

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 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; Sue Zius, Administrative Coordinator; Christy Brandon, Assistant City Clerk; 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; Cathy Andrews, CDBG Coordinator; Charlie Boothe; Mark Fidler, Regional Jetport Director; Jennifer Fidler; Sharon Marr with Mainstreet Cleveland; Mike Griffin and Melissa Woody with the Chamber of Commerce; Warbrit Lowery 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 March 27, 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 Webb moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

- **Final Passage - Zoning Ordinance 2023-08** – heretofore passed on first reading March 13, 2023 and found in Minute Book 31, Page 98; Rezoning 6.65 acres for property located at Old Tasso Road from IL Light Industrial to R2 Low Density Single and Multi-Family Residential and includes Tax Map 050 Parcel 001.01 (Planning Commission: Approved 9-0).
- **Resolution 2023-22** – Authorizing the Mayor to sign Change Order #1 for the Mosby Park Pavilion.

RESOLUTION 2023-22

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

WHEREAS, the City's building official has received a proposal and Change Order #1 for additional work on the pavilion requested by City staff; and

WHEREAS, the proposal for the additional work and Change Order #1 for the additional work are attached to this Resolution; and

WHEREAS, the City Manager and the City's building official 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 Cherokee Construction Company; and

WHEREAS, the attached proposal and change order #1 will increase the contract price by \$21,537.00 for the additional items provided and as more specifically described in the attached proposal and change order form; and

WHEREAS, the completion date for this project will also be extended to April 21, 2023, under the terms of the proposal and change order #1; and

WHEREAS, the City Council now desires to accept the proposal and change order #1 to the agreement with Cherokee Construction for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached proposal and change order #1 to the existing agreement with Cherokee Construction 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 27th day of March 2023

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Street Light Recommendation** – 1030 Brad St NW (Cleveland Utilities does not recommend additional lighting, as it meets city guidelines. The existing 100-watt HPS fixtures can be upgraded to 41-watt LED cobra fixtures at a cost of \$146.70 each, if desired by Council).
- **Motion** – Declaring the service weapon of Captain David Dorset as surplus property and given to him as a token of the City's appreciation for his 32-years of dedicated service to the Cleveland Police Department.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes thanked city staff for assistance with the 65 Roses 5K Race. This weekend is the Hotslaw Festival and Lee Day, so we will have thousands of people coming into town. Secondly, Mosby Park, even though not complete, was full on Saturday. Also, people were playing soccer at Avery Johnson Park. It was good to see everyone out on such a nice weekend.

Councilman Cassada asked if two additional members could be added to the Board of Zoning Appeals Board, which is a Board that the Council does not have a representative. Mr. Kimball stated to start the process to change from 5 to 7 members, it would go through the Planning Commission. Councilman Cassada stated he would like the additional two positions be filled by a Councilmember and the active Mayor. Councilman Estes added the BZA has the final authority on items. They can override the Planning Commission and the City Council, and it does not sit well with him. Mr. Fivas stated staff will draft something for the next Planning Commission agenda.

Councilman May asked if before Blythe Ferry Road is paved, could staff identify right-of-way sections that are really bad, so work can be done on the areas before paving.

Councilman Hughes thanked city staff for fixing the potholes on Mouse Creek Road and all the other areas that needed attention.

NEW BUSINESS AND ORDINANCES

- Discussion and potential action on budget planning for employee minimum wages (materials will be distribute before the meeting).

The following Resolution was presented in full:

RESOLUTION 2023-23

A RESOLUTION MODIFYING THE MINIMUM & MAXIMUM PAY FOR POLICE AND FIRE DEPARTMENT AND REQUESTING THE CITY MANAGER TO INCLUDE A BUDGET PROPOSAL TO ADJUST ALL CITY STAFF MINIMUM AND MAXIMUM PAY AND REQUESTING CITY MANAGER TO INVESTIGATE OPTIONS TO INCREASE THE COST OF LIVING COMPENSATION FOR FISCAL YEAR 2024 FOR OUR CURRENT EMPLOYEES.

WHEREAS, The Cleveland Mayor and City Council believes it's biggest asset are the employees who work at the City; and

WHEREAS, Every Police Department is experiencing difficulties in recruiting certificated police officers; and

WHEREAS, The Cleveland Police Department is beginning to reduce some of it's non-emergency services to residents and we are not seeing applicants for new open police positions; and

WHEREAS, The City Manager and Police Chief have met on many occasions and have a plan to implement new policies to address our police officer recruitment and staffing during the next budget period; and

WHEREAS, Although, the Fire Department is at 100 percent staffing, we have seen the Fire Department Minimum salaries increase; and

WHEREAS, the city staff has used the same salary comps and methodology to determine the new Minimum and Maximum salaries for the Police Department and Fire Department, and

WHEREAS, All City employees' Minimum salaries should increase with the passage of the FY 2024 budget, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Cleveland, Tennessee in regular session assembled, the City Council does hereby approve the following:

- 1) The new Police Department and Fire Department Minimum and Maximum salaries as indicated below, and during the Fiscal Year 2024 budget proposal the City Manager will propose to increase all employees Minimum and Maximum salaries in the classification plan.

NEW FIRE DEPARTMENT MINIMUM AND MAXIMUM CLASSIFICATION PLAN: (Current starting salary is \$37,722.13)

(Grade 201) Fire Trainee:	\$37,722 to \$59,566 (Not Certified)
(Grade 202) Certified Firefighter:	\$41,103 to \$59,566
(Grade 203) Engineer:	\$44,838 to \$65,522
(Grade 204) Lieutenant:	\$49,321 to \$75,068
(Grade 205) Captain:	\$54,252 to \$83,492
(Grade 206) Battalion Chief:	\$59,677 to \$97,797

NEW POLICE DEPARTMENT MINIMUM AND MAXIMUM CLASSIFICATION PLAN: (Current starting salary is \$39,686.08)

(Grade 301) Police Trainee:	\$39,686 to \$67,433 (Not Post Cert)
(Grade 302) Certified Officer:	\$44,368 to \$67,433
(Grade 303) Corporal:	\$49,500 to \$74,176
(Grade 304) Detective/Sergeants:	\$54,450 to \$81,593
(Grade 305) Lieutenant:	\$59,895 to \$92,274
(Grade 306) Captain:	\$65,884 to \$99,184

- 2) After the City fully implements the annual cost of living increase on July 1st, 2023 as determined by the City Council, then city staff will use the our computer software to implement all of these new classification plan modifications to make sure all employees are adjusted according to our policies and the time within their current position to review to make sure that all employees are adjusted to make sure there is no compaction in relation to their new Minimum and Maximum salary.
- 3) The City Manager and Police Chief have agreed to be aggressive in recruiting 'lateral transfers' from other police agencies and using new policies to pay increased salaries for police officers with experience.
- 4) The City Manager will review the budget and make every effort to determine a plan for additional cost of living compensation in the Fiscal Year 2023 for our current employees who continue to have increases cost of living.
- 5) These Minimum salary increase and our current estimated 3.5% cost of living will increase our budget expenditures by an estimated \$1.7 million, and the City Manager will recommend a combination of budget reductions, efficiency modifications, retirement and healthcare changes, organizational structure changes, and fee increases to account for these new budget expenditures. The City Manager will not propose a property tax increase to implement this new plan in Fiscal Year 2024 budget.

ADOPTED this 27th day of March, 2023.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Estes moved that Resolution 2023-23 be accepted as presented. The motion was seconded by Councilman May. Councilman Estes stated he likes the latitude in the resolution. He asked that Chief Gibson and Mr. Fivas look at using other tools, such as sign-on bonuses, etc. As numbers are crunched, look at the numbers from the Chiefs Association in Tennessee. We should be higher than the median. It is difficult when we have the lowest tax base of municipalities but closer to \$50,000 feels much better for a certified officer or the highest you can get. This issue is not solved today. This is a first step, as we are playing catch-up. In future budget cycles, we need to get out in front of this, not just trying to keep up. In discussions over the last few weeks with Mr. Fivas he realized this needs direct, immediate, and ongoing attention. Councilman May stated it seems like we are always playing catch-up. We do a compensation study, and we say we are going to keep it up, but we don't. Until we start looking at comps annually then we will never stay with the market. The employees are always looking at take home pay and for young families, it takes a lot to live now but Cleveland is a good employer on benefits. A lot of the employees don't realize the percent that it costs the city of their pay to pay for the benefits. We should look at comps annually and the employees should see what the city is spending on benefits, monthly and annually for us to get, and keep, good employees. We have got to do our part and be open on what it is costing the city on benefits. Councilman Estes added public safety is a priority [additional comments were inaudible]. Councilman Webb added it is very important that we do this at this point in time, but it is important that we do not to allow ourselves to get into this position again in the future, it is important to stay current. Vice Mayor Johnson stated years ago that is exactly what we said we were going to do, the comp study and get everybody even and we were distinguished enough that people would want to come work for the City of Cleveland. Yet, here we are discussing this again. We made a commitment to stay caught up. It is important. He was in a seminar once where Dr. George Heaton said if you help people meet their needs they will follow you anywhere. This Council will listen. We appreciate our Police, Fire and Public Works Departments. We need to make sure we do the best we can for our employees because we have some the best in the world. We have to pay attention to our employees. Councilman Hughes stated I think you can see the Council is on your team. They are fighting for you because you deserve it. We appreciate you on a daily basis. He agrees with Councilman Webb, let's not get behind again. Police Chief Gibson, Assistant Chief Smith and Captain Harbison are great leaders. Fire Chief Gaylor and Assistant Chief Van Dusen are great leaders as well. We appreciate their leadership, and we don't want to lose employees to other agencies. This will help. We are behind you 100%. Upon roll call, the motion was unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

- City Offices will be closed on Friday, April 7 in observance of Good Friday.
- The next City Council meeting will be held on Monday, April 10, 2023

ADJOURNMENT

There being no future business the meeting was adjourned at 3:30 p.m.

Mayor

City Clerk