

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 27, 2023 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, David May, Tom Cassada, Dale Hughes, Ken Webb and Councilwoman Marsha McKenzie. Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; Sue Zius, Administrative Coordinator; Beverley Lindsey, Assistant to the City Manager; City Attorney John Kimball; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Jonathan Jobe, Development and Engineering Director; Patti Pettit, Parks and Recreation Director; Kris Miller, IT Director; Kim Miller, Human Resource Director; Cathy Andrews, CDBG Coordinator; Charlie Boothe; Warbrit Lowery; Doug Berry with the Chamber of Commerce; and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

#### WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on February 13, 2023 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

#### SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

There were no special presentations and public comments.

#### HEARING PETITIONS AND COMMUNICATIONS

There were no hearing petitions and communications.

#### CONSENT AGENDA

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

- **Final Passage - Zoning Ordinance 2023-02** – heretofore passed on first reading February 13, 2023 and found in Minute Book 31, Page 36; Zoning about 2.28 acres, more or less, from unincorporated county to R-1 Single Family Residential and includes a portion of Tax Map 033 Parcel 008.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2023-03** – heretofore passed on first reading February 13, 2023 and found in Minute Book 31, Page 46; Zoning about 6.78 acres, more or less, from unincorporated county to R-1 Single Family Residential and includes Tax Map 033G Group A Parcels 034.00 and 034.01 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2023-04** – heretofore passed on first reading February 13, 2023 and found in Minute Book 31, Page 47; Zoning about .46 acres, more or less, for property located at 10<sup>th</sup> Street NW from R1 Single Family Residential to R3 Multi Family Residential and includes Tax Map 049F Group M Parcel 002.02 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Ordinance 2023-05** – heretofore passed on first reading February 13, 2023 and found in Minute Book 31, Page 48; Amending the Cleveland Municipal Code, Title 14 Zoning Ordinance, Section 2.10.1 Uses allowed, and 2.11.1 Uses allowed to remove mini-warehouse facilities and include them in section 2.10.2 Conditional Uses, and 2.11.2 Conditional Uses (Planning Commission: Approved 7-0; 2 absent).

- **Surplus Property** – Declaring various items as surplus property, to be sold on GovDeals or used for trade-in credits for new equipment.

**AGENDA ITEM  
MEMORANDUM**

**TO: Mayor and City Council**  
**FROM: Kristi Powers, Budget/Purchasing Coordinator**  
**DATE: February 27, 2023**  
**RE: Surplus Property**

---

**SUMMARY:**

Fleet Management has requested the City Council declare the assets listed below as surplus property:

Fleet Management

- Tire changer – to be sold on Gov Deals

Landscaping

- 2000 Chevrolet Silverado VIN 1GCEC14V7YZ105294 – to be sold on Gov Deals

Police Department

- Miscellaneous light bars – to be traded in for credit toward purchase of new replacement lighting parts.

**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**

There were no reports from the Councilmembers.

**NEW BUSINESS AND ORDINANCES**

The following Ordinance was then presented in full:

- **Ordinance 2023-06** – Amending the Municipal Code Title 8, Chapter 2, Section 8-209 to increase the number of Class 2 Beer Permits from sixteen to twenty.

**ORDINANCE 2023-06**

WHEREAS, under Section 8-209(1) of the Cleveland Municipal Code, Class 2 beer permits for on premises consumption are currently limited to sixteen (16) permits; and

WHEREAS, the City Council desires to amend Section 8-209 (1) of the Cleveland Municipal Code to increase the number of Class 2 beer permits from sixteen (16) to twenty (20).

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

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

8-209 Beer permits shall be restrictive. (1) All beer permits shall be restrictive as the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. Beer permits for Class 2 on-premises consumption shall be limited to **twenty (20) permits**. As Class 2 permits are revoked or expire, the limit on the number of Class 2 permits may fall below **twenty (20)**. If the number of Class 2 permits falls below **twenty (20)**, applications shall then be accepted for new Class 2 permits. Any new applications for Class 2 permits shall be processed in the order by which the permit applications are received by the City of Cleveland. Unless a new Class 2 permit is issued to a purchaser of a business holding an existing Class 2 beer permit under the provisions of Section 8-209(2), a new Class 2 permit may not be issued by the City of Cleveland so long as the total number of Class 2 permits is **twenty (20)**. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by their permit. It shall likewise be unlawful for a beer permit holder to fail to comply with any and all express restrictions or conditions which may be written into a permit by the beer board.

Section 2: BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage on final reading, the public welfare requiring it.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

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

Councilman May moved that Ordinance 2023-06 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2023-07** - Amending the Municipal Code Title 13, Chapter 1 by adding Sections 13-108 and 13-109 to add the regulations of regulating storage of appliances and indoor furniture on exterior premises.

**ORDINANCE 2023-07**

**AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 13 CHAPTER 1, MISCELLANEOUS, BE AMENDED BY ADDING SECTIONS 13-108 and 13-109 SO AS TO ADD THE REGULATIONS OF REGULATING STORAGE OF APPLIANCES AND INDOOR FURNITURE ON EXTERIOR PREMISES.**

**WHEREAS the City Council has determined that the existing ordinance should be revised to include and regulate storage of appliances and indoor furniture on the exterior premises.**

**WHEREAS the requirements, restrictions, and penalties for outdoor storage of appliances and furniture are set forth in the Cleveland Municipal Code to ensure the health, safety and welfare of the public.**

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

**Section 1. The Cleveland Municipal Code Title 13, Chapter 1, Miscellaneous, be amended by adding Section 13-108 to read as follows:**

13-108        **Appliances not allowed on exterior premises.** Appliances and similar equipment, whether operable or not, shall not be used, discarded, or stored on the exterior premises.

**Section 2. The Cleveland Municipal Code Title 13, Chapter 1, Miscellaneous, be amended by adding Section 13-109 to read as follows:**

13-109        **No indoor furniture allowed on exterior premises.** No indoor furniture shall be stored, abandoned, or used on the exterior premises.

**Section 3. Where a conflict exists between a provision of this Chapter and a provision of the International Property Maintenance Code, the stricter provision shall apply, as determined by the Code Official. Where a conflict exists between a general requirement and a specific requirement in this Chapter, the specific requirement shall govern. Where, in a specific case, different sections of this Chapter specify different requirements, the most restrictive shall govern.**

**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 2023-07 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2023-16** – Requesting a portion of South Lee Highway be renamed in honor of Bradley Central Graduate and Bearettes Basketball Star Rhyne Howard.

**RESOLUTION 2023-16**

**A RESOLUTION REQUESTING A PORTION OF SOUTH LEE HIGHWAY BE RENAMED IN HONOR OF BRADLEY CENTRAL GRADUATE AND BEARETTES BASKETBALL STAR RHYNE HOWARD**

WHEREAS, Rhyne Howard is a 2018 graduate of Bradley Central High School and a talented basketball player who has brought recognition and pride to our community through her achievements on and off the court; and

WHEREAS, Rhyne Howard has demonstrated exceptional leadership, sportsmanship, and a commitment to community service, and has served as positive role model for young people in our community; and

WHEREAS, symbolically renaming the portion of South Lee Highway in her honor would serve as a lasting tribute to her achievements and serve as a source of inspiration for future generations; and

WHEREAS, the Bradley County Commission has already passed a resolution for this purpose, and is requesting the Cleveland City Council pass a similar resolution.

NOW, THEREFORE, BE IT RESOLVED THAT THE CLEVELAND CITY COUNCIL, hereby submits a request to the Tennessee Legislature and the Tennessee Department of Transportation to symbolically rename the portion of South Lee Highway in front of Bradley Central High School between Grove Avenue SW and Fairway Dr. SW in honor of Rhyne Howard.

Adopted this 27<sup>th</sup> day of February, 2023.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

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

Councilman Hughes stated Ms. Rhyne Howard is a better person than athlete. She is a wonderful person. She broke records at Bradley High and became All-State and the best player. She had any college she wanted to go to, including UTK but she chose Kentucky. He knows Rhyne to be a soft-spoken individual who has accomplished more than she ever dreamed she would. In Bradley County and the State of Tennessee there has never been a number one pick for a pro-team except her. She was Rookie of the Year and is currently playing in Italy for a pro-team. She is very deserving of this honor, and it is a great privileged to accept this resolution. Councilman Hughes then moved that Resolution 2023-16 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, March 13, 2023.

**ADJOURNMENT**

There being no future business the meeting was adjourned at 3:12 p.m.

\_\_\_\_\_  
Mayor

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