REGULAR SESSION
JANUARY 13, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 13, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, Ken Webb and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Doug Berry with the Chamber of Commerce and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Ken Webb, who remembered Mary Ruth Tinsley who passed away last week and what the family has done for our community, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on December 9, 2024 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 Bates stated it has come to our attention that Lieutenant TJ Smith was inadvertently left off the 2024 Service Award list presented at the last Council meeting. Vice Mayor Webb then moved to recognize Lieutenant TJ Smith for his 20-years of dedicated service to the Cleveland Fire Department of the City of Cleveland. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

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 Southeast Land Trust for consideration of a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance to zone about .11 acres, more or less, from R2 unincorporated county to R-2 Low Density Single and Multi-Family Zoning District, for property located at Johnson Boulevard and includes Tax Map 058I Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this is a small portion of an existing lot that was annexed into the city years ago and for some reason this odd portion was not. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Marsha McKenzie for consideration of an ordinance to zone about .60 acres, more or less, for property located at 3910 Georgetown Rd. NW from R-3 High Density Single and Multi-Family Zoning District to PI Professional Institutional Zoning District and includes Tax Map 033K Group A Parcel 008.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this property is along the newly widen portion of Georgetown Road. Directly across the street are other professional institutional uses and when you look at the future of this area, it lends itself to higher and best use for commercial development. The

Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Paul Grayson Smith Jr. for consideration of an ordinance to zone about 1.25 acres, more or less, for property located at 2121 North Ocoee Street from PI Professional Institutional Zoning District to CG General Commercial Zoning District and includes Tax Map 049E Group C Parcel 005.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated the property is zoned PI, but there is an existing commercial retail-oriented use in an existing development and the applicant would like to do general commercial, which is less invasive of the options for this location. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed 7-0.

a. **Final Passage - Zoning Ordinance 2024-61** – heretofore passed on first reading December 9, 2024 and found in Minute Book 32, Page 128; Concerning a request by BBB Corporation (c/o Greg Bowman) to zone about 3.92 acres, more or less from FAR unincorporated county to CH Highway Commercial Zoning District, for property located at Circle Drive and includes Tax Map 057H Group C Parcel 001.00 (Planning Commission: Approved 9-0).
b. **Final Passage - Zoning Ordinance 2024-62** – heretofore passed on first reading December 9, 2024 and found in Minute Book 32, Page 129; Concerning a request by Misty and Jason West for consideration of an ordinance to zone about .18 acres, more or less, for property located at 1132 Wildwood Ave. SE from CH Highway Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 057L Group G Parcel 005.00 (Planning Commission: Approved 9-0).
c. **Final Passage - Ordinance 2024-63** – heretofore passed on first reading December 9, 2024 and found in Minute Book 32, Page 130; Concerning a request by Barry Clark for consideration of an ordinance to amend PUD 53 to allow single family residential dwellings in addition to multi-family residential dwellings and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Approved 9-0).
d. **Resolution 2025-03** – Authorizing the Mayor to sign an agreement between the City of Cleveland and Norfolk Southern Railway Company related to the 3rd Street Grade Separation Project.

RESOLUTION 2025-03

WHEREAS, the City has received the attached agreement from Norfolk Southern Railway Company relating to the 3rd Street SE Grade Separation Project; and

WHEREAS, City staff are requesting that the City Council approve of the attached agreement between the City and Norfolk Southern Railway Company; and

WHEREAS, the City Council now desires to approve of the attached agreement with Norfolk Southern Railway Company 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 Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Norfolk Southern Railway Company for this project and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 13th day of January 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Resolution 2025-04** - Authorizing the Mayor to sign Change Order #1 relating to the Gaut Street NE Sidewalk Project.

RESOLUTION 2025-04

WHEREAS, the City has received the attached Change Order #1 from the Tennessee Department of Transportation (hereafter "TDOT") for the project described below; and

Project: Gaut Street NE from South of Inman Street (U.S. 64) to North of Central Avenue NE
Contract Number: 06LPLM-F3-056
Project Identification Number (PIN): 123116.01
State Project Number: 06LPLM-F3-056

WHEREAS, the City Council desires to enter into the attached Change Order #1 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 Change Order Number 1 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. [on file in the City Clerk's Office.]

This 13th day of January 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

f. **Bid Report** – Resurfacing of Paul Huff Parkway (pending TDOT approval).

TO: **Mayor and City Council**
FROM: **Robert Varnell, Director of Planning and Community Development**
DATE: **January 7, 2025**
RE: **Acceptance of single bid for Construction**

SUMMARY: The City of Cleveland entered into a contract with the Tennessee Department of Transportation (TDOT) to carry out construction connected to the resurfacing of Paul Huff Parkway (PIN 130477.00). On December 19, 2024, the city received one sealed bid for construction.

FISCAL ANALYSIS: The winning bid from Talley Construction came in at $3,087,245.08. The 2023-2026 TIP includes amount totals $2,635,929 of federal funds, the remaining $784,922.00 would be locally funded. The City has the ability to adjust the tip to include additional federal funds to offset this amount.

RECOMMENDATION: City Staff recommends approval of the bid pending TDOT acceptance.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Goff thanked city staff for their hard work during the recent snow event. Also, as discussed during the Work Session, the need for lighting in the parking lot at the soccer fields, it is his understanding we are working with the Soccer Association and hopefully move forward.

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie thanked all the employees for their help keeping Cleveland running during the snow event. Secondly, she asked about the scheduling timeline for paving 23rd Street. Mr. Myers stated he will check the paving list and let her know. Lastly, we recently made Parker/Central a four-way stop and asked that the same be done at 1st St NE and 2nd St NE along Parker. Mr. Fivas stated the Council has already voted to install four-way stops at those locations. The procedure, to be as safe as possible, once we get through the required time, about 30 days we will probably do 1st St first and then we will go to 2nd St, he believes that is what Mr. Sheely has told him. It will be a series over the next couple of months. Councilwoman McKenzie asked if the new stop sign at Parker/Central is working well. Chief Gibson stated we haven't seen crashes and people are abiding by it. Once Lee students return, that is when we will notice more activity.

Councilman Estes agreed with Chief Gibson on the new stop signs at Parker/Central. They are appreciated. Next, good things in the second district, Dr. John Powell. Dr. Powell took the old concrete obelisk with the iron and repainted all the street signs still left. He did it on his own and made the neighborhood look nicer. It was a great contribution by an individual.

Councilman Cassada stated he'd like to reflect on College Hill. The discussion on rezoning, R1 was the passion of the group. We uphold zoning ordinances to preserve the character and quality of life for our neighborhoods. We have a number of unrelated people living in homes in R1. He then asked for clarity and understanding of the zoning laws that are designed to ensure the standards and if staff will provide clarity of what R1 is. He has seen 5 or 6 cars parked in front of a house and it is concerning. The same cars for months. What are we doing, as far as R1, are we proactive or reactive? How can we educate the community to keep the integrity of R1 zoning. Mr. Fivas clarified you have R1 property with 10 cars in front and how many people can live in an R1. This is not a new problem. R1, is generally for single-family household. We have a number of issues of R1 in the historic district that we made into multiple apartments. There are a lot of resolutions, and it has become controversial. It is more of a legal question but there is a line on when something has been illegally converted. When does the legal definition change, if they have multiple electric meters, mailing boxes, etc. then that is usually an R2 or R3 situation and we are proactive. Councilman Estes stated our code lays it all out and is very specific. Councilman Cassada asked how the process works, if you find that situation. Mr. Varnell stated from a code enforcement aspect, one, who lives in the house and then proving in a court can be difficult. But the process is you call Code Enforcement and say I suspect six unrelated people live in this house and they will go out and watch and confirm. Sometimes they will tell us and then we talk with rental companies to remind them of the rules. We have a

rooming house ordinance that allows up to four nonrelated residents. Councilman Cassada stated he sees it in older neighborhoods. Mr. Varnell stated yes, and we try to educate that we have these single-family neighborhoods that deserve protection. It is an ongoing discussion.

Councilman May thanked all employees that worked during the recent snow event. We have good, qualified people and they do a great job for Cleveland. Secondly, he asked for an update on the Cherokee renovation project, with scheduling and hopefully something on the website and photos on how it is going to be. Mr. Jobe stated we haven't been in there to get pictures recently, but we can. Mr. Fivas stated yes, there were potential issues with remaining asbestos and unstable walls, so it's been about a month since we've been able to get inside. The contractor is still actively working. Mr. Fivas added we have discussed having the webpage, like we did with Inman, every week or every other week have something to give a narrative update on what is happening. We have also discussed the possibility of live cameras. We've discussed giving tours and updates starting later in January on what is happening in the Cherokee. We want to celebrate as it comes together. Roy's Building is coming along very well. Tommy's crew will start with undergrounding of utilities from the back across and down Church Street. You will see some level of streetscaping from 1st St NE to 1st St SE. We did hear back from the Federal Historic tax people, and they are working with the architect on a few changes like flooring and wallpaper. It appears the tax credits are going to come in at around $4million. Once things are stabilized in the next couple of months, we will get you guys in there. Councilman May asked that information be placed on the website so residents understand and can keep up with what we are doing. Mr. Fivas stated yes, we can discuss the Cherokee renovation on our new podcast.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

a. **Resolution 2025-01** – Concerning a request by Southeast Land Trust for consideration of a resolution to adopt a Plan of Service for about .11 acres, more or less, for property located at Johnson Boulevard and includes Tax Map 058I Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-01

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

425 JOHNSON BOULEVARD (058I B 009.00)

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 January 13, 2025 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 the Bauer Subdivision Lot 1 & 2 Final Plat as recorded in BCROD plat book 43 page 116; thence south 33 degrees 41 minutes 8 seconds west, 99.94 feet to an iron pin, said pin being a corner of the existing City Limits; thence following the existing City Limits in a northwest direction 50 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 99.4 feet, more or less, to a corner of the existing City Limits, said point being located in the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat; thence with the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat south 56 degrees 39 minutes 58 seconds east, 50 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

DECEMBER 17, 2024
JOHNSON BLVD.
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately .11 acres located at Johnson Blvd. 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 2024.

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

Introduction

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

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

The property consists of one parcel, approximately .70 acres total (.11 acres to be annexed). The annexation would zone the property as R-2 Low Density Single and Multi-Family. This lot is currently vacant, and the development of single-family homes is proposed. The property is described as Tax Map part of 058I B 009.00.

Johnson Blvd. Annexation Map



Legal Description

Beginning at an iron pin located at the northeast corner of the Bauer Subdivision Lot 1 & 2 Final Plat as recorded in BCROD plat book 43 page 116; thence south 33 degrees 41 minutes 8 seconds west, 99.94 feet to an iron pin, said pin being a corner of the existing City Limits; thence following the existing City Limits in a northwest direction 50 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 99.4 feet, more or less, to a corner of the existing City Limits, said point being located in the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat; thence with the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat south 56 degrees 39 minutes 58 seconds east, 50 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.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via a 6" water main along Johnson Blvd. SE See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is presently available to the parcel via an 8" gravity sewer main along Johnson Blvd. SE. See Figure 2 – Sewer Service

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant 275 ft. south of the parcel and 300 ft. north of the parcel along Johnson Blvd. SE. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
425 Johnson Blvd. (058I-B-009.00)	**$0**	**$0**	**$0**	**$0**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

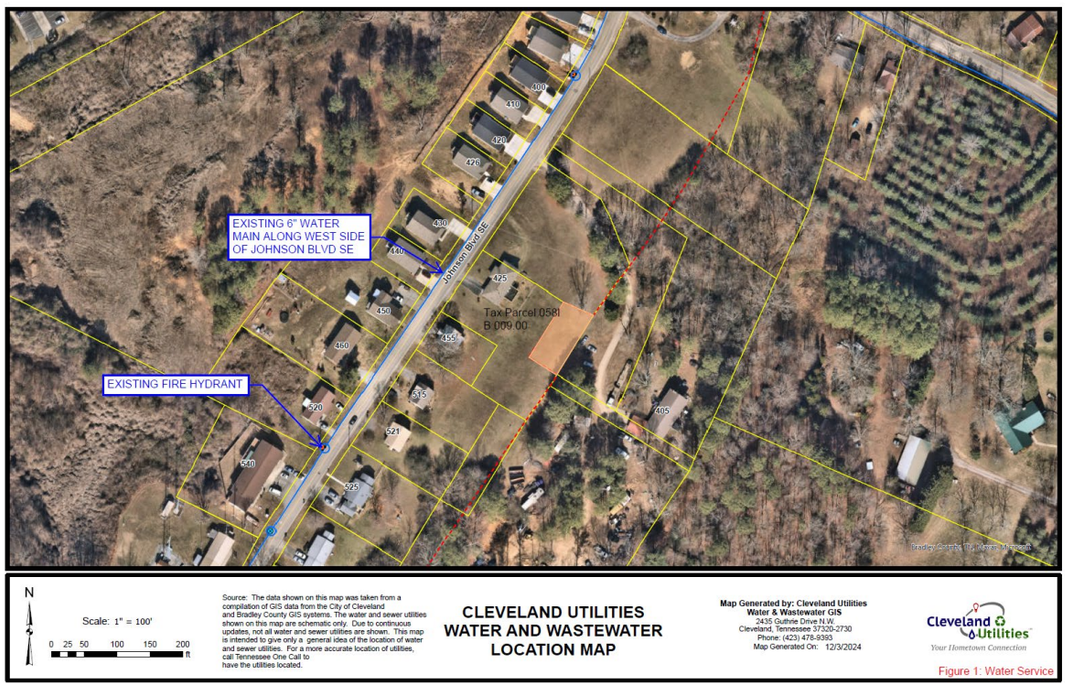


Figure 1: Water Service

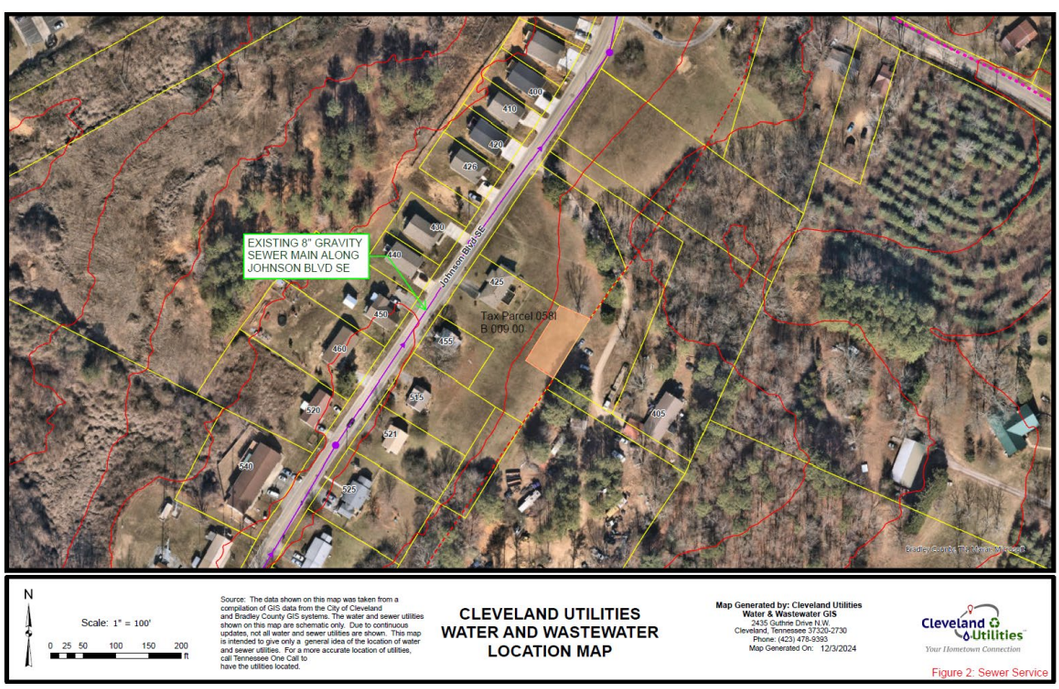


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has facilities in the area of the proposed annexation and electric service should not be an issue.

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

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

This annexation would impact education with 2.3 school age children, costing the City $2,250.25 annually.

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 R2 in the unincorporated County. The property is proposed for a R-2 Low Density Single and Multi-Family 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 15 residents to the 1st City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new developments will need to adhere to the City of Cleveland Stormwater Ordinance. It appears that there may be a stream located on this site. Please review the City of Cleveland stream buffer requirements for any new development. Any modifications to the stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$5,025.00 per year**

Councilman Estes moved that Resolution 2025-01 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

b. **Resolution 2025-02** – Concerning a request by Southeast Land Trust for consideration of a resolution to annex about .11 acres, more or less, for property located at Johnson Boulevard and includes Tax Map 058I Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-02

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

425 JOHNSON BOULEVARD 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 January 13, 2025.

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 the Bauer Subdivision Lot 1 & 2 Final Plat as recorded in BCROD plat book 43 page 116; thence south 33 degrees 41 minutes 8 seconds west, 99.94 feet to an iron pin, said pin being a corner of the existing City Limits; thence following the existing City Limits in a northwest direction 50 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 99.4 feet, more or less, to a corner of the existing City Limits, said point being located in the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat; thence with the northern line of the Bauer Subdivision Lot 1 & 2 Final Plat south 56 degrees 39 minutes 58 seconds east, 50 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

Councilman Estes moved that Resolution 2025-02 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

c. **Zoning Ordinance 2025-01** – Concerning a request by Southeast Land Trust to zone about .11 acres, more or less, from R2 unincorporated county to R-2 Low Density Single and Multi-Family Zoning District, for property located at Johnson Boulevard and includes Tax Map 058I Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-01

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from R-2 Unincorporated County Zoning District to R2 Low Density Single and Multi-Family Zoning District.

Approximately .11 acres, more or less, located on Johnson Blvd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 058I Group B Parcel 009.00 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved that Zoning Ordinance 2025-01 be approved on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

d. **Zoning Ordinance 2025-02** – Concerning a request by Marsha McKenzie to zone about .60 acres, more or less, for property located at 3910 Georgetown Rd. NW from R-3 High Density Single and Multi-Family Zoning District to PI Professional Institutional Zoning District and includes Tax Map 033K Group A Parcel 008.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-02

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from R-3 High Density Single and Multi-Family Zoning District to PI Professional Institutional Zoning District.

Approximately .60 acres, more or less, located on Georgetown Rd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 033K Group A Parcel 008.00 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

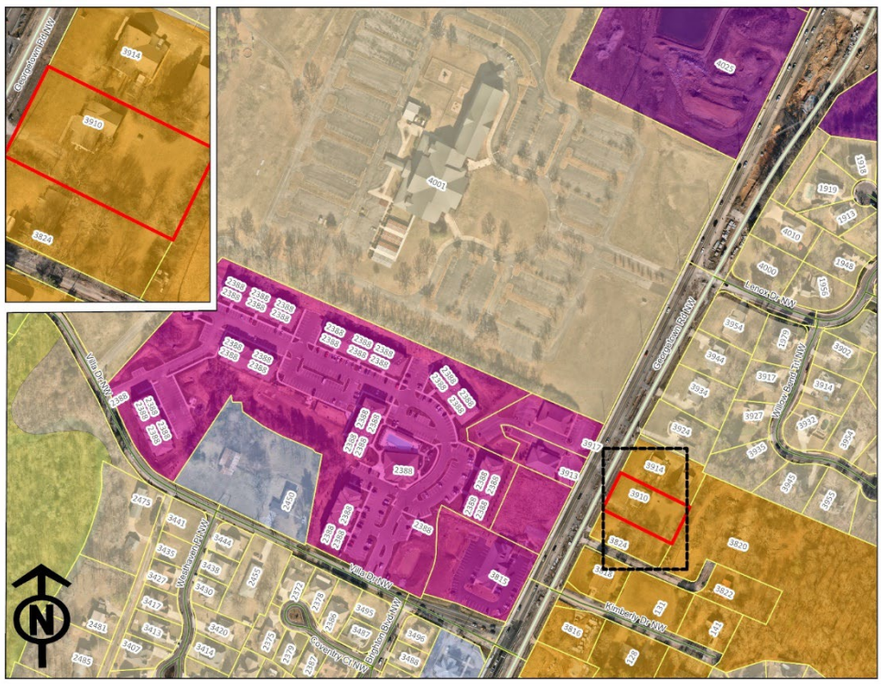

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Exhibit A



Councilman May moved that Zoning Ordinance 2025-03 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed on Monday, January 20th in observance of Martin Luther King Jr. Day.

b. The next City Council meeting will be held on Monday, January 27, 2025

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:49 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JANUARY 27, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 27, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Ken Webb and Dan Moore. Councilman Duane Goff was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Taylor Koch, Redevelopment Assistant; Sean Russell; Jaylee Ernest; Gina Ernest; Candy Scoggins; Holli Mountain; Doug Berry with the Chamber of Commerce; Dan Sutton; Warbrit Lowery; Rodney Williams; Trent Collins; Tad Bacon with Cleveland Utilities and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Ken Webb, the following business was then entered into:

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

WAIVE READING OF MINUTES

Vice Mayor Webb moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on January 13, 2025 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 District 3 Councilman for the Day Trent Collins, who is a Senior at Cleveland High School.

Mayor Brooks then read a letter from Chattanooga Mayor Tim Kelly, who thanked the Cleveland Fire Department for providing coverage in Chattanooga during the funeral for Captain Turley. The aid allowed their team to be together, grieve and send off the Captain well.

Mayor Brooks then read the following proclamation to the Cleveland Middle School Wrestling State Champions.

"CLEVELAND MIDDLE SCHOOL RAIDER WRESTLING DAY"

Whereas, the Cleveland Middle School Blue Raider Wrestling Team dominated the finals of the TMSAA tournament in Cleveland, Tennessee making this their recent dual and traditional sweep of the state championship; and . . . .

Whereas, the Raider wrestlers include Kase Pryor, Brian "Bub" Stancill, Carson Raske, Kade Schuft, Dawson Lane, Destin Morris, Mikiah Haun, Kailee Miller, Leonid Novichkov, Jake Nelson, Carson Russell, Jackson Nicholas, Elijah Zachary, Ychrek Aunu and Adriel Bobe; and . . . .

Whereas, the Lady Raiders include Brystol Potter, State Champion, Kailee Miller, State Champion, Lyrik Wright, 2nd, Jaylee Ernest, 2nd and Emma Thompson, 3rd; and . . . .

Whereas, Coaches Evan Vermillion, Eric Sacharczyk, Tyler Farley, Cooper Reiniche, John Weiss and Ashley Green 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 and on behalf of the City Council do hereby declare Monday, January 27, 2025 as **"CLEVELAND MIDDLE SCHOOL BLUE RAIDER WRESTLING DAY"** in our city and ask all citizens to congratulate this fine group of young men and women and their coaches for a job well done. I hereby declare that all the wrestlers and coaches as ambassadors for the City of Cleveland, exemplifying the true spirit of sportsmanship and a winning spirit that is the envy of the State of Tennessee. Congratulations TMSAA Wrestling Champions—Cleveland Middle School Blue Raiders and Lady Raiders.

Rodney Williams addressed the City Council by inquiring for any updates on the future city gym at the Community Center. Mr. Fivas stated no, we continue to look at options and if any direction is settled on, we'll be sure to make you and Shneka Jones aware. Councilman Moore asked if it was fair to say we've kind of moved in a different direction. Mr. Fivas stated no, we're evaluating other options so the Council can have multiple options to look at. Mr. Williams asked if the Community Center was the best option. Mr. Fivas replied he's not seen any other options yet.

HEARING PETITIONS AND COMMUNICATIONS

There were no hearing petitions and communications.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed 6-0.

a. **Final Passage - Zoning Ordinance 2025-01** – heretofore passed on first reading January 13, 2025 and found in Minute Book 32, Page 149; Concerning a request by Southeast Land Trust to zone about .11 acres, more or less, from R2 unincorporated county to R-2 Low Density Single and Multi-Family Zoning District, for property located at Johnson Boulevard and includes Tax Map 058I Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).
b. **Final Passage - Zoning Ordinance 2025-03** – heretofore passed on first reading January 13, 2025 and found in Minute Book 32, Page 150; Concerning a request by Paul Grayson Smith Jr. to zone about 1.25 acres, more or less, for property located at 2121 North Ocoee Street from PI Professional Institutional Zoning District to CG General Commercial Zoning District and includes Tax Map 049E Group C Parcel 005.00 (Planning Commission: Approved 7-0; 2 absent.
c. **Resolution 2025-05** – Authorizing the City to purchase artificial turf for the Blythe Oldfield Futsal Court through the Master Intergovernmental Cooperative Agreement #R220203.

RESOLUTION 2025-05

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #R220203, AS AMENDED, WHICH IS ADMINISTERED BY OMNIA PARTNERS SERVICE COOPERATIVE.

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 equipment, products or services between Playcraft Systems LLC ("Company") and Participating Entities in cooperation with Omnia Partners service cooperative, on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Omnia Partners 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 #R220203, as amended, held by Omnia Partners 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 equipment, products or services as a participating public agency under MICPA Contract #R220203, as amended, held by Omnia Partners as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through Omnia Partners to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2025-06 –** Authorizing the Mayor to sign Change Order 1 with Black Construction related to the Central Avenue Sidewalk Improvement Project.

RESOLUTION 2025-06

WHEREAS, the City's development and recreation department is requesting that the City Council approve the attached Change Order #1 to the City's existing contract with Black Construction LLC for the Central Avenue NE Sidewalk improvement project; and

WHEREAS, the City Council desires to enter into the attached Change Order #1 with Black Construction 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 with Black Construction LLC for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 27th day of January 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Resolution 2025-07** – Authorizing the Mayor to sign a professional services agreement with Civil & Environmental Consultants, Inc to conduct Benthic Macroinvertebrate sampling of Woolen Mill Branch.

RESOLUTION 2025-07

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH CIVIL & ENVIRONMENTAL CONSULTANTS, INC. FOR SAMPLING OF IMPAIRED STREAMS

WHEREAS, the City Manager and the City's Stormwater Program manager are recommending to the City Council that the City enter into a professional services agreement with Civil & Environmental Consultants, Inc. to provide for Macroinvertebrate sampling services on one or more impaired streams within the City's jurisdiction in accordance with the City of Cleveland's MS4 Stream Monitoring Plan which has previously been adopted and approved by the Tennessee Department of Conservation and Environment; and

WHEREAS, the City Council desires to approve the attached agreement with Civil & Environmental Consultants, Inc. and to authorize the Mayor to execute the attached professional services agreement 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 attached agreement with Civil & Environmental Consultants, 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 27th day of January 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

f. **Resolution 2025-08** – Authorizing the City to purchase a compact excavator for the Public Works Department through the Master Intergovernmental Cooperative Agreement #011723-VCE.

RESOLUTION 2025-08

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #011723-VCE, AS AMENDED, WHICH IS ADMINISTERED BY SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGENCY AND SERVICE COOPERATIVE.

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 equipment, products or services between Volvo Construction Equipment North America, LLC. ("Company") and Participating Entities in cooperation with Sourcewell, a State of Minnesota local government agency and service cooperative, on behalf of Participating Entities, which may include the

City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Sourcewell 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 #011723-VCE, as amended, held by Sourcewell 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 equipment, products or services as a participating public agency under MICPA Contract #011723-VCE, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through Sourcewell to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

g. **Resolution 2025-09** – Authorizing the Cleveland Fire Department to apply for the Rescue Squad Grant Program.

RESOLUTION 2025-09

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF COMMERCE & INSURANCE FOR THE RESCUE SQUAD GRANT

WHEREAS, the City Council of the City of Cleveland, Tennessee desires to provide the Cleveland Fire Department with lifesaving equipment and to improve the health and safety of firefighters of the Cleveland Fire Department; and

WHEREAS, the City is eligible to apply for grant funding through the Rescue Squad Grant Program, which, if approved, does not require any matching funds from the City; and

WHEREAS, if this grant is approved, grant funding will allow the Cleveland Fire Department to purchase lifesaving equipment for incident responses and to protect the lives of squad members; and

WHEREAS, the City Council desires to apply for this grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor be and hereby is, authorized to submit the application on behalf of the City, including all the understandings and assurances contained therein, to the Tennessee Department of Commerce & Insurance and the Tennessee State Fire Marshal's Office for the Rescue Squad Grant. If said grant is approved, the Mayor is hereby authorized to accept (on behalf of the City of Cleveland)

said grant and the Mayor is hereby designated as Cleveland's representative to act in connection with the application and to provide additional information as may be required in order for the City to receive the grant.

Adopted this 27th day of January, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2025-10** – Authorizing the Mayor to sign grant contract amendment 1 with the Tennessee Department of Finance and Administration related to the State's Cybersecurity Grant Program.

RESOLUTION 2025-10

WHEREAS, the City has received the attached grant contract amendment 1 from the State of Tennessee, Tennessee Department of Finance and Administration, Strategic Technology Solutions, (hereafter the "State") for the State's Cybersecurity Grant Program; and

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

This 27th day of January, 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Bid Summary** – Privacy Fence on Callen Lane

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **January 27, 2025**
RE: **Bid Summary – Privacy Fence**

SUMMARY:
The City advertised to accept sealed bids on January 21, 2025, for the installation of a privacy fence on Callen Lane. Bids are listed below.

- Kings Development Group, LLC **$37,950.00**
- Siler Fence Co. **$66,173.00**
- Tim's Fencing **$69,300.00**
- RBJS Construction **$64,600.00**
- Quality Fence **$63,200.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:

RECOMMENDATION:
Staff recommends awarding the contract to low bidder, Kings Development Group, LLC.

j. **Contract Extension** – To extend the HVAC Service/Maintenance contract with Icon Air & Mechanical Systems for an additional two-year term.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **January 27, 2025**
RE: **Contract Extension – HVAC Service/Maintenance**

SUMMARY:
Requesting an extension to the current HVAC contract with Icon Air & Mechanical Systems for an additional two-year term.

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
Staff recommends approval of a two-year contract extension beginning March 1, 2025.

UNFINISHED BUSINESS

Councilman Cassada moved that Zoning Ordinance 2025-02; heretofore passed on first reading January 13, 2025 and found in Minute Book 32, Page 151; Concerning a request by Marsha McKenzie to zone about .60 acres, more or less, for property located at 3910 Georgetown Rd. NW from R-3 High Density Single and Multi-Family Zoning District to PI Professional Institutional Zoning District and includes Tax Map 033K Group A Parcel 008.00 be voted for passage on final reading. The motion was seconded by Councilman Moore. Upon roll call, Councilman Cassada, Councilman Moore, Vice Mayor Webb, Councilman Estes and Councilman May voted aye. Councilwoman McKenzie abstained. The motion carried 5-0-1.

REPORTS OF COUNCIL MEMBERS

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie had no report at this time.

Councilman Estes stated St. Luke's Episcopal Church is redoing the exterior and it looks wonderful. He appreciates their work in the downtown area.

Councilman Cassada thanked Mr. Fivas and staff for meeting with Trent Collins for the day and giving him an overview of city operations. It was very informative and appreciated.

Councilman May had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

RESOLUTION 2025-11

RESOLUTION TO AUTHORIZE DEVELOPMENT AND SUBMISSION OF A GRANT APPLICATION FOR CONSTRUCTION OF THE WESTERN PORTION OF THE 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 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 construct a crosstown connector with less impact on existing development; and

WHEREAS, grant opportunities such as the U.S. Department of Transportation BUILD grant and other possibilities for the 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 BUILD construction grant application, or an alternative grant program, to the USDOT for approval by the City Council; the approximate estimate of this grant is $29,400,000 with a city or TDOT match of approximately $4,400,000.

3. The Mayor is authorized to sign all documents necessary to the grant application process described herein.

Approved this 27th day of January, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2025-11 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Councilman Estes moved to approve the purchase of properties identified as Tax Maps 049N O 010.00, 049N O 007.00, 049N O 008.00, 049N M 007.00, 049N N 008.00 and 049N N 002.00 for economic development and transportation needs [Oak/3rd Street; Storage Monster, LLC; Daniel Smith] . The motion was seconded by Councilman May. Councilman Cassada clarified the motion was to purchase and move forward with the contract. Mayor Brooks stated yes. Mr. Fivas stated it is important, looking at the agreement is that you are starting the due diligence period, and then we will close after that. If we find something, we will report back to Council, however he doesn't believe that will happen. We still have the ability between now and the next meeting, if some other information pops up, he will share with the Council.

Councilman Estes moved that City Attorney John Kimball, along with Chief Gibson and City Manager Joe Fivas, draft a letter to the Collegedale Police Chief, including their City Manager and their elected officials, laying out two things, their acknowledgement of receipt of their understanding of the event that took place at Exit 20 and formally laying out our expectations for performance in the future. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

Councilman Estes asked Dr. Jeff Elliott with the Cleveland City Schools to speak on the School Board's position on Vouchers related to the School Choice and the Education Freedom Scholarship Act of 2025. Dr. Elliott stated the School Board took a deep dive into the Voucher proposal laid out by Governor Lee. There were three main concerns, the financial aspects and investments in public schools, accountability, and conducting transparent review of existing state voucher programs. The School Board was unanimous in their vote to oppose expansion of the proposed voucher program. We would appreciate affirmation from the City Council. Councilman Estes moved to endorse the letter from Cleveland City Schools as written on January 17, 2025 to our elected representatives. The motion failed for a lack of a second. Councilman Estes requested a copy of the School Board letter be incorporated into the minutes and he hopes we support our schools better going forward. Councilman Cassada stated he would like to receive further information on the voucher program. Councilman Estes stated the State Budget Office released the Fiscal Note and encourages everyone to read what the State says about the bill and where the money goes. Councilman Cassada replied he would like to be clear and have information on what he is voting on.

Cleveland CITY SCHOOLS
Educate.Innovate.Elevate.

775 Raider Drive, Cleveland, TN 37312 • p: 423.472.9571 • f: 423.472.3390 • clevelandschools.org

January 17, 2025

TO: Our Elected Representatives, Constituents, Community Members and Cleveland City School (CCS) Families

RE: CCS Board of Education (BOE) Position on Vouchers, also referred to as School Choice and the Education Freedom Scholarship Act of 2025

The CCS BOE remains steadfast in its commitment to ensuring the highest quality education for every student in our district. As we face increasing challenges, including rising mental health needs, growing special education demands, and increasing cultural and language diversity, we stand firmly opposed to any measures that divert critical resources away from public schools. These systemic challenges strain already limited resources, and voucher programs risk further destabilizing public education by diverting funds without addressing these pressing issues.

We believe in maintaining local control over our schools and ensuring that schools receiving public funds meet the same accountability standards as public schools. CCS is held accountable in academic performance, school climate and student engagement, equity and subgroup performance, college and career readiness, financial accountability and compliance, grant compliance and program monitoring, teacher quality and staff accountability, school safety and health, compliance with federal and state regulations, reporting and transparency, and instructional time compliance.

Over the past several years, various states across this great nation have served as testing grounds for the implementation of voucher programs which have permitted students to take funding from public schools and divert them to private school programs. Each of those programs have been unsuccessful, have faced fraud, have had expansion beyond the original budgets and have had unintended consequences to public schools. There are currently three programs in the State of Tennessee serving as testing grounds for the voucher program. It is our understanding that those programs have not achieved success and have been detrimental to the public school systems. Research from Vanderbilt University and other institutions provides a host of data which indicates that these programs have been unsuccessful[1].

As a result, CCS BOE feels compelled to express their opposition to the voucher program and to articulate specific concerns we have with the drafts which have been presented.

1. **Prioritize Investments in Public Schools:** Instead of allocating funds to vouchers, invest in strengthening our public schools, which serve the vast majority of Tennessee students. Keeping public dollars within public schools is essential to maintaining quality and ensuring resources are available for all students. Diverting funds to private institutions without proper oversight undermines the financial stability and trust in state government and its entities. Private schools are not required to alter their practices or curriculum to participate, nor are they held to the same accountability standards. Meanwhile, public schools continue to serve all students, including the most vulnerable populations. The additional funding required to operate both programs could significantly increase costs for taxpayers.
2. **Demand Accountability:** If voucher programs are to exist, the recipient must be held to the same accountability standards as public schools, including academic performance, financial transparency and other regulations.
3. **Conduct a transparent review of existing state voucher programs before any expansion.** This review should include:
    - **Academic Outcomes:** An analysis of the academic performance of students participating in the voucher program compared to their public school counterparts, controlling for relevant factors such as socioeconomic status.
    - **Financial Impact:** An assessment of the program's cost-effectiveness and its impacts on public school funding.
    - **Accessibility and Equity:** An examination of whether the program is truly accessible to all students, including those from low-income families, students with disabilities, students in rural areas, and other vulnerable populations.
    - **Oversight and Accountability:** An evaluation of the program's oversight mechanisms and whether they ensure proper use of public funds and compliance with relevant laws and regulations.

Therefore, BE IT RESOLVED, that for the foregoing reasons, the Cleveland City Schools Board of Education opposes the implementation of the voucher program and encourages our legislators to vote accordingly.

Respectfully Submitted,

Cleveland City Schools Board of Education

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[1] "Peabody Scholars Share Guidance to Inform School Voucher Policy," Vanderbilt University News, August 20, 2024, accessed [January 17, 2025], https://news.vanderbilt.edu/2024/08/20/peabody-scholars-share-guidance-to-inform-school-voucher-policy-2/.
[2] "2025 Update on Vouchers," Nashville Public Education Foundation, January 2025, accessed [January 17, 2025], https://nashvilleseeforsyn-content/uploads/2025/01/2025-Update-on-Vouchers.pdf.
[3] "Fiscal Note for HB2853," Arizona Legislature, accessed [January 17, 2025], https://www.azleg.gov/legtext/55leg/2R/fiscal/HB2853.DOCX.pdf.
[4] "2023-2024 Annual Choice Report," Indiana Department of Education, accessed [January 17, 2025], https://www.in.gov/doe/files/2023-2024-Annual-Choice-Report.pdf.
[5] "Cost of the Universal ESA Vouchers," Grand Canyon Institute, accessed [January 17, 2025], https://grandcanyoninstitute.org/research/education/private-school-subsidies/cost-of-the-universal-esa-vouchers.
[6] "Research on School Vouchers Suggests Concerns Ahead for Education Savings Accounts," Brookings Institution, accessed [January 17, 2025], https://www.brookings.edu/articles/research-on-school-vouchers-suggests-concerns-ahead-for-education-savings-accounts/.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, February 10, 2025

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:34 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
FEBRUARY 10, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 10, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, Ken Webb and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; David Benton; Kelly Kiser and Hal Taylor with Cleveland City Schools; Anna Davison; Patricia Sluder; Jared Tilley; Patty Ramos; Chris Rinehart; Doug Berry with the Chamber of Commerce; Chris Townsend; Don Petteway; Liz Ramsey; Rodney Williams; Sharon Marr with Mainstreet Cleveland; Donnie Burnette; Tim Ryder; Kim Lynn; Garrett Frye with Congressman Fleischmann's Office; Lindsey Bise; Bradey Saxon; Dale Bacon; Joe Dallanegra; Jill Barnett; Keisha Parks; Jane Galay and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Ken Webb, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on January 27, 2025 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

Dale Bacon addressed the City Council concerning the rumors concerning the closing of the South Cleveland Community Center. Mayor Brooks stated this item was addressed at the beginning of the Work Session and asked Mr. Fivas to restate his previous comments. Mr. Fivas stated we are not considering anything today, staff is not working on any proposals at this time to move forward on closing the facility, any stretch of the imagination, because why would we. It has been expressed to the City Council if there is a time that we want to make any modifications they would be given notice up front before we started working on anything just to give everyone notice. People should feel very secure that closing is not going to happen at that facility by any stretch of the imagination. Mr. Bacon thanked the Council for the update and would help get the word out.

Chris Townsend with Property Holding Group addressed the City Council concerning the status of the condemnation lawsuit the city filed against him approximately two years ago. In February 2023, Cleveland filed a condemnation lawsuit for a portion of 1120 Valley Head NW. He filed a response and a countersuit. Approximately 10 days ago, we attempted to mediate the matter and were unsuccessful. He is happy to answer any questions the Council may have for him and it would be good for city administration to answer any questions. Mr. Townsend then handed out a copy of the original condemnation complaint. Councilman Moore asked where exactly the property was. Mr. Townsend stated the corner of Paul Huff and Peerless Road. Councilman Moore asked Mr. Fivas what was the suit about. Mr. Fivas replied we needed 108 square feet of property to adequately design new turn lanes on Peerless and Paul Huff. Mr. Townsend stated you needed the property, so has there been a change in the design? Mr. Fivas stated we still need it but we've started, we have a contract as the Council has voted on to pave Paul Huff in the next couple of months, so we figured we would go out and get the process started. There is a possibility that, while we'll always need that, is that we can made do, due to

the time constraints related to the federal and state paving and the necessity of paving Paul Huff. Councilman Moore stated so we no longer need it? Mr. Fivas stated we need it but we can probably make do. Councilman Goff asked if the lawsuit was eminent domain? Mr. Fivas stated yes, a condemnation for 108 square feet. Councilman Cassada stated he'd rather not disclose anything in a public meeting on a pending lawsuit in litigation with lawyers. Councilman Goff asked how much longer litigation will last if it's already been two years. Mr. Fivas stated he is happy to answer any question. Councilman Goff stated it has been two years, but we need the area by what this summer? Mr. Fivas replied we need to have enough of the curb in before the paving of Paul Huff, which should occur in April. Mr. Townsend stated he felt it was important to have an open forum so any misinformation could be corrected. It sounds like 108 square feet was needed for an adequate design for the intersection, so does that mean if the city doesn't acquire 108 square feet the intersection improvements will be inadequate? Mr. Fivas stated that is more of an engineering question. Mr. Townsend stated he is happy to come back to speak to the Council after they have had time to review the documents and will do so at the Council's request.

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 Dennis Botts for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about .29 acres, more or less, for property located at Johnson Boulevard from FAR unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058I Group C Parcel 009.00. Robert Varnell stated this portion of the parcel was not previously annexed and we are cleaning up the map. R-2 is the surrounding zoning and it will be developed into a higher and better use. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by the Eldredges and O'Neals for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 22 acres, more or less, for property located at North Lee Hwy from FAR unincorporated county and RA Residential Agricultural to PUD62 Planned Unit of Development Zoning District and includes a portion of Tax Map 034 Parcel 025.02. Robert Varnell stated this development will be forty-six single family detached homes on 75' minimum width lots. There is considerable open space, and language which is consistent with the recent PUD to the south of this development, regarding the average 150' buffer frontage along North Lee Highway, which is mostly wetlands and will be protected as undisturbed wetland. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry with Berry Engineers stated this is a good development by a local developer, for higher end spec homes. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Brett Howell for consideration of an ordinance to zone about 9.6 acres, more or less, for property located at Michigan Avenue Road from IH Heavy Industrial Zoning District to PUD61 Planned Unit of Development and includes Tax Map 050 Parcels 036.00 and 037.00. Robert Varnell stated this is 50' minimum lot widths along Michigan Avenue. The ordinance contains language for sidewalks along Michigan Avenue and partly internal. Also, right-of-way dedication depends on the right-of-way survey. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry with Berry Engineers stated this is not a huge subdivision with about 45-50 lots. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Bassam Issa for consideration of an ordinance to zone about 36 acres, more or less, for property located at APD-40 from IH Heavy Industrial Zoning District to PUD60 Planned Unit of Development and includes Tax Map 065 Parcel 001.00. Robert Varnell stated the applicant has requested the vote on this item be delayed until the next meeting. Councilman Cassada asked why two Planning Commission members voted against. Mr. Varnell replied due to the requested lot widths of 46' versus 42'. The City Staff and Planning Commission recommends 46' minimum but did have ample discussion on 42'. Mr. Fivas stated at the next meeting we will have a full discussion before any vote take place. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Maverick Development for consideration of an ordinance to amend PUD 40 to include a second access point on Sequoia Road. Robert Varnell stated the change is going from one access to two and an added benefit of right-of-way dedication for us to do some improvements at the Sequoia and North Lee intersection. It includes a small commercial component as well. Staff and Planning Commission recommends approval. Councilman Goff asked if sidewalks were included along North Lee. Mr. Varnell stated yes, and also along Sequoia. Mayor Brooks asked if the corner is angled a bit for better site distance. It is a very difficult left turn. Mr. Varnell stated yes, the dedication is for a better intersection. Mayor Brooks stated every improvement we can make to that intersection will be welcomed. Councilman Cassada stated yes, due to the traffic and the school traffic the intersection needs improvement. Mr. Varnell stated yes, he agrees and we are currently working through it. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry with Berry Engineers stated the new connection is for pedestrian walkability to the school. The developer is making a fair share contribution for a future traffic signal. Sidewalks are being built on Sequoia and also a Greenway easement on the north side for a future connection. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Gary Waters for consideration of an ordinance to amend PUD 58 to include the development of apartment complexes up to 228 units in place of single family attached and single family detached units. Robert Varnell stated at the time of annexation and zoning the applicant did not have an exact proposal and in the ordinance, language states once a proposal was finalized it would come back before the City Council. There is significant language for infrastructure and improvements to Lewis Street at Benton Pike. Staff and Planning Commission recommends approval. Vice Mayor Webb asked if staff was comfortable with the improvements on Lewis Street to service this many units. Mr. Varnell stated yes, we had improvements included but it was beefed up a bit to include turning movements. He is comfortable with the upgrades. Mayor Brooks asked if anyone would like to speak in favor of the request. Pat Howell with Multi Land Co stated they are proposing is 228 – 2-bedroom apartments ranging from $1,500-$1,800 monthly. It will be a community with a pool, club house, pickleball courts, meeting rooms, an event center and a dog park. We are committed to working with the City to upgrade the entrance and roadway. Once the project starts it will take 12-18 months to complete. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed 7-0.

a. **Resolution 2025-12** – Supporting Senate Joint Resolution 48 related to the recommended increase of the statewide 911 surcharge rate.

RESOLUTION 2025-12

RESOLUTION IN SUPPORT OF RECOMMENDED STATEWIDE 911 SURCHARGE RATE INCREASE AND SENATE JOINT RESOLUTION 48

WHEREAS, in accord with state law, the Tennessee Emergency Communications Board ("TECB") held a public hearing and proposed an increase of the statewide 911 monthly surcharge rate to $1.86 per line, for the life-saving service, which change is subject to approval by the State House and Senate by Joint Resolution (Senate Joint Resolution 48); and

WHEREAS, the current fee is set at $1.50 statewide for all devices capable of calling 911; and

WHEREAS, the additional revenue is needed due to advances in technology and to meet increased operational costs of the Emergency Communications District, which is funded, in part, by this government.

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

That we do hereby express support of the statewide 911 surcharge rate to $1.86, and SJR 48, which would implement the recommended monthly fee by the TECB, effective January 1, 2026.

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

Approved this 10th day of February, 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Motion** – Chage Order #3 with Chazler, Inc for Jim Sharp Park.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **February 10, 2025**
RE: **Jim Sharp Park Change Order No. 3**

SUMMARY:
Staff requests City Council approval of the attached change order to the Chazler, Inc., contract for Jim Sharp Park. This is to cover expenses due to additional rock removal.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Results in a contract increase of $4,477.00.

RECOMMENDATION:
Staff recommends approval of this item.

c. **Appointment** - *Jetport Authority* – Duane Goff to fill the unexpired term of Mark Fidler.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Moore commended Chief Gibson and the Cleveland Police Department for the recent drug bust at a local hotel of three Atlanta based drug dealers. Thankfully they are off the streets.

Councilwoman McKenzie stated she has received calls from residents off Pleasant Grove Church Road concerning the new apartments that will be built soon. Where the entrance of the new apartment complex is to be, there is a very sharp curve and residents are very concerned that it will become an area for accidents. She asked if staff would review and see what could be done to make it a safer area. Mr. Fivas stated staff has already started the review and hopefully have a solution before they are opened in approximately a year.

Councilman Estes stated he wanted to thank publicly Adam Osborne and Nate Tucker with leading the United Way Campaign this year. The campaign is coming to an end, and the community gives so much towards for the fine work they do.

Councilman Cassada had no report at this time.

Councilman May inquired about the 25th Street landscaping project and if it was on schedule. Mr. Fivas replied we are in the process of getting a design consultant that will help us get TDOT approval. Hopefully at the next meeting, we will have the approval of a consultant. We need someone to work with TDOT to make sure the curbing and water drainage is in the right spot. Mr. Jobe stated we are planning to modify the current drainage. Councilman May asked if the sign would be moved at the same time. Mr. Fivas replied yes, engineers will pull all the area projects together and give the Council a seamless vision of what it will look like before making a decision.

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2025-13 -** Concerning a request by Dennis Botts for consideration of a Plan of Service for about .29 acres, more or less, for property located at Johnson Boulevard and includes Tax Map 058I Group C Parcel 009.00 (Planning Commission: Approved 9-0).

RESOLUTION 2025-13

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

JOHNSON BOULEVARD (058I C 009.00)

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on February 10, 2025 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 a fence post located at the northeast corner of the lands of John Smith, as recorded in BCROD deed book 1329 page 871, said corner also being the northwest corner of the lands of Dennis Botts, as recorded in BCROD deed book 3050 page 459; thence south 68 degrees 18 minutes 3 seconds east, 80.23 feet to a fence post; thence south 20 degrees 41 minutes 52 seconds west, 164.72 to an iron pin; thence north 68 degrees 18 minutes 3 seconds west, 80.23 feet to an iron pin; thence north 20 degrees 41 minutes 52 seconds east, 164.72 to the true 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

JANUARY 21, 2025
JOHNSON BLVD.
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately .29 acres located at Johnson Blvd. 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 2025.

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

Introduction

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

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

The property consists of one parcel, approximately .29 acres total. The annexation would zone the property as R-2 Low Density Single and Multi-Family. This lot currently holds a shed, and the development of single-family homes is proposed. The property is described as Tax Map part of 058I C 009.00.

Johnson Blvd. Annexation Map



Legal Description

Beginning at a fence post located at the northeast corner of the lands of John Smith, as recorded in BCROD deed book 1329 page 871, said corner also being the northwest corner of the lands of Dennis Botts, as recorded in BCROD deed book 3050 page 459; thence south 68 degrees 18 minutes 3 seconds east, 80.23 feet to a fence post; thence south 20 degrees 41 minutes 52 seconds west, 164.72 to an iron pin; thence north 68 degrees 18 minutes 3 seconds west, 80.23 feet to an iron pin; thence north 20 degrees 41 minutes 52 seconds east, 164.72 to the true 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.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via a 6" water main along Johnson Blvd. SE See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is presently available to the parcel via an 8" gravity sewer main along Johnson Blvd. SE. Based on conversations with the city, access to the parcel will be created via Johnson Boulevard. A grinder pump by the property owner will be required to serve the parcel. See Figure 2 – Sewer Service

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant 360 ft. northwest of the parcel along Johnson Boulevard and 500 ft. southwest of the parcel along Johnson Blvd. SE. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Johnson Blvd. (058I-C-009.00)	**$0**	**$0**	**$0**	**$0**

1 CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

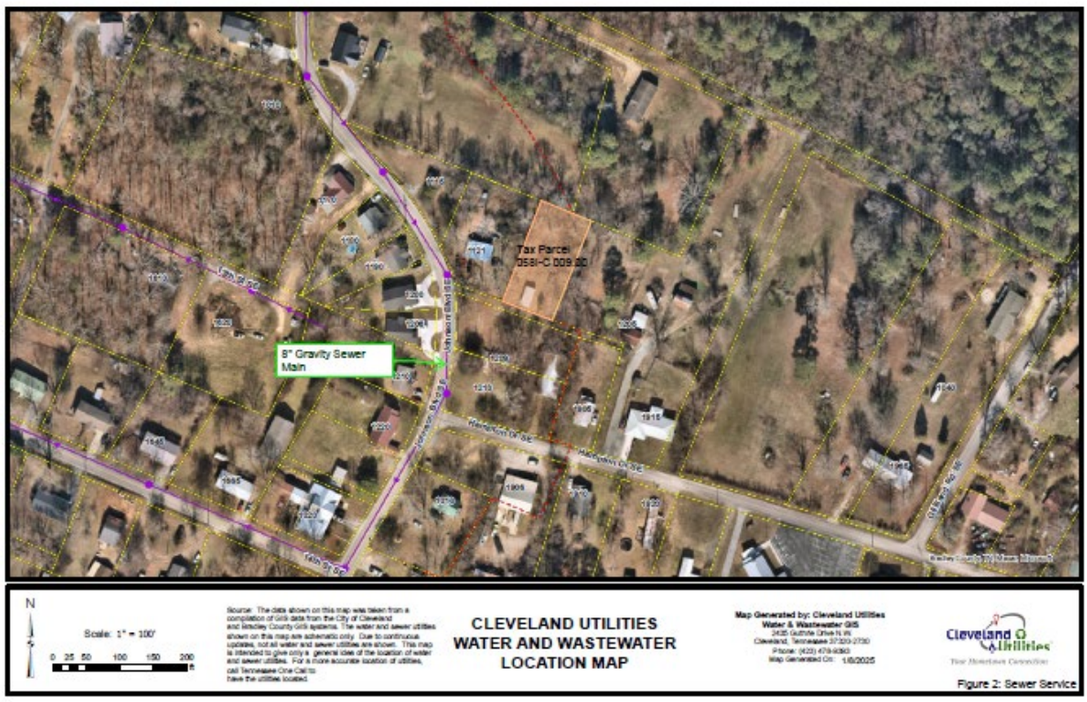
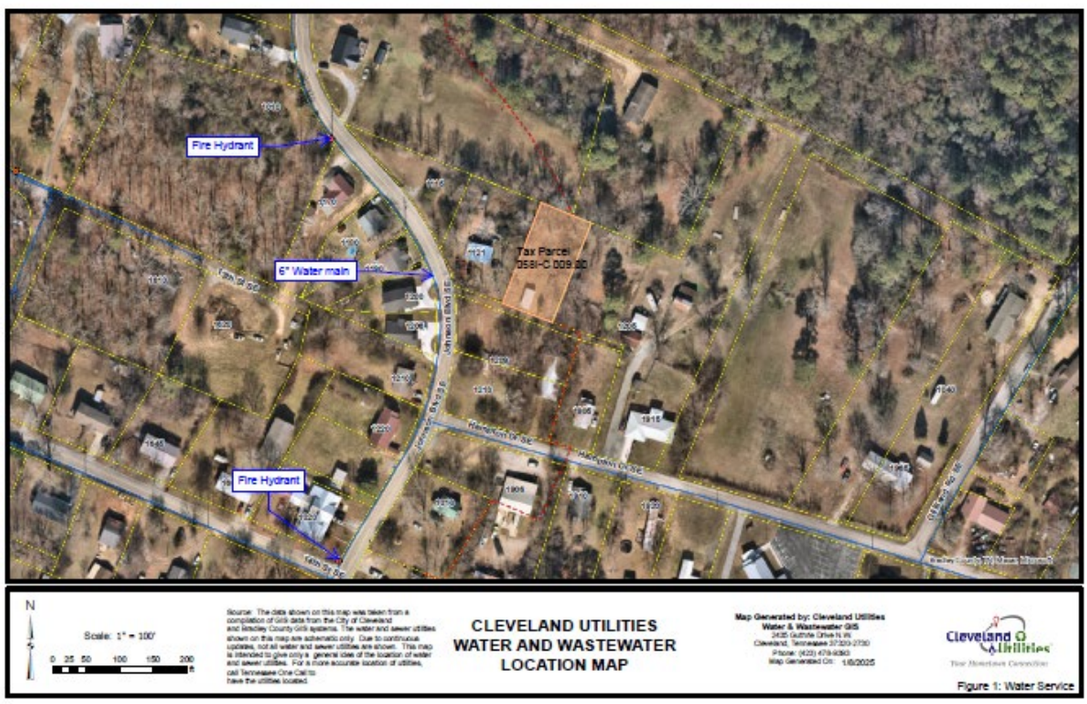


Figure 2: Sewer Service



4. Electric Service

Cleveland Utilities Electric has facilities in the area of the proposed annexation and electric service should not be an issue.

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

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

This annexation would impact education with 1 school age children, costing the City $976.59 annually.

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 FAR in the unincorporated County. The property is proposed for a R-2 Low Density Single and Multi-Family 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 2.5 residents to the 2nd City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new developments will need to adhere to the City of Cleveland Stormwater Ordinance. It appears that there may be a stream located on this site. Please review the City of Cleveland stream buffer requirements for any new development. Any modifications to the stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$882.50 per year**

Councilman Estes moved that Resolution 2025-13 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2025-14 -** Concerning a request by Dennis Botts for consideration of a resolution to annex for about .29 acres, more or less, for property located at Johnson Boulevard and includes Tax Map 058I Group C Parcel 009.00 (Planning Commission: Approved 9-0).

RESOLUTION 2025-14

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

JOHNSON BOULEVARD 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 February 10, 2025.

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 a fence post located at the northeast corner of the lands of John Smith, as recorded in BCROD deed book 1329 page 871, said corner also being the northwest corner of the lands of Dennis Botts, as recorded in BCROD deed book 3050 page 459; thence south 68 degrees 18 minutes 3 seconds east, 80.23 feet to a fence post; thence south 20 degrees 41 minutes 52 seconds west, 164.72 to an iron pin; thence north 68 degrees 18 minutes 3 seconds west, 80.23 feet to an iron pin; thence north 20 degrees 41 minutes 52 seconds east, 164.72 to the true 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

Vice Mayor Webb moved that Resolution 2025-14 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 2025-04 -** Concerning a request by Dennis Botts for consideration of an ordinance to zone about .29 acres, more or less, for property located at Johnson Boulevard from FAR unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058I Group C Parcel 009.00 (Planning Commission: Approved 9-0).

ZONING ORDINANCE 2025-04

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR unincorporated county Zoning District to R-2 Low Density Single and Multi-Family Zoning District

Approximately .29 acres, more or less, located on Johnson Boulevard as shown on the attached map.

For reference, the same property is being shown on Tax Map 058I Group C Parcel 009.00 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 Moore moved that Zoning Ordinance 2025-04 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 2025-15 -** Concerning a request by the Eldredges and O'Neals for consideration of a Plan of Service for about 22 acres, more or less, for property located at North Lee Hwy and includes a portion of Tax Map 034 Parcel 025.02 (Planning Commission: Approved 8-0; 1 recused).

RESOLUTION 2025-15

A RESOLUTION APPROVING A PLAN OF SERVICES FOR A PROPOSED ANNEXATION OF TERRITORY INTO THE CITY OF CLEVELAND BY OWNER CONSENT
N. LEE HWY ELDREDGE II PROPERTY (034 025.02)

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on February 10, 2025 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 a corner in a southern line of the lands of Benjamin and Andria Eldredge, as recorded in BCROD deed book 2240 page 529, said point being located in the eastern right of way of North Lee Hwy; thence south 66 degrees 38 minutes 49 seconds east, 200 feet, more or less, to a point where the southern line of the lands of Eldredge intersects the existing City Limits, said point being the true point of beginning; thence south 66 degrees 38 minutes 49 seconds east, 809.56 feet, more or less, to an iron pin; thence south 34 degrees 32 minutes 28 seconds west, 172.34 feet to an iron pin; thence north 61 degrees 57 minutes 12 seconds west, 64.42 feet to an iron pin; thence south 32 degrees 58 minutes 48 seconds west, 233.67 feet to an iron pin; thence south 60 degrees 48 minutes 28 seconds east, 215.87 feet to an iron pin; thence south 28 degrees 48 minutes 18 seconds west, 608.56 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 899.53 feet to an iron pin; thence north 8 degrees 47 minutes 47 seconds west, 123.04 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 31.78 feet, more or less, to a point where the line intersect the existing City Limits; thence with the existing City Limits in a northeasterly direction 680 feet, more or less, to the true 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

JANUARY 21, 2025
NORTH LEE ELDREDGE II
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 22 acres located at North Lee Highway 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 2025.

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

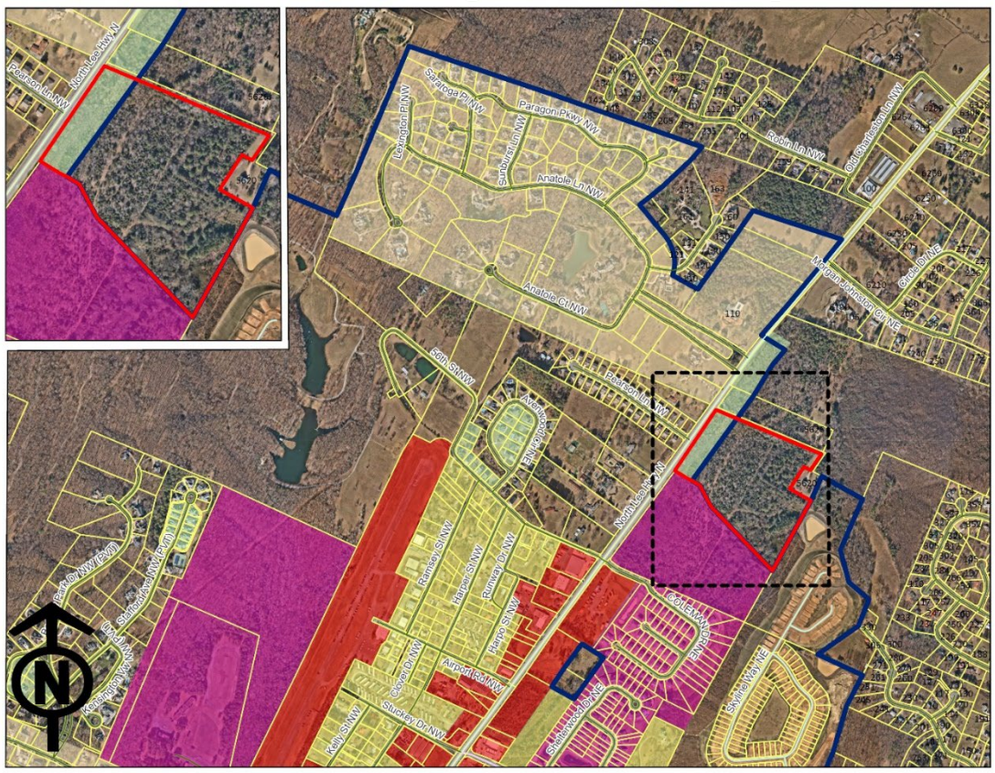
Introduction

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

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

The property consists of one parcel, approximately 22 acres total. The annexation would zone the property as PUD Planned Unit of Development 62. This lot is currently vacant and a single-family residential development is proposed. The property is described as Tax Map part of 034 025.02.

North Lee Eldredge II Annexation Map



Legal Description

Beginning at an iron pin located at a corner in a southern line of the lands of Benjamin and Andria Eldredge, as recorded in BCROD deed book 2240 page 529, said point being located in the eastern right of way of North Lee Hwy; thence south 66 degrees 38 minutes 49 seconds east, 200 feet, more or less, to a point where the southern line of the lands of Eldredge intersects the existing City Limits, said point being the true point of beginning; thence south 66 degrees 38 minutes 49 seconds east, 809.56 feet, more or less, to an iron pin; thence south 34 degrees 32 minutes 28 seconds west, 172.34 feet to an iron pin; thence north 61 degrees 57 minutes 12 seconds west, 64.42 feet to an iron pin; thence south 32 degrees 58 minutes 48 seconds west, 233.67 feet to an iron pin; thence south 60 degrees 48 minutes 28 seconds east, 215.87 feet to an iron pin; thence south 28 degrees 48 minutes 18 seconds west, 608.56 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 899.53 feet to an iron pin; thence north 8 degrees 47 minutes 47 seconds west, 123.04 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 31.78 feet, more or less, to a point where the line intersect the existing City Limits; thence with the existing City Limits in a northeasterly direction 680 feet, more or less, to the true 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.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with little impact to the budget.

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

A. Domestic Water---Domestic water service can be extended to the property via a proposed 975± LF 8" water main along the east side of N Lee Hwy. The Opinion of Probable Cost is $134,100. This work can be completed in eight years. See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is available to the parcel via a 4" gravity sewer main along the northwest corner of the property. See Figure 2 – Sewer Service

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant at the intersection of Coleman Dr. and N Lee Hwy. A fire hydrant can be placed on the end of the proposed 975± LF watermain. The opinion of probable cost is $10,000. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
N Lee Hwy (part of 034-02502)	**$134,100**	**$0**	**$10,000**	**$144,100**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

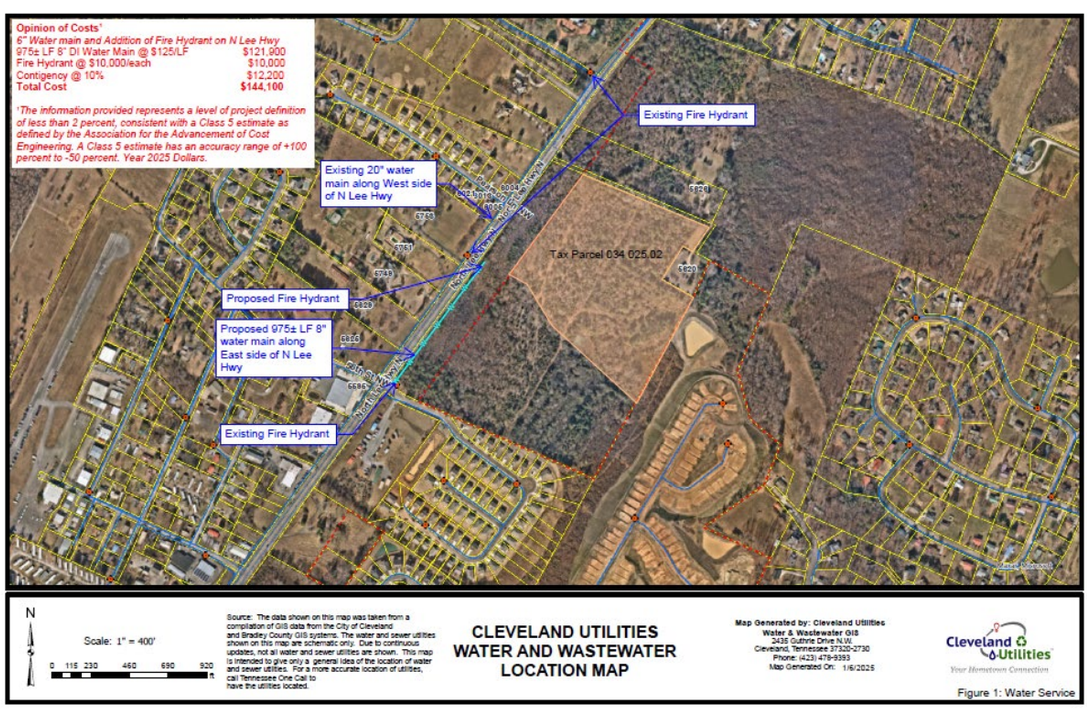


Figure 1: Water Service

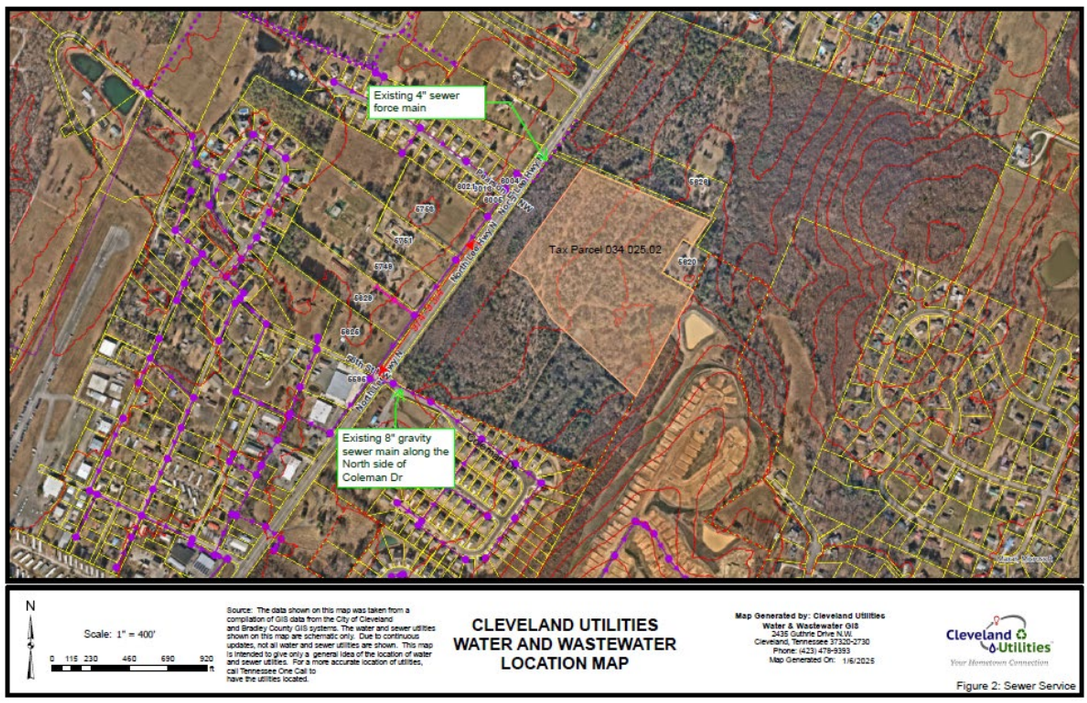


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has facilities in the area of the proposed annexation and electric service should not be an issue.

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

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

This annexation would impact education with 17 school age children, costing the City $17,251.83 annually.

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 FAR in the unincorporated County and RA Residential Agricultural in the City. The property is proposed for a PUD Planned Unit of 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 115 residents to the 5th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new developments will need to adhere to the City of Cleveland Stormwater Ordinance. It appears that there may be a stream located on this site. Please review the City of Cleveland stream buffer requirements for any new development. Any modifications to the stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$96,413,13 per year**

Vice Mayor Webb moved that Resolution 2025-15 be accepted as presented. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2025-16 -** Concerning a request by the Eldredges and O'Neals for consideration of a resolution to annex about 22 acres, more or less, for property located at North Lee Hwy and includes a portion of Tax Map 034 Parcel 025.02 (Planning Commission: Approved 8-0; 1 recused).

RESOLUTION 2025-16

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

N. LEE ELDREDGE II 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 February 10, 2025.

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 a corner in a southern line of the lands of Benjamin and Andria Eldredge, as recorded in BCROD deed book 2240 page 529, said point being located in the eastern right of way of North Lee Hwy; thence south 66 degrees 38 minutes 49 seconds east, 200 feet, more or less, to a point where the southern line of the lands of Eldredge intersects the existing City Limits, said point being the true point of beginning; thence south 66 degrees 38 minutes 49 seconds east, 809.56 feet, more or less, to an iron pin; thence south 34 degrees 32 minutes 28 seconds west, 172.34 feet to an iron pin; thence north 61 degrees 57 minutes 12 seconds west, 64.42 feet to an iron pin; thence south 32 degrees 58 minutes 48 seconds west, 233.67 feet to an iron pin; thence south 60 degrees 48 minutes 28 seconds east, 215.87 feet to an iron pin; thence south 28 degrees 48 minutes 18 seconds west, 608.56 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 899.53 feet to an iron pin; thence north 8 degrees 47 minutes 47 seconds west, 123.04 feet to an iron pin; thence north 53 degrees 47 minutes 47 seconds west, 31.78 feet, more or less, to a point where the line intersect the existing City Limits; thence with the existing City Limits in a northeasterly direction 680 feet, more or less, to the true 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

JANUARY 21, 2025
NORTH LEE ELDREDGE II
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 22 acres located at North Lee Highway 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 2025.

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

Introduction

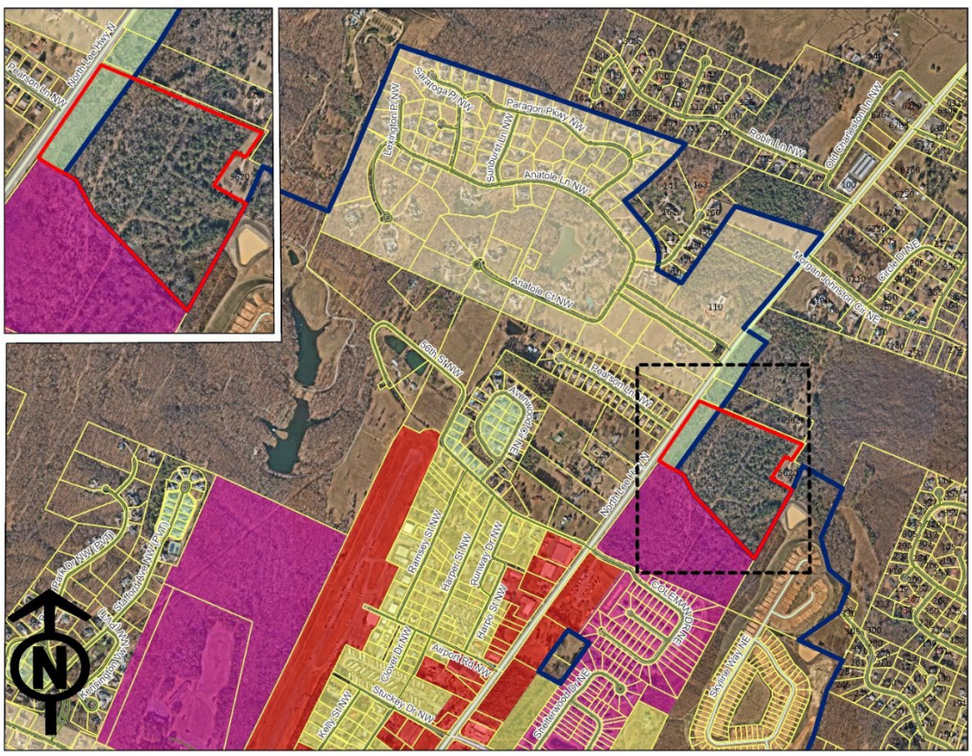
Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service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

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

The property consists of one parcel, approximately 22 acres total. The annexation would zone the property as PUD Planned Unit of Development 62.

This lot is currently vacant and a single-family residential development is proposed. The property is described as Tax Map part of 034 025.02.

North Lee Eldredge II Annexation Map


Peachtree Ln NW
Mount Calvary Rd
Seminole Pl NW
Peregrine Pkwy NW
Lexington Pl NW
Shinnecock Hill NW
Anatolia Ln NW
Anatolia Cir NW
Fresh Ln NW
East Oxford Ln NW
Mt Olivet Cemetery Rd NE
Cedar Grove Rd NE
110
50th St NW
Fairfield Ln NW
Axel Ct NW
Fairfield Pl NW
Northlake Dr NW
Fairfield St NW
Holland St NW
Runway Cir NW
Paine St NW
Cedar Creek Pkwy
Cedar Creek Rd NW
Cedar Creek Pkwy NW
Cedar Creek Rd NW
Cedar Creek Rd NW
Cedar Creek Rd

2. Fire Protection

The Cleveland Fire Department could service this area immediately with little impact to the budget.

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

A. Domestic Water---Domestic water service can be extended to the property via a proposed 975± LF 8" water main along the east side of N Lee Hwy. The Opinion of Probable Cost is $134,100. This work can be completed in eight years. See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is available to the parcel via a 4" gravity sewer main along the northwest corner of the property. See Figure 2 – Sewer Service

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant at the intersection of Coleman Dr. and N Lee Hwy. A fire hydrant can be placed on the end of the proposed 975± LF watermain. The opinion of probable cost is $10,000. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
N Lee Hwy (part of 034-02502)	**$134,100**	**$0**	**$10,000**	**$144,100**

1 CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

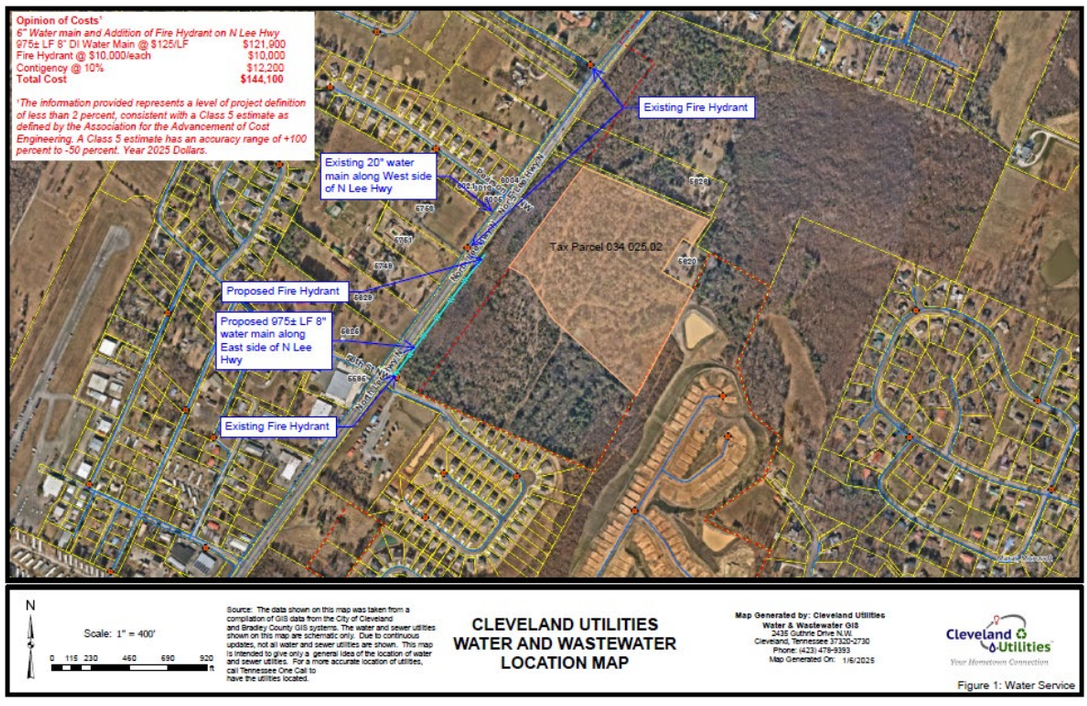


Figure 1: Water Service

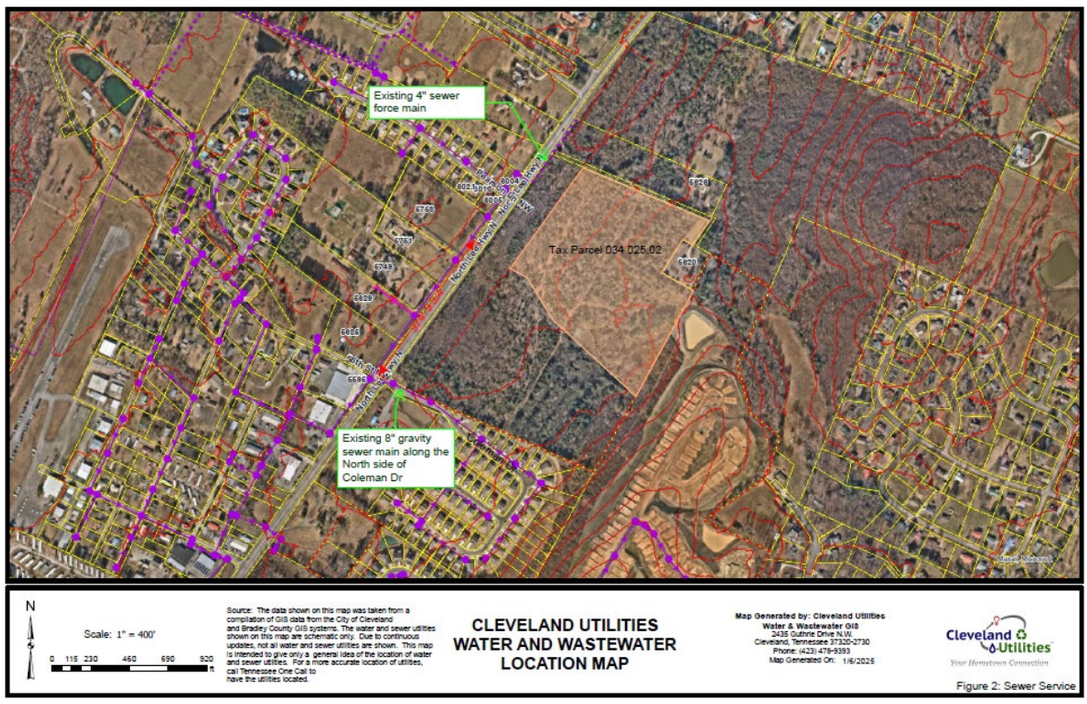


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has facilities in the area of the proposed annexation and electric service should not be an issue.

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

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

This annexation would impact education with 17 school age children, costing the City $17,251.83 annually.

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 FAR in the unincorporated County and RA Residential Agricultural in the City. The property is proposed for a PUD Planned Unit of 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 115 residents to the 5th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new developments will need to adhere to the City of Cleveland Stormwater Ordinance. It appears that there may be a stream located on this site. Please review the City of Cleveland stream buffer requirements for any new development. Any modifications to the stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$96,413,13 per year**

Councilman Estes moved that Resolution 2025-16 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-05 -** Concerning a request by the Eldredges and O'Neals for consideration of an ordinance to zone about 22 acres, more or less, for property located at North Lee Hwy from FAR unincorporated county and RA Residential Agricultural to PUD62 and includes a portion of Tax Map 034 Parcel 025.02 (Planning Commission: Approved 8-0; 1 recused).

ZONING ORDINANCE 2025-05

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS NORTH LEE ELDREDGE II "PUD 62" ON PROPERTY DESCRIBED AS TAX MAP 034 PARCEL 025.02, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 62; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING

FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESSES AND RELATED REQUIREMENTS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

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

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map are hereby amended so as to zone the property described in Section 3 herein as "PUD 62" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 62 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 62 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 62, North Lee Eldredge II (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 034 Parcels 025.02. Exhibit A illustrates the overall North Lee Eldredge II Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of North Lee Eldredge II. The project consists detached single-family homes with natural open space. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 50 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 62 Subdivision allows for the construction of up to 50 residential units without amending this ordinance. Permitted uses are Single family detached dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 62 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 North Lee Highway development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 62 district.

Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 62, North Lee Eldredge II was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on January 21, 2025. 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 62 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 North Lee Eldredge II may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 62 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 62 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 62 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 62 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.

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

7.A. Building Lot Size & Setbacks

Single Family Detached Lots:

Setbacks:

Front: 25'

Side: 5'

Rear: 15'

Min Lot Width: 75'

Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 1O feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall comply with the sidewalk ordinance. A right turn deceleration lane may be installed in the initial phase of the construction and be built within the Right-of-way if warranted through site-review in coordination with the City Traffic Engineer.
2. The community open space shall be an accessible and usable, yet natural area.
3. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 lots.
4. A bus stop shelter shall be placed in cooperation with Cleveland City Schools, this may be combined with the mail kiosk.

7.C Miscellaneous Standards

1. All exterior facades of all structures shall comprise brick, stone, wood, composite, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone for their entirety.

2. Residential buildings must incorporate a variety of building elements and treatments for single family detached housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features.
3. In an effort to protect existing ground cover, minimize impacts to wetland areas, and promote higher quality neighborhoods, Mass grading of the site shall be minimized to the extent possible of the development areas with the exception of stormwater, utility installation, and for feasibility and utilization of buildable areas.

4. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings.

5. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

6. An average of a 100-foot undisturbed buffer shall be maintained along North Lee Highway with the exception of the entrance area to the neighborhood.

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 62 North Lee Eldredge II. 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 62, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 62 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Zoning Ordinance 2025-05 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 2025-06 -** Concerning a request by Brett Howell for consideration of an ordinance to zone about 9.6 acres, more or less, for property located at Michigan Avenue Road from IH Heavy Industrial Zoning District to PUD61 and includes Tax Map 050 Parcels 036.00 and 037.00 (Planning Commission: Approved 8-0; 1 recused).

ZONING ORDINANCE 2025-06

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 MICHIGAN AVENUE "PUD 61" ON PROPERTY DESCRIBED AS TAX PARCEL 050 036.00 AND 037.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 61; 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 61" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 61 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 61 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.
Any development or use of the property described herein in a manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.
PUD 61, Michigan Avenue (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as a portion of Tax Map 050 Parcels 036.00 and 037.00. Exhibit A illustrates the overall Michigan Avenue Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.
This section is intended to provide a general description of Michigan Avenue. The project consists of townhomes, detached single family homes. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 50 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 61 Subdivision allows for the construction of up to 50 residential units without amending

this ordinance. Permitted uses are Townhomes and single family detached dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 61 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 Michigan Avenue development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 61 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 61, Michigan Avenue was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on January 21, 2025. 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 61 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 Michigan Avenue may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 61 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 61 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 61 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 61 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks

Townhouses: Setbacks:

Front:	25'
Side:	5'
Rear:	15'

Min Lot Width: 20'

Single Family Detached Lots: Setbacks:

Front:	25'
From Michigan Ave:	30
Side:	5'
Rear:	15'
Min Lot Width:	50'

No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7B Sidewalks, Common Area, & Amenities

1. Sidewalks shall comply with the sidewalk ordinance and shall include installation along Michigan Avenue. Additional Right-of-way will be required to ensure that the road meets the required 60’ width (30’ from centerline).
2. No driveways may access Michigan Avenue directly.
3. A portion of the community open space shall be a usable yet natural area.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 units.
5. A bus stop shelter shall be placed in cooperation with Cleveland City Schools and can be included with cluster mailbox units.

7.C Miscellaneous Standards

1. The exterior primary (front) facades of all structures shall comprise brick, stone, wood, composite, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.
2. Residential buildings must incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.
3. Townhomes with front driveways shall have at a minimum a one car garage.
4. A minimum of two off-street parking spaces per dwelling unit is required.
5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding townhome or multi-family buildings, in the front yard of all single-family detached structures. Front driveways of Townhomes shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).
6. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers, however, the city tree preservation requirements are not otherwise applicable. No buffers are required internally to the PUD area. A 30’ foot type D buffer shall be provided along the southern property lines which backs up to existing residential homes if the development area includes townhouses.
7. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.
8. Right-of-way width shall be 40’ in width for all internal roads.

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 61 Michigan Avenue. 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 61, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 61 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Zoning Ordinance 2025-06 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-08 -** Concerning a request by Maverick Development for consideration of an ordinance to amend PUD 40 to include a second access point on Sequoia Road (Planning Commission: Approved 8-0; 1 recused).

ZONING ORDINANCE 2025-08

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS HARDWICK FARMS WESTSIDE "PUD 40" ON PROPERTY DESCRIBED AS TAX MAP 034 PARCEL 055.00 AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 40; 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 40" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD40 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD40 district are 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 40, Hardwick Farms Westside Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning), includes property generally identified as follows:

Tax Map 034 Parcel 055.00

Exhibit C illustrates the overall Hardwick Farms Westside 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 Hardwick Farms Westside PUD. The project will provide up to 180 units of new housing in a mix of sizes and unit types including detached single-family homes and attached single-family townhomes. The attached townhome units will constitute no more than 20% percent of the allowable 180 allowable units or no more than 36 townhome units. Exhibit C depicts a likely distribution of unit types, location of proposed infrastructure and common areas. In terms of total allowable density across the site, the project shall not exceed 3.0 units per acre. The developer shall include common open space which may include uses such as a neighborhood parks, playgrounds, pools, tennis courts, and walking trails. Developers shall also include permanent retention or detention pond areas, and landscaped entrance and common areas. The typical street section will include sidewalks and landscaped area with street trees.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 40 Subdivision allows for the construction of up to 180 dwelling units in detached single-family houses and single family attached townhome structures.

Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community clubhouse, park shelters, benches, or tables, are allowed in the common area and will be reviewed by the Planning Director for consistency with an approved plan.

Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 40 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 residential uses within the Hardwick Farms Westside PUD development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit C unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by Developer covenants and restrictions. The proposed commercial uses on the portion of the property currently zoned Commercial Highway (CH) within the City of Cleveland as depicted on Exabit B with the exception of the following uses: Gasoline sales and service, vehicle sales, rental, service, and repair of new or uses automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes, flea markets, mini-warehouse facilities/climate-controlled storage or any conditional uses listed. Uses other than those described as permitted or allowed herein are prohibited. Billboards are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit C) for PUD40, The Hardwick Farms Westside PUD, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on September 20th, 2022. A revision was provided and brought to the Planning Commission for review on 1/21/2025 to include an additional access point on Sequia Drive and a proposed commercial development area. 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 40 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 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 Hardwick Farms Westside PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.).

All streets within the PUD 40 Hardwick Farms Westside development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting. Where existing Right of Way along Sequoia Road is narrow adjacent to PUD 40 and the intention is that it be at least 50 feet in width; therefore, the developer grants additional ROW to the City of Cleveland such that the ROW is at least 25 feet from the existing center line along the entire property.

6.B. PLATS.

One or more plats will be prepared for the PUD40 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 40 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 40 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 40 shall be those established in this ordinance. 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.

For Single Family Detached residential areas units of identical elevation types must be separated by at least two different front 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 style (reverse elevations do not count as different building elevations), facade, materials, or colors. All 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 average of at least 50% of either brick or stone materials as calculated throughout the development. Vinyl Siding, other than accents such as soffits and fascia, are prohibited. All foundations must be made of brick or stone. No blank walls along street elevations are allowed. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

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. For

Townhomes the tree shall be placed in between each structure. The driveways and parking areas for each Townhome shall be separated by a minimum of 2.5-foot planted landscape strip, therefore allowing for placement of trees or other landscaping. Green infrastructure techniques, such as rain gardens and permeable soils or pavements should be introduced throughout the development in effort to minimize stormwater runoff and improve water quality.

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. Sidewalks shall also be constructed along the Sequoia Drive and North Lee Highway at the developer's expense. A walking trail shall connect throughout the subdivision to each potential phase as it develops and can be included and connected to the Mouse Creek Greenway System was further improvements have been made outside the scope of this development. The proposed Greenway along the northern property line/flood zone areas are to be deeded in easement or fee simple to the City for eventual connection to the overall Greenway System. Other site amenities such as a pool, tennis court, playground, pocket parks, as well as open spaces can be added for the benefit of the development. These uses will be finalized as the neighborhood develops depending on current conditions. The developer shall deed property at the corner of North Lee Highway and Sequoia Drive for a future right-turn-lane and will contribute to the traffic light at that intersection.

A monument style ground sign shall be installed at all of the primary entrance(s) to the site. A landscaped berm no smaller than 2.5' in height shall be installed along the Sequoia Drive to provide privacy and maintain a quality appearance. The berm shall be landscaped with a mix of Trees and shrubs.

The existing Tree's planted within the State ROW may remain in place. Open space shall be maintained at proportion no less than 20% of the total buildable area. Site amenities, to be determined as the neighborhood develops, shall be provided by the developer once 50% the buildable lots in the development are established or under construction. All common areas, facilities, and landscaping shall be kept in good repair by the developer, future owners, or an established homeowner's association. Once established, the Homeowners Association shall enforce a no overnight parking within the Rights-of-way for emergency services access.

Centralized cluster mailbox units shall be provided, if required by the United States Postal service, and shall include a minimum of 4 off-street parking spaces. These may be combined with site amenities as

provided. A school bus shelter must be constructed at each potential pick up spot in coordination with Cleveland City Schools. 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. All stormwater detention/retention areas will be screened from the public ROW.

Each lot must provide a minimum of 3 off-street parking spaces, therefore reducing on-street parking and traffic congestion.

The minimum lot width requirements for single-family detached home sites are 55 feet for up to 75% of the overall development. The remaining 25% of single- Family Homes shall have a minimum lot width of 46 feet. Townhome sites shall comply with existing city townhome regulations for lot width. The front setback requirements are 25 feet, side setback requirements are 3' on one side and 10' on the remaining side. Each 3' side setback must be joined by a 10' setback on the adjoining lot., and rear setbacks shall be no less than 15' from the property line. Site specific 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. Townhomes must follow the City's established process requiring a site plan for construction and a final plat after 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. Retaining walls as needed for the grading of building pads are required to maintain a 5' setback on property lines. Walls greater than four feet in height must be reviewed and approved by the City of Cleveland Director of Development and Engineering Services prior to the issuance of a building permit. 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 40 Hardwick Farms Westside 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 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 40, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20%from the site plan shown in exhibit C, then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 40 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 Maverick Development 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 conflicts 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, public convenience and necessity requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Zoning Ordinance 2025-08 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-09 -** Concerning a request by Gary Waters for consideration of an ordinance to amend PUD 58 to include the development of apartment complexes up to 228 units in place of single family attached and single family detached units (Planning Commission: Approved 9-0).

ZONING ORDINANCE 2025-09

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 LEWIS STREET "PUD 58" ON PROPERTY DESCRIBED AS TAX PARCEL 0588 C 010.00 AND 011.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 58; 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 58" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 58 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 58 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 58, Lewis Street (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as a portion of Tax Map 0588 Group C Parcels 010.00 and 011.00. Exhibit A illustrates the overall Lewis Street Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of Lewis Street. The project consists of townhomes, detached single family homes, and a clubhouse with a central amenity area. Exhibits 8 shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 228 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

A conceptual plan (Exhibit A) for PUD 58, The Lewis Street PUD has been prepared and included for submission to the Cleveland Municipal Planning Commission. The allowable uses within the PUD include townhouse units, single-family detached units, and multi-tenant apartment complexes. The conceptual plan will consist 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 58 must be consistent with the Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. However, any modification may not increase the total number of dwelling units beyond 228 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.). All streets or access drives within the PUD 58 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 58, Lewis Street was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on October 15, 2024. 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 58 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 Lewis Street may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 58 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 58 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 58 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 58 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 and townhouse regulations from the subdivision ordinance.

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.

7A Building Lot Size & Setbacks

Townhouses· Setbacks:

Front: 25'

Side: 10'

Rear: 15'

Min Lot Width: 20'

Single family Detached Lots; Setbacks:

Front: 25'

Side: 5'

Rear: 15' Min Lot Width: 55'

Multi-family apartment complexes must maintain a 25’ setback off of all existing public streets and maintain a 40’ separation between structures.

No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10

feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Sidewalks common Area, & Amenities

1. Sidewalks shall be provided on both sides of all new streets or internal drive aisles and along the Benton Pike road frontage.

2. The community open space shall contain a usable yet natural area, community clubhouse, pool, and pickleball courts.

3. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 units.

4. A bus stop shelter shall be placed in cooperation with Cleveland City Schools.

7.C Miscellaneous Standards

1. The exterior primary (front) facades of all structures shall comprise brick, stone, wood, composite, or fiber cement board materials (no vinyl siding on primary/front elevation except for accents such as soffits & fascia).

2. Residential buildings must incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. Townhomes with front driveways shall have at a minimum a one car garage.

4. A minimum of two off-street parking spaces per dwelling unit is required.

5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding townhome or multi-family buildings, in the front yard of all single-family detached structures. Front driveways/parking areas shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).

6. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers, however, the city tree preservation requirements are not otherwise applicable. No buffers are required internally to the PUD area. A 30’-foot type D buffer shall be provided along the southern property line which backs up to existing residential homes.

7. Lewis Street shall be improved from Benton Pike to the primary entrance as described on the preliminary layout attached. The minimum Right-of-way width shall be 50’ with the exception of the entrance which shall be widened to the extent possible to allow for a deceleration lane entering the site from Lewis Street. This shall include a maximum of 1O' of shoulder widening within the existing Right-of-way of Lewis Street to the North.

8. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

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 PUD58 Lewis Street. 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 58, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 58 zoning district and is binding upon City's regulation of these activities in this location.

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

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilwoman McKenzie moved that Zoning Ordinance 2025-09 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.

Councilman Goff moved to install flashing lights along Stuart Road in the school zone for Tennessee Christian Preparatory School, Monday – Friday during school hours and if possible, to be flashing on Sundays for First Baptist Church traffic. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Vice Mayor Webb moved for staff to develop a letter of support for an Amtrack stop in Cleveland, to be sent to the State and Federal Transportation officials, and to be signed by the Mayor and City Council. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

Mayor Brooks stated the next item is a motion to approve a Programming Agreement with Kez Pugh for programming services as Program and Events Coordinator for the City. Councilman Goff stated a few months ago, City Fields came and offered a program, City

Shapers, for the College Hill neighborhood and requested $42,000 from the City Council towards the $168,000 budget. It was noted at that time the Council did not have funds budgeted and would take allocations elsewhere to make it happen. He feels we have put in place a program through City Fields for a 24-month development plan and for that plan to be incorporated, the process doesn't need to be impeded or additional things being added to neighborhood, so we can have accurate results from the program. This adds an additional $43,800 of potential expenditures with 30-hours a week that we don't have budgeted. That is a teacher salary. At the end of the 6-month term it doesn't have any way to determine if it was a success and should it continue. Just making everyone aware of his concerns. Councilman Estes moved to accept the independent contractor agreement with Kezmond Pugh for programming services as Program and Events Coordinator for the City. The motion was seconded by Councilman Moore. Councilman Estes stated Kez has relationship skills, connections and City Fields works with him. It is overlapping but we have someone engaged in this community making Cleveland better. In six months, we will know. This is a small investment in someone who makes the community better. He believes in the changes that are happening. Vice Mayor Webb stated he supports this effort because important things will be done before the report is received for the City Shapers program. He doesn't feel we need to wait. Councilman Moore stated the checks and balances do need to be questioned but he has faith in Kez and the work he will achieve. Upon roll call, Councilman Estes, Councilman Moore, Councilman Cassada, Councilman May, Councilwoman McKenzie and Vice Mayor Webb voted aye. Councilman Goff voted no. The motion passes 6:1.

Mayor Brooks announced a brief recess for 5 minutes.

Mayor Brooks called the meeting back to order at 4:14.

Mayor Brooks stated a new item has been presented by the City Manager. Mr. Fivas stated if you recall we have the swap with Bradley County for the Fire Building on Minnis Road. We need an architect to design the foundation and other issues to proceed. We have received and distributed an agreement for council consideration. Councilman May moved to approve the agreement with Studio 323 Architecture and Design/Jessica Aubert for commercial design and permit set of drawings related to the Bradley County Emergency vehicle storage building. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Monday, February 17th in observance of Presidents' Day.

b. The next City Council meeting will be held on Monday, February 24, 2025

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:16 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
FEBRUARY 24, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 24, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, David May, Duane Goff, Ken Webb and Dan Moore. Councilman Tom Cassada was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Garrett Frye with Congressman Fleischmann's Office; Jeff Elliott with Cleveland City Schools; Teresa Mustar; Warbrit Lowery; Matthew Schaler; Ben Berry with Berry Engineers; Amy Conley-Moore; Bassam Issa and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Paul Davis with Westwood Baptist Church, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on January 27, 2025 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 Moore moved to excuse Councilman Cassada from today's meeting. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Mayor Brooks stated we have honored Amy Newman all day for her 31 years of service to the City. Mayor Emeritus Tom Rowland sent the following message: Amy, You have done a fantastic job for the city. I personally thank you. I'm sorry, due to my physical limitations I can't attend your event today. Having surgery tomorrow, but will be much improved. Thank you for all you have done from day one. Good luck and God 's blessings on your retirement. Sincerely, Mayor Emeritus Rowland. Mayor Brooks continued we've had parties and cupcakes and presentations and today a plaque, but not sure we could say enough for your thirty-one years of service. Congratulations on your retirement. You're far too young to retire. Hope you won't mind if we phone a friend.

Mayor Brooks then announced another special day is Councilwoman Mackenzie 's mother, Miss Alma Akins, is 102 today. Please send your mom birthday wishes from the Council.

Mr. Fivas announced tomorrow the Parker/2nd Street/1st Street 4-way stop will be implemented. Also, tomorrow at 9:00 a.m. is the grand opening of the Candy's Creek Elementary School expansion.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks announced he is reappointing Clark Taylor, January 2027; Jamie Creekmore, January 2028; Alma Dotson, January 2028; and Dr. Tiffany Sherman, January 2028 to the Planning Commission.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Bassam Issa for consideration of an ordinance to zone about 36 acres, more or less, for property located at APD-40 from IH Heavy Industrial Zoning District to PUD60 Planned Unit of Development and includes Tax Map 065 Parcel 001.00. Planning Commission approved 7-2. Robert Varnell stated this development is roughly a hundred units and is a mixture of townhomes and single family detached. The PUD was written to allow for forty-six-foot-wide lot width minimum. The applicant is requesting a reduction on that in the PUD to forty-two. Staff wrote the PUD designed based on the minimum requirement that we've been at up to this point, which is forty-six foot wide, which based on discussions just a few minutes ago probably dates back something like thirty years. There is some level of discussion that needs to take place on that. In the memo staff wrote, we discussed that under certain conditions reductions in lot width tend to make more sense than in others, if it's a large green field with hundreds of lots things like that, I don't really see the need. You can design away with the forty-six or the fifty-foot-wide lots in those situations where it makes. When you've got tighter development, the mixed-use development is more of a mixed-use feel with the commercial in the front and the residential components. Sometimes it's important to design correctly, and so I wanted to bring a few points up. Two weeks ago, we had a discussion just in general about lot widths and I listened to some comments that were made. I think if we're going to have a reduction at any point in our lot width the design components of the site need to be top notch. Getting denser, we got to address parking and traffic. Are we looking at just a bunch of garages? So, I wrote some things out that could help guide us if we are going to have these reductions in our present as well as in the future. Requiring rear loaded homes with use of alleys and then adding parallel on street parking. One of the things with the development we're looking at today is it has some ninety-degree angle parking that is accessible and looks like it's a part of the public street. We should require those be in separate parking lots, and if we do have on street parking it's parallel. It's easier to navigate and the sidewalk stays behind it. Requiring rear loaded homes with the use of alleys, the garages in the back, you reduce the front set back to ten or fifteen feet, pushing the structure closer to the front, and you've got more of an older town downtown feel to it all the sudden. In your garages and your resident parking, you don't even see it, but you have on street parking for guests and it's separate from the travel lanes. When we talk about fire engines, emergency services and trash trucks, trying to get through these places, that answers a lot of those questions. It's a lot cleaner and it looks a lot better. Sidewalks would be required on each side of the road, and they would connect throughout the mixed-use development and any open spaces. The use of open space when we're getting this density is much more important because our lots become so much smaller. Our yards become so much smaller. Having a usable open space that's not stormwater or wetland or steep slope to me is essential. So, we're going to have some offset. It's good to have a place for the neighborhood kids to go run around down the street. Sidewalk connectivity already there. And so those are just some of the basic guidance tools if we are going to move in a direction than our level of design needs to be that much higher on these. I don't necessarily have issues with the reduction, but like I said, in big subdivisions with hundreds of lots, there's a way to design it and still get your numbers correct at the threshold we've already set. When we're dealing with a tighter area, I do think we could consider some options. I'm happy to answer any questions you may have on some of the stuff I've been saying. If there's, if there's any thoughts or questions for me before I know our applicant is here as well. Councilwoman McKenzie asked if this would be a new code. Mr. Varnell stated, this is within the framework of a PUD, which is to be adaptable for a specific piece of property. But it would be something where as this body long ago set precedent and said we're not going below forty-six. Well, we as staff, say that in meetings with developers, I say that to them and this is where we're at, to get everything worked out before it comes here. In this case, they said they'd like to try for forty-two, so here we are. The standard would stay at forty-six, except for certain conditions, which you would vote for or against. Councilman May stated he is unsure where forty-six came from as he thought we were at fifty. Mr. Varnell stated yes, we try to stay at fifty. Councilman May stated his is not for going less than forty-six feet. When you're doing a PUD, some common sense needs to enter into it. His opinion, anything less than forty-six should be standard. If you get into an odd situation where you had to cut a foot, I can see working with the developer for a low percentage of the development. Councilman Goff stated it appears the layout that you are doing what you can to make the development work. It's good overall but his concerns are not related to lot width, but parking. The neighborhood has

nice sidewalks, but a portion is missing at lot seventy-four. Mr. Varnell stated yes, it needs to be contiguous. Councilman Goff stated it also appears the lot line cross the parking spaces, which leaves half the car in public and half on private properties. His concern is liability. Parking should be all private or all public rights-of-way. Mr. Varnell stated he agrees and that is something they can clean up between readings. Councilman Goff then asked about the community area, what is the larger area. Mr. Varnell stated there is a linear park and a dog park area. Vice Mayor Webb stated he understands losing four lots is critical to the development of the subdivision but there is some property that is designated as future development. Has there been any effort to redesign to pick up the additional four lots. Mr. Varnell stated the developer of the site has a commercial office use they are angling to put there which is not part of the residential component. That is the far left by Holloway Road. Land is developable but that is the decision between the developer and decisions that come from this meeting might dictate some of those decisions. Vice Mayor Webb stated maybe there's a lot we could do with the design to keep the lots at forty-six and still get the number of houses that are desired. Mr. Varnell stated yes, if we go smaller, we need to have a stronger design and build out that development. Councilman Estes asked if this development was considered a large or small track. Mr. Varnell replied small, anything less than 100 units is a smaller development. Councilman Estes then asked what specifics you are looking from us today, other than lot frontage. Mr. Varnell stated to be clear, if we are going to allow through our PUD process to allow forty-two lot minimum then we need specific standards to guide that. Otherwise, it becomes a question of every developer is going to want these forty-two foot wide lots. They are not appropriate everywhere, unless this body does. Mayor Brooks asked would this be the new standard, in this PUD, this is a very specialized for PUD60 not the new standard. Mr. Varnell stated no, not a new standard because we'd set specific criteria to this specific PUD. Mr. Fivas added we've already told fifteen to twenty developers that forty-six is our minimum. Now, they are coming back to do down, redoing their site plans. If we deviate from it, then we need very clear criteria why this is a special development, and why this development deserves a different set of criteria. Councilman Estes stated it is not codified, we are not changing building codes, or zoning, all we are doing is giving some kind of common law interpretation on how we feel today. We are giving an opinion with the vote. Do we want to give the verbal direction to go less than forty-six feet. Mr. Varnell stated he has some concerns with traffic, on street parking and emergency vehicles when we have such compacted neighborhoods. Councilman Estes asked if he was concerned with this. Mr. Varnell replied yes, as designed. It needs a higher level of design if we do it. That is the city's position. The Planning Commission voted 7-2 in favor of forty-two. Councilman Estes stated he'd like to hear from the Planning Commission Chairman Ben Berry. Mayor Brooks asked Mr. Varnell if he had any comparison data from the surrounding areas. Mr. Varnell replied he has seen no less than forty, very specialized areas. Councilman Estes asked Planning Commission Chairman Ben Berry what else does the Council need to consider and in long term what is best for Cleveland. Mr. Berry stated Mr. Varnell's position is very difficult, as he's not a policymaker, he is a communicator, the first communication to the developer and he needs guidance. Guidance will help the members of the Planning Commission make their decisions. They were more concerned about parking and walkability than the lot size. It would help if we had guidelines, standard subdivisions, and what Mr. Varnell has presented helps us as a tool to effectively evaluate these PUD's. The main problem is parking. How can we assure you don't have cars blocking the road for emergency services. Easy way, alleyway parking. He encourages creativity but we need criteria, is this the exception to the rule or the rule. Planning Commission discussion was forty-six or forty-two. Some didn't see the big deal in the single-family component. Some wanted to hod to forty-six. Every unit would have two vehicles with a twenty-foot driveway plus the garage. Concerns were specifically the cars blocking the sidewalks. Councilman Estes stated he was struggling with the equity part. It's a PUD, it's unique. Yes, Mr. Varnell needs direction, but the biggest hiccup is parking in the driveway and slots on the road. The Planning Commission spent a lot of time on this. Councilman May stated he understands developers want to make money, he wants them to but if we go to forty-two, someone else will come ask for forty and it can keep going. Councilman Estes stated hearing from everyone will be beneficial. Mayor Brooks asked if anyone would like to speak in favor of the request. Cody Etling with Miller, McCoy the Civil Engineers for the project. In regard to Councilman Goff question about the sidewalk around this parking spaces, we had every intent to put a sidewalk there. I think it just missed when drafting the site plan, but we'll be more than happy to add that

there. In regard to maintenance of the parking spaces, something that we will have to discuss can be delineated within the HOA regulations of the subdivision that the HOA is responsible for the maintenance of the spaces. The property line through the parking can be tweaked. We can make all make all the parking in the right of way or move that parking into the community zones and keep the entirety of the parking on private. But then we would have to navigate the question of how these parking spaces are accessed. If we keep the parking configuration the way it is now, ninety degrees with respect to the travel way unless we create a designated parking lot somewhere, we are going to have a continuous paved apron that goes from the road to the parking space. The property line issue is something that could be more ironed out with HOA regulations, as far as maintenance is concerned. As far as rear loaded alleyways, Mr. Issa and the home builder, has a product that is twenty-eight foot wide that has a front garage, so I don't think we have a product that has a rear facing garage. That is a type of development that occurs, but that's not a product that that we're prepared to offer here. In relation to some of the other Council members have said from my client's standpoint, density is profitability. When you're looking at a development there's nothing that would stop my client from doing twenty-foot-wide townhomes throughout this entire thing, packing it out with two times the number of developments that we have now and making more money off of it. My client wants to provide homes for people to raise kids in that have yards more yards in the townhomes and he's taking, it may not be apparent to everyone, but he is making a financial sacrifice providing single family home versus packing it out with townhomes or apartments. The community spot in the center has a mail kiosk, a pavilion for children to be dropped off and picked up from school buses. To show that we're willing to work with the City Council here on these requirements. The site plan that you all have in front of you had twenty feet between these sections of four townhomes, we can reduce that to ten feet, without having to sprinkle those buildings and make up that space in a larger community space. So, I have a site plan here where it's exactly the same as what you all have before you, but we shrunk that space between those sets of townhomes to ten instead of twenty and made the community space forty feet wider in the center. That's something that we're open to do, to make that community space larger and provide more amenities. There's was a discussion about the loss of lots. I mentioned that we would lose four lots in Planning Commission but that didn't account for the fact that they're essentially four rows of homes. When you actually look at it through the homes, we're losing five. That's may not seem like a crazy number, but any you know on a per lot basis when you're getting paid on a per lot basis to develop that's a significant amount. In regard to future development, I think what Mr. Varnell explained is spot on. We had discussions with Mr. Varnell and Mr. Jobe about potentially using that space, but for the time being, it's kind of in a more commercial zone out along Holloway Road. We would like to keep that as a potential future commercial space instead of designating it to residential, especially since it sits right behind the gas station. Matt with the Smith Douglas Homes is here as well with some of the products that they're offering in this development. One thing that's pertinent here is that regardless of the lot with forty-two versus forty-six. If it in a theoretical sense the product would remain the twenty-eight-foot product. So, we can fit this product in this PUD, we can on the forty-two-foot width lots, keep room for the HVAC units on the side meet side building setbacks, We feel very confident about that product, and we think we have a good number. The south side of Cleveland does not have a lot of subdivisions. The north side of the county is very development heavy, as the south side isn't. Have the industrial park down there and the one thing that those businesses will need is local housing for the people that are going to work there. We want to provide is affordable housing for those to move in at a good price point, given how crazy the housing market 's been in the past five years. Matthew Shayler with Smith Douglas Homes stated he represents the home builder and the product. He handed out renderings of what the product will be in this development. I guess we'll start with parking, since that's been kind of the topic. You can see in all the twenty-four-foot plan or twenty-eight-foot detached plans, all of them have a two-car garage, two car driveways. So. that'll be kind of the main point of anywhere that would run the detached product, which of course is where we're talking about these forty-two-foot lots. Four parking spots without the road. That is our most narrow and our most affordable townhome. Even with that, we do have a one car garage included. You'll see in in that handout a development from Cartersville, Georgia we did. We've had a lot of luck with that, and it has one car driveways to that townhome. We can do that townhome with two car garage but admittedly, it doesn't look as good. What we would do here is have a model home, probably of each product, and then we would run a design center out of it.

We are extremely excited to be in Cleveland for the first time. We're going to provide an affordable house, but it's going to be completely personalized. We pre-sell as many as we can, get potential buyers in, and they get to design their own home, get to pick their finishes and do it at an affordable price. We'd be bringing these townhomes, fully personalized townhomes, which are three beds, we'd be starting those out at a base price of $267,000. With the single-family homes, we would have four different house plans with different elevations to choose from, but those would be in the high twos as well. The townhomes would be two different plans at 1,600 square feet. So, there's a good bit of size for those townhomes, and then the single-family homes we would do 1,700 square foot to 2,300 square foot. Whether there's a forty-two-foot lot or forty-six-foot lot is we would build that exactly same house. Councilwoman McKenzie asked how many single-family dwellings versus townhomes. Mr. Shayler stated forty-six to forty-six. Mr. Issa could build all townhomes here, but we're a home building company. We want to build the homes; we want to put people in their first homes. Councilman May stated if we maintain twenty-six feet per lot, how does that change your number. Mr. Shayler stated they will stick with the exact same plans. Based on our market study, we want to use our same plans and costs but changing the lot size would probably change his number per lot, and essentially that will just get pushed down to the buyer. Mr. Bassam Issa stated he has tried everything on this property. First, he approached Publix. Initially they said they would come. Then they said no, it's too far away from homes. They wanted to be by Walmart or that area. There is no land for that. He bought the property anyways, for Four Million Two and he is limited to what he can do. He found this product and great company and the only thing that I can have is to have this company come and do this, a great unique product being a PUD with a commercial walk ability to four or five restaurants and a coffee shop. My experience with Cleveland, I considered as equal to Chattanooga, that's why I'm still developing here. It is a great city. Great future and I know you do different things than other cities but at the end of the day I have initially have ninety-seven lots and talking with Robert, I lost five more. I can't lose anymore. For the cost and the base, I had in it, I'll be in trouble. I'd rather not even do it and wait for something else. He feels it is a great opportunity for all of us if we make it with what Robert and you guys want and do whatever it takes to make it a unique development. If someone else wants to do something similar it might be every few years, not widespread. This will not be a precedence where you can't defend the fact that you can't do it for others unless they have something similar, or uniquely different in a PUD. I do appreciate you and very impressed with the discussion that you had, and I learned from it. I hope that you will see it our way because I cannot do any more than that. It is a great company, and I will control everything they do because this is my development and want to make sure everything looks great. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman Estes moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed 6-0.

- **Final Passage - Zoning Ordinance 2025-04 –** heretofore passed on first reading February 10, 2025 and found in Minute Book 31, Page 177; Concerning a request by Dennis Botts for consideration of an ordinance to zone about .29 acres, more or less, for property located at Johnson Boulevard from FAR unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058I Group C Parcel 009.00 (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance 2025-05 -** heretofore passed on first reading February 10, 2025 and found in Minute Book 31, Page 191; Concerning a request by the Eldredges and O'Neals for consideration of an ordinance to zone about 22 acres, more or less, for property located at North Lee Hwy from FAR unincorporated county and RA Residential Agricultural to PUD62 and includes a portion of Tax Map 034 Parcel 025.02 (Planning Commission: Approved 8-0; 1 recused).

- **Final Passage - Zoning Ordinance 2025-06 -** heretofore passed on first reading February 10, 2025 and found in Minute Book 31, Page 196; Concerning a request by Brett Howell for consideration of an ordinance to zone about 9.6 acres, more or less, for property located at Michigan Avenue Road from IH Heavy Industrial Zoning District to PUD61 and includes Tax Map 050 Parcels 036.00 and 037.00 (Planning Commission: Approved 8-0; 1 recused).
- **Final Passage - Zoning Ordinance 2025-08 -** heretofore passed on first reading February 10, 2025 and found in Minute Book 31, Page 200; Concerning a request by Maverick Development for consideration of an ordinance to amend PUD 40 to include a second access point on Sequoia Road (Planning Commission: Approved 8-0; 1 recused).
- **Final Passage - Zoning Ordinance 2025-09 -** heretofore passed on first reading February 10, 2025 and found in Minute Book 31, Page 204; Concerning a request by Gary Waters for consideration of an ordinance to amend PUD 58 to include the development of apartment complexes up to 228 units in place of single family attached and single family detached units (Planning Commission: Approved 9-0).
- **Resolution 2025-17** – Approving an agreement with Bartlett Tree Experts for tree care services at Johnston Park.

RESOLUTION 2025-17

A RESOLUTION APPROVING OF AN AGREEMENT WITH BARTLETT TREE EXPERTS FOR TREE CARE AND TREATMENT AT JOHNSTON PARK

WHEREAS, the City Manager and the City's Urban Forrester are recommending to the City Council that the City enter into an agreement with Bartlett Tree Experts to provide tree care and treatment services for trees located in Johnston Park; and

WHEREAS, the City Council desires to approve the attached agreement with Bartlett Tree Experts and to authorize the Mayor to execute the attached agreement 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 attached agreement with Bartlett Tree Experts to provide the 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 24th day of February 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Surplus Property** – Declaring equipment/vehicles as surplus property and be used for Fire Department Training and/or sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **February 24, 2025**
RE: **Surplus Property**

SUMMARY:
Requesting the following assets be declared surplus property.

To be used for Fire Dept training:

- 2013 Dodge Charge VIN 2C3CDXAG5DH721569
- 2006 Crown Victoria VIN 2FAHP71W06X110279

To be sold on GovDeals:

- 2016 Clark C40L P455L-0618-9887 KF
- 2015 JCB 8035ZTS Mini Excavator VIN JCB08035J02022804

COMMITTEE FINDINGS:
None.
FISCAL ANALYSIS:
None.
RECOMMENDATION:
City staff recommends approval of this item.

- **Motion** – Approval to submit a Letter of Intent for the 2025 Project Diabetes Grant.

TO: **Mayor and City Council**
FROM: **Cathy Andrews, Redevelopment Coordinator**
DATE: **February 24, 2025**
RE: **Approval to Submit Letter of Intent for the 2025 Project Diabetes Grant**

SUMMARY:
Approval to submit a Letter of Intent (Pre-Application) to the Tennessee Department of Health for the 2025 Project Diabetes Grant for the purpose of funding improvements to the Shepard Field Area and connecting sidewalks in the Blythe Oldfield Community. The maximum grant is $450,000 and the city will leverage funds and in-kind services to complete the project if the grant is funded.

COMMITTEE FINDINGS:
FISCAL ANALYSIS:
$450,000

- **Motion** - Travel Reimbursement Update

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **February 24, 2025**
RE: **Travel Reimbursement Update**

SUMMARY:
The General Services Administration (GSA) sets the per diem rates for Tennessee. These rates cover lodging, meals, and incidental expenses. The City's Administrative Travel Policy is outdated and will be revised during our budget process.

COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
Staff's recommendation is to approve that City employees and elected officials use the standard per diem rate and policies set by the General Services Administration (GSA) for Tennessee for lodging, meals, and incidentals expenses as of February 24, 2024. This measure will sunset when a new Travel Policy is adopted by the City Council.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie had no report at this time.

Councilman Estes recognized Two Brothers Tire and Auto Shop for their commitment to the Second District and being good neighbors. They have done everything they said they would do when opening the shop and kudos to them.

Councilman May had no report at this time.

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

Councilman Moore stated since the Soccer Complex is getting more usage, he is receiving calls concerning Mouse Creek Road and looking for some type of update. Mr. Fivas stated yes, the project is two-fold. To expand the width of the road and on the MPO list for state paving. These are approved projects and, in the process, and as we go through the budget process in the next few months, we can develop a phase plan.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented:

a. **Zoning Ordinance 2025-07 -** Concerning a request by Bassam Issa for consideration of an ordinance to zone about 36 acres, more or less, for property located at APD-40 from IH Heavy Industrial Zoning District to PUD 60 and includes Tax Map 065 Parcel 001.00 (Planning Commission: Approved 7-2).

Councilman Goff moved to approve Zoning Ordinance 2025-07 on first reading. The motion was seconded by Councilman Estes. Councilman Estes stated he wanted to speak why he is for this and give Mr. Varnell some direction. He is one person and thinks in a work session we should hammer specifics out not just for this PUD. We are looking at forty-six single family homes, at $225,000, you can't find that in Cleveland. He has been paying a lot more attention in Planning Commission on the real estate market. Cons are the parking, it kind of moved him on the lot size. This is a one off and I'm bold enough to take all these one at a time, where I might not approve of this somewhere else. I believe city staff will have direction before this comes back up. I'm also bold enough to say to folks we've already approved forty-six and fifty, it stays that. I'm bold enough to second this motion and support it. He has been wrestling this for three months and it is important to speak up. Mr. Varnell asked for a point of clarification on the motion, the staff's recommendation is forty-six or is the motion for forty-two? Councilman Goff stated his motion is forty-two as requested with the caveat of what they would do, regarding the parking and sidewalk around the parking, that it would be in the final reading. Mr. Issa stated what he really likes about the product in Cleveland and elsewhere is to have affordability in the homes and what I liked about this product, it is affordable. If you look at the majority of Cleveland people, based on the fact they work in factories and all that. This is a blessing to have something around the three hundred thousand, to own their own home and things like that. The other point is if I get enough, I and others, more development residential between where Walmart is and the freeway. I can convince people like Publix to come in. We can grow that area better. That was really detrimental for me when they backed out, but I was maybe stupid. I have faith that I can figure a different way to do it and make a little money, so I'm hoping that will be the case. Just to review with Mr. Fivas a yes vote would be to vote with the Planning Commission, which voted for forty-two. Mr. Fivas stated there was a lot of discussion there, the parking. Councilman Goff indicated that he was voting and made the motion to include the discussion that was had today. Mr. Fivas stated the big question is forty-two and I would suggest the Council, would have Robert work with the builder and the developer to bring back another site plan that goes to forty-two with different parking options so that we are all on the same page on what this is. We need to get on record a policy our staff can follow. Councilman May stated

we need guidelines to show why this is special at forty-two and another developer ask, and we say no. It needs to be in writing if it meets criteria. Councilman Estes asked Mr. Kimball if this passes and in two weeks the PUD ordinance would it be considered too different. Mr. Kimball stated no, it is the same PUD. He then suggested the Council direct Mr. Varnell to bring back at the next meeting, assuming it passes, an amended PUD that includes the bullet points from his memo and includes forty-two feet lot width and then it can be approved on final reading. Councilman May asked that the PUD ordinance come back revised for first reading at the next meeting with the conditions. Councilman Goff then rescinded his motion for approval. Mayor Brooks stated the Ordinance will be postponed until the March 10 meeting while Mr. Varnell works with the developer to amend the ordinance to include today's discussion points.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, March 10, 2025

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:22 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MARCH 10, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 10, 2025 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 Councilwoman McKenzie, Councilmen David May, Tom Cassada, Duane Goff, Ken Webb and Dan Moore. Councilman Bill Estes was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Assistant Police Stacy Smith; Fire Chief Chris Bates; Dustin Roberts, IT Administrator; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Kim Miller, HR Director; Garrett Frye with Congressman Fleischmann's Office; Jeff Elliott and Jodi Riggins with Cleveland City Schools; Warbrit Lowery; Matthew Schaler; Ben Berry with Berry Engineers; Sarah Evans; Adam Hammond; Ben MacGowan; Sharon Marr with Mainstreet Cleveland; Bassam Issa and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Webb, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on February 24, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Charles Pitner for consideration of an ordinance to zone about .16 acres, more or less, for property located at Fair Street from CG General Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group C Parcels 031.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Varnell stated this is a lot that is zoned general commercial, but the size and location is suited for single/multi family homes. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Real Life Village Inc. for consideration of an ordinance to amend PUD 47 to remove the 50-foot right of way dedication requirement (Planning Commission: Approved 8-0; 1 absent). Mr. Varnell stated this is a property we did preliminary engineering and review of a possible roadway connecting through the PUD but didn't seem reasonable. We will have Greenway easements for future expansion of the Candies Creek Greenway along Real Life Village. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor

Brooks asked if anyone would like to speak in opposition to the 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 request by multiple property owners for consideration of an ordinance to zone about 3.73 acres, more or less, for property located at Valley Head Rd. from R-1 Single Family Residential Zoning District to PUD 63 and includes Tax Map 034I Group D Parcels 002.00-007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused). Mr. Varnell stated this PUD development will be townhome style, and the density is fairly in line to what is consistent for the area. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Dennis Botts for consideration of an ordinance to abandon a section of unopened right-of-way located along Johnson Boulevard and ending at the city limits along Tax Map 058I Group C Parcel 005.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Varnell stated all property owners have agreed with the abandonment and will be utilized as part of the lot, which will return to the tax roll. The Planning Commission and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed 6-0.

- **Resolution 2025-18** – Authorizing the Mayor to sign a letter agreement to be considered a holdover licensee with TDOT until a License Agreement to construct and maintain sidewalks can be renewed.

RESOLUTION 2025-18

WHEREAS, the City Council previously approved a license agreement with the Tennessee Department of Transportation ("TDOT") dated February 23, 2015; and

WHEREAS, a copy of the license agreement dated February 23, 2015, is attached to this Resolution, and incorporated herein by reference; and

WHEREAS, TDOT recently sent a letter to the City dated March 4, 2025, indicating that the license has expired; and

WHEREAS, the letter provides the City with the opportunity to be considered a holdover licensee until a new license agreement can be prepared by TDOT and the license can be renewed for a new term; and

WHEREAS, the City Council desires to enter into the attached letter agreement dated March 4, 2025, with TDOT and to further authorize the Mayor to execute the attached letter agreement dated March 4, 2025, 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 letter agreement with TDOT dated March 4, 2025, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 10th day of March 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-19** – Authorizing the Mayor to sign a request for consent to assignment with APAC-Atlantic, Inc. from Talley Construction.

RESOLUTION 2025-19

WHEREAS, the City of Cleveland and Talley Construction Company, Inc. (hereafter "Talley") previously entered into two paving agreements which are currently active agreements; and

WHEREAS, one current agreement with Talley is for Paul Huff Parkway resurfacing, and the other agreement with Talley is for annual street paving; and

WHEREAS, APAC-Atlantic, Inc. has notified the City by the attached letter February 21,2025, that Talley has sold substantially all of its assets to APAC-Atlantic, Inc.; and

WHEREAS, APAC-Atlantic, Inc. is requesting that the City execute the attached letter dated February 21, 2025, consenting to the assignment of the rights and responsibilities under the existing agreements with Talley from Talley to APAC-Atlantic, Inc.; and

WHEREAS, there will be no changes to the terms of the existing agreements with Talley, except that APAC-Atlantic, Inc. will assume the rights and responsibilities of Talley under these agreements; and

WHEREAS, the City Council desires to approve of this request for consent to assignment with APAC-Atlantic, Inc. and to authorize the Mayor to execute the consent to assignment letter dated February 21, 2025, 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 request for consent to assignment with APAC-Atlantic, Inc., and the City Council further authorizes the Mayor to execute the consent to assignment letter dated February 21, 2025, on behalf of the City of Cleveland.

This 10th day of March, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** –Approving a Conflict Consent for Miller Martin Law Firm.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada inquired about the dirt/debris pile on Georgetown Road next to the church. Mr. Fivas stated we are not directly involved but we understand they are looking for permits from the State for the ability to move the dirt around. At the end of the project, the owners would like to redevelop the property. Councilman Cassada then requested the following letter be placed in the minutes concerning his recent experience at Bradley Medical Center.

City of Cleveland

CLEVELAND, TENNESSEE 37364-1519

Cleveland
City Council

Cleveland Municipal Building
190 Church Street, N.E.
P.O. Box 1519
(423) 559-3361
(423) 559-3364 Fax

February 28, 2025

Mrs. Lisa Lovelace
President & Chief Executive Officer
Bradley Medical Center
2305 Chambliss Ave NW
Cleveland, TN 37311

Dear Mrs. Lovelace,

I want to personally extend my deepest gratitude to you and the entire Bradley Medical Center family for the exceptional care I received upon my arrival on Sunday, February 28th. From the moment I walked through the doors, I noticed the positive modifications in the emergency area, and I was immediately met with professionalism and efficiency from the frontline staff.

Experiencing chest pain and shortness of breath, I was promptly taken back, where Dr. Hyde and his team began a thorough assessment of my condition. Shortly thereafter, a series of tests were conducted, and a comprehensive care plan was put in place. Once I was stabilized, I was moved to a room where the next morning, your outstanding vascular team diligently reviewed my test results, asking insightful questions to determine the underlying cause of my condition.

By that evening, a plan was in place for my treatment, though I understand there is still more to uncover regarding my health. I look forward to following up with your team next week for a deeper evaluation. However, I must say, I was thoroughly impressed by the level of care, professionalism, and kindness displayed by everyone I encountered.

It is truly refreshing to see the remarkable improvements and advancements in patient care at our local hospital. The dedication and skill of your staff reflect a commitment to excellence that benefits not only the citizens of Cleveland and Bradley County but also the surrounding communities.

Thank you again for the outstanding care and service. Bradley Medical Center has my full support, and I appreciate the incredible experience I had under your team's care.

Sincerely,

Tom Cassada
City Councilman, 3rd District
Cleveland, TN

CLEVELAND/BRADLEY COUNTY
★★★★★
A WORLD-CLASS PLACE TO CALL HOME

Councilman May had no report at this time.

Councilman Goff inquired about the parking lot lighting at the soccer fields. Mr. Fivas replied yes, we have had ongoing conversations and as part of an agreement the Council will have in the next thirty days, we have improvements included and will be put on a schedule to be addressed.

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie stated over the weekend was the annual Tinsley Park clean up by the American Heritage Girls. They did a wonderful job. Also, the annual luncheon for Bradley/Cleveland Keep America Beautiful will be held on March 21.

NEW BUSINESS AND ORDINANCES

Councilman Goff moved to send the Modification of PUD Minimum Lot Requirements Memo from Robert Varnell back to the Planning Commission for further discussion. The motion was seconded by Councilman Moore. Mr. Fivas clarified to staff or the Planning Commission; as the memo came from staff for Council direction on how to proceed with PUD minimum lot requirements. The Council does not need to do anything with the policy. If the Council wants 42' lots, then do it. If you want to keep 46', keep it. Councilman Cassada stated it should be sent back to Robert Varnell and his discretion to send it to Planning Commission. Councilman Goff amended his motion for the memo go back to Mr. Varnell and the Planning Staff. Councilman Moore amended his second. Upon roll call, the motion was approved 6:0.

TO: **Mayor and City Council**
FROM: **Robert W. Varnell, Director of Planning and Community Development**
DATE: **March 10, 2025**
RE: **PUD Standards**

SUMMARY:
City staff focus on providing solid information for development proposals to applicants which allow for as seamless a process as feasible. The utilization of PUD oriented development over the past 20 years has provided a high level of commercial and residential developments. These options are continually evolving based on market dictated terms.

RECOMMENDATION:
While the central them of doing a PUD development is to provide for areas of flexibility on both the City and applicants side, some consistent standards are useful in planning development impacts on future service delivery for City departments. Staff recommends the following in relation to lot size discussions moving forward:

Typical Greenfield Development: allow for a minimum of a 50' wide lot average (lot sizes counted in the average cannot be under 46' or over 75' in width). This grants flexibility in lot placement and design.

Mixed-use developments which have a minimum 25% commercial component and are situated with infrastructure that can sustain increased density: allow for a minimum 42' lot width where the following criteria are met:

1. Rear-loaded lots only with use of alleys and which provide for a minimum of 4 off-street parking spaces (not including garages).
2. No overnight parking on the street, unless the design includes specific parallel on-street parking options to be approved on a case-by-case basis;
3. Pedestrian network – is included on both sides of the road and provides connectivity to the commercial component, open space(s), and other amenities throughout;

4. Open Space/Amenity – Usable space which meets or exceeds 15% of the developable area, cannot include stormwater facilities, slopes in excess of 4:1, or wetlands and have some usable amenities included;
5. Architectural standards – Provide an array of housing options which break-up the standard facades, utilize brick/stone/cement fiber options only;
6. Unit count – does not exceed 115 total units and is at least 60% single-family detached housing options…..

The following Ordinance was then presented in full:

b. **Zoning Ordinance 2025-07 -** Concerning a request by Bassam Issa for consideration of an ordinance to zone about 36 acres, more or less, for property located at APD-40 from IH Heavy Industrial Zoning District to PUD 60 and includes Tax Map 065 Parcel 001.00 (Planning Commission: Approved 7-2).

ZONING ORDINANCE 2025-07

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 APD 40 AT HOLLOWAY CORNER "PUD 60" ON PROPERTY DESCRIBED AS TAX MAP 065 PARCEL 001.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 60; 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 60" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 60 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 60 district are 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 60, Holloway Corner Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 065 Parcel 001.00. Exhibit A illustrates the overall APD 40 at Holloway Road Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.
This section is intended to provide a general description of the APD 40 at Holloway Roa development. The project consists of a Townhome neighborhood which includes a clubhouse, pool, and other amenities. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 60 Subdivision allows for the construction of up to 115 residential units in single-unit or townhouse units not exceeding four stories. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community clubhouse, park shelters, benches, or tables, are allowed in the common area and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 60 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 residential uses within the PUD will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit "A" unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by Developer covenants and restrictions. Commercial uses to include restaurants, with or without drive-thru services, retails services such as multi-tenant structures, offices, and the like. Specifically excluded uses are climate controlled and mini-warehouse storage units, auto, tire and oil change facilities, all sex-outlet related uses, and car washes. Billboards are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.
A conceptual plan (Exhibit A) for PUD 60, The APD 40 at Holloway Corner Development PUD was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on November 15, 2022. 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 60 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.

However, any modification may not increase the total number of dwelling units beyond 115 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.).
All streets or access drives within the PUD 60 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

PLATS.
One or more plats will be prepared for the PUD 60 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.

PRIVATE DEVELOPMENT DOCUMENTS.
The Developer shall prepare and implement such master covenants, restrictions, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 60 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 60 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 60 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 Townhome residential zone from the City of Cleveland's zoning regulations.

7.A. Building Lot Size & Setbacks
Townhouse building setbacks shall be 25’ for the front, 15’ rear setback, and 5’ side setback. The front setback may be reduced to 15' for the side yard of corner lots and for units with side or rear yard parking/driveways. No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Single family Detached Lots; Setbacks:

Front: 25'

Side: 5'

Rear: 15'

Min Lot Width: 42'

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall be provided on both sides of all new streets within the subdivision, where shown on the conceptual plan. Sidewalks connections shall be made to the commercial section fronting APD40.
2. A front yard landscaped area shall be provided along the interior drive separating the commercial and residential areas of the development. This shall include landscaping throughout and a sidewalk.

3. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.
4. The minimum open space provided shall be a minimum of 20%. A portion of the open space shall be easily accessible and usable by the residents and shall include a dog park, passive parks, and walking trails.
5. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 units.
6. Additional overflow parking shall be provided with the mail kiosk and amenities which is in an off-street parking area.

7.C Miscellaneous Standards

1. The exterior façades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.
2. Residential buildings must 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. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.
3. All residential structures shall have a minimum one car garage and 3 of street parking spaces.
4. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings of townhomes and in the front yard of each single-family detached home. Front driveways/parking areas of townhomes shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).
5. Attempts shall be made to preserve existing trees where possible along the outer edges of the development.
6. On-street parking shall be limited to guest and temporary parking. The parking of commercial vehicles, tractor-trailer cabs, commercial equipment, mobile homes, recreational vehicles, ATVs, boats and other watercraft, trailers, stored vehicles, or inoperable vehicles is not allowed. Parking is prohibited between the hours of 12:00am and 6:00am.

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 60 APD 40 at Holloway Road Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws.

Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/ or services within PUD44, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 60 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 APD 40 at Holloway Road Developers 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 no 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 state 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

Councilwoman McKenzie moved that Zoning Ordinance 2024-07 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, Councilwoman McKenzie, Councilman May, Councilman Goff, Councilman Moore, and Vice Mayor Webb voted aye. Councilman Cassada voted no. The motion carried 5:1.

The following Ordinance was then presented in full:

c. **Zoning Ordinance 2025-10 -** Concerning a request by Charles Pitner for consideration of an ordinance to zone about .16 acres, more or less, for property located at Fair Street from CG General Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group C Parcels 031.00 (Planning Commission: Approved 8-0; 1 absent).

Zoning Ordinance 2025-10

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CG General Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District

Approximately .16 acres, more or less, located on Fair Street as shown on the attached map.

For reference, the same property is being shown on Tax Map 058H Group C Parcel 031.00 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 2024-10 be voted for passage on first reading. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

d. **Ordinance 2025-11 -** Concerning a request by Real Life Village Inc. for consideration of an ordinance to amend PUD 47 to remove the 50-foot right-of-way dedication requirement (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2025-11

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 47" ON CERTAIN PROPERTY LOCATED NEAR LEGACY PARKWAY (TAX MAP 041 PARCEL 005.30) AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 47; 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 it is intended that the developers of the property or any subsequent owners, shall hereinafter be referred to as "Developers" 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 2 herein as "PUD 47" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 47 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for PUD 47 district are outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES
Any development or use of the property described herein in a manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.
PUD 47, Legacy Parkway Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 041 Parcel 005.30. Exhibit A illustrates the overall Legacy Parkway 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 Legacy Parkway Development. The project consists of a mixture of residential and public institutional uses associated with the non-profit entity that will be located on site as well as future residential uses not associated with the non-profit entity. The developer shall include any permanent retention and detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 47 development allows for the construction of residential and general commercial entities with uses specified in within R-2 Low Density Single and Multi-Family Zoning District and allowable uses within CG General Commercial Zoning District. Specifically prohibited uses include outdoor firing ranges, racetracks, car washes, storage facilities, and adult businesses or sex outlets as defined by the City's Zoning Ordinance.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.
6.A. CONCEPTUAL PLAN
A conceptual plan (exhibit A) for PUD 47, Legacy Parkway Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on September 19th, 2023. The concept 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 47 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. However, any modification may not increase the total number of dwelling units beyond 35 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific building and type within the development area. 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 on another, and not violate any feature of this ordinance as these relate to adjoining properties and infrastructure (e.g., external intersection locations, buffers with external properties, etc.)

All streets or access drives within the PUD 47 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

6.B PLATS
One or more plats will be prepared for the PUD 47 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 47 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 47 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 party to them.

Section 7. DEVELOPMENT STANDARDS
The development standards for PUD 47 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R-2 Low Density Single and Multi-Family residential zone for residential development and CG General Commercial zoning for commercial development from the City of Cleveland's zoning regulations.

A 25' buffer shall be established between the non-profit development and associated amenities and the greenway right-of-way for mutual enhancement.

The general appearance for all development within the PUD 47 development area shall be in accordance with the IGC Interstate Gateway District Standards outlined in section 2.20 of the Cleveland, TN Zoning Ordinance.

A monument style ground sign shall be installed at the primary entrance(s) to the site. All common areas, facilities, and landscaping shall be kept in good repair by the developer, future, owners, or an established homeowner's association. Once established, the homeowner's association shall enforce a no overnight parking within the Rights-of-way for emergency service access.

Centralized cluster mailbox units shall be provided, if required by the United States Postal Service, and shall include a minimum of 3 off-street parking spaces per. These may be combined with site amenities as provided. 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. All stormwater detention/retention areas will be screened from public ROW. Each single-family residential lot must provide a minimum of 2 off-street parking spaces, therefore reducing on-street parking and traffic congestion.

The minimum lot width requirements for single-family detached home sites are 60 feet and the depth requirements are 100 feet. The front setback requirements are 15 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 15' from the property line. Site specific 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. Townhomes must follow the City's established process requiring a site plan for construction and a final plat after 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 5 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. Retaining walls as needed for the grading of building pads should maintain a 5-foot setback. Walls greater than four feet in height must be reviewed and approved by the City of Cleveland Director of Development and Engineering Services prior to the issuance of a building permit. 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 Residential Zoning District shall apply for any standards this ordinance does not address concerning residential development and CG General Commercial zoning for commercial development.

~~The developer shall dedicate a 50-foot-wide strip of unopened right-of-way along the front of the parcel which borders Interstate 75 Right-of-way for future road development by the City of Cleveland.~~

The developer shall dedicate a 20’ wide easement which borders Interstate 75 right-of-way for future greenway expansion.

Public Utilities shall be designed outside of the curb-to-curb area, except for reasonable crossings where necessary. The Director of Planning and Community Development, or their assigns, may allow deviations to utility locations when given a reasonable explanation for the deviation.

Section 8. COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS.
The Developer, and its assigns or successor in title, is responsible for obtaining all federal, state, and local permits required for the construction of the Proposed PUD 47 Legacy Parkway 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 structed 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 47, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.
This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 47 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 Real Life Village or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Vice Mayor Webb moved that Ordinance 2024-11 be voted for passage on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

e. **Zoning Ordinance 2025-12 -** Concerning a request by multiple property owners for consideration of an ordinance to zone about 3.73 acres, more or less, for property located at Valley Head Rd. from R-1 Single Family Residential Zoning District to PUD 63 and includes Tax Map 034I Group D Parcels 002.00-007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

ZONING ORDINANCE 2025-12

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 VALLEY HEAD ROAD PROJECT "PUD 63" ON PROPERTY DESCRIBED AS TAX MAP 034I GROUP D PARCELS 03.00-07.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 63; 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 63" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 63 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 63 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 63, Valley Head Road Project (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 034I D Parcels 002.00-007.00. Exhibit A illustrates the overall Valley Head Road Project 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 Valley head Road Project. The project consists of townhomes homes, detached single family homes, and duplexes with central common areas. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 38 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 63 Subdivision allows for the construction of up to 38 residential units in triplex and quadplexes 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 63 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 Valley Head Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 63 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.
6.A. CONCEPTUAL PLAN.
A conceptual plan (Exhibit A) for PUD 63, Valley Head Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 18, 2025. 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 63 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 development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).
Units will only be accessible from interior drives with a maximum of 2 driveway/access way cuts along Valley Head Road. Sidewalks are required along the Valley Head Road frontage in accordance with the sidewalk ordinance for the City of Cleveland. Where Valley Head Road Right-of-way does not meet the minimum 50’ width needed for collector streets, right-of-way shall be provided that equals 25’ from the centerline of the existing road.

6.B. PLATS.
One or more plats will be prepared for the PUD 63 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. Townhomes may be platted with frontage onto a private drive in lieu of a public street. The private drive shall contain an access easement allowing for shared use by the townhomes that it abuts.

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 63 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 63 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 63 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks
Setbacks shall be governed by R-2 zoning requirements. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities
1. Sidewalks are required along the property frontage along Valley Head Road.
3. The minimum open space provided shall be a minimum of ¼ acre. A portion of the open space shall be easily accessible and usable by the residents.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces.
5. Central dumpsters shall be utilized in lieu of individual trash cans and shall be placed in areas accessible to all units.

7.C Miscellaneous Standards
1. The exterior façades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.
2. A minimum of two- and one-half parking spaces per dwelling unit is required.
3. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed between freestanding buildings. Front driveways/parking areas for each structure shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).
4. Attempts shall be made to preserve existing trees along the perimeter of the development however, the city tree preservation requirements are not otherwise applicable. An additional 10’ buffer shall be required along the single-family structures to the south and west and must include a single row of evergreen trees and one shade tree per 50 linear feet.

5. A landscape street yard no smaller than 5' in width shall be installed along Valley Head Road to provide privacy and to maintain a high-quality appearance. This street yard shall include various trees and shrubs as approved through staff site plan review.

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 PUD63 Valley Head Road. 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 PUD46, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.
This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD63 zoning district and is binding upon the City’s regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Moore moved that Zoning Ordinance 2024-12 be voted for passage on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

f. **Ordinance 2025-13 -** Concerning a request by Dennis Botts for consideration of an ordinance to abandon a section of unopened right-of-way located along Johnson Boulevard and ending at the city limits along Tax Map 058I Group C Parcel 005.00 (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2025-13

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 bee 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 OC 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 northwest corner of Tract 4 of the lands of Dennis and Marcia Botts, as recorded in BCROD deed book 3050 page 459, said point also being located in the eastern right of way of Johnson Blvd; thence with the eastern right of way of Johnson Blvd in a northerly direction along a curve Delta=2 degrees 41 minutes 28 seconds, T= 5.99', R=255.00', L=11.98', Chord=north 11 degrees 40 minutes 57 seconds west, 11.98 feet to a point; thence south 68 degrees 18 minutes 3 seconds east, 153.38 feet to a point; thence south 20 degrees 41 minutes 52 seconds west, 10 feet to a point; thence north 68 degrees 18 minutes 3 seconds west, 146.97 feet to the point of beginning.

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Ordinance 2024-13 be voted for passage on first reading. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.



The following Resolution was then presented in full:

RESOLUTION 2025-20

WHEREAS, the Tennessee Department of Transportation is proceeding with the TDOT Highway 60 road widening project (TDOT Project No. 06009-2218-14, Federal No. NH-60(13), PIN # 101430.01); and

WHEREAS, TDOT needs to obtain a permanent drainage easement and a temporary construction easement from the City of Cleveland across the parcel of land generally described as Tax Map 033 122.00, which parcel is located on Georgetown Road, and which parcel is titled to the City of Cleveland, Tennessee for the use and benefit of the Cleveland Board of Education, and which parcel is the location of Cleveland Middle School; and

WHEREAS, the proposed easements and the compensation to be paid by the State of Tennessee for these easements is described in the attached documents; and

WHEREAS, the City Council desires to grant the requested easements to TDOT for the Highway 60 project and accept the compensation offered by TDOT for these easements.

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 of the easements described in the attached documents, and the City Council hereby accepts and approves of the compensation offered by TDOT for these easements, and the City Council hereby authorizes the Mayor to execute any and all documents which may be necessary or appropriate in connection with the granting of the easements described herein.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2025-20 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

Mr. Fivas stated our financial consultant was slated to be here on March 24 but one Councilmember will be out. He then asked for two suggested dates on rescheduling the Budget Planning Session. After a brief discussion, it was determined to check availability for dates March 26, 27 or April 2, 3.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, March 24, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:22 p.m.

_____ _____
Mayor City Clerk

REGULAR SESSION
MARCH 24, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 24, 2025 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 Councilwoman McKenzie, Councilmen David May, Tom Cassada, Duane Goff, Ken Webb and Dan Moore. Councilman Bill Estes was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Anie Bryant, Senior Customer Service Representative; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Kim Miller, HR Director; Garrett Frye with Congressman Fleischmann's Office; Jeff Elliott, Jodi Riggins, Brandi King and Kelly Kiser with Cleveland City Schools; Matthew Schaler; Adam Hammond; Ben MacGowan; Sharon Marr with Mainstreet Cleveland; Tim Rader; Doug Berry with the Chamber of Commerce; Rebecca McIntire; Vera Voznyuk and Tim Siniard with the *Cleveland Daily Banner*.

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

WAIVE READING OF MINUTES

Vice Mayor Webb 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 10, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks and the City Council presented the following Proclamations and congratulated the athletes of Cleveland High School.

"CLEVELAND HIGH SCHOOL LADY RAIDERS WRESTLING DAY"

Whereas, the Cleveland High School Lady Blue Raiders Wrestling Team won the State Duals for the 3rd consecutive year and finished 2nd in the traditional; and . . . .

Whereas, the Lady Raiders wrestlers roster includes: Leah Adriaanse, Olivia Collins, Jimena Cordova, Chyna Dodd, Piper Fowler, Adamarie France, Fressia Garcia, Jaylee Garcia, Ava Gentry, Senna Grassman, Sofia Green, Saniya Hammons, Caroline Hilton, Cerrylou Kaius, Dennesy Luna, Terrancia McClarty, Anna Melton, Neveah Morgan, Audreyona Perkins, A'nasjah Tate, Kemoria Turner, Adelyn Vanoy, Bella Williams, Clover Williams and Madelin Zunun; and . . . .

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee and on behalf of the City Council do hereby declare Monday, March 24th, 2025 as **"CLEVELAND HIGH SCHOOL LADY BLUE RAIDER WRESTLING DAY"** in our city and ask all citizens to congratulate this fine group of young women and their coaches for a job well done. I hereby declare that Head Coach Josh Bosken, Assistant Coaches Matt High, Jenna Morris and Eric Sacharczyk, and Cleveland High Lady Raiders as ambassadors for the City of Cleveland, exemplifying the true spirit of sportsmanship and a winning spirit that is the envy of the State of Tennessee. Congratulations TSSAA Wrestling Champions—Cleveland High Lady Blue Raiders.

"CLEVELAND HIGH SCHOOL RAIDER WRESTLING DAY"

Whereas, the Cleveland High School Blue Raider Wrestling Team dominated the finals of the TSSAA tournament and won the duals and traditional for the 8th year in a row and also now are in sole place for most state titles (28) for public schools; and . . . .

Whereas, the Raider wrestlers roster include: Gabriel Ayala, Raston Blake, Zach Bosken, Cole Bowman, Aiden Boyd, Holland Branson, Karmeryn Burke, Chase Cameron, Ace Chittum, Roderick Colton-Hill, Blake Congdon, Dominic Cordero, Jose Cordero, Noah Crawford, Taylor Crawley, David Denietolis, Max Denietolis, Tracey Dennard, Cy Fowler, Arric Gaither, Lucas Gassett, Scott Grant, Cannon Haun, Bonson Hayes, Jayden Heath, Gary High, Cole Hitson, Matthew Joseph, Deegan Maney, Dylan Mason, Colton Maughan, Lucas McMakin, Kaleb Miller, Jason Mirkovich, Gabriel Moore, Joseph Murguia, Drake Patterson, Braxton Pulley, Connor Rice, Kaden Rice, Zavier Richmire, Tyson Russell, Kellan Sanders, Rock Schurette, Tucker Sepenuk, Braden Spires, John Stewart, Xavier Terry, Chase Walker, Jax Weiss, and Elijah York, and . . . .

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee and on behalf of the City Council do hereby declare Monday, March 24, 2025 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 ,Head Coach Joey Knox, Assistant Coaches, Wilson Benefield, Shawn Cordell, Jacob Murphy and John Weiss for a job well done. I hereby declare that all the wrestlers and coaches as ambassadors for the City of Cleveland, exemplifying the 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.

Melissa Woody along with Sammy Slaw Dog announced the 4th Annual Hot Slaw and Art Y'all Festival would be on Saturday, April 5 in Downtown Cleveland.

HEARING PETITIONS AND COMMUNICATIONS

There were no hearing petitions and communications.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed 6-0.

- **Final Passage - Zoning Ordinance 2025-10 –** heretofore passed on first reading March 10, 2025 and found in Minute Book 32, Page 229; concerning a request by Charles Pitner for consideration of an ordinance to zone about .16 acres, more or less, for property located at Fair Street from CG General Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group C Parcels 031.00 (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Ordinance 2025-11 -** heretofore passed on first reading March 10, 2025 and found in Minute Book 32, Page 230; concerning a request by Real Life Village Inc. for consideration of an ordinance to amend PUD 47 to remove the 50-foot right-of-way dedication requirement (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Zoning Ordinance 2025-12 -** heretofore passed on first reading March 10, 2025 and found in Minute Book 32, Page 234; Concerning a request by multiple property owners for consideration of an ordinance to zone about 3.73 acres, more or less, for property located at Valley Head Rd. from R-1 Single Family Residential Zoning District to PUD 63 and includes Tax Map 034I Group D Parcels 002.00-007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

- **Final Passage - Ordinance 2025-13 -** heretofore passed on first reading March 10, 2025 and found in Minute Book 32, Page 238; concerning a request by Dennis Botts for consideration of an ordinance to abandon a section of unopened right-of-way located along Johnson Boulevard and ending at the city limits along Tax Map 058I Group C Parcel 005.00 (Planning Commission: Approved 8-0; 1 absent).
- **Contract Extension** – Laundry & Dry-Cleaning Service with Champion Cleaners for an additional one-year term.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **March 24, 2025**
RE: **Contract Extension – Laundry & Dry Cleaning Service**

SUMMARY:
Requesting an extension to the current Laundry & Dry-Cleaning contract with Champion Cleaners for an additional one-year term.

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
The recommendation is to approve a one-year contract extension beginning May 1, 2025.

- **Resolution 2025-23** – Authorizing the conveyance of two parcels to the Cleveland Land Bank Authority, Inc.

RESOLUTION 2025-23

WHEREAS, the City of Cleveland purchased two parcels of real estate at the Bradley County delinquent tax sale that occurred on March 3, 2023; and

WHEREAS, these two parcels are generally identified as Tax Map 057L-T-021.00 with a property address of 1660 Winnetawka Avenue SE, and Tax Map 057L-T-022.00 with a property address of 1660 Chippewa Avenue SE; and

WHEREAS, the City is authorized by Tennessee Code Annotated 13-30-110 to convey real property to the Cleveland Land Bank Authority, Inc.; and

WHEREAS, the City Council desires to approve of the conveyance of these two parcels of real property to the Cleveland Land Bank Authority, Inc. and to authorize the Mayor to execute a quitclaim deed for each parcel to transfer ownership of these two parcels from the City of Cleveland to the Cleveland Land Bank Authority, Inc.

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 conveyance of these two parcels of real property to the Cleveland Land Bank Authority, Inc., and the City Council further authorizes the Mayor to execute a quitclaim deed for each parcel to transfer ownership of these two parcels from the City of Cleveland to the Cleveland Land Bank Authority, Inc.

This 24th day of March 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-24** – To discontinue a period of temporary employment for employees participating in the Tennessee Consolidated Retirement System.

RESOLUTION 2025-24

Tennessee Consolidated Retirement System

A RESOLUTION to discontinue a period of temporary employment for employees of a political subdivision participating in the Tennessee Consolidated Retirement System in accordance with Title 8 Section 34 through 37 of the Tennessee Code Annotated.

WHEREAS, the Tennessee Code Annotated Section 8-35-107 allows a political subdivision to establish a non-recoverable period of temporary employment not to exceed six (6) months in duration for all of its employees before they are eligible for membership in said retirement system; and

WHEREAS, the City of Cleveland (Name of Political Subdivision) wishes to discontinue said temporary employment period for all of its new employees hired after the effective date of this Resolution; now, therefore,

BE IT RESOLVED, That the City Council (Name of Governing Body) of the City of Cleveland (Name of Political Subdivision) hereby authorizes a discontinuance of its present temporary employment period for all new employees hired after the effective date of this Resolution.

STATE OF TENNESSEE
COUNTY OF BRADLEY

I, Shawn McKay, clerk of the City Council (Name of Governing Body) of the City of Cleveland (County and Town or City), Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 24 day of March, 2025, the original of which is on file in this office. I further certify that 6 members voted in favor of the resolution and that 6 members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the City of Cleveland (Name of Political Subdivision).

_____
As Clerk of the Board, as aforesaid

SEAL
R054FS39

- **Resolution 2025-25** – Authorizing the Mayor to sign an agreement with Chattanooga Gas Company concerning the relocation of the Lenox Hills Neighborhood sign.

RESOLUTION 2025-25

WHEREAS, the City of Cleveland and Chattanooga Gas Company have been in ongoing discussions about the relocation of the Lenox Hills Neighborhood sign; and

WHEREAS, 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 concerning the relocation of the sign; 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.

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 relocation of the Lenox Hills Neighborhood sign.

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

This 24th day of March 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – Declaring the service weapon of Lt. Brian Pritchard as surplus property and given to him as a token of the City's appreciation for his 29-years of dedicated service to the Cleveland Police Department.

UNFINISHED BUSINESS

Councilman May moved that Zoning Ordinance 2025-07; heretofore passed on first reading March 10, 2025 and found in Minute Book 32, Page 224; Concerning a request by Bassam Issa for consideration of an ordinance to zone about 36 acres, more or less, for property located at APD-40 from IH Heavy Industrial Zoning District to PUD 60 and includes Tax Map 065 Parcel 001.00 (Planning Commission: Approved 7-2) be approved on final reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed. Councilman Cassada asked that the site plan for the cul-de-sac in this development has the ability to accommodate the new ladder truck. Mr. Varnell stated when the site plan is under staff review that it would be addressed and make sure our regulations meet the Fire Department standards.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada asked for an update on Jim Sharp Park. Bryan Turner stated staff had a progress meeting with the contractors to discuss the next few months, now that it is getting warmer. It is still on schedule for the end of August. Councilman Cassada then asked if Johnston Park could be reserved for weddings. Mr. Fivas stated for a wedding; they would get an event permit through Peggy Hathcock. We will then go through our process to make sure what the individual request will work. Councilman Cassada stated they just asked if city staff would look at the possibility of wedding or reception. Mr. Fivas stated yes it possible to do it, they would just need to turn in an event permit and we will look to see if it will cause excessive damage,

tents probably not, but sit in the gazabo and have 10-20 family members there, then that's easy. Lastly, Councilman Cassada stated previously we have discussed beautification of Cleveland and asked that staff look for possible areas to plant wildflowers in medians. For a trial basis and see if it works. Mr. Fivas stated of course, there is a process to manage wildflower areas and it is something that we can look into and determine costs.

Councilman May had no report at this time.

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

Councilman Moore inquired about Julian Drive. He received a call from a property owner concerning the duck pond and geese being run over. What can we do to get people to slow down in the area. Mr. Fivas stated the Police Department is looking into who ran over the geese. We have also installed stop signs in the area to slow traffic. We will look into options like signage for geese crossing and animal sanctuary area.

Councilwoman McKenzie stated March and April is Keep America Beautiful month and they encourage everyone to be mindful of littering and also asking residents to pick up 25 pieces of litter now through April. In July 2026, it will be the 250th Celebration of America and they are asking everyone over the next year pick up 250 pieces of trash or litter to beautify America. Lastly, if you have an area in Cleveland that needs to be cleaned up, please call into the Keep America Beautiful office.

NEW BUSINESS AND ORDINANCES

Mayor Brooks stated a revised Urban Growth Boundary Annexation Interlocal Agreement was distributed during the Work Session. Councilman Goff moved that the revised Urban Growth Boundary Annexation Interlocal Agreement be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed. [Revised and Approved April 14, 2025 meeting.]

ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEVELAND, TENNESSEE, CITY OF CHARLESTON, TENNESSEE AND BRADLEY COUNTY, TENNESSEE

Pursuant to Tennessee Code Annotated § 5-1-113, this Annexation Interlocal Agreement (the "Agreement") is entered into between and among the CITY OF CLEVELAND, TENNESSEE (hereafter "Cleveland"), the CITY OF CHARLESTON, TENNESSEE (hereinafter "Charleston") and BRADLEY COUNTY, TENNESSEE (hereafter "County").

WHEREAS, the urban growth annexation requirements stem from the Comprehensive Growth Plan enacted by the Tennessee General Assembly in 1998, which requires local governments to create growth plans that include the urban growth boundaries for each municipality, and

WHEREAS, an urban growth boundary identifies territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban services; and

WHEREAS, consistent with the requirements of Tenn. Code Ann. § 6-58-104, the parties herein adopted the current growth plan for Bradley County on June 28, 2000, and amended said plan on January 27, 2010; and

WHEREAS, any amendment to the growth plan must follow the procedure outlined in Tenn. Code Ann. § 6-58-104 regarding convening the coordinating committee and the criteria for establishing an urban growth boundary as set for in Tenn. Code Ann. § 6-58-106 and said committee was convened on October 17, 2024; and

WHEREAS, Cleveland, Charleston and County desire to cooperate with one another and to create a comprehensive growth plan for Bradley County that will meet the requirements of Tenn. Code Ann. § 6-58-106; and

WHEREAS, pursuant to Tenn. Code Ann. § 6-58-104(a)(6), a municipality may make agreements with other municipalities and with counties to refrain from exercising any power or privilege granted to the municipality by this title; and

WHEREAS, the Cleveland City Council authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the Mayor to execute this Agreement on behalf of the City of Cleveland, and

WHEREAS, the Charleston City Council authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the Mayor to execute this Agreement on behalf of the City of Charleston, and

WHEREAS, the Bradley County Commission authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the County Mayor to execute this Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein, and for the good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Purpose.

This Agreement is for the purpose of establishing an agreement between Cleveland, Charleston and County related to annexation of territory outside the urban growth boundary by referendum as further described herein.

Section 2. Cooperative & Performance Agreement.

(a) Property to be annexed by City of Cleveland.

Cleveland hereby agrees that during the term of this agreement, Cleveland shall not take any action to annex any property by referendum pursuant to Tenn. Code Ann. § 6-58-111 outside its urban growth boundary.

Cleveland and County agree that Cleveland may seek to annex property by any available means pursuant to Tenn. Code Ann. § 6-51-104 within its urban growth boundary.

(b) Property to be annexed by City of Charleston.

Charleston hereby agrees that during the term of this agreement, Charleston shall not take any action to annex any property by referendum pursuant to Tenn. Code Ann. § 6-58-111 outside its urban growth boundary.

Charleston and County agree that Charleston may seek to annex property by any available means pursuant to Tenn. Code Ann. § 6-51-104 within its urban growth boundary.

(c) Ratification of the growth plan.

The parties agree that this agreement shall facilitate cooperation between the parties regarding ratification of a growth plan following the recent convening of the coordinating committee and clarify the future intent of the parties herein related to annexation by referendum.

Section 3. Term.

The parties hereby agree that this agreement shall continue for a period of twenty (20) years or until subsequent amendment of the growth plan by the parties herein, whichever occurs first.

Section 4. Severability.

If any of the terms and conditions of this contract is held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this agreement are declared severable.

Section 5. Annexation of Streets by the City of Cleveland

When the City of Cleveland uses non-contiguous annexation statutory provisions between the City and County it is required to annex street or road for future street maintenance that connects the newly annexed property to the main corporate area of the City of Cleveland unless the County and City agree that is not required.

When the City uses contiguous annexation it is required to annex county-maintained roads when both sides of the street are located within the City.

When the City uses contiguous annexation and the annexation creates a new residential entrance on to a County maintained road and the annexed road segment is contiguous to the City is over 1000 linear feet, then the City shall annex and maintain the County road if the road meets the City standards to accept new streets into the City. However, the City may annex the road if it is less than 1000 linear feet when it is in the best transportation interest for the County and City.

The County shall approve and allow the annexation of any County maintained roads and opened and unopened alleys by the City when it uses statutory annexation provisions within the County.

The City shall annex with the County consent and take over the maintenance of Tasso Road NE from the current City lines through the last neighborhood driveway along that road. This would be approximately 2,200 feet of road.

The City shall annex with the County consent and take over the maintenance of a sections of Minnis Road.

Section 6. Fire Tax Committee

The City and County will form a six-person Fire Tax Committee to determine the best methodology to hold the County harmless for a defined period for any loss in Fire Tax proceeds for annexation in areas between the old Urban Growth Boundary and the new Urban Growth Boundary. This could include direct financial payments and/or fire service coverage agreements for defined time periods. The six-person Fire Tax Committee shall give a majority recommendations to the County Commission and City Council before August 1, 2025. The Fire Tax Committee shall consist of the County Fire Chief, County Mayor, County Commission member, City Mayor, City Vice Mayor, and City Fire Chief.

Between the time of this Agreement signing, and the majority recommendation from the Fire Tax Committee, any property annexed between the old Urban Growth Boundary and new Urban Growth Boundary which is annexed into the City, the City shall pay the current Fire Tax amount for the annexed property to the County that would be lost for a period of one year from the annexation date.

Section 7. Signature and Commencement

This Annexation Interlocal Agreement shall take effect on the date of the date set forth below. This Agreement shall only take effect if Bradley County, City of Cleveland, and the City of Charleston approve the new Urban Growth Boundary map.

Signed this _____ day of April 2025.

BRADLEY COUNTY

_____
D. Gary Davis, Mayor

CITY OF CLEVELAND

_____
Kevin Brooks, Mayor

CITY OF CHARLESTON

_____
David Lattimore, Mayor

The following Resolution was then presented in full:

RESOLUTION 2025-26

A RESOLUTION TO APPROVE THE TWENTY-YEAR GROWTH PLAN CHARLESTON/CLEVELAND/BRADLEY COUNTY, TENNESSEE, MARCH 2025

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Bradley County, Tennessee, including the Cities of Charleston and Cleveland, was developed and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee, ratified by all local governments in Bradley County, and became effective in the year 2000 upon its approval by the Local Government Planning Advisory Committee; and

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104 (d)(1), an approved Growth Plan is to stay in effect for not less than three years, absent a showing of extraordinary circumstances; and

WHEREAS, said three-year period has expired and the Bradley County 20-Year Growth Plan can be amended, provided that Tennessee Code Annotated 6-58-101 (d)(1) requires that procedures for amending an approved County Growth Plan shall be the same as the procedures for establishing the original plan; and

WHEREAS, the City of Cleveland has submitted proposed amendments to the 20-Year Growth Plan in the form of an expansion of the City of Cleveland Urban Growth Boundary, with said amendments having been duly introduced by the City of Cleveland, then considered and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee pursuant to the requirements of Tennessee Code Annotated 6-58-104; and

WHEREAS, the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee has reviewed the proposed amendments submitted by the City of Cleveland and, after receiving input from the public, City of Charleston, Bradley County, and City of Cleveland officials, has recommended changes in the growth plan as shown in Exhibit A,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cleveland, Tennessee, hereby ratifies the amended Bradley County Growth Plan, described in Exhibit A and now entitled **"Twenty-year Growth Plan, Charleston/Cleveland/Bradley County, Tennessee, March, 2025"**, as recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee.

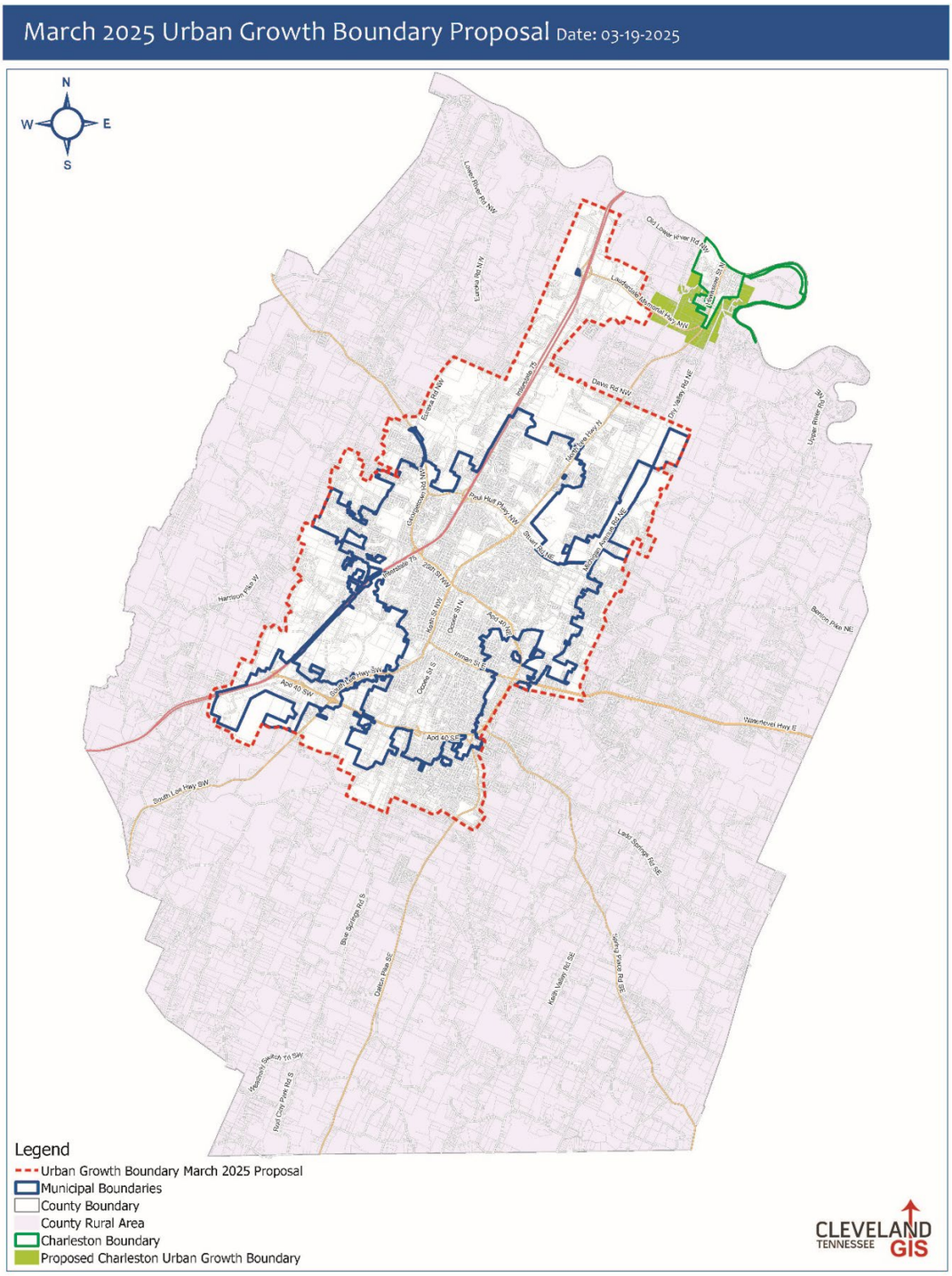
This 24th day of March 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2025-26; approval of the Urban Growth Boundary Map be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.



ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, April 14, 2025.
b. The 2025 Reappraisal Notices from Bradley County Assessor of Property Stanley Thompson will be mailed on March 26.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:45 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
APRIL 14, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 14, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, David May, Tom Cassada, Duane Goff, Ken Webb and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Kim Miller, HR Director; Garrett Frye with Congressman Fleischmann's Office; Jodi Riggins with Cleveland City Schools; Lonnie Hood; Jim Richmond; Dementrius Ramsey; Tim Rader; Sharon Marr with Mainstreet Cleveland Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Kris Horvath with Redemptions to the Nations Church, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 24, 2025 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 and the City Council presented the following Proclamation:

BRADLEY CENTRAL HIGH SCHOOL BEARETTES DAY"

Whereas, the Bradley Central High School Bearettes won its third consecutive title with a dominating 70-22 win over Barlett to take the championship making it the ninth overall title for the Bearettes; and . . . .

Whereas, the outstanding Bearettes' roster include: Avery Brewer, Love Howard, Alliyah Osborn, Medeline Schultz, Titianna Stoval, Harmonie Ware, Abby White, Malia Wilcox, Makayla Broome, Kimora Fields, Addie Geren, Libby Stewart, Jada Francis, Hallie Rymer and Rayley Payne, Student Assistant;

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, TN and on behalf of the entire City Council, do hereby declare Monday, April 14, 2025, as:

"BRADLEY CENTRAL HIGH SCHOOL BEARETTES' DAY"

in the City of Cleveland and ask our citizens to congratulate this fine group of young women and their coaches for a job well done. I hereby declare that Head Coach Jason Reuter, Assistant Coaches Amy Tinsley, Keith Freeman and Adam Belford and the BCHS Bearettes as ambassador for the City of Cleveland for their true spirit of sportsmanship and a winning spirit that is the envy of the State of Tennessee.

Mayor Brooks and the City Council presented the following Proclamation:

"A R B O R D A Y"

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aide for the planting of trees; and . .

WHEREAS, This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and . . . .

WHEREAS, Arbor Day is now observed throughout the nation and the world; and . . .

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and . .

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and . . . .

WHEREAS, Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and . . . .

WHEREAS, Trees are a source of joy and spiritual renewal; and . . . .

WHEREAS, Cleveland has been recognized as a Tree City by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee do hereby proclaim, April 25, 2025 as "ARBOR DAY" in the City of Cleveland, and urge all citizens to support efforts to care for our trees and woodlands and to support our city's community forestry program.

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 Marti Hood for consideration of an ordinance to zone about 2.4 acres, more or less, for property located at Durkee Rd. from IL Light Industrial and RA Residential Agricultural Zoning District to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 058 Parcel 032.01 (Planning Commission: Denied 6-0; 3 absent). Robert Varnell stated staff recommended approving the request, based on several factors. First, the existence of newly R-3 residential subdivisions in the general area. Also, we looked at the surrounding industrial property and made note that any development at this location will have to deal with preexisting industry around it. The owner of the property has requested residential use, and staff stands by the recommendation. The Planning Commission had concerns about the surrounding industrial sites, but it does meet the conditions staff reviews. Mayor Brooks asked if anyone would like to speak in favor of the request. Lonnie Hood stated he turned in signed affidavits from area residents that noise does not impact the area, and he has spoken to the surrounding industrial businesses. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request Epperson Allison Homes, LLC for consideration of an ordinance to amend PUD 54 located on Freewill Rd. to include a change in the primary access point and one additional lot and includes Tax Map 041 Parcels 047.01 and 047.02 (Planning Commission: Approved 5-0; 3 absent, 1 recused). Robert Varnell stated this is straightforward. We have an existing power pole that could not be moved due to certain conditions, so the access point was moved, which added an additional lot. Staff does support the request. Councilman Webb stated when this was first approved, the developer allocated land for road improvements and asked if it

is still in the ordinance. Mr. Varnell stated yes, the plat does have it. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Andre Richardson for consideration of an ordinance to zone .04 acres more or less of property located on Central Ave from CH Highway Commercial to CBD Central Business District and includes Tax Map 057D Group H Parcel 002.00 (Planning Commission: Approved 6-0; 3 absent). Robert Varnell stated this property probably makes a good target for an eventually updated urban zone. We have been looking at additional zoning designations for urban areas. The applicant took a once was a dilapidated structure and remodeled it with the intent to rent. We are recommending rezoning to the CBD zoning, which is the closest fit to surrounding residential tracks. Staff supports the improvement and the rezoning. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman Estes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman May; and upon roll call, unanimously passed 7-0.

- **Resolution 2025-27** – Authorizing the Mayor to sign contract amendment 1 with Metal America related to the payment of a prefabricated steel building.

RESOLUTION 2025-27

WHEREAS, the City of Cleveland has previously entered into an agreement to purchase a prefabricated metal building from Metal America LLC; and

WHEREAS, Metal America, LLC and its subcontractor, Bunger Steel, have requested an amendment to the existing agreement which will allow the City's payment for the building to be split between Metal America, LLC, and Bunger Steel, and

WHEREAS, City staff have prepared the attached contract amendment number 1 to the existing agreement with Metal America, LLC for this purpose; and

WHEREAS, the City Council desires to approve the attached Amendment #1 with Metal America LLC, 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 Amendment Number 1 to the City's existing agreement with Metal America LLC for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 14th day of April 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-28** – Authorizing the City to purchase equipment for the Facilities Maintenance Division a Kubota Utility Vehicle through the Master Intergovernmental Cooperative Purchasing Agreement # 112624-KAB.

RESOLUTION 2025-28

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #112624-KBA, AS AMENDED, WHICH IS ADMINISTERED BY SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGENCY AND SERVICE COOPERATIVE.

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 equipment products or services between Kubota Tractor Corporation ("Company") and Participating Entities in cooperation with Sourcewell, a State of Minnesota local government and service cooperative, on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Sourcewell 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 #112624-KBA, as amended, held by Sourcewell 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 equipment, products or services as a participating public agency under MICPA Contract #112624-KBA, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through Sourcewell to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-29** – Accepting Spring Creek Drive, a portion of Business Park Drive, Parkside Place and Ridge Park Drive in the Spring Creek Town Center and Spring Creek Commons development as city streets.

RESOLUTION 2025-29

WHEREAS, Spring Creek Town Center Phase 1 is a subdivision located in the City of Cleveland and is depicted on a plat recorded in Plat Book 22, page 119, in the Bradley County Register of Deeds Office; and

WHEREAS, Spring Creek Commons Phase 1 is a subdivision located in the City of Cleveland and is depicted on a plat recorded in Plat Book 22, page 120, in the Bradley County Register of Deeds Office; and

WHEREAS, Spring Creek Drive, Parkside Place, and Ridge Park Drive are streets located within these developments and are depicted on one or both of these two Plats; and

WHEREAS, the developer has requested that the City accept these streets as City streets; and

WHEREAS, the City's engineering staff has inspected these streets and is now recommending that the City accept the following as City Streets:

(1) Spring Creek Drive that is approximately 1,855 LF in length along right of way centerline from the north line of 25th Street NE to the east line of Ridge Park Drive that includes the existing roundabout and a portion of Business Park Drive from the roundabout (RA) center point to about 110 LF southeast of the roundabout center point and recorded in Plat Book 22 page 119-120 in the Bradley County Register of Deeds Office.
(2) Parkside Place that is approximately 240 LF in length along right of way centerline from the west line of Spring Creek Drive to the west line of Ridge Park Drive and recorded in Plat Book 22 page 120 in the Bradley County Register of Deeds Office.
(3) Ridge Park Drive that is approximately 440 LF in length along right of way centerline from the northern ending of Spring Creek Drive to the south line of Parkside Place and recorded in Plat Book 22 page 120 in the Bradley County Register of Deeds Office.

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) Spring Creek Drive that is approximately 1,855 LF in length along right of way centerline from the north line of 25th Street NE to the east line of Ridge Park Drive that includes the existing roundabout and a portion of Business Park Drive from the roundabout (RA) center point to about 110 LF southeast of the roundabout center point and recorded in Plat Book 22 page 119-120 in the Bradley County Register of Deeds Office.
(2) Parkside Place that is approximately 240 LF in length along right of way centerline from the west line of Spring Creek Drive to the west line of Ridge Park Drive and recorded in Plat Book 22 page 120 in the Bradley County Register of Deeds Office.
(3) Ridge Park Drive that is approximately 440 LF in length along right of way centerline from the northern ending of Spring Creek Drive to the south line of Parkside Place and recorded in Plat Book 22 page 120 in the Bradley County Register of Deeds Office.

This 14th day of April 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-30** – Accepting Brookmore Trail, Kinders Way and Epperson Trail in the Brookmore Subdivision as city streets.

RESOLUTION 2025-30

WHEREAS, Brookmore Subdivision Phases 1, 2, 3 and 4 are all located within the City of Cleveland; and

WHEREAS, the plat for Brookmore Subdivision Phase 1, is recorded in Plat Book 39, Page 5 in the Bradley County Register of Deeds office, and the plat for Brookmore Subdivision Phase 2, is recorded in Plat Book 39, Page 59 in the Bradley County Register of Deeds office, and the plat for Brookmore Subdivision Phase 3, is recorded in Plat Book 41, Page 12 in the Bradley County Register of Deeds office, and the plat for Brookmore Subdivision Phase 4, is recorded in Plat Book 41, Page 134 in the Bradley County Register of Deeds office; and

WHEREAS, Brookmore Trail, Kinders Way and Epperson Trail are streets located within these phases of the Brookmore subdivisions; and

WHEREAS, the developer has requested that the City accept these streets as City streets; and

WHEREAS, the City's engineering staff has inspected these streets, and is now recommending that the City accept the following portions of these streets as City streets:

(1) Brookmore Trail that is approximately 1,440 LF in length along right of way centerline from the north line of 22nd Street NW to the cul-de-sac end and recorded in Plat Book 39 page 5, Plat Book 39 page 59 and Plat Book 41 page 134 in the Bradley County Register of Deeds Office.

(2) Kinders Way that is approximately 610 LF in length along right of way centerline from the west line of Brookmore Trail to the cul-de-sac end and recorded in Plat Book 39 page 59 and Plat Book 41 page 12 in the Bradley County Register of Deeds Office.

(3) Epperson Trail that is approximately 475 LF in length along right of way centerline from the west line of Brookmore Trail to the cul-de-sac end and recorded in Plat Book 39 page 59 and Plat Book 41 page 12 in the Bradley County Register of Deeds Office.

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. Brookmore Trail that is approximately 1,440 LF in length along right of way centerline from the north line of 22nd Street NW to the cul-de-sac end and recorded in Plat Book 39 page 5, Plat Book 39 page 59 and Plat Book 41 page 134 in the Bradley County Register of Deeds Office.

2. Kinders Way that is approximately 610 LF in length along right of way centerline from the west line of Brookmore Trail to the cul-de-sac end and recorded in Plat Book 39 page 59 and Plat Book 41 page 12 in the Bradley County Register of Deeds Office.

3. Epperson Trail that is approximately 475 LF in length along right of way centerline from the west line of Brookmore Trail to the cul-de-sac end and recorded in Plat Book 39 page 59 and Plat Book 41 page 12 in the Bradley County Register of Deeds Office.

This 14th day of April 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-31** – Authorizing the Mayor to sign a contract extension with ESRI for the City's GIS Software Licenses.

RESOLUTION 2025-31

WHEREAS, the City has received the attached license agreement from Environmental Systems Research Institute Inc., which license agreement is necessary for continued use and operation of the City's GIS system; and

WHEREAS, the City Council desires to enter into this license agreement with Environmental Systems Research Institute 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 license agreement with Environmental Systems Research Institute Inc. and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 14th day of April, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – To approve the current paving contract with APAC-Atlantic dba Talley Construction for an additional one-year term.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **April 14, 2025**
RE: **Contract Extension – Major Paving**

SUMMARY:
Requesting an extension to the current Paving contract with APAC-Atlantic dba Talley Construction for an additional one-year term.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funds are available.

RECOMMENDATION:
Recommendation is to approve an extension of the current contract for an additional one-year period. The term of the new contract will be July 1, 2025, through June 30, 2026.

- **Motion** – Approving a land lease agreement with City Fields for property at 750 6th St NE for the purpose of operating a community garden and related community-building activities.

TO: **Mayor and City Council**
FROM: **Dustin Tommey, Redevelopment Coordinator**
CC: **Joe Fivas, City Manager**
DATE: **April 14, 2025**
RE: **Proposed Land Lease Agreement with City Fields**

SUMMARY: City staff recommends approval of a land lease agreement between the City of Cleveland and City Fields CDC, a nonprofit community development organization. The proposed lease would grant City Fields use of the fenced-in portion of the city-owned property at 750 6th Street NE (Tax ID 058A M 001.00) for the purpose of operating a community garden and hosting related community-building activities. The garden is envisioned as a neighborhood hub—supporting health, education, and connection—through shared gardening, workshops, and small public events. The lease also authorizes City Fields to construct, at its own expense, a pavilion that will serve the community and add long-term value to the property (see proposed drawings in Exhibit A attached to the draft lease).

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
There is no cost to the City associated with this lease. City Fields will assume all expenses related to the operation of the site, including utilities, insurance, and ongoing maintenance. Additionally, City Fields will be constructing a new pavilion at its own expense, adding long-term value to this city-owned property.

RECOMMENDATION:
City staff recommends approval of the lease as presented

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman May had no report at this time.

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

Councilman Moore stated he forwarded an email from a concerned citizen regarding Weeks Drive and the potential of adding a three-way stop. He ask that staff review and get back with him for a response.

Councilwoman McKenzie stated the windows at the new city council building have been installed and the brick has been cleaned, it is looking really nice. Also, some of the things we've been shown today just make you feel good about the direction Cleveland is going and thank you to all staff who work hard at what they do. Lastly, she is still looking at the budget and thinking. She encourages everyone to look at it and contemplate how we move forward and help all citizens of Cleveland.

Councilman Estes thanked Tommy Myers for the work on Worth Street and thanks to Jonathan Jobe and Bryan Turner for North Ocoee Street work.

Councilman Cassada stated to follow-up on the budget meeting, thanks to Beverley Lindsey for the hard work pulling the meeting together. Also, thanks to staff for preparing the budget and Mr. Fivas. Lastly, in the construction along Hwy 60, he is seeing more drivers drive through where the road is closed, taking shortcuts. He asked Chief Gibson to have officers watch the area. Chief Gibson stated yes, and we will contact the State for additional signage and barricades to see if it is confusing or intentional.

Mayor Brooks stated the fence at the LeConte site looks fantastic and is thankful on how it turned out.

NEW BUSINESS AND ORDINANCES

The following change order for Jim Sharp Park was then presented:

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **April 14, 2025**
RE: **Jim Sharp Park**

SUMMARY:
Attached is a change order to install a fountain in the pond at Jim Sharp Park.

Additionally, the City has received a quote for the work to connect the Greenway and parking lot on the south side of the park to the project, but we have not received the formal change order from Chazler. The work is estimated to be around $90,000.

Councilman Estes moved to approve the change order. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed. Councilman Cassada inquired if the Greenway work would hold up the park progress. Mr. Turner stated no, it will be done in tandem.

The following change order for the City Hall and City Council project was then presented:

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **April 14, 2025**
RE: **City Hall and City Council Project – Change Orders**

SUMMARY:
Attached is a list of change orders to date for the Cherokee restoration with a narrative and cost for each item.

The low voltage item is not a new cost but instead is being removed from the previously approved scope for technology work by M3. This portion of work will instead be performed by the electricians already onsite for better coordination and a reduction in the overall cost of the data wire installation.

The work associated with demolition is also not a new cost item, but instead has been absorbed into this contract by work left uncompleted by the previous demolition contractor.

The largest single item on the list that is new is the work related to the sewer re-routing. This is due to unforeseen issues with the current utilities to the building, and a new tap is required.

Councilman Estes moved that the change orders be approved. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

Mayor Brooks stated a revised Urban Growth Boundary Annexation Interlocal Agreement has been received. Vice Mayor Webb moved that the revised Urban Growth Boundary Annexation Interlocal Agreement be accepted as presented. The motion was seconded by Councilman Cassada. Councilman Cassada thanked Mayor Brooks, Vice Mayor Webb and Robert Varnell for their work getting this approved. He received a call from a County Commissioner who was very impressed with how Mr. Fivas went about working with the County and getting this approved. Mr. Fivas thanked him for the remark and stated we had an outstanding dialogue with the County Officials, and it was a good process. Vice Mayor Webb also thanked Mr. Fivas, Jonathan Jobe and Robert Varnell for their involvement. There were twenty-four elected officials that voted to approve this agreement. What's good for the City of Cleveland is good for Bradley County and what's good for the county of Bradley is good for the City of Cleveland. We are beginning to see results from that concept. Mayor Brooks thanked everyone involved and it is truly a win-win for all. Upon roll call, the motion unanimously passed.

ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEVELAND, TENNESSEE, CITY OF CHARLESTON, TENNESSEE AND BRADLEY COUNTY, TENNESSEE

Pursuant to Tennessee Code Annotated § 5-1-113, this Annexation Interlocal Agreement (the "Agreement") is entered into between and among the CITY OF CLEVELAND, TENNESSEE (hereafter "Cleveland"), the CITY OF CHARLESTON, TENNESSEE (hereinafter "Charleston") and BRADLEY COUNTY, TENNESSEE (hereafter "County").

WHEREAS, the urban growth annexation requirements stem from the Comprehensive Growth Plan enacted by the Tennessee General Assembly in 1998, which requires local governments to create growth plans that include the urban growth boundaries for each municipality, and

WHEREAS, an urban growth boundary identifies territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban services; and

WHEREAS, consistent with the requirements of Tenn. Code Ann. § 6-58-104, the parties herein adopted the current growth plan for Bradley County on June 28, 2000, and amended said plan on January 27, 2010; and

WHEREAS, any amendment to the growth plan must follow the procedure outlined in Tenn. Code Ann. § 6-58-104 regarding convening the coordinating committee and the criteria for establishing an urban growth boundary as set for in Tenn. Code Ann. § 6-58-106 and said committee was convened on October 17, 2024; and

WHEREAS, Cleveland, Charleston and County desire to cooperate with one another and to create a comprehensive growth plan for Bradley County that will meet the requirements of Tenn. Code Ann. § 6-58-106; and

WHEREAS, pursuant to Tenn. Code Ann. § 6-58-104(a)(6), a municipality may make agreements with other municipalities and with counties to refrain from exercising any power or privilege granted to the municipality by this title; and

WHEREAS, the Cleveland City Council authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the Mayor to execute this Agreement on behalf of the City of Cleveland, and

WHEREAS, the Charleston City Council authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the Mayor to execute this Agreement on behalf of the City of Charleston, and

WHEREAS, the Bradley County Commission authorized the execution of this Interlocal Agreement on _____, by passage of Resolution No. _____, which authorizes the County Mayor to execute this Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein, and for the good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Purpose.

This Agreement is for the purpose of establishing an agreement between Cleveland, Charleston and County related to annexation of territory outside the urban growth boundary by referendum as further described herein.

Section 2. Cooperative & Performance Agreement.

(a) Property to be annexed by City of Cleveland.

Cleveland hereby agrees that during the term of this agreement, Cleveland shall not take any action to annex any property by referendum pursuant to Tenn. Code Ann. § 6-58-111 outside its urban growth boundary except those properties that are continuous to the Cleveland corporate limits but outside of the Urban Growth Boundary.

Cleveland and County agree that Cleveland shall not seek to annex property pursuant to Tenn. Code Ann. § 6-51-104 or Annexation by Referendum within its urban growth boundary pursuant to the other requirements in this section 2a.

Cleveland and the County agree that Cleveland may seek to use non-contiguous Annexation by Resolution within the Urban Growth Boundary. If Cleveland receives a request for a non-contiguous annexation from a property owner within the Urban Growth Boundary, the County and Cleveland agree that in the required interlocal agreement that if Cleveland takes over the required maintenance and annexes any roads and bridges that connect the proposed annexed property back to the Cleveland's corporate limits and the City agrees to provide police and fire services to the proposed annexed property, or has a contract to provide these services, the County shall agree to approve any and all proposed non-contiguous annexations that meet the requirements of section 2a. If the County chooses not to approve, or takes no action within 90 days, on a proposed non-contiguous annexation interlocal agreement that meets these stated requirements in this section 2a, then the Cleveland may use Annexation by Referendum within the Urban Growth Boundary for the life of this agreement.

(b) Property to be annexed by City of Charleston.

Charleston hereby agrees that during the term of this agreement, Charleston shall not take any action to annex any property by referendum pursuant to Tenn. Code Ann. § 6-58-111 outside its urban growth boundary.

Charleston and County agree that Charleston may seek to annex property by any available means pursuant to Tenn. Code Ann. § 6-51-104 within its urban growth boundary.

(c) Ratification of the growth plan.

The parties agree that this agreement shall facilitate cooperation between the parties regarding ratification of a growth plan following the recent convening of the coordinating committee and clarify the future intent of the parties herein related to annexation by referendum.

Section 3. Term.

The parties hereby agree that this agreement shall continue for a period of twenty (20) years or until subsequent proposed amendment of the growth plan by any of the parties herein, whichever occurs first.

Section 4. Severability.

If any of the terms and conditions of this contract is held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this agreement are declared severable.

Section 5. Annexation of Streets by the City of Cleveland

When the City of Cleveland uses non-contiguous annexation statutory provisions between the City and County it is required to annex street or road for future street maintenance that connects the newly annexed property to the main corporate area of the City of Cleveland unless the County and City agree that is not required.

When the City uses contiguous annexation it is required to annex county-maintained roads when both sides of the street are located within the City.

When the City uses contiguous annexation and the annexation creates a new residential entrance on to a County maintained road and the annexed road segment is contiguous to the City is over 1000 linear feet, then the City shall annex and maintain the County road if the road meets the City standards to accept new streets into the City. However, the City may annex the road if it is less than 1000 linear feet when it is in the best transportation interest for the County and City.

The County shall approve and allow the annexation of any County maintained roads and opened and unopened alleys by the City when it uses statutory annexation provisions within the County.

The City shall annex with the County consent and take over the maintenance of Tasso Road NE from the current City lines through the last neighborhood driveway along that road. This would be approximately 2,200 feet of road.

The City shall annex with the County consent and take over the maintenance of a sections of Minnis Road.

Section 6. Fire Tax Committee

The City and County will form a six-person Fire Tax Committee to determine the best methodology to hold the County harmless for a defined period for any loss in Fire Tax proceeds for annexation in areas between the old Urban Growth Boundary and the new Urban Growth Boundary. This could include direct financial payments and/or fire service coverage agreements for defined time periods. The six-person Fire Tax Committee shall give a majority recommendations to the County Commission and City Council before August 1, 2025. The Fire Tax Committee shall consist of the County Fire Chief, County Mayor, County Commission member, City Mayor, City Vice Mayor, and City Fire Chief.

Between the time of this Agreement signing, and the majority recommendation from the Fire Tax Committee, any property annexed between the old Urban Growth Boundary and new Urban Growth Boundary which is annexed into the City, the City shall pay the current Fire Tax amount for the annexed property to the County that would be lost for a period of one year from the annexation date.

Section 7. Signature and Commencement

This Annexation Interlocal Agreement shall take effect on the date of the date set forth below. This Agreement shall only take effect if Bradley County, City of Cleveland, and the City of Charleston approve the new Urban Growth Boundary map.

Signed this _____ day of April 2025.

BRADLEY COUNTY

_____
D. Gary Davis, Mayor

CITY OF CLEVELAND

_____
Kevin Brooks, Mayor

CITY OF CHARLESTON

_____
David Lattimore, Mayor

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-14** – Concerning a request by Marti Hood for consideration of an ordinance to zone about 2.4 acres, more or less, for property located at Durkee Rd. from IL Light Industrial and RA Residential Agricultural Zoning District to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 058 Parcel 032.01 (Planning Commission: Denied 6-0; 3 absent).

ZONING ORDINANCE 2025-14

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from IL Light Industrial/RA Residential Agricultural Zoning District to R-3 High Density Single and Multi-Family Zoning District

Approximately 2.4 acres, more or less, located on Durkee Road as shown on the attached map.

For reference, the same property is being shown on Tax Map 058 Parcel 032.01 in the Assessor's Office for Bradley County, Tennessee.

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

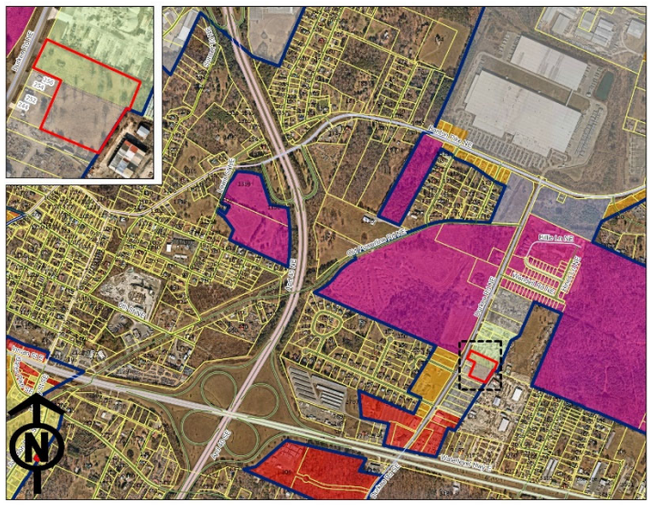
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance 2025-14 be approved on first reading to rezone to R-3. The motion was seconded by Councilman Cassada. Councilman Estes stated for context on why he voted against it at Planning Commission. Noise was one thing, but there were a lot of other things. Yes, R3 is across the street but it is closer to Calfee's. He drove by, then looked at Google maps and it makes no sense to put duplexes/rentals surrounded by heavy industrial. This is a small piece of property, surrounded on three sides and visually it doesn't make sense. The Planning Commission was not adamantly against it, just not the highest and best use. Councilman Cassada stated we have to take into consideration the property owner and what they think they can do to get additional revenue. Councilman Goff stated it is a gray area and can see both sides of the argument. He doesn't feel it is the best and highest use but he is not the developer of this site. The development on the northside does not have additional buffers. He struggles but there are already homes on the site. Councilwoman McKenzie stated the property owner needs to do something with his property, she doesn't like to mix zonings, so this is a quandary for her. Upon roll call, Councilman May, Councilman Cassada, Councilman Goff, Vice Mayor Webb, Councilman Moore and Councilwoman McKenzie voted aye. Councilman Estes voted no. The motion carries 6:1.

The following Ordinance was then presented in full:

- **Ordinance 2025-15** – Concerning a request Epperson Allison Homes, LLC for consideration of an ordinance to amend PUD 54 located on Freewill Rd. to include a change in the primary access point and one additional lot and includes Tax Map 041 Parcels 047.01 and 047.02 (Planning Commission: Approved 5-0; 3 absent, 1 recused).

ZONING ORDINANCE 2025-15

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS FREEWILL ROAD "54" ON PROPERTY DESCRIBED AS TAX PARCEL 041 047.01 and 047.02, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 54; 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 54" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 54 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 54 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 54, Freewill Road (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 041 Parcels 047.01 and 047.02. Exhibit A illustrates the overall Westland Drive Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of Westland Drive. The project consists of townhomes, detached single family homes, and a clubhouse with a central amenity area. Exhibits A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 100 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 54 Subdivision allows for the construction of up to 105 residential units without amending this ordinance. Permitted uses are Single family detached dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 54 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 Freewill Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 54 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 54, Freewill Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on August 20, 2024. 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 54 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 Freewill Road may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 54 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 54 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 54 to function as described herein. This requirement must be fulfilled when 75% of the buildable lots are built. 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 54 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.

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

7.A. Building Lot Size & Setbacks

Single Family Detached Lots:

Setbacks:

Front: 25'

Side: 5'

Rear: 15'

Min Lot Width: 75'

Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary

structure. Open patios and decks may extend to within 1O feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.8 Sidewalks, Common Area, & Amenities

1. Sidewalks shall comply with the sidewalk ordinance. Additional Right-of-way may be required to ensure that the road meets the required 70' width (35' from center line). A right turn deceleration lane must be installed in the initial phase of the construction and be built within the Right-of-way.

2. The community open space shall be an accessible and usable, yet natural area.

3. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of four off-street parking spaces.

4. A bus stop shelter shall be placed in cooperation with Cleveland City Schools, this may be combined with the mail kiosk.

7.C Miscellaneous Standards

1. The exterior primary (front) facades of all structures shall comprise brick, stone, wood, composite, or fiber cement board materials (no vinyl siding on primary/front elevation except for accents such as soffits & fascia). All other elevations may include Vinyl Siding. All foundations shall be brick or stone for their entirety.

2. Residential buildings must incorporate a variety of building elements and treatments for single family detached housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features.

4. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings.

5. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

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 54 Freewill Road. 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 54, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 54 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Ordinance 2015-15 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-16** – Concerning a request by Andre Richardson for consideration of an ordinance to zone .04 acres more or less of property located on Central Ave. from CH Highway Commercial to CBD Central Business District and includes Tax Map 057D Group H Parcel 002.00 (Planning Commission: Approved 6-0; 3 absent).

ZONING ORDINANCE 2025-16

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CH Highway Commercial Zoning District to CBD Central Business District

Approximately .04 acres, more or less, located on Central Avenue as shown on the attached map.

For reference, the same property is being shown on Tax Map 057D Group H Parcel 002.00 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved that Zoning Ordinance 2015-16 be approved on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

Councilman Moore moved to approve a contract with Allen & Hoshall to provide design and planning services for a new Empowerment Center/Transitional Housing. The motion was seconded by Councilman Estes. Councilman Moore asked about the fee percentage language. Ms. Andrews stated it is a fixed rate of 7% and we will have the typo corrected in the contract before signing. Councilman Moore stated this is a step in the right direction. Councilman Cassada confirmed ARP funds will be used. Ms. Andrews stated yes, $350,000. Mayor Brooks added thanks to Congressman Fleischmann and the Caring Place for $1million towards the project. Upon roll call, the motion unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed on Friday, April 18 in observance of Good Friday.

b. The next City Council meeting will be held on Monday, April 28, 2025.

Mayor Brooks then thanked Corinne Freeman from the Caring Place for being here today and Zack Brooks from Senator Haggerty's office for their additional support.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:51 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
APRIL 28, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 28, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, David May, Tom Cassada, Duane Goff, Ken Webb and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Kim Miller, HR Director; Officer Jon Prince; Garrett Frye with Congressman Fleischmann's Office; Cathy Andrews, CDBG Coordinator; Warbrit Lowery; Daniel Jones; John Thomason; Brandi King, Jeff Elliott, Kelly Kiser, Hal Taylor and Alicia Wheeler with Cleveland City Schools; Tim Rader; Sharon Marr with Mainstreet Cleveland Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Sammy Hooker with Elkmont Baptist Church, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 14, 2025 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

John Thomason with the American Legion Bradley County Post 81 introduced Bob Nipper, who has been helping organize Veterans and Memorial Day events. Mr. Nipper stated the Memorial Day celebration will be held indoors at Waterville Baptist Church on May 26 at 11:00 a.m. and extended an invite to the Mayor, City Council and staff to attend as special guests.

Dan Jones addressed the Council concerning the economic state of our County and Country. Organizations that are losing funds are the kind of thing Jesus would tell us to do. We need to love him and love each other. He is concerned about how things will impact Cleveland and hopes everyone will hold their oath to protect and serve. Leaders will be held accountable and take care of those less fortunate. He will keep everyone in his prayers and thanked them for allowing him to speak.

HEARING PETITIONS AND COMMUNICATIONS

There were no hearing petitions and communications.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Vice Mayor Webb moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed 7-0.

- **Final Passage - Ordinance 2025-15** – heretofore passed on first reading April 14, 2025 and found in Minute Book 32, Page 265; Concerning a request Epperson Allison Homes, LLC for consideration of an ordinance to amend PUD 54 located on Freewill Rd. to include a change in the primary access point and one additional lot and includes Tax Map 041 Parcels 047.01 and 047.02 (Planning Commission: Approved 5-0; 3 absent, 1 recused).
- **Final Passage - Zoning Ordinance 2025-16** – heretofore passed on first reading April 14, 2025 and found in Minute Book 32, Page 269; Concerning a request by Andre Richardson for consideration of an ordinance to zone .04 acres more or less of property located on Central Ave. from CH Highway Commercial to CBD Central Business District and includes Tax Map 057D Group H Parcel 002.00 (Planning Commission: Approved 6-0; 3 absent).
- **Resolution 2025-32** – Requesting an actuarial study from TCRS concerning Hazardous Duty Supplemental Benefit for Public Safety Officers.

RESOLUTION 2025-32

Tennessee Consolidated Retirement System

A RESOLUTION to authorize and appropriate funds for an actuarial study of the cost associated with a hazardous duty supplemental benefit pursuant to Tennessee Code Annotated, Section 8-36-212.

WHEREAS, Tennessee Code Annotated, Section 8-36-212 (the "Act") allows participating political subdivisions to establish a hazardous duty supplemental benefit, in addition to the member's retirement allowance, for all its eligible public safety officers, as defined in the Act; and

WHEREAS, said Act provides that political subdivisions may establish a hazardous duty supplemental benefit for employees who meet the eligibility requirements in the Act; and

WHEREAS, prior to the establishment of this supplemental benefit, the Act requires a resolution by the political subdivision's chief governing body authorizing and agreeing to pay for the cost of an actuarial study to determine the liability associated with the establishment of this supplemental benefit;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council (Name of Governing Body) of the City of Cleveland (Name of Political Subdivision), Tennessee hereby authorizes and appropriates funds for an actuarial study of the liability associated with authorization of the provisions of the Act.

STATE OF TENNESSEE

COUNTY OF BRADLEY

I, _____, clerk of the Mayor and City Council (Name of Governing Body) of the City of Cleveland (Name of Political Subdivision), Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the _____ day of _____, 2025, the original of which is on file in this office. I further certify that _____ members voted in favor of the resolution and that _____ members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the City of Cleveland (Name of Political Subdivision).

_____
As Clerk of the Board, as aforesaid

SEAL

- **Surplus Property** – Declaring several items as surplus and to be used as trade-in credit towards purchase of equipment for the Cleveland Police Department.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **April 28, 2025**
RE: **Surplus Property**

SUMMARY:
The Cleveland Police Department has requested the City Council declare the following items as surplus property to be traded in for credit toward purchase of equipment.

Remington 700 .308 caliber rifle
Serial # RR98409L

(5) Leupold VX3-I (8-25x50) Scopes
Serial #'s 106716AE, 476118AE, 218116AE, 476144AE, 175186AF

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
No fiscal impact.

RECOMMENDATION:
City staff recommends approval of this item.

UNFINISHED BUSINESS

Councilman May moved that Zoning Ordinance 2025-14; heretofore passed on first reading April 14, 2025 and found in Minute Book 32, Page 264; Concerning a request by Marti Hood for consideration of an ordinance to zone about 2.4 acres, more or less, for property located at Durkee Rd. from IL Light Industrial and RA Residential Agricultural Zoning District to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 058 Parcel 032.01 (Planning Commission: Denied 6-0; 3 absent) (Council: Approved 6:1) be approved on final reading. The motion was seconded by Councilman Estes. Upon roll call, Councilmen May, Estes, Cassada, Goff, Moore, Vice Mayor Webb and Councilwoman McKenzie voted aye. The motion carried 7:0.

REPORTS OF COUNCIL MEMBERS

Councilman Goff had no report at this time.

Vice Mayor Webb recognized Councilman Estes and the job speaking at the Mainstreet Cleveland meeting today. He discussed the development of downtown Cleveland and how vital we tie the areas to surrounding the Mainstreet area back into the community. He did a great job putting it together. Next, months ago the Council formed a Land Bank Authority. The basic purpose of the Land Bank is to take dilapidated property and turn it into productive property on the tax rolls. They have just about finished the process on the first piece of property, 1660 Blythe Avenue. It was dilapidated and through the court process, we now have a receivers lien and the last step, it will become property owned by the Land Bank and a productive property for the city and the neighborhood. Lastly, he commended Dustin Tommey on his work for the Authority and they now have a template they can use for other properties that need the same action. Dustin Tommey stated the Land Bank has two additional properties they are working on, one on Winnetawka Ave and another on Chippewa Ave that were purchased at the tax sale. Once the titles are completed, we will then sell them to an affordable housing developer in the community.

Councilman Moore also thanked Councilman Estes for speaking at Mainstreet Cleveland today. Also, thanks to Chief Gibson for the tour of the Awareness Intelligence Center.

Councilwoman McKenzie thanked Chief Gibson for the Awareness Intelligence Center tour and the tremendous work they have done with the cameras. This will really benefit Cleveland and make it safer. She then announced the Keep America Beautiful Hazardous Waste Collection Day will be held on May 10. Also, on May 31 will be a tire take back day.

Councilman Estes stated to be specific on the Aware Intelligence Center, staff is getting the budget together now, but the cost alerted to us seem minimal to the return that comes out of the room. It is worth the investment to finish and would like a plan to get it complete. He then asked Mr. Varnell when the rezoning of College Hill goes before the Planning Commission. Mr. Varnell stated May. Councilman Estes stated then we will see a rezoning for College Hill in June possibly. It is important for the development and safety of the neighborhood.

Councilman Cassada echoed the comments on the Awareness Intelligence Center. Also, he thanked our partners Cleveland Utilities for their part in the fiber and camera access to serve the community.

Councilman May had no report at this time.

Mayor Brooks stated it's the growing season and staff has done a great job monitoring. It is a busy time for Code Enforcement, and he is grateful for their diligence in keeping Cleveland beautiful.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

RESOLUTION 2025-33

A RESOLUTION OF THE CITY COUNCIL OF CLEVELAND, TENNESSEE, REQUESTING CONGRESSIONAL APPROPRIATION TO RELOCATE THE CLEVELAND URBAN AREA TRANSIT SYSTEM DEPOT

WHEREAS, the Cleveland Urban Area Transit System (CUATS), operated by the Southeast Tennessee Human Resource Agency (SETHRA), currently functions from the historic Cleveland Southern Railway Depot, which, while significant to the city's heritage, no longer meets the operational and logistical needs of a modern transit system; and

WHEREAS, relocating the transit depot to a more centralized location will provide numerous benefits, including: additional and much-needed parking for transit vehicles, enhanced security for transit assets and personnel, increased operational efficiency through reduced travel times, the ability to offer additional routes to better serve customers, modern office space for transit administration, and the opportunity for the historic depot to be redeveloped for commercial purposes, contributing to the economic vitality of downtown Cleveland; and

WHEREAS, the City of Cleveland recognizes the importance of public transit in supporting mobility, economic growth, and quality of life for residents and visitors; and

WHEREAS, the U.S. Department of Transportation, through Congressional appropriations and programs, provides funding for capital projects to improve public transit infrastructure; and

WHEREAS, Congress has demonstrated ongoing support for public transit infrastructure, as evidenced by recent appropriations totaling $20.9 billion for public transit in FY 2025, including competitive grant and appropriation opportunities for transit capital projects;

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

1. The City Council formally expresses its strong support and request for a Congressional Appropriation Transit Infrastructure Project of $1.5 million to assist in relocating the Cleveland Urban Area Transit System Depot to a more centralized community location.

2. The City Council recognizes that this project will improve operational efficiencies and service delivery for the Cleveland Urban Area Transit System; enhance safety and security for transit operations; enable the expansion of transit services to better meet community needs; facilitate the redevelopment of the historic depot for commercial and economic benefit to downtown Cleveland.

3. The City Council authorizes the Mayor, City Manager, or their designee to take all necessary actions to support and advocate for this appropriation, including submitting required documentation and working with federal, state, and regional partners.

4. The City Council commits to providing any required local matching funds and to complying with all applicable federal and state requirements associated with the receipt and use of such funds.

This 28th day of April 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2025-33 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, May 12, 2025

b. The Memorial Day celebration will be at Waterville Baptist Church on May 26 at 11:00 a.m.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:32 p.m.

_____
Mayor

_____
City Clerk

REGULAR SESSION
MAY 12, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 12, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, David May, Ken Webb and Dan Moore. Councilman Tom Cassada and Councilman Duane Goff were absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Kim Miller, HR Director; Officer Jon Prince; Garrett Frye with Congressman Fleischmann's Office; Cathy Andrews, CDBG Coordinator; Warbrit Lowery; Daniel Jones; John Thomason; Cindy Geren, Brandi King, Jeff Elliott, Kelly Kiser, Hal Taylor, Valerie Mack, Jodi Riggins, and Alicia Wheeler with Cleveland City Schools; Tim Rader; Michelle Friedrich; Tom Cate; Steve Suits; Blake Allison; Jay McCluskey; Timothy Colwell; John and Jackie Hunley; Leah Walker; Anita Ray; Wayne and Judy Hatcher; Ken Bausch; Sharon Marr with Mainstreet Cleveland and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Jay McCluskey with North Cleveland Baptist Church the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 28, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 5:0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Thomas Cate for consideration of an ordinance to amend area 3 of PUD 48 located along North Lee Hwy and includes replacing single family lots with duplex lots and 2 single family estate lots and allowing a 40' ROW (includes Tax Map 034 Parcel 020.01) (Planning Commission: Approved 6-0; 1 recused, 2 absent). Robert Varnell stated this request does remove single family detached lots averaging close to 50' widths, to duplex lots with few design changes. Staff does recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City Fields and Tyler Price for consideration of an ordinance to abandon a section of right-of-way located between Winnetawka Ave. SE and Aurora Ave. SE and adjoins Tax Map 057L Group T Parcels 008.00 and 009.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated the property owner on one side has agreed for the entirety of area to be donated to City Fields. We have all documentation on file and agreements with the neighbors. This will allow the construction of three single family homes. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor

Brooks asked if anyone would like to speak in opposition to the 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 request by Copper Coin Properties, LLC for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 3 acres, more or less, for property located at 22nd Street NW from FAR unincorporated county to R-1 Single Family Residential and includes Tax Map 040 Parcel 023.01 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this is a small area left out of a previous annexation. We are working with the County on improvements to 22nd Street and this will be R-1 zoning. City staff does recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Epperson Allison Homes for consideration of a Plan of Service, a resolution to annex about 3.46 acres, and an ordinance to zone about 5.00 acres, more or less, for property located at Old Freewill Road from FAR unincorporated county/R-1 Single Family Residential to PUD 64 Planned Unit of Development and includes Tax Map 033P Group C Parcel 010.00 (Planning Commission: Approved 5-0; 2 recused, 2 absent). Robert Varnell stated this is property that was not included in a previous annexation. Combined it will be a total of 5 acres with 24 lots. With the PUD, we were able to get a bit of excess right-of-way along Old Freewill for future improvements. Staff and Planning Commission does recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. Timothy Caldwell, who lives in Mountain Pointe stated their concern is they are being pocketed in. The access on the road, there are no shoulders and does not meet city standards. He asked that the infrastructure be looked at before approval and build another subdivision. Jackie Hunley, who lives in the Kensington Park neighborhood, stated as Cleveland grows, we welcome the much-needed housing; however, a refresh of the impact assessments, with regards to traffic and emergency services as our population increases. Once particular area is Candies Lane at I-75. It is a heavily congested area. Also, turning out of Kensington Park onto Old Freewill Road, due to limited sight lines westbound and the increase in cars traveling eastbound. The traffic situation will only get worse, adding multiple developments in the area. Lastly, as our district profile shifts from rural to more suburban, is there any additional need for Fire and EMS services in district 3 to maintain our strong response times. She is not opposed to the annexation. They live in an Epperson Home and they look forward to what is designed next, but her objective today is to simply express her concerns of her own observed impacts. Michelle Fredrick, who lives in the same area, concurs with the last two speakers and added this is a very small roadway with no sidewalks, no curbs. There needs to be research and residential study to give us a fair decision on the next move. This is a small area, and the schools are already at capacity. Her development has an issue with sewer, 12 unbuildable acres that can only accommodate one home, as the system can't handle the capacity. Several things need reviewed and studied to make informed decisions. Wayne Hatcher, who lives in Kensington Park stated he also concurs with previous statements but would add buffer zone. His property will join this development and asks if all the trees will be removed. There is just not enough information in the plan at this point to decide. Also, how will townhomes affect the assessment of homes in the area, if that is what will be built. We just don't have enough information at this time. Cathy Ray, who lives in Mountain Pointe stated the homeowners association is concerned about Old Freewill Road and how additional traffic will be handled. We do not want to wait until accidents occur and then action is taken place. She requests the item be sent back for reconsideration and how traffic will be accommodated. Warbirt Lowery, who lives off Cumberland Way stated they have the same issues regarding traffic with new developments off Freewill Road and would like the Council to consider the narrow roads. Blake Allison with Epperson-Allison Homes stated he hopes his comments will shed light on the concerns. This is a 5-acre property that has sewer and 6" water on the property. This is around 24-50' wide lots, single entrance, and the lots are 138' deep roughly on average. We do have some room to maintain some tree line but it depends on grading and stormwater. Our plan currently has a stormwater plan in the back to help with what is in the current area. Old

Freewill Road does have a tight shoulder; however they do have the ability to donate property to the City in order to grow the right-of-way down Old Freewill Road. If and when Old Freewill is expanded the donated property would be available. They have agreed to a 5ft sidewalk along Old Freewill for the entire frontage of the property, with hopes that would connect to the Greenway infrastructure in the future. Also, in the PUD is a landscape street yard for the entire property frontage. These are all single-family homes and will be called Candies Creek Cottages. They are still looking at plans but do want to make the homes affordable. Covered bus stop, mail stop, no vinyl, only hardy materials. It will be an excellent subdivision by a local developer. Mayor Brooks declared the public hearing to be closed.

Vice Mayor Webb moved to excuse Councilman Cassada and Councilman Goff from today's meeting. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 5:0.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed 5-0.

- **Resolution 2025-38** – Authorizing the Mayor to sign the TDOT State Highway Maintenance contract for a period of twenty-four months.

RESOLUTION 2025-38

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

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

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

Adopted this 12th day of May, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – Authorizing an agreement with the Greater Cleveland Soccer Association for facility use.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 12, 2025**
RE: **Greater Cleveland Soccer Agreement**

SUMMARY:
Since 1995, the City has had an Agreement with the Greater Cleveland Soccer Association to use our facility. The current Agreement ends on June 23, 2025. Here are some of the important modifications:

1) This changes from a lease to a use agreement.
2) The City has more control over scheduling events in this city facility.
3) Allows for 2 fields to be turfed within the next 5 years.
4) Allows for parking lot upgrades, including lighting.
5) Fixes scheduling issues between schools and soccer association for soccer complex.
6) Allows for a more simplified approach of them paying just once a month for services.
7) The City has more ability to control play on the fields.
8) They would pay a flat fee of $2,000 per month.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
Staff's recommendation is for the Council approve this Agreement with Greater Cleveland Soccer Association.

- **Bid Report** – Fill Sand, Limestone and Rip Rap for the Public Works Department.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **May 12, 2025**
RE: **Bid Summary – Fill Sand, Limestone, and Rip Rap**

SUMMARY:
The City received sealed bids for fill sand, limestone and rip rap for the Public Works Department on April 29, 2025. Staff recommends awarding contracts to Vulcan Materials Company and Martin Marietta Materials.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends approval.

- **Surplus Property** – Declaring a 2000 Navastar in the Public Works Department as surplus property and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **May 12, 2025**
RE: **Surplus Property**

SUMMARY:
Fleet Management has requested the City Council declare the asset listed below as surplus property to be sold on Gov Deals.

- 2000 Navastar 4700 VIN: 1HTSCABN8YH285805 (Public Works)

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

- **Surplus Property** – Declaring several items as surplus and to be used as trade-in credit towards purchase of equipment for the Cleveland Police Department.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **April 28, 2025**
RE: **Surplus Property**

SUMMARY:
The Cleveland Police Department has requested the City Council declare the following items as surplus property to be traded in for credit toward purchase of equipment.

Remington 700 .308 caliber rifle
Serial # RR98409L

(5) Leupold VX3-I (8-25x50) Scopes
Serial #'s 106716AE, 476118AE, 218116AE, 476144AE, 175186AF

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
No fiscal impact.

RECOMMENDATION:
City staff recommends approval of this item.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Vice Mayor Webb inquired about the paving schedule for 1st Street NE from Broad to Inman. Mr. Fivas stated yes, we have a project on the schedule to connect the sidewalks and parking for Taylor Springs and then the road will be paved.

Councilman Moore asked David Sheely to review the traffic/speed study for Weeks Drive. Mr. Sheely stated the current speed limit is 25 mph and the study does show some excessing speeds. The average speed is 31 mph, which is 85% of the cars. Chief Gibson added the biggest concern is the volume of cars on Weeks Drive. Over 18,000 cars in the nine-day period. Councilman Moore asked for additional patrol in the area and the Forestry Division to trim some of the trees and creekbanks that obscure the site distance.

Councilwoman McKenzie reminded everyone about the Tire Take Back Event will be held on May 31.

Councilman Estes asked where the Art House was located. Mayor Brooks replied in a room, on the gym side of the Old Woolen Mill. Councilman Estes then thanked First Baptist Church for opening the sanctuary for the Walker Valley Graduation. Secondly, Dr. McClusky has a yearly VBS and should be recognized and means a lot to the neighborhood.

Councilman May stated he previously discussed with Chief Gibson the speeding along 8th Street NE, and he received another call about speeding and loud mufflers. He then asked for additional patrol in the area when possible.

Mayor Brooks requested city staff focus on the parking lot and the Greenway entrance at Mohawk Drive. Overgrown grass and brush is obscuring the site distance. Also, the soccer complex on Mouse Creek Road is very overgrown outside the gate along Mouse Creek Road.

Mr. Fivas stated the Keep America Beautiful Hazardous Waste Day had 409 cars over a four hour period. It turned out to be a great event.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance 2025-17 -** Concerning a request by Thomas Cate for consideration of an ordinance to amend area 3 of PUD 48 located along North Lee Hwy and includes replacing single family lots with duplex lots and 2 single family estate lots and allowing a 40’ ROW (includes Tax Map 034 Parcel 020.01) (Planning Commission: Approved 6-0; 1 recused, 2 absent).

ORDINANCE 2025-17

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 TC RESIDENTIAL "PUD 48 REVISION 1" ON PROPERTY DESCRIBED AS TAX PARCEL 034 020.00, 034 020.002, AND A PORTION OF TAX PARCEL 034 020.01, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 48; 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 48" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 48 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 48 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 48, TC Residential (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 042 Parcels 058.00. Exhibit B and illustrates the overall TC Residential 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 TC Residential. The project consists of townhomes, multi-family structures, detached single family homes, and a clubhouse with a central amenity area. Exhibit B and Exhibit C (amended area 3) shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 300 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 48 Subdivision allows for the construction of up to 300 residential units without amending this ordinance. The conceptual plan is divided into 5 different development areas. Permitted uses within Area 1 & 3 are Townhomes, multifamily dwellings with two units per structure, and single family detached dwellings. Permitted uses within Areas 2 & 4 are single family detached dwellings. Permitted uses within Area 5 are Townhomes, multifamily dwellings with two units per structure, single family detached dwellings, clubhouse and related amenities. Climate controlled storage is permitted within the clubhouse if contained completely within the primary structure and architecturally consistent with neighborhood. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 48 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 TC Residential development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B and Exhibit C (amended area 3 exhibit) 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 48 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 and Exhibit C) for PUD48, TC Residential was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 20, 2024, and revised for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on April 15, 2025. 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 48 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 TC Residential may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 48 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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 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 48 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 48 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 48 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 and townhouse regulations from the subdivision ordinance. Requirements of

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

7.A. Building Lot Size & Setbacks

Area 1:

Setbacks:

Front:	25’
Side:	5’
Rear:	15’
Min Lot Width:	20’ townhomes, 50’ all other uses

Area 2:

Setbacks:

Front:	25’
Side:	5’
Rear:	15’
Min Lot Width:	40’

Area 3:

Setbacks:

Front:	25’
Side:	5’
Rear:	15’
Min Lot Width:	20’ for Townhomes, 50’ single family, 75’ multi-family

Area 4:

Setbacks:

Front:	25’
Side:	10’
Rear:	15’
Min Lot Width:	75’

Area 5:

Setbacks:

Front:	25’
Side:	5’
Rear:	15’
Min Lot Width:	18’ townhomes, 50’ all other uses

No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the

primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall be provided on one side of all new streets within Areas 1, 3, 4, &

   5. Sidewalks may be omitted along the three short cul-de-sac roads within Area 2.

2. Area 5 shall contain a clubhouse with community amenities.

3. A 100' strip of land on the west side of Area 3 is excluded from the PUD as it will be purchased by adjacent property owners for buffering purposes and absorbed by these existing parcels.

4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of four off-street parking spaces. The Clubhouse may be utilized for this purpose.

5. Area 3 may have reduced Right-of-way width to 40’ with a minimum 22’ pavement area.

7.C Miscellaneous Standards

1. The exterior façades of all structures shall be comprised of brick, stone, wood or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.

2. Residential buildings must incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. Townhomes with front driveways shall have a garage.

4. A minimum of two off-street parking spaces per dwelling unit is required.

5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings. Front driveways/parking areas shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).

6. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers, however, the city tree preservation requirements are not otherwise applicable. No buffers are required internal to the PUD area.

7. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

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 PUD48 TC Residential. 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 PUD48, 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 48 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer'' is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer'' is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Vice Mayor Webb moved that Ordinance 2024-17 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 5:0.

The following Ordinance was then presented in full:

- **Ordinance 2025-18** – Concerning a request by City Fields and Tyler Price for consideration of an ordinance to abandon a section of right-of-way located between Winnetawka Ave. SE and Aurora Ave. SE and adjoins Tax Map 057L Group T Parcels 008.00 and 009.00 (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2025-18

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 OC 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 southwest corner of the lands of Tyler Price, as recorded in BCROD deed book 3009 page 281; thence south 59 degrees 31 minutes 2 seconds east, 150.01 feet to appoint; thence south 31 degrees 16 minutes 36 seconds west, 20.00 feet to a point; thence north 59 degrees 31 minutes 2 seconds west, 150.01 feet to a point; thence north 31 degrees 16 minutes 36 seconds east, 20.00 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

Councilman Moore moved that Ordinance 2024-18 be voted for passage on first reading. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 5:0.

The following Resolution was then presented in full:

- **Resolution 2025-34** – Concerning a request by Copper Coin Properties, LLC for consideration of a Plan of Service to annex about 3 acres, more or less, for property located at 22nd Street NW and includes Tax Map 040 Parcel 023.01 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-34

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

22nd STREET (040 023.01)

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on May 12, 2025 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 lot 28 of Creekwood Subdivision as recorded in BCROD plat book 45 page 6, said point being located in the existing City Limits; thence south 23 degrees 27 minutes 19 minutes west, 284.29' to an iron pin, said pin being located in the northern right of way of 22nd St; thence leaving the existing City Limits and crossing 22nd St south 23 degrees 27 minutes 19 seconds west, 40 feet, more or less, to a point where the line intersects the southern right of way of 22nd St; thence with the southern right of way of 22nd St in an easterly direction 700 feet, more or less, to the northwest corner of the lands of Jeremy and Ketryna Wade, as recorded in BCROD deed book 2841 page 742, said point being a corner of the existing City Limits; thence crossing 22nd St in a northerly direction with the existing City Limits 52 feet, more or less, to a corner of the existing City Limits, said point being located in the southern line of lot 27 of Cumberland Hills, as recorded in BCORD plat book 11 page 142; thence with the southern line of lot 27 of Cumberland Hills north 66 degrees 43 minutes 18 seconds west, 219 feet, more or less, to an iron pin located at the southwest corner of lot 27 of Cumberland Hills; thence with the western line of Cumberland Hills Subdivision north 24 degrees 3 minutes 44 seconds east, 279.71 feet to an iron pin located at the northeast corner of the lands of Copper Coin Properties, LLC, as recorded in BCROD deed book 3128 page 557; thence with the northern line of Copper Coin Properties, LLC north 66 degrees 56 minutes 16 seconds west to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

APRIL 15, 2025
22nd STREET
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 3 acres located at 22nd Street 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 2025.

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

Introduction

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

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

The property consists of one parcel, approximately 3 acres total. The annexation would zone the property as R-1 Single Family. This lot currently holds a single-family home and is proposed to be subdivided into four (4) R-1 single family home lots. The property is described as Tax Map 040 Parcel 023.01

22nd Street Annexation Map



Legal Description

Beginning at an iron pin located at the southeast corner of lot 28 of Creekwood Subdivision as recorded in BCROD plat book 45 page 6, said point being located in the existing City Limits; thence south 23 degrees 27 minutes 19 minutes west, 284.29' to an iron pin, said pin being located in the northern right of way of 22nd St; thence leaving the existing City Limits and crossing 22nd St south 23 degrees 27 minutes 19 seconds west, 40 feet, more or less, to a point where the line intersects the southern right of way of 22nd St; thence with the southern right of way of 22nd St in an easterly direction 700 feet, more or less, to the northwest corner of the lands of Jeremy and Ketryna Wade, as recorded in BCROD deed book 2841 page 742, said point being a corner of the existing City Limits; thence crossing 22nd St in a northerly direction with the existing City Limits 52 feet, more or less, to a corner of the existing City Limits, said point being located in the southern line of lot 27 of Cumberland Hills, as recorded in BCORD plat book 11 page 142; thence with the southern line of lot 27 of Cumberland Hills north 66 degrees 43 minutes 18 seconds west, 219 feet, more or less, to an iron pin located at the southwest corner of lot 27 of Cumberland Hills; thence with the western line of Cumberland Hills Subdivision north 24 degrees 3 minutes 44 seconds east, 279.71 feet to an iron pin located at the northeast corner of the lands of Copper Coin Properties, LLC, as recorded in BCROD deed book 3128 page 557; thence with the northern line of Copper Coin Properties, LLC north 66 degrees 56 minutes 16 seconds west to the point of beginning.

Plan of Services

1. Police Protection

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

2. Fire Protection

NFPA 1710 sets the standard for response times for the First arriving Fire Engine at 4 minutes (240 seconds) which can be accomplished by our nearest Fire Station that has one Engine however, NFPA 1710 also requires that a full alarm assignment at a fire suppression incident, that the standard is 8 minutes (480 seconds) which can be accomplished but needed increases in staffing and other station locations must be planned for to maintain that standard.

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

A. Domestic Water---Domestic water service is presently available to the parcel via a 6" water main along 22nd St. NW. See Figure 1 – Water Service.

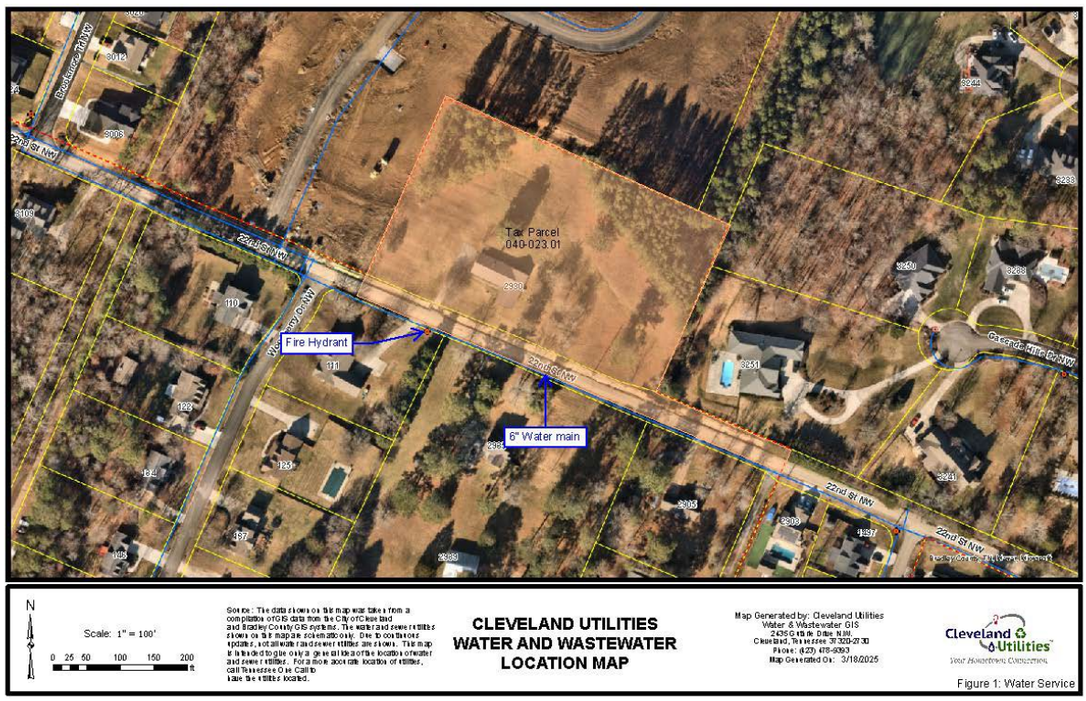
B. Sanitary Sewer---Sewer service is not presently available to the parcel. The parcel can be served by extending existing 8" gravity sewer 140 ft. south to the north side of the property. The Opinion of Probable Cost is $19,200. This work can be completed in 8 years. See Figure 2 – Sewer Service.

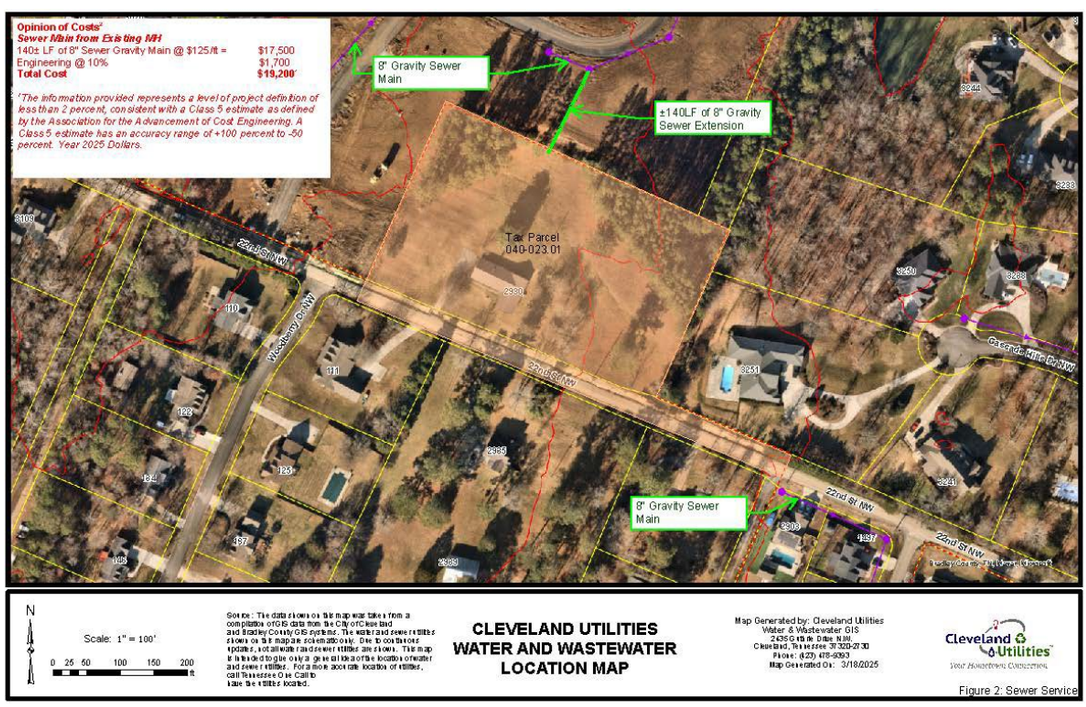
C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant at the front of the parcel on the other side of 22nd St. NW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
2930 22nd St. NW (040-023.01)	**$0**	**$19,200**	**$0**	**$19,200**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.





4. Electric Service

Cleveland Utilities Electric has existing three-phase power along 22nd Street sufficient for this development.

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

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

This annexation would impact education with 1.5 school age children, costing the City $1503.90 annually. This annexation lies within the Candy's Creek Cherokee School Zone.

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 FAR in the unincorporated County. The property is proposed for an R-1 Single Family Residential Zoning District as its post-annexation zoning.

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

8. Animal Shelter

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

9. Voting Rights and City Elections

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

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

C. This annexation is expected to add approximately 10 residents to the 3rd City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new developments will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or

streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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

Total revenue generated by this annexation is approximately **$4,282.50 per year**

Councilman Estes moved that Resolution 2025-34 be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 5:0.

The following Resolution was then presented in full:

- **Resolution 2025-35** – Concerning a request by Copper Coin Properties, LLC for consideration of a resolution to annex about 3 acres, more or less, for property located at 22nd Street NW and includes Tax Map 040 Parcel 023.01 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-35

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

22nd STREET ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on May 12, 2025.

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 lot 28 of Creekwood Subdivision as recorded in BCROD plat book 45 page 6, said point being located in the existing City Limits; thence south 23 degrees 27 minutes 19 minutes west, 284.29' to an iron pin, said pin being located in the northern right of way of 22nd St; thence leaving the existing City Limits and crossing 22nd St south 23 degrees 27 minutes 19 seconds west, 40 feet, more or less, to a point where the line intersects the southern right of way of 22nd St; thence with the southern right of way of 22nd St in an easterly direction 700 feet, more or less, to the northwest corner of the lands of Jeremy and Ketryna Wade, as recorded in BCROD deed book 2841 page 742, said point being a corner of the existing City Limits; thence crossing 22nd St in a northerly direction with the existing City Limits 52 feet, more or less, to a corner of the existing City Limits, said point being located in the southern line of lot 27 of Cumberland Hills, as recorded in BCORD plat book 11 page 142; thence with the southern line of lot 27 of Cumberland Hills north 66 degrees 43 minutes 18 seconds west, 219 feet, more or less, to an iron pin located at the southwest corner of lot 27 of Cumberland Hills; thence with the western line of Cumberland Hills Subdivision north 24 degrees 3 minutes 44 seconds east, 279.71 feet to an iron pin located at the northeast corner of the lands of Copper Coin Properties, LLC, as recorded in BCROD deed book 3128 page 557; thence with the northern line of Copper Coin Properties, LLC north 66 degrees 56 minutes 16 seconds west 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

Councilman May moved that Resolution 2025-35 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 5:0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-19** – Concerning a request by Copper Coin Properties, LLC for consideration of an ordinance to zone about 3 acres, more or less, for property located at 22nd Street NW from FAR unincorporated county to R-1 Single Family Residential and includes Tax Map 040 Parcel 023.01 (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-19

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR Unincorporated County to R-1 Single Family Residential Zoning District

Approximately 3 acres, more or less, located on 22nd Street NW as shown on the attached map.

For reference, the same property is being shown on Tax Map 040 Parcel 023.01 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Moore moved that Zoning Ordinance 2024-19 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 5:0.

The following Resolution was then presented in full:

- **Resolution 2025-36** – Concerning a request by Epperson Allison Homes for consideration of a Plan of Service to annex about 3.46 acres, more or less, for property located at Old Freewill Road and includes Tax Map 033P Group C Parcel 010.00 (Planning Commission: Approved 5-0; 2 recused, 2 absent).

RESOLUTION 2025-36

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

OLD FREEWILL ROAD (033P C 010.00)

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on May 12, 2025 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 Calvin and Sharon Mathews, as recorded in BCROD deed book 1423 page 545, said point being located in the northern right of way of Old Freewill Rd, thence in a northeasterly direction with the eastern line of the lands of Mathews 200 feet, more or less, to a point where the line intersects a corner of the existing City Limits, said point being the true point of beginning; thence in a northeasterly direction with the eastern line of the lands of Mathews 482 feet, more or less, to the northeastern corner of the lands of Mathews; thence with the northern line of the lands of Mathews in a northwesterly direction 324.5 feet, more or less, to the northwest corner of the lands of Mathews; thence with the western line of the lands of Mathews in a southwesterly direction 485 feet, more or less, to a point where the western line of the lands of Mathews intersects the existing City Limits; thence with the existing City Limits in a southeasterly direction 318 feet, more or less, to the point of true beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

APRIL 15, 2025
OLD FREEWILL ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 3.46 acres located at Old Freewill Road 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 2025.

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

Introduction

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

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

The property consists of one parcel, approximately 5 acres total (1.54 currently inside city limits and 3.46 outside the city limits). The annexation would zone the property as PUD Planned Unit of Development 64. This lot currently holds a single-family home and the development of single-family homes is proposed. The property is described as Tax Map 033P Group C Parcel 010.00.

Old Freewill Road Annexation Map



Legal Description

Beginning at the southeast corner of the lands of Calvin and Sharon Mathews, as recorded in BCROD deed book 1423 page 545, said point being located in the northern right of way of Old Freewill Rd, thence in a northeasterly direction with the eastern line of the lands of Mathews 200 feet, more or less, to a point where the line intersects a corner of the existing City Limits, said point being the true point of beginning; thence in a northeasterly direction with the eastern line of the lands of Mathews 482 feet, more or less, to the northeastern corner of the lands of Mathews; thence with the northern line of the lands of Mathews in a northwesterly direction 324.5 feet, more or less, to the northwest corner of the lands of Mathews; thence with the western line of the lands of Mathews in a southwesterly direction 485 feet, more or less, to a point where the western line of the lands of Mathews intersects the existing City Limits; thence with the existing City Limits in a southeasterly direction 318 feet, more or less, to the point of true beginning.

Plan of Services

1. **Police Protection**

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

2. **Fire Protection**

   The Cleveland Fire Department could service this area immediately with existing stations and personnel, with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via an 8" water main along Old Freewill Rd NW. See Figure 1 – Water Service.

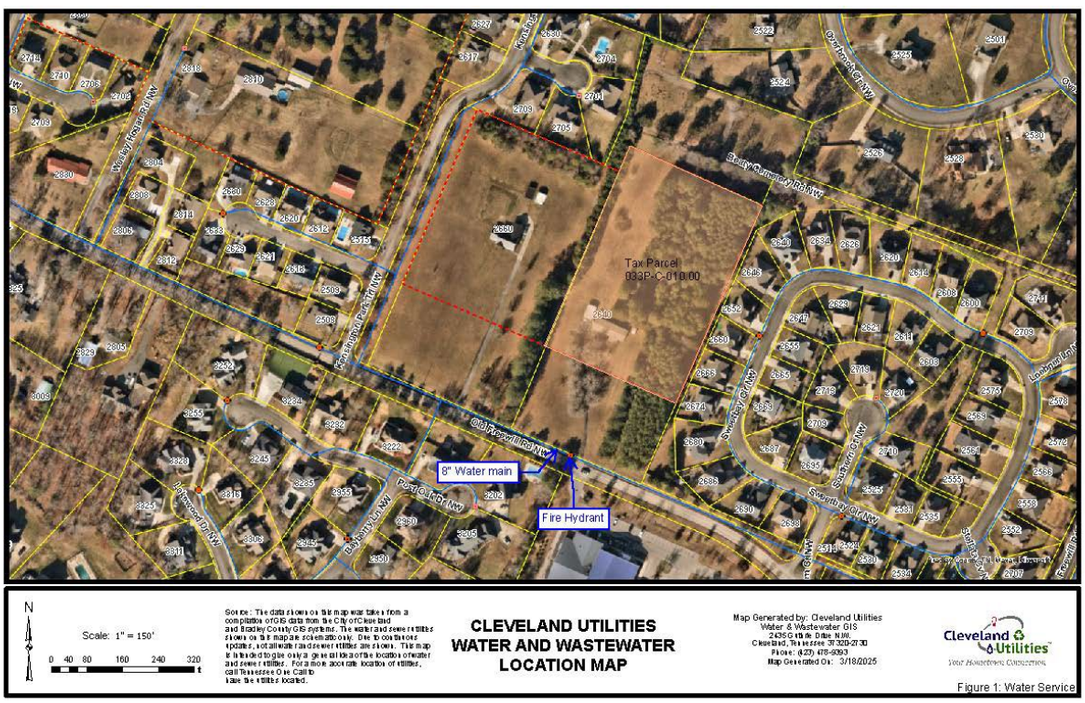
B. Sanitary Sewer---Sewer service is presently available to the parcel via an 8" gravity sewer main manhole at the southwestern corner of the parcel. See Figure 2 – Sewer Service.

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant at the front of the property along Old Freewill Rd. NW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
2640 Old Freewill Rd. NW (Tax Parcel 033P-C-010.00)	**$0**	**$0**	**$0**	**$0**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.



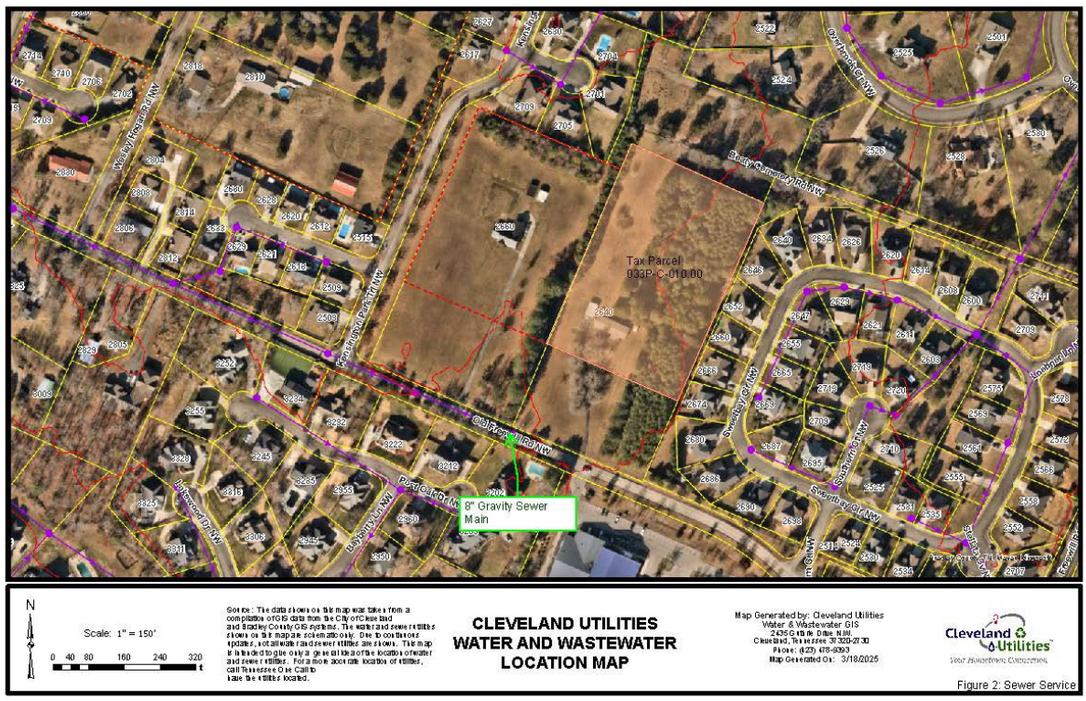


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has existing three-phase power along Old Freewill Road sufficient for this development.

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

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

This annexation would add nine (9) additional school-age students to the City School System and an annual cost increase of $8,789.31. This annexation is located in Candy's Creek Cherokee School Zone.

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 FAR in the unincorporated County and R1 Single Family Residential in the City. The property is proposed for a PUD Planned Unit of 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 60 residents to the 3rd City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$25,695.00 per year.**

Councilman Moore moved that Resolution 2025-36 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 5:0.

The following Resolution was then presented in full:

- **Resolution 2025-37** – Concerning a request by Epperson Allison Homes for consideration of a resolution to annex about 3.46 acres, more or less, for property located at Old Freewill Road and includes Tax Map 033P Group C Parcel 010.00 (Planning Commission: Approved 5-0; 2 recused, 2 absent).

RESOLUTION 2025-37

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

OLD FREEWILL RD ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on May 12, 2025.

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 Calvin and Sharon Mathews, as recorded in BCROD deed book 1423 page 545, said point being located in the northern right of way of Old Freewill Rd, thence in a northeasterly direction with the eastern line of the lands of Mathews 200 feet, more or less, to a point where the line intersects a corner of the existing City Limits, said point being the true point of beginning; thence in a northeasterly direction with the eastern line of the lands of Mathews 482 feet, more or less, to the northeastern corner of the lands of Mathews; thence with the northern line of the lands of Mathews in a northwesterly direction 324.5 feet, more or less, to the northwest corner of the lands of Mathews; thence with the western line of the lands of Mathews in a southwesterly direction 485 feet, more or less, to a point where the western line of the lands of Mathews intersects the existing City Limits; thence with the existing City Limits in a southeasterly direction 318 feet, more or less, to the point of true 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

Vice Mayor Webb moved that Resolution 2025-37 be accepted as presented. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 5:0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-20** – Concerning a request by Epperson Allison Homes for consideration of an ordinance to zone about 5.00 acres, more or less, for property located at Old Freewill Road from FAR unincorporated county/R-1 Single Family Residential to PUD 64 Planned Unit of Development and includes Tax Map 033P Group C Parcel 010.00 (Planning Commission: Approved 5-0; 2 recused, 2 absent).

ZONING ORDINANCE 2025-20

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 OLD FREEWILL ROAD "PUD 64" ON PROPERTY DESCRIBED AS TAX MAP 033P GROUP C PARCEL 010.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 64; 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

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 64" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 64 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 64 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 64, Old Freewill Road Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning), includes property generally identified as Tax Map 033P Group C Parcel 010.00. Exhibit A illustrates the overall Old Freewill Road Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of the Old Freewill Road development. The project consists of detached single-family dwellings. The detached single family dwelling units may not exceed 24 for the overall development. Exhibit A shows the general location of proposed infrastructure and common areas. 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 64 Subdivision allows for the construction of up to 24 single family detached dwelling units. Up to one (1) Accessory Dwelling Unit (ADU) may be allowed per lot that has a primary structure. The ADU must not exceed 1,000 sq. ft. and shall meet primary structure setbacks. 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 64 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 Old Freewill Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer.

There are no conditional uses within the PUD 64 district. Uses other than those described as permitted or allowed herein are prohibited.

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

A conceptual plan (Exhibit A) for PUD 64, Old Freewill Road Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on April 15, 2025. 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 64 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. Any modification through the platting process may not increase the total number of primary dwelling units beyond 24 or accessory dwelling units beyond 24 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 Old Freewill Road 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 64 Old Freewill Road development shall be constructed with adequate ROW to accommodate the installation of sidewalks in accordance with the sidewalk ordinance which shall be installed at the expense of the developer. Where existing Right of Way along Old Freewill Road is narrow adjacent to PUD 64 and the intention is that the Old Freewill Road ROW be at least 50 feet in width; therefore, the developer grants additional ROW to the City of Cleveland such that the ROW is at least 25 feet from the existing center line of Old Freewill Road along the entire property so as to make room for future improvements to the Old Freewill roadway including sidewalks.

6.B. PLATS.

One or more plats will be prepared for the PUD 64 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 64 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 64 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 64 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

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

Individual site plans are required for all single-family residential structures and accessory dwelling units 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.

7.A. Building Lot Size and Setbacks

Singe Family Detached Lots:

Setbacks:

Front: 25 feet

Side: 5 feet

Rear: 15 feet

Min Lot Width: 50 feet

Accessory Dwelling Units:

Accessory Dwelling Units (ADU's) are limited to the yard areas behind the structure, must comply with the setbacks of the primary structure, and cannot exceed 1,000 square feet. ADU's shall adhere to all provisions outlined in Section 3.8.4, Accessory Dwellings, except for those pertaining to lot size minimums, size of accessory structure, and footprint, which are governed by the regulations set forth in this ordinance.

Storage sheds and similar minor 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 development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

7.B. Sidewalks, Common Area, & Amenities

1. Sidewalks within the development shall comply with the sidewalk ordinance. A 5-foot sidewalk shall be installed along Old Freewill Road. Additional Right-of-Way may be required to ensure the road meets the required 50' width (25' from the center line).

2. The community open space shall be an accessible and useable, yet natural area.

3. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 lots.

4. A bus stop shelter shall be placed in cooperation with Cleveland City Schools, this may be combined with the mail kiosk.

7.C Miscellaneous Standards

1. All exterior facades of all structures shall be comprised of 50% brick, stone, wood, composite, or fiber cement board materials (no vinyl siding except for accents such as soffits and fascia). All foundations shall be brick or stone for their entirety. No blank walls along street elevations are allowed.

2. Residential buildings must incorporate a variety of building elements and treatments for single family detached housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features.

3. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed in the front yard of all single family detached structures.

4. Attempts shall be made to preserve existing trees along the perimeter of the development; however, the city tree preservation requirements are not otherwise applicable.

5. A landscape street yard no smaller than 5' in width shall be installed along Old Freewill Road to provide privacy and to maintain a high-quality appearance. This street yard shall include various trees and shrubs as approved through staff site plan review.

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

Section 9. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TOTHEPUD.

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 64, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 64 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 Epperson Allison Homes 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

Councilman May moved that Zoning Ordinance 2024-20 be voted for passage on first reading. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 5:0.

Councilwoman McKenzie moved to send back to Planning Commission for further review a request by Spring Brook Community Developers LLC for consideration of an ordinance to amend PUD 4 located along 25th Street to include multi-family as a permitted use in the town center and business park area, allow 4 story structures, and modify parking requirements (includes Tax Map 050A Group R Parcel 001.00 and Tax Map 050H Group G Parcel 001.04). The motion was seconded by Councilman May; and upon roll call, the motion carried 5:0.

Lauren Steel with Bus Patrol stated she has been working with Hal Taylor and the team with the pilot program. They are prepared to move forward with 10 buses. Any citations issued will be a warning citation for the first 30 days. Bus Patrol will issue the citation after the video is reviewed by an officer. They will collect the funds and issue payment to the City Schools. The school system will then pay the subscription fees and reimburse local law enforcement for their time as well. Vice Mayor Webb inquired about what percentage of violations are eliminated after a year the program is active. Ms. Steel stated 90% of the people who receive violations never recur.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 12, 2025**
RE: **Bus Patrol Agreement**

SUMMARY:
The City School Board has requested the City Council to approve the Bus Patrol Agreement. The program allows this third party to place cameras on buses to monitor people violating bus stop traffic laws. It has a camera system that will allow CPD to send tickets to any violators of these state laws.

STAFF RECOMMENDATION:
Staff's recommendation is to approve the Bus Patrol Agreement and have CPD begin the implementation of this program.

Councilman Moore moved to approve the Bus Patrol agreement for Stop-Arm Violation System. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 5:0.

The following memo was then presented in full:

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 9, 2025**
RE: **School Zone Enforcement**

SUMMARY:
Blue Line Solutions gave a presentation to the City Council last summer on providing an automated school zone enforcement system. The system has License Plate Readers and Cameras that monitor speeds and safety within a school zone. If it finds people speeding it will send a ticket to the owner of the automobile. It is a multi-year agreement and we have no costs for equipment.

After more discussion between the CPD and the Blue-Line Solutions Company, they worked out the details of how the system works. We have provided a list of the locations of these systems within the City. I believe Dalton, Chattanooga, Knoxville, Lenior City, and Charleston are implementing this safety system.

We will run a test period for this new equipment and send just warnings to violators, instead of tickets.

STAFF RECOMMENDATION:
Staff's recommendation is to approve the Blue Line Solutions agreement, and have CPD begin the implementation of this program.

Mr. Fivas stated if the Council would like to move forward with an agreement with Blue Line Solutions to provide automated school zone enforcement system we have a few contractual changes to be made. A discussion needs to take place if this is how we would like to handle this safety issue. Chief Gibson stated we have been looking and discussing this system for about

three years, and the goal is to have people slow down in the school zones. This system has a warning and educational period, and our officers will have a period or an opportunity to review the citations. The citation will be issued by Blue Line and citation payments will be paid to Blue Line and then revenue shared with the City. The company bares all the expense to setting the system up, issuing citations and maintaining. We just need to update some verbiage in the contract to ensure we are on the same page. It is an automated way to slow people down and think about speeding in school zones. Mr. Ryan Moore with Blue Line Solutions stated we now have contracts with Knoxville and Soddy Daisy. The first 30 days will be a warning period to hopefully change the driving behavior. The 5-day speed study on South Lee Highway in front of Bradley High School showed 48,355 cars between 7:30 a.m. - 4:30 p.m. Out of that number, 3,123 were doing at lease 11mph over the speed limit and 1,334 were doing at lease 21mph over. We will have an education period of four weeks, then a warning period. Each end of the school zone will have photo enforced signage. You would determine the time frame and speed limit to trigger the system. You could have it on all day, just adjust the speed limit for certain times if you wanted to enforce limits during school sessions. Councilman Estes stated having it on without the flashing lights is a different aspect. Chief Gibson agreed, that's why we want to be on the same page for enforcement. We are looking to protect kids and school zones. Mr. Kimball then explained the changes needed in the agreement and will be brought back at the next meeting for approval. Councilman Estes stated he would like some demarcations on morning and afternoon limits. Mr. Kimball stated an exhibit in the packet showing that information. Councilman Estes stated he is concerned when the lights are flashing, that is fine. But thinking non-flashing times, he is unsure about the traffic camera active during that time. Mr. Kimball stated the way the contract is currently written is during the school zone times when the lights are flashing. Councilman Estes stated he only wants citations in the morning and afternoon when the lights are flashing. Mr. Fivas stated we will bring a revised agreement to the next meeting.

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: May 12, 2025

RE: City School Property Purchase Request

SUMMARY:

On April 25, 2025, the City School Director requested the City to authorize CCS leadership to begin a coordinated planning efforts with city officials to identify appropriate land, secure necessary funding, and establish a timeline for school development.

With the complex and substantial development within the new Growth Boundary of the City, it is important to take a joint effort to make sure these investments meet our short-term objectives, and also meet our long-term objectives of the City and City Schools. A poorly sited school can cause multiple generations of problems for the City School Board, City Council, and residents.

COMMITTEE RECOMMENDATION:

N/A

FINANCIAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff's recommendation is for the City Council to form a Joint Adhoc Committee called the "City School Investment Ad Hoc Committee". This

Committee would make up of three elected officials from the School Board and three City elected members who represent the whole community (Mayor, and/or his Council designee & 2 At-Large members) The Director of Schools and the City Manager would be ex officio members of the Committee. The Committee would work on a consensus basis to make final decisions. The City would act as the Secretary to the Committee.

The purpose of the City School Investment Ad Hoc Committee would be to begin the process of coordinating planning efforts to identify appropriate property for City School investments, develop a pre-development business plan (operational costs) for the School Board and the City Council to secure funding approval of both Boards and Cleveland residents, identify necessary funding for operational, development, and construction costs, and establish a funding timeline for upcoming school development projects.

This Committee would follow Tennessee and City meeting procedures, and be open to the public and other elected officials to attend.

If City representatives need to have an additional 'Educational Consultant' they can work with the Ad Hoc Committee to make a recommendation for additional needed resources.

Essentially, this process is following the 'New School Development' process found in City School Administrative Procedures 3.208.1. This Committee would take the place of the Site Committee found on Step 5 of the policy.

Councilman May moved to approve the memo and form a City School Investment Ad Hoc Committee and appoint the Mayor and the two At Large members. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 5:0.

ANNOUNCEMENTS

Mayor Brooks announced the following:

- City Offices will be closed Monday, May 26th in observance of Memorial Day.
- The May 26 City Council meeting will be cancelled.
- The next City Council meeting will be held on Monday, June 9, 2025.
- Public Hearing and First Reading of the FY2026 Budget will be Monday, June 9, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:28 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
MAY 26, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, MAY 26, 2025 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

_____ _____

Mayor City Clerk

REGULAR SESSION
JUNE 9, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 9, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, Ken Webb and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Captain Matt Jenkins; Fire Chief Chris Bates; Chris Gaylor, Assistant IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Officer Jon Prince; Cathy Andrews, CDBG Coordinator; Daniel Jones; Michelle Goldston; Jeff Elliott; Cindy Geren, Hal Taylor, Matt Carson, Cody Raper, Emily Raper, Jessica Bigham, Christy Duncan, Sara Whitener, Leneda Laing, Carolyn Ingram, Kellye Bender, Katelyn Dills Bonhomme, Kelly Kiser, Doug Moore, Cliff Eason, Alicia Wheeler, Cameron Sedgrick, Kim Bradford, Jay Garcia, Randall Stephens, Rebecca Lay, Andy Lay, Rene Diamond, Nate Tucker, Matt Coleman, Nat Akiona, Linda Kern, Pat Sharkey, Kristen Early, Loes Riggins, Zach Riggins with Cleveland City Schools; Jeremiah Million, Joel Lyon, Tim Rader; Ben Berry and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Webb the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 12, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 7:0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Dr. Jeff Elliott with Cleveland City Schools read the following message along with his presentation:

Good afternoon, Mayor and Council Members. Thank you for giving me the opportunity to speak with you today. I'm proud to represent Cleveland City Schools, our team who is with us today, and to share how we're not only educating students but helping shape the future of our city. We are here today because we believe education is foundational to Cleveland's continued success.

Before we talk about future schools, I want to take just a moment to highlight some of the incredible things happening across our district. From Ivy League acceptances and a 94.4% graduation rate to national awards in music, athletics, and school culture our students and staff are achieving at the highest levels. This year, we received a grant to launch a Book Bus to promote early literacy throughout our city. Four schools earned Capturing Kids' Hearts national recognition. We continue to show significant classroom accomplishments at all grade levels in STEM – 7 out of 9 schools are State Recognized STEM/STEAM Schools. And thanks to the hard work of our educators, Cleveland High continues to lead our region in academic performance. These are not just school achievements - they are community success stories.

As proud as we are of what's happening now, we must also plan wisely for what's next. Our city is growing and our schools are feeling the pressure. Right now, capacity limitations are affecting classroom space, intervention services, and Pre-K access. The Board has taken a bold step forward by voting to construct two new elementary schools. To move ahead, we are asking for a municipal partnership and that includes a conversation about funding.

I understand that the idea of a tax increase is not something any of us take lightly. As a fellow resident of Cleveland, I know we all feel the impact of rising costs and financial pressures. But I also know this: strong public schools are at the heart of a strong community. Cleveland is a strong community for many reasons and our schools are a big part of that.

Building these schools is not just about adding classrooms…it's about planning wisely for growth, ensuring our children have safe and modern learning environments, and preserving the quality of life that makes Cleveland a great place to live. This is an investment…not just in buildings, but in our future workforce, our neighborhoods, and the vitality of our city. When we invest in our schools, we all win (every family, every business, every citizen).
At Cleveland City Schools, we are on a mission to educate and equip every student with the academic, social, and emotional tools they need to succeed. Our vision is clear: to raise thriving learners and contributing citizens to this community and beyond.

The time is now. If we delay, we risk falling behind the pace of growth and limiting opportunities for the next generation. The choices we make today will define what Cleveland looks like in 10, 20, even 50 years.
This isn't the first time the City Council has stepped up to invest in education, and we are deeply grateful. Your past support, your vision, and commitment have made a lasting impact.

Now, we look ahead: in 2025 we begin planning and identifying property; in 2026, we could be ready to start construction. By 2028, we can open doors to students in schools built with purpose, innovation, and community pride.
I want to close with a simple but powerful reminder:

Their Story. Our Story.

These are a few pictures of the children in Cleveland from our schools this year. Here you see their dreams, their futures, and their stories are being written every day in our classrooms. This is our collective story… one of growth, hope, and community. With your partnership, we can keep moving Cleveland forward together.



Good Things in 2024-2025

CHS Seniors Accepted to IVY LEAGUE SCHOOLS

Cleveland High School Achieves 94.4% Graduation Rate - Above State Average

Three CHS Athletes Commit to U.S. Military Service Academies

43 Graduates of DistinctioN (4.0 Honors)

CHS Band Earns ASBDA Band of Distinction Award

Stuart and Mayfield Elementary Recognized with State STEM/STEAM Designations

Four CCS Schools Named National Showcase Schools for Capturing Kids' Hearts

CCS Book Bus Launches to Support Early Literacy Across the Community

Blue Raider Athletics Earn County, Region, and State Titles in Multiple SportS

STAFF MEET STUDENT NEEDS on A DAILY BASIS

Our Resolution for Cleveland's Future

A BOLD STEP FORWARD: TWO NEW ELEMENTARY SCHOOLS

- Why now?
  - Cleveland City Schools student enrollment and the City of Cleveland is growing.
  - Capacity limitations are impacting instruction, student intervention services, and PreK access.
- What's proposed?
  - Construction of two new elementary schools to support academics, intervention, and PreK programs.
- What's needed?
  - A municipal funding partnership with City Council.
  - Potential property tax increase to support infrastructure



WE ARE ON A MISSION...

to educate and equip students
with the academic, social, and emotional skills
necessary to be successful and productive.

WITH A VISION...

to inspire and educate thriving and confident
students who become exceptional life learners
and contributing citizens in their community.





Michelle Goldston addressed the City Council concerning 4 items. First, it is time for schools to continue to build. Everyone cries about taxes but it's time. The population is there, and the kids are there. If we don't fix it now, the problem will become worse later. Secondly, the Juneteenth Event will be on June 19 at Mosby Park from 2-5. She invited everyone to attend the celebration. Third, the College Hill Neighborhood Association would like to thank you for our community garden. In partnership with the City and City Fields, the 6th Street Community Garden is doing well. Some of the donors and partners are Chris Golden, who volunteered to help with dirt work in the garden beds. Tractor Supply and M&M Mars helped with building the shed and beds and Aldersgate Garden Club and a local church have partnered as well. Everyone in the community enjoys sitting in the gazebo watching the neighborhood. Feel free to come and sit. Lastly, the Urban R1 district. The community association has been working with Mr. Varnell, Councilman Estes and Mr. Fivas for several years and thank you to all getting it pushed through as this gives residents an opportunity to build.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the FY2026 Budget. Mr. Fivas stated the presentation given during the Work Session stood for our comments, and we are looking forward to public comments. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Duane Goff and Oasis Subdivision GP for consideration of an ordinance to zone about 13.43 acres, more or less, for property located at Pleasant Grove Church Rd. from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 056 Parcels 062.03, 060.00, and 062.04 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this property was developed before residential components were removed from highway commercial zoning. It is presently zoned highway commercial and to protect it, moving forward the owners would like residential zoning. Staff does support the request. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Jason Farmer and Mesana Investments to amend PUD23 and PUD41 to allow a ROW connection between the two developments (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this is primarily a life safety question, as the Fire Code requires two access points. Staff supports the connection between the two developments. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Joe Moore to amend PUD 44 to remove the pool/club house amenity requirement (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated the development originally requested this amenity for the minimum 150-unit count but currently the development is at 104 units. Staff supports the request. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry stated it is an amenity the developers wanted but he number of units didn't justify the upfront cost and maintenance. A large green open space will be used as a replacement. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Donald Ledford for consideration of an ordinance to zone about 31.45 acres, more or less, for property located at Sequoia Rd. NW from CG General Commercial to MU Mixed Use Zoning District and includes Tax Map 034 Parcel 031.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated rezoning would allow the current uses to maintain their legal conforming status and allow the property owner to a mix of new uses in the area. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Chase Family Investments, LLC for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 5.45 acres, more or less, for property located at Lewis Street and Old Powerline Rd from FAR unincorporated county to PUD 67 and includes Tax Map 058B Group D Parcel 020.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this is a new development in the part of town where we haven't seen much. The PUD would allow 40 units of mixed units and improvements to Lewis Street. City staff supports the request. Mayor Brooks asked if anyone would like to speak in favor of the

request. Ben Berry stated they are excited to see development on this side of town and will work out well. He will be happy to answer any questions. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by First Baptist Staff and Council for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 47 acres, more or less, for property located at Stuart Road from FAR unincorporated county to PUD 68 and includes Tax Map 042 Parcels 041.11 and 006.05 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this is the church and other structures on the site. The PUD allows for future plans. Staff agrees with this annexation and zoning request. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to add section 2.4 UR-1 Urban Single Family Residential Zoning District as a zoning designation and to renumber the affected sections for clarity and consistency (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this has been an ongoing process, working with the College Hill Neighborhood Association in regard to creating a single-family detached zone for smaller, urban neighborhoods with urban commercial/mixed use corridor zones. We believe this tool will be a good resource for smaller lots to be developed and maintain the integrity of the area. Another component is taking the Inman Street Overlay that was created several years ago, making it better and the ability to utilize it. He is happy to answer any specific questions. Councilwoman McKenzie asked if these are smaller lot sizes. Mr. Varnell stated yes, R-1 has a minimum lot square footage of 7500. This allows 5000 or less. Councilman May asked about the lot frontage. Mr. Varnell stated it is a 50' frontage. If it was less due to lot size, it would go through the variance process. Councilman Goff asked if the setbacks would be updated. Mr. Varnell stated yes, it allows up to 10' if you have rear parking but 25' for off the road driveways. Councilman Cassada asked if this was city-wide. Mr. Varnell stated this is restricted to South Ocoee, and Urban Corridor. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete section 2.21 ISE District and replace with section 2.22 UMUC Urban Mixed-Use Corridor Zoning District as a zoning designation (Planning Commission: Approved 7-0; 2 absent). Mr. Varnell stated this is an urban commercial zone which reduces setbacks from highway commercial and allows for tight developments. This takes a denser approach for commercial development. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Vice Mayor Webb moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed 7-0.

a. **Final Passage - Ordinance 2025-17 –** heretofore passed on first reading May 12, 2025 and found in Minute Book 32, Page 282; Concerning a request by Thomas Cate for consideration of an ordinance to amend area 3 of PUD 48 located along North Lee Hwy and includes replacing single family lots with duplex lots and 2 single family estate lots and allowing a 40' ROW (includes Tax Map 034 Parcel 020.01) (Planning Commission: Approved 6-0; 1 recused, 2 absent).
b. **Final Passage - Ordinance 2025-18** – heretofore passed on first reading May 12, 2025 and found in Minute Book 32, Page 288; Concerning a request by City Fields and Tyler Price for consideration of an ordinance to abandon a section of right-of-way located between Winnetawka Ave. SE and Aurora Ave. SE and adjoins Tax Map 057L Group T Parcels 008.00 and 009.00 (Planning Commission: Approved 7-0; 2 absent).
c. **Final Passage - Zoning Ordinance 2025-20** – heretofore passed on first reading May 12, 2025 and found in Minute Book 32, Page 307; Concerning a request by Epperson Allison Homes for consideration of an ordinance to zone about 5.00 acres, more or less, for property located at Old Freewill Road from FAR unincorporated county/R-1 Single Family Residential to PUD 64 Planned Unit of Development and includes Tax Map 033P Group C Parcel 010.00 (Planning Commission: Approved 5-0; 2 recused, 2 absent).
d. **Resolution 2025-39 –** Approving the FY2026 Appropriations.

RESOLUTION 2025-39

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 2025-2026:

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

City of Cleveland, TN - Prod

NEXT YEAR BUDGET LEVELS REPORT

PROJECTION: 26001 FY2026 OPERATING BUDGET FOR PERIOD 99

General Fund			2024 REVISED BUD	2025 REVISED BUD	2026 DEPT HEAD	2026 FINANCE	2026 CITY MANAGER	2026 ADOPTED
110700	Appropriations							
5B	Operating							
110700	57000	Jntly Fund	4,176.00	143,540.00	134,000.00	144,000.00	139,000.00	139,000.00
110700	57010	Museum	13,746.00	.00	.00	.00	.00	.00
110700	57030	PEP Dues	10,824.00	11,040.00	11,000.00	11,000.00	11,000.00	11,000.00
110700	57040	Econ Dev	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
110700	57050	SETDD Dues	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
110700	57060	Mainstreet	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00
110700	57070	Cemetary	18,000.00	18,000.00	18,000.00	18,000.00	18,000.00	18,000.00
110700	57080	CrtCommSvc	81,000.00	65,000.00	75,000.00	75,000.00	75,000.00	75,000.00
110700	57090	KAB	28,200.00	28,200.00	28,200.00	28,200.00	28,200.00	28,200.00
110700	57100	Juve Crt	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00
110700	57120	SETHRATran	135,000.00	135,000.00	135,000.00	135,000.00	135,000.00	135,000.00
110700	57130	911	700,000.00	700,000.00	700,000.00	700,000.00	700,000.00	700,000.00
110700	57140	EMA	117,554.00	112,000.00	112,000.00	115,000.00	115,000.00	115,000.00
110700	57150	MainStProj	9,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
110700	57170	VetAffairs	31,500.00	31,500.00	31,500.00	31,500.00	31,500.00	31,500.00
110700	57180	Behav Rsch	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
110700	57200	LifeBridge	6,200.00	6,200.00	6,200.00	6,200.00	6,200.00	6,200.00
110700	57210	CommSvcs	97,000.00	107,420.00	108,000.00	108,000.00	108,000.00	108,000.00
110700	57220	EMS	.00	.00	.00	.00	10,000.00	10,000.00
110700	57250	CYFootball	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00
110700	57260	AquaTigers	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
110700	57270	BG Club	18,500.00	18,500.00	18,500.00	18,500.00	18,500.00	18,500.00
110700	57290	WaterDogs	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
110700	57310	Soccer	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
110700	57330	SoccerLand	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
110700	57340	CSA-BCCSA	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
110700	57350	July4th	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
110700	57370	Land Bank	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00
110700	57400	VocSchool	30,700.00	30,700.00	30,700.00	30,700.00	30,700.00	30,700.00
	TOTAL Operating		1,451,500.00	1,567,200.00	1,568,200.00	1,581,200.00	1,586,200.00	1,586,200.00
	TOTAL Appropriations		1,451,500.00	1,567,200.00	1,568,200.00	1,581,200.00	1,586,200.00	1,586,200.00
	TOTAL General Fund		1,451,500.00	1,567,200.00	1,568,200.00	1,581,200.00	1,586,200.00	1,586,200.00
		TOTAL REVENUE	.00	.00	.00	.00	.00	.00
		TOTAL EXPENSE	1,451,500.00	1,567,200.00	1,568,200.00	1,581,200.00	1,586,200.00	1,586,200.00
		GRAND TOTAL	1,451,500.00	1,567,200.00	1,568,200.00	1,581,200.00	1,586,200.00	1,586,200.00

** END OF REPORT - Generated by Kristi Powers **

e. **Resolution 2025-40 –** Regarding the Cleveland City Schools Federal Project Fund.

RESOLUTION 2025-40

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 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.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

f. **Resolution 2025-41 -** Annual Review of the City's Debt Management Policy.

RESOLUTION 2025-41

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

g. **Resolution 2025-42 -** 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 2025-42

A RESOLUTION DIRECTING THE PAYMENTS BY THE CLEVELAND UTILITIES AUTHORITY TO THE CITY OF CLEVELAND TAX EQUIVALENT PAYMENTS FOR THE CLEVELAND UTILITIES AUTHORITY'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 Cleveland Utilities Authority is authorized by Tennessee Code annotated 7-36-122 to make payments in lieu of taxes to the City of Cleveland.

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 $2,595,048 in tax equivalents for FY2026.

Section 2. The Cleveland Utilities Board water system is hereby directed to pay to the City of Cleveland $271,708 in tax equivalents for FY2026.

Section 3. The Cleveland Utilities Board wastewater system is hereby directed to pay to the City of Cleveland $259,763 in tax equivalents for FY2026.

Section 4. This resolution shall become effective July 1, 2025 the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2025-43** – Authorizing the Mayor to sign contract amendment #3 with TDOT for the 25th Street Corridor Area Multi-Modal Project.

RESOLUTION 2025-43

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

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

WHEREAS, the City Council desires to enter into the attached contract amendment #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 9th day of June, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Resolution 2025-44** – Authorizing the Mayor to sign contact amendment #2 with TDOT related to Resurfacing and Safety on Paul Huff Parkway and Stuart Road.

RESOLUTION 2025-44

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

Project: 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 amendment #2 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 contract amendment #2 with TDOT for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 9th day of June, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

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

ANDREW JOHNSON BANK
CAPSTAR BANK (ATHENS FEDERAL COMMUNITY BANK)
BANK OF CLEVELAND
FIRST CITIZENS NATIONAL BANK (SOUTHERN HERITAGE BANK)
FIRST HORIZON (FIRST TENNESSEE BANK)
SMART BANK (FSG BANK)
SIMMONS BANK
PINNACLE BANK
REGIONS BANK
SOUTHEAST BANK AND TRUST
TRUIST BANK
UNITED COMMUNITY BANK

k. **Contract Extension** – Plumbing Services/Maintenance Contract for an additional one-year term with Troy Goodaker Plumbing beginning August 1, 2025.
l. **Contract Extension** – Electrical Services/Maintenance Contract for an additional one-year term with Conley Electric beginning August 1, 2025.
m. **Resolution 2025-50** – Authorizing the Mayor to sign an agreement with Ulliance, Inc. to provide Employee Assistance Program (EAP) services for the City.

RESOLUTION 2025-50

A RESOLUTION TO APPROVE AN AGREEMENT WITH ULLIANCE, INC. FOR EAP (EMPLOYEE ASSISTANCE PROGRAM) SERVICES FOR THE CITY OF CLEVELAND

WHEREAS, City staff are recommending to the City Council that the City enter into the attached agreement with Ulliance, Inc. to EAP (Employee Assistance Program) services for the City; and

WHEREAS, the City Council desires to approve the attached agreement with Ulliance, Inc. for these services, 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 that the City Council does hereby approve of the attached agreement with Ulliance, Inc. to provide the EAP services as described in the agreement, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City.

This 9th day of June 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

n. **Resolution 2025-51** – Amending the Personnel Rules and Regulations, Section Time off and Leave of Absence related to Military Leave.

RESOLUTION 2025-51

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

THAT WHEREAS, the City Council of the City of Cleveland has previously established and adopted by Resolution on October 23, 2023, a revised Personnel Rules and Regulations document entitled "The City of Cleveland Personnel Rules and Regulations"; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 9th day of June, 2025 that the document titled "The City of Cleveland Personnel Rules and Regulations" is hereby amended as follows:

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

TIME OFF AND LEAVES OF ABSENCE

Military Leave

Any full-time employee, who enters the Armed Forces of the United States, will be placed on Military Leave. The City Manager shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within the following time frame:

- Persons inducted into military service (voluntarily as well as involuntarily): 90 days after release from service.
- Reservists ordered to initial period of active duty for training of not less than three consecutive months: 31 days after release from active duty.
- Reservists ordered to additional periods of active or inactive duty training (voluntarily or involuntarily): Must report to work at the beginning of the next regularly scheduled working period after expiration of last calendar day necessary to travel from place of training to place of employment (or within a reasonable time if the employee's return is delayed through no fault of his own).
- Reservists "called up" (voluntarily as well as involuntarily) for the performance of operational missions under 10 U.S.C. § 673(b) for period of not more than ninety (90) days: 31 days after release from active duty.

The City will comply with federal regulations that provide exceptions to the schedule for individuals who are hospitalized as a result of military service and whose term of hospitalization extends past their discharge dates.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or reemployment for the position to which he/she is assigned.

Any full-time employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, National Guard, or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty) pursuant to provisions in TCA 8-33-109. Such leave will be granted upon presentation of the employee's official order to the HR Director. Compensation for such leave will be for a period not exceeding twenty (20) working days (480 hours for 24/48 shift fire personnel; 240 hours for 12-hour shift personnel; 200 hours for 10-hour shift personnel; 160 hours for 8-hour shift personnel) in any, one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to TCA 58-1-106. Military leave with pay shall not be charged against the employee's accrued sick leave, vacation, or compensatory credits. However, military time in excess of twenty (20) working days within any, one (1) calendar year may be charged against the employee's vacation leave at the option of the employee. After the twenty (20) working days of full compensation, City employees who have been properly approved for military leave may use up to five (5) days (120 hours for 24/48 shift fire personnel; 60 hours for 12-hour shift personnel; 50 hours for 10-hour shift personnel; 40 hours for 8-hour shift personnel) of sick leave in lieu of annual leave for purposes of not having to take leave without pay.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

o. **Resolution 2025-52** – Amending the Personnel Rules and Regulations, Section Human Resources, Health Care and Retirement Committee.

RESOLUTION 2025-52

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

THAT WHEREAS, the City Council of the City of Cleveland has previously established and adopted by Resolution on October 23, 2023, a revised Personnel Rules and Regulations document entitled "The City of Cleveland Personnel Rules and Regulations"; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 9th day of June 2025 that the document titled "The City of Cleveland Personnel Rules and Regulations" is hereby amended as follows:

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

Human Resources, Health Care and Retirement Committee

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

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

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

Human Resources Director (Non-voting, Chairperson)

Assistant Human Resources Director (non-voting staff liaison)

1. Administration and Human Resources Department
2. Finance Department
4. Development and Recreation Services
5. Fire Department
6. Police Department
7. Transportation & Environmental Services

The Human Resources Director and Assistant Human Resources Director shall serve on the committee by the office they hold and will be non-voting members. All other members and alternate members will be appointed by the Department Head of each respective department. The Chairperson is responsible for setting annual meeting times and dates and calling any other necessary meetings.

The Human Resources, Health Care and Retirement Committee shall review the Personnel Rules and Regulations, health care benefits and retirement benefits contained herein on an annual basis. The Committee shall then report to the City Manager and recommend any revisions to the Personnel Rules and Regulations deemed necessary.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

p. **Motion** – Authorizing city staff to engage with *MyNooga.com* for Jetport website redesign and maintenance.

TO: **Mayor and City Council**
FROM: **M. Keith McAfee, Cleveland Regional Jetport Director**
DATE: **June 4, 2025**
RE: **Consulting Agreement for Jetport Website**

SUMMARY:
A website redesign is needed as the existing site fails to meet current business needs, user expectations, and technical requirements. A redesign will effectively address these issues to improve performance, user experience, and brand perception.

The Airport Director conducted inquiries with several web development companies. *MyNooga.com* offered to rebuild the website, including taking updated photos/videos, for $6000. The service also provides a monthly maintenance and update retainer of $200, which includes updates and maintenance. The website design and rebuild will be a one-time invoice. The retainer is billed monthly with no contract – cancellation at any time.

COMMITTEE FINDINGS:
The CMAA previously voted to approve a new website redesign.

FISCAL ANALYSIS:
There is no impact on Jetport's budget as funding is currently allocated to the budget.

RECOMMENDATION:
City staff recommends approval of this contract.

q. **Motion** – Approving the proposal from MHM for the furniture, fixtures, and equipment (FFE) package for the City Hall and Council Chamber projects through the use of government procurement cooperatives.

TO: **Mayor and City Council**
FROM: **Director of Building and Project Development**
DATE: **February 10, 2025**
RE: **City Hall and City Council Project – F.F.E. Package**

SUMMARY:
The City has received a proposal from MHM, the architects for the City Hall and City Council projects, for a furniture, fixtures, and equipment (FF&E) package. This would be an additional service added on to their existing contract for the design, selection and procurement of these furnishings through the use of government procurement cooperatives.

The design fee is included in their proposal and is a fixed number for the service provided. They have also included an estimated cost of the furnishings, subject to change, as the design is further developed.

The City is recommending approval of this proposal for the design service fee as well as an allotment for furnishings, for a total combined amount not to exceed $1,350,000. This approval will allow MHM to develop the design, and will authorize the purchase of furnishings and fixtures from any of the dealerships whom they partner with using any of the following contracts:

1. Sourcewell
2. HGAC Buy
3. NPPGov
4. Omnia
5. TIPS
6. UT Contract

The specific contract numbers will be provided for each purchase. More details are available in the proposal provided by MHM. The Clerk will have an expended copy of the appendix for review.

Staff Recommendation: City staff recommends approval of this proposal for FFE services and materials for a budgeted $1,350,000. This will allow the City staff to begin the FFE process with MHM and begin having staff ordering items as we get closer to our opening date of the City Hall and Civic Center.

r. **Motion** – Authorizing the Mayor to sign change order #2 with APAC-Atlantic dba Talley Construction relating to the resurfacing of Paul Huff Parkway project.

TO: **Mayor and City Council**
FROM: **Robert Varnell, Director of Planning and Community Development**
DATE: **June 6, 2025**
RE: **Change Order #2 – Paul Huff Parkway Resurfacing**

SUMMARY:
The City of Cleveland via the contract with APAC-Atlantic, INC dba Talley Construction which is actively working on the Paul Huff Parkway resurfacing. This change order reflects a change to utilize Enhanced Flatline Thermoplastic lane markings and Snowplowable Raised Pavement Markers. Paul Huff Parkway being a critical transportation corridor in Cleveland experiences high traffic volumes. These upgrades will provide increased visibility and safety in all seasons.

FISCAL ANALYSIS:
This change order reflects an additional cost $136,496.25 which was not included in the original contract amount.

RECOMMENDATION:
City staff recommends approval of the resolution authorizing the mayor to sign Paul Huff Parkway Change Order #2.

s. **Motion** – Authorizing a letter be sent to the Army Corps of Engineers cancelling the Tinsley Army Corps project.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **June 9, 2025**
RE: **Cancellation of the Tinsley Army Corps Project**

SUMMARY:
In May, staff discussed with the Mayor and the City Council about cancelling the Tinsley Army Corp Project. We have all of the plans and stormwater calculations and believe we can accomplish this project at a much lower cost than the Army Corp.

I have attached a letter we will send to the Army Corps of Engineers if this motion is approved by the City Council.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION: City staff recommends approval of the cancellation of the Tinsley Army Corps Project. The letter that will be sent is attached for your review.

t. **Motion** – Approval of Street Lighting Guidelines.

STREET LIGHTING GUIDELINES

Purpose
The primary purpose of street lighting is to produce safe and comfortable vision during the night on City streets, sidewalks, and public spaces. The benefits of such lighting include reduction of accidents, facilitation of traffic flow, increased public safety, enhanced community aesthetics, and improving energy efficiency.

New Street Light Requests
Any requests for the installation of new street lighting or upgrade of existing street lighting shall be directed to the City Manager's office. The City will then contact Cleveland Utilities Authority (CU) requesting an evaluation of the lighting levels and spacing of existing lighting for the requested location. Upon investigation, CU will provide a recommendation to the City Manager's office based on the following standards: Lighting should be spaced with a distance of 400 feet between fixtures on residential streets and 200 feet on commercial streets. Intersections, curves, elevation changes, dead-ends, and city-owned alleyways should be taken into consideration, as well as wattage and span lengths of existing lighting.

Final approval is determined by the Cleveland City Council. If the Council approves the installation of a streetlight, CU will issue a work order and complete the installation. Lighting fixtures that meet or exceed CU standards will be utilized on all new street lighting installations.

Street Light Repairs and Upgrades
CU maintains the proper operation of all street lighting for the City of Cleveland. If an existing high-pressure sodium, metal halide, or mercury vapor fixture fails, the fixture will be upgraded to the most appropriate and efficient CU approved fixture. At the City's request, CU will replace any existing working fixture for a fee based on the average stranded cost of a working fixture. CU will retire all removed street light fixtures where stranded costs are paid by the City. The asset cost will be retired from CU's street light account balance, used for calculating the investment charge paid by the City of Cleveland for the use of the Street Light System. CU will respond to lighting outage reports as soon as possible during normal business hours.

Special Districts, Public Parks, and Public Facilities
Special Districts: The City Manager may approve customized lighting plans for special districts, such as the Central Business District, improvement districts, historic districts, or other areas designated by the City Council. Such plans may include unique fixtures and designs, enhanced lighting levels, or decorative elements, provided they meet all safety and code requirements.

Public Parks: The City Manager may approve lighting plans for public parks to ensure safety for park users during evening hours. These plans may include additional lighting for pathways, parking areas, and recreational facilities.

Public Facilities: The City Manager may approve lighting plans for municipal buildings, community centers, and other public facilities to enhance security, accessibility, and community use. Such plans may include perimeter lighting, accent lighting, or specialized fixtures to meet the needs of each facility.

Lighting plans for special districts will be developed in consultation with CU and other relevant City departments. The City Manager will review and approve these plans for fixture type, spacing, and light levels, ensuring they meet both City and CU standards as well as community expectations to enhance safety and aesthetics.

Approved lighting plans shall be implemented by CU, the City, or an approved designated contractor, with ongoing maintenance and monitoring to ensure continued compliance.

The City will collaborate with CU for review and approval of fixtures to ensure that any proposed fixtures comply with, or surpass, CU's standards for lighting assets. In the case that a noncompliant fixture is chosen, those fixtures will become customer owned assets. CU shall maintain a sufficient inventory of operational fixtures and parts for timely repairs and replacements. Additionally, CU will ensure that consistent lighting fixtures are used throughout the street lighting system.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Moore had no report at this time.

Councilwoman McKenzie thanked Tim Mason for his work on the Tire Takeback Event. He has done a great job.

Councilman Estes thanked Tommy Myers and Public Works crews for their quick response to the storm damage on Saturday. Several trees were down in the second district, and he appreciates their hard work. Also, thanks to the First Responders and Cleveland Utilities.

Councilman Cassada stated he received a noise complaint concerning a small red car "Popcorn" that is very loud and asked if the Police Department could be on the lookout. He then asked if the mobile speed flashing sign could be placed on Forestview Drive, Candies Lane and Freewill Road for a few days to slow traffic down. He has received numerous complaints. Lastly, June 19 is a Third District meeting at Candy's Creek Cherokee Elementary at 6:30 p.m.

Councilman May had no report at this time.

Councilman Goff asked that in the future, on the budget presentation where comparable city tax rates are listed, to include the population and tax revenue. Secondly, any update on the noise complaint from Ms. Mullinax at Duracell. Mr. Fivas stated yes, Mr. Berry has stated that Duracell had conducted a study in the past concerning noise issues, and he will reconnect with them to ensure their study was fully implemented. Lastly, he is aware this has been brought up

by the Mayor at least a year ago, concerning the traffic lights on one-way streets that cause drivers to go the wrong direction, especially on Broad Street. He is concerned about the liability and if Cleveland Utilities cannot fix it expeditiously, he would like to see a formal letter from the City to make them aware of the liability and it would be on them. Mr. Fivas stated yes, we have made them aware in the past. David Sheely stated a little background, a previous traffic engineer's opinion stated the lights added in pedestrian crossings, but he agrees with Councilman Goff. There is an active workorder in Cleveland Utilities' system to remove the signal heads, so they could be removed soon. Mayor Brooks concurred and stated daily people are driving the wrong way.

Vice Mayor Webb had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance 2025-21** – Amending the FY2025 Budget.

ORDINANCE 2025-21

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2024-2025 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 2024-2025 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 FY2025 Budget Amendment - June 2025			
	ORIGINAL BUDGET	June 2025 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
GENERAL FUND				
Tax Revenues:	51,898,672	53,288,212	1,389,540	Property Tax
Licenses & permits:	1,981,400	2,012,700	31,300	Building Permits
Intergovernmental:	7,498,800	7,704,474	205,674	Safety Grants/Supplements
Charges for services:	1,526,200	1,736,100	209,900	CPD Contracted Svcs, Schools SRO
Fines & forfeits:	366,600	523,260	156,660	Court Clerk Fees
Interest income:	1,250,000	1,836,000	586,000	Interest
Miscellaneous:	24,200	174,983	150,783	Sundry Income, Ins Reimb, Donations
Public Enterprise Revenue:	1,763,000	1,765,704	2,704	Donations
Subtotal	66,308,872	69,041,433	2,732,561	
Other Funding Sources:	0	45,688	45,688	Transfer CIP
Total Revenues	66,308,872	69,087,121	2,778,249	
Legis. & Judicial	462,150	461,913	(237)	Maint
Administration	981,910	976,659	(5,251)	Insurance
Jetport	1,630,830	1,684,925	54,095	Cont Svcs, Build Maint
Human Resources	515,137	600,453	55,316	Professional Svcs, Employee Appr, Prof Dev
Finance	2,286,375	1,788,209	(498,166)	Misc Exp
Information Technology	1,304,457	1,304,874	417	Insurance
Development & Engineering	5,035,490	5,048,782	13,292	Education Reimbursement
Police	13,869,503	14,215,375	345,872	OT, Extra Duty,Vehicle Maint
Animal Control	671,090	674,012	2,922	Supplies
Fire	13,109,849	13,135,122	25,273	Vehicle Maint, Build Maint
PW Operations	3,171,961	3,268,074	96,113	Repairs & Parts
Street Lighting & Signals	2,052,700	2,052,700	0	
Fleet	754,719	754,355	(364)	Repairs
Forestry & Landscaping	1,015,614	1,025,993	10,379	Overtime, Donation Exp
College Hill Rec Center	534,250	541,962	7,712	Pool Exp, Program Dev
Cleveland Comm Center	489,597	493,847	4,250	Program Dev
Tinsley Park	439,973	446,102	6,129	Insurance
Appropriations	1,567,200	1,567,200	0	
Subtotal:	49,922,805	50,040,557	117,752	
Transfers	16,350,380	28,967,889	12,617,509	CIP
Total Expenditures	66,273,185	79,008,446	12,735,261	
Increase (use) of fund balance	35,687	(9,921,325)	(9,957,012)	

	City of Cleveland, Tennessee			
	FY2025 Budget Amendment - June 2025			
	ORIGINAL BUDGET	June 2025 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
SPECIAL REVENUE FUNDS:				
Solid Waste Mgmt. Fund				
Revenues	6,025,877	6,165,829	139,952	Interest
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	6,025,877	6,165,829	139,952	
Expenditures	6,009,871	6,226,503	216,632	Equipment
Increase (Use) of Fund Balance:	16,006	(60,674)	(76,680)	
State Street Aid Fund				
Revenues	1,463,000	1,613,000	150,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	1,463,000	1,613,000	150,000	
Expenditures	1,306,980	1,564,316	257,336	Equipment
Transfers Out	69,507	69,507	0	
Total Expenditures & Transfers:	1,376,487	1,633,823	257,336	
Increase (Use) of Fund Balance:	86,513	(20,823)	(107,336)	
Cleveland Public Library Fund				
Revenues	805,550	827,882	22,332	Misc Revenues, Tech Grant
Transfers from Other Funds	690,550	690,550	0	
Total Rev. & Transfers In	1,496,100	1,518,432	22,332	
Expenditures	1,495,910	1,548,979	53,069	Maintenance, Software
Increase (Use) of Fund Balance:	190	(30,547)	(30,737)	
Drug Enforcement Trust Fund				
Revenues	26,000	45,510	19,510	Fines, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	26,000	45,510	19,510	
Expenditures	25,800	115,400	89,600	Vehicle
Increase (Use) of Fund Balance:	200	(69,890)	(70,090)	
E-Ticketing Grant				
Revenues	0	270	270	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	270	270	
Expenditures	0	16,951	16,951	Equipment
Increase (Use) of Fund Balance:	0	(16,681)	(16,681)	
Bryne Mem. Justice Asst. Grant				
Revenues	0	46,010	46,010	Annual Grant
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	46,010	46,010	
Expenditures	0	46,010	46,010	Equipment, BCSO
Increase (Use) of Fund Balance:	0	0	0	

	City of Cleveland, Tennessee			
	FY2025 Budget Amendment - June 2025			
	ORIGINAL BUDGET	June 2025 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
Hotel Tax				
Revenues	463,000	463,000	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	463,000	463,000	0	
Expenditures	460,000	460,000	0	
Increase (Use) of Fund Balance:	(3,000)	3,000	0	
CPD- VCIF Grant				
Revenues	223,913	1,431,979	1,208,066	Grant Rollover
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	223,913	1,431,979	1,208,066	
Expenditures	223,913	1,431,979	1,208,066	Vehicles, Equipment, Salaries
Increase (Use) of Fund Balance:	0	0	0	
Community Dev. Block Grant				
Revenues	375,000	678,800	303,800	Carryovers
Transfers from Other Funds	50,000	50,000	0	
Total Rev., Transfers & Other Fin.	425,000	728,800	303,800	
Expenditures	152,574	717,582	565,008	Project Carryovers, Down Pmt Asst
Increase (Use) of Fund Balance:	272,426	11,218	(261,208)	
MPO Fund				
Revenues	200,000	200,000	0	Federal Funding
Transfers from Other Funds	100,000	100,000	0	General Fund Transfer
Total Rev., Transfers & Other Fin.	300,000	300,000	0	
Expenditures	299,900	299,900	0	Salaries, Operating Exp
Increase of Fund Balance:	100	100	0	
School Food Service Fund				
Revenues	3,738,394	3,931,393	192,999	USDA Lunch
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	3,738,394	3,931,393	192,999	
Expenditures	4,134,394	4,271,163	136,769	Salaries, benefits
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	4,134,394	4,271,163	(136,769)	
Increase (Use) of Fund Balance:	(396,000)	(339,770)	56,230	

	City of Cleveland, Tennessee			
	FY2025 Budget Amendment - June 2025			
	ORIGINAL BUDGET	June 2025 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
School General Fund				
Revenues	60,562,118	64,185,886	3,623,768	State of Tennessee, Other Local Revenues
Transfers from Other Funds	6,383,380	6,383,380	0	
Total Rev. & Transfers In	66,945,498	70,569,266	3,623,768	
Expenditures	66,945,498	73,988,955	7,043,457	Regular Instruction, Capital Outlay
Transfer to Other Funds			0	
Total Expenditures & Transfers:	66,945,498	73,988,955	7,043,457	
Increase (use) of Fund Balance:	0	(3,419,689)	(3,419,689)	
CAPITAL OUTLAY FUNDS:				
Capital Improv. Program Fund				
Revenues	0	5,803,013	5,803,013	Grants, Interest
Transfers & Other Fin.	1,165,000	13,665,176	12,500,176	General Fund Tfr
Total Rev., Transfers & Other Fin.	1,165,000	19,468,189	18,303,189	
Expenditures	1,165,000	43,686,820	42,521,820	Various Projects
Transfers to Other Funds	0	0	0	
Total Expenditures & Other Uses	1,165,000	43,686,820	42,521,820	
Increase (Use) of Fund Balance:	0	(24,218,631)	(24,218,631)	
Sales Tax Capital Projects Fund				
Revenues	5,508,000	5,974,860	466,860	Interest
Total Rev., Transfers & Other Fin.	5,508,000	5,974,860	466,860	
Expenditures	5,508,000	10,236,877	4,728,877	Various Projects
Total Expenditures & Other Uses	5,508,000	10,236,877	4,728,877	
Increase (Use) of Fund Balance:	0	(4,262,017)	(4,262,017)	
CCS Capital Funds				
Revenues	0	60,000	60,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	60,000	60,000	
Expenditures	0	1,763,401	1,763,401	Carryover - various projects
Increase (Use) of Fund Balance:	0	(1,703,401)	(1,703,401)	

	City of Cleveland, Tennessee			
	FY2025 Budget Amendment - June 2025			
	ORIGINAL BUDGET	June 2025 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
American Rescue Plan				
Revenues	0	226,100	226,100	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	226,100	226,100	
Expenditures	0	6,113,745	6,113,745	Public Safety, Tech Improv, City Hall
Increase (Use) of Fund Balance:	0	(5,887,645)	(5,887,645)	
Internal ServiceFunds:				
Health Insurance Trust Fund				
Revenues	6,422,626	6,560,626	138,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	6,422,626	6,560,626	138,000	
Expenditures	5,658,130	5,658,130	0	
Increase (Use) of Fund Balance:	764,496	902,496	138,000	
Debt Service Fund:				
Revenues	152,050	388,050	236,000	Interest
Transfers and Other Fin.	8,966,345	9,083,678	117,333	General Fund Tfr
Total Rev., Transfers & Other Fin..	9,118,395	9,471,728	353,333	
Expenditures	9,118,333	9,236,666	118,333	Equipment Lse
Increase (Use) of Fund Balance:	62	235,062	235,000	
Enterprise Funds:				
Storm Water Management Fund				
Revenues	1,818,900	6,681,417	4,862,517	TDEC Grant, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	1,818,900	6,681,417	4,862,517	
Expenditures	1,753,800	10,098,048	8,344,248	Various projects
Increase (Use) of Fund Balance:	65,100	(3,416,631)	(3,481,731)	
Fiduciary Funds:				
Meiler Estate/Animal Shelter Trust Fund				
Revenues	500	3,500	3,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	500	3,500	3,000	
Expenditures	0	0	0	
Increase (Use) of Fund Balance:	500	3,500	3,000	

Councilman Estes moved that Ordinance 2025-21 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-22 –** Adopting the FY2026 Budget.

ORDINANCE 2025-22

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 $171,499,075. All of these sources are available for appropriation.

Anticipated Revenues	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
Revenues:			
General Fund	$66,188,480	$69,041,433	$70,954,100
Special Revenue Funds:			
Solid Waste Management	6,149,691	6,165,829	6,237,122
State Street Aid	1,837,954	1,613,000	1,525,000
General Purpose School	62,576,242	61,248,280	60,562,118
Schools Food Service	4,417,848	3,635,416	3,738,394
Cleveland Public Library	812,445	827,882	821,000
Drug Enforcement	48,272	45,510	30,000
Byrne Memorial Justice Asst. Grant	43,766	46,010	0
VCIF Competitive Grant	712,225	1,431,979	0
Hotel Lodging Tax	887,392	463,000	900,000
Community Dev. Block Grant	214,832	678,800	150,000
E-Ticketing	240	270	0
Internal School Activity Funds	2,319,999	0	0
Schools Federal Projects	8,957,876	0	0
Metropolitan Planning Organization	98,534	200,000	200,000
Debt Service	345,664	388,050	267,000

Anticipated Revenues, cont'd:	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
Revenues:			
Capital Projects Funds:			
ARPA Projects Fund	1,793,380	226,110	0
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Capital Improvements Program	2,039,400	5,752,306	600,000
Sales Tax Capital Projects Fund	6,309,879	5,507,180	5,508,000
Cleveland City Schools - CIP	173,175	60,000	0
Enterprise Funds:			
Stormwater Management	2,513,601	6,496,417	1,815,000
Cleveland Utilities Electric Division	38,883,850	0	0
Cleveland Utilities Water/Wastewater Division	14,175,164	0	0
Trust Funds:			
Meiler Trust Fund	16,583	3,500	3,500
Internal Service Fund:			
Health Insurance Trust Fund	5,450,037	6,560,626	6,947,329
Total Revenues	226,966,529	170,391,598	160,258,563
Other financial sources			
Operating transfers in:			
General Fund:	915,517	45,688	0
Special Revenue Funds:			
Solid Waste Management	0	0	0
State Street Aid	0	0	0
General Purpose School	6,024,900	6,383,380	6,606,800
Cleveland Public Library	707,000	690,550	705,000
Community Dev. Block Grant	50,000	50,000	50,000
Internal School Activity Funds	0	0	0
Metropolitan Planning Organization	100,000	100,000	65,000
Debt Service	8,424,772	9,083,678	8,456,790
Capital Projects Funds:			
Capital Improvement Program	1,076,521	13,665,176	3,930,000
Blythe Sidewalks Diabetes Grant	0	0	0
Internal Service Fund			
Health Insurance Trust Fund	0	0	0
Total Operating Transfer In:	$17,298,710	$30,018,472	$19,813,590

Anticipated Revenues	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 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	436,447	0	0
Internal Service Funds:			
Health Insurance Trust	0	0	0
Total Capital Contributions:	436,447	0	0
Bond & Note Proceeds and Capital Lease			
General Fund	0	0	0
General Purpose School Fund	0	0	0
Capital Improvement Program	0	0	0
Cleveland City Schools -CIP	0	0	0
Debt Service	0	0	0
Total Bond & Note Proceeds:	$0	$0	$0
Total Other Financing Sources	$17,735,157	$30,018,472	$19,813,590
Total Revenues and Other Financing Sources	$244,701,686	$200,410,070	$180,072,153

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	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
General Fund	$43,578,429	$50,040,556	$52,074,955
Special Revenue Funds:			
Solid Waste Management	5,562,831	6,226,503	6,085,701
State Street Aid	1,114,483	1,564,316	1,341,600
General Purpose School	64,421,663	66,463,208	66,177,910
Schools Food Service	4,260,883	4,052,621	4,134,394
Cleveland Public Library	1,366,737	1,548,979	1,519,990
Drug Enforcement	22,085	115,400	29,700
Byrne Memorial. Justice Asst. Grant	43,766	46,010	0
VCIF Competitive Grant	767,633	1,431,979	0
Hotel Lodging Tax	50,249	460,000	460,000
Community Dev. Block Grant	234,467	717,582	197,040
E Ticketing	963	16,951	0
Internal School Activity Funds	2,267,743	0	0
Schools Federal Project	8,957,876	0	0
Metropolitan Planning Organization	116,919	299,900	264,999
Debt Service	8,303,812	9,230,666	8,651,006
Capital Projects Funds:			
ARPA Projects Fund	1,391,080	6,113,756	0
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Capital Improvements Program	5,964,653	43,686,822	4,525,000
Sales Tax Capital Projects Fund	3,559,417	8,083,707	5,508,000
Cleveland City Schools - CIP	1,643,298	1,763,401	0
Enterprise Funds:			
Stormwater Management	1,295,524	9,930,248	1,608,300
Cleveland Utilities Electric Division	35,295,800	0	0
Cleveland Utilities Water/Wastewater Division	10,932,341	0	0
Trust Funds:			
Meiler Estate Trust Fund	5,379	0	0
Internal Service Fund:			
Health Insurance Trust Fund	4,968,996	5,658,130	5,884,453
Total Expenditures	206,127,027	217,450,735	158,463,048

Nonoperating Revenues (Expenses)	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
Enterprise Funds:			
Stormwater Management	239,651	185,000	100,000
Cleveland Utilities Electric Division	553,849	0	0
Cleveland Utilities Water/Wastewater Division	551,442	0	0
Debt Service	(5,000)	(6,000)	(5,000)
Internal Service Fund:			
Health Insurance Trust Fund	0	0	0
Total Nonoperating Revenues (Expenses)	1,339,942	179,000	95,000

Other Financing Uses	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
Operating Transfers Out			
General Fund	14,980,789	28,967,889	18,870,072
Special Revenue Funds:			
Solid Waste Management	0	0	0
State Street Aid	459,698	69,507	0
General Purpose School	839,306	767,588	777,025
Internal School Activity Funds	0		
Schools Federal Project	0	0	0
Capital Projects Funds:			
Capital Improvements Program	0	45,688	0
Cleveland City Schools - CIP	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Enterprise Funds:			
Stormwater Management	103,400	167,800	166,493
Cleveland Utilities Electric Division	747,322	0	0
Cleveland Utilities Water/Wastewater Division	168,195	0	0
Internal Service Fund:			
Health Insurance Trust	0	0	0
Nonexpendable Trust Funds:			
Meiler Estate Trust Fund	0	0	0
Total Operating Transfers Out	17,298,710	30,018,472	19,813,590
Transfer of Operations			
Enterprise Funds:			
Cleveland Utilities Electric Division	3,394,577		
Cleveland Utilities Water/Wastewater Division	4,062,517		
Total Transfer of Operations	7,457,094		
Total Other Financing Uses	23,415,862	29,839,472	19,718,590
Total Expenditures and Other Financing Uses	229,542,889	247,290,207	178,181,638

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	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
General Fund	8,544,779	(9,921,324)	9,073
Special Revenue Funds:			
Solid Waste Management	586,860	(60,674)	151,421
State Street Aid	263,773	(20,823)	183,400
General Purpose School	3,340,173	400,864	213,983
Schools Food Service	156,965	(417,205)	(396,000)
Cleveland Public Library	152,708	(30,547)	6,010
Drug Enforcement	26,187	(69,890)	300
Byrne Memorial Justice Asst. Grant	0	0	0

Increase (Use) of Fund Balance or Net Assets	2023-2024 (ACTUAL)	2024-2025 (ESTIMATED)	2025-2026 PROPOSED
Special Revenue Funds cont'd:			
VCIF Competitive Grant	(55,408)	0	0
Hotel Lodging Tax	837,143	3,000	440,000
Community Development Block Grant	30,365	11,218	2,960
E Ticketing	(723)	(16,681)	0
Internal School Activity Funds	52,256	0	0
Schools Federal Project	0	0	0
Metro. Planning Organization (MPO)	81,615	100	1
Debt Service	461,624	235,062	67,784
Capital Projects Funds:			
ARPA Projects Fund	402,300	(5,887,646)	0
Capital Improvements Program	(2,848,732)	(24,315,028)	5,000
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Sales Tax Capital Projects Fund	2,750,462	(2,576,527)	0
Cleveland City Schools - CIP	(1,470,123)	(1,703,401)	0
Enterprise Funds:			
Stormwater Management	1,354,328	(3,416,631)	140,207
Cleveland Utilities Electric Division	0	0	0
Cleveland Utilities Water/Wastewater Division	0	0	0
Trust Funds:			
Meiler Estate Trust Fund	11,204	3,500	3,500
Internal Service Fund:			
Health Insurance Trust Fund	481,041	902,496	1,062,876
Total Incr. (Use) of Fund Balance or Net Assets	15,158,797	(46,880,137)	1,890,515

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 $50,153,432 General Fund fund balance and none of the $6,575,772 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: June 9, 2025
Final Reading: June 23, 2025

APPROVED AS TO FORM:

_____ _____
City Attorney Mayor

_____
City Clerk

Councilman Cassada moved that Ordinance 2025-22 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance-2025-23** – Concerning a request by Duane Goff and Oasis Subdivision GP for consideration of an ordinance to zone about 13.43 acres, more or less, for property located at Pleasant Grove Church Rd. from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 056 Parcels 062.03, 060.00, and 062.04 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-23

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CH Highway Commercial to R-2 Low Density Single and Multi-Family Residential Zoning District

Approximately 13.26 acres, more or less, located on Pleasant Grove Church Road SW as shown on the attached map.

For reference, the same property is being shown on Tax Map 056 Parcels 060.00, 062.03, and 062.04 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.

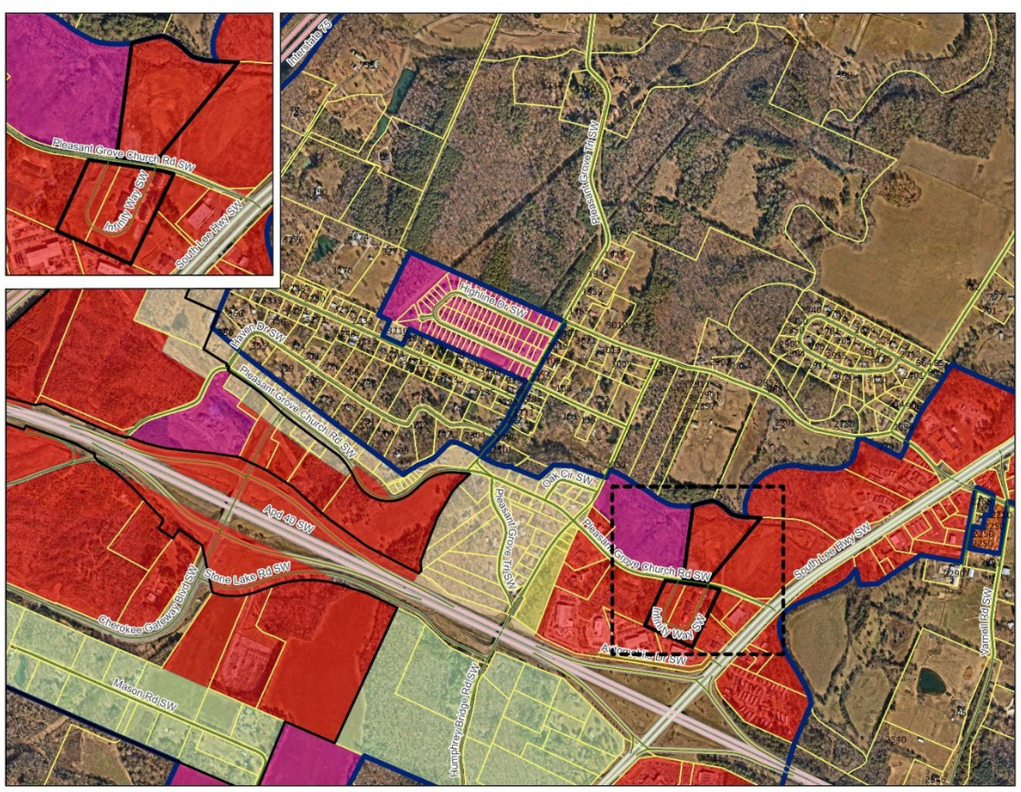
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2025-23 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, Councilman Cassada, Councilman May, Vice Mayor Webb, Councilman Moore, Councilwoman McKenzie, and Councilman Estes voted aye. Councilman Goff recused. The motion carried 6-0-1.

The following Ordinance was then presented in full:

- **Ordinance 2025-24** - Concerning a request by Jason Farmer and Mesana Investments to amend PUD 23 to allow a ROW connection between the two developments (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-24

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 DURKEE RD NE PROPERTY "PUD 23" ON PROPERTY DESCRIBED AS TAX MAP 58 PARCEL 28.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 23; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESSES AND RELATED REQUIREMENTS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

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

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map are hereby amended so as to zone the property described in Section 3 herein as "PUD 23" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 23 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 23 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 23, Durkee Rd Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 58 Parcels 28.00. Exhibit B & C illustrates the overall Durkee Rd Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of the Durkee Rd Development. The project consists of a mixture of detached single-family homes on small lots with the potential for attached single-family dwellings in multi-unit townhome structures. The attached multi-unit townhome units may constitute no more than 20 percent of the overall units within the greater development. Exhibits B & C shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceeding one unit per 5000

square feet for lots containing single- family detached homes; two units per 7500 square feet on lots containing two-unit structures; and three units per 10,000 square feet on lots containing three-unit structures. The developer shall include common open space designed within the development, including any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 23 Subdivision allows for the construction of up to 512 dwelling units in detached single family houses and multi-unit townhome structures with up to four dwelling units per building. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community pool, clubhouse, etc. are allowed in the event that the developer wishes to amend the conceptual plan through the Cleveland Municipal Planning Commission. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 23 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of particular residential uses within the Durkee Rd NE development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B & C unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 23 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibits B& C) for PUD23, The Durkee Rd Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on March 17, 2020 and an updated concept plan for the remaining phase of this development on May 20, 2025. The conceptual plan consists of a site plan for the overall development however additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD23 must be consistent with this Conceptual Plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Plats for any multi-family residential units must be reviewed by the Planning Commission however any modification may not increase the total number of dwelling units beyond 512 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Durkee Rd NE development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.). One connection to the property to the east must be provided for by the dedicated of right-of-way. The right-of-way will not be required to be improved if the adjacent property is undeveloped at the time of the platting of the subject property. All streets within the PUD 23 Durkee Rd development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer.

6.B. PLATS.

One or more plats will be prepared for the PUD 23 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general layout with the conceptual site plan.

6.C. PRIVATE DEVELOPMENT DOCUMENTS.

The Developer shall prepare and implement such master covenants, restrictions, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 23 as envisioned herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 23 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD23 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 zone, from the City of Cleveland's zoning regulations.

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

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

A monument style ground sign shall be installed at all entrances to the site. A landscaped berm no smaller than 8' in height shall be installed along Durkee Rd to provide privacy and to maintain a high-quality appearance. A landscaping area no less than a "Type E" as described in the City's zoning ordinance for any areas adjoining a non-residential use except that the buffer may be lowered to a 35' width. Open space shall be maintained at a proportion no less than 15% of the total buildable area. A playground, dog park, walking trail or other community area determined acceptable to the Planning Commission shall be provided by the developer once 25% the buildable lots in the development are established or under construction. The common areas and amenities must be internal to the development, accessed directly from public rights-of-way 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 homeowner’s 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.

A Right-of-Way connection to Fairview Hills Subdivision at the southeastern corner of the property is allowed.

7.A. Building Setbacks

The minimum setbacks and 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 20' from the property line. Individual site plans are required for all single-family residential structures in the development prior to construction and comers must be pinned by a surveyor at the foundation stage; townhome must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Storage sheds and similar accessory structures, if allowed by the Developer shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line or a lesser distance if required by the developer. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single and Multi-family Residential Zoning District shall apply for any standards this ordinance does not address.

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

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 23 Durkee Rd Development. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

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

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a site plan or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD 23, 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 23 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.

intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A

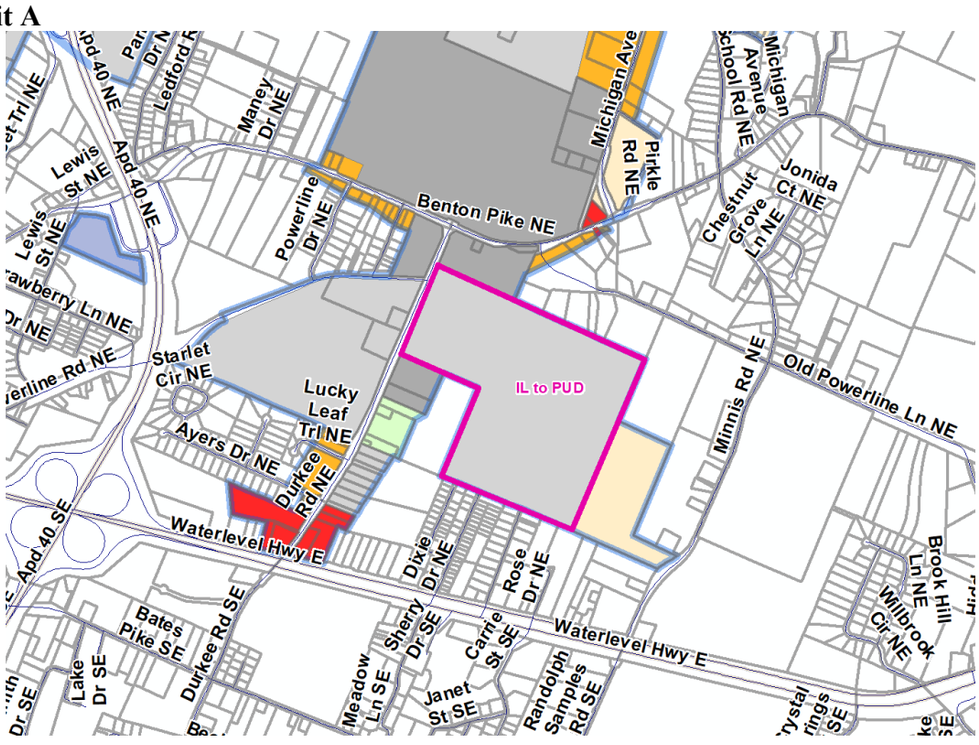


Exhibit B
Conceptual Plan 1



Exhibit C
Conceptual Plan 2

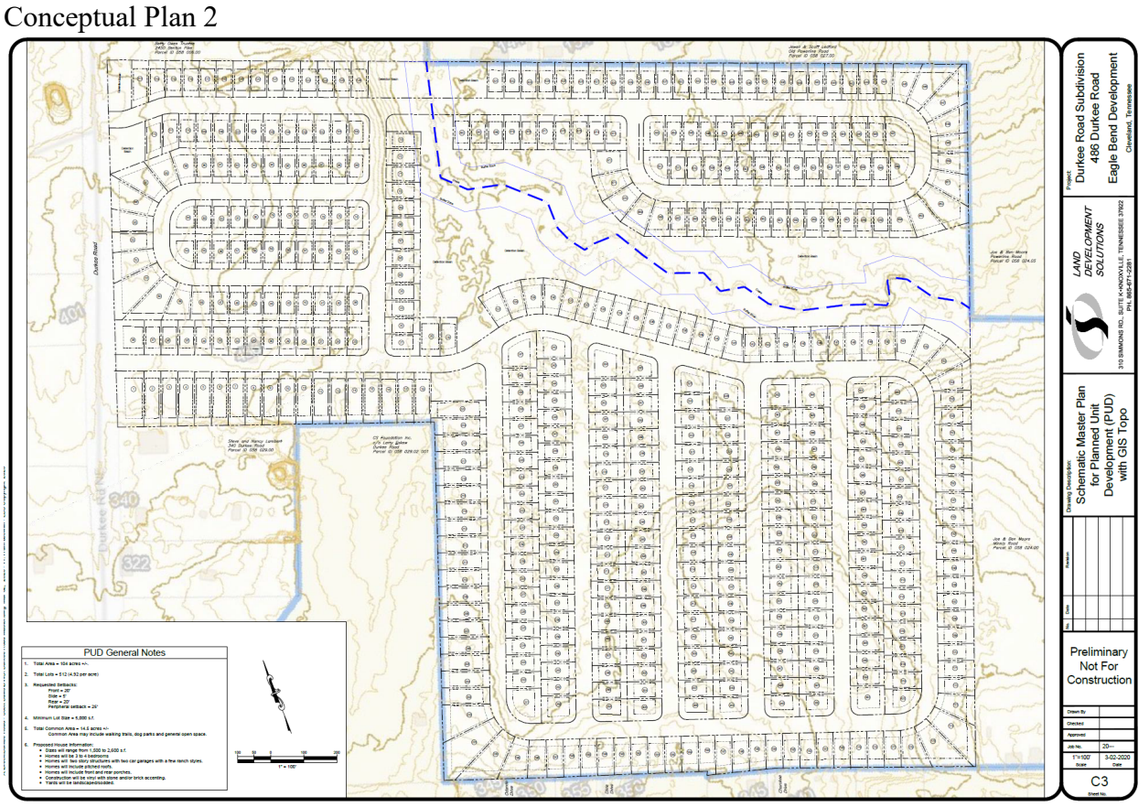
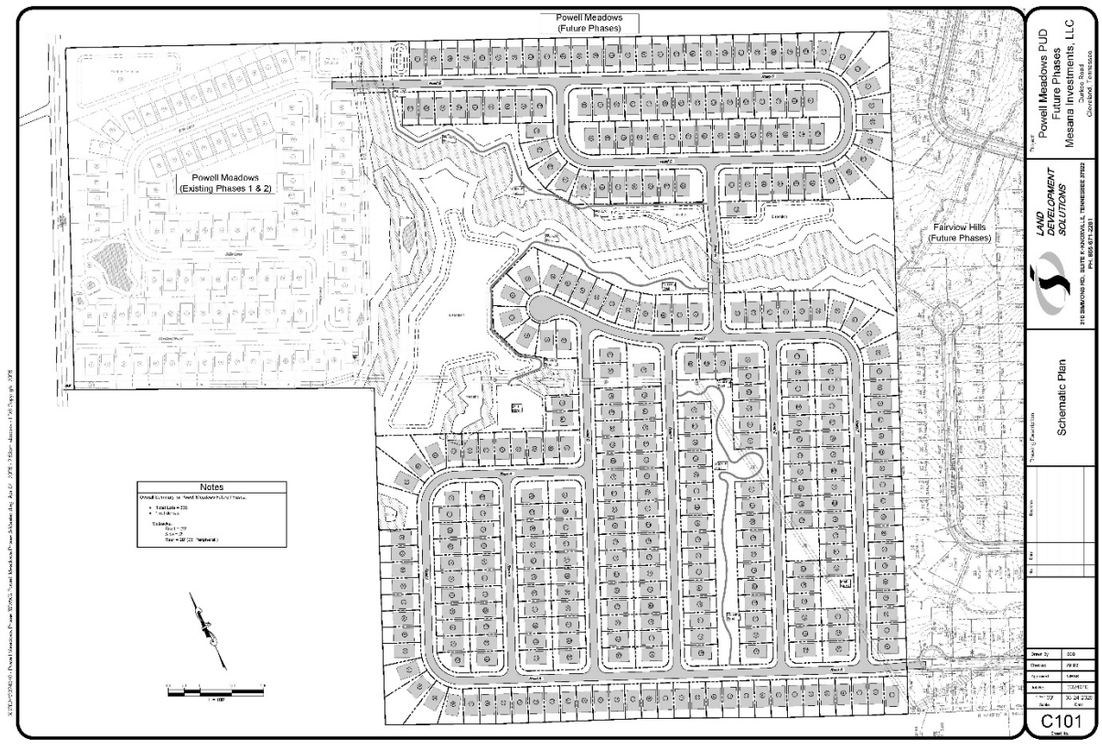


Exhibit D
Conceptual Plan 3 for last phase of development (May 2025 PC meeting)



Councilman May moved that Ordinance 2025-24 be voted for passage on first reading. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-25** - Concerning a request by Jason Farmer and Mesana Investments to amend PUD 41 to allow a ROW connection between the two developments (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-25

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 MINNIS_OLD POWERLINE "PUD 41" ON PROPERTY DESCRIBED AS TAX MAP 058 PARCELS 024.00, 024.05, AND 025.02, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 41; 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 41" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 41 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 41 district are 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 41, Minnis_Old Powerline Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 058 Parcels 024.00, 024.05, and 025.02. Exhibit A illustrates the overall Minnis_Old Powerline 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 Minnis_Old Powerline development. The project consists of single family detached residential units. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 41 Subdivision allows for the construction of up to 117 dwelling units in detached single-family houses and up to 16 dwelling units of attached Single-Family Townhomes. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community clubhouse, park shelters, benches, or tables, are allowed in the common area and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 41 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 residential uses within the PUD will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit C unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by Developer covenants and restrictions. Billboards are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 41, The Minnis_Old Powerline Development PUD was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on June 21, 2022. 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 41 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. However, any modification may not increase the total number of dwelling units beyond 129 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.). All streets within the PUD 41 development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting. Where existing Right of Way along Old Powerline Road and Minnis Road is narrow adjacent to PUD 41 and the intention is that the ROW be at least 50 feet in width; therefore, the developer grants additional ROW to the City of Cleveland such that the ROW is at least 25 feet from the existing center line along the entire property.

6.B. PLATS.

One or more plats will be prepared for the PUD41 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, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 41 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 41 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 PUD41 shall be those established in this ordinance. 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 Single Family Detached 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. All Residential areas must also incorporate a variety of building elements and treatments. Structures must include articulation, change in materials or texture, windows, or other architectural features. The front facade of all structures shall contain, on average, a minimum of at least 50% of either brick or stone materials. Vinyl Siding, other than accents such as soffits and fascia, are prohibited. All foundations must be made of brick on stone. No blank walls along street elevations are allowed. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

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. Green infrastructure techniques, such as rain gardens and permeable soils or pavements should be introduced throughout the development in effort to minimize stormwater runoff, flooding, and poor water quality.

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.

A monument style ground sign shall be installed at the primary entrance(s) to the site. A landscaped berm no smaller than 2.5' in height shall be installed at the primary entrance(s) to provide privacy and maintain a quality appearance. The berm shall be landscaped with a mix of Trees and shrubs. Open space shall be maintained at a proportion of no less than 20% of the total buildable area. Site amenities, to be determined as the neighborhood develops, shall be provided by the developer once 50% the buildable lots in the development are established or under construction. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners, or an established homeowner's association. Once established the Homeowners Association shall enforce no overnight parking within the Rights-of-way for emergency services access.

Centralized cluster mailbox units shall be provided, if required by the United States Postal service, and shall include a minimum of 2 off-street parking spaces per 50 lots. These may be combined with site amenities as provided.

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. All stormwater detention/retention areas will be screened from the public ROW. Each lot must provide a minimum of 4 off- street parking spaces, therefore reducing on-street parking and traffic congestion.

The minimum lot width requirements for single-family detached home sites are 50 feet for up to 80% of the overall development. At no time can a lot have a minimum frontage of less than 46'. The front setback requirements are 25 feet, side setback requirements are 3' on one side and 10' on the remaining side. Each 3' side setback must be joined by a 10' setback on the adjoining lot, and rear setbacks shall be no less than 15' from the property line. Site specific 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.

Townhomes must follow the City's established process requiring a site plan for construction and a final plat after 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. Retaining walls as needed for the grading of building pads should maintain a 5-foot setback. Walls greater than four feet in height must be reviewed and approved by the City of Cleveland Director of Development and Engineering Services prior to the issuance of a building permit. 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 Residential Zoning District shall apply for any standards this ordinance does not address.

The developer shall dedicate right-of-way and construct a deceleration lane on Minnis Road 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. The Townhome portion of the development along Minnis Road must utilize the interior access driveway as depicted on the attached preliminary site plan.

Public Utilities shall be designed outside of the curb-to-curb area, except for reasonable crossings where necessary. The Director of Planning and Community Development, or their assigns, may allow deviations to utility locations when given a reasonable explanation for the deviation.

A Right-of-Way connection in the northwest corner, connecting this subdivision with the neighboring Powel Meadows Subdivision is allowable.

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 PUD41 Minnis_Old Powerline 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 41, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20%from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD41 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 Minnis-Old Powerline Development 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.

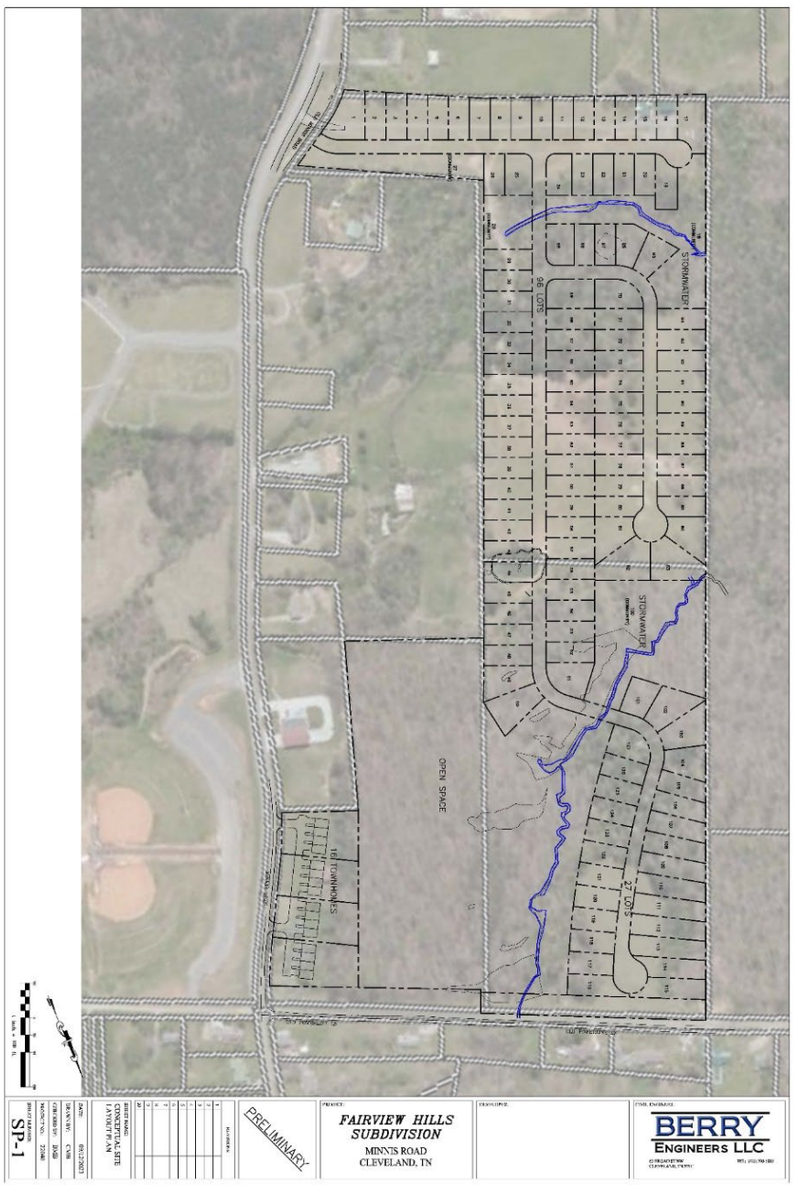
Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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



Councilman Estes moved that Ordinance 2025-25 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-26** - Concerning a request by Joe Moore to amend PUD 44 to remove the pool/club house amenity requirement (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-26

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 DRIVE TOWNHOME "PUD 44" ON PROPERTY DESCRIBED AS TAX MAP 041F GROUP D PARCEL 006.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 44; 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 44" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 44 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 44 district are 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 44, Westside Drive Development (name may be revised during the platting process with approval of the Cleveland, Municipal Planning) includes property generally identified as Tax Map 04lF Group D Parcel 006.00. Exhibit A illustrates the overall Westside Drive Townhome 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 Drive development. The project consists of a Townhome neighborhood which includes a clubhouse, pool, and other amenities. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 44 Subdivision allows for the construction of up to 120 residential units in single-unit or multi-unit structures not exceeding four stories. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community clubhouse, park shelters, benches, or tables, are allowed in the common area and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 44 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 residential uses within the PUD will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit "A" unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by Developer covenants and restrictions. Billboards are prohibited with the exception of the existing billboard located on the property.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 44, The Westside Drive Townhome Development PUD was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on November 15, 2022 and an updated site plan was presented for consideration in the regular meeting on May 20, 2025. 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 44 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. However, any modification may not increase the total number of dwelling units beyond 120 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.). All streets or access drives within the PUD 44 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

6.B. PLATS.

One or more plats will be prepared for the PUD44 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, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 44 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 44 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 44 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 Townhome residential zone from the City of Cleveland's zoning regulations. A 20' undisturbed buffer/replanted buffer shall be maintained along the southern property line which backs up to 3020 through 3046 Vista Drive.

7.A. Building Lot Size & Setbacks

Townhouse building setbacks shall be 25' for the front, 15' rear setback, and 5' side setback. The front setback may be reduced to 15' for the side yard of comer lots and for units with side or rear yard parking/driveways. No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall be provided on one side of all new streets within the subdivision, where shown on the conceptual plan. Sidewalks shall be provided along the property frontage of Raben and Westside Drive.

2. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

3. The developer shall provide open space as depicted on the site plan (exhibit c). The minimum open space provided shall be a minimum of 20%. A portion of the open space shall be easily accessible and usable by the residents and will include a pavilion.

4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces.

5. Central dumpsters may be utilized in lieu of individual trash cans and be placed in areas accessible to all units.

6. Additional parking shall be provided as on street parking for the townhouses and with the mail kiosk. This parking shall be designated as guest parking only and no overnight parking is permitted.

7.C Miscellaneous Standards

1. The exterior facades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.

2. Residential buildings must 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. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. Townhomes with front driveways shall have a garage.

4. A minimum of two parking spaces per dwelling units is required.

5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings. Front driveways/parking areas shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).

6. Attempts shall be made to preserve existing trees where possible, including the southeastern comer of the property.

7. On-street parking shall be limited to guest and temporary parking. The parking of commercial vehicles, tractor-trailer cabs, commercial equipment, mobile homes, recreational vehicles, ATVs, boats and other watercraft, trailers, stored vehicles, or inoperable vehicles is not allowed.

8. Raben Drive shall be improved to city standards up to the 2nd entrance of the complex. The developer shall dedicate any right-of-way necessary and shall be responsible for construction of said improvements. The developer will dedicate further right-of-way for the remainder of Raben Drive for future improvements by the City.

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 PUD44 Westside Drive 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 44, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 44 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 Westside Drive Development 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 no 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

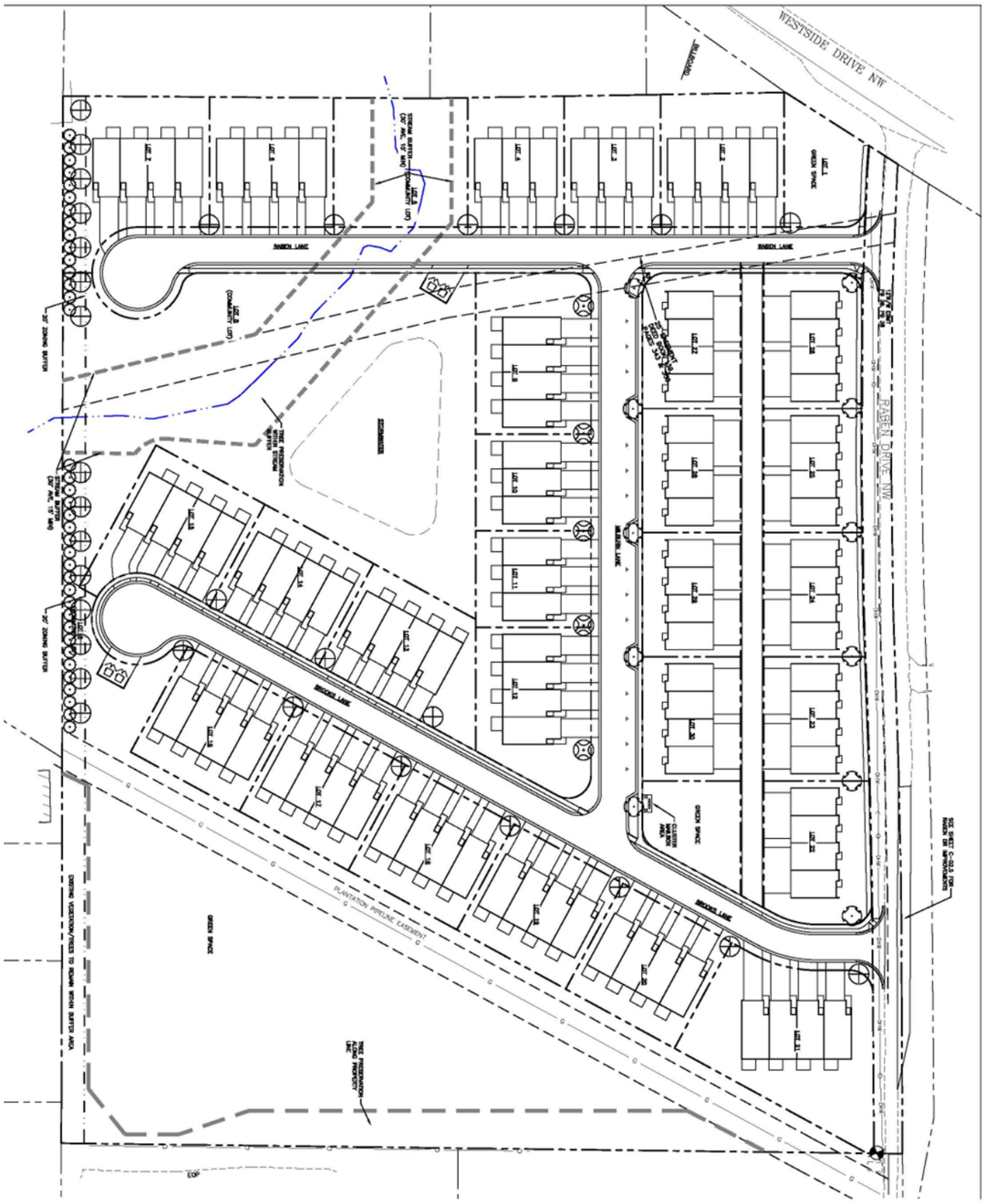
Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless state otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the 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


WESTSIDE DR
RABEN DR
TOWER SHADOW
RIVER WATER
100 UNITS
PRELIMINARY
WESTSIDE TOWNHOMES
WESTSIDE DR
CLEVELAND, TN
BERRY
ENGINEERS LLC
Ex-A
CONCEPTUAL SITE PLAN



Councilman Cassada moved that Ordinance 2025-26 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, Councilman Cassada, Vice Mayor Webb, Councilwoman McKenzie, Councilman Estes, Councilman May, and Councilman Goff voted aye. Councilman Moore recused. The motion carried 6-0-1.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-27** - Concerning a request by Donald Ledford for consideration of an ordinance to zone about 31.45 acres, more or less, for property located at Sequoia Rd. NW from CG General Commercial to MU Mixed Use Zoning District and includes Tax Map 034 Parcel 031.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-27

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CG General Commercial to MU Mixed Use Zoning District

Approximately 31.45 acres, more or less, located on 495 Sequoia Rd. NW as shown on the attached map.

For reference, the same property is being shown on Tax Map 034 Parcel 031.00 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.

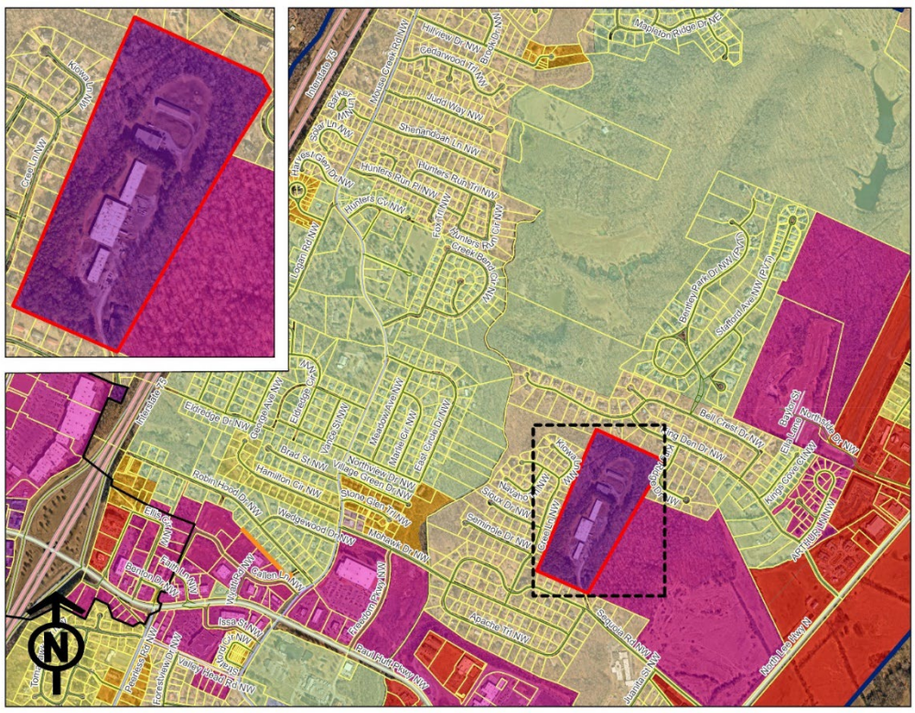
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A


Hunters Run Trl NW
Hunters Run Trl NW
Bellaire Park Dr NW
Bellaire Park Dr NW
Bell Creek Dr NW
Northside Dr NW
Northside Dr NW
Northwest Dr NW
Village Green Dr NW
Hamilton Gtr NW
Brad St NW
Robert Hazel Dr NW
Westerwood Dr NW
Meadowlark Dr NW
Cherokee Trl NW
Apache Trl NW
Seminole Rd NW
Paul Huff Pkwy NW
Paul Huff Pkwy NW
Raider Rd NW
Tennessee Ave
Johnson Rd
Eldridge Dr NW
Blackburn Rd NW
Blackburn Rd NW
Mohawk Trl NW
Mohawk Trl NW
Kelly Ln NW
Kelly Ln NW
Paul Ln NW
Paul Ln NW
Hillview Dr NW
Cedarwood Trl NW
Shenandoah Trl NW
Shenandoah Trl NW
Hunters Run Trl NW
Hunters Run Trl NW
Hickory Ln NW
Hickory Ln NW
Hunters Run Trl NW
Hunters Run Trl NW
Lilac Ln NW
Lilac Ln NW
Bradford Ave NW
Bradford Ave NW
Bradford Ave

The following Resolution was then presented in full:

- **Resolution 2025-45** - Concerning a request by Chase Family Investments, LLC for consideration of a Plan of Service for about 5.45 acres, more or less, for property located at Lewis Street and Old Powerline Rd and includes Tax Map 058B Group D Parcel 020.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-45

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

LEWIS STREET-OLD POWERLINE RD. (058B D 020.00)

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 June 9, 2025, 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 northern corner of the lands of Matthew and Ester Tarver, as recorded in BCROD deed book 2784 page 260, said point being a corner of the existing City Limits and a point in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way in a southerly direction 2,984 feet, more or less, to the southeast corner of the lands of Ginger and Everage Hudgins, as recorded in BCROD deed book 2933 page 73; thence in a southwesterly direction with the southern line of the lands of Hudgins 96.49 feet, more or less, to the southwest corner of the lands of Hudgins, said point also be the southeast corner of the lands of Gideon Morris, as recorded in BCROD deed book 2857 page 989; thence with the southern line of the lands of Morris in a southwesterly direction 50 feet to a point, said point being located in the northern right of way of Benton Pk; thence crossing Benton Pk in a southwesterly direction 254 feet, more or less, to the northeast corner of the lands of Osprey Oil, LLC, as recorded in BCRD deed book 3159 page 331; thence with an eastern line of the lands of Osprey Oil, LLC in a southeasterly direction 432 feet to a corner of the lands of Osprey Oil, LLC; thence in a southeasterly direction with a line of the lands of Osprey Oil, LLC 248 feet, more or less, to a corner of the lands of Osprey Oil, LLC, said point being located I the western right of way of APD 40; thence with the western right of way of APD 40 in a southerly direction 963 feet, more or less, to the southeast corner of the lands of Jamie Gladson, as recorded in BCROD deed book 2759 page 984, said point being the northern corner of the intersection of Strawberry Ln and APD 40; thence crossing Strawberry Ln in a southwesterly direction 106 feet, more or less, to the southeast corner of the lands of City of Cleveland, as recorded in BCROD deed book 254 page 88; thence with the southern line of the lands of City of Cleveland in a southwesterly direction 450 feet more or less, to the south west corner of the lands of City of Cleveland, said point also being the south east corner of the lands of Chase Family Investments LLC, as recorded in BCROD deed book 3103 page 989; thence following a line of the lands of Chase Family Investments LLC in a northwesterly direction 22 feet, more or less, to the southeast corner of the lands of Randall Gladson, as recorded in BCROD deed book 2608 page 197; thence with the southern line of the lands of Randall Gladson in a north westerly direction 210 feet, more or less, to the southwest corner of the lands of Randall Gladson, said point being located in the eastern right of way of Gordon St; then with the eastern right of way of Gordon St in southwesterly direction 67 feet, more or less, to the southeast corner of the right of way of Gordon St; thence in a northwesterly direction with the southern line of the Gordon St right of way 34 feet, more or less, to the southwest corner of the Gordon St

right of way, said point also being the southeast corner of the lands of Kristy Gladson, as recorded in BCROD deed book 2697 page 113; thence with the southern line of the lands of Kristy Gladson in a northwesterly direction 150 feet, more or less, to the southeast corner of the lands of Travis Johnson, as recorded in BCROD deed book 3042 page 499; thence with the southern line of the lands of Johnson in a northwesterly direction 150 feet, more or less, to the southwest corner of the lands of Johnson, said point also being the northeast corner of the intersection of Hawk St and Carrot St; thence following the right of way of Carrot St in a southwesterly direction 30 feet, more or less, to the southeast corner of the intersection of Hawk St and Carrot St; thence with the southern right of way of Carrot St in a northwesterly direction 30 feet, more or less, to the northeast corner of the lands of Jerry Wilcox, as recorded in BCROD deed book 1902 page 731; thence with the eastern line of the lands of Jerry Wilcox in a southwesterly direction 50 feet, more or less, to the southeast corner of the lands of Jerry Wilcox; thence with the southern line of the lands of Jerry Wilcox in a northwesterly direction 148 feet, more or less, to the southwest corner of the lands of Jerry Wilcox, said point also being located in the eastern line of the lands of Sally Wilcox, as recorded in BCORD deed book 2519 page 560; thence with the eastern line of the lands of Sally Wilcox in a southwesterly direction 98 feet, more or less, to the southeast corner of the lands of Sally Wilcox; thence with the southern line of the lands of Sally Wilcox in a northwesterly direction 114 feet, more or less, to the southwest corner of the lands of Sally Wilcox, said point being located in the eastern right of way of Lewis St; thence crossing Lewis St with a line that would be the southern line of Sally Wilcox extended 22 feet, more or less, to a point in the western right of way of Lewis St; thence with the western right of way of Lewis St in a southerly direction 653 feet, more or less, to the northwest corner of the intersection of Lewis St and Old Powerline Rd, said point also being the eastern corner of the lands of Cleveland Utilities Authority, as recorded in BCORD deed book 3036 page 433; thence with the southern line of Cleveland Utilities Authority in a south westerly direction 421 feet, more or less, to the southern corner of the lands of Cleveland Utilities Authority, said point being northeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 120 feet, more or less, to the northwest corner of the intersection of Old Powerline Rd and 6th St, said point also being the eastern corner of the lands of Tract 1 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with a line of Penske Tract 1 and the northern right of way of Old Powerline Rd in a southwesterly direction 366 feet, more or less, to the southeast corner of the lands of Tract 2 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with the southern line of Penske Tract 2 and the northern right of way of Old Powerline Rd in a southwesterly direction 170 feet, more or less, to the southwest corner of the lands of Penske Tract 2, said point also being a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 2925 page 683; thence with a line of Scenic and the northern right of way of Old Powerline Rd in a southwesterly direction 163 feet, more or less, to the eastern corner of the lands of Lynda Byrd, as recorded in the BCROD deed book 2568 page 904; thence with a line of the lands of Byrd and the northern right of way of Old Powerline Rd in a southwesterly direction 290 feet, more or less, to a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 209 page 71; thence with a line of the lands of Scenic Plaza and the northern right of way of Old Powerline Rd in a southwesterly direction 234 feet, more or less, to a corner of the lands of Scenic Plaza LLC, said point also being the northwest corner of Old Powerline Rd and Waterlevel Hwy; thence crossing Waterlevel Hwy in a southwesterly direction 326 feet, more or less, to the northeast corner of the lands of Ricky Mikle, as recorded in BCROD deed book 2299 page 130; thence with the eastern line of Mikle in a southwesterly direction 115 feet, more or less, to the northeast corner of the lands of Don Jacobsen, as recorded in BCROD deed book 2947 page 993; thence with the eastern line of the lands of Jacobsen in a southwesterly direction 294 feet, more or less, to the southeast corner of the lands of Jacobsen, said corner being located in the western right of way of Old Powerline Rd; thence crossing Old Powerline Rd in a southeasterly direction 156 feet, more or less, to the southwest corner of the lands of Benjamin Jammer, as recorded in BCROD deed book 3039 page 202; thence with the western line of the lands of Jammer in a northeasterly direction 300 feet, more or less, to the northwest corner of the lands of Jammer; thence with northern line of the lands of Jammer in s southeasterly direction 68 feet, more or less, to the northeast corner of the lands of Jammer, said point being the southeast corner of the intersection of Waterlevel Hwy and Old Powerline Rd; thence crossing Waterlevel Hwy in a northeasterly direction 510 feet, more or less, to the western corner of the lands of Edgar Hysinger, as recorded in BCROD deed book 1041 page 734; thence with the western line of the lands of Hysinger 40 feet, more or less, to the northern corner of the lands of Hysinger, said point also being a corner of the lands of Harold Ballard, as recorded in BCORD deed book 2995 page 62; thence with the western line of Ballard in a northeasterly direction 340 feet, more or less, to the southwest corner of the lands of Jeannine Patterson, as recorded in BCROD deed book 1693 page 550; thence with the western line of the lands of Patterson in a northeasterly direction 193 feet, more or less, to the southwest corner of the lands of Pamela Hoskins, as recorded in BCROD deed book 1964 page 341; thence with the western line of the lands of Hoskins in a northeasterly direction 336.34 feet, more or less, to the northern corner of the lands of Hoskins, said point also being a corner of the lands of John Evans, as recorded in BCROD deed book 2925 page 742; thence with the northern line of the lands of Hoskins in

a northeasterly direction 197.57 feet, more or less, to the northern corner of the lands of Hoskins, said point also being located I the western line of the lands of State of Tennessee as recorded in BCROD deed book 143 page 435; thence with the western line of the State of Tennessee in a northeasterly direction 37 feet, more or less, to the northwest corner of the lands of State of Tennessee, said point also being the southeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 36 feet, more or less, to the northeast corner of the intersection of Old Powerline Rd and 6th St, said point also being the southwest corner of the lands of TVA, Control Map 058B Group H Parcel 005.00, and a point in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of TVA and the eastern right of way of Old Powerline Rd in a northeasterly direction 230 feet, more or less, to the northwest corner of the lands of Lpez Sanchez, as recorded in BCROD deed book 2921 page 773; thence in a northeasterly direction with the northern line of the lands of Sanchez 75 feet, more less, to the northeast corner of the lands of Sanchez; thence with the eastern line of the lands of Sanchez in a southwesterly direction 113 feet, more or less, to the northeast corner of the lands of Clinton Mason, as recorded in BCROD deed book 2057 page 298, said point also being located in the eastern right of way of Old Powerline Rd; thence following the eastern right of way of Old Powerline Rd in a northeasterly direction 1086 feet, more or less, to the northwest corner of the lands of Terry Calhoun, as recorded in BCROD deed book 2256 page 366; thence with the northern line of the lands of Calhoun in a southeasterly direction 245 feet, more or less, to the northeast corner of the lands of Calhoun, said point also being the southwest corner of the intersection of APD 40 and Old Powerline Rd; thence crossing APD 40 in a northeasterly direction 493 feet, more or less, to the northwest corner of the lands of Lee Benefield, as recorded in BCROD deed book 308 page 560; thence with the northern line of the lands of Benefield in a southeasterly direction 50 feet, more or less, to the southwest corner of the lands of Three Point Development LLC, as recorded in BCROD deed book 3123 page 403, said point being located in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of Three Point and the eastern right of way of Old Powerline Rd in a northeasterly direction 809 feet, more or less, to a corner in the land of Three Point development and the eastern right of way of Old Powerline Rd; thence with a line of Three Point and crossing Old Powerline Rd in a northerly direction 87 feet, more or less, to a corner in the lands of Three Point and the western right of way of Old Powerline Rd, said point also being located in the eastern line of the lands of Tyler Farley, as recorded in BCROD deed book 3079 page 476; thence with the eastern line of the lands of Farley and the western right of way of Old Powerline Rd 80 feet, more or less, to the southern corner of the lands of Farley, said point also being the northeast corner of the intersection of APD 40 and Old Powerline Rd; the with the eastern lines of Farley and the western right of way of APD 40 in a northerly direction 949 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southwest corner of the lands of H&M Group, as recorded in BCROD deed book 2946 page 938; thence with the western line of the lands of H&M in a northeasterly direction 422 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southern corner of the lands of Epi Almazan, as recorded in BCROD deed book 2594 page 657; thence with the western line of the lands of Almazan in a northwesterly direction 717 feet, more or less, to the northwest corner of the lands of Almazan, said point being located in the southern right of way of Benton Pk; thence crossing Benton Pk in a northwesterly direction 194 feet, more or less, to the southwest corner of the lands of Earnest & Barbara Davis, as recorded in BCROD deed book 223 page 69; thence with the western line of the lands of Earnest & Barbara Davis in a northwesterly direction 55 feet, more or less, to the northwest corner of the lands of Earnest & Barbara Davis, said point also being located in the southern line of the lands of Earnest W Davis, as recorded in BCROD deed book 349 page 270; thence with the southern line of the lands of Earnest W Davis in a southwesterly direction 19 feet, more or less, to the southwest corner of the lands of Earnest W Davis; thence with the western line of the lands of Earnest W Davis in a northeasterly direction 130 feet, more or less, to the northwest corner of the lands of Earnest W Davis, said point also being a corner in the right of way of Parker Dr; thence with the western right of way of Parker Dr 190 feet, more or less, to the southern corner of the lands of Joseph Oechsner, as recorded in BCROD deed book 2542 page 629, said point also being located in the eastern right of way of APD 40; thence with the eastern right of way of APD 40 in a northerly direction 1220 feet, more or less, to the northeast corner of the lands of Guinn Green, as recorded in BCROD deed book 272 page 339; thence crossing APD 40 in a northwesterly direction 954 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 20, 2025
LEWIS-OLD POWERLINE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 5.4 acres located at Lewis Street and Old Powerline Road 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 2025.

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

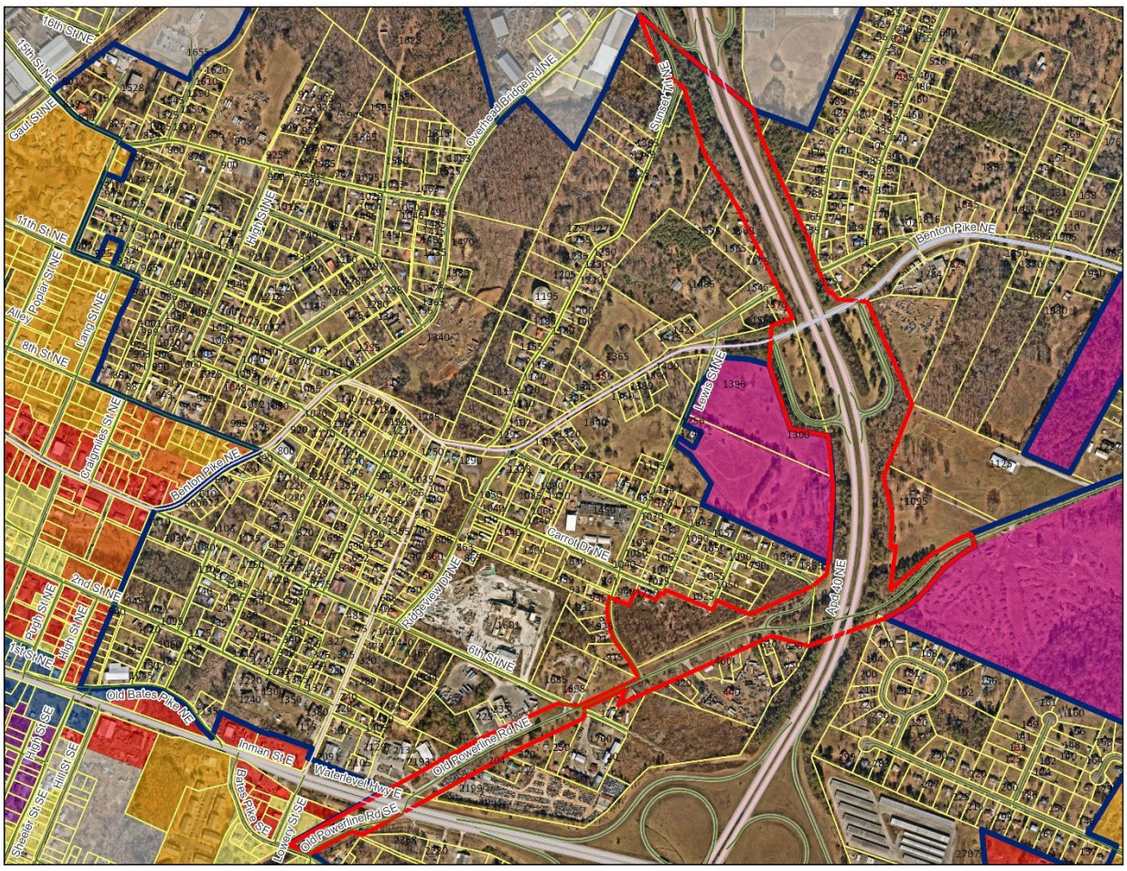
Introduction

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

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

The property consists of one parcel, approximately 5.4 acres total. The annexation would zone the property as PUD Planned Unit of Development. This lot is currently vacant, and the development of single-family attached and detached homes is proposed. The property is described as Tax Map 058B Group D Parcel 020.00.

Lewis Street-Old Powerline Road Annexation Map
Legal Description



Beginning at the northern corner of the lands of Matthew and Ester Tarver, as recorded in BCROD deed book 2784 page 260, said point being a corner of the existing City Limits and a point in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way in a southerly direction 2,984 feet, more or less, to the southeast corner of the lands of Ginger and Everage Hudgins, as recorded in BCROD deed book 2933 page 73; thence in a southwesterly direction with the southern line of the lands of Hudgins 96.49 feet, more or less, to the southwest corner of the lands of Hudgins, said point also be the southeast corner of the lands of Gideon Morris, as recorded in BCROD deed book 2857 page 989; thence with the southern line of the lands of Morris in a southwesterly direction 50 feet to a point, said point being located in the northern right of way of Benton Pk; thence crossing Benton Pk in a southwesterly direction 254 feet, more or less, to the northeast corner of the lands of Osprey Oil, LLC, as recorded in BCRD deed book 3159 page 331; thence with an eastern line of the lands of Osprey Oil, LLC in a southeasterly direction 432 feet to a corner of the lands of Osprey Oil, LLC; thence in a southeasterly direction with a line of the lands of Osprey Oil, LLC 248 feet, more or less, to a corner of the lands of Osprey Oil, LLC, said point being located I the western right of way of APD 40; thence with the western right of way of APD 40 in a southerly direction 963 feet, more or less, to the southeast corner of the lands of Jamie Gladson, as recorded in BCROD deed book 2759 page 984, said point being the northern corner of the intersection of Strawberry Ln and APD 40; thence crossing Strawberry Ln in a southwesterly direction 106 feet, more or less, to the southeast corner of the lands of City of Cleveland, as recorded in BCROD deed book 254 page 88; thence with the southern line of the lands of City of Cleveland in a southwesterly direction 450 feet

more or less, to the south west corner of the lands of City of Cleveland, said point also being the south east corner of the lands of Chase Family Investments LLC, as recorded in BCROD deed book 3103 page 989; thence following a line of the lands of Chase Family Investments LLC in a northwesterly direction 22 feet, more or less, to the southeast corner of the lands of Randall Gladson, as recorded in BCROD deed book 2608 page 197; thence with the southern line of the lands of Randall Gladson in a north westerly direction 210 feet, more or less, to the southwest corner of the lands of Randall Gladson, said point being located in the eastern right of way of Gordon St; then with the eastern right of way of Gordon St in southwesterly direction 67 feet, more or less, to the southeast corner of the right of way of Gordon St; thence in a northwesterly direction with the southern line of the Gordon St right of way 34 feet, more or less, to the southwest corner of the Gordon St right of way, said point also being the southeast corner of the lands of Kristy Gladson, as recorded in BCROD deed book 2697 page 113; thence with the southern line of the lands of Kristy Gladson in a northwesterly direction 150 feet, more or less, to the southeast corner of the lands of Travis Johnson, as recorded in BCROD deed book 3042 page 499; thence with the southern line of the lands of Johnson in a northwesterly direction 150 feet, more or less, to the southwest corner of the lands of Johnson, said point also being the northeast corner of the intersection of Hawk St and Carrot St; thence following the right of way of Carrot St in a southwesterly direction 30 feet, more or less, to the southeast corner of the intersection of Hawk St and Carrot St; thence with the southern right of way of Carrot St in a northwesterly direction 30 feet, more or less, to the northeast corner of the lands of Jerry Wilcox, as recorded in BCROD deed book 1902 page 731; thence with the eastern line of the lands of Jerry Wilcox in a southwesterly direction 50 feet, more or less, to the southeast corner of the lands of Jerry Wilcox; thence with the southern line of the lands of Jerry Wilcox in a northwesterly direction 148 feet, more or less, to the southwest corner of the lands of Jerry Wilcox, said point also being located in the eastern line of the lands of Sally Wilcox, as recorded in BCORD deed book 2519 page 560; thence with the eastern line of the lands of Sally Wilcox in a southwesterly direction 98 feet, more or less, to the southeast corner of the lands of Sally Wilcox; thence with the southern line of the lands of Sally Wilcox in a northwesterly direction 114 feet, more or less, to the southwest corner of the lands of Sally Wilcox, said point being located in the eastern right of way of Lewis St; thence crossing Lewis St with a line that would be the southern line of Sally Wilcox extended 22 feet, more or less, to a point in the western right of way of Lewis St; thence with the western right of way of Lewis St in a southerly direction 653 feet, more or less, to the northwest corner of the intersection of Lewis St and Old Powerline Rd, said point also being the eastern corner of the lands of Cleveland Utilities Authority, as recorded in BCORD deed book 3036 page 433; thence with the southern line of Cleveland Utilities Authority in a south westerly direction 421 feet, more or less, to the southern corner of the lands of Cleveland Utilities Authority, said point being northeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 120 feet, more or less, to the northwest corner of the intersection of Old Powerline Rd and 6th St, said point also being the eastern corner of the lands of Tract 1 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with a line of Penske Tract 1 and the northern right of way of Old Powerline Rd in a southwesterly direction 366 feet, more or less, to the southeast corner of the lands of Tract 2 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with the southern line of Penske Tract 2 and the northern right of way of Old Powerline Rd in a southwesterly direction 170 feet, more or less, to the southwest corner of the lands of Penske Tract 2, said point also being a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 2925 page 683; thence with a line of Scenic and the northern right of way of Old Powerline Rd in a southwesterly direction 163 feet, more or less, to the eastern corner of the lands of Lynda Byrd, as recorded in the BCROD deed book 2568 page 904; thence with a line of the lands of Byrd and the northern right of way of Old Powerline Rd in a southwesterly direction 290 feet, more or less, to a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 209 page 71; thence with a line of the lands of Scenic Plaza and the northern right of way of Old Powerline Rd in a southwesterly direction 234 feet, more or less, to a corner of the lands of Scenic Plaza LLC, said point also being the northwest corner of Old Powerline Rd and Waterlevel Hwy; thence crossing Waterlevel Hwy in a southwesterly direction 326 feet,

more or less, to the northeast corner of the lands of Ricky Mikle, as recorded in BCROD deed book 2299 page 130; thence with the eastern line of Mikle in a southwesterly direction 115 feet, more or less, to the northeast corner of the lands of Don Jacobsen, as recorded in BCROD deed book 2947 page 993; thence with the eastern line of the lands of Jacobsen in a southwesterly direction 294 feet, more or less, to the southeast corner of the lands of Jacobsen, said corner being located in the western right of way of Old Powerline Rd; thence crossing Old Powerline Rd in a southeasterly direction 156 feet, more or less, to the southwest corner of the lands of Benjamin Jammer, as recorded in BCROD deed book 3039 page 202; thence with the western line of the lands of Jammer in a northeasterly direction 300 feet, more or less, to the northwest corner of the lands of Jammer; thence with northern line of the lands of Jammer in s southeasterly direction 68 feet, more or less, to the northeast corner of the lands of Jammer, said point being the southeast corner of the intersection of Waterlevel Hwy and Old Powerline Rd; thence crossing Waterlevel Hwy in a northeasterly direction 510 feet, more or less, to the western corner of the lands of Edgar Hysinger, as recorded in BCROD deed book 1041 page 734; thence with the western line of the lands of Hysinger 40 feet, more or less, to the northern corner of the lands of Hysinger, said point also being a corner of the lands of Harold Ballard, as recorded in BCORD deed book 2995 page 62; thence with the western line of Ballard in a northeasterly direction 340 feet, more or less, to the southwest corner of the lands of Jeannine Patterson, as recorded in BCROD deed book 1693 page 550; thence with the western line of the lands of Patterson in a northeasterly direction 193 feet, more or less, to the southwest corner of the lands of Pamela Hoskins, as recorded in BCROD deed book 1964 page 341; thence with the western line of the lands of Hoskins in a northeasterly direction 336.34 feet, more or less, to the northern corner of the lands of Hoskins, said point also being a corner of the lands of John Evans, as recorded in BCROD deed book 2925 page 742; thence with the northern line of the lands of Hoskins in a northeasterly direction 197.57 feet, more or less, to the northern corner of the lands of Hoskins, said point also being located I the western line of the lands of State of Tennessee as recorded in BCROD deed book 143 page 435; thence with the western line of the State of Tennessee in a northeasterly direction 37 feet, more or less, to the northwest corner of the lands of State of Tennessee, said point also being the southeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 36 feet, more or less, to the northeast corner of the intersection of Old Powerline Rd and 6th St, said point also being the southwest corner of the lands of TVA, Control Map 058B Group H Parcel 005.00, and a point in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of TVA and the eastern right of way of Old Powerline Rd in a northeasterly direction 230 feet, more or less, to the northwest corner of the lands of Lpez Sanchez, as recorded in BCROD deed book 2921 page 773; thence in a northeasterly direction with the northern line of the lands of Sanchez 75 feet, more less, to the northeast corner of the lands of Sanchez; thence with the eastern line of the lands of Sanchez in a southwesterly direction 113 feet, more or less, to the northeast corner of the lands of Clinton Mason, as recorded in BCROD deed book 2057 page 298, said point also being located in the eastern right of way of Old Powerline Rd; thence following the eastern right of way of Old Powerline Rd in a northeasterly direction 1086 feet, more or less, to the northwest corner of the lands of Terry Calhoun, as recorded in BCROD deed book 2256 page 366; thence with the northern line of the lands of Calhoun in a southeasterly direction 245 feet, more or less, to the northeast corner of the lands of Calhoun, said point also being the southwest corner of the intersection of APD 40 and Old Powerline Rd; thence crossing APD 40 in a northeasterly direction 493 feet, more or less, to the northwest corner of the lands of Lee Benefield, as recorded in BCROD deed book 308 page 560; thence with the northern line of the lands of Benefield in a southeasterly direction 50 feet, more or less, to the southwest corner of the lands of Three Point Development LLC, as recorded in BCROD deed book 3123 page 403, said point being located in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of Three Point and the eastern right of way of Old Powerline Rd in a northeasterly direction 809 feet, more or less, to a corner in the land of Three Point development and the eastern right of way of Old Powerline Rd; thence with a line of Three Point and crossing Old Powerline Rd in a northerly direction 87 feet, more or less, to a corner in the lands of Three Point and the western right of way of Old Powerline Rd, said point also being located in the eastern line of the lands of Tyler

Farley, as recorded in BCROD deed book 3079 page 476; thence with the eastern line of the lands of Farley and the western right of way of Old Powerline Rd 80 feet, more or less, to the southern corner of the lands of Farley, said point also being the northeast corner of the intersection of APD 40 and Old Powerline Rd; the with the eastern lines of Farley and the western right of way of APD 40 in a northerly direction 949 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southwest corner of the lands of H&M Group, as recorded in BCROD deed book 2946 page 938; thence with the western line of the lands of H&M in a northeasterly direction 422 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southern corner of the lands of Epi Almazan, as recorded in BCROD deed book 2594 page 657; thence with the western line of the lands of Almazan in a northwesterly direction 717 feet, more or less, to the northwest corner of the lands of Almazan, said point being located in the southern right of way of Benton Pk; thence crossing Benton Pk in a northwesterly direction 194 feet, more or less, to the southwest corner of the lands of Earnest & Barbara Davis, as recorded in BCROD deed book 223 page 69; thence with the western line of the lands of Earnest & Barbara Davis in a northwesterly direction 55 feet, more or less, to the northwest corner of the lands of Earnest & Barbara Davis, said point also being located in the southern line of the lands of Earnest W Davis, as recorded in BCROD deed book 349 page 270; thence with the southern line of the lands of Earnest W Davis in a southwesterly direction 19 feet, more or less, to the southwest corner of the lands of Earnest W Davis; thence with the western line of the lands of Earnest W Davis in a northeasterly direction 130 feet, more or less, to the northwest corner of the lands of Earnest W Davis, said point also being a corner in the right of way of Parker Dr; thence with the western right of way of Parker Dr 190 feet, more or less, to the southern corner of the lands of Joseph Oechsner, as recorded in BCROD deed book 2542 page 629, said point also being located in the eastern right of way of APD 40; thence with the eastern right of way of APD 40 in a northerly direction 1220 feet, more or less, to the northeast corner of the lands of Guinn Green, as recorded in BCROD deed book 272 page 339; thence crossing APD 40 in a northwesterly direction 954 feet, more or less, to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with existing stations and personnel, with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via a 20" water main along the north side of Old Powerline Road. See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is presently available to the parcel via an 8" gravity sewer main along the northeast side of the parcel. Construction of 45 units would require a sewer capacity fee of $56,424.00. See Figure 2 – Sewer Service.

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant on the parcel along Lewis St. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Old Powerline Rd. (Tax Parcel 058B-D-020.00)	**$0**	**$56,424**	**$0**	**$56,424**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

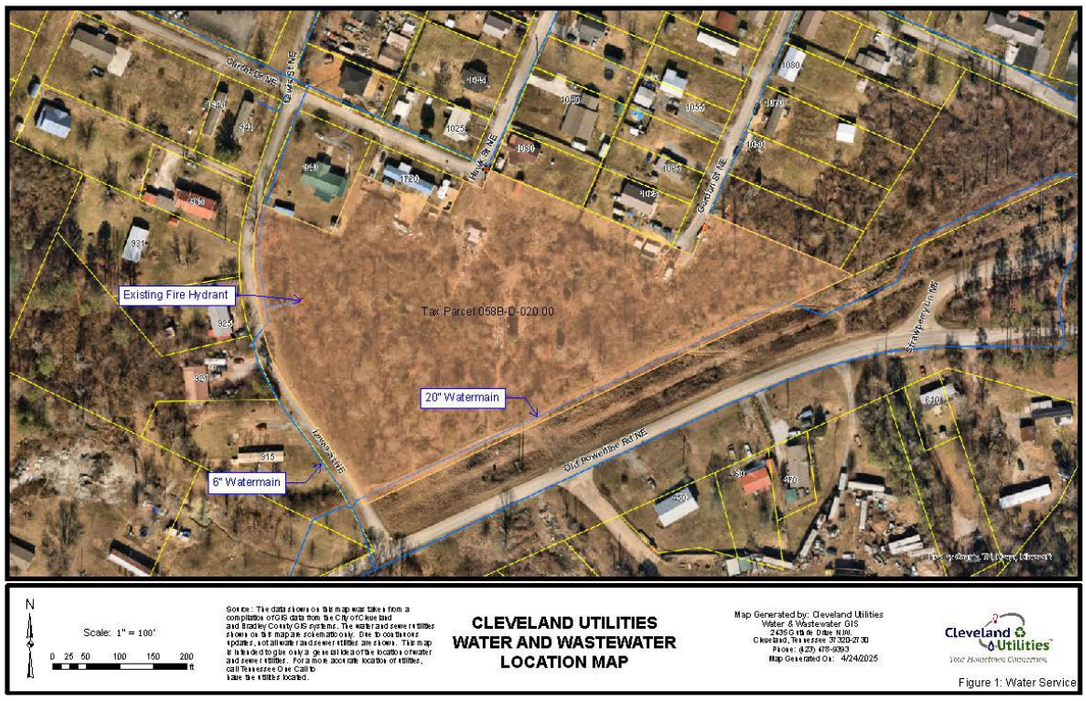


Figure 1: Water Service

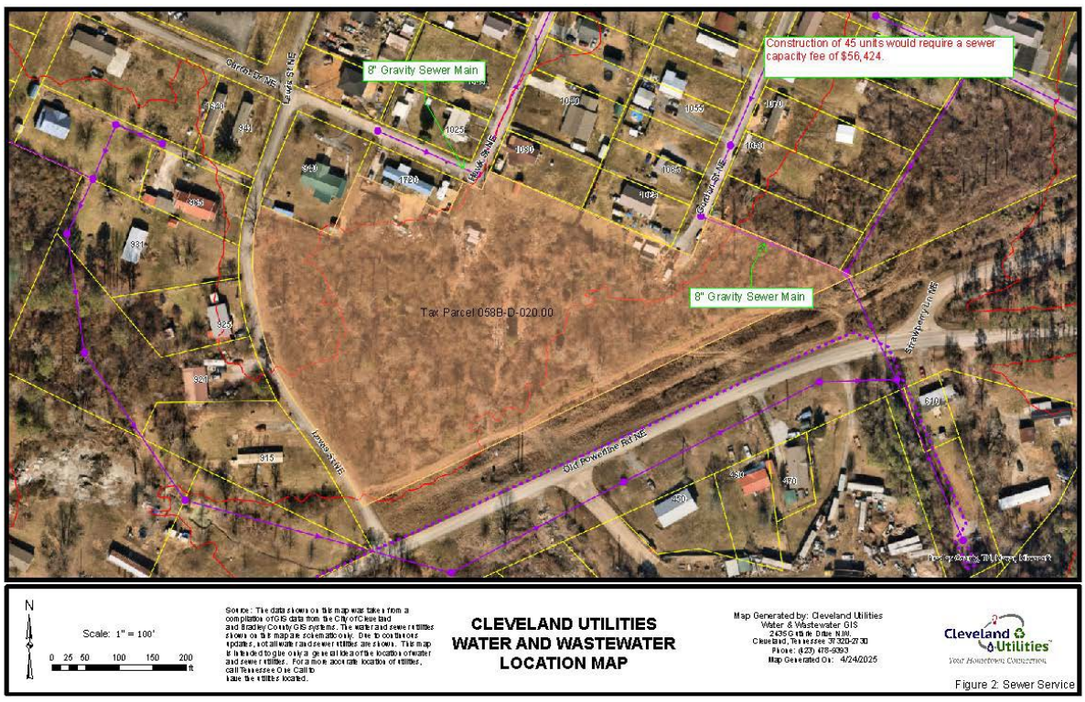


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric will have to upgrade facilities to serve this new annexation. Approximate cost would be $35,000.

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

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 education impact would be 15 to 17 school-age children at a cost to the City of $16,602 annually. This is in the Mayfield Elementary School Zone.

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 FAR in the unincorporated County. The property is proposed for a PUD Planned Unit of 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 112.5 residents to the 4th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$48,178.13 per year.**

Councilman May moved that Resolution 2025-45 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-46** - Concerning a request by Chase Family Investments, LLC for consideration of a resolution to annex about 5.45 acres, more or less, for property located at Lewis Street and Old Powerline Rd and includes Tax Map 058B Group D Parcel 020.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-46

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

LEWIS-OLD POWERLINE 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 June 9, 2025.

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 northern corner of the lands of Matthew and Ester Tarver, as recorded in BCROD deed book 2784 page 260, said point being a corner of the existing City Limits and a point in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way in a southerly direction 2,984 feet, more or less, to the southeast corner of the lands of Ginger and Everage Hudgins, as recorded in BCROD deed book 2933 page 73; thence in a southwesterly direction with the southern line of the lands of Hudgins 96.49 feet, more or less, to the southwest corner of the lands of Hudgins, said point also be the southeast corner of the lands of Gideon Morris, as recorded in BCROD deed book 2857 page 989; thence with the southern line of the lands of Morris in a southwesterly direction 50 feet to a point, said point being located in the northern right of way of Benton Pk; thence crossing Benton Pk in a southwesterly direction 254 feet, more or less, to the northeast corner of the lands of Osprey Oil, LLC, as recorded in BCRD deed book 3159 page 331; thence with an eastern line of the lands of Osprey Oil, LLC in a southeasterly direction 432 feet to a corner of the lands of Osprey Oil, LLC; thence in a southeasterly direction with a line of the lands of Osprey Oil, LLC 248 feet, more or less, to a corner of the lands of Osprey Oil, LLC, said point being located I the western right of way of APD 40; thence with the western right of way of APD 40 in a southerly direction 963 feet, more or less, to the southeast corner of the lands of Jamie Gladson, as recorded in BCROD deed book 2759 page 984, said point being the northern corner of the intersection of Strawberry Ln and APD 40; thence crossing Strawberry Ln in a southwesterly direction 106 feet, more or less, to the southeast corner of the lands of City of Cleveland, as recorded in BCROD deed book 254 page 88; thence with the southern line of the lands of City of Cleveland in a southwesterly direction 450 feet more or less, to the south west corner of the lands of City of Cleveland, said point also being the south east corner of the lands of Chase Family Investments LLC, as recorded in BCROD deed book 3103 page 989; thence following a line of the lands of Chase Family Investments LLC in a northwesterly direction 22 feet, more or less, to the southeast corner of the lands of Randall Gladson, as recorded in BCROD deed book 2608 page 197; thence with the southern line of the lands of Randall Gladson in a north westerly direction 210 feet, more or less, to the southwest corner of the lands of Randall Gladson, said point being located in the eastern right of way of Gordon St; then with the eastern right of way of Gordon St in southwesterly direction 67 feet, more or less, to the southeast corner of the right of way of Gordon St; thence in a northwesterly direction with the southern line of the Gordon St right of way 34 feet, more or less, to the southwest corner of the Gordon St right of way, said point also being the southeast corner of the lands of Kristy Gladson, as recorded in BCROD deed book 2697 page 113; thence with the southern line of the lands of Kristy Gladson in a northwesterly direction 150 feet, more or less, to the southeast corner of the lands of Travis Johnson, as recorded in BCROD deed book 3042 page 499; thence with the southern line of the lands of Johnson in a northwesterly direction 150 feet, more or less, to the southwest corner of the lands of Johnson, said point also being the northeast corner of the intersection of Hawk St and Carrot St; thence following the right of way of Carrot St in a southwesterly direction 30 feet, more or less, to the

southeast corner of the intersection of Hawk St and Carrot St; thence with the southern right of way of Carrot St in a northwesterly direction 30 feet, more or less, to the northeast corner of the lands of Jerry Wilcox, as recorded in BCROD deed book 1902 page 731; thence with the eastern line of the lands of Jerry Wilcox in a southwesterly direction 50 feet, more or less, to the southeast corner of the lands of Jerry Wilcox; thence with the southern line of the lands of Jerry Wilcox in a northwesterly direction 148 feet, more or less, to the southwest corner of the lands of Jerry Wilcox, said point also being located in the eastern line of the lands of Sally Wilcox, as recorded in BCORD deed book 2519 page 560; thence with the eastern line of the lands of Sally Wilcox in a southwesterly direction 98 feet, more or less, to the southeast corner of the lands of Sally Wilcox; thence with the southern line of the lands of Sally Wilcox in a northwesterly direction 114 feet, more or less, to the southwest corner of the lands of Sally Wilcox, said point being located in the eastern right of way of Lewis St; thence crossing Lewis St with a line that would be the southern line of Sally Wilcox extended 22 feet, more or less, to a point in the western right of way of Lewis St; thence with the western right of way of Lewis St in a southerly direction 653 feet, more or less, to the northwest corner of the intersection of Lewis St and Old Powerline Rd, said point also being the eastern corner of the lands of Cleveland Utilities Authority, as recorded in BCORD deed book 3036 page 433; thence with the southern line of Cleveland Utilities Authority in a south westerly direction 421 feet, more or less, to the southern corner of the lands of Cleveland Utilities Authority, said point being northeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 120 feet, more or less, to the northwest corner of the intersection of Old Powerline Rd and 6th St, said point also being the eastern corner of the lands of Tract 1 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with a line of Penske Tract 1 and the northern right of way of Old Powerline Rd in a southwesterly direction 366 feet, more or less, to the southeast corner of the lands of Tract 2 of Penske Truck Leasing Co LP, as recorded in BCORD deed book 226 page 748; thence with the southern line of Penske Tract 2 and the northern right of way of Old Powerline Rd in a southwesterly direction 170 feet, more or less, to the southwest corner of the lands of Penske Tract 2, said point also being a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 2925 page 683; thence with a line of Scenic and the northern right of way of Old Powerline Rd in a southwesterly direction 163 feet, more or less, to the eastern corner of the lands of Lynda Byrd, as recorded in the BCROD deed book 2568 page 904; thence with a line of the lands of Byrd and the northern right of way of Old Powerline Rd in a southwesterly direction 290 feet, more or less, to a corner of the lands of Scenic Plaza LLC, as recorded in BCROD deed book 209 page 71; thence with a line of the lands of Scenic Plaza and the northern right of way of Old Powerline Rd in a southwesterly direction 234 feet, more or less, to a corner of the lands of Scenic Plaza LLC, said point also being the northwest corner of Old Powerline Rd and Waterlevel Hwy; thence crossing Waterlevel Hwy in a southwesterly direction 326 feet, more or less, to the northeast corner of the lands of Ricky Mikle, as recorded in BCROD deed book 2299 page 130; thence with the eastern line of Mikle in a southwesterly direction 115 feet, more or less, to the northeast corner of the lands of Don Jacobsen, as recorded in BCROD deed book 2947 page 993; thence with the eastern line of the lands of Jacobsen in a southwesterly direction 294 feet, more or less, to the southeast corner of the lands of Jacobsen, said corner being located in the western right of way of Old Powerline Rd; thence crossing Old Powerline Rd in a southeasterly direction 156 feet, more or less, to the southwest corner of the lands of Benjamin Jammer, as recorded in BCROD deed book 3039 page 202; thence with the western line of the lands of Jammer in a northeasterly direction 300 feet, more or less, to the northwest corner of the lands of Jammer; thence with northern line of the lands of Jammer in s southeasterly direction 68 feet, more or less, to the northeast corner of the lands of Jammer, said point being the southeast corner of the intersection of Waterlevel Hwy and Old Powerline Rd; thence crossing Waterlevel Hwy in a northeasterly direction 510 feet, more or less, to the western corner of the lands of Edgar Hysinger, as recorded in BCROD deed book 1041 page 734; thence with the western line of the lands of Hysinger 40 feet, more or less, to the northern corner of the lands of Hysinger, said point also being a corner of the lands of Harold Ballard, as recorded in BCORD deed book 2995 page 62; thence with the western line of Ballard in a northeasterly direction 340 feet, more or less, to the southwest corner of the lands

of Jeannine Patterson, as recorded in BCROD deed book 1693 page 550; thence with the western line of the lands of Patterson in a northeasterly direction 193 feet, more or less, to the southwest corner of the lands of Pamela Hoskins, as recorded in BCROD deed book 1964 page 341; thence with the western line of the lands of Hoskins in a northeasterly direction 336.34 feet, more or less, to the northern corner of the lands of Hoskins, said point also being a corner of the lands of John Evans, as recorded in BCROD deed book 2925 page 742; thence with the northern line of the lands of Hoskins in a northeasterly direction 197.57 feet, more or less, to the northern corner of the lands of Hoskins, said point also being located I the western line of the lands of State of Tennessee as recorded in BCROD deed book 143 page 435; thence with the western line of the State of Tennessee in a northeasterly direction 37 feet, more or less, to the northwest corner of the lands of State of Tennessee, said point also being the southeast corner of the intersection of Old Powerline Rd and 6th St; thence crossing 6th St in a northwesterly direction 36 feet, more or less, to the northeast corner of the intersection of Old Powerline Rd and 6th St, said point also being the southwest corner of the lands of TVA, Control Map 058B Group H Parcel 005.00, and a point in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of TVA and the eastern right of way of Old Powerline Rd in a northeasterly direction 230 feet, more or less, to the northwest corner of the lands of Lpez Sanchez, as recorded in BCROD deed book 2921 page 773; thence in a northeasterly direction with the northern line of the lands of Sanchez 75 feet, more less, to the northeast corner of the lands of Sanchez; thence with the eastern line of the lands of Sanchez in a southwesterly direction 113 feet, more or less, to the northeast corner of the lands of Clinton Mason, as recorded in BCROD deed book 2057 page 298, said point also being located in the eastern right of way of Old Powerline Rd; thence following the eastern right of way of Old Powerline Rd in a northeasterly direction 1086 feet, more or less, to the northwest corner of the lands of Terry Calhoun, as recorded in BCROD deed book 2256 page 366; thence with the northern line of the lands of Calhoun in a southeasterly direction 245 feet, more or less, to the northeast corner of the lands of Calhoun, said point also being the southwest corner of the intersection of APD 40 and Old Powerline Rd; thence crossing APD 40 in a northeasterly direction 493 feet, more or less, to the northwest corner of the lands of Lee Benefield, as recorded in BCROD deed book 308 page 560; thence with the northern line of the lands of Benefield in a southeasterly direction 50 feet, more or less, to the southwest corner of the lands of Three Point Development LLC, as recorded in BCROD deed book 3123 page 403, said point being located in the eastern right of way of Old Powerline Rd; thence with the western line of the lands of Three Point and the eastern right of way of Old Powerline Rd in a northeasterly direction 809 feet, more or less, to a corner in the land of Three Point development and the eastern right of way of Old Powerline Rd; thence with a line of Three Point and crossing Old Powerline Rd in a northerly direction 87 feet, more or less, to a corner in the lands of Three Point and the western right of way of Old Powerline Rd, said point also being located in the eastern line of the lands of Tyler Farley, as recorded in BCROD deed book 3079 page 476; thence with the eastern line of the lands of Farley and the western right of way of Old Powerline Rd 80 feet, more or less, to the southern corner of the lands of Farley, said point also being the northeast corner of the intersection of APD 40 and Old Powerline Rd; the with the eastern lines of Farley and the western right of way of APD 40 in a northerly direction 949 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southwest corner of the lands of H&M Group, as recorded in BCROD deed book 2946 page 938; thence with the western line of the lands of H&M in a northeasterly direction 422 feet, more or less, to the northwest corner of the lands of Farley, said point also being the southern corner of the lands of Epi Almazan, as recorded in BCROD deed book 2594 page 657; thence with the western line of the lands of Almazan in a northwesterly direction 717 feet, more or less, to the northwest corner of the lands of Almazan, said point being located in the southern right of way of Benton Pk; thence crossing Benton Pk in a northwesterly direction 194 feet, more or less, to the southwest corner of the lands of Earnest & Barbara Davis, as recorded in BCROD deed book 223 page 69; thence with the western line of the lands of Earnest & Barbara Davis in a northwesterly direction 55 feet, more or less, to the northwest corner of the lands of Earnest & Barbara Davis, said point also being located in the southern line of the lands of Earnest W Davis, as recorded in BCROD deed book 349 page 270; thence with the southern line of the lands of Earnest W Davis in a

southwesterly direction 19 feet, more or less, to the southwest corner of the lands of Earnest W Davis; thence with the western line of the lands of Earnest W Davis in a northeasterly direction 130 feet, more or less, to the northwest corner of the lands of Earnest W Davis, said point also being a corner in the right of way of Parker Dr; thence with the western right of way of Parker Dr 190 feet, more or less, to the southern corner of the lands of Joseph Oechsner, as recorded in BCROD deed book 2542 page 629, said point also being located in the eastern right of way of APD 40; thence with the eastern right of way of APD 40 in a northerly direction 1220 feet, more or less, to the northeast corner of the lands of Guinn Green, as recorded in BCROD deed book 272 page 339; thence crossing APD 40 in a northwesterly direction 954 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. [on file with Plan of Service Resolution]

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2025-46 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-28** - Concerning a request by Chase Family Investments, LLC for consideration of an ordinance to zone about 5.45 acres, more or less, for property located at Lewis Street and Old Powerline Rd from FAR unincorporated county to PUD 67 and includes Tax Map 058B Group D Parcel 020.00 (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-28

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 LEWIS-OLD POWERLINE DEVELOPMENT "PUD 67" ON PROPERTY DESCRIBED AS TAX PARCEL 058B D 020.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 67; 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 67" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 67 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 67 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 67, Lewis-Old Powerline Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as a portion of Tax Map 050B Group D Parcel 020.00. Exhibit A illustrates the overall Lewis-Old Powerline Development Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of Lewis-Old Powerline Development. The project consists of townhomes and detached single family homes. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 40 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 67 Subdivision allows for the construction of up to 40 residential units without amending this ordinance. Permitted uses are Townhomes and single family detached dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 67 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 Lewis-Old Powerline development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 67 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 67, Lewis-Old Powerline development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on May 20, 2025. 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 67 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 Lewis-Old Powerline Development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 67 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets to 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 67 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 67 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 67 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted

building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & setbacks

Townhouses; Setbacks:

Front: 25'

Side: 5'

Rear: 15'

Min Lot Width: 20'

Single family Detached Lots; Setbacks:

Front: 25'

Side: 5'

Rear: 15'

Min Lot Width: 50'

No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B. Sidewalks, Common Area, &Amenities

1. Sidewalks shall comply with the sidewalk ordinance and shall include installation along Lewis St. Additional Right-of-way will be required to ensure that the road meets the required 50' width (25' from centerline).
2. No driveways may access Old Powerline Road directly.
3. A portion of the community open space shall be a usable yet natural area.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 units.
5. A bus stop shelter shall be placed in cooperation and at the request of Cleveland City Schools and can be included with cluster mailbox units.

7.C. Miscellaneous standards

1. The exterior primary (front) facades of all structures shall be comprised of 25% brick, stone, wood, composite, or fiber cement board materials.
2. Residential buildings must incorporate a variety of building elements and treatments for single family detached and townhome style housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. A minimum of two off-street parking spaces per dwelling unit is required.

4. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding townhome or multi-family buildings, in the front yard of all single- family detached structures. Front driveways of Townhomes shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).

6. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers (if applicable), however, the city tree preservation requirements are not otherwise applicable. No buffers are required internally to the PUD area. A 10-foot type B buffer shall be provided along the northern property lines which backs up to existing residential homes. The plantings may be reduced by 50% if a 6-foot wooden privacy fence is installed.

7. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.

8. Right-of-way width shall be 40' in width for all internal roads.

9. Lewis Street shall be improved to City standards along the entirety of the development.

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 67 Lewis-Old Powerline 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 67, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 67 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

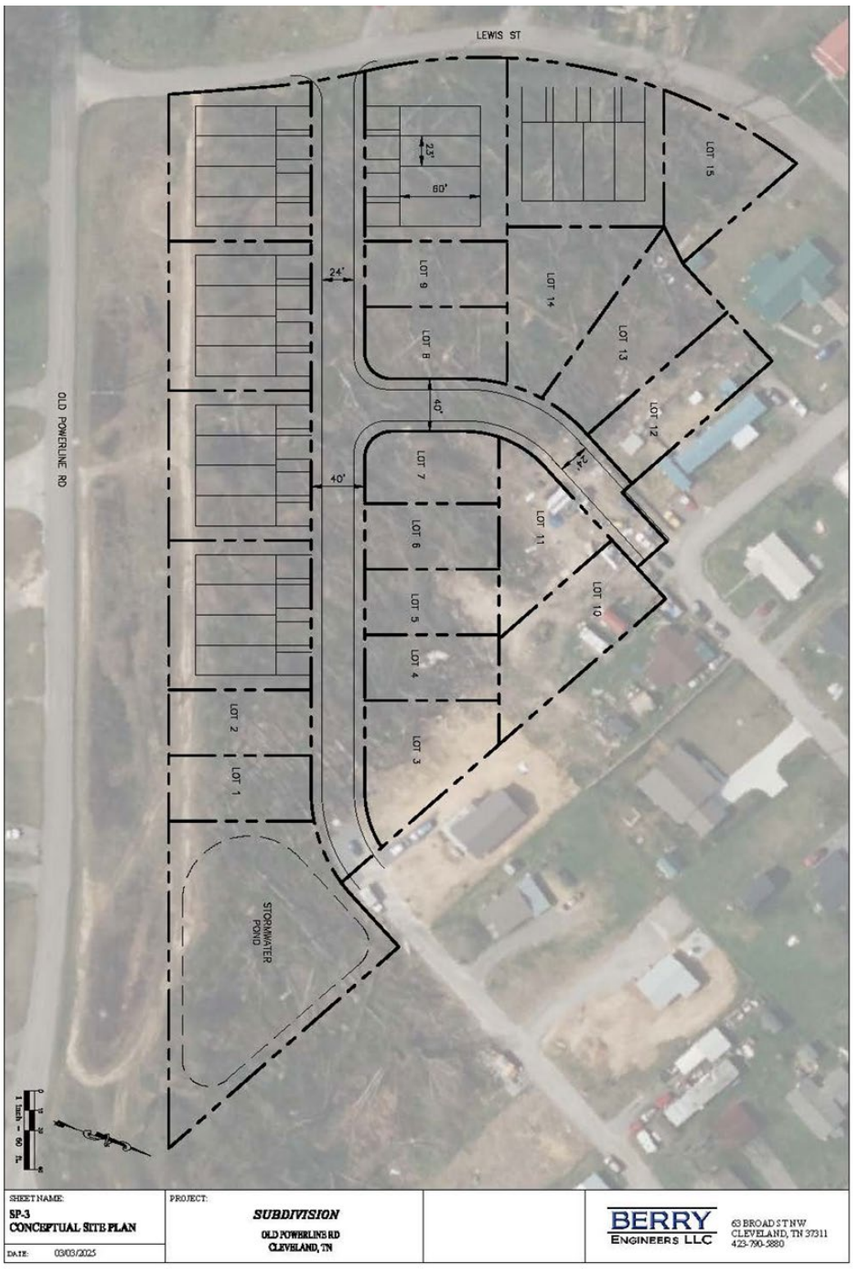
Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved that Zoning Ordinance 2025-28 be voted for passage on first reading. The motion was seconded by Councilman Cassada; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-47** – Concerning a request by First Baptist Staff and Council for consideration of a Plan of Service for about 47 acres, more or less, for property located at Stuart Road and includes Tax Map 042 Parcels 041.11 and 006.05 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-47

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

1275 STUART RD. (042 006.05 and 041.11) FIRST BAPTIST

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 June 9, 2025 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 southwest corner of the lands of Urbane Partners LLC, as recorded in BCROD deed book 2845 page 629, said point also being located I the northern right of way of Stuart Rd; thence following the northern right of way of Stuart Rd north 62 degrees23 minutes 11 seconds west, 136.74 feet to a concrete monument; thence north 65 degrees 25 minutes 48 seconds west, 527.76 feet to an iron pin; thence north 62 degrees 2 minutes 7 seconds west, 405.15 feet to an iron pin; thence leaving the Stuart Rd right of way with a bearing north 37 degrees 1 minute 48 seconds east, 1077.12 feet to an iron pin; thence south 55 degrees 45 minutes 56 seconds east, 300.50 feet to an iron pin; north 85 degrees 7 minutes 43 seconds east, 118.07 feet to an iron pin; thence south 85 degrees 17 minutes 26 seconds east, 1242.55 feet to an iron pin; thence south 24 degrees 52 minutes 32 seconds west, 1494.70 feet to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

MAY 20, 2025
1275 STUART ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 47 acres located at Stuart Road 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 2025.

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.

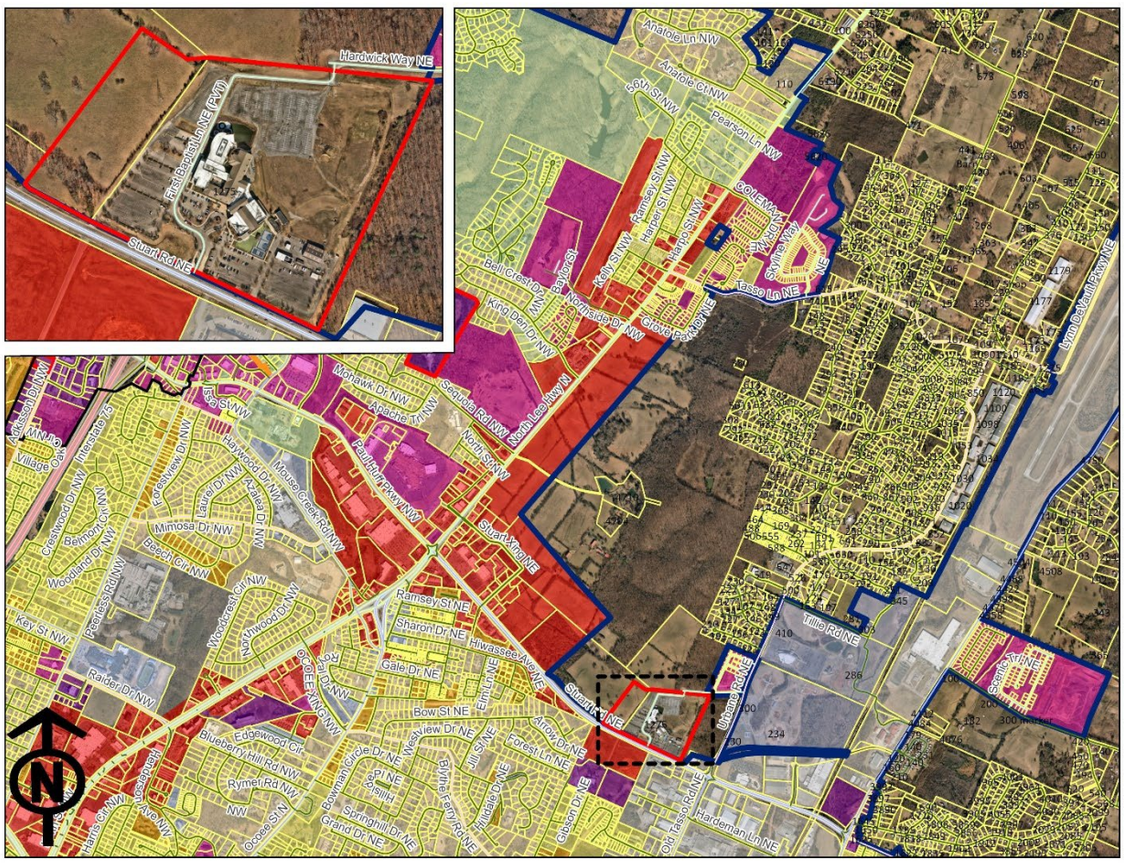
Introduction

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 two parcels, approximately 47 acres total). The annexation would zone the property as PUD Planned Unit of Development . This lot currently holds a Church and infrastructure related to church activities. The property is described as Tax Map 042 Parcels 041.11 and 006.05.

1275 Stuart Rd (First Baptist) Annexation Map



Legal Description

Beginning at an iron pin located at the southwest corner of the lands of Urbane Partners LLC, as recorded in BCROD deed book 2845 page 629, said point also being located I the northern right of way of Stuart Rd; thence following the northern right of way of Stuart Rd north 62 degrees23 minutes 11 seconds west, 136.74 feet to a concrete monument; thence north 65 degrees 25 minutes 48 seconds west, 527.76 feet to an iron pin; thence north 62 degrees 2 minutes 7 seconds west, 405.15 feet to an iron pin; thence leaving the Stuart Rd right of way with a bearing north 37 degrees 1 minute 48 seconds east, 1077.12 feet to an iron pin; thence south 55 degrees 45 minutes 56 seconds east, 300.50 feet to an iron pin; north 85 degrees 7 minutes 43 seconds east, 118.07 feet to an iron pin; thence south 85 degrees 17 minutes 26 seconds east, 1242.55 feet to an iron pin; thence south 24 degrees 52 minutes 32 seconds west, 1494.70 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with existing stations and personnel, with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via an 16” water main along the south side of Stuart Road. See Figure 1 – Water Service.

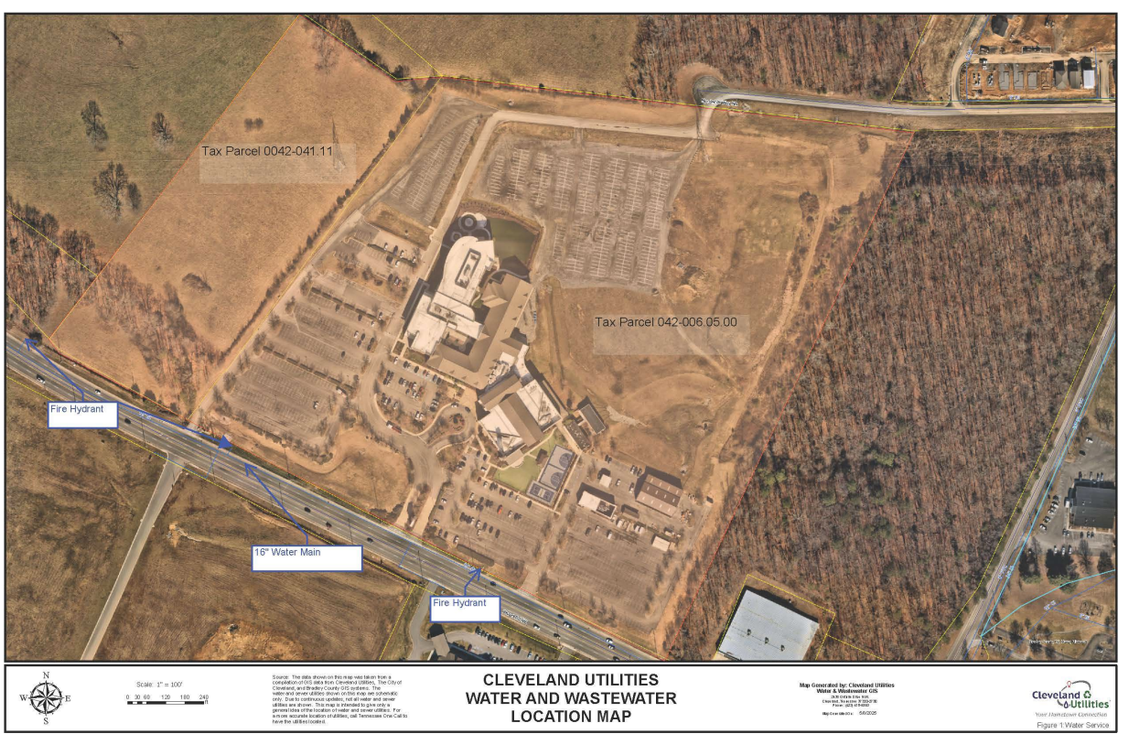
B. Sanitary Sewer---Sewer service is presently available to parcel 042-006.05 via an 8” gravity sewer main along the northeast side of the parcel. To serve parcel 042-041.11 sewer would have to be extended 1,175 feet. See Figure 2 – Sewer Service.

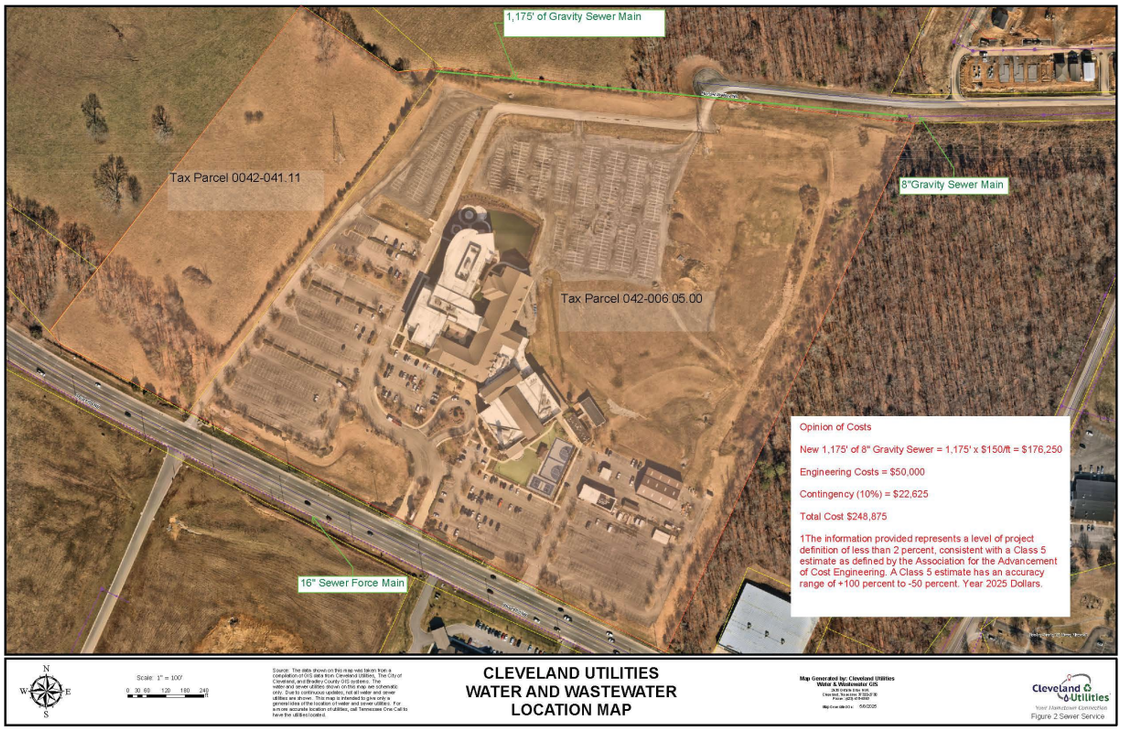
C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant on the parcel along Stuart Rd. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
1275 Stuart Rd (Tax Parcel 042-006.05 and 042-041.11)	**$0**	**$248,875**	**$0**	**$248,875**

1
CU’s opinions of probable Construction Cost are to be made on the basis of CU’s experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors’ methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.





4. Electric Service

Cleveland Utilities Electric has existing facilities in this area to service the new annexation.

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

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

This annexation would have no educational impact on the 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 FAR in the unincorporated County. The property is proposed for a PUD Planned Unit of 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 0 residents to the 4th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total tax revenue generated by this annexation is approximately **$0 per year.**

Councilman May moved that Resolution 2025-47 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-48** – Concerning a request by First Baptist Staff and Council for consideration of a resolution to annex about 47 acres, more or less, for property located at Stuart Road and includes Tax Map 042 Parcels 041.11 and 006.05 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-48

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

1275 STUART RD. ANNEXATION AREA (First Baptist)

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 June 9, 2025.

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 southwest corner of the lands of Urbane Partners LLC, as recorded in BCROD deed book 2845 page 629, said point also being located I the northern right of way of Stuart Rd; thence following the northern right of way of Stuart Rd north 62 degrees23 minutes 11 seconds west, 136.74 feet to a concrete monument; thence north 65 degrees 25 minutes 48 seconds west, 527.76 feet to an iron pin; thence north 62 degrees 2 minutes 7 seconds west, 405.15 feet to an iron pin; thence leaving the Stuart Rd right of way with a bearing north 37 degrees 1 minute 48 seconds east, 1077.12 feet to an iron pin; thence south 55 degrees 45 minutes 56 seconds east, 300.50 feet to an iron pin; north 85 degrees 7 minutes 43 seconds east, 118.07 feet to an iron pin; thence south 85 degrees 17 minutes 26 seconds east, 1242.55 feet to an iron pin; thence south 24 degrees 52 minutes 32 seconds west, 1494.70 feet to the point of beginning.

B. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted. [on file with Plan of Service Resolution]

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Goff moved that Resolution 2025-48 be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-29** - Concerning a request by First Baptist Staff and Council for consideration of an ordinance to zone about 47 acres, more or less, for property located at Stuart Road from FAR unincorporated county to PUD 68 and includes Tax Map 042 Parcels 041.11 and 006.05 (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-29

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT OF DEVELOPMENT (PUD) TO BE KNOWN AS STUART ROAD-FIRST BAPTIST "PUD 68" ON PROPERTY DESCRIBED AS TAX MAP 042 PARCELS 006.05 and 041.11 AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 68; 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 an development

standards for the property described herein through the adoption of the 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 68" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 68 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 68 district are outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION

PUD 68, Stuart Road-First Baptist (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission) includes property generally identified as Tax Map 042 Parcel 006.05, 041.11, Exhibit A illustrates the overall Stuart-First Baptist 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 Stuart Road-First Baptist Development. The project consists of a church facility and associated structures that support the function of the church. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 68 development allows for the existing Church facility and associated uses. Such uses include professional office, child day care, residential uses consistent with current standards associated with the activities of the Church. Other amenities such as a clubhouse, recreational facilities, cemeteries, park shelters, benches, or tables, are allowed on the property and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting Church membership from making further refinements to the development plan of PUD 68 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 residential uses within the PUD will be minimal and serve as a function of the Church related activities.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (exhibit A) for PUD 68, Stuart Road-First Baptist Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on May 20, 2025. The conceptual plan consists of a survey of the existing lots. However additional drawings, documents, and permits routinely required for development are expected for review and approval prior to construction. All development within PUD 68 must be within the existing property as depicted. If additional property is included it shall be modified by the agreement of the Cleveland Municipal Planning Commission.

Other variations may include the width or alignment of driveways, 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, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 68 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plat(s) will describe and dedicate public streets and 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, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 68 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 68 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 68 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the PI Professional Institutional District, from the City of Cleveland's zoning regulations.

The existing LED Electronic reader board and square footage is allowable. Additional signage is allowable but must meet the requirements of the Cleveland, Tennessee Zoning Ordinance.

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. All stormwater detention/retention areas will be screened from the public ROW.

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 68 Stuart Road-First Baptist 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 play 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 68 , an amendment to this ordinance is not required to implement such detailed block plan, site plan, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A, then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 68 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 “First Baptist Church of Cleveland” 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 join access areas, and undeveloped portions of the property that are intended for development.

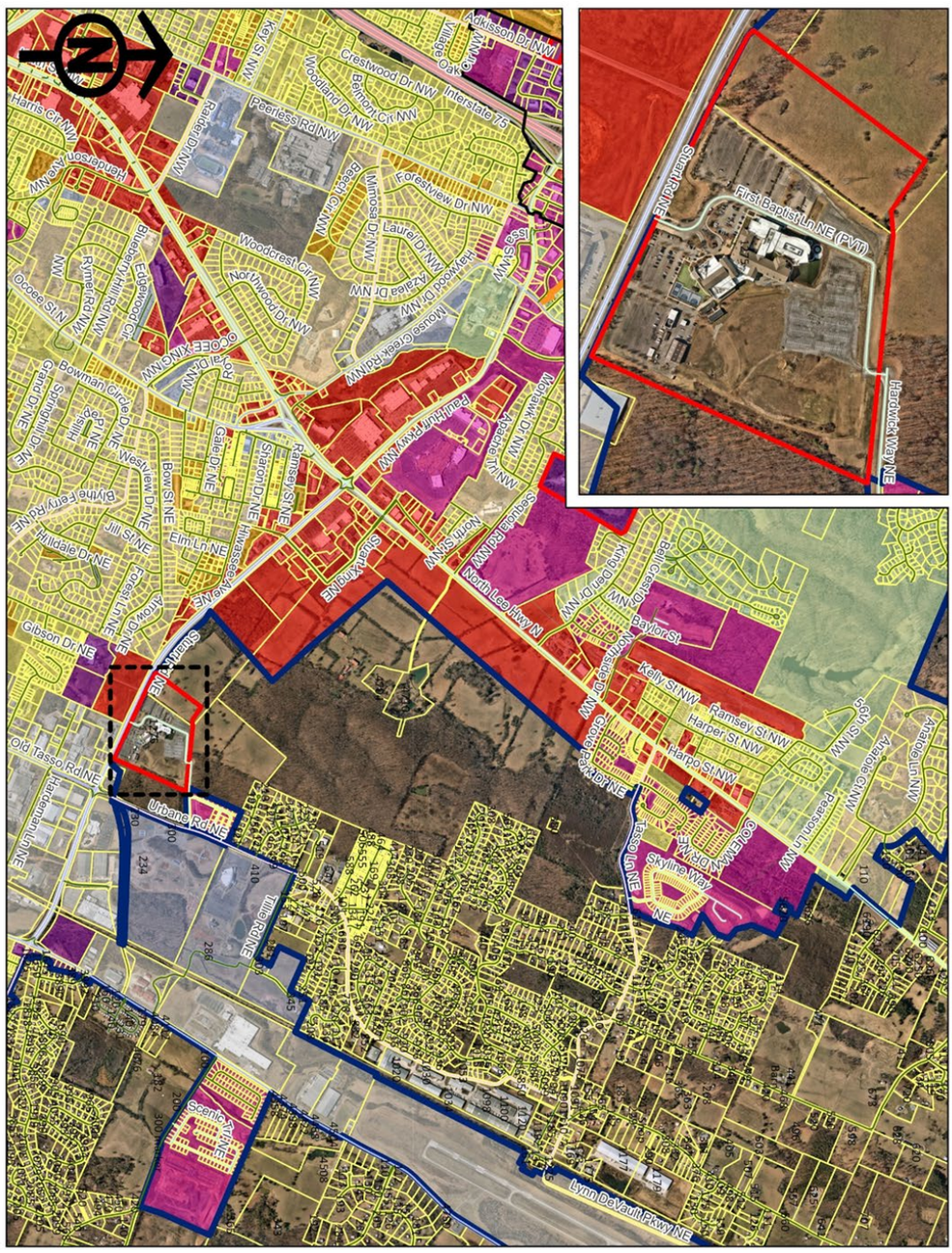
Section 11. CONFLICTS, SEVERABILITY, and EFFECTIVE DATE.

Where this ordinance is in conflict with existing ordinance with respect to the development of this property the terms of this ordinance shall prevail unless state 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



Councilman Goff moved that Zoning Ordinance 2025-29 be voted for passage on first reading. The motion was seconded by Councilman Cassada; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-30** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to add section 2.4 UR-1 Urban Single Family Residential Zoning District as a zoning designation and to renumber the affected sections for clarity and consistency (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2025-30

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY ADDING SECTION 2.4 AND REVISING TABLE 1 USES AND ZONING DISTRICTS AND SECTIONS 3.1.A TABLE 2 AND 3.2.A TABLE 3 SO AS TO PROVIDE FOR THE CREATION OF UR-1 URBAN SINGLE FAMILY RESIDENTIAL ZONING

DISTRICT AND THE REQUIRED STANDARDS AND REGULATIONS AND TO RENUMBER THE AFFECTED SECTIONS FOR CLARITY AND CONSISTENCY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has considered there is a need to implement zoning changes to the College Hill and similar urban neighborhoods to preserve the unique character and historical significance of the area.

WHEREAS the City Council has determined the existing zoning regulations should be revised to allow for the creation of this zoning district which will protect, preserve, and enhance the character of the College Hill and similar urban neighborhoods.

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

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by creating section 2.4 to read as follows:

2.4 UR-1 DISTRICT (Urban Single-Family Residential)

For areas defined as Urban that lie within the area south of 20th Street NE, east of Ocoee Street/South Ocoee Street, west of SR60/APD40 and North of 20th Street SE/21st Street SE.

2.4.1 Permitted Uses. The UR-1 Urban Single-Family Residential District allows for the following uses:

A. Single-Family Detached Dwellings (not including manufactured structures on a single chassis);

B. Home Occupations, subject to section 3.10.

2.4.2. Conditional Uses. The following uses may be allowed:

A. Parks;

B. Utility Towers.

C. Churches with or without daycare, preschool, primary school, or secondary school. Conditions for approval include location on and access from an arterial or collector street and compliance with the applicable site planning requirements in sections 3.0 and 6.2. Conditions for approval would be directed toward mitigating impacts on homes and residential streets from noise, traffic, parking demand, and other effects of the church development. However, proposed new church sites shall not be considered for a conditional use review unless they contain at least two (2) acres and are located on an arterial or collector street.

D. Townhomes (which must follow townhouse regulations located in City of Cleveland Subdivision Regulations)

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

2.4.3. Building Setbacks and Lot sizes

1. Minimum Building Setback: Ten (10) feet with rear-loaded driveway or side driveway access, twenty-five (25) feet with front driveway access.

2. Maximum Building setback: Twenty-five (25) feet;

3. Side Yard Building Setback: Five (5) feet where permitted use adjoins any residential zone or existing single-family use. Ten (10) feet where permitted use adjoins any other zone.

4. Rear Yard Building Setback: Fifteen (15) feet

5. Minimum Lot frontage Single Family: Fifty (50) feet

6. Minimum Lot frontage Multi Family: Seventy-five (75) feet

7. Minimum lot size for single-family detached: 5,000 square feet

Section 2. **The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by renumbering affected sections of section 2.0 Zoning Districts as follows:**

Section 2.5 R-2 DISTRICT (Low Density Single and Multi-Family)

Section 2.6 R-3 DISTRICT (Multi-Family Residential)

Section 2.7 R-4 DISTRICT (Mobile Home Parks)

Section 2.8 R-5 DISTRICT (High Rise Residential)

Section 2.9 CN DISTRICT (Neighborhood Commercial)

Section 2.10 PI District (Professional Institutional)

Section 2.11 CG District (General Commercial)

Section 2.12 CH District (Highway Commercial)

Section 2.13 CBD (Central Business District)

Section 2.14 MU District (Mixed Use)

Section 2.15 IL DISTRICT (Light Industrial)

Section 2.16 IH DISTRICT (Heavy Industrial)

Section 2.17 TEMPORARY USES

Section 2.18 UC DISTRICT (University Campus)

Section 2.19 B DISTRICT (Buffer)

Section 2.20 SEX OUTLETS

Section 2.21 IGC DISTRICT (Interstate Gateway Corridor)

Section 2.22 UMUC (Urban Mixed-Use Corridor)

Section 2.23 EXISTING SALVAGE YARDS AND/OR RECYCLING CENTER BUSINESS WITHIN THE CH ZONE

The City Clerk is hereby given permission to renumber associated affected subsections within these listed sections for clarity and consistency.

Section 3. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following column to Table 1 USES AND ZONING DISTRICTS:

USES	UR-1
Accessory structures such as a tool shed, garden shed, workshop, detached garage or carport, gazebo, pool house and the like may be located in conjunction with residential uses. Accessory structures associated with non-residential uses could include the foregoing types of uses as well as signs and other structures that support the principal use of the property.	
Agricultural accessory, customary	
Agricultural uses	
Amusement facility	
Animal boarding and kennels	
Bed and breakfast	
Billboards	
Building supply	
Cellular communication towers	
Cemetery	
Church	c
College or other higher education institution[2]	
Commercial, region-serving	
Community center and the like	
Day care	
Dry cleaners, one drive-up window	
Dry cleaners, with or without drive-up window	
Dwelling, duplex	c
Dwelling, high rise residential	

USES	UR-1
Dwelling, mobile home, in mobile home park	
Dwelling, multi-family	
Dwelling, quadruplex	
Dwelling, residential, above first floor	
Dwelling, single family detached	x
Dwelling, triplex	c
Emergency services facility and/or dispatch center and other public facilities and services	
Entertainment facility	

Farm and garden	
Financial institution with any number of drive-up lanes	
Financial institution, with up to 3 drive-in lanes	
Flea market or similar indoor/outdoor sale complex	
Forests, other natural vegetative growth, landscaping, berms, fences, and/or walls	
Foster home	
Fraternal lodge and the like	
Funeral home, mortuary, and like	
Gasoline sales and/or service, including combined with food mart	
Golf course	
Government office	
Home occupation, subject to 3.10	x
Hospital	
Hotel	
Junkyard	
Library, public	
Living facility, congregate and/or residential care	
Maintenance facility	
Mall, regional	
Manufacturing business	
Manufacturing, light, within a building	

USES	**UR-1**
Medical office or clinic	
Mini-warehouse facilities	
Motel	
Night Clubs	
Office Park, region-serving	
Outdoor arena, rodeo grounds, racetrack, firing range, or similar facility	
Ornamental and vegetable gardens	
Park	c
Parking lots	
Passive parks, playgrounds, fitness trails, picnic areas and picnic shelters, swimming pools, outdoor sports courts, fields, or grounds primarily for recreational use other than league or tournament play, and greenways	
Professional office	
Public utilities	
Recreation, commercial	
Recreation/utility/other necessary building for mobile home park	
Recycling center	

Restaurant, with drive-up facility	
Restaurant, without drive-up facility	
Salvage yard	
School, preschool, primary or secondary, public or private	
School, commercial or trade	
Service business, personal	
Service business	
Shopping center, not a regional mall	
Single-family homes in single-family house structures built or located on the same site prior to 2008	
Snack shop	
Storage yard	
Store, department	
Store, retail	

USES	**UR-1**
Store, convenience	
Store, discount, large scale, freestanding	
Store, freestanding neighborhood	
Streets, driveways, bridges, walkways, bike paths	
Supermarket	
Tourist, guest, or boarding home	
Tower, any type	
Tower, utility	c
Townhomes	c
Upper-story residences	
Utility facility	
Vegetated riparian buffers	
Vehicle parts and accessories, not including vehicle repair or sales	
Vehicle sales, rental, and/or repair	
Veterinary office or clinic, without kennels and runs	
Veterinary office or clinic, with or without kennels and runs	
Wetland mitigation areas, stormwater detention or retention areas, water courses or bodies of water, slope easements for construction projects or slope preservation areas	
Wholesale business, storage and distribution	

Section 3. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following row to Section 3.1.A Table 2:

Zoning District	Lot Area[2] (Square Feet)	Lot Width (Feet) at the Building Setback Line
UR-1 Urban Single Family Residential	5,000 sf (single family) 10,000 sf + 1,500 sf for each addition unit (multi-family)	50 feet (single family) 75 feet (multifamily)

Section 4. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following row to Section 3.2.A Table 3:

Table 3
Building Setbacks, Heights, and Impervious Surfaces

Zoning District	Minimum Setbacks (feet)			Maximum Building Height	Minimum Green Space	Maximum Impervious Surface
	Front Yard	*Side Yard*	*Rear Yard*			
UR-1	Min: 10 ft Max: 25 ft	5 ft. (when adjoined by residential zoning or existing single-family residential) 10 ft (adjoining any other non-residential zone)	15 ft	35 feet	0.40	0.50

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 6. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

Section 7. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Ordinance 2025-30 be voted for passage on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-31** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete section 2.21 ISE District and replace with section 2.22 UMUC Urban Mixed-Use Corridor Zoning District as a zoning designation (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2025-31

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY DELETING SECTION 2.21 ISE DISTRICT REPLACING WITH SECTION 2.22 UMUC URBAN MIXED-USE CORRIDOR ZONING DISTRICT AND REVISING TABLE 1 USES AND ZONING DISTRICTS AND SECTIONS 3.1.A TABLE 2 AND 3.2.A TABLE 3 SO AS TO PROVIDE FOR THE CREATION OF UMUC URBAN MIXED-USE CORRIDOR ZONING DISTRICT AND THE REQUIRED STANDARDS AND REGULATIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has considered there is a need to implement zoning changes to the Urban Corridors to preserve the unique character and historical significance of the area.

WHEREAS the City Council has determined the existing zoning regulations should be revised to allow for the creation of this zoning district which will protect, preserve, and enhance the character of the historical Urban Corridors of the City.

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

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by creating section 2.22 to read as follows:

2.22 UMUC DISTRICT (Urban Mixed-Use Corridor)

2.22.1 Purpose and Intent. There is hereby created an Urban Mixed-Use Corridor which is designed to provide future development which brings value to the existing neighborhood, builds upon areas of historic significance, and creates high-quality gateways into the historic downtown area. The district is specifically designed for urban corridors of Wildwood Avenue/Dalton Pike, East Inman Street, South Ocoee Street, and 6th Street NE. The district shall include a mix of uses including specific residential uses, retail, and professional facilities without imposing undesirable impacts on the existing and surrounding neighborhoods.

2.22.2 Permitted Uses

A. Uses allowed by right in the PI, CN, CG zoning designations unless otherwise prohibited below.

B. Upper story residential uses above commercial/office uses

2.22.3. Conditional Uses.

A. Townhomes (which must follow townhouse regulations located in the City of Cleveland Subdivision Regulations).

B. Multi-Family structures not exceeding 3 units which do not follow Townhouse regulations. Conditions for approval include location on and access from an arterial or

collector street and compliance with the applicable site planning requirements in sections 3.0 and 6.2. Conditions for approval would be directed toward mitigating impacts on the character of the single-use family nature of the district. Must have a minimum of 10,000 square feet plus 1,500 per additional unit.

2.22.4 Uses Prohibited.

A. Billboards, warehousing, off-premises signs, veterinary offices and clinics with outside kennels or runs, display and sale of merchandise located outdoors unless explicitly approved by the Planning Commission.

2.22.5 Site Sketch Plan Requirements.

A site sketch plan containing the following information must be submitted and approved by the Cleveland Municipal Planning Commission prior to any exterior construction requiring a building permit.

A. A legal description of the total site and a state 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, parking spaces, streets, and utilities.

C. The location and dimensions of all points of proposed vehicular and pedestrian access.

D. Specify the material proposed for the exterior walls of the building.

E. Identify the location, intensity, and direction of all proposed lighting.

F. Specify the location of proposed planted areas and types of vegetation or fencing planned for landscaping and buffer.

2.22.6 Off-street parking and loading.

A. The proposed development or use should demonstrate that there is adequate parking available for the proposed use. This may be accomplished through existing or proposed public or private parking spaces or through join use agreements with nearby facilities.

B. Parking is required to be located to the rear or side of the primary structure.

C. All loading and unloading facilities shall be located in the rear unless specifically approved by the Planning Commission.

2.22.7 Building Setbacks and Lot sizes

A. Unless provided by the Planning Commission, all primary structures must be located within twenty (20) feet, but no closer than five (5) feet of any lot line directly adjoining the primary street. There shall be no minimum rear or side setback requirements unless deemed necessary for public safety by the Planning Commission at the request of the Director of Planning and Community Development.

Section 2.22.8 Landscaping, Buffers, and appearance.

A. In addition to section 3.3 of the zoning ordinance regarding Landscaping and Buffers, the following shall apply:

(1) At street entrances and exits planted areas shall be provided that enhance the appearance but do not obstruct traffic visibility or create a hazard for pedestrians.

(2) Areas for refuse and trash collection shall be designated and the containers kept in an enclosed area constructed with to match primary structure that will allow adequate trash storage yet to prohibit the viewing of the trash collected from adjoining properties or ROW.

B. Appearance:

(1) The exterior of the building should be of materials that will conform to adjacent existing neighborhoods. Brick and stone or similar materials are encouraged. No metal buildings are allowed.

(2) Large blank walls are discouraged. Recessed or articulated wall surfaces are encouraged as well as windows facing the main corridor. Forty (40) percent of the walls for street level businesses are recommended to be windows.

(3) Canopies and other architectural elements which define the roof are encouraged. All mounted equipment and protrusions should be screened from view from entrances and pedestrian pathways as viewed from on-site ground level. Roof-mounted equipment should be screened from all sides.

(4) Unless otherwise provided for in this section or at the discretion of the Planning Commission, all signs shall comply with the sign regulations as described in section 5.0 of the zoning ordinance.

Section 2. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following column to Table 1 USES AND ZONING DISTRICTS:

USES	UMUC
Accessory structures such as a tool shed, garden shed, workshop, detached garage or carport, gazebo, pool house and the like may be located in conjunction with residential uses. Accessory structures associated with non-residential uses could include the foregoing types of uses as well as signs and other structures that support the principal use of the property.	
Agricultural accessory, customary	
Agricultural uses	
Amusement facility	x
Animal boarding and kennels	
Bed and breakfast	x
Billboards	
Building supply	x
Cellular communication towers	
Cemetery	x
Church	x
College or other higher education institution[2]	x
Commercial, region-serving	
Community center and the like	x
Day care	
Dry cleaners, one drive-up window	x

Dry cleaners, with or without drive-up window	
Dwelling, duplex	c
Dwelling, high rise residential	

USES	UR-1
Dwelling, mobile home, in mobile home park	
Dwelling, multi-family	
Dwelling, quadruplex	
Dwelling, residential, above first floor	
Dwelling, single family detached	
Dwelling, triplex	c
Emergency services facility and/or dispatch center and other public facilities and services	
Entertainment facility	
Farm and garden	x
Financial institution with any number of drive-up lanes	x
Financial institution, with up to 3 drive-in lanes	
Flea market or similar indoor/outdoor sale complex	
Forests, other natural vegetative growth, landscaping, berms, fences, and/or walls	
Foster home	x
Fraternal lodge and the like	x
Funeral home, mortuary, and like	x
Gasoline sales and/or service, including combined with food mart	x
Golf course	
Government office	x
Home occupation, subject to 3.10	
Hospital	x
Hotel	x
Junkyard	
Library, public	x
Living facility, congregate and/or residential care	x
Maintenance facility	
Mall, regional	
Manufacturing business	
Manufacturing, light, within a building	

USES	UMUC
Medical office or clinic	x
Mini-warehouse facilities	
Motel	x
Night Clubs	
Office Park, region-serving	

Outdoor arena, rodeo grounds, racetrack, firing range, or similar facility	
Ornamental and vegetable gardens	
Park	
Parking lots	
Passive parks, playgrounds, fitness trails, picnic areas and picnic shelters, swimming pools, outdoor sports courts, fields, or grounds primarily for recreational use other than league or tournament play, and greenways	
Professional office	x
Public utilities	
Recreation, commercial	x
Recreation/utility/other necessary building for mobile home park	
Recycling center	
Restaurant, with drive-up facility	
Restaurant, without drive-up facility	
Salvage yard	
School, preschool, primary or secondary, public or private	
School, commercial or trade	x
Service business, personal	x
Service business	x
Shopping center, not a regional mall	x
Single-family homes in single-family house structures built or located on the same site prior to 2008	
Snack shop	
Storage yard	
Store, department	x
Store, retail	x

USES	UMUC
Store, convenience	x
Store, discount, large scale, freestanding	
Store, freestanding neighborhood	
Streets, driveways, bridges, walkways, bike paths	
Supermarket	x
Tourist, guest, or boarding home	x
Tower, any type	
Tower, utility	
Townhomes	c
Upper-story residences	x
Utility facility	
Vegetated riparian buffers	

Vehicle parts and accessories, not including vehicle repair or sales	x
Vehicle sales, rental, and/or repair	
Veterinary office or clinic, without kennels and runs	x
Veterinary office or clinic, with or without kennels and runs	
Wetland mitigation areas, stormwater detention or retention areas, water courses or bodies of water, slope easements for construction projects or slope preservation areas	
Wholesale business, storage and distribution	

Section 3. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following row to Section 3.1.A Table 2:

Zoning District	Lot Area[2] (Square Feet)	Lot Width (Feet) at the Building Setback Line
UMUC Urban Mixed-Use Corridor	5,000 for newly created lots	None unless deemed necessary for public safety by the Planning Commission

Section 4. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following row to Section 3.2.A Table 3:

Table 3
Building Setbacks, Heights, and Impervious Surfaces

Zoning District	Minimum Setbacks (feet)			Maximum Building Height	Minimum Green Space	Maximum Impervious Surface
	Front Yard	*Side Yard*	*Rear Yard*			
UMUC	Min: 5 ft Max: 20 ft	None unless deemed necessary for public safety by Planning Commission	None unless deemed necessary for public safety by Planning Commission	55 feet	0.10	0.90

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 6. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

Section 7. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Ordinance 2025-31 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-32** – Amending PUD63 to correct a clerical error in the number of total residential units from 38 to 50 as approved by Planning Commission.

ZONING ORDINANCE 2025-32

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 VALLEY HEAD ROAD PROJECT "PUD 63" ON PROPERTY DESCRIBED AS TAX MAP 034I GROUP D PARCELS 03.00-07.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 63; 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 63" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 63 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 63 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 63, Valley Head Road Project (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 034I D Parcels 003.00-007.00. Exhibit A illustrates the overall Valley Head Road Project 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 Valley head Road Project. The project consists of townhomes homes, detached single family homes, and duplexes with central common areas. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 50 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 63 Subdivision allows for the construction of up to 50 residential units in triplex and quadplexes 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 63 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 Valley Head Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 63 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 63, Valley Head Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 18, 2025. 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 63 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 development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

Units will only be accessible from interior drives with a maximum of 2 driveway/access way cuts along Valley Head Road. Sidewalks are required along the Valley Head Road frontage in accordance with the sidewalk ordinance for the City of Cleveland. Where Valley Head Road Right-of-way does not meet the minimum 50’ width needed for collector streets, right-of-way shall be provided that equals 25’ from the centerline of the existing road.

6.B. PLATS.

One or more plats will be prepared for the PUD 63 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. Townhomes may be platted with frontage onto a private drive in lieu of a public street. The private drive shall contain an access easement allowing for shared use by the townhomes that it abuts.

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 63 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 63 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 63 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks

Setbacks shall be governed by R-2 zoning requirements. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks are required along the property frontage along Valley Head Road.

3. The minimum open space provided shall be a minimum of ¼ acre. A portion of the open space shall be easily accessible and usable by the residents.

4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces.

5. Central dumpsters shall be utilized in lieu of individual trash cans and shall be placed in areas accessible to all units.

7.C Miscellaneous Standards

1. The exterior façades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.

2. A minimum of two- and one-half parking spaces per dwelling unit is required.

3. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed between freestanding buildings. Front driveways/parking areas for each structure shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).

4. Attempts shall be made to preserve existing trees along the perimeter of the development however, the city tree preservation requirements are not otherwise applicable. An additional 10’ buffer shall be required along the single-family structures to the south and west and must include a single row of evergreen trees and one shade tree per 50 linear feet.

5. A landscape street yard no smaller than 5' in width shall be installed along Valley Head Road to provide privacy and to maintain a high-quality appearance. This street yard shall include various trees and shrubs as approved through staff site plan review.

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 PUD63 Valley Head Road. 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 PUD63, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD63 zoning district and is binding upon the City’s regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk



Councilman Goff moved that Zoning Ordinance 2025-32 be voted for passage on first reading. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 7-0.

City Manager Joe Fivas stated today you are not making any decision on the certified rate but we would like directions on what the Council would like in the notice for the public hearing. The certified rate process would then begin at the July 14 meeting. The memo includes comparable cities and their tax rates. To keep in the back of your mind, for every penny, per month, it is about 0.62 cents. So every penny you add, it's 0.62 cents. The City School Board has recommended two schools and somethings city staff is looking at recommending. He doesn't make recommendations for the City Schools but he does verify that what the dollars are so we can do what we want from a financial standpoint. Mr. Fivas then presented the following memo and reviewed each item concerning Pennies for Progress Options.

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: **June 9, 2025**

RE: **Pennies For Progress Options**

SUMMARY:

On April 25, 2025, the City School Director requested the City fund two new community elementary schools in the Northwest and Southwest area of Cleveland simultaneously. In lieu of that request, I've suggested some other bonding options that would make our selling bonds more efficient.

SCHEDULE:

If the City Council agrees to exceed the Certified Tax Rate, the 2nd Reading of the City Budget will be held on June 23rd, and the final vote on the New Certified Tax Rate would be held on July 14th.

NEW CERTIFIED TAX RATE:

Cleveland: **$1.2316** (Previous $1.71)

Average Certified Tax Rate for Cities w/ City Schools: **$1.97**

Maryville:	**$1.63** (Previous $1.50)
Kingsport:	**$1.82** (Previous $1.99)
Collierville:	**$1.49** (Previous $1.84)
Bristol:	**$2.05** (Previous $2.25)
Johnson City:	**$1.82** (Previous $1.87)
Oak Ridge:	**$2.31** (No change)
Tullahoma:	**$2.15** (Previous $1.95)
Dyersburg	**$2.47** (Not Confirmed)

'Pennies for Progress' or 'P2 Plan' Project Funding Outline:

In order to give the City Council options to consider on this request, I have prepared a funding model called 'Pennies for Progress'.

Staff Recommendation: City Staff recommendation is for a bundled investment and increase of Items #1, Item #2, Item #3, and Item #4. Our current FY 26 budget is balanced and does not rely on any increase in funding. We would begin execution immediately with these items if approved by the City Council, and these funds would not be comingled with our other funds to show transparency. This funding is predicated with keeping our debt funding static for a 20-year period of time.

Cleveland City School Recommendation: CCS Board & Staff will make their recommendation for the funding requested by the City Schools. A $0.03 Penny increase would be necessary for construction for opening school in 2028 and 2031. This would not fund operating costs for these two new City Schools.

1) **Increase Paving by 40%: $0.02 Pennies**

Currently, since 2017, we have invested $1.3 million for paving on an annual basis. In this time, our costs have increased by approximately 40% due to material and labor costs. This funding proposal would add $0.02 Pennies to our property taxes and would be solely dedicated to paving costs. $0.02 Pennies would increase our paving funding by approximately 40%. We would not bond for this paving. We would use PAYGO procedures for this annual dedicated funding.

2) **Construction of Multi-Field Sports Complex, Indoor Athletic & Events Center, and Aquatics Facility: $0.02 Pennies**

Currently, we do not have enough recreational fields and/or courts to adequately service our local recreational needs for most adult and youth sports. This problem will get worse over the next 20 years as our population grows to approximately 86,000 residents.

Bradley County and Cleveland due to its proximity to I-75, its proclivity for successful local sports teams, having a substantial number of hotels, and being within 2.5 hours of Atlanta, Chattanooga, Knoxville, Birmingham, and Nashville, is strategically located to be a powerhouse in sports tourism marketing.

Sports tourism investment and marketing will allow our local residents to have access to elite facilities for 50 years, to have non-local residents pay for much of these facilities, and to bring local jobs and investment to Cleveland.

The City, County, and Chamber has completed a Sports Tourism Study and it has determined and recommends the construction of a Multi-Field Sports Complex and an Indoor Athletic & Events Center. After construction, these facilities will result in approximately $1.4 million in new annual revenue to our local governments and 68,000 new hotel nights. The study shows that these investments could generate $41 million in new annual spending within our community. Studies show that for every $1,000,000 in local sports tourism investment it will create 13 local jobs for restaurants, hotels, and other service businesses.

The Multi-Field Sports Complex could host soccer, 7-on-7 football, and lacrosse tournaments and recreational play. Currently, the Greater Cleveland Soccer Association has over 1,000 recreational youth participating in soccer. The goal would be to construct this facility in five phases over 7-years beginning in 2026. The first phase would include two new artificial turf fields to replace damaged grass fields. The second phase would include the reimagination of the parking lot areas, storage facilities, tournament operations center, concessions, field expansion, and restroom facilities. The third phase would include additional new artificial fields. The fourth phase would include additional new artificial fields. The fifth phase would include additional new artificial fields. We hope to have limited bonding for this facility. We hope to use Pay-As-You-Go funding options for these five phases.

The Indoor Athletic/Events Center/Aquatic Center allows for our 50 different tourism event and sports events. Mostly consisting of basketball, wrestling, indoor soccer, pickleball, volleyball, etc. The Indoor facility could host 4,000 to 5,000 people for concerts, graduations, sporting events, vendor shows, monster truck shows, church services and events, conference trade shows, etc

The City and City Schools will have the need to replace the Tinsley Pool and Denning Center Pool within the next five years. The Indoor Athletic & Event Center would also have an aquatics facility as part of the structure. This could replace some of the lost functionality of Tinsley Pool and the Denning Center. The goal would not to directly complete with the YMCA, but to provide a broader aquatic environment in Bradley County and Cleveland. We would likely have a third party to manage this facility.

I would recommend that these facilities be paid for by the $0.02 Pennies of dedicated property taxes, Hotel/Motel Tax, Liquor Tax, RIDA Infrastructure Investment, and a Tax Increment Finance District by the City and County. The goal would be to begin construction in approximately 2-3 years. However, our planning and pre-development activities would immediately begin. This funding model will be dependent on doing this development within a planned and successful Tax Increment Finance District and using the tax capture to fund significant parts of this investment.

3) Widening of Mouse Creek Road, Freewill Road, and Michigan Avenue: $0.02 Pennies

Mouse Creek Road would be widened by placing stormwater pipe along the side of the street, and placing turn lanes on the larger neighborhoods along this street. This would be funded with Pay-As-You-Go process with Mouse Creek Road and finish within FY 27. We may also use some Stormwater Funds for this project. The approximate cost for widening these streets is $3-4 million.

Freewill Road would be widened by placing stormwater pipe along the side of the street, and placing turn lanes on the larger neighborhoods along this street. This would be funded with Pay-As-You-Go process with Freewill Road and finish within FY 29. We may also use some Stormwater Funds for this project. The approximate cost for widening these streets is $3-4 million. We will also request County funding for these improvements.

Michigan Ave would be widened by placing stormwater pipe along the side of the street, and placing turn lanes on the larger neighborhoods along this street. This would be funded with Pay-As-You-Go process with Michigan Avenue and finish within FY 31. We may also use some Stormwater Funds for this project. The approximate cost for widening these streets is $3-4 million. We will also request County funding for these improvements.

4) Construction of a New County/City/Non-Profit Animal Shelter, a New City Fire Station, and a New Empowerment Center (Transition Housing for Homeless Families): $0.015 Pennies

Within the next four years, the City will need a new Fire Station to adjust our services areas due to our growth. City development staff will work with Fire Department to find the best location per our expected future growth.

The City would be able to bond and construct a new City/County/Non-Profit Animal Shelter to replace our current facility which is approximately 30 years old. Significant private funding has been promised by community donors. Any additional funding from the $0.05 would be allocated to the operations of our Animal Control team.

The City would be able to bond and construct a new City/County Empowerment Center (Transitional Housing for Homeless Housing). We have a $1 million appropriation from the federal government, and the County and City have already appropriated some additional funds. This will require additional funding from the County.

Cleveland City School Recommendation:

5) Construction of Two Elementary Schools: $0.03 Pennies

The construction cost of two new elementary schools is approximately $70 million. There could be additional costs for land acquisition and pre-development costs. This would allow for these schools to be constructed to open in 2028 and 2031. If school adjust the construction time periods it could increase or decrease the necessary costs.

The potential approval of this funding mechanism does not take away the need for the School Board to bring site plans, elevations, and business plans to the City Council for final approval before construction. Depending on the business plan, the City Council may also need significant additional funding for staffing and FFE of these new schools.

Vice Mayor Webb asked with the additional pennies, are you comfortable that the additional funding sources are there to do these projects. Mr. Fivas asked which one specifically. Vice Mayor Webb stated say they were all approved, 10.5 pennies, you are comfortable in each situation that the other funding sources are there. Mr. Fivas stated we know the hotel/motel tax is there. One thing that is articulated here, we know there are stormwater funds available for that. Everything is solid on the indoor athletic facility and aquatic center, has to be paired with tax increment district plan to help pay some of that back. As long as that happens, there is plenty of

funding there. When we do the tax increment financing district, we have to produce a schedule of all the money we produce and how we are to pay off the bonds. As long as the conditions remain, and the new thing that was recently passed, RIDA infrastructure investment, will open up other opportunities for development, if it is paired with other residential/commercial development. The answer is absolutely yes, as long as the conditions require that we can use the tax capture tools. Councilman Estes asked what does staff need from them today. Mr. Fivas replied we need a starting point of where the Council feels comfortable starting. If you are going to exceed the rate and we advertise, you can't go above but you may go below. Mr. Kimball stated the notice is to show that you are considering exceeding the certified tax rate. You are not required to exceed it, but if you state what you intend to exceed it by, that's your cap. Mr. Fivas stated yes, you can start the conversation at whatever number you decide. Councilman Cassada stated if we decide to go the max, we are not tied to it, we can discuss further and reduce if we want. Mr. Fivas stated yes, correct. Today it is not about raising the rate, it is beginning the process for discussion. Councilman Cassada stated as we invest in our community, our family thrive, infrastructures, schools, quality of life, public safety, everything thrives. He doesn't mind having an open discussion but would like input from the people in his district. Councilman Cassada then moved that the public hearing advertisement state the City Council will consider exceeding the certified tax rate, up to and not to exceed 10.5 pennies over the certified rate. The motion was seconded by Vice Mayor Webb. Upon roll call, Councilman Cassada, Vice Mayor Webb, Councilwoman McKenzie, Councilman Estes and Councilman Moore voted aye. Councilman May and Councilman Goff voted no. The motion carries 5:2.

Mr. Fivas stated he will work with Dr. Elliott to schedule a School Ad Hoc Committee meeting as soon as possible.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Thursday, June 19, 2025 in observance of Juneteenth.

b. The next City Council meeting will be held on Monday, June 23, 2025.

c. The 1st Annual Honey Bee Festival is Saturday, June 14 at the Settlement on Kinser Road from 10-4.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:32 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JUNE 23, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 23, 2025 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 Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore. Vice Mayor Webb was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Coty Smith, IT Technician; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Officer Jon Prince; Cathy Andrews, CDBG Coordinator; Jeff Elliott; Cindy Geren, Hal Taylor, Cody Raper, Jessica Bigham, Christy Duncan, Sara Whitener, Kellye Bender, Kelly Kiser, Cliff Eason, Kim Bradford, Randall Stephens, Valery Taylor; Michael Chai, Brandi King, and Autumn O'Bryan with Cleveland City Schools; Doug Berry with the Chamber of Commerce; Chris Berry with Berry Engineers; Lucy Rymer with the Museum Center; Garrett Frye with Congressman Fleischmann's Office; Joel Lyon, Ken Bausch and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Fire Chief Bates, who held a moment of silence for Steve Bivens, the following business was then entered into:

Councilman Cassada moved to excuse Vice Mayor Webb from today's meeting. The motion was seconded by Councilman Goff; and upon roll all, the motion carried 6:0.

WAIVE READING OF MINUTES

Councilman May moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on June 9, 2025 and approve them as written. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 6:0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Benny Casteel for consideration of an ordinance to zone about 6.65 acres, more or less, for property located at Old Tasso Road from R-2 Low Density Single and Multi-Family to PUD 66 and includes Tax Map 050 001.01 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this request is for single family detached homes and have minimized the lot depths. The PUD does require an open space playground and a right-turn deceleration lane. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Berry Properties LLC to amend PUD 46 to allow a 34-foot-wide lot minimum for rear loading lots along Hardwick Way and a minimum lot size of 3,100 square feet (Planning Commission: Approved 6-0; 1 recused, 2 absent). Robert Varnell stated he would like the following staff report, which he reviewed in depth, to be included in the minutes.

SUMMARY:

Applicant:	Berry Properties LLC
Site Address:	Hardwick Way and Belcourt Dr.
Tax Map:	042 058.02
Area:	1.12 acres
Current Zone:	PUD 46
Request:	Approval of PUD amendment
Sewer/Water:	Yes
Council District:	District 4 – David May Jr.

The PUD amendment request is to allow a minimum lot width of 34-feet with a square footage total of 3,100 square feet. This is in reference to the single-family homes located along Hardwick Way. The concept plan which was approved in November 2023 did show the homes on individual lots but the measurements were not included. The approved PUD language reflects a minimum of 46-foot-wide lots for 20% of the lots—the other 80% is required to be 50-feet wide which is consistent with development standards across the city. Subsequently, submitted and approved site plans reflected all of the units currently in question to be located on one lot and followed the approved PUD standards.

The proposed changes to the PUD are not consistent with any standards approved in the recent past. Staff works hard with developers, elected and appointed officials, and the general public to put forth the best development outcomes for the benefit of the City and its residents. Items such as lot size, setbacks, and other specific requirements should ideally be set and agreed upon by both the developer and the City before any construction begins. When that does not occur, situations arise such as a developer of a 4 unit “quadplex” attempting to come back and subdivide the units individually, and in many cases, this can be difficult to accomplish if not impossible.

Staff agrees that there is benefit in each home being on its own lot for future ownership purposes, however, it does not change that we have an approved, designed, and built development area that is now requesting a change. Staff can support the request if the Planning Commission and City Council support policy standards on certain aspects which are specific to this request. Therefore, the City can then utilize these standards under certain conditions moving forward. These homes are “rear-loaded” with private alley access and overflow parking, have sidewalks to be built along the public road frontage and create an urban neighborhood feel which is unlike many of the developments we see around the City. Density, when designed correctly, can work to the benefit of area. Most importantly, this type of development design, when utilized, must be the plan from the beginning moving forward.

COMMITTEE FINDINGS:
The Planning Commission voted 6-0; Recused 1, 2 absent, to approve the PUD amendment.

RECOMMENDATION:
City staff recommends approval under the specific development conditions listed above

Mayor Brooks asked if anyone would like to speak in favor of the request. Chris Berry with Berry Properties stated he is present to answer any questions and wanted them to be aware the design they have proposed is to maximize the view along Hardwick Way. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend PUD 63 (located along Valley Head Rd.) unit count maximum from 38 to 50 due to a clerical error and includes Tax Map 034I Group D Parcels 003.00-007.00 (Planning Commission: Approved 7-0; 1 recused, 1 absent). Robert Varnell stated this is an effort to clean up the ordinance and the unit count is the only thing changed in the ordinance. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to add section 2.4 UR-1 Urban Single Family Residential Zoning District as a zoning designation and to renumber the affected sections for clarity and consistency (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this was discussed two weeks ago on the new zoning destination that will primarily be used in our urban corridor. The minimum lot size mirrors R2 zoning and presently it just restricts the type of development, single family type development without conditional uses having to be achieved. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete section 2.21 ISE District and replace with section 2.22 UMUC Urban Mixed-Use Corridor Zoning District as a zoning designation (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this replaces the Inman Street Zoning Designation and creates more opportunities throughout the urban area. He is very excited about the future of this zoning and the type of development we can see and some of the requirements will benefit the neighborhoods. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; Upon roll call Councilman May, Councilman Estes, Councilman Cassada, Councilman Moore and Councilwoman McKenzie voted aye. Councilman Goff recused himself. The motion passed 5-0-1.

- **Final Passage - Ordinance 2025-21** – heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 335; Amending the FY2025 Budget.
- **Final Passage - Ordinance 2025-22 –** heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 338; Adopting the FY2026 Budget.
- **Final Passage - Zoning Ordinance-2025-23** – heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 342; Concerning a request by Duane Goff and Oasis Subdivision GP for consideration of an ordinance to zone about 13.43 acres, more or less, for property located at Pleasant Grove Church Rd. from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 056 Parcels 062.03, 060.00, and 062.04 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Ordinance 2025-24** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 344; Concerning a request by Jason Farmer and Mesana Investments to amend PUD 23 to allow a ROW connection between the two developments (Planning Commission: Approved 7-0; 2 absent).

- **Final Passage - Ordinance 2025-25** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 350; Concerning a request by Jason Farmer and Mesana Investments to amend PUD 41 to allow a ROW connection between the two developments (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Ordinance 2025-26** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 356; Concerning a request by Joe Moore to amend PUD 44 to remove the pool/club house amenity requirement (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2025-27** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 364; Concerning a request by Donald Ledford for consideration of an ordinance to zone about 31.45 acres, more or less, for property located at Sequoia Rd. NW from CG General Commercial to MU Mixed Use Zoning District and includes Tax Map 034 Parcel 031.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2025-28** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 380; Concerning a request by Chase Family Investments, LLC for consideration of an ordinance to zone about 5.45 acres, more or less, for property located at Lewis Street and Old Powerline Rd from FAR unincorporated county to PUD 67 and includes Tax Map 058B Group D Parcel 020.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2025-32** – heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 412; Amending PUD63 to correct a clerical error in the number of total residential units from 38 to 50 as approved by Planning Commission.
- **Resolution 2025-53** – Authorizing the Mayor to sign Change Order 2 with Black Construction related to the Central Avenue Sidewalk Improvement Project.

RESOLUTION 2025-53

WHEREAS, the City's development and recreation department is requesting that the City Council approve the attached Change Order #2 to the City's existing contract with Black Construction LLC for the Central Avenue NE Sidewalk improvement project; and

WHEREAS, the City Council desires to enter into the attached Change Order #2 with Black Construction 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 2 with Black Construction LLC for the project described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 23rd day of June, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Reappointment** - *Cleveland Utilities Authority* – Councilwoman McKenzie for an additional 3-year term ending June 30, 2028.
- **Reappointment** – *Cleveland Utilities Authority* - Mayor Kevin Brooks for an additional 4-year term ending June 30, 2029.
- **Reappointment** – *Cleveland Utilities Authority* – Aubrey Ector for an additional 4-year term ending June 30, 2029.

- **Bid Report** - Tinsley Park Improvements.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 23, 2025**
RE: **Bid Summary – Tinsley Park Improvements**

SUMMARY:
The City received sealed bids for improvements at Tinsley Park on June 17, 2025. These improvements include the construction of a pickleball pavilion, softball pavilion, restroom and storage buildings, monument sign and the renovation of two existing pavilions. Bids are listed below:

- Croxall Commercial Construction **$940,857.55**
- BP Construction Company **$1,749,886.00**
- Bulba Builders **$1,695,000.00**
- Chazler, Inc. **$1,290,000.00**
- Phillip Daniel dba Worth Construction **$1,140,133.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Croxall Commercial Construction.

- **Motion** – Declaring the service weapon of Captain Robert Harbison as surplus property and given to him as a token of the City's appreciation for his 30+ years of dedicated service to the Cleveland Police Department.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie had no report at this time.

Councilman Estes congratulated Captain Harbison on his retirement and stated at the reception last Friday, it was good to hear all the law enforcement from the area come and listen to what was said, not only speaks of Captain Harbison, but the Cleveland Police Department. Captain Harbison deserved all the things that were spoken. Secondly, he thanked Tabatha Doulka and Michelle Goldston for their work in the Second District Community Gardens. They are amazing and have brought the community together.

Councilman Cassada stated he understands the City has received the TML Achievement Award for Economic and Community Development for Inman Street and Johnston Park. Mr. Fivas stated yes, the city has been awarded the Best Project in Tennessee, as far as community development for Johnston Park and Inman Street by TML Mayor Brooks stated the conference is in August and will be held in Chattanooga this year and the award will be given at that time. He encouraged everyone to attend the conference. Next Councilman Cassada stated he'd like to take a moment to thank Officer Jordan Martin for assisting a mother and child who were trapped against a beaver dam and other debris, with rising flood waters. Officer Martin got them to shore and stated life-saving measures until other First Responders arrived. It happened in the County, but was close and able to respond. Councilman Cassada added there was a need, and we don't put lines out there. We are a community and here to support each other.

Councilman May had no report at this time.

Councilman Goff stated the paving on Paul Huff Parkway looks fantastic and he has received a lot of compliments. Secondly, he noticed the traffic light at Bobby Taylor/Broad Street, the green light was removed in the opposite direction, but others remained. Mr. Fivas stated yes, Cleveland Utilities, due to the age of the lights, had to order special equipment and they are waiting on delivery. Lastly, Councilman Goff stated he received a call concerning overgrowth along the Greenway at 17th Street. The overgrowth is pushing water over the sidewalks.

Councilman Moore inquired who owns the property at the Welcome to Historic Downtown Cleveland sign at the split of Inman and 1st Street at the Island Oasis gas station. Mr. Varnell stated it belongs to the gas station. Mr. Fivas stated it has been turned in for a citation of high grass. It is private property and city staff has met several times in attempt to purchase the property or an easement so we can maintain it but have been unsuccessful. We will follow up with the owners.

Mayor Brooks stated he has received resignation letters from Dr. Tiffany Sherlin and Jamie Creekmore from the Planning Commission. He then appointed Walt Vineyard from Cleveland Utilities and Bonnie Cretton to the Planning Commission both with three-year terms to expire January 2028.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-33** - Concerning a request by Benny Casteel for consideration of an ordinance to zone about 6.65 acres, more or less, for property located at Old Tasso Road from R-2 Low Density Single and Multi-Family to PUD 66 and includes Tax Map 050 001.01 (Approved 7-0; 2 absent).

ZONING ORDINANCE 2025-33

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 OLD TASSO ROAD "PUD 66" ON PROPERTY DESCRIBED AS TAX PARCEL 050 001.01, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 66; 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 66" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 66 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 66 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.
Any development or use of the property described herein in a manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.
PUD 66, Old Tasso Road (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 050 Parcel 001.01. Exhibit A illustrates the overall Old Tasso Road Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.
This section is intended to provide a general description of Old Tasso Road. The project consists of detached single-family homes. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 45 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 66 Subdivision allows for the construction of up to 45 residential units without amending this ordinance. Permitted uses are single family detached dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 66 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 Old Tasso Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 66 district. Uses other than those described as permitted or allowed herein are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.
6.A. CONCEPTUAL PLAN.
A conceptual plan (Exhibit A) for PUD 66, Old Tasso Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on May 20, 2025. 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 66 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 Old Tasso Road Development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.
One or more plats will be prepared for the PUD 66 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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 66 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 66 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 66 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & setbacks

Single family Detached Lots; Setbacks:	
Front:	25'
From Old Tasso Rd:	30’
Side:	5'
Rear:	15'
Min Lot Width:	46'
Min Lot Size:	4,000 sq. ft.

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

Section 7.B. Sidewalks, Common Area, & Amenities
1. Sidewalks shall comply with the sidewalk ordinance and shall include installation along Old Tasso Rd. Additional Right-of-way may be required to ensure that the road meets the required 60' width (30' from centerline). A deceleration lane will be required and must be designed to City standards. A right-turn deceleration lane is required based on standards required in the Subdivision Regulations.
2. No driveways can access Old Tasso Road directly.
3. A playground shall be provided by the developer once 50% the buildable lots in the development are established or under construction.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces per 50 units.
5. A bus stop shelter shall be placed in cooperation with Cleveland City Schools and can be included with cluster mailbox units.

7.C. Miscellaneous standards

1. The exterior primary (front) facades of all structures shall be comprised of 50% brick, stone, wood, composite, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.
2. Residential buildings must incorporate a variety of building elements and treatments for single family detached housing. Structures must include articulation, changes in materials or texture, windows, or other architectural features.
3. A 10’ Street yard with a decorative fence along Old Tasso Road is required to provide strong aesthetic and screen detention ponds from view. This street yard shall include various trees and shrubs as approved through staff site plan review.
4. A minimum of two off-street parking spaces per dwelling unit is required.
5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed in the front yard of all single- family detached structures.
6. Attempts shall be made to preserve existing trees along the perimeter of the development and along stream buffers, however, the city tree preservation requirements are not otherwise applicable.
7. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.
8. Right-of-way width shall be 40' in width for all internal roads.

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 66 Old Tasso Road. 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 66, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 66 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in

title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk



Councilman May moved that Zoning Ordinance 2025-33 be voted for passage on first reading. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-34** - Concerning a request by Berry Properties LLC to amend PUD 46 to allow a 34-foot-wide lot minimum for rear loading lots along Hardwick Way and a minimum lot size of 3,100 square feet (Approved 6-0; 1 recused, 2 absent).

ZONING ORDINANCE 2025-34

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 HARDWICK FARMS- URBANE "PUD 46" ON PROPERTY DESCRIBED AS A PORTION OF TAX MAP 042 PARCEL 058.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 46; 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 46" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 46 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 46 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 46, Hardwick Farms-Urbane (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as a portion of Tax Map 042 Parcels 058.00. Exhibit A illustrates the overall Hardwick Farms-Urbane 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 Hardwick Farms-Urbane. The project consists of townhomes homes, detached single family homes, and duplexes with central

common areas. Exhibit A shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 140 total units. The common open space designed within the development may include any permanent retention or detention pond areas or landscaped common area.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 46 Subdivision allows for the construction of up to 140 residential units 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 46 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 Hardwick Farms-Urbane 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 46 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) for PUD46, Hardwick Farms-Urbane was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 18, 2023 and a revised to the PUD language was presented at the regular meeting on May 20, 2025. 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 PUD46 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 Hardwick Farms-Urbane 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 PUD 46 shall be constructed with adequate ROW to accommodate the installation of sidewalks where shown on the conceptual plan, which shall be installed at the expense of the developer and/or home builder. The ROW shall be a minimum of 40' for all public roads within the PUD except where parking is on the street. Where parking is present as "on-street" the minimum ROW shall be 45'. Private drives may be contained in narrower easements or private right of way and must include a cul-de-sac or turnaround acceptable to the city Traffic engineer.

6.B. PLATS.
One or more plats will be prepared for the PUD46 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. Townhomes may be platted with frontage onto a private drive in lieu of a public street. The private drive shall contain an access easement allowing for shared use by the townhomes that it abuts.

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 46 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 46 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 46 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks
“The minimum lot width for detached single family homes is 50’ except that lots with alley access (rear loaded) may be reduced to 34’. Single Family lots shall have a minimum lot size of 5000 sf except that lots without front driveways may be reduced to 3100 sf. The minimum setback requirements for all structures are 30' from Urbane Road, front setback is 25 feet, side setback is 5 feet, and rear setback is 15 feet. The front setback may be reduced to 20' for the side yard of corner lots and for units with side or rear yard parking/driveways. No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.8 Sidewalks, Common Area, & Amenities
1. Sidewalks shall be provided on one side of all new streets within the subdivision, where shown on the conceptual plan. Sidewalks shall be provided along the property frontage of Urbane Rd and Hardwick Way.
2. All utilities shall be placed outside of the street except for required crossings, any crossing shall be approved by the City.
3. The minimum open space provided shall be a minimum of 1.0 acres. A portion of the open space shall be easily accessible and usable by the residents.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces.
5. Central dumpsters shall be utilized in lieu of individual trash cans and shall be placed in areas accessible to all units.
6. Additional parking shall be provided as on street parking for the townhouses and additional spots in coordination with the mail kiosk.
7. A monument style ground sign shall be installed at each entrance to the site.

7.C Miscellaneous Standards
1. The exterior facades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.
2. Residential buildings must 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. Repair to the roof

of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. Townhomes with front driveways shall have a garage.
4. A minimum of two parking spaces per dwelling units is required.
5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings. Front driveways/parking areas shall be separated by a minimum of one 3' planted landscape strip (not grass or stone).
6. Attempts shall be made to preserve existing trees along the perimeter of the development however, the city tree preservation requirements are not otherwise applicable. A Type B buffer is required along the single-family homes to the north or a 6' wooden screen fence may be used to reduce the required buffer plantings by 50%.
7. A landscape berm no smaller than 2.5' in height shall be installed along Urbane Road to provide privacy and to maintain a high-quality appearance. This berm shall include various trees and shrubs.

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 PUD46 Hardwick Farms-Urbane. 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 PUD46, 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.

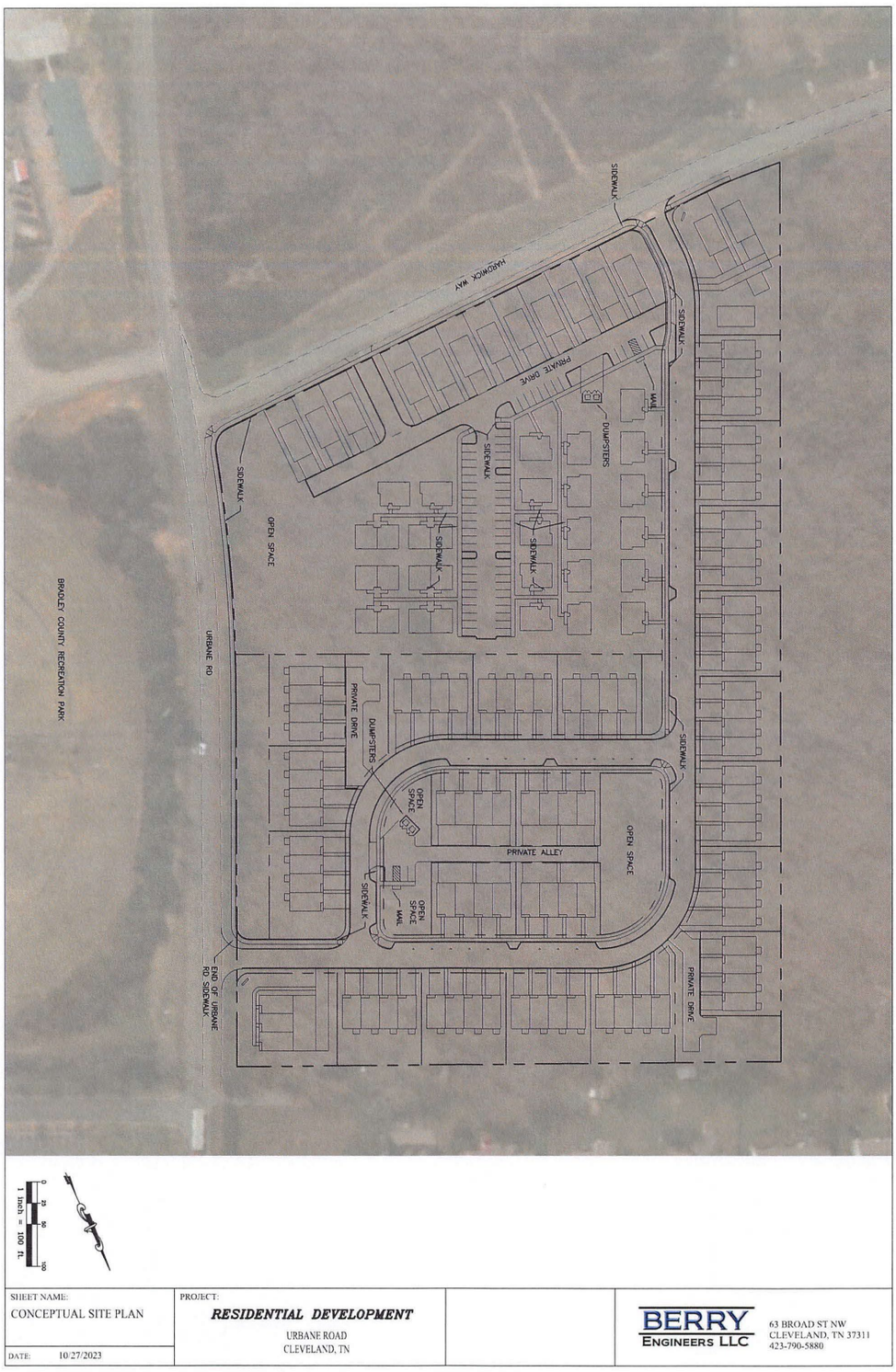
This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 46 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk



Councilman Goff moved that Zoning Ordinance 2025-34 be voted for passage on first reading. The motion was seconded by Councilman Cassada; and upon roll call, the motion carried 6-0. Councilman Estes stated because this are rear-loading lots, it makes perfect sense.

Councilman May moved that the request by multiple property owners for consideration of an ordinance to zone about 22 acres, more or less, for property located at Williams Street from R-1 Single Family Residential Zoning District to PUD Planned Unit of Development Zoning District and includes Tax Map 050I Group E Parcel 004.00, 020.00, 021.00, 023.00, and 025.00,be sent back to the Planning Commission as the applicant is amending the site plan and has requested item be sent for additional review. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 6-0.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Friday, July 4 in observance of Independence Day.

b. The next City Council meeting will be held on Monday, July 14, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:30 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JULY 14, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 14, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Dustin Roberts, IT Technician; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Officer Jon Prince; Cathy Andrews, CDBG Coordinator; Jeff Elliott; Cindy Geren, Hal Taylor, Cody Raper, Nat Akiona; Jessica Bigham, Christy Duncan, Kellye Bender, Kelly Kiser, Andy Lay; Cliff Eason, Kim Bradford, Emily Raper, Randall Stephens, Valery Taylor; Alicia Wheeler; Michael Chai, Brandi King, Sara Whitener, Carolyn Ingram, and Autumn O'Bryan with Cleveland City Schools; Linda Cash; Chris and Jennifer Douglass; Johnny Baker; Denise Cassada; Rick Nease; Tony Womac with Cleveland Aquatics; Johnny Baker; Rick and Lisa Hockenberry; Kathy Rohenberger; Margie Keller; Ruth Gamble; John Felgar; Cindi Richardson; Jim Reynold; Jamie Kyle; Barry and Hope Tharp; Trey Parris; Barry Schuck; Michelle Goldston; Demetrius Ramsey; Lynn Voltz; Kyle Page; Rene Diamond; Dwight Goff; Sharon Marr with Mainstreet Cleveland; Mike Griffin and Doug Berry with the Chamber of Commerce; Chris Berry and Ben Berry with Berry Engineers; Garrett Frye with Congressman Fleischmann's Office; Zach Brooks with Senator Hagerty's Office; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Bishop Wade Patterson, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 23, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Councilman Cassada thanked everyone for attending today's meeting. He continued that he has the honor to represent the people of the Third District. We've been entrusted with the people, not only to manage what is, but wisely shape what will be. That is what we're talking about today. It means investing in our future infrastructure, economic development, our youth, and the quality of life. Let's choose to invest wisely. The future of Cleveland depends on us and our decision we make today. I just want to reiterate that as we grow as a community, we have to grow our services. It's inevitable as we grow and if we don't, a wise person once said if you're not moving forward, you're moving backwards. This is a time we need to start moving forward, if it's a few pennies, or whatever it may be, I hope we can come out of this where we can move the city forward and do what we need to do in our community.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments on the city's intent to consider exceeding the certified (tax neutral) property tax rate up to and not to exceed 10.5 cents above the certified property tax rate. The certified tax rate as defined by Tennessee Code Annotated 67-5-1701 is $1.2316. Mayor Brooks asked if anyone would like to speak in favor of exceeding the certified tax rate. Bill Anderson stated specific items he'd like to address are Mouse Creek Road and sports development. Their grandchildren are all involved in

athletics and believes there is plenty of opportunity to step toward a future that has more involvement in this area. He is not a fan of a tax increase in general, but these specific points deserve merit. We have the past pretty well settled and now we need to look at the future for now. Renea Diamond stated she is a lifelong teacher trying to do what is best for students. You have this important vote ahead of you and speaking on behalf of students. I understand taxes are never popular but if we do not invest in our schools now, the overcrowded classrooms, stressed teachers, and children who don't get the attention they need we will be turning away families who want to raise their children in Cleveland. We will be telling students they're expected to do more with less. We don't want to live in a city that turns its back on its future and doesn't invest in the next generation. We can't wait until it's too late. Please vote yes on this tax for our schools not because it's easy but because our kids are worth it. Nate Tucker stated he is not only here as a member of the School Board but also as a parent that has students in the system, now both attending Cleveland High School. He asks the Council to have a vision for our next generation in regard to schools. This isn't just about buildings. It's about building a future. Every classroom and dollars are spent on investment in the next generation of leaders, innovators, and neighbors. Long term vision is needed and that of education is foundation for thriving city. Carefully planned and executed school projects are part of a legacy of leadership and foresight for our city. I want that legacy for all of us. It is the responsibility of both the Board of Education and the City Council to take care of its citizens and specifically school age citizens. We should make every effort to not rely on other entities to do that. I emphatically believe that those not currently taking care of should be top of mind and priority. Schools are anchors of a community. Strong schools don't just educate, they anchor neighborhoods, bring people together and bring a sense of belonging. Smart growth requires smart planning. We can't wait until we are overcrowded to act. Growth is here and smart cities plan ahead. Our request has been made, and it is a fiscal responsibility to move. Delays cost more, in the long run both financially and in the student outcomes especially in overcrowded learning spaces. We have a growing need for families to have quality pre-K programs within schools and the community. Currently most pre-K programs are off site. We need more space to include additional pre-K programs in our elementary schools. My kids attended a pre-K program at Lee University. They have never made less than an A and we contribute to the early learning that they embraced. Every child deserves a seat in a classroom that's built for learning not a converted hallway or shared space. It is our responsibility to ensure all students, including those in special populations, have access to quality learning environments. It is very important for new school construction to have an inclusive design that addresses the current and future needs. This is a partnership between the Board and the Council, and we must work hand in hand to ensure every dollar spent wisely and every voice is heard. That is the expectation and I'm all in for that. This is not just about spending, it's about collaboration, transparency and stewardship. I want to invite you to the general public to stay engaged with us and informed throughout the process. I ask for you to include the schools in this property tax investment. Lynn Volz stated there is nothing more critical to quality of life than infrastructure and the presentation today was very strong and indicated a good approach to the infrastructure of our community. We have attracted industry and additional people because we have a quality of life and lower taxes. However, the presentation was valid and well thought through and certainly deserves the respect from members of the community to increase the availability of funding infrastructure. A recent presentation by Bradley Medical Center that education was the number one indicator to a person's health is their education. Education is critical. We have two amazing education systems here and they are not irresponsible and have done their homework as well. She thanked the Council for their consideration, and she does support infrastructure. Mayor Brooks asked if anyone else would like to speak in favor of exceeding the certified tax rate. No one else spoke. Mayor Brooks asked if anyone would like to speak in opposition to exceeding the certified tax rate. Ben Asher stated he is a longtime resident of South and East Cleveland and not really opposed for or in favor. Knowing our school system and the infrastructure needs they have is something we have to look at or we will find ourselves in a bad spot. The schools are doing great work and need the support to continue doing a great job as our population grows. A couple of things worth being part of the consideration is the county rates have relatively held the same and arguable with their services those might need to increase as well but there has been a wave of reassessment of properties in Bradley County and many people will be paying more taxes. Some assessments have close to doubled. One thing he'd like to discuss is how those taxes would benefit the east and southeast side of Cleveland with the infrastructure developments, how

the residents, who will be paying those taxes, would receive the same benefits and have access to the services. Jacob Anderson stated he lives in District 5. He spoke earlier during the work session, but more folks are here, and others have similar sentiments. The tax increase affects not just the ones that pay the tax, but the ones that are living in rental properties. Obviously, those expenses can be passed on. They have about 300 families that will be affected with the proposed rate increase. If you get a higher dollar amount because of the new assessments, you will get a second increase with the rate increase. The total overall is going to be the same, but folks have seen a much higher assessment than others. We are all for education, he has kids in the school system. We want them to have the best education they can. He just hopes we can look at matching the State rate and maybe slowing this down and not just saying go full ahead. There needs to be a compromise made at the very most. Cleveland is a great place, and he appreciates all they do. Mayor Brooks asked if anyone else would like to speak in opposition to exceeding the certified tax rate. No one else spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion passed 7-0.

a. **Final Passage - Zoning Ordinance 2025-19** – heretofore passed on first reading May 12, 2025 and found in Minute Book 32, Page 298; Concerning a request by Copper Coin Properties, LLC for consideration of an ordinance to zone about 3 acres, more or less, for property located at 22nd Street NW from FAR unincorporated county to R-1 Single Family Residential and includes Tax Map 040 Parcel 023.01 (Planning Commission: Approved 7-0; 2 absent).
b. **Final Passage - Zoning Ordinance 2025-29** - heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 395; Concerning a request by First Baptist Staff and Council for consideration of an ordinance to zone about 47 acres, more or less, for property located at Stuart Road from FAR unincorporated county to PUD 68 and includes Tax Map 042 Parcels 041.11 and 006.05 (Planning Commission: Approved 7-0; 2 absent).
c. **Final Passage - Zoning Ordinance 2025-33** - heretofore passed on first reading June 23, 2025 and found in Minute Book 32, Page 427; Concerning a request by Benny Casteel for consideration of an ordinance to zone about 6.65 acres, more or less, for property located at Old Tasso Road from R-2 Low Density Single and Multi-Family to PUD 66 and includes Tax Map 050 001.01 (Approved 7-0; 2 absent).
d. **Final Passage - Zoning Ordinance 2025-34** - heretofore passed on first reading June 23, 2025 and found in Minute Book 32, Page 432; Concerning a request by Berry Properties LLC to amend PUD 46 to allow a 34-foot-wide lot minimum for rear loading lots along Hardwick Way and a minimum lot size of 3,100 square feet (Approved 6-0; 1 recused, 2 absent).

e. **Bid Report** – Automotive Paint and Body Repairs.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 14, 2025**
RE: **Bid Report – Automotive Paint and Body Repairs**

SUMMARY:
The City of Cleveland received sealed bids on June 1, 2025, for Automotive Paint and Body Repairs. Bids are listed below:

- Advanced Collision, Inc.
  Cleveland, TN **$26,890.00**
- Cleveland Collision Center
  Cleveland, TN **$26,410.00**
- Mike's Auto Body, Inc.
  Cleveland, TN **$23,770.00**

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
Staff recommends award to the low bidder, Mike's Auto Body, Inc.

f. **Bid Report** - Street Striping and Thermoplastic Markings.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **July 14, 2025**
RE: **Bid Summary – Street Striping and Thermoplastic Markings**

SUMMARY:
Sealed bids were received on June 24, 2025, for the street striping and thermoplastic markings. The bids are listed below:

- Highway Markings, Inc. **$450,237.50**
- Superior Pavement Marking, Inc. **$454,550.00**
- Volunteer Highway Supply Co. Inc. **$492,025.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to Highway Markings, Inc. (primary contract) and Superior Pavement Marking, Inc. (secondary contract).

g. **Surplus Property** – Declaring a 1996 GMC Sierra from the Jetport as surplus property and be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **July 14, 2025**
RE: **Surplus Property**

SUMMARY:
The Cleveland Regional Jetport has requested the City Council declare the following property as surplus to be sold on GovDeals.

- 1996 GMC Sierra VIN: 1GTEC14W2TZ537857

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

h. **Resolution 2025-54** – Approval of the 2025-2026 Annual Action Plan for the Community Development Block Grant Program.

RESOLUTION 2025-54

RESOLUTION FOR THE APPROVAL OF THE 2025-2026 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the City of Cleveland, Tennessee will be receiving a CDBG annual allocation of an estimated amount of $360,274.00 for FY 2025-2026; and

WHEREAS, public hearings were held on January 14, 2025 and February 18, 2025 to hear comments and input from the public. A draft *was* available on June 1, 2025, which began a thirty-day comment period ending on July 7, 2025. A copy of the Plan was made available at the Development and Engineering Services Office as advertised in the *Cleveland Daily Banner* on June 7, 2025;

WHEREAS, comments made during public hearings regarding the Action Plan were received and reviewed by City staff;

NOW, THEREFORE, BE IT RESOLVED, the *2025-2026 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 14th day of July 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Resolution 2025-55** – Authorizing the Mayor to sign grant contract amendment 1 with TDEC related to the Jim Sharp Park project.

RESOLUTION 2025-55

WHEREAS, the City has received the attached grant contract Amendment #1 from the Tennessee Department of Environment and Conservation (hereafter "TDEC") for the following grant project; and

Agency Tracking # 32701-04558
Grant Contract Number 75908
Grant project: Jim Sharp Park

WHEREAS, the City Council desires to enter into the attached grant contract Amendment #1 with TDEC for this 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 grant contract amendment #1 with TDEC, and it further authorizes the Mayor to execute the contract on behalf of the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

j. **Resolution 2025-56** – Authorizing the Mayor to sign a Letter of Agreement for Additional Services #2 with MHM for the Cherokee Hotel redevelopment.

RESOLUTION 2025-56

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

WHEREAS, by Resolution 2023-31 passed on April 24, 2023, the City select McCarty Holsaple McCarty (MHM) to provide professional architectural services for the project; and

WHEREAS, in connection with this project, the City has received the attached letter of agreement for additional service #2 from MHM for this project; and

WHEREAS, based upon the recommendation of City staff, the City Council desires to accept this letter of agreement for additional service #2 and to enter into the attached letter of agreement with MHM for this project and to authorize the Mayor to execute the letter 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 letter of agreement with MHM for the referenced project, and the City Council further authorizes the Mayor to execute the letter agreement on behalf of the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

k. **Resolution 2025-57** – Authorizing the Mayor to sign amendment 1 with WSP USA, Inc, for professional services.

RESOLUTION 2025-57

WHEREAS, the City of Cleveland has previously entered into an agreement for Professional Services for the Cleveland Urban Area Metropolitan Planning Organization (MPO) with WSP USA, Inc; and

WHEREAS, City staff is now recommending that the City amend the existing agreement with WSP USA, Inc. to add Amendment 1; and

WHEREAS, the City Council desires to approve adding Amendment 1 to the existing agreement with WSP USA, Inc., for professional services for the projects described in the attached amendment 1 and to further authorize the Mayor to execute this amendment on behalf of the MPO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached Amendment 1 to the City's existing agreement with WSP USA, Inc. and it further authorizes the Mayor to execute the same on behalf of the MPO

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

l. **Resolution 2025-58** – Authorizing the City to purchase a salt spreader for the Public Works through the Master Intergovernmental Cooperative Agreement #062222-AEB.

RESOLUTION 2025-58

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #062222-AEB, AS AMENDED, WHICH IS ADMINISTERED BY SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGENCY AND SERVICE COOPERATIVE.

_____

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 equipment, products or services between ASH North America dba Aebi Schmidt North America ("Company") and Participating Entities in cooperation with Sourcewell, a State of Minnesota local government and service cooperative, on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Sourcewell 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 #062222-AEB, as amended, held by Sourcewell 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 equipment, products or services as a participating public agency under MICPA Contract #062222-AEB, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through Sourcewell to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

m. **Reappointment** – *Beer Board* – Donald Humes for an additional 2-year term to expire July 2027.
n. **Reappointment** – *Beer Board* – Ellie St. Pierre for an additional 2-year term to expire July 2027.
o. **Reappointment** – *Airport Authority* – Tom Rowland for an additional 5-year term to expire September 2030.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes thanked Cathy Andrews with her work on the CDBG project. It does so much good in the community.

Councilman Cassada stated the ribbon cutting for the Hwy 60 project is tomorrow at 1:30 at the Candy's Cherokee Elementary School property. People are excited to travel on the roadway. He then thanked Senator Mike Bell for working on the Hwy 60 project and pushing it through the State process.

Councilman May had no report at this time.

Councilman Goff had no report at this time.

Vice Mayor Webb recognized Tommy Myers for helping the owner at 14th/Wildwood with a flooding issue. The owner is very appreciative.

Councilman Moore inquired about the status of the pay study. Mr. Fivas stated they are still working on it, but we do have preliminary information.

Councilwoman McKenzie also thanked Tommy Myers and Public Works concerning calls about Pleasant Grove Church Road about overgrowth around signs. She appreciates them cleaning the area.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented:

- **Ordinance 2025-35** – Adopting the 2025 Tax Rate (State Certified Tax Rate is $1.2316).

ORDINANCE 2025-35
TAX ORDINANCE – YEAR 2025

AN ORDINANCE TO PROVIDE AND FIX FOR THE CITY OF CLEVELAND, TENNESSEE, FOR THE YEAR 2025, 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 2025, and each subsequent year thereafter be, and is, $____ on each One Hundred Dollars ($100.00) of assessed valuation.

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

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

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

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

_____
Councilman Goff

_____
John F. Kimball, City Attorney

_____
Councilman Moore

_____
Vice Mayor Webb

Mayor Brooks stated two Councilmen have requested to speak on the tax rate.

Councilman Cassada stated he'd like to go through the list of proposed projects and then moved to approve 0.03 cents for two new schools. The motion failed for lack of a second.

Councilman May said he thought we'd set a rate or are we go through every item to vote on to decide a rate? Councilman Cassada stated he was going through a process. Councilman Goff stated he'd like to speak before voting on a tax rate.

Councilman Goff then read the following statement

Mayor, Council Members, and Citizens of Cleveland:

Let me begin with a principle that guides every decision I make on this council: fiscal responsibility. Every dollar we spend comes from someone's hard-earned paycheck. Whether it's a business owner, a retiree on a fixed income, or a young family trying to make ends meet — every tax dollar matters. It's not our money. It's theirs. And we have a duty to be wise stewards of it.

When I ran for this seat, I promised to prioritize responsible growth — not just growth for growth's sake. That promise still stands.

Let's start with infrastructure. As a city, we voted to narrow Inman Street — a road that was already manageable — while continuing to overlook more urgent needs on Michigan Avenue, Freewill Road, and Mouse Creek Road. These are key corridors for our growing community, especially if we want to support future projects like a multi-purpose sports complex.

We chose as a city to renovate the Cherokee Hotel and repurpose it as the new city hall. I get asked multiple times a month from frustrated citizens "How much have we spent on that building?" The project has continued to rise in cost and is multi millions over original budgets. I understand that the scope of the project has changed several times and of course at this point, we have no choice but to complete it. However, citizens can see a lot of tax dollars being used at that building.

These are tax dollars committed that now cannot be used for some of these other issues we've discussed.

We all agree our downtown is beautiful, but visitors still don't have a clear or direct way to access it. Projects like the 3rd Street connector might help, but the lack of an I-75 exit at Harrison Pike continues to hold downtown back from reaching its full potential. We need to work with our state representatives to make this project a top priority.

Regarding paving: while the budget is currently lower due to inflation, let's acknowledge the visible progress. There's road work and repaving happening all across Cleveland. Yes, costs are rising — and we'll need to address this rising cost — but waiting another year is not cripple our road system.

On to Housing

Cleveland needs more affordable housing, but rising costs are making that harder every day. Cleveland Utilities recently doubled its connection fee in its newest budget— increasing that fee by $2,200 per rooftop. That sharp increase does not reflect the actual cost to provide the service and places an unnecessary burden on builders and, ultimately, on families trying to buy a home. If we're serious about affordability, these fees need to be re-evaluated. You can contact Cleveland Utilities board members to discuss that further.

Consider the numbers from the last five years:

Home prices have increased 84% — over 16% per year.

Rents have increased 68% — over 13% per year.

While Wages have increased only 9% — less than 2% annually.

That gap is putting real pressure on working families. Cleveland's median household income is about $60,000/yr. We can't keep adding to the cost burden and expect housing to remain within reach — not when wages continue to lag this far behind.

Education: It is critical!!!— but we have to be honest about whether we're investing wisely.

Recently, the city school system was given a multi-million dollar commercial building — which was previously on the tax rolls. By accepting the property, they effectively removed a major source of tax revenue, shifting that burden to the taxpayers. They then invested in renovations to the building and exterior, creating one of the nicest administrative buildings in the state. Meanwhile, instead of saving for new school construction, funds are being directed toward community closets and non-instructional programs. And yet, we no longer offer driver's education — even though Cleveland ranks 13th in vehicle collisions per capita across Tennessee's 95 counties.

There are deeper questions we must ask:

Why do we as a city school system spend $1,900 more per student than the county system?

Why do we spend nearly the same amount on maintenance despite having 8 fewer buildings?

Why do our city students have fewer Career & Technical Education opportunities, despite paying higher taxes?

Why are 1,300 city students VOLUNTARILY attending county schools?

Why is the city school system so top-heavy on administration?

Why hasn't the city school system grown in number at the same ratio alongside our population?

Why is there so little collaboration between city and county education leaders?

Why does the city and county school system scream they are at capacity yet they have been spending tax dollars on advertising on the radio and other platforms?

We function as one community — but our school systems act like rivals instead of partners.

The school board says they want to work with the city — but from my seat, it often feels more like a handout than a handshake. True partnership begins with fiscal discipline. The city school system already receives approximately 40% of our property tax dollars and the question I hear from citizens is: "How much is enough?"

That's why I've been calling for months to bring in a third-party expert to help evaluate our options — including school district consolidation or city district secession. Instead of receiving the third-party expert I've asked for, I've gotten shifting plans and inconsistent messaging.

The city council and school board did form an ad hoc committee to build a better plan — but to date, they've only met a couple times. I've seen no meaningful progress. I am hopeful that this new committee will hire the 3rd party expert I've been asking for to help us navigate these important decisions.

I want to urge the city school board to look at these questions I've presented seriously, and hold the school system accountable for helping themselves through better budgeting — so that when requests for new schools come along, they can meaningfully participate in the cost. There is no easier money to spend than someone else's.

Currently, we have a balanced budget. I'm not opposed to a tax increase — if and when it's truly needed. But right now, I'm not convinced.

Especially not while interest rates remain high, and state and federal governments are doing what they can to cut taxes, not raising them.

Funding a sports and event complex would be great. But based on the numbers I've seen, it would cost $90 million or more to fully build not including an aquatic center— and that doesn't include ongoing operations, which would likely break even at best.

I appreciate that the city is exploring a mix of options, including:

Hotel/motel tax - liquor taxes

RIDA infrastructure investment tools Tax Incremental Financing Districts
I would also suggest the city consider Sales Tax Increment Districts and public-private partnerships.

For example, Westmore Church of God have offered to donate over 30 acres of land for this very purpose. The FCA organization has verbally committed to large sums of funds to help make some of these outdoor sports facilities happen yet I'm unaware of any progress on that option.

We still don't know exactly where these proposed facilities would go, or have a solid plan to fund them initially much less sustain them for long-term.

Meanwhile, interest rates are expected to drop in the near future. If we wait for borrowing costs to come down, we could save millions in interest — money that could go into roads, parks, schools, and public safety instead of debt payments.

Now is the time to finalize the plan, not rush into high-interest debt that could have been avoided with patience and strategy.

And let's not ignore the issue of public trust. For months, we told residents their taxes weren't going up — that the reassessment would balance things out. Now, suddenly, a rate hike is on the table. Even though what we told Cleveland citizens is technically accurate, it feels like sleight of hand. At best, it's poor timing. At worst, it's perceived as dishonest.

That's why I believe we need a cooling-off period between reassessment and any tax rate increase — to rebuild trust and provide clarity.

One area where I believe we should move forward now is the Empowerment Center — a facility to support those who are temporarily homeless or in transition.

We already have $1 million allocated, and both the city and county have committed additional funds. But we still lack key details:

How much funding do we actually have on top of the $1 million?

Where will it be built? What will it cost?
An additional county contribution is likely required. Will they agree? If a site has been identified, we should move forward and use available funds. The city expects to have nearly $700,000 in free cash flow this year. We also have ample reserves in our general fund— and this is the kind of project that justifies using them.

We can make real progress without raising taxes. We need to keep planning for the future.
We know we'll need a new fire station soon. Let's take time to evaluate the right location and the best way to fund it. Last year, we had a free site offered through a proposed annexation on Michigan Avenue — but this council voted down the free site and all the commercial revenue it would have brought into the city. That was a missed opportunity and we have to do better.

We should also finalize a list of city-owned buildings that can be sold after City Hall is complete. Maybe those proceeds can help fund the fire station.

More than once, I've been the lone "no" vote on spending increases. Not because I'm against kids. Not because I'm against progress. But because I believe in asking hard questions, making smart decisions, and planning for five, ten, even twenty years down the road — not just the next budget or election cycle.

We've had a strong economy for a decade. But cycles repeat. A recession is likely on the horizon, and now is the time to tighten up, not stretch further.

Let's not govern by tradition — let's govern by principle, prudence, and purpose.

Let's lead this city with the same common sense and accountability we'd expect in our own homes and businesses.

Let's lead with transparency and with respect for the people who trust us to make the right decisions.

Thank you for listening

Councilman Cassada moved to fund an additional $0.03 cents for two new schools. The motion failed for lack of a second.

Councilman Cassada moved to fund the Indoor Event and Aquatics Center, a new fire station, and one new school ($0.0250 cents). The property is being given to us and placed in a development that will have a huge impact on our community. The motion failed for lack of a second.

Councilman Estes stated we have to get through this today. The reason we have the lowest property tax, both city and county, is because we've made infrastructure investments to bring in businesses. We wouldn't have half of the industrial park built out if we hadn't put our part in. People come, they want to see greenways, schools and Lee University. They don't come for low taxes but for TIF's and PILOTS. Investment is spending money upfront. We don't know what interest rates will do, but when they come down, we refinance, to save money. He agrees with Councilman Goff's on public trust, but we have to invest and that's what keeps the rate down. Small incremental steps, like nine cents. That is a small increase when you look at other K-12 districts in Tennessee. He is not sure how we could better serve our citizens than having such a small rate. He has a fear of regressive taxes, and it will hurt the growth. We can't solve a housing problem through zoning, through taxes but we can grow, provide more housing possibilities/options and let the market decide. We know we are struggling with housing. We've seen it. We need to provide better schools; we provide them the support. An investment, if you can wrap your mind around it, will keep taxes down.

Councilman Cassada then moved to fund 0.09 cents, which is everything on the list except one school ($1.3216 tax rate) and the money be allocated to each project. The motion was seconded by Vice Mayor Webb. Vice Mayor Webb then stated he has never been a fan of property taxes. The State of Tennessee, the decision has been made that's how they will fund local governments with the sales tax and property taxes. Until that is changed, we have no real alternative. Property taxes are based on someone's opinion of your appraisal, not on hard facts. That is what we have to live with. He has seen the problems that are causes getting behind on infrastructure. It doesn't matter if it's schools, fire or animal control. Once you get behind it is hard to catch up and maintain the current level of service or improve the service. He is willing to support nine cents, as allocated in previous conversations. It is time to do the right thing for the City of Clevland. Councilman Estes asked that the record be clear for his vote. It is a total package, not just about schools. This is a vote for all of Cleveland. Councilwoman McKenzie stated this is not an easy decision and she has given it tremendous thought, trying to figure out what we should do. We have seven different opinions. I'm not necessarily for a tax increase. I've always said no tax increase. Having said that, I want to say I'm very mindful of what a tax increase could do for certain portions of our city. We are looking at homelessness. I think it can have an impact. If we do a tax increase and don't do it the right way, which in her opinion is over a period of time. It's about timing and feels we could hurt some of the people in our community. Everything on the list has its own merits and would improve the City of Cleveland but feels we should do it over a period of time. She is not for nine cents but a smaller portion. She then asked if any of the projects could be bonded. Mr. Fivas responded we would need to discuss it with the financial advisors to give you a solid answer. Mayor Brooks stated we have a motion on the floor. Upon roll call, Councilman Cassada, Councilman Estes, and Vice Mayor Webb voted aye. Councilman May, Councilman Goff, Councilman Moore, and Councilwoman McKenzie voted not. The motion failed 3:4.

Councilman Estes then moved to fund 0.0750 cents for everything except schools. The motion was seconded by Councilman Cassada. Councilman Estes then stated this is a direct vote for or against the schools. Upon roll call, Councilman Estes, Councilman Cassada, and Vice Mayor Webb voted aye. Councilman May, Councilman Goff, Councilman Moore, and Councilwoman McKenzie voted no. The motion failed 3:4.

Councilman Cassada moved to fund the Indoor Event and Aquatics Center, a new fire station, and one new school ($0.0250 cents). The motion failed for lack of a second.

Councilman Cassada moved to fund the Indoor Event and Aquatics Center, a new fire station, paving and an animal shelter ($0.0350 cents). The motion failed for lack of a second.

Councilman Goff moved to adopt the State Certified Tax Rate of $1.2316 as the 2025 tax rate. The motion was seconded by Councilman Moore. Councilman Estes offered a substitute motion to add Family Transitional Housing Investment of 0.005. The substitute motion failed for lack of a second. Councilman Estes stated he heard a colleague say he was for transitional housing. Councilman Goff replied yes, and I easily laid out how we could pay for it without raising the tax rate. Councilwoman McKenzie offered a substitute motion to fund one school, Mouse Creek Widening Project, Indoor Events and Aquatics Center and Family Transitional Housing for $0.0316 ($1.2632). The motion was seconded by Councilman Estes; upon roll call, Councilwoman McKenzie, Councilman Estes, Councilman Cassada and Vice Mayor Webb voted aye. Councilman May, Councilman Goff, Councilman Moore voted no. The motion carried 4:3.

Mayor Brooks stated final reading of the tax ordinance will be held at the next meeting.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, July 28, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:10 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JULY 28, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 28, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Chris Gaylor, Assistant IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Jeff Elliott; Hal Taylor, Kelly Kiser, Brandi King, Carolyn Ingram, and Courtney Robbins with Cleveland City Schools; Sharon Marr with Mainstreet Cleveland; Doug Berry with the Chamber of Commerce; David Goodwill with City Fields; Warbrit Lowery; Pat Howe; Donna Tucker; Ann Stephenson; Misty Bartlett; Alan Stephenson; Cecilia Stephenson; David Stephenson; Jerry Stephenson; Teresa Stephenson; Jodi Riggins; Tony Martin; Autumn Peterson; Jeffrey Stephenson; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Autumn Peterson, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 14, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks welcomed Junior Councilman of the day Charles White, who attends Cleveland High School. He is here today as a guest of Councilman Moore.

Warbrit Lowery, President of the local NAACP stated on August 8, 6pm at the Museum Center, there will be a banquet recognizing the Emancipation of 1863. They will also recognize Reverend Harry Johnson, who was the first local NAACP President.

Mr. Fivas mentioned the garbage can issue Councilman Cassada brought up during the Work Session along Hwy 60, staff will make a sweep and add informational hangers to any can left out to help educate the public.

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 Peggy Pesterfield for consideration of an ordinance to zone about 1.14 acres, more or less, for property located at Peerless Road NW from R-1 Single Family Residential to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 042A Group D Parcel 002.01 and 003.01 (Planning Commission: Approve 6-0; 1 passed, 2 absent). Robert Varnell stated this applicant would like to add an additional duplex to the property. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Daniel Smith for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about .34 acres, more or less, for property located at Strawberry Lane NE from FAR/unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058B Group C Parcel 007.00 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated sewer was ran several years ago to this location and the intent of the applicant is to demolish the existing home, subdivide the property into two lots and build two single-family homes in its place. Staff and Planning Commission recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Bill Sanders for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 16.17 acres, more or less, of property located at Pleasant Grove Rd. SW from C-2/FAR unincorporated county to CH Highway Commercial and includes Tax Map 056 Parcels 042.04 and 042.05 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated this property in the vicinity of Exit 20 and the owners have been grading and site work for a considerable amount of time. The parcel is behind the Pilot gas station, and their intent is to develop a interstate commercial style development. Staff and Planning Commission recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of a proposed amendment to the zoning map to expand the IGC Interstate Gateway Corridor Overlay District to include Tax Map 056 Parcels 042.04 and 042.05 and part of Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated much of this goes with the previous public hearing. As we annex property around the interstate we want to extend the overlay corridor district. Staff and Planning Commission recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Winstead Partnership (Kelley E Storey) for consideration of an ordinance to zone about 52.18 acres, more or less, of property located at Stone Lake Road from CH Highway Commercial and RA Residential Agricultural Zoning Districts and IGC Interstate Gateway Corridor to PUD Planned Unit of Development and IGC Interstate Gateway Corridor and includes Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated the Newman Farm development was acquired to access Stone Lake Road and the two entities have been working together. We will delay first reading of the ordinance until the developers finalize their agreement. This PUD includes requirements of a roadway, turn and deceleration lanes. Staff and Planning Commission recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by multiple property owners for consideration of an ordinance to zone about 22 acres, more or less, for property located at Williams Street from R-1 Single Family Residential Zoning District to PUD65 and includes Tax Map 050I Group E Parcel 004.00, 020.00, 021.00, 023.00, and 025.00. (Planning Commission: 8-0; 1 absent). Robert Varnell stated some of the primary items included in this PUD request are infrastructure improvements to 20th Street and Neely Circle, as well as site distance improvements. The PUD includes up to 140 units with amenities and a significant buffer along the western property line. The Planning Commission added two requirements. 1) The vegetative buffer and 8-foot wooden

fence shall be installed prior to the issuance of any building permits. 2) Construction crew access is prohibited from Williams Street. All construction traffic must enter the stie from Neely Circle. Staff and Planning Commission recommend approval. Mayor Brooks asked if anyone would like to speak in favor of the request. Pat Howe stated they have been working with the property owners and it's been a journey. We began with 156 townhome units. We reduced the number to 134 units and feel it is a great fit for the area. It will have a clubhouse, one-car garage for each unit, meeting all setback requirements and a 50' protected buffer on the westside of the property. We have conducted a traffic study, which is included in your packet. We are making intersection improvements to ensure traffic safety in the area. Donna Tucker stated she is a co-owner of the property. She then discussed the timeline of developments surrounding this property. APD40, the Chase farm, which is now Woodchase Subdivision and in the back, Ralph Buckner Funeral Home. Next, the Retreat at Spring Creek and lastly, the development of the Neely Circle houses. The point in reviewing the history, there was a specific time for these developments to find their place on the timeline. Now, it is time for the Williams Street property to be developed. As the sellers, it is our sincere desire that this beautiful property that we have owned for well over 60 years will be thoughtfully developed to benefit the city of Cleveland and the surrounding community by providing premium housing, desirable amenities and pristine upkeep of the grounds. 63% of the land will remain greenspace and we respectfully ask that each of you consider the rezoning of the Williams Street property from R1 to PUD, which allows for Mr. Howe's proposal. We believe all will benefit from this development. Jerry Stephenson stated he is a co-owner of the property and they have been working with Mr. Howe since November 2024. He has invested time, money and effort in environmental studies, two traffic studies and surveys. Many revisions have taken place and addressed issues from surrounding residents and city officials. Mr. Howe wants the best for our community and do what is possible for a favorable development. The family supports Mr. Howe and that all involved allow this development to proceed for the betterment of the City. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Vice Mayor Webb moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; and upon roll call, the motion passed 7-0.

a. **Resolution 2025-59** – Authorizing the City to join the State of Tennessee and other local governments in amending the Tennessee State-Subdivision Opioid Abatement Agreement and approving the related settlement agreements.

RESOLUTION 2025-59

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO JOIN THE STATE OF TENNESSEE AND OTHER LOCAL GOVERNMENTS IN AMENDING 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;

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");

WHEREAS, the City of Cleveland has previously joined settlements with multiple pharmaceutical distributors, manufacturers, and retail pharmacies;

WHEREAS, a proposed settlement has been reached that would address claims in the Purdue Pharma bankruptcy case and resolve claims against the Sackler family owners of the company (the "Purdue Settlement");

WHEREAS, proposed settlements have also been reached with eight other manufacturers: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus ("Eight Manufacturer Settlements");

WHEREAS, the City of Cleveland finds the Purdue Settlement and Eight Manufacturer Settlements acceptable and in the best interest of the community;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and it was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain opioid litigation settlements;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 302 during the 2025 Regular Session of the 114th Tennessee General Assembly and it was signed into law by Governor Bill Lee on May 2, 2025, which would apply the statutory provisions passed in 2021 to the Purdue Settlement and settlements with several additional manufacturers, if the agreements becomes effective;

WHEREAS, the State of Tennessee, non-litigating counties, and representatives of various local governments involved in the Opioid Litigation have adopted a unified plan for the allocation and use of certain prospective settlement and bankruptcy funds from opioid-related litigation ("Settlement Funds");

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement (the "Tennessee Plan"), attached hereto as "Exhibit A," sets forth the framework of a unified plan for the proposed allocation and use of the Settlement Funds;

WHEREAS, amendments to the Tennessee Plan, attached hereto as "Exhibit B," would extend its terms to the proposed Purdue Settlement and Eight Manufacturer Settlements and would clarify some language concerning the allocation of certain settlement funds and Purdue estate distributions; and

WHEREAS, participation in these settlements by a large majority of Tennessee cities and counties will materially increase the amount of settlement funds that Tennessee will receive from the pending proposed opioid settlements;

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

Section 1. That the City of Cleveland finds that the amendments to the Tennessee Plan are in the best interest of the City of Cleveland and its citizens because they 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 hereby expressly authorized to execute the amendments to the Tennessee Plan in substantially the form attached as Exhibit "B" and the County Mayor 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 the Purdue Settlement, the Eight Manufacturer Settlements and any other settlement of opioid-related claims that Tennessee has joined.

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 28th day of July, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2025-60** – Authorizing the City to purchase through a Master Intergovernmental Cooperative door controllers and hardware for Jim Sharp Park.

RESOLUTION 2025-60

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE PRODUCTS AND SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #230105, AS AMENDED, WHICH IS ADMINISTERED BY THE INTERLOCAL PURCHASING SYSTEM (TIPS).

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 products and services between Waypoint Business Solutions ("Company") and The Interlocal Purchasing System (TIPS) a government cooperative purchasing program authorized by the Region 8 Education Service Center of Pittsburg, Texas ("Lead 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 security systems products and services pursuant to this MICPA at discounted contract prices, as permitted by *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City of Cleveland is authorized to participate in this Master Intergovernmental Cooperative Purchasing Agreement provided that it adopts a resolution accepting the terms of the Master Agreement and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered on-line with The Interlocal Purchasing System (TIPS) at https://tips-usa.com 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 #230105, as amended, held by Region 8 Education Service Center 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 products and services as a participating public agency under MICPA Contract #230105, as amended, held by Region 8 Education Service Center as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through The Interlocal Purchasing System (TIPS) 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

c. **Resolution 2025-61** – Authorizing the Mayor to sign a license renewal agreement with TDOT related to the construction and maintenance of sidewalks and storm drainage system along I-75/Norman Chapel Road.

RESOLUTION 2025-61

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

Description of Project: Federal Project Number: I-75-1(20)21

License Agreement for the installation and maintenance of a sidewalk and a storm drainage system near Interstate 75 adjacent to Norman Chapel Road

WHEREAS, the City Council desires to enter into the attached license agreement with TDOT and to further authorize the Mayor to execute the attached agreement on behalf of the City of Cleveland.

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

This 28th day of July , 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Bid Summary** – 25th Street Drainage Project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **July 28, 2025**
RE: **Bid Summary – 25th St NW (SR-60) Drainage Improvement Project (25th St. NW to Maple Dr.)**

SUMMARY:
The City received sealed bids for the 25th Street drainage improvement project on July 10, 2025. Bids are listed below:

- Talley Construction **$1,902,220.60**
- Wright Brothers Civil Construction, LLC **$1,772,888.70**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
This project is funded by Coronavirus State and Local Recovery grant funding.

RECOMMENDATION:
Staff recommends award to Wright Brothers Civil Construction, LLC.

e. **Motion** - Engagement Letter for Environmental Attorney.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 25, 2025**
RE: **Engagement Letter for Environmental Attorney**

SUMMARY:
The City Manager and City Attorney interviewed Mr. Wayne Cropp from Baker Donelson law firm in Chattanooga for assistance in the environmental remediation of the former Whirlpool property. Mr. Cropp will lead the City Council in negotiations with TDEC to protect the interests of the City of Cleveland.

Attached is the engagement letter for your review and approval.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to hire Mr. J. Wayne Cropp to represent the City in the Environmental Remediation of the former Whirlpool site.

UNFINISHED BUSINESS

Councilwoman McKenzie moved that Ordinance 2025-35 – Adopting the 2025 Tax Rate as $1.2632 be voted for passage on final reading; heretofore passed on first reading, July 14, 2025 and found in Minute Book 32, Page 446. The motion was seconded by Councilman Estes. Upon roll call, Councilwoman McKenzie, Councilman Estes, Councilman Cassada, Councilman Goff, Vice Mayor Webb, Councilman Moore voted aye. Councilman May voted no. The motion carried 6-1.

Mr. Fivas asked for the following memo be included in the minutes, which outlines how the tax increase would be designated for the identified projects.

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: July 28, 2025

RE: Details of Projects with New Certified Tax Rate

SUMMARY:

On July 14, 2025, the City Council approved to raise the Certified Tax Rate from $1.2316 to $1.2632 on first reading of an ordinance. The $0.0316 increase was specifically identified as priority funding for this tax increase.

Total:	$0.0316
Events Center:	$0.005
One New School:	$0.015
Transitional Housing:	$0.005
Widen Mouse Creek Road:	$0.0066

1) Construction of Indoor Athletic & Events Center and Aquatics Facility: $0.005 Pennies

The City will create an Indoor Events Center & Aquatics Fund where every year the equivalent of $0.005 will be placed in this fund. These funds can only be used for the pre-construction, construction, debt payments, and future maintenance capital improvements.

Over the next year, City staff will work with community stakeholders in designing this facility. The goal is to begin construction when the property is available for construction. The $0.005 will not pay to the total construction costs of this project. The City will use a combination of the Hotel/Motel Tax, Liquor Tax, Tax Increment Financing Funding, RIDA Funding, and future debt capacity with maintaining level debt payments into the future to fund the pre-construction and construction costs.

2) Construction of One Elementary Schools: $0.015 Pennies

The City will create a North Cleveland Elementary School Fund where every year the City will place the equivalent of $0.015 in this fund. These funds can only be used for the pre-construction, construction, and debt payments. When the debt payments are paid off, a future Council will determine how to allocate these funds.

The construction cost of one new elementary schools is approximately $35 million. There could be additional costs for development costs. The City will not be responsible for the additional operational costs of this facility. The City Schools will have to continue their current debt obligations into the future to assist with funding this school. The City will use the future debt capacity with maintaining level debt payments into the future to fund these pre-construction and construction costs.

The approval of this funding mechanism does not take away the need for the School Board to bring site plans, elevations, and business plans to the City Council for final approval before construction.

3) Construction of a New Transitional Housing for Families: $0.005 Pennies

The City will create a Transitional Housing Fund where every year the equivalent of $0.005 will be placed in this fund. These funds can only be used for the pre-construction, construction, and debt payments for this Transitional Housing for Families. When the debt payments are paid off, a future Council will determine how to allocate these funds.

The City would be able to bond and construct a new City/County Empowerment Center (Transitional Housing for Homeless Housing). We have a $1 million appropriation from the federal government, and the County and City have already appropriated some additional funds. We will likely request additional funding from the County.

4) Widening of Mouse Creek Road: $0.0066 Pennies

The City will create a Mouse Creek Rd Widening Fund where every year the equivalent of $0.005 will be placed in this fund. These funds can only be used on a Pay-As-You Go basis to widening this street.

Mouse Creek Road would be widened by 2 to 4 feet by placing stormwater pipe along the side of the street, and placing turn lanes on the larger neighborhoods along this street. This would be funded with Pay-As-You-Go process with Mouse Creek Road. We may also use some Stormwater Funds.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

Councilman Goff recognized those involved in the Church of God International Teen Talent. We have almost 4,000 people visiting Cleveland for the event being held at Lee University. Also, the water fountains on the Greenway, specifically the one near the Gondolier doesn't appear to be working. Mr. Fivas stated yes, we have a lot of problems with water fountains, but we will have someone take a look. Mayor Brooks added the guests for the Teen Talent will be here for several days.

Vice Mayor Webb had no report at this time.

Councilman Moore inquired about the fire pay study. Mr. Fivas clarified it was a pay study for all employees. The person assigned to it left the company two weeks ago. They have corrected that and should be back on target, moving at full speed ahead. Councilman Moore asked if there would be a report at the next meeting. Mr. Fivas stated he hopes so, we are pretty close. We will retro it back to July 1, so if it takes another week or so, we'd rather get it right. For every week they take, employees are not losing money, we will recommend to retro it back. Time isn't as much as a factor, other than people want to know. Everyone will be compensated back to July 1st, which is for the Council to decide, but that is what we will recommend.

Jr. Councilman White thanked everyone for welcoming him today. It has been a pleasure and has fallen in love with City Council.

Councilwoman McKenzie had no report at this time.

Councilman Estes thanked staff for the signage on First Street NE. It has already made a difference. Also, Mission 423 had a huge back to school bash at Mosby Park over the weekend. School supplies, clothes, shoes were given out. Hundreds of people were in attendance. He thanked Frank Walker, Kezmond Pugh, Reggie Tucker and First Baptist. It was such a huge and positive event.

Mayor Brooks stated during the Work Session the Council recognized the National Award-Winning Cleveland Middle School Beta Club members. They have represented the City with Spirit very well.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-36** – Concerning a request by Peggy Pesterfield for consideration of an ordinance to zone about 1.14 acres, more or less, for property located at Peerless Road NW from R-1 Single Family Residential to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 042A Group D Parcel 002.01 and 003.01 (Planning Commission: Approve 6-0; 1 passed, 2 absent).

Zoning Ordinance 2025-36

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from R-1 Single Family Residential Zoning District to R-2 Low Density Single and Multi-Family Zoning District

Approximately 1.14 acres, more or less, located on Peerless Rd. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 042A Group D Parcels 002.01 and 003.01 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance 2025-36 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb; Upon roll call, Councilman May, Vice Mayor Webb, Councilman Cassada, Councilman May, Councilman Goff and Councilwoman McKenzie voted aye. Councilman Estes passed. The motion carried 6-0-1.

The following Resolution was then presented in full:

- **Resolution 2025-62** – Concerning a request by Daniel Smith for consideration of a Plan of Service, for about .34 acres, more or less, for property located at Strawberry Lane NE and includes Tax Map 058B Group C Parcel 007.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-62

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

STRAWBERRY LANE (058B C 007.00)

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 28, 2025, 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 Daniel Smith, as recorded in BCROD deed book 3121 page 159; thence north 68 degrees 4 minutes 11 seconds west, 101.58 feet to an iron pin; thence north 21 degrees 51 minutes 49 seconds east, 147.42 feet to an iron pin; thence south 64 degrees 29 minutes 35 seconds east, 101.12 feet to an iron pin; thence south 21 degrees 35 minutes 29 seconds west, 141.12 feet to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

JUNE 17, 2025
STRAWBERRY LANE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 0.34 acres located at Strawberry Lane 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 2025.

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

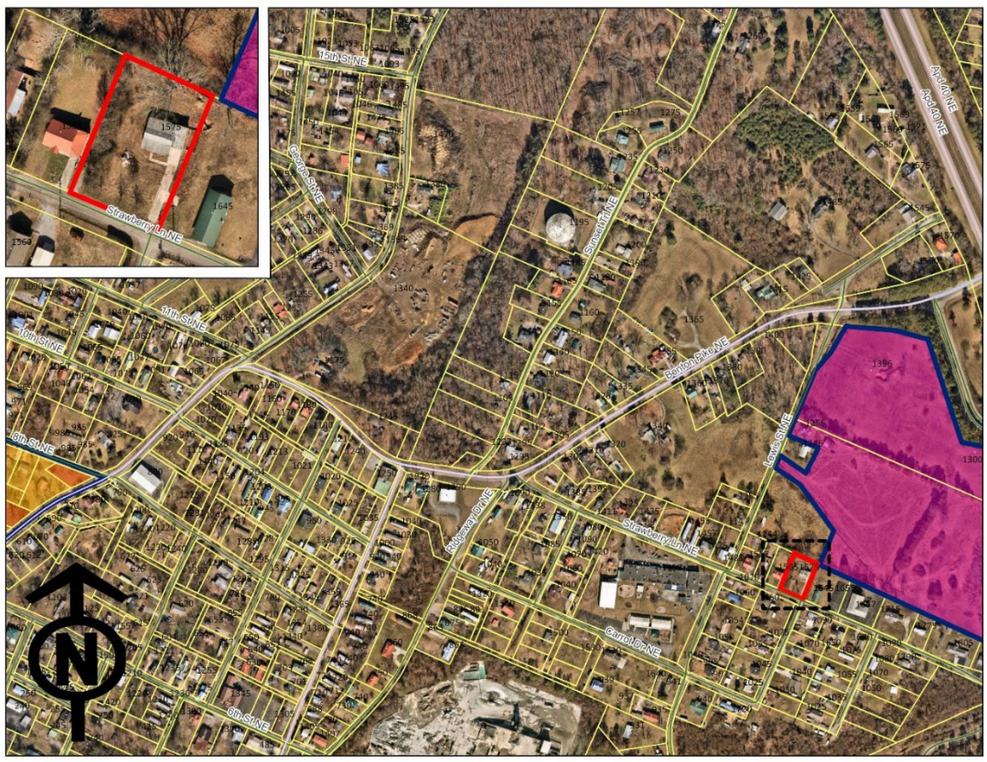
Introduction

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

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

The property consists of one parcel, approximately 0.34 acres total. The annexation would zone the property as R-2 Low Density Single and Multi-Family. This lot currently contains a single-family home that is proposed to be demolished, and the development of two single-family homes is proposed. The property is described as Tax Map 058B Group C Parcel 007.00.

Strawberry Lane Annexation Map



Legal Description

Beginning at an iron pin located at the southeast corner of the lands of Daniel Smith, as recorded in BCROD deed book 3121 page 159; thence north 68 degrees 4 minutes 11 seconds west, 101.58 feet to an iron pin; thence north 21 degrees 51 minutes 49 seconds east, 147.42 feet to an iron pin; thence south 64 degrees 29 minutes 35 seconds east, 101.12 feet to an iron pin; thence south 21 degrees 35 minutes 29 seconds west, 141.12 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with existing stations and personnel, with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via a 8" water main along the north side of Strawberry Ln. NW. See Figure 1 – Water Service.

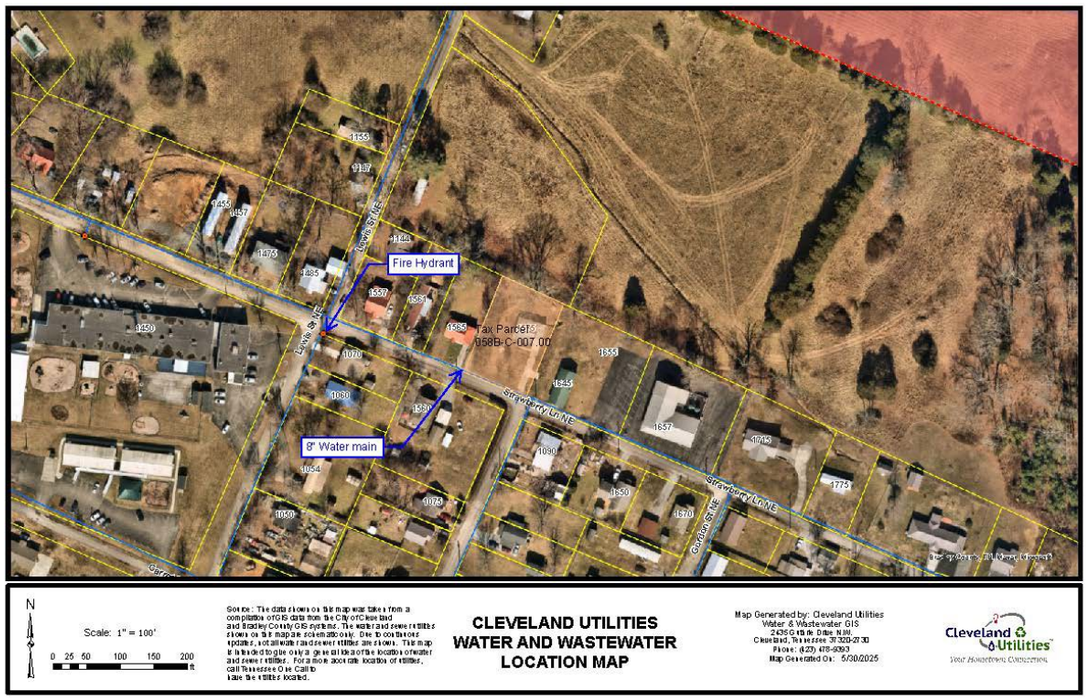
B. Sanitary Sewer---Sewer service is presently available to the parcel via an 8" gravity sewer main along the Strawberry Ln. NE. Additional service would be installed at a time and material cost to the developer. See Figure 2 – Sewer Service.

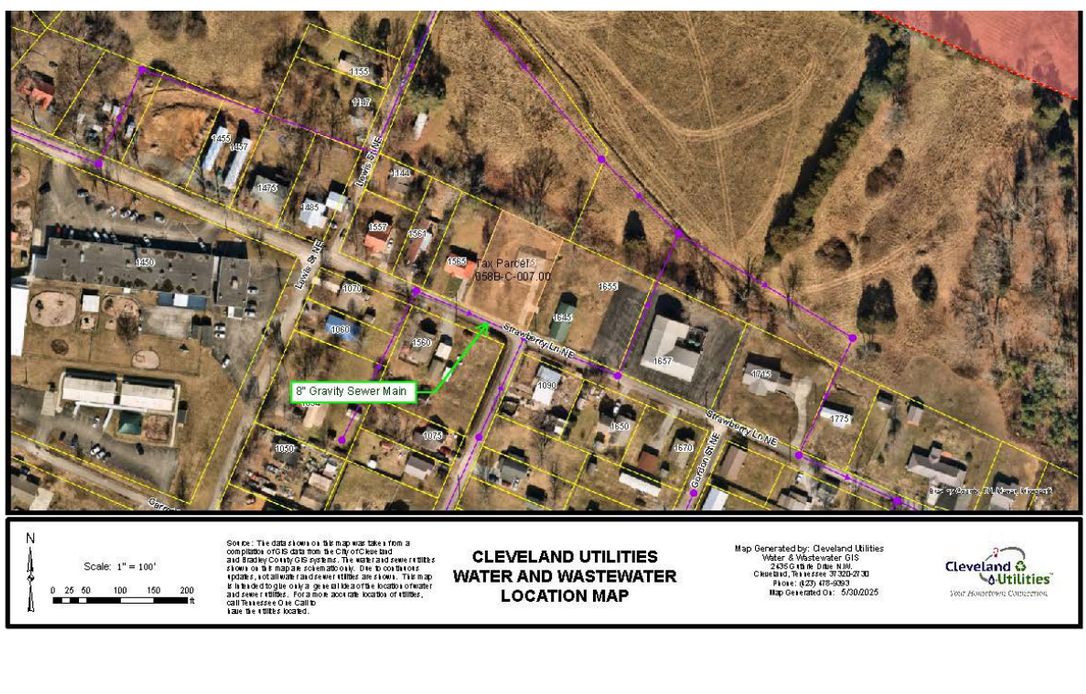
C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant 115 feet away at the intersection of Lewis St. NE and Strawberry Lane NE See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
1575 Strawberry Lane. (Tax Parcel 058B-C-007.00)	**$0**	**$0**	**$0**	**$0**

1 CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent





4. Electric Service

Cleveland Utilities Electric has facilities in place to serve this new annexation.

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

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 education impact would be 1 school-age child at a cost to the City of $976.59 annually.

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 FAR in the unincorporated County. The property is proposed for a R-2 Low Density Single and Mult-Family 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 4 residents to the 4th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also

need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$1,713.00 per year.**

Councilman May moved that Resolution 2025-62 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-63** – Concerning a request by Daniel Smith for consideration of a resolution to annex about .34 acres, more or less, for property located at Strawberry Lane NE and includes Tax Map 058B Group C Parcel 007.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-63

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

STRAWBERRY LANE 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 28, 2025.

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 Daniel Smith, as recorded in BCROD deed book 3121 page 159; thence north 68 degrees 4 minutes 11 seconds west, 101.58 feet to an iron pin; thence north 21 degrees 51 minutes 49 seconds east, 147.42 feet to an iron pin; thence south 64 degrees 29 minutes 35 seconds east, 101.12 feet to an iron pin; thence south 21 degrees 35 minutes 29 seconds west, 141.12 feet to the point of beginning.

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2025-63 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-37** – Concerning a request by Daniel Smith for consideration of an ordinance to zone about .34 acres, more or less, for property located at Strawberry Lane NE from FAR/unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058B Group C Parcel 007.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-37

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR Zoning District in the Unincorporated County to R-2 Low Density Single and Multi-Family Zoning District

Approximately .34 acres, more or less, located on Strawberry Lane as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 058B Group C Parcel 007.00 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.

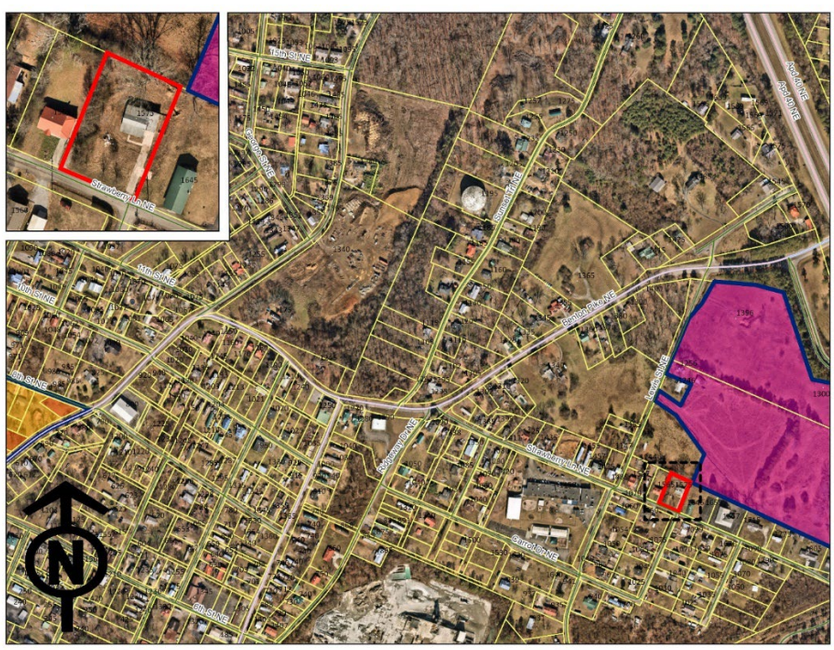
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2025-37 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-64** – Concerning a request by Bill Sanders for consideration of a Plan of Service for about 16.17 acres, more or less, of property located at Pleasant Grove Rd. SW and includes Tax Map 056 Parcels 042.04 and 042.05 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-64

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

PLEASANT GROVE RD (056 042.04 and 042.05)

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 28, 2025, 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 a corner of the existing City Limits, said point being located in the northern property line of Pilot Travel Centers LLC, as recorded in BCROD deed book 2882 page 129, said point also being located in the southern right of way of Pleasant Grove Rd; thence with the southern right of way of Pleasant Grove Rd and the existing City Limits in a westerly direction 480 feet, more or less, to the northwest corner of the lands of Ruhani LLC, as recorded in BCROD deed book 3025 page 821; thence with the western line of the lands of Ruhani LLC in a southeasterly direction 881 feet, more or less, to the southwest corner of the lands of Ruhani LLC, said point also being located in the northern line of the lands of SPC Properties LLC, as recorded in BCROD deed book 3108 page 237; thence with the northern line of the lands of SPC Properties LLC in a northwesterly direction 640 feet, more or less, to the northwest corner of the lands of SPC Properties LLC, said point being located in the eastern right of way of Pleasant Grove Rd SW; thence leaving the existing City Limits and crossing Pleasant Grove Rd in a northwesterly direction with the same bearings as the northern line of the SPC Properties LLC 40 feet, more or less, to the western right of way of Pleasant Grove Rd; thence with the western right of way of Pleasant Grove Rd in a northerly direction 1020 feet, more or less, to the southwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a northwesterly direction 178 feet, more or less, to the northwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a southeasterly direction 220 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd, said point also being the southwest corner of the lands of Trotter's Place, Inc, as recorded in BCROD deed book 1282 page 533; thence with

the western line of the lands of Trotter's Place, Inc in a northerly direction 307 feet, more or less, to the northwest corner of the lands of Trotter's Place, Inc.; thence with the northern line of Trotter's Place Inc. in a southeasterly direction 295 feet, more or less, to the northeast corner of the lands of Trotter's Place, Inc; thence with the eastern line of the lands of Trotter's Place Inc, in a southwesterly direction 333 feet, more or less, to the southeast corner of the lands of Trotter's Place Inc., said point also being located in the northern right of way of Pleasant Grove Rd; thence with the northern right of way of Pleasant Grove Rd in an easterly direction 960 feet, more or less, to a point where the northern right of way of Pleasant Grove Rd intersects the existing City Limits; thence crossing Pleasant Grove Rd in a southwesterly direction with the existing City Limits 101 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

City of Cleveland TENNESSEE

JUNE 17, 2025
PLEASANT GROVE RD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 16.17 acres located at Pleasant Grove Road 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 2025.

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.

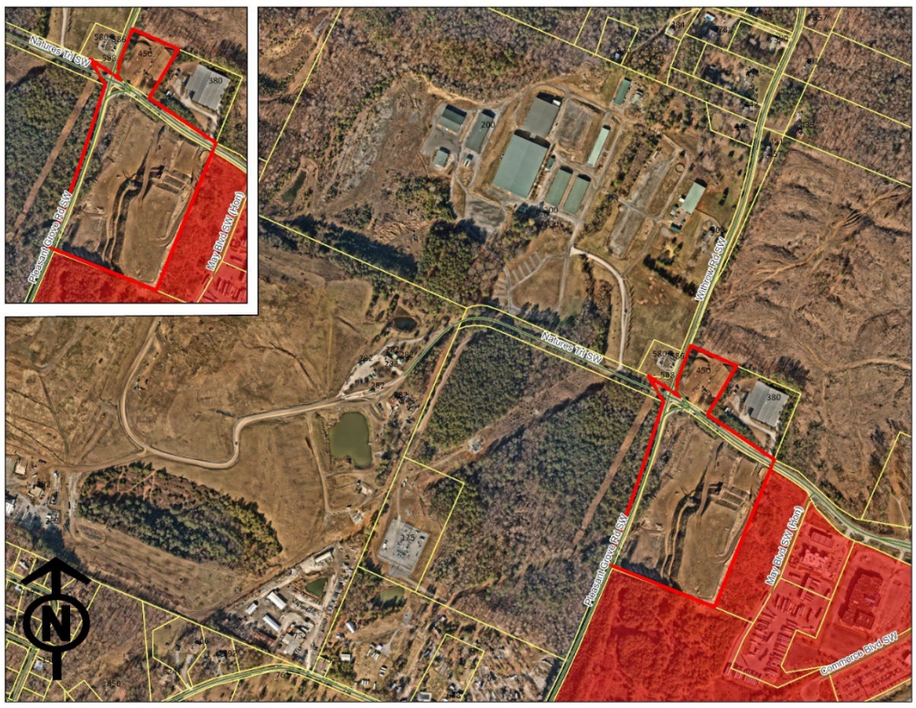
Introduction

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 2 parcels, approximately 16.17 acres total. The annexation would zone parcels 056 042.04 and 042.05 as CH Highway Commercial These lots are currently vacant, and future commercial development is proposed. The property is described as Tax Map 056 042.04 and 042.05.

Pleasant Grove Road Annexation Map



Legal Description

Beginning at a corner of the existing City Limits, said point being located in the northern property line of Pilot Travel Centers LLC, as recorded in BCROD deed book 2882 page 129, said point also being located in the southern right of way of Pleasant Grove Rd; thence with the southern right of way of Pleasant Grove Rd and the existing City Limits in a westerly direction 480 feet, more or less, to the northwest corner of the lands of Ruhani LLC, as recorded in BCROD deed book 3025 page 821; thence with the western line of the lands of Ruhani LLC in a southeasterly direction 881 feet, more or less, to the southwest corner of the lands of Ruhani LLC, said point also being located in the northern line of the lands of SPC Properties LLC, as recorded in BCROD deed book 3108 page 237; thence with the northern line of the lands of SPC Properties LLC in a northwesterly direction 640 feet, more or less, to the northwest corner of the lands of SPC Properties LLC, said point being located in the eastern right of way of Pleasant Grove Rd SW; thence leaving the existing City Limits and crossing Pleasant Grove Rd in a northwesterly direction with the same bearings as the northern line of the SPC Properties LLC 40 feet, more or less, to the western right of way of Pleasant Grove Rd; thence with the western right of way of Pleasant Grove Rd in a northerly direction 1020 feet, more or less, to the southwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a northwesterly direction 178 feet, more or less, to the northwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a southeasterly direction 220 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd, said point also being the southwest corner of the lands of Trotter's Place, Inc, as recorded in BCROD deed book 1282 page 533; thence with the western line of the lands of Trotter's Place, Inc in a northerly direction 307 feet, more or less, to the northwest corner of the lands of Trotter's Place, Inc.; thence with the northern line of Trotter's Place Inc. in a southeasterly direction 295 feet, more or less, to the northeast corner of the lands of Trotter's Place, Inc; thence with the eastern line of the lands of Trotter's Place Inc, in a southwesterly direction 333 feet, more or less, to the southeast corner of the lands of Trotter's Place Inc., said point also being located in the northern right of way of Pleasant Grove Rd; thence with the northern right of way of Pleasant Grove Rd in an easterly direction 960 feet, more or less, to a point where the northern right of way of Pleasant Grove Rd intersects the existing City Limits; thence crossing Pleasant Grove Rd in a southwesterly direction with the existing City Limits 101 feet, more or less, to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   This location falls outside our response parameters of NFPA 1710. NFPA Standard 1710 establishes an 80 second "turnout time" and 240 second "travel time" (together, 320 seconds or 5 minutes and 20 seconds "response time"). Drive time alone to this proposed property from our nearest fire station is roughly 6 minutes or 360 seconds. We would **not**

be able to service the annexation request with our current staffing and station locations.

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

A. Domestic Water---Domestic water service is presently available to the parcels via a 6" water main along the north side of Pleasant Grove Rd. SW. See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is not presently available to the parcels.

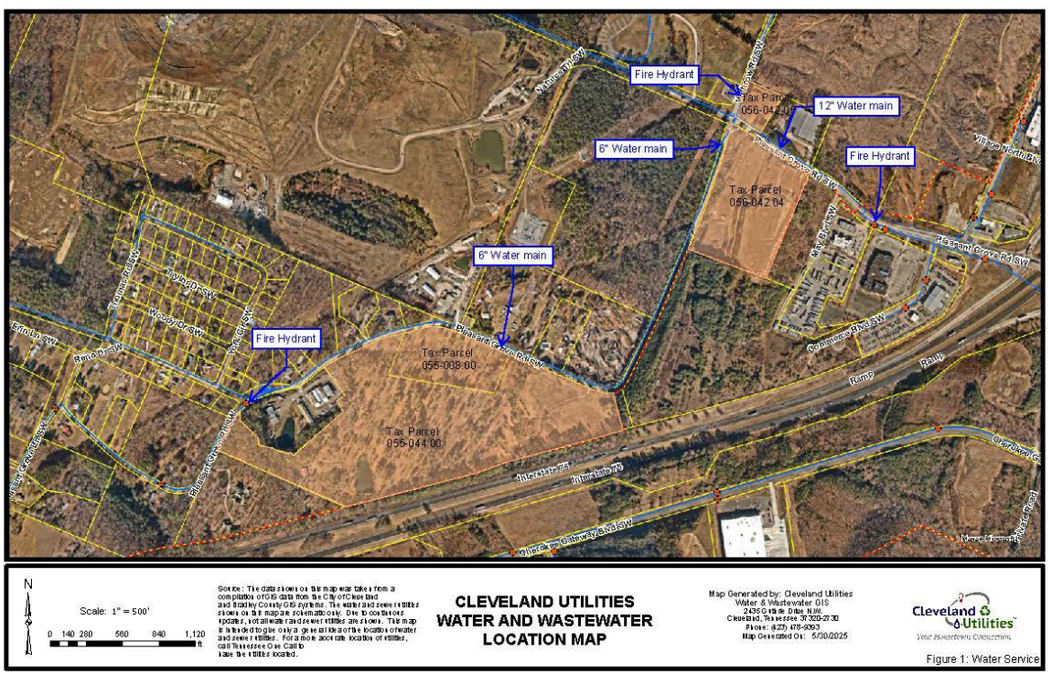
For parcel 056-042.04 ±250LF of 8" gravity sewer main can be installed and to get to parcel 056-042.05, ±560LF of 8" gravity sewer main can be installed. The Opinion of Probably Cost is $111,375. This work can be completed in 8 years. See Figure 3 – Sewer Service.

C. Fire Protection---Fire protection is presently available to the parcels via fire hydrants along Pleasant Grove Rd. SW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Pleasant Grove Road (056-042.04 and 042.05 only reflected in total)	**$0**	**$111,375**	**$0**	**$111,375**

1 CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.



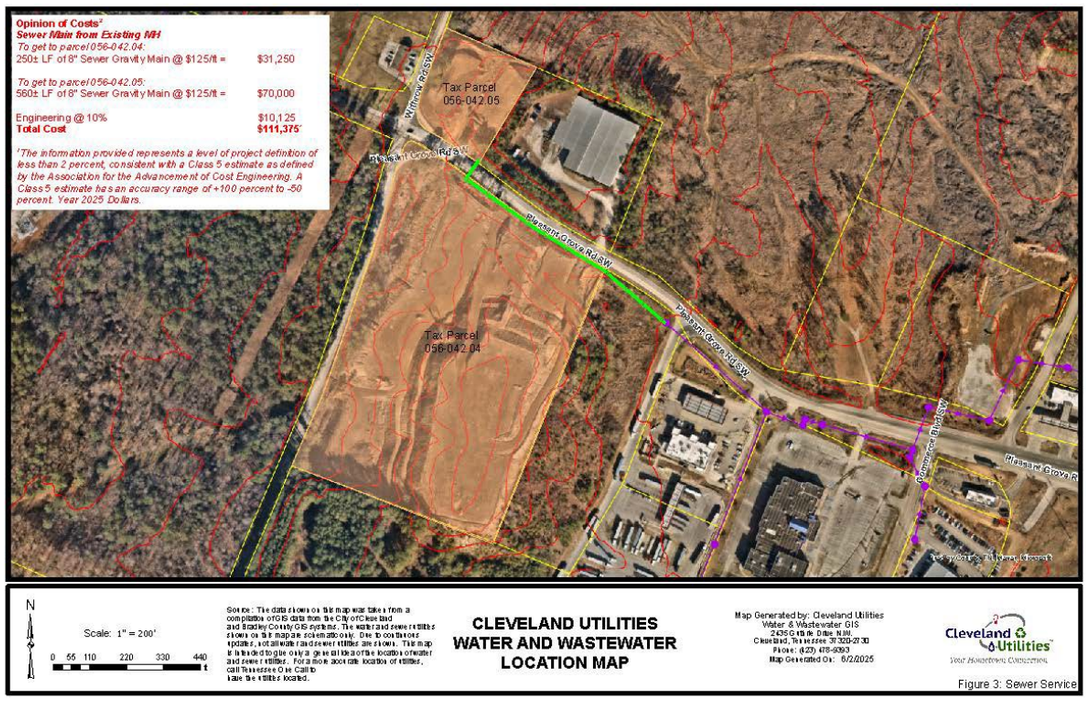


Figure 3: Sewer Service

4. Electric Service

Cleveland Utilities Electric will have to develop a detailed plan of service for this section of Pleasant Grove Road, possibly including an interstate crossing. Estimated cost is $250,000.

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

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

There would be no educational impact from this development if it is to develop commercial.

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 FAR/C-2 in the unincorporated County. The property is proposed for CH Highway Commercial 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 1st City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. 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

Total revenue generated by this annexation is approximately **$682,585.00 per year.**

Councilwoman McKenzie moved that Resolution 2025-64 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-65** – Concerning a request by Bill Sanders for consideration of a resolution to annex about 16.17 acres, more or less, of property located at Pleasant Grove Rd. SW and includes Tax Map 056 Parcels 042.04 and 042.05 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2025-65

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 ROAD 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 28, 2025.

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 a corner of the existing City Limits, said point being located in the northern property line of Pilot Travel Centers LLC, as recorded in BCROD deed book 2882 page 129, said point also being located in the southern right of way of Pleasant Grove Rd; thence with the southern right of way of Pleasant Grove Rd and the existing City Limits in a westerly direction 480 feet, more or less, to the northwest corner of the lands of Ruhani LLC, as recorded in BCROD deed book 3025 page 821; thence with the western line of the lands of Ruhani LLC in a southeasterly direction 881 feet, more or less, to the southwest corner of the lands of Ruhani LLC, said point also being located in the northern line of the lands of SPC Properties LLC, as recorded in BCROD deed book 3108 page 237; thence with the northern line of the lands of SPC Properties LLC in a northwesterly direction 640 feet, more or less, to the northwest corner of the lands of SPC Properties LLC, said point being located in the eastern right of way of Pleasant Grove Rd SW; thence leaving the existing City Limits and crossing Pleasant Grove Rd in a northwesterly direction with the same bearings as the

northern line of the SPC Properties LLC 40 feet, more or less, to the western right of way of Pleasant Grove Rd; thence with the western right of way of Pleasant Grove Rd in a northerly direction 1020 feet, more or less, to the southwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a northwesterly direction 178 feet, more or less, to the northwest corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd; thence crossing the intersection in a southeasterly direction 220 feet, more or less, to the northeast corner of the intersection of Pleasant Grove Rd, Natures Trl, and Withrow Rd, said point also being the southwest corner of the lands of Trotter's Place, Inc, as recorded in BCROD deed book 1282 page 533; thence with the western line of the lands of Trotter's Place, Inc in a northerly direction 307 feet, more or less, to the northwest corner of the lands of Trotter's Place, Inc.; thence with the northern line of Trotter's Place Inc. in a southeasterly direction 295 feet, more or less, to the northeast corner of the lands of Trotter's Place, Inc; thence with the eastern line of the lands of Trotter's Place Inc, in a southwesterly direction 333 feet, more or less, to the southeast corner of the lands of Trotter's Place Inc., said point also being located in the northern right of way of Pleasant Grove Rd; thence with the northern right of way of Pleasant Grove Rd in an easterly direction 960 feet, more or less, to a point where the northern right of way of Pleasant Grove Rd intersects the existing City Limits; thence crossing Pleasant Grove Rd in a southwesterly direction with the existing City Limits 101 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 2025-65 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-38** – Concerning a request by Bill Sanders for consideration of an ordinance to zone about 1.85 acres, more or less, of property located at Pleasant Grove Rd. SW from C-2 unincorporated county to CH Highway Commercial and includes Tax Map 056 Parcel 042.05 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-38

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from C-2 Zoning District in the Unincorporated County to CH Highway Commercial Zoning District.

Approximately 1.85 acres, more or less, located on Pleasant Grove Rd. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 056 Parcel 042.05 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



Councilwoman McKenzie moved that Zoning Ordinance 2025-38 be voted for passage on first reading. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-39** – Concerning a request by Bill Sanders for consideration of an ordinance to zone about 14.32 acres, more or less, of property located at Pleasant Grove Rd. SW from FAR unincorporated county to CH Highway Commercial and includes Tax Map 056 Parcels 042.04 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2025-39

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR Zoning District in the Unincorporated County to CH Highway Commercial Zoning District

Approximately 14.32 acres, more or less, located on Pleasant Grove Rd. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 056 Parcel 042.04 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



Councilwoman McKenzie moved that Zoning Ordinance 2025-39 be voted for passage on first reading. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented:

- **Ordinance 2025-40** – Concerning a request by City of Cleveland for consideration of a proposed amendment to the zoning map to expand the IGC Interstate Gateway Corridor Overlay District to include Tax Map 056 Parcels 042.04 and 042.05 and part of Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2025-40

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND TENNESSEE OFFICIAL ZONING MAP BE AMENDED TO EXTEND THE BOUNDARIES OF THE INTERSTATE GATEWAY CORRIDOR OVERLAY DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the City of Cleveland has adopted a Zoning Ordinance and Official Zoning Map to regulate land use and development in accordance with the City's comprehensive plan; and

WHEREAS, the Interstate Gateway Corridor Overlay District was established to provide for protection and enhancement of gateways into the City of Cleveland and the City of Cleveland Planning Commission has reviewed a proposed amendment to extend the boundaries of the Interstate Gateway Corridor Overlay District to include additional parcels adjacent to the City limits that have requested annexation described herein and has recommended approval of the same; and

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

Section 1. The Cleveland Tennessee Official Zoning Map is hereby amended to extend the Interstate Gateway Corridor Overlay District to the following Parcels:

Tax Map	Parcel	Owner
056	042.04	Bill Sanders
056	042.05	Bill Sanders
056	051.06	Winstead Partnership

A map showing the revised boundaries is attached as Exhibit A

Section 2. Effect of Overlay Extension

The properties listed in Section 1 shall be subject to all regulations, standards, and procedures applicable to the Interstate Gateway Overlay District of the Cleveland Tennessee Zoning Ordinance.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance

Section 4. 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 5. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

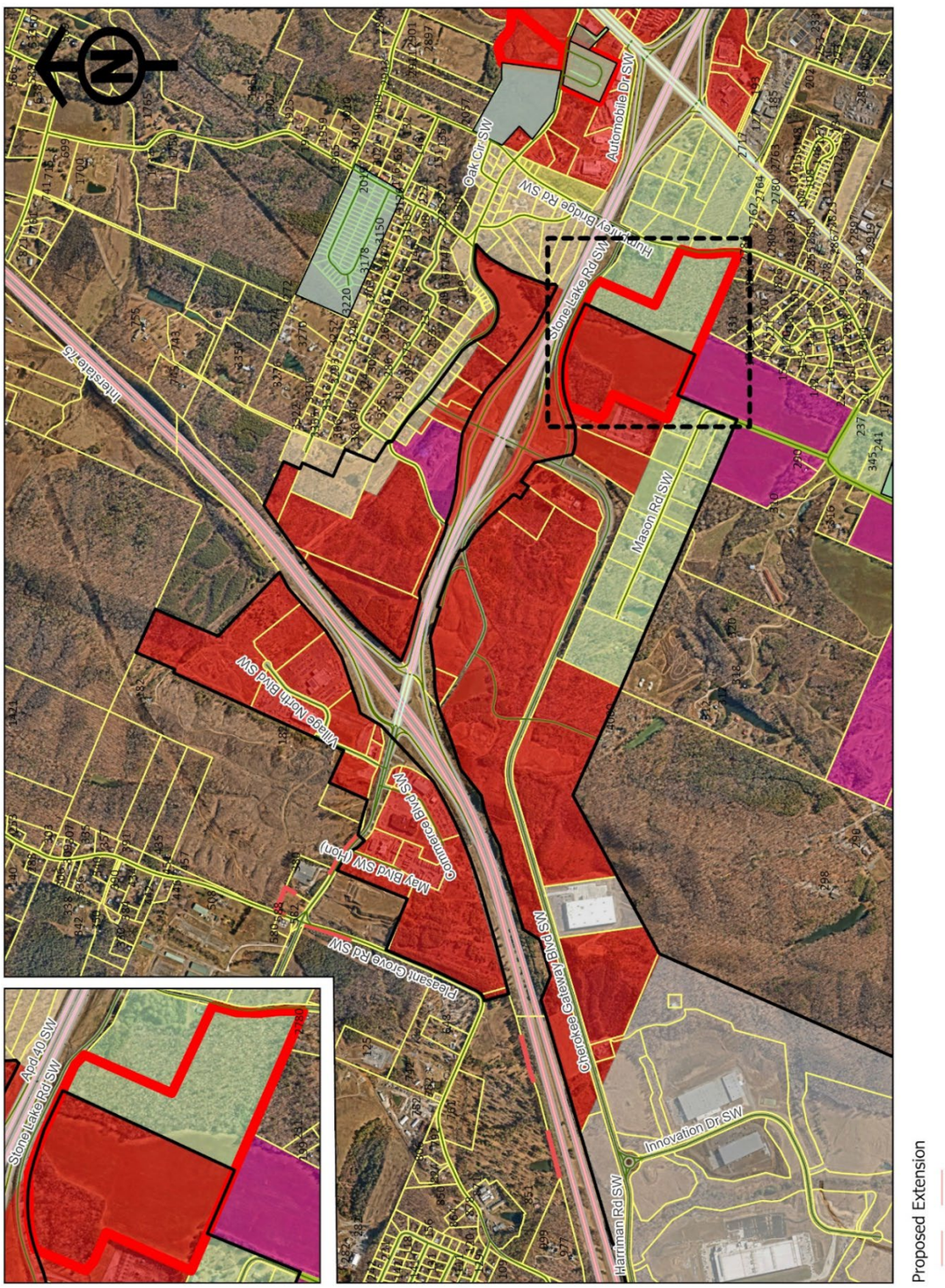
APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:





Vice Mayor Webb moved that Ordinance 2025-40 be voted for passage on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion carried 7-0.

Mayor Brooks announced that first reading of Zoning Ordinance 2025-41 has been delayed until the August 11, 2025 meeting. (**Zoning Ordinance 2025-41** – Concerning a request by Winstead Partnership (Kelley E Storey) for consideration of an ordinance to zone about 52.18 acres, more or less, of property located at Stone Lake Road from CH Highway Commercial and RA Residential Agricultural Zoning Districts and IGC Interstate Gateway Corridor to PUD69 and IGC Interstate Gateway Corridor and includes Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent)).

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-42** - Concerning a request by multiple property owners for consideration of an ordinance to zone about 22 acres, more or less, for property located at Williams Street from R-1 Single Family Residential Zoning District to PUD65 and includes Tax Map 050I Group E Parcel 004.00, 020.00, 021.00, 023.00, and 025.00. (Planning Commission: 8-0; 1 absent).

ZONING ORDINANCE 2025-42

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 WILLIAMS STREET TOWNHOME "PUD 65" ON PROPERTY DESCRIBED AS TAX MAP 050I GROUP E PARCELS 004.00, 020.00, 021.00, 023.00, AND 025.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 65; 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 65" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 65 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 65 district are 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 65, Williams Street Townhome Development (name may be revised during the platting process with approval of the Cleveland, Municipal Planning) includes property generally

identified as Tax Map 04lF Group D Parcel 006.00. Exhibit A illustrates the overall Williams Street Townhome 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 Williams Street Townhome development. The project consists of a Townhome neighborhood which includes an amenity area and open space. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 65 Subdivision allows for the construction of up to 140 residential units in single-unit or multi-unit structures not exceeding two stories. Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Residential amenities such as a community clubhouse, park shelters, benches, or tables, are allowed in the common area and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 65 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 residential uses within the PUD will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit "A" unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by Developer covenants and restrictions. Billboards are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 65, The Williams Street Townhome Development PUD was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on May 20, 2025. 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 65 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. However, any modification may not increase the total number of dwelling units beyond 140 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 PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific residential unit and type within the designated 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, buffers with external properties, etc.). All streets or access drives within the PUD 65 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

6.B. PLATS.

One or more plats will be prepared for the PUD 65 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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, homeowner association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 65 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 65 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 65 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the Townhouse Development Standards from the City of Cleveland Subdivision Regulations and R2 Townhome residential zone from the City of Cleveland's zoning regulations.

7.A. Building Lot Size & Setbacks

Townhouse building setbacks shall be 25' for the front, 15' rear setback, and 5' side setback. The front setback may be reduced to 15' for the side yard of corner lots and for units with side or rear yard parking/driveways. No setback is required for shared walls of townhouse units. Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within five feet of any property line. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. Any required retaining walls may encroach within 3 feet of the property line.

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall be provided along all streets within the subdivision, where shown on the conceptual plan, and will include the western side of Neely Circle to 20th Street.
2. All utilities shall be placed outside of the street except for required crossings; any crossing shall be approved by the City.
3. The minimum open space provided shall be a minimum of 20%. A minimum of 50% of the open space shall be easily accessible and usable by the residents. Landscape buffers may be included in the open space.
4. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of two off-street parking spaces.

5. Central dumpsters may be utilized in lieu of individual trash cans and be placed in areas accessible to all units.

6. Additional off-street parking shall be provided for the townhouses and with the mail kiosk.

7.C Miscellaneous Standards

1. The exterior facades of all structures shall be comprised of brick, stone, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia). All foundations shall be brick or stone.

2. Residential buildings must 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 structures will meet townhome construction requirements regardless of future subdivision plans. Repair to the roof of any townhome with a common roofline of any adjoining unit must be addressed within the private covenant restrictions.

3. Townhomes shall have a garage.

4. A minimum of 1.5 off-street parking spaces per dwelling unit are required excluding the garage.

5. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed at the property lines between freestanding buildings. Front driveways/parking areas shall be separated by a minimum of one 3' planted landscape strip (not grass or stone). Additional trees shall be planted across the development which will be determined during site review.

6. A 50-foot undisturbed buffer shall be required along the Western property line that adjoins the Woodchase Residential Community. Disturbance of the buffer is allowed in the case of stormwater detention areas. In this case, the detention area shall be screened with an 8-foot wooden fence and Type C buffer plantings. In areas where the existing undisturbed buffer does not provide full visual screening additional plantings will be required as well as a continual 8-foot fence along the western edge of Williams Street.

7. Additional off-street parking areas shall be placed throughout the development for overflow parking. The parking of commercial vehicles, tractor-trailer cabs, commercial equipment, mobile homes, recreational vehicles, ATVs, boats and other watercraft, trailers, stored vehicles, or inoperable vehicles is not allowed. This parking will not be considered part of the public Right-of-way.

8. Neely Circle and the Development Road shall be improved to city standards. The developer shall dedicate any right-of-way necessary from the property in which they control and shall be responsible for construction of said improvements.

9. Construct a dedicated left-turn lane on 20th Street to accommodate queuing and prevent through-lane blockage at the western intersection of 20th Street and Neely Circled referenced as intersection 3 in the TIA. Include an appropriate taper and deceleration area per AASHTO and FHWA standards based on design speed.

10. Reconfigure the intersection geometry at the western intersection of 20th Street and Neely Circle/Intersection 3 —both horizontally (alignment) and vertically (elevation)—to minimize sight-distance issues, ensuring drivers have full visibility per AASHTO’s corner sight distance guidelines.

11. Upgrade the Neely Circle/Development road junction to provide a continuous through lane on the development road, extend improvements into Neely Circle and on to the improved 20th Street intersection #3 (Neely Circle to the East shall not be included in these required improvements). Ensure the new alignment supports smooth through-traffic flow and ties into the upgraded Neely Circle–20th Street connection. Standards 8-10 improvements—including geometrics, storage lanes, tapers, and sight-distance elements—shall be fully engineered during site plan review and finalized with approval from the Transportation Engineer.

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 65 Williams Street Townhome 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 65, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 65 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 MultiLandCo., 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 state 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



Councilman Goff moved that Zoning Ordinance 2025-42 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following memo was then presented:

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 25, 2025**
RE: **Purchase of Former Whirlpool Property**

SUMMARY:
Last year, the City Council approved a purchase agreement with Phoenix Investors LLC to purchase approximately 50 acres of property located on the former Whirlpool plant location. We are getting close to having a closing on the previously approved agreement and City staff will update the City Council on the future development and remediation process of this site.

We recently had a meeting in Cleveland with the TDEC Director of Environmental Remediation and his staff. They are supportive of the City purchasing this property, and they did not voice any concerns with our plans to purchase. The City has received a letter from TDEC that indicates that the City would be an innocent party if we continue our process to get into the VOAP program at the state and meet their other conditions. I've attached this letter for your review.

The City has consulted an environmental attorney and had them briefly review our letter from TDEC. The City plans to apply for Brownfield clean-up funds this fall, and will work with the stakeholders to get this 50 acre property back on the tax rolls and benefit the adjacent neighborhoods and downtown. This complex process will have its ups and downs, but will be beneficial to the City for the next hundred years.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to move forward with the closing of the Phoenix purchase agreement. The funds for closing have been identified.

Councilman Estes moved to proceed forward with the purchase and sale agreement with Phoenix Investors, LLC on closing of the former Whirlpool property. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion carried 7-0.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, August 11, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:45 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
AUGUST 11, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 11, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Tom Cassada, David May, Duane Goff, and Dan Moore. Councilman Bill Estes was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Annie Bryant, Senior Customer Representative; Police Chief Mark Gibson; Fire Chief Chris Bates; Chris Gaylor, Assistant IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Jeff Elliott with Cleveland City Schools; Brenda Lawson; Shawn McAmis; Noah Howard; Bryan Richardson; Kalea Burns; Melissa Reynolds; Andrew Wade; Amy Rodgers; Ken Haney; Kawanda Haney; Kim Randolph; Donna Randolph; Hope Weeks; Cindy Tipton; Ken Bausch; Tyler Smith; Violet Lee; TJ Harness; Katherine Ruberti; Nathan Estes and Tom Hayslett with Miller & Martin; Susan Berry; Bob Lee; LaVonna Cockerham; Polly Lee; Larry Cockerham; Denis Creagan; Mike Creagan; Chris Townsend; Chris Berry and Ben Berry with Berry Engineering; Michael Kahrs; Elizabeth and Michael Robbins; Deb Akins, Darrell Akins, Doug Berry with the Chamber of Commerce; Warbrit Lowery; Jodi Riggins; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Dr. Phil Cook, President of Lee University, the following business was then entered into:

Vice Mayor Webb moved to excuse Councilman Bill Estes from the meeting. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 6-0.

WAIVE READING OF MINUTES

Vice Mayor Webb 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 28, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

TJ Harness addressed the City Council concerning the skate park at Tinsley Park. He has been a part of the skateboarding community for close to 16 years. With the park renovations, it seems there isn't a clear plan for the skate park's future. This is an opportunity to touch the lives of kids who are looking for the same outlet he had growing up. Skateboarding helped him cope through his parents' divorce and gave him, outlet during his uncertainty of switching majors in college, and even a platform to share his faith. Skateboarding gave him belonging and lifelong friendships and lessons to live by today. Don't be afraid to fail, nothing worth doing is going to be easy and persistence is absolutely everything. He shares the passion with this 3-year-old son and when the park disappeared it felt like a part of him was missing. He hates to see it taken away without any alternative, not even a temporary space for skaters to gather safely. This is a chance to do more than just replace what we have. It's a chance to create something better and lasting that will shape the lives of the next generation of kids. Let's build a new skate park that our whole community can be proud of. He thanked the Council for their time and considering what this means to skaters and families. Mayor Brooks stated during the Work Session, the skate park was discussed. Councilman Moore added we are applying for a Blue Cross Blue Sheild grant which will go towards a splash pad and a skatepark if we receive the grant. Mayor Brooks stated Sara Vaughn spoke during the Work Session and Mr. Fivas is going to try to locate a temporary space for the equipment until the new park is complete.

Chris Townsend with Southeast Land Trust and Property Holding Group addressed the City Council concerning an email sent to Council and City Staff communicating some difficulties that he's had in securing a developer agreement for the redevelopment of about 5 acres downtown. They've had conversations with city staff since March with meetings in March, April and May and they've not been able to secure a developer agreement. They have significant interest in the redevelopment of the property. Along with that comes a significant investment from developers. He is here to answer any questions about the email and to ask for assistance with city staff to try to move that project forward. Councilman Cassada asked city staff to respond. Mr. Fivas stated we are obviously are very interested in downtown and we've had a lot of good success as far as moving forward. We have had on certain occasions some opportunities for developer agreements. Very minor like with Agora, we helped with underground and harness. The Sanda Mill invested $12million and we helped with some of the streetscapes. We certainly are not opposed to having the conversation. From our perspective, it's the developer that is supposed to bring the projects and come forward. We have met with Mr. Townsend on two projects. One has emailed us that they are not interested in coming to Cleveland and the other we talked to last week, who are not ready to do anything. From the standpoint of a developer agreement, you have to have developers ready to go forward and spend money before we usually engage in a development agreement. Mr. Townsend replied in June the developers of a hotel hospitality product came from Clearwater, FL met with city staff and myself, and they basically laid out what they needed from myself as the property owner and from the city as a municipality and that was a developer agreement that identifies public infrastructure improvements to the greater area. South Inman street is not the most appealing place to invest $40-$50 million in a hotel without understanding a commitment from the city. It is going to require a developer agreement for our site, in his opinion, to attract quality development. If a developer agreement is not something that is achievable just let him know and they will go in a different direction. Mr. Fivas stated we have an email from August 4 that basically indicates they haven't completed their due diligence process and they're not there. When they are ready to come, we are happy to have a conversation. The costs you are talking about is a couple million that we're not going to do upfront before there's any development, without an end user in place. Mr. Townsend stated the meeting in March and April, our conversations with you specifically is different. We outlined the terms of a mutually agreeable developer agreement and in May we were supposed to meet to put that all on paper. You elected not to do it. In June the hotel came and said this is what we need from the city, we need to know what this area is going to look like. So, if the city is not interested in making a commitment to downtown. Mr. Fivas interjected what you gave us was about a $2 million dollar commitment. Mr. Townsend continued we did not discuss the cost of scope of services but for roughly 20 years the city has targeted downtown for redevelopment, and it has been very slow to start. We now have 5.5 acres we'd like to do something good and beneficial for the city. Mr. Fivas stated when you bring in an end user, we're happy to have a conversation. Mr. Townsend stated it is likely he will not be able to attract an end user without an understanding of city participation, So I think I've got my answer. I think we just need to put it on the shelf for a little while and see if the tempo of the city changes over time. Councilman Cassada stated we are one in downtown. The catalyst right now, Johnston Park and the Cherokee Hotel opens up, it will light a fire downtown. The city has invested a lot of money in downtown, like Inman Street. It takes a while for the city to move, the government is tedious, and we have to go through State requirements. We have the Maytag property and a big master plan, and he's seen him plan and it is a great concept. If you start moving dirt, he's sure that the city will be more than happy to help you out.

Mr. Fivas stated he'd like to make sure there is an understanding. On developer agreements, you bring end users, and we talk to them, what are your needs, what is the development gap, and we try to fill that gap the best we can. This, we don't have an end user, so you don't know what the gap is. Like we've done in the past, they have to bring in an end user then we engage in a conversation. We've always figured it out in the past. We're not in the private development business and you know if the people that own the land bring an end user then we are happy to engage and help fix a road or do something. We have a very clear track record, and we would be happy to stand on our record.

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 Spring Brook Community Developers LLC for consideration of an ordinance to amend PUD 4 located along 25th Street to include multi-family as a permitted use in the town center and business park area without a commercial component on the first floor, allow 4 story structures in the town center area and 3 stories in the business park area, and modify parking requirements (includes Tax Map 050A Group R Parcel 001.00 and Tax Map 050H Group G Parcel 001.04) (Planning Commission: Approved 6-0; 1 passed, 2 absent). Robert Varnell stated this went before the Planning Commission several months back, came to this body and it was sent back to the Planning Commission as there was an adjustment in the request. Based on both staff review as well as some discussion at the Planning Commission the applicant did make few changes to their initial request. Those changes were reviewed by the Planning Commission at the last meeting, and it is here before you now. Fairly straightforward from the standpoint or 2 specific spots in question and what the applicant is asking for at that location is to remove the commercial component from the first floor of each of those 2 buildings and then one being in the town center which is the front of the development that is close to Jenkins, Lassiter's, and the other 3 story building. They're asking for an additional 4th floor and height to change the maximum height from 3 to 4. The office park will remain at the approved height as it was originally approved in 2007. This PUD has been amended a couple of times regarding buffers and other uses, and this is the third amendment. In reviewing from staff perspective, the request is commercial required on the first floor. You can do residential above commercial or office depending on how it falls in both the town center as well as the office part presently. Those are both allowed uses. So, in reviewing if that commercial component would be required on the first floor and understanding the market and the way things are and watching this development over the past 18 years, it's clear that that kind of request is a minimal request in the scale of the whole development. It already allows residential as is, and what I am answering to as from a staff perspective is it all right to require residential or to allow residential on that first floor and looking at it that way our staff review you know came up with yes, we recommend approval. The Planning Commission, on the second review based on the changes made, were also recommended. Councilwoman McKenzie asked in the office area, if that's not built there, then it's open to commercial building, like a tire center, an oil change center, or a health care facility? Mr. Varnell replied yes, the way the PUD is written the allowable uses are all the same, for the town center and the business park.

Mayor Brooks asked if anyone would like to speak in favor of the request.

John Sheehan stated he has been following this project for a long time. I do a lot of commercial development and speaking from a successful perspective, there's a reason why this project as originally intended hasn't gotten off the ground because Cleveland doesn't have the density within this project and the evidence by the fact it has been finished 18-years, it's been semi-successful bur in most big urban settings that have these types of projects you have density. There is a reason why people have not done anything about this because it doesn't make sense for a developer to make money. The intent was great, and it would have been wonderful if the project had been completely finished, but it hasn't been, and I don't think it will. So, you have an opportunity to have tremendously high-quality apartments that essentially is already approved for 85% of the project, with a few more apartments really is what it boils down to. At the end of the day, as far as I'm concerned selfishly, I'm also part of Spring Creek, I own Jenkins Restaurant. I and other restaurant owners would love to have more people come to our restaurants as everybody knows the restaurants are struggling today because going out is a luxury and we could certainly use more people to cultivate our business and be successful. People that would want to come to Cleveland to live would be excited to have a high-end apartment complex in the middle of our town with nice restaurants and homes around it. He believes what they are offering is really positive for our community.

Ben Berry with Berry Engineers stated this was reviewed in June by the Planning Commission and we've had staff support all the way through. We believe more people would love an opportunity to be a part of Spring Creek community, to walk to restaurants, have Greenway access, access to Lee, maybe even work in one of the offices. Specifically, our customer base, which consists mostly of young professionals and empty nesters would love to live here. Our customers have good credit, good income we're looking at high end building they have plenty of options when it comes to housing, but we want our properties to be a top choice. These properties being discussed today are within the mixed-use commercial area. This does not affect any of the single-family part of Spring Creek, which is in the back. Those areas have their own regulations. They have their own HOA and they are buffered from the adjacent mixed used areas. We are not asking for multi-unit residential to be added as a permitted use, it's already allowed, it's encouraged, and it already exists. The original ordinance states that Spring Creek was intended to be in place with varying residential visits so this language is highlighted in the PUD sheets that were distributed. It currently allows multi unit residential structures with the condition that they be located above commercial establishments or similar arrangements. We've dwelled on that last term a little bit, but the term multi-unit residential structures just simply means buildings with more than one residential unit. Our primary request is simply to remove the requirement for commercial space on the ground floor and eliminate the ambiguity around the meaning of the term. We believe that the bottom 2 units will be premium residential locations. They would be below average office suites and even the worst commercial space all of our floor plans are designed to accommodate a home office with live/work scenarios. We explored early on whether this meets the live work language in the PUD and it's just not clear either way. We had one-on-one discussions with numerous individuals, we had neighborhood meeting at the Public Library, which was well attended. During our discussions with the neighbors some folks asked about the long-term maintenance and appearance of the building it's worth noting that this parcel is subject to the commercial HOA and have to abide by the same regulations as all the other buildings in the commercial district. Exterior maintenance is handled by a contractor hired by the HOA. Some residents asked that the lot next to the roundabout return to a neighborhood park. We support this idea and offered to flip our purchase contract to the HOA but the offer has been declined. We received broad support for property owners within the town center spring this includes Brenda Lawson, the property owner and original developer of Spring Creek and Tom Cate who created the original vision. Both believe that our proposal fits with your original intent of the zoning will help Spring Creek build out as it was intended. John Sheehan, who you just heard from sent an e-mail support stating that help his restaurants well the others. Scott Taylor with Bank of Cleveland and Julia Scoggins, their businesses own vacant parcels within the town center and they are hopeful that this kind of project will spur demand for additional high-quality developments. CT Properties is the majority owner of the mixed-use building and have expressed their support as well. Much of the discussion has been on the smaller building. The design is for 3-story 10 unit building with 19 on-site parking spaces. The building height, architectural style, and placement on the lot is consistent with the residential homes further north along the same road. We believe that this provides a good transition between single family area and the medical offices. The parcel has been on the market for nearly 20 years, and other potential users have consistently chosen other sites. The reason seems obvious; the parcel is very small and has a difficult topography for commercial use with no visibility from the main road. The proposed building designed to fit with the topography. Again, this building is already allowed by code if the bottom 2 units have commercial uses. What we are proposing is one of the best developments that could occur on these parcels. It will provide connectivity for sidewalks, and more people for restaurants and could spur additional development for the remaining commercial parcels. It's a very small change that will help spring Creek continue to develop into the mixed-use destination that it was always intended to be.

Brenda Lawson, owner of Spring Creek Development stated most of you know we started Spring Creek in 2008. The residential has taken off and have struggled with commercial businesses. Everyone wants to be on Paul Huff or Stuart Road. We think this will be nice for the community. To address the commercial on the bottom, one issue is you can't put anything commercial that has an oven or fryer underneath condos. Insurance companies will no longer provide insurance for the condos, so that limits what can go in there. This is a great asset, it will up the existing businesses and don't see that it will lower anybody's property values.

Mayor Brooks asked if anyone would like to speak in opposition to the request.

Ken Bausch, President of the Spring Creek Residential Association stated he is here today to express the overwhelming opposition of our homeowners, our neighbors at Spring Creek Cove, Spring Creek Ridge, and 3 of the 4 professional office owners in the business park. This is a wonderful group of neighbors, and all are committed to Cleveland. We are concerned the Council is being asked to vote today on essentially 2 different matters in one ordinance. First, you are being asked to rezone Spring Creek Town Center to allow for the potential construction of a 4-story 48-unit multifamily apartment building should the developer be able to secure financing. Secondly, you are being asked to rezone 0.52-acre parcel in Spring Creek Business Park to allow the construction for a 10-unit apartment building with 19 parking spaces, immediately adjacent to a single-family home in our HOS, less than 50 feet away and a thriving dental office. The analysis that Mr. Varnell provide some support for the potential zoning change in the town center. They do not support rezoning the business park. A 10-unit luxury building will not address housing affordability issues in Cleveland. The growth demographic factors cited by Mr. Varnell indicate a future need for more professional office budlings in Cleveland. With the completion of Peerless Crossing professional building growth is sprawling out in some of the most challenging traffic corridors in the city, as noted Paul Huff Parkway. We did a quick pro forma analysis of a professional office building versus a 10-unit apartment building, and the office building would produce more recurring city general fund revenue. It would also benefit would be even greater as an office would not consume city services or add to school. Our current professional office neighbors anchor daytime employment in Spring Creek providing dozens of well-paying jobs. We believe constructing this apartment building could preclude future professional office development in the business park. As an indication of this sentiment, we understand that the single professional building owner who is not actively opposing these amendments requested and received a change to the amendments to preclude building an apartment next to his office. At the June Planning Commission meeting the potential developer asserted their opinion that a multifamily apartment building would be allowed as Mr. Berry eloquently spoke. Also, under the current PUD they would have a parking space ADA access and ADA parking space, blue signs, blue paint on the ground that's not the look that we want. Ms. Elliot commented that there’s going to be parking lot right there instead of trees and sidewalks and they can do that right now. The implicit aesthetic threat to our neighborhood and the potential developers approach to what we believe are citywide standards regarding landscaping reminded us that neither Mr. Varnell nor the developer had provided adequate detail on their plans to mitigate the potential negative impact of the proposed 110-unitapartment building on our residential neighborhood. A 3-story multifamily building, an active parking places this close to a residence risks avoidable massing, privacy noise and headlight impacts. We have seen no proposals for a standard buffer, no illustrations of an appropriate height transition, and no discussion basic operational limits. We also believe there is confusion regarding the plannings for both Mr. Phillips’ home and the Robins Dental Office. Those are not buffer zones that the existing developer can use, those are the property owners. There are many other objections to the proposed amendments but on behalf of our residents and the hundreds of people who signed our petition in opposition to this development, we respectfully request that you vote against the amendments in their current form.

Tom Hazlett with Miller Martin Law Firm stated they were engaged to look at the current PUD language and specific technical questions on interpreting the ordinance and the amendment. We focused on two questions; First, does the current language of the PUD already allow for this project and second, is the rezoning of the property spot zoning. Our interpretation is we don’t think the PUD allows for this project. It states the first floors of all buildings and business park must be commercial or retail space. Residential space is permitted only on floors 2 and 3. The business park of the PUD does not allow buildings totally devoted to residential. It has the impression that this Council may believe the ordinance, as drafted allows the project and is a clean-up issue. Our read of the ordinance is this would be a change. Section 4 of the ordinance states the business park is for professional offices and some limited retail uses including the possibility of live workspace with upper story residential development. Section 5 discusses the permitted uses in the business park including residential dwellings located on the upper floors of

the commercial establishments or similar arrangements of live workspace. We feel pretty comfortable that the best interpretation of the ordinance reads is that you have to have commercial on the first floor. Our comment is it is a material change to the PUD. Concerning the spot zoning question. We think potentially, sure. The legal test for a spot zoning scenario is to ask 2 questions. One is the rezoning mostly for the general welfare and benefit of the public or is it mostly for private gain or a specific private project. The ordinance amendment is pretty targeted towards a specific project rather than ones being considered in totality the best rezoning for the community. Second question is does the rezoning create a rezoning island with this inconsistent with surrounding zoning. You know if you have one parcel that's permitting apartment to residential the first floor and everything else around it is not and it's starts optically look like an island. I think the language used to accomplish this almost leans in to kind of spots zoning scenario. I think what I saw was to allow in multi-unit residential building located on the western edge near the roundabout that sounds pretty dialed in to a very specific property and very specific project and making a change. Are things here that would make me think spot zoning. Yes.

Darryl Adkins stated he and his wife live at 2858 Ridge Park Drive shared the story of how he and his wife decided to move to Cleveland. We knew they wanted to live in a neighborhood that had a new urbanism concept, and we found Spring Creek. He spoke to Jim Sharp, and he shared the vision of Spring Creek with single family homes with a professional park and a town center with residential and commercial spaces. They are outside of the HOA but bound by subdivision codes. We felt pretty secure in our investment. Not one time was it ever mentioned that an apartment complex could be literally built close to our backyard. That probably would have ended the conversation. After moving to Cleveland, we quickly found out what a great place it was to live. We can sit on our back port and see through the trees the city lights. With this zoning change, we'll be looking at the top of an apartment building. He is asking for the Council to vote against this amendment.

Elizabeth Robins, who owns Robins Family Dental Office stated they are on the upper side of the portion of the land that we're speaking about in the business park area. When we purchased our properties and were told we were in the professional business section. All retail and condos would be in the town center. Now we are facing a 3-story apartment complex next to us. We understood the first floor would be business and we need more doctors, more professions. We can't keep up with the people that are moving here. We don't have what we need in the area, which is business space on the bottom floor. It's said they will be high end apartments and appreciates how pretty they will look but other business in the park, we are there until we retire. Who will be in charge and maintain the apartments. They are not gated, no garage, not even 2 parking spaces for the 2-bedroom apartments, so they will be parking in her parking lot. Also, they will be parking on the common road. We're asking for the exact same consideration that Cleveland Eyecare got when they asked to be left out of the PUD. We are being treated differently and there would be a lot more support if the 2 pieces of property were not tied together

Brian Richardson, who owns the Richardson Group KW Cleveland stated they bought the last big track of residential in the back of the subdivision and built our home. He asked for clarification on at the lot at the roundabout to be 3 stories or 4 stories. Someone stated 3 stories. He then had a couple of questions, as of June 27th this year, Duggan Development has purchased 7.7 acres, previously owned by Clint Taylor and some other individuals. The 7.7 acres shows where one of the buildings is supposed to go. Who has the contract with who. Ms. Lawson replied Duggan Development bought 1 lot, not 7.7 acres from Clint Taylor. The rest is still owned by the subdivision. Mr. Richardson thanked her for the clarification. The attorney said it well; we are changing restrictions at the end of the day. If you allow this to happen where they don't have to put commercial business at the bottom, what stops someone else from coming in and asking for another change, and another. You open pandora's box. What is to stop the next developer from building 7 stories. Where do you stop? We keep hearing high end. We have not seen any renderings that shows what high end is, or what they are going to do. The offer to sell the area by the roundabout was $250,000. He approached Ms. Lawson about a week or two ago that I was interested in that lot for a future home for the Richardson Group KW Cleveland and

she told me it was currently under contract. So, know that I have great interest in that lot. At the last Planning Commission meeting he stayed for the other PUD votes and didn't hear anything about making exceptions in case a developer want to come along later. Future PUD's are we going to make exceptions for them when the time comes. This would be a great mistake to approve. Lastly, this will affect home pricing. The home next to the roundabout was listed and pulled it off the market and trying to rent. They can't get what they need to get because of what's coming if you vote for this. At a prior Planning Commission meeting, one of the city staffers said, oh you're good with things as long as it's not in your backyard. We call that NIMBY, not in my backyard. I have access to everyone at your residences, where you live and how would you like this in your back yard. I guarantee you'll vote no.

Councilman Cassada asked Mr. Kimball about zoning. Mr. Kimball stated zoning is a legislative decision. The Planning Commission makes a recommendation, and you are not bound by those. They've recommended things you've turned down. They've recommended against things, and you've approved. You have to have a majority of the entire body to do that. It's State Statute. It is very difficult to say what a court would do with spot zoning; there's even Tennessee cases now that say illegal spot zoning is okay as long as there's a justifiable basis for. If either party is not happy with what you do in your legislative capacity they can go over to the courthouse and seek judicial review. A Judge would decide if you action was rational. It's a legislative decision and you should make those consistent with what you think is best for the community and consistent with the excuse me the purposes and objectives are laid out in your zoning ordinance.

Michael Cars stated these two properties are wildly different and after hearing everything today, that you will consider separating these two places. One is adjacent to a medical building and adjacent to a single-family home. The other is in the town center, and they are wildly different. He chose to live in this neighborhood for the mixed development situation and wish you would consider separating them. It will be a change to the PUD. There would not be a petition against development in the town center as that is what its intention was in the original plans.

Councilman Cassada inquired how would they be separated. Mr. Kimball stated Mr. Berry is the applicant for both. He has not asked for them to be voted separately.

Kim Randolph stated he has been in this community all his life and we looked for a place that would be protected in Cleveland. We know what has happened in Spring Creek over the years, the development didn't happen like it was supposed to but that's just the way things are but there is development where the residential areas are, and it has gone very well the last few years, and we decided we would build a house there and because it was going to be protected. As soon as we got it done, all this stuff started. We thought the city of Cleveland would protect us with the zoning and now it looks like that will change and the rug is pulled out from under us.

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 HAD Properties (Dustin Jinks) for consideration of an ordinance to zone about 3.27 acres, more or less, for property located at Bower Lane SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 065C Group B Parcel 007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused). Robert Varnell stated as you can see from the map, this property is Heavy Industrial and backs up to R-2. This request would rezone the property R-2 for single family detached homes with 50-foot-wide lots. Staff and Planning Commission does recommend. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Alvin Calhoun for consideration of an ordinance to zone about .18 acres, more or less, for property located at 800 Harrison Pike from CH Highway Commercial to R-3 High Density Single and Multi-family and includes Tax Map 049N Group C Parcel 011.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated as discussed, the exiting building was demolished, and the intention is to build internally with the existing apartment development. We are glad to see new life come to the property. Staff and Planning Commission does recommend. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete Table 1 Uses and Zoning Districts (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is a cleaning up effort of our code and a new table will be brought back before you soon. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 3.1.A Table 2 Lot Area & Width Requirements to include a 50-foot lot width at the setback line for single family residential dwellings and to amend density requirements to 5,000 square feet for the first unit and 2,500 square feet for each additional unit in the R-3 High Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is another cleaning up issue. This is how it's being enforced and need to make sure it's listed correctly in the code. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland to amend Cleveland City Municipal Code, Appendix C, Zoning Ordinance by revising section 2.3.1 Uses allowed so as to provide for specific regulations regarding cluster subdivisions within the R-1 Single Family Residential Zoning District which restricts development from exceeding the density permitted under standard R-1 zoning regulations (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated we removed cluster developments from RA many years ago, and one left over factor was R-1 development. To protect the density, we wanted to clarify that the density of R-1 does govern those developments. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion passed 6-0.

- **Final Passage - Zoning Ordinance 2025-36** – heretofore passed on first reading July 28, 2025 and found in Minute Book 32, Page 461; concerning a request by Peggy Pesterfield for consideration of an ordinance to zone about 1.14 acres, more or less, for property located at Peerless Road NW from R-1 Single Family Residential to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 042A Group D Parcel 002.01 and 003.01 (Planning Commission: Approve 6-0; 1 passed, 2 absent).

- **Final Passage - Zoning Ordinance 2025-38** – heretofore passed on first reading July 28, 2025 and found in Minute Book 32, Page 482; concerning a request by Bill Sanders for consideration of an ordinance to zone about 1.85 acres, more or less, of property located at Pleasant Grove Rd. SW from C-2 unincorporated county to CH Highway Commercial and includes Tax Map 056 Parcel 042.05 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2025-39** – heretofore passed on first reading July 28, 2025 and found in Minute Book 32, Page 483; concerning a request by Bill Sanders for consideration of an ordinance to zone about 14.32 acres, more or less, of property located at Pleasant Grove Rd. SW from FAR unincorporated county to CH Highway Commercial and includes Tax Map 056 Parcels 042.04 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Ordinance 2025-40** – heretofore passed on first reading July 28, 2025 and found in Minute Book 32, Page 484; concerning a request by City of Cleveland for consideration of a proposed amendment to the zoning map to expand the IGC Interstate Gateway Corridor Overlay District to include Tax Map 056 Parcels 042.04 and 042.05 and part of Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent).
- **Resolution 2025-66** - Amending the Purchasing Procedures relating to Competitive Pricing and Fixed Assets.

RESOLUTION 2025-66

A RESOLUTION AMENDING THE PURCHASING PROCEDURES OF THE CITY OF CLEVELAND, TENNESSEE

THAT WHEREAS, the City Council of the City of Cleveland has previously established and adopted by Resolution on August 24, 2015, a revised Purchasing Procedure document entitled "Purchasing Procedures Manual for the City of Cleveland"; and

WHEREAS, this document contains the purchasing procedures of the City of Cleveland; and

WHEREAS, the City Manager, the City's Assistant City Manager/CFO and the Purchasing Coordinator are recommending the following amendment to the City's Purchasing Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee in Regular Session assembled this 11th day of August 2025, that the document titled "Purchasing Procedures Manual for the City of Cleveland" is hereby amended as follows:

Section 1. Amend the City's Purchasing Procedures Manual as follows:

Section IV – Methods of Purchase

Revise paragraph titled "Competitive Pricing" to read as follows:

Competitive Pricing

A. Equipment, Services & Other Similar Projects: A minimum of three competitive prices, if available, shall be solicited by phone (for items from $5,000.00 - $9,999.99) or written quotation (for items from $10,000.00 - $24,999.99), whichever method is in the best interest of the city, for all purchases between $5,000 and $25,000, (TCA Section 6-56-301 et seq). Description of equipment is required, or scope of work needed for service.

B. Construction: Per City Code of Ordinance - Section 1-5-405. Items that meet or exceed state law limit, either singly or in the aggregate, shall be purchased by Competitive Sealed Bids.

Section VI – Fixed Assets

Revise Section VI to read as follows:

An item with a useful life of at least (2) two years and costing $5,000 or more is a fixed asset. The City categorizes fixed assets as follows: Land, Equipment, Buildings and Other Improvements.

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

Adopted this 11th day of August, 2025.

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 2025-67** – Authorizing the City of Cleveland to participate in the Public Entity Partners 2025-2026 Judy Housley Safety Partners Matching Grant Program.

RESOLUTION 2025-67

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS "JUDY HOUSLEY SAFETY PARTNERS 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 the "Judy Housley 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 the "Judy Housley 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 11th day of August, 2025.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2025-68** - Authorizing the Mayor to sign the final summary change order relating to the Gaut Street NE Sidewalk Project.

RESOLUTION 2025-68

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

Project: Gaut Street Area Multimodal Improvements
Contract Number: 06LPLM-F3-056
Project Identification Number (PIN): 123116.01
State Project Number: 06LPLM-F3-056

WHEREAS, the City Council desires to enter into the attached Summary Change Order 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 Summary Change Order 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 11th day of August 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-69** - Authorizing the City of Cleveland to participate in the Public Entity Partners Property Conservation Matching Grant Program.

RESOLUTION 2025-69

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 is hereby authorized to submit an application for the Property Conservation Matching Grant Program through the 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 and gives authorization to make purchases for cameras Tinsley Park & Jim Sharp Park as designated in the approved grant application.

Adopted this 11th day of August, 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Extension** – Approving a one-year extension with Physician Services contract for drug and alcohol testing services.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 11, 2025**
RE: **Drug and Alcohol Testing Services – Contract Extension**

SUMMARY:
Requesting a one-year extension to the Physician Services contract for drug and alcohol testing services.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
Recommendation is to approve a one-year contract extension beginning October 1, 2025.

- **Bid Report** – Stormwater Improvements at 20th Street/Michigan Avenue Road.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 11, 2025**
RE: **Bid Summary – Stormwater Improvements at 20th Street at Michigan Avenue Road**

SUMMARY:
The City received sealed bids for the stormwater improvement project at 20th Street at Michigan Ave Rd on August 5, 2025. Bids are listed below:

- B&W Contractors dba Cherokee Construction — **$147,921.03**
- Summers-Taylor, Inc. — **$279,689.00**
- Granite Construction Company — **$1,075,302.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
This project is funded by Coronavirus State and Local Recovery grant funding.

RECOMMENDATION:
Staff recommends award to B&W Contractors dba Cherokee Construction pending TDEC approval.

- **Change Order** – Downtown Decorative Crosswalks Project with Street Scapes.

TO: Joe Fivas, City Manager
FROM: C. Seth Sumner, Assistant to the City Manager
DATE: August 8, 2025
RE: Change Order for Decorative Crosswalks Contract

SUMMARY:
Bids for decorative crosswalks were advertised and accepted within the past year (August 2024). Streetscapes was awarded the contract to provide materials and installation for 12 of the proposed 20 intersections. Nine of the intersections were completed per the contract before the weather conditions disallowed a continuance of effort. In the past 9 months, priorities have changed in regard to this project, and other issues have arisen with the remaining three intersections due to surface conditions, undergrounding efforts, and grant timelines drawing near. Staff and management have evaluated the situation in coordination with MainStreet Cleveland and the Downtown Improvement Grant, recognizing a need to increase and alter the intersections for the decorative crosswalk application.

Pricing remains in line with the existing contract and a change order proposal has been received from the contractor. Staff recommends adding the decorative crosswalk treatments to Parker/1st, Parker/2nd, Church/1st, Church/2nd, per the referenced change order and contract materials. The increase in treatment placement is in line with the original proposal and extending the timeline is necessitated by the weather conditions required for installation. The contractor will also replace damaged portions of the existing crosswalks during their first phase of installation. Phase two will fulfill the contract and this change order after construction and repaving of the remaining intersections.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
The additional four (4) intersections will increase the sum by materials and labor costs, however labor and material costs remain stable. Crosswalk work totaling $342,030.27 has been completed and paid under the original contract amount of $434,806.95, leaving $92,776.68 available for the remaining crosswalks. The additional four intersections will increase the total contract by NOT TO EXCEED $127,500.00 for a total of $562,306.95. Approximately $60,000.00 of this amount will be reimbursed by the State under the DIG23 contract.

RECOMMENDATION:
Staff recommends approval of the change order.

- **Motion** – Authorizing the Mayor to sign a Right-of-Way Dedication and Development Agreement with First Baptist Church.

TO: Mayor and City Council
FROM: Joe Fivas, City Manager
DATE: August 11, 2025
RE: ROW Realignment Agreement

SUMMARY:
The City has requested Right-of-Way from First Baptist of Cleveland to allow for the realignment of a future intersection at Stephens Road to alleviate future traffic safety issues. First Baptist has agreement to donate Right-of-Way to the City, and the City will grade and construct 500 feet of this future street in the appropriate location.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to approve this Agreement for Right-of-Way to realign a future City intersection.

- **Motion** – Authorizing City Staff to submit an application for the Blue Cross Blue Shield Healthy Initiative Grant.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 11, 2025**
RE: **Blue Cross/Blue Shield Grant**

SUMMARY:
Blue Cross/Blue Shield has released a grant for recreation services. City staff is recommending to apply for this grant for construction of a splash pad, playground, and skate park at Greenway Park.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval of this Blue Cross/Blue Shield Grant application.

- **Motion** – Authorizing the Mayor to sign an agreement with Lee University regarding street closures and traffic control.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 11, 2025**
RE: **Lee University Traffic Control Agreement**

SUMMARY:
Lee University has frequent street closures within their campus. City staff spends a significant amount of time setting up these street closures. This Agreement would allow Lee University to be responsible for these certain street closures under certain circumstances with the appropriate notice to City officials. They are responsible for providing their own equipment.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to approve this Agreement with Lee University for Traffic Control.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman May had no report at this time.

Councilman Goff stated on the downtown decorative crosswalks project, where signage will be moved around, please keep in mind for electric cars and self-driving cars, positioning of stop signs is extremely important. Mr. Sheely stated he understands moving stop bars on the ground will be there just, just shifting locations based on the crosswalks. Mr. Fivas added we will take that into consideration.

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie asked Chief Gibson if electric bikes were allowed on the road and what are the rules of the road for them. Secondly, rules for them being on the sidewalks/greenway. Chief Gibson stated electric bikes have the same rules as bicycles, they both should follow traffic rules. She then asked about cars and bikes, who has the right-of-way or can they ride in between the cars. Chief Gibson stated if they are on the roadway, they have to follow traffic rules. Drivers are to allow at least 3' if passing a bicycle. Bicycles also go in the same direction as traffic. Councilwoman McKenzie stated if you can't pass them safely, you are to give them the room until you can get to a clear spot to go around them. Also, sidewalks. If they are riding on the sidewalks. Chief Gibson stated he wasn't sure about rules riding on sidewalks, but they are allowed. Councilwoman McKenzie then asked about the Greenway. Chief Gibson stated it is a park, not a roadway, so not many enforcement laws. Mr. Fivas stated we can address the Greenway bicycles through the park rules so that will be something staff can take a look and discuss further with Cameron Fisher.

Councilman Cassada stated he would like to thank the Council and City Staff for all the hard work they do to present a quality product to our community. The quality of product the City Staff and Council approves in our community is remarkable. Joe and your staff, everyone involved, thank you for all you do. We don't overspend and live within our means. Also, thanks to the Council for supporting the visions. Mr. Fivas added the unbelievable in-house work and dedication, from engineers to communications, it all comes together. Good work to a lot of employees.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented:

- **Ordinance 2025-43** – Concerning a request by Spring Brook Community Developers LLC for consideration of an ordinance to amend PUD 4 located along 25th Street to include multi-family as a permitted use in the town center and business park area without a commercial component on the first floor, allow 4 story structures in the town center area and 3 stories in the business park area, and modify parking requirements (includes Tax Map 050A Group R Parcel 001.00 and Tax Map 050H Group G Parcel 001.04) (Planning Commission: Approved 6-0; 1 passed, 2 absent).

ORDINANCE 2025-43

AN ORDINANCE 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 "PUD 4" ON PROPERTY DESCRIBED AS TAX MAP 050A, GROUP R, PARCEL 1.00, AS MORE PARTICULARLY DESCRIBED HEREIN; COMBINING ALL PREVIOUS AMENDMENTS TO THE PUD INCLUDING ORDINANCE 2012-06 AND 2012-20; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 4; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING A DEVELOPMENT PLAN AND PROCESS AND RELATED REQUIREMENTS; ESTABLISHING VARIOUS DEVELOPMENT STANDARDS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; 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 of 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 described herein Spring Brook Community Developers, Inc., hereinafter "Developers", would enter into an agreement with City to be encompassed in a PUD development plan and development order for Developers to construct or cause to be constructed a planned development of residential and non-residential uses; and whereas 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 2 herein as "PUD 4" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 4 zoning district are those uses outlined in this ordinance. The location of particular residential and non-residential uses within the PUD 4 Spring Creek development will comport with the descriptions of the constituent parts of the development (Spring Creek Town Center, Spring Creek Business Park, Spring Creek Commons, and Spring Creek Highlands) as more particularly described herein and in the Development Plan (Exhibit A). There are no conditional uses within the PUD 4 district. The development standards for the PUD 4 district are those outlined in this ordinance, including requirements for plan approval, the development order, 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

3.A. OVERALL

PUD 4, Spring Creek, includes property generally identified as Tax Map 50B, Group A, Parcels 1.0, 1.1, and part of 13.1. PUD 4 encompasses, in four distinct development areas shown in the Development Plan's Master Site Plan (Exhibit A) and individually described below. The overall Spring Creek Community, i.e. the entire PUD 4, has boundaries as described in the following legal description from Cleveland Surveying:

Legal Description
Spring Creek Community
Tax Map 50-A, Group "R", Parcel 1 .OO

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4 Civil District of Bradley County, Tennessee and being more particularly described as follows:

BEGINNING ON a point in the center of Fillaur Branch on the right-of-way of A.P.D.40 (25 Street) thence with side Branch the next three calls: N 17'47'36" E a distance of 84.83' to a point; thence N 30'20'08" E a distance of 27.26' to a point; thence N 3 1'5 1'12" E a distance of 12 1.43' to a point; thence leaving said branch and running with Sullivan Estates the next two calls: S 66O57'50" E a distance of 1 172.39' to a point; thence N 22'47'34" E a distance of 1320.00' to a point in the line of East Hills Subdivision; thence with a severance line the next three calls: S 65'20'26" E a distance of 642.71' to a point; thence S 67'17'56" E a distance of 99.54' to a point; thence S 68'40'01" E a distance of 558.58' to a point comer to K. Davis; thence with said Davis, City of Cleveland, and Blankenship the next four calls: S 22'47'27" W a distance of 487.44' to a point; thence S 22O50'30" W a distance of 554.54' to a point; thence S 22'50'30" W a distance of 302.50' to a point; thence S 21'02'26" W a distance of 533.84' to a point on the right-of-way of A.P.D.40 (25 Street); thence with said road the next five calls: N 61 '44'47" W a distance of 206.97' to a point; thence N 56'45'22" W a distance of 782.01' to a point; thence S 33'09'16" W a distance of 107.70' to a point; thence N 56'49'07" W a distance of 1398.87' to a point; thence with a curve, turning to the right with an arc length of 136.70', with a radius of 1 1 18.92', with a chord bearing of N 54'23'48" W, with a chord length of 136.611, to the POINT OF BEGINNING.

THIS PROPERTY CONTAINS 63.00 acres more or less.

THIS PROPERTY SUBJECT TO any and all right-of -way, easements, and for restrictions that may exist, either written or not written, recorded or not recorded. Easements, restrictions, and other uses that may exist or that are not clearly defined by the latest deed are therefore not shown herein. NO TITLE ABSTRACT WAS PERFORMED OR OBTAINED BY THIS FIRM.

ALL AS PER survey of Cleveland Surveying Company, John T. Kinder, RLS Number 15 19,1523 South Lee Highway, Cleveland, Tennessee 373 1 1, Telephone Number (423) 479-1 829, being Project Number: 050796.

3.B. SPRING CREEK TOWN CENTER

Spring Creek Town Center has boundaries as described in the following legal description from Cleveland Surveying:

Legal Description
Spring Creek Town Center
Part Tax Map 50-A, Group " R , Parcel 1 .OO

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4th Civil District of Bradley County, Tennessee and being more particularly described as follows:

BEGINNING ON a point located S 55' 13'1 6" E-207.08' from the center of Fillaur Branch to a point on the right-of–way of A.P.D.40 (25-- Street) BEING THE TRUE POINT OF BEGINNING; thence with severance lines, N 33'10'59" E a distance of 84.85' to a point; thence N 08O30'01" W a distance of 73.32' to a point; thence N 22'25'07" E a distance of 97.65' to a point; thence S 66'57'50" E a distance of 1038.55' to a point; thence S 66"57'5OW E a distance of 65.20' to a point; thence S 78'44'39" E a distance of 15 1.32' to a point; thence N 83O14'50" E a distance of 114.02' to a point; thence with a curve, turning to the right with an arc length of 76.81', with a radius of 946.48', with a chord bearing of S 04'13'47" W, with a chord length of 76-78', to a point; thence with a curve, turning to the left with an arc length of 24.21°, with a radius of 109.00', with a chord bearing of S 00'1 1'28" W, with a chord length of 24.16', to a point; thence with a curve, turning to the left with an arc length of 29.28', with a radius of 190.39', with a chord bearing of S 10'34'43" E, with a chord length of 29.25', to a point; thence with a curve, turning to the right with an arc length of 14.83', with a

radius of 16.00', with a chord bearing of S 11'33'48" W, with a chord length of 14.3OVt,o a point; thence with a curve, turning to the left with an arc length of 16.25', with a radius of 59.0OVwith a chord bearing of S 30'13'09" W, with a chord length of 16.201,t o a point; thence with a curve, turning to the right with an arc length of 22.94', with a radius of 66.00', with a chord bearing of S 32'17'08" W, with a chord length of 22.83', to a point; thence with a curve, turning to the right with an arc length of 30.36', with a radius of 202.08', with a chord bearing of S 46'32'55" W, with a chord length of 30.33', to a point; thence with a curve, turning to the left with an arc length of 73.64', with a radius of 275.40°, with a chord bearing of S 44'43'09" W, with a chord length of 73.42', to a point; thence S 33'40'37" W a distance of 23.49' to a point; thence S 56'49'0 1 " E a distance of 101.04' to a point; thence S 13' 18'28" W a distance of 176.80' to a point; thence N 56'45'22" W a distance of 135.25' to a point; thence S 33'09'16" W a distance of 107.70' to a point; thence N 56'49'07" W a distance of 1328.37' to THE POINT OF BEGINNING.

THIS PROPERTY CONTAINS 11.88 acres more or less.

THIS PROPERTY SUBJECT TO any and all right-of -way, easements, and for restrictions that may exist, either written or not written, recorded or not recorded. Easements, restrictions, and other uses that may exist or that are not clearly defined by the latest deed are therefore not shown herein. NO TITLE ABSTRACT WAS PERFORMED OR OBTAINED BY THIS FIRM.

ALL AS PER survey of Cleveland Surveying Company, John T. Kinder, RLS Number 15 19,1523 South Lee Highway, Cleveland, Tennessee 373 1 1, Telephone Number (423) 479-1829, being Project Number: 050796.

3.C. SPRING CREEK BUSINESS PARK

Spring Creek Business Park has boundaries as described in the following legal description from Cleveland Surveying:

Legal Description
Spring Creek Business Park
Part Tax Map 50-A, Group "R, Parcel 1 .OO

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4th Civil District of Bradley County, Tennessee and being more particularly described as follows:

BEGINNING ON AN EXISTING iron pin at the right-of-way of A.P.D.40 (25 Street) and the southwest corner of Blankenship, thence with side right-of-way N 6 1'44'47" W a distance of 206.97' to a point; thence N 56'45'22" W a distance of 646.76' to a point; thence leaving side right-of-way and with severance lines, thence N 13'1828" E a distance of 176.80' to a point; thence N 56'49'01" W a distance of 53.63' to a point; thence N 36O24'12" E a distance of 17.25' to a point; thence with a curve, turning to the right with an arc length of 62.96, with a radius of 129.56, with a chord bearing of N 50'19'33" E, with a chord length of 62.35', to a point; thence with a curve, turning to the right with an arc length of 17.50', with a radius of 175.62', with a chord bearing of N 67'03'22" E, with a chord length of 17.49', to a point; thence with a curve, turning to the right with an arc length of 18.67', with a radius of 26.001, with a chord bearing of S 89'3 1'05" E, with a chord length of 18.27', to a point; thence with a curve, turning to the left with an arc length of 101.82', with a radius of 59.00', with a chord bearing of N 61'36'42" E, with a chord length of 89.65', to a point; thence N 43'10'02" E a distance of 63.21'; thence with a curve, turning to the left with an arc length of 41.30', with a radius of 191.39', with a chord bearing of N 36'59'06" E, with a chord length of 41.22', to a point; thence S 56'44'5 1" E a distance of 772.99' to a point in the line of Blankenship; thence S 21'02'26" W a distance of 441 33' to THE POINT OF BEGINNING.

THIS PROPERTY CONTAINS 8.75 acres.

THIS PROPERTY SUBJECT TO any and all right-of -way, easements, and/or restrictions that may exist, either written or not written, recorded or not recorded. Easements, restrictions, and other uses that may exist or that are not clearly defined by the latest deed are therefore not shown herein. NO TITLE ABSTRACT WAS PERFORMED OR OBTAINED BY THIS FIRM.

ALL AS PER survey of Cleveland Surveying Company, John T. Kinder, RLS Number 15 19, 1523 South Lee Highway, Cleveland, Tennessee 373 1 I, Telephone Number (423) 479- 1829, being Project Number: 050796.

3.D. SPRING CREEK COMMONS

Spring Creek Commons has boundaries as described in the following legal description from Cleveland Surveying:

Legal Description
Spring Creek Commons
Part Tax Map 50-A, Group "R", Parcel 1.00

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4th Civil District of Bradley County, Tennessee and being more particularly described as follows:

BEGINNING ON a point located N 21'02'26" E a distance of 44 1.53' from the right-of-way of A.P.D.40 (25 Street) and on the line of Blankenship being THE TRUE POINT OF BEGINNING; thence with severance lines N 56'44'5 1" W a distance of 8 14.24' to a point; thence with a curve, turning to the left with an arc length of 197.82', with a radius of 654.211, with a chord bearing of N 22'38'15" E, with a chord length of 197.06, to a point; thence N 13'58'30" E a distance of 21.57' to a point; thence with a curve, turning to the left with an arc length of 183.811, with a radius of 75 1.92', with a chord bearing of N 06'58'20" E, with a chord length of 183.35', to a point; thence N 00'01'5 1" W a distance of 136.64' to a point; thence with a curve, turning to the right with an arc length of 162.311, with a radius of 580.19', with a chord bearing of N 07'59'00" E, with a chord length of 16 1.78', to a point; thence with a curve, turning to the left with an arc length of 69.35', with a radius of 985.001, with a chord bearing of N 13O58'50" E, with a chord length of 69.34', to a point; thence with a curve, turning to the left with an arc length of 80.96, with a radius of 1767.801, with a chord bearing of N 10'39'05" E, with a chord length of 80.95', to a point; thence with a curve, turning to the right with an arc length of 32.99', with a radius of 195.76, with a chord bearing of N 14'09'56" E, with a chord length of 32.96, to a point; thence with a curve, turning to the right with an arc length of 49.42, with a radius of 195.76, with a chord bearing of N 26'13'34" E, with a chord length of 49.29', to a point; thence N 33'27'29" E a distance of 19.52' to a point; thence with a curve, turning to the right with an arc length of 107.59', with a radius of 150.00', with a chord bearing of N 54'00'22" E, with a chord length of 105.30', to a point; thence with a curve, turning to the left with an arc length of 15.20t,with a radius of 15.0OVwith a chord bearing of N 45'3 1'52" E, with a chord length of 14.55', to a point; thence with a curve, turning to the right with an arc length of 25.07', with a radius of 96.00', with a chord bearing of N 23'59'22" E, with a chord length of 25.00', to a point; thence N 32'17'46" W a distance of 110.36' to a point; thence with a curve, turning to the right with an arc length of 16.44, with a radius of 200.94, with a chord bearing of N 47'5 1'55" E, with a chord length of 16.44', to a point; thence with a curve, turning to the right with an arc length of 413.93', with a radius of 242.43', with a chord bearing of S 80'30'14" E, with a chord length of 365.45', to a point; thence N 21'19'59" E a distance of 58.27' to a point; thence S 67'17'56" E a distance of 83.05' to a point; thence S 68'40'01" E a distance of 558.58' to a point; thence S 22'47'27" W a distance of 487.44 to a point; thence S 22'50'30" W a distance of 554.54' to a point; thence S 22'50'30" W a distance of 302.50' to a point; thence S 21'02'26" W a distance of 92.3 I' to the POINT OF BEGINNING.

THIS PROPERTY CONTAINS 27.57 acres more or less.

THIS PROPERTY SUBJECT TO any and all right-of -way, easements, and for restrictions that may exist, either written or not written, recorded or not recorded. Easements, restrictions, and other uses that may exist or that are not clearly defined by the latest deed are therefore not shown herein. NO TITLE ABSTRACT WAS PERFORMED OR OBTAINED BY THIS FIRM.

ALL AS PER survey of Cleveland Surveying Company, John T. Kinder, RLS Number 15 19, 1523 South Lee Highway, Cleveland, Tennessee 373 1 1, Telephone Number (423) 479-1 829, being Project Number: 050796.

3.E. SPRING CREEK HIGHLANDS

Legal Description
Spring Creek Highlands
Part Tax Map 50-A, Group "R, Parcel 1 .OO

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4th Civil District of Bradley County, Tennessee and being more particularly described as follows:

BEGINNING ON a point located S 22'47'34" W a distance of 405.48' from the southern line of Lot 49, East Hills
Subdivision and in the line of Block "One" of Sullivan Estates being THE TRUE POINT OF BEGINNING; thence S 67'12'26" E a distance of 205.00' to a point; thence S 22'47'34" W a distance of 549.14' to a point; thence with a curve turning to the left, with an arc length of 95.1 **I '**, with a radius of 89.45', with a chord bearing of S 09'24'49" E, with a chord length of 90.69', to a point; thence with a curve, turning to the right with an arc length of 165.97', with a radius of 262.98', with a chord bearing of S 2 1'48'08" E, with a chord length of 163.23', to a point; thence with a curve, turning to the right with an arc length of 89.18', with a radius of 10 16.48', with a chord bearing of S 0 1'12'3 1 **"** E, with a chord length of 89.15', to a point; thence S 83'14'50" W a distance of 184.77' to a point; thence N 78'44'39" W a distance of 15 1.32' to a point; thence N 66O57'50" W

a distance of 65.20' to a point; thence N 22'47'34" E a distance of 233.85' to a point; thence N 34'01'26" W a distance of 35.84' to a point; thence N 22'47'32" E a distance of 69 1.19' to the POINT OF BEGINNING.

THIS PROPERTY CONTAINS 5.18 acres more or less.

THIS PROPERTY SUBJECT TO any and all right-of -way, easements, and/or restrictions that may exist, either written or not written, recorded or not recorded. Easements, restrictions, and other uses that may exist or that are not clearly defined by the latest deed are therefore not shown herein. NO TITLE ABSTRACT WAS PERFORMED OR OBTAINED BY THIS FIRM.

ALL AS PER survey of Cleveland Surveying Company, John T. Kinder, RLS Number 15 19,1523 South Lee Highway, Cleveland, Tennessee 373 1 1, Telephone Number (423) 479-1 829, being Project Number: 050796.

3.F. AREA AMENDED TO ALLOW THE DEVELOPMENT OF A SCHOOL

From a point on the east right-of-way line of Spring Creek Drive at its intersection with the north right-of-way line of 25th Street/APD-40 thence N55* 17'02"W a distance of 782.01 feet along the north right-of-way line of 25th Street/APD-40 to a point continuing thence east along the aforesaid right-of-way I ine N60* l 6"27"W a cl istance of 206. 97 feet to a point that is the west line of property now or formerly of Blankenship thence north along the aforesaid west line of Blankenship S22*30'46"W a distance of 492.69 feet to a point of Beginning, thence west S55* 16'3 l "Ea distance of 401.93 feet to a point on the east right-of-way line of Ridge park Drive, thence north along said east right-of-way l ine of Ridge Park Drive along an arc (L=l 15. 12, R=262.27, N08*23 '42"E, C=l 14.19) to a point, thence N04*08 '39"W a distance of 87.02 feet, thence along an arc (L=92.98, R=93.04, N24*29'03"E, C=89. l 6) to a point of inflection, thence along an arc (L=34.00, R=142.89, N46*17'41"E,C=33.92) to a point on the aforesaid east right-of-way line of Ridge Park Drive, thence east a distance of 461.36 feet on a bearing SSS* 16'31 "E to a point on the west line of property now or formerly of Davis (DB386 p973 ROBCT), thence south along the aforesaid west line of Davis S24*18'50"W a distance of254.92 feet to a point that is the northwest corner of property now or formerly of Blankenship, thence south along the west line of Blankenship a distance of 41.15 feet to the Point of Beginning. The subject property contains 3.0 acres, more or less. The subject property is depicted in a survey drawing by Cleveland Surveying Company attached hereto as EXHIBIT A to this ordinance.

The property described in section 3.F. is hereby removed from the property contained in Spring Creek Commons as described in Section 3.D. and it is hereby incorporated into the property described as Spring Creek Business Park in Section 3.C.

Section 4. GENERAL PROJECT DESCRIPTION

This section is intended to provide a general description of the Spring Creek project and not a detailed or exhaustive description.

4.A. OVERALL DESCRIPTION

PUD 4, Spring Creek, is a planned unit development (PUD) project that includes residential and non-residential land uses. There are four distinct parts of the Spring Brook Development which are Spring Creek Town Center, Spring Creek Business Park, Spring Creek Commons, and Spring Creek Highlands. These four parts are related through complementary architecture and amenities and infrastructure such as monumental round-about on the main entry road, Spring Creek Drive. Elements like a clock tower, the round-about, and parks and public spaces and greenspace, traffic calming features and bicycle/pedestrian friendliness, and varying residential densities, and neighborhood serving commercial uses, will combine to create a village effect in Spring Creek that will welcome outside visitors in its perimeter commercial areas while creating security, comfort and convenience for its residents.

4.B. SPRING CREEK TOWN CENTER

Spring Creek Town Center is located adjacent to 25th Street on the west side of the proposed Spring Creek Drive and features a pedestrian scale and development of retail shops with upper story residential condominiums near its border with Sullivan Estates subdivision, and more traditional retail sites and live/work space fronting on 25th Street, and a proposed Veterans' Park at the extreme western end, with all of these features connected by a shared drive and parking. A cluster of residential development will be located at the eastern end of Spring Creek Town Center near the roundabout. Specific planned uses have been identified for some sites within the development such as banks, restaurants, a food store, and a hardware store. A "main street" effect will be created by the private drive that runs north-south dividing the site and connecting with two proposed 25th Street entrances. Architectural standards for the Town Center will focus on high quality development consistent with existing structures and styles already constructed. No large blank walls are permitted, mechanical equipment must be screened from view, and no metal or vinyl siding is allowed. The architectural renderings of each new building will require approval from the Planning Commission.

4.C. SPRING CREEK BUSINESS PARK

Spring Creek Business Park is located on the east side of Spring Creek Drive near 25th Street. It will provide space for professional offices and some limited retail uses, including the possibility of live/workspace with upper-story residential development. A multi-unit residential building may be located on the western edge near the roundabout. A school site is included in a portion of Spring Creek Business Park adjacent to Spring Creek Commons.

4.D. SPRING CREEK COMMONS

Spring Creek Commons is the larger of two residential areas within Spring Creek and it occupies the northeast part of the property. It is accessed by a partial loop road, the continuation of the proposed Spring Creek Drive past the roundabout. The western boundary along the first one-third of Spring Creek Drive inside Spring Creek Commons is an expansive common greenspace centered around a creek forming the border with Spring Creek Highlands. Single-family lots line the rest of the exterior of the loop street forming its boundary with adjoining property outside of Spring Creek. The street loop inside Spring Creek Commons is closed by the proposed Parkside Drive (north-south) and Spring Creek Way (east-west) which cross in the interior of the development. The interior lots of Spring Creek Commons will feature attached and detached housing at varying density served by private lanes with rear-load parking. Residents will also have access directly into Spring Creek Business Park, thus enhancing the live/work relationship in the overall development. Street trees, landscaped islands, sidewalks, street lighting, and on-street guest parking will add to the development of Spring Creek Commons which will be accomplished in two or more phases generally following the master site plan as shown. Amendments to the master site plan and a corresponding platting of property in future phases can be anticipated as the Developer responds to the market.

4.E. SPRING CREEK HIGHLANDS

Spring Creek Highlands is the smaller of the two residential areas and it is located in the northwestern portion of the property. It is accessed by a single cul-de-sac, the proposed Cross Creek Court, which borders the aforementioned common greenspace on the east side of the street and terminates in a large, wooded area in the northwest corner of the property. As one enters Cross Creek Court from the roundabout, the first residential development to be encountered will be a cluster of cottages or attached units to the left behind the proposed food store site in Spring Creek Village. A small park, Overbrook Park,

will be in the corner of this residential cluster. Further along Cross Creek Court to its terminus, lots with attached or detached housing line the western side of the street. A wooded buffer of existing trees will separate Spring Creek Highlands from the adjacent Sullivan Estates.

Section 5. PERMITTED USES AND PROHIBITED USES.

5.A. PERMITTED USES

Spring Creek allows both residential and non-residential uses within the development as a whole. However, different uses are allowed or prohibited in the various constituent parts of Spring Creek (Spring Creek Commons, Spring Creek Highlands, Spring Creek Town Center, and Spring Creek Business Park). Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of Spring Creek 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.

5.A.1. Spring Creek Town Center and Spring Creek Business Park

This paragraph describes the uses that are allowed in the Spring Creek Town Center and the Spring Creek Business Park. The Developer may further refine the master site plan to designate from the range of uses below a particular use or uses that are to occupy a given site within the commercial areas of Spring Creek.

5.A.1.a Residential and Miscellaneous Uses
Residential dwellings located in upper floors above commercial establishments or similar arrangements of live/work space that comply with applicable building codes, and freestanding multi-unit residential structures limited to the eastern side of the Town Center and the western edge of the business park near the roundabout. Miscellaneous uses such as roads, utilities, sidewalks, bike paths, transit stops, or shelters, swimming pools, tennis courts, club houses, pool houses, residential garages, storage sheds, gatehouses, and other ancillary structures and uses typically associated with residential development. Also, similar miscellaneous uses that may be associated with commercial or mixed residential/commercial development including architectural focal points such as a clock tower, gazebo, bandstand, public gardens, parks, planting areas, fountains, and other water features, vending (carts, booths, or machines), information kiosks and the like. The property described in section 3.F. “Area Amended to allow the Development of a School” and Exhibit A attached to this ordinance is to be developed as a school but it is not allowed to be developed for the other uses allowed in other parts of Spring Creek Business Park (in the event that a school is not developed on all of this portion of Spring Creek Business Park, the development of residential uses is allowed consistent with Spring Creek Commons without further revision to PUD 4). 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.

5.A.1.b Commercial Uses
The following uses, described by the North American Industrial Classification System (NAICS) Code numbers, are permitted with exceptions as noted and to the extent that they are not otherwise included in the prohibited uses:

4413 Automotive Parts, Accessories, and tire stores
442 Furniture and home furnishings stores
443 Electronics and appliance stores
444 Building material and garden equipment and supplies dealers

445 Food and beverage stores
446 Health and personal care stores
448 Clothing and accessories stores
451 Sporting goods, hobby, book, and music stores except adult bookstores or "sex outlets" as described in City of Cleveland Zoning Regulations
452 General merchandise stores
453 Miscellaneous store retailers
491 Postal Service
492 Couriers and messengers
51 Information (excluding manufacturing)
52 Finance and Insurance
53 Real estate and Rental and Leasing
54 Professional, Scientific, and technical services
55 Management of companies and enterprises
561 Administrative support services
61 Educational Services
62 Health care and social assistance
71 Arts, Entertainment, and Recreation (excluding racetracks, shooting ranges, go-kart tracks, and other outdoor recreation likely to impact surrounding property with noise, etc., and casinos and other gambling establishments, and adult/sex entertainment establishments referred to as "sex outlets" in City of Cleveland Zoning Regulations)
72 Accommodation and food services (except casinos, RV parks, camps, and campgrounds)
811191 Automotive oil change and lubrication shops
8112 Electronic and precision equipment repair and maintenance
811430 Footware and leather goods repair and maintenance
8121 Personal care services
91292 Photofinishing
813 Religious, Grantmaking, Civic, Professional, and Similar Organizations
92 Public administration

5.A.2. Spring Creek Commons and Spring Creek Highlands

Residential dwellings and miscellaneous uses such as roads, utilities, sidewalks, bike paths, transit stops or shelters, swimming pools, tennis courts, club houses, pool houses, residential garages, storage sheds, gatehouses, and other ancillary structures and uses typically associated with residential development. Also, similar miscellaneous sues that may be associated with residential development including architectural focal points such as a gazebo, bandstand, and public gardens, parks, planting areas, fountains and other water features, information kiosks, and the like. Residential dwelling types are to be specifically identified for each phase of development through specific block plans, consistent with the Development Plan (Exhibit A). and platting but the gross residential density in Spring Creek Commons and Spring Creek Highlands combined shall not exceed one dwelling unit per 5000 square feet total of land area. Home occupations are allowed consistent with the City of Cleveland zoning regulations unless otherwise restricted by the private covenants or restrictions of Spring Creek.

5.B. PROHIBITED USES

No use shall be permitted in Spring Creek which is inconsistent with the operation of a first-class development. Without limiting the generality of the foregoing, the following uses shall not be permitted:

a. An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation.

b. Any “second hand” store, “surplus” store, or pawn shop.
c. Any mobile home park, trailer court, labor camp, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.
d. Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors located near the rear of any building.
e. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation.
f. Any automobile, truck, trailer, or recreational vehicle sales, leasing, display or body shop repair operation.
g. Any veterinary hospital or animal raising or boarding facility; provided, however, this prohibition shall not be applicable to pet shops.
h. Any establishment selling or exhibiting “obscene” material as determined by final decree of a court of competent jurisdiction or any establishment classified as a sex outlet by City ordinance.
i. Any establishment selling or exhibiting illegal drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff.
j. Any gambling facility or operation, including by not limited to: off-tract or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall. Notwithstanding the foregoing, this prohibition shall not be applicable to government sponsored gambling activities or charitable gambling activities, so long as such activities are incidental to the business operation being conducted by the Occupant.
k. Except home occupations described in the City of Cleveland’s zoning regulations where these are not otherwise prohibited by private restrictions, non-residential uses are prohibited in Spring Creek Commons and Spring Creek Highlands,

Section 6. DEVELOPMENT PLAN AND RELATED REQUIREMENTS.

6.A. DEVELOPMENT PLAN

A development plan (Exhibit A) for PUD 4 Spring Creek was prepared by Cleveland Surveying and presented by Developer to the Cleveland Municipal Planning Commission on May 24, 2007 for approval. The development plan consists of eight sheets: Sheet 1 Title Sheet, Sheet 2 Survey, Sheet 3 Master Site Plan, Sheet 4 Spring Creek Town Center Site Plan, Sheet 5 Spring Creek Commons Site Plan, Sheet 6 Spring Creek Town Center Grading Plan, and Sheet 7 Spring Creek Commons Grading Plan Sheet 8 Spring Creek Retail Center Entrance Drive. All development within PUD 4 must be consistent with this Development Plan. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project; for example, detailed site plans will be needed for construction of buildings other than one and two-family homes. It is recognized that the plats and detailed block plans for Spring Creek may ultimately reflect some alteration in the Development Plan, such as in the number of lots in the residential areas, the width or alignment of streets, or the precise placement of buildings in the commercial areas, but these will need to be generally consistent with the Development Plan, mutually consistent with one another, and not violate any features of the Development Plan and this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties,

etc.) Staff comments regarding the plans submitted in Exhibit A, previous staff comments regarding the previous plan submittals prior to Exhibit A, are to govern the design and implementation of PUD 4 unless these are rendered obsolete by changes to the Developer's plans or changes on the site that would necessitate a different regulatory response from staff. Ordinance 2012-06 has amended the development plan to include the school site described within this PUD. A plat of the school site has been prepared and site plan for the school site is required. The site plan for the school site shall be coordinated with the development plan for Spring Creek Commons and Spring Creek Business Park.

6.B. PLATS

One or more plats will be prepared for the PUD 4 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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. Platting of the property in PUD 4 will be congruous with the requirements of the Development Plan (Exhibit A), and any amendments thereto, and the requirements of this ordinance.

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 Spring Creek development 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 Spring Creek to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

6.D. DETAILED BLOCK PLANS AND SITE PLANS

The Developer shall prepare and submit to the City of Cleveland, TN for approval by the Cleveland Municipal Planning Commission detailed block plans for each block in the residential areas, Spring Creek Commons and Spring Creek Highlands. These detailed block plans shall indicate lot configurations, setbacks, structure types, streets, lanes, sidewalks, common areas, utility locations, etc. The information in the detailed block plan will be congruous with the plat developed for the lots and adjacent public street infrastructure. The content and level of detail of the detailed block plan will be sufficient for City Staff to determine compliance of the proposed development with the Development Plan and applicable City ordinances. The detailed block plan for the Spring Creek Town Center is to be as shown in the Spring Creek Town Center Site Plan (see Exhibit A), inclusive of any additions or modifications required by the City of Cleveland's site plan review process. Prior to development of the Spring Creek Business Park, a detailed block plan will be submitted for approval by the Cleveland Municipal Planning Commission that is site plan of the type prepared for Spring Creek Town Center. The Spring Creek Business Park Site Plan is to be generally consistent with the representation of Spring Creek Business Park shown in the Master Site Plan (see Exhibit A).

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD 4 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 CH zone, from the City of Cleveland's zoning regulations, for Spring Creek Town Center and Spring Creek Business Park. Where

development standards are not otherwise included in this ordinance, the standards shall be those in the R-3 zone, from the City of Cleveland's zoning regulations, for Spring Creek Commons and Spring Creek Highlands. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of the property shall apply.

7.A BUILDING SETBACKS

7.A.1. Spring Creek Town Center
The building setback for all principal structures shall be 30 feet off of the property line with Sillivan Estates. Buildings shall be a minimum of 20 feet from the 25th Street right-of-way. Buildings shall be a minimum of 15 feet from the proposed Spring Creek Drive. Other setbacks shall be as approved through the site plan review process but otherwise not less than would be indicated by the scale and relative position of buildings and infrastructure in the site plan shown in Exhibit A.

7.A.2 Spring Creek Business Park
Building setbacks within Spring Creek Business Park will be at least 20 feet from the 25th Street right-of-way, at least 20 feet from the east property line for principal structures, 20 feet from Spring Creek Commons for principal structures, and at least 15 feet from the proposed Spring Creek Drive. Other setbacks will be as approved by the Cleveland Municipal Planning Commission in the detailed block plan (site plan) process described herein.

7.A.3. Spring Creek Commons
Phase 1 as shown in Exhibit A is all single-family detached housing. The principal building setbacks are 15 feet in the front, 18 feet in the rear, 15 feet on a side street, and 6 feet on the side. Setbacks for future phases shall be as approved by the Cleveland Municipal Planning Commission for the detailed block plans.

7.A.4 Spring Creek Highlands
Spring Creek Highlands will maintain a 20-foot minimum setback for all principal structures from the adjoining Sullivan Estates together with a 15-foot-wide undisturbed vegetative buffer adjacent to Sillivan Estates. Other setbacks are to be as approved by the Cleveland Municipal Planning Commission in the detailed block plans provided by the developer.

7.B. QUALITY OF APPEARANCE

The commercial areas will be designed and constructed of a quality comparable to Hamilton Corner Shopping Center at 2115 Gunbarrel Road in Chattanooga (presently the location of Bonefish Grill, Jason's Deli, etc.). The Developer shall develop the architectural standards and exercise control over the exterior building finishes such that these are consistent with a first-class retail and/or professional office area. The buildings will be maintained in good repair.

7.C. SIGNAGE

A master signage plan is to be produced and submitted by the developer for all areas within Spring Creek and the parameters of this signage plan include one main entrance sign not to exceed 300 square feet, one ground sign for each individual commercial building not to exceed 150 square feet, wall signage on commercial buildings not to exceed 40% of any front or side façade. No sign shall be mounted on the roof. No portion of any sign containing an electronic reader board, light-emitting diode (LED), or the like shall exceed 50 square feet and any such sign shall be equipped and operated with an automatic dimmer for nighttime or low light conditions. Portable signs, inflatable advertising devices, strobe lights, and other

advertising devices characterized by motion, flashing light, or high-intensity light are prohibited. Except when located within 20 feet of a permanent building, no banner, flag, pennant, temporary sign, or merchandise display shall be located within 100 feet of any public right-of-way.

7.D. BUILDING HEIGHTS

Building heights within Spring Creek town center shall be limited to 4 stories, and all other areas within the PUD 4 development shall be limited to three stories, exclusive of any basement areas. This is not intended to prohibit architectural detailing, such as decorative parapet walls and the like, or to establish a height limit on structures that are generally uninhabited such as the proposed clock tower.

7.E. EXTERIOR LIGHTING

Exterior lighting of buildings and parking lots and signs shall be designed so as to allow minimum light from the proposed commercial areas into the existing residential areas surrounding Spring Creek, such as Sullivan Estates. The lighting system shall provide for adequate safety and security for pedestrians and others within the residential and commercial areas of the development. The lighting system shall be designed so as to minimize glare onto adjacent public roadways. No pole mounted light shall exceed a height of 40 (forty) feet.

7.F. DESIGN OF PARKING, INTERNAL TRAFFIC, ACCESS

~~The number of parking spaces to be provided in Spring Creek Town Center shall be within 5% of the number indicated in the site plan in Exhibit A. The number of parking spaces shall be determined through the detailed block plan (site plan) review process for Spring Creek Business Park based upon the anticipated mixture of business types.~~ The number of parking spaces required shall be determined based on the type of proposed use. It is anticipated that individual businesses in Spring Creek Town Center and Spring Creek Business Park will be served, at least in part, by shared parking managed through a private agreement to be produced by the Developer. Designs for parking, drive-through lanes, and other internal traffic circulation for the commercial sites within PUD 4 shall be reviewed and approved by the City's traffic engineer and other City Staff. On street parking, rear load parking house designs, private lanes and other access and traffic circulation features of Spring Creek Commons and Spring Creek Highlands shall be designed in close cooperation with the City's traffic engineer and other City Staff. A dysfunctional impedance of traffic in public streets, blocking of access for public services, and interruption of the ability to provide fire and emergency services will not be allowed to arise through the design and operation of traffic circulation and parking features within PUD 4, but it is recognized that speed and convenience for motorists will be balanced against other competing needs in a "New Urbanist" development style. It is intended that PUD 4 will be designed so as to facilitate bicycle and pedestrian modes and to provide access for public transit in the commercial areas. PUD 4 shall be designed so as to accommodate a connection with an extension of the City greenway system. Design and construction of the 25th Street entrances and related traffic improvements, such as the proposed traffic signal, shall be at the expense of the Developer and subject to design approval by the City of Cleveland.

7.G. SITE MAINTENANCE

A program of regular sweeping and litter removal from the parking lots, driveways, private streets and lanes, sidewalks, landscaped areas, and common areas shall be required for Spring Creek Town Center, Spring Creek Business Park, Spring Creek Commons, and Spring Creek Highlands. The detention ponds and other drainage facilities shall be maintained in

good working order, including removal of debris, trimming of excess vegetation, and mosquito control. The PUD 4 development is traversed by a “blue line” stream and it shall be maintained in compliance with all required permits.

7.H. DISTURBANCE TO SURROUNDING PROPERTY

Construction-related noise, vibrations, dust, debris, and traffic in the PUD 4 zoning district shall be managed so as to minimize their impact on nearby residential uses and the public right-of-way. Heavy construction activities that could result in noise and vibration offsite will be conducted only between 7:00 a.m. and 7:00 p.m. Potential disturbing effects of construction activities will be mitigated by observing industry best practices. 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.

7.I. IMPERVIOUS AREA AND DRAINAGE

Impervious surfaces in the Spring Creek Town Center are not to exceed 68% of the overall area. Impervious surfaces in Spring Creek Business Park are not to exceed 75% for the development as a whole. The Impervious area in the Spring Creek Commons and Spring Creek Highlands combined is not to exceed 50%. Developer may propose and the City may accept an alternative proposal that would allow an additional 2% of site area to be developed with pervious concrete, turf blocks, or other pervious material if approved by the City Engineer. Landscaping is to meet or exceed the requirements of city ordinances and be in accordance with landscape plans approved for each section of the PUD 4 development. All development in PUD 4 is to comply with the City’s stormwater regulations. Building permits will be issued for construction of buildings only in those parts of PUD 4 that are served by stormwater drainage facilities built in accordance with a plan approved by the City Engineer. Among the various requirements for stormwater drainage is that the post construction run-off shall not exceed the pre-construction run-off from the site.

7.J. LANDSCAPING

Landscaping is to meet or exceed the requirements of city ordinances and be in accordance with landscape plans approved for each section of the PUD 4 development. Landscaping in Spring Creek Town Center and Spring Creek Business Park shall be irrigated. All landscape materials shall be maintained so as to stay in a first-class condition.

7.K. SOLID WASTE

Dumpsters, compactors, grease receptacles, and other such waste disposal facilities shall be provided as necessary to properly dispose of the waste generated by commercial buildings in Spring Creek Town Center and Spring Creek Business Park. All dumpsters and other such facilities shall be on a concrete pad and enclosed by an opaque screened enclosure of good quality. Slatted chain-link fence will not be used for the enclosure. Grease storage areas, if co-located with dumpster pads, will be separated by a concrete block wall at least three blocks high. Waste disposal facilities will be situated so as to minimize noise and other impacts on nearby residential areas. Residential garbage collection, brush and leaf pick-up, and other residential solid waste services provided by the City of Cleveland will be provided along public streets consistent with the type and manner of services provided in other neighborhoods in the City of Cleveland and any extraordinary service needs or costs would be subject to negotiation and/or additional fees.

7.L. OPERATING AND MAINTENANCE AGREEMENT

All private parking lots, drives, lanes, alleys, sidewalks, trails, and other privately owned amenities and infrastructure in the common areas of PUD 4 shall be maintained in an attractive, safe condition and good state of repair. The Developer, or other appropriate contractually designated private entity(s) with the capacity to carry out the provisions of this paragraph, shall be responsible to operate, maintain, and/or repair the following: 1) drive and parking areas; 2) removal of debris and refuse; 3) directional signs and markers; 4) common area lighting; 5) landscaping; 6) sidewalks; 7) common utility lines; and 7) storm water pipes and detention areas. Such operation, maintenance, and repair of common facilities shall be consistent with a first-class development.

7.M. DEVELOPMENT STANDARDS FOR SCHOOL

Development standards (building setbacks; quality of appearance; signage; building heights; design of parking, internal traffic, and access; exterior lighting; site maintenance; disturbance to surrounding property; impervious area and drainage; landscaping; solid waste; and operating and maintenance agreement) for the school site property described in this ordinance shall be as required in Section 7 for Spring Creek Business Park, except where these are specifically modified for the school site by the Cleveland Municipal Planning Commission and added into the record of their review. The plat and site plan for the school site shall be as approved by the Cleveland Municipal Planning Commission and otherwise compliant with this ordinance and other applicable laws and regulations.

Section 8. COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS

The Developer, as its assigns or successor in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed Spring Creek Town Center, Spring Creek Business Park, Spring Creek Commons, and Spring Creek Highlands and for other construction on or adjacent to the site for which the Developer is responsible. The Developer and its assigns or successors in title shall carry out the construction on the project is 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 unreasonable 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 9. PUD DEVELOPMENT ORDER

This section was deleted by ordinance 2012-06.

Section 10. TIME LIMITS AND POSSIBLE REVERSION TO FORMER ZONING

The developer must have carried out a substantial development of this project within five 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 in be interpreted to mean completion of construction on at least 20% of the commercial buildings and housing, and parking areas, landscaping, streets and sidewalk improvements to the extent needed to support the portion of the development that has been constructed.

Section 11. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TO THE PUD

The 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. Revisions to plans and drawings required by this ordinance that are determined by the Planning Commission to yield improved or substantially similar quality of results affecting the public, and which affect less than 20% of the site or any approved dimension or quantity by less than 20%, can be approved by majority vote of the Planning Commission without amending the PUD ordinance. Where this ordinance contemplates the future approval of a detailed block plan and/or 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 4, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat refinement, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services.

Section 12. 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 4 zoning district and is binding upon City's regulation of these activities in this location. The Development Order required by this ordinance shall be an agreement between City and Developer specifying how the terms of this ordinance are to be carried out. The Development Order shall be binding upon the Developer and its assigns, lessees, tenants, or successor in title. Compliance with this ordinance and Development order shall be a condition of all deeds, leases, or other instruments that convey a right to own or occupy all or a portion of the subject property for commercial or business purposes. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance and the Development Order affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass Spring Brook Community Developers, Inc. 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 join access areas, and undeveloped portions of the property that are intended for development.

Section 13. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

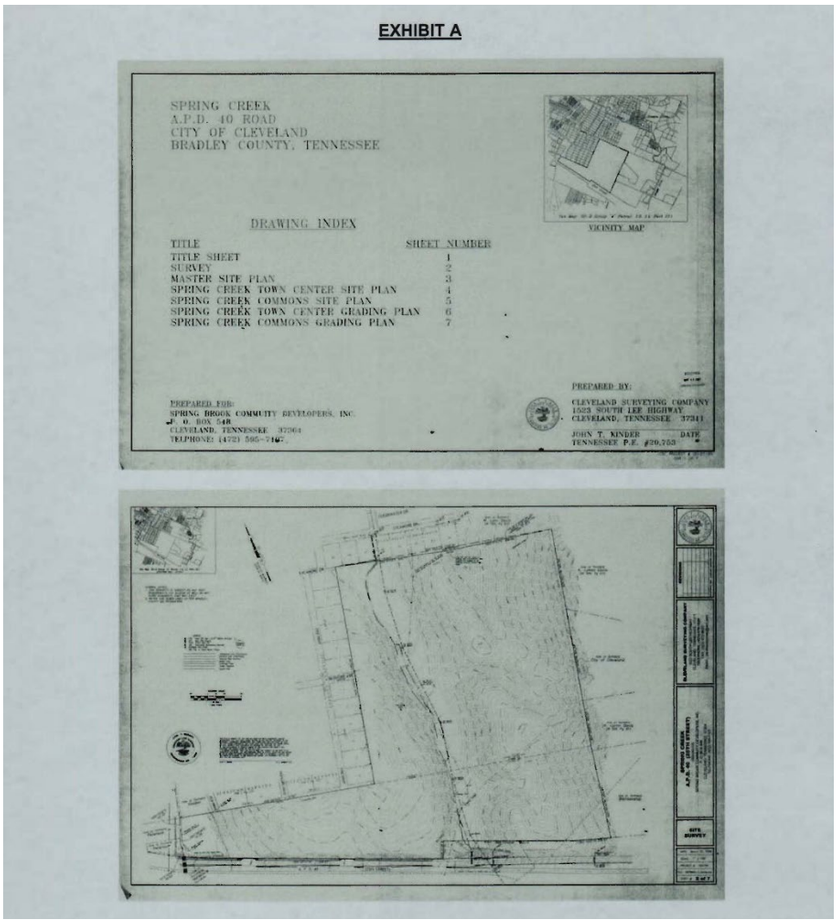
Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. The 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


SPRING CREEK
A.P.D. 40 ROAD
CITY OF CLEVELAND
BRADLEY COUNTY, TENNESSEE

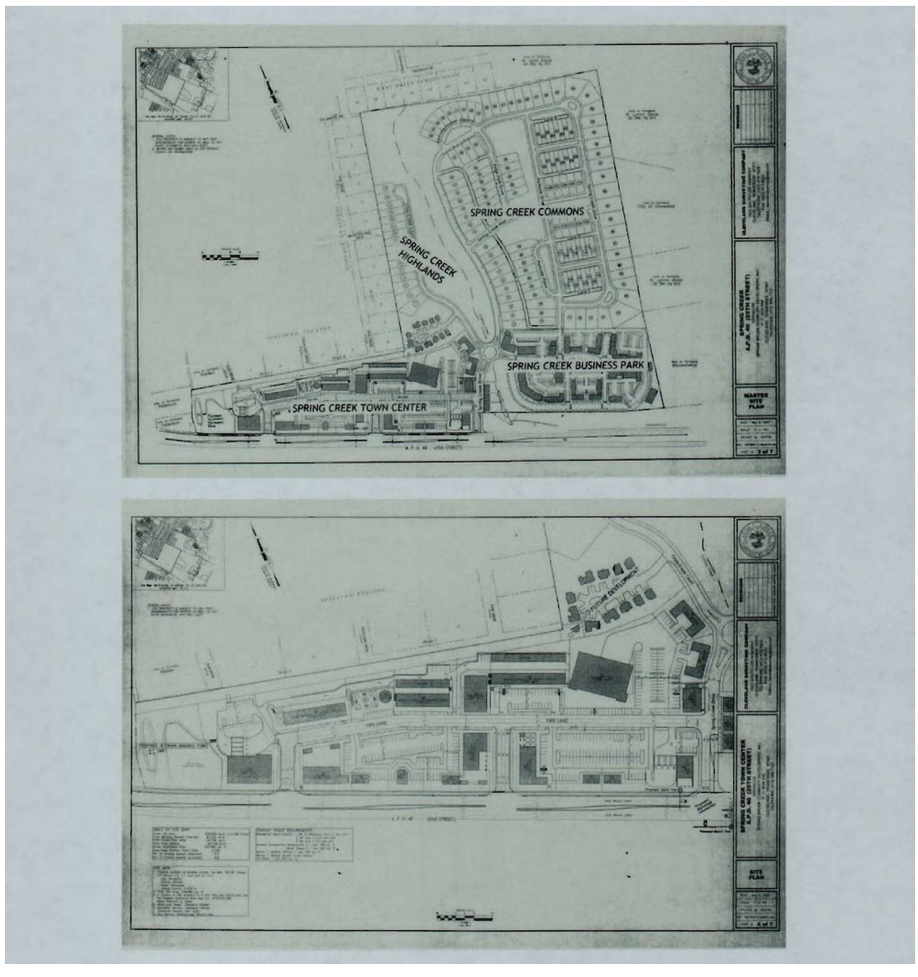
VICINITY MAP

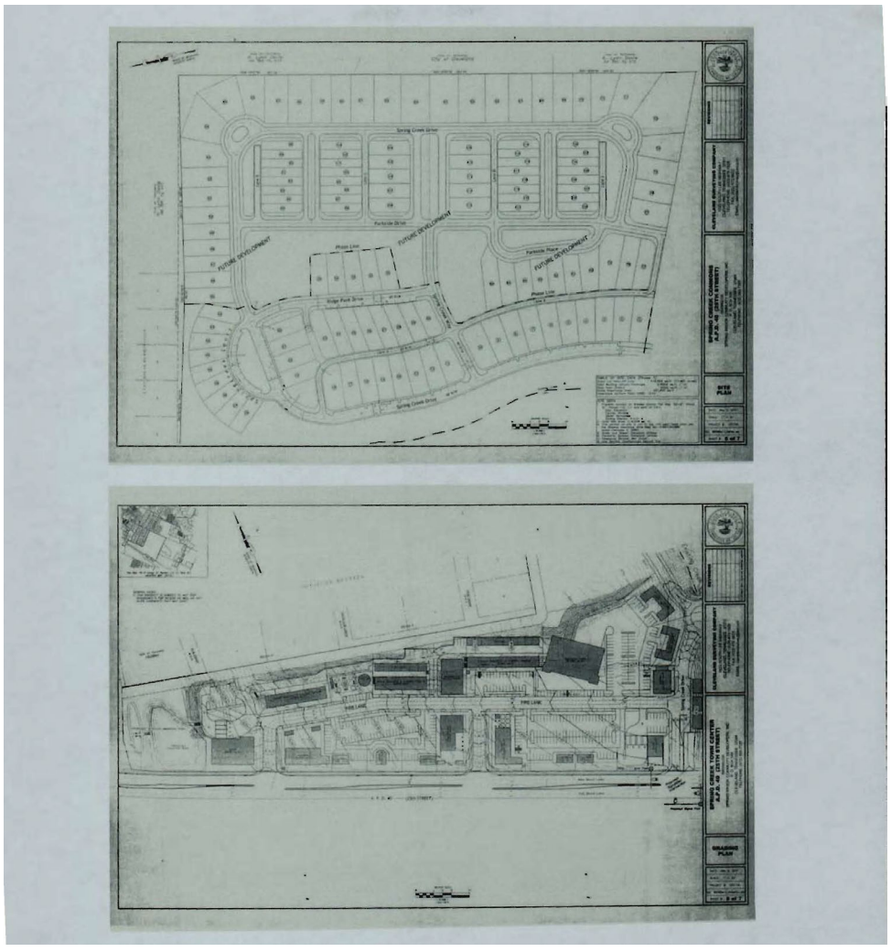
DRAWING INDEX

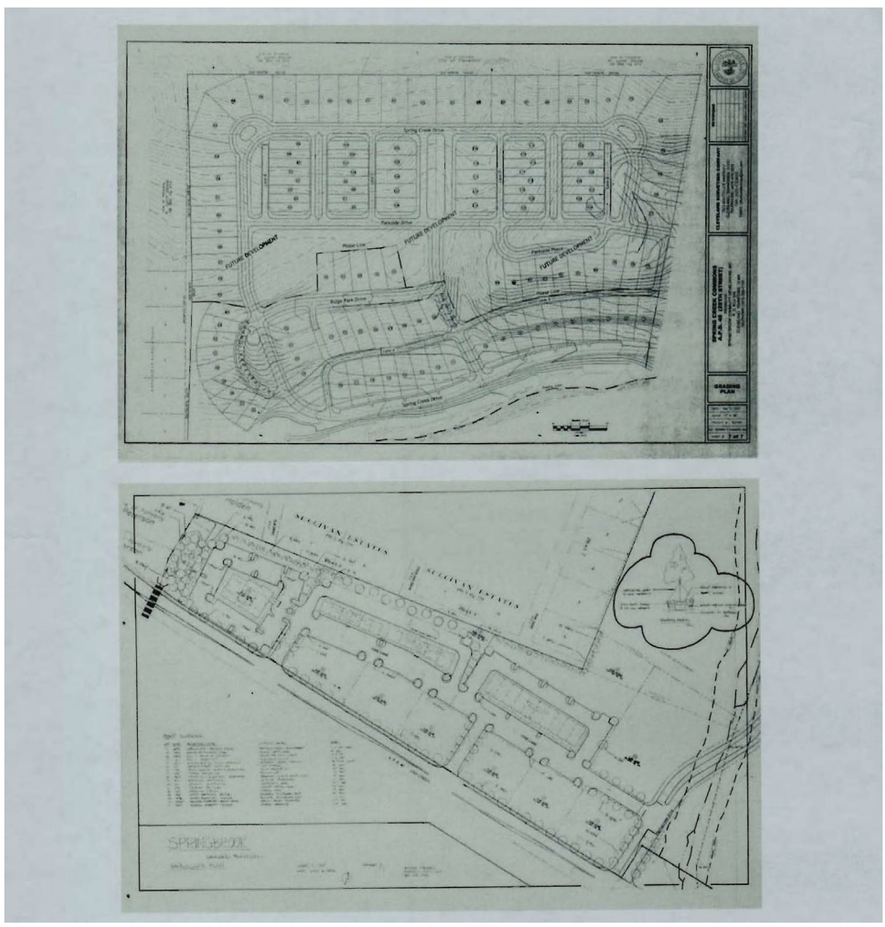
TITLE	SHEET NUMBER
TITLE SHEET	1
SURVEY	2
MASTER SITE PLAN	3
SPRING CREEK TOWN CENTER SITE PLAN	4
SPRING CREEK COMMONS SITE PLAN	5
SPRING CREEK TOWN CENTER GRADING PLAN	6
SPRING CREEK COMMONS GRADING PLAN	7

PREPARED FOR:
SPRING BROOK COMMUNITY DEVELOPERS, INC.
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JOHN T. KINDER DATE
TENNESSEE P.E. #20,753

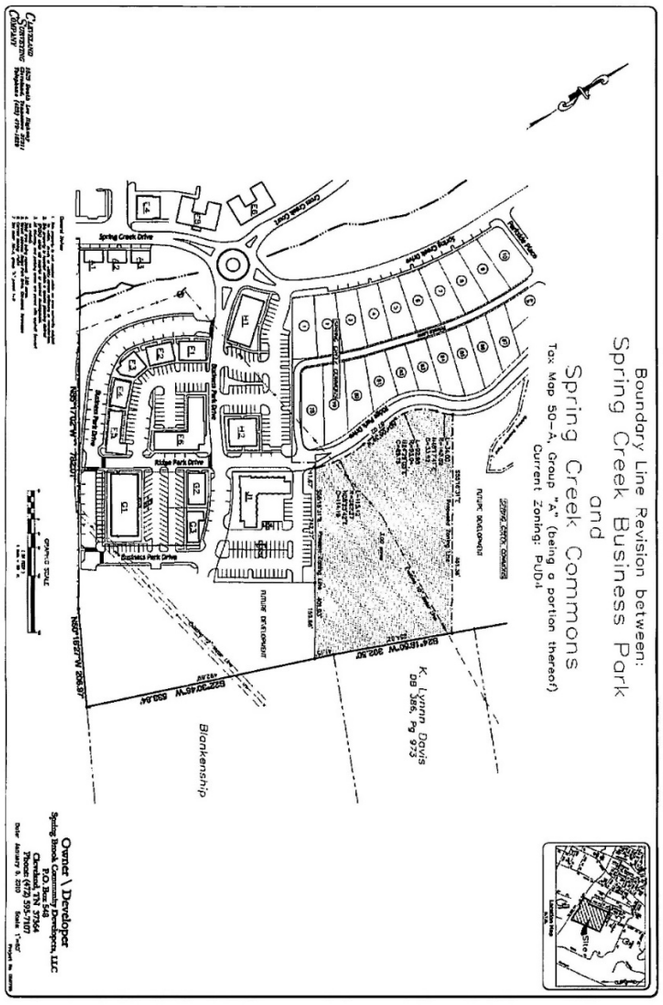


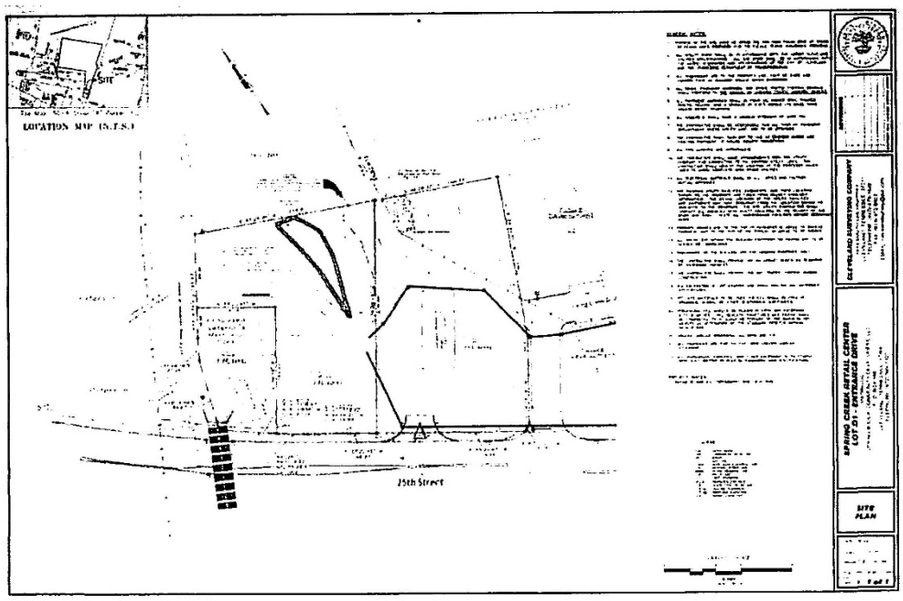




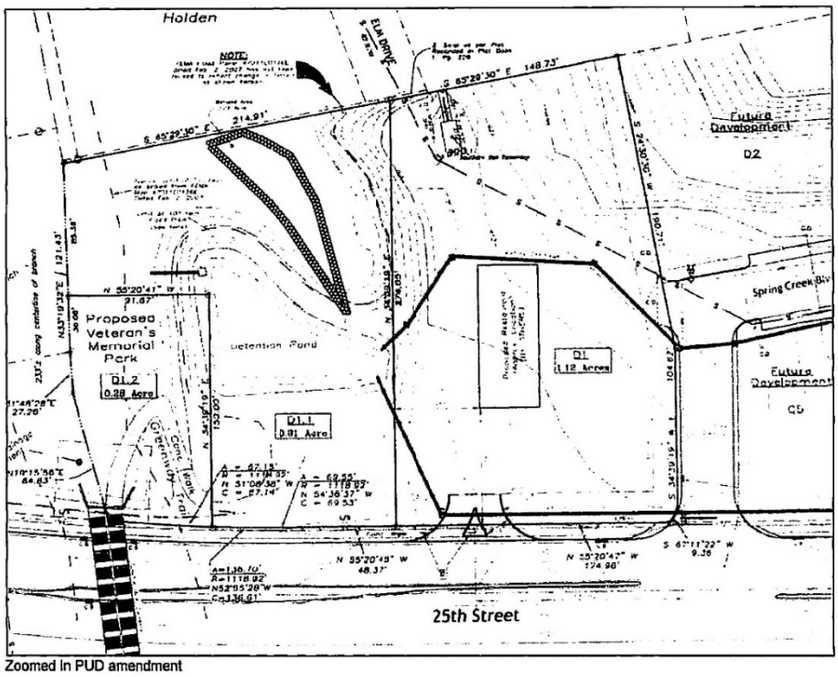

MCINTIRE
SYCAMORE
MCINTIRE
25TH
PARKER
APD-40
Property for Rezoning

EXHIBIT A

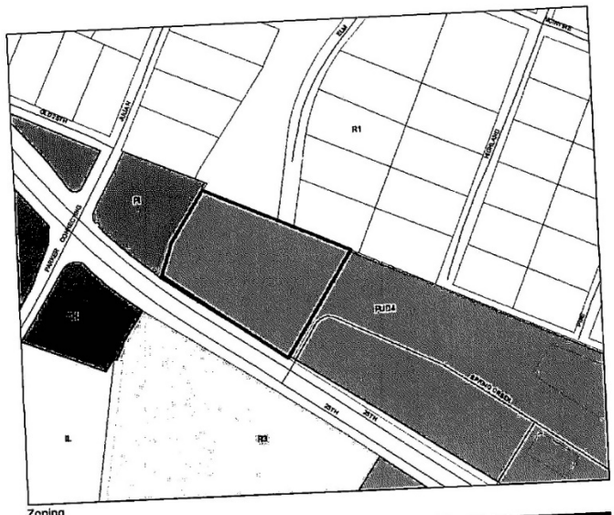

Boundary Line Revision between:
Spring Creek Business Park
and
Spring Creek Commons
Tax Map 50-A, Group "A" (being a portion thereof)
Current Zoning: PUD-1
Owner \ Developer
Spring Creek Commons Development, LLC
P.O. Box 548
Blankenship
K. Lynn Davis
DB 386, Pg 973



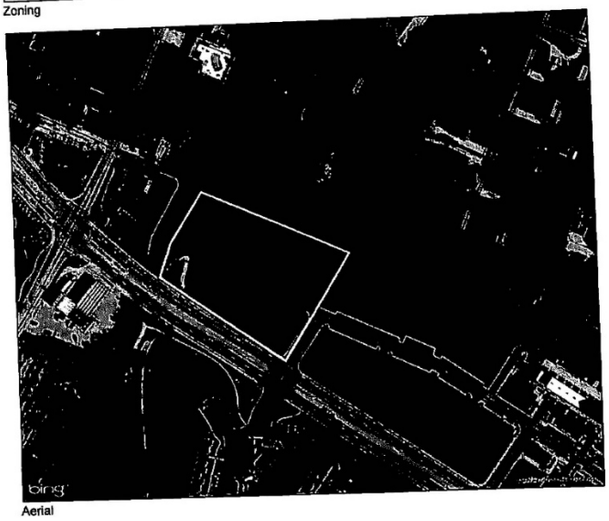
PUD Amendment



Zoomed in PUD amendment



Zoning



Aerial

Councilman Goff moved that Ordinance 2025-43 be voted for passage on first reading. The motion was seconded by Councilman Moore. Upon roll call, Councilman Goff and Councilman Moore voted aye. Councilman May, Vice Mayor Webb, Councilwoman McKenzie and Councilman Cassada voted no. The motion to approve failed.

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-44** – Concerning a request by HAD Properties (Dustin Jinks) for consideration of an ordinance to zone about 3.27 acres, more or less, for property located at Bower Lane SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 065C Group B Parcel 007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

ZONING ORDINANCE 2025-44

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from IH Heavy Industrial Zoning District to R-2 Low Density Single and Multi-Family Zoning District

Approximately 3.27 acres, more or less, located on Bower Lane as shown on the attached map.

For reference, the same property is being shown on Tax Map 065C Group B Parcel 007.00 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.

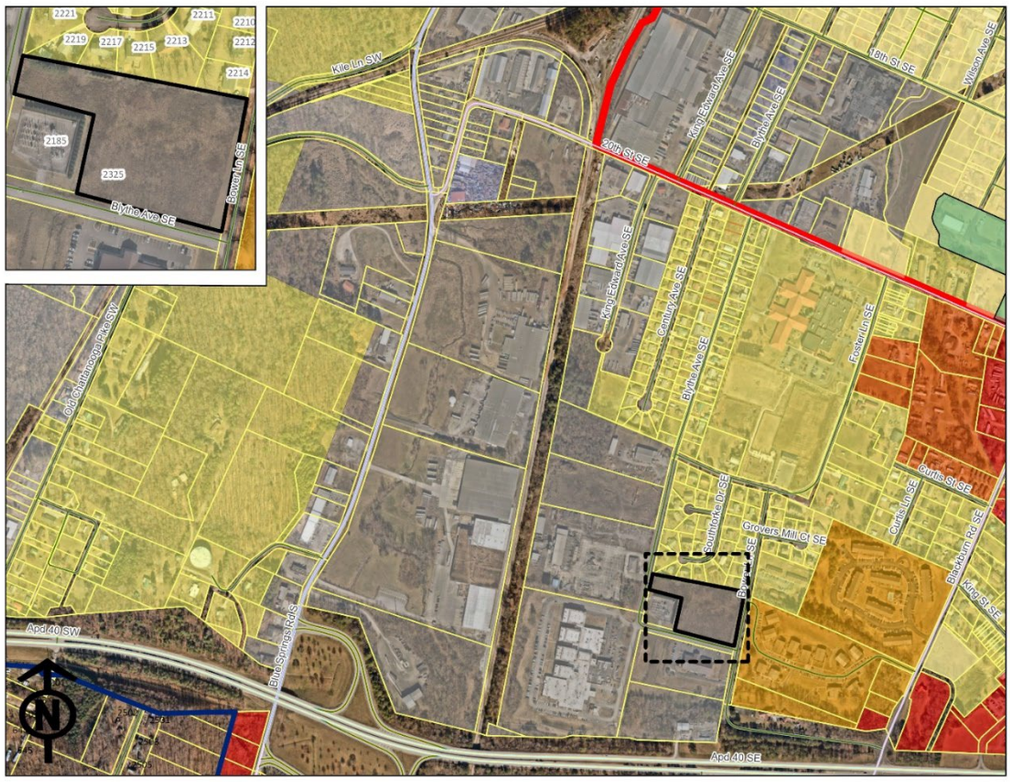
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2025-44 be voted for passage on first reading. The motion was seconded by Councilwoman McKenzie. Upon roll call, Councilman May, Councilwoman McKenzie, Vice Mayor Webb, Councilman Cassada, and Councilman Moore voted aye. Councilman Goff recused himself. The motion carried 5-0-1.

The following Zoning Ordinance was then presented:

- **Zoning Ordinance 2025-45** – Concerning a request by Alvin Calhoun for consideration of an ordinance to zone about .18 acres, more or less, for property located at 800 Harrison Pike from CH Highway Commercial to R-3 High Density Single and Multi-family and includes Tax Map 049N Group C Parcel 011.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2025-45

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CH Highway Commercial Zoning District to R-3 High Density Single and Multi-Family Zoning District

Approximately .18 acres, more or less, located on Harrison Pike as shown on the attached map.

For reference, the same property is being shown on Tax Map 049N Group C Parcel 011.00 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 2025-45 be voted for passage on first reading. The motion was seconded by Councilwoman McKenzie. Vice Mayor Webb added this is a great move forward in cleaning up this property. Upon roll call, the motion carried 6-0.

The following Ordinance was then presented:

- **Ordinance 2025-46** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete Table 1 Uses and Zoning Districts (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2025-46

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY REMOVING TABLE 1 USES AND ZONING DISTRICTS SO AS TO PROVIDE FOR THE; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has considered there is a need to remove Table 1 Uses and Zoning Districts to ensure clarity, consistency, and reduce interpretation errors of allowed uses within designated zoning districts.

WHEREAS the City Council has determined the existing zoning regulations should be revised to remove Table 1 Uses and Zoning Districts.

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by removing Table 1 Uses and Zoning Districts:

~~**Table 1**~~
~~**USES AND ZONING DISTRICTS**~~[1]

~~USES~~	~~RA~~	~~R-1~~	~~R-2~~	~~R-3~~	~~R-4~~	~~R-5~~	~~B~~	~~CN~~	~~PI~~	~~CG~~	~~CH~~	~~CBD~~	~~MU~~	~~IL~~	~~IH~~	~~UC~~
~~Accessory structures such as a tool shed, garden shed, workshop, detached garage or carport, gazebo, pool house and the like may be located in conjunction with residential uses. Accessory structures associated with non-residential uses could include the foregoing types of uses as well as signs and other structures that support the principal use of the property.~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~		~~x~~	~~x~~	~~x~~	~~x~~
~~Agricultural accessory, customary~~	~~x~~															
~~Agricultural uses~~	~~x~~															
~~Amusement facility~~										~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Animal boarding and kennels~~										~~e~~	~~e~~					
~~Bed and breakfast~~								~~e~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Billboards~~							~~e~~									
~~Building supply~~										~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Cellular communication towers~~							~~e~~									
~~Cemetery~~							~~x~~		~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Church~~	~~e~~		~~e~~	~~e~~	~~e~~	~~e~~		~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~
~~College or other higher education institution~~[2]									~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	~~x~~
~~Commercial, region-serving~~											~~e~~					
~~Community center and the like~~										~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Day care~~	~~e~~		~~e~~	~~e~~	~~e~~	~~e~~		~~e~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	~~e~~

Dry cleaners, one drive-up window								x		x	x	x	x	e	e	
Dry cleaners, with or without drive-up window										x	x	x	x	e	e	
Dwelling, duplex			x	x	x											x
Dwelling, high rise residential						x										

[1]x = use by right
e = conditional use

[2]Includes usual and customary uses associated with a college or university as described in section 2.17.

USES	RA	R-1	R-2	R-3	R-4	R-5	B	CN	PI	CG	CH	CBD	MU	IL	IH	UC
Dwelling, mobile home, in mobile home park					x											
Dwelling, multi-family				x	x				x			x	x	x	x	x
Dwelling, quadruplex			x	x	x											x
Dwelling, residential, above first floor												x				
Dwelling, single family detached		x	x	x	x								x			x
Dwelling, triplex			x	x	x								x			x
Emergency services facility and/or dispatch center and other public facilities and services	x	x	x	x	x	x	x	x	x	x	x	x	e	x	x	x
Entertainment facility										x	x	x	x	e	e	
Farm and garden										x	x	x	x	e	e	
Financial institution with any number of drive-up lanes									x	x	x	x	x	x	x	
Financial institution, with up to 3 drive-in lanes								x	x	x	x	x	x	x	x	
Flea market or similar indoor/outdoor sale complex											x		e			
Forests, other natural vegetative growth, landscaping, berms, fences, and/or walls							x									
Foster home									x	x	x	x	x	e	e	
Fraternal lodge and the like										x	x	x	x	e	e	
Funeral home, mortuary, and like									x	x	x	x	x	e	e	
Gasoline sales and/or service, including combined with food mart								x		x	x		e			
Golf course	e	e	e	e	e		x									
Government office									x	x	x	x	x	e	e	
Home occupation, subject to 3.10	x	x	x	x	x	x						x	x			x
Hospital									x	x	x	x	x	e	e	
Hotel										x	x	x	x	e	e	
Junkyard															x	
Library, public								x	x	x	x	x	x	e	e	
Living facility, congregate and/or residential care									x	x	x	x	x	e	e	x
Maintenance facility															x	
Mall, regional										e						
Manufacturing business															x	
Manufacturing, light, within a building														x	x	

USES	RA	R-1	R-2	R-3	R-4	R-5	B	CN	PI	CG	CH	CBD	MU	IL	IH	UC
Medical office or clinic									x	x	x	x	x	e	e	
Mini-warehouse facilities										e	e					
Motel										x	x	x	x	e	e	
Night Clubs											e					
Office Park, region-serving											e					
Outdoor arena, rodeo grounds, racetrack, firing range, or similar facility													e			
Ornamental and vegetable gardens							x									
Park	e	e	e	x	x							x				
Parking lots							e									
Passive parks, playgrounds, fitness trails, picnic areas and picnic shelters, swimming pools, outdoor sports courts, fields, or grounds primarily for recreational use other than league or tournament play, and greenways							x									
Professional office						e		x	x	x	x	x	x	e	e	
Public utilities							x									
Recreation, commercial										x	x	x	x	e	e	
Recreation/utility/other necessary building for mobile home park					e											
Recycling center															x	
Restaurant, with drive-up facility										x	x		e			
Restaurant, without drive-up facility								x		x	x	x	x	e	e	
Salvage yard															x	
School, preschool, primary or secondary, public or private	e		e	e	e	e		e	x	x	x	x	x	e	e	e
School, commercial or trade									x	x	x	x	x	e	e	
Service business, personal						e		x	x	x	x	x	x	e	e	
Service business									x	x	x	x	x	e	e	
Shopping center, not a regional mall										x	x	x	x	e	e	
Single-family homes in single-family house structures built or located on the same site prior to 2008									x							
Snack shop									e							
Storage yard															x	
Store, department										x	x	x	x	e	e	
Store, retail										x	x	x	x	e	e	

USES	RA	R-1	R-2	R-3	R-4	R-5	B	CN	PI	CG	CH	CBD	MU	IL	IH	UC
Store, convenience								x		x	x	x	x	e	e	
Store, discount, large scale, freestanding											x		e			
Store, freestanding neighborhood								x		x	x	x	x	e	e	
Streets, driveways, bridges, walkways, bike paths							x									
Supermarket										x	x	x	x	e	e	
Tourist, guest, or boarding home				e	e			e	x	x	x	x	x	e	e	
Tower, any type									e	e	x	x	x	x	x	

~~Tower, utility~~	~~e~~	~~e~~	~~e~~	~~e~~	~~e~~			~~e~~								
~~Townhomes~~			~~x~~	~~x~~		~~x~~			~~x~~	~~x~~	~~x~~		~~x~~	~~x~~	~~x~~	~~x~~
~~Upper-story residences~~									e							
~~Utility facility~~														~~x~~	~~x~~	
~~Vegetated riparian buffers~~							~~x~~									
~~Vehicle parts and accessories, not including vehicle repair or sales~~										~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Vehicle sales, rental, and/or repair~~											~~x~~		~~e~~			
~~Veterinary office or clinic, without kennels and runs~~									~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~e~~	~~e~~	
~~Veterinary office or clinic, with or without kennels and runs~~											~~x~~		~~e~~	~~e~~	~~e~~	
~~Wetland mitigation areas, stormwater detention or retention areas, water courses or bodies of water, slope easements for construction projects or slope preservation areas~~							~~x~~									
~~Wholesale business, storage and distribution~~													~~e~~	~~x~~	~~x~~	

~~(as amended by Ord. #8, Aug. 2000, Ord. #23, Sept. 2002, Ord. #2003-22, Aug. 2003, Ord. #2007-02, Jan. 2007, Ord. #2007-05, March 2007, Ord. #2007-30, Sept. 2007, Ord. #2007-34, Sept. 2007, Ord. #2007-42, Nov. 2007, Ord. #2008-02, Jan. 2008, Ord. #2010-18, June 2010, Ord. #2010-19, June 2010, Ord. #2010-38, Oct. 2010, Ord. #2011-04, May 2011, Ord. #2017-05, Feb. 2017, Ord. #2017-38, July 2017, Ord. #2017-46, Sept. 2017, and Ord. #2018-22, July 2018)~~

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

Vice Mayor Webb moved that Ordinance 2025-46 be voted for passage on first reading. The motion was seconded by Councilman May. Upon roll call, the motion carried 6-0.

The following Ordinance was then presented:

- **Ordinance 2025-47** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 3.1.A Table 2 Lot Area & Width Requirements to include a 50-foot lot width at the setback line for single family residential dwellings and to amend density requirements to 5,000 square feet for the first unit and 2,500 square feet for each additional unit in the R-3 High Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2025-47

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY REVISING SECTIONS 3.1.A TABLE 2 SO AS TO PROVIDE FOR THE ADDITION OF FIFTY FOOT LOT WIDTH AT THE SETBACK LINE FOR SINGLE FAMILY HOMES IN THE R-3 HIGH DENSITY SINGLE AND MULTI-FAMILY ZONING DISTRICT AND 5,000 SQUARE FOOT MINIMUMS FOR SINGLE FAMILY HOMES AND THE FIRST UNIT OF MULTI-FAMILY DWELLINGS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has considered there is a need to distinguish lot width and area requirements for single family versus multi-family within the R-3 zoning district.

WHEREAS the City Council has determined the existing zoning regulations should be revised to allow for 50-foot wide, 5,000 square foot lots for single family homes within the R-3 High Density Single and Multi-Family Zoning District and 5,000 square feet designated for the first unit of multi-family dwellings.

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by adding the following language to the R-3 zoning district in Section 3.1.A Table 2:

Zoning District	**Lot Area[2] (Square Feet)**	**Lot Width (Feet) at the Building Setback Line**
R-3 Multi-Family Residential	5,000 sf (single family) 5,000 sf for the first unit + 2,500 sf for each additional unit (multi-family)	50 feet (single family) 75 feet (multi-family)

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 Moore moved that Ordinance 2025-47 be voted for passage on first reading. The motion was seconded by Councilman May. Upon roll call, the motion carried 6-0.

The following Ordinance was then presented:

- **Ordinance 2025-48** – Concerning a request by City of Cleveland to amend Cleveland City Municipal Code, Appendix C, Zoning Ordinance by revising section 2.3.1 Uses allowed so as to provide for specific regulations regarding cluster subdivisions within the R-1 Single Family Residential Zoning District which restricts development from exceeding the density permitted under standard R-1 zoning regulations (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2025-48

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY REVISING SECTION 2.3.1 USES ALLOWED SO AS TO PROVIDE FOR SPECIFIC REGULATIONS REGARDING CLUSTER SUBDIVISIONS WITHIN THE R-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has considered there is a need to preserve the character and intent of the R-1 zoning district within the City of Cleveland.

WHEREAS the City Council has determined the existing zoning regulations should be amended to provide additional regulations for cluster subdivisions within the R-1 zoning district.

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by revising section 2.3.2 Uses Allowed as follows:

2.3.2 Uses Allowed.

A. Single-Family Detached Dwellings;

B. Home Occupations, subject to 3.10

C. Cluster Subdivisions, provided that the overall density does not exceed that which would be permitted under a standard R-1 subdivision design. Lot sizes, widths, and other standards shall conform to current cluster subdivision regulations.

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 May moved that Ordinance 2025-48 be voted for passage on first reading. The motion was seconded by Vice Mayor Webb. Upon roll call, the motion carried 6-0.

Councilman Goff moved to approve the Cleveland Parks and Recreation Master Plan presented at noon today to the City Council by consultants Kimley-Horn, with minor administrative changes. The motion was seconded by Councilman Moore. Upon roll call, the motion carried 6-0.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, August 25, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:43 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
AUGUST 25, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 25, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Annie Bryant, Senior Customer Representative; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Jeff Elliott with Cleveland City Schools; Brandi King; Randy Stephens; Bob Pritchard; Michael Richie; Beth Hetzel; Jeffrey Garrett; Jodi Riggins; Ken Bausch; Polly Lee; Bob Lee; Jerry Stephenson; Franklin Chancey; Bryan Richardson; Darrell Akins; David Stephenson; Melissa Reynolds; Lana Arp; James Duckworth; Keisha Parks; Steven Smartt; Elizabeth OBryan; Kawanda Haney; Kim Randolph; Donna Randolph; Hope and Randle Weeks; Katherine Ruberti; Ben Berry with Berry Engineering; Michael Kahrs; Lucy Rymer; Dwight Richardson; Michele Mummert; Melissa Woody and Connie Garlin with Art House Project; Doug Berry with the Chamber of Commerce; Warbrit Lowery and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Dr. Steve Smartt with Westwood Baptist Church, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 11, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks announced during today's Work Session we recognized the following: Officer Jordan Martin, State Officer of the Year and Officer Daniel Schwarzer, the Cleveland High Aviation Program, the Cleveland High Welding Technology Program and the Former Whirlpool Acquisition Team.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning the approval of the FY2024-25 Consolidated Annual Performance Evaluation Report (CAPER). Cathy Andrews, CDBG Coordinator, reviewed the following summary of the CAPER report on projects and status of activities.

July 1, 2024 - June 30, 2025

2024-2025 HUD CDBG CAPER

CDBG: City of Cleveland received Community Development Block Grant funding in the amount of $360,241 for the Program Year 2024-2025 Annual Allocation. The Consolidated Annual Performance Evaluation Report (CAPER) is for the period of July 1, 2024, through June 30, 2025, and is the 1st report for the City of Cleveland's Five-Year Consolidated Planning period of 2024-2028. The projects proposed in the 2024 Action Plan were adhered to during 2024-2025 and were directly related to the priorities set forth in the Consolidated Plan/Action Plan. Priority needs and objectives identified in the Action Plan were:

GOAL	ACTIVITY	BUDGET	EXPENDITURE	BALANCE
Affordable Housing	2024 Down Payment Assistance	$ 60,000.00	$ 18,000.00	$ 42,000.00
Affordable Housing	2023 Down Payment Assistance	$ 46,800.00	$ 46,800.00	$ -
Infrastructure	2023 Central Ave Sidewalks	$ 221,469.78	$ 221,469.78	$ -
Infrastructure	2024 Central Ave Sidewalks	$ 157,241.00	$ 157,241.00	$ -
Code Enforcement	Code Enforcement	$ 71,000.00	$ 60,968.07	*$ 10,031.93*
Administration	Admin/Project Oversight	$ 72,000.00	$ 72,000.00	$ -
Program and Project implementation and grant admin	COVID Admin Allocation 2	$ 27,539.50	$ 24,948.83	$ 2,590.67
Grand Total		**$ 656,050.28**	**$ 601,427.68**	**$ 54,622.60**

Reprogramed

SUMMARY OF PROJECTS/ACTIVITIES

CODES ENFORCEMENT

- Code Enforcement Officer designated to CDBG target area to provide concentrated code enforcement of municipal codes.
- Proactive code enforcement sweeps are performed on a weekly basis of the CDBG target area.
- Officers help fight blight and housing deterioration in target area neighborhoods with entry level notices of violation for high grass, inoperable vehicles as well as trash and debris.
- The Codes Division has a grand total of 567cases for during the fiscal year. 420 of these cases were resolved. These numbers are comprised of:

    - Condemnation: No Repair Possible – 4; 0
    - Unsafe Structure – 1; 0
    - Unlawful Structure – 5; 3
    - Unsecured Vacant Structure – 3; 1
    - Dilapidated Accessory Structure – 6; 1
    - Dilapidated Exterior Structure – 1; 0
    - No Heat – 1; 1
    - Illegal Yard Sale – 2; 2
    - Illegal Travel Trailer/RV – 1; 1
    - Stagnant Water – 1; 0
    - High Grass/Weeds – 227; 182
    - Trash/Debris/Litter/Waste/Tires – 75; 51
    - Health and Sanitation Nuisance – 1; 0
    - Appliances Not Allowed on Exterior Premises – 72; 53
    - Storage of Tires (Business) – 1; 1
    - No Indoor Furniture on Exterior Premises – 100; 82
    - Inoperable/Inoperative/Junk Vehicle – 42; 23
    - Sight Obstruction – 3; 1
    - Premises to be Kept Clean – 17; 15
    - Illegal Sign – 1; 1
    - Facilities, Containers, and Collection – 1; 0
    - Assessment of Case to Determine Violation – 2; 2

- Education for property owners and landlords regarding health and safety issues, property maintenance and violations
    - Code enforcement website and Facebook page
    - Work with local community groups; Booths at public events to distribute brochures.
- Public awareness of codes enforcement and lead based paint hazards by providing information to residents within the target area.
- Current codes are assessable on City's website as well as an avenue for citizen complaints.
    - Contacting the Codes' office
- Code Enforcement partners with organizations such as Coalition for Community Improvement, Keep America Beautiful, The Refuge, City Fields, neighborhood associations, local church groups and service organizations to utilize every resource available to improve the livability within the target area.

The service area for Code Enforcement is the CDBG target area which encompasses Census Tracts: 103, Block Group 1, 2; Tract 104, Block Group 1, 2; Tract 105, Block Group 2; Tract 107, Block Group 1, 2, 3, 4; and Tract 108, Block Group 1, 2, 3.

PUBLIC FACILITY AND INFRASTRUCTURE IMPROVEMENTS

Sidewalks

Installation of 1980 LF of 5ft wide sidewalk on North and South side of Central Avenue from Railroad Street to Gaut Street. Installation of approximately 2030 LF of 6 inch by 30-inch concrete curb and gutter along the North and South side of Central Avenue from Railroad Street to Gaut Street.

AFFORDABLE HOUSING

Down Payment Assistance

Down Payment Assistance in the amount of $6,000 per household was provided to ten families purchasing affordable homes. Seven of these homes were constructed by Habitat for Humanity of Cleveland. These homes are located on Foster Lane and Century Avenue. Three homes were constructed by City Fields. These homes are located on Blythe Avenue, Chippewa Avenue, and Jacobs Street.

FAIR HOUSING EFFORTS

- Fair Housing Booklets are provided to all Habitat for Humanity clients.
- Fair Housing Booklets are provided to all City Field clients.
- Fair Housing materials were posted on the City of Cleveland's Facebook page.
- The City distributed Fair Housing violation examples to partner agencies
- A large Fair Housing poster was on display in the Cleveland Municipal Building to promote Fair Housing Month in April.
- City staff attended THDA's Housing Needs meeting and the THDA 2025 Housing Conference.
- Costs associated with any Fair Housing efforts were paid through Administration funds.
- Fair Housing information is available on the City of Cleveland website.

Mayor Brooks asked if anyone would like to speak in favor of the report. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 a request by multiple property owners for consideration of an ordinance to zone about 22 acres, more or less, for property located at Williams Street from R-1 Single Family Residential Zoning District to PUD Planned Unit of Development Zoning District and includes Tax Map 050I Group E Parcels 004.00, 020.00, 021.00, 023.00, and 025.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Varnell stated this zoning item was previously discussed several weeks back concerning the undisturbed buffer on the western edge of the property and the infrastructure improvements that were required. We required a left turn lane into the development and the site access will be moved to Neely Circle and a portion of Williams

Street will be abandoned. Neely Circle itself will need improvements, and the elevation of the road will be raised to improve site distance. Councilman Moore asked how many cars can fill the turn lane. Mr. Varnell stated it will be determined during the site review process and approved by the Transportation Engineer. Councilman Cassada inquired about the history of the rezoning. Mr. Varnell stated the original proposal submitted had 160 units on both sides of Williams Street on what was a 15' setback with no infrastructure improvements. In cooperation with the applicant, we began working on the buffer for Woodchase Subdivision, which includes additional plantings where needed in gaps. Originally, Planning Commission voted against it and after some thought and staff suggestions it was resubmitted with additional buffers and infrastructure upgrades. It was then approved by Planning Commission. Vice Mayor Webb asked if the developer was funding the infrastructure improvements. Mr. Varnell stated yes, and they understand they will have to install the improvements before any building permits will be issued. Mayor Brooks asked if anyone would like to speak in favor of the request. Patrick Howell with Multi-Land Company stated we came up with a plan to save 64% of the greenspace and cluster buildings in certain areas. The heights of the buildings will be the same as single family homes. There is a 50' undisturbed buffer adjacent to Woodchase. We believe it is a great plan and fit for Cleveland. He appreciates staff working with him and traffic consultants for a great townhome product that is needed. Mayor Brooks asked if anyone would like to speak in opposition to the request. Franklin Chancey, who lives in Woodchase Subdivision stated he is not exactly here in opposition of the PUD. He doesn't have objections about the type of housing or even the number. However, he does have great concerns about the traffic issues. Respectfully, he and several neighbors do not feel the traffic management for this project, and for the city to be honest, has been adequately addressed. There has been rapid growth east on 20th Street, on Michigan Avenue and the amount of traffic now funneling toward the Mayfield School zone has grown astronomically over the last five years and will continue as development continues to take place. Just as you have an obligation and responsibility to promote growth and prosperity in Cleveland, you have an equal obligation to promote safety for the citizens associated with the growth. This is where this plan needs additional work. A traffic study has been submitted to the developer, who has clearly put a lot of work into it but feels the traffic study does not remotely address the issues we have discussed. We have multi lanes funneling into a single lane down a hill before you get to the area that will be impacted by the PUD. People do not drive 35mph, they drive 50mph and there are going to be more accidents. The only suggestion made is a 50' turning lane. Respectfully, that is 3-4 vehicles. If you are eastbound, rush hour traffic, if there are more than 4 vehicles there, people topping the hill could drive right into them. That safety concern has to be addressed. The study doesn't address the impact of adjacent streets like Joy, Carolina or Baugh. There are currently blind spots now when you make turns. You cannot see traffic coming in the opposite direction. We continue to funnel more traffic into an area that was never intended to have this much traffic. It's great that the city is growing but traffic needs to be addressed. Additionally, this is an area that was made to be more pedestrian friendly, which lots of families take advantage, but you are going to put them at further risks. He asked that additional steps be taken into consideration before voting on this item. Mr. Chancey then asked that the letter distributed from Steve Ratterman be included in the minutes. Mr. Howell thanked Mr. Chancey for his comments and stated they have gone through great lengths with national traffic consultants on board and submitted two traffic studies. We've tried to address the traffic issues and committed to a turn lane and significant improvements. We believe with the townhome product; it will be much less traffic and fewer cars than R1 zone. This will be a twelve-to-eighteen-month project and we still have to submit final drawings and analysis and we are committed to building something safe for our citizens. Mayor Brooks declared the public hearing to be closed.

Mr. Fivas clarified the PUD ordinance includes the vegetative buffer shall be installed and approved by the planning director prior to the issuance of the first building permits. Also, road improvements to Neely Circle and the Development road shall be in place prior to the issuance of the first building permit. by the developer shall be in place prior to the issuance of the first building permit. During construction, all traffic must enter the site from Neely Circle. Access to the development site from Williams Street is strictly prohibited.

Steve Ratterman
2025 Woodchase Close NE
Cleveland, TN 37311

August 22, 2025

Cleveland Mayor and City Council
City Hall
Church St.
Cleveland, TN 37311

Re: Pointe Grand Development & Williams St / 20th Street

Dear Mayor and Council:

My apologies that I could not be present for the meeting today. I am at a conference for business in Indianapolis, unfortunately. I appreciate Franklin Chancy delivering this letter.

I did want to share my ongoing concern related to the proposed development on Williams St., which was recently approved by the City Planning Commission. I understand that the property owners in Woodchase Subdivision, who would be most impacted by the development, are now comfortable with the plan submitted by the developers. I applaud them for working together for a solution.

That said, Lucy and I, and many of our neighbors continue to have concerns related to the additional traffic that this development will add to 20th Street NE. We recognize that the developer provided a traffic study related to this development. We also recognize that the new plan calls for Williams St. to be re-routed to Neeley Circle to minimize the issues that come with three streets, and numerous driveways, connecting to 20th St. within 100 feet. Neeley Circle has its own challenges and is not designed to carry this kind of traffic, so that is a whole other issue. With these considerations we believe that the development is going make a bad traffic situation an even more dangerous problem.

Let us start with the traffic study. As many of you are aware, I had the honor to serve our great community as both Commissioner of Public Works and as a City Council Member. In that capacity, I have had numerous opportunities to review and consider traffic studies. Admittedly, I am not a traffic engineer, but I have sincere and serious concerns about this study. On face the numbers do not make sense. Let's just look at the assumptions of the

study. First, I believe that the development has been approved for either 135 or 140 units, not the 134 noted in the study. If one assumes two adults per unit, some will undoubtably have more some less, but let's assume the majority will have 2 adult occupants. Each of those individuals will undoubtably have a car and work. Again, we are making assumptions, then so did the engineers.

If we multiply 135 units by 2 cars per unit, we get a total of 270 rush hour trips during the peak hours going in and out. We all recognize that most everyone goes to work at the same time each day but may not come home at the same time due to errands and other things. So, let's just focus on the morning assumptions just to show how the traffic study doesn't make sense. We have 270 vehicles leaving at peak hour and the study shows a total of 64. Even if we cut the number of vehicles in half, which I think any reasonable person would think undercounts the traffic, there would still be more than twice the number of vehicles leaving at the peak morning time than the study shows. How in the world can you put any faith into this study? It does not meet the simplest test of logic, the numbers do not add up.

When one then considers that no matter what road design you approve for how Williams St. joins/empties on to 20th Street, 20th Street is still a road which has terrible line of sight distances, with too much traffic today, most of which drives entirely too fast. Unfortunately, when I am not paying attention, I catch myself driving too fast because of how easy it is to pick up speed on the hills in that area of 20th Street and I try to be aware because I know how dangerous that area is.

If the City approves this development with no plan on how to deal with the traffic that is going to come with it, then you are not fulfilling your duties. In fact, I would contend, that you will allow a situation that puts the City at risk of liability lawsuits because you allowed a situation to develop that any reasonable person would recognize as dangerous. You have a school zone with a dangerous line of sight, you have people walking next to a road that people drive too fast on, and if something happens there is nowhere for a vehicle to go. It is a disaster waiting to happen today and then you are going to add 200+ vehicles, just in the morning, to this mix?

I have not even included the development going on in the county in the Michigan Avenue area, and we all know what that looks like. Between Highway 60 and Stuart Road there are only two east-west corridor streets, 20th NE and Benton Pike. Neither were designed for the amount of traffic that currently crosses them daily. Again, please apply some common sense to this situation.

I could go on with the challenges here and would be happy to sit down with any of you willing to listen. I recognize, that the City has few options here due to existing codes. I also, recognize that what has been agreed to is better than other options for this property. What we are asking you to do is put a plan in place to minimize the impact to the traffic problems on 20th Street. The developer and the City should both have to work together to come up with a plan and that plan needs to be more than re-routing Williams St., and the developer should contribute to the global plan. It is not going to be easy or cheap. We appreciate the work that was done on 20th St. just a few years ago. It has helped tremendously, especially for the pedestrian traffic, of which there is a lot. Due to Right of Way challenges, line of sight challenges and volume this is going to take imaginative problem-solving, time and money to resolve.

Not resolving these issues is not an option. Not doing so would be a dereliction of duty. I stand ready to be part of the solution to help find the best answer to a complex problem, but we cannot ignore the problem.

Thank you for your time today and your service to our community. I know how hard it is.

Regards,

Steve Ratterman

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented to the Council during the Work Session. Councilman Estes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Cassada. Councilman Estes stated he was absent for the first reading of Zoning Ordinance 2025-42 but fixing 20th Street puts the emphasis is on us. We have a developer that is going to assist financially. 20th Street, even as is, is not safe. You can have it R-1 and dump all the cars there, but it's on us. If that means cutting the hill down but the Planning Commission was very clear this a bigger issue than the zoning of 22 acres. Upon roll call, the motion passed 7-0. Councilman Goff stated he would like to recuse on Zoning Ordinance 2025-44.

- **Final Passage - Ordinance 2025-30** – heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 399; Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to add section 2.4 UR-1 Urban Single Family Residential Zoning District as a zoning designation and to renumber the affected sections for clarity and consistency (Planning Commission: Approved 7-0; 2 absent.
- **Final Passage - Ordinance 2025-31** – heretofore passed on first reading June 9, 2025 and found in Minute Book 32, Page 406; Concerning a request by City of Cleveland or consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete section 2.21 ISE District and replace with section 2.22 UMUC Urban Mixed-Use Corridor Zoning District as a zoning designation (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2025-42** - heretofore passed on first reading July 28, 2025 and found in Minute Book 32, Page 487; Concerning a request by multiple property owners for consideration of an ordinance to zone about 22 acres, more or less, for property located at Williams Street from R-1 Single Family Residential Zoning District to PUD65 and includes Tax Map 050I Group E Parcel 004.00, 020.00, 021.00, 023.00, and 025.00. (Planning Commission: 8-0; 1 absent).
- **Final Passage - Zoning Ordinance 2025-44** – heretofore passed on first reading August 11, 2025 and found in Minute Book 32, Page 528; Concerning a request by HAD Properties (Dustin Jinks) for consideration of an ordinance to zone about 3.27 acres, more or less, for property located at Bower Lane SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Residential and includes Tax Map 065C Group B Parcel 007.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused),
- **Final Passage - Zoning Ordinance 2025-45** – heretofore passed on first reading August 11, 2025 and found in Minute Book 32, Page 530; Concerning a request by Alvin Calhoun for consideration of an ordinance to zone about .18 acres, more or less, for property located at 800 Harrison Pike from CH Highway Commercial to R-3 High Density Single and Multi-family and includes Tax Map 049N Group C Parcel 011.00 (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Ordinance 2025-46** – heretofore passed on first reading August 11, 2025 and found in Minute Book 32, Page 531; Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, to delete Table 1 Uses and Zoning Districts (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Ordinance 2025-47** – heretofore passed on first reading August 11, 2025 and found in Minute Book 32, Page 534; Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 3.1.A Table 2 Lot Area & Width Requirements to include a 50-foot lot width at the setback line for single family residential dwellings and to amend density requirements to 5,000 square feet for the first unit and 2,500 square feet for each additional unit in the R-3 High Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent).

- **Final Passage - Ordinance 2025-48** – heretofore passed on first reading August 11, 2025 and found in Minute Book 32, Page 536; Concerning a request by City of Cleveland to amend Cleveland City Municipal Code, Appendix C, Zoning Ordinance by revising section 2.3.1 Uses allowed so as to provide for specific regulations regarding cluster subdivisions within the R-1 Single Family Residential Zoning District which restricts development from exceeding the density permitted under standard R-1 zoning regulations (Planning Commission: Approved 8-0; 1 absent).
- **Resolution 2025-70** – Authorizing the Mayor to sign an agreement with Civil & Environmental Consultants, Inc for consulting services for the Stormwater Division to conduct a Visual Stream Assessment as required by TDEC).

RESOLUTION 2025-70

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH CIVIL & ENVIRONMENTAL CONSULTANTS, INC. FOR A VISUAL STREAM ASSESSMENT AS REQUIRED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

WHEREAS, the City Manager and the City's Stormwater Program manager are recommending to the City Council that the City enter into a professional services agreement with Civil & Environmental Consultants, Inc. to provide for a visual steam assessment in accordance with the City of Cleveland's MS4 Stream Monitoring Plan which has previously been adopted and approved by the Tennessee Department of Conservation and Environment; and

WHEREAS, the City Council desires to approve the attached agreement with Civil & Environmental Consultants, Inc., and to authorize the Mayor to execute the attached professional services agreement 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 attached agreement with Civil & Environmental Consultants, 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 25th day of August 2025.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

- **Resolution 2025-71** – Authorizing the City to purchase turnout gear with Viking Life-Saving Equipment Inc through a Master Intergovernmental Cooperative Agreement.

RESOLUTION 2025-71

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #010424-VKN, AS AMENDED, WHICH IS ADMINISTERED BY SOURCEWELL, A STATE OF MINNESOTA LOCAL GOVERNMENT AGENCY AND SERVICE COOPERATIVE.

_____

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 equipment, products or services between Viking Life-Saving Equipment (America) Inc. ("Company") and Participating Entities in cooperation with Sourcewell, a State of Minnesota local government and service cooperative, on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with Sourcewell 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 #010424-VKN, as amended, held by Sourcewell 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 equipment, products or services as a participating public agency under MICPA Contract #010424-VKN, as amended, held by Sourcewell as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through Sourcewell to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-72** – Authorizing the Mayor to sign an agreement with AT&T for utility relocations on Church Street from 1st Street NE to 1st Street SE

RESOLUTION 2025-72

WHEREAS, the City has received the attached Letter of Agreement for Custom Work and Fixed Cost Government Agreement for with Bellsouth Telecommunications LLC d/b/a AT&T Southeast (hereafter AT&T) to transfer overhead utility lines to underground conduit along Church Street from 1st Street NE to 1st Street SE, and then east of Church Street SE for about 125 linear feet; and

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

This 25th day of August 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-73** - Approval of the FY2024-25 Consolidated Annual Performance Evaluation Report (CAPER)

RESOLUTION 2025-73

A RESOLUTION APPROVING THE 2024-2025 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the City Council of the City of Cleveland, Tennessee passed a Resolution approving the 2024-2025 Annual Action Plan; and

WHEREAS, the 2024-2025 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 2024-2025 Consolidated Annual Performance Evaluation Report; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the 2024-2025 Consolidated Performance Evaluation Report (CAPER) and authorizes the submission to the United States Department of Housing and Urban Development (HUD)

Approved 25th day of August 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Report** – Basketball and Cheer Uniforms

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 25, 2025**
RE: **Bid Summary – Basketball and Cheer Uniforms**

SUMMARY:
The City advertised to accept sealed bids on August 19, 2025, for basketball and cheer uniforms for the recreation and competitive leagues. Bids are listed below.

- Jersey Sportswear, LLC **$24,315.00**
- Kalci Soccer, LLC **$27,093.50**
- 27Sports **$32,259.00**
- Contractor Specialties, LLC **$52,347.95**
- BSN Sports **$40,516.00 (Basketball Only)**
- Varsity Spirit Fashions & Supplies, LLC **$13,456.24 (Cheer Only)**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
Staff recommends awarding the contract to low bidder, Jersey Sportswear.

- **Bid Report** – Drainage Pipe

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 25, 2025**
RE: **Bid Summary – Drainage Pipe**

SUMMARY:
The City received sealed bids for drainage pipe for the Public Works Department on August 19, 2025. Staff recommends awarding contracts to Bradley Tank & Pipe, Wholesale Supply, and Ocoee Steel.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends approval.

- **Motion** – Authorizing a lease agreement with Bank of Cleveland for a parking lot located on Broad Street

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 25, 2025**
RE: **Parking Lease with the Bank of Cleveland**

SUMMARY:
This lease with the Bank of Cleveland would allow City employees and other designees to park in this Broad Street parking lot when the Cleveland Civic Center is opened next year. The City does not have a cost for this parking, but we are required to pave this parking lot and repair the 2nd Street wall.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to adopt this lease agreement with the Bank of Cleveland.

LEASE AGREEMENT

This Lease Agreement is entered into effective January 1, 2025, by and between the Bank of Cleveland, hereinafter referred to as "Lessor," and the City of Cleveland, Tennessee, hereinafter referred to as "Lessee." Lessor and Lessee are hereinafter collectively referred to as "the parties."

WHEREAS, the Lessor is the owner of two adjoining parcels of real property located in Cleveland, Bradley County, Tennessee which are generally identified as 20 Broad Street, Cleveland, Tennessee 37311, Tax Identification Number 049M-V-001.00 and also Broad Street, Tax Identification Number 049M-V-008.00; and

WHEREAS, Lessee desires to lease a portion of the unimproved sections of these two adjoining parcels from the Lessor for the purpose of allowing the Lessee to maintain a parking lot for employees of the City of Cleveland and employees of the Lessor; and

WHEREAS, the parties desire to set forth their agreement in writing.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein set forth herein, and other good and valuable consideration, the Lessor does hereby lease to the Lessee, and the Lessee does hereby lease from the Lessor, the following land situated in Cleveland, Bradley County, Tennessee more particularly and specifically described in the Exhibit(s) attached hereto and hereby incorporated herein by reference. This land is hereafter referred to herein as the "Leased Premises."

SECTION 1. LEASED PREMISES.
The Leased Premises is that area of land depicted and described on Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. LESSOR'S CAPACITY TO EXECUTE AGREEMENT.
Lessor represents and warrants to Lessee that Lessor has the full and lawful authority to enter into this Lease.

SECTION 3. ENCUMBRANCES
Lessor has no knowledge of any leases, rights of way, easements, encroachments, covenants, exceptions, restrictions, or encumbrances on the leased premises except for those described on Exhibit A which is attached hereto and incorporated herein by reference.

SECTION 4. QUIET ENJOYMENT
Lessor covenants that Lessee, upon performing and observing the covenants to be observed and performed by Lessee under this Lease, shall peaceably hold, occupy, and enjoy the leased premises during this Lease without interference by Lessor or by any other person whomsoever claiming by, through or under the Lessor.

SECTION 5. TERM
(A) Initial Term.

The initial term of the Lease (the initial term) shall be ten (10) years, commencing on January 1, 2025, and ending on December 31, 2034.

(B) Renewal Terms.
Lessee shall have the absolute right to renew this lease for one (1) five-year term after the initial ten-year term. The lease shall automatically renew for these additional terms unless the Lessee provides written notice to the Lessor that it does not desire to renew this lease. Unless written notice is given to the Lessor by the Lessee that it does not desire to renew the lease, then the renewal terms shall be as follows:

The renewal term of five years will automatically commence on January 1, 2035, and shall end on December 31, 2039.

SECTION 6. RENT
(a) Rent for initial term and two consecutive five-year terms thereafter.

The total rent for the initial lease term of ten years and the five-year term which extends to December 31, 2039 shall be a lump sum amount of Ten ($10) Dollars per year.

The parties agree that this annual rental payment shall be paid within thirty days of the beginning of this lease, and annually thereafter for as long as this Lease remains in effect.

SECTION 7. PAYMENT OF REAL PROPERTY TAXES
Lessor shall be responsible for the payment of any property taxes levied or assessed against the Leased premises.

SECTION 8. USE OF THE LEASED PREMISES
During the initial term of this lease or any renewal term, Lessee shall use the leased premises for parking for its employees and the Bank of Cleveland.

Before November 30, 2026, Lessee shall resurface the parking lot in Exhibit A, add striping, and repair the erosion area along First Street with a wall and stabilization. Lessee shall only allow City parking in the areas as indicated in exhibit A. The remaining parking spaces shall be for Bank of Cleveland, or its designees. Lessee is responsible for any pavement maintenance of the parking lot while under the lease conditions. For the length of lease, the City shall always have egress/ingress to the designated parking area.

Lessee is also permitted, but is not required, to install lighting on the leased premises. If Lessee elects to install lighting, it will be at the Lessee's expense.

Lessee shall not make other alterations or improvements to the leased premises without the prior written consent of Lessor.

All alterations, additions, or improvements made by Lessee to the leased premises shall become the property of Lessor at the termination of this Lease.

SECTION 9. MAINTENANCE OF LEASED PREMISES
Throughout the initial term of this Lease or any renewal term, Lessee shall, at its expense, maintain the leased premises and keep it free from waste or nuisance, and shall at the termination of this Lease deliver up the leased premises in good repair and condition, except for reasonable wear and tear.

In the event Lessee should neglect to reasonably maintain the leased premises, Lessor shall have the right, but not the obligation, to cause repairs or corrections to be made, and any reasonable costs therefore shall be payable by Lessee to Lessor as an additional expense.

SECTION 10. ASSIGNMENT AND SUBLEASE
Lessee shall not have the right to assign this Lease nor sublet the leased premises, or any part thereof, or any right or privilege pertinent thereto, without Lessor's prior written permission.

SECTION 11. INSURANCE
Lessee agrees to secure from a good and responsible company or companies doing insurance business in the State of Tennessee and maintain during the entire term of this Lease, the following insurance coverage:

(a) Liability insurance in an amount consistent with the limits of the Tennessee Governmental Tort Liability Act, as those limits may be amended from time to time.

(b) Casualty Insurance on the Lessee's fixtures or improvements in or on the leased premises in an amount determined by the Lessee.

Lessee agrees that Lessor shall be named as an additional insured on any policy or policies of liability insurance covering the leased premises.

Since Lessor shall remain the owner of the leased premises during the term of this lease or any extension thereof, Lessor shall also maintain its own liability insurance on the leased premises in an amount determined by the Lessor.

SECTION 12. DEFAULTS AND REMEDIES

All rights and remedies of Lessor and Lessee under this Lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefore arises.

SECTION 13. WAIVER.
No waiver by the parties hereto of any default or breach of any term, condition or covenant of this Lease shall be deemed to be a waiver of any other breach of the same or any other term, condition or covenant contained herein.

SECTION 14. NOTICES
All written notices required to be given under this Lease shall be given by certified mail, return receipt requested, addressed to the proper party, at the following address:

Lessor:
City of Cleveland, Tennessee
P.O. Box 1519
Cleveland, Tennessee 37364-1519
Attention: City Manager

Lessee:
Bank of Cleveland
P.O. Box 5000
Cleveland, Tennessee 37320-5000
Attention: R. Scott Taylor

SECTION 15. MISCELLANEOUS
Each and every covenant, term, condition, and obligation contained in this Lease shall apply to and be binding upon and inure to the benefit or detriment of the respective legal representatives, successors and assigns of Lessor and Lessee. The term successors and assigns shall include a subsequent purchaser or owner of the Lessor's property. Whenever reference to the parties hereto is made anywhere in this Lease, such reference shall be deemed to include the legal representatives, successors and assigns of Lessor and Lessee, and any subsequent owner or purchaser of Lessor's property.

This Lease shall be construed under and in accordance with the laws of the State of Tennessee, and all obligations of the parties created hereunder are performable in Bradley County, Tennessee.

In case any one or more of the provisions contained in this Lease shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Lease shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

This Lease constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements or discussions between the parties respecting the within subject matter.

No amendment, modification, or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the effective date hereof, and duly executed by the parties hereto.

Each party hereto agrees to execute, acknowledge, deliver, file, or record such further certificates, instruments, or documents, and to do all such other acts and things as may be required by law or as may be necessary or advisable to carry out the intention and purposes of this Lease.

This document shall be considered as jointly prepared by the respective attorneys for the parties hereto and there shall be no presumption against either party in the event a court determines that this agreement contains any ambiguous terms or conditions.

SECTION 16. CONDITIONS PRECEDENT

This Agreement will only become effective when the following conditions are met:

(a) This agreement must be approved by a Resolution of the City Council of the City of Cleveland, Tennessee.

(b) This agreement must be approved by a vote of the Lessor's Board of Directors which written approval will be furnished to the Lessee.

BANK OF CLEVELAND
By:_____
_____
Title

STATE OF TENNESSEE
COUNTY OF BRADLEY
Before me,_____, a Notary Public in and for the State and County aforesaid, personally appeared_____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the _____of the BANK OF CLEVELAND, the within named bargainor, a corporation, and that he as such _____ executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as _____.
WITNESS my hand and seal at office this the _____ day of _____, 2024.

_____
Notary Public
My Commission expires: _____

CITY OF CLEVELAND, TENNESSEE
BY_____
Kevin Brooks, Mayor
ATTEST:

_____
City Clerk

STATE OF TENNESSEE
COUNTY OF BRADLEY
Before me,_____ a Notary Public in and for the State and County aforesaid, personally appeared KEVIN BROOKS, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the MAYOR of the CITY OF CLEVELAND, TENNESSEE, the within named bargainor, a municipal corporation, and that he as such MAYOR, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the cooperation by himself as MAYOR.

WITNESS my hand and seal this _____day of _____, 2024.

_____
Notary Public
My Commission expires:_____

- **Change Orders** – Jim Sharp Park

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **August 25, 2025**
RE: **Jim Sharp Park**

SUMMARY:
Attached are three change orders to cover additional work at Jim Sharp Park.

Change Order #4 – Removal of additional rock discovered below grade while excavating for the playground

Change Order #7 – Upgraded the epoxy floor to a better product matching the product used in recent restroom renovations at other parks.

Change Order #8 – Includes the addition of the re-designed entrance sign presented to City Council in a previous session, a retaining wall required to accommodate Cleveland Utilities light pole on site, addition of code required handrails not included by Kimley Horn in original drawings, additional fencing for playground safety

- **Change Orders** – Tinsley Improvements

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **June 24, 2024**
RE: **Tinsley Park Pickleball – Change Orders #3,4,6,7,8**

SUMMARY:
Attached are change order to cover additional work at the Tinsley Park Pickleball Project.

Change Order #3 – Unit price for undercut and replacing unsuitable soils as directed by geotechnical engineer.

Change Order #4 – Re-routing existing storm drain to avoid structural footing for covered courts.

Change Order #5 – VOID, not used

Change Order #6 – Additional stone required to raise grade

Change Order #7 – Skirt draining for court drainage

Change Order #8 - Additional fencing to accommodate recommendation for separation of courts in covered area

- **Change Orders** – Cleveland Civic Center

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **August 25, 2025**
RE: **Cherokee Hotel Project – Change Orders**

SUMMARY:
Attached is a list of change orders for the Cherokee Hotel building project.

The work included in these change orders includes further development of items that were included in the original bid package and unforeseen items.

The original bid package included unit values for area such as wall refinishing that the full extent was unknown. These change orders include the implementation of those unit values into total costs.

Full details are included in the documents prepared by MHM.

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **August 25, 2025**
RE: **City Council Project – Change Orders and Shell Substantial Completion**

SUMMARY:
Attached is a list of change orders for the City Council building project.

The work included in these change orders includes modifications to the water line, modifications to the sewer line, structural reinforcement under a concrete ramp removed from the old car shop, and additional joist and decking modification.

The full scope of work is outlined in the document prepared by the architect.

This also closes out the City Council shell project, as this work is substantially complete. The certificate of substantial completion is also included in these attached close-out documents. Work has now shifted to the interior-build out of the space.

- **Appointment** - *Shade Tree Board* - Andrew Dinsmore to fill the unexpired term of Milan Blake to expire August 2026.
- **Appointment** – *Shade Tree Board* – Jimmy Isom to fill the unexpired term of Tim Henderson to expire August 2026.
- A**ppointment** – *Shade Tree Board* – Cindi Richardson to fill the unexpired term of Ray Gardner to expire August 2026.

UNFINISHED BUSINESS

Councilman Goff moved to approve in support of final passage of Ordinance 2025-43; Concerning a request by Spring Brook Community Developers LLC for consideration of an ordinance to amend PUD 4 located along 25th Street to include multi-family as a permitted use in the town center and business park area without a commercial component on the first floor, allow 4 story structures in the town center area and 3 stories in the business park area, and modify parking requirements (includes Tax Map 050A Group R Parcel 001.00 and Tax Map 050H Group G Parcel 001.04) (Planning Commission: Approved 6-0; 1 passed, 2 absent) (City Council: Motion to approved failed 4:2). The motion to approve was seconded by Councilman Moore. Upon roll call, Councilman Goff, Councilman Moore and Councilman Estes voted yes. Vice Mayor Webb, Councilwoman McKenzie, Councilman Cassada, Councilman May voted no. The motion to approve failed.

REPORTS OF COUNCIL MEMBERS

Councilman Goff had no report at this time.

Vice Mayor Webb had no report at this time.

Councilman Moore had no report at this time.

Councilwoman McKenzie had no report at this time.

Councilman Estes thanked Cathy Andrews for her work on the CAPER. Code Enforcement has really changed in the Second District, particularly the CDBG area, over the last couple of years. It has become so efficient and thanks to all involved. Secondly, he encouraged everyone to go to Blythe and look at the Futsal Court. He asked everyone to keep this in mind for other parks throughout the city. He then thanked Seth Sumner for the nomenclature "Newfield for Oldfield". It is a great play on words. Lastly, he thanked Chief Bates, Chief Gibson and the departments for participating in the Great Strides Walk over the last 25 years. March will be the last event. It has been very successful and thank you to all who have supported and participated over the years.

Councilman Cassada distributed a copy of an ad in the *Cleveland Daily Banner* concerning the upcoming changes to wastewater cost from Cleveland Utilities and asked that it be included in the minutes.

Wastewater Cap Family Impact

The following information is from Cleveland City Councilman Tom Cassada to inform his constituents of upcoming changes to wastewater cost.

How Families Will Be Affected

Families using more than 14 CCF (1 CCF = 748 gallons) per month for:
- Watering lawns and gardens
- Washing vehicles
- Filling pools or hot tubs

Beginning **July 1, 2026,** Cleveland Utilities will **eliminate the 14-unit wastewater billing cap.** All water used will be billed for sewer—even if it doesn't go down the drain.

Example Family Impact

Usage Scenario	Water Used	Sewer Cost (@ ~$5.19/CCF)
Before (With Cap)	14 CCF	$72.66
After July 2026	22 CCF	$114.18
Monthly Difference		+$41.52

How Families Can Avoid Overcharges

- Install an Irrigation Meter
Outdoor water tracked separately won't be billed for sewer. Cleveland Utilities is lowering installation costs beginning Sept 1, 2025.
- Watch for Leaks & Overuse
CU's Water Loss Protection Program ($2/month) helps prevent high surprise bills from leaks.
- Practice Smart Conservation
Use mulch, smart timers, and efficient watering habits.

Summary: What Families Should Know

Factor	Impact
High outdoor use	Increased sewer bills
Families with kids	Most at risk for higher costs
Irrigation meter	Significantly lower sewer charges
Monthly increase	Estimated $30–$60 in summer

Need Help? Contact Cleveland Utilities at (423) 472-4521 or visit www.clevelandutilities.com to learn about irrigation meters and rate calculators.

Councilman Cassada then stated he wanted to take a moment to read the following statement. Joe, I want to take a moment to publicly thank you for the many wonderful things you have done over the years to improve the quality of life for both the citizens and the staff of Cleveland – Under your leadership, our city has become a true leader in our state – bless with top-quality assets such as the improvements to Inman Street, the beautiful upgrades to Johnston Park, the additions to our Greenway, and the many enhancements to our roads, public safety, and public works. You have also been a strong supporter of the Council, always willing to provide what we need to serve our constituents well. I feel truly fortunate to work alongside someone who understands the challenges and responsibilities of public service – someone who can navigate the ups and downs while keeping a balanced approach in serving our community. I also recognize that part of effective leadership is having the wisdom to say "no" when it's in the best interest of the city, and the vision to help shape positions and projects for long-term success. That's not an easy task, and you've done it with integrity, professionalism, and care. So Joe, I want to thank you – as Councilmember. I appreciate your hard work, your dedication, and your heart for this community. I look forward to seeing the great things you will continue to bring to the City of Cleveland in the future. Thank you. Mr. Fivas thanked Councilman Cassada and added we are just getting started. Every success is a lot of city employees working as a team and the Council providing direction and priorities. It is about team work and that's why we have success.

Councilman May had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented:

- **Ordinance 2025-49** – Amending Title 20 of the Municipal Code by adding a new chapter to prohibit camping or sleeping on public property within the city limits of Cleveland.

ORDINANCE 2025-49

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES OF CITY OF CLEVELAND, TENNESSEE, BE AMENDED BY AMENDING TITLE 20, MISCELLANEOUS, TO ADD A NEW CHAPTER PROHIBITING CAMPING OR SLEEPING ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF CLEVELAND IN ORDER TO PROVIDE FOR THE CONTINUED SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF THE CITY OF CLEVELAND, TENNESSEE.

WHEREAS, the City of Cleveland desires to provide for the continued safety, health, and welfare of the citizens and businesses; and

WHEREAS, due to an increase in homeless camping and sleeping in public places, it has become necessary to pass an ordinance prohibiting the same; and

WHEREAS, the same being constitutional as found in *City of Grants Pass v. Johnson* 603 U.S. 520 (2024).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee:

TITLE 20-CAMPING OR SLEEPING ON PUBLIC PROPERTY OR WITHIN DOORWAYS ABUTTING A PUBLIC SIDEWALK WITHIN THE CITY LIMITS OF THE CITY OF CLEVELAND

SECTION 20-1501: DEFINITIONS.

SECTION 20-1502: SLEEPING ON SIDEWALKS, STREETS, ALLEYS, or WITHIN DOORWAYS PROHIBITED

SECTION 20-1503: CAMPING ON PUBLIC PROPERTY PROHIBITED

SECTION 20-1504: REMOVAL OF CAMPSITE ON PUBLIC PROPERTY

SECTION 20-1505: DISPOSITION AND RELEASE OF PERSONAL PROPERTY

SECTION 20-1506: CIVIL PENALTIES FOR VIOLATIONS OF THIS CHAPTER

SECTION 20-1507: MITIGATION

SECTION 20-1501: DEFINITIONS.

Unless the context requires, otherwise the following definitions apply to this Ordinance.

A. “To Camp” means to set up or remain in or at a campsite.

B. “Campsite” means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

SECTION 20-1502: SLEEPING ON SIDEWALKS, STREETS, ALLEYS, or WITHIN DOORWAYS PROHIBITED

A. No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.

B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

SECTION 20-1503: CAMPING ON PUBLIC PROPERTY PROHIBITED

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly owned property or under any bridge or viaduct, unless:

(i) otherwise specifically authorized by the Cleveland Municipal Code, or

(ii) by a formal declaration of the Mayor in emergency circumstances, or

(iii) upon Council resolution, the Council may exempt a special event from the prohibitions of this section, if the Council finds such exemption to be in the public interest. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any liability, damage or expense incurred by the City as a result of activities of the applicant. Any findings by the Council shall specify the exact dates and location covered by the exemption.

SECTION 20-1504: REMOVAL OF CAMPSITE ON PUBLIC PROPERTY

Upon discovery of a campsite on public property, a citation of those within the campsite by the Cleveland Police Department may occur followed by removal of the campsite by the Cleveland Public Works Department under the following circumstances:

A. Prior to removing the campsite, the City shall post a notice, 24 hours in advance; and

B. At the time a 24-hour notice is posted, the City shall inform a local agency (delivering social services to homeless individuals) of the location of the campsite; and

C. After the 24-hour notice period has passed, the Cleveland Public Works Department is authorized to remove the campsite and all personal property related thereto with supervision of the Police Department to ensure no breach of the peace occurs.

SECTION 20-1505: DISPOSITION AND RELEASE OF PERSONAL PROPERTY

For purposes of this Chapter, "personal property" means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and/or items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Cleveland Police Department until an alternate disposition is determined. All personal property removed from the campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the City of Cleveland for a minimum of thirty (30) calendar days, during which time it shall be reasonably available for and released to an individual confirming ownership.

20-1506: CIVIL PENALTIES FOR VIOLATIONS OF THIS CHAPTER

A violation of any section or provision of this chapter is hereby declared to be unlawful and shall be punishable by the imposition of a civil penalty in an amount not to exceed fifty dollars ($50), plus court costs and litigation tax as provided for in the Cleveland Municipal Code. Each day of violation of any section or provision of this chapter shall constitute a separate offense.

This civil penalty is in addition to any other remedy allowed by the provisions of this chapter or otherwise allowed by law.

SECTION 20-1507: MITIGATION

Upon conviction of a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, rubbish and garbage from the campsite after being informed of the violation of the law.

SECTION 2. That this Ordinance shall be effective immediately upon 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 Moore moved that Ordinance 2025-49 be voted for passage on first reading. The motion was seconded by Councilman Goff. Councilman Estes asked if this ordinance was patterned on other municipalities. Mr. Fivas replied yes, Athens. Councilman Estes added this is not a catchall. Councilman Moore asked will this help the Police Department. Chief Gibson stated the fair balance of discretionary and how you would utilize this, so any mechanism or tool we have to have the authority to enforce laws and unlawful activity is important. We have options to offer homeless people and if you have groups not in compliance you still have some authority to direct them into those options. Vice Mayor Webb asked that Section 20-1502 heading have the word "Parks, including the Greenway" added. Secondly, he asked that in Section 20-1502(b) the language "abutting a public sidewalk" be removed. Mr. Kimball replied yes, for final reading the changes will be made. Councilman Estes stated he would like to continue working on the transitional housing and the 15-step Homelessness Action Plan. Upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-50** – Amending Title 3, Chapter 4, Section 3-401(1) of the Municipal Code pertaining to court costs in Cleveland Municipal Court.

ORDINANCE 2025-50

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF CLEVELAND, TENNESSEE, BE AMENDED BY REVISING TITLE 3, SECTION 3-401(1) OF SAID MUNICIPAL CODE PERTAINING TO COURT COSTS IN CLEVELAND MUNICIPAL COURT

WHEREAS, municipal court costs were established at $91.00 by virtue of Ordinance 2005-10 which was passed by the City Council on final reading in March of 2005; and

WHEREAS, municipal court costs have not changed since 2005; and

WHEREAS, Public Chapter 459 was signed into law by Governor Lee effective July 1, 2025, and this Public Chapter has increased that portion of municipal court costs that must be remitted by the City to the State Treasurer from $1.00 per case to $2.00 per case; and

WHEREAS, city staff is now recommending to the City Council that Cleveland Municipal Code Section 3-401, pertaining to court costs, be amended to increase the court costs from $91.00 to $95.00, in light of the fact that municipal court costs were last established twenty years ago and also due to the passage of Public Chapter 459; and

WHEREAS, the City Council desires to amend Section 3-401(1) of the Cleveland Municipal Code to increase the court costs from $91.00 to $95.00.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cleveland, Tennessee:

Section 1. That Title 3 Section 3-401(1) of the Code of Ordinances of the City of Cleveland, Tennessee, be amended by deleting the current language in Section 3-401(1) of the code and replacing it with the following:

3-401. Court Costs and Litigation Taxes.

(1) Court Costs

(a) Court costs for all non-parking offenses shall be $95.00.

(b) Court costs of $95.00 shall also be collected in parking cases which involve a violation of Cleveland Municipal Code Section 15-605(14) (Parking in a fire lane) or Cleveland Municipal Code Section 15-605(13) (Parking in a handicap zone).

(c) Court costs shall not be collected in any other parking cases.

(d) In each case that the City collects court costs, $2.00 of the court costs shall be remitted to the State of Tennessee in accordance with the provisions of the Municipal Court Reform Act of 2004 and specifically Tennessee Code Annotated 16-18-304, which statute was amended by Public Chapter 459 effective July 1, 2025.

Section 2. That this Ordinance shall be effective 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

Councilman May moved the Ordinance 2025-50 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0

The following Ordinance was then presented in full:

- **Ordinance 2025-51** – Amending Title 5, Chapter 4, Sections 5-403, 5-404 and 5-407 of the Municipal Code to incorporate recent changes to the City of Cleveland Purchase Procedures Manual.

ORDINANCE 2025-51

AN ORDINANCE TO AMEND TITLE 5, CHAPTER 4, PURCHASING DIVISION AND PROCEDURES SECTIONS 5-403, 5-404, AND 5-407 OF THE CLEVELAND MUNICIPAL CODE TO INCORPORATE RECENT CHANGES TO THE CITY OF CLEVELAND PURCHASE PROCEDURES MANUAL.

WHEREAS, the Tennessee General Assembly passed Public Chapter 457 on April 22, 2015, and the Chapter was signed by Governor Bill Haslam on May 18, 2015, and became law that day; and

WHEREAS, as enacted, Public Chapter 457 authorizes local governments with centralized purchasing authority and with a full-time purchasing agent to enact an ordinance to increase the threshold for when public advertising and sealed competitive bids are required to an amount not to exceed twenty-five thousand dollars ($25,000); and

WHEREAS, at its work session that occurred on July 27, 2015 the City Council was presented with a memorandum outlining the provisions of this new law, and the City Council now desires to pass an ordinance to amend Title 5, Chapter 4 of the Cleveland Municipal Code, Purchasing Division and Procedures, Sections 5-401 through 5-413, to incorporate these changes.

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

Section 1. Title 5, Chapter 4, Section 5-403 of the Cleveland Municipal Code be amended to read:

5-403. **Council approval of purchase unnecessary, when.** Where the amount of the requisition or check request form does not exceed twenty-five thousand dollars ($25,000.00), approval of the City Council shall not be necessary for the issuance of a purchase order or payment of a check request form or the execution of a contract. In no event shall a requisition, check request form, or contract be split or divided into two (2) or more with the intent of evading the necessity of having competitive bids and/or the necessity of obtaining the approval of the city council. At least three (3) written quotations shall be required whenever possible for purchases costing less than twenty-five thousand dollars ($25,000.00) but more than ten thousand dollars ($10,000.00). Purchases of like items shall be aggregated for purposes of the bid threshold.

Section 2. Title 5, Chapter 4, Section 5-404 of the Cleveland Municipal Code be amended to read:

5-404. **Expenditures requiring approval of the city manager.** Whenever any requisition or check request form or contract calls for the expenditure of less than twenty five thousand dollars ($25,000.00) and is more than Five Hundred Dollars ($500.00), the issuance of a purchase order or the payment of a check request form or the award of a contract shall be subject to the approval of the city manager or his designee, and shall not be binding on or create any liability against the city until approved as such. Such designation shall be contained in the purchasing manual. At least three (3) written quotations shall be required whenever possible for purchases costing less than twenty-five thousand dollars ($25,000.00) but more than ten thousand dollars ($10,000.00).Purchases of like items shall be aggregated for purposes of the bid threshold.

Section 3. Title 5, Chapter 4, Section 5-407 of the Cleveland Municipal Code be amended to read:

5-407. **Rental or Lease Expenditures.** The rental or lease of any equipment, materials, or vehicles, where the expenditure for the rental or lease period does not exceed twenty-five thousand dollars ($25,000.00), may be made by the purchasing agent with the approval of the city manager. At least three (3) written quotations shall be required whenever possible for a rental or lease costing less than twenty-five thousand dollars ($25,000.00) but more than ten thousand dollars ($10,000.00). But where the expenditure is more than twenty-five thousand dollars ($25,000), for rental or lease of equipment, materials or vehicles, there shall be competitive bids. Also, rental or leasing of items covered by the bidding process of federal, state government service contract prices, and other governmental entities, are exempted from competitive bids.

Section 4. 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 the Ordinance 2025-51 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Monday, September 1, 2025 in observance of Labor Day.
b. The next City Council meeting will be held on Monday, September 8, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:50 p.m.

_____ Mayor

_____ City Clerk

REGULAR SESSION
SEPTEMBER 8, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 8, 2025 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

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

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Annie Bryant, Senior Customer Representative; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Kim Miller; Human Resource Director; Rhonda Graham, Assistant Human Resource Director; Elizabeth Rogers; Hal Taylor, Jeff Elliott and Jodi Riggins with Cleveland City Schools; Eva VanHook; Jeremiah Million; Nathan Lewis; Scott Stinnett; Aaron Hicks; Isaac Haruo; Blair Allen; Matt Norfleet; Dan Maples; Chris Jones; Michale Glasgow; Bill Parks; Matt Godberg; Christy Goza; Eric Freeman; Micah Akins; Carolyn Buckner; Tim Rader; Doug Berry with the Chamber of Commerce; Joshua Woods; Alvin Dixon; Garrett Frye with Congressman Fleischmann's Office; Giselle San Juan, Jennifer San Juan, Josiah Shelton; Vaness Hammond; Connie Gatlin with Art is Here; Mark Holcombe with Evergreen Solutions and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Guinn Greene, Chaplain with the Bradley County Sheriff's Department, the following business was then entered into:

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

WAIVE READING OF MINUTES

Councilman May moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on August 25, 2025 and approve them as written. The motion was seconded by Councilman Cassada; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by Embark Developments for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 22.84 acres, more or less, for property located at Varnell Rd. from FAR/unincorporated county Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 057 Parcel 027.00 (Planning Commission: Approved 9-0). Robert Varnell stated this zoning request is for R-2 to build 28 single family homes on average lot sizes. Both Planning Commission and staff recommend approval. Vice Mayor Webb asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Webb asked if anyone would like to speak in opposition of the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 2.8.1.B to remove residential district from uses permitted and amend section 2.8.1.D Uses permitted on appeal to include upper-story residential (Planning Commission: Approved 9-0). Robert Varnell stated this is a cleanup item in the ordinance and removes residential uses from GC and CH but allows for some options. Planning Commission and staff recommend approval. Vice Mayor Webb asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Webb asked if anyone would like to speak in opposition of the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

CONSENT AGENDA

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

- **Final Passage - Ordinance 2025-49** – heretofore passed on first reading August 25, 2025 and found in Minute Book 32, Page 556; Amending Title 20 of the Municipal Code by adding a new chapter to prohibit camping or sleeping on public property within the city limits of Cleveland.
- **Final Passage - Ordinance 2025-50** – heretofore passed on first reading August 25, 2025 and found in Minute Book 32, Page 559; Amending Title 3, Chapter 4, Section 3-401(1) of the Municipal Code pertaining to court costs in Cleveland Municipal Court.
- **Final Passage - Ordinance 2025-51** – heretofore passed on first reading August 25, 2025 and found in Minute Book 32, Page 560; Amending Title 5, Chapter 4, Sections 5-403, 5-404 and 5-407 of the Municipal Code to incorporate recent changes to the City of Cleveland Purchase Procedures Manual.
- **Resolution 2025-74** - Authorizing the City to join the State of Tennessee and other local governments in amending the Tennessee State-Subdivision Opioid Abatement Agreement and approving the related settlement agreements (Amendment 7).

RESOLUTION 2025-74

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO JOIN THE STATE OF TENNESSEE AND OTHER LOCAL GOVERNMENTS IN AMENDING 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;

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");

WHEREAS, the City of Cleveland has previously joined settlements with multiple pharmaceutical distributors, manufacturers, and retail pharmacies;

WHEREAS, a proposed settlement has been reached that would address claims in the Purdue Pharma bankruptcy case and resolve claims against the Sackler family owners of the company (the "Purdue Settlement");

WHEREAS, proposed settlements have also been reached with eight other manufacturers: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus ("Eight Manufacturer Settlements");

WHEREAS, the City of Cleveland finds the Purdue Settlement and Eight Manufacturer Settlements acceptable and in the best interest of the community;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and it was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain opioid litigation settlements;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 302 during the 2025 Regular Session of the 114th Tennessee General Assembly and it was signed into law by Governor Bill Lee on May 2, 2025, which would apply the statutory provisions passed in 2021 to the Purdue Settlement and settlements with several additional manufacturers, if the agreements becomes effective;

WHEREAS, the State of Tennessee, non-litigating counties, and representatives of various local governments involved in the Opioid Litigation have adopted a unified plan for the allocation and use of certain prospective settlement and bankruptcy funds from opioid-related litigation ("Settlement Funds");

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement (the "Tennessee Plan"), attached hereto as "Exhibit A," sets forth the framework of a unified plan for the proposed allocation and use of the Settlement Funds;

WHEREAS, amendments to the Tennessee Plan, attached hereto as "Exhibit B," would extend its terms to the proposed Purdue Settlement and Eight Manufacturer Settlements and would clarify some language concerning the allocation of certain settlement funds and Purdue estate distributions; and

WHEREAS, participation in these settlements by a large majority of Tennessee cities and counties will materially increase the amount of settlement funds that Tennessee will receive from the pending proposed opioid settlements;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF THE CITY OF CLEVELAND, TENNESSEE,

Section 1. That the City of Cleveland finds that the amendments to the Tennessee Plan are in the best interest of the City of Cleveland and its citizens because they 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 hereby is expressly authorized to execute the amendments to the Tennessee Plan in substantially the form attached as Exhibit "B" and the County Mayor 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 the Purdue Settlement, the Eight Manufacturer Settlements and any other settlement of opioid-related claims that Tennessee has joined.

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 8th day of September, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-75**– Authorizing the Mayor to sign a grant contract with the Tennessee Department of Finance and Administration related to the State's Cybersecurity Grant Program.

RESOLUTION 2025-75

WHEREAS, the City has received the attached grant contract from the State of Tennessee, Tennessee Department of Finance and Administration, Strategic Technology Solutions, (hereafter the "State") for the State's Cybersecurity Grant Program; and

WHEREAS, the City Council desires to enter into the attached grant contract with the State 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 the State 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 September 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-76** – Approving Staff to proceed with negotiating an agreement with Sports Facilities Management, LLC through a Master Intergovernmental Cooperative Agreement to act as Owner's Representative for the construction of a new indoor sports, events and aquatics center.

RESOLUTION 2025-76

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #791202409002, AS AMENDED, WHICH IS ADMINISTERED BY 791 PURCHASING COOPERATIVE, A GOVERNMENT COOPERATIVE PURCHASING PROGRAM.

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 equipment, products or services between Spots Facilities Management, LLC ("Company") and Participating Entities in cooperation with 791 Purchasing Cooperative, a government cooperative purchasing program authorized by the Central Texas Council of Governments, on behalf of Participating Entities, which may include the City of Cleveland, Tennessee, meets the authorized public bidding requirements for the State of Tennessee and allows governmental purchases of equipment, products or services 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 Contract and the City of Cleveland as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the City of Cleveland pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS, the City Manager has determined that the Master Agreement shall be construed in accordance with and governed by the laws of the State in which the City of Cleveland exists as a participating agency and that the City of Cleveland has registered with 791 Purchasing Cooperative 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 #791202409002, as amended, held by 791 Purchasing Cooperative 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 equipment, products or services as a participating public agency under MICPA Contract #791202409002, as amended, held by 791 Purchasing Cooperative as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through 791 Purchasing Cooperative to be used by the City of Cleveland.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-77** - Authorizing the Mayor to sign the FY2026-2027 MPO grant contract.

RESOLUTION 2025-77

WHEREAS, the City has received the attached MPO grant contract from the Tennessee Department of Transportation, (hereafter "TDOT"); and

WHEREAS, the grant contract is identified as:

Beginning date: October 1, 2025
End Date: September 30, 2027
Agency Tracking Number: 40100-51090
Grantee Edison Vendor ID #: 4062
Total Grant Contract Amount: $735,838.00

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

This 8th day of September 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Motion** – Declaring certain items as surplus property from Fleet Management and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 8, 2025**
RE: **Surplus Property**

SUMMARY:
Fleet Management has requested the City Council declare the assets listed below as surplus property to be sold on GovDeals:

- 2000 Giant Vac VIN: 73207
- 2008 Toro 4500D VIN: 00703

COMMITTEE FINDINGS:
None.
FISCAL ANALYSIS:
None.
RECOMMENDATION:
City staff recommends approval of this item.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Vice Mayor Webb had no report at this time.

Councilman Moore recognized Tank, who is a firefighter with the Cleveland Fire Department. He, along with other firemen were kind enough to attend a lady's 100th birthday celebration at one of our local nursing home.

Councilwoman McKenzie asked for an update on sidewalks along Adkisson Drive. Mr. Fivas stated we are preparing for Phase 1, which extends the sidewalk from Cleveland State towards Peerless. Once we get further along with Tinsley Park, we will move a crew out there. At the intersection at Frontage/Adkisson/Paul Huff we have some stormwater drainage work and some sidewalk on that end. The larger phase, we still have right-of-way to acquire to connect each end. We will likely put a thin coat of asphalt on the road to help with rideability issues there as well. Also, a new storage unit development will have sidewalks on their portion. We project completion next summer and the thin coat of asphalt by November.

Councilman Estes inquired about Greenway Phase 6. Mr. Jobe stated we are getting closer. We have submitted new plans to TDOT but could use some help from State elected officials. Mr. Varnell added he feels we are at the point of receiving a notice to proceed on right-of-way. Councilman Estes continued secondly, tonight at 6 pm is the ribbon cutting for the Futsal Court and invited everyone to attend. Lastly, he asked Mark Holcombe with Evergreen Solutions what is Cleveland's percentile for COL's. Mr. Holcombe replied you are between the 25th and 30th percentile of the market.

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

Councilman Goff had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented:

- **Resolution 2025-78** –Concerning a request by Embark Developments for consideration of a Plan of Service for about 22.84 acres, more or less, for property located at Varnell Rd. and includes Tax Map 057 Parcel 027.00 (Planning Commission: Approved 9-0).

RESOLUTION 2025-78

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

VARNELL ROAD (057 027.00)

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 September 8, 2025, at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Beginning at the northeast corner of the intersection of Brentwood Trl and Varnell Rd, said point also being the southwest corner of the lands of Todd Walker, as recorded in BCROD deed book 3096 page 450; thence crossing Brentwood Trl in a southeasterly direction 61.5 feet, more or less, to a nail cap located at the southeast corner of the intersection of Brentwood Trl. and Varnell Rd, said point also being the northwest corner of the lands of Embark Developments, LLC, as recorded in BCROD deed book 3176 page 433; thence south 65 degrees 51 minutes 22 seconds east, 1399.08 feet to a point; south 25 degrees 00 minutes 55 seconds west, 750.0 feet to an iron pin; thence north 71 degrees 3 minutes 4 seconds west, 1171.8 feet to an iron pin, said pin being located in the eastern right of way of Varnell Rd; thence crossing Varnell Rd north 71 degrees 3 minutes 4 seconds west, 40 feet, more or less, to a point in the western right of way of Varnell Rd; thence with the western right of way of Varnell Rd in a northeasterly direction 860 feet, more or less, to the northeast corner of the lands of TRG East of TN MHC LP, as recorded in BCROD deed book 3042 page 974, said point also being the southwest corner of the intersection of Varnell Rd and Pleasant Grove Pl and being located in the existing City Limits; thence crossing the intersection with the existing City Limits in a northeasterly direction 56 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 23 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

AUGUST 19, 2025
VARNELL ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 22 acres located at Varnell Road 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 2025.

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

Introduction

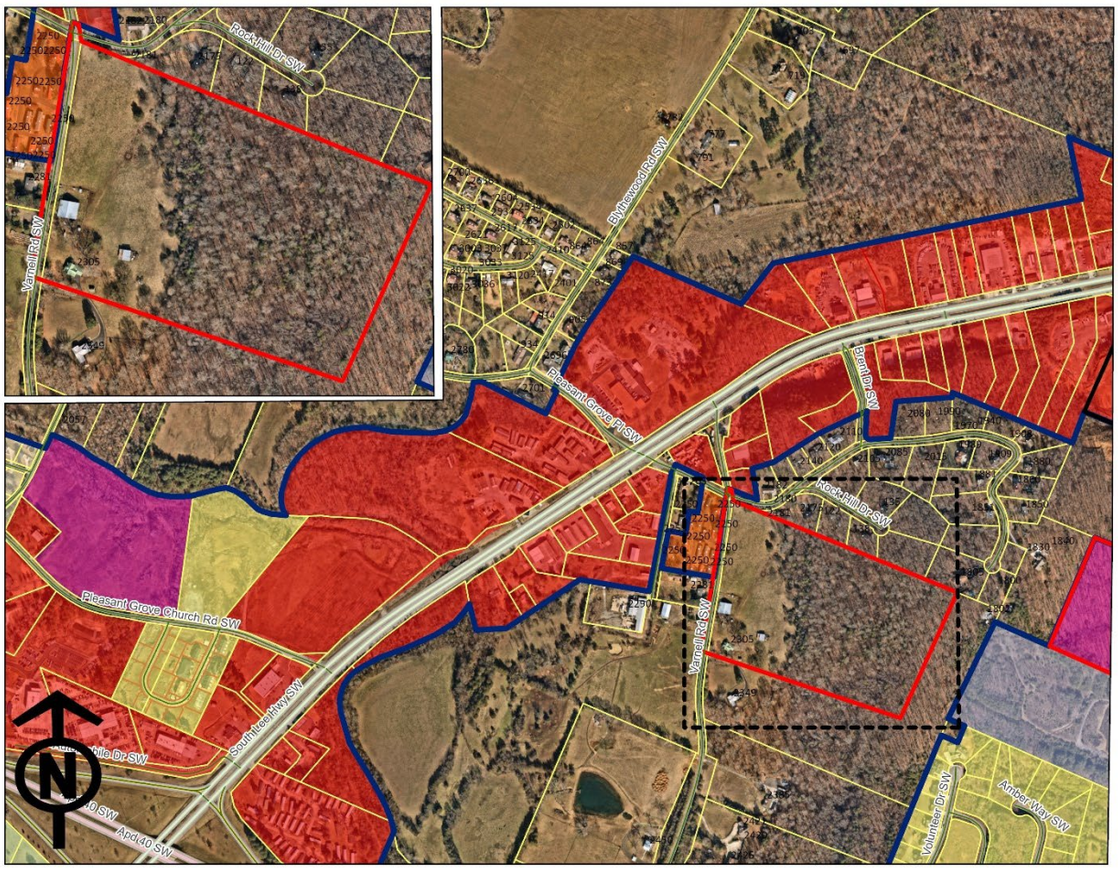
Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service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

PC 1101 Section 19 requires a “Plan of Services” (POS) prior to annexation and these services must include: police and fire protection: water, electrical and

sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The property consists of one parcel, approximately 22 acres total. The annexation would zone the property as R-2 Low Density Single and Multi-Family. This lot currently contains a single-family home and accessory structures that are proposed to be demolished, and the development of single-family homes is proposed. The property is described as Tax Map 057 Parcel 027.00.

Varnell Road Annexation Map



Legal Description

Beginning at the northeast corner of the intersection of Brentwood Trl and Varnell Rd, said point also being the southwest corner of the lands of Todd Walker, as recorded in BCROD deed book 3096 page 450; thence crossing Brentwood Trl in a southeasterly direction 61.5 feet, more or less, to a nail cap located at the southeast corner of the intersection of Brentwood Trl. and Varnell Rd, said point also being the northwest corner of the lands of Embark Developments, LLC, as recorded in BCROD deed book 3176 page 433; thence south 65 degrees 51 minutes 22 seconds east, 1399.08 feet to a point; south 25 degrees 00 minutes 55 seconds west, 750.0 feet to an iron pin; thence north 71 degrees 3 minutes 4 seconds west, 1171.8 feet to an iron pin, said pin being located in the eastern right of way of Varnell Rd; thence crossing Varnell Rd north 71 degrees 3 minutes 4 seconds west, 40 feet, more or less, to a point in the western right of way of Varnell Rd; thence with the western right of way of Varnell Rd in a northeasterly direction 860 feet, more or less, to the northeast corner of the lands of TRG East of TN MHC LP, as recorded in BCROD deed book 3042 page 974, said point also being the southwest corner of the intersection of Varnell Rd and Pleasant

Grove Pl and being located in the existing City Limits; thence crossing the intersection with the existing City Limits in a northeasterly direction 56 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 23 feet, more or less, to the point of beginning.

Plan of Services

1. Police Protection

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

2. Fire Protection

The Cleveland Fire Department could service this area immediately with existing stations and personnel, with little impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcel via an 8" water main along the west side of Varnell Rd. SW. See Figure 1 – Water Service.
B. Sanitary Sewer---Sewer service is not presently available to the parcel. To serve this parcel, approximately 340± LF of 8" gravity sewer main would be installed to the northwest corner of the property. The Opinion of Probable Cost is $46,700. This work can be completed in eight years. See Figure 2 – Sewer Service.

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant across Varnell Rd. SW from the north corner of the parcel. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
2305 Varnell Rd. (Tax Parcel 057-027.00)	**$0**	**$46,700**	**$0**	**$46,700**

1
CU's opinions of probable Construction Cost are to be made on the basis of CU's experience, qualifications, and general familiarity with the construction industry. However, because CU has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, CU cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by CU. The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.

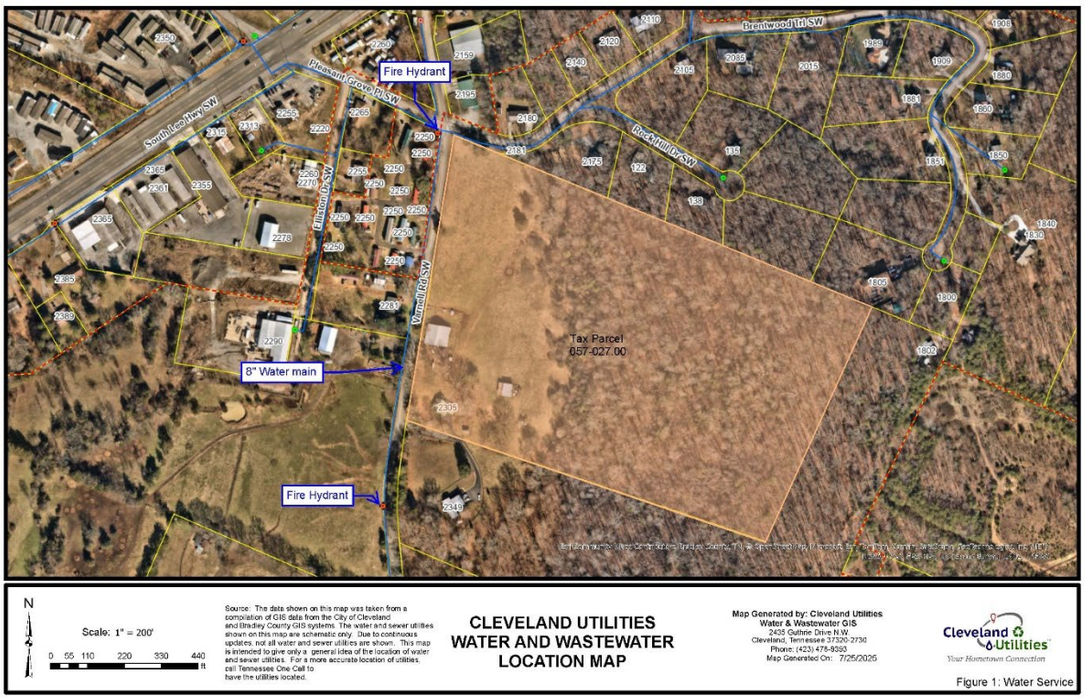


Figure 1: Water Service

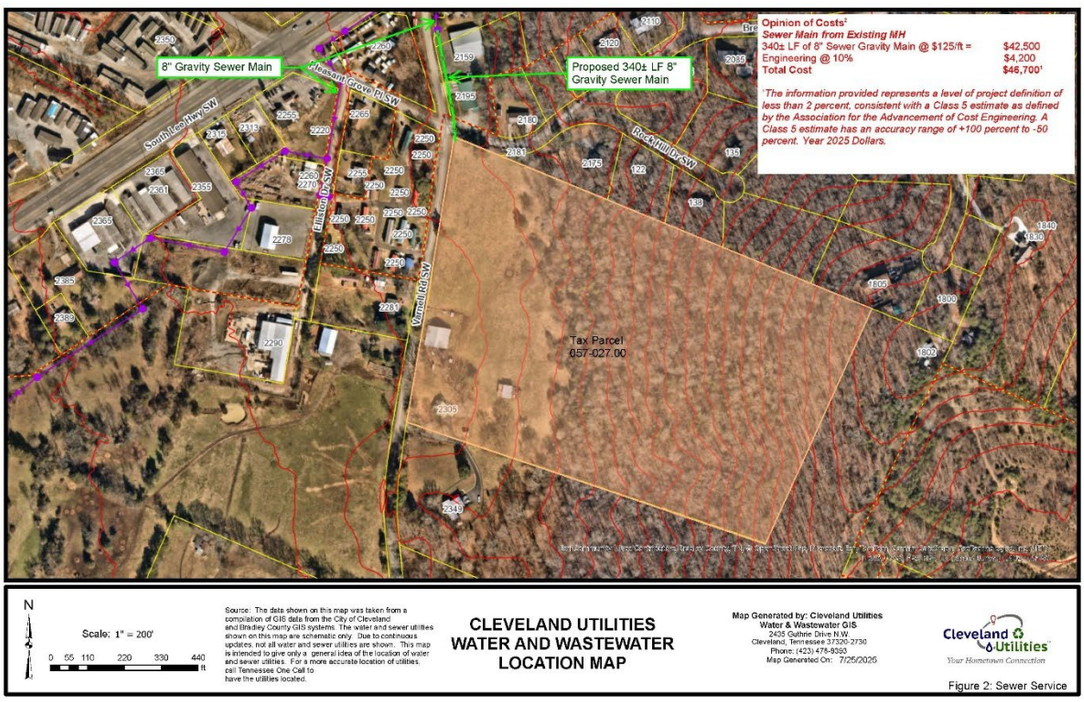


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has facilities along Varnell Road in front of this proposed annexation. However, upgrades in the $30-$40,000 range will be required to get three-phase along the road to serve the number of homes indicated.

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

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 education impact would be 11 school-age children at a cost to the City of $12,331.77 annually. This is in the Blythe-Bower School Zone.

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 FAR in the unincorporated County. The property is proposed for a R-2 Low Density Single and Mult-Family 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 70 residents to the 1st City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required

before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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

Total revenue generated by this annexation is approximately **$22,050 per year.**

Councilwoman McKenzie moved that Resolution 2025-78 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Resolution was then presented:

- **Resolution 2025-79** – Concerning a request by Embark Developments for consideration of a resolution to annex about 22.84 acres, more or less, for property located at Varnell Rd. and includes Tax Map 057 Parcel 027.00 (Planning Commission: Approved 9-0).

RESOLUTION 2025-79

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

VARNELL ROAD 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 September 8, 2025.

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

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

Beginning at the northeast corner of the intersection of Brentwood Trl and Varnell Rd, said point also being the southwest corner of the lands of Todd Walker, as recorded in BCROD deed book 3096 page 450; thence crossing Brentwood Trl in a southeasterly direction 61.5 feet, more or less, to a nail cap located at the southeast corner of the intersection of Brentwood Trl. and Varnell Rd, said point also being the northwest corner of the lands of Embark Developments, LLC, as recorded in BCROD deed book 3176 page 433; thence south 65 degrees 51 minutes 22 seconds east, 1399.08 feet to a point; south 25 degrees 00 minutes 55 seconds west, 750.0 feet to an iron pin; thence north 71 degrees 3 minutes 4 seconds west, 1171.8 feet to an iron pin, said pin being located in the eastern right of way of Varnell Rd; thence crossing Varnell Rd north 71 degrees 3 minutes 4 seconds west, 40 feet, more or less, to a point in the western right of way of Varnell Rd; thence with the western right of way of Varnell Rd in a northeasterly direction 860 feet, more or less, to the northeast corner of the lands of TRG East of TN MHC LP, as recorded in BCROD deed book 3042 page 974, said point also being the southwest corner of the intersection of Varnell Rd and Pleasant Grove Pl and being located in the existing City Limits; thence crossing the intersection with the existing City Limits in a northeasterly direction 56 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 23 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 2025-79 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented:

- **Ordinance 2025-52** - Concerning a request by Embark Developments for consideration of an ordinance to zone about 22.84 acres, more or less, for property located at Varnell Rd. from FAR/unincorporated county Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 057 Parcel 027.00 (Planning Commission: Approved 9-0).

ZONING ORDINANCE 2025-52

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR unincorporated county zoning to R-2 Low Density Single and Multi-Family Zoning District

Approximately 22 acres, more or less, located on Varnell Rd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 057 Parcel 027.00 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.

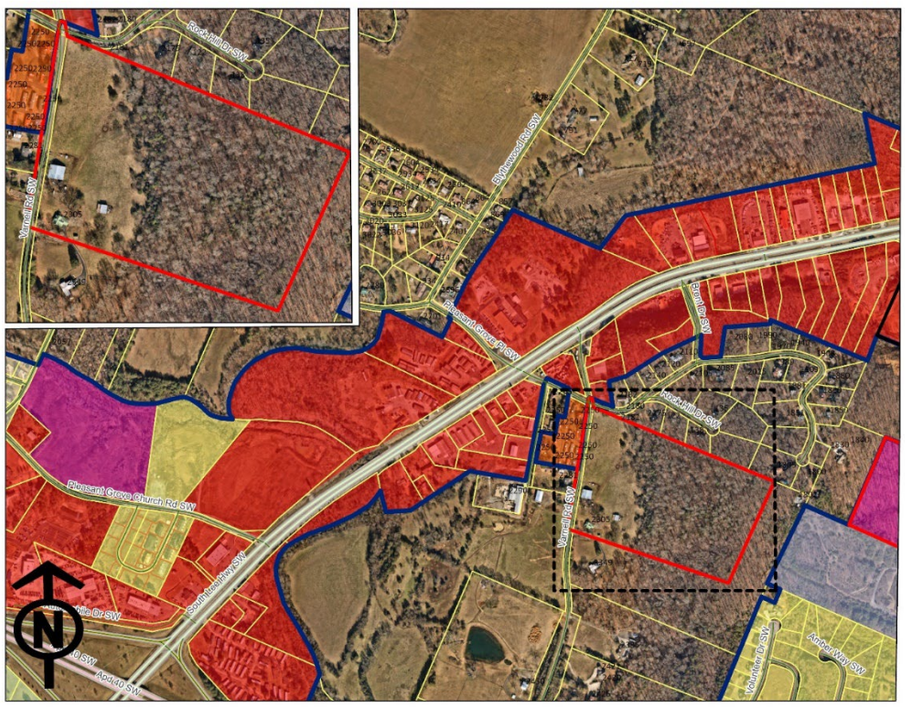
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilwoman McKenzie moved that Ordinance 2025-52 be voted for passage on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented:

- **Ordinance 2025-53** – Concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 2.8.1.B to remove residential district from uses permitted and amend section 2.8.1.D Uses permitted on appeal to include upper-story residential (Planning Commission: Approved 9-0).

ORDINANCE 2025-53

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, APPENDIX C, ZONING ORDINANCE BE AMENDED BY REVISING SECTION 2.8.1.B USES PERMITTED SO AS TO REMOVE RESIDENTIAL USES AND BY REVISING SECTION 2.8.1.D SO AS TO ADD RESIDENTIAL USES ABOVE THE FIRST FLOOR AS A USE PERMITTED ON APPEAL AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the language of the existing zoning ordinance concerning uses permitted and uses permitted on appeal in the CN Neighborhood Commercial Zoning District;

WHEREAS the current specific use is now referenced within the zoning ordinance; and

WHEREAS the City Council has determined that the existing ordinance should be revised to clarify that the uses permitted and uses permitted on appeal be amended;

Section 1. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by revising section 2.8.1.B Uses Permitted as follows:

2.8.1. Neighborhood Commercial District

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

Section 2. The Cleveland Municipal Code, Appendix C, Zoning Ordinance, be amended by revising section 2.8.1.D Uses Permitted on Appeal as follows:

2.8.1. Neighborhood Commercial District

D. Uses permitted on appeal. Government offices, tailoring or dressmaking shops, appliance or television repair, and residential uses above the first floor.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 4. 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 5. 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 Estes moved that Ordinance 2025-53 be voted for passage on first reading. The motion was seconded by Councilman Cassada; and upon roll call, the motion carried 7-0.

The following Resolution was then presented:

- **Resolution 2025-80** – Approving a Fire Tax policy to assist Bradley County with any potential loss in revenue relating to the newly adopted Urban Growth Boundary Map and annexations.

RESOLUTION 2025-80

WHEREAS, pursuant to Tennessee Code Annotated 6-58-104, a "20-Year Growth Plan" for Bradley County, Tennessee, including the Cities of Charleston and Cleveland, was developed and recommended by the Charleston/Cleveland/Bradley County Growth Policy Coordinating Committee, ratified by all local governments in Bradley County, approved by the Local Government Planning Advisory Committee and became effective June 25, 2025; and

WHEREAS, with the passage of the new urban growth boundary maps and an annexation agreement between the City Cleveland, County, and City of Charleston, it allowed additional properties between the old growth boundary and the new urban growth boundary that are only within the County jurisdiction to be annexed into the City of Cleveland and this could lead to a loss of Fire Tax revenue for the County; and

WHEREAS, the Fire Tax revenue is used to fund the Bradley County Fire Department; and

WHEREAS, due to this potential loss, the City of Cleveland will enter into an agreement to assist the County in lessening this loss of revenue impact to the County. The goal is to hold the County as harmless as possible to give the County time to react to this funding loss; and

WHEREAS, with these annexations, the County will likely realize substantial general increase in taxable value and property tax revenue with the development of these newly annexed properties that now have access to sewer utilities.

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 following policy.

1) The City approves a legal annexation of properties that are between the old urban growth boundary and the new urban growth boundary.

2) The County Assessor gives the City the current value for loss of Fire Tax for the newly annexed property.

3) The City will make an immediate payment for the loss of tax for that current tax year of the annexation. This will be an amortized and will be a partial payment.

4) For the next two years, the City will pay 100% of the loss amount to the County per the County Assessor's original tax value.

5) This Policy Agreement would last as long as the City-County Annexation Agreement is effective.

This 8th day of September 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Mr. Fivas stated when the Urban Growth Boundary was passed there was a suggestion that we form a Fire Tax Committee with Bradley County and have a proposal on how to hold the County harmless between the old growth boundary and the new growth boundary. The committee has met and essentially what this does, if we annex anything between the old and new growth boundary we would, for two years, pay their loss of the fire tax. This will give them time for budgetary considerations. Vice Mayor Webb added this only applies to the area being annexed and the difference between the new urban growth boundary from the old urban growth boundary, not to all of it. Councilman May asked about cost and termination time. Mr. Fivas stated cost depends on the parcel, but low amounts, one that is coming through, if approved it is possibly $1,000. Also, there is a two-year time on the agreement. Councilman Goff moved that Resolution 2025-80 be accepted as presented. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 7-0.

Councilman May moved to authorize the Cleveland City Beer Board to issue a Special Occasion Beer Permit for the Witches, Wine & Spirits Stroll event to be held on October 26 from 6-10 pm located on 1st Street NE between Church and Parker Street NE. The motion was seconded by Councilman Cassada; Upon roll call, Councilman May, Councilman Cassada, Vice Mayor Webb, Councilman Moore, and Councilman Estes voted aye. Councilwoman McKenzie and Councilman Goff voted no. The motion carries 5:2.

Vice Mayor Webb stated the next item on the agenda is a motion approving recommendations and accepting the Compensation Plan from consultants. Mr. Fivas stated I think the key point here, and we've had a lot of conversation, is we are only accepting the plan. I would let the appeals process play out and we will bring you a thick document with all the stuff in there, lock, stock, and barrel. Then if you want to make any changes or adjustments, it's certainly within your purview to do. I just want to make sure, you are not really approving it, you're accepting the plan and letting the process continue to play out. I just wanted to put context of what we're asking. Councilman Moore stated so there's no way to table it and wait until they get their numbers. Mr. Fivas replied it is up to what you guys want to do. Councilman Estes stated I think we were encouraged both by the consultant and Mr. Kimball not to send them their individual numbers without a plan accepted. Councilman Estes continued not accepting a plan as a body, it could open us up to liability. He then asked how often do we give longevity, how many years, how does that work? Mr. Fivas stated every November we send longevity checks to employees. You have to be here at least 5 years before you get your first longevity check. Councilman Estes asked Mr. Holcombe for a ballpark percentile, $550,000 to get us to the midpoint or 50th percentile. I can estimate $550,000 of this to get to the 75th percentile but once you get on the higher end of a normal curve those are bigger steps, are they not? You can't really estimate those, can you? Mr. Holcombe responded it would likely increase in cost because then every single outlier, if there is one outlier up there it rockets the cost. Councilman Estes stated but it is safe to assume another $550,000 to get the 75th percentile because that mirror what you gave us. Mr. Holcombe stated I think that is fair assumption. Councilman Moore asked for an example of the outlier. Mr. Holcombe stated for example, if you're looking to be at the 100th percentile, that means you are in front of everybody. If one peer is paying 25% more than everyone else, for whatever reason, you have to give that 25% additional adjustment. Again, if any percentile lower than that you're a little safer because if you're at the 90th you probably have 1 or 2 peers and 75th you probably got 3 or 4 peers. Any individual organization, again police

and fire we know is a big adjustment from Chattanooga, that would drastically change the cost depending on what percentile you go to. Councilman Estes stated just so I have an idea of cost. Mr. Fivas stated we can give you the cost for anything, we just need some time to work it up, but I think all that is still on the table. Councilwoman McKenzie stated concerns were mentioned during the 1:00 session about compression. If we approve this today does this program, can it address and straighten that out if that happens? Mr. Holcombe stated so, the current recommendation is again based on class parity approach. If we move forward with this today and we found that we wanted to do a different adjustment for any positions or ranks, etc., we can assist with that. We can help you give a different adjustment if we found we were comfortable with something different for a group but that would be per the city and City Council for you all to direct that we previously moved forward and looked at class parity and now we want to go in a different direction. So, we could address that, we can give you those numbers, but it would be up to you all to come back and say we previously said this and now we want to change it. Mr. Fivas added but this does address, as far as you know, the compression within those positions. Mr. Holcombe stated it slots the ranks to what we would say is an appropriate rank versus the market. Again, it does look at compression between the ranks of the grades. It does apply the class parity approach to every single person, so it would apply that and address some compression. But just like the examples I gave before, if somebody is above, you know their compression is not going to remove anything so there could still be compression in that instance. There's some exceptions but yes, it would address compression both by rank and by range but again, according to that class parity metric and based on the market slotting of the grades. Mr. Fivas stated I just want to make sure we're all talking about the same thing. What you're accepting does attempt to and it moves forward trying to address the compression. If you get into it and there are further concerns, they will be brought to our attention, and probably your attention and we will go back, and we'll go and say hey we have this compression, we still have this issue, they'll look at it and see is it really a compression issue or something else. If it is a compression issue, then we'll work on a solution to address it. Is that fair? Mr. Holcombe stated very fair, and we could give individual cost to that example. If we came back and said yes there were, make up whatever number you want, 10 issues and it costs $10,000, we could come back and give those numbers and then again that would be for the city to figure out a way to fund it if you wanted to or not. Mr. Fivas added theoretically, the compression could all be solved but if there is an issue we will continue to look at it and fix it. Councilman Cassada asked just to clarify, we have a balanced budget, and this is in the budget correct, this amount is in the budget. Mr. Fivas replied yes. Councilman Moore asked if they do appeal, can they appeal it to us as well. Mr. Fivas replied well, the first process will be everything goes to Evergreen Solutions to look at. They will give their opinion on that. Then I think we will just see where we're at. I have found them to be very responsive and very articulate in responding to things like that. We hired them to do this, and I would let them do that. If there's issues that we find, after the appeal process and there's issues, the employee comes to us and says hey I think there's something wrong here, we will go and we'll collect information. We would get Evergreen Solutions on the phone, and we would all work together to figure out what's going on here. Is there an issue and if there is an issue then how do you address it. Councilman May stated you're talking about the period that the employee has to make a case for a change would be to the end of the month. Mr. Holcombe replied yes, that is what we have in our current timeline but of course that can be adjusted per your instruction, but we've got by September 30th in our current projection. Councilman May stated so then the first meeting in October would be the meeting that we would talk about it. Mr. Fivas stated at the end of the month for the employee to submit something to Evergreen Solutions. Councilman May stated yes, so are we going to talk about it at the first meeting in October? Mr. Fivas said we don't have a first meeting in October. Councilman May stated then the second meeting in October. Mr. Fivas replied yeah, I mean if you guys want to see all the adjustments and all that, you're more than welcome to see that. Councilman Estes stated I don't think it's our place to get into each employee and we've already budgeted $50,000 for appeals. Councilman May stated he is not wanting to get into individual employee, I'm wanting to get into a level that's wrong that we may look to change. Does that make sense? Mr. Fivas stated yes, I can address that. So individual employee stuff will go, if through that process we find that there is a structural issue with the grades, which is what I think you're talking about, we will bring that back to you for your consideration. Councilman May asked when that will be? Mr. Fivas responded it would be the last meeting in October. Councilman May asked can we

have Mark Holcombe back at that meeting? Mr. Fivas stated let's see where we're at if there is anything. I mean if it's a massive rewrite then probably yes. We can have him phone in, and he can talk to you on the TV. Councilman Estes stated first I'd like to make a motion and then a comment. I move that the City Council of the City of Cleveland accept the recommendations of the compensation plan from Evergreen Solutions, LLC and move forward with them. The motion was seconded by Councilman Goff. Councilman Estes continued Joe, I appreciate you getting starting salaries of police at $51,500. That's just an optic, I know we do the 50% comparison, huge optical, particularly with school districts which are not a part of your analysis. Mr. Fivas responded as we said I expect that number to go up, I mean with everything that's going on, I appreciate that, but we didn't do anything. That's just what the market said it was but as all these other communities, we will probably bring back and keep a close eye on it and make some traction. Councilman Estes stated for the record, to my colleagues, I fully expect this to be improved in FY27. Councilman Moore stated I agree with you the starting pay looks good but let's not forget our 10 plus year veterans. Councilman Estes stated I look forward to seeing both the study and the benefit study and to really get into the weeds. Joe walked me through the weeds in 2021. It was very helpful, so I look forward to doing that again. Mr. Fivas stated do you want to add, for your consideration, to your motion to start the implementation of the longevity as well? Councilman Estes stated yes, I do it should be. It increases the longevity estimate is doubling what we pay, correct? Mr. Fivas responded that is correct. Councilman Estes stated he would amend his motion to add that. Councilman Goff stated he would second the amendment. Councilman May stated I am trying to get a timetable. When will the employee be able to get a check with all of the improvements on it and will it go back to July 1. Mr. Fivas stated if we go forward today, we will go through the process and employees will be able to appeal. Then there's probably a couple of week time frame that we, they will adjudicate those and then we'll have final numbers. At the same time our HR team will be calculating all of the lump sum payments that are for the retroactivity. So, the pay on October 31st you will get your new pay plus your lump sum payment. You haven't lost any because it's all retroactive to that time, which is stated in the memo. October 31st pay includes the 28-day pay and everyone will receive lump sum checks on that day. Then in November, usually the first two weeks you would also get your new longevity check as well. In the memo, there's a couple of recommendations. It talks about the issue that Councilman May talked about, that basically it has 2 other recommendations for those employees that were topped out on June 30th. We go back and make sure that if they're new pay, we have 20-25 employees topped out. This study fixes a lot of that. So, if this had been completed in June, they would have gotten the 3.5 % because they would have had more maximum. This goes back to get them, so that should be part of the motion as well. I just want to make sure we are all on the same page. Councilwoman McKenzie thanked Mr. Fivas and staff for keeping this in the budget so we would not fall behind. Now we're at least catching up, we're not behind anymore because of y'all's diligence in keeping your eye on this. Mr. Fivas replied Shawn deserves a lot of that credit. Councilman Estes stated the first recommendation of being retroactive to July 1 was assumed in my motion. Second, those topped out on July 1, make sure they receive the grade maximum of 3.5%, I'd like to add that to my motion. Councilman Goff approved the additional amendment.

[Councilman Estes moved that the City Council of the City of Cleveland accept the recommendations of the compensation plan from Evergreen Solutions, LLC and move forward with them, retroactive to July 1, start the implementation of the longevity increase, and those employees topped out on July 1 to get the grade maximum of 3.5%. The motion was seconded by Councilman Goff.]

Upon roll call, the motion carried 7-0.

The following documents were discussed during the compensation study agenda item.

City Council

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

AGENDA ITEM MEMORANDUM

TO: Mayor & City Council

FROM: Joe Fivas, City Manager

DATE: September 5, 2025

RE: Evergreen Solutions, LLC- Compensation Study

SUMMARY:

The City Council commissioned an employee 'Compensation Study' to review the current City pay practices and to compare salaries to similar organizations and other organizations within our employee market. Furthermore, these studies determine market value of each position, propose equitable salary ranges and ensure internal pay parity so that Cleveland can attract, engage, and retain employees.

Recently, Chattanooga police and fire and the Hamilton County Sheriffs Department increased their starting pay for their employees. The consultant has included these new salary data points into our 'Compensation Study' to make sure our salaries have the most updated information.

The Compensation Study also includes a comprehensive analysis on our benefit package compared to other comparative local governments. In general, our TCRS Legacy Retirement is one of a few local governments with all of our benefit components. In general, our benefit package for an employee making $75,000 is valued more than the general benefit package by approximately $6,000 to $7,000 per employee above some comparable local governments.

Market adjustments are based on actual data for positions. We have very low turnover from 95% of our positions. Starting police officers are an exception to our low turnover. Currently, we have close to full staffing in the Police Department, if you count our officers in the academy. These starting police positions are set at the market rate in this study, but we need and deserve more analysis moving forward on our police turnover rate. Furthermore, in order to have pay equity we also need to continue to evaluate the Fire Department starting salary.

COMMITTEE RECOMMENDATION:

N/A

FINANCIAL IMPACT:

Approximate Study Cost:

□	$524,915.49	- Salary Adjustments
□	$300,000	- Proposed Longevity or Salary Increase
□	$100,000	- Adjustment of 'Topped Out' Employee's
□	$50,000 (to $100,000)	- Appeal Adjustments
□	$292,474.65	- Retirement Benefit & Federal Taxes

$1,267,390.14 - Approximate Total Reoccurring Costs for City

STAFF RECOMMENDATION:

City Manager recommends to use a 'Class Parity' model with a 30-year scale to evaluate our positions with the current City pay practices and to compare salaries to similar organizations and organization within our employee market. Then, we make sure that everyone with similar positions are placed in the correct place on based on their time in that position.

Furthermore, the City Manager also recommends for the City Council to reward longevity within the organization by increasing the current Longevity Pay from $75 per worked year to $150 per worked year, OR the City Council may decide to convert the Longevity Pay into a 1.5% pay increase for all employees. These payments or increases will go into effect in November 2025.

The City budgeted $1.25 million for this study, and the expected approximate costs are $1.267 million for this study. The City Manager will recommend any additional costs beyond this study be new money from new fees or new property taxes.

Other recommendations:

1) Retroactively include any new market adjustments back to July 1st. The new pay rates and retroactive payment lump sum amounts will be found in the last check on October 31st.

2) Retroactively evaluate positions that were 'topped out' on July 1st to make sure if the new 'Grade Maximum's were increased, then they will get a maximum of 3.5% or to their new Grade 'topped out'. Basically, if your salary was 'topped out' on July 1st, then you will get the new Grade Maximum's and will get up to 3.5% like other employees.

3) Any employee may appeal Evergreen's findings in the study with reasonable evidence of error or misevaluation. However, all employee's will have until September 30, 2025 to ask their supervisor to have their position reviewed again by Evergreen. After the September 30th window, employees cannot ask for an appeal until July 1, 2026. The City Manager and Human Resources still have the flexibility to adjust any errors or misevaluations found.

Cost by Department

	Bring to Min	Class Parity
Totals	$200,791.27	$522,782.42
ADMINISTRATION	$-	$2,613.27
DEVELOPMENT & RECREATION	$17,061.98	$33,026.58
FINANCE	$4,212.09	$7,488.62
FIRE	$34,452.14	$145,879.98
INFORMATION TECHNOLOGY	$12,876.74	$15,202.47
PARKS & RECREATION	$3,145.86	$9,382.48
POLICE	$116,200.94	$288,021.74
PUBLIC WORKS	$8,019.15	$15,356.95
REGIONAL JETPORT	$4,822.35	$5,810.34

Class Parity: $433,900 out of $522,782 goes to Public Safety (83%)

Longevity Estimate

Current: $300,000 Police 30% Fire 30% General City Employee 40%

Proposed: $600,000 Police 30% Fire 30% General City Employee 40%

Adjustments to Topped Out Employees= $100,000

Appeals= $50,000

Retirement Benefit & Federal Taxes= $292,474.65

The following presentation was presented during the Work Session by Mark Holcombe with Evergreen Solutions, LLC:



Overview

- Study Goals
- Project Phases
- Employee Meetings
- Current System Findings
- Market Results
- Recommendations
- Next Steps

Evergreen Solutions, LLC

1

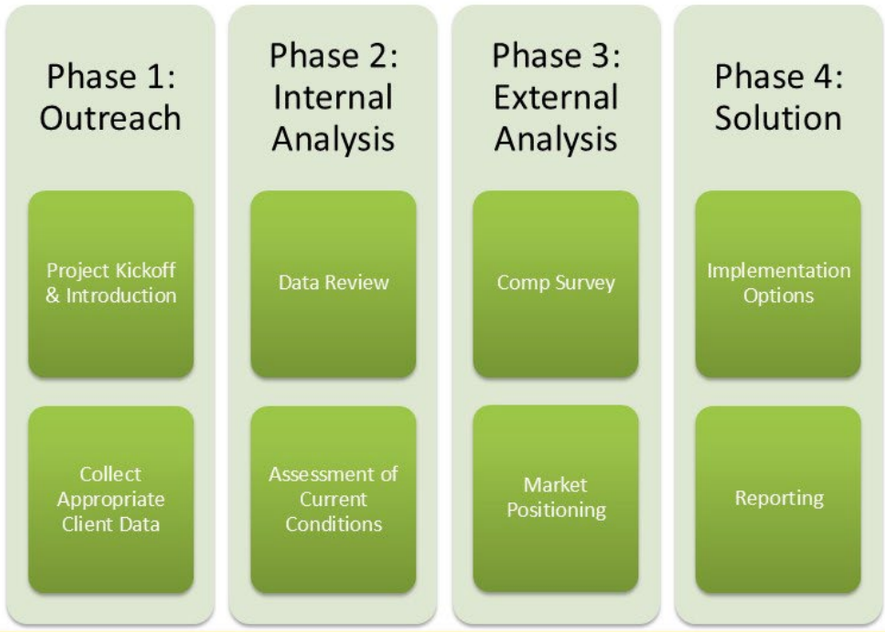
Study Goals

- Review current compensation system to ensure internal equity.
- Survey peer organizations to ensure external equity.
- Produce recommendations to provide the organization with a compensation system that is equitable, both internally and externally.

Evergreen Solutions, LLC

2

Project Phases



Evergreen Solutions, LLC

3

Employee Meetings Comments - Positive

- **Retirement & Health Benefits –** Robust retirement system (TCRS) and health coverage with lifetime benefits after 30 years; generous holidays, sick leave and vacation leave.
- **Professional Development –** Support for certifications and education reimbursement; investment in technology and training enables employees to grow.
- **Work Environment & Culture –** Friendly, employee-centered culture with pride in serving the community; flexible schedules and family-oriented events; supportive leadership.

Evergreen Solutions, LLC

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Employee Meetings Comments - Concerns

- **Pay & Compression –** Starting salaries in some departments lag the market; new hires sometimes earn as much as or more than long-tenured staff, causing pay compression across grades and between departments.
- **Benefits & Retirement –** Younger employees feel the value of the benefits package is limited; uncertainty about potential changes to the retirement system creates concern.
- **Career Progression –** Opportunities for advancement are perceived as limited and promotional adjustments are inconsistent, leading to morale issues.

Evergreen Solutions, LLC

5

Current System Findings

- **Strength:**
  - **Pay Plan Structure** – The plan includes a logical progression with 5.0% midpoint progression and approximately 50.0% range spreads.
  - **Employee Distribution** – Employees are present across the pay ranges: about 65.4% are below the midpoint and 34.6% are above, showing some movement through the ranges.
  - **Progression Over Time** – Tenure progression through the pay range increases steadily from 3.1 years in Q1 to 25.5 in Q4.
- **Weakness:**
  - **Rank Compression** – There are a few isolated instances of compression between employees and their supervisors.
  - **Range Compression** – There is some range compression that has developed over time. Particularly among employees who have been at the City between 10-20 years.

Evergreen Solutions, LLC

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Market Targets

- Salary survey resulted in responses from fourteen peers.
- All responses are adjusted for cost-of-living differentials.
- Benchmark classifications were selected and compared directly to the market. A total of 100 jobs were compared directly to the market. Average response rate was 7.0 matches per position.

Market Peers	COL
Cleveland, TN	**91.7**
Bristol, TN	92.0
Chattanooga, TN	96.0
Collegedale, TN	96.0
Cookeville, TN	91.3
Dalton, GA	93.8
Gainesville, GA	96.2
Gallatin, TN	95.6
Johnson City	93.1
Kingsport, TN	92.0
Maryville, TN	93.5
Oak Ridge, TN	93.4
Bradley County, TN	91.7
Hamilton County, TN	96.0
Whitfield County, GA	93.8

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Market Results

Unadjusted Results (no cost-of-living adjustment)			Adjusted Results (cost-of-living adjusted)		
Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
-10.3%	-8.8%	-7.8%	-7.8%	-6.3%	-5.3%

- A negative differential indicates Cleveland is behind the market at that point on average.
- The results show Cleveland's pay ranges are approximately 7.8% behind the market at the minimum and 5.3% behind at the maximum.
- These are average results across all benchmarks, so some individual positions fared better and some fared worse.

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Key Recommendations

1. Adopt an adjusted, market-responsive pay plan. The newly recommended pay plan has consistent range spreads and progression between the grades.
2. Reassign pay grades to positions based on internal equity and the market results. Some positions will see larger adjustments than others due to the market response.
3. Place employees within their newly recommended pay grades. Select an implementation methodology that aligns with the compensation philosophy and financial means of the City.
4. Continue to monitor market conditions and update the pay plan on an ongoing basis to remain competitive

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Implementation Costs

Implementation Option	Total Salary-Only Cost	Number of Employees Adjusted	Average Adjustment for Impacted Employees	% of Payroll
Bring to Min	$ 202,892.56	78	$ 2,601.19	0.9%
Class Parity	$ 522,924.02	175	$ 2,988.14	2.4%

- **Bring to Minimum** – places employees in the newly recommended ranges and makes no further adjustment.
- **Class Parity** – give a "projected salary" based on an employee's time in their current classification. If an employee is below the projected salary, they receive an adjustment.

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Next Steps

- **Finalize implementation plan – September 2025**
  - Select preferred implementation option and communicate the choice to employees (by September 15th)
  - Address feedback and finalize budget and timeline (by September 30th)

- **Revise class descriptions – Fall/Winter 2025**
  - Update current class descriptions and create new ones as needed

- **Ongoing Items**
  - Monitor market trends and review the pay plan annually to ensure continued competitiveness.

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Questions? Thank you!

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ANNOUNCEMENTS

Vice Mayor Webb announced the following:

a. The next City Council meeting will be held on Monday, September 22, 2025.

ADJOURNMENT

There being no further business, Vice Mayor Webb adjourned the meeting at 3:56 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
SEPTEMBER 22, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 22, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, and Dan Moore. Councilman Duane Goff was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Annie Bryant, Senior Customer Representative; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Kim Miller; Human Resource Director; Rhonda Graham, Assistant Human Resource Director; Hal Taylor, Daniel Lakes; Clayton Sneed; Jeremiah million; Micah Akins; Kezmond Pugh; Kay and Perry Horner; Kenton Holmes; Chris McRoberts; Josh Ensley; Rock Eulo; Zach Jaggers; Ben Acheta; Joshua Woods; Jacob Trotter; Carson Craig; Matthew Godbee; Charles Chisam; Jonathon Carroll; Michelle Goldston; Doug Berry with the Chamber of Commerce; Jared Broome; Bill and Pam Rogers; Joshuas Goode; Mike Adkins; Micah Smith; Jill Barnett; Casey Clayton Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag and prayer, the following business was then entered into:

Councilman Cassada moved to excuse Councilman Duane Goff from the meeting. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 6-0.

WAIVE READING OF MINUTES

Vice Mayor Webb 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 8, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

City Manager Fivas updated the City Council on the Compensation Study. Generally, overall, we've had many positive comments from city staff. Longevity has been very helpful to a lot of people that we're not going to get anything because of the way they're situated. They appreciate it. Comments on increasing the pay bands were regarded well. A number of people had topped out and with the new pay banks, now they're not topped out. The $1.25 million investment in the employees, in the compensation plan, has positive comments. We have had a number of questions and people trying to get information. This afternoon we received additional information from Evergreen that will be distributed to city staff. The appeals process is continuing, we've had conversations with some employees and have given exceptions to the hard September 30 date for appeals, which we may look to extend. We want to make sure everyone has the time and information they need to make their appeal. Throughout the process we've identified two primary issues. In the Fire Department, middle management, there is an issue and we're spending time looking at that. We had some very productive meetings with the fire department's leadership, Chief Bates, who has been very helpful, making his opinions very clear and bringing in some senior leadership. They've actually brought solutions we can look at, and we've set up another meeting to work on some of the solutions they've presented. Secondly, the Police Department has had a number of officers leave, generally in their one-to-three-year time frame. There is really an issue with retaining and attracting new public safety officers. We've had number of conversations with Chief Gibson and have a meeting set with his leadership team in the upcoming weeks to find solutions and will certainly give feedback to the Council. If in fact there are issues, we will bring back proposals and options to the Council to review.

Evergreen is certainly aware of the issues and is working on it. Collaboration, dialogue, looking for win wins for the organization and for the employees and that's very positive. We are losing officers at a concerning rate; we are trying to address it and come up with options. Councilman Moore asked if there were three different options on the pay study and was the Council only presented one? Mr. Fivas stated there was an option for class parity, that's the way we've always done it, or the last time, looking at the time you've spent in your position. So, sticking with that, we had conversations with Cleveland Utilities and asked if they used longevity in their pay solutions, which they had not. We also have the longevity benefit. The other options included longevity as part of the conversation, those costs were above what was budgeted. Another one was straight longevity which we've never used before. I met with most of the Councilmembers, showed them the different options and I gave a recommendation. Councilman Estes inquired about the number of appeals so far. Mr. Fivas replied we have not heard back on that. Councilman Estes asked if the appeal date could be extended. Mr. Fivas stated yes, we can extend it. Councilman Estes stated it could take longer getting things sorted by the October 31 deadline, so in his opinion is we should add a few weeks. Also, rather than saying hey give us a plan that meets the $1.26 million that is budgeted, I would rather raise taxes and get this right, no matter the cost so that two, three or four years from now we don't have to go through it again. He doesn't feel the analysis or plan that we are using cleans it up clearly enough. A grid pattern is much clearer, not saying it's better but clear. If we are looking to get everyone at least to the half, or moving certain segments well beyond the 50th percentile of true comp not the way they've done min and max. It will cost more than $1.26 million, if we keep the longevity, unless we went straight percentile rank. Mr. Fivas added yes, if you get rid of the longevity you can open the systems, but what I was trying to avoid was longevity in the system and longevity payment, you're getting double. The driving factor in a lot of this was not to go over $1.25 million, even though we did a bit and do something that makes sense. Councilman Estes stated he would like to see the actual costs of different options and certain levels. Also, we have not seen anyone else's benefit package, so we assume we're near the top. Our next meeting is October 27; will making the appeal deadline October 24 be an issue? Mr. Fivas stated yes, once we get everything, you have the back-office work and calculations for backpay. Councilman Estes stated he assumes backpay will get bumped to November. Mr. Fivas stated you could move everything a month and implement in November, that would give us time to come up with options for Council to look at during the Strategic Planning Session on October 27, make decisions, know what the costs are, funding options and then go forward. Councilman Estes agreed and any backpay will still retro back to July 1. Mr. Fivas replied yes. Councilman Estes asked for a motion be added to new business. Councilman Cassada stated from 2008 to this point, the City and taxpayers have been very generous in trying to improve the pay scales. We have to live within our means in the City, within our budgets, what we do and what we ask taxpayers to do. We are not Chattanooga. We do not have the population they have. Our tax revenue base is stretched. Benefits and those kinds of things, that's value added and needs to be looked at as well. This is not just fire and police. Public Works, they get ice/snow off the roads, you can't get out there in a patrol car if they don't. We are all moving in the same direction. Can we pay like Chattanooga? No. I just can't see it. Pay is not everything. It's environment, family life you live in. The median income for this area is $45,000. It's a cost of living; we just can't put ourselves up against Chattanooga. Councilman Moore asked how much was budgeted for appeals. Mr. Fivas stated the estimate is $50,000 but if it is more than that we will work through it. Councilman Estes stated appeals are based on what we sent out via email. If we change it, that's a whole other window. Vice Mayor Webb stated problems have been identified and a process is on the way to correct the problem. Sometimes it takes time, and we have to be careful not to rush things and make a mistake. It is obvious there were problems when the study was issued, and we will come up with a solution that is acceptable to everyone. Councilman May asked how other cities handled longevity pay. Mr. Fivas stated he didn't know. Councilman May stated he'd like to know that when the options come back. One of the main problems in all the departments with longevity is you will have a supervisor making less money than someone he supervises. That has always been a problem. Mr. Fivas stated that is why the model chosen, for every employee over five years, gets the same amount of longevity, so it is equitable as a stand alone benefit. If you add longevity into that component, it creates a lot of variables, like you said, long-term employees could surpass their supervisors. We were trying to accomplish value for everyone for staying with the organization, even if their positions don't get a market adjustment

because they are where they need to be, we are doing something for them as well. If you look at everything compared together, like retirement benefits, post-retirement healthcare, our salaries have always been middle of the road. That's really the conversation; we are one of the most efficient local governments in the State and to be efficient you have to make decisions and say we're going to stick within our budget of $1.25 million unless you guys decide to do something different. If you want to go over that, we have to be careful about where we put these dollars, as they will be forever dollars. Councilman Estes asked Mr. Fivas to bring dollar figures back for these options so they can see. Mr. Fivas stated we will, so we can be in decision making mode for the 27th. He continued that the conversations had with leadership has been positive. We can work through different options and get something that attracts the values we want to project and make decisions from a long-term standpoint. We have come a long way from 5-6 years with no pay raises or paving roads consistently and we should be proud of how we've evolved. This is not Cleveland in a bubble. This is a nationwide epidemic on pay for primarily public safety employees. The Council receives a lot of credit for having the conversations, which is an important part. We can say let's take a pause and figure it out, bring some additional options and figure out what that means. Jonathan Carroll, Lieutenant Cleveland Fire Department and city property owner stated this has been going on too long. I am a twenty-year guy and watched this for 6-8 years where we have conversations and kicked it down the road. These guys behind me would do anything for the City of Cleveland. I've had enough of kicking it down the road. We can get it right this time. We are so passionate, we brought an option to the City Manager. I'm sorry you guys have to vote on something that you never see. There were 3 options. Did you see them or just take a recommendation. This is the time to get it right. We have the opportunity to put this thing to bed. We all want too. I appreciate your time. Mike Akins, Captain with Cleveland Fire since 2018 asked if the scale/grid that was previously discussed worked on your time in position. Councilman Estes stated that is what he was asking, so yes and no. Some look at you've been at the department for 25 years, so a Captain for 25 years. Captain Akins stated becoming a thirty-year officer is practically impossible, so you could never achieve the top of the scale. Councilman Estes stated what we approved two weeks ago is not a grid plan, but it took a while to understand exactly what Evergreen did. Captain Akins continued that Chattanooga was used in the comparison and that's why everyone is looking there. Councilman Cassada stated it's just a different market and we can't be comparable to Chattanooga. I appreciate everything that you guys do and to have a balance of equipment. We have bought fire trucks, gear, police cars and equipment to make sure you get home safe. I am just trying to live within our means. We have a budget, and we have to look at that. If we want more, we have to ask for an increase in taxes. Shawn McAmis, Cleveland Firefighter stated the thing about buildings and equipment is you are providing us with basic tools that we need. We expect you and our administration to utilize funds to get that station, to protect our citizens, to keep our ISO rating. The thing about buildings, if you don't have men in them, you have nothing.

Michelle Goldston thanked the City Council, Cleveland Utilities and City Fields for their support, time and effort with the College Hill Community Garden. Several donors have supported the garden and the community. She then played a video to show all the hard work of the community.

Dustin Tommey and Seth Sumner updated the Council on the Arts and Entertainment District Committee meeting which was held this morning. The steering committee reviewed the roadmap for the next several months and will be working to develop a strategic plan for the district. Today, the actual district boundaries were approved, which is about 50 acres. We are excited to work with the citizens to help promote good redevelopment and programming.

Shawn McAmis asked to address the Council again and then stated Councilman Cassada has said live within our means. Was the $50 million for an Aquatic Center in our means? Was the Summit in our means? We just raised taxes for that, so that was not in our means. Councilman Cassada stated previously we raised taxes for new officers, new firefighters and a new fire station. Mr. McAmis stated we have lost 4-5 firefighters in the past 2 years. Councilman Cassada stated everyone should have the opportunity to better themselves. I tell my employees if they can find something else, they can do better, I'm going to encourage them. Go and do something that will better yourself and better your family. I have no problem with it. Mr.

McAmis replied I have a problem with that as we are losing experience in the Fire Department. We are losing guys to greener pastures. Please explain to me how you can give a new guy a $3,000 raise and a 20-year guy zero. Make that make sense. Councilman Cassada stated the whole scale is out of whack and been out of line since 2008. Mr. McAmis stated we'd get a 1.5% raise but the increase in insurance negates it. We got a $750 bonus. These are the guys that are not getting raises now. We stuck with you all through it and we gave. Firefighters work 54 hours a month over a 40-hour work week. All at straight time. That federal rule goes back to the great depression, and you can choose to pay us overtime, but you don't. Councilman Cassada stated to the Police and Fire Departments I appreciate everything you do. I want to make sure you have everything you need to respond to a call. I would love to pay everyone as much as they want but it's like an allowance and we have to balance our budget. We have to be responsible to our citizens. I will stand up. I have stood with you guys. Councilwoman McKenzie stated she doesn't feel like we can compare to Chattanooga. We don't have the tax base they have. After listening to the concerns, I think we have to get it right this time. If someone has been in the department as long as you have and you're not getting a raise and someone new is, something is out of whack. This can't keep going. There is not enough money to pay first responders. You can't put a price on your job but we as a Council appreciate what you do, and we will try to work with y'all. Maybe there are things we aren't seeing but this needs to be fixed. The Sports Center, I was the one that brought that forth and my thinking in that was revenue for our community. We can't put everything on the taxpayer. I ask that you work with us, and we will work with you can get this fixed.

Mr. Fivas announced the ribbon cutting for Jim Sharp Park will be held on October 27th. We have plaques for the dedication of the pavilion to Ron Barker, who donated a portion of the land for the park. Also, construction will begin on ten new jetport hangars soon.

Mayor Brooks announced a brief recess.

Mayor Brooks called the meeting back to order at 4:31

HEARING PETITIONS AND COMMUNICATIONS

Daniel Lakes, who lives at 2385 Varnell Road addressed the Council concerning the annexation of property along Varnell Road. He stated he still has a functioning farm adjoining this property and asked if the property is zoned for residential, where does all the runoff go. Mr. Jobe stated the developer will have to submit their plans and they will have to include a stormwater plan. The post runoff has to be the same as the pre runoff. They will likely have a detention pond. Mr. Lakes stated when the property to the west of his property was developed, he continues to fight the water from that subdivision. He brought in 800 dump trucks of dirt in his front yard to slow down water to keep the fields where his cattle graze from eroding from that one subdivision. Enough is enough. Councilman Estes asked city staff what Mr. Lakes' recourse is. Mr. Jobe stated the developer of the subdivision he has standing against them. Mr. Lakes stated yes, if you vote on this and give them the go ahead with R2 development, his only recourse is a civil suit with the developer to fix the drainage. It is not fair. Councilman Estes stated the city would also be liable, as our engineers stamp the drawings. Mr. Jobe stated yes, the Planning Commission receives the stormwater report, it is received by our engineer and make sure of no mistakes and then we make sure it is constructed as approved. The developer's engineer then stamps an as built survey and takes responsibility. The documents are very important. If the Emerald Hills developer has not properly maintained the site, we can have Stormwater Division go out and look at the excess water. For the new development, we just have to make sure they build according to the approved plans. Mr. Lakes stated he is only bringing this up now because of the new development which is closer to his property. He just doesn't want water runoff again. Mayor Brooks asked city staff to take a deep dive into the stormwater. Councilman Estes stated stormwater rules have changed over the years and what we are voting on today will have more scrutiny. You have protection that no more water will come no matter how much concrete or impervious materials are there. Mr. Fivas stated we know the back side of the Veteran's Home is a known problem, which wasn't in the city at the time, but we are glad to put in as many resources working with you and Bradley County stormwater to

make sure what happened before doesn't happen again. We need to make sure the new subdivision follows all standards and if there is a violation, we can stop them before the final CO is issued. We will make sure the previous stormwater issues doesn't happen again.

Miles Adkins stated he is having issues with what he believes is juvenile delinquents with ongoing knocking, typically during the night. Police has made reports but also talked down to him and asked him about medications. The last report said I began to get hostile, but they are putting words in my mouth. Mayor Brooks asked for a copy of the report, and he would pass along to Chief Gibson.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda has been presented to the Council. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes. Upon roll call, the motion passed 6-0.

- **Final Passage - Ordinance 2025-52** – heretofore passed on first reading September 8, 2025 and found in Minute Book 32, Page 577; concerning a request by Embark Developments for consideration of an ordinance to zone about 22.84 acres, more or less, for property located at Varnell Rd. from FAR/unincorporated county Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 057 Parcel 027.00 (Planning Commission: Approved 9-0).
- **Final Passage - Ordinance 2025-53** – heretofore passed on first reading September 8, 2025 and found in Minute Book 32, Page 578; concerning a request by City of Cleveland for consideration of an ordinance to amend the Cleveland City Municipal Code, Appendix C, section 2.8.1.B to remove residential district from uses permitted and amend section 2.8.1.D Uses permitted on appeal to include upper-story residential (Planning Commission: Approved 9-0).
- **Reappointment** – *Shade Tree Board* - Amy Banks for an additional two-year term to expire August 2027.
- **Reappointment** – *Shade Tree Board* - Clark Taylor for an additional two-year term to expire August 2027.
- **Reappointment** – *Shade Tree Board* - Jo Benjamin for an additional two-year term to expire August 2027.
- **Reappointment** – *Shade Tree Board* - Councilman Tom Cassada for an additional two-year term to expire August 2027.
- **Reappointment** – *Shade Tree Board* - Will Jones for an additional two-year term to expire August 2027.
- **Appointment** – Mayor Brooks and Councilman Cassada to the Arts & Entertainment District Committee.
- **Resolution 2025-81** - Authorizing the Mayor to sign the 2026 grant contract with the Tennessee Department of Safety and Homeland Security for community traffic safety enforcement and education.

RESOLUTION 2025-81

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE 2026 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 Highway is sponsoring competition for federal grant funds to be distributed statewide from the National Highway Traffic Safety Administration for the 2025-2026 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 22nd day of September 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Bid Report** – Prefabricated Metal Buildings.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 22, 2025**
RE: **Bid Summary – Prefabricated Metal Buildings**

SUMMARY:
The City received sealed bids for constructing three prefabricated metal buildings. Bids are listed below:

- Cherokee Construction **$2,699,634.00 (Base Bid)**
- ETC Construction, LLC **$2,315,931.00 (Base Bid)**

COMMITTEE FINDINGS:
No Board or Committee findings.

RECOMMENDATION:
Staff recommends rejecting the bids.

- **Change Order** – Cherokee Hotel Redevelopment Change Order #3.

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **September 22, 2025**
RE: **Cherokee Hotel Project – Change Order #3**

SUMMARY:
Attached is Change Order #3 for review. MHM has prepared a narrative outlining the work covered in the change order.

MHM

Cleveland City Hall and City Council
DRP2
Change Order 003

- PCO 011 – Stair Handrail – $7,064.40
  Alteration and addition of new base at historic lobby/mezzanine handrail to meet code required height while meeting requirements of the NPS historic review.

- PCO 015 – Steel Lintel Extension - $4,200.95
  West exterior door steel lintels needed for adjusted door openings.

- PCO 018 – 2-hour chase wall additions (Rev 3 & 4) - $34,093.68
  Fire ratings had to be added to the existing shaft walls due to the damaged existing conditions of the shafts.

- PCO 037 – Pella Window and Door Changes – $18,629.68
  Adjustments to the Mezzanine and Lobby level doors and windows.

- PCO 038 – Revised Mat Slab at West Stairs 132c – $19,873.57
  Modified mat slab, structural steel, demolition, and new masonry in response to RFI 042.

- PCO 039 – Room L11 Exterior Wall Infill – $9,479.52
  Brick infill needed to replace existing wood siding and wall construction at future Lobby level training room.

- PCO 041 – Demolition of Elevator Cap – $21,460.00
  Existing concrete elevator shaft cap to be removed to receive new elevator equipment and layout.

- PCO 043 – Demolished Pad in Basement – $2,320.00
  Additional demo in basement needed to remove raised equipment pads.

- PCO 044 – Additional Cooling Tower Roofing – $9,574.64
  Additional TPO roof detailing and install needed to coordinate with revised cooling tower.

- PCO 046 – Additional Framing for Roof Cooling Tower (Steel) – $8,267.34
  New steel framing needed to support cooling tower in addition to framing needed for unit leveling.

- PCO 048 – Column and Girder Repairs – $19,950.35
  Existing concrete structural repairs needed related to RFI 048 and RFI 049 identifying cracking in the existing structural system.

- PCO 050 – Additional Cooling Tower Roofing – $11,049.00
  Additional TPO roofing and detailing around structural kicker walls that were added for parapet stabilization.

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- PCO 052 – RFI 45 Existing Historic Mezzanine Elevator Beam Condition – $20,722.48
  New steel beam to be installed to support cracked existing interior elevator beam condition between Lobby and Mezzanine.

- PCO 054 – Added S Window and Updated U Window - $2,108.71
  Adding back a mezzanine level window that was previously to be infilled. Adding back a stair window that was previously missed in the count.

- PCO 057 – RFI 059 Existing Conditions at S-16 Storefront - $1,566
  Unknown column was discovered in a wall that was demolished. Column to be wrapped in gypsum board and painted out.

- PCO 058 – Fire Extinguisher Changes – $377.00
  Fire extinguisher cabinets finish updated to black.

- PCO 067 - Elevator Changes - $12,192.88
  Elevator finish costs.

- PCO 071 – Additional Plumbing to Cooling Tower - $9,433.36
  Condensate line and routing needed to be added to serve the rooftop unit.

  Total
  $212,363.56

Additional Information
Change Order 001 dated 4/10/2025 totaled $427,507.09.
This change order was a total from PCOs 001, 002, 003, 004, 007, 008, 010, 014, 016, 020, 021, 023, 025, 026, 028, 029, 030, 031, 032.

Note: PCO 021 - $207,460.00 for low voltage and communication was originally priced for this project, but under a different contract. This fee and scope of work is now included in Tricon's contract/this project's Contract Sum.

Change Order 002 dated 8/22/25 totaled $381,022.05.
This change order was a total from PCOs 036, 051, 059, 062, 064.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Moore had no report at this time.

Councilwoman McKenzie had no report at this time.

Councilman Estes asked if staff could reach out to Representative Howell to help with Greenway Phase 6. Mr. Jobe stated yes. We have received approval of the design and now waiting for the notice to proceed but we will reach out to Mr. Howell. We need the letter to begin the right-of-way process. Councilman Estes stated this weekend their will be several festivals and events in downtown. Just think how far Mainstreet has come in 5-6 years. There is a lot of momentum and exciting to see all the things happening downtown. He then thanked Chief Gibson for checking on the smoke shop on Inman Street. Shots were fired and we have received several complaints. Mr. Fivas stated we have many departments looking into the situation.

Councilman Cassada thanked Tommy Myers for clearing the brush at the corner of the property at Ridgeway Drive and Georgetown Road.

Councilman May had no report at this time.

Vice Mayor Webb had no report at this time.

NEW BUSINESS AND ORDINANCES

Councilman May moved to authorize the Cleveland City Beer Board to issue a Special Occasion Beer Permit for the Tee it Up for the Troops to be held on November 8 from 7:00 am - 7:30 pm located on 1st Street NE between Church and Parker Street NE. The motion was seconded by Councilman Cassada; and upon roll call, Councilman May, Councilman Cassada, Councilman Moore, Councilman Estes and Vice Mayor Webb voted aye. Councilwoman McKenzie voted no. The motion carried 5:1.

Mayor Brooks stated the next item was further discussion on the Compensation Plan and to extend the appeal process. Councilman Estes stated if we change the plan then that wouldn't happen until October 27. We are not going to revisit this for a month. Councilman May stated the City Manager is going to be working with department representatives to find a solution. Councilman Estes asked will that go out to employees before we see it and vote? Mr. Fivas stated no. My guess is, let's get the options together, let's meet on October 27 and let's see where we're at and evaluate. We will know more then. Councilman Estes moved to extend the appeal deadline and at the October 27 meeting we will revisit it again when we have more information. Also, move retroactive payments to November 28. The motion was seconded by Councilman May. Kim Miller, Human Resource Director stated that typically longevity checks are sent out mid-November and asked how staff should proceed. Councilman Estes stated for him, longevity plays into the way he looks at compensation. If you say we usually do this, maybe we shouldn't be usual until we get this all sorted. I don't know. Vice Mayor Webb suggested if the November payment date for the longevity date is not settled by then, we pay what we did last year, then we address the additional and make a final decision. Mrs. Miller stated the second week of November is when the checks are typically distributed. Mr. Fivas stated let's see where we are at on October 27 and make the holistic decision. We can make the longevity decision on October 27. Councilman Estes restated his motion to extend the appeal deadline to October 27 and at the October 27 meeting Council will look at all information provided by city staff at that time. Councilman May seconded the motion. Upon roll call, the motion carried 6-0.

Mr. Fivas stated for clarification if any employee has an appeal, they can still turn it in, and we will have them work on them during October. Sometimes, it is job description or other unrelated salary issues. If we need additional time for more appeals, we can decide on October 27.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Monday, October 13, 2025 in observance of Columbus Day. The City Council meeting will be cancelled.

b. The next City Council meeting will be held on Monday, October 27, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 5:13 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
OCTOBER 13, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, OCTOBER 13, 2025 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE COLUMBUS DAY HOLIDAY.

_____ _____

Mayor City Clerk

REGULAR SESSION
OCTOBER 27, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, OCTOBER 27, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, Duane Goff, and Dan Moore.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Rhonda Graham, Assistant Human Resource Director; Connie Gatlin; Holly Harris; Michael Harris; Amanda Morgan; Dr. Harold Bare; Michele Mummet; Summer Avelar; Angel Bowman; Kolton Lane; Jare Maples; James Ballertire; Megan Becker; Monica Herrador; Tammy Bently; Cindy Geren; Hal Taylor, Taryn Freitas; Mark Sully; Christopher Jones; Jonathan Carroll; John Sampson; Vickie Sampson; Beth Hetzel; Elyse Tinzler; Chuck Swafford; Lisa Humpries; Lucy Rymer; Bill Martin; Emily Rocio; Dr. Jeff Elliott; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag and prayer by Pastor Kenneth Bowners with South Cleveland Church of God, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Webb 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 22, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks presented the following proclamation:

"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 more than 281,550 women will be diagnosed with breast cancer in the United States in 2025. 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 32nd 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.

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, TN, by virtue of the authority vested in me do hereby proclaim October 2025 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.

Next, Mayor Brooks presented the following proclamation:

"NATIONAL ARTS AND HUMANITIES MONTH"

Whereas, the nation's 120,000 non-profit arts organizations, the National Endowment for the Arts, the National Endowment for the Humanities, the nation's 4,500 local arts agencies in communities across the country, and the arts and humanities councils of the 50 states and the six U.S. jurisdictions and districts have regularly issued official proclamations on an annual basis designating October as National Arts and Humanities Month, and . . . .

Whereas, cities and states-through their local and state arts agencies, which represent thousands of cultural organizations-have celebrated the value and importance of culture in the lives of Americans and the health of thriving communities during National Arts and Humanities Month for nearly 30 years; and

Whereas, the humanities help diverse communities across the United States explore their history and culture with the support and partnership of the National Endowment for the Humanities, the 50 states and six jurisdictions and district humanities councils, and local educational and cultural institutions, the arts and humanities embody so much of the accumulated wisdom, intellect and imagination of humankind; and the arts and humanities enhance and enrich the lives of everyone in America; the arts and humanities play a unique role in the lives of our families, our communities and our country; and . . .

Whereas, despite significant losses due to the coronavirus pandemic, the creative industries remain among the most vital sectors of the American economy-providing new opportunities for developing cities, creating jobs and economic activity within their own industry and across sectors and making communities attractive to business development,

NOW THEREFORE, We, Kevin Brooks, Mayor of the City of Cleveland, and D. Gary Davis. Mayor of Bradley County, Tennessee do hereby proclaim October, 2025 as "NATIONAL ARTS AND HUMANITIES MONTH" in Cleveland and Bradley County and call upon our community members to celebrate and promote the arts and culture in our community, and to specifically encourage greater participation by the community members in taking action for the arts and humanities in our city and county.

Vice Mayor Webb moved to declare the service weapon and bicycle of K-9/SRO Officer Michael Harris as surplus property and given to him as a token of the City's appreciation for his 33+ years of dedicated service to the Cleveland Police Department. Also, to retire K-9 Max after 9-years of service to the Cleveland Police Department and allowing K-9/SRO Officer Michael Harris to adopt him. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed. Mayor Brooks and the City Council thanked Officer Harris for his service to the City. Chief Gibson thanked Officer Harris for his service and sacrifices he and his family has made over the years. We wish him the best.

Dr. Harold Bare addressed the City Council concerning homelessness in Cleveland. He asked for a task force to help research resources in Cleveland to mitigate challenges our community faces. He applauds the charitable work in our city, but it is not adequate for the social lift certain areas needs. Mr. Fivas stated yes, today during the Strategic Planning Session we discussed homeless strategies and priorities and will be working to develop a task force.

Mr. Fivas then thanked the city employees who helped Autumn on Inman be a successful event on Friday. We had about 1,500 people attending. Lindsey Hawkins and Bryan Tuner were the chair and cochair and approximately thirty employees volunteer their time to work activities and concessions. After Halloween they will begin installing the Christmas Tree in Johnston Park.

Mayor Brooks commended staff for the great events in Cleveland over the weekend. We had a 5K, the largest Mainstreet Cruise-In, Hallo-Wings at the Cleveland Jetport, and the Chamber celebrated their 100th Anniversary.

Allen Mincey with Keep America Beautiful reminded everyone that November is No Trash November in Tennessee. Also, November 8 is the Household Hazardous Waste collection day at the Bradley County Justice Center beginning at 8a.m. Lastly, November 15 is the America Recycles Day across the Country.

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 Lee University for consideration of an ordinance to abandon a portion of 4th Street NE located between Trunk St. NE and Parker Street NE and abuts Tax Map 049M Group O Parcel 001.00 and Tax Map 049M Group O Parcel 024.00 (Planning Commission: Approved 9-0). Robert Varnell stated this abandonment request is for a small portion of 4th Street. The right-of-way is surrounded by Lee University property, and this abandonment would help in their quest to build the new Engineering Building. They are the only property owners that will be impacted by the closure. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Pryor Bacon/Sam Bruner for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 5.75 acres, more or less, for property located at Frontage Rd. from FAR/unincorporated to CH Highway Commercial and includes Tax Map 014 Parcels 055.00 and 056.01 (Planning Commission: Approved 9-0). Robert Varnell stated this request is for Highway Commercial. This was the former Ponderosa, and the applicant is in the process of purchasing two tracks to expand their development, which will be an interstate commercial type business, with gas pumps, restaurants and a store. This being near residential property, the buffer requirement will be our most extreme we have and will have significant buffering. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. Amanda Morgan stated that she and her parents are adjacent property owners to the proposed annexation. She asked what "a significant buffer" meant. Mr. Varnell stated it would depend, if it's done at 50' it could be with or without a fence down to 30' if you have a fence and landscaping. Different types of shade trees and evergreens would be planted in a way to create a type of wall. Ms. Morgan stated the properties are currently wooded, would any of that remain. It is a gully and has a natural creek. Mr. Varnell stated with the creek, it will certainly be considered during the site review process. A creek would have a 30' undisturbed buffer on each side. We typically do not see site plans until after the annexation is complete, but the site plan and stormwater regulations will be thoroughly reviewed. Mr. Fivas stated Mr. Varnell would share his information with Ms. Morgan and help walk her through the process to help keep the property owners protected. 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 XiuQing Chen for consideration of an ordinance to zone about .20 acres, more or less of property located at Lacy Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 042B Group A Parcel 008.01 (Planning Commission: Approved 9-0). Mr. Varnell stated the adjacent property is currently residential in structure and built before the residential component was removed from highway commercial. The area leans to residential, and staff recommends approval of the change. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Kim Randoph for consideration of an ordinance to zone about .33 acres, more or less, of property located at Fletcher Rd. NW from CG General Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 041G Group D Parcel 006.01 (Planning Commission: Approved 9-0). Mr. Varnell stated this property is surrounded by residential units and built before the residential component was removed from general commercial. Staff does recommend the zoning change. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland to delete the current language located in Title 14 Chapter 10 Flood Hazard Reduction Ordinance and replace with updated language regulating development within the City limits to minimize danger to life and property due to flooding as adopted and approved by FEMA (Planning Commission: Approved 8-0). Mr. Varnell stated about five years ago FEMA began the process of updating the flood maps. It has been a timely process and is a mandatory process to continue in the Stormwater Flood Insurance Program through FEMA. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland for consideration to amend the Cleveland, TN Zoning Ordinance Appendix C, sections 5.2.1.E, 5.2.1.J(5), 5.2.1.K, 5.2.2.C, 5.2.2.F, and 5.2.2.H concerning signage standards, illumination, heights, number of allowed signs, and definitions (Planning Commission: Approved 8-0). Mr. Varnell stated this is continuation of the cleanup of the zoning ordinance concerning signage. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda has been presented to the Council. Councilman Goff commended Dr. Jeff Elliott on the forward thinking of the property purchase at 920 Mouse Creek Road adjacent to the schools. Also, he would like to see the Ad Hoc Committee and City Council obtain a third-party consultant, which would be beneficial to move forward with future costs and needs for the school system in the future. He then asked that Resolution 2025-82 and the motion for the engagement letter with Miller & Martin be moved to new business.

Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes. Upon roll call, the motion passed 7-0.

- **Resolution 2025-83** - Authorizing the Mayor to sign an agreement with TDOT for milling and resurfacing Mouse Creek Road from Keith Street to the northern City Limits north of Singletree Dr NW (PIN 136875.00).

RESOLUTION 2025-83

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

Project: Mouse Creek Road, from SR-2 to north of Singletree Drive Northwest in Cleveland, Bradley County.

Agreement Number: 250270
Project Identification Number: 136875.00
Federal Project #: STP-M-9203(29)
State Project #: 06LPLM-F3-087

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 27th day of October, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-85** – Authorizing the Mayor to sign a sub-recipient agreement with Habitat for Humanity related to the Down Payment Assistance Program through CDBG.

RESOLUTION 2025-85

WHEREAS, the City of Cleveland Community Development Block Grant Program includes funding within the budget for a Down Payment Assistance Program;

WHEREAS, the Down Payment Assistance Program will assist eligible low-income families in the purchase of affordable housing within the CDBG target area to be constructed and financed by Habitat for Humanity of Cleveland;

WHEREAS, said Down Payment Assistance funding can be applied to the down payment, closing costs and/or to reduce the principal balance of the loan;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the Sub-recipient agreement with Habitat for Humanity;

BE IT FURTHER RESOLVED THAT the City Council hereby approves of the use of CDBG funds for Down Payment Assistance to qualified homebuyers for the amount of $48,000.

This 27th day of October 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-86** – Authorizing the Mayor to sign a sub-recipient agreement with City Fields related to the Down Payment Assistance Program through CDBG.

RESOLUTION 2025-86

WHEREAS, the City of Cleveland Community Development Block Grant Program includes funding within the budget for a Down Payment Assistance Program;

WHEREAS, the Down Payment Assistance Program assists eligible low-income families in the purchase of affordable housing within the CDBG target area to be constructed and financed by City Fields, Inc.;

WHEREAS, said Down Payment Assistance funding can be applied to the down payment, closing costs and/or to reduce the principal balance of the loan;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the Sub-recipient agreement with City Fields Inc.;

BE IT FURTHER RESOLVED THAT the City Council hereby approves of the use of CDBG funds for Down Payment Assistance to qualified homebuyers for the amount of $18,000.

This 27th day of October 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-87** – Authorizing the Mayor to sign a license agreement with TDOT for the City to construct and maintain a greenway path under I-75 bridge at MM 24.

RESOLUTION 2025-87

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

Description of Project: State Project Number: N/A
Federal Project No.I-75-1(20) 21
License Agreement for the installation and maintenance of
Greenway under I-75 Bridge over Candies Creek at log mile 8.399

WHEREAS, the City Council desires to enter into the attached license agreement with TDOT and to further authorize the Mayor to execute the attached agreement on behalf of the City of Cleveland.

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

This 27th day of October 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-89** – Approving a project scope and fee with WSP USA, Inc., to provide professional services for the Cleveland Urban Area Metropolitan Planning Organization's 2050 Long Range Transportation Plan.

RESOLUTION 2025-89

A RESOLUTION APPROVING OF A PROJECT SCOPE AND FEE FOR WSP USA, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE CLEVELAND URBAN AREA METROPOLITAN PLANNING ORGANIZATION'S 2050 LONG RANGE TRANSPORTATION PLAN

WHEREAS, City staff have been provided with the attached scope of services and proposed fee from WSP USA, Inc. for professional services to be provided to the Cleveland Urban Area Metropolitan Planning Organization (MPO) by WSP USA, Inc. in connection with the 2050 Long Range Transportation Plan; and

WHEREAS, City staff are recommending that the City Council approve of the scope of work and fee as outlined in the attached documents from WSP USA, Inc. and the Agenda Item Memorandum prepared by Director of Planning and Community Development Robert Varnell; and

WHEREAS, the City Council desires to approve of the scope of work and fee as outlined in the attached documents from WSP USA, Inc. and the Agenda Item Memorandum prepared by Robert Varnell on behalf of the MPO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee that the City Council does hereby approve of the scope of work and fee as outlined in the attached documents from WSP USA, Inc. and the Agenda Item Memorandum prepared by Robert Varnell on behalf of the MPO.

Approved this 27th day of October 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Street Light Recommendation** – 205 Royal Drive NE (Councilman Cassada) (Cleveland Utilities does not recommend additional lighting, as it meets city guidelines. Staff approves that the existing 100-watt HPS fixture to be upgraded to a 40-watt LED Cobra fixture at a cost of $146.70).
- **Motion** – Authorizing the Cleveland City School Board of Education to purchase property at 920 Mouse Creek Road adjacent to Ross and Yates Elementary Schools (1.84 acres).

- **Motion** - Community Sidewalk and Greenway Master Plan Amendment 1

TO: **Mayor and City Council**
FROM: **Robert W. Varnell, Director of Planning and Community Development**
DATE: **October 27, 2025**
RE: **Sidewalk and Greenway Master Plan Revision 1**

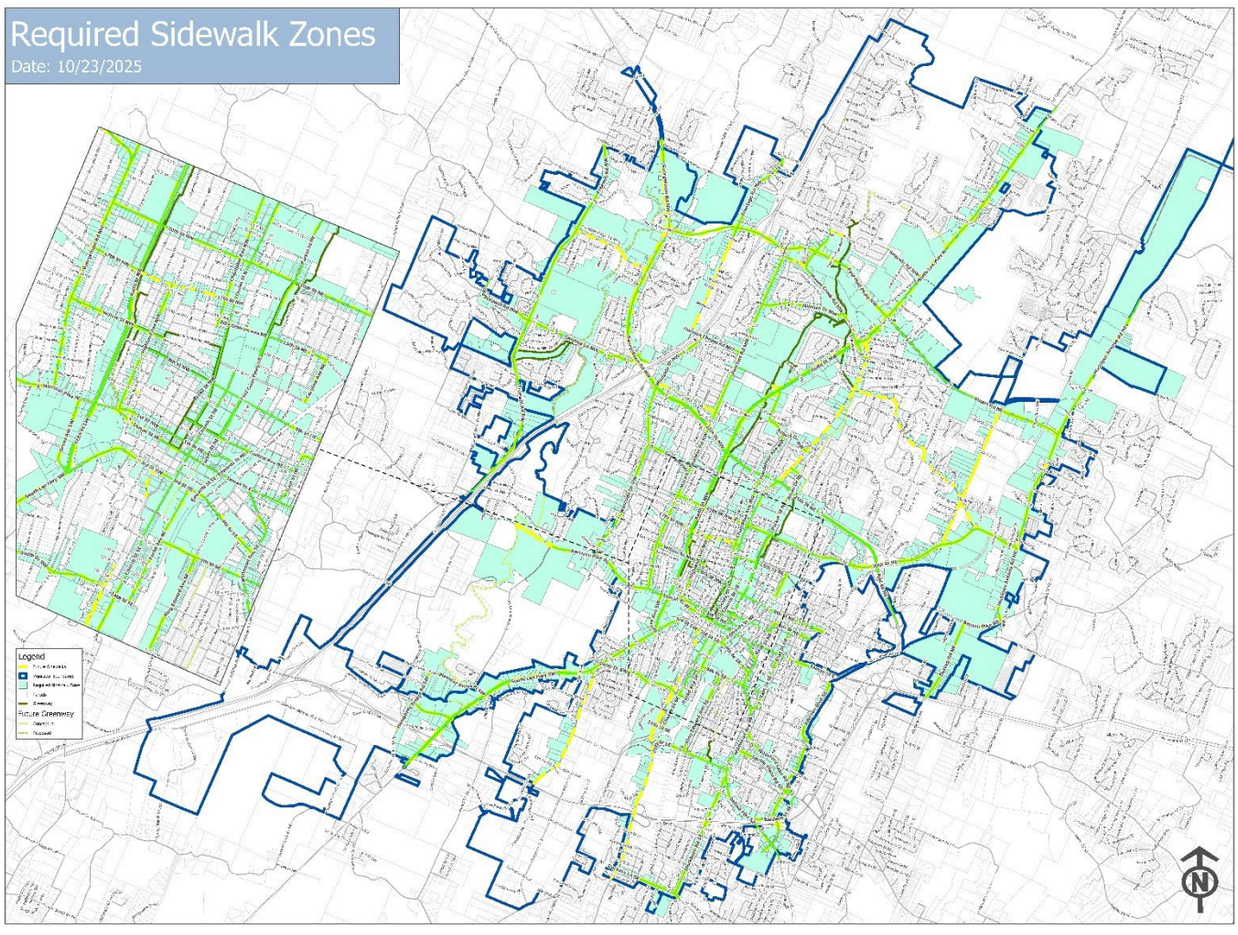
SUMMARY:

Applicant:	City of Cleveland
Request:	Sidewalk and Greenway Master Plan Revision 1

The City of Cleveland adopted the Sidewalk Ordinance requirements in November of 2022. This ordinance requires sidewalk construction and right-of-way dedication for residential, commercial, and industrial developments across the City.

The Ordinance required the completion of a sidewalk and greenway master plan to guide sidewalk and greenway construction through the development process which occurred in May of 2023. The map includes locations where sidewalk construction is required as well as a zoning overlay which will guide planners in the future for enhancing the pedestrian network in Cleveland. This revision takes in to account a few locations where installation of the infrastructure is difficult and prioritizes certain sides of the road due to natural features.

RECOMMENDATION:
City staff recommends approval of Sidewalk and Greenway Master Plan revision 1.



- **Motion** - Neighborhood Signs

TO: **Mayor and City Council**
FROM: **Dustin Tommey, Redevelopment Coordinator**
CC: **Joe Fivas, City Manager**
DATE: **October 27, 2025**
RE: **Neighborhood Signage**

SUMMARY:

City staff have collaborated with community stakeholders from the College Hill and Blythe Oldfield neighborhoods to design neighborhood gateway-wayfinding signs that define neighborhood boundaries and strengthen community identity. These historic East Cleveland neighborhoods have been the focus of ongoing revitalization efforts over the past decade. Proposed sign designs and recommended locations (maps) are attached separately. **See below list for the proposed signage locations:*

For College Hill (6 signs):

1. Coming from the east: near the intersection of East Inman St and Bates Pike
2. Coming from the west: near the railroad underpass at East Inman St
3. Coming from the south: near the Wildwood Ave and 9th St. SE intersection
4. Coming from the northeast: near the intersection of Benton Pike and 8th St. NE
5. Coming from the northwest: east of the railroad crossing at 8th St. NE
6. Coming from the west: east of the railroad crossing at Central Ave. NE.

For Blythe Oldfield (5 signs):

1. Coming from the south: near the intersection of Dalton Pike and 20th St. SE
2. Coming from the west: east of the railroad crossing at 20th St. SE
3. Coming from the east: near the intersection of Spring Place Rd. SE and Wildwood Ave. SE
4. Coming from the north: near the intersection of Wildwood Ave. SE and 9th St.
5. Coming from the northwest: east of the railroad crossing at 9th St. SE

COMMITTEE FINDINGS: N/A

FISCAL ANALYSIS: The City's Public Works Sign Shop can fabricate these signs internally utilizing existing metal signage materials, allowing the project to be completed for minimal costs. City staff can also complete the installation of these signs.

RECOMMENDATION: City staff recommends approval.





- **Motion** – Amending the FY26 Authorized Position List in the Cleveland Police Department to change one Lieutenant position to a Captain position.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **October 27, 2025**
RE: **Amendments to the Authorized Position List**

SUMMARY:
The Police Chief has requested to modify his organizational structure by adding an additional Captain position to the organization chart. This is not a new position, but will take an existing Lieutenant position and making it a Captain's position. This will slightly increase the personal cost for the police department.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends approval of amending the City's Authorized Position List with changing one lieutenant position to a captain's position. Human Resources, and Budget Coordinator, will make the necessary modification to police department organizational structure and the Authorized Position List

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie stated she'd like to bring awareness to Trousdale School, which serves adults with intellectual disabilities by providing academics, life skills, occupational development, arts, and recreational programming for the purpose of learning independence through life-wide learning. To often adults with intellectual disabilities are forgotten after high school and are left without opportunities for continued growth, friendship or meaningful engagement. They are a unique community dedicated to providing learning for life and to ensure each student has the same opportunity we all desire. They are taught life abilities to live on their own. She recently visited the school and was amazed at the work the young students are doing. On Thursday, November 13 they will be hosting an art show from 5:30-8:00, with a silent auction. She encouraged everyone to attend. Next, we have a group in Cleveland that tries to help with the homeless issues. Last Saturday, they provided food and clothing for the homeless. We want to help the homeless connect with groups like the Carning Place and Karis to help them understand available programs to help live better lives. Lastly, she reminded everyone of the Household Waste day on November 8.

Councilman Estes thanked Mayor Brooks for mentioning all the downtown events. Also, to his colleagues, there are two former collegiate golfers on this Council. One was good and one was mediocre. Lee University Men's Golf Team won a major fall tournament. Drew Zielinski won the tournament outright and now he will play in the Butterfield Bermuda Championship PGA Tour on November 13-16.

Councilman Cassada thanked staff for helping reduce speeding on Norman Chapel Road. Secondly, he encourages citizens and the City of Cleveland to buy local. Anytime we can buy local you are supporting local jobs and tax revenue.

Councilman May thanked the city employees who helped with the Autumn on Inman event. It was amazing and all the employees that worked to make sure the kids and families had a great time. Also, Christy Goza with Builtwell Bank hosted a fundraiser for Breast Cancer Awareness called Witches, Wine and Spirits Stroll and it was a great event. Downtown is becoming a hometown, small community feel. We are headed in the right direction.

Councilman Goff stated the Jetport Hallo-Wings event turned out great and thanked everyone for making it happen. Hopefully it will continue next year. The Chamber 100-Year Celebration was a great event as well. Thanks to Chief Bates and Chief Gibson for helping keep everyone safe. Lastly, a few days back he was contacted by a member of the skateboarding community with concerns about the skateboarders and the "pickleball mafia". Due to the absence of a skate park with the renovation of Tinsley Park, staff is working to secure a temporary area until final grants are received. Mr. Jobe stated yes, we are actively master planning the new skate park once the grant is received. This Wednesday, we should be installing the temporary skate-park equipment at Harris Circle until the new park is built.

Vice Mayor Webb asked for a paving update for Adkisson Drive. Mr. Fivas stated yes, it is on the paving list. We have one paving project, Highland Drive SE, a thin coat on Adkisson, some on Frontage, Tinsley Park and First Street. Those are the upcoming paving list for November. Vice Mayor Webb then asked if the Mouse Creek paving project just approved, will turn lanes be completed before paving. Mr. Fivas replied yes, the State will pave but we will be on the clock to have all the widening and piping completed and the turn lanes installed. We will have to get the changes done and then it will be paved. Vice Mayor Webb then asked about the unpaved island at Mouse Creek and Paul Huff. Mr. Fivas stated we were waiting on Cleveland Utilities to install the pedestrian signal equipment and then the concrete crew will finish the sidewalk and island.

Councilman Moore had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was presented in full:

- **Ordinance 2025-54** – Concerning a request by Lee University for consideration of an ordinance to abandon a portion of 4th Street NE located between Trunk St. NE and Parker Street NE and abuts Tax Map 049M Group O Parcel 001.00 and Tax Map 049M Group O Parcel 024.00 (Planning Commission: Approved 9-0).

ORDINANCE 2025-54

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 OC 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 a point (N: 303007.67, E: 2305822.63, NAO 83) at the intersection of the western line of Trunk Street NE and the southern line of Trunk Street NE; thence running with the southern line of said 4th Street NE on a bearing of N 52·27'54" W for a distance of 168.28 feet to a point; thence leaving the southern line of said street and running on a bearing of N 35·13'53" E for a distance of 27.32 feet to a point on the northern line of said 4th Street NE; thence running with the northern line of said street on a bearing of S 52·27'54" E for a distance of 165.46 feet to a point on the western line of said Trunk Street NE; thence running with the western line of said Trunk Street NE on a bearing of S 30·17'52" W for a distance of 27.04 feet to the POINT OF BEGINNING.

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Ordinance 2025-54 be approved on first reading. The motion was seconded by Councilman Goff. Councilman Estes declared he is an employee of Lee University, which does not affect his vote. Upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-90** – Concerning a request by Pryor Bacon/Sam Bruner for consideration of a Plan of Service for about 5.75 acres, more or less, for property located at Frontage Rd. and includes Tax Map 014 Parcels 055.00 and 056.01 (Planning Commission: Approved 9-0).

RESOLUTION 2025-90

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

FRONTAGE ROAD (014 055.00 and 056.01)

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 October 27, 2025, 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 a corner of the existing City Limits, said point also being located in the eastern right of way of Interstate 75 and the western line of the lands of Todd Stephens, as recorded in BCROD deed book 2881 page 727; thence with the eastern right of way of Interstate 75 in a northeasterly direction 20,345.74 feet, more or less, to the southeast corner of the intersection of Interstate 75 and Lauderdale Memorial Hwy, said point also being the northwest corner of the lands of DBJ Reality, LLC, as recorded in BCROD deed book 2056 page 297;thence crossing Lauderdale Memorial Hwy in a northeasterly direction 200 feet, more or less, to the north east corner of the intersection of Lauderdale Memorial Hwy and Interstate 75, said point also being the southwest corner of the lands of Joe Morre Trustees, as recorded in BCROD deed book 2784 page 71; thence in a southwesterly direction 123.43, more or less, to the southeast tangent of the curve at the southeast corner of the intersection of Lauderdale Memorial Hwy and the northbound on-ramp of Interstate 75; thence with the northern edge of the Lauderdale Memorial Hwy bridge in a northwesterly direction 1,320.47 feet, more or less, to the southwest tangent of the curve at the northwestern corner of the intersection of Lower River Rd and the southbound off-ramp of Interstate 75; thence in a southwesterly direction 140 feet, more or less, to the southwest corner of the intersection Lower River Rd and Interstate 75, said point also being a point in the eastern right of way of Frontage Rd; thence crossing Frontage Rd in a northwesterly direction 205 feet, more or less, to the northeast corner of the lands of parcel 1 of Bruner One, LLC, as recorded in BCROD deed book 3119 page 521; thence with the eastern line of the lands of parcel 1 of Bruner One, LLC in a southerly direction 592 feet, more or less, to the southeast corner of the lands of parcel 1 of Bruner One, LLC, said point also being the northeast corner of parcel 2 of the lands of Bruner One, LLC, as recorded in BCROD deed book 3143 page 874; thence with the northern line of parcel 2 of the lands of Bruner One, LLC in a northwesterly direction 536.61 feet, more or less, to the northwest corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the western line of the lands of parcel 2 of the lands of Bruner One, LLC in a southwesterly direction 388.57 feet, more or less, to the south west corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the southern line of the

lands of parcel 2 of the lands of Bruner One, LLC in a southeasterly direction 795.16 feet, more or less, to the southeast corner of the lands of parcel 2 of the lands of Bruner One, LLC, said point also being located in the western right of way of Frontage Rd; thence crossing Frontage Rd in a southeasterly direction with the same bearing as the southern line of the lands of parcel 2 of the lands of Bruner One, LLC 130 feet, more or less, to the eastern right of way of Frontage Rd, said point also being located in the western right of way of Interstate 75; thence with the western right of way on Interstate 75 in a southerly direction 19,242 feet, more or less, to a point where the western right of way of Interstate 75 intersects the existing City Limits; thence crossing Interstate 75 in a southeasterly direction 475 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

SEPTEMBER 16, 2025
FRONTAGE ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 5.8 acres located at Frontage Road 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 2025.

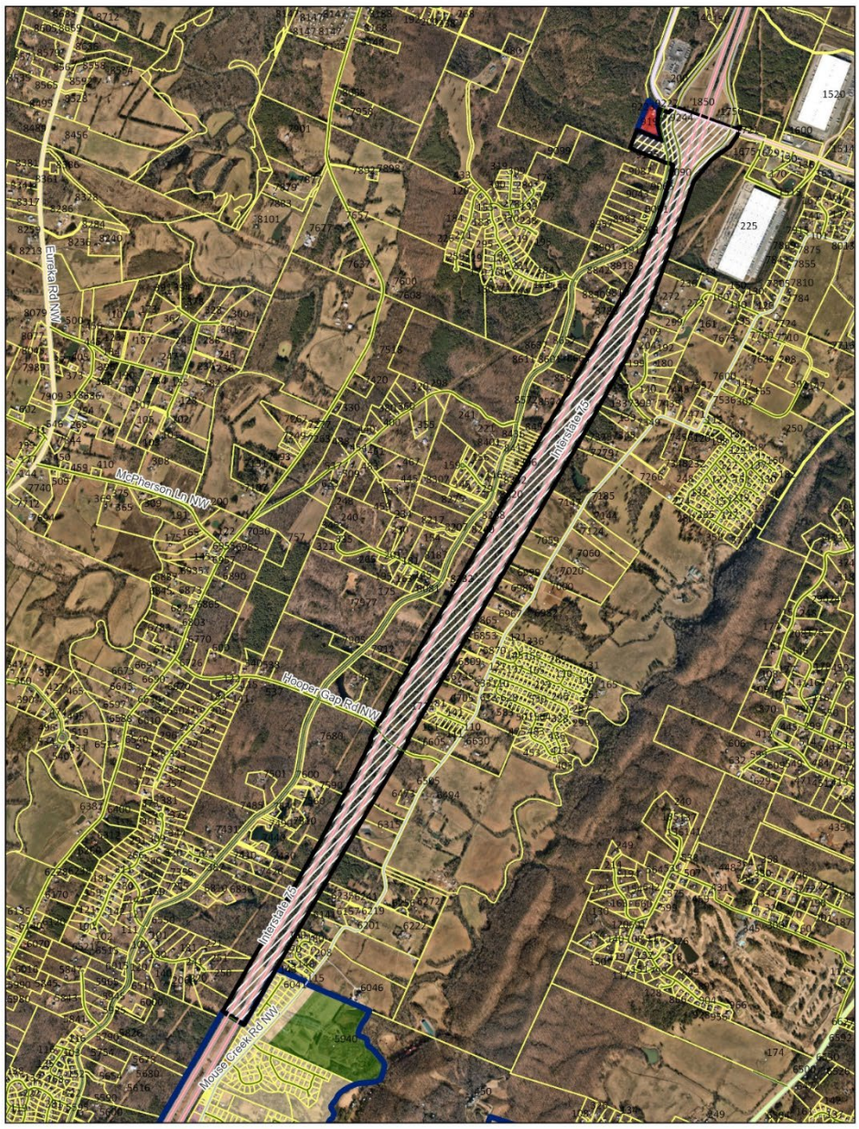
This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services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

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

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

The property consists of one parcel, approximately 5.8 acres total. The annexation would zone the property as CH Highway Commercial. These lots are currently vacant. The property is described as Tax Map 014 Parcel 055.00 and 056.01.

Frontage Road Annexation Map



Legal Description

Beginning at a corner of the existing City Limits, said point also being located in the eastern right of way of Interstate 75 and the western line of the lands of Todd Stephens, as recorded in BCROD deed book 2881 page 727; thence with the eastern right of way of Interstate 75 in a northeasterly direction 20,345.74 feet, more or less, to the southeast corner of the intersection of Interstate 75 and Lauderdale Memorial Hwy, said point also being the northwest corner of the lands of DBJ Reality, LLC, as recorded in BCROD deed book 2056 page 297;thence crossing Lauderdale Memorial Hwy in a northeasterly direction 200 feet, more or less, to the north east corner of the intersection of Lauderdale Memorial Hwy and Interstate 75, said point also being the southwest corner of the lands of Joe Morre Trustees, as recorded in BCROD deed book 2784 page 71; thence in a southwesterly direction 123.43, more or less, to the southeast tangent of the curve at the southeast corner of the intersection of Lauderdale Memorial Hwy and the northbound on-ramp of Interstate 75; thence with the northern edge of the Lauderdale Memorial Hwy bridge in a northwesterly direction 1,320.47 feet, more or less, to the southwest tangent of the curve at the northwestern corner of the intersection of Lower River Rd and the southbound off-ramp of Interstate 75; thence in a southwesterly direction 140 feet, more or less, to the southwest corner of the intersection Lower River Rd and Interstate 75, said point also being a point in the eastern right of way of Frontage Rd; thence crossing Frontage Rd in a northwesterly direction 205 feet, more or less, to the northeast corner of the lands of parcel 1 of Bruner One, LLC, as recorded in BCROD deed book 3119 page 521; thence with the eastern line of the lands of parcel 1 of Bruner One, LLC in a southerly direction 592 feet, more or less, to the southeast corner of the lands of parcel 1 of Bruner One, LLC, said point also being the northeast corner of parcel 2 of the lands of Bruner One, LLC, as recorded in BCROD deed book 3143 page 874; thence with the northern line of parcel 2 of the lands of Bruner One, LLC in a northwesterly direction 536.61 feet, more or less, to the northwest corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the western line of the lands of parcel 2 of the lands of Bruner One, LLC in a southwesterly direction 388.57 feet, more or less, to the south west corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the southern line of the lands of parcel 2 of the lands of Bruner One, LLC in a southeasterly direction 795.16 feet, more or less, to the southeast corner of the lands of parcel 2 of the lands of Bruner One, LLC, said point also being located in the western right of way of Frontage Rd; thence crossing Frontage Rd in a southeasterly direction with the same bearing as the southern line of the lands of parcel 2 of the lands of Bruner One, LLC 130 feet, more or less, to the eastern right of way of Frontage Rd, said point also being located in the western right of way of Interstate 75; thence with the western right of way on Interstate 75 in a southerly direction 19,242 feet, more or less, to a point where the western right of way of Interstate 75 intersects the existing City Limits; thence crossing Interstate 75 in a southeasterly direction 475 feet, more or less, to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   This location falls outside our response parameters of NFPA 1710. NFPA Standard 1710 establishes an 80 second "turnout time" and 240 second "travel time" (together, 320 seconds or 5 minutes and 20 seconds "response time"). Drive time alone to this proposed property from our nearest fire station is roughly 11 minutes or 660 seconds. We would **not** be able to service the following annexation request with our current staffing and station locations.

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

A. Domestic Water---Domestic water service is presently available to these parcels via an 8" water main along the east side of Frontage Rd. See Figure 1 – Water Service.

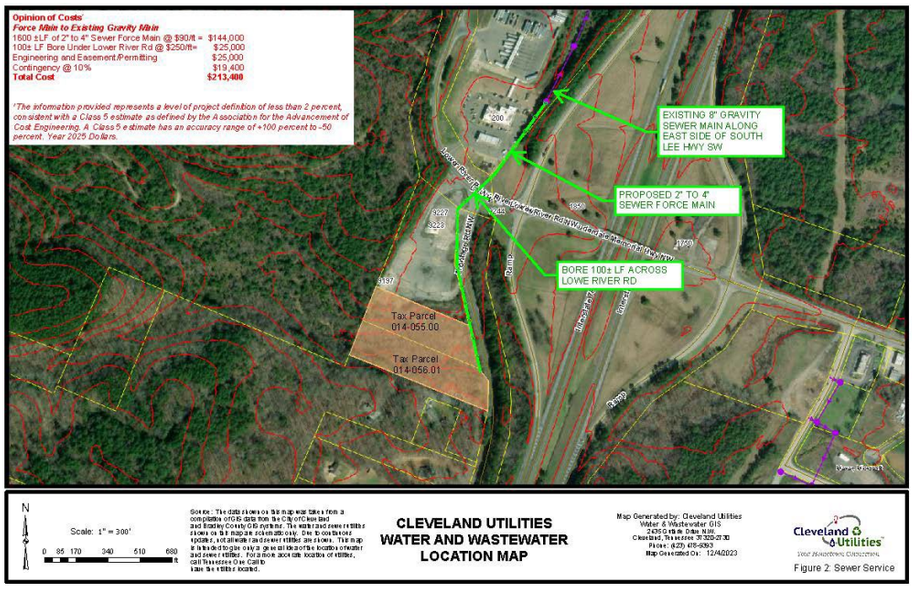
B. Sanitary Sewer---Sewer service is not presently available to the parcel. To provide sewer to this parcel approximately 1,600± LF of 2" to 4" sewer force main is required to be installed, including boring 100± LF under Lower River Road NW. Easements from Love's Truck Stop and/or permission from TDOT will be required to complete the project. To provide sewer service to the parcel, the Opinion of Probable Cost is $213,400[1]. The sewer main can be completed within 8 years. See Figure 2 – Sewer Service.

C. Fire Protection---There is an existing fire hydrant in front of the parcels along Frontage Road NW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Frontage Rd. NW (Tax Parcel 014-055.00 and 056.01)	**$0**	**$213,400[1]**	**$0**	**$213,400**

1 The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.


Opinion of Costs
Force Main to Existing Gravity Main
1600 ±LF of 2" to 4" Sewer Force Main @ $90/ft = $144,000
100± LF Bore Under Lower River Rd @ $250/ft= $25,000
Engineering and Easement/Permitting $25,000
Contingency @ 10% $19,400
Total Cost $213,400
*The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent. Year 2025 Dollars.
EXISTING 8" GRAVITY SEWER MAIN ALONG EAST SIDE OF SOUTH LEE HWY SW
PROPOSED 2" TO 4" SEWER FORCE MAIN
BORE 100± LF ACROSS LOWE RIVER RD
Tax Parcel 014-055.00
Tax Parcel 014-056.01
Lower River Rd NW
Frontage Rd NW
Tributary
Ditch
Ditch
Ditch

4. Electric Service

Cleveland Utilities Electric has no facilities in this area and will note be serving this location. This location will be franchised to VEC.

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

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

This will have no impact on education.

7. Planning and Zoning

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

B. This property is currently FAR in the unincorporated County. The property is proposed for a CH Highway Commercial 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

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the

concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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

Total revenue generated by this annexation is approximately **$14,147.84 per year.**

Vice Mayor Webb moved that Resolution 2025-90 be accepted as presented. The motion was seconded by Councilman Cassada. Councilman Estes inquired if the developer could do everything they want under CH or will it come back for another zone. Mr. Varnell stated no, I believe this is it. Upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-91** – Concerning a request by Pryor Bacon/Sam Bruner for consideration of a resolution to annex about 5.75 acres, more or less, for property located at Frontage Rd. and includes Tax Map 014 Parcels 055.00 and 056.01 (Planning Commission: Approved 9-0).

RESOLUTION 2025-91

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

FRONTAGE ROAD 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 October 27, 2025.

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 a corner of the existing City Limits, said point also being located in the eastern right of way of Interstate 75 and the western line of the lands of Todd Stephens, as recorded in BCROD deed book 2881 page 727; thence with the eastern right of way of Interstate 75 in a northeasterly direction 20,345.74 feet, more or less, to the southeast corner of the intersection of Interstate 75 and Lauderdale Memorial Hwy, said point also being the northwest corner of the lands of DBJ Reality, LLC, as recorded in BCROD deed book 2056 page 297;thence crossing Lauderdale Memorial Hwy in a northeasterly direction 200 feet, more or less, to the north east corner of the intersection of Lauderdale Memorial Hwy and Interstate 75, said point also being the southwest corner of the lands of Joe Morre Trustees, as recorded in BCROD deed book 2784 page 71; thence in a southwesterly direction 123.43, more or less, to the southeast tangent of the curve at the southeast corner of the intersection of Lauderdale Memorial Hwy and the northbound on-ramp of Interstate 75; thence with the northern edge of the Lauderdale Memorial Hwy bridge in a northwesterly direction 1,320.47 feet, more or less, to the southwest tangent of the curve at the northwestern corner of the intersection of Lower River Rd and the southbound off-ramp of Interstate 75; thence in a southwesterly direction 140 feet, more or less, to the southwest corner of the intersection Lower River Rd and Interstate 75, said point also being a point in the eastern right of way of Frontage Rd; thence crossing Frontage Rd in a northwesterly direction 205 feet, more or less, to the northeast corner of the lands of parcel 1 of Bruner One, LLC, as recorded in BCROD deed book 3119 page 521; thence with the eastern line of the lands of parcel 1 of Bruner One, LLC in a southerly direction 592 feet, more or less, to the southeast corner of the lands of parcel 1 of Bruner One, LLC, said point also being the northeast corner of parcel 2 of the lands of Bruner One, LLC, as recorded in BCROD deed book 3143 page 874; thence with the northern line of parcel 2 of the lands of Bruner One, LLC in a northwesterly direction 536.61 feet, more or less, to the northwest corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the western line of the lands of parcel 2 of the lands of Bruner One, LLC in a southwesterly direction 388.57 feet, more or less, to the south west corner of the lands of parcel 2 of the lands of Bruner One, LLC; thence with the southern line of the lands of parcel 2 of the lands of Bruner One, LLC in a southeasterly direction 795.16 feet, more or less, to the southeast corner of the lands of parcel 2 of the lands of Bruner One, LLC, said point also being located in the western right of way of Frontage Rd; thence crossing Frontage Rd in a southeasterly direction with the same bearing as the southern line of the lands of parcel 2 of the lands of Bruner One, LLC 130 feet, more or less, to the eastern right of way of Frontage Rd, said point also being located in the western right of way of Interstate 75; thence with the western right of way on Interstate 75 in a southerly direction 19,242 feet, more or less, to a point where the western right of way of Interstate 75 intersects the existing City Limits; thence crossing Interstate 75 in a southeasterly direction 475 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

Councilman Estes moved that Resolution 2025-91 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-55** – Concerning a request by Pryor Bacon/Sam Bruner for consideration of an ordinance to zone about 5.75 acres, more or less, for property located at Frontage Rd. from FAR/unincorporated to CH Highway Commercial and includes Tax Map 014 Parcels 055.00 and 056.01 (Planning Commission: Approved 9-0).

Zoning Ordinance 2025-55

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR unincorporated county zoning to R-2 Low Density Single and Multi-Family Zoning District

Approximately 5.81 acres, more or less, located on Frontage Rd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 014 Parcels 055.00 and 056.01 in the Assessor's Office for Bradley County, Tennessee.

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

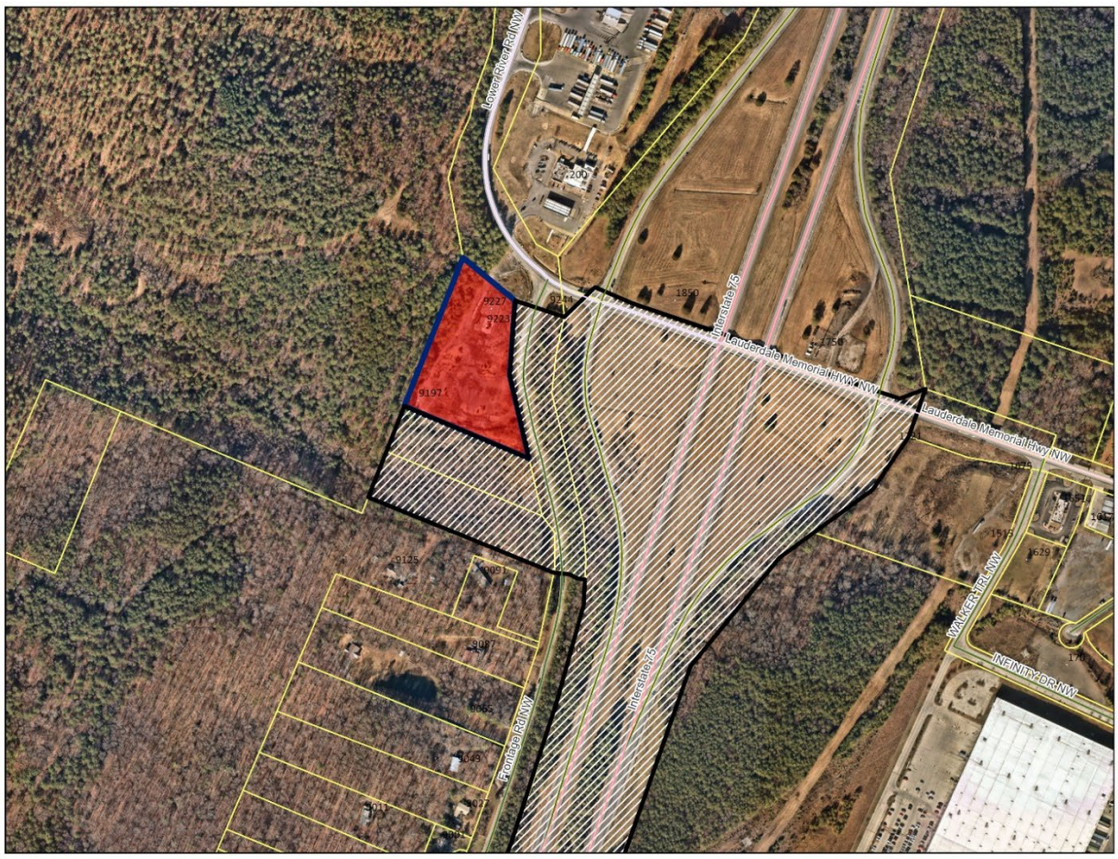
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Goff moved that Zoning Ordinance 2025-55 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-56** – Concerning a request by XiuQing Chen for consideration of an ordinance to zone about .20 acres, more or less of property located at Lacy Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 042B Group A Parcel 008.01 (Planning Commission: Approved 9-0).

Zoning Ordinance 2025-56

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District

> Approximately .22 acres, more or less, located on Lacy St. as shown on the attached map.
>
> For reference, the same property is being shown on Tax Map 042B Group A Parcel 008.01 in the Assessor's Office for Bradley County, Tennessee.

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

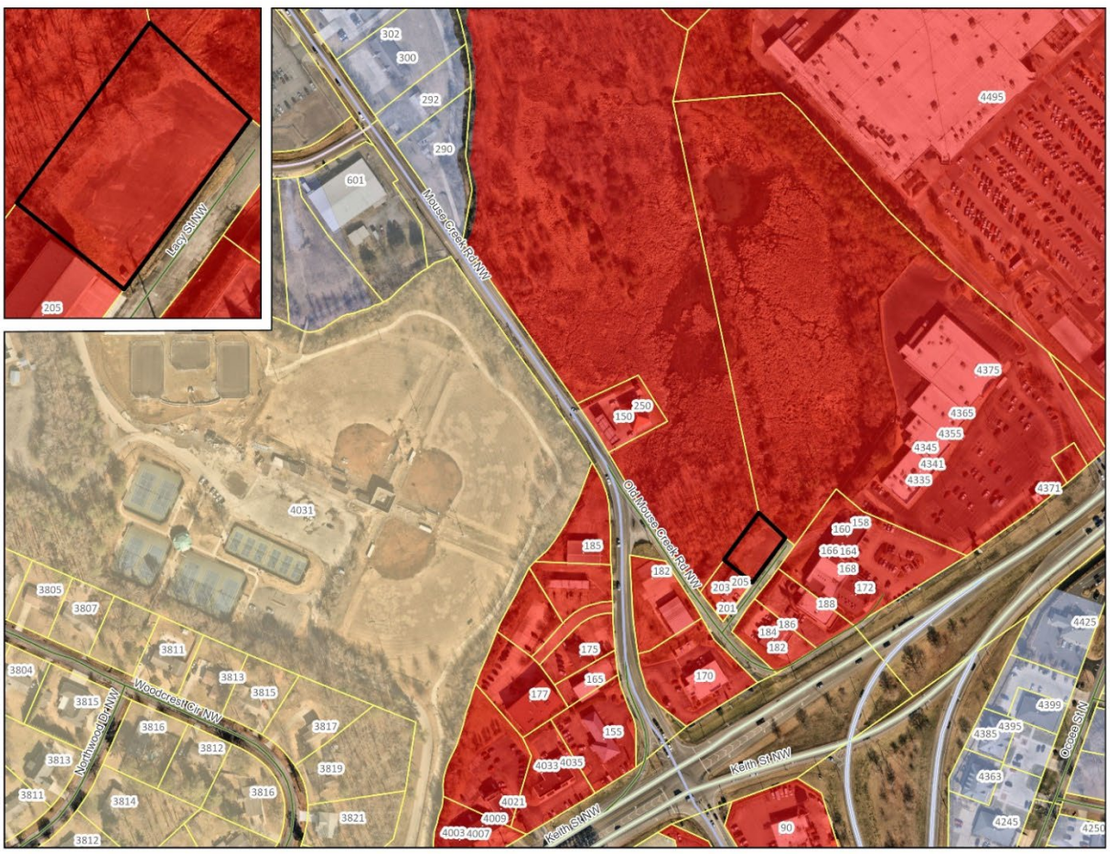
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance 2025-56 be approved on first reading. The motion was seconded by Councilman Goff. Councilman Estes requested the applicant, Ms. Chen, to have the actual residential part of her property also rezoned from CH to match this R-2 zoning. To fix all the property, not just this one portion. Upon roll call, the motion carried 7-0.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2025-57** – Concerning a request by Kim Randoph for consideration of an ordinance to zone about .33 acres, more or less, of property located at Fletcher Rd. NW from CG General Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 041G Group D Parcel 006.01 (Planning Commission: Approved 9-0).

Zoning Ordinance 2025-57

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from CG General Commercial to R-2 Low Density Single and Multi-Family Zoning District

Approximately .33 acres, more or less, located on Fletcher Rd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 041G Group D Parcel 006.01 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Vice Mayor Webb moved that Zoning Ordinance 2025-57 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-58** – Amending the Cleveland Municipal Code, Title 14, Chapter 10, Flood Hazard reduction ordinance to delete the current language located in Title 14 Chapter 10 Flood Hazard Reduction Ordinance and replace with updated language regulating development within the City limits to minimize danger to life and property due to flooding as adopted and approved by FEMA (Planning Commission: Approved 8-0).

ORDINANCE 2025-58

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF CLEVELAND, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF CLEVELAND, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Cleveland, Tennessee, Mayor and the Cleveland City Council, do ordain as follows:

Section B. Findings of Fact

1. The City of Cleveland, Tennessee, Mayor and its City Council wishes to MAINTAIN eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

2. Areas of the City of Cleveland, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodprone area;

8. To MAINTAIN eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "**Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding"
(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body

of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on the City of Cleveland, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    a. By the approved Tennessee program as determined by the Secretary of the Interior or

    b. Directly by the Secretary of the Interior.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

> **"Letter of Map Amendment (LOMA)"** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

"Conditional Letter of Map Revision Based on Fill (CLOMR-F)" A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Letter of Map Revision Based on Fill (LOMR-F)" A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

"Conditional Letter of Map Revision (CLOMR)" A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

"Letter of Map Revision (LOMR)" Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck;

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets

and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Cleveland, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Cleveland, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47011C0139E, 47011C0150E, 47011C0230E dated February 7, 2007 and 47011C0107F, 47011C0108F, 47011C0109F, 47011C0112F, 47011C0113F, 47011C0114F, 47011C0117F, 47011C0118F, 47011C0119F, 47011C0126F, 47011C0127F, 47011C0128F, 47011C0129F, 47011C0136F, 47011C0138F, 47011C0207F, 47011C0206F,

47011CIND0B, dated November 28, 2025, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Cleveland, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Cleveland, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Assistant City Manager of Development & Recreation or his/her designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators

- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Cleveland, Tennessee FIRM meet the requirements of this Ordinance.

11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

12. A final Finished Construction Elevation Certificate (the latest edition of FEMA Elevation Certificate Form) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than two (2) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than two (2) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, floodway width or base flood discharge provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.

3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.
3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Cleveland, Tennessee. The

engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).

3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section H. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section I. Standards for Unmapped Streams

Located within the City of Cleveland, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee

registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Cleveland.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

3. ONLY if Article V, Section I, provisions (1) and (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The City of Cleveland, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by The Cleveland City Council.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of $50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The City of Cleveland, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

   a) The danger that materials may be swept onto other property to the injury of others;

   b) The danger to life and property due to flooding or erosion;

   c) The susceptibility of the proposed facility and its contents to flood damage;

   d) The importance of the services provided by the proposed facility to the community;

   e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

   f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   h) The safety of access to the property in times of flood for ordinary and emergency vehicles;

   i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

   j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. **<u>Conditions for Variances</u>**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Cleveland, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Ordinance shall become effective on November 28,2025, in accordance with the Charter of the City of Cleveland, Tennessee, and the public welfare demanding it.

Approved and adopted by the City of Cleveland, Tennessee, Mayor and the Cleveland City City Council

_____
Date

_____
Mayor of Cleveland, Tennessee
Attest:_____
City Recorder

_____
Date of Public Hearing
1st Reading _____
2nd Reading _____

_____
Date of Publication of
Caption and Summary

Councilman Cassada moved that Ordinance 2025-58 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

The following Ordinance was then presented in full:

- **Ordinance 2025-59** – Concerning a request by City of Cleveland for consideration to amend the Cleveland, TN Zoning Ordinance Appendix C, sections 5.2.1.E, 5.2.1.J(5), 5.2.1.K, 5.2.2.C, 5.2.2.F, and 5.2.2.H concerning signage standards, illumination, heights, number of allowed signs, and definitions (Planning Commission: Approved 8-0).

ORDINANCE 2025-59

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, AMENDING THE CLEVELAND MUNICIPAL ZONING CODE RELATING TO SIGN REGULATIONS, VISIBILITY STANDARDS, TEMPORARY SIGNAGE, WINDOW SIGNS, ENTRANCE/EXIT SIGNS, AND DEFINITIONS.

WHEREAS, the City Council of the City of Cleveland, Tennessee, has determined that certain revisions to the City's Sign Ordinance are necessary to improve consistency, enforceability, and clarity; and

WHEREAS, these revisions further the intent of the ordinance to promote traffic safety, community aesthetics, and equitable application of sign regulations.

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

SECTION 1.

The second paragraph of SECTION 5.2.1.E is deleted and replaced with the following paragraph:

Observance of required setbacks is important to maintain visibility but the topography and other features near a sign may also affect where it is possible to safely locate the sign. At an exit drive where the view of oncoming traffic or a conflicting turning movement could be obscured by the location of a sign, the sign face is to be located not higher than 24 inches from the ground or not lower than 8.5 feet from the ground.

SECTION 2.

Section 5.2.1.J (5) is hereby amended by deleting the words "e.g. most Type C portable signs" from that subsection.

SECTION 3.

The third paragraph of Section 5.2.1.K is hereby amended by deleting the words "and Type C portable signs" from that paragraph.

SECTION 4.

SECTION 5.2.2.C entitled "Temporary Signs" is hereby amended to add the following language as Section 5.2.2.C (2):

Section 5.2.2.C (2) Temporary signs shall not remain in place for more than seven (7) days unless otherwise authorized by the City's planning director.

SECTION 5.

Section 5.2.2.C (8) is hereby amended by deleting the words "and Type C portable signs" from this subsection.

SECTION 6.

Section 5.2.2.F titled "Window Signs" is hereby deleted in its entirety and replaced with the following:

5.2.2.F Window Signs

Window signs are permitted in all non-residential zoning districts as defined by this ordinance. A maximum of five (5) window signs per establishment is allowed, subject to the total sign area limitations herein. Window signs shall not exceed 20% of the aggregate window and door area of the primary entrance. Signs visible through the window or door that provide business identification, names of professionals, or hours of operation, and that do not exceed two (2) square feet, shall not be included in the total allowable window sign area.

Window signs must be located entirely within the interior of the building and attached directly to or mounted within twelve (12) inches of the inside of the commercial business. Acceptable materials include metal, wood, vinyl, paint, cloth, paper, or other similar materials, and signs must be easily removable and maintained in proper condition.

Internally illuminated window signs are permitted if they are UL-approved, non-animated, and do not flash, blink, or include other attention-getting features. Neon signs and electronic message centers are prohibited.

All window signs are subject to the general standards of this ordinance. If a window sign requires a building or electrical permit under an applicable building or electrical code, such permits shall be obtained. If the applicable code mandates an engineered plan or if such a plan is required by the Tennessee Board of Architectural and Engineering Examiners, then an engineered plan must be provided.

SECTION 7.

The second sentence of Section 5.2.2.H titled Entrance/Exit Signs is hereby amended to read:

“These signs cannot exceed 24 inches in height or 2 square feet in sign display area.”

SECTION 8.

The definition of “Temporary Signs” in section 5.8 titled Definitions is amended to read as follows:

Temporary Signs: Temporary signs shall mean any sign which is placed on or affixed to real property for a maximum of seven (7) days in such a manner that its removal would not cause damage to the property or the sign backing or the sign structure. Temporary signs are designed to be readily removed or relocated. A temporary sign has no mounting hardware that attaches to the building or other portion of the property in a permanent fashion. Examples of temporary signs include, but are not limited to, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, banners, balloon signs, feather signs and yard signs on stakes or rigid wire. For purposes of this ordinance, all temporary signs which have four square feet or less of sign backing and which are not designed to incorporate lighting or other electronics shall be classified as Type A temporary signs; temporary signs which have more than four square feet of sign backing, and which are not designed to incorporate lighting or other electronics shall be classified as Type B temporary signs.

SECTION 9.

The definition of “Off Premises Sign” in section 5.8 titled Definitions is amended to read as follows:

Off-Premises Sign: any sign that is not an on-premises sign specifically temporary signs (non-permitted) under 32 square feet require written permission from the property owner before placement. Each property may have up to two such signs at a time, displayed for no more than seven consecutive days. These signs count toward the property's total allowable signage and are prohibited in residential zones. Signs placed without consent, exceeding the time limit, in residential zones, or exceeding the signage limit may be removed and enforced by the Building Official or code enforcement officer.

SECTION 10.

This ordinance shall take effect 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 2025-59 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

The following Resolution was then presented in full:

- **Resolution 2025-88** – Authorizing the Mayor to sign an agreement with Sports Facilities Development, LLC for professional consulting services in connection with the planning, design, construction and procurement for the Cleveland Sports Complex.

RESOLUTION 2025-88

A RESOLUTION APPROVING OF AN AGREEMENT WITH SPORTS FACILITIES DEVELOPMENT LLC FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A CLEVELAND SPORTS COMPLEX

WHEREAS, City staff have been provided with the attached agreement from Sports Facilities Development LLC to provide professional consulting and owner's representative services for the development of a Cleveland Sports Complex, which services include planning, design, construction coordination, and post-construction support.; and

WHEREAS, the City Council desires to approve of the attached agreement from Sports Facilities Development LLC to provide professional consulting and owner's representative services for the development of the Cleveland Sports Complex and 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 that the City Council does hereby approve of the attached agreement from Sports Facilities Development LLC to provide professional consulting and owner's representative services for the development of a Cleveland Sports Complex.

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

Approved this 27th day of October 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Resolution 2025-88 be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 7-0.

Councilman Cassada moved to authorize an appropriation of $100,000 to the Five Points Museum to assist in building a new amphitheater behind the Museum facility. Funds to be distributed over four fiscal years beginning in FY26; contingent upon Chamber of Commerce and Bradley County both participating. The motion was seconded by Councilman Estes. Vice Mayor Webb asked if the contingency was for the same amount. Ms. Rymer stated the Chamber

has already committed $100,000. Councilwoman McKenzie asked if the County had committed. Mr. Fivas stated no, not yet. Councilman Cassada stated he'd like to amend his motion to strike the contingency from the appropriation. Councilman Estes seconded the amendment. Upon roll call, Councilman Cassada, Councilman Estes, Councilman May and Vice Mayor Webb voted aye. Councilwoman McKenzie, Councilman Goff, and Councilman Moore voted no. The motion carried 4:3.

The following memo was presented:

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **Oct 27, 2025**
RE: **Emergency Shelter Funding Assistance**

SUMMARY:
The City Manager has been notified by the Bradley County-Cleveland Community Services Agency that they have not received their annual $125,000 Emergency Solutions Grant (ESG) from the state and federal government to fund the operations at the Emergency Shelter. Staff have met with the Executive Director and have been notified that this loss of funding will have significant impact on staffing and operations at the Emergency Shelter.

The City Manager has met with County representatives, and they are open to sharing the costs of keeping the Emergency Shelter running at full speed. The City proposes two options for the County to consider:

1) The County will fund approximately $90,000 of their remaining ARPA Homeless Shelter funds and the City will participate with approximately $35,000 of CDBG or GF funds. The City would provide $55,000 to the funding of the expansion of the Homeless Shelter design costs. For a total of $180,000 dedicated to the Homeless Shelter.

-OR-

2) The County will fund $62,500 using some of their ARPA funding and the City would fund $62,500 of CDBG or GF funds. The City and County will still provide $27,500 to the funding of the expansion of the Homeless Shelter design costs. For a total of $180,000 dedicated to the Homeless Shelter.

COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends to partner in sharing this funding obligation with Bradley County for the BCCCSA. We recommend for Council to allow staff us negotiate with the County to finalize this agreement and distribute funds to Bradley County similar to the two options presented.

Councilman Estes moved to present Bradley County both options as outlined in the memo from City Manager Fivas for their choosing pertaining to the Emergency Shelter Funding Assistance. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

The following memo was then presented:

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **October 27, 2025**
RE: **Compensation Update**

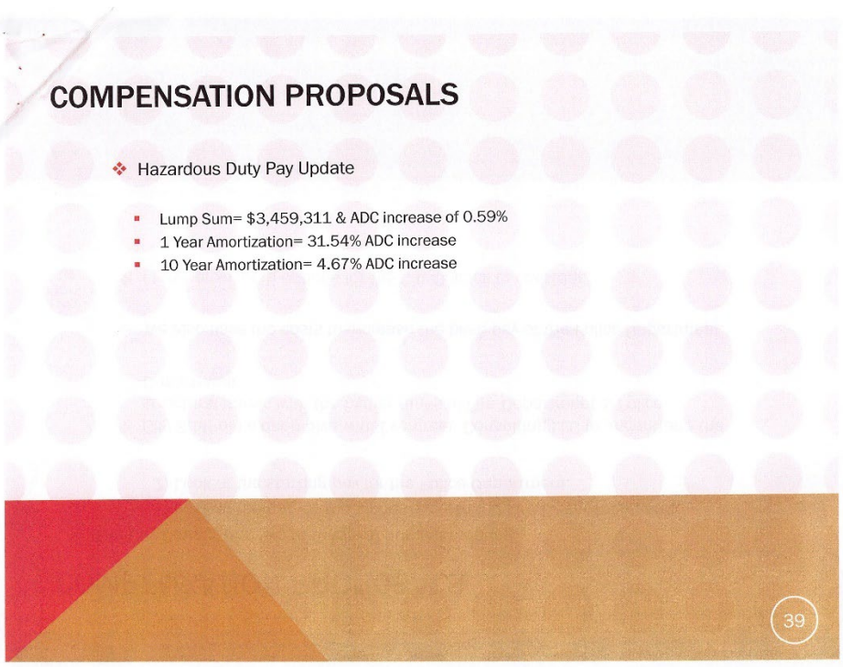
SUMMARY:

The City has engaged Evergreen Consulting LLC to look at the potential compression issues within the Fire Department, and isolated instances within the Police Department. Evergreen has modified and tailored their approach to look at both these Departments higher level ranks. We believe we have a methodology that will work for both these agencies and resolve the known problems that have been brought to our attention. The total cost for fixing the compression is approximately $150,000 to fix these issues.

The City Manager will also present at the meeting additional options, and the associated costs for those options, for the Mayor and City Council to evaluate and establish the timeline or next steps for the Council to review these more extensive and costly options. The options include doing a deeper dive into the minimum pay for the Police Department and evaluating a methodology to move all employees from 50% of the market to a higher market range.

COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends approval, and to adopt the additional funding necessary for new Fire and Police Department Career Class Parity numbers, and when they are completed they will be sent to Fire and Police employees. The appeals process will remain open to all employees until October 31, 2025, and everyone will still receive retroactive pay to July 1, 2025 on November 28th. However, if there are any technical issues or unforeseen issues, we will give notice to employees if this date is pushed to December. The Longevity payments at the previously approved rate of $150 will be sent to employees at their normal time, which is November.



COMPENSATION PROPOSALS

- The City Council had two requests at our last meeting.
  1) Look at the pay for the higher ranks in the Fire Department, and
  2) Look at the starting pay for the Police Department.

- City Staff did a deep dive with Evergreen Consulting LLC to understand the structural issues with the higher ranks of Fire Department & Police Department.
- We also have the costs to increase the base pay of the Police Department.
- I have provided 5 options for the City Council to consider.

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COMPENSATION PROPOSALS

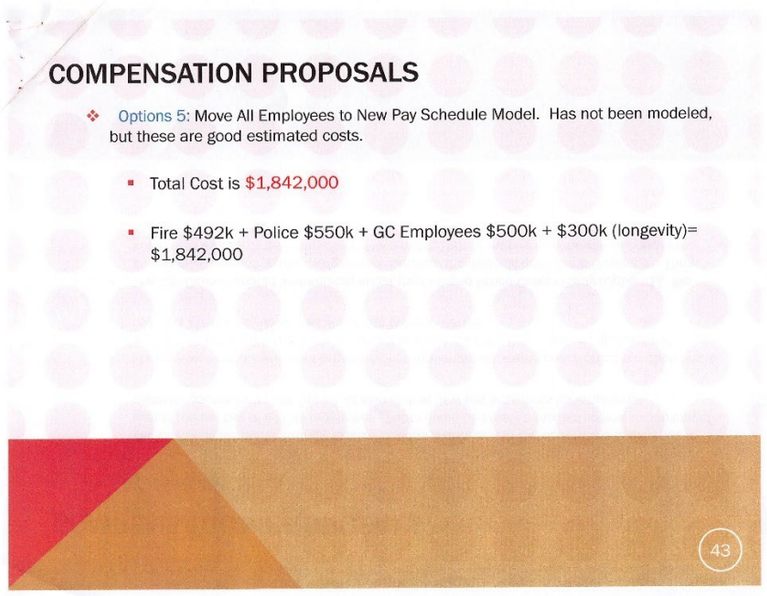
- Options 1: Implement Career Parity for Fire and Police.
  - Total Cost is $230,850 over initial proposal
  - Approximately, $121k for Fire & $50k for Police ($171k * 35% + $171k= $230,850
- Options 2: Fire Career Parity & Move Police to $55k ($59,100) and Career Parity
  - Total Cost is $772,250 (1.8 pennies) over initial proposal
  - $121k for Fire & $315k for $55k + $99k for Police Career Parity * 35%= $722,250

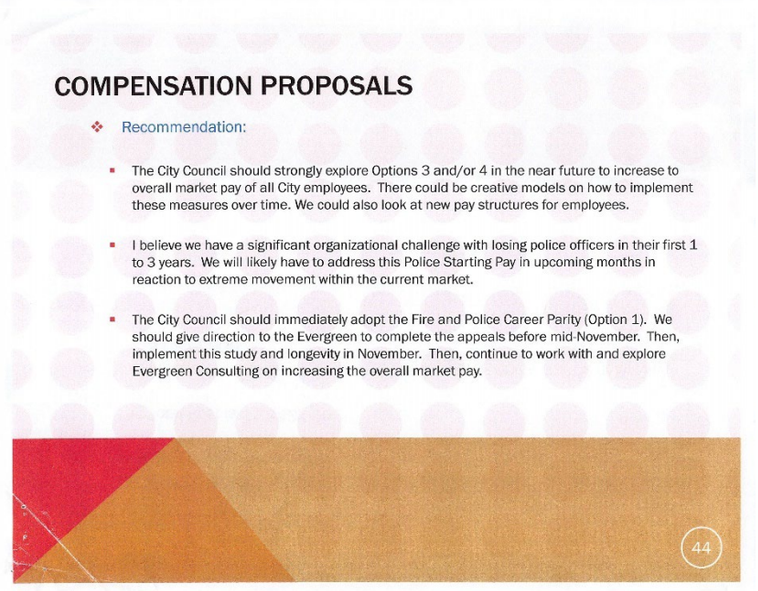
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COMPENSATION PROPOSALS

- Options 3: Move All Employees to 70% market level & Fire and Police Parity
  - Total Cost is $1,166,500 (4.94 pennies)
  - $1.49 million + $300,000 *35% = $2.4165 million - $1.2500 million = $1,166,500
- Options 4: Move all Employees to 70% market level & Hybrid for GC Employee & Fire & Police Parity
  - Total Cost is $1,504,000 (6.37 pennies)
  - $1.49 million + $300k (longevity) + $250k (Hybrid) *35% = $2.754 million - $1.250 million= $1,504,000

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Mr. Fivas reviewed the options 1-5 presented to the Council. Councilman Estes moved to accept the pay study as presented with changes in police and fire of option 2; Fire Career Parity and Move Police to $55k ($59,100) and Career Parity. The motion was seconded by Councilman Cassada. Councilman Cassada then asked if this could be funded in our current balanced budget. Mr. Fivas stated option 2 will be close. We don't want to go back to 2010 and I'm very conscience of trying to be very conservative. With this, I feel we could make it work. Councilman Cassada stated all employees, Public Works, etc., should be looked at during our next budget year. Mr. Fivas stated yes, even if you do option 3 or 4 it doesn't mean you can't come back and do the 70%. We have people out working, engineers saving us money and we need to bring a concrete proposal and strive for 70% and figure out a way to do it. It is very important. Councilman May offered a substitute motion to accept the pay study with option 3; Move all employees to 70% market level and Fire and Police Parity. The substitute motion was seconded by Councilman Moore. Councilman Estes asked if option 3 moved Police to $55k? Mr. Fivas stated yes, moving to 70% gets them at $54,600. Councilman Estes stated it does not move the needle far enough for him, as option 2 helps Police more. Councilman May stated they do a great job, but we need to look at all employees. Councilman Estes replied we are and we will next year. Councilman Cassada inquired about the budget with option 3. Mr. Fivas stated the reality is, can we do that, or will we be stuck next spring with capital projects that you may want to do, maybe, but maybe this is worth it. Councilwoman McKenzie asked if it could be phased in? Mr. Fivas stated yes, you could do certain percentages, implement what you have and implement option 3 on July 1. Councilman Estes stated he likes that idea, where we have time to look at option 3 and 4. Vice Mayor Johnson asked if option 3 included

the $55k for Police. Mr. Fivas stated yes, it is close at $54,600. Option 3 does a reevaluation on all employees to 70%, a reevaluation on all positions for Fire, starting salary would go $47,500 to $50k, the 70% would be $54,500 for Police. All positions would go up to a certain level as well. Councilman Goff asked if there was enough funds in the budget to cover option 3 without delaying capital projects we have scheduled. Mr. Fivas stated yes, it makes things tight but it's probably worth the investment in our biggest asset in the community. Upon roll call, the substitute motion carried 7-0.

Councilman Estes asked to receive a copy of the FY2026 revenue balance sheet. Mr. Fivas stated yes and continued that he believes everyone will be very appreciative of this option but doesn't believe we are done with the police conversation. The balance sheet doesn't tell you the whole story, but we can go through it. Mr. Fivas then stated to make sure we are all on the same page, option 3 and we will do the longevity payment in November and do the calculations and back pay sorted at the end of November. If there is something unforeseen, we reserve the right to make the payments in December. The appeals will be open until October 31, then Evergreen will do their thing, and we should be done.

Vice Mayor Webb thanked Rhonda Graham, Kim Miller and all staff involved in this process. Councilman Estes asked if structures were in place for three to four years from now this will be a simpler process. Mr. Fivas replied the persistent issues with Fire pay, I think it will be a simpler process because we've fixed the underlying fallacies of things that were there from decisions made a long time ago. It will be easier to do and implement. We have fixed the data, and it is better.

Mayor Brooks stated the next item is adopting the Traffic Impact Study (TIS) Guideline and Traffic Signal Pro-Rata Cost-Share Policy. Mr. Fivas stated this should go through our Planning Commission process so we will push this off until possibly January.

Councilman Goff inquired about Resolution 2025-82 concerning authorizing the Mayor to sign a Letter of Agreement for Additional Services #3 with MHM for the Cleveland Civic Center to try to understand the agreement better. MHM will charge a 20% surcharge, but we don't show what the potential overage will be and if this surcharge is even allowed by the original contract. Mr. Fivas stated this is for material testing, so the architect says we need a 3rd party tester, since we or they can't do it if the testing samples are ever challenged. He did see the 20% upcharge and disagrees with it. We can look to see what options we have. Mr. Fivas stated we will have to look at the master contract and if it is negotiable we will negotiate and bring it back. Councilman Goff then moved to get the surcharge down below 10% and also include a maximum dollar charge for this amendment and to bring it back at the November 10 meeting. The motion was seconded by Councilman May; and upon roll call, the motion carried 7-0.

Councilman Goff then asked for additional information regarding the motion to authorize the Mayor to sign an engagement letter with Attorney Randy Wilson from Miller & Martin for construction assistance related to the Cleveland Civic Center project. Mr. Fivas stated he doesn't feel we are anywhere near litigation. The architect, MHM, does all the due diligence on the change orders. They have legal counsel, who are challenging some of the things. They have made good progress, but we want to make sure, if there is an issue, that the Council has someone representing them. We are making sure you have your advocate. Mr. Kimball added due to the size of the law firm the engagement letter is just standard procedure. Councilman Goff then moved to authorize the Mayor to sign an engagement letter with Attorney Randy Wilson from Miller & Martin for construction assistance related to the Cleveland Civic Center project. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 7-0.

Mayor Brooks stated with the Council's consideration he would like to add an additional day to the Christmas Holiday for city staff, Friday, December 26. The Council was in agreement.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. Holiday Schedule - City Offices will be closed on the following days:
   - Tuesday, November 11 – Veterans' Day.
   - Thursday, November 27, and Friday, November 28 – Thanksgiving Holiday.
   - Wednesday, December 24, and Thursday, December 25 and Friday, December 26 – Christmas Holiday.
   - Thursday, January 1 and Friday, January 2, 2026 – New Year's Day.

b. The next City Council meeting will be held on Monday, November 10, 2025.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 5:12 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
NOVEMBER 10, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, NOVEMBER 10, 2025 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 Ken Webb, Councilwoman McKenzie, Councilmen Bill Estes, Tom Cassada, David May, and Dan Moore. Councilman Duane Goff was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Hal Taylor, Brandi King, Dr. Jeff Elliott with Cleveland City Schools; Doug Berry with the Chamber of Commerce; Warbrit Lowery; Jeff Garner; Tim Rader; Brandon Gibson; and Tim Siniard with the *Cleveland Daily Banner*.

Councilman Cassada moved to excuse Councilman Goff from today's meeting. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 6-0.

Following the Pledge of Allegiance to the American Flag and prayer by Pastor Steve Smartt, the following business was then entered into:

Mayor Brooks thanked all the men and women who have served our Nation in observance of Veteran's Day tomorrow.

WAIVE READING OF MINUTES

Vice Mayor Webb 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 27, 2025 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Mayor Brooks stated during the Work Session Parkview Elementary School 5th grade STEM class had a presentation for the City Council showing their fantastic ideas for downtown development at the Whirlpool site. Thank you to Councilman Estes for arranging the presentation.

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 Joe Stuart Estate & related ownership groups for consideration of a Plan of Service and a resolution to annex about 630 acres, and an ordinance to zone about 800 acres, more or less, of property located along Stuart Rd and North Lee Hwy., from FAR and CH Highway Commercial Zoning District to PUD 70 includes Tax Map 034 Parcels 057.00, 057.01, 057.03, 057.05, 057.11, 057.13, and 067.00 and Tax Map 042 Parcels 041.02, 006.04, and 058.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused). Robert Varnell stated this development is a very large family-owned tract of land that has had small development here and there in different corners of the property. The piece-meal style trend could continue, but what we have is an opportunity to develop a master plan. We fix infrastructure-related questions up front and determine what we need to do for surrounding infrastructure, off-site improvements, and set a timeline to make those improvements. The development will include 1700-2000 residential units, a village commercial section, a Town Center idea, and some highway commercial type areas. It will still maintain that consistent architectural style. The developer is working with the City on an agreement for some infrastructure and will be donating 15 acres for an

elementary school. There are also some municipal and recreational opportunities that will be included in the development. Cleveland Utilities, years ago, did look at this property and said we probably need to get ready to service this and they prepared themselves well. A lot of the major infrastructure work has already been put in place. The zoning will be PUD70. It has sections broken down into traditional neighborhood developments, hill opt residential, village commercial, village residential and then a mixed-use zone with different criteria architectural standards. The traffic impact study did recommend some traffic lights and access control, which we are implementing. Vice Mayor Webb stated a lot of communities have never had an opportunity like this, and it is an incredible opportunity for Cleveland and really appreciates what has been done up to this point. He then asked about the enclosures of dumpsters, which could be a lot of materials but not a concrete block enclosure. Mr. Varnell stated it would complement the architecture of the buildings, brick, stone, or decorative block. Vice Mayor Webb then asked about the foundations on residential buildings, as he couldn't find anything in the plan of service. Mr. Varnell stated no, we didn't include it and agrees it should be there. Councilman Cassada stated this is a huge project in Cleveland that will have a huge impact in our city. Mr. Varnell agreed and added by doing a master plan and looking at it as a whole is an advantage. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry with Berry Engineering stated we talked extensively about this project a few weeks ago at your planning session but would like to go through the highlights again. The master plan has an opportunity for all sorts of living opportunities, estate lots, traditional neighborhoods, urban village residential for those who want to live closer to the commercial development and senior living with assisted living opportunities. It will have walkable smaller local stores, local restaurants and traditional frontage commercial along North Lee Highway. It is our desire to have a neighborhood community that is an asset for everyone in Cleveland. The recreational opportunities, a community park of 8 acres, 140 acres of preserved open space, mainly the ridge side with a trail system and preserving the exiting home. They are donating acreage for a public elementary school and space reserved for a future fire station for the north side of Cleveland. Many transportation opportunities, from Urban Road to Tasso, avoiding Stuart and North Lee. There is a lot to this, we've had several public meetings, and he is here to answer any questions. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Don Epperson Estate for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 8.28 acres, more or less, of property located along APD-40 and Young Rd. from FAR to CH Highway Commercial Zoning District and includes Tax Map 066H Group F Parcels 021.00, 026.00, 026.01, and 027.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is a commercial development in the neighborhood near Dalton Pike. One piece of the development already lies within the city limits, the existing gas station. We expect the type of commercial use would be restaurant/coffee related uses. They are asking for highway commercial zoning which is consistent with the surrounding properties. Councilwoman McKenzie asked if the egress/ingress would be off APD40 or Young Road. Mr. Varnell stated TDOT will play a lead role on the APD40 aspect. It will be connected to Young Road to send people to the traffic signals, but we will have an opportunity to clean up and consolidate a bunch of driveway cuts and to isolate it, but we are actively looking at the area for improvements. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 public comments concerning a request by Bradley County for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 2.62 acres, more or less, of property located along Minnis Rd. from FAR to RA Residential Agricultural and includes Tax Map 058 Parcel 025.01 (Planning Commission: Approved 7-1; 1 absent). Robert Varnell stated during the urban growth boundary process several items were discussed with the County and this area, with ongoing development in the area, the county put forth the request for annexation. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Mitchell Maloney for consideration of an ordinance to zone about .73 acres, more or less, of property located at T.L. Rogers St. NE from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent). To confirm we are holding the public hearing but first reading of the ordinance has been postponed. Robert Varnell stated this is a flag stem that goes up to TL Rogers. The commercial development as currently zoned could accommodate a number of commercial related uses but the applicant is requesting a residential zoning designation with kind of matches across the street. The residential component would need access from the residential side and no through access would be allowed. We will have another public hearing in December as well. Councilman May stated it is a flag lot off TL Rogers, but they want to make egress from East Cherokee Garden. Mr. Varnell stated yes, Pryor Road. Councilman Estes asked what will happen to the stem of that flag lot. Mr. Varnell stated it is private property, but we've asked them to start discussing with property owners to the northeast about what to do, as it is a shared driveway. My recommendation would be to abandon and become part of the lot that's next to it. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by Quantum Ventures LLC for consideration of an ordinance to zone about .38 acres, more or less, of property located at Blue Springs Rd. from R-2 Low Density Single and Multi-Family to IH Heavy Industrial Zoning District and includes a portion of Tax Map 065B Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is a sliver of a larger portion of property which has a former industrial use. We proposed redevelopment would be industrial but the land they want to use is zoned residential, so they are requesting rezoning of the land to make it legal and conforming. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the 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 request by City of Cleveland to delete and the current language located in Title 14 Chapter 10 Flood Hazard Reduction Ordinance and replace with updated language regulating development within the City limits to minimize danger to life and property due to flooding as adopted and approved by FEMA (Planning Commission: Approved 8-0). Robert Varnell stated this was discussed a few weeks ago and this public hearing fills our obligation to the federal process to put this into effect. Mayor Brooks asked if anyone would like to speak in favor of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks announced he is reappointing Sherronda Thompson to the Cleveland Housing Authority for an additional 5-year term to expire November 2030.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda has been presented to the Council. Councilman May moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes. Councilman Estes stated he is an employee of Lee University, which does not affect his vote. Upon roll call, the motion passed 6-0.

- **Final Passage - Ordinance 2025-54** – heretofore passed on first reading October 27, 2025 and found in Minute Book 32, Page 613; Concerning a request by Lee University for consideration of an ordinance to abandon a portion of 4th Street NE located between Trunk St. NE and Parker Street NE and abuts Tax Map 049M Group O Parcel 001.00 and Tax Map 049M Group O Parcel 024.00 (Planning Commission: Approved 9-0).

- **Final Passage - Zoning Ordinance 2025-56** – heretofore passed on first reading October 27, 2025 and found in Minute Book 32, Page 625; Concerning a request by XiuQing Chen for consideration of an ordinance to zone about .20 acres, more or less of property located at Lacy Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 042B Group A Parcel 008.01 (Planning Commission: Approved 9-0).
- **Final Passage - Zoning Ordinance 2025-57** – heretofore passed on first reading October 27, 2025 and found in Minute Book 32, Page 626; Concerning a request by Kim Randoph for consideration of an ordinance to zone about .33 acres, more or less, of property located at Fletcher Rd. NW from CG General Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 041G Group D Parcel 006.01 (Planning Commission: Approved 9-0).
- **Final Passage - Ordinance 2025-58** – heretofore passed on first reading October 27, 2025 and found in Minute Book 32, Page 627; Amending the Cleveland Municipal Code, Title 14, Chapter 10, Flood Hazard reduction ordinance to delete the current language located in Title 14 Chapter 10 Flood Hazard Reduction Ordinance and replace with updated language regulating development within the City limits to minimize danger to life and property due to flooding as adopted and approved by FEMA (Planning Commission: Approved 8-0).
- **Final Passage - Ordinance 2025-59** – heretofore passed on first reading October 27, 2025 and found in Minute Book 32, Page 646; Concerning a request by City of Cleveland for consideration to amend the Cleveland, TN Zoning Ordinance Appendix C, sections 5.2.1.E, 5.2.1.J(5), 5.2.1.K, 5.2.2.C, 5.2.2.F, and 5.2.2.H concerning signage standards, illumination, heights, number of allowed signs, and definitions (Planning Commission: Approved 8-0).
- **Resolution 2025-82** – Authorizing the Mayor to sign a Letter of Agreement for Additional Services #3 with MHM for the Cleveland Civic Center.

RESOLUTION 2025-82

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

WHEREAS, by Resolution 2023-31 passed on April 24, 2023, the City select McCarty Holsaple McCarty (MHM) to provide professional architectural services for the project; and

WHEREAS, in connection with this project, the City has received the attached letter of agreement for additional service #3 from MHM for this project; and

WHEREAS, based upon the recommendation of City staff, the City Council desires to accept this letter of agreement for additional service #3 and to enter into the attached letter of agreement with MHM for this project and to authorize the Mayor to execute the letter 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 letter of agreement with MHM for the referenced project, and the City Council further authorizes the Mayor to execute the letter agreement on behalf of the City of Cleveland.

This 10th of November, 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-92** – Approving the Memorial Tree Program Policy.

RESOLUTION 2025-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE APPROVING THE MEMORIAL TREE PROGRAM POLICY

WHEREAS, the City of Cleveland recognizes the importance of community engagement and the enhancement of public spaces through environmentally beneficial programs; and

WHEREAS, the attached Memorial Tree Program Policy establishes procedures by which residents and organizations may honor loved ones, commemorate special occasions, or contribute to the beautification of Cleveland by sponsoring the planting or dedication of trees in city parks, greenways, or other public spaces; and

WHEREAS, the Memorial Tree Program will be administered by the Cleveland Forestry and Landscape Maintenance Division, with program elements overseen by the Shade Tree Board, and will include tree selection, placement, plaque inscriptions, public recognition, application process, application form(s), fees, and maintenance standards; and

WHEREAS, the City Council finds that adoption of the Memorial Tree Program Policy serves the public interest by providing additional opportunities for civic participation and by improving the City's urban landscape;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE, as follows:

1. The Memorial Tree Program Policy, as attached hereto and incorporated by reference, is hereby approved.

2. The Cleveland Forestry and Landscape Maintenance Division is authorized and directed to administer the Memorial Tree Program in accordance with the approved policy.

3. The Shade Tree Board is authorized to review and adjust program fees as outlined in the policy, and to oversee program implementation.

4. City departments are authorized to collaborate as necessary to ensure public participation, proper recognition, and ongoing maintenance of memorial trees.

5. This Resolution shall become effective immediately upon its approval.

Approved this 10th day of November, 2025.

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

MEMORIAL TREE PROGRAM POLICY

PURPOSE

The Memorial Tree Program offers residents and organizations the opportunity to honor loved ones, commemorate special occasions, or contribute to the beautification of Cleveland by sponsoring the planting of trees in public spaces.

PROGRAM OVERVIEW

Participants may sponsor the planting of a new tree or dedicate an existing tree in approved city parks, greenways, or other public spaces. The program is administered by the Cleveland Forestry and Landscape Maintenance Division with policies being approved by the Shade Tree Board.

Each memorial tree includes a personalized plaque and, if desired, recognition in city publications or at annual Arbor Day events.

ELIGIBILITY
Open to individuals, families, businesses, and organizations.

Trees may be dedicated in memory or honor of a person, group, or event.

TREE SELECTION AND PLACEMENT
Approved tree species are selected by the Cleveland Forestry and Landscape Maintenance Division, prioritizing native and site-appropriate varieties such as maple, oak, and select evergreens, with special requests considered on a case-by-case basis.

Trees will be a minimum of 1.5–2 inches caliper and 8 feet tall for deciduous species, or a minimum of 5 feet tall for evergreens at planting.

Planting locations are determined by the Cleveland Forestry and Landscape Maintenance Division based on site suitability, maintenance requirements, and landscape plans. While donor preferences are considered, the city reserves the right to make final placement decisions.

MEMORIAL PLAQUES
Each memorial tree includes an engraved plaque (8” x 12” granite marker) placed at the base of the tree.

Plaque inscriptions are limited to two lines (e.g., “In Memory of John Doe / 1950–2025”).

The city may also recognize honorees on a permanent display in a public facility and during annual Arbor Day celebrations, as appropriate.

PROGRAM COSTS

OPTION	FEE	INCLUDES
New Tree & Plaque	$300	tree, plaque, planting, and guaranteed livability
Existing Tree Dedication & Plaque	$200	Plaque, recognition, and maintenance

Fees cover the cost of the tree, plaque, installation, and guaranteed livability (replacement if the tree fails within the first two years). All program fees are subject to review and adjustment by the Shade Tree Board.

APPLICATION PROCESS
Applications are available online or at the Cleveland Parks and Recreation Department office.

Applicants select the desired program option, provide inscription text, and indicate preferred location(s).

Upon approval and payment, the department will coordinate tree planting and plaque installation, notifying the donor when complete.

MAINTENANCE AND REPLACEMENT
The city guarantees the health and maintenance of memorial trees for a minimum of two years. If a tree fails within this period, it will be replaced at no additional cost.

After the guarantee period, the city will continue to maintain the tree as part of its urban forestry program but cannot guarantee indefinite replacement.

ADDITIONAL RECOGNITION
Honorees may be recognized in city newsletters, on the city website, or at annual Arbor Day events, as determined by the city.

CONTACT INFORMATION
For more information or to apply, contact:

Cleveland *** Department
[Insert Address]
[Insert Phone Number]
[Insert Email Address]

- **Resolution 2025-93** – Authorizing the Mayor to sign change order #1 with B&W Contractors dba Cherokee Construction related to stormwater improvements at 20th Street and Michigan Avenue Road.

RESOLUTION 2025-93

WHEREAS, the City previously entered a contract with B & W Contractors Inc. dba Cherokee Construction Company for stormwater improvements at 20th Street and Michigan Avenue Road; (hereafter referred to as "the Project"); and

WHEREAS, the City's engineering staff have received a proposal and Change Order #1 to this contract for additional work requested by City staff; and

WHEREAS, the contractor is to be paid for this project by American Rescue Plan (ARP) act funds; and

WHEREAS, the proposal for this additional work and Change Order #1 for the additional work are attached to this Resolution; and

WHEREAS, the City Manager and city staff are recommending that the City accept the contractor's proposal for this additional work and enter into the attached change order #1 to the existing agreement with B & W Contractors Inc. dba Cherokee Construction Company; and

WHEREAS, the City Council now desires to accept the proposal and change order #1 to the agreement with B & W Contractors Inc. dba Cherokee Construction Company 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 proposal and change order #1 to the existing agreement with B & W Contractors Inc. dba Cherokee Construction Company for the referenced project described herein, and it further authorizes the Mayor to execute the change order on behalf of the City of Cleveland.

This 10th day of November 2025.

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 2025-94** – Updating the proposal with Direct Care Associates related to additional services/testing for the Fire Department employees.

RESOLUTION 2025-94

WHEREAS, the City of Cleveland's existing service provider for Occupational Health Services is Direct Primary Care Associates.

WHEREAS, the City of Cleveland is requesting Direct Primary Care Associates provide additional services/testing for Fire Department employees.

WHEREAS, Direct Primary Care Associates has provided the attached updated proposal; and

WHEREAS, the City Council desires to approve the attached proposal from Direct Primary Care Associates 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 Proposal from Direct Primary Care Associates for the services described herein, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland.

This 10th day of November 2025

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 2025-95** – Approving a Memorandum of Understanding between the Cleveland City Schools and BusPatrol in connection with the Cleveland City Schools proposed bus camera stop arm safety camera program.

RESOLUTION 2025-95

WHEREAS, on May 12, 2025, the City Council approved an agreement between the Cleveland City Schools and BusPatrol in connection with the Cleveland City Schools proposed bus camera stop arm safety camera program; and

WHEREAS, the state statute which authorizes local education agencies like Cleveland City Schools to operate a stop arm safety camera program, Tennessee Code Annotated 55-8-151, provides that the local education agency shall enter into a Memorandum of Understanding with a local law enforcement agency that includes, but is not limited to, the review of evidence from the stop arm safety cameras; and

WHEREAS, officers from the Cleveland Police Department and representatives of Cleveland City Schools have been in recent discussions about the parties entering into the attached Memorandum of Understanding (hereafter "MOU") between the Cleveland Police Department and Cleveland City Schools for this stop arm safety camera program; and

WHEREAS, the Chief of Police is now recommending to the City Council that the City approve of the attached MOU with Cleveland City Schools; and

WHEREAS, the City Council desires to approve of the MOU with Cleveland City Schools; and

WHEREAS, the City Council further desires to authorize the Chief of Police 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 Cleveland City Schools for this program.

BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized to execute the MOU with Cleveland City Schools on behalf of the City.

This 10th day of November 2025.

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 2025-96** – Authorizing the Mayor to sign a grant contract with the Tennessee Historical Commission related to the Cherokee restoration project.

RESOLUTION 2025-96

WHEREAS, the City has received the attached grant contract from the State of Tennessee, Tennessee Department of Environment and Conservation, and the Tennessee Historic Commission (hereafter collectively the "State") for a grant to provide grant funding for restoration for the historic lobby configuration for the Cherokee Hotel; and

WHEREAS, the contract is also identified as:

Agency Tracking Number: 32701-26-126, Edison Vednoe ID #4062; and

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

This 10th day of November 2025.

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 2025-97** – Accepting Parkstone Drive NW, Parkstone Cove NW, Parkstone Place NW and Parkstone Pointe NW in the Parkstone Village as city streets.

RESOLUTION 2025-97

WHEREAS, Parkstone Drive is located within the City of Cleveland and is located within the subdivision named Parkstone Village which subdivision is depicted on a plat recorded in the Bradley County Register of Deeds office in Plat Book 41 Page 43; and

WHEREAS, the developer of this subdivision has requested that the portion of Parkstone Drive that is approximately 700 LF in length along right of way

centerline from Westside Drive NW to the end of street be accepted as a City street; and

WHEREAS, the City's engineering staff has inspected this street, and is now recommending that the City accept the portion of Parkstone Drive which is approximately 700 LF in length along right of way centerline from Westside Drive NW to the end of street as a city street; and

WHEREAS, Parkstone Cove is also located within the City of Cleveland and is located within the subdivision named Parkstone Village which subdivision is also depicted on a plat recorded in the Bradley County Register of Deeds office in Plat Book 39 Page 118; and

WHEREAS, the developer of this subdivision has requested that Parkstone Cove which is
approximately 695 LF in length along right of way centerline from the south line of Parkstone Drive to the cul-de-sac end be accepted as a City street; and

WHEREAS, the City's engineering staff has inspected this street, and is now recommending that the City accept Parkstone Cove which is approximately 695 LF in length along right of way centerline from the south line of Parkstone Drive to the cul-de-sac end as a City street; and

WHEREAS, Parkstone Place is also located within the City of Cleveland and is located within the subdivision named Parkstone Village which subdivision is also depicted on a plat recorded in the Bradley County Register of Deeds office in Plat Book 39 Page 118; and

WHEREAS, the developer of this subdivision has also requested that Parkstone Place which is approximately 725 LF in length along right of way centerline from the south line of Parkstone Drive to the cul-de-sac end be accepted as a City street; and

WHEREAS, the City's engineering staff has inspected this street, and is now recommending that the City accept Parkstone Place which is approximately 725 LF in length along right of way
centerline from the south line of Parkstone Drive to the cul-de-sac end as a City street; and

WHEREAS, Parkstone Pointe is also located within the City of Cleveland and is located within the subdivision named The Townhomes at Parkstone Village Phase 3 which subdivision is depicted on a plat recorded in the Bradley County Register of Deeds office in Plat Book 41 Page 15; and

WHEREAS, the developer of this subdivision has also requested that Parkstone Pointe which is approximately 390 LF in length along right of way centerline from the north line of Raben Drive to the cul-de-sac end be accepted as a City street; and

WHEREAS, the City's engineering staff has inspected this street and is now recommending that the City accept Parkstone Pointe which is approximately 390 LF in length along right of way centerline from the north line of Raben Drive to the cul-de-sac end 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. Parkstone Drive that is approximately 700 LF in length along right of way centerline from Westside Drive NW to the end of street and recorded in Plat Book 41 page 43 in the Bradley County Register of Deeds Office.

2. Parkstone Cove is approximately 695 LF in length along right of way centerline from the south line of Parkstone Drive to the cul-de-sac end and recorded in Plat Book 39 page 118 in the Bradley County Register of Deeds Office.

3. Parkstone Place that is approximately 725 LF in length along right of way centerline from the south line of Parkstone Drive to the cul-de-sac end and recorded in Plat Book 39 page 118 in the Bradley County Register of Deeds Office.

4. Parkstone Pointe is approximately 390 LF in length along right of way centerline from the north line of Raben Drive to the cul-de-sac end and recorded in Plat Book 41 page 15 in the Bradley County Register of Deeds Office.

This 10th day of November 2025.

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 2025-98** – Authorizing the Mayor to sign a contract addendum with Ragan-Smith/THC related to the Mouse Creek Greenway Phase VI right-of-way procurement.

RESOLUTION 2025-98

WHEREAS, in connection with the Mouse Creek Greenway project and specifically the portion of the Greenway that will extend from the end of the existing greenway south of Willow Street through the existing trailhead near Inman Street and to Inman Street west (TDOT Grant Contract 190246, PIN 128170), the City needs to obtain right of way acquisition services; and

WHEREAS, the attached fee proposal is from THC, Inc., which is a TDOT-approved right-of-way consultant, and the proposal provides a fee proposal and a scope of right-of-way acquisition services to be provided by THC, Inc. for this Greenway project; and

WHEREAS, the City Council has reviewed the proposed fee proposal from THC, Inc. for the right-of-way acquisition services, and desires to accept the revised fee proposal agreement with THC, Inc. for the referenced project, and the City Council also desires to 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 THC, Inc. for the referenced project described herein, and it further authorizes the Mayor to execute the proposal and agreement on behalf of the City of Cleveland.

This 10th day of November 2025

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** – Prefabricated Metal Building.

TO: Joe Fivas, City Manager
FROM: C. Seth Sumner, Assistant to the City Manager
DATE: November 5, 2025
RE: Approval of Bid for Prefabricated Metal Building

SUMMARY:
The City has agreed to provide a building to Bradley County, to their specifications, in exchange for the existing Bradley County Fire Rescue property on Inman Street. The City previously rejected bids in a similar advertisement which had only two responses. The City altered the bid package and advertised this bid, receiving five responses.

The City received sealed bids for constructing a prefabricated metal building on behalf of the County of Bradley. The responsive bids were:

- ETC Construction $1,572,000 (base bid)
- Skilled Services $1,835,600 (base bid)
- B&W Contractors $1,544,770 (base bid)
- Pro Builders Unlimited $1,570,274 (base bid)
- KTM Builders $1,431,257 (base bid)

KTM Builders bid of $1,431,257 was the lowest responsive bid.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
The lowest responsive bid was KTM Builders bid of $1,431,257. This bid is lower than the previously rejected bids.

RECOMMENDATION:
Staff recommends City Council approve awarding the bid to KTM Builders.

- **Motion** – Approving Change Order with Chazler, Inc for Jim Sharp Park.

TO: Mayor and City Council
FROM: Bryan Turner, Director of Building and Project Development
DATE: November 10, 2025
RE: Jim Sharp Park

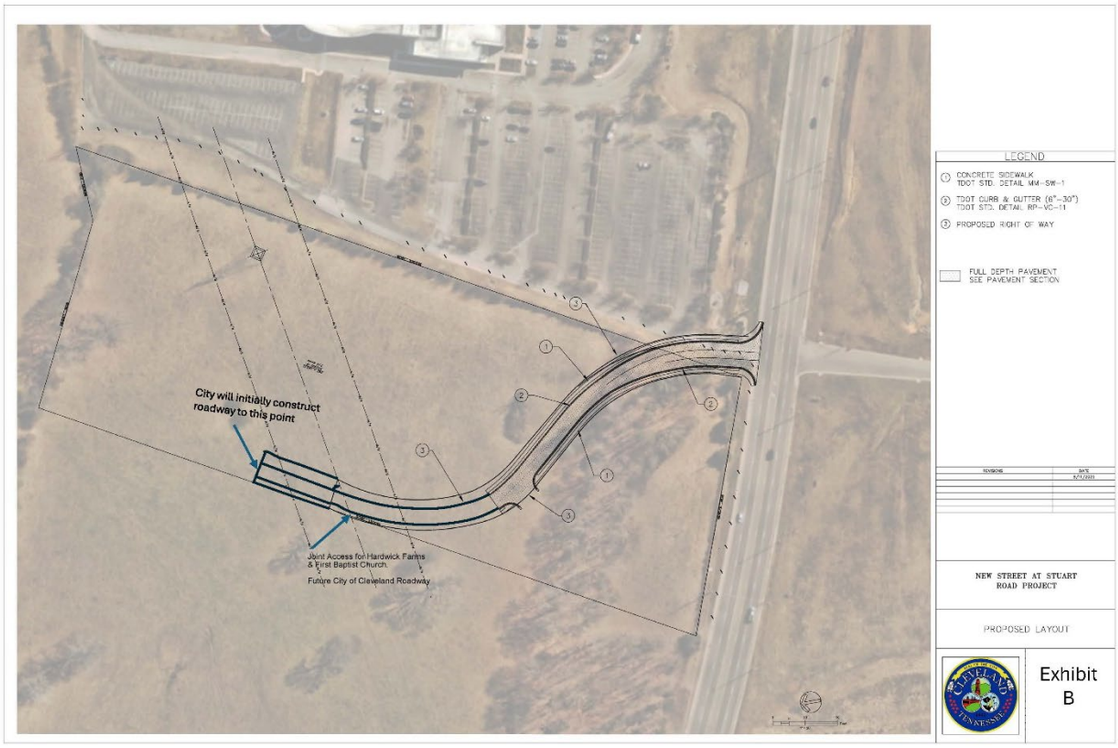
SUMMARY:
Attached is a change order to add a concrete reinforced stone wall and stone columns along the road at Jim Sharp Park to address possible safety concerns. The revised wall design will provide 60’ of solid wall clad in matching stone on either side of the intersection. The remainder of the street barrier will be reinforced solid columns clad in matching stone acting as bollards with the existing split rail cedar fence reused in between the columns.

- **Surplus Property** – Declaring a 1994 Tarrant TTL4 Leaf Machine S/N: L-22-2-A-3408F-L00B-1194 as surplus property and to be sold for scrap.
- **Motion** – Authorizing a Letter of Intent with Honeysuckle Restaurant for the Tenant Space at the Cherokee Hotel.
- **Motion** – Approving an exhibit modification for the First Baptist Church of Cleveland Development Agreement.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **November 10, 2025**
RE: **Approval of Exhibit for the Agreement with First Baptist Church of Cleveland**

SUMMARY:
The City Council approved an agreement with First Baptist Church of Cleveland this fall. The Agreement has not been signed. This motion does not change any terms in the agreement. It does clarify the exhibit in this agreement and moves the street alignment to the north side of the property.

COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends to the City Council to approve this amendment to the exhibit for the First Baptist Church Development Agreement.



UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes thanked everyone involved with the Halloween Block Party, especially the Historic Cleveland Neighborhood Association and those that live on Centenary. Everybody has so much fun. It was a beautiful night, and he appreciates all the Police presence and Public Works getting it ready and working afterwards. There is so much good happening downtown.

Councilman Cassada stated since the last meeting he has had several staff from Police and Fire thank the Council for the increase to get their wages right. I have to give credit where it is due, Shawn McKay and Joe Fivas and their staff. It makes him feel good that we made an impact to our staff across the board. Mr. Fivas stated Kim Miller and Rhonda Graham carried a lot of the heavy elements of it. They deserve a shout out.

Councilman May stated he stopped to watch staff while in the process of installing the Christmas tree at Johnston Park. It is amazing to see the intricate work putting all the parts together to create a tree. It was gratifying to see staff work together the way they do. Next, he appreciates all those involved in the comp study and asked when staff will receive emails concerning new pay. Mr. Fivas stated longevity payments went out last week and we are waiting for confirmation from Evergreen to finalize a couple of items. We ran into things we wanted to make sure we got right, so it should be within the next couple of days.

Vice Mayor Webb stated he understands there was a little issue with the girl's elementary basketball team uniforms this year and wanted to thank those who worked out a solution.

Councilman Moore stated a resident at Mouse Creek and North Ocoee Street where we just installed tile for drainage, is it possible to install a guardrail to keep cars from running off in the ditch and into her yard. Mr. Fivas stated he would ask Tommy Myers to go out and take a look and see if it meets the specifications.

Councilwoman McKenzie thanked David Sheely for the speed limit signage installed on Georgetown Road. It has seemed to help slow traffic. Also, she is glad to see the Homeless Action Committee on today's agenda. This is an issue that needs to be looked at, and we can do something about it.

Mayor Brooks inquired about email exchange for a church replacement sign on 25th Street, who is operating in the Santek Building. Also, an email exchange from Living Waters building site on 20th Street. Both have inquired about responses from staff. Mr. Fivas stated yes, staff has been working on it, but we will make sure they are contacted this week.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

- **Resolution 2025-99** - Concerning a request by Joe Stuart Estate & related ownership groups for consideration of a Plan of Service for about 630 acres, more or less, of property located along Stuart Rd and North Lee Hwy. and includes Tax Map 034 Parcels 057.00, 057.01, 057.03, 057.05, 057.11, 057.13, and 067.00 and Tax Map 042Parcels 041.02, 006.04, and 058.00 (Planning Commission: Approved 7-0; 1 absent,1 recused).

RESOLUTION 2025-99

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

HARDWICK FARMS II (034 057.00, 057.01, 057.03, 057.05, 057.11, 057.13, 067.00 and 042 041.02, 006.04, 058.00)

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 November 10, 2025, 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 northwest corner of the lands of Tony Gobble, as recorded in BCROD deed book 1412 page 973; thence following four (4) calls: on a bearing of N 40°27’59” E for a distance of 3,616.11 feet to a point; thence on a curve to the right with a delta of 001°56’03”, a tangent of 192.48 feet, a radius of 11,403.12 feet, a length of 384.92 feet, a chord bearing of N 41°26’00” E and a chord distance of 384.90 feet to a point; thence on a bearing of N 42°24’00” E for a distance of 798.77 feet to a point; thence on a curve to the left with a delta of 000°42’43”, a tangent of 35.94 feet, a radius of 5,784.01 feet, a length of 71.88 feet, a chord bearing of N 42°02’38” E and a chord distance of 71.88 feet to a point; thence leaving said highway and running the following three (3) calls: on a bearing of S 66°01’20” E for a distance of 1,094.66 feet to a point; thence on a bearing of N 36°16’49” E for a distance of 468.70 feet to a point; thence on a bearing of N 28°54’20” E for a distance of 645.02 feet to a point on the southern line of Tasso Lane NE; thence with the southern line of Tasso Ln NE in a northwesterly direction 176.27 feet, more or less, to the southwest corner of the intersection of Tasson Ln NE and Grove Park Dr NE, said point also being a point in the existing city limits; thence crossing Tasson Ln NE in a northeasterly direction 50 feet, more or less, to a corner of the existing city limits, said point being located in the northern line of Tasso Ln NE; thence with the northern line of Tasso Ln NE in an easterly direction 2,643.12 feet, more or less, to the southeast corner of lot 1 of Summit View Subdivision as reded in BCROD plat book 43 page 66; thence crossing Tasso Ln NE in a southwesterly direction 57.22 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 line of Tasso Ln NE; thence with the northern line of the lands of Tasso Methodist Church and the southern line of Tasso Ln NE in a southwesterly direction 261.16 feet, more or less, to the northwest corner if the lands of Tasso Methodist Church, said point also being in the southern line of Tasso Ln NE; thence leaving said road and running the following eighteen (18) calls: on a bearing of S 00°43’43” E for a distance of 108.22 feet to a point; thence on a bearing of N 86°30’14” E for a distance of 175.66 feet to a point; thence on a bearing of S 23°50’07” W for a distance of 611.24 feet to a point; thence on a bearing of S 66°32’59” E for a distance of 664.03 feet to a point; thence on a bearing of S 24°06’25” W for a distance of 1,341.68 feet to a point; thence on a bearing of N 66°15’44” W for a distance of 1,336.78 feet to a point; thence on a bearing of S 23°37’13” W for a distance of 842.22 feet to a point; thence on a bearing of S 23°55’02” W for a distance of 493.25 feet to a point; thence on a bearing of S 65°37’10” E for a distance of 1,287.32 feet to a point; thence on a bearing of S 23°23’27” W for a distance of 398.81 feet to a point; thence on a bearing of S 22°21’08” W for a distance of 450.04 feet to a point; thence on a bearing of S 22°51’22” W for a distance of 422.51 feet to a point; thence on a bearing of S 23°33’22” W for a distance of 447.90 feet to a point; thence on a bearing of S 23°32’36” W for a distance of 882.056 feet to a point; thence on a bearing of S 23°34’04” W for a distance of 891.15 feet to a point; thence on a bearing of S 23°24’00” W for a distance of 429.83 feet to a point; thence on a bearing of S 66°04’38” E for a distance of 614.07 feet to a point; thence on a bearing of S 24°26’51” W for a distance of 1,056.72 feet to a point on the northern line of Hardwick Way NE (having a 70-foot R/W);

thence along the northern line of said road the following three (3) calls: on a bearing of N 85°18’29” W for a distance of 411.41 feet to a point; thence on a curve to the right with a delta of 051°19’04”, a tangent of 12.01 feet, a radius of 25.00 feet, a length of 22.39 feet, a chord bearing of N 59°38’56” W and a chord distance of 21.65 feet to a point; thence on a curve to the left with a delta of 195°54’33”, a tangent of 393.61 feet, a radius of 55.00 feet, a length of 188.06 feet, a chord bearing of S 48°03’19” W and a chord distance of 108.94 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 85°19’15” W for a distance of 372.18 feet to a point; thence on a bearing of N 84°56’43” W for a distance of 117.88 to a point; thence on a bearing of N 55°45’56” W for a distance of 300.50 feet to a point; thence on a bearing of S 37°01’48” W for a distance of 1,077.12 feet to a point on the northeastern line of Stuart Road (having a varying R/W); thence running along the northeastern line of said road the following seven (7) calls: on a bearing of N 62°33’34” W for a distance of 21.33 feet to a point; thence on a bearing of N 48°41’40” W for a distance of 445.48 feet to a point; thence on a bearing of N 60°24’27” W for a distance of 105.17 feet to a point; thence on a bearing N 56°07’04” W for a distance of 254.50 feet to a point; thence on a bearing of N 47°39’55” W for a distance of 382.00 feet to a point; thence on a bearing of N 41°39’46” W for a distance of 444.46 feet to a point; thence on a bearing of N 36°25’53” W for a distance of 18.46 feet to a point; thence leaving said road and running the following five (5) calls: on a bearing of S 55°45’14” E for a distance of 139.06 feet to a point; thence on a bearing of N 48°31’43” E for a distance of 969.32 feet to a point; thence on a bearing of N 41°28’17” W for a distance of 868.90 feet to a point; thence on a bearing of N 48°21’35” E for a distance of 44.84 feet to a point; thence on a bearing of N 49°38’27” W for a distance of 1,098.58 feet to a point on the southeastern line of Hardwick Farms Parkway NE (having a 70-foot R/W); thence running along the southeastern line of said road on a bearing of N 47°44’21” E for a distance of 235.48 feet to a point on the northeastern line of Stuart Crossing NE (having a 70-foot R/W); thence running along the northeastern line of said road the following three (3) calls: on a bearing of N 40°29’30” W for a distance of 653.54 feet to a point; thence on a curve to the left with a delta of 041°46’29”, a tangent of 89.68 feet, a radius of 235.01 feet, a length of 171.35 feet, a chord bearing of N 61°22’48” W and a chord distance of 167.58 feet to a point; thence on a bearing of N 82°16’03” W for a distance of 71.02 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 40°56’33” E for a distance of 407.23 feet to a point; thence on a bearing of N 50°07’50” W for a distance of 593.15 feet to a point; thence on a bearing of N 40°04’58” E for a distance of 214.76 feet; thence on a bearing of N 49°46’59” W for a distance of 201.32 feet to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

OCTOBER 21, 2025
HARDWICK FARMS II
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 600± acres located at North Lee Hwy and Stuart Rd. (Hardwick Farms II) 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 2025.

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.

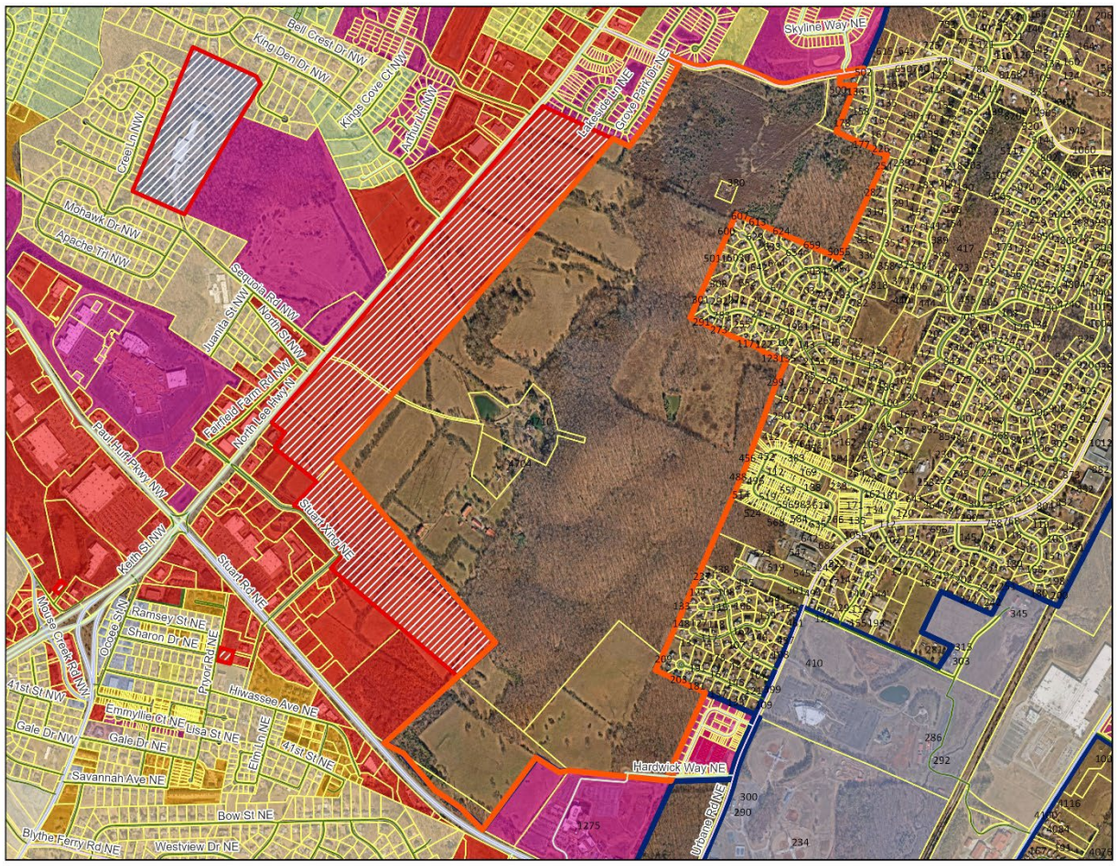
Introduction

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 June 2025, expanding it along I-75 north to Old Lower River Rd. NW and southwest towards Harrison Pike. 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 multiple parcels, approximately 800± acres total (600± to be annexed). The annexation would zone the property as PUD Planned Unit of Development. The properties currently hold multiple single-family homes, barns, and other accessory structures. The property is described as Tax Map 034 Parcels 057.01, 057.13, 057.11, 057.05, 057.00, 067.00 and Tax Map 042 Parcels 058.00, 041.02, 006.04.

Hardwick Farms II Annexation Map



Legal Description

Beginning at the northwest corner of the lands of Tony Gobble, as recorded in BCROD deed book 1412 page 973; thence following four (4) calls: on a bearing of N 40°27’59” E for a distance of 3,616.11 feet to a point; thence on a curve to the right with a delta of 001°56’03”, a tangent of 192.48 feet, a radius of 11,403.12 feet, a length of 384.92 feet, a chord bearing of N 41°26’00” E and a chord distance of 384.90 feet to a point; thence on a bearing of N 42°24’00” E for a distance of 798.77 feet to a point; thence on a curve to the left with a delta of 000°42’43”, a tangent of 35.94 feet, a radius of 5,784.01 feet, a length of 71.88 feet, a chord bearing of N 42°02’38” E and a chord distance of 71.88 feet to a point; thence leaving said highway and running the following three (3) calls: on a bearing of S 66°01’20” E for a distance of 1,094.66 feet to a point; thence on a bearing of N 36°16’49” E for a distance of 468.70 feet to a point; thence on a bearing of N 28°54’20” E for a distance of 645.02 feet to a point on the southern line of Tasso Lane NE; thence with the southern line of Tasso Ln NE in a northwesterly direction 176.27 feet, more or less, to the southwest corner of the intersection of Tasson Ln NE and Grove Park Dr NE, said point also being a point in the existing city limits; thence crossing Tasson Ln NE in a northeasterly direction 50 feet, more or less, to a corner of the existing city limits, said point being located in the northern line of Tasso Ln NE; thence with the northern line of Tasso Ln NE in an easterly direction 2,643.12 feet, more or less, to the southeast corner of lot 1 of Summit View Subdivision as reded in BCROD plat book 43 page 66; thence crossing Tasso Ln NE in a southwesterly direction 57.22 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 line of Tasso Ln NE; thence with the northern line of the lands of Tasso Methodist Church and the southern line of Tasso Ln NE in a southwesterly direction 261.16 feet, more or less, to the northwest corner if the lands of Tasso Methodist Church, said point also being in the southern line of Tasso Ln NE; thence leaving said road and running the

following eighteen (18) calls: on a bearing of S 00°43’43” E for a distance of 108.22 feet to a point; thence on a bearing of N 86°30’14” E for a distance of 175.66 feet to a point; thence on a bearing of S 23°50’07” W for a distance of 611.24 feet to a point; thence on a bearing of S 66°32’59” E for a distance of 664.03 feet to a point; thence on a bearing of S 24°06’25” W for a distance of 1,341.68 feet to a point; thence on a bearing of N 66°15’44” W for a distance of 1,336.78 feet to a point; thence on a bearing of S 23°37’13” W for a distance of 842.22 feet to a point; thence on a bearing of S 23°55’02” W for a distance of 493.25 feet to a point; thence on a bearing of S 65°37’10” E for a distance of 1,287.32 feet to a point; thence on a bearing of S 23°23’27” W for a distance of 398.81 feet to a point; thence on a bearing of S 22°21’08” W for a distance of 450.04 feet to a point; thence on a bearing of S 22°51’22” W for a distance of 422.51 feet to a point; thence on a bearing of S 23°33’22” W for a distance of 447.90 feet to a point; thence on a bearing of S 23°32’36” W for a distance of 882.056 feet to a point; thence on a bearing of S 23°34’04” W for a distance of 891.15 feet to a point; thence on a bearing of S 23°24’00” W for a distance of 429.83 feet to a point; thence on a bearing of S 66°04’38” E for a distance of 614.07 feet to a point; thence on a bearing of S 24°26’51” W for a distance of 1,056.72 feet to a point on the northern line of Hardwick Way NE (having a 70-foot R/W); thence along the northern line of said road the following three (3) calls: on a bearing of N 85°18’29” W for a distance of 411.41 feet to a point; thence on a curve to the right with a delta of 051°19’04”, a tangent of 12.01 feet, a radius of 25.00 feet, a length of 22.39 feet, a chord bearing of N 59°38’56” W and a chord distance of 21.65 feet to a point; thence on a curve to the left with a delta of 195°54’33”, a tangent of 393.61 feet, a radius of 55.00 feet, a length of 188.06 feet, a chord bearing of S 48°03’19” W and a chord distance of 108.94 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 85°19’15” W for a distance of 372.18 feet to a point; thence on a bearing of N 84°56’43” W for a distance of 117.88 to a point; thence on a bearing of N 55°45’56” W for a distance of 300.50 feet to a point; thence on a bearing of S 37°01’48” W for a distance of 1,077.12 feet to a point on the northeastern line of Stuart Road (having a varying R/W); thence running along the northeastern line of said road the following seven (7) calls: on a bearing of N 62°33’34” W for a distance of 21.33 feet to a point; thence on a bearing of N 48°41’40” W for a distance of 445.48 feet to a point; thence on a bearing of N 60°24’27” W for a distance of 105.17 feet to a point; thence on a bearing N 56°07’04” W for a distance of 254.50 feet to a point; thence on a bearing of N 47°39’55” W for a distance of 382.00 feet to a point; thence on a bearing of N 41°39’46” W for a distance of 444.46 feet to a point; thence on a bearing of N 36°25’53” W for a distance of 18.46 feet to a point; thence leaving said road and running the following five (5) calls: on a bearing of S 55°45’14” E for a distance of 139.06 feet to a point; thence on a bearing of N 48°31’43” E for a distance of 969.32 feet to a point; thence on a bearing of N 41°28’17” W for a distance of 868.90 feet to a point; thence on a bearing of N 48°21’35” E for a distance of 44.84 feet to a point; thence on a bearing of N 49°38’27” W for a distance of 1,098.58 feet to a point on the southeastern line of Hardwick Farms Parkway NE (having a 70-foot R/W); thence running along the southeastern line of said road on a bearing of N 47°44’21” E for a distance of 235.48 feet to a point on the northeastern line of Stuart Crossing NE (having a 70-foot R/W); thence running along the northeastern line of said road the following three (3) calls: on a bearing of N 40°29’30” W for a distance of 653.54 feet to a point; thence on a curve to the left with a delta of 041°46’29”, a tangent of 89.68 feet, a radius of 235.01 feet, a length of 171.35 feet, a chord bearing of N 61°22’48” W and a chord distance of 167.58 feet to a point; thence on a bearing of N 82°16’03” W for a distance of 71.02 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 40°56’33” E for a distance of 407.23 feet to a point; thence on a bearing of N 50°07’50” W for a distance of 593.15 feet to a point; thence on a bearing of N 40°04’58” E for a distance of 214.76 feet; thence on a bearing of N 49°46’59” W for a distance of 201.32 feet to the point of beginning..

Plan of Services

1. Police Protection

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

2. Fire Protection

The Cleveland Fire Department could service this area immediately with our existing stations and personnel, with little impact to our budget.

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

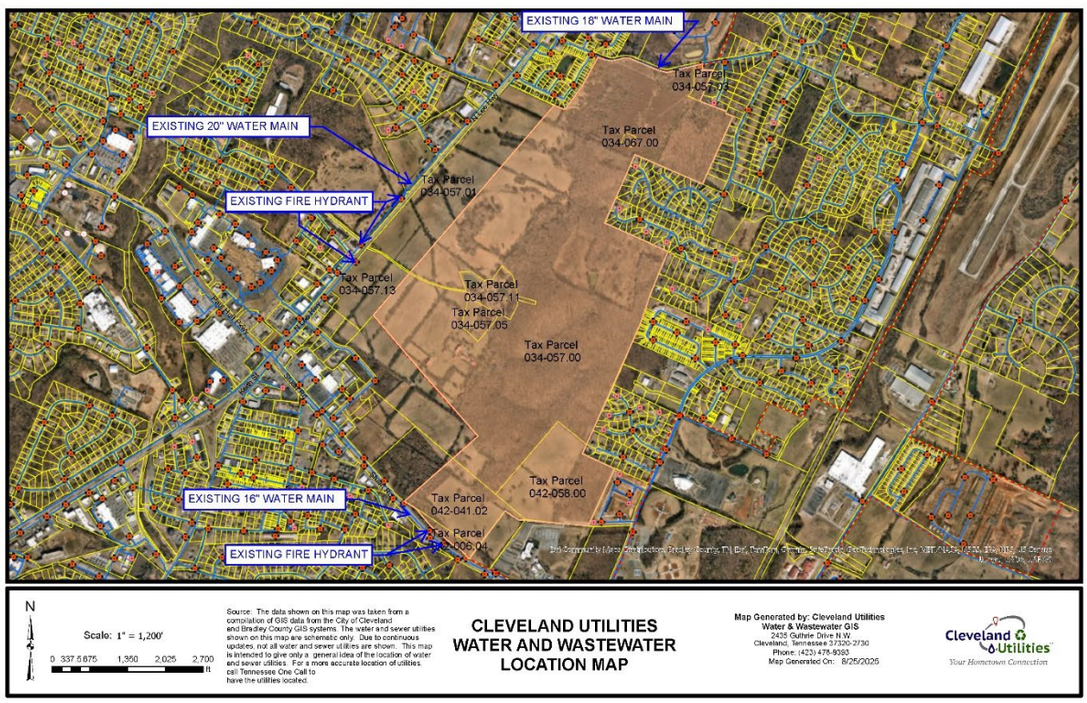
A. Domestic Water---Domestic water service is presently available to these parcels via an 20" water main along the northwest side of North Lee Hwy, and a 16" water main along Stuart Rd. See Figure 1 – Water Service.
B. Sanitary Sewer---Sewer is presently available to these parcels via a 12" sewer main on Tax Parcel 034-057.13 and Tax Parcel 034-057.01 See Figure 2 – Sewer Service.

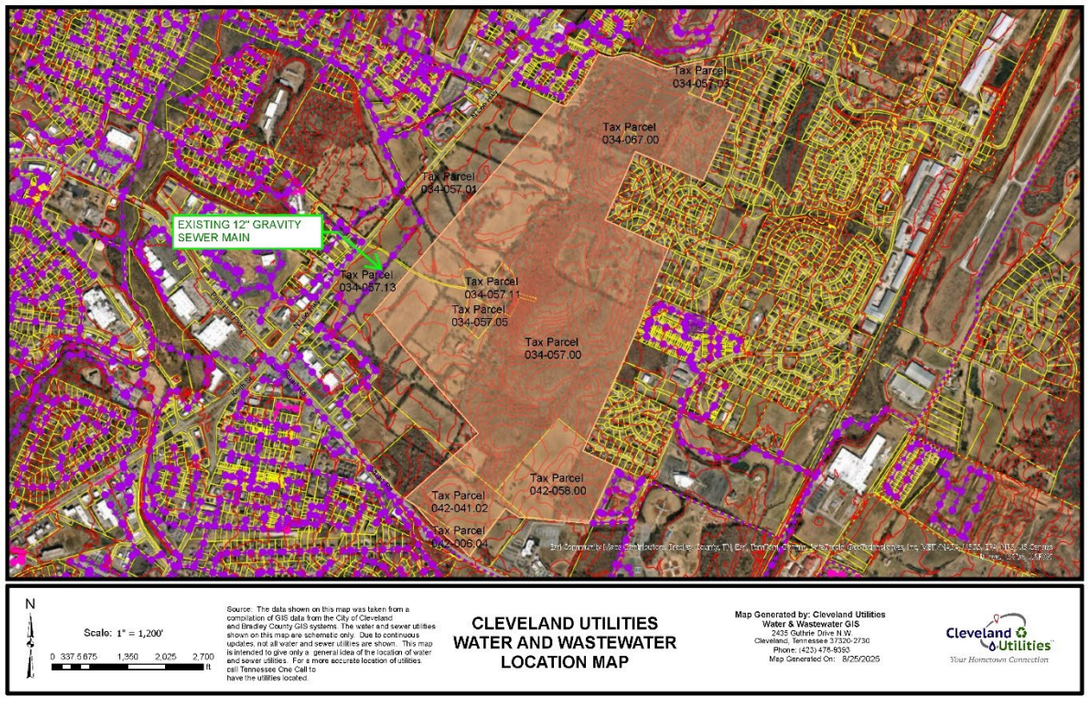
C. Fire Protection---There are existing fire hydrant in front of the parcels along North Lee Hwy and along Stuart Rd. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Hardwick Farms (N. Lee and Stuart Rd.)	**$0**	**$0**	**$0**	**$0**

1 The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.





4. Electric Service

Cleveland Utilities Electric has sufficient electrical capacity along Stuart Road and North Lee Highway to service the proposed annexation of Hardwick Farms. However, detailed and organized planning will need to be emphasized to any developer early in the stages of the project. CU requests that a meeting be scheduled to discuss CU's needs to serve such a large and diverse development.

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

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

This will have an impact of approximately 844 school-age children at an annual expense of $946,183.08. At present, the City is contributing $1,121.07 annually, per student.

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 FAR in the unincorporated County and CH in the City Limits. The property is proposed for a PUD Planned Unit of Development 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 6,250 residents to a combination of the 4th and 5th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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.

IV. The new FEMA flood maps show both floodplain and floodway at this location.

Revenue

Total revenue generated by this annexation is approximately:

Commercial: **$857,422.63 per year.**
Residential: **$2,772,000 per year.**

Councilman Cassada moved that Resolution 2025-99 be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 6-0.

The following Resolution was then presented in full:

- **Resolution 2025-100** - Concerning a request by Joe Stuart Estate & related ownership groups for consideration to annex about 630 acres, more or less, of property located along Stuart Rd and North Lee Hwy. and includes Tax Map 034 Parcels 057.00, 057.01, 057.03, 057.05, 057.11, 057.13, and 067.00 and Tax Map 042 Parcels 041.02, 006.04, and 058.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

RESOLUTION 2025-100

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

HARDWICK FARMS II 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 November 10, 2025.

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 northwest corner of the lands of Tony Gobble, as recorded in BCROD deed book 1412 page 973; thence following four (4) calls: on a bearing of N 40°27’59” E for a distance of 3,616.11 feet to a point; thence on a curve to the right with a delta of 001°56’03”, a tangent of 192.48 feet, a radius of 11,403.12 feet, a length of 384.92 feet, a chord bearing of N 41°26’00” E and a chord distance of 384.90 feet to a point; thence on a bearing of N 42°24’00” E for a distance of 798.77 feet to a point; thence on a curve to the left with a delta of 000°42’43”, a tangent of 35.94 feet, a radius of 5,784.01 feet, a length of 71.88 feet, a chord

bearing of N 42°02’38” E and a chord distance of 71.88 feet to a point; thence leaving said highway and running the following three (3) calls: on a bearing of S 66°01’20” E for a distance of 1,094.66 feet to a point; thence on a bearing of N 36°16’49” E for a distance of 468.70 feet to a point; thence on a bearing of N 28°54’20” E for a distance of 645.02 feet to a point on the southern line of Tasso Lane NE; thence with the southern line of Tasso Ln NE in a northwesterly direction 176.27 feet, more or less, to the southwest corner of the intersection of Tasson Ln NE and Grove Park Dr NE, said point also being a point in the existing city limits; thence crossing Tasson Ln NE in a northeasterly direction 50 feet, more or less, to a corner of the existing city limits, said point being located in the northern line of Tasso Ln NE; thence with the northern line of Tasso Ln NE in an easterly direction 2,643.12 feet, more or less, to the southeast corner of lot 1 of Summit View Subdivision as reded in BCROD plat book 43 page 66; thence crossing Tasso Ln NE in a southwesterly direction 57.22 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 line of Tasso Ln NE; thence with the northern line of the lands of Tasso Methodist Church and the southern line of Tasso Ln NE in a southwesterly direction 261.16 feet, more or less, to the northwest corner if the lands of Tasso Methodist Church, said point also being in the southern line of Tasso Ln NE; thence leaving said road and running the following eighteen (18) calls: on a bearing of S 00°43’43” E for a distance of 108.22 feet to a point; thence on a bearing of N 86°30’14” E for a distance of 175.66 feet to a point; thence on a bearing of S 23°50’07” W for a distance of 611.24 feet to a point; thence on a bearing of S 66°32’59” E for a distance of 664.03 feet to a point; thence on a bearing of S 24°06’25” W for a distance of 1,341.68 feet to a point; thence on a bearing of N 66°15’44” W for a distance of 1,336.78 feet to a point; thence on a bearing of S 23°37’13” W for a distance of 842.22 feet to a point; thence on a bearing of S 23°55’02” W for a distance of 493.25 feet to a point; thence on a bearing of S 65°37’10” E for a distance of 1,287.32 feet to a point; thence on a bearing of S 23°23’27” W for a distance of 398.81 feet to a point; thence on a bearing of S 22°21’08” W for a distance of 450.04 feet to a point; thence on a bearing of S 22°51’22” W for a distance of 422.51 feet to a point; thence on a bearing of S 23°33’22” W for a distance of 447.90 feet to a point; thence on a bearing of S 23°32’36” W for a distance of 882.056 feet to a point; thence on a bearing of S 23°34’04” W for a distance of 891.15 feet to a point; thence on a bearing of S 23°24’00” W for a distance of 429.83 feet to a point; thence on a bearing of S 66°04’38” E for a distance of 614.07 feet to a point; thence on a bearing of S 24°26’51” W for a distance of 1,056.72 feet to a point on the northern line of Hardwick Way NE (having a 70-foot R/W); thence along the northern line of said road the following three (3) calls: on a bearing of N 85°18’29” W for a distance of 411.41 feet to a point; thence on a curve to the right with a delta of 051°19’04”, a tangent of 12.01 feet, a radius of 25.00 feet, a length of 22.39 feet, a chord bearing of N 59°38’56” W and a chord distance of 21.65 feet to a point; thence on a curve to the left with a delta of 195°54’33”, a tangent of 393.61 feet, a radius of 55.00 feet, a length of 188.06 feet, a chord bearing of S 48°03’19” W and a chord distance of 108.94 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 85°19’15” W for a distance of 372.18 feet to a point; thence on a bearing of N 84°56’43” W for a distance of 117.88 to a point; thence on a bearing of N 55°45’56” W for a distance of 300.50 feet to a point; thence on a bearing of S 37°01’48” W for a distance of 1,077.12 feet to a point on the northeastern line of Stuart Road (having a varying R/W); thence running along the northeastern line of said road the following seven (7) calls: on a bearing of N 62°33’34” W for a distance of 21.33 feet to a point; thence on a bearing of N 48°41’40” W for a distance of 445.48 feet to a point; thence on a bearing of N 60°24’27” W for a distance of 105.17 feet to a point; thence on a bearing N 56°07’04” W for a distance of 254.50 feet to a point; thence on a bearing of N 47°39’55” W for a distance of 382.00 feet to a point; thence on a bearing of N 41°39’46” W for a distance of 444.46 feet to a point; thence on a bearing of N 36°25’53” W for a distance of 18.46 feet to a point; thence leaving said road and running the following five (5) calls: on a bearing of S 55°45’14” E for a distance of 139.06 feet to a point; thence on a bearing of N 48°31’43” E for a distance of 969.32 feet to a point; thence on a bearing of N 41°28’17” W for a distance of 868.90 feet to a point; thence on a bearing of N 48°21’35” E for a distance of 44.84 feet to a point; thence on a bearing of N 49°38’27” W for a distance of 1,098.58 feet to a point

on the southeastern line of Hardwick Farms Parkway NE (having a 70-foot R/W); thence running along the southeastern line of said road on a bearing of N 47°44'21" E for a distance of 235.48 feet to a point on the northeastern line of Stuart Crossing NE (having a 70-foot R/W); thence running along the northeastern line of said road the following three (3) calls: on a bearing of N 40°29'30" W for a distance of 653.54 feet to a point; thence on a curve to the left with a delta of 041°46'29", a tangent of 89.68 feet, a radius of 235.01 feet, a length of 171.35 feet, a chord bearing of N 61°22'48" W and a chord distance of 167.58 feet to a point; thence on a bearing of N 82°16'03" W for a distance of 71.02 feet to a point; thence leaving said road and running the following four (4) calls: on a bearing of N 40°56'33" E for a distance of 407.23 feet to a point; thence on a bearing of N 50°07'50" W for a distance of 593.15 feet to a point; thence on a bearing of N 40°04'58" E for a distance of 214.76 feet; thence on a bearing of N 49°46'59" W for a distance of 201.32 feet to the point of beginning..

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

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

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

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Cassada moved that Resolution 2025-100 be accepted as presented. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-60** - Concerning a request by Joe Stuart Estate & related ownership groups for consideration of an ordinance to zone about 800 acres, more or less, of property located along Stuart Rd and North Lee Hwy. from FAR and CH Highway Commercial Zoning District to PUD 70 and includes Tax Map 034 Parcels 057.00, 057.01, 057.03, 057.05, 057.11, 057.13, and 067.00 and Tax Map 042 Parcels 041.02, 006.04, and 058.00 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

ZONING ORDINANCE 2025-60

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 HARDWICK FARMS II PUD "70" ON PROPERTY DESCRIBED AS TAX MAP 034 PARCEL 057.01, 057.13, 057.11, 057.05, 057.00, 067.00 AND TAX MAP 042 PARCELS 041.02, 058.00, AND 006.04, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 70; 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 to zone the property described in Section 3 herein as "PUD 70" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 70 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 70 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 70, Hardwick Farms II (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 034 Parcels 057.01, 057.13, 057.11, 057.05, 057.00, 067.00 and Tax Map 042 Parcels 058.00,

041.02, 006.04). Exhibit A illustrates the overall Hardwick Farms II Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of Hardwick Farms II. The project consists of mixed housing types and a walkable community with access to retail, commercial, recreational, civic, and natural spaces. 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 70 neighborhood consists of multiple "zoning" areas with varying density maximums and allowable uses. These areas are outlined as follows:

a. **FC – Frontage Commercial District-**The frontage commercial district consists primarily of commercial uses suitable for community frontage along perimeter roadways.

(1) Permitted Uses: Commercial Center, Communications Tower, Retail Store, Dry Cleaner/Drive-thru, Day Care, Emergency Services, Entertainment Facility, Financial Institution with or without Drive-thru, One Gas Sales and Convenience Store within PUD boundary (gas sales as a secondary use, such as with a grocery store, may be included in addition to one permitted by right.), Government Office, Hotel, Library, Medical Office or Clinic, Multifamily, Office, One Car Wash (within the PUD boundary),one climate controlled storage building accessed internally only (within the PUD boundary), Restaurant with or without drive-thru, commercial recreation, convenience store, service business, supermarket, utility facility, veterinary office/clinic without boarding, public utilities, streets, driveway, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

b. **MU-Frontage Mixed Use District-**The frontage mixed use district is to allow frontage commercial district and traditional neighborhood district uses and development. Delineation between these two districts is to be established during the site development and plan submittal process.

(1) Permitted Uses: Commercial Center, Communications Tower, Retail Store, Dry Cleaner/Drive-thru, Day Care, Emergency Services, Entertainment Facility, Financial Institution with or without Drive-thru, One Gas Sales and Convenience Store within PUD boundary (gas sales as a secondary use, such as with a grocery store, may be included in addition to one permitted by right.), Government Office, Hotel, Library, Medical Office or Clinic, Multifamily, Office, One Car Wash within the PUD boundary), Restaurant with or without drive-thru, commercial recreation,

convenience store, service business, supermarket, utility facility, veterinary office/clinic without boarding, single family dwellings, townhomes, cottage court single family housing (A cottage court is a group of small detached houses, attached houses, or townhouses limited to 4 attached units per structure and up to 50% of development) fronting around a common space. A cottage court may be developed on individual lots or with a common form of ownership), home occupation, ornamental & vegetable gardens, parks, passive parks & recreation, public utilities, schools, streets, driveway, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

c. **VC-Village Commercial District-**This district is a distinct dining, retail, entertainment, and professional office destination within the larger contextual design of Hardwick Farms. Its functional focus will be on pedestrian walkability, common area gathering spaces, and general outdoor activation with a higher level of commercial density than the frontage commercial district. Commercial tenant targets will include local and regional restaurants and retail brands, wellness concepts, coffee and pastry shops, craft beer and wine bars, small professional service offices, and upscale entertainment venues. The tenant and patron connectivity will be driven by the districts centralized open space.

(1) Permitted Uses: upper story residences, retail, dry cleaner with or without drive-thru, day care, entertainment facility, financial institution, government office, professional office, personal services, hotel, library, medical office or clinic, restaurant without drive thru, commercial recreation, convenience store, supermarket, retail, parks, passive parks and recreation, public utilities, streets, driveways, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

d. **VR-Village Residential District-**The village residential district prioritizes pedestrian oriented streets and open spaces and consists primarily of residential uses suitable for a village center environment. Rear loaded homes will be emphasized in the design and construction of the district to create a pedestrian oriented environment.

(1) Permitted Uses: Single family dwelling, townhomes, home occupation, ornamental & vegetable gardens, parks, passive parks & recreation, public utilities, school, streets, driveway, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

e. **SL-Senior Living District-**The senior living district provides independent living housing options and health care facilities for seniors, passive and active open space amenities, and preserves the historic Hardwick homesite and grounds.

(1) Permitted Uses: single family dwelling, townhomes, multifamily, home occupation, commercial (small commercial uses ancillary to senior living including but not limited to: coffee shop, bakery, restaurant, ATM/bank, pharmacy, office), personal

service, assisted living, nursing home, skilled care facility, ornamental & vegetable gardens, parks, passive parks & recreation, public utilities, school, streets, driveways, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

f. **TN-Traditional Neighborhood District-**This district consists of single-family residential uses including homes with alley-load and front-load garages, amenity centers for the residents, passive parks, and open space amenities, and a site for a future public-school facility.

(1) Permitted Uses: single family dwelling, townhomes (not to exceed 25% of the total unit count per delineated TN district on concept plan), cottage court single family dwelling, cellular communication tower, home occupation, ornamental & vegetable gardens, parks, passive parks & recreation, public utilities, school, streets, driveways, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

g. **HN-Hilltop Neighborhood District-**The hilltop neighborhood consists of large lot single-family residential homes situated along ridge lines in wooded and hilly terrain with passive park and open space amenities.

(1) Permitted Uses: single family dwelling, home occupation, ornamental & vegetable gardens, parks, passive parks & recreation, public utilities, school, streets, driveways, bridges, walkways, bike paths, wetlands, and stormwater detention areas.

h. **OS-Open Space District-** This district consists primarily of large swaths of undeveloped portions of the site that are programmed with active and passive recreation uses including multi-use trails routed through wooded hillsides and along natural ponds and streams and a community park situated around the historic farm structures.

(1) Permitted Uses: Cellular communication tower, ornamental & vegetable gardens, assembly, performance areas, amphitheater, concessions, vending, passive parks & recreation, community buildings, public utilities, streets, driveways, bridges, walkways, bike paths, wetlands, stormwater detention areas.

Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 70 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 residential and commercial uses within the Hardwick Farms II development will comport with the descriptions of the constituent parts of the development which are

conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed within the residential area unless prohibited by the Developer. There are no conditional uses within the PUD 70 district. Uses other than those described as permitted or allowed herein are prohibited. Billboards are prohibited in all areas.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 70, Hardwick Farms II was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on October 21, 2025. 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 70 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 Hardwick Farms II development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

PLATS.

One or more plats will be prepared for the PUD 70 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.

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 70 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 70 to function as described herein. This requirement must be fulfilled when 50% of the

buildable lots are built within each individual section (residential and commercial). 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

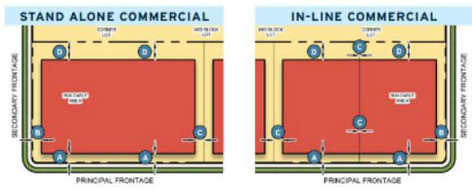
The development standards for PUD 70 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the CG zone for commercial uses and R2 for residential uses except for the Hilltop zoning district which will have R1 as the designated underlying zone from the City of Cleveland's zoning regulations. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A Bulk Standards by "District"

1. Frontage Commercial

Front:	15' Internal Roads
	30' Along North Lee Hwy and Stuart Rd.
Side Street:	15'
Shared Wall:	0'
Side:	10'
Rear:	10'

Min Lot Width; Stand-Alone:	60'
Min Lot Depth; Stand-Alone:	80'
Min Lot Width; In-line:	25'
Min Lot Depth; In-line:	80'



Building Height: 6 stories in 75 ft. (stories do not include attics and basements)

2. Frontage Mixed Use

(a.) For *commercial uses* please refer to frontage commercial standards.

(b) For *residential uses,* please refer to traditional neighborhood standards. For the purposes of this project in this zone, multi-family shall be viewed as a residential use and allowed.

3. Village Commercial

Front:	15' Internal Roads
	30' Along North Lee Hwy and Stuart Rd.
Side Street:	15'
Shared Wall:	0'
Side:	10'
Rear:	10'

Min Lot Width; Stand-Alone:	60'
Min Lot Width; In-line:	25'
Min Lot Depth; Stand-Alone:	80'
Min Lot Depth; In-line:	80'

Building Height: 6 Stories in 75 ft.

4. Village Residential

Front:	15' alley garage lots
	25' front garage lots
Side Street:	5'
Shared Wall:	0' (townhome)
Side:	5'
Rear:	5' alley garage homes
	15' front garage homes

Min Lot Width; Front garage lots:	46'
Min Lot Width; Alley garage lots:	32'
Min Lot Width; Townhomes:	20'
Min Lot Depth; single family:	90'
Min Lot Depth; Townhomes:	80'

Density: No restriction

Building Height: 6 stories in 75 ft. (stories do not include attics and basements)

5. Senior Living District

Front:	20'
	15' for buildings with no front parking
Side Street:	15'
Side:	5' single family/Townhome
Side:	10' all other uses
Rear:	15'

Rear: 10' for any stand-alone commercial component

Min Lot Width; single family: 40'
Min Lot Width; other: 60'

Min Lot Depth; single family: 80'
Min Lot Depth; Other: 100'

Building Height: 4 stories in 60 ft. (stories do not include attics and basements)

6. Traditional Neighborhood District

Front: 15' alley garage lots
25' front garage lots
Side Street: 15'
Shared Wall: 0' (townhomes)
Side: 5'
Rear: 5' alley garage homes
15' front garage homes

Min Lot Width; Front garage lots: 46'
Min Lot Width; Alley garage lots: 32' (placement limited to main corridor and next level homes accessing along same alley)
Min Lot Width; Townhomes: 20'

Min Lot Depth; single family: 90'
Min Lot Depth; Townhomes: 90'

Building Height: 3 stories in 45 ft. (stories do not include attics and basements)

7. Hilltop Neighborhood District

Front: 25'
Side Street: 25'
Side: 10'
Rear: 20'

Min Lot Width: 75'
Min Lot Depth: 125'

Building Height: 3 stories in 45 ft. (stories do not include attics and basements)

8. Open Space & Park Area District

Front : 20'
Side: 20'
Rear: 20'

Storage sheds and similar accessory structures, if allowed by the Development restrictions, shall be limited to yard areas behind the primary structure and are not to encroach within 5 feet of any property line. No accessory structure shall exceed 50% of the primary structure square footage. Materials used to construct accessory structures shall be consistent with the materials of the principal structure. The accessory structure should be clearly subordinate to the primary structure. Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the development restrictions, are to maintain the required setbacks for the primary structure. Open patios and decks may extend to within 10 feet of a rear property line. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

Section 7.B Development Standards By "District"

1. Frontage Commercial

(a). Developments shall provide the parking necessary to serve the proposed use. Cross access amongst non-residential developments is required.

(b). Buffering is not required between uses within the PUD. Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements.

(c). Each lot shall adhere to the minimum landscape requirements of the City of Cleveland. In addition, a continuous row of plant material shall be planted along the building when fronting public right-of-way. These plantings shall consist of a mix of evergreen shrubs, deciduous shrubs, or ornamental grasses, excluding areas where hardscape is provided.

(d). One landscape island containing one shade tree shall be provided for every 20 parking spaces.

(e). Four-sided architecture is required, avoiding monotonous blank walls by including fenestration, building articulation, varied roof lines, and inclusion of architectural elements. Vinyl siding, metal panels, and chain link fencing are prohibited.

(f). Screening of mechanical units from public view shall be required.

(g). Dumpsters shall be screened with masonry encloser.

(h). A direct sidewalk connection shall be provided from all commercial buildings to the public sidewalk.

(i). Impervious area is not restricted for commercial uses except through stormwater design and landscape requirements.

2. Frontage Mixed Use

(a). All frontage commercial standards shall apply to commercial development.

(b). All residential standards shall apply to residential development.

3. Village Commercial

(a). Developments shall provide the parking necessary to serve the proposed use. Cross access amongst non-residential developments is required. Parking facilities serving the aquatic and multi-sports center shall be provided at a scale sufficient to accommodate anticipated peak demand.

(b). Buffering is not required between uses within the PUD. Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements.

(c). Each development area shall adhere to the minimum landscape requirements of the City of Cleveland. In addition, a continuous row of plant material shall be planted along the building when fronting public right-of-way. These plantings shall consist of a mix of evergreen shrubs, deciduous shrubs, or ornamental grasses, excluding areas where hardscape is provided.

(d). One landscape island containing one shade tree shall be provided for every 20 parking spaces.

(e). Four-sided architecture is required, avoiding monotonous blank walls by including fenestration, building articulation, varied roof lines, and inclusion of architectural elements. Vinyl siding, metal panels, and chain link fencing is prohibited.

(f). Screening of mechanical units from public view shall be required.

(g). Dumpsters shall be screened with masonry enclosure.

(h). A direct sidewalk connection shall be provided from all commercial buildings to the public sidewalk.

(i). Impervious area is not restricted for commercial uses except through stormwater design and landscape requirements.

4. Village Residential

(a). Each residential unit shall provide 2 off-street parking spaces excluding the garage.

(b). Buffering is not required between uses within the PUD. Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements.

(c). Each single-family and townhome lot shall provide a minimum of one 2-inch caliper deciduous canopy tree between the building and the street, which shall be placed in the required 5-foot grass strip located between the street and the sidewalk.

(d). Single family home front elevations shall be separated by at least two home sites along the same street frontage. Exceptions may be allowed if approved by the Director of Development or assigned designee. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(e). Multifamily and/or townhome residential buildings shall maintain a harmonious design theme within a development parcel. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(f). Dumpsters shall be screened with masonry enclosure.

(g). A monument sign shall be placed at the entrance of each internal neighborhood/district.

(h). Impervious area is not restricted except through stormwater design and landscape requirements.

5. Senior Living District

(a). Developments shall provide the parking necessary to serve the proposed use. Cross

access amongst non-residential developments is required and emergency access will be required at building entrances.

(b). Buffering is not required between uses within the PUD. Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements.

(c). Each single-family and townhome lot shall provide a minimum of one 2-inch caliper deciduous canopy tree between the building and the street, which shall be placed in the required 5-foot grass strip located between the street and the sidewalk.

(d). A continuous row of plant material shall be planted along the building when fronting public right-of-way. These plantings shall consist of a mix of evergreen shrubs, deciduous shrubs, or ornamental grasses, excluding areas where hardscape is provided.

(e). One landscape island containing one shade tree shall be provided for every 20 parking spaces.

(f). Single family home front elevations shall be separated by at least two home sites along the same street frontage. Exceptions may be allowed if approved by the Director of Development or assigned designee. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(g). Multifamily and/or townhome residential buildings shall maintain a harmonious design theme within a development parcel. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(h). Screening of mechanical units from public view shall be required.

(i). Dumpsters shall be screened with masonry enclosure.

(j). A direct sidewalk connection shall be provided from all commercial buildings to the public sidewalk.

(k). Impervious area is not restricted to commercial uses except through stormwater design

and landscape requirements. Impervious area for single family homes should be limited to 50%. Impervious area for townhomes and alley loaded single family homes shall be limited to 75% impervious.

6. Traditional Neighborhood District

(a). Each residential unit shall provide 2 off-street parking spaces excluding the garage.

(b). Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements. Residential lots which abut the public-school property shall provide a buffer 10 feet in width consisting of a 6-foot wooden fence and 1 row of shade trees on 50-foot centers. No other buffers are required between uses internal to the PUD.

(c). Each single-family and townhome lot shall provide a minimum of one 2-inch caliper deciduous canopy tree between the building and the street, which shall be placed in the required 5-foot grass strip located between the street and the sidewalk.

(d). Single family home front elevations shall be separated by at least two home sites along the same street frontage. Exceptions may be allowed if approved by the Director of Development or assigned designee. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(e). Multifamily and/or townhome residential buildings shall maintain a harmonious design theme within a development parcel. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(f). Dumpsters shall be screened with masonry enclosure.

(g). A monument sign shall be placed at the entrance of each neighborhood.

(h). Impervious area for single family homes shall be limited to 50%. Impervious area for townhomes and alley loaded single family homes shall be limited to 75% impervious.

7. Hilltop Neighborhood District

(a). Each residential unit shall provide 2 off-street parking spaces excluding the garage.

(b). Buffering is not required between uses within the PUD. Buffers shall be provided against uses external to the PUD in accordance with City buffer requirements.

(c). Each single-family and townhome lot shall provide a minimum of one 2-inch caliper deciduous canopy tree between the building and the street, which shall be placed in the required 5-foot grass strip located between the street and the sidewalk.

(d). Single family home front elevations shall be separated by at least two home sites along the same street frontage. Exceptions may be allowed if approved by the Director of Development or assigned designee. Building elevations fronting public right-of-way or public green shall incorporate a minimum of two approved materials. At least one of the materials shall comprise no less than 25% of the façade area, excluding window and door openings. Approved materials include: Cement Board Siding (including horizontal siding, board and batten, trimmed panels, and faux shake shingle), veneer or real brick, veneer or real stone, wood accents. Vinyl siding is prohibited with the exception when used for accents such as soffits or fascia.

(e). A monument sign shall be placed at the entrance of each neighborhood.

(f). Impervious area for single family homes should be limited to 50%.

8. Open Space & Park Area District

(a). The 140+ acres depicted on the concept plan shall be designated as tree preservation. This area will be delineated as preserved open space on all plats and site plans. Trees may be removed in open space areas to accommodate the construction of recreational trails and amenities. All tree removal will be approved by the Director of Development or assigned designee before the removal takes place.

(b). "If trees are proposed to be removed to accommodate grading transition slopes along development parcel boundaries, replacement planting shall be required at a 1:1 ratio, calculated inch-for-inch based on the diameter at breast height (DBH) of the removed trees. For example, the removal of a tree with a DBH of 20 inches shall require replacement planting totaling 20 inches in caliper (e.g., ten trees at 2-inch caliper, five trees at 4-inch caliper, etc.). All tree removal and replanting plans shall be submitted to and approved by the Director of Development or their designee prior to removal."

7.C Project-Wide Standards

(a). Within the entire PUD boundary, the developer will work with staff to preserve 50% of heritage trees (30-inch DBH or greater). With the inclusion and preservation of the existing Spanish Revival-style house and yard erected in the 1930s and listed on the National

Register of Historical places, the preservation of the barnyard area and silo, over 140 acres of open space along the ridge, and strategic locations along the stream buffers, neighborhood open spaces, and steeper slopes the City will work with the developers to maintain the scenic and historic appeal of the area.

(b). Planting strips of 5' in width or greater are required between all sidewalks and curb and center landscape medians which shall be greater than 8 feet in width. Within these areas a 3-inch caliper deciduous canopy tree shall be provided at an average spacing of 40 feet on center.

(c). A 20' landscaped street yard is required along North Lee Hwy containing shade trees every 40' along with shrubs and accent landscaping.

(d.) Signage shall be permitted in the form of ground monument signs, signage on buildings, pylon signs (at main commercial entrance only), large entrance signs, decorative banners and flags on light poles and flag poles, and other signage as proposed on individual site development plan applications. Signage design, materials, and colors shall be cohesive across all development parcels except for brand specific fonts and logos for commercial businesses. The square footage of signs located in village commercial shall not exceed 10% of the façade. The square footage of signs located in frontage commercial shall not exceed 20% of the façade.

(e). Decorative streetlights and signposts are required.

(f). 5-foot sidewalks are required on both sides of all streets.

(g). A 10-foot multi-use path shall be required on one side of the main boulevard with a 5' sidewalk on the other side. Grass strips along the main boulevard shall be 6 feet in width.

(h). Infrastructure improvements relating to this project will be significant. A separate document, the developer agreement, will cover many of those items. These include:
15 acres donated for an elementary school site, a parcel for a Fire Station, and the property for the Aquatics/Multi-Use facility located in Village Commercial District. The city will be involved in infrastructure improvements as depicted in the Traffic Impact Study. These improvements will take place along Stuart Road, North Lee Highway, the primary "spine road" through the development, and other surrounding roads. The city will also be involved in construction of a greenway/trail system in the open space as depicted. The Greenway will connect to the City Greenway System via a multi-use path along the spine road and connect to North Lee Highway at one of the traffic light locations. Other improvements include traffic lights, turn lanes, and other related improvements.

(I). The developer is responsible for construction/installation of all interior neighborhood/commercial roads, parking lots, sidewalks, and related amenities. This includes sidewalks along North Lee Highway, Tasso Lane, and all interior roads not included

in the developer agreement to be built by the City.

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 70 Hardwick Farms II. 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 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 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 after 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 70, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 70 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the

effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

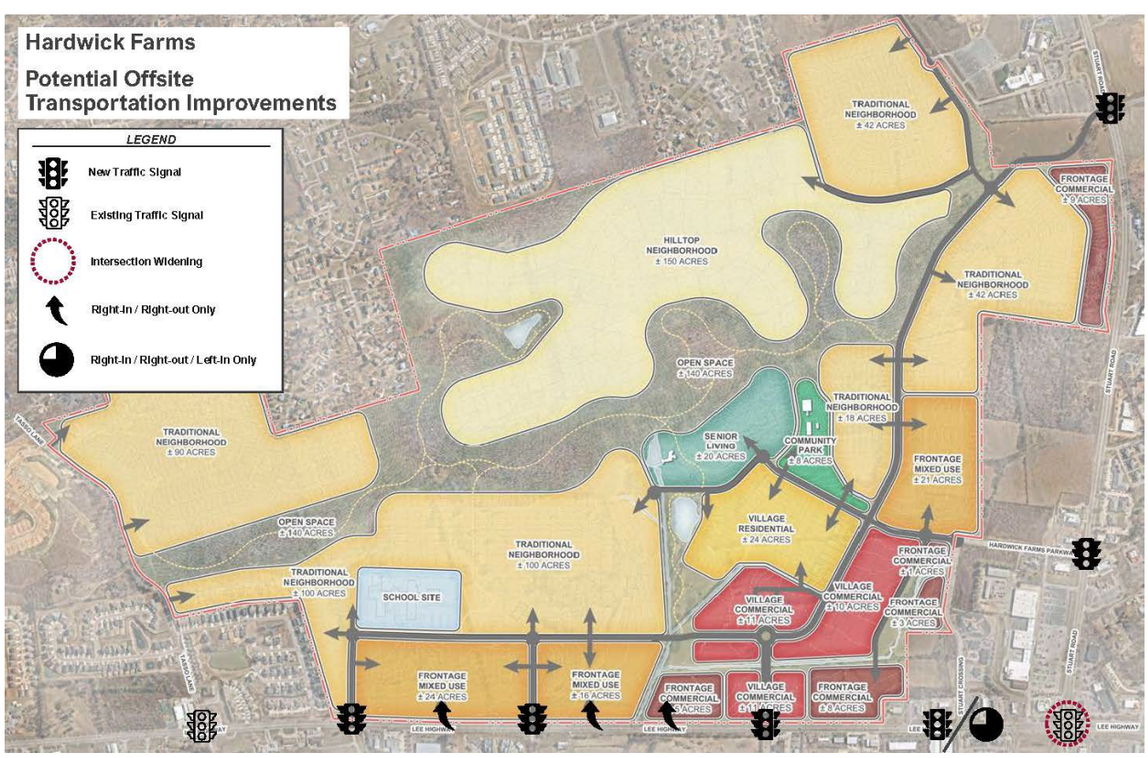
Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the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

APPROVED AS TO FORM:

John F. Kimball, City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk



Councilman Moore moved that Zoning Ordinance 2025-60 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

The following Resolution was then presented in full:

- **Resolution 2025-101** - Concerning a request by Don Epperson Estate for consideration of a Plan of Service for about 8.28 acres, more or less, of property located along APD-40 and Young Rd. and includes Tax Map 066H Group F Parcels 021.00, 026.00, 026.01, and 027.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2025-101

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

APD 40 (066H F 027.00, 026.01, 026.00, 021.00, and ROW)

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 November 10, 2025, 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 southwest corner of the lands of Don and Doris Epperson, as recorded in BCORD deed book 268 page 578, herein referred to as Tract 1 of Epperson; thence with the southern line of the lands of Tract 1 of Epperson in a southeasterly direction 156.6 feet, more or less, to the southeast corner of the lands of Tract 1 of Epperson, said point also being the southwest corner of the lands of Tract 2 of Don and Doris Epperson, as recorded in BCROD deed book 1970 page 677; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83.5 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southerly direction 30 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson, said point also being located in the northern right of way of Young Rd and being a point in the existing City Limits; thence crossing Young Rd with the existing City Limits in a southerly direction 32 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 191 feet, more or less, to a point where the western line of the lands of Daniel Epperson, as recorded in BCROD deed book 374 page 934, we extended, it would intersect the southern right of way of Young Rd; thence crossing Young Rd in a northerly direction 32 feet, more or less, to the southwest corner of the lands of Daniel Epperson; thence with the western line of the lands of Daniel Epperson in a northeasterly direction 172.4 feet, more or less, to the northwest corner of the lands of Daniel Epperson; thence with the northern line of the lands of Daniel Epperson in a southeasterly direction 86 feet, more or less, to the northeast corner of the lands of Dennis Epperson; thence with the eastern line of the lands of Daniel Epperson in a southwesterly direction 170 feet, more or less, to the southeast corner of the lands of Daniel Epperson; said point also being a corner of the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83 feet, more or less, to the southeast corner of Tract 2 of Epperson; thence with the eastern line of Tract 2 of Epperson in a northeasterly direction 465 feet, more or less, to the northeast corner of the lands of Tract 2 of Epperson; thence with the northern line

of the lands of Tract 2 of Epperson in an northwesterly direction 338 feet, more or less, to the northwest corner of the lands of Tract 2 of Epperson, said point being located in the southern right of way of APD 40; thence with the northern line of the lands of Tract 2 of Epperson and the southern right of way of APD in a southwesterly direction 19 feet, more or less, to the northeast corner of Don and Doris Epperson Tract 3, as recorded in BCROD deed book 292 page 642, said point also being the southeast corner of the lands of Don Epperson Estate, as recorded in BCORD deed book 3140 page 444; thence with the eastern line of Don Epperson Estate North 24 degrees 54 minutes 27 seconds west, 103.10 feet, more or less, to the northeast corner of the lands of Don Epperosn Estate; thence along a curve that is the northern line of the lands of Don Epperson Estate in a southwesterly direction 520 feet, more or less, to a point where the northern line of the lands of Don Epperson Estate intersects the existing City Limits; thence with the existing City Limits in a southerly direction 54 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 133 feet, more or less, to a corner in the existing City Limits; thence with the existing City Limits in a southwesterly direction 26 feet, more or less, to the northwest corner on Tract 1 of Don Epperson; thence with the western line of Tract 1 of Don Epperson in s southwesterly direction 283 feet to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

City of Cleveland TENNESSEE

OCTOBER 21, 2025
APD 40-McGRADY DRIVE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 8± acres located at APD-40, McGrady Drive, and Young Road 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 2025.

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.

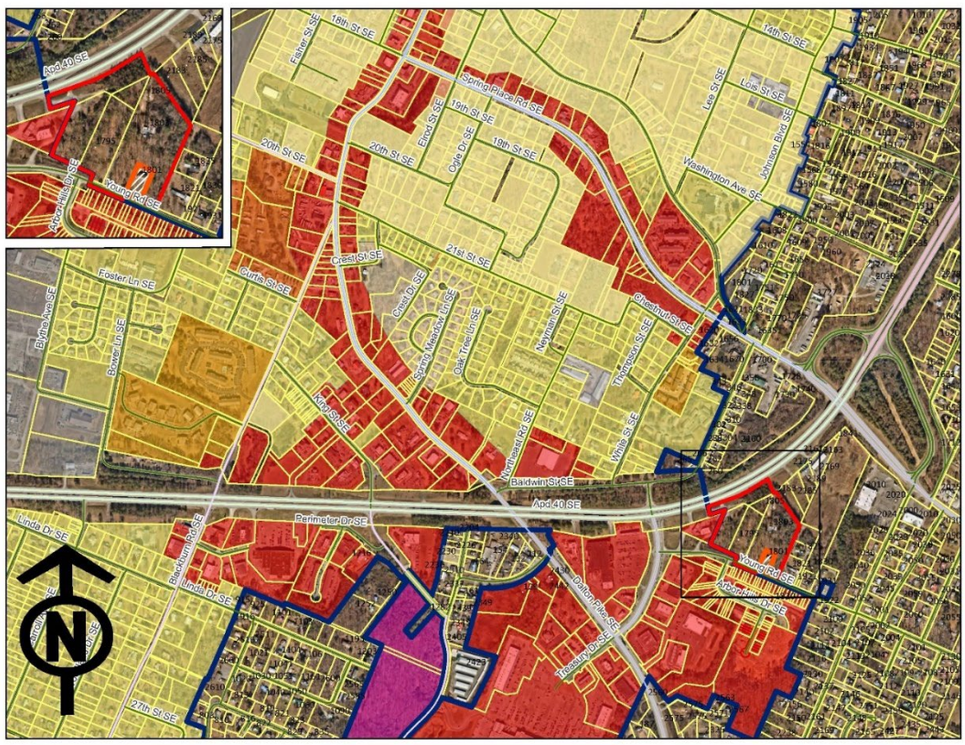
Introduction

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 June 2025, expanding it along I-75 north to Old Lower River Rd. NW and southwest towards Harrison Pike. 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 multiple parcels, approximately 8± acres total. The annexation would zone the property as CH Highway Commercial. The properties are currently vacant other than a cell tower located on 066H F 021.00. The property is described as Tax Map 066H Group F Parcels 021.00, 026.00, and 027.00. Approximately 1.4 acres, more or less, of this annexation will be ROW that has been acquired from TDOT.

APD 40-McGrady Annexation Map



Legal Description

Beginning at the southwest corner of the lands of Don and Doris Epperson, as recorded in BCORD deed book 268 page 578, herein referred to as Tract 1 of Epperson; thence with the southern line of the lands of Tract 1 of Epperson in a southeasterly direction 156.6 feet, more or less, to the southeast corner of the lands of Tract 1 of Epperson, said point also being the southwest corner of the lands of Tract 2 of Don and Doris Epperson, as recorded in BCROD deed book 1970 page 677; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83.5 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southerly direction 30 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson, said point also being located in the northern right of way of Young Rd and being a point in the existing City Limits; thence crossing Young Rd with the existing City Limits in a southerly direction 32 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 191 feet, more or less, to a point where the western line of the lands of Daniel Epperson, as recorded in BCROD deed book 374 page 934, we extended, it would intersect the southern right of way of Young Rd; thence crossing Young Rd in a northerly direction 32 feet, more or less, to the southwest corner of the lands of Daniel Epperson; thence with the western line of the lands of Daniel Epperson in a northeasterly direction 172.4 feet, more or less, to the northwest corner of the lands of Daniel Epperson; thence with the northern line of the lands of Daniel Epperson in a southeasterly direction 86 feet, more or less, to the northeast corner of the lands of Dennis Epperson; thence with the eastern line of the lands of Daniel Epperson in a southwesterly direction 170 feet, more or less, to the southeast corner of the lands of Daniel Epperson; said point also being a corner of the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83 feet, more or less, to the southeast corner of Tract 2 of Epperson; thence with the eastern line of Tract 2 of Epperson in a northeasterly direction 465 feet, more or less, to the northeast corner of the lands of Tract 2 of Epperson; thence with the northern line of the lands of Tract 2 of Epperson in an northwesterly direction 338 feet, more or less, to the northwest corner of the lands of Tract 2 of Epperson, said point being located in the southern right of way of APD 40; thence with the northern line of the lands of Tract 2 of Epperson and the southern right of way of APD in a southwesterly direction 19 feet, more or less, to the northeast corner of Don and Doris Epperson Tract 3, as recorded in BCROD deed book 292 page 642, said point also being the southeast corner of the lands of Don Epperson Estate, as recorded in BCORD deed book 3140 page 444; thence with the eastern line of Don Epperson Estate North 24 degrees 54 minutes 27 seconds west, 103.10 feet, more or less, to the northeast corner of the lands of Don Epperosn Estate; thence along a curve that is the northern line of the lands of Don Epperson Estate in a southwesterly direction 520 feet, more or less, to a point where the northern line of the lands of Don Epperson Estate intersects the existing City Limits; thence with the existing City Limits in a southerly direction 54 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 133 feet, more or less, to a corner in the existing City Limits; thence with the existing City Limits in a southwesterly direction 26 feet, more or less, to the northwest corner on Tract 1 of Don Epperson; thence with the western line of Tract 1 of Don Epperson in s southwesterly direction 283 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with our existing stations and personnel, with little impact to our budget.

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

A. Domestic Water---Domestic water service is presently available to these parcels via a 6" water main along the south side of Young Rd. SE and a 2" water main inside parcel 066H-F-021.00 See Figure 1 – Water Service.

B. Sanitary Sewer---Sewer service is presently available to these parcels via a 2" sewer force main on the south side of Parcel 066H-F-026.01. Sewer capacity to be granted to the new parcels will be evaluated after receiving a plan of development. See Figure 2 – Sewer Service.

C. Fire Protection---There are existing fire hydrant in front of the parcels along Young Rd. and 300' north of the parcels. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
APD40(Tax Parcel 006H F 026.00, 026.01, and 021.00)	**$0**	**$0**	**$0**	**$0**

1 The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.



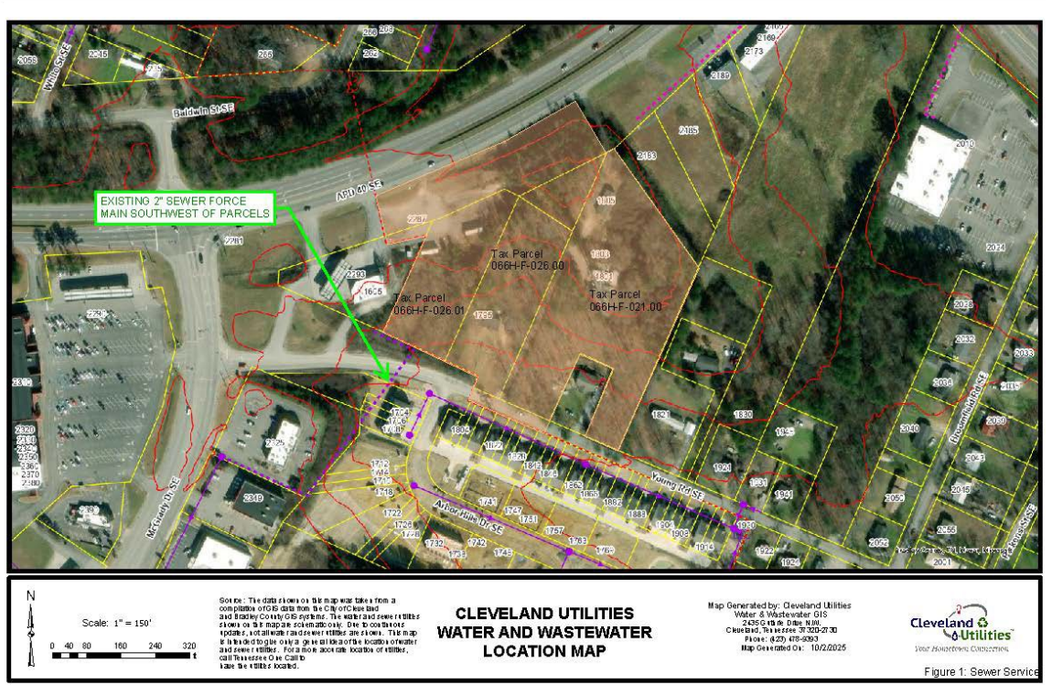


Figure 1: Sewer Service

4. Electric Service

Cleveland Utilities Electric has single-phase electric facilities along the street in front of the proposed annexation. If the anticipated load requires three-phase, some primary work will be required at the approximate cost of $20,000.

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

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

This will have no educational impact.

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 FAR in the unincorporated County. The property is proposed for CH Highway Commercial 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 a the 1st City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands,

and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP). This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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

Total revenue generated by this annexation is approximately **$21,665.82 per year.**

Councilwoman McKenzie moved that Resolution 2025-101 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 6-0.

The following Resolution was then presented in full:

- **Resolution 2025-102** - Concerning a request by Don Epperson Estate for consideration of a resolution to annex about 8.28 acres, more or less, of property located along APD-40 and Young Rd. and includes Tax Map 066H Group F Parcels 021.00, 026.00, 026.01, and 027.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2025-102

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

APD 40 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 November 10, 2025.

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 southwest corner of the lands of Don and Doris Epperson, as recorded in BCORD deed book 268 page 578, herein referred to as Tract 1 of Epperson; thence with the southern line of the lands of Tract 1 of Epperson in a southeasterly direction 156.6 feet, more or less, to the southeast corner of the lands of Tract 1 of Epperson, said point also being the southwest corner of the lands of Tract 2 of Don and Doris Epperson, as recorded in BCROD deed book 1970 page 677; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83.5 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southerly direction 30 feet, more or less, to a corner in the southern line of the lands of Tract 2 of Epperson, said point also being located in the northern right of way of Young Rd and being a point in the existing City Limits; thence crossing Young Rd with the existing City Limits in a southerly direction 32 feet, more or less, to a corner of the existing City Limits; thence with the existing City Limits in a southeasterly direction 191 feet, more or less, to a point where the western line of the lands of Daniel Epperson, as recorded in BCROD deed book 374 page 934, we extended, it would intersect the southern right of way of Young Rd; thence crossing Young Rd in a northerly direction 32 feet, more or less, to the southwest corner of the lands of Daniel Epperson; thence with the western line of the lands of Daniel Epperson in a northeasterly direction 172.4 feet, more or less, to the northwest corner of the lands of Daniel Epperson; thence with the northern line of the lands of Daniel Epperson in a southeasterly direction 86 feet, more or less, to the northeast corner of the lands of Dennis Epperson; thence with the eastern line of the lands of Daniel Epperson in a southwesterly direction 170 feet, more or less, to the southeast corner of the lands of Daniel Epperson; said point also being a corner of the southern line of the lands of Tract 2 of Epperson; thence with the southern line of the lands of Tract 2 of Epperson in a southeasterly direction 83 feet, more or less, to the southeast corner of Tract 2 of Epperson; thence with the eastern line of Tract 2 of Epperson in a northeasterly direction 465 feet, more or less, to the northeast corner of the lands of Tract 2 of Epperson; thence with the northern line of the lands of Tract 2 of Epperson in an northwesterly direction 338 feet, more or less, to the northwest corner of the lands of Tract 2 of Epperson, said point being located in the southern right of way of APD 40; thence with the northern line of the lands of Tract 2 of Epperson and the southern right of way of APD in a southwesterly direction 19 feet, more or less, to the northeast corner of Don and Doris Epperson Tract 3, as recorded in BCROD deed book 292 page 642, said point also being the southeast corner of the lands of Don Epperson Estate, as recorded in BCORD deed book 3140 page 444; thence with the eastern line of Don Epperson Estate North 24 degrees 54 minutes 27 seconds west, 103.10 feet, more or less, to the northeast corner of the lands of Don Epperosn Estate; thence along a curve that is the northern line of the lands of Don Epperson Estate in a southwesterly direction 520 feet, more or less, to a point where the northern line of the lands of Don Epperson Estate intersects the existing City Limits; thence with the existing City Limits in a southerly direction 54 feet, more or less, to a corner in the existing City Limits, thence with the existing City Limits in a northeasterly direction 133 feet, more or less, to a corner in the existing City Limits; thence with the existing City Limits in a southwesterly direction 26 feet, more or less, to the northwest corner on Tract 1 of Don Epperson; thence with the western line of Tract 1 of Don Epperson in s southwesterly direction 283 feet to the point of beginning.

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

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

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

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

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

EFFECTIVE DATE: Be it further resolved that this Resolution shall only become effective at the time of the final passage of the ordinance zoning 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 2025-102 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-61** - Concerning a request by Don Epperson Estate for consideration of an ordinance to zone about 8.28 acres, more or less, of property located along APD-40 and Young Rd. from FAR to CH Highway Commercial Zoning District and includes Tax Map 066H Group F Parcels 021.00, 026.00, 026.01, and 027.00 (Planning Commission: Approved 8-0; 1 absent).

Zoning Ordinance 2025-61

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR unincorporated county zoning to CH Highway Commercial Zoning District

Approximately 8.28 acres, more or less, located on APD 40/McGrady Drive/Young Rd. as shown on the attached map.

For reference, the same property is being shown on Tax Map 066H Group F Parcels 027.00, 026.01, 026.00, 021.00, and a portion of acquired TDOT ROW 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.

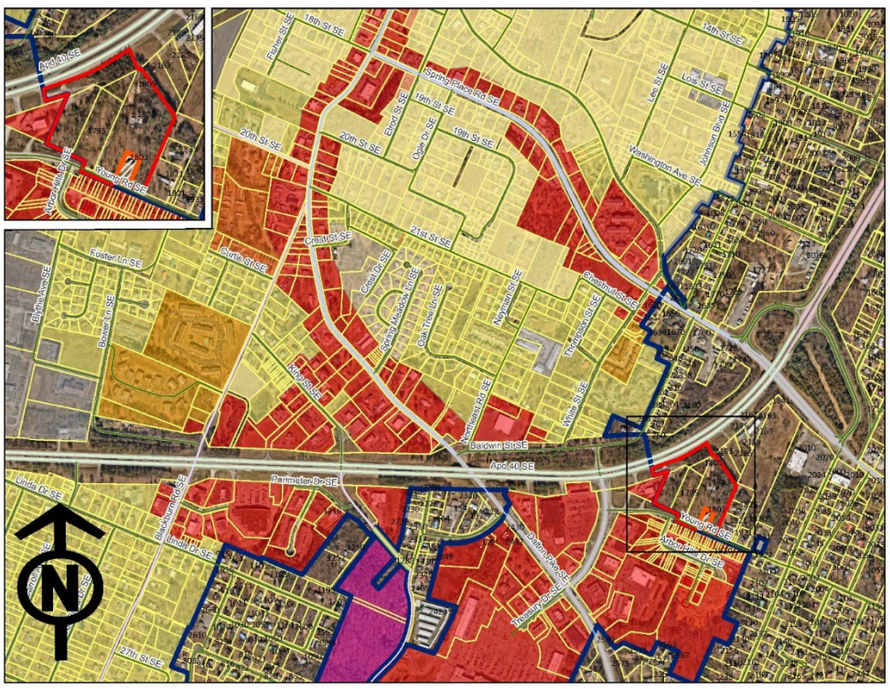
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilwoman McKenzie moved that Zoning Ordinance 2025-61 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, the motion carried 6-0.

The following Resolution was then presented in full:

- **Resolution 2025-103** - Concerning a request by Bradley County for consideration of a Plan of Service for about 2.62 acres, more or less, of property located along Minnis Rd. and includes Tax Map 058 Parcel 025.01 (Planning Commission: Approved 7-1; 1 absent).

RESOLUTION 2025-103

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

MINNIS ROAD (058 025.01)

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 November 10, 2025, 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 southwest corner of the intersection of Minnis Rd and Old Powerline Rd; thence with the western right of way of Minnis Rd in a southwesterly direction 561 feet, more or less, to the northeast corner of Tract 2 of the lands of Bradley County, as recorded in BCROD deed book 1693 page 641; thence with the northern line of the lands of Tract 2 Bradley County in a northwesterly direction 218 feet, more or less to the northwest corner of the lands of Tract 2 Bradley County; thence with the western line of the lands of Tract 2 Bradley County in a southwesterly direction 490 feet, more or less, to the southwest corner of the lands of Tract 2 Bradley County; thence with the southern line of the lands of Tract 2 Bradley County in a southeasterly direction 245 feet, more or less, to the southeast corner of the lands of Tract 2 Bradley County, said point also being located in the western right of way of Minnis Rd; thence with the western right of way of Minnis Rd in a southerly direction 2,460 feet, more or less, to the northwest corner of the intersection of Minnis Rd and Waterlevel Hwy; thence crossing Minnis Rd in a southeasterly direction 70 feet, more or less, to the northeast corner of the intersection of Minnis Rd and Waterlevel Hwy; thence with the eastern right of way on Minnis Rd in a northerly direction 3,529 feet, more or less, to the southeast corner of the intersection of Minnis Rd and Old Powerline Rd; thence crossing Minnis Rd in a northwesterly direction 40 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

OCTOBER 21, 2025
MINNIS ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 2.62± acres located at Minnis Road 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 2025.

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.

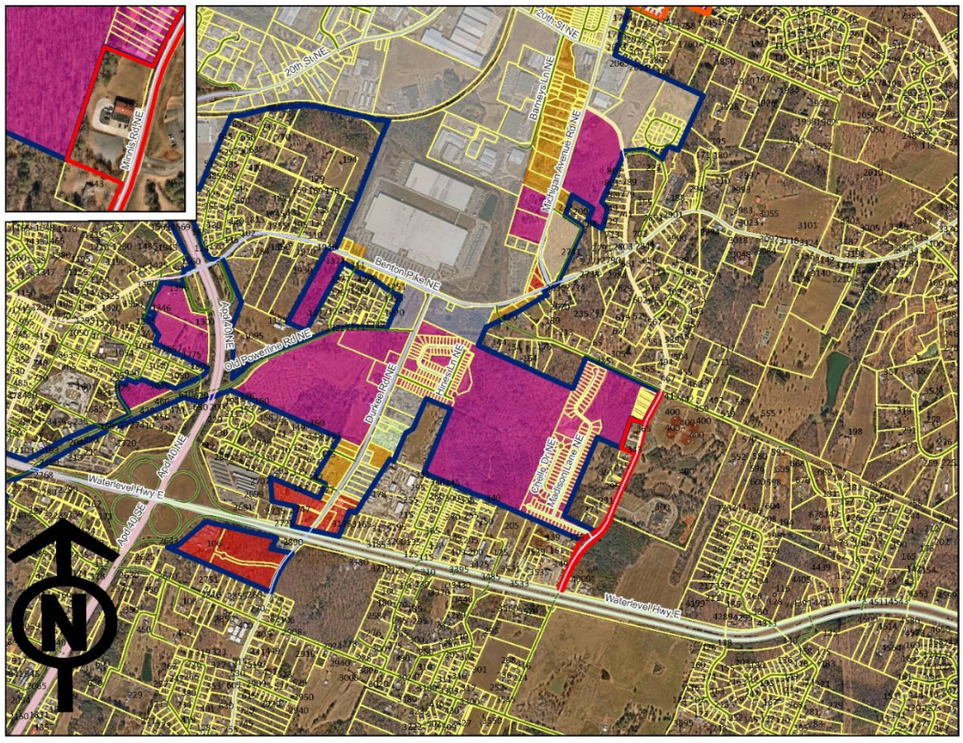
Introduction

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 June 2025, expanding it along I-75 north to Old Lower River Rd. NW and southwest towards Harrison Pike. Cleveland can annex property within its UGB by resolution.

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

The property consists of one parcel, approximately 2.62± acres total. The annexation would zone the property as RA Residential Agricultural. The property are currently hold a fire station. The property is described as Tax Map 058 Parcel 025.01.

Minnis Road Fire Station Annexation Map



Legal Description

Beginning at the southwest corner of the intersection of Minnis Rd and Old Powerline Rd; thence with the western right of way of Minnis Rd in a southwesterly direction 561 feet, more or less, to the northeast corner of Tract 2 of the lands of Bradley County, as recorded in BCROD deed book 1693 page 641; thence with the northern line of the lands of Tract 2 Bradley County in a northwesterly direction 218 feet, more or less to the northwest corner of the lands of Tract 2 Bradley County; thence with the western line of the lands of Tract 2 Bradley County in a southwesterly direction 490 feet, more or less, to the southwest corner of the lands of Tract 2 Bradley County; thence with the southern line of the lands of Tract 2 Bradley County in a southeasterly direction 245 feet, more or less, to the southeast corner of the lands of Tract 2 Bradley County, said point also being located in the western right of way of Minnis Rd; thence with the western right of way of Minnis Rd in a southerly direction 2,460 feet, more or less, to the northwest corner of the intersection of Minnis Rd and Waterlevel Hwy; thence crossing Minnis Rd in a southeasterly direction 70 feet, more or less, to the northeast corner of the intersection of Minnis Rd and Waterlevel Hwy; thence with the eastern right of way on Minnis Rd in a northerly direction 3,529 feet, more or less, to the southeast corner of the intersection of Minnis Rd and Old Powerline Rd; thence crossing Minnis Rd in a northwesterly direction 40 feet, more or less, to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio responses to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately with our existing stations and personnel, with little impact to our budget.

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

A. Domestic Water---Domestic water service is presently available to these parcels via a 8" water main along the east side of Minnis Rd. NE See Figure 1 – Water Service.

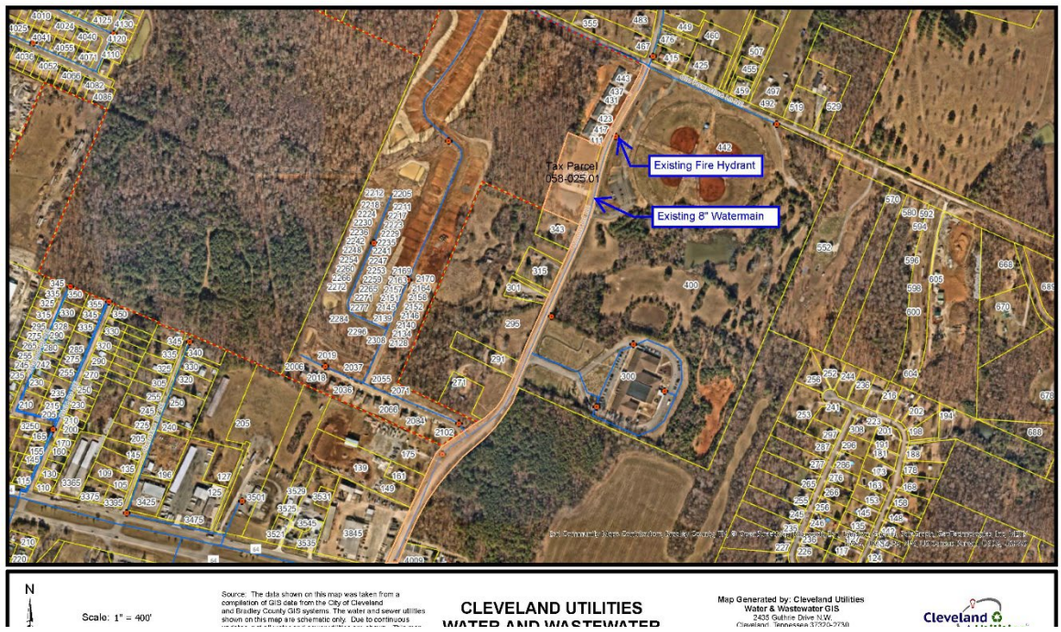
B. Sanitary Sewer---Sewer service is presently available to these parcels via a 4” gravity sewer main along the west side of Minnis Rd. NE. See Figure 2 – Sewer Service.

C. Fire Protection---There is an existing fire hydrant 90 ft. north of the parcel along Minnis Rd. NE See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
365 Minnis Rd Tax Parcel 058-025.01	**$0**	**$0**	**$0**	**$0**

1 The information provided represents a level of project definition of less than 2 percent, consistent with a Class 5 estimate as defined by the Association for the Advancement of Cost Engineering. A Class 5 estimate has an accuracy range of +100 percent to -50 percent.



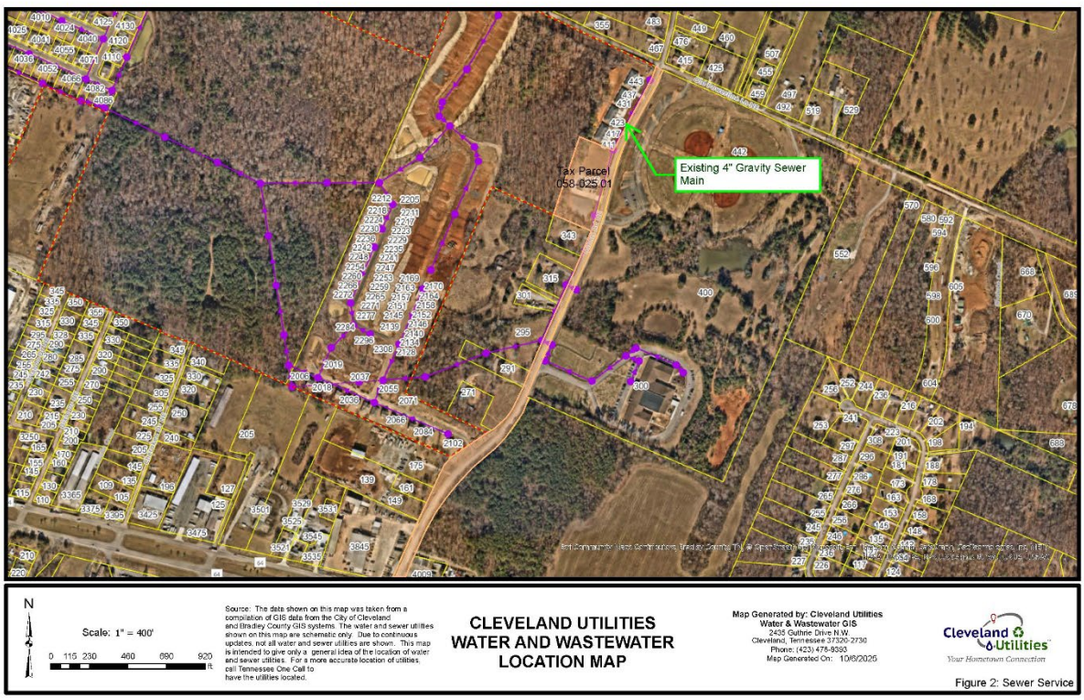


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric currently serves the property with no issues.

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*

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

This will have no educational impact.

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 FAR in the unincorporated County. The property is proposed for RA Residential Agricultural 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 a the 4th City Council District.

10. Stormwater

I. The City of Cleveland Stormwater Utility Fee is based on impervious area. The fee is billed on the Cleveland Utilities monthly water bill. For additional information or to view the Stormwater Utility Fee Credit and Adjustment Manual please visit our website at www.clevelandtn.gov/stormwater.

II. All new development will need to adhere to the City of Cleveland Stormwater Ordinance. If there is a possibility of ponds, wetlands, and/or streams on site. A hydrological determination will be required before land disturbance activities are permitted. The study will also need to be approved by TDEC. Please provide the study and the concurrence letter from TDEC. Any modifications to a pond, wetland, or stream will require an Aquatic Resource Alteration Permit (ARAP).

This permit is issued by the Tennessee Department of Environment and Conservation.

III. The City of Cleveland is now a Qualified Local Program (QLP). All developments 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

Total revenue generated by this annexation is approximately **$0 per year.**

Vice Mayor Webb moved that Resolution 2025-103 be accepted as presented. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 6-0.

The following Resolution was then presented in full:

- **Resolution 2025-104** - Concerning a request by Bradley County for consideration of a resolution to annex about 2.62 acres, more or less, of property located along Minnis Rd. and includes Tax Map 058 Parcel 025.01 (Planning Commission: Approved 7-1; 1 absent).

RESOLUTION 2025-104

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

MINNIS ROAD 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 November 10, 2025.

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 southwest corner of the intersection of Minnis Rd and Old Powerline Rd; thence with the western right of way of Minnis Rd in a southwesterly direction 561 feet, more or less, to the northeast corner of Tract 2 of the lands of Bradley County, as recorded in BCROD deed book 1693 page 641; thence with the northern line of the lands of Tract 2 Bradley County in a northwesterly direction 218 feet, more or less to the northwest corner of the lands of Tract 2 Bradley County; thence with the western line of the lands of Tract 2 Bradley County in a southwesterly direction 490 feet, more or less, to the southwest corner of the lands of Tract 2 Bradley County; thence with the southern line of the lands of Tract 2 Bradley County in a southeasterly direction 245 feet, more or less, to the southeast corner of the lands of Tract 2 Bradley County, said point also being located in the western right of way of Minnis Rd; thence with the western right of way of Minnis Rd in a southerly direction 2,460 feet, more or less, to the northwest corner of the intersection of Minnis Rd and Waterlevel Hwy; thence crossing Minnis Rd in a southeasterly direction 70 feet, more or less, to the northeast corner of the intersection of Minnis Rd and Waterlevel Hwy; thence with the eastern right of way on Minnis Rd in a northerly direction 3,529 feet, more or less, to the southeast corner of the intersection of Minnis Rd and Old Powerline Rd; thence crossing Minnis Rd in a northwesterly direction 40 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

Councilman Cassada moved that Resolution 2025-104 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-62** - Concerning a request by Bradley County for consideration of an ordinance to zone about 2.62 acres, more or less, of property located along Minnis Rd. from FAR to RA Residential Agricultural and includes Tax Map 058 Parcel 025.01 (Planning Commission: Approved 7-1; 1 absent).

Zoning Ordinance 2025-62

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from FAR Zoning District in the Unincorporated County to RA Residential Agricultural Zoning District.

Approximately 2.62 acres, more or less, located on Minnis Rd. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 058 Parcel 025.01 in the Assessor's Office for Bradley County, Tennessee.

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

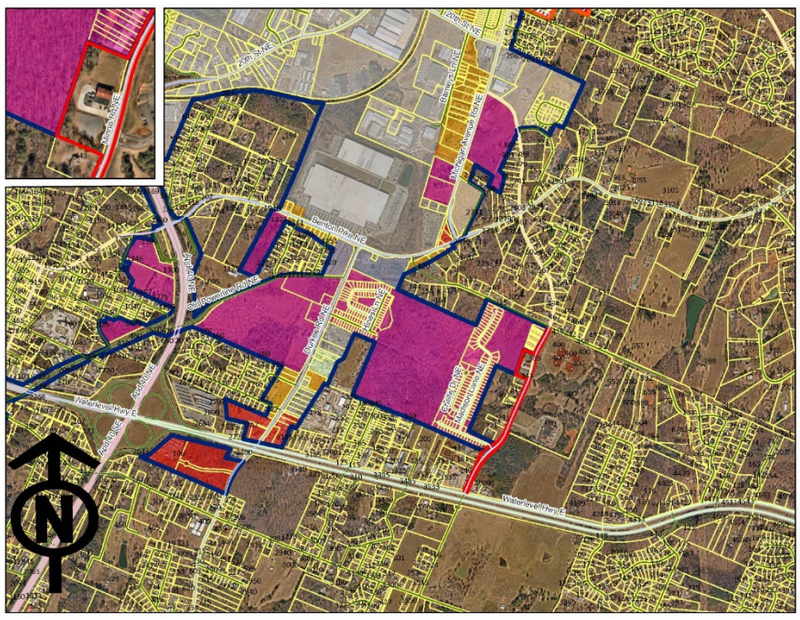
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance 2025-62 be approved on first reading. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-64** - Concerning a request by Quantum Ventures LLC for consideration of an ordinance to zone about .38 acres, more or less, of property located at Blue Springs Rd. from R-2 Low Density Single and Multi-Family to IH Heavy Industrial Zoning District and includes a portion of Tax Map 065B Group C Parcel (Planning Commission: Approved 8-0; 1 absent).

Zoning Ordinance 2025-64

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned from R-2 Low Density Single and Multi-Family Zoning District in to IH Heavy Industrial Zoning District.

Approximately 0.3 acres, more or less, located on Blue Springs Rd. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 065B Group C Parcel 001.00 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



Councilwoman McKenzie moved that Zoning Ordinance 2025-64 be approved on first reading. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 6-0.

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-41** – Concerning a request by Winstead Partnership (Kelley E Storey) for consideration of an ordinance to zone about 52.18 acres, more or less, of property located at Stone Lake Road from CH Highway Commercial and RA Residential Agricultural Zoning Districts and IGC Interstate Gateway Corridor to PUD69 and IGC Interstate Gateway Corridor and includes Tax Map 056 Parcel 051.06 (Planning Commission: Approved 7-0; 2 absent) (Council Public Hearing held July 28, 2025 and delay of first reading).

ZONING ORDINANCE 2025-41

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 STONE LAKE RD "PUD 69" ON PROPERTY DESCRIBED AS TAX PARCEL 056 051.06, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 69; 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 69" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 69 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 69 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

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

Section 3. PROPERTY DESCRIPTION.

PUD 69, Stone Lake Rd. (name may be revised during the platting process with approval of the Cleveland Municipal Planning), includes property generally identified as Tax Parcels 056 051.06. Exhibit A illustrates the Stone Lake Rd. Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

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

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 69 Subdivision allows for the construction of up to 200 residential units without amending this ordinance. Permitted uses are single family detached and a maximum of 20%, or 40 units, of single-family townhouse dwellings. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 69 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 Stone Lake Rd. development will comport with the descriptions of development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission and Cleveland City Council. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 69 district. Uses other than those described as permitted or allowed herein are prohibited. Billboards are not permitted.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 69, Stone Lake Rd. Property was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on June 17, 2025. The conceptual plan consists of a site plan for the overall development. Additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 69 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 and Cleveland 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 Newman Farms Property may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific feature within the development. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and

infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 69 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets and 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 69 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 69 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 69 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 and townhouse regulations from the subdivision ordinance. Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. Building Lot Size & Setbacks

Single Family Detached Lot Requirements:

Front (all other streets):	25'
Side:	5'
Rear:	15'
Min Lot Width:	maintain an average of 50' with no lot less than 46’

Single Family Attached units must follow adopted Townhouse Regulations in the City of Cleveland Subdivision Regulations with the exception of the side setback.

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

Section 7.B Sidewalks, Common Area, & Amenities

1. Sidewalks shall be provided on one side of all new streets with the exception of the primary drive which access Stone Lake Road and Connects to PUD 56 to the south which will have sidewalks on both sides of the street.

2. A minimum of 20% of the total acreage shall be green space as shown on Exhibit B.

3. A minimum of 25% of the open/green space shall be usable and include a pool and pool house. Amenities must be installed before the 100th building permit is issued.

4. One or more Centralized cluster mailboxes units shall be provided, if required by the United States Postal service, and shall include a minimum of 2 off-street parking spaces for every 50 developable lots.

5. All utilities shall be placed outside of the street except for required crossings; any crossing shall be approved by the City through the site review process.

7.C Miscellaneous Standards

1. For all development areas, the exterior facades of all structures shall be comprised of a minimum of 50 % brick or stone, with the remainder compromising wood, or fiber cement board materials (no vinyl siding except for accents such as soffits & fascia).

2. Each single-family detached homes elevation visible from the Right-of-way must differ in type, size, and style. No two adjacent elevations may be identical.

3. All foundations shall be brick or stone.

4. All residential buildings must include a minimum of 2 car garage.

5. Residential buildings must incorporate a variety of building elements and treatments. Structures must include articulation, changes in materials or texture, windows, or other architectural features for all facades of the structure.

6. A monument style ground sign with landscaped entrance shall be installed for each entrance to the site.

7. The primary access corridor as required by PUD 56 will connect Mason Road to Stone Lake Road. PUD 69 shall dedicate a 50-foot ROW to allow for future construction of the access road. A landscaped street yard with street trees, generally 2" caliper trees, 35' on-center, shall be provided along this corridor's entirety. ~~Road improvements must be installed before any building permits are issued.~~ The Developer, and its assigns or successors in title of the parcels that are the subject of this rezoning application must allow the construction and use of the access corridor to the development south identified as PUD 56.

8. A landscaped street yard or undisturbed wooded buffer shall be included along the Stone Lake Road frontage, either to the north or south of the sewer easement and include shad trees and a decorative fence.

9. Primary access to the development area must be provided to Stone Lake Road and Humphrey Bridge Road. Stone Lake Road shall require, at a minimum, deceleration lanes not less than 100' in length.

10. A two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed in the front and back yard of each lot. For Townhouses the tree shall be placed between each building.

11. Attempts shall be made to preserve the existing tree canopy, and these efforts shall be sufficient for meeting the City's tree preservation requirements. No buffers are required internally to the PUD area~~. A 30' buffer shall be provided on the exterior of the development.~~

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 69 Stone Lake Rd. Property. 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 69, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD 69 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer'' is intended to encompass the current owner or any heirs,

assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk



Councilwoman McKenzie moved that Zoning Ordinance 2025-41 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, the motion carried 6-0.

Councilman Moore approved the following memorandum for approval of appointments to the Homeless Action Committee. The motion was seconded by Vice Mayor Webb; and upon roll call, the motion carried 6-0.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **November 10, 2025**
RE: **Approval of Appointments to the Homeless Action Committee**

SUMMARY:
At the October 27th Council Meeting, the City Council discussed forming a City Homeless Action Committee. Here are proposed appointments to this Committee/Work Group:

Councilwoman Marsha McKenzie
Councilman-At-Large Dan Moore
Jennifer Samples, CPD (or) CIT Rep
Robert Varnell, Planning/Codes
Corinne Freeman, Caring Place
Demetrius Ramsey BCCCS Agency
Alan Winter, Wesley Memorial
Bill Woodriff, Cross Point Church of God
Cindy Slater, Bradley County Commissioner
Eva Van Hook, Family Promise
District Attorney Rep
Dr. Raymond Brown

STAFF RECOMMENDATION:
City staff recommends to the City Council to approve the formation of this City work group. The Committee will convene before Thanksgiving.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. Holiday Schedule - City Offices will be closed on the following days:
   - Tuesday, November 11 – Veterans' Day.
   - Thursday, November 27, and Friday, November 28 – Thanksgiving Holiday.
   - Wednesday, December 24, and Thursday, December 25 and Friday, December 26 – Christmas Holiday.
   - Thursday, January 1 and Friday, January 2, 2026 – New Year's Day.

b. The November 24 and December 22 Council meetings will be cancelled due to the upcoming holidays.

c. The next City Council meeting will be held on Monday, December 8, 2025.

ADJOURNMENT

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

_____ _____
Mayor City Clerk

REGULAR SESSION
DECEMBER 8, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, DECEMBER 8, 2025 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

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

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; City Attorney John Kimball; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Cathy Andrews, CDBG Coordinator; Hal Taylor, Jodi Riggins; Dr. Jeff Elliott with Cleveland City Schools; Doug Berry with the Chamber of Commerce; Tim Rader; Cameron Fisher; Abby Nelson; Greg Banther; Senator Adam Lowe; Leigh Ann Boyd; Shari Horton; Karen Criddle; Heather Adams; Sally O'Grady; Chris Pennell; Ken Bausch; Keisha Parks with the Cleveland/Bradley Public Library; Joe Lee with KW Commercial and Tim Siniard with the *Cleveland Daily Banner*.

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

Following the Pledge of Allegiance to the American Flag and prayer by Councilman Duane Goff, the following business was then entered into:

WAIVE READING OF MINUTES

Councilman May moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on November 10, 2025 and approve them as written. The motion was seconded by Councilman Goff; and upon roll call, the motion carried 7-0.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Vice Mayor Ken Webb and Human Resource Director Kim Miller presented the following 2025 Service Awards to 20+ year employees.

35 YEARS	30 YEARS	25 YEARS	20 YEARS
PEGGY HATHCOCK	DARRELL EVANS	BILLY COCHRAN	KIMBERLY BIVENS
SHANE HAYES	JAN PARKS	ROGER CROSS	CRISS CAYWOOD
TRAVIS WEBER		JOSHUA HOLDER	JOEL PRINCE
		CHRISTOPHER JACQUES	
		WILLIAM MILLER	
		SANDRA OLIVER	
		KEITH ROMINGER	
		SCOTT WATTENBARGER	

HEARING PETITIONS AND COMMUNICATIONS

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by Mitchell Maloney for consideration of an ordinance to zone about .73 acres, more or less, of property located at T.L. Rogers St. NE from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated the applicant is requesting a residential zoning designation. The flag stem that connects the two roads, it is very critical there be no connections for through access. The preliminary site plan does show that being blocked

with a structure. Councilman May asked if we could add to the motion that they are not allowed to use that flag-stem off T.L. Rogers St. Mr. Varnell replied yes, that will also assist his abilities going through site review. Vice Mayor Webb asked if anyone would like to speak in favor of the request. Cheryl Horton, who lives at 450 Hiwassee Avenue stated they just want to ensure no throughfare traffic will be allowed. Mr. Varnell stated yes, the flag stem will not be used, as a building will be in the way and the outlet will be on Pryor Road. Vice Mayor Webb asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comment concerning a request by Bill Sanders for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 40 acres, more or less, of property located along Pleasant Grove Rd. SW from C-2/FAR to IL Light Industrial Zoning District and includes Tax Map 055 Parcel 044.00 and 008.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this annexation and zoning is for 40 acres to light industrial, but we have yet to see any site plan but staff and Planning Commission recommended approval. Vice Mayor Webb asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Webb asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

Vice Mayor Webb stated today's meeting is being held as a public hearing to hear public comments concerning a request by Spring Creek Community Developers II for consideration of an ordinance to amend PUD 8 to change the use for lots 3 and 4 from commercial to residential and allow for parking to be shared across the development (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is a part of PUD8, on the southern side of 25th Street next to the new Jack's location. The Spring Brook Development is an existing apartment complex, and they are looking to expand their footprint. It will be three additional buildings and consistent with existing development. Councilman May asked if there was sufficient parking. Mr. Varnell stated yes. Councilman Goff inquired about access. Mr. Varnell stated it has no direct access to 25th Street/APD40. The existing access for Jack's will be used or the traffic light. The other lot will have access to the light or through the development to the clubhouse entrance. Vice Mayor Webb asked if anyone would like to speak in favor of the request. Heather Adams with Spring Creek Community Developers II showed the City Council an existing site and connectivity plan and was available for any questions. Vice Mayor Webb asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Webb declared the public hearing to be closed.

CONSENT AGENDA

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

- **Final Passage - Zoning Ordinance 2025-61** – heretofore passed on first reading November 10, 2025 and found in Minute Book 32, Page 708; Concerning a request by Don Epperson Estate for consideration of an ordinance to zone about 8.28 acres, more or less, of property located along APD-40 and Young Rd. from FAR to CH Highway Commercial Zoning District and includes Tax Map 066H Group F Parcels 021.00, 026.00, 026.01, and 027.00 (Planning Commission: Approved 8-0; 1 absent).
- **Final Passage - Zoning Ordinance 2025-64** - heretofore passed on first reading November 10, 2025 and found in Minute Book 32, Page 719; Concerning a request by Quantum Ventures LLC for consideration of an ordinance to zone about .38 acres, more or less, of property located at Blue Springs Rd. from R-2 Low Density Single and Multi-Family to IH Heavy Industrial Zoning District and includes a portion of Tax Map 065B Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent).
- **Resolution 2025-105** – Authorizing the Mayor to sign an agreement with Southeast Tennessee Development District for professional administrative services in connection with environmental review for sidewalks on Bower Lane.

RESOLUTION 2025-105

WHEREAS, City staff is recommending that the City enter into an agreement with the Southeast Tennessee Development District (hereafter "SETD") whereby SETD will provide professional administrative services in connection with Environmental Review compliance as required by U.S. Housing and Urban Development for the 5- Year Consolidated Plan.

WHEREAS, the services to be provided to the City are described in the attached agreement; and

WHEREAS, under the terms of the agreement, the City total fee is an amount not to exceed $4,500; and

WHEREAS, based on the recommendation of City staff, the City Council desires to approve of the attached agreement with Southeast Tennessee Development District for these services, and 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 agreement with Southeast Tennessee Development District.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the attached agreement with Southeast Tennessee Development District on behalf of the City.

This 8th day of December 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-106** – Authorizing the Mayor to sign amendment 3 with TDOT extending the contract date related to the Greenway Phase VI project.

RESOLUTION 2025-106

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

Project: SR-2, from the end of the existing greenway south of Willow Street Northwest to the existing sidewalk system on the South side of Inman Street West in Cleveland
Agreement Number: 190246
Project Identification Number (PIN): 128170.00
Federal Project Number: TAP/STP-M-2(275)
State Project Number: 06LPLM-F3-068

WHEREAS, the City Council desires to enter into the attached Amendment #3 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 6 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 8th day of December 2025

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2025-107** – Accepting a donation of a 1997 Mercury Cougar from Dollinda McDonald.

RESOLUTION 2025-107

A RESOLUTION ACCEPTING A DONATION OF PROPERTY FROM DOLLINDA McDONALD.

WHEREAS, Dollinda McDonald is the owner of a 1997 Mercury Cougar which is more specifically identified by VIN # IMELM62W6VH632336, and

WHEREAS, Dollinda McDonald no longer has a need for the vehicle and has offered to donate this vehicle to the City of Cleveland; and

WHEREAS, the proposed transfer documentation for the vehicle from Dollinda McDonald to the City is attached hereto and incorporated herein by reference; and

WHEREAS, the City of Cleveland desires to accept the donation of the vehicle from Dollinda McDonald.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Cleveland, Tennessee does hereby accept the donation of the vehicle described in the attached document, and the City Council hereby extends its appreciation to Dollinda McDonald for this donation.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the attached document on behalf of the City, plus and any other documents which may be necessary or appropriate, to accept the donation on behalf of the City and to transfer title of the vehicle from the Dollinda McDonald to the City of Cleveland.

This 8th day of December 2025.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Surplus Property** – Declaring 3 vehicles as surplus property to be sold for scrap and used for Fire and Police Department Training.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **December 8, 2025**
RE: **Surplus Property**

SUMMARY:
Fleet Management requests the following assets be declared surplus.

To be sold for scrap:

- 2006 Honda Odyssey

To be used for Fire or Police Department training:

- 2003 Ford Crown Victoria VIN 2FAHP71W83X216457
- 2003 Ford Explorer VIN 1FMZU72K53UC51981

COMMITTEE FINDINGS:
None.
FISCAL ANALYSIS:
None.
RECOMMENDATION:
City staff recommends approval of this item.

- **Appointment** – *Beer Board* – Scott McGowan to fill the unexpired term of Gerald Lillard to expire July 2026.
- **Motion** – Authorizing the Mayor to sign a lease agreement with Bradley County for additional parking lot on Church Street.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **November 10, 2025**
RE: **City-County Parking Agreement**

SUMMARY:
The City has a need for additional parking around the Cherokee renovation project. The County has parking adjacent to the Cherokee building as denoted in the exhibit. City staff has negotiated an agreement for a 15 year lease on this property in exchange for additional work at our Fire Storage Building site on Minnis Road.

The initial term of the Lease (the initial term) shall be fifteen (15) years, commencing on July 1, 2026, and ending on June 30, 2041, and an additional two consecutive five-year terms thereafter. The total rent for the initial lease term of fifteen years which extends to June 30, 2041 shall be a lump sum amount of One ($1) Dollars per year.

The City shall provide construction services to the Lessor-owned property at 365 Minnis Road. The City shall move the bank located in the back of the new Fire Building to the back property line with a 3 to 1 slope in the back of the property. The concrete driveway shall be extended to 4 feet within the toe of that slope. The bank shall be extended to align with the northern edge of the existing fire station on the property. The Lessor has the right to remove the necessary trees to move this bank towards the back.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to the City Council to approve this City-County Agreement.

- **Motion** – Modifying the FY26 Authorized Position List.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **November 10, 2025**
RE: **Modification to the Authorized Position List**

SUMMARY:
We found an error in the title of our current of our Animal Shelter Volunteer Coordinator. The correct title should be Animal Shelter Office Coordinator. If approved, we would reflect this on the authorized position list.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends to the City Council to approve this modification to change Animal Shelter Volunteer Coordinator to Animal Shelter Office Coordinator.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada had no report at this time.

Councilman May wished everyone a Merry Christmas and a Happy New Year.

Councilman Goff wished everyone a Merry Christmas.

Councilman Moore showed photos of Montgomery Avenue NE where tire dumping is occurring. He asked if something could be done with possible cameras. Mr. Fivas stated Code Enforcement is aware, and we have been successful in the past utilizing public cameras that are looking at the streets to catch whoever is dumping, so we will do the same for this area. We continue to encourage the District Attorney to press charges on illegal dumping. Next, Councilman Moore wished everyone a Merry Christmas.

Councilwoman McKenzie stated we have worked so hard on illegal tire dumping, the photos are discouraging. The cameras will help Code Enforcement and Police establish a case but they do help deter most from dumping. She continued the city has had a lot of projects this year and thinks we've done a great job. We've had a good year. Also, thanks to all the employees. They do great work for the city. She wished everyone a Merry Christmas and a Happy New Year.

Councilman Estes thanked Mainstreet Cleveland, Public Works and Police for a great Christmas parade. There were so many floats and people in attendance. Next, he thanked Lee University for their annual Christmas Songfest event. Third, he thanked Mr. Ledford and the County Commission for their commitment to the HCI Grants and the need at Arnold Elementary. Lastly, thanks to Tommy Myers and Public Works for responding to the calls for potholes and leaf collection.

Vice Mayor Webb recognized Mr. Ledford for his attendance at today's meeting. Next, Vice Mayor Webb read the following letter into the minutes from the Cleveland Professional Firefighters.

Cleveland Professional Firefighters
PO BOX 4981
Cleveland, TN 37311

December 8th, 2025

Cleveland City Council,

On behalf of the Cleveland Professional Firefighters, I want to express our sincere gratitude for your commitment to addressing our compensation issues. Your willingness to listen, to understand the realities of our work, and to take meaningful action shows true dedication to public safety and the employees that serve this great city every day.

Your support strengthens our department, boost morale, and ensures we can continue providing the highest level of protection to our residents. We're proud to serve this city, and we deeply appreciate your leadership.

Thank you for standing with us!

Respectfully,

Jeremiah Million
CPFFA President

Next, Vice Mayor Webb showed the City Council a photo of the new Bridge Warning System on Inman Street in action. Lastly, Vice Mayor Webb inquired about the guardrail contract and if the company has been able to make it into town. Mr. Myers stated yes, they came and evaluated the sites but have delayed us again for installation.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Zoning Ordinance 2025-63** - Concerning a request by Mitchell Maloney for consideration of an ordinance to zone about .73 acres, more or less, of property located at T.L. Rogers St. NE from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District (Planning Commission: Approved 8-0; 1 absent).

Zoning Ordinance 2025-63

BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the portion of property described herein be, and the same is hereby, rezoned CH Highway Commercial Zoning District R-2 Low Density Single and Multi-Family Zoning District.

Approximately 0.73 acres, more or less, located on T.L Rogers as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 042G Group J Parcel 001.04 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


Pleasant Grove Rd NE
Pleasant Grove Rd SW
Hwy 53 SW/NE
Sharon Church Rd NE
Ramsey St NE
Pleasant Grove Rd NE
T.L. Rogers St NE
Shannon Dr NW
Dawn Dr NW
Hwy 53 SW/NE
Hwy 53 SW/NE
Hwy 53 SW/NE

ORDINANCE 2025-67

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO REVISE THE PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS "PUD 8" AS APPROVED IN ORDINANCE 2011-30 ON DECEMBER 12, 2011 ON PROPERTY DESCRIBED AS A PORTION OF TAX MAP 050A, GROUP P, PARCEL 2.1 AS MORE PARTICULARLY DESCRIBED HEREIN IN AN UPDATED PROPERTY DESCRIPTION; PROVIDING AN UPDATED DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 8 TO ALLOW RESIDENTIAL DEVELOPMENT ON LOTS 3 AND 4; ADDING UPDATED COMMERCIAL USES APPROVED IN ORDINANCE 2022-15; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING A DEVELOPMENT PLAN AND PROCESS AND RELATED REQUIREMENTS; ESTABLISHING VARIOUS DEVELOPMENT STANDARDS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; STATING REQUIREMENTS OF PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; 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, here in after "City", approved Ordinance 2011-20 on October 10, 2011 providing for residential and non-residential uses to be developed in a Planned Unit Development, hereinafter "PUD", by Spring Brook Community Developers II and The Retreat at Spring Creek, LLC, developers of the property described herein and hereinafter referred to as "Developers", and the boundaries and design of the aforesaid PUD were dependent upon the conveyance of excess highway right-of-way by the Tennessee Department of Transportation (TDOT) which was not approved by TDOT, and the design is potentially affected by determinations of other regulatory agencies, Developers have proposed revisions to the PUD known as "PUD8" which are the purpose of this ordinance, NOW THEREFORE BE IT ORDAINED:

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map described in Ordinance 2011-20 are hereby amended so as to zone the property described in Section 3 herein as "PUD 8" subject to the provisions described in each section of this ordinance. Other property not included in this ordinance but intended to be zoned PUD 8 under Ordinance 2011-20 shall revert to the zoning classification it had prior to the adoption of Ordinance 2011-20. The permitted uses in the PUD 8 zoning district are those uses outlined in this ordinance. The location of particular residential and non-residential uses within the PUD 8 will comport with the descriptions of the constituent parts of the development as more particularly described herein and in the Development Plan (Exhibit A) which revises the development plan included as Exhibit A in Ordinance 2011-20. Exhibit B, included with this amendment will revise the development plan shown in Ordinance 2011-20 and Ordinance 2011-30. There are no conditional uses within the PUD 8 district. The development standards for the PUD 8 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.

This ordinance continues the requirements of Ordinance 2011-20 with respect to the subject discussed in this Section 2. 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.

This Section 3, including its component Sections 3.A, 3.8, and 3.C, revises the property description provided in Ordinance 2011-08 so as to take into account the portion of TDOT right-of-way that was not made available to the project as intended by the Developers at the time of Ordinance 2011-20.

3.A. OVERALL

PUD 8, includes approximately 12.43 acres, more or less, generally identified as part of Tax Map 50A, Group P, Parcel 2.1. PUD 8 encompasses two distinct development areas, one residential (The Retreat at Spring Creek Phase II) and one commercial. The residential portion of PUD 8 is integrated with The Retreat at Spring Creek Phase I which is nearing completion but which is not part of the PUD 8 development. A site plan has been prepared for the residential portion which is moving toward immediate development. A site plan(s) will be prepared in the future for the commercial portion of PUD 8 when this property is to be developed. The residential and commercial portions of PUD 8 are shown conceptually in in the Development Plan's Master Site Plan (Exhibit A) and individually described below. This exhibit, now known as exhibit B, was updated in 2025. The residential portion is proposed to be owned and developed by The Retreat at Spring Creek, LLC . The commercial portion is presently owned and proposed to be developed by Spring Brook Community Developers II. The overall PUD 8 comprises the residential tract and the commercial tract with boundaries as given in the legal descriptions from Richmond Surveying:

3.B. PUD 8 COMMERCIAL AREA

~~PROPERTY DESCRIPTION: PROPOSED COMMERCIAL TRACT~~

~~BEING A TRACT OF LAND LOCATED IN THE 2ND WARD OF THE CITY OF CLEVELAND, 4TH CIVIL DISTRICT OF BRADLEY COUNTY, TENNESSEE, BEING BOUNDED ON THE NORTH BY 25TH STREET NE, ON THE EAST BY PROPOSED LANDS OF THE RETREAT AT SPRING CREEK, LL., ON THE SOUTH BY THE RETREAT AT SPRING CREEK, LLC. AND THE PROPOSED LANDS OF THE RETREAT AT SPRING CREEK, LLC, ON THE WEST BY THE RETREAT AT SPRING CREEK, LLC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~BEGINNING AT AN IRON PIN FOUND (N-307703.11, E-2309412.35 NAO 83) MARKING THE SOUTHWEST CORNER OF THE PROPOSED LANDS OF THE RETREAT AT SPRING CREEK LLC, AND THE NORTH LINE OF THE HARGIS HILLS SID AND THE SOUTHEAST CORNER OF THE LANDS OF THE RETREAT AT SPRING CREEK, LL. (DB. 1961 - PG. 844); THENCE RUNNING ALONG THE LANDS OF THE RETREAT AT SPRING CREEK, LLC. ON A BEARING OF N 34*01'02" E FOR A DISTANCE OF 101.88 FEET TO AN IRON PIN SET MARKING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LANDS OF THE RETREAT AT SPRING CREEK, LLC. ON A BEARING OF N 34*01'02" E FOR A DISTANCE OF 62.31 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF N 62*38'37" E FOR A DISTANCE OF 82.40 FEET TO AN IRON PIN SET;~~

~~THENCE ON A BEARING OF N 4*16'36" E FOR A DISTANCE OF 77.37 FEET TO AN IRON PIN SET IN THE SOUTHERN LINE OF A 30 FOOT INGRESS/EGRESS EASEMENT; THENCE ALONG SAID EASEMENT AND CONTINUING WITH THE RETREAT AT SPRING CREEK, LLC ON A BEARING OF N 55*59'01" W FOR A DISTANCE OF 548.60 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF N 34*00'59" E FOR A DISTANCE OF 215.00 FEET MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHEAST CORNER OF THE LANDS OF THE RETREAT AT SPRING CREEK, LLC AND THE SOUTHERN RIGHT OF WAY OF 25TH STREET NE; THENCE ALONG THE SOUTHERN RIGHT OF WAY OF 25TH STREET NE ON A BEARING OF S 56*00'39" E FOR A DISTANCE OF 840.00 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF S 34*00'59" W FOR A DISTANCE OF 106.21 FEET; THENCE S 56*14'43" E FOR A DISTANCE OF 175.80 FEET TO AN IRON PIN SET; THENCE ON A NON TANGENT CURVE TO THE LEFT WITH A DELTA=31*51'40", TANGENT=35.68', RADIUS=125.00', LENGTH=69.51' (CHORD=N 72*10'34"W-68.62') TO AN IRON PIN SET; THENCE ON A BEARING OF N 88*06'24" W FOR A DISTANCE OF 36.48 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE RIGHT WITH A DELTA=32*07'57", TANGENT=21.60', RADIUS=75.00', LENGTH=42.06' (CHORD=N 72*02'25" W-41.51') TO AN IRON PIN SET; THENCE ON A BEARING OF N 55*58'27" W FOR A DISTANCE OF 39.12 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF S 34*00'59" W FOR A DISTANCE OF 50.00 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF S 55*58'27" E FOR A DISTANCE OF 39.11 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE LEFT WITH A DELTA=32*07'57", TANGENT=36.00', RADIUS=125.00', LENGTH=70.10' (CHORD=S 72*02'25" E-69.19') TO AN IRON PIN SET; THENCE ON A BEARING OF S 88*06'24" E FOR A DISTANCE OF 36.48 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE RIGHT WITH A DELTA=31*51'4f', TANGENT=21.41', RADIUS=75.00', LENGTH=41.71' (CHORD=S 72*10133" E-41.17') TO AN IRON PIN SET; THENCE ON A BEARING OF S 56*14'43" E FOR A DISTANCE OF 99.41 FEET TO AN IRON PIN SET IN THE MEANDERS OF THE BRANCH; THENC ALONG THE MEANDERS OF THE BRANCH ON A BEARING OF S 12*59'03" W FOR A DISTANCE OF 152.17 FEET TO AN IRON PIN SET IN THE BRANCH; THENCE LEAVING THE BRANCH ON A BEARING OF N 66*52'45"W FOR A DISTANCE OF 633.99 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 6.459 ACRES.~~

Adoption of this ordinance amendment shall designate Tax Map 050A Group P Parcels 002.05 and 002.06 as commercial area.

3.C. PUD 8 RESIDENTIAL AREA

~~PROPERTY DESCRIPTION: PROPOSED RESIDENTIAL TRACT~~

~~BEING A TRACT OF LAND LOCATED IN THE 2ND WARD OF THE CITY OF CLEVELAND, 4TH CIVIL DISTRICT OF BRADLEY COUNTY, TENNESSEE, BEING BOUNDED ON THE NORTH BY 25TH STREET NE AND THE REMAINING LANDS OF SPRING BROOK COMMUNITY DEVELOPERS, ON THE EAST BY EUGENE BLANKENSHIP, ON THE SOUTH BY EUGENE BLANKENSHIP, WOOD CHASE S/0, AND HARGIS HILLS S/D, ON THE WEST BY THE RETREAT AT SPRING CREEK, LLC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~BEGINNING AT AN IRON PIN FOUND (N-307703.11, E-2309412.35 NAO 83) MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND NORTH LINE OF THE HARGIS HILLS S/D AND THE SOUTHEAST CORNER OF THE LANDS OF THE RETREAT AT SPRING CREEK, LL. (DB. 1961- PG. 844); THENCE RUNNING ALONG THE LANDS OF THE RETREAT AT SPRING CREEK LLC. ON A BEARING OF N 34*01'02" E FOR A DISTANCE OF~~

~~101.88 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF S 66*52'4511 E FOR A DISTANCE OF 633.99 FEET TO AN IRON PIN SET IN A BRANCH; THENCE ALONG THE MEANDERS OF THE BRANCH ON A BEARING OF N 12*59'0311 E FOR A DISTANCE OF 152.17 FEET TO AN IRON PIN SET IN THE MEANDERS OF THE BRANCH; THENCE ON A BEARING OF N 56*14'4311 W FOR A DISTANCE OF 99.41 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE LEFT WITH A DELTA=31*51'41", TANGENT=21.41', RADIUS=75.00', LENGTH=41.711 (CHORD=N 72*10'3311 W-41.17'); THENCE ON A BEARING OF N 88*06'2411 W FOR A DISTANCE OF 36.48 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO~~

~~THE RIGHT WITH A DELTA=32*06'57", TANGENT=36.00', RADIUS=125.00', LENGTH=70.10' (CHORD=N 72*02'25" W-69.19') TO AN IRON PIN SET; THENCE ON A BEARING OF N 55*58'27" W FOR A DISTANCE OF 39.11 FEET; THENCE ON A BEARING OF N 34*00'59" E FOR A DISTANCE OF 50.00 FEET TO AN IRON PIN SET; THENCE ON A BEARING OF S 55*58'27" E FOR A DISTANCE OF 39.12 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE LEFT WITH A DELTA=32*07'57", TANGENT=21.60', RADIUS=75.001, LENGTH=42.06' (CHORD=S 72*02'25" E-41.51') TO AN IRON PIN SET; THENCE ON A BEARING OF S 88*06'24" E FOR A DISTANCE OF 36.48 FEET TO AN IRON PIN SET; THENCE ON A CURVE TO THE RIGHT WITH A DELTA=31*51'40", TANGENT=35.68', RADIUS=125.00\ LENGTH=69.51' (CHORD=S 72*10'34" E-68.621) TO AN IRON PIN SET ON THE SOUTHERN RIGHT-OF-WAY OF 25TH STREET NE (APO 40); THENCE ALONG THE SOUTHERN RIGHT-OF-WAY OF 25TH STREET NE (APO 40) THE FOLLOWING CALLS AND DISTANCES: S 56*14'43" E FOR A DISTANCE OF 80.45 FEET TO A POINT; THENCE S 56*14'43" E FOR A DISTANCE OF 33.61 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE S 66*44'15" E FOR A DISTANCE OF 113.06 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE S 55*54'17" E FOR A DISTANCE OF 634.51 FEET TO A STEEL POST; THENCE LEAVING THE RIGHT OF WAY OF 25TH STREET NE (APD40) AND RUNNING ALONG THE LANDS OF EUGENE BLANKENSHIP ON A BEARING OF S 24*20'2011 W FOR A DISTANCE OF 171.58 FEET TO A STEEL POST FOUND MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE ALONG THE LANDS OF EUGENE BLANKENSHIP AND WOOD CHASE S/0 ON A BEARING OF N 67*09'47" W FOR A DISTANCE OF 998.12 FEET TO AN IRON PIPE FOUND; THENCE ALONG THE LANDS OF THE HARGIS HILLS S/0 ON A BEARING OF N 66*41'11" W FOR A DISTANCE OF 384.30 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 5.965 ACRES.~~

Adoption of this ordinance amendment shall designate Tax Map 050A Group P Parcels 002.03, 002.04. and 002.07 as a residential area.

Section 4. GENERAL PROJECT DESCRIPTION.

This Section 4, including the following Sections 4.A, 4.B, and 4.C., revises the general project description in Ordinance 2011-20. This section is intended to provide a general description of the PUD 8 project and not a detailed or exhaustive description.

4.A. OVERALL DESCRIPTION

PUD 8 is a planned unit development that includes residential and non-residential land uses. ~~The western area of the project nearest APD-40/ 25th Street will contain~~ Commercial uses will be similar to those existing in or planned for Spring Creek Town Center that is located across the highway. The residential area of the project will contain multi- family structures similar to those located in The Retreat at Spring Creek Phase I. The commercial and

residential parts of PUD8, as well as The Retreat at Spring Creek Phase I which is not part of PUD8, are related through complementary architecture and amenities and infrastructure.

4.8. PUD 8 COMMERCIAL AREA

~~The PUD 8 Commercial Area would occupy the portion of the property designated as commercial in Exhibit A~~. The PUD 8 commercial area is anticipated to contain a number of commercial buildings or shop spaces that generally range from 5000 to 7000 square feet though it could contain one or more larger commercial buildings or suites. Primary access will be at a main entrance aligning with Spring Creek Drive and would be served by a traffic signal proposed on APD-40/25t Street. A detailed site plan for the commercial area as well as proposed building facades, landscaping, and buffering plans will be submitted to the Planning Commission prior to commencement of the commercial development.

4.C. PUD 8 RESIDENTIAL AREA

High architectural standards and a pedestrian scale of the development will typify the residential area. Typical residential building floor plans, facades, and amenities will be submitted to the Planning Commission along with the detailed block plan for this residential development (see Exhibit A).

Section 5. PERMITTED USES AND PROHIBITED USES.

5.A. PERMITTED USES

This Section 5.A retains and updates the description of permitted and specifically prohibited uses found in Ordinance 2011-20 which are now applied in the respective residential and commercial areas described in this ordinance. PUD 8 allows single- family and multi-family residential uses in the residential area of development. Gross density of the residential area shall not exceed that necessary to construct ~~112~~ 202 residential units and a clubhouse and accessory structures in the area identified for residential use in Exhibit A and Exhibit B, added for approval by Cleveland Planning Commission on November 18, 2025. The commercial and office uses specified below are allowed in the commercial area of the development. Open spaces, trails, community meeting rooms, and other amenities are allowed as are utilities and transportation features. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 8 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 following commercial and office uses, as described by the North American Industrial Classification (NAICS) code numbers, are allowed in the Commercial Area of PUD 8 with the exceptions as noted and to the extent that they are not otherwise among the prohibited uses:

4413 Automotive Parts, Accessories, and tire stores

442 Furniture and home furnishings stores

443 Electronics and appliance stores

444 Building material and garden equipment and supplies dealers

445 Food and beverage stores

446 Health and personal care stores

448 Clothing and accessories stores

451 Sporting goods, hobby, book, and music stores except adult bookstores or "sex outlets" as described in City of Cleveland zoning regulations.

452 General merchandise stores

453 Miscellaneous store retailers

491 Postal service

492 Couriers and messengers

51 Information (excluding manufacturing)

52 Finance and Insurance

53 Real estate and Rental and Leasing

54 Professional, scientific, and technical services

55 Management of companies and enterprises

561 Administrative support services

61 Educational services

62 Health care and social assistance

71 Arts, Entertainment, and Recreation (excluding racetracks, shooting ranges, go-kart tracks, and other outdoor recreation likely to impact surrounding property with noise, etc., and casinos and other gambling establishments, and adult/sex entertainment establishments referred to as "sex outlets11 in City of Cleveland zoning regulations)

72 Accommodation and food services (except casinos, RV parks, camps, and campgrounds) 811191 Automotive oil change and lubrication shops

8112 Electronic and precision equipment repair and maintenance

811430 Footwear and leather goods repair

8121 Personal care services

81292 Photofinishing

813 Religious, Grantmaking, Civic, Professional, and Similar Organizations

92 Public administration

811192 Car Wash (must be oriented with exterior exit doors pointing away from any residential structures within 200', must be built to a standard or architectural detail to meet or exceed the existing development, and must provide cross access for outparcels connecting to the site)

5.8. PROHIBITED USES.

This Section 5.B retains the prohibited uses provisions in Ordinance 2011-20. No use shall be permitted in PUD 8, which is inconsistent with the operation of a first-class development. Without limiting the generality of the foregoing, the following uses shall not be permitted:

a. An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.

b. Any "second hand' store, "surplus" store, or pawn shop.

c. Any mobile home park, trailer court, labor camp, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers or office trailers during periods of construction, reconstruction or maintenance.

d. Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors located near the rear of any building.

e. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation.

f. Any automobile, truck, trailer or recreational vehicle sales, leasing, display or body shop repair operation.

g. Any veterinary hospital or animal raising or boarding facility; provided, however, this prohibition shall not be applicable to pet shops.

h. Any establishment selling or exhibiting "obscene" material as determined by final decree of a Court of competent jurisdiction or any establishment classified as a sex outlet by City ordinance.

i. Any establishment selling or exhibiting illegal drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff.

j. Any gambling facility or operation, including but not limited to: off-tract or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall. Notwithstanding the foregoing, this prohibition shall not be applicable to government sponsored gambling activities or charitable gambling activities, so long as such activities are incidental to the business operation being conducted by the Occupant.

k. Except home occupations described in the City of Cleveland's zoning regulations where these are not otherwise prohibited by private restrictions, non-residential uses are prohibited in the residential area of PUD8.

Section 6. DEVELOPMENT PLAN AND RELATED REQUIREMENTS.

6.A. DEVELOPMENT PLAN.

Section 6 and Section 6.A revises the development plan approved in Ordinance 2011-20. A Development Plan to be approved by this ordinance is shown in Exhibit A for the residential area of PUD 8. Exhibit B was presented to the Cleveland Planning Commission November 18, 2025, for approval to update the residential area of PUD 8. Prior to development of the PUD 8 commercial area, a development plan will be presented to and approved by the Cleveland Municipal Planning Commission. The development plan for the PUD 8 commercial area will be consistent with the general description of the development found

in this ordinance. building plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project.

6.B. PLATS.

This Section 6.B retains the plats provisions in Ordinance 2011-20. One or more plats will be prepared for the PUD 8 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. Platting of the property in PUD 8 will be congruous with the requirements of the Development Plan (Exhibit A), and any amendments thereto, and the requirements of this ordinance.

6.C. PRIVATE DEVELOPMENT DOCUMENTS.

This Section 6.C modifies the private development documents provisions in Ordinance 2011-20 so as to refer to the development as PUD 8 . 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 PUD 8 development 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 8 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

This Section 7 revises the development standards approved in Ordinance 2011-20.The development standards for PUD 8 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 CH zone for the PUD 8 commercial area and the R3 multi-family home standards for the residential area of PUD 8, except that residential density limits shall allow for the development of ~~112~~ 202 units in the residential portion of PUD 8. 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

This Section 7.A revises the setbacks approved in Ordinance 2011-20. Setbacks along the south and east property lines of PUD 8, where the PUD 8 residential area adjoins other property, are to be a minimum of 20 feet exclusive of breezeway or porch area. The north property line of PUD 8 is formed by the right-of-way for 25th Street/APD-40 where it is intended that the setback take into account a buffer formed by the substantially grassy area of remaining right-of-way that is 70 feet, more or less, from the current roadway edge of pavement. An exception of 65 feet shall be made for buildings constructed on lot 3 (also known as Tax Map 050A Group P Parcel 002.07). No building shall encroach to within less than 4 feet of the right-of-way line (the City does not anticipate a roadway expansion in this area of right-of-way but the City makes no guarantees to that effect). Setbacks and building

separation internal to the PUD 8 development must meet requirements of the building code and meet needs for emergency vehicle access. These internal setbacks and building separations shall be as approved through the site plan and plat review process. For the residential portion these shall be as indicated in Exhibit A and Exhibit B, presented to the Cleveland Planning Commission on November 18, 2025.

7.B. QUALITY OF APPEARANCE.

This Section 7.B retains the quality of appearance provisions in Ordinance 2011-20 except it is specified that the residential area of PUD 8 will be constructed and maintained in a manner consistent with The Retreat at Spring Creek Phase I. The commercial areas will be designed and constructed of a quality comparable to Hamilton Corner Shopping Center at 2115 Gunbarrel Road in Chattanooga (presently the location of Bonefish Grill, Jason's Deli, etc.). The Developer shall develop architectural standards and exercise control over the exterior building finishes such that these are consistent with a first-class retail and/or professional office area. The buildings will be maintained in good repair.

7.C. SIGNAGE.

This Section 7.C retains the signage provisions in Ordinance 2011-20. A master signage plan is to be produced and submitted by the developer for all areas within PUD 8 and the parameters of this signage plan include one main entrance sign not to exceed 300 square feet, one ground sign for each individual commercial building not to exceed 150 square feet, wall signage on commercial buildings not to exceed 40% of any front or side facade. No sign shall be mounted on the roof. No portion of any sign containing an electronic reader board, light-emitting diode (LED), or the like shall exceed 50 square feet and any such sign shall be equipped and operated with an automatic dimmer for nighttime or low light conditions. Portable signs, inflatable advertising devices, strobe lights, and other advertising devices characterized by motion, flashing light, or high- intensity light are prohibited. Except when located within 20 feet of a permanent building, no banner, flag, pennant, temporary sign, or merchandise display shall be located within 100 feet of any public right-of-way.

7.D. BUILDING HEIGHTS

This Section 7.D retains the building height provisions in Ordinance 2011-20. Building heights in the PUD 8 development shall be limited to three stories, exclusive of any basement areas. This is not intended to prohibit architectural detailing, such as decorative parapet walls and the like, or to establish a height limit on structures that are generally uninhabited.

7.E. EXTERIOR LIGHTING.

This Section 7.E retains the exterior lighting provisions in Ordinance 2011-20. Exterior lighting of buildings and parking lots and signs shall be designed so as to allow minimum light from the proposed commercial areas into the existing adjoining residential areas surrounding PUD 8. The lighting system shall provide for adequate safety and security for pedestrians and others within the residential and commercial areas of the development. The lighting system shall be designed so as to minimize glare onto adjacent public roadways. No pole mounted light shall exceed a height of 40 (forty) feet.

7.F. DESIGN OF PARKING, INTERNAL TRAFFIC, ACCESS.

This Section 7.F modifies the parking, internal traffic, and access provisions in Ordinance 2011-20. Developer shall prepare a parking plan for the PUD 8 commercial and residential areas. Parking standards in the City of Cleveland zoning regulations shall be the basis for the parking plan; however, parking requirements for the residential area shall be 1.8 spaces per unit but the Developer may increase the amount of parking on-site not to exceed 2.04 spaces per unit as indicated in Exhibit A. Deviations from the number of spaces and other parking-related standards may be approved by the Planning Commission based upon sound evidence to be supplied by the Developer and evaluated by staff. A dysfunctional impedance of traffic in public streets, blocking of access for public services, and interruption of the ability to provide fire and emergency services will not be allowed to arise through the design and operation of traffic circulation and parking features within PUD 8, but it is recognized that speed and convenience for motorists will be balanced against other competing needs in a "New Urbanist" development style. It is intended that PUD 8 will be designed so as to facilitate bicycle and pedestrian modes and to provide access for public transit in the commercial areas. PUD 8 shall be designed so as to accommodate a connection with an extension of the City greenway system. Design and construction of the 25th Street entrances and related traffic improvements, such as the proposed traffic signal, shall be at the expense of the Developer and subject to design approval by the City of Cleveland.

7.G. SITE MAINTENANCE.

This Section 7.G retains the site maintenance provisions in Ordinance 2011-20. A program of regular sweeping and litter removal from the parking lots, driveways, private streets and lanes, sidewalks, landscaped areas, and common areas shall be required for PUD 8. The detention ponds and other drainage facilities shall be maintained in good working order, including removal of debris, trimming of excess vegetation, and mosquito control.

7.H. DISTURBANCE TO SURROUNDING PROPERTY.

This Section 7.H retains the disturbance to surrounding property provisions in Ordinance 2011-20. Construction-related noise, vibrations, dust, debris, and traffic in the PUD 8 zoning district shall be managed so as to minimize their impact on nearby residential uses and the public right-of-way. Heavy construction activities that could result in noise and vibration offsite will be conducted only between 7:00 a.m. and 7:00 p.m. Potential disturbing effects of construction activities will be mitigated by observing industry best practices. 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.

7.1. IMPERVIOUS AREA AND DRAINAGE.

This Section 7.1 retains the impervious area and drainage provisions in Ordinance 2011-

20. Impervious surfaces in the PUD 8 commercial area not to exceed 75% for the development as a whole. Impervious area in the PUD 8 residential area is not to exceed 65%. Developer may propose and the City may accept an alternative proposal that would allow an additional 5% of site area to be developed with pervious concrete, turf blocks, or other pervious material if approved by the City Engineer. Landscaping is to be in accordance with landscape plans approved for each section of the PUD8 development. All development in PUD 8 is to comply with the City's stormwater regulations. Building permits will be issued for

construction of buildings only in those parts of PUD 8 that are served by stormwater drainage facilities built in accordance with a plan approved by the City Engineer.

J. LANDSCAPING.

This Section 7.J retains the landscaping provisions in Ordinance 2011-20.Landscaping is to meet or exceed the requirements of city ordinances and be in accordance with landscape plans approved for each section of the PUD 8 development. Landscaping in PUD 8 shall be irrigated. All landscape materials shall be maintained so as to stay in a first-class condition. Landscaped buffers are required along the south property line of PUD8 where it adjoins existing single-family development. There would be a 15-foot landscaped buffer with a solid 8-foot wooden fence along the south property line (the developer expects there also to be a cut that would put his apartments below a bank of 10 feet or more in height along most of the south property line). For lot 4, (known as Tax Map 050A Group P Parcel 002.03) landscape islands may be reduced to maximize provided parking. Due to this reduction, additional shade trees shall be planted along the front. Number and placement shall be approved by the Director of Community Development during the site review process.

7.K. SOLID WASTE.

This Section 7.K retains the solid waste provisions in Ordinance 2011-20. Dumpsters, compactors, grease receptacles, and other such waste disposal facilities shall be provided as necessary to properly dispose of the wastes generated commercial buildings in PUD 8. All dumpsters and other such facilities shall be on a concrete pad and enclosed by an opaque screened enclosure of good quality. Slatted chain-link fence will not be used for the enclosure. Grease storage areas, if co-located with dumpster pads, will be separated by a concrete block wall at least three blocks high. Waste disposal facilities will be situated so as to minimize noise and other impacts on nearby residential areas. Residential garbage collection, brush and leaf pick-up, and other residential solid waste services provided by the City of Cleveland will be provided along public streets consistent with the type and manner of services provided in other neighborhoods in the City of Cleveland and any extraordinary service needs or costs would be subject to negotiation and/or additional fees.

7.L. OPERATING AND MAINTENANCE AGREEMENT.

This Section 7.L retains the operating and maintenance agreement provisions in Ordinance 2011-20. All private parking lots, drives, lanes, alleys, sidewalks, trails, and other privately owned amenities and infrastructure in the common areas of PUD 8 shall be maintained in an attractive, safe condition and good state of repair. The Developer, or other appropriate contractually designated private entity(s) with the capacity to carry out the provisions of this paragraph, shall be responsible to operate, maintain, and/or repair the following: 1) drive and parking areas; 2) removal of debris and refuse; 3) directional signs and markers; 4) common area lighting; 5) landscaping; 6) sidewalks; 7) common utility lines; and 8) storm water pipes and detention areas. Such operation, maintenance, and repair of common facilities shall be consistent with a first-class development.

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

This Section 8 retains the compliance with other applicable laws and permitting requirements provisions in Ordinance 2011-20. 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 8 and for other construction on or adjacent to the site for which the Developer is responsible. 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 9. TIME LIMITS AND POSSIBLE REVERSION TO FORMER ZONING.

This Section 9 retains the time limits and possible reversion to former zoning provisions in Ordinance 2011-20. The developer must have carried out a substantial development of this project within five 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 in be interpreted to mean completion of construction on at least 20% of the commercial buildings and housing, and parking areas, landscaping, streets and sidewalk improvements to the extent needed to support the portion of the development that has been constructed.

Section 10. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TO THE PUD.

This Section 10 retains the errors, omissions, and possible future revisions to the PUD provisions in Ordinance 2011-20. 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. Revisions to plans and drawings required by this ordinance that are determined by the Planning Commission to yield improved or substantially similar quality of results affecting the public, and which affect less than 20% of the site or any approved dimension or quantity by less than 20%, can be approved by majority vote of the Planning Commission without amending the PUD ordinance. Where this ordinance contemplates the future approval of a detailed block plan and/or 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 8, 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.

Section 11. BINDING UPON OTHERS.

This Section 11 retains the binding upon others provisions in Ordinance 2011-20. 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 8 zoning district and is binding upon City's regulation of these activities in this location. It shall be the duty of the Developer, and subsequent heirs, assigns, or successors in title, to ensure compliance with all terms of this ordinance affecting construction, use, or maintenance of property within PUD 8. 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.

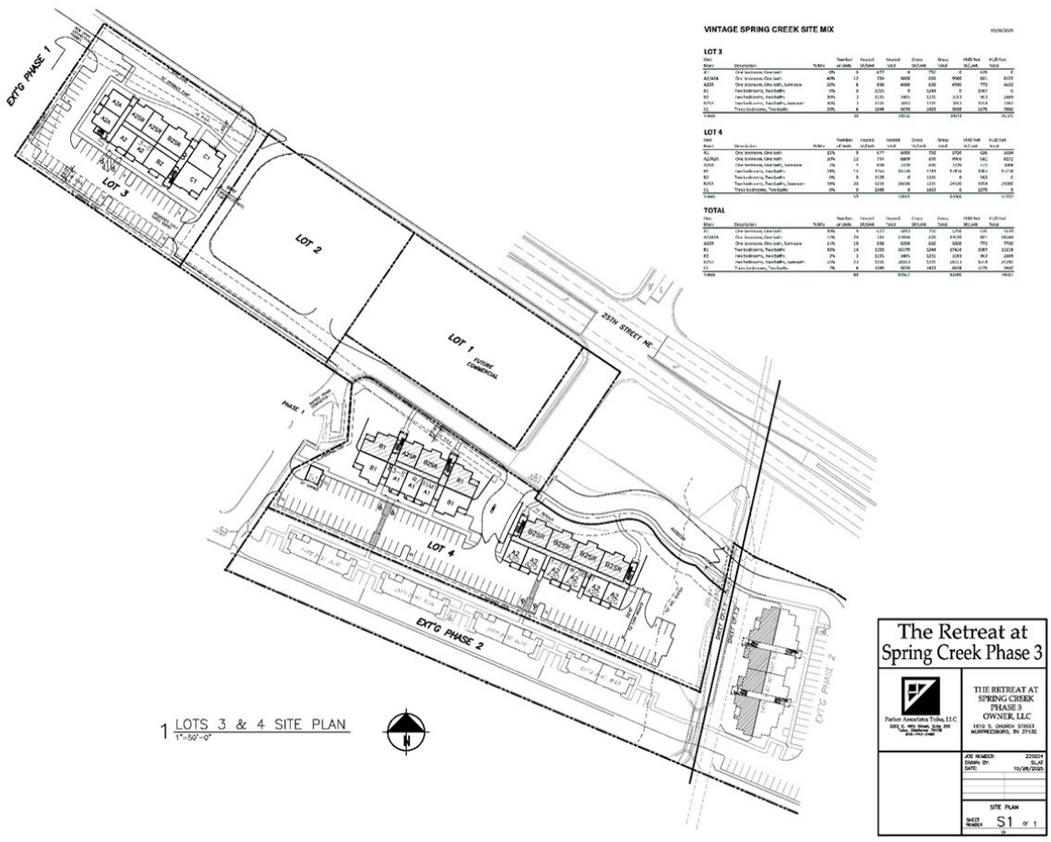
Section 12. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

This Section 12 retains the conflicts, severability, and effective date provisions in Ordinance 2011-20. 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



Councilman May moved that Ordinance 2025-67 be approved on first reading. The motion was seconded by Councilman Moore; and upon roll call, the motion carried 7-0.

Councilman Goff moved to support the location of the Daughters of the American Revolution obelisk at First Street Square with handicap accessible and for a resolution and diagram be presented at a January 2026 meeting. [The monument recognizes the fifteen men who fought in the Revolutionary War who then relocated to Bradley County. It will also celebrate the America's 250th Anniversary.] The motion was seconded by Councilman Moore; and upon roll call, the motion carried 7-0.

ANNOUNCEMENTS

Vice Mayor Webb announced the following:

a. Holiday Schedule - City Offices will be closed on the following days:
   - Wednesday, December 24, Thursday, December 25 and Friday, December 26 – Christmas
   - Thursday, January 1 and Friday, January 2, 2026 – New Year's Day

b. The December 22 Council meeting will be cancelled due to the holidays.

c. The next City Council meeting will be held on Monday, January 12, 2026.

ADJOURNMENT

There being no further business, Vice Mayor Webb adjourned the meeting at 3:35 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
DECEMBER 22, 2025
3:00 P.M.
MINUTE BOOK 32

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, DECEMBER 22, 2025 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE CHRISTMAS HOLIDAY.

_____ _____

Mayor City Clerk