BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 11, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 71, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Vice Mayor Avery Johnson. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; City Attorney John Kimball and Kris Miller, IT Director. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Ken Webb, who observed a moment of silence for Councilman Charlie McKenzie, who recently passed away due to a brief illness, the following business was then entered into:

Councilman Hughes reminisced about Councilman Charlie McKenzie and his attendance to the local athlete games, as he was a basketball and football fan. Councilman McKenzie was a bus driver and spoke to him often about discipline of students misbehaving on the bus. In 2011, Councilman McKenzie was elected to the City Council, which was a different relationship with him. Councilman Hughes stated his heart goes out to Marsha and the family. He prays for comfort and solace as they seek the Lord for guidance. He will be missed.

Mayor Brooks stated he has been in contact with the family and they thank the City for the outpouring of support.

## 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 14, 2020 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## CITY MANAGER REPORT AND AGENDA REVIEW

Mayor Brooks presented the State of the City and discussed a 6-year Build our Future Now Plan for our City.



We Build Our FUTURE NOW




We Build Our FUTURE NOW




## MAYOR'S THOUGHTS ON 2020

- COVID-19 Pandemic
- Lock down of businesses and life
- Political Divisiveness
- Civil Rights Protests
- Confederate Statue Issues
- Local Tornadoes
- Federal, State, and Local Elections
- Economic Uncertainty

## City Accomplishments

### Financial Restructuring:

- Finished a 2-year process on bond restructuring which saved the City over $10.0 Million.
- Moved our Total Variable Debt from 55% to 5% which gives us additional financial stability.
- Received a 1.3% Interest Rate for our refinanced debt.
- Reduced our Overall Debt by approximately $20 Million over the last two years.

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## City Accomplishments

Tornado Response

5




6

## City Accomplishments

Georgetown/25th Street Intersection















## City Accomplishments

Norman Chapel Street Reconstruction

7

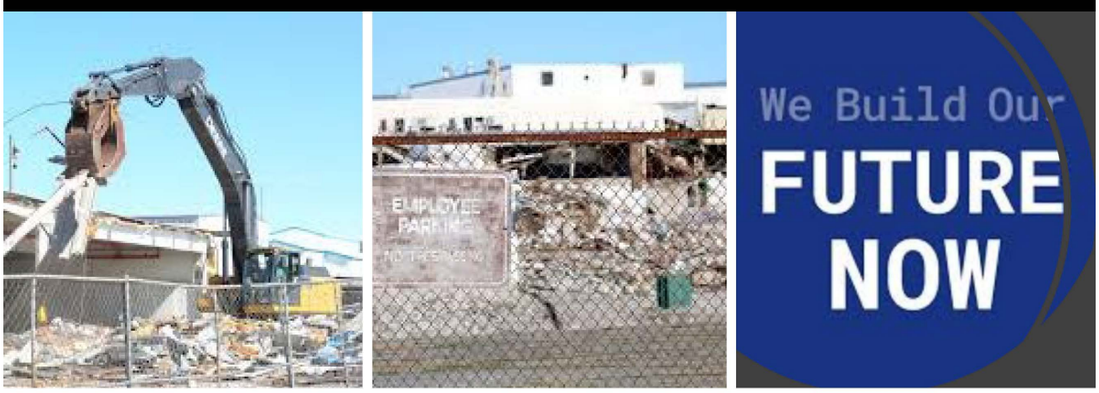






City Accomplishments

Spring Branch- Cannon Automotive




# City Accomplishments

Whirlpool Demolition

10

11

## City Accomplishments

Blythe to Blythe Sidewalk Project- Phase 1

12

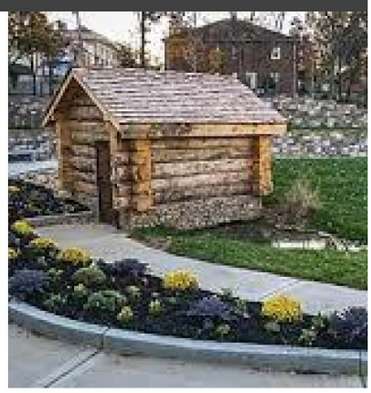
## City Accomplishments



Pickleball Courts







## City Accomplishments

Taylor Springs Park

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IDENTIFIED GROWTH TRENDS & ISSUES?

- We have approximately 250,000 trips within the City on a daily basis.
- Residential growth is at an unpresented rate within the City and County.
- Traffic Congestion & Street Maintenance remains our largest issue, and will have future economic consequences if we don't act now.
- Survey's have shown that transportation and downtown redevelop are top priorities.



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IDENTIFIED GROWTH TRENDS & ISSUES?

- The City Council has done a nice job making key investments in Schools, Public Safety, and Jetport.
- Public Safety investments have allowed us to keep our awarding winning public safety services.
- School Investments: Mayfield Elem, Candy's Creek Elem, new School Arena, HS Science Wing, Energy Improvements, and football turf.
- Public Safety: New Police Department, Fire Station #5, Fire Station #6, 4 fire engines, 15 police positions, 15 fire positions, and fire training center.



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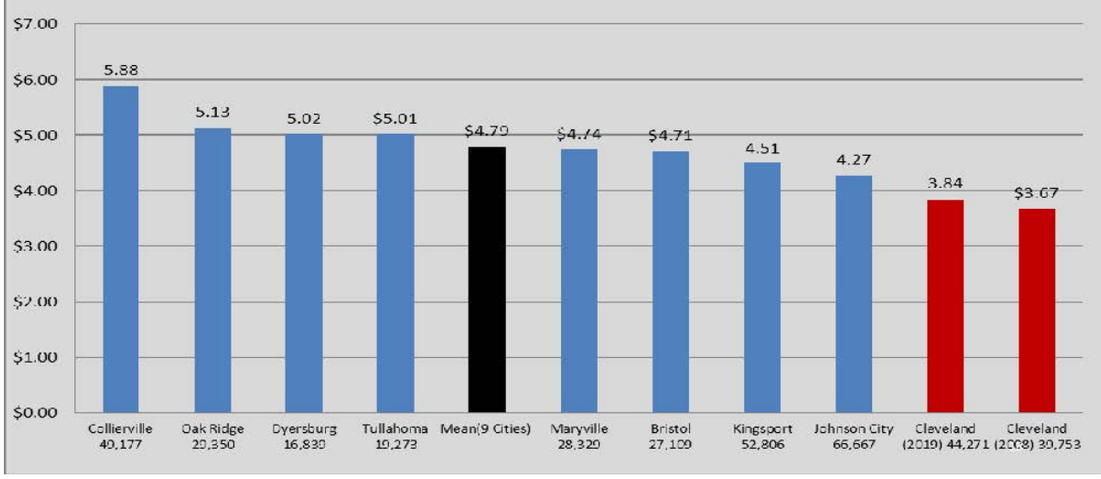
17

## Community Survey Results

PROJECT PRIORITY FOR THE CITY TO PURSUE OVER THE NEXT 3 YEARS?

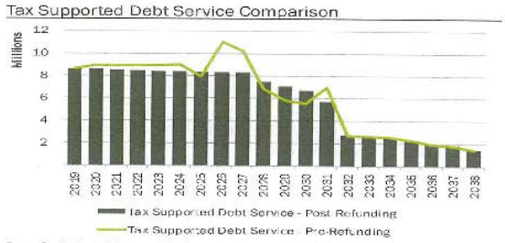
- Traffic Flow & Congestion: 67.92% Highest/Above Average
- Downtown Redevelopment: 56.23% Highest/Above Average
- Downtown Entertainment: 53.39% Highest/Above Average
- Redevelopment of S. Neigh: 50.75% Highest/Above Average

**Comparison of 2019 Combined City/County Property Tax Rates for Tennessee Cities with K-12 Schools**
*** All Cities Except Cleveland Receive 100% of Sales Tax Dollars**




## Tax Supported Debt – Pre and Post Refunding

Tax Supported Debt Service Comparison




Par Outstanding – Estimated as of 6/30/2018

| Type | Pre-Refunding | Post Refunding |
|---|---|---|
| General Obligation Bonds | $58,643,000 | $56,111,000 |
| Notes Payable | $36,572,938 | $33,151,938 |
| Total | $95,215,938 | $89,262,938 |

Notes:
- Includes the City's 2018 General Obligation Bonds issued on July 24, 2018.
- Existing Debt excludes Capital Leases of $354,380 outstanding as of 6/30/18.
- Assumes existing 2014A Bond Debt Service includes a 3.61% rate reset and 2014 Jetport Debt Service includes a 3.82% rate reset.

Note: Preliminary and subject to change.

Source: City Staff, 2018 CAFR and FY 2019 Budget

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How do we need to respond to these 'City Growth Issues'?



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## BUILD OUR FUTURES INITIATIVE

- We need a clear plan to invest in our most dire community needs.
- We need to take control of our own destiny.
- We need to stop talking…we need to invest and make dirt fly.
- Our lack of infrastructure will cost us more every year we delay.
- Without an infrastructure and investment plan…our job and economic development will be significantly impacted.

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## BUILD OUR FUTURES INITIATIVE

- Total Initiative Cost: $25 Million over 6 Years:
  - 2021-2022: (Tentative) $12.5 Million (Approx)
  - 2023-2026: (Tentative) $12.5 Million (Approx)
- The $25 Million will be paid for with a mix of Pay As You Go (PAYGO) & Bonding.
- City will leverage an approximate additional $25 Million in State & Federal Funds for a Total of $50 Million Infrastructure Investment.
- No tax increase necessary to fund these projects.
- Project Focus:
  - Transportation Investment
  - Congestion & Traffic Control Investment
  - Redevelopment of Blighted Areas
  - Replacement of Existing Facilities
  - Public Safety Investment

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BUILD OUR FUTURES INITIATIVE
2021-2022: (Tentative) $12.5 Million (Approx)
✓Paul Huff Corridor Improvement Plan
❖Widening of Peerless Road/Paul Huff Intersection.
❖Paul Huff Paving & Traffic Improvements- Grant Match.
❖Median Construction from Frontage Drive to I-75.
❖I-75 Intersection Improvements- Grant Match.
❖Complete Mouse Creek/Paul Huff Intersection
❖Complete Peerless Connector to Mouse Creek
❖Implement Traffic Light Smart Technology
23
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2021-2022: (Tentative) $12.5 Million (Approx)
✓Design & ROW: Ocoee Bypass--20th Street Connection to Stuart Road.
✓Schematic Design Aquatic Center.
✓Replacement of Aquatic Center.
✓Replacement of Moseby Park Playground Area.
✓Small Area Plan for College Hill and Gateway and Replacement of Streetscaping on Inman Street from East Street to Ocoee Street.
✓Greenway Safety Initiative.
✓Grand Pavilion.
✓North Cleveland Playground Area.
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BUILD OUR FUTURES INITIATIVE
2023-2026: (Tentative-Schematic) $12.5 Million (Approx)
✓25th Street Corridor Improvement Plan
❖25th Street/Ocoee TDOT- Grant Match
❖25th Street/Parker Street TDOT- Grant Match
❖25th Street/Chambliss Street TDOT- Grant Match
❖25th Street/Peerless Intersection- Grant Match
❖25th Street Multipath MMA Project- Grant Match
❖25th Street Multipath TA Project- Grant Match
❖25th Street/Georgetown Intersection Widening
❖J-Turn Implementation Plan
❖Aesthetic Improvements
❖Georgetown Rd/Candies Lane Intersection
25

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## BUILD OUR FUTURES INITIATIVE

2023-2026: (Tentative-Schematic) $12.5 Million (Approx)

- ✓ Greenway Phase VI- Starbuck's Connector- Grant Match
- ✓ Downtown Park-n-Ride Parking Lot- Grant Match
- ✓ Adkisson Street Widening Project- Grant Match
- ✓ Candies Greenway- Grant Match
- ✓ Construction: Ocoee Bypass- 20th Street Connection to Stuart Road
- ✓ 20th Street/Ocoee St Intersection
- ✓ Georgetown Rd/17th Street Intersection
- ✓ Mouse Creek Rd Turn Lanes
- ✓ BUILD Grant Match
- ✓ Complete Municipal Building Improvements
- ✓ Soccer Complex Improvements
- ✓ Whirlpool Improvements

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**How do we develop a 6 YEAR 'BUILD OUR FUTURE' Plan?**



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## Process for Build Our Futures Plan?

- ➢ City Council & Staff develop draft 'Build Our Futures' Project Plan-January 2020.
- ➢ January 25th- Council Strategic Planning Session
- ➢ City Staff work with Davenport to verify financial plan- Winter 2020.
- ➢ Staff begin draft designs and a detailed Implementation Plan- January 2020.

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## BUILD OUR FUTURES INITIATIVE

**ECONOMIC DEVELOPMENT & RECRATION**:

Soccer Complex Improvements

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## BUILD OUR FUTURES INITIATIVE

**ECONOMIC DEVELOPMENT & RECREATION**:

Event Center

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## BUILD OUR FUTURES INITIATIVE

**ECONOMIC DEVELOPMENT & RECREATION**:

Aquatic Center

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Councilman May moved to hold a Strategic Planning Work Session at 1:00 p.m. on January 25, 2021. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mr. Fivas then reviewed today's agenda.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Chris Townsend, via phone, stated he would like to address the City Council during the public hearing concerning the rezoning of Paul Huff Parkway and Boatwright Circle NW during that time.

**HEARING PETITIONS AND COMMUNICATIONS**

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a rezoning request by various property owners for approximately 3.1 acres of property (described as Tax Map 33L Group B Parcel 40.00, 51.00, and Tax Map 34I Group B Parcel 1.00) located on the 700 block of Paul Huff Parkway and Boatwright Circle NW from R2 Low Density Single and Multi-Family Residential Zoning District to PUD25 Planned Unit Development Zoning District (Planning Commission: Approved 6-1; 1 Recused; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. Chris Townsend stated Ben Berry was on the line as well to address the traffic study, how it is integrated in the current PUD application, the previous precedent regarding PUD's and traffic studies. Benjamin Berry with Berry Engineers stated the main question around this project is traffic and the traffic study. This development is similar to others along Paul Huff Parkway as a commercial PUD but has some very distinct differences. One, it's a lot smaller at only 3 acres. Two, we are not asking for an additional curb cut onto Paul Huff Parkway. Our development already has access through a public road and the PUD is voluntarily restricting full access at Boatwright and the PUD contemplates eliminating the left turn out of that driveway. The second thing to note, this PUD is setting up the rules for the commercial development. No actual commercial development is proposed at this time. The real difference between is the timing of the traffic study with the other developments, like McAlister's, came in with a PUD and then came concurrently with the development plan to build. They submitted a traffic study based on a development plan. We are not asking to not submit a traffic study; we are asking that the traffic study coincide with the development and that is consistent with what the other PUD developments have done. The existing PUD language states we will do a traffic study prior to development and the developer will construct any improvements that come out of the traffic study. This gives the city a lot of teeth [rest of statement inaudible due to severe interference on the line] Vice Mayor Johnson mentioned the misconception that the PUD connects to Indian Hills Subdivision. Mr. Berry stated it is a singular driveway and provides standards for enhanced buffers between that property and Indian Hills. Chris Townsend stated we are in full agreement with the City to conduct the traffic study and follow the guidelines of the study prior to any development. As mentioned, that is consistent with the requirements of PUD's. The language in this PUD is in contrast to prior PUD's, which could be mainly the concerns of Indian Hills Subdivision. We certainly want to work with all parties involved to address any concerns. However, to put a traffic study as a requirement prior to rezoning really puts the cart before the horse. We can't attract any end users to the commercial development until we have zoning secured and without a traffic study the City has indicated we can't secure zoning. We believe the traffic study would be much more effective if we knew the scope of the development end users. Also, the City offered to provide traffic data for the Paul Huff corridor for the project in June or July but to date we have not received any data. We would work in corporation with the City, but it's been challenging to this point to do so. Secondly, the restriction in this PUD against billboard signage, to the best of my knowledge the other PUD's to this point do not have the restriction. Several have been reviewed and no restrictions were found. He asks that be examined further and if there is a change in course that change be addressed in the final. Mayor Brooks asked if anyone would like to speak in opposition of the rezoning. Mr. Fivas stated several emails and letters have been received in opposition to the rezoning. Councilman Cassada asked that they be included in the minutes. Mayor Brooks declared the public hearing to be closed.

Dear Mayor and City Council Members,

My wife and I have lived at 2045 Tomahawk Circle NW in Cleveland for the past three years. We discovered very quickly that for all the good of our neighborhood it does have one major drawback: getting out of it. **So, we urge you – please do not change the zoning of Tax Map 33L Group B Parcel 40.00, 51.00 and Tax Map 34I Group B Parcel 1.00 from R2 Low Density Single and Multi-Family Residential Zoning District to RUD25 Planned Unit Development Zoning District.**

There is a steady stream of cars heading north or south (depending on the time of day) on Peerless Rd. Often, the traffic in both directions is so heavy that we must wait long periods of time before merging or crossing the traffic. At other times, the line of cars waiting to get on to Paul Huff Pkwy is so long that we must wait through an entire light cycle if we hope to turn left out of our neighborhood. And if I seek to go straight out of our neighborhood to go to Publix, crossing Peerless to get on to Valley Head Rd feels almost reckless. **Every day it becomes increasingly difficult to exit our neighborhood.** I appreciate your plans to add a second ingress/egress to Tomahawk Circle through one of the cul de sacs. That may make the current situation tenable. But that leads me to my next point.

**The problem is not just with Peerless Rd.** I have also noticed that the traffic exiting from I-75 northbound and trying to turn right (east) on Paul Huff Pkwy already backs up in the afternoons. The volume of traffic on Paul Huff Pkwy continues to grow but I have not heard of any plans to ameliorate the problem. **So, the current rezoning proposal, with the inevitable increase in traffic, by itself seems insufficient and untenable.** It not only fails to address the growth issues, but would actually make the problems worse.

I know of at least one accident involving someone trying to exit our neighborhood. We saw the car laying on its side, t-boned by someone on Peerless. If the current state of affairs continues, I consider it only a matter of time before it happens again. I understand that Cleveland is growing. Commercial land is needed. **Instead of this rezoning plan, however, I would propose that the city council take the extra – but quite necessary – step of executing a corridor study of the entire I-75/Paul Huff Pkwy/Peerless/Mouse Creek area** in order to better plan for the growth this part of town is experiencing before voting on any rezoning issue.

If a development plan is small-scale and *ad hoc*, then it will work against us; all will suffer (perhaps quite literally). **You could, however, slow down and *plan big* with benefits for us all, including the many residents of Tomahawk Circle.**

Respectfully,

Sam and Jenny Brown
2045 Tomahawk Cir NW
Cleveland, TN

**From:** Nina Kyle
**To:** Corey Divel
**Subject:** Tomahawk cr nw
**Date:** Tuesday, October 20, 2020 7:28:01 PM

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I live on Tomahawk circle in Cleveland. We have suffered the inability to get out of our neighborhood due to all the traffic in front of our entrance way. Please reconsider any zoning without a vote prior. Give her the latest change is going to be a restaurant below boat right in the small 5 acre area. There's only so much we can cram in this area on Peerless. Please think about us and if you want to experience what we suffer with try and get out of Tomahawk Circle between 400 and 700 every afternoon or if you're a morning person -between 700 and 1030. It's impossible. We don't even bother trying to go left we go right and turn around in the circle driveway a little ways down and I'm sure they don't like it. Please try and help us! Don't make it any worse than it is on us and allow a vote to occur.

Thank you in advance

Sent from my iPhone

Mr. and Mrs. Andy Bender
4019 Tomahawk Cir. NW
Cleveland, Tennessee 37312
(423) 472-5302

October 19, 2020

Corey Divel, Senior Planner and Planning Commission
City of Cleveland
185 2nd Street NE
Cleveland, Tennessee 37311

To the City of Cleveland Planners and the Planning Commission,

We are writing in regards to the rezoning request for the property located on Paul Huff Parkway and Valley Head Road / Boatwright Circle. We are very concerned about the impact that additional traffic will have on Paul Huff Parkway and request that a traffic study be completed before this matter is considered. It would be very difficult to make a decision without all of the facts. We are asking that this matter be tabled until a traffic study has been completed and the city staff has had time to review it. This would allow city officials time to study the traffic in the area and the impact of the proposed rezoning. It would also allow residents of our neighborhood the opportunity to review the proposal and discuss the impact it would have on our neighborhood and the area.

If you have additional questions please feel free to e-mail or call us.

kmhbender@gmail.com or andybender@bellsousth.net 0r 423-472-5302

Sincerely,

Andy and Kellye Bender

**From:** Joe Fivas
**To:** Jonathan Jobe; Corey Divel
**Subject:** FW: Rezone Property to PUD at Paul Huff and Peerless 11-09-20
**Date:** Sunday, November 8, 2020 2:10:12 PM

FYI

**From:** Sandi <boonelink@charter.net>
**Sent:** Saturday, November 7, 2020 12:14 PM
**To:** Joe Fivas <jfivas@clevelandtn.gov>; Charles McKenzie <cmckenzie@clevelandtn.gov>; Tom Cassada <tcassada@clevelandtn.gov>; Avery Johnson <ajohnson@clevelandtn.gov>; Kevin Brooks <kbrooks@clevelandtn.gov>; David May <dmay@clevelandtn.gov>; 'dhughes@clevelandtn.gov' <dhughes@clevelandtn.gov>; Ken Webb <kwebb@clevelandtn.gov>; Bill Estes <bestes@clevelandtn.gov>
**Subject:** Rezone Property to PUD at Paul Huff and Peerless 11-09-20

Gentlemen,

First, congratulations on your willingness to serve the people of the City of Cleveland. We recognize that this is is a sacrifice and privilege with a great amount of responsibility.

This will address the concerns and wishes of your constituents in the Indian Hills Subdivision and surrounding areas. The very idea that you would be voting on a rezoning to commercial (PUD or otherwise) without a serious traffic impact study is certainly not in keeping with the spirit and trust of the residents who voted for you to be representatives in our behalf.

First, you should not even agree to a vote without a traffic impact study. Second, think about what you would want for YOUR neighborhood. Third, think about what the development will do to the quality of life for the families in our neighborhood and surrounding areas and how it will impact the property value of our homes. You represent us, and these are things you should consider when speaking up for us.

We have lived in Cleveland since 1970. We purchased our moderate home in 1984 and chose to raise our family here and remain here. We are not against progress, but we had to fight for such simple things as sidewalks and against certain types of businesses in the Publix complex. In spite of this, there are still discrepancies that should have been taken into account in the planning and negotiation stages of this project. The result of the decisions that were made without consideration of the disastrous traffic increase on Peerless Road and Paul Huff is not only dangerous, but it is embarrassing. About the time one thinks they can pull out onto Peerless, vehicles come flying off of Paul Huff onto Peerless because of the turn-right-on-red signal on Paul Huff. Pulling out of the neighborhood in a vehicle is almost impossible at certain times of the day. When we cross Peerless to go for a walk or for a trip to a business in the complex, never mind about "pedestrians have the right of way." You can't cure the lack of courtesy in drivers, but there could be precautions through signage, traffic lights, pedestrian crossings, etc. for the benefit of residents. Often traffic is backed up for blocks on Peerless and Paul Huff for many blocks.

Then, as an example, there is the Georgetown Road debacle, which you are very familiar with, so we won't address it here.

We wish you could take a field trip to Cary, North Carolina, where our daughter and her husband chose to live for 15 years. We drove there many times a year and observed the way that community was developed. It is a beautiful and well-planned community with roads widened and installed long before construction of various commercial complexes are begun. Every street entering a neighborhood has crosswalks and there are pedestrian traffic signals every few blocks to allow for safely crossing a main road. It is a beautiful sight to see people strolling their children, walking their dogs, jogging, families walking together and residents enabled to safely cross that busy road to visit shopping centers, restaurants, etc. without having to drive. That could have been Paul Huff with sidewalks, pedestrian cross walks, pedestrian traffic signals, etc. Planning in every area of business, including government, is a wonderful thing. Things just turn out better that way.

Thank you. We are anticipating a good outcome as development continues adjacent to our neighborhood.

Sincerely,

Jerome and Sandra Boone
1102 Tomahawk CIR NW
Cleveland, TN 37312
boonelink@charter.net

**From:** Joe Fivas
**To:** Kevin Brooks; Avery Johnson; Dale Hughes; David May; Bill Estes; Tom Cassada; Ken Webb; Charles McKenzie
**Subject:** FW: Tomahawk Circle proposed traffic
**Date:** Friday, November 6, 2020 1:22:22 PM

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FYI

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**From:** Donald Smith <dsmithjr1975@gmail.com>
**Sent:** Friday, November 6, 2020 9:04 AM
**To:** Joe Fivas <jfivas@clevelandtn.gov>
**Subject:** Tomahawk Circle proposed traffic

Mr. Fivas,

I am a resident on Tomahawk Circle, a community which is going to be affected by the proposed change of the planning commission regarding a PUD on Paul Huff Parkway. I stand with the residents of this community in opposition to this proposed change. While I appreciate the change of egress and ingress; allowing a commercial access through this community is not in keeping with the expectation of citizens of a community - living in peace and quietness.

I understand that the commission has forgone the traffic study, maybe because they know that a previous study (from 2018) has already determined that Paul Huff Parkway cannot handle the increased capacity for any further commercial or residential development.

The citizens of a community cast a vote for representation. We understand that at times their responsibilities require the delegation of some responsibilities to appointed committees. However those boards and committees should not overlook the bold facts of the implications of decisions concerning development.

Again I personally appreciate the new access from one of the cul-de-sacs to Peerless Road further away from the congestion of Peerless, Valley Head, and Paul Huff. I'm sure those who live on that cul-de-sac may be inconvenienced by the change. Putting access from a retail or commercial establishment will create much more grief and possibly negatively affect the values of the homes in this neighborhood. Please help convince the City Council Members to say no to this recommended change.

Donald E. Smith, Jr.
4026 Tomahawk Circle NW
Cleveland, TN 37312

**From:** Joe Fivas
**To:** Kevin Brooks; Avery Johnson; Tom Cassada; Dale Hughes; David May; Ken Webb; Charles McKenzie
**Subject:** Fwd: Traffic Impact Study
**Date:** Thursday, November 5, 2020 9:32:20 PM

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FYI

Joe Fivas
City Manager
City of Cleveland
(423) 457-9194

Begin forwarded message:

**From:** Joe Fivas <jfivas@clevelandtn.gov>
**Date:** November 5, 2020 at 9:26:49 PM EST
**To:** Bill Estes <bestes@clevelandtn.gov>
**Subject: Fwd: Traffic Impact Study**

Joe Fivas
City Manager
City of Cleveland
(423) 457-9194

Begin forwarded message:

**From:** triciacummings <triciacummings@bellsouth.net>
**Date:** November 5, 2020 at 4:45:17 PM EST
**To:** Joe Fivas <jfivas@clevelandtn.gov>, "billestes@clevelandtn.gov" <billestes@clevelandtn.gov>, Tom Cassada <tcassada@clevelandtn.gov>, Avery Johnson <ajohnson@clevelandtn.gov>, Kevin Brooks <kbrooks@clevelandtn.gov>, David May <dmay@clevelandtn.gov>, "dhughes@clevelandtn.gov" <dhughes@clevelandtn.gov>, Ken Webb <kwebb@clevelandtn.gov>
**Subject: Traffic Impact Study**

Dear Sirs,

I am writing today in regard to the vote that will be taking place on a recommendation from the Planning Commission. The vote is to rezone the property at the back of our neighborhood(Tomahawk Circle) to a commercial development WITHOUT a traffic impact study being completed. We are asking all of you to please reject the recommendation and request a traffic impact study for Paul Huff and surrounding areas. Also, please consider

what a commercial development would do to the quality of life in our neighborhood not to mention the impact on our property values. It is almost impossible to turn onto Peerless Road from Tomahawk now during certain hours. A sign was installed at the light turning off Paul Huff onto Peerless which was suppose to say "NO RIGHT TURN" at certain times of the day. We have never seen this sign on at all and there has not been one time when the traffic stopped turning right. Anything you gentleman could do to help us would be greatly appreciated.

Sincerely,

William and Patricia Cummings
1109 Tomahawk Circle NW
Cleveland, TN 37312

**Corey Divel**

**From:** Coleman, Larissa <lcoleman03@clevelandstatecc.edu>
**Sent:** Tuesday, October 20, 2020 2:48 PM
**To:** Corey Divel
**Subject:** Agenda Item

Mr. Divel,
I am writing to you concerning an item on the agenda for today's planning commission regarding the re-zoning of Valley Head and Paul Huff. As a resident of Tomahawk Circle, I implore you to reconsider this. We are still trying to simply exit our neighborhood at our own peril. The congestion is already at an unsafe capacity and despite what we were told regarding this, nothing has changed. Please help us. I am all for growth, but when we are completely boxed in, how will you help us. Thank you for your time and consideration.

Kind Regards
Larissa Coleman
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Larissa Coleman
Program Coordinator-GIVE Grant
Office: (423)472-7141 x. 749
Cell: (423)715-8914



As we fight against the spread of COVID-19, Cleveland State Community College continues to take preventative measures to ensure the safety of students, faculty, and staff.

To limit exposure, the campuses of CSCC will be open for special operating hours this fall. Beginning August 3rd through the end of the fall semester, on campus hours of operation for CSCC will be Monday through Thursday, 8 a.m. to 4:30 p.m. Faculty and Staff are available on Friday from 8 a.m. to 4:30 p.m. by calling the college at 423. 472.7141 or you may e-mail or call your faculty and staff directly.

For more information, visit mycs.cc/COVID19. Stay #CougarStrong

**Corey Divel**

**From:** tina creasman <tec652000@yahoo.com>
**Sent:** Tuesday, October 20, 2020 1:30 PM
**To:** Corey Divel
**Subject:** TRAFFIC ISSUES

Good Afternoon,

Mr. Divel, I am Tina Beverly a current resident of Indian Hills Subdivision/Tomahawk Circle. I know that at tonight's meeting the rezoning of a plot of land behind the 1200 block of our neighborhood is up for discussion. Myself and a lot of my neighbors are not happy with the possible rezoning. We already have to deal with the nightmare on Peerless and now there is another possible issue. Has a traffic study been done in the last 30 days or the area surrounding our neighborhood? If so how can I obtain the results?

We have seen in the paper and online how fast the new expansion of Paul Huff Parkway has become so urgent. It is hard to be happy about the growth of the community when we were told that our issues cannot be addressed til 2021.

I hope that the vote will be held off til a study is done to include Valley Head which is part of our neighborhood. Please take us into consideration when this request is up for vote.

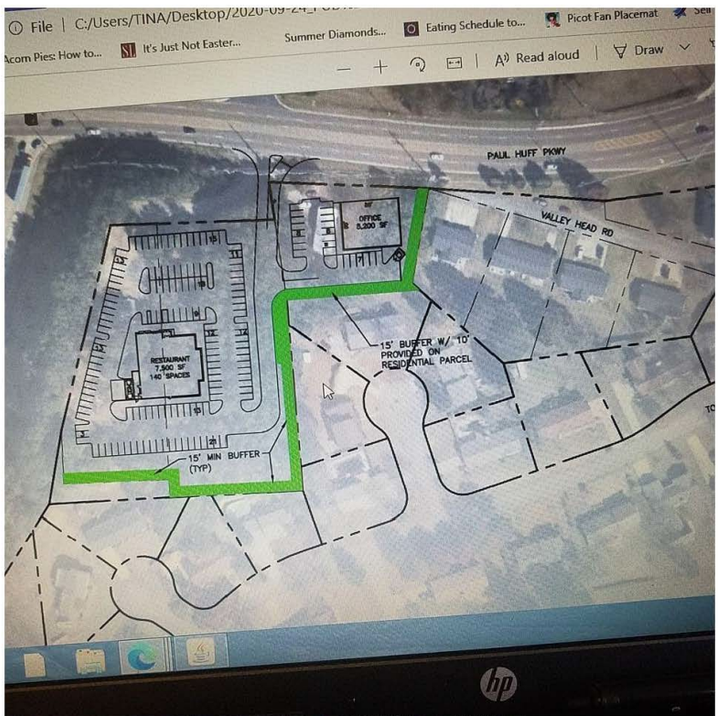
I hope to hear back from you soon and will try to listen in tonight.

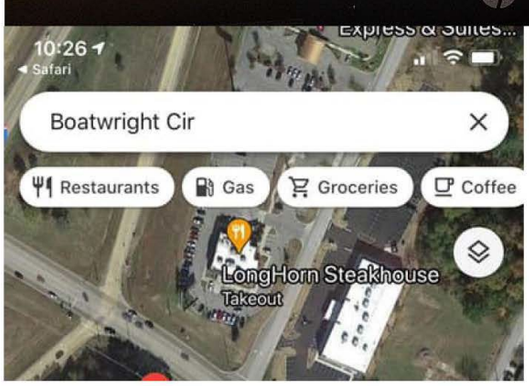
**Corey Divel**

**From:** Alvin Word <almelword@charter.net>
**Sent:** Tuesday, October 20, 2020 8:09 AM
**To:** Corey Divel
**Subject:** Traffic Study

Mr. Divel, there is much concern with ALL residents in the Indian Hills subdivision about traffic coming onto and leaving the Peerless Rd onto Paul Huff and the I-75 exit. I personally, am requesting a traffic study by your office and the State of Tennessee engineers to make absolutely sure that the safety of existing homes, and businesses meet the highest of standards.
Although we enjoy the growth that has occurred in our city, there seems to be a lack of concern for infrastructure support. Until planning can meet the existing utilization of traffic, then the city should not engage in any further development that creates more traffic without addressing how and when the existing and future traffic load will be handled. It is not safe on Paul Huff, Peerless Rd, or any side streets that connect neighborhoods to the above streets. Please consider safety before any future development.
Alvin Word
2025 Tomahawk Circle, NW
Cleveland, Tn 37312
595-2655

Sent from my iPad






Thank you for any assistance you can provide. I admin the Tomahawk Circle Facebook page and share any information that I find.

**From:** Joe Fivas
**To:** Sarah Brown
**Cc:** Corey Divel; Jonathan Jobe
**Subject:** RE: Tomahawk Circle Resident
**Date:** Thursday, November 5, 2020 11:05:07 AM

Thank you for the email. We'll keep you and neighborhood updated as this developer looks at options for this rezoning. We are aware of the traffic concerns, and agree that the traffic issues must be evaluated. Please feel free to contact me with any additional questions.

**From:** Sarah Brown <sarahj2911@gmail.com>
**Sent:** Wednesday, November 4, 2020 5:51 PM
**To:** Joe Fivas <jfivas@clevelandtn.gov>
**Subject:** Tomahawk Circle Resident

Dear Mr. Fivas,

I know that my husband has already contacted you regarding the upcoming vote on the rezoning on Paul Huff parkway and the negative impact it could have on our neighborhood. However, I also wanted to request that before any of this happens a traffic study be completed both of our neighborhood and Paul Huff Pkwy. I am the person who has had to race outside and call 9-1-1 when a car flipped upside down into our yard while trying to get out of Valley Head onto Peerless. This is just one of several accidents that I have seen and had to go out to assist people after their accident. Fortunately, there have been no severe injuries, but I would hate to have a severe injury or even a death before anyone takes this seriously. I am opposed to any activity which would increase the traffic on our street because it only increases that chance. Please reject the recommendation from the Planning Commission to rezone the property on Paul Huff Parkway that backs up to Tomahawk Circle NW. Not only will it increase the traffic that is already at an extreme level, but will also negatively affect some families' quality of life as well as potentially decrease the value of our homes.

Thank you for your time.

Sincerely,

Sarah Brown
1101 Tomahawk Circle NW

**From:** Shane Brown
**To:** Corey Divel
**Subject:** RE: Tomahawk Circle
**Date:** Friday, October 30, 2020 6:55:14 AM

---

Corey,

Is there contact information for each individual on the planning commission?

If so, could you provide that for me please?

Thanks!

Dr. Shane Brown
Director of Teacher Education
Helen DeVos College of Education
Lee University

-------- Original message --------
From: Shane Brown <shanebrown@leeuniversity.edu>
Date: 10/29/20 9:30 PM (GMT-05:00)
To: cdivel@clevelandtn.gov
Subject: Tomahawk Circle

Leadership,

Please revist your decision on Tomahawk Circle and the rezoning to also possibly use our street as an exit for the new development.

I am frustrated that no type of traffic study was completed and completely disregarded by the Planning Commission.

We are suffering terribly with a major increase of traffic with the expansion of Paul Huff...so much so that my young children cannot play in the front yard much.

With this new development and now what will be increased traffic, they will no longer be allowed to do that, or ride their bikes or walk the neighborhood as we have all loved doing.

Please do the right thing for our neighbors...we have numerous elderly folks and tons of families with small children.

Dr. Shane Brown
Director of Teacher Education
Helen DeVos College of Education
Lee University

**From:** Kris at Home
**To:** Corey Divel; "kris4011@charter.net"
**Subject:** Tomahawk Circle
**Date:** Friday, October 30, 2020 5:03:20 PM

---

Corey, what is going on with a development project on Boatwright Circle? I am concerned about our quality of life and safety in my neighborhood. Thanks Kristen and Don Milen

**From:** Joe Fivas
**To:** Jonathan Jobe; Corey Divel
**Subject:** FW: Tomahawk Circle and Boatwright Circle
**Date:** Tuesday, November 10, 2020 4:39:35 PM
**Attachments:** Doc3.docx
Doc 12.docx
Doc1.docx
Doc 8.docx
Doc 8.docx
Doc 9.docx
Doc 10.docx
Doc16.docx

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**From:** tina creasman <tec652000@yahoo.com>
**Sent:** Monday, November 9, 2020 10:29 PM
**To:** dhughes@clevelandtn.gov; Kevin Brooks <kbrooks@clevelandtn.gov>; David May <dmay@clevelandtn.gov>; Ken Webb <kwebb@clevelandtn.gov>; Avery Johnson <ajohnson@clevelandtn.gov>; Tom Cassada <tcassada@clevelandtn.gov>; Bill Estes <bestes@clevelandtn.gov>; Charles McKenzie <cmckenzie@clevelandtn.gov>; Joe Fivas <jfivas@clevelandtn.gov>
**Subject:** Tomahawk Circle and Boatwright Circle

Gentlemen,

I hope this email finds you well during this crazy time of 2020. I am Tina Beverly a Tomahawk Circle resident (2004)and the admin for our Neighborhood Facebook page. As you know we are up in arms over the Planning Commission approval of the zoning change at the corner of Boatwright Circle and Paul Huff. Please understand since I have moved to Cleveland our neighborhood has been fighting commercial development. And the outcome for us has not always been favorable e.g. Publix.

I am one that tries to research as much as possible before I speak and may still be wrong. I do know that you cannot always believe what you read and only half of what you see. In saying that I would like to provide some information that I have found and hope that I will get a response. Mr. Hughes before proceeding I would like to say that some of the residents on our Facebook page have commented that as our Councilman for District 5 you are slow or not at all returning calls or emails. Others are taking our calls and answering emails and we appreciate this very much.

Here are some of my concerns. I read a traffic study for Peerless dated 2018 and at that time Peerless was not big enough to handle more traffic. But Cleveland believes, "build it and they will come." So regardless of the study already done changes were not made. So I have little faith that another traffic study and or corridor study would change the final outcome which is more development in an area that cannot handle it. As a neighborhood we do hope that both are done on Paul Huff and Peerless.

I have found property information that is a concern for me.

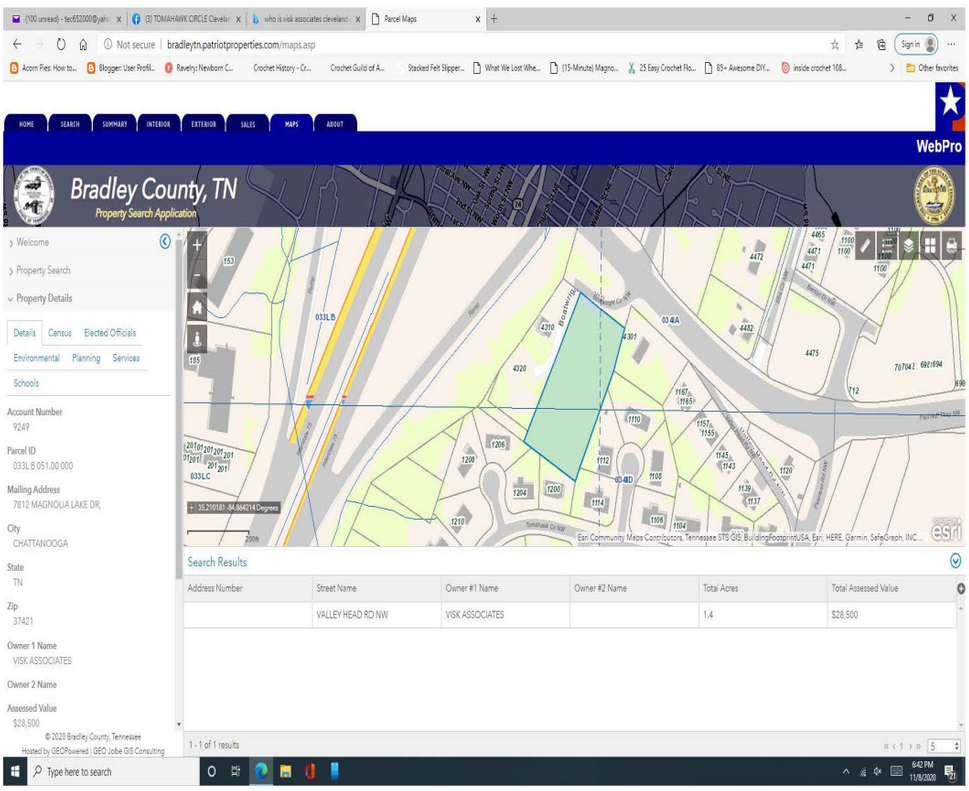
Mr. Hughes are you still the property owner of the Boatwright property? Will you be selling to Southeast Land Trust? Being a businessman with this interest we know that you cannot be here for us. Doc 3 and Doc 12. I found it also strange that a home built in 1946 sold back in June for 120K and the home and land value is half of that? Doc 1 What smart person does this without having a long term goal? Brighthouse Properties that is who. Doc 13 Look at Doc 12 again, Ben Berry said during the Planning Commission meeting that the developer has purchased the home closest to the area of development to keep as rental property. That would be home 1110 but I found out they also bought 1108. Doc 4 But what about homes 1200, 1204, and 1206? They will also be very close to more noise, more lights, etc.

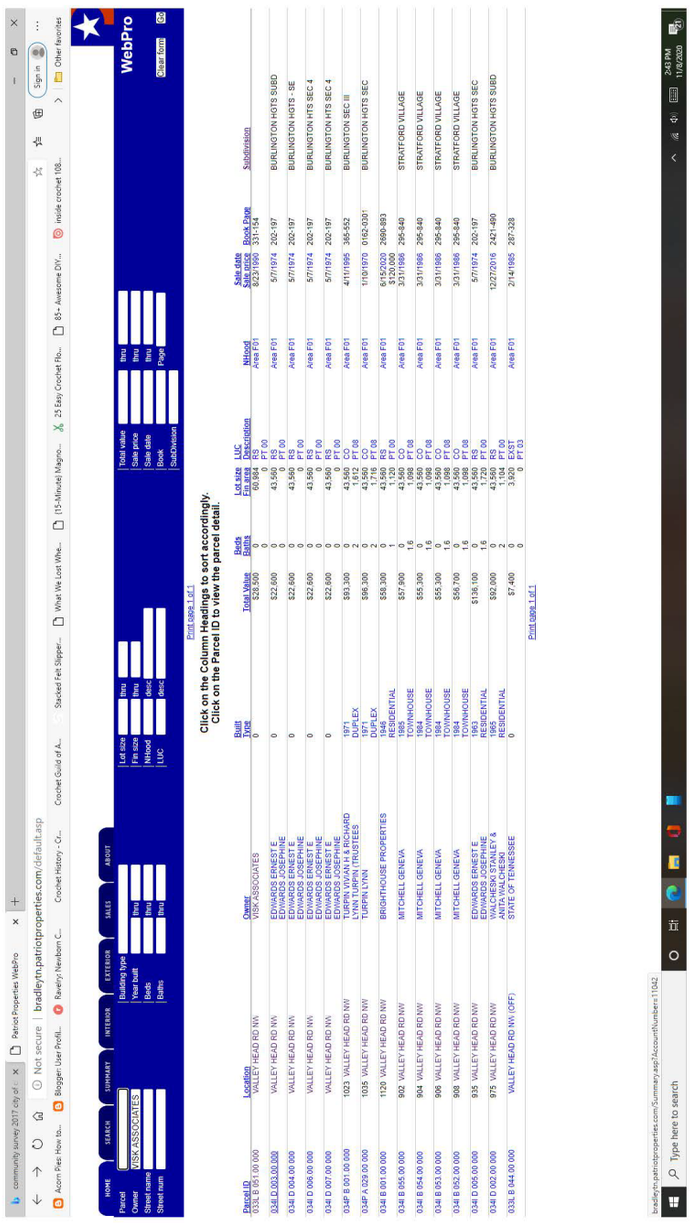
I have attached a 2017 Survey that has a lot of information that may be of interest. Doc 8, 9, 10.I also included Doc 16 it shows that the duplexes on Valley Head are part of our subdivision as well.

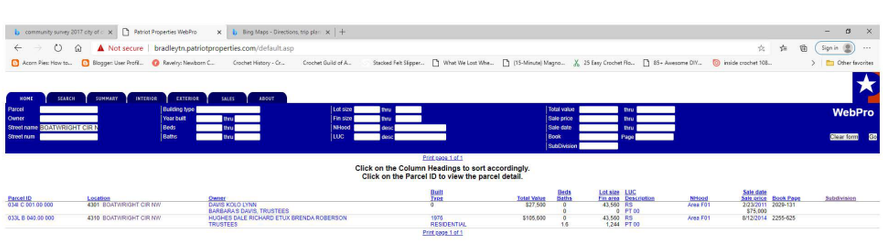
I do say Thank you for buying the most expensive home in the neighborhood and the vacant lot just on the other side. I hope it will eventually be a new exit from the neighborhood. I will appreciate any replies and look forward to having a meeting in the near future.

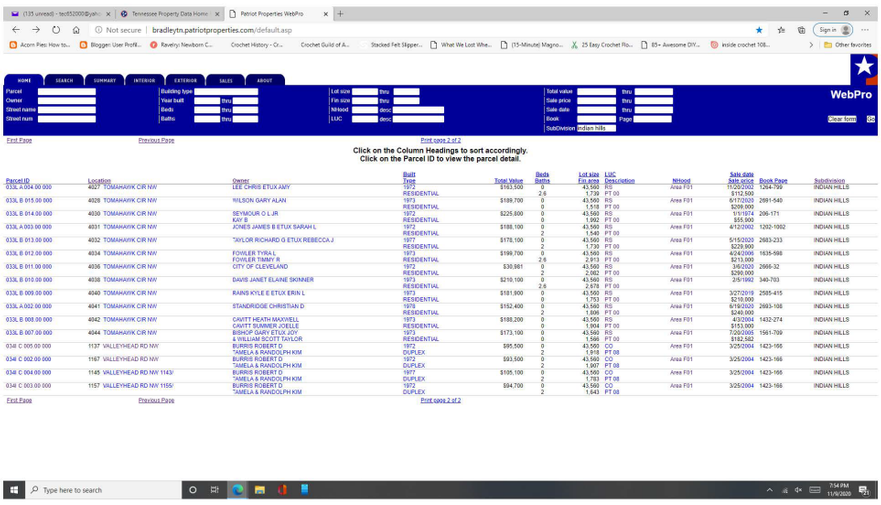
Sincerly,

Tina Beverly




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January 11, 2020

To the Honorable Mayor, Kevin Brooks, and the Cleveland City Council:
We are writing to express strong opposition to the current proposal to rezone the proposed 3.1 acres of property located on the 700 block of Paul Huff Parkway and Boatwright Circle NW from R2 Low Density Single and Multi-Family Residential Zoning to PUD25 Planned Unit Development Zoning.
As you know, prior concerns have already been shared with the city council regarding safety of neighborhood residents since the business expansion on Paul Huff Parkway has opened.
It is our assertion that this re-zoning measure would be a detriment to the hard-working residents of the affected neighborhoods.
First and foremost, it would exacerbate the already dangerous traffic situation that affects Peerless Road and Tomahawk Circle as discussed in previous City Council meetings. Aside from that, the planned development under consideration would impact residents financially as this re-zoning would negatively impact property values.
With these concerns in mind, we urge you to disapprove the current proposal to rezone the proposed 3.1 acres of property located on the 700 block of Paul Huff Parkway and Boatwright Circle NW and maintain its current single and multi-family zoning to preserve the integrity of the neighborhood and not further contribute to traffic and safety issues that endanger the residents.
Thank you for your dedication to our wonderful city and for your consideration of this request.
Sincerely,
**Brandon and Maggie Yaun**
Homeowners
1110 Tomahawk Circle NW

**From:** Kellye Bender <kmhbender@gmail.com>
**Sent:** Saturday, January 9, 2021 2:26 PM
**To:** Kellye Bender <kmhbender@gmail.com>
**Subject:** Boatwright Circle Rezoning Request

Members of the Cleveland City Council,
I know that we sent a letter a few months ago but we wanted to make sure you had a more recent letter from us. We respectfully request that you deny the request to rezone the property on

Boatwright Cir. and Paul Huff Parkway from residential to a PUD. As stated earlier, there are many reasons for this request from additional traffic to an already EXTREMELY overcrowded Paul Huff Parkway to the effect it would have on the quality of life in our neighborhood and our property values.
If the developers are looking for a location for their development, there are many other options in our city that would not require a rezoning request and would be more suitable to handle additional traffic flow.
If you have any questions for us please feel free to contact us.

Andy and Kellye Bender
4019 Tomahawk Circle NW
Cleveland, Tennessee 37312

423-472-5302
423-595-0967 (Andy)
423-595-2950 (Kellye)

Mayor Brooks stated today's meeting is also being held as a public hearing to hear public comments concerning an amendment to PUD11 Planned Unit Development located on Georgetown Rd and Villa Dr NW regarding the provisions for billboards (Planning Commission: Denied 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the amendment. Chris Townsend stated he was in favor of allowing billboards in PUD's. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is also being held as a public hearing to hear public comments concerning a request by the property owner to rezone .56 acres, more or less, located at 680 Stuart Rd NE (Tax Map 42G Group J Parcel 3.02) from R3 Multi-family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the rezoning. 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:

- **Final Passage - Ordinance No: 2020-35** – heretofore passed on first reading December 14, 2020 and found in Minute Book 30, Page 85; rezoning 1.14 acres, more or less, located at Shady Ln and Weeks Dr (described as Tax Map 50G Group I Parcels 1.00 & 2.00) from IL Light Industrial Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Approved 6:0; 1 recused, 2 absent).
- **Bid Report** – Blythe to Blythe Fence Project.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **January 11, 2021**
**RE:** **Bid Summary – Blythe to Blythe Fence Project**

**SUMMARY:**
Sealed bids were received on January 5, 2021, for the Blythe to Blythe Fence Project. The bids are listed below:

- East Tennessee Construction Service, Inc.
  Englewood, TN **$66,410.00**
- Wright Industrial Group, LLC
  Cleveland, TN **$72,182.60**

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

**FISCAL ANALYSIS:**
This is a CDBG project and is within budget.

**RECOMMENDATION:**
Staff recommends awarding the contract to the lowest bidder, East Tennessee Construction Service, Inc.

- **Resolution 2021-01 –** Authorizing the Mayor to sign a utility pole relocation agreement with Cleveland Utilities associated with the Pleasant Grove Church Road project.

**RESOLUTION 2021-01**

**WHEREAS,** the City is in the process of constructing the Pleasant Grove Church Road from APD-40 (US-74/SR-311) to South Lee Highway (US-11/SR-2) Project; and

**WHEREAS,** the City's construction of the road is funded, in part, by TDOT Local Interstate Connector funds, the City of Cleveland, and Bradley County funds which project is generally identified as the Pleasant Grove Church Road from APD-40 (US-74/SR-311) to South Lee Highway (US-11/SR-2) Project (hereafter "the Project"); and

**WHEREAS,** Cleveland Utilities has agreed to relocate an existing utility pole located at project Station 224+10 left for the City that is in conflict with the proposed road construction alignment; and

**WHEREAS,** based upon an estimate presented to the City by Cleveland Utilities, the total estimated cost for the referenced utility pole relocation on the Project is $13,420.04; and

**WHEREAS**, because the Project is funded in part by grant funds, the agreement between the City and Cleveland Utilities is required to be in writing; and

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

This 11th day of January 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-02 –** Authorizing the Mayor to sign an Amended and Restated Cooperation Agreement with Cleveland Housing Authority to provide low-income housing units.

**RESOLUTION 2021-02**

**WHEREAS**, the Cleveland Housing Authority (hereafter "CHA") and the City of Cleveland are parties to a Cooperation Agreement originally entered into in 1960, which Cooperation Agreement has been amended from time to time, specifically in 1961, 1978 and 1992; and

**WHEREAS**, the CHA has provided the City with the attached Amended and Restated Cooperation Agreement between the City and the CHA; and

**WHEREAS**, the reasons for the proposed Amended and Restated Cooperation Agreement are outlined in the information provided to the City by the Executive Director of the CHA which is also attached hereto and incorporated herein by reference; and

**WHEREAS**, the City Council desires to approve of the Amended and Restated Cooperation Agreement with the CHA; and

**WHEREAS**, the City Council further desires to authorize the Mayor to execute the Amended and Restated Cooperation 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 Amended and Restated Cooperation Agreement between the City of Cleveland and the CHA.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the Amended and Restated Cooperation Agreement with the CHA on behalf of the City.

This 11th day of January 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-03** – Authorizing the Mayor to sign a Software as a Service Subscription Agreement with WatchGuard for body cam storage.

**RESOLUTION 2021-03**

**WHEREAS**, City staff are requesting that the City Council approve of the attached agreement between the City and Watchguard, Inc.; and

**WHEREAS**, the City Council now desires to accept the attached agreement with Watchguard, 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 approve of the attached agreement with Watchguard, Inc., and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 11th day of January 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

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

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Johnson stated he received a call concerning property the City owns on Julian Drive and the flooding conditions. Mr. Fivas stated we purchased the homes and will be removed as a part of the Army Corps flood study. He will get a timeline to Vice Mayor Johnson.

Councilman Estes thanked staff effort on the consent agenda items. Also, at 1st/Berry, previously reported a work order about overrunning trash. Lastly, the State of the City that was presented today is a large massive undertaking. He is excited about the process and it is a game changer for the next generation.

Mayor Brooks asked that the Facebook comments, hearts and smiley faces that came in during the State of the City presentation be included in the minutes. He then thanked the Council for the moment of silence for Councilman McKenzie and the Flag Sentry will keep our flags at half-staff until Councilman McKenzie's interment.

## NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance 2021-01 -** Rezoning approximately 3.1 acres of property (described as Tax Map 33L Group B Parcel 40.00, 51.00, and Tax Map 34I Group B Parcel 1.00) located on the 700 block of Paul Huff Parkway and Boatwright Circle NW from R2 Low Density Single and Multi-Family Residential Zoning District to PUD25 Planned Unit Development Zoning District (Planning Commission: Approved 6-1; 1 Recused; 1 absent).

### ORDINANCE 2021-01

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT KNOWN AS "PUD 25" ON CERTAIN PROPERTY ON CERTAIN PROPERTY LOCATED NEAR PAUL HUFF PARKWAY (Tax Map 33L, Group B , Parcel 40.00 & 51.00, and Tax Map 34I, Group C , Parcel 01.00) AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 25; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING A LIST OF PERMITTED USES; ESTABLISHING CONDITIONS FOR MITIGATION OF NOISE AND VIBRATION; ESTABLISHING SITE PLAN REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR TRAFFIC CIRCULATION ON AND ADJACENT TO THE SITE AND PARKING, FIRE LANES, AND SERVICE AND DELIVERY VEHICLES; ESTABLISHING REQUIREMENTS FOR IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING;

ESTABLISHING REQUIREMENTS FOR GENERAL APPEARANCE, SIGNAGE AND OUTDOOR DISPLAYS; ESTABLISHING REQUIREMENTS FOR LITTER AND SOLID WASTE CONTROL AND DRAINAGE STRUCTURE MAINTENANCE; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; REQUIRING PROPER SUBDIVISION AND SITE PLANNING; REQUIRING A PUD DEVELOPMENT PLAN; PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; COMMUNICATING THE BINDING EFFECT OF THE ORDINANCE UPON OTHERS; 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 City’s 2013 Comprehensive Plan future land use element anticipated market-based redevelopment of the area containing the subject property; and

WHEREAS the aforementioned Comprehensive Plan recommendations can best be achieved by working in coordination with property owners in site planning, access to adjacent or nearby major streets including Paul Huff Parkway and Peerless Road, and the requirement for interconnection between properties in order to share common access points.

WHEREAS it is the desire of the property owner(s), hereinafter “Developers”, to have the flexibility of the PUD process in order to work with the City and adjacent property owners who are also seeking to develop or redevelop their properties in a manner that is mutually beneficial, 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 4 herein as “PUD 25” . PUD 25 comprises an area of adjacent properties with frontage on Paul Huff Parkway at Boatwright Circle, and the intention is to allow the development of commercial uses within this PUD 25 area. The uses allowed within the PUD 25 area include the following uses allowed within the City’s CH Commercial Highway zoning district: detached single-family dwellings; townhomes; duplexes, triplexes, and quadraplexes; other multi-unit residential structures; houses of worship; office parks; schools (pre-school, primary, secondary, colleges and universities, trade schools and academies, studios); daycare facilities; tourist homes, guest homes, boarding homes, and bed-and-breakfast establishments; congregate living facilities, residential care facilities, nursing homes, and the like; veterinary care facilities; animal boarding and kennels; medical offices and clinics; hospitals; public utilities and utility towers; information technology and communications businesses; professional offices; government offices and government facilities; finance, insurance, and real estate businesses; personal service businesses (barber shops, beauty salons, nail salons, and the like); commercial recreation and entertainment facilities; department stores and retail stores; dry cleaners; food and beverage stores; hotels and motels; restaurants with or without drive-up windows; convenience stores with or without gasoline pumps; car washes; vehicle sales and rental; building supply sales; and farm and garden supply sales. Specifically prohibited uses include billboards, outdoor firing ranges, race tracks, adult businesses or sex outlets as defined by the City’s zoning ordinance, fireworks sales, automobile repair, oil change, tire stores, outdoor flea markets and outdoor sales of used merchandise other than operable vehicles in good repair, and any other use not identified herein as being allowed.

Section 2. DEVELOPMENT STANDARDS.

The development standards for the PUD 25 district are those outlined in this ordinance. Where the PUD 25 Ordinance is silent as to a particular development standard, the standard applicable in the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, if there is any such standard, shall be applied.

Section 3. 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 4. PROPERTY DESCRIPTION

PUD 25 includes the property currently described as Tax Map 33L, Group B , Parcel 40.00 and 51.00 and Tax Map 34I, Group C , Parcel 01.00.

Section 5. NOISE AND VIBRATION MITIGATION.

Noise and vibrations are to be managed during the construction and operation phases of PUD 25. During construction, construction-related noise, vibrations, and traffic in the PUD 25 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 businesses in the PUD 25 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 PUD 25 zoning district concerning noise or vibrations, City determines that there is a continued persistent pattern of noise or vibration emanating from the PUD 25 district, Developer and/or any business in the PUD 25 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.

Section 6. SITE PLANNING AND DEVLOPMENT COORDINATION

6.A. Conceptual Development Plan for PUD

A conceptual development plan for PUD 25 has been prepared in coordination with input from City staff. This conceptual development plan is intended to be general in nature, identifying the location of the commercial development areas within the PUD 25 area. The conceptual development plan identifies the location of proposed entrances onto the adjacent roadways. The plan indicates areas of landscaped buffer needed to protect adjacent development in accordance with the City's landscaped buffer ordinance. The conceptual development plan will serve as a master plan for the development of PUD 25, and a basis for review of detailed site plans.

6.B. Detailed Site Plans for PUD 25 Development

One or more detailed site plans, consistent with the conceptual site plan, are required prior to development of any portion of the site with new commercial or residential buildings. The detailed site plan will meet the normal site plan requirements of City for commercial development or residential development, as the case may be. The reason that more than one detailed site plan may be completed for PUD 25 is that different portions of the PUD25 area may be developed independently at different times. The detailed site plan(s) for PUD 25 will be reviewed in

accordance with City's normal site plan review process except that Planning Commission approval is required for the detailed site plan.

Section 7. ACCESS, TRAFFIC CIRCULATION, PARKING, FIRE LANES, SERVICE AND DELIVERY VEHICLES.

7.A. Access

Properties within the PUD may be served by a common driveway onto Paul Huff at the existing Boatwright Circle location. Cross access between properties internal to the PUD is required.

Prior to approval of any site plan or issuance of any land disturbance permit, a traffic study analysis must be completed to consider the impact of the proposed development on the transportation infrastructure system. The developer shall be responsible for the cost of the study and all related improvements to the site and adjacent median. The City of Cleveland may do their own 3rd party traffic analysis review of the corridor if deemed necessary by transportation staff.

7. B. Traffic Circulation, Parking, Fire Lanes, Deliveries, etc.

Driveway entrances to sites within PUD 25 shall be developed with adequate turning radii for entering and exiting vehicles, including delivery vehicles where appropriate. Internal traffic circulation and parking on sites, delivery access, service access for solid waste pick-up, etc., and fire and emergency access must be maintained in the site design and specifically addressed in detailed site planning for individual developments within PUD 25. Specifically, parking spaces are to be a minimum of 9' wide by 18' deep and accessed by a 24' drive aisle when parking is on both sides. A 22' drive aisle is allowed for drives with no parking or parking on just one side. Drive aisle widths may be reduced to 18' for 60 degree angled parking. In the event that the PUD 25 site is served by a public transit service, stopping of transit vehicles for entering or exiting passengers shall be outside the designated fire lane unless otherwise approved by the City's fire department. Any drive-through window facilities that are developed on the site shall comply with City standards with respect to vehicle stacking, etc. and shall be designed so as to minimize potential conflicts with other vehicles and pedestrians. Sidewalks shall be required along all internal road and shall connect businesses within the PUD. Parking standards shall be as otherwise required by City zoning regulations, subject to a decrease of up to 30% that may be granted by the Planning Commission in consideration of factors such as pedestrian, bicycle, and transit access, shared parking arrangements, enhanced landscaping, innovative stormwater management practices, and the like. Parking spaces reserved for special uses, such as restaurant pick up only, shall not count towards the number of required parking spaces provided.

Section 8. IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING.

8.A. Impervious Areas

An impervious area calculation is to be included in detailed site plans for the PUD 25 area. The impervious area of the site is understood to include the foot prints for all structures on the site as well as other paved or concrete areas that do not readily absorb water, generally that which is not greenspace. The impervious area limit in PUD 25 is 80%.

8.B. Stormwater Management

Development within the PUD25 area must meet the City's stormwater regulation requirements. In conjunction with each detailed site plan for development within PUD 25, a drainage plan must be prepared by a professional engineer and approved by the City Engineer prior to development of the site. For purposes of stormwater management, the PUD 25 area will be regarded as an

area under a common plan of development and a Notice of Intent (NOI) is required before development of any portion of the site.

8.C. Landscaping

landscaping plan shall be submitted with all detailed site plans for the PUD 25 area. The landscaping for the site shall be in accordance with a landscape plan prepared by a Tennessee registrant (engineer, architect, or landscape architect) and approved by the City. The design, installation, and maintenance of the landscaping shall meet the requirements of this ordinance and the City's regulations regarding landscaping. Specifically, the perimeter tree requirement shall be based on the total land area of the PUD, proportionately distributed among the individual development parcels, and excludes evergreen trees planted as part of required buffering. Landscaping shall be provided adjacent to all roadways abutting the site and internal areas within the parking lots and adjacent to buildings. Access control fencing along Paul Huff Parkway shall be black aluminum, similar to other newer developments along the Paul Huff corridor. Landscaping shall be professionally installed and maintained in perpetuity by the Developer and all heirs, assigns, and successors in title. Maintenance shall include irrigation, fertilization, pest and disease control, mowing, raking, replacement of dead or diseased plants, and other such activities as may be appropriate to a high quality professionally maintained landscape.

8.D. Tree Preservation

Existing trees within the required buffer areas shall be preserved to the greatest extent practicable. Tree preservation is not required within the development areas, however, developed sites shall contain a minimum of 10 trees per acre per the City tree replacement criteria. Subject to TDOT approval, the development shall work to provide a smooth transition between the interstate ramp and the developed site, similar to the finished condition across Paul Huff Parkway along the I-75 on-ramp.

8.E. Buffering

The City has a buffering ordinance that is to protect less intensive land uses, e.g. residential, from more intensive land uses, e.g. commercial, that locate on adjacent properties. Buffering for residential properties external to the PUD shall at a minimum adhere to the requirements of the buffering ordinance within the zoning regulations. Specifically, a 15' Type B buffer with an 8' wooden fence plus the normal tree planting requirements shall be utilized. Adjacent to tax map parcel 034I C 011.00, 10' of the buffer width along with the tree plantings may be provided on this property with approval from the owner at the time of installation. Developer and all heirs, assigns, and or successors in title shall take particular care to provide and maintain a densely landscaped buffer that mitigates the intrusion of noise, light, and the view of the proposed commercial development in adjoining residential areas.

8. F. Lighting

As part of each detailed site plan for development in PUD 25, a plan shall be provided for the exterior lighting of buildings, parking lots, signs, etc., that 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, including the addition of glare shields where needed. The lighting plan should include sufficient photometric detail to determine compliance with this ordinance.

Section 9. GENERAL APPEARANCE, SIGNAGE, AND OUTDOOR DISPLAYS.

9.A. General Appearance

Development within the PUD 25 area is to have a high quality appearance. In the commercial development of the PUD 25 area, it is intended that the level of architectural amenity and detail, including quality and cost of materials and craftsmanship, will meet or exceed that found in Cleveland's better commercial developments. Specific designs, color choices, and materials are not prescribed by this ordinance but it is expected that the quality of appearance would be consistent with better quality and comparably priced commercial areas and residential areas found in other communities. Illustrative proposed building elevations and landscaping plans will be considered together by the Planning Commission in order to determine that the proposed development is consistent with these general appearance requirements. Retaining walls shall be decorative, including texture and color elements. Split face block finish with integral color would meet this requirement.

9.B. Signage Plan

When a detailed site plan is prepared for a development within the PUD 25 area it is to include a signage plan for primary signs, such as ground signs and wall signs. The signage plan is to identify the type, size, and general location of the proposed sign(s). Specifically, development areas 1 and 2 shall have a shared multi-tenant sign on the east side of the driveway onto Paul Huff. The signage plan will demonstrate conformity with the City's sign regulations where those are not otherwise modified by this section. The Planning Commission may consider proposals for innovative grouping of signs for development within PUD 25 and adjacent properties and approve such as part of the detailed site plan approval. A primary City concern will be to maintain the high-quality appearance of the area as part of the Exit 27 gateway to Cleveland. Billboards are not permitted within the boundaries of PUD 25.

9.C. Outdoor Displays

Outdoor displays of merchandise and outdoor storage of goods and merchandise, including but not limited to materials stored in trailers or shipping containers, is prohibited within 50 feet of any right-of-way. In no event shall any display or storage of merchandise be configured so as to impede the visibility of motorists within or adjacent to the subject property.

Section 10. LITTER, SOLID WASTE, AND DRAINAGE STRUCTURE MAINTENANCE.

The method of solid waste disposal for each use throughout the project site shall be as approved by the City's Director of Public Works. Dumpsters shall be on a concrete pad and shall be screened by a masonry enclosure. Storage for inedible fats or greases shall likewise be enclosed and, if adjacent to a dumpster, shall be separated from the dumpster by a concrete block wall. Litter and debris shall be removed from the parking lots and grounds throughout the project site on a regular basis such that these materials do not accumulate noticeably on-site or migrate to surrounding property. Removal of litter and debris shall include the removal of such materials from drainage structures and other areas where accumulations may occur. Maintenance of drainage structures including removal of sediment, debris, and intrusive vegetation, such that these drainage structures continue to function as designed shall be the continuing responsibility of the developer, or its assigns or successors in title, and shall include effective control of algae, mosquitoes, and other such concerns as may occur with wet stormwater detention areas; such control by the developer will be monitored by the City and shall include technically appropriate means that may include mechanical aeration, application of chemicals, and/or other means. Mechanical sweeping of the parking lot and driveway areas shall be performed regularly by the Developer to control dirt, litter, and debris.

Section 11. SETBACKS, BUILDING HEIGHTS, AND DENSITY

Building setbacks, height limits, and lot dimensions for the commercial development area of PUD 25 shall be as designated for the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, except as otherwise approved by the Planning Commission as part of the detailed site plan approval process or as otherwise modified in this section. Likewise, residential lot sizes, building heights, and setbacks shall be as required for the R3 residential zoning district unless otherwise modified by the Planning Commission. The setback along Paul Huff Parkway, I-75, and any internal public roads shall be 15'. There is no setback requirement on internal property lines. Building Heights for lots may be adjusted by the Planning Commission to meet the needs of the proposed development.

Section 12. 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 shopping center and for construction on the outparcels and other construction on or adjacent to the site for which the Developer is responsible. In the event that there are state or federal agency permit requirements arising from PUD 25 development of this site, such as the off-site mitigation for impacts on a blue-line stream as required by the Tennessee Department of Environment and Conservation (TDEC), the Developer is responsible for those permit requirements. If a state or federal agency causes the City of Cleveland to incur costs to comply with any permit requirements for the PUD development of this site, the Developer shall reimburse those costs to the City. 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 of construction for fixture installation, furnishing, store stocking, employee training and the like may be granted by the City's Building Official and such permission shall not be unreasonably withheld). 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 13. SUBDIVISION AND SITE PLANNING OF OUTPARCELS.

The aggregation of existing parcels into the development sites needed for the various developments within PUD 25 is anticipated to require the subdivision or re-subdivision of land. In order to accomplish this, the Developer is required to prepare a preliminary and final plat for approval by the Cleveland Municipal Planning Commission, and record the final plat(s) once approved. The platting of land into the proper parcels is a necessary precursor to the approval of the detailed site plan for the portion of PUD 25 in question. Such plat(s) should include the provision of right-of-way for any proposed future road improvements that are planned as the PUD 25 project progresses. Platting is to be carried out in accordance with the adopted subdivision regulations.

Section 14. PUD DEVELOPMENT PLAN.

The conceptual development plan and related drawings attached hereto or referenced herein as well as the terms and conditions of this ordinance will comprise the development plan for PUD 25. Detailed site plans as referred to in this ordinance are required to carry out the PUD 25development and will be considered as part of the development plan when these are subsequently approved by the Planning Commission. It is understood that the owners of the

individual properties within the development are each responsible for the compliance of their respective properties with the terms of this ordinance. The owners of the respective properties are expected to work cooperatively toward the achievement of the common development plan for this PUD 25 but a violation by one landowner will not constitute a violation by another landowner. However, joint responsibility may be established for jointly used and maintained facilities that may be incorporated into the detailed site plan(s).

Section 15. TIME LIMITS AND POSSIBLE REVERSION TO FORMER ZONING.

The developer must have carried out a substantial development of this project within ten years from the effective date of this ordinance or the City may cause the property to revert to its former zoning classification without liability for any damages. Substantial development shall be interpreted to mean commencement of construction on at least one commercial building (hotel, restaurant, etc.) or residential structure within the PUD 25 area.

Section 16. 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. The Planning Commission has specific authority to review and approve detailed site plans for the development of PUD 25. Minor revisions to detailed site plans that affect a quantity or dimension by less than 30%, or which substitute a material for one of like or better quality in 30% or less of the project area, or which increase functionality by adding a feature desired in PUD 25 (e.g. sidewalk, transit stop, bike racks, etc.) can be approved through the staff site plan review committee with the consent of the City Manager and the Planning Commission Chairperson. Errors and omissions in the PUD 25 development plan that do not constitute a material change in the development plan can be corrected in the same manner as a minor revision.

Section 17. BINDING UPON OTHERS.

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 purchaser(s) of the subject property and any 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. The term “Developer” is intended to include persons or firms or entities acquiring title to the subject property for the purpose of owning land and/or buildings in the PUD 25 development which they may use for a business location or rental property. The term “Developer” also applies to leaseholders who have the right to make tenant improvements on the property. It is understood that persons and entities coming under the definition of “Developer” may at some point divest themselves of their property interests in PUD 25 such that they are no longer responsible for complying with terms of this ordinance.

Section 18. 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 this ____ day of _____, 2020.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A

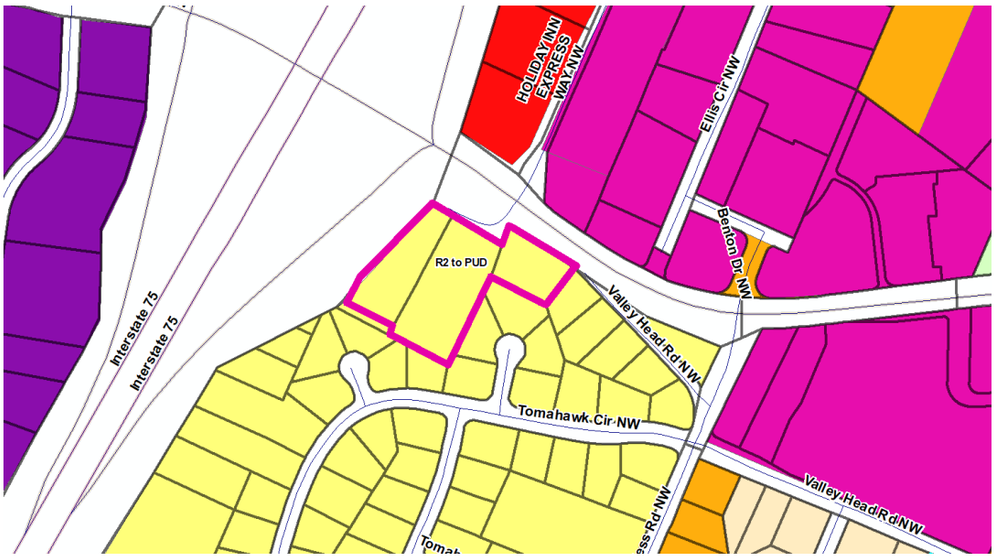
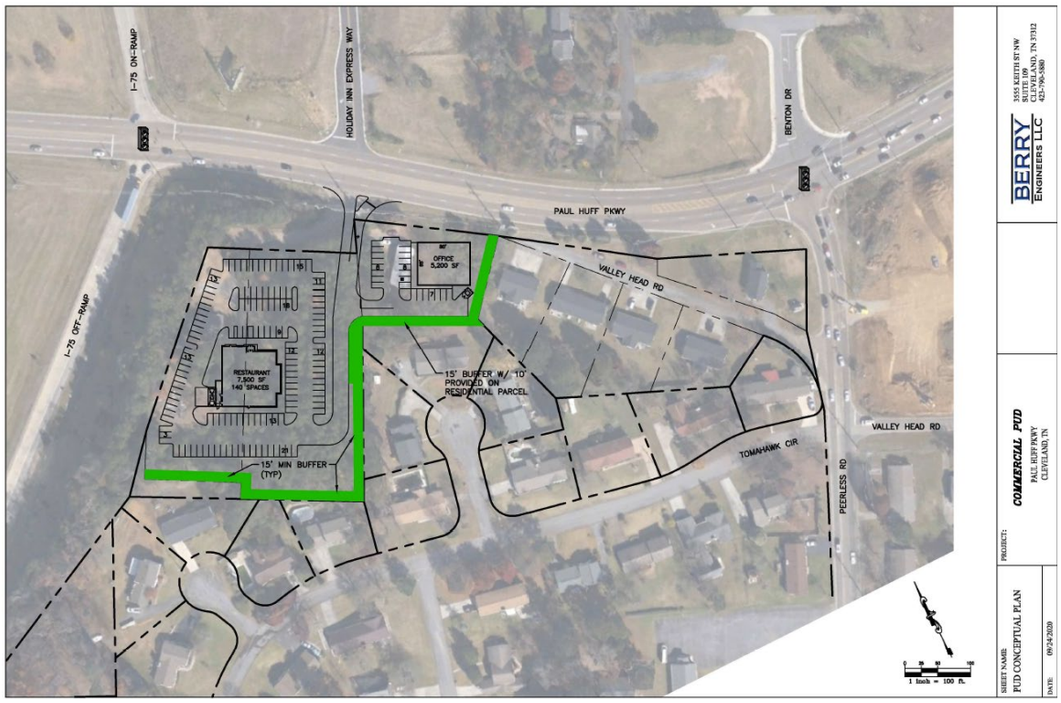



Exhibit B



Exhibit C




Councilman Estes asked is the request still there that it be rezoned or is it now planned for something that fits the current zoning. Mr. Fivas stated that was part of the confusion, as there are two processes. If they want towards residential, it's already zoned. It is within the overlay district so the Planning Commission could take care of that but that takes going through that process but this you can't have another rezoning on the same piece of property. It is a different process. Councilman Estes stated so we need to act on this today. Mr. Fivas responded he doesn't feel that is necessary. We are just looking to move this along the process. Your options are to wait a month for it to come back, send it back to the Planning Commission to work with the developer to figure out the best utilization or you can deny it. City staff is not opposed to the development. We just want to make sure the neighborhood gets heard and we have a development that meets the quality of what we have with LeConte, D&G and at Publix and we're trying to follow that. We're interested as long as we get the requisite information to make sure that with the additional development there are some traffic safety issues that pop up. Councilman Hughes stated the drawings we have are for an apartment building, correct. Mr. Fivas stated yes, with sixteen units. Councilman Hughes stated sixteen units with two cars each may not be as amenable as a PUD would be with the neighbors. Mr. Fivas stated that is not before us. That would be a separate application to the Planning Commission. Councilman Hughes stated he understands but concerning traffic you could possibly have more issues with an apartment complex than a PUD. Vice Mayor Johnson stated the traffic study will let them know what the traffic will be. Councilman Hughes stated they are willing to do the traffic study. Councilman Estes stated his issue at the planning level is you can't do a PUD, a plan, without a traffic study first. How can you plan and how can city staff negotiate with the developer for a development without that kind of data, especially on a site like this and on such a busy street. Mr. Kimball encouraged the Council to read Section 7a of the Ordinance, which requires a traffic study before any site plan or land disturbance approval. Mayor Brooks read the section aloud. Councilman Estes moved that Ordinance 2021-01 be sent back to the Planning Commission, with the following provisos: traffic study is required and is this an R2 development with apartments or a commercial development. Let's get this tightened up. The motion was seconded by Vice Mayor Johnson. Councilman Estes added a PUD needs to be negotiated with city staff, who are there to protect the citizens and get everything hashed out. He is asking the developer and city staff to get this cleaned up before it comes back before Council. Upon roll call, the motion unanimously passed.

Councilman Cassada stated he agrees with Councilman Estes that PUD developments should be worked out through the developer, city staff and Planning Commission before it comes to the City Council.

The following Ordinance was then presented in full:

- **Ordinance 2021-02 –** Amending PUD11 Planned Unit Development located on Georgetown Rd and Villa Dr NW regarding the provisions for billboards (Planning Commission: Denied 8-0; 1 absent).

**ORDINANCE 2021-02**

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO AMEND THE PUD 11 ZONING DISTRICT ESTABLISHED BY ORDINANCE 2013-29 AND AMENDED BY ORDINANCE 2014-40 AND IS FURTHER UPDATED BY AMENDING SECTION 9.B SO AS TO ALTER THE PROVISIONS FOR BILLBOARDS WITHIN PUD 11 AND RETAINING ALL OTHER FEATURES OF ORDINANCE 2013-29 AND ORDINANCE 2014-40 IN FULL FORCE AND EFFECT.

WHEREAS, the City of Cleveland, Tennessee, hereinafter "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter "PUD", process as an alternative development standard whereby to accomplish such development; and

WHEREAS, the City zoned certain property as PUD11 by Ordinance 2013-29 which Ordinance is attached hereto and incorporated herein as Exhibit 1, which ordinance contains the PUD 11 zoning district and standards and conditions for the development including standards for approval of signage within the PUD11 development; and

WHEREAS, PUD was amended by the Cleveland City Council at their October 13, 2014 meeting by ordinance 201-40; and

WHEREAS, at its meeting on December 15, 2020 the Cleveland Municipal Planning Commission recommended additional changes to Ordinance 2013-29 to address changes in PUDS sought by the current owner(s), and the City Council desires to approve those changes.

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

Section 1: Section 9.B of Ordinance Number 2013-29, which established the PUD 11 Zoning District, is hereby replaced with the following language:

9.B Signage Plan
When a detailed site plan is prepared for a development within the PUD 11area it is to include a signage plan for primary signs, such as ground signs and wall signs. The signage plan is to identify the type, size, and general location of the proposed sign(s). The signage plan will demonstrate conformity with the City’s sign regulations where those are not otherwise modified by this section. Conformity with sign regulations means those regulations governing permit requirements, setbacks, maintenance, materials, lighting, motion or animation, etc. Type A and Type B portable signs, but not Type C portable signs, as defined in the City’s zoning ordinance are permitted in the commercial development area in the manner otherwise allowed in the CH zoning district but not more than two portable signs (three for buildings on corner lots) for each principal building in PUD 11 is to be within 50 feet of the Georgetown Road or Villa Drive right-of- way. For each principal building in the commercial development area, one (1) ground is allowed per street frontage not exceeding 150 square feet per sign (corner properties may distribute 300 square feet among one or two ground signs). Ground sign areas need to be

landscaped. Roof signs are not allowed in PUD 11. Wall signs in the PUD 11 area will not exceed 20% of the area of the wall or façade on which the sign is located. It is intended that buildings and landscaping within the PUD 11 commercial development area, to the extent feasible, would obscure the visibility of the associated signage from existing and proposed residential development accessing Villa Drive.

Notwithstanding the above language, any billboard located within the PUD 11 boundary at the time of the adoption of ordinance 2013-29 may be replaced on the site without further review of a signage plan by the Planning Commission, but subject to additional restrictions included herein. The billboard may include LED lighting but must cease operation nightly between the hours of midnight (12am) and 5am. In addition, any billboard shall be subject to any provisions of section 5.2.1.K of the zoning ordinance relative to the lighting of signs including provisions for lighting intensity and simulation of movement of sign content.

Section 2: This Ordinance shall take effect on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved to deny Ordinance 2021-02 on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-03 -** Rezoning .56 acres, more or less, located at 680 Stuart Rd NE (Tax Map 42G Group J Parcel 3.02) from R3 Multi-family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).

**Zoning Ordinance 2021-03**

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 R3 Multi-family Residential Zoning District to CH Commercial Highway Zoning District.

Approximately .56 acres, more or less, located on Stuart Rd NE and being a portion of 42G Group J Parcel 3.02 as shown on the attached map.

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

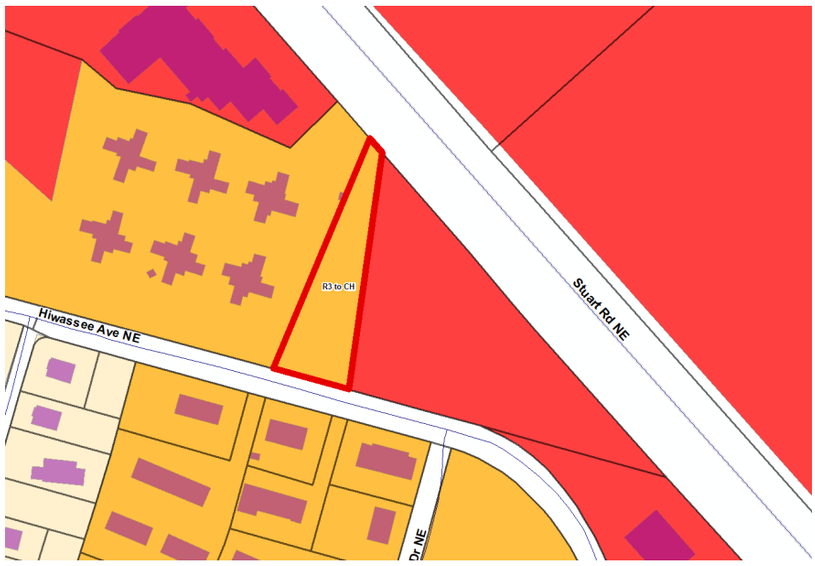
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Councilman Hughes moved that Zoning Ordinance 2021-03 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Hughes moved to reappointment Councilman Webb and Councilman Estes to the Economic Development Council for an additional one-year term. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Councilman Cassada stated discussion had previously taken place about a park on the north side of Cleveland and is aware that additional data needs to be obtained, like an appraisal of the property which is underway. He asked that an agreement be on the next agenda to move forward.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- City offices will be Monday, January 18, 2021 in observance of Martin Luther King Day.
- The next City Council meeting will be held on Monday, January 25, 2021, which will be electronic. We will also have a 1:00 p.m. Work Session as well.

There being no future business the meeting was adjourned at 4:30 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JANUARY 25, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 25, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 71, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Vice Mayor Avery Johnson. Councilman Bill Estes joined via remotely. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; City Attorney John Kimball and Kris Miller, IT Director. 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 January 11, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

City Manager Joe Fivas stated at the next meeting he will discuss some interesting things that have come up concerning downtown properties like the Summit Building, options with Johnson Park and the Moore Building.

## CONSENT AGENDA

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

- **Final Passage – To Deny Ordinance 2021-02 –** heretofore denied on first reading on January 11, 2021 and found in Minute Book 30, Page 127; amending PUD11 Planned Unit Development located on Georgetown Rd and Villa Dr NW regarding the provisions for billboards (Planning Commission: Denied 8-0; 1 absent).
- **Final Passage - Zoning Ordinance 2021-03 –** heretofore approved on first reading on January 11, 2021 and found in Minute Book 30, Page 129; rezoning .56 acres, more or less, located at 680 Stuart Rd NE (Tax Map 42G Group J Parcel 3.02) from R3 Multi-family Residential Zoning District to CH Commercial Highway Zoning District (Planning Commission: Approved 8-0; 1 absent).
- **Resolution 2021-04** – Authorizing the Mayor to sign contract amendment 4 with TDOT for the Pleasant Grove Church Road project.

## RESOLUTION 2021-04

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

Project: LIC North Pleasant Grove Church Road
Contract Number: 100252
Project Identification Number (PIN): 114573.00
State Project Number: 06LPLM-S3-022

**WHEREAS**, the City Council desires to enter into the attached Amendment #4 with TDOT, 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 Amendment Number 4 from the Tennessee Department of Transportation for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 25th day of January 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-05** – Authorizing the Mayor to sign change order #2 and #3 with TDOT for the Georgetown Road/25th Street construction in order to close the project.

**RESOLUTION 2021-05**

**WHEREAS**, the City previously entered a contract with B&W Contractors, Inc. dba Cherokee Construction Company for following project (hereafter referred to as "the Project"); and

PROJECT TITLE: S.R. 60 (25th Street NW) intersection at Georgetown Road/ Westside Drive
PIN NUMBER: 116143
STATE PROJECT NUMBER: 06LPM-F1-030
FEDERAL PROJECT NUMBER: STP-M-60 (23)
CONTACT NUMBER: 110328

**WHEREAS**, in connection with said project, the City's development and engineering department is recommending that the City enter into the attached Supplemental Agreement and/or Request for Construction Change Order Request #2: and

**WHEREAS**, in connection with said project, the City's development and engineering department is also recommending that the City enter into the attached Supplemental Agreement and/or Request for Construction Change Order Request #3: and

**WHEREAS**, the change orders have been approved by the Tennessee Department of Transportation (TDOT); and

**WHEREAS**, the attached change orders are further described in the agenda item memoranda which are attached hereto; and

**WHEREAS**, the City Council now desires to accept the attached proposed change orders #2 and #3 to the agreement with Cherokee Construction 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 change orders # 2 and #3 to the existing agreement with Cherokee Construction for the referenced project described herein, and it further authorizes the Mayor to execute the change orders on behalf of the City of Cleveland.

This 25th day of January 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-06** – Authorizing the Mayor to sign additional documents with Watchguard for body camera storage.

**RESOLUTION 2021-06**

**WHEREAS,** by Resolution 2021-03 passed on January 11, 2021, the City Council approved of a new agreement with Watchguard for body camera storage; and

**WHEREAS**, Watchguard just recently provided the Cleveland Police Department with the attached agreements which are part of the new subscription with Watchguard; and

**WHEREAS**, City staff are requesting that the City Council approve of the additional attached agreements between the City and Watchguard; and

**WHEREAS**, the City Council now desires to accept the attached agreements with Watchguard, 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 agreements with Watchguard and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 25th day of January 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-07** – Declaring a vacancy on the City Council.

**RESOLUTION 2021-07**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE, DECLARING A VACANCY ON THE CITY COUNCIL DUE TO THE DEATH OF CITY COUNCIL MEMBER CHARLIE MCKENZIE

WHEREAS, Charlie McKenzie faithfully served the City of Cleveland as City Council member for Councilmanic District 1 until his death on January 9, 2021; and

WHEREAS, Article IV Section 7 of the City charter provides that a vacancy shall exist whenever a council member dies; and

WHEREAS, Article IV Section 7 of the City Charter provides that a vacancy of the City Council must be declared by Resolution; and

WHEREAS, Article IV, Section 7 of the City Charter requires that a vacancy be declared by Resolution prior to the vacant position being filled; and

WHEREAS, the City Council desires to pass this Resolution in order to comply with this requirement of the City Charter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council hereby declares a vacancy on the City Council for councilmanic district 1 due to the death of Charlie McKenzie.

This 25th day of January 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-08** – Approving a Fleet Vehicle Maintenance Agreement with Cleveland Housing Authority for maintenance of their vehicles.

**RESOLUTION 2021-08**

WHEREAS, the City of Cleveland and Cleveland Housing Authority have agreed to enter into a contract relating to the maintenance of Cleveland Housing Authority (CHA) vehicles; and

WHEREAS, the City Council of the City of Cleveland desires to approve the same.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be, and hereby is, authorized to execute the attached Agreement on behalf of the City of Cleveland.

THIS AGREEMENT made and entered into on this 25th day of January 2021, by and between the CITY OF CLEVELAND and CLEVELAND HOUSING AUTHORITY

WITNESSETH THAT:

WHEREAS, both parties desire to enter into a contract for vehicle maintenance and/or fuel purchases; and

WHEREAS, both parties have agreed to the shop rate per shop hour, markup on parts and markup on fuel as approved by City Council; and

WHEREAS, it is agreed the fleet manager shall schedule and set priority for said scheduling of the CHA vehicles for maintenance.

This contract may be canceled by either party at any time. The contract shall exist until canceled by either party in writing.

The terms and conditions can be changed with the mutual consent of both parties.

There shall be a monthly billing for services with net charges to be paid within thirty (30) days of receipt.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on this _____ day of _____ 20021.

APPROVED AS TO FORM:

_____
John F. Kimball, City Attorney

_____
Shawn McKay, City Clerk

CITY OF CLEVELAND

By:_____
Kevin Brooks, Mayor

CLEVELAND HOUSING AUTHORITY

By:_____
Executive Director

- **Bid Report** – 17th/20th Street Sidewalk Project.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **January 25, 2021**
**RE:** **Bid Summary – 17th & 20th Street Sidewalk Project**

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**SUMMARY:**

Sealed bids were received on January 14, 2021, for the 17th & 20th Street Sidewalk project. One bid was received and is listed below:

- Wilson Construction **$3,672,961.17**

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

**FISCAL ANALYSIS:**
This is an MPO funded project.

**RECOMMENDATION:**
Staff recommends award to Wilson Construction contingent on TDOT approval.

- **Appointment** – *Building Board of Adjustment & Appeals* – Keith Davis to fill the unexpired term of Dennis Norman until January 2023.

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

## UNFINISHED BUSINESS

Vice Mayor Johnson moved to fill the District 1 vacancy by application process. Applications are due by February 4 at 12:00 noon to City Hall. Interviews will be conducted prior to the 3:00 p.m. Regular Session on February 8, 2021 and the times for each interview will be set once the number of applications is received. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Councilman Webb moved to recognize City Manager Joe Fivas, Mayor Brooks and all staff for the work done compiling the Build our Future Initiative Work Plan, approve the framework of it and ask staff to continue gathering details regarding the projects and report back when the implementation of the projects can begin. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Hughes moved that a Resolution be prepared for the next meeting changing Section 7 of the Cleveland Charter concerning Council Vacancies and extending the timeframe to fill the vacancy from thirty days to sixty days of its occurrence. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May inquired about the burnt building on Worth Street the old Griffith Cycles Building and if we are closer to knowing what is going to happen to the building. Mr. Fivas responded he understands the property is being sold and the new owners want to work with the City in demolish the building. Councilman May stated, secondly the demolished houses on Elm Drive, we have to brag on Director Tommy Myers and Public Works, they have done an amazing job for the City.

Councilman Webb asked if we are still partnering with Bradley County on litter pickup. Mr. Fivas stated we know who to call with issues. Councilman Webb stated he would provide a list of addresses that need some cleaning up before springtime. Secondly, he was asked if the City, in conjunction with some of the Churches, had any thoughts about a memorial or memorial recognition for our residents who have lost their lives to Covid. Possibly a small flag memorial for a thirty or forty-five day period. Mayor Brooks felt it would receive great interest from the Community.

Vice Mayor Johnson stated he received a call from Ms. Faye Holmes concerning the movement of the summit residents and concerns about the second exit at the new facility off Smith Drive. He asked that Mr. Fivas give her a call just to update her on the exits and any other concerns she has. Councilman Hughes stated he has been at the new facility numerous times and Ms. Jan Jenkins has taken him through the facility and it is a great addition to our City and for the residents. They do have two exits, one for EMS and SETHRA buses.

Mr. Fivas stated one comment has come through on the live feed concerning the City's involvement with the Covid vaccine rollout. Mayor Brooks stated the City's roll with the vaccine distribution is very limited. It is a County Health Department initiative driven by the Bradley County Health Department that reports to the State Department of Health. County Mayor Davis has been posting updates and there are additional vaccines in Bradley County that those on the list are getting phone calls. He concurs with many citizens that it is taking much longer than anticipated. In his opinion, he feels we should vaccinate all day, every day until everyone who needs a vaccine is vaccinated.

Mayor Brooks stated he has received a call and photos concerning illegal dumping of tires along Stone Lake Road in the Spring Branch Industrial Park. He asked Mr. Fivas to please follow-up. Also, correspondence has been received about construction recently completed at First Street Square, including paving of a small area, emails and photos that were also forwarded to Mr. Fivas. Lastly, questions have been received concerning the Paul Huff area near the new Taco Bell and the gravel area behind the Chick Fil-A, will it remain gravel or is it intended to be paved. He thanked staff for following up on these questions.

## NEW BUSINESS AND ORDINANCES

The following memo was then presented in full:

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**David Sheely, Transportation Engineer**
**DATE:** **January 25, 2021**
**RE:** **Signalization Infrastructure Improvements to Paul Huff @ Mouse Creek Road**

**SUMMARY:** With the planned improvements to this intersection, staff calculated cost estimates for the signalization improvements needed. The proposed work would include 4 mast-arm poles (see Drawing) with foundations, radar detection or video detection, relocation cabinet, new signal heads and wiring, bore costs with conduit, and the associated labor with these items. The estimate does not include pedestrian signals but will prep the intersection with conduit for future use. Several items will transfer including the ATC controller, communication equipment, and GPS preemption.

Any items that can be salvaged from existing equipment will cause a credit to be applied when this work order closes.

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

**FISCAL ANALYSIS:** The investment account will increase monthly by approximately $1,000. This is based on a $185,000 estimate for all the work listed above performed by Cleveland Utilities forces.

Material costs:
Mast-arm poles including the foundation rebar, concrete for 36" x 20' holes, and wood forms. $41,900
TS2-Type 2 traffic cabinet. $7,400
Signal Heads and disconnects. $8,773
Radar detection including all sensors, wiring, and cabinet interface unit. $42,437.50 (Video detection will be less)
Signal head wire and conduit $2,400

Labor, overheads, transportation, and boring. $82,328.40

Total Estimate Cost: $185,238.90

**RECOMMENDATION:**
City staff recommends to approve up to $185,238.90 for the Cleveland Utilities estimate for replacement of the signals at Mouse Creek Drive and Paul Huff Parkway. This would include replacing the electrical box and moving the location. The City will work with Cleveland Utilities to determine if buying the equipment wholesale or putting it on the investment charge will be the best option for CU and City. This approval will allow CU to order the mast arms which can have a long fabrication time and design.

Councilman May moved to approve the memo concerning the Signalization Infrastructure Improvement to Paul Huff @ Mouse Creek Road. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the U-Haul Corporation has rated Tennessee as the number one state in the U.S. for incoming rental truck business, which means more people are using U-Haul to move to Tennessee than any other state. Also, the next City Council meeting will be held on Monday, February 8, 2021, which will be electronic.

There being no future business the meeting was adjourned at 3:35 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
FEBRUARY 8, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 8, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 71, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Vice Mayor Avery Johnson. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Executive Assistant; Sue Zius, Assistant to the Mayor; City Attorney John Kimball and Kris Miller, IT Director. 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 January 25, 2021 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

Lauren Thacker and Ellie Fivas presented details to the City Council concerning the proposed Cleveland Youth Advisory Council. The Council would consist of 15-17-year-old Cleveland residents and each Councilmember would appoint up to 3 residents from their district for a total of 24 positions. They will have monthly meetings and advise the City Council on the youth perspective on issues related to the youth population in Cleveland. The organization will also select service projects to benefit the residents of Cleveland. If approved by the City Council, city staff will assist the Youth Council in getting the program off the ground. Councilman Webb stated it is refreshing to see youth come forward that want to be a part of what is happening in Cleveland. He will make a motion under new business for the concept to be approved and allow them to complete their research and setting the organization up.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated that today's meeting is being held concerning a request by the Whirlpool Corporation to abandon several unopened rights-of-way located within the block bounded by 4th Street Se, 6th Street SE, King Edwards Ave SE and Cincinnati Ave SE (Planning Commission: Approved 8-0; 1 absent). Mayor Brooks asked if anyone would like to speak in favor of the abandonment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the abandonment. 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 2021-11** – Authorizing the purchase and donation of a vacant lot on Wilson Avenue to City Fields and further authorizes the Mayor to sign a subrecipient agreement with City Fields of Cleveland.

**RESOLUTION 2021-11**

**WHEREAS** the City Council previously passed a Resolution approving the 2019-2020 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds; and

**WHEREAS** one of the stated goals of this plan is to increase the availability of affordable housing within the CDBG target area of Cleveland; and

**WHEREAS,** in connection with the implementation of this plan, the City will be purchasing a vacant lot on Wilson Avenue which is within the CDBG target area; and

**WHEREAS**, City Fields, Inc. is involved in CDBG eligible activities within the City of Cleveland and specifically the CDBG target area, and City Fields, Inc. has access to funds which will allow City Fields, Inc. to construct a home and sell the same to a qualified (low to moderate income) buyer; and

**WHEREAS** the City's Community Development Block Grant Coordinator is requesting approval to purchase the property and the approval to donate the property to City Fields, Inc. so it can made available for sale to a qualified buyer; and

**WHEREAS**, the City will enter into a subrecipient agreement with City Fields that requires a deed restriction once the property is improved by City Fields, Inc. and ready to be sold that it must be sold to a qualified buyer and that the property may not be thereafter sold or transferred for a period of five years to insure that the goal of creating affordable housing within the CDBG target area is met; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, hereby approves the purchase of the vacant lot, approves the donation of property to City Fields, Inc. and approves the sub-recipient agreement; and

**BE IS FURTHER RESOLVED** the Mayor is hereby authorized to execute any documents which may be necessary or appropriate to purchase the property and the transfer of the property to City Fields, Inc.

This 8th day of February, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-12 –** Authorizing the Mayor to sign contract amendment 1 with TDOT related to Resurfacing and Safety on Paul Huff Parkway and Stuart Road.

**RESOLUTION 2021-12**

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

**Project:** Resurfacing and Safety on Paul Huff Parkway N.W. and Stuart Road N.E.

Agreement Number: 200153
Project Identification Number: 130477.00
Federal Project #: STP-M-NH-9203(26)

State Project #: 06LPLM-F3-082

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached contract with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 8th day of February 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-13** – Authorizing the Mayor to sign a contract with Volkert, Inc for CEI Services related to 17th and 20th Sidewalk Project.

**RESOLUTION 2021-13**

**WHEREAS**, the City is proceeding with a project generally described as the Construction of Sidewalks, Drainage and Resurfacing of sections of 17th and 20th Streets, Federal Project #STP-M-9203(21), State Project #06LPLM-F3-036, PIN: 118870.00; and

**WHEREAS**, City staff have received an agreement from Volkert, Inc., a professional engineering firm with offices in Chattanooga, Tennessee, to provide construction engineering and inspection (CEI) services for this project, which agreement is attached hereto and incorporated herein by reference; and

**WHEREAS**, City staff are recommending that the City enter into this contract with Volkert, Inc. for these CEI services for this project; and

**WHEREAS**, the City Council desires to approve of this Contract with Volkert, Inc. for CEI services for this project and to authorize the Mayor to execute this Contract on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached Contract with Volkert, Inc. for CEI services the referenced project, and the City Council further authorizes the Mayor to execute this Contract with Volkert, Inc. on behalf of the City.

This 8th day of February 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-14** – Authorizing the Mayor to sign lease agreement between the City of Cleveland Board of Education and Lee University to lease green space for student recreational and intramural activities near Mayfield School.

**RESOLUTION 2021-14**

**WHEREAS**, the City of Cleveland is the titled owner of a parcel of land generally identified as the Mayfield School property, Tax Identification Number 050H-A-014.02; and

**WHEREAS**, the referenced property is titled in the name of the City of Cleveland for the use and benefit of the City of Cleveland Board of Education; and

**WHEREAS**, the property is under the day-to-day control of the Cleveland Board of Education; and

**WHEREAS**, the Cleveland Board of Education has been approached by Lee University about leasing the western portion of this property to be used by Lee University for green space for student recreational and intramural activities; and

**WHEREAS**, the maintenance and upkeep of this area of green space would be the responsibility of Lee University under the lease agreement; and

**WHEREAS**, the Cleveland Board of Education approved the attached lease agreement with Lee University for this property at the school board meeting held on February 1, 2021; and

**WHEREAS**, the Cleveland Board of Education is now requesting that the City Council approve of the Lease agreement because the City is the titled owner of the property; and

**WHEREAS**, the City Council desires to accept the recommendation of the Cleveland Board of Education and approve of this lease agreement with Lee University and to authorize the Mayor to execute the agreement 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 agreement with Lee University, Inc.

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

This 8th day of February 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Update** – HVAC Contract Extension

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **February 8, 2021**
**RE:** **Contract Extension – HVAC Service**

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**SUMMARY:**
Joe Bell (Bell Heating & Air) has agreed to extend the current contract for HVAC services for an additional two-year period.

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

**FISCAL ANALYSIS:**
Funds are available.

**RECOMMENDATION:**
Staff recommends approving the contract extension. The term will begin on March 1, 2021, and end February 28, 2023.

The motion to approve the consent agenda was seconded by Councilman Estes. Councilman Estes then stated he has an indirect conflict of interest as he is on the Board of City Fields and an employee of Lee University, which does not affect his vote. Upon roll call, the consent agenda unanimously passed.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May inquired about the start date on the 17th/20th Street Sidewalk project. Mr. Fivas stated today you are approving the CEI Services and should put us 45-days out from moving dirt. Secondly, Councilman May asked for the people who are not selected for the District 1 seat that a letter of appreciation be sent. Mr. Fivas stated yes, they will send something out tomorrow.

Councilman Webb inquired about the status of 3614 Crestwood Drive. Mr. Divel stated that was referred to Codes Enforcement. Mr. Fivas responded that the biggest issue is it is under bankruptcy and we are working with the bank. Councilman Webb stated yes, any help there and the neighborhood will be appreciative. Secondly, the intersection at Blackburn Road/APD40 could the area be reviewed for left turn signal off Blackburn Road onto APD40. Mr. Fivas responded staff was already in the process of studying the intersection and looking at different variables and options. Councilman Webb stated yes, that is a safety concern.

Vice Mayor Johnson stated he would like to further discuss with Mr. Fivas the left turn at South Ocoee and all congestion in the area. Mr. Fivas replied yes, he will contact him tomorrow.

Councilman Estes thanked everyone for taking the time to take them through the Summit. Being a visual person, seeing firsthand what is planned was very helpful.

Mayor Brooks also thanked staff for the Summit tour it was very helpful. Also, while looking down from the tall vista he noticed the TDOT sign is still in the parking lot in the front entrance of one of the homeowners there on Inman Street. We mentioned a few meetings ago that we would check since the State installed it but it is very large and very close from her residential entrance. He asked staff to follow up again with the State.

## NEW BUSINESS AND ORDINANCES

Councilman May moved to give city staff approval to start the Downtown Initiative Plan regarding marketing the Summit and improvements to Johnston Park. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-09 -** Granting approval to the Board of Public Utilities to institute eminent domain proceedings to acquire an easement for relocation of an overhead electric pole line as a part of the TDOT Highway 60 project.

**RESOLUTION 2021-09**

**WHEREAS**, the Board of Public Utilities of the City of Cleveland is in the process of relocating an existing 69/13 KV overhead electric pole line as part of the TDOT Highway 60 road widening project (TDOT Project No. 06009-2218-14, Federal No. NH-60(13), PIN # 101430.01); and

**WHEREAS**, a portion of the relocated overhead power line will run along and parallel to the Highway 60 road right-of-way on the property currently owned by Brandon Chad McKeel and Karen Elizabeth Wittum (See Deed Book 1455 Page 342) (Tax Map 033N, Group H, Parcel 002.00); and

**WHEREAS**, an electric power line easement across the referenced parcel is required for the relocation of the electric facilities and the completion of the TDOT road widening project; and

**WHEREAS,** the property owners have indicated that Cleveland Utilities will not be able to obtain the electric easement except through eminent domain; and

**WHEREAS**, pursuant to Section 2-304(b) of the Cleveland Municipal Code, the Board of Public Utilities has the right to exercise the rights of eminent domain, in the name of the City of Cleveland, by and with the consent of the City Council; and

**WHEREAS**, the Board of Public Utilities passed the attached Resolution at its meeting held on January 29, 2021; and

**WHEREAS**, the City Council of the City of Cleveland now desires to grant its consent to and approve of eminent domain proceedings against the property owners listed herein by the Board of Public Utilities in order to obtain the easement described herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City Council hereby consents to and grants approval to the Board of Public Utilities to institute eminent domain proceedings against the property owners listed herein in order to acquire the easement described herein.

**BE IT FURTHER RESOLVED** that the City Attorney or other attorney retained by Cleveland Utilities is hereby authorized to institute eminent domain proceedings in order to acquire the easement described herein.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Resolution 2021-09 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 2021-10** – Amending the Charter of the City of Cleveland pertaining to Article IV, Section 7, Vacancies.

**RESOLUTION 2021-10**

A RESOLUTION AMENDING THE CHARTER OF THE CITY OF CLEVELAND PERTAINING TO ARTICLE IV, SECTION 7, VACANCIES

WHEREAS, Article IV, Section 7 of the Cleveland City Charter sets forth the legal requirements and procedures for filling a vacancy on the City Council and the office of the Mayor; and

WHEREAS, the City Council believes that the public interest would be served by changing the time to fill a vacancy from the current time frame of thirty (30) days to sixty (60) days; and

WHEREAS, the City Council believes that the current City Charter provision should be clarified to state specifically that a vacancy must be declared at the next regular City Council meeting following the occurrence of any of the events described in the City Charter which create a vacancy; and

WHEREAS, the City Council of the City of Cleveland desire to amend this section of the City Charter to accomplish these two purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, in regular session assembled, this 8th day of February 2021, that the local legislative delegation is hereby requested to have prepared, introduced and passed a Private Act of the Tennessee General Assembly that amends the City Charter of the City of Cleveland, Tennessee, Article IV, Section 7, Vacancies, to read as follows:

Section 7. Vacancies. A vacancy shall exist, and the city council shall declare the same, by resolution, if the mayor or a council member either resigns, dies, moves their residence from the city or a respective councilmanic district, is convicted, of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, or fails to attend three (3) consecutive regular meetings of the city council without being excused by a majority vote of the city council present and voting. Abstentions shall be counted neither as a yes nor a no vote. Provided, however, that no member of the city council can resign his or her position for the purpose of being appointed to a longer term on the city council. **A vacancy shall be declared at the next regular meeting of the city council following the occurrence of an event which results in a vacancy.** Any vacancy in the city council or the office of mayor shall be filled by appointment made by the remaining members thereof, and the council member so appointed shall be a qualified resident of his or her respective councilmanic district for district positions or the City of Cleveland for the at large positions or the office of mayor and shall serve until the next general city election. The successor elected in the general city election shall serve the remainder of the unexpired term. In the event of the occurrence of any vacancy in the city council or the office of mayor which may, under the provisions of this section, be filled by appointment by the remaining council members, and such remaining council members shall fail or neglect to fill search vacancy within ~~**thirty (30)**~~ **sixty (60)** days of its occurrence, it shall be the duty of the election commissioners of Bradley County, upon certification of such facts to them by the mayor or any council member, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling search vacancy for the remainder of the unexpired term, provided such certification be made to the election commissioners for Bradley County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Hughes moved that Resolution 2021-10 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-04** – Amending Section 8-315 of the Municipal Code related to Certificates of Compliance for existing Liquor Stores.

**ORDINANCE 2021-04**

**AN ORDINANCE TO AMEND SECTION 8-315 OF THE CLEVELAND MUNICIPAL CODE RELATIVE TO CERTIFICATES OF COMPLIANCE FOR EXISTING LIQUOR STORES**

**WHEREAS, the City of Cleveland has nine (9) liquor stores currently in operation within the corporate limits of the City of Cleveland; and**

**WHEREAS. one of the owners of one of the local liquor stores, specifically Carey Robertson, has contacted the City about obtaining a new certificate of compliance due to a proposed change of ownership of the liquor store from a sole proprietorship to a two-member limited liability company consisting of her and her father, Tom Robertson; and**

**WHEREAS, the rules and regulations of the Tennessee Alcoholic Beverage Commission (TABC) would allow an existing liquor store permit holder that is already in business to apply for a new permit, such as Carey Robertson, with the TABC due to a change in ownership, but only after obtaining a new certificate of compliance from the local jurisdiction where the store is located; and**

**WHEREAS, the City Council desires to amend Section 8-315 of the Cleveland Municipal Code to add a new subsection to establish a process whereby an existing liquor store permit holder for a liquor store business that is already in existence may obtain a replacement certificate of compliance due to a proposed change in ownership, so long as the new owners meet all applicable requirements.**

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

SECTION 1: Section 8-315 of the Cleveland Municipal Code is amended by adding the following new subsection to be numbered 8-315(e):

8-315 (e) **Issuance of a replacement certificate of compliance for an existing liquor store due to a proposed change in ownership**

The owner(s) of a liquor store that is currently permitted by the State of Tennessee Alcoholic Beverage Commission and is currently in operation within the City of Cleveland may apply for a replacement certificate of compliance from the City of Cleveland if they proposed to change the ownership of the liquor store, provided they comply with the following requirements:

1. The owners must submit the application for the replacement certificate of compliance on a form provided by the City Clerk's office listing all of the new owner(s).
2. The owners must pay an application fee of $250 to the City of Cleveland.
3. The owners must comply with all of the applicable rules and regulations of the Tennessee Alcoholic Beverage Commission concerning the proposed change in ownership of the liquor store.

SECTION 2: Nothing in this subsection is intended to increase the number of liquor stores within the City of Cleveland.

SECTION 3. This ordinance shall take effect upon passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Ordinance 2021-04 be approved on first reading. The motion was seconded by Vice Mayor Johnson. Councilman Estes thanked Mr. Kimball for clarifying State Rules and Regulations concerning ownership of no more than 2 stores in the State. He then asked that the email correspondence be included in the minutes from Mr. Stepp. Upon roll call the unanimously passed.

**From:** John Kimball <KimballLawfirm@bellsouth.net>
**Date:** February 8, 2021 at 3:06:32 PM EST
**To:** Joshua Stepp <Joshua.Stepp@tn.gov>
**Subject: Re: [EXTERNAL] Question about liquor stores**

Thank you. Appreciate your help.
On Feb 8, 2021, at 2:58 PM, Joshua Stepp <Joshua.Stepp@tn.gov> wrote:

Aw, I get it now and sorry about that! No, they can't have interests in more than two stores anywhere in the state, whether they are all in the same city or in different cities. The only exception is that for almost two years (from summer 2014 to April 12, 2016) there was no limit on the number of stores in the state, so there were a few people (only two or three if I remember correctly) that had gotten a third store during that time and are grandfathered in, but that's the only exception. Also, in cases where a city only allows 2 or 3 stores, then a person can't have interests in more than one store in that city, though they could still have a second store in a different city. Below are the statutes on this. In (a)(3) this prohibits a person from having interests in more than half of the stores in a city, but due to the 2 store limit, then that really only has any effect when a city caps the number of stores to 2 or 3, because even if a city allowed 10 stores, then a person could still not own more than two stores in that city (or if the person already owned another store outside the city, then they could only get one store in the city, because the two store cap applies statewide).

57-3-406 (a)(2) Except as provided in this subsection (a), nothing shall prohibit the holder of a retail license from having more than one (1) retail license; provided, however, that the holder of a retail license shall not have more than two (2) retail licenses. If the commission has issued more than two (2) licenses to any person prior to April 12, 2016, such person shall be allowed to continue to have all such licenses and may renew all such licenses.
(3) In any municipality or county in which the issuance of two (2) or more retail licenses have been authorized under § 57-3-208(c), no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality or county.

Joshua Stepp | Commission Counsel
Tennessee Alcoholic Beverage Commission
Davy Crockett Tower, 3rd Floor
500 James Robertson Parkway, Nashville, TN 37243
p. 615-741-8916
Joshua.Stepp@tn.gov
tn.gov/abc

The following Ordinance was then presented in full:

- **Ordinance 2021-05** – To abandon several unopened rights-of-way located withing the block bounded by 4th Street Se, 6th Street SE, King Edwards Ave SE and Cincinnati Ave SE (Planning Commission: Approved 8-0; 1 absent).

**ORDINANCE 2021-05**

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 the northeast corner of the intersection of King Edward Avenue and an unopened portion of 5th street; thence south 42 degrees 41 minutes 46 seconds west, 438.04 feet to a point; thence north 35 degrees 11 minutes 3 seconds west, 150 feet to a point; thence south 42 degrees 41 minutes 46 seconds east, 20 feet to a point; thence south 35 degrees 11 minutes 3 seconds west, 150 feet to a point; thence south 42 degrees 41 minutes 46 seconds east, 287.28 feet to a point, said point being located in the southeast corner of the intersection of the unopened portion of 5th Street and Cincinnati Avenue; thence crossing the unopened right of way in a south westerly direction 15 feet to the southwest corner of the intersection of the unopened right of way of 5th Street and Cincinnati Avenue; thence north 42 degrees 41 minutes 46 seconds west, 288.96 feet to a point; thence south 50 degrees 14 minutes 14 seconds west, 153.64 feet to a point, said point being the south east corner of the intersection of an unopened right of way and 6th Street; thence in a northerly direction 20 feet to the northeast corner of the intersection of the unopened right of way and 6th Street; thence north 50 degrees 14 minutes 14 seconds east, 152.62 feet to a point; thence north 42 degrees 41 minutes 46 seconds west, 200.28 feet to a point; thence south 50 degrees 14 minutes 14 seconds west, 142.37 feet to a point, said point being the southeast corner of the intersection of 6th Street and an unopened alley; thence in a northerly direction 20 feet to the northeast corner of the intersection of 6th Street and on unopened alley; thence north 50 degrees 14 minutes 14 seconds east, 141.35 feet to a point; thence north 42 degrees 41 minutes 46 seconds west, 218.01 feet to a point, said point being the southwest corner of the intersection of King

Edward Avenue and the unopened section of 5th Street; thence in an easterly direction 20 feet to the point of beginning.

2. RETENTION OF EASMENTS: The City shall retain an easement to maintain access to public electric facilities as long as they remain in place.

3. AREA TO BE ZONED: The area hereby abandoned shall be understood as zoned in the same zoning district as the adjoining zone extending to the centerline of the abandoned right-of-way.

4. CONFLICTS AND SEVERABILITY: All ordinances in conflict herewith are repealed to the extent of said conflict. In the event that any part of this ordinance is ruled to be unlawful by a court of competent jurisdiction, all other parts of the ordinance shall remain in full force and effect.

5. EFFECTIVE DATE: this ordinance shall take effect from and after its passage on final reading and after the time that any parcel which does not currently have road frontage is re-platted to obtain the necessary frontage, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A

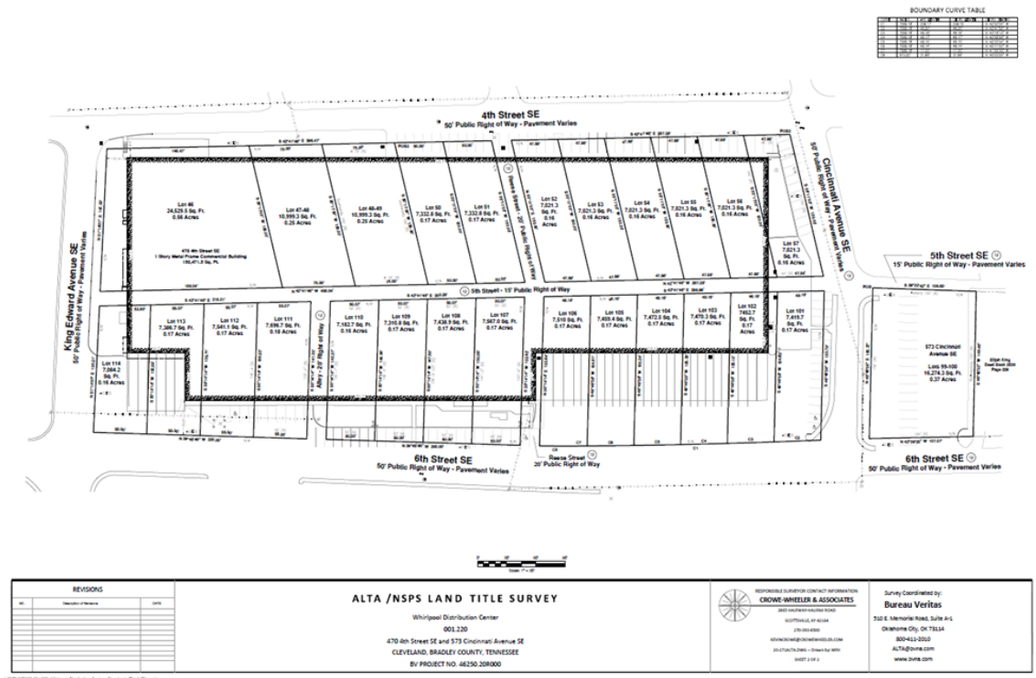
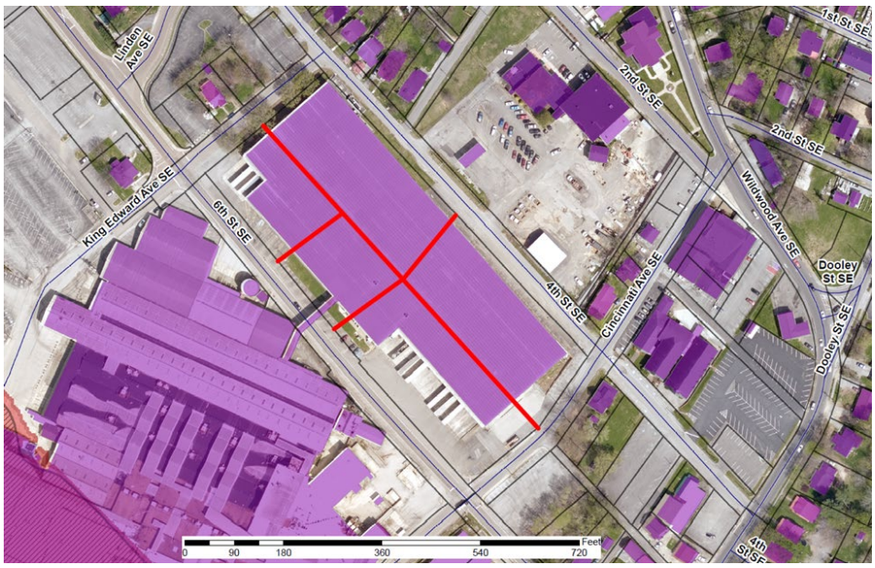


Exhibit B




Vice Mayor Johnson moved that Ordinance 2012-05 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Webb moved to approve the Cleveland Youth Advisory Council Program. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Mayor Brooks stated the next item is the appointment for the 1st District City Council position. Interviews were conducted during the Work Session for the eight applicants and now we need a motion to fill the unexpired term for District 1. Councilman Cassada stated the 1st District believed in somebody, voted for somebody and that somebody was Charlie McKenzie. Knowing Charlie and the situation he wanted Marsha to fulfill his unexpired term as she stated. Councilman Cassada then moved to honor Councilman McKenzie's request to Marsha and that Marsha McKenzie fill the vacancy of the 1st District seat for the rest of term. The motion was seconded by Councilman Webb. Vice Mayor Johnson stated he feels Ms. McKenzie will do us well. Councilman Cassada stated he would like to commend each applicant for offering to serve our City. Upon roll call, the motion was unanimously passed.

Mayor Brooks asked for a three-minute recess at 3:45 to prepare the Oath of Office.

Mayor Brooks called the meeting back to order at 3:48.

Mayor Brooks stated we all would like to thank each applicant for expressing interest in the 1st District seat. Councilman Estes thanked them for taking the time to apply and asked them all to stay involved. The whole process re-centers the Council as well to make Cleveland better. Councilman Cassada also thanked everyone for applying. He also encouraged them to stay involved and possibly run in two years. He is inspired to see this many people come forward from their district and want to be involved with their City. Councilman May echoed the comments and added it is wonderful that so many people want to be involved. Councilman Hughes thanked everyone for coming and the interest is appreciated. Get involved with committees and initiatives of Cleveland. Councilman Webb thanked everyone for stepping forward offering to serve. It is a commitment of time and effort. He is happy to see eight people step forward showing interest in their District. As Councilmembers, we need to hear from you, your issues and concerns. Vice Mayor Johnson thanked everyone for applying. You are all qualified and we appreciate you all stepping forward. Mayor Brooks thanked everyone as well and said he was once where they stood, putting himself forth and wanting to serve the City. He then announced the City Council has voted to appoint Marsha McKenzie to fill the remainder of the term for District 1.

Mayor Brooks then administered the Oath of Office to Ms. McKenzie and welcomed her to the City Council.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- City Offices will be closed Monday, February 15 in observance of Presidents' Day.
- The next City Council meeting will be held on Monday, February 22, 2021.

There being no future business the meeting was adjourned at 3:55 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
FEBRUARY 22, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 22, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 71, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, Vice Mayor Avery Johnson and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Executive Assistant; City Attorney John Kimball and Kris Miller, IT Director. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Micah Nicolaus with Broad Street United Methodist 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 February 8, 2021 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

Mr. Fivas stated two items have been added to the agenda under new business. First, a change order for the Blythe to Blythe Sidewalk Fencing project. Secondly, the RFP for 266 Inman Street.

## HEARING PETITIONS AND COMMUNICATIONS

There were none.

## CONSENT AGENDA

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

- **Final Passage - Ordinance 2021-04** – heretofore passed on first reading February 8, 2021 and found in Minute Book 30, Page 144; amending Section 8-315 of the Municipal Code related to Certificates of Compliance for existing Liquor Stores.
- **Final Passage - Ordinance 2021-05** – heretofore passed on first reading February 8, 2021 and found in Minute Book 30, Page 146; to abandon several unopened rights-of-way located within the block bounded by 4th Street Se, 6th Street SE, King Edwards Ave SE and Cincinnati Ave SE (Planning Commission: Approved 8-0; 1 absent).
- **Motion** – Approval of Greenway Pavilion/Stage Rental Fees/Agreement.

CLEVELAND
TENNESSEE

**City of Cleveland Parks and Recreation**

**Greenway pavilion/stage rental agreement**

- **If event size is more than 350 people, rental cost of Greenway Park is $1,000.00.**
  *setup-only days are $100

- If my event will be open the public, I agree to contact Peggy Hathcock for an event permit. (423) 479-1913 or phathcock@clevelandtn.gov

- Stage equipment pricing for events less than 350 people (initial next to your choice):
  - $100 stage fee (per day) – I will bring my own equipment _____
  - $300 stage equipment fee (6 hours or less) – I will use the City's equipment _____
  - $600 stage equipment fee (all day) – I will use the City's equipment _____

- If expected event size is more than 350 people per day, the City of Cleveland will provide an adequate number of portable toilets (standard and ADA units) for the patrons of my event.

- I agree to provide an adequate number of trash receptacles for my event. Parks and Rec personnel will be onsite periodically to empty trash receptacles.

- No food trucks are allowed on the grass.

- The City of Cleveland Parks department does not provide electricity for anything other than the sound equipment on the stage. Vendors will need to bring their own generators.

- The City of Cleveland Parks department does not provide water (for bounce houses, rides, event displays, etc). Foam machines are not allowed.

- It is the permit holder's responsibility to return the park to the condition it was in prior to the permitted event. This includes removal of temporary event signage. All damage evident on premises after event will be considered to have resulted from event and I agree to forfeit my $500 event permit deposit.

_____ _____

Applicant Date

For rental date(s):_____

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

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes asked for everyone to remember his nephew who was being sent to Tennova for Covid and pneumonia. Secondly, Cleveland has been a Tree City for twenty-nine years. The last year has been difficult due to Covid and played a part in the Tree Board not doing things they usually do, like Arbor Day. Dan Hartman has done wonderful work with the Tree Board and congratulations to Dan for leading us to thirty years as a Tree City.

Councilman Webb stated he had additional addresses for Mr. Fivas concerning litter in the rights-of-way. Mr. Fivas stated yes, he will reach out to our contact with Bradley County and implement ideas that we can. Secondly, he has received numerous calls concerning the lights at the pickleball courts and asked for an update. Councilman Hughes added at one time we applied for a grant to help with the lighting. Mr. Fivas replied unfortunately, we were not successful in receiving the grant. He has spoken with several Councilmembers and it appears lighting is a high priority. The pickleball courts are complete and phase 2 was the lighting portion. We can obtain

options, like Cleveland Utilities, bidding now and see what the cost is and give options on how to pay for it. It can be fast-tracked to see the cost and that can be started this week. Councilman May stated he believes the entire Council received calls concerning the lighting. They are concerned with summertime. We are always trying to meet a deadline or fast-track something. Councilman Cassada stated he would like to add it to new business. Mr. Fivas stated yes, we will start the process this week and it would take a few weeks to receive those back, so possibly the March 22 meeting. Councilman Webb added at that time we can move into the decision on how to fund it. Mr. Fivas stated yes.

Vice Mayor Johnson stated he received several calls as well concerning the pickleball courts and anything we can do to help move the project along.

Councilwoman McKenzie thanked the City Council for the confidence in her to join the Council. She then commended the car lot on South Lee Highway that is cleaning up the area and improving the area. Also, the new businesses that have built along South Lee Highway. She is glad to see it growing and getting better. Secondly, the Christmas lights this year were very nice and adds an inviting atmosphere.

Councilman Estes stated the trees in the buffer zone at Avery Johnson Park that Dan Hartman chose, look great. It adds so much. Mr. Hartman came to his house to look at some trees and told him he needed to apply for Tree Sanctuary. If you have ten unique trees in your yard you can apply to the Tennessee Urban Forestry Counsel to become a Tree Sanctuary. It would be good for the public to be aware and something they can be apart of. Next, CDBG has been awarded additional funds and Cathy Andrews will be presenting a plan of service before us soon. If you have ideas, city-wide, please let staff know. Third, with the Build our Future, we have soccer being played at several parks, but it is more than Greater Cleveland Soccer Association, there is a whole soccer community. He asked that they are kept in mind when discussing facilities. Lastly, he appreciates the email updates on codes and traffic in the Historic District.

Councilman Cassada stated he had emailed the Councilmembers concerning sidewalks and how to connect the communities together. We have people walking down Georgetown Road, which is unsafe. This is not an overnight fix but would like to see a six to seven-year plan put in place to earmark funds to set aside for sidewalks. We need to be proactive concerning sidewalks and we need to enforce our existing sidewalk provisions. Councilman Estes added give our Planning Department courage to enforce provisions in PUDs. Councilman Cassada continued this isn't a quick fix but we need a plan, even up to ten years. Secondly, Commissioner Tim Mason with Bradley County Sheriff's Department is a good connection for litter pickup. Third, he appreciates the pickleball lighting discussion. Lastly, the Museum. He is on the Board and it has been brought to his attention today that they are having issues. He asked if a committee could be formed to help develop a plan with the air conditioning and roof issues. Covid has really put them in a bad position. He would like Mr. Fivas, Mr. McKay, Councilman May, and himself on the committee to look and help them develop a plan and possibly step-up and help. Councilman May stated we have helped them, in several ways. Mr. Fivas stated he would suggest himself, Bryan Turner, Mr. McKay and Councilman Cassada try to work something out. Councilman Cassada stated he would like to bring something back before the Council. Councilman Estes stated at one time he was on the Board. It's not just what can we do about the roof. We don't need to send good money after bad. This is not just one-time. We fix it, we can either take control of it, we purchase it, there are too many things that you are not bringing up here that we have done for them. Councilman Cassada stated he feels they are turning a curve. They are looking at lighting right now. Councilman Estes stated they need to open their books and let us see all this, as he wasn't convenience. As a member of the Board, you see that monthly. Councilman Cassada replied yes, but he sees a turn somewhat where they are at. Ms. Rymer, a founding body of the museum, is not willing to put money into it, due to mismanagement but has offered to provide to pay for a consultant and let the museum know what they need to do to get on the right track. They are not where they need to be, but they are

trying to be more efficient and get on the right path. Mr. Fivas stated the study group can look at short-and long-term fixes. Councilman Cassada agreed and bring the books and the consultant's recommendation. Not sure what to do about the roof leaking but they have cut staff and Ms. Rymer has stepped in as Director.

Councilman May inquired about the status of the burnt building on Worth Street. Mr. Fivas stated the building is in bankruptcy and at one time there was an interested buyer, so the city backed off. Now, staff is working with the estate administrator and we will start in a direction as far as we can't wait anymore. Councilman May added he understands some homeless people are there and it is not a safe structure for them.

## NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

### ORDINANCE 2021-06

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2020-2021 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 2020-2021 be amended according to the attached amendment.

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

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| GENERAL FUND | | | | |
| Tax Revenues: | 41,700,000 | 41,775,000 | 75,000 | In Lieu of Tax |
| Licenses & permits: | 1,283,300 | 1,283,300 | 0 | |
| Intergovernmental: | 5,137,800 | 5,182,800 | 45,000 | State Highway Grant |
| Charges for services: | 1,035,600 | 1,045,660 | 10,060 | Contracted Svcs-CPD |
| Fines & forfeits: | 637,700 | 450,200 | (187,500) | Traffic/Parking Fines |
| Interest income: | 225,000 | 30,000 | (195,000) | Decrease Interest Income |
| Miscellaneous: | 46,500 | 862,023 | 815,523 | Cares, Misc Insur Reimb |
| Public Enterprise Revenue: | 303,500 | 303,500 | 0 | |
| Subtotal | 50,369,400 | 50,932,483 | 563,083 | |
| | | | | |
| Other Funding Sources: | 2,923,806 | 2,923,806 | 0 | |
| Total revenues | 53,293,206 | 53,856,289 | 563,083 | |
| | | | | |
| Legis. & Judicial | 465,230 | 465,233 | 3 | Work Session |
| Administration | 858,100 | 828,779 | (29,321) | Salaries, EAP |
| Codes Enforcement | 259,200 | 259,200 | 0 | |
| Fleet | 738,200 | 738,200 | 0 | |
| Forestry & Landscaping | 805,600 | 818,446 | 12,846 | Donations |
| Jetport | 265,050 | 321,050 | 56,000 | Contracted Svcs-North Development |
| Human Resources | 412,769 | 422,494 | 9,725 | EAP |
| Finance | 1,311,250 | 1,311,250 | 0 | |
| Information Technology | 921,000 | 921,000 | 0 | |
| Development & Engineering | 1,644,400 | 1,649,100 | 4,700 | Office Exp |
| Police | 11,696,680 | 11,798,047 | 101,367 | Extra Duty Contracted Svcs, Equipment |
| Animal Control | 595,810 | 595,810 | 0 | |
| Fire | 10,890,900 | 10,897,408 | 6,508 | Various Donations |
| PW Operations | 2,661,150 | 2,677,280 | 16,130 | Paving Materials |
| Street Lighting & Signals | 1,623,500 | 1,623,500 | 0 | |
| Parks & Recr. | 1,152,050 | 1,211,692 | 59,642 | Waterville, Donations |
| College Hill Rec Center | 460,600 | 460,600 | 0 | |
| Cleveland Comm Center | 422,400 | 422,400 | 0 | |
| Tinsley Park | 368,500 | 318,500 | (50,000) | Salaries |
| Appropriations | 1,358,900 | 1,363,900 | 5,000 | Main Street Projects |
| Subtotal: | 38,911,289 | 39,103,889 | 192,600 | |
| | | | | |
| Transfers | 14,340,325 | 14,740,325 | 400,000 | Insurance Trust Acct. |
| Total expenditures | 53,251,614 | 53,844,214 | 592,600 | |
| | | | | |
| Increase (use) of fund balance | 41,592 | 12,075 | (29,517) | |

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| ***SPECIAL REVENUE FUNDS:*** | | | | |
| **Solid Waste Mgmt. Fund** | | | | |
| Revenues | 2,882,000 | 2,872,000 | (10,000) | Decrease Interest |
| Transfers from Other Funds | 950,000 | 950,000 | 0 | |
| Total Rev. & Transfers In | 3,832,000 | 3,822,000 | (10,000) | |
| Expenditures | 3,931,750 | 4,078,455 | 146,705 | Equipment |
| Increase (Use) of Fund Balance: | (99,750) | (256,455) | (156,705) | |
| **State Street Aid Fund** | | | | |
| Revenues | 1,440,000 | 1,430,000 | (10,000) | Decrease Interest |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev. & Transfers In | 1,440,000 | 1,430,000 | (10,000) | |
| Expenditures | 1,202,853 | 1,302,853 | 100,000 | Equipment |
| Transfers Out | 0 | 0 | 0 | |
| Total Expenditures & Transfers: | 1,202,853 | 1,302,853 | 100,000 | |
| Increase (Use) of Fund Balance: | 237,147 | 127,147 | (110,000) | |
| **Cleveland Public Library Fund** | | | | |
| Revenues | 793,600 | 793,600 | 0 | |
| Transfers from Other Funds | 673,600 | 673,600 | 0 | |
| Total Rev. & Transfers In | 1,467,200 | 1,467,200 | 0 | |
| Expenditures | 1,480,700 | 1,480,700 | 0 | |
| Increase (Use) of Fund Balance: | (13,500) | (13,500) | 0 | |

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| **Drug Enforcement Trust Fund** | | | | |
| Revenues | 9,600 | 23,600 | 14,000 | Fines |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev., Transfers & Other Fin. | 9,600 | 23,600 | 14,000 | |
| Expenditures | 18,600 | 28,600 | 10,000 | Seized Vehicle |
| Increase (Use) of Fund Balance: | (9,000) | (5,000) | 4,000 | |
| **E-Ticketing Grant** | | | | |
| Revenues | 0 | 0 | 0 | |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev., Transfers & Other Fin. | 0 | 0 | 0 | |
| Expenditures | 0 | 26,786 | 26,786 | Materials-CPD/Court |
| Increase (Use) of Fund Balance: | 0 | (26,786) | (26,786) | |

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| **Community Dev. Block Grant** | | | | |
| Revenues | 739,000 | 1,088,621 | 349,621 | Carryover Funds, COVID Funds |
| Transfers from Other Funds | 30,000 | 30,000 | 0 | |
| Total Rev., Transfers & Other Fin. | 769,000 | 1,118,621 | 349,621 | |
| Expenditures | 375,000 | 1,098,578 | 723,578 | Carryover Projects |
| Increase (Use) of Fund Balance: | 394,000 | 20,043 | (373,957) | |
| **MPO Fund** | | | | |
| Revenues | 178,100 | 178,100 | 0 | |
| Transfers from Other Funds | 44,500 | 44,500 | 0 | |
| Total Rev., Transfers & Other Fin. | 222,600 | 222,600 | 0 | |
| Expenditures | 299,800 | 299,800 | 0 | |
| Increase of Fund Balance: | (77,200) | (77,200) | 0 | |

| | City of Cleveland, Tennessee<br>FY2021 Budget Amendment - Feb. 2021 | | | |
|---|---|---|---|---|
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| **School Food Service Fund** | | | | |
| Revenues | 3,849,320 | 3,849,320 | 0 | |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev. & Transfers In | 3,849,320 | 3,849,320 | 0 | |
| Expenditures | 3,849,320 | 3,849,320 | 0 | |
| Transfer to Other Funds | 0 | 0 | 0 | |
| Total Expenditures & Transfers: | 3,849,320 | 3,849,320 | 0 | |
| Increase (Use) of Fund Balance: | 0 | 0 | 0 | |
| **School General Fund** | | | | |
| Revenues | 45,024,913 | 45,024,913 | 0 | |
| Transfers from Other Funds | 5,432,000 | 5,432,000 | 0 | |
| Total Rev. & Transfers In | 50,456,913 | 50,456,913 | 0 | |
| Expenditures | 50,385,394 | 50,385,394 | 0 | |
| Transfer to Other Funds | 555,519 | 555,519 | 0 | |
| Total Expenditures & Transfers: | 50,940,913 | 50,940,913 | 0 | |
| Increase (use) of Fund Balance: | (484,000) | (484,000) | 0 | |

| | City of Cleveland, Tennessee<br>FY2021 Budget Amendment - Feb. 2021 | | | |
|---|---|---|---|---|
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| ***CAPITAL OUTLAY FUNDS:*** | | | | |
| **Capital Improv. Program Fund** | | | | |
| Revenues | 0 | 10,436,983 | 10,436,983 | FY20 Carryover - various projects |
| Transfers & Other Fin. | 1,450,000 | 1,450,000 | 0 | |
| Total Rev., Transfers & Other Fin. | 1,450,000 | 11,886,983 | 10,436,983 | |
| Expenditures | 1,450,000 | 16,415,082 | 14,965,082 | FY20 Carryover - various projects |
| Transfers to Other Funds | 0 | 0 | 0 | |
| Total Expenditures & Other Uses | 1,450,000 | 16,415,082 | 14,965,082 | |
| Increase (Use) of Fund Balance: | 0 | (4,528,099) | (4,528,099) | |
| **Sales Tax Capital Projects Fund** | | | | |
| Revenues | 4,088,000 | 4,160,000 | 72,000 | Increase Revenue Est. |
| Total Rev., Transfers & Other Fin. | 4,088,000 | 4,160,000 | 72,000 | |
| Expenditures | 3,816,000 | 7,423,909 | 3,607,909 | FY20 Carryover - various projects |
| Total Expenditures & Other Uses | 3,816,000 | 7,423,909 | 3,607,909 | |
| Increase (Use) of Fund Balance: | 272,000 | (3,263,909) | (3,535,909) | |
| **THDA Home Grant** | | | | |
| Revenues | 0 | 252,942 | 252,942 | FY20 Carrover |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev. & Transfers In | 0 | 252,942 | 252,942 | |
| Expenditures | 0 | 252,942 | 252,942 | FY20 Carryover |
| Increase (Use) of Fund Balance: | 0 | 0 | 0 | |

| | City of Cleveland, Tennessee<br>FY2021 Budget Amendment - Feb. 2021 | | | |
|---|---|---|---|---|
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| **Blythe Diabetes Grant** | | | | |
| Revenues | 0 | 150,000 | 150,000 | Grant - Yr 2 |
| Total Rev., Transfers & Other Fin. | 0 | 150,000 | 150,000 | |
| Expenditures | 0 | 150,000 | 150,000 | Sidewalk Improvements |
| Transfer to Other Funds | 0 | 0 | | |
| Total Expenditures & Other Uses | 0 | 150,000 | 150,000 | |
| Increase (Use) of Fund Balance: | 0 | 0 | 0 | |
| **CCS Capital Funds** | | | | |
| Revenues | 0 | 3,235,237 | 3,235,237 | Bond Proceeds |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev., Transfers & Other Fin.. | 0 | 3,235,237 | 3,235,237 | |
| Expenditures | 0 | 0 | 0 | |
| Increase (Use) of Fund Balance: | 0 | 3,235,237 | 3,235,237 | |

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| ***Internal ServiceFunds:*** | | | | |
| **Health Insurance Trust Fund** | | | | |
| Revenues | 5,009,533 | 5,009,533 | 0 | |
| Transfers from Other Funds | 0 | 450,000 | 450,000 | General Fund Tfr |
| Total Rev., Transfers & Other Fin.. | 5,009,533 | 5,459,533 | 450,000 | |
| Expenditures | 4,647,774 | 4,647,774 | 0 | |
| Increase (Use) of Fund Balance: | 361,759 | 811,759 | 450,000 | |
| ***Debt Service Fund:*** | | | | |
| Revenues | 221,400 | 168,270 | (53,130) | Decrease Interest |
| Transfers and Other Fin. | 9,548,297 | 10,586,328 | 1,038,031 | Refunding |
| Total Rev., Transfers & Other Fin.. | 9,769,697 | 10,754,598 | 984,901 | |
| Expenditures | 10,279,456 | 11,011,416 | 731,960 | Refunding |
| Increase (Use) of Fund Balance: | (509,759) | (256,818) | 252,941 | |
| ***Enterprise Funds:*** | | | | |
| **Storm Water Management Fund** | | | | |
| Revenues | 1,622,700 | 1,622,700 | 0 | |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev., Transfers & Other Fin.. | 1,622,700 | 1,622,700 | 0 | |
| Expenditures | 1,394,910 | 2,299,571 | 904,661 | Drainage-Candles Lane, Peerless & 25th |
| Increase (Use) of Fund Balance: | 227,790 | (676,871) | (904,661) | |

| | City of Cleveland, Tennessee | | | |
|---|---|---|---|---|
| | FY2021 Budget Amendment - Feb. 2021 | | | |
| | ORIGINAL BUDGET | February 2021 Amendment | INCREASE (DECREASE) | EXPLANATION |
| ***Fiduciary Funds:*** | | | | |
| **Meller Estate/Animal Shelter Trust Fund** | | | | |
| Revenues | 500 | 500 | 0 | |
| Transfers from Other Funds | 0 | 0 | 0 | |
| Total Rev., Transfers & Other Fin.. | 500 | 500 | 0 | |
| Expenditures | 0 | 0 | 0 | |
| Increase (Use) of Fund Balance: | 500 | 500 | 0 | |

Councilman Webb moved that Ordinance 2021-06 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman May moved to approve change order #1 with East TN Construction Services, Inc. for the Blythe to Blythe Sidewalk Fence project, increasing the contract amount $4,623 to upgrade the fence gate opening system specified in the bid specifications. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mr. Fivas stated staff is working to develop a Request for Proposals for the potential ability to move the property into a private development hands and the best way is to open it up for everyone through the RFP process. We have draft language that we are still tweaking. We are not asking the Council to approve it at this time, but we are asking that once we have a finalized version of the RFP then we can start advertising, if you allow us to move forward. Councilman May moved to declare 266 Inman Street surplus property and to allow staff to move forward with the process of advertising, once the RFP is finalized. The motion was seconded by Councilman Estes. Councilman Estes then stated he loved the RFP, that we are getting quotes for the asbestos, but what if we do not get three quotes. Mr. Fivas stated yes, we probably need to tweak it some, possibly just two quotes. Councilman Estes stated yes this is packaged very well. Upon roll call, the motion unanimously passed.

Councilman Cassada moved to fast-track bids for lighting at the Pickleball Courts and report back at the March 22 meeting. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, March 8, 2021.

There being no future business the meeting was adjourned at 3:45 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MARCH 8, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 8, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 78, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, Vice Mayor Avery Johnson and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Executive Assistant; City Attorney John Kimball and Kris Miller, IT Director; Doug Berry with the Chamber of Commerce; Robert Varnell, Transportation Coordinator; Jonathan Jobe, Development and Engineering Director and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Jennifer Newell with First Cumberland Presbyterian 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 February 22, 2021 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 Hughes thanked Pastor Newell and her congregation for the terrific renovation done on the church. He stopped and marveled at the addition to the downtown area.

Mayor Brooks presented the following proclamation to Pastor Newell.

"FIRST CUMBERLAND PRESBYTERIAN CHURCH"

Whereas, the Cumberland Presbyterian denomination was born on February 2, 1820; the first congregation is founded at the Bradley County Log Courthouse in 1837; first building on Euclid Avenue in 1840, then moved to present location of 2nd and Church, in 1956 the existing building was completed, and . . . .

Whereas, the current construction project is a culmination of decades of worries, prayers, plans and dreams and a huge donation in 2007 from the estate of Paul and Juanita Hayes which included 20 acres on Paul Huff Parkway, this property was sold enabling the church to build a new building in the present location and look for ways to love their neighbors right here and now in downtown Cleveland; and . . . .

Whereas, The Caring Place, Habitat, City Fields, New Life Community Kitchen, United Way, Salvation Army, Volunteer Behavioral Health and many more helping improve life for our downtown neighbors, we are helping them do it. In addition the Church has an in-house ministry to help with needs those other entities cannot provide; and. . . .

Whereas, the current project started in 2019 at a cost of $2 million which is fully covered by the money from the sale of the land on Paul Huff, using local companies and local personnel such as Associated Architects, Pro Builders, nearly all subcontractors are Bradley County companies and furniture from Stampers and Joe Rodgers and Creative Customs framing old pictures; the stone for the new addition is from the same quarry as the stone in the existing building,

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland and on behalf of the City Council, do hereby recognize the accomplishments of the First Cumberland Presbyterian Church over the years and commend them for choosing to remain downtown and join many friends and neighbors to make and keep Cleveland "The City with Spirit", and also commend Pastor Jennifer Newell for and outstanding job moving the church forward.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 56.5 acres located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) and a resolution to adopt a Plan of Service for the annexation area (Planning Commission: Approved 6-0; 3 absent). Mayor Brooks asked if anyone would like to speak in favor of the annexation and plan of service. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the annexation and plan of service. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 56.5 acres of a portion of property located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) from the unincorporated county to B Buffer Zoning District (Planning Commission: Approved 6-0; 3 absent). Mayor Brooks asked if anyone would like to speak in favor of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 23.25 acres located on North Lee Highway (Tax Map 34 Parcel 25.00) and a resolution to adopt a Plan of Service for the annexation area (Planning Commission: Approved 6-0; 1 recused; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the annexation and plan of service. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the annexation and plan of service. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 20.4 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to PUD27 Planned Unit Development Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 2.9 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to CH Commercial Highway Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks reappointed to the Planning Commission – Ben Berry for an additional term to expire January 2024.

## CONSENT AGENDA

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

- **Final Passage – Ordinance 2021-06** – heretofore passed on first reading February 22, 2021 and found in Minute Book 30, Page 153; FY2021 Budget Amendments.
- **Resolution 2021-19** - Approving of a Subordination agreement relating to the CDBG down payment assistance program.

## RESOLUTION 2021-19

**WHEREAS**, the City of Cleveland, through its Community Development Department, participates in the CDBG Down Payment Assistance Program (hereafter "the Program") and provides community development block grant funds to a person or family of low or very-low income as defined in the Program regulations to be used for down payment assistance; and

**WHEREAS,** the City of Cleveland has previously provided funding through the Program for down payment assistance to Melanie Brubaker (now Melanie Minay) at 1203 Blythe Avenue SE Cleveland, Tennessee 37311 (hereafter "the property"); and

**WHEREAS**, this down payment assistance loan is secured by a Deed of Trust on the property recorded in the Register of Deeds office of Bradley County, Tennessee, which Deed of Trust is subordinate to a primary Deed of Trust on the property in favor of United Community Bank; and

**WHEREAS**, the City's Community Development Grant Coordinator has been contacted by Melanie Brubaker about the possibility of her refinancing her first mortgage on the subject property in order to lower her interest rate; and

**WHEREAS**, United Community Bank has requested that the City of Cleveland execute the attached subordination agreement in connection with said refinancing by Melanie Brubaker (now Melanie Minay); and

**WHEREAS,** the Community Development Coordinator has attached a memo to the City Council recommending that the City Council approve of the subordination agreement; and

**WHEREAS**, the City Council desires to approve the attached subordination agreement 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 subordination agreement, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 8th day of March 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-20** – Approving a PILOT agreement with Cannon Automotive Solutions.

**RESOLUTION 2021-20**

**A RESOLUTION APPROVING A PAYMENT-IN-LIEU-OF TAXES (PILOT) SCHEDULE AND DELEGATING AUTHORITY TO ENTER INTO A PILOT AGREEMENT**

**WHEREAS**, he Industrial Development Board of the County of Bradley and the City of Cleveland, Tennessee (the "Board") has recommended a Payment-In-Lieu-Of-Taxes ("PILOT") schedule for Cannon Automotive Solutions – Bowling Green, Inc. (the "Company") which has acquired certain property within the City of Cleveland, Bradley County, Tennessee, the construction of real improvements thereon, and the acquisition and installation of certain machinery, equipment and other personal property for use as manufacturing, warehouse, distribution, and related facilities in Bradley County, Tennessee with a capital investment of approximately (but not limited to) [$75,000,000] (the "Project");

**WHEREAS**, the Project is anticipated to result in the creation of 185 new full-time positions;

**WHEREAS**, the Company has requested that all real and personal property acquired in connection with the Project (collectively, the "Property") qualify for an arrangement (the "PILOT Arrangement") whereby the Property shall be exempt from all ad valorem property taxes otherwise due thereon (collectively, "property taxes"), and in lieu of the property taxes, the Companies shall be required to make annual payments in lieu of taxes equal to (i) 62.5% of the property taxes otherwise due on the portion of the Property constituting real property during the ten-year period commencing on January 1, 2022 and ending on December 31, 2031 and (ii) the following payment schedule on the Property constituting personal property during the six-year period commencing on January 1, 2022 and ending on December 31, 2027:

Year 1 (2022) = 22.7273%
Year 2 (2023) = 26.6667%
Year 3 (2024) = 31.7460%
Year 4 (2025) = 40.0000%
Year 5 (2026) = 52.6316%
Year 6 (2027) = 80.0000%

with such percentage in a given year being the percentage applied to the property taxes otherwise due on the portion of the Property constituting personal property as depreciated, the intent of which is to tax the personal property in an amount equal to the personal property taxes otherwise due if the personal property is appraised at 20% of the acquisition value and taxed at the full tax rate for the portion of the Property constituting personal property;

**WHEREAS**, the Board has determined that, notwithstanding the PILOT Arrangement, the Project will result in the payment of in lieu of tax payments to the City of Cleveland, Tennessee and Bradley County, Tennessee in an estimated amount of $2,101,200.00 over the term of the PILOT arrangement; and

**WHEREAS**, the City of Cleveland, Tennessee (the "City") has determined that the proposed PILOT Arrangement is fair, reasonable, and necessary for the continued economic development of Bradley County and that the payments in lieu of taxes derived from the PILOT Arrangement would be in furtherance of the Board's purposes.

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

Section 1. The City hereby agrees to the PILOT Arrangement and hereby delegates the power and authority to the Board to negotiate a PILOT agreement with the Company to reflect the parties' respective rights and obligations in accordance with the PILOT Arrangement.

Section 2. The City hereby authorizes the Mayor to execute any and all documents necessary for the successful completion of the Project, including but not limited to, all documents related to the PILOT Arrangement.

Section 3. This Resolution shall become effective upon its adoption.

Adopted this 8th day of March, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Report** – Laundry & Dry Cleaning Services; extending the contract with Champion Cleaners for an additional two-years [April 1, 2021 to March 30, 2023].

- **Bid Report** – Mouse Creek Road Drainage Project

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **March 8, 2021**
**RE:** **Bid Summary – Mouse Creek Road Drainage Project**

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**SUMMARY:**
The City advertised to accept sealed bids on March 2, 2021, for the Mouse Creek Road Drainage project. No bids were received.

**COMMITTEE FINDINGS**:
None.

**FISCAL ANALYSIS:**
None.

**RECOMMENDATION:**
Staff will revise the scope of the project and readvertise for bids.

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

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Webb inquired about the status of the census. Mr. Fivas replied no certain information has been provided due to a delay within the federal government but we will make an attempt to reach out.

Councilman Cassada recognized the Fire Department for their quick response to the fire at the Whitewater Lodge. Secondly, he asked for an update on the Pickleball Court lighting project. Mr. Fivas stated the lighting design specs had to be re-evaluated, advertising for materials only will go out and we should have a report on the April 12 agenda. Lastly, at the last meeting he discussed a possible city-wide sidewalk project. He understands that staff has already been working on a plan. He would like to have a 10-year plan, like our current paving list and possibly have something in the budget to move forward.

Councilman May thanked Mr. Fivas and staff for the projects currently happening in Cleveland. It seems like the projects we start, bring on new projects. He is enthused. Secondly, Public Works. The crews tore down the buildings along 1st Street SW as a part of the Army Corps project in record time. They do a great job and looking forward to some greenspace in the area.

Councilman Hughes stated he is also proud of what the City is doing, with the staff, Mayor and Council working together makes a great team. During this pandemic, we are doing well. Secondly, Cleveland High won the State Wrestling Championship. He spoke to the Athletic Director David Turner to find out when the team can come for congratulations. Also, the Bradley Bearettes, won the Sub-State on Saturday and heading back to Murfreesboro for the finals. The Lee Lady Flames team came in second this year at the Gulf Coast Championship and are in the National Championship.

Mayor Brooks stated the Pilot agreement with Cannon Automotive Solutions, which the Council just approved, is a game changer. He then thanked Doug Berry for his hard work on the project during this pandemic. Also, he encouraged everyone to tour the new Veterans Home. It is 108,000 square feet, 108 new beds. The scope of the property is unimaginable. He is thankful for the project and the construction workers. Lastly, the new Cleveland State Community College Health and Science Building was opened on Friday with Governor Lee in attendance. It is an amazing addition to their campus.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2021-15 -** Adopting a Plan of Service for the annexation area of about 56.5 acres located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) (Planning Commission: Approved 6-0; 3 absent).

### RESOLUTION 2021-15

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

### MOUSE CREEK RD- SOCCER COMPLEX PROPERTY ANNEXATION AREA

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on March 8, 2021 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 where the common dividing between sections 28 and 33 intersect the center line of Mouse Creek Road at the Northwest corner of the land herein described; thence South 66 degrees 13 minutes East along the common dividing line between Sections 28 and 33, 1343.2 feet marking the Northeast corner of the land herein described; thence South 23 degrees47 minutes West, 200 feet to the center of Mouse Creek; thence in a Southerly and thence Eastwardly and thence Southwardly and thence Southwesterly direction up the center of Mouse Creek, 1900 feet to a point marking the Southeast corner of the land herein described; thence North 66 degrees 13 minutes West, 2230 feet to the center of Mouse Creek Road, said point marking the Southwest corner of the land herein described; thence up the center of said road North 42 degrees 49 minutes East, 677.7 feet; North 40 degrees 30 minutes East, 696.7 feet; North 37 degrees 14 minutes East, 146 feet to the place of beginning, the above described property being annexed into the City of Cleveland minus the front portion already included inside the City Limits.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**FEBRUARY 11, 2021**
**MOUSE CREEK RD- SOCCER COMPLEX PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 56.5 acres located on North Lee Hwy 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 2021.

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

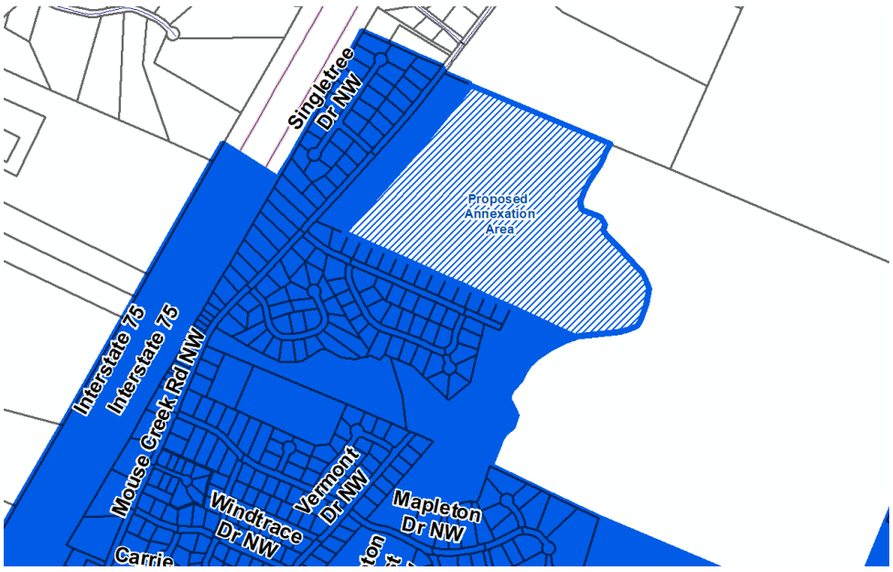
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. The front 200' along Mouse Creek Rd is currently within of Cleveland and the annexation would encompass the entire parcel which is the site of the Greater Cleveland Soccer Complex. No changes to the site are anticipated at this time. The property is described as a portion of Tax Map 27 Parcel 7.01.

**MOUSE CREEK RD- SOCCER COMPLEX PROPERTY MAP**




**Legal Description**

Beginning where the common dividing between sections 28 and 33 intersect the center line of Mouse Creek Road at the Northwest corner of the land herein described; thence South 66 degrees 13 minutes East along the common dividing line between Sections 28 and 33, 1343.2 feet marking the Northeast corner of the land herein described; thence South 23 degrees47 minutes West, 200 feet to the center of Mouse Creek; thence in a Southerly and thence Eastwardly and thence Southwardly and thence Southwesterly direction up the center of Mouse Creek, 1900 feet to a point marking the Southeast

corner of the land herein described; thence North 66 degrees 13 minutes West, 2230 feet to the center of Mouse Creek Road, said point marking the Southwest corner of the land herein described; thence up the center of said road North 42 degrees 49 minutes East, 677.7 feet; North 40 degrees 30 minutes East, 696.7 feet; North 37 degrees 14 minutes East, 146 feet to the place of beginning, the above described property being annexed into the City of Cleveland minus the front portion already included inside the City Limits.

## 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 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

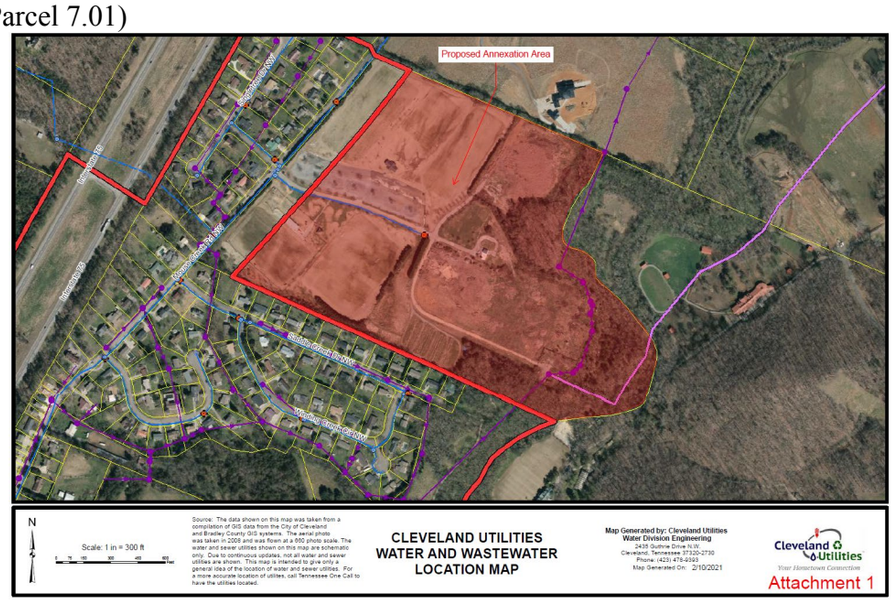
A. Domestic Water--- Domestic water service is available to this parcel.

B. Sanitary Sewer--- Sanitary sewer service is presently available to this parcel. No additional improvements are required. See Attachment 1.

C. Fire Protection--- An existing 6-inch diameter water main is located along the driveway of the soccer complex with an existing fire hydrant at the end of the main. No additional improvements are anticipated. See Attachment 1.

## SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Mouse Creek Rd (Map 27 Parcel 7.01) | $0 | $0 | $0 | $0 |



**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

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.

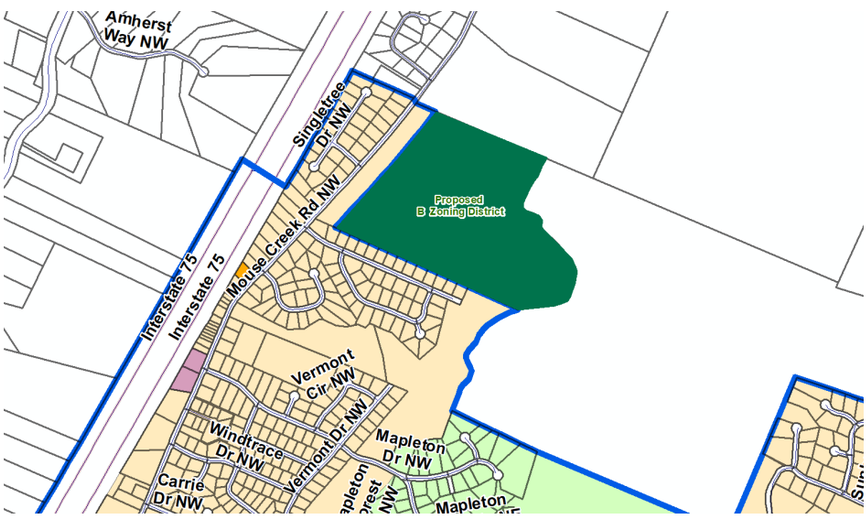
**6. Schools**

No additional students are anticipated as a result of this annexation.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for B Buffer Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 0 residents to the 5th City Council District.

**10. Stormwater**

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

## Revenue

No additional revenue is generated to the City as a result of this annexation.

Vice Mayor Johnson moved that Resolution No: 2021-15 be approved as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-16 -** Annexing about 56.5 acres located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) (Planning Commission: Approved 6-0; 3 absent).

**RESOLUTION 2021-16**

**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**

**MOUSE CREEK RD- SOCCER COMPLEX PROPERTY ANNEXATION AREA**

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

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

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

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

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

WHEREAS, notice of the time and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of Cleveland not less than fifteen (15) days before the hearing, which notice included the locations of a

minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on March 8, 2021.

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 where the common dividing between sections 28 and 33 intersect the center line of Mouse Creek Road at the Northwest corner of the land herein described; thence South 66 degrees 13 minutes East along the common dividing line between Sections 28 and 33, 1343.2 feet marking the Northeast corner of the land herein described; thence South 23 degrees47 minutes West, 200 feet to the center of Mouse Creek; thence in a Southerly and thence Eastwardly and thence Southwardly and thence Southwesterly direction up the center of Mouse Creek, 1900 feet to a point marking the Southeast corner of the land herein described; thence North 66 degrees 13 minutes West, 2230 feet to the center of Mouse Creek Road, said point marking the Southwest corner of the land herein described; thence up the center of said road North 42 degrees 49 minutes East, 677.7 feet; North 40 degrees 30 minutes East, 696.7 feet; North 37 degrees 14 minutes East, 146 feet to the place of beginning, the above described property being annexed into the City of Cleveland minus the front portion already included inside the City Limits.

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**FEBRUARY 11, 2021**
**MOUSE CREEK RD- SOCCER COMPLEX PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 56.5 acres located on North Lee Hwy 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 2021.

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

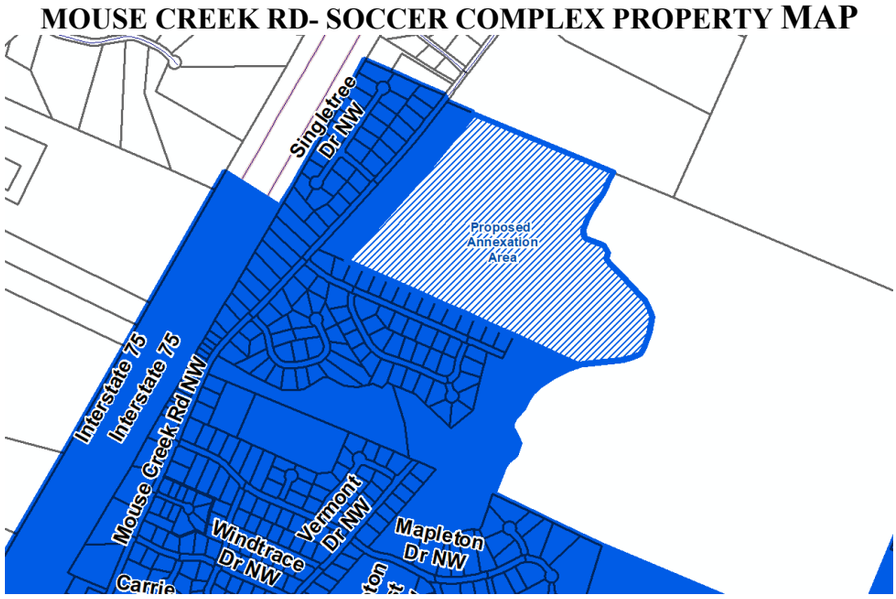
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. The front 200’ along Mouse Creek Rd is currently within of Cleveland and the annexation would encompass the entire parcel which is the site of the Greater Cleveland Soccer Complex. No changes to the site are anticipated at this time. The property is described as a portion of Tax Map 27 Parcel 7.01.

**MOUSE CREEK RD- SOCCER COMPLEX PROPERTY MAP**




**Legal Description**

Beginning where the common dividing between sections 28 and 33 intersect the center line of Mouse Creek Road at the Northwest corner of the land herein described; thence South 66 degrees 13 minutes East along the common dividing line between Sections 28 and 33, 1343.2 feet marking the Northeast corner of the land herein described; thence South 23 degrees47 minutes West, 200 feet to the center of Mouse Creek; thence in a Southerly and thence Eastwardly and thence Southwardly and thence Southwesterly direction up the center of Mouse Creek, 1900 feet to a point marking the Southeast corner of the land herein described; thence North 66 degrees 13 minutes West, 2230 feet to the center of Mouse Creek Road, said point marking the Southwest corner of the land herein described; thence up the center of said road North 42 degrees 49 minutes East, 677.7 feet; North 40 degrees 30 minutes East, 696.7 feet; North 37 degrees 14 minutes East, 146 feet to the place of beginning, the above described property being annexed into the City of Cleveland minus the front portion already included inside the City Limits.

## 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 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

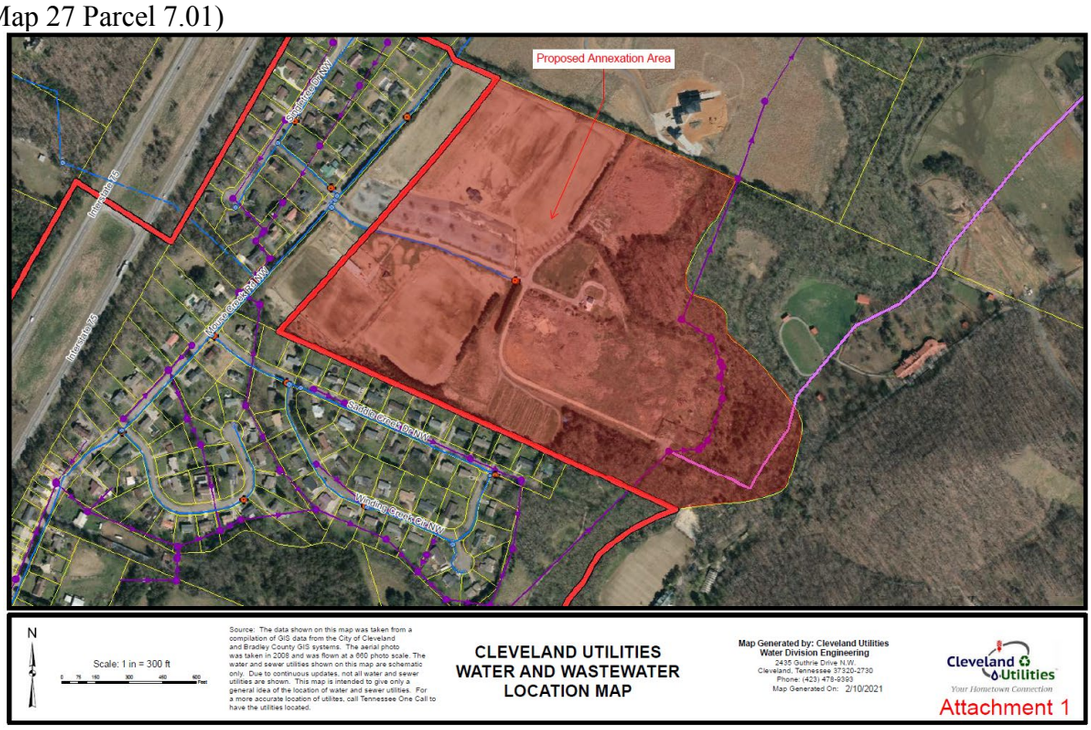
C. Domestic Water--- Domestic water service is available to this parcel.

D. Sanitary Sewer--- Sanitary sewer service is presently available to this parcel. No additional improvements are required. See Attachment 1.

C. Fire Protection--- An existing 6-inch diameter water main is located along the driveway of the soccer complex with an existing fire hydrant at the end of the main. No additional improvements are anticipated. See Attachment 1.

## SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Mouse Creek Rd (Map 27 Parcel 7.01) | $0 | $0 | $0 | $0 |




**4. Electric Service**

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

**5. Public Works**

*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.

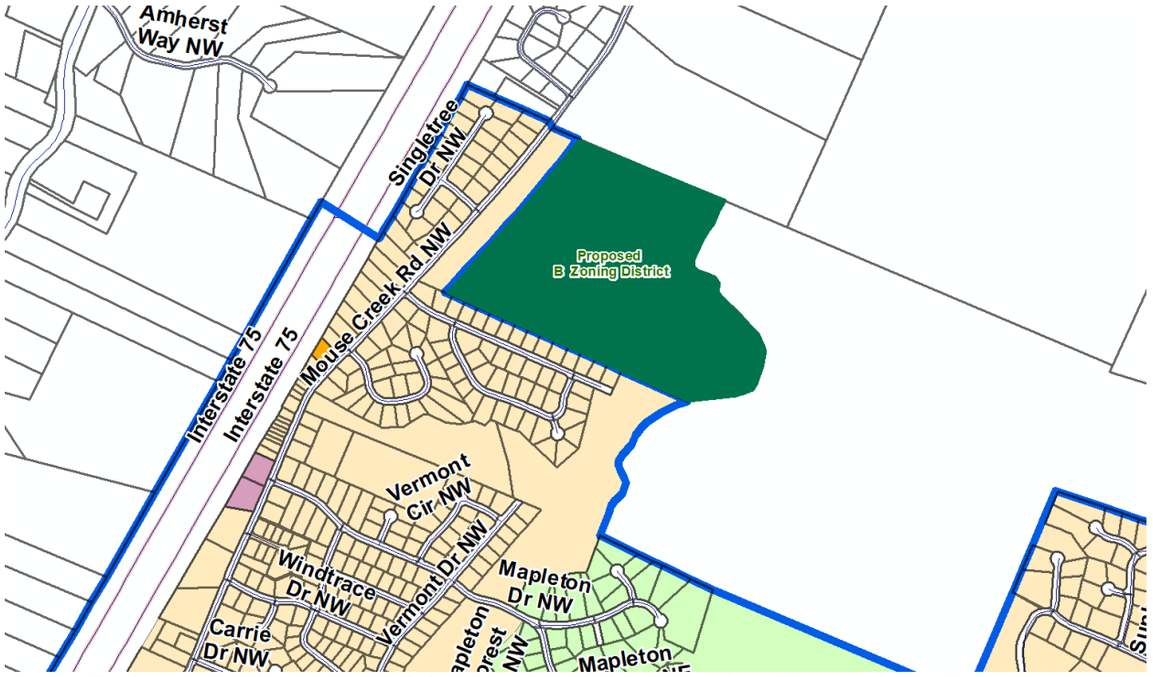
**6. Schools**

No additional students are anticipated as a result of this annexation.

**7. Planning and Zoning**

D. 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.

E. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for B Buffer Zoning District as its post-annexation zoning.




F. 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**

D. 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.

E. 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.

F. This annexation is expected to add approximately 0 residents to the 5th City Council District.

**10. Stormwater**

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

## Revenue

No additional revenue is generated to the City as a result of this annexation.

Councilman May moved that Resolution No: 2021-16 be approved 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 2021–07 -** Zoning of about 56.5 acres of a portion of property located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) from the unincorporated county to B Buffer Zoning District (Planning Commission: Approved 6-0; 3 absent).

**ZONING ORDINANCE 2021-07**

## AN ORDINANCE TO ZONE THE "MOUSE CREEK RD- SOCCER COMPLEX PROPERTY ANNEXATION AREA" WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE

WHEREAS, a public hearing before this body was held on the 8th day of March 2021 a notice thereof published in the *Cleveland Daily Banner* on February 21, 2021 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by resolution 2021-15; and,

WHEREAS, this property was annexed by resolution 2021-16; and

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

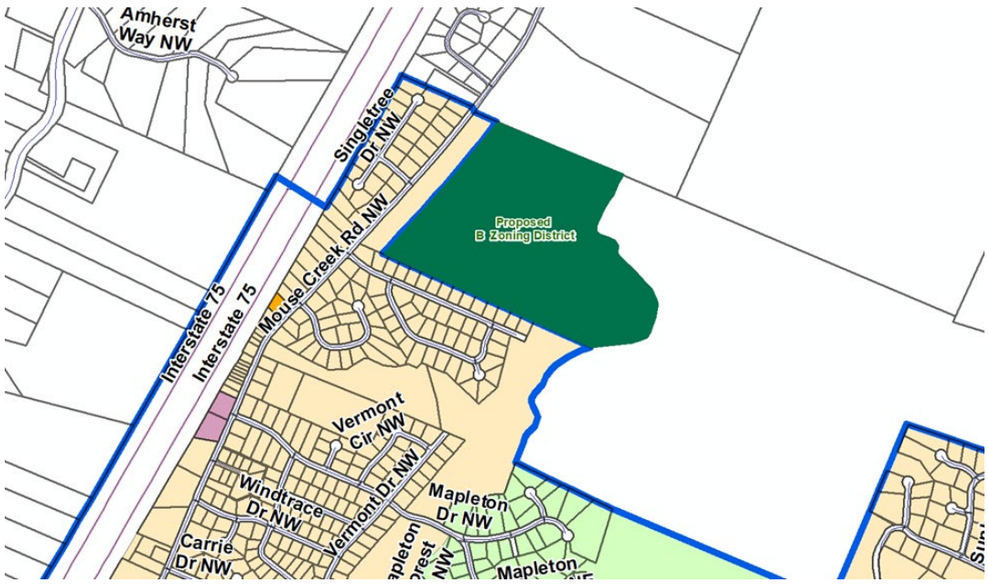



**Exhibit B**

Beginning where the common dividing between sections 28 and 33 intersect the center line of Mouse Creek Road at the Northwest corner of the land herein described; thence South 66 degrees 13 minutes East along the common dividing line between Sections 28 and 33, 1343.2 feet marking the Northeast corner of the land herein described; thence South 23 degrees47 minutes West, 200 feet to the center of Mouse Creek; thence in a Southerly and thence Eastwardly and thence Southwardly and thence Southwesterly direction up the center of Mouse Creek, 1900 feet to a point marking the Southeast corner of the land herein described; thence North 66 degrees 13 minutes West, 2230 feet to the center of Mouse Creek Road, said point marking the Southwest corner of the land herein described; thence up the center of said road North 42 degrees 49 minutes East, 677.7 feet; North 40 degrees 30 minutes East, 696.7 feet; North 37 degrees 14 minutes East, 146 feet to the place of beginning, the above described property being annexed into the City of Cleveland minus the front portion already included inside the City Limits.

Councilman Webb moved that Zoning Ordinance 2021-07 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 2021–17 -** Adopting a Plan of Service for the annexation area of about 23.25 acres located on North Lee Highway (Tax Map 34 Parcel 25.00) (Planning Commission: Approved 6-0; 1 recused; 2 absent).

**RESOLUTION 2021–17**

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

**NORTH LEE HWY- ELDREDGE PROPERTY ANNEXATION AREA**

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on March 8, 2021 at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Being located in Bradley County, TN also known as a portion of the property described in Deed Book 237 Page 338 in the Registers Office of Bradley County (R.O.B.C.) and being more particularly described as follows:

Beginning at the northern corner of the Holden property as recorded in Deed Book 1860 Page 516 (R.O.B.C.) at the eastern right-of-way of North Lee Highway said point being the POINT OF BEGINNING thence along said right-of-way North 36 degrees 16 minutes 33 seconds East, a distance of 715.09 feet to a point; thence leaving said right-of-way South 66 degrees 32 minutes 41 seconds East, a distance of 1326.52 feet to a point; thence South 28 degrees 48 minutes 10 seconds West, a distance of 959.72 feet to a point; thence North 60 degrees 12 minutes 14 seconds West, a distance of 299.53 feet to a point; thence North 55 degrees 04 minutes 20 seconds West, a distance of 647.67 feet to a point; thence North 54 degrees 47 minutes 38 seconds West, a distance of 473.25 feet to the POINT OF BEGINNING. All containing 26.56 acres more or less.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**FEBRUARY 11, 2021**
**NORTH LEE HWY- ELDREDGE PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 23.25 acres located on North Lee Hwy 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 2021.

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

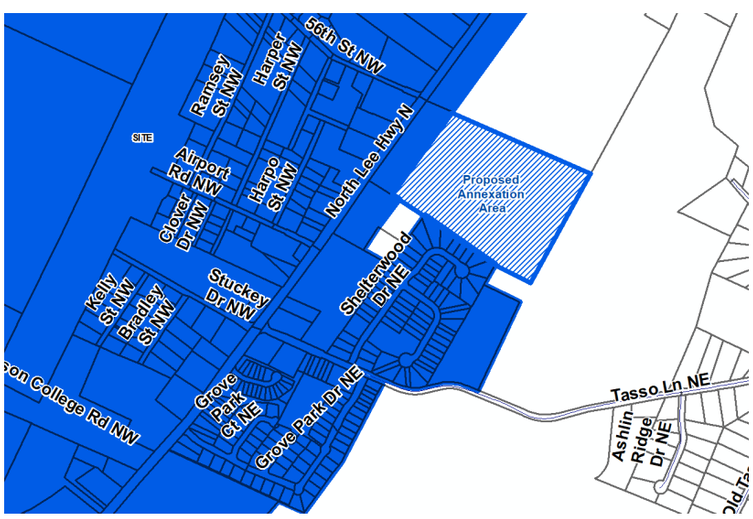
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. The annexation would extend the CH Commercial Highway Zoning District from 200' of North Lee to 350' from North Lee. The area beyond the extended CH zoning would be zoned into a Planned Unit Development with approximately 65 single family residential dwelling units. The property is described as a portion of Tax Map 34 Parcel 25.00.

**NORTH LEE HWY- ELDREDGE PROPERTY**
**MAP**



**Legal Description**

Being located in Bradley County, TN also known as a portion of the property described in Deed Book 237 Page 338 in the Registers Office of Bradley County (R.O.B.C.) and being more particularly described as follows:

Beginning at the northern corner of the Holden property as recorded in Deed Book 1860 Page 516 (R.O.B.C.) at the eastern right-of-way of North Lee Highway said point being the POINT OF BEGINNING thence along said right-of-way North 36 degrees 16 minutes 33 seconds East, a distance of 715.09 feet to a point; thence leaving said right-of-way South 66 degrees 32 minutes 41 seconds East, a distance of 1326.52 feet to a point; thence South 28 degrees 48 minutes 10 seconds West, a distance of 959.72 feet to a point; thence North 60 degrees 12 minutes 14 seconds West, a distance of 299.53 feet to a point; thence North 55 degrees 04 minutes 20 seconds West, a distance of 647.67 feet to a point; thence North 54 degrees 47 minutes 38 seconds West, a distance of 473.25 feet to the POINT OF BEGINNING. All containing 26.56 acres more or less.

## 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 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

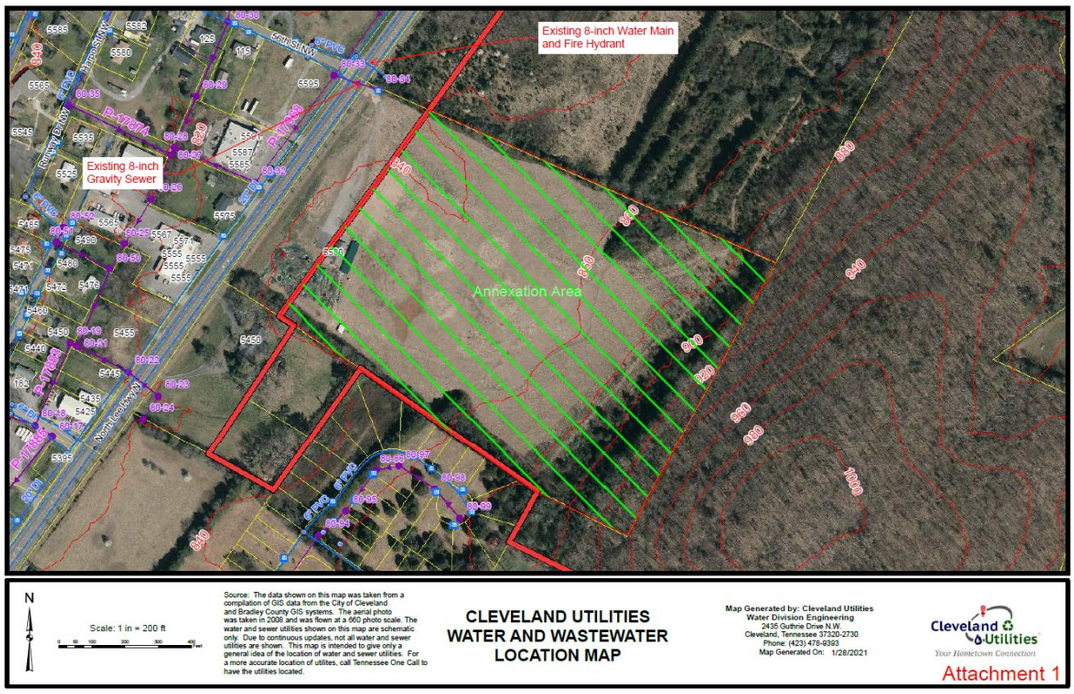
   A. Domestic Water--- Domestic water service is available to this parcel via existing water meter serving the existing building. An 8-inch diameter main is approximately 50 feet north along North Lee Highway from the property boundary.

   B. Sanitary Sewer--- Sanitary sewer service is presently available to this parcel. No additional improvements are required. See Attachment 1.

   C. Fire Protection--- An existing 8-inch diameter water main and fire hydrant is located approximately 50 feet north along North Lee Highway from the property boundary. No additional improvements are anticipated. See Attachment 1.

## SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| North Lee Highway (Map 34 Parcel 025.00) | $0 | $0 | $0 | $0 |




**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

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.

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)*

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

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

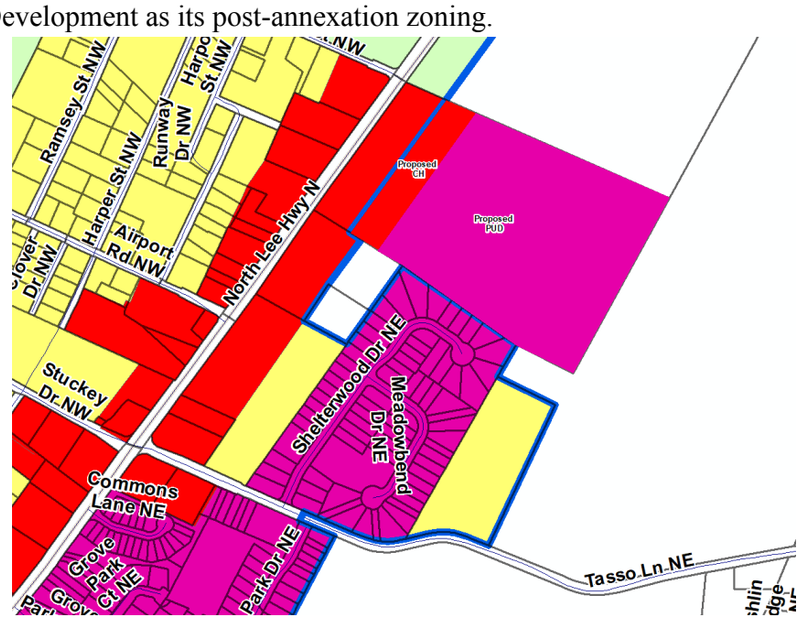
**6. Schools**

The current cost to the school system is $976.59 per student per year. It is estimated that approximately 26 additional students would be added to the school system enrollment as a result of this annexation. Total cost as a result of these students is $25,391.34.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for CH Commercial Highway Zoning District for the first 350' from North Lee Hwy with the remaining area as a PUD Planned Unit Development as its post-annexation zoning.



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

**8. Animal Shelter**

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

**9. Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 156 residents to the 5th City Council District.

**10. Stormwater**

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

## Revenue

The majority of the existing parcel outside the city limits, which is 22.5 acres in size, is in the greenbelt program Greenbelt and would only generate approximately $168 a year staying in Greenbelt. The area proposed for commercial would generate approximately $3,003 a year under its current condition. The total income from annexation without any improvements would result in approximately $3,171 in property tax revenue.

With approximately 65 homes developed on the site with an estimated value of $250,000 each, property tax revenue would increase to approximately **$**83,687.50. With the front section unimproved under a commercial zoning and the proposed subdivision, the total property tax revenue for this site is expected at **$86,690.50.**

With an estimated 156 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$18,057**.

The annual stormwater fee for all homes on this site is estimated at **$1,271.40**.

Total revenue generated as a result of this annexation after the subdivision being developed would be approximately **$106,018.90.**

Councilman May moved that Resolution No: 2021-17 be approved 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 2021-18 -** Annexing about 23.25 acres located on North Lee Highway (Tax Map 34 Parcel 25.00) (Planning Commission: Approved 6-0; 1 recused; 2 absent).

**RESOLUTION 2021-18**

**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**

**NORTH LEE HWY- ELDREDGE PROPERTY ANNEXATION AREA**

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on March 8, 2021.

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

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

Being located in Bradley County, TN also known as a portion of the property described in Deed Book 237 Page 338 in the Registers Office of Bradley County (R.O.B.C.) and being more particularly described as follows:

Beginning at the northern corner of the Holden property as recorded in Deed Book 1860 Page 516 (R.O.B.C.) at the eastern right-of-way of North Lee Highway said point being the POINT OF BEGINNING thence along said right-of-way North 36 degrees 16 minutes 33 seconds East, a distance of 715.09 feet to a point; thence leaving said right-of-way South 66 degrees 32 minutes 41 seconds East, a distance of 1326.52 feet to a point; thence South 28 degrees 48 minutes 10 seconds West, a distance of 959.72 feet to a point; thence North 60 degrees 12 minutes 14 seconds West, a distance of 299.53 feet to a point; thence North 55 degrees 04 minutes 20 seconds West, a distance of 647.67 feet to a point; thence North 54 degrees 47 minutes 38 seconds West, a distance of 473.25 feet to the POINT OF BEGINNING. All containing 26.56 acres more or less.

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**FEBRUARY 11, 2021**
**NORTH LEE HWY- ELDREDGE PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 23.25 acres located on North Lee Hwy 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 2021.

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

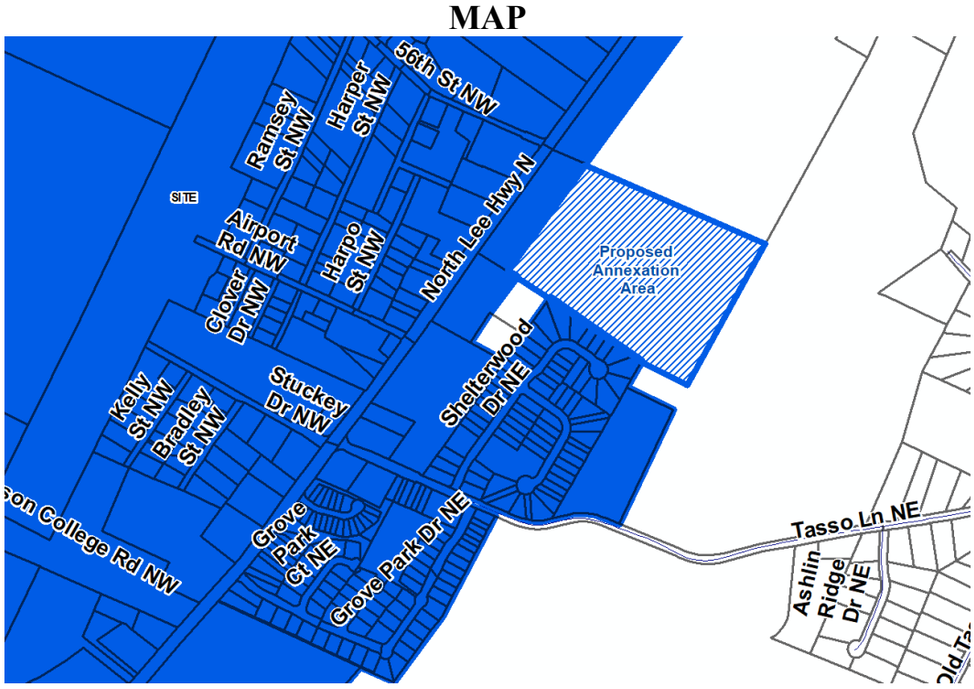
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. The annexation would extend the CH Commercial Highway Zoning District from 200' of North Lee to 350' from North Lee. The area beyond the extended CH zoning would be zoned into a Planned Unit Development with approximately 65 single family residential dwelling units. The property is described as a portion of Tax Map 34 Parcel 25.00.

**NORTH LEE HWY- ELDREDGE PROPERTY**
**MAP**




**Legal Description**

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## 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 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

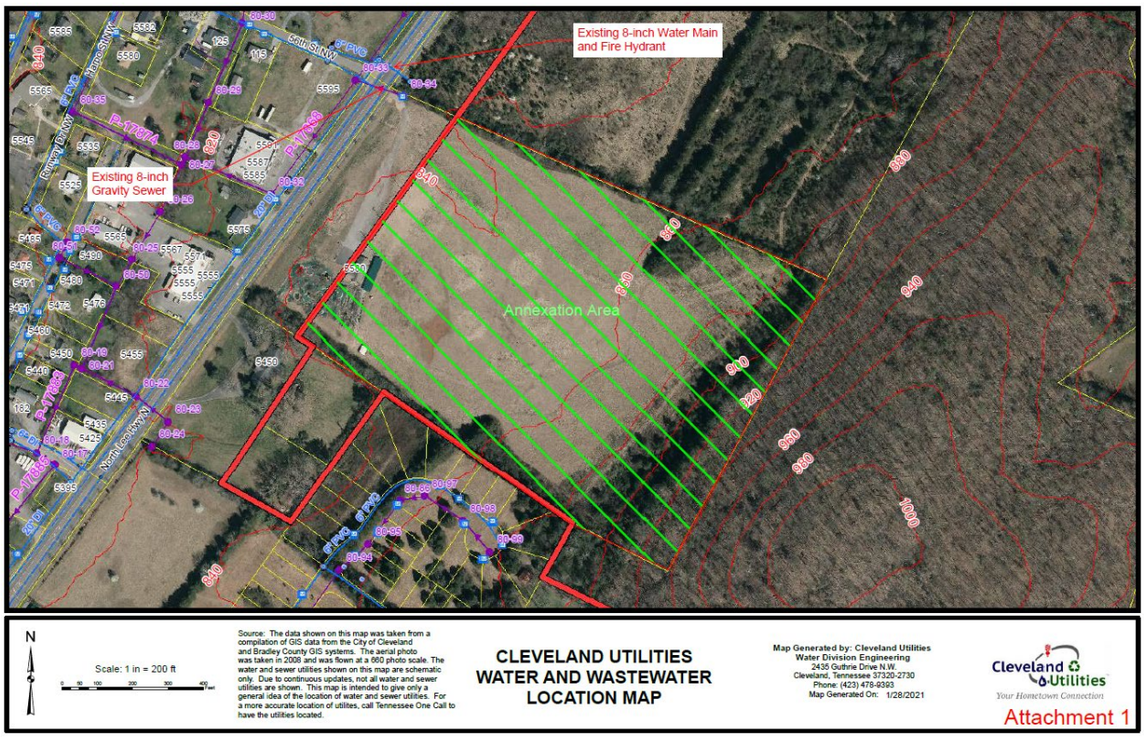
   A. Domestic Water--- Domestic water service is available to this parcel via existing water meter serving the existing building. An 8-inch diameter main is approximately 50 feet north along North Lee Highway from the property boundary.

   B. Sanitary Sewer--- Sanitary sewer service is presently available to this parcel. No additional improvements are required. See Attachment 1.

   C. Fire Protection--- An existing 8-inch diameter water main and fire hydrant is located approximately 50 feet north along North Lee Highway from the property boundary. No additional improvements are anticipated. See Attachment 1.

## SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| North Lee Highway (Map 34 Parcel 025.00) | $0 | $0 | $0 | $0 |




**4. Electric Service**

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

**5. Public Works**

*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.

g. 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.

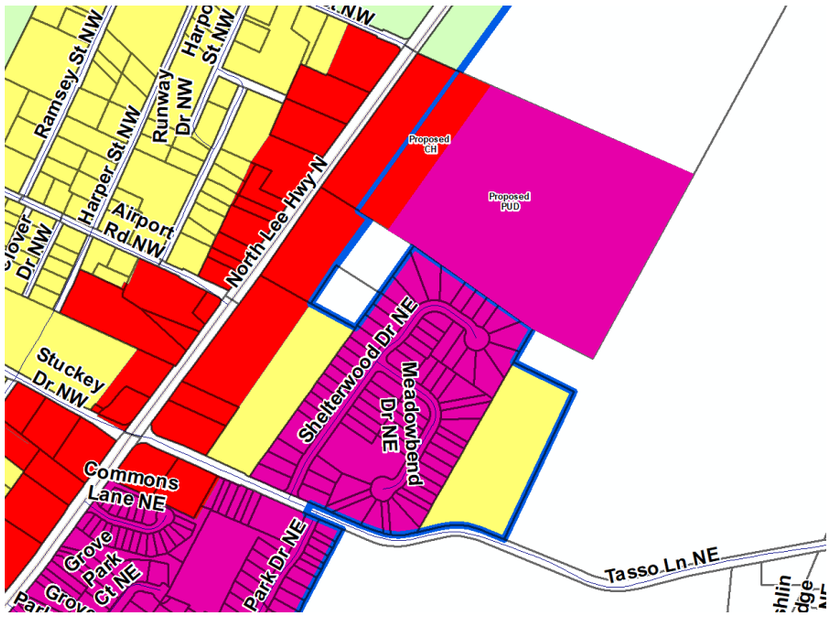
**6. Schools**

The current cost to the school system is $976.59 per student per year. It is estimated that approximately 26 additional students would be added to the school system enrollment as a result of this annexation. Total cost as a result of these students is $25,391.34.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for CH Commercial Highway Zoning District for the first 350’ from North Lee Hwy with the remaining area as a PUD Planned Unit Development as its post-annexation zoning.




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

**8. Animal Shelter**

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

**9. Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 156 residents to the 5th City Council District.

**10. Stormwater**

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

Construction General Permit coverage will submit all required documentation and fees to the City of Cleveland only.

## Revenue

The majority of the existing parcel outside the city limits, which is 22.5 acres in size, is in the greenbelt program Greenbelt and would only generate approximately $168 a year staying in Greenbelt. The area proposed for commercial would generate approximately $3,003 a year under its current condition. The total income from annexation without any improvements would result in approximately $3,171 in property tax revenue.

With approximately 65 homes developed on the site with an estimated value of $250,000 each, property tax revenue would increase to approximately **$**83,687.50. With the front section unimproved under a commercial zoning and the proposed subdivision, the total property tax revenue for this site is expected at **$86,690.50.**

With an estimated 156 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$18,057**.

The annual stormwater fee for all homes on this site is estimated at **$1,271.40**.

Total revenue generated as a result of this annexation after the subdivision being developed would be approximately **$106,018.90.**

Councilman Hughes moved that Resolution No: 2021-18 be approved as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance–2021-08 -** Zoning of about 20.4 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to PUD27 Planned Unit Development Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent).

**ZONING ORDINANCE 2021-08**

**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 MILLER'S LANDING "PUD 27" ON PROPERTY DESCRIBED AS TAX MAP 034 PARCEL 025.00 (LESS 350' OF WIDTH ALONG NORTH LEE HIGHWAY), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 27; 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 27" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 27 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 27 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 27, Miller's Landing Subdivision (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 0.34 Parcels 025.00, less a width of 350' along North Lee Highway, which will remain CH zoning. Exhibit B & C illustrates the overall Miller's Landing Conceptual Plan for the subject property.

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

This section is intended to provide a general description of the Miller's Landing Subdivision. The project consists of detached single-family homes on small lots with common areas located at the entrance. Exhibits B & C shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one unit per 6000 square feet in any phase of development. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

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

The PUD 27 Subdivision allows for the construction of up to 65 dwelling units in detached single family houses without amending this ordinance. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 27 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Miller's Landing development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B & C unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the

Developer. There are no conditional uses within the PUD 27 district. Uses other than those described as permitted or allowed herein are prohibited.

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

**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibits B & C) for PUD 27, Miller's Landing Subdivision was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 16, 2021. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 27 must be consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for the Miller's Landing Subdivision may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

All streets within the PUD 27 Miller's Landing shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer.

**6.B. PLATS.**

One or more plats will be prepared for the PUD 27 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan.

**6.C. PRIVATE DEVELOPMENT DOCUMENTS.**

The Developer shall prepare and implement such master covenants, restrictions, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 27 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 27to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD27 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R1 zone, from the City of Cleveland's zoning regulations.

7.A. Building Lot Size & Setbacks

The minimum lot width requirements for single-family detached home sites is 50 feet. The minimum setback requirements are 25 feet for the front, side setback requirements are 5 feet, and rear setbacks shall be no less than 20' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage. Storage sheds and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R1 Single Zoning District shall apply for any standards this ordinance does not address.

Section 7.B CBU/Mail Kiosk Standards

Should the developer be required by the United States Postal Service or choose to install a Cluster Box Unit (CBU)/Mail Kiosk then then the following regulations shall apply;

a. Installation of CBUs, as well as any associated improvements (e.g. shelters, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.

b. Approval and installation of all CBU related improvements must be completed prior to the initial final plat being recorded for the development creating residential building lots.

c. The establishment of a homeowners' association is required in developments with CBU related improvements. Maintenance of all CBU related improvements shall be the responsibility of the homeowners' association.

d. CBU related improvements not part of a designated amenity area shall be on their own lot. Lot area does not have to meet the minimum area of the district, nor do typical setbacks or lot frontage apply as defined in this Ordinance.

e. CBU related improvements shall be prohibited within the public right-of-way or in any utility easement unless written permission is granted by the easement holder.

f. CBU related improvements shall not be located within the vision triangle as determined by the Transportation Division of the Development and Engineering Services Department of the City of Cleveland.

g. A site plan for the CBUs shall be submitted simultaneous with preliminary plan submittal for review and approval. Site plans for CBU related improvements in designated amenity areas can be submitted simultaneously with a site plan for the amenity area.

Site plans for CBUs not within designated amenity areas shall include the following elements:

a. Landscaping: Improvements shall be landscaped consistent with the requirements of this ordinance. Landscaping Requirements for Parking and Vehicular Use Areas

b. Lighting Plan: Security lighting is required and should be designed consistent with this Ordinance

c. Parking: These improvements shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues. No less than two parking spaces servicing a proposed CBU shall be provided for.

Parking spaces may be provided in a dedicated parking area or within a bulb-out along the right- of-way, subject to approval by the Transportation Division of the Development and Engineering Services Department of the City of Cleveland. CBU related improvements that are located in designated amenity areas may utilize the off-street parking provided. Parking areas and access to the CBUs shall be compliant with current Americans with Disabilities Act (ADA) standards.

h. CBUs and associated improvements shall be exempt from the normal setback requirements prescribed in this Ordinance.

i. CBUs and associated improvements must be installed according to USPS standards and must meet all applicable building and fire codes.

j. Address numbering on each dwelling unit shall comply with the adopted building code for City of Cleveland.

7.C Miscellaneous Standards

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

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

If a sign with the subdivision name is installed it must of the monument style and installed on a community lot. A landscaped area shall be installed along the eastern boundary of the PUD area adjoining the CH zoning district to provide privacy and to maintain a high-quality appearance. Open space shall be maintained at proportion no less than 15% of the total buildable area. A playground, dog park, walking trail or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or

under construction. The common areas and amenities must be internal to the development, accessed directly from public right-of-ways and must be practical in the application of its intended use (not in fragmented or unusable areas). All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

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

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 27 Miller's Landing Subdivision. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD27, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit B &C then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

**Section 10. BINDING UPON OTHERS.** This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 27 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to,

common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

**Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

Approved this 22nd day of March, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

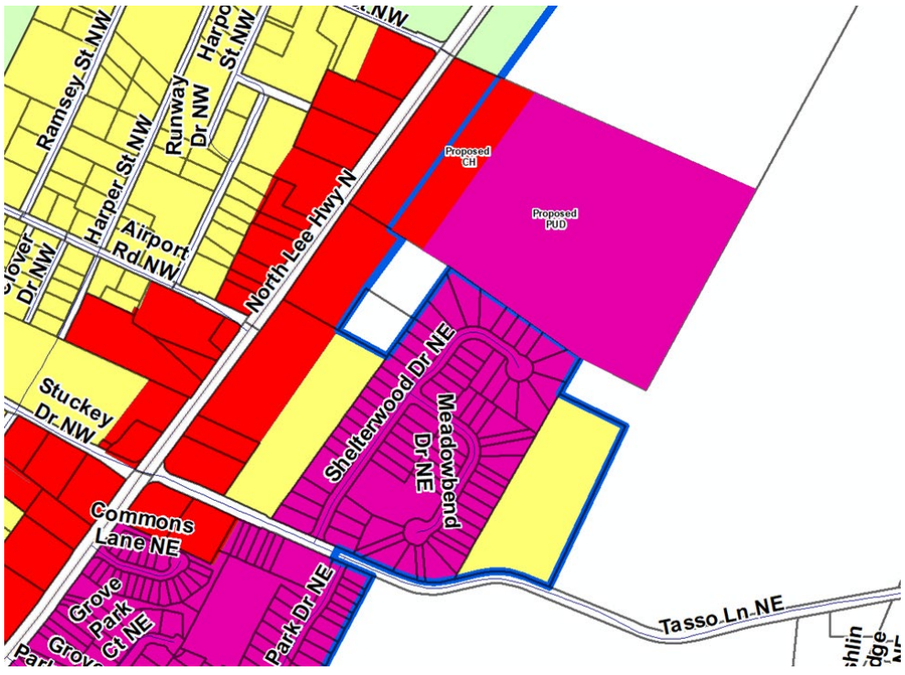


**Exhibit B**
Conceptual Plan 1

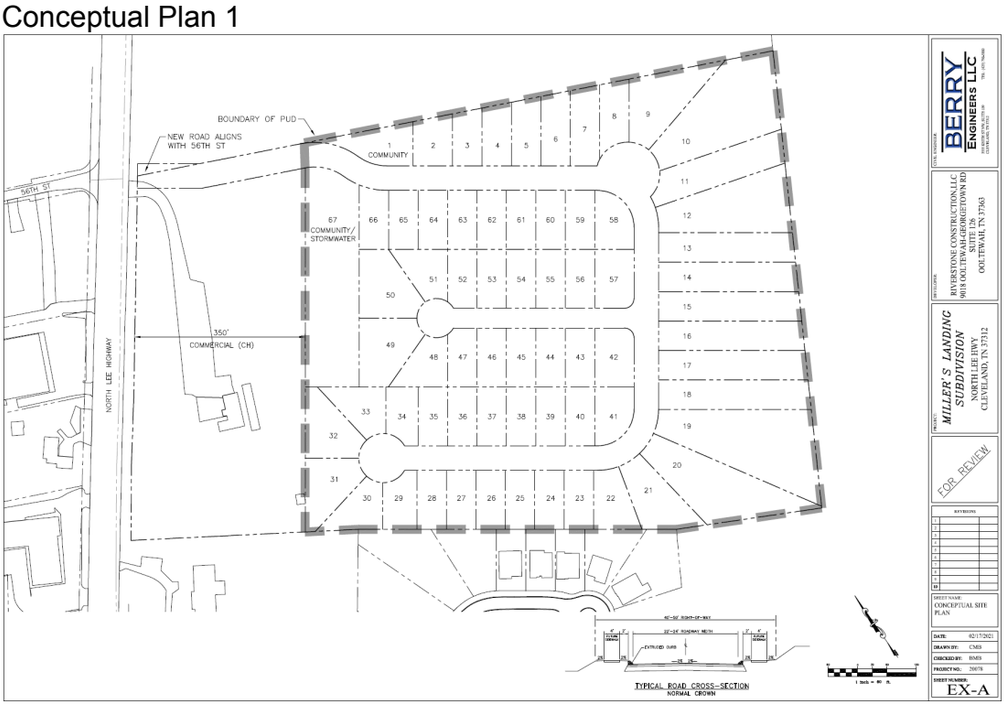



**Exhibit C**
Conceptual Plan 2




**Exhibit D**

Being located in Bradley County, TN also known as a portion of the property described in Deed Book 237 Page 338 in the Registers Office of Bradley County (R.O.B.C.) and being more particularly described as follows:

Beginning at the northern corner of the Holden property as recorded in Deed Book 1860 Page 516 (R.O.B.C.) at the eastern right-of-way of North Lee Highway said point being the POINT OF BEGINNING

thence leaving said right-of-way South 54 degrees 47 minutes 38 seconds East, a distance of 350.06 feet to the TRUE POINT OF BEGINNING; thence North 36 degrees 16 minutes 33 seconds East, a distance of 788.20 feet to a point; thence South 66 degrees 32 minutes 41 seconds East, a distance of 967.58 feet to a point; thence South 28 degrees 48 minutes 10 seconds West, a distance of 959.72 feet to a point; thence North 60 degrees 12 minutes 14 seconds West, a distance of 299.53 feet to a point; thence North 55 degrees 04 minutes 20 seconds West, a distance of 647.67 feet to a point; thence North 54 degrees 47 minutes 38 seconds West, a distance of 123.19 feet to the TRUE POINT OF BEGINNING. All containing 20.52 acres more or less.

Councilman Webb moved that Zoning Ordinance 2021-08 be voted for passage 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 2021-09 -** Zoning of about 2.9 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to CH Commercial Highway Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent).

**ZONING ORDINANCE 2021-09**

**AN ORDINANCE TO ZONE THE "NORTH LEE HWY- ELDREDGE PROPERTY ANNEXATION AREA" WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE**

WHEREAS, a public hearing before this body was held on the 8th day of March 2021 a notice thereof published in the *Cleveland Daily Banner* on February 21, 2021 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by resolution 2021-17; and,

WHEREAS, this property was annexed by resolution 2021-18; and

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

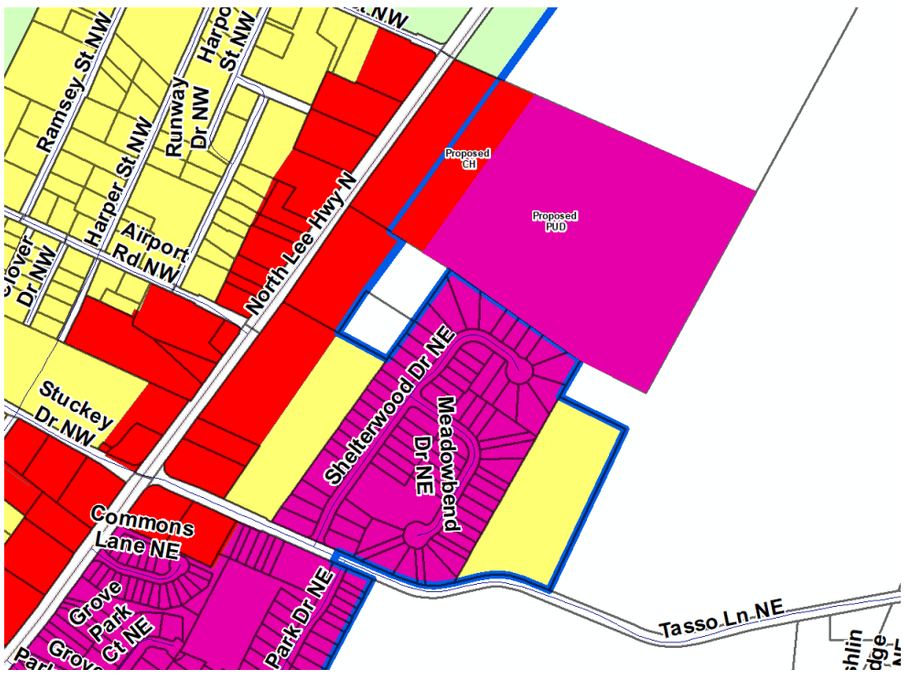



**Exhibit B**

Being located in Bradley County, TN also known as a portion of the property described in Deed Book 237 Page 338 in the Registers Office of Bradley County (R.O.B.C.) and being more particularly described as follows:

Beginning at the northern corner of the Holden property as recorded in Deed Book 1860 Page 516 (R.O.B.C.) at the eastern right-of-way of North Lee Highway said point being the POINT OF BEGINNING thence along said right-of-way North 36 degrees 16 minutes 33 seconds East, a distance of 715.09 feet to a point; thence leaving said right-of-way South 66 degrees 32 minutes 41 seconds East, a distance of 358.95 feet to a point; thence South 36 degrees 16 minutes 33 seconds West, a distance of 788.20 feet to a point; thence North 54 degrees 47 minutes 38 seconds West, a distance of 350.06 feet to the POINT OF BEGINNING. All containing 6.04 acres more or less.

Vice Mayor Johnson moved that Zoning Ordinance 2021-09 be voted for passage 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 2021-21**

**WHEREAS,** at the regular City Council meeting that occurred on November 9, 2020 the City of Cleveland approved a Request for Proposals for Banking Services and accepted the proposal of Pinnacle Bank to provide banking services for the City of Cleveland; and

**WHEREAS**, part of the banking services provided by Pinnacle Bank to the City of Cleveland will be a Corporate Purchasing Card; and

**WHEREAS**, Pinnacle Bank has requested an official Resolution of the City Council which provides that the City Council approves of the establishment of this Corporate Purchasing Card relationship with Pinnacle Bank, and which also confirms that the City Manager and the City Clerk are authorized to execute the necessary application and any other documents which may be

necessary or appropriate to establish the Corporate Purchasing Card relationship with Pinnacle Bank.

**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 establishment of this Corporate Purchasing Card relationship with Pinnacle Bank.

**BE IT FURTHER RESOLVED** that the City Manager and the City Clerk are hereby authorized to execute the necessary application and any other documents which may be necessary or appropriate to establish the Corporate Purchasing Card relationship between the City of Cleveland and Pinnacle Bank.

This 8th day of March 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2021-21 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Councilman Cassada asked that the following email be including in the minutes. Mr. Fivas stated himself, City Attorney John Kimball and Police Chief Gibson would review the ordinance pertaining to homeless camps and propose any possible amendments at a later meeting.

From: Tom Cassada tcassada@clevelandtn.gov
Subject: Fwd: Greenway
Date: Mar 8, 2021 at 8:56:48 AM
To: tomcassada@yahoo.com

Tom Cassada
City Councilman 3rd District
Cleveland, TN
tcassada@clevelandtn.gov
cell: (423) 457-9867

Sent from my iPhone

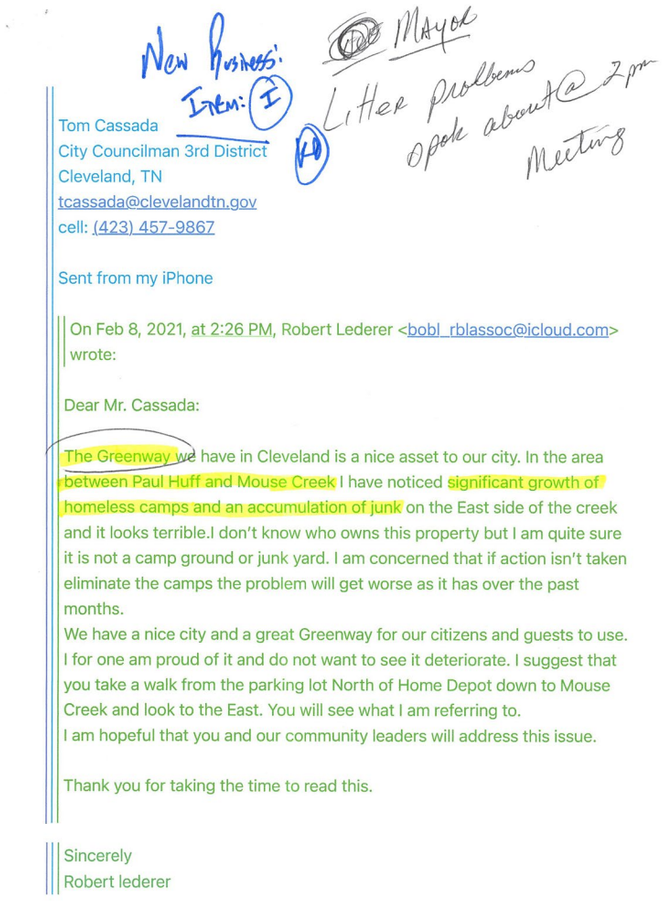
Begin forwarded message:

**From:** Robert Lederer <bobl_rblassoc@icloud.com>
**Date:** March 5, 2021 at 8:35:09 PM EST
**To:** Tom Cassada <tcassada@clevelandtn.gov>
**Subject: Re: Greenway**

Thank you for your response. It s good to know that action is being taken

Sent from my iPhone

> On Feb 23, 2021, at 4:01 PM, Tom Cassada <tcassada@clevelandtn.gov> wrote:
>
> Mr Lederer,
> City of Cleveland is aware of the homeless situation of the Greenway. City has been in contact of individuals that own the property in trying to resolve the issue.
> Thank you for the comments.



New Business
Item: I
Mayor
Litter problems
Open about @ 2pm
Meeting

Tom Cassada
City Councilman 3rd District
Cleveland, TN
tcassada@clevelandtn.gov
cell: (423) 457-9867

Sent from my iPhone

On Feb 8, 2021, at 2:26 PM, Robert Lederer <bobl_rblassoc@icloud.com> wrote:

Dear Mr. Cassada:

The Greenway we have in Cleveland is a nice asset to our city. In the area between Paul Huff and Mouse Creek I have noticed significant growth of homeless camps and an accumulation of junk on the East side of the creek and it looks terrible.I don't know who owns this property but I am quite sure it is not a camp ground or junk yard. I am concerned that if action isn't taken eliminate the camps the problem will get worse as it has over the past months.
We have a nice city and a great Greenway for our citizens and guests to use. I for one am proud of it and do not want to see it deteriorate. I suggest that you take a walk from the parking lot North of Home Depot down to Mouse Creek and look to the East. You will see what I am referring to.
I am hopeful that you and our community leaders will address this issue.

Thank you for taking the time to read this.

Sincerely
Robert lederer

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, March 22, 2021.

There being no future business the meeting was adjourned at 3:41 p.m.

Mayor

City Clerk

REGULAR SESSION
MARCH 22, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 22, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 78, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, Vice Mayor Avery Johnson and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Executive Assistant; Sue Zius, Assistant to the Mayor; Cathy Andrews, CDBG Coordinator; City Attorney John Kimball; Dustin Roberts, IT Administrator Theresa Evans with Elxr Wine and Spirits and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

Mayor Brooks asked for a moment of silence for Dr. David Blair, who was the International Director of Youth for the Church of God, passed away with complications due to the Covid.

## 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 8, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Auditor Mark Lay with Wedgewood Accounting, PLLC gave his annual report on the FY2020 City Audit. He thanked the City, Library, City School and Cleveland Utilities staff for their assistance and cooperation in obtaining any information that was requested. He encouraged the Council to read the Management Discussion and Analysis and the Statistical section of the audit to have a better understanding of the audit and to see 10-year trends of the finances. He asked the Council to consider plans to begin funding the OPEB liability, which is Other Post-Employment Benefits and relates to the health insurance benefits extended to your retirees. This liability will continue to grow and any resources you can put aside will help reduce the liability. Currently the net liability for the city is $45,362,084. Most governments have not funded their liability but at some point it could affect your bond rating so it is something to consider to fund some amount. [Due to poor audio quality with the sound system and static interference, City Council questions were not audible.] Mr. Lay stated if anyone had any questions concerning the audit to feel free to contact him directly and as always, it is a pleasure to serve as your auditor.

Mayor Brooks stated today we are to hear public comments concerning a change in the ownership interest of members for Elxr Wine & Spirits, LLC located at 640 Inman St W. Mayor Brooks asked if anyone would like to make a comment. No one spoke.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments pertaining to an amendment to the FY2020-2021 Annual Action of the Community Development Block Grant (CDBG) to include CARES Act Funding. Mayor Brooks asked if anyone would like to speak in favor of the amendment to the Annual Action Plan. No one spoke.

Mayor Brooks asked if anyone would like to speak in opposition of the amendment to the Annual Action Plan. No one spoke. Mayor Brooks then declared the public hearing to be closed.

## CONSENT AGENDA

Councilman Hughes moved to approve the following items from the Consent Agenda. The motion to approve the consent agenda was seconded by Vice Mayor Johnson; and upon roll call, the consent agenda unanimously passed. Councilman Estes thanked Cathy Andrews and Mr. Fivas for taking the time and explaining the CDBG action plan in detail this week.

- **Final Passage - Zoning Ordinance 2021–07 –** heretofore passed on first reading March 8, 2021 and found in Minute Book 30, Page 176; Zoning of about 56.5 acres of a portion of property located on Mouse Creek Rd (Tax Map 27 Parcel 7.01) from the unincorporated county to B Buffer Zoning District (Planning Commission: Approved 6-0; 3 absent).
- **Final Passage - Zoning Ordinance 2021-08 –** heretofore passed on first reading March 8, 2021 and found in Minute Book 30, Page 191; Zoning of about 20.4 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to PUD27 Planned Unit Development Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent).
- **Final Passage - Zoning Ordinance 2021–09 –** heretofore passed on first reading March 8, 2021 and found in Minute Book 30, Page 199; Zoning of about 2.9 acres of a portion of property located on North Lee Highway (Tax Map 34 Parcel 25.00) from the unincorporated county to CH Commercial Highway Zoning District (Planning Commission: Approved 6-0; 1 recused; 2 absent).
- **Resolution 2021-22 –** Amending the 2020-2021 Annual Action Plan for the Community Development Block Grant (CDBG) Program to include the second allocation of the CARES Act CDBG Covid Funds.

### RESOLUTION 2021-22

RESOLUTION FOR APPROVAL OF THE
AMENDMENT OF THE 2020-2021 ANNUAL ACTION PLAN
FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
TO INCLUDE THE SECOND ALLOCATION OF THE CARES ACT CDBG COVID FUNDS

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WHEREAS, the City of Cleveland received a second round of funding through the CARES Act; and

WHEREAS, the first round of funding was incorporated into the FY2020-2021 Annual Action Plan; and

WHEREAS, HUD requires an Amendment to the FY2020-2021 Annual Action Plan to incorporate the second round of funding; and

WHEREAS, CDBG FY 2020-2021 Amendment of the *Annual Action Plan* was the subject of public hearings on February 16, 2021 that began a comment period that ended on February 23, 2021 and a public hearing for final comments on March 22, 2021. The Plan was made available on March 15, 2020 for review as stated in a publication in the Cleveland Banner.

NOW, THEREFORE, BE IT RESOLVED, the Amendment to the *FY2020-2021 Action Plan* be approved by the City Council, and be it further resolved that City staff are authorized to submit the Amendment of 2020 -2021 Action Plan to the United States Department of Housing and Urban Development (HUD), and be it resolved that the Mayor is authorized to sign all grant

agreements, contracts and certifications with HUD that are required to carry out the CDBG program described in the Action Plan.

Approved this 22nd day of March 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-23 –** Authorizing the Mayor to sign a contract with Southeast Tennessee Development District to conduct an environmental review for the Mosby Park Project.

**RESOLUTION 2021-23**

**WHEREAS**, the City's redevelopment coordinator has determined that it is necessary to obtain a contractor to perform certain technical or professional administrative services, specifically NEPA Environmental Review Requirements, for the City of Cleveland's Mosby Park Rehabilitation and Expansion Project; and

**WHEREAS**, in connection with said project, the City's development and engineering department is recommending that the City enter into the attached agreement with the Southeast Tennessee Development District for these services; and

**WHEREAS**, the City Council now desires to approve of the attached agreement with Southeast Tennessee Development District for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Southeast Tennessee Development District for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 22nd day of March 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-24 –** Authorizing the Mayor to sign contract amendment 2 for the MPO Consolidated Planning Grant funds for FY2021.

**RESOLUTION NO. 2021-24**

**WHEREAS,** the City has received the attached MPO grant amendment #2 from the Tennessee Department of Transportation, (hereafter "TDOT") to consolidate planning grant funds; and

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

This 22nd day of March 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-25 –** Authorizing the Mayor to sign a proposal from Studio 323 Architecture and Design related to the Cherokee Hotel Restoration Project.

**RESOLUTION NO. 2021-25**

**WHEREAS**, the City is proceeding with a project which is generally described as the Cherokee Hotel Restoration; and

**WHEREAS**, in connection with this project, the City has requested and received proposals from architects for design and production of as-built drawings, a written evaluation of salvageable elements, a plan for isolating ground floor utilities, and a plan for temporarily conditioning demoed floors; and

**WHEREAS**, City staff has evaluated the proposals received, and City staff is now recommending that the City accept the attached proposal from Jessica Aubert with Studio 323 Architecture and Design of Cleveland, Tennessee to provide these professional architectural services for the project; and

**WHEREAS**, the City Council desires to accept the attached proposal from Jessica Aubert with Studio 323 Architecture and Design and to authorize the Mayor to execute the proposal 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 proposal from Jessica Aubert with Studio 323 Architecture and Design for the professional services described in the proposal.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the attached proposal from Jessica Aubert with Studio 323 Architecture and Design on behalf of the City.

This 22nd day of March 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion –** Issuing a new Certificate of Compliance to Elxr Wine & Spirits, LLC due to change in the ownership interest of members.
- **Reappointment –** *Building Board of Adjustments & Appeals* – Lisa Stanbery for an additional three-year term to expire January 2024.

- **Reappointment –** *Building Board of Adjustments & Appeals* – Dustin Hawkins for an additional three-year term to expire January 2024.
- **Motion** – Authorizing the Mayor to sign an incoming loan form with the Museum Center at 5ive Points related to the Cherokee Chieftain.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes stated after seeing the yearly trend of the City's fund balance, he would not be opposed to seeing some of the fund balance each year earmarked for OPEB. After meeting with an Actuarial Scientist to get a better idea of what we need to fund but feels it is important for the health of the city going forward. Mr. McKay stated there is a process we would follow with an outside agency and we can begin those discussions. Councilman Webb stated it would be good to know how much we need to fund to take advantage of the higher discount of 7%.

Councilman Cassada thanked the Cleveland Police Department and Chief Gibson for going with him to the homeless camp along the Greenway on Paul Huff Parkway. He then thanked staff for beginning the process of cleaning up under the bridge there. It is important to keep Cleveland a beautiful place. Also, Candies Lane had no flooding or closing of the roadway during the 5" of rain last week. Lastly, he inquired about the Pickleball lighting project. Mr. Fivas stated bids would open this week and we will have a report to you at the next meeting.

Councilman May stated over the years we receive flooding issues and now that we have partnered with the Army Corps on the flood study, the public needs an update. Mr. Fivas replied four years ago we undertook a massive project with the Army Corps to mitigate the flooding in areas of the City. Several retention ponds and home purchases have occurred. People are designing ponds and helping create less of an impact of flooding. They have mentioned two of the ponds will begin construction this summer, which will bring immediate relief to several residents. Councilman Webb inquired if the Everhart area was in the study. Mr. Fivas stated he would have to check with the Army Corps and let him know.

Councilman Hughes stated during the work session we had flooding discussion for Chilhowee Cir NW (Raymond Scott), Woodland Dr NW (Jan Hood) and Clingan Ridge Dr NW (Ed Brown). Secondly, he inquired about the Pickleball Lighting and the possibility of Cleveland Utilities involvement. Mr. Fivas stated he has had discussions with them and they would prefer we handle it as we did the tennis courts.

Councilman Webb thanked city staff on the cleanup efforts on Crestwood Drive.

Mayor Brooks stated as discussed in the work session, 1300/1302 Clingan Ridge Drive experienced serious flooding as well. Also, thank you to Councilman Cassada for mentioning the cleanup under the bridge and the great work of staff and to Corey Divel and the team that sent out the messages for the Mouse Creek cleanup on Saturday, through the Stormwater Program.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2021-26 –** Opposing the elimination of Metropolitan Statistical area and authorizing the Mayor to prepare and submit letters of opposition.

**RESOLUTION 2021-26**

**A RESOLUTION OPPOSING THE ELIMINATION OF THE CITY OF CLEVELAND METROPOLITAN STATISTICAL AREA AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TO PREPARE AND SUBMIT LETTERS OF OPPOSITION TO THIS INITIATIVE.**

WHEREAS, The city of Cleveland appreciates the opportunity to comment on the Office of Management and Budget's (OMB) review of the remmendations it received from the Metropolitan and Micropolitan Statistical Area Standards Review Committee.

WHEREAS, We strongly oppose adopting the review committee's recommendation to increase the metropolitan statistical area (MSA) from a minimum population of 50,000 to 100,000. Raising the minimum MSA population cut-off from 50,000 to 100,000 would undermine the consistency in the collection and tabulation of federal statistics and interrupt the flow of federal aid to our communities.

WHEREAS, Although OMB has made changes to the statistical program in the past, removing the MSA designation for 144 medium sized cities (including Cleveland, TN.) would make it more difficult to allocate federal aid to the places where it is needed the most.

WHEREAS, Despite the Committee's statement that "OMB establishes and maintains these areas solely for statistical purposes." (and) "These areas are not designed to serve as a general-purpose geographic framework applicable for nonstatistical activities or for use in program funding formulas" many federal agencies do in fact use OMB's area definitions in their program funding formulas, including the CDBG program.

WHEREAS, The CDBG program's statute uses OMB's definition of "metropolitan area" and the population threshold of 50,000 to determine eligibility for entitlement formula allocations under the program. If the Committee's recommendation is adopted, cities like Cleveland with a population above 50,000 and below 100,000 which have been designated as a CDBG entitlement grantee in the last two years would lose their entitlement status and their CDBG funding.

WHEREAS, The city of Cleveland is currently in the midst of a downtown revitalization plan. When companies perform research on areas for business expansion and development they look at MSA data. Moreover, federal dollars spur state, local, and private investment that create jobs and boosts the economy, which is something that our nation needs right now.

WHEREAS, If the city of Cleveland is no longer defined as an urban area or MSA, we may no longer qualify for programs that support low and moderate-income persons, public transportation, public health, and transportation planning and programming. We estimate the financial impact to our community in relation to this change could result in losses in the millions of dollars annually.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Cleveland, Tennessee in regular session assembled, the City Council does hereby oppose the change recommended by the Metropolitan and Micropolitan Statistical Area Standards Review Committee. We urge you to reject the recommendation to increase the minimum urban area population to qualify as a Metropolitan Statistical Area from 50,000 to 100,000. This resolution shall be in effect after proper passage.

ADOPTED this 22nd day of March, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2021-26 be approved as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following RFP was then presented:

- **RFP Update** – Council to consider proposals for the redevelopment of 266 Inman Street

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **March 22, 2021**
**RE:** **266 Inman Street RFP**

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**SUMMARY:**
The City accepted proposals for the acquisition and redevelopment of 266 Inman Street on March 19, 2021. One proposal was received from the following firm:

- Henderson, Hutcherson & McCullough, PLLC

**COMMITTEE FINDINGS**:
None.

**FISCAL ANALYSIS:**
None.

**RECOMMENDATION:**
An evaluation committee has reviewed and evaluated the proposal. The committee recommends accepting the proposal from Henderson, Hutcherson & McCullough, PLLC, based on their experience of completing projects of similar scope and the economic benefit this will provide.

If accepted, City staff will work with the firm to draft an agreement to be considered for approval at the next Council meeting.

Councilman Hughes moved that the RFP from Henderson, Hutcherson & McCullough, PLLC be accepted. The motion as seconded by Councilman May. Mr. Fivas stated staff will put together a development agreement and bring back at the next meeting for final approval. Upon roll call, the motion was unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- City Offices will be closed on Friday, April 2, 2021 in observance of Good Friday.
- The next City Council meeting will be held on Monday, April 12, 2021.

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

_____ _____
Mayor City Clerk

REGULAR SESSION
APRIL 12, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 12, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 78, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Vice Mayor Avery Johnson. Also present were Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Mayor Kevin Brooks was absent from the meeting. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Executive Assistant; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Jonathan Jobe, Development and Engineering Department and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Hughes, the following business was then entered into:

Councilman Cassada moved to excuse Mayor Brooks from today's meeting due to attending the TACIR meetings in Nashville. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

## 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 22, 2021 and approve them as written. The motion was seconded by Councilman Hughes; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

No special presentations and public comments.

## HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communications.

## CONSENT AGENDA

Councilman Cassada moved to approve the following items from the Consent Agenda excluding Resolutions 2021-29 and 30 and moved to unfinished business. The motion to approve the consent agenda was seconded by Councilman Estes. Councilman May declared he was related to Jeff Huff, which does not affect his vote. Upon roll call, the consent agenda unanimously passed.

- **Resolution 2021-27 –** Accepting Weeks Horizon Place (approximately 450 feet) in the Weeks Horizon Townhome Development as a city street.

## RESOLUTION 2021-27

**WHEREAS,** the Weeks Horizon Townhomes Subdivision is a development located in the City of Cleveland; and

**WHEREAS,** the Weeks Horizon Townhomes Subdivision is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 29 Page 82; and

**WHEREAS,** Weeks Horizon Place is a street located within this development and is depicted on this Plat; and

**WHEREAS,** the developer has requested that the City accept Weeks Horizon Place as a City street; and

**WHEREAS**, the City's engineering staff has inspected Weeks Horizon Place and is now recommending that the City accept Weeks Horizon Place (approximately 450 feet in length) 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 Weeks Horizon Place as a City street.

This 12th day of April 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-28 –** Street Acceptance for Lakeside Lane, Grove Park Court and 2 sections of Grove Park Drive:
    1. Accepting Lakeside Lane (approximately 360 feet) constructed as a part of Lakeside Cottages at the Farm Development as a city street.
    2. Accepting Grove Park Court (approximately 510 feet) constructed as a part of The Cottages at the Farm Development as a city street.
    3. Accepting Grove Park Drive (approximately 475 feet section located from the south edge of Tasso Lane then in a southwest direction) constructed as part of The Haven at the Grove and Lakeside Cottages at the Farm Phase 2 Development as a city street.
    4. Accepting Grove Park Drive (approximately 875 feet section located from the east edge of North Lee Highway then in a southeast direction) constructed as part of The Pointe at the Farm, Lakeside Cottages at the Farm Phase 1 and Phase 2, The Cottages at the Farm and The Pointe at the Farm as a city street.

**RESOLUTION 2021-28**

**WHEREAS,** Lakeside Cottages at the Farm Phase 1 is a subdivision located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 26; and

**WHEREAS,** Lakeside Lane (approximately 360 feet) is a street located within this development and is depicted on this Plat; and

**WHEREAS,** the developer has requested that the City accept Lakeside Lane (approximately 360 feet) as a City street; and

**WHEREAS**, the City's engineering staff has inspected Lakeside Lane is now recommending that the City accept Lakeside Lane as a City street; and

**WHEREAS,** The Cottages at the Farm is a subdivision located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 90; and

**WHEREAS,** Grove Park Court (approximately 510 feet as constructed) is a street located within this development and is depicted on this Plat; and

**WHEREAS,** the developer has requested that the City accept Grove Park Court (approximately 510 feet as constructed) as a City street; and

**WHEREAS**, the City's engineering staff has also inspected Grove Park Court (approximately 510 feet as constructed) is now recommending that the City accept this portion of Grove Park Court as a City street; and

**WHEREAS,** The Haven at the Grove Phase 2 is a subdivision located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 37 Page 11 and Lakeside Cottages at the Farm Phase 2 is a subdivision located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 63; and

**WHEREAS,** Grove Park Drive (approximately 475 feet) beginning at the south edge of Tasso Lane and then extending in a southwest direction is a street located within these two developments and is depicted on both of these plats; and

**WHEREAS,** the developer has requested that the City accept Grove Park Drive (approximately 475 feet) beginning at the south edge of Tasso Lane and then extending in a southwest direction as a City street; and

**WHEREAS**, the City's engineering staff has also inspected this section of Grove Park Drive (approximately 475 feet) beginning at the south edge of Tasso Lane then extending in a southwest direction, and is now recommending that the City accept this portion of Grove Park Drive as a City street; and

**WHEREAS,** another portion of Grove Park Drive (being an 875 foot section) is located beginning at the east edge of North Lee Highway then extending in a southeast direction and is depicted on the following plats: (1) The Point at the Farm subdivision shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 81, (2) Lakeside Cottages at the Farm Phase 1 subdivision shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 26, (3) Lakeside Cottages at the Farm Phase 2 is a subdivision shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 63 and (4) The Cottages at the Farm subdivision shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 90; and

**WHEREAS,** the developer has also requested that the City accept this portion of Grove Park Drive (an 875-foot section) beginning at the east edge of North Lee Highway and then extending in a southeast direction as a City street; and

**WHEREAS**, the City's engineering staff has also inspected this portion of Grove Park Drive (an 875-foot section) which is located from the east edge of North Lee Highway and then extending in a southeast direction and is now recommending that the City accept this portion of Grove Park Drive as a City street.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept the following as city streets:

1. Lakeside Lane (approximately 360 feet).

2. Grove Park Court (approximately 510 feet as constructed).

3. Grove Park Drive (approximately 475 feet) which begins at the south edge of Tasso Lane then extends in a southwest direction.

4. Grove Park Drive (an 875-foot section) which begins at the east edge of North Lee Highway and then extends in a southeast direction.

This 12th day of April 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Appointment** – Equalization Board – Jeff Huff for a two-year term to expire April 2023.
- **Bid Summary** – Pickleball Lighting.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **April 12, 2021**
**RE:** **Bid Summary – Pickleball Court Lights**

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**SUMMARY:**
The City accepted sealed bids on March 26, 2021, for materials to light six pickleball courts at Tinsley Park. One bid was received and is listed below.

- Lowes Lighting Gallery
  Cleveland, TN — **$37,600.00 Base Bid**
  **($275.00) Deductive Alt.**

**COMMITTEE FINDINGS**:
None.

**FISCAL ANALYSIS:**
None.

**RECOMMENDATION:**
Staff recommends accepting the bid from Lowes Lighting Gallery for a cost up to $37,600.00.

- **Bid Extension** – Brush Chipping Services.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **April 12, 2021**
**RE:** **Bid Extension – Brush Chipping Services**

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**SUMMARY:**
Public Works has requested to extend their current Brush Chipping contract with Big Woody's Tree Service for an additional one-year term.

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

**FISCAL ANALYSIS:**
Funds are available.

**RECOMMENDATION:**
Recommendation is to approve the extension of the current contract for an additional one-year period. The term of the new contract will be July 1, 2021 through June 30, 2022.

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

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **April 12, 2021**
**RE:** **Bid Summary – Laundry & Dry Cleaning**

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**SUMMARY:**
Sealed bids were received on April 6, 2021, for Laundry & Dry Cleaning Services. The bids are listed below:

**CHAMPION CLEANERS**
**CLEVELAND, TN:**

| | | | |
|---|---|---|---|
| DRESS PANT | 3.12 | SPORT COAT (CIVILIAN) | 3.10 |
| DRESS SHIRT | 3.12 | SUIT - 2 PIECES (CIVILIAN) | 6.22 |
| EISENHOWER JACKET | 3.60 | BLACK FATIGUES - 2 PIECES | 6.25 |
| SERVICE JACKET, FUR LINED | 3.60 | JEANS | 3.12 |
| DRESS SHIRT, LAUNDRY | 1.50 | SHORTS | 2.63 |
| DRESS PANT, LAUNDRY | 3.25 | DRESS | 4.96 |
| KNIT SHIRT | 2.50 | BLOUSE | 3.00 |
| BROWN FATIGUES, LAUNDRY | 3.25 | RAINCOAT | 5.25 |
| KNIT PULLOVER, LAUNDRY | 2.50 | SUIT JACKET | 3.10 |
| TIES | 1.70 | VEST | 2.45 |
| BULLET PROOF VEST (CARRIER) | 2.00 | SEWING OF INSIGNIAS | 3.00 |
| SWEATER (CIVILIAN) | 3.00 | | |

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

**FISCAL ANALYSIS:**
Funds are available.

**RECOMMENDATION:**
Staff recommends award to Champion Cleaners. The term of this contract will be for a one-year period beginning May 1, 2021.

**UNFINISHED BUSINESS**

The following Resolution was then presented in full:

- **Resolution 2021-29**- Authorizing the Mayor to sign contract amendment 3 with TDOT related to the Central Avenue NE from Ocoee to Gaut St NE project.

**RESOLUTION 2021-29**

**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:** Central Avenue NE from SR-74 (Ocoee St) to Gaut Street NE
Agreement Number: 140212
Project Identification Number: 114567.01
Federal Project #: STP-M-9203(22)
State Project #: 06LPLM-F3-052

**WHEREAS**, the City Council desires to enter into the attached contract amendment #3 with TDOT for the project described, and to further authorize the Mayor to execute this contract on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached contract amendment #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 12th day of April, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada asked for clarification on the sidewalk area. Is it Edwards or Gaut Street? Mr. Fivas stated the original project was from Broad to Gaut Street, but we feel it is more efficient to take it to Edwards Street with our crews to add it to the Gaut Street sidewalk project. Councilman Cassada stated there are existing sidewalks in that area. This project began in 2015 and as stated previously, especially with state funding, we have many other projects and areas that don't have sidewalks. Is this contract amendment part of the process or for additional items? This is a million-dollar project and the city match of 20% could go towards something else. Everyone has a need. Can this be switched to another state road? Mr. Fivas stated this project is complex with more than sidewalks. It is a complete road reconstruction. The intersection of Broad Street and Central Avenue would get updated the traffic signals. It includes the uneven walkways, stormwater issues and repaving the roadway. Yes, there are existing sidewalks that we can improve more effectively with a Public Works crew to tie into and the budget will decrease. Councilman Cassada asked if the money would be better used other places like 25th/Ocoee Street to help with infrastructure. Councilman Estes stated this was started in 2015, we are there now, ready to implement and you want the money to go back in the hopper for another 5 years? He is not for that. Councilman May stated when this came up years ago, it was to eliminate a stormwater issue throughout the grid. Mr. Fivas stated this project will also add

parking for downtown. Councilman Estes stated this is part of a master plan. Councilman Cassada stated other districts have needs for sidewalks and would like for the Council to move forward with something for each district like we do for paving. It seems like it is lumped in one district. It is a safety issue for the whole community. Everyone should benefit. Vice Mayor Johnson stated the sidewalks on Central Avenue have been there for at least 70-years. They are in terrible shape. The sidewalks along Gaut Street to Ocoee Street are terrible as well. Councilman Webb added when we upgrade sidewalks, we are addressing handicap issues as well, which are all over the community. It is a good move forward and the right thing to do. Councilman Hughes stated it would be helpful to have a breakdown per district of future sidewalk projects. Councilman May then moved that Resolution 2021-29 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-30 -** Approval of Technical Assistance Contract with Blu Lynx Solutions, Inc. for CDBG Training and Technical Assistance.

**RESOLUTION 2021-30**

**WHEREAS**, the City of Cleveland, through its Community Development Department, has received a proposal for CDBG technical assistance training from BluLynx Solutions, Inc.; and

**WHEREAS,** the Community Development Coordinator has attached a memo to the City Council recommending that the City Council approve of the attached agreement with BluLynx Solutions Inc. for this CDBG technical assistance training; and

**WHEREAS**, the City Council desires to approve the attached agreement with BluLynx Solutions, 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 approve of the attached agreement with BluLynx Solutions Inc. for CDBG technical assistance training, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 12th day of April 2021.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Councilman Cassada inquired about the resolution and agreement. Mr. Fivas stated it is related to CDBG and HUD funding and this agreement is to help with the rules, regulations and processes with the special allocation of monies we have received from the CARES Act and the COVID funds. BluLynx has specific training to assist and consult with CDBG to make things are done correctly. Councilman Webb moved that Resolution 2021-30 be accepted as presented. The motion was seconded by Councilman Cassada. Councilman Estes stated he is a board member of City Fields, which does not affect his vote. Upon roll call, unanimously passed.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes stated this weekend is the 65-Roses event and is thankful for the cooperation of the Cleveland Police Department and Sgt. Evie West. Also, he would like to continue discussions on city-wide sidewalk projects under new business.

Councilman Hughes stated the Cleveland High School Wrestling team won the State Championship and he would like the team and coaches to attend the April 26 meeting. If no one is in opposition, he will invite them to attend. No opposition was expressed. Also, Lauren Thacker and Ellie Fivas have won the State award for a mock trial and will be heading to the Nationals in Evansville, IN.

Vice Mayor Johnson inquired about the pickleball court usage. He has received a few complaints that the Association has taken over the courts with excessive playtime and citizens are not allowed to play. Mr. Fivas stated staff will look into it as our goal is to keep the courts open and sometimes the more scheduling we do, is not the best. We will need to find the right mix. Councilman Hughes stated we don't want to get into scheduling the courts and the Association can't assume they are in charge of the courts. Mr. Fivas added it could be like we handle the pavilions and if there is a group that wants to reserve the courts and pay for the access then that might be a solution but we have to make sure it's reasonable usage for the public to have access. Councilman Estes stated this is similar to the Soccer Association and maybe it will work itself out. Councilman Hughes reiterated we don't want to get into scheduling the courts. Councilman Estes replied let's give staff time to find a possible solution. Mr. Fivas stated if things don't work out themselves then we will need some type of framework to keep things reasonable. Paul Wyrick is aware of the issues with the pickleball court usage and staff is working on a solution.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2021-31 –** Authorizing the Mayor to sign a Right of Way Dedication and Construction agreement with LeConte Development, LLC.

## RESOLUTION 2021-31

**WHEREAS,** the City Manager has presented the City Council with a memorandum outlining the recommendation that the City Council approve of the attached Right of Way Dedication and Construction Agreement-Phase 2 with LeConte Development LLC; and

**WHEREAS**, the City Council has reviewed the proposed agreement with LeConte Development LLC and now desires to accept the proposed agreement and to enter into the attached agreement with LeConte Development LLC, 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 LeConte Development LLC and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [agreement on file in the City Clerk's Office.]

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2021-31 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed. Councilman Hughes stated the agreement calls for a buffer on the north end of the property and if staff is aware of what will be used. Mr. Fivas stated our land use ordinance provides buffer options for the developer, but we feel a fence is the best option. Councilman Hughes stated the adjoining residents do have concerns.

Councilman Estes moved to appeal the Judge of Davidson County decision concerning the Certificate of Need for the Methadone Clinic. The motion was seconded by Councilman May; and upon roll call, unanimously passed. Councilman Cassada asked why the Judge wouldn't just ask them to resubmit the notice and go through the process again. Mr. Kimball responded in Tennessee the statute says notices have to be sent by certified mail/return receipt requested, there is some line of authority that all that is required is it be mailed not received. That is the legal issue and what the appeal will be about.

Councilman Estes stated he would like the Council and staff to continue the discussion on sidewalk and needs throughout the city. Paving. Each year we have a list of streets, equitable square yards in each district but more asphalt has been laid, let's say in the 5th District because there are more state roadways. The city's equalization is fair, but if you counted total yards, the 5th District will win almost every time. It would be the same with sidewalks. When we get MPO or CDBG funds or grants earmarked for sidewalks those projects will look like they are getting more money and attention in certain districts. He feels staff tries to keep things balanced. It is not clean in terms of how much footage of sidewalks comes in. Different pots of money pay for things. To make it fair for everybody makes it fair for nobody. You can't treat all the districts the same because that's not what's best for the city. The low hanging fruit in this is to change the city code for the city to require sidewalks in new developments. Do it right from the start. The city staff gets mixed messages from us when we say we want sidewalks, but it's not required in our code, so builders are not going to do it. How can we add teeth to our planning and development rules that will help us. Everything is not the same in all the districts. Mr. Fivas stated we've understood, even when we did the surveys, we get a lot of outreach for sidewalk needs in the community. Not as high as traffic or congestion but several. We have an audit of current sidewalks we have and know precisely where the rankings are on a GIS map that we are going through trying to fix what we have right now. Part of it is the ADA issue we are facing. We are working on those pieces. Secondly, Councilman Cassada has requested a comprehensive list of new sidewalks that will be installed in the future. We are putting that together and will be able to overlay current and future sidewalks. We need to get those to you to determine the priority and funding. He then reviewed several sidewalk projects and what staff is trying to address. We do have a code that was built for rural urban areas and now we have numerous houses being built and we have to adapt and have the conversations. We need a map, prioritize it, figure out funding and have everyone walk about feeling good about the process. Councilman Webb stated it would be good for everyone to see that but not get hung up on where sidewalks are going that we lose the opportunity to put a sidewalk anywhere when we have the opportunity to build it for 5, 10 or 20% of the cost. Anytime we add even a foot of sidewalk in the community we all benefit from it. Councilman Cassada stated he agrees. Vice Mayor Johnson stated we have a lot to do and a lot of priorities. Councilwoman McKenzie says she appreciates all the new sidewalks and South Lee Highway has been there for a long time, Bradley High School has been there a long time, to not have sidewalks so whatever we can do will be helpful. Councilman Hughes felt Bradley High School would give the property there in front, from the Superintendent's Office to the Rebel for a sidewalk. Mr. Fivas stated we will ask them next week. Councilman Estes stated we are not being very direct with staff about changing our code. Value questions: do we pass on the cost of sidewalks to developers requiring it or do we pay double as a city to come back later and do it? Connectivity. Do sidewalks in certain part of the city really connect people? If we were clear to staff going forward, for the Council twenty-years ahead we can be clear. We should look and gather information. Look at things from Collegedale and Ooltewah, even Hixson that we don't have in our code and that would increase the amount

of sidewalks yearly with every development. Mr. Fivas stated we have made progress over the years and instead of a requirement, it's been a negotiation for setbacks and density. He feels the developers like that option and believes our code should reflect that, so everyone wins.

## ANNOUNCEMENTS

Vice Mayor Johnson announced the following:

- The next City Council meeting will be held on Monday, April 26, 2021.

There being no future business the meeting was adjourned at 4:08 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
APRIL 26, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 26, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING. PURSUANT TO GOVERNOR LEE'S EXECUTIVE ORDER 78, THIS MEETING WAS CONDUCTED ELECTRONICALLY AND LIVE STREAMED ON THE CITY'S FACEBOOK PAGE IN ORDER TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE. DURING AND PRIOR TO THE MEETING, ANY QUESTIONS OR COMMENTS WERE SUBMITTED TO THE CITY MANAGER'S OFFICE.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Patti Pettit, Parks and Recreation Director and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

Mayor Brooks asked for a moment of silence for the family of Sharon Taylor, who recently passed away. Also, a moment of silence for the lives lost one year ago in the April 2020 tornado outbreak in our 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 April 12, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

City Manager Joe Fivas updated the Council on the following: Tinsley Pool is approximately 40-years old, last year the pool was not opened due to Covid. This year we are going to make every effort possible to open it even though there are some issues. It is very costly to operate; about $150,000 a year and revenue is only about $10,000. The main cost are a leak and chemicals. Since the pump hasn't been started in a couple of years, we are going to try to make it happen but if we run into major issues when the pumps are turned on, we will report back where we stand. Recently, it was heavily vandalized, and staff is working through that and we feel the pool deserves one more opportunity. Councilman Cassada stated the pool has been there a long time and hopes it can be revamped to be an asset to the community. Councilman May added chemicals and pumps have problems. Mr. Fivas stated yes and with the leak we are losing hundreds of thousands of gallons a week during operation. Secondly, Parker Avenue Design: Beginning at 20th Street, one side of the sidewalks are completed. The other side will have a sidewalk with additional on-street parking. The houses need parking and for the events at Lee it can be used for overflow parking. This design is to alleviate traffic and safety issues. The project will begin the day after Ocoee Middle classes are out for the summer and we will probably do a hard shut down of Parker Street, since it is a major project. Councilman May asked if the project was all in-house. Mr. Fivas stated it's a hybrid project. We will do some of the street work, very little stormwater work but we have our contracts for paving and sidewalks that will be utilized. Our goal is to have it completed before school starts back. Mr. Fivas then reviewed today's agenda. He added at the next meeting he will review the nine different elements going in with the improvements on Paul Huff Parkway.

Mayor Brooks read the following proclamation to recognize and congratulate Dr. Leneda Laing, the 2021 TN Principal of the Year.

"D R. L E N E D A L A I N G"
"TDOE 2020-2021 PRINCIPAL OF THE YEAR"

Whereas, The Tennessee Department of Education announced Dr. Leneda Laing of Cleveland Middle School as the 2020-2021 Tennessee Principal of the Year, she was chosen out of nine finalist representing Tennessee's eight CORE regions as well as Shelby County-Municipal area; and . . . .

Whereas, Dr. Laing served nine years as a National Board Certified classroom teacher and math coordinator and served four years as assistant principal before becoming principal of Cleveland Middle School, currently in her fifth year as principal; and . .

Whereas, Dr. Laing was also awarded the Presidential Award for Excellence in Teaching Mathematics from the National Science Foundation in 2007; and . . . .

Whereas, Director of Cleveland City Schools, Dr. Russell Dyer says Dr. Laing truly exemplifies what it means to be an outstanding educator, she represents Cleveland City Schools very well and embodies all that is great about educators in Tennessee and is very deserving of this great honor; and . . . .

Whereas, the Tennessee Principal of the year award is awarded annually to a school leader for outstanding service in education and exceptional leadership that drives overall improvements in his or her school,

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland and on behalf of the Cleveland City Council do hereby present this certificate in recognition of Dr. Leneda Laing being chosen "TDOE 2020-2021 PRINCIPAL OF THE YEAR" and thank her for all she does for the young people of our community.

Mayor Brooks then read the fooling proclamation to recognize and congratulate the Cleveland High School Raider Wrestling Team.

"CLEVELAND HIGH SCHOOL RAIDER WRESTLING DAY"

Whereas, the Cleveland High School Blue Raider Wrestling Team dominated the finals of the TSSAA tournament at the Chattanooga Trade & Convention Center with six state titles—a TSSAA record—and three runner-up finishes. Cleveland's nine finalist also set a state record for the number of wrestlers in championship matches; and . . . .

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

Whereas, Raider wrestlers, Logan Fowler (106), Jackson Bradford (132), Trae McDaniel (138), Cody Chittum (145), Tetoe Boyd (182) and Ashton Davis (220), all stood atop the podium at night's end. McDaniel's win was his third consecutive state championship; Davis and Bradford have two championships each; Chittum's appearance in the tournament made TSSAA history as the only time a wrestler ranked No. 1 in the nation has wrestled in the state tournament; 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 . . . .

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee do hereby declare Monday, April 26, 2021 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, the Raider wrestlers, as well as, Dr. Russell Dyer, Autumn O'Bryan, and David Turner 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 TSSAA Wrestling Champions—Cleveland High Blue Raiders.

## HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communications.

## CONSENT AGENDA

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

- **Bid Summary** – Street Striping and Thermoplastic Markings.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Purchasing Coordinator**
**DATE:** **April 26, 2021**
**RE:** **Bid Summary – Street Striping and Thermoplastic Markings**

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**SUMMARY:**

Sealed bids were received on April 20, 2021, for the Street Striping and Thermoplastic Markings. The bids are listed below:

- Superior Pavement Marking, Inc.
  Knoxville, TN **$154,856.25**

- Volunteer Highway Supply
  Knoxville, TN **$109,575.00**

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

**FISCAL ANALYSIS:**
Funding is available.

**RECOMMENDATION:**
Recommendation is to award the contract to Volunteer Highway Supply. The initial term of this contract will be for a two-year period beginning June 1, 2021 and ending May 31, 2023.

- **Resolution 2021-33** – Amending the CDBG Citizen Participation Plan regarding electronic public hearings during Covid.

# RESOLUTION 2021-33

**WHEREAS** the City of Cleveland is required to amend the CDBG Citizen Participation Plan regarding electronic public hearings during COVID; and
**WHEREAS,** the Redevelopment Development Coordinator has attached a memo and the changes to the Citizen participation Plan; and

**WHEREAS,** the City Council desires to approve the changes to the Citizen Participation Plan per HUD's requirement and;

**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 the changes to the Citizen Participation Plan.

This 26th day of April 2021.

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk

## 1.0 PURPOSE

The City of Cleveland Community Development Block Grant (CDBG) Citizen Participation Plan represents a document and program designed to actively seek the advice and counsel of the citizens of Cleveland in the preparation, administration and implementation of the Community Development Block Grant Program. It is the express purpose of this plan to develop mechanisms that will ensure that the citizens of the City of Cleveland have the opportunity for ongoing participation. It is also intended to establish procedures through which the City of Cleveland staff and officials may solicit and receive input from citizens, non-profit organizations, and other interested parties. The intent of the plan is to provide adequate opportunity for review and comment on the Community Development program, goals, priorities and projects. The City of Cleveland CDBG Grant Manager will be responsible for the implementation and coordination of citizen participation activities, responses and comments.

## 2.0 METHOD OF APPROACH

Several approaches or techniques will be utilized to implement this plan. All retain the primary purpose of soliciting and receiving citizens input on the Community Development Block Grant program, goals, priorities and projects.

## 3.0 PUBLIC HEARINGS

The City of Cleveland CDBG Grant Manager will be responsible for conducting two public hearings each fiscal year. At each public hearing, citizens, agencies and other interested parties will be invited to participate for the purpose of obtaining their views. The public hearings will identify housing and Community Development needs of the community, review proposed use of funds, and review program performance.

One public hearing shall be conducted by the City of Cleveland staff at the City Council Meeting following the end of the program year.

A second public bearing shall be conducted by the City of Cleveland during the program year at a location in a neighborhood of the activity. (typically, in January or February) During COVID, this public hearing may be conducted at the City Municipal Building.

The citizens of Cleveland, public agencies, and other interested parties are invited to comment on the Community Development program, goals, priorities, and projects at the public bearings or within 30 days after the public hearings. The public hearing comment period relating to CDBG CV (COVID 19) is a five-day comment period instead of 30 days. Any required public hearings during the COVID Pandemic may be held virtual on the City of Cleveland's Facebook page.

The City of Cleveland staff will ensure that special procedures will be used to assist low- to- moderate-income persons, elderly, persons with disabilities, and non-English persons attending meetings have access to information and material.

The City of Cleveland encourages citizen participation in the Community Development program, emphasizing the involvement of low, very low, and poverty income residents where Community Development Block Grant funds may be spent. The City of Cleveland shall afford the citizens adequate and timely notification of all local meetings, public forums, and public hearings.

- **Motion** – Approving a proposed additional economic analysis with Ragan-Smith for the SR306 Cleveland Corridor Study project.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **April 22, 2021**
**RE:** **SR 306 Cleveland Corridor Study - Scope / Proposal**

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**SUMMARY:**
Attached is the proposal from Ragan-Smith to add the economic analysis to the SR 306 Cleveland Corridor Study Project. The estimate came in at an additional $15,000; the total project would be around $110,000 so the city's match would be approximately $11,000. This would be an overall increase to the City by about $1,000.

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

**FISCAL ANALYSIS:**
This will cost the City an estimated additional $1,000.00 for this $110,000 study.

**RECOMMENDATION:**
City staff recommends approval of this item.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Estes thanked the Cleveland Police Department for their involvement with the 65 Roses. Secondly, the Planning Commission discussed the proposed downtown overlay changes. Ben Berry and staff has put together some good things, which will be coming before us in a few months. There are some positive changes and when the time comes, he encourages everyone to read the packet. Lastly, the projects we have going now, he would like to have an Excel spreadsheet with a Gantt chart, so we can see all the projects with monthly columns so we and the public can see a timeline and projects in one place.

Councilman Cassada thanked all City staff for going above and beyond the call of duty with the citizens of our community.

Councilman May echoed the comments thanking City staff as well.

Councilman Webb asked for staff to maintain the landscaping at Exit 25 welcome sign.

Vice Mayor Johnson stated he received a call concerning a gate off Smith Drive into the Cleveland Courts facility and when it would be installed. Secondly, he received a call concerning trash along Freewill Road near Grace Point Church.

Councilwoman McKenzie thanked Public Works staff for quickly resolving some of her concerns.

Mayor Brooks also complimented Public Works and the mowing department for their work on North Lee Highway.

Mr. Fivas stated in response to the questions, the gate at the Cleveland Courts will be installed by the owners and staff will encourage them to make it a high priority. Councilman Hughes suggested re-evaluating the gate location. Mr. Fivas stated the location was selected after numerous public meetings. The process has been slow because they were evaluating stormwater drainage, fence installation and traffic to go out on Cedar Lane as discussed. The gate at Smith Drive with a code for emergency vehicles, transit and waste vehicles. Mr. Fivas continued that several months ago we split up project management and Robert Varnell is our Transportation Planner and we have given him the opportunity to be the point person for all the transportation projects. He does have a list and timelines, like a supercharged Gantt chart, that we can share with everyone. Councilman Estes stated monthly reports would be good.

## NEW BUSINESS AND ORDINANCES

No new business and ordinances.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, May 10, 2021.

There being no future business the meeting was adjourned at 3:52 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MAY 10, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 10, 2021 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 Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Councilman Bill Estes was absent from the meeting. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Patti Pettit, Parks and Recreation Director and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

Mayor Brooks introduced Jr. Mayor for the Day Piper Merrill, who attends Black Fox Elementary School.

Mayor Brooks then asked for a moment of silence for the family of Larry Presswood, who recently passed away.

Councilman Cassada moved to excuse Councilman Bill Estes from the meeting. The motion was seconded by Vice Mayor Johnson; 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 April 26, 2021 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

Commander Daniel Koob introduced Bradley County Flag Sentry Ella Kidd, who is Second Lieutenant has been the Flag Sentry for three years. She is responsible for lowering the US Flag at half-staff throughout Bradley County. Soon she will be promoted to First Lieutenant and aspires to join the Air Force. Ms. Kidd stated it has been an honor to be the Flag Sentry and serving the community. Mayor Brooks then presented the following Certificate of Recognition to Civil Air Patrol Cadet Second Lieutenant Ella Kidd. In Special recognition and appreciation for her service to the City of Cleveland by volunteering to lower and raise flags on all half-staff days at the City Municipal Building, County Courthouse and Courthouse Annex for 2020/2021. We wish to thank her for her willingness to serve her city and county in this capacity. This is truly an outstanding service for Governmental offices.

Michelle Goldson addressed the City Council concerning three items: 1) a possible amendment to the City Code pertaining to landowners with more than five pieces of property in the Second District disposing of bulk debris are required to take debris directly to the landfill. There has been an ongoing issue with residents setting bulk debris at the street after Public Works has been through for the week. Those items then sit for another week. People are also bringing items in from the County to take advantage of the service. When Public Works is called, they will make a special trip, but that is not always available during the weekends. This has been an ongoing issue. 2) When will the public recreation facilities and pools be opened back up to the public? 3) What is the Ordinance pertaining to farm animals inside the city limits? Currently, we have goats, chickens and sheep that get out. Codes Enforcement and Animal Control have been contacted and they are aware of the issues the neighbors are facing. Councilman Hughes asked why she would like to limit landowners with multiple properties. Ms. Goldston stated one

property is not bad, but it has become a problem with certain landlords, that have multiple properties and have an abundance of trash, which will sit for a whole week before it is picked up. The landlords should be responsible for their tenants abiding by the rules. Vice Mayor Johnson stated sometimes it is not the tenant but the property owner who use the site to bring materials for debris pickup. He has seen firsthand it is a problem. Ms. Goldston stated it is unfair to the residents to look at debris for a week before Public Works can pick it up. Vice Mayor Johnson inquired about the farm. Ms. Goldston stated it is located on 2nd Street, where the animals roam the neighborhood, as they know how to open their cages. She understands people are trying to make due but she has to keep her dogs leashed and vaccinated. Councilman Cassada asked Mr. Fivas to address the park issues. Mr. Fivas stated when school gets out the pools will be open. Of course, we are still waiting on Tinsley. We are going all out to find lifeguards. Summer camps will be conducted at College Hill, when school is out and currently all the parks are wide-open. Mayor Brooks stated Mr. Fivas will follow up with Codes Enforcement and Animal Control to get answers.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owners to rezone 1.87 acres, more or less, located on Hiwassee Ave NE (Tax Map 42G Group B Parcels 18.00,19.00 & 20.00 and Tax Map 42G Group C Parcel 9.00 & 11.00 ) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District. Corey Divel stated he would give a brief summary. We did have a request to rezone a portion of this property a year ago from R1 to R3 and it was denied by the City Council and Planning Commission. Now they have added an additional lot to the north of Hiwassee Avenue and two lots on the south side of Hiwassee Avenue. The current request is from R1 to R2. Our understanding is the only intent is to redevelop the two parcels that were originally considered. They would like to build some townhomes or apartments on the site. Mr. Fivas asked how many units. Mr. Divel stated he believe four but the zoning would allow up to eight based on the size. One of the reasons for denial a year ago was input from the neighbors. The applicant did solicit input from the neighbors and only one person opposed it. We did receive a letter from someone a block further down in opposition. Councilman May stated at one time these lots were deed restricted and asked if it has been lifted. Mr. Divel stated he didn't recall these were restricted. Mr. Kimball stated there was no discussion about restrictions on these. Mr. Divel added the entire street is R1. Councilman Cassada asked if this sets a pattern for the rest of the neighborhood in the future. Mr. Divel replied it potentially could for this section. This block is currently R1. Councilman Cassada asked if this would be considered spot zoning. Mr. Divel stated potentially, all zonings are unique but this one, you have to articulate your judgement. There are different things about this zoning from the previous request. It was R1 to R3 before now it is R1 to R2. It has additional property owners, so it is larger. Those are all contributing factors and you could at least make an argument that it is. Councilwoman McKenzie clarified that eight units are allowable. Mr. Divel stated yes, there is enough area. Currently, there is an abandoned single-family home on the site, they will demolish and redeveloped . He doesn't believe the developer is anticipating building eight but doesn't know that for sure. Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning. Mr. Divel stated the following email in opposition was received.

-----Original Message-----
From: Shari Horton <sharihorton@gmail.com>
Sent: Tuesday, April 20, 2021 7:28 AM
To: Corey Divel <cdivel@clevelandtn.gov>
Subject: Rezoning of 205 Hiwassee Avenue NE

Mr. Divel,

Per our conversation April 16. Please see that the members of the Cleveland Municipal Planning Commission have a copy of this email on or before the regular of the commission meeting, April 20, 2021. Tricia Pennington, Clark Taylor, Alma

Dodson, Maryl Elliott. Larry Presswood, Blake Allison, Benn Berry, Jamie Creekmore, Bill Estes.

The requesting of rezoning of the property 205 Hiwassee Avenue, NE by Southeast Land Trust for approximately 1.87 acres from R1 to R2 should never happen. The saturation of traffic on this street (Hiwassee Avenue) is heavy and dangerous, more traffic would only compound the present problem. The traffic of the 150+ apartments and the single family dwellings is an overload plus add the detouring traffic from Stuart Road to North Ocoee Street (detouring traffic is from Stuart Road to avoid the traffic light at Keith Street and Stuart Road) make it dangerous to exit any side street or driveway. The litter caused by this pass through traffic is horrific and is not manageable.

Please reconsider this problem and others before this property is allowed to be R2. Small children and senior adults travel, walk and play in this already overloaded area.

I have been a resident of 450 Hiwassee Avenue NE since 1977 and have experienced the growth of this area good and bad. I will answer any questions about this request for denial at anytime. I am NOT the only local resident to oppose this, just the only one that is stepping forward.

Thank you,
Shari Horton
423-476-3766
450 Hiwassee Ave, NE

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 by the property owners to rezone 4.11 acres, more or less, located at 184 Durkee Rd NE (Tax Map 58F Group D Parcels 19.00, 20.00, 21.00, 22.00, 23.00) from IL Light Industrial Zoning District to IH Heavy Industrial Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 6-0 with 3 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone 6.02 acres, more or less, located at Benton Pike and Durkee Rd (Tax Map 58 Parcel 78.00) from IH Heavy Industrial Zoning District to MU Mixed Use Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 6-0 with 3 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning an amendment to section 2.12 of the zoning ordinance concerning the development standards within the CBD Central Business District Zoning District. Corey Divel gave a brief staff report and stated it was approved by the Planning Commission 6-0 with 3 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the amendment. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Councilman Hughes inquired about the RA zoning on North Lee Highway at King Den Drive. The house is no longer apart of the farm, but the zoning remains RA. Can the person who lives in the house have to ask or can the community ask for rezoning. Mr. Divel stated someone

with vested rights would have to make the application for rezoning. Councilman Hughes stated the house is zoned RA but the adjoining lots are zoned R1; numerous structures on the lot could devalue the surrounding properties. Mr. Kimball replied there are restrictions but not the number of structures, mainly location on the property but residents can check to see if any subdivision regulations could apply.

## CONSENT AGENDA

Councilman Hughes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Webb; and upon roll call, the consent agenda unanimously passed. Councilman Cassada stated he was in favor of the CDBG Action Plan and pleased to see the future funding for parks in the community.

- **Resolution 2021-34** - Approval of the 2021-2022 CDBG Annual Action Plan.

### RESOLUTION 2021-34

### RESOLUTION FOR APPROVAL OF THE 2021-2022 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

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**WHEREAS,** the City of Cleveland, Tennessee will be receiving a CDBG annual allocation of $363,964 for FY 2021-2022; and

**WHEREAS,** public hearings were held on December 14, 2020, February 16, 2021 and April 5, 2021 to hear comments and input from the public. A draft was available on April 7, 2021 which began a thirty-day comment period ending on May 7, 2021. A copy of the Plan was made available at the Development and Engineering Services Office as advertised in the *Cleveland Daily Banner* on April 7, 2021;

**WHEREAS,** comments made during public hearings regarding the Action Plan were received and reviewed by City staff;

**NOW, THEREFORE, BE IT RESOLVED,** the *2021-2022 Action Plan* be approved by the City Council, and be it further resolved that City staff authorized to submit the plan to the United States Department of Housing and Urban Development (HUD), and be it resolved that the Mayor is authorized to sign all grant agreements, contracts and certifications with HUD that are required to carry out the CDBG program described in the Action Plan.

Approved this 10th day of May 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-35** – Authorizing the Mayor to sign a sewer easement in connection with the Durkee Road Sewer extension project.

### RESOLUTION 2021-35

**WHEREAS**, in connection with the Durkee Road Sewer extension project, Cleveland Utilities needs to obtain the attached sewer easement from the City; and

**WHEREAS**, the City Council desires to approve of this sewer easement to Cleveland Utilities and to authorize the Mayor to execute the same on behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached sewer easement to Cleveland Utilities.

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

This 10th day of May, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-36** – Authorizing the Mayor to sign the FY2022 TDOT State Highway Maintenance contract.

**RESOLUTION 2021-36**

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

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

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

Adopted this 10th day of May, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Report –** Street Paving.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **May 10, 2021**
**RE:** **Bid Summary – Paving**

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**SUMMARY:**
Sealed bids were received on April 30, 2021, for Major Street Paving. The bids are listed below:

- Talley Construction Co., Inc.
  Rossville, GA **$1,337,525.00**

- Wright Brothers Construction Co., Inc.
  Charleston, TN **$1,585,575.00**

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

**FISCAL ANALYSIS:**
Funding is available.

**RECOMMENDATION:**
Recommendation is to award the contract to Talley Construction Company, Inc. The initial term of this contract will be for a one-year period beginning July 1, 2021 and ending June 30, 2022.

- **Motion** – Approving Change Order #2 with East TN Construction Services, Inc for the Blythe to Blythe Sidewalk Fence project.

**TO:** **Mayor and City Council**
**FROM:** **Brian Beck, City Engineer**
**DATE:** **May 5, 2021**
**RE:** **Blythe to Blythe Sidewalk Project Fence Contract agreement**

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**SUMMARY:**
This item authorizes the Mayor to sign an agreement for East Tennessee Construction Services, Inc to provide all equipment, materials and labor necessary to remove and replace 315 LF of 48" chain-link fence including 8 gates along the Blythe to Blythe Sidewalk project from Chippewa Ave SE to 18th St SE for $5,300.00

**COMMITTEE FINDINGS:**
No Committee or Board action

**FISCAL ANALYSIS:**
The cost for the removal and replace of the chain-link fence is funded by a project grant.

**RECOMMENDATION:**
City staff recommends approval.

- **Motion –** Issuing a new Certificate of Compliance to I-75 Wine & Spirits, LLC due to change in the ownership interest of members [Tom Robertson and Carey Robertson]

**UNFINISHED BUSINESS**

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Mayor Brooks stated he was good to have Officer Jonathan Prince and Chief Gibson back with us today. This week is National Police Appreciation Week and he thanked all our officers for their service.

Councilman Hughes stated Crystal Rose contacted him regarding a possible amendment to builders' construction hours and possibly lowering the decibels in the noise ordinance.

Councilman Webb stated 17th Street off and west of Georgetown Road there are several blind spots on the street. He received a resident request to look at enforcing the speed limit in the area.

Vice Mayor Johnson stated he received a call concerning use of the recreation centers to issue Covid vaccines for elderly residents close to the centers. Mr. Fivas stated if we were contacted for that purpose, we would open them up immediately and make them available for vaccinations. Please have them reach out to Patti Petitt and we will work through it. Vice Mayor Johnson continued that Larry Presswood served on the Planning Commission for 17 years and grew up in the east Cleveland area and really appreciated his service to the community.

Councilwoman McKenzie stated she has received a call from residents who are not receiving mail, for several days at a time. It could be due to a shortage of employees. Mayor Brooks stated he noticed the phone number on the blue mailbox was disconnected and asked if someone could reach out to USPS directly.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance 2021-10 –** Rezoning 1.87 acres, more or less, located on Hiwassee Ave NE (Tax Map 42G Group B Parcels 18.00,19.00 & 20.00 and Tax Map 42G Group C Parcel 9.00 & 11.00 ) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Approved 5-1; 3 absent).

## ZONING ORDINANCE 2021-10

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 R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District.

Approximately 1.87 acres, more or less, located at 200, 204, 205, and 215 Hiwassee Ave NE as shown on the attached map.

For reference, same property is being shown Tax Map 42G Group B Parcel 18.00, 19.00 & 20.00 and Tax Map 42G Group C Parcels 9.00 & 11.00, in the Assessor's Office for Bradley County, Tennessee

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

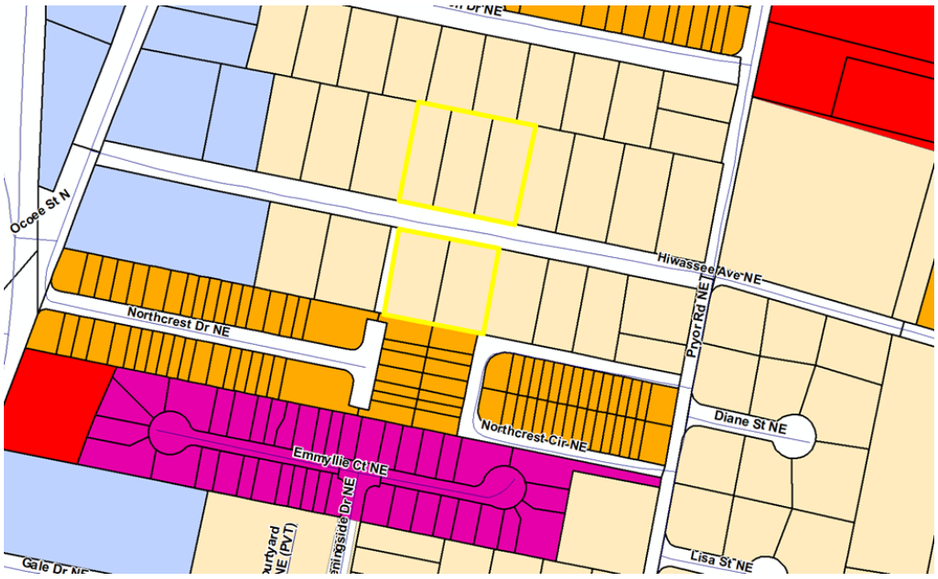
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Mayor Brooks stated the Ordinance dies for lack of a motion. Mr. Kimball stated since there was no motion to approve Mayor, you may want to ask for a motion to deny. It is a zoning matter and any applicant for zoning, through a legal process, has a right to seek judicial review of a zoning determination and that way it will be known by the reviewing body, if there is such a request, that it was denied. Mayor Brooks asked for a motion to deny. Mayor Brooks stated again the Ordinance dies for lack of a motion.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-11 –** Rezoning 4.11 acres, more or less, located at 184 Durkee Rd NE (Tax Map 58F Group D Parcels 19.00, 20.00, 21.00, 22.00, 23.00) from IL Light Industrial Zoning District to IH Heavy Industrial Zoning District (Planning Commission: Approved 6-0; 3 absent).

**ZONING ORDINANCE 2021-11**

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 IH Heavy Industrial Zoning District.

Approximately 4.11 acres, more or less, located on Durkee Rd as shown on the attached map.

For reference, same property is being shown Tax Map 58F Group D Parcels 19.00, 20.00, 21.00, 22.00 and 23.00, in the Assessor's Office for Bradley County, Tennessee

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

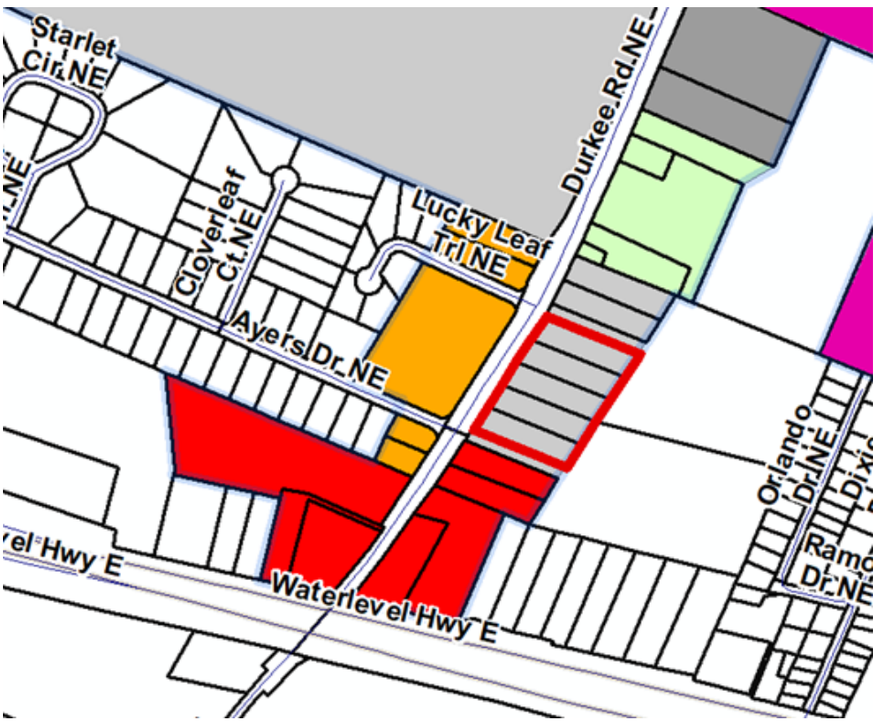
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Councilman May moved that Zoning Ordinance 2021-11 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-12 –** Rezoning 6.02 acres, more or less, located at Benton Pike and Durkee Rd (Tax Map 58 Parcel 78.00) from IH Heavy Industrial Zoning District to MU Mixed Use Zoning District (Planning Commission: Approve 6-0; 3 members absent).

**ZONING ORDINANCE 2021-12**

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 IH Heavy Industrial Zoning District to MU Mixed Use Zoning District.

Approximately 6.02 acres, more or less, located at Benton Pike and Durkee Rd as shown on the attached map.

For reference, same property is being shown Tax Map 58 Parcel 78.00, in the Assessor's Office for Bradley County, Tennessee

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

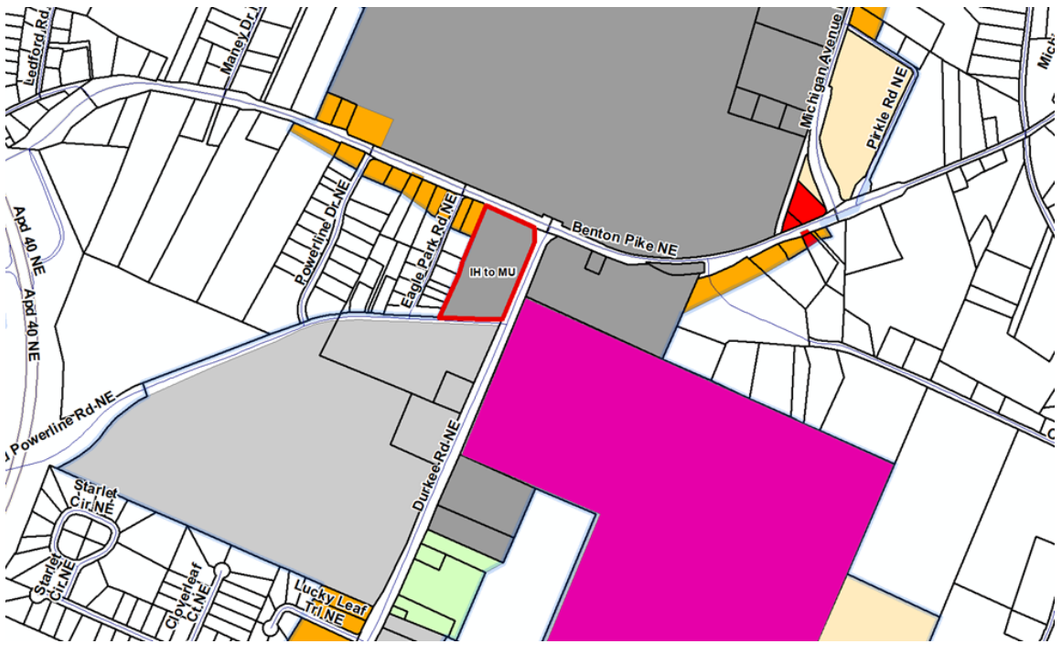
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Councilman Hughes moved that Zoning Ordinance 2021-12 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Ordinance 2021-13 –** Amending Section 2.12 of the Zoning Ordinance concerning the development standards within the CBD Central Business District Zoning District (Planning Commission: Approved 6-0; 3 absent).

**ORDINANCE 2021-13**

**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 SO AS TO ESTABLISH STANDARDS FOR DEVELOPMENT WITHIN THE CENTRAL BUSINESS DISTRICT ZONING DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS the City Council of the City of Cleveland, Tennessee, has considered the comments of the Cleveland Municipal Planning Commission considering the limited design guidelines currently in place within the Central Business District Zoning District, and

WHEREAS, downtown Cleveland is experiencing an unprecedented level of investment in both public and private dollars and it is in the City's interest to promote high quality urban development, and

WHEREAS, the Planning Commission has become aware that the existing Central Business District description and requirements are not adequate to provide appropriate urban development, and

WHEREAS the City Council has determined that the existing ordinance should be revised to address current inadequacies in the Central Business District Zoning District and should promote quality urban development; 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 to read as follows:

2.12 CBD District (Central Business District).

Intent, goals and definitions.

(1) It is the intent of the Central Business District to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings. For instance, residences can be integrated with non-residential development in the form of condos, townhouses, or loft apartments. Such urban places are intended to provide a concentration of goods and services that attract commerce — all within a walkable environment.

(2 The Central Business District is also intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic. The intent is to reduce the need for parking as these urban areas are generally serviced by a well-connected street grid and transit system. Pedestrian and bicycle facilities also play an important role in reducing parking needs by reducing the number of vehicular trips. Parking reductions may also be used in conjunction will all shared parking options to further reduce the number of spaced required.

(3) For the purposes of the Central Business District, it is intended that use of existing buildings be considered "redevelopment" and if a conflict occurs with standards for height, setback, and building footprint square footage, proposed redevelopment shall be considered legal, non-conforming when proposed changes meet the urban character intent as stated in (1). For example, strict compliance should not necessitate the demolition of buildings or removal of facades to meet a sidewalk or building height requirement.

(4) Definitions for use in this zone only:

*Auto-Oriented Uses* — A use heavily influenced by and primarily dependent on the automobile for its viability, including but not limited to the following examples, or other similar uses as determined by the Chief City Zoning Official. Examples are:

(A) Gas Stations

(B) Convenience Stores

(C) Any business with a drive through facility

*Building* — Any walled and roofed structure used or built for the shelter or enclosure of persons, animals or chattels.

*Canopy* — Any architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached or by support extending to the ground directly under the canopy and at the outer end by not less than one (1) stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

*Parapet* — The extension of the main wall(s) of a building above the roof line.

*Building* — Any walled and roofed structure used or built for the shelter or enclosure of persons,

*Street Edge or "Street Edge Treatment"* --- For the purposes of this zone, a street edge or "street edge treatment" shall include an improvement to delineate between the public and private space and be a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of

i. Brick or stone walls (concrete block is permitted if faced with said materials); or
ii. A decorative metal fence with landscaping to be maintained at a minimum of three (3) feet in height at maturity, providing a year-round, near opaque screen; or
iii. An evergreen hedge, to be maintained at a minimum of three (3) feet in height at maturity; or
iv. Highway-style guardrails, chain link, or other security fencing shall not be permitted.

2.12.1 Uses allowed. The CBD includes the following uses:

A. All uses allowed by right in CN, PI, and CG Districts, except veterinary offices and clinics with outside kennels or runs;
B. Multi-family dwellings allowed by right in the R-3 District;
C. Residential uses located above the first floor;
D. Home occupations, subject to 3.10.

2.12.2 Conditional uses.

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. (As replaced by Ord. #2018-22, July 2018)

2.12.3 Building setbacks.

(1) Minimum Building Setback: Zero feet.

(2) Maximum Building Setback: Five (5) feet: however, a maximum building setback of fifteen (15) feet may be permitted if an intentional public space or pedestrian activity space is provided between the building and right-of-way such as a park, plaza, outdoor dining, or sculpture garden.

(3) Front setbacks are measured from the right-of-way on the primary street with the most vehicular traffic.

(4) Side Yard Building Setback: Ten (10) feet where permitted use adjoins any Residential Zone or existing single-family use.

(5) Rear Yard Building Setback: Twenty-five (25) feet where permitted use adjoins any Residential Zone or existing single-family use.

(6) Canopies: For the purposes of this zone, canopies, whether attached or detached:

(a) Are not considered part of the "building" or eligible as part of the calculations for setback requirements. "Setback" is defined as the distance between the primary (principle use) building and any lot line.

2.12.4 Building Height and Mass.

1) Minimum Building Height: Two (2) stories (as defined by the Building Code) or an eighteen (18) foot minimum height.

2) Maximum Building Height: Fifty-Five (55') feet.

3) Building Mass: Although there are no maximum residential density requirements, in order to regulate building mass and scale to be in keeping with urban commercial centers, building footprints for new construction shall not exceed twelve thousand (12,000) square feet.

4) Building Height and Mass Exceptions: A deviation from the height and mass requirements may be granted by the Cleveland Municipal Planning Commission based on one (1) or more of the following criteria:

(a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.

(b) The deviation from the standard is consistent with adopted plans and principles for the area.

(c) The deviation is compatible with the character of the area where it is proposed, and with the size and location of the buildings in the vicinity.

(d) The physical conditions of the property, such as steep slopes, drainage, easements, or small or irregular lot shape make compliance to this specific requirement impossible.

2.12.5 Parking Requirements.

1) Off-street parking shall not be permitted between the building and the primary street. Parking shall be located to the rear of the building. If it is physically impossible to locate parking to the rear of the building, parking to the side of the building may be allowed. If parking fronts any street (excluding alleys), a street edge shall be provided to screen the parking. This street edge shall meet the requirements of "street edge treatment" and landscaping as described in this section.

2) Parking Lot Lighting.

a) All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.

b) Maximum mounting height of light fixtures in parking lots shall be twenty (20) feet.

3) For the amount of parking required or allowed see section 3.4 of the Zoning Ordinance.

3.12.6 - Landscape Requirements.

1) A landscaped street edge shall be provided at the right-of-way for all portions of the lot not fronted by buildings. In addition, a tree planting area with a minimum depth of five (5) feet shall be required along the street edge where parking, drive aisles, or parking surfaces abut the right-of-way.

2) The other requirements of section 3.3 of the Zoning Ordinance shall apply where applicable.

3.12.7 Signage

Wall signs on any one side of the building cannot exceed 1.5 sf pr linear ft of building, with a maximum of 48 sf. Signs on wall, awnings, windows, etc are all considered sigs and included in the calculation. One projecting sign (sidewalk sign) with a maximum sign area of 12 square feet is allowed per storefront facing a public street, maximum width of 2', maximum height of 7', placed 8' above the sidewalk. Pole mounted signs not allowed. Monument signs

allowed for existing buildings with a setback of greater than 18'. Larger Skyline signage may be considered for buildings 4 stories or greater.

3.12.8 Additional Requirements.

(1) There shall be provided at least one (1) primary pedestrian entrance (door) from the primary street. Additional curb-cuts shall not be incorporated on major streets. Side streets and alleys should be used for access. If it is physically impossible or unsafe to locate vehicular access anywhere but a major street, the City Transportation Department may approve a curb-cut onto a major street.

(2) Placement of all dumpsters to the rear of the property is required. In addition dumpsters should also be placed away from residential areas. In all cases, dumpsters shall be screened from any public right-of-way.

(3) There shall be a percentage of openings (doors and windows) on the ground floor primary street facade of no less than thirty percent (30%).

(4) No security-type roll up metal doors shall be permitted on the primary street.

(5) A minimum of seventy-five percent (75%) of the street level façade must be of brick, stone or glass material. No large blank walls are permitted and mechanical equipment must be screened from the street view. Not metal buildings or vinyl siding allowed.

(6) Highway-style guardrails, chain link, or other security fencing shall not be visible from the public right-of-way.

3.12.9 Auto-Oriented Uses.

1) Auto-oriented Uses may seek a deviation to the minimum setback requirements stated in section 2.12.3 but will require a street edge treatment that is the equivalent of or greater than the required zone standards as described herein and in the applicable landscape regulations. Furthermore, the applicant must demonstrate that the project meets the general intent of the Central Business District Zone. A deviation from the setback requirements of the CBD Central Business District Zone may be granted by the Cleveland Municipal Planning Commission under the following conditions:

   (a) The applicant presents an alternative that complies with the stated intent, goals and general standards of the Zone.

   (b) The deviation from the standards is consistent with adopted plans and principles for the area.

   (c) The physical conditions of the property, such as steep slopes, drainage, easements, or small, irregular lot shape make compliance to specific requirements impossible.

2) General Restrictions for Auto-Oriented uses:

   (a) The only off-street parking allowed between the primary building frontage and the primary street is for temporary parking (for drop-offs, etc.) and/or handicapped spaces.

   (b) When a setback deeper than fifteen (15) feet is proposed, in addition to requiring street trees planted along a sidewalk, an additional a street yard, buffer plantings or other landscape treatments is required.

   (c) Small scaled, stand alone drive-throughs or "drive-ups" are not allowed.

   (d) Canopies should be designed as secondary (in size, scope and use) to the primary building.

   (e) Roof signs, billboards and/or other off premise signs are not permitted.

   (f) The sides and tops of canopies cannot be illuminated or include additional signage.

   (g) Lighting must be directed downwards to reduce excessive glare and light pollution.

   (h) All mechanical equipment, whether on the ground or rooftop, excluding small scale alternative energy systems, shall be screened from all public rights-of-way.

   (i) The display and/or sale of vehicles (excluding scooters, bicycles and other non-motorized craft) requires a street edge treatment at the public right-of-way as described in herein. The following shall be screened from view from all public rights-of-way: the outdoor storage of equipment and products, other apparatus related to vehicular sales and/or repairs; and loading and parking areas for large, heavy-use vehicles, dump trucks, repair vans and/or fleets. .

   (j) Garage doors and loading docks shall not front or be visible from the primary street.

3.12.10 Site Plan Requirements

A master site plan is required to be submitted and approved by the Cleveland Municipal Planning Commission for any new construction within the Central Business District for any work affecting the public realm requiring a building permit. Site plans shall be prepared by a design professional licensed within the State of Tennessee (architect, engineer or surveyor) and shall include.

(a) A legal description of the total site with an accurate representation of the boundary of the property and statement of present and/or proposed ownership.
(b) The location and floor area size of the proposed building, accessory structures or other improvements including lot lines, building setbacks, building height, adjacent properties by use and ownership, open spaces, on-site parking spaces, streets and utilities.
(c) The location and dimension of all point of proposed vehicular and pedestrian access, exits and circulation.
(d) Building elevations with details showing proposed materials for all exterior walls of the building.
(e) Identify the location, intensity and direction of all proposed lighting.
(f) Identify the location of all planting areas and type of vegetation or fencing planned for landscaping and buffers.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affect the development, use and maintenance of the property shall apply.

Section 2. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2021-13 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, May 24, 2021.

There being no future business the meeting was adjourned at 3:59 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
MAY 24, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 24, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Coty Smith, IT Network Administrator; Police Chief Mark Gibson; Patti Pettit, Parks and Recreation Director; Robert Varnell, Transportation Planner; Sharon Marr with Mainstreet Cleveland; Doug Berry and Mike Griffin with the Chamber of Commerce; Rachel Clayton, Accountant; Chris Townsend and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag by Representative Mark Hall and prayer by Representative Dan Howell, the following business was then entered into:

## WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on May 10, 2021 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

Representative Mark Hall presented the following State Proclamation Honoring the late Councilman Charlie McKenzie.

HOUSE JOINT RESOLUTION 33
By Hall
A RESOLUTION to honor the memory of Charles M. McKenzie ofCleveland.

WHEREAS, the members of this General Assembly were greatly saddened to learn ofthe passing of Charles M. McKenzie; and

WHEREAS, Charles M. “Charlie” McKenzie was an exemplary public servant and consummate professional who worked assiduously to improve the quality of life for his fellowcitizens in numerous capacities; and

WHEREAS, a lifelong resident of Cleveland, Mr. McKenzie was a graduate of ClevelandHigh School and a member of the Church of God by faith; and

WHEREAS, for almost four decades, Charlie McKenzie served as a bus driver forBradley County Schools and owned and operated Furniture Warehouse; and

WHEREAS, Mr. McKenzie was a highly respected law enforcement official who servedas constable for twelve years, a City of Cleveland police officer for three years, and a Bradley County sheriff's deputy; and

WHEREAS, Charlie McKenzie represented the citizens of District 1 on the ClevelandCity Council and was known for his service to others, his kindness, and his dedication to his community; and

WHEREAS, he was also deeply devoted to his family, and he always endeavored toremain true to family values of the highest order; and

WHEREAS, Charlie McKenzie enjoyed the loving companionship of his wife of twentyyears, Marsha Renee McKenzie; he was the proud father of Steve (Melanie) Murray and the devoted grandfather of J.D. Murray, Kiersten (Andrey) Belyy, and Miranda Goff, and he was eagerly awaiting the birth of his great-granddaughter, Esther Belyy; and

WHEREAS, he was preceded in death by his parents, Kermit and Icye McKenzie; hisbrother; his grandparents, Elisha and Sally Green McKenzie and William and Mattie Black Mason; and his special friend, John Edgar Brown; and

WHEREAS, Charlie McKenzie leaves behind an indelible legacy of integrity and probityin public life, compassion and loyalty in private life, and diligence and dedication in all his chosen endeavors; and

WHEREAS, it is fitting that the members of this General Assembly should pause to remember the bountiful life of this exceptional public servant and human being; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we honor the memory of Charles M. McKenzie, reflecting fondly upon his impeccable character and his stalwart commitment to living the examined life with courage and conviction.

BE IT FURTHER RESOLVED, that we express our sympathy and offer our condolencesto the family of Mr. McKenzie.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy and upon proper request made tothe appropriate clerk, the language appearing immediately following the State seal appear without House or Senate designation.

Michelle Goldston addressed the City Council concerning a possible ordinance for District 2 for limitations on farm animals not allowed in the city limits. She spoke at the previous meeting and Mr. Fivas and Chief Gibson did look into the issues, but it appears additional action needs to take place. She then asked if the landlords that are dumping debris inside the limits have been fined. Mr. Fivas replied staff is currently looking into the issue. Ms. Goldson added perhaps the pickup dates need to be changed for particular areas.

Sonya Pugh at 729 1st Street NE stated she has been trying to get a curb repaired on Berry Street since January to help with flooding. Councilman Estes stated photos have been turned in and a work order has been issued. Staff says it will be completed this summer. Mr. Fivas stated yes, it will be completed once staff transitions off the Candies Lane project, which should happen this week.

Elise Goldston stated she is the direct neighbor from 911 2nd Street NE. The property has been an ongoing issue since 2013 with boats, cars and now farm animals. Neighbors can't sit outside due to the smell. She would like something done for her family and the elderly neighbors. Councilman Cassada stated he did look up animal feces and asked if the health department could get involved. Mr. Fivas stated we can turn it into them and it would be their discretion on what to do. Councilman Estes stated he would like staff to look at other cities and their ordinances on how to handle farm animals. Mr. Kimball stated other cities do regulate other kinds of animals and examples can be brought back. If you want to discuss goats, one of the issues you will have to address is livestock goats verses the pigmy goats that are small and people have as pets. Generally speaking, cities do not have authority to zone agriculture use and eliminate agriculture through zoning. You have your police powers where you can prohibit, like to do with swine, you can prohibit specific breeds of animals. Mr. Fivas stated we have nuisance ordinances that could take effect regarding the odor, without touching on the types of animals.

Councilwoman McKenzie inquired about the number of animals a person can have on a lot. Mr. Fivas replied no. Councilwoman McKenzie asked is there anything we can do to limit the number of animals. She then asked if there was a current limit on the number of dogs and cats someone can have. Mr. Fivas replied no. Mr. Kimball stated most cities chose to deal with the negative effects of too many animals, rather than placing an arbitrary limit, one or two cities in Tennessee cap the number of dogs at five. Most would say that's too many and that is why Cleveland has ordinances already on the books that deal with the effects of too many, the noise, the smell, the cleanliness of the lot for the animals and their shelter. If you limit the number of animals people can have city-wide, you have to take into consideration dog breeders and such. That is why cities generally do not cap the number of dogs and leave it to the number of "effects" that come with having too many, typically noise, odor and care of the animals. You can set a limit on the number of animals, say we don't want people to have more than five dogs on their property but understand that are many different neighborhoods in Cleveland and when you make one rule, it's for the five acre wooded lot with no close neighbors and also small lots with neighbors 25-feet away, so those are the things you need to think about. Mayor Brooks stated at the next meeting perhaps we can have a list of ordinances we currently have and options from other cities.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the FY2022 Budget. Mayor Brooks asked if anyone would like to speak in favor of the approval of the budget. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the budget. Mayor Brooks then declared the public hearing to be closed.

## CONSENT AGENDA

Mr. Fivas reviewed the items listed on the consent agenda. He thoroughly reviewed the agreement with Henderson, Hutcherson & McCullough, PLLC for the redevelopment of 266 Inman Street. It has been conveyed to Bradley County that they would like to purchase the Fire/Rescue building but it is not connected to this purchase. We are receiving bids for asbestos abatement costs but we will not be doing the abatement ourselves but by approving this agreement you will give HHM payment for the lowest cost and they will do the abatement themselves with their contractors. Councilman May agreed we should be out of the process. Councilman Estes thanked staff, this is the type of partnership we need to bring long-term professionals to downtown. Councilman Hughes inquired about parking. Mr. Fivas stated we have a diagram and we have certainty that we can meet the qualifications to provide the requested parking spaces immediately.

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

- **Final Passage - Zoning Ordinance 2021-11 –** heretofore passed on first reading May 10, 2021 and found in Minute Book 30, Page 233; rezoning 4.11 acres, more or less, located at 184 Durkee Rd NE (Tax Map 58F Group D Parcels 19.00, 20.00, 21.00, 22.00, 23.00) from IL Light Industrial Zoning District to IH Heavy Industrial Zoning District (Planning Commission: Approved 6-0; 3 absent).
- **Final Passage - Zoning Ordinance 2021-12 –** heretofore passed on first reading May 10, 2021 and found in Minute Book 30, Page 234; rezoning 6.02 acres, more or less, located at Benton Pike and Durkee Rd (Tax Map 58 Parcel 78.00) from IH Heavy Industrial Zoning District to MU Mixed Use Zoning District (Planning Commission: Approve 6-0; 3 members absent).

- **Final Passage - Ordinance 2021-13 –** heretofore passed on first reading May 10, 2021 and found in Minute Book 30, Page 235; amending Section 2.12 of the Zoning Ordinance concerning the development standards within the CBD Central Business District Zoning District (Planning Commission: Approved 6-0; 3 absent).
- **Resolution 2021-37** – Authorizing the Mayor to sign contract amendment #7 with TDOT related to the sidewalk project along Wildwood/Dalton Pike.

**RESOLUTION 2021-37**

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

**Project:** Dalton Pike/Wildwood MMA Grant
Agreement Number: 140160
Project Identification Number: 120322.00

**WHEREAS**, the purpose of the amendment is to extend the contract completion date until September 25, 2022; and

**WHEREAS**, the City Council desires to enter into the attached grant contract amendment seven with TDOT for the project described, 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 grant contract amendment seven with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [agreement on file.]

This 24th day of May 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-38** – Authorizing the Mayor to sign a Deed of Correction for Cleveland Utilities.

**RESOLUTION 2021-38**

**WHEREAS**, the City of Cleveland, by Bill of Sale and Quitclaim Deed dated March 11, 2002, and recorded in Deed Book 1562, page 190, in the office of the Register of Bradley County, Tennessee, quitclaimed to the Tennessee Valley Authority (TVA), the easements and rights-of-way appurtenant to Cleveland Utilities' and Volunteer Electric Cooperative's East Cleveland-Georgetown 69-kV Transmission Line; and

**WHEREAS**, said Bill of Sale and Quitclaim Deed contained an error in the description of the easements and rights-of-way to be quitclaimed thereby in that it omitted the easements and rights-of-way designated on TVA's records as US-TVA Tracts ECG-5, ECG-6, and ECG-7; and

**WHEREAS,** Cleveland Utilities has recently provided the City with the attached deed of correction prepared by TVA's legal counsel in order to correct the description in the 2002 bill of

sale and quitclaim deed, and Cleveland Utilities has requested that the City Council approve of the same; and

**WHEREAS**, the City Council of the City of Cleveland desires to approve of the deed of correction, and to authorize the Mayor to execute the same on behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached deed of correction and hereby authorizes the Mayor to execute the same on behalf of the City.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-39** – Authorizing the Mayor to sign an agreement with Henderson, Hutcherson & McCullough, PLLC for the 266 Inman Street Redevelopment Project.

**RESOLUTION 2021-39**

**WHEREAS**, the City of Cleveland previously received a proposal from Henderson, Hutcherson & McCullough PLLC pertaining to the re-development of property located at 266 Inman Street; and

**WHEREAS,** the City Manager has attached a memo to the City Council recommending that the City Council approve of the attached development agreement with Henderson, Hutcherson & McCullough PLLC; and

**WHEREAS**, the City Council desires to approve the attached development agreement with Henderson, Hutcherson & McCullough PLLC 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 development agreement with Henderson, Hutcherson & McCullough PLLC, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [agreement on file.]

This 24th day of May, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-40** – Authorizing the development and submission of a grant application with TDOT for planning and preliminary design of a downtown connector.

**RESOLUTION 2021-40**

**RESOLUTION TO AUTHORIZE DEVELOPMENT AND SUBMISSION OF A GRANT APPLICATION FOR PLANNING AND PRELIMINARY DESIGN OF A DOWNTOWN CONNECTOR TO BETTER SERVE THE NEEDS OF DOWNTOWN TRAFFIC INCLUDING USERS OF ALL MODES AND TO SUPPORT DOWNTOWN REVITALIZATION AND BRING ABOUT LOCAL AND REGIONAL BENEFITS**

**WHEREAS,** Inman Street continues to serve as the sole arterial street in the downtown for the crosstown movement of traffic in an east-west direction while it is impacted by a rail underpass that is too low for many vehicles, leading to collisions with the bridge and blocking of the underpass; and

**WHEREAS**, the Inman Street rail underpass continues to be subject to flooding that presents hazards to motorists and others; and

**WHEREAS,** Inman Street has been a primary feature of recent downtown revitalization planning efforts which would seek to restore walkability and a "Main Street" appeal to the artery through conversion of some current travel lane space that is the location of various state routes across town; and

**WHEREAS,** it is desirable to identify and improve an alternative connector route across town connecting major state and federal routes on either side of the Norfolk Southern Railway while providing for a safe and efficient crossing of the railway for all users; and

**WHEREAS,** whereas as recent industrial relocation south of Inman Street and near the Norfolk Southern Railway creates opportunities to plan for a crosstown connector with less impact on existing development; and

**WHEREAS,** despite past efforts at improvement problems have remained with Inman Street from a standpoint of traffic circulation, freight, emergency vehicles, pedestrians, and economic environment, especially in the core downtown and east of the railroad where a well-planned crosstown connector could help bring about greater benefits to many residents, including many low-income persons and racial minority persons in Census Tracts identified by USDOT's RAISE Program as "Areas of Persistent Poverty", while an improved connection of the state routes could also be made for Keith Street and South Lee Highway; and

**WHEREAS,** grant opportunities such as the U.S. Department of Transportation RAISE grant and others possibilities for the planning and ultimate construction of a crosstown connector route that would need to be carried out in cooperation with the Tennessee Department of Transportation (TDOT), railroad officials, and others,

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

1. Authorizes the Mayor and staff to engage with TDOT toward the cooperative development of the most feasible funding opportunities for the planning and eventual construction of a crosstown connector capital improvement project that would serve the needs related to Inman Street as identified in the preceding section;

2. Authorizes the development of a RAISE planning grant application, or an alternative grant program, to the USDOT for approval by the City Council should, after consultation with TDOT, that appear to be the best next step;

3. The Mayor is authorized to sign all documents necessary to the grant application process described herein.

Approved this 24th day of May, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-41** – Approving Private Act Chapter Number 8; House Bill No. 1474, Senate Bill 1620; which amends Article IV, Section 7 of the City Charter pertaining to appointment time for Council Vacancies.

**Resolution 2021-41**

**A Resolution of the City Council of the City of Cleveland, Tennessee approving of Private Chapter Number 8 (House Bill 1474, Senate Bill 1620) which Private Act amends Article IV, Section 7 of the City Charter pertaining to Vacancies**

**WHEREAS**, at the request of the City Council, the Tennessee General Assembly has passed Private Chapter Number 8 (House Bill 1474, Senate Bill 1620) which Private act amends Article IV, Section 7 of the City Charter pertaining to Vacancies; and

**WHEREAS**, this Private Act was passed on April 20, 2021; and

**WHEREAS**, a copy of the Private Chapter is attached hereto and incorporated herein by reference; and

**WHEREAS**, this Private Act provides that it shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Cleveland, which means the City Council must approve this Private Act before it becomes law by an affirmative vote of at least five (5) members of the City Council; and

**WHEREAS**, the City Council desires to pass this Resolution in order to comply with the requirements of the Private Act.

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

Section 1. The Cleveland City Council hereby approves of Private Chapter 8.

Section 2. The Mayor is hereby directed to send a copy of this Resolution to the Tennessee Secretary of State and to certify the approval of this Private act by a two-thirds (2/3) vote of the City Council, as required by the Private Act.

Section 3. That this Resolution shall take effect from and after its adoption, the welfare of the City of Cleveland requiring it.

This 24th day of May, 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May thanked City staff, City School staff and Cleveland Utilities staff for the work on their budgets and keeping us within budget. Also, the project with HHM, a lot of effort went into that and this is exactly what we need to do to make downtown work. He appreciates it.

Councilman Hughes stated he would like Assistant Police Chief Stacy Smith, who recently graduated from Northwestern School of Police Staff and Command, to come and share his experience at the next meeting. Also, he would like Bethany McCoy with Lee University to award her a certificate of appreciation for her years of service. Lastly, he would like to honor Ellie Fivas and Lauren Thacker at the next meeting as well. We should honor state winners.

Councilman Webb asked for an update on the gate on Smith Drive into the Senior Housing facility. Mr. Divel stated SETHRA is currently working on the specs and should be completed soon. Secondly, Councilman Webb stated the grass and weeds are overgrown at the old Golden Corral location on Stuart Road, if Code Enforcement would take a look. Thirdly, there is a new federal program, that if you meet certain income guidelines that will help subsidize your monthly broadband costs. He encourages people to look into it if they feel they might be eligible. FCC.gov has a link to the program.

Vice Mayor Johnson reported two citizen street light requests for 3423 Brighton Blvd NW and 2372 Coventry Court NW.

Councilman Estes asked Chief Gibson to pursue the avenue of 195 Sheeler Avenue being a nuisance, it might not qualify but maybe reaching out to the owner of the apartment complex. Secondly, he read where Cleveland Utilities signed a long-term agreement with TVA for electricity but other large fringe municipalities were thinking of going elsewhere. Did that transpire or did the TVA contracts work out? Marshall Stinnett with Cleveland Utilities stated he believes there are eight that have not signed. We signed a 20-year with an annual renewal. Third, he asked Corey Divel for additional information concerning the news article from Sandra Knight about annexation and additional road access. Mr. Fivas stated it is the process of non-contiguous annexations and how to deal with road connections. Our process has been an interlocal agreement to deal with the issue. Councilman Estes stated he was confused as to who owns what is under the road and the responsibility going forward but would appreciate an email explaining the details. Lastly, he will be sending Mr. Fivas a contact name concerning the Chieftan.

Councilman Cassada inquired if the work done along Candies Lane affected or helped with the floodplain area maps behind Rolling Hills, possibly reducing the flood insurance requirement. Mr. Fivas stated staff will look into it but doesn't believe the floodplain will change because of the work but the new maps are being drawn by the Army Corps. Staff will have to reach out to them. Councilman Cassada then asked for a new traffic count on Mouse Creek Road. Mr. Fivas replied yes, but remember the last study was $50 million to improve the roadway but we will pull some numbers. Next, he asked about lighting at the Pickleball Courts. Mr. Fivas stated the lights are on order and should be delivered at the end of May. He continued to ask about paving on Candies Lane, how much paving will be done. Mr. Fivas stated at the end of the project, it will be repaved from Legacy to Freewill Road. We are hoping to pave Inverness and Interlackin at the same time. Lastly, he requested Cleveland Utilities to put in a left turn signal from the McDonalds onto Georgetown Road due to safety concerns. Mr. Vineyard stated they will look to see what could be done.

Mayor Brooks stated he received a compliment from a local attorney about Lindsey Hawkins at Public Works. He also has received positive comments regarding the social media updates especially advance notice on street closures. He then thanked Mr. Fivas and the Council for the budget and all it encompasses for our city. He concurs with the comments about the HHM partnership. Lastly, he announced the Mayoral appointment of Dr. Tiffany Sherlin to fill the unexpired term of Larry Presswood on the Planning Commission.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was presented in full:

- **Ordinance 2021-17 –** Adopting the FY2022 Budget.

**ORDINANCE**

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 $275,205,905. All of these sources are available for appropriation.

| Anticipated Revenues | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **Revenues:** | | | |
| **General Fund** | $50,798,800 | $51,112,304 | $52,002,500 |
| **Special Revenue Funds:** | | | |
| Solid Waste Management | 3,022,901 | 3,047,462 | 3,301,000 |
| State Street Aid | 1,491,607 | 1,430,000 | 1,477,000 |
| General Purpose School | 45,415,163 | 46,560,927 | 46,679,062 |
| Schools Food Service | 2,933,756 | 3,230,397 | 3,548,433 |
| Cleveland Public Library | 764,360 | 847,050 | 771,800 |
| Drug Enforcement | 42,562 | 33,932 | 18,600 |
| 2017 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |
| 2018 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |
| Community Dev. Block Grant | 282,916 | 1,088,621 | 363,964 |
| E-Ticketing | 12,690 | 0 | 0 |
| Recycling Grant | 0 | 0 | 0 |
| Schools Federal Projects | 3,534,032 | 0 | 0 |
| Metropolitan Planning Organization | 178,012 | 178,100 | 183,000 |
| **Debt Service** | 234,327 | 4,038,976 | 5,331,075 |

| Anticipated Revenues, cont'd: | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **Revenues:** | | | |
| **Capital Projects Funds:** | | | |
| THDA Home Grant | 292,420 | 252,942 | 0 |
| Blythe Sidewalks Diabetes Grant | 150,000 | 150,000 | 150,000 |
| Capital Improvements Program | 2,370,629 | 10,459,985 | 2,183,759 |
| Sales Tax Capital Projects Fund | 4,541,688 | 4,188,702 | 4,508,000 |
| Cleveland City Schools - CIP | 0 | 5,803,812 | 0 |
| **Enterprise Funds:** | | | |
| Stormwater Management | 1,581,509 | 1,622,700 | 1,611,700 |
| Cleveland Utilities Electric Division | 100,864,354 | 96,542,049 | 96,089,059 |
| Cleveland Utilities Water/Wastewater Division | 31,139,137 | 32,365,708 | 33,210,653 |
| **Trust Funds:** | | | |
| Meiler Trust Fund | 15,120 | 500 | 300 |
| **Internal Service Fund:** | | | |
| Fleet Management | 0 | 0 | 0 |
| Health Insurance Trust Fund | 4,561,224 | 5,009,533 | 5,214,309 |
| **Total Revenues** | 254,227,207 | 267,963,700 | 256,644,214 |
| **Other financial sources** | | | |
| **Operating transfers in:** | | | |
| **General Fund:** | 2,864,395 | 2,923,806 | 3,034,767 |
| **Special Revenue Funds:** | | | |
| Solid Waste Management | 1,079,381 | 950,000 | 850,000 |
| State Street Aid | 0 | 0 | 0 |
| General Purpose School | 5,433,008 | 5,432,000 | 5,605,300 |
| Cleveland Public Library | 673,600 | 673,600 | 679,900 |
| Community Dev. Block Grant | 30,000 | 30,000 | 30,000 |
| Recycling Grant | 0 | 0 | 0 |
| Metropolitan Planning Organization | 44,500 | 44,500 | 44,500 |
| **Debt Service** | 6,752,368 | 6,715,622 | 6,867,024 |
| **Capital Projects Funds:** | | | |
| Capital Improvement Program | 1,087,497 | 1,568,600 | 1,450,000 |
| Blythe Sidewalks Diabetes Grant | 0 | 0 | 0 |
| **Internal Service Fund** | | | |
| Health Insurance Trust Fund | 0 | 450,000 | 0 |
| **Total Operating Transfer In:** | $17,964,749 | $18,788,128 | $18,561,491 |

| Anticipated Revenues | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **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 | 1,020,815 | 0 | 0 |
| **Internal Service Funds:** | | | |
| Health Insurance Trust | 0 | 0 | 0 |
| **Total Capital Contributions:** | 1,020,815 | 0 | 0 |
| **Bond & Note Proceeds and Capital Lease** | | | |
| General Fund | 0 | 0 | 0 |
| General Purpose School Fund | 400,000 | 0 | 0 |
| Capital Improvement Program | 705,731 | 1,370,178 | 0 |
| Cleveland City Schools -CIP | 0 | 0 | 0 |
| Debt Service | 0 | 0 | 0 |
| **Total Bond & Note Proceeds:** | $1,105,731 | $1,370,178 | $0 |
| **Total Other Financing Sources** | $20,091,295 | $20,158,306 | $18,561,491 |
| **Total Revenues and Other Financing Sources** | $274,318,502 | $288,122,006 | $275,205,705 |

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 | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **General Fund** | $35,597,081 | $39,149,592 | $39,996,304 |
| **Special Revenue Funds:** | | | |
| Solid Waste Management | 3,742,771 | 4,221,919 | 4,150,000 |
| State Street Aid | 601,963 | 852,975 | 963,320 |
| General Purpose School | 49,100,137 | 51,492,905 | 51,551,874 |
| Schools Food Service | 3,251,778 | 3,636,075 | 3,953,433 |
| Cleveland Public Library | 1,437,135 | 1,519,450 | 1,464,800 |
| Drug Enforcement | 6,015 | 33,600 | 18,600 |
| 2017 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |
| 2018 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |
| Community Dev. Block Grant | 292,565 | 1,098,578 | 393,964 |
| E Ticketing | 17,773 | 26,786 | 0 |
| Recycling Grant | 0 | 0 | 0 |
| Schools Federal Project | 3,533,024 | 0 | 0 |
| Metropolitan Planning Organization | 209,847 | 299,800 | 339,600 |
| **Debt Service** | 7,315,785 | 11,006,417 | 12,192,747 |
| **Capital Projects Funds:** | | | |
| THDA Home Grant | 292,420 | 252,942 | 0 |
| Blythe Sidewalks Diabetes Grant | 150,000 | 150,000 | 150,000 |
| Capital Improvements Program | 4,863,679 | 18,097,951 | 3,633,759 |
| Sales Tax Capital Projects Fund | 3,934,243 | 7,502,255 | 4,205,550 |
| Cleveland City Schools - CIP | 0 | 5,803,812 | 0 |
| **Enterprise Funds:** | | | |
| Stormwater Management | 827,213 | 1,698,416 | 1,564,390 |
| Cleveland Utilities Electric Division | 91,407,698 | 89,133,003 | 89,751,263 |
| Cleveland Utilities Water/Wastewater Division | 25,536,922 | 26,999,510 | 28,698,530 |
| **Trust Funds:** | | | |
| Meiler Estate Trust Fund | 0 | 0 | 0 |
| **Internal Service Fund:** | | | |
| Health Insurance Trust Fund | 4,468,252 | 4,647,774 | 4,940,969 |
| **Total Expenditures** | 236,586,301 | 267,623,760 | 247,969,103 |

| Nonoperating Revenues (Expenses) | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **Enterprise Funds:** | | | |
| Stormwater Management | 0 | 0 | 0 |
| Cleveland Utilities Electric Division | (502,141) | (476,409) | (401,730) |
| Cleveland Utilities Water/Wastewater Division | (1,326,462) | (1,302,838) | (1,494,048) |
| **Debt Service** | 0 | (5,000) | (5,000) |
| **Internal Service Fund:** | | | |
| Health Insurance Trust Fund | 0 | 0 | 0 |
| **Total Nonoperating Revenues (Expenses)** | (1,828,603) | (1,784,247) | (1,900,778) |

| Other Financing Uses | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **Operating Transfers Out** | | | |
| **General Fund** | 14,092,501 | 14,858,925 | 14,519,700 |
| **Special Revenue Funds:** | | | |
| Solid Waste Management | 0 | 0 | 0 |
| State Street Aid | 447,145 | 449,878 | 447,836 |
| General Purpose School | 555,719 | 555,519 | 559,188 |
| Recycling Grant | 3,981 | | |
| Schools Federal Project | 1,008 | 0 | 0 |
| **Capital Projects Funds:** | | | |
| Capital Improvements Program | 0 | 0 | 0 |
| Cleveland City Schools - CIP | 0 | 0 | 0 |
| Blythe Sidewalks Diabetes Grant | 0 | 0 | 0 |
| **Enterprise Funds:** | | | |
| Stormwater Management | 0 | 0 | 0 |
| Cleveland Utilities Electric Division | 2,401,292 | 2,449,223 | 2,548,407 |
| Cleveland Utilities Water/Wastewater Division | 463,103 | 474,583 | 486,360 |
| **Internal Service Fund:** | | | |
| Health Insurance Trust | 0 | 0 | 0 |
| **Nonexpendable Trust Funds:** | | | |
| Meiler Estate Trust Fund | 0 | 0 | 0 |
| **Total Operating Transfers Out** | 17,964,749 | 18,788,128 | 18,561,491 |
| **Total Other Financing Uses** | 19,793,352 | 20,572,375 | 20,462,269 |
| **Total Expenditures and Other Financing Uses** | 256,379,653 | 288,196,135 | 268,431,372 |

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 | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **General Fund** | 3,973,613 | 27,593 | 521,263 |
| **Special Revenue Funds:** | | | |
| Solid Waste Management | 359,511 | (224,457) | 1,000 |
| State Street Aid | 442,499 | 127,147 | 65,844 |
| General Purpose School | 1,592,315 | (55,497) | 173,300 |
| Schools Food Service | (318,022) | (405,678) | (405,000) |
| Cleveland Public Library | 825 | 1,200 | (13,100) |
| Drug Enforcement | 36,547 | 332 | 0 |
| 2017 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |
| 2018 Byrne Mem. Justice Asst. Grant | 0 | 0 | 0 |

| Increase (Use) of Fund Balance or Net Assets | 2019-2020 (ACTUAL) | 2020-2021 (ESTIMATED) | 2021-2022 PROPOSED |
|---|---|---|---|
| **Special Revenue Funds cont'd:** | | | |
| Community Development Block Grant | 20,351 | 20,043 | 0 |
| E Ticketing | (5,083) | (26,786) | 0 |
| Recycling Grant | (3,981) | 0 | 0 |
| Schools Federal Project | 0 | 0 | 0 |
| Metro. Planning Organization (MPO) | 12,665 | (77,200) | (112,100) |
| **Debt Service** | (329,090) | (256,819) | 352 |
| **Capital Projects Funds:** | | | |
| Capital Improvements Program | (699,822) | (4,699,188) | 0 |
| THDA Home Grant | 0 | 0 | 0 |
| Blythe Sidewalks Diabetes Grant | 0 | 0 | 0 |
| Sales Tax Capital Projects Fund | 607,445 | (3,313,553) | 302,450 |
| Cleveland City Schools - CIP | 0 | 0 | 0 |
| **Enterprise Funds:** | | | |
| Stormwater Management | 754,296 | (75,716) | 47,310 |
| Cleveland Utilities Electric Division | 6,553,223 | 4,483,414 | 3,387,659 |
| Cleveland Utilities Water/Wastewater Division | 4,833,465 | 3,588,777 | 2,531,715 |
| **Trust Funds:** | | | |
| Meiler Estate Trust Fund | 15,120 | 500 | 300 |
| **Internal Service Fund:** | | | |
| Health Insurance Trust Fund | 92,972 | 811,759 | 273,340 |
| **Total Incr. (Use) of Fund Balance or Net Assets** | 17,938,849 | (74,129) | 6,774,333 |

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 $20,851,973 General Fund fund balance and none of the $6,508,334 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 captial 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: May 24, 2021
Final Reading: June 14, 2021

APPROVED AS TO FORM:

_____ _____
City Attorney Mayor

_____
City Clerk

Councilman Estes moved that Ordinance 2021-17 be voted for passage on first reading. The motion was seconded by Councilman Cassada. Councilman Webb stated he is a Board Member of Life Bridges and a Cleveland Utilities retiree, which does not affect his vote. Upon roll call, the motion unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-18** – Amending the FY2021 Budget.

**ORDINANCE 2021-18**

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2020-2021 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 2021-2021 be amended according to the attached amendment.

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

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| **GENERAL FUND** | | | | |
| Tax Revenues: | 41,775,000 | 41,860,511 | 85,511 | In Lieu of Tax |
| Licenses & permits: | 1,283,300 | 1,298,300 | 15,000 | Electrical Permits |
| Intergovernmental: | 5,182,800 | 5,306,213 | 123,413 | Training Supplements & Excise Tax |
| Charges for services: | 1,045,660 | 1,216,060 | 170,400 | Contracted Svcs & Recreation Programs |
| Fines & forfeits: | 450,200 | 450,400 | 200 | |
| Interest income: | 30,000 | 30,000 | - | |
| Miscellaneous: | 862,023 | 896,240 | 34,217 | Donations, Memorial Trees, Misc Ins |
| Public Enterprise Revenue: | 303,500 | 303,500 | - | |
| Subtotal | 50,932,483 | 51,361,224 | 428,741 | |
| | | | | |
| Other Funding Sources: | 2,923,806 | 2,973,021 | 49,215 | |
| Total revenues | 53,856,289 | 54,334,245 | 477,956 | |
| | | | | |
| Legis. & Judicial | 465,233 | 465,233 | - | |
| Administration | 828,779 | 832,379 | 3,600 | Utilities |
| Codes Enforcement | 259,200 | 259,200 | - | |
| Fleet | 738,200 | 738,200 | - | |
| Forestry & Landscaping | 818,446 | 828,336 | 9,890 | Donations |
| Jetport | 321,050 | 321,050 | - | |
| Human Resources | 422,494 | 422,494 | - | |
| Finance | 1,311,250 | 1,198,050 | (113,200) | Software |
| Information Technology | 921,000 | 921,000 | - | |
| Development & Engineering | 1,649,100 | 1,649,100 | - | |
| Police | 11,798,047 | 11,915,329 | 117,282 | Equipment, Parttime |
| Animal Control | 595,810 | 596,941 | 1,131 | Supplies |
| Fire | 10,897,408 | 10,919,808 | 22,400 | In Service |
| PW Operations | 2,677,280 | 2,606,907 | (70,373) | Safety Marking and Thermo |
| Street Lighting & Signals | 1,623,500 | 1,623,500 | - | |
| Parks & Recr. | 1,211,692 | 1,216,292 | 4,600 | Greenway Benches |
| College Hill Rec Center | 460,600 | 460,600 | - | |
| Cleveland Comm Center | 422,400 | 422,400 | - | |
| Tinsley Park | 318,500 | 318,500 | - | |
| Appropriations | 1,363,900 | 1,363,900 | - | |
| Subtotal: | 39,103,889 | 39,079,219 | (24,670) | |
| | | | | |
| Transfers | 14,740,325 | 14,929,298 | 188,973 | CIP |
| Total expenditures | 53,844,214 | 54,008,517 | 164,303 | |
| | | | | |
| Increase (use) of fund balance | 12,075 | 325,728 | 313,653 | |
| | | | | |

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| ***SPECIAL REVENUE FUNDS:*** | | | | |
| **Solid Waste Mgmt. Fund** | | | | |
| Revenues | 2,872,000 | 3,047,462 | 175,462 | Incr. Residential/Commercial Revenue |
| Transfers from Other Funds | 950,000 | 950,000 | - | |
| Total Rev. & Transfers In | 3,822,000 | 3,997,462 | 175,462 | |
| Expenditures | 4,078,455 | 4,221,919 | 143,464 | Equipment |
| Increase (Use) of Fund Balance: | (256,455) | (224,457) | 31,998 | |
| **State Street Aid Fund** | | | | |
| Revenues | 1,430,000 | 1,430,000 | - | |
| Transfers from Other Funds | 0 | | - | |
| Total Rev. & Transfers In | 1,430,000 | 1,430,000 | - | |
| Expenditures | 1,302,853 | 1,302,853 | - | |
| Transfers Out | 0 | - | - | |
| Total Expenditures & Transfers: | 1,302,853 | 1,302,853 | - | |
| Increase (Use) of Fund Balance: | 127,147 | 127,147 | - | |
| **Cleveland Public Library Fund** | | | | |
| Revenues | 793,600 | 847,050 | 53,450 | Donations |
| Transfers from Other Funds | 673,600 | 673,600 | - | |
| Total Rev. & Transfers In | 1,467,200 | 1,520,650 | 53,450 | |
| Expenditures | 1,480,700 | 1,519,450 | 38,750 | Improvements |
| Increase (Use) of Fund Balance: | (13,500) | 1,200 | 14,700 | |
| **Drug Enforcement Trust Fund** | | | | |
| Revenues | 23,600 | 33,932 | 10,332 | Fines |
| Transfers from Other Funds | 0 | - | - | |
| Total Rev., Transfers & Other Fin. | 23,600 | 33,932 | 10,332 | |
| Expenditures | 28,600 | 35,600 | 7,000 | Seized Vehicles |
| Increase (Use) of Fund Balance: | (5,000) | (1,668) | 3,332 | |
| **E-Ticketing Grant** | | | | |
| Revenues | 0 | - | - | |
| Transfers from Other Funds | 0 | 2,800 | 2,800 | Transfer |
| Total Rev., Transfers & Other Fin. | 0 | 2,800 | 2,800 | |
| Expenditures | 26,786 | 29,586 | 2,800 | |
| Increase (Use) of Fund Balance: | (26,786) | (26,786) | - | |

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| **Bryne Mem. Justice Asst. Grant** | | | | |
| Revenues | 38,036 | 38,036 | - | Grant |
| Transfers from Other Funds | 0 | - | - | |
| Total Rev., Transfers & Other Fin. | 38,036 | 38,036 | - | |
| Expenditures | 38,036 | 38,036 | - | Equipment |
| Increase (Use) of Fund Balance: | 0 | - | - | |
| **Community Dev. Block Grant** | | | | |
| Revenues | 1,088,621 | 1,441,964 | 353,343 | COVID Funds |
| Transfers from Other Funds | 30,000 | 30,000 | - | |
| Total Rev., Transfers & Other Fin. | 1,118,621 | 1,471,964 | 353,343 | |
| Expenditures | 1,098,578 | 1,492,749 | 394,171 | Additional Projects |
| Increase (Use) of Fund Balance: | 20,043 | (20,785) | (40,828) | |
| **MPO Fund** | | | | |
| Revenues | 178,100 | 178,100 | - | |
| Transfers from Other Funds | 44,500 | 44,500 | - | |
| Total Rev., Transfers & Other Fin. | 222,600 | 222,600 | - | |
| Expenditures | 299,800 | 299,800 | - | |
| Increase of Fund Balance: | (77,200) | (77,200) | - | |
| **School Food Service Fund** | | | | |
| Revenues | 3,435,146 | 3,230,397 | (204,749) | Decrease Revenue Est. |
| Transfers from Other Funds | 0 | - | - | |
| Total Rev. & Transfers In | 3,435,146 | 3,230,397 | (204,749) | |
| Expenditures | 3,849,320 | 3,636,075 | (213,245) | Contracted Svcs |
| Transfer to Other Funds | 0 | - | - | |
| Total Expenditures & Transfers: | 3,849,320 | 3,636,075 | (213,245) | |
| Increase (Use) of Fund Balance: | (414,174) | (405,678) | 8,496 | |

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| **School General Fund** | | | | |
| Revenues | 45,024,913 | 48,266,357 | 3,241,444 | Additional State, Federal & Local Rev. |
| Transfers from Other Funds | 5,432,000 | 5,432,000 | - | |
| Total Rev. & Transfers In | 50,456,913 | 53,698,357 | 3,241,444 | |
| Expenditures | 50,385,394 | 53,142,838 | 2,757,444 | Regular & Vocational Education |
| Transfer to Other Funds | 555,519 | 555,519 | - | |
| Total Expenditures & Transfers: | 50,940,913 | 53,698,357 | 2,757,444 | |
| Increase (use) of Fund Balance: | (484,000) | 0 | 484,000 | |
| ***CAPITAL OUTLAY FUNDS:*** | | | | |
| **Capital Improv. Program Fund** | | | - | |
| Revenues | 10,436,983 | 10,459,985 | 23,002 | |
| Transfers & Other Fin. | 1,450,000 | 3,009,151 | 1,559,151 | Final draw - bonds |
| Total Rev., Transfers & Other Fin. | 11,886,983 | 13,469,136 | 1,582,153 | |
| Expenditures | 16,415,082 | 18,194,443 | 1,779,361 | Various projects |
| Transfers to Other Funds | 0 | | - | |
| Total Expenditures & Other Uses | 16,415,082 | 18,194,443 | 1,779,361 | |
| Increase (Use) of Fund Balance: | (4,528,099) | (4,725,307) | (197,208) | |
| | | | - | |
| **Sales Tax Capital Projects Fund** | | | | |
| Revenues | 4,160,000 | 4,188,702 | 28,702 | Increase Revenue Est. |
| Total Rev., Transfers & Other Fin. | 4,160,000 | 4,188,702 | 28,702 | |
| Expenditures | 7,423,909 | 7,502,255 | 78,346 | Addl Funding - Transportation Proj |
| Total Expenditures & Other Uses | 7,423,909 | 7,502,255 | 78,346 | |
| Increase (Use) of Fund Balance: | (3,263,909) | (3,313,553) | (49,644) | |
| **THDA Home Grant** | | | | |
| Revenues | 252,942 | 252,942 | - | |
| Transfers from Other Funds | 0 | - | - | |
| Total Rev. & Transfers In | 252,942 | 252,942 | - | |
| Expenditures | 252,942 | 252,942 | - | |
| Increase (Use) of Fund Balance: | 0 | 0 | - | |

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| **Blythe Diabetes Grant** | | | | |
| Revenues | 150,000 | 150,000 | - | |
| Total Rev., Transfers & Other Fin. | 150,000 | 150,000 | - | |
| Expenditures | 150,000 | 150,000 | - | |
| Transfer to Other Funds | 0 | | - | |
| Total Expenditures & Other Uses | 150,000 | 150,000 | - | |
| Increase (Use) of Fund Balance: | 0 | 0 | - | |
| **CCS Capital Funds** | | | | |
| Revenues | 3,235,237 | 5,803,812 | 2,568,575 | Additional Bond Proceeds |
| Transfers from Other Funds | 0 | - | - | |
| Total Rev., Transfers & Other Fin.. | 3,235,237 | 5,803,812 | 2,568,575 | |
| Expenditures | 0 | 5,803,812 | 5,803,812 | Various School Projects |
| Increase (Use) of Fund Balance: | 3,235,237 | 0 | (3,235,237) | |
| ***Internal ServiceFunds:*** | | | | |
| **Health Insurance Trust Fund** | | | | |
| Revenues | 5,009,533 | 5,009,533 | - | |
| Transfers from Other Funds | 450,000 | 450,000 | - | |
| Total Rev., Transfers & Other Fin.. | 5,459,533 | 5,459,533 | - | |
| Expenditures | 4,647,774 | 4,647,774 | - | |
| Increase (Use) of Fund Balance: | 811,759 | 811,759 | - | |
| ***Debt Service Fund:*** | | | | |
| Revenues | 168,270 | 168,270 | - | |
| Transfers and Other Fin. | 10,586,328 | 11,006,073 | 419,745 | |
| Total Rev., Transfers & Other Fin.. | 10,754,598 | 11,174,343 | 419,745 | |
| Expenditures | 11,011,416 | 11,011,416 | - | |
| Increase (Use) of Fund Balance: | (256,818) | 162,927 | 419,745 | |

| | | City of Cleveland, Tennessee | | |
|---|---|---|---|---|
| | | FY2021 Budget Amendment - May 2021 | | |
| | February 2021 Amendment | May 2021 Amendment - Final | Increase (Decrease) from February 2021 | EXPLANATION |
| ***Enterprise Funds:*** | | | | |
| **Storm Water Management Fund** | | | | |
| Revenues | 1,622,700 | 1,622,700 | - | |
| Transfers from Other Funds | 0 | | - | |
| Total Rev., Transfers & Other Fin.. | 1,622,700 | 1,622,700 | - | |
| Expenditures | 2,299,571 | 2,299,571 | - | |
| Increase (Use) of Fund Balance: | (676,871) | (676,871) | - | |
| ***Fiduciary Funds:*** | | | | |
| **Meiler Estate/Animal Shelter Trust Fund** | | | | |
| Revenues | 500 | 3,500 | 3,000 | Increase in Interest Income Est. |
| Transfers from Other Funds | 0 | - | - | |
| | | | - | |
| Total Rev., Transfers & Other Fin.. | 500 | 3,500 | 3,000 | |
| Expenditures | 0 | - | - | |
| Increase (Use) of Fund Balance: | 500 | 3,500 | 3,000 | |

Councilman May moved that Ordinance 2021-18 be voted for passage on first reading. The motion was seconded by Councilman Webb; and upon roll call, the motion unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- City Offices will be closed on Monday, May 31 in observance of Memorial Day.
- The next City Council meeting will be held on Monday, June 14, 2021.

Mr. Fivas introduced Taylor Cloe. She attends Lee University and will be interning for Public Administration and helping us this summer with projects. He also introduced newly hired employee Rachel Clayton, Accountant who has been a tremendous help to Senior Accountant Amy Newman. He continued that at the next meeting on June 14 we will have final approval of the budget along with the corresponding pieces of the budget to approve. Also, we will be working on with the County on Fire/Rescue Building to make that an entire redevelopment of the whole corner and should have an update on June 14.

There being no future business the meeting was adjourned at 3:59 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JUNE 14, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 14, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Ron Harrison; Patti Pettit, Parks and Recreation Director; Robert Varnell, Transportation Planner; Hal Taylor and Dawn Robinson with the City Schools; Bethany McCoy; Commissioner Cynthia Slater; Eunice Couch; Tom Cate and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Avery Johnson, the following business was then entered into:

## WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on May 24, 2021 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

Chief Mark Gibson introduced Assistant Chief Stacy Smith who recently attended Northwestern School of Police Staff and Command. It was a 10-week program to build the command staff and the Police Department. Chief Smith thanked the City Council for recognizing him and the support he was giving during this time. The academics were very good and learned a lot of things from peers across the country. It was reaffirmed to him that we live and work in the best city in the entire country. We work together, the public, City Council and City Manager. He thanked everyone for the opportunity to serve his department and funds for training and continued education to ensure the department is as professional as it can be.

Eunice Couch and Commissioner Cindy Slater addressed the City Council concerning the farm located on 20th Street SE. Ms. Couch stated she has lived at her residence for 54-years and worked hard all her life. Her neighbor has several dogs, chickens and turkeys. The smell and the flies are unbearable. She is asking for help so she can go out and enjoy her yard. Codes Enforcement has been to the property and agrees there is a problem. Councilman Cassada encouraged everyone to drive by and see the area. Ms. Couch then asked if there was a limit to the number of animals can you have on a piece of land in the city. Commissioner Slater asked if there were regulations or ordinances addressing the number of animals on a piece of property in the city limits. Mr. Kimball stated no, the city does not regulate the number of animal's people can have. Swine are the only prohibited animals. Ms. Slater questioned if rabies tags had been verified on all the dogs. Mr. Fivas stated if it is requested, we'd be happy to check. Ms. Slater continued that noisy dogs disturbing the peace and quiet are prohibited and animal enclosures are to be kept clean. The evidence in the number of flies indicates that is not a clean condition next door to Ms. Couch. The City Code states no animal is to become a nuisance because of noise, odor, disease or other reasons. Clearly, Ms. Couch cannot enjoy her property due to the noise, smell and flies. This has been an ongoing situation and there should be something that you, as a body can do to address the issue. Mr. Fivas replied our Code Enforcement Officers have been out their numerous times over the last year and twice in the last month, and just recently as of last Thursday. They have been issued a warning letter as well as a violation. Last Thursday, during a follow-up everything was found within the City Code except for two or three inoperable cars. We are trying to mediate the situation in speaking with both parties. Ms. Slater asked if there was a date when we can expect the issues to be resolved. Mr. Jobe replied we have a process we

have to follow, giving them time to comply but if they become uncooperative then we begin the fining process. Ms. Slater thanked the City Council for their time and encouraged each of them to visit Ms. Couch's property. Mayor Brooks asked Mr. Kimball if he brought options as discussed in the previous meeting. Mr. Kimball responded yes. Mr. Fivas added we were out there today and only saw two dogs and a lot of chickens. Mr. Kimball stated a majority of cities in Tennessee do not regulate the number of animals. Four or five cities do with exceptions for breeders and kennels. Some cities limit certain types of livestock, goats and chickens to agriculturally zoned land or a certain number of acres. Regarding fowl, some cities have distance limitations from residences, like 500 feet but all say unless allowed by the health officer who grants an exception. Some have specific pen or enclosure requirements for domestic fowl and birds. You have an Animal Control Board that could review and make a recommendation, but we are unsure of what you are looking for. Vice Mayor Johnson stated he likes to set the pace and make it right. He appreciates them coming to meeting to share their issue. He has seen the fourteen dogs, chickens and goats. Ms. Couch does keep her property up and this has been reported numerous times. We haven't done anything. We need to do something and work to make the conditions better. We have to step up and do things to protect property values and the citizens. Councilman Estes stated he feels this is something the Animal Control Board should look at this and possibly bring options to us, while looking at our density and size.

Vice Mayor Johnson moved that the Animal Control Board review this issue along with the options presented by Mr. Kimball, as well as the entire policy concerning animals and request they have a called meeting at their earliest convenience. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed. Councilman Webb asked in the meantime our Codes Department continue to monitor the situation.

Councilman Cassada stated he would like to discuss the Pickleball Courts and reports of aggression. He met with groups from both sides to mediate and resolve the situation, but it seems the situation has escalated. Our city parks should be a place citizens' can go, play and exercise without harassment or bullying. Jessa Miller stated she has recently taken up Pickleball at Tinsley Park and has been bullied, harassed, yelled at and has had games interrupted. They've been told to move or leave, not playing how the league wants them to play. We question why this league has so much authority over the courts. We did have a meeting and met with representatives of the league, City Manager and Parks and Recreation and we learned the league is not ran by the city. The city does buy balls and reserves the courts for the league, for multiple times during the week, especially during prime times that other citizens could be playing. The league representatives indicated they weren't aware of harassment or bullying and assured us they would address it. Since that time, nothing has changed. Saturday, we had a confrontation and it made for an unenjoyable experience. She would like to enjoy recreation with friends and family and is asking for help. Dennis Cassada stated she as well has experience harassment at the courts. She is an adult and is respectful of others' times and her playing time. As women by ourselves, with our children there. We go early and have been told, in the middle of our game, we need to move to the farthest court, or that we've been there too long or not following the rules. She called Collegedale and they do not reserve courts. It is open play only. They have had issues with aggressive players and have been banned from the court. It has gotten so bad they will be arrested if they come back. The City of East Ridge is thinking about having a league, but it will be run by their city. She has no issues with competitive play, and we've been told these people don't represent pickleball or in associated with the pickleball league. It's a city park with open play but what does that mean? Is it open for the citizens or is it dictated by this private group? We would like this resolved before it gets worse. Councilman Hughes asked if Patti Petitt, Parks and Recreation Director would discuss reserving courts. Ms. Petitt stated the league has four different slots reserved, about 8%-9% of the time. Councilman Cassada stated that statistic can be swayed. The weekend play by itself is 4.5 hours and it is taking away from taxpayers that want to play pickleball. Councilman Estes asked what days are blocked. Ms. Petitt replied Friday morning, Sunday afternoon, Monday night and Tuesday mornings. We feel this will be resolved when we open the centers back up. They will use the centers for the ladder league, as they have for the last twelve years. We will be glad to look into other cities rules and post additional rules. Mr. Fivas stated we were asked about rules and open play rules. We

basically advised open play was anyone could play as long as they want. We offered both groups that we would put rules together and how to proceed with play and they said no they want to keep it open. Ms. Miller stated the league plays a game and slide down to let other people waiting to play, play. Respectfully, I don't want to play with strangers in their ladder. She plays for a reasonable amount of time and if there is not a court available, she will wait. Collegedale has a sign that asks people to limit playtime to an hour if others are waiting. To implement the slide rule, is what the league is asking for, she just doesn't think it speaks to public courts nor first come first serve. Mayor Brooks asked if the ladder league was ran by Cleveland residents? Ms. Petitt stated yes. Mayor Brooks then asked if the rules for the City to say their will always ben an open court, at least one, not blocked out. Ms. Petitt stated they can do that if that is what the Council would like. Councilman Cassada stated now, all courts are reserved. Councilman May stated when the centers are opened, you say this could eliminate some of the problems. Ms. Petitt stated yes, they've played at the centers for years. Currently, the Community Center is not open, but College Hill is open. Councilman Cassada asked if outside organizations/leagues that use our courts is there a charge for that. Ms. Petitt stated no, not for leagues. Councilman Cassada continued so any organization or league could request blocks of time. Ms. Petitt stated leagues are not all ran by the City, like soccer and swimming. We have not had any complaints for other leagues. Mayor Brooks stated his concern is aggression and we've got to do something. Mr. Fivas asked is it the association/league or just a few aggressive people. Councilman Cassada agreed aggressive people during non-league blocked times. Councilman Hughes stated Turner Jackson contacted him about aggressive people at the courts telling them to leave. It was during open play time not during league time. Councilman Cassada they are inconsiderate. Mr. Fivas stated his suggestion is let Ms. Petitt resolve and come up with better standards before we make decisions. They should have a chance to figure out where we need to go. Councilman Cassada stated there are a lot of good people in the league but a few are very aggressive. Mr. Fivas stated it is open play, people can play as long as they want, follow etiquette or not. There is a communication issue and with some work the issue can be resolved and be more successful. It is outside of the league time, it's just people being aggressive. Councilman Hughes asked if Paul Wyrick was in charge of the league. Ms. Petitt stated he set up the times. Mr. Fivas suggested we work on a framework. Councilman Cassada stated he didn't feel a block of 3.5 hours was appropriate and should be reviewed. Also, he feels groups should be required to pay. He asked that staff follow-up with Collegedale and East Ridge concerning their courts. Councilman Webb asked if play hours were posted. Councilman Cassada stated league hours are posted and the rest is open play. Mr. Fivas stated it is disconcerting if people are being harassed and we will come up with a definition of open play for additional clarity.

Elise Goldston presented photos of her neighbor's goats to show him using cars as a containment. She asked if the health department had been contacted regarding the smell. She asked if something could be done to help the residents. Mr. Fivas stated Codes Enforcement has been to the site and warning letters have been issued to reduce any odor. Staff has not smelled any odor. Mayor Brooks stated the Animal Control Board will review this area as well.

Michelle Goldston stated the concern is getting real. Sometimes you realize some neighbors are not the neighbors you need to have because they don't live the way some citizens do. The animals are kept on a rented lot. Mr. Fivas stated we visit the area regularly and have only noticed one goat. Ms. Goldston stated yes, they are more goats that are typically walking down the street. Mr. Fivas stated a warning letter has gone out about issues and concerns. Councilman Estes encouraged them to attend the Animal Control Board.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated he is appointing Clark Taylor to the vacant position on the Shade Tree Board.

## CONSENT AGENDA

Vice Mayor Johnson left the meeting at 4:24.

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

- **Final Passage - Ordinance 2021-18** – heretofore passed on first reading May 24, 2021 and found in Minute Book 30, Page 253; amending the FY2021 Budget.
- **Resolution 2021-42 –** Approving the FY2022 Appropriations.

### RESOLUTION 2021-42

### 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 2021-2022:

Adopted this 14th day of June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-43 –** Directing the payment by the Cleveland Utilities Board to the City of Cleveland Tax Equivalent Payment for the Cleveland Utilities Board's Electric, Water and Wastewater Systems.

### RESOLUTION 2021-43

### A RESOLUTION DIRECTING THE PAYMENTS BY THE CLEVELAND UTILITIES BOARD TO THE CITY OF CLEVELAND TAX EQUIVALENT PAYMENTS FOR THE CLEVELAND UTILITIES BOARD'S ELECTRIC, WATER AND WASTEWATER SYSTEMS.

**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,** 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 and wastewater system; and

**WHEREAS,** the City Council of the City of Cleveland, through its City Manager and Assistant City Manager/CFO, has held such consultation with the supervisory body of the electric, water and wastewater systems 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 Sections 7-52-304 and 7-34-115;

**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 $2,548,407 in tax equivalents for FY2022.

Section 2. The Cleveland Utilities Board water system is hereby directed to pay to the City of Cleveland $251,016 in tax equivalents for FY2022.

Section 3. The Cleveland Utilities Board wastewater system is hereby directed to pay to the City of Cleveland $235,334 in tax equivalents for FY2022.

Section 4. This resolution shall become effective July 1, 2021 the public welfare requiring it.

Adopted this 14th day of June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-44 –** Regarding the Cleveland City Schools Federal Project Fund.

**RESOLUTION 2021-44**

**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 24th day of May, 2021, 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 June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-45 -** Annual Review of the City's Debt Management Policy.

**RESOLUTION 2021-45**

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the City Manager and Assistant City Manager/CFO 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 June, 2020.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-46 –** Authorizing the Mayor to sign a letter of engagement and contract with Wedgewood Accounting, LLC to audit the accounts of the City of Cleveland for the period July 1, 2020 through June 30, 2021.

**RESOLUTION 2021-46**

**A RESOLUTION AUTHORIZING AN ENGAGEMENT LETTER AND A CONTRACT WITH WEDGEWOOD ACCOUNTING, PLLC TO AUDIT THE ACCOUNTS OF THE CITY OF CLEVELAND, TENNESSEE**

**WHEREAS**, the City of Cleveland has received a proposal from the Certified Public Accounting firm of Wedgewood Accounting, PLLC, to audit the accounts for the period from July 1, 2020, through June 30, 2021, with a fee of $51,000.00; and

**WHEREAS**, the City Council desires to enter into an engagement letter and a contract with Wedgewood Accounting, PLLC, and to further authorize the Mayor to execute the required engagement letter and the attached contract on behalf of the City of Cleveland.

**BE IT THEREFORE RESOLVED** by the City Council of the City of Cleveland, Tennessee that the Mayor be, and hereby is, authorized to sign the engagement letter and contract and all other necessary forms for said audit on behalf of the City of Cleveland for the above referenced contract.

Adopted this 14th day of June, 2020.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-47 –** Approving the Cleveland Board of Education to purchase Lot 10 adjacent to Candy's Creek Cherokee Elementary School located on Georgetown Road.

**RESOLUTION 2021-47**

**WHEREAS,** the Cleveland Board of Education has recently voted to purchase a parcel of land adjacent to Candy's Creek Cherokee Elementary School located on Georgetown Road; and

**WHEREAS**, the parcel is generally identified as Tax Map 033 004.11; and

**WHEREAS**, the Board of Education has approved the attached Purchase and Sale Agreement, which is contingent upon the approval of the City Council; and

**WHEREAS**, the referenced property will be titled in the name of the City of Cleveland for the use and benefit of the City of Cleveland Board of Education the property will be under the day-to-day control of the Cleveland Board of Education; and

**WHEREAS**, the Cleveland Board of Education is now requesting and recommending that the City Council approve of the agreement; and

**WHEREAS**, the City Council desires to accept the recommendation of the Cleveland Board of Education and approve of this agreement and to authorize the Mayor to execute the agreement 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 Purchase and Sale Agreement for the purchase of the parcel is generally identified as Tax Map 033 004.11.

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

This 14th day of June, 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-48 –** Authorizing the Mayor to sign a grant application for the Tennessee Agriculture Enhancement Program Grant for Community Tree Planting.

**RESOLUTION 2021-48**

**A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM (TAEP) GRANT FUND FOR THE "COMMUNITY TREE PLANTING"**

WHEREAS, the Tennessee Agricultural Enhancement Program (TAEP) grant fund for community tree planting is provided by 2008 state legislature to the Tennessee Department of Agriculture;

WHEREAS, the community tree planting component of Tennessee Agricultural Enhancement Program (TAEP) is a 50% matching grant and will be administered by the Department of Agriculture, Division of Forestry;

WHEREAS, trees are a valuable resource base in cities across the state of Tennessee, providing shade, stormwater mitigation, rain interception, air quality improvement through filtration and absorption;

WHEREAS, urban trees provide a multitude of benefits including but not limited to providing cooler temperatures, cleaner air, reduced flooding and erosion, improves human health and provides food and shelter for wildlife;

WHEREAS, trees purchased through this grant in collaboration with funding by the Tennessee Agricultural Enhancement Program as provided by the Tennessee Department of Agriculture, Division of Forestry will be planted (1) along Parker Street between 20th Street NE and 25th Street NE; (2) along the Greenway between 20th Street NE and 25th Street NE; (3) and between 18th Street SE and 20th Street NE.

WHEREAS, the City of Cleveland seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE, the following:

SECTION 1: The City of Cleveland is hereby authorized to submit an application for the Tennessee Agricultural Enhancement Program (TAEP) through the Tennessee Department of Agriculture, Forestry Division.

SECTION 2: The City of Cleveland is further authorized to provide a 50% sum to serve as a match for any monies provided by this grant.

Adopted this 14th day of June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-49 –** Authorizing the Mayor to sign an agreement with Southeast Tennessee Development District for environmental review for property located at Foster Lane/20th Street.

**RESOLUTION 2021-49**

**WHEREAS**, the City's redevelopment coordinator has determined that it is necessary to obtain a contractor to perform certain technical or professional administrative services, specifically NEPA Environmental Review Requirements, for the site preparation of property located on Foster Lane/20th Street for homes to be constructed by Habitat; and

**WHEREAS**, in connection with said project, the City's development and engineering department is recommending that the City enter into the attached agreement with the Southeast Tennessee Development District for these services; and

**WHEREAS**, the City Council now desires to approve of the attached agreement with Southeast Tennessee Development District for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Southeast Tennessee Development District for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 14th day of June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-50 –** Authorizing the Mayor to sign an interlocal agreement with Bradley County for records management access through their TAC.10 software.

**RESOLUTION 2021-50**

**WHEREAS,** the Cleveland Police Department has requested that Bradley County Sheriff's Office provide read only access to its TAC.10 Records Management Software, use of a facial recognition feature contained within the software, and use of a tracking and warning feature contained within the software on a limited basis for use by the Cleveland Police Department; and

**WHEREAS**, the Bradley County Sheriff's department has agreed to provide read only access to its TAC.10 Records Management Software, use of a facial recognition feature contained within the software, and use of a tracking and warning feature contained within the software on a limited basis for use by the Cleveland Police Department; and

**WHEREAS**, the attached inter-local agreement has been prepared by the County Attorney to accomplish this purpose; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached inter-local agreement with Bradley County, Tennessee, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-51 -** Authorizing the Mayor to sign a Right of Way Dedication and Construction Agreement-Phase 2 with LeConte Development, LLC.

**RESOLUTION 2021-51**

**WHEREAS,** the City Manager has presented the City Council with a memorandum outlining the recommendation that the City Council approve of the attached Right of Way Dedication and Construction Agreement-Phase 2 with LeConte Development LLC; and

**WHEREAS**, the City Council has reviewed the proposed agreement with LeConte Development LLC and now desires to accept the proposed agreement and to enter into the attached agreement with LeConte Development LLC, 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 LeConte Development LLC and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 14th day of June 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Bid Update –** Pedestrian Improvements (Treasury Dr. to 20th St. SE and 15th St. to 9th St.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **June 14, 2021**
**RE:** **Bid Summary – Pedestrian Improvements (Treasury Dr to 20th St SE and 14th St to 9th St)**

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**SUMMARY:**
Sealed bids were received on June 1, 2021, for the Pedestrian Improvements at Treasury Dr. to 20th St. SE and 14th St. to 9th St. Bids are listed below:

- B&W Contractors
  dba Cherokee Construction **$1,564,636.76**

- Wright Brothers Contracting, Inc. **$6,709,139.03**

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

**FISCAL ANALYSIS:**
This is an MPO funded project.

**RECOMMENDATION:**
Staff recommends award to Cherokee Construction contingent upon TDOT approval.

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

  ANDREW JOHNSON BANK
  CAPSTAR BANK (ATHENS FEDERAL COMMUNITY BANK)
  BANK OF CLEVELAND
  BB&T BANK
  BOWATER CREDIT UNION
  CLEVELAND BRADLEY TEACHERS CREDIT UNION
  FIRST CITIZENS NATIONAL BANK (SOUTHERN HERITAGE BANK)
  FIRST HORIZON (FIRST TENNESSEE BANK)
  SMART BANK (FSG BANK)
  PINNACLE BANK
  REGIONS BANK
  SOUTHEAST BANK AND TRUST
  SUNTRUST BANK
  TENNESSEE VALLEY FEDERAL CREDIT UNION
  UNITED COMMUNITY BANK

- **Reappointment –** *Industrial Development Board* - George McCoin for an additional 6-year term to expire March 2027 (p. 77).
- **Reappointment –** *Animal Control Board* - Tom Cassada for an additional 3-year term to expire April 2024.
- **Reappointment -** *Vacant Property Review Board* – Dustin Tommey for an additional 2-year term to expire May 2023.
- **Reappointment -** *Vacant Property Review Board* – Heath Grisham for an additional 2-year term to expire May 2023.
- **Reappointment -** *Beer Board* – Donald Humes for an additional 2-year term to expire July 2023.
- **Reappointment -** *Beer Board* – Ellie St. Pierre for an additional 2-year term to expire July 2023.
- **Reappointment –** *Utility Board* – Aubrey Ector for an additional 4-year term to expire July 2025.

Vice Mayor Johnson reentered the meeting at 4:26.

## UNFINISHED BUSINESS

The following Zoning Ordinance was presented in full:

- **Zoning Ordinance 2021-10 –** Rezoning 1.87 acres, more or less, located on Hiwassee Ave NE (Tax Map 42G Group B Parcels 18.00,19.00 & 20.00 and Tax Map 42G Group C Parcel 9.00 & 11.00 ) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Approved 5-1; 3 absent).

**ZONING ORDINANCE 2021-10**

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 R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District.

Approximately 1.87 acres, more or less, located at 200, 204, 205, and 215 Hiwassee Ave NE as shown on the attached map.

For reference, same property is being shown Tax Map 42G Group B Parcel 18.00, 19.00 & 20.00 and Tax Map 42G Group C Parcels 9.00 & 11.00, in the Assessor's Office for Bradley County, Tennessee

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

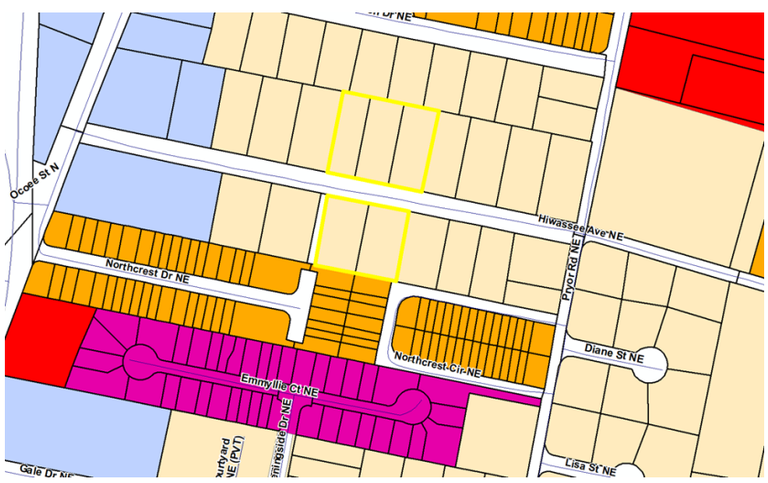
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Exhibit A




Councilman Hughes asked Councilman Estes for his thoughts on this rezoning due to the fact he is on the Planning Commission. Councilman Estes stated when this came up, his first question was to City Attorney John Kimball if this spot zoning. Mr. Kimball didn't feel there could be a case for this to be considered spot zoning. The neighborhood itself, does not have clean lines of development of single-family homes. He was moved somewhat by the neighbors, but it is fuzzy. They are neither not opposed or actually for it. He only received one call against it but many for it. He feels new townhomes could potentially make the neighborhood and property values better, but it is a gray area for him. Mr. Fivas stated staff opposed rezoning, primarily because the previous year the Council unanimously voted against a similar proposal. Councilman Estes stated it was different than the previous request. Councilman Hughes stated it is a positive statement that this could enhance the neighborhood and property values could increase. Councilman Estes moved to approve Zoning Ordinance 2021-10 be voted for passage on first reading, as he feels it should be rezoned not because of potential legal issues. The motion was seconded by Councilman Hughes. Upon roll call, Councilmen Estes, Hughes, Webb, Cassada, Vice Mayor Johnson and Councilwoman McKenzie voted aye. Councilman May voted no. The motion carries 6:1.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes stated he would like to name the Cleveland Fire Department Training Tower in honor of Chief Ron Harrison and asked for a motion to be added under new business.

Councilwoman McKenzie thanked Chief Harrison for his service to the City and for being a friend to Charlie.

Councilman Estes inquired about the status of 585 Gaut Street. Mr. Jobe stated another case has been opened and it will have to go back through the process as no repairs have been made. Councilman Estes asked if the one-year period applied in this case to take it back before the Board of Appeals and Condemnation. Mr. Kimball stated no, but you have to have lack of improvement and continue to deteriorate. Mr. Jobe stated yes, the roof has started collapsing and we have started the process again.

Councilman Cassada also thanked Chief Harrison for his service to the City and helping us grow. He then thanked Patti Petitt and staff for the $500,000 grant award for another park. Having another park will benefit all the citizens, most likely the 3rd District will get a new park.

Mayor Brooks echoed the comments for Chief Harrison and thanked him for his service and for being a friend. Mr. Fivas stated we will have a retirement-festivities on June 28 after the Council meeting. Councilman Hughes stated we should celebrate after he retires and will speak to him after the meeting.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2021-52 –** Authorizing a commitment letter to partner with TDOT to fast-track the project at North Ocoee/25th Street Intersection.

### RESOLUTION 2021-52

**WHEREAS,** the city of Cleveland staff met with TDOT engineers and staff to discuss the Cleveland SR-60 @ SR-74 Intersection or known locally as the North Ocoee Street and 25th Street Intersection; and

**WHEREAS,** both of these streets are state maintained highways and TDOT has been reviewing potential improvements for this intersection and potential funding options; and

**WHEREAS,** the City has rated this intersection as one of our communities most congested intersection. This intersection collects traffic from southern Bradley County and Polk County, and is in close proximity to major job providers within our community, such as Tennova Hospital and multiple Fortune 500 manufacturing facilities.

**WHEREAS,** the County has a middle school located in this area, and the new 300,000 square foot County PIE Educational Center also being constructed in this area. Within a quarter mile of this location, we also have 5,500 students and over 1,000 employees visiting and working at Lee University; and

**WHEREAS,** this is a major thoroughfare for Bradley County and the current infrastructure does not meet the traffic or safety demand for this area; and

**WHEREAS,** the City has volunteered to partner with TDOT on this project to assist in moving the timeline forward for construction. The City Council previously passed a Resolution indicating a desire to financially partner with TDOT on this project; and

**WHEREAS,** this is the highest priority for the Mayor and City Council, the City is prepared to partner with up to $2 million to have this project fast-tracked through the TDOT construction process; and

**WHEREAS,** the City would be able to contribute these funds up-front to assist TDOT in the environmental review, design and ROW purchasing. In discussions with TDOT staff, this up-front contribution could expedite the timeline for this project and could fill finance gaps for successful fast-tracking; and

**WHEREAS,** the Mayor, City Council, and City staff appreciates TDOT and the support for the many good transportation amenities we have in the city of Cleveland. This project would substantially benefit the citizens of the State of Tennessee, area local and regional residents, and job providers. It is an essential improvement for traffic congestion management and traffic safety of this important transportation network and commercial development area.

**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 agree to partner with TDOT, with up to $2 million to have this project fast-tracked through the TDOT construction process.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to send a letter of commitment to TDOT on behalf of the City of Cleveland.

This 14th day of June, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2021-52 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-14 –** Amending Title 17, Section 17-107 of the Municipal Code pertaining to the sanitation user fees for Solid Waste and Refuse Collection.

**ORDINANCE 2021-14**

**AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, AMENDING THE VARIOUS RATES FOR SOLID WASTE AND REFUSE COLLECTION WITH THE NEW RATES TO BECOME EFFECTIVE AUGUST 1, 2021**

WHEREAS, the City's sanitation user fee, the commercial fee for commercial establishments, and the commercial recycling user fee are established in Title 17 of the Cleveland Municipal Code relating to refuse and trash disposal; and

WHEREAS, Section 17-105 of the Cleveland Municipal Code provides that the sanitation user fee shall be set by an ordinance of the City Council; and

WHEREAS, Section 17-107 of the Cleveland Municipal Code provides that the commercial fee charged for commercial establishments shall also be established by ordinance after the City Council receives the recommendation of the Public Works Director; and

WHEREAS, Section 17-107 of the Cleveland Municipal Code further provides that the commercial recycling user fee shall be set by an ordinance adopted by the City Council; and

WHEREAS, the current rates previously established by ordinance are:

| | |
|---|---|
| Residential | $7.95 monthly per unit |
| Commercial | $2.09 per cubic yard |
| Commercial Recycle | $1.83 per cubic yard |
| Commercial Residential Accounts (small business, picked up like a residence) | $7.95 monthly per unit; and |

WHEREAS, after considering the input and recommendation of the City Manager and the Public Works Director, the City Council desires to revise the rates as described herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee:

Section 1.

A. The sanitation user fee referenced in Section 17-105 of the Cleveland Municipal Code is hereby set at $8.95 monthly per unit effective August 1, 2021.

B. The commercial rate referenced in Section 17-107 of the Cleveland Municipal Code is hereby set at $2.35 per cubic yard effective August 1, 2021.

C. The commercial recycling rate referenced in Section 17-107 of the Cleveland Municipal Code is hereby set at $2.06 per cubic yard effective August 1, 2021.

D. The commercial/residential rate for small businesses which are picked up like a residence is hereby set at $8.95 monthly per unit effective August 1, 2021.

Section 2. That this Ordinance shall become effective upon final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Ordinance 2021-14 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-15** – Amending Title 16, Chapter 2, Section 16-203(1) of the Municipal Code pertaining to street cut fees (p. 87-88).

**ORDINANCE 2021-15**

**AN ORDINANCE OF THE CITY OF CLEVELAND AMENDING TITLE 16, CHAPTER 2, SECTION 16-203(1) OF THE CLEVELAND MUNICIPAL CODE PERTAINING TO STREET CUT FEES**

WHEREAS, the City Council has been presented with a recommendation from the City Manager to raise the cost of a street cut permit fee from $300 to $350.00 so that the fee will cover the actual costs of installing the patch; and

WHEREAS, based on the recommendation of City Manager and City staff, the City Council now desires to amend Section 16-203 (1) of the Cleveland Municipal Code to raise this street cut fee.

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

Section 1: Title 16, Chapter 2, Section 16-203 (1) of the Cleveland Municipal Code is amended by changing the first sentence under Section 16-203(1) to now read as follows:

"The fee for such permits shall be three hundred and fifty dollars ($350.00).

Section 2: BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage on final reading, the public welfare requiring it, however the increase in the street cut fee will not take effect until July 1, 2021.

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2021-15 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-16** – Amending Title 12, Chapter 1, Section 12-104 of the Municipal Code relating to the Building Permit Fee Schedule.

**ORDINANCE 2021-16**

**AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, AMENDING TITLE 12, CHAPTER 1, SECTION 12-104 OF THE CLEVELAND MUNICIPAL CODE RELATING TO THE BUILDING PERMIT FEE SCHEDULE**

WHEREAS, the City Council desires to amend a portion of section 12-104 of the Cleveland Municipal Code entitled Permit Fee Schedule.

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

Section 1. That Title 12 , Chapter 1, Section 12-104 of the Cleveland Municipal Code be amended as follows:

Under the heading Building Permit Fees, the following words are hereby deleted:

”One and two-family dwelling permit fees for new construction are calculated based on heated square footage. A multiplier of eighty-five dollars ($85.00) per square foot will be used to assess building valuation. The permit fee will be calculated with this valuation using the table below.”

and in place of the deleted words, the following words are hereby inserted:

“For all new construction and addition projects, building valuation used to determine permit fees is to be calculated using the value as determined by the latest published ICC Building Valuation Data Table at a multiplier of 0.9”.

Section 2. That this Ordinance shall become effective from and after its passage on final reading, the public welfare requiring it.

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Vice Mayor Johnson moved that Ordinance 2021-16 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Estes moved that Ordinance 2021-17; Adopting the FY2022 Budget; heretofore passed on first reading, May 24, 2021 and found in Minute Book 30, Page 249, be approved on final reading. The motion was seconded by Councilman Cassada. Councilman Webb disclosed he is a member of Life Bridges and a Cleveland Utilities retiree, which does not affect his vote. Councilman Estes disclosed he is a member of City Fields, which does not affect his vote. Upon roll call, the motion was unanimously passed.

Councilman Hughes moved to name the Cleveland Fire Department Training Center in honor of Chief Ron Harrison. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, June 28, 2021.
- The Council meeting scheduled for Monday, July 26 will be cancelled.

There being no future business the meeting was adjourned at 4:43 p.m.

_____ _____
Mayor City Clerk

REGULAR SESSION
JUNE 28, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 28, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Ken Webb and Councilwoman Marsha McKenzie. Councilman Dale Hughes was absent from the meeting. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Ron Harrison; Patti Pettit, Parks and Recreation Director; Robert Varnell, Transportation Planner; Kristi Powers, Purchasing Coordinator; Doug Berry with the Chamber of Commerce and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Ken Webb, 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 14, 2021 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 Cassada moved to excuse Councilman Hughes from today's meeting. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

Mayor Brooks stated today we are swearing-in six new Police Officers to the Cleveland Police Department. Chief Gibson introduced each officer and gave a brief background on each of them. Mayor Brooks then administered the Oath of Office to Police Officers Cole Barnes, Mary Ledford, Cody Malone, Lucas Broling, Marlon Nelson and Zachary Rush and then welcomed them to the Cleveland Police Department.

John Thomason thanked Tommy Myers and the Public Works Department for paving 9th Street and looks forward to many more streets in the area to be paved in the future. Councilman Estes added sidewalks would be coming along 9th Street soon. Mr. Fivas stated we have received the go ahead on the Dalton Pike sidewalk project and last week the State also notified us by email they would be paving Wildwood to Dalton Pike.

## HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communications.

## CONSENT AGENDA

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

- **Final Passage - Ordinance 2021-14 –** heretofore passed on first reading June 14, 2021 and found in Minute Book 30, Page 272; amending Title 17, Section 17-107 of the Municipal Code pertaining to the sanitation user fees for Solid Waste and Refuse Collection.

- **Final Passage - Ordinance 2021-15** – heretofore passed on first reading June 14, 2021 and found in Minute Book 30, Page 273; amending Title 16, Chapter 2, Section 16-203(1) of the Municipal Code pertaining to street cut fees.
- **Final Passage - Ordinance 2021-16** – heretofore passed on first reading June 14, 2021 and found in Minute Book 30, Page 274; amending Title 12, Chapter 1, Section 12-104 of the Municipal Code relating to the Building Permit Fee Schedule.
- **Resolution 2021-53 –** Authorizing the Mayor to sign contract amendment #4 with TDOT for the 17th and 20th Street Project.

**RESOLUTION 2021-53**

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

Project: 17th Street, From SR-2 (Keith Street NW) to SR-74 (Ocoee Street) and 20th Street, From Harle Avenue NW to Neely Circle in Cleveland
Contract Number: 103159
Project Identification Number (PIN): 118870.00
Federal Project Number: STP-M-9203(21)
State Project Number: 06LPLM-F3-036

**WHEREAS**, the City Council desires to enter into the attached Amendment #4 with TDOT, 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 Amendment Number 4 from the Tennessee Department of Transportation for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 28th day of June 2021

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-54 –** Authorizing the Mayor to sign a subrecipient agreement with Habitat for Humanity for use of CDBG funds for property on Foster Lane/20th Street.

**RESOLUTION 2021-54**

**WHEREAS,** the City Council previously passed a Resolution approving the Annual Action Plan for Community Development Block Grant (CDBG) funds; and

**WHEREAS**, Habitat for Humanity of Cleveland, Inc. is involved in CDBG eligible activities; and

**WHEREAS,** in connection with said activities, Habitat for Humanity of Cleveland, Inc. has requested $50,000 in funding for CDBG eligible activities (which funding will assist with approved activities for the site development by Habitat for Humanity of Cleveland for the development of the Foster Lane/20th St property for housing low-income single-family homes); and

**WHEREAS**, in connection with said funding, the City Council desires to authorize the Mayor to execute a Subrecipient Agreement with Habitat for Humanity of Cleveland, Inc., relating to the CDBG eligible activities as described therein, which Agreement is attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the Mayor is hereby authorized to execute the Subrecipient Agreement with Habitat for Humanity of Cleveland, Inc., which Agreement is attached hereto and incorporated herein by reference.

This 28th day of June 2021.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-55** - Authorizing the Mayor to sign a lease extension with Family Resource Agency for the Blythe-Oldfield School Site.

**RESOLUTION 2021-55**

A RESOLUTION OF THE CITY OF CLEVELAND, TENNESSEE, AUTHORIZING AN EXTENSION OF A LEASE AGREEMENT BETWEEN THE CITY OF CLEVELAND AND THE FAMILY RESOURCE AGENCY, INC. FOR THE BLYTHE AVENUE SCHOOL SITE

WHEREAS, the City of Cleveland and Family Resource Agency, Inc. are currently parties to a Lease Agreement entered into effective January 1, 2000, whereby the Family Resource Agency, Inc. has leased from the City the Blythe Avenue Elementary School property; and

WHEREAS, the lease has been amended three times, once by Resolution 2010-93 passed on 6/28/2010, and a second time by Resolution 2015-53 passed on 6/22/2015; and by Resolution 2020-94 passed on 12/14/2020; and

WHEREAS, the City Council has been presented with a Memorandum from the City Manager concerning an extension of the lease agreement until August 15, 2021 which will allow the Family Resource Agency and city staff to finalize a long term agreement that meets the needs of both parties; and

WHEREAS, the City of Cleveland and Family Resource Agency, Inc. desire to extend the current Lease, as amended, until August 15, 2021; and

WHEREAS, the proposed lease extension agreement between the City and Family Resource Agency, Inc. is attached to this Resolution and incorporated herein by reference; and

WHEREAS, the City Council desires to accept the recommendation of the City Manager as outlined in his Memorandum to the City Council and to extend the current Lease Agreement with the Family Resource Agency, Inc. until August 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled the City Council hereby approves the lease extension with Family Resource Agency, Inc. until August 15, 2021.

BE IT FURTHER RESOLVED that the City Council hereby approves of the Lease extension agreement which is attached hereto and incorporated herein by reference, and the City Council further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 28th day of June, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Bid Report –** AJ Park Pavilion

**TO:** **Mayor & City Council**
**FROM:** **Joe Fivas, City Manager**
**Kristi Powers, Budget & Purchasing Coordinator**
**DATE:** **June 24, 2021**
**RE:** **AJ Park Pavilion**

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**Summary:**
In the fall of 2020, the City Council approved a bid to 'Integrated Builds' to construct a new Pavilion at Avery Johnson Park. 'Integrated Builds' was not able to complete the project as requested by the City.

The City has sent out a bid out for the work needed to complete the project. The City received two bids responses.

1) $82,500 for Ross Construction
2) $145, 353 for Cherokee Construction

City staff has determined that the Ross Construction bid had informalities, irregularities, and non-responsive. City staff recommends to reject this bid due to these issues.

City staff has determined that the Cherokee Construction bid was not consistent with the engineers estimate. City staff recommends to reject this bid due to these issues.

**Fiscal Impact**:
N/A

**Staff Recommendation**:
City staff recommends to reject both bids. The City will immediately re-bid this project. This could cause a delay in opening the AJ Park.

- **Street Light Recommendation** – High Street SE (Cleveland Utilities recommends the installation of two new 40-watt LED cobra fixtures on High Street).
- **Street Light Recommendation** – 2372 Coventry Court NW & 3423 Brighton Boulevard NW (Cleveland Utilities states existing 100-watt HPS decorative fixtures meet City guidelines. Existing fixtures can be upgraded to 60-watt LED cobras at a cost of $146.70 each if desired).
- **Street Light Recommendation** – 825 East Street SE (Cleveland Utilities states existing 100-watt HPS cobra fixtures meet City guidelines. Existing fixtures can be upgraded to 40-watt LED cobras at a cost of $146.70 each if desired).

## UNFINISHED BUSINESS

Councilman Estes moved that Zoning Ordinance 2021-10; rezoning 1.87 acres, more or less, located on Hiwassee Ave NE (Tax Map 42G Group B Parcels 18.00,19.00 & 20.00 and Tax Map 42G Group C Parcel 9.00 & 11.00 ) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District; heretofore passed on first reading June 14, 2021 and found in Minute Book 30, Page 270 be voted for passage on final reading. The motion was seconded by Councilman Webb. Upon roll call, Councilman Estes, Councilman Webb, Councilman Cassada, Vice Mayor Johnson and Councilwoman McKenzie voted aye. Councilman May voted no. The motion passed 5:1.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Webb reminded everyone that tomorrow, Tuesday, June 29 at 10:00 a.m. is the Senior Advisory Counsel meeting. Also, he asked for staff to encourage the parties responsible for the gate on Smith Drive to be completed. Lastly, to make everyone aware, the Cleveland Amateur Radio Club, who leases property from the City on Johnson Blvd, has asked if we can assist with paving a portion of their parking lot for handicap accessibility. City staff is in the process of looking at the lot and seeing what can be done.

Councilwoman McKenzie stated she was excited to see the new development inside the Spring Branch Industrial Park. Secondly, she asked if staff would conduct a traffic and project study for a roundabout and sidewalks at Georgetown Road and Westside Drive. The area is a major safety concern. Councilman Cassada agreed the curve was dangerous. He asked if something could be brought back at the next meeting.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2021-56** – Supporting the RAISE Grant Application.

### RESOLUTION 2021-56

### RESOLUTION TO AUTHORIZE SUBMISSION OF A "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY" (RAISE) PLANNING AND APPROVING MATCHING FUNDS AND AUTHORIZING SIGNING OF NECESSARY PAPERWORK FOR THE GRANT AND REQUESTING THAT TDOT CONSIDER THE INCLUSION OF THE PROJECT IN ITS STATEWIDE RAILWAY PLAN

**WHEREAS,** staff was authorized to develop a grant application for planning and preliminary design of a downtown connector to serve as an alternative for the crosstown movement of traffic in an east-west direction, and whereas further evaluation points to the need for the downtown connector planning and preliminary design to encompass the construction of a bridge over the railroad at 3rd Street SE; and

**WHEREAS**, the scope of the proposed planning work is be refined but will need to include both equity and environmental sustainability elements, including the extension of streetscaping and pedestrian features along the connector and near the Inman Street Corridor, as well as an effort to economic development expand economic development and employment growth opportunities throughout the project area but especially near the eastern end where such opportunities have been more limited, with the scope of the work possibly reaching $300,000 with a 20% local match; and

**WHEREAS,** state departments of transportation nationwide engage in railway planning and submit plans to the United States Department of Transportation (USDOT), and in anticipation of the bridge under consideration here to replace the existing 3rd Street SE grade crossing, it would be prudent to request appropriate consideration of the project Tennessee Department of Transportation (TDOT) statewide rail plan,

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

1. Authorizes the Mayor and staff to submit a RAISE Planning Grant application for the downtown connector and bridge as described;

2. Approves matching funds up to $60,000 as needed for the RAISE Planning Grant budget;

3. The Mayor is authorized to sign all documents necessary to the grant application process described herein;

4. Staff and the Mayor are authorized to pursued inclusion of the project as appropriate, by description or project type, in the TDOT statewide rail plan

Approved this 28th day of June, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Resolution 2021-56 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 2021-57** – Supporting the Cops Hiring Grant Application.

**RESOLUTION 2021-57**

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY FOR A GRANT THROUGH THE COPS HIRING PROGRAM (CHP)**

**WHEREAS,** the City of Cleveland will use these grant dollars to fill vacant positions for full-time sworn officers in the Cleveland Police Department;

**WHEREAS,** the 2021 COPS Hiring Program grant is funded through the United States Department of Justice, and the grant covers up to 75% of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over a three-year (36 months) grant period; and

**WHEREAS,** based upon the grant's program requirements, the City, if approved, would be eligible for grant funding for officers, with a maximum federal share of $150,000 per officer for the 36- month period. The grant application, if approved, would require the City to cover at least 25% of the cost of the salary and fringe benefits of these officers; 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 authorized to apply for funding for full-time sworn officer positions 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.

This 28th day of June, 2021.

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2021-57 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 2021-58** – Authorizing the Mayor to sign the agreements with Southern Scripts, LLC.

**RESOLUTION 2021-58**

**WHEREAS,** the City's Human Resources Director has been working with the City's Consultant on a new Pharmacy Products and Services Administration Agreement with Southern Scripts, LLC which will take effect on July 1, 2021; and

**WHEREAS,** the City's Human Resources Director and legal counsel have reviewed the proposed agreement and suggested certain changes to the Pharmacy Products and Services Administration with Southern Scripts, LLC; and

**WHEREAS,** the City Manager and Human Resources Director are recommending that the City Council approve of the new Pharmacy Products and Services Administration Agreement with Southern Scripts, LLC once the changes requested by the City have been made; and

**WHEREAS**, the City Council desires to approve of the proposed agreement and to enter into the agreement with Southern Scripts, LLC, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland once the changes requested by the City have made and the changes have been approved by the City staff.

**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 agreement with Southern Scripts, LLC and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland once the changes requested by the City have made and the changes have been approved by the City staff.

This 28th day of June 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2021-58 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Councilman Webb announced he just received notice that the individual responsible for the gate on Smith Drive are waiting on parts to complete the project.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- City Offices will be closed on Monday, July 5, 2021 in observance of Independence Day.
- The next City Council meeting will be held on Monday, July 12, 2021.
- The Council meeting scheduled for Monday, July 26 will be cancelled.
- The Tennessee Comptroller's Office will hold a meeting in Bradley County on August 9 to discuss the ARPA funds. Additional information will be forthcoming.

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

_____ _____

Mayor City Clerk

REGULAR SESSION
JULY 12, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 12, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Interim Fire Chief Pete VanDusen; Robert Varnell, Transportation Planner; Doug Berry and Mike Griffin with the Chamber of Commerce; Ben Berry with Berry Engineers; Chris Townsend; Brett Tabor with Map Engineers; Dr. Bill Seymour, Doug Moore and Cris Perkins with Cleveland State Community College; Kellye Bender; Brandi Mason; Jessica Davenport; Cindy Slater; Erica Rogers; Lucy Rymer with the Museum Center; Diana Bolen and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Ken Webb, 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 28, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks stated today we are swearing-in five new Police Officers to the Cleveland Police Department. Chief Gibson introduced each officer and gave a brief background on each of them. Mayor Brooks then administered the Oath of Office to Police Officers Spencer Green, Bryshaun Porter, Nathan Lippert, Brandon Spence and James Bolen and then welcomed them to the Cleveland Police Department.

Mayor Brooks recognized the Cleveland Middle School Softball Team and read the following proclamation. Councilman Hughes congratulated the team and appreciates the honor brought to our City. This is the first time a State Championship has been at the Middle School level in the State.

**"CLEVELAND MIDDLE SCHOOL LADY BLUE RAIDER DAY"**

Whereas, the Cleveland Middle School Lady Blue Raider softball team has brought home the 2021 Tennessee State Softball Championship title, this was the inaugural TMSAA tournament and the Lady Raiders are the champions; and . . . .

Whereas, the members of this outstanding team earned the 2021 state wide event, and the overall team worked together to claim the championship title finishing the year with a 14-win 3-loss season; members of this team are Alyssa Davenport, JaMaya Hill, Leylah de Jesus, Carrie Hicks, Macy Butler, Landri Nelson, Lilly "Smalls" Mason, Abby Hozouri, Riley Lancaster-Burns, Ava Thomas, Emily Patterson, Laney Copeland, Kale Wheeler and Sofia Greene; and . . . .

Whereas, the Lady Raiders are led by Head Coach Erica Rogers, Assistant coaches Steven Rogers and Michelle Bradley; Athletic Trainer Jon Bovee; Athletic Director Scott Carroll and City School System Director Dr. Russell Dyer; and . . . .

Whereas, these young ladies are not only outstanding athletics but have service hearts as well, by spearheading a service project by partnering with the schools CDC and ERC classes to put together an event to help special needs students compete in a softball game because the COVID pandemic didn't allow them to participate in Special Olympics last year,

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee do hereby declare Monday, July 12, 2021 as **"CLEVELAND MIDDLE SCHOOL LADY BLUE RAIDER DAY"** in our city and ask all citizens to congratulate this fine group of young ladies and their coaches for a job well done.

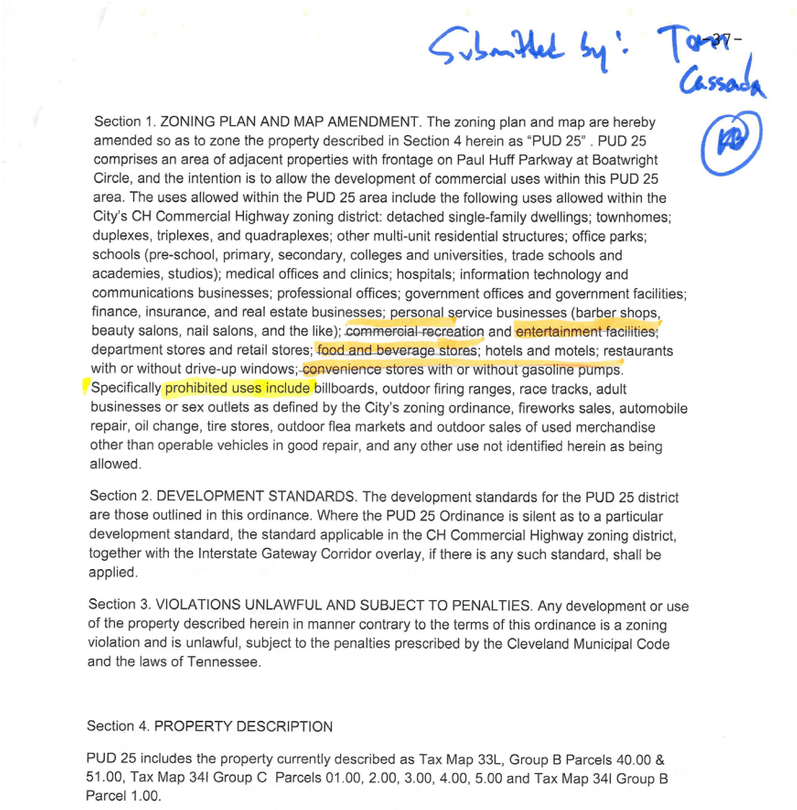
Dr. Bill Seymour with Cleveland State Community College and Cris Perkins with the TN Board of Regents presented the City Council with the 2021 Chancellor's Award for Excellence in Philanthropy to show appreciation for the generous donation and support of the local community college. A plaque will be placed in the EMT Lab within the Health and Science Building, which was made possible by a generous gift.

## 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 5.19 acres located on Boatwright Circle, Paul Huff Parkway and Valley Head Rd (Tax Map 33L Group B Parcels 40.00 and 51.00, Tax Map 34I Group C Parcels 1.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to PUD25 Planned Unit Development District. Corey Divel gave a brief staff report and added that a traffic impact study was received, reviewed and approved by staff. There are three separate development areas which are described in the ordinance. The item was approved by the Planning Commission Yes-5, Recused-1, Passed-1 and 2 were absent members. Councilman Cassada asked for clarification on area 3 and any deed restrictions. He then presented Mayor Brooks with emails from several residents. Mr. Divel stated there are several parcels in area 3, all but one are considered in the Indian Hills Subdivision and subject to deed restriction that it can only be used for residential. The lot on the corner at Peerless and Paul Huff is not under the restrictions. We have received requests in the past to make it Commercial Highway. The rational here is to include it in the PUD to make it all the same and reducing the chance of a Commercial Highway zoning in the future. The parcels still under the deed restrictions will still be limited under the PUD ordinance. Councilman Cassada inquired about the buffer and what is a Type B buffer. Mr. Divel stated two rows of evergreens and a row of shade trees plus a fence, which we are articulating that has to be done at the beginning of the process. Councilman Cassada then asked if under the PUD ordinance can anything like convenience stores, entertainment facilities and food and beverage stores be prohibited from the uses. Mr. Divel stated he believes we could make some changes, as it is not too far along. Mr. Fivas stated the applicant should be asked their opinion and it is possible they have no interest in those types of businesses. Councilman Hughes clarified about a potential liquor store. Mr. Kimball stated liquor stores are not permitted in a PUD and the number has been capped. Councilman May confirmed no street will ever be opened from the subdivision into this development. Mr. Divel stated yes, it is addressed in the PUD ordinance. Councilman Cassada asked how would area three of the development be accessed. Mr. Divel stated language in the ordinance discusses cross access from area two. Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning. Ben Berry with Berry Engineers stated at the request of the Council a traffic study was conducted. The results recommended a ¾ access which eliminates left turns out of Boatwright and the location be at the existing location of Boatwright Circle. It also recommended Holiday Inn Expressway, across the street be converted to eliminate left turns out as well. We are offering an enhanced buffer, with eight-foot fence, lighting restrictions and cross access provisions. Councilman Cassada asked about convenience stores or any of his other concerns. Mr. Berry stated we would ask that it not be included. Right now, there are no plans for that type of business but other PUD's in the area do not have those exclusions. This PUD already restricts other uses that other PUD's in the area are allowed. Councilman Cassada thanked him for his candor. Mayor Brooks asked if anyone

would like to speak in opposition of the approval of the rezoning. Kelly Bender, who is a resident of Indian Hills Subdivision stated she has spoken and emailed several Councilmembers about the neighborhood concerns. They understand development but would like the PUD to be tightened a little more. We don't need a convenience store or gas station there and doesn't feel it is too much to ask to protect the residents of the area. The Publix PUD was tight. We knew what type of business and hours of operation, to protect the residents. We want to make sure we're not going to have traffic all hours of the night. She appreciates the enhanced buffers from the developer. Finally, the city asked for area 3 to be included and not fully convinced how that benefits the neighbors for it to be included in the PUD and trust that it will be fully reviewed. The PUD document, Section 6B addresses area 3 site plan and she would ask that the area remain deed restricted and zoned residential R2. Mayor Brooks then declared the public hearing to be closed.

Emails presented by Councilman Cassada:



Submitted by: Tom Cassada

Section 1. ZONING PLAN AND MAP AMENDMENT. The zoning plan and map are hereby amended so as to zone the property described in Section 4 herein as "PUD 25" . PUD 25 comprises an area of adjacent properties with frontage on Paul Huff Parkway at Boatwright Circle, and the intention is to allow the development of commercial uses within this PUD 25 area. The uses allowed within the PUD 25 area include the following uses allowed within the City's CH Commercial Highway zoning district: detached single-family dwellings; townhomes; duplexes, triplexes, and quadraplexes; other multi-unit residential structures; office parks; schools (pre-school, primary, secondary, colleges and universities, trade schools and academies, studios); medical offices and clinics; hospitals; information technology and communications businesses; professional offices; government offices and government facilities; finance, insurance, and real estate businesses; personal service businesses (barber shops, beauty salons, nail salons, and the like); commercial recreation and entertainment facilities; department stores and retail stores; food and beverage stores; hotels and motels; restaurants with or without drive-up windows; convenience stores with or without gasoline pumps. Specifically prohibited uses include billboards, outdoor firing ranges, race tracks, adult businesses or sex outlets as defined by the City's zoning ordinance, fireworks sales, automobile repair, oil change, tire stores, outdoor flea markets and outdoor sales of used merchandise other than operable vehicles in good repair, and any other use not identified herein as being allowed.

Section 2. DEVELOPMENT STANDARDS. The development standards for the PUD 25 district are those outlined in this ordinance. Where the PUD 25 Ordinance is silent as to a particular development standard, the standard applicable in the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, if there is any such standard, shall be applied.

Section 3. 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 4. PROPERTY DESCRIPTION

PUD 25 includes the property currently described as Tax Map 33L, Group B Parcels 40.00 & 51.00, Tax Map 34I Group C Parcels 01.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00.

Submitted by: Tom Cassada

From: Tom Cassada tcassada@clevelandtn.gov
Subject: Fwd: Tomahawk Circle
Date: Jul 12, 2021 at 8:15:27 AM
To: tomcassada@yahoo.com

KD

Tom Cassada
City Councilman 3rd District
Cleveland, TN
tcassada@clevelandtn.gov
cell: (423) 457-9867

Sent from my iPhone

Begin forwarded message:

**From:** Shane Brown <shanebrown@leeuniversity.edu>
**Date:** July 10, 2021 at 4:36:48 PM EDT
**To:** "tcassada@clevelandtn.gov" <tcassada@clevelandtn.gov>
**Subject: Re:** Tomahawk Circle

Dear city leadership,

Once again, we are writing to share our concerns over the proposed PUD that will come before the City Council on July 12, 2021. We live in the Indian Hills Subdivision and are very concerned about decisions that directly affect the property owners in our neighborhood. The planning commission is recommending a PUD (Boatwright Circle and Paul Huff Parkway) for approval. While we do not agree with the recommendation for parcels 1&2 we realize residents do not have much control when it comes to commercial development around their homes. Unfortunately, it appears that the planning commission is committed to developing every piece of green space on Paul Huff Parkway instead of the quality of life for citizens and residents.

That being said we would like to ask the city council review the PUD proposal and remove some of the potential uses: "Convenience stores with or without gas pumps, entertainment facilities, commercial recreation and food and beverage stores", and put additional buffers in the proposed PUD between the development and the residential homes. By removing the potential uses you are providing the residents some protection from noise and traffic all hours of the day and night. The developer has a buffer in the PUD however, we are losing a very effective thick natural buffer to the interstate and we would appreciate it if the city council could add additional buffers to the development much like you did to the Target/Khols development off of Frontage Road. We realize that the developer enhanced the buffer in their original development but considering the amount of noise and light that will be coming from the interstate and the development when all of the land is cleared we feel this is a reasonable request.

The second part of this letter addresses a very serious concern we have about the additional land (Part 3) that the City of Cleveland added to the PUD request. The city, not the property owner requested that the additional residential properties be added to the PUD. This property is a row of duplexes on Old Valley Head Road which are a part of the original Indian Hills Subdivision and are deed restricted. We are very confused why the city would want to take residential property that is deed restricted and add it to a PUD. When I raised this question at the planning commission meeting, I was told it was to protect the neighborhood.

The neighborhood is already protected because the property is deed restricted. After talking with Mr. Divel and Mr. Jobe they felt is was the best of the neighborhood. Unfortunately, they did not speak with residents of the neighborhood. The thought behind the decision seems to be additional protection of the neighborhood but we see it as opening another door for development in our backyard.

After reviewing the PUD that was submitted, (page 3 Section 6B) "Development Area 3 is expected to be re-developed subsequent to Development Areas 1&2 but nothing prescribed herein would prevent area 3 being developed in coordination with areas 1 or 2 subject to site approval requirements." Again, I would like to say that the property is deed restricted so unless 51% of the property owners agree to the rezoning there is not anything that can be done with the property. We are confused why the city would want to get involved deed restricted property and reference it as property that can be developed in the future.

We realize that the city has recognized the difficult position they have put all of the residence of Indian Hills in due to the explosion of Paul Huff Parkway businesses and appreciate the fact they are trying to offer some relief with an additional entrance to our neighborhood. But the thought that the city would think additional development on this corner with all of the other traffic issues we have at this time is not a sound decision.

We respectfully request that the city council REMOVE Part 3 of the PUD Request (the residential lots that were added to the PUD by the City of Cleveland) and vote on the original PUD that was submitted to the planning commission by Ben Berry.

Dr. Shane Brown
Director of Teacher Education
Helen DeVos College of Education

Lee University

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**From:** Shane Brown
**Sent:** Thursday, October 29, 2020 9:26:07 PM
**To:** tcassada@clevelandtn.gov <tcassada@clevelandtn.gov>
**Subject:** Tomahawk Circle

Leadership,

Please revist your decision on Tomahawk Circle and the rezoning to also possibly use our street as an exit for the new development.

I am frustrated that no type of traffic study was completed and completely disregarded by the Planning Commission.

We are suffering terribly with a major increase of traffic with the expansion of Paul Huff...so much so that my young children cannot play in the front yard much.

With this new development and now what will be increased traffic, they will no longer be allowed to do that, or ride their bikes or walk the neighborhood as we have all loved doing.

Please do the right thing for our neighbors...we have numerous elderly folks and tons of families with small children.

Dr. Shane Brown
Director of Teacher Education
Helen DeVos College of Education
Lee University

Submitted by: Tom Cassada

Mr. and Mrs. Andy Bender
4019 Tomahawk Circle NW
Cleveland, TN 37312
July 6, 2021

Councilman Tom Cassada – District 3
190 Church Street NE
Cleveland, TN 37311

Dear Councilman Cassada,
Once again, we are writing to share our concerns over the proposed PUD that will come before the City Council on July 12, 2021. We live in the Indian Hills Subdivision and are very concerned about decisions that directly affect the property owners in our neighborhood. The planning commission is recommending a PUD (Boatwright Circle and Paul Huff Parkway) for approval. While we do not agree with the recommendation for parcels 1&2 we realize residents do not have much control when it comes to commercial development around their homes. Unfortunately, it appears that the planning commission is committed to developing every piece of green space on Paul Huff Parkway instead of the quality of life for citizens and residents.
That being said we would like to ask the city council review the PUD proposal and remove some of the potential uses: "Convenience stores with or without gas pumps, entertainment facilities, commercial recreation and food and beverage stores", and put additional buffers in the proposed PUD between the development and the residential homes. By removing the potential uses you are providing the residents some protection from noise and traffic all hours of the day and night. The developer has a buffer in the PUD however, we are losing a very effective thick natural buffer to the interstate and we would appreciate it if the city council could add additional buffers to the development much like you did to the Target/Khols development off of Frontage Road. We realize that the developer enhanced the buffer in their original development but considering the amount of noise and light that will be coming from the interstate and the development when all of the land is cleared we feel this is a reasonable request.
The second part of this letter addresses a very serious concern we have about the additional land (Part 3) that the City of Cleveland added to the PUD request. The city, not the property

owner requested that the additional residential properties be added to the PUD. This property is a row of duplexes on Old Valley Head Road which are a part of the original Indian Hills Subdivision and are deed restricted. We are very confused why the city would want to take residential property that is deed restricted and add it to a PUD. When I raised this question at the planning commission meeting, I was told it was to protect the neighborhood. The neighborhood is already protected because the property is deed restricted. After talking with Mr. Divel and Mr. Jobe they felt is was the best of the neighborhood. Unfortunately, they did not speak with residents of the neighborhood. The thought behind the decision seems to be additional protection of the neighborhood but we see it as opening another door for development in our backyard.
After reviewing the PUD that was submitted, (page 3 Section 6B) ***"Development Area 3 is expected to be re-developed subsequent to Development Areas 1&2 but nothing prescribed herein would prevent area 3 being developed in coordination with areas 1 or 2 subject to site approval requirements."***
Again, I would like to say that the property is deed restricted so unless 51% of the property owners agree to the rezoning there is not anything that can be done with the property. We are confused why the city would want to get involved deed restricted property and reference it as property that can be developed in the future.
We realize that the city has recognized the difficult position they have put all of the residence of Indian Hills in due to the explosion of Paul Huff Parkway businesses and appreciate the fact they are trying to offer some relief with an additional entrance to our neighborhood. But the thought that the city would think additional development on this corner with all of the other traffic issues we have at this time is not a sound decision.
We respectfully request that the city council REMOVE Part 3 of the PUD Request (the residential lots that were added to the PUD by the City of Cleveland) and vote on the original PUD that was submitted to the planning commission by Ben Berry.

If you have any questions or would like to discuss our concerns please feel free to contact us.

Sincerely,
Andy and Kellye Bender
4019 Tomahawk Circle NW
Cleveland, TN 37312

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 70.00 acres located on Tasso Ln NE and a resolution to adopt a Plan of Service for the annexation area. Corey Divel gave a brief staff report and stated the item was approved by the Planning Commission 7-0 with 2 members absent. Discussions have taken place with Bradley County Road Department concerning the roadway and we will address access. Councilman Hughes asked about the zoning. Mr. Divel stated this is a PUD development, with single family residential and up to 20% of the units to be townhomes. They asked for up 50% but it was not accepted. Mayor Brooks asked if anyone would like to speak in favor of the approval of the annexation and plan of service. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the annexation and plan of service. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the zoning of about 70.00 acres located on Tasso Ln NE from the unincorporated county to PUD29 Planned Unit Development Zoning District. Corey Divel gave a brief staff report and stated the item was approved by the Planning Commission 7-0 with 2 members absent. Mayor Brooks asked if anyone would like to speak in favor of the approval of the zoning. Brett Tabor with MAP Engineering stated he is representing the potential purchaser/developer of the property. They would a few modifications to the PUD document. First, to increase the allowable slope to 2.5 to 1 instead of 3 to 1, around the perimeter of the property. The property is a hill and slopes to the north and as written will greatly restrict the buildable area. Second, the 50' right-of-way access to join parcel 25 for future street access to North Lee Highway. We can provide the right-of-way access, but we can't guarantee a roadway can be constructed due to the slope, so they would like that revived if possible. He then showed the area on the map. Councilman Estes asked about the original design for this area? Mr. Divel stated yes. Mr. Fivas stated the purpose was to connect into the road for another exit for the

neighborhood. There are likely grade issues. [Additional comments were inaudible due to interference with the sound system and microphones.] Mr. Tabor stated the current property owner requested annexation and we were not aware of the requirement of the street connection. Mr. Fivas stated there are two issues, the access to the other property, which they are okay with and the other question about the 2:1 slope versus 3:1 slope. Councilman Estes stated they were trying to make plans for the road alignment with 56th Street and if the roadway can't be built gives him pause. Mr. Fivas stated the other parcel is an unknown variable. Councilman Estes stated he would like it equitable to all parties and get it sorted out now. Mr. Fivas stated it comes down to the plat and the final engineering, they know more about it. They will have the requirement. We will not make someone do something that is not feasible. That's when they can say it doesn't make sense. This is just the zoning. We are realistic and believe it will be a fantastic neighborhood there, but we know there are challenges with the grade. We can review all that with the plat. If it is not feasible then it shouldn't be required. Mr. Tabor added we can provide the right-of-way but would like language and the option to when the unknowns about it being feasible and if not, it can be eliminated. Mr. Fivas stated we 100% agree on that point. Councilman May stated he was okay with the slope. The 3:1 could become a major problem. Mr. Jobe stated the 3:1 is mowable but a 2:1 is not mowable, which affects the look. Mr. Tabor added the third requirement, which locks us in at a 46' wide lot size and would like a range option. Councilman Cassada stated they are asking for several changes to the ordinance. Mr. Fivas stated we can figure out the issues before final reading. Councilman Estes asked for some visuals of the 3:1 versus 2:1 slope. He also feels this is more than minimal changes. Mr. Kimball stated Mr. Tabor is not the applicant and suggested the item be tabled to let staff meet with them to work out these issues to bring it back at the next meeting. Mr. Tabor added the last item of concern was the landscape berm along the right-of-way. The berm on the slope is just screening the slope and nothing else. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the zoning. No one spoke. Mayor Brooks then declared the public hearing to be closed.

## CONSENT AGENDA

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

- **Resolution 2021-62** – Accepting the proposal from PM Alarms of Chattanooga for fire alarm monitoring and inspections for the Summit Building.

## RESOLUTION 2021-62

**WHEREAS**, the City's development and engineering staff has received a proposal from PM Alarms of Chattanooga, Tennessee for Fire Alarm Monitoring and Inspections for the Summit Building ; and

**WHEREAS**, City development and engineering staff are requesting that the City Council approve of the proposal between the City and PM Alarms for these services; and

**WHEREAS**, the City Council now desires to approve of the proposal and to further authorize the Mayor to execute and documents which may be necessary to accept the proposal 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 proposal from PM Alarms for these services and it further authorizes the Mayor to execute any documents which may be necessary to accept the proposal on behalf of the City.

This 12th day of July 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-63** – Accepting the proposal from Otis Elevator Company for elevator maintenance for the Summit Building.

**RESOLUTION 2021-63**

**WHEREAS**, the City's development and engineering staff has received a proposal from Otis Elevator Company for Elevator Maintenance for the Summit Building ; and

**WHEREAS**, City development and engineering staff are requesting that the City Council approve of the proposal between the City and Otis Elevator Company for these services; and

**WHEREAS**, the City Council now desires to approve of the proposal and to further authorize the Mayor to execute and documents which may be necessary to accept the proposal 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 proposal from Otis Elevator Company for these services and it further authorizes the Mayor to execute any documents which may be necessary to accept the proposal on behalf of the City.

This 12th day of July 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion –** Authorizing an additional FY2022 Appropriation to the Museum Center.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **July 12, 2021**
**RE:** **Five Points Museum**

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**SUMMARY:**
In a previous meeting, the City Council discussed assisting the Museum with repairs to their HVAC system and repairs to the Museum roof. Staff has been in discussion with the Museum on the how to assist the Museum.

The Museum has roof repairs that need to be addressed in several locations within the building. The Museum has already replaced two broken HVAC units, and they have another HVAC unit that needs immediate attention.

In order to protect this community asset and protect important historic items within museum, the City Council will contribute $20,000 to these repairs and operations of these museum. This funding will also assist the Museum in keeping its Smithsonian certification and its newest Smithsonian exhibit getting ready to launch soon.

The City will initially use general fund dollars to immediately fund this item. As we get a better understanding of the federal ARP funds, this approval will also act as a reimbursement memorandum that the City could, if possible, use ARP funds to reimburse the City for this amount.

For this appropriation, the Museum will also wave booking fees for City public meetings held at the Museum from July 1, 2021 to June 30, 2022 as long as there is space availability and 60 days of notice.

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

**FISCAL ANALYSIS:**
$20,000 appropriation as determined by Finance Department.

**RECOMMENDATION:**
City staff recommends approval of this $20,000 general fund appropriation to the Museum. This is a one-year, non-occurring, payment to the Museum.

- **Motion** – Authorizing staff to apply for the Mainstreet Façade Grant Program.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **July 12, 2021**
**RE:** **Mainstreet Façade Grant Application**

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**SUMMARY:**
The State has released a new Mainstreet Façade Grant Program for City's to apply for grants to assist with Streetscape and building facades. City staff has worked closely with Mainstreet to determine parameters around a city of Cleveland application for $150,000 grant. The Mainstreet, the City or property owners would have to contribute up to a 20 percent match.

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends approval of allowing staff to apply for this Mainstreet Façade Grant for $150,000 and a 20% match. The City Manager will appoint a select group of staff and Mainstreet members to assist with defining the parameters and select the applicates projects. Then, will report to the Council on the final grant application.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Johnson asked for Mr. Fivas to meet with Waste Connections concerning the city-wide garbage pickup.

Councilman Estes asked Mr. Fivas to send him an email after his meeting with Waste Connections so he can follow up with concerns he received. Also, he would like an email after the meeting on Gaut/4th Street for follow-up. Lastly, he has the Community Shield for Interim Chief VanDusen to place back at Station 1.

Councilman May stated has received calls from residents along Michigan Avenue Road in hopes of improvements. Ditches on both sides and the width of the road create a problem. He understands Blythe Ferry Road will be resurfaced soon and it has become a shortcut for drivers to avoid traffic on Paul Huff and 25th Street. Hopefully possible improvements to both roadways will help make them safer.

Councilman Hughes stated they attended church service on Sunday at Trinity Methodist at 1st/Berry Street, where his wife was invited to play the organ. It is a small church with twenty-four members and has a new pastor. There he met Nell, a ninety-four-year-old woman, who was very cognitive. He asked her for advice on longevity. She replied do not let anyone do for you that you can do yourself. He felt that was a real lesson.

Councilman Webb stated Coldwell Banker Realtors has offered as many flags as needed to have some kind of memorial for the residents of Bradley County and Cleveland City who lost their lives due to COVID. Additionally, the last eighteen months has been very difficult for everyone in every walk of life. As a City, can we do something to recognize, in addition to our First Responders, everyone who was gainfully employed from the grocery store cashier to the bank teller, on down the line. He then asked Mr. Fivas if staff could look into, possibly just a page in the paper recognizing the contribution people made during that time. Mr. Fivas stated we can bring back ideas at the next meeting.

Mayor Brooks thanked Mr. Fivas, Councilman Estes and Councilman May who joined him at the 18th Street Neighborhood meeting last week and thank them for the support.

## NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Ordinance 2021-19** – Adopting the 2021 Tax Rate (Certified Rate $1.7130).

### ORDINANCE 2021-19

### TAX ORDINANCE – YEAR 2021

AN ORDINANCE TO PROVIDE AND FIX FOR THE CITY OF CLEVELAND, TENNESSEE, FOR THE YEAR 2021, 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 2021, and each subsequent year thereafter be, and is, $1.7130 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<br>1/40 of 1% wholesale |
| Class 1B | 1/10 of 1% retail<br>3/80 of 1% wholesale |
| Class 1C | 1/10 of 1% retail<br>3/80 of 1% wholesale |
| Class 1D | 1/20 of 1% |
| Class 2 | 3/20 of 1% retail<br>3/80 of 1% wholesale |
| Class 3 | 3/16 of 1% retail<br>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 $1.7130 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:

_____
Councilwoman McKenzie

_____
Kevin Brooks, Mayor

_____
Councilman Estes

ATTEST:

_____
Councilman Cassada

_____
Shawn McKay, City Clerk

_____
Councilman May

APPROVED AS TO FORM:

_____
John F. Kimball, City Attorney

_____
Councilman Hughes

_____
Councilman Webb

_____
Vice Mayor Johnson

Councilman Webb moved that Ordinance 2021-19 be approved 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 2021-20 –** Rezoning 5.19 acres located on Boatwright Circle, Paul Huff Parkway and Valley Head Rd (Tax Map 33L Group B Parcels 40.00 and 51.00, Tax Map 34I Group C Parcels 1.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to PUD25 Planned Unit Development District (Planning Commission: Approved; Yes-5, Recused-1, Passed-1, Absent 2).

**ZONING ORDINANCE 2021-20**

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT KNOWN AS “PUD 25” ON CERTAIN PROPERTY ON CERTAIN PROPERTY LOCATED NEAR PAUL HUFF PARKWAY (Tax Map 33L Group B Parcels 40.00 & 51.00, Tax Map 34I Group C Parcels 01.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00) AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 25; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING A LIST OF PERMITTED USES; ESTABLISHING CONDITIONS FOR MITIGATION OF NOISE AND VIBRATION; ESTABLISHING SITE PLAN REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR TRAFFIC CIRCULATION ON AND ADJACENT TO THE SITE AND PARKING, FIRE LANES, AND SERVICE AND DELIVERY VEHICLES; ESTABLISHING REQUIREMENTS FOR IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING; ESTABLISHING REQUIREMENTS FOR GENERAL APPEARANCE, SIGNAGE AND OUTDOOR DISPLAYS; ESTABLISHING REQUIREMENTS FOR LITTER AND SOLID WASTE CONTROL AND DRAINAGE STRUCTURE MAINTENANCE; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; REQUIRING PROPER SUBDIVISION AND SITE PLANNING; REQUIRING A PUD DEVELOPMENT PLAN; PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; COMMUNICATING THE BINDING EFFECT OF THE ORDINANCE UPON OTHERS; 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 City’s 2013 Comprehensive Plan future land use element anticipated market-based redevelopment of the area containing the subject property; and

WHEREAS the aforementioned Comprehensive Plan recommendations can best be achieved by working in coordination with property owners in site planning, access to adjacent or nearby

major streets including Paul Huff Parkway and Peerless Road, and the requirement for interconnection between properties in order to share common access points.

WHEREAS it is the desire of the property owner(s), hereinafter “Developers”, to have the flexibility of the PUD process in order to work with the City and adjacent property owners who are also seeking to develop or redevelop their properties in a manner that is mutually beneficial, 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 4 herein as “PUD 25” . PUD 25 comprises an area of adjacent properties with frontage on Paul Huff Parkway at Boatwright Circle, and the intention is to allow the development of commercial uses within this PUD 25 area. The uses allowed within the PUD 25 area include the following uses allowed within the City’s CH Commercial Highway zoning district: detached single-family dwellings; townhomes; duplexes, triplexes, and quadraplexes; other multi-unit residential structures; office parks; schools (pre-school, primary, secondary, colleges and universities, trade schools and academies, studios); medical offices and clinics; hospitals; information technology and communications businesses; professional offices; government offices and government facilities; finance, insurance, and real estate businesses; personal service businesses (barber shops, beauty salons, nail salons, and the like); commercial recreation and entertainment facilities; department stores and retail stores; food and beverage stores; hotels and motels; restaurants with or without drive-up windows; convenience stores with or without gasoline pumps. Specifically prohibited uses include billboards, outdoor firing ranges, race tracks, adult businesses or sex outlets as defined by the City’s zoning ordinance, fireworks sales, automobile repair, oil change, tire stores, outdoor flea markets and outdoor sales of used merchandise other than operable vehicles in good repair, and any other use not identified herein as being allowed.

Section 2. DEVELOPMENT STANDARDS. The development standards for the PUD 25 district are those outlined in this ordinance. Where the PUD 25 Ordinance is silent as to a particular development standard, the standard applicable in the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, if there is any such standard, shall be applied.

Section 3. 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 4. PROPERTY DESCRIPTION

PUD 25 includes the property currently described as Tax Map 33L, Group B Parcels 40.00 & 51.00, Tax Map 34I Group C  Parcels 01.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00.

Section 5. NOISE AND VIBRATION MITIGATION.

Noise and vibrations are to be managed during the construction and operation phases of PUD 25. During construction, construction-related noise, vibrations, and traffic in the PUD 25 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 businesses in the PUD 25 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 PUD 25 zoning district concerning noise or

vibrations, City determines that there is a continued persistent pattern of noise or vibration emanating from the PUD 25 district, Developer and/or any business in the PUD 25 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.

Section 6. SITE PLANNING AND DEVELOPMENT COORDINATION

6.A. Conceptual Development Plan for PUD

A conceptual development plan for PUD 25 has been prepared in coordination with input from City staff. This conceptual development plan is intended to be general in nature, identifying the location of the commercial development areas within the PUD 25 area. The conceptual development plan identifies the location of proposed entrances onto the adjacent roadways. The plan indicates areas of landscaped buffer needed to protect adjacent development in accordance with the City's landscaped buffer ordinance. The conceptual development plan will serve as a master plan for the development of PUD 25, and a basis for review of detailed site plans.

6.B. Detailed Site Plans for PUD 25 Development

One or more detailed site plans, consistent with the conceptual site plan, are required prior to development of any portion of the site with new commercial or residential buildings. The detailed site plan will meet the normal site plan requirements of City for commercial development or residential development, as the case may be. The reason that more than one detailed site plan may be completed for PUD 25 is that different portions of the PUD25 area may be developed independently at different times. Exhibit C shows the location of three individual development areas. Development Area 3 is expected to be re-developed subsequent to Development Areas 1 & 2 but nothing prescribed herein would prevent area 3 being developed in coordination with areas 1 or 2 subject to site approval requirements. The detailed site plan(s) for PUD 25 will be reviewed in accordance with City's normal site plan review process except that Planning Commission approval is required for the detailed site plan.

Section 7. ACCESS, TRAFFIC CIRCULATION, PARKING, FIRE LANES, SERVICE AND DELIVERY VEHICLES.

7.A. Access

Properties within the PUD may be served by a common driveway onto Paul Huff at the existing Boatwright Circle location. Cross access between properties internal to the PUD is required. No connection to Tomahawk Circle shall be allowed from any property within this PUD ordinance.

Prior to approval of any site plan or issuance of any land disturbance permit, a traffic study analysis must be completed to consider the impact of the proposed development on the transportation infrastructure system. The developer shall be responsible for the cost of the study and all related improvements to the site and adjacent median. An updated traffic study shall be conducted, at the cost of the developer, prior to the development of "Development Area 3". The City of Cleveland may do their own 3rd party traffic analysis review of the corridor if deemed necessary by transportation staff due to a change in circumstances or unforeseen changes in the development.

Any development agreement between the City of Cleveland and the owners of the parcels located within this PUD ordinance shall take precedence and prevail over any requirement related to infrastructure improvements.

7. B. Traffic Circulation, Parking, Fire Lanes, Deliveries, etc.

Driveway entrances to sites within PUD 25 shall be developed with adequate turning radii for entering and exiting vehicles, including delivery vehicles where appropriate. Internal traffic circulation and parking on sites, delivery access, service access for solid waste pick-up, etc., and fire and emergency access must be maintained in the site design and specifically addressed in detailed site planning for individual developments within PUD 25. Specifically, parking spaces are to be a minimum of 9' wide by 18' deep and accessed by a 24' drive aisle when parking is on both sides. A 22' drive aisle is allowed for drives with no parking or parking on just one side. Drive aisle widths may be reduced to 18' for 60 degree angled parking. In the event that the PUD 25 site is served by a public transit service, stopping of transit vehicles for entering or exiting passengers shall be outside the designated fire lane unless otherwise approved by the City's fire department. Any drive-through window facilities that are developed on the site shall comply with City standards with respect to vehicle stacking, etc. and shall be designed so as to minimize potential conflicts with other vehicles and pedestrians. Sidewalks shall be required along all internal road and shall connect businesses within the PUD. Parking standards shall be as otherwise required by City zoning regulations, subject to a decrease of up to 30% that may be granted by the Planning Commission in consideration of factors such as pedestrian, bicycle, and transit access, shared parking arrangements, enhanced landscaping, innovative stormwater management practices, and the like. Parking spaces reserved for special uses, such as restaurant pick up only, shall not count towards the number of required parking spaces provided.

Section 8. IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING.

8.A. Impervious Areas

An impervious area calculation is to be included in detailed site plans for the PUD 25 area. The impervious area of the site is understood to include the foot prints for all structures on the site as well as other paved or concrete areas that do not readily absorb water, generally that which is not greenspace. The impervious area limit in PUD 25 is 80%.

8.B. Stormwater Management

Development within the PUD25 area must meet the City's stormwater regulation requirements. In conjunction with each detailed site plan for development within PUD 25, a drainage plan must be prepared by a professional engineer and approved by the City Engineer prior to development of the site. For purposes of stormwater management, the PUD 25 area will be regarded as an area under a common plan of development and a Notice of Intent (NOI) is required before development of any portion of the site.

8.C. Landscaping

A landscaping plan shall be submitted with all detailed site plans for the PUD 25 area. The landscaping for the site shall be in accordance with a landscape plan prepared by a Tennessee registrant (engineer, architect, or landscape architect) and approved by the City. The design, installation, and maintenance of the landscaping shall meet the requirements of this ordinance and the City's regulations regarding landscaping. Specifically, the perimeter tree requirement shall be based on the total land area of the PUD, proportionately distributed among the individual development parcels, and excludes evergreen trees planted as part of required buffering. Landscaping shall be provided adjacent to all roadways abutting the site and internal areas within the parking lots and adjacent to buildings. Access control fencing along Paul Huff Parkway shall be black aluminum, similar to other newer developments along the Paul Huff corridor. Landscaping shall be professionally installed and maintained in perpetuity by the Developer and all heirs, assigns, and successors in title. Maintenance shall include irrigation,

fertilization, pest and disease control, mowing, raking, replacement of dead or diseased plants, and other such activities as may be appropriate to a high quality professionally maintained landscape.

8.D. Tree Preservation

Existing trees within the required buffer areas shall be preserved to the greatest extent practicable. Tree preservation is not required within the development areas, however, developed sites shall contain a minimum of 10 trees per acre per the City tree replacement criteria. Subject to TDOT approval, the development shall work to provide a smooth transition between the interstate ramp and the developed site, similar to the finished condition across Paul Huff Parkway along the I-75 on-ramp.

8.E. Buffering

The City has a buffering ordinance that is to protect less intensive land uses, e.g. residential, from more intensive land uses, e.g. commercial, that locate on adjacent properties. Buffering for residential properties external to the PUD shall at a minimum adhere to the requirements of the buffering ordinance within the zoning regulations. Specifically, a 15' Type B buffer with an 8' wooden fence plus the normal tree planting requirements shall be utilized adjacent to any lot within Indian Hills SD which is not included within this PUD. Installation of the buffer shall be completed in conjunction with preliminary mass grading. Developer and all heirs, assigns, and or successors in title shall take particular care to provide and maintain a densely landscaped buffer that mitigates the intrusion of noise, light, and the view of the proposed commercial development in adjoining residential areas.

8. F. Lighting

As part of each detailed site plan for development in PUD 25, a plan shall be provided for the exterior lighting of buildings, parking lots, signs, etc., that 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, including the addition of glare shields where needed. The lighting plan should include sufficient photometric detail to determine compliance with this ordinance.

Section 9. GENERAL APPEARANCE, SIGNAGE, AND OUTDOOR DISPLAYS.

9.A. General Appearance

Development within the PUD 25 area is to have a high quality appearance. In the commercial development of the PUD 25 area, it is intended that the level of architectural amenity and detail, including quality and cost of materials and craftsmanship, will meet or exceed that found in Cleveland's better commercial developments. Specific designs, color choices, and materials are not prescribed by this ordinance but it is expected that the quality of appearance would be consistent with better quality and comparably priced commercial areas and residential areas found in other communities. Illustrative proposed building elevations and landscaping plans will be considered together by the Planning Commission in order to determine that the proposed development is consistent with these general appearance requirements. Retaining walls shall be decorative, including texture and color elements. Split face block finish with integral color would meet this requirement.

9.B. Signage Plan

When a detailed site plan is prepared for a development within the PUD 25 area it is to include a signage plan for primary signs, such as ground signs and wall signs. The signage plan is to identify the type, size, and general location of the proposed sign(s). Specifically, development areas 1 and 2 shall have a shared multi-tenant sign on the east side of the driveway onto Paul Huff not exceeding one hundred and fifty (150) square feet. Wall signs shall not exceed 30% of the façade they are located on and no wall sign with any manor of lighting shall be present on any wall facing Indian Hills SD. The signage plan will demonstrate conformity with the City's sign regulations where those are not otherwise modified by this section. The Planning Commission may consider proposals for innovative grouping of signs for development within PUD 25 and adjacent properties and approve such as part of the detailed site plan approval. A primary City concern will be to maintain the high-quality appearance of the area as part of the Exit 27 gateway to Cleveland. Billboards are not permitted within the boundaries of PUD 25.

9.C. Outdoor Displays

Outdoor displays of merchandise and outdoor storage of goods and merchandise, including but not limited to materials stored in trailers or shipping containers, is prohibited within 50 feet of any right-of-way. In no event shall any display or storage of merchandise be configured so as to impede the visibility of motorists within or adjacent to the subject property.

Section 10. LITTER, SOLID WASTE, AND DRAINAGE STRUCTURE MAINTENANCE.

The method of solid waste disposal for each use throughout the project site shall be as approved by the City's Director of Public Works. Dumpsters shall be on a concrete pad and shall be screened by a masonry enclosure. Storage for inedible fats or greases shall likewise be enclosed and, if adjacent to a dumpster, shall be separated from the dumpster by a concrete block wall. Litter and debris shall be removed from the parking lots and grounds throughout the project site on a regular basis such that these materials do not accumulate noticeably on-site or migrate to surrounding property. Removal of litter and debris shall include the removal of such materials from drainage structures and other areas where accumulations may occur. Maintenance of drainage structures including removal of sediment, debris, and intrusive vegetation, such that these drainage structures continue to function as designed shall be the continuing responsibility of the developer, or its assigns or successors in title, and shall include effective control of algae, mosquitoes, and other such concerns as may occur with wet stormwater detention areas; such control by the developer will be monitored by the City and shall include technically appropriate means that may include mechanical aeration, application of chemicals, and/or other means. Mechanical sweeping of the parking lot and driveway areas shall be performed regularly by the Developer to control dirt, litter, and debris.

Section 11. SETBACKS, BUILDING HEIGHTS, AND DENSITY

Building setbacks, height limits, and lot dimensions for the commercial development area of PUD 25 shall be as designated for the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, except as otherwise approved by the Planning Commission as part of the detailed site plan approval process or as otherwise modified in this section. Likewise, residential lot sizes, building heights, and setbacks shall be as required for the R3 residential zoning district unless otherwise modified by the Planning Commission. The setback along Paul Huff Parkway, I-75, and any internal public roads shall be 15'. There is no setback requirement on internal property lines. Building Heights for lots may be adjusted by the Planning Commission to meet the needs of the proposed development.

Section 12. 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 shopping center and for construction on the outparcels and other construction on or adjacent to the site for which the Developer is responsible. In the event that there are state or federal agency permit requirements arising from PUD 25 development of this site, such as the off-site mitigation for impacts on a blue-line stream as required by the Tennessee Department of Environment and Conservation (TDEC), the Developer is responsible for those permit requirements. If a state or federal agency causes the City of Cleveland to incur costs to comply with any permit requirements for the PUD development of this site, the Developer shall reimburse those costs to the City. 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 of construction for fixture installation, furnishing, store stocking, employee training and the like may be granted by the City's Building Official and such permission shall not be unreasonably withheld). 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 13. SUBDIVISION AND SITE PLANNING OF OUTPARCELS.

The aggregation of existing parcels into the development sites needed for the various developments within PUD 25 is anticipated to require the subdivision or re-subdivision of land. In order to accomplish this, the Developer is required to prepare a preliminary and final plat for approval by the Cleveland Municipal Planning Commission, and record the final plat(s) once approved. The platting of land into the proper parcels is a necessary precursor to the approval of the detailed site plan for the portion of PUD 25 in question. Such plat(s) should include the provision of right-of-way for any proposed future road improvements that are planned as the PUD 25 project progresses. Platting is to be carried out in accordance with the adopted subdivision regulations.

Section 14. PUD DEVELOPMENT PLAN.

The conceptual development plan and related drawings attached hereto or referenced herein as well as the terms and conditions of this ordinance will comprise the development plan for PUD 25. Detailed site plans as referred to in this ordinance are required to carry out the PUD 25development and will be considered as part of the development plan when these are subsequently approved by the Planning Commission. It is understood that the owners of the individual properties within the development are each responsible for the compliance of their respective properties with the terms of this ordinance. The owners of the respective properties are expected to work cooperatively toward the achievement of the common development plan for this PUD 25 but a violation by one landowner will not constitute a violation by another landowner. However, joint responsibility may be established for jointly used and maintained facilities that may be incorporated into the detailed site plan(s).

Section 15. TIME LIMITS AND POSSIBLE REVERSION TO FORMER ZONING.

The developer must have carried out a substantial development of this project within ten years from the effective date of this ordinance or the City may cause the property to revert to its former zoning classification without liability for any damages. Substantial development shall be interpreted to mean commencement of construction on at least one commercial building (hotel, restaurant, etc.) or residential structure within the PUD 25 area.

Section 16. 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. The Planning Commission has specific authority to review and approve detailed site plans for the development of PUD 25. Minor revisions to detailed site plans that affect a quantity or dimension by less than 30%, or which substitute a material for one of like or better quality in 30% or less of the project area, or which increase functionality by adding a feature desired in PUD 25 (e.g. sidewalk, transit stop, bike racks, etc.) can be approved through the staff site plan review committee with the consent of the City Manager and the Planning Commission Chairperson. Errors and omissions in the PUD 25 development plan that do not constitute a material change in the development plan can be corrected in the same manner as a minor revision.

Section 17. BINDING UPON OTHERS.

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 purchaser(s) of the subject property and any 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. The term “Developer” is intended to include persons or firms or entities acquiring title to the subject property for the purpose of owning land and/or buildings in the PUD 25 development which they may use for a business location or rental property. The term “Developer” also applies to leaseholders who have the right to make tenant improvements on the property. It is understood that persons and entities coming under the definition of “Developer” may at some point divest themselves of their property interests in PUD 25 such that they are no longer responsible for complying with terms of this ordinance.

Section 18. 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 this ____ day of _____, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A

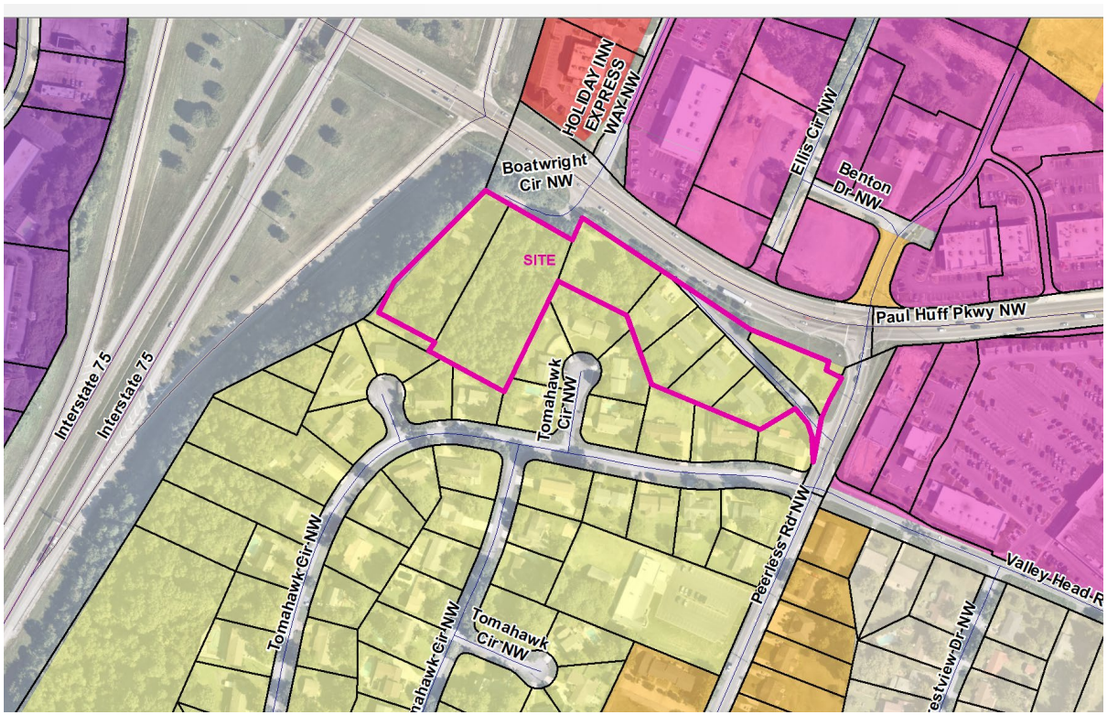



Exhibit B

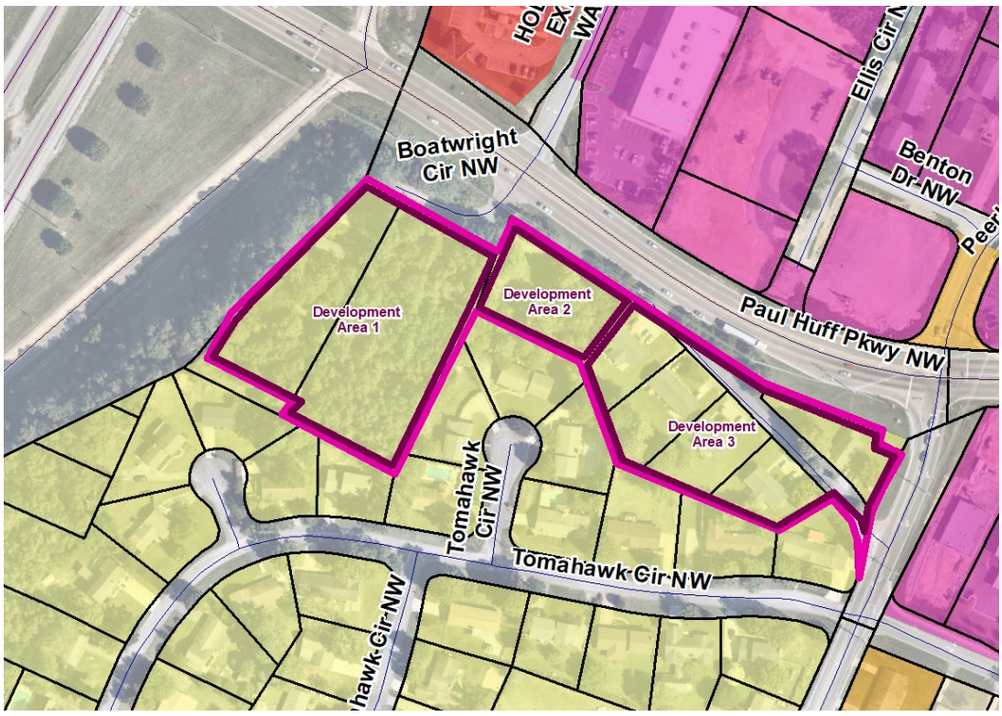


Exhibit C

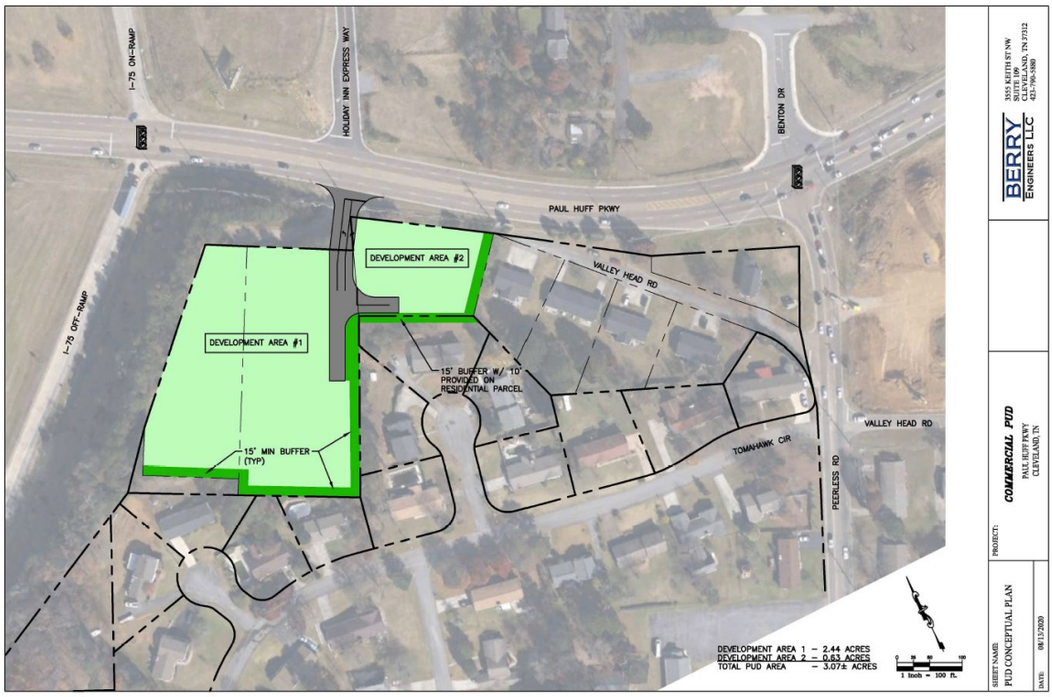
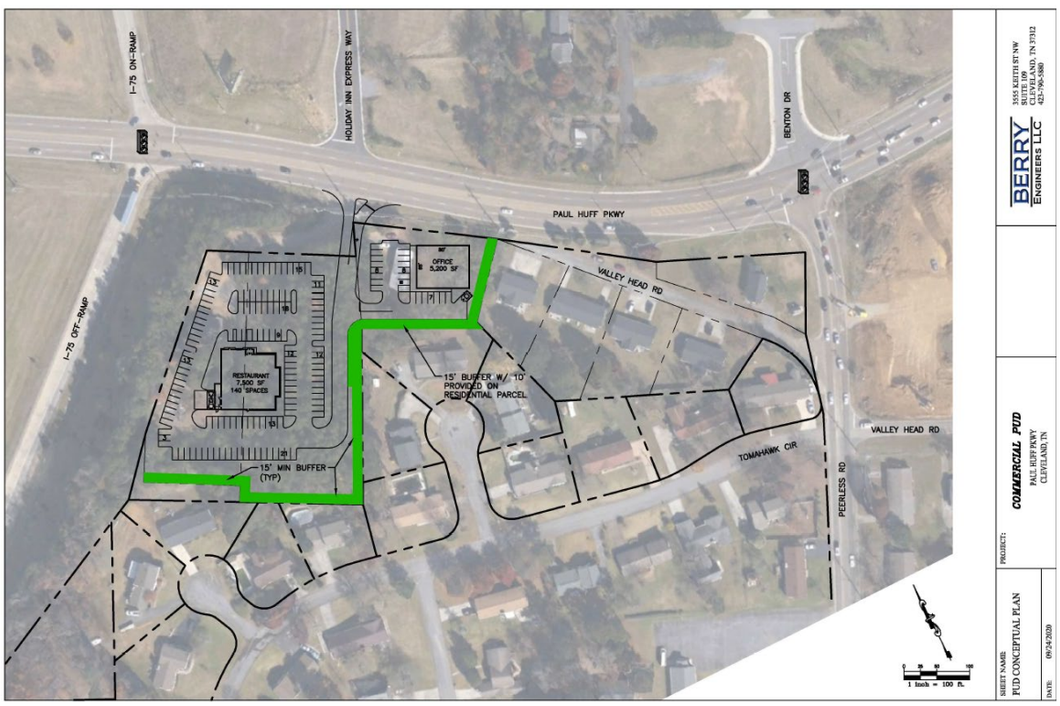



Exhibit D




Vice Mayor Johnson moved that Zoning Ordinance 2021-20 be approved on first reading. The motion was seconded by Councilman Cassada. Councilman Hughes declared he is not apart of the PUD but does own property that is being considered in the PUD, which does not affect his vote. Upon roll call, the motion was unanimously passed.

Councilman Cassada moved that Resolution 2021-59, Resolution 2021-60 and Zoning Ordinance 2021-21 all relating to the annexation of 70 acres located on Tasso Ln NE be deferred to the next Council meeting. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-22 –** Amending Title 10 of the Municipal Code to add a new Chapter 4 concerning regulations for Fowl in the City of Cleveland.

**ORDINANCE 2021-22**

AN ORDINANCE TO AMEND TITLE 10 OF THE CLEVELAND MUNICIPAL CODE, ANIMAL CONTROL, TO ADD A NEW CHAPTER CONCERNING FOWL AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THIS CHAPTER

WHEREAS, the City Council has discussed amending the Cleveland Municipal Code pertaining to Animal Control; and

WHEREAS, the City Council has considered the input and recommendations of the City Manager, and other City staff; and

WHEREAS, the City Council desires to adopt this ordinance to amend the Cleveland Municipal Code to add a new section pertaining to regulations for Fowl in the City of Cleveland and to provide for an effective date.

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

Title 10 of the Cleveland Municipal Code be amended by adding a new Chapter 4 and various sections and subsections as follows:

**Section 1.**

TITLE 10-ANIMAL CONTROL

CHAPTER 4- DOMESTICATED FOWL

SECTION 10-401-PURPOSE
SECTION 10-402-DEFINITION
SECTION 10-403-NUMBER AND TYPE OF FOWL ALLOWED
SECTION 10-404-NONCOMMERCIAL USE ONLY
SECTION 10-405-FENCED ENCLOSURES AND HENHOUSES
SECTION 10-406-FOOD STORAGE AND REMOVAL
SECTION 10-407-WASTE REMOVAL
SECTION 10-408-KEEPING OF FOWL ON PROPERTY ZONED RESIDENTIAL AGRICULTURAL (RA)
SECTION 10-409-SUPPLEMENTAL NATURE OF THIS CHAPTER

**Section 10-401-Purpose**

The purpose of this Chapter is to provide standards for the keeping of domesticated fowl. It is intended to enable residents to keep a small number of female fowl on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The city recognizes that adverse impacts may result from the keeping of domesticated fowl as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites, and non-confined animals leaving the owners property.

**Section 10-402-Definition**

For purposes of this Chapter, “Fowl” is defined as chickens, ducks, geese, guinea, turkeys, or any exotic domestic fowl.

**Section 10-403-Number and type of fowl allowed.`**

a) Number and type of fowl allowed –

(1) As of January 1, 2022, up to a total of twelve (12) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multifamily residential units.

(2) As of January 1, 2023, up to a total of six (6) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multifamily residential units.

(3) Only female fowl (hens) are allowed in the City.

(4) There are no restrictions on the type of domestic fowl breeds (hens).

(5) Roosters and Peacocks are specifically prohibited within the city limits.

**Section 10-404-Noncommercial Use Only**
Hens shall be kept for personal use only; no person shall sell eggs or engage in fowl breeding or fertilizer production for commercial purposes.

The slaughtering of fowl is prohibited.

**Section 10-405- Fenced Enclosures and Henhouses.**

(1) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered, or (ii) at least forty-two (42) inches high, in which case, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours.
(2) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse.
(3) A minimum of two (2) square feet per hen, but not greater than twelve (12) square feet, shall be provided for henhouses; and a minimum of six (6) square feet per bird for fenced enclosures, but not greater than thirty-six (36) square feet of fenced enclosure.
(4) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary conditions at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.
(5) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.
(6) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.
(7) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and windows or openings are constructed using the same materials. The henhouse shall be well-maintained.
(8) The fenced enclosure may not be located within fifteen (15) feet from any abutting property line.

(9) Henhouses and enclosures shall not be permitted in front yards.

**Section 10-406-Food Storage and Removal**

All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Un-eaten food shall be removed daily.

**Section 10-407-Waste Removal**

Provisions must be made for the removal of fowl manure. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings at all times.

**Section 10-408-Keeping of Fowl on property zoned Residential Agricultural (RA)**

Fowl are permitted on parcels zoned Residential Agricultural (RA) provided that the parcel is on a city lot of 5 acres or more, and there is not more than 5 fowl per total acres of the lot. No person shall keep any fowl on an RA zoned parcel within 300 feet of any residence, place of business, or public street. This will be measured from henhouse to the nearest portion of the residence building, place of business building, or public street.

**Section 10-409-Supplemental Nature of this Chapter**

The rules and regulations in this chapter are supplemental in nature. All other rules and regulations of the Cleveland Municipal Code apply to the keeping of fowl. In addition to the requirements of this chapter, any person or entity keeping fowl must also follow all of the other rules provided for in Title 10 of the Cleveland Municipal Code pertaining to animals.

**Section 2**. **Effective Date**: This ordinance shall take effect on January 1, 2022, from and after its final passage, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Ordinance 2021-22 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 2021-61** – Authorizing the Mayor to sign an agreement with Chattanooga Gas concerning the installation of a new gas line under Paul Huff Parkway.

**RESOLUTION 2021-61**

**WHEREAS**, the City of Cleveland and Chattanooga Gas Company have been in ongoing discussions about the installation of a new gas line under Paul Huff Parkway by Chattanooga Gas Company; and

**WHEREAS**, after looking at various options, the City Manager and the City of Cleveland's Development and Engineering department are recommending to the City Council that it approve of an agreement with Chattanooga Gas Company once the same has been finalized and reviewed and approved by city staff; and

**WHEREAS**, the City Council desires to approve of this agreement with Chattanooga Gas Company and to authorize the Mayor to execute the same on behalf of the City once the same has been finalized and reviewed and approved by city staff.

**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 agreement with Chattanooga Gas Company relating to Paul Huff Parkway once the same has been finalized and reviewed and approved by city staff.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the agreement on behalf of the City of Cleveland once the same has been finalized and reviewed and approved by city staff.

This 12th day of July 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Hughes moved that Resolution 2021-61 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The Council meeting scheduled for Monday, July 26 will be cancelled.
- The next City Council meeting will be held on Monday, August 9, 2021.

Mayor Brooks also asked that the City's social media pages be updated for when the meetings occur.

There being no future business the meeting was adjourned at 4:24 p.m.

_____ _____
Mayor City Clerk

REGULAR SESSION
JULY 26, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, JULY 26, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE.

_____ _____

Mayor City Clerk

REGULAR SESSION
AUGUST 9, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 9, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Interim Fire Chief Pete VanDusen; Robert Varnell, Transportation Planner; Doug Berry with the Chamber of Commerce; Chris Townsend; Kellye and Andy Bender; Jerome and Sandi Boone; Mark Smith with Smith Management; Autumn O'Bryan with Cleveland High School; Tim Siniard with the *Cleveland Daily Banner*. Following a moment of silence for former Planning Commission member Gary Dennis, 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 12, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks recognized Cleveland High School Principal Autumn O'Bryan for be awarded the 2021-2022 Tennessee Principal of the Year. He then presented her with the following proclamation.

"A U T U M N O' B R Y A N"

"2021-2022 TDOE TENNESSEE PRINCIPAL OF THE YEAR"

Whereas, Mrs. Autumn O'Bryan, Principal of Cleveland High School has been named one of nine finalists for the 2021-2022 Tennessee Department of Education (TDOE) Principal of the Year Award and will represent Cleveland City Schools in interviews with the TDOE later this year and at an awards ceremony this fall; and . . . .

Whereas, the Tennessee Principal of the Year award is awarded annually to a school leader for outstanding service in education and exceptional leadership that drives overall improvements in his or her school. Qualifications are a minimum of one year of experience as a principal and a minimum of three years of experience in public schools and must have a proven track record of exceptional gains in student learning; and . . . .

Whereas, Mrs. O'Bryan recently completed her twelfth year at Cleveland City Schools and has served for her entire Cleveland City Schools' career as Principal of Cleveland High School; and . . . .

Whereas, Dr. Russell Dyer stated "Mrs. O'Bryan is very deserving of this honor. Her passion for Cleveland High School is evident in the work she does each day. It is exciting to see her honored across the State of Tennessee for making a difference at CHS",

NOW THEREFORE, I, Kevin D. Brooks, Mayor of the City of Cleveland and on behalf of the City Council do hereby present you this certificate in recognition of Mrs. Autumn O'Bryan being named Tennessee Department of Education (TDOE) 2021-2022 Principal of the Year, and thank you for all you do for the young people of our community.

Ms. O'Bryan thanked the City Council for the recognition and announced they have records enrollment this year with 1,804 students. We have tremendous growth in our city and excited for the future. Councilman Hughes congratulated Ms. O'Bryan and asked her to share her next steps in being the recipient of this award. Ms. O'Bryan stated she will be visiting Washington D.C. in September to represent Tennessee with other Secondary Principal's from other States. The State level of the award will be presented during that time.

Mayor Brooks remembered the family of retired Battalion Chief Buddy Smith, who recently passed away. The surrounding Fire Departments provided mutual aid to the department and it was very moving to see the support during the service.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .31 acres, more or less, located at 2506 Henderson Ave NW (Tax Map 49D Group F Parcel 2.00) from R2 Low Density Single and Multi-family Residential Zoning District to PI Professional Institutional Zoning District. Corey Divel gave a brief staff report and stated the item was approved by the Planning Commission 9-0. 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 as a public hearing to hear public comments concerning a request by the property owner to rezone 20.1 acres, more or less, located at the corner of Westside Dr and Norman Chapel Rd NW (Tax Map 41F Group D Parcel 1.00) from CH Commercial Highway Zoning District and R4 Mobile Home Park Zoning District to PUD 30 Planned Unit Development Zoning District. Corey Divel gave a brief staff report and stated the item was approved by the Planning Commission 9-0. 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 as a public hearing to hear public comments concerning a resolution to annex about 25.1 acres located on Pleasant Grove Trl SW and a resolution to adopt a Plan of Service for the annexation area. Corey Divel gave a brief staff report and stated discussions have taken place with the Bradley County Road Department concerning the roadway and we will address access. The item was approved by the Planning Commission 7-0 with 1 absent and 1 unfilled position. Councilman Webb inquired about the access to LIC North does this property have. Mr. Divel replied there has been discussion about direct access. Mayor Brooks asked if anyone would like to speak in favor of the approval of the annexation and Plan of Service. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the annexation and Plan of Service. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is also being held as a public hearing to hear public comments concerning the zoning of about 23.5 acres located on Pleasant Grove Trl from the unincorporated county to PUD 28 Planned Unit Development Zoning District. Corey Divel stated the item was approved by the Planning Commission 7-0 with 1 absent and 1 unfilled position. Mayor Brooks asked if anyone would like to speak in favor of the approval of the zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

## CONSENT AGENDA

Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Cassada. Councilman Estes declared he is an employee of Lee University, which does not affect his vote. Upon roll call, the consent agenda was unanimously passed.

- **Final Passage - Ordinance 2021-19** – heretofore passed on first reading July 12, 2021 and found in Minute Book 30, Page 293; Adopting the 2021 Tax Rate (Certified Rate $1.7130).
- **Final Passage - Ordinance 2021-22 –** heretofore passed on first reading July 12, 2021 and found in Minute Book 30, Page 305; Amending Title 10 of the Municipal Code to add a new Chapter 4 concerning regulations for Fowl in the City of Cleveland.
- **Resolution 2021-64** – Authorizing the City of Cleveland to participate in the Public Entity Partners Safety Partners Matching Grant Program.

### RESOLUTION 2021-64

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS "SAFETY PARTNERS" MATCHING GRANT PROGRAM.

**********

**WHEREAS,** the safety and well-being of the employees of the City of Cleveland is of the greatest importance; and

**WHEREAS,** all efforts shall be made to provide a safe and hazard-free workplace for the City of Cleveland employees; and

**WHEREAS,** Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Matching Grant program; and

**WHEREAS,** the City of Cleveland seeks to participate in this important program;

**BE IT THEREFORE RESOLVED** by the City Council, the Mayor is hereby authorized to submit an application for a "Safety Partners" Matching Grant program through the Public Entity Partners;

**BE IT FURTHER RESOLVED** the City of Cleveland agrees to provide a matching sum of $4,000 to serve as a 50% match for any monies provided by this grant.
Adopted this 9th day of August 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-65** – Amending the existing PILOT agreement with Whirlpool Corporation to encourage additional investment in plant and equipment and the retention and expansion of employment opportunities in Cleveland.

**RESOLUTION 2021-65**

**A RESOLUTION OF THE CITY COUNCIL OF CLEVELAND, TENNESSEE, APPROVING AN AMENDMENT TO AN EXISTING PAYMENT-IN-LIEU-OF-TAX (PILOT) AGREEMENT WITH WHIRLPOOL CORPORATION TO ENCOURAGE ADDITIONAL INVESTMENT IN PLANT AND EQUIPMENT AND THE RETENTION AND EXPANSION OF EMPLOYMENT OPPORTUNITIES IN CLEVELAND, TENNESSEE**

WHEREAS, a Payment-In-Lieu-Of-Taxes (PILOT) Agreement was approved September 20, 2010 by the City Council of Cleveland, Tennessee to secure a commitment from Whirlpool Corporation to construct a new, state-of-the-art, LEED Certified, 1,000,000 square foot manufacturing facility and adjoining 400,000 square foot distribution facility with a projected initial capital investment of $147,000,000;

WHEREAS, Whirlpool Corporation has invested approximately $200,000,000, including over $100,000,000 in new personal property;

WHEREAS, Cleveland Manufacturing Division currently employs over 1,500 associates providing an annual payroll of $53,400,000;

WHEREAS, expected growth and changes in business plans for certain cooking product lines provides opportunities for Cleveland Manufacturing Division to compete for new projects, including new products;

WHEREAS, Whirlpool Corporation is currently evaluating investment opportunities of up to $20,000,000 between January 1, 2020 and December 31, 2023;

WHEREAS, the majority of Whirlpool Corporation's U.S. manufacturing facilities are not subject to a business personal property tax and extending the investment period of the existing PILOT will help Cleveland Manufacturing Division enhance their business case as they compete with other Divisions for new products;

WHEREAS, the Industrial Development Board of the County of Bradley and the City of Cleveland, Tennessee (IDB), has recommended the Amendment of the existing Payment-In-Lieu-Of-Taxes (PILOT) agreement with Whirlpool Corporation to allow an extension of the investment time period for the inclusion of new real and personal property assets in the existing agreement through December 31, 2023; and

WHEREAS, the Cleveland City Council has determined the PILOT agreement as proposed is fair, reasonable, and necessary for the continued economic development of Cleveland and Bradley County;

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

Section 1. The City Council of Cleveland, Tennessee, hereby agrees to the amendment of the existing PILOT to allow all new real property, machinery and equipment constructed or installed at the

Whirlpool Corporation Cleveland Manufacturing Division after December 31, 2019, but before December 31, 2023, to be conveyed to the IDB and included in the PILOT.

Section 2. The City Council of Cleveland, Tennessee hereby delegates the power and authorizes the Industrial Development Board of the County of Bradley and the City of Cleveland, Tennessee to execute PILOT agreements as per this resolution for the company's real and personal property taxes and provides that the property is properly titled to the IDB.

Section 3. The Mayor of the City of Cleveland, Tennessee is authorized to execute any and all documents necessary to implement this resolution on behalf of the City of Cleveland , Tennessee.

Section 4. The County Commission of Bradley County approve a similar resolution as this Cleveland City Council resolution.

Section 5. This Resolution shall become effective upon its adoption.

Adopted this 9th day of August, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-67** – Accepting a 540-foot section of Grove Park Drive as a city street.

**RESOLUTION 2021-67**

**WHEREAS,** Lakeside Cottages at the Farm Phase 3 is a subdivision located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 86; and

**WHEREAS,** Grove Park Drive is a street located within this development and is depicted on this Plat; and

**WHEREAS,** the developer has requested that the City accept a 540-foot section of Grove Park Drive (beginning 875 feet east of North Lee Highway and continuing east and then northeast to approximately 475 feet southwest of Tasso Lane) as a City street; and

**WHEREAS**, the City's engineering staff has inspected this portion of Grove Park Drive, is now recommending that the City accept this portion of Grove Park Drive as a City Street.

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

A 540-foot section of Grove Park Drive, beginning 875 feet east of North Lee Highway and continuing east and then northeast to approximately 475 feet southwest of Tasso Lane.

This 9th day of August, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-68** – Authorizing the Mayor to sign an agreement with Kimley-Horn and Associates, Inc for NEPA and Design related to the 25th Street Multimodal Access Grant project.

**RESOLUTION 2021-68**

**WHEREAS**, the City's development and engineering department has received the attached agreement from Kimley-Horn and Associates, Inc. for professional engineering services for the construction of a multi-use path along SR-60 from Georgetown Road to Peerless Road; and

**WHEREAS**, City development and engineering staff are requesting that the City Council approve of the attached agreement between the City and Kimley-Horn and Associates, Inc. for this project; and

**WHEREAS**, the City Council now desires to approve of the attached agreement with Kimley-Horn and Associates, 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 approve of the attached agreement with Kimley-Horn and Associates, Inc. for this project, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 9th day of August 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-69** – Authorizing the Mayor to sign contract amendment 2 for the MPO Consolidated Planning Grant funds for FY2021.

**RESOLUTION 2021-69**

**WHEREAS,** the City has received the attached MPO grant amendment #2 (Contract # Z19MPO004) from the Tennessee Department of Transportation, (hereafter "TDOT") to consolidate planning grant funds; and

**WHEREAS**, the City Council desires to enter into the attached MPO grant amendment #2 (Contract # Z19MPO004) with TDOT, and to further authorize the Mayor to execute this 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 grant amendment #2 with TDOT(Contract # Z19MPO004), and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 9th day of August 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-70** – Accepting the right-of-way donation at Ellis Circle.

**RESOLUTION 2021-70**

**WHEREAS,** Steve and Linda Williams are the owners of property located adjacent to Paul Huff Parkway in the City of Cleveland and generally identified as Tax Identification Number 034I-B-064.00; and

**WHEREAS**, Steve and Linda Williams have constructed improvements (a right in, right out) and are offering to donate this parcel to the City for right of way; and

**WHEREAS**, the Tennessee Department of Transportation (TDOT) has approved this right in right out as evidenced by a letter dated June 25, 2021, from TDOT; and

**WHEREAS**, now that the right in right out has been constructed, the Williams are willing to donate this parcel to the City of Cleveland and City staff are recommending that the City Council accept this donation to be used for right of way; and

**WHEREAS**, the deed for the proposed conveyance of this parcel is attached hereto and incorporated herein by reference; and

**WHEREAS**, the City Council desires to approve of the proposed donation of this parcel to the City and accept this property to be owned and maintained by the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept the conveyance of this parcel from Steve and Linda Williams as described in the attached deed to the City.

This 9th day of August 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – Authorizing the Mayor to sign a Development Agreement with Property Holding Group, LLC related to PUD25 (Boatwright Circle).

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **August 9, 2021**
**RE:** **Boatwright Development Agreement**

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**SUMMARY:**
The Planning Commission has approved a Planned Unit Development (PUD)connected to Boatwright Street. An element of this PUD indicates certain

traffic improvements that need to be addressed from the Traffic Impact Analysis.

This agreement would dictate that the developer would donate valuable Right-of-Way for the Peerless Road/Paul Huff Parkway intersection in exchange for the City doing some of the improvements at the same intersection. As well as a right-in/right-out at Boatright Street.

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

**FISCAL ANALYSIS:**
Potentially additional legal fees.

**RECOMMENDATION:**
City staff recommends approval of this Development Agreement.

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

**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into this the _____ day of_____, 2021, by and between the **CITY OF CLEVELAND, TENNESSEE,** a Tennessee municipality whose address is 190 Church Street, Cleveland, Tennessee 37311 (the "City") and **PROPERTY HOLDING GROUP, LLC**, a Tennessee limited liability company whose address is _____("Developer").

**RECITALS:**

WHEREAS, Developer is the owner of certain real property located at the intersection of Peerless Road NW and Paul Huff Parkway NW in Cleveland, TN as more particularly described on Exhibit A, attached hereto and incorporated herein (the "Property");

WHEREAS, Developer, along with other adjoining property owners, has submitted a request for a Planed Unit Development (the "PUD") seeking to develop or redevelop the Property to an alternative development standard that is mutually beneficial to said owners and the City. The proposed PUD is attached hereto as Exhibit B and incorporated herein;

WHEREAS, Section 7 of the PUD requires certain infrastructure improvements by Developer related to access and traffic circulation to the Property; notwithstanding, however, the PUD provides that any development agreement between the City and Developer shall take precedence and prevail over any requirement to infrastructure improvements;

WHEREAS, the City has offered, and Developer has accepted the terms of such a development agreement whereby in exchange for the City undertaking to fulfill the responsibilities of the traffic improvements as required by the PUD, Developer shall abandon a portion of the Property to the City for the purpose of expanding the right of way of Peerless Road.

WHEREAS, the parties desire to enter into this Agreement to clearly set forth the understanding and agreement of the parties concerning the matters contain herein;

NOW THEREFORE, in consideration of the mutual covenants set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

**AGREEMENT:**

**1. INCORPORATION OF RECITALS.** The recitals contained in the preambles to this Agreement are true and correct and are hereby incorporated into this Agreement as though they were fully set forth in this Section.

**2. TERM.** Unless earlier terminated pursuant to Section 8 of this Agreement, the term of this Agreement shall commence on the date of its execution and end two (2) years or twenty-four (24) months from the date of thereof. The Term may be extended upon approval of the City Council.

**3. PROPERTY ABANDONMENT**. Within thirty (30) days from the date of this Agreement, Developer shall deliver to the City a quitclaim deed, conveying to the City good and marketable title to the that certain portion of the Property described and delineated on Exhibit C, attached hereto and incorporated herein, which shall be conveyed in fee simple, free and clear of all liens and encumbrances except encumbrances the City may, in its own discretion, deem acceptable and which do not impair the City's ability to use the property for its intended use as a right of way.

**4. TRAFFIC IMPROVMENTS**. Subsequent to the abandonment contemplated herein by Developer and prior to any certificate of occupancy being issued for the redevelopment of the Property, the City shall, to the extent reasonably feasible, undertake the infrastructure improvements required by the PUD related to access and traffic circulation for the Property onto Peerless Road and Paul Huff Parkway, including but not limited to the installing a 3/4ths access for the intersection of Boatright Circle with Paul Huff Parkway.

**5. AMENDMENT TO AGREEMENT.** This Agreement (together with the Exhibits attached hereto) constitutes the entire agreement between the City and the Developer and supersedes all prior agreements, negotiations and discussions between them relating to the subject matter hereof. This Agreement may not be modified or amended except by a written instrument executed by all the parties or their permitted successors or assigns.

**6. SEVERABILITY**. If any provision of this Agreement, or any Section, sentence, clause, phrase or word, or the application thereof, in any circumstance, is held to be invalid, the remainder of this Agreement shall be construed as if such invalid part were never included herein, and this Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.

**7. INDEMNIFICATION.** The Developer shall indemnify and hold harmless the City, its agents, officers and employees against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses (including any liabilities, judgments, costs and expenses and reasonable attorneys' fees) which may arise directly or indirectly from (i) the failure of the Developer to timely pay any contractor, subcontractor, laborer or materialman or any claim or cause of action whatsoever brought by a third party arising out of the Redevelopment; (ii) the failure of the Developer to comply with any applicable laws; (iii) any material default or breach of the terms of this Agreement by the Developer; (iv) any negligence or reckless or willful misconduct of the Developer and contractors, subcontractors or agents or employees thereof; (v) any material misrepresentations or omissions of the Developer.

**8. DEFAULT.** Time is agreed to be of the essence. In the event either party fails to comply with any of the material terms hereof, upon fifteen (15) days written notice to the defaulting party, the other party may declare a default and seek any remedy at law or in equity, including specific performance.

**9. SUCCESSORS IN INTEREST.** The terms, conditions and covenants set forth in this Agreement or otherwise attaching by operation of law shall extend to, be binding upon, and inure to the benefit of the respective successors and permitted assigns of the City and the Developer and shall run with the land. Any person or entity now or hereafter owning legal title to all or any portion of the Property, including the Developer, shall be bound to this Agreement only during the period such person or entity is the legal titleholder thereof; provided, however, that all such legal title holders shall remain liable after their ownership interest in the Property ceases as to those liabilities and obligations which accrued during their period of ownership but remain unsatisfied or unperformed. The rights of the City to enforce this Agreement shall be applicable against any person or entity who is the legal title holder of the Property.

**10. ASSIGNMENT.** The Developer may assign its rights and obligations under this Agreement to an affiliated entity, with the prior written consent of the City, which consent shall not be unreasonably withheld.

**11. CHOICE OF LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee with venue lying in the Circuit Court for Bradley County, Tennessee.

**12. EFFECTIVE DATE.** This Agreement shall be effective on the later of (i) the day on which this Agreement is authorized for execution pursuant to duly enacted the City proceedings authorizing the execution of and adoption of this Agreement and (ii) the execution and delivery of this Agreement by each party hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date.

CITY OF CLEVELAND,
a Tennessee municipality

By:_____
Mayor

PROPERTY HOLDING GROUP, LLC, a Tennessee limited liability company

By:_____
Its:_____

- **Resolution 2021-72** – Authorizing the Mayor to sign an agreement with the Family Resource Center.

**RESOLUTION 2021-72**

**A RESOLUTION OF THE CITY OF CLEVELAND, TENNESSEE, AUTHORIZING EXECUTION OF A NEW LEASE AGREEMENT BETWEEN THE CITY OF CLEVELAND AND THE FAMILY RESOURCE AGENCY, INC. FOR THE BLYTHE AVENUE SCHOOL SITE**

WHEREAS, the City of Cleveland and Family Resource Agency, Inc. are currently parties to a Lease Agreement whereby the Family Resource Agency, Inc. has leased from the City the Blythe Avenue Elementary School property; and

WHEREAS, the current lease agreement expires on August 15, 2021; and

WHEREAS, City staff and the Family Resource Agency, Inc. have discussed entering into a new lease agreement for a new 10-year term beginning in August 2021, with the additional provision that allows either party to terminate the lease in 12 months should either party need to terminate the agreement for any reason.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled the City Council hereby approves of the new lease agreement with Family Resource Agency, Inc.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 9th day of August 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-73** – Approving an updated signage plan for Lee University's Campus.

**RESOLUTION 2020-73**

**WHEREAS,** Section 5.4 of the City's Sign Regulations provides:

5.4. Bench Signs, Bus Shelter Signs, and Street Furniture Signs. Bench signs, bus shelter signs, and street furniture signs are prohibited in public rights-of-way and within public parks and greenways, except as part of a signage plan or streetscape plan or transit stop plan approved by the City Council, including any lawful revenues to the City of Cleveland and/or its transit operator through the lease of advertising space in such venues or lawful public/private ventures to provide such benches, bus shelters, or other street furniture; and

**WHEREAS**, Lee University has provided the City's Development and Engineering Staff with the attached proposed signage plan for Lee University, which plan includes a design of the proposed signage, the dimensions of the proposed signs, and the proposed locations of the signage; and

**WHEREAS**, the City Council has reviewed the proposed signage plan and it desires to approve of the same and to authorize Lee University to install the signs depicted in the attached signage plan at the locations listed in the signage plan.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council hereby approves of the attached signage plan for Lee University and the City Council hereby authorizes Lee University to install the signs depicted in the attached signage plan at the locations listed in the signage plan.

This 9th day of August 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – Authorizing a Multi-Way (4-way) Stop at McIntire Avenue NE @ Highland Drive NE).

**TO:** **Mayor and City Council**
**FROM:** **David Sheely, Transportation Engineer**
**DATE:** **July 22, 2021**
**RE:** **Multi Way Stop Warrant at McIntire Ave NE & Highland Dr NE**

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**SUMMARY:**
Field observations show an approximate 145' of available sight distance from the Northbound left turn from stop at Highland Dr. onto Westbound McIntire Ave. This is not enough for the posted speed limit of 25 MPH and only meets a design speed of 10 MPH.

Relevant MUTCD Multi-Way Stop Warrant Criteria

- Crash History - NOT MET
- Minimum Volumes - NOT MET
- *"Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop."* - YES, MET

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

**FISCAL ANALYSIS:**
No Impact

**RECOMMENDATION:**
A Multi-Way (4-way) Stop is warranted at this location with stop ahead and 150 FT supplemental distance ahead signage.

- **Bid Report** – Avery Johnson Park Pavilion.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **August 9, 2021**
**RE:** **Bid Summary – Completion of Avery Johnson Park Pavilion**

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**SUMMARY:**
Sealed bids were received on July 20, 2021, for Completion of the Avery Johnson Park Pavilion. The bids are listed below:

- Triple E Construction
  Cleveland, TN **$94,276.00**

- Ross Construction
  Cleveland, TN **$97,250.00**

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

**FISCAL ANALYSIS:**
This is a CDBG funded project.

**RECOMMENDATION:**
Staff recommends awarding the contract to the low bidder, Triple E Construction.

- **Bid Report** – Avery Johnson Park Landscaping.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **August 3, 2021**
**RE:** **Bid Summary – Landscaping for Avery Johnson Park**

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**SUMMARY:**
The City advertised to receive sealed bids for Landscaping Avery Johnson Park on August 3, 2021. No bids were received.

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

**FISCAL ANALYSIS:**
None.

**RECOMMENDATION:**
This project will be rebid at a later date.

**UNFINISHED BUSINESS**

Mayor Brooks stated final passage of Zoning Ordinance 2021-20; Rezoning 5.19 acres located on Boatwright Circle, Paul Huff Parkway and Valley Head Rd (Tax Map 33L Group B Parcels 40.00 and 51.00, Tax Map 34I Group C Parcels 1.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00) from R2 Low Density Single and Multi-Family Residential Zoning District to PUD25 Planned Unit Development District was removed from the consent agenda by Councilman Cassada. [Due to sound system static interference not all comments were audible.] Councilman Cassada stated it was discussed during the work session that a change was made in the ordinance concerning convenience stores and oil change facilities. He has concerns about development area 3 and how the traffic would be impacted. He would like further clarification. Chris Townsend stated they submitted a proposal to city staff for a possible change after hearing community concerns, to alter the language concerning oil change facilities and convenience stores. They have not had time to review the changes and would ask that the Council approve the zoning ordinance on final passage as it was originally approved on first reading. Councilman Webb asked if the change was made at his request. Mr. Townsend stated yes, but we were not made aware of the revised language until late Thursday, which makes it difficult to discuss with their end user. Sandi Boone, who lives at 1102 Tomahawk Cir NW presented a survey of the residents concerning the types of businesses they would not want in the PUD [copy on file in the City Clerk's Office.] She turned in 19 signatures with concerns of lighting pollution, business hours and traffic patterns. Kelly Bender stated they would like the Council to really look at the PUD and add additional buffers for light pollution. Address traffic and consider removing some the property uses. They would like development area 3 to be removed from the PUD due to the deed restrictions. Mr. Townsend stated they are willing to prohibit oil change facilities and convenience stores from area 3. Councilman Cassada inquired about the deed restrictions for area 3. Mr. Kimball stated the PUD does not trump the deed restrictions and it takes 51% of the neighborhood residents to amend their restrictions. The corner lot is not under a deed restriction and it was added to the PUD because was it is not big enough to stand alone under your rules. Ms. Bender added areas 1 and 2 back up directly to property owners that need additional protection, like restricted hours and buffers. Councilman May stated the buffer does have more restrictions. Mr. Divel confirmed the additional buffer requirements and it has to be done before development starts. Richard Taylor, who lives at 4032 Tomahawk Circle NW, asked if Valley Head Rd would still exist or would it be changed. Mr. Fivas replied we have project designed to fix Paul Huff and Peerless intersection and that area will be addressed. Once we receive a site plan and know the businesses, then we would begin working on that issue.

Councilman Cassada moved to approve Zoning Ordinance 2021-20 on final reading and not allow oil change facilities in area 3. Mr. Fivas clarified you are approving what was in the packet, no convenience store in the entire PUD and amending to add no oil change facility in development area 3. Councilman Cassada stated yes. The motion dies for lack of second.

Councilman Cassada then moved to table Zoning Ordinance 2021-20 to the next meeting. Councilman Webb offered a substitute motion to require the owner to deed restrict area 3 against a convenience store or an oil change facility. They will also not be allowed in area 1 or 2 and other than a hotel/motel business will restrict it to no business after 10 p.m. Councilwoman McKenzie seconded the substitute motion. Mr. Townsend stated they are already the most restricted PUD in Cleveland. He is committed to work with the community. He would like the city to approve on final reading the original PUD ordinance approved 7-0 on first reading on July 12. Councilman Webb stated he voted for the ordinance with the understanding that the project could be further refined. In an effort to get the process started he voted yes. Councilman Cassada withdrew his motion. Councilman Estes asked Mr. Kimball for clarification. Mr. Kimball stated you have put yourself in an unusual position sitting her for the first-time adding things to a PUD that haven't been to the Planning Commission. He asked would two-weeks give you more time and comfort for thought? Does it need to go back to the Planning Commission for a third time? It doesn't make sense to piece-mill an ordinance. You can change your mind between readings but doesn't suggest making these amendments. It is very uncommon to amend ordinances between readings. However, Mr. Townsend thought he originally wanted that, and the residents probably

would rather have one over the other, but they've changed their minds as well between readings. Councilman Estes asked if these amendments fall outside of "minimal" changes. Mr. Kimball stated no. You have a developer saying he is okay with not placing those in area 3. It is not clear on his position for areas 1 and 2 for those two uses. Councilman Estes asked for the motion to be withdrawn. Councilman Webb withdrew his substitute motion. Councilman Estes asked Mr. Townsend about areas 1 and 2. Mr. Townsend stated initially convenience stores were a permitted use in areas 1 and 2 under the original PUD ordinance approved on first reading. At the end of the day something needs to get passed. He appreciates the dialogue from the community. The buffer zone requirements are far beyond the city standards. We need a basis to work together. He asks again that the PUD ordinance passed on July 12 be approved today. Councilman May asked if the PUD ordinance is voted down how long can it be before it is brought up again. Mr. Kimball stated it would start over at the Planning Commission from the beginning. It is was a simple rezoning ordinance, it would be done for one-year. If you need additional time, then table it. You have new information and concessions from Mr. Townsend you haven't heard before. It makes it difficult. Councilman Hughes asked if they have in-place a convenience store or oil change facility. Mr. Townsend replied they have a developer that would like to put an oil change facility within the development. They have restricted hours as well. Councilman Hughes stated he felt it could be settled with a statement that no convenience store/gas stations in the development. Mr. Townsend stated if that is what this body wants me to agree to for the entire development, then so be it.

Councilman May moved to approve Zoning Ordinance 2021-20 subject to the developer comments. Mr. Fivas clarified no convenience stores within the development and no oil change facilities in development area 3. The motion was seconded by Councilman Estes. Mr. Kimball stated we can add the following language to the ordinance Section 1 after oil change facilities, except in development area 3 in which they are prohibited. Councilman Hughes disclosed he is not apart of the PUD but owns property that possibly will be in the PUD. Upon roll call, the motion unanimously passed. [Ordinance heretofore passed on first reading July 12, 2021 and found in Minute Book 30, Page 295.]

[The following is Zoning Ordinance 2021-20 once amendments were completed by staff]

**ZONING ORDINANCE 2021-20**

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT KNOWN AS "PUD 25" ON CERTAIN PROPERTY ON CERTAIN PROPERTY LOCATED NEAR PAUL HUFF PARKWAY (Tax Map 33L Group B Parcels 40.00 & 51.00, Tax Map 34I Group C Parcels 01.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00) AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 25; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING A LIST OF PERMITTED USES; ESTABLISHING CONDITIONS FOR MITIGATION OF NOISE AND VIBRATION; ESTABLISHING SITE PLAN REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR TRAFFIC CIRCULATION ON AND ADJACENT TO THE SITE AND PARKING, FIRE LANES, AND SERVICE AND DELIVERY VEHICLES; ESTABLISHING REQUIREMENTS FOR IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING; ESTABLISHING REQUIREMENTS FOR GENERAL APPEARANCE, SIGNAGE AND OUTDOOR DISPLAYS; ESTABLISHING REQUIREMENTS FOR LITTER AND SOLID WASTE CONTROL AND DRAINAGE STRUCTURE MAINTENANCE; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; REQUIRING PROPER SUBDIVISION AND SITE PLANNING; REQUIRING A PUD DEVELOPMENT PLAN; PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; COMMUNICATING THE BINDING EFFECT OF THE ORDINANCE

UPON OTHERS; 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 City’s 2013 Comprehensive Plan future land use element anticipated market-based redevelopment of the area containing the subject property; and

WHEREAS the aforementioned Comprehensive Plan recommendations can best be achieved by working in coordination with property owners in site planning, access to adjacent or nearby major streets including Paul Huff Parkway and Peerless Road, and the requirement for interconnection between properties in order to share common access points.

WHEREAS it is the desire of the property owner(s), hereinafter “Developers”, to have the flexibility of the PUD process in order to work with the City and adjacent property owners who are also seeking to develop or redevelop their properties in a manner that is mutually beneficial, 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 4 herein as “PUD 25” . PUD 25 comprises an area of adjacent properties with frontage on Paul Huff Parkway at Boatwright Circle, and the intention is to allow the development of commercial uses within this PUD 25 area. The uses allowed within the PUD 25 area include the following uses allowed within the City’s CH Commercial Highway zoning district: detached single-family dwellings; townhomes; duplexes, triplexes, and quadraplexes; other multi-unit residential structures; office parks; schools (pre-school, primary, secondary, colleges and universities, trade schools and academies, studios); medical offices and clinics; hospitals; information technology and communications businesses; professional offices; government offices and government facilities; finance, insurance, and real estate businesses; personal service businesses (barber shops, beauty salons, nail salons, and the like); commercial recreation and entertainment facilities; department stores and retail stores; food and beverage stores; hotels and motels; restaurants with or without drive-up windows; oil change facilities (except in Development Area 3). Specifically prohibited uses include billboards, outdoor firing ranges, race tracks, adult businesses or sex outlets as defined by the City’s zoning ordinance, fireworks sales, automobile repair, convenience stores with or without gasoline pumps, tire stores, outdoor flea markets and outdoor sales of used merchandise other than operable vehicles in good repair, oil change facilities (Development Area 3 only) and any other use not identified herein as being allowed.

Section 2. DEVELOPMENT STANDARDS. The development standards for the PUD 25 district are those outlined in this ordinance. Where the PUD 25 Ordinance is silent as to a particular development standard, the standard applicable in the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, if there is any such standard, shall be applied.

Section 3. 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 4. PROPERTY DESCRIPTION

PUD 25 includes the property currently described as Tax Map 33L, Group B Parcels 40.00 & 51.00, Tax Map 34I Group C  Parcels 01.00, 2.00, 3.00, 4.00, 5.00 and Tax Map 34I Group B Parcel 1.00.

Section 5. NOISE AND VIBRATION MITIGATION.

Noise and vibrations are to be managed during the construction and operation phases of PUD 25. During construction, construction-related noise, vibrations, and traffic in the PUD 25 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 businesses in the PUD 25 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 PUD 25 zoning district concerning noise or vibrations, City determines that there is a continued persistent pattern of noise or vibration emanating from the PUD 25 district, Developer and/or any business in the PUD 25 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.

Section 6. SITE PLANNING AND DEVELOPMENT COORDINATION

6.A. Conceptual Development Plan for PUD

A conceptual development plan for PUD 25 has been prepared in coordination with input from City staff. This conceptual development plan is intended to be general in nature, identifying the location of the commercial development areas within the PUD 25 area. The conceptual development plan identifies the location of proposed entrances onto the adjacent roadways. The plan indicates areas of landscaped buffer needed to protect adjacent development in accordance with the City's landscaped buffer ordinance. The conceptual development plan will serve as a master plan for the development of PUD 25, and a basis for review of detailed site plans.

6.B. Detailed Site Plans for PUD 25 Development

One or more detailed site plans, consistent with the conceptual site plan, are required prior to development of any portion of the site with new commercial or residential buildings. The detailed site plan will meet the normal site plan requirements of City for commercial development or residential development, as the case may be. The reason that more than one detailed site plan may be completed for PUD 25 is that different portions of the PUD25 area may be developed independently at different times. Exhibit C shows the location of three individual development areas. Development Area 3 is expected to be re-developed subsequent to Development Areas 1 & 2 but nothing prescribed herein would prevent area 3 being developed in coordination with areas 1 or 2 subject to site approval requirements. Site grading for Development Areas 1 & 2 should be done simultaneously to provide for coordination between the sites. The detailed site plan(s) for PUD 25 will be reviewed in accordance with City's normal site plan review process except that Planning Commission approval is required for the detailed site plan. In addition, City Council is required for any site plan located within Development Area 3.

Section 7. ACCESS, TRAFFIC CIRCULATION, PARKING, FIRE LANES, SERVICE AND DELIVERY VEHICLES.

7.A. Access

Properties within the PUD may be served by a common driveway onto Paul Huff at the existing Boatwright Circle location. Cross access between properties internal to the PUD is required. No connection to Tomahawk Circle shall be allowed from any property within this PUD ordinance.

Prior to approval of any site plan or issuance of any land disturbance permit, a traffic study analysis must be completed to consider the impact of the proposed development on the transportation infrastructure system. The developer shall be responsible for the cost of the study and all related improvements to the site and adjacent median. An updated traffic study shall be conducted, at the cost of the developer, prior to the development of "Development Area 3". The City of Cleveland may do their own 3rd party traffic analysis review of the corridor if deemed necessary by transportation staff due to a change in circumstances or unforeseen changes in the development.

Any development agreement between the City of Cleveland and the owners of the parcels located within this PUD ordinance shall take precedence and prevail over any requirement related to infrastructure improvements.

7. B. Traffic Circulation, Parking, Fire Lanes, Deliveries, etc.

Driveway entrances to sites within PUD 25 shall be developed with adequate turning radii for entering and exiting vehicles, including delivery vehicles where appropriate. Internal traffic circulation and parking on sites, delivery access, service access for solid waste pick-up, etc., and fire and emergency access must be maintained in the site design and specifically addressed in detailed site planning for individual developments within PUD 25. Specifically, parking spaces are to be a minimum of 9' wide by 18' deep and accessed by a 24' drive aisle when parking is on both sides. A 22' drive aisle is allowed for drives with no parking or parking on just one side. Drive aisle widths may be reduced to 18' for 60 degree angled parking. In the event that the PUD 25 site is served by a public transit service, stopping of transit vehicles for entering or exiting passengers shall be outside the designated fire lane unless otherwise approved by the City's fire department. Any drive-through window facilities that are developed on the site shall comply with City standards with respect to vehicle stacking, etc. and shall be designed so as to minimize potential conflicts with other vehicles and pedestrians. Sidewalks shall be required along all internal road and shall connect businesses within the PUD. Parking standards shall be as otherwise required by City zoning regulations, subject to a decrease of up to 30% that may be granted by the Planning Commission in consideration of factors such as pedestrian, bicycle, and transit access, shared parking arrangements, enhanced landscaping, innovative stormwater management practices, and the like. Parking spaces reserved for special uses, such as restaurant pick up only, shall not count towards the number of required parking spaces provided.

Section 8. IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING.

8.A. Impervious Areas

An impervious area calculation is to be included in detailed site plans for the PUD 25 area. The impervious area of the site is understood to include the foot prints for all structures on the site as well as other paved or concrete areas that do not readily absorb water, generally that which is not greenspace. The impervious area limit in PUD 25 is 80%.

8.B. Stormwater Management

Development within the PUD25 area must meet the City's stormwater regulation requirements. In conjunction with each detailed site plan for development within PUD 25, a drainage plan must be prepared by a professional engineer and approved by the City Engineer prior to development of the site. For purposes of stormwater management, the PUD 25 area will be regarded as an area under a common plan of development and a Notice of Intent (NOI) is required before development of any portion of the site.

8.C. Landscaping

A landscaping plan shall be submitted with all detailed site plans for the PUD 25 area. The landscaping for the site shall be in accordance with a landscape plan prepared by a Tennessee registrant (engineer, architect, or landscape architect) and approved by the City. The design, installation, and maintenance of the landscaping shall meet the requirements of this ordinance and the City's regulations regarding landscaping. Specifically, the perimeter tree requirement shall be based on the total land area of the PUD, proportionately distributed among the individual development parcels, and excludes evergreen trees planted as part of required buffering. Landscaping shall be provided adjacent to all roadways abutting the site and internal areas within the parking lots and adjacent to buildings. Access control fencing along Paul Huff Parkway shall be black aluminum, similar to other newer developments along the Paul Huff corridor. Landscaping shall be professionally installed and maintained in perpetuity by the Developer and all heirs, assigns, and successors in title. Maintenance shall include irrigation, fertilization, pest and disease control, mowing, raking, replacement of dead or diseased plants, and other such activities as may be appropriate to a high quality professionally maintained landscape.

8.D. Tree Preservation

Existing trees within the required buffer areas shall be preserved to the greatest extent practicable. Tree preservation is not required within the development areas, however, developed sites shall contain a minimum of 10 trees per acre per the City tree replacement criteria. Subject to TDOT approval, the development shall work to provide a smooth transition between the interstate ramp and the developed site, similar to the finished condition across Paul Huff Parkway along the I-75 on-ramp.

8.E. Buffering

The City has a buffering ordinance that is to protect less intensive land uses, e.g. residential, from more intensive land uses, e.g. commercial, that locate on adjacent properties. Buffering for residential properties external to the PUD shall at a minimum adhere to the requirements of the buffering ordinance within the zoning regulations. Specifically, a 15' Type B buffer with an 8' wooden fence plus the normal tree planting requirements shall be utilized adjacent to any lot within Indian Hills SD which is not included within this PUD. Installation of the buffer shall be completed in conjunction with preliminary mass grading. Developer and all heirs, assigns, and or successors in title shall take particular care to provide and maintain a densely landscaped buffer that mitigates the intrusion of noise, light, and the view of the proposed commercial development in adjoining residential areas.

8. F. Lighting

As part of each detailed site plan for development in PUD 25, a plan shall be provided for the exterior lighting of buildings, parking lots, signs, etc., that 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, including the addition of glare shields where needed. The lighting plan should include sufficient photometric detail to determine compliance with this ordinance.

Section 9. GENERAL APPEARANCE, SIGNAGE, AND OUTDOOR DISPLAYS.

9.A. General Appearance

Development within the PUD 25 area is to have a high quality appearance. In the commercial development of the PUD 25 area, it is intended that the level of architectural amenity and detail, including quality and cost of materials and craftsmanship, will meet or exceed that found in Cleveland's better commercial developments. Specific designs, color choices, and materials are not prescribed by this ordinance but it is expected that the quality of appearance would be consistent with better quality and comparably priced commercial areas and residential areas found in other communities. Illustrative proposed building elevations and landscaping plans will be considered together by the Planning Commission in order to determine that the proposed development is consistent with these general appearance requirements. Retaining walls shall be decorative, including texture and color elements. Split face block finish with integral color would meet this requirement.

9.B. Signage Plan

When a detailed site plan is prepared for a development within the PUD 25 area it is to include a signage plan for primary signs, such as ground signs and wall signs. The signage plan is to identify the type, size, and general location of the proposed sign(s). Specifically, development areas 1 and 2 shall have a shared multi-tenant sign on the east side of the driveway onto Paul Huff not exceeding one hundred and fifty (150) square feet. Wall signs shall not exceed 30% of the façade they are located on and no wall sign with any manor of lighting shall be present on any wall facing Indian Hills SD. The signage plan will demonstrate conformity with the City's sign regulations where those are not otherwise modified by this section. The Planning Commission may consider proposals for innovative grouping of signs for development within PUD 25 and adjacent properties and approve such as part of the detailed site plan approval. A primary City concern will be to maintain the high-quality appearance of the area as part of the Exit 27 gateway to Cleveland. Billboards are not permitted within the boundaries of PUD 25.

9.C. Outdoor Displays

Outdoor displays of merchandise and outdoor storage of goods and merchandise, including but not limited to materials stored in trailers or shipping containers, is prohibited within 50 feet of any right-of-way. In no event shall any display or storage of merchandise be configured so as to impede the visibility of motorists within or adjacent to the subject property.

Section 10. LITTER, SOLID WASTE, AND DRAINAGE STRUCTURE MAINTENANCE.

The method of solid waste disposal for each use throughout the project site shall be as approved by the City's Director of Public Works. Dumpsters shall be on a concrete pad and shall be screened by a masonry enclosure. Storage for inedible fats or greases shall likewise be enclosed and, if adjacent to a dumpster, shall be separated from the dumpster by a concrete block wall. Litter and debris shall be removed from the parking lots and grounds throughout the project site on a regular basis such that these materials do not accumulate noticeably on-site or migrate to surrounding property. Removal of litter and debris shall include the removal of such materials from drainage structures and other areas where accumulations may occur. Maintenance of drainage structures including removal of sediment, debris, and intrusive vegetation, such that these drainage structures continue to function as designed shall be the continuing responsibility of the developer, or its assigns or successors in title, and shall include effective control of algae, mosquitoes, and other such concerns as may occur with wet stormwater detention areas; such control by the developer will be monitored by the City and shall include technically appropriate means that may include mechanical aeration, application of chemicals, and/or other means. Mechanical sweeping of the parking lot and driveway areas shall be performed regularly by the Developer to control dirt, litter, and debris.

Section 11. SETBACKS, BUILDING HEIGHTS, AND DENSITY

Building setbacks, height limits, and lot dimensions for the commercial development area of PUD 25 shall be as designated for the CH Commercial Highway zoning district, together with the Interstate Gateway Corridor overlay, except as otherwise approved by the Planning Commission as part of the detailed site plan approval process or as otherwise modified in this section. Likewise, residential lot sizes, building heights, and setbacks shall be as required for the R3 residential zoning district unless otherwise modified by the Planning Commission. The setback along Paul Huff Parkway, I-75, and any internal public roads shall be 15'. There is no setback requirement on internal property lines. Building Heights for lots may be adjusted by the Planning Commission to meet the needs of the proposed development.

Section 12. 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 shopping center and for construction on the outparcels and other construction on or adjacent to the site for which the Developer is responsible. In the event that there are state or federal agency permit requirements arising from PUD 25 development of this site, such as the off-site mitigation for impacts on a blue-line stream as required by the Tennessee Department of Environment and Conservation (TDEC), the Developer is responsible for those permit requirements. If a state or federal agency causes the City of Cleveland to incur costs to comply with any permit requirements for the PUD development of this site, the Developer shall reimburse those costs to the City. 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 of construction for fixture installation, furnishing, store stocking, employee training and the like may be granted by the City's Building Official and such permission shall not be unreasonably withheld). 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 13. SUBDIVISION AND SITE PLANNING OF OUTPARCELS.

The aggregation of existing parcels into the development sites needed for the various developments within PUD 25 is anticipated to require the subdivision or re-subdivision of land. In order to accomplish this, the Developer is required to prepare a preliminary and final plat for approval by the Cleveland Municipal Planning Commission, and record the final plat(s) once approved. The platting of land into the proper parcels is a necessary precursor to the approval of the detailed site plan for the portion of PUD 25 in question. Such plat(s) should include the provision of right-of-way for any proposed future road improvements that are planned as the PUD 25 project progresses. Platting is to be carried out in accordance with the adopted subdivision regulations.

Section 14. PUD DEVELOPMENT PLAN.

The conceptual development plan and related drawings attached hereto or referenced herein as well as the terms and conditions of this ordinance will comprise the development plan for PUD 25. Detailed site plans as referred to in this ordinance are required to carry out the PUD 25development and will be considered as part of the development plan when these are subsequently approved by the Planning Commission. It is understood that the owners of the

individual properties within the development are each responsible for the compliance of their respective properties with the terms of this ordinance. The owners of the respective properties are expected to work cooperatively toward the achievement of the common development plan for this PUD 25 but a violation by one landowner will not constitute a violation by another landowner. However, joint responsibility may be established for jointly used and maintained facilities that may be incorporated into the detailed site plan(s).

Section 15. TIME LIMITS AND POSSIBLE REVERSION TO FORMER ZONING.

The developer must have carried out a substantial development of this project within ten years from the effective date of this ordinance or the City may cause the property to revert to its former zoning classification without liability for any damages. Substantial development shall be interpreted to mean commencement of construction on at least one commercial building (hotel, restaurant, etc.) or residential structure within the PUD 25 area.

Section 16. 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. The Planning Commission has specific authority to review and approve detailed site plans for the development of PUD 25. Minor revisions to detailed site plans that affect a quantity or dimension by less than 30%, or which substitute a material for one of like or better quality in 30% or less of the project area, or which increase functionality by adding a feature desired in PUD 25 (e.g. sidewalk, transit stop, bike racks, etc.) can be approved through the staff site plan review committee with the consent of the City Manager and the Planning Commission Chairperson. Errors and omissions in the PUD 25 development plan that do not constitute a material change in the development plan can be corrected in the same manner as a minor revision.

Section 17. BINDING UPON OTHERS.

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 purchaser(s) of the subject property and any 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. The term “Developer” is intended to include persons or firms or entities acquiring title to the subject property for the purpose of owning land and/or buildings in the PUD 25 development which they may use for a business location or rental property. The term “Developer” also applies to leaseholders who have the right to make tenant improvements on the property. It is understood that persons and entities coming under the definition of “Developer” may at some point divest themselves of their property interests in PUD 25 such that they are no longer responsible for complying with terms of this ordinance.

Section 18. 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 this 9th day of August, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A

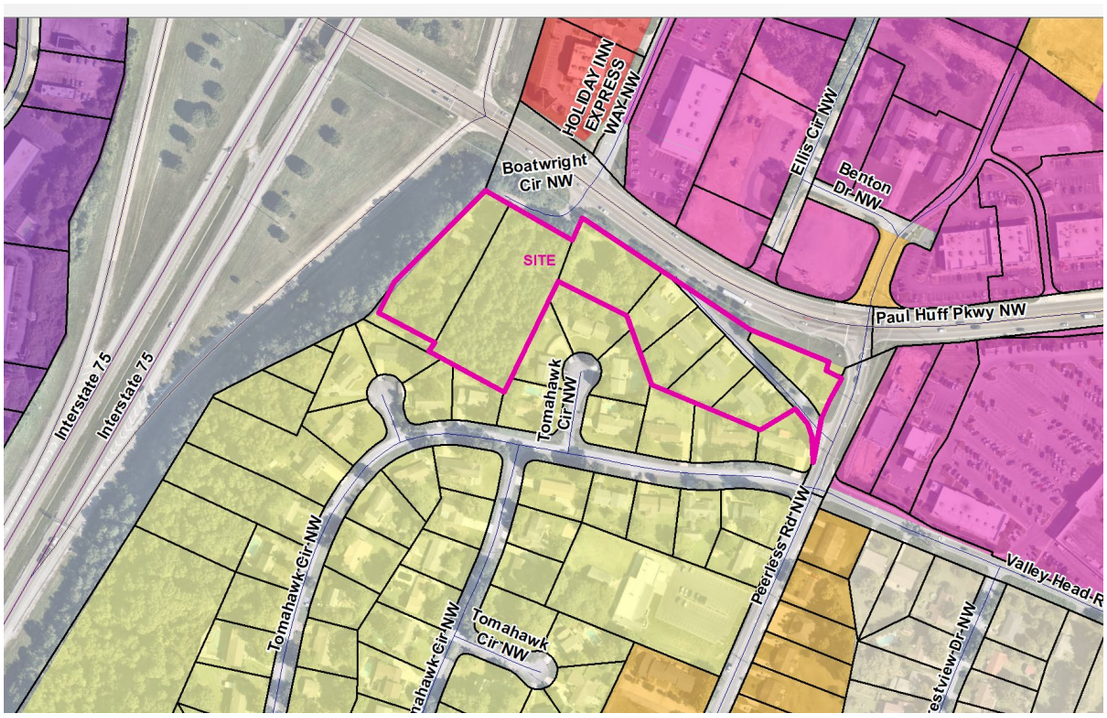



Exhibit B

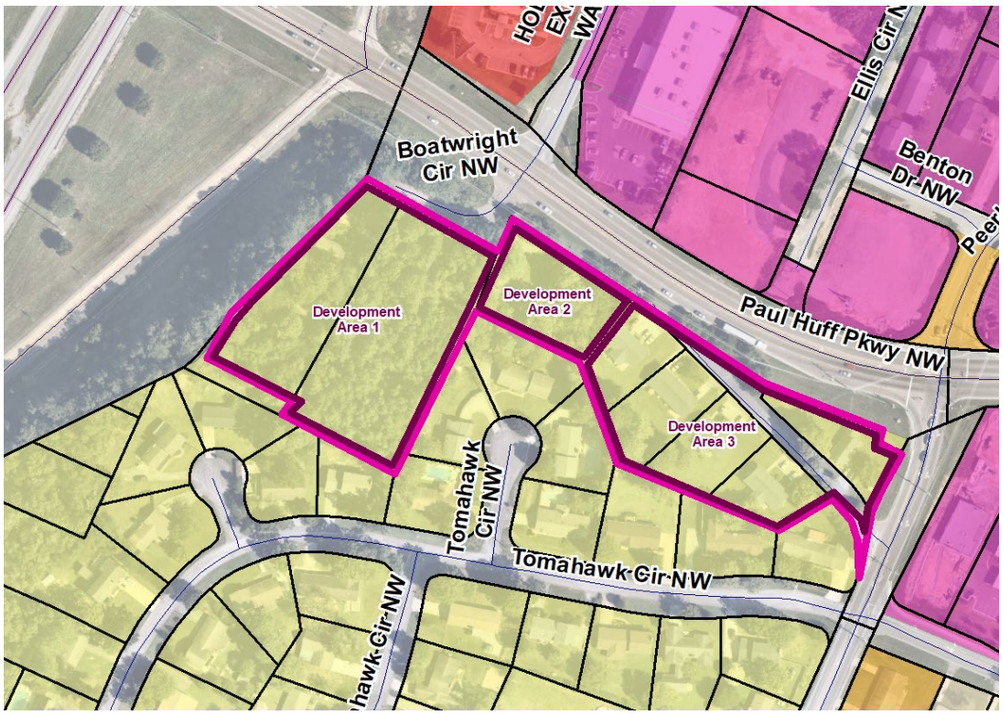


Exhibit C

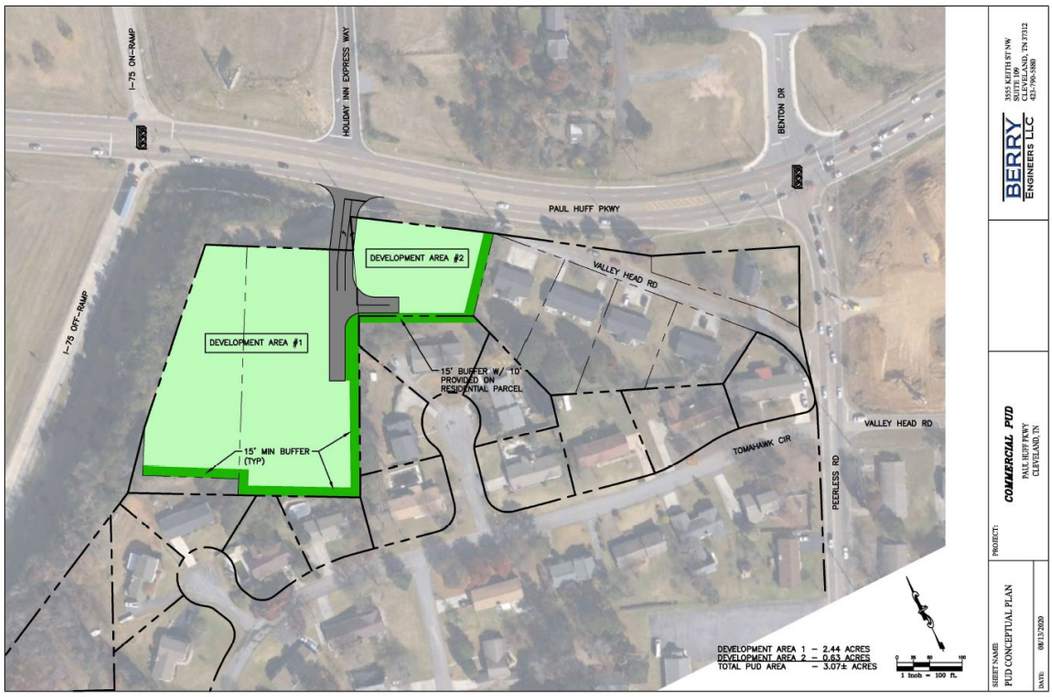
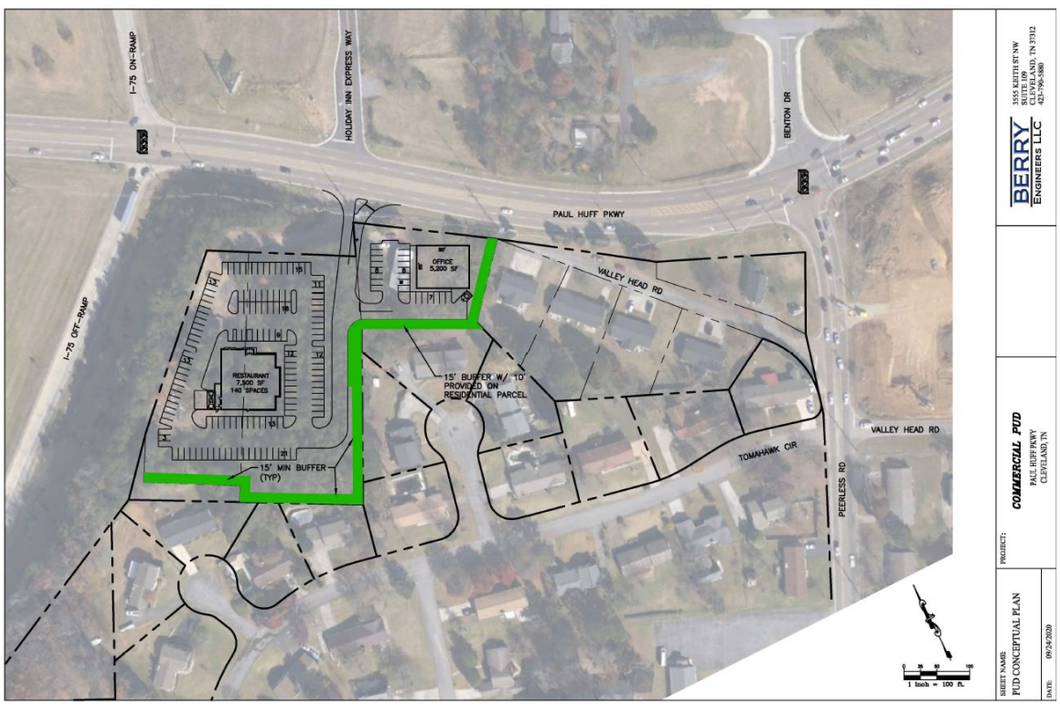



Exhibit D




## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Cassada asked for an update on Candies Lane. Mr. Jobe stated the curb and guttering is installed and the concrete median at Inverness will be installed this week. Finally, the road will be milled and paved with a completion date in approximately three to four weeks. Councilman Cassada then reported a portable office has been dropped at the oil change/car wash facility development site at Mouse Creek and Paul Huff last Friday. Mr. Jobe stated nothing has been resubmitted to resolve the dumpster issue.

Councilman May stated last meeting he asked for a study of Michigan Avenue Road and he would like to add a study for Blythe Ferry Road with the possibly of prohibiting trucks over two axels from Tasso to Ocoee Street. Also, the trucks on Michigan Avenue Rd, other warehouses along the road need access but asked staff to look at possible improvements to the roadways. Mr. Fivas stated we have been monitoring the truck traffic and he is certain that you can limit truck traffic on Blythe Ferry Road. Staff will continue research and see how to limit or at least slow down truck traffic on Michigan Avenue Road.

Councilman Webb complimented our Emergency Responders and Cleveland Utilities on working the tragic accident at Exit 27 on Paul Huff Parkway.

Vice Mayor Johnson thanked Cleveland Utilities for upgrading the street lighting on Coventry Court and Brighton Boulevard.

Mayor Brooks stated he received correspondence from SETHRA that beginning August 16 they will reduce their hours to 7:00a.m. to 4:00p.m. based on driver shortage. Also, they are trying to recruit new drivers with a $500 sign on bonus. Lastly, a letter from Cleveland City School CTE Supervisor is asking the City to contemplate partnering with them on the Work Base Learning with non-paid positions that allow students to work in their potential profession. He feels it is a wonderful opportunity.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-23**– Rezoning .31 acres, more or less, located at 2506 Henderson Ave NW (Tax Map 49D Group F Parcel 2.00) from R2 Low Density Single and Multi-family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 9-0).

## ZONING ORDINANCE 2021-23

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 PI Professional Institutional Zoning District.

Approximately .31 acres, more or less, located at 2506 Henderson Ave as shown on the attached map.

For reference, same property is being shown Tax Map 49D Group F Parcel 2.00, in the Assessor's Office for Bradley County, Tennessee

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

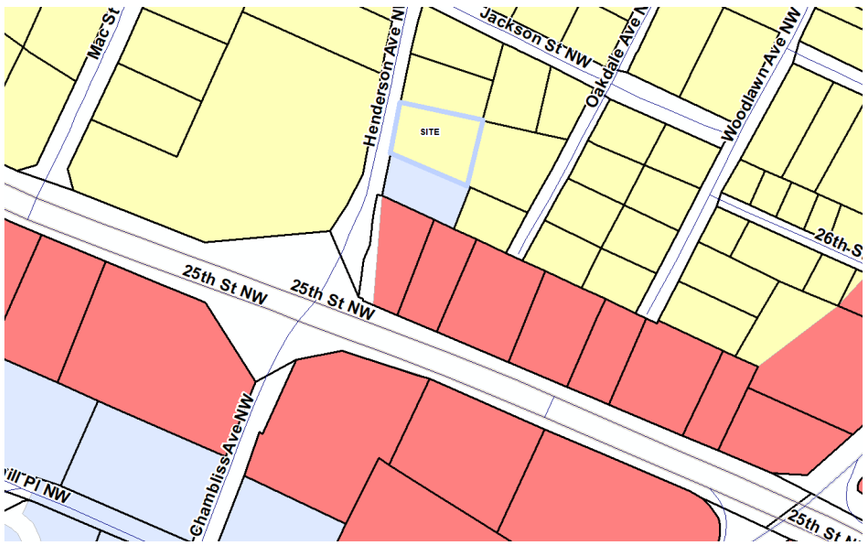
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Councilman Webb moved that Zoning Ordinance 2021-23 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-24** – Rezoning 20.1 acres, more or less, located at the corner of Westside Dr and Norman Chapel Rd NW (Tax Map 41F Group D Parcel 1.00) from CH Commercial Highway Zoning District and R4 Mobile Home Park Zoning District to PUD30 Planned Unit Development Zoning District (Planning Commission: Approved 9-0).

## ZONING ORDINANCE 2021-24

**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 WESTSIDE LANDING SUBDIVISION PROPERTY "PUD 30" ON PROPERTY DESCRIBED AS TAX MAP 41F GROUP D PARCEL 1.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 30; 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 30” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 30 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 30 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 30, Westside Landing Subdivision Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 41F Group D Parcel 1.00 Exhibit B illustrates the overall Westside Landing Conceptual Plan for the subject property.

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

This section is intended to provide a general description of the Westside Landing Subdivision Development. The project consists of a mixture of detached single-family homes on small lots and attached single-family dwellings in multi-unit townhome structures. Exhibit B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one unit per 4000 square feet for lots containing single-family detached homes; two units per 7500 square feet; three units per 10,000 square feet, and four units per 12,500 square feet. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas or landscaped common area.

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

The PUD 30 Subdivision allows for the construction of up to 175 dwelling units in detached single family houses and multi-unit townhome structures with up to four dwelling units per building. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 30 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Westside Landing development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland’s zoning ordinance are allowed unless prohibited by the Developer. The existing billboards located on the site are considered lawful and may be replaced. There are no conditional uses within the PUD 30 district. Uses other than those described as permitted or allowed herein are prohibited.

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

**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit B) for PUD 30, Westside Landing Subdivision Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 19, 2021. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 30 must be generally consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 175 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Westside Landing Subdivision development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

**6.B. PLATS.**

One or more plats will be prepared for the PUD 30 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan. This shall include dedication of additional right-of-way through the platting process to accommodate a 40’ right-of-way width along the southern property line for the drive connecting Rabin Dr to Westside Dr. The City will provide asphalt materials to improve this portion of right-of-way. The City and the developer shall consider exact street designs and locations which facilitate slower traffic speeds which shall be approved during the platting process.

**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 30 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer’s heirs, successors, or assigns) to the extent necessary for PUD 30 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD 30 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland’s zoning regulations.

For detached single family residential areas, units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. All foundations must be made of brick, stone or split faced block. Not including any dormer or gables, at least 25% of the front façade of all structures shall be of brick, stone or cement fiber board materials. No blank walls along street elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

The developer shall dedicate right-of-way adequate to serve the development of a deceleration lane for the proposed Westside Boulevard. All streets shall be provided with at sidewalks on at least one side of the street. Main utility lines shall not be located under any pavement areas where possible.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Setbacks

The minimum lot width requirements for single-family detached home sites is 46 feet (townhome sites shall comply with existing city townhome regulations for lot width), front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 15' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

7.B Sidewalks and Amenities

All roads shall be serviced by sidewalks on at least one side of the street within the subdivision and along Westside Dr. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission.

Open space shall be maintained at proportion no less than 10% of the total buildable area. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

A centralized cluster mailbox unit shall be provided for the United States Postal Service. The area around the cluster mailbox unit shall be landscaped with at least one off-street parking space being provided.

**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 30 Westside Landing Subdivision Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD 30, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit B then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

**Section 10. BINDING UPON OTHERS.** This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 30 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 Cate Brothers Development of or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

**Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of

competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

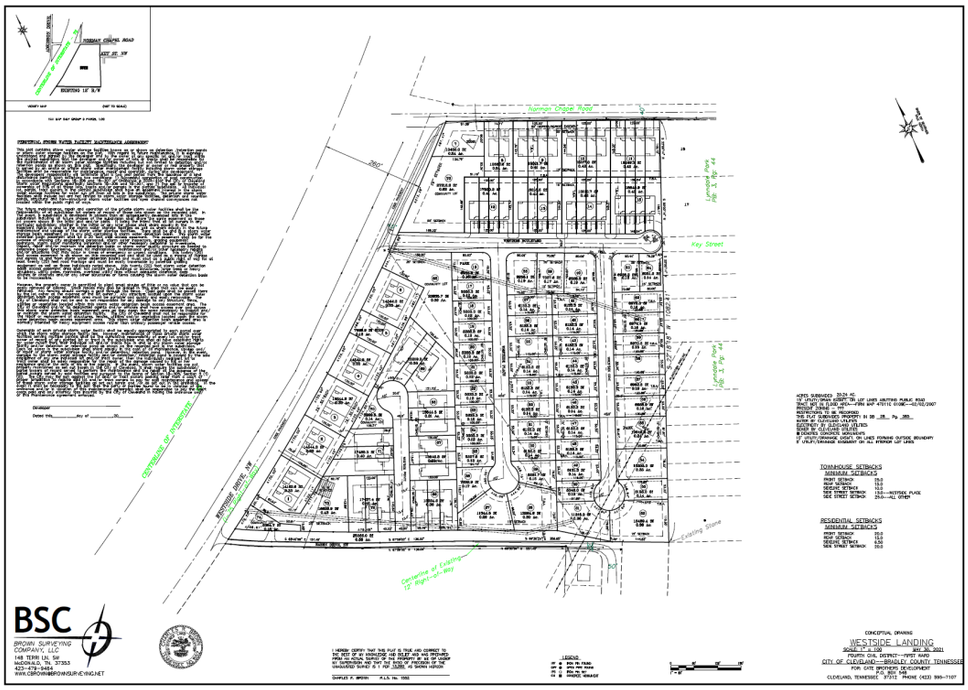
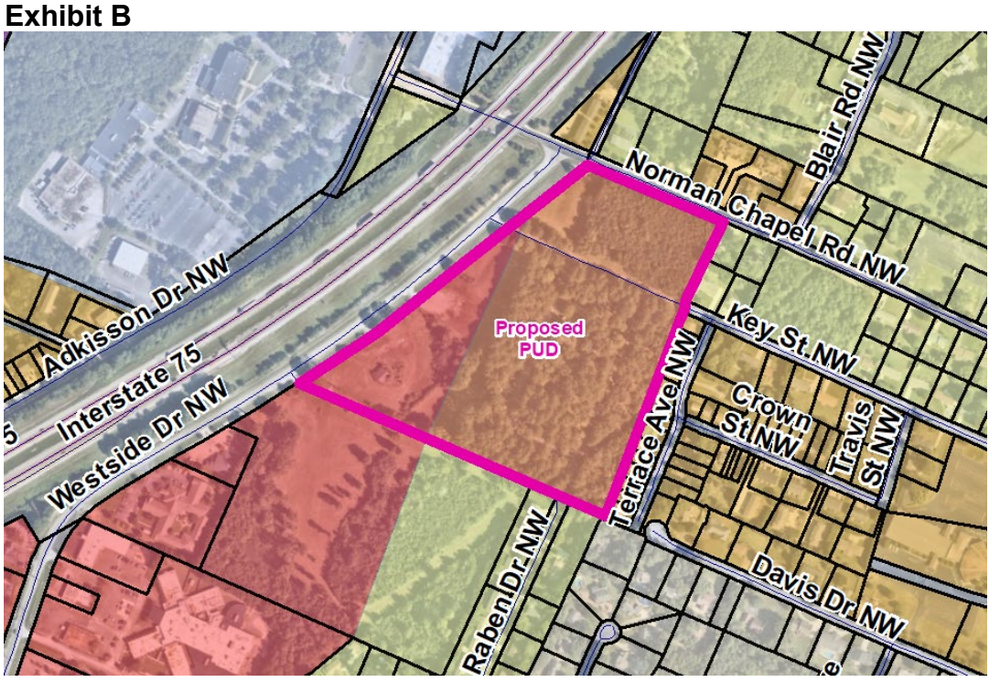



**Exhibit B**




Councilman May moved that Zoning Ordinance 2021-24 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 2021-74** – Adopting a Plan of Service for the annexation area of about 25.1 acres located on Pleasant Grove Trl SW (Planning Commission: Approved 7-0, 1 Absent, 1 unfilled position).

**RESOLUTION 2021-74**

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

**PLEASANT GROVE TRAIL- ACTH/DUNSMORE PROPERTIES ANNEXATION AREA**

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on August 9, 2021 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 southeast corner of the lands of ACTH Properties, as recorded in BCROD deed book 2229 page 465, said point being located in the western right of way of Pleasant Grove Trail; thence with the southern line of the lands of ACTH Properties North 66 degrees 00 minutes 00 second West, 914.78 feet to the southwestern corner of the lands of ACTH Properties, said point also being the southeast corner of the lands of Douglas Paul Dunsmore, as recorded in BCROD deed book 2434 page 897; thence with the southern line of Dunsmore North 66 degrees 00 minutes 00 seconds West, 596.72 feet to an iron pin; thence following the lines of Dunsmore North 24 degrees 51 minutes 15 seconds East, 663.09 feet to an iron pin; thence South 66 degrees 00 minutes 14 seconds East, 1565.80 feet to an iron pin, said pin being located in the western right of way of Pleasant Grove Trail; thence following the western right of way of Pleasant Grove Trail in a northeasterly direction 24 feet, more or less, to a point where the northern right of way of Pleasant Grove Place would intersect the western right of way of Pleasant Grove Trail if it were extended; thence crossing Pleasant Grove Trail in a southeasterly direction 40 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Trail and Pleasant Grove Place; thence following the eastern right of way of Pleasant Grove Trail in a southerly direction 1530 feet, more or less, to a point where the eastern right of way of Pleasant Grove Trail intersects the existing City Limits; thence with the existing City Limits in s northwesterly direction 40 feet, more or less, to a point where the existing City Limits intersect the western right if way of Pleasant Grove Trail; thence with the western right of way of Pleasant Grove Trail in a northerly direction 807 feet, more or less, to the point of beginning

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**MAY 15, 2021**
**PLEASANT GROVE TRAIL- ACTH/DUNSMORE PROPERTIES**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 25.1 acres located on Pleasant Grove Trail 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 2021.

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

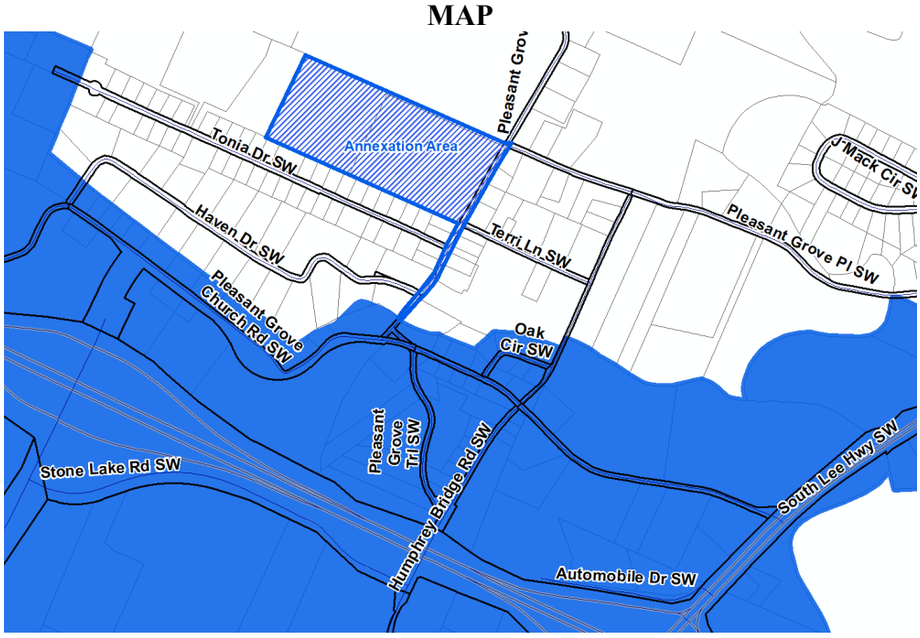
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists two parcels approximately 800 feet from the existing limits of the City of Cleveland. The annexation would zone the property as a Planned Unit Development with approximately 94 single family residential dwelling units. The property is described as of Tax Map 56 Parcel 35.00 & 35.04.

**PLEASANT GROVE TRAIL PROPERTY**
**MAP**




**Legal Description**

Beginning at the southeast corner of the lands of ACTH Properties, as recorded in BCROD deed book 2229 page 465, said point being located in the western right of way of Pleasant Grove Trail; thence with the southern line of the lands of ACTH Properties North 66 degrees 00 minutes 00 second West, 914.78 feet to the southwestern corner of the lands of ACTH Properties, said point also being the southeast corner of the lands of Douglas Paul Dunsmore, as recorded in BCROD deed book 2434 page 897; thence with the southern line of Dunsmore North 66 degrees 00 minutes 00 seconds West, 596.72 feet to an iron pin; thence following the lines of Dunsmore North 24 degrees 51 minutes 15 seconds East, 663.09 feet to an iron pin; thence South 66 degrees 00 minutes 14 seconds East, 1565.80 feet to an iron pin, said pin being located in the western right of way of Pleasant Grove Trail; thence following the western right of way of Pleasant Grove Trail in a northeasterly direction 24 feet, more or less, to a point where the northern right of way of Pleasant Grove Place would intersect the western right of way of Pleasant Grove Trail if it were extended; thence crossing Pleasant Grove Trail in a southeasterly direction 40 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Trail and Pleasant Grove Place; thence following the eastern right of way of Pleasant Grove Trail in a southerly direction 1530 feet, more or less, to a point where the eastern right of way of Pleasant Grove Trail intersects the existing City Limits; thence with the existing City Limits in s northwesterly direction 40 feet, more or less, to a point where the existing City Limits intersect the western right if way of Pleasant Grove Trail; thence with the western right of way of Pleasant Grove Trail in a northerly direction 807 feet, more or less, to the point of beginning

## Plan of Services

1. **Police Protection**

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

   There is no additional cost expected from this annexation.

2. **Fire Protection**

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 6 located on Westland Dr. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

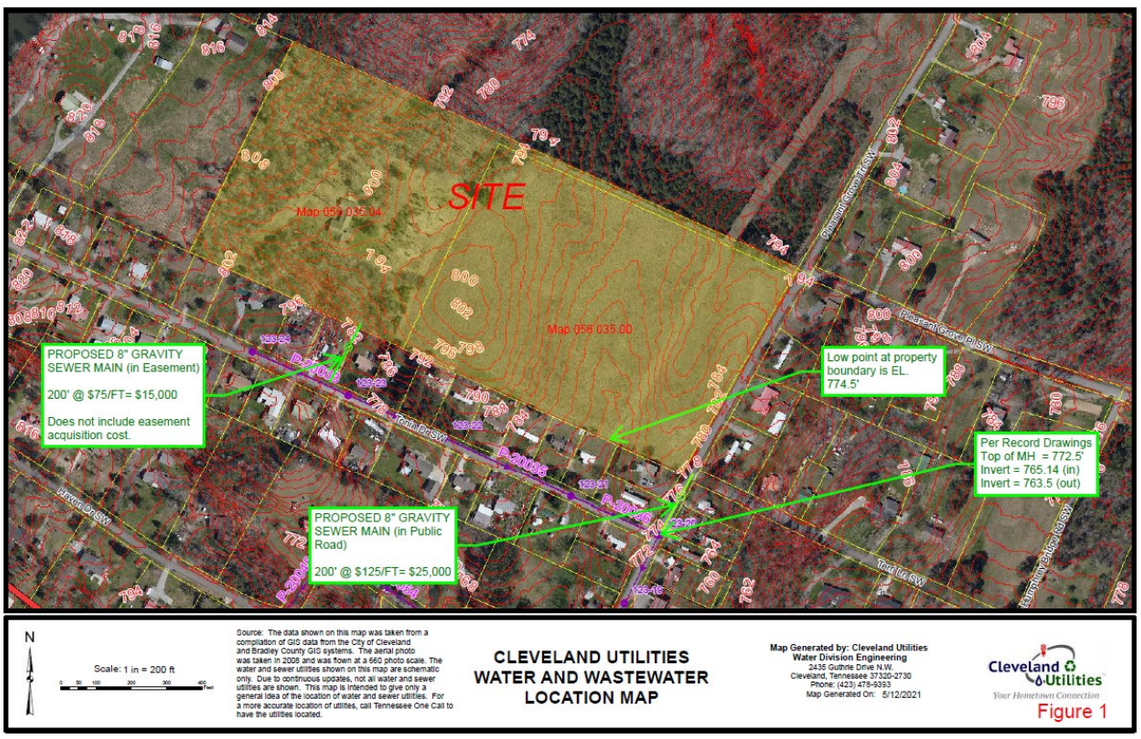
A. Domestic Water--- Domestic water service is available to this parcel.

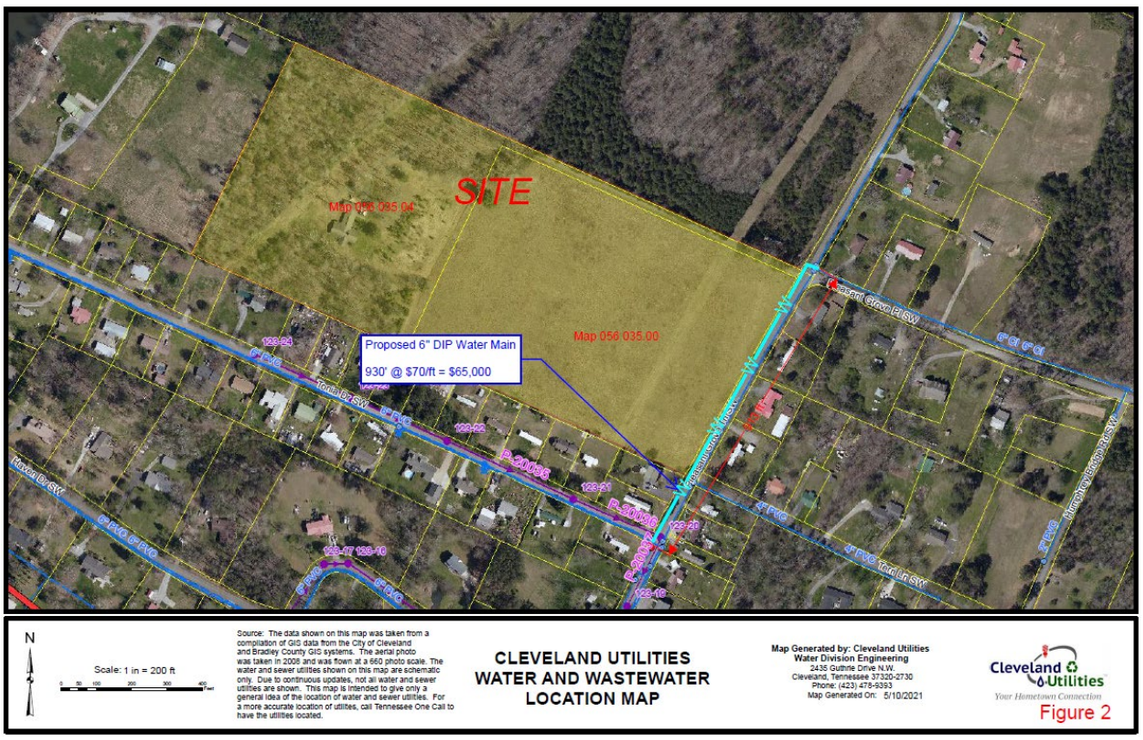
B. Sanitary Sewer--- Sanitary sewer service is not available to these parcels. Sewer service can be provided to the eastern parcel (Map 056 035.00) via an extension of approximately 200 feet of 8" gravity sewer main north along Pleasant Grove Trail to the southeastern corner of the parcel. Sewer service to the western parcel (Map 056 035.04) is available via an extension from Tonia Drive through private property to the southern line of the western parcel. This route will require at least one easement acquisition from a non-City resident that already has sewer service available. See Figure 1.

C. Fire Protection--- To provide/improve fire service protection in the area, approximately 930 feet of 6" ductile iron water main should be installed along Pleasant Grove Trail to connect an existing 6" water main at Tonia Drive to the 6" water main at Pleasant Grove Place. One fire hydrant would be installed. See Figure 2.

**SUMMARY OF COSTS**

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Pleasant Grove Trail (Tax Map 56, Parcel 035.00 & 035.04) | $0 | $40,000 | $65,000 | $105,000 |






**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

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

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

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

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

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

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

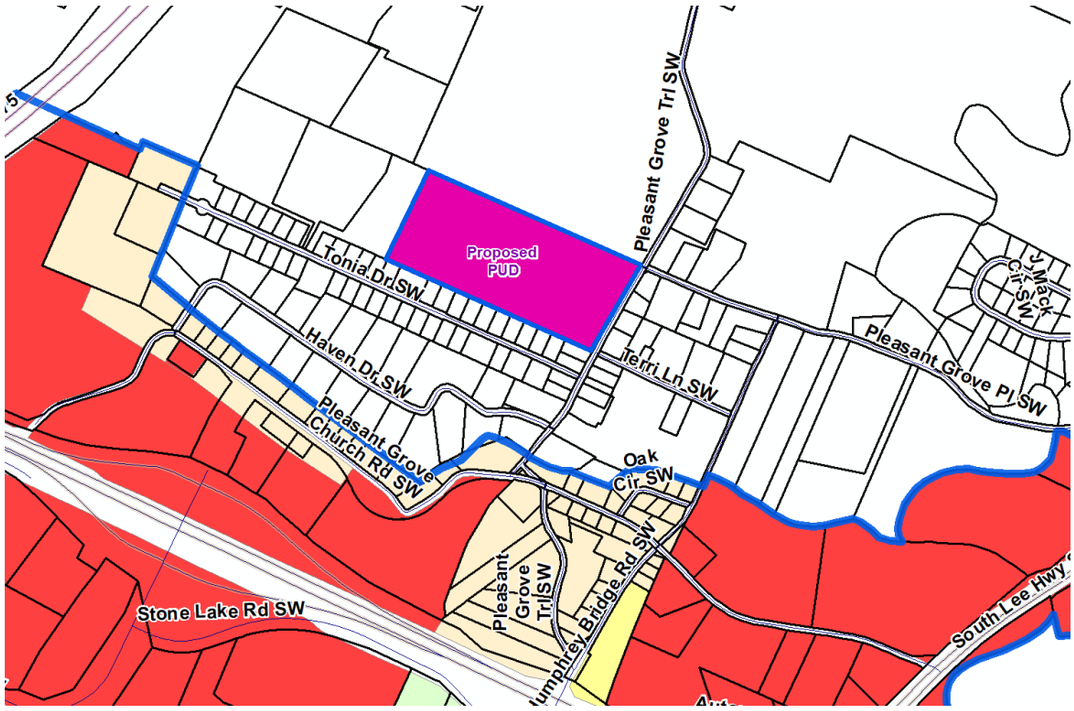
**6. Schools**

The current cost to the school system is $976.59 per student per year. Using this formula, it is estimated the Pleasant Grove Trail annexation would cost the city $52,736 per year and add 54 students to enrollment.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for a PUD Planned Unit Development Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 226 residents to the 1st City Council District.

**10. Stormwater**

a. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. The monthly fee will be $1.63.

b. All new development will need to adhere to the City of Cleveland Stormwater Ordinance.

c. The City of Cleveland is now a Qualified Local Program (QLP). All development needing the Tennessee Department of Environment and Conservation (TDEC) Construction General Permit coverage will submit all required documentation and fees to the City of Cleveland only.

## Revenue

The total income from annexation without any improvements would result in approximately $3,321.12 in property tax revenue.

With approximately 94 homes developed on the site with an estimated value of $250,000 each, property tax revenue would increase to approximately **$119,800**.

With an estimated 226 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$26,159.50**.

The annual stormwater fee for all homes on this site is estimated at **$1,827.36**.

Total revenue generated as a result of this annexation after the subdivision is developed would be approximately **$147,786.86.**

Councilwoman McKenzie moved that Resolution 2021-74 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 2021-75** – Annexing about 25.1 acres located on Pleasant Grove Trl SW (Planning Commission: Approved 7-0, 1 Absent, 1 unfilled position).

**RESOLUTION 2021-75**

**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**

**PLEASANT GROVE TRAIL- ACTH/DUNSMORE PROPERTIES ANNEXATION AREA**

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on August 9, 2021.

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 southeast corner of the lands of ACTH Properties, as recorded in BCROD deed book 2229 page 465, said point being located in the western right of way of Pleasant Grove Trail; thence with the southern line of the lands of ACTH Properties North 66 degrees 00 minutes 00 second West, 914.78 feet to the southwestern corner of the lands of ACTH Properties, said point also being the southeast corner of the lands of Douglas Paul Dunsmore, as recorded in BCROD deed book 2434 page 897; thence with the southern line of Dunsmore North 66 degrees 00 minutes 00 seconds West, 596.72 feet to an iron pin; thence following the lines of Dunsmore North 24 degrees 51 minutes 15 seconds East, 663.09 feet to an iron pin; thence South 66 degrees 00 minutes 14 seconds East, 1565.80 feet to an iron pin, said pin being located in the western right of way of Pleasant Grove Trail; thence following the western right of way of Pleasant Grove Trail in a northeasterly direction 24 feet, more or less, to a point where the northern right of way of Pleasant Grove Place would intersect the western right of way of Pleasant Grove Trail if it were extended; thence crossing Pleasant Grove Trail in a southeasterly direction 40 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Trail and Pleasant Grove Place; thence following the eastern right of way of Pleasant Grove Trail in a southerly direction 1530 feet, more or less, to a point where the eastern right of way of Pleasant Grove Trail intersects the existing City Limits; thence with the existing City Limits in s northwesterly direction 40 feet, more or less, to a point where the existing City Limits intersect the western right if way of Pleasant Grove Trail; thence with the western right of way of Pleasant Grove Trail in a northerly direction 807 feet, more or less, to the point of beginning.

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

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

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

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

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

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

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilwoman McKenzie moved that Resolution 2021-75 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-25**- Zoning of about 23.5 acres located on Pleasant Grove Trl from the unincorporated county to PUD28 Planned Unit Development Zoning District (Planning Commission: Approved 7-0, 1 Absent, 1 unfilled position).

**ZONING ORDINANCE 2021-25**

**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 PLEASANT GROVE TRAIL SUBDIVISION SW PROPERTY "PUD 28" ON PROPERTY DESCRIBED AS TAX MAP 56PARCEL 35.00 & 35.04, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 28; 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 28" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 28 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 28 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 28, Pleasant Grove Trail- ACTH/Dunsmore Properties (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 56 a portion of Parcels 35.00 & 35.04. Exhibit B illustrates the overall Pleasant Grove Trail Subdivision Conceptual Plan for the subject property.

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

This section is intended to provide a general description of the Pleasant Grove Trail Subdivision Development. The project consists of detached single-family homes on small lots. Exhibit B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one hundred dwelling units. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas and other landscaped and common areas described herein.

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

The PUD 28 Subdivision allows for the construction of up to 100 dwelling units in detached single family house. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 28 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Pleasant Grove Trail Subdivision development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 28 district. Uses other than those described as permitted or allowed herein are prohibited.

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

**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit B) for PUD 28, Pleasant Grove Trail Subdivision Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on May 18, 2021. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 28 must be consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 100 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Pleasant Grove Trail Subdivision development may ultimately reflect some alteration in the conceptual plan such as the exact location of infrastructure or open space relative to the residential areas. Other variations may include the width or

alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

All streets within the PUD 28 Pleasant Grove Trail Subdivision development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. The developer shall dedicate right-of-way adequate to serve a deceleration lane as well as a center turn lane if determined to be necessary by the City's Transportation Department. If required, the build out of the center turn lane and/or deceleration lane shall be completed in conjunction with the proposed subdivision streets. The developer shall dedicate any right-of-way necessary and shall be responsible for construction of said improvements.

**6.B. PLATS.**

One or more plats will be prepared for the PUD 28 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan. The City and the developer shall consider exact street designs and locations which facilitate slower traffic speeds which shall be approved during the platting process. The developer shall also dedicate right-of-way along the western property line for the possibility of a future extension of SR306 with a right-of-way of up to 50' in width.

**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 28 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 28 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD28 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. All foundations must be made of brick or stone. Not including any dormer or gables, the front façade of all structures shall be of brick, stone or cement fiber board materials. Twenty-five percent of the aggregate

square footage of the front facades of all homes must be of a brick or stone material, exclusive of all garages, doors and windows. No blank walls along street elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

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

A monument style ground sign shall be installed at all entrances to the site. A landscaped area shall be installed along Pleasant Grove Trail and one row of evergreens on a 10' center and shade trees on a 35' center shall be installed along the southern property line adjoining the homes along Tonia Dr.

Community facilities, including a swimming pool with clubhouse, playground or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. The area around any community area must include a double buffer with a minimum 6' tall privacy fence where it adjoins any area not included in this PUD ordinance. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Setbacks & Minimum Lot Standards

The minimum setbacks and lot width requirements single-family detached home sites is 50 feet, front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 25' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage for review by the Cleveland Building Inspections Office. Storage sheds, detached garages and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any rear or side property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

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

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD28 Pleasant Grove Trail Subdivision Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited

use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD28, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit B then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

**Section 10. BINDING UPON OTHERS.** This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD28 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 owners, or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

**Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

Approved this ___ day of ____, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

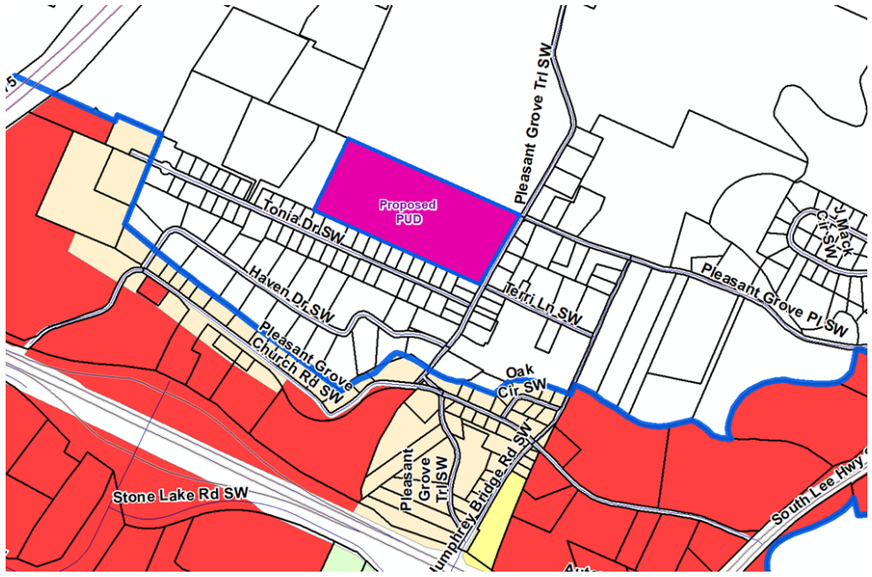



**Exhibit B**
Conceptual Plan



Councilman Hughes moved that Zoning Ordinance 2021-25 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2021-26**– Amending Title 10, Section 10-102 of the Municipal Code concerning the types of animals that are prohibited within the corporate limits of the City.

**ORDINANCE 2021-26**

AN ORDINANCE TO AMEND TITLE 10 SECTION 10-102 OF THE CLEVELAND MUNICIPAL CODE CONCERNING THE TYPES OF ANIMALS THAT ARE PROHIBITED IN THE CITY AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THIS AMENDMENT

WHEREAS, the City Council has discussed amending the Cleveland Municipal Code pertaining to Animal Control and specifically the types of animals that should be prohibited within the corporate limits of the city, except on a parcel of land that is zoned Residential/Agricultural; and

WHEREAS, the City Council desires to adopt this ordinance to amend the Cleveland Municipal Code to prohibit the keeping of certain animals within the City of Cleveland except on those parcels which are zoned Residential Agricultural (RA), and to provide for an effective date of this amendment.

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

Title 10 Chapter 1, Section 10-102 of the Cleveland Municipal Code is hereby amended to read as follows:

**Section 1.**

TITLE 10-ANIMAL CONTROL

CHAPTER 1. IN GENERAL

SECTION 10-102 ANIMALS PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY

(a) Swine Prohibited. Swine are prohibited anywhere within the corporate limits of the city.

(b) Prohibition on keeping certain other types of animals: The following animals are prohibited within the corporate limits of the City except on parcels zoned RA (Residential Agricultural), and these animals shall not be kept within the corporate limits of the City unless they are kept on a parcel of land that is zoned RA (Residential Agricultural).

Cattle, Cows, Sheep, Horses, Goats, Donkeys, Mules, and any other large livestock.

**Section 2**. **Effective Date**: This ordinance shall take effect on January 1, 2022, from and after its final passage, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Ordinance 2021-26 be approved on first reading. The motion was seconded by Councilwoman McKenzie. Councilman Webb stated this is a big change, maybe to a lot of people but maybe not too many people at all, but before we implement this, that maybe we should have some type of public meeting and ask people to let their opinions be known about this. He is not aware of any hardships to citizens or not. The effective date is January 1, 2022 and that could be too quick. If we don't have a lot of areas where we have an issue that our Animal Control Officers could handle it as opposed to this ordinance. Upon roll call, Councilman Estes, Councilwoman McKenzie, Councilman Cassada, Councilman May, Councilman Hughes, Vice Mayor Johnson voted aye. Councilman Webb voted no. The motion passed 6-1.

The following Ordinance was then presented in full:

- **Ordinance 2021-27**– Amending Title 17, Section 17-102 of the Municipal Code concerning Solid Waste and Refuse Collection to provide that Code Enforcement Officers have authority to enforce the provisions of Title 17.

ORDINANCE 2021-27

AN ORDINANCE TO AMEND TITLE 17, SECTION 17-102, OF THE CLEVELAND MUNICIPAL CODE CONCERNING SOLID WASTE AND REFUSE COLLECTION, TO PROVIDE THAT CODE ENFORCEMENT OFFICERS HAVE AUTHORITY TO ENFORCE THE PROVISIONS OF TITLE 17 IN ADDITION TO THE AUTHORITY GRANTED TO THE PUBLIC WORKS DIRECTOR

WHEREAS, Title 17, Chapter 1, Sections 17-101 through 17-112 of the Cleveland Municipal Code pertain to Solid Waste and Refuse Collection; and

WHEREAS, Section 17-102 grants the authority to the public works director to enforce the provisions of this Chapter; and

WHEREAS, the City Manager is recommending to the City Council that this Chapter be amended to

also grant the authority to code enforcement officers to enforce the provisions of this Chapter; and WHEREAS, the City Council desires to amend Title 17, Chapter 1 of the Cleveland Municipal Code to also grant the authority to code enforcement officers to enforce the provisions of this Chapter.

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

Title 17 Chapter 1, Section 17-102 of the Cleveland Municipal Code is hereby amended to read as follows:

17-102. Responsibility for administration of this chapter.

(1) The Public Works Director is responsible for:
- (a) The enforcement of this chapter; and
- (b) Coordination of the services provided herein; and
- (c) Making recommendations to the to the city manager for improvements to the city's solid waste collection and disposal system; and
- (d) Periodically review the city's cost of providing solid waste collection, disposal, and recycling; and
- (e) Periodically recommending an adjustment to the fees for such services to offset the city's costs.

**(2) In addition to the powers and duties granted to the Public Works director under section 17-102(1), code enforcement officers are also authorized to enforce the provisions of this chapter, and to issue citations for violations of the provisions of this chapter.**

**Section 2**. **Effective Date**: This ordinance shall take effect from and after its final passage, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Ordinance 2021-27 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following memo was then presented:

- **Motion** - Cherokee Hotel RFP

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **August 9, 2021**
**RE:** **Cherokee Hotel RFP**

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**SUMMARY:**
City staff has prepared a new Cherokee Hotel RFP to solicit bids for the building redevelopment. City staff will review the RFP at the Council work session.

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends approval of sending this Cherokee Hotel RFP for bid proposals.

Councilman May moved to approve the RFP for the Cherokee Hotel Redevelopment. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following memo was then presented:

- **Motion** – Renaming Vista Drive, from Clingan Ridge to 25th Street, Hank Smith Way.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **August 9, 2021**
**RE:** **Renaming to Hank Smith Way**

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**SUMMARY:**
In a recent Council meeting, the City Council requested that City staff bring a suggested street name change to honor Hank Smith.

City staff has been working with the son of Hank Smith to rename Vista Drive to Hank Smith Way. The only property owner on this street with an address has not been supportive of this request. Our City policy is generally to have all property owners in agreement before changing an address.

Moreover, City staff has additional concerns about this short section of street due to having another Vista Drive in the City that is not directly connected to this section of Vista Drive. This could cause confusion for 911 and our emergency services in the future. Furthermore, by changing this item it would resolve the potential future concerns.

Mr. Mark Smith has offered to pay any damages to the non-supportive property owner caused by the changing of address. (Damages such as changing any legal documents.)

If the City Council has concerns about this street renaming, then an alternative change could be changing Little Drive from 25th Street to Guthrie Drive to Hank Smith Way. There are no addresses on Little Drive.

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

**FISCAL ANALYSIS:**
Potentially additional legal fees.

**RECOMMENDATION:**
City staff recommends approval of renaming Vista Drive from Clingan Ridge to 25th Street.

Councilman Hughes moved to approve renaming Vista Drive from Clingan Ridge to 25th Street, to Hank Smith Way. The motion was seconded by Councilman Estes. Councilman Hughes stated Hank Smith was terrific to our community and very giving to all the schools, especially a real donor to Cleveland State, as his son, Mark Smith has following in his footsteps. He is happy to be honoring his memory today. Councilman Webb stated he was also happy we have the opportunity to honor him today. Additionally, this is an improvement to our street names, from a safety standpoint. This eliminates the Vista Drive dogleg. Mr. Fivas stated there is a property owner that has not agreed. Councilman Hughes stated the building is vacant for over a year and that is the only address on the street. Mr. Smith has agreed to pay for any administrative cost associated with the address change plus he also offered to buy the building. Councilman Cassada added Hank Smith was a great addition to the community. He appreciates Mark Smith carrying on in his footsteps. Upon roll call, the motion unanimously passed. Mr. Smith thanked the City Council on behalf of his family. He is touched and honored. His father loved this community. Mr. Fivas stated we will let you know when the sign is ready if you'd like to have some type of ceremony.

The following memo was then presented:

- **Motion** – To modify the entrance to Ben Moore Drive.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **August 9, 2021**
**RE:** **Ben Moore Drive**

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**SUMMARY:**
City staff has been working with Wicker Development to reduce left hand turns out of Ben Moore Drive on to Paul Huff Parkway. Wicker Development has sent a preliminary sketch and a time-line for completion of the work.

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends to the City Council to allow Wicker Development to complete this work within their time-line, or no later than October 1, 2021. If it is not complete by this time-line, the City Council is directing staff to complete the changes recommended by Wicker Development.

Councilman Cassada moved to allow Wicker Development to modify the entrance to Ben Moore Drive. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

**RESOLUTION NO. 2021-76**

**WHEREAS**, representatives of the Cleveland Police Department have been in discussion with representatives of Volunteer Behavioral Health Care Systems (hereafter "VBHCS") about entering into a Memorandum of Understanding (hereafter "MOU") in connection with a mental health co-responder program; and

**WHEREAS**, in connection with this program, VBHCS has prepared the attached MOU between the City and VBHCS for this purpose; and

**WHEREAS**, the Chief of Police is recommending to the City Council that the City enter into this MOU with VBHCS; and

**WHEREAS**, the City Council desires to approve of the MOU with VBHCS; and

**WHEREAS**, the City Council further desires to authorize the Mayor to execute the MOU on behalf of the City of Cleveland.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached MOU between the City of Cleveland and Volunteer Behavioral Health Care Systems.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the MOU with Volunteer Behavioral Health Care Systems on behalf of the City.

This 9th day of August 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Councilman May moved that Resolution 2021-76 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, August 23, 2021.

There being no future business the meeting was adjourned at 4:40 p.m.

_____ _____
Mayor City Clerk

REGULAR SESSION
AUGUST 23, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 9, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Mallory Howard; Brett Tabor with Map Engineers; Mike Griffin with the Chamber of Commerce; Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Cassada, with a moment of silence for the loss of family members for Councilman Webb, 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 9, 2021 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

Ms. Mallary Howard from Hiwassee Avenue addressed the City Council concerning extreme flooding on Hiwassee Avenue and has had approximately $25,000 in expenses at her home. This has been an ongoing issue and is asking for the City Council to look at the area.

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the Stormwater Division's Annual Report to Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control. Mayor Brooks asked if anyone would like to speak in favor of the approval of the annual report. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the annual report. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the use of the FY2021 Byrne Justice Assistance Grant Award to be received by the Cleveland Police Department. Mayor Brooks asked if anyone would like to speak in favor of the approval of the grant use. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the grant use. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning an amendment to the development standards outlined in section 7 of PUD26 Planned Unit Development Zoning District located on Freewill Rd NW. Corey Divel stated this was approved by the Planning Commission 9-0. Mayor Brooks asked if anyone would like to speak in favor of the approval of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the approval of the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

## CONSENT AGENDA

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

- **Final Passage - Zoning Ordinance 2021-23**– heretofore passed on first reading August 9, 2021 and found in Minute Book 30, Page 333; Rezoning .31 acres, more or less, located at 2506 Henderson Ave NW (Tax Map 49D Group F Parcel 2.00) from R2 Low Density Single and Multi-family Residential Zoning District to PI Professional Institutional Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance 2021-24** – heretofore passed on first reading August 9, 2021 and found in Minute Book 30, Page 334; Rezoning 20.1 acres, more or less, located at the corner of Westside Dr and Norman Chapel Rd NW (Tax Map 41F Group D Parcel 1.00) from CH Commercial Highway Zoning District and R4 Mobile Home Park Zoning District to PUD30 Planned Unit Development Zoning District (Planning Commission: Approved 9-0).
- **Final Passage - Ordinance 2021-27**– heretofore passed on first reading August 9, 2021 and found in Minute Book 30, Page 355; Amending Title 17, Section 17-102 of the Municipal Code concerning Solid Waste and Refuse Collection to provide that Code Enforcement Officers have authority to enforce the provisions of Title 17.
- **Motion** – Authorizing the Mayor to sign the annual report to Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control from the Stormwater Division.
- **Street Light Request** – 3455 Ridgeway Drive NW (Cleveland Utilities states current lighting fixtures comply with the City's guidelines. The existing HPS Fixtures to be upgraded to 40-watt LED fixtures at a cost of $146.70 each).
- **Resolution 2021-66–** Authorizing a three-year contract with Cleveland Utilities for outdoor lighting at Fire Station 3 on APD40.

## RESOLUTION 2021-66

**WHEREAS,** the City of Cleveland, and specifically the Cleveland Fire Department, desires to install outdoor lighting at the fire station located at 2000 APD 40; and

**WHEREAS,** City staff contacted Cleveland Utilities about the installation of outdoor lighting at the fire station located at 2000 APD 40, and has been advised by a representative of Cleveland Utilities that Cleveland Utilities has a policy of requiring a contract for outdoor lighting; and

**WHEREAS**, Cleveland Utilities has presented the City with the attached three-year parking light contract for outdoor lighting at the fire station located at 2000 APD 40; and

**WHEREAS**, the City Council desires to enter into the attached contract with Cleveland Utilities, 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 contract with Cleveland Utilities for outdoor lighting at the fire station located at 2000 APD 40, and it further authorizes the Mayor to execute the contract on behalf of the City of Cleveland.

This 23rd day of August 2021.
APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-77** – Authorizing the Mayor to sign a grant application for the 2021 Edward Byrne Grant to be used for in-car camera systems.

**RESOLUTION 2021-77**

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR FY2021 THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE**

**WHEREAS,** the City of Cleveland desires to apply for a FY2021 Edward Byrne Memorial Justice Assistance Grant in the amount of $43,766 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 RESOLVE**D 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 23rd day of August, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-78** - Authorizing the Mayor to sign an interlocal agreement with Bradley County for the 2021 Byrne Justice Assistance Grant (JAG) Program Award.

**RESOLUTION 2021-78**

**WHEREAS,** the Cleveland Police department has received notification from the United States Department of Justice, Office of Justice Programs that an Interlocal agreement needs to be executed between the City of Cleveland and Bradley County, Tennessee in connection with grant funds being provided from the 2021 Byrne Justice Assistance Grant (JAG) Program; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached interlocal agreement with Bradley County, Tennessee, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-79** – Authorizing the Mayor to sign an application for the 2021 Patrick Leahy Bulletproof Vest Partnership Program.

**RESOLUTION 2021-79**

**AUTHORIZING THE CITY OF CLEVELAND TO APPLY FOR A BULLETPROOF VEST PARTNERSHIP GRANT FOR FY 2021 YEAR THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE**

**WHEREAS,** the City of Cleveland desires to apply for a FY 2021 Patrick Leahy 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 20 vests is $15,750 ($787.50 each), and the grant, if approved, would reimburse the City for 50% of the cost of these vests; and

**WHEREAS**, the City Council desires to apply for this grant, and to authorize the Mayor to sign all documents and to take all actions on behalf of the City that may be necessary or appropriate in connection with the grant application, and to accept the grant if approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland that the City of Cleveland is hereby authorized to apply for this grant, and the Mayor is hereby further authorized to sign all documents on behalf of the City that may be necessary or appropriate for the completion of the grant application.

**BE IT FURTHER RESOLVED** that if the City is awarded the grant, that the Mayor is further authorized to sign all documents and to take any other action on behalf of the City that may be necessary or appropriate for the City to accept this grant.

This 23rd day of August, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-80 –** Accepting Appalachia Lane (approx. 360 feet) and a section of Appalachia Boulevard as a city street.

**RESOLUTION 2021-80**

**WHEREAS,** two streets located within the City of Cleveland are Appalachia Lane (approximately 360 feet) and Appalachia Boulevard (from Holloway Road to Appalachia Lane), which are both depicted on a plat entitled "Appalachia Development Streets" and which are located near APD 40 and Holloway Road in the City of Cleveland; and

**WHEREAS,** these two streets are shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 37 Page 56; and

**WHEREAS,** the developer has requested that the City accept these two streets as City streets; and

**WHEREAS**, the City's engineering staff has inspected these streets is now recommending that the City accept these streets as City streets; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Appalachia Lane (approximately 360 feet) and Appalachia Boulevard (from Holloway Road to Appalachia Lane) as City streets.

This 23rd day of August 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-81 –** Establishing the Redistricting Committee to adopt new district boundaries as required by the election laws of the State of Tennessee.

**RESOLUTION 2021-81**

WHEREAS, due to the 2020 Census, the City Council needs to begin the redistricting process for the City of Cleveland as required by the election laws of the State of Tennessee; and

WHEREAS, in 2010, the City Council appointed a redistricting committee consisting of the five district members of the City Council along with the coordinator of elections; and

WHEREAS, the City Council desires to re-appoint a committee to serve this purpose for the required upcoming redistricting process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council hereby appoints the following City council members and other persons to serve as members of this redistricting committee. Once the committee has completed its work, the committee will report back to the City Council with a redistricting recommendation to be adopted by the City Council.

**Redistricting Committee Members:**

1. Marsha McKenzie-City Council Member District 1
2. Bill Estes- City Council Member District 2
3. Tom Cassada- City Council Member District 3
4. David May- City Council Member District 4
5. Dale Hughes- City Council Member District 5
6. Fran Green-Bradley County Coordinator of Elections
7. A member of the City's GIS department to assist the committee.

This 23rd day of August 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Motion -** Blue Cross Blue Shield grant application.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **August 23, 2021**
**RE:** **BCBS Grant Application Approval**

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**SUMMARY:**
City staff is preparing a Blue Cross Blue Shield (BSBC) Healthy Initiative Grant that would provide a new inclusive playground at Greenway Park. The design is similar to the BCBS Grant applied for in 2020. City staff will give a presentation at the work session to discuss the elements of the inclusive playground. The City would provide property and BCBS provides all of the funding for the playground.

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends approval of the BCBS Grant Application for Greenway Park.

**UNFINISHED BUSINESS**

The following Ordinance was then presented in full:

- **Final Passage - Ordinance 2021-26**– Amending Title 10, Section 10-102 of the Municipal Code concerning the types of animals that are prohibited within the corporate limits of the City.

**ORDINANCE 2021-26**

AN ORDINANCE TO AMEND TITLE 10 SECTION 10-102 OF THE CLEVELAND MUNICIPAL CODE CONCERNING THE TYPES OF ANIMALS THAT ARE PROHIBITED IN THE CITY AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THIS AMENDMENT

WHEREAS, the City Council has discussed amending the Cleveland Municipal Code pertaining to Animal Control and specifically the types of animals that should be prohibited within the corporate limits of the city, except on a parcel of land that is zoned Residential/Agricultural or on certain large parcels where the existing subdivision regulations specifically allow these types of animals; and

WHEREAS, the City Council desires to adopt this ordinance to amend the Cleveland Municipal Code to prohibit the keeping of certain animals within the City of Cleveland except on those parcels which are zoned Residential Agricultural (RA) or on certain large parcels where the existing subdivision regulations specifically allow these types of animals, and to provide for an effective date of this amendment.

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

Title 10 Chapter 1, Section 10-102 of the Cleveland Municipal Code is hereby amended to read as follows:

**Section 1.**

TITLE 10-ANIMAL CONTROL

CHAPTER 1. IN GENERAL

SECTION 10-102 ANIMALS PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY

(a) Swine Prohibited. Swine are prohibited anywhere within the corporate limits of the city.

(b) Prohibition on keeping certain other types of animals: The following animals are prohibited within the corporate limits of the City, and these animals shall not be kept within the corporate limits of the City unless they are kept on a parcel of land that is zoned RA (Residential Agricultural), or on a parcel of land that is five (5) acres or more that is not zoned RA, but only where the applicable private subdivision regulations in effect on the date of the final adoption of this ordinance specifically allow one or more of these type of animals. In that event, these types of animals may be kept on said parcel of land that is five (5) acres or more, but only to the extent specifically allowed by the applicable private subdivision regulations.

Cattle, Cows, Sheep, Horses, Goats, Donkeys, Mules, and any other large livestock.

**Section 2**. **Effective Date**: This ordinance shall take effect on January 1, 2022, from and after its final passage, the public welfare requiring it.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2021-26 be voted for passage on final reading; heretofore passed on first reading August 9, 2021 and found in Minute Book 30, Page 354. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-59 –** Adopting a Plan of Service for the annexation area of about 70.00 acres located on Tasso Ln NE (Planning Commission: Approved 7-0; Absent-2).

**RESOLUTION 2021-59**

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

**TASSO LN CT PROPERTIES 2021 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 July 12, 2021 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 an iron pin located at the southeast corner of the lands of Eldredge, as recorded in BCROD deed book 397 page 364, said point being located in the existing City Limits and the point of beginning; thence following the western line of the lands of CT Properties, as recorded in BCROD deed book 2629 page 790, with the existing City Limits in a northerly direction north 29 degrees 47 minutes 9 seconds east, 731.15 feet to an iron pin; thence north 60 degrees 12 minutes 14 seconds west, 300 feet to an iron pin; thence north 29 degrees 47 minutes 13 seconds east, 157.20 feet to an iron pin; thence south 60 degrees 12 minutes 14 seconds east, 299.53 feet to an iron pin; thence north 28 degrees 48 minutes 10 seconds east, 2168.34 feet to an iron pin; thence north 24 degrees 3 minutes 15 seconds east, 237.70 feet to an iron pin; thence south 60 degrees 48 minutes 28 seconds east, 409.59 feet to an iron pin; thence south 22 degrees 58 minutes 42 seconds west, 494.71 feet to an iron pin; thence south 14 degrees 31 minutes 8 seconds east, 296.41 feet to an iron pin; thence south 49 degrees 53 minutes 58 seconds east, 231.78 feet to a point; thence south 22 degrees 8 minutes 13 seconds west, 255.23 feet to a point; thence south 55 degrees 0 minutes 55 seconds west, 410.92 feet to a point; thence south 67 degrees 11 minutes 49 seconds east, 462.91 feet to an iron pin; thence south 23 degrees 34 minutes 32 seconds west, 339.38 feet to an iron pin; thence south 23 degrees 34 minutes 5 seconds west, 75.83 feet to an iron pin; thence south 23 degrees 34 minutes 5 seconds west, 343.48 feet to an iron pin; thence south 23 degrees 41 minutes 51 seconds west, 518.67 feet to an iron pin, said pin being located in the northern right of way of Tasso Lane; thence crossing Tasso Lane in a southwesterly direction 57 feet, more or less, to the northeast corner of the lands of Tasso Methodist Church, as recorded in BCROD deed book 289 page 563, said point being located in the southern right of way of Tasso Lane; thence following the southern right of way of Tasso Lane in a westerly direction 261 feet, more or less, to the northeast corner of the lands of Joe Stuart, as recorded in BCROD deed book 1575 page 456; thence continuing in a westerly direction with the southern right of way of Tasso Lane 135 feet, more or less, to the northeast corner of the lands of Joe Stuart, as recorded in BCROD deed book 2485 page 412; thence continuing in a westerly direction with the southern right of way of Tasso Lane 1820 feet, more or less, to the northeast corner of the lands of Brian Stringham, as recorded in BCROD deed book 2671 page 345; thence continuing in a westerly direction with the southern right of way of Tasso Lane 176 feet, more or less, to the southwest corner of the intersection of Tasso Lane and Grove Park Drive; thence following the existing City Limits crossing Tasso Lane in a northerly direction 50 feet, more or less, to the point where the existing City Limits intersects the northern right of way of Tasso Lane; thence continuing in an easterly direction with the northern right of way of Tasso Lane 504 feet, more of less, to the southwest corner of the lands of CT Properties, as recorded in BCROD deed book 2645 page 69; thence continuing in an easterly direction with the northern right of way of Tasso Lane 406 feet, more or less, to the southeastern corner of the lands od CT Properties, said point being the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**JUNE 11, 2021**
**TASSO LN-CT PROPERTIES**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 70.0 acres located on Tasso Ln NW as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 2021.

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

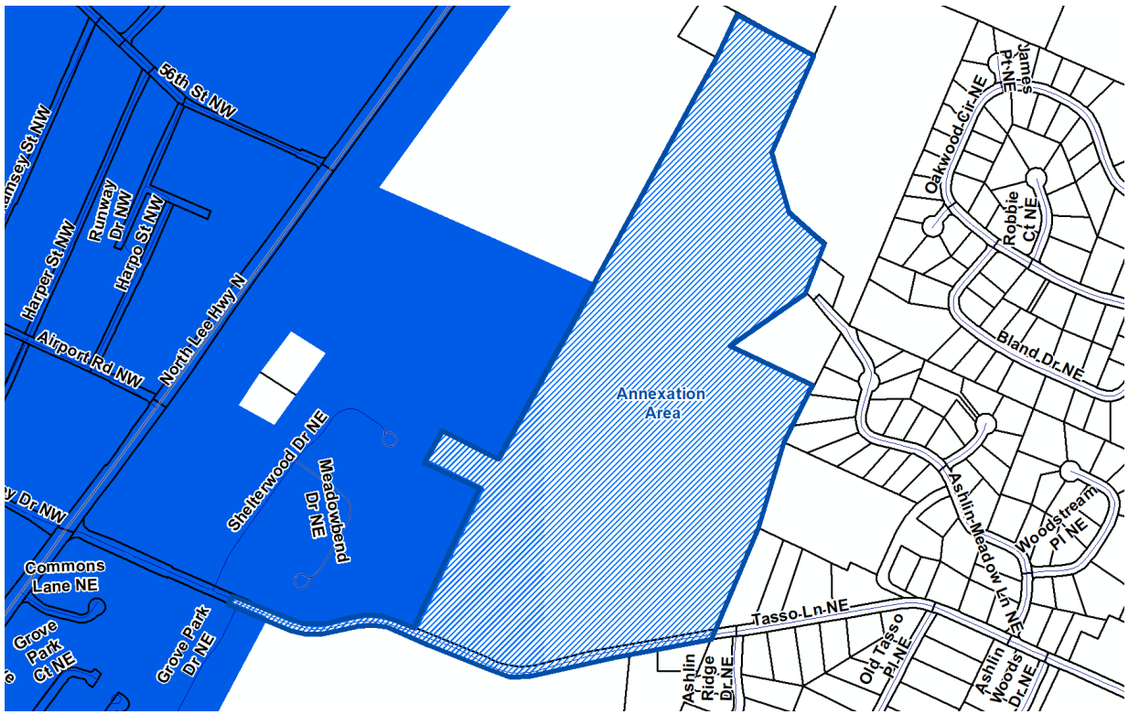
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists one parcels approximately 70.00 acres in size. The annexation would zone the property as a Planned Unit Development with approximately 175 residential dwelling units and 420 residents. The property is described as of Tax Map 34 Parcel 25.09 and includes additional right-of-way along Tasso Ln NE.

**TASSO LN-CT PROPERTIES**
**MAP**




## Legal Description

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# 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 Two, without budgetary impact.

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

A. Domestic Water--- Domestic (residential) water service is available to this parcel. An 18-inch ductile iron pipe (DIP) water main is located on the south side of Tasso Lane. To provide a higher volume of water to the site, an 8" DIP connection to the existing 18-inch DIP is required as well as a bore of underneath Tasso Lane to install approximately 50 ft of 8-inch water main. To provide additional domestic water service to the site, it is estimated to cost $25,000 and can be completed within eight (8) years after annexation.

See Figure 1.

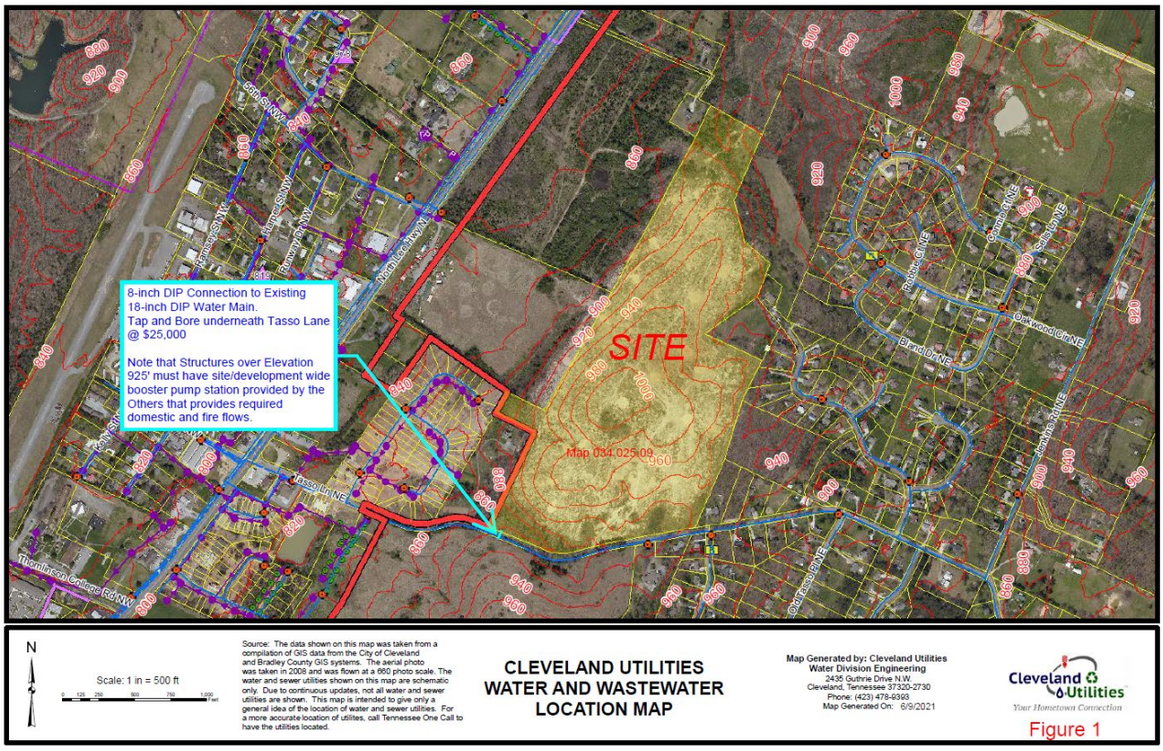
Note that much of the site is above El. 925 which will not have desired water pressures. As such, all structures above El. 925 will be required to be served with a site wide water booster pump station that will also be capable of providing required fire flows. Costs (design and construction) of the pump station is by Others.

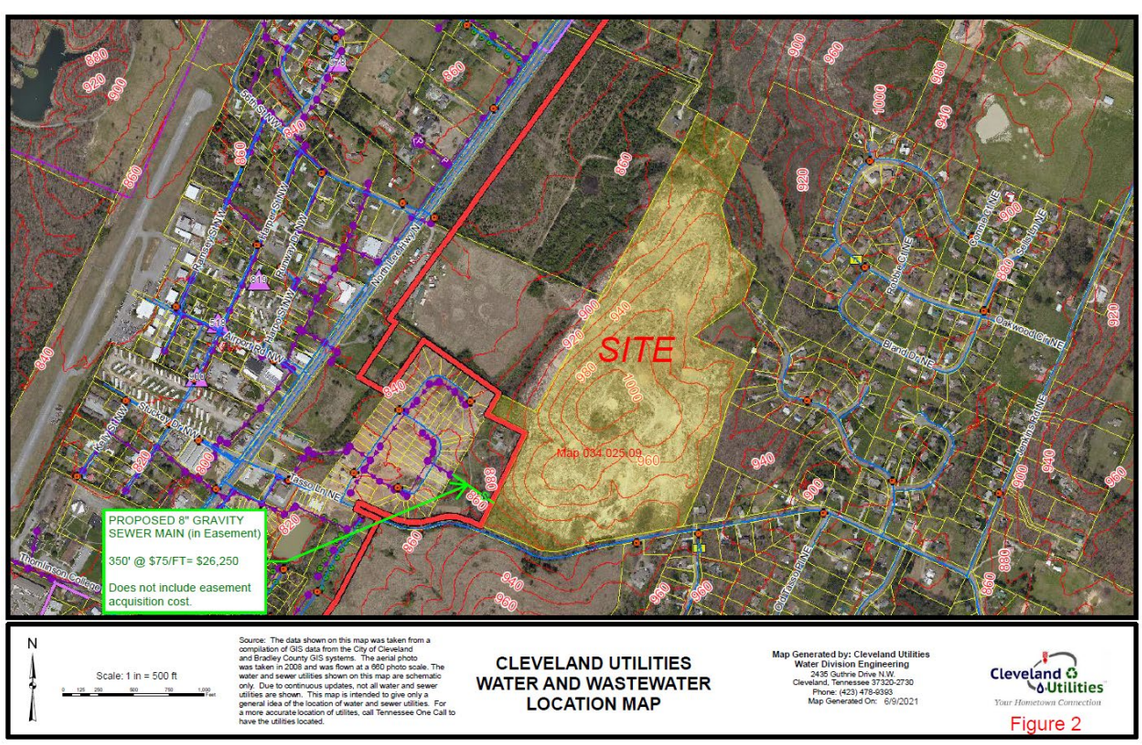
B. Sanitary Sewer--- Sanitary sewer facilities will need to be extended to serve this parcel. . Sewer service can be provided to the site via an extension of approximately 350 feet of 8" gravity sewer main at the southern portion of the site. The extension will require and easement to be acquired from an adjacent parcel (Map 034 025.05). To provide sanitary sewer service to the site, it is estimated to cost $26,250 and can be completed within eight (8) years after annexation.

C. Fire Protection--- Fire protection is presently available at the site via a fire hydrant located along Tasso Lane. See Section "A." above.

## SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Tasso Lane<br>(Tax Map 034, Parcel 025.09) | $25,000 | $26,250 | $0 | $51,250 |



**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

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

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

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

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

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

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

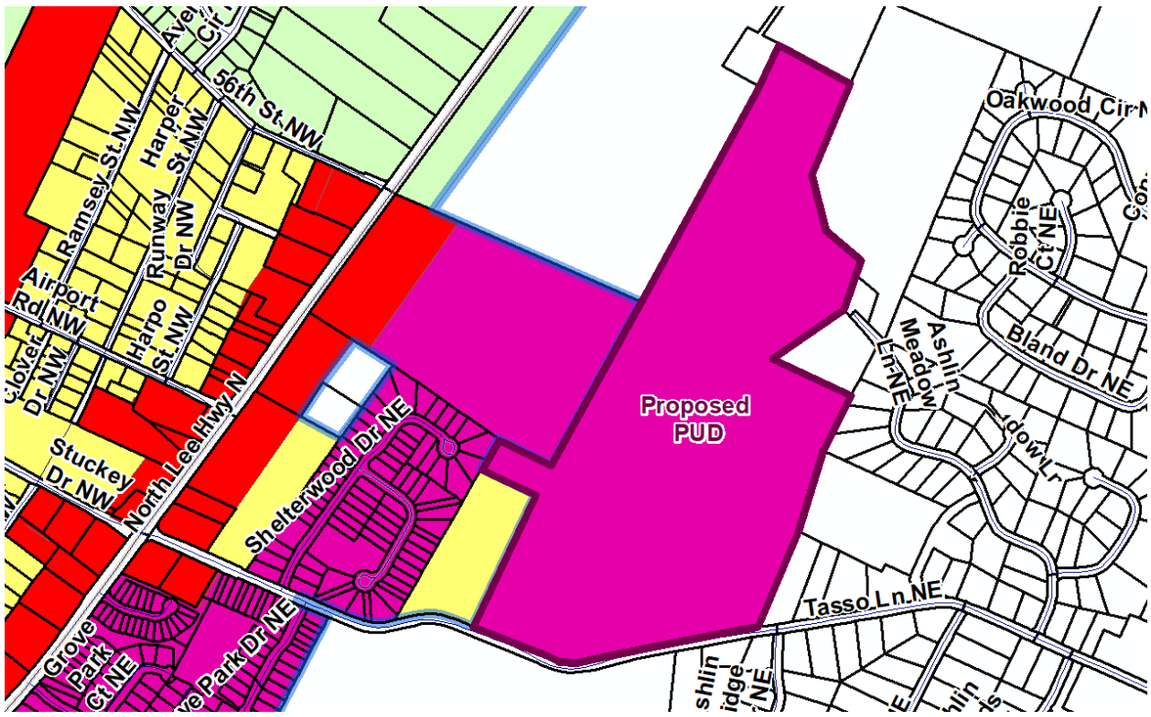
**6. Schools**

The current cost to the school system is $976.59 per student per year. Using this formula, it is estimated the Tasso Ln CT Properties annexation would add 67 students to Cleveland City Schools at an annual cost of $65,432.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for a PUD Planned Unit Development Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 420 residents to the 5th City Council District.

**10. Stormwater**

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

## Revenue

The total income from annexation without any improvements would result in approximately $5,427.95 in property tax revenue.

With approximately 175 homes developed on the site with an estimated value of $250,000 each, property tax revenue would increase to approximately **$225,312.50**.

With an estimated 420 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$48,615**.

The annual stormwater fee for all homes on this site is estimated at **$3,423**.

Total revenue generated as a result of this annexation after the subdivision is developed would be approximately **$277,350.50.**

Councilman Hughes moved that Resolution 2021-59 be approved as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-60 –** Annexing about 70.00 acres located on Tasso Ln NE (Planning Commission: Approved 7-0; Absent-2).

**RESOLUTION 2021-60**

**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 CT PROPERTIES 2021 ANNEXATION AREA**

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on July 12, 2021.

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 an iron pin located at the southeast corner of the lands of Eldredge, as recorded in BCROD deed book 397 page 364, said point being located in the existing City Limits and the point of beginning; thence following the western line of the lands of CT Properties, as recorded in BCROD deed book 2629 page 790, with the existing City Limits in a northerly direction north 29 degrees 47 minutes 9 seconds east, 731.15 feet to an iron pin; thence north 60 degrees 12 minutes 14 seconds west, 300 feet to an iron pin; thence north 29 degrees 47 minutes 13 seconds east, 157.20 feet to an iron pin; thence south 60 degrees 12 minutes 14 seconds east, 299.53 feet to an iron pin; thence north 28 degrees 48 minutes 10 seconds east, 2168.34 feet to an iron pin; thence north 24 degrees 3 minutes 15 seconds east, 237.70 feet to an iron pin; thence south 60 degrees 48 minutes 28 seconds east, 409.59 feet to an iron pin; thence south 22 degrees 58 minutes 42 seconds west, 494.71 feet to an iron pin; thence south 14 degrees 31 minutes 8 seconds east, 296.41 feet to an iron pin; thence south 49 degrees 53 minutes 58 seconds east, 231.78 feet to a point; thence south 22 degrees 8 minutes 13 seconds west, 255.23 feet to a point; thence south 55 degrees 0 minutes 55 seconds west, 410.92 feet to a point; thence south 67 degrees 11 minutes 49 seconds east, 462.91 feet to an iron pin; thence south 23 degrees 34 minutes 32 seconds west, 339.38 feet to an iron pin; thence south 23 degrees 34 minutes 5 seconds west, 75.83 feet to an iron pin; thence south 23 degrees 34 minutes 5 seconds west, 343.48 feet to an iron pin; thence south 23 degrees 41 minutes 51 seconds west, 518.67 feet to an iron pin, said pin being located in the northern right of way of Tasso Lane; thence crossing Tasso Lane in a southwesterly direction 57 feet, more or less, to the northeast corner of the lands of Tasso Methodist Church, as recorded in BCROD deed book 289 page 563, said point being located in the southern right of way of Tasso Lane; thence following the southern right of way of Tasso Lane in a westerly direction 261 feet, more or less, to the northeast corner of the lands of Joe Stuart, as recorded in BCROD deed book 1575 page 456; thence continuing in a westerly direction with the southern right of way of Tasso Lane 135 feet, more or less, to the northeast corner of the lands of Joe Stuart, as recorded in BCROD deed book 2485 page 412; thence continuing in a westerly direction with the southern right of way of Tasso Lane 1820 feet, more or less, to the northeast corner of the lands of Brian Stringham, as recorded in BCROD deed book 2671 page 345; thence continuing in a westerly direction with the southern right of way of Tasso Lane 176 feet, more or less, to the southwest corner of the intersection of Tasso Lane and Grove Park Drive;

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**JUNE 11, 2021**
**TASSO LN-CT PROPERTIES**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

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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.

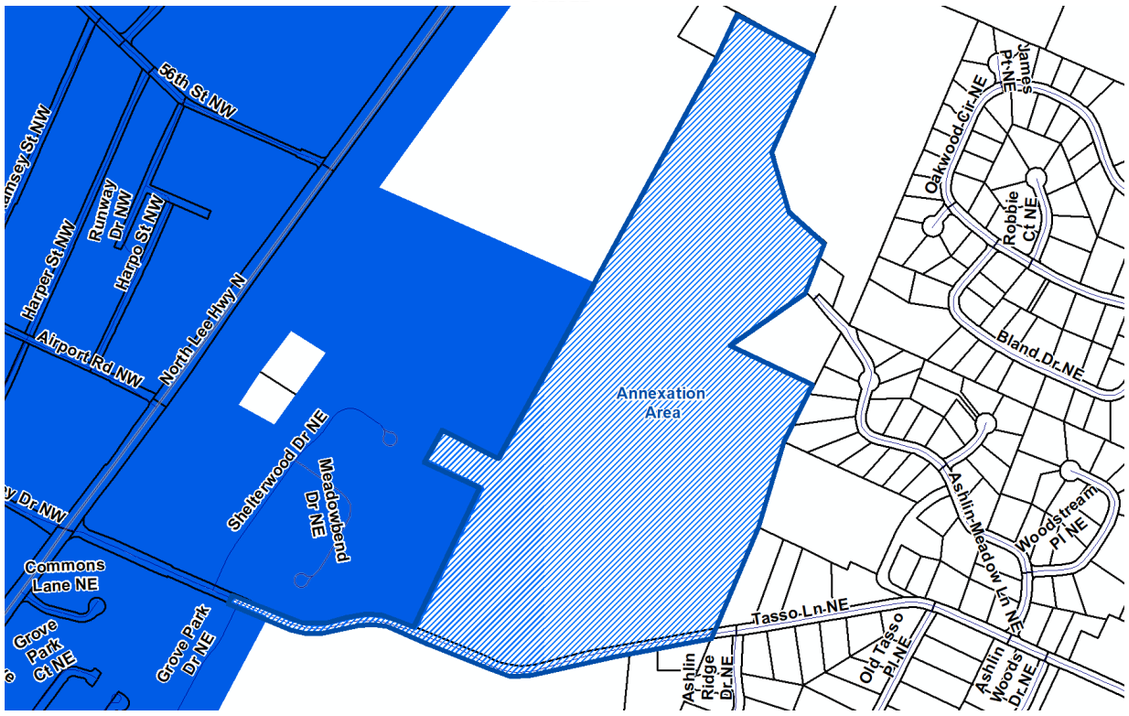
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**TASSO LN-CT PROPERTIES**
**MAP**




**Legal Description**

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# Plan of Services

1. **Police Protection**
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   There is no additional cost expected from this annexation.

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   The Cleveland Fire Department could provide immediate service to this parcel, from our current Station Two, without budgetary impact.

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A. Domestic Water--- Domestic (residential) water service is available to this parcel. An 18-inch ductile iron pipe (DIP) water main is located on the south side of Tasso Lane. To provide a higher volume of water to the site, an 8" DIP connection to the existing 18-inch DIP is required as well as a bore of underneath Tasso Lane to install approximately 50 ft of 8-inch water main. To provide additional domestic water service to the site, it is estimated to cost $25,000 and can be completed within eight (8) years after annexation.

See Figure 1.

Note that much of the site is above El. 925 which will not have desired water pressures. As such, all structures above El. 925 will be required to be served with a site wide water booster pump station that will also be capable of providing required fire flows. Costs (design and construction) of the pump station is by Others.

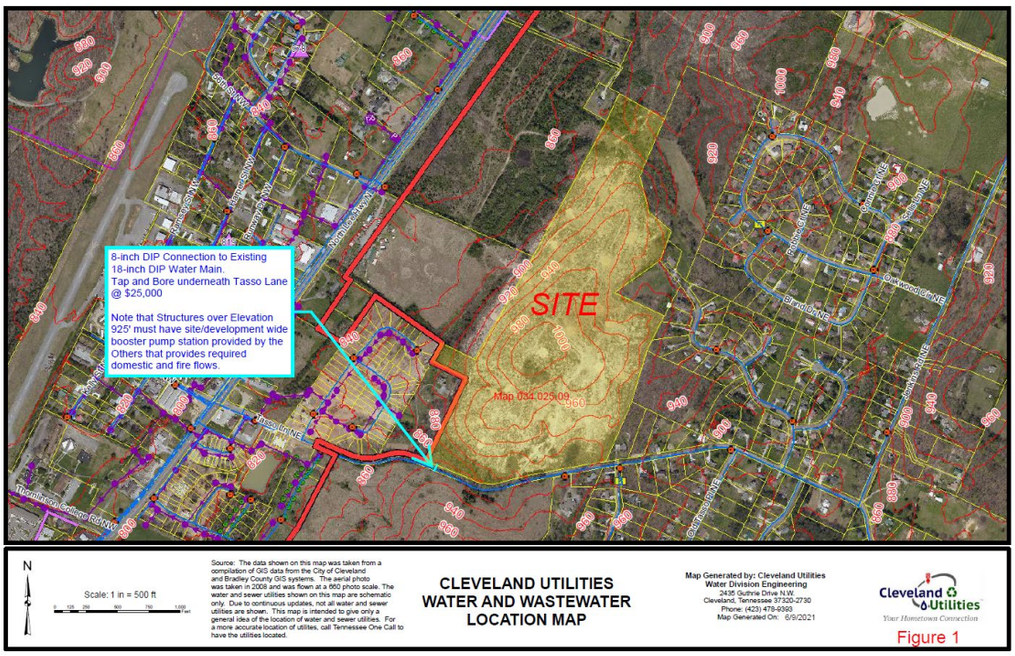
B. Sanitary Sewer--- Sanitary sewer facilities will need to be extended to serve this parcel. . Sewer service can be provided to the site via an extension of approximately 350 feet of

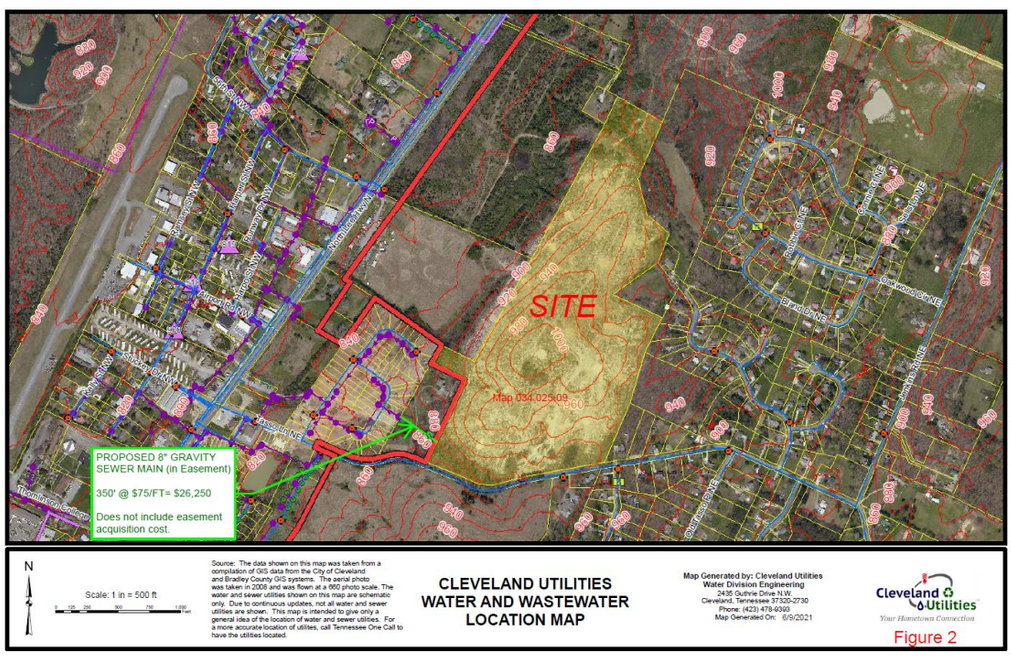
8" gravity sewer main at the southern portion of the site. The extension will require and easement to be acquired from an adjacent parcel (Map 034 025.05). To provide sanitary sewer service to the site, it is estimated to cost $26,250 and can be completed within eight (8) years after annexation.

C. Fire Protection--- Fire protection is presently available at the site via a fire hydrant located along Tasso Lane. See Section "A." above.

**SUMMARY OF COSTS**

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Tasso Lane (Tax Map 034, Parcel 025.09) | $25,000 | $26,250 | $0 | $51,250 |



**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

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

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

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.

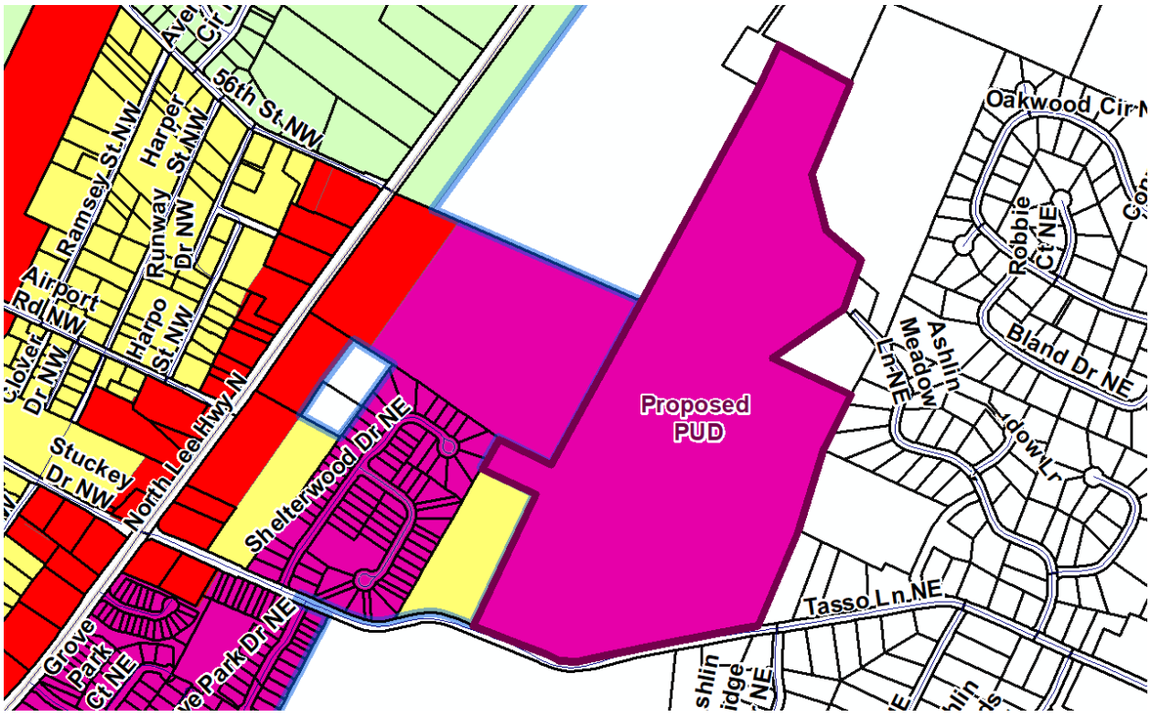
**6. Schools**

The current cost to the school system is $976.59 per student per year. Using this formula, it is estimated the Tasso Ln CT Properties annexation would add 67 students to Cleveland City Schools at an annual cost of $65,432.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for a PUD Planned Unit Development Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 420 residents to the 5th City Council District.

**10. Stormwater**

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

## Revenue

The total income from annexation without any improvements would result in approximately $5,427.95 in property tax revenue.

With approximately 175 homes developed on the site with an estimated value of $250,000 each, property tax revenue would increase to approximately **$225,312.50**.

With an estimated 420 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$48,615**.

The annual stormwater fee for all homes on this site is estimated at **$3,423**.

Total revenue generated as a result of this annexation after the subdivision is developed would be approximately **$277,350.50.**

Councilman Webb moved that Resolution 2021-60 be approved as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2021-21 –** Zoning 70.00 acres located on Tasso Ln NE from the unincorporated county to PUD29 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; Absent-2).

**ZONING ORDINANCE 2021-21**

**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 TASSO LN SUBDIVISION NW PROPERTY "PUD 29" ON PROPERTY DESCRIBED AS TAX MAP 34 PARCEL 25.09, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 29; 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 29" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 29 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 29 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 29, Tasso Ln Subdivision Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 34 Parcel 25.09. Exhibit B illustrates the overall Tasso Ln Subdivision Conceptual Plan for the subject property.

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

This section is intended to provide a general description of the Tasso Ln Subdivision Development. The project consists of a mixture of detached single-family homes on small lots and attached single-family dwellings in multi-unit townhome structures. Lots for attached multi-unit townhome units may constitute no more than 20 percent of the overall subdivision lots within the greater development. Exhibit B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed one unit per 4000 square feet for lots containing single-family detached homes; two units per 7500 square feet; three units per 10,000 square feet, and four units per 12,500 square feet. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas or landscaped common area.

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

The PUD 29 Subdivision allows for the construction of up to 180 dwelling units in detached single family houses and multi-unit townhome structures with up to four dwelling units per building. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 29 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Tasso Ln Subdivision development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 29 district. Uses other than those described as permitted or allowed herein are prohibited.

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

**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit B) for PUD 29, Tasso Ln Subdivision Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on June 15, 2021. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 29 must be generally consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 180 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Tasso Ln Subdivision development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

All streets within the PUD 29 Tasso Ln Subdivision development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer.

**6.B. PLATS.**

One or more plats will be prepared for the PUD 29 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats

shall be consistent in general layout with the conceptual site plan. The City and the developer shall consider exact street designs and locations which facilitate slower traffic speeds which shall be approved during the platting process.

**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 29 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 29 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD29 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. All foundations must be made of brick on stone. Not including any dormer or gables, the front façade of all structures shall be of brick, stone or cement fiber board materials. Twenty-five percent of the aggregate square footage of the front facades of all homes must be of a brick or stone material, exclusive of all garages, doors and windows. No blank walls along street elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

Due to the topography of the property any area with a slope greater than 2 ½ to 1 shall be reforested with evergreens. Plantings shall be a minimum of 3' in height at the time of installation and the developer shall ensure a minimum survivability rate of at least 80% over two years from the original planting. No less than 500 trees shall be installed over the planting area. No steep slopes shall be within 15' of any structure.

The developer shall dedicate right-of-way adequate to serve a deceleration lane as well as a center turn lane from Tasso Ln. Build out of the center turn lane and deceleration lane shall be required before acceptance of any new street within the subdivision. The developer shall dedicate any right-of-way necessary and shall be responsible for construction of said improvements. The deceleration lane shall be curbed to City standards.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Setbacks

The minimum setbacks and lot width requirements single-family detached home sites is 46 feet (townhome sites shall comply with existing city townhome regulations for lot width), front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 25' from the property line adjoining external lot lines and 15' for all other rear setbacks. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

7.B Sidewalks and Amenities

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

A monument style ground sign shall be installed at all entrances to the site. The areas adjoining Tasso Ln shall either be provided with a tree preservation plan or a type B buffer for any area not adequate for preservation. Open space shall be maintained at proportion no less than 15% of the total buildable area. Community facilities, including a swimming pool with clubhouse, playground or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. The area around any community clubhouse and pool must include a double buffer with a minimum 6' tall privacy fence if adjoining any residential areas not within the PUD 29 boundary. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

A centralized cluster mailbox unit shall be provided for the United States Postal Service. The area around the cluster mailbox unit shall be landscaped and three off street parking spaces shall be provided.

**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 PUD29 Tasso Ln Subdivision Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this

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

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD29, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit B then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

**Section 10. BINDING UPON OTHERS.** This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD29 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 CT Properties of or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

**Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

Approved this ___ day of ____, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

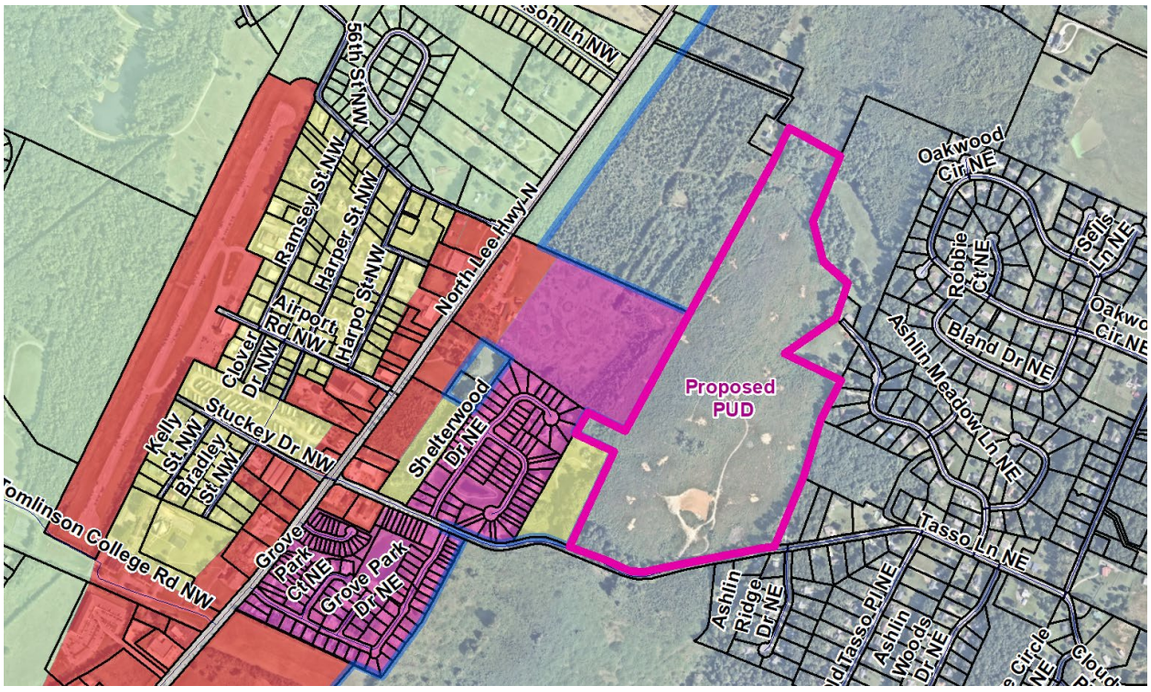
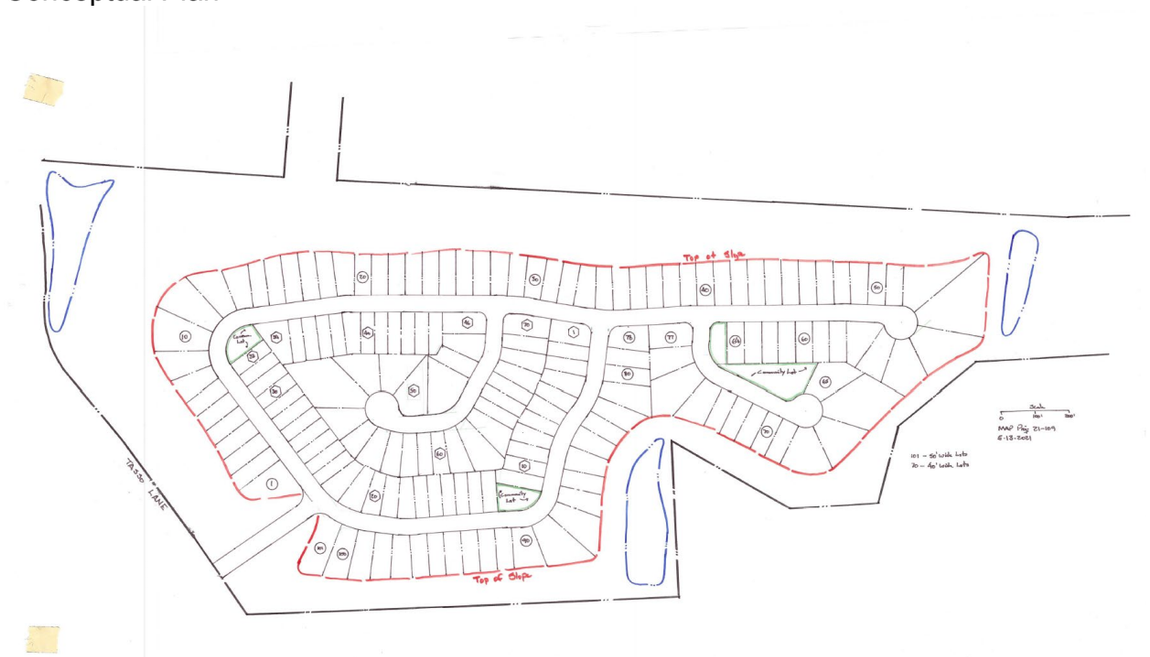



**Exhibit B**
Conceptual Plan




Vice Mayor Johnson moved that Zoning Ordinance 2021-21 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May stated at the last meeting he asked for a review of traffic along Blythe Ferry Road and Michigan Avenue. He has now received calls from residents of Stephens Road with concerns of trucks leaving the construction site and exit onto Stephens Road to Blythe Ferry. He is asking if staff can look at limiting trucks. Mr. Fivas stated staff will obtain some traffic counts.

Councilman Hughes asked with the grand opening of the new Avail Senior Living facility, if a tour and lunch would be possible for Councilmembers. Also, the Senior Citizen Committee, headed by Councilman Webb, attendance has dwindled and would like someone to check with the district representatives to see if they would continue to serve.

Vice Mayor Johnson stated he received a call from Faye Holmes inquiring about the new gate on Smith Drive at the new housing development.

Councilwoman McKenzie asked for an update on the study for a roundabout on Georgetown Road at Westside Drive. Mr. Fivas stated city staff has been busy working on the Peerless and Frontage Road design and hopefully at the next meeting we will have a drawing.

## NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance 2021-28** – Amendment to the development standards outlined in section 7 of PUD26 Planned Unit Development Zoning District located on Freewill Rd NW (Planning Commission: Approved 9-0).

### ORDINANCE 2021-28

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO AMEND THE PUD 4 ZONING DISTRICT AS DESCRIBED BY ORDINANCE 2020-32 BY AMENDING THE DEVELOPMENT STANDARDS AS OUTLINED WITHIN SECTION 7 OF PUD 26 PLANNED UNIT DEVELOPMENT.

WHEREAS the City of Cleveland, Tennessee, hereinafter "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter "PUD", process as an alternative development standard whereby to accomplish such development; and

WHEREAS the City zoned certain property as PUD26 by Ordinance 2020-32 which ordinance contains the general project descriptions of the PUD26 standards for Freewill Rd Subdivision; and

WHEREAS, at its meeting on August 17, 2021 the Cleveland Municipal Planning Commission recommended changes to PUD 26 sought by the current owner(s) in order to adjust the layout, and the City Council desires to approve those changes.

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

Section 1. Section 7 of Ordinance Number 2020-32, which establishes the Development Standards within PUD 26, is hereby replaced with the following language:

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD26 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation

(reverse elevations do not count as different building elevations), facade, materials, or colors. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions. Residential areas must also incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, change in materials or texture, windows, or other architectural features. All foundations must be made of brick on stone. Not including any dormer or gables, the front façade of all structures shall be of brick, stone or cement fiber board materials. Twenty-five percent of the aggregate square footage of the front facades of all homes must be of a brick or stone material, exclusive of all garages, doors and windows. No blank walls along street elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

All lots shall be serviced by sidewalks within the subdivision. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission. A dedication for a section of the proposed Candies Creek Greenway must be made available through the common area along the eastern side of the development. In addition, a sidewalk connection must be made from the neighborhood sidewalk and street to the greenway in a location determined by the City of Cleveland.

A monument style ground sign shall be installed at all entrances to the site. A type "B" buffer shall be installed along Freewill Rd and along the existing residential development fronting Candies Ln. Open space shall be maintained at proportion no less than 15% of the total buildable area. Community facilities, including a swimming pool with clubhouse, playground or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. The area around any community clubhouse and pool must include a double buffer with a minimum 6' tall privacy fence where adjoining any lot not within the PUD 26 Zoning District. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Setbacks

The minimum setbacks and lot width requirements single-family detached home sites is 46 feet (townhome sites shall comply with existing city townhome regulations for lot width), front setback requirements are 20 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 25' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density

Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Ordinance 2021-28 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- City Offices will be closed on Monday, September 6, 2021 in observance of Labor Day.
- The next City Council meeting will be held on Monday, September 13, 2021.

There being no future business the meeting was adjourned at 3:20 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
SEPTEMBER 13, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 13, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Cathy Andrews, CDBG Coordinator; Paul Garner; Carol and Doug Dunsmore; Frank Walker; Doug Berry and Mike Griffin with the Chamber of Commerce and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Pastor Frank Walker with First 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 August 23, 2021 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

Paul Garner addressed the City Council concerning a noise disturbance near his residence on Mouse Creek Road. He called the dispatch number and the dispatcher was short with him. A noise permit was issued by the Cleveland Police Department until 1:00 a.m. in error. He thanked the Cleveland Police Department for their quick response and handling the situation. Councilman Hughes stated he followed up with Mr. Fivas and it was realized the permit had been issued for the incorrect time.

## CITY MANAGER REPORT

Mr. Fivas announced that City Offices will be closed on October 11 in observance of Columbus Day and added the City Council meeting would be cancelled. Also, the Redistricting Committee will be scheduling a meeting and will announce the date soon. Third, the census data has been received and indicates our city population has increased to 47,356, which is a little less than a 15% increase. Additional information will be distributed to the Council. The county population increased to 108,620. Lastly, a draft of what a roundabout would look like at Georgetown and Westside Drive has been distributed. This project could potentially cost $1 million plus and is not a part of our current project list. Councilman Hughes asked if the census number was accurate, as he feels we have more than 47,000. Mr. Fivas stated it was a hard year but from a staff prospective it is an undercount, but we have nothing to support that thought. There are people that can come in for a recount and through a process. Councilman May stated he would like the numbers to be reviewed. Mr. Fivas continued that shirts were distributed to the Council for the Five Points Race Series, which the City is a sponsor. He thanked Beverley Lindsey for working on the design. He then reviewed the meeting agenda.

## 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 13.9 acres, more or less, located on Pleasant Grove Church Rd SW (Tax Map 56 Parcel 62.00) from CH Commercial Highway Zoning District to PUD 31 Planned Unit Development 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 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 as a public hearing to hear public comments concerning the Consolidated Annual Performance Evaluation Report (CAPER) for the 2020-2021 Community Block Grant Program. Cathy Andrews, CDBG Coordinator stated the report has been available in their office for public review as required. Also, a copy was provided in your packet today. 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 as a public hearing to hear public comments concerning the FY2022 Annual Action Plan for Community Block Grant Program. Cathy Andrews, CDBG Coordinator stated this public hearing is to gain input for the annual action plan. We will hold several public hearings in the Blythe Bower Community and before the Planning Commission. Councilman Estes asked if the term 'food desert' would fit into the scope of the plan since there is not a full-service grocery store in the area. Ms. Andrews replied possibly, but she would look into it further. Mayor Brooks asked if anyone would like to speak in favor of the Action Plan. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the 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. The motion was seconded by Councilman Estes; and upon roll call, the consent agenda was unanimously passed.

- **Resolution 2021-83** – Authorizing the submission of the Public Entity Partners Driver Safety Grant.

### RESOLUTION 2021-83

**Authorizing the City of Cleveland to participate in the**
**James L. Richardson *"Driver Safety"* Matching Grant Program**

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WHEREAS, the safety and well-being of the employees of the City of Cleveland is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Cleveland employees; and

WHEREAS, Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a *"Driver Safety" Matching Grant Program*; and

WHEREAS, the City of Cleveland now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE the following:

SECTION 1. That the City of Cleveland is hereby authorized to submit application for a *"Driver Safety" Matching Grant Program* through Public Entity Partners.

SECTION 2. That the City of Cleveland is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 13th day of September, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-84** - Approval of the 2020-2021 Consolidated Annual Performance Evaluation Plan (CAPER) for the CDBG Program.

**RESOLUTION 2021-84**

**A RESOLUTION APPROVING THE 2020-2021 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT(CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) PROGRAM**

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WHEREAS, the City Council of the City of Cleveland, Tennessee passed a Resolution approving the 2020 Annual Action Plan; and

WHEREAS, the 2020-2021 Consolidated Annual Performance Evaluation Report (CAPER) has been prepared by City Staff and, and a summary of the same has been made available; and

WHEREAS, the City Council desires to approve the 2020-2021 Consolidated Annual Performance Evaluation Report; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the 2020-2021 Consolidated Performance Evaluation Report (CAPER) and authorizes the submission to the United States Department of Housing and Urban Development (HUD)

Approved 13th day of September, 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-85 –** Accepting Innovation Drive in the Spring Branch Industrial Park as a city street.

**RESOLUTION 2021-85**

**WHEREAS,** Spring Branch Industrial Park is located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 95; and

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

**WHEREAS,** the developer has requested that the City accept Innovation Drive (approximately 4,000 LF in length) as a City street; and

**WHEREAS**, the City's engineering staff has inspected Innovation Drive, is now recommending that the City accept this portion of Innovation Drive as a City Street.

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

This 13th day of September 2021

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2021-86** – Authorizing the Mayor to sign an Interlocal agreement with Bradley County for Pleasant Grove Trail SW.

**RESOLUTION 2021-86**

**WHEREAS**, the City has presented Bradley County with the attached Interlocal agreement between the City and the County in connection with the annexation of a parcel of property owned by ACTH Properties, which parcel is located off Pleasant Grove Trail SW, and which is generally described as Tax Map 056, Parcel 035; as well as the annexation of another parcel of property owned by Douglas Paul Dunsmore, which parcel of land is also located off Pleasant Grove Trail SW, and which is generally described as Tax Map 056, Parcel 035.04; as well as the annexation of a portion of Pleasant Grove Trail SW ( +/- 1,508 feet of roadway) as described in the interlocal agreement; and

**WHEREAS**, the Bradley County Commission approved of this Interlocal agreement at its voting meeting on September 7, 2021; 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 once it has been approved by the County Mayor on behalf of the County.

The County Commission requested that the City Council consider that a ‘waiver’ be considered. The City Council has considered this request for a ‘waiver’ and with an approval vote of this Annexation Agreement is considered a ‘no’ vote on giving a ‘waiver’ as requested by the County Commission. This meets the conditions of the motion of the County Commission. The rationale for a ‘no’ vote is it likely that only the private property owner, not a governmental entity, could ask for a ‘waiver’ of this policy as predicated by the principle’s outlined in the state law. Moreover, in our research, the County Commission discussed three perceived ‘waivers’. All

three of these past votes of the Council were to fix miscalculations from Cleveland Utilities in properties that should have been originally grandfathered after the state implemented this new law.

This 13th day of September 2021.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Bid Report** – Avery Johnson Park Landscaping

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **September 13, 2021**
**RE:** **Bid Summary – Avery Johnson Park Landscaping**

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**SUMMARY:**
The City advertised to receive sealed bids on September 3, 2021, for landscaping Avery Johnson Park. One bid was received and is listed below:

- Triple E Construction
  Cleveland, TN **$102,113.75**

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

**FISCAL ANALYSIS:**
Exceeds budget.

**RECOMMENDATION:**
The proposal received exceeds the funds allocated for this project. Staff recommends rejecting this bid.

- **Final Passage - Zoning Ordinance 2021-21 –** heretofore passed on first reading August 23, 2021 and found in Minute Book 30, Page 382; Zoning 70.00 acres located on Tasso Ln NE from the unincorporated county to PUD29 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; Absent-2).
- **Final Passage - Zoning Ordinance 2021-25**- heretofore passed on first reading August 9, 2021 and found in Minute Book 30, Page 349; Zoning of about 23.5 acres located on Pleasant Grove Trl from the unincorporated county to PUD28 Planned Unit Development Zoning District (Planning Commission: Approved 7-0, 1 Absent, 1 unfilled position).
- **Final Passage - Ordinance 2021-28** – heretofore passed on first reading August 23, 2021 and found in Minute Book 30, Page 389; Amendment to the development standards outlined in section 7 of PUD26 Planned Unit Development Zoning District located on Freewill Rd NW (Planning Commission: Approved 9-0).
- **Motion –** Authorizing City Staff to erect signs on Blythe Ferry Road from Tasso Road to North Ocoee Street prohibiting certain commercial vehicles.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **September 13, 2021**
**RE:** **Blythe Ferry Commercial Vehicles**

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**SUMMARY:**
City staff has received complaints about commercial vehicles on Blythe Ferry Road. On those complaints, City staff reviewed the traffic and noticed a decent amount of commercial truck traffic on this winding road. It would be City staffs recommendation to post this section street as a "Commercial Vehicles Prohibited' area. This would still allow exceptions for school buses, emergency vehicles, garbage trucks, commercial delivery vehicles doing business in this area, and City-owned street construction vehicles.

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends to the City Council approval for City staff erect signs on Blythe Ferry Road from Tasso Road to North Ocoee Street.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Cassada inquired about signage, markings and paving update for Candies Lane. Mr. Fivas stated contractors are working to finalize the project. The goal is to have paving start the first week of October. We will add additional speed signs as well. Councilman Cassada then announced the Hwy 60 project was awarded by the State last week and we should begin seeing activity soon.

Councilman May stated he received a call concerning dump trucks on Stephens Road. He then asked if Chief Gibson could have his staff monitor speeding along Stephens Road as well. Mr. Fivas stated staff has spoken to the developer in the area and we do have empathy for the neighbors. The area will eventually be a cul-de-sac when the road to the school is finished and traffic will be moved onto Stuart Road. We observed the situation there and have spoken to the developer about trucks in the neighborhood. We will place the electronic speed sign and anything else we can do to help with the heavy volume of traffic.

Councilman Hughes thanked Chief Gibson for the additional police presence along North Lee Highway slowing drivers down. Also, he thanked Mayor Brooks' wife, Kim Brooks for today's lunch and tour with Avail Senior Living facility.

Councilman Webb asked for an update on the intersection improvements at APD40 and Blackburn Road. Mr. Fivas stated new signal heads have been ordered and once received they will be installed.

Vice Mayor Johnson asked for an update on Avery Johnson Park. Mr. Fivas stated we anticipate the opening for the end of October/early November. Covid has caused some delays with the finalization of the pavilion and groundwork.

Councilwoman McKenzie thanked city staff and office employees for working on problems and issues that arise in a timely manner. Also, to the Cleveland Fire Department for their participation in remembering the loss of lives on 9/11.

Councilman Estes stated the community is already using Avery Johnson Park and the new dog park. He then asked about the grass at Blythe Old Field, where soccer is played daily, what will happen there. Mr. Fivas stated there is a tremendous amount of play and the plan is to rehab the grass in the spring, with possibly shutting down the fields during May and June to allow grass to root. Councilman Estes then asked about the old Vest Grocery location. Mr. Jobe stated staff has sent notice to the owner to appear before the Building Board of Adjustments and Appeals. Councilman Estes then thanked Cathy Andrews for intergrading the Federal CAPER dollars into the Action Plan. Next, he stated he has seen the progress on the Wildwood/Dalton Pike sidewalk project. It will help the draining in the area among other things. Lastly, Dr. Walker will be speaking at the Mainstreet meeting this month. Sharon Marr will be inviting all the City Council. Dr. Walker is a gracious and positive person and encourages everyone to attend to hear him speak.

Mayor Brooks inquired if there was a code file for the old IGA building on Wildwood. Mr. Jobe stated he will have to check and report back.

Mayor Brooks then announced he is reappointing to the Tree Board Amy Banks, Clark Taylor, Jo Benjamin, Councilman Dale Hughes and Will Jones for additional two-year term to expire August 2023.

Mayor Brooks also thanked the Cleveland Fire Department First Responders for their participation in the 9/11 Memorial. There were 23 Firefighters, Engineers and a Battalion Chief, representing Cleveland in Nashville that did the 110 flights stair climb. He is grateful for their participation in remembrance of those lost on 9/11. Lastly, he would like to begin the conversation to have an overall review of what is being built within the City and allowed in zones because the current zoning allows it.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-29** – Rezoning 13.9 acres, more or less, located on Pleasant Grove Church Rd SW (Tax Map 56 Parcel 62.00) from CH Commercial Highway Zoning District to PUD 31 Planned Unit Development Zoning District (Planning Commission: Approved 9-0).

### ZONING ORDINANCE 2021-29

**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 PLEASANT GROVE CHURCH RD SUBDIVISION SW PROPERTY "PUD 31" ON PROPERTY DESCRIBED AS TAX MAP 56 PARCEL 62.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 31; 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 31" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 31 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 31 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 31, Pleasant Grove Church Rd Subdivision (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission, includes property generally identified as Tax Map 56 Parcel 62. Exhibit B illustrates the overall Pleasant Grove Church Rd Subdivision Conceptual Plan for the subject property.

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

This section is intended to provide a general description of the Pleasant Grove Church Rd Subdivision Development. The project consists of detached single-family homes on small lots. Exhibit B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed fifty dwelling units. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas and other landscaped and common areas described herein.

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

The PUD 31 Subdivision allows for the construction of up to 50 dwelling units in detached single family house. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 31 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Pleasant Grove Church Rd Subdivision development will comport with the descriptions of the constituent parts of the

development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 31 district. Uses other than those described as permitted or allowed herein are prohibited.

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

**6.A. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit B) for PUD 31, Pleasant Grove Church Rd Subdivision Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on August 17, 2021. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 31 must be consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Plats must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 50 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Pleasant Grove Church Rd Subdivision development may ultimately reflect some alteration in the conceptual plan such as the exact location of infrastructure or open space relative to the residential areas. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

All streets within the PUD 31 Pleasant Grove Church Rd Subdivision development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. The developer shall dedicate right-of-way adequate to serve a deceleration lane as well as a center turn lane if determined to be necessary by the City's Transportation Department. If required, the build out of the center turn lane and/or deceleration lane shall be completed in conjunction with the proposed subdivision streets. The developer shall dedicate any right-of-way necessary and shall be responsible for construction of said improvements.

**6.B. PLATS.**

One or more plats will be prepared for the PUD 31 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan. The City and the developer shall consider exact street designs and locations which facilitate slower traffic speeds which shall be approved during the platting process.

**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 31 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 31 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

**Section 7. DEVELOPMENT STANDARDS**

The development standards for PUD 31 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors. Residential areas must also incorporate a variety of building elements and treatments for single family detached dwellings. Structures must include articulation, change in materials or texture, windows, or other architectural features. All foundations must be made of brick or stone. Not including any dormer or gables, the front façade of all structures shall be of brick, stone or cement fiber board materials. Twenty-five percent of the aggregate square footage of the front facades of all homes must be of a brick or stone material, exclusive of all garages, doors and windows. No blank walls along street elevations are allowed. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed within each front yard area.

All lots shall be serviced by sidewalks within the subdivision. Sidewalks should be illustrated on all plats and site plans for review by city staff and any required for review by the Cleveland Municipal Planning Commission. Utilities must be placed within the dedicated right-of-way but not underneath any paved roadway.

A monument style ground sign shall be installed at all entrances to the site. A landscaped area shall be installed along Pleasant Grove Church Rd and one row of evergreens on a 10' center shall be installed along the line adjoining the parcel described as 56 parcel 26.01.

Community facilities, including a swimming pool with clubhouse, playground or other community area determined acceptable to the Planning Commission shall be provided by the developer once 75% the buildable lots in the development are established or under construction. The area around any community area must include a double buffer with a minimum 6' tall privacy fence where it adjoins any area not included in this PUD ordinance. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners or an established homeowners association.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Setbacks & Minimum Lot Standards

The minimum lot width requirements for all single-family detached home sites is 50 feet. Setback requirements within PUD 31 shall be 25' for front property lines, side setback requirements are 5 feet, and rear setbacks shall be no less than 15' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage for review by the Cleveland Building Inspections Office. Storage sheds, detached garages and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any rear or side property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

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

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 31 Pleasant Grove Church Rd Subdivision Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD 31, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit B then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

**Section 10. BINDING UPON OTHERS.** This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 31 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 owners, or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

**Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.** Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

Approved this ___ day of ____, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**Exhibit A**

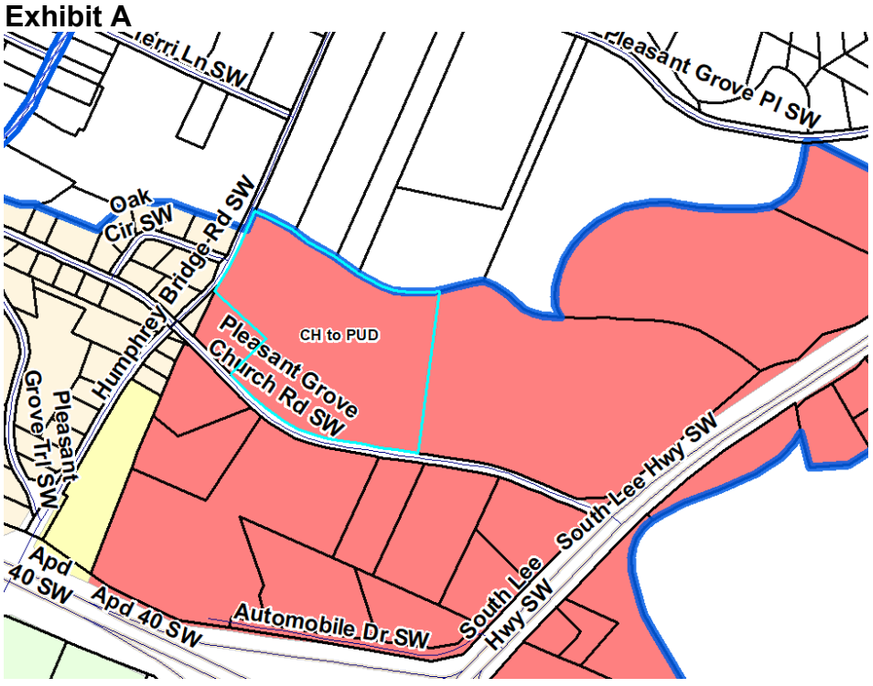
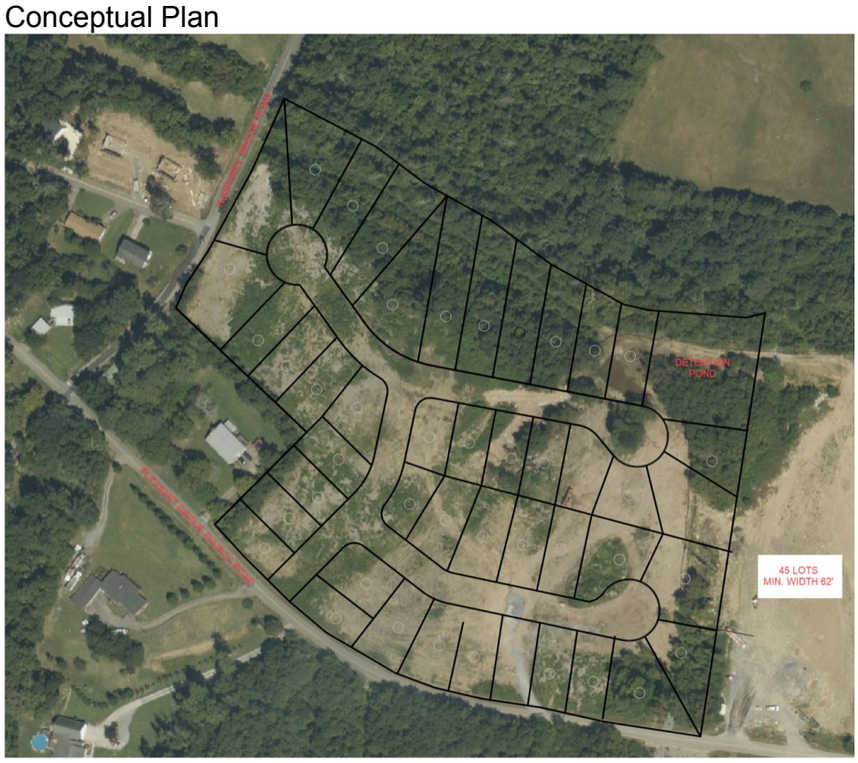


**Exhibit B**
Conceptual Plan




Councilman May moved that Zoning Ordinance 2021-29 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed. Councilwoman McKenzie added she was happy to see new growth on the south end.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, September 27, 2021.
- A Redistricting Committee meeting will be scheduled for Monday, September 27, 2021.
- City Offices will be closed Monday, October 11 in observance of Columbus Day.
- The City Council meeting for Monday, October 11 will be cancelled.

There being no future business the meeting was adjourned at 3:57 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
SEPTEMBER 27, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 27, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Ken Webb, and Councilwoman Marsha McKenzie. Councilman Dale Hughes was absent from the meeting. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager/Communications Coordinator/Downtown Coordinator/Senior Planner; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Doug Berry and Mike Griffin with the Chamber of Commerce; David Johnson; Bradley County Commissioner Cindy Slater and Tim Siniard with the *Cleveland Daily Banner*. 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 September 13, 2021 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

Connie Gatlin with Art is Here shared the progress and accomplishments with the Council of the Art is Here Partnership. The missing piece of the puzzle is a Performance Arts Center. She shared several quotes from the community in the Community Arts Plan concerning growing the art within Cleveland and Bradley County. Working with the City Manager's office and Mainstreet Cleveland they are developing an event for April 9, 2022 for the first Hot Slaw and Art Y'all. They will be hosting music concerts in February 2022 and a performance with Cleveland Pops. She stated additional information will be forthcoming for future events and concerts. At the request of the City Manager, they are establishing an Arts Task Force. There will be representatives from the Council, the Bradley County Commission, Mainstreet and various downtown property owners to lend expertise and help the art community grow.

## HEARING PETITIONS AND COMMUNICATIONS

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

## CONSENT AGENDA

Councilman Webb moved to approve the following item from the Consent Agenda. The motion was seconded by Vice Mayor Johnson; and upon roll call, the consent agenda was unanimously passed.

- **Resolution 2021-87** - Authorizing the Mayor to sign the driver safety awareness grant contract with the Tennessee Department of Safety and Homeland Security Tennessee for community-based traffic safety enforcement and education.

### RESOLUTION 2021-87

### A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE 2022 STATE OF TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY DRIVER SAFETY AWARENESS GRANT

**WHEREAS,** the State of Tennessee Department of Safety and Homeland Security through the Tennessee High is sponsoring competition for $23 million in federal grant funds to be distributed statewide from the National Highway Traffic Safety Administration for the 2021-2022 Federal Fiscal Year. Grant funding is available for traffic safety programs, public awareness campaigns, impaired driving, highway safety education, occupant protection, speed enforcement as well as pedestrian and bicycle safety; and

**WHEREAS**, the City Council of the City of Cleveland, Tennessee desires to authorize City staff to accept the grant funding, 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 awarded to the City by the Tennessee Department of Safety and Homeland Security.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee that the Mayor and City staff be authorized to sign and accept the grant with the State of Tennessee Department of Safety and Homeland Security 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 is 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 Safety and Homeland Security.

Adopted this 27th day of September 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

## UNFINISHED BUSINESS

The following Zoning Ordinance was then presented in full:

- **Final Passage - Zoning Ordinance 2021-29** – heretofore passed on first reading September 13, 2021 and found in Minute Book 30, Page 398; Rezoning 13.9 acres, more or less, located on Pleasant Grove Church Rd SW (Tax Map 56 Parcel 62.00) from CH Commercial Highway Zoning District to PUD 31 Planned Unit Development Zoning District (Planning Commission: Approved 9-0).

Councilman Cassada asked for clarification on side setbacks pertaining to this ordinance. The current ordinance states 5' which is not our current standard and he feels it is important to protect residents and the property lines. He can't support the 5' side setback. Vice Mayor Johnson stated the Planning Commission approved this item 9-0 with the 5' side setback and asked if they considered this particular setback. Councilman Cassada stated they ruled out cluster homes but here we are with 5' side setbacks. Councilman Estes stated at the last Planning Commission meeting the discussion was pertaining to King Den Drive development, which was not a PUD. The power of a PUD, like this zoning, gives the city the ability to require sidewalks, a few esthetically connected items and allows us to negotiate with developers. We need housing. When you buy a piece of property, typically are given a drawing of the lot so you know the setbacks, lot size and where property lines are. Councilman Cassada added we are setting a precedence in our community. This PUD does include sidewalks and he supports development in our community. He wants to make sure people understand and it is clear this is a 5' side setback. Councilman May stated this is happening in other communities. Is it wrong? That is debatable. Councilman Estes stated having staff hear these concerns now going forward they can be sensitive to the lot lines going forward. Councilman Webb stated when it is a PUD Cleveland

Utilities does sign off on the design for the facilities. Mr. Jobe stated with a PUD we can negotiate amenities for the development, like sidewalks for a denser lot. Councilman Webb then moved that Zoning Ordinance 2021-29 be approved for final passage. The motion was seconded by Councilman May. Upon roll call, Councilman Webb, Councilman May, Councilman Estes, Councilwoman McKenzie, and Vice Mayor Johnson voted aye. Councilman Cassada voted no. The motion passed 5:1.

Mr. Fivas stated this is an ongoing discussion with dense communities and it is something that we will continue to look at. We try to take everything in and try to bring the strongest level of quality design to the neighborhood that we can. We want solid property values in the future. We have density to give so we can get sidewalks and additional green space. Councilman Cassada stated he is not opposed to development of property and neighborhoods. He just wants to make sure people are aware of the setbacks. Cleveland needs to be a leader and set precedence.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Webb thanked city staff and Cleveland Utilities for upgrading the traffic signal at the APD40/Blackburn Road intersection.

Vice Mayor Johnson congratulated the Chief Gibson and the Cleveland Police Department on their TML Award. He appreciates Chief Gibson's statement that the department is focused on creating a cultural of professionalism, through creating police recruitment strategies, continue training and encouragement with a high degree of integrity to serve the citizens of Cleveland and to improve relationships with the citizens they serve and to find methods of excellent communication skills. Police are sometimes the first impression of our City. That is the time for professionalism and common sense. Mayor Brooks echoed the congratulations.

Councilman Estes congratulated Mayor Brooks on his appointment to the TML Board. He also thanked Commissioner Cindy Slater for her work on the Bradley County Commission, specifically the ARPA Funds.

Councilman Cassada echoed congratulations to Mayor Brooks and to Chief Gibson and Chief Gaylor as well and appreciates their service to the community. Lastly, several months ago he mentioned the Museum was taking a turn and if you look at the financials now, they have reduced staff from eleven to seven and now three. They are more profitable and have funds in the bank. Several events are being held weekly and monthly and feels they will be successful. He then thanked Lucy Rymer and the Board Members for working together to put the Museum in a stronger position and successful in the community.

Mayor Brooks thanked everyone for their kind words about his TML appointment. He continued it was wonderful to see Chief Gibson and the Cleveland Police Department recognized at TML. Also, it was enjoyable to be surrounded by the memory of Mayor Emeritus "The Legend" Rowland. Several colleagues were there attending classes and it was a very educational and informative session. Lastly, TDEC announced the developers of Sanda Hosiery Mill received a $300,000 redevelopment grant and the developers and builders of the Fillauer House received $65,000 grant.

## NEW BUSINESS AND ORDINANCES

Mr. Fivas stated during today's Work Session we covered the Census recount process options, the redistricting process, and the challenges, the pending 2021 pending tax appeals that effect City of Cleveland Budget and the American Rescue Plan Act Funds. He did not mention housing. The rules that are coming out are opening opportunities for affordable housing, which opens opportunities to change blighted properties and turn them into productive properties. It is interesting and exciting the see the ideas and the change it can bring to the community.

Mr. Fivas then presented the following memo and resolution.

**City Council**

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

**AGENDA ITEM**
**MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Joe Fivas, City Manager

**DATE:** September 27, 2021

**RE:** Classification & Compensation Study

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**SUMMARY:**

The City Personnel Policy indicates that City should complete a comprehensive 'Classification & Compensation Study' on at least a five-year basis. The City Council approved Management Advisory Group (MAG) International to complete a study and to review our current classification and compensation framework.

The MAG group reviewed our compensation structure and has recommended a new framework to replace our current framework that is based on grades and steps. The new process is more employee friendly that allows Human Resources to use tracking software to make sure each employee is being equitably compensated for the number of days they have been in their current position. This new software will allow City staff in a real-time basis to give input whether City staff is being compensated in an equitable manner. The new policy changes gives the City a comprehensive pay structure and pay philosophy as outlined in the attached study.

The study reviews all our current positions and their whether their classification is accurate. The MAG group also solely selected comparable cities and organizations to compare our salary with similar positions. The study did a salary survey on a significant number City positions, including all our police and fire positions. Lastly, MAG also recommended changing several employee titles, which are also being implemented.

**Key findings:**

1) Our compensation framework needed to be updated.
2) The City Council giving 3.5% step increases over the past eight years helped us keep our compensation at a strong pace.
3) Our positions generally making over $30,000 generally kept pace with the market.
4) Our positions generally making less than $30,000 did not keep pace with the market.

This study increases our payroll by $194,545, which has been accounted for in the current budget. These increases will be implemented at the next payroll, and we are recommending to retroactively procced with any pay increases to July 1, 2021. The city intends to annually review these positions using our new software program.

Furthermore, I am recommending giving each active full-time City employee a $1,000 bonus using COVID funds. We will implement the bonus immediately and hopefully will be provided to each employee before or during the holidays.

The Authorized Position Schedule makes changes to be similarly related to the compensation study. It does add one maintenance/janitorial positions that would assist in saving the City funds in maintenance/janitorial services. These positions will not be implemented until spring 2022.

**COMMITTEE FINDINGS:**

No Committee or Board action.

**FISCAL ANALYSIS:**

No additional financial impact to the City.

**RECOMMENDATION:**

City staff is recommending approval of the 'Classification & Compensation Study' policy changes and cost implementation, and the updated Authorized Position Schedule. This will be retroactively implemented to July 1, 2021. The approval would also authorize City employees to implement a one-time $1,000 COVID bonus for each full-time employee as of October 1st.

**RESOLUTION 2021-88**

**A RESOLUTION TO AMEND THE AUTHORIZED POSITIONS LIST FOR THE FY2022 BUDGET**

**WHEREAS,** the City Council of the City of Cleveland has previously established and adopted the FY2022 City Budget; and

**WHEREAS**, the City Budget contains the "Authorized Employees By Fund, Department, and Position Classification" and the "Schematic List of Classes Grouped by Grade"; and

**WHEREAS,** the City Manager is recommending that the City Council approve of modifications to these lists as set forth in the City Manager's memorandum to the Mayor and City Council dated September 27, 2021 which is attached hereto.

**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 in the FY2022 City Budget is hereby amended to reflect the changes included in the attached memorandum.

Section 2. City staff is recommending approval of the 'Classification & Compensation Study' policy changes and cost implementation. This will be retroactively implemented to July 1, 2021. The approval would also authorize City employees to implement a one-time $2,000 COVID bonus for each full-time employee as of October 1, 2021. The City Council deems that all of the City's full-time employees are essential employees as defined by APRA and other COVID funding. [Classification and Compensation Study attached at end of discussion.]

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

Adopted this 27th day of September, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Mr. Fivas stated every year we look at salaries and the Council, for the last eight years, has given 3.5% increases to all city employees. The Council decided they were going to stick with our current salary plan and by making decisions consistently it made us competitive in the market and our benefits and retirement are seen as a huge opportunity. We don't have to be the highest paying organization, but we have to make sure we are competitive in the market to get our fair share of quality employees, which we have historically done. Briefly, it is in our personnel policy to do a study every five years. We need to do it much more than five years to stay consistent and looking at the data. We hired a consultant, Management Advisory Group or MAG, to look at how we are doing and our current grade/step grid system. We have gone to a more simplified system that is connected to software, that on any day we can track for how long someone has been in a position that we know where that person should be and then we can look at their salary and say are we above or below what that salary is. Using technology to help us make it happen. Mr. Fivas then reviewed the final report of the study in detail. The consultant looked at all the job titles, reviewed salary information from similar organizations and revised the classification plan and policies. Mr. Fivas stated he feels that 99% of positions were elevated, as far as their starting pay. That is important. We are just trying to look at the bands, making sure

they fit with all the other organizations and how to transition to the new plan. The methodology used was collecting employee information, reviewed class/job descriptions, identified the benchmarks, as well as a market review. The compensation philosophy is where do we want to be as a community. We want to continue to have very strong benefits and retirement benefits. We feel that is a tool to retain our talent. The study discusses compensation policies, recommendations and how promotions work. Example, from a Police Sergeant to a Lieutenant, it is a straight 5% increase. The previous pay plan was complicated and difficult to follow. This is straight forward with a little more flexibility. Included in the documents are reclassification and promotion policies, temporary assignments and hiring practices. A finding was that after the Council had been given a 3.5% step increase consistently, it helped us. We found that some of our employees that have higher salaries they got the benefit of the 3.5% whereas, the employees at the bottom that are starting out they didn't move along fast enough like they should have. The study makes the correction to get them to the salary they should be up to. One key point I've been asked was does this study get or keep the Council out of salary increases with the annual budget. No, it doesn't. The Council can offer the opportunity for COLAs and merit increases. The compensation study is just correcting where the market is or where it is not. Next spring when we are looking at the budget, we'll probably have some formula of a COLA or merit increase. Different options will be given to the Council. We want to still want to be around the 3.5% because it paid dividends for us. Obviously, it depends on the financial situation at the City, but we are very proud of where we are at right now financially. Employees will still have the opportunity every July 1 at least to have increase if the Council agrees and the financial situation arises. With the approval of the documents before you, we will immediately implement any changes and recommend retroactive pay to July 1, 2021 so employees get the full benefit of this fiscal year. We also would like the Council to consider with the motion and as a part of the resolution is a one-time COVID bonus for full-time employees of $1,000 with the APRA funds. We anticipate receiving the funds before the holidays and issue checks.

Councilman Webb stated he likes the market value approach. He has always been an advocate of compensating employees based on what the market was for the job they are doing. It is good that the new plan has some flexibility in it dealing with merit increases or cost-of-living allowances that we didn't necessarily have in the old plan. Our employees have done a remarkable job keeping the operation running since the pandemic began. They have gone after criminals, fought fires, kept the roads up, kept parks operating under the restraints we had. The employees have done a remarkable job, they waited on customers that came in to pay taxes and he wants to thank the city employees. This thing has lasted much longer than anyone ever anticipated. We are going on two years. We are still dealing with this and its negative impact on services they can perform, and they are doing a great job under the restraints. We have seen the brutal inflation during this time. It has affected all of us. He would like to look at giving more than $1,000. If this was just one year, but since it has been two-years he would like the Council to consider $2,000. Councilman Cassada stated whatever funds we get in we are not exceeding the amount. He is unclear of the amount we are to receive. Also, the compensation study doesn't affect one department or one level, it is touching everybody. Councilman Estes asked if a tax collector an essential employee. Mr. Fivas stated the Council would have to deem them all essential employees. Councilman Webb stated every employee we have is essential. Councilman Cassada asked for Mr. Fivas to respond to his question. Mr. Fivas stated the new pay plan has a new pay range but 99% of all the pay ranges went up. Sometimes it depends on how long you've been in the position. Some would get a small adjustment, and some would get no adjustment, but all the pay ranges went up, which would continue to move out further. Councilman Cassada asked if we have funds for the $2,000 bonus. Mr. McKay stated we would use a portion of the money from the Federal Government ARPA funds, which is an allowable use. We are estimated to receive $9.7M. Councilman Cassada asked if it can be used for other things, like infrastructure. Mr. McKay stated it must be tied to COVID or COVID response, which this would be. You can't just pave a road. Councilman Estes added he appreciates city staff recommending to retroacting this back to July 1. Councilman May added we have the best employees of any government. Without them, we can't do anything.

Councilman Webb then moved that Resolution 2021-88 be amended to increase the one-time COVID bonus to $2,000 instead of $1,000 and to deem that all the City's full-time employees are deemed essential employees as defined by APRA and other COVID funding. The motion was seconded by Councilman May. Councilman Estes asked how many full-time employees. Mr. Fivas responded about 350. Vice Mayor Johnson asked if we had some employees that did not work or some departments that completely shut down or worked part-time. Mr. Fivas responded no. There were a few employees that could do their job from home that continued to work and got their responsibilities completed. He is not aware of a situation where people weren't working somewhere. Vice Mayor Johnson asked if any were laid off. Mr. Fivas stated no. Councilman Webb added some employees became exposed to the virus and had to use their sick leave to be away from the job. Councilman Cassada thanked staff for bringing forth a bonus for employees. Vice Mayor Johnson stated he is not opposed and realizes there has been hardships for employees and a lot of other people. Upon roll call the motion was unanimously approved.



**MANAGEMENT ADVISORY GROUP INTL., INC.**

**MANAGEMENT CONSULTING SERVICES**

September 24, 2021

Kimberly Miller, HR Director
City of Cleveland
Office: 423-472-4551
kimmiller@clevelandtn.gov

Dear Kim,

Management Advisory Group International, Inc. (MAG) is pleased to present this final *Classification and Compensation Study Report* to the City of Cleveland. This report has been developed based on job analysis of included classifications (internal relationships) and market analysis (external competitiveness). This Final Report is organized into the following Sections:

- Section 1: Introduction and Approach
- Section 2: Compensation Philosophy
- Section 3: Selected Compensation Policies
- Section 4: Total Rewards
- Section 5: Salary Survey Summary
- Section 6: Proposed Pay Plans
- Section 7: Alphabetical Class List
- Section 8: Class Comparison List
- Section 9: Implementation Cost Summary

MAG would like to express our thanks to all employees and staff who have participated in this important project. If you have any questions, please don't hesitate to contact us at (703) 590-7250 as needed.

Sincerely,

Donald C. Long

Donald C. Long, Ph.D.
President, Management Advisory Group International, Inc.
2992 Reidville Road
Spartanburg, SC 29301
Phone: (703) 590-7250
Email: don@maginc.org

# City of Cleveland, TN

## Classification & Compensation Study Final Report

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Transmittal Letter

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*Management Advisory Group International, Inc. © 2021*

## *SECTION 1.0*
## *Introduction and Methodology*

## *1.0 Introduction & Methodology*

**Introduction**

The City of Cleveland contracted with Management Advisory Group International, Inc. (MAG) to conduct a compensation review and assessment of jobs study for current City classifications. This report presents the findings and recommendations of the study. MAG's findings and recommendations are based on:

- market review;
- current organizational structure;
- discussions with human resources professionals and management;
- job analysis based on current class/job descriptions and completion of Job Profile Questionnaires by incumbent employees;
- internal equity and external competitiveness considerations.

The goal of the City for this project was to provide the foundation for an appropriate classification and compensation system and pay plan based on current compensation levels for similar public sector employers, municipalities, and local market competitors. In response, MAG has developed a proposed pay plan and developed salary adjustment recommendations for current incumbents in included City of Cleveland classifications.

**Project Focus**

The objectives of the study were to:

- Conduct a review of included City job titles;
- Review salary and compensation information from similar/competitor organizations;
- Develop a revised classification plan; and,
- Develop a revised compensation and pay plan;
- Provide options for the City's consideration to find a reasonable and cost-effective way to transition to the new plan(s).

A list of project tasks and activities is indicated below by Exhibit 2-1.

**EXHIBIT 2-1**
**CITY OF CLEVELAND**
**PROJECT TASKS**

**Project Initiation** – Developed project proposal, work plan and timeline. Discussed with City administration and revised project work plan.

**Initial Meetings** – Met with City Human Resources administration and City leadership to clearly define the scope, goal(s), and objective(s) for the proposed study.

**Developed Comprehensive Market Survey** – MAG developed a market survey document for target agencies. Reviewed/evaluated class/job descriptions for included classifications to gather job specific information on scope/level of duties/responsibilities and essential job attributes.

**Reviewed Job Analysis Questionnaires** – Reviewed/evaluated current job duties provided by over 200 employees in the online Job Analysis Questionnaire for included classifications.

**Reviewed market information** – Reviewed market data from target organizations for selected City benchmark classifications.

**Conducted Job Analysis** – Analyzed jobs and created profiles based on information in current class/job descriptions and the data in the Job Analysis Questionnaires.

**Developed Revised Pay Plan** – Developed a preliminary proposed pay plan based on the results of the market information, job analysis profiles and internal/external equity considerations.

**Developed Salary Adjustment Recommendations** – Developed salary adjustment recommendations for all included City classifications based on the revised pay plan(s) and employee classification, longevity in current positions and current salary.

**Developed & Submitted Draft Report** – Developed and submitted a Draft Report for City review integrating the job analysis, proposed pay and classification plan, market information, and implementation recommendations.

**Revised Draft Report** – Incorporate the City's technical review of materials.

**Develop & Submit Final Report** – Submit a Final Report upon final review at a date to be determined.

**Approach Overview**

The study methodology included:

- collection of current employee, human resources and organizational background information;
- review/analysis of current class/job descriptions;
- identification of classification benchmarks and target organizations;
- conducting a market review of the City's market position;
- monitoring of Job Analysis Questionnaires completed by employees;
- reviewing the job data provided by employees and their supervisors; and,
- analysis with recommendations concerning the relative ranking of included City Government positions to develop a classification plan that will ensure internal equity.

**Initial Meetings and Orientation**

Upon agreement to proceed, the project team met with Human Resources staff to discuss the study's objectives, along with the strengths and needs of the current organizational compensation management systems. City management provided input regarding the City's preferences and needs of the systems to be developed. MAG's representatives requested documentation about current compensation and classification programs, met with HR management to discuss these systems, and developed an understanding of concerns to be addressed.

The study results and outcomes are not the result of decisions made in isolation by the consultant but are the result of the consultants working to order responsibilities of the work into a compensation and classification plan that serves as a starting point for making current and future compensation and classification decisions.

**Market Review**

The City employs a wide range of jobs that contain a mix of work responsibilities found in both the public and private sectors. The Market Review reflected the variety of duties and responsibilities in which City Government employees engage.

In establishing a competitive market for the employees of the City of Cleveland, and to enable the City to support growth, recruitment and retention in the exciting years ahead, MAG developed a list of target organizations to be reviewed.

Organizations typically included as competitors in a market review are those that are:

- competing with City Government for employees, for either lower level or higher-level positions;
- geographically situated in such a fashion as to almost automatically be considered a competitor;
- structured similarly to the City, or providing similar types of services;
- attractive to highly valued employees for one reason or another; and,
- within a reasonable commuting distance.

Organizations surveyed (not all responded, such as Bradley County) and reviewed included:

- Chattanooga, TN
- Cleveland State Community College
- Collegedale, TN
- Collierville, TN
- Cookeville, TN
- Dalton, GA
- Farragut, TN
- Gainesville, GA
- Gallatin, TN
- Maryville, TN
- Murfreesboro, TN
- Oak Ridge, TN
- Spring Hill, TN
- O*Net Online

**Proposed Pay Plans**

Specific details of the plans are provided in report tables starting in section 6.0. The proposed pay plans put employees into a Unified range plan for general employees and separate pay plans for sworn law enforcement employees and certified fire employees. Employees performing the same duties were placed in the same class and pay grade, regardless of the number of hours (PT/FT). Classes with comparable scope and level of duties and responsibilities, as determined through an evaluation of MAG's Profile Factors, were placed in the same pay grade.

**Implementation Costs**

MAG's implementation options and recommendations consider the following:

- Current salary;
- Current job title; and
- Longevity within the current position.

If the employee's current salary exceeds the target salary, then the calculations did not provide any further adjustment. No employee is recommended for any decrease in salary, even if the current salary substantially exceeds the target salary.

MAG does recommend that any employee whose current salary exceeds the target salary should continue to advance through the ranges until they reach the range maximum.

No employee should receive any additional salary adjustments once their salary has reached the maximum of the range. The recommendation is to freeze the salary until market data supports an increase in pay range maximum. Progressive governments often coordinate with MAG on an annual basis to refresh their market competitive position to ensure that they do not "lose ground" from a compensation perspective.

**Pay Plan Structures**

MAG has established a Unified pay plan structure for all included positions within the scope of the study. It provides for ranges of approximately 50% from minimum to maximum. There is 5% between each pay grade. The structure recommended is transparent, permits employees to have a perspective that provides some security, but it still wholly dependent on the City's ability to fund future structure adjustments. The pay grade structures for Police and Fire have grades that are approximately 50% wide but the distance between grades varies significantly due to a request to create a structure that reflected the market.

**Plan Implementation**

MAG recommends that the new compensation structure go into effect as soon as feasible along with the recommended salary adjustments. The initial calculations reflect the optimal implementation plan. The first action is to bring employees at least to the minimum of the recommended pay range. An additional action of providing "equity" adjustments, based on time in current position, is also noted. If this level of funding is not practical, MAG can work with Administration to identify more affordable options for implementation. The total costs are noted in section 9.0.

**Salary Compression**

Salary compression, also known as wage or pay compression, is pay differential that results from various causes, but that is often deemed as unfair or unequal by members of the workforce within the organization. It is an issue that many management and human resources professionals deal with on a regular basis. There are numerous reasons for these kinds of differentials that

occur, and they often seem justified in the outset. However, over time, wage compression can lead to low morale and hurt feelings within the ranks of previously loyal employees.

**Examples of Salary Compression**

Salary compression is not a new concept. For example, it's a common practice for an organization to offer a higher starting salary to sought after employees who may be seen as "rock stars" or as someone who has a great deal to offer the organization. Higher pay is used as an incentive to lure the candidate. It is also seen when viewing fixed salaried professionals like managers and supervisors versus hourly employees who are eligible for perks like shift differentials and overtime pay. Sometimes pay inequities occur after a consolidation of two or more functional areas that were run very differently from one another previously. Wage compression can also occur in an organization with a large percentage of low wage earners when the low wage rates are increased; as new hires come on, they are earning the same amount as those who may have been with the organization for years.

**Impact of Wage Compression**

Impacts of wage compression can be seen on a one-to-one level or across entire organizations. Those whose pay is compressed, or who are receiving less money, are likely to be affected by low morale. They may feel discouraged, naturally. It doesn't make sense to continue working just as hard when their efforts are not perceived as being compensated.

This can lead to a more noticeable problem of poor performance in employees, which hurts the bottom line and ultimately affects everyone. There may also be retention issues related to salary compression. Those who feel slighted are more likely to look for alternate employment. High turnover rates are costly to any organization.

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It may also be harder to recruit from within for higher level positions if employees see no economic benefit in accepting the added responsibility and work of a promotion.

**Purpose of the Implementation Plan:**

The foundation of the implementation calculation is one that is forward looking and does not look back on how current salaries came about. Transition to a new plan is not meant to change every pay decision, promotion or other legal changes in salary that have occurred over the tenure of the employee; nor is it meant to pretend the new pay structure should be retroactive in concept to the day an employee was hired.

To the extent that any uniform formula may result in unintended consequences, there may be isolated instances where administrative adjustments would be needed in order to address an inequity that is not readily apparent. This is not intended to address internal inequities, perceived by employees, that might result from previous pay structures or previous pay decisions. MAG assumes that all previous salary changes were based on information that was considered valid and appropriate at the time the decision was made.

## *SECTION 2.0*
## *Proposed Compensation Philosophy*

## 2.0 Proposed Compensation Philosophy for the City of Cleveland

The City of Cleveland strives to provide exemplary service to the community by being a model for 21st Century government.

Recognizing the importance of our workforce of dedicated and talented professional staff, we are committed to promoting organizational and community values that include: **exceptional service to the public**; **consistent and excellent performance**; **innovation**; **good fiscal, social, and environmental stewardship**; **and ethical behavior**.

To achieve and maintain our high standards of service and performance, the City must continue to attract and retain well-qualified staff who exemplify the organization's values. A public service environment that is attractive to such individuals depends upon many factors, including pride, teamwork, a competitive compensation program, and non-monetary benefits such as recognition in the workplace for accomplishments, professional development and opportunities for promotion and a positive work environment.

The City is committed to being an "employer of choice" as part of an overall strategy of attracting and retaining talent that will uphold the City's organizational values.

The compensation program is committed to retaining and attracting high-skilled, high-performing staff capable of delivering the highest standards of public service to our community. The City expects all staff to consistently perform to those high standards in their work performance, customer service, ethics and passion for public service.

The City strives to administer pay and benefits in a way that is fair and transparent to all, that provides equal pay for equal work, and that does not take into consideration race, ethnicity, religion, sex, gender, sexual orientation, gender identity or expression, or other factors unrelated to work performance.

In order to provide competitive, sustainable, and responsible compensation, the City will consider the following:

Total compensation which includes, but is not limited to, direct compensation, e.g. salary and indirect compensation such as health insurance, retirement, professional development and time-off benefits.

In evaluating competitive compensation, the City will consider:

A. Financial sustainability as reflected by the City's financial forecasts and revenue projections, competing service priorities, long-term liabilities, capital improvement and other asset requirements, and fund reserve levels.

B. The "relevant labor market" which may vary depending upon classification but is primarily defined by geographic region (predominately local and/or state-wide) and key markets (municipal and other government agencies) and if applicable, private sector when readily available and effectively comparable.

C. "Internal Relationships" referring to the relative value of classifications to one another as determined by the City. The City will compare responsibilities, skill level, knowledge, ability and judgment to determine similarity, and evaluate the equity of pay differentials.

D. Other relevant factors may include unforeseen economic, regulatory or service changes.

E. We seek transparency with the community, recognizing that taxpayers and ratepayers ultimately fund all employee compensation and deserve commensurate value from all those who work for the City. This includes not only disclosure of the components of workforce compensation, but adequate advance notice of material policy changes in order to participate effectively in decision-making that affects the City's finances.

Ideally, every five years, the City will evaluate its compensation structure, programs and policies to assess market competitiveness, effectiveness and compliance with applicable State and federal law. This is with the understanding that more frequent adjustments to the compensation structure may be needed as a result of intermittent evaluations or other factors already cited. This will be accomplished by working with City human resources staff to fairly apportion compensation and benefits, utilizing all the resources and tools available to the City.

## *SECTION 3.0*
## *Selected Compensation Policy Recommendations*

### *3.0 – Selected Compensation Policies*

As part of the overall study, Management Advisory Group typically offers observations and recommendations regarding best practices in compensation policies. These observations are not meant to replace existing policies, but to provide a fresh look and compare the City's compensation policies against "best practices". An objective statement of compensation policies also includes the expressed outcome to attract, reward and retain highly qualified employees who can help the City achieve its mission. In support of the vision statement, MAG observations may assist the City as it strives to provide a total compensation program that enables the City to:

- attract and retain a high-quality and diverse workforce;
- reward and retain qualified employees;
- provide a fair and consistent framework for assigning jobs;
- maintain salary structures at market competitive levels;
- ensure fair and consistent pay practices;
- comply with applicable laws and regulations; and,
- operate within the constraints of fiscal resources;
- be an employer that inspires excellence.

As an employer, the City embraces a fair and equitable compensation plan to support achievement of the following goals.

1. The City strives to provide a total compensation program that is fiscally sound, equitable and competitive in the defined marketplace.

2. Both benchmarking of select classifications and consideration of the job profile is used as a best practice for compensation of similar positions.

3. Competitive ranges are established for all positions to provide the flexibility needed to adapt to market changes, maintain internal equity and address needs of the City that will ensure a high level of service to the residents of the City.

4. Starting pay for new employees is based upon education and work experience related to positional requirements as well as market conditions.

5. Pay adjustments, other than allowances and supplements, are provided to employees when appropriate to address equity, market responsiveness, and consistency in the administration of the City's compensation program.

6. Employees are eligible for pay increases resulting from true promotions and reclassifications.

7. Part-time/temporary employees may not be eligible for the same benefits as full-time employees.

8. Fair Labor Standards requirements will be applied fairly and consistently to applicable positions.

9. Benefit plans and other non-cash compensation plans are reviewed periodically for competitiveness, cost effectiveness, and their value to employees and the City.

10. Pay ranges for the City job groups are reviewed as needed or required by collective bargaining agreements, but not less than every five years.

**Compensation Policies:**

The following recommendations cover recommendations for both the implementation of the plan, as well as the on-going administration of the plan.

Numerous opportunities exist for varied work experiences and career advancement within the City. The following outlines how associated pay changes can be administered based on the category of change. All final decisions on the administration of pay are subject to approval by the City Council. In all instances of employee/job reassignment, the employee would be placed in the range, not to exceed the maximum of the range unless specifically stated. Unless otherwise stated, any change in pay would be effective with the next full pay period.

**A. Reclassification**

1. When a job has been reclassified to a higher pay grade, the employee's salary shall increase at least 5% in the new pay grade that includes the new salary but is not more than the maximum salary of the new pay grade.

   If the reclassification results in an upgrade of one pay grade, the employee's pay will be moved upward by 5%. An upgrade of two or more pay grades will increase the employee's pay by an additional 2.5% increase for each additional pay grade, up to a maximum of 15%. Any increase of more than 10% would require documentation by the department or agency and a supporting recommendation from Human Resources.

   For general reclassifications done as a result of an internal or external compensation study, or as a result of a normal budget process review, if the employee has been in the position since on, or before, the first day of the fiscal year, the effective date of any approved change will be the first day of the fiscal year, or the effective date of implementation as approved by the City Council.

Otherwise, for an individual reclassification, done outside the normal budget cycle, the effective date of the pay increase will be consistent with the next full pay period.

Reclassification or changes in pay grade, whether resulting from an internal or external compensation study or individual change in pay grade, shall ***not be*** retroactive with respect to calculating the new salary.

Internal Equity Adjustments as a result of the implementation of a system-wide study shall not be subject to the same guidelines as the "Reclassification" guideline. Internal Equity Adjustments can be the result of the application of a formula, applied to all positions in the same pay plan, and are done to ensure that employees' salaries are internally equitable and are not done to reflect an individual "job audit" of a single member incumbent.

Internal Equity Adjustments are also not tied to performance measures. ***The leadership may determine an Internal Equity Adjustment strategy that is separate and apart from the guidelines that cover reclassification.***

Internal Equity Adjustments, resulting from an internal or external comprehensive review, can be to a higher, or lower, pay grade and are not considered a reclassification, promotion or demotion.

2. When a job has been reclassified to a lower pay grade, the affected employee(s) shall have their pay grade adjusted accordingly. The effective date will be the day following the Council adoption date and the change will be reflected in the next full pay period.

   If, after the pay grade adjustment, the employee(s) salary is greater than the maximum salary of the new pay range, the employee will continue to be paid at the higher rate of pay, the salary would be "frozen" and the employee is typically ineligible for any pay adjustment until the range "catches up" with the salary and allows for movement.

**B. Promotion**

1. When an employee is promoted, as a result of a job change or job progression, to a higher pay grade position, within the same, or to a different, salary schedule, the salary placement within the new pay grade shall be determined as follows: *apply 5% on the salary of the previous grade/schedule and salary for promotions of one pay grade, and an additional 2.5% for each additional pay grade up to a maximum of 15%.* The resulting pay will be no less than the minimum of the new pay grade and

no less than a 5% salary increase, but not more than the maximum salary of the assigned pay grade. The effective date will be the day of approval.

2. There may be times when the uniqueness of an individual job and level or necessary skills required by the City, and not just possessed by the incumbent, may require a higher salary schedule placement than stipulated in this section. Under such circumstances, the City Manager *may approve a higher salary placement within the assigned pay grade.*

**C. Lateral Transfer**

A lateral transfer occurs when an employee is transferred from one job class to another in the same pay grade. When there is no change in pay grade there shall be no adjustment in base salary. A lateral transfer is not considered a reclassification or a promotion.

**Temporary Assignment(s)**

1. "Acting" or temporary assignment(s) occurs when the City recognizes a critical job assignment need that must be met and cannot be met through the normal recruitment process. This can occur when an unexpected vacancy occurs; when a mission critical job cannot be filled in a timely fashion; or when a mission objective changes abruptly and requires an immediate action.

2. Temporary or "acting" assignment(s) would be anticipated to last more than 30 days, but less than 6 months. A temporary or "acting" assignment is to fill a vacancy and not to assume the duties of another employee who is on approved leave, i.e. vacation, holiday, medical, or other short-term absence(s).

3. If the position assigned is lower in pay grade (or substantially equivalent pay range) this would not result in a lower salary for the assigned employee even if the employee's salary exceeded the maximum of the new pay range.

4. If the position assigned is higher in pay grade and extends beyond 30 days, but less than 6 months, there should be a 5% "temporary assignment" pay adjustment for the first pay grade and 2.5% for each additional pay grade to a maximum of 15% or the minimum of the grade, whichever is higher. The employee's salary shall not exceed the maximum of the assigned range. Employees receiving temporary assignment pay shall sign an agreement acknowledging the understanding that they are receiving "Temporary Assignment Pay" and also acknowledging that when the temporary assignment ends, the "assignment pay" will also end.

**D. Hiring**

1. The hire rate for a new employee with no equivalent and/or relevant level experience is typically the minimum of the salary range to which the job classification is assigned.

2. New hiring rates (or re-hires) for employees may consider directly relevant experience and/or experience that can be verified by the Human Resources Department. *Employees who have left the City and have been officially terminated will be re-hired using this formula and will not be rehired at the previous salary.*

3. Internal Equity is an equally important consideration in filling a vacant position. Before a salary offer is made, Human Resources will also consider the current salaries, level of education, relevant licenses/certifications and length of service in the same/similar job class or classes of current incumbents. It is the policy of the City to make every effort to avoid inverted salary relationships by bringing in newly hired employees at a salary that exceeds the current salaries of comparably placed existing employees in the same/similar job class.

4. The Human Resources department may additionally consider a higher salary offer if the open position is determined to be a "hard to fill" position.

   "Hard to fill" positions will be determined by the Human Resources Department and will be based on the length of time the position has remained unfilled, the difficulty to recruit, the "mission critical" nature of the work and the market conditions of the position, at the time of a vacancy.

5. Hiring Range is typically considered that span in salary between the minimum of the range and the market point for most positions. For Directorships or Assistant Director level positions, the qualifications of the applicant and/or the needs of the City should include the discretion to hire anywhere within the range. However, consideration should still be given to existing salaries of other employees who are in directly comparable leadership positions.

**E. Maximum of the Range**

Ranges are established to reflect the market value of a given job profile and not an incumbent. Once an employee reaches the maximum of his/her assigned range, the salary is frozen, and the employee is not eligible for any additional compensation unless there is a range movement that would result in a higher maximum.

**G. Salary Adjustment for Department Directors**

There should be some flexibility for making salary adjustments for Departmental Directors, beyond an annual increase, when it is based on exceptional performance. The salaries of other substantially equivalent employees should also be given consideration to not create undue inequity in the salary relationships between and among comparable levels of peers.

**Future Salary Adjustment Recommendations**

The cost to implement and maintain the compensation system should be driven by changes in the labor market and/or internal relationships and should be applied globally to the system, which, in turn, adjusts each salary range. Compensation systems that are well maintained address *two primary issues* on an annual basis:

- the cost to maintain competitiveness within the system; and
- the cost to adjust individual salaries.

From time to time, the City may determine the need to adjust pay grades/ranges based on some factor, such as the Employment Cost Index (ECI) to maintain competitiveness at salary range minimums and hiring rates, as well as accommodate current incumbent pay progression within the grades. Ideally, funding permitting, the City should conduct a salary/market review periodically to assess market conditions and ensure a competitive posture in personnel recruitment and retention. At this time, a more detailed comparison to the external market, as well as, to immediate competitors can be made using a comprehensive methodology such as that used in this review.

**Proposed Compensation Plan**

Regardless of an organization's philosophy concerning advancement opportunities afforded to employees, it is essential that movements in the economy, and more specifically, the labor market in which the City competes, be addressed at the system level. Accordingly, salary administration procedures should take their priority based on funding levels and the City's philosophies on pay.

**Placement of Employees Within the New Proposed Ranges**

For employees whose current salary level is below the minimum level in the assigned range, the salary level would be the minimum in the range.

For employees with current salary levels exceeding the maximum level in the assigned range, the salary would be frozen at that level, and the employee would be ineligible for any merit or cost of living increases until the range is adjusted to allow movement.

The placement of employees within the newly proposed salary plan is based on a formula designed to address internal equity. *No salary for any employee is recommended for reduction.* Each employee has a calculated target salary and is then recommended for placement within the range.

**Proposed Compensation Under the New Plan**

***The Classification Manager***® software has established a target salary for each employee by first calculating the cost to raise the incumbent to the minimum of the new range (if appropriate). A formula is then applied that calculates a target salary for the employee based on the total days of service in his/her proposed job class. This calculation is based on the number of days in the "Years to Maximum" and the difference between the range minimum and maximum, in dollars.

**Plan Implementation**

MAG recognizes that implementation of the new or revised compensation and classification programs must consider the financial disposition, current salary levels, and other variables unique to the City. Only after all these factors are considered, can a feasible implementation program be designed. MAG has worked to provide an implementation plan that will address the current inequities and will provide a framework for external competitiveness.

It is especially important that during the current economic times that the City retain its highly qualified work force by providing a fair, and competitive, compensation program. Additionally, it is equally important, that the City does not overpay for positions. The proposed implementation plan carefully balances these two important considerations.

## *SECTION 4.0*
## *Introduction to Total Rewards*

### *4.0 – Introduction to Total Rewards*

**Total Rewards**

Total rewards are the monetary and non-monetary returns provided to employees in exchange for their time, talents, efforts and results. It involves the deliberate integration of five key elements that effectively attract, motivate and retain the talent required to achieve desired business results. The five key reward elements are:

- Remuneration/Compensation;
- Benefits;
- Work-Life;
- Performance and Recognition; and,
- Development and Career Opportunities.

These elements represent the "tool kit" from which an organization chooses to offer and align a value proposition that creates value for both the organization and the employee. An effective total rewards strategy is the art of combining these five elements into tailored packages designed to achieve optimal motivation. This results in satisfied, engaged and productive employees, who in turn create desired business performance and results. In this successful exchange relationship, the employee provides time, talent, efforts and results --- and the employer provides a total rewards package that is perceived as valuable by the employee.

**The Context for Total Rewards**

Total rewards operate in the context of an overall organizational strategy, organizational culture and human resources strategy. Indeed, an organization's exceptional culture or external brand value may be considered a critical component of the total employment value proposition. In addition, other external influences on an organization that affect total rewards design include:

- Legal/regulatory issues;
- Cultural influences and practices;
- Competition; and,
- Labor market.

**Total Reward Definitions and Examples**

**Remuneration/Compensation**

Pay provided by an employer to an employee for services rendered (i.e. time, effort and skill).

**Remuneration/Compensation comprises four core elements:**

- Fixed pay – Also known as "base or basic pay", fixed pay is nondiscretionary compensation that does not vary according to performance or results achieved. It usually is determined by the organization's pay philosophy and structure.

- Variable pay – Also known as "pay at risk", variable pay changes directly with the level of performance or results achieved. It is a one-time payment and must be re-established and re-earned each performance period.
- Short-term incentive pay – A form of variable pay, short-term incentive pay is designed to focus and reward performance over a period of one year or less.
- Long-term incentive pay – A form of variable pay, long-term incentive pay is designed to focus and reward performance over a period longer than one year.

**Benefits**

Programs an employer uses to supplement the cash compensation that employees receive. These programs are designed to protect the employee and his or her family from financial risks and can be categorized into the following elements:

- Social Insurance;
- Unemployment;
- Worker's compensation;
- Social Security; and,
- Disability (occupational).

**Group Insurance**

- Medical
- Dental
- Vision
- Prescription Drug
- Mental Health
- Life Insurance
- Accidental Death and Dismemberment Insurance (AD&D)
- Disability
- Retirement
- Savings

**Pay for Time Not Worked**

These programs are designed to protect the employee's income flow when not actively engaged at work.

- At work (breaks, clean-up time, uniform changing time); and,
- Away from work (vacation, government holidays, company holidays, personal days).

**Work-Life**

A specific set of organizational practices, policies and programs, plus a philosophy, which actively supports efforts to help employees achieve success at both work and home. There are seven major categories of organizational support for work-life effectiveness in the workplace. These categories encompass compensation, benefits and other human resources programs.

In combination, they address the key intersections of the worker, his or her family, the community and the workplace. The seven categories are:

- Workplace flexibility;
- Paid and unpaid time off;
- Health and well-being;
- Caring for dependents;
- Financial support;
- Community involvement; and,
- Management involvement/culture change interventions.

**Performance & Recognition**

**Performance:** A key component of organizational success, alignment of organizational, team and individual performance is assessed in order to understand what was accomplished, and how it was accomplished. Performance involves the alignment of organizational, team and individual effort toward the achievement of business goals and organizational success.

**Performance planning** is a process whereby expectations are established linking individual with team and organizational goals. Care is taken to ensure goals at all levels are aligned, and there is clear line of sight from performance expectations of individual employees all the way up to the organizational objectives and strategies set at the highest levels of the organization.

**Performance** is the manner of demonstrating a skill or capacity.

**Performance feedback** communicates how well people do a job or task compared to expectations, performance standards and goals. Performance feedback can motivate employees to improve performance.

**Recognition** acknowledges or gives special attention to employee actions, efforts, behavior or performance. It meets an intrinsic psychological need for appreciation of one's efforts and can support business strategy by reinforcing certain behaviors (e.g., extraordinary accomplishments) that contribute to organizational success. Whether formal or informal, recognition programs acknowledge employee contributions immediately after the fact, usually without predetermined goals or performance levels that the employee is expected to achieve. Awards can be cash or non-cash (e.g., verbal recognition, trophies, certificates, plaques, dinners, tickets, etc.). The value of recognition plans is that they:

- Reinforce the value of performance improvement;
- Foster continued improvement, although it is not guaranteed;
- Formalize the process of showing appreciation;
- Provide positive and immediate feedback; and,
- Foster communication of valued behavior and activities.

**Development and Career Opportunities**

**Development:** A set of learning experiences designed to enhance employees' applied skills and competencies. Development engages employees to perform better and engages leaders to advance their organization's people strategies.

**Career Opportunities:** A plan for employees to advance their career goals and may include advancement into a more responsible position in an organization. The organization supports career opportunities internally so that talented employees are deployed in positions that enable them to deliver their greatest value to the organization. Development and career opportunities include the following:

**Learning Opportunities**

- Tuition assistance;
- Corporate universities;
- New technology training;
- Attendance at outside seminars, conferences, virtual education, etc.;
- Self-development tools and techniques;
- On-the-job learning; rotational assignments at a progressively higher level;
- Sabbaticals with the express purpose of acquiring specific skills, knowledge or experience;
- Coaching/Mentoring;
- Leadership training;
- Access to experts/information networks association memberships, attendance and/or presentation at conferences;
- Exposure to resident experts; and,
- Formal or informal mentoring programs in or outside one's own organization.

**Advancement Opportunities**

**Internships**

- Apprenticeships with experts;
- International assignments;
- Internal job postings;
- Job advancement/promotion;
- Career ladders and pathways;
- Succession planning; and,
- Providing defined and respectable "on and off ramps" throughout the career life cycle.

**An Integrated Total Rewards Strategy**

**Culture**

Culture consists of the collective attitudes and behaviors that influence how individuals behave. Culture determines how and why a company operates in the manner that it does.

Typically, it is comprised of a set of often unspoken expectations, behavioral norms and performance standards to which the organization has become accustomed. Culture change is difficult to achieve because it involves changing attitudes and behaviors by altering their fundamental beliefs and values. Organizational culture is subject to internal and external influences; thus, culture is depicted as a contextual element of the total rewards model, overlapping within and outside the organization.

**Environment**

Environment is the total cluster of observable physical, psychological and behavioral elements in the workplace. It is the tangible manifestation of organizational culture. Environment sets the tone, as everyone who enters the workplace reacts to it, either consciously or unconsciously. Because they are directly observable and often measurable, specific elements of the environment can be deliberately manipulated or changed. The external environment in which an organization operates can influence the internal environment; thus, environment is depicted as a contextual element of the total rewards model, overlapping within and outside the organization.

**Attraction**

The ability of an organization to attract the right kind of talent necessary to achieve organizational success. Attraction of an adequate (and perpetual) supply of qualified talent is essential for the organization's survival, and it is one of the key planks of business strategy. One way an organization can address this issue is to determine which "attractors" within the total rewards program brings the kind of talent that will drive organizational success. A deliberate strategy to attract the quantity and quality of employees needed to drive organizational success is one of the key planks of business strategy.

**Retention**

An organization's ability to keep employees who are valued contributors to organizational success for as long as is mutually beneficial. Desired talent can be kept on staff by using a dynamic blend of elements from the total rewards package as employees move through their career lifecycles. However, not all retention is desirable, which is why a formal retention strategy with appropriate steps is essential.

**Motivation**

The ability to cause employees to behave in a way that achieves the highest performance levels. Motivation is comprised of two types:

- **Intrinsic Motivation** is linked to factors that include an employee's sense of achievement, respect for the whole person, trust, appropriate advancement opportunities and others, intrinsic motivation consistently results in higher performance levels.
- **Extrinsic Motivation** is most frequently associated with rewards that are tangible, such as compensation and benefits.

There are also defined levels of intensity regarding motivation:

- *Satisfaction* – how much I like things here.
- *Commitment* – how much I want to be here.
- *Engagement* – how much I will actually do to improve business results.

## *SECTION 5.0*
## *Salary Survey Data Summary*

# Salary Survey Results Summary



## Salary Survey Results for CLEVELAND, TN

| Job Class Title | Averages For Each Job Class | | | | | | | CLEVELAND | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Min | Mid | Max | Start | Avg | Actual | Range Width | Min | | Mid | | Max | | Range Width |
| PUBLIC SERVICE WORKER | $25,956 | $32,872 | $39,787 | | | $34,382 | 53.3% | $23,609 | -9.9% | $30,913 | -6.3% | $38,216 | -4.1% | 61.9% |
| TREE TRIMMER I | $30,865 | $39,568 | $48,271 | | | | 56.4% | $29,615 | -4.2% | $38,776 | -2.0% | $47,937 | -0.7% | 61.9% |
| ANIMAL CONTROL OFFICER | $33,465 | $42,076 | $50,687 | | | | 51.5% | $29,615 | -13.0% | $38,776 | -8.5% | $47,937 | -5.7% | 61.9% |
| ACCOUNTING TECHNICIAN | $33,630 | $42,343 | $51,055 | | | | 51.8% | $29,615 | -13.6% | $38,776 | -9.2% | $47,937 | -6.5% | 61.9% |
| ACCOUNTS PAYABLE CLERK | $36,129 | $44,449 | $52,768 | | | | 46.1% | $29,615 | -22.0% | $38,776 | -14.6% | $47,937 | -10.1% | 61.9% |
| MEO III | $35,299 | $44,566 | $53,834 | | | | 52.5% | $33,171 | -6.4% | $43,432 | -2.6% | $53,693 | -0.3% | 61.9% |
| FIREFIGHTER | $36,472 | $44,730 | $52,987 | | | | 45.3% | $37,148 | 1.8% | $48,640 | 8.0% | $60,132 | 11.9% | 61.9% |
| EXECUTIVE SECRETARY I | $36,623 | $47,083 | $57,542 | | | | 57.1% | $37,148 | 1.4% | $48,640 | 3.2% | $60,132 | 4.3% | 61.9% |
| POLICE OFFICER | $38,436 | $47,544 | $56,652 | | | $44,096 | 47.4% | $37,148 | -3.5% | $48,640 | 2.3% | $60,132 | 5.8% | 61.9% |
| MECHANIC III | $37,636 | $47,689 | $57,741 | | | $50,045 | 53.4% | $41,607 | 9.5% | $54,478 | 12.5% | $67,349 | 14.3% | 61.9% |
| ENGINEERING TECHNICIAN | $39,707 | $50,589 | $61,471 | | | | 54.8% | $41,607 | 4.6% | $54,478 | 7.1% | $67,349 | 8.7% | 61.9% |
| BUILDING INSPECTOR | $39,979 | $50,609 | $61,239 | | | $43,472 | 53.2% | $41,607 | 3.9% | $54,478 | 7.1% | $67,349 | 9.1% | 61.9% |
| FIRE DRIVER/ENGINEER | $41,793 | $51,077 | $60,360 | | | | 44.4% | $41,607 | -0.4% | $54,478 | 6.2% | $67,349 | 10.4% | 61.9% |
| RECREATION PROGRAM MANAGER | $45,144 | $57,489 | $68,292 | | | $38,896 | 51.3% | $46,601 | 3.1% | $61,017 | 5.8% | $75,432 | 9.5% | 61.9% |
| ACCOUNTANT | $47,472 | $60,091 | $72,711 | | | | 53.2% | $46,601 | -1.9% | $61,017 | 1.5% | $75,432 | 3.6% | 61.9% |
| FIRE LIEUTENANT | $48,846 | $60,208 | $71,570 | | | | 46.5% | $46,601 | -4.8% | $61,017 | 1.3% | $75,432 | 5.1% | 61.9% |
| POLICE SERGEANT | $48,878 | $60,335 | $71,792 | | | $53,518 | 46.9% | $46,601 | -4.9% | $61,017 | 1.1% | $75,432 | 4.8% | 61.9% |
| ASSISTANT CITY CLERK | $48,568 | $61,812 | $75,056 | | | $45,261 | 54.5% | $52,193 | 6.9% | $68,338 | 9.6% | $84,484 | 11.2% | 61.9% |
| FIRE CAPTAIN | $54,467 | $65,783 | $77,098 | | | | 41.6% | $52,193 | -4.4% | $68,338 | 3.7% | $84,484 | 8.7% | 61.9% |
| FLEET MANAGER | $55,033 | $71,418 | $87,804 | | | | 59.5% | $52,193 | -5.4% | $68,338 | -4.5% | $84,484 | -3.9% | 61.9% |
| POLICE LIEUTENANT | $60,327 | $72,603 | $84,879 | | | $68,453 | 40.7% | $52,193 | -15.6% | $68,338 | -6.2% | $84,484 | -0.5% | 61.9% |
| GIS ADMINISTRATOR | $57,894 | $73,379 | $88,864 | | | | 53.5% | $58,456 | 1.0% | $76,539 | 4.1% | $94,622 | 6.1% | 61.9% |
| FIRE BATTALION COMMANDER | $64,013 | $76,168 | $88,323 | | | | 38.0% | $58,456 | -9.5% | $76,539 | 0.5% | $94,622 | 6.7% | 61.9% |
| POLICE CAPTAIN | $64,939 | $80,968 | $96,996 | | | | 49.4% | $58,456 | -11.1% | $76,539 | -5.8% | $94,622 | -2.5% | 61.9% |
| HUMAN RESOURCES DIRECTOR | $74,783 | $94,169 | $113,554 | | | $52,957 | 51.8% | $73,326 | -2.0% | $96,010 | 1.9% | $118,693 | 4.3% | 61.9% |
| INFORMATION TECHNOLOGY DIRECTOR | $77,216 | $97,711 | $118,206 | | | | 53.1% | $73,326 | -5.3% | $96,010 | -1.8% | $118,693 | 0.4% | 61.9% |
| DIRECTOR OF PARKS & RECREATION | $77,669 | $97,785 | $117,900 | | | $54,704 | 51.8% | $82,125 | 5.4% | $92,572 | -5.6% | $103,019 | -14.4% | 25.4% |
| CITY ENGINEER | $80,920 | $101,818 | $122,716 | | | $97,323 | 51.7% | $73,326 | -10.4% | $96,010 | -6.0% | $118,693 | -3.4% | 61.9% |
| PUBLIC WORKS DIRECTOR | $86,328 | $109,345 | $132,362 | | | $83,075 | 53.3% | $82,125 | -5.1% | $92,572 | -18.1% | $103,019 | -28.5% | 25.4% |
| POLICE CHIEF | $90,887 | $110,742 | $130,597 | | | $76,398 | 43.7% | $82,125 | -10.7% | $92,572 | -19.6% | $103,019 | -26.8% | 25.4% |
| FIRE CHIEF | $89,549 | $112,452 | $135,355 | | | | 51.2% | $82,125 | -9.0% | $92,572 | -21.5% | $103,019 | -31.4% | 25.4% |
| ASSISTANT CITY MANAGER/CFO | $89,794 | $113,622 | $137,450 | | | | 53.1% | $92,029 | 2.4% | $120,498 | 5.7% | $148,966 | 7.7% | 61.9% |
| **Survey Averages** | **$54,022** | **$67,597** | **$81,123** | | | **$57,122** | **50.37%** | $52,005 | -3.88% | $66,223 | -2.07% | $80,441 | -0.85% | 54.68% |

## *SECTION 6.0*
## *Proposed Pay Plans*

# Proposed Pay Plans

## Proposed Pay Plans

## Cleveland, TN

| | Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|---|
| **Fire** | | | | | |
| **201** | | | **$37,722.13** | **$41,871.56** | **$56,526.61** |
| | 3000 | FIREFIGHTER | | | |
| | 3009 | FIREFIGHTER GRANDFATHERED ACCR | | | |
| **202** | | | **$43,042.83** | **$47,777.54** | **$64,499.68** |
| | 3001 | FIRE DRIVER/ENGINEER | | | |
| **203** | | | **$50,095.83** | **$55,606.37** | **$75,068.60** |
| | 2406 | FIRE INSPECTOR | | | |
| | 3003 | FIRE LIEUTENANT | | | |
| **204** | | | **$55,717.38** | **$61,846.30** | **$83,492.50** |
| | 3004 | FIRE CAPTAIN | | | |
| | 3007 | FIRE CAPTAIN GRANDFATHERED ACC | | | |
| | 3005 | FIRE TRAINING CAPTAIN | | | |
| **205** | | | **$65,263.33** | **$72,442.30** | **$97,797.09** |
| | 3006 | FIRE BATTALION COMMANDER | | | |

9 Active Proposed Classes in the Fire Pay Plan

## Proposed Pay Plans

## Cleveland, TN

| | Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|---|
| **Police** | | | | | |
| **301** | | | **$39,686.08** | **$44,051.55** | **$59,469.60** |
| | 3402 | POLICE OFFICER | | | |
| | 3407 | POLICE OFFICER/BOMB TECH | | | |
| | 3408 | POLICE OFFICER/CRIMINAL INTELLIGENCE | | | |
| | 3410 | POLICE OFFICER/CST | | | |
| | 3405 | POLICE OFFICER/K9 UNIT | | | |
| | 3406 | POLICE OFFICER/MPO | | | |
| | 3404 | POLICE OFFICER/SRO | | | |
| | 3403 | POLICE OFFICER/SRT | | | |
| **302** | | | **$50,128.29** | **$55,642.40** | **$75,117.23** |
| | 3413 | POLICE DETECTIVE | | | |
| | 3411 | POLICE SERGEANT | | | |
| **303** | | | **$61,577.59** | **$68,351.12** | **$92,274.02** |
| | 3412 | POLICE LIEUTENANT | | | |
| **304** | | | **$66,189.13** | **$73,469.94** | **$99,184.42** |
| | 3414 | POLICE CAPTAIN | | | |

12 Active Proposed Classes in the Police Pay Plan

## Proposed Pay Plans

## Cleveland, TN

| | Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|---|
| Unified | | | | | |
| **102** | | | **$27,281.08** | **$30,282.00** | **$40,880.70** |
| | 3800 | PUBLIC SERVICE WORKER | | | |
| | 5000 | RECREATION ASSISTANT | | | |
| **103** | | | **$28,645.13** | **$31,796.10** | **$42,924.73** |
| | 1008 | ACCOUNTING ASSISTANT | | | |
| | 1001 | RECORDS RECONCILLIATION SPECIALIST | | | |
| | 4004 | SIGN TECHNICIAN | | | |
| **105** | | | **$31,581.26** | **$35,055.20** | **$47,324.52** |
| | 1002 | ACCOUNTING TECHNICIAN | | | |
| | 1009 | ADMINISTRATIVE ASSISTANT | | | |
| | 4000 | EQUIPMENT OPERATOR I | | | |
| | 1024 | EVIDENCE TECHNICIAN | | | |
| | 1025 | EVIDENCE/RECORDS ASSISTANT | | | |
| | 1005 | RECORDS RECONCILLIATION SPECIALIST, SENIOR | | | |
| | 2795 | SUPPORT SERVICES TECH | | | |
| **107** | | | **$34,818.34** | **$38,648.36** | **$52,175.29** |
| | 3400 | ANIMAL CONTROL OFFICER | | | |
| | 4001 | EQUIPMENT OPERATOR II | | | |
| | 4006 | GROUNDS SPECIALIST | | | |
| | 2805 | RECREATION PROGRAMS SUPERVISOR | | | |
| | 1003 | SHELTER OFFICE COORDINATOR | | | |
| | 4003 | TREE TRIMMER I | | | |
| **109** | | | **$38,387.22** | **$42,609.82** | **$57,523.25** |
| | 1004 | ACCOUNTS PAYABLE TECHNICIAN | | | |
| | 3401 | ANIMAL CONTROL OFFICER SR | | | |
| | 4009 | BUILDING DIVISION TECHNICIAN | | | |
| | 2400 | CODES INSPECTOR | | | |
| | 4007 | CONCRETE/BRICK MASON | | | |
| | 4002 | EQUIPMENT OPERATOR III | | | |
| | 2819 | FLEET INVENTORY SPECIALIST | | | |
| | 2790 | SUPPORT SERVICES SUPERVISOR | | | |
| | 4005 | TREE TRIMMER II | | | |
| **111** | | | **$42,321.91** | **$46,977.32** | **$63,419.38** |
| | 1011 | ADMINISTRATIVE COORDINATOR | | | |
| | 2402 | BUILDING INSPECTOR | | | |
| | 1010 | BUSINESS TAX ASSOCIATE | | | |
| | 2404 | CONSTRUCTION INSPECTOR | | | |
| | 4008 | IT TECHNICIAN | | | |
| | 4010 | MECHANIC | | | |
| | 2804 | PARKS FACILITIES MAINTENANCE SUPERVISOR | | | |
| | 4011 | PLANNER/CODE INSPECTION SUPERVISOR | | | |
| | 2803 | SIGNS AND MARKINGS SUPERVISOR | | | |
| | 4018 | SITE PLAN TECHNICIAN | | | |
| | 2401 | STORMWATER INSPECTOR | | | |

## Proposed Pay Plans

## Cleveland, TN

| | Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|---|
| Unified | | | | | |
| **113** | | | **$46,659.90** | **$51,792.50** | **$69,919.87** |
| | 2801 | CREW LEADER | | | |
| | 2802 | FLEET MAINTENANCE SUPERVISOR | | | |
| | 1012 | NETWORK OPERATIONS COORDINATOR | | | |
| | 2806 | RECREATION CENTER SUPERVISOR | | | |
| | 2807 | RECREATION PROGRAM MANAGER | | | |
| | 2403 | SITE PLAN EXAMINER/BUILDING INSPECTOR | | | |
| | 2800 | SUPPORT SERVICE MANAGER | | | |
| **114** | | | **$48,992.90** | **$54,382.12** | **$73,415.86** |
| | 1026 | ACCOUNTANT | | | |
| | 2405 | CONSTRUCTION INSPECTOR/SAFETY COOR | | | |
| | 2810 | GENERAL SUPERVISOR | | | |
| | 1007 | PAYROLL/INSURANCE SPECIALIST | | | |
| | 1014 | PURCHASING/BUDGET COORDINATOR | | | |
| | 4012 | STORMWATER COORDINATOR | | | |
| **117** | | | **$56,715.41** | **$62,954.10** | **$84,988.03** |
| | 1017 | ACCOUNTANT SENIOR | | | |
| | 2811 | ANIMAL CONTROL DIRECTOR | | | |
| | 1015 | ASSISTANT CITY CLERK | | | |
| | 2812 | FLEET DIRECTOR | | | |
| | 4014 | TRANSPORTATION PLANNER | | | |
| **118** | | | **$59,551.18** | **$66,101.80** | **$89,237.44** |
| | 1018 | 911 NETWORK ADMINISTRATION | | | |
| | 2818 | DIRECTOR, POLICE ADMINISTRATIVE SERVICES | | | |
| | 4017 | GIS ADMINISTRATOR | | | |
| | 4016 | REDEVELOPMENT COORDINATOR | | | |
| | 4013 | STAFF ENGINEER | | | |
| **120** | | | **$65,655.17** | **$72,877.24** | **$98,384.28** |
| | 1016 | ASSISTANT TO CITY MANAGER | | | |
| | 4015 | ENGINEER - PE (STORM WATER) | | | |
| **122** | | | **$72,384.83** | **$80,347.16** | **$108,468.66** |
| | 2823 | ASSISTANT DIRECTOR - DES | | | |
| | 2814 | ASSISTANT HUMAN RESOURCES DIRECTOR | | | |
| | 2820 | ASSISTANT POLICE CHIEF | | | |
| | 2815 | ASSISTANT PUBLIC WORKS DIRECTOR | | | |
| | 2821 | DEPUTY FIRE CHIEF | | | |
| | 2000 | FORESTRY/LANDSCAPING DIRECTOR | | | |
| | 2001 | JETPORT MANAGER | | | |
| | 2817 | TRANSPORTATION DIRECTOR | | | |
| | 2816 | TRANSPORTATION ENGINEER - PE | | | |
| **124** | | | **$79,804.27** | **$88,582.74** | **$119,586.70** |
| | 4019 | CITY ENGINEER - PE | | | |
| | 2003 | DIRECTOR OF HUMAN RESOURCES | | | |

## Proposed Pay Plans

## Cleveland, TN

| Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|
| Unified | | | | |
| **124** | | **$79,804.27** | **$88,582.74** | **$119,586.70** |
| 2007 | DIRECTOR OF PARKS & RECREATION | | | |
| 2002 | INFORMATION TECHNOLOGY DIRECTOR | | | |
| **125** | | **$83,794.49** | **$93,011.88** | **$125,566.04** |
| 2006 | DIRECTOR OF DEVELOPMENT & ENGINEERING | | | |
| 2008 | PUBLIC WORKS DIRECTOR | | | |
| **127** | | **$92,383.41** | **$102,545.60** | **$138,436.55** |
| 2005 | FIRE CHIEF | | | |
| 2004 | POLICE CHIEF | | | |
| **129** | | **$101,852.72** | **$113,056.52** | **$152,626.30** |
| 1020 | ASSISTANT CITY MANAGER/CFO | | | |
| **134** | | **$129,992.75** | **$144,291.95** | **$194,794.14** |
| 1022 | CITY MANAGER | | | |

82 Active Proposed Classes in the Unified Pay Plan

**Proposed Pay Plans**

**Cleveland, TN**

| Code | Proposed Class Title | Ann Min | Mkt | Ann Max |
|---|---|---|---|---|

103 Active Classes in Cleveland, TN

## *SECTION 7.0*
## *Alphabetical Listing of Job Classes*

# Proposed Class List By Title

## Proposed Class List By Title

## Cleveland, TN

| Proposed Class Title | Code | Pay Plan | Grade | Min | Mkt | Max | # |
|---|---|---|---|---|---|---|---|
| **9** | | | | | | | |
| 911 NETWORK ADMINISTRATION | 1018 | Unified | 118 | $59,551.18 | $66,101.80 | $89,237.44 | 1 |
| **A** | | | | | | | |
| ACCOUNTANT | 1026 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 1 |
| ACCOUNTANT SENIOR | 1017 | Unified | 117 | $56,715.41 | $62,954.10 | $84,988.03 | 1 |
| ACCOUNTING ASSISTANT | 1008 | Unified | 103 | $28,645.13 | $31,796.10 | $42,924.73 | 2 |
| ACCOUNTING TECHNICIAN | 1002 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 1 |
| ACCOUNTS PAYABLE TECHNICIAN | 1004 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |
| ADMINISTRATIVE ASSISTANT | 1009 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 3 |
| ADMINISTRATIVE COORDINATOR | 1011 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 5 |
| ANIMAL CONTROL DIRECTOR | 2811 | Unified | 117 | $56,715.41 | $62,954.10 | $84,988.03 | 1 |
| ANIMAL CONTROL OFFICER | 3400 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 2 |
| ANIMAL CONTROL OFFICER SR | 3401 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 2 |
| ASSISTANT CITY CLERK | 1015 | Unified | 117 | $56,715.41 | $62,954.10 | $84,988.03 | 1 |
| ASSISTANT CITY MANAGER/CFO | 1020 | Unified | 129 | $101,852.72 | $113,056.52 | $152,626.30 | 1 |
| ASSISTANT DIRECTOR - DES | 2823 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| ASSISTANT HUMAN RESOURCES DIRECTOR | 2814 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| ASSISTANT POLICE CHIEF | 2820 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| ASSISTANT PUBLIC WORKS DIRECTOR | 2815 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| ASSISTANT TO CITY MANAGER | 1016 | Unified | 120 | $65,655.17 | $72,877.24 | $98,384.28 | 2 |
| **B** | | | | | | | |
| BUILDING DIVISION TECHNICIAN | 4009 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |
| BUILDING INSPECTOR | 2402 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 2 |
| BUSINESS TAX ASSOCIATE | 1010 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| **C** | | | | | | | |
| CITY ENGINEER - PE | 4019 | Unified | 124 | $79,804.27 | $88,582.74 | $119,586.70 | 1 |
| CITY MANAGER | 1022 | Unified | 134 | $129,992.75 | $144,291.95 | $194,794.14 | 1 |
| CODES INSPECTOR | 2400 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 2 |
| CONCRETE/BRICK MASON | 4007 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |
| CONSTRUCTION INSPECTOR | 2404 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| CONSTRUCTION INSPECTOR/SAFETY COOR | 2405 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 1 |

## Proposed Class List By Title

## Cleveland, TN

| Proposed Class Title | Code | Pay Plan | Grade | Min | Mkt | Max | # |
|---|---|---|---|---|---|---|---|
| CREW LEADER | 2801 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 5 |
| **D** | | | | | | | |
| DEPUTY FIRE CHIEF | 2821 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| DIRECTOR OF DEVELOPMENT & ENGINEERING | 2006 | Unified | 125 | $83,794.49 | $93,011.88 | $125,566.04 | 1 |
| DIRECTOR OF HUMAN RESOURCES | 2003 | Unified | 124 | $79,804.27 | $88,582.74 | $119,586.70 | 1 |
| DIRECTOR OF PARKS & RECREATION | 2007 | Unified | 124 | $79,804.27 | $88,582.74 | $119,586.70 | 1 |
| DIRECTOR, POLICE ADMINISTRATIVE SERVICES | 2818 | Unified | 118 | $59,551.18 | $66,101.80 | $89,237.44 | 1 |
| **E** | | | | | | | |
| ENGINEER - PE (STORM WATER) | 4015 | Unified | 120 | $65,655.17 | $72,877.24 | $98,384.28 | 1 |
| EQUIPMENT OPERATOR I | 4000 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 10 |
| EQUIPMENT OPERATOR II | 4001 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 2 |
| EQUIPMENT OPERATOR III | 4002 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 12 |
| EVIDENCE TECHNICIAN | 1024 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 1 |
| EVIDENCE/RECORDS ASSISTANT | 1025 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 1 |
| **F** | | | | | | | |
| FIRE BATTALION COMMANDER | 3006 | Fire | 205 | $65,263.33 | $72,442.30 | $97,797.09 | 3 |
| FIRE CAPTAIN | 3004 | Fire | 204 | $55,717.38 | $61,846.30 | $83,492.50 | 5 |
| FIRE CAPTAIN GRANDFATHERED ACC | 3007 | Fire | 204 | $55,717.38 | $61,846.30 | $83,492.50 | 0 |
| FIRE CHIEF | 2005 | Unified | 127 | $92,383.41 | $102,545.60 | $138,436.55 | 0 |
| FIRE DRIVER/ENGINEER | 3001 | Fire | 202 | $43,042.83 | $47,777.54 | $64,499.68 | 25 |
| FIRE INSPECTOR | 2406 | Fire | 203 | $50,095.83 | $55,606.37 | $75,068.60 | 3 |
| FIRE LIEUTENANT | 3003 | Fire | 203 | $50,095.83 | $55,606.37 | $75,068.60 | 18 |
| FIRE TRAINING CAPTAIN | 3005 | Fire | 204 | $55,717.38 | $61,846.30 | $83,492.50 | 1 |
| FIREFIGHTER | 3000 | Fire | 201 | $37,722.13 | $41,871.56 | $56,526.61 | 43 |
| FIREFIGHTER GRANDFATHERED ACCR | 3009 | Fire | 201 | $37,722.13 | $41,871.56 | $56,526.61 | 1 |
| FLEET DIRECTOR | 2812 | Unified | 117 | $56,715.41 | $62,954.10 | $84,988.03 | 1 |
| FLEET INVENTORY SPECIALIST | 2819 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |
| FLEET MAINTENANCE SUPERVISOR | 2802 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 1 |
| FORESTRY/LANDSCAPING DIRECTOR | 2000 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| **G** | | | | | | | |
| GENERAL SUPERVISOR | 2810 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 2 |

## Proposed Class List By Title

## Cleveland, TN

| Proposed Class Title | Code | Pay Plan | Grade | Min | Mkt | Max | # |
|---|---|---|---|---|---|---|---|
| GIS ADMINISTRATOR | 4017 | Unified | 118 | $59,551.18 | $66,101.80 | $89,237.44 | 1 |
| GROUNDS SPECIALIST | 4006 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 1 |
| **I** | | | | | | | |
| INFORMATION TECHNOLOGY DIRECTOR | 2002 | Unified | 124 | $79,804.27 | $88,582.74 | $119,586.70 | 1 |
| IT TECHNICIAN | 4008 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| **J** | | | | | | | |
| JETPORT MANAGER | 2001 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| **M** | | | | | | | |
| MECHANIC | 4010 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 3 |
| **N** | | | | | | | |
| NETWORK OPERATIONS COORDINATOR | 1012 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 1 |
| **P** | | | | | | | |
| PARKS FACILITIES MAINTENANCE SUPERVISOR | 2804 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| PAYROLL/INSURANCE SPECIALIST | 1007 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 1 |
| PLANNER/CODE INSPECTION SUPERVISOR | 4011 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| POLICE CAPTAIN | 3414 | Police | 304 | $66,189.13 | $73,469.94 | $99,184.42 | 2 |
| POLICE CHIEF | 2004 | Unified | 127 | $92,383.41 | $102,545.60 | $138,436.55 | 1 |
| POLICE DETECTIVE | 3413 | Police | 302 | $50,128.29 | $55,642.40 | $75,117.23 | 11 |
| POLICE LIEUTENANT | 3412 | Police | 303 | $61,577.59 | $68,351.12 | $92,274.02 | 8 |
| POLICE OFFICER | 3402 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 38 |
| POLICE OFFICER/BOMB TECH | 3407 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 2 |
| POLICE OFFICER/CRIMINAL INTELLIGENCE | 3408 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 1 |
| POLICE OFFICER/CST | 3410 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 1 |
| POLICE OFFICER/K9 UNIT | 3405 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 3 |
| POLICE OFFICER/MPO | 3406 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 5 |
| POLICE OFFICER/SRO | 3404 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 8 |
| POLICE OFFICER/SRT | 3403 | Police | 301 | $39,686.08 | $44,051.55 | $59,469.60 | 8 |
| POLICE SERGEANT | 3411 | Police | 302 | $50,128.29 | $55,642.40 | $75,117.23 | 10 |
| PUBLIC SERVICE WORKER | 3800 | Unified | 102 | $27,281.08 | $30,282.00 | $40,880.70 | 10 |
| PUBLIC WORKS DIRECTOR | 2008 | Unified | 125 | $83,794.49 | $93,011.88 | $125,566.04 | 1 |

## Proposed Class List By Title

## Cleveland, TN

| Proposed Class Title | Code | Pay Plan | Grade | Min | Mkt | Max | # |
|---|---|---|---|---|---|---|---|
| PURCHASING/BUDGET COORDINATOR | 1014 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 1 |
| **R** | | | | | | | |
| RECORDS RECONCILLIATION SPECIALIST | 1001 | Unified | 103 | $28,645.13 | $31,796.10 | $42,924.73 | 3 |
| RECORDS RECONCILLIATION SPECIALIST, SENIOR | 1005 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 1 |
| RECREATION ASSISTANT | 5000 | Unified | 102 | $27,281.08 | $30,282.00 | $40,880.70 | 1 |
| RECREATION CENTER SUPERVISOR | 2806 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 2 |
| RECREATION PROGRAM MANAGER | 2807 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 1 |
| RECREATION PROGRAMS SUPERVISOR | 2805 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 0 |
| REDEVELOPMENT COORDINATOR | 4016 | Unified | 118 | $59,551.18 | $66,101.80 | $89,237.44 | 1 |
| **S** | | | | | | | |
| SHELTER OFFICE COORDINATOR | 1003 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 1 |
| SIGN TECHNICIAN | 4004 | Unified | 103 | $28,645.13 | $31,796.10 | $42,924.73 | 1 |
| SIGNS AND MARKINGS SUPERVISOR | 2803 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| SITE PLAN EXAMINER/BUILDING INSPECTOR | 2403 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 1 |
| SITE PLAN TECHNICIAN | 4018 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| STAFF ENGINEER | 4013 | Unified | 118 | $59,551.18 | $66,101.80 | $89,237.44 | 1 |
| STORMWATER COORDINATOR | 4012 | Unified | 114 | $48,992.90 | $54,382.12 | $73,415.86 | 1 |
| STORMWATER INSPECTOR | 2401 | Unified | 111 | $42,321.91 | $46,977.32 | $63,419.38 | 1 |
| SUPPORT SERVICE MANAGER | 2800 | Unified | 113 | $46,659.90 | $51,792.50 | $69,919.87 | 2 |
| SUPPORT SERVICES SUPERVISOR | 2790 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |
| SUPPORT SERVICES TECH | 2795 | Unified | 105 | $31,581.26 | $35,055.20 | $47,324.52 | 1 |
| **T** | | | | | | | |
| TRANSPORTATION DIRECTOR | 2817 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| TRANSPORTATION ENGINEER - PE | 2816 | Unified | 122 | $72,384.83 | $80,347.16 | $108,468.66 | 1 |
| TRANSPORTATION PLANNER | 4014 | Unified | 117 | $56,715.41 | $62,954.10 | $84,988.03 | 1 |
| TREE TRIMMER I | 4003 | Unified | 107 | $34,818.34 | $38,648.36 | $52,175.29 | 1 |
| TREE TRIMMER II | 4005 | Unified | 109 | $38,387.22 | $42,609.82 | $57,523.25 | 1 |

103 Job Classes

## *SECTION 8.0*
## *Class Comparison List*

# CLASS COMPARISON LIST BY PAY PLAN



## Class Comparison List By Pay Plan
**Cleveland, TN**

**Proposed Pay Plan: Fire**

| *Grade* | | | *Annual Range* | | |
|---|---|---|---|---|---|
| | | | *Min* | *Mkt* | *Max* |
| ***Proposed Class Title*** | ***Original Title*** | ***Working Title*** | | | |
| **201** | | | **$37,722** | **$41,872** | **$56,527** |
| FIREFIGHTER | FIREFIGHTER | | 37,148 | 48,640 | 60,131 |
| FIREFIGHTER GRANDFATHERED ACCR | FIREFIGHTER GRANDFATHERED ACCR | | 37,148 | 48,640 | 60,131 |
| **202** | | | **$43,043** | **$47,778** | **$64,500** |
| FIRE DRIVER/ENGINEER | FIRE DRIVER/ENGINEER | | 41,606 | 54,477 | 67,348 |
| FIRE DRIVER/ENGINEER | FIREFIGHTER | | 37,148 | 48,640 | 60,131 |
| **203** | | | **$50,096** | **$55,606** | **$75,069** |
| FIRE INSPECTOR | FIRE INSPECTOR | | 46,600 | 61,016 | 75,432 |
| FIRE LIEUTENANT | FIRE LIEUTENANT | | 46,600 | 61,016 | 75,432 |
| FIRE LIEUTENANT | FIRE LIEUTENANT GRANDFATHERED | | 46,600 | 61,016 | 75,432 |
| **204** | | | **$55,717** | **$61,846** | **$83,493** |
| FIRE CAPTAIN | FIRE CAPTAIN | | 52,192 | 68,338 | 84,484 |
| FIRE CAPTAIN | FIRE CAPTAIN GRANDFATHERED ACC | | 52,192 | 68,338 | 84,484 |
| FIRE CAPTAIN GRANDFATHERED ACC | | | 0 | 0 | 0 |
| FIRE TRAINING CAPTAIN | FIRE TRAINING CAPTAIN | | 52,192 | 68,338 | 84,484 |
| **205** | | | **$65,263** | **$72,442** | **$97,797** |
| FIRE BATTALION COMMANDER | FIRE BATTALION COMMANDER | | 58,455 | 76,538 | 94,621 |
| FIRE BATTALION COMMANDER | FIRE BATTALION COMMANDER GRAND | | 58,455 | 76,538 | 94,621 |

## Class Comparison List By Pay Plan
Cleveland, TN

**Proposed Pay Plan: Police**

| Grade | | | Annual Range | | |
|---|---|---|---|---|---|
| | | | Min | Mkt | Max |
| **Proposed Class Title** | **Original Title** | **Working Title** | | | |
| **301** | | | **$39,686** | **$44,052** | **$59,470** |
| POLICE OFFICER | POLICE OFFICER | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER | POLICE OFFICER/BRYNE | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/BOMB TECH | POLICE OFFICER | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/BOMB TECH | POLICE OFFICER/MPO | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/CRIMINAL INTELLIGENCE | CRIMINAL INTELLIGENCE | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/CST | POLICE OFFICER/CST | | 41,606 | 54,477 | 67,348 |
| POLICE OFFICER/K9 UNIT | POLICE OFFICER/K9 UNIT | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/MPO | POLICE OFFICER | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/MPO | POLICE OFFICER/MPO | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/SRO | POLICE OFFICER | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/SRO | POLICE OFFICER/SCHOOL RESOURCE | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/SRT | POLICE OFFICER | | 37,148 | 48,640 | 60,131 |
| POLICE OFFICER/SRT | POLICE OFFICER/SRT | | 37,148 | 48,640 | 60,131 |
| **302** | | | **$50,128** | **$55,642** | **$75,117** |
| POLICE DETECTIVE | POLICE DETECTIVE | | 46,600 | 61,016 | 75,432 |
| POLICE SERGEANT | POLICE SERGEANT | | 46,600 | 61,016 | 75,432 |
| **303** | | | **$61,578** | **$68,351** | **$92,274** |
| POLICE LIEUTENANT | POLICE LIEUTENANT | | 52,192 | 68,338 | 84,484 |
| **304** | | | **$66,189** | **$73,470** | **$99,184** |
| POLICE CAPTAIN | POLICE CAPTAIN | | 65,469 | 85,722 | 105,975 |

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## Class Comparison List By Pay Plan
Cleveland, TN

**Proposed Pay Plan: Unified**

| Grade | | | Annual Range | | |
|---|---|---|---|---|---|
| | | | Min | Mkt | Max |
| **Proposed Class Title** | **Original Title** | **Working Title** | | | |
| **102** | | | **$27,281** | **$30,282** | **$40,881** |
| PUBLIC SERVICE WORKER | PUBLIC SERVICE WORKER | | 23,609 | 30,912 | 38,216 |
| RECREATION ASSISTANT | RECREATION ASSISTANT | | 23,609 | 30,912 | 38,216 |
| **103** | | | **$28,645** | **$31,796** | **$42,925** |
| ACCOUNTING ASSISTANT | ACCOUNT CLERK | | 26,442 | 34,622 | 42,802 |
| RECORDS RECONCILLIATION SPECIALIST | RECORDS CLERK | | 26,442 | 34,622 | 42,802 |
| SIGN TECHNICIAN | SIGN TECHNICIAN | | 26,442 | 34,622 | 42,802 |
| **105** | | | **$31,581** | **$35,055** | **$47,325** |
| ACCOUNTING TECHNICIAN | ACCOUNTING TECHNICIAN | | 29,614 | 38,775 | 47,936 |
| ADMINISTRATIVE ASSISTANT | SECRETARY | | 29,614 | 38,775 | 47,936 |
| ADMINISTRATIVE ASSISTANT | SECRETARY I | | 29,614 | 38,775 | 47,936 |
| EQUIPMENT OPERATOR I | MEO I | | 26,442 | 34,622 | 42,802 |
| EVIDENCE TECHNICIAN | EVIDENCE TECH | | 29,614 | 38,775 | 47,936 |
| EVIDENCE/RECORDS ASSISTANT | SECRETARY/EVIDENCE TECH | | 29,614 | 38,775 | 47,936 |
| RECORDS RECONCILLIATION SPECIALIST, SENIOR | RECORDS CLERK SR | | 29,614 | 38,775 | 47,936 |
| SUPPORT SERVICES TECH | RECORDS CLERK | | 26,442 | 34,622 | 42,802 |
| **107** | | | **$34,818** | **$38,648** | **$52,175** |
| ANIMAL CONTROL OFFICER | ANIMAL CONTROL OFFICER | | 29,614 | 38,775 | 47,936 |
| EQUIPMENT OPERATOR II | MEO II | | 29,614 | 38,775 | 47,936 |
| GROUNDS SPECIALIST | GROUNDS SPECIALIST | | 33,170 | 43,431 | 53,693 |
| RECREATION PROGRAMS SUPERVISOR | | | 0 | 0 | 0 |
| SHELTER OFFICE COORDINATOR | VOLUNTEER COORDINATOR/CLERK | | 29,614 | 38,775 | 47,936 |
| TREE TRIMMER I | TREE TRIMMER I | | 29,614 | 38,775 | 47,936 |
| **109** | | | **$38,387** | **$42,610** | **$57,523** |
| ACCOUNTS PAYABLE TECHNICIAN | ACCOUNTS PAYABLE CLERK | | 29,614 | 38,775 | 47,936 |
| ANIMAL CONTROL OFFICER SR | ANIMAL CONTROL OFFICER SR | | 33,170 | 43,431 | 53,693 |
| BUILDING DIVISION TECHNICIAN | BUILDING DIVISION TECHNICIAN | | 37,148 | 48,640 | 60,131 |
| CODES INSPECTOR | CODES INSPECTOR | | 37,148 | 48,640 | 60,131 |
| CONCRETE/BRICK MASON | BRICK MASON | | 33,170 | 43,431 | 53,693 |
| EQUIPMENT OPERATOR III | MEO III | | 33,170 | 43,431 | 53,693 |
| FLEET INVENTORY SPECIALIST | PARTS MANAGER | | 37,148 | 48,640 | 60,131 |
| SUPPORT SERVICES SUPERVISOR | SUPPORT SERVICE SUPERVISOR | | 33,170 | 43,431 | 53,693 |
| TREE TRIMMER II | TREE TRIMMER II | | 33,170 | 43,431 | 53,693 |

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## Class Comparison List By Pay Plan
### Cleveland, TN

**Proposed Pay Plan: Unified**

| Grade | | | Annual Range | | |
|---|---|---|---|---|---|
| | | | Min | Mkt | Max |
| **Proposed Class Title** | **Original Title** | **Working Title** | | | |
| **111** | | | **$42,322** | **$46,977** | **$63,419** |
| ADMINISTRATIVE COORDINATOR | ASSISTANT TO THE MAYOR | | 58,455 | 76,538 | 94,621 |
| ADMINISTRATIVE COORDINATOR | EXECUTIVE SECRETARY I | | 37,148 | 48,640 | 60,131 |
| BUILDING INSPECTOR | BUILDING INSPECTOR | | 41,606 | 54,477 | 67,348 |
| BUSINESS TAX ASSOCIATE | MUNICIPAL COURT/BUSINESS TAX | | 33,170 | 43,431 | 53,693 |
| CONSTRUCTION INSPECTOR | CONSTRUCTION INSPECTOR | | 41,606 | 54,477 | 67,348 |
| IT TECHNICIAN | IT TECHNICIAN | | 37,148 | 48,640 | 60,131 |
| MECHANIC | MECHANIC III | | 41,606 | 54,477 | 67,348 |
| PARKS FACILITIES MAINTENANCE SUPERVISOR | BUILDING MAINTENANCE SUPERVISO | | 41,606 | 54,477 | 67,348 |
| PLANNER/CODE INSPECTION SUPERVISOR | CODES OFFICER | | 41,606 | 54,477 | 67,348 |
| SIGNS AND MARKINGS SUPERVISOR | SIGN MARKINGS SUPERVISOR | | 41,606 | 54,477 | 67,348 |
| SITE PLAN TECHNICIAN | ENGINEERING TECHNICIAN | | 41,606 | 54,477 | 67,348 |
| STORMWATER INSPECTOR | STORMWATER INSPECTOR | | 41,606 | 54,477 | 67,348 |
| **113** | | | **$46,660** | **$51,792** | **$69,920** |
| CREW LEADER | FORESTRY INSPECTOR | | 41,606 | 54,477 | 67,348 |
| CREW LEADER | GENERAL SUPERVISOR I | | 41,606 | 54,477 | 67,348 |
| FLEET MAINTENANCE SUPERVISOR | AUTO MAINTENANCE SUPERVISOR | | 41,606 | 54,477 | 67,348 |
| NETWORK OPERATIONS COORDINATOR | NETWORK ADMINISTRATION I | | 41,606 | 54,477 | 67,348 |
| RECREATION CENTER SUPERVISOR | RECREATION CENTER SUPERVISOR | | 41,606 | 54,477 | 67,348 |
| RECREATION PROGRAM MANAGER | RECREATION PROGRAM MANAGER | | 46,600 | 61,016 | 75,432 |
| SITE PLAN EXAMINER/BUILDING INSPECTOR | BUILDING INSPECTOR | | 41,606 | 54,477 | 67,348 |
| SUPPORT SERVICE MANAGER | SUPPORT SERVICE SUPERVISOR | | 33,170 | 43,431 | 53,693 |
| SUPPORT SERVICE MANAGER | SUPPORT SERVICES MANAGER | | 46,600 | 61,016 | 75,432 |
| **114** | | | **$48,993** | **$54,382** | **$73,416** |
| ACCOUNTANT | ACCOUNTANT | | 46,600 | 61,016 | 75,432 |
| CONSTRUCTION INSPECTOR/SAFETY COOR | CONSTRUCTION INSPECTOR/SAFETY | | 46,600 | 61,016 | 75,432 |
| GENERAL SUPERVISOR | GENERAL SUPERVISOR II | | 46,600 | 61,016 | 75,432 |
| GENERAL SUPERVISOR | PARK OPERATIONS MANAGER | | 46,600 | 61,016 | 75,432 |
| PAYROLL/INSURANCE SPECIALIST | PAYROLL/INSURANCE CLERK | | 29,614 | 38,775 | 47,936 |
| PURCHASING/BUDGET COORDINATOR | PURCHASING/BUDGET COORDINATOR | | 46,600 | 61,016 | 75,432 |

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## Class Comparison List By Pay Plan
### Cleveland, TN

**Proposed Pay Plan: Unified**

| Grade | | | Annual Range | | |
|---|---|---|---|---|---|
| | | | Min | Mkt | Max |
| **Proposed Class Title** | **Original Title** | **Working Title** | | | |
| **114** | | | **$48,993** | **$54,382** | **$73,416** |
| STORMWATER COORDINATOR | STORMWATER COORDINATOR | | 46,600 | 61,016 | 75,432 |
| **117** | | | **$56,715** | **$62,954** | **$84,988** |
| ACCOUNTANT SENIOR | ACCOUNTANT SENIOR | | 52,192 | 68,338 | 84,484 |
| ANIMAL CONTROL DIRECTOR | ANIMAL CONTROL DIRECTOR | | 46,600 | 61,016 | 75,432 |
| ASSISTANT CITY CLERK | ASSISTANT CITY CLERK | | 52,192 | 68,338 | 84,484 |
| FLEET DIRECTOR | FLEET MANAGER | | 52,192 | 68,338 | 84,484 |
| TRANSPORTATION PLANNER | TRANSPORTATION PLANNER | | 52,192 | 68,338 | 84,484 |
| **118** | | | **$59,551** | **$66,102** | **$89,237** |
| 911 NETWORK ADMINISTRATION | 911 NETWORK ADMINISTRATION | | 52,192 | 68,338 | 84,484 |
| DIRECTOR, POLICE ADMINISTRATIVE SERVICES | ADMINISTRATIVE SERVICES MANAGE | | 52,192 | 68,338 | 84,484 |
| GIS ADMINISTRATOR | GIS ADMINISTRATOR | | 58,455 | 76,538 | 94,621 |
| REDEVELOPMENT COORDINATOR | REDEVELOPMENT COORDINATOR | | 52,192 | 68,338 | 84,484 |
| STAFF ENGINEER | STAFF ENGINEER | | 52,192 | 68,338 | 84,484 |
| **120** | | | **$65,655** | **$72,877** | **$98,384** |
| ASSISTANT TO CITY MANAGER | ASSISTANT TO CITY MANAGER | | 52,192 | 68,338 | 84,484 |
| ASSISTANT TO CITY MANAGER | ASSISTANT TO CITY MANAGER/ADMI | | 41,606 | 54,477 | 67,348 |
| ENGINEER - PE (STORM WATER) | STAFF DRAINAGE ENGINEER | | 52,192 | 68,338 | 84,484 |
| **122** | | | **$72,385** | **$80,347** | **$108,469** |
| ASSISTANT DIRECTOR - DES | DES ASSISTANT DIRECTOR | | 73,326 | 96,009 | 118,692 |
| ASSISTANT HUMAN RESOURCES DIRECTOR | ASSISTANT HUMAN RESOURCES DIRE | | 58,455 | 76,538 | 94,621 |
| ASSISTANT POLICE CHIEF | ASSISTANT CHIEF - POLICE | | 65,469 | 85,722 | 105,975 |
| ASSISTANT PUBLIC WORKS DIRECTOR | ASST PUBLIC WORKS DIR/GSII | | 58,455 | 76,538 | 94,621 |
| DEPUTY FIRE CHIEF | DEPUTY CHIEF | | 65,469 | 85,722 | 105,975 |
| FORESTRY/LANDSCAPING DIRECTOR | FORESTRY/LANDSCAPING DIRECTOR | | 65,469 | 85,722 | 105,975 |
| JETPORT MANAGER | JETPORT MANAGER | | 73,326 | 96,009 | 118,692 |
| TRANSPORTATION DIRECTOR | PLANNING DIRECTOR | | 65,469 | 85,722 | 105,975 |
| TRANSPORTATION ENGINEER - PE | TRANSPORTATION PROJECT MANAGER | | 65,469 | 85,722 | 105,975 |
| **124** | | | **$79,804** | **$88,583** | **$119,587** |

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## Class Comparison List By Pay Plan
Cleveland, TN

**Proposed Pay Plan: Unified**

| Grade | | | Annual Range | | |
|---|---|---|---|---|---|
| | | | Min | Mkt | Max |
| **Proposed Class Title** | **Original Title** | **Working Title** | | | |
| **124** | | | **$79,804** | **$88,583** | **$119,587** |
| CITY ENGINEER - PE | CITY ENGINEER | | 73,326 | 96,009 | 118,692 |
| DIRECTOR OF HUMAN RESOURCES | HUMAN RESOURCES DIRECTOR | | 82,125 | 92,571 | 103,018 |
| DIRECTOR OF PARKS & RECREATION | DIRECTOR OF PARKS & RECREATION | | 82,125 | 92,571 | 103,018 |
| INFORMATION TECHNOLOGY DIRECTOR | INFORMATION TECHNOLOGY DIRECTO | | 82,125 | 92,571 | 103,018 |
| **125** | | | **$83,794** | **$93,012** | **$125,566** |
| DIRECTOR OF DEVELOPMENT & ENGINEERING | DIRECTOR OF DEVELOPMENT & ENGI | | 82,125 | 92,571 | 103,018 |
| PUBLIC WORKS DIRECTOR | PUBLIC WORKS DIRECTOR | | 82,125 | 92,571 | 103,018 |
| **127** | | | **$92,383** | **$102,546** | **$138,437** |
| FIRE CHIEF | | | 0 | 0 | 0 |
| POLICE CHIEF | POLICE CHIEF | | 82,125 | 92,571 | 103,018 |
| **129** | | | **$101,853** | **$113,057** | **$152,626** |
| ASSISTANT CITY MANAGER/CFO | ASSISTANT CITY MANAGER/CFO | | 92,028 | 120,497 | 148,966 |
| **134** | | | **$129,993** | **$144,292** | **$194,794** |
| CITY MANAGER | CITY MANAGER | | 103,018 | 134,887 | 166,755 |

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## *SECTION 9.0*
## *Implementation Cost Summary*

Cleveland, TN Implementation Report

Summary for Cleveland, TN

| | | | | |
|---|---|---|---|---|
| Current Payroll | $17,082,507 | # Positions | 329 | |
| Flat 0% Adjustment | $0 | # Positions Adjusted (any type) | 129 | # Not Adj 200 |
| Adjustment To Minimum | $99,440 | # Adjusted To Minimum | 47 | |
| Adjustment Toward Mkt | $0 | # Adjusted Toward Market | 0 | |
| Adjustment Toward Maximum | $95,105 | # Adjusted Toward Maximum | 106 | |
| Adjustment To Step | $0 | # Adjusted To Step | 0 | |
| OrgExp Adjustment | $0 | # OrgExp Adjustments | 0 | |
| Stipends / Supplements | $0 | # Assignment | 0 | |
| Total Applied Adjustments | $194,545 | | | |
| Proposed Payroll | $17,277,052 | % Change in Total Payroll | 1.14% | |
| FICA Rate: 0 | | | | |
| Proposed Payroll plus FICA | $17,277,052 | | | |

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Mayor Brooks stated the next item is a partnership with Cleveland City Schools for Work-Base Learning Program (Career and Technical Education). Mr. Fivas stated he didn't feel this would require a motion, but we could meet to discuss opportunities. We want to make sure we don't have people showing up where we don't have the mentorship they need. We need to look at what experiences we can give and what would be beneficial to make the greatest impact.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- City Offices will be closed Monday, October 11, 2021 in observance of Columbus Day.
- The City Council meeting will be cancelled for Monday, October 11, 2021.
- The next City Council meeting will be held on Monday, October 25, 2021.

There being no future business the meeting was adjourned at 4:35 p.m.

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Mayor Cit Clerk

REGULAR SESSION
OCTOBER 11, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, OTOBER 11, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE VETERAN'S DAY.

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Mayor City Clerk

REGULAR SESSION
OCTOBER 25, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, OCTOBER 25, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Jonathan Jobe, DES Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Doug Berry with the Chamber of Commerce; Chris Townsend; Tim Rader; Mallory Howard and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

Mayor Brooks presented the following proclamation for Breast Cancer Awareness Month.

"N A T I O N A L  B R E A S T  C A N C E R  A W A R E N E S S  M O N T H"

Whereas, During National Breast Cancer Awareness Month, we stand with the courageous women and men who have been diagnosed with breast cancer and honor those who have lost their battle to this terrible disease. As the second most common cancer affecting women, an estimated 1 in 8 women will develop breast cancer over the course of their lifetime and 281,550 women will be diagnosed with breast cancer in the United States in 2021. Cancer touches so many families across the country—including ours. It is up to all of us to continue fighting for a cure and to ensure that every American has access to the quality care they need; and . . . .

Whereas, this year marks the 30th anniversary of the National Breast and Cervical Cancer Early Detection Program, which provides free breast and cervical cancer screenings to low-income, uninsured, and underinsured women in every State and for decades the medical community and advocates have helped our Nation make great progress in the fight against cancer. We are committed to doing everything we can to bring together our cancer research community and give them the resources they need to make progress in the prevention, detection, and treatment of breast cancer; and . . . .

Whereas, as we observe National Breast Cancer Awareness Month, we are united in our commitment to ending breast cancer and improving the lives of all those affected by this illness. We applaud the advocates, medical professionals, researchers, and caregivers who dedicate their lives to making progress toward cures. This month we stand to solidarity with breast cancer survivors across the country and reaffirm our commitment to advancing research efforts that deliver hope to patients everywhere.

NOWTHEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, TN, by virtue of the authority vested in me do hereby proclaim October 2021 as National Breast Cancer Awareness Month and encourage citizens, government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control breast cancer and pay tribute to those who have lost their lives to this disease.

## 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 27, 2021 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

Chris Townsend with Southeast Land Trust addressed the City Council concerning PUD25 and the experience working with city administrators. He then read the following excerpt from his email to City Council related to the required traffic study.

*PUD25 was required to conduct a Traffic Impact Analysis (TIA) prior to conditional approval. The scope of the initial TIA resulted in an estimated cost of $12k. However, the City increased the scope twice resulting in a final cost of $25k. The City required that we use an "independent engineer" to conduct the TIA. On May 19, 2021 Meyer Transportation Consultants, Inc. submitted the report indicating that no public right of way improvements were required due to PUD25. This opinion was consistent with TDOT's opinion about ROW improvement due to PUD25. City of Cleveland officials contacted Meyer Transportation Consultants, Inc directly; the "independent" TIA was amended to include 3/4 access improvements to Boatwright Circle and Holiday Inn Express Way. After altering the TIA, the City of Cleveland then attempted to negotiate the transfer of property at the intersection of Paul Huff and Peerless Rd in exchange for the "required" right of way improvements required of PUD25.*

Mr. Townsend stated this is just a brief summary of our experience with the City. He hopes the Council will ask challenging questions. Our desire is to have a collaborative relationship with the City of Cleveland, but the current administration has made that desire very difficult to achieve. We have had very little dialogue, if none in the last two weeks as the City approached us about property that is needed at Paul Huff and Peerless Road intersection. We would love to be a part of that improvement. Secondly, he would like the Council to ask of the city administration what role they had in amending the traffic impact study and taking it from being an independent study to being on that was influenced by the City of Cleveland. Vice Mayor Johnson asked about the traffic study. Mr. Townsend stated yes, they conducted and paid for a traffic study of $25,000. The initial traffic study was submitted to Berry Engineering on May 17 and to him on May 19, which indicated that as a result of PUD25 that no public right-of-way improvements were required. Less than a week later, an amended report was released with ¾ access improvements are required. Through an open records request, we received an email from city administrator sent to Myers, asked, and suggested the independent traffic report be amended. They followed up with using those improvements to try to negotiate for us to give property to the city for the intersection improvement at Peerless and Paul Huff in exchange for us having to do traffic improvements, that otherwise should not have to be required by our PUD. Vice Mayor Johnson asked for clarification of the PUD25 ownership. Mr. Townsend stated he owns three parcels, along with two other property owners, who are a part of PUD25. Councilman Cassada asked if staff would elaborate. Mr. Jobe stated he wasn't sure who the "he" was in the email to Myers, probably the Transportation Engineer. As far as the original traffic study from Berry Engineering, it did have ¾ access on Boatwright and Holiday Inn Expressway as well, so he doesn't feel that changed but he would have to research it further. Mr. Townsend replied page 18 of the original study states the new development adds a very small amount of delay to each intersection analyzed thus no new geometrics or capacity improvements are recommended at this time. Mr. Jobe responded then we had a meeting with me, you, Ben, and Joe and at that time Ben presented two or three drawings that showed that it needed it. He presented it to us. The ¾ access at Boatwright and Holiday Inn Expressway were some of the reasons why we were comfortable moving forward. Mr. Townsend said the city required me to do a TIA and agreed what the findings were the developer, myself, would be responsible. Mr. Jobe stated the final report we saw included it. There could be drafts but I don't know. Mr. Townsend stated the point is the city contacted Myers and Associates and said they would like ¾

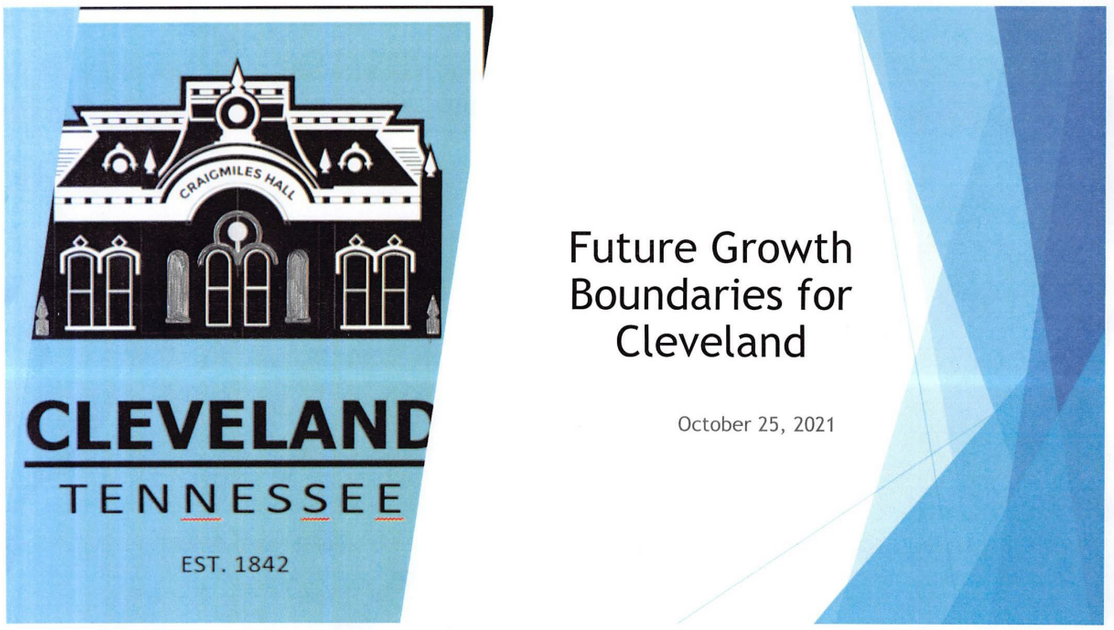
access in two locations to be included in the report. The significant issue is that the City approached me this summer about a small portion of the Peerless/Paul Huff intersection that was needed for an intersection improvement. We would love to be a part of it, but they tried to broker the intersection improvements, we will take care of the improvements if you give us this property. The manipulation of the report, the City used the new report as leverage to try encouraging us to give property to the City. Mr. Jobe stated that is incorrect because we are conducting an appraisal for the property. We can do that separate from the traffic study. It has no bearing. Mr. Townsend stated an email from Mr. Jobe was received on May 13, 2021 with what appears to be a survey of the property you are requesting stating "here is a draft ROW drawing. This is our best guess on what we would need without seeing your traffic study but should be close. After we review your study and any input from you, we will finalize it." Mr. Jobe stated yes, if the study required some improvements at Peerless, that would have to be done anyway and I might not need your piece of land because you would have to done it through the project because your traffic study said so. It didn't say you needed any improvements at Peerless and Paul Huff, so I didn't include that, so we still needed to purchase your piece instead of you doing it as a part of your development. That is what the email means. Mr. Townsend stated the first time he heard about a purchase property was about two weeks ago. Mr. Jobe stated no, we have discussed a purchase at the very beginning, a purchase, or an agreement. The Council voted on an agreement, and you decided you didn't like it. Mr. Townsend asked if the City Council finds that the conduct of the city administrators be acceptable, to manipulate a traffic study report that is supposed to be independent and then use the findings of the new report to make an exchange for property. Mr. Jobe stated Mr. Myers is a PE, he stamped it that it is what he recommends, not what we told him to do. He would not have stamped it if we had been pressuring him. Mr. Townsend stated the question is simple. Why do we have a revised traffic report? Councilman Estes stated to say just because the city was in contact with Myers is a huge step to take. It is very common if an engineer puts their stamp that is their integrity and it is not uncommon to receive an initial report that asks for any clarifications or missing, it is a back and forth. Manipulate is a huge step to take towards city staff. He is glad city staff is trying to negotiate and work with you and thought we worked hard last month getting the agreement in a good place before you left. That is one man's opinion towards this. Mr. Townsend thanked him for his feedback and understands the back and forth with traffic reports and a municipality seek to have input. What I don't understand is how the specific changes to the traffic report ended up in a negotiation for the property to be acquired. The developer agreement was presented to me on a Monday and in the Council packet by Wednesday. I didn't have an opportunity to provide feedback. It was submitted and voted on without my feedback. That has been my experience in negotiating with the City. Very little dialogue, very little back and forth and things we asked for in the PUD we were unsuccessful. Councilman Estes stated the things that were no's were because of the neighbors. Councilman Hughes stated when you were here last time, we had people from Indian Hills who were adamant that certain items being in PUD25 such as a gas station. It didn't look good for PUD25 but I asked if you would take out the gas station and your answer was what. Mr. Townsend responded if the City Council requires, so be it. Councilman Hughes continued that you agreed to that so now you want to put the gas station back in. That's history but you stated you will put in a gas station and a billboard. It would not have passed with a gas station. When you agreed to eliminate it that's when you got the 7-0 vote. Mr. Townsend stated yes, that was the second reading, but the first reading included gas stations and prohibited oil change facilities, which also passed 7-0. Councilman Hughes stated we changed it because the Indian Hills residents said they didn't want lights and people buying gas keeping us awake. You agreed to that. Mr. Townsend stated he doesn't have the authority to put anything back into the PUD but to only petition this body. Part of the email indicated we will apply for light pollution and sound pollution standards that the city hasn't seen before. After communicating with residents of Indian Hills we want to implement those standards in this development. We are going above and beyond with the neighbors in proximity to PUD25 to minimize the impact of a commercial development will likely have on their neighborhood. Councilman Hughes stated he admired him that he wouldn't go along with no gas stations but now you have changed your mind, that you will pursue a gas station. Mr. Townsend replied the few emails and communication with the City Manager about billboards he indicated lets just go ahead and get the PUD through and we will address billboard after the fact. If I understand correctly, you are

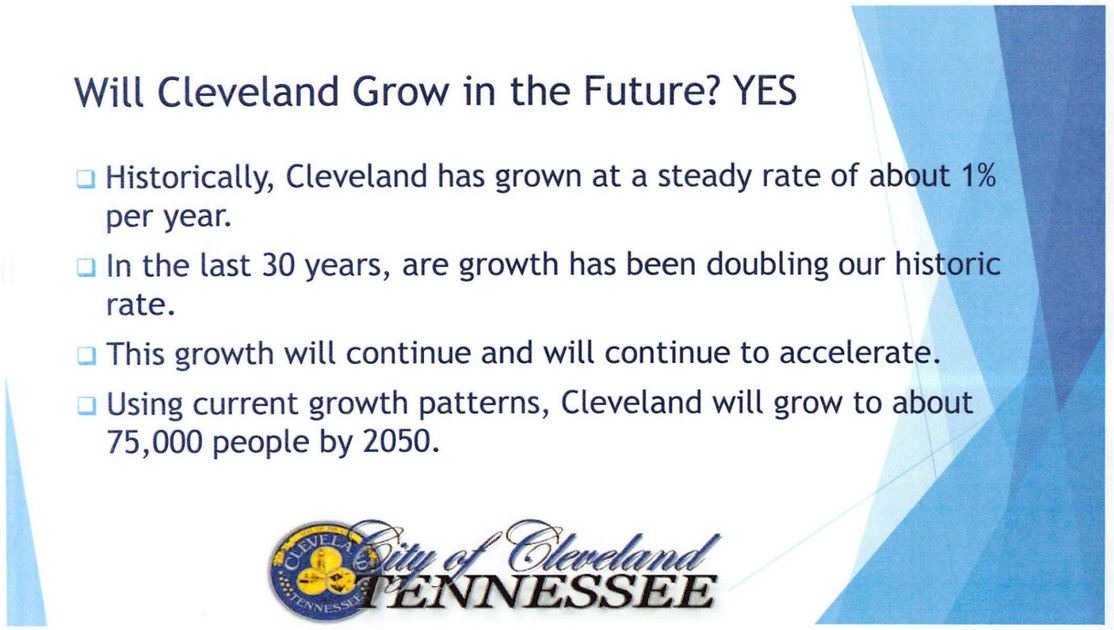
indicating is that once an ordinance is complete there is no opportunity to revisit the ordinance. Councilman Hughes stated it is unusual for someone to say they will take something out, to give us the privilege to vote and then come back and want to reinstate something you said you would take out. Mr. Townsend stated in the course of negotiating with the City. Instead of negotiating for right-of-way improvements, that were not in the initial draft and from his opinion TDOT agreed with the finding and should not be required of our PUD. So instead of negotiating for those improvements I am negotiating for other elements within the PUD, such as one billboard and a permitted use of a gas station. Councilman Estes stated since he has been on the Planning Commission they have been against billboards. If we were to change it now, after second reading, what would the residents think. This is not the place to negotiate. This is staff. You're concerned that staff hasn't been fair. I haven't seen that any step along the way. I see the City acting in good faith. Mr. Townsend stated part of the reason for him being here is lack of response from the City. They express a time-sensitive nature of Paul Huff/Peerless Road improvements and I immediately responded and followed up with another email with no dialogue. What other option do I have than to petition this body? Councilman Estes stated in a letter you sent mentioned the Paul Huff/Peerless intersection and kind of made a vail threat that you would slow it down. That doesn't sit right. If the City needs to improve the intersection and you want to slow it down, fine. We can eminent domain and the courts can handle it, however long it takes. It just gives him pause making any kinds of changes to the ordinance here. Mr. Townsend stated his intent was not a vail threat however it is a reality that if the City wants to pursue eminent domain for that piece of property it will take more time than if we can come to an agreement. Councilman Estes stated if the City wants it, they would rather negotiate. Mr. Townsend asked what would make him have that opinion and perspective. What we have discussed is just the tip of the iceberg and the equity we have not received seeking a commercial PUD rezoning. Councilman Estes stated every PUD is a unique situation. Yes, we want some kind of standard going forward but each is unique to itself. Councilman Hughes stated the city is not against you. I say that because you feel they are. The Hiwassee failed the first time before us and the next time it passed. PUD25, after a great deal of discussion and neighborhood involvement, passed. The things you have asked for have been granted. There will be bumps in the road during the process, but the city is not against you. Mr. Townsend replied he is not suggesting the City Council necessarily is against him but has had an extremely difficult time with the City Manager. I would not feel, in my discussions with other developers in this town, that the experience is unique to me. I would hope this body examine the experiences as they are brought before them. Ask the tough questions. At this point the City Manager has had no comment. None. Councilman Estes stated, personally, he has asked for the City Manager to be tougher on developers and protecting citizens more. Mr. Townsend stated they welcome change and have embraced standards for our PUD that are far and above stricter than any other commercial PUD. He encourages the Council to require city administration to have efficient and effective communication, understanding it is two-way street. Councilman Cassada added he agrees with Councilman Estes, and we are taking a hard stance with developers to make our community a better place.

Mallory Howard addressed the City Council regarding flooding on Hiwassee Avenue. She emailed the Council current flooding photos and does not feel the work done across the street from her home was "substantial" as previously stated by the City Manager. During the microbursts of rain not causing a problem; numerous work orders have been submitted with no responses. She has been dealing with flooding sine 2018. This has been reported and discussions with staff. It is frustrating to submit a request and never hear back. The next severe weather event she invites the council to come to her home to see the flooding that occurs.

Mr. Fivas stated he will continue to go through the agenda as efficiently as possible. Generally, you would find it would be very rare that I'd be involved in development issues from that standpoint. In that area, we have had some success and a lot of challenges doing that type of development around that PUD25. We had a lot of factors, TDOT was involved to some degree but the key thing to remember, from a city staff standpoint, everything Jonathan said was 100% correct. We sat in meetings with Ben who clearly said this is what the traffic study said, and we went from that point working towards that. Our goal was 100% to help anyone that is doing

development or anyone that is a resident that needs help understanding the process, our goal is to help facilitate and put the facts and information in front of the City Council and we feel on the PUD25 we did that. It was very challenging for everyone involved because the site and location is very tricky. Overall, we feel very comfortable with the end product, and it puts some nuisance of what is acceptable and what is not acceptable. We balanced the needs of the neighborhood versus of what could be there and at the end of the day we certainly have no intention of causing any harm to anybody. From a resident standpoint, we are just trying to be of assistance and give feedback. As far as communication, he cannot remember any developer that we've talked to more. So, we have gone far and above. There's obviously more that could be said but feels the way Jonathan portrayed it, from his understanding, was accurate. Next, Mr. Fivas then reviewed the following presentation on Future Growth Boundaries for Cleveland.



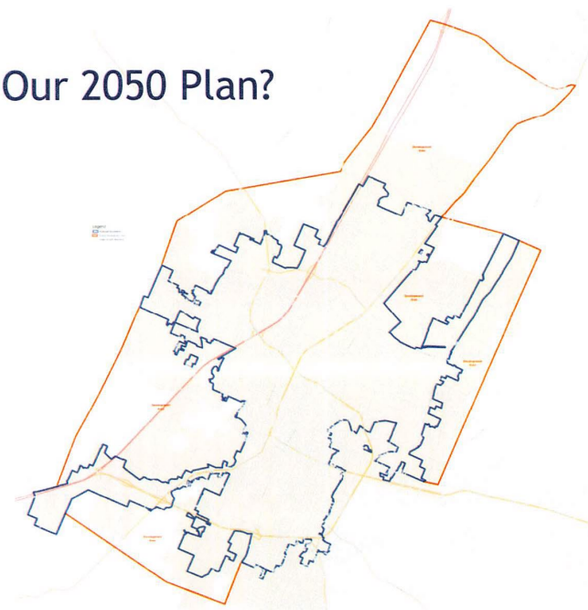



## What's Our 2050 Plan?

- Where will new residents live, work, & play?
  - We need to maximize our density within current boundary.
  - We need to adjust our growth boundaries to allow for this additional population.
  - The Council needs to give direction to Cleveland Utilities on the future intended growth plan to for Cleveland so CU can begin to upgrade their current system and prepare for growth.
  - The City needs to plan to enhance our range of services.

City of Cleveland TENNESSEE

## What's Our 2050 Plan?

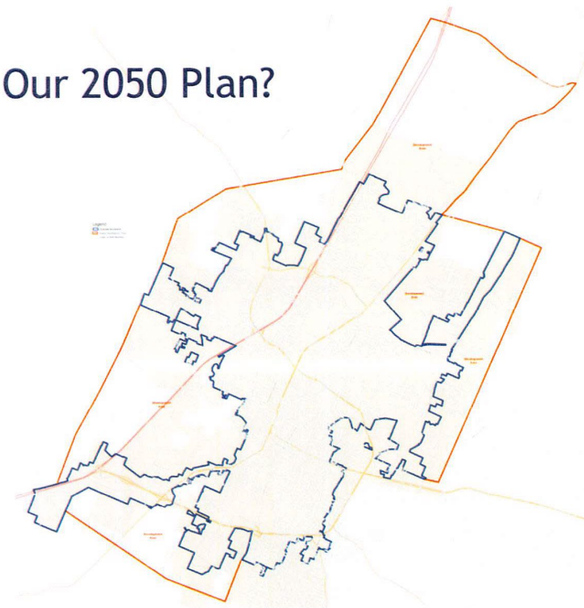


## What's Our 2050 Plan?

- City Council will NOT need to change our sewer ordinance policies.
- City will continue to require voluntary annexation into the City before sewer hook-up, but more developable land made available.
- CU will need look at new expansion models to pay for these expansions of our sewer and water services.
- New state laws give more options for Cities to grow and meet demand of new residents moving to TN.
- Convene Committee to reassess our current growth boundary.

City of Cleveland TENNESSEE

## What's Our 2050 Plan?

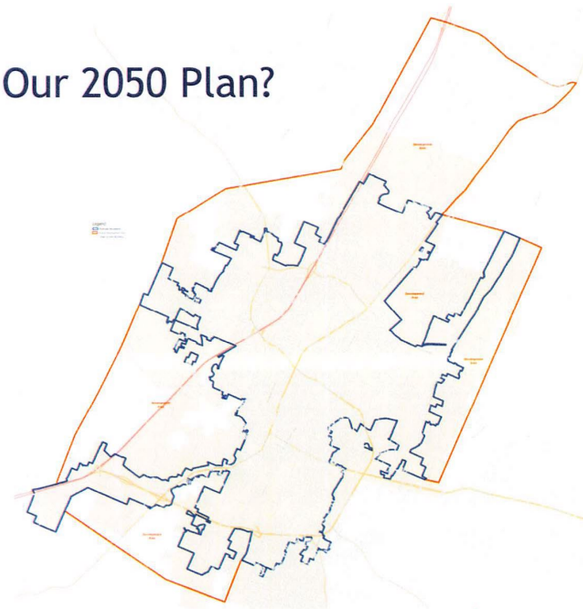


## Infrastructure Needs for our 2050 Plan?

- North Lee Highway: Already funded as State Project
- Lauderdale Highway: Already funded as State Project
- Connect-APD 40Interchange to Harrison Pike: Planning Began
- Georgetown Highway Widening: Already funded State Project
- Michigan Avenue Widening: MPO
-

City of Cleveland TENNESSEE

## What's Our 2050 Plan?



## Who Are the Big Winner's in the Plan?

- County Government:
  - They can facilitate 25 square miles of growth in the County with additional sewer services needed provided by City.
  - County government can expand tax base without providing street, police, fire, and solid waste services.
- Home Builders & Developers:
  - Opens up approximately 25 square miles for housing development with sewer in Bradley County.

City of Cleveland TENNESSEE

## Who Are the Big Winner's in the Plan?

- Chamber of Commerce, Industrial Users, and Job Providers:
  - This expansion allows for more housing units to be constructed to meet the demands of job providers.
- Cleveland Utilities:
  - This allows Cleveland Utilities to expand service area.
  - Allows for more planning of future development areas.

City of Cleveland TENNESSEE

## Who Are the Big Winner's in the Plan?

- City Residents:
  - Growth within the City allows to keep tax rates low and services high.
- County Residents:
  - Due to Additional Growth and no additional services, the growth will allow the County to keep tax rates low.

City of Cleveland TENNESSEE




Mr. Fivas then announced the city received the LPRF Grant in the amount of $500,000. We have a location near Candies Lane for a new park. Secondly, Paul Huff projects. Our Engineering team has developed a package of projects for Frontage/Adkisson Drive Intersection, Peerless Road Intersection, Mouse Creek Intersection, and smaller pieces that we would like to bid in January 2022. We have discussed the ten projects, and this is the next implementation step, along with finalizing how we will pay for the projects. Next, the groundbreaking ceremony for Avery Johnson Park on November 20 at 10 a.m. Also, the 17th/20th Street sidewalk project is moving forward and intend to complete 17th Street and add a base coat on 20th Street in November. The LIC North project should begin in January. Lastly, the Indian Hills project the new roadway will be opening after October 31 and in the spring our goal is to pave the neighborhood.

## 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 1.1 acres, more or less, located on 1st St NW and 2nd St NW (Tax Map 49N Group H Parcel 4.00, 5.00, 13.00, 15.00 & 17.00) from MU Mixed Use Zoning District to CBD Central Business Zoning District (Planning Commission: Approved 7-0; 2 absent). Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

## CONSENT AGENDA

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

- **Resolution 2021-89** – Authorizing the Mayor to sign Change Order #1 with Wilson Construction related to the 17th and 20th Street Sidewalk Project.

## RESOLUTION 2021-89

**WHEREAS,** the City has received the attached change order #1 from the Wilson Construction Group, LLC for the project described below; and

Project: City of Cleveland Sidewalks Project on 20th and 17th St NW
Contract Number: IMP-1-19
Project Identification Number (PIN): 118870.00
Federal Project Number: STP-M-9203(21)
State Project Number: 06LPLM-F2-035

**WHEREAS**, the City Council desires to approve the attached change order #1 with Wilson Construction Group, LLC, and to further authorize the Mayor to execute this 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 Number 1 from Wilson Construction Group, LLC for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 25th day of October 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-90** – Authorizing the Mayor to sign a sub-recipient agreement with Habitat for Humanity for Down Payment Assistance with CDBG funds.

**RESOLUTION 2021-90**

**WHEREAS**, Habitat for Humanity of Cleveland, Inc. (hereafter "Habitat") is involved in Community Development Block Grant (CDBG) eligible activities; and

**WHEREAS**, one of these activities is down payment assistance for 5 qualified home buyers as approved by the City Council in the 2021-2022 Annual Action Plan; and

**WHEREAS**, the City's Redevelopment Coordinator is recommending to the City Council that the City enter into the attached subrecipient agreement with Habitat for down payment assistance; and

**WHEREAS**, the purpose of the subrecipient agreement is to provide funding for increased housing opportunities for very low-income families by providing assistance in the form of down payment assistance, closing costs or principal reduction for up to $6,000 for at home to be purchased and financed through Habitat; and

**WHEREAS**, the City Council desires to approve of the attached subrecipient agreement with Habitat and the City Council further desires to 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 subrecipient agreement with Habitat.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the attached subrecipient agreement with Habitat on behalf of the City for this project.
This 25th day of October 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-91** - Authorizing the Mayor to sign a grant contract with the Tennessee Department of Agriculture for the Tennessee Agricultural Enhancement Program Grant for the Community Tree Planting (TAEP).

**RESOLUTION 2021-91**

**WHEREAS,** the City has received the attached grant contract from the Tennessee Department of Agriculture, (hereafter "TDOA") for an Urban TAEP Community Tree Planting Project; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached grant contract with TDOA for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 25th day of October 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Appointment** – *Historic Commission* – PJ McKay to fill the unexpired term of Joan Benjamin to expire June 2024
- **Appointment** – *Historic Commission* – Candy Scoggins as an alternate member for a 4-year term to expire June 2025.
- **Appointments** – Cleveland Youth Advisory Council Members.

**City Council**

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

**AGENDA ITEM MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Joe Fivas, City Manager

**DATE:** October 25, 2021

**RE:** Cleveland Youth Advisory Council Appointments

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**SUMMARY:**

The City Council approved establishing the Cleveland Youth Advisory Council. The criteria are 9th to 12th grade and a City resident. The City has received 26 applications for membership on the Youth Advisory Council. The Youth Advisory Council will have their first meeting on November 9th at 7pm in the City Council Chamber. The City will follow protocols to have parents of the Youth giving authorization for participation in these meetings. These will be public meetings.

In discussing options for projects with some Council members, they have suggested initially giving the Youth Council the project of preparing a presentation to the Mayor and City Council on what entertainment options the City is lacking to assist in retaining our talent. The Youth Council will also develop their own public service projects and topics to present to the Mayor and City Council.

**Appointments to the Cleveland Youth Advisory Council:**

| | |
|---|---|
| Mayor Brooks: | Wiseman Chase Walter |
| | Sydney Goff |
| | Ezekiel Kyle |
| | Manushi Shah |
| Vice-Mayor Johnson: | Caroline Condo |
| | Joseph Mirkovich |
| | Jaiden Dalton |
| Councilman Ken Webb: | Ellie Fivas (Co-Chair) |
| | Lauren Thacker (Co-Chair) |
| | Anastasia Ladd |
| | Emma Mountain |
| Councilwoman McKenzie: | Autumn Houston |
| | Aditya Patel |
| | Reagan McKinley |
| Councilman Estes: | Anjani Patel |
| | Vinayak Patel |
| | Alanah Davis |
| Councilman Cassada: | Aidan Noll |
| | Will Scannapiego |
| | Ava Davis |
| Councilman May: | Aarna Patel |
| | Kate Wilson |
| | Gabriel Renwick |
| Councilman Hughes: | Madilynn Maselli |
| | Triston Lowe |
| | Morgan Yates |

**COMMITTEE FINDINGS:**

No Committee or Board action.

**FISCAL ANALYSIS:**

N/A

**RECOMMENDATION:**

City staff recommends approval of the appointments and the initial project.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Hughes stated he was glad to see the Youth Council come to fruition and start meeting in November.

Councilman Webb thanked everyone involved with the improvements at Ben Moore Drive/Cleveland Towne Center. The no left turn is a significant safety improvement. Secondly, he thanked the Cleveland Fire Department in giving him, Councilwoman McKenzie, and Mr. Fivas the opportunity to participate in the Chattanooga Fire Ops 101. It was quite and experience.

Vice Mayor Johnson asked for a street light review for Dante Jackson along 17th Street, the westside of Keith Street between Georgetown Road.

Councilwoman McKenzie thanked Beverley Lindsey for her work during Breast Cancer Awareness month. Secondly, she thanked Chief Gaylor for the invitation and experience at the Chattanooga Fire Ops 101. Also, she expressed appreciation to the Cleveland Fire and Police Departments for all they do for the community.

Councilman Estes stated the Block Party was this weekend and reminded Tommy Myers to block the portion of Harle Avenue, from Willow to 14th Street. Also, the next weekend is Lee University Home Coming with lots of events planned. Lastly, he is amazed at the number of people using Deer Park on the weekends. Blythe Oldfield Park is being heavily utilized as well.

Councilman Cassada thanked staff for working towards the LPRF grant approval and the great benefit for the City of Cleveland and the residents in District 3. Candies Lane improvements and the new park will make a difference in our community. He thanked everyone for their support.

Mayor Brooks stated he received a call concerning the traffic lights along Broad Street, which is a one-way street. The lights illuminate on both sides of the head and appears you can go northbound on the one-way street. He asked if Cleveland Utilities could review the signal heads.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-30** – Rezoning 1.1 acres, more or less, located on 1st St NW and 2nd St NW (Tax Map 49N Group H Parcel 4.00, 5.00, 13.00, 15.00 & 17.00) from MU Mixed Use Zoning District to CBD Central Business Zoning District (Planning Commission: Approved 7-0; 2 absent).

## ZONING ORDINANCE 2021-30

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 MU Mixed Use Zoning District to CBD Central Business District Zoning District.

Approximately 1.1 acres, more or less, located at 1st St NW, Oak St NW and 2nd St NW as shown on the attached map.

For reference, also being shown on Tax Map 49N Group H Parcel 4.00, 5.00, 13.00, 15.00 & 17.00 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit




Councilman May moved that Zoning Ordinance 2021-30 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following memo was then presented in full:

**City Council**

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

**AGENDA ITEM MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Joe Fivas, City Manager

**DATE:** October 25, 2021

**RE:** City Property Purchase

---

**SUMMARY:**

City staff is working on a purchase agreement for a potential property purchase at 140 Inman Street. The property is approximately 0.38 acres and is located in downtown Cleveland. The City could use the parcel to implement our downtown redevelopment plans. This is only the first step into potentially purchasing this property. If approved, the Mayor would work with the City Attorney and staff to develop a purchase agreement that would give the City substantial time to conduct due diligence on the property and buildings located on the property. City staff will keep the City Council informed, and the City Council would make the final decision on the purchase after the due diligence has been completed. The City will use attorney Travis Henry to assist in our due diligence and potential closing documents.

**COMMITTEE FINDINGS:**

No Committee or Board action.

**FISCAL ANALYSIS:**

The City could spend up to $400,000 for the purchase.

**RECOMMENDATION:**

City staff recommends the City Council's consideration of the approval of allowing the Mayor, along with the City Attorney and staff, to negotiate a purchase agreement of the property for a cost not to be greater than $400,000 for 140 Inman Street. The purchase agreement will consist of a substantial due diligence time to facilitate an environmental and structural review of the property. The City Council would make the final determination based on findings from the due diligence period.

Councilman Webb moved to negotiate the purchase contract for property located at 140 Inman Street. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, November 8, 2021.
- Holiday Schedule: City offices will be closed as follows:
- Thursday, November 11 in observance of Veterans Day.
- Thursday, November 25 and Friday, November 26 due to the Thanksgiving Holiday. (No November 22nd Council meeting due to the Thanksgiving Holiday).
- Thursday, December 23 and Friday, December 24 for the Christmas Holiday (Due to the Christmas Holiday Week, the December 27th meeting will be cancelled.).
- Friday, December 31 and Monday, January 3 for the New Year's Holiday.

There being no future business the meeting was adjourned at 4:46 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
NOVEMBER 8, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, NOVEMBER 8, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Jonathan Jobe, DES Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Mike Griffin and Doug Berry with the Chamber of Commerce; Chris Townsend; Tim Rader; Mallory Howard; Jonathan Wills; Joy Fleming; Roger Elliott; Jennifer and Kenton Ebeck; Sara Meals; Daniel Wiedenhoeft; Kristi Hooker; Cindi Richardson and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Webb, 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 25, 2021 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

Chris Townsend with Southeast Land Trust addressed the City Council concerning PUD25 and improvements at Paul Huff and Peerless Road. He then asked Mr. Fivas for clarification of the Phase 3 Paul Huff/Peerless Road intersection improvement project which was previously discussed during the Work Session. Mr. Fivas stated Phase 3 is the Peerless Connector which is sidewalks connecting the area behind McAlister's. Mr. Townsend then stated he would like to discuss intersection improvements at Paul Huff and Peerless Road. The city has expressed a desire to obtain property that they own for the improvements. They have not been able to have much dialogue with city administration and asked if the city still had a need for the property. Mr. Jobe replied yes. Mr. Townsend then asked if a meeting could be scheduled this week to discuss moving forward with the acquisition of the property. Mr. Fivas stated we are currently obtaining an appraisal on the property. The Council has approved an agreement and we are willing to meet anytime. Mr. Townsend stated he has tried to schedule meetings over the past three months with no success so hopefully a meeting will be scheduled for this week.

Mallory Howard addressed the City Council regarding flooding on Hiwassee Avenue. She thanked everyone for helping to address the flooding issues and she asked the Council and staff to remember all the effected neighbors as well. She is willing to address any questions to help the process along.

## 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 .67 acres, more or less, located 912 Fairmont Ave NW (Tax Map 49F Group H Parcel 28.03) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Denied 9-0). Mayor Brooks asked if anyone would like to speak in favor of the approval of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the rezoning request. Jonathan Wills, who lives at 914 Fairmont Ave NW stated Fairmont Avenue is a quiet street with mostly owner-occupied homes, who have lived there years and some, decades. The rezoning of this property would impact their quiet residential neighborhood. Within the larger neighborhood area there are only five areas that are

not designated R1. Largely, this is a single-family home neighborhood. He has lived at his residence since 2015. Mr. Scott Wright, who currently owns 912 Fairmont, recently purchased the property for $256,000 which is higher than most of the properties in the neighborhood. He immediately sought rezoning of the property with the intention to divide the structure into a three 2-bedroom structure. Since this request was submitted, Mr. Wright has acted out of bad faith that has not won points with the neighborhood. On the morning the rezoning request was to be heard before the Planning Commission, contractors were on site adding a wall in the garage. The building inspector visited the site and told to stop, but work resumed as soon as the inspector left. The next day inquiries were made if any issued building permits, and none had been issued. The contractors were told to stop work again on October 21. Again, on October 28 work began even though the stop work order had not been lifted. Even this morning workers were on site, still under a stop work order and no building permits had been approved. As a neighborhood we have several concerns. Mainly, the increase in traffic and limited parking. The road is a simple side street. Mr. Wright is proposing to use grass pavers for additional parking. Secondly, the home is 2,340 square feet. Making it three spaces makes it roughly 800 square feet. Mr. Wright has noted it is a unique design in the house and the square footage is not equally divided. That square footage appeals to college students and young adults. Another concern is what happens if the property is sold. If this property is rezoned it would allow two four-unit structures on the property. Lastly, what precedence would this rezoning set. If we agree to the rezoning what is to stop a future City Council to change the dynamic of the neighborhood. We have to think about our actions and the ramifications. Mr. Wrights request opens the door for other properties to be rezoned. Mr. Wills stated his personal concern is the safety of his mother and pets and noise in the area. Also, if the City Council denies the rezoning, he is concerned Mr. Wright will continue to modify the house and rent it as a duplex. He feels it is a means to backhand into a duplex or strong-arm the City Council for approval. Daniel Wiedenhoeft, who lives at 906 Fairmont Ave stated he also feels Mr. Wright has acted in bad faith, particularly when he was told he wanted to build two quadplexes on the lot. Mr. Wright has distributed flyers that said he would like to make the property a duplex which he feels is a lie; therefore, he is opposed to the rezoning. Roger Elliott, who lives at 1104 Fairmont stated they are opposed to the rezoning. The neighborhood is very quiet and not much traffic. He also feels Mr. Wright is trying to get this pushed through any way he can and not operating in good faith. They do not want the dynamic of the neighborhood to change and by approving this could open the door for other rezoning's. Mayor Brooks declared the public hearing to be closed.

## CONSENT AGENDA

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

- **Final Passage - Zoning Ordinance 2021-30** – heretofore passed on first reading October 25, 2021 and found in Minute Book 30; Page 477; rezoning 1.1 acres, more or less, located on 1st St NW and 2nd St NW (Tax Map 49N Group H Parcel 4.00, 5.00, 13.00, 15.00 & 17.00) from MU Mixed Use Zoning District to CBD Central Business Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Resolution 2021-92** – Authorizing the purchase of playground equipment for Stuart Park and Mosby Park through the Omnia Partners Government Purchasing Alliance.

### RESOLUTION 2021-92

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE PLAYGROUND EQUIPMENT TO BE INSTALLED AT STUART PARK AND MOSBY PARK THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #2017001134, AS AMENDED, WHICH IS ADMINISTERED BY OMNIA PARTNERS PUBLIC SECTOR (U.S. COMMUNITIES) GOVERNMENT PURCHASING ALLIANCE FOR CHARLOTTE, NORTH CAROLINA IN AN AMOUNT NOT TO EXCEED EIGHTY-EIGHT THOUSAND NINE HUNDRED NINETY-NINE AND 47/100 ($88,999.47).

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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 Omnia Partners Public Sector (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 Council previously adopted Resolution 2018-69 to comply with the resolution requirement; 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 Omnia Partners Public Sector (U.S. Communities) at https://public.omniapartners.com/us-communities-an-omnia-partner 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 Stuart Park and Mosby 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 Omnia Partners Public Sector (U.S. Communities) Government Purchasing Alliance, for a total amount not to exceed $88,999.47 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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-93 –** Authorizing an application to TDOT for the Transportation Alternatives Grant funding for Gaut Street area sidewalks (up to $1,500,000 with 25% city match).

**RESOLUTION 2021-93**

**RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR TRANSPORTATION ALTERNATIVES (TA) GRANT FUNDING FOR GAUT STREET AREA SIDEWALKS AND RELATED IMPROVEMENTS PROJECT**

**WHEREAS,** the City of Cleveland was previously awarded Transportation Alternatives (TA) funding program for the construction phase of a project described as the "Gaut Street Area Sidewalks and Related Improvements project" but was unable to complete the environmental, design, and ROW phases prior to the deadline for TA construction funding obligation which resulted in its surrender of the TA award for project construction; and

**WHEREAS,** the City of Cleveland has continued to move forward with the environmental, design, and ROW phases of the "Gaut Street Area Sidewalks and Related Improvements project" and now desires to apply to the Tennessee Department of Transportation (TDOT) for TA funding for construction of the project,

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

1. The application for TAP funds is hereby endorsed for the "Gaut Street Area Sidewalks and Related Improvements project" with a total construction cost of up to $1,500,000 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 8th day of November, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-94 –** Authorizing an application to TDOT for the Transportation Alternatives Grant funding for the Greenway Phase VI project (up to $2,000,000 with 20% city match).

**RESOLUTION 2021-94**

**RESOLUTION TO SUPPORT ACTIONS REGARDING AN EXISTING AWARD TRANSPORTATION ALTERNATIVES PROGRAM FUNDING BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE GREENWAY PHASE VI PROJECT AND SUBMISSION OF A NEW APPLICATION TRANSPORTATION ALTERNATIVES PROGRAM FUNDING FOR GREENWAY PHASE VI**

**WHEREAS,** the Tennessee Department of Transportation (TDOT) previously awarded Transportation Alternative (TA) program funding to the City of Cleveland for construction of a project described as the "Greenway Phase VI"; and

**WHEREAS**, the City of Cleveland desires to work cooperatively with TDOT in its administration of the TA program by relinquishing its current award of TA funds for the

Greenway Phase VI project and re-applying for a new award of TA funds with a time schedule better matching the anticipated completion of project phases required prior to construction,

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

1. The existing award of TA funds for Greenway Phase VI is relinquished.

2. A new application for TA funds for Greenway Phase VI construction is authorized in an amount up to $2,000,000 with a City match to cover 20% of project construction costs, with the City being 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 8th day of November, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Surplus Property** – Declaring certain property from the Cleveland Police Department and Animal Control as surplus and to be traded and/or sold on GovDeals.

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **November 8, 2021**
**RE:** **Surplus Property**

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**SUMMARY:**
The Cleveland Police Department has requested the City Council declare the following as surplus property:

- Eight FN303 Less Than Lethal Weapons (Serial Numbers: 001049, 001056, 001317, 001320, 001343, 001828, 001868, 001902). These weapons are no longer used by the department and will be traded for credit toward purchasing gear.

- 2006 Ford F150 4X4 Animal Control vehicle (VIN: 1FTRX14W36NB52471). This vehicle will be sold on GovDeals.

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

**FISCAL ANALYSIS:**
No fiscal impact.

**RECOMMENDATION:**
City staff recommends approval of this item.

- **Motion** – Council's consideration of appointing students to the Cleveland Youth Advisory Council.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **November 8, 2021**

**RE: Cleveland Youth Advisory Council Appointments**

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**SUMMARY:**
The City Council approved establishing the Cleveland Youth Advisory Council. The criteria are 9th to 12th grade and a City resident. The City has received 5 additional applications for membership on the Youth Advisory Council. This makes a total 31 total members. The Youth Advisory Council will have their first meeting on November 9th at 7pm in the City Council Chamber. The City will follow protocols to have parents of the Youth giving authorization for participation in these meetings. These will be public meetings.

In discussing options for projects with some Council members, they have suggested initially giving the Youth Council the project of preparing a presentation to the Mayor and City Council on what entertainment options the City is lacking to assist in retaining our talent. The Youth Council will also develop their own public service projects and topics to present to the Mayor and City Council.

**Appointments to the Cleveland Youth Advisory Council:**
Mayor Brooks: Kyndall Randolph
Vice Mayor Johnson: Teigan Cassada
Councilman Ken Webb: Emma Cox
Councilman Cassada: Kyndal Parker
Councilman May: Braden Malone

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

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
City staff recommends approval of the appointments and the initial project.

- **Motion** – Authorizing the Mayor to sign a contract amendment for the 2022-2023 MPO Planning Grant.

**City Council**

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

**AGENDA ITEM MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Robert Varnell, Senior Transportation Planner

**DATE:** November 3, 2021

**RE:** Contract Amendment – Cleveland MPO

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**SUMMARY:** This Grant Contract Amendment, by and between the State of Tennessee, Department of Transportation and the City of Cleveland Metropolitan Planning Organization for the provision of coordination of a comprehensive, cooperative and continuing transportation planning process. The Cleveland MPO and TDOT enter into 2-year contract to ensure a continual delivery of funds, with the 2021 funding already approved. This Contract represents the Fiscal 2022 and 2023 allocations of $769,927.88.

**COMMITTEE FINDINGS:**

No Committee or Board action.

**FISCAL ANALYSIS:** This Contract Amendment increases the total MPO Planning funds for a 2-year total of $769,927.88, included in that total the City of Cleveland's matching portion totals $53,985.58.

**RECOMMENDATION:**

City staff recommends approval of the resolution.

- **Motion** – Avery Johnson Park Pavilion Change Order.

**TO:** Mayor and City Council
**FROM:** Bryan Turner, Assistant DES Director
**DATE:** November 8, 2021
**RE:** Avery Johnson Park Pavilion – Change Order

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**SUMMARY:**
The work on the pavilion at Avery Johnson Park is nearing completion, and there is a final change order for additional work totaling $21,916.14. This includes the addition of an epoxy floor coating in the restrooms and some minor carpentry and millwork. This work is detailed in three separate invoices for review.

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

**FISCAL ANALYSIS:**
The City will spend $21,916.14 for this change order.

**RECOMMENDATION:**
City staff recommends the City Council's consideration of the approval of this change order.

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman Webb stated after the discussion during the Work Session concerning future bond issues, he is in favor in moving as quickly as we can in addressing traffic issues and also, get ourselves in a position where we are moving forward on the bond issue that will be required.

Councilwoman McKenzie thanked Keep America Beautiful for the tire cleanup at the Tom Rowland Interchange.

Councilman Estes thanked Mr. Fivas and Councilman Webb for putting the time in attending the ARPA webinar and learning ways to use the funds. Also, he is in favor of moving funds from the Greenway to the Gaut Street project. He is also appreciative for the playground equipment at Mosby Park and glad it is moving forward.

Councilman May stated several Councilmembers visited the Bradley County Sheriff's Office to see the new scanner, which we funded a portion. He was impressed with the equipment, the Sheriff and the staff that showed how it operated.

Mayor Brooks stated an online viewer has requested that the stormwater drains be cleaned near 1400 Stuart Road.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-31** –– Rezoning .67 acres, more or less, located 912 Fairmont Ave NW (Tax Map 49F Group H Parcel 28.03) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Denied 9-0).

## ZONING ORDINANCE 2021-31

**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 R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District.**

**Approximately .67 acres, more or less, located at 912 Fairmont Ave as shown on the attached map.**

**For reference, same property is being shown Tax Map 49F Group H Parcel 28.03, in the Assessor's Office for Bradley County, Tennessee**

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

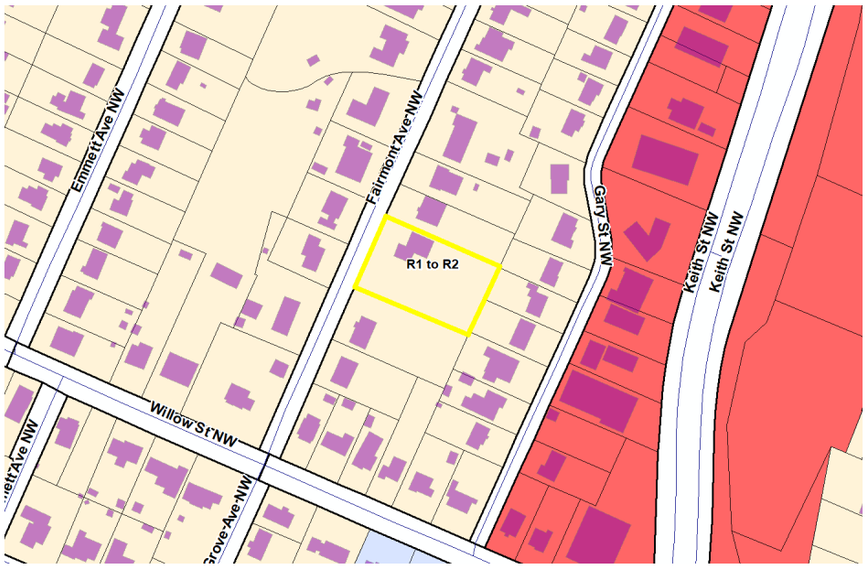
**BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.**

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Exhibit A




Councilman May moved that Zoning Ordinance 2021-31 be denied on first reading. The motion was seconded by Councilman Estes; and upon roll call the motion was unanimously approved.

The following memo was then presented in full:

- **Motion** – Council's consideration of the purchase of 1.5 acres of property along Candies Lane.

**TO:** **Mayor and City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **November 8, 2021**
**RE:** **City Property Purchase**

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**SUMMARY:**
City staff is working on a purchase agreement for a potential property purchase on Candies Lane at Tax Map 041 005.05 000 in the Bradley County Tax Assessor's Office and as shown in Deed as recorded in Deed Book 2332, Page 645 in the Register's Office of Bradley County, Tennessee.

The property is approximately 1.5 acres and is located along Candies Lane. This approval would allow the City staff to develop a purchase agreement to purchase for not greater than $40,000 and have the Mayor execute the document when completed. The City will use attorney Travis Henry to assist in our due diligence and potential closing documents.

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

**FISCAL ANALYSIS:**
The City could spend up to $40,000 for the purchase.

**RECOMMENDATION:**
City staff recommends the City Council's consideration of the approval of allowing the Mayor, along with the City Attorney and staff, to negotiate a and sign purchase agreement of the property for a cost not to be greater than $40,000 for Tax Map 041 005.05 000 in the Bradley County Tax Assessor's Office and as shown in Deed as recorded in Deed Book 2332, Page 645 in the Register's Office of Bradley County, Tennessee.

Councilman Cassada moved to approve the property purchase on Candies Lane. The motion was seconded by Councilman Hughes. Councilman Webb asked if the approval was in hand from the State on the grant we received could be transferred to this property. Mr. Fivas replied it has been communicated verbality. They would like us to resubmit the documents, which we are in the process, but no final approval documents since they have asked us to resubmit the documents. Councilman Webb entered a substitute motion that we purchase the property as proposed but the purchase agreement be contingent upon final approval from the State that we can apply the grant funds to a park on that property. The motion was seconded by Councilman May. Mr. Fivas stated this item is allowing the Mayor and Staff to pull together the agreement to purchase the property with a closing date towards the end of December. We would like to have a dialogue with the State to ensure we don't lose the property if they are going to have additional administrative items that takes several months. If you will, let us get the final package done and bring back on December 13 and then decide if that's where you want to go. We could have further information from the State at that point. The property agreement is currently drafted to close on the 15th of December. Councilman Webb and Councilman May rescinded the substitute motion. Mr. Fivas stated the documents would come before you on December 13 for final approval. Councilman Cassada amended his motion to bring the final documents to the December 13 meeting for final approval. Councilman Hughes seconded the amended motion. Upon roll call, unanimously passed.

Councilman Cassada moved to name the future park in north Cleveland off Candies Lane Jim Sharp Park. Mr. Sharp has been a great influence in the community as well as the third district and a good friend to the City of Cleveland. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Cassada then stated he would like to discuss the building at 775 Raider Drive, next to the Greenway Park. An individual in our community would like to gift this property to the City for city use. We have grown and this building could be used as a one-stop shop. He understands the Police Department has outgrown their building and as our services continue to grow here, he would like to have another location to service the public that is a neutral location in the center of Cleveland. He then asked that the minutes from November 28, 2011 where it was previously discussed be included in the minutes.

*....Councilman Hughes continued that he feels that we should accept the bank building located on Raider Drive. He then moved to accept the gift of the First Tennessee bank building, if it is offered, with no restrictions. The motion was seconded by Councilman Poe. Councilman Estes asked if it had been offered with no restrictions. Mayor Rowland stated the only restriction he was aware of was that it should be used for city offices. Councilman May stated he didn't have a problem accepting the building with no restrictions. Councilman Estes stated he is hesitant without seeing something in writing. Councilman May stated he did not want to tie future Council's hands. Councilman Hughes stated we should accept with no restrictions and if Mr. Preston wants restrictions he can counter back then we can look at it again but we should accept this building. Upon roll call the motion unanimously passed. There was some discussion concerning restrictions and if Mr. Preston says he wants restrictions/conditions then the Council will have to discuss it further and have another vote. Councilman Hughes stated he just feels we needed to*

*accept the building before it is taken off the table and this also will give us some direction.*

Councilman Cassada continued there was an impression that City Hall would be moving to this building. The information he has received, correct me if I am wrong, Mayor Brooks now has a document from Mr. Preston that says zero restrictions. Mayor Brooks stated correct. Councilman Cassada continued this is a gift. A gift that's probably over $10M. We couldn't build this building and for us to spend a little money to get it up to speed where it needs to be to service our people. He would like to discuss further to determine if we are willing to accept it with zero restrictions, especially from those Councilmembers that were here in 2011. Vice Mayor Johnson stated at that time his thoughts where we could at least get the city departments setup for a one-stop shop. It would be convenient but after discussing with Mainstreet Cleveland and their work keeping businesses downtown and revitalization. He understands what they are saying but he still thought it would be a better location for all that the City is doing. We have outgrown our location at City Hall. At that time, we couldn't ask for anything any better. Councilman Cassada stated he feels it is very important and viable to keep City Hall downtown. The intent is like a "branch" of the city government. Councilman May stated before we go further, we need a feasibility study. The building has been vacant for a number of years. Heating and cooling could be a problem and we will lose property tax dollars as well. Is the amount of money we will put into the building make it feasible for any type of city operations? Councilman Webb stated he would need to see a feasibility study and what it would take to bring the building up to code and what would be the ongoing cost. He thinks we need to be careful, especially when we are asking people to make sizable investments downtown. The first step should be a study on what the impact would be to our budget. Councilman Hughes stated when this first came up in 2011, he looked up the utilities, which were very high. It has been said its hard to heat and cool. His concern, if everything is good with the building and the feasibility study is good for Cleveland, he would like the attached property to go along with the building, as a combination gift. Councilman Estes stated the Webb Building, the Moore Building and then we buy the Cherokee Hotel, we are in commercial real estate, and we help the City. The parking lot and the adjacent lot is what makes it valuable to us long term. The building itself is valuable and we could see a lot of uses for city government or city schools. You could lease out the first floor for the school credit union. Generate revenue. A feasibility study would show all this. This is a massive piece of land in the middle of town, and someone wants to give it to us. If there is a document with no strings, then we should see it. That was the difficulty last time, it was always verbal. Councilman Hughes stated this building was given to Bethel College and it was returned to Mr. Preston. Did they have complications? Groundwork needs to be done and he is glad to hear Councilman Cassada say he is not trying to move City Hall. Last time that was the string attached that City Hall be moved and people didn't want to move. Mayor Brooks stated he will make available the Deed of Gift document to the Council. Councilwoman McKenzie stated she agreed it should be looked into thoroughly, along with a feasibility study. Councilman Cassada stated for the city growing like it is and for us to build a building like this, it will have a huge price tag. There is a need to expand. It is good for the city and good use of taxpayer funds. It will cost to upgrade a few things, but he would hate to see this sit for a long time and for it to go away. We have a great opportunity to better serve our community. Mr. Kimball stated you must have a written resolution to purchase or accept a piece of property and adequate public notice. Councilman Cassada stated he would be open for a feasibility study under the condition it is on the next meeting agenda for us to go in either direction. Councilman May stated he will not vote today, as it needs to be on an agenda with adequate public notice. Councilman Estes asked if Mayor Brooks or Mr. Fivas would approach Mr. Preston about specifics and hammer out the details. We haven't seen the document or discussion of the adjacent property. Mayor Brooks stated it has been requested by Councilman Cassada on the next agenda, December 13, would be a vote to begin a feasibility study for 775 Raider Drive. Vice Mayor Johnson stated he would like to see something in writing. Councilman

Cassada stated he would like the documents distributed to Council and would like on the next agenda under new business to accept the gift from Mr. Preston with no restrictions added and go from there. Councilman Estes stated this is a very kind and gracious offer from Mr. Preston. Councilman Hughes echoed Councilman Estes comments and added it is in the best interest of the City to obtain the adjacent property as well. Councilman Webb stated it is a generous offer, but we need to do our due diligence.

The following Resolution was then presented in full:

**RESOLUTION 2021-95**

**RESOLUTION SUPPORTING APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL MODERNIZATION PROGRAM GRANT APPLICATION**

**WHEREAS,** the Tennessee Department of Transportation (TDOT) is making competitive grants of up to $100,000 available through its Traffic Signal Modernization Program (TSMP) with applications due soon by December 1, 2021; and

**WHEREAS**, Cleveland's downtown traffic signals and signal-related infrastructure are outdated and could better support goals of safety and functionality for all users if improved, and the City of Cleveland desires to submit an application for TSMP program that will make a logical, incremental portion of needed improvements to signalized intersections and crossings in downtown Cleveland,

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

1. The development of a TSMP grant application for a grant amount of up to up to $100,000 is authorized, to be accompanied by a scope of work and budget and any other necessary paperwork.

2. The Mayor is authorized to review and approve a logical scope of work for the application that will stay as close as possible within the $100,000 grant limit but the City agrees to pay any overage needed to implement the project.

3. The Mayor is authorized to sign any related grant contract or documents for the purpose of carrying out this project.

Approved this 8th day of November, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2021-95 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

Councilman May moved to confirm an additional $40,000 city match funding for the RAISE 2021 Grant for the East-West Connector Corridor Plan if the grant is awarded. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, December 13, 2021.
- Holiday Schedule: City offices will be closed as follows:
  - Thursday, November 11 in observance of Veterans Day.
  - Thursday, November 25 and Friday, November 26 due to the Thanksgiving Holiday. (No November 22nd Council meeting due to the Thanksgiving Holiday).
  - Thursday, December 23 and Friday, December 24 for the Christmas Holiday (Due to the Christmas Holiday Week, the December 27th meeting will be cancelled.).
  - Friday, December 31 and Monday, January 3 for the New Year's Holiday

Vice Mayor Johnson reminded everyone to attend the grand opening of Avery Johnson Park on November 20 at 10:00 a.m.

There being no future business the meeting was adjourned at 4:46 p.m.

_____ _____

Mayor Cit Clerk

REGULAR SESSION
NOVEMBER 22, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, NOVEMBER 22, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE THANKSGIVING HOLIDAY WEEK.

_____ _____

Mayor City Clerk

REGULAR SESSION
DECEMBER 13, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, DECEMBER 13, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager; Beverley Lindsey, Assistant to the City Manager; Sue Zius, Assistant to the Mayor; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Jonathan Jobe, DES Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Doug Berry with the Chamber of Commerce; Chris Townsend; Tim Rader; Dustin Tommey; Matt Coleman; Lake Mantooth; Dr. Russell Dyer; Dawn Robinson; Sharon Marr; Peggy Pesterfield; Rick Smith and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Councilman Webb, 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 8, 2021 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

## SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks awarded the following 2021 Service Awards:

**2021 SERVICE AWARDS (PAPER CHECKS)**
**DECEMBER 13th COUNCIL MEETING**

| 5 YEARS | 10 YEARS | 15 YEARS | 20 YEARS | 25 YEARS | 30 YEARS | 35 YEARS | 40 YEARS | 45 YEARS |
|---|---|---|---|---|---|---|---|---|
| 2016 | 2011 | 2006 | 2001 | 1996 | 1991 | 1986 | 1981 | 1976 |
| $75.00 | $100.00 | $150.00 | $200.00 | $250.00 | $250.00 | $250.00 | $250.00 | $250.00 |
| NAME | NAME | NAME | NAME | NAME | NAME | NAME | NAME | NAME |
| Annie Bryant | Adam Fox | Daniel Leamon | Michael Kelly | Randy Cooley | David Dorset | John Pippenger | Billy Myers | Sue Zius |
| Paul Wyrick | Jennifer McFarland | Jonathan Carroll | Brian Stovall | Christopher Bates | Lloyd Davis | Patti Petitt | | |
| Dallas Case | Bryan Turner | Timothy Hogg | Jason Bennett | Dennis Duggins | Matthew Wiley | | | |
| Justin West | Charles Burke | Richard Lesniewski | Matthew Ruth | Tonya Young | | | | |
| Ryan Creech | Anthony Cochran | Christopher Pennell | Evelyn West | John Collins | | | | |
| Anton Kiyan | Dale Hughes | Zachary Reagan | Timothy Freeman | Tom Castello | | | | |
| Ross Sherlin | | Kel Stansell | Stacy Massengill | David May | | | | |
| Luke Womack | | Christopher Ingram | David Rayfield | | | | | |
| Levi Vanderoef | | Daniel Gibbs | Scott Bronze | | | | | |
| Adam Donegan | | Jared Shelton | Rock Eulo | | | | | |
| Roxanne Carey | | Kevin Hair | Jason Pennell | | | | | |
| Joseph Fivas | | Luke Landers | William Parks, Jr. | | | | | |
| Tom Cassada | | Barry Weaver | Christy Brandon | | | | | |
| Wendell Davis | | Joshua Woods | Blake Casteel | | | | | |
| Bradley Colbaugh | | Mika Vaughn | | | | | | |
| Kellie Daugherty | | Barbara Watson | | | | | | |
| | | Paul Winters | | | | | | |
| | | Raymond Goins | | | | | | |
| | | William Estes, Jr. | | | | | | |
| | | Chris Gaylor | | | | | | |

## HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the property owner to rezone .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from PUD25 Panned Unit Development Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 9-0). Corey Divel gave a brief summary of the request and stated it was denied by the Planning Commission. As he understands, the primary interest in the rezoning is to put a billboard on the property and we do not allow billboards in a PUD. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. Chris Townsend thanked the

Council for the opportunity to speak. First, if he understood correctly, billboards are not allowed in a PUD. Mr. Divel stated they are only allowed in a PUD if the ordinance specifically allows them, which we have not. Mr. Townsend then asked why the billboard in front of Longhorn. The property was originally zoned PUD and later changed to CH. He then asked how the billboard was permitted. Councilman Hughes asked if the City had anything to do with the billboard permit. Mr. Jobe stated the State issued the permit as they have jurisdiction. The City did not issue a sign permit for that structure. Mr. Townsend stated their position is the City did have a lot to do with issuing the permit, as in 2010 the City petitioned the State to allow a billboard in the PUD zoning when the State otherwise would not recognize the PUD zone as a commercial zoning. The City advocated on behalf of the property owner. He then handed out a copy of the letter. At the end of the day, this has been requested several times. Their desire is to be treated no better than other property owners, but no less as well. We do ask that the City Council treat us in an equal manner and in that light, it appears that the precedence has been set and to advocate on their behalf for a billboard. Secondly, the map that was submitted on page 4 of your packet is different from the map that was voted on second reading on August 9th. The map has changed. On August 9, he asked this body if any of the property inside of the identified boundary, if all the property was PUD and if any of the property outside the boundary was PUD. He was told at that time no. No property outside that boundary was PUD. However, the parcel in question is clearly outside the PUD boundary that was voted on July 12 and August 9. The question is, why was the map changed and was the Council aware the map changed. Mr. Divel stated it is not the entire parcel, just the corner. The original map that rezoned it from R2 to PUD followed the way the tax lines were drawn on the tax record on our GIS, which follows the property lines. At some point in the previous months, for some reason the Tax Assessor cut out a notch at the corner of Peerless and Paul Huff and took that out of the parcel. He believes there was a sign easement recorded, which doesn't give you a permit just an easement. That is why the little notch was left off the original map. The ordinance references the map and parcel, which reference the boundaries, so in his mind the entire parcel was changed but mapped incorrectly. The current map in the proposed rezoning we intentionally made sure we got what we believed to be the entire parcel. Councilman Hughes stated the State did approve the billboard in front of Longhorn and at that time he owned the property, but it was before he became a City Councilmember. Mr. Townsend stated on September 21 we tried to make that a sign parcel before the Planning Commission. The staff report to Planning Commission stated the property comprises of tax map 34I B 001.00 and contains 0.08 acres. The actual tax map 034I B 001.00 is 0.34 acres. Again, he is confused. He would like to be treated in a similar manner Mr. Hughes was treated in 2010-2011. We have offered to have a restricted viewing angle so no light pollution would affect the Tomahawk neighborhood. The Council was in favor of changed the PUD to CH for Holiday Inn Express and other properties in Cleveland. If proximity is an issue, those that have been rezoned CH don't have neighboring CH properties. North Ocoee Street, 46th Street, Bradley Square Mall, 3898 Georgetown Road and one on Stuart Road, rezoned to CH in 2021. There is not PUD requirement for Stuart Road, but it is reasonable to assume that it could look like Paul Huff Parkway. The purpose of PUD zoning is to control access and development, he would like clarification on what and when PUD apply in terms of a commercial application. Councilman Estes stated there are other avenues for these types of questions. This is not an inquisition of city staff. If he wants to speak in favor of the rezoning, he can state his case and not demand answers. He feels we are out of order allowing it. Mr. Townsend thanked the Council for allowing him to be heard and would ask that those who voted in favor in 2011 of rezoning Holiday Inn Expressway from PUD to CH and those who received the benefit, he would expect similar treatment from the Council. Mayor Brooks asked if anyone would like to speak in opposition of the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a resolution to annex about 100.26 acres located on Michigan Ave Rd and Wilkinson Rd NE (Tax Map 43 a portion of Parcel 12.00) and a resolution to adopt a Plan of Service (POS) for the annexation area (Planning Commission: Approved 9-0). Corey Divel gave a brief summary of the request and stated the zoning ordinance would come at a later meeting once final details of the PUD are finalized. Mayor Brooks asked if anyone would like to speak in

favor of the annexation and plan of service. Lake Mantooth stated their goal is to make this a nice neighborhood. We have proposed 277 lots on the 100 acres. They will have some changes once all the engineering and the TVA easements are complete. They have additional 30 acres that will hopefully be in the growth plan soon. At this time, they are only asking for the 100 acres to be annexed. Mayor Brooks asked if anyone would like to speak in opposition of the annexation and plan of service. No one spoke. Mayor Brooks declared the public hearing to be closed.

## CONSENT AGENDA

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

- **Final Passage – To DENY Zoning Ordinance 2021-31** – Heretofore denied on first reading November 8, 2021 and found in Minute Book 30, Page 487; Rezoning .67 acres, more or less, located 912 Fairmont Ave NW (Tax Map 49F Group H Parcel 28.03) from R1 Single Family Residential Zoning District to R2 Low Density Single and Multi-family Residential Zoning District (Planning Commission: Denied 9-0).
- **Resolution 2021-96** – Authorizing the Mayor to sign contract amendment #5 with TDOT related to LIC North Pleasant Grove Church Road project.

## RESOLUTION 2021-96

**WHEREAS,** the City has received the attached Amendment #5 from the Tennessee Department of Transportation (hereafter "TDOT") for the project described below; and

Project: LIC North Pleasant Grove Church Road
Contract Number: 100252
Project Identification Number (PIN): 114573.00
State Project Number: 06LPLM-S3-022

**WHEREAS**, the City Council desires to enter into the attached Amendment #5 with TDOT, 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 Amendment Number 5 from the Tennessee Department of Transportation for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 13th day of December 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-97 –** Authorizing an application to participate in the Public Entity Partners Property Conservation matching grant program.

**RESOLUTION 2021-97**

**AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS " PROPERTY CONSERVATION" MATCHING GRANT PROGRAM**

WHEREAS, the citizens of the City of Cleveland have entrusted this administration with the care and custody of city-owned property; and

WHEREAS, all efforts have been made to protect city-owned property from various perils that may arise for the City of Cleveland, and

WHEREAS, Public Entity Partners seek to encourage members with property coverage to develop and implement a property conservation program by offering the Property Conservation Matching Grant Program; and

WHEREAS, the City of Cleveland desires to participate in this important program.

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

The City of Cleveland hereby authorized to submit an application for Property Conservation Matching Grant Program through Loss Control Department of Public Entity Partners. The City agrees that if the award is obtained, a matching sum for any moneys for this grant will be provided.

Adopted this 13th day of December, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-98 –** Authorizing the City to join the State of Tennessee and other local governments as participants in the Tennessee State Subdivision Opioid Abatement Agreement and approve the related settlement agreements.

**RESOLUTION 2021-98**

**A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO JOIN THE STATE OF TENNESSEE AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN THE TENNESSEE STATE-SUBDIVISION OPIOID ABATEMENT AGREEMENT AND APPROVING THE RELATED SETTLEMENT AGREEMENTS**

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Tennessee, and the City of Cleveland, Tennessee.

WHEREAS, the City of Cleveland has suffered harm and will continue to suffer harm as a result of the opioid epidemic; and

WHEREAS, the State of Tennessee and some Tennessee local governments have filed lawsuits against opioid manufacturers, distributors, and retailers, including many federal lawsuits by Tennessee counties and cities that are pending in the litigation captioned In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the MDL case is referred to as the "Opioid Litigation"); and

WHEREAS, certain pharmaceutical distributors and a manufacturer have proposed settlements that the City of Cleveland find acceptable and in the best interest of the community; and

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain proposed opioid litigation settlements; and

WHEREAS, the State of Tennessee, non-litigating counties, and representatives of various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of certain prospective settlement and bankruptcy funds from opioid related litigation ("Settlement Funds"); and

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement (the "Tennessee Plan"), attached hereto as "Exhibit A," sets forth a framework of a unified plan for the proposed allocation and use of the Settlement Funds; and

WHEREAS, participation in the settlements and Tennessee Plan by a large majority of Tennessee cities and counties will materially increase the amount of settlement funds that Tennessee will receive from pending proposed opioid settlements; and

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

Section 1. That the City of Cleveland finds that participation in the Tennessee Plan is in the best interest of the City of Cleveland and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That the City of Cleveland hereby expresses its support for a unified plan for the allocation and use of Settlement Funds as generally described in the Tennessee Plan.

Section 3. That the Mayor of the City of Cleveland is hereby expressly authorized to execute the Tennessee Plan in substantially the form attached as Exhibit "A" and the Mayor of the City of Cleveland is hereby authorized to execute any formal agreements necessary to implement a unified plan for the allocation and use of Settlement Funds that is substantially consistent with the Tennessee Plan and this Resolution.

Section 4. That the Mayor of the City of Cleveland is hereby expressly authorized to execute any formal agreement and related documents evidencing the City of Cleveland's agreement to the settlement of claims [and litigation] specifically related to AmerisourceBergen Corporation, Cardinal Health, Inc, McKesson Corporation, Janssen Pharmaceuticals, Inc, and Johnson & Johnson.

Section 5. That the Mayor of the City of Cleveland is authorized to take such other action as necessary and appropriate to effectuate the City of Cleveland's participation in the Tennessee Plan and these settlements.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Cleveland, Tennessee requiring it.

Adopted this the 13th day of December, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-99 –** Authorizing the Mayor to sign a subrecipient agreement with the Community Foundation of Cleveland and Bradley County in connection with the CARES Act funding through the CDBG Program.

**RESOLUTION 2021-99**

**WHEREAS**, the City has received CARESs Act funding through the Community Development Block Grant (CDBG) program to be used for activities eligible under the Housing and Community Development Act of 1974, as amended; and

**WHERAS**, the City has funds remaining in the CDBG-Covid Allocation; and

**WHEREAS**, the Community Foundation of Cleveland and Bradley County has partnered with various community partners to assist with the Cold Weather Centers for the homeless; and

**WHEREAS**, the activity described herein has been determined to be an eligible CDBG activity under the CARES Act to respond to, prepare for, and aid the prevention of COVID 19; and

**WHERAS**, the City of Cleveland will award up to $10,000 for the activity, and in connection with said funding, the City Council desires to authorize the Mayor to execute a Subrecipient Agreement with the Community Foundation of Cleveland and Bradley County, which Agreement is attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the Mayor is hereby authorized to execute the Subrecipient Agreement with the Community Foundation of Cleveland and Bradley County, which Agreement is attached hereto and incorporated herein by reference.

This 13th day of December 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-100** – Authorizing the Mayor to sign amendment 1 with Kimley-Horn and Associates, Inc related to the 25th Street multi-use path between Georgetown Road to Peerless Rd.

**RESOLUTION 2021-100**

**WHEREAS**, the City of Cleveland are parties to an existing agreement relating to the TDOT project generally identified as SR 60 from Georgetown Road to Peerless Road (TDOT PIN 130251.00); and

**WHEREAS,** the City has received the attached Amendment #1 from Kimley-Horn and Associates, Inc. for the project; and

**WHEREAS**, based on the recommendation of City staff, the City Council desires to enter into the attached Amendment #1 with Kimley-Horn and Associates, Inc., 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 Amendment Number 1 with Kimley-Horn and Associates, Inc. for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 13th day of December 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-101** – Supporting an application to TDOT for the 2022 Urban Transportation Planning Grant for the northeast connector corridor (Michigan Avenue Road/Dry Valley Road).

**RESOLUTION 2021-101**

**RESOLUTION TO SUPPORT AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR AN URBAN TRANSPORTATION PLANNING GRANT FOR THE NORTHEAST CONNECTOR CORRIDOR**

**WHEREAS,** the Tennessee Department of Transportation (TDOT) has made available an Urban Transportation Planning Grant program to the various jurisdictions served by Tennessee's Metropolitan Planning Organizations (MPOs); and

**WHEREAS,** the City of Cleveland desires to obtain additional transportation planning assistance for a northeastern connector route around the more rapidly urbanizing area along the Michigan Avenue Road/Dry Valley Road; to explore possible general locations for a connector from Michigan Avenue Road/Dry Valley Road near the Cleveland Jet Port to US11 SR2 North Lee Highway Corridor; to support traffic flow, connectivity, and the safety and mobility of all users; and to serve the needs of economic growth,

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

1. The application for Urban Transportation Planning Grant funds up to $200,000 is authorized along with required 10% local cash matching funds up to $20,000 if the grant is awarded; and the Mayor is authorized to sign any application documents.

2. A steering committee for the planning project is authorized to include transportation planning and engineering staff as may be designated by the City of Cleveland, Bradley County, TDOT, to work with the TDOT-selected consultants in producing the plan with input from the public, stakeholders, and elected officials.

3. As required by TDOT, once the plan is complete the City of Cleveland would adopt it by resolution and would support similar adoption by Bradley County.

Approved this 13th day of December, 2021.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2021-102** – Authorizing the Mayor to sign an agreement with Wood Environment & Infrastructure Solutions, Inc., for CEI Services related to the LIC North Project.

**RESOLUTION 2021-102**

**A RESOLUTION APPROVING OF THE SELECTION OF WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC., TO PROVIDE PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR THE LIC NORTH PROJECT, AND APPROVING OF A PROFESSIONAL SERVICES AGREEMENT FOR THIS PROJECT**

**WHEREAS,** the City is proceeding with the LIC North Project; and

**WHEREAS**, the City staff are recommending to the City Council that the City select Wood Environment & Infrastructure Solutions, Inc. to provide professional construction engineering and inspection (CEI) services for this project; and

**WHEREAS**, the City Council desires to approve of the selection of Wood Environment & Infrastructure Solutions, Inc. for the professional services described herein, and to authorize the Mayor to execute the attached professional services agreement with Wood Environment & Infrastructure Solutions, Inc. on behalf of the City.

**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 Wood Environment & Infrastructure Solutions, Inc. to provide professional services as described in the attached agreement, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City.

This 13th day of December 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Report –** Guardrail Maintenance.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **December 13, 2021**
**RE:** **Bid Summary – Guardrail Maintenance**

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**SUMMARY:**

Sealed bids were received on November 18, 2021, for Guardrail Maintenance. One bid was received and is listed below:

- Tennessee Guardrail, Inc.
  Knoxville, TN **$1,752,907.50**

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

**FISCAL ANALYSIS:**
Funding is available.

**RECOMMENDATION:**
Recommendation is to award the contract to Tennessee Guardrail, Inc. The initial term of this contract will be for a two-year period beginning January 1, 2022 and ending December 31, 2023.

- **Bid Report –** LIC North Construction.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **December 13, 2021**
**RE:** **Bid Summary – Local Interchange Connector (LIC) North**

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**SUMMARY:**

Sealed bids were received on December 6, 2021, for the Local Interchange Connector (LIC) North construction project. Bids are listed below:

- Summers-Taylor, Inc. **$2,154,193.68**
- Talley Construction Co., Inc. **$2,334,573.77**

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

**FISCAL ANALYSIS:**
Funds are available.

**RECOMMENDATION:**
Staff recommends award to Summers-Taylor, Inc. contingent upon TDOT approval.

- **Bid Report –** Raider Drive Bridge Repair.

**AGENDA ITEM**
**MEMORANDUM**

**TO:** **Mayor and City Council**
**FROM:** **Kristi Powers, Budget/Purchasing Coordinator**
**DATE:** **December 13, 2021**
**RE:** **Bid Summary – Raider Drive Bridge Repair**

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**SUMMARY:**

Sealed bids were received on December 7, 2021, for the Raider Drive Bridge Repair project. One bid was received and is listed below:

- Wilson Construction Group **$198,225.00**

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

**FISCAL ANALYSIS:**
Funds are available.

**RECOMMENDATION:**
Staff recommends award to Wilson Construction Group.

- **Reappointment –** *Airport Authority* – Robbie Garrison for an additional 5-year term to expire September 2026.
- **Reappointment –** *Board of Zoning Appeals* – Dan Moore for an additional 3-year term to expire November 2024.
- **Reappointment –** *Stormwater Board* – Kent Berry for an additional 4-year term to expire December 2025.
- **Reappointment –** *Stormwater Board* – Avery Johnson for an additional 4-year term to expire December 2025.
- **Street Light Recommendation –** Norman Chapel Rd @ Peerless Rd NW (Cleveland Utilities states existing fixtures comply with the city's street lighting guidelines. If desired, the existing 39-watt LED fixture on Norman Chapel Rd NW and the three existing 133-watt LED fixtures along Peerless Rd NW can be upgraded to the next size at a cost of $146.70 each).
- **Street Light Recommendation –** 905 17th Street NW (Cleveland Utilities states existing fixtures comply with the city's street lighting guidelines. If desired, the two existing 51-watt LED fixture can be upgraded to 133-watt LED fixtures at a cost of $146.70 each).

## UNFINISHED BUSINESS

No unfinished business.

## REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Johnson stated he received a call from a resident off Michigan Avenue Road, which was recently annexed but have no street lights. The address is 3423 Fleeman Place Dr NE. Mr. Fivas stated staff will research but since it's a new development the streets are probably still private roads and haven't been released yet.

Councilwoman McKenzie thanked staff for the paving on South Ocoee Street. It was greatly needed. Secondly, Keep America Beautiful is still hosting tire cleanup events. Also, the environmental class from Cleveland High School helped with the last one. They have had three events with over 1,900 tires cleaned up and hopefully in the future we can find a way to stop tire dumping.

Councilman Estes asked if the monthly departmental reports would include code enforcement and building division, which have been missing in recent reports. He prefers a pdf via email so he can forward information along. Secondly, he thanked Mr. Fivas and staff with the help on the dumpster at First Street Square. Also, the fields at Avery Johnson Park, to be mindful of the grass along with the Blythe Oldfield School field that gets worn down as well. Deer Park has been overrun with people which is great to see. He then thanked Tommy Myers and staff for leaf collection. Lastly, the ARPA funding for City Fields and Habitat. These are things that change peoples lives and increases our tax base. We are excited to be doing this and it is rewarding.

Councilman Cassada thanked Tommy Myers and staff for leaf collection as well. He then asked for an update on guardrails on Stuart Road. Mr. Myers stated they should be down now, as they were working on it Friday. He then asked when striping on Candies Lane would take place. Mr. Myers stated should be this Thursday.

Councilman May stated he is still receiving several calls regarding Michigan Avenue Road. He feels it is extremely important to do something. We have several new developments and a lot of traffic on the road. Something needs to happen as quick as we can. Secondly, he wished everyone a Merry Christmas and Happy New Year.

Councilman Hughes stated he received a call from the resident on Apache Trail who has noticed on several occasions dumping at 250 Sequoia Road, with trucks and trailers. It is not the people who live there. Mr. Myers stated they have asked Code Enforcement to look at the site, as it has been large construction debris and various rubbish. Councilman Hughes stated when the Assistant Commissioner from TDEC came and awarded the $500,000 grant for the park in the 3rd District, the Commissioner had several positive things to say about our program and wanted to thank Patti Petitt for her work in Parks & Recreation.

Councilman Webb stated in addition to the striping on Candies Lane he asked for a request to be sent to Cleveland Utilities to look at the street lighting along Candies Lane. There are areas with gaps of lighting and with the moving of the pole at Inverness, that light is now back from the roadway. Have them look and make a recommendation for additional street lighting or even the possibility of upgrading the fixtures to LED.

Mayor Brooks stated his granddaughter is involved in the Cleveland City Cheer Club at the Community Center. It is amazing the number of next generation Cleveland young ladies cheering a couple nights a week. It is a fantastic community opportunity. The Parks & Recreation team is doing a great job.

Councilman Hughes asked if Sequoia Road would be receiving striping as well. Mr. Myers stated yes, along with South Ocoee and Parker Street.

## NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2021-32 –** Rezoning .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from PUD25 Panned Unit Development Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 9-0).

## ZONING ORDINANCE 2021-32

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 PUD25 Planned Unit Development District Zoning District to CH Commercial Highway Zoning District.

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

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

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

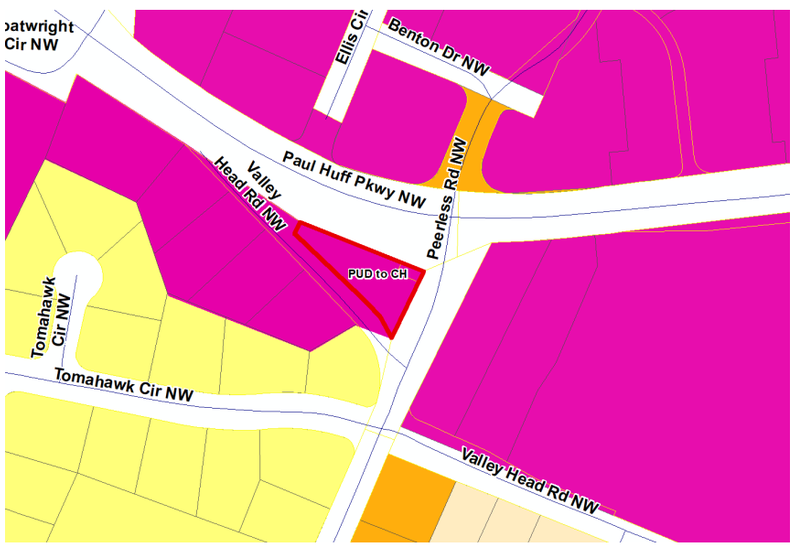
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A




Councilman Cassada moved that Zoning Ordinance 2021-32 be denied on first reading. The motion was seconded by Vice Mayor Johnson. Councilman Estes stated he had a few comments. First, he is friends with Mr. Townsend. Secondly, to him each zoning issue brought before them is unique. Yes, there needs to be precedence but their also needs to be latitude. As we grow, neighborhoods and streets change. He is not concerned with the drawing of the map, as he felt staff was very clear. It was changed incorrectly. He was very clear on what was being voted on. At the end of the day, equity. That is number one, as everything is unique. This also speaks to Stuart Road. Certainly, city staff has had stronger eyes on certain things and what is acceptable. Councilman Cassada added he has been upfront from day 1 about signs for businesses and wants a better look city-wide. Upon roll call, the motion to deny the zoning ordinance unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-103 –** Adopting a Plan of Service to annex about 100.26 acres located on Michigan Ave Rd and Wilkinson Rd NE (Tax Map 43 a portion of Parcel 12.00) (Planning Commission: Approved 9-0).

**RESOLUTION 2021-103**

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

**DECEMBER 13, 2021**
**MICHIGAN AVE RD & WILKINSON RD PROPERTY ANNEXATION AREA**

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on December 13, 2021 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 an iron pin located at the northeast corner of Michigan Avenue Road and Wilkinson Road; thence with the eastern right of way of Michigan Avenue Road north 33 degrees 25 minutes 51 seconds east, 182.60 feet to an iron pin; thence north 32 degrees 26 minutes 00 seconds east, 956.35 feet to an iron pin; thence north 36 degrees 7 minutes 18 seconds east, 108.08 feet to an iron pin; thence leaving the right of way of Michigan Avenue Road, South 66 degrees 23 minutes 52 seconds east, 885.46 feet to an iron pin; thence south 65 degrees 47 minutes 00 seconds east, 2090.86 to an iron pin; thence south 24 degrees 13 minutes 00 seconds west, 1421.91 feet to an iron pin; thence north 71 degrees 10 minutes 33 seconds west, 41.34 feet to an iron pin; thence with a left handed curve D=10 degrees 25 minutes 29 seconds R=313.00 feet A=56.95 feet BN= 65 degrees 10 minutes 25 seconds west C=56.87 feet to an iron pin; thence north 70 degrees 23 minutes 8 seconds west, 115.38 feet to an iron pin; thence north 69 degrees 45 minutes 4 seconds west, 484.46 feet to an iron pin; thence north 71 degrees 19 minutes 21 seconds west, 401.35 feet to an iron pin; thence north 69 degrees 13 minutes 2 seconds west, 152.69 feet to an iron pin; thence in a southerly direction crossing the right of way of Wilkinson Road 42 feet, more or less, to a point in the southern right of way of Wilkinson Road, the previous line forming a perpendicular angle with the southern right of way of Wilkinson Road; thence with the southern right of way of Wilkinson Road in a northeasterly direction 1940 feet, more less, to the southeastern corner of the intersection of Wilkinson Road and Michigan Avenue Road, thence in a northeasterly direction with the eastern right of way of Michigan Avenue Road,  80 more or less, to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**NOVEMBER 10, 2021**
**MICHIGAN AVE RD & WILKINSON RD PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 100 acres located on North Lee Hwy 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 2021.

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

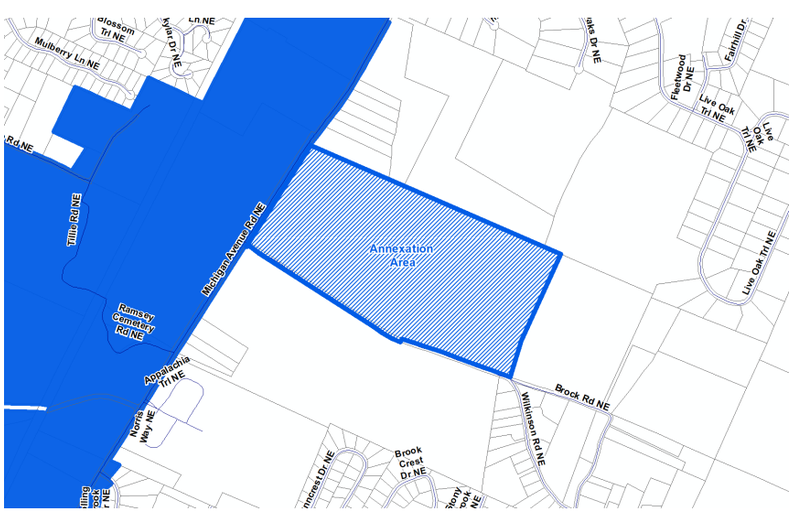
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. No changes to the site are anticipated at this time. The property is described as a portion of Tax Map 43 Parcel 12.00.

**MICHIGAN AVE RD & WILKINSON RD PROPERTY MAP**



**Legal Description**

Beginning at an iron pin located at the northeast corner of Michigan Avenue Road and Wilkinson Road; thence with the eastern right of way of Michigan Avenue Road north 33 degrees 25 minutes 51 seconds east, 182.60 feet to an iron pin; thence north 32 degrees 26 minutes 00 seconds east, 956.35 feet to an iron pin; thence north 36 degrees 7 minutes 18 seconds east, 108.08 feet to an iron pin; thence leaving the right of way of Michigan Avenue Road, South 66 degrees 23 minutes 52 seconds east, 885.46 feet to an iron pin; thence south 65 degrees 47 minutes 00 seconds east, 2090.86 to an iron pin; thence south 24 degrees 13 minutes 00 seconds west, 1421.91 feet to an iron pin; thence north 71 degrees 10 minutes 33 seconds west, 41.34 feet to an iron pin; thence with a left handed curve D=10 degrees 25 minutes 29 seconds R=313.00 feet A=56.95 feet BN= 65 degrees 10 minutes 25 seconds west C=56.87 feet to an iron pin; thence north 70 degrees 23 minutes 8 seconds west, 115.38 feet to an iron pin; thence north 69 degrees 45 minutes 4 seconds west, 484.46 feet to an iron pin; thence north 71 degrees 19 minutes 21 seconds west, 401.35 feet to an iron pin; thence north 69 degrees 13 minutes 2 seconds west, 152.69 feet to an iron pin; thence in a southerly direction crossing the right of way of Wilkinson Road 42 feet, more or less, to a point in the southern right of way of Wilkinson Road, the previous line forming a perpendicular angle with the southern right of way of Wilkinson Road; thence with the southern right of way of Wilkinson Road in a northeasterly direction 1940 feet, more less, to the southeastern corner of the intersection of Wilkinson Road and Michigan Avenue Road, thence in a northeasterly direction with the eastern right of way of Michigan Avenue Road, 80 more or less, to the point of beginning.

## Plan of Services

1. **Police Protection**

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

   There is no additional cost expected from this annexation.

2. **Fire Protection**

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 2 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

A. Domestic Water--- Domestic water service is available to this parcel. See Figure 1. Note that water can be provided via the water main along Wilkinson Road. Tapping the 20- inch diameter water main and crossing Michigan Avenue Road is not allowed.

B. Sanitary Sewer--- This parcel is not presently served with sanitary sewer service. Sanitary sewer service is along the west side of Michigan Avenue Road. This site cannot be served by a gravity sewer main. A sewer force main (pressure pipe) will be provided that can be pumped into from the future site sewer infrastructure. Sewer service to this parcel would be provided via new sewer force main pipe beginning at the existing Chatata Creek Sewer Pump Station and thence running easterly with and along an existing sewer main to Michigan Avenue Road, then southerly along Michigan Avenue Road to the site, totaling approximately 1,900 linear feet. See Figure 2. To provide sewer service to this parcel, it is estimated to cost $237,500 (1,900 feet @ 125/ft) and can be completed within eight (8) years after annexation.

C. Fire Protection--- If others require a fire hydrant to be located nearer the property boundary along Wilkinson Road, a fire hydrant can be installed at that location for a cost of $5,000 and can be completed within eight (8) years after annexation.

SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Michigan Avenue Rd @ Wilkinson Rd (Tax Map 043, 012.00) | $0 | $237,500 | $5,000 | $242,500 |

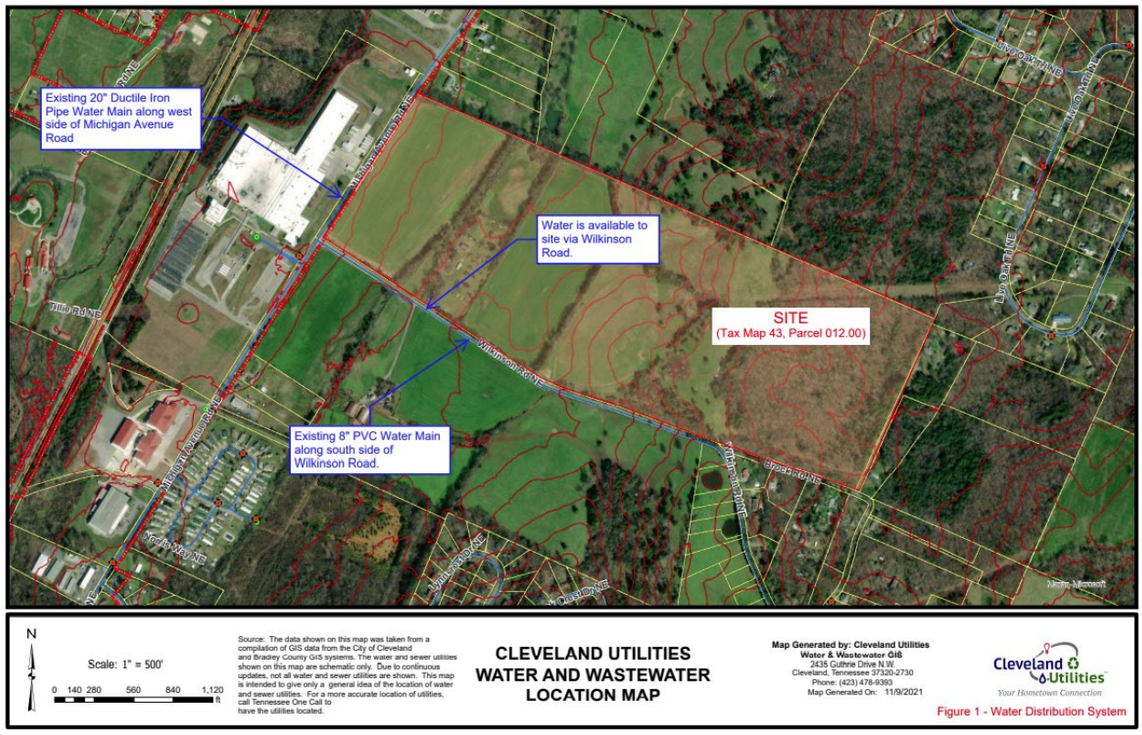


Figure 1 - Water Distribution System

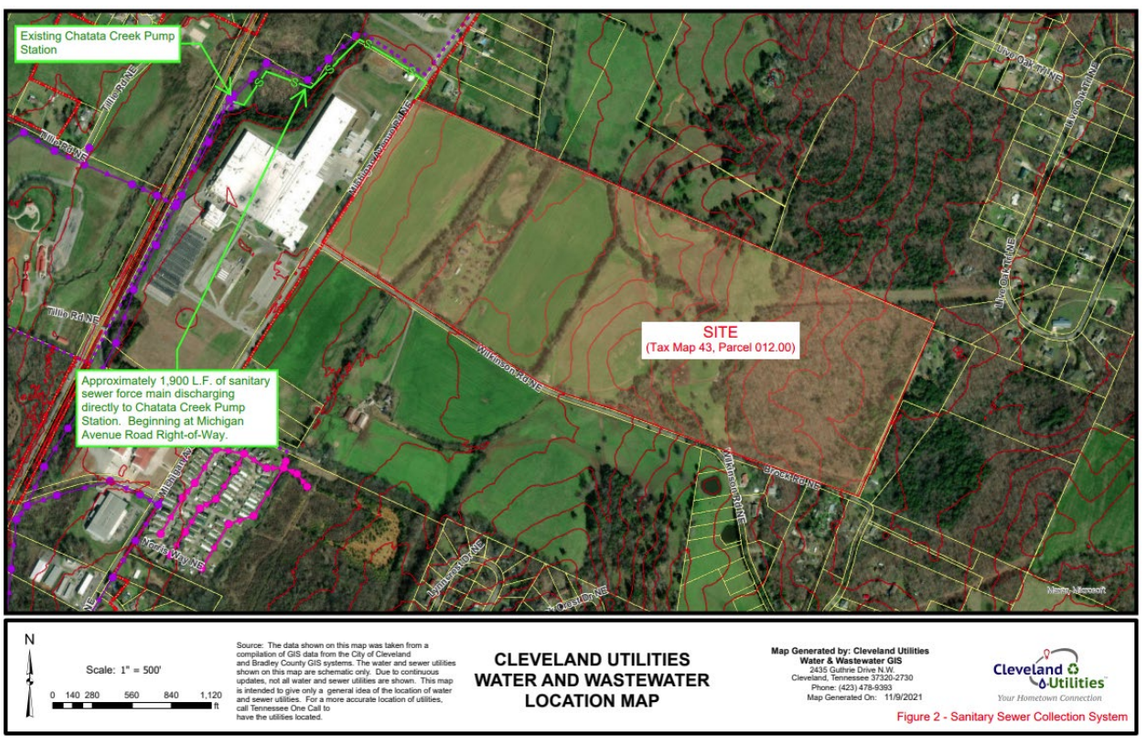


Figure 2 - Sanitary Sewer Collection System

**4. Electric Service**

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

**5. Public Works**

*A. Refuse Collection*

a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

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

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

d. It appears that no street name signs or street striping/painting is needed at this time for the proposed areas.

*D. Stormwater and Drainage Services*

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

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

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

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

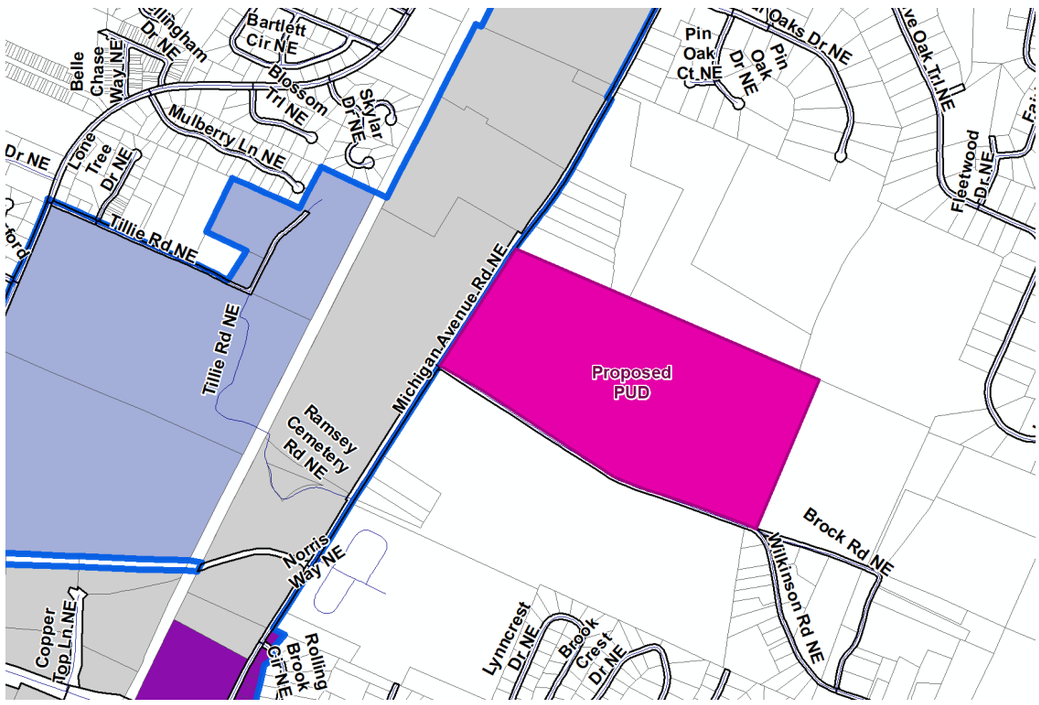
**6. Schools**

Approximately 106 students would be expected to be added to the school system as a result of the development of this property within the City limits with an expected $103,886.04 annual education cost to city.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for PUD Planned Unit Development Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 664 residents to the 4th City Council District.

**10. Stormwater**

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

## Revenue

With approximately 277 homes developed on the site with a conservative estimated value of $250,000 each, property tax revenue would increase to approximately **$353,175**.

With an estimated 664 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$76,858**.

The annual stormwater fee for all homes on this site is estimated at **$5,418**.

Total revenue generated as a result of this annexation after the subdivision is developed would be approximately **$435,451.**

Councilman May moved that Resolution 2021-103 be accepted as presented. The motion was seconded by Councilman Webb. Councilman Estes inquired if the plan of service would change depending on what Planning Commission recommends the zoning to be. Mr. Jobe stated no, everyone reviews at the maximum density and the proposed zoning in the plan of service is PUD. Staff and the Planning Commission are still reviewing the zoning, which should come before us at the next meeting. Upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-104 –** Annexing about 100.26 acres located on Michigan Ave Rd and Wilkinson Rd NE (Tax Map 43 a portion of Parcel 12.00) (Planning Commission: Approved 9-0).

**RESOLUTION 2021-104**

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

**MICHIGAN AVE RD & WILKINSON RD PROPERTY ANNEXATION AREA**

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on December 13, 2021.

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 an iron pin located at the northeast corner of Michigan Avenue Road and Wilkinson Road; thence with the eastern right of way of Michigan Avenue Road north 33 degrees 25 minutes 51 seconds east, 182.60 feet to an iron pin; thence north 32 degrees 26 minutes 00 seconds east, 956.35 feet to an iron pin; thence north 36 degrees 7 minutes 18 seconds east, 108.08 feet to an iron pin; thence leaving the right of way of Michigan Avenue Road, South 66 degrees 23 minutes 52 seconds east, 885.46 feet to an iron pin; thence south 65 degrees 47 minutes 00 seconds east, 2090.86 to an iron pin; thence south 24 degrees 13 minutes 00 seconds west, 1421.91 feet to an iron pin; thence north 71 degrees 10 minutes 33 seconds west, 41.34 feet to an iron pin; thence with a left handed curve D=10 degrees 25 minutes 29 seconds R=313.00 feet A=56.95 feet BN= 65 degrees 10 minutes 25 seconds west C=56.87 feet to an iron pin; thence north 70 degrees 23 minutes 8 seconds west, 115.38 feet to an iron pin; thence north 69 degrees 45 minutes 4 seconds west, 484.46 feet to an iron pin; thence north 71 degrees 19 minutes 21 seconds west, 401.35 feet to an iron pin; thence north 69 degrees 13 minutes 2 seconds west, 152.69 feet to an iron pin; thence in a southerly direction crossing the right of way of Wilkinson Road 42 feet, more or less, to a point in the southern right of way of Wilkinson Road, the previous line forming a perpendicular angle with the southern right of way of Wilkinson Road; thence with the southern right of way of Wilkinson Road in a northeasterly direction 1940 feet, more less, to the southeastern corner of the intersection of Wilkinson Road and Michigan Avenue Road, thence in a northeasterly direction with the eastern right of way of Michigan Avenue Road, 80 more or less, to the point of beginning.

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

**NOVEMBER 10, 2021**
**MICHIGAN AVE RD & WILKINSON RD PROPERTY**
**ANNEXATION ANALYSIS**
**PLAN OF SERVICE**
**CITY OF CLEVELAND, TENNESSEE**

The City of Cleveland, Tennessee is pursuing the annexation of approximately 100 acres located on North Lee Hwy 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 2021.

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

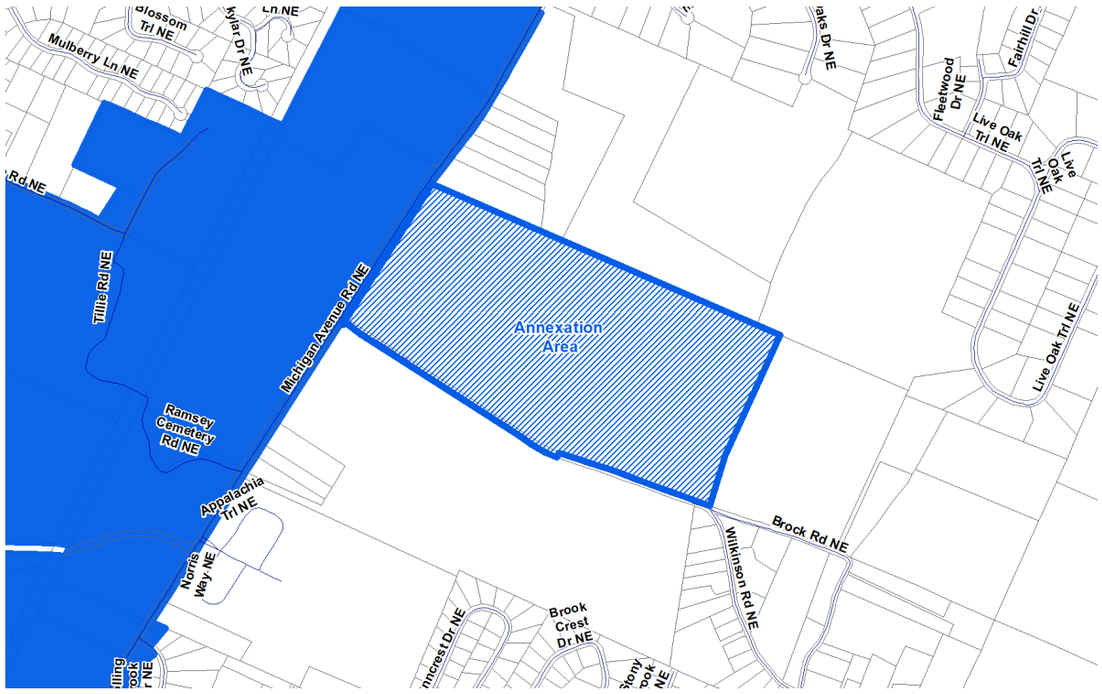
**Introduction**

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service requirements in a fifty square mile urban fringe area. The UGB was amended in January 2010, expanding it near I-75 Exit 20 and in the vicinity of the new airport site near Dry Valley Road. Cleveland can annex property within its UGB by resolution.

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

The property consists of a portion of one parcel with the remainder of the parcel already within the corporate limits of the City of Cleveland. No changes to the site are anticipated at this time. The property is described as a portion of Tax Map 43 Parcel 12.00.

**MICHIGAN AVE RD & WILKINSON RD PROPERTY MAP**




**Legal Description**

Beginning at an iron pin located at the northeast corner of Michigan Avenue Road and Wilkinson Road; thence with the eastern right of way of Michigan Avenue Road north 33 degrees 25 minutes 51 seconds east, 182.60 feet to an iron pin; thence north 32 degrees 26 minutes 00 seconds east, 956.35 feet to an iron pin; thence north 36 degrees 7 minutes 18 seconds east, 108.08 feet to an iron pin; thence leaving the right of way of Michigan Avenue Road, South 66 degrees 23 minutes 52 seconds east, 885.46 feet to an iron pin; thence south 65 degrees 47 minutes 00 seconds east, 2090.86 to an iron pin; thence south 24 degrees 13 minutes 00 seconds west, 1421.91 feet to an iron pin; thence north 71 degrees 10 minutes 33 seconds west, 41.34 feet to an iron pin; thence with a left handed curve D=10 degrees 25 minutes 29 seconds R=313.00 feet A=56.95 feet BN= 65 degrees 10 minutes 25 seconds west C=56.87 feet to an iron pin; thence north 70 degrees 23 minutes 8 seconds west, 115.38 feet to an iron pin; thence north 69 degrees 45 minutes 4 seconds west, 484.46 feet to an iron pin; thence north 71 degrees 19 minutes 21 seconds west, 401.35 feet to an iron pin; thence north 69 degrees 13 minutes 2 seconds west, 152.69 feet to an iron pin; thence in a southerly direction crossing the right of way of Wilkinson Road 42 feet, more or less, to a point in the southern right of way of Wilkinson Road, the previous line forming a perpendicular angle with the southern right of way of Wilkinson Road; thence with the southern right of way of Wilkinson Road in a northeasterly direction 1940 feet, more less, to the southeastern corner of the intersection of Wilkinson Road and Michigan Avenue Road, thence in a northeasterly direction with the eastern right of way of Michigan Avenue Road, 80 more or less, to the point of beginning.

## Plan of Services

### 1. Police Protection

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

There is no additional cost expected from this annexation.

### 2. Fire Protection

The Cleveland Fire Department could provide immediate service to this parcel from our current Station 2 located on Paul Huff Parkway. Providing service to this parcel would have no budgetary impact on the Fire Department.

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

A. Domestic Water--- Domestic water service is available to this parcel. See Figure 1. Note that water can be provided via the water main along Wilkinson Road. Tapping the 20- inch diameter water main and crossing Michigan Avenue Road is not allowed.

B. Sanitary Sewer--- This parcel is not presently served with sanitary sewer service. Sanitary sewer service is along the west side of Michigan Avenue Road. This site cannot be served by a gravity sewer main. A sewer force main (pressure pipe) will be provided that can be pumped into from the future site sewer infrastructure. Sewer service to this parcel would be provided via new sewer force main pipe beginning at the existing Chatata Creek Sewer Pump Station and thence running easterly with and along an existing sewer main to Michigan Avenue Road, then southerly along Michigan Avenue Road to the site, totaling approximately 1,900 linear feet. See Figure 2. To provide sewer service to this parcel, it is estimated to cost $237,500 (1,900 feet @ 125/ft) and can be completed within eight (8) years after annexation.

C. Fire Protection--- If others require a fire hydrant to be located nearer the property boundary along Wilkinson Road, a fire hydrant can be installed at that location for a cost of $5,000 and can be completed within eight (8) years after annexation.

SUMMARY OF COSTS

| Location | Domestic Water | Sanitary Sewer | Fire Protection | Total |
|---|---|---|---|---|
| Michigan Avenue Rd @ Wilkinson Rd (Tax Map 043, 012.00) | $0 | $237,500 | $5,000 | $242,500 |

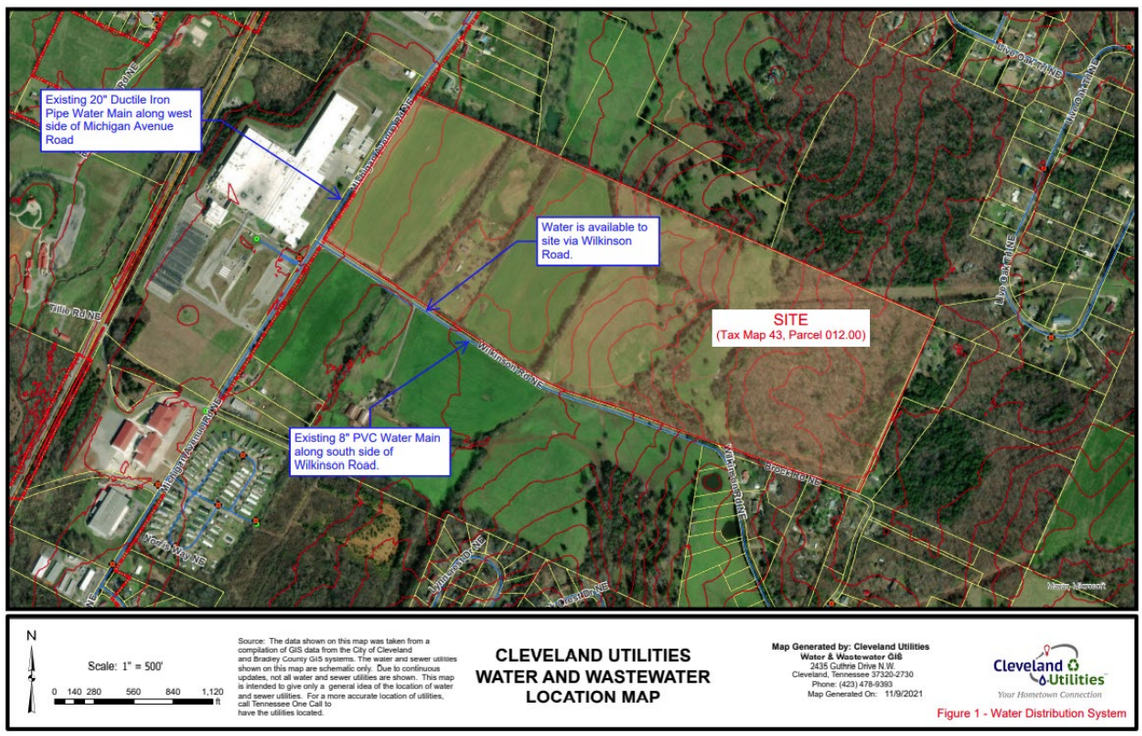


Figure 1 - Water Distribution System

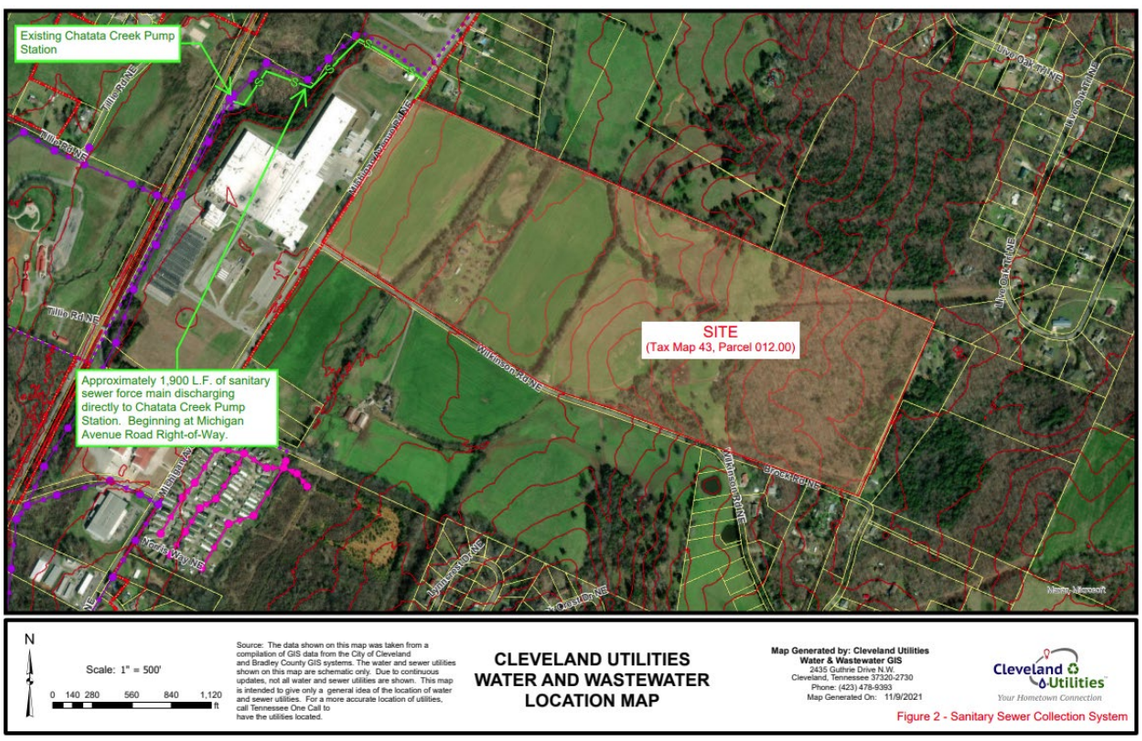


Figure 2 - Sanitary Sewer Collection System

## 4. Electric Service

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

**5. Public Works**

*A. Refuse Collection*

a. Current city policies regarding residential, commercial and industrial refuse will apply in all proposed areas per the terms of the City's contract with Waste Connections of Tennessee, Inc.

b. The City no longer provides curbside recycling and this service will not be provided in the proposed areas, unless the City Council initiates a program in the future.

*B. Route Collection Services*

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

b. The current city policies regarding residential leaf collection will be provided annually for a period of approximately three months and will apply in all proposed areas.

*C. Street Repair and Maintenance*

a. Emergency maintenance of city streets (i.e. repairing hazardous potholes) within the proposed areas will begin at time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

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.

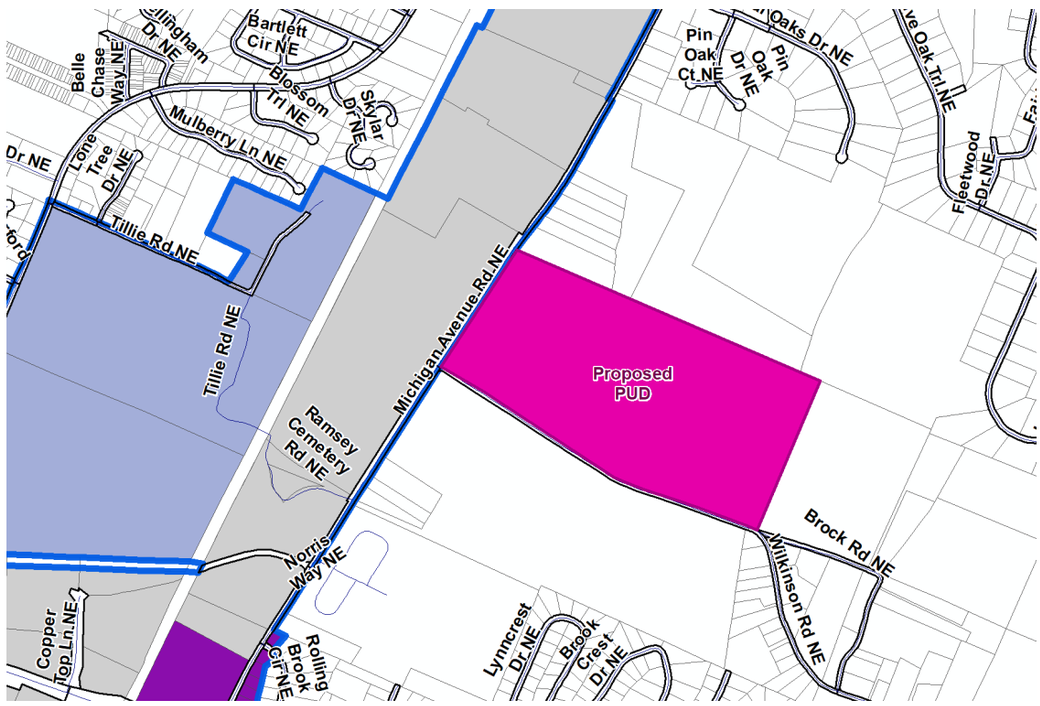
**6. Schools**

Approximately 106 students would be expected to be added to the school system as a result of the development of this property within the City limits with an expected $103,886.04 annual education cost to city.

**7. Planning and Zoning**

A. The planning and zoning jurisdiction of the City will extend to the annexation areas upon the effective date of annexations and all municipal planning activities will encompass the needs of the annexed areas.

B. This property is currently zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County. The property is proposed for PUD Planned Unit Development Zoning District as its post-annexation zoning.




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

**8. Animal Shelter**

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

9. **Voting Rights and City Elections**

A. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

B. If an eligible voter is in the category of a property rights voter then that voter must register at the Election Commission Office prior to voting in a City election.

C. This annexation is expected to add approximately 664 residents to the 4th City Council District.

**10. Stormwater**

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

## Revenue

With approximately 277 homes developed on the site with a conservative estimated value of $250,000 each, property tax revenue would increase to approximately **$353,175**.

With an estimated 664 additional residents in the annexation area after being developed and a current state shared appropriation per person of $115.75 the property would generate approximately **$76,858**.

The annual stormwater fee for all homes on this site is estimated at **$5,418**.

Total revenue generated as a result of this annexation after the subdivision is developed would be approximately **$435,451.**

Councilman Estes moved that Resolution 2021-104 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 2021-105** – Approving the Redistricting Map for the City of Cleveland as a result of the 2020 Census.

**RESOLUTION 2021-105**

**A RESOLUTION APPROVING THE REDISTRICTING MAP FOR THE CITY OF CLEVELAND AS A RESULT OF THE 2020 CENSUS**

**WHEREAS**, the five City Council members elected by districts, along with Chris Gaylor, City's GIS Administrator and Fran Green, Bradley County Administrator of Elections have served as the Redistricting Committee for drawing the voting district lines for the City of Cleveland;

**WHEREAS**, the Redistricting Committee, has met several times and developed a final Redistricting Map;

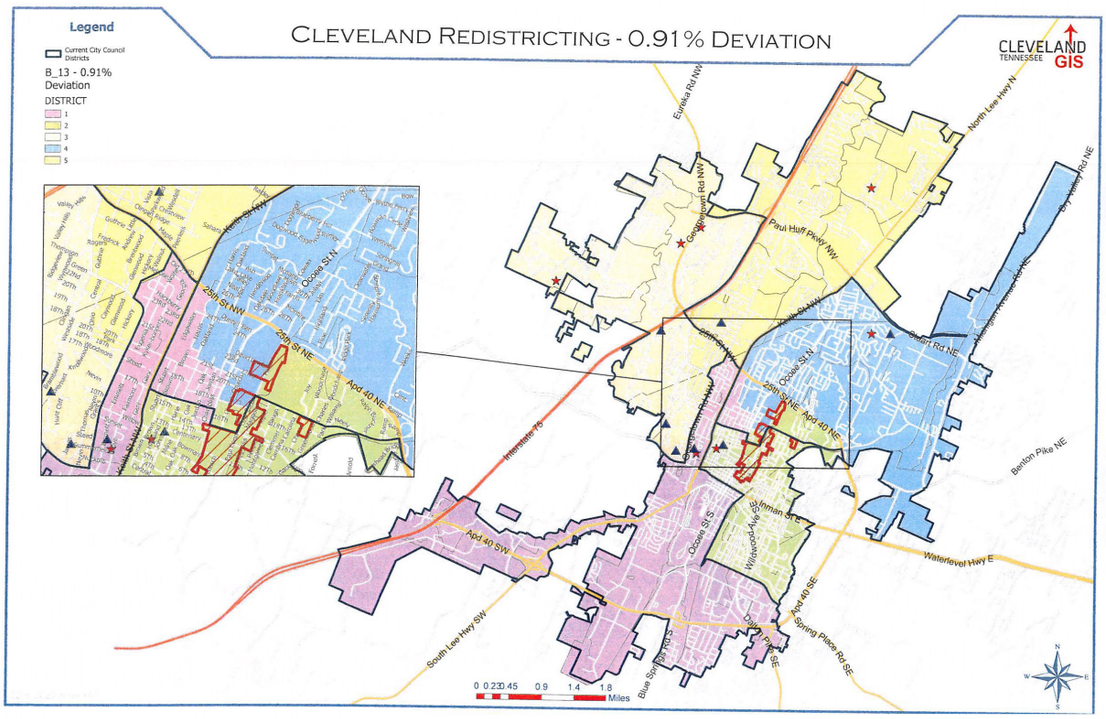
**BE IT THEREFORE RESOLVED**, by the City Council of the City of Cleveland that the attached map entitled "Cleveland Council Redistricting Map Based on April 1, 2020 Census" dated December 2021 is hereby adopted by the City Council and said map shall be submitted to the Bradley County Election Commission.

Adopted this 13th day of December, 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk




Councilman Hughes moved that Resolution 2021-105 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2021-106 –** Approving the purchase of Hangar N-14 at the Cleveland Regional Jetport and for legal counsel to prepare a purchase and sale agreement.

## RESOLUTION 2021-106

**WHEREAS,** the Cleveland Municipal Airport Authority operates the Cleveland Regional Jetport; and

**WHEREAS**, one of the hangars located at the Jetport which is currently subject to a long-term ground lease with the Cleveland Municipal Airport Authority is currently owned by Michael Quayle and is designated as Hangar N-14; and

**WHEREAS**, Michael Quayle has offered to sell this hangar to the City of Cleveland for the sum of $250,000; and

**WHEREAS**, Michael Quayle's proposal to sell the hangar to the City is attached hereto; and

**WHEREAS**, the City Council desires to authorize the City's legal counsel to prepare a purchase and sale agreement in a form acceptable to both the City and the Seller to consummate the purchase of the hangar by the City for the sum of $250,000.

**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 proposed purchase of the hangar from Michael Quayle for the sum of $250,000.

**BE IT FURTHER RESOLVED** that the City's legal counsel is authorized to prepare a purchase and sale agreement in a form acceptable to both the City and the Seller to consummate the purchase of the hangar by the City for the sum of $250,000.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the purchase and sale agreement and any other documents which may be necessary or appropriate on behalf of the City of Cleveland in order to consummate the purchase of this hangar by the City.

This 13th day of December 2021

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2021-106 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following memo was presented:

**TO:** **Mayor & City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **December 13, 2021**
**RE:** **ARPA Affordable Housing**

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**SUMMARY:**
In November, the City and County had staff level discussions of partnering and coordinating an Affordable Housing Initiative utilizing APRA funds. Last week, the County Commission has begun the discussions on this Affordable Housing Initiative.

This coordinated Affordable Housing Initiative would include granting, from both the City and the County, $400,000 for City Fields and $300,000 to the Habitat for Humanity of Cleveland.

City Fields already has agreements in place to purchase approximately 15 rental homes, and then rehabilitation or rebuild homes on these lots that would be targeted to single family homeowners. The $400,000 would be used to make these initial purchases. The City would individually review each property purchase and allocate the funds individually after it has met our program standards. The City will contractually require that homes in Blythe Oldfield area and College Hill area be includes in these purchases.

Habitat for Humanity will be constructing approximately 15 homes/townhomes for single family residents on land at the corner of Foster Lane and 20th Street that are primarily targeted as their first home purchase. The City will grant $300,000 to Habitat for Humanity of Cleveland for these project costs. The City is also contributing CDBG funds to assist with this development.

Affordable housing is a critical area of investment for our community. With extremely high price inflation and housing competition there are many first time home buyers and low to

moderate home purchasers that cannot afford the initial costs to purchase a home, even though they can afford the long-term mortgage payments. These programs also include possible down payment assistance and assistance on many other facets of owning a new home.

For both of these projects, time is of the essence, and they are ready to move forward with these projects immediately upon approval. This is the City-County Partnership portion of this funding, and this does not preclude to adding additional funds in later years for this program.

**COMMITTEE FINDINGS:**
N/A

**FISCAL ANALYSIS:**
With this proposal, the City would take land and properties valued at approximately $600,000, and potentially increase the assessed value to approximately $3,000,000 for both the City and County tax base.

**RECOMMENDATION:**
City staff recommends approval of partnering with the County on this Affordable Housing Initiative with targeting $400,000 for City Fields, and $300,000 for Habitat for Humanity of Cleveland. The City will develop a grant agreement with both of these organizations to assure that all Federal, State, and Local guidelines are followed.

Councilman Webb moved to approve a partnership with Bradley County on the Affordable Housing Initiative utilizing ARPA funds. The motion was seconded by Vice Mayor Johnson. Councilman Estes stated he is a Board Member of City Fields which does not affect his vote. Upon roll call, the motion was unanimously approved.

The following memo was presented in full:

**TO:** **Mayor & City Council**
**FROM:** **Joe Fivas, City Manager**
**DATE:** **December 13, 2021**
**RE:** **140 Inman Street Property Purchase**

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**SUMMARY:**
The City Council approved a purchase agreement on this property in November pending the City staff completing due diligence on the site.

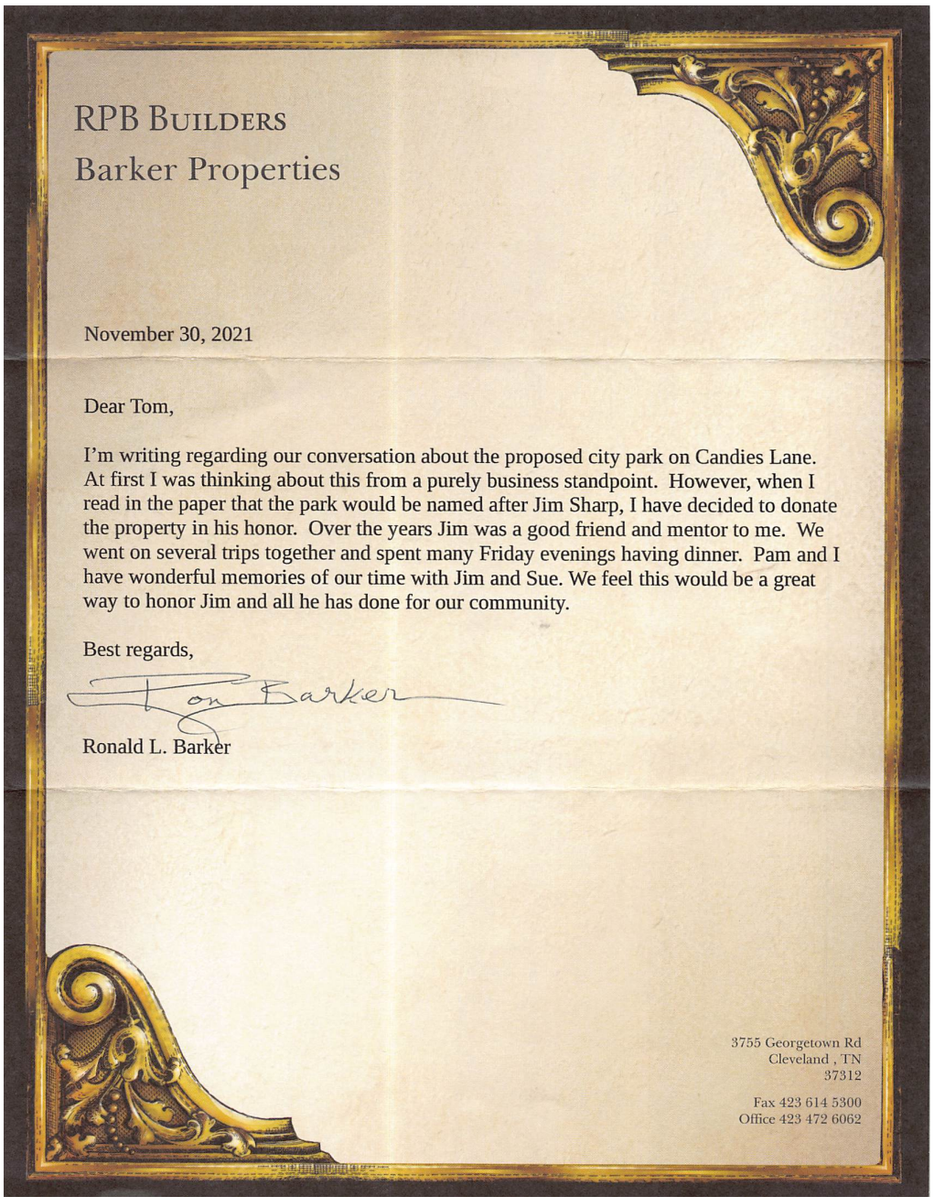
**COMMITTEE FINDINGS:**
N/A

**FISCAL ANALYSIS:**
N/A

**RECOMMENDATION:**
After completion of our due diligence, City staff is recommending to not purchase the property at 140 Inman Street unless the purchase price is reduced.

Councilman Webb moved to approve the memo and not move forward with the purchase of 140 Inman Street. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion was unanimously approved.

Councilman Cassada read the following letter aloud from Mr. Ronald Barker:



RPB BUILDERS
Barker Properties

November 30, 2021

Dear Tom,

I'm writing regarding our conversation about the proposed city park on Candies Lane. At first I was thinking about this from a purely business standpoint. However, when I read in the paper that the park would be named after Jim Sharp, I have decided to donate the property in his honor. Over the years Jim was a good friend and mentor to me. We went on several trips together and spent many Friday evenings having dinner. Pam and I have wonderful memories of our time with Jim and Sue. We feel this would be a great way to honor Jim and all he has done for our community.

Best regards,

Ron Barker

Ronald L. Barker

3755 Georgetown Rd
Cleveland , TN
37312

Fax 423 614 5300
Office 423 472 6062

Councilman Cassada then moved to accept the donation of property from Ronald Barker to be used for the Jim Sharp Park with no other restrictions. This donation will serve the community well. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Councilman Cassada stated the 775 Raider Drive building and property donation from Mr. Forrest Preston is the same as what we just approved, with no restrictions. He then moved to accept the donation of 775 Raider Drive from Mr. Preston with no restrictions. Long-term plans both City Hall and the Cleveland Police Department will have to have work done. This is an opportunity to capture a building and spend $5 million to renovate it. The city school system needs a new location as well. We can figure it out after the fact to see what the best use is, but this is an opportunity we should accept. Our building is dilapidated. We continue to grow, and we should use taxpayer money efficiently and plan for the future. Councilman Estes asked if we had a second on the motion to continue discussion. The motion was then seconded by Vice Mayor Johnson. Councilman May stated the letter we received was dated January 2020. Is that correct? Why is it so urgent that we do something in this meeting? Councilman Cassada stated we all know as we get older we get frail, as Mr. Preston is. If we do not accept this gift now, it

will likely go into the Estate and the City will miss this opportunity all together. Councilman Webb stated recognizing the decision to accept or not accept the generous offer from Mr. Forrest Preston of the property located at 775 Raider Drive is an important decision for this Council and is potentially one with far reaching impacts to our City, he then made the following substitute motion. That this Council ask our very capable staff of engineers, architects, financial professionals and others to complete a thorough analysis of this offer from a financial and logistical standpoint, including, but not limited to the current structure, design and condition of the building and all its components and the potential uses of the building for government functions. The analysis will estimate the initial cost of preparing the building for use and an estimate of ongoing cost along with the allocation of those costs to various agencies identified in the analysis with an interest in potentially occupying the structure if the transaction is completed. The analysis will address the funding source and budget considerations for renovations and ongoing costs. The analysis will not include any consideration of the relocation of City Hall and those administrative operations of the City of Cleveland and the City Council from downtown Cleveland. Satellite operations of certain functions may be considered. The analysis will be prepared promptly and presented to the Council in February 2022, along with a minimum of 3 options for the Council to consider. The motion was seconded by Councilman Hughes. Councilwoman McKenzie stated we need a feasibility study, and it needs to be completed by the January 10 meeting. Councilman Hughes stated it is the holidays and staff would need at least until January 24. Councilman Webb amended his motion to reflect January 24. The amendment was seconded by Councilman Hughes. Upon roll call, Councilman Webb, Councilman Hughes, Councilman Estes, Councilman May voted aye. Councilman Cassada, Vice Mayor Johnson and Councilwoman McKenzie voted no. The motion passed 4:3.

## ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, January 10, 2022.
- Holiday Schedule: City offices will be closed as follows:
- Thursday, December 23 and Friday, December 24 for the Christmas Holiday (Due to the Christmas Holiday Week, the December 27th meeting will be cancelled.).
- Friday, December 31 and Monday, January 3 for the New Year's Holiday

There being no future business the meeting was adjourned at 4:17 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
DECEMBER 27, 2021
3:00 P.M.
MINUTE BOOK 30

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, DECEMBER 27, 2021 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE CHRISTMAS HOLIDAY.

_____ _____

Mayor City Clerk