,800	2,550,500
State Street Aid	1,146,298	1,308,600	1,308,000
General Purpose School	40,481,452	42,281,694	43,924,640
Schools Food Service	3,496,157	3,549,518	3,378,352
Cleveland Public Library	824,712	1,226,600	788,000
Drug Enforcement	42,037	18,138	10,100
2015 Byrne Mem. Justice Asst. Grant	0	0	0
2016 Byrne Mem. Justice Asst. Grant	39,340	0	0
Community Dev. Block Grant	234,266	884,603	350,000
E-Ticketing	12,685	10,900	0
Recycling Grant	0	0	0
Schools Federal Projects	0	0	0
Metropolitan Planning Organization	139,331	200,000	200,000
Debt Service	158,782	151,900	151,900

Anticipated Revenues, cont'd:	2016-2017 (ACTUAL)	2017-2018 (ESTIMATED)	2018-2019 PROPOSED
Revenues:			
Capital Projects Funds:			
Fletcher Park	0	0	0
Greenway Fund	13,337	15,100	0
Capital Improvements Program	1,837,334	12,332,095	0
Sales Tax Capital Projects Fund	3,967,770	3,879,600	3,991,600
Spring Branch Industrial Park Fund	27,548	2,000	0
Enterprise Funds:			
Stormwater Management	1,497,739	1,598,500	1,612,500
Cleveland Utilities Electric Division	101,234,968	104,060,254	102,947,341
Cleveland Utilities Water/Wastewater Division	29,022,376	29,286,654	29,972,314
Trust Funds:			
Meiler Trust Fund	3,187	1,500	1,500
Internal Service Fund:			
Fleet Management	1,012,049	0	0
Health Insurance Trust Fund	3,744,910	3,714,359	3,974,364
Total Revenues	233,349,859	254,706,690	243,484,061
Other financial sources			
Operating transfers In:			
General Fund:	2,436,262	3,358,342	2,665,652
Special Revenue Funds:			
Solid Waste Management	1,035,708	1,056,494	1,074,100
State Street Aid	0	0	0
General Purpose School	5,273,600	5,273,600	5,273,600
Cleveland Public Library	645,800	645,800	654,000
Community Dev. Block Grant	30,000	36,000	20,000
Recycling Grant	10,000	10,000	10,000
Metropolitan Planning Organization	57,000	57,000	57,000
Debt Service	6,159,191	6,875,930	7,425,654
Capital Projects Funds:			
Capital Improvement Program	803,218	3,661,826	1,135,000
Greenway Fund	0	0	0
Enterprise Funds:			
Stormwater Management	0	0	0
Total Operating Transfer In:	\$16,450,779	\$20,974,992	\$18,315,006

Anticipated Revenues	2016-2017 <u>(ACTUAL)</u>	2017-2018 <u>(ESTIMATED)</u>	2018-2019 <u>PROPOSED</u>
Other financial sources:			
Operating transfers in, cont'd:			
Capital Contributions			
Enterprise Funds:			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	0	0	0
Cleveland Utilities Water/Wastewater Division	492,237	0	0
Internal Service Funds:			
Fleet Management	0	(1,502,694)	0
Total Capital Contributions:	492,237	(1,502,694)	0
Bond & Note Proceeds and Capital Lease			
General Fund	0	0	0
General Purpose School Fund	924,747	0	0
Capital Improvement Program	1,706,769	13,342,096	0
Spring Branch Industrial Park	439,925	3,000,000	0
Debt Service	0	0	0
Total Bond & Note Proceeds:	\$3,071,441	\$16,342,096	\$0
Total Other Financing Sources	\$20,014,457	\$35,814,394	\$18,315,006
Total Revenues and Other Financing Sources	\$253,364,316	\$290,521,084	\$261,799,067

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	2016-2017 <u>(ACTUAL)</u>	2017-2018 <u>(ESTIMATED)</u>	2018-2019 <u>PROPOSED</u>
General Fund	\$30,736,083	\$34,415,752	\$36,493,548
Special Revenue Funds:			
Solid Waste Management	3,503,056	3,672,394	3,656,600
State Street Aid	576,207	706,400	742,700
General Purpose School	45,999,761	47,130,292	48,642,721
Schools Food Service	3,450,831	3,549,518	3,592,902
Cleveland Public Library	1,487,307	1,896,800	1,442,000
Drug Enforcement	30,327	20,070	18,600
2015 Byrne Mem. Justice Asst. Grant	0	0	0
2016 Byrne Mem. Justice Asst. Grant	39,340	0	0
Community Dev. Block Grant	251,543	920,603	383,000
E Ticketing	2,775	49,510	0
Recycling Grant	10,801	0	0
Schools Federal Project	0	0	0
Metropolitan Planning Organization	170,616	257,000	257,000
Debt Service	6,052,774	6,858,836	7,572,254
Capital Projects Funds:			
Fletcher Park	5,403	0	0
Greenway Fund	15,569	15,000	0
Capital Improvements Program	3,592,144	31,914,574	1,135,000
Sales Tax Capital Projects Fund	3,604,630	6,027,779	4,052,249
Spring Branch Industrial Park Fund	334,436	3,000,000	0
Enterprise Funds:			
Stormwater Management	512,252	1,539,991	1,930,523
Cleveland Utilities Electric Division	94,828,125	99,078,750	96,415,935
Cleveland Utilities Water/Wastewater Division	23,138,499	24,592,920	25,884,141
Trust Funds:			
Meiler Estate Trust Fund	0	0	0
	-	-	-
Internal Service Fund:			
Fleet Management	1,016,662	0	0
Health Insurance Trust Fund	3,314,412	3,614,289	3,831,146
Total Expenditures	222,673,553	269,260,478	236,050,319
Nonoperating Revenues (Expenses)			
Enterprise Funds:			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	(467,188)	(511,205)	(551,140)
Cleveland Utilities Water/Wastewater Division	(1,463,447)	(1,504,858)	(1,499,045)
Debt Service	(2,900)	(5,000)	(5,000)
Internal Service Fund:			
Health Insurance Trust Fund	1,541	0	0
Fleet Management	4,665	0	0
Total Nonoperating Revenues (Expenses)	(1,927,329)	(2,021,063)	(2,055,185)

Other Financing Uses	2016-2017 (ACTUAL)	2017-2018 (ESTIMATED)	2018-2019 PROPOSED
Operating Transfers Out			
General Fund	12,893,126	16,395,351	14,463,204
Special Revenue Funds:			
Solid Waste Management	10,000	10,000	10,000
State Street Aid	411,200	426,353	440,618
General Purpose School	559,119	554,919	555,519
Schools Federal Project	0	0	0
Capital Projects Funds:			
Capital Improvements Program	0	529,223	0
Spring Branch Industrial Park Fund	139,674	180,027	180,013
Enterprise Funds:			
Stormwater Management	1,398	50,000	0
Cleveland Utilities Electric Division	2,005,116	2,146,242	2,211,629
Cleveland Utilities Water/Wastewater Division	431,146	444,080	454,023
Internal Service Fund:			
Fleet Management	0	238,797	0
Nonexpendable Trust Funds:			
Meiler Estate Trust Fund	0	0	0
Total Operating Transfers Out	16,450,779	20,974,992	18,315,006
Total Other Financing Uses	18,378,108	22,996,055	20,370,191
Total Expenditures and Other Financing Uses	241,051,661	292,256,533	256,420,510

Details of these appropriated expenditures are shown in the City of Cleveland's budget document by fund.

Increase (Use) of Fund Balance or Net Assets	2016-2017 (ACTUAL)	2017-2018 (ESTIMATED)	2018-2019 PROPOSED
General Fund	701,637	210,114	31,850
Special Revenue Funds:			
Solid Waste Management	41,649	(104,100)	(42,000)
State Street Aid	158,891	175,847	124,682
General Purpose School	120,919	(129,917)	0
Schools Food Service	45,326	0	(214,550)
Cleveland Public Library	(16,795)	(24,400)	0
Drug Enforcement	11,710	(1,932)	(8,500)
2015 Byrne Mem. Justice Asst. Grant	0	0	0
2016 Byrne Mem. Justice Asst. Grant	0	0	0

Increase (Use) of Fund Balance or Net Assets	2016-2017 (ACTUAL)	2017-2018 (ESTIMATED)	2018-2019 PROPOSED
Special Revenue Funds cont'd:			
Commun. Development Block Grant	12,723	0	(13,000)
E Ticketing	9,910	(38,510)	0
Recycling Grant	(801)	10,000	10,000
Schools Federal Project	0	0	0
Metro. Planning Organization (MPO)	25,715	0	0
Debt Service	262,299	163,994	300
Capital Projects Funds:			
Capital Improvements Program	755,177	(3,107,780)	0
Fletcher Park	(5,403)	0	0
Greenway Fund	(2,232)	100	0
Sales Tax Capital Projects Fund	363,140	(2,148,179)	(60,649)
Spring Branch Industrial Park Fund	(6,637)	(178,027)	(180,013)
Enterprise Funds:			
Stormwater Management	984,089	8,509	(318,023)
Cleveland Utilities Electric Division	3,934,539	2,324,057	3,768,637
Cleveland Utilities Water/Wastewater Division	4,481,521	2,744,796	2,135,105
Internal Service Fund:			
Fleet Management	52	(1,263,897)	0
Trust Funds:			
Meiler Estate Trust Fund	3,187	1,500	1,500
Health Insurance Trust Fund	432,039	100,070	143,218
Total Incr. (Use) of Fund Balance or Net Assets	12,312,655	(1,257,855)	5,378,557

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 \$11,548,699 General Fund fund balance and none of the \$4,622,609 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 23, 2018
 Final Reading: May 14, 2018

APPROVED AS TO FORM:

 City Attorney

 Mayor

 City Clerk

Councilman Estes moved that Ordinance No: 2018-15 be approved 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: 2018-37

WHEREAS, City representatives have been in discussions with representatives of Lee University about a plan to provide traffic calming on Parker Street NE between 11th Street NE and Central Avenue; and

WHEREAS, Lee University will provide the City Council and City staff with a preliminary conceptual plan for this Parker Street Traffic calming project between 11th Street NE and Central Avenue; and

WHEREAS, Lee University will submit proposed construction documents to the City's development and engineering staff for this project; and

WHEREAS, upon receipt of the preliminary conceptual plan and the proposed construction documents from Lee University, City development and engineering staff shall review the preliminary conceptual plan and the proposed construction documents and provide notes and comments which shall be incorporated in the approved final plan for said project; and

WHEREAS, the City Council now desires to approve of the attached agreement between Lee University and the City of Cleveland relating to this project. [on file in the City Clerk's Office.]

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves of the attached agreement with Lee University for this project, and the Council hereby authorizes the Mayor sign the Agreement on behalf of the City.

Approved this 23rd day of April, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-37 be accepted as presented. The motion was seconded by Councilman Cassada. Councilman Estes stated he is employed by Lee University, which does not affect his vote. Upon roll call, the motion was unanimously passed.

Councilman Estes moved to authorize the City Manager and City Staff to present to the Health and Education Facilities Board our desire to move forward with redevelopment and the use of PILOTS, through the board, and to present the same type of information to the Housing Authority to move forward with redevelopment using TIFs going forward, which would mean creating a proper zone downtown area and wherever else it will help on the redevelopment part. The motion was seconded by Councilman Hughes. Councilman Estes continued we can tweak the TIFs accordingly, do our homework and we're on the right track. Upon roll call the motion was unanimously passed.

The following Resolution was presented in full:

AUTHORIZING RESOLUTION 2018-38

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 Cleveland Utilities is a public and governmental body in the City of Cleveland, 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 2018-416** (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of moneys 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 THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED Dollars (\$350,500) 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 THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED Dollars (\$350,500) for the purpose of funding all or a portion of the total estimated cost of the Project ONE MILLION THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED Dollars (\$1,350,500) by Tom Rowland, Mayor of City of Cleveland, 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 Mayor of the City of Cleveland 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 be and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this 23rd day of April, 2018.

Tom Rowland, Mayor

WITNESS:

(Affix Seal As Appropriate)

(Name and Title)

Councilman Banks moved that Resolution No: 2018-38 be accepted as presented. The motion as seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was presented in full:

AUTHORIZING RESOLUTION 2018-39

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 Cleveland Utilities is a public and governmental body in the City of Cleveland, 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 **CW6 2018-415** (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 *et. seq.*, provide for the lending of moneys 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 ONE MILLION Dollars (\$1,000,000) 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 ONE MILLION Dollars (\$1,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project ONE MILLION THREE HUNDRED FIFTY THOUSAND FIVE HUNDRED Dollars (\$1,350,500) by Tom Rowland, Mayor of City of Cleveland, 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 Mayor of the City of Cleveland 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 be and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this 23rd day of April, 2018.

Tom Rowland, Mayor

WITNESS:

(Affix Seal As Appropriate)

(Name and Title)

Councilman Banks moved that Resolution No: 2018-39 be accepted as presented. The motion as seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Banks stated Dr. Coleman approached him concerning the grant application for a parking lot to be used by commuters to Chattanooga. Dr. Coleman had questions and where to use the money. The Woolen Mill, the Cherokee Hotel, the Moore Building, along with others it is important for us to continue to promote what the consultants say are important changes and projects we move along. When Whirlpool moved out of the area it was a great concern and a committee was formed to help. His position is we need to turn some dirt on the South end of Inman Street. We need activity next to Whirlpool and someday it will be great to turn one of the buildings into the Tom Rowland Convention Center and activity on the south end would be worth it. Dr. Coleman addressed the Council concerning the grant, which was for air quality control, like a park-n-ride. The grant would help the area, like landscaping, etc but it's been about 1½

years since we received the grant and they are trying to move it forward. Now there are other places being considered. He has met with Mr. Fivas and trying to resolve any potential issues and look at options. They are ready to do a lot of things with the Woolen Mill, like condos, retail and loft apartments and the ability to have parking with help them tremendously to move forward. The timeline on the grant only has 1½ years to finish the grant. Councilman Hughes stated he understands he is offering the property to the City at no charge. Mr. Coleman stated correct. Mayor Rowland stated if the grant was to change it would have to come before the Council. Mr. Coleman stated correct. They are willing to discuss alternatives to work with the overall city plan. However, he would be giving up value to not do the park-n-ride. Councilman Cassada cautioned the Council about the certain stipulations that will require extra money, like buses and maintenance of them. It's just not a parking lot. There is a need on the north and south ends of Cleveland. We need to work together to reach a decision but keep the money base here. Mayor Rowland stated the area was carefully selected. Vice Mayor Johnson expressed his concern about losing the grant because of the timeframe, which has to be finished in a year and a half. Dr. Coleman stated he appreciates Greg Thomas' work and they will be very appreciative for the grant funds. Councilman Cassada replied we want the project to be successful.

Mayor Rowland stated construction on the Veterans Home will begin soon and thanked everyone for their support.

[Due to a power outage, there was no recording of the 3:00 meeting until the last 15 minutes]

There being no future business the meeting was adjourned.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 14, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Amy Newman, City Accountant; Jonathan Jobe, Director of Development and Engineering; Kristi Powers, Support Services Manager for Public Works; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Jeff Davis, Personnel Director; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; Teresa Torbett, CDBG Coordinator; City Reporter Randall Higgins; Brian Moran, Social Media; Ken Webb; Duane Schriver; Tad Bacon with Cleveland Utilities; Gary Farlow and Doug Berry with the Chamber of Commerce; Joe Parker; Hannah White; Alex Staup; Bethany McCoy with Lee University and Roger Jenne. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Jason Butts from Washington Avenue Baptist Church, 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 23, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland recommended naming the unnamed portion of road from Tasso Road to Dry Valley Road near the Jetport be named Lynn Devault Parkway. No address would be affective. Councilman Banks then moved to name the road Lynn Devault Parkway. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning the FY2019 Budget. Mayor Rowland asked if anyone would like to speak in favor of the approval of the budget. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the budget. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning an amendment to Section 2.8.1.B and Table 1 of the Zoning Regulations concerning the allowable uses within the CN Neighborhood Commercial Zoning District. Mayor Rowland asked if anyone would like to speak in favor of the approval of the amendment. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the approval of the amendment. No one spoke. Mayor Rowland declared the public hearing to be closed.

The following memorandum concerning the 2018-2019 Annual Action Plan for CDBG was presented. Mayor Rowland announced the public hearing and approval of the Action Plan will be on June 25.

City of Cleveland

CLEVELAND TENNESSEE
Development & Engineering Services



Jonathan Jobe
Director
jjobe@clevelandtn.gov
Cell: (423) 593-3821

185 Second Street NE
Cleveland, TN 37311
(423) 479-1913
Fax: (423) 559-3373

MEMORANDUM

TO: Joe Fivas, City Manager
THRU: Jonathan Jobe, Development & Engineering Services Director
FROM: Teresa Torbett, Grants Manager *tmt*
DATE: May 14, 2018
RE: 2018-2019 Annual Action Plan

The City of Cleveland has been a Department of Housing and Urban Development (HUD) Community Development Block Grant Entitlement Community for the past fourteen years and has received funding in the amount of \$5,017,402 to date. Based on the HUD formula, the current year allocation for 2018-2019 is \$389,196.

As a required by HUD, the City submitted a five-year Consolidated Plan which covers the period of 2014-2019. An Annual Action Plan must be submitted on an annual basis. The 2018-2019 Annual Action Plan is ready for approval to be submitted to HUD. Council approval is scheduled for June 25th.

Two public hearings are required for the CDBG Consolidated Plan/Action Plan. Three public hearings/meetings were held on the following dates: September 25, 2017, February 15th, 2018, and February 21st seeking public input for the Action Plan.

Planning Commission input for the 2018-2019 Action Plan was requested at the February 21st meeting. A Legal Notice published in the *Cleveland Daily Banner* on May 10th initiated a 30-day comment period which will end on June 8, 2018. Any additional comments received during this comment period will be provided to Council.

Below is a summary of proposed activities for the 2018-2019 Action Plan:

Infrastructure Improvements - This activity may include greenway, sidewalks and drainage improvements within the CDBG target area focusing on the Blythe community.

Budget - \$198,596

Codes Enforcement - This activity funds the concentrated codes enforcement and educational program to improve housing and living environment within the LMI target area. **Budget - \$71,600**

Affordable Housing - This activity will provide down payment assistance for nine LMI households who are purchasing affordable housing through non-profit providers. **Budget - \$54,000**

Administration - The general administration required for implementation of the Consolidated Plan and Annual Action Plan 2018-2019. **Budget - \$65,000**

Total Funds - \$389,196

If you have any questions, comments, or would like a copy of the plan, please feel free to contact me at 479-1913 or by email at ttorbett@clevelandtn.gov.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Ordinance No: 2018-14** – heretofore passed on first reading April 23, 2018 and found in Minute Book 29, Page 99; adopting the 2018 Tax Rate for FY2019 (\$2.06).
- **Final Passage - Ordinance No: 2018-15** – heretofore passed on first reading April 23, 2018 and found in Minute Book 29, Page 101; adopting the FY2019 Budget.
- **Resolution No: 2018-40** – 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.

RESOLUTION NO: 2018-40

A RESOLUTION AUTHORIZING THE CEO OF CLEVELAND UTILITIES TO ACT ON BEHALF OF THE CITY OF CLEVELAND WITH RESPECT TO A LOAN APPLICATION WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, CLEAN WATER STATE REVOLVING LOAN PROGRAM, FOR SEWER COLLECTION SYSTEM INFLOW AND INFILTRATION CORRECTION

WHEREAS, the City of Cleveland has been notified by the Tennessee Department of Environment and Conservation, Clean Water State Revolving Loan Fund Loan Program (CWSRF), that funds are available for Sewer Collection System Infiltration and Inflow Correction projects have been approved as Loan Number SRF 2018-417, and

WHEREAS, the Board of Public Utilities of the City of Cleveland Tennessee, acting under the name of Cleveland Utilities, operates the water and wastewater systems of the City of Cleveland, Tennessee through its Board of Public Utilities whose members are appointed by the City Council, and

WHEREAS, the work to be performed relates to the correction of Infiltration and Inflow in the Sewer Collection System, and

WHEREAS, the work to be performed on the Sewer Collection System described herein will be the responsibility of Cleveland Utilities, and

WHEREAS, these projects are eligible for funding through a loan program, specifically the Clean Water State Revolving Fund Loan Program (CWSFR), administered by and through the Tennessee Department of Environment and Conservation, and

WHEREAS, Cleveland Utilities will be responsible to repay and loan portion that is required to be repaid for these projects to the Clean Water State Revolving Loan Fund (CWSRF), and

WHEREAS, Cleveland Utilities has received loan approval for these projects and needs the City Council to authorize the CEO of Cleveland Utilities to act on behalf of the City of Cleveland and Cleveland Utilities with respect to these projects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Cleveland hereby designates the CEO of Cleveland Utilities as the authorized representative of the City of Cleveland for the above referenced projects.

BE IT FURTHER RESOLVED that the CEO of Cleveland Utilities is authorized to sign loan documents, letters, disbursement requests and all other documents that may be necessary or required on the above referenced CWSRF project.

Approved this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018 41-** Amending the Personnel Rules and Regulations.

RESOLUTION NO: 2018-41

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 Human Resources Committee, department heads and the City Manager will review the personnel manual and submit any recommended amendments to the City Council for their consideration by the end of February each year; and

WHEREAS, an amendment to the City’s Personnel Rules and Regulations is necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 14th day of May, 2018 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 VI – BENEFITS

- Subsection X. Employee Assistance Program

Revise bullet points listed after first paragraph to read:

- Marital problems
- Personal psychological problems
- Problems with children
- Issues with loss or grief
- Problems with anxiety, stress or depression
- Family problems with drugs or alcohol
- Personal problems with drugs or alcohol
- Help selecting programs for formal mental health or rehab treatment

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

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-42** – Authorizing the Mayor to sign the FY2019 TDOT Highway Maintenance contract.

RESOLUTION NO: 2018-42

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.

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-43** – Authorizing the Mayor to sign a letter of engagement and a contract with Arnett, Kirksey, Kimsey, Sullivan, Lay & Hall to audit accounts of the City of Cleveland for the period July 1, 2017 through June 30, 2018.

RESOLUTION NO: 2018-43

A RESOLUTION AUTHORIZING AN ENGAGEMENT LETTER AND A CONTRACT WITH ARNETT, KIRKSEY, KIMSEY, SULLIVAN, LAY & HALL, 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 Arnett, Kirksey, Kimsey, Sullivan, Lay & Hall, PLLC, to audit the accounts for the period from July 1, 2017, through June 30, 2018, with a fee of \$49,000.00; and

WHEREAS, the City Council desires to enter into an engagement letter and a contract with Arnett, Kirksey, Kimsey, Sullivan, Lay & Hall, 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.

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-44** – Approving the FY2019 Appropriations.

RESOLUTION NO: 2018-44

**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 2018-2019:

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-45** – 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: 2018-45

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 \$2,147,000 in tax equivalents for FY2019.

Section 2. This resolution shall become effective July 1, 2018 the public welfare requiring it.

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-46** - 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: 2018-46

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 and wastewater system is hereby directed to pay to the City of Cleveland \$232,000 in tax equivalents for FY2019.

Section 2. This resolution shall become effective July 1, 2018 the public welfare requiring it.

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-47** – 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: 2018-47

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 \$215,000 in tax equivalents for FY2019.

Section 2. This resolution shall become effective July 1, 2018 the public welfare requiring it.

Adopted this 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-48** – Regarding the Cleveland City Schools Federal Project Fund.

RESOLUTION NO: 2018-48

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 14th day of May, 2018, 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 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-49** - Annual Review of the City’s Debt Management Policy.

RESOLUTION NO: 2018-49

A RESOLUTION AMENDING 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 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-50** – Authorizing the submission of the 2018 Tennessee Agriculture Enhancement Program grant to increase tree population.

RESOLUTION NO: 2018-50

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2018 TENNESSEE AGRICULTURE ENHANCEMENT PROGRAM

WHEREAS, the State of Tennessee Department of Agriculture is requesting project proposals through the Tennessee Agricultural Enhancement Program (TAEP) to increase tree populations and enhance the benefits they provide; and

WHEREAS, each winning proposal may be awarded a total up to \$20,000 in grant funds, which will be used to reimburse expenses on a monthly basis, for a maximum of five months. The TAEP offers a 50/50 matching cost-share program for tree planting on public property; and

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Tennessee Department of Agriculture.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application with the State of Tennessee Department of Agriculture on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City by the Tennessee Department of Agriculture.

Adopted this 14th day of May, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-51** – Authorizing the submission of an application for the FY2018 Bulletproof Vest Partnership Grant (\$20,000; 50% reimbursement).

RESOLUTION NO: 2018-51

AUTHORIZING THE CITY OF CLEVELAND TO APPLY FOR A BULLETPROOF VEST PARTNERSHIP GRANT FOR FY 2018 YEAR THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE

WHEREAS, the City of Cleveland desires to apply for a FY 2018 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 \$20,000.00 (\$800 each), and the grant, if approved, would reimburse the City for 50% of the cost of these vests, or \$10,000.00; 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 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-53** – Authorizing the submission of the 2018 AARP Community Challenge Grant.

RESOLUTION NO: 2018-53

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2018 AARP COMMUNITY CHALLENGE GRANT

WHEREAS, the MPO Coordinator is recommending that the City apply for a 2018 AARP Community Challenge Grant as set forth in the attached memorandum dated May 8, 2018; and

WHEREAS, the proposed grant application is for bus shelters in three different locations as set forth in the attached memorandum; and

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to apply for the grant application, and authorize the Mayor to sign the same, as well as to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to sign and submit a grant application on behalf of the City of Cleveland for the grant described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the grant if the same is awarded to the City.

Adopted this 14th day of May, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

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

- | | |
|---------------------------------------|-------------------------------|
| ANDREW JOHNSON BANK | ATHENS FEDERAL COMMUNITY BANK |
| BANK OF CLEVELAND | BB&T BANK |
| BOWATER CREDIT UNION | FIRST TENNESSEE BANK |
| SMART BANK (FSG BANK) | PINNACLE BANK |
| REGIONS BANK | SOUTHEAST BANK AND TRUST |
| SOUTHERN HERITAGE BANK | SUNTRUST BANK |
| TENNESSEE VALLEY FEDERAL CREDIT UNION | |
| UNITED COMMUNITY BANK | |

- **Surplus Update** - Various items sold on GovDeals for Park & Recreation and Development & Engineering.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: May 3, 2018
SUBJECT: Surplus Equipment - Update

The following items were sold on GovDeals for the following amounts:

- 2008 Ford Escape - \$3,887.00 (Development & Engineering)
- 1990 Case Tractor - \$1,010.00 (Parks & Recreation)

The funds per department will be applied toward future equipment purchases.

- **Bid Update** – Signage for Exit 25.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: May 8, 2018
SUBJECT: Signage for Exit 25 – Bid Report

Bids were received on Thursday, May 3, 2018 for signage on the newly constructed wall at Exit 25 from Ortwein Signs and Southern Advertising & Sign Service. Due to clarifications needed on the drawing that was provided in the bid document, both vendors submitted a non-responsive bid.

Therefore, I would like to respectfully request the City Council reject the bids that were submitted. I will re-bid this project immediately with revisions to the drawing.

- **Street Light Recommendation** – Abby Hagan located at Fletcher Road (Cleveland Utilities recommends the addition of two 51-watt LED fixtures on existing power poles to bring the roadway to City street lighting guidelines).

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May stated his three names for the 2030 Vision Committee were Roger Jenne, Clark Campbell and Desha Conn.

Councilman Banks stated his three names were Beverly Johnson, Travis Henry and Bailey Jones for the 2030 Vision Committee.

Vice Mayor Johnson stated his three names for the 2030 Vision Committee were Demetrius Ramsey, Joe Sharp and Linda Burris.

Councilman Cassada stated his three names were Dr. DeWayne Thompson, Chris Berry and Bill Brown for the Committee.

Councilman May stated he would like to thank the three people he has spoken to for giving of their time to help Cleveland.

Mr. Fivas stated a schedule would be given to all members and a press release would be issued but he is anticipating mid-June for the first meeting.

Larry Bowers then introduced the new reporter for the *Cleveland Daily Banner* Tim Singer.

Councilman Hughes stated he turned his names in to Sue Zius, which were Bill Hamilton, Mickey Torbett and Dan Bowles.

Councilman Estes gave his names during the 1:00 session, which were Logan Kirkpatrick, Terri Dye and Kez Pugh.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-13** – Rezoning 0.37 acres located at 3910 North Ocoee St (Tax Map 042G Group D Parcel 27.00) from R1 Single Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved, subject to Andrew Morgan getting a legal opinion providing the zoning is not contrary to the restrictive covenant of the subdivision. Vote: 6-3).

Zoning Ordinance No: 2018-13

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 R1 Single-family Residential District to PI Professional Institutional Zoning District

Approximately 0.37 acres, more or less, located at 3910 N. Ocoee Street as shown on the attached map and identified as Tax Map 42G Group D Parcel 27.00, being the same property described in a Warranty Deed from Ricky L. Young and wife Deborah J. Young to DCP Properties, a Tennessee General Partnership, as recorded in Bradley County Registers Deed Book 2101 pages 853-854, being described as the western portions of Lots Thirteen (13) and Fourteen (14) in the W.M. Watson property addition as shown in the plat of record in Plat Book 1, page 178 in the Bradley County Registers Office.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Mr. Morgan spoke regarding the signatures required from the neighborhood have been obtained except for 2 signatures, which Mr. McCoin stated were not required from the condo. Councilman May moved that Zoning Ordinance No: 2018-13 be approved on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-16** – FY2018 Budget Amendments.

ORDINANCE NO: 2018-16

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2017-2018 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 2017-2018 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
GENERAL FUND			
Tax Revenues:	39,252,500	672,500	Increase in Prop, Utility and In Lieu of Taxes
Licenses & permits:	630,700	0	
Intergovernmental:	5,449,985	15,525	State Tourism Grant
Charges for services:	1,268,300	132,000	Contracted Services
Fines & forfeits:	620,570	(116,030)	Decrease in Traffic Fines
Interest income:	100,000	82,500	
Miscellaneous:	162,917	35,933	TML Reimb, Memorial Trees
Public Enterprise Revenue:	218,800	0	
Subtotal:	47,703,772	822,428	
Other Funding Sources:	3,358,342	377,257	
Total revenues	51,062,114	1,199,685	
Legis. & Judicial	579,816	(6,820)	Emergency Repair HVAC-Jetport
Administration	987,335	0	
Finance	967,476	0	
Code Enforcement	295,750	0	
Information Technology	493,895	0	
Development & Engineering	1,541,372	0	
Police	10,208,491	(18,398)	Various Reductions
Fire	9,054,172	(44,158)	Various Reductions
PW Operations	2,580,015	16,631	Vehicle Repairs - TML Reimb
Street Lighting & Signals	1,507,800	0	
Fleet Management	717,500	37,300	Contracted Services
Cleveland Regional Jetport	262,429	8,420	HVA Repair
Animal Control	594,561	13,835	Increase Spay Neuter
Safety Program	161,661	1,986	Building Repairs
Parks & Recr.	1,084,126	2,285	Building Repairs
Landscaping	655,887	1,970	Vehicle Repairs - TML Reimb
College Hill Rec Center	450,000	0	
Cleveland Comm Center	432,910	0	
Tinsley Park	356,052	2,980	Repairs - TML Reimb, Lifeguard Training - Reimb
P&R - Leases	37,376	0	
Appropriations	1,317,236	0	
Subtotal:	34,285,850	16,031	
Transfers	16,756,469	1,056,031	Transfer to CIP - Police Cars, Fire Equip, Tennis Courts
Total expenditures	51,042,319	1,072,062	
Increase (use) of fund balance	19,795	179,775	

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City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
SPECIAL REVENUE FUNDS:			
Solid Waste Mgmt. Fund			
Revenues	2,537,911	16,111	TML Reimb, Interest
Transfers from Other Funds	1,056,494	0	
Total Rev. & Transfers In	3,594,405	16,111	
Expenditures	3,682,394	140,000	Knuckleboom
Increase (Use) of Fund Balance:	(87,989)	(123,889)	
State Street Aid Fund			
Revenues	1,309,712	158,712	State Gas Tax, Interest
Transfers from Other Funds	0	0	
Total Rev. & Transfers In	1,309,712	158,712	
Expenditures	706,400	0	
Transfers Out	426,353	0	
Total Expenditures & Transfers:	1,132,753	0	
Increase (Use) of Fund Balance:	176,959	158,712	
Cleveland Public Library Fund			
Revenues	1,226,600	446,800	Donatnions, State Grants
Transfers from Other Funds	645,800	0	
Total Rev. & Transfers In	1,872,400	446,800	
Expenditures	1,896,800	471,200	Building Renovations, Landscaping and Equipment
Increase (Use) of Fund Balance:	(24,400)	(24,400)	
Drug Enforcement Trust Fund			
Revenues	20,126	10,026	Increase Revenues
Expenditures	25,944	0	
Increase (Use) of Fund Balance:	(5,818)	10,026	

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City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
2017 Bryne Mem. Justice Asst. Grant			
Revenues	0	0	
Transfers from Other Funds	0	0	
Total Rev., Transfers & Other Fin.	0	0	
Expenditures	0	0	
Increase (Use) of Fund Balance:	0	0	
Community Dev. Block Grant			
Revenues	884,604	(1)	
Transfers from Other Funds	36,000	1,000	
Total Rev., Transfers & Other Fin.	920,604	999	
Expenditures	920,604	10,476	Blythe Oldfield Park
Increase (Use) of Fund Balance:	0	(9,477)	
MPO Fund			
Revenues	200,000	0	
Transfers from Other Funds	57,000	0	
Total Rev., Transfers & Other Fin.	257,000	0	
Expenditures	257,000	0	
Increase of Fund Balance:	0	0	
Recycling Grant			
Revenues	0	0	
Transfers from Other Funds	10,000	0	
Total Rev. & Transfers In	10,000	0	
Expenditures	19,267	9,267	FY17 Carryover
Increase (Use) of Fund Balance:	(9,267)	(9,267)	

City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
School Food Service Fund			
Revenues	3,549,518	(97,100)	Decrease USDA
Transfers from Other Funds	0	0	
Total Rev. & Transfers In	3,549,518	(97,100)	
Expenditures	3,549,518	(97,100)	Decrease Supplies, Salaries
Transfer to Other Funds	0	0	
Total Expenditures & Transfers:	3,549,518	(97,100)	
Increase (Use) of Fund Balance:	0	0	
School General Fund			
Revenues	42,610,211	1,092,030	Increase in Local and State Revenues
Transfers from Other Funds	5,273,600	0	
Total Rev. & Transfers In	47,883,811	1,092,030	
Expenditures	47,764,417	1,527,555	Increase in Instruction, Technology and Capital Outlay
Transfer to Other Funds	554,919	0	
Total Expenditures & Transfers:	48,319,336	1,527,555	
Increase (use) of Fund Balance:	(435,525)	(435,525)	
E Ticketing Technology Fund			
Revenues	10,900	0	
Transfers from Other Funds	0	0	
Total Rev. & Transfers In	10,900	0	
Expenditures	49,510	0	
Transfer to Other Funds	0	0	
Total Expenditures & Transfers:	49,510	0	
Increase (use) of Fund Balance:	(38,610)	0	

City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
CAPITAL OUTLAY FUNDS:			
Capital Improv. Program Fund			
Revenues	18,015,502	8,618,156	Various Projects-Elem School (County), State Grants
Transfers & Other Fin.	18,371,040	2,061,031	Various Projects-Note Proceeds, City Match, Const. Changes
Total Rev., Transfers & Other Fin.	36,386,542	10,679,187	
Expenditures	37,710,662	9,861,593	Various Projects-School, Fire, Police, Gaut St, Tennis Crts, 20
Transfers to Other Funds	529,223	0	
Total Expenditures & Other Uses	38,239,885	9,919,053	
Increase (Use) of Fund Balance:	(1,853,343)	760,134	
Sales Tax Capital Projects Fund			
Revenues	3,914,000	34,400	Interest
Total Rev., Transfers & Other Fin.	3,914,000	34,400	
Expenditures	6,027,779	0	
Total Expenditures & Other Uses	6,027,779	0	
Increase (Use) of Fund Balance:	(2,113,779)	34,400	
Fletcher Park			
Revenues	0	0	
Transfers from Other Funds	0	0	
Total Rev. & Transfers In	0	0	
Expenditures	5,403	5,403	
Transfer to Other Funds	0	0	
Total Expenditures & Transfers:	5,403	5,403	
Increase (Use) of Fund Balance:	(5,403)	0	
Greenway Fund			
Revenues	10,495	4,295	Greenway Benches
Transfers from Other Funds	0	0	
Total Rev. & Transfers In	10,495	4,295	
Expenditures	12,209	4,145	Greenway Benches
Increase (Use) of Fund Balance:	(1,714)	150	

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City of Cleveland, Tennessee FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
Spring Branch Industrial Park			
Revenues	3,005,000	3,005,000	Bond proceeds
Total Rev., Transfers & Other Fin.	3,005,000	3,005,000	
Expenditures	3,000,000	18,000	
Transfer to Other Funds	180,027	0	
Total Expenditures & Other Uses	3,180,027	18,000	
Increase (Use) of Fund Balance:	(175,027)	2,987,000	
Debt Service Fund:			
Revenues	886,846	0	
Transfers from Other Funds	6,140,984	0	
Total Rev., Transfers & Other Fin..	7,027,830	0	
Expenditures	6,929,858	58,026	Interest Exp - Spring Branch
Increase (Use) of Fund Balance:	97,972	(58,026)	
Insurance Trust Fund:			
Revenues	3,778,125	63,766	Increased enrollment
Transfers from Other Funds	0	0	
Total Rev., Transfers & Other Fin..	3,778,125	63,766	
Expenditures	3,614,289	0	
Increase (Use) of Fund Balance:	163,836	63,766	

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City of Cleveland, Tennessee			
FY2018 Budget Amendment - May 2018			
	May 2018 Amendment	Increase (Decrease) from January 2018	Explanation
Enterprise Funds:			
Storm Water Management Fund			
Revenues	1,616,700	18,200	Interest & Misc Income
Transfers from Other Funds	0	0	
Total Rev., Transfers & Other Fin..	1,616,700	18,200	
Expenditures	1,809,991	23,000	Misc. Drainage Exp
Increase (Use) of Fund Balance:	(193,291)	(4,800)	
Fiduciary Funds:			
Meiler Estate/Animal Shelter Trust Fund			
Revenues	3,300	1,800	Interest Income
Transfers from Other Funds	0	0	
Total Rev., Transfers & Other Fin..	3,300	1,800	
Expenditures	0	0	
Increase (Use) of Fund Balance:	3,300	1,800	

Councilman Banks moved that Ordinance No: 2018-16 be approved on first reading. The motion was seconded by Councilman Estes. Mr. McKay explained that he was transferring a little money to CIP to cover overruns on projects and the General Fund will have a little fund balance at the end of the fiscal year. Upon roll call, the motion was unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-17** – Amending Section 2.8.1.B and Table 1 of the Zoning Regulations concerning the allowable uses within the CN Neighborhood Commercial Zoning District (Planning Commission: Approved 7-0; 2 members absent).

ORDINANCE NO: 2018-17

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 2.8.1B AND TABLE 1 SO AS TO CLARIFY THE PERMITTED USES WITHIN THE CN NEIGHBORHOOD 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 intent of the language in the existing zoning resolution concerning the permitted uses within the CN Neighborhood Commercial Zoning District; and

WHEREAS, the current uses permitted within the PI Zoning District referenced within the zoning ordinance is no longer in effect; and

WHEREAS the City Council has determined that the existing ordinance should be revised to clarify that the uses currently permitted within the PI Professional Institutional Zoning District are intended to be allowed in the CN Zoning District; 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 2.8.1.B to read as follows:

Section 2. 2.8.1.B shall be revised include the following as a permitted use:

B. Uses permitted. Professional-institutional Zoning District uses permitted as prescribed in **section 2.9, Professional Institutional Zoning District, of this zoning ordinance;** barber shop, beauty shop, restaurants but excluding a restaurant establishment that is defined as a fast-food or drive-in restaurant, dry cleaning, excluding drive-in window service and coin-operated laundry, hardware store, drug store, grocery store, nursery or garden store, bakery, shoe repair, apparel shops, self-service gasoline station limited to three (3) pumps per district and excluding auto repair, branch banks with drive-in window service, residential district uses.

Section 3. Table 1 within the Zoning Ordinance shall reflect the following:
The uses permitted within the PI Professional Institutional Zoning District shall be permitted within the CN Neighborhood Commercial Zoning District.

Section 4. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 5. 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 6. 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Ordinance No: 2018-17 be approved on first reading. The motion was seconded by Councilman Hughes. Councilman Estes asked what does this amendment do. Mr. Jobe stated this ordinance is only taking out the table, basically a housekeeping item. Upon roll call, the motion was unanimously passed.

The following Resolution was then presented in full:

- **Resolution** - Initial Resolution authorizing the incurrence of indebtedness by the City for costs relating to Candies Creek Cherokee Elementary School.

RESOLUTION NO: 2018-54

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TEN MILLION SEVEN HUNDRED FIFTY THOUSAND AND N0/100 DOLLARS (\$10,750,000) GENERAL OBLIGATION BONDS, SERIES 2018 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 acquisition, construction, improvement and/or equipping of schools; (ii) the acquisition of all property, real or personal, appurtenant thereto, or connected with such public works projects; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) 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 \$10,750,000, 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.

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 \$10,750,000 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 14th day of May, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

STATE OF TENNESSEE)
COUNTY OF BRADLEY)

I, Shawn McKay, certify that I am the duly qualified and acting City Clerk of the City of Cleveland, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of the governing body of the Municipality held on May 14, 2018; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to an initial resolution for not to exceed \$10,750,000 in indebtedness of the Municipality.

WITNESS my official signature and seal of said Municipality on this the ____ day of _____, 2018

City Clerk

Mr. Fivas presented two bond financing options for the new Cherokee Elementary School. He reviewed the following document and stated if the Council chose option 2 they would still have the opportunity to approve the competitive bid and compare with the Bond Fund, who could put their bid in the open market as well. Mayor Rowland asked if Cumberland Securities was involved. Mr. McKay stated we would not be dealing with Cumberland Securities. Mr. Fivas stated we understand the relationship. Councilman Cassada moved to use option 2 and use the competitive bid/open market. The motion was seconded by Vice Mayor Johnson. Councilman Banks asked Mr. McKay what he recommended. Mr. McKay replied we should at least take a look and see if we can lock in 20-year fixed debt for around 3%. Going forward, as city policy, it makes sense on some of the smaller issues that we could continue to use the Bond Fund because the cost of issuance is cheaper. Councilman Cassada asked if we could look at 15yr vs 20yr. Mr. Fivas stated we can look at it but your payment will be a couple hundred thousand dollars more. Councilman Hughes inquired about the difference in the cost of issuance. Mr. McKay stated you have underwriting fees and credit agency fees but over 20 years you still have a savings. Councilman Banks stated option 2 would help our fixed/variable ratio. Mr. McKay stated yes. Upon roll call, the motion was unanimously passed.

Elementary School Financing Options

Bond Fund Option #1:

Financing Assumptions:

- 3.9% Interest Rate from Bond Fund for 10 years
- Rate would reset after 10 years
- Cost of Issuance: \$60,000
- Net would be around \$10 million

<u>20-Year Actual Cost of Repayment w/ Fees:</u>	<small>(Difference b/w #1 & #2)</small>
20-Yr Repay w/ Same 3.9% 10-yr Reset Rate: \$14,592,539	(+\$924,997)
20-Yr Repay w/ -1.0% 10-yr Reset Rate: \$14,233,934	(+\$566,392)
20-Yr Repay w/ -0.5% 10-yr Reset Rate: \$14,413,059	(+\$745,517)
20-yr Repay w/ +0.5% 10-yr Reset Rate: \$14,775,949	(+\$1,108,407)
20-yr Repay w/ +1.0% 10-yr Reset Rate: \$14,962,249	(+\$1,294,707)
20-yr Repay w/ +2.0% 10-yr Reset Rate: \$15,338,809	(+\$1,671,267)

Competitive Bid/Open Market Option #2:

Financing Assumptions:

- 3.05% Interest Rate (City of Alcoa April 11th actual price sale)
- Rate would be fixed for 20 years
- Cost of Issuance around \$244,838
- City Council would still approve the final Open Market Interest Rate
- Net would be around \$10 million

20-Year Actual Cost of Repayment w/ Fees:

Total 20-Yr Fixed Repayment Cost: **\$13,667,542**

Councilman Banks moved to authorize Travis Henry to initiate necessary legal procedures to enforce the zoning ordinances of Cleveland, concerning the metal salvage business on South Lee Highway, being in a zone which is not heavy industrial, which is required by our present zoning and planning regulations. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mayor Rowland stated a letter has been received from The Pool stating a dividend return would be received by the City of Cleveland this year in the amount of \$49,224.

Councilman Estes introduced grad students from his Organizational Theory Class who were in attendance.

ANNOUNCEMENTS

- No June 11th Council meeting due to the TML Annual Conference.

There being no future business the meeting was adjourned at 3:31.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MEET IN A REGULAR SESSION THIS MONDAY, MAY 28, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE MEMORIAL HOLIDAY.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MEET IN A REGULAR SESSION THIS MONDAY, JUNE 11, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE ANNUAL TENNESSEE MUNICIPAL LEAGUE CONFERENCE.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 25, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Vice Mayor Avery Johnson. Also present were Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., and Richard Banks. Mayor Tom Rowland and Councilman Dale Hughes were 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Dustin Roberts, IT Staff; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; Teresa Torbett, CDBG Coordinator; Brian Moran, Social Media; Sharon Marr with Mainstreet Cleveland; Ken Webb; Duane Schriver; Kevin Brooks; Tad Bacon with Cleveland Utilities; Dawn Robinson and Hal Taylor with Cleveland City Schools; Dr. Russell Dyer; Kim Lorello; John McDonald; Hiawatha Brown; Tony Brown; BJ Miller; Ben Berry; Nicholas Lillios; Martha Ledford; Roger Jenne; Colleen Teal; Gary Farlow with the Chamber of Commerce; Pam Edgemon; D. Dunson; Doug McGill; Keith Barrett and Bill Seymour with Cleveland State. Following the Pledge of Allegiance to the American Flag and prayer by Reverend BJ Miller from First Church of the Nazarene, 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 May 14, 2018 and approve them as written. The motion was seconded by Councilman Cassada; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Dr. Dyer gave an update on the new Raptor program developed for school safety, which will require stricter rules for entering school buildings. Hal Taylor updated the City Council concerning the new protective glass they are installing at all front entrances of school buildings, which has a rough estimate of \$4,100 for each school. Councilman Cassada replied hopefully we can help with joint project next year with school safety and some type of match. Mr. Taylor then updated the Council on Candy's Creek Elementary School, which is about 60% complete. They still are anticipating the March 2019 completion date and to be on budget. Vice Mayor Johnson asked about the number of students. Mr. Taylor replied 520. Councilman Cassada then inquired about when they would address rezoning. Mr. Dyer responded they have begun to look at plans but will publically start the process in August.

Hiawatha Brown announce her candidacy for the District 1 Council seat.

Community Foundation addressed the City Council and presented a check for the Animal Shelter. Donations were raised during the recent Movies in the Park event held at Greenway Park, where people in attendance brought their pets to enjoy the evening.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning the 2018 Annual Action Plan for the CDBG Program. Vice Mayor Johnson asked if anyone would like to speak in favor of the approval of the plan. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the approval of the plan. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request from North Cleveland Church of God to rezone 6.3 acres, more or less, located on 11th St NE from (Tax Map 49L Group U Parcel 5.00 and Tax Map 49M Group J Parcel 5.00) from R5 High Rise Residential Zoning District and R3 Multi-Family Residential Zoning District to PI Professional Institutional Zoning District. Vice Mayor Johnson asked if anyone would like to speak in favor of the rezoning. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition of the rezoning. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request from William and Tammy Holland to rezone .34 acres, more or less, located at 3920 North Ocoee St (Tax Map 42G Group D Parcel 28.00) R1 Single-family Residential Zoning District to PI Professional Institutional Zoning District. Vice Mayor Johnson asked if anyone would like to speak in favor of the rezoning. Andrew Morgan reported that all signatures have been obtained for both properties (includes 3920 North Ocoee Street rezoning) and have been given to Corey Divel. Vice Mayor Johnson asked if anyone would like to speak in opposition of the rezoning. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is also being held as a public hearing to hear public comments concerning a request by Central Partners to consider a contraction of the municipal boundaries from a portion of a piece of property (Map 42 Parcel 41.09) located at 1475 Stuart Rd NE. Vice Mayor Johnson asked if anyone would like to speak in favor of the contraction. Nicholas Lillios stated Cleveland Utilities is unable to provide sewer service to this property due to the high pressure main on Stuart Road, that is why we are asking for a contraction. Vice Mayor Johnson asked if anyone would like to speak in opposition of the contraction. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request to rezone 3.2 acres, more or less, located at 209 Sunset Dr (Tax Map 42P Group J Parcels 5.00) from R2 Low Density Single and Multi-Family Residential Zoning District to Planned Unit Development (PUD19). Vice Mayor Johnson asked if anyone would like to speak in favor of the rezoning. Ben Berry stated he was critical early-on regarding the rezoning process and now wanted to point out something being done really well. He felt it started out rushed with very little notice and thankfully it was delayed at Planning Commission for further review, which not seems to be something the neighborhood could be proud of. It does provide flexibility for the existing building and maximums the return of investment on the property, while also protecting the neighborhood, with residential standards such as lighting. He feels this is the best PUD that the Council has had a chance to review and approve. Vice Mayor Johnson asked if anyone would like to speak in opposition of the rezoning. No one spoke. Vice Mayor Johnson declare the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request to amend section 2.12.2 and Table 1 of the Zoning Ordinance to create provisions which allow for automobile sales within as a conditional use within the CBD Central Business Zoning District. Vice Mayor Johnson asked if anyone would like to speak in favor of the amendment. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition of the amendment. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

CONSENT AGENDA

Vice Mayor Johnson reviewed the following items on the consent agenda.

- **Final Passage - Zoning Ordinance No: 2018-13** – heretofore passed on first reading May 14, 2018 and found in Minute Book 29, Page 121; rezoning 0.37 acres located at 3910 North Ocoee St (Tax Map 042G Group D Parcel 27.00) from R1 Single Family Residential Zoning District to PI Professional Institutional Zoning District.
- **Final Passage - Ordinance No: 2018-16** – heretofore passed on first reading May 14, 2018 and found in Minute Book 29, Page 122; FY2018 Budget Amendments.
- **Final Passage - Ordinance No: 2018-17** – heretofore passed on first reading May 14, 2018 and found in Minute Book 29, Page 126; amending Section 2.8.1.B and Table 1 of the Zoning Regulations concerning the allowable uses within the CN Neighborhood Commercial Zoning District (Planning Commission: Approved 7-0; 2 members absent).
- **Resolution No: 2018-55** – Approving the 2018 Annual CDBG Action Plan.

RESOLUTION NO: 2018-55

**RESOLUTION FOR APPROVAL OF THE
2018 ANNUAL ACTION PLAN
FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

WHEREAS, the City Council of the City of Cleveland, Tennessee received a document, *City of Cleveland 2018 Annual Action Plan* which is incorporated herein as EXHIBIT A; and

WHEREAS, the aforementioned *2018 Action Plan* was the subject of public hearings on September 25, 2017, February 15th and again on February 21st, 2017. A draft of the *Action Plan* was available on May 10th, 2018 which began a thirty-day comment period ending on May 8, 2018 with copies of the Plan being made available at the Development and Engineering Services Office, the Cleveland Public Library, and on the City’s website www.clevelandtn.gov as advertised in the *Cleveland Daily Banner* on May 10, 2018;

WHEREAS, the aforementioned Plan has been reviewed by the Cleveland Municipal Planning Commission whose members were provided with the document and given the opportunity to comment; and

WHEREAS, comments concerning the aforementioned Action Plan were received by City staff and reported to the City Council and the City Council has considered the comments:

NOW, THEREFORE, BE IT RESOLVED, the *2018 Action Plan* is incorporated herein as EXHIBIT A be approved by the City Council, and be it further resolved that City staff are authorized to submit the aforementioned Plans 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.

Approved this 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-56** – Authorizing the Mayor to sign change order #1 with B&W Contractors for the Ocoee Greenway Connector project.

RESOLUTION NO. 2018-56

WHEREAS, the City of Cleveland and B & W Contractors, Inc. previously entered into a construction agreement dated May 2, 2017 for the following project:

Project: Ocoee Greenway Connector (Tinsley Park to Ocoee Street)
PIN: 118516
State Project Number: 06LPLM-F3-044
Federal Project Number: TAP/STP-M-9203(19)
Contract Number: 130195

WHEREAS, the City has recently received the attached proposed change order #1 to the agreement with B & W Contractors, Inc., which would raise the total contract amount by \$37,080.00; 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 #1 to the referenced agreement with B & W Contractors, Inc., and it further authorizes the Mayor to execute the supplemental agreement incorporating the change order on behalf of the City of Cleveland.

This 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-57** – Accepting Stone Gate Circle NW as a city street.

RESOLUTION NO: 2018-57

WHEREAS, Stone Gate Circle NW is a street shown on a plat of Stonegate Subdivision, which plat is recorded on October 25, 2011 in Plat Book 25, page 124, in the Register of Deeds' Office of Bradley County, Tennessee; and

WHEREAS, Stone Gate Circle NW is located inside the City limits of the City of Cleveland; and

WHEREAS, the developer of this subdivision has requested that the City accept Stone Gate Circle NW as a City street; and

WHEREAS, City engineering staff have inspected Stone Gate Circle NW to confirm that this street has been constructed to City of Cleveland street construction standards; and

WHEREAS, City engineering staff is now recommending that the City accept Stone Gate Circle NW 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 a Stone Gate Circle NW as a City Street.

This 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-58** - Approving an agreement with Bradley County for the division of sale proceeds for a parcel owned by Bradley County that was purchased at a delinquent tax sale (251 Fair Street SE).

RESOLUTION NO. 2018-58

WHEREAS, the Bradley County Tax Committee is in the process of trying to sell real property owned by the County which property is located at 251 Fair Street SE (Tax I.D. Number 058H-C-031.00), and

WHEREAS, this property was purchased by Bradley County at a delinquent tax sale on March 13, 2004 for the sum of \$270.02; and

WHEREAS, on March 2, 1999, the City recorded the attached lien in the amount of \$3,515.94 in the Bradley County Register of Deeds office against the property, which amount reflected the City's cost of demolishing a dilapidated building located on the property; and

WHEREAS, on December 26, 2016, Bradley County, through its tax committee, attempted to sell the subject property through the statutory process by advertising the property for sale with a minimum bid of the amount of the City's demolition lien plus the amount of the tax sale purchase price paid by the County; and

WHEREAS, when Bradley County attempted to sell the property in December of 2016, the County did not receive a minimum bid; and

WHEREAS, in April of 2018 the Bradley County Tax Committee voted to reduce the minimum bid based upon a valuation of the property by the Bradley County Tax Committee at \$500, and the property was offered again for sale subject to an agreement being reached between the County and the City resolving the claims against the property if the property could be sold; and

WHEREAS, the Bradley County delinquent tax committee then advertised the property for sale in April of 2018 and the County received a bid of \$751.00;

WHEREAS, the County Attorney has recently sent the attached e-mail to the City Attorney with a proposal to divide the sale proceeds of \$751.00 between the County and the City as follows:

Reimbursement to the County of the County's purchase price of \$270.02, with the balance of \$480.98 being paid by the County to the City to satisfy the demolition lien described herein.

WHEREAS, the City Council desires to approve of this proposal by Bradley County to divide the sale proceeds as described herein, which will allow the property to be sold so it can go back on the County and City tax rolls.

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 and agree to the proposal by Bradley County to sell the subject property, and the division of the proceeds as set forth herein.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to record a release of the lien described herein once the City receives its share of the proceeds from the County.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-59** - Approving an agreement with Bradley County for the division of sale proceeds for a parcel owned by Bradley County that was purchased at a delinquent tax sale (565 4th Street NW).

RESOLUTION NO. 2018-59

WHEREAS, the Bradley County Tax Committee is in the process of trying to sell real property owned by the County which property is located at 565 4th Street NW (Tax I.D. Number 049M-M-015.00), and

WHEREAS, this property was purchased by Bradley County at a delinquent tax sale on March 13, 2004 for the sum of \$13.00; and

WHEREAS, on March 2, 1999, the City recorded the attached lien in the amount of \$3,371.94 in the Bradley County Register of Deeds office against the property, which amount reflected the City's cost of demolishing a dilapidated building located on the property; and

WHEREAS, on December 26, 2016, Bradley County, through its tax committee, attempted to sell the subject property through the statutory process by advertising the property for sale with a minimum bid set of \$3,371.94 (which minimum bid included the remaining County taxes still owed, the amount of the City's demolition lien, and the amount of the tax sale purchase price paid by the County); and

WHEREAS, when Bradley County attempted to sell the property in December of 2016, the County received a bid but it was withdrawn; and

WHEREAS, in April of 2018 the Bradley County Tax Committee voted to reduce the minimum bid based upon a valuation of the property by the Bradley County Tax Committee at \$2,500, and the property was offered again for sale subject to an agreement being reached between the County and the City resolving the claims against the property if the property could be sold; and

WHEREAS, the Bradley County delinquent tax committee then advertised the property for sale in April of 2018 and the County received a bid of \$2,800.00;

WHEREAS, the County Attorney has recently sent the attached e-mail to the City Attorney with a proposal to divide the sale proceeds of \$2,800 between the County and the City as follows:

Payment of the County base tax and penalty and interest for the tax year of 2004 in the amount of \$4.23 and reimbursement to the County of the County's publication cost of \$244.48, for a total of \$244.48 to Bradley County, with the balance of \$2,555.52 being paid by the County to the City to satisfy the demolition lien described herein.

WHEREAS, the City Council desires to approve of this proposal by Bradley County to divide the sale proceeds as described herein, which will allow the property to be sold so it can go back on the County and City tax rolls.

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 and agree to the proposal by Bradley County to sell the subject property, and the division of the proceeds as set forth herein.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to record a release of the lien described herein once the City receives its share of the proceeds from the County.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-60** – Authorizing the Mayor to sign contract amendment #3 with TDOT concerning the Ocoee Greenway Connector to extend the contract completion date for reimbursement purposes.

RESOLUTION NO: 2018-60

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: Ocoee Greenway Connector
Agreement Number: 130195
Project Identification Number: 118516.00
State Project #: 06LPLM-F1-054; 06LPLM-F2-055; and 06LPLM-F3-044
Federal Project #: TAP/STP-M-9203(19)

WHEREAS, the City Council desires to enter into the attached contract amendment number 3 with TDOT for the projects described in the amendment, 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 3 with TDOT for the project described herein and in the amendment, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-61** – Adopting the 2017 Updated Bradley County Natural Hazard Mitigation Plan.

RESOLUTION NO: 2018-61

A RESOLUTION TO ADOPT THE 2017 UPDATED BRADLEY COUNTY NATURAL HAZARD MITIGATION PLAN

WHEREAS; the City of Cleveland City Council have previously adopted the Local Hazard Mitigation Plan dated February 27, 2007, and;

WHEREAS; City of Cleveland has experienced severe damage from flooding, tornados, severe storms, and other natural hazards on many occasions during its history, resulting in the loss of life and property, economic hardship and threats to public health and safety, and;

WHEREAS; the Bradley County Natural Hazard Mitigation Plan (the Plan) has been developed after more than two years of research work by the Cleveland / Bradley County Emergency Management Agency's Mitigation Planning Team, this will update and address natural hazard risks for the cities of Cleveland and Charleston and the unincorporated areas of Bradley County, and;

WHEREAS; the Plan recommends many hazard mitigation actions that will aid in the protection of the citizens and property affected by natural hazards that face the city of Cleveland, and;

WHEREAS; public review and comments affecting the Plan were solicited and accepted as required by law, and;

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

Section 1: The Bradley County Hazard Mitigation Plan is hereby adopted as the official plan of City of Cleveland in the year 2017 and to be updated again no later than the year 2022.

Section 2: The respective city officials identified in the objectives and actions section of the Plan are hereby directed to implement the recommended actions as assigned to them by the Plan. Furthermore, they will provide annual reports by the 1st day of September each year including the activities, accomplishments or progress, if any are approved and funded projects, to the Cleveland / Bradley County Emergency Management Agency.

Section 3: Annual progress reports pertaining to the Plan shall be made available on the 1st day of October of each year to the City Mayor, City Manager and / or the City Council upon written request to the Cleveland / Bradley County Emergency Management Agency.

NOW, LET IT BE FURTHER RESOLVED that this resolution shall become effective upon final reading and passage by the City of Cleveland City Council, the public welfare requiring it.

Adopted this 25th day of June, 2018

APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Joe Fivas, City Manager

- **Resolution No: 2018-62** – Authorizing the Mayor to sign an agreement with Tritech Software Systems for mobile mapping.

RESOLUTION NO. 2018-62

WHEREAS, City staff are requesting that the City Council approve of the attached agreement between the City and Tritech Software Systems; and

WHEREAS, the City Council now desires to accept the attached agreement with Tritech Software Systems, 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 Tritech Software Systems, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 25th day of June, 2018.

APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-64** – Authorizing a loan in the principal amount of not to exceed \$10,750,000 and approved the issuance of a bond for costs relating to Candy’s Creek Cherokee Elementary School.

RESOLUTION NO: 2018-64

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF CLEVELAND, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,750,000, IN ONE OR MORE SERIES; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS, ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS

WHEREAS, 9-21-101, et seq., inclusive, Tennessee Code Annotated, as amended, authorizes the City of Cleveland, Tennessee (the "Municipality"), by resolution of the City Council, to issue and sell bonds and to finance public works projects; and

WHEREAS, the City Council hereby determines that it is necessary and advisable to issue general obligation bonds, in one or more series, for the purpose of financing in whole or in part, (i) the acquisition, construction, improvement and/or equipping of schools; (ii) the acquisition of all property, real or personal, appurtenant thereto, or connected with such public works projects; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) payment of costs incident to the issuance and sale of the bonds authorized herein; and

WHEREAS, the City Council of the Municipality has previously adopted an initial resolution (the "Initial Resolution") authorizing the issuance of not to exceed \$10,750,000, which Initial Resolution included the purpose described above; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206, Tennessee Code Annotated, as amended, has been published as required by law, and twenty (20) days have passed since such publication with no petition being filed requiring a referendum relating to the issuance of such bonds; and

WHEREAS, it is the intention of the City Council of the Municipality to adopt this resolution for the purpose of authorizing not to exceed \$10,750,000 in aggregate principal amount of bonds for the above-described purposes, providing for the issuance, sale and payment of said bonds, establishing the terms thereof, and the disposition of proceeds therefrom, and providing for the levy of a tax for the payment of principal thereof, premium, if any, and interest thereon.

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

Authority. The bonds authorized by this resolution are issued pursuant to 9-21-101, et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

Definitions. In addition to the terms defined in the preamble above, the following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

"Bonds" means the not to exceed \$10,750,000 General Obligation Bonds, Series 2018 of the Municipality, to be dated their date of issuance, and having such series designation or such other dated date as shall be determined by the Mayor pursuant to Section 8 hereof.

"Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds.

"Code" means the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder.

"Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC.

"DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns.

"DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System.

"Financial Advisor" for the Bonds authorized herein means Davenport & Company LLC, Charlotte, North Carolina.

"Governing Body" means the City Council.

"Mayor" shall mean the Mayor of the Municipality.

"Projects" means the (i) acquisition, construction, improvement and/or equipping of schools; (ii) the acquisition of all property, real or personal, appurtenant thereto, or connected with such public works projects; and (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing.

"Registration Agent" means the registration and paying agent appointed by the Mayor pursuant to the terms hereof, or any successor designated by the Governing Body.

Findings of the Governing Body; Compliance with Debt Management Policy.

In conformance with the directive of the State Funding Board of the State of Tennessee, the Municipality has heretofore adopted its Debt Management Policy. The Governing Body hereby finds that the issuance and sale of the Bonds, as proposed herein, is consistent with the Municipality's Debt Management Policy.

The estimated interest expense and costs of issuance of the Bonds have been made available to the Governing Body.

Authorization and Terms of the Bonds.

For the purpose of providing funds to finance, in whole or in part, the Projects, including reimbursement to the Municipality for funds previously expended for any of the foregoing and payment of costs incident to the issuance and sale of the Bonds, there is hereby authorized to be issued bonds, in one or more series, of the Municipality in the aggregate principal amount of not to exceed \$10,750,000. The Bonds shall be issued in one or more series, in fully registered, book-entry form (except as otherwise set forth herein), without coupons, and subject to the adjustments permitted hereunder, shall be known as "General Obligation Bonds, Series 2018", shall be dated their date of issuance, and shall have such series designation or such other dated date as shall be determined by the Mayor pursuant to the terms hereof. The Bonds shall bear interest at a rate or rates not to exceed five percent (5.00%) per annum, payable (subject to the adjustments permitted hereunder) semi-annually on June 1 and December 1 in each year, commencing December 1, 2018. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, as shall be requested by the original purchaser thereof. Subject to the adjustments permitted pursuant to the terms hereof, the Bonds shall mature serially or be subject to mandatory redemption and shall be payable on June 1 of each year, subject to prior optional redemption as hereinafter provided, in the years 2019 through 2038, inclusive, such that the approximately level debt service is paid annually with respect to the Bonds.

Subject to the adjustments permitted under Section 8 hereof, the Bonds shall be subject to redemption prior to maturity at the option of the Municipality on June 1, 2028 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

Pursuant to the terms hereof, the Mayor is authorized to sell the Bonds, or any maturities thereof, as term bonds ("Term Bonds") with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the Mayor. In the event any or all the Bonds are sold as Term Bonds, the Municipality shall redeem Term Bonds on redemption dates corresponding to the maturity dates set forth herein, in aggregate principal amounts equal to the maturity amounts established pursuant to the terms

hereof for each redemption date, as such maturity amounts may be adjusted pursuant to the terms hereof, at a price of par plus accrued interest thereon to the date of redemption. The Term Bonds to be redeemed within a single maturity shall be selected as follows:

If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and cancelled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

Notice of any call for redemption shall be given by the Registration Agent on behalf of the Municipality not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein. In the case of a Conditional Redemption, the failure of the Municipality to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the Depository, if applicable, or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

The Governing Body hereby authorizes and directs the Mayor to appoint the Registration Agent for the Bonds and hereby authorizes the Registration Agent so appointed or the Registration Agent for the Bonds to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all

notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds cancelled and destroyed, and to furnish the Municipality at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the Municipality to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered Owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during

the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the signature of the Mayor and the attestation of the City Clerk.

Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. **SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO. AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.**

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co., as provided in the Letter of Representation relating to the Bonds from the Municipality and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The Municipality and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds, or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, then the Municipality shall discontinue the Book-Entry System with DTC or, upon request of such original purchaser, deliver the Bonds to the original purchaser in the form of fully-registered Bonds, as the case may be. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully-registered Bonds to each Beneficial Owner. If the purchaser(s) certifies that it intends to hold the Bonds for its own account, then the Municipality may issue certificated Bonds without the utilization of DTC and the Book-Entry System.

THE MUNICIPALITY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY PARTICIPANT OR ANY BENEFICIAL OWNER

WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS; (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC OR ITS NOMINEE, CEDE & CO., AS OWNER.

The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds; provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this Section.

The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the Municipality, in its discretion, shall issue, and the Registration Agent, upon written direction from the Municipality, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be able to mature, instead of issuing a substituted Bond the Municipality may pay or authorize payment of such Bond without surrender thereof. In every case, the applicant shall furnish evidence satisfactory to the Municipality and the Registration Agent of the destruction, theft or loss of such Bond, and indemnify satisfactory to the Municipality and the Registration Agent; and the Municipality may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the Municipality for the expense incurred by it in the issue thereof.

Source of Payment. The Bonds shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the Municipality. For the prompt payment of the principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are hereby irrevocably pledged.

Form of Bonds. The Bonds shall be in substantially the following form, the omissions to be appropriate completed when the Bonds are prepared and delivered:

(Form of Bond)

REGISTERED REGISTERED
Number _____ \$ _____

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTY OF BRADLEY
CITY OF CLEVELAND, TENNESSEE
GENERAL OBLIGATION BOND, SERIES 2018

Interest Rate: Maturity Date: Date of Bond: CUSIP No.:

Registered Owner:

Principal Amount:

FOR VALUE RECEIVED, the City of Cleveland, Tennessee (the "Municipality") hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth (or upon earlier redemption as set forth herein), and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate interest hereinabove set forth from the date hereof until said maturity date or redemption date, said interest being payable on December 1, 2018, and semi-annually thereafter on the first day of June and December in each year until this Bond matures or is redeemed. The principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal corporate trust office of _____, _____, _____, as registration and agent and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date directly to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said Bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the Municipality to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of [and premium, if any, on] this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co. as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the Municipality may discontinue the book-entry system with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully-registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy or any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners; (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

Bonds of the issue of which this Bond is one maturing on or after June 1, 2029 shall be subject to redemption prior to maturity at the option of the Municipality on June 1, 2028 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the City Council of the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

<u>Final Maturity</u>	<u>Redemption Date</u>	<u>Principal Amount of Bonds Redeemed</u>
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*Final Maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and cancelled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of any call for redemption shall be given by the Registration Agent not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of

the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and it notice has been duly provided as set forth in the Resolution, as hereafter defined. In the case of a Conditional Redemption, the failure of the Municipality to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the [Depository or the] affected Bondholders that the redemption did not occur and that the Bond called for redemption and not so paid remain outstanding.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating \$_____ and issued by the Municipality to finance in whole or in part, (i) the acquisition, construction, improvement and/or equipping of schools; (ii) the acquisition of all property, real or personal, appurtenant thereto, or connected with such public works projects; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; and (iv) payment of costs incident to the issuance and sale of the bonds authorized herein, pursuant to 9-21-101, et seq., Tennessee Code Annotated, as amended, and pursuant to a resolution adopted by the City Council of the Municipality on June 25, 2018 (the "Resolution").

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (b) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor and attested by its City Clerk as of the date hereinabove set forth.

CITY OF CLEVELAND, TENNESSEE

By: _____
Mayor

ATTESTED:

City Clerk

Transferable and payable at the principal corporate trust office of: _____

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____, whose address is _____ (Please insert Federal Identification or Social Security Number of Assignee _____), the within Bond of City of Cleveland, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent

Levy of Tax. The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the Municipality, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal and interest coming due on the Bonds in said year. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to the levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any direct appropriations from other funds, taxes and revenues of the Municipality to the payment of debt service on the Bonds, including available revenues from the electric system and water and sewer system of the Municipality to the extent the debt service on the Bonds relates to projects for such electric system and water and sewer system.

Sale of Bonds.

The Bonds shall be offered for competitive public sale in one or more series, at a price of not less than 98% of par, plus accrued interest, as a whole or in part from time to time as shall be determined by the Mayor, in consultation with the Financial Advisor. The Bonds, or any series thereof, shall be sold by delivery of bids via physical delivery, mail, fax, or telephone or by electronic bidding means of an Internet bidding service as shall be determined by the Mayor, in consultation with the Financial Advisor.

If the Bonds are sold in more than one series, the Mayor is authorized to cause to be sold in each series an aggregate principal amount of Bonds less than that shown in Section 4 hereof for each series, so long as the total aggregate principal amount of all series issued does not exceed the total aggregate of Bonds authorized to be issued herein.

The Mayor is further authorized with respect to each series of Bonds to:

change the dated date of the Bonds, or any series thereof, to a date other than the date of issuance of the Bonds;

change the designation of the Bonds, or any series thereof, to a designation other than "General Obligation Bonds, Series 2018" and to specify the series designation of the Bonds, or any series thereof;

change the first interest payment date on the Bonds, or any series thereof, to a date other than December 1, 2018, provided that such date is not later than twelve months from the dated date of such series of Bonds;

establish and adjust the principal and interest payment dates and the maturity amounts of the Bonds, or any series thereof, provided that (A) the total principal amount of all series of the Bonds does not exceed the total amount of Bonds authorized herein; (B) the final maturity date of each series shall not exceed the final maturity described in Section 4 hereof; and (C) the debt service schedule shall be consistent with the terms of Section 4 and shall not result in balloon indebtedness requiring the approval of Director of State and Local Finance of the State of Tennessee;

adjust or remove the Municipality's optional redemption provisions of the Bonds, provided that the premium amount to be paid on Bonds or any series thereof does not exceed two percent (2%) of the principal amount thereof;

sell the Bonds, or any series thereof, or any maturities thereof as Term Bonds with mandatory redemption requirements corresponding to the maturities set forth herein or as otherwise determined by the Mayor, as he shall deem most advantageous to the Municipality; and

cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company if such insurance is requested and paid for by the winning bidder of the Bonds, or any series thereof.

The form of the Bond set forth in Section 6 hereof shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

The Mayor is authorized to sell the Bonds, or any series thereof, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any series thereof, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more series as the Mayor shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Bonds"; provided, however, that the total aggregate principal amount of combined bonds to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds authorized by any other resolution or resolutions adopted by the Governing Body.

The Mayor is authorized to award the Bonds, or any series thereof, in each case to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on the Bonds does not exceed the maximum rate prescribed by Section 4 hereof. The award of the Bonds by the Mayor to the lowest bidder shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required.

The Mayor and City Clerk are authorized to cause the Bonds, in book-entry form (except as otherwise permitted herein), to be authenticated and delivered by the Registration Agent to the successful bidder and to execute, publish, and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The Mayor is hereby authorized to enter into a contract with the Financial Advisor, for financial advisory services in connection with the sale of the Bonds and to enter into an engagement letter with Bass, Berry & Sims PLC to serve as bond counsel in connection with the Bonds, and all actions heretofore taken by the officers of the Municipality in that regard are hereby ratified and approved.

Disposition of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited with a special fund of the Municipality known as the Construction Fund (the "Construction Fund"), or such other designation as shall be determined by the Mayor, to be kept separate and apart from all other funds of the Municipality. The Municipality shall disburse funds in the Construction Fund to pay costs of issuance of the Bonds, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if

any, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds. Notwithstanding the foregoing, costs of issuance of the Bonds may be withheld from the good faith deposit or purchase price of the Bonds and paid to the Financial Advisor to be used to pay costs of issuance of the Bonds. The remaining funds in the Construction Fund shall be disbursed solely to pay the costs of the Projects and to reimburse the Municipality for any funds previously expended for costs of the Projects. Money in the Construction Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than the amount in said Construction Fund. Money in the Construction Fund shall be invested in such investments as shall be permitted by applicable law to the extent permitted by applicable law.

Official Statement. The officers of the Municipality, or any of them, are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds. After bids have been received and the Bonds have been awarded, the officers of the Municipality, or any of them, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The officers of the Municipality, or any of them, shall arrange for the delivery to the successful bidder on the Bonds of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been awarded for delivery, by the successful bidder on the Bonds, to each potential investor requesting a copy of the Official Statement and to each person to whom such bidder and members of his bidding group initially sell the Bonds.

The officers of the Municipality, or any of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

Notwithstanding the foregoing, no Official Statement is required to be prepared if the Bonds, or any series thereof, are purchased by a purchaser that certifies that such purchaser intends to hold the Bonds, or any series thereof, for its own account and has no present intention to reoffer the Bonds, or any series thereof.

Discharge and Satisfaction of Bonds. If the Municipality shall pay and discharge the indebtedness evidenced by any series of the Bonds in any one or more of the following ways:

By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers (an "Agent"; which agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice); or

By delivering such Bonds to the Registration Agent for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent. For the purposes of this Section, Defeasance Obligations shall direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Federal Tax Matters Related to the Bonds.

The Bonds are expected to be issued as federally tax-exempt bonds. If so issued, the Municipality hereby covenants that it will not use, or permit the use of, any proceeds of the Bonds in a manner that would cause the Bonds to be subjected to treatment under Section 148 of the Code, and applicable regulations thereunder, as an "arbitrage bond." To that end, the Municipality shall comply with applicable regulations adopted under said Section 148. The Municipality further covenants with the registered owners from time to time of the Bonds that it will, throughout the term of the Bonds and through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Code, comply with the provisions of Sections 103 and 141 through 150 of the Code and all regulations proposed and promulgated thereunder that must be satisfied in order that interest on the Bonds shall be and continue to be excluded from gross income for federal income tax purposes under Section 103 of the Code.

The Governing Body hereby delegates to the Mayor the authority to designate, and determine whether to designate, any series of the Bonds as "qualified tax-exempt obligations," as defined in Section 265 of the Code, to the extent permitted under the Code.

It is reasonably expected that the Municipality will reimburse itself for certain expenditures made by it in connection with the Projects by issuing the Bonds. This resolution shall be placed in the minutes of the Governing Body and shall be made available for inspection by the general public at the office of the Governing Body. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

The appropriate officers of the Municipality are authorized and directed, on behalf of the Municipality, to execute and deliver all such certificates and documents that may be required of the Municipality in order to comply with the provisions of this Section related to the issuance of the Bonds.

Continuing Disclosure. The Municipality hereby covenants and agrees that it will provide annual financial information and material event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the Closing of the sale of the Bonds an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Resolution a Contract. The provisions of this resolution shall constitute a contract between the Municipality and the registered owners of the Bonds, and after the issuance of the Bonds, no change,

variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Duly adopted and approved on June 25, 2018.

Mayor

Attested:

City Clerk

STATE OF TENNESSEE)
COUNTY OF BRADLEY)

I, Shawn McKay, certify that I am the duly qualified and acting City Clerk of City of Cleveland, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a meeting of the governing body of the Municipality held on June 25, 2018; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to the Municipality's General Obligation Bonds, Series 2018.

WITNESS my official signature and seal of said Municipality on _____, 2018.

City Clerk

- **Resolution No: 2018-67** - Supporting Terra Running Company to apply for the Runner Friendly Community by the Road Runners Club of America.

RESOLUTION NO: 2018-67

A RESOLUTION AUTHORIZING A LETTER OF SUPPORT TO THE ROAD RUNNERS CLUB OF AMERICA FOR A RUNNING FRIENDLY COMMUNITY DESIGNATION

WHEREAS, the Road Runners Club of America is requesting applications from communities to be designated as a Runner Friendly Community based on community infrastructure, community support and local government support to verify that our community works together to promote running as a healthy form of exercise for Cleveland residents while ensuring a safe and conducive environment for this sport; and

WHEREAS, a Running Friendly Community has local government officials working closely with the Cleveland running community to secure race permits as well as safe and desirable racecourses with a reasonable permit pricing structure; and

WHEREAS, the Mayor and City Council of the city of Cleveland, Tennessee desire to be a positive partner in the event planning process and pro-actively support pedestrians' rights, address complaints about pedestrian safety and regularly monitor high pedestrian traffic areas.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Cleveland the Mayor and City staff are hereby authorized to sign and submit a letter of support to be recognized as a Running Friendly Community with the Road Runners Club of America on behalf of the City of Cleveland for the application described herein.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that the Mayor and City staff be and hereby are authorized to execute any other documents or take any other actions which may be necessary or appropriate to implement the recommendations if this designation is awarded to the city of Cleveland by the Road Runners Club of America.

Adopted this 25th day of June 2018

APPROVED AS TO FORM:

/s/John F. Kimball
 City Attorney

 Tom Rowland, Mayor

 Shawn McKay, City Clerk

- **Surplus Property** – Items from 3805 Sycamore Dr NW and 3025 West Lake Dr NW be declared surplus and donated to Habitat for Humanity of Cleveland Home Store.
- **Bid Report** – Paving Project #P-1-18; recommendation is to accept the bid from Talley Construction Co.

BID SUMMARY
BITUMINOUS PAVEMENT - PROJECT # P-1-18
April 26, 2018

	<u>411-E</u> <u>Topping</u>	<u>307-A</u> <u>Binder</u>	<u>BM-2</u> <u>Binder</u>	<u>411-D</u> <u>Topping</u>	<u>Milling</u> <u>(City to keep</u> <u>Product)</u>	<u>Milling</u> <u>(Vendor to keep</u> <u>Product)</u>
Steve Williams	No Bid					
Wright Brothers Construction	\$110.00/Ton	\$120.00/Ton	\$125.00/Ton	\$130.00/Ton	\$30.00/Ton	\$30.00/Ton
Talley Construction Co.	\$91.00/Ton	\$99.00/Ton	\$99.00/Ton	\$108.00/Ton	\$24.00/Ton	\$23.00/Ton

Recommendation is to accept the bid from Talley Construction Co., Rossville, GA with the above stated unit prices.

Committee Recommendation: Talley Construction Co.

Assistant City Manager's Approval: Melinda B. Carroll

Department Head's Approval: Tommy Myers

- **Reappointment** – *Animal Shelter Board* – Tom Cassada for an additional 3-year term to expire April 2021.
- **Reappointment** – *Library Board* – Kelvin Bishop for an additional 6-year term to expire July 2024.
- **Reappointment** – *Building Board of Adjustments and Appeals* – Lisa Stanbery for an additional 3-year term to expire January 2021.
- **Reappointment** – *Building Board of Adjustments and Appeals* – Dustin Hawkins for an additional 3-year term to expire January 2021.
- **Reappointment** – *Plumbing Board* – Andrew Curtis for an additional 5-year term to expire April 2023.
- **Reappointment** – *Vacant Property Review Board* – Duane Gilbert for an additional 2-year term to expire May 2020.
- **Reappointment** – *Vacant Property Review Board* – Verrill Norwood for an additional 2-year term to expire May 2020.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Banks inquired about the status of the recycle/salvage yard on South Lee Highway, which is in litigation. Mr. Fivas stated he has spoken with Mr. Henry concerning our options and would contact him to come give an update. Councilman Banks then inquired about the status of Joe V. Williams' building located at Church and 1st Street, which still has barricades around it. Mr. Kimball stated the final hearing is set for August. We are hoping the Chancellor will uphold the Building Boards determination, that the building needs to be demolished. If so, it can be appealed to the Court of Appeals by Mr. Williams. Councilman Banks stated lastly, he has received numerous calls concerning a school bus parked at the corner of 14th and Harle for several months and feels no work has been done. He feels there is no ambiguity in Code Section 15-614, which says you can't park on a city street, a bus or van with a capacity for more than 15 passengers. You can't use the city streets in that way because it affects the value of property of the neighbors. This bus is an eyesore and if we are not going to enforce 15-614 then it needs to be repealed in his opinion. He then moved for the City Attorney to amend the code to eliminate the ability for someone to park an abandoned school bus in a residential area. Mr. Kimball stated he can bring an ordinance to try to address it but it is tagged as a recreational vehicle, no longer a school bus, all the seats have been removed. The owner is building it into a recreational vehicle, for educational purposes, to travel the country to teach. If you want to eliminate all vehicles, all types over a certain size, we can do that but we could eliminate things you may not intend. Possibly we could look at amending the historic zoning parking overlay to address parking in the historic district or certain large vehicles. Councilman Banks stated he doesn't see ambiguity and feels it shouldn't only apply downtown. If a homeowner, in any subdivision in Cleveland and someone parked across the street started working on a bus, taking the seats out, working on it across the street from their property, 15-614 says you can't park a bus that holds over 15 passengers and taking the seats out of it, it doesn't say that. It's painted and says school bus on the side, it's a school bus. Mr. Kimball stated there is no question it was a school bus but the same ordinance exempts recreational vehicles for personal use. He could move it onto his property but you'll still have concerns about property values. Mr. Fivas stated he has had the same concerns on how to move forward. Councilman Cassada stated he's received calls concerning a tractor-trailer parked on Peerless Road. It's a safety issue. Councilman Banks agreed. Mr. Kimball stated you can erect no parking signs. Councilman Banks stated we are not talking about a relative that comes in town in an RV and parks overnight. Mr. Kimball further discussed his reasoning for amending the zoning overlay since we've have better options. Vice Mayor Johnson stated staff needs to review options to amend the ordinance. Mr. Kimball stated he will do research for objective criteria like size and axels and that it doesn't matter what the use is, it's either too big or not. Councilman Banks withdrew his previous motion.

Vice Mayor Johnson thanked Mr. Myers for the drainage work done along 15th Street, Michigan Avenue and Wildwood.

Councilman McKenzie inquired about Blythe Park. Mr. Fivas stated at the next meeting we should have a complete design and know more about the grants for the dog park and additional trees. We will also discuss Deer Park, Tinsley Park, the Greenway and Blythe Park and look at all our options. Councilman McKenzie then asked about the Moore Building. Mr. Fivas replied the downtown consultants are looking at the building and will give us suggestions on the future potential of the site. The community meetings on August 7, 8 and 9 that will be a topic of discussion. Councilman McKenzie stated whatever we do, we need to do it quick.

Councilman Estes thanked Mr. Myers for his interest for the intersection improvements at Aurora and Wilson and how to slow traffic down. The residents are in support of improvements. Secondly, he would like to discuss recycling and not necessarily tied to the garbage contract. He

would like to look at our options and different models that could work for our City. Third, all the way down 8th Street at Spring Street has been cut and nothing has been done in a few weeks. The metal plates have shifted and Cleveland Utilities has fixed that but asked if someone would contact the gas company and see when the project will be completed. Next, he asked for a report from City staff on the non-conforming use at 18th/Aurora/Wilson. Also, the public and the citizens are our customers. When we do PUD's we need to represent the City not the developers. The exact opposite was said eight or nine years ago that our job was to help people develop and build. A little bit yes, but our mindset is changing and the mindset of staff needs to change and protect the aesthetics and sidewalks going forward in development. Lastly, he thanked Teresa Torbett for her dedication in keeping communication open, treating everyone fairly and being positive. This City will not be as strong without her. He then wished her the best on her retirement.

Councilman May stated he is glad the homeless situation will be addressed in the next meeting and hopefully we can form a committee to help the problem. It is extremely important. He continued to thank Mr. Myers for his work on 13th Street, as a lady had contacted him to give thanks.

NEW BUSINESS AND ORDINANCES

Vice Mayor Johnson presented the bid report.

- **Bid Report** – Residential and Commercial Solid Waste; recommendation is to accept the bid from Waste Connections, Inc. with a bid of \$2,212,301.80.

BID SUMMARY
SOLID WASTE BID – SW-#18
RESIDENTIAL & COMMERCIAL FOR
THE CITY OF CLEVELAND
June 12, 2018

1. Santek Waste Services Chattanooga, TN	<u>\$2,295,607.88</u>
3. Waste Connections, Inc. Knoxville, TN	<u>\$2,212,301.80</u>

Recommendation is to accept the bid from Waste Connections, Inc. with a bid of \$2,212,301.80 per year. This contract will begin on January 1, 2019 and is for a (5) five-year term.

Committee Recommendation: Waste Connections, Inc.
Assistant City Manager's Approval: Melinda B. Carroll
Department Head's Approval: Tommy Myers

Councilman McKenzie moved to approve the bid report recommendation of Waste Connections. The motion was seconded by Councilman Estes. Councilman Banks stated he noticed recycling was not a component in the bid process. He feels some people would be willing to pay a little extra for recycling. He is not going to vote for this particular bid since it is for five years, with a five-year extension. That is 2028 before we could provide recycling to our citizens. Vice Mayor Johnson responded he didn't see how that relates to the bid. We never discussed adding recycling and we gave out the bid packet guidelines without it. He felt the recycle program we had years ago just didn't work. If we want to recycle, we need to put it out for a bid. Councilman Banks stated as a progressive city we should offer to the citizens who chose to sign up and pay a little extra a recycling program. That is a service we should be offering. Mr. Kimball

stated the contract is for five-years and either party can give notice not to extend it the additional five years. Councilman Cassada asked if Waste Connections would speak regarding their recycling program. Doug McGill with Waste Connections stated recycling was not included in the bid specs this time. They have brought recycling a few times to the City and would be glad to participate in a workshop or options for a recycling program. He is sure other vendors would like to participate so they look forward to a bid opportunity. He explained you can have curbside, a drop-off center or with individual residents. You would reach a base number and that is how the bid would be received. We have curbside recycling offered to the entire city of Knoxville, Oakridge, Norris and Jefferson City for example. It wouldn't be a part of the garbage contract and they would be happy to work to develop a plan. He thanked the Council for their efforts and they would just need to know what they want in a recycle program. Councilman Estes encouraged Councilman Banks to change his vote and we could offer recycling at a later date. Mr. McGill stated a recycling contract would be a separate. Councilman Banks responded that all prior bids had a recycling component. Mr. McGill stated it was not included in this bid package. Ms. Carroll stated she did not include it. Councilman Banks stated that tells him more than anything else that Waste Connections is not committed to recycling. Mr. McGill stated he stands opposed to that statement. They are very pro-recycling. Councilman Banks asked why didn't they insist on a recycling component. Mr. McGill stated I didn't write the bid specs. The City has rejected recycling bids the last three times it was before them. Councilman Banks stated he understands and in his opinion, it wasn't a primary consideration for this whole bid package. Councilman Estes stated we can put a bid out for recycling at a later date. Upon roll call, Councilman McKenzie, Councilman Estes, Councilman Cassada, Councilman May and Vice Mayor Johnson voted aye. Councilman Banks voted no. The motion passed 5:1.

The following Resolution was then presented in full:

- **Resolution No: 2018-65** - Authorizing the Mayor to sign a contract with Waste Connections for the Residential and Commercial Solid Waste.

RESOLUTION NO: 2018-65

**A RESOLUTION OF THE CITY OF CLEVELAND, TENNESSEE,
AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH WASTE
CONNECTIONS OF TENNESSEE, INC. FOR SOLID WASTE
COLLECTION SERVICES**

WHEREAS, the City of Cleveland has recently solicited and received bids for solid waste collection services for the City of Cleveland; and

WHEREAS, based upon the recommendations of the City Manager and the City Purchasing Director, the City Council has determined that it is in the best interest of the City of Cleveland to award the solid waste collection services contract for residential, commercial and commercial recycling services to Waste Connections of Tennessee, Inc.; and

WHEREAS, the City Council of the City of Cleveland, Tennessee, desires to enter into a Solid Waste Services Contract with Waste Connections of Tennessee, Inc. for residential, commercial and commercial recycling services, with said contract to commence on January 1, 2019.

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

1. The City of Cleveland, acting through its City Council, hereby accepts the bid of Waste Connections of Tennessee, Inc., for residential, commercial and commercial recycling services with the new contract period to begin on January 1, 2019; and

2. The City Council does hereby authorize the Mayor to execute a new Contract with Waste Connections of Tennessee, Inc., on behalf of the City of Cleveland with an effective date of January 1, 2019.

This 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Resolution No: 2018-65 be accepted as presented. The motion was seconded by Vice Mayor Johnson. Upon roll call, Councilman Estes, Vice Mayor Johnson, Councilman McKenzie, Councilman Cassada, and Councilman May voted aye. Councilman Banks voted no. The motion passed 5:1.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-18** – Rezoning 6.3 acres, more or less, located on 11th St NE from (Tax Map 49L Group U Parcel 5.00 and Tax Map 49M Group J Parcel 5.00) from R5 High Rise Residential Zoning District and R3 Multi-Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 9-0).

ZONING ORDINANCE NO: 2018-18

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 R5 High Rise Residential Zoning District and R3 High Density Residential Zoning District to PI Professional Institutional Zoning District

Approximately 6.3 acres, more or less, located at 335 11th St NE as shown on the attached map and identified as Tax Map 49L Group U Parcel 5.00 and Tax Map 49M Group J Parcel 5.00, being the same property described in a Warranty Deed to the Trustees of North Cleveland Church of God as recorded in Bradley County Registers Deed Book 234 pages 752 and Deed Book 1013 page 608.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved that Zoning Ordinance No: 2018-18 be voted for passage on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-19** – Rezoning .34 acres, more or less, located at 3920 North Ocoee St (Tax Map 42G Group D Parcel 28.00) R1 Single-family Residential Zoning District to PI Professional Institutional Zoning District.

ZONING ORDINANCE NO: 2018-19

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 District to PI Professional Institutional Zoning District

Approximately 0.34 acres, more or less, located at 3920 N. Ocoee Street as shown on the attached map and identified as Tax Map 42G Group D Parcel 28.00, being the same property described in a Warranty Deed from Daniel Smith and David Carroll to William A. Holland and wife, Tammy B. Holland, as recorded in Bradley County Registers Deed Book 2437 page 443, being described as the western portions of Lots Eleven (11) and Twelve(12) in the W.M. Watson property addition as shown in the plat of record in Plat Book 1, page 178 in the Bradley County Registers Office.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance No: 2018-19 be voted for passage on first reading. The motion was seconded by Vice Mayor Johnson. Councilman Estes asked if everything was good on this rezoning. Mr. Kimball stated yes, all the signatures had been received. Upon roll call the motion unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-20** - To consider a contraction of the municipal boundaries from a portion of a piece of property (Map 42 Parcel 41.09) located at 1475 Stuart Rd NE (Planning Commission: Approved 6-3).

ORDINANCE NO: 2018-20

AN ORDINANCE CONTRACTING THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, Tennessee Code Annotated 6-51-201 (b) (1) provides that any incorporated city or town may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory; and

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

Section 1. The territory, currently a part of the City of Cleveland shown on the attached map and further described below is hereby deleted from the City of Cleveland:

Any area located within the boundaries of tax map 42 parcel 41.09 also described as lot 1 of Higgins Stuart Rd Property as shown in Plat Book 34 Page 66 in the Bradley County Register of Deeds Office.

Section 2. This ordinance shall become effective upon passage, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

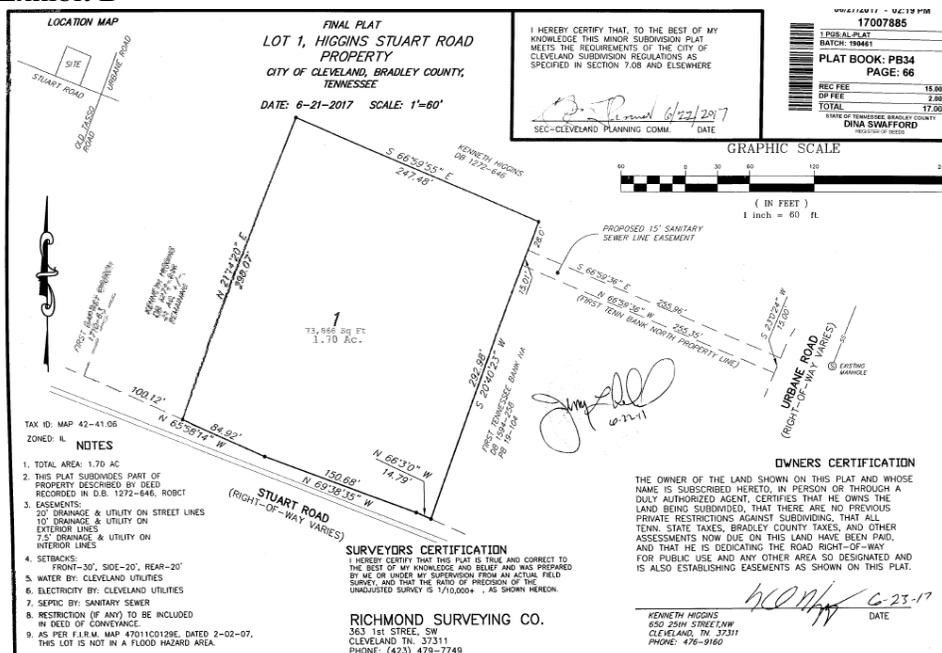
Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Exhibit B



Vice Mayor Johnson moved that Ordinance No 2018-20 be approved on first reading. The motion was seconded by Councilman Banks. Councilman Banks then inquired if this was the first time we've done something like this. Mr. Fivas stated yes, to his knowledge. Mr. Kimball added this is not very common but is allowable, when it appears to be in the best interest of the City. Councilman Banks stated it was said we couldn't provide sewer to the location and we need to be on record stating this is a special circumstance. Councilman Estes asked why could Cleveland Utilities not provide sewer service off of Stuart Road and would like a thorough report. Tad Bacon with Cleveland Utilities said he would try to get an answer. Vice Mayor Johnson and Councilman Banks withdrew their motion to delay the vote until the next meeting so a full report can be received from Cleveland Utilities.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-21** – Rezoning 3.2 acres, more or less, located at 209 Sunset Dr (Tax Map 42P Group J Parcels 5.00) from R2 Low Density Single and Multi-Family Residential Zoning District to Planned Unit Development (PUD19) (Planning Commission: Approved 8-0; 1 member absent).

ZONING ORDINANCE NO: 2018-21

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 SUNSET DRIVE PROPERTY “PUD 19” ON PROPERTY DESCRIBED AS TAX MAP 42P GROUP J PARCELS 5.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 19; 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 19” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 19 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD19 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 19, Sunset Dr Property (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map42P Group J Parcel 5.00. Exhibit A illustrates the overall delineation of development areas for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of the Sunset Dr Property. It is proposed that Area A as shown in Exhibit A contains an existing building which has served as an educational facility since the early 1940’s. It is the intent that this building and the area surrounding it may continue to be utilized for limited professional uses. The remaining area generally described as Area B in Exhibit A may be developed in future uses consistent with the existing R2 uses as described in Section 5 of this ordinance. The general development shall be consistent with the conceptual plan in Exhibit B in terms of layout but the exact location and number of units will be approved through the site review or platting process.

Section 5. PERMITTED USES AND PROHIBITED USES.

5.A. PERMITTED USES

Area A

Uses allowed includes the following uses:

- A. Professional offices;
- B. Government offices;
- C. Service businesses such as catering, dry cleaners, interior decorating services, printing, tailoring, travel agencies, upholstery;
- D. Educational Institutions including pre-school, daycare, primary and secondary schools, colleges and other higher education institutions;
- E. Commercial or trade schools, such as dance studios, martial arts studios, etc.
- F. Personal service businesses, such as barbers, beauty salons, nail salons, photography studios and the like;
- G. Churches with or without day care, preschool, primary, or secondary schools;
- H. Public libraries;
- I. Veterinary offices and clinics, without outside kennels or runs;
- J. Uses permitted within the R2 Low Density Single and Multi-family Residential Zone

Area B

A. Uses permitted within the R2 Low Density Single and Multi-family Residential Zone

5.B. CONDITIONAL USES

There are no conditional uses within PUD19.

5.C. PROHIBITED USES

Any use not expressly permitted within this ordinance is permitted to operate within the boundaries of the PUD19 Ordinance.

Section 6. DEVELOPMENT AREAS AND RELATED REQUIREMENTS.

6.A. DEVELOPMENT AREAS.

Exhibit A identifies the areas within PUD19 Sunset Drive Property, which was reviewed by the Cleveland Municipal Planning Commission for consideration at their regular meeting May 15, 2018, which may allow commercial activity outlined in section 5. In no case shall any area larger than 1.35 acres of PUD19 be utilized for any commercial activity. All development within PUD19 must be consistent with Exhibit A with regards to the delineation of proposed uses and consistent with the conceptual plan shown Exhibit B in terms of general design and development layout. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project.

6.B. PLATS.

One or more plats may need to be prepared for the PUD19 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.

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 19 as permitted 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 19 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.

6.D. DETAILED SITE PLANS.

The Developer shall prepare and submit to the City of Cleveland, TN for approval by the Cleveland Municipal Planning Commission a master site plan for phase all future phases of development. These site plans shall indicate lot configurations, setbacks, structure types, streets, lanes, sidewalks, common areas, utility locations, etc. The information in the detailed site plan will be congruous with the plat developed for the lots and adjacent public street infrastructure and with the conceptual layout shown in Exhibit B. The content and level of detail of the site plan will be sufficient for City staff to determine compliance of the proposed development with this ordinance and any other applicable City ordinances.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD19 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 PI Professional Institutional Zoning District for any commercial uses and the R2 Low Density Single and Multi-family Residential Zoning District for residential areas as described in the City of Cleveland's zoning regulations.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. BUILDING SETBACKS

Unless alternate setbacks are expressly approved by the Planning Commission no residential structure shall be located less than 10 feet from the front property line along McNabb Dr or 20 feet from the edge of pavement, whichever is greater. Maximum setbacks from all property lines adjoining a public right-of-way shall be 30 feet from the property line or edge of pavement whichever is greater. Front setbacks for residential structures shall be 20 feet from property lines along Sunset Dr and 15 feet from Woodlawn Ave. Townhome style units are permitted with a zero-foot setback between units, however end units shall maintain a 7 foot side separation between buildings within the PUD boundary. All other setbacks shall be a minimum of 10 feet. Non-residential uses shall have a minimum setback of 30 feet along front property lines and 15 for the side and rear. Accessory structures may be within 5 feet from the side or rear setbacks for both area A and area B.

7.B. STORMWATER REQUIREMENTS.

All improvements must comply with any applicable state or federal law or regulation concerning stormwater or floodplain requirements.

7D. SIGNAGE

No part of any sign shall be within 5' of any right-of-way. For non-residential uses, wall signs may be allowed for a size up to 25% of the size of any building elevation it is located on. No more than one (1) ground sign may be permitted in the non-residential area and it shall be limited to monument style signage with no LED messaging permitted. No sign shall be located in such a way as to obstruct the view of traffic or create any safety hazard and is subject to approval of the City's Transportation Engineer. All other standards within the City's sign ordinance shall apply unless in direct conflict with this ordinance in which case this ordinance shall prevail.

7.D NOISE AND VIBRATION MITIGATION

Noise and vibrations are to be managed during the construction and operation phases of PUD19. During construction, construction-related noise, vibrations, and traffic in the PUD19 zoning district shall be managed so as to not unduly interfere with the nearby residential uses. Developer, developer's heirs or successors or assigns, and all contractors and subcontractors will promptly comply with any directive from City to manage construction-related noise, vibrations, and or traffic. Developer and all businesses in the PUD19 zoning district shall mitigate potential noise or vibration problems from the site by prompt compliance with any City request to adjust volume, frequency, time, or duration of any noise or vibration that the City determines would be bothersome to a reasonable person off-site. Developer and businesses in the PUD19 zoning district shall affirmatively manage all activities on the site so as to mitigate any noise or vibration that the City determines to likely be bothersome to reasonable person off-site. If after previous

requests to Developer and/or any business located in the PUD19 zoning district concerning noise or vibrations, City determines that there is a continued persistent pattern of noise or vibration emanating from the PUD19 district, Developer and/or any business in the PUD19 zoning district must undertake specific appropriate management actions requested by City to mitigate the problem including, but not limited to, the following actions if applicable: reducing or eliminating outdoor music, private security to eliminate cruising or loitering on-site, etc.

7.E. HOURS OF OPERATION

Operation of any commercial activity shall be limited to no later than 9pm nor earlier than 6am.

7.F LIGHTING

The developer shall ensure that the exterior lighting of buildings, parking lots, signs, etc., demonstrates the buffering of adjacent residential areas, and the mitigation of glare or distraction for adjacent roadways. Outdoor lighting for parking and sidewalk areas are to minimize light intrusion into nearby residential areas; and other exterior lighting and lighted surfaces are to be designed so as to minimize shining or reflecting into the aforementioned residential areas. Exterior lighting will also be designed in a way that mitigates any glare that would be encountered by motorist on adjacent roadways. Where it is necessary to maintain lighting for security, this lighting will be designed such that escape of lighting onto adjoining residential property is minimized. Any new light poles located on site shall be no higher than 15' above grade.

7.G. ACCESS

In no circumstance shall any new accesses including driveways, public or private streets be constructed to provide access from Sunset Drive NW. This would not prohibit the closing, improvement or relocation of any existing driveway located in Area A. The residential area shall be served by one new private driveway connecting from Woodlawn Ave which shall provide access to parking areas for all units in the residential area. All building fronts shall be facing the public right-of-ways with parking accessed by the private drive. A two-foot grass strip shall be provided between the parking areas of each unit as shown in Exhibit B. Sidewalks shall be provided from the front doors of units along McNabb connecting to the public right-of-way.

7.H BUFFERING AND OPEN SPACE

A buffering area shall be provided for separating Areas A and B and shall be constructed to a standard not less than a "Type B" buffering as described within section 3.3 of the Cleveland Zoning Ordinance. In addition, a landscaped area not less than .25 (one quarter) acres in size, not including any detention area, shall be provided as a usable community space. Community space may include parks, benches, picnic tables, playground equipment or similar amenities.

7.I. MISCELLANEOUS STANDARDS

Impervious areas shall comprise no more than 75% of the total site, regardless of any division of land, within the boundaries of PUD19 and a minimum of 25% of greenspace shall be provided. Parking for commercial uses shall be provided on each individual lot at a rate as prescribed in the Cleveland Zoning Ordinance unless deemed not necessary by the City's Transportation Engineer. Parking for any residential development shall be provided on each individual lot at a rate not less than 2 parking space per residential unit.

All residential structures shall have a minimum of 25% brick or stone on the front façade facing any public right-of-way.

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

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 19. 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 detailed 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 PUD19, an amendment to this ordinance is not required to implement such site plan, plat, or refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services.

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 PUD19 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 of record, 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Exhibit B



Councilman May moved that Zoning Ordinance No: 2018-21 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was presented in full:

- **Ordinance No: 2018-22** – Amending Section 2.12.2 and Table 1 of the Zoning Ordinance to create provisions which allow for automobile sales within as a conditional use within the CBD Central Business Zoning District (Planning Commission: Approved 9-0).

ORDINANCE NO: 2018-22

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 2.12.2 AND TABLE 1 SO AS TO PROVIDE FOR PROVISIONS FOR AUTOMOBILE SALES WITHIN THE CENTRAL BUSINESS 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 possibility of provisions for allowing automobile sales as a conditional use in the Central Business Zoning District; and

WHEREAS the City Council has determined that automobile sales in which no more than 50 percent of the automobile inventory is located outside of a permanent building; 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. 2.12.2 shall include the following as a conditional use:

A. Automobile sales provided no more than 50 percent of the automobile inventory is located outside of a permanent building. In no case shall any parts be stored outdoors nor any repair or body work be conducted outdoors.”

Section 3. Table 1 within the Zoning Ordinance shall reflect the following:

“Automobile Sales” shall be amended to be reflected as a conditional use within the Central Business District.

Section 4. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 5. 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 6. 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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Ordinance No: 2018-22 be approved on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

Councilman Banks moved that the current contract for banking services with Bank of Cleveland be extended for six months, to give staff time to fully explore all options and resubmit the notice to interested financial institutes to submit a bid. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was the presented in full:

- **Resolution No: 2018-63** – Authorizing the Mayor to sign an agreement with AirMedCare Network for FY2019.

RESOLUTION NO: 2018-63

WHEREAS, the City has received the attached proposal and agreement for a one-year renewal for AirMedCare Network Municipal Site Membership from Air Medical Group Holdings, Inc. doing business as the AirMedCare Network (hereafter referred to as the AirMedCare Network); and

WHEREAS, the proposal to the City Council provides for air ambulance transportation for medical necessity by LIFE FORCE or any other AirMedCare Network Provider for transports of city residents from a pickup location in Bradley County, Tennessee, subject to the standard terms and conditions of the proposal to the City which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council has reviewed the proposal and now desires to accept the proposal and to enter into the attached agreement with the AirMedCare Network, 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 accept the proposal and approve of the attached agreement with Air Medical Group Holdings, Inc. doing business as the AirMedCare Network, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 25th day of June, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Banks asked how many flights occurred during the last contract. Ms. Carroll stated 139 flights. Councilman Banks then moved that Resolution No: 2018-63 be approved as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following change order what then presented:

- **Change Order** – Change Order #1 with Baseline Sports Construction for Tinsley Park Tennis Courts (\$135,651.00).

MEMO

TO: MAYOR & CITY COUNCIL
FROM: Melinda B. Carroll
DATE: June 15, 2018
SUBJECT: Change Order #1
Tinsley Park Tennis Courts

As the tennis court project has progressed, various items have resulted in a change order as shown on the attached sheet. This will increase the original contract amount by \$135,651.00.

The original contract price was \$990,500.00 and has changed to \$1,126,151.00.

Councilman May moved that the change order for Tinsley Park Tennis Courts be approved. The motion was seconded by Vice Mayor Johnson. Councilman Banks inquired about the change order. Ms. Carroll stated we hit unsuitable soil in several areas, springs and sinkholes. Corrections have been made and are moving forward. Councilman Banks stated that is a large sum of funds and how to we factor that into the bid and negotiate it. Ms. Carroll stated they have a per cubic yard they put in the bid for unsuitable soil. Mr. Fivas stated we had an expert on site to make sure no unnecessary dirt was removed. Upon roll call, the motion unanimously passed.

Councilman Banks stated he would like to delay the bid report for the signage for exit 25 until the next meeting due to Councilman Hughes' absent.

Travis Henry updated the City Council on the litigation concerning the recycle center on South Lee Highway. We have filed seeking a permanent injunction for the current use of the property and we have received a response to the proposal from their attorney asking for nine months instead of six months, through February 2019. They have also removed language about recovering attorney and court fees. That is where we are standing at this time. He has a meeting scheduled with Mr. Fivas to review the city's options.

Mr. Fivas echoed Councilman Estes' comments regarding Teresa Torbett and her retirement. He thanked her for efforts with the CDBG Program and for the transformation in the neighborhoods she has impacted. She is a true team player and what she does is held in good regard.

ANNOUNCEMENTS

- City Offices will be closed on Wednesday, July 4 in observance of Independence Day.

There being no future business the meeting was adjourned at 4:36.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 9, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; Brian Moran, Social Media; Ken Webb; Duane Schriver; Craig Mullinax, Tim Henderson and Tad Bacon with Cleveland Utilities; Chrissy Pugh; Alisha Fox and Bill Seymour with Cleveland State Community College; Linda Cash and Kyle Page with Bradley County School System; Dawn Robinson and Hal Taylor with Cleveland City Schools; Nicholas Lillios; Amy Card-Lillios; Doug Berry and Gary Farlow with the Chamber of Commerce; Pam Edgemon and Carl Lansden. Following the Pledge of Allegiance to the American Flag and prayer by Crissy Pugh, Director of Family Cornerstone Ministries, 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 25, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Chief Harrison introduced Pete Van Dusen who has been appointed Deputy Chief. Deputy Chief Van Dusen has been with the Cleveland Fire Department 20 years and brings a tremendous work ethic to the department.

Marie Menier addressed the City Council concerning public transportation in the community. She stated sometimes the buses are late and not reliable for those that depend on transportation to school or work. Also, on the weekends the schedule should be extended. Citizens in the community use the public transportation and it needs to be reliable. Mayor Rowland stated he will relay her concerns to SETHRA at the next MPO meeting.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request from JTR Properties, LLC to rezone 1.97 acres located at 717 South Lee Hwy and 919 Beard Circle SW (Tax Map 057C Group B Parcel 020.00 from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District. Mayor Rowland asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mr. Fivas gave an update on the Candy's Creek Cherokee Elementary School bond. The date of sale is July 11, 2018 and the latest rates have no changes from previously reported. No further Council action is required and since all resolutions have been approved and the Mayor will sign the necessary documents on July 11.

Mr. Fivas then asked the Council to consider changing the motion from the last meeting extending the banking services 9-12 months, to get through the holidays and give staff a little more time to transfer things over if we change providers. It would also give flexibility on when is the right time to go to bid and we would get it done well before next July. Councilman May moved to extend the current banking service contract from six months to twelve months. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Zoning Ordinance No: 2018-18** – heretofore passed on first reading June 25, 2018 and found in Minute Book 29, Page 159; rezoning 6.3 acres, more or less, located on 11th St NE from (Tax Map 49L Group U Parcel 5.00 and Tax Map 49M Group J Parcel 5.00) from R5 High Rise Residential Zoning District and R3 Multi-Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-19** – heretofore passed on first reading June 25, 2018 and found in Minute Book 29, Page 160; rezoning .34 acres, more or less, located at 3920 North Ocoee St (Tax Map 42G Group D Parcel 28.00) R1 Single-family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 9-0; subject to letter of opinion from George McCoin).
- **Final Passage - Zoning Ordinance No: 2018-21** – heretofore passed on first reading June 25, 2018 and found in Minute Book 29, Page 163; rezoning 3.2 acres, more or less, located at 209 Sunset Dr (Tax Map 42P Group J Parcels 5.00) from R2 Low Density Single and Multi-Family Residential Zoning District to Planned Unit Development (PUD19) (Planning Commission: Approved 8-0; 1 member absent).
- **Final Passage - Ordinance No: 2018-22** – heretofore passed on first reading June 25, 2018 and found in Minute Book 29, Page 168; amending Section 2.12.2 and Table 1 of the Zoning Ordinance to create provisions which allow for automobile sales within as a conditional use within the CBD Central Business Zoning District (Planning Commission: Approved 9-0).
- **Resolution No: 2018-69** – Authorizing participation in the U.S. Communities Government Purchasing Alliance.

RESOLUTION NO: 2018-69

A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF CLEVELAND IN THE U. S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE

WHEREAS, the City of Cleveland wishes to conserve resources and reduce the costs of procuring necessary equipment, supplies and services; and

WHEREAS, the U. S. Communities Government Purchasing Alliance has been formed and supported by the National League of Cities, the U. S. Conference of Mayors, and other public interest groups to obtain the best prices on equipment, supplies, and services for its participating jurisdictions; and

WHEREAS, the U. S. Communities Government Purchasing Alliance shares the City of Cleveland's desire to improve the efficiency, effectiveness and economy of the procurement of necessary products; and

WHEREAS, the bidding and purchasing procedures used by the Lead Public Agencies of the U. S. Communities Government Purchasing Alliance, which are the local jurisdictions actually bidding and securing the program's purchased goods and services, comply in every respect with

the purchasing requirements of Tennessee Code Annotated and the Charter and Ordinances of the City of Cleveland; and

WHEREAS, the Tennessee Interlocal Cooperation Act (T.C.A. 12-9-101 through 12-9-109) authorizes the City of Cleveland to jointly exercise its purchasing powers with any jurisdiction in any state which also authorizes such interlocal agreements; and

WHEREAS, the U. S. Communities Government Purchasing Alliance has existing contracts with national vendors which maintain local offices in or near the City of Cleveland facilitating the City's ability to take advantage of the competitive prices available through said contracts.

NOW, THEREFORE, BE IT RESOLVED that the City of Cleveland is authorized to become a Participating Public Agency in the U. S. Communities Government Purchasing Alliance by agreeing to the Master Intergovernmental Purchasing Agreement that is the basis of participation in the organization, subject to continued compliance with all State and City statutes and ordinances, rules and regulations which may apply, as well as compliance with the rules and regulations of the U. S. Communities Government Purchasing Alliance.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

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

UNFINISHED BUSINESS

- **Bid Report** – Signage for Exit 25; if design submitted meets the approval of the City Council the recommendation is to accept the low bid from Ortwein Signs with a bid of \$34,900.00.

BID SUMMARY

SIGNAGE - 25TH STREET EXIT

JUNE 7, 2018

1. Ortwein Sign Chattanooga, TN	<u>\$34,900.00</u>
2. Southern Advertising & Sign Service Chattanooga, TN	<u>\$39,783.00</u>

If the design submitted meets the approval of the City Council the recommendation is to accept the low bid from Ortwein Signs with a bid of \$34,900.00.

OPTION 2

www.ortweinsign.com
 Ortwein Sign
 2806 East 50th Street
 Chattanooga, TN, 37407- USA
 Phone: (423)-867-9208



ESTIMATE Submitted To: Job Name City of Cleveland
 CITYOFC003 Phone: (999) 999-9999 Ext. Job Name and Location
 David Sheely City of Cleveland
 City of Cleveland Fax: (999) 999-9999 2806 East 50th Street
 2806 East 50th Street Cleveland, TN USA
 Cleveland, TN USA Email dsheely@clevelandtn.gov

Estimate No	Estimate Date	Payment Terms	Contact	Page
001591	3/1/2017	Due on Receipt	Cteal	Page 1 of 1

Quantity	Description	Unit Price	Extended Price
1	Manufacturing Manufacturing of "Cleveland" .125 aluminum plate letters mounted to fencing, standing next vertical aluminum cabinet filled with LEDs, with routed and backed Tennessee tri-star logo. (Optional reverse channel letters to add more depth...\$6,300) *	\$32,900.00	\$32,900.00
1	INSTALL 1 INSTALLATION of Cleveland sign per attached rendering. All lighting and electrical to be handled by the City.	\$2,000.00	\$2,000.00
1	INSTALL 1 Permitting assumed to be handled by the City.	\$0.00	\$0.00

Conditions: Taxes, permits, permit acquisition are not included in this pricing except where otherwise stated. These items will be billed additional. Electrical circuit to sign and final hook up by others. If abnormal subsurface conditions are encountered, such as water, electrical, rocks, concrete, items not located by One Call, low compression soils or fill, etc., reasonable compensation shall be due as a part of this agreement at cost plus 25% for any mitigation required. Rock clause in effect. Warranties: Sign manufacturing material and workmanship will be guaranteed for 12 months against defects in metal, plastic, paint, installation. Electrical components are guaranteed for 90 days against defects in material and workmanship. If an OEM warranty exists as part of the purchase of the electrical component, that warranty will be passed on to the buyer. All acts of God, war, terrorism are excluded from any type of warranty. Buyer agrees to pay a finance charge of 1.5% per month on any unpaid balance beyond the payment term. Buyer agrees to pay all attorney, collection, court, and labor fees incurred to collect balance due. Due to material price volatility, quote is good for 30 days and is subject to change with commodity prices. Buyer agrees to provide Ortwein Sign access to the site for installation and service. Additional charges may apply if access is not available. A fuel surcharge is to be added when diesel fuel prices are above \$4/gallon.

Taxable:	\$0.00
NonTaxable:	\$34,900.00
SalesTax:	\$0.00
Freight:	\$0.00
Misc:	\$0.00
Total:	\$34,900.00

Thank You

For: City of Cleveland
 Signature _____ Date: _____

"Cleveland": Non-Illuminated Plate Letters mounted to fencing panel.
 Vertical cabinet to be patina brown routed out star logo.
 Star logo to be backed with white plex.
 Illumination by others.
 Mesh panels to be 2" tube frames with a mesh type material welded in.

995 Sq Ft

Ortwein Sign
 custom crafted branding
 2806 EAST 50TH STREET CHATTANOOGA, TN 37407
 423.867.9208

CLIENT

SCALE: 1/8" = 1'
 QTY: 1

NOTES

NOT READY FOR PRODUCTION

UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS ARE IN INCHES AND DECIMALS THEREOF. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

CUSTOMER APPROVAL	DATE	DESIGNER	SALES REP	FILE
		JC	CT	City of Cleveland_Welcome sign-120616-C.cdr

Councilman Banks moved to approve the bid report for the low bidder Ortwein Signs. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-20** - To consider a contraction of the municipal boundaries from a portion of a piece of property (Map 42 Parcel 41.09) located at 1475 Stuart Rd NE (Planning Commission: Approved 6-3).

ORDINANCE NO: 2018-20

AN ORDINANCE CONTRACTING THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, Tennessee Code Annotated 6-51-201 (b) (1) provides that any incorporated city or town may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory; and

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

Section 1. The territory, currently a part of the City of Cleveland shown on the attached map and further described below is hereby deleted from the City of Cleveland:

Any area located within the boundaries of tax map 42 parcel 41.09 also described as lot 1 of Higgins Stuart Rd Property as shown in Plat Book 34 Page 66 in the Bradley County Register of Deeds Office.

Section 2. This ordinance shall become effective upon passage, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Mayor Rowland stated Ordinance No: 2018-20 dies for a lack of a motion.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Rowland asked Chief Gibson how AT&T phone service was working with the new emergency service option. Chief Gibson stated yes, it's First Net system and basically in a major event, or when people are using a lot of data, it allows First Responders phones at full data power so you don't lose service during an emergency. We are still working out bugs and AT&T is still improving their towers and cell service as we move along.

Councilman Cassada asked city staff to make a recommendation on how to improve the intersection on Paul Huff Parkway at the entrance to Target complex to make it safer for all residents.

Councilman Hughes thanked Dr. Cash concerning the PIE project and their successful work. Secondly, he received a call from Dan Bowels who lives in Benjamin Crest who has concerns about the retention pond in front of the Wendy's located on Paul Huff and Frontage Road, which doesn't have a fence. Mr. Jobe stated a chain-link fence was originally on the plans, but it didn't meet guidelines and our ordinances don't address it because it is up to the individual due to insurance regulations. Councilman Hughes thanked Mr. Fivas on his project updates. He continued that previously he commented we should have a first class recreation complex and what staff has done by updating all the playgrounds, we are well on our way. Mr. Fivas stated yes, we felt we should take care of our existing things first before adding new stuff. We will have a plan at the next meeting on where we need to be in five to ten years concerning sports tourism.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution No: 2018-68** – Authorizing the contribution in the amount of \$250,000 to Cleveland State Community College.

RESOLUTION NO. 2018-68

RESOLUTION AUTHORIZING CONTRIBUTIONS FROM THE CITY OF CLEVELAND TOTALING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO CLEVELAND STATE COMMUNITY COLLEGE (HEREINAFTER "CCSC") FOR PURPOSES OF CSCC SECURING THE TEN PERCENT MATCHING FUNDS REQUIRED TO OBTAIN TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00) IN STATE FUNDING FOR PROPOSED CAPITAL PROJECTS

WHEREAS, the State of Tennessee has budgeted for twenty-five million dollars (\$25,000,000.00) to be allocated in the 2018-19 state budget for capital projects at CSCC; and

WHEREAS, the proposed capital projects include funding for a new Health & Sciences Building and renovation of the Mary T. Barker Humanities Building; and

WHEREAS, in order to gain access to said proposed state funding allocated for these capital projects, CSCC must provide a ten (10) percent match of funds totaling \$2.5 million dollars.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Cleveland, Tennessee, meeting in regular session on this 9th day of July, 2018, at Cleveland, Tennessee, that:

SECTION 1. The City of Cleveland commits to allocating funds to CSCC totaling Two Hundred Fifty Thousand Dollars (\$250,000.00) over a three (3) year period.

SECTION 2. The City of Cleveland will provide funding in the amount of eighty thousand dollars (\$80,000) to CSCC on July 1, 2019; eighty thousand dollars (\$80,000.00) to CSCC on July 1, 2020; and ninety thousand dollars (\$90,000.00) to CSCC on July 1, 2021.

SECTION 3. The City of Cleveland shall not provide any funding to CSCC until all funding of the total twenty-five million dollars (\$25,000,000.00) is granted by the state and all funds from the City of Cleveland shall be used for only for matching funds for these capital projects.

SECTION 4. The City of Cleveland match funds shall be used only for public infrastructure improvements that are directly related to the construction of the new Health & Sciences Building. These funds shall be used for public curb and gutter to control public stormwater, public drainage infrastructure that will benefit the public, any stormwater design costs, and any required stormwater retention or detention system for building and required parking lots.

SECTION 5. CSCC shall also dedicate with a plaque within the new Health & Science Building a public room, area, or space for the City of Cleveland or representative of the City of Cleveland that honors this investment into this new building.

SECTION 6. CSCC agrees to allow a member of the Cleveland City Council chosen by the City Council to be appointed to the CSCC advisory board overseeing the capital projects.

SECTION 7. This Resolution shall be subject to and contingent upon available funding.

ADOPTED this 9th day of July, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Hughes moved that Resolution No: 2018-68 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

Councilman May moved to modify the Access to Active Built Environments Grant to move Pickleball Courts from Deer Park to Tinsley Park. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-70** – Authorizing the purchase of playground equipment for Deer Park.

RESOLUTION NO: 2018-70

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE PLAYGROUND EQUIPMENT TO BE INSTALLED AT DEER PARK THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #2017001134, AS AMENDED, WHICH IS ADMINISTERED BY U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE FOR CHARLOTTE, NORTH CAROLINA IN

AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-ONE THOUSAND THREE HUNDRED THIRTY-FOUR AND 47/100 DOLLARS (\$ 471,334.47).

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the procurement of any supplies, services or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Master Intergovernmental Cooperative Purchasing Agreement (“MICPA”) to provide playground equipment, surfacing, site furnishings and related products and services between PlayCore Wisconsin, Inc. dba GameTime (“Company”) and Charlotte, North Carolina (“Lead Public Agency”) in cooperation with U.S. Communities Government Purchasing Alliance on behalf of the Lead Public Agency and any Participating Public Agency, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of playground equipment pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, The City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Master Agreement and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered on-line with U.S. Communities at www.uscommunities.org which allows the City of Cleveland to enter into this MICPA and which is intended to allow the City of Cleveland to meet applicable legal requirements and facilitate access to the Master Agreement and the Company under Contract #2017001134, as amended, held by Charlotte, North Carolina as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE that the City of Cleveland be and is hereby authorized to purchase playground equipment to be installed at Deer Park as a participating public agency under MICPA Contract #2017001134, as amended, held by Charlotte, North Carolina as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through the U.S. Communities Government Purchasing Alliance, for a total amount not to exceed \$471,334.47 to be used by the Recreation Department for the City of Cleveland and its citizens.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-70 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-23** – Rezoning 1.97 acres located at 717 South Lee Hwy and 919 Beard Circle SW (Tax Map 057C Group B Parcel 020.00 from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 member absent).

Zoning Ordinance No: 2018-23

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 1.97 acres, more or less, located at 717 South Lee Hwy and 919 Beard Circle as shown on the attached map and identified as Tax Map 57C Group B Parcel 20.00 and being lots 1 and 2 of JTR Properties Plat by Brown Surveying shown in Exhibit B, being the same property described in a Warranty as recorded in Bradley County Registers Deed Book 2325 pages 401.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A

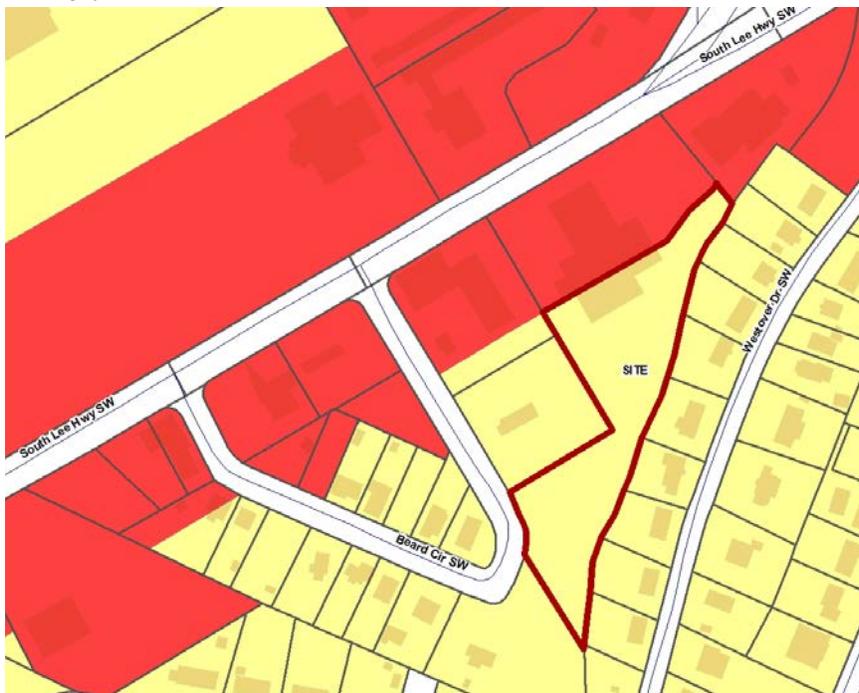
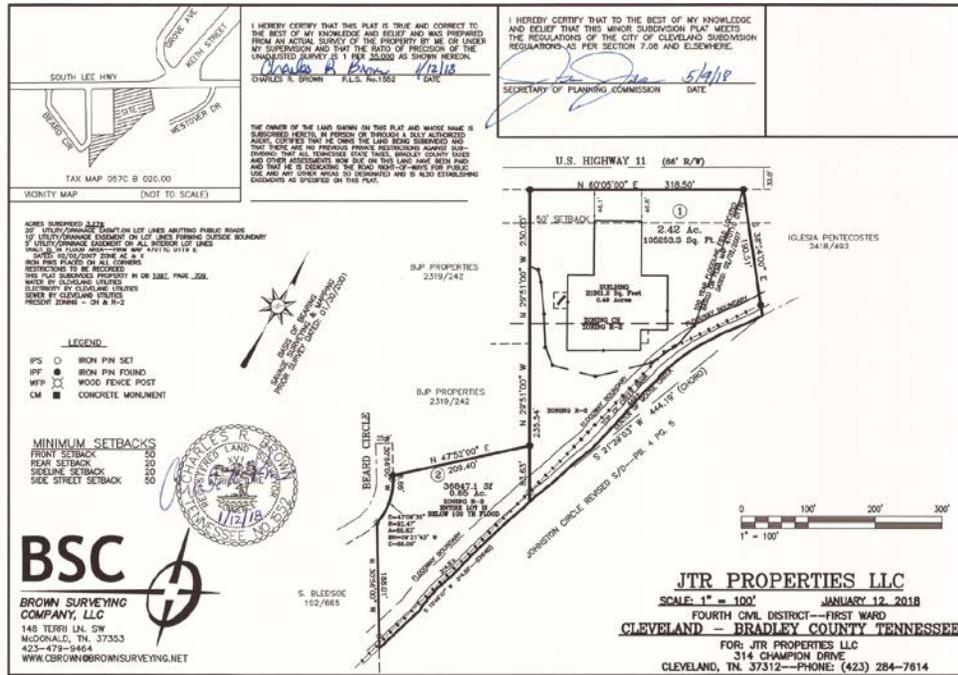


Exhibit B



Councilman Hughes moved that Zoning Ordinance No: 2018-23 be voted for passage on first reading. The motion was seconded by Councilman Banks; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance No: 2018-24** – Amending Title 15, Chapter 6, Section 15-614 relative to parking restrictions for certain large vehicles and trailers on city streets in residential areas.

ORDINANCE NO. 2018-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEVELAND AMENDING TITLE 15 CHAPTER 6, SECTION 15-614 RELATIVE TO PARKING RESTRICTIONS FOR CERTAIN LARGE VEHICLES AND TRAILERS ON CITY STREETS IN RESIDENTIAL AREAS

WHEREAS, Title 15, Chapter 6 of the Cleveland Municipal Code sets forth the requirements, restrictions and penalties for parking of vehicles in the City of Cleveland; and

WHEREAS, the requirements, restrictions and penalties for parking vehicles are set forth in the Cleveland Municipal Code to ensure the health, safety and welfare of the public; and

WHEREAS, the long-term parking of large vehicles and trailers on city streets presents an on-going safety hazard to pedestrians, motorists and cyclists due to limiting sight-distance at driveways and intersections, presenting potential conflicts between vehicles on the roadway and pedestrians, motorists, and cyclists entering or crossing that roadway; and

WHEREAS, the parking of large vehicles and trailers on city streets may impede the access of emergency response vehicles; and

WHEREAS, members of the City Council have received complaints from residents involving the long-term parking of large vehicles and trailers on city streets; and

WHEREAS, large vehicles and trailers, including recreational vehicles, may hold large quantities of gasoline and propane, thus posing a potentially highly volatile fire hazard; and

WHEREAS, detached trailers parked on the street constitute a potential safety hazard as they are not required to have an independent braking system; and

WHEREAS, the City Council finds that there are negative aesthetic impacts of large parked vehicles and trailers in residential areas; and

WHEREAS, the City Council finds that there is increased noise and noxious gases emitted from parked vehicle generators and engines, and odors emanating from engines and sewage holding tanks in some parked large vehicles and trailers, which can detract from the quality of life of City residents; and

WHEREAS, owners of large vehicles and trailers should have the opportunity to have limited use of city streets for short periods of time to accomplish specific purposes; and

WHEREAS, the City's current municipal code regulations in Section 15-614 are inadequate to address the impacts created by parking large vehicles and trailers on City streets in residential areas.

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

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2.

Current Section 15-614 of the Cleveland Municipal Code is hereby deleted in its entirety and amended to read as follows:

15-614 Large Vehicle and Trailer Parking Restrictions in Residential Areas

15-614 (a) Definitions. For the purposes of this section the following words or phrases shall be defined as follows:

Large Vehicle. "Large Vehicle" shall mean any motor vehicle, or a combination of connected vehicles and/or trailers, that exceeds twenty-five (25) feet in length or eighty (80) inches in width or eighty-two (82) inches in height.

Large Vehicle shall also include any truck with three or more axels, or a bus or a van with a capacity of more than fifteen (15) passengers.

Large Vehicle shall not mean or include pickup trucks or sport utility vehicles, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.

Out-of-Town Visitor. "Out-of-Town Visitor" shall mean any natural person who does not reside in the City of Cleveland and who is temporarily visiting a resident of the City.

Residential Areas. "Residential Areas" shall mean those areas of the City identified as residential zoning districts to include zones R-1, R-2 or R-3.

Street. "Street" shall mean any public street, road, or highway within the corporate limits of the City of Cleveland.

Trailer. "Trailer" shall mean any trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer coach, or fifth-wheel travel trailer.

15-614 (b) Large Vehicle and Trailer Parking Restrictions.

Except as provided in sections 15-614(c) and 15-614 (d) of this code, no person may park or leave standing any large vehicle or trailer upon any street within a residential area of the City of Cleveland between the hours of 9:00 p.m. and 6:00 a.m.

15-614 (c) Exceptions. The prohibitions in section 15-614(b) shall not apply to:

A. Any person who has been issued and is in possession of a current valid Oversized Vehicle Parking Permit pursuant to section 15-614(d);

B. Any person while actually engaged in the loading or unloading of a large vehicle or trailer but only for a period of time not to exceed 24 hours;

C. Any person while actually engaged in using a large vehicle or trailer between the hours of 9:00 p.m. and 6:00 a.m. in providing services to a residential building, including, but not limited to, cleaning services, residential repair services, and residential construction services; or

D. Any properly authorized and licensed towing vehicle in the course of providing towing services;

E. Any person while actually engaged in making emergency repairs to a large vehicle or trailer which preclude removal to a permitted parking area, but only for a period of time not to exceed 24 hours;

F. Any public or private agency emergency response vehicle.

15-614 (d) Oversized Vehicle Parking Permit.

An Oversized Vehicle Parking Permit shall be considered valid subject to the requirements and limitations set forth in this subsection.

i. Purpose. The purpose of authorizing the issuance of Oversized Vehicle Parking Permits is to allow owners of oversize vehicles and trailers additional time to park their oversize vehicles and trailers on a public street near their residences for the purpose of loading or unloading such large vehicles and trailers, and to allow an out-of-town visitor to park on a street near the residence that the out-of-town visitor is visiting for a limited time period.

ii. Application. The Applicant shall file with the City Clerk's office a completed City application form providing all of the information requested. The application must include the following information:

1. The license plate number of the large vehicle or trailer;
2. The City of Cleveland residence address where the large vehicle or trailer will be parked or left;
3. Contact information, including a permanent address and phone number, of the City resident where the large vehicle or trailer will be parked or left;
4. The Applicant's contact information, including permanent address and phone number;
5. The dates for which the permit is sought to be valid.

The Applicant and owner of the residence that the large vehicle or trailer will be parked shall attest to the accuracy of the information contained in the permit under penalty of perjury.

iii. Issuance. Oversized Vehicle Parking Permits shall be issued on a form approved by the City. The permit shall be issued and valid only for the specified parking use indicated on the permit. The permit must include the following:

1. The license plate number of the large vehicle or trailer;
2. The applicant's name;
3. The address or location adjacent to which the large vehicle or trailer is approved to park; and
4. The date the permit was issued;
5. The date the permit expires; and
6. The dates that the permit is valid.

iv. Display. All permits shall be placed in the lower driver's side of the windshield of the large vehicle or trailer in a manner that is clearly visible from the exterior. If the large vehicle or trailer does not have a windshield, the Permit must be properly affixed to the outside of the large vehicle or trailer on the left side of the front of the vehicle. Failure to properly display the permit shall constitute a violation of this section.

v. Permitted Parking Location. A vehicle with a current and valid Oversized Vehicle Parking Permit shall only park on the public street immediately adjacent to the address noted on the issued permit and may not park adjacent to any address not indicated on the issued permit.

vi. Duration; Expiration.

City residents: A City resident may apply for an Oversized Vehicle Parking Permit, which shall be valid for two (2) specified periods not to exceed five (5) consecutive calendar days each, and shall expire at 11:59 p.m. on the expiration date indicated on the permit. After expiration, the Oversized Vehicle Parking Permit shall be invalid.

A resident may apply for three (3) permits annually.

Out of Town Visitors: Out of Town Visitors may park an oversized vehicle with a City issued parking permit for a period of seven days, with an option for a second seven day period, not to exceed fourteen (14) consecutive days.

An out of town visitor may apply for three seven day permits annually.

15-614 (e) Enforcement.

Enforcement actions may be taken as follows:

A. Parking Violations. Any person who violates any provision of this section shall be subject to all of the enforcement provisions of Title 15, Chapter 7, Sections 15-701 through 15-707 of the Cleveland Municipal Code.

In addition, if an oversized vehicle or trailer is left illegally parked or standing on a City street for five (5) consecutive days in violation of this section, the oversized vehicle or trailer is subject to removal under Section 15-705 of the Cleveland Municipal Code.

B. Forged, Altered, or Counterfeit Permits. Any person who forges, alters, or counterfeits an Oversized Vehicle Parking Permit, or displays a forged, altered, or counterfeit Oversized Vehicle Parking Permit shall be guilty of a civil offense, and is subject to civil penalty of \$50.00 plus court costs.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portion thereof may be declared invalid or unconstitutional.

SECTION 4. Effective Date

This ordinance shall take effect on August 1, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Ordinance No: 2018-24 be approved for passage and making it effective August 1, 2018. The motion was seconded by Councilman Banks. Councilman McKenzie asked if the church down the street could still park their church bus across the street in the parking lot. Mayor Rowland stated they can park it on private property just not on a city street. City Attorney John Kimball clarified, as written, this only applies to residential zones. Councilman McKenzie stated we need to stop people from parking on all residential

streets. Mayor Rowland replied if you have a specific street you might want to discuss with Mr. Fivas and Chief Gibson. Upon roll call, the motion unanimously passed.

Dr. Seymour thanked the City Council for their contribution and then announced because of it, they have fulfilled its responsibility to match the State to receive the \$22.5 million grant for this community.

There being no future business the meeting was adjourned at 3:36.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 23, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Dan Hartman, Assistant Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Safety and Wellness; Bethany McCoy with Lee University; Brian Moran, Social Media; Ken Webb; Duane Schriver; Tad Bacon with Cleveland Utilities; Nicholas Lillios; Gary Farlow with the Chamber of Commerce; Hiawatha Brown; Charlie Cogdill with Cleveland City Schools; Larry Armour; Dustin Tommey; Brian Hamons and Michael Barker. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on July 9, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Zoning Ordinance No: 2018-23** – heretofore passed on first reading July 9, 2018 and found in Minute Book 29, Page 179; rezoning 1.97 acres located at 717 South Lee Hwy and 919 Beard Circle SW (Tax Map 057C Group B Parcel 020.00 from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 member absent).
- **Street Light Recommendation** – Billie Lawson located at 1295 Hardwick Street SE (Cleveland Utilities recommends the installation of a 45-watt LED street light fixture on an existing power pole at the intersection of Hardwick Street and 13th Street to meet city guidelines).

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

Mayor Rowland stated we have final passage of Ordinance No: 2018-24 to be considered, which is amending Title 15, Chapter 6, Section 15-614 relative to parking restrictions for certain large vehicles and trailers on city streets in residential areas. Councilman Hughes stated he would like to make a motion to approve the ordinance on final reading and to set the effective date as of January 1, 2019. The motion was seconded by Councilman McKenzie. Councilman Hughes continued that he would like Mr. Hamons to remove the blue tarps within three weeks and paint the bus somewhere off site, not on the street. Mr. Hamons agreed. Councilman Estes stated he felt the bus could be moved into the driveway. Mr. Hamons stated one driveway is not long enough for the bus and would be partially in the road and the second driveway a carport is in the way. Councilman Estes then stated he agrees with Councilman Hughes concerning the tarps and

painting. Councilman Banks stated he understands and appreciates what Mr. Hamons is trying to do but we have to look at the overall picture, which is a residential area with a yellow school bus with blue tarps parked on the street. In some people's eyes, it affects the value of their property in the historic area. A neighbor has offered to let him park the bus in their driveway. That would help with the problem and get around the potential for the city to become liable if someone hits the bus. He supports his mission but not leaving the bus on the street. Mr. Hamons replied he understands the Council's position but feels by speaking with city staff and the surrounding neighbors prior to purchasing the bus he did his due diligence and cringes at the thought of using his neighbor's driveway until January. Mayor Rowland asked for the Clerk to call the roll on the motion. Upon roll call, Councilmen Hughes, McKenzie, Estes (voting yes because of the timing of this and Mr. Hamons intention prior to this ordinance) Cassada and May (voting yes because Mr. Hamons checked with Codes and we are changing it midstream) voted aye. Councilman Banks and Vice Mayor Johnson voted no. The motion passed 5-2.

Councilman Estes asked that the street light recommendation for Debbie Jones located at 1505 City View Street SE be delayed until the August 13 meeting so he can speak with Ms. Jones before voting.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Johnson moved to reserve ten parking spots in the parking lot at Central and Church Street for downtown businesses, which would be a two-hour time limit and first come first serve. The motion was seconded by Councilman Banks and then stated it would be self-policing. Vice Mayor Johnson stated we need to do something while we are waiting on the consultants. Councilman Hughes said he thought we were addressing business owners having spots. Councilman Banks responded no, for patrons. If you look now, there are empty spots. If you get right down to it, the problem is County and City employees who are taking up the spots. Studies have shown, if you can get those people to park offsite and walk or be shuttled it would help, especially those around the courthouse square. Councilman Estes stated we don't have any estimations right now, since Lee students are not in session, but would rather staff look at downtown parking 9-5 Monday – Friday during the month of August and report back the availability of ten spots. He feels we need additional info before voting. Vice Mayor Johnson stated he is just asking for something to be done now. Councilman Banks stated we can do it for a 90-day period and it would automatically end. Councilman Cassada asked if staff would do a study and bring something back in 90 days. Mr. Kimball stated if you are referring to the parking lot, it is owned by First Cumberland Presbyterian Church and advises to speak with them before erecting a sign on their property. Councilman Banks then suggested ten spaces on the public street, identified as downtown patrons parking only. Vice Mayor Johnson amended his motion to be ten spots on the public street, with two-hour parking for downtown business patrons for a period of 90 days. Also, staff will conduct a parking study and parking spot locations and signage wording will be determined by Jonathan Jobe. The amendment was seconded by Councilman Banks. Upon roll call, the motion unanimously passed. Additional discussion took place and it was determined the signage should include wording such as parking for downtown businesses from 9-5 Monday – Friday.

Councilman Estes stated he likes the Building and Codes monthly reports but asked if Bryan Turner's reports could correctly identify if the location is in the CDBG area and also asked if it could be sorted by district, like Codes Enforcement has theirs.

Councilman Cassada asked if a safety study would be conducted along Paul Huff Parkway at the Target shopping center entrance. Mr. Fivas stated they would have that at the next meeting.

Vice Mayor Johnson asked if the grass could be trimmed around the signs in the I-75/25th Street area. Mr. Hartman stated staff worked on that area last week and should be completed soon.

Councilman May inquired about the pedestrian crossing at Ocoee and Ocoee Crossing. Tad Bacon with Cleveland Utilities replied that is a State project related to the Casteel Connector. He is unsure of the completion date but will make sure it is up to City standards. However, when the Casteel Connector ribbon cutting will take place it is likely the crossing project will not be completed.

Councilman Hughes asked if the calibration changed along Keith Street from Paul Huff to 25th Street on the weekends. Mr. Bacon stated he was not aware but some detection sensors need some repair work, which could be the problem. They are awaiting parts to fix the sensors.

Councilman Banks stated over the weekend Vice President Pence visited Cleveland with several elected officials. The Cleveland Police Department, Cleveland Fire Department, our First Responders, support staff, Lee University security and Bethany McCoy did a superb job hosting the Vice President at Pangle Hall. A Secret Service man told him they felt more secure here than anywhere we've been lately. Thanks to Lee University for hosting him. Secondly, he's received several comments about how the city looks regarding the crepe myrtles. He feels it is important to educate the homeowners who have crepe myrtles planted between the sidewalk and the street. Those are city property and homeowners need to contact Dan Hartman before they try to do any maintenance on them. Also, Mr. Hartman is here for Patti Petitt, who lost her mother in-law over the weekend. Mayor Rowland added David Sheely lost his grandmother recently as well.

NEW BUSINESS AND ORDINANCES

Councilman Estes moved to support staff and the Downtown PILOT Housing Program with the Health Education Facilities Board. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

There being no future business the meeting was adjourned at 3:52.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 13, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Interim Human Resource Director; Bethany McCoy with Lee University; Brian Moran, Social Media; Ken Webb; Tad Bacon with Cleveland Utilities; Gary Farlow with the Chamber of Commerce; Sharon Marr with Mainstreet Cleveland and Martha Ledford. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Colby Goins with Waterville Baptist Church, 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 23, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Rowland stated today we are swearing-in four Police Officers to the Cleveland Police Department. He stated officers sometimes can be the first line of greeting someone in our community and you never get a second chance at a first impression. He reminded each officer that he, as well as the City Council and department managers support the police officers and wished them well and safety. Mayor Rowland then administered the Oath of Office to Police Officers Dominique Craigmiles, Tyler Payne and Aaron Woody. Judge Barrett Painter administered the Oath of Office to his son, Police Officer Sam Painter. Chief Gibson also introduced each officer and gave a brief background of their qualifications and welcomed them to the department.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request from Cleveland Rite Aid, LLC to rezone 1.27 acres located at 1805 Dalton Pike SE from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District. Mayor Rowland asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition to the rezoning. No one spoke. Mayor Rowland declared the public hearing to be closed.

Mayor Rowland stated today's meeting is being held as a public hearing to hear public comments concerning a request by the adjoining property owners to abandon an unopened section of Jones Ave SW located between Huff Ave SW and Parker St SW. Mayor Rowland asked if anyone would like to speak in favor of the abandonment. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition to the abandonment. No one spoke. Mayor Rowland then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Resolution No: 2018-71** - Authorizing the City of Cleveland to participate in the Pool’s Safety Partners Matching Grant Program.

RESOLUTION NO: 2018-71

**A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND
TO PARTICIPATE IN THE POOL’S
“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, The Pool 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 Pool;

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 13th day of August, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-72** - Authorizing the Mayor to sign a grant application for the 2018 Edward Byrne Grant to be used for in-car camera systems.

RESOLUTION NO: 2018-72

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY
FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
FOR FY2018 THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE,
BUREAU OF JUSTICE ASSISTANCE**

WHEREAS, the City of Cleveland desires to apply for a FY2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$38,036 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 13th day of August, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Reappointment** – *Cleveland Utilities Board* – Joe Cate for an additional 4-year term to expire July 2022.
- **Reappointment** – *Beer Board* – Mark Smith for an additional 2-year term to expire July 2020.
- **Reappointment** – *Beer Board* – Joe Kirkpatrick for an additional 2-year term to expire July 2020.
- **Reappointment** – *Beer Board* – Gerald Lillard for an additional 2-year term to expire July 2020.
- **Reappointment** – *Historic Commission* – Sarah Coleman for an additional 4-year term to expire June 2022.
- **Reappointment** – *Historic Commission* – Phyllis Callaway for an additional 4-year term to expire June 2022.
- **Reappointment** – *Health Education Facilities and Industrial Bond Board* – Bryce Kirksey for an additional 6-year term to expire July 2024.
- **Reappointment** – *Health Education Facilities and Industrial Bond Board* – David Fair for an additional 6-year term to expire July 2024.
- **Appointment** – *Health Education Facilities and Industrial Bond Board* – Mike Griffin to replace Bob Card for an unexpired term to expire July 2020.
- **Appointment** – *Greenway Board* – Dr. Pat Stone for an additional 2-year term to expire August 2020.
- **Reappointment** – *Greenway Board* – Annie Robbins for an additional 2-year term to expire August 2020.
- **Appointment** – *Cleveland Utility Board* – Councilman David May to succeed Mayor Tom Rowland when his term as Mayor concludes.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes moved that 8th Street at Parker Street NW and 11th Street at Parker Street NW intersections become four-way or all-way stops. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Banks suggested that the South Lee Highway area be dressed up a bit and possibly during the fall some crepe myrtles be planted from Inman Street to the bypass, as well as some at Exit 20. Martha Ledford addressed the Council concerning the possibility of sidewalks along South Lee Highway from Inman to Victory Drive. Once the residents of the Summit move to the new location they will need to have the availability to walk. Councilman Banks agreed and feels the area needs improving and would be willing to make a donation to help with the planting.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-25** – Rezoning 1.27 acres located at 1805 Dalton Pike SE from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Planning Commission: Approved 8-0; 1 member absent).

ZONING ORDINANCE NO: 2018-25

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 1.27 acres, more or less, located at 1805 Dalton Pike as shown on the attached map and identified as Tax Map 57M Group B Parcel 23.00 and being all of tracts A and B shown in Exhibit B, being the same property described in a Warranty as recorded in Bradley County Registers Deed Book 378 pages 986.

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

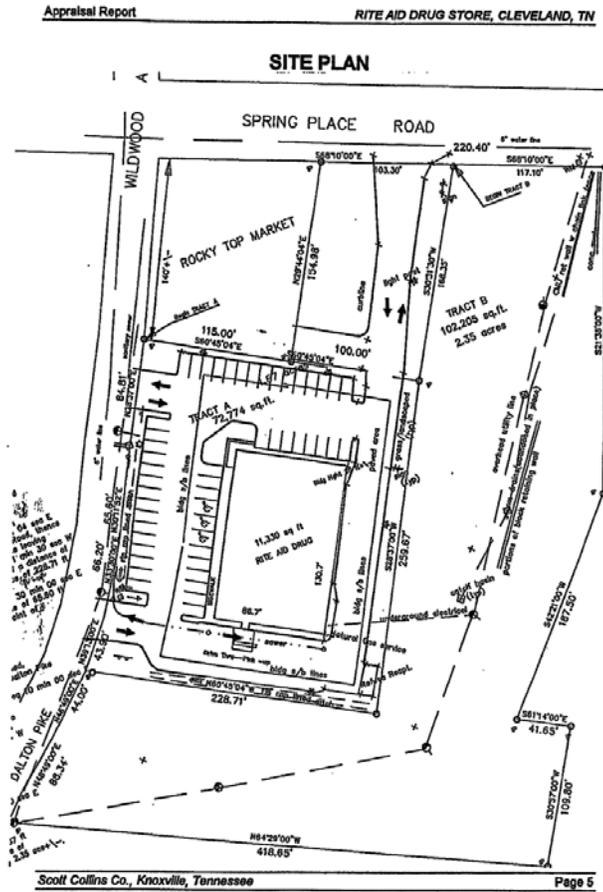
Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Exhibit B



Councilman May moved that Zoning Ordinance No: 2018-25 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: 2018-26** – Abandoning an unopened section of Jones Ave SW located between Huff Ave SW and Parker St SW (Planning Commission: Approved 8-0; 1 member absent).

ORDINANCE NO: 2018-26

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:

Unopened portion of Jones Ave located between Huff Ave SW and Parker Ave SW

2. RETENTION OF EASEMENTS: The City shall retain an easement to maintain access to public electric facilities as long as they remain in place.

3. AREA TO BE ZONED: The area hereby abandoned shall be understood as zoned in the same zoning district as the adjoining zone extending to the centerline of the abandoned right-of-way.

4. CONFLICTS AND SEVERABILITY: All ordinances in conflict herewith are repealed to the extent of said conflict. In the event that any part of this ordinance is ruled to be unlawful by a court of competent jurisdiction, all other parts of the ordinance shall remain in full force and effect.

5. EFFECTIVE DATE: this ordinance shall take effect from and after its passage on final reading and after the time that any parcel which does not currently have road frontage is re-platted to obtain the necessary frontage, the public welfare requiring it.

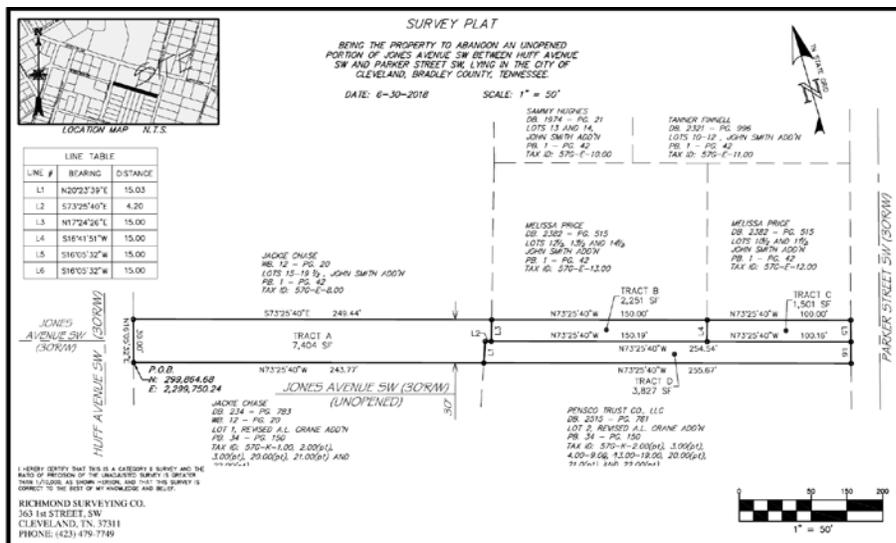
APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Vice Mayor Johnson moved that Ordinance No: 2018-26 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Cassada moved that city staff approach the owners of the Town Centre on Paul Huff parkway concerning traffic safety options at Ben Moore Drive, particularly a right-in right-out type of entrance. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Mayor Rowland announced he was reappointing Matt Coleman, Milan Blake, Dennis Epperson and Tim Henderson to the Shade Tree Board all for a term to expire August 2020.

There being no future business the meeting was adjourned at 3:25.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 27, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Pettit, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Executive Secretary Beverley Lindsey; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Interim Human Resource Director; Mayor-Elect Kevin Brooks; Bethany McCoy with Lee University; Brian Moran, Social Media; Councilman-Elect Ken Webb; Tad Bacon with Cleveland Utilities; Sharon Marr with Mainstreet Cleveland; Randall Higgins; Charlie Cogdill, City School Board Member; Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Todd Stevison with Public Church, 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 13, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

City Manager Joe Fivas presented Mayor Tom Rowland and Councilman Richard Banks both a gift of a crystal gavel from city staff. He then thanked Mayor Rowland for his leadership as our Mayor for twenty-seven years and all he has done for our City. Mayor Rowland thanked Mr. Fivas and stated he would be speaking to employees one on one in the upcoming weeks. Mr. Fivas also thanked Councilman Banks for his service of fourteen years on the City Council. He is held in high regard and appreciates his way of articulating goals for our City, which have made us a better City and his leadership is appreciated. Councilman Banks thanked Mr. Fivas, city staff and those out on the streets, who really make the difference and appreciates everyone's support over the years.

Vince Dauro with CALEA gave a brief history of CALEA and their standards for agencies to follow. They help departments follow law enforcement standards, minimizes the department's exposure to liability, demonstrates accountability to the public and guarantees professional management practices. It confirms their commitment to excellence in law enforcement. The certificate represents the agencies efforts to achieve accredited status, therefore by demonstrating their willingness to change in order to effectively address contemporary public safety concerns. It represents the commitment to do the right thing and doing it the right way, adherences to a professional code and lastly, an ongoing dedication to insuring the agency resources are appropriately developed, actively deployed and constant management for a safer City. He then presented Police Chief Mark Gibson the 2018 Accreditation Certificate to the Cleveland Police Department and recognized their hard work toward achieving this goal. This is the departments forth award for Advance Law Enforcement Accreditation, which is the highest level.

Mayor Rowland 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 Rowland asked if anyone would like to speak in favor of the annual report. No one spoke. Mayor Rowland asked if anyone would like to speak in opposition of the annual report. No one spoke. Mayor Rowland then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Rowland reviewed the following items on the consent agenda.

- **Final Passage - Zoning Ordinance No: 2018-25** – heretofore approved on first reading August 13, 2018 and found in Minute Book 29, Page 192; rezoning 1.27 acres located at 1805 Dalton Pike SE from R2 Low Density Single and Multi-Family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Planning Commission: Approved 8-0; 1 member absent).
- **Final Passage – Ordinance No: 2018-26** – heretofore approved on first reading August 13, 2018 and found in Minute Book 29, Page 193; abandoning an unopened section of Jones Ave SW located between Huff Ave SW and Parker St SW (Planning Commission: Approved 8-0; 1 member absent).
- **Street Light Recommendation** – Jerry Freeman located at Henderson Ave and Cottage Grove Cir NW (Cleveland Utilities recommends no additional lighting; Henderson Avenue meet's city guidelines and Cottage Grove Circle is not a City street).
- **Resolution No: 2018-73** Authorizing the Mayor to sign a rescue agreement with Animal Care Trust dba McKamey Animal Center.

RESOLUTION NO: 2018-73

WHEREAS, the Animal Shelter Advisory Board and the Animal Shelter Director are recommending to the City Council that it approve a new rescue agreement with Animal Care Trust dba McKamey Animal Center;

WHEREAS, the proposed rescue agreement is attached to this Resolution.

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 rescue agreement with Animal Care Trust dba McKamey Animal Center.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute this rescue agreement with this rescue group on behalf of the City. [on file in the City Clerk's Office.]

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-75** – Amending the Authorized Employees List for the FY2019 Budget.

RESOLUTION NO: 2018-75

A RESOLUTION TO AMEND THE AUTHORIZED EMPLOYEES LIST FOR THE FY2019 BUDGET

WHEREAS, the City Council of the City of Cleveland has previously established and adopted the FY2019 City Budget; and

WHEREAS, this document contains the Authorized Employees By Fund, Department, and Position Classification”; and

WHEREAS, the Police Chief has requested a change in the authorized positions for a restructure and reclassification of several employees within the department’s Support Services Bureau in order to improve the efficiency of the department.

WHEREAS, the City Manager and Interim Human Resources Director are in support of his request to amend the authorized positions list for the FY2019 Budget.

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

Section 1. That the document entitled “Authorized Employees by Fund, Department, and Position Classification” located on pages 74 through 78 of the FY2019 City Budget is hereby amended to add one Senior Records Clerk and one Support Services Tech both at Salary Grade 23 and a title change of the Quartermaster to Support Services Supervisor. [Detailed memo on file with original resolution.]

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

Adopted this 27th day of August, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Motion** – Declaring Mayor Rowland’s desk, credenza, chair and computer surplus property and donating them to the Museum at Five Points for an exhibit of Mayor Tom Rowland’s office.

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

UNFINISHED BUSINESS

Councilman May moved to accepted staff recommendation to upgrade the existing fixture on Moore Place NW at the end of the cul-de-sac to a 51-watt LED fixture requested by Lavinia Johnson. The motion was seconded by Councilman Estes; and upon roll call, the motion was unanimously passed.

The following Resolution was then presented in full:

- **Resolution No: 2018-76** – Authorizing the Mayor to sign an agreement with Servidores LLC related to the CMAQ project.

RESOLUTION NO. 2018-76

WHEREAS, the City of Cleveland and Servidores LLC previously entered into a general statement of intent in June of 2016 which was presented to the Cleveland City Council via Resolution 2016-61 and approved by the City Council on June 27, 2016; and

WHEREAS, as set forth in the Resolution, the City of Cleveland had the opportunity to apply for a Congestion Mitigation Air Quality Maintenance (CMAQ) grant in order to attempt to secure grant funding for a public park and ride parking lot at the Old Woolen Mill; and

WHEREAS, a copy of Resolution 2016-61 and the general statement of intent are attached to this Resolution for reference purposes; and

WHEREAS, following the approval of Resolution 2016-61 the City's application was submitted to the Tennessee Department of Transportation (TDOT) and the application was approved for grant funding through the CMAQ improvement program; and

WHEREAS, as described in the statement of intent, once project funding was approved by TDOT, the parties would need to enter into an agreement which would provide for land to be conveyed from Servidores to the City as needed for the project; and

WHEREAS, the parties have jointly drafted the attached agreement between the City and Servidores for the City Council's consideration; and

WHEREAS, Servidores is willing to enter into this agreement with the City, with the understanding that the agreement must then be submitted to TDOT for approval by TDOT; and

WHEREAS, the City Council now desires to accept the proposed agreement with Servidores 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 Servidores LLC 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 27th day of August, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Mr. Fivas reviewed the resolution, which is related to the park and ride grant at the Old Woolen Mill. The agreement basically lays a path to go forward. If approved the City would start the process with TDOT for a grant agreement. After that we would then go into the NEPA phase, design and then that's when Dr. Coleman would convey the property to the City and then it would be released to out to bid. Councilman Cassada asked about different parking sites and our greatest need for our public. Secondly, we don't know what we can get into with the environmental. What would the impact be to the City? Lastly, is the building up to code? He then stated he is comfortable moving forward to start the design process but can the building be brought up to code before we begin. Mayor Rowland stated the environmental aspects would be looked at separately from the building. Mr. Fivas stated there is always a chance to run into issues even after tests are conducted. Councilman Cassada stated he felt the building should be brought up to code before we go to TDOT in eight or nine months. Mr. Fivas stated he feels Dr. Coleman is making great progress. Mr. Jobe stated the building is not a part of the park and ride grant. Councilman Cassada replied the property in general. Mayor Rowland stated Dr. Coleman's plans

are genuine and this will stimulate his plans, which will help us all for downtown. Councilman Estes asked if we run into hiccups how would the agreement address them. Mr. Kimball replied if it is significant then the agreement would be voided at the city's discretion. Councilman Estes moved to approved Resolution No: 2018-76 as presented. The motion was seconded by Vice Mayor Johnson. Upon roll call, Councilman Estes, Vice Mayor Johnson, Councilman May, Councilman Hughes, Councilman Banks and Councilman McKenzie voted aye. Councilman Cassada voted no. The motion passed 6:1.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes stated it was good to see in the monthly reports the growth of social media in a year and thanked staff for reaching citizens. He also inquired about QAlert and if that was the city app for work orders. Staff responded yes.

Councilman Cassada stated he would like to publicly state his reasoning for voting no on the park and ride resolution. It is \$400,000 of taxpayer funds and feels there could be a greater use on the south side of town and other areas of our city.

Councilman May stated he has been thinking about this being Mayor Rowland's and Councilman Banks' last meeting and how well Mayor Rowland has handled situations when the Council room was packed and got us through tough situations and also how sincere Councilman Banks is about Cleveland and his unique ideas and suggestions. He will miss them both and has enjoyed working with them.

Councilman Hughes stated there are times in the last eight years that things were tense and didn't know which direction they would go, and the Mayor would insert humor, as he does, and the ice would melt. He appreciates him, not only for his longevity, but for his ability to get on the phone and call someone at the State whom he knew to get something done for Cleveland. The twenty-seven years he has served on many boards and came in contact with many people, therefore made Cleveland a better place. Councilman Banks has a brilliant, analytical mind that many times when we were at a standstill would come up with a solution. He has been a great Councilmember. They both will be greatly missed.

Councilman Banks stated a wise man once said "if you have no regrets about leaving, then your stay would not have been worthwhile." There are still two great leaders left that have been here for a number of years and know how things work, which is very important. It has been a worthwhile experience. There has been tension and rough times but we are lucky to be near the mountains and lakes and we need to continue to take advantage of that aspect. The last motion he'd like to make is concerning the senior center and the letter from Demetrius Ramsey. He then moved by stating in an effort to foster and promote a good and professional relationship between the Bradley County Commission and the Cleveland City Council and address a problem facing the Bradley Cleveland Community Services Agency, the Mayor and the Cleveland City Council respectfully request that the Bradley County Commission review and take action as requested in the letter dated August 23, 2018 to the Bradley County Commission from Demetrius Ramsey, the Executive Director of the Bradley Cleveland Community Services Agency. This remedial action will allow the common goal of both bodies of elected officials to continue to provide beneficial and needed services for our senior citizens at a lower cost of operating expenses. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Mayor Rowland stated he has enjoyed working with Councilman Banks, his wisdom has been noticed and the citizens of Cleveland have benefited from his service. Councilman Banks thanked Mayor Rowland and appreciates his friendship.

Vice Mayor Johnson thanked the Mayor for the experience and learning process and it has been his honor to serve as his Vice Mayor for Cleveland. Vice Mayor Johnson reminisced about his early days on the Council and flying out of Hardwick to look at a new school and all the memories he's had working with Mayor Rowland and Councilman Banks throughout the years.

Councilman McKenzie thanked everyone, especially Mayor Rowland, for the numerous times he was visited while sick in the hospital. He then thanked everyone for their votes to re-elect him as District 1 Councilman.

NEW BUSINESS AND ORDINANCES

Councilman May moved to give direction to City staff to develop streetscape design for Parker Street from Central Avenue to Inman Street and after Council approval of design to begin construction. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Banks moved to appoint Barrett Painter as Municipal Court Judge for a 2-year term to expire September 2020. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed. Mayor Rowland then administered the Oath of Office to Judge Painter.

The following Resolution was then presented in full:

RESOLUTION NO: 2018-74

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 27th day of August, 2018 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 IV – BENEFITS:

- Subsection S. Hospitalization Insurance

Revise section to read:

S. HOSPITALIZATION INSURANCE

- 1) Employees of the City of Cleveland are covered by the City of Cleveland’s Medical Insurance Plan, as determined by the City Council. The City Council may elect to either self-insure or use a premium-based plan or other method of providing this benefit. Employees not covered under the City’s plan must show proof of insurance if covered under another plan.

- 2) Retirees of the City of Cleveland are governed by the following policy regarding medical insurance.
 - a. The minimum requirements for retired employees' continued health care coverage shall be 3650 calendar days of full-time employment with any department of the City of Cleveland and 1) a minimum age of fifty-five (55) years, or 2) eligibility for disability retirement under the rules of the Tennessee Consolidated Retirement System (TCRS), or 3) eligibility for the minimum twenty-five (25) years creditable service retirement under TCRS.
 - b. Upon the retiree's death, the spouse and dependent children shall be eligible for coverage for a maximum of three (3) years plus COBRA eligibility.
 - c. The retired employee's coverage may terminate if the retiree becomes eligible for coverage through a new employer. The retiree and spouse may re-enroll in the city's plan if the retiree is no longer eligible for health coverage through the other employer and the retiree meets all other eligibility requirements of the city.
 - d. If the retired employee terminates his coverage from the City's health care plan, then the spouse and dependent children's coverage shall also be terminated, except as provided in (2) (b) above.
 - e. The minimum requirements for health care premium reductions shall be 5475 calendar days of full-time service in any department of the City of Cleveland, current membership in the City's health care plan and eligibility for retirement under the rules of the Tennessee Consolidated Retirement System.
 - f. The premium reduction credits shall be based on the greater of actual days of full-time City service or years of creditable service as calculated by the Tennessee Consolidated Retirement System. As of February 22, 2016, the premium reduction credit shall be based on actual fulltime service, military and sick leave accumulated with the City of Cleveland.
 - g. The premium reduction schedule shall be fifty percent (50%) reduction for 5475 days of service and an additional three (3) and 1/3 percent (3.33%) reduction for each additional 365 days of service to a maximum of one hundred percent (100%) paid for 10,950 or more days of service. However, Public Safety employees retiring under the TCRS Supplemental Bridge retirement option adopted by the City Council on November 27, 2007 which allows for full retirement at 9125 days of service at age 55, shall receive an additional one and two-thirds percent (1.67%) reduction, for a total of five (5%) percent reduction for each 365 days of service beyond 5475 days of service, up to a maximum of one hundred percent (100%) reduction for 9125 or more days of service.

Days of Service By Employee	Percentage of Premium Paid by City	Percentage of Premium Paid by City: Supplemental Bridge Retirement
5475	50.00	50.00
5840	53.33	55.00
6205	56.67	60.00
6570	60.00	65.00
6935	63.33	70.00
7300	66.67	75.00
7665	70.00	80.00
8030	73.33	85.00
8395	76.67	90.00
8760	80.00	95.00
9125	83.33	100.00
9490	86.67	
9855	90.00	
10,220	93.33	
10,585	96.67	
10,950	100.00	

- h. Retirees after June 12, 2006 will be provided coverage under the City’s Medicare Advantage Health Insurance Plan provided funding is available.
- i. The premiums and health care benefits will be the same as those provided for other full-time employees and subject to any and all adjustments made thereto.
- j. This premium reduction plan shall be retroactive to January 1, 1992 and shall remain in effect until such time as the plan may be found economically infeasible.

Section VIII – MISCELLANEOUS POLICIES

Add subsection to read:

- Subsection U. Operation/Use of UAS (Drones)

Purpose

This policy is intended to establish guidelines for the use of unmanned aerial systems by the City of Cleveland, TN, including the use of data captured by the UAS.

Definitions

An unmanned aerial system is a powered, aerial vehicle that does not carry a human operator, can be flown autonomously or be piloted remotely, and all the supporting or attached hardware to communicate with and control the vehicle. These vehicles are capable of carrying a payload such as cameras, thermal imaging devices, and LiDAR sensors used for inspections, data collection, photography, and videography.

Policy

It is the policy of the City of Cleveland to utilize UAS to enhance the organization’s ability to create and update GIS data, improve public outreach, and further support operations of other departments within the City of Cleveland. All UAS operations will be

conducted during daylight hours and only within line of human sight as well and in accordance with Federal, State, and local laws and Federal Aviation Administration (FAA) Part 107 Regulations.

Privacy

The City of Cleveland recognizes the importance of personal privacy. Personnel operating an UAS shall be mindful of privacy rights and absent a warrant or exigent circumstances shall not intentionally record or transmit images in any location where a person would have a reasonable expectation of privacy (e.g., inside house, fenced yard, enclosed area only visible from an elevated position). Operators and observers will take reasonable precautions to avoid inadvertently recording or transmitting images in violation of privacy rights.

Restriction

UAS weighing over 55 lbs. including attached equipment shall not be used for any purpose.

Prohibited Uses

The UAS shall not be used for the following:

- To conduct random surveillance activities
- To fly around gatherings of people
- To harass, intimidate, or discriminate against any individual or group
- To conduct personal business of any type
- Any purpose that would be deemed unethical or immoral

There is great liability to the City of Cleveland for the use of UAS. Each flight must have prior authorization by the department head. Any unauthorized use shall have disciplinary action up to and including termination.

Authorized Operators

Only City of Cleveland employees who have received approval and authorization by the department head and who have successfully completed the required training and hold a current FAA Remote Pilot certification shall be permitted to operate the UAS. Operator training certifications and UAS registration documentation shall be submitted to the Risk Manager as well as kept on file by the department head or designee.

Flight Logs

Each authorized UAS operator will maintain a flight log. Operators will log the date, flight time, location, max altitude, total distance flown, and any additional comments. All flight logs shall be retained by the department head or designee.

Maintenance Logs

To ensure proper operation of the UAS and minimize the risk of equipment failure, each authorized UAS operator will keep a maintenance log. Operators should follow the manufacturer's recommended maintenance schedule. If no maintenance schedule exists, the operator should create one. All maintenance logs are the responsibility of the operator and shall be retained by the department head or designee.

Retention of Data

Photographs and video collected by the UAS shall be retained in accordance with MTAS (Municipal Technical Advisory Service) Records Retentions Schedules for Aerial Photography. (MTAS – 685, E-1)

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-74 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, Councilmen May, Hughes, McKenzie, Estes, Cassada and Vice Mayor Johnson voted aye. Councilman Banks passed. The motion was approved 6:1.

ANNOUNCEMENTS

- City Offices will be closed on Monday, September 3 in observance of Labor Day.
- September 10 - City Council meeting will be held at the Museum Center – 3:00 session only (Presentation of Certificates of Election).
- City Offices will be closed on Monday, October 8 in observation of Columbus Day. No City Council meeting on October 8. The next meeting will be held on Monday, October 22.

Mayor Rowland commended Bradley County Mayor Davis and stated Bradley County is lucky to have him as County Mayor. Personally, Mayor Davis was a good chauffeur when he was unable to drive for a while and Mayor Davis would call offering a ride to places together. They have had a great relationship and hope it will continue with Mayor Brooks. The citizens of Bradley County and the City of Cleveland have been and will be much better because of the strong favorable relationship with many County leaders.

Mayor Rowland closed the meeting by paraphrasing Ecclesiastes 3:1 “there is a time and season for everything; there is a time to live and a time to die.”

There being no future business the meeting was adjourned at 3:55.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 10, 2018 AT 3:00 P.M. AT THE MUSEUM CENTER AT 5IVE POINTS.

Present and presiding was Mayor Tom Rowland. Also present were Vice Mayor Avery Johnson, Councilmen Charlie McKenzie, Bill Estes, Tom Cassada, David May, Jr., Dale Hughes and Richard Banks. 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Dan Hartman, Assistant Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Interim Human Resource Director; Mayor-Elect Kevin Brooks and Kim Brooks; Bethany McCoy with Lee University; Brian Moran, Social Media; Councilman-Elect Ken Webb; Sharon Marr with Mainstreet Cleveland; and several other members of the public. Following the Pledge of Allegiance to the American Flag and prayer by Dr. Tim Hill, Church of God General Overseer the following business was then entered into:

CERTIFICATES OF ELECTION & OATH OF OFFICE

Mayor Rowland stated the Honorable Judge Michael Sharp, Circuit Court Judge of Bradley County will administer the oath of office to each Council member. As each member prepares to take their oath Travis Henry from the Bradley County Election Commission will present their Certificates of Election. He then invited families to join them on stage while their oaths were being administered.

Judge Sharp addressed the members of the Council, thanked them for their service and also thanked their loved ones for helping them get to where they are today. He then congratulated the families on this big day and asked the citizens for their continued prayers.

Mr. Henry presented Councilman McKenzie with his Certificate of Election. Judge Sharp then administered the Oath of Office to Councilman Charlie McKenzie. He then congratulated Councilman McKenzie.

Mr. Henry then presented Councilman Estes with his Certificate of Election. Judge Sharp then administered the Oath of Office to Councilman Bill Estes. He then congratulated Councilman Estes.

Mr. Henry then presented Councilman Webb with his Certificate of Election. Judge Sharp then administered the Oath of Office to At-Large Councilman Ken Webb. He then congratulated Councilman Webb.

Lastly, Mr. Henry presented Mayor Kevin Brooks with his Certificate of Election. Judge Sharp challenged Mayor Brooks to follow Mayor Rowland's lead and go where he has taken us over the years. He then administered the Oath of Office to Mayor Kevin Brooks and congratulated him and wished him the best.

Mayor Brooks presented Mayor Rowland with his State Legislature pin, which would give him access to the Capital at any time. Mayor Brooks then thanked his family for their support. He wouldn't be here today without their foundation and faith. He also thanked many friends and citizens for their support. Also, the Bible he took the Oath on today was presented to him by Dr. Paul Conn on May 4, 1990 on graduation weekend. It is the Bible that set him forth in the community.

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 27, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

NEW BUSINESS AND ORDINANCES

Mayor Rowland stated he would like to remind the Council that Mayor Brooks, also known as “Mr. Exit 20” lobbied for years on the much needed highway improvement at the Exit 20 interchange. Previously we asked the State Legislature to pass legislation to name the entire interchange in honor of State Representative Kevin Brooks. We found out later that couldn’t be done while he was in office. Mayor Rowland encouraged the City Council to again ask the Legislature to name it after Kevin Brooks in the near future.

Mayor Brooks then presented Mayor Tom Rowland with his gavel and a plaque which states “This gavel and your legacy now passes to a new generation which has been inspired by your leadership and your spirit for the City with Spirit.”

There being no future business the meeting was adjourned at 3:22 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, SEPTEMBER 24 2018 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Interim Human Resource Director; Bethany McCoy with Lee University; Brian Moran, Social Media; Sharon Marr with Mainstreet Cleveland; Doug Berry with the Chamber of Commerce; David Durkin; Tad Bacon with Cleveland Utilities. Following the Pledge of Allegiance to the American Flag and prayer by Dr. John Franklin with North Cleveland Church of God 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 September 10, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Brooks read the following Proclamation for Mayor Tom Rowland:

“JOHN THOMAS “TOM” ROWLAND”

“MAYOR EMERITUS”

Whereas, Mayor John “Tom” Rowland, the longest serving Mayor in the history of the City of Cleveland, Tennessee, elected in 1991 and retiring in 2018 with 27 years of service; and . . .

Whereas, he is listed in Congressional Records of the 110th Congress as making history as Cleveland’s longest serving mayor; and

Whereas, Rowland served as Tennessee Municipal League president twice and was Mayor of the Year in 2004; and

Whereas, he served on two standing committees of the United States Conference of Mayors; the Police and Social Justice Committee and the Committee on Arts and Recreation; and

Whereas, he served for 23 years on the Tennessee Advisory Commission on Intergovernmental Relations, the last 16 as vice chairman, the highest position you can hold and not be on the state legislature and was the only mayor in Tennessee serving on the Homeland Security Council; and

Whereas, he is co-founder of the Cleveland 100, an organization founded to assist surviving family members of officers, firemen and emergency personnel killed in the line of duty; spearheaded a project to build Tennessee’s first memorial to fallen police, fire and rescue personnel in this community; and

Whereas, he is a veteran of the United States Air Force retiring as a colonel from the Tennessee State Guard; and

NOW THEREFORE, I, Mayor Kevin Brooks, along with the Cleveland City Council and all the citizens of Cleveland do hereby proclaim John (Tom) Rowland, “MAYOR EMERITUS” for his many contributions and dedication to the people of the City of Cleveland and wish him and wife, Sandra, many more happy and productive years in the future.

Councilman Hughes moved to accepted the proclamation declaring Mayor Tom Rowland as Mayor Emeritus. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed. Mayor Brooks then presented Mayor Rowland with his proclamation.

Mayor Brooks then read the following letter from the State of Tennessee Department of Veterans Services:



STATE OF TENNESSEE
DEPARTMENT OF VETERANS SERVICES

MANY-BEARS GRINDER
COMMISSIONER

BILL HASLAM
GOVERNOR

September 18, 2018

The Honorable Kevin Brooks
Mayor, City of Cleveland
P.O. Box 1519
Cleveland, TN 37364

Dear Mayor Brooks,

Thank you and the City of Cleveland for the generous contributions received from 2014-2018 in the total amount of \$2,010,010.00 made toward the costs of constructing a Tennessee State Veterans Home in Bradley County, TN. This project would not be possible without the local community's dedication in raising awareness, support and funding.

I am pleased to inform you that we have met the State and local matching funds needed for this project due in part to the city's contribution, along with state appropriations dedicated to the project by Governor Bill Haslam and the Tennessee General Assembly of which you were a significant partner.

Since we have met our financial goal and the Department has determined there is no need for additional resources for this initiative, we have notified the Secretary of State's office that fundraising for this project has ceased.

We are grateful for your support and commitment to bring a Tennessee State Veterans Home to Bradley County, where Veterans can receive quality of care and quality of life from highly skilled and compassionate healthcare professionals.

Sincerely,

Many-Bears Grinder
Commissioner

COMMISSIONER'S OFFICE

312 ROSA L. PARKS AVENUE

NASHVILLE, TENNESSEE 37243

(615) 741-2345

WWW.TN.GOV/VETERAN

Sid Heidel, Vice Chairman of the Southeast Veterans Council thanked everyone for their support of the project. We have a way to go and they will let everyone know when groundbreaking will take place but it will be a great day for all citizens.

Mayor Brooks stated today's meeting is being held to hear public comments concerning a request by the property owner to rezone 6.3 acres located off Tonia Dr SW (Tax Map 56 Parcel 51.27) from CH Commercial Highway Zoning District to R1 Single Family Residential Zoning District. Corey Divel gave a brief staff report. 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 of the approval of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held to hear public comments concerning a request by the property owner to rezone .21 acres located at 308 West Inman St (Tax Map 049N Group J Parcel 18.00) from CBD Central Business District to MU Mixed Use Zoning District. Corey Divel gave a brief staff report. 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 of the approval of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held to hear public comments concerning a request by the property owner to rezone 2.6 acres located at 1405 Morrison Ln NE (Tax Map 42 Parcel 22.03) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District. Corey Divel gave a brief staff report. 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 of the approval of the rezoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today’s meeting is being held to hear public comments concerning the Consolidated Annual Performance Evaluation (CAPER) for the 2017-2018 Community Development Block Grant Program. Mayor Brooks asked if anyone would like to speak in favor of the approval of the CAPER. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the CAPER. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today’s meeting is being held to hear public comments concerning the 2019 Action Plan for the Community Development Block Grant Program. Mayor Brooks asked if anyone would like to speak in favor of the approval of the 2019 Action Plan. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the 2019 Action Plan. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

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

- **Resolution No: 2018-77** – Authorizing the submission of a grant application for the TML Driver Safety Grant.

RESOLUTION NO: 2017-77

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL “DRIVER SAFETY” MATCHING GRANT PROGRAM

WHEREAS, the safety and well being of the employees and citizens of the City of Cleveland, Tennessee are of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace and to increase safe driving practices for the City of Cleveland employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage a safe workplace and safe operation of motor vehicles by offering the “Driver Safety” Matching Grant Program; and,

WHEREAS, the City of Cleveland previously participated in the program in prior years and now seeks to participate again in this important program.

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

The City of Cleveland is hereby authorized to submit an application for the above referenced program through the Loss Control Department of the Risk Management Pool for an award of \$5,000. The City agrees that if the award is obtained, matching funds in an amount not to exceed \$5,000 will be provided.

Adopted this 24th day of September, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-78** – Adopting additional rental fees for the Greenway Park Stage.

RESOLUTION NO: 2018-78

A RESOLUTION ADOPTING ADDITIONAL RENTAL FEES FOR THE GREENWAY PARK STAGE EFFECTIVE MARCH 1, 2019

WHEREAS, the City of Cleveland, through its Parks and Recreation Department, seeks to develop and establish fair and consistent fees and charges for residents and non-residents who utilize the City of Cleveland’s recreational facilities; and

WHEREAS, the City of Cleveland and State of Tennessee recently invested \$75,000.00 in providing sound, lighting and video enhancements and capabilities to THE STAGE at Greenway Park to offer additional recreational programs for outdoor concerts, movies, and festivals to enhance the quality of life Cleveland residents and visitors; and

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to establish a rental fee to utilize the sound, lighting and video equipment for THE STAGE at Greenway Park which will go into effect on March 1, 2019; and

WHEREAS, based on the recommendation of City staff, the Council desires to establish a rental fee of \$400.00 for up-to six hours, and \$800.00 for up-to twelve hours, and to further authorize City staff to prepare and execute any documents or take any other actions which may be necessary or appropriate to implement this new rental fee schedule on March 1, 2019.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland hereby approves of a rental fee of \$400.00 for up-to six hours, and \$800.00 for up-to twelve hours to utilize the sound, lighting and video equipment for THE STAGE at Greenway Park; and

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland that City staff be and hereby are authorized to prepare and execute any other documents or take any other actions which may be necessary or appropriate to implement this rental fee schedule which will take effect on March 1, 2019.

Adopted this 24th day of September 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-79** – Supporting an application to TDOT for the Transportation Alternatives Program funding for Greenway Phase VI.

RESOLUTION NO: 2018-79

RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM FUNDING

WHEREAS, the City of Cleveland desires to submit an application to the Tennessee Department of Transportation (TDOT) for funding under the Transportation Alternative Program (TAP) for a project described as the “Greenway Phase VI”; and

WHEREAS, the City of Cleveland has worked with the Greenway Advisory Board, Cleveland Urban Area MPO, and others to develop the concept plan for the Greenway Phase VI TAP application in accordance with TDOT guidance;

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

1. Pending the Mayor’s evaluation of any input received in a September 27, 2018 public involvement meeting, the application for TAP funds is hereby endorsed for the Greenway Phase VI Project with a total construction cost of up to \$941,000 and a City of Cleveland matching share of 25% of the total construction costs.

The Mayor is authorized to sign a letter to that effect as well as any related grant contract or documents for the purpose of securing these funds.

2. The City of Cleveland would be responsible for environmental, design, ROW, and utilities costs related to the project.

Approved this 24th day of September, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-80** – Initial resolution authorizing the issuance of debt in the amount not to exceed Six Million Dollars General Obligation Bonds, Series 2018 for Cleveland Utilities.

RESOLUTION NO: 2018-80

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SIX MILLION AND NO/100 DOLLARS (\$6,000,000) GENERAL OBLIGATION BONDS, SERIES 2018 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 \$6,000,000, which shall bear interest at a rate or rates not to exceed five and one-half percent per annum (5.50%), 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 \$6,000,000 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 24th day of September, 2018.

/s/

Mayor

ATTEST:

/s/

City Clerk

- **Resolution No: 2018-81** – Authorizing the Mayor to sign a contract with Teresa Torbett for CDBG Services.

RESOLUTION NO: 2018-81

WHEREAS, the City Council desires to retain Teresa Torbett as an independent contractor to provide Community Development Block Grant (hereafter “CDBG”) services to the City relating to the CDBG program, and

WHEREAS, the City Council desires to approve of the attached contract with Teresa Torbett for these services, and to further authorize the Mayor to execute the 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 Teresa Torbett, and it further authorizes the Mayor to execute the contract on behalf of the City of Cleveland. [on file in the City Clerk’s Office.]

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-82** – Approving the Consolidated Annual Performance Evaluation (CAPER) for the 2017-2018 Community Development Block Grant Program.

RESOLUTION NO: 2018-82

A RESOLUTION APPROVING OF THE 2018 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the City Council of the City of Cleveland, Tennessee passed Resolution 2018-55 on June 25, 2018; and

WHEREAS, in that Resolution, the *2018 Action Plan* was approved by the City Council, and City staff was authorized to submit the plan to the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the 2018 Consolidated Annual Performance Evaluation Report (CAPER) has been prepared by City staff, and a summary of the same is attached to this Resolution for review and approval by the City Council; and

WHEREAS, the City Council desires to approve of the 2018 Consolidated Annual Performance Evaluation Report (CAPER) which has been prepared by City staff, and to authorize the same to be submitted to the United States Department of Housing and Urban Development (HUD).

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves of the 2018 Consolidated Annual Performance Evaluation Report (CAPER) which has been prepared by City staff, and authorizes the same to be submitted to the United States Department of Housing and Urban Development (HUD).

Approved this 24th day of September, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-83** – Supporting an application to TDOT for the Multi- Modal Access Grant Program funding for the North Lee Highway Sidewalks and Transit-related Improvements.

RESOLUTION NO: 2018-83

RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE MULTI-MODAL ACCESS GRANT PROGRAM FUNDING

WHEREAS, the City of Cleveland desires to submit an application to the Tennessee Department of Transportation (TDOT) for funding under the Multi-modal Access Grant Program for a project described as the “North Lee Highway Sidewalks and Transit-related Improvements”; and

WHEREAS, the City of Cleveland has worked with the Cleveland Urban Area MPO, the Cleveland Urban Area Transit System, TDOT and others to develop the concept plan for the North Lee Highway Sidewalks and Transit-related Improvements project in accordance with TDOT guidance;

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

1. The application to TDOT for Multi-modal Access Grant funds is hereby endorsed for the North Lee Highway Sidewalks and Transit-related Improvements project with a total expected eligible project cost of \$994,873 with a City of Cleveland participation of 5% of the total eligible project costs.

2. The Mayor is authorized to sign a letter to that effect as well as any related grant contract or documents for the purpose of securing these funds.

Approved this 24th day of September, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

- **Surplus Property** – Declaring several cars surplus property from the Police Department and transferring them to the Fire Department for training purposes.

MEMO:

TO: MAYOR & CITY COUNCIL
FROM: Melinda Carroll
DATE: September 12, 2018
SUBJECT: Surplus Property

I respectfully request the City Council declare the following vehicles that have been retired due to age, wrecked or cost of repairs surplus and allow the Fire Department to use for training:

1997 Crown Vic #28398
1998 Crown Vic #58457
1998 Crown Vic #58458
1998 Crown Vic #58459
1998 Crown Vic #58445
1999 Crown Vic #42801
2000 Crown Vic #72927
2000 Crown Vic #72933
2000 Crown Vic #72961
2000 Crown Vic #72908
2002 Crown Vic #15138
2002 Crown Vic #15115
2003 Crown Vic #13301
2003 Crown Vic #13290
2004 Crown Vic #66092
2004 Crown Vic #66073
2007 Crown Vic #14459

- **Street Light Recommendation** – Jake Bingham located on 6th Street NW (Cleveland Utilities recommends no additional street lights; meet’s city guidelines).

The motion was seconded by Councilman Estes. Councilman Estes then thanked Teresa Torbett for the work she has done with the CDBG Program. District 2 is fortunate to see the efforts of the program and the changes it has made in the district. This Federal money is changing lives for those it is intended to and it’s worth every penny. Upon roll call, the motion to approve the consent agenda was unanimously passed.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Cassada congratulated our First Responders for the awards received at the Cleveland 100 Banquet. Thank you to all for keeping the citizens safe and is behind them 100%.

Councilman Hughes stated the tennis courts at Tinsley Park are looking great. He then inquired when the project would be finished. Ms. Pettit stated the walkthrough is scheduled for October 2, weather permitting and they should be playable. Councilman Hughes then stated Charlie Smith contacted him about scheduling the tennis courts and the pavilion. Mr. Smith suggested a coordinator over the parks, to not only arrange tennis matches but the pavilions and such. Mr. Fivas responded yes we will have a presentation to the Council on how to reinvent Parks and Recreation and bring ideas forward for thought. Councilman Hughes then inquired about the timeline for the sign at Exit 25. Ms. Carroll stated she spoke to the contractor this morning and they will begin work this week and hopefully it will be completed in three weeks. Mr. Fivas added red flags have been placed at the site and if anyone wants changes, now is the time before work begins. Councilman Hughes asked if the riprap will be removed because it is an eyesore. Ms. Carroll stated that is how the wall was designed. Steve Williams stated it could be covering a storm drain that runs behind the wall and agrees it should be removed but because it is a TDOT right-of-way it will have to be

coordinated with them. Councilman Hughes asked if it would be a costly item. Mr. Williams responded no and believes it is something that his company and Public Works could do for little or no cost to the City. Councilman Hughes then asked for a motion to be added to new business concerning the Airport Authority.

Councilman Webb asked for an update on sidewalks in the area of Blythe Bower School and the old Blythe School. Mr. Fivas stated the project is in two phases. Phase one is the Blythe Bower Park sidewalks to the road past the school. Phase two, which is connecting the retention pond area for the neighborhood. It is on our radar. Councilman Webb then asked about improvements to the crosswalks at Peerless and Norman Chapel Road and if there had been any recommendations. Tad Bacon with Cleveland Utilities stated the lighting in the area will be reevaluated next month and possibly upgraded to LED's.

Vice Mayor Johnson asked when the Advisory Committee will meet and then asked Mayor Brooks to consider our committees reflect the same reflection of the Council and choose people from different districts to ensure we have all of the City involved in the City Committees. Mr. Fivas replied hopefully the Advisory Committee will meet at the end of October or early November. Vice Mayor Johnson continued that he is pleased to see the planning of the new development on Paul Huff Parkway that we're ahead of the game with discussing traffic and a right-in right-out. However, he is concerned about the Stormwater and asked for staff to take a special look at Stormwater control within the development.

Councilman Estes reported there are some groups working with foundations to secure improvements, like sidewalks, in the Blythe area. We could potentially partner with outside money. He appreciates those people in Cleveland working towards that. He continued not a day goes by that he doesn't received a complement on how great Deer Park is going to be. The neighborhood is excited. He then thanked the School Board for working on a better bus stop for children along Wilson and Aurora Avenue. Lastly, Lee University is turning 100. They will have the main party in November and we should partner with that in some extra ordinary way. It is a big deal for Lee so whatever we can do special to congratulate them. What an asset and will continue to be. Ms. Carroll stated they have already been contact by Dr. Hammond and Ms. McCoy and will work together.

Mayor Brooks stated he wanted to take a moment again to thank the citizens of Cleveland for allowing him to serve in the great roll as Mayor.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance No: 2018-27** – Rezoning 6.3 acres located off Tonia Dr SW (Tax Map 56 Parcel 51.27) from CH Commercial Highway Zoning District to R1 Single Family Residential Zoning District (Planning Commission: Approved 9-0).

Zoning Ordinance No: 2018-27

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 CH Commercial Highway Zoning District to R1 Single Family Residential Zoning District

Approximately 6.3 acres, more or less, located at off Tonia Dr SW shown on the attached map and identified as Tax Map 56 Parcel 51.27, being the same property described in a Warranty as recorded in Bradley County Registers Deed Book 2025 pages 293.

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.

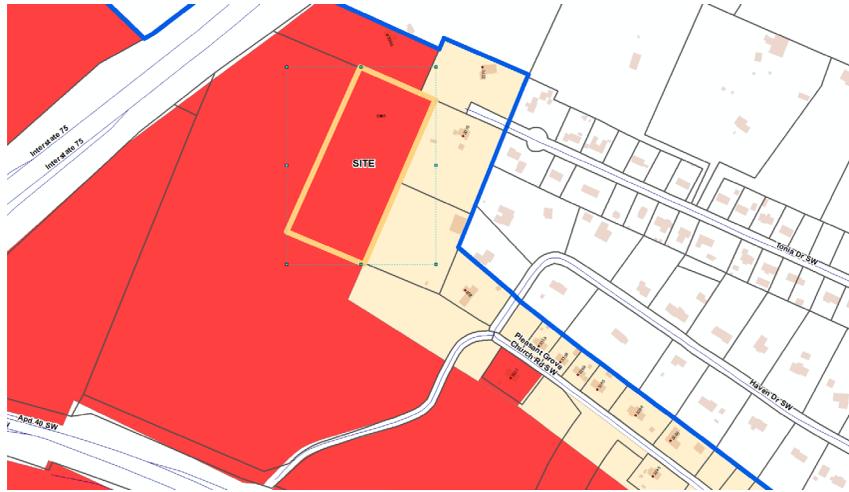
APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Vice Mayor Johnson moved that Zoning Ordinance No: 2018-27 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance No: 2018-28** – Rezoning .21 acres located at 308 West Inman St (Tax Map 049N Group J Parcel 18.00) from CBD Central Business District to MU Mixed Use Zoning District (Planning Commission: Approved 9-0).

Zoning Ordinance No: 2018-28

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 CBD Central Business District to MU Mixed Use Zoning District

Approximately .22 acres, more or less, located at 308 West Inman St as shown on the attached map and identified as Tax Map 49N Group J Parcel 18.00, being the same property described in a Warranty as recorded in Bradley County Registers Deed Book 295 pages 223.

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

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance No: 2018-28 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance No: 2018-29** – Rezoning 2.6 acres located at 1405 Morrison Ln NE (Tax Map 42 Parcel 22.03) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).

Zoning Ordinance No: 2018-29

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 IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District

Approximately 2.6 acres, more or less, located at 1405 Morrison Ln NE as shown on the attached map and identified as Tax Map 42 Parcel 22.03, being the same property described in a Warranty as recorded in Bradley County Registers Deed Book 2271 pages 156.

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:

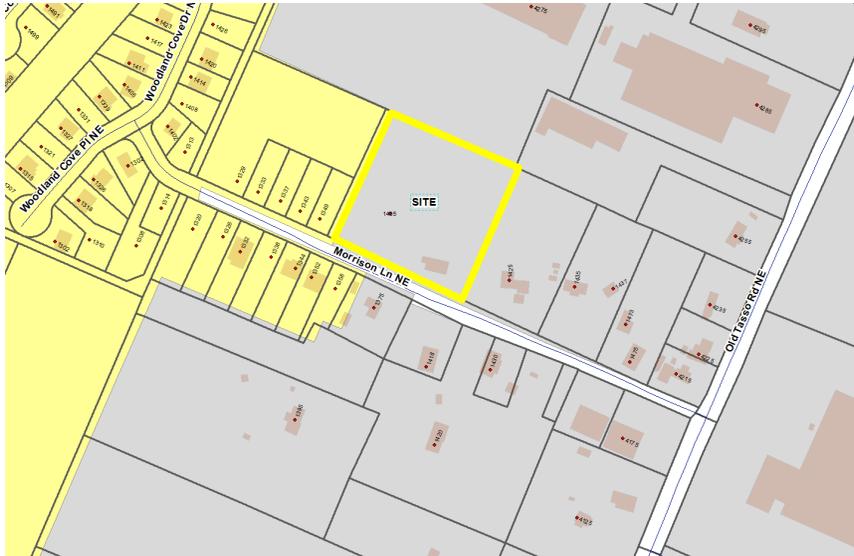
/s/John F. Kimball

City Attorney

Tom Rowland, Mayor

Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance No: 2018-29 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following bid report was then presented:

- **Bid Report** – Georgetown and 25th Street Road Intersection Improvements.

BID SUMMARY
S.R. 60 (25th Street) Improvements at Georgetown Road
September 18, 2018

1. B & W Contractors DBA/Cherokee Construction Cleveland, TN	<u>\$749,014.00</u>
2. Caldwell Paving Cleveland, TN	<u>\$756,670.00</u>
3. Wright Brothers Charleston, TN	<u>\$1,217,210.00</u>

Recommendation is contingent upon final approval from the State of Tennessee Department of Transportation. The City would like to accept the bid from B & W Contractors/DBA Cherokee Construction of Cleveland with a bid of \$749,014.00.

Councilman May moved to approve the bid report. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mr. Fivas presented the following amendment to the Servidores, LLC agreement at the request of Ron Coleman.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Joe Fivas, City Manager
DATE: September 24, 2018

SUMMARY:

On August 27th, 2018, the City Council approved an agreement with Servitudes LLC to donate property so the City can development a Park & Ride Lot with a CMAQ grant. The CMAQ grant is an approximately \$1.7 million grant where the City will contribute 20% of the costs. On September 6th, the owner Ron Coleman notified the City that he is requesting further changes to the agreement. Those changes are:

- 1) First line of page 3 dealing with environmental considerations: "...inspection and assessment, unless the cost and risk of remediation is insignificant."
- 2) Page 3 paragraph # "6." – delete and replace with "The parties agree to work together and cooperate with TDOT in the design and implementation of the public park and ride parking lot as well as the location and numbers of busses, if any, that the City may wish to park on the lot.

We have attached a copy of the previously approved agreement.

COMMITTEE FINDINGS: No Committee or Board action.

FISCAL ANALYSIS: No known fiscal impact.

RECOMMENDATION:

Legal Counsel and city staff are available for questions on these changes.

Mr. Coleman addressed the City Council concerning the contract amendments and stated they are in agreement of buses but they would like to work together in making decisions. Councilman Cassada stated he doesn't support using funds for a park & ride lot at this location. We have needs in other areas of the city, such as infrastructure. He feels we can use the matching funds for a parking lot and sidewalks in Cleveland. Also, the park & ride should be closer to the interstate and we fell short at looking for the needs of our citizens. Mr. Coleman replied this is not money that the city has discretion on how to use the money. This money is set for this specific location and project. Vice Mayor Johnson stated he agrees with Councilman Cassada and that we could use the funds to help with the downtown parking needs. Mr. Kimball stated the Council has already voted on the contract. The issue now is, do you want to amend paragraph 6, since the first line of page 3 was already changed. Mayor Brooks clarified that if no motion is made today to amend the contract, then the contract simply stays as it was approved in August. Mr. Kimball stated correct, any contract amends have to be approved by the Council. Mayor Brooks then called for a motion to amend the contract with Servidores, LLC. He then stated the item dies for lack of a motion.

Councilman May moved that the Mayor send a letter of intent to TDOT that will address the road situation for Paul Huff Commons development. The motion was seconded by Councilman Estes and added that he would like a phone call made as well from the Mayor. Upon roll call, the motion unanimously passed.

Councilman Webb moved to approve the next steps concerning the city's variable rate debt policy. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Goal #2 – Compliance with City Variable Rate Debt Policy



■ Next Steps:

- Consider approaching the TMBF to explore the City's ability to prepay certain loans prior to the next optional redemption date.
- Identify the ability, timing, and financial impacts of refinancing Variable Rate and/or Rate Reset / Put Option loans into a fixed rate obligation.
- Develop a potential refinancing / restructuring plan for Council consideration in the November/December timeframe.
- Implement the Plan of Finance in the Spring / Summer of 2019.

Councilman Hughes moved that the next vacancy (to not take the place of anyone particular, only if someone wishes not to serve any longer) on the Airport Authority Board Mayor Tom Rowland would be appointed to serve. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks reminded everyone that Monday October 8 City Offices will be closed for Columbus Day, therefore no Council meeting until October 22. Also, City Offices will be closed on Monday, November 12 in observation of Veterans Day. No City Council meeting on November 12. The next meeting will be held on Monday, November 26.

Councilman Hughes stated he received a letter from North Lee School with several request and he has turned the letter over to the City Manager.

Councilman Cassada asked Mayor Brooks if he would reach out to the Bradley County Commission concerning scheduling a joint meeting. Secondly, he would like the City Council to have some type of retreat to discuss the new direction of the City. Mayor Brooks stated he agrees.

There being no future business the meeting was adjourned at 4:09 p.m.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, OCTOBER 8, 2018 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO COLUMBUS DAY HOLIDAY.

Mayor

City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, OCTOBER 22, 2018 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Interim Human Resource Director; Bethany McCoy with Lee University; Brian Moran, Social Media; Sharon Marr with Mainstreet Cleveland; Doug Berry with the Chamber of Commerce; Tad Bacon with Cleveland Utilities; Nicholas Lillios; David Durkin; Jim Metzger; Joe Edwards; Brian Conn; Johnny Mull; Jack Chase and Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Paul Davis from Westwood Baptist Church 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 September 24, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Joe Edwards addressed the City Council concerning the new development by D&G Development along Paul Huff Parkway. He has concerns about the street crossing property he has collateral in without appropriate landscaping buffers and a 35-foot right-of-way. He is not trying to stop the development or access but wishes to be heard and not have his property damaged. The plat should be reviewed again by staff because he feels Mr. Jobe gave an unqualified opinion. Vice Mayor Johnson asked what would it take to make it right. Mr. Edwards replied he doesn't believe the 35-foot right-of-way and deleted buffers meets city code. Your code reads 50-foot right-of-way for commercial streets. Mr. Jobe stated staff recommended approval based on staff comments, which were we would like more right-of-way. The Planning Commission does have the ability to make the right-of-way smaller if they wish, which they have in the past. In this case, a 35-foot right-of-way will carry the roadway. 50-foot would give us everything we could possibly need but the developer has proposed 35-foot with a 10-foot utility easement. It is still in our comments requesting 50-foot. Concerning the buffer, the roadway is considered a buffer, so the roadway acts as the buffer between the residential apartments and the development.

Sharon Marr with Mainstreet Cleveland stated they are excited to kick off the Pet Friendly Downtown on Thursday at 1:00 at First Street Square. This program is through Mars Petcare Division and we are excited to be accepted into the program. We have thirty-nine downtown business who are welcoming pets into their business or patios. We would love to make it forty by making pets allowed in the Municipal Building, if approved by the Council. Businesses will have water bowls, window markers and rules of conduct for pet owners. Mayor Brooks thanked Ms. Marr and commented he will be happy to sign the proclamation welcoming pets downtown.

PROCLAMATION

WHEREAS, pets give companionship, lower blood pressure, and reduce stress for people; and

WHEREAS, pets in public places can help people make new social connections; and

WHEREAS, time outdoors with pets gets people moving, encouraging healthy activity; and

WHEREAS, bringing pets along to businesses means people can stay longer and not have to worry that they've left their pets at home alone; and

WHEREAS, people with pets are more likely to visit pet-friendly businesses, and to stay longer during their visit; and

WHEREAS Mars Petcare US has committed to a mission of improving the lives of pets; and

WHEREAS Mars Petcare has welcomed Downtown Cleveland, Tennessee to participate in its BETTER CITIES FOR PETS™ program, and partnered with our city to make our shelters, homes and businesses more pet-friendly; and

WHEREAS, for all these reasons, we want Cleveland to stand out as a leading pet-friendly community that celebrates pets and the people who love them.

NOW, THEREFORE I, Kevin Brooks, Mayor, City of Cleveland, Tennessee do hereby proclaim that

Pets Are Welcome

in Downtown Cleveland, Tennessee,

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of October, 2018.

/s/Kevin Brooks

Mayor

City of Cleveland, Tennessee

Councilman Estes moved to declare the service weapon of Lieutenant Tim Winder as surplus property effective upon the date of his retirement this year and hereby given to him as a token of the City's appreciation for his 36-years of dedicated service to the City of Cleveland's Police Department. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed. Mayor Brooks then presented Lieutenant Winder with his service weapon and thanked him for his service.

Mayor Brooks stated the State Form CT-0253 – Relating to the Candy's Creek Elementary School (\$9,885,000) had been distributed and no action is necessary.

Mayor Brooks then recognized Bradley County Commission Chairman Johnny Mull. Commissioner Mull thanked the City Council for their service and stated he looks forward to working together in the future to make our community better.

CONSENT AGENDA

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

- **Final Passage - Zoning Ordinance No: 2018-27** – heretofore passed on first reading September 24, 2018 and found in Minute Book 29, Page 219; rezoning 6.3 acres located off Tonia Dr SW (Tax Map 56 Parcel 51.27) from CH Commercial Highway Zoning District to R1 Single Family Residential Zoning District (Planning Commission: Approved 9-0).

- **Final Passage - Zoning Ordinance No: 2018-28** – heretofore passed on first reading September 24, 2018 and found in Minute Book 29, Page 220; rezoning .21 acres located at 308 West Inman St (Tax Map 049N Group J Parcel 18.00) from CBD Central Business District to MU Mixed Use Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance No: 2018-29** – heretofore passed on first reading September 24, 2018 and found in Minute Book 29, Page 221; rezoning 2.6 acres located at 1405 Morrison Ln NE (Tax Map 42 Parcel 22.03) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).
- **Resolution No: 2018-84** – Authorizing the Mayor to sign an agreement with SeamlessGov for online permit and payment option for Development & Engineering Services.

RESOLUTION NO: 2018-84

WHEREAS, the City has received the attached subscription agreement from SeamlessGov, Inc. and

WHEREAS, the City desires to enter into this agreement because the software program will assist city staff in managing the City’s online permit applications and online payment option for developers in the Development & Engineering Services Department and

WHEREAS, the City Council has reviewed the subscription agreement and now desires to accept the agreement and to enter into the attached agreement with SeamlessGov, 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 accept and approve of the attached agreement with SeamlessGov, 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 22nd day of October, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-85** – Authorizing the Mayor to sign an agreement with Siteimprove, Inc., to help manage the City’s website.

RESOLUTION NO: 2018-85

WHEREAS, the City has received the attached subscription agreement from Siteimprove, Inc. and

WHEREAS, the City desires to enter into this agreement because the software program will assist city staff in managing the City’s website to help locate broken links, ADA accessibility, readability and other issues; and

WHEREAS, the City Council has reviewed the subscription agreement and now desires to accept the agreement and to enter into the attached agreement with Siteimprove, Inc., 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 accept and approve of the attached agreement with Siteimprove, Inc., 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 22nd day of October, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-86** – Authorizing the issuance of bonds not to exceed \$6,000,000 for Cleveland Utilities.

RESOLUTION NO: 2018-86

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF CLEVELAND, TENNESSEE IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000, IN ONE OR MORE SERIES; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS, ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS

WHEREAS, 9-21-101, et seq., inclusive, Tennessee Code Annotated, as amended, authorizes the City of Cleveland, Tennessee (the "Municipality"), by resolution of the City Council, to issue and sell bonds and to finance public works projects; and

WHEREAS, the City Council hereby determines that it is necessary and advisable to issue general obligation bonds, in one or more series, 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; (iv) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (v) reimbursement to the Municipality for any funds expended for any of the foregoing prior to the issuance of the bonds referred herein; and (vi) payment of costs incident to the issuance and sale of the bonds authorized herein; and

WHEREAS, the City Council of the Municipality did adopt on September 24, 2018 an Initial Resolution proposing the issuance of not to exceed \$6,000,000 in the aggregate principal amounts of general obligation bonds for the purposes described above; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206, Tennessee Code Annotated, was published as required by law; and

WHEREAS, it is the intention of the City Council of the Municipality to adopt this resolution for the purpose of authorizing not to exceed \$6,000,000 in aggregate principal amount of bonds for the above-described purposes, providing for the issuance, sale and payment of said bonds, establishing the terms thereof, and the disposition of proceeds therefrom, and providing for the levy of a tax for the payment of principal thereof, premium, if any, and interest thereon.

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

Authority. The bonds authorized by this resolution are issued pursuant to 9-21-101, et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

Definitions. In addition to the terms defined in the preamble above, the following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

"Bonds" means the not to exceed \$6,000,000 General Obligation Bonds, Series 2018B of the Municipality, to be dated their date of issuance, and having such series designation or such other dated date as shall be determined by the Mayor pursuant to Section 8 hereof.

"Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds.

"Code" means the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder.

"Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC.

"DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns.

"DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System.

"Financial Advisor" for the Bonds authorized herein means Davenport & Company LLC, Charlotte, North Carolina.

"Governing Body" means the City Council.

"Mayor" shall mean the Mayor of the Municipality.

"Projects" means the (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; and (iv) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing.

"Registration Agent" means the registration and paying agent appointed by the Mayor pursuant to the terms hereof, or any successor designated by the Governing Body.

Findings of the Governing Body; Compliance with Debt Management Policy.

In conformance with the directive of the State Funding Board of the State of Tennessee, the Municipality has heretofore adopted its Debt Management Policy. The Governing Body hereby finds that the issuance and sale of the Bonds, as proposed herein, is consistent with the Municipality's Debt Management Policy.

The estimated interest expense and costs of issuance of the Bonds have been made available to the Governing Body.

Authorization and Terms of the Bonds.

For the purpose of providing funds to finance, in whole or in part, the Projects, including reimbursement to the Municipality for funds previously expended for any of the foregoing and payment of capitalized interest during construction of the Projects and for up to six months thereafter, and payment of costs incident to the issuance and sale of the Bonds, there is hereby authorized to be issued bonds, in one or more series, of the Municipality in the aggregate principal amount of not to exceed \$6,000,000. The

Bonds shall be issued in one or more series, in fully registered, book-entry form (except as otherwise set forth herein), without coupons, and subject to the adjustments permitted hereunder, shall be known as "General Obligation Bonds, Series 2018B", shall be dated their date of issuance, and shall have such series designation or such other dated date as shall be determined by the Mayor pursuant to the terms hereof. The Bonds shall bear interest at a rate or rates not to exceed five and one-half percent (5.50%) per annum, payable (subject to the adjustments permitted hereunder) semi-annually on June 1 and December 1 in each year, commencing June 1, 2019. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, as shall be requested by the original purchaser thereof. Subject to the adjustments permitted pursuant to the terms hereof, the Bonds shall mature serially or be subject to mandatory redemption and shall be payable on June 1 of each year, subject to prior optional redemption as hereinafter provided, in the years 2020 through 2039, inclusive, such that the approximately level debt service is paid annually with respect to the Bonds commencing in 2020.

Subject to the adjustments permitted under Section 8 hereof, the Bonds shall be subject to redemption prior to maturity at the option of the Municipality on June 1, 2029 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

Pursuant to the terms hereof, the Mayor is authorized to sell the Bonds, or any maturities thereof, as term bonds ("Term Bonds") with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the Mayor. In the event any or all the Bonds are sold as Term Bonds, the Municipality shall redeem Term Bonds on redemption dates corresponding to the maturity dates set forth herein, in aggregate principal amounts equal to the maturity amounts established pursuant to the terms hereof for each redemption date, as such maturity amounts may be adjusted pursuant to the terms hereof, at a price of par plus accrued interest thereon to the date of redemption. The Term Bonds to be redeemed within a single maturity shall be selected as follows:

If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and cancelled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall

be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

Notice of any call for redemption shall be given by the Registration Agent on behalf of the Municipality not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein. In the case of a Conditional Redemption, the failure of the Municipality to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the Depository, if applicable, or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

The Governing Body hereby authorizes and directs the Mayor to appoint the Registration Agent for the Bonds and hereby authorizes the Registration Agent so appointed or the Registration Agent for the Bonds to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds cancelled and destroyed, and to furnish the Municipality at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the

continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the Municipality to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered Owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the signature of the Mayor and the attestation of the City Clerk.

Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or

through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO. AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co., as provided in the Letter of Representation relating to the Bonds from the Municipality and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The Municipality and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds, or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, then the Municipality shall discontinue the Book-Entry System with DTC or, upon request of such original purchaser, deliver the Bonds to the original purchaser in the form of fully-registered Bonds, as the case may be. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully-registered Bonds to each Beneficial Owner. If the purchaser(s) certifies that it intends to hold the Bonds for its own account, then the Municipality may issue certificated Bonds without the utilization of DTC and the Book-Entry System.

THE MUNICIPALITY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS; (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC OR ITS NOMINEE, CEDE & CO., AS OWNER.

The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds; provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this Section.

The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The

to such Special Record Date. Payment of principal of [and premium, if any, on] this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co. as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the Municipality may discontinue the book-entry system with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully-registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy or any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners; (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

Bonds of the issue of which this Bond is one maturing on or after June 1, 2030 shall be subject to redemption prior to maturity at the option of the Municipality on June 1, 2029 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the City Council of the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be

serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

<u>Final Maturity</u>	<u>Redemption Date</u>	<u>Principal Amount of Bonds Redeemed</u>
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*Final Maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and cancelled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of any call for redemption shall be given by the Registration Agent not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and it notice has been duly provided as set forth in the Resolution, as hereafter defined. In the case of a Conditional Redemption, the failure of the Municipality to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the [Depository or the] affected Bondholders that the redemption did not occur and that the Bond called for redemption and not so paid remain outstanding.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or

denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating \$ _____ and issued by the Municipality to finance 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; (iv) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (v) reimbursement to the Municipality for any funds expended for any of the foregoing prior to the issuance of the bonds referred herein; and (vi) payment of costs incident to the issuance and sale of the bonds authorized herein, pursuant to 9-21-101, *et seq.*, Tennessee Code Annotated, as amended, and pursuant to a resolution adopted by the City Council of the Municipality on October 22, 2018 (the "Resolution").

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (b) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor and attested by its City Clerk as of the date hereinabove set forth.

CITY OF CLEVELAND, TENNESSEE

By: _____
Mayor

ATTESTED:

City Clerk

Transferable and payable at the principal corporate trust office of: _____
_____, _____

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Trust Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____, whose address is _____ (Please insert Federal Identification or Social Security Number of Assignee _____), the within Bond of the City of Cleveland, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent

Levy of Tax. The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the Municipality, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal and interest coming due on the Bonds in said year. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to the levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any direct appropriations from other funds, taxes and revenues of the Municipality to the payment of debt service on the Bonds, including available revenues from the electric system and water and sewer system of the Municipality to the extent the debt service on the Bonds relates to projects for such electric system and water and sewer system.

Sale of Bonds.

The Bonds shall be offered for competitive public sale in one or more series, at a price of not less than 98% of par or such other maximum discount or no discount as may be designated by the Mayor in connection with the sale, plus accrued interest, as a whole or in part from time to time as shall be determined by the Mayor, in consultation with the Financial Advisor. The Bonds, or any series thereof, shall be sold by delivery of bids via physical delivery, mail, fax, or telephone or by electronic bidding means of an Internet bidding service as shall be determined by the Mayor, in consultation with the Financial Advisor.

If the Bonds are sold in more than one series, the Mayor is authorized to cause to be sold in each series an aggregate principal amount of Bonds less than that shown in Section 4 hereof for each series, so long as the total aggregate principal amount of all series issued does not exceed the total aggregate of Bonds authorized to be issued herein.

The Mayor is further authorized with respect to each series of Bonds to:

change the dated date of the Bonds, or any series thereof, to a date other than the date of issuance of the Bonds;

change the designation of the Bonds, or any series thereof, to a designation other than "General Obligation Bonds, Series 2018B" and to specify the series designation of the Bonds, or any series thereof;

change the first interest payment date on the Bonds, or any series thereof, to a date other than June 1, 2019, provided that such date is not later than twelve months from the dated date of such series of Bonds;

establish and adjust the principal and interest payment dates and the maturity amounts of the Bonds, or any series thereof, provided that (A) the total principal amount of all series of the Bonds does not exceed the total amount of Bonds authorized herein; (B) the final maturity date of each series shall not exceed the final maturity described in Section 4 hereof; and (C) the debt service schedule shall be consistent with the terms of Section 4 and shall not result in balloon indebtedness requiring the approval of Director of State and Local Finance of the State of Tennessee;

adjust or remove the Municipality's optional redemption provisions of the Bonds, provided that the premium amount to be paid on Bonds or any series thereof does not exceed two percent (2%) of the principal amount thereof;

sell the Bonds, or any series thereof, or any maturities thereof as Term Bonds with mandatory redemption requirements corresponding to the maturities set forth herein or as otherwise determined by the Mayor, as he shall deem most advantageous to the Municipality; and

cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company if such insurance is requested and paid for by the winning bidder of the Bonds, or any series thereof.

The form of the Bond set forth in Section 6 hereof shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

The Mayor is authorized to sell the Bonds, or any series thereof, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any series thereof, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more series as the Mayor shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Bonds"; provided, however, that the total aggregate principal amount of combined bonds to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds authorized by any other resolution or resolutions adopted by the Governing Body.

The Mayor is authorized to award the Bonds, or any series thereof, in each case to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on the Bonds does not exceed the maximum rate prescribed by Section 4 hereof. The award of the Bonds by the Mayor to the lowest bidder shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required.

The Mayor and City Clerk are authorized to cause the Bonds, in book-entry form (except as otherwise permitted herein), to be authenticated and delivered by the Registration Agent to the successful bidder and to execute, publish, and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The Mayor is hereby authorized to enter into a contract with the Financial Advisor, for financial advisory services in connection with the sale of the Bonds and to enter into an engagement letter with Bass, Berry & Sims PLC to serve as bond counsel in connection with the Bonds, and all actions heretofore taken by the officers of the Municipality in that regard are hereby ratified and approved.

Disposition of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited with a special fund of the Municipality known as the 2018 Construction Fund (the "Construction Fund"), or such other designation as shall be determined by the Mayor, to be kept separate and apart from all other funds of the Municipality. The Municipality shall disburse funds in the Construction Fund to pay costs of issuance of the Bonds, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if any, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds. Notwithstanding the foregoing, costs of issuance of the Bonds may be withheld from the good faith deposit or purchase price of the Bonds and paid to the Financial Advisor to be used to pay costs of issuance of the Bonds. The remaining funds in the Construction Fund shall be disbursed solely to pay the costs of the Projects and to reimburse the Municipality for any funds previously expended for costs of the Projects. Money in the Construction Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than the amount in said

Construction Fund. Money in the Construction Fund shall be invested in such investments as shall be permitted by applicable law to the extent permitted by applicable law.

Official Statement. The officers of the Municipality, or any of them, are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds. After bids have been received and the Bonds have been awarded, the officers of the Municipality, or any of them, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The officers of the Municipality, or any of them, shall arrange for the delivery to the successful bidder on the Bonds of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been awarded for delivery, by the successful bidder on the Bonds, to each potential investor requesting a copy of the Official Statement and to each person to whom such bidder and members of his bidding group initially sell the Bonds.

The officers of the Municipality, or any of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

Notwithstanding the foregoing, no Official Statement is required to be prepared if the Bonds, or any series thereof, are purchased by a purchaser that certifies that such purchaser intends to hold the Bonds, or any series thereof, for its own account and has no present intention to reoffer the Bonds, or any series thereof.

Discharge and Satisfaction of Bonds. If the Municipality shall pay and discharge the indebtedness evidenced by any series of the Bonds in any one or more of the following ways:

By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers (an "Agent"; which agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice); or

By delivering such Bonds to the Registration Agent for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from

such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent. For the purposes of this Section, Defeasance Obligations shall direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Federal Tax Matters Related to the Bonds.

The Bonds are expected to be issued as federally tax-exempt bonds. If so issued, the Municipality hereby covenants that it will not use, or permit the use of, any proceeds of the Bonds in a manner that would cause the Bonds to be subjected to treatment under Section 148 of the Code, and applicable regulations thereunder, as an "arbitrage bond." To that end, the Municipality shall comply with applicable regulations adopted under said Section 148. The Municipality further covenants with the registered owners from time to time of the Bonds that it will, throughout the term of the Bonds and through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Code, comply with the provisions of Sections 103 and 141 through 150 of the Code and all regulations proposed and promulgated thereunder that must be satisfied in order that interest on the Bonds shall be and continue to be excluded from gross income for federal income tax purposes under Section 103 of the Code.

The Governing Body hereby delegates to the Mayor the authority to designate, and determine whether to designate, any series of the Bonds as "qualified tax-exempt obligations," as defined in Section 265 of the Code, to the extent permitted under the Code.

It is reasonably expected that the Municipality will reimburse itself for certain expenditures made by it in connection with the Projects by issuing the Bonds. This resolution shall be placed in the minutes of the Governing Body and shall be made available for inspection by the general public at the office of the Governing Body. This resolution constitutes a declaration of official intent under Treas. Reg. §1.150-2.

The appropriate officers of the Municipality are authorized and directed, on behalf of the Municipality, to execute and deliver all such certificates and documents that may be required of the Municipality in order to comply with the provisions of this Section related to the issuance of the Bonds.

Continuing Disclosure. The Municipality hereby covenants and agrees that it will provide annual financial information and material event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the Closing of the sale of the Bonds an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Resolution a Contract. The provisions of this resolution shall constitute a contract between the Municipality and the registered owners of the Bonds, and after the issuance of the Bonds, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Duly adopted and approved on October 22, 2018.

Mayor

Attested:

City Clerk

STATE OF TENNESSEE)
COUNTY OF BRADLEY)

I, Shawn McKay, certify that I am the duly qualified and acting City Clerk of City of Cleveland, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a meeting of the governing body of the Municipality held on October 22, 2018; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to the Municipality's General Obligation Bonds, Series 2018B.

WITNESS my official signature and seal of said Municipality on _____, 2018.

City Clerk

- **Motion** – Amending the contract with Ortwein Sign for Exit 25 signage (additional \$1,650).

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Joe Fivas, City Manager
DATE: October 22, 2018
RE: Exit 25 Sign Amendment

SUMMARY:

The City Council approved an agreement to construct a sign at the end of the exit ramp on I-75 at 25th Street. This agreement amendment will increase the cost of this project by \$1,650.00. This additional funding will allow the sign to have the sign write 'Welcome to'. We have attached the new rendering for the project.

This project will also allocate up to \$10,000 for improvements to landscaping and aesthetic improvements at this location on 25th Street. We are also working with TDOT on sign and landscaping improvements permit approvals.

COMMITTEE FINDINGS:

No Board or Committee's involved.

FISCAL ANALYSIS:

This will increase the cost of this project by \$1,650 for the agreement amendment. It will allocate up to \$10,000 for improvements to 25th Street area. [contract amount \$36,550.00]

RECOMMENDATION:

Staff is recommending approval of this item.

- **Motion** - Change Order #2 with Baseline Sports for Tinsley Park Tennis Courts (\$16,650.00).

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: October 22, 2018
RE: Tinsley Tennis Courts Change Order

SUMMARY:

As the tennis court project has progressed, the following items have been added which resulted in unexpected change orders:

Restroom/Building

- Concrete due to unsuitable soil - \$600
- Additional depth for footers - \$900
- Course of block for footers - \$450

Parking Lot

- Geo Grid material (2 rolls) - \$1,200
- Parking lot remediation - \$13,500

This will increase the contract amount by not greater than \$16,650.00.

The amended contract price was \$1,126,151.00 and has changed to \$1,142,801.00.

It is possible that after our final walk through that we have credits back for reductions in this cost. We will not know until later this month.

COMMITTEE FINDINGS:

No Committee or Board action

FISCAL ANALYSIS:

This will increase our costs for this construction contract by \$16,650.00.

RECOMMENDATION:

Staff is recommending approval of this item.

- **Motion** – Authorizing the Mayor to sign a Sworn Statement in Lieu of Final Accounting on behalf of the Cleveland Animal Shelter concerning the Howard Zuker Estate.
- **Motion** - Declaring certain vehicles from Public Works as surplus and to be sold on Govdeals.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: October 22, 2018
RE: Declaring Surplus Property

SUMMARY:

We are respectfully request the City Council declare the following vehicles that have been retired due to age, wrecked or cost of repairs surplus.

- 1) 1993 – Chevrolet Kodiak
VIN# 1GBL7H1J5PJ104006
Minimum Bid - \$5,000

This is an old equipment used for yard waste pick-up. The cost to Public Works to maintain, to keep operational, and adequately train our staff is greater than the benefit to keep this equipment.

- 2) 1996 – Jeep Cherokee
VIN# 1J4FJ58S4TL264156
Minimum Bid - \$600

This is an administrative vehicle that cost to repair and operate is not a benefit to the City.

- 3) 2012 – International 4300
VIN# 3hajtskn6cl079287
Minimum Bid - \$10,000

This is an old equipment used for yard waste pick-up. The cost to Public Works to maintain, to keep operational, and adequately train our staff is greater than the benefit to keep this equipment. This vehicle also needs to be repaired.

These vehicles will be placed on Govdeals.com with minimum bids as listed above.

COMMITTEE FINDINGS:

No Committee or Board action

FISCAL ANALYSIS:

We could have quality bids that add revenue to the City.

RECOMMENDATION:

Staff is recommending approval of this item.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May stated he has received a call concerning street lighting on Overhead Bridge Road NE and would like Cleveland Utilities to review the area for standardize lighting.

Councilman May then moved to reappoint Avery Johnson as Vice Mayor for an additional two-year term. The motion was seconded by Councilman Hughes. Upon roll call, Councilmen May, Hughes, Webb, McKenzie, Estes and Cassada voted aye. Vice Mayor Johnson passed. The motion was approved 6-0-1.

Councilman Hughes inquired about the repairs to the guardrail along Keith Street in front of Cooke's Food Store. Mr. Myers replied it is on the repair list with the guardrail company and will ask them to make it a top priority. Councilman Hughes then asked about the Exit 25 welcome sign project. Mr. Fivas stated it is full speed ahead, which will include landscaping and the rock. There is nothing holding them back from fabrication. Lastly, Mr. Edwards had asked him if the City does work on private roads, specifically the new D&G project. He responded no, we do not. He asked if he was correct in his response to Mr. Edwards. Mr. Jobe stated yes.

Councilman Webb inquired about property rights voting inside the City. Mr. Kimball replied if you would like to make any changes it would require a Charter amendment. The process is the Council would make a decision on what to change, it would be submitted to the Legislature as a private act amendment. Assuming the Legislature passes it, it could come back to you for ratification. We can look at what other cities do, some are simple or more complex. We have a square footage requirement and 50% fee simple ownership. Councilman Webb stated at a minimum, he would like to see what other cities are doing.

Vice Mayor Johnson inquired about the previous wall at Exit 25 which held many civic organization logos and if the city has considered to put the signs back up, like the Lion's Club. Mr. Fivas stated he would make an inquiry about the old signs. Vice Mayor Johnson then inquired about overgrown weeds and grass at stop signs or at intersections, specifically at Villa Drive and Hwy 60. Mr. Fivas stated our right-of-way aesthetics are important and we need to have a foolproof system, that makes it safe and attractive. We need to do better as a city and taking care of the issues. We need the Council to tell us, this is what we want our areas to look like and it will be relayed to employees to take care of it.

Councilman McKenzie asked if there could be a quicker method for demolition of run down properties. Mr. Fivas replied we need to look at the ones that you are seeing and compare it to our list. He feels the building department is doing work in this area than ever before in trying to demo properties. Councilman McKenzie concluded by stated he feels the Council should have term limits, like eight or twelve years.

Councilman Estes thanked city staff Bryan Turner, Dan Hartman, Tyler Hall, a couple of police officers he didn't know, he has seen them out working with citizens. It makes him proud to serve the City of Cleveland with staff and city folks who are true servants. There is a real tone and spirit which is showing through.

Councilman Cassada echoed Councilman Estes' statement and added we are fortunate to have the staff we do. Keep up the good work. Also, he encouraged Commissioner Mull and Mayor Brooks to get together to have a joint city/county meeting and possibly set some dates to work together for our community we serve. Mayor Brooks stated he concurred and would be in touch with Commissioner Mull soon.

Councilman Hughes clarified that the riprap on the right-hand side of the wall at Exit 25 is going to be cleared out. Mr. Fivas stated a design has not been prepared but the big pile of rocks are unacceptable.

Councilman Estes suggested to Chairman Mull that we sort out annexation and the Senior Service Center before they meet, so everyone is on the same page and some type of agreement. It seems we all agree on splitting the cost of the Service Center bill. The only issue now is the tap fee and annexation. We can't waive the tap fee, let us annex and they can pay the tap fee. This is to help all the citizens of Bradley County. Mayor Brooks replied we could authorize a letter with those agreement points. Mr. Fivas stated they have two points, the \$5,065.58 bill and the tap fee. The ordinance states we can't waive the tap fee but if we agree to partner with them on the \$5,000 cost and we can discuss annexation of the parcel in a separate letter. Councilman Estes then moved to authorize Mayor Brooks to submit a letter to the Bradley County Commission notifying them that we will split the \$5,065.58 utility bill [by increasing our appropriation], we're unable to waive the tap fee, the county would request annexation of the Senior Center and the utility fee going forward would be less at the city rate. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

NEW BUSINESS AND ORDINANCES

The following Resolution was presented in full:

RESOLUTION NO: 2018-87

RESOLUTION REQUESTING THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) AND THE GOVERNOR'S OFFICE OF THE STATE OF TENNESSEE TO FUND, DESIGN AND CONSTRUCT AN EXIT AT HARRISON PIKE IN BRADLEY COUNTY

WHEREAS, it has long been recognized that the construction of an interchange at Harrison Pike on Interstate 75 would significantly impact the economic potential of downtown Cleveland corridors through enhanced access; and

WHEREAS, a Harrison Pike exit on Interstate 75 would provide a direct route for visitors to the Ocoee Region; and

WHEREAS, the City of Cleveland, along with Bradley County have the opportunity to realize substantial benefits to its infrastructure through a Harrison Pike interchange project and thus benefit its citizens and visitors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council hereby formally request the Tennessee Department of Transportation and the Governor's Office of the State of Tennessee to fund, design and construct an exit at Harrison Pike on Interstate 75 in Bradley County.

This 22nd day of October, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Cassada stated he felt this was important for our downtown corridor. He then moved that Resolution No: 2018-87 be accepted as presented. The motion was seconded by Councilman May. Councilman Estes asked if Mainstreet had a position on the item. Ms. Marr replied anything that would help downtown will be beneficial. Councilman Estes stated if Inman Street goes on a "diet", that would be three lanes coming into the "diet" area. Mr. Thomas stated this has been studied in the past and now with the plan for Inman Street there are many questions TDOT might have. Councilman Cassada stated he'd like to take the first step and place this on the

MPO list. It could take 10-20 years and would like to be proactive and see it at some point in the future. Councilman Estes stated he is not against the motion because he has gotten mixed feelings on the issue, but it wouldn't hurt to receive a cost analysis. It is going to be expensive. Upon roll call, the motion unanimously passed.

The following Resolution was then presented in full:

RESOLUTION NO: 2018-88

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE GRANTING OF INCENTIVES TO DEVELOP HOUSING IN DOWNTOWN CLEVELAND; TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH & EDUCATION FACILITIES BOARD OF THE CITY OF CLEVELAND, TENNESSEE; TO DEVELOP A PROGRAM FOR DOWNTOWN HOUSING DEVELOPMENT AS ADOPTED BY RESOLUTION; TO AUTHORIZE THE MAYOR OF THE CITY OF CLEVELAND TO ENTER INTO AGREEMENTS FOR PAYMENTS IN LIEU OF AD VALOREM TAXES MEETING THE CRITERIA OF SAID PROGRAM AND TO PROVIDE FOR A TERMINATION OF THIS INCENTIVE PROGRAM IN TEN (10) YEARS.

WHEREAS, pursuant to Tennessee Code Annotated, Sections 48-101-312, the City of Cleveland (the "City") is permitted to delegate to The Health & Education Facilities Board of the City of Cleveland, Tennessee (HEFB) the authority to negotiate and accept payments in lieu of ad valorem taxes ("PILOTS") from lessees of the HEFB upon a finding by the City that such payments are deemed to be in furtherance of the respective HEFB'S public purposes; and,

WHEREAS, the City wishes to encourage the development of housing in the downtown Cleveland area; and

WHEREAS, the City has determined that PILOTS from developers of downtown housing would be in furtherance of the HEFB's respective public purposes as set forth within Title 48 Chapter 101 of the Tennessee Code Annotated; and

WHEREAS, the City wishes to set forth the criteria that must be met by developers of downtown housing facilities in order for them to qualify for PILOT treatment at various levels; and

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

1. That we do hereby find that the development of all types of downtown housing is in the best interest of the City of Cleveland, and that PILOTS derived therefrom would be in furtherance of the respective public purposes of each of the HEFB; and,
2. That, having made such findings, we do hereby delegate to the HEFB the authority to negotiate and accept PILOTS from developers of housing in downtown Cleveland pursuant to the terms of the attached [on file in the City Clerk's office.] Program for Downtown Housing Development (the "Program"); and,
3. That the Mayor of the City of Cleveland is hereby authorized to enter into Agreements for Payments In Lieu Of Ad Valorem Taxes that meet the criteria of the Program; and,
4. That this Resolution shall be effective for only ten (10) years from its passage, at which time it shall terminate and be of no further force or effect, unless extended by action of this Council.

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor_____
Shawn McKay, City Clerk

Mr. Fivas stated his program is similar to Knoxville and Chattanooga. The older buildings need extra incentives to fill the financial gap. We have had several meetings with the Health and Education Facilities Board. We have policies, procedures, applications and a score sheet. We are now bringing it to you for consideration. The program would intel a mandatory pre-meeting to go through the details, an application would be submitted to the Health and Education Facilities Board and then they review the application and score the project to determine the length of the pilot. It would then come before the Council and Bradley County for approval. The property would then be deeded to the Health and Education Facilities Board while the pilot is in effect. Mr. Webb then asked if they become responsible for the mortgage along with the private entity. Doug Berry stated that is an issue addressed in the legal documents by the Board and property owners. This is not uncommon. There is no liability, we just hold interest in the property for the sake of the tax benefit. Councilman Estes asked if the map can be expanded over time. Mr. Fivas stated yes, the Council may expand the boundaries at any time. Mr. Fivas stated it is important that we receive the same amount of taxes we are today and that vacant property is developed for a sizable investment that will eventually fully be on the tax rolls. Councilman May stated we need to help the downtown area and offer incentives and this is a start. Hopefully, we will have additional programs to redevelop downtown. Councilman May then moved that Resolution No: 2018-88 be approved as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

RESOLUTION NO. 2018-89

WHEREAS, the City has received the attached agreement (the “**Agreement**”) from D&G Acquisition, LLC (hereafter “**Developer**”) for a proposed development off Paul Huff Parkway; and

WHEREAS, Developer intends to develop a retail shopping center (the “**Project**”) upon approximately _____ acres of real estate commonly known as 640 Paul Huff Parkway having Tax I.D. Number 034I-B-010.000 which is currently owned by Steve Williams and Linda Williams (the “**Williams Property**”); and

WHEREAS, Developer seeks the opportunity to coordinate with the City of Cleveland for the contribution, construction, and dedication to the City of Cleveland of certain real estate for roadway improvements and rights of way consistent with the City’s plan for future connection to certain right of way improvements over and across property currently owned by (i) LeConte Development LLC located off Paul Huff Parkway and having a current Tax I.D. Number 034I-B-014.01, and (ii) First Cumberland Presbyterian Church located at 4355 Mouse Creek Road NW, and having Tax I.D. Number 034I-B-014.00; and

WHEREAS, the proposed agreement relates to the development of parcels for right of way purposes on land currently owned by (i) Paul Steven Williams & Linda Kaye Williams (“**Williams**”), and (ii) Robert Dee Burris and Thomas Clarke Taylor (“**Burris-Taylor**”); and

WHEREAS, Williams and Burris-Taylor, together, are referred to herein as the “**Sellers**”; and

WHEREAS, the Williams parcel of land is generally identified as 640 Paul Huff Parkway, Tax I.D. Number 034I-B-010.00 (the “**Williams Property**”); and

WHEREAS, the Burris-Taylor Property is generally identified as 1100 Benton Drive NW, Tax I.D. Number 034I-B-012.02 (the “**Burris-Taylor Property**”); and

WHEREAS, Sellers have agreed to sell portions of their parcels to the Developer, and the Sellers and the Developer have entered into contracts whereby the Developer will purchase the property from the Sellers; and

WHEREAS, memorandums confirming the purchase and sale agreements between the Sellers and the Developer are attached to this Resolution as Exhibits ___ and ___ ; and

WHEREAS, the City Council has reviewed the proposed agreement with D&G Acquisition, LLC, , and now desires to accept the proposed agreement and to enter into the attached agreement with D&G Acquisition, LLC 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 agreement with D&G Acquisition LLC and it further authorizes the Mayor to execute a contract in conformity with agreement on behalf of the City of Cleveland.

This 22nd day of October, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Mr. John Gallant and Michael Davis with D&G Development Group addressed the Council concerning the contract for development Paul Huff Corners, which would approve their intention of acquiring the future roadbed that would constitute an extension of Peerless Road. In considering the city’s long term plan to connect to the Le Conte Mouse Creek extension it seems fitting in our design and discussion, with the neighbors Dee Burris and the seller Steve Williams, to include as a part of the development work the roadwork that would constitute the Peerless Road extension to lay infrastructure to ultimately connect to Mouse Creek extension. He continued to review the map of the property and the obligations of the developer and the city listed in the right-of-way dedication and construction agreement. Councilman Estes inquired to the width of Faith Lane and Peerless extension. Mr. Gallant stated replied 35-feet for both. Councilman Estes inquired about sidewalks. Mr. Gallant stated no sidewalks for the extension but yes for Faith Lane. Councilman Estes stated he feels it would be good to have sidewalks on the extension. Mr. Gallant stated they have been working with staff for a number of months in laying out the concept, with approval of the Planning Commission as well as site plan meetings. We have submitted full plans to staff but we could take a look at adding sidewalks. Councilman Webb asked if the extension connects in a way that will meet the requirements in the Le Conte agreement. Mr. Jobe stated yes they will line up. Mr. Fivas added there could be a possibility for a roundabout, having a road connecting to Holiday Inn Express Way and we want to make good decisions in the beginning with connector roads and the adjacent properties. Councilman Webb felt the addition of sidewalks would enhance the development. Mr. Jobe stated sidewalks could fit on one side. Mr. Gallant said they would be happy to look into it. Councilman Hughes moved that Resolution No: 2018-89 be accepted as presented. The motion was seconded by Vice Mayor Johnson. Councilman Estes commented he would like to see at least one sidewalk to the east and as final design goes back to Planning Commission he asked to keep Mr. Edwards in mind, as well as the sidewalks. Mr. Fivas stated the civil engineering drawings were delivered today and if the Council wants to make sure sidewalks and landscape buffers are there and the development plans work, we can work with those involved. Upon roll call, unanimously passed.

The following Resolution was then presented in full:

RESOLUTION NO: 2018-90

RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM FUNDING

WHEREAS, the City of Cleveland has submitted an application to the Tennessee Department of Transportation (TDOT) for funding under the Transportation Alternative Program (TAP) for a project described as the “Greenway Phase VI”; and

WHEREAS, the City of Cleveland has conducted a Design Public Involvement meeting and worked with the Greenway Advisory Board, Cleveland Urban Area MPO, and others to develop the concept plan for the Greenway Phase VI TAP application in accordance with TDOT guidance; and

WHEREAS, work on the aforementioned concept plan resulted in design options for construction on either bank of South Mouse Creek which have different total construction cost estimates; and

WHEREAS, the City desires to provide the required TAP funding 20% match for whichever design option is chosen,

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

1. The application for TAP funds for the Greenway Phase VI Project is affirmed with the TAP grant proposed to cover 80% of project construction costs and the City paying the remaining 20% up to \$360,000.00.

2. The City of Cleveland would be responsible for environmental, design, ROW, and utilities costs related to the project.

3. The Mayor is authorized to sign a letter to that effect as well as any related grant contract or documents for the purpose of carrying out this project.

Approved this 22nd day of October, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Resolution No: 2018-90 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: 2018-91

RESOLUTION TO AUTHORIZE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION FOR LONG RANGE PLANNING FUNDING FOR THE CLEVELAND URBAN AREA METROPOLITAN PLANNING ORGANIZATION (MPO)

WHEREAS, the City of Cleveland receives and manages from the Tennessee Department of Transportation (TDOT) for the purpose of supporting transportation planning activities of the Cleveland Urban Area Metropolitan Planning Organization (MPO); and

WHEREAS, the City of Cleveland has received a contract from TDOT for transportation planning funds for the MPO as shown in the attached Exhibit A; and

WHEREAS, the City of Cleveland desires to execute the aforementioned transportation planning funds contract with TDOT for the period beginning October 1, 2018

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

1. The transportation planning funds contract shown in Exhibit A is approved.
2. The Mayor is authorized to sign all paperwork necessary to execute the contract.

Approved this 22nd day of October, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman May moved that Resolution No: 2018-91 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Cassada moved to request staff to fix the right-in/right-out at the entrance, next to Outback Steakhouse into Home Depot on Paul Huff Parkway and install some type of concrete curbing or what staff thinks is appropriate for the area. Mr. Fivas stated he will bring a recommendation to the next meeting to review. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

ANNOUNCEMENTS

- City Offices will be closed on Monday, November 12 in observation of Veterans Day. No City Council meeting on November 12. The next meeting will be held on Monday, November 26.

There being no future business the meeting was adjourned at 4:37 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, NOVEMBER 26, 2018 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Human Resource Director; Brian Moran, Social Media; Doug Berry and Gary Farlow with the Chamber of Commerce; Tad Bacon with Cleveland Utilities; David Durkin; Chairman Dawn Robinson with the City School Board; Hal Taylor with City Schools; Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Phil Griffin from Church of Grace Point, who remembered Councilman May's family during the loss of Karen May, 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 October 22, 2018 and approve them as written. The motion was seconded by Councilman May; and upon roll call the motion unanimously passed.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS FROM MAIL

Mayor Brooks stated Martha Ledford reported to him a few concerns of safety at the Summit Building as well as concerns about the lack of sidewalks along South Lee Highway, from the Village Green to Victory Drive.

CONSENT AGENDA

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

- **Resolution No: 2018-92** - Authorizing the Mayor to sign change order #1 with Stantec Consulting Service Inc., for additional services for the drainage and intersection improvements near Candies Lane/Inverness Drive (\$11,400).

RESOLUTION NO. 2018-92

WHEREAS, the City development and engineering department previously determined that it was necessary to obtain professional engineering services in connection with drainage and intersection improvements near Candies Lane and Inverness Drive (hereafter "the Project"); and

WHEREAS, in connection with this project, the City's development and engineering department recommended that the City enter into a professional engineering services agreement with Stantec Consulting Services, Inc.; and

WHEREAS, the City Council previously approved an agreement with Stantec Consulting Services, Inc. for the referenced project; 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 Stantec Consulting Services, Inc.; and

WHEREAS, the attached amendment #1 to the professional engineering services agreement with Stantec Consulting Services, Inc. will increase the contract price by \$11,400; and

WHEREAS, the City Council now desires to accept the proposed amendment #1 to the agreement with Stantec Consulting Services, 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 Stantec Consulting Services, Inc. for the referenced project described herein, and it further authorizes the Mayor to execute the amendment on behalf of the City of Cleveland.

This 26th day of November, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-93** – Authorizing the Mayor to sign a proposal with Trutta Environmental Solutions for the required TDEC stream survey.

RESOLUTION NO. 2018-93

WHEREAS, City's development and engineering staff and the City's stormwater coordinator have received the attached proposal from Trutta Environmental Solutions, LLC for a high definition stream survey to support the City's stormwater management program; and

WHEREAS, the proposed budget for the work described in the proposal is \$46,419.00; and

WHEREAS, City development and engineering staff are requesting that the City Council approve of the attached proposal between the City and Trutta Environmental Solutions, LLC for this project; and

WHEREAS, the City Council now desires to approve of the attached proposal, 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 proposal with Trutta Environmental Solutions, LLC for the work described in the proposal, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 26th day of November, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-94** - Authorizing the submission of the 2017 Child Safety Grant.

RESOLUTION NO: 2018-94

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
2018 CHILD SAFETY GRANT**

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to enhance the safety of child passengers traveling in motor vehicles with the goal of improving the number of child passenger restraints used in Cleveland; and,

BE IT THEREFORE RESOLVED by the City Council that the Mayor be and hereby is authorized to submit an application, including all the understanding and assurances contained therein, to the Tennessee Department of Health & Human Services for the 2018 Child Safety Grant. Said grant funding shall be used to purchase and distribute child restraint systems for low income families at or below 100% federal Poverty. Child restraint systems will be for children between the ages of birth through eight-year-old. If said grant is approved, the Mayor is hereby designated as Cleveland’s representative to act in connection with the application and to provide additional information as may be required;

BE IT THEREFORE RESOLVED by the City Council that if the City of Cleveland is awarded funding there is not a local match required by the City of Cleveland.

BE IT FURTHER RESOLVED that the City of Cleveland agrees to submit a quarterly report of all child restraint systems purchased and distributed with money from the Child Safety Fund to the Tennessee Department of Health’s Injury, Rape and Violence Prevention Program for said grant.

Adopted this 26th day of November, 2018

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-95** – Authorizing the Mayor to sign supplemental agreement #2 with Volkert, Inc., for additional services on LIC North; Pleasant Grove Church Rd (\$41,550).

RESOLUTION NO. 2018-95

WHEREAS, the City is proceeding with a project generally described as the LIC North Project, which project is more specifically described below:

Project: Local Interstate Connector (LIC) on Pleasant Grove Church Road from APD-40 (US-74/ST-311) to South Lee Highway (US-11/SR-2)
Project # 06LPLMS1-020
TDOT PIN: 114573.00
Contract# 100252; and

WHEREAS, City staff have received a proposal from Volkert, Inc., a professional engineering firm, to provide supplemental services for this project to include:

1. Re-design of approximately 600' of roadway at the Colonial Pipeline easement crossing;
2. A retaining wall conceptual layout at TVA power tower E4; and
3. Re-evaluation of the TEER environmental document; and

WHEREAS, the proposal for these additional services is attached hereto as Supplemental agreement number 2, and is incorporated herein by reference; and

WHEREAS, the price for these additional services is \$41,550.00; and

WHEREAS, City staff are recommending that the City enter into the attached supplemental agreement #2 with Volkert, Inc. for these additional services; and

WHEREAS, in connection with this project, the City Council desires to enter into the attached supplemental agreement Number 2 with Volkert, Inc. for the LIC North project, and the City Council desires to authorize the Mayor to execute this supplemental agreement number 2 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 supplemental agreement number 2 with Volkert, Inc. for the referenced project, and the City Council further authorizes the Mayor to execute supplemental agreement number 2 with Volkert, Inc. on behalf of the City of Cleveland.

This 26th day of November, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Resolution No: 2018-96** – Accepting Orchard Place in Brooke Hollow Subdivision as a city street.

RESOLUTION NO: 2018-96

WHEREAS, Orchard Place is a street shown on a plat of Brook Hollow Subdivision, which plat was recorded on March 14, 2017 in Plat Book 33, page 45, in the Register of Deeds’ Office of Bradley County, Tennessee; and

WHEREAS, Orchard Place is located inside the City limits of the City of Cleveland; and

WHEREAS, the developer of this subdivision has requested that the City accept Orchard Place as a City street; and

WHEREAS, City engineering staff have inspected Orchard Place to confirm that this street has been constructed to City of Cleveland street construction standards; and

WHEREAS, City engineering staff is now recommending that the City accept Orchard Place 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 a Orchard Place as a City Street.

This 26th day of November, 2018.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Motion** – Authorizing staff to install all-way stops at Parker St @ 15th St/Billy Graham Ave.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Jonathan Jobe, Director of Development & Eng Services
DATE: November 26, 2018
RE: Four Way Stop on Parker Street at 15th/Billy Graham Ave

SUMMARY:

City staff has evaluated the options for a four way stop on Parker Street at 15th and Billy Graham Ave. This intersection meets the warrants for a four way stop.

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

The implementation costs are nominal to add signage.

RECOMMENDATION:

Staff is recommending approval of this item.

- **Motion** – Declaring certain items from Parks & Recreation as surplus and to be sold on Govdeals and/or disposed of for scrap metal.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: November 26, 2018
RE: Parks & Recreation Surplus Property

SUMMARY:

The City is requesting the City Council declare the following items for Parks & Recreation surplus:

- 2013 – John Deere I435
VIN # - 1TC1435DCDT130383
Minimum Bid - \$1,500
- Bush Hog – Z-Turn Model #M2561
Serial # - 3-00278
Minimum Bid - \$100
- 2015 – Landpride Mower – Model # FM3188
Serial # -781964 & Serial #4021601004
Value - Scrap Metal

- 2004 – Landpride Mower – Model # FM3072
Serial # -443147
Value - Scrap Metal

The first two items will be placed on Govdeals.com with minimum bids as listed above and the last two items will be disposed of for scrap metal.

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

The surplus costs may bring a nominal amount of revenue to the City.

RECOMMENDATION:

Staff is recommending approval of this item.

- **Motion** – Declaring a vehicle from Police Department as surplus and to be sold on Govdeals.

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: November 26, 2018
RE: CPD Surplus Property

SUMMARY:

The City is requesting the City Council declare the following vehicle from the Police Department surplus:

- 2000 – Chevrolet Suburban
VIN# 1GNGK26R4X1500328
Minimum Bid - \$1,500

This vehicle will be placed on Govdeals.com with a minimum bid as listed above.

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

The surplus costs may bring a nominal amount of revenue to the City.

RECOMMENDATION:

Staff is recommending approval of this item.

- **Bid Summary** – Fire Training Tower Erection be awarded to Steve Williams Construction (\$78,330.28).

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: November 26, 2018

SUMMARY:

Last spring, the City Council authorized the Cleveland Fire Department to construct a fire training tower at our Fulbright Ave property. One element of that construction is the assembly of the tower. City staff has bid his work out, and bid results are as follows:

1. Pro Builders Unlimited	Cleveland, TN	\$115,000.00
2. Steve Williams Construction	Cleveland, TN	\$ 78,330.28
3. Wright Industrial Group	Charleston, TN	\$ 79,839.37

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

The construction of the Fire Training Tower is within the original budget proposed to the City Council.

RECOMMENDATION:

Recommendation is to accept the bid from Steve Williams Construction of Cleveland with a bid of \$78,330.28.

- **Street Light Recommendation** – Don Scoggins at 1725 Brown Avenue (Cleveland Utilities recommends no additional lighting; meet’s city guidelines).
- **Street Light Recommendation** – Abby Music at Woodland Drive and Peerless Rd NW (Cleveland Utilities recommends no additional lighting; meet’s city guidelines).
- **Street Light Recommendation** – Sandra Barringe at 622 Beech Circle NW (Cleveland Utilities recommends the addition of one new 45-watt LED cobra fixture and a 30-foot pole).
- **Street Light Recommendation** – Hugh Carver at Bell Crest Drive NW (Cleveland Utilities recommends the addition of one new 60-watt LED cobra fixture and a 20-foot pole).
- **Street Light Recommendation** – Councilman May at Overhead Bridge Rd NE (Cleveland Utilities recommends the addition of two new 133-watt LED fixtures).

The motion was seconded by Councilman Cassada. Councilman Estes asked if the installation of stop signs at Parker St. @15th St could be installed over Christmas break. This will make all four intersections four-way stops along Parker St. and Lee University is appreciative. Upon roll call, the motion to approve the consent agenda was unanimously passed.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes inquired about when the tennis courts at Tinsley Park would be opened to the public. Ms. Pettit replied the courts are finished but due to an issue with conduit and repairs to the sidewalk the contractor needs to finish, they will then release the courts to the City for a ribbon cutting. Councilman Hughes then inquired about leaves. Mr. Myers stated loose leaves should be raked close to the road and the leaf machine will pick them up. Councilman Hughes then thanked Shawn McKay for his suggestions on additional parking in the downtown area near Lee University. Lastly, Councilman Hughes stated he felt the liquor store distance of 185 feet from a school or church needs to be increased but not sure it should be 500 feet. Mr. Fivas stated we are going to compile information from other cities on their distance requirements, which may help make a decision.

Councilman Webb asked Mr. Fivas if he would also gather information on minimum store size requirement or display areas and if any have the stand alone requirements. He then thanked Mr. Myers for the work on 25th Street. He also thanked Chief Gibson about loitering behind a business on Keith Street. The problem seems to be resolved. He then thanked Sgt. Matt Ruth, Officer Shawn Beluo and Officer Nick Payne for handling a large deer in his neighborhood. The incident was handled very professional. Lastly, he has received several concerns about traffic issues at the entrance Indian Hills Subdivision off of Peerless Road near Paul Huff Parkway and asked for it to be investigated. Councilman Hughes stated he received calls as well. They are unable to turn left out of their subdivision due to traffic.

Vice Mayor Johnson thanked Mr. Fivas and Mr. McKay for their hard work and discussion on the liquor store ordinance. Also, he thanked Mr. Fivas for handling the situation on Victory Drive.

Councilman McKenzie asked about numbering our traffic signals to help with directions. Councilman Webb added this is something they had previously discussed, where communities are numbering their traffic signals on main thoroughfares. We should do what we can to help people get around our city. He felt city staff, along with Tad Bacon, could look at the possibility of numbering Keith, Ocoee, 25th and Inman Streets. Mayor Brooks stated he felt that could be rolled into the revitalization plan and a way-finding directional plan for downtown.

Councilman Estes thanked Mr. Fivas for the work session discussion on the liquor store ordinance and boiling it down to the five key points to structure and get the narrative out to the public. Secondly, he praised Chief Gibson and Patti Pettitt for a sold out Terra Running Company race on Thanksgiving. No parking at Tinsley and this is what our community needs. Thank you for working with them and the runners. Also, tonight at 5:00 there is an open house at 975 Blythe Ave that City Fields redeveloped and selling to a first-time homeowner. They are doing amazing things and changing the neighborhood. Lastly, the parade and tree lighting is this weekend.

Councilman Cassada thanked Mr. Fivas, Mr. McKay, Mrs. Carroll and City Attorney John Kimball for putting the liquor store ordinance together. He also thanked Chief Gibson and Chief Harrison for keeping the citizens safe during the holiday time. He appreciates everything they do to keep us safe and protected. He then recognized Chairman Dawn Robinson and asked for an update on the new elementary school. Hal Taylor reported they are on track for the end of March. Windows and doors are installed, some ceiling tile track has been installed, heating and air units are in and the gym is mostly complete. On December 6 they will take a bus out to see the school and everyone is welcome to attend. Councilman Cassada then stated they are working on school rezoning and congratulated them on the recent ACT scores.

Councilman May stated his neighbors in Blueberry Hill have concerns about traffic and turning left onto Ocoee Street from both Rymer and Blueberry Hill. He is not sure of a remedy but would like staff to look for a recommendation. Secondly, he thanked everyone for their support during the loss of Karen May.

Mayor Brooks suggested a mic be placed at the back table for department heads addressing the Council. Next, he received a street light request from members of the Pleasant Grove Missionary Baptist Church at Berry and 1st Street. They are asking for a brighter light and possibly tree trimming in the area. Secondly, a business owner has contacted him from Berrywood Trail concerning leaf pickup. He was advised that businesses would not be pickup by the City. Mr. Myers stated yes, if they are at the road they will be picked up. Mrs. Carroll stated she has been in contact with Cleveland Utilities concerning the street light at Berry and 1st Street. There is an existing 100-watt light but will continue to work to reach a solution. Vice Mayor Johnson responded yes, they would like the lighting upgraded in the area.

Councilman Webb thanked Mr. Fivas and Mr. McKay for their work on the refinancing of some bonds. He appreciates the input and support. We need to keep up with changes and continue to be good stewards of taxpayer money.

NEW BUSINESS AND ORDINANCES

The following Resolution was presented in full:

RESOLUTION NO: 2018-97

WHEREAS, the State of Tennessee General Assembly has enacted the Solid Waste Management Act of 1991 that allowed the state Waste Tire Program to be initiated; and

WHEREAS, the state Act requires each county to have at least one (1) site for reception and storage of waste tires for its citizens and tire dealers. The Act authorizes the Tennessee Department of Environment and Conservation (TDEC) to provide pre-disposal fees and assistance grants to counties, and develop a program to find beneficial reuses for their waste tires; and

WHEREAS, the Bradley County Commission Chairman has identified the illegal dumping of used tires as a serious issue in Bradley County; and

WHEREAS, the Bradley County Environmental Officer enforces the dumping as the tires to protect the beauty of Bradley County, and to also mitigate the possible fire hazards and mosquito breeding areas; and

WHEREAS, since July 1, 2014, the responsibility of tire management falls to the counties. The city and county should review different options to determine operation independently or in a partnership through a mutual agreement; and

WHEREAS, the Chairman suggests that the city of Cleveland and Bradley County explore all of our options in combating this issue and eradicate illegal dumping in Bradley County.

NOW, THEREFORE, BE IT RESOLVED by the city of Cleveland that we will engaged and work on solutions with Bradley County on the illegal dumping of scrap tires in Bradley County.

This 26th day of November, 2018

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Mr. Fivas stated Chairman Mull with Bradley County Commission requested a resolution basically outlining how the County and City can work in partnership to find a solution for a scrap tire issue in our community. Councilman Hughes suggested that the tire companies require a written statement from the people picking up the tires as to where they are going to dispense the

tires. That could help the situation. There is no accountability and asked that it be looked into further. Mr. Fivas stated the intent is to work in partnership with the County to find a solution. Mayor Brooks commented we want to work with Bradley County and the enforcement of the issue. We have good laws on the books and work on a mutual agreement of enforcement, which the State spells that as the Bradley County Environmental Officer no matter if the business is inside the city or in Bradley County, it is all Bradley County. Councilman Cassada moved that Resolution No: 2018-97 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

Holiday Schedule: City offices will be closed as follows:

- Monday, December 24, Tuesday December 25 and Wednesday December 26 for the Christmas Holiday
- Monday, December 31 and Tuesday, January 1 for the New Year's Holiday.

The next City Council meetings will be held on December 10 and January 14, 2019.

There being no future business he meeting was adjourned at 3:43 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, DECEMBER 10, 2018 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/Operations Melinda Carroll; City Attorney John Kimball; Christy Brandon, Support Services Manager; Jonathan Jobe, Director of Development and Engineering; Tommy Myers, Public Works Director; Police Chief Mark Gibson; Mark Fidler, Jetport Director; Patti Petitt, Director of Parks and Recreation; Fire Chief Ron Harrison; Kris Miller, IT Director; Sue Zius, Assistant to the Mayor/Legislative Liaison; Kim Spence, Human Resource Director; Brian Moran, Social Media; Doug Berry and Gary Farlow with the Chamber of Commerce; Tad Bacon with Cleveland Utilities; David Durkin; Chair Dawn Robinson with the City School Board; Hal Taylor with City Schools; Bethany McCoy with Lee University; Sharon Marr with Mainstreet; Morgan Adams; Rosie Adams; Rochelle Mayberry; Duane Pack; Jasen Parks; Erica Leggett; Sharron Rowland; Karen Jacobs; Cindy Hal; Kathy Douglas; Teri Moody; Dr. Josh Black; Dr. David Quagliana; Nate Tucker; Terry Gross; Dr. Paul Conn; Patrick Abercrombie; Emily Harris; Amber Morris; Cameron Fisher; Amy Card-Lillios; Nicholas Lillios; Lindsey Kiker; Wendy Hughes; Jim Metzner; Anne and Sam McReynolds; Rufus Triplett; Jo Benjamin; Jayson VanHook; Mike Hayes; Vanessa Hammond; Jeff Miller; Franklin Chancey; Phillis Callaway; Jane Easterly; Ray Conn; Saurin Patel; Jeanie Kirkpatrick; Sherry Brown; Caroline Berk; Vicki Styons; Ken Kirkpatrick; Martha and John Powell; Danny Murray; John Sheehan; Jay Elliott; Barbie Conn; Jerome Hammond; Chris Conine; Maryl Elliott; Lawrence Berry; Zach Brooks; Gayle Nash; Mike Hayes; Tim Siniard with *The Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Joe Day, 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 November 26, 2018 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

Councilman Estes moved to declare the service weapon of Lieutenant Ken Higdon as surplus property effective upon the date of his retirement this year and hereby given to him as a token of the City's appreciation for his 29-years of dedicated service to the City of Cleveland's Police Department. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed. Mayor Brooks stated Lt. Higdon was unable to attend today but we are grateful for his service to the City.

Mayor Brooks then handed out Service Awards to several employees with twenty plus years of service. Mayor Brooks thanked each employee for their dedicated service.

50 Years: Councilman David May
30 Years: Jeff Tilley - Public Works
25 Years: Vice Mayor Avery Johnson
20 Years: Travis Graig - Police
Shane Clark - Police
Andy Ratcliff - Police
Scott Criddle - Police
Dean Beverly - Police
Dustin Samples - Fire

20 Years cont:

Mika Akins - Fire
Craig Foote - Fire
Matt Ford - Fire
Jasen Parks - Fire
Pete VanDusen - Fire
Nekita Blair - Recreation
Kris Miller - IT
Randy Sharp - IT
Tommy Arp - Public Works
Ryan Malone - Public Works
Renea Brown - Public Works
Eric Renfroe - Fleet

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 1.4 acres located at Blythe Ferry Rd and Unity Dr NE (Tax Map 50 Parcel 4.08) from IL Light Industrial 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 9-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Attorney Travis Henry spoke on behalf of Unity Fellowship Church who are the applicants seeking the rezoning of the property. The property is currently light industrial, which adjoins R1. They are planning to construct townhomes and feels R2 would be a good transition. Mayor Brooks then asked if anyone would like to speak in opposition to 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 18.2 acres located on APD40 and off of Shady Ln NE (Tax Map 50G Group A Parcel 1.00) from IL Light Industrial 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 9-0. 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 of 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 rezone 1.18 acres located at 1780 Church St NE (Tax Map 49L Group E Parcel 1.00) from R1 Single-Family Residential Zoning District to PI Professional Institutional Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 5-4. Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Jerome Hammond with Lee University spoke regarding the rezoning by saying the property is located on the north end of the campus on 1.1 acres. It has been a part of the university's campus for nine years. The property was a gift to Lee University in 2009. They finally decided what to do with the home and recently restored the house due to inspiration by another gift of a home. They would like to rezone the home to use it as a light entertainment venue, for dinner parties, and the occasional guest would stay there. They feel it maintains the integrity of the zoning ordinance of PI and confident on how to use the property with dignity and respect of the area. In some opposition, people felt it was spot zoning. It actually sits contiguous to property owned by Lee which is already zoned PI. Someone asked if there were deed restrictions on the property, which there is no longer deed restriction. People thought maybe the house would be torn down. Lee has invested \$200,000 in restoration of the home and once people walk through the home they see how beautiful it is now. Also, there are no offices on the property. They have considered all suggestions, like creating a new zone, or more time to think about it. These were all considered before the November 20, 2018 Planning Commission. Since then, Lee has been sympathetic to the concerns, he lives in the historic district as well. Change always creates fear and they understand. Lee has offered to put deed

restrictions on the property that would limit the type of structure on the property and would also in the unlikely event the property would not belong to Lee it would immediately revert back to R1. It has been three months now discussing the property rezoning and feel it is a straight forward request. They have been transparent about their intended use, consulted people about what is the proper zone in existing ordinances and the answer has always been PI. They are ready for an answer on their request to rezone the property from R1 to PI. Mayor Brooks asked if anyone would like to speak in opposition of the rezoning. Amy Card-Lillios, who is a property owner at 1550 Church Street NE. Her and her family owns five homes for about 15 acres total and her grandsons are the fifth generation to live on the property. The family has been good neighbors with Lee University and before that, Bob Jones College, and before that Centenary Female Institute. She reminisced on her memories living on Church Street and has enjoyed living next door to a young, growing, vibrant institution. Her grandfather allowed the City to build what is now Parker Street right through the middle of the Card Farm. Her family donated property for Lee to grow and develop. In 1999 her family meet with Dr. Conn to sign over the last parcel of the Card Farm. That morning her father had a heart attack, but they kept the meeting with Lee, at the hospital, because if their father died it would be years before the estate was settled. That deal was made with trust and was kept by them. The property was the block long field along 20th Street, which is now the multi-level O'Bannon Hall, Butler Softball Field and Schimmels Park and we agreed that Church Street would be left R1. This agreement was approved by this Council as reflected in the minutes from January 10, 2000 that Church Street would remain R1. She feels the family and parties involved made an agreement, approved by the City Council that should have been lasting. They are not opposed to Lee using the Dethero House as a venue for receptions or as a guest house as it is an exact copy of a house from Colonial Williamsburg. They do not want to see the history and integrity of the area changed and believes it will with PI zoning. They are not sure why Lee will not compromise with the Downtown Historic Group to find a way to use the house as a venue, if it is truly what they want to use it for. Progress is great but not at the price of losing the history, beauty and character of Historical Downtown and the original residential area surrounding it. Cleveland has grown, and we must preserve and protect the history that has made us the City with Spirit and the spirit of our ancestors should not be obliterated. Lee has done a wonderful job and enjoyed living her whole life next door, but our family is opposed to this zoning change. It was not the original agreement and not necessary. In Cleveland your word should be your word. A deal is a deal and a trust, a promise, a will not to be broken. A City Council vote written and recorded should be honored. Maryl Elliott, who lives on Worth Street commented she is not opposed to Lee but opposed to the rezoning of the property. She has been on the Planning Commission for 34-years. She made a motion at the Planning Commission meeting to deny the rezoning. It failed 5:4 and an alternate motion pass 5:4. She feels strongly to preserve our history and in 2004 the Council established a Historic Commission, which she is current Chairman. The Dethero House is a historic house in the historic residential neighborhood and its residents are saying please don't do this. There can be a compromise that will work for both sides. The residents are fine with Lee using the house as they intend to without a zoning change. Leave the property zoned R1 with a conditional use, allowing Lee to use it for their stated purpose. She has been proud of the Council by saying no to zoning changes in residential neighborhoods, if the homeowners are asking please don't do this. Jo Benjamin, who lives at 1640 North Ocoee Street stated in 1998 they found out their property was rezoned to PI, which included a number of houses. They had a meeting and Eddie Duncan was the spokesperson for the group. It was a very stressful and contentious time and end the end they were zoned R1. Now there is a sign posted to announce the rezoning, so people would be aware. In 2010, Dr. Conn had agreed that Church Street would remain a residential neighborhood. It's in the minutes and we took him at his word and didn't expect to be back here for a similar situation. You are all elected by the people and will find it difficult if they feel you must support Lee University rather than the people who elected you to the Council. Steve Scoggins, who lives on Ocoee Street, stated many can see this is an emotional and public issue between Lee, HCNA, Church Street residents and other members of the public. He thanked Mayor Brooks, Councilmen Hughes, Estes, Cassada and McKenzie all of who he has spoken to. He asked if the Council would allow them to finish the compromise that was started late last week. He met with Dr. Hammond to find some compromise and discuss concepts that Lee would be willing to live with. HCNA reached a compromised, which is keeping the property R1 but allowing Lee to use it for their intended use, by adding a conditional use clause and allows the HCNA to protect the R1 neighborhood status. Lee has agreed to move forward to rezoning the property to PI and agreed to

specific deed restrictions, such as a twenty-year restriction limited the type of structure that can be built there, as well as a restriction that reverts the property back to R1 if Lee University no longer owns it. The HCNA met and although they felt their proposal was better, they did agree to consider discussion of Lee's proposal. They ask to review the specific deed language and pass along to the residents to see what is written. They did ask them to consider delaying the vote so they could continue talking with the neighbors. They have yet to see the deed restrictions and are asking for a delayed vote until the next scheduled meeting. Emotions are high on both sides and he is concerned about relationships going forward. We must work together, peacefully. John Anderson, who represents Nicholas Lillios at 1601 Church Street stated it is important that if there is a representation and assurances made by a party asking for rezoning that certain areas are going to be future rezonings that is something the Council should respect and take serious consideration. Additionally, in the Planning Commission packet there was a legal opinion relating to spot-zoning. He disagrees it is clearly not spot-zoning. The property at 1780 Church Street is contiguous to PI zoning from another street is not the sole and defining factor on what the courts say as it relates to spot-zoning. Spot-zoning is singling out a single piece of land for the benefit of the owner and the detriment of the surrounding owners. There is argument that PI is behind the property, but Church Street is a residential area. Lee University agreed years ago to maintain the integrity of Church Street. They would like to find a solution and the deed restrictions are a start. Lastly, they feel two Council members have disclosures they need to make, Councilman Estes who works for Lee and Councilman May who has renovated the Dethero House. Councilman May stated for the record, when he voted on the Planning Commission he did declare his conflict and would during this meeting as well. Carolyn Burke, who lives on Worth Street moved to Cleveland in 2010. She backs up to PI zoning and doesn't agree with properties being contiguous can asked to be rezoned, anyone could ask and open a business in the residential area. She feels it is a slippery slope to look at rezoning issues that way. Rufus Triplett, who lives on Centenary Avenue stated he is here with the HCNA, presented a petition of signatures of those against the rezoning. They wish to preserve the integrity of R1 zoning. He hopes they will take into consideration everything that has been shared today. They want to continue to be good neighbors with Lee. He asked they vote their conscience and not their personal preference. Mayor Brooks asked if anyone else would like to add anything further, other than what we've already heard. Councilman Hughes stated he would like to hear from Dr. Conn. Dr. Conn stated this is an important moment for Lee University and the City. In 1987, Lee was just getting started in their growth and asked the Commission to close a piece of Church Street to allow them to build a decent campus and it was a tough call. They had no track record and didn't have much to offer but a promise for them to take a chance. The vote was 3:2 and it wasn't easy and Lee's growth has enhanced Cleveland's growth. Lee is not the problem, many have said they aren't against Lee, nor is PI the problem. PI works great for all the values for everyone here. Change is not the problem, it's hard. The problem is change that overtakes us and we are afraid to get out in front of it and manage it. There are a lot of emotions, fear, hurt with this issue. They wanted to go about the rezoning with facts and let the decisions be made. Our campus development has been organized over the last twenty years, which was a challenge set by the Council. They have made 147 property deals since 1990, zero have been west of Ocoee, because they respect the neighborhood. Lee's involvement has not reduced property values downtown. They make sure their developments are aesthetically pleasing and invest in maintenance and care. He continued that he is available to hear issues and discuss problems with people but only one person contacted him concerning this rezoning item. He then asked what would we gain by delaying. It has been over two months, all arguments have been exhausted and keeping it unresolved after today would be divisive to the community and will simply continue to stir up the controversy. No promise, commitment or guarantee about seeking a rezoning of any part of town has ever been offered in 2000 or any other time. No deal was made. In 2000, we were dealing with Parker Street zoning and getting the records straight. The Dethero House was sold to them by Boyd Dethero and we have a letter from Mr. Dethero from 1999, asking for the property to be zoned PI so he could keep his options open. Dr. Conn then described each house along Church Street and which ones had been offered to Lee to purchase and feels this side of Church Street is a destabilized portion and Lee is trying to help the neighborhoods. The campus is their home, an institution and it is a shared neighborhood. He then asked if the neighborhoods had been destabilized or stabilized because of Lee. They love the neighborhood and honor traditions. Communities in America should hope for institutions like Lee that are willing to dig in, spend a lot of money, take care of their stuff, respect their neighborhoods

and if the institutions do that, it's time for the community to step up and affirm that and recognize and trust what they are doing because of their past track record. That is where they are today. He respectfully requests the Council take action today and give them a PI zoning so they can continue to develop in a way they have been. Councilman Estes asked if Dr. Hammond could explain the deed restrictions they are offering. Dr. Hammond responded the restrictions are, due to the strong feelings of the community, the University agrees not to build, for twenty-years, any structure on the property that is not a residential type structure and that the property would revert to R1 if Lee University was not the owner. He then thanked everyone for their time and consideration. Mayor Brooks then declared the public hearing to be closed.

CONSENT AGENDA

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

- **Street Light Request** – Mayor Brooks located at Berry St NE @ 1st St (Cleveland Utilities recommends the addition of two 48-watt LED fixtures).
- **Bid Summary** – Re-roofing Fire Staton #4 (Cleveland Roofing Company \$39,500).

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: December 4, 2018
RE: Bid Summary – Re-roofing Fire Station #4 (Keith Street)

SUMMARY:

Sealed bids were received on November 28, 2018 for re-roofing Fire Station #4. The bids are listed below:

- | | |
|---|---------------------------|
| • Cleveland Roofing Co., Inc.
Cleveland, TN | <u>\$39,500.00</u> |
| • JDH Company
Chattanooga, TN | <u>\$61,500.00</u> |
| • Porter Roofing Contractors, Inc.
Chattanooga, TN | <u>\$40,744.00</u> |

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

This is a capital improvement project and is within budget.

RECOMMENDATION:

Thee low bid is Cleveland Roofing Company. Staff is recommending approval of this project.

- **Bid Summary** – Re-roofing Public Works Facility (Cleveland Roofing Company \$75,000).

**AGENDA ITEM
MEMORANDUM**

TO: Mayor and City Council
FROM: Melinda Carroll, Assistant City Manager
DATE: December 4, 2018
RE: Bid Summary – Re-roofing Public Works Facility

SUMMARY:

Sealed bids were received on November 28, 2018 for re-roofing Public Works Facility. The bids are listed below:

- Cleveland Roofing Co., Inc.
Cleveland, TN **\$75,000.00**
- JDH Company
Chattanooga, TN **\$114,400.00**
- Porter Roofing Contractors, Inc.
Chattanooga, TN **\$78,762.00**

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

This is a capital improvement project and is within budget.

RECOMMENDATION:

The low bid is from Cleveland Roofing Company. Staff is recommending approval of this project.

- **Reappointment** – *Housing Board of Adjustments & Appeals* - Ann Mastin for an additional 3-year term to expire 10/2021.
- **Reappointment** – *Zoning Board* – Dan Moore for an additional 3-year term to expire 11/2021.
- **Reappointment** – *Fletcher Park Board* – Bernadette Douglas for an additional 3-year term to expire 12/2021.
- **Reappointment** – *Fletcher Park Board* – Anne Jones for an additional 3-year term to expire 12/2021.
- **Reappointment** – *Parks Advisory Board* – Hiawatha Brown for an additional 3-year term to expire 12/2021.
- **Reappointment** – *Parks Advisory Board* – Pat Ensley for an additional 3-year term to expire 12/2021.
- **Reappointment** – *Parks Advisory Board* – Bernadette Douglas for an additional 3-year term to expire 12/2021.
- **Reappointment** – *Stormwater Board* – Travis Henry for an additional 4-year term to expire 12/2022.
- **Reappointment** – *Stormwater Board* – Mickey Torbett for an additional 4-year term to expire 12/2022.

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

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Webb stated he understands that the guardrail issue on Mouse Creek Road is being resolved. Mr. Myers replied yes, they are in the process of stabilizing it.

Vice Mayor Johnson stated he received several calls concerning the Church Street rezoning issue and has considered passing on the vote. There are two strong entities on different sides of opinion. He respects the Historic Society and the neighbors and understands their concerns, especially the history of the community. Lee University prepares our children for the future. One entity is looking at history and the other is looking towards the future. He then asked if the time could be extended to give them another opportunity to reach a compromise so the Council doesn't have a split vote like the Planning Commission. We could have first reading today and delay final reading until January 28. Relationships are important going forward and maybe they can reach a compromise. Dr. Conn responded there's benefit in further discussion, but it could become more divisive just hanging out there. A vote of confidence is very important to them at this time and they are willing to meet with anyone, anytime and go over the details of the deed restrictions. Vice Mayor Johnson thanked Dr. Conn and continued that he would like to delay final reading but would like to vote on first reading today.

Councilman McKenzie asked why couldn't the vote be delayed to give them time to work out the issues; possibly 30 days. Councilman May stated the next meeting is not for five weeks, due to the holiday's. Councilman McKenzie continued they should try to work it out.

Councilman Cassada stated he has talked with both sides of the rezoning issues and had hoped a conclusion could have been reached but it looks like a decision is going to have to be made one way or another. He stated he didn't feel Dr. Conn would tear down the house where his father passed away. Lee has been a great partner in the community and wished it could've been resolved weeks ago, but there are going to be winners and losers. He wants to do what is right and move forward for the community.

Councilman Hughes stated over the years, Lee has earned the trust of the greater Cleveland area. We have a neighborhood who has concerns but he knows how the greater Cleveland feels about Lee and what they have done. Lee doesn't do things half baked. They always complete the baking and then put icing on the top. Every building is a stately building. The interiors are gorgeous. The landscaping is unparalleled. I guaranteed that building is going to be a credit to the Church Street community. He has done his homework; discussed with the Planning Commission members, met with Steve Scoggins for over an hour and feels if you go down Billy Graham Avenue and see the Math and Science Building, the tennis complex and the DeVos Recreation Area, all that has to help the entire area. Your houses have been elevated financially because of Lee. He feels now is the time to make a decision.

Mayor Brooks stated he is reappointing to the Cleveland Housing Authority Board Joe Washington for a term to expire December 2023. Also, he is appointing David Durkin for a term to expire November 2023 and Victoria Edge, as resident appointment, through November 2023 to the same Board.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance No: 2018-32** – Rezoning 1.18 acres located at 1780 Church St NE (Tax Map 49L Group E Parcel 1.00) from R1 Single-Family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 5-4).

ZONING ORDINANCE NO: 2018-32

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 PI Professional Institutional Zoning District.

Approximately 1.18 acres, more or less, located at 1780 Church St NE as shown on the attached map.

And being shown on Tax Map 49L Group E 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



Prepared by: Travis D. Henry, Attorney
175 Spring Street NW
Cleveland, TN 37311
U:\Travis\Restrictions\Declaration\OcoeeCommons

DECLARATION TO ESTABLISH PRIVATE RESTRICTIONS

THIS DECLARATION TO ESTABLISH PRIVATE RESTRICTIONS (this "Declaration") is made this ____ day of _____ 2018, by LEE UNIVERSITY, INC. a Tennessee corporation, (the "Owner").

WITNESSETH:

WHEREAS, Owner owns in fee simple certain real property located in Bradley County, Tennessee, being located at the corner of Church Street and Eighteenth Street as conveyed to Owner in Book 1947, page 862 in the Register's Office of Bradley County, Tennessee ("ROBCT") and more specifically identified on Exhibit A, which is attached hereto and incorporated hereby by reference (the "Property");

WHEREAS, the current improvement located on the Property is a residence known as the "Dethero House" which is used to house over night guests of the university and to hold social functions of Owner; and

WHEREAS, Owner desires for the Property to be encumbered with certain restrictive covenants for the general benefit of the neighboring property located on Church Street and to be declared subject to all terms and conditions of the Declaration for the term as set forth herein.

AGREEMENT:

NOW THEREFORE, Owner subjects the Property to the terms of the following restrictions and declares that the same is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, restrictions, conditions, contained in the Declaration and hereby agrees that the covenants, restrictions and conditions shall touch and concern and run with the Property and Owner its heirs or assigns shall be bound by the terms of the Declaration:

1. Owner agrees, during the term of this Declaration, to maintain the current structure on the Property and to not construct an industrial and/or commercial building on the Property; and
2. Owner agrees that in the event the Property is conveyed to a third party, the zoning shall revert to R1 single family dwelling as defined in the City of Cleveland Zoning Ordinance and the Property shall be used in a manner consistent with said zoning.
3. The term of this Declaration shall be twenty (20) years from the date of execution, at

1

which time said Declaration shall automatically terminate unless, Owner extends the term.

4. This Declaration shall be binding upon the Property and shall run with the land, however the restrictions contained herein shall not affect any other lands owned by Lee University.

IN WITNESS WHEREOF, Owner and Association have executed this Declaration on the date first above written.

OWNER:

LEE UNIVERSITY, INC.

By: _____

STATE OF TENNESSEE
COUNTY OF BRADLEY

On this ____ of _____, 2018, before me personally appeared _____, Vice President of Lee University, Inc., to me known (or proved to me on the basis of satisfactory evidence) to be the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his their free act and deed.

NOTARY PUBLIC
My Commission Expires: _____

2

Councilman May stated he needs to declare his company has worked on this house and a house for Lee, the Von Hamilton house, also his company has worked on twenty houses in the historic district as well as built a new house on Church Street, which will not affect his vote. He

then moved that Zoning Ordinance No: 2018-32 be approved on first reading, which includes the attached Declaration to Establish Private Restrictions. The motion was seconded by Councilman Cassada. Councilman Webb asked if the deed restrictions were effective for twenty-years. Dr. Hammond stated yes that is correct. Councilman Webb then asked would a conditional use, under R1 zoning, allow you to use the Dethero House for purposes you desire to use it for. Dr. Hammond stated they are unsure because the verbiage is subject for approval from the HCNA. That makes us terribly uncomfortable. The question is how long will the language be debated before everyone is satisfied. It could probably be a long time. We have a property we have heavily invested in that we are going to use respectfully. There is a zone that currently exists that is perfectly valid, as been determined by the Planning Commission and staff, which is PI. We feel the selection of the zone maintains the integrity of the zoning laws the City has already established. Councilman Webb replied the reason for asking for a conditional use does not lock you into a twenty-year period if conditions change and wanted their consideration. Councilman Estes stated he has an indirect conflict of interest with Lee University as his employer, which does not affect his vote. Mayor Brooks then asked for a vote. Upon roll call, Councilman May, Councilman Cassada, Councilman Estes and Councilman Hughes voted aye. Councilman Webb, Councilman McKenzie and Vice Mayor Johnson voted no. The motion carried 4:3.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-31** – Rezoning 1.4 acres located at Blythe Ferry Rd and Unity Dr NE (Tax Map 50 Parcel 4.08) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).

ZONING ORDINANCE NO: 2018-31

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 IL Light Industry to R2 Low Density Single and Multi-Family Residential Zoning District.

Approximately 1.4 acres, more or less, located at Blythe Ferry Rd and Unity Dr NE as shown on the attached map.

And being shown on Tax Map 50 Parcel 4.08 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.

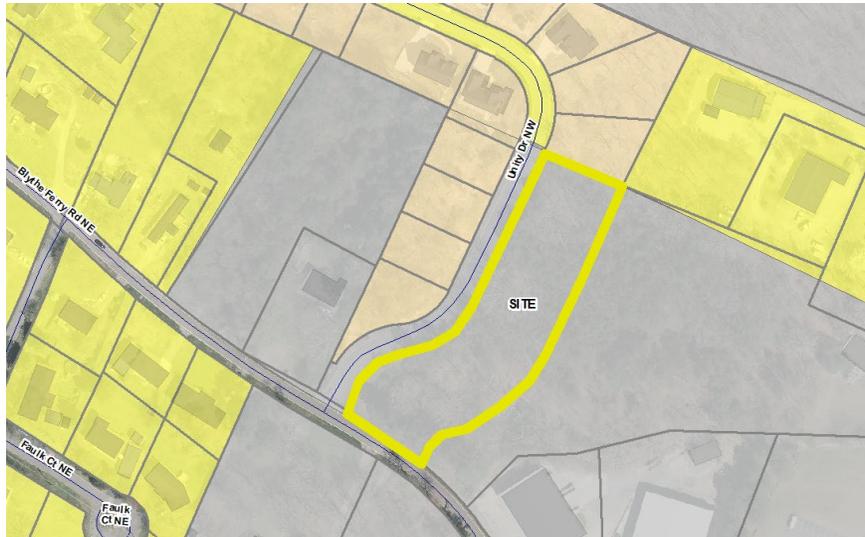
APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Exhibit



Councilman Estes moved that Zoning Ordinance No: 2018-31 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance No: 2018-33** – Rezoning 18.2 acres located on APD40 and off of Shady Ln NE (Tax Map 50G Group A Parcel 1.00) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-Family Residential Zoning District (Planning Commission: Approved 9-0).

ZONING ORDINANCE NO: 2018-33

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 IL Light Industry to R2 Low Density Single and Multi-Family Residential Zoning District.

Approximately 18.2 acres, more or less, located at APD40 and off of Shady Ln as shown on the attached map.

And being shown on Tax Map 50G Group A 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.

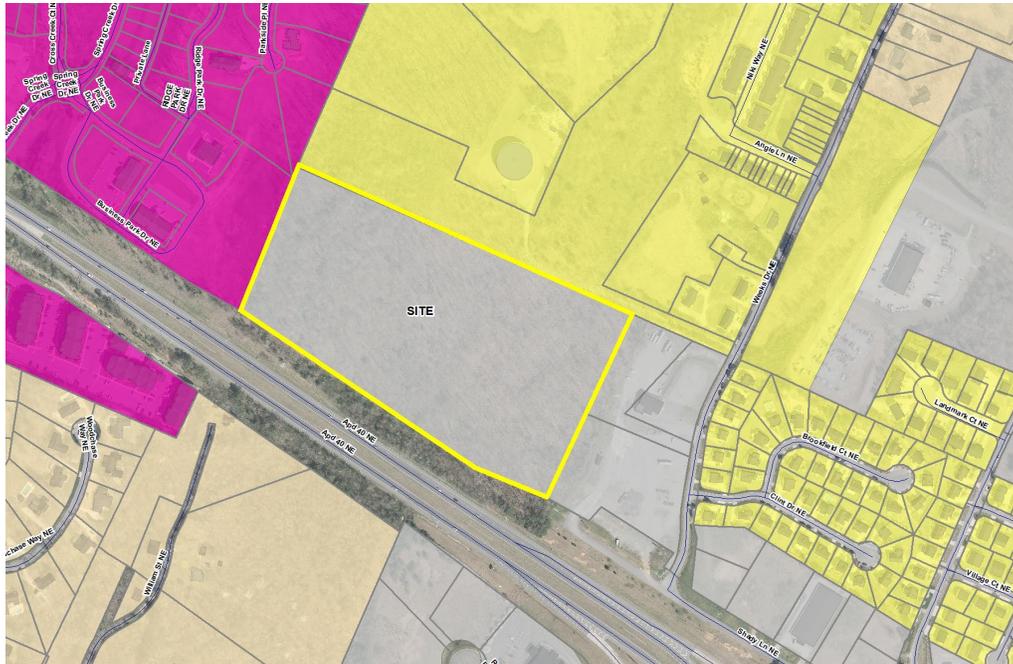
APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Exhibit



Councilman May moved that Zoning Ordinance No: 2018-33 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: 2018-98** – Delegating the Health and Education Facilities Board to negotiate a proposed PILOT for Cleveland Court.

RESOLUTION NO: 2018-98

RESOLUTION CONSENTING TO THE HEALTH AND EDUCATIONAL FACILITIES BOARD OF THE CITY OF CLEVELAND NEGOTIATING AND ACCEPTING PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN THE CITY OF CLEVELAND, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 48-101-312.

WHEREAS, the City Council (the "Governing Body") of the City of Cleveland, Tennessee (the "City") has met pursuant to proper notice; and

WHEREAS, the City has previously authorized the incorporation of The Health and Educational Facilities Board of the City of Cleveland (the "Board") as a health, educational and housing facility corporation duly organized and existing under the provisions of Title 48, Chapter 101, Part 3, Tennessee Code Annotated; and

WHEREAS, the City has also previously adopted Ordinance No. 2016-08 (the "Ordinance"), on March 28, 2016, that requires any agreement for a payment in lieu of tax for a tax-credit housing project with the Board be considered and approved by the Governing Body prior to approval by the Board; and

WHEREAS, the City has been informed that Cleveland Summit, L.P., a Tennessee limited partnership, or an affiliate thereof (the "Developer"), intends to cause the construction of a low to moderate income elderly residential housing development (collectively, the "Project") located on Smith Drive, Cleveland, Tennessee to be known as Cleveland Court Apartments (the "Property"); and

WHEREAS, the Developer has requested the Board to hold ownership of the Property; and

WHEREAS, the Developer has furthermore requested the Board to lease the Project to the Developer and to permit the Developer to make payments in lieu of ad valorem taxes; and

WHEREAS, Tenn. Code Ann. § 48-101-312(b) authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section.

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

1. The Governing Body hereby finds that the negotiation and acceptance by the Board of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 48-101-312, and the Governing Body hereby consents and delegates to the Board the right to negotiate and accept such payments from the Developer.

2. The terms of the agreement between the Board and the Developer concerning payments in lieu of ad valorem taxes shall be determined by the Board; provided, that the amounts of the payments in lieu of taxes and term that such payments are made shall be subject to the approval of the City Manager prior to the execution of any agreements relating to such payments.

3. The Board's agreements concerning payments in lieu of ad valorem taxes relating to the Project may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

4. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

Adopted this the ____ day of December, 2018.

Mayor

ATTEST:

City Clerk

STATE OF TENNESSEE)
COUNTY OF BRADLEY)

I, Shawn McKay, certify that I am the duly qualified and acting City Clerk of City of Cleveland, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a meeting of the governing body of the Municipality held on December ____, 2018; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to consenting to The Health and Educational Facilities Board of the City of Cleveland negotiating and accepting payments in lieu of ad valorem tax.

WITNESS my official signature and seal of said Municipality on _____, 2018.

City Clerk

Councilman Cassada moved that Resolution No: 2018-98 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Mayor Brooks stated now we have before us Ordinance No: 2018-30 which is amending the Cleveland Municipal Code, Title 8 to add a new chapter entitled Liquor Stores. There are still a few areas that need Council directions. Councilman Estes stated he has learned a lot about liquor legislation and he encouraged the Council to start conservative because it is much easier to loosen our regulations rather than reign them in if we go too far so early. He particularly feels five stores are too many. Councilman May stated he feels the amount of investment it will take to open a store and doesn't want to have to pick who can open a liquor store, then politics enters in. Councilman Estes replied if we say 300 feet distance you've already ruled out certain parcels of land and a standalone building restriction, you are ruling people out. We should be conservative. Councilman May stated the market drives itself. Councilman Estes stated we should set the restrictions as such to keep it as low as possible. Councilman Cassada stated Council will make a decision who gets a license and where will the license go. We have to review it and have the control. We shouldn't put a limit but doesn't feel Cleveland can sustain three or four stores. Councilman May agreed. Mayor Brooks asked for guidance from City Manager Joe Fivas. Mr. Fivas replied you have two draft Ordinances, one with no limit and one with a limit. You need to make that determination first and then you can address the distance requirement, display space, delivery options and stand along building structure. Councilman Cassada stated he would like to take the issues one at a time. Mr. Kimball stated the first item is the number of licenses.

Councilman Cassada then moved that Section 8-318 of Ordinance No: 2018-30 state no limit on liquor store privilege licenses. The motion was seconded by Councilman May.

Councilman Estes then offered a substitute motion to limit the number of liquor store privilege licenses to four. The motion was seconded by Vice Mayor Johnson; and upon roll call Councilman Estes, Councilman Hughes and Vice Mayor Johnson voted aye. Councilmen Webb, McKenzie, May and Cassada voted no. The substitute motion failed 3:4.

Councilman Estes then offered another substitute motion to limit the number of liquor store privilege licenses to five. The motion was seconded by Councilman Hughes. Councilman May asked how would we cap it. Mr. Kimball replied you will have an application and then set a timeframe that you would accept and stop taking applications. You would look at every application, and make sure they meet all the criteria, and assuming you have more than five, you would have to pick the five you like the best, which is done by other cities. Upon roll call Councilman Estes, Councilman Hughes, Councilman McKenzie and Vice Mayor Johnson voted aye. Councilmen Webb, Cassada and May voted no. The substitute motion passes 4:3.

Mr. Fivas stated we are now looking at the distance requirement in Section 8-305. Councilman May moved that Section 8-305 of Ordinance No: 2018-30 state within 300 feet of any building used as a school or church. The motion was seconded by Councilman Webb.

Councilman Estes offered a substitute motion to increase the distance to 500 feet of any building used as a school or church. The motion was seconded by Councilman McKenzie; and upon roll call, Councilmen Estes, McKenzie and Vice Mayor Johnson voted aye. Councilmen Webb, Cassada, May and Hughes voted no. The motion failed 3:4.

Mayor Brooks stated back to the original motion from Councilman May that Section 8-305 of Ordinance No: 2018-30 state within 300 feet of any building used as a school or church. The motion was seconded by Councilman Webb; and upon roll call it was unanimously approved.

Mr. Fivas stated we are now looking at the size of the display space in Section 8-306. Councilman Cassada moved that Section 8-306 of Ordinance No: 2018-30 state the liquor store display area shall be at least 2,000 square feet. The motion was seconded by Councilman Webb. Councilman Estes stated 2,000 is small. We need to regulate this now since we can always come back to increase it. It should be large, standalone, well lit, well glassed safe and commercial highway. This is too small.

Councilman Estes then offered a substitute motion for the display area to be 5,000 square feet. The motion died for a lack of a second.

Mayor Brooks stated back to the original motion from Councilman Cassada that Section 8-306 of Ordinance No: 2018-30 state the liquor store display area shall be at least 2,000 square feet. The motion was seconded by Councilman Webb; and upon roll call, Councilmen Cassada, Webb, May and Hughes voted yes. Councilmen McKenzie, Estes and Vice Mayor Johnson voted no. The motion passes 4:3.

Mr. Fivas stated we are now looking at the zoning district, which as written is currently CH Highway Commercial. Councilman Estes moved that all liquor stores be located within the Highway Commercial CH zoning district. The motion was seconded by Councilman Webb; and upon roll call it was unanimously passed.

Councilman Estes moved that all liquor stores approved by the Council be standalone stores (Section 8-306 of Ordinance No: 2018-30). The motion was seconded by Councilman Hughes; and upon roll call it was unanimously passed.

Mr. Fivas stated we have new language in Section 8-307(f) allowing delivery service. Mr. Kimball stated there is a state law that allows for a delivery service license through TABC and we should all that provision to our Ordinance. Councilman Estes moved that it be approved. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Councilman Cassada inquired about requirements for outside lighting for safety and window size, which is still not defined, which will be difficult. He would like those two issues addressed. Mr. Fivas stated it was researched and nothing was found to draft the ordinance. Mayor Brooks stated we could add any of these changes on final reading. Mr. Kimball replied yes. Councilman Webb stated he would like to have the input of the Police Department as well.

Mayor Brooks announced at 5:27 p.m. that the City Council would recess for the ordinance to be prepared to include the changes just made.

Mayor Brooks then called the City Council back into session at 5:40

The following Ordinance was then presented in full:

ORDINANCE NO. 2018-30

AN ORDINANCE TO AMEND TITLE 8 OF THE CLEVELAND MUNICIPAL CODE, ENTITLED 'ALCOHOLIC BEVERAGES', BY ADDING A NEW CHAPTER TO BE DESIGNATED CHAPTER 3, ENTITLED 'LIQUOR STORES'. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND TENNESSEE:

SECTION 1: Title 8 of the Cleveland Municipal Code is hereby amended by adding a new Chapter 3 entitled "Liquor Stores"

CHAPTER 3

LIQUOR STORES

SECTION

- 8-301. Definitions.
- 8-302. Selling and Distributing Generally.
- 8-303. Licenses Required for Sale of Alcoholic Beverages at Retail.
- 8-304. Licensee Responsible for Officers and Agents.
- 8-305. Location of Liquor Store.

- 8-306. Requirements for Building Containing Liquor Store.
- 8-307. Restrictions Generally.
- 8-308. Fees.
- 8-309. Records Kept by Licensee.
- 8-310. Inspections Generally.
- 8-311. Enforcement—Violations—Penalties
- 8-312. Certificate of Compliance.
- 8-313. Application for Certificate of Compliance and Local Liquor Store Privilege License
- 8-314. State Required Certificate of Compliance.
- 8-315. Restrictions upon Issuance.
- 8-316. Consideration of Applications for Certificate of Compliance
- 8-317. License from City to Operate Liquor Store.
- 8-318. Restrictions on Local Liquor Store Privilege Licenses.
- 8-319. Qualifications for and Restriction upon Licensees and Employees.
- 8-320. Nature of License; Suspension or revocation.
- 8-321. Effect.

8-301. Definitions. Whenever used in this Chapter, the following terms shall have the following meanings unless the context necessarily requires otherwise:

(a) **Alcoholic Beverage** means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent (5%) by weight or less. Alcoholic beverages also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol irrespective of alcoholic content. Products or beverages, including beer, containing less than one-half percent (½%) alcohol by volume, other than wine as defined in this section, shall not be considered alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

(b) **Applicant** means a person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

(c) **Applicant Group** means more than one (1) person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

(d) **Application** means the form or forms or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

(e) **Certificate of Compliance** means the certificate required in Tenn. Code Ann. §57-3-208, as the same may be amended, supplemented or replaced, and subject to the provisions set forth in this chapter for issuance of such a certificate.

(f) **City** means the City of Cleveland, Tennessee.

(g) **Co-licensees** means persons who together hold a single liquor store privilege license for a single liquor store.

(h) **Federal Statutes** means the statutes of the United States now in effect or as they may hereafter be changed or amended.

(i) **Inspection Fee** means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross purchase price of all alcoholic

beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

(j) **License Fee** means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one (1) license fee is required.

(k) **Licensee** means the holder or holders of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and liquor store privilege license shall be a licensee subject to rules and regulations herein.

(l) **Liquor Store** means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

(m) **Local Liquor Store Privilege License** means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder or holders thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license will only be granted to a person or persons who has or have a valid state liquor retailer's license. One (1) local liquor store privilege license is necessary for each liquor store to be operated in the city.

(n) **Manufactured building** means a structure or building substantially or wholly made at a manufacturing plant for installation or assembly at a building site, whether referred to as a mobile home, modular home, manufactured home, panelized home, prefab home, factory built home, or otherwise. A **manufactured building** includes any structure transportable in one or more sections built or placed on a permanent chassis designed to be used with or without a permanent foundation.

(o) **Person** means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by the laws of the State of Tennessee.

(p) **Retail Sale and Sale at Retail** means the sale to a consumer or to any person for any purpose other than for resale.

(q) **State Law, Rules and Regulations** means all applicable laws, rules and regulations of the State of Tennessee applicable to alcoholic beverages as now in effect or as they may hereafter be changed or amended including, without limitation, the local option liquor rules and regulations of the Tennessee Alcoholic Beverage Commission.

(r) **State Liquor Retailer's License** means a license issued by the Alcoholic Beverage Commission of the State of Tennessee pursuant to Tenn. Code Ann. §57-3-201 et seq. permitting its holder to sell alcoholic beverages at retail in Tennessee.

(s) **Wholesaler** means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

(t) **Wine** means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume.

8-302. Selling and Distribution Generally. It shall be unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by Tennessee Code Annotated Title 57 and by the rules and regulations promulgated thereunder and as provided under this Chapter or any other Chapter of Title 8 of the Cleveland Municipal Code.

8-303. Licenses Required For Sale of Alcoholic Beverages at Retail. It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter and any other applicable chapter and Charter of the City of Cleveland, Tennessee, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting the licensee to sell alcoholic beverages at retail. Transfer of any ownership right or interest in a license is prohibited. Possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited.

8-304. Licensee Responsible For Officers and Agents. Each licensee shall be responsible for all acts of such licensee as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this Chapter or any other Chapter of Title 8 of the Cleveland Municipal Code, or any other Title or Chapter of the Cleveland Municipal Code or Cleveland City Charter, or of any law or regulation of the State of Tennessee or the Federal Government concerning alcoholic beverages by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee.

8-305. Location of Liquor Store. It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Cleveland unless at a location approved by City Council. All such stores shall only be located within the Highway Commercial (CH) zoning district. **Moreover, in no event shall such store be located within three hundred feet (300 feet) of any building used as a school or church.** The minimum distance requirement from a church shall only be applicable provided a church service is held at the church premises at least on one day of each week. The minimum distance requirement from a school shall only relate to any public school operated by the City of Cleveland or Bradley County, Tennessee or a private school provided such school is licensed and accredited by the State of Tennessee to provide and is providing a kindergarten, elementary, or secondary education to students at the premises. The above minimum distance requirement from certain buildings shall be measured in a straight line between the nearest corner of the building proposed to sell alcoholic beverages and the nearest corner of the building from which there must be a minimum distance. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety, or morals.

8-306. Requirements for Building Containing Liquor Store. No liquor store shall be located within a manufactured building as defined in this chapter. **All liquor stores shall be located within a standalone building and not part of a strip mall or similar development.** All liquor stores shall be located within a newly constructed building or within an existing building to be renovated or refurbished. The plans for any new building or for the renovation or refurbishing of an existing building must be approved by the City of Cleveland Development and Engineering Office and the Cleveland City Council. The front of the building must have a brick, stone or stucco façade. All liquor stores shall have substantial night light surrounding the outside of the premises so that the premises are fully illuminated at night, and all liquor stores shall be equipped with a functioning burglar alarm system on the inside of the premises. **The liquor store display area shall be at least two thousand (2,000) square feet.** Full, free and unobstructed vision shall be afforded to and from the street, public highway or parking lot to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store. No liquor store shall be located except on the ground floor of the building, and it shall have one (1) main entrance opening on a public street, and such place of business shall have no other entrance for use by the public. All liquor stores shall be subject to

applicable zoning, land use, building and safety regulations, as adopted within the Cleveland Municipal Code, unless specifically stated otherwise herein.

8-307. Restrictions Generally.

(a) **Certain devices and non-employee seating forbidden.** No pool tables, televisions for viewing by customers, pinball machines, arcade gaming devices, including video games, jukeboxes or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.

(b) **Time and Days of Operation.** No liquor store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of eight o'clock a. m. (8:00 a.m.) and eleven o'clock p. m. (11:00 p.m.) on Monday through Saturday, and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday. The store may not be open to the general public except during regular business hours. No liquor store shall be open for business on Thanksgiving Day, Christmas Day or Easter.

(c) **Selling or Furnishing to Person(s) Below the Age of Twenty-one (21) Years, etc.** It shall be unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a person below the age of twenty-one (21) years, to a person visibly intoxicated, or to any person accompanied by a person who is visibly intoxicated. It shall be unlawful for any person under the age of twenty-one (21) years or a person who is visibly intoxicated to enter or remain in a liquor store or to loiter in the immediate vicinity of a liquor store. Employees with appropriate employee permits issued pursuant to state law who are age eighteen (18) years and older are permitted in a liquor store for the purpose of engaging in paid employment only. It shall be unlawful for a person below the age of twenty-one (21) years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee. Any person selling alcoholic beverages within the City shall be required to have produced to the person selling the alcoholic beverages a facially valid Government issued identification showing that the age of the prospective purchaser of the alcoholic beverage is 21 years of age or older. If such identification is not produced by the prospective purchaser, the alcoholic beverage shall not be sold. Such identification shall be required prior to the sale of alcoholic beverages, regardless of the apparent age of the prospective purchaser.

(d) Consumption on Premises of Liquor Store. It shall be unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It shall be unlawful for any person to consume any alcoholic beverage in the immediate vicinity of the liquor store. Any consumption of an alcoholic beverage by any person in the liquor store shall be limited solely to the circumstances permitted and set forth in Tennessee Code Annotated 57-3-404 (h), or the Rules of the Tennessee Alcoholic Beverage Commission and any applicable federal law.

(e) **Advertising.** There shall be no advertising signs of any kind whatsoever outside the building containing a liquor store, either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores except as set forth herein. There may be placed on the front of a liquor store, but not extending therefrom over twelve inches (12"), a sign setting out the name of the liquor store. **Such sign shall not exceed fifty (50) square feet in dimension.** No such sign shall contain letters of neon or tube lighting so as to produce lighting within letters. No reader board or changeable copy signs shall be permitted. One (1) freestanding sign shall be allowed on the premises not to exceed one hundred forty four (144) square feet. No off-premises signs related to a liquor store shall be allowed within the city. No banner or temporary or permanent sign or other material shall be placed on or inside a liquor store so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store. In addition, all liquor store signage shall be subject to applicable zoning, building, and safety regulations, as adopted within the Cleveland Municipal Code, unless specifically stated otherwise herein.

(f) **Off-Premises Business.** All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall drive-in window service be permitted. This paragraph shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises, nor shall it be construed to prohibit deliveries allowed by state law or by individuals who hold a valid delivery service license issued by the Tennessee Alcoholic Beverage Commission.

8-308. Fees.

(a) **Inspection Fee.** Pursuant to Tennessee Code Annotated Section 57-3-501, there is hereby levied on each licensee an inspection fee of five percent (5%) on the wholesale price of any alcoholic beverages acquired by the licensee from any wholesaler or any other source. In the event of any subsequent amendments of Tennessee Code Annotated Section 57-3-501, the inspection fee shall be the maximum allowed by Section 57-3-501.

(b) **Collection.** Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee from the licensee at the time the sale is made to the licensee, or at the time the retailer makes payment for the delivery of the alcoholic beverages. Licensee shall create and maintain all records specified in the State rules and regulations related to the purchase and sale of alcoholic beverages and preserve these records for a period of at least **thirty six (36)** months. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part.

(c) **Reports.** Each wholesaler making sales to licensees located within the City of Cleveland shall furnish the City a report monthly, which report shall contain a list of the alcoholic beverages sold to each retailer located within the City, the wholesale price of the alcoholic beverages sold to each licensee, the amount of tax due, and such other information as may be required by the City. The monthly report shall be furnished the City not later than the 20th of the month following which the sales were made. The inspection fees collected by the wholesaler from the licensee shall be paid to the City at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the City shall be entitled to reimbursement for this collection service, a sum equal to five percent (5%) of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City. Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten percent (10%) of the fee due the City which shall be payable to the City. The City shall have the authority to audit the records of wholesalers reporting to it in order to determine the accuracy of such reports. The City shall have the authority to audit the records of the licensee in order to determine the accuracy of such reports related to the inspection fees. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee for the licensee's liquor store is made to the City Clerk on or before the 20th day of each calendar month for the preceding month.

(d) **Failure to Pay Fees.** The failure of the wholesaler to pay the inspection fees and to make the required reports accurately and within the time required by this chapter may result in the suspension or revocation of the licensee's liquor store privilege license if it is determined by the City that the conduct of the licensee has resulted in the failure of the wholesaler to pay the inspection fees and to make the required reports.

(e) **Use of Fees.** All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this chapter, including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. The City Council finds and declares that the amount of these inspection fees is reasonable, and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes.

8-309. Records Kept by Licensee.

(a) **Required Records.** In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:

- (1) The original invoices of all alcoholic beverages bought by the licensee;
- (2) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
- (3) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales;
- (4) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person or persons receiving the same.

(b) **Duration.** All such records shall be preserved for a period of at least **thirty six (36) months**. In the event of co-licensees holding a single license, one (1) set of records per liquor store satisfies the requirements of this part.

8-310. Inspections Generally. The City Manager, the City Clerk, the Chief of Police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee.

8-311. Enforcement, Violations and Penalties. Any violation of the provisions of this chapter shall be punishable under the City's General Penalty clause and in the discretion of the City Council, by any combination of a fine of up to fifty dollars (\$50.00) per violation, or by temporary suspension or permanent revocation of the local liquor store privilege license where appropriate. Enforcement provisions are also applicable as found under State law. In addition to the above, the City Council may direct that the City Manager notify the Tennessee Alcoholic Beverage Commission of any violation of this chapter, together with a petition that the State liquor license be revoked, pursuant to Tennessee Code Annotated §57-3-101 et seq., and the rules and regulations of said commission.

8-312. Certificate of Compliance. As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, City Council may authorize the issuance of certificates of compliance by the city according to the terms contained herein.

8-313. Application for Certificate of Compliance and Local Liquor Store Privilege License.

(a) **Filing and Content.** An applicant or applicant group for a liquor store shall file with the City Clerk a completed written application on a form to be provided by the City Clerk which shall contain all of the following information and whatever additional information the City Council or City Manager may require:

- (1) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the

information on the application provided by the city;

- (2) The name of the liquor store proposed;
- (3) A statement that the applicant has secured a location for the liquor store business which complies with all of the restrictions and conditions within this chapter and that the liquor store business is not prohibited at this location because of some other City of Cleveland Ordinance or state law. As a part of this statement the applicant shall provide the address of the proposed liquor store and its zoning designation;
- (4) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and
- (5) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the Tennessee Alcoholic Beverage Commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(b) **Further Documentation.** The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the Tennessee Alcoholic Beverage Commission in connection with an Application for a state liquor retailer's license, and with respect to the store location and building thereon shall be accompanied by five (5) copies of a scale plan drawn to a scale of not less than one inch equals twenty feet (1"=20') giving the following information:

- (1) The shape, size and location of the lot upon which the liquor store is to be operated under the license;
- (2) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot;
- (3) The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and
- (4) The identification of every parcel of land within **three hundred feet (300')** of the lot upon which the liquor store is to be operated indicating the ownership thereof and the location of any structures thereon and the use being made of every such parcel.

(c) **Signature(s).** The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, LLC member, stockholder or otherwise.

(d) **Misrepresentation, Concealment of Fact and Duty to Amend.** If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by City Council. Further, no sale, transfer or gift of

any interest of any nature, either financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the City Council.

(e) **Fee.** Each application shall be accompanied by a non-refundable one thousand dollar (\$1,000) investigation fee. One (1) application fee per applicant group is sufficient.

8-314. State Required Certificate of Compliance. Pursuant to Tennessee Code Annotated Section 57-3-208, an applicant for a State liquor retailer's license, as a condition precedent to the issuance of such license, shall submit with the application to the State Alcoholic Beverage Commission a Certificate of Compliance containing the information as stated in Tennessee Code Annotated Section 57-3-208. In issuing any Certificate of Compliance, the City Council, the City Manager and City Clerk will follow and comply with the guidelines and requirements as stated in Tennessee Code Annotated Section 57-3-208. The City Council will not consider any application until publication, at applicant's expense, in a newspaper of general circulation in Bradley County, Tennessee, of the notice required by Tenn. Comp. R. & Regs. 0100-03-.09(10)-(11) has occurred.

8-315. Restrictions upon Issuance.

(a) **Certificates of Compliance.** The City Council shall not issue a certificate of compliance unless the applicant has complied with all the requirements of State liquor statutes, the Rules & Regulations of the Alcoholic Beverage Commission, Tenn. Comp. R. & Regs. 0100-03 and this Chapter.

(b) **No Violations of Chapter.** No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this Chapter.

(c) **Prerequisites of Issuance.** The City Mayor, upon approval of City Council, shall not sign any certificate of compliance for any applicant or applicant group until:

- (1) An application has been filed with the City Clerk which complies with this chapter of the Cleveland Municipal Code and a showing has been made that the applicant has met all the conditions for a certificate of compliance as stated in Tennessee Code Annotated Section 57-3-208;
- (2) The notice required by Tenn. Comp. R. & Regs. 0100-03-.09(10)-(11) has been published and the public hearing noticed therein has been conducted;
- (3) The location stated in the certificate has been approved by the City Council as a suitable location for the operation of a liquor store; and
- (4) The application has been considered at a public meeting of the City Council and approved by a majority vote of the members present and voting.

(d) **Time Periods for Action.** Any applicant or applicant group who has obtained a certificate of compliance as provided herein must open a liquor store in the city within **twelve (12) months** or, unless an extension is granted by City Council, said certificate will be revoked by the passage of this amount of time and a certification thereof will be sent to the Alcoholic Beverage Commission of the State of Tennessee and the Application for a local liquor store privilege license shall be considered canceled and revoked.

8-316. Consideration of Applications for Certificate of Compliance. In issuing certificates of compliance (**which shall total no more than five (5) in the corporate limits**) to enable the licensing of liquor stores in the City of Cleveland as presently permitted by this chapter, the City Council will consider all applications filed before a closing date to be fixed by City Council and select from such applications the applicants deemed by City Council, in its sole

discretion, to have the qualifications required by law and this chapter and the most suitable circumstances for the lawful operation of a liquor store within the City of Cleveland, without regard to the order of time in which the applications are filed. Applications can only be submitted to the City during the time frame the City Council has set for receipt of such applications. Applications and all matters submitted with or as a part of such applications at the time they are submitted are the sole and exclusive property of the City of Cleveland and are considered public records open to public inspection.

8-317. License from City to Operate Liquor Store. After an applicant or applicant group receives a license from the State of Tennessee Alcoholic Beverage Commission to operate a retail liquor store pursuant to Tennessee Code Annotated Section 57-3-101, *et seq* in the City of Cleveland, Tennessee, the applicant or applicant group shall apply to the City Clerk for a local liquor store privilege license to operate a retail liquor store pursuant to the following terms, conditions, and restrictions.

8-318. Restrictions on Local Liquor Store Privilege Licenses.

(a) Maximum Number of Licenses. No more than five (5) local liquor store privilege licenses for the sale of alcoholic beverages at liquor stores shall be issued under this chapter representing no more than five (5) liquor stores and no more than five (5) certificates of compliance in the City. There shall be no limit on the number of local liquor store privilege licenses issued within the City of Cleveland, Tennessee.

(b) Term Renewal. Each license shall expire on December 31 of each year. A license shall be subject to renewal each year by compliance with all applicable Federal and Tennessee State statutes, rules and regulations and the provisions of this Chapter.

(c) Display. A licensee shall display and post and keep displayed and posted licensee's license in a conspicuous place in the licensee's liquor store at all times.

(d) Transfer. A licensee or co-licensee shall not sell, assign or transfer his or her license or any ownership interest therein. No license shall be transferred from one location to another location without the express permission of the City Council.

(e) Fees. A license fee of **one thousand dollars (\$1,000.00)** is due at the time of application for a local liquor store privilege license and annually prior to January 1 each year thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city clerk before any license shall be issued.

8-319. Qualifications for and Restrictions Upon Licensees and Employees.

(a) Initial Qualification. To be eligible to apply for or to receive a local liquor store privilege license, an applicant, or in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements and conditions which must be shown and stated in the application submitted to the City Council to request a certificate of compliance with these requirements and conditions in 8-313 incorporated herein by reference and form a part of the qualifications which must be met by an applicant before receiving a local liquor store privilege license. In addition, before an applicant is eligible to receive a local liquor store privilege license, the applicant, or in the case of an applicant group, each member of the applicant group, must satisfy all of the other requirements of this chapter, the requirements of the Tennessee Alcoholic Beverage Commission, and all applicable Tennessee State statutes, rules and regulations for the holder of a liquor retailer's license.

(b) Public Officers and Employees. No license shall be issued to a person who is a holder of a public office either appointed or elected or who is a public employee either national, state, county or city. It shall be unlawful for any such person to have any interest in such liquor store either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply however to uncompensated,

appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.

(c) **Felons.** No licensee shall be a person who has been convicted of a felony within ten (10) years prior to the time he or she or the legal entity with which he or she is connected shall receive a license; provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.

(d) **Employee Felons.** No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who within ten (10) years prior to the date of his or her employment shall have been convicted of a felony. In the case that an employee is convicted of a felony while he or she is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.

(e) **Liquor Offenses.** No license shall be issued to any person who within ten (10) years preceding application for such license or permit shall have been convicted of any offense under the laws of this state or any state or of the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of alcoholic beverages or beer.

(f) **Disclosure of Interest.** It shall be unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it be fully disclosed to the City and approved by the City Council.

(g) **Age.** No licensee shall be a person under the age of twenty-one (21) years and it shall be unlawful for any licensee to employ any person under the age of eighteen (18) years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his or her place of business to engage in the storage, sale or distribution of alcoholic beverages.

~~(h) **Interest in Only One Liquor Store.** A person shall not have an interest, either directly or indirectly, in more than one (1) liquor store licensed under this title in the City of Cleveland.~~

8-320. Nature of License; Suspension or Revocation. The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by City Council for any violation of this Chapter or any Chapter within Title 8 of the Cleveland Municipal Code by the licensee or by any person for whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the City Council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of any Chapter within Title 8 by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the City Clerk may immediately suspend the license for a period not to exceed sixty (60) days, and the City Council may revoke or suspend the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly

authorized by other provisions of this Chapter stating the effect of specific violations.

8-321. Effect. This ordinance shall take effect upon passage on final reading, the public welfare requiring it.

SECTION 2: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman May moved that Ordinance No: 2018-30 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

Holiday Schedule: City offices will be closed as follows:

- Monday, December 24, Tuesday December 25 and Wednesday December 26 for the Christmas Holiday.
- Monday, December 31 and Tuesday, January 1 for the New Year’s Holiday.
- Next City Council meeting will be held on January 14, 2019.

There being no future business he meeting was adjourned at 5:43 p.m.

Mayor

City Clerk