REGULAR SESSION
JANUARY 8, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 8, 2024 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; Interim Fire Chief Rock Eulo, Jonathan Jobe, Development and Engineering Department; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Doug Berry with the Chamber of Commerce; Warbrit Lowery; Kimberly Lyon; Jodi Riggins; Tim Rader; David Goodwill with City Fields; Lawrence Armstrong and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Johnson, and a moment of silence for city employee Manuel Mowery who passed away, the following business was then entered into:

Councilman Cassada stepped out of the meeting at 3:11.

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on December 11, 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

Councilman Cassada returned to the meeting at 3:16.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the City of Cleveland for consideration of an ordinance to amend section 3.8 accessory structures and provide parameters for accessory structures and accessory dwellings. Robert Varnell stated staff recommends a maximum square footage of 600 square feet, which is more restricted, but the Planning Commission recommended a maximum square footage as 750 square feet or no more than 40% of the primary structure. The ordinance has been presented as 600 square feet. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. No one spoke, Mayor Brooks asked if anyone would like to speak in opposition to the request. Kimberly Lyon stated she takes exception to the assumption that no one will charge family rent if they are living in an accessory structure. She understands this is designed so residents are not building secondary income property on their own property, which she takes exception to as well, but not everyone will build a structure to let people live in for free. Councilman May clarified you want a separate dwelling on an R1 zoned property to rent. Ms. Lyons stated yes, as you'd have to pay for the structure and taxes. 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 Larry Eskew for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 23.54 acres, more or less, of property located at Waterlevel Highway from FAR to CH Highway Commercial and includes Tax Map 058J Group F Parcels 014.00, 014.02, and 014.03. Robert Varnell stated no imminent development is currently planned but will be in the future. Councilman Hughes asked if this could be a strip mall. Mr. Varnell stated it could be a component as it is 23 acres. As we continue to grow, there is a need for commercial development. Mayor Brooks asked if anyone would like to speak in favor of the approval 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 asked Mr. Fivas to review the Consent Agenda. Councilman Hughes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

a. **Final Passage - Zoning Ordinance 2023-57 –** heretofore passed on first reading December 11, 2023 and found in Minute Book 31, page 435; zoning about 1.6 acres, more or less, of property located on 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 027.00 (Planning Commission: Approved 8-0; 1 absent).
b. **Bid Summary** – Inman Street Pavement Saw Cutting Project (To reject).

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **January 8, 2024**
RE: **Bid Summary – Inman Street Pavement Saw Cutting Project**

SUMMARY:
The City advertised to accept sealed bids on December 19, 2023, for the Inman Street pavement saw cutting project. One bid was received and is listed below:

- True Line Coring & Cutting of Chattanooga, LLC **$27,220.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends rejection of bid due to a change in the scope of work.

c. **Resolution 2024-01** – Authorizing the Health and Educational Facilities Board to negotiate and accept from Horizon Square, Preservation, LP a PILOT agreement.

RESOLUTION 2024-01

A RESOLUTION CONSENTING TO THE HEALTH AND EDUCATIONAL FACILITIES BOARD OF THE CITY OF CLEVELAND NEGOTIATING AND ACCEPTING FROM HORIZON SQUARE PRESERVATION, L.P. PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A LOW AND MODERATE-INCOME HOUSING FACILITY IN CLEVELAND, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 48-101-312.

WHEREAS, the City Council (the "Governing Body") of the City of Cleveland, Tennessee (the "City") has met pursuant to proper notice; and

WHEREAS, the City has previously authorized the incorporation of The Health and Educational Facilities Board of the City of Cleveland (the "Board") as a public nonprofit corporation duly organized and existing under the provisions of Chapter 101, Title 48 of the Tennessee Code Annotated; and

WHEREAS, Horizon Square Preservation L.P. (the "Company") has requested the Board to hold ownership of certain land upon which a housing facility for low and moderate-income persons will be located in the City, along with the improvements and certain personal property to be located thereon (herein referred to as the "Project"); and

WHEREAS, as a part of such discussions, the Company has requested that the Board own the Project and lease the same to the Company or any affiliate of the Company under an arrangement whereby the Company or any affiliate of the Company will make payments in lieu of ad valorem taxes; and

WHEREAS, Tennessee Code Annotated Section 48-101-312 authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section; and

WHEREAS, the Board, acting at its December 13, 2023 meeting, has unanimously approved a motion (i) recommending the Project's request in accordance with the term hereinafter described and (ii) requesting consent of the Governing Body to the negotiation of such an agreement by the Board; and

WHEREAS, the acquisition, rehabilitation and equipping of the Project would enhance the availability of affordable housing in the City.

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

1. The Governing Body hereby finds that the negotiation and acceptance by the Board from the Company or any affiliate of the Company of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 48-101-301, and the City hereby consents to the Board negotiating and accepting such payments in lieu of ad valorem taxes from the Company with respect to ad valorem taxes that could be assessed on the tax credit received by the Company on the tax-credit housing project as defined by Tennessee Code Annotated Section 48-101-312(b)(4)(B) and to the Chairman of the Board executing such payment in lieu of tax agreements, leases and other documents to effectuate the payment in lieu of tax approval for the Company.

2. The terms of the agreement between the Board and the Company concerning payments in lieu of ad valorem taxes shall be determined by the Board, provided, however (i) the term of the payment in lieu of taxes shall not exceed twenty (20) years commencing upon the completion of the project and issuance of a certificate of occupancy; and (ii) the annual payment in lieu of taxes shall not be less than the ad valorem taxes that would be payable with respect to the Project if the value of federal low-income housing tax credits were not taken into account in determining ad valorem property taxes during the term of twenty (20) years following completion of the project and issuance of a certificate of occupancy; and (iii) the agreement shall provide that should the Project fall out of compliance with the terms of the low-income housing tax credit use restrictions the agreement shall terminate; and (iv) the agreement shall provide that the lease cannot be assigned by the Company to another party without the prior written consent of the governing body and the Board.

3. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may provide that any ad valorem taxes paid by the Lessee to any taxing jurisdiction with respect to its leasehold interest in the Project shall constitute a credit against the payments in lieu of ad valorem taxes due such taxing jurisdiction.

4. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

5. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 8th day of January, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2024-02** – Approving an agreement with S&ME, Inc. for environmental services related to the City's Stormwater MS4 Option 2 Monitoring Plan Development.

RESOLUTION 2024-02

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. FOR MS4 OPTION 2 MONITORING PLAN DEVELOPMENT

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 S&ME, Inc. to provide for the development of an MS4 Monitoring Plan as described in the attached agreement with S&ME, Inc.; and

WHEREAS, the City Council desires to approve the attached agreement with S&ME, 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 S&ME, 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. [on file in the City Clerk's Office.]

This 8th day of January 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Motion** – Approval to install and operate Law Enforcement Automated License Plate Recognition Cameras on State routes at specific locations.

TO: **Mayor and City Council**
FROM: **Lt. Kody Fox- Cleveland Police Department**
DATE: **January 4, 2024**
RE: **Vigilant License Plate Reader Locations**

SUMMARY:
The Cleveland Police Department is purchasing Vigilant License Plate Readers for the City with the State of Tennessee's Formula and Collaborative Grant project. The Excess Land Office of the Tennessee Department of Transportation

requires approval prior to placement of the license plate readers on state routes. As part of the approval process, they are requesting we have approval from our "legislative body" for the license plate readers and locations. Staff requests the City Council to approve the locations proposed for the license plate readers.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funded by Formula Based and Collaborative Grant through State of Tennessee Office of Criminal Justice Program.

RECOMMENDATION:
Staff recommends approval.

Hwy. 64 @ Almart Supermarket **EB/WB: 35.153028, -84.860235**	5	East	Fixed	Rear	VSF-035-L5F	1	1			1		1	60ft
		West	Fixed	Rear	VSF-025-L5F	1	1					1	60ft
Spring Place Rd. & Elrod St. SE **WB: 35.140793, -84.870400**	6	West	Fixed	Rear	VSF-025-L5F	1	1			1		1	60ft

f. **Motion** – Approval of the City Manager Employee Agreement.

TO: Mayor and City Council

FROM: Joe Fivas, City Manager

DATE: January 8, 2024

RE: City Manager Employee Agreement

SUMMARY:

On June 27, 2016, the City Council approved Resolution 2016-64 which laid out the terms of appointment for City Manager Joe Fivas. This new City Manager Agreement does not make any substantive changes to the original Resolution terms or change any form of compensation for the employee. In most communities with a Council/Manager form of government, the normal practice is to have an Agreement between the City and the City Manager.

The intent is to not substantively change Resolution 2016-64, but to put it in a different updated form that is consistent with other local government practices.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

EMPLOYMENT AGREEMENT

CLEVELAND CITY MANAGER

This **AGREEMENT** is entered into this 8th day of January, 2024, by and between the City of Cleveland, Tennessee municipal corporation, at 190 Church Street, NE, Cleveland, Tennessee 37364 ("City") and Joseph A Fivas at 145 Stonewood Drive, Cleveland, Tennessee 37311 ("Employee").

WHEREAS, the City Council of the City of Cleveland desires to appoint a City Manager for the City of Cleveland in accordance with the terms of Article V of the City Charter; and

WHEREAS, at the City Council meeting that occurred on June 16, 2016, the City Council appointed a committee consisting of City Councilman Dale Hughes, Human Resources Director Jeff Davis, and Consultant Larry Wallace to meet with Joseph A. Fivas to discuss his potential employment with the City of Cleveland as the City Manager; and

WHEREAS, the committee met with Joseph A. Fivas to discuss his potential employment with the City of Cleveland as City Manager, and the committee is now recommending that Joseph A. Fivas be employed as the City Manager of the City of Cleveland effective August 11, 2016 with pay and benefits described; and

WHEREAS, the City Council appointed Joseph A. Fivas as the City Manager of the City of Cleveland effective August 11, 2016 subject to the terms and conditions described herein.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. EMPLOYMENT AND DUTIES.

The City employs Employee as City Manager of the City of Cleveland to perform the functions and duties specified in the Cleveland City Charter and Ordinances and to perform such other legally permissible and proper duties and functions as the City Council may from time-to-time assign.

The Employee shall conduct the business of the City in a professional manner. The Employee shall exclusively devote his full business time and attention to the City, its inhabitants, and its businesses.

2. TERM.

The term of this Agreement commenced on January 8, 2024 and shall remain in full force and effect until terminated by the City or the Employee. The Employee will be employed on an at-will status by the City to perform the functions and duties specified in the City Charter, Ordinances, State Statutes, and City Council. The Employee will serve at the pleasure of the City Council and shall be subject to removal by the City Council with or without cause.

3. SALARY.

The City will pay Employee for his services rendered an annual base salary paid in installments at the same time as other administrative employees of the City. Thereafter, the City agrees the base salary and/or benefits of the Employee in such amounts and to such an extent as the City Council may determine desirable or appropriate. However, the City Council shall not decrease the Employee compensation or benefits without amending this Agreement.

4. BENEFITS – EXCLUDING RETIREMENT

All provisions of the City Charter, Ordinances, Resolutions, and Policies of the City relating to vacation, sick leave, holidays, life insurance, disability insurance, hospitalization and other fringe benefits and working conditions as they now exist or hereafter may be amended shall also apply to Employee as they would to the department heads of the City in addition to said benefits enumerated specifically for the benefit of the Employee as herein provided. There shall be no additional compensation or compensatory time for hours worked in excess of forty (40) hours per week. Accumulated vacation hours shall be paid out at the current pay rate when employee leaves the City employment.

5. RETIREMENT.

The Employee shall be enrolled in TCRS plan as all other full-time employees, and the City Council shall fund in the same manner as other employees.

6. GENERAL EXPENSES.

The Employee will be reimbursed for actual out of pocket expenses that are incurred on official City business in accordance with the general policy of the City. The City agrees to provide Employee with a monthly automobile allowance which shall be $350 per month. At a minimum, the City shall provide Employee with a computer, cell phone, I-Pad, and software required for the Employee to perform the job and to maintain communication.

7. PROFESSIONAL DEVELOPMENT.

The City will pay for the expenses of reasonable conferences, seminars, institutes, professional memberships that are intended to enhance professional development and assist community engagement of the Employee and thereby benefit the City.

8. SEVERANCE.

Severance of 6 months of the current full pay and full benefits accrued as the date of termination of employment if the Employee is removed from office as City Manager by the City Council, unless he is removed for misconduct in office, in which case there would be no severance due or paid. Misconduct in office is defined as the conviction of a misdemeanor involving moral turpitude, conviction of any felony, or the commission of any illegal act involving personal gain to the employee, regardless of whether there is a criminal conviction. The length of severance pay and benefits due under this section shall be increased from 6 months by one (1) additional month for each full year of service

to the City, up to a maximum of 12 months. It is agreed by the parties that the Employee's service began on August 11, 2016, and therefore, the Employee's severance, if applicable, is now 12 months. If the Employee is terminated, the City shall pay the severance in a lump sum amount within 15 days, and pay for the full benefits for the number of months of the severance. Accumulated vacation shall be paid out with the lump sum. The City and Employee may both agree to a different payment schedule.

9. RESIDENCY.

Residence in the City at the time of appointment of City Manager shall not be required as a condition of the appointment, but within 90 days after reporting for work, the City Manager must become a resident of the City of Cleveland.

10. LEGAL DEFENSE.

The City shall fully defend the Employee against any tort, professional liability claim and demand or other legal action whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties. The City, if necessary, will compromise and settle any such claim or suit and pay the amount or any settlement of judgement thereon.

11. BONDING.

The City shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

12. GENERAL PROVISIONS.

The Agreement shall constitute the entire Agreement between the parties. This Agreement supersedes any all-other agreements or contracts, either oral or written between the parties with respect to Employee's employment as City Manager. This Agreement may be amended, modified, or otherwise altered only by written amendment executed by each party. This Agreement shall be governed and construed in accordance with the laws of the State of Tennessee and Bradley County. This Agreement shall be binding upon and inure to the benefit of the heirs at law, personal representatives of the Employee, successors, and assigns.

13. EXHIBITS.

Attached is the original Resolution No. 2016-64

If any provisions contained in this Agreement are held unconstitutional, invalid, or unenforceable, the remainder of the Agreement shall not be affected and shall remain in full force and effect.

CITY OF CLEVELAND:

_____ DATE:_____

Mayor Kevin Brooks

ATTEST:

_____ DATE:_____

CLERK

APPROVED TO FORM:

_____ DATE:_____

CITY ATTORNEY JOHN KIMBALL

g. **Motion** – Allocating funds to create a City Project account for the RAISE Grant Corridor Project/RCE Project from the General Fund balance.

TO: Mayor and City Council

FROM: Joe Fivas, City Manager

DATE: January 8, 2024

RE: RAISE Grant/RCE Bridge Grant

SUMMARY:

The City has been awarded a federal RAISE Grant and a RCE Grant to design and construct a new downtown corridor. The City will complete the design portion of this a begin the rail crossing bridge in the next several months. We believe having these funds in a Project Fund will assist in paying for initial costs of these projects, and also be part of the federal match portion of these projects. This Project Fund will send the appropriate signal to the US DOT and TDOT that we are ready to proceed on these projects.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

City staff recommends approval of allocating $6,000,000.00 to create a City Project Fund for the RAISE Grant Corridor Project/RCE Project from the General Fund Balance of the City. This actual transfer would not occur until June 30th/July 1st of 2024.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie stated the has received several comments on how nice the Mouse Creek intersection project turned out and it has helped traffic congestion in the area.

Councilman Estes reminded everyone of the Inman Street meeting on Tuesday, which should have great information. Also, the Chamber Morning Coffee held at the Library has taken off with a lot of great happenings.

Councilman Cassada asked about the location for the Inman Street meeting. Mr. Fivas replied at the Museum at 4p.m. Councilman Cassada continued by asking if the lights at the soccer field are for all the fields or the main field. Mr. Fivas stated it is for lights at all of the soccer fields.

Councilman May inquired about a timetable when the new landscaping crew would happen. Mr. Fivas replied they would like to propose something next month and have people ready to go in May or June. We really want to improve in this area, so before things get moving we want to have the people ready to go, starting in the downtown area.

Councilman Hughes thanked Mr. Fivas for the project update report during today's Work Session. He then asked about a timeline for Adkisson Drive project, which has been on the project list for several years and TDOT has delayed the project. It is an important road, as the

gateway to Cleveland State but dangerous road. Mr. Fivas stated half is done, in front of the college is completed. From the end of the completed section to Paul Huff we hope to have that done before Fall. Councilman Hughes then asked if funding was 80/20. Mr. Fivas stated no, it is 100% city funds. When we do the sidewalk projects, the State makes us do a lot of infrastructure, but we feel we can do most sidewalk projects less than the 20% in a State project and get it done seven years early. We took the sidewalks out of the State project and proceed. The State will come in and pave, which is 80/20.

Councilman Webb asked if there were any plans to update the city's website. He received a call over the holiday about garbage pickup. There was no notice and nothing about holiday office closures and after looking at the site, it just needs refreshed. Mr. Fivas responded it is not a question of freshening it up but we're going to be hiring a Communications person full-time that will be solely dedicated to social media, announcements, etc. They will take what was formally Corey Divel's position. We know that is an area of weakness and we want to get someone full-time that will handle social media, press releases and website updates.

Vice Mayor Johnson had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was presented in full:

a. **Ordinance 2024-01** – Amending the Municipal Code Title 14, Chapter 2, Section 3.8 Accessory Structures and provide parameters for accessory structures and accessory dwellings. (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2024-01

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, AMEND CHAPTER 2 OF TITLE 14 ZONING AND LAND USE CONTROL, BY AMENDING SECTION 3.8 ACCESSORY STRUCTURES AND USES TO REMOVE ACCESSORY DWELLINGS AND DELINEATE BETWEEN MAJOR AND MINOR ACCESSORY STRUCTURES AND AMENDING TABLE 3 BUILDING SETBACKS, HEIGHTS, AND IMPERVIOUS SURFACES.

WHEREAS, the City Council has determined that the existing Code should be revised to regulate accessory structures and remove accessory dwellings as an allowable use.

WHEREAS, the requirements, restrictions, and permitting of accessory structures 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 14 Zoning and Land Use Control, Chapter 2, Section 3.8 Accessory Structures and Uses is hereby amended:

3.8 Accessory Structures and Uses

3.8.1 General Provisions:

A. Accessory uses and structures are permitted in conjunction with a permitted principal use.
B. Accessory uses and structures are permitted by district as listed in table 1 in Subsection 2.1 Permitted Accessory Uses and Structures by Zoning District.
C. Accessory uses and structures shall be subject to approval by the Department of Community Development.
D. Accessory Dwellings are permitted under specific requirements listed in section 3.8.4.

3.8.2 Accessory Uses:

A. Clearly incidental and subordinate to a permitted principal use in terms of area and function;
B. Located on the same lot as the principal use; and
C. Owned or operated by the same person as the principal use.

3.8.3 Major Accessory Structures:

Accessory Structures such as large Storage buildings, Garages, Pool Houses without Bedrooms or Kitchens shall:

A. Comply with the maximum number and setback of the principal structure in the applicable zoning district;
B. Not be within platted or recorded easements or over underground utilities
C. Have a building footprint no greater than 40% of the primary structure footprint;
D. Have a maximum building square footage no greater than 40% of the primary structure with a maximum allowable amount up to 600 square feet;
E. Not be located within platted or recorded easements or over underground utilities;
F. Be subordinate in area and size to the principal building (except for agricultural structures approved by the Community Development Director on parcels larger than 2.5 acres);
G. Meet all other applicable standards of this Ordinance when taken together with the principal building or use; and
H. Not to be constructed prior to the time the principal building is constructed (except for community gardens and agricultural uses).
I. May not be used as an accessory dwelling.

3.8.4 Accessory Dwellings:

1. Accessory Dwellings may be permitted in all residential zoning designations where lots meet or exceed 12,500 square feet and contain a single-family residence. Accessory Dwelling units may not be permitted in any other zoning designation or in addition to multifamily structures.

2. Accessory structures shall be used for human habitation as an extension of the residential use of the principal building for residential habitation, for clearly residential, non-income producing occupancy by a family member or temporary houseguest. The use of an accessory structure as a continually occupied, income producing, separate dwelling unit for lease, rent, or trade is strictly prohibited.
3. A maximum of one accessory dwelling is permitted on a lot.
4. May not be within platted or recorded easements or over underground utilities.
5. The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line.
6. Comply with the maximum number, setback, and height requirements of the principal structure in the applicable zoning district;
7. Have a maximum building square footage no greater than 40% of the primary structure with a maximum allowable amount of 600 square feet;
8. Accessory dwellings shall comply with the principal building type standards for materials, material changes, colors, and roof elements and must be placed on a permanent foundation.
9. Any dormers shall be set back a minimum of one foot from the exterior wall.
10. Exterior stairs, decks, entry doors, and major windows shall face the principal building, the alley, the street, or the interior of the lot, and away from adjacent properties.
11. Accessory dwellings may be converted from an existing accessory structure, as long as the conversion does not increase any dimensional nonconformity and meets all applicable codes.
12. Off-street parking shall be provided pursuant to Subsection 3.4.4 Table 5 “Minimum Parking Spaces.”
13. Parking spaces shall be included as part of the primary driveway unless alternate road frontage is utilized for a second driveway location to be approved through site review. The parking areas must be finished with concrete, asphalt, pavers, or other permanent surface.
14. Permitting is required with a full survey displaying primary structure, square footage, parking, impervious, and all other applicable requirements.
15. If the Accessory Dwelling Unit is co-located within or as a part of an Accessory Structure as defined in subsection 3.8.3, the maximum square footage shall apply as described for accessory dwellings for the entire structure.

3.8.5 Minor Accessory Structures:

Minor accessory structures, such as storage or potting sheds, workshops, or greenhouses, shall:

A. Comply with the maximum number and setback in the applicable zoning district for accessory structures;
B. Have a building footprint of less than 200 square feet;
C. Not be within platted or recorded easements or over underground utilities;
D. Not to be constructed prior to the time the principal building is constructed (except for community gardens and agricultural uses).
E. May not be used as an accessory dwelling.

Section 2:

The Cleveland Municipal Code, Title 14 Zoning and Land Use Control, Chapter 2, Table 3 Building Setbacks, Heights, and Impervious Surfaces is hereby amended:

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*			
R-A	25 ft	10 ft (principal, ADU & Major Accessory) 5 ft (minor accessory)	15 ft (principal, ADU & Major Accessory) 5 ft (Minor accessory)	35 feet	0.65	0.35
R-1	25 ft	10 ft (principal, ADU & Major Accessory) 5 ft (minor accessory)	15 ft (principal, ADU and Major Accessory) 5 ft (Minor accessory)	35 feet	0.40	0.45
R-2	25 ft	10 ft (principal, ADU & Major Accessory) 5 ft (minor accessory)	15 ft (principal, ADU and Major Accessory) 5 ft (Minor accessory)	35 feet	0.40	0.50
R-3	25 ft (principal)	10 ft (principal, ADU & Major Accessory) 5 ft (minor accessory)	15 ft (principal, ADU & Major Accessory) 5 ft (Minor accessory)	70 feet	0.25	0.70
R-4	Sec 4.6	Section 4.6	Section 4.6	Section 4.6	Section 4.6	Section 4.6

Section 3. This ordinance shall take effect immediately 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 2024-01 be approved on first reading, including the amendment by Councilman Webb as follows: Section 3. Nothing in this Ordinance overrides existing subdivision restrictions and covenants concerning the number of structures allowed on any given parcel regardless of zoning classification. At the time an application for a permit is submitted for an accessory structure, permit applicants are required to certify the construction of an accessory building does not violate any subdivision restrictions in place at the location. The motion was seconded by Councilman Hughes. Mr. Fivas clarified if the Council was approving the maximum allowable amount of 600 square feet or 750 square feet. Councilman May stated 750 square feet and the amendment adding a new Section 3 to the Ordinance. Councilman Estes stated he feels it should be 600. Councilman May stated the Planning Commission recommended 750. Councilman Estes stated he likes it more restrictive, so he will withdraw his second. Councilman May stated his motion is 750 square feet and the amendment. The motion was seconded by Councilman Hughes. Councilman Webb stated they will have an option to building an addition to a house, so if we adopt 600 then they would have another option. Councilman Estes offered a substitute motion to adopt the ordinance as written with 600 square feet and include the new Section 3 amendment by Councilman Webb. The motion was seconded by Councilman May. Councilman Hughes asked if this was overruling Planning Commission. Mayor Brooks stated the Planning Commission recommend 750 square feet and staff recommends 600 square feet. Upon roll call, the motion was unanimously passed.

The following Resolution was presented in full:

b. **Resolution 2024-03** - Concerning a request by Larry Eskew for consideration of a Plan of Service for about 23.54 acres, more or less, of property located at Waterlevel Highway and includes Tax Map 058J Group F Parcels 014.00, 014.02, and 014.03 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-03

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

WATERLEVEL HWY AND DURKEE RD. (058J F 014.00, 014.02, 014.03)

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 8, 2024, 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 CS Foundation Inc, as recorded in BCROD deed book 2395 page 704, said point being located in the western right of way of Durkee Road; thence with the southern line of CS Foundation Inc north 66 degrees 46 minutes west, 1015.2 feet to the southwest corner of the lands of CS Foundation Inc, said point also being the southeast corner Tract 1 of a second parcel of the lands of CS Foundation Inc as recorded in BCROD deed book 2395 page 639; thence with the southern line of the second parcel north 66degrees 46 minutes west, 702.6 feet to a point in the control access fence of APD 40; thence north 75 degrees 1 minute east, 192.2 feet to a point; thence north 51 degrees 17 minutes east, 545.2 feet to a point; thence south 76 degrees 59 minutes, 300 feet to the northeast corner of the second parcel, said point also being the northwest corner of the first parcel; thence with the northern line of the first parcel south 76 degrees 59 minutes east, 795.9 feet to appoint; thence south 29 degrees 34 minutes west, 200 feet to a point; thence south 78 degrees 32 minutes east, 302 feet to a point, said point being located the western right of way of Durkee Road; thence crossing Durkee Road south 78 degrees 32 minutes east, 50 feet, more or less, to a point in the eastern right of way of Durkee Road; thence following the eastern right of way of Durkee Road in a southerly direction 680 feet, more or less, to the northwest corner of the lands of Angela Wilson as recorded in BCROD deed book 2157 page 308; thence crossing Durkee Road on a westerly direction 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

OCTOBER 17, 2023
WATERLEVEL HWY and DURKEE RD. (058J F 014.00, 014.02, 014.03)
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 23.54 acres located at Waterlevel Hwy and Durkee Rd. 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.

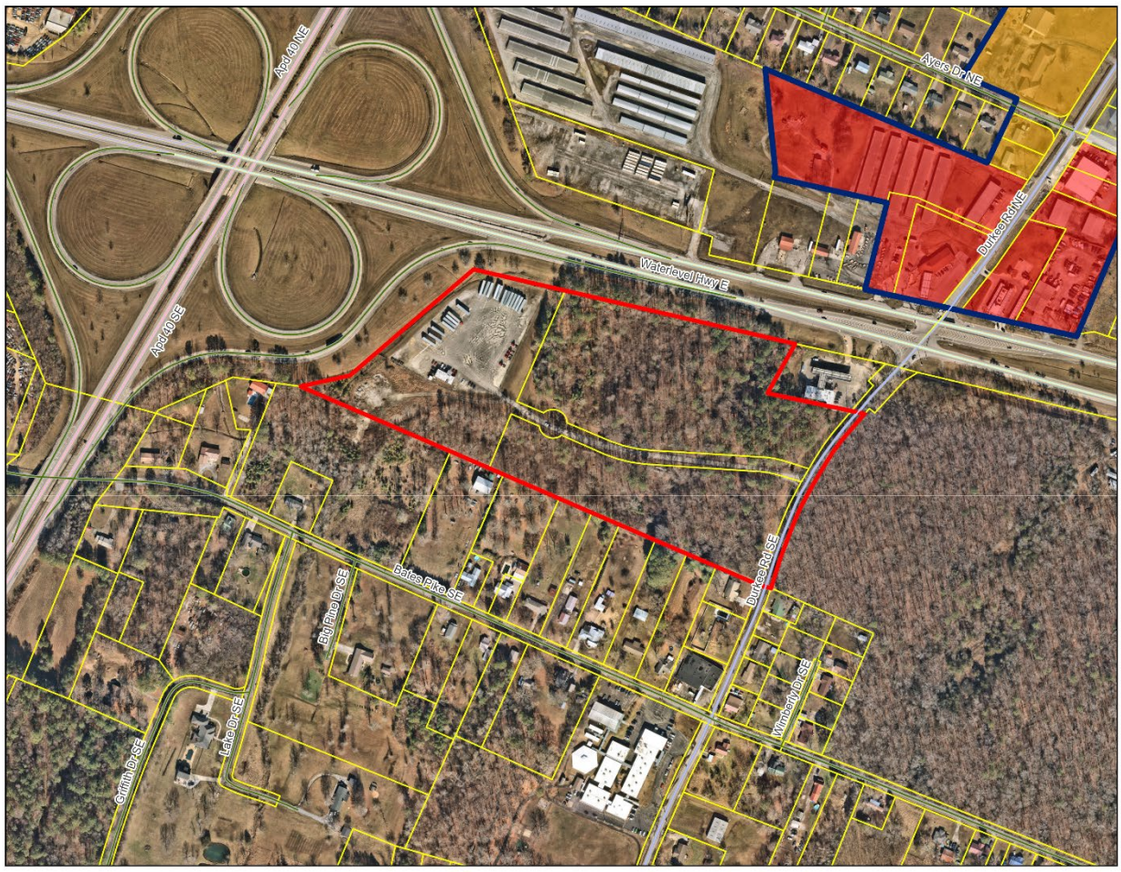
Introduction

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 two parcels, approximately 2.16 acres total. The annexation would zone the property as CH Highway Commercial. There is an existing commercial building, and no new development is proposed at this time. The property is described as Tax Map 026G Group D Parcels 024.00 and 025.00.

Waterlevel Hwy Annexation Map



Legal Description

Beginning at the southeast corner of the lands of CS Foundation Inc, as recorded in BCROD deed book 2395 page 704, said point being located in the western right of way of Durkee Road; thence with the southern line of CS Foundation Inc north 66 degrees 46 minutes west, 1015.2 feet to the southwest corner of the lands of CS Foundation Inc, said point also being the southeast corner Tract 1 of a second parcel of the lands of CS Foundation Inc as recorded in BCROD deed book 2395 page 639; thence with the southern line of the second parcel north 66degrees 46 minutes west, 702.6 feet to a point in the control access fence of APD 40; thence north 75 degrees 1 minute east, 192.2 feet to a point; thence north 51 degrees 17 minutes east, 545.2 feet to a point; thence south 76 degrees 59 minutes, 300 feet to the northeast corner of the second parcel, said point also being the northwest corner of the first parcel; thence with the northern line of the first parcel south 76 degrees 59 minutes east, 795.9 feet to appoint; thence south 29 degrees 34 minutes west, 200 feet to a point; thence south 78 degrees 32 minutes east, 302 feet to a point, said point being located the western right of way of Durkee Road; thence crossing Durkee Road south 78 degrees 32 minutes east, 50 feet, more or less, to a point in the eastern right of way of Durkee Road; thence following the eastern right of way of Durkee Road in a southerly direction 680 feet, more or less, to the northwest corner of the lands of Angela Wilson as recorded in BCROD deed book 2157 page 308; thence crossing Durkee Road on a westerly direction 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.

There is no additional cost expected from this annexation.

2. Fire Protection
The Cleveland Fire Department could service this area immediately without any impact to the 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 west side of Durkee Road. See Figure 1 – Water Service.

B. Sanitary Sewer--- Plans of Service for the parcel at the southeast quadrant of the Waterlevel Highway and Durkee Rd intersection (Tax Parcel 058K-F-001.00) were prepared on July 3, 2023 and August 7, 2023. The plans of services for that parcel depicted an approximately 700 LF of 2" to 4" sewer force main is required to be installed, size to be determined by a consultant. The proposed fore main will connect into a future 8" gravity sewer main (currently under construction). To provide sewer service to the parcel (058K-F-001.00), the Opinion of Probable Cost is $129,200.

For these three tax parcels (058J-F-014.00, 014.02, and 014.03), it is assumed that the sewer infrastructure described above has been constructed. To extend sewer infrastructure from the southeast quadrant of Durkee Road and Waterlevel Highway to the northeast quadrant of Tax Parcel 058J-F-014.03, approximately 600 LF of 2" to 4" sewer force main is required to be installed along Durkee Road. A road crossing of Durkee Road is required. It is assumed that this road crossing can be constructed by open cutting Durkee Road. To provide sewer service to the parcel (058K-F-001.00), the Opinion of Probable Cost is $49,750.

The maximum capacity of the new force main will be 200 gpm across Waterlevel Highway. As was mentioned in the Plans of Service for the parcel at the southeast quadrant of the Waterlevel Highway and Durkee Road intersection (Tax Parcel 058K-F-001.00), the maximum flow is the maximum flow from all parcels south of Waterlevel Highway flowing into the existing gravity sewer mains along Durkee Road.

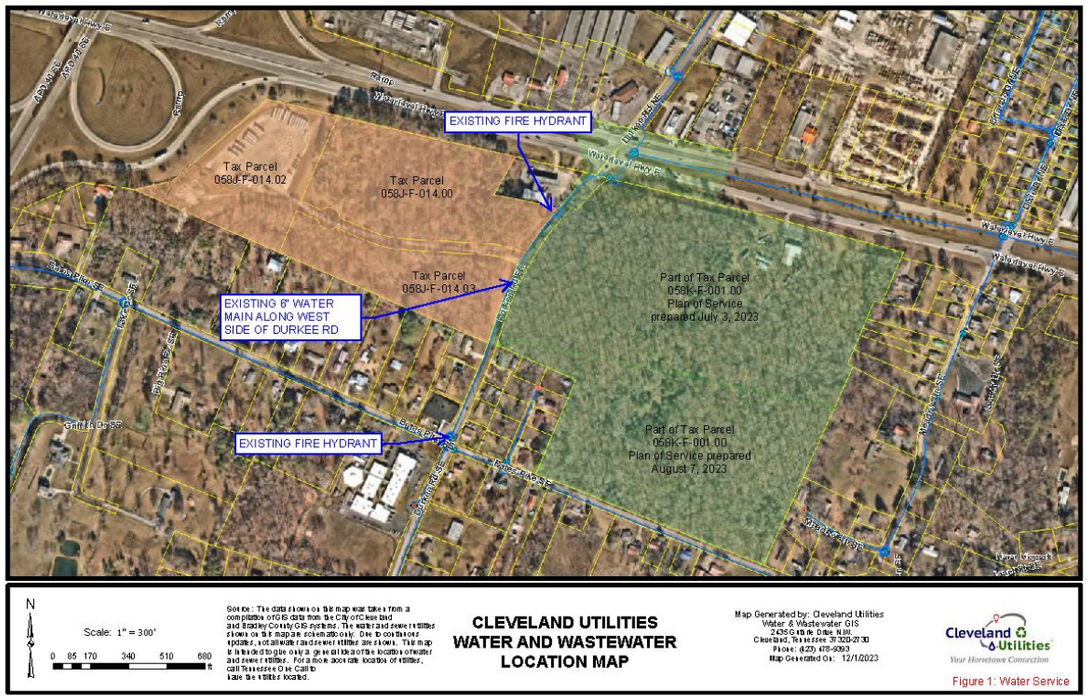
The sewer main can be completed within 8 years. See Figure 2-Sewer Service.

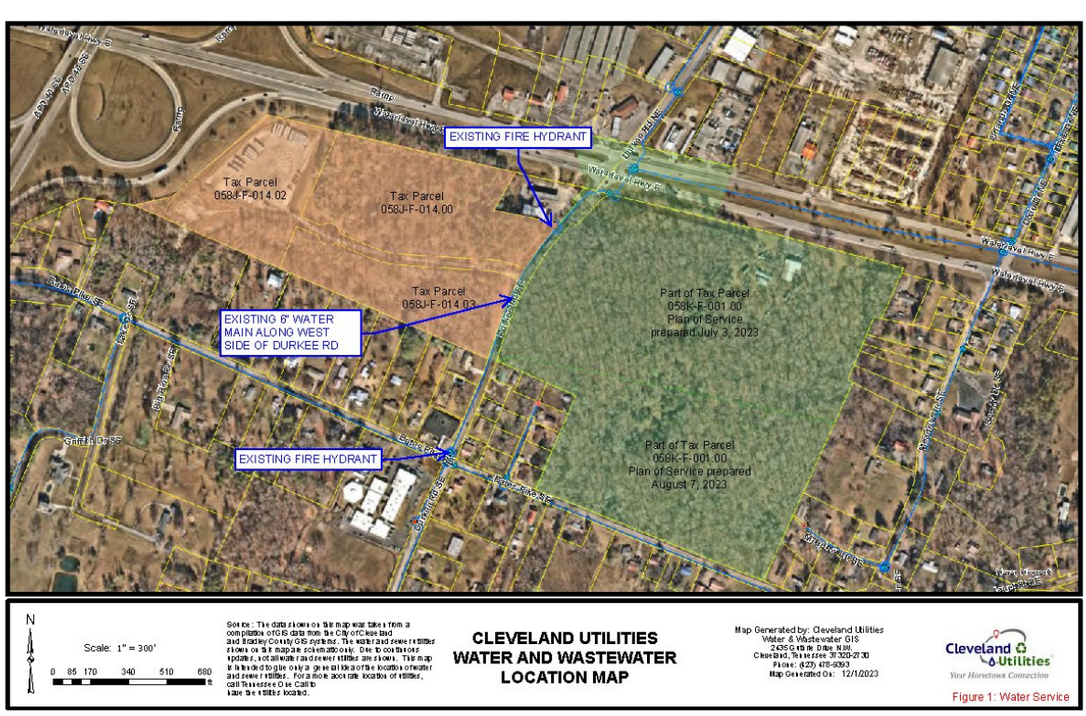
C. Fire Protection--- There is an existing fire hydrant on the northeast corner of Tax Parcel 058J-F-014.00, 250' from Tax Parcel 058J-F-014.02, and 300' north of Tax Parcel 058J-F-014.03. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Waterlevel Hwy (058J-F-014.03)	**$0**	**$49,750**	**$0**	**$49,750**

[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. Year 2023 Dollars.




EXISTING FIRE HYDRANT
Tax Parcel 058J-F-014.02
Tax Parcel 058J-F-014.00
Tax Parcel 058J-F-014.03
EXISTING 6" WATER MAIN ALONG WEST SIDE OF DURKEE RD
EXISTING FIRE HYDRANT
Part of Tax Parcel 058K-F-001.00 Plan of Service prepared July 3, 2023
Part of Tax Parcel 058K-F-001.00 Plan of Service prepared August 7, 2023
N
Scale: 1" = 300'
0 85 170 340 510 680 ft
CLEVELAND UTILITIES
WATER AND WASTEWATER
LOCATION MAP
Map Generated by: Cleveland Utilities
Water & Wastewater GIS
Cleveland, Tennessee 37320-2730
Phone: (423) 478-5063
Map Generated On: 12/1/2023
Cleveland Utilities
Your Hometown Connection
Figure 1: Water Service

4. Electric Service

Cleveland Utilities electric division has existing facilities in place to serve the proposed annexation 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.

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 will not impact City School Systems.

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 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. 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 **$27,357.50**

Councilman May moved that Resolution 2024-03 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was presented in full:

c. **Resolution 2024-04** - Concerning a request by Larry Eskew for consideration of a resolution to annex about 23.54 acres, more or less, of property located at Waterlevel Highway and includes Tax Map 058J Group F Parcels 014.00, 014.02, and 014.03 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-04

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

WATERLEVEL HWY 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 13, 2023.

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 CS Foundation Inc, as recorded in BCROD deed book 2395 page 704, said point being located in the western right of way of Durkee Road; thence with the southern line of CS Foundation Inc north 66 degrees 46 minutes west, 1015.2 feet to the southwest corner of the lands of CS Foundation Inc, said point also being the southeast corner Tract 1 of a second parcel of the lands of CS Foundation Inc as recorded in BCROD deed book 2395 page 639; thence with the southern line of the second parcel north 66degrees 46 minutes west, 702.6 feet to a point in the control access fence of APD 40; thence north 75 degrees 1 minute east, 192.2 feet to a point; thence north 51 degrees 17 minutes east, 545.2 feet to a point; thence south 76 degrees 59 minutes, 300 feet to the northeast corner of the second parcel, said point also being the northwest corner of the first parcel; thence

with the northern line of the first parcel south 76 degrees 59 minutes east, 795.9 feet to appoint; thence south 29 degrees 34 minutes west, 200 feet to a point; thence south 78 degrees 32 minutes east, 302 feet to a point, said point being located the western right of way of Durkee Road; thence crossing Durkee Road south 78 degrees 32 minutes east, 50 feet, more or less, to a point in the eastern right of way of Durkee Road; thence following the eastern right of way of Durkee Road in a southerly direction 680 feet, more or less, to the northwest corner of the lands of Angela Wilson as recorded in BCROD deed book 2157 page 308; thence crossing Durkee Road on a westerly direction 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 2024-04 be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Zoning Ordinance was presented in full:

d. **Zoning Ordinance 2024-02** – Zoning about 23.54 acres, more or less, of property located at Waterlevel Highway from FAR to CH Highway Commercial and includes Tax Map 058J Group F Parcels 014.00, 014.02, and 014.03 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-02

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, re-zoned from FAR to CH Highway Commercial Zoning District.

Approximately 23.64 acres, more or less, located at Waterlevel Hwy and Durkee Rd. as shown on the attached map.

For reference, same property is being shown on Tax Map 058J Group F Parcels 014.00, 014.02 and 014.03, in the Assessor's Office for Bradley County, Tennessee

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

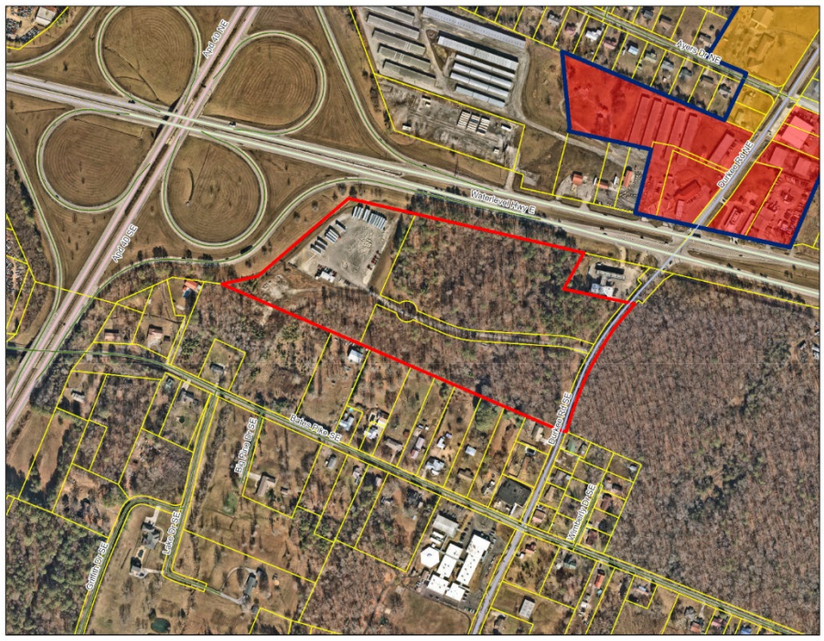
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Hughes moved that Zoning Ordinance 2024-02 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Ordinance was presented in full:

e. **Ordinance 2024-03** – Amending the Municipal Code Title 20, Chapter 12, Section 20-1215 (11) concerning allowable charges for Wreckers and Towing Services operating on the City's rotational call list.

ORDINANCE 2024-03

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE BE AMENDED BY REVISING TITLE 20, CHAPTER 12, SECTION 20-1215 (11) CONCERNING ALLOWABLE CHARGES FOR WRECKERS AND TOWING SERVICES OPERATING ON THE CITY'S ROTATIONAL CALL LIST

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

Section 1. That Title 20, Chapter 12, Sections 20-1215 (11) of the Code of Ordinances of the City of Cleveland, Tennessee, be amended as follows:

Section 20-1215 (11) Maximum charges for non-consensual tows while operating on rotational call.

The following charges are hereby established as the maximum charges for those non-consensual tows made by a wrecker permit holder while the permit holder is operating on the city's rotational call list.

These maximum charges do not apply if the tow is consensual, or if the tow is made while the wrecker is not operating on the city's rotational call list.

The maximum charge for non-consensual wrecker services while operating on the City's rotational call list shall be as follows:

A&D Class: The maximum tow rate is $225.00, plus any charges for winching, if applicable. This rate applies regardless of the time of day, or the day of the week. This rate also applies on weekends and holidays.

There shall be no separate fuel charge.

Winching may be charged only if the vehicle is off the road or is overturned.
The maximum winching fee is $75.00 per half hour.

Maximum storage rates shall be $35.00 per day for outside storage, and $50.00 per day for inside storage.

Administration fees shall only apply after three days. The wrecker company is allowed to bill the customer for any postage expenses actually incurred by the wrecker company when the wrecker company is required by state law to send a notice by certified mail. The wrecker company must keep documentation of these actual certified mail expenses in order to bill the customer for these postage expenses.

A gate fee may not be charged. However, vehicle owners are expected to retrieve their personal items from a vehicle located on a wrecker company's lot within 30 minutes of the time the removal begins. A wrecker company is permitted to charge a fee to a customer when the retrieval of personal items by a customer takes more than 30 minutes. This fee may not exceed $25.00 per half hour. The wrecker company may not charge a fee for removal of personal items from a vehicle when the removal of items takes less than 30 minutes. The 30-minute time period begins when the vehicle owner starts to remove their personal items from a vehicle. Before this fee can be charged, the wrecker company must obtain a written acknowledgement form signed by the owner of the vehicle advising the owner that after 30 minutes they will be charged this additional fee.

B Class : The maximum tow rate is $350.00 per hour from start to stop. This rate applies regardless of the time of day, or the day of the week. This rate also applies on weekends and holidays.

There shall be no separate fuel charge.

There shall be no separate winching fee.

Maximum storage rates shall be $35.00 per day for outside storage, and $50.00 per day for inside storage, except for tractor trailers. For tractor trailers, the maximum storage rates shall be $50 per day for the tractor and $85 per day for the trailer.

Administration fees shall only apply after three days. The wrecker company is allowed to bill the customer for any postage expenses actually incurred by the wrecker company when the wrecker company is required by state law to send a notice by certified mail. The wrecker company must keep documentation of these actual certified mail expenses in order to bill the customer for these postage expenses.

A gate fee may not be charged. However, vehicle owners are expected to retrieve their personal items from a vehicle located on a wrecker company's lot within 30 minutes of the time the removal begins. A wrecker company is permitted to charge a fee to a customer when the retrieval of personal items by a customer takes more than 30 minutes. This fee may not exceed $25.00 per half hour. The wrecker company may not charge a fee for removal of personal items from a vehicle when the removal of items takes less than 30 minutes. The 30-minute time period begins when the vehicle owner starts to remove their personal items from a vehicle. Before this fee can be charged, the wrecker company must obtain a written acknowledgement form signed by the owner of the vehicle advising the owner that after 30 minutes they will be charged this additional fee.

C Class: The maximum tow rate is $650.00 per hour from start to stop. This rate applies regardless of the time of day, or the day of the week. This rate also applies on weekends and holidays.

There shall be no separate fuel charge.

There shall be no separate winching fee.

Maximum storage rates shall be $35.00 per day for outside storage, and $50.00 per day for inside storage, except for tractor trailers. For tractor trailers, the maximum storage rates shall be $50 per day for the tractor and $85 per day for the trailer.

Administration fees shall only apply after three days. The wrecker company is allowed to bill the customer for any postage expenses actually incurred by the wrecker company when the wrecker company is required by state law to send a notice by certified mail. The wrecker company must keep documentation of these actual certified mail expenses in order to bill the customer for these postage expenses.

A gate fee may not be charged. However, vehicle owners are expected to retrieve their personal items from a vehicle located on a wrecker company's lot within 30 minutes of the time the removal begins. A wrecker company is permitted to charge a fee to a customer when the retrieval of personal items by a customer takes more than 30 minutes. This fee may not exceed $25.00 per half hour. The wrecker company may not charge a fee for removal of personal items from a vehicle when the removal of items takes less than 30 minutes. The 30-minute time period begins when the vehicle owner starts to remove their personal items from a vehicle. Before this fee can be charged, the wrecker company must obtain a written acknowledgement form signed by the owner of the vehicle advising the owner that after 30 minutes they will be charged this additional fee.

The maximum charges set forth above for all classes of wreckers do not apply to:

Consensual wrecker services provided by a towing company for a private individual or entity that chooses to enter into a private contract with the towing or wrecker company for service. (Owner's request.)

Non-consensual towing from private property that occurs when a private property owner hires or otherwise authorizes a wrecker or towing company to remove a vehicle from that owner's private property.

Any towing or wrecker services provided by a wrecker permit holder when that permit holder is not operating on the City's rotational call list at the time the wrecker services are provided.

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

Vice Mayor Johnson moved that Ordinance 2024-043 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

f. **Resolution 2024-05** – To further consider the annexation by referendum and draft Plans of Service for the annexation of a total of 283.51 acres for parcels of property located on Frontage Road, Dry Valley Road and South Lee Highway.

RESOLUTION 2024-05

A RESOLUTION TO FURTHER CONSIDER THE ANNEXATION BY REFERENDUM AND DRAFT PLANS OF SERVICE FOR THE ANNEXATION OF A TOTAL OF 283.51 ACRES FOR PARCELS OF PROPERTY LOCATED ON FRONTAGE ROAD, DRY VALLEY ROAD, AND SOUTH LEE HIGHWAY

WHEREAS, various property owners petitioned the Mayor and City Council of Cleveland, Tennessee ("City"), to annex 4 parcels, containing approximately 283.51 acres, outside the City limits and located outside the Cleveland Urban Growth Boundary ("UGB"); and

WHEREAS, on December 11, 2023 the City Council passed Resolution 2023-120 initiating the consideration of the annexation process and draft Plans of Service for these parcels; and

WHEREAS, at the Planning Commission meeting held on December 12, 2023, the Planning Commission considered the annexations of all these parcels and recommended that the City Council annex all of the parcels except the one on Frontage Road; and

WHEREAS, a draft copy of the Planning Commission minutes from that meeting is attached to this Resolution; and

WHEREAS, it is believed it is in the best interest of the City to further investigate and consider the areas petitioned to be annexed in order to consider the areas for future development in accordance with City standards; and

WHEREAS, passage of this resolution shall not bind the City to later annex any of these parcels of property; and

WHEREAS, Tennessee Code Annotated (T.C.A.) § 6-51-102, as amended, requires that a Plans of Service be adopted by a municipal governing body prior to the passage of an annexation resolution; and

WHEREAS, the City Council desires to move forward with continuing the analysis of annexing one or all of these parcels and adopting their Plans of Service.

NOW THEREFORE, BE IT RESOLVED BY MAYOR BROOKS AND THE CITY COUNCIL OF CLEVELAND, TENNESSEE, AS FOLLOWS:

SECTION I. That the following parcels shall be further considered by the City Council for annexation by referendum with the City Council to decide at its next meeting on January 22, 2024 whether to adopt a resolution to annex and approve a final Plan of Service for each of the following parcels, which are shown on the Maps attached hereto as Exhibit A:

Map-Parcel	Acres	Owner
014-051.00	4.93	Bank of Cleveland
028-048.00	113	Anna Suits
028-048.03	160	David Henry, Tonya Wilson, Tommy Haun, Mary Ann McCamey
056-092.00	5.58	Lynn Jones
Total	283.51	

SECTION II: That the draft Plans of Service attached hereto as Exhibit A shall provide guidance to Mayor Brooks and the City Council of Cleveland, Tennessee on how the properties would be served by City resources but is not binding on the Council's final annexation decision. [Draft Plans of Service on file with original Resolution in the City Clerk's Office.]

SECTION III: The City Council will further consider the annexation of these parcels and their Plans of Service at its regular meeting on January 22, 2024.

SECTION IV: BE IT RESOLVED by Mayor and City Council of Cleveland, Tennessee, that this Resolution shall take effect from and after its passage.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2024-03 be accepted as presented. The motion was seconded by Councilman Webb. Councilman Estes asked city staff, particularly on the Frontage Road property, to give a very strong yay or nay on a recommendation and how it benefits the city and where it does not. Councilman Cassada asked that the resolutions and plan of services be broken out individually moving forward. Mr. Fivas stated yes, we agree they need to be separate votes. Upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City offices will be closed Monday, January 15 in observance of Martin Luther King Jr. Day.

b. The next City Council meeting will be held on Monday, January 22, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:48 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
JANUARY 22, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 22, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Vice Mayor Avery Johnson. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, David May, Tom Cassada, Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Mayor Kevin Brooks was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Sue Zius, Administrative Coordinator; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Police Chief Mark Gibson; Interim Fire Chief Rock Eulo, Jonathan Jobe, Development and Engineering Department; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Doug Berry with the Chamber of Commerce; Sharon Marr with Mainstreet; Warbrit Lowery; Lawrence Armstrong; John Moore; Scott Taylor; Tony Martin; Kimberly Lyon; Jodi Riggins; George Ramos and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Councilman Webb, 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 January 8, 2024 and approve them as written. The motion was seconded by Councilman Hughes; and upon roll call, the motion unanimously passed.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Sharon Marr with Mainstreet Cleveland addressed the City Council concerning invitations to the Arts in Economic Prosperity and Study event on Friday, February 2 at 11:00 at the Old Woolen Mill. She looks forward to seeing everyone participating.

Kimberly Lyon with Lee University thanked the City Council for allowing her college writing class to attend today's meeting. They are covering government meetings this semester. She then invited the City Council to the ribbon cutting at The Guild, in the former McIntire Building next Tuesday at 4:00 p.m. It is an office and innovation space for small businesses in Cleveland.

HEARING PETITIONS AND COMMUNICATIONS

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning the application for a Certificate of Public Convenience and Necessity for a taxicab permit request by George Ramos of 1466 New Murraytown Rd NW. Vice Mayor Johnson asked if anyone would like to speak in favor to the approval of the permit. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the approval of the permit. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request by Jerry Suits for consideration of a proposed plan of service for a requested annexation by referendum for about 113.42 acres, more or less, of property located at Dry Valley Rd. and includes Tax Map 028 Parcel 048.00. Mr. Varnell stated this is for 113 acres at 872 Dry Valley Road. The public hearing is for annexation by referendum. Councilman Cassada stated this is for 90 homes, correct. Mr. Varnell stated if it is rezoned in the future, you look at the development by acre. It is being asked for RA zoning, which would not exceed 90. Vice Mayor Johnson asked if anyone would like to speak in favor of

the approval of the request. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request by Trent Henry, Tonya Wilson, Tommy Haun, and Mary Ann McCamey for consideration of a proposed plan of service for a requested annexation by referendum for about 160.15 acres, more or less, of property located at Dry Valley Rd. and includes Tax Map 028 Parcel 048.03. Mr. Varnell stated at this time, RA zoning has been requested. If this moves forward, you will not vote on the zoning until after the referendum Vice Mayor Johnson asked if anyone would like to speak in favor of the approval of the request. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the request. John Moore stated he owns the property adjacent to this property. His family has been farming in this area for 175 years. It is a National Historic Site, Rattlesnake Springs, where 13,500 Cherokee people gathered in 1838 to prepare to move west. He is concerned about annexing so close because they farm and pump manure and some people living nearby will not like the odor. Spraying crops, they can't control the drifts. The last 50 years they have allowed dove hunting on the property. They plan to continue farming the land and hopes no problems will occur, as they don't have time or finances for legal battles. Also, there is a lot of traffic in the mornings to Walker Valley School already. Lastly, for over 50 years, farm animals have been buried on the land and there are several sinkholes. Developers will fill them in quickly, but over time water will continue to get out. With residential properties nearby ground water with pesticides will drain from the subdivision into Rattlesnake Springs. He asked the Council not to annex this property and would be available for questions. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request by Lynn Jones for consideration of a proposed plan of service for a requested annexation by referendum for about 5.59 acres, more or less, of property located at South Lee Highway and includes Tax Map 056 Parcel 092.00. Mr. Varnell stated this property is south of the urban growth boundary and the projected zoning is to be R1. Councilman Webb asked if it joined the Habitat community. Mr. Varnell replied there is a parcel in between. Vice Mayor Johnson asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

Vice Mayor Johnson stated today's meeting is being held as a public hearing to hear public comments concerning a request by Bank of Cleveland, LLC for consideration of a proposed plan of service for a requested annexation by referendum for about 4.93 acres, more or less, of property located at Frontage Rd. and includes Tax Map 014 Parcel 051.00. Mr. Varnell stated the current zoning for this property is commercial and the proposed use would be commercial as well. We received several requests for areas to be annexed, which were not serviceable at all, however this one does have city services in the area. This is an area that was proposed to be annexed in 2012 when the annexation laws were somewhat different than they are today. You have all the details and is happy to answer any questions. Vice Mayor Johnson asked if anyone would like to speak in favor of the request. No one spoke. Vice Mayor Johnson asked if anyone would like to speak in opposition to the request. No one spoke. Vice Mayor Johnson declared the public hearing to be closed.

CONSENT AGENDA

Vice Mayor Johnson stated final passage of Ordinance 2024-01 pertaining to accessory dwellings was moved to new business during the Work Session. Councilman Hughes then moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

a. **Final Passage - Zoning Ordinance 2024-02** – heretofore passed on first reading January 8, 2024 and found in Minute Book 31, Page 460; Zoning about 23.54 acres, more or less, of property located at Waterlevel Highway from FAR to CH Highway Commercial and includes Tax Map 058J Group F Parcels 014.00, 014.02, and 014.03 (Planning Commission: Approved 7-0; 2 absent).
b. **Final Passage - Ordinance 2024-03** – heretofore passed on first reading January 8, 2024 and found in Minute Book 31, Page 461; Amending the Municipal Code Title 20, Chapter 12, Section 20-1215 (11) concerning allowable charges for Wreckers and Towing Services operating on the City's rotational call list.
c. **Bid Summary –** Tinsley Park Pickleball Courts.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **January 22, 2024**
RE: **Bid Summary – Tinsley Park Pickleball Courts**

SUMMARY:
The City received sealed bids for constructing pickleball courts at Tinsley Park. Bids are listed below:

- Cherokee Construction **$1,942,364.15**
- Baseline Sports Construction **$1,905,167.35**
- Tri-Con, Inc. **$1,869,000.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Tri-Con, Inc.

d. **Resolution 2024-06 –** Authorizing an application to the TN Department of Agriculture for the Urban and Community Forestry Assistance Grant.

RESOLUTION 2024-06

A RESOLUTION OF THE COUNCIL OF THE CITY OF CLEVELAND AUTHORIZING THE APPLICATION FOR AN URBAN AND COMMUNITY FORESTRY ASSISTANCE GRANT

WHEREAS, the Tennessee Department of Agriculture Division of Forestry (TDF), in cooperation with the U.S. Department of Agriculture, Forest Service, announced the Inflation Reduction Act (IRA) Urban and Community Forestry (U&CF) Grant Assistance Program; and

WHEREAS, this program is designed to fund projects that promote the creation, enhancement, and protection of urban and community forest ecosystems in disadvantaged communities throughout Tennessee; and

WHEREAS, the City of Cleveland has and active forestry program and has been designated as a Certified Tree City by the National Arbor Day Foundation for over 31 years due to the commitment to preserve, protect, and increase awareness of the urban forest and tree canopy found in our community's natural environment; and

WHEREAS, the Council of the City of Cleveland seeks to provide for the preservation of and equitable access to natural assets, especially in disadvantaged communities.

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

SECTION 1: The City of Cleveland staff is hereby authorized to submit all application materials and authorized for the administration for the multiyear and multiphase Urban and Community Forestry Assistance Grant.

SECTION 2: The Mayor is authorized to sign documents necessary and appropriate to the application and administration of the grant.

SECTION 3: The City of Cleveland is further authorized to provide a sum to serve as a match, if required, for any funds provided by this grant.

SECTION 4: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.

Adopted this 22nd day of January, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Motion** – Approving the application for a Certificate of Public Convenience and Necessity for a taxicab permit requested by George Ramos of 1466 New Murraytown Rd NW.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes stated Lee University and Emergency Services will be holding their mass casualty event on Friday. Also, Vice Mayor Johnson, as a part of the Art is Here partnership for Black History month will have an event at Pleasant Grove on February 6.

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

Councilman Hughes had no report at this time.

Councilman Webb had no report at this time.

Vice Mayor Johnson had no report at this time.

Councilwoman McKenzie had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Resolution was presented in full:

a. **Resolution 2024-07** – A resolution approving a Plan of Services for a proposed annexation of territory into the City of Cleveland by referendum (Request by Anna/Jerry Suits,113.42 acres, more or less, of property located at 872 Dry Valley Rd., Tax Map 028 Parcel 048.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-07

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

872 Dry Valley Road (028 048.00)

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 22, 2024, 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 Anna Suits, as recorded in BCROD deed book 1830 page 288; thence north 24 degrees 0 minutes 37 seconds, 414.19 feet to an iron pin; thence north 23 degrees 32 minutes 18 seconds east, 2042.92 feet to an iron pin; thence north 23 degrees 53 minutes 49 seconds east, 254.37 feet to an iron pin; thence south 59 degrees 22 minutes 46 seconds east, 484.02 feet to an iron pin; thence south 26 degrees 15 minutes 19 seconds west, 326.35 feet to an iron pin; thence south 63 degrees 44 minutes 41 seconds east, 80 feet to an iron pin; thence south 85 degrees 45 minutes 13 seconds east, 820.66 feet to an iron pin; thence south 66 degrees 42 minutes 33 seconds east, 1299.42 degrees to an iron pin; thence south 22 degrees 26 minutes 58 seconds west, 1300.57 feet to an iron pin; thence north 66 degrees 35 minutes 22 seconds west, 1347.53 feet to an iron pin; thence south 23 degrees 17 minutes 45 seconds west 875.23 feet to an iron pin; thence north 84 degrees 49 minutes 42 seconds west, 273.11 feet to an iron pin; thence south 74 degrees 39 minutes 30 seconds west, 162.28 feet to an iron pin; thence south 82 degrees 56 minutes 0 seconds west, 209.90 feet to an iron pin; thence south 76 degrees 3 minutes 29 seconds west, 205.37 feet to an iron pin; thence north 66 degrees 29 minutes 56 seconds west, 572.97 feet to the point of beginning.

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

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

JANUARY 22, 2024
872 DRY VALLEY RD. (028 048.00)
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 113.42 acres located at Dry Valley Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

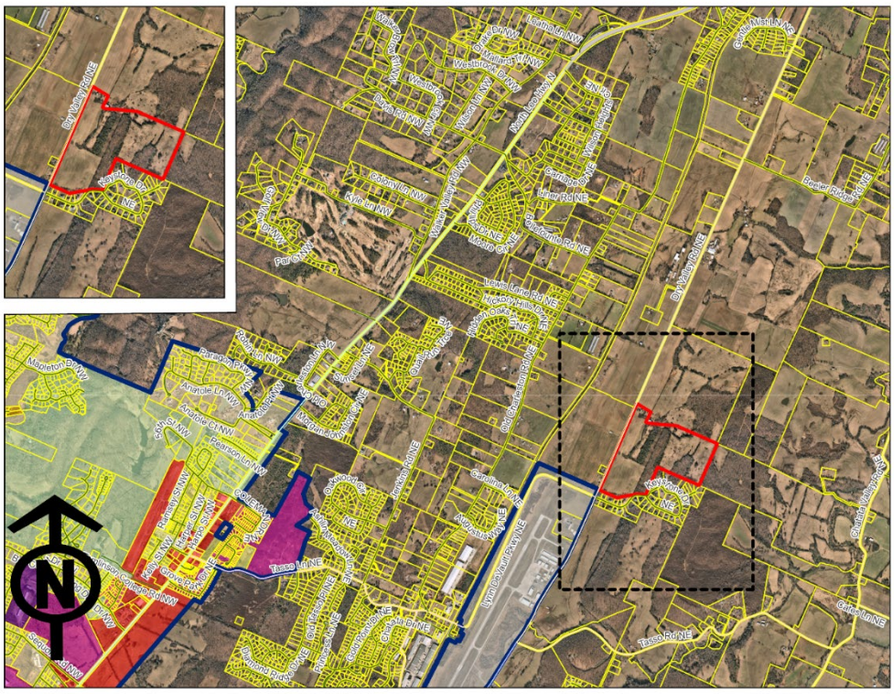
Introduction

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 outside the UGB with a formal request by the property owner.

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 113.42 acres total. The annexation would zone the property as RA residential agricultural. The land is vacant and the proposed development would include single family residential homes with lot size minimums of 1 acre and 100 feet of road frontage. The property is described as Tax Map 028 Parcel 048.00.

Dry Valley Rd. Annexation Map



Legal Description

Beginning at an iron pin located at the southeast corner of the lands of Anna Suits, as recorded in BCROD deed book 1830 page 288; thence north 24 degrees 0 minutes 37 seconds, 414.19 feet to an iron pin; thence north 23 degrees 32 minutes 18 seconds east, 2042.92 feet to an iron pin; thence north 23 degrees 53 minutes 49 seconds east, 254.37 feet to an iron pin; thence south 59 degrees 22 minutes 46 seconds east, 484.02 feet to an iron pin; thence south 26 degrees 15 minutes 19 seconds west, 326.35 feet to an iron pin; thence south 63 degrees 44 minutes 41 seconds east, 80 feet to an iron pin; thence south 85 degrees 45 minutes 13 seconds east, 820.66 feet to an iron pin; thence south 66 degrees 42 minutes 33 seconds east, 1299.42 degrees to an iron pin; thence south 22 degrees 26 minutes 58 seconds west, 1300.57 feet to an iron pin; thence north 66 degrees 35 minutes 22 seconds west, 1347.53 feet to an iron pin; thence south 23 degrees 17 minutes 45 seconds west 875.23 feet to an iron pin; thence north 84 degrees 49 minutes 42 seconds west, 273.11 feet to an iron pin; thence south 74 degrees 39 minutes 30 seconds west, 162.28 feet to an iron pin; thence south 82 degrees 56 minutes 0 seconds west, 209.90 feet to an iron pin; thence south 76 degrees 3 minutes 29 seconds west, 205.37 feet to an iron pin; thence north 66 degrees 29 minutes 56 seconds west, 572.97 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department focus is on our ability to respond to the location within the time standard set forth in NFPA 1710. Essentially, a first due company must be able to respond to the location within 5:20 of being dispatched.

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

A. Domestic Water--- Domestic water service is presently available to this parcel via an 8" water main on the east side of Dry Valley Road to the southwest corner of the parcel. See Figure 1 – Water Service.

B. Sanitary Sewer--- Sewer service is presently not available to this parcel. To provide sewer service to this parcel is 15,000± LF of 8±" sewer force main to be installed, beginning at a lift station set at the north corner of Tax Mael 028-048.00 to serve that parcel and Tax Marcel 028.048.03 (see plan of service for Tax Parcel 028-048.03 dated 01/10/2024). The force main would extend to the Chatata Creek Lift Station. The Opinion of Probable Cost is $3,306,000[1]. The sewer main can be completed within 8 years. See Figure 2 – Sewer Service.

C. Fire Protection--- There is an existing fire hydrant at the southwest corner of the parcel. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
872 Dry Valley Road NE (028 048.00)	**$0**	**$3,306,000[1]**	**$0**	**$3,306,000**

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.

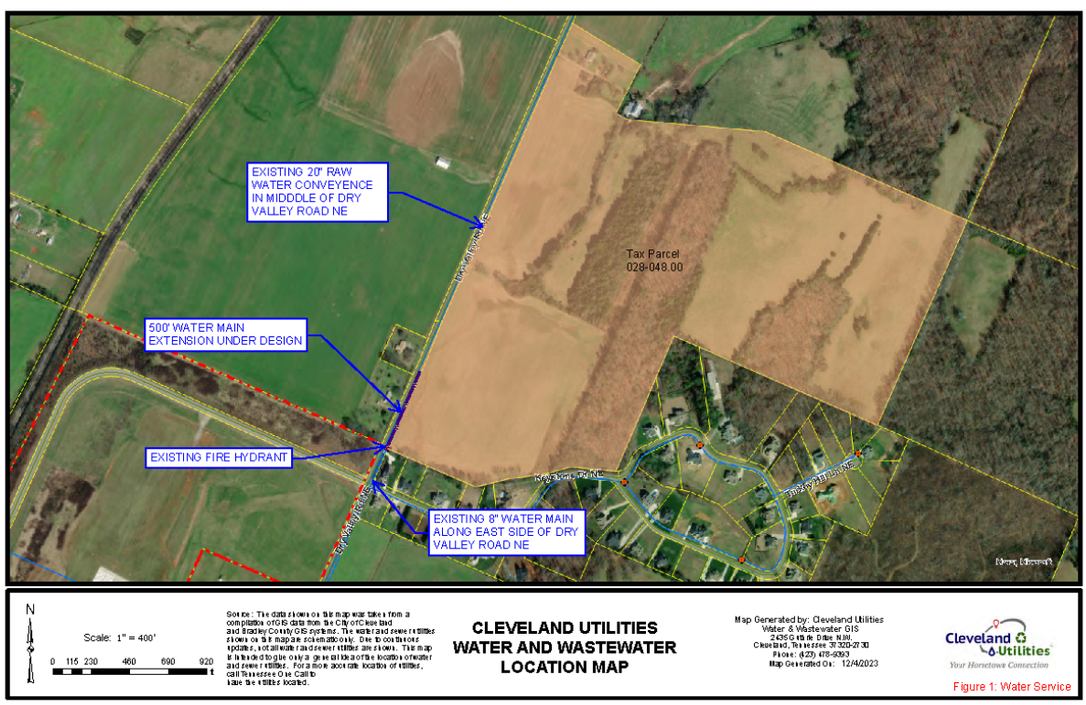


Figure 1: Water Service

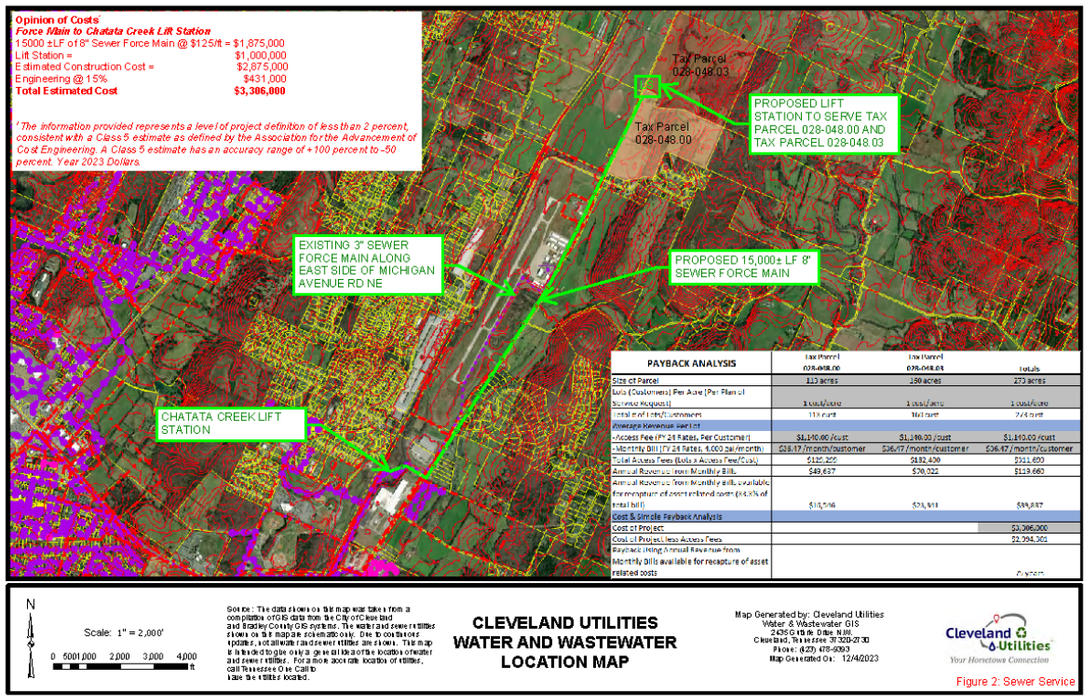


Figure 2: Sewer Service

4. Electric Service
VEC serves this area. However, CU will serve when annexed.

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 could cost Cleveland City Schools $55,665.63 per year based on an additional 57.

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 xx 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 xx 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. 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 with RA zoning, considering approximately 90 homes could be built on the 113 acres is approximately **$198,562.50.**

Councilman Estes moved that Resolution 2024-07 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was presented in full:

b. **Resolution 2024-08** – A resolution requesting a referendum for the annexation of property located at 872 Dry Valley Road, and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Anna/Jerry Suits,113.42 acres, more or less, of property located at 872 Dry Valley Rd., Tax Map 028 Parcel 048.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-08

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT 872 DRY VALLEY ROAD, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(1), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in §§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 113 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is located to the north of the Cleveland Jetport, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
028	048.00	113	872 Dry Valley Rd.	Anna/Jerry Suits

113 TOTAL ACRES

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-07.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property:

Map	Parcel	Acreage	Address	Owner
028	048.00	113	872 Dry Valley Rd.	Anna/Jerry Suits

113 TOTAL ACRES

SECTION II. The City of Cleveland requests the referendum be held on March 5, 2024, in conjunction with the Presidential Preference Primary and the Bradley County Republican and Democratic Party Primaries already scheduled for that date.

SECTION III. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

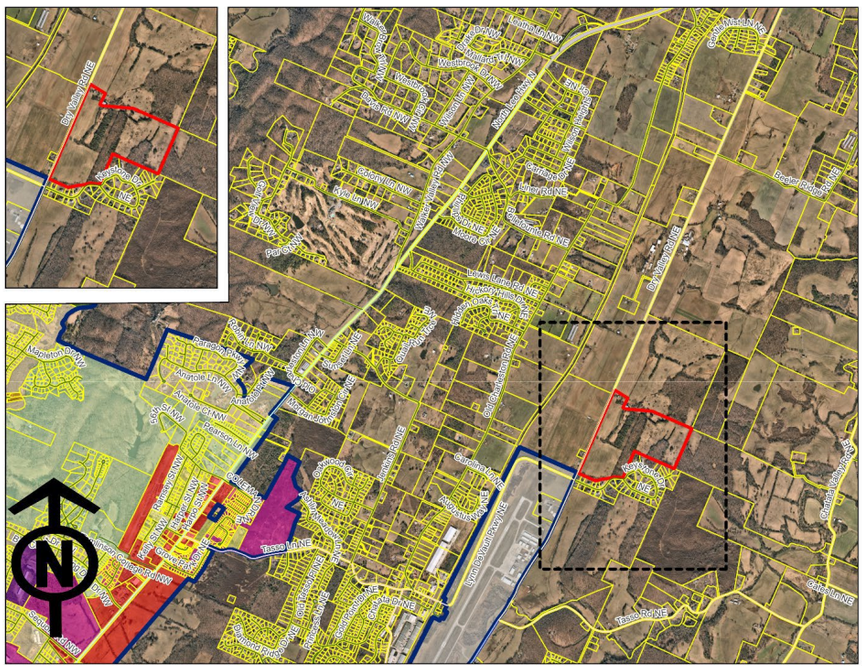
EFFECTIVE DATE: The 22nd day of January 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:


Dry Valley Rd NE
Mayfield Dr NW
Westwood Dr NW
Westwood Ln NW
Cleveland Mall Blvd NW
Cleveland Mall Dr NW
Keith Lee Blvd NW
Georgetown Rd NW
Georgetown Cir NW
Paul Huff Pkwy NW
Paul Huff Pkwy NE
Keith Lee Blvd NE
Cleveland Mall Blvd NE
Cleveland Mall Dr NE
Georgetown Rd NE
Georgetown Cir NE
Mayfield Dr NE
Westwood Dr NE
Westwood Ln NE
Dry Valley Rd NE
Peerless Rd NE
Peerless Rd NW
Dry Valley Rd NW
Peerless Cir NW
Peerless Cir NE
Lauren Ridge Rd NE
Hickory Hollow Rd NE
Hickory Hollow Cir NE
Candlewood Dr NE
Candlewood Cir NE
Candlewood Rd NE
Candlewood Rd NW
Raintree Dr NW
Arnitole Ln NW
Arnitole Cir NW
Arnitole Dr NW
Mohawk Dr NW
Mohawk Cir NW
Mohawk Rd NW
Mohawk Rd NE
Mohawk Cir NE
Mohawk Dr NE
Mohawk Ln NE
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Spring Creek Ln NE
Spring Creek Dr NW
Spring Creek Dr NE
Spring Creek Ct NW
Spring Creek Ct NE
Spring Creek Pl NW
Spring Creek Pl NE
Spring Creek Rd NW
Spring Creek Rd NE
Spring Creek Trl NW
Spring Creek Trl NE
Spring Creek Way NW
Spring Creek Way NE
Spring Creek Blvd NW
Spring Creek Blvd

A. That a public hearing is hereby held at 3:00 pm on January 22, 2024, 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 Henry, Wilson, Haun, & McCamey, as recorded in BCROD deed book 2659 page 526; thence north 23 degrees 54 minutes 9 seconds east, 746.53 feet to an iron pin; thence north 23 degrees 37 minutes 4 seconds east, 1824.92 feet to an iron pin; thence south 65 degrees 44 minutes 44 seconds east, 2622.51 feet to an iron pin; thence south 23 degrees 46 minutes 20 seconds west, 2651.40 feet to an iron pin; thence north 66 degrees 42 minutes 33 seconds west, 1299.42 feet to an iron pin; thence north 85 degrees 45 minutes 13 seconds west, 820.66 feet to an iron pin; thence north 63 degrees 44 minutes 41 seconds west, 80 degrees to an iron pin; thence north 26 degrees 15 minutes 19 seconds east, 326.35 feet to an iron pin; thence north 59 degrees 22 minutes 46 seconds west, 484.02 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

JANUARY 22, 2024
DRY VALLEY RD. (028 048.03)
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 160 acres located at Dry Valley Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

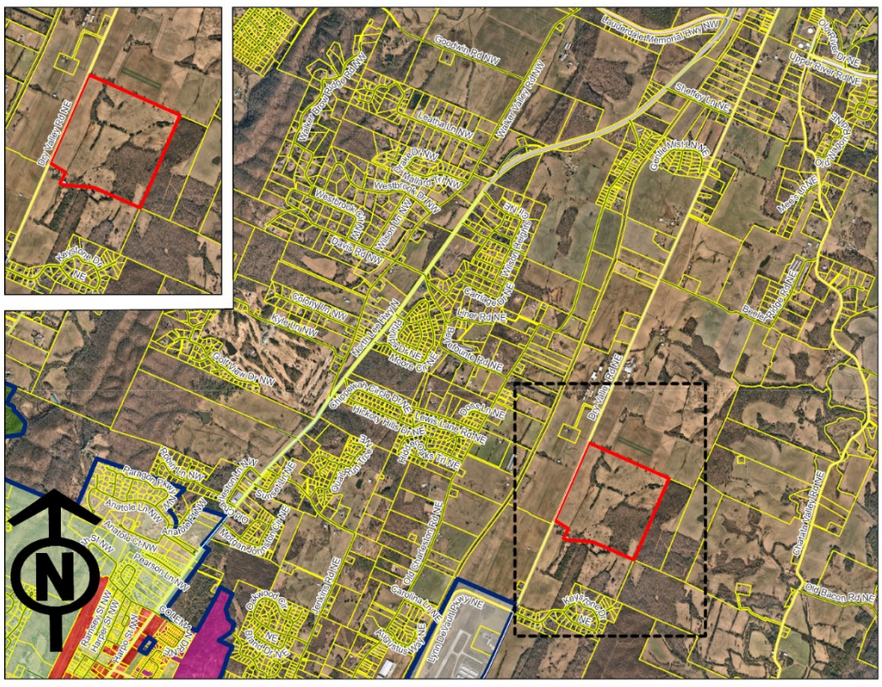
Introduction

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 outside the UGB with a formal request by the property owner, which is what this process is following.

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 160 acres total. The annexation would zone the property as RA residential agricultural. The land is vacant, and the proposed development may include single family residential homes with lot size minimums of 1 acre and 100 feet of road frontage. The property is described as Tax Map 028 Parcel 048.03.

Dry Valley Rd. Annexation Map


Dry Valley Rd NE
Ecoda Rd NW
Walker Springs Rd NW
Cleveland Memorial Hwy NW
Clevelander Dr NW
Clevelander Dr NE
Shirley Ln NE
Cleveland Mall
Georgetown Rd NW
Old Georgetown Rd NW
Westwood Dr NW
Westwood Cir NW
Westwood Ave NW
Beech Rd NW
Keith St NW
Keith St NE
Mayfield Dr NW
Mayfield Dr NE
Cherokee Trail NW
Cherokee Trail NE
Mayfield Cir NW
Mayfield Cir NE
Mayfield Ln NW
Mayfield Ln NE
Mayfield Ct NW
Mayfield Ct NE
Dalton Pike NW
Dalton Pike NE
Blythe Ferry Rd NW
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degrees to an iron pin; thence north 26 degrees 15 minutes 19 seconds east, 326.35 feet to an iron pin; thence north 59 degrees 22 minutes 46 seconds west, 484.02 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

   There is no additional cost expected from this annexation given the current zoning.

2. **Fire Protection**
   The Cleveland Fire Department focus is on our ability to respond to the location within the time standard set forth in NFPA 1710. Essentially, a first due company must be able to respond to the location within 5:20 of being dispatched.

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

A. Domestic Water--- Domestic water service is not presently available to this parcel. To provide domestic water to this parcel, a 2,300± LF water main extension along east side of Dry Valley Rd. is to be installed. It will connect to a 500 LF water main extension currently under design. To provide domestic water to this parcel, the Opinion of Probable Cost is $220,500[1]. The water main extension can be completed within 8 years. See Figure 1 – Water Service.

B. Sanitary Sewer--- Sewer service is presently not available to this parcel. To provide sewer service to this parcel 15,000± LF of 8±" sewer force main is to be installed, beginning at a lift station set at the southwest corner of Tax marcel 028-048.03 to serve that parcel and Tax Parcel 028-048.00 (See Plan of Service for Tax Parcel 028-048.00 dated 01/10/2024). The force main would extend to the Chatata Creek Lift Station. The Opinion of Probable Cost is $3,306,000[1]. The sewer main can be completed within 8 years. See Figure 2 – Sewer Service.

C. Fire Protection--- Fire protection is not presently available to this parcel. To provide fire protection to this parcel, a fire hydrant is to be installed on the end of the water main extension indicated above. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Dry Valley Road NE (028 048.03)	**$220,500**	**$3,306,000[1]**	**$0**	**$3,526,500**

[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.

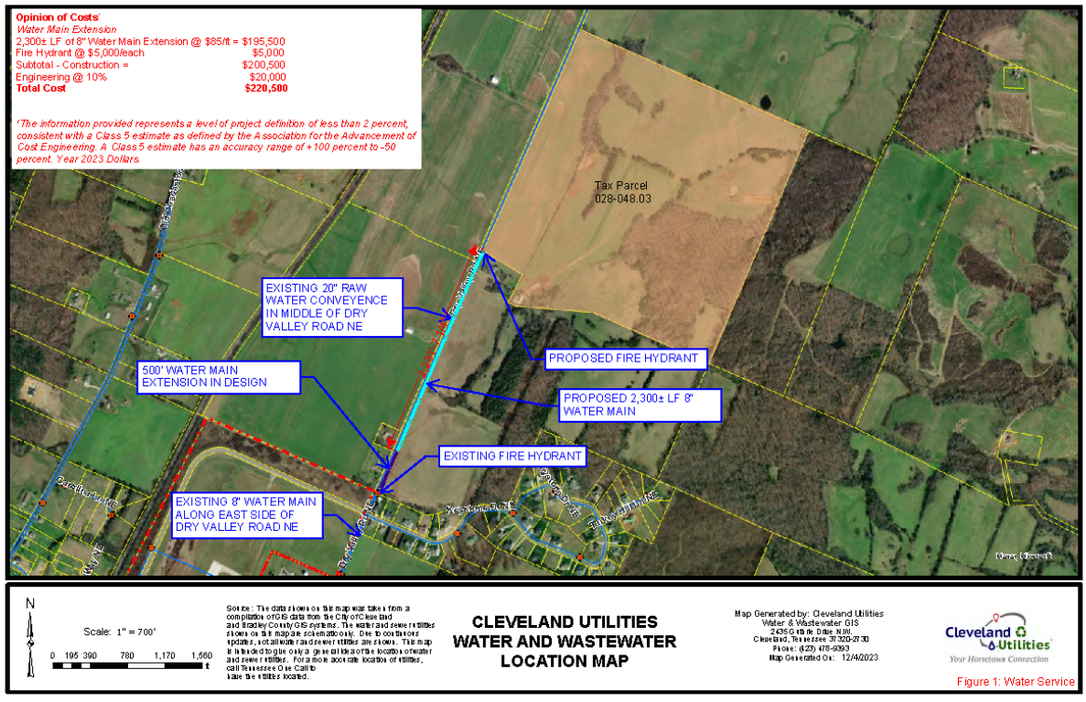


Figure 1: Water Service

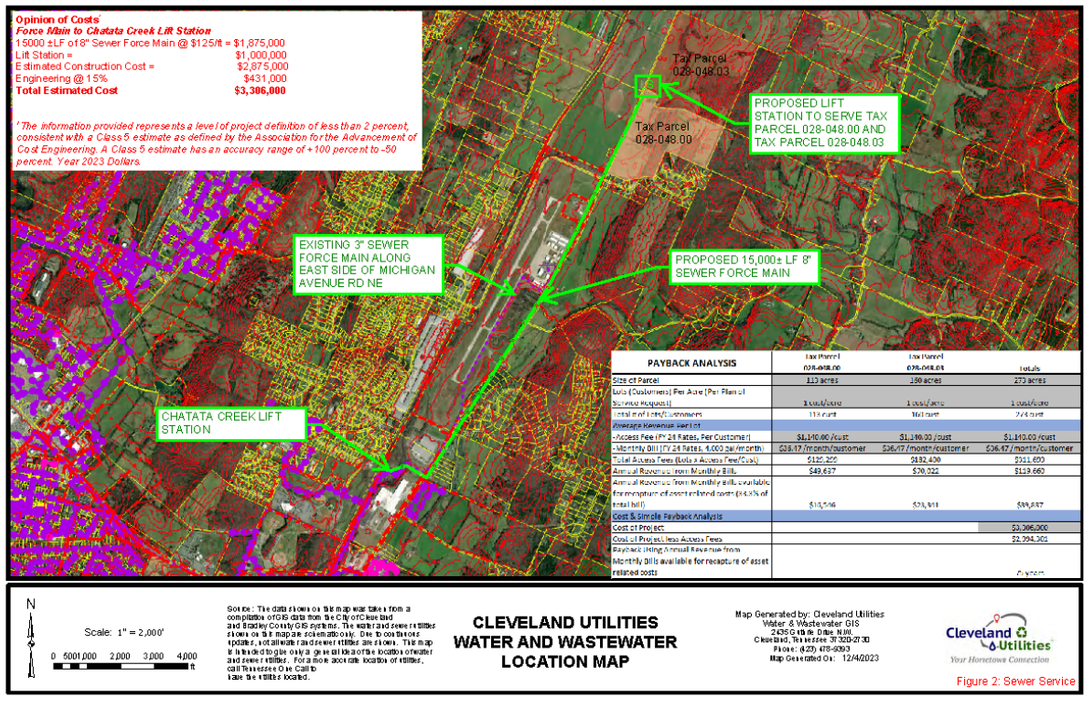


Figure 2: Sewer Service

4. Electric Service

VEC serves this area. If annexed into the City, CU will serve this area.

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 the 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 could cost Cleveland City Schools $37,110.42 based on an additional 28 students per year under the current zoning designation.

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 xx 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 xx 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. 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 with RA zoning, considering approximately 140 homes could be built on the 160 acres is approximately **$308,875.**

Councilman Estes moved that Resolution 2024-09 be accepted as presented. The motion was seconded by Councilman May. Councilman Estes thanked Mr. Moore for attending today. He appreciates his willingness to hold their land and the National Historic site and Rattlesnake Springs. He sees its value for all of us. Some of our discussions over the last decade is we are

growing north. He does not take this vote lightly. Mr. Moore stated if it's growing so fast, then why doesn't the city have any schools on the east side of town. Councilman Estes responded that is a question for the School Board but since it is still in the County, it would be a county school. Upon roll call, the motion unanimously passed.

The following Resolution was presented in full:

d. **Resolution 2024-10** – A resolution requesting a referendum for the annexation of property located at Dry Valley Road, and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Trent Henry, Tonya Wilson, Tommy Haun, and Mary Ann McCamey, 160.15 acres, more or less, of property located at Dry Valley Rd., Tax Map 028 Parcel 048.03 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-10

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT DRY VALLEY ROAD, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(1), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in §§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 160 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is located to the north of the Cleveland Jetport, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
028	048.03	160	Dry Valley Rd.	David Henry Tonya Wilson Tommy Haun Mary Ann McCamey

160 TOTAL ACRES

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-09.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property:

Map	Parcel	Acreage	Address	Owner
028	048.03	160	Dry Valley Rd.	David Henry Tonya Wilson Tommy Haun Mary Ann McCamey

160 TOTAL ACRES

SECTION II. The City of Cleveland requests the referendum be held on March 5, 2024, in conjunction with the Presidential Preference Primary and the Bradley County Republican and Democratic Party Primaries already scheduled for that date.

SECTION III. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

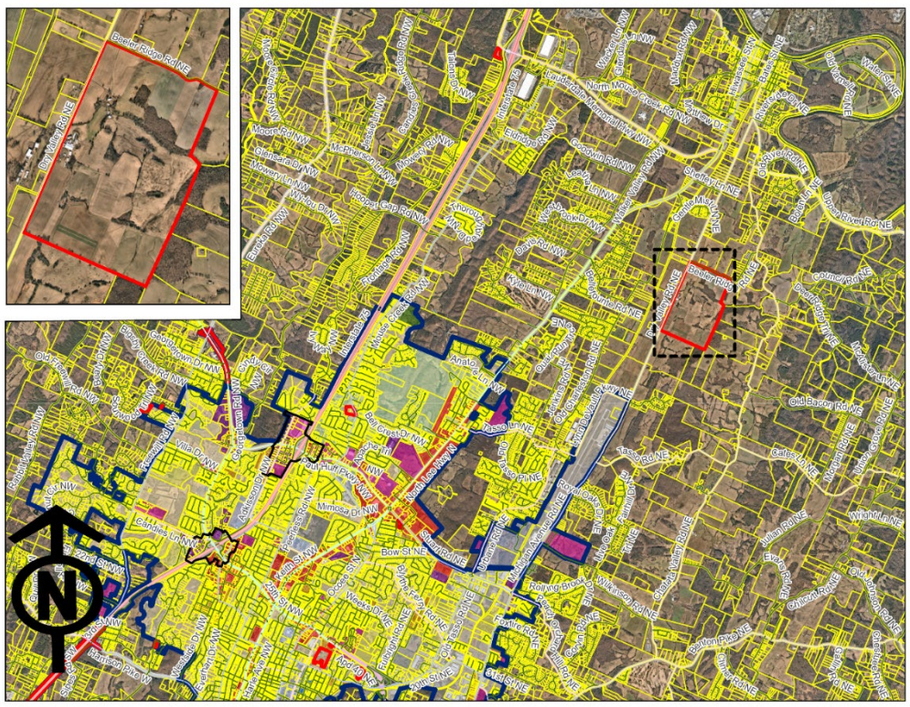
EFFECTIVE DATE: The 22nd day of January 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:



Councilman Estes moved that Resolution 2024-10 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was presented in full:

e. **Resolution 2024-11** – A resolution approving a Plan of Services for a proposed annexation of territory into the City of Cleveland by referendum (Request by Lynn Jones, 5.59 acres, more or less, of property located at South Lee Highway, Tax Map 056 Parcel 092.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-11

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

South Lee Hwy (056 092.00)

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 22, 2024, 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 Lynn Jones, as recorded in BCROD deed book 2997 page 351; thence with the western line of the lands of Jones and the eastern right of way of South Lee Highway in a northeasterly direction 137 feet, more or less, to the southwest corner of the lands of Tony Aldridge, as recorded in BCROD deed book 3029 page 274; thence with the southern line of the lands of Aldridge in a southeasterly direction 145 feet, more or less, to the southeast corner of the lands of Aldridge; thence with the eastern line of the lands of Aldridge in a north easterly direction 133 feet, more or less, to the northeast corner of the lands of Aldridge, said point also being the northeast corner of the lands of Jones; thence with the northern line of the lands of Jones in s southeasterly direction 986 feet, more or less, to the northeast corner of the lands of Jones; thence with the eastern line of the lands of Jones in a southwesterly direction 225 feet, more or less, to the southeast corner of the lands of Jones; thence with the southern line of the lands of Jones 1225 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

JANUARY 22, 2024
SOUTH LEE HIGHWAY (056 092.00)
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 5.59 acres located at South Lee Highway as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

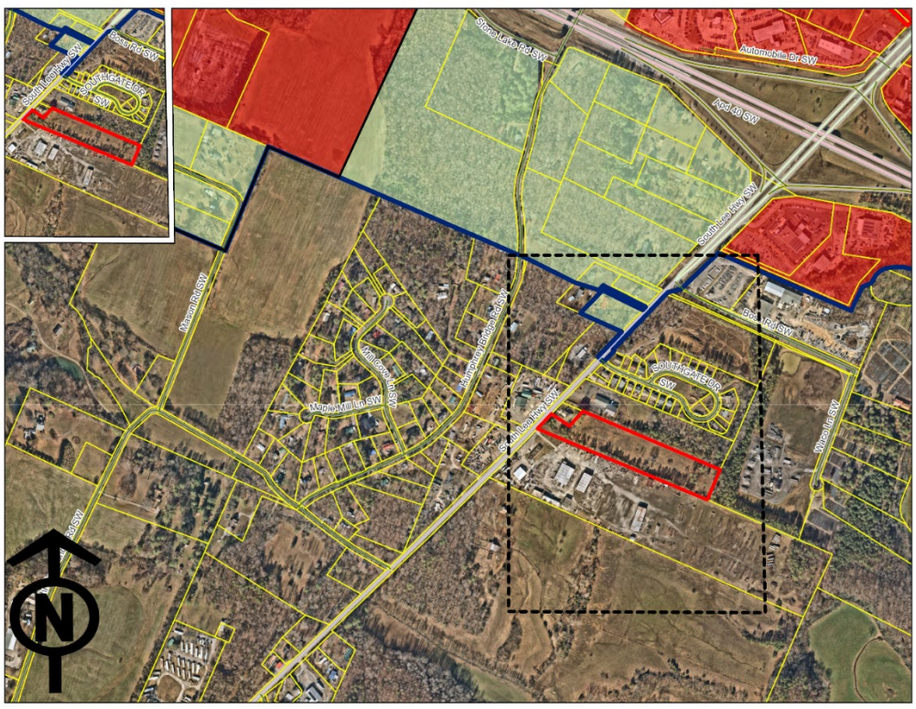
Introduction

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 outside the UGB with a formal request by the property owner.

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 5.59 acres total. The annexation would zone the property as PUD Planned Unit of Development. The land is vacant, and the proposed development would allow a residential neighborhood with a maximum of 30 single family homes. The property is described as Tax Map 056 Parcel 092.00.

South Lee Highway Annexation Map



Legal Description

Beginning at the southwest corner of the lands of Lynn Jones, as recorded in BCROD deed book 2997 page 351; thence with the western line of the lands of Jones and the eastern right of way of South Lee Highway in a northeasterly direction 137 feet, more or less, to the southwest corner of the lands of Tony Aldridge, as recorded in BCROD deed book 3029 page 274; thence with the southern line of the lands of Aldridge in a southeasterly direction 145 feet, more or less, to the southeast corner of the lands of Aldridge; thence with the eastern line of the lands of Aldridge in a north easterly direction 133 feet, more or less, to the northeast corner of the lands of Aldridge, said point also being the northeast corner of the lands of Jones; thence with the northern line of the lands of Jones in s southeasterly direction 986 feet, more or less, to the northeast corner of the lands of Jones; thence with the eastern line of the lands of Jones in a southwesterly direction 225 feet, more or less, to the southeast corner of the lands of Jones; thence with the southern line of the lands of Jones 1225 feet, more or less, to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

   There is no additional cost expected from this annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately without any impact to the budget.

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

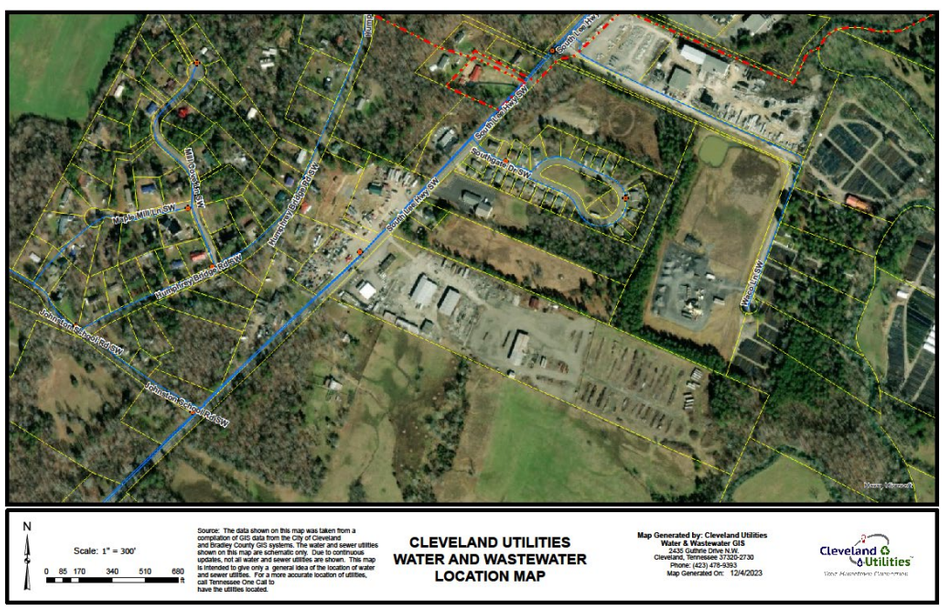
A. Domestic Water---Domestic water service is presently available to this parcel via a 6" water main along the west side of South Lee Hwy SW. See Figure 1 – Water Service.

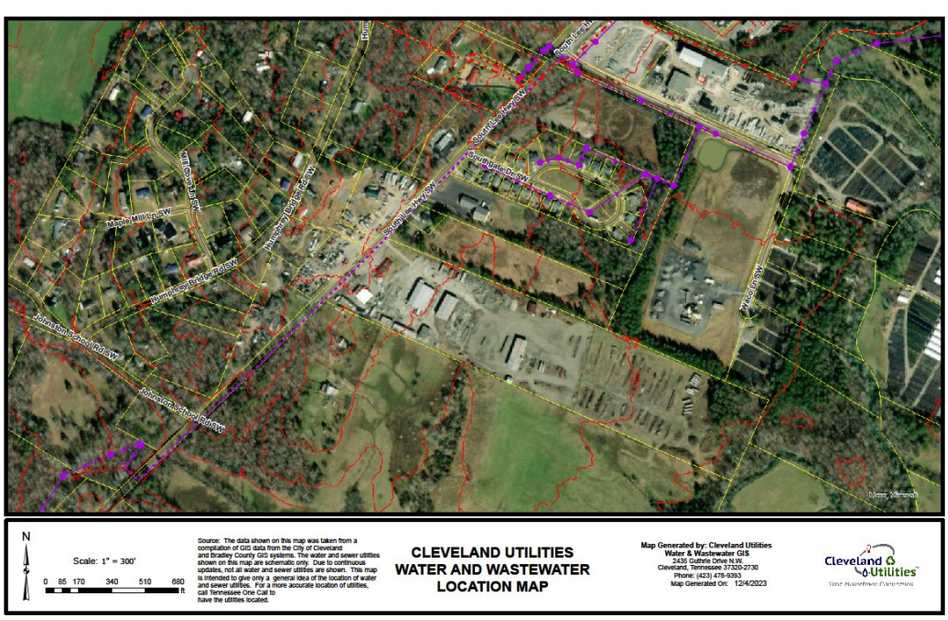
B. Sanitary Sewer--- Sewer service is not presently available to this parcel. To provide sewer service to this parcel, approximately 260± LF of 8" gravity sewer main is required to be constructed to the back of the parcel. Easements from several (approximately 3) property owners will be required. The Opinion of Probable Cost is $43,000. This work can be completed within 8 years. See Figure 2 – Sewer Service.

C. Fire Protection--- There is an existing fire hydrant 180' southwest of the parcel along South Lee Hwy. See Figure 1—Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
South Lee Hwy (056 092.00)	**$0**	**$43,000**	**$0**	**$43,000**





4. Electric Service

Cleveland Utilities serves this area, and will provide electric service for these residential customers.

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 annexation could cost Cleveland City Schools $11,250 per year and produce approximately 11 students.

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 xx 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. 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 **$36,403.13.**

Councilman May moved that Resolution 2024-11 be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Resolution was presented in full:

f. **Resolution 2024-12** – A resolution requesting a referendum for the annexation of property located at South Lee Highway, and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Lynn Jones, 5.59 acres, more or less, of property located at South Lee Highway, Tax Map 056 Parcel 092.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-12

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT SOUTH LEE HWY, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(1), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in §§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 5.59 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is located to the south of the existing City limits, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
056	092.00	5.59	South Lee Hwy	Lynn Jones

5.59 TOTAL ACRES

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-11.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property.

Map	Parcel	Acreage	Address	Owner
056	092.00	5.59	South Lee Hwy	Lynn Jones

5.59 TOTAL ACRES

SECTION II. The City of Cleveland requests the referendum be held on March 5, 2024, in conjunction with the Presidential Preference Primary and the Bradley County Republican and Democratic Party Primaries already scheduled for that date.

SECTION III. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

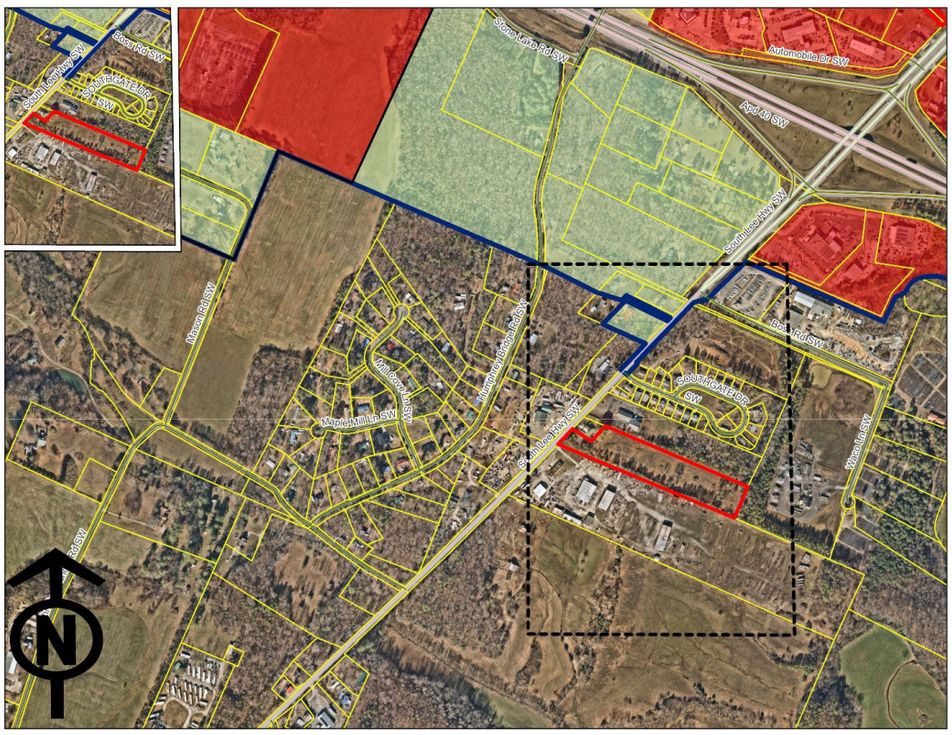
EFFECTIVE DATE: The 22nd day of January 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:



Councilman Cassada moved that Resolution 2024-12 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was presented in full:

g. **Resolution 2024-13** – A resolution approving a Plan of Services for a proposed annexation of territory into the City of Cleveland by referendum (Request by Bank of Cleveland, LLC, 4.93 acres, more or less, of property located at 9227 Frontage Rd., Tax Map 014 Parcel 051.00 (Planning Commission: Denied 5-1; 1 recused; 2 absent).

RESOLUTION 2024-13

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

9227 Frontage Road (014 051.00)

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 22, 2024, at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

Beginning at the northeast corner of the lands of Bank of Cleveland, as recorded in BCROD deed book 2472 page 440; thence with the eastern line of the lands of Bank of Cleveland and the western right of way of Frontage Road in a southerly direction 627 feet, more or less, to the southeast corner of the lands of Bank of Cleveland; thence with the southern line of the lands of Bank of Cleveland in a northwesterly direction 539 feet, more or less, to the southwest corner of the lands of Bank of Cleveland; thence with the western line of the lands of Bank of Cleveland in a northeasterly direction 635 feet, more or less, to the northeast corner of the lands of Bank of Cleveland, said point also being located in the southern right of way of Lower River Road; thence with the northern line of the lands of Bank of Cleveland in a southeasterly direction 268 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

JANUARY 5, 2024
9227 FRONTAGE Rd. (014 051.00))
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 4.93 acres located at Frontage Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

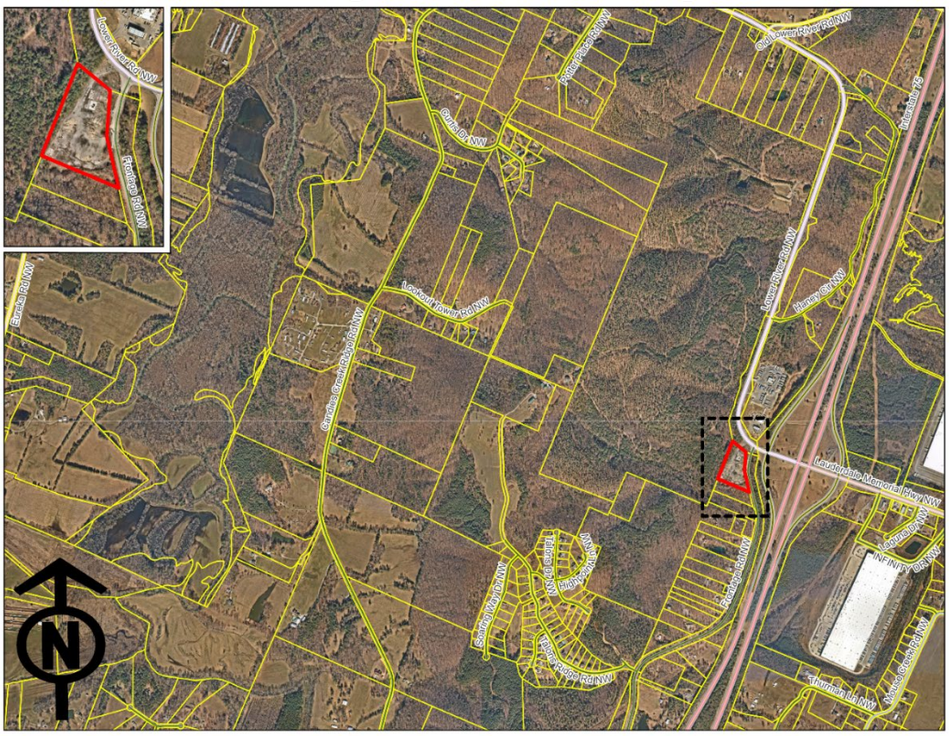
Introduction

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 outside the UGB with a formal request by the property owner.

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 4.93 acres total. The annexation would zone the property as CH Highway Commercial. The land holds a commercial building and would allow for future commercial development with no residential components. The property is described as Tax Map 014 Parcel 051.00.

Frontage Rd. Annexation Map


Lower River Rd NW
Frontage Rd NW
Lower River Rd NW
Frontage Rd NW
Lower River Rd NW
Interstate 85
Lower River Rd NW
Lower River Rd NW
Lower River Rd NW

in this area, the Fire Department may have adjust station locations to meet the demand.

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

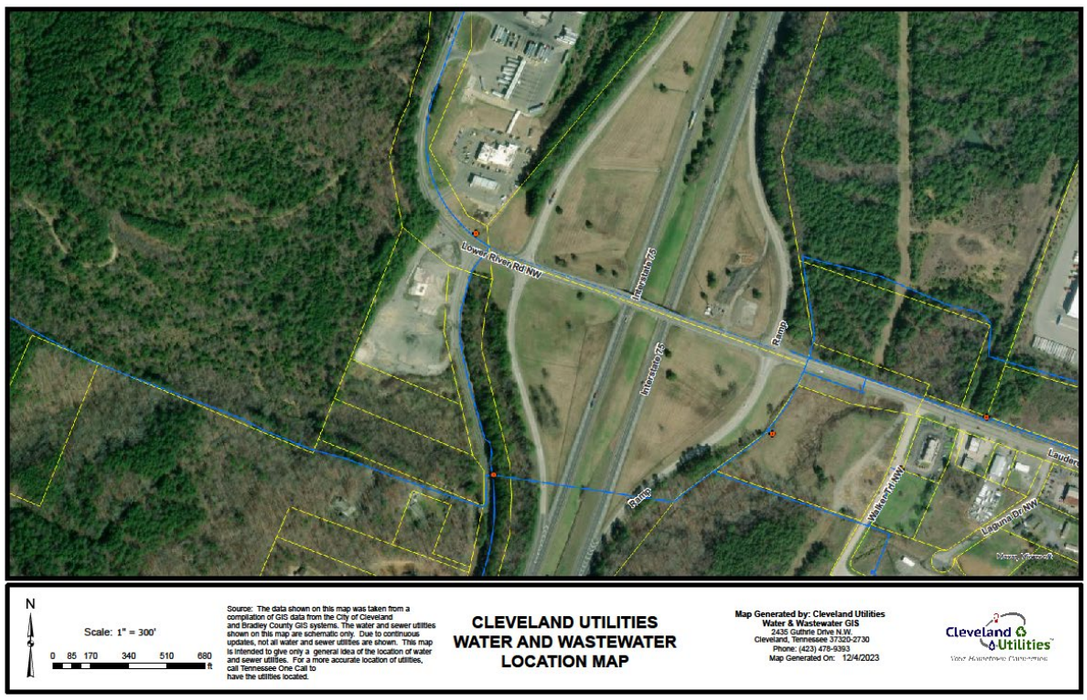
A. Domestic Water--- Domestic water service is presently available to this parcel via a 8" water main along the east side of Frontage Road. See Figure 1 – Water Service.

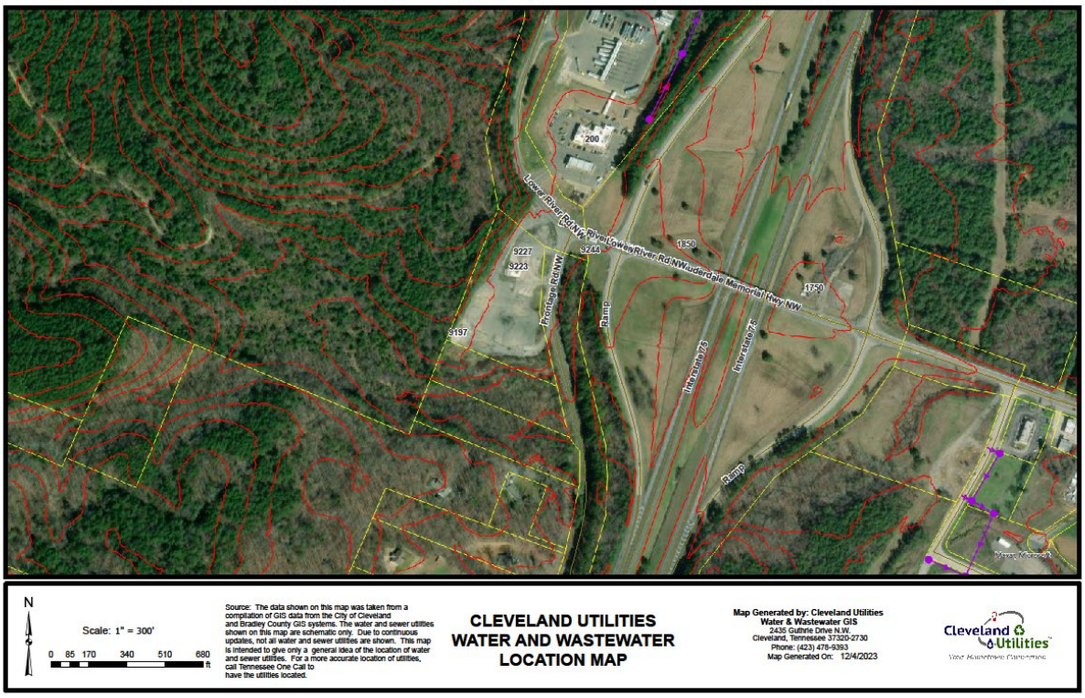
B. Sanitary Sewer--- Sewer service is presently not available to this parcel. To provide sewer to this parcel approximately 750± LF of 2" to 4" sewer force main is required to be installed, including boring 100± LF under Lower River Road NW. Easements from Loves Truck Stop and/or permission from TDOT will be required to complete the project. To provide sewer service to the parcel, the Opinion of Probable Cost is $89,3751. The sewer main can be completed within 8 years. See Figure 2 –Sewer Service.

C. Fire Protection--- There is an existing fire hydrant 190' north of the parcel at the intersection of Frontage Road NW and Lower River Road NW and an existing fire hydrant 360' south of the parcel along Frontage Road NW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Frontage Rd. (014-051.00)	**$0**	**$89,375**	**$0**	**$89,375**





4. Electric Service

There is electric service in this area served required to be served by VEC. If annexed, Cleveland Utilities may work with VEC to serve in the future.

5. Public Works

A. *Refuse Collection*

a. The City Public Works will not provide refuse pick-up to this location as a commercial property. They will have to have a private refuse service.

B. *Route Collection Services*

a. The City does not service commercial areas with this service. No additional equipment or manpower will be needed at this time.

b. The City is not required to provide service to commercial areas with leaf collection service. No additional equipment or manpower will be needed at this time.

C. *Street Repair and Maintenance*

a. No City streets included in this annexation.

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 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 will cost Cleveland City Schools $0.00 per year.

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 C-1 in the unincorporated County. The property is proposed for a 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 xx 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. 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 if it developed as a gas/service station is approximately **$14,430.63 per year from property tax. This number does not include Sales Tax.**

Councilman May moved that Resolution 2024-13 be accepted as presented. The motion was seconded by Councilman Webb. Councilman Estes stated I am all for this annexation. I am all for us expanding north. I am all for us getting to Exit 33 and everything in between. It makes perfect sense. The process I'm voting against, not the annexation. That means Plan of Service first, I am going to vote against the next item. I think we should start expanding the Urban Growth Boundary and include the County before this. Upon roll call, Councilmen May, Webb, Cassada, Hughes, Vice Mayor Johnson and Councilwoman McKenzie voted aye. Councilman Estes vote no. The motion carries 6-1.

The following Resolution was presented in full:

h. **Resolution 2024-14** – A resolution requesting a referendum for the annexation of property located at 9227 Frontage Rd. and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Bank of Cleveland, LLC, 4.93 acres, more or less, of property located at 9227 Frontage Rd., Tax Map 014 Parcel 051.00 (Planning Commission: Denied 5-1; 1 recused; 2 absent).

RESOLUTION 2024-14

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT 9227 FRONTAGE ROAD, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(1), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in §§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 4.93 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is located approximately 3.5 miles from the current City limits at its northern most point, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
014	051.00	4.93	9227 Frontage Rd.	BOC RE, LLC

4.93 TOTAL ACRES

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-13.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property:

Map	Parcel	Acreage	Address	Owner
014	051.00	4.93	9227 Frontage Rd.	BOC RE, LLC

4.93 TOTAL ACRES

SECTION II. The City of Cleveland requests the referendum be held on March 5, 2024, in conjunction with the Presidential Preference Primary and the Bradley County Republican and Democratic Party Primaries already scheduled for that date.

SECTION III. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

EFFECTIVE DATE: The 22nd day of January 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:


Frontage Rd NW
Georgetown Road NW
Peerless Rd NW
Georgetown Road NW
Keith Lee Rd NW
Georgetown Road NW
Georgetown Rd NW
Georgetown Rd NW
Georgetown Rd

i. **Motion** – Directing City Staff to begin the process to amend the Urban Growth Boundary.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **January 22, 2024**
RE: **Modification of Urban Growth Boundary**

SUMMARY:
City staff has made a recommendation to the City Council that if the Council approves the 'Annexation by Referendum' on Frontage Road that the City initiates the process to amend the Urban Growth Boundary to include that general area within a new Growth Plan area.

The first step of the process is for the City Mayor to send a letter of request to the County Mayor to begin the process. The County Mayor must begin the amendment process within 60 days.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends having the staff put together a letter for the Mayor and a comprehensive map that outlines the recommended Urban Growth Amendments. The City Council should review the comprehensive map before submitting it to the County Mayor. Then, at the correct time, have the Mayor submit the initial letter to the County Mayor. The intent is to form a partnership with the County on growth issues that impact City government.

Councilwoman McKenzie moved to begin the process of modifying the Urban Growth Boundary. The motion was seconded by Councilman Cassada. Councilman Cassada asked that city staff, through this process, think out how the Fire and Police, as we move north to that area, and get the Schools involved too, all the amenities we need to think about planning for 3-4 years out as this process moves forward so we can stay ahead of the curve. Possibly by August or September, if we could have locations for fire stations, a school and if necessary, a precinct on the north side of town for the Police, which he thinks we need one. As we grow, he would like a plan and understanding of what amenities we need to move in that direction. Mr. Fivas stated he agrees, and we could have something during the budget process for discussion. We might need to have a comprehensive growth plan that not only talks about the streets but how we are going to handle solid waste services, fire services and get that into a document. Maybe show how to expand our footprint with fire and law enforcement. Having a document and starting conversations addressing the growth and starting to put numbers to what it really is, is important. We will look through the budget process to get something. Councilman Cassada asked him to also consider Hooper Gap Road, from Frontage over to Mouse Creek, to take it over to North Lee Highway, out by the Cleveland Country Club. Mr. Fivas stated yes, the Michigan Avenue plan does have a Hooper Gap connector for future growth, which gets it to North Lee and up to the Regional Jetport. That has a State certified planning document on trying to make that a reality. Planning ahead is critical. Upon roll call, the motion unanimously passed.

Councilman Webb moved that Ordinance 2024-01; amending the Municipal Code Title 14, Chapter 2, Section 3.8 Accessory Structures and provide parameters for accessory structures and accessory dwellings be approved on final reading; heretofore passed on first reading January 8, 2024 and found in Minute Book 31, Page 448. The motion was seconded by Councilman Hughes; and upon roll call, the motion unanimously passed.

ANNOUNCEMENTS

Vice Mayor Johnson announced the following:

a. The next City Council meeting will be held on Monday, February 12, 2024.

b. City offices will be closed Monday, February 19 in observance of Presidents Day.

ADJOURNMENT

There being no further business, Vice Mayor Johnson adjourned the meeting at 3:46 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
FEBRUARY 12, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 12, 2024 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 Chris Bates; Jonathan Jobe, Assistant City Manager, Development and Recreation; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Doug Berry with the Chamber of Commerce; Sharon Marr with Mainstreet; Warbrit Lowery; Ben Berry with Berry Engineering; David Goodwill; Mark Lay with Wedgewood Accounting; Pat Burgess; Gracie Shamblin; Cameron Fisher with the Cleveland Greenway and Tim Siniard with the *Cleveland Daily Banner*.

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

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on January 22, 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

Auditor Mark Lay with Wedgewood Accounting, PLLC gave his annual report on the FY2023 City Audit. He thanked the City, Library, City School and Cleveland Utilities staff for their assistance and cooperation in obtaining any information that was requested. He encouraged the Council to read the Management Discussion and Analysis of the audit to have a better understanding of the audit. The Net Position increased by $41,304,060 on the government-wide statements, as shown on page 19. Governmental Funds increased by $12,985,216 as reflected on page 22. Capital Assets increased $4,254,553 and debt for governmental activities decreased $6,781,079. There will be a new GASB, effective June 30, 2025 regarding compensated absences and the calculations. Currently, you have liability for vacation pay and they are working to tweak the reporting. [Due to poor audio quality with the sound system and static interference, City Council questions were not audible.] Mr. Lay stated if anyone had any questions concerning the audit to feel free to contact him directly and as always, it has been a pleasure to serve as your auditor.

Mayor Brooks then presented Mark Lay with a proclamation and a key to the city for his 36 years as the City auditor.

Cameron Fisher introduced the new Greenway logo and presented each Councilmember with a mug. He then discussed the recent Greenway expansion projects and upcoming projects. Currently they are working on Phase 6, Willow and Inman, which is a federal grant.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a change in the ownership interest of members for Southside Wine & Spirits located at 1450 Fritz St SE. Mayor Brooks asked if anyone would like to speak concerning the request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by City Fields for consideration of an ordinance to zone about .15 acres, more or less, of property located at 246 High Street SE from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 058H Group C Parcel 019.00. Mr. Robert Varnell stated this lot has been used as a residential neighborhood. They intend to build a single-family home on the lot. The Planning Commission approved 5-0 with 2 absent and 1 recused. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of 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 Wes Hicks for consideration of an ordinance to zone about 1.24 acres, more or less, of property located at King Edwards Ave SE from R-2 Low Density Single and Multi-Family to IL Light Industrial Zoning District and includes Tax Map 057K Group E Parcels 015.00, 016.00, 017.00, and 018.00. Mr. Varnell stated staff and Planning Commission recommended to deny. There are several lots in the R2 block and there is light industrial in the area, but we look at the work Habitat and City Fields have improved the neighborhood, this is a residential neighborhood. Vice Mayor Johnson stated his understanding is the existing home would be torn down for them to build a warehouse. Mr. Varnell stated that is correct. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. Trisha Prince, who lives at 1561 King Edward Ave NW and also owns the property at 1553 King Edward Ave NW stated she was strongly opposed to the rezoning to industrial. There is a change happening in the neighborhood for the better and residents want to keep it residential as much as we can. A main concern is the children that walk in the dark every morning along King Edward to school. Additional traffic, especially industrial traffic will be worrisome for parents. No one else spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Asha Brothers for consideration of an ordinance to zone about 1.58 acres, more or less, of property located at Michigan Avenue from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 043 036.05. Mr. Varnell stated this is a situation along Michigan Avenue, the Council has approved over 1,000 townhomes over the past three years, of which most were on larger tracks of land. When we zone property to be residential, we have to make sure are other services being provided and being met; services, like goods or jobs. This has been zoned general commercial for some time. There are four commercial tracks on Michigan Avenue, staff has worked to protect the commercial component that does exist, so residents don't have to rely on driving to Paul Huff or Keith Street to do what they may do. The zoning request could allow up to twenty townhome units, which would still go through staff review. The Planning Commission did agree with the staff review and denied the request 5-1 with 2 members absent. This is a nice valuable piece of property, and we need to continue protecting the commercial corridor. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. Ben Berry of Berry Engineering, who represents the owner, stated he and the owner agrees with the analysis, that's why they wanted it commercial for a gas station. After review, a gas station was not warranted so they held onto it. They have owned the property for eleven years and it still does not warrant commercial use at that location. The owners are aggressive commercial developers, but this location does not have the market. The area has a Dollar General, a restaurant, and a gas station.

They would like to build townhomes which fit into the area. An ordinance change a couple years ago removed the permitted use of residential from this zone. The buffer ordinance would kick in if developed, a 8-foot fence, a row of evergreen trees every 10-feet and a row of shade trees every 35-feet. With the neighborhood behind us, they would look up and see a fence and the tops of the trees. Councilman May asked about the buffer if it would be a privacy fence. Mr. Berry stated yes, a solid wood fence, along with the two rows of trees. They sit lower than this site so they will have privacy, as with a gas station with lights that stay on all night, dumpster service, etc., which we see as a downside. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. David Sullivan, who lives directly behind the lot stated they have a lot of traffic already from the El Maguey restaurant, who uses the lot for overflow parking but to put another 18 units in here is going to make a lot of traffic and additional noise. the new residences have created additional traffic on Michigan Avenue. Soon, you are going to have to widen the roadway. They are unsure if it will cause drainage issues but currently, there is a mound that keeps water away. Evergreen trees already exist. We have an 8-foot fence where they put in the storage unit, where the boats and RVs are which is an eyesore for our neighborhood. Councilman May stated we need to find out about the drainage if that is going to be a problem. Mr. Varnell stated this has not gone through any level of site review at this time. Mr. Berry stated we will handle drainage like always, matching existing conditions and not make anything worse. Commercial would have additional runoff, as townhomes would have less impervious area. Commercial development would be 75% or 80% impervious. Townhomes would only be, per ordinance with 50% or less. Dan Rosenfield, who lives across from Mr. Sullivan stated he is against the rezoning for some of the same reasons. He disagrees that this fits into the community. All the residential is on the other side of the Social Services building, towards this property is commercial. As far as drainage issues, there will be more drainage coming from the field to where we live. The whole area is commercial and no reason to put a multi-family unit there. The traffic situation, since you've approved housing down near the airport and other approved developments, he has yet to see any traffic improvement plan for the intersection. Mayor Brooks stated we are actively pursuing improvements to Michigan Avenue. Mr. Rosenfield continued staff and the Planning Commission approved to deny it and believes the Council should as well. Ms. Patrice Poser, who lives next to Mr. Rosenfield stated this will increase her fear of people who don't have a place to go. The Mexican restaurant, they've been very good neighbors, and they go home at night. We've had water drainage problems already behind her house and concerned her french drain will not work anymore. Jerry Bushard, who lives on Orchard Place stated he is very concerned about noise, water runoff and traffic. Additional families will compact the problem more. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by KACE Construction for consideration of an ordinance to zone about .3 acres, more or less, of property located at Bible Street from R-2 Low Density Single and Multi-Family to MU Mixed Use and includes Tax Map 057D Group Q Parcels 016.00-018.00. Mr. Varnell stated if you remember this came before the Council to rezone to R2 and once they began to look at the lots, they did not want to build homes close to the adjacent warehouses and residents to have to deal with loud noises and commercial/industrial uses. If it is mixed used, they could do some industrial component with residential above it. This was approved by staff and the Planning Commission as well. This builder wants to build something people can enjoy. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by KACE General Partnership for consideration of an ordinance to zone about .33 acres, more or less, of property located at Linden Ave SE and 4th Street SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Zoning and includes Tax Map 057D Group Q Parcels 029.00 and 030.00. Mr. Varnell stated the surrounding parcels, it's an entire block of existing houses. They're all zoned heavy industrial. The way we've changed our ordinance it must be zoned residential before they can do so. It would match the rest of that block, even though the zoning is different. Staff and Planning Commission recommended

approval. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by General Board of Trustees of the Church of God of Prophecy for consideration of an ordinance to zone about 80 acres, more or less, of property located at North Lee Highway from RA Residential Agricultural to PUD 48 Planned Unit of Development and includes Tax Map 034 Parcels 020.00 and 020.02 and part of 034 020.01. Mr. Varnell stated this PUD has been worked on with the applicant. Both the applicant and the city staff were in pretty good agreement before we even got to the Planning Commission. There's a number on here that says 300 units, but I don't know if they'll get to that number because of some varying factors with the land and some other agreements, but it does allow it. The front of this parcel is commercial, and we'll maintain its existing feel but the back undeveloped area, they are looking to do new residential development. Staff and the Planning Commission supports the approval. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. Ben Berry of Berry Engineers stated this is the old Thomason College site. The church is the applicant but the developer Tom Cate. We're all very familiar with his outstanding track record. This will be another development along the same lines as Parkstone off Westside Drive with a variety of different housing options. Councilman Hughes asked if these will be the same quality of the homes built on Westside Drive? Mr. Cate stated yes, the same local builders. Councilman Hughes inquired about the tree line along the back of the property. Mr. Berry stated we have worked with a property owner in Bentley Park that will buy a 100-foot strip, which will remain wooded and undisturbed. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Joy Akins for consideration of a Plan of Service, a resolution to annex about 24.5 acres, and an ordinance to zone about 30 acres, more or less, of property located at Westland Drive from unincorporated County and MU Mixed Use to PUD42 and includes Tax Map 057 Parcel 011.00. Mr. Varnell stated this is an annexation of 23 acres and a zoning of 30 acres since part of it is already in the city. It is in proximity to the Veterans Home and has a total of six lots of what will be townhome units divided up into smaller lots with single family attached homes. We feel this is positive for everybody to have new construction there. Staff and Planning Commission was for approval. Councilman Cassada inquired about infrastructure on Westland Drive. Especially on trash day, traffic is held up considerably. Mr. Varnell stated it is a lot of traffic and as properties develop staff will take a look at traffic. If there was room for enhancements on the roadway, we would ask for it but it is only 40-feet wide. It is used as a cut-through. Mayor Brooks stated typically we ask developers to design a turn lane. Mr. Varnell stated yes, once we reach 150 units, we begin to look at infrastructure improvements, but this is 123 units and could be less once they get started. We can certainly look at putting something in there or at least study it. Councilwoman McKenzie stated she was concerned about water, as water occasionally is standing in the roadway. Mayor Brooks asked if anyone would like to speak in favor of the approval of the request. Ben Berry with Berry Engineers stated this is by the Veterans Home and Courtland Crest subdivision. The PUD has been modeled after the existing subdivision, both architecture and design. Townhomes will be in front with the bulk of residential in the back. Most of the site drains towards the interior of the site, to the existing creek. This is a flag stem, so the entrance is only 40 feet wide. There are a lot of traffic generators on Westland Drive that greatly exceed this development as far as a turning lane. There are several issues along Westland Drive that need to be resolved. Mayor Brooks stated we are dealing with the same situation like on Michigan Ave, Weeks Drive, we have generations of development where we did not acquire easements and land on either side of the road. The more developments we approve, the desire of the Council to work with every developer but going forward we have to think how to make Cleveland safer along these narrow roads. Mr. Berry stated yes, right-of-way dedication is an easy thing to do with a lot of developments. Mr. Fivas stated we can have our traffic engineers review and make a

recommendation on whether all subdivisions or entrances need to have a turn lane or meet some threshold. Mayor Brooks asked if anyone would like to speak in opposition to the approval of the request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

CONSENT AGENDA

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

a. **Motion** – Issuing a new Certificate of Compliance to Southside Wine & Spirits, LLC (Tithi Patel) due to a change in the ownership interest of members.
b. **Bid Summary** – Guardrail Maintenance

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **February 12, 2024**
RE: **Bid Summary – Guardrail Maintenance**

SUMMARY:
Sealed bids were received on January 31, 2024, for Guardrail Maintenance. Bids are listed below:

- Highway Markings **$494,590.00**
- Tennessee Guardrail, Inc. **$700,771.00**
- Roadway Solutions **$805,175.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Highway Markings, Inc.

c. **Reappointment** – *Building Board of Adjustment and Appeals* – Lisa Stanbery for an additional 3-year term to expire January, 2027
d. **Reappointment** – *Building Board of Adjustment and Appeals* – Dustin Hawkins for an additional 3-year term to expire January, 2027

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

Councilman Hughes stated the welcome sign coming off of I-75, he is happy that we are going to move it. He then asked about the traffic light at Don Ledford on North Lee Highway and understood TDOT will be installing a traffic light. Mr. Fivas replied we have not seen a timeline but his understanding is they have approved of a light. He will check with David Sheely. Lastly, Mr. Cate has built some wonderful developments in Cleveland and appreciates his efforts.

Councilman Webb stated he is glad to hear about litter pickup and if you see it, make a note and report it.

Vice Mayor Johnson stated he reached out to Mr. Myers concerning the manhole on Adkisson Drive where a gentleman ran into it and cut his tire. Mr. Fivas replied we will get with Cleveland Utilities to get it repaired.

Councilwoman McKenzie stated she noticed litter the other day and was curious who would take care of it, so she is glad to see a litter initiative. There is a lot of litter off Stuart Road. Mr. Fivas replied just let us know and we will take care of it.

Councilman Estes asked if Cleveland Utilities would look for additional street lighting at 1263 King Edward Ave SE. Secondly, he will represent the City on Saturday at a community event for Black History Month and if there's anything that the city would like him to share, please let him know. Lastly, the bridge on South Ocoee Street before the railroad tracks before 20th, is falling. Mr. Myers has a plan for repairs.

Mr. Fivas addressed the City Council concerning the earlier comments from the Fire Department. The Council and myself are huge supporters of the Fire Department and what was said today was correct, we do feel they are the top Fire Department in the State and well respected. For the last eight years, we have invested in four or five new vehicles or trucks, one rehab of a truck and additional turnout gear. The Council has really stepped-up funding. He stated he'd like to bring a couple points into context. This is by no means; it is wonderful they come and articulate their concerns. That's how things get done and processes start working. They mentioned the Battalion Chief issue. That is an issue that we had the Department of Labor involved, an issue on holiday pay. There is a grievance and not going into details, or interpret anything I say for or against it, but it is on holiday pay, which is a fairly small part of the issue. They've had the same system in place for 25 years so we haven't changed anything, just questions on why was it done that way for the last 20-25 years. We've had the Department of Labor involved, John Kimball, and MTAS and we've been actively working on how to understand and solve this concern. I think the impression was given that we're not working, but there has been a lot of work done, we just don't have a solution that works. We understand the issue and a lot of people are working and are involved. I want to take a minute about the issue with the $15 pay. That issue wasn't really brought to our attention until October or November. There were a few cents off as far as, they were $14 something and we looked at that and we went back, and activity solved the issue for the two or three employees that were really impacted. So, being proactive trying to fix that again, it was a matter of just off a few cents and being proactive to try to address issues that come. They also mentioned the leapfrogging issue. This is a little more sensitive and this is really why I wanted to make sure you understood. Our Human Resource Department has spent hours, if not 100 hours, looking at how someone could come close to leapfrogging or leapfrogging. The good thing is in all of the analysis that was done, working with consultants and working to figure out what was going on here, it was really a time value of money issue. Some of the promotions were given, for about 20 years, but the rate of pay for the Fire Department was mid $30's or so and some of the promotions were given when people were making significantly less. Now that the Council raised that up to $42,000-43,000, as far as starting pay, when someone recently got a promotion that time value of money impacts those numbers differently and we can show you on a piece of paper that the system is working fine. It's just when in time you get promotion, when you get raises and how a lot of that works. That's not an excuse. That's not trying to explain, I just wanted to make sure you have the context, and we take these issues extremely serious and are actively looking for solutions. This one, we really didn't have to fix anything because there wasn't anything wrong with all the fundamental numbers, but we thought it was the right thing to put the two or three people that were involved back to where they were. We did that in a matter of weeks when it was brought to our attention. I give Human Resources a lot of credit for spending a huge amount of time because we were concerned that there was something wrong with our system and what we found is that was not the case. We spent the appropriate amount of time and made the adjustments. The most important issue is the study. There probably is compression. Probably compression left in there

when the city wasn't in a position to give raises for four or five years. A lot of these people are talking about are 10-, 15-, or 20-year employees. If everyone, through our organization, went through that compression, there are issues with compensation because we didn't follow the comp study. I give the Council an extreme amount of credit for going above in most years what the cola rates are, as far as consistently giving 3.5. A lot of years there was 1 or 1.5. We've always been really good. In 2020 there were only a handful of cities in the state actually gave any raise at all with the uncertainty of COVID and we still stepped up and gave 3.5. That being said, that has kept us, our compression issues is some of the issues on what the Fire Department is seeing, they're moving on the scale very quickly, and when you talk about where they are using our software, they are beyond where they should be because of two factors. One, raises have been solid. Two, most organizations when you get promotion is usually 5% but we are at 8.2%. Our consultant recommended going back to 5% and we recommended staying at 8.2%. These issues are complex, but we take them very seriously and we're going to work with the Fire Department and this issue will likely impact all of our employees, is a better way to say it and we'll certainly try to communicate and to bring an understanding to the issues. No compensation system is correct because it gives numbers in percentages, the people at the top are outpacing our lower paid employees. Employees that were paid $12.00, $13.00 or $14.00 two years ago have all been brought up to $15 and we should be very proud that we're actually have a living wage for our employees. It takes the resources and the Council willingness to spend those resources. It is a great department, as over the last week and half over 100 applications for 4-5 positions and that is a great problem to have, and we should be very proud. When we looked at the Police Department they had 20 openings, and no applications. Those issues have been rectified because of the Council's ability to go out and then make some decisions. We were on a weekly basis having to fight off other municipalities from taking our equipment operators. Are there things we need to work on as far as some of the issues brought up in the conversation? Probably likely, but I think there's a lot of good that has been done for all of our employees. We're not perfect but keep that in context and we're happy to go into details on the specifics in individual meetings. Councilman Cassada stated since my tenure on the on this Council, the Council has supported fire, police and public works. Everybody out there. In 2018, just for the Fire Department, we funded $5.5 million for a new training tower, a new firehall, fifteen new firefighters, additional turn out gear so the Council has been very giving. Even with the Police Department's new satellite vehicle, you know, to use for lost kids and stuff. We have supported our first responders in a way that I don't know how else we can do that and that we have given them everything they've asked for. Mr. Fivas stated yes, but the right message is we need to continue to look and continue to do better. The really smart conversation, like benefits and reality is that Chattanooga, you have for your pensions, employees have put money into their pensions where we don't have to put any. Councilman Cassada stated benefits are a huge part of the conversation but at the same time, young people don't want benefits and that's just the way the mentality is now. Mr. Fivas responded we are seeing that with new employees we are hiring, they want something portable. Councilman May stated since he's been on this board, we've had a couple of comp studies that was major, major money and every time that we've done that we said we were going to keep it up annually. But then, whatever it could be, revenues down, we don't keep it up. Mr. Fivas responded we did this last one, then last year you guys made the changes and then this year we're planning on doing one. That's three evaluations in three years. Councilman May stated I'm sure you're using an independent company to come up with the numbers. Mr. Fivas stated yes. Councilman May continued I think we need apples to apples. And we need to pick out, they had five departments the same with public works and the same with Police Department. All of their other employees. We need to have job titles for that job that that person's doing. So, I've been involved in comp studies that come around and they say, what is your job? And you start to explain, and we've got another guy over here that he will tell him thirty things he's doing because this other guy didn't think about everything that he does in his job title. So, the person needs to have a job title and that job title is what needs to discuss, not the person, but the job title. Mr. Fivas stated that is the way the last study was done, they actually filled out their own job thing and turned it in. Councilman May stated I think sometimes the employees, on the local level, it personal. I'm not saying it is, but I'm saying the perception a lot of times that if we've got an independent person doing the study. We've got that study apples to apples then we've got something that they can look at. It's nothing personal. Any of us, you or any of the staff. I think we're all better off. Mr. Fivas stated I agree. Councilman Hughes stated it's surprising today

when a week and a half you'd have 100 people applying for the Fire Department. Cleveland Tennessee, out of 45,050 you'd have 100 make an application. Mr. Fivas stated he can't agree more with what Councilman May said and Councilman Cassada said looking at the benefits, a lot of those things are also extremely important. Councilman May added he'll be the first to say that we talk out of both sides of our mouth a lot of times, we want you to do a good study, a great study, get our employees where they need to be. We also want you to hold down the tax rate.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was presented in full:

a. **Zoning Ordinance 2024-04** - Concerning a request by City Fields for consideration of an ordinance to zone about .15 acres, more or less, of property located at 246 High Street SE from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 058H Group C Parcel 019.00 (Planning Commission: Approved 5-0; 2 absent., 1 recused).

Zoning Ordinance 2024-04

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 CG General Commercial Zoning District to R-2 Low Density Single and Multi-Family Residential Zoning District.

Approximately .15 acres, more or less, located on High Street as shown on the attached map.

For reference, the same property is being shown on a Tax Map 058H Group C Parcels 019.00 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved that Zoning Ordinance 2024-04 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call; unanimously passed.

The following Zoning Ordinance was presented in full:

b. **Zoning Ordinance 2024-05** - Concerning a request by Wes Hicks for consideration of an ordinance to zone about 1.24 acres, more or less, of property located at King Edwards Ave SE from R-2 Low Density Single and Multi-Family to IL Light Industrial Zoning District and includes Tax Map 057K Group E Parcels 015.00, 016.00, 017.00, and 018.00 (Planning Commission: Denied 7-0; 2 absent).

Zoning Ordinance 2024-05

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 to IL Light Industrial Zoning District.

Approximately 1.24 acres, more or less, located on King Edward Ave. as shown on the attached map.

For reference, the same property is being shown on Tax Map 057K Group E Parcels 015.00, 016.00, 017.00, and 018.00 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 2024-05 be denied on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call; unanimously passed.

The following Zoning Ordinance was presented in full:

c. **Zoning Ordinance 2024-06** - Concerning a request by Asha Brothers for consideration of an ordinance to zone about 1.58 acres, more or less, of property located at Michigan Avenue from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 043 036.05 (Planning Commission: Denied 5-1; 2 absent).

Zoning Ordinance 2024-06

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 R2 Low Density Single and Multi-Family Zoning District.

Approximately 1.58 acres, more or less, located on Michigan Ave. as shown on the attached map.

For reference, the same property is being shown on Tax Map 043 Parcels 036.05 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.

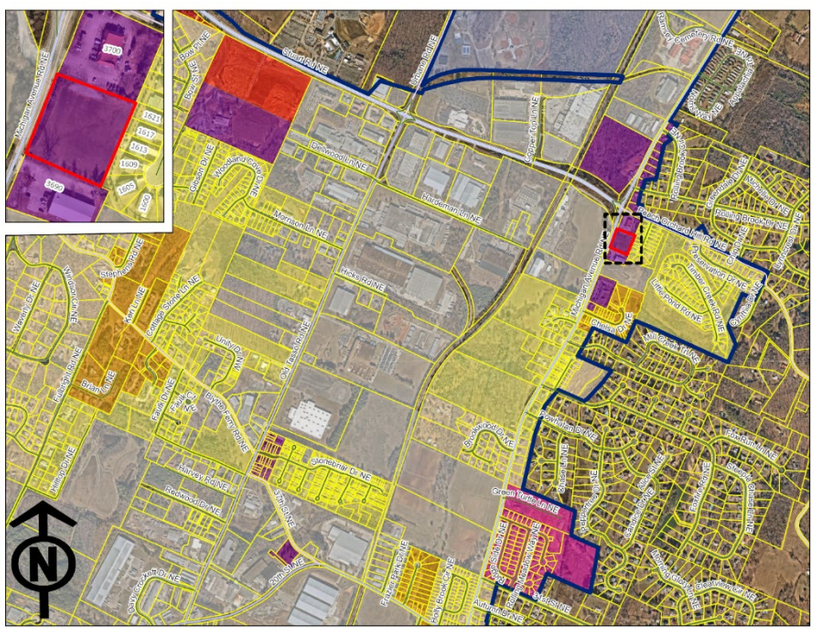
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May stated he has met and had conversations with adjoining property owners and feels it would be better to have this development, rather than a commercial development, with a dumpster and 24/7 lighting. Councilman May then moved to approve Zoning Ordinance 2024-06. The motion was seconded by Councilman Hughes. Councilman Estes then offered a substitute motion to deny. The substitute motion was seconded by

Councilman Cassada. Councilman Estes stated staff and the Planning Commission were against this item. It's not spot zoning, but it does not make sense. We just annexed larger properties further out Michigan Avenue, so more traffic. This needs to be commercial. You have overhead power lines and a boat and RV storage and now do townhomes. It's inconsistent and it's a really big reach for this Council to say staff, you're wrong. Planning Commission is wrong. Robert, you're wrong. There is room for commercial there. Councilman Hughes asked the families present if they'd rather have a convenience/gas station on the property instead of residential. You're all shaking your head, yes. Mr. Rosenfield stated it doesn't make sense to throw a cluster of homes in the middle of a commercial area. The safety concern and the traffic should be considered. Mayor Brooks asked for roll call on the substitute motion to deny the zoning request. Upon roll call, Councilman Estes, Councilman Cassada, Vice Mayor Johnson voted aye. Councilman May voted no. Councilman Hughes voted no. Councilman Webb voted no and Councilwoman McKenzie voted no. The substitute motion failed 4-3. Ms. Poser asked if they build and there is a stormwater runoff issue what do we do. Councilman Estes stated as Mr. Berry stated earlier, this will go through site plan with an engineer's stamp of approval and any stormwater runoff will be taken care of and is a non-issue. Mayor Brooks stated we have a Stormwater Division office that will handle any concerns. Mayor Brooks then stated we are back to the original motion to approve the zoning request by Councilman May, which was seconded by Councilman Hughes. Upon roll call, Councilman May, Councilman Hughes, Councilman Webb, Vice Mayor Johnson and Councilwoman McKenzie vote aye. Councilman Cassada voted no. councilman Estes voted no. The motion passes 5-2.

The following Zoning Ordinance was presented in full:

d. **Zoning Ordinance 2024-07** - Concerning a request by KACE Construction for consideration of an ordinance to zone about .3 acres, more or less, of property located at Bible Street from R-2 Low Density Single and Multi-Family to MU Mixed Use and includes Tax Map 057D Group Q Parcels 016.00-018.00 (Planning Commission: Approved 6-1; 2 absent).

Zoning Ordinance 2024-07

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 Residential Zoning District to MU Mixed Use Zoning District

Approximately .31 acres, more or less, located on Bible Street as shown on the attached map.

For reference, the same property is being shown on a Tax Map 057D Group E Parcels 016.00, 017.00, and 018.00 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.

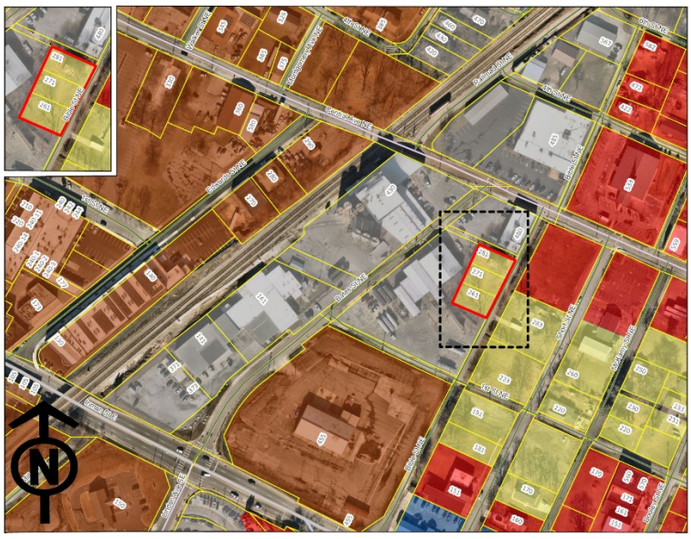
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-07 be approved on first reading. The motion was seconded by Councilman May; and upon roll call; unanimously passed.

The following Zoning Ordinance was presented in full:

e. **Zoning Ordinance 2024-08** - Concerning a request by KACE General Partnership for consideration of an ordinance to zone about .33 acres, more or less, of property located at Linden Ave SE and 4th Street SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Zoning and includes Tax Map 057D Group Q Parcels 029.00 and 030.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-08

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 R2 Low Density Single and Multi-Family Zoning District.

Approximately .33 acres, more or less, located on 4th Street as shown on the attached map.

For reference, the same property is being shown on a Tax Map 057D Group Q Parcels 029.00 and 030.00 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 2024-08 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call; unanimously passed.

The following Zoning Ordinance was presented in full:

f. **Ordinance 2024-09** - Concerning a request by General Board of Trustees of the Church of God of Prophecy for consideration of an ordinance to zone about 80 acres, more or less, of property located at North Lee Highway from RA Residential Agricultural to PUD 48 Planned Unit of Development and includes Tax Map 034 Parcels 020.00 and 020.02 and part of 034 020.01 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).

Ordinance 2024-09

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 TC RESIDENTIAL "PUD 48" 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 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, detached single family homes, and a clubhouse with a central amenity area. Exhibits B 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 are Townhomes, multifamily dwellings with two or more units per structure, and single family detached dwellings. Permitted uses within Areas 2, 3, & 4 are single family detached dwellings. Permitted uses within Area 5 are Townhomes, multifamily dwellings with two or more 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 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) for PUD48, TC Residential was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 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 PUD48 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 PUD48 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 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 PUD48 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: 50’

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 culdesac 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.

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 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 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 PUD48 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

Councilman May moved that Ordinance 2024-09 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call; unanimously passed.

The following Resolution was presented in full:

g. **Resolution 2024-15** - Concerning a request by Joy Akins for consideration of a Plan of Service for about 24.5 acres, more or less, for property located at Westland Drive and includes Tax Map 057 Parcel 011.00 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).

RESOLUTION 2024-15

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

WESTLAND DRIVE (057 011.00)

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 12, 2024, at the Cleveland Municipal Building, 190 Church St NE, on the proposed annexation of territory by owner

Beginning at an iron pin located at the southeast corner of lot 54 of The Orchard Subdivision as recorded in BCROD plat book 25 page 78; thence with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 209 feet, more or less, to a point where the southern line of The Orchards Subdivision intersects the existing City Limits, said point being the true point of beginning; thence continuing with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 350 feet, more or less, to an iron pin located at a corner of lot 50 of The Orchard Revised Lot 50 plat, as recorded in BCROD plat book 30 page 65; thence South 23 degrees 51 minutes 3 seconds West, 18 feet to an iron pin; thence North 66 degrees 8 minutes 57 seconds West, 72.40 feet to an iron pin; thence North 23 degrees 51 minutes 3 seconds East, 18 feet to an iron pin, said pin being located in the southern line of The Orchard Subdivision; thence North 66 degrees 8 minutes 57 seconds West 1,198 feet, more or less, to the northeast corner of tract 2 of the lands of Donald Gladden, as recorded in BCROD deed book 2786 page 330; thence with the eastern line of tract 2 of Gladden in a southwesterly direction 659 feet, more or less, to the southeast corner of tract 2 of the lands of Gladden, said point also being located in the northern line of the lands of the State of Tennessee, as recorded in BCROD deed book 2358 page 806; thence with the northern line of the lands of the State of Tennessee South 66 degrees 14 minutes 48 seconds East, 1572 feet, more or less, to a point where the northern line of the lands of State of Tennessee intersects the existing City Limits; thence with the existing City Limits in a north easterly direction 702 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

City of Cleveland TENNESSEE

FEBRUARY 12, 2024
WESTLAND DRIVE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 24.5 acres located on Westland Drive 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.

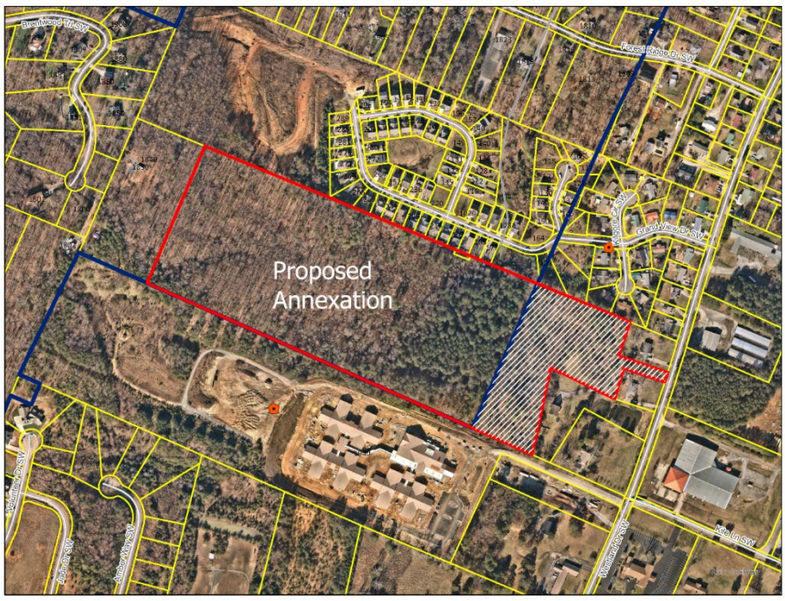
Introduction

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 multiple parcels which are contiguous with the existing limits of the City of Cleveland within the area of Cherokee Gateway Boulevard and Stone Lake Road. The annexation would zone the property as a Planned Unit Development with approximately 120 single family residential dwelling units. The property is described as Tax Map 057 Parcels 011.00.

WESTLAND DRIVE PROPERTY
MAP



Legal Description

Beginning at an iron pin located at the southeast corner of lot 54 of The Orchard Subdivision as recorded in BCROD plat book 25 page 78; thence with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 209 feet, more or less, to a point where the southern line of The Orchards Subdivision intersects the existing City Limits, said point being the true point of beginning; thence continuing with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 350 feet, more or less, to an iron pin located at a corner of lot 50 of The Orchard Revised Lot 50 plat, as recorded in BCROD plat book 30 page 65; thence South 23 degrees 51 minutes 3 seconds West, 18 feet to an iron pin; thence North 66 degrees 8 minutes 57 seconds West, 72.40 feet to an iron pin; thence North 23 degrees 51 minutes 3 seconds East, 18 feet to an iron pin, said pin being located in the southern line of The Orchard Subdivision; thence North 66 degrees 8 minutes 57 seconds West 1,198 feet, more or less, to the northeast corner of tract 2 of the lands of Donald Gladden, as recorded in BCROD deed book 2786 page 330; thence with the eastern line of tract 2 of Gladden in a southwesterly direction 659 feet, more or less, to the southeast corner of tract 2 of the lands of Gladden, said point also being located in the northern line of the lands of the State of Tennessee, as recorded in BCROD deed book 2358 page 806; thence with the northern line of the lands of the State of Tennessee South 66 degrees 14 minutes 48 seconds East, 1572 feet, more or less, to a point where the northern line of the lands of State of Tennessee intersects the existing City Limits; thence with the existing City Limits in a north easterly direction 702 feet, more or less, to the true point of beginning.

Plan of Services

1. **Police Protection**
   The annexation will cause a strain on police services along with all of the other annexations. Our staff is shorthanded, and we are currently having trouble hiring and retaining officers. This additional property will affect services and response times to emergencies throughout the city.

2. Fire Protection

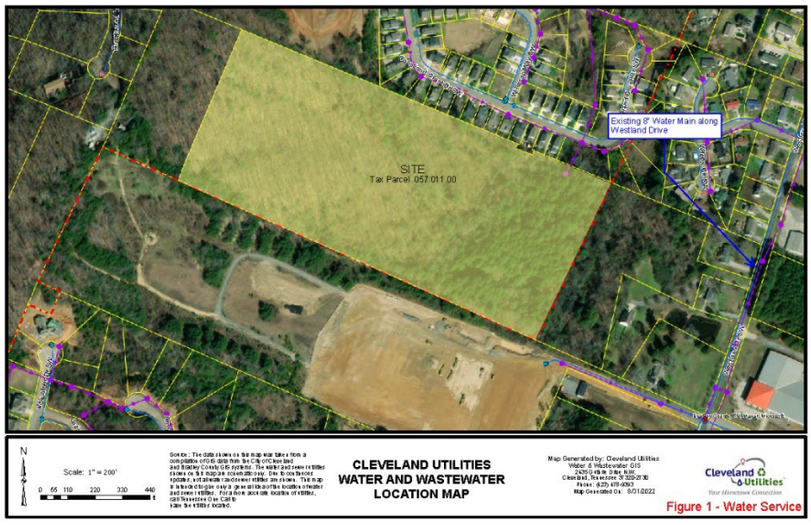
The Cleveland Fire Department can provide services to this area immediately using existing Station 6 without any impact to the budget.

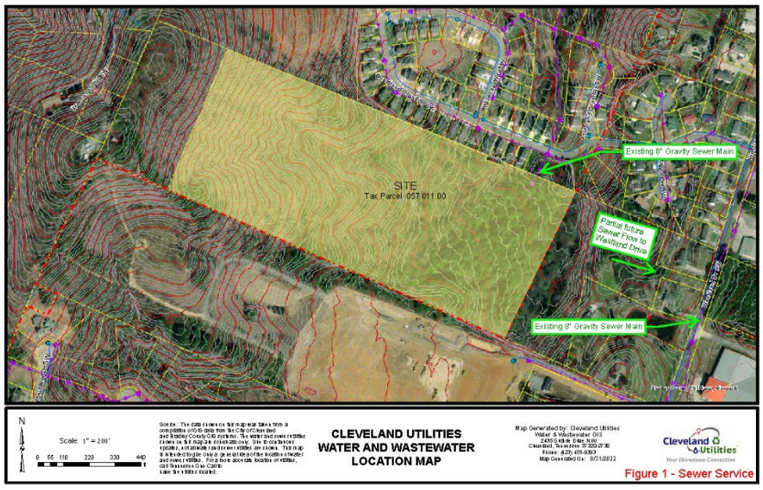
3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants

A. Domestic Water--- Domestic water service is presently available to this parcel via an 8" water main along Westland Drive. Any dense development that includes large amounts of concrete drives resulting in water mains under concrete for much of the development shall have ductile iron pipe. See Figure 1 – Water Service

B. Sanitary Sewer--- Sewer service is presently available to the parcel via an 8-inch gravity sewer main located in the northern property boundary of the parcel. The sewer manhole has finite capacity of approximately 100 residential units. Some (approximately 20) residential units can also potentially be served by the existing sewer main in/along Westland Drive. See Figure 2 –Sewer Service

C. Fire Protection--- If required by others, a fire hydrant may need to be installed near the entrance of the subdivision.





4. Electric Service

This property is currently served by Cleveland Utilities Electric Division. The electric engineering department for Cleveland Utilities has determined the existing three-phase line in front of the property would be sufficient.

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

It is estimated the Westland Drive annexation would cost the city $67,507.17 per year and add 69 students to enrollment. This would be located 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 zoned FAR Forestry/Agricultural/Residential Zoning in the unincorporated County and Mixed Use in the City. The property is proposed for a PUD Planned Unit Development Zoning District as its post-annexation zoning.

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

8. Animal Shelter

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

9. Voting Rights and City Elections

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

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

C. This annexation is expected to add approximately 450 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. 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.

IV. According to our maps there appear to be the possibility of hydric soils and streams on this site. A hydrological determination will be required and will need to be approved by TDEC. If it is determined that a wetland and/or stream is located on site, and work is proposed in those features, an Aquatic Resource Alteration Permit (ARAP) will be required before a Notice of Coverage can be issued. Please include Cleveland Stormwater staff in all communications.

Revenue

With approximately 120 homes developed on the site with an estimated value of $225,000 each, property tax revenue would increase to approximately **$119,137.50.**

Councilwoman McKenzie moved that Resolution 2024-15 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call; unanimously passed.

The following Resolution was presented in full:

h. **Resolution 2024-16** - Concerning a request by Joy Akins for consideration of a resolution to annex about 24.5 acres, more or less, for property located at Westland Drive and includes Tax Map 057 Parcel 011.00 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).

RESOLUTION 2024-16

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

WESTLAND DRIVE 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 12, 2024.

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 54 of The Orchard Subdivision as recorded in BCROD plat book 25 page 78; thence with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 209 feet, more or less, to a point where the southern line of The Orchards Subdivision intersects the existing City Limits, said point being the true point of beginning; thence continuing with the southern line of The Orchard Subdivision North 66 degrees 8 minutes 57 seconds West, 350 feet, more or less, to an iron pin located at a corner of lot 50 of The Orchard Revised Lot 50 plat, as recorded in BCROD plat book 30 page 65; thence South 23 degrees 51 minutes 3 seconds West, 18 feet to an iron pin; thence North 66 degrees 8 minutes 57 seconds West, 72.40 feet to an iron pin; thence North 23 degrees 51 minutes 3 seconds East, 18 feet to an iron pin, said pin being located in the southern line of The Orchard Subdivision; thence North 66 degrees 8 minutes 57 seconds West 1,198 feet, more or less, to the northeast corner of tract 2 of the lands of Donald Gladden, as recorded in BCROD deed book 2786 page 330; thence with the eastern line of tract 2 of Gladden in a southwesterly direction 659 feet, more or less, to the southeast corner of tract 2 of the lands of Gladden, said point also being located in the northern line of the lands of the State of Tennessee, as recorded in BCROD deed book 2358 page 806; thence with the northern line of the lands of the State of Tennessee South 66 degrees 14 minutes 48 seconds East, 1572 feet, more or less, to a point where the northern line of the lands of State of Tennessee intersects the existing City Limits; thence with the existing City Limits in a north easterly direction 702 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

Councilman Webb moved that Resolution 2024-16 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call; unanimously passed.

The following Ordinance was presented in full:

i. **Ordinance 2024-10** Concerning a request by Joy Akins for consideration of an ordinance to zone about 30 acres, more or less, for property located at Westland Drive from unincorporated County and MU Mixed Use to PUD 42 and includes Tax Map 057 Parcel 011.00 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).

Ordinance 2024-10

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 WESTLAND DRIVE "PUD 42" 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 42; 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 42" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 42 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 42 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 42, Westland Drive (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 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 B 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 42 Subdivision allows for the construction of up to 125 residential units without amending this ordinance. Permitted uses are Townhomes for areas described as lots 1-6 and single family detached dwellings for all other lots. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 42 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 Westland Drive 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 42 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 PUD42, Westland Drive was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on January 16, 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 PUD42 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 Westland Drive 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 PUD42 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 42 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 42 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 PUD42 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

Lots 1 – 6 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:	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

5. Sidewalks shall be provided on one side of all new streets
6. The community open space shall be a usable yet natural area.
7. 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.
8. A bus stop shelter shall be placed in cooperation with Cleveland City Schools.

7.C Miscellaneous Standards

~~8.~~ The exterior façades of all structures shall comprise a minimum of 50% brick or stone. The remaining structure shall be wood, composite, or fiber cement board materials (no vinyl siding on primary/front elevation except for accents such as soffits & fascia).~~-~~ All foundations shall be brick or stone.

9. 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.
10. Townhomes with front driveways shall have a garage.
11. A minimum of two off-street parking spaces per dwelling unit is required.
12. 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).
13. 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.
14. 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 PUD42 Westland Drive. 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 PUD42, 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 PUD42 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 Ordinance 2024-10 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call; unanimously passed. [Staff will review the area and ordinance for any road improvements.]

j. **Motion** – 25th Street Master Plan and Landscaping Initiative.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **February 12, 2024**
RE: **25th Street Master Plan & Gateway Initiative**

SUMMARY:

25th Street Master Plan:

Currently, the City has a comprehensive plan which was approved by the City Council for the Paul Huff Parkway corridor. Furthermore, City staff feels it would be helpful to create a 25th Street Master Plan for the community and City Council.

The 25th Street Master Plan will include the following projects:

1) 25th Street/Peerless Road intersection project-Mast Arms:
2) 25th Street/Georgetown/Westside Dr intersection project-Mast Arms:
3) J-Turn Safety Project:
4) 10 ft Multi-Path from I-75 bridge to Georgetown Rd:
5) 10 ft Multi-Path from Georgetown Rd to Peerless Rd:
6) 10 ft Multi-Path from Peerless Rd to Keith St to the Greenway:
7) Sidewalk from Cleveland State to 25th Street
8) Gateway landscaping for I-75 exits
9) Move Welcome to Cleveland Sign:
10) Reconfigure the median from I-75 to Keith Street
11) Gateway banners and decorative lights from I-75 to Keith St.
12) Sidewalk from 25th St to Melrose neighborhoods
13) Sidewalk to connect Peerless sidewalk to other side of the street
14) Stormwater improvements along the corridor

Gateway & Beautification Initiative:

The City has seven primary gateway areas in the city and several public areas that need improvement with wayfinding signs. The Gateways are:

1) Exit 25 Area
2) Exit 20 Area
3) Exit 27 Area
4) South Lee interchange with APD-40
5) North Lee Area at Anatole
6) Highway 64 Area
7) Dalton Pike Area

City staff proposes to create 'Community Gateways' at all of these areas. The 'Gateway' areas would include a monument sign and the necessary landscaping for these areas to welcome guests to our City.

City staff proposes to place new similar monument signs at all of our parks, downtown entrances, and public areas. These would also likely have a landscaping element for these items.

As part of this initiative, the City would hire a landscape crew to construct, manage and maintain all of these areas. The landscape crew would include a Landscaping Coordinator position (Level 113), Landscape Tech (Level 107), a Public Service Worker (Level 105), and seasonal employees.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:
Staff's recommendation to the City Council includes creating a formalized 25th Street Master Plan with a specific implementation timetable with the projects identified in this memo to be prepared for the budget presentation, and give direction to staff to propose in the budget to begin the implementation process to develop the Gateway & Beautification Program, and with approval of this item the Council would amend the Authorized Positions List and create the landscape crew to include a Landscaping Coordinator position (Level 113), Landscape Tech (Level 107), a Public Service Worker (Level 105), and seasonal employees.

Councilman Hughes move to approve the memo concerning the 25th Street Master Plan and Landscaping Initiative. 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 Monday, February 19 in observance of Presidents Day.

b. The next City Council meeting will be held on Monday, February 26, 2024.

ADJOURNMENT

There being no further business, Vice Mayor Johnson adjourned the meeting at 4:43 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
FEBRUARY 26, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, FEBRUARY 26, 2024 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 Chris Bates; Jonathan Jobe, Assistant City Manager, Development and Recreation; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Mike Griffin with the Chamber of Commerce; Sharon Marr with Mainstreet; Warbrit Lowery; Ben Berry with Berry Engineering; David Goodwill with City Fields; Hal Taylor; Charlie Boothe; Tom Cate; Philip Rosenfield; Adam Osborne; Duane Goff; Norma Hill; Gracie Shamblin; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Pastor Quantel Lindsey of The Table Church of God, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on February 12, 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

Bill Rosenfield addressed the City Council concerning Zoning Ordinance 2024-06, rezoning property located on Michigan Avenue from CG to R2. Mr. Rosenfield stated he lives behind this property and the residents are at a loss as to why this was approved at the last meeting. The residents would like an explanation. Staff reviewed it and did not recommend it. The Planning Commission reviewed and recommended denial. He then stated there was no way any Councilmember would allow this to happen if it was in their backyard or across the street from them. They would find a way to stop it. We are asking that you stop this voting change.

HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communications.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented 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.

a. **Final Passage - Zoning Ordinance 2024-04** – heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 512; Concerning a request by City Fields for consideration of an ordinance to zone about .15 acres, more or less, of property located at 246 High Street SE from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 058H Group C Parcel 019.00 (Planning Commission: Approved 5-0; 2 absent., 1 recused).

b. **Final Passage to Deny Zoning Ordinance 2024-05** - heretofore denied on first reading February 12, 2024 and found in Minute Book 31, Page 513; Concerning a request by Wes Hicks for consideration of an ordinance to zone about 1.24 acres, more or less, of property located at King Edwards Ave SE from R-2 Low Density Single and Multi-Family to IL Light Industrial Zoning District and includes Tax Map 057K Group E Parcels 015.00, 016.00, 017.00, and 018.00 (Planning Commission: Denied 7-0; 2 absent).
c. **Final Passage - Zoning Ordinance 2024-07** – heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 515; Concerning a request by KACE Construction for consideration of an ordinance to zone about .3 acres, more or less, of property located at Bible Street from R-2 Low Density Single and Multi-Family to MU Mixed Use and includes Tax Map 057D Group Q Parcels 016.00-018.00 (Planning Commission: Approved 6-1; 2 absent).
d. **Final Passage - Zoning Ordinance 2024-08** – heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 516; Concerning a request by KACE General Partnership for consideration of an ordinance to zone about .33 acres, more or less, of property located at Linden Ave SE and 4th Street SE from IH Heavy Industrial to R-2 Low Density Single and Multi-Family Zoning and includes Tax Map 057D Group Q Parcels 029.00 and 030.00 (Planning Commission: Approved 7-0; 2 absent).
e. **Final Passage - Ordinance 2024-09** – heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 517; Concerning a request by General Board of Trustees of the Church of God of Prophecy for consideration of an ordinance to zone about 80 acres, more or less, of property located at North Lee Highway from RA Residential Agricultural to PUD 48 Planned Unit of Development and includes Tax Map 034 Parcels 020.00 and 020.02 and part of 034 020.01 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).
f. **Final Passage - Ordinance 2024-10** – heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 531; Concerning a request by Joy Akins for consideration of an ordinance to zone about 30 acres, more or less, for property located at Westland Drive from unincorporated County and MU Mixed Use to PUD 42 and includes Tax Map 057 Parcel 011.00 (Planning Commission: Approved 6-0; 2 absent, 1 recuse).
g. **Resolution 2024-17** – Approving of a Training Reimbursement Agreement to be used by the Cleveland Police Department.

RESOLUTION 2024-17

A RESOLUTION APPROVING OF A TRAINING REIMBURSEMENT AGREEMENT TO BE USED BY THE CLEVELAND POLICE DEPARTMENT

WHEREAS, the upper management of the Cleveland Police Department, in conjunction with the Chief of Police, the City Manager and the City Attorney, have developed a training reimbursement agreement to be utilized by the Cleveland Police Department; and

WHEREAS, the City Manager and the Police Chief are requesting that the City Council approve of the attached training reimbursement agreement to be utilized by the Cleveland Police department; and

WHEREAS, the City Council desires to formally approve of the CPD's use of the attached training reimbursement agreement and to further authorize the Chief of Police, or the Chief's designee, to execute training reimbursement agreements with CPD employees 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 training reimbursement to be used by the Cleveland Police Department, and the City Council further

authorizes the Chief of Police, or the Chief's designee, to execute training reimbursement agreements with CPD employees on behalf of the City. [on file in the City Clerk's Office.]

This 26th day of February 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2024-18** – Authorizing the Industrial Development Board to negotiate and accept a payment-in-lieu-of-taxes (PILOT) from HHM Cleveland, LLC.

RESOLUTION 2024-18

A RESOLUTION CONSENTING TO THE INDUSTRIAL DEVELOPMENT OF BOARD OF THE CITY OF CLEVELAND TENNESSEE NEGOTIATING AND ACCEPTING FROM HHM-CLEVELAND, LLC PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A LOW AND MODERATE-INCOME HOUSING FACILITY IN CLEVELAND, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION7-53-305.

WHEREAS, the City Council (the "Governing Body") of the City of Cleveland, Tennessee (the "City") has met pursuant to proper notice; and

WHEREAS, the City has previously authorized the incorporation of The Industrial Development Board of the City of Cleveland, Tennessee (the "Board") as a public nonprofit corporation duly organized and existing under the provisions of Chapter 101, Title 48 of the Tennessee Code Annotated; and

WHEREAS, HHM-Cleveland, LLC (the "Company") has requested the Board to hold ownership of certain land upon which redevelopment of existing property for downtown commercial office space located in the City, along with the improvements and certain personal property to be located thereon (herein referred to as the "Project"); and

WHEREAS, as a part of such discussions, the Company has requested that the Board own the Project and lease the same to the Company or any affiliate of the Company under an arrangement whereby the Company or any affiliate of the Company will make payments in lieu of ad valorem taxes; and

WHEREAS, Tennessee Code Annotated Section 7-53-305 authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section; and

WHEREAS, the Board, acting at its February 14, 2024 meeting, has unanimously approved a motion (i) recommending the Project's request in accordance with the term hereinafter described and (ii) requesting consent of the Governing Body to the negotiation of such an agreement by the Board; and

WHEREAS, the acquisition, rehabilitation and equipping of the Project would enhance the availability of affordable housing in the City.

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

1. The Governing Body hereby finds that the negotiation and acceptance by the Board from the Company or any affiliate of the Company of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the City hereby consents to the Board negotiating and accepting

such payments in lieu of ad valorem taxes from the Company with respect to ad valorem taxes that could be assessed from the Company and to the Chairman of the Board executing such payment in lieu of tax agreements, leases and other documents to effectuate the payment in lieu of tax approval for the Company.

2. The terms of the agreement between the Board and the Company concerning payments in lieu of ad valorem taxes shall be determined by the Board, provided, however (i) the term of the payment in lieu of taxes shall not exceed fifteen (15) years commencing upon the completion of the project and issuance of a certificate of occupancy; and (ii) the annual payment in lieu of taxes shall not be less than the ad valorem taxes that would be payable before the redevelopment of the property occurred during the term of fifteen (15) years following completion of the project and issuance of a certificate of occupancy; and (iii) the agreement shall provide that should the Project fall out of compliance with the terms of the low-income housing tax credit use restrictions the agreement shall terminate; and (iv) the agreement shall provide that the lease cannot be assigned by the Company to another party without the prior written consent of the governing body and the Board.

3. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may provide that any ad valorem taxes paid by the Lessee to any taxing jurisdiction with respect to its leasehold interest in the Project shall constitute a credit against the payments in lieu of ad valorem taxes due such taxing jurisdiction.

4. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

5. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 26th day of February, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Resolution 2024-19** – Authorizing the City to purchase equipment for the Facilities Maintenance Division through the Master Intergovernmental Cooperative Purchasing Agreement #230202.

RESOLUTION 2024-19

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE SECURITY SYSTEM PRODUCTS AND SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #230202, 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 security systems products and services between Dormakaba USA, Inc. ("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 #230202, 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 security system products and services as a participating public agency under MICPA Contract #230202, 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

j. **Resolution 2024-20** – Authorizing the Mayor to sign a Perpetual Right of Way Easement with the Fillauer Family Partnership, L.P., concerning property located on 20th Street NE.

RESOLUTION 2024-20

WHEREAS, the City of Cleveland owns a parcel of real property located on 20th Street NE which is generally identified as Tax Map 050H-A-014.02 and is further described in the deed to the City from the Fillauer Family Partnership, L.P. (hereafter Fillauer) dated July 12, 2005 and recorded on July 19, 2005, in Book 1554, Page 801 in the Register of Deeds office of Bradley County, Tennessee; and

WHEREAS, this property is the location of Mayfield Elementary School, and the property is titled in the name of the City of Cleveland for the use and benefit of the Cleveland Board of Education (hereafter "the Board"); and

WHEREAS, the Board and Fillauer entered into an agreement in 2009 whereby the Board agreed to provide Fillauer with an easement across the school parcel to the Fillauer property that is located to the north of the school property; and

WHEREAS, the easement was and is intended to allow access from 20th Street NE across the Mayfield School parcel to the Fillauer parcel to the north, and the easement is located across a paved roadway designated as Fillauer Lake Road; and

WHEREAS, Fillauer Lake Road is not a City street, but it has been used by Fillauer and the general public to access the Fillauer property for many years after the school was constructed; and

WHEREAS, Fillauer recently entered into an agreement to sell its property to a third party, and the title company handling the transaction realized that a formal written easement had never been signed and recorded by and between Fillauer and Board of Education as called for in the 2009 agreement between Fillauer and the Board; and

WHEREAS, a written easement agreement has now been prepared by the title company and the easement is attached to this Resolution; and

WHEREAS, the Chairperson of the Cleveland Board of Education has already approved of this easement on behalf of the Cleveland Board of Education; and

WHEREAS, the title company is also requesting approval by the City since the property is titled to the City of Cleveland for the use and benefit of the Cleveland Board of Education; and

WHEREAS, the City Council desires to approve of the easement and authorize the Mayor to execute the same on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached easement, and it authorizes the Mayor to execute the easement on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 26th day of February 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

k. **Resolution 2024-21** – Authorizing the City to purchase a Knuckleboom for the Public Works Department through the Master Intergovernmental Cooperative Agreement #040621-PII.

RESOLUTION 2024-21

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #040621-PII, 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 Petersen Industries, Inc. ("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 #040621-PII, 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 #040621_PII, 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

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Shawn McKay, City Clerk

l. **Resolution 2024-22** – Authorizing the Mayor to sign an agreement with Cleveland Utilities Authority for the purchase of certain existing Greenway Lighting.

RESOLUTION 2024-22

WHEREAS, the City Manager and the management of Cleveland Utilities have been in discussions concerning the City's purchase from Cleveland Utilities of certain Greenway Lighting which is currently owned by Cleveland Utilities; and

WHEREAS, Cleveland Utilities has presented the City with a cost estimate for this purchase, which estimate has been incorporated into the attached agreement between the City and Cleveland Utilities for the purchase and future maintenance of the Greenway lighting described in the agreement; and

WHEREAS, the City Council desires to enter into the attached agreement for this purchase with Cleveland Utilities, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Cleveland Utilities for this purchase, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 26th day of February 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

m. **Resolution 2024-23** – Authorizing the Mayor to sign a Facilities Use Agreement with the Cleveland Board of Education for the use of Tinsley Park Tennis Courts by Cleveland High School Tennis Teams and the use of Raider Arena by the Cleveland Youth Basketball League.

RESOLUTION 2024-23

A RESOLUTION APPROVING OF A FACILITIES USE AGREEMENT WITH THE CLEVELAND BOARD OF EDUCATION FOR THE USE OF TINSLEY PARK TENNIS COURTS BY CLEVELAND HIGH SCHOOL TENNIS TEAMS AND THE USE OF RAIDER ARENA BY THE CLEVELAND YOUTH BASKETBALL LEAGUE

WHEREAS, the City Manager and City Parks and Recreation staff are recommending to the City Council that the City enter into a Facilities Use Agreement with the Cleveland Board of Education to provide for the use of the tennis courts at Tinsley Park by the Cleveland High School tennis teams, and the use of Raider Arena by the Cleveland Youth Basketball League; and

WHEREAS, the proposed agreement with the Cleveland Board of Education is attached to this Resolution; and

WHEREAS, the City Council desires to approve the attached agreement with the Cleveland Board of Education and to authorize the Mayor to execute the attached Facilities Use Agreement on behalf of the City once it has been approved by the Cleveland Board of Education.

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 Facilities Use agreement with Cleveland Board of Education, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City once the agreement has been approved by the Cleveland Board of Education. [on file in the City Clerk's Office.]

This 26th day of February 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

n. **Bid Summary** – HVAC

AGENDA ITEM
MEMORANDUM

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **February 26, 2024**
RE: **Bid Summary – HVAC Service/Maintenance**

SUMMARY:
The City advertised to accept sealed bids on February 20, 2024, for HVAC service and maintenance for City facilities. Bids are listed below:

- Icon Air & Mechanical Services **$38,266.00**
- Hoffman Mechanical **$41,184.93**
- Lee Company **$57,258.00**
- Interstate Mechanical Service **$82,140.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Icon Air & Mechanical Services.

o. **Bid Summary** – Tinsley Softball Field Fencing

AGENDA ITEM
MEMORANDUM

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **February 26, 2024**
RE: **Bid Summary – Tinsley Softball Field Fence**

SUMMARY:
The City advertised to accept sealed bids on February 20, 2024, to install fencing at the Tinsley Park softball fields. Bids are listed below:

- Dynamic Homes and Structures **$151,340.00**
- Exterior Home Solutions **$176,407.60**
- Siler Fence Company **$348,921.21**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Dynamic Homes and Structures.

p. **Motion** – Approving staff to submit a pre-application to the TN Department of Health for the Healthy Built Environment Grant.

AGENDA ITEM
MEMORANDUM

TO: **Mayor and City Council**
FROM: **Cathy Andrews, Redevelopment Coordinator**
DATE: **February 28, 2024**
RE: **Approval to Submit a pre-application for funding for Healthy Build Environment Grant**

SUMMARY:
Approval to submit Letter of Intent or Pre-Application to the Tennessee Department of Health for a Health Built Environment Grant for the purpose of funding a Futsal Court in the Blythe Community . The maximum grant is $80,000 and the city will leverage funds and in-kind services to complete the project if the grant is funded. Total is estimated not to exceed $85,000.

COMMITTEE FINDINGS:
N/A

FISCAL ANALYSIS:
$85,000

RECOMMENDATION:
Staff recommends approval.

UNFINISHED BUSINESS

Councilman May moved that Zoning Ordinance 2024-06 be approved on final reading; heretofore passed on first reading February 12, 2024 and found in Minute Book 31, Page 514; Concerning a request by Asha Brothers for consideration of an ordinance to zone about 1.58 acres, more or less, of property located at Michigan Avenue from CG General Commercial to R-2 Low Density Single and Multi-Family and includes Tax Map 043 036.05. The motion was seconded by Councilman Hughes. Upon roll call, Councilman May, Councilman Hughes, Councilman Webb, Vice Mayor Johnson and Councilwoman McKenzie voted aye. Councilman Estes and Councilman Cassada voted no. The motion carries 5-2.

Councilman Webb moved to approve the following memo concerning staff to initiate a bid package for 70 Inman Street and begin construction before the final Cherokee Hotel bid. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

AGENDA ITEM
MEMORANDUM

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **February 26, 2024**
RE: **Initiate Construction of Cherokee Hotel Project**

SUMMARY:
The City has the opportunity to begin the construction process on 70 Inman Street before the construction process begins on the Cherokee Hotel. City staff will give a presentation on how we could begin construction in June 2024.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends approval of giving staff the direction initiate the City bid process for the 70 Inman Street building to develop into a multi-use facility to allow City training, City public meetings, and for all formal City meetings.

REPORTS OF COUNCIL MEMBERS

Councilman May had no report at this time.

Councilman Hughes had no report at this time.

Councilman Webb had no report at this time.

Vice Mayor Johnson had no report at this time.

Councilwoman McKenzie stated Keep America Beautiful will have a luncheon on Monday at 12 noon with a special speaker, Aubrey Preston, who is the creator of the Trashercise Program adopted by the Governor to combine exercise and litter pickup into one event. There will be a Trashercise event on March 9 at 8:30 a.m. at the YMCA. Volunteers are welcome. Missy Marshall with TN Keep America Beautiful will be with us as well.

Councilman Estes thanked Mr. Fivas for the review of the consent agenda during the Work Session. We quickly go over the consent agenda, and there's just so many good things in there for the City of Cleveland. It's not lost on him the work by staff.

Councilman Cassada had no report at this time.

Mayor Brooks stated he is reappointing to the Planning Commission Ben Berry for an additional three-year term.

NEW BUSINESS AND ORDINANCES

There was no new business and ordinances.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, March 11, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:14 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MARCH 11, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 11, 2024 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 David May, Tom Cassada, Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Councilman Bill Estes was absent.

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 Chris Bates; Development and Recreation; Chris Gaylor, Assistant IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Doug Berry with the Chamber of Commerce; Sharon Marr with Mainstreet; Lucy Rymer with the Museum; Warbrit Lowery; Ben Berry with Berry Engineering; Hal Taylor; Jodi Riggins; Interim School Director Kelly Kiser; Charlie Boothe; Angela Mathis; Dewayne Belew; Lawrence Armstrong; Gracie Shamblin; and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Avery Johnson, and a moment of silence for Allen Murphy, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on February 26, 2024 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

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

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Councilman Webb stated today we have a proclamation recognizing the success of the American Cancer Society Relay for Life. After a brief video, Mayor Brooks presented the proclamation to Dewayne Belew and Angela Mathis.

"AMERICAN CANCER SOCIETY"
"RELAY FOR LIFE DAY"

Whereas, for more than 10 decades, the American Society has been dedicated to pursuing better outcomes for every cancer, every life; and . . . .

Whereas, the Cleveland Bradley Relay for Life started in 1993 to advance the mission of the American Cancer Society by allowing local volunteers, survivors, caregivers and supporters to raise funds to provide support and advance cancer research; and . . . .

Whereas, the mission of the American Cancer Society is to improve the lives of people with cancer and their families through advocacy, research, and patient support, to ensure everyone has an opportunity to prevent, detect, treat, and survive cancer; and . . . .

Whereas, the Cleveland Bradley Relay for Life has raised in excess of 3.5 million in 31 years; and . . . .

Whereas, the American Cancer Society is proud to have contributed to the work that has resulted in a 33 percent drop in the overall cancer death rate in the United States.

That drop equates to 3.1 million fewer cancer deaths between 1991 and 2023; and . . . .

Whereas, the Cleveland Bradley Relay for Life in 2023 was chosen by the American Cancer Society as the number one Relay in Tennessee, the Southeast United States and the entire Nation,

NOW THEREFORE, I, Kevin Brooks and the Cleveland City Council, do hereby declare April 20, 2024 as:

"Relay for Life Day in Cleveland, Tennessee"

Mr. Belew thanked the Council for their support over the years. This year we will again have the ice cream sandwich eating contest and Councilman Cassada agreed to participate again. He then asked for continued prayers for the right things to do and say to help fight cancer and secondly, they need survivors to register, free of charge, to walk the opening lap of the relay. He would like to see at least 100 cancer survivors join this year. Councilman Webb then presented Mr. Belew and Ms. Mathis with a sign for the group to use as they see fit during the next relay. Mr. Belew again thanked the Council for their continued support and for the upcoming Relay for Life on April 20.

Lucy Rymer, Director of the Museum Center at 5ive Points addressed the City Council concerning upcoming events. March 23, it will be a family fun day, all about bugs. April 10-14 we will have a Stitches in Time Quilt Show, Tartan Day on April 4, with the Chattanooga Pipe Band and a Scottish theme buffet. April 20 will be the Keg, Cork & Barrel event, April 27 is Cleveland High prom and April 30 will be the Chattanooga Symphony. It is an amazing time to be a part of the Museum. Ms. Rymer continued that they are one of the recipients of the Downtown Improvement grant, which will provide new redesigned banners that include the Smithsonian designation. She thanked the Council for their continued support.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held to hear public comments concerning a request by Ryan Wampler for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 17.5 acres, more or less, of property located at Buchanan Road from FAR/Unincorporated County to PUD 50 Planned Unit Development and includes Tax Map 065 Parcels 040.00 and 044.00. Mr. Varnell stated this will be single-family detached homes with some open space. Although the number is uncertain, we are at a max of 90 homes. At the moment, this is noncontiguous, and will require an Interlocal Agreement with Bradley County to proceed. The Planning Commission Approved 7-1 with 1 recusal. Councilman Webb asked about the minimum width of the lots. Mr. Varnell stated 5000 square feet, or 50x100. Mayor Brooks asked if anyone would like to speak in favor of the approval. Ben Berry with Berry Engineering stated this is a single-family site, with architecture standards like brick with open spaces. Councilman Webb inquired about the water/sewer lines. Mr. Berry stated the sewer is close and the developer is aware of the costs. Mayor Brooks asked if anyone would like to speak in opposition to the approval. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held to hear public comments pertaining to the 2024 Brownfield Redevelopment Area Grant project. Cathy Andrews, CDBG Coordinator addressed the Council concerning the Brownfield grant and steps to apply. The grant application will be due in April, so at the next meeting we will have a resolution authorizing the application. Mayor Brooks asked if anyone would like to speak concerning the project. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. 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.

a. **Contract Extension** – Laundry & Dry Cleaning Services one-year contract extension with Champion Cleaners.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **March 11, 2024**
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:
Recommendation is to approve a one-year contract extension beginning May 1, 2024.

b. **Resolution 2024-26 -** Authorizing the City to purchase equipment for the Public Works Landscaping Division through the Master Intergovernmental Cooperative Purchasing Agreement #082923-DAC between Deere & Company and Sourcewell.

RESOLUTION 2024-26

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #082923-DAC, 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 Deere & Company. ("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 #082923-DAC, 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 #082923-DAC, 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

c. **Motion** – Staff to proceed with preservation of the Cherokee Chieftain.

TO: **Joe Fivas, City Manager**
FROM: **C. Seth Sumner, Transportation Planner**
DATE: **March 7, 2024**
RE: **Recommendation on Chieftain**

SUMMARY:
Following the Council's conversation about preserving the Cherokee Chieftain in November, as the weather is turning favorable for preservation efforts this spring, the time is nigh for action. Staff has researched best practices and products for preservation of the wood and has obtained costs from a local service provider. With the help of the service provider, staff has identified the following process: gently clean the existing surface, use Bora-Care for pest prevention, repair holes and cracks with wood-epoxy, and stain/seal the wood with a transparent and natural colored restoration product. This level of care should be provided annually or biennially to best protect and preserve the Chieftain.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
Staff have received a quote for services from a local vendor who has previously performed similar services for the City of Cleveland. Freddy Mora is available to provide services for $4,500. Attempts to obtain other quotes from qualified vendors have been futile as calls have not been returned.

RECOMMENDATION:
Staff recommends City Council approve funding the services of Mr. Freddy Mora and select the natural stain and sealer color to be used on the Chieftain. Staff further recommends that this process be considered as regular annual or biennial maintenance, as needed, for further protection and extending the life of the Chieftain.

d. **Resolution 2024-27** – Authorizing the Mayor to sign an agreement with Locality Media, Inc dba First Due for software to be used by the Cleveland Fire Department.

RESOLUTION 2024-27

WHEREAS, the Cleveland Fire Department is requesting that the City Council approve of the attached software agreement between the City and Locality Media, Inc. doing business as First Due; and

WHEREAS, the City Council now desires to accept the attached agreement with Locality Media, Inc., and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Locality Media, Inc., and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 11th day of March 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

UNFINISHED BUSINESS

Mr. Fivas stated the Facility Use Agreement with Cleveland City Schools was on the agenda of the last meeting and since that time, there have been a few questions, so to make sure we get it right we have placed it back on today's agenda if the Council wishes to modify the agreement. One main issue is the use of the tennis courts for practices. Cleveland High teams uses all seven courts during games and tryouts and the agreement was written that they have five out of the seven courts for practice. That allows two courts to be for public use during practice times. Mr. Hal Taylor stated he understands when teams practiced, they ran into issues with people trying to use the courts and he believes signage would help, identifying court practice times for the teams. He thought five courts for practice were okay, it was just the signage. Councilman Hughes asked if they were agreeable with five for practice and two for free play. Seven for games and tryouts. You will not need them after the tennis season is over in mid-April. Mr. Taylor stated he hasn't spoken to the Athletic Director, but his understanding was needing signage for practice times. Councilman Hughes stated he spoke with the Athletic Director, who said they needed seven courts for practice, as they have 24 players and during the season he feels that is reasonable. Mr. Taylor stated yes, I'm sure we could use all seven but can live with five. Mr. Kimball stated if you want to modify the agreement you can do that by motion. Couniclwoman McKenzie asked about extending the practice hours for five courts. Mr. Kiser stated it would benefit our students to extend that time and seven courts. We are willing to work with the City with any number of courts you provide. This is a brief period during the Spring, and we are willing to work through any issues. Councilman Hughes moved to modify the agreement to allow for seven courts to be used during the practice times for the Tennis season. Mayor Brooks stated the motion dies for lack of a second. Councilman Cassada asked if this could be tabled to the next meeting to have the Athletic Director, Coaches and tennis community come in for additional discussion. Mayor Brooks stated this item will be added to the March 25 agenda.

REPORTS OF COUNCIL MEMBERS

Councilman Hughes had no report at this time.

Councilman Webb had no report at this time.

Vice Mayor Johnson had no report at this time.

Councilwoman McKenzie had no report at this time.

Councilman Cassada had no report at this time.

Councilman May had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

a. **Resolution 2024-24** - Concerning a request by Ryan Wampler for consideration of a Plan of Service for about 17.5 acres, more or less, of property located at Buchanan Road and includes Tax Map 065 Parcels 040.00 and 044.00 (Planning Commission: Approved 7-1; 1 recused).

RESOLUTION 2024-24

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

BUCHANAN RD. (065 040.00 and 044.00)

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 March 11, 2024, 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 lands of Ryan and Emily Wampler parcel 1, as recorded in BCRD deed book 2992 page 50, said point being located in the western right of way of Buchanan Road; thence with the eastern line of the lands of Wampler south 8 degrees 40 minutes west, 297.16 feet to a point, thence south 10 degrees 9 minutes west, 121.75 feet to a point; thence south 12 degrees 15 minutes west, 66.06 feet to a point; thence south 18 degrees 13 minutes west, 33.55 feet to appoint; thence south 23 degrees 34 minutes west, 40.14 feet to a point; thence south 28 degrees 7 minutes west, 56.74 feet to an iron pin, said point being the southeast corner of the lands of Wampler and the northeast corner of an unopened right of way; thence crossing the unopened right of way with western right of way of Buchanan Road 30 feet, more or less, to the southwest corner of Buchanan Road and the unopened right of way; thence with the southern edge of the unopened right of way in a northwesterly direction 708 feet, more or less, to the northeast corner of parcel 2 of the lands of Wampler; thence with the lands of Wampler south 26 degrees 53 minutes west, 145 feet, more or less, to the southwest corner of parcel 2 of Wampler; thence with the western line of parcel 2 of the lands of Wampler in a northeasterly direction 206 feet, more or less, to the northwest corner of parcel 2 of Wampler, said corner also being located in the southern line of the unopened right of way; thence following the southern line of the unopened right of way in an westerly direction 289 feet, more or less, to the southwestern corner of the unopened right of

way; thence with the western line of the unopened right of way in a northerly direction 30 feet, more or less, to the northwest corner of the unopened right of way, said point also being the southeast corner of an unopened portion of A Street; thence with the southern right of way of the unopened portion of A street in a northwesterly direction 40 feet, more or less to the southwest corner of the unopened right of way of A Street; thence with the western line of the unopened right of way of A Street in a northeasterly direction 620 feet, more or less, to the southwest corner of the unopened right of way of A Street and 29th Street; thence with the southern right of way of 29th Street in a northwesterly direction 478 feet, more or less, to a point where the southern right of way of 29th Street intersect the existing City Limits; thence crossing 29th Street in a northeasterly direction with the existing City Limits 40 feet, more or less, to the a point where the existing City Limits intersects the northern right of way of 29th Street; thence following the northern right of way of 29th Street in an easterly direction 958 feet, more or less, to the northwest corner of the intersection of 29th Street and Bo Street; thence crossing the intersection in southwesterly direction 44 feet, more or less, to the southwest corner of the intersection of 29th Street and Bo Street, said point being located in the norther line of parcel 1 of Wampler; thence with the northern line of parcel 1 of Wampler in a southeasterly direction 924 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

FEBRUARY 20, 2024
BUCHANAN ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 17.5 acres located at Buchanan Rd. 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 two parcels, approximately 17.5 acres total. The annexation would zone the property as PUD Planned Unit of Development. This is a vacant lot and a single family detached dwelling community is proposed. The property is described as Tax Map 065 Parcels 040.00 and 044.00.

Buchanan Road Annexation Map



Legal Description

Beginning at an iron pin located at the northeast corner of the lands of Ryan and Emily Wampler parcel 1, as recorded in BCRD deed book 2992 page 50, said point being located in the western right of way of Buchanan Road; thence with the eastern line of the lands of Wampler south 8 degrees 40 minutes west, 297.16 feet to a point, thence south 10 degrees 9 minutes west, 121.75 feet to a point; thence south 12 degrees 15 minutes west, 66.06 feet to a point; thence south 18 degrees 13 minutes west, 33.55 feet to appoint; thence south 23 degrees 34 minutes west, 40.14 feet to a point; thence south 28 degrees 7 minutes west, 56.74 feet to an iron pin, said point being the southeast corner of the lands of Wampler and the northeast corner of an unopened right of way; thence crossing the unopened right of way with western right of way of Buchanan Road 30 feet, more or less, to the southwest corner of Buchanan Road and the unopened right of way; thence with the southern edge of the unopened right of way in a northwesterly direction 708 feet, more or less, to the northeast corner of parcel 2 of the lands of Wampler; thence with the lands of Wampler south 26 degrees 53 minutes west, 145 feet, more or less, to the southwest corner of parcel 2 of Wampler; thence with the western line of parcel 2 of the lands of Wampler in a northeasterly direction 206 feet, more or less, to the northwest corner of parcel 2 of Wampler, said corner also being located in the southern line of the unopened right of way; thence following the southern line of the unopened right of way in an westerly direction 289 feet, more or less, to the southwestern corner of the unopened right of way; thence with the western line of the unopened right of way in a northerly direction 30 feet, more or less, to the northwest corner of the unopened right of way, said point also being the southeast corner of an unopened portion of A Street; thence with the southern right of way of the unopened portion of A street in a northwesterly direction 40 feet, more or less to the southwest corner of the unopened right of way of A Street; thence with the western line of the unopened right of way of A Street in a northeasterly direction 620 feet, more or less, to the southwest corner of the unopened right of way of A Street and 29th Street; thence with the southern right of way of 29th Street in a northwesterly direction 478 feet, more or less, to a point where the southern right of way of 29th Street intersect the existing City Limits; thence crossing 29th Street in a northeasterly direction with the existing City Limits 40 feet, more or less, to the a point where the existing City Limits intersects the northern right of way of 29th Street; thence following the northern right of way of 29th Street in an easterly direction 958 feet, more or less, to the northwest corner of the intersection of 29th Street and Bo Street; thence crossing the intersection in southwesterly direction 44 feet, more or less, to the southwest corner of the intersection of 29th Street and Bo Street, said point being located in the norther line of parcel 1 of Wampler; thence with the northern line of parcel 1 of Wampler in a southeasterly direction 924 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 without any impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to these parcels via a 2" water main along the east side of Buchanan Rd.

To better serve future growth on this parcel, a new 2300 LF 6" DI water line must be constructed from the intersection of Buchanan Rd. and 27th

Street to the intersection of Buchanan Rd. and Rosedale Dr, to create a loop with existing 6" waterlines. The Opinion of Probable Cost is $195,300[1]. This work can be completed within 8 years. See Figure 1 – Water Service.

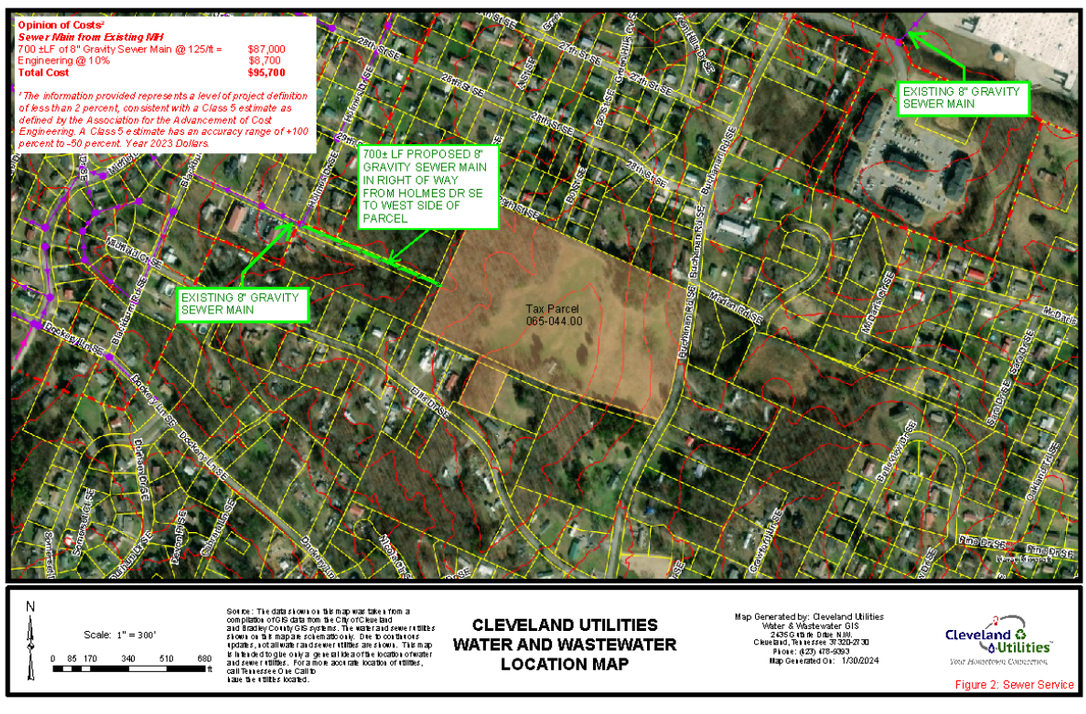
B. Sanitary Sewer--- Sewer service is not presently available to the parcels. To provide sewer service to these parcels is approximately 700 LF of 8" gravity sewer main is required to be constructed. The new sewer main would begin at the existing sewer manhole at Holmes Dr. SE and 30th St. SE and extend along an unimproved right-of-way as shown on Plat Book 2, Page 166 to the western property line of the subject property. The Opinion of Probable Cost is $95,700[1]. See Figure 2—Sewer Service.

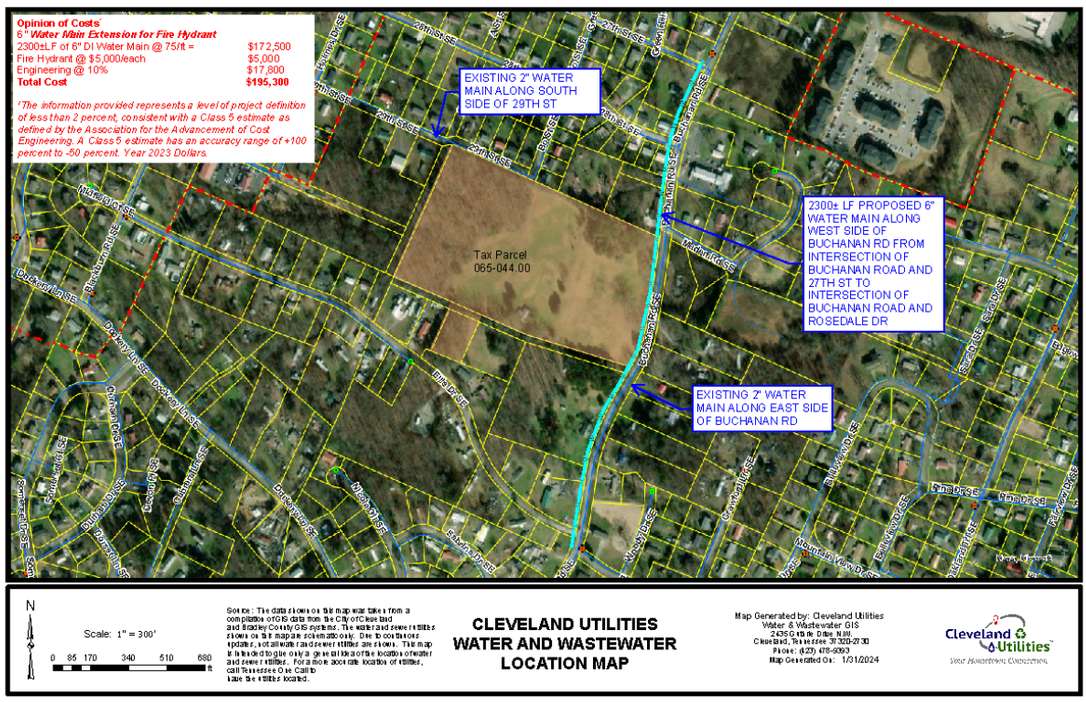
C. Fire Protection--- Fire protection is not presently available to this parcel. To provide fire protection to this parcel, fire hydrants are to be installed on the new 6" waterline described above. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Buchanan Road SE (065 040.00 and 044.00)	**$195,300**	**$95,700**	**$0**	**$291,000**

[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 currently has facilities on three sides of the proposed property. Electric service to potential customers 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 will cost Cleveland City Schools approximately $56,642.00 per year and add 58 school age children.

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 x 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 **$79,425 per year**

Councilwoman McKenzie moved that Resolution 2024-24 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:

b. **Resolution 2024-25** - Concerning a request by Ryan Wampler for consideration of a resolution to annex about 17.5 acres, more or less, of property located at Buchanan Road and includes Tax Map 065 Parcels 040.00 and 044.00 (Planning Commission: Approved 7-1; 1 recused).

RESOLUTION 2024-25

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

BUCHANAN ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on March 11,2024.

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 lands of Ryan and Emily Wampler parcel 1, as recorded in BCRD deed book 2992 page 50, said point being located in the western right of way of Buchanan Road; thence with the eastern line of the lands of Wampler south 8 degrees 40 minutes west, 297.16 feet to a point, thence south 10 degrees 9 minutes west, 121.75 feet to a point; thence south 12 degrees 15 minutes west, 66.06 feet to a point; thence south 18 degrees 13 minutes west, 33.55 feet to appoint; thence south 23 degrees 34 minutes west, 40.14 feet to a point; thence south 28 degrees 7 minutes west, 56.74 feet to an iron pin, said point being the southeast corner of the lands of Wampler and the northeast corner of an unopened right of way; thence crossing the unopened right of way with western right of way of Buchanan Road 30 feet, more or less, to the southwest corner of Buchanan Road and the unopened right of way; thence with the southern edge of the unopened right of way in a northwesterly direction 708 feet, more or less, to the northeast corner of parcel 2 of the lands of Wampler; thence with the lands of Wampler south 26 degrees 53 minutes west, 145 feet, more or less, to the southwest corner of parcel 2 of Wampler; thence with the western line of parcel 2 of the lands of Wampler in a northeasterly direction 206 feet, more or less, to the northwest corner of parcel 2 of Wampler, said corner also being located in the southern line of the unopened right of way; thence following the southern line of the unopened right of way in an westerly direction 289 feet, more or less, to the southwestern corner of the unopened right of way; thence with the western line of the unopened right of way in a northerly direction 30 feet, more or less, to the northwest corner of the unopened right of way, said point also being the southeast corner of an unopened portion of A Street; thence with the southern right of way of the unopened portion of A street in a northwesterly direction 40 feet, more or less to the southwest corner of the unopened right of way of A Street; thence with the western line of the unopened right of way of A Street in a northeasterly direction 620 feet, more or less, to the southwest corner of the unopened right of way of A Street and 29th Street; thence with the southern right of way of 29th Street in a northwesterly direction 478 feet, more or less, to a point where the southern right of way of 29th Street intersect the existing City Limits; thence crossing 29th Street in a

northeasterly direction with the existing City Limits 40 feet, more or less, to the a point where the existing City Limits intersects the northern right of way of 29th Street; thence following the northern right of way of 29th Street in an easterly direction 958 feet, more or less, to the northwest corner of the intersection of 29th Street and Bo Street; thence crossing the intersection in southwesterly direction 44 feet, more or less, to the southwest corner of the intersection of 29th Street and Bo Street, said point being located in the norther line of parcel 1 of Wampler; thence with the northern line of parcel 1 of Wampler in a southeasterly direction 924 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 in the City Clerk's Office,]

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

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

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

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

EFFECTIVE DATE: Be it further resolved that this Resolution shall only become effective at the time of the final passage of the ordinance zoning 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 Johnson moved that Resolution 2024-25 be accepted as presented. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

c. **Zoning Ordinance 2024-11** – Concerning a request by Ryan Wampler for consideration of an ordinance to zone about 17.5 acres, more or less, of property located at Buchanan Road from FAR/Unincorporated County to PUD 50 Planned Unit Development and includes Tax Map 065 Parcels 040.00 and 044.00 (Planning Commission: Approved 7-1; 1 recused).

Ordinance 2024-11

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 BUCHANAN ROAD "PUD 50" ON PROPERTY DESCRIBED AS TAX PARCEL 065 044.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 50; 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 50" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 50 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 50 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 50, Buchanan Road (name may be revised during the plating process with approval of the Cleveland Municipal Planning) includes property generally identified as a portion of Tax Map 050 Parcels 058.00. Exhibit B illustrates the overall Buchanan 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 Buchanan Road Residential PUD. The project consists of townhomes, detached single family homes, and a clubhouse with a central amenity area. Exhibits B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 90 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 50 Subdivision allows for the construction of up to 90 residential units without amending this ordinance. Single family detached dwellings are permitted. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 50 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 Buchanan Road development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland

Municipal Planning Commission. Home occupations permitted in Cleveland's zoning ordinance are allowed unless prohibited by the Developer. There are no conditional uses within the PUD 50 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 PUD50, Buchanan Road was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on February 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 PUD50 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 Buchanan 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 PUD50 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 50 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 50 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 PUD50 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.

<u>Single Family Detached Lots:</u>

Setbacks:
Front: 25’
Side: 5’
Rear: 15’
Min Lot Width: 50’

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
2. The community open space shall be a usable yet natural area. Community open space shall be provided in various areas as delineated on the proposed site plan.
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.

7.C Miscellaneous Standards

1. The exterior front façades 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.
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.
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 in the front yard.
5. Attempts shall be made to preserve existing trees along the perimeter of the development and along any stream buffers, however, the city tree preservation requirements are not otherwise applicable. No buffers are required internally to the PUD area.
6. 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 PUD50 Buchanan 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 PUD50, 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 PUD50 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

Exhibit A

Exhibit B
Conceptual Plan



Counicl woman McKenzie moved that Zoning Ordinance 2024-11 be voted for passage on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

Interim City School Director Kelly Kiser presented the following Resolution to the City Council concerning opposition to the concept of school system consolidation in Bradley County.

A RESOLUTION by the Cleveland City Schools Board of Education to express its opposition to the concept of school system consolidation in Bradley County.

WHEREAS, the Cleveland City Schools, authorized by provisions contained in the charter of the City of Cleveland, has been in continuous operation since 1885; and

WHEREAS, the Cleveland City Schools is a system currently comprised of 5,000 students in nine schools; and

WHEREAS, the Cleveland City Schools has a distinguished reputation in all areas of academic and interscholastic endeavor having notable graduates in areas including academia, business and commerce, agriculture, medicine, law, science, and athletics; and

WHEREAS, the subject of consolidation of the Cleveland City Schools into the Bradley County Schools has become a topic of conversation in the Bradley County community; and

WHEREAS, this subject was a topic of a letter to the editor in the local newspaper authored by a member of the county commission; and

WHEREAS, rather than citing specific needs to be remedied or problems that need to be addressed, the letter to the editor seems to invite a "let's see what if" approach to the subject of consolidation with a hint that there might be a potential cost saving to the taxpayers if the county were to consolidate into one school system; and

WHEREAS, this approach gives no consideration to the immediate negative effect that approaching such an important topic as the school consolidation of schools on a casual basis will have on school students, school employees, and the community at large; and

WHEREAS, prior to the publication of the letter to the editor no party has approached the city schools board of education to state that there are problems or concerns or to inquire about interest in the topic of consolidation; and

WHEREAS, there has been no discussion about the effect such an action, if accomplished, would have on the students and teachers in the Cleveland City Schools and, indeed, in both school districts involved; and

WHEREAS, there has been no inquiry into the question about how a consolidated school district would need to reorganize, rezone, and reallocate students into the available facilities; and

WHEREAS, there has been no consideration given to the question of ownership and control of property and facilities; and

WHEREAS, recent occurrences of consolidation of school systems in Tennessee do not reveal any instance where a cost saving was realized as a result of the consolidation of school districts; and

WHEREAS, contrary to popular speculation, the facts in recent consolidation actions reveal that additional tax dollar appropriations have been required to close cost differentials between systems that consolidate for such items as professional and classified salary differences, pupil transportation, assumption of school debt, inability to cancel effective business contracts, employee benefits, consolidation and alignment of curricula, consolidation of data systems, desegregation issues, and services for underserved minority groups; now, therefore,

BE IT RESOLVED BY THE CLEVELAND CITY SCHOOLS BOARD OF EDUCATION that the Mayor and City Council are urged to express their unanimous disinterest in participating in discussions concerning any consolidation effort for the Cleveland City Schools and the Bradley County Schools.

BE IT FURTHER RESOLVED that the Mayor and the City Council are urged to reject any invitation to participate in the formation of a unification planning commission established for the purpose of exploring the need for consolidation of the Cleveland City Schools and the Bradley County Schools.

BE IT FURTHER RESOLVED that this resolution, when adopted, shall be signed by each member of the Board of Education of the Cleveland City Schools, that a fully executed copy of the resolution shall be spread upon the minutes of the board, and that said resolution shall be forwarded to the Mayor and the City Council.

ADOPTED, this the 4 day of March, 2024.

Chairman, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Member, Cleveland City Schools
Board of Education

Councilman Cassada then moved to support this resolution and to express opposition to consolidation of the school system with Bradley County. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Councilman Hughes moved to appoint Councilman Tom Cassada to the Board of Zoning Appeals to fill the unexpired term of Ed Brown. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The July 8 City Council Meeting will be cancelled.
b. The next City Council meeting will be held on Monday, March 25, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:11 p.m.

Mayor

City Clerk

REGULAR SESSION
MARCH 25, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MARCH 25, 2024 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 Chris Bates; Development and Recreation Johnathan Jobe; Chris Gaylor, Assistant IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Doug Berry with the Chamber of Commerce; Sharon Marr with Mainstreet; Warbrit Lowery; Hal Taylor; Lori Raper; Interim School Director Kelly Kiser and Tim Siniard with the *Cleveland Daily Banner*.

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

Councilman Cassada asked that we continue to pray for Sheriff Steve Lawson who was involved in an accident over the weekend.

Mayor Brooks stated Lucus, a resident stopped him on the way into the meeting today and thanked the City Council for the new handicap accessibility around downtown.

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 11, 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

Hal Taylor with Cleveland City Schools made the City Council aware of a major power outage last week at EL Ross and Cleveland Utilities had the line fixed in no time. Cleveland Utilities always makes the Schools a priority and it is greatly appreciated.

HEARING PETITIONS AND COMMUNICATIONS

No hearing petitions and communication.

CONSENT AGENDA

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

a. **Street Light Recommendation** – 150 Tasso Lane NE (Cleveland Utilities recommends installation of two 40-watt LED cobra style fixtures and one 57-watt LED decorative fixture on Tasso Lane NE).
b. **Street Light Recommendation** – 1263 King Edward Ave SE (Cleveland Utilities recommends no additional lighting as it meets city guidelines. However, three fixtures can be upgraded from 100-watt HPS to 40-watt LED fixtures at a cost of $146.70 each with approval of this recommendation).

c. **Resolution 2024-28** - Authorizing the Mayor to sign a contract with CDM Smith, Inc. to provide professional engineering and sonsultant services to update the Stormwater Management Regulations.

RESOLUTION 2024-28

WHEREAS, the City's stormwater department has requested CDM Smith, Inc. to provide professional engineering and consultant services to assist the City with updating the technical requirements of the City's Stormwater Ordinance; and

WHEREAS, in connection with said project, City staff are recommending that the City Council approved of the attached agreement with CDM Smith, Inc. to provide these professional engineering and consultant services; and

WHEREAS, the City Council desires to enter into the attached agreement with CDM Smith, Inc. for these services and to authorize the Mayor to execute the attached agreement with CDM Smith, Inc. on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with CDM Smith, Inc., and the City Council further authorizes the Mayor to execute the attached agreement on behalf of the City.

This 25th day of March, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2024-29** – Authorizing the Mayor to sign an agreement with the Cleveland Utilities Authority pertaining to the Greenway parking lot on Candies Lane.

RESOLUTION 2024-29

WHEREAS, the City has constructed a Greenway parking Lot off Candies Lane to serve the Greenway; and

WHEREAS, in connection with this installation of this parking lot, representatives of the City and the Cleveland Utilities Authority have previously discussed the location of the parking lot in relation to a sewer facilities in the area and desire to enter into an agreement to define the responsibilities of the parties concerning the possibility of future repairs to the sewer facilities after the parking lot is completed; and

WHEREAS, in connection with the parking lot construction and installation the parties have prepared the attached agreement, and the City Council now desires to enter into the attached agreement with the Cleveland Utilities Authority, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with the Cleveland Utilities Authority, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 25th day of March, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. Resolution 2024-30 – Amending the Personnel Rules and Regulations, Time Off and Leaves of Absence section relating to Military Leave.

RESOLUTION 2024-30

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 25th day of March 2024 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

f. **Motion** – Approving staff to submit an application to TDEC for the Brownfield Redevelopment Area Grant for Phase I and II Environmental Site Assessments for specific properties owned by Phoenix.

TO: **Mayor and City Council**
FROM: **Cathy Andrews, Redevelopment Coordinator**
DATE: **March 25, 2024**
RE: **Approval to submit an application for funding to TDEC for the Brownfield Redevelopment Area Grant**

SUMMARY:
Approval to submit an application to the Tennessee Department of Environment & Conservation for a Brownfield Redevelopment Area Grant for the purpose of funding Phase I and II Environmental Site Assessments for specific properties owned by Phoenix. The maximum Investigation Grant is $100,000.

COMMITTEE FINDINGS:

FISCAL ANALYSIS:
No Match is required.

RECOMMENDATION:
Staff recommends approval.

g. **Surplus Property** – Declaring a miscellaneous salt spreader equipment and a Western 10' snow plow as surplus property and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **March 25, 2024**
RE: **Surplus Property**

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

- Miscellaneous salt spreader equipment
- Western 10' snow plow

These items will be sold on GovDeals.

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

h. **Bid Summary** – Decorative Light Post Bases for Inman Street project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **March 25, 2024**
RE: **Bid Summary – Decorative Light Post Bases**

SUMMARY:
The City advertised to accept sealed bids on March 19, 2024, for decorative light post bases for the Inman Street corridor project. Bids are listed below:

- Nabco Electric **$65,460.00**
- Inline Lighting **$51,000.00**
  $59,000.00Alternate)

- Mayer Electric **$54,312.00**
- Lighting N Beyond **$103,125.00**
- Terracast **$52,638.60**
  $69,428.40 (Alternate)

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Inline Lighting, in the amount of $51,000.00.

i. **Bid Summary** – Inman Street Conduit Directional Bore Installation.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **March 25, 2024**
RE: **Bid Summary – Inman Street Conduit Directional Bore Installation**

SUMMARY:
The City advertised to accept sealed bids on March 22, 2024, for the Inman Street conduit directional bore installation. Bids are listed below.

- Nabco Electric Company **$69,420.00**
- The L K Grant Company **$55,797.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends awarding to low bidder, The L K Grant Company.

UNFINISHED BUSINESS

Councilman Webb moved to modify the Facility Use agreement with Cleveland City Schools to use five tennis courts to seven tennis courts for practice during the tennis season from 3:00 p.m. – 4:30 p.m. Also, adding to their Facility Plan, the development of tennis courts on campus. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

REPORTS OF COUNCIL MEMBERS

Councilman Webb stated concerned citizens have brought to his attention from Billy Graham Blvd south to Inman Street every cross street is a 4-way stop except when you reach Central/Parker, 1st St/Parker, and 2nd St/Parker are just 2-way stops. He then asked if staff has ever considered making those cross streets 4-way stops as well? There have been several accidents at Central/Parker over the last year. Mr. Fivas stated we will have the traffic engineer look at the intersection. Councilman Estes asked them to obtain the thoughts from Mainstreet Cleveland as well. Secondly, Councilman Webb continued along Keith Street at the Food City Plaza, there are 4 righthand turn entrances into the development. When traffic backs-up people are using the turn lanes as an additional lane all the way to the entrance they need. Mr. Fivas stated staff will reach out to the State and partner with TDOT on a solution.

Vice Mayor Johnson announced that the second meeting in May would be his last meeting, as he'll be retiring. It has been a good thirty plus years and has enjoyed working with the Council, Mayor Brooks, and city departments. Mayor Brooks stated it has been an honor serving with him. Vice Mayor Johnson stated it has been his honor and privilege to work with this Council and seeing all the accomplishments throughout the City and because of what we do together.

Councilwoman McKenzie stated few residents have commented how nice and quickly the downtown traffic flows during the construction. It is moving really good. She then asked about paving Central Avenue and if it was in the works anytime soon. Mr. Fivas responded yes. Councilwoman McKenzie then stated it has been a pleasure working with Vice Mayor Johnson and hopes he has a good retirement.

Councilman Estes thanks for upgrading the lighting on King Edward. It will make a noticeable change. Secondly, the Historic Cleveland Neighborhood is meeting on Monday, April 1 at Arnold Elementary. If you can make it that would be great. Lastly, Saturday was the Great Strides Walk for Cystic Fibroses 65 Roses 5K and it was the 23rd year. We have already raised $62,000. It was a great downtown event and couldn't have been done without the Cleveland Police Department. It was well done, and he appreciates all involved.

Councilman Cassada stated it has been a privilege and pleasure serving with Vice Mayor Johnson over the years. Getting to know him with all his wisdom and knowledge of what Cleveland has been through. Hopefully we will keep Cleveland moving forward in the future. He then wished him the best in retirement.

Councilman May echoed the comments concerning Vice Mayor Johnson and add he is a good guy and a joy to work with. He is respected by this group and the community. He has done a lot of good and has enjoyed serving with him.

Councilman Hughes stated he would be remised without saying it has been a joy, Vice Mayor Johnson, working with you over the years. You have done a lot for the City. You have a park named after you to relax and read a book. He appreciates the relationship throughout the years and also, with his brother who would come to Lee to play basketball while he was coaching there. He wished him the best retirement and travel when you can. Vice Mayor Johnson stated he appreciates Councilman Hughes and spoke of the relationship between him and his brother and how Councilman Hughes would unlock the gym at night to allow his brother and friends practice. His friendship is appreciated.

Mayor Brooks thanked Vice Mayor Johnson for how often the Mayor's office is called upon for events and proclamations and personally grateful how often he fills in, representing the Mayor's Office. Vice Mayor Johnson thanked him for the job he is doing and his concern for all citizens and his friendship is appreciated.

NEW BUSINESS AND ORDINANCES

The following memo was presented for Council consideration of two options for approval of an agreement for acquisition of 260 Inman Street property.

TO: **Mayor & City Council**

FROM: **Joe Fivas, City Manager**

DATE: **March 25, 2024**

RE: **Offer to Purchase 260 Inman Street**

SUMMARY:

The County Assessor has 260 Inman Street appraised at $404,000. For bringing jobs to Bradley County and for the economic development, the City of Cleveland would like to give Bradley County an offer to purchase this property.

An affirmative vote on this item would give the Mayor Brooks and City Manager Joe Fivas the authorization to give Bradley County an offer of $500,000 for the Bradley County owned property at 260 Inman Street with these contingencies:

1) Offer of $500,000 at closing for the property as-is.

2) The City would give the County a two-year lease for $1 with conditions that they maintain the building and property during this time.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

City staff recommends approval of granting Mayor Brooks and City Manager Fivas the authority to prepare a written offer to the County with two conditions:

1) Offer of $500,000 at closing for the property as-is.

2) The City would give the County a two-year lease for $1 with conditions that they maintain the building and property during this time. This would allow the County the necessary time to find another location for there storage.

Vice Mayor Johnson moved to approve submitting both options to Bradley County for acquisition of property at 260 Inman Street. The motion as seconded by Councilman Estes and then he stated we are making two offers in writing and let them put it on their agenda. Upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed on Friday, March 29 in observance of Good Friday.

b. The next City Council meeting will be held on Monday, April 8, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:36 p.m.

Mayor

City Clerk

REGULAR SESSION
APRIL 8, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 8, 2024 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 Chris Bates; Chris Gaylor, Assistant IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Tim Rader; Jodi Riggins; Cathy Andrews, CDBG Coordinator; Warbrit Lowery; Hal Taylor; Interim School Director Kelly Kiser and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Avery Johnson, Mayor Brooks announced a 10-minute recess at 3:05 for the solar eclipse viewing.

Mayor Brooks called the meeting back to order at 3:15 and 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 25, 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

There were no hearing petitions and communications.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held to hear public comments concerning a request to allow Cleveland, Tennessee Planning Commission to amend multiple sections of Article 7 Final Plat Requirements and Article 8 Requirements for Townhouse Subdivisions in the Cleveland TN Subdivision regulations concerning the platting approval process and requirements for administrative review as well as the process for submitting plats. Robert Varnell stated late last year he was asked by the Planning Commission to review a staff approval process that includes a higher number of lots than we currently allow, so anything over 2 lots goes through the Planning Commission process. If it's under, we have an administrative review process already. In 2022, the State Legislature amended the law that has criteria that would allow the Planning Commission to delegate authority, no more than five lots, and it wouldn't have to go to the Planning Commission. Up to 25, a preliminary plat would have to be approved by the Planning Commission. The memo in your packet, which we would follow, would allow staff approval process to be a greater number if that preliminary plat had already been approved. A preliminary plat is exactly that, it's preliminary. It's got a little bit more site related constraints. The final plat often will mirror it, so we do go through a process with the Planning Commission if there's 20-30 lots. State Law gives us the authority, the legislative body to grant the Planning Commission to give authority. If you make this change, it's not going to impact what I do, or the staff does when we review this stuff. We already make sure it's following all the ordinances, state law, federal law, etc. This does allow some larger developments to move at a quicker pace. There are situations where things get pushed to the next month and that is the reason builders and lenders began asking questions about why we can't do it. Councilman May stated it speeds everything up, cuts the red tape. What do you think the minus' would be? Mr. Varnell stated

from a staff perspective, we're doing the same level of work, we just won't prepare as many memos for the Planning Commission. The other caveat is the benefit of the public process at a public meeting. Councilman May asked what if the applicant doesn't like your opinion on his plat, can he go to the Planning Commission. Mr. Varnell replied yes, as they do now if someone doesn't like what I ask them to do. Like an appeal. Councilman Webb asked when this would come before Council. Mr. Varnell stated you do not see plat approvals. The only time you see things is when we're at the very beginning if they had to rezone. Mayor Brooks then declared the public hearing to be open. He then asked if anyone would like to speak in favor of the approval. Planning Commission member Ben Berry stated this is something we've had on our minds for a number of years. Final plats are placed on the consent agenda and really nothing to discuss. This amendment removes the red tape. The upfront process is still the same. You have a preliminary plat that shows staff what you intended with the property, and it includes the design of the roads, all the utilities, infrastructure, and how the lots are laid out. It shows the design before we review. We have comments, it that goes through the process and once it gets approved, they start the construction. If you build what you said you wanted to build, we have already approved, it doesn't need to come back to the Planning Commission. The reason this has become so important is townhomes. They're becoming more and more a part of our agenda at the Planning Commission. A townhome is a single-family home that is owned by a person, and they have platted lot lines. The only difference in it and detach single family homes is the shared wall. With a townhome the new construction process is, you have a preliminary plat, site plan to staff, Planning Commission reviews it, build the townhome, put in common lot lines, driveways, get a survey back out to look at the driveways, locate those walls, surveyor goes back and makes another plat and it's submitted to staff again before the deadline. Staff reviews it and gets it to Planning Commission, 4 weeks later, Planning Commission votes on consent agenda. The process is more complicated than it needs to be. This is cutting out where this is calendar dependent. If they miss a deadline by one day, it can be 7 weeks before the next Planning Commission meeting. Councilman Webb asked what communities are doing it this way. Mr. Berry stated Hamilton County has been for a long time. Davidson and Knox counties. Councilman Estes asked what counts as a minor or as a major. This would have been a big thing to discuss, limiting it to townhomes and not all preliminaries. Mr. Berry stated on your agenda is to give the Planning Commission the authority to make that decision, as that is their responsibilities for plats. Townhomes is the biggest problem we are trying to solve, but the State code sets the threshold of 25, but if the builders builds exactly what they showed, then there is no added value to come back before the Planning Commission. If we can streamline a process without negative consequences, there is value there. Councilman May stated it doesn't change any of the checks and balances that the city has over this development in any way. It drops some of the red tape. Councilman Estes stated these do come back. A subdivision will have 85 lots then it comes back it's 62. Those are major changes that would be covered here. When you talk about where the green space has to go, how much green space, how much egress, you know that's going to be the 10% to 5%. That gives the city staff a lot of leeway that doesn't come back to us when you start making those kinds of changes. This memo wasn't seen until Friday when we got our packet. Mr. Berry stated what you have is a discussion for Planning Commission to have if you give us the authority to have it. Councilman Estes stated he is for it, with townhomes. You speed up the process but at the same time, you're eliminating it here. Also, it can be brought to the Planning Commission by the Planning Director, it ought to be at his discretion, he can bring it back to us. It's not written here. It is written like this is how it will be not for Planning Commission to decide. Are we giving and ceding over authority to the Planning Commission if so? This is moot. Or are we really setting the bounds from which they have to operate? Where this is not moot, and we really need to hammer out some specifics. Mr. Kimball stated in the staff report there is language of what he would like to see the Council delegate, but with specific limitations, so that this would be followed, the Planning Commission would not go beyond that and the two would work together. There's two scenarios. Is there a preliminary plat and you go up to 25. If there's no preliminary plat, you can go up to five provided those other conditions are met. This is language not in the resolution but what Mr. Varnell is planning to recommend to the Planning Commission. You could say we're OK with the Planning Commission delegating authority to staff, provided it does not run afoul of these principles that Robert has put in the memo. If you want to limit the delegation to the Planning Commission consistent with Roberts report here, then you could take the resolution and add this into it, into the body of the resolution

and bring it back in two weeks, or you could say the designation of the resolution would be subject to the limitations on page three. Mr. Varnell stated he was asked by the Planning Commission to give, through their motion to give that list of how far I can hear this. That was part of the motion to get things moving. If there's things that need to be added to it, it's not dead in the water today. It's an adjustable document. Councilman May stated in his viewpoint if you don't have confidence in your staff and you don't have quality staff to do their job then it's not going to get done anyways. Councilman Estes stated there still needs to be checks and balances. I've seen our staff, our planning staff, move the needle to holding developers more responsible, requiring sidewalks requiring more green space, ingress, egress, requiring roads be built. The needle has moved to protect the public more than it was 10-15 years ago. This is not a black or white issue. It's where are we going to land, and this is something where we can help both sides. Keep the city and citizens protected and with townhomes, maybe we could just limit it right now to. Councilman May stated you know you've got something and it's working in other cities and other counties. Councilman Estes asked what if we just do townhomes now and relook at it in six months. They'll see if there's a problem, as I don't remember us ever having this hiccup of timing in my 18 months for anything other than townhomes. Mr. Berry stated we don't always see the hiccups at the Planning Commission but I'm sure Mr. Varnell sees them. Councilman Estes stated some of the hiccups he sees, developers who do what they're supposed, there aren't hiccups. Developers that are always looking for an edge, a quick then there's then there's problems. Councilman May stated it still boils down to staff. The Planning Commission can make all kinds of rules and regulations but if you don't have staff to do their job, and I have confidence in staff. Councilman Estes asked for Resolution 2024-33 be removed from the consent agenda to new business for further discussion. Councilman Cassada stated this sounds like something that's not on fire that has to be done right now or is there a reason. The Planning Commission asked you to come up with something to come to Council, don't you think it's fair for them to read it before it comes to us since they are more in depth of what's going on. Mr. Varnell stated it was discussed at 2-3 consecutive meetings. They have not seen this document. Councilman Cassada stated he would like to defer to the planning commission as he has a lot of confidence in them. Mr. Varnell stated if you are not ready to delegate the authority to the Planning Commission, then it should come back before you. Mayor Brooks asked if anyone would like to speak in opposition to the approval. No one spoke. Mayor Brooks declared the public hearing to be closed.

Councilman Hughes left the meeting.

Mayor Brooks stated today's meeting is also being held as a public hearing to hear public comments a change in the ownership interest of members for Southside Wine & Spirits located at 1450 Fritz St SE. Christy Brandon stated the City Council previouly approved a new certificate for this location, but through the application process with TABC, a request was received to issue a revised certificate of compliance which lists both Tithi and Jaymin Patel as applicants. Mayor Brooks declared the public heairng to be open. He then asked if anyone would like to speak in favor of the approval. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the approval. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. Councilman Estes requested Resolution 2024-33 be moved to new business. Councilman Estes then moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

a. **Resolution 2024-31** – Authorizing the Mayor to sign an agreement with Ragan Smith for professional services relating to the Mouse Creek Greenway Phase VI Project (PIN 128170).

RESOLUTION 2024-31

WHEREAS, in connection with the Mouse Creek Greenway PIN 128170, the City desires to enter into the attached professional services agreement with Ragan Smith Associates; and

WHEREAS, the City Council has reviewed the proposed agreement, and now desires to accept the proposed agreement with Ragan Smith Associates for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Ragan Smith Associates for the referenced project described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 8th day of April 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2024-32** - Authorizing the Mayor to sign a letter of engagement and contract with Henderson Hutcherson & McCullough to audit the accounts of the City of Cleveland for the period July 1, 2023 through June 30, 2024.

RESOLUTION 2024-32

A RESOLUTION AUTHORIZING AN ENGAGEMENT LETTER AND A CONTRACT WITH HENDERSON HUTCHERSON & MCCULLOUGH TO AUDIT THE ACCOUNTS OF THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, the City of Cleveland has received a proposal from the Certified Public Accounting firm of Henderson Hutcherson & McCullough, to audit the accounts for the period from July 1, 2023, through June 30, 2024; and

WHEREAS, the City Council desires to enter into an engagement letter and a contract with Henderson Hutcherson & McCullough, and to further authorize the Mayor to execute the required engagement letter and the attached contract on behalf of the City of Cleveland.

BE IT THEREFORE RESOLVED by the City Council of the City of Cleveland, Tennessee that the Mayor be, and hereby is, authorized to sign the engagement letter and contract and all other necessary forms for said audit on behalf of the City of Cleveland for the above referenced contract. [on file in the City Clerk's Office]

Adopted this 8th day of April, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Bid Report** – Paul Huff Parkway at Peerless Road Traffic Signal Project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **April 8, 2024**
RE: **Bid Summary – Paul Huff Parkway at Peerless Road Traffic Signal Removal and Installation**

SUMMARY:
The City advertised to accept sealed bids on April 3, 2024, for the Paul Huff Parkway and Peerless Road traffic signal project. One bid was received and is listed below:

- NABCO Electric Company, Inc. **$184,432.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to NABCO Electric Company, Inc.

d. **Motion** – Selecting M3 Technology as Audio/Visual Consultant for the Cherokee Hotel restoration project.

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **April 8, 2024**
RE: **Cherokee Hotel Restoration – Audio/Visual Consultant**

SUMMARY:
City Staff requests approval to select M3 Technologies to provide audio/visual services for the new City Hall and City Council Chambers as part of the Cherokee Hotel restoration. These services are to be obtained under an existing cooperative agreement. There is no cost with procuring this service until a/v equipment is selected and installed at a set rate provided in advance of purchase. The design services from this consultant are at no additional cost.

This company has an extensive resume of similar scale projects throughout southeast Tennessee. They were recommended by MHM, the architect for the project, and will join the ongoing design process for seamless integration with the final construction documents.

By obtaining the a/v services separately, the City can establish a direct relationship with this consultant that could extend beyond the construction phase into a warranty period and ongoing assistance with the technology provided.

e. **Motion** – Issuing a new Certificate of Compliance to Southside Wine & Spirits, LLC (Tithi Patel and Jaymin Patel) due to a change in the ownership interest of members.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Vice Mayor Johnson stated on 13th Street/Barnes the road was widened and at one point it narrows down. Do we know if they will widen and pave the rest? Mr. Myers stated he will take a look at the site and let him know.

Councilwoman McKenzie stated the conversations we've had today about the greenways and the different projects that's going on in Cleveland, I just want to say that I think Cleveland's in a really good place. We're moving forward. I think we're doing great things for the community. I think the community is happy with what's going on and I haven't heard any complaints. I just want to say thank you to the staff and everyone that is responsible, City Council, everybody that's participated in this downtown revitalization and all the parks, everything, the Greenway, Cleveland is just in a good spot.

Councilman Estes stated on the 20th of April, at Blythe Oldfield a circus is coming to town at Blythe Park, just like they did last year, was huge. There's a lot of community 501c3 participants. If you can get over to Blythe on the 20th would be great. Next, he asked that Cleveland Utilities come and give an update on broadband. Mr. Fivas stated they are coming to the next meeting to talk about their budget. Lastly, to my colleagues, we talked about everything during the work session that dealt with parks. Quality of life. I'm thrilled that up here, what we're talking about is about our kids and grandkids and things we'll never see. Everything you go see in the world in Europe and whatever people built that knowing they would never see what it looked like when it finished. This is important stuff and people, they're not futurists. I'm proud to be a part of this and that we're thinking this way. I mean the same to staff, not just with us, but I appreciate the staff taking that. That stance, that's all.

Councilman Cassada stated I just want to echo what Marsha and Bill both said, I want to thank the staff city staff for what they're doing. If it's from down Inman St., the greenways to green spaces. We see the city moving to Cherokee Hotel. It's an exciting time and I just, I can't say enough to thank Joe, you, and your staff and what y'all have done over this period of time and what we've got to look forward to in the future. So, this is an exciting time in, in the City of Cleveland.

Councilman May had no report at this time.

Councilman Webb showed a photo of Westside Drive and 25th Street ditch at the intersection. He then asked what the timeline was to improve that area, as it seems to get worse, and people continue driving off in the ditch. Mr. Fivas stated we will fix it in the next couple of weeks. It's actually a massive project, with a fire hydrant and utility pole. Councilman Webb stated it we can shore it up just a little to keep people from running off until we do a major project that would be good.

NEW BUSINESS AND ORDINANCES

Mayor Brooks stated the next item is Council discussion of purchase agreement from Phoenix Investors, including due dilligence process for this purchase. Mr. Fivas stated he believes we've already covered it during the work session and has no additional comments. No action needs to be taken at this time. We we have some additional information to to share over the next couple of weeks and as we get comfortable enough to take us to the next step, we'll have it on an upcoming agenda.

Mayor Broooks stated the next item is Council discussion of State Historic Grant. Mr. Fivas stated it's imminent that we'll start receiving soliciting bids for the Roy's Alternator building. We should probably have those bids back in May and then they will begin construction. We're probably pretty close to having full design stuff for the Cherokee and we'll probably roll up our sleeves and start getting into a little bit more of that. As a part of that is obviously the funding. You know we're well on our way to working on the historic tax credits which are a Federal process. The State has the State Historic Grant, which is just an allocation of funds.

They have raised it up to $500,000. You have to be pretty much shovel ready which we are or at least with your design. So that really limits the number of people that participate, and we're very hopeful that you'll have a project that we worthy of funding. With the approval of this, it just gives us the approval to submit our application next week to the State.

TO: **Mayor & City Council**

FROM: **Joe Fivas, City Manager**

DATE: **April 8, 2024**

RE: **State Historic Grant**

SUMMARY:

On April 15th, the State will begin accepting applications for the State Historic Grant. We will apply for our City Hall Project. The Grant is for up to $500,000.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

City staff recommends approval of giving staff direction to submit an application for the State Historic Grant for the Cherokee Hotel renovation into a City Hall and other private and City uses.

Councilman May moved to approve staff submitting the State Historic Grant application to the State. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution and staff memo was presented in full:

a. **Resolution 2024-33** – A resolution granting authority to the Municipal Planning Commission of Cleveland Tennessee to delegate review authority for eligible subdivision final plats to planning staff.

RESOLUTION 2024-33

A RESOLUTION GRANTING AUTHORITY TO THE MUNICIPAL PLANNING COMMISSION OF CLEVELAND TENNESSEE TO DELEGATE REVIEW AUTHORITY FOR ELIGIBLE SUBDIVISION FINAL PLATS

WHEREAS, the Tennessee Code Annotated Sections 13-4-302 thru 13-4-310 establish provisions for power to regulate and adopt subdivision regulations controlling the division of land; and

WHEREAS, the City of Cleveland Subdivision Regulations were adopted and contains provisions for the authority of and the approving agency of the Cleveland Municipal Planning Commission; and

WHEREAS, Tennessee Code Annotated Section 13-4-302(d)(1) provides that a Municipal Planning Commission may delegate approval authority to staff as outlined in Tennessee Code Annotated Section 13-4-302(d)(1), provided that the municipal legislative body first approves of such delegation by a majority vote of the legislative body; and

WHEREAS, Tennessee Code Annotated, as amended, in 2023 by the adoption of Public Chapter 994 by the Tennessee State Legislature, amended Section 13-4-302 as follows:
(1) A municipal planning commission may delegate the responsibility for approval of a subdivision plat to the planning staff of the municipal planning commission by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.

(2) This delegation may only include subdivision plats that include:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4-303;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.

WHEREAS, a notice of public hearing has been published in a newspaper in general circulation in Bradley County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cleveland, Tennessee that the City Council does hereby grant authority to the Municipal Planning Commission of Cleveland to make amendments to the Cleveland Tennessee Subdivision Regulations delegating final plat approval as outlined in the attached documents.

This 8th day of April, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

TO: **Mayor and City Council**
FROM: **Robert W. Varnell, Director of Planning and Community Development**
DATE: **April 8, 2024**
RE: **Final Plat Delegation**

PLANNING & DEVELOPMENT

1. Analysis

T.C.A. 13-4.302 includes the following language:

(1) A **municipal planning commission** may delegate the responsibility for approval of a subdivision plat to the planning staff of the municipal planning commission by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.
(2) This delegation may only include subdivision plats that include:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4-303;
(ii) No request for a variance from such regulations has been requested; and
(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.

(3) A municipal planning commission shall not delegate to its planning staff the authority to preliminarily approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless the municipal legislative body approves such delegation by a majority vote of the legislative body.

The City Council must Grant Authority to the Planning Commission to delegate authority to staff to review and approve Final Plats in accordance with the updated language above and the specific restrictions as outlined below:

1. The Planning Director, may approve changes that involve minor revisions from the Preliminary Plat approval including, but not limited to:
A. Minor shifts in the location of lot lines, streets, or open space.
B. Minor changes in lot or unit count, resulting in an increase (or decrease) of less than five percent of the total number of dwelling units among unit types.
C. Other changes that do not significantly alter the overall layout of the plan and its basic development concept.

2. Major revisions, including those listed below, require approval by the Planning Commission:
A. Change in the number of lots or units resulting in an increase (or decrease) of five percent or more in total lot or unit count.
B. Modification(s) to the patterns of streets or street connections, internal and external to the project area, that decrease connectivity or significantly alter traffic patterns, except for changes that result directly from discovery of topographical or environmental obstacles that could not reasonably have been known at the time of initial subdivision approval.
C. Changes affecting 10% or more of the open space, including but not limited to its area, location, accessibility, or degree of contiguity.
D. Reduction in dedications to the public.
E. Changes to subdivision boundaries that exceed five percent of the area of initial approval.
F. Changes that will increase the area of disturbance of slopes of 25% or greater or increase the area of manipulation of the floodplain.
G. Any change that significantly alters the overall layout of the plan and its basic development concept by more than 10%.

2. Staff Recommendation

APPROVE

Councilman Estes asked if this language just mirrored state law. Mr. Kimball responded the resolution, yes, it is verbatim. That is the most you can delegate to the Planning Commission. You don't have to delegate any of it but if you don't the Planning Commission cannot delegate to staff. Councilman Estes asked for clarification on the definition of subdivision plats. Mr. Kimball stated any lot that has to be subdivided. Right now, Mr. Varnell, under the old code language if it is more than 2, has to come to the Planning Commission. He can do a minor plat, which is one lot into 2 provided certain conditions don't occur. Councilman Estes asked if the Council passes this resolution, can the Planning Commission can limit itself on what it grants staff. Mr. Kimball stated yes. He understands what Mr. Varnell memo envisions what Planning Commission would do in amending the subdivision regulations in order to then give him the authority to do staff approvals, provided it meets the state law and those principles outlined there. Mr. Varnell said yes, correct. Councilman Estes asked Mr. Varnell where the restrictions came from, as some we actually talked about, some came from our discussions. Mr. Varnell stated some of it came right out of my head and what I would want my checks and balances to be. Some came from other municipalities who have a certain level of this. So many different

places. Councilman Estes stated if I say this wrong correct me, we're giving the Planning Commission carte blanche up to state law. If we vote for this resolution, it's out of our hands. They get to decide going forward. This is going to be the only time we get to tell the Planning Commission. No, you don't have that much authority to give away. We can limit it here. Because once the ship sails, it's gone. We have no say over it. I'm just let me make sure my colleagues know that. The way this is written is as much latitude as the state allows. That's what we're giving the Planning Commission. Mr. Kimball stated that's fair now. One way to change that would be for you to say we're only going to delegate this authority to the Planning Commission to in turn delegate to staff by specifically limiting the delegation to what is written on page 28. If you're worried that the Planning Commission will go beyond what Robert is going to recommend to them, that's written on page 28, then you could delegate only to that extent. Councilman Estes stated he's hesitant to adopt something off the top of his head. I'm hesitant to adopt carte blanche up to state law. Mr. Kimball replied would you be more comfortable if the Planning Commission met and said yes, we would like the Council to delegate only to this extent and no more, and once they've said that, you will know what their specific desire is. Mr. Varnell prepared this based on the comments he heard and on his own research. Mr. Fivas stated one thing we all agree on the townhome piece. I mean that that's always been continuously an issue. It's probably more of the subdivisions. One thing is that if there's a preliminary plat and it's approved, what you're approving is that. It's not that if there's a minor change, then it comes back is that in there it gives you know he can add three or four houses or more roads or anything, is that you're also giving a lot more flexibility and really comes down to the principle of how much, change will the Planning Commission and this body make that that no one will ever see. I won't see it. Jonathan signs the plats. No one will ever see it. It's a question we take great responsibility in doing that, but with that there's also you make mistakes, or you have one set of eyes seeing it and approving it and their might be other compounded mistakes. We all agree that giving some more flexibility is a good thing, especially with people trying to make transactions. But as far as our internal processes before our internal process had always been based on if there's a Planning Commission meeting. Now you're going to have every single developer or every single builder calling us, putting pressure on us to say, well, you can sign this as soon as you can. That's going to be a lot more pressure every day coming from the surveyors, from the builders and saying you can do this. An inherent pressure coming from these folks is that there's going to be mistakes made. There's a buffer because you always have to wait for the Planning Commission, and you go, and you get it right and you look at it a couple of times. But if there's no backstop, you're going to get the calls. It will create stress and pressure internally on the system. You usually have a couple weeks before the Planning Commission meets and you can look at it a few times and get it right and that's where mistakes are made, as you are losing that buffer time. We want to give more flexibility, but we want to make sure we get it right. Councilman Estes then moved that we ask the Planning Commission on how they would limit the authority they grant the Director of Planning, if given these powers and let us discuss at our next meeting. 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, April 22, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:08 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
APRIL 22, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 22, 2024 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; City Attorney John Kimball; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Tim Rader; Warbrit Lowery; Mark Gravelle, Dan Moore; Duane Goff; Jodi Riggins, Hal Taylor; Interim School Director Kelly Kiser, Ricky Shelton, Gracie Shamblin with Congressman Fleishman's office, Doug Berry with the Chamber of Commerce and Tim Siniard with the *Cleveland Daily Banner*.

Mayor Brooks welcomed the former Mayor of Cookeville Ricky Shelton to the meeting.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Avery Johnson, who remembers Sue Zius' husband Michael who recently had surgery, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on April 8, 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

Mayor Brooks stated today we are swearing-in five new Police Officers to the Cleveland Police Department. Chief Gibson introduced each officer and gave a brief background on each of them. Mayor Brooks then administered the Oath of Office to Police Officers Arionna DeLorenzo, Skyler Fletcher, Luke Hannah, Justin Jones, and Lee Shukait.

HEARING PETITIONS AND COMMUNICATIONS

There were no hearing petitions and communications.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. Councilman Hughes then 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.

a. **Resolution 2024-34** – Authorizing the Mayor to sign an agreement with Great Southern Recreation for the design, manufacture and install the playground equipment for Jim Sharp Park.

RESOLUTION 2024-34

WHEREAS, the City is in the process of constructing Jim Sharp Park; and

WHEREAS, the City has selected Great Southern Recreation to design, manufacture and install the playground equipment for Jim Sharp Park; and

WHEREAS, in connection with this project, these parties have prepared the attached agreement, and the City Council now desires to approve of the attached agreement with Great Southern Recreation, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Great Southern Recreation, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 22nd day of April 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2024-35** – Authorizing the Mayor to sign a Letter of Agreement, Additional Services #1 with MHM for the Cherokee Hotel redevelopment.

RESOLUTION 2024-35

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 #1 from MHM for this project; and

WHEREAS, this letter agreement will separate the bid package for both buildings into two separate bid packages; and

WHEREAS, based upon the recommendation of City staff, the City Council desires to accept this letter of agreement for additional service #1 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 22nd day of April 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-36** – Authorizing the Mayor to sign an Arbitrage Rebate Services Proposal with Bingham Arbitrage Rebate Services, Inc., relating to the Series 2022 Bonds.

RESOLUTION 2024-36

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BINGHAM ARBITRAGE REBATE SERVICES, INC.

WHEREAS, the City Manager and City staff are recommending to the City Council that the City enter into a professional services agreement with Bingham Arbitrage Rebate Services, Inc. to provide professional financial services to the City in connection with arbitrage calculations in connection with General Obligation Bonds-Series 2022; and

WHEREAS, the City Council desires to approve the attached professional services agreement with Bingham Arbitrage Rebate Services, 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 Bingham Arbitrage Rebate Services, 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 22nd day of April 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Bid Summary** - Outdoor Ground Boxes relating to the Inman Street project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **April 22, 2024**
RE: **Bid Summary – Outdoor Ground Boxes**

SUMMARY:
The City advertised to accept sealed bids on April 16, 2024, for outdoor ground boxes for the Inman Street project. Bids are listed below:

- Mayer Electric **$18,827.20**
- City Electric Supply **$19,400.00**
- Wholesale Supply **$21,400.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, Mayer Electric.

e. **Motion** – Declaring the service weapon of Officer Scott Criddle as surplus property and given to him as a token of the City's appreciation for his 26-years of dedicated service to the Cleveland Police Department.
f. **Motion** – Declaring Officer Criddle's K-9, Alana, as surplus after 7½-years of service to the Cleveland Police Department and allowing Officer Criddle to adopt her from the Cleveland Animal Shelter.
g. **Motion** - Authorizing the Mayor to sign a TN Seasonal Retailer Fireworks Permit Renewal for Mid America Distributors, Inc for the existing locations permissible within the city limits of Cleveland.
h. **Motion** – Authorizing the Mayor to sign an engagement letter with Miller & Martin.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie had no report at this time.

Councilman Estes stated he heard the circus over the weekend at Blythe Oldfield went really well. Also, Lee's graduation ceremony is on May 4, be prepared for the additional traffic. Next, he would love to make sure that the pools are going to be open on time in May and we're on track. Mr. Fivas responded he doesn't think we've had any concerns at this point. Lastly, he understands the lights were up at the soccer field but not on. Councilman Cassada stated yes, they are up as he was there Saturday. They look great but they left before they were turned on. Mr. Fivas stated in two weeks they will be switched on.

Councilman Cassada stated unfortunately, he missed the ice cream eating competition over the weekend due to a funeral in Murphy, NC. He needs to apologize to Doug Berry for missing it, as he sponsored him for the event. Secondly, Councilman Cassada stated he would like to honor two Councilmen, Councilman Dale R. Hughes, and Vice Mayor Avery Johnson. He then read the following statement:

With heartfelt appreciation and dedication to service of Cleveland, Tennessee. As the winds of change sweep through Cleveland, TN it is with a profound sense and gratitude and admiration that we reflect on your collective 46 years of unwavering dedication and service tour beloved community. Your tireless efforts, steadfast commitment, and selfless contributions have left an indelible mark on the fabric of our city, shaping its present and guiding its future.

First, I'd like to honor Councilman Dale R. Hughes. For 16 years, he has been a beacon of integrity, wisdom, and compassion, tirelessly advocating for the needs and aspirations of our residents. Your leadership has been a source of inspiration, fostering inclusivity, fairness, and progress in every decision made for the betterment of Cleveland. Your tenure has been marked by a deep sense of responsibility and an unwavering dedication to service, embodying the very essence of civic duty. Some of his accomplishments people maybe not know, his career 13 years at Lee as athletic director, basketball coach, Professor, Bradley Central High Principal, where I got to know you at that time from 1975 to 1996 and real estate. As we know, the Holiday Inn Express on the hilltop. Baymont's Holiday Express Hotels. The National School of Excellence in 1986. People may not be aware that Mr. Hughes had the opportunity to represent Bradley High School, which was one of the only schools receiving this award in 1986, represented by President Ronald Reagan. Principal of the Year of Secondary Schools in 1996. Some of the boards, Chamber of Commerce as president, YMCA, as president twice. Cleveland Utilities Board sat there 26 years and was chairman for eight years. Isaiah117 Board, which is a great organization here in our community that helps kids. Beta Club, served as Tennessee chairman for 25 years. it started with 286 students and now it is up to 12,000 students in the state. His wife

Brenda and son Richie with his wife Stephanie and two granddaughters, one's getting married soon. Also, Eddie Joe and daughter Keri.

Similarly, Vice Mayor Avery Johnson's remarkable 30-year tenure stands as a testament to a lifetime of service and devotion to the people of Cleveland. Your visionary leadership, coupled with your boundless compassion and commitment, has been instrumental in shaping our city's landscape and fostering a sense of community that is unparalleled. Your passion for public service and your relentless pursuit of excellence have left an indelible legacy that will continue to inspire generations to come. Some of his accomplishments, employed with Maytag for 44 years. Graduate of College Hill High School in 1960, attended Cleveland State Community College, past President of Cleveland Toastmasters, Past president with Cleveland Lion's Club, current President of College Hill Alumni Association. The founding president of 100 Black Men of Bradley County Inc. Past vice president of Maytag National Management Association. Committees you served on United Way Budget allocation committee, Cleveland High School Board, Economic Development Committee, and Chamber of Commerce, American Red Cross Board, Blood Assurance and Human Relations Council in 1967, which was appointed by Mayor Harry Dethro. His wife Lelia and two sons Avery Johnson, Jr., Shaun, two daughters Lamonica and Twyla and four grandsons.

So, gentlemen, as you embark on the next chapter of your lives, we want to express our heartfelt gratitude for your exemplary service, your steadfast leadership, and your unwavering dedication to the betterment of Cleveland. Your tireless efforts have transformed challenges into opportunities, adversity into triumphs, and aspirations into achievements. Your legacy will forever be etched in the annals of our city's history, serving as a beacon of hope and inspiration for all who call Cleveland home. On behalf of the grateful residents of Cleveland Tennessee, we extend our deepest thanks and appreciation for your years of service, sacrifice, and commitment. May your future endeavors be filled with joy, fulfillment, and continued success.

Mayor Brooks asked to hear from our two distinguished gentlemen.

Vice Mayor Johnson thanked Councilman Cassada. He has served over 30 years on the City Council, 23 years as Vice Mayor. He has served with a lot of people with integrity and people that didn't have near the resources we have now. They did the best they could and go our city prepared. I really appreciate all the accolades and appreciate their commitment to do what is right. A lot of times it is hard to make a decision, because there are people involved that you know. Sometimes it has been difficult, but I have enjoyed being on the Council and working with men and women with such integrity. Everyone up here is honorable in his sight. It takes a lot to do this job and sacrifice to do the right thing. Also, I have decided, after re-reading the City Charter, I had a person in mind that I was going to step down at the second meeting in May, but I'm not going to step down. I will finish my term since it's so close to the election to give the people the opportunity to vote for the person they would like to serve. He then told the story of Councilman Hughes letting his brother and friends into the gym at Lee, at night to allow the boys to play basketball. It made a big impact.

Councilman Hughes stated he appreciates what Councilman Cassada had to say and his kindness and expression. He is grateful for what he had to say. He has enjoyed the men and women on this Council. The Mayor runs an incredible meeting and has a lot of experience. He appreciates everyone. The mixture we have makes an excellent Council. We've got educators, contractors, owners of a business, an auditor, and a man with 44-years of experience. He appreciate our staff. The police and fire departments, all the great things that are happening now that we are working on, is great. John Kimball has been a great counselor for the City. Jonathan Jobe, and both Chiefs, you guys have been terrific. Tommy Myers, who has a lot of accolades and goes above and beyond. He looks forward to downtown projects and seeing the Cherokee becoming an individual City Hall. It will be nice. It has been his pleasure working with everyone.

Councilwoman McKenzie stated she would like to thank Councilman Hughes and Vice Mayor Johnson for the legacy that they are leaving to the younger generation and the younger Council men and women that will sit in these seats on the Council. Councilman Hughes has always been gracious and good to me, and I appreciate his friendship and kindness over the years. Vice Mayor Johnson has a park in his name. It has been an honor to serve with both of you.

Councilman May stated he has certainly enjoyed Vice Mayor Johnson and Councilman Hughes. They have always voted your conviction and always tried to vote for what you saw in, not for personal gain but what was good for Cleveland. He has fond memories and has enjoyed service with both of them.

Councilman Webb stated if he his not mistaken, one of his first votes as a new councilmember in 2018 was naming of the Avery Johnson Park. He is certainly glad the city was able to honor him, and it was certainly deserved. His relationship with Councilman Hughes is a little different; as he served on the Cleveland Utility Board for 26 years, when he was an employee during that time. He appreciated the way he could have conversations about issues and work through those issues and always appreciated his support. They will both be missed on the Council, and they have certainly earned and deserved some time away from issues you have to deal with.

Mayor Brooks stated as a young man of 18 years old at Lee College, as a history major, I gave, when Dr. Snell was not able to physically, I was honored to be asked to give the downtown walking tour. A part of that tour was City Hall and Vice Mayor Avery Johnson. He has served admirably for as long as I have been in Cleveland. He is honored to now sit with him as a colleague, Councilman, and Vice Mayor. Your legacy truly continues forever. Growing up Church of God, you don't grow up without knowing the Hughes family. When you come to Lee College and you're away from your family, there are some families that take you in and the Hughes family was one of those. I have always been so thankful that he believed in me as a very young man when many, many people did not and was always supportive and so grateful to be seated beside you for these few years together, and I look forward to that continuing wherever our paths go. Mayor Brooks added his mom misses the restaurant on the hill.

NEW BUSINESS AND ORDINANCES

There was no new business and ordinances.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, May 13, 2024.

b. Public Hearing and First Reading of the FY2025 Budget will be on Monday, May 13, 2024

c. Arbor Day, Tree City and Bee City celebration event at Fletcher Park on Tuesday, April 23 at noon.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:43 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MAY 13, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, MAY 13, 2024 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; City Attorney John Kimball; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Tim Rader; Warbrit Lowery; Duane Goff; Jodi Riggins, City Schools Director Jeff Elliott; Ben Berry with Berry Engineers; Ethan Brewer; Jeremiah Million; Doug Berry with the Chamber of Commerce and Tim Siniard with the *Cleveland Daily Banner*.

Mayor Brooks announced a brief recess.

Mayor Brooks called the meeting back to order at 3:15 p.m.

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

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on April 22, 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

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 the FY2025 Budget. Mayor Brooks asked if anyone would like to speak in favor of the FY2025 Budget. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the FY2025 Budget. 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 Hank Wilson for consideration of a Plan of Service a resolution to annex, and an ordinance to zone about 1.00 acre, more or less, of property located at Perimeter Drive from unincorporated county to CH Highway Commercial and includes Tax Map 035E Group F Parcel 014.01. Robert Varnell stated this item is for the Plan of Service, Annexation and Zoning of the property. It is a fairly small parcel off APD40. Currently there is a house, which will be demolished, and a fast-food establishment will be constructed. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the Plan of Service, Annexation, or Zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition of the Plan of Service, Annexation, or Zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Daniel Fendley for consideration of an ordinance to zone about 1.19 acres, more or less, of property located at the corner of Dalton Pike and 20th Street from Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes a portion of Tax Map 057M Group B Parcel 018.00. Robert Varnell stated this is a split zoned property and single-family detached homes will be constructed, and driveways will be off 20th St SE. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Mike Watson for consideration of an ordinance to zone about 1.01 acres, more or less, of property located at Fredrick Street from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 041K Group F Parcel 003.00. Robert Varnell stated half the use on the property has been residential but when we removed residential components from the Highway Commercial zone, it created some issues for the property owner. The office building will be remodeled into apartments. R3 zoning is supported by staff and the Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Lynn Jones for consideration of an ordinance to zone about 5.58 acres, more or less, of property located at South Lee Hwy from County FAR to R-1 Single Family Residential Zoning District and includes Tax Map 056 Parcel 092.00. Robert Varnell stated this is one of the annexations by referendum and now that the annexation was approved, the request is before you to rezone the property R1. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Jerry Suits for consideration of an ordinance to zone about 113.42 acres, more or less, of property located at Dry Valley Road from County FAR to RA Residential Agricultural Zoning District and includes Tax Map 028 Parcel 048.00. Robert Varnell stated this is the second of the annexations by referendum and now that the annexation was approved, the request is before you to rezone the property RA, which is a lateral move zoning wise but will follow city zoning standards. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by multiple owners for consideration of an ordinance to zone about 160.15 acres, more or less, of property located at Dry Valley Road from County FAR to RA Residential Agricultural Zoning District and includes Tax Map 028 Parcel 048.03. Robert Varnell stated this is the third of the annexations by referendum and now that the annexation was approved, the request is before you to rezone the property RA, which is a lateral move zoning wise but will follow city zoning standards. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Millers Landing Series of Riverstone for consideration of an ordinance to amend PUD 41 to increase the number of single family detached lots from 117 to

123 which is located at Minnis Road and includes Tax 058 Parcel 24.00. Robert Varnell stated the property owners realized the TVA powerline easement was not an easement but in fact a simple lot they owned. They did not get permission to cross it, therefore they had to redesign and gained six lots. Since the site plan changed, we have to amend the ordinance. The Planning Commission approved it 7-0. Councilman Hughes asked about the development on North Lee Highway, where they are leasing, renting, or selling the new single-family homes. He wasn't aware when the PUD was approved, they would be able to lease/rent them. He has received several complaints. Mr. Varnell stated yes, he has spoken to several concerned citizens and unfortunately at this point, the houses received their CO. Who owned them wasn't really purview of the city necessarily, but that in future PUDs we could look at language that might specify what type of ownership could be. It's us still being research. The other component is called a lateral apartment or horizontal style, so it brings in the same amount of equity as going vertical, but they do it in a different way. They think people find it more attractive to have housing. There are specific areas where that does work versus does not. So those are the things we're looking at. Councilman Hughes stated it is important when we have a PUD to change the language because the people that own the homes are out of town, buy nothing in Cleveland, no plywood, not a stud, they have it shipped in. Then, when the people have complaints, they're gone, and they don't respond. He would like at the Planning Commission level; this needs to be addressed. Mr. Varnell stated yes he is looking into the legality and providing information and tools the Planning Commission can possibly use. Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the City of Cleveland for consideration of an ordinance to amend Title 14, Chapter 2, to add a new Section 3.14 to create regulations for telecommunication facilities located within the public Right-of-Way. Robert Varnell stated this ordinance is adding some control to our public rights-of-way. We do need to control site triangles. In your packet is a photo of what one will look like. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by City of Cleveland to allow Cleveland, Tennessee Municipal Planning Commission to amend multiple sections of Article 7 Final Plat Requirements and Article 8 Requirements for Townhouse Subdivisions in the Cleveland TN Subdivision regulations concerning the platting approval process and requirements for administrative review as well as the process for submitting plats. Robert Varnell stated this was taken back before the Planning Commission to ask for specific guidance on what they would like to see. That guidance has been put into the resolution. A subdivision between 11 and 25 lots, it's a preliminary plat approval and doesn't change, then our staff can approve it without it going back to Planning Commission. If there are changes, a sizeable change, then it will go back before the Planning Commission. It also gives staff and the applicant the ability to say this needs to go before the Planning Commission, whether it's changed or not. This was the specific guidance we worked out at the Planning Commission. Councilman May stated he didn't see a downside and fail safes are built in and helps with the red tape on small projects. Mr. Fivas stated we support what the Planning Commission did. One thing in speaking with staff, the most of the benefit for the four to five lots is to make sure you have four to get the quadplexes and work through more efficiently. We think you should consider moving it to five, but we fully support this or the friendly amendment. We are comfortable if you don't but it would be ideal for our staff. Mayor Brooks stated we can consider the amendment during the vote. The Planning Commission approved it 7-0. Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. Councilman Estes requested Resolution 2024-40; annual review of the Debt Management Policy be moved to new business. Councilman Hughes then moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Estes. Councilman Estes then asked why a four-way stop at 2nd Street/Parker is not recommended to mirror 1st Street/Parker. Mr. Sheely stated Parker/Central four-way stop is justified off pedestrians. He wasn't asked to take a deep dive into 2nd Street/Parker but for a justified reason, there is not one to say mirror this road to that road. Councilman Estes then asked if staff would take a look at 2nd Street/Parker for downtown walkability, slow traffic, just for continuity and consistency, it makes sense. He asked them to report back their findings. Upon roll call, unanimously passed 7-0.

a. **Resolution 2024-37 –** Approving the FY2025 Appropriations.

RESOLUTION 2024-37

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 2024-2025:

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2024-38 –** 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 2024-38

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 $2,430,095 in tax equivalents for FY2025.

Section 2. The Cleveland Utilities Board water system is hereby directed to pay to the City of Cleveland $266,380 in tax equivalents for FY2025.

Section 3. The Cleveland Utilities Board wastewater system is hereby directed to pay to the City of Cleveland $252,197 in tax equivalents for FY2025.

Section 4. This resolution shall become effective July 1, 2024 the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-39 –** Regarding the Cleveland City Schools Federal Project Fund.

RESOLUTION 2024-39

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

d. **Resolution 2024-41** – Authoirizing the Mayor to sign an agreement with the Cleveland Housing Authority for police supplemental services.

RESOLUTION 2024-41

WHEREAS, the City of Cleveland and Cleveland Housing Authority have previously entered into an agreement for the provision of supplemental police services from the City to the Cleveland Housing Authority; and

WHEREAS, the parties desire to enter into a new one-year agreement on the terms and conditions contained within the attached agreement; and

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

WHEREAS, the City Council desires to approve of this agreement with Cleveland Housing Authority, and to authorize the Mayor to execute the agreement on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Cleveland Housing Authority for police supplemental services, and the City Council further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 13th day of May 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Resolution 2024-46** – Change Order #1 Inman Street Directional Boring.

RESOLUTION 2024-46

WHEREAS, the City previously entered a contract with the LK Grant Co., LLC for directional boring for the Inman Street project; (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 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 the LK Grant Co., LLC; and

WHEREAS, the City Council now desires to accept the proposal and change order #1 to the agreement with the LK Grant Co., LLC 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 the LK Grant Co., LLC 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 13th day of May 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

f. **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

g. **Surplus Property** – Declaring 1 Forestry vehicle, 1 Knuckleboom from Public Works, and 1 Parks vehicle as surplus property and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **May 13, 2024**
RE: **Surplus Property**

SUMMARY:
Fleet Management has requested the City Council declare the assets listed below as surplus property to be sold on GovDeals:

- 1997 Ford Truck VIN 1FDLF47G7VEA82126 (Forestry)
- 2000 International Knuckleboom VIN 1HTSCABN6YH285804 (Public Works)
- 2003 Chevrolet K1500 VIN 1GCEK19V53E252967 (Parks)

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

h. **Motion** – Proclaiming the City of Lviv, Ukraine as a sister city of Cleveland, Tennessee for the moral support of its citizens and our Ukrainian citizens.
i. **Motion** – Approval of 1st Street and Parker Street All-Way Stop Sign.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 13, 2024**
RE: **1st Street & Parker Ave All-Way Stop**

SUMMARY:
Traffic Engineer David Sheely has reviewed the request from Council Webb to make it an All-Way Stop at 1st Street and Parker Ave. He has determined that the site distance at this location is a safety issue. He recommends making this intersection an All-Way Stop. With the approval of this item, City staff will convert the traffic at this location to any All-Way Stop.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
Cost of two new signs.

STAFF RECOMMENDATION:
City staff recommends making 1st Street and Parker Ave an All-Way Stop.

j. **Motion** - Approval of Central Avenue and Parker Street All-Way Stop Sign.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 13, 2024**
RE: **Central Ave & Parker Street All-Way Stop**

SUMMARY:
City staff has reviewed the suggestion from Councilman Webb to make Central Ave and Parker Street an All-Way Stop. There are no site distance limitations at this location. However, in the next year after the completion of the Central Ave streetscape construction project this intersection will be made into an All-Way Stop with speed tables.

Moreover, this intersection qualifies for an All-Way Stop due to the high number pedestrian crossing at this location from the Lee University students. This qualifies under the MUTCD for an All-Way Stop.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
Staff's recommendation is to make Central Ave and Parker Street an All-Way Stop.

k. **Reappointment** – *Board of Zoning Appeals* – Clint Taylor for an additional 3-year term to expire November 2026.
l. **Appointment** – *Board of Zoning Appeals* – Greg Thomas for a 3-year term to expire November 2026.
m. **Motion** – Approving a reduction in the speed limit on Adkisson Drive in front of Cleveland State Community College at the new speed tables.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 13, 2024**
RE: **Speed Reduction at CSCC**

SUMMARY:
City staff has reviewed the speed limit on Adkisson Street in front of Cleveland State Community College. The current speed limit is 35 MPH. However, with the new speed tables the advisory speed limit has been set 20 MPH.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
Staff's recommendation is to make advisory speed limit sign around the speed tables at 20 MPH

n. **Appointment** - *Health Education Facilities Board* and the *City Industrial Bond Board* – Laurie McNulty to fill the unexpired term of Bryce Kirksey and to appoint her for a 6-year to expire July 2030.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes stated on the budget piece, he appreciates the comments on the comp study and the gaps. Secondly, thanks to Kris Miller on Greenway cameras. People feel safe knowing it is live coverage. Next, over 100 people walked from Blythe Oldfield to Blythe school last week. Kids and their parents walked. They did it because we have sidewalks. Also, he appreciates what City Fields is doing at College Hill with the planter boxes. Lastly, he has the Community Shield for Chief Bates and the Fire Department, 16 years in a row on the plaque from 65 Roses.

Councilman Cassada thanked Cleveland Utilities for the quick repair of the main line off Freewill Road. Crews worked all night to get water back to the area residents and Mr. Henderson kept him updated throughout the process as well.

Councilman May stated he has voiced his opinion several times, but the quicker we get the comp study and get the results back, will be good for everybody. Second, on the budget the money that's being spent on Corps of Engineers, do we not talk about that anymore? Mr. Fivas asked what do you want to talk about. Councilman May stated well most people don't even realize what's being done by the Corps of Engineers. Mr. Fivas stated yes, the project at Clearwater and the one on Keith Street Church of God of Prophecy, those have been bid out and in the process of being done. At the next meeting we can have Brian Beck here to tell us what the projects look like and how they help the community. Councilman May stated it is a major project for the City of Cleveland and flooding.

Councilman Hughes stated Arbor Day was April 23. The event turned out well. Tree Board was in attendance as well as numerous Councilmembers. We have been a Tree City for 32-years. Also, we had the first Bee City presentation during the event. Next, he thanked Shawn McKay, Kristi Powers and Christy Brandon for their work on the budget and the document.

Councilman Webb also thanked Shawn McKay for the budget document. It takes time to put 424 pages together. It is an incredible amount of work and thank you to everyone involved in this process. Also, the meeting packet is 159 pages, so thank you again.

Vice Mayor Johnson echoed the comments on the budget document. You think about all the work done so far and the work to come. Good job to everyone. Secondly, at the corner of 15th Street and Billy Graham Avenue, Lee University filled in all the deep holes about the intersection except one and someone could fall into the ditch. He then asked staff to take a look.

Councilwoman McKenzie had no report at this time.

Mr. Fivas stated on the Greenway cameras, there have been a number of incidents where we've received complaints and immediately get eyes on the people breaking in or doing vandalism. We have been able to use them and it's a great service to the community. The Police Department is working on getting the systems tied together and it is a helpful tool. Kris Miller stated besides the Greenway, the cameras are in the parks and now the Museum has purchased the same cameras and will be on our system as well. Mr. Fivas stated we have Deer Park, Mosby and Civitan Park. Councilman Cassada asked that cameras be included at Jim Sharp Park as well.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

a. **Ordinance 2024-12** – Amending the FY2024 Budget.

ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2023-2024 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 2023-2024 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			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
GENERAL FUND				
Tax Revenues:	46,440,000	46,736,170	296,170	Property Tax, In Lieu of Tax
Licenses & permits:	1,753,700	1,925,400	171,700	Permits
Intergovernmental:	6,097,010	6,221,027	124,017	State Hwy Grant, Excise
Charges for services:	1,116,500	1,593,000	476,500	CPD Contracted Svcs, Schools SRO
Fines & forfeits:	406,500	291,000	(115,500)	Decrease in Fines
Interest income:	350,000	1,250,000	900,000	Interest
Miscellaneous:	31,200	157,301	126,101	Sundry Income, Ins Reimb, Donations
Public Enterprise Revenue:	1,500,500	1,531,800	31,300	Hangar Rental, Tie Downs
Subtotal	57,695,410	59,705,698	2,010,288	
Other Funding Sources:	3,096,150	2,717,320	(378,830)	Decrease Transfer
Total Revenues	60,791,560	62,423,018	1,631,458	
Legis. & Judicial	423,305	423,280	(25)	WC Ins
Administration	710,147	719,070	8,923	Professional Development, Ins
Jetport	1,651,578	1,675,652	24,074	Cont Svcs, Build Maint
Human Resources	532,796	530,974	(1,822)	Insurance
Finance	1,530,214	1,532,086	1,872	Insurance
Information Technology	1,157,933	1,161,981	4,048	Insurance
Development & Engineering	2,137,491	2,055,580	(81,911)	Parttime, Prof Svcs, Health Ins
Codes Enforcement	292,934	293,142	208	Vehicle Maint
Building	0	395,354	395,354	New Division
Police	13,335,340	13,593,364	258,024	OT, Extra Duty,Vehicle Maint
Animal Control	645,151	648,306	3,155	Supplies
Fire	12,379,065	12,519,089	140,024	Overtime, Build Maint, PPE, Ins
PW Operations	2,907,845	2,854,820	(53,025)	Safety Markings
Street Lighting & Signals	2,047,700	2,047,700	0	
Fleet	721,419	727,188	5,769	Repairs
Forestry & Landscaping	979,383	1,090,824	111,441	Vehicle Maint, Fuel
Parks & Recr.	1,636,820	1,312,694	(324,126)	Salaries, Benefits - New Division
College Hill Rec Center	493,652	504,784	11,132	Salaries, Build Ins
Cleveland Comm Center	432,060	458,407	26,347	Salaries, PT, Pool Exp
Tinsley Park	364,300	364,489	189	Insurance
Appropriations	1,451,500	1,451,500	0	
Subtotal:	45,830,633	46,360,284	529,651	
Transfers	14,768,175	14,980,789	212,614	Debt Service, CIP
Total Expenditures	60,598,808	61,341,073	742,265	
Increase (use) of fund balance	192,752	1,081,945	889,193	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
SPECIAL REVENUE FUNDS:				
Solid Waste Mgmt. Fund				
Revenues	5,643,896	5,822,896	179,000	Increase Revenues, Interest
Transfers from Other Funds	150,000	0	(150,000)	
Total Rev. & Transfers In	5,793,896	5,822,896	29,000	
Expenditures	5,550,405	5,885,308	334,903	Repairs, Equipment
Increase (Use) of Fund Balance:	243,491	(62,412)	(305,903)	
State Street Aid Fund				
Revenues	1,463,000	1,772,376	309,376	Increase Revenues, Interest
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	1,463,000	1,772,376	309,376	
Expenditures	1,461,824	1,121,601	(340,223)	Equipment
Transfers Out	459,698	459,698	0	
Total Expenditures & Transfers:	1,921,522	1,581,299	(340,223)	
Increase (Use) of Fund Balance:	(458,522)	191,077	649,599	
Cleveland Public Library Fund				
Revenues	822,600	828,156	5,556	Misc Revenues, Interest
Transfers from Other Funds	707,000	707,000	0	
Total Rev. & Transfers In	1,529,600	1,535,156	5,556	
Expenditures	1,529,100	1,533,056	3,956	Grant Exp, Utilities
Increase (Use) of Fund Balance:	500	2,100	1,600	
Drug Enforcement Trust Fund				
Revenues	23,700	43,820	20,120	Fines, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	23,700	43,820	20,120	
Expenditures	23,600	36,354	12,754	Seized Vehicles, Canine Exp
Increase (Use) of Fund Balance:	100	7,466	7,366	
E-Ticketing Grant				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	0	0	
Expenditures	0	17,404	17,404	Carryover
Increase (Use) of Fund Balance:	0	(17,404)	(17,404)	
Bryne Mem. Justice Asst. Grant				
Revenues	0	43,766	43,766	Annual Grant
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	43,766	43,766	
Expenditures	0	43,766	43,766	Equipment, BCSO
Increase (Use) of Fund Balance:	0	0	0	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
Hotel Tax				
Revenues	0	460,000	460,000	New Revenue
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	460,000	460,000	
Expenditures	0	460,000	460,000	Appropriations
Increase (Use) of Fund Balance:	0	0	0	
CPD- VCIF Grant				
Revenues	0	1,920,243	1,920,243	New Grant
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	1,920,243	1,920,243	
Expenditures	0	1,920,243	1,920,243	Vehicles, Equipment, Salaries
Increase (Use) of Fund Balance:	0	0	0	
Community Dev. Block Grant				
Revenues	425,000	549,889	124,889	Carryovers
Transfers from Other Funds	50,000	50,000	0	
Total Rev., Transfers & Other Fin.	475,000	599,889	124,889	
Expenditures	354,457	595,155	240,698	Project Carryovers, Down Pmt Asst
Increase (Use) of Fund Balance:	120,543	4,734	(115,809)	
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	299,500	299,500	0	
Increase of Fund Balance:	500	500	0	
School Food Service Fund				
Revenues	3,830,858	3,635,416	(195,442)	USDA Breakfast/Other
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	3,830,858	3,635,416	(195,442)	
Expenditures	4,067,858	4,052,621	(15,237)	Contracted Svcs
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	4,067,858	4,052,621	15,237	
Increase (Use) of Fund Balance:	(237,000)	(417,205)	(180,205)	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
School General Fund				
Revenues	54,170,087	61,248,280	7,078,193	Sales Tax, Other State, Vocational
Transfers from Other Funds	5,605,300	6,024,900	419,600	
Total Rev. & Transfers In	59,775,387	67,273,180	7,497,793	
Expenditures	59,775,387	67,215,983	7,440,596	SLC Grant, Contracted Svcs, Capital Outlay
Transfer to Other Funds			0	
Total Expenditures & Transfers:	59,775,387	67,215,983	7,440,596	
Increase (use) of Fund Balance:	0	57,197	57,197	
CAPITAL OUTLAY FUNDS:				
Capital Improv. Program Fund				
Revenues	0	3,075,448	3,075,448	Grants, Interest
Transfers & Other Fin.	965,000	1,076,521	111,521	General Fund Tfr
Total Rev., Transfers & Other Fin.	965,000	4,151,969	3,186,969	
Expenditures	965,000	31,416,295	30,451,295	Various Projects
Transfers to Other Funds	0	0	0	
Total Expenditures & Other Uses	965,000	31,416,295	30,451,295	
Increase (Use) of Fund Balance:	0	(27,264,326)	(27,264,326)	
Sales Tax Capital Projects Fund				
Revenues	4,947,680	5,507,180	559,500	Interest, Increase Revenue
Total Rev., Transfers & Other Fin.	4,947,680	5,507,180	559,500	
Expenditures	4,942,680	8,083,707	3,141,027	Carryover - various projects
Total Expenditures & Other Uses	4,942,680	8,083,707	3,141,027	
Increase (Use) of Fund Balance:	5,000	(2,576,527)	(2,581,527)	
CCS Capital Funds				
Revenues	0	105,000	105,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	105,000	105,000	
Expenditures	0	3,131,128	3,131,128	Carryover - various projects
Increase (Use) of Fund Balance:	0	(3,026,128)	(3,026,128)	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
American Rescue Plan				
Revenues	0	245,000	245,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	245,000	245,000	
Expenditures	0	7,496,102	7,496,102	Public Safety, Tech Improv, Appropriations, City Hall
Increase (Use) of Fund Balance:	0	(7,251,102)	(7,251,102)	
Internal ServiceFunds:				
Health Insurance Trust Fund				
Revenues	6,079,504	6,183,004	103,500	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	6,079,504	6,183,004	103,500	
Expenditures	5,395,537	5,395,537	0	
Increase (Use) of Fund Balance:	683,967	787,467	103,500	
Debt Service Fund:				
Revenues	5,000	185,000	180,000	Interest
Transfers and Other Fin.	8,465,482	8,485,041	19,559	General Fund Tfr
Total Rev., Transfers & Other Fin..	8,470,482	8,670,041	199,559	
Expenditures	8,470,481	8,571,574	101,093	Equipment Lse
Increase (Use) of Fund Balance:	1	98,467	98,466	
Enterprise Funds:				
Storm Water Management Fund				
Revenues	1,901,300	7,445,462	5,544,162	TDEC Grant, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	1,901,300	7,445,462	5,544,162	
Expenditures	1,900,231	10,658,345	8,758,114	Various projects
Increase (Use) of Fund Balance:	1,069	(3,212,883)	(3,213,952)	
Fiduciary Funds:				
Meiler Estate/Animal Shelter Trust Fund				
Revenues	500	7,000	6,500	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	500	7,000	6,500	
Expenditures	0	5,379	5,379	Equipment
Increase (Use) of Fund Balance:	500	1,621	1,121	

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

The following Ordinance was then presented in full:

b. **Ordinance 2024-13 –** Adopting the 2024 Tax Rate ($1.7130).

ORDINANCE 2024-13

TAX ORDINANCE – YEAR 2024

AN ORDINANCE TO PROVIDE AND FIX FOR THE CITY OF CLEVELAND, TENNESSEE, FOR THE YEAR 2024, 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 2024, and each subsequent year thereafter be, and is, $1.7130 on each One Hundred Dollars ($100.00) of assessed valuation.

SECTION 2. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that all persons, firms and corporations engaged in any location, occupation or business within the corporate limits of said City shall pay a business tax to the City of Cleveland equal to and in the same amount as the business tax prescribed to be paid by such person, firm or corporation under the terms and provisions of the "Business Tax Act", known and designated as Chapter 387 of the Public Acts of 1971, as passed by the aforesaid Act hereto attached, read and understood by the said City Council, and made a part of this Ordinance; and the rate of taxes on such business is made a part hereof as fully as if the same were incorporated in full herein; and the rate of taxes on such privilege and privileges named in said Act for retail businesses shall be as follows:

Class 1A	1/10 of 1% retail 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 $1.7130 for each one hundred dollars ($100.00) of assessed valuation.

SECTION 4. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that it shall be unlawful for any person, firm or corporation to exercise the privileges set forth and referred to in this Ordinance before complying with the provisions of the Ordinance, and anyone exercising any of the forgoing privileges without paying the tax prescribed shall be guilty of a misdemeanor and liable to a fine on conviction of not less than $5.00, nor more than $50.00, for each such privilege which is exercised without a license, to be imposed by the City Judge of the City of Cleveland.

SECTION 5. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that if any Section or part of this Ordinance shall be declared invalid or unenforceable, the invalidity of such Section or part shall not otherwise affect its validity but the remaining Sections or parts of this Ordinance shall be enforced without regard to the Section or part declared to be invalid.

SECTION 6. BE IT FURTHER ORDAINED by the City Council of the City of Cleveland, Tennessee, that all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; however, this Ordinance shall not be the exclusive means of taxation within the City of Cleveland, Tennessee, but is in addition to any other valid Ordinances in existence at the present time by which the City may collect a tax or taxes, and this Ordinance shall take effect from and after its passage, the public welfare of the City of Cleveland requiring it.

Signed in Open Meeting:

_____
Councilwoman McKenzie

_____
Kevin Brooks, Mayor

_____
Councilman Estes

ATTEST:

_____
Councilman Cassada

_____
Shawn McKay, City Clerk

_____
Councilman May

APPROVED AS TO FORM:

_____
Councilman Hughes

_____
John F. Kimball, City Attorney

_____
Councilman Webb

_____
Vice Mayor Johnson

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

The following Ordinance was then presented in full:

c. **Ordinance 2024-14 –** Adopting the FY2025 Budget.

ORDINANCE 2024-14

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	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
Revenues:			
General Fund	$62,699,017	$59,705,698	$66,308,872
Special Revenue Funds:			
Solid Waste Management	4,466,911	5,822,896	6,025,877
State Street Aid	1,762,299	1,772,376	1,463,000
General Purpose School	54,439,706	61,248,280	60,562,118
Schools Food Service	4,334,043	3,635,416	3,738,394
Cleveland Public Library	757,682	828,156	805,550
Drug Enforcement	71,822	43,820	26,000
Byrne Memorial Justice Asst. Grant	36,972	43,766	0
VCIF Competitive Grant	0	1,920,243	223,913
Hotel Lodging Tax	0	460,000	463,000
Community Dev. Block Grant	438,419	549,889	375,000
E-Ticketing	170	0	0
Internal School Activity Funds	2,349,375	0	0
Schools Federal Projects	10,159,865	0	0
Metropolitan Planning Organization	166,331	200,000	200,000
Debt Service	352,264	331,800	152,050

Anticipated Revenues, cont'd:	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
Revenues:			
Capital Projects Funds:			
ARPA Projects Fund	4,886,997	245,000	0
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Capital Improvements Program	2,411,938	3,075,448	0
Sales Tax Capital Projects Fund	6,004,505	5,507,180	5,508,000
Cleveland City Schools - CIP	160,067	105,000	0
Enterprise Funds:			
Stormwater Management	1,921,333	1,901,300	1,818,900
Cleveland Utilities Electric Division	115,874,125	101,312,387	0
Cleveland Utilities Water/Wastewater Division	38,944,842	41,437,277	0
Trust Funds:			
Meiler Trust Fund	14,461	7,000	500
Internal Service Fund:			
Health Insurance Trust Fund	5,048,626	6,183,004	6,422,626
Total Revenues	317,301,770	296,335,936	154,093,800
Other financial sources			
Operating transfers in:			
General Fund:	3,035,441	2,715,312	0
Special Revenue Funds:			
Solid Waste Management	150,000	0	0
State Street Aid	0	0	0
General Purpose School	5,802,379	6,024,900	6,383,380
Cleveland Public Library	684,000	707,000	690,550
Community Dev. Block Grant	30,000	50,000	50,000
Internal School Activity Funds	0	0	0
Metropolitan Planning Organization	151,500	100,000	100,000
Debt Service	7,440,849	8,338,241	8,966,345
Capital Projects Funds:			
Capital Improvement Program	3,896,493	1,076,521	1,165,000
Blythe Sidewalks Diabetes Grant	0	0	0
Internal Service Fund			
Health Insurance Trust Fund	0	0	0
Total Operating Transfer In:	$21,190,662	$19,011,974	$17,355,275

Anticipated Revenues	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
Other financial sources:			
Operating transfers in, cont'd:			
Capital Contributions			
Enterprise Funds:			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	229,799	0	0
Cleveland Utilities Water/Wastewater Division	2,078,925	0	0
Internal Service Funds:			
Health Insurance Trust	0	0	0
Total Capital Contributions:	2,308,724	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	$23,499,386	$19,011,974	$17,355,275
Total Revenues and Other Financing Sources	$340,801,156	$315,347,910	$171,449,075

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	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
General Fund	$41,142,066	$46,360,284	$49,922,805
Special Revenue Funds:			
Solid Waste Management	4,108,979	5,885,308	6,009,871
State Street Aid	1,040,152	1,121,601	1,306,980
General Purpose School	56,970,322	66,463,208	66,177,910
Schools Food Service	3,793,112	4,052,621	4,134,394
Cleveland Public Library	1,483,349	1,533,056	1,495,910
Drug Enforcement	25,395	36,354	25,800
Byrne Memorial. Justice Asst. Grant	36,972	43,766	0
VCIF Competitive Grant	0	1,920,243	223,913
Hotel Lodging Tax	0	460,000	460,000
Community Dev. Block Grant	439,823	595,156	152,574
E Ticketing	11,155	17,404	0
Internal School Activity Funds	2,180,559	0	0
Schools Federal Project	10,159,865	0	0
Metropolitan Planning Organization	218,129	299,500	299,900
Debt Service	8,333,563	8,566,574	9,113,333
Capital Projects Funds:			
ARPA Projects Fund	204,121	7,496,102	0
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Capital Improvements Program	4,850,929	31,416,295	1,165,000
Sales Tax Capital Projects Fund	4,815,239	8,083,707	5,508,000
Cleveland City Schools - CIP	1,403,087	3,131,128	0
Enterprise Funds:			
Stormwater Management	690,027	1,796,831	1,586,000
Cleveland Utilities Electric Division	103,354,372	94,412,927	0
Cleveland Utilities Water/Wastewater Division	29,385,968	34,122,243	0
Trust Funds:			
Meiler Estate Trust Fund	0	5,379	0
Internal Service Fund:			
Health Insurance Trust Fund	4,609,220	5,395,537	5,450,772
Total Expenditures	279,256,404	323,215,224	153,033,162

Nonoperating Revenues (Expenses)	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
Enterprise Funds:			
Stormwater Management	0	0	0
Cleveland Utilities Electric Division	(380,040)	(435,253)	0
Cleveland Utilities Water/Wastewater Division	(1,226,479)	(1,480,932)	0
Debt Service	(5,000)	(5,000)	(5,000)
Internal Service Fund:			
Health Insurance Trust Fund	0	0	0

Total Nonoperating Revenues (Expenses)	(1,611,519)	(1,921,185)	(5,000)

Other Financing Uses	**2022-2023 (ACTUAL)**	**2023-2024 (ESTIMATED)**	**2024-2025 PROPOSED**
Operating Transfers Out			
General Fund	16,799,586	14,980,789	16,350,380
Special Revenue Funds:			
Solid Waste Management	0	0	0
State Street Aid	444,042	459,698	69,507
General Purpose School	800,464	752,775	767,588
Internal School Activity Funds	0		
Schools Federal Project	879	0	0
Capital Projects Funds:			
Capital Improvements Program	0	0	0
Cleveland City Schools - CIP	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Enterprise Funds:			
Stormwater Management	110,250	103,400	167,800
Cleveland Utilities Electric Division	2,539,354	2,209,303	0
Cleveland Utilities Water/Wastewater Division	496,087	506,009	0
Internal Service Fund:			
Health Insurance Trust	0	0	0
Nonexpendable Trust Funds:			
Meiler Estate Trust Fund	0	0	0
Total Operating Transfers Out	21,190,662	19,011,974	17,355,275
Total Other Financing Uses	22,802,181	20,933,159	17,360,275
Total Expenditures and Other Financing Uses	302,058,585	344,148,383	170,393,437

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	**2022-2023 (ACTUAL)**	**2023-2024 (ESTIMATED)**	**2024-2025 PROPOSED**
General Fund	7,792,806	1,079,937	35,687
Special Revenue Funds:			
Solid Waste Management	507,932	(62,412)	16,006
State Street Aid	278,105	191,077	86,513
General Purpose School	2,471,299	57,197	0
Schools Food Service	540,931	(417,205)	(396,000)
Cleveland Public Library	(41,667)	2,100	190
Drug Enforcement	46,427	7,466	200
Byrne Memorial Justice Asst. Grant	0	0	0

Increase (Use) of Fund Balance or Net Assets	2022-2023 (ACTUAL)	2023-2024 (ESTIMATED)	2024-2025 PROPOSED
Special Revenue Funds cont'd:			
VCIF Competitive Grant	0	0	0
Hotel Lodging Tax	0	0	3,000
Community Development Block Grant	28,596	4,733	272,426
E Ticketing	(10,985)	(17,404)	0
Internal School Activity Funds	168,816	0	0
Schools Federal Project	(879)	0	0
Metro. Planning Organization (MPO)	99,702	500	100
Debt Service	(545,450)	98,467	62
Capital Projects Funds:			
ARPA Projects Fund	4,682,876	(7,251,102)	0
Capital Improvements Program	1,457,502	(27,264,326)	0
THDA Home Grant	0	0	0
Blythe Sidewalks Diabetes Grant	0	0	0
Sales Tax Capital Projects Fund	1,189,266	(2,576,527)	0
Cleveland City Schools - CIP	(1,243,020)	(3,026,128)	0
Enterprise Funds:			
Stormwater Management	1,121,056	1,069	65,100
Cleveland Utilities Electric Division	9,830,158	4,254,904	0
Cleveland Utilities Water/Wastewater Division	9,915,233	5,328,093	0
Trust Funds:			
Meiler Estate Trust Fund	14,461	1,621	500
Internal Service Fund:			
Health Insurance Trust Fund	439,406	787,467	971,854
Total Incr. (Use) of Fund Balance or Net Assets	38,742,571	(28,800,473)	1,055,638

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 $41,608,655 General Fund fund balance and none of the $6,212,614 Debt Service fund balance.

SECTION 4: **CAPITAL IMPROVEMENT PROGRAM**. During the coming fiscal year the City of Cleveland has planned for capital projects and proposed capital projects for future implementation and has included a statement listing these captial projects and the sources of financing these projects.

SECTION 5: All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

First Reading: May 13, 2024
Final Reading: June 10, 2024

APPROVED AS TO FORM:

_____
City Attorney

_____
Mayor

_____
City Clerk

Councilman Hughes moved that Ordinance 2024-14 be voted for passage on first reading. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

d. **Resolution 2024-42** - Concerning a request by Hank Wilson for consideration of a Plan of Service for about 1.00 acre, more or less, of property located at Perimeter Drive and includes Tax Map 035E Group F Parcel 014.01. (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-42

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

PERIMETER DRIVE (065E F 014.01)

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 13, 2024, 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 Hank Wilson, as recorded in BCROD deed book 1810 page 109, thence south 51 degrees 54 minutes 7 seconds east, 159.98 feet to an axel; thence south 36 degrees 36 minutes 16 seconds west, 273.06 feet to an axel; thence north 51 degrees 23 minutes 40 seconds west, 159.30 feet to an axel; thence north 36 degrees 27 minutes 00 seconds east, 271.67 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

APRIL 16, 2024
PERIMETER DRIVE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 1.00 acre located at King Street (Perimeter Drive) 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.

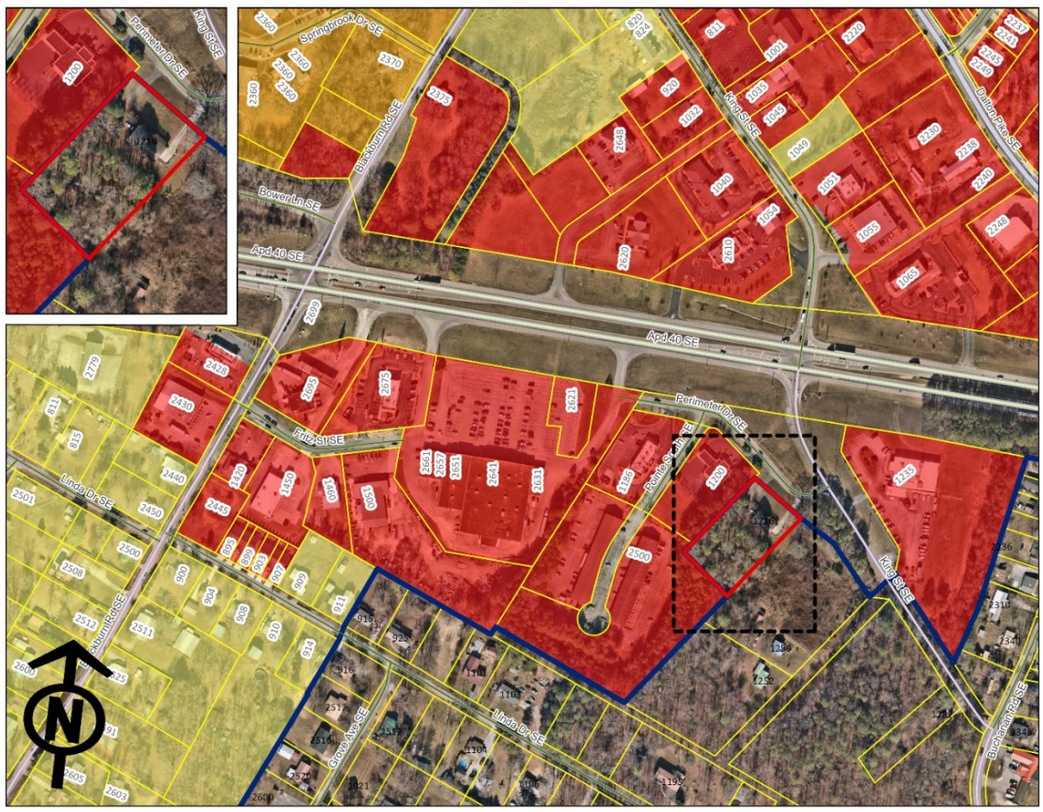
Introduction

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 1.00 acres total. The annexation would zone the property as CH Highway Commercial. This is a lot with a single-family home and a fast-food restaurant is proposed to replace it. The property is described as Tax Map 065E Group F Parcel 014.01.

Perimeter Drive Annexation Map



Legal Description

Beginning at the northwest corner of the lands of Hank Wilson, as recorded in BCROD deed book 1810 page 109, thence south 51 degrees 54 minutes 7 seconds east, 159.98 feet to an axel; thence south 36 degrees 36 minutes 16 seconds west, 273.06 feet to an axel; thence north 51 degrees 23 minutes 40 seconds west, 159.30 feet to an axel; thence north 36 degrees 27 minutes 00 seconds east, 271.67 feet to the point of beginning.

Plan of Services

1. Police Protection

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. Fire Protection

The Cleveland Fire Department could service this area immediately with our existing stations and personnel, with little impact to our budget.

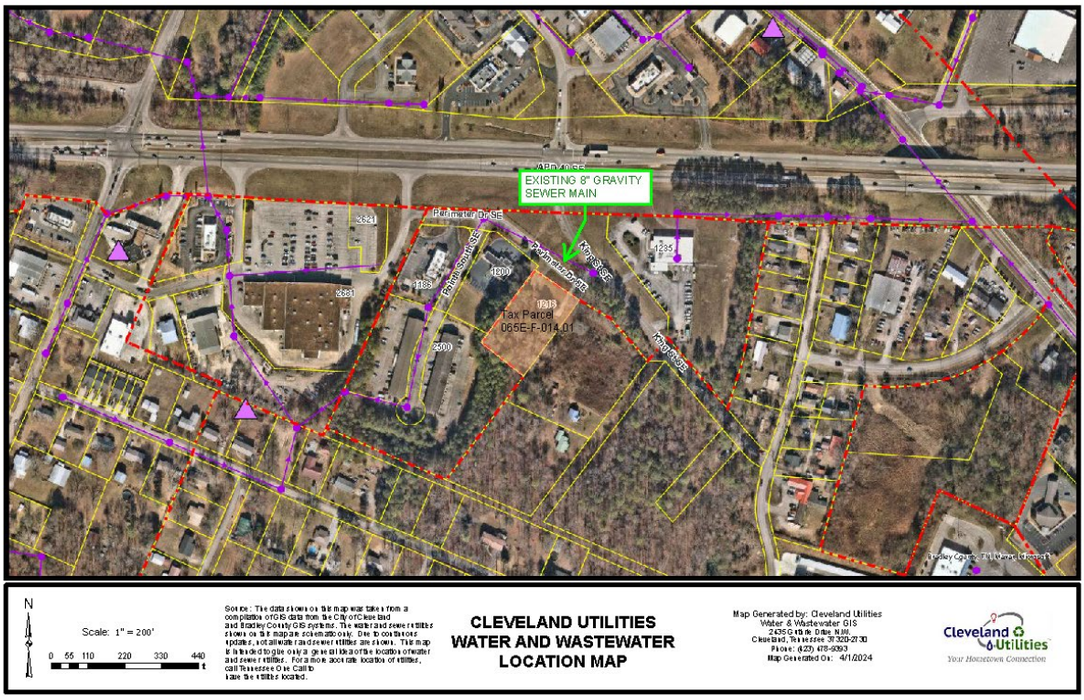
3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants

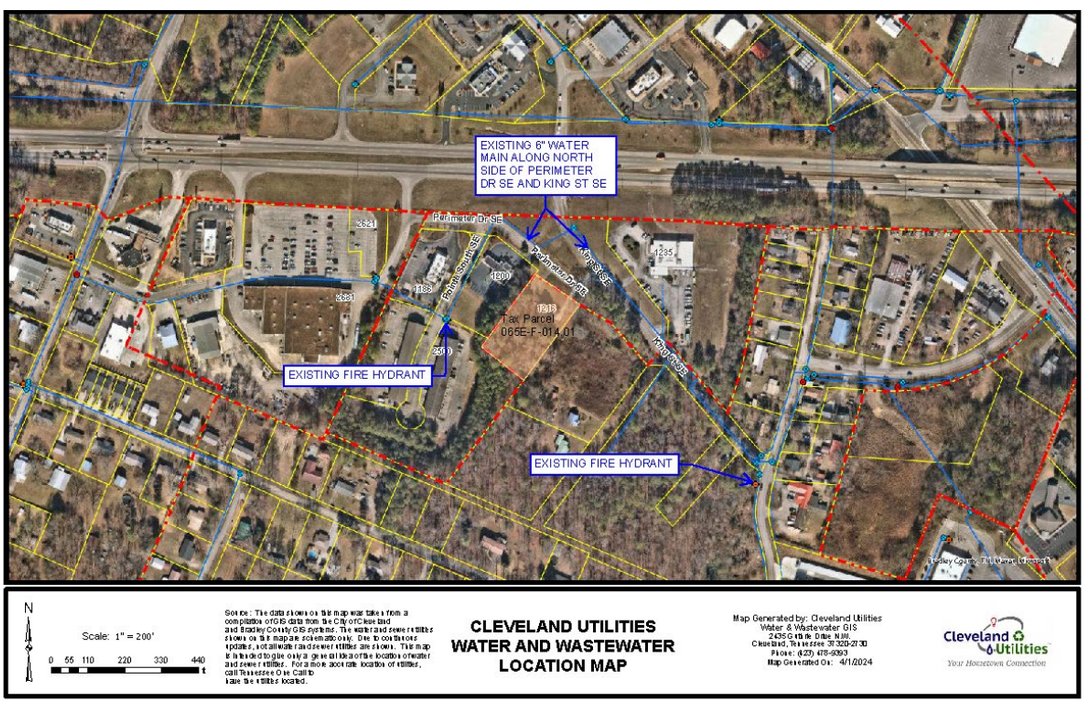
A. Domestic Water---Domestic water service is presently available to the parcels via a 6" water main along the north side of Perimeter Dr. SE and the north side of King Street SE. See Figure 1 – Water Service.
B. Sanitary Sewer---Sewer service is presently available to this parcel via an 8" gravity sewer main on the north side of Perimeter Dr. SE. See Figure 2—Sewer Service.
C. Fire Protection—Fire protection is presently available to this parcel via a fire hydrant 130 ft. from Pointe South SE to the southwest corner of Tax Parcel 065-E-014.01, and a fire hydrant 900 ft. away at the intersection of King St. and Buchanan Rd. SE. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Perimeter Drive SE Tax Parcel 065E-F-014.01	$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 range of +100 percent to -50 percent.





4. Electric Service

Cleveland Utilities Electric currently has facilities in place to serve this proposed annexation. The development of a fast-food restaurant 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 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 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 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 **$3,938.60**

Councilwoman McKenzie moved that Resolution 2024-42 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

e. **Resolution 2024-43** – Concerning a request by Hank Wilson for consideration of a resolution to annex about 1.00 acre, more or less, of property located at Perimeter Drive and includes Tax Map 035E Group F Parcel 014.01. (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-43

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

PERIMETER DRIVE 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 13,2024.

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 Hank Wilson, as recorded in BCROD deed book 1810 page 109, thence south 51 degrees 54 minutes 7 seconds east, 159.98 feet to an axel; thence south 36 degrees 36 minutes 16 seconds west, 273.06 feet to an axel; thence north 51 degrees 23 minutes 40 seconds west, 159.30 feet to an axel; thence north 36 degrees 27 minutes 00 seconds east, 271.67 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 2024-43 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

f. **Zoning Ordinance 2024-15**– Concerning a request by Hank Wilson for consideration of an ordinance to zone about 1.00 acre, more or less, of property located at Perimeter Drive from County C-2 to CH Highway Commercial and includes Tax Map 035E Group F Parcel 014.01. (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-15

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 County C-2 Zoning District to CH Highway Commercial Zoning District

Approximately 1.00 acres, more or less, located on King Street (Perimeter Drive) as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 065E Group F Parcel 014.01 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.

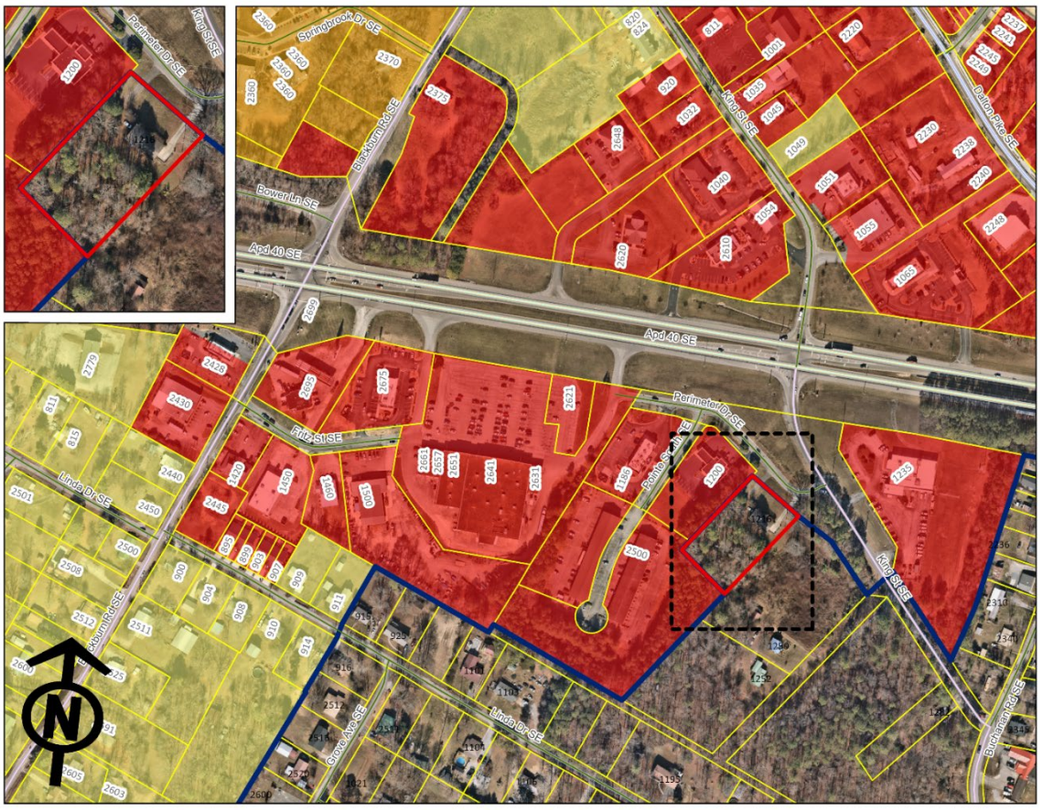
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilwoman McKenzie moved that Zoning Ordinance 2024-15 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

g. **Zoning Ordinance 2024-16** – Concerning a request by Daniel Fendley for consideration of an ordinance to zone about 1.19 acres, more or less, of property located at the corner of Dalton Pike and 20th Street from Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes a portion of Tax Map 057M Group B Parcel 018.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-16

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 R-2 Low Density Single and Multi-Family Zoning District.

Approximately 1.19 acres, more or less, located on Dalton Pike as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 057M Group B Parcel 018.00 in the Assessor's Office for Bradley County, Tennessee.

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Hughes moved that Zoning Ordinance 2024-16 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

h. **Zoning Ordinance 2024-17** – Concerning a request by Mike Watson for consideration of an ordinance to zone about 1.01 acres, more or less, of property located at Fredrick Street from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 041K Group F Parcel 003.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-17

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 District to R3 High Density Residential and Multi Family Zoning District

Approximately 1.01 acres, more or less, located on Fredrick Street as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 041K Group F Parcel 003.00 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 2024-17 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

i. **Zoning Ordinance 2024-19** – Concerning a request by Lynn Jones for consideration of an ordinance to zone about 5.58 acres, more or less, of property located at South Lee Hwy from County FAR to R-1 Single Family Residential Zoning District and includes Tax Map 056 Parcel 092.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-19

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 County FAR Zoning District to R1 Single Family Residential Zoning District.

Approximately 5.58 acres, more or less, located on South Lee Hwy as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 056 Parcel 092.00 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.

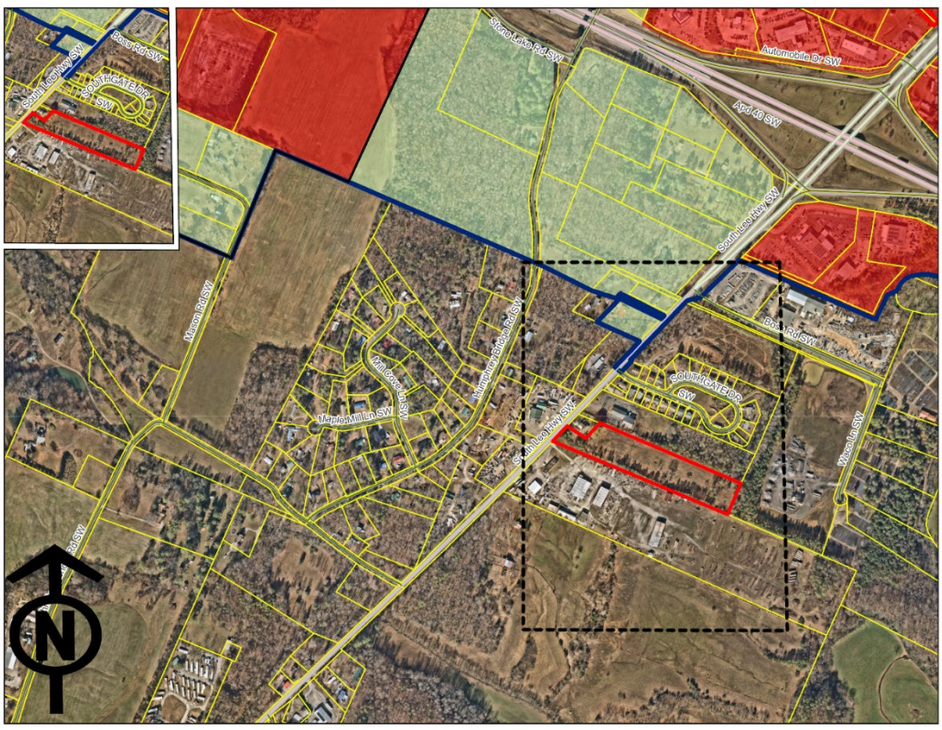
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-19 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

j. **Zoning Ordinance 2024-20** – Concerning a request by Jerry Suits for consideration of an ordinance to zone about 113.42 acres, more or less, of property located at Dry Valley Road from County FAR to RA Residential Agricultural Zoning District and includes Tax Map 028 Parcel 048.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-20

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 County FAR Zoning District to RA Residential Agricultural Zoning District.

Approximately 113 acres, more or less, located on Dry Valley Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 028 Parcel 048.00 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.

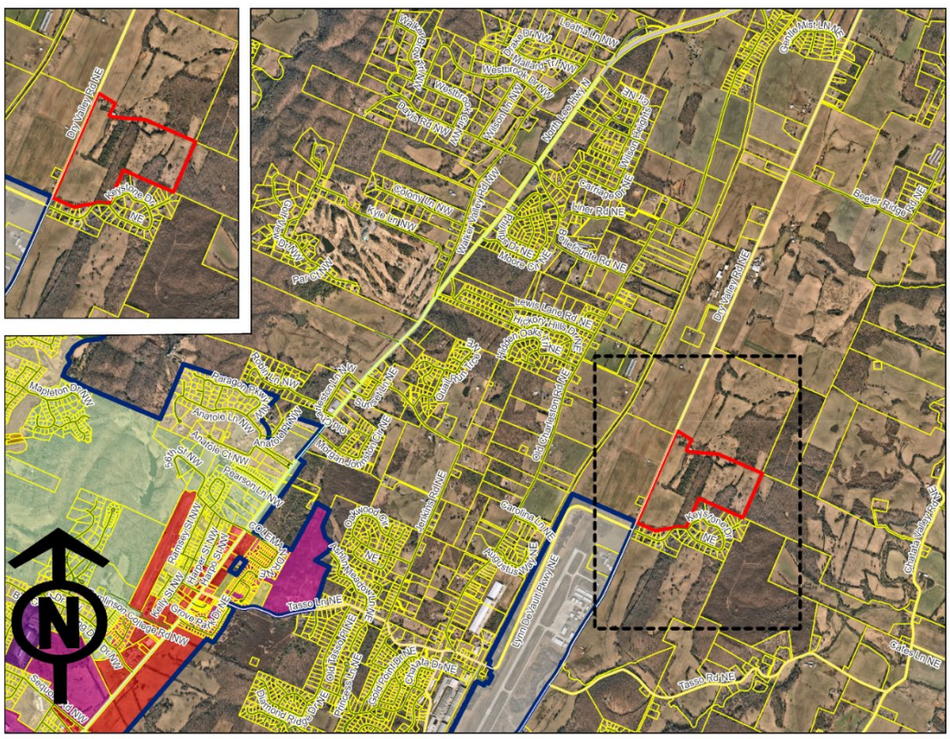
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Exhibit A


Dry Valley Rd NE
Tasso Ln NW
Tasso Ln NE
Tasso Rd NE
Georgetown Rd NW
Georgetown Rd NE
Mayfield Ln NW
Westbrook Dr NW
Westwood Dr NW
Kirkwood Dr NW
Kirkwood Dr NE
Mockingbird Ln NW
Mockingbird Ln NE
Mockingbird Cir NE
Mockingbird Pl NE
Mockingbird Ct NE
Mockingbird Trl NE
Mockingbird Pkwy NE
Mockingbird Rd NE
Mockingbird Rd NW
Mockingbird Ct NW
Mockingbird Pl NW
Mockingbird Trl NW
Mockingbird Pkwy NW
Mockingbird Cir NW

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 2024-21 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:

l. **Zoning Ordinance 2024-22** – Concerning a request by Millers Landing Series of Riverstone for consideration of an ordinance to amend PUD 41 to increase the number of single family detached lots from 117 to 123 which is located at Minnis Road and includes Tax 058 Parcel 24.00 (Planning Commission: Approved 6-0; 2 absent; 1 recused).

ZONING ORDINANCE 2024-22

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 123 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 139 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. Internal local roads to the development shall have a minimum 40’ Right of Way with 22’ wide lanes. 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 façade 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. Site amenities shall include uses such as pocket parks, trails as well as undeveloped and protected open spaces. These uses will be finalized as the neighborhood develops depending on current conditions.

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 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 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 R1 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.

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 thisordinance 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 THEPUD.
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 PUD41, 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 conceptualplan must be reviewed by the Cleveland Municipal Planning Commission.

Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, andas 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 Morgan Lane 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 establishedfor 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 forceand effect. This ordinance shall take effect upon after passage and upon the executionof 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 2024-22 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

m. **Ordinance 2024-23**– Concerning a request by the City of Cleveland for consideration of an ordinance to amend Title 14, Chapter 2, to add a new Section 3.14 to create regulations for telecommunication facilities located within the public Right-of-Way (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2024-23

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING SECTIONS 3.14 SO AS TO AMEND THE SUBMITTAL PROCESS AND LOCATION REQUIREMENTS FOR THE INSTALLATION OF SMALL CELLULAR TECHNOLOGY IN PUBLIC RIGHT-OF-WAY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the intent of the language in the existing zoning resolution concerning the small cellular technology installation and locating; and

WHEREAS, the current ordinance be amended to include the addition of small cell technology in the public right-of-way; and

WHEREAS the City Council has determined that the existing ordinance should be revised to clarify the process and requirements for installation of small cellular technology; and

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

Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, be amended by including section 3.14 as follows:

3.14 Telecommunications Facilities located inside of the public Right-of-Way.

Towers as defined herein are prohibited within the right-of-way. Qualifying Telecommunications Facilities, including Potential Support Structures (PSS) for Small Wireless Facilities located within Rights-of-Way are subject to the following standards, conditions, procedures, along with Staff review and approval in accordance with Tennessee Code Annotated § 13-24-401 et seq.

A. **General Location Criteria**. The following shall apply to all Communication Facilities locating in the public Right-of-Way.

1) **Collocation Preference.** Whenever an applicant proposes to place a new wireless facility within 750 feet from an existing wireless facility, whether on a new pole or an existing potential support structure, the applicant must either collocate with the existing facility or demonstrate with clear and convincing evidence that a collocation is either not technically feasible or space on the existing facility is not potentially available.

2) **Adherence to an adopted Aesthetic Plan**. pursuant to TCA § 13-24-411, Construction or deployments shall adhere to the City's adopted Aesthetic Plan.
3) General Limitation on New Poles. The standards herein strongly discourage more than one new pole per 1000 feet. Utilization and adaptation of existing infrastructure is required.

4) **Alignment with Other Poles.** The centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk segment, but only if the new pole height does not conflict with overhead power utility lines and facilities.

5) **Setbacks for Visibility and Access**. Any new pole and/or equipment and other improvements associated with a new or existing pole must be set back from intersections, alleyways and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access. In general, no obstruction will occur when a new structure and/or equipment is setback at least (i) 50 feet from any intersection; (ii) six (6) feet from any driveway cut or alleyway entrance or exit; or (iii) six (6) feet from any permanent object or existing lawfully-permitted encroachment in the public right-of-way, including without limitation bicycle racks, traffic signs and signals, street trees, open tree wells, benches or other street furniture, streetlights, door swings, gate swings or sidewalk cafe enclosures. An additional setback for a specific pole may be required when presumptively acceptable setback would nevertheless obstruct motorists' sightlines or pedestrian access.

6) **Obstructions.** Any new pole and/or equipment and other improvements associated with a new existing pole must not obstruct any:
    i. Worker access to any above-ground or underground infrastructure for traffic control, streetlight, or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
    ii. Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop
    iii. Worker access to above ground or underground infrastructure owned or operated by any public or private utility agency;
    iv. Fire hydrant access;
    v. Access to any doors, gates, sidewalks doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way;
    vi. Access to any fire escape.

7) **Americans With Disabilities Act**. Notwithstanding compliance with the requirements herein, structures and facilities shall not be in conflict with the Americans With Disabilities Act by hindering use of the Right-of-Way.

8) **Historic or Architecturally Significant Structures**. Any new pole and/or equipment and other improvements associated with a new or existing pole may not be placed directly in front of any historic or architecturally significant structures in prominent locations. Applicant must comply with federal rules regarding historic structures and require a Section 106 study (National Historic Preservation Act (NHPA) on all applicable installation locations.

9) **Public Utility Easements.** The City may prohibit or limit deployment or colocation of Small Wireless Facilities in public utility easements when the easements are:
    i. Not contiguous with paved roads or alleys on which vehicles are permitted.
    ii. Located along the rear of residential lots, parcels, or tracts.
    iii. In an area where no electric distribution or telephone utility poles are permitted to be deployed.

10) **Potential Support Structures used for lighting**. The City may require lighting to be included on a replacement PSS.

11) **Deployments affecting regulatory signs.** If an applicant submits an application that will affect a regulatory sign as defined by the Manual on Uniform Traffic Control Devices, or any sign requiring breakaway supports, the City may deny the application. Under these circumstances, the applicant may seek reconsideration of the design through a conference which shall be held within thirty (30) days of such a request by the applicant.

    1. Unsafe, abandoned, or inoperable deployments. When a deployment as regulated herein is abandoned, deemed unsafe, or rendered inoperable, the City shall remove or cause the removal or repair of the deployment in order to restore the Right-of- Way to a safe condition.

12) **Undergrounding.** The City may require an applicant to comply with undergrounding requirements in the Right-of-Way for compliance in certain circumstances or locations, or to comply with an established Aesthetic Plan.

13) **Restoration and Maintenance of the Right-of-Way**. The City may require an applicant to:

    i. Repair damage caused by entities entitled to deploy infrastructure in a Right-of-Way, including damage to public roadways, sidewalks or other pedestrian facilities, and bicycle paths, and to other utility facilities placed in a ROW consistent with established polices.

    ii. Require maintenance or relocation of infrastructure deployed in the ROW, timely removal of infrastructure no longer utilized, and require insurance, a surety bond, or indemnification for claims arising from the applicant's negligence consistent with established policies.

14) **Work permits**. Notwithstanding approval of applications as controlled within this Ordinance, the City shall also require applicants to obtain work, or traffic permits and pay the established fees if any prior to the deployment of a PSS or Small Wireless Facility.

15) **Categories of Applications:** Every application to locate Wireless Communication Facility in the right of way shall be classified by the following types:

    a. Minor modification that:
        1. Involves collocation, removal, or replacement of transmission equipment on an existing wireless tower, utility pole or base station.
        2. Does not substantially change the physical dimension (width, height, and depth) of the existing wireless tower, pole-mounted equipment, or base station.
    b. Major modification that:
        1. Involves collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station; and
        2. Substantially changes the physical dimension (width, height, and depth) of the existing wireless tower or base station or does not qualify for approval pursuant to 47 U.S.C. § 1455{a) for any lawful reason.

16. New transmission equipment on an existing or new utility pole:
    a. Siting new transmission equipment on a Potential Support Structure in the right of way that does not already support transmission equipment; or
    b. Siting a new wireless communication facility on a new pole or other support structure in the right of way.

B. **Minor Modifications**: Minor modifications are additions or changes to previously approved facilities and covered under 47 U.S.C. § 1455{a), which mandates approval for certain applications that do not propose a substantial change to the underlying facility. Federal regulations provide specific definitions and criteria for approval or denial. The provisions in this section are intended to assist applicants and application reviewers to determine whether an application qualifies for approval as a minor modification.

1) **Approval and Denials**

a.. Criteria for Approval. Staff may approve an application for a minor modification when it finds that the proposed project:

1. Involves collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station; and

2. Does not substantially change the physical dimensions of the existing wireless tower or base station.

2) **Criteria for Denial.** Notwithstanding any other provisions in this Ordinance, and consistent with all applicable federal laws and regulations, the application may be denied for a minor modification when it finds that the proposed project:

a. Does not satisfy the criteria for approval;

b. Violates any legally enforceable standard or permit condition reasonably related to public health and safety; or

c. Involves the replacement of the entire support structure, triggering other applicable standards.

C. **Major Modifications**

1) **General Design and Construction Standards**. To promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community, wireless facilities in the public right-of- way must comply with all applicable provisions in this section. In the event that any other law, regulation or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.

2) **Collocation**. Collocations between two separate wireless service providers on the same support structure is encouraged whenever feasible.

3) **Antennas on Existing or Replaced Utility Poles**. The antenna(s) associated with installation on existing or replaced utility poles must be located within the communication zone and have concealed cable connections, antenna mount and other hardware. The maximum dimensions for panel style antennas shall be 30" high and 12" wide. The maximum dimensions for canister style antennas shall be 30" high and 16" in diameter.

4) **Antennas on New Stand-Alone Poles without Power or other Utility Lines.** The antenna(s) associated with installation on new poles that are not replacing utility poles may have antennas located on top of the pole, provided there are no electrical lines located on the poles. These antennas must have concealed cable connections, antenna mount and other hardware. The maximum dimension shall be 48" high and 18" wide.

5) **Equipment Mounting on Existing or Replaced Utility Poles**. All pole- mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together and if possible, on the same side of the pole. Standard color for all equipment shall be grey but other colors may be required when installing on a decorative pole.

6) **Pole-Mounted Equipment Cages or Equipment Shrouds**. When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage. Equipment cages may not extend more than 24 inches from the face of the pole. The equipment cage must be non-reflective and be colored gray or in a color matching the existing pole. Equipment cages should be mounted flush to the pole. All pole-mounted equipment must be installed as flush to the pole as possible. Any standoff mount for the equipment cage may not exceed 4 inches.

7) **Undergrounded Equipment Vaults.** Pole-mounted equipment in self- contained cages is permitted, but equipment in an environmentally controlled underground vault may be required in some areas.

8) **Ground-Mounted Equipment.** New ground-mounted equipment is not permitted, unless the applicant shows clear and convincing evidence that the equipment cannot be feasibly installed as a pole-mounted installation, in an environmentally controlled underground vault, or within an existing street feature (such as a bus stop shelter) for a valid technical reason. Increased costs alone shall be presumed to be insufficient. In the event that ground- mounted equipment is used, the applicant must conform to the following requirements:

9) **Self-Contained Cabinet or Shroud**. The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the tapered metal pole (with the exception of Utility Board power poles) and undergrounded between the pole and the ground-mounted cabinet.

10) **Concealment.** The Ground-Mounted Equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

11) **Ambient Noise Suppression.** The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

12) **Utility Lines**. Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

13) **Electric Meter**. Each wireless communication facility must be individually metered. Multiple operators on a shared pole must have their own meter. Site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.

14) **Telephone/Fiber Optic Utilities.** Cabinets for telephone and/or fiber optic utilities may not extend more than 10 inches from the face of the pole, and must be painted, wrapped or otherwise colored to match the pole.

15) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for wireless communication facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

16) **Underground Conduit.** All underground conduit placed behind the curb face and underneath the sidewalk must be SCH 80 PVC encased in concrete. All underground conduit must be Rigid Conduit when placed: (1) underneath driveway aprons, (2) within tree wells or (3) in front of the curb face and beneath the street.

17) **Above-Ground Conduit.** On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter, and painted to match the pole.

18) **Ground Rods**. All ground rods shall comply with current ANSI/TIA 222 and other applicable standards. If attaching to existing utility poles, wireless communication facilities shall be bonded (connected) to the existing pole ground or as required by the utility.

19) **Lights.** Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. The provisions in this subsection shall not be interpreted to prohibit installations on streetlights or the installation of luminaires on new poles when required.

20) **Generally Applicable Health and Safety Regulations.** All facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

D. **New and Replacement Poles or Structures**

1) **General Restrictions on New Wood PSS installations**. In all locations, the City reserves the right to require a metal PSS rather than a wood PSS based on the built and/or natural environmental character of the proposed site location as found in the Aesthetic Plan.

2) **Overall Height.** The heights of a PSS should be consistent with other poles in the vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these standards. In no case shall a PSS installation exceed forty (40) feet in height in zoning districts allowing residential uses, or where applicable, the lesser of either, the maximum building height in the associated zoning district, or no more than forty (50) feet in zoning districts that disallow residential uses.

3) **Pole Diameter**. Pole diameter shall be consistent with the surrounding poles. The applicant shall consider other poles in vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these Guidelines.

4) **Wood Pole Footings and Foundations**. All new wood poles, if permitted, must be direct buried to a depth determined, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.

5) **Tapered Metal Pole Footings and Foundations**. All new tapered metal poles must be supported with a reinforced concrete pier designed, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.

6) **Tapered Metal Pole Material**. All tapered metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant material and finished in accordance with these Guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.

7) **Lighting; Banners**. The applicant may be required to install functional streetlights and/or banner brackets if technically feasible when it is determined that such additions will enhance the overall appearance and usefulness of the proposed facility.

8) **Signage.** Signage and labeling on poles and equipment should be limited only to what is required by FCC and OSHA. In addition, site node information (pole address, node identification number, and emergency contact information) may be included.

9) **Damage of Equipment**. Upon notification, the wireless communication facility provider must rectify any aesthetic damage to their equipment within 30 days. Any damage that concerns safety must be addressed immediately.

E. **Installations on Existing Poles and Other Potential Support Structures**

1) **General.** The standards encourage applicants to consider existing poles and other potential support structures prior to any new pole to reduce congestion in the public right-of-way. All generally applicable design, construction and location standards will be considered when reviewing applications for new facilities installed on existing poles or other potential support structures in the public right-of- way.

2) **Privately-Owned Structures.** For a privately-owned structure in the public right-of-way onto which an applicant proposes to attach a wireless communications facility, if the owner of the structure requires more restrictive standards than those contained in these Guidelines, the more restrictive standards shall control. If any portion of a privately-owned structure is on private property, the applicant must first obtain all applicable zoning and building permits prior to submittal.

3) **City Owned Structures**. The City, in its proprietary capacity, retains sole and absolute discretion over whether and on what terms it may allow wireless facilities on its poles and other facilities in the public right-of- way notwithstanding conflicting design provisions set forth in these Guidelines. Applicants may not submit any applications in connection with City-owned poles or other facilities without a valid and fully executed agreement to use the specific pole or other facility. The City shall not authorize any attachments to City-owned infrastructure that negatively impacts the structural integrity of the support structure.

4) **Independent Power Source.** A Wireless Communications Facility on a City-owned Potential Support Structure may not use the same power source that provides power for the original purpose of the Potential Support Structure.

5) **City-Owned Traffic Control Signal Poles**. The City prohibits wireless facilities (and all other non-traffic control facilities) on City-owned traffic control signal poles.

F. **Additional Design and Construction Standards for Major Modifications**. In addition to all applicable General Design and Construction Standards, all major modifications to eligible facilities are to comply with the following requirements:

1) **Coordination with Original Facility Design**. The applicant must design the proposed installation in a manner that mimics the design and any concealment elements of the existing facility. To the extent feasible, new facilities should utilize capacity in existing equipment cages or cabinets and existing conduits or risers.

2) **Antennas.** The guidelines discourage side-mounted antennas that overhang the roadway, but may permit side-mounted antennas that overhang the sidewalk provided that the antenna complies with all applicable setbacks and vertical clearance requirements.

3) **Structural Integrity.** Any additional equipment must not negatively impact the structural integrity of the support structure and must comply with all applicable local, state and federal codes and regulations.

G. **Minor Technical Exceptions**.

In some circumstances strict compliance with these Guidelines may result in undesirable aesthetic outcomes, and minor deviations may be granted when the need for such deviation arises from circumstances outside the applicant's control. For example, if an applicant proposes to construct a standard configuration facility in an office district but required a pole with a slightly wider base due to poor foundation conditions, the City may grant a technical exception rather than subjecting an otherwise preferred design to a standard review. In contrast, if an applicant proposed a SO-foot tall standard configuration facility in an office district because it desired additional service area, the City would apply standard review because the need for additional height arises from the applicant's preferences. This section describes the required findings for a minor technical exception.

Required Findings. The City may, in its sole discretion, grant a minor technical exception from strict compliance with the design and location guidelines when:

1) The applicant has requested an exception in writing;

2) The proposed facility would normally qualify for minor review but for the need for a minor technical exception;

3) The need for the exception arises from an external factor outside the applicant's control that impacts public health, safety or welfare, including without limitation soil compaction, existing congestion or clutter within the right-of-way or other location-specific condition or phenomenon.

4) The proposed deviation from the applicable requirement is less than 10% larger than the generally applicable standard; and

5) The granting of a minor technical exception would not create any obvious hazard or unreasonable obstruction in the public right-of- way.

H. **Application Requirements and Fees for Small Wireless Facilities**. The City shall require a completed application in adherence to the following requirements:

1) An applicant shall include up to twenty (20) Small Wireless Facilities in a single application.

2) The application fee shall be one hundred ($100) dollars for each of the first five (5) Small Wireless Facilities in a single application.

3) An additional two hundred ($200) dollar fee for the first application an applicant files following the effective date of this Ordinance.

4) Beginning January 1, 2020 and every five (5) year interval thereafter, the application fee will be raised ten (10) percent more than previously required.

5) The annual rate for colocation of a Small Wireless Facility on a City-owned PSS shall be one hundred ($100) dollars per installation.

6) Upon the submittal of an application to the City Building Department, Staff shall determine whether the application is complete and notify the applicant of any deficiencies relating to one or more Small Wireless Facilities included in an application within thirty (30) days, and if there is a need to conduct a conference with applicant to clarify or correct:

a. Safety considerations not adequately addressed by the application or regarding which the local authority proposes additional safety-related alterations to the design;

b. Potential of conflict with another applicant's application for the same or a nearby location;

c. Impact of planned construction or other public works projects at or near the location identified by the application;

d. Alternative design options that may enable colocation on existing PSS instead of deployment of new PSS or opportunities and potential benefits of alternatives design that would incorporate other features or elements of benefit to the City.

7) The City shall approve or deny application for deployment or colocation of Small Wireless Facilities within sixty (60) days unless circumstances allowing extension to seventy-five (75) days as allowed by TCA § 13-24-409.

8) A preliminary site plan shall be required with a diagram or engineering drawing depicting the design for installation of the Small Wireless Facility with sufficient detail for Staff to determine that the design of the proposed installation and any new PSS or any modification of a PSS is consistent with all generally applicable aesthetic, design, and safety requirements, including those specified by the Manual on Uniform Traffic Control Devices. Such a site plan shall include:

a. The location of the site, including the latitudinal and longitudinal coordinates of the specific location of the site;

b. Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;

c. The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all generally applicable ROW requirements for deployment of any associated infrastructure that is not a Small Wireless Facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;

d. The applicant's certification of compliance with surety bond, insurance, or indemnification requirements; rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the local authority imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and

e. The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.

9) Timeframe for deployment. If an applicant does not complete deployment within nine (9) months of receiving approval for an application, the City shall require the applicant to complete a new application and pay an additional application fee, unless both parties, by mutual agreement agree to an extension, or because the deployment is delayed because of a lack of commercial power or communication transport facilities to the site.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2024-23 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

n. **Resolution 2024-44** – Concerning a request by City of Cleveland to allow Cleveland, Tennessee Municipal Planning Commission to amend multiple sections of Article 7 Final Plat Requirements and Article 8 Requirements for Townhouse Subdivisions in the Cleveland TN Subdivision regulations concerning the platting approval process and requirements for administrative review as well as the process for submitting plats (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-44

A RESOLUTION GRANTING AUTHORITY TO THE MUNICIPAL PLANNING COMMISSION OF CLEVELAND TENNESSEE TO DELEGATE REVIEW AUTHORITY FOR ELIGIBLE SUBDIVISION FINAL PLATS

WHEREAS, the Tennessee Code Annotated Sections 13-4-302 thru 13-4-310 establish provisions for power to regulate and adopt subdivision regulations controlling the division of land; and

WHEREAS, the City of Cleveland Subdivision Regulations were adopted and contains provisions for the authority of and the approving agency of the Cleveland Municipal Planning Commission; and

WHEREAS, Tennessee Code Annotated Section 13-4-302(d)(1) provides that a Municipal Planning Commission may delegate approval authority to staff as outlined in Tennessee Code Annotated Section 13-4-302(d)(1), provided that the municipal legislative body first approves of such delegation by a majority vote of the legislative body; and

WHEREAS, Tennessee Code Annotated, as amended, in 2023 by the adoption of Public Chapter 994 by the Tennessee State Legislature, amended Section 13-4-302 as follows:

(1) A municipal planning commission may delegate the responsibility for approval of a subdivision plat to the planning staff of the municipal planning commission by a majority vote of the municipal planning commission that is taken at a public meeting after being placed on the municipal planning commission's meeting agenda and notice being provided as required for other matters before the municipal planning commission.

(2) This delegation may only include subdivision plats that include:

(A) No more than twenty-five (25) lots and only if the development received preliminary plan approval through the municipal planning commission; or

(B) No more than five (5) lots if the development did not require preliminary plan approval through the municipal planning commission; provided, that:

(i) The subdivision complies with such regulations governing a subdivision of land as adopted by the municipal planning commission pursuant to § 13-4-303;

(ii) No request for a variance from such regulations has been requested; and

(iii) A division of land requiring new road or utility construction is not approved by the planning staff under this subsection (d) unless the plan received preliminary approval by the municipal planning commission.

(C) A Municipal Planning Commission shall not delegate to its planning staff the authority to preliminary approve, finalize approval of, or certify a subdivision plat, regardless of the number of lots proposed for the subdivision plan, consistent with the parameters of this section, unless the municipal legislative body approves such delegation by a majority vote of the legislative body.

WHEREAS, the Cleveland Municipal Planning Commission detailed specific guidelines for staff to adhere to as follows:

(1) The Planning Director, may approve changes that involve minor revisions from the Preliminary Plat approval including, but not limited to:

A. Minor shifts in the location of lot lines, streets or open space.

B. Minor changes in lot or unit count resulting in a decrease of less than five (5) percent of the total number of dwelling units among unit types.

C. Other changes that do not significantly alter the overall layout of the plan and its basic development concept.

(2) Major Revisions, including those listed below, require approval by the Planning Commission:

A. Change in the number of lots or units resulting in an increase (or decrease) of five (5) percent of more in total lot or unit count.
B. Modification(s) to the patterns of streets or street connections, internal and external to the project area.
C. Changes affecting 10% or more of the open space, including by not limited to its area, location, accessibility, or degree of contiguity.
D. Reduction in dedications to the public.
E. Changes to subdivision boundaries that exceed five (5) percent of the area of initial approval.
F. Changes that will increase the area of disturbance of slopes of 25% or greater or increase the area of manipulation of the floodplain.

(3) By request, the applicant and/or Planning Director may choose to require Planning Commission approval on any plat.

WHEREAS, a notice of public hearing has been published in a newspaper in general circulation in Bradley County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cleveland, Tennessee that the City Council does hereby grant authority to the Municipal Planning Commission of Cleveland to make amendments to the Cleveland Tennessee Subdivision Regulations delegating final plat approval as outlined in the attached documents.

This 13th day of May, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved that Resolution 2024-44 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-45** – Consideration of initiating the annexation process and draft plan of services for the annexation of 57 acres located on Interchange Drive.

RESOLUTION 2024-45

CONSIDERATION OF INITIATING THE ANNEXATION PROCESS AND DRAFT PLAN OF SERVICES, FOR THE ANNEXATION OF 57 ACRES LOCATED ON INTERCHANGE DRIVE

WHEREAS, the property owner petitioned the Mayor and City Council of Cleveland, Tennessee ("City"), to annex 2 parcels, containing approximately 57 acres, outside the City limits and located outside the Cleveland Urban Growth Boundary ("UGB"); and

WHEREAS, it is believed it is in the best interest of the City to further investigate the area petitioned to be annexed in order to consider the area for future development in accordance with City standards; and

WHEREAS, this resolution shall not bind the City to later annex the Property; and

WHEREAS, Tennessee Code Annotated (T.C.A.) § 6-51-102, as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. That the Property to be further considered by the Cleveland Municipal Planning Commission and Major and City Council of Cleveland, Tennessee is located, as described herein and as depicted on the Map attached hereto as Exhibit A:

Map-Parcel	Acres	Owner
056-005.00	50.9	
048-082.00	6.1	
Total	57	

SECTION II. That the attached draft Plan of Services hereto as Exhibit B shall provide guidance to Mayor Brooks and the City Council of Cleveland, Tennessee on how the Property would be served by City resources but is not binding on final annexation.

SECTION III. That the Draft Plan of Services shall be studied by City Staff and amended as needed during the study before final presentation to the Cleveland Municipal Planning Commission, Mayor, and City Council of Cleveland, Tennessee.

SECTION IV. BE IT FURTHER RESOLVED by the City Council of the City of Cleveland, Tennessee, that this Resolution shall become effective upon its adoption.

Adopted this 13th day of May 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Hughes moved that Resolution 2024-45 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed. Mr. Fivas added it is possible once the Growth Boundary Committee is up and going, they may be able to make the adjustment that this be contiguous.

p. **Motion** - Approval of Purchase Agreement for Phoenix Investors Property.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **May 13, 2024**
RE: **Phoenix Property Purchase**

SUMMARY:
City staff and Travis Henry have been working on a Purchase Agreement for parts of the former Whirlpool property. The property was sold to Phoenix Investors a couple years ago. We have completed an appraisal of the property and the price is slightly below the appraisal price. At the Council meeting, City staff will review the Purchase Agreement and the City Council can determine the direction of the conversation.

The Purchase Agreement gives the full ability to the City Council to walk away from the Agreement during the lengthy due diligence process. TDEC, and our attorneys, will be involved in making sure that any environmental clean-up does not involuntarily attach to the City of Cleveland.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
City staff recommends approval and give authorization to the Mayor and City Attorney to sign the Purchase Agreement after it has been signed by Phoenix Investors. The Mayor and City Council will be able change direction when ever you determine.

Councilman May moved to proceed with the purchase agreement for the Phoenix Investors Property [former Whirlpool property]. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

q. **Ordinance 2024-24** – Amending the Cleveland Municipal Code, Title 12 relating to Development Permit Fee Schedules.

This item was deferred to June 10 Council meeting.

The following Resolution was then presented in full:

r. **Resolution 2024-40 -** Annual Review of the City's Debt Management Policy.

RESOLUTION 2024-40

A RESOLUTION AMENDING THE DEBT MANAGEMENT POLICY OF THE CITY OF CLEVELAND, TENNESSEE

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.

AND WHEREAS, the City Manager and Assistant City Manager/CFO are recommending that the City Council approve the revised policy.

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

Section 1. That the Section VII Subsection 3(b) "Variable Rate Debt" reflect the targeted percentage of net variable debt outstanding shall not exceed 10%.

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

Approved this 13th day of May, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Estes moved to accept Resolution 2024-40. The motion was seconded by Councilman Webb. Councilman Estes then stated he would like Section VII Subsection 3(b) "Variable Rate Debt" reflect the targeted percentage of net variable debt outstanding shall not exceed 40% to reflect 25% or even less. Councilman Webb offered a substitute motion to amend Section VII Subsection 3(b) to read "Variable Rate Debt" reflect the targeted percentage of net variable debt outstanding shall not exceed 10% of maximum. The substitute motion was seconded by Councilman May; and upon roll call, unanimously passed.

Mr. Fivas stated at the corner of 1St St and Inman at the Express Athletics business we are trying to coordinate with Cleveland Utilities on some work for pedestrian signals. Once that is completed, we will be able to proceed. Councilman May asked if the front door concrete at Express Athletics could be done. Mr. Fivas stated yes, that was completed on Friday. Councilman Cassada added lets make sure the hole is covered so people don't walk off. Mr. Fivas replied yes, staff will take a look. Once Cleveland Utilities completes the pedestrian signals we will be able to move fairly quickly. Councilman Cassada stated as soon as we knew there was an issues, staff began finding a solution.

Mr. Fivas then showed a photo of the refurbished First Street Square landscaping project, and stated this is our goal template to replicate in public spaces. Councilman Cassada stated he liked the contrast and how it looks natural.

Mayor Brooks asked if staff has considered matching the gateway entrance at 25th Street to tie it into what we are doing with the downtown and First Street Square landscaping. Mr. Fivas stated yes, this is our template we are going for. 25th Street will be a combination of plants, mulch, grass. Mr. Jobe stated the rocks will be removed but the crepe myrtles will remain. He continued staff has worked hard to make the square look good and have received positive feedback. Mr. Fivas stated the key will be to utilize the irrigation systems to keep it looking good.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City offices will be closed on Monday, May 27, 2024 in observance of Memorial Day.
b. The May 27 City Council meeting will be cancelled.
c. The next City Council meeting will be held on Monday, June 10, 2024.
d. City Offices will be closed Wednesday, June 19, 2024 in observance of Juneteenth.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:17 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
MAY 27, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, MAY 27, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

_____ _____

Mayor City Clerk

REGULAR SESSION
JUNE 10, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 10, 2024 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; City Attorney John Kimball; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Tim Rader; Warbrit Lowery; Duane Goff; Jodi Riggins, City Schools Director Jeff Elliott; Kelly Kiser; Hal Taylor; Cleveland City School Board Members Andy Lay, Nate Tucker, Matt Coleman, Jodi Riggins; Ben Berry with Berry Engineers; Mark Gravelle; Lake Mantooth; Chuck Atchley; Blake Pierce; 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 Avery Johnson, who remembered Max Morris during his illness, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on May 13, 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

Ben Berry with Mainstreet Cleveland stated the Board is excited about the downtown renovations and wanted to report that the Board voted to incorporate the gazebo in the new design of Johnston Park. Also, they look forward to adding the park to the downtown Christmas festivities and decorations this year.

Mayor Brooks recognized Bradley County Commission Tommy Ledford and thanked him for attending.

Mayor Brooks then announced the following Proclamation was presented during the Work Session for National Pollinator Week.

City of Cleveland
PROCLAMATION

WHEREAS, the City of Cleveland became a Bee City USA affiliate on November 16, 2023, and has planted our first pollinator garden in Fletcher Park in April 2024; and

WHEREAS, bees play an essential role in our community by transferring pollen between flowers and enabling plant reproduction; and

WHEREAS, pollination enhances the quality of life by keeping the city's trees, plants, and ecosystems in a healthy condition while also allowing the opportunity for economic development; and

WHEREAS, the City of Cleveland has public parks and landscaping that contain greenery and plant life, where pollinators thrive in facilitating the reproduction of flowers; and

WHEREAS, the City of Cleveland provides recommendations to developers and residents on how to conserve the environment and keep the city's pollinators safe so we can flourish as a healthy ecosystem; and

WHEREAS, pollinators play a vital role in contributing to the City of Cleveland's food supply and plant conservation; and

WHEREAS, the City of Cleveland aims to preserve the pollinator species by providing enough plant life and nesting sites, reducing the use of pesticides;

NOW, THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, do hereby proclaim the week of June 17-24, 2024 as our City of Cleveland's observance of

National Pollinator Week

And, as the City of Cleveland is an affiliate of Bee City USA®, we urge all citizens to recognize this observance.

In witness whereof, I have hereunto set my hand and caused the seal of Cleveland City to be affixed this week.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public concerning a request by Lynn Jones for consideration of a Plan of Service, a resolution to annex and an ordinance to zone about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. from unincorporated County to PUD51 and includes Tax Map 043 Parcel 021.00. Robert Varnell stated this item is for the Plan of Service, Annexation and Zoning of the property. Instead of light industrial zoning, staff chose a PUD to increase buffers in landscaping, as well as infrastructure improvements along Michigan Avenue could be approved by the applicant. The applicant is aware of what's in the PUD and agreeable to it. The original design of the site went to the Planning Commission in April and asked if they would take another look at a few components. It came back the following month, with a new design where all of the truck traffic is internal to the site and accesses directly to Michigan Avenue where the associated infrastructure improvements will take place, as designed in the PUD. Buffers and landscaping, this is the most significant language we've put in a PUD regarding how it impacts viability off-site. Our recommendation is for approval of the request. The Planning Commission approved it 8-0 with 1 member recusing. Councilman May stated the County denied a rezoning request before it came to the city. Mr. Varnell said yes, that is his understanding. Their concerns were landscaping and truck traffic. That is why we recommend PUD zoning. Mayor Brooks asked if anyone would like to speak in favor of the Plan of Service, Annexation, or Zoning. Travis Henry who represents the property owner Lynn Jones. Some basic information, this is a PUD development that once completed will consist of an approx. $70 million dollar project. It will include commercial warehouse space and a sports training facility. We believe it offers a great opportunity, not only addressing the community need for commercial warehouse space. He understands the Chamber is in support of the development and has expressed that to his client. It also does it in a way that addresses the reality and concern there is residential property nearby. This is on Michigan Avenue, which is a unique area that has a mix of industrial and residential property already in existence. His client has made every effort to address the concerns of adjourning property owners. This did go before the County, as a different proposal, as it had the traffic going onto Wilkinson. Since then, based off communication with the City Planning Commission we revised the plan. This property is basically insulated from the residential aspect. There will be no truck traffic onto Wilkinson. It will have its own access onto Michigan Avenue. Beneficial components would include improvements to Michigan Avenue and a commitment that 6 acres would be dedicated to the City for Municipal purposes. There is a portion of the property is reserved for residential purposes, that his client likely intends to sell off for future development. Overall, we believe this is an opportunity to expand our commercial

property but do it in a way that is sensitive to nearby residential components. Prior concerns have been with traffic, but when you think about other alternatives for this property, if residential, that is going to have greater traffic than what we are talking about for our intended use. We are agreeable to the conditions of the PUD and, as stated, the most stringent buffer requirements. Councilman May stated traffic, this would be large trucks, not automobiles or pickups. Mr. Henry stated yes it will likely involve trucks, but you are creating access off Michigan Avenue so it will have its own access, not touch Wilkinson. Councilman May stated he is concerned about large trucks and accidents. Just one a few weeks ago with an unfortunate fatality. Mr. Henry replied it is a concern for all of us but there is already industrial site use there across the street. If traffic is the concern, a residential use will increase the traffic significantly more than this intended use. Councilwoman McKenzie asked where the structure would be. Mr. Henry stated he believes the corner of Wilkinson and Michigan Avenue is where the current plan is for. Mayor Brooks asked if his client was aware of the Michigan Avenue traffic and safety studies the MPO has taken and if he agreeable. Mr. Henry said yes, absolutely. He is committed to improvements to help make Michigan Avenue safer. Mayor Brooks asked if anyone would like to speak in opposition to the Plan of Service, Annexation, or Zoning. Lake Mantooth with 4 Star LLC stated they are in a joint venture with Horton Homes. The budget for the project is $150-160 million. We have finished Phase 1 with 39 houses complete and 30 homes have already sold. We are against this property being zoned for warehouses. We are worried about property values. We don't have a problem with it being annexed or zoned residential, we just don't want the truck traffic. No one in the community wants it. Chuck Atchley, who lives on Wilkinson Road stated he's lived there for almost 26 years. He has been through the process with this property, and nothing has really changed. Today it is a conceptual plan, but it can change. His biggest objection is that it is bounded on three sides by residential property. Yes, there is industrial property across the road, the west side of Michigan Avenue. Lastly, the truck traffic. If you look at the lay of the land, it is hard enough getting out of Wilkinson Road today. They would be coming out below Wilkinson Road, and they would have a hard time turning left. The increase in truck traffic would increase the safety hazard. 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 concerning a request by Lydia Nascimento for consideration of a Plan of Service, a resolution to annex and an ordinance to zone about .24 acres, more or less, for property located at Young Road from unincorporated County to R-1 Single Family residential and includes Tax Map 66H Group F Parcel 010.02. Robert Varnell stated this item is for the Plan of Service, Annexation and Zoning of the property. The property is contiguous and inside the growth boundary. This is for a single-family home and the primary objective is to attach to sewer, which is directly across the street. Our recommendation is for approval of the request. The Planning Commission approved it 9-0. Mayor Brooks asked if anyone would like to speak in favor of the Plan of Service, Annexation, or Zoning. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the Plan of Service, Annexation, or Zoning. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by CT Properties for consideration of an ordinance to zone about 1.71 acres, more or less, of property located at 18th Street NW from R-1 Single Family Residential Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes a Tax Map 049C Group J Parcel 026.00. Robert Varnell stated the applicant began discussion concerning developing the property using cluster style development in R-1 but after review staff recommended R-2 zoning; which the lot sizes will be about the same as allowed in R-1 without the set aside open space. The Planning Commission approved it 9-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Southeast Land Trust for consideration of an ordinance to zone about 1.15 acres, more or less, of property located at Old Tasso Rd. NE from IL Light

Industrial to R2 Low Density Single and Multi-Family and includes a portion of Tax Map 050 Parcel 001.07. Robert Varnell stated this is the western side of Old Tasso Road where we've had multiple parcels come through over the past few years. This will be townhome development due to the nature of the land. Staff approves and the Planning Commission approved it 9-0. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by the City of Cleveland to amend multiple areas of section 5.0 of the sign ordinance pertaining to temporary signage type and heights. Robert Varnell stated we have a proliferation of smaller signs, and this gives staff the ability to manage those better, as far as where they can go and how many. It will reduce the number and types of signs you will see and the longevity of the ones that are out. It is fairly straight forward. Cleaning up and making slight adjustments and enhance visibility for safety. The Planning Commission approved 9-0. Mayor Brooks asked if anyone would like to speak in favor of the amendment. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the amendment. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to CH Highway Commercial and includes Tax Map 057D Group E Parcel 020.00. Robert Varnell stated this rezoning request was recommend for denial by staff and the Planning Commission denied 7-0. Based on the future of downtown, the vision and goals we have been working on. We have discussed with the applicant there is a way to make this happen where everyone benefits. We want the CBD overlay downtown to look and feel different. We have existing redevelopment properties following the template. We feel it was counterproductive versus the progress we are already making going forward. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 1.00 acres, more or less, of property located at 601 8th Street from CBD Central Business District to IL Light Industrial and includes Tax Map 058H Group C Parcel 027.00. Robert Varnell stated comments here would echo his previous comments. Staff recommendation was for approval originally because it did match what they were looking to do. The Planning Commission denied 7-0 as they felt consistent with the other request tied in pretty well. He agrees with their thought process. The zoning request isn't quite as impactful as the other request, as the site is in use, and they can continue operations at this location as is. Mayor Brooks asked if anyone would like to speak in favor of the rezoning request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to the rezoning request. No one spoke. Mayor Brooks declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a request by Mr. Bowers for consideration of a proposed plan of service for a requested annexation by referendum for about 57 acres, more or less, of property located at Interchange Drive and includes Tax Map 056 Parcel 005.00 and Tax Map 048 Parcel 082.00. Robert Varnell stated this is a contiguous property, but the Urban Growth Boundary stops right at the edge, so they have requested annexation for a future development zoned commercial highway. It will be connected through Harris Creek Circle up to the Toyota dealership. This was within an MPO plan to study the western side of town. This would create access, in the sense you could go from Eureka Road to Exit 20 in one shot, like a frontage road. The Planning Commission approved 9-0. 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 during the Work Session. 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 7-0.

- **Final Passage - Ordinance 2024-12** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 604; Amending the FY2024 Budget.

ORDINANCE 2024-12

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE TO AMEND THE 2023-2024 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 2023-2024 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			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
GENERAL FUND				
Tax Revenues:	46,440,000	46,736,170	296,170	Property Tax, In Lieu of Tax
Licenses & permits:	1,753,700	1,925,400	171,700	Permits
Intergovernmental:	6,097,010	6,221,924	124,914	State Hwy Grant, Excise
Charges for services:	1,116,500	1,592,999	476,499	CPD Contracted Svcs, Schools SRO
Fines & forfeits:	406,500	291,000	(115,500)	Decrease in Fines
Interest income:	350,000	1,250,000	900,000	Interest
Miscellaneous:	31,200	153,301	122,101	Sundry Income, Ins Reimb, Donations
Public Enterprise Revenue:	1,500,500	1,531,800	31,300	Hangar Rental, Tie Downs
Subtotal	57,695,410	59,702,594	2,007,184	
Other Funding Sources:	3,096,150	2,717,320	(378,830)	Decrease Transfer
Total Revenues	60,791,560	62,419,914	1,628,354	
Legis. & Judicial	423,305	423,280	(25)	WC Ins
Administration	710,147	719,070	8,923	Professional Development, Ins
Jetport	1,651,578	1,675,652	24,074	Cont Svcs, Build Maint
Human Resources	532,796	530,974	(1,822)	Insurance
Finance	1,530,214	1,532,086	1,872	Insurance
Information Technology	1,157,933	1,161,981	4,048	Insurance
Development & Engineering	2,137,491	2,055,580	(81,911)	Parttime, Prof Svcs, Health Ins
Codes Enforcement	292,934	293,142	208	Vehicle Maint
Building	0	395,354	395,354	New Division
Police	13,335,340	13,594,261	258,921	OT, Extra Duty,Vehicle Maint
Animal Control	645,151	648,306	3,155	Supplies
Fire	12,379,065	12,519,089	140,024	Overtime, Build Maint, PPE, Ins
PW Operations	2,907,845	2,854,820	(53,025)	Safety Markings
Street Lighting & Signals	2,047,700	2,047,700	0	
Fleet	721,419	727,188	5,769	Repairs
Forestry & Landscaping	979,383	1,090,824	111,441	Vehicle Maint, Fuel
Parks & Recr.	1,636,820	1,312,694	(324,126)	Salaries, Benefits - New Division
College Hill Rec Center	493,652	504,784	11,132	Salaries, Build Ins
Cleveland Comm Center	432,060	458,407	26,347	Salaries, PT, Pool Exp
Tinsley Park	364,300	364,488	188	Insurance
Appropriations	1,451,500	1,451,500	0	
Subtotal:	45,830,633	46,361,180	530,547	
Transfers	14,768,175	14,980,789	212,614	Debt Service, CIP
Total Expenditures	60,598,808	61,341,969	743,161	
Increase (use) of fund balance	192,752	1,077,945	885,193	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
SPECIAL REVENUE FUNDS:				
Solid Waste Mgmt. Fund				
Revenues	5,643,896	5,822,896	179,000	Increase Revenues, Interest
Transfers from Other Funds	150,000	0	(150,000)	
Total Rev. & Transfers In	5,793,896	5,822,896	29,000	
Expenditures	5,550,405	5,885,308	334,903	Repairs, Equipment
Increase (Use) of Fund Balance:	243,491	(62,412)	(305,903)	
State Street Aid Fund				
Revenues	1,463,000	1,772,376	309,376	Increase Revenues, Interest
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	1,463,000	1,772,376	309,376	
Expenditures	1,461,824	1,121,601	(340,223)	Equipment
Transfers Out	459,698	459,698	0	
Total Expenditures & Transfers:	1,921,522	1,581,299	(340,223)	
Increase (Use) of Fund Balance:	(458,522)	191,077	649,599	
Cleveland Public Library Fund				
Revenues	822,600	828,156	5,556	Misc Revenues, Interest
Transfers from Other Funds	707,000	707,000	0	
Total Rev. & Transfers In	1,529,600	1,535,156	5,556	
Expenditures	1,529,100	1,533,056	3,956	Grant Exp, Utilities
Increase (Use) of Fund Balance:	500	2,100	1,600	
Drug Enforcement Trust Fund				
Revenues	23,700	43,820	20,120	Fines, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	23,700	43,820	20,120	
Expenditures	23,600	36,354	12,754	Seized Vehicles, Canine Exp
Increase (Use) of Fund Balance:	100	7,466	7,366	
E-Ticketing Grant				
Revenues	0	0	0	
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	0	0	
Expenditures	0	17,404	17,404	Carryover
Increase (Use) of Fund Balance:	0	(17,404)	(17,404)	
Bryne Mem. Justice Asst. Grant				
Revenues	0	43,766	43,766	Annual Grant
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	43,766	43,766	
Expenditures	0	43,766	43,766	Equipment, BCSO
Increase (Use) of Fund Balance:	0	0	0	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
Hotel Tax				
Revenues	0	460,000	460,000	New Revenue
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	460,000	460,000	
Expenditures	0	460,000	460,000	Appropriations
Increase (Use) of Fund Balance:	0	0	0	
CPD- VCIF Grant				
Revenues	0	1,920,243	1,920,243	New Grant
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin.	0	1,920,243	1,920,243	
Expenditures	0	1,920,243	1,920,243	Vehicles, Equipment, Salaries
Increase (Use) of Fund Balance:	0	0	0	
Community Dev. Block Grant				
Revenues	425,000	549,889	124,889	Carryovers
Transfers from Other Funds	50,000	50,000	0	
Total Rev., Transfers & Other Fin.	475,000	599,889	124,889	
Expenditures	354,457	595,155	240,698	Project Carryovers, Down Pmt Asst
Increase (Use) of Fund Balance:	120,543	4,734	(115,809)	
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	299,500	299,500	0	
Increase of Fund Balance:	500	500	0	
School Food Service Fund				
Revenues	3,830,858	3,635,416	(195,442)	USDA Breakfast/Other
Transfers from Other Funds	0	0	0	
Total Rev. & Transfers In	3,830,858	3,635,416	(195,442)	
Expenditures	4,067,858	4,052,621	(15,237)	Contracted Svcs
Transfer to Other Funds	0	0	0	
Total Expenditures & Transfers:	4,067,858	4,052,621	15,237	
Increase (Use) of Fund Balance:	(237,000)	(417,205)	(180,205)	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
School General Fund				
Revenues	54,170,087	61,277,978	7,107,891	Sales Tax, Other State, Vocational
Transfers from Other Funds	5,605,300	6,024,900	419,600	
Total Rev. & Transfers In	59,775,387	67,302,878	7,527,491	
Expenditures	59,775,387	67,546,499	7,771,112	SLC Grant, Contracted Svcs, Capital Outlay
Transfer to Other Funds			0	
Total Expenditures & Transfers:	59,775,387	67,546,499	7,771,112	
Increase (use) of Fund Balance:	0	(243,621)	(243,621)	
CAPITAL OUTLAY FUNDS:				
Capital Improv. Program Fund				
Revenues	0	3,079,448	3,079,448	Grants, Interest
Transfers & Other Fin.	965,000	1,076,521	111,521	General Fund Tfr
Total Rev., Transfers & Other Fin.	965,000	4,155,969	3,190,969	
Expenditures	965,000	31,416,295	30,451,295	Various Projects
Transfers to Other Funds	0	0	0	
Total Expenditures & Other Uses	965,000	31,416,295	30,451,295	
Increase (Use) of Fund Balance:	0	(27,260,326)	(27,260,326)	
Sales Tax Capital Projects Fund				
Revenues	4,947,680	5,507,180	559,500	Interest, Increase Revenue
Total Rev., Transfers & Other Fin.	4,947,680	5,507,180	559,500	
Expenditures	4,942,680	8,083,707	3,141,027	Carryover - various projects
Total Expenditures & Other Uses	4,942,680	8,083,707	3,141,027	
Increase (Use) of Fund Balance:	5,000	(2,576,527)	(2,581,527)	
CCS Capital Funds				
Revenues	0	105,000	105,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	105,000	105,000	
Expenditures	0	3,131,128	3,131,128	Carryover - various projects
Increase (Use) of Fund Balance:	0	(3,026,128)	(3,026,128)	

	City of Cleveland, Tennessee			
	FY2024 Budget Amendment - May 2024			
	ORIGINAL BUDGET	May 2024 Amendment - Final	INCREASE (DECREASE)	EXPLANATION
American Rescue Plan				
Revenues	0	245,000	245,000	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	0	245,000	245,000	
Expenditures	0	7,496,102	7,496,102	Public Safety, Tech Improv, Appropriations, City Hall
Increase (Use) of Fund Balance:	0	(7,251,102)	(7,251,102)	
Internal ServiceFunds:				
Health Insurance Trust Fund				
Revenues	6,079,504	6,183,004	103,500	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	6,079,504	6,183,004	103,500	
Expenditures	5,395,537	5,395,537	0	
Increase (Use) of Fund Balance:	683,967	787,467	103,500	
Debt Service Fund:				
Revenues	5,000	291,000	286,000	Interest
Transfers and Other Fin.	8,465,482	8,485,041	19,559	General Fund Tfr
Total Rev., Transfers & Other Fin..	8,470,482	8,776,041	305,559	
Expenditures	8,470,481	8,677,574	207,093	Equipment Lse
Increase (Use) of Fund Balance:	1	98,467	98,466	
Enterprise Funds:				
Storm Water Management Fund				
Revenues	1,901,300	7,445,462	5,544,162	TDEC Grant, Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	1,901,300	7,445,462	5,544,162	
Expenditures	1,900,231	10,658,345	8,758,114	Various projects
Increase (Use) of Fund Balance:	1,069	(3,212,883)	(3,213,952)	
Fiduciary Funds:				
Meiler Estate/Animal Shelter Trust Fund				
Revenues	500	7,000	6,500	Interest
Transfers from Other Funds	0	0	0	
Total Rev., Transfers & Other Fin..	500	7,000	6,500	
Expenditures	0	5,379	5,379	Equipment
Increase (Use) of Fund Balance:	500	1,621	1,121	

- **Final Passage - Ordinance 2024-13 –** heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 610; Adopting the 2024 Tax Rate ($1.7130).
- **Final Passage - Ordinance 2024-14 –** heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 611; Adopting the FY2025 Budget. [Mr. Fivas distributed a revised budget message and authorized position list].
- **Final Passage - Zoning Ordinance 2024-15**– heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 624; Concerning a request by Hank Wilson for consideration of an ordinance to zone about 1.00 acre, more or less, of property located at Perimeter Drive from County C-2 to CH Highway Commercial and includes Tax Map 035E Group F Parcel 014.01. (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2024-16** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 625; Concerning a request by Daniel Fendley for consideration of an ordinance to zone about 1.19 acres, more or less, of property located at the corner of Dalton Pike and 20th Street from Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes a portion of Tax Map 057M Group B Parcel 018.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2024-17** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 626; Concerning a request by Mike Watson for consideration of an ordinance to zone about 1.01 acres, more or less, of property located at Fredrick Street from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 041K Group F Parcel 003.00 (Planning Commission: Approved 7-0; 2 absent).

- **Final Passage - Zoning Ordinance 2024-19** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 627; Concerning a request by Lynn Jones for consideration of an ordinance to zone about 5.58 acres, more or less, of property located at South Lee Hwy from County FAR to R-1 Single Family Residential Zoning District and includes Tax Map 056 Parcel 092.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2024-20** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 628; Concerning a request by Jerry Suits for consideration of an ordinance to zone about 113.42 acres, more or less, of property located at Dry Valley Road from County FAR to RA Residential Agricultural Zoning District and includes Tax Map 028 Parcel 048.00 (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2024-21** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 629; Concerning a request by multiple owners for consideration of an ordinance to zone about 160.15 acres, more or less, of property located at Dry Valley Road from County FAR to RA Residential Agricultural Zoning District and includes Tax Map 028 Parcel 048.03 (Planning Commission: 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2024-22** – heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 630; Concerning a request by Millers Landing Series of Riverstone for consideration of an ordinance to amend PUD 41 to increase the number of single family detached lots from 117 to 123 which is located at Minnis Road and includes Tax 058 Parcel 24.00 (Planning Commission: Approved 6-0; 2 absent; 1 recused).
- **Final Passage - Ordinance 2024-23**– heretofore passed on first reading May 13, 2024 and found in Minute Book 31, Page 636; Concerning a request by the City of Cleveland for consideration of an ordinance to amend Title 14, Chapter 2, to add a new Section 3.14 to create regulations for telecommunication facilities located within the public Right-of-Way (Planning Commission: Approved 7-0; 2 absent).
- **Resolution 2024-47 -** Professional Service Agreement with Colliers Valuation & Advisory Services for appraisal of 3rd Street Project.

RESOLUTION 2024-47

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH COLLIERS INTERNATIONAL VALUATION & ADVISORY SERVICES, LLC

WHEREAS, the City Manager and City staff are recommending to the City Council that the City enter into a professional services agreement with Colliers International Valuation & Advisory Services, LLC to provide professional appraisal services to the City in connection with the City's downtown redevelopment projects; and

WHEREAS, the City Council desires to approve the attached professional services agreement with Colliers International Valuation & Advisory Services, LLC 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 Colliers International Valuation & Advisory Services, LLC 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 10th day of June 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2024-48 -** Sourcewell Cooperative Agreement with Liftnow for Lift Inspections at Fleet .

RESOLUTION 2024-48

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #013020-LFT, 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 Liftnow Automotive Equipment Corp. ("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 #013020-LFT, 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 #013020-LFT, 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 2024-49 -** Sourcewell Cooperative Agreement with Kenworth Truck Company for Public Works to purchase a new dump truck in FY2025.

RESOLUTION 2024-49

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #060920-KTC, 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 Kenworth Truck Company ("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 #060920-KTC, 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 #060920-KTC, 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 2024-50 -** Sourcewell Cooperative Agreement with Mitsubishi Caterpillar Forklift American, Inc. for Public Works to purchase a new forklift in FY2025.

RESOLUTION 2024-50

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #091520-MCF, 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 Mitsubishi Caterpillar Forklift America, Inc. ("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 #091520-MCF, 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 #091520-MCF, 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 2024-51** – Authorizing the Mayor to sign a consent to assignment with Wiser Consultants to Haworth-Meyer-Boleyn Professional Engineers, LLC related to the Paul Huff Parkway paving project.

RESOLUTION 2024-51

WHEREAS, the City of Cleveland and Wiser Consultants LLC (hereafter "Wiser") entered into an agreement dated March 14, 2022, for professional services relating to the Paul Huff Parkway paving project (TDOT Grant PIN 130477.00); and

WHEREAS, Wiser has notified the City by the attached letter dated May 14, 2024, that Wiser is in the process of selling its assets to Haworth-Meyer-Boleyn Professional Engineers, LLC (hereafter HMB); and

WHEREAS, Wiser is requesting that the City execute the attached letter consenting to the assignment of the rights and responsibilities under the existing agreement from Wiser to HMB; and

WHEREAS, there will be no changes to the terms of the existing agreement with Wiser except that HMB will assume the rights and responsibilities of Wiser under the agreement; and

WHEREAS, the City Council desires to approve of this consent to assignment with Wiser and to authorize the Mayor to execute the consent to assignment 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 consent to assignment with Wiser, and the City Council further authorizes the Mayor to execute the consent to assignment on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 10th day of June 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Contract Extension** – Plumbing Services for an additional one-year term with Troy Goodaker Plumbing.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 10, 2024**
RE: **Contract Extension – Plumbing Service/Maintenance**

SUMMARY:
Requesting an extension to the current Plumbing Service/Maintenance contract with Troy Goodaker Plumbing for an additional one-year term.

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
Recommendation is to approve a one-year contract extension beginning August 1, 2024.

- **Surplus** – Declaring a 1999 GMC Dump Truck for Parks and Recreation and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 10, 2024**
RE: **Surplus Property**

SUMMARY:
Fleet Management has requested the City Council declare the asset listed below as surplus property to be sold on GovDeals:

- 1999 GMC Dump Truck 1GDM7H1C8XJ512996 (Parks & Rec)

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

- **Bid Report** – Street Paving

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 10, 2024**
RE: **Bid Summary – Paving**

SUMMARY:
Sealed bids were received on June 3, 2024, for major street paving. The bids are listed below:

- Talley Construction Co., Inc. **$2,449,600.00**
- Wright Brothers Construction Co., Inc. **$2,513,175.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends awarding contract to Talley Construction.

- **Resolution 2024-53** – Authorizing the Mayor to sign an agreement with TDOT to utilize the on-call CEI Services related to PIN 123116.01 for sidewalk improvements along Gaut Street, Inman Street, and Dooley Street.

RESOLUTION 2024-53

WHEREAS, the City has received the attached contract from the Tennessee Department of Transportation (hereafter "TDOT") for TDOT on-call services for CEI (engineering inspector) for the project described below; and

Projects: Various Streets in Cleveland.
Contract Number: 170087
Project Identification Number: 123116.01
State Project #: 06LPLM-F3-056
Federal Project #: TAP/STP-M-9203(23)

WHEREAS, the City Council desires to enter into the attached contract with TDOT for the CEI on-call services relating to the projects described in contract, and to further authorize the Mayor to execute this contract with TDOT 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 CEI services for the projects described in the contract, 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 10th day of June 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resoltuion 2024-54** – Approving the issuances by the Health Educational and Housing Facility Board of the City of Chattanooga, for the purpose of financing and refinancing the acquisiting, construction, improvement, renovation and equipping of certain health care facilities located or to be located in the City of Cleveland that will be owned and operated by Erlanger Health.

June 10, 2024

STATE OF TENNESSEE
Bradley County

CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE

RESOLUTION NO. 2024-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE APPROVING THE ISSUANCE BY THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE OF ITS REVENUE BONDS AND LOANING THE PROCEEDS THEREOF TO ERLANGER HEALTH, A TENNESSEE NON-PROFIT, PUBLIC BENEFIT CORPORATION, FOR THE PURPOSE OF FINANCING AND REFINANCING, AMONG OTHER THINGS, THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES AND RELATED AMENITIES LOCATED OR TO BE LOCATED IN THE CITY OF CLEVELAND, TENNESSEE THAT ARE OR WILL BE OWNED AND OPERATED BY ERLANGER HEALTH.

WHEREAS, The Health, Educational and Housing Facility Board of the City of Chattanooga, Tennessee (the "**Issuer**"), a public not-for-profit corporation duly organized and validly existing under the laws of the State of Tennessee, including particularly the provisions of Title 48, Chapter 101, Part 301 (Section 48-101-301 *et seq*) of the Tennessee Code Annotated, as amended (the "**Act**"), constitutes a public instrumentality of the City of Chattanooga, Tennessee, for the purposes, among other things, to provide access to adequate medical care and hospital facilities through issuing revenue bonds and exploring other methodologies for financing the acquisition, development, and maintenance of health care facilities in furtherance of the Issuer's statutory and public purpose set forth and more fully described under the Act; and

WHEREAS, the Issuer is also empowered by the Act, among other things, to: (i) acquire, improve, repair, extend, equip, furnish, and maintain one or more projects, including all real and personal properties which the Board of Directors of the Issuer may deem necessary in connection therewith; (ii) maintain, manage, and enter into certain agreements, in furtherance of the statutory and public purpose, for the maintenance and management of any project, including a project with a public purpose to promote the health, welfare and safety of the citizens of the State of Tennessee; and (iii) borrow money and issue and sell its revenue bonds which are payable solely from the revenues and receipts from the applicable revenues of the project, or from other sources, as security for the payment of the principal of, and premium, if any, and interest on, any bonds so issued and any agreements made in connection therewith; and

WHEREAS, the City Council of the City of Cleveland, Tennessee (the "**City Council**") has been advised that the Chattanooga-Hamilton County Hospital Authority (the "**Hospital Authority**") issued its Hospital Revenue and Refunding Bonds (Erlanger Health System), Series 2014A on December 11, 2014 in the original aggregate principal amount of $149,920,000 and currently outstanding in the aggregate principal amount of $147,190,000 (the "**Series 2014A Bonds**") and used the proceeds thereof to (a) refund certain outstanding revenue bonds previously issued by the Hospital Authority, the proceeds of which were used to finance or refinance the costs of acquiring, constructing and equipping certain improvements to the hospital facilities then owned and operated by the Hospital Authority and known as Erlanger Health System located in and near the City of Chattanooga, Tennessee, including Erlanger Western Carolina Hospital located in Murphy, North Carolina (collectively, the "**Hospital Facilities**"), (b) pay the costs of acquiring, constructing and equipping certain improvements to the Hospital Facilities and (c) pay certain costs of issuance for the Series 2014A Bonds; and

WHEREAS, the City Council has been advised that on July 1, 2023, the Hospital Authority conveyed substantially all of its assets (except for certain retained assets and liabilities), including the Hospital Facilities, to Erlanger Health, a Tennessee non-profit, public benefit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "**Corporation**"); and

WHEREAS, the City Council has been advised that the Corporation desires for the Issuer to issue its revenue bonds for the purpose of (i) refunding all of the outstanding Series 2014A Bonds, (ii) paying all or a portion of the outstanding principal of and interest on certain promissory notes of the Hospital Authority and the Corporation in favor of First Horizon Bank in connection with certain loans from First Horizon Bank, the proceeds of which financed the costs of acquiring, constructing and equipping certain improvements to the Hospital Facilities, (iii) financing or refinancing the acquisition, construction, improvement, renovation and equipping of the Hospital Facilities owned and to be owned and operated by the Corporation or its affiliate, including, but not limited to, the construction for expansion and development of Erlanger Health's Erlanger Baroness and Erlanger East campuses located in the City of Chattanooga, Tennessee, including reimbursement for expenditures incurred prior to the date of adoption of this Resolution which are of a type properly chargeable to a capital account under general federal income tax principles or a cost of issuance with respect to the hereinafter defined Bonds, and (iv) paying certain costs of issuance and funding certain reserves and accounts, if necessary (collectively the "**Project**"); *provided that* for any portion of the Project located or to be located in the State of Tennessee but outside of the boundaries of the City of Chattanooga, Tennessee, the Issuer must receive, prior to the issuance of the Bonds, a resolution duly adopted by the governing authority of the county, city or town where such portion of the Project is or will be located approving the issuance of the Bonds to finance or refinance the costs of such portion of the Project as required by Section 48-101-308(a)(5) of the Act; and

WHEREAS, the City Council has been advised that a portion of the Project, consisting of, among other things, the acquisition, construction, equipping and installation of certain capital projects and certain unimproved land owned or to be owned and operated by the Corporation for health care purposes, is located outside of the boundaries of the City of Chattanooga, Tennessee in the City of Cleveland, Bradley County, Tennessee (the "**City of Cleveland Project**"); and

WHEREAS, the City Council has been advised that the Corporation has requested that the Issuer assist the Corporation with the financing and refinancing of the Project through defraying certain costs by agreeing to issue its revenue bonds in one or more series in an aggregate principal amount not-to-exceed $370,000,000, such bonds to be designated as "The Health, Educational and Housing Facility Board of the City of Chattanooga, Tennessee Revenue Bonds (Erlanger Health System), Series 2024" (the "**Bonds**") or such other designations as determined by the Issuer and the Corporation pertaining to the Bonds and to use the proceeds thereof to make a loan to the Corporation for the purpose of financing and refinancing the costs of the Project pursuant to a loan agreement between the Issuer and the Corporation; and

WHEREAS, as required by Section 48-101-308(a)(5) of the Act, the City Council desires to approve the issuance of the Bonds by the Issuer for the purpose of financing or refinancing the costs of the City of Cleveland Project;

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

Section 1. Approval of Bonds for City of Cleveland Project. As required by Section 48-101-308(a)(5) of the Act, the City Council hereby approves the issuance of the Bonds by the Issuer for the purpose of, among other things, financing or refinancing the costs of the City of Cleveland Project.

Section 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED this ____ day of _____, 2024.

CITY OF CLEVELAND, TENNESSEE

(SEAL)

Attest:

_____
Mayor

_____
City Clerk

- **Resolution 2024-55** – 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 2024-55

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. [on file in the City Clerk's Office.]

This 10th day of June 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2024-56** – Approving the proposal from Facility Systems Consultants, LLC for elecdtrical engineering design services related to the City Hall Underground Electirc Conversion project.

RESOLUTION 2024-56

WHEREAS, Cleveland Utilities will be performing work to convert a portion of the overhead electric lines downtown to underground power as part of the overall downtown infrastructure improvement and beautification plan; and

WHEREAS, as a result of this work by Cleveland Utilities, several buildings will require conversion from outdated systems to be compatible with the new underground service lines, and;

WHEREAS, the City's director of building and project development, Bryan Turner, has obtained the attached proposal from an electrical engineering firm, Facility Systems Consultants, LLC, to design the work required for this conversion; and

WHEREAS, the City Council desires to accept the proposal and enter into the attached agreement with Facility Systems Consultants, LLC, 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 proposal and agreement with Facility Systems Consultants, LLC 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 10th day of June 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Resolution 2024-57** - Interlocal agreement Buchanan Road from FAR/Unincorporated County to PUD50 Planning Unit Development and includes Tax Map 065 Parcels 040.00 and 044.00.

RESOLUTION 2024-57

WHEREAS, the City has presented Bradley County with the attached Interlocal agreement between the City and the County in connection with the annexation of a parcel of property owned by Ryan Wampler, which parcel is located on Buchanan Road, and which is generally described as Tax Map 065, Parcels 040.00 and 044.00 as described in the interlocal agreement; and

WHEREAS, the Bradley County Commission approved of this Interlocal agreement at its voting meeting on June 3, 2024; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached Interlocal Agreement between the City of Cleveland and Bradley County.

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

This 10th day of June, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

- **Final Passage – Zoning Ordinance 2024-11** – heretofore passed on first reading March 11, 2024 and found in Minute Book 31, Page 563; Concerning a request by Ryan Wampler for consideration of an ordinance to zone about 17.5 acres, more or less, of property located at Buchanan Road from FAR/Unincorporated County to PUD 50 Planned Unit Development and includes Tax Map 065 Parcels 040.00 and 044.00 (Planning Commission: Approved 7-1; 1 recused).
- **Motion** – Modifiying the speed limit to 25mph on Westover Drive.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **June 10, 2024**
RE: **Modifying Westover Speed Limit to 25th mph**

SUMMARY:
City staff has looked at the speeds through a cut through at Westover Drive where the current speed limit is 35 mph. City staff is recommending to reduce this speed on the full length of Westover Drive to 25 mph

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
Staff's recommendation is to approve this reduction in speed limit on Westover Drive to 25 mph.

- **Motion** – Settlement Agreement with the State of TN and Acadia.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **June 10, 2024**
RE: **Settlement Agreement**

SUMMARY:
City Council has discussed this settlement agreement with the state of TN and Acadia with our outside Council. The City has won this case in the Tennessee Court of Appeals which has brought about the state policy for notification of elected officials. This Settlement Agreement will end this case for all parties.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
N/A

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada inquired if the property at Frontage/Paul Huff was in the county. He has noticed on several occasions, people walking into the wooded area. We have had several issues in the area. He then asked if it was possible to put no trespassing signs on the property.

Councilman May stated on Friday morning he came through First Street Square and was very impressed with the quality of landscaping and staff working on the sprinkler system. We need more of that. Mr. Fivas said yes, we agree. We have some work to do to get caught up in some areas, but that project is the template we want all our properties in the downtown area to be converted to that level of quality. Councilman May stated he loves good landscaping. It promotes the city. The staff has done a great job. Mayor Brooks stated he has had more positive comments about First Street Square "up lift" than any other single thing in many months. City staff worked very hard on the park. Councilman May added it was designed, installed and maintained by staff. Councilman Cassada thanked Mainstreet for the downtown activities.

Councilman Hughes inquired about the property at Paul Huff/Peerless Road if any permits had been pulled. Mr. Jobe stated no permits for construction, only a tree clearing permit.

Councilman Webb stated the market on First Street Square on Sundays has been a very successful venture. He encouraged others to attend.

Vice Mayor Johnson stated he believes this is the longest agenda and appreciates the hard work of staff. Councilman Cassada added he would like to challenge the staff to try to go

paperless on the agenda. Whatever we can do he would love to see it. Mayor Brooks stated he agrees. It is a great idea.

Councilwoman McKenzie requested that city offices also go paperless but recycle. Cans, plastic bottles, any items that can be recycled should be. We could be a leader in our offices by recycling. Mr. Fivas clarified boxes for cans and plastic in this building. Councilwoman McKenzie stated yes, throughout city offices. Mr. Fivas stated we can make that happen within the next 30 days. Councilwoman McKenzie continued by thanking staff for their hard work on balancing the budget and not raising property taxes.

Councilman Estes thanked Cathy Andrews for the work on the Futsal Court at Blythe Oldfield Park is a huge hit. It's being used daily and even the Bermuda grass can't keep up. Ms. Andrews getting the grant through and paid for by the State is great. Also, Wacker underwriting the Friday concert series at First Street Square is wonderful. Next, he asked that the Cleveland City Schools Educational Facilities Master Plan be incorporated in the minutes of today's meeting. Councilman Estes then stated he would like to add an item to new business to further discussion on a 4-way stop at 2nd and Parker Street. Lastly, the fence around the detention pond on Carolina Avenue. Is that permanent? Is it safe to not have fenced? He feels it needs a fence for safety. Mr. Fivas stated staff will take a look.

Mayor Brooks thanked staff for the recently improved inclusive Civitan Park. The park is heavily used and is amazingly well done. His family has had numerous visits, and it is done so well. Many people have expressed appreciation. He then stated he received a Facebook message that the zipline at Deer Park was still not operational. Mr. Jobe stated yes, it was stolen. We are waiting for the replacement parts to arrive.

[City Schools Educational Facilities Master Plan]

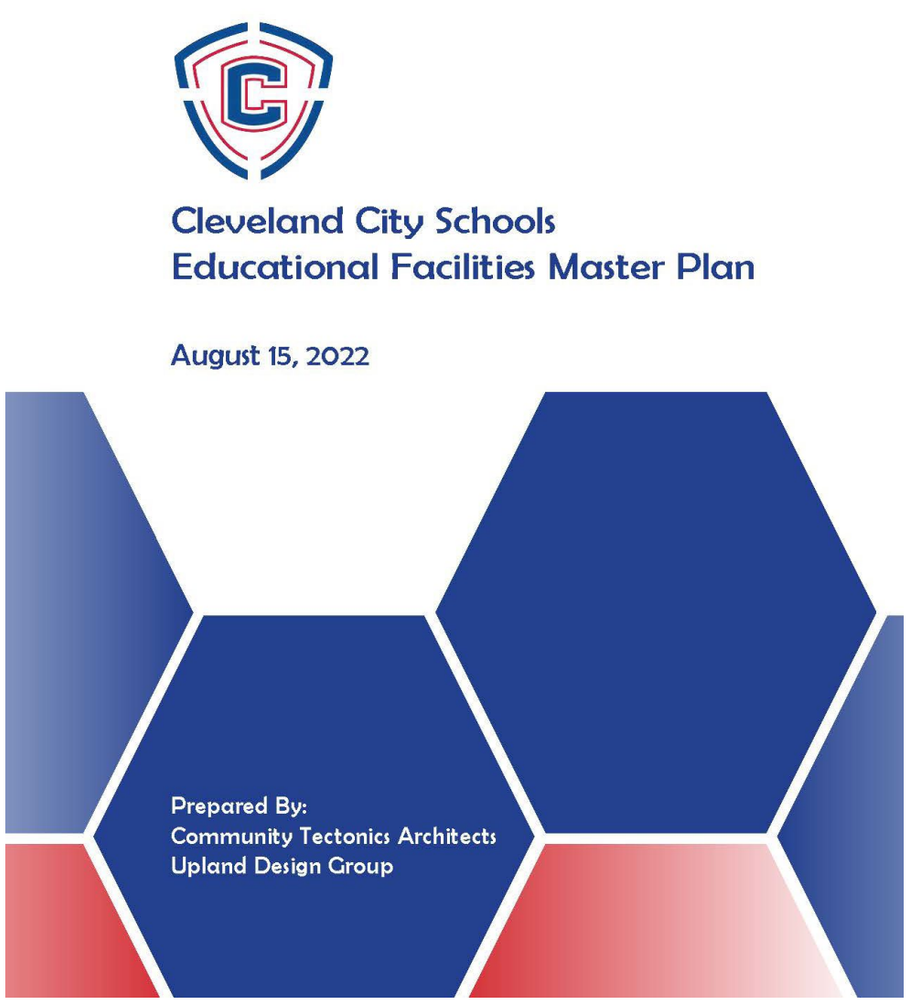


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I. EXECUTIVE SUMMARY

Executive Summary

INTRODUCTION

The purpose of the following Educational Facilities Masterplan Document is to identify and communicate the educational and physical needs of the Cleveland City School District to the community it serves.

The recommendations of the Master Plan can serve as a "guide" or "roadmap" for the incremental funding and implementation of a comprehensive Capital Improvements Plan over the next 15-20 years.

In January 2021, a planning process began to explore current and future educational program needs for each grade level and to determine the ability of each school building to accommodate program requirements. This study is intended to expand and compliment the Comprehensive 5-Year Capital Improvement Plan developed by the school district in October 2020, not to replace it.

Based on the school district's historical data from 2009/10 until 2021/22, the student enrollment grew from 4,764 to 5,539 students. Community Tectonics' analysis and projections indicate the total student enrollment may continue growing to 6,637 students by the school year 2035/36. This growth would be about 1.3% per year. The system-wide grade level projected student enrollment allocation by grade levels would be as follows: K-5 grades @ 2,940 students, 6th-8th grades @ 1,468 students; and 9th-12th grades @ 2,229 students. (Refer to District-wide Growth Projections, Section II.)

PLANNING PROCESS

In the initial planning workshops with Dr. Dyer and the Administrative Staff, several options were explored to identify potential solutions that can address both current and future educational program needs. Four (4) Educational Organizational Plans were considered:

OPTION #1: K-5th; 6th-8th; 9th-12th
This current plan would require additions and renovations at all schools; however, not all school sites have available area to build adequate additions.

OPTION #2: K-5th ;6th; 7th-8th; 9th-12th
This plan addresses the middle school overcrowding issue but not the K-5th issue.

OPTION #3: K-4th; 5th-6th; 7th-8th; 9th-12th
This plan appears to achieve the desired results in the most effective way. A new intermediate facility would immediately address the critical overcrowding at the middle school and all K-5 elementary schools.

OPTION #4: 9th Grade Academy
This suggestion could be a viable part of any of the other three options. It was noted as being worthy of consideration in planning future additions and renovations at Cleveland High School.

The Administrative Group agreed Option #3 was the preferred grade-level organization plan, and that it should be further evaluated to determine: its ability to adequately respond to the impacts of student enrollment projections and classroom capacity analysis for each school, critical path scheduling for implementation, relative order of magnitude in potential construction cost, and the priorities of a capital improvements plan.

Further analysis and development of District-Wide Growth Projections along with Student Enrollment Projections for various grade levels (Section 2) encouraged the planning team to recommend a *600 Student* Grade-Level Planning Model for a total maximum capacity of 7,800 students.

- Elementary Schools (K-4 or 5 grades @ 600 Students = 3,000 Students)
- Intermediate School (2 grades @ 600 Students = 1,200 Students)
- Middle School (2 grades @ 600 Students = 1,200 Students)
- High School (4 grades @ 600 Students = 2,400 Students)

Interviews with principals were conducted to establish the current needs of each school and to determine the classroom requirements for both K-5 and K-4 facilities to determine both Classroom Capacity and Optimal Planning Capacity. This grade level organization and planning model was reviewed with school principals/staff, and school board members to gain feedback. Agreement was unanimous in all our interviews and workshops that Option #3 is the preferred organization plan for the district.

Executive Summary

K-5 VS. K-4 ELEMENTARY SCHOOLS

According to individual school enrollment projections (Section III), all seven of the K-5 schools may exceed optimum planned capacity by the years 2025 and 2030. District-wide student projections in the year 2025/26 indicate the total student enrollment of 2,719 will exceed the optimal planned capacity of 2,556 students.

A six-classroom expansion at Candy's Creek Cherokee Elementary is possible but it's questionable to consider expansion at any of the other schools due to limited site area.

K-4 elementary schools will gain a total of 20 classrooms once 5th grade is removed. Individual school projections indicate only one school, Yates Primary, will exceed the school's calculated classroom capacity prior to 2035. The district-wide student projections indicate total classroom capacity of the seven schools (2,489) is not expected to be exceeded prior to the year 2035.

It is important to recognize that student enrollment and projections for individual schools should be monitored on a yearly basis to determine the potential impact of many other community variables such as: annexations, migration, housing starts, birth rates etc. Recently, there has been a trend at some schools for a status quo or decline in student enrollment even though the district-wide student enrollment has shown a steady growth in the past 10 years.

Refer to Program Analysis of Individual Schools, Section III for more detail.

EXISTING

K-5 Facility and Enrollment Analysis

ELEMENTARY SCHOOLS K-5	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 K-5th Student Enrollment
ARNOLD ELEMENTARY	13	14	300	270	248
BLYTHE-BOWER ELEMENTARY	3	34	730	657	623
CANDY'S CREEK CHEROKEE ELEMENTARY	11	24	520	468	452
MAYFIELD ELEMENTARY	4	21	450	405	380
ROSS ELEMENTARY	12	13	300	270	244
YATES PRIMARY	10	13	260	234	254
STUART ELEMENTARY	12	13	280	252	248
TOTALS (K-5)	65	132	2840	2556	2449
2025 District-Wide Projections for K-5 Student Enrollment			2719		
2030 District-Wide Projections for K-5 Student Enrollment			2927		
2035 District-Wide Projections for K-5 Student Enrollment			2930		

K-5 NOTES:
1. [redacted] indicates when optimal planned capacity may be exceeded; classroom capacity may be exceeded by 2030.
2. Potential expansion at Candy's Creek Cherokee Elementary (4 Classrooms @ 20 Students Each; 2 Classrooms @ 25 Students Each) increases K-5 totals by 130 students.

OPTION #3

K-4 Facility and Enrollment Analysis

ELEMENTARY SCHOOLS K-4	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 K-4 Student Enrollment
ARNOLD ELEMENTARY	13	14	290	261	211
BLYTHE-BOWER ELEMENTARY	3	34	710	639	526
CANDY'S CREEK CHEROKEE ELEMENTARY	11	24	505	455	375
MAYFIELD ELEMENTARY	4	21	440	396	320
ROSS ELEMENTARY (3-4)	12	13	290	261	169
YATES PRIMARY (K-2)	10	13	260	234	254
STUART ELEMENTARY	12	13	270	243	209
TOTALS (K-4)	65	132	2765	2489	2064
2025 District-Wide Projections for K-4 Student Enrollment			2305		
2030 District-Wide Projections for K-4 Student Enrollment			2361		
2035 District-Wide Projections for K-4 Student Enrollment			2442		

K-4 NOTES:
1. K-4 gains 20 classrooms w/o 5th grade.
2. Potential expansion @ Candy's Creek Cherokee (6 Classrooms @ 25 Students) increases K-4 total by 125 students.
3. Not all support areas are regular size classrooms.

Executive Summary

CLEVELAND MIDDLE - 3 GRADES VS. 2 GRADES

The current student enrollment (1,302) at the middle school already exceeds optimal planned capacity of 1,080 students and the classroom capacity of 1,200. Even if 7th and 8th grades could increase their classroom capacity to 30 students, the optimal planned capacity of 1,224 would still be exceeded. Unfortunately, the middle school cannot easily be expanded to accommodate the planning model of 500-600 students per grade level due to limited site area. It is also questionable as to whether the size of the middle school (1,500 to 1,800 students) is educationally and socially desirable for this age group.

A middle school with two grade levels (7th & 8th) would have a classroom capacity of 1,200 to 1,440 students depending on whether it is calculated at 25 or 30 students per classroom. With a current student enrollment of 875 this facility could easily accommodate future growth based on a planning model of 500-600 students per grade level.

A new intermediate school (5th~6th) should be designed to accommodate 48 classrooms with a classroom capacity of 1200 students. Based on projected enrollment of 1058 students in 2030, the planning model of 500-600 students per grade-level will serve the community for many years to come. Refer to intermediate school space requirement analysis in Section IV.

EXISTING

Cleveland Middle School (6th~8th) Facility and Enrollment Analysis

CLEVELAND MIDDLE SCHOOL	Total # of Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 6th-8th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
6-8	74	26	48	1200	1080	1302	1337	1442	1468
			(30/Class)	1360	1224				

6TH~8TH NOTES:

1. Existing Middle School (6th~8th) student enrollment in 2021/2022 (1302 students) currently exceeds optimal planned capacity of 1080 students and the classroom capacity of 1200 students.
2. Projected student enrollment in 2030 (1442 students) may exceed both optimal planned capacity and classroom capacity, even if classroom capacity is based on 30 students/classroom.

OPTION #3

Intermediate School (5th~6th) Facility and Enrollment Analysis

INTERMEDIATE SCHOOL	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 5th-6th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
5-6	74	26	48	1200	1080	812	866	1058	959
			Future Expansion	1400	1260				

5TH~6TH NOTES:

1. Classroom capacity and optimal planned capacity of a new intermediate school should not be a concern anytime prior to 2035.
2. Intermediate school should be designed for expansion of 2 teams with 4 classrooms each; this would increase classroom capacity to 1400 students.

Middle School (7th~8th) Facility and Enrollment Analysis

MIDDLE SCHOOL	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 7th-8th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
7-8	74	26	48	1200	1080	875	886	950	1006
			(30/Class)	1440	1296				

7TH~8TH NOTES:

1. Existing MP classroom capacity can be increased by 240 students if 7th & 8th grade assume 30 students per classroom.

Executive Summary

CLEVELAND HIGH (9TH~12TH)

Based on interviews and workshops with high school principals and teachers, it appears the existing high school can accommodate the current enrollment of 1,788 students but not without some concerns. It was noted that many of the existing "classroom" spaces are not sized adequately to accommodate the programs utilizing the spaces; the West Wing of the high school has a variety of building deficiencies that impede the desired educational program and might best be addressed by demolition and new additions. (Refer to Section VI, Block Scheduling Diagrams)

More quality spaces were suggested for expanded CTE programs, "Core" Classrooms (math, science, English, social studies, world languages), Theater, Performance, Band, Choral, Art, as well as special student services areas (Refer to Section VI, Program Analysis for Cleveland High School).

Considering the projected student growth in the school district, it may not be long before the high school enrollment exceeds the calculated classroom capacity of 1,865 students. Therefore, a classroom capacity of 2,400 students and an optimal planned capacity of 2,040 should become a priority in a Capital Improvements Plan.

EXISTING

Cleveland High School (9th~12th) Facility and Enrollment Analysis

CLEVELAND HIGH SCHOOL	Total # of Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Core Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 85%	2021/2022 9th-12th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
9-12	104		48	1865	1585	1788	1776	1852	2229

9TH~12TH NOTES:

1. Existing High School (9th~12th) student enrollment currently exceeds optimal planned capacity.

OPTION #3

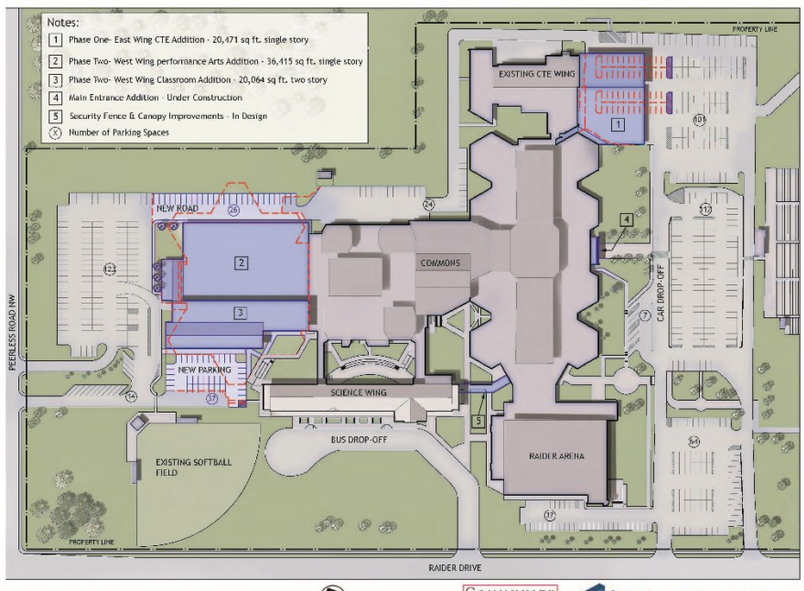
Cleveland High School (9th~12th with New CTE Wing) Facility and Enrollment Analysis

CLEVELAND HIGH SCHOOL	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Core Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 85%	2021/2022 9th-12th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
9-12	133		60	2400	2040	1788	1776	1852	2229

9TH~12TH NOTES:

1. Total teaching stations includes expanded CTE programmed spaces (20 @ 600 Students).

Executive Summary



Cleveland High School Masterplan TRUE NORTH

COMMUNITY TECTONICS ARCHITECTS

Upland Design Group

Executive Summary Option #3 and Existing Comparison

OPTION #3

K-4 Facility and Enrollment Analysis

ELEMENTARY SCHOOLS K-4	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 K-4 Student Enrollment
ARNOLD ELEMENTARY	13	14	290	261	211
BLYTHE-BOWER ELEMENTARY	3	34	710	639	526
CANDY'S CREEK CHEROKEE ELEMENTARY	11	24	505	455	375
MAYFIELD ELEMENTARY	4	21	440	396	320
ROSS ELEMENTARY (3-4)	12	13	290	261	169
YATES PRIMARY (K-2)	10	13	260	234	254
STUART ELEMENTARY	12	13	270	243	209
TOTALS (K-4)	65	132	2765	2489	2064

2025 District-Wide Projections for K-4 Student Enrollment	2305
2030 District-Wide Projections for K-4 Student Enrollment	2361
2035 District-Wide Projections for K-4 Student Enrollment	2442

K-4 NOTES:
1. K-4 goes 20 classrooms w/o 5th grade.
2. Potential expansion @ Candy's Creek Cherokee (6 C lassrooms @ 20 Students) increases K-4 total by 120 students.
3. Not all support areas are regular size classrooms.

Intermediate School (5th~6th) Facility and Enrollment Analysis

INTERMEDIATE SCHOOL 5-6	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 5th-6th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
	74	26	48	1200	1080	812	866	1058	959
			Future Expansion	1400	1260				

5TH~6TH NOTES:
1. Classroom capacity and optimal planned capacity of a new intermediate school should not be a concern anytime prior to 2035.
2. Intermediate school should be designed for expansion of 2 teams with 4 classrooms each, this would increase classroom capacity to 1400 students.

Middle School (7th~8th) Facility and Enrollment Analysis

MIDDLE SCHOOL 7-8	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 7th-8th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
	74	26	48	1200	1080	875	886	950	1006
			(30/Class)	1440	1296				

7TH~8TH NOTES:
1. Existing 6th-8th classroom capacity can be increased by 240 students if 7th & 8th grade assume 30 students per classroom.

Cleveland High School (9th~12th with New CTE Wing) Facility and Enrollment Analysis

CLEVELAND HIGH SCHOOL 9-12	Total # of Planned Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Core Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 85%	2021/2022 9th-12th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
	133		60	2400	2040	1788	1776	1852	2229

9TH~12TH NOTES:
1. Total teaching stations includes expanded CTE programmed spaces (19 @ 600 Students).

EXISTING

K-5 Facility and Enrollment Analysis

ELEMENTARY SCHOOLS K-5	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 K-5th Student Enrollment
ARNOLD ELEMENTARY	13	14	300	270	248
BLYTHE-BOWER ELEMENTARY	3	34	730	657	623
CANDY'S CREEK CHEROKEE ELEMENTARY	11	24	520	468	452
MAYFIELD ELEMENTARY	4	21	450	405	380
ROSS ELEMENTARY	12	13	300	270	244
YATES PRIMARY	10	13	260	234	254
STUART ELEMENTARY	12	13	280	252	248
TOTALS (K-5)	65	132	2840	2556	2449

2025 District-Wide Projections for K-5 Student Enrollment	2719
2030 District-Wide Projections for K-5 Student Enrollment	2927
2035 District-Wide Projections for K-5 Student Enrollment	2930

K-5 NOTES:
1. Indicates when optimal planned capacity may be exceeded; classroom capacity may be exceeded by 2030.
2. Potential expansion at Candy's Creek Cherokee Elementary (4 Classrooms @ 20 Students Each, 2 Classrooms @ 25 Students Each) increases K-5 totals by 130 students.

Cleveland Middle School (6th~8th) Facility and Enrollment Analysis

CLEVELAND MIDDLE SCHOOL 6-8	Total # of Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Academic Classrooms (25/Class)	Classroom Capacity	Optimal Planned Capacity @ 90%	2021/2022 6th-8th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
	74	26	48	1200	1080	1302	1337	1442	1468
			30/Class	1360	1224				

6TH~8TH NOTES:
1. Existing Middle School (6th~8th) student enrollment in 2021/2022 (1302 students) currently exceeds optimal planned capacity of 1080 students and the classroom capacity of 1200 students.
2. Projected student enrollment in 2030 (1442 students) may exceed both optimal planned capacity and classroom capacity, even if classroom capacity is based on 30 students/classroom.

Cleveland High School (9th~12th) Facility and Enrollment Analysis

CLEVELAND HIGH SCHOOL 9-12	Total # of Teaching Stations	Total # of Classrooms Utilized for Support Functions	Total # of Core Academic Classrooms	Classroom Capacity	Optimal Planned Capacity @ 85%	2021/2022 9th-12th Student Enrollment	Projections Utilizing District Growth Ratio (1.013)		
							2025	2030	2035
	104		48	1865	1585	1788	1776	1852	2229

9TH~12TH NOTES:
1. Existing High School (9th~12th) student enrollment currently exceeds optimal planned capacity.

Executive Summary Conclusions & Recommendations

Various participants in the planning process agree that the Educational Facilities Master Plan should contain the following priority components:

I. NEW INTERMEDIATE SCHOOL

A. Recommended Program Space Requirements:
- Net Area: 114,820 sf.
- Gross Area:176,646 sf.

B. Recommended Project Budget: $79,000,000
- Statement of Probable Construction Cost: $61,850,000
- Contingency & "Soft Costs": $8,150,000
- Additional Land Cost: TBD (Recommended Acres Totaling 30~35)

C. Recommended Schedule:
- Occupy by the year 2030
- Design & Construction (3.5 years)

D. Classroom capacity of a 7th~8th grade facility will have a classroom capacity of 1200 students @ 25 students/class or 1440 students @ 30 students/class. Student enrollment in the 7th~8th grade middle school is not expected to reach 1200 students anytime in the near future.

II. ELEMENTARY SCHOOLS (Convert K-5 schools to K-4 schools)

A. According to the K-5 facility and enrollment analysis (section II), all seven (7) K-5 schools may experience overcrowding between years 2025 and 2030.
B. The district-wide K-5 student projection indicates the total classroom capacity, and the total optimal planned capacity (2840 students & 2556 students respectively) may be exceeded by the year 2025 (2719 students).
C. Aside from Ross & Yates Elementary schools, with the K-4th grade organization plan (section 3) these schools can accommodate anticipated student growth to beyond 2035.
D. Since many unknown variables such as: annexations, migration, housing starts, birth rates, etc. can impact student growth, a new school or redistricting may be required in the future.
E. Candy's Creek Cherokee is the one elementary school which can easily accommodate a six (6) classroom addition, an increase of 120-130 students.

III. CLEVELAND MIDDLE SCHOOL (Convert 6th-8th to 7th- 8th)

Current Enrollment: 1302 Students
BEP Classroom Capacity: 1360 Students
Optimal Planned Capacity: 1224 Students

A. Current middle school student enrollment exceeds both classroom capacity and optimal planned capacity of the school.
B. HVAC replacement, minor updates, and maintenance issues will remain a need over the next 5~10 years.

*The probable construction costs listed above are based upon actual data obtained from new school construction projects that have bid during the 3rd quarter of 2022. The current construction market is experiencing an annual inflation of 10~15%.

IV. CLEVELAND HIGH PHASE ONE: New East Wing, CTE Addition - 32,300 SF

This addition would relocate the current West Wing CTE spaces and allow for space improvements to some other CTE programs. Additional property would be necessary to accommodate the full desired 57,800 sf. CTE program requirements in the East Wing.

A. Recommended Program Space Requirements
- Net Area: 21,000 sf.
- Gross Area: 32,300 sf.

B. Recommended Project Budget: $12,700,000
- Statement of Probable Construction Cost: $11,305,000
- Contingency & "Soft Costs": $1,400,000

C. Recommended Schedule:
- Occupy: TBD
- Design & Construction (2.5 years)

D. Site Planning Concept

Note: Total space requirements for CTE program is 57,800 sf. (refer to Section VI). If adequate funding became available, it would be cost effective to construct the total CTE program requirements at the same time.

V. CLEVELAND HIGH PHASE TWO: West Wing Performing Arts Addition - 36,500 SF

This addition would facilitate desired improvements to the Fine Arts and Performance Arts programs.

- Net Area: TBD sf.
- Gross Area: TBD sf.
- Statement of Probable Construction Cost: TBD
- Statement of Probable Project Cost: TBD

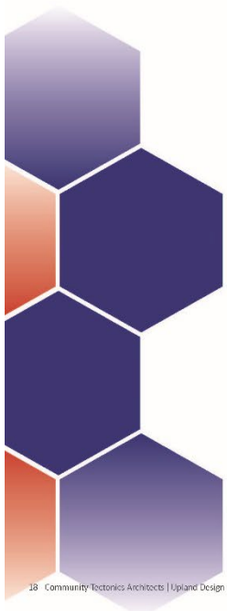
VI. CLEVELAND HIGH PHASE THREE: West Wing Addition - 28,000~40,000 SF

This addition would replace the existing academic spaces in the current West Wing. It would also for core classroom growth, additional CTE programs, and spaces for special student services.

- Actual size TBD based on future growth.

VII. ALL SCHOOL DISTRICT FACILITIES:

- HVAC Updates, Repairs, and Maintenance Items as noted in the Comprehensive 5-year Capital Improvements Plan dated October 2020.



II. Student Enrollment Projections and Analysis

DISTRICT-WIDE Growth Projections

Annual District Growth Projection 1.013%

School Year	K	1	2	3	4	5	6	7	8	9	10	11	12	District
2021/2022	401	393	429	426	415	385	427	413	462	504	438	456	390	5639
2022/2023	395	406	396	435	432	420	390	430	418	469	511	444	462	5611
2023/2024	466	400	411	403	440	437	426	395	438	424	474	517	449	5684
2024/2025	455	474	405	417	409	446	443	431	400	444	429	480	524	5758
2025/2026	531	461	480	411	422	414	452	449	437	405	450	435	486	5833
2026/2027	493	538	467	466	416	428	419	459	454	443	411	455	441	5909
2027/2028	448	499	545	473	493	421	433	425	464	460	448	416	481	5985
2028/2029	467	452	506	552	479	499	427	439	430	470	466	454	421	6063
2029/2030	427	473	458	512	559	488	506	432	445	438	478	472	460	6142
2030/2031	486	432	480	464	519	566	492	512	438	450	441	482	479	6222
2031/2032	465	472	436	466	470	526	573	498	519	444	456	447	488	6303
2032/2033	494	491	476	444	492	476	533	581	505	528	450	462	453	6385
2033/2034	459	501	497	485	450	499	482	539	588	511	532	455	468	6468
2034/2035	474	465	507	504	491	455	505	489	548	596	518	539	461	6552
2035/2036	467	480	471	514	510	497	481	512	495	554	604	525	546	6637

Analysis of Various Grade-Level Organizational Plans

	K	1	2	3	4	5	Total
21/22	401	393	429	426	415	385	2449
25/26	531	461	480	411	422	414	2719
30/31	466	432	480	464	519	566	2927
35/36	467	480	471	514	510	497	2940

	5	6	Total
21/22	385	427	812
25/26	414	452	866
30/31	566	492	1058
35/36	497	461	959

	K	1	2	3	4	Total
21/22	401	393	429	426	415	2064
25/26	531	461	480	411	422	2305
30/31	466	432	480	464	519	2361
35/36	467	480	471	514	510	2443

	7	8	Total
21/22	413	462	875
25/26	449	457	886
30/31	512	438	950
35/36	512	495	1006

	9	10	11	12	Total
21/22	504	438	456	390	1788
25/26	405	450	435	486	1776
30/31	450	441	482	479	1852
35/36	554	604	525	546	2229

	6	7	8	Total
21/22	427	413	462	1302
25/26	452	449	457	1337
30/31	492	512	438	1442
35/36	461	512	495	1468

III. PROGRAM ANALYSIS OF INDIVIDUAL ELEMENTARY SCHOOLS

ARNOLD ELEMENTARY SCHOOL

May 3, 2021

PARTICIPANTS
Michael Chal
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Population – 259 w/ 20 virtual included
2. There are 15 existing classrooms.
3. There are currently 2 classrooms per grade level (except second grade which has 3).
4. Current zoned capacity – 250
5. Pulling the 5th grade out of the school would potentially open up 2 classrooms.
6. 40% of the student population is transient.
7. The school zone is fully developed.
8. Prior to rezoning the school had ballooned to 350-380 with 3 teachers per grade.
9. Rezoning allowed space for:
   - Art
   - Counseling Classroom
   - Professional development Flex Room
   - Small Instruction for RTI/ERC
   - 2 full time ELS Rooms
10. Average class size is 700 square feet.
11. The Art Teacher is not full time, so the Art room is used as a flex space.
12. There is currently 1 PK Classroom.
13. Mr. Chal was not opposed to the 5/6 grade school concept. He believes that 5/6 grades have closer similarities than 6/7.

MAINTENANCE ITEMS

- Heat exchangers are being changed out over the next 5 years (a spare classroom is needed to relocate students temporarily).
- Treatment of Restroom walls
- Flooring in Halls and Cafeteria



BEP Classroom Analysis

K-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	40	Regular	2	20	40
1	43	Regular	3	20	60
2	39	Regular	2	20	40
3	45	Regular	3	20	60
4	44	Regular	2	25	50
5	37	Regular	2	25	50
Total		**Classrooms**	**14**		**300**

K-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	40	Regular	3	20	60
1	43	Regular	3	20	60
2	39	Regular	3	20	60
3	45	Regular	3	20	60
4	44	Regular	2	25	50
Total		**Classrooms**	**14**		**290**

Support Areas	Qty	Notes
Art	1	Flex
Computer Lab	1	
Assistant Principal/Level Library	1	
Counseling	1	
ERC	1	
ESL	2	
Music	1	
Professional Services	1	Flex
RTI	1	
RTI Coordinator/Instruction Supervisor	1	
Special Services	1	
Speech	1	
Total Support Areas	**13**	

Notes:

1. Request for New Cafeteria

ARNOLD ELEMENTARY Projections

Individual Facility Growth 0.981%

Grade Growth		1.007	0.939	0.960	0.991	1.036	Total	Facility Annual Growth
	K	1	2	3	4	5		
09/10	65	67	53	52	48	43	328	
10/11	71	63	56	60	54	46	350	1.067
11/12	66	73	61	57	58	65	380	1.086
12/13	72	64	66	60	55	55	372	0.979
13/14	71	64	66	59	58	56	374	1.005
14/15	64	61	70	67	59	59	380	1.016
15/16	65	64	62	68	73	64	396	1.042
16/17	53	60	59	51	59	67	349	0.881
17/18	62	59	57	60	58	69	365	1.046
18/19	55	69	53	58	56	62	353	0.967
19/20	45	51	39	32	48	51	266	0.754
20/21	44	43	51	41	33	46	258	0.970
21/22	40	43	39	45	44	37	248	0.961
22/23	38	39	40	37	44	45	243	0.981
23/24	48	37	36	37	36	45	239	0.981
24/25	48	46	34	33	36	37	234	0.981
25/26	**40**	**47**	**43**	**31**	**32**	**37**	**230**	**0.981**
26/27	41	39	43	40	30	33	226	0.981
27/28	37	40	35	39	39	31	221	0.981
28/29	35	37	35	32	38	40	217	0.981
29/30	43	35	33	32	31	39	213	0.981
30/31	**43**	**42**	**31**	**30**	**31**	**32**	**209**	**0.981**
31/32	38	42	37	28	29	31	205	0.981
32/33	34	37	38	34	28	30	201	0.981
33/34	33	33	34	35	33	29	197	0.981
34/35	32	33	30	31	34	34	194	0.981
35/36	**37**	**31**	**30**	**27**	**30**	**35**	**190**	**0.981**

Enrollment Summaries

	K-2	3-5	Total
21/22	122	126	248
25/26	130	100	230
30/31	116	93	209
35/36	98	92	190

	K-4
21/22	211
25/26	193
30/31	177
35/36	155

District Growth 1.013%

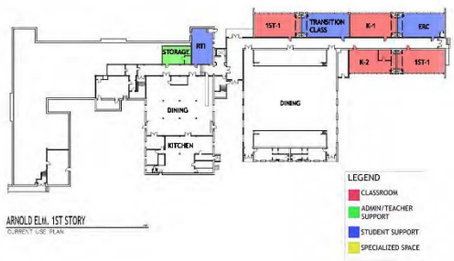
Grade Growth		1.007	0.939	0.960	0.991	1.036	Total	District Annual Growth
	K	1	2	3	4	5		
09/10	65	67	53	52	48	43	328	
10/11	71	63	56	60	54	46	350	1.067
11/12	66	73	61	57	58	65	380	1.086
12/13	72	64	66	60	55	55	372	0.979
13/14	71	64	66	59	58	56	374	1.005
14/15	64	61	70	67	59	59	380	1.016
15/16	65	64	62	68	73	64	396	1.042
16/17	53	60	59	51	59	67	349	0.881
17/18	62	59	57	60	58	69	365	1.046
18/19	55	69	53	58	56	62	353	0.967
19/20	45	51	39	32	48	51	266	0.754
20/21	44	43	51	41	33	46	258	0.970
21/22	40	43	39	45	44	37	248	0.961
22/23	46	39	40	37	44	45	251	1.013
23/24	55	45	36	37	36	45	254	1.013
24/25	56	54	42	33	36	37	258	1.013
25/26	**49**	**54**	**50**	**39**	**32**	**37**	**261**	**1.013**
26/27	50	48	50	46	38	33	265	1.013
27/28	46	49	43	46	45	39	268	1.013
28/29	52	46	44	39	44	46	271	1.013
29/30	59	52	41	40	38	45	275	1.013
30/31	**60**	**58**	**46**	**37**	**39**	**39**	**279**	**1.013**
31/32	57	58	51	41	36	39	282	1.013
32/33	53	56	53	47	40	37	286	1.013
33/34	52	52	51	48	46	41	290	1.013
34/35	54	51	47	47	47	47	293	1.013
35/36	**61**	**53**	**46**	**43**	**46**	**48**	**297**	**1.013**

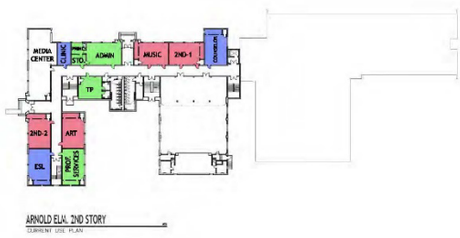
Enrollment Summaries

	K-2	3-5	Total
21/22	122	126	248
25/26	153	108	261
30/31	164	115	279
35/36	160	137	297

	K-4
21/22	211
25/26	224
30/31	240
35/36	249

ARNOLD ELEMENTARY Floor Plan

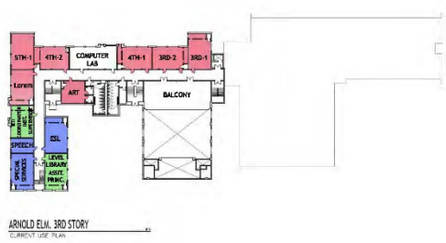




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ARNOLD ELEMENTARY Floor Plan



30 Community Tectonics Architects | Upland Design Group

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BLYTHE-BOWER ELEMENTARY SCHOOL

April 28, 2021

PARTICIPANTS
Prisavia Croft
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Population – 625 w/780 projected by 2030-2035
2. There are 34 existing classrooms. 31 general/1 village/2 PK
3. There are currently 5/6 classrooms per grade level.
4. 5 year growth forecast is 690 as a K5.
5. Pulling the 5th grade out of the school would potentially open up 4 classrooms.
6. Current space needs:
   - cafeteria seating space
     - Serving starts at 10:30 and ends at 1:30.
     - Lunch periods are staggered and last 30 minutes.
   - There are currently two ERC classrooms and one more is needed.
   - There is currently one ELS classroom and one more is needed.
   - A sensory room is desired.
   - More gym space for PE would be helpful.
7. Ms. Croft was not opposed to the 5/6 grade school concept. She has had previous experience at CMS and felt that parents would expect team sports and band to be available.
8. Ms. Croft said the exterior courtyard space was being utilized.

MAINTENANCE ITEMS

- Flooring replacement throughout the school will take place during the Summer.
- HVAC units need to be replaced throughout



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BEP Classroom Analysis

K-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	100	Regular	5	20	100
1	103	Regular	5	20	100
2	106	Regular	5	20	100
3	108	Regular	5	20	100
4	109	Regular	5	25	125
5	97	Regular	5	25	125
Sub-Total	**623**	**Regular**	**30**		**650**
		PK Classroom	2	20	40
		"Village" Classroom	1	20	20
		Regular Transition	1	20	20
Total		**Classrooms**	**34**		**730**

K-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	100	Regular	6	20	120
1	103	Regular	6	20	120
2	106	Regular	6	20	120
3	108	Regular	6	20	120
4	109	Regular	6	25	150
Sub-Total	**526**	**Regular**	**30**		**630**
		PK Classroom	2	20	40
		"Village" Classroom	1	20	20
		Regular Transition	1	20	20
Total		**Classrooms**	**34**		**710**

Support Areas		Qty	Notes
Art		0	
Assistant Principal		0	
Computer Lab		0	
Counselor		0	
ERC		2	Need +1
ESL		1	Need +1
Instructional Specialist		0	
Music		0	
Professional Services		0	
RTI		0	
RTI Counselor		0	
Sensory Room		0	Need 1
Special Services		0	
STEM Lab		0	Need 1
Total Support Areas		**3**	

Notes:

1. Request for larger cafeteria and more PE Space.

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BLYTHE-BOWER ELEMENTARY Projections

Individual Facility Growth 1.016%

Grade Growth		0.948	1.024	0.997	0.927	0.970	Total	Facility Annual Growth
	K	1	2	3	4	5		
09/10	101	79	109	90	73	72	524	
10/11	92	94	83	101	87	82	539	1.029
11/12	94	91	97	76	94	71	523	0.970
12/13	100	93	92	93	74	88	540	1.033
13/14	88	102	89	92	86	82	540	1.000
14/15	100	89	100	84	93	84	550	1.019
15/16	96	86	78	96	80	82	518	0.942
16/17	88	95	88	87	101	85	544	1.050
17/18	93	80	100	90	79	101	543	0.998
18/19	90	92	82	103	89	80	536	0.987
19/20	119	92	115	99	93	94	612	1.142
20/21	104	112	99	118	98	95	626	1.023
21/22	100	103	106	108	109	97	623	0.995
22/23	112	97	105	107	104	108	633	1.016
23/24	123	109	99	107	103	102	643	1.016
24/25	115	119	111	102	103	103	653	1.016
25/26	**115**	**111**	**121**	**115**	**98**	**103**	**663**	**1.016**
26/27	113	111	114	126	111	98	673	1.016
27/28	110	109	114	119	121	111	684	1.016
28/29	119	106	113	120	114	122	694	1.016
29/30	133	116	110	118	114	114	705	1.016
30/31	**124**	**130**	**120**	**115**	**113**	**114**	**716**	**1.016**
31/32	122	121	135	126	110	113	727	1.016
32/33	125	119	124	140	121	110	739	1.016
33/34	124	121	121	129	134	121	750	1.016
34/35	133	121	124	126	124	134	762	1.016
35/36	**147**	**129**	**124**	**129**	**121**	**124**	**774**	**1.016**

Enrollment Summaries

	K-2	3-5	Total
21/22	309	314	623
25/26	347	316	663
30/31	374	342	716
35/36	400	374	774

	K-4
21/22	526
25/26	560
30/31	602
35/36	650

District Growth 1.013%

Grade Growth		0.948	1.024	0.997	0.927	0.970	Total	District Annual Growth
	K	1	2	3	4	5		
09/10	101	79	109	90	73	72	524	
10/11	92	94	83	101	87	82	539	1.029
11/12	94	91	97	76	94	71	523	0.970
12/13	100	93	92	93	74	88	540	1.033
13/14	89	102	89	92	86	82	540	1.000
14/15	100	89	100	84	93	84	550	1.019
15/16	96	86	78	96	80	82	518	0.942
16/17	88	95	88	87	101	85	544	1.050
17/18	93	80	100	90	79	101	543	0.998
18/19	90	92	82	103	89	80	536	0.987
19/20	119	92	115	99	93	94	612	1.142
20/21	104	112	99	118	98	95	626	1.023
21/22	100	103	106	108	109	97	623	0.995
22/23	110	97	105	107	104	108	631	1.013
23/24	121	107	99	107	103	102	639	1.013
24/25	113	118	109	102	103	103	648	1.013
25/26	**113**	**109**	**120**	**113**	**98**	**103**	**656**	**1.013**
26/27	112	109	112	125	109	98	665	1.013
27/28	108	107	112	117	120	109	673	1.013
28/29	115	103	111	118	112	121	682	1.013
29/30	130	111	109	116	113	112	691	1.013
30/31	**121**	**126**	**115**	**114**	**111**	**113**	**700**	**1.013**
31/32	120	117	131	121	109	111	709	1.013
32/33	121	116	120	136	116	109	718	1.013
33/34	121	117	118	125	130	116	727	1.013
34/35	126	118	120	123	120	130	737	1.013
35/36	**140**	**122**	**121**	**125**	**118**	**120**	**746**	**1.013**

Enrollment Summaries

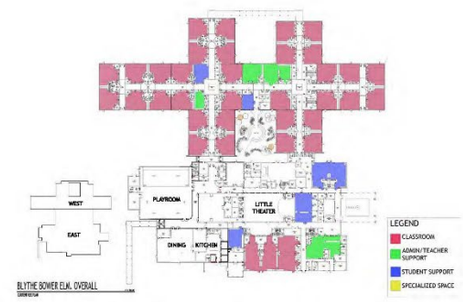
	K-2	3-5	Total
21/22	309	314	623
25/26	342	314	656
30/31	362	338	700
35/36	383	363	746

	K-4
21/22	526
25/26	553
30/31	587
35/36	626

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BLYTHE-BOWER ELEMENTARY Floor Plan





36 Community Reconics Architects | Upland Design Group

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BLYTHE-BOWER ELEMENTARY Floor Plan



38 Community Reconics Architects | Upland Design Group

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CANDYS CREEK CHEROKEE ELEMENTARY SCHOOL

April 26, 2021

PARTICIPANTS
Lisa Learby
Saray White
Hal Taylor
Don Shell
Brian Templeton



40 Community Tectonics Architects | Upland Design Group

BEP Classroom Analysis

K-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	66	Regular	4	20	80
1	71	Regular	4	20	80
2	71	Regular	4	20	80
3	85	Regular	4	20	80
4	76	Regular	4	25	100
5	77	Regular	4	25	100
Total	**446**	**Classrooms**	**24**		**520**

K-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	66	Regular	4	20	80
1	71	Regular	4	20	80
2	71	Regular	4	20	80
3	85	Regular	4	20	80
4	76	Regular	4	25	100
Sub-Total	**369**	**Regular**	**20**		**420**
		Regualr Transition	3	20	60
		Regular Transition	1	25	25
Total		**Classrooms**	**24**		**505**

Support Areas	Qty	Notes
Art	1	
Assistant Principal	0	
Computer Lab		
Counselor	0	
ERC	2	
ESL	0	
Instructional Specialist	1	
Music	1	
Professional Services	0	
Flexible Classrooms	3	
RTI	1	
RTI Counselor	0	
Sensory Room	0	
Small Groups		
Special Services	0	
Speech & Hearing	1	
Learning Lab Lab	1	
Total Support Areas	**11**	

Notes:
1. This school could accommodate 2-6 classroom addition

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CANDYS CREEK CHEROKEE ELEMENTARY Projections

Individual Facility Growth 0.962%

Grade Growth	1.000	1.041	1.072	1.006	0.933	Total	Facility Annual Growth
	K	1	2	3	4	5		
09/10	0	0	0	0	0	0	0	N/A
10/11	0	0	0	0	0	0	0	N/A
11/12	0	0	0	0	0	0	0	N/A
12/13	0	0	0	0	0	0	0	N/A
13/14	0	0	0	0	0	0	0	N/A
14/15	0	0	0	0	0	0	0	N/A
15/16	0	0	0	0	0	0	0	N/A
16/17	0	0	0	0	0	0	0	N/A
17/18	0	0	0	0	0	0	0	N/A
18/19	0	0	0	0	0	0	0	N/A
19/20	74	68	70	85	79	78	454	N/A
20/21	72	78	82	78	85	75	470	1.035
21/22	66	71	77	85	76	77	452	0.962
22/23	64	67	77	83	84	70	435	0.962
23/24	56	54	69	81	81	77	418	0.962
24/25	61	57	57	73	80	74	402	0.962
25/26	**61**	**62**	**59**	**60**	**72**	**73**	**387**	**0.962**
26/27	58	62	65	62	59	66	372	0.962
27/28	51	59	65	68	61	54	358	0.962
28/29	39	52	62	68	67	56	344	0.962
29/30	43	40	55	65	67	61	331	0.962
30/31	**49**	**44**	**42**	**58**	**64**	**61**	**318**	**0.962**
31/32	51	50	46	44	57	58	306	0.962
32/33	47	52	52	48	43	52	294	0.962
33/34	41	48	54	54	47	39	283	0.962
34/35	28	42	50	56	53	43	272	0.962
35/36	**34**	**29**	**44**	**52**	**55**	**48**	**262**	**0.962**

Enrollment Summaries

	K-2	3-5	Total
21/22	214	238	452
25/26	182	205	387
30/31	135	183	318
35/36	107	155	262

	K-4
21/22	375
25/26	314
30/31	257
35/36	214

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District Growth 1.013%

Grade Growth	1.000	1.041	1.072	1.006	0.933	Total	District Annual Growth
	K	1	2	3	4	5		
09/10	0	0	0	0	0	0	0	N/A
10/11	0	0	0	0	0	0	0	N/A
11/12	0	0	0	0	0	0	0	N/A
12/13	0	0	0	0	0	0	0	N/A
13/14	0	0	0	0	0	0	0	N/A
14/15	0	0	0	0	0	0	0	N/A
15/16	0	0	0	0	0	0	0	N/A
16/17	0	0	0	0	0	0	0	N/A
17/18	0	0	0	0	0	0	0	N/A
18/19	0	0	0	0	0	0	0	N/A
19/20	74	68	70	85	79	78	454	N/A
20/21	72	78	82	78	85	75	470	1.035
21/22	66	71	77	85	76	77	452	0.962
22/23	77	67	77	83	84	70	458	1.013
23/24	79	77	69	81	81	77	464	1.013
24/25	83	79	81	73	80	74	470	1.013
25/26	**81**	**83**	**82**	**85**	**72**	**73**	**476**	**1.013**
26/27	78	81	87	86	84	66	482	1.013
27/28	72	78	85	91	85	77	488	1.013
28/29	84	72	82	89	90	78	495	1.013
29/30	85	83	76	86	88	83	501	1.013
30/31	**90**	**85**	**87**	**80**	**85**	**81**	**508**	**1.013**
31/32	88	89	89	91	79	78	514	1.013
32/33	84	88	93	93	90	73	521	1.013
33/34	80	84	92	97	92	83	528	1.013
34/35	90	80	88	96	96	85	535	1.013
35/36	**92**	**90**	**84**	**92**	**96**	**89**	**542**	**1.013**

Enrollment Summaries

	K-2	3-5	Total
21/22	214	238	452
25/26	246	230	476
30/31	262	246	508
35/36	266	276	542

	K-4
21/22	375
25/26	403
30/31	427
35/36	453

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CANDYS CREEK CHEROKEE ELEMENTARY Floor Plan



MAYFIELD ELEMENTARY SCHOOL

May 3, 2021

PARTICIPANTS
Randall Stephens
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Population – 365
2. There are 21 existing classrooms.
3. There are currently 3 classrooms per grade level
4. Current zoned capacity – 420
5. Pulling the 5th grade out of the school would potentially open up 3 classrooms.
6. Prior to rezoning the school population had grown to 500.
7. Rezoning allowed space for:
   - Special areas such as art, music, etc.
   - One extra classroom
8. Mr. Stephens was not opposed to the 5/6 grade school concept. He mentioned that busing complexity could be challenging. He also felt that athletics would need to be a part of a 5/6 grade school.
9. A K-4 grade structure at Mayfield:
   - 4 classrooms per grade level – 80 students
   - The 3 existing 5th grade classrooms would be open on the upper level.
   - Intervention class space could move upstairs closer to students.
   - Currently there are 57 students in 5th grade

MAINTENANCE ITEMS

- Monitoring potential geothermal loop loss. Future losses could require the addition of a boiler.



BEP Classroom Analysis

K-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	71	Regular	4	20	80
1	54	Regular	3	20	60
2	72	Regular	4	20	80
3	63	Regular	4	20	80
4	60	Regular	3	25	75
5	60	Regular	3	25	75
Sub-Total	**380**	**Regular**	**21**		**450**
		CDC	1	10	10
Total		**Classrooms**	**22**		**460**

K-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	71	Regular	4	20	80
1	54	Regular	4	20	80
2	72	Regular	4	20	80
3	63	Regular	4	20	80
4	60	Regular	4	25	100
		Transition	1	20	20
Sub-Total	**320**	**Regular**	**21**		**440**
		CDC	1	10	10
Total		**Classrooms**	**22**		**450**

Support Areas	Qty	Notes
Art	1	
Assistant Principal	0	
Computer Lab	0	Computer Lab in K-4
Counselor	0	
ERC	0	
ESL	1	
Instructional Specialist	0	
Music	1	
Professional Services	0	
RTI	0	
RTI Counselor	0	
Sensory Room	0	
Guidance	1	
Special Services	0	
STEM Lab	0	
Total Support Areas	**4**	

Notes:

1. Computer lab is used as classroom in K-5 model.

MAYFIELD ELEMENTARY Projections

Individual Facility Growth 0.989%

Grade Growth		1.017	1.000	0.954	1.017	1.012	Total	Facility Annual Growth
	K	1	2	3	4	5		
09/10	79	78	92	58	76	68	451	
10/11	88	81	79	95	59	82	484	1.073
11/12	93	99	90	84	106	73	545	1.126
12/13	89	93	105	81	79	107	554	1.017
13/14	76	101	88	96	76	84	521	0.940
14/15	93	74	102	80	87	79	515	0.988
15/16	86	83	80	107	80	91	527	1.023
16/17	81	89	88	79	115	88	540	1.025
17/18	93	75	85	91	80	103	527	0.976
18/19	84	91	76	82	93	81	509	0.966
19/20	83	70	64	59	70	69	415	0.815
20/21	51	79	64	54	59	69	376	0.906
21/22	71	54	72	63	60	60	380	1.011
22/23	60	71	53	69	63	60	376	0.989
23/24	62	58	69	50	69	63	372	0.989
24/25	68	60	57	65	49	68	367	0.986
25/26	**73**	**67**	**57**	**54**	**64**	**48**	**363**	**0.989**
26/27	55	70	64	54	54	62	359	0.988
27/28	68	53	67	61	54	52	355	0.989
28/29	59	66	50	63	61	52	351	0.989
29/30	61	57	61	47	63	58	347	0.989
30/31	**68**	**59**	**53**	**57**	**47**	**60**	**344**	**0.989**
31/32	71	65	54	49	56	45	340	0.988
32/33	51	69	61	51	49	55	336	0.988
33/34	60	50	65	58	51	48	332	0.989
34/35	54	59	47	61	58	50	329	0.989
35/36	**56**	**52**	**56**	**44**	**61**	**56**	**325**	**0.989**

Enrollment Summaries

	K-2	3-5	Total
21/22	197	183	380
25/26	197	166	363
30/31	180	164	344
35/36	164	161	325

	K-4
21/22	320
25/26	315
30/31	284
35/36	269

District Growth 1.013%

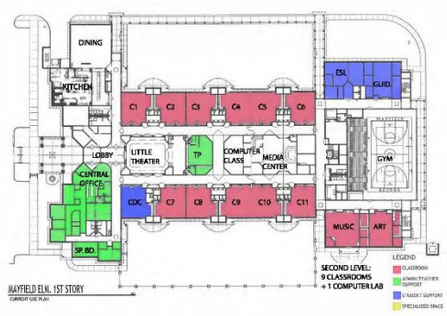
Grade Growth		1.017	1.000	0.954	1.017	1.012	Total	District Annual Growth
	K	1	2	3	4	5		
09/10	79	78	92	58	76	68	451	
10/11	88	81	79	95	59	82	484	1.073
11/12	93	99	90	84	106	73	545	1.126
12/13	89	93	105	81	79	107	554	1.017
13/14	76	101	88	96	76	84	521	0.940
14/15	93	74	102	80	87	79	515	0.988
15/16	86	83	80	107	80	91	527	1.023
16/17	81	89	88	79	115	88	540	1.025
17/18	93	75	85	91	80	103	527	0.976
18/19	84	91	76	82	93	81	509	0.966
19/20	83	70	64	59	70	69	415	0.815
20/21	51	79	64	54	59	69	376	0.906
21/22	71	54	72	63	60	60	380	1.011
22/23	69	71	53	69	63	60	385	1.013
23/24	71	68	69	50	69	63	390	1.013
24/25	78	69	66	65	49	68	395	1.013
25/26	**84**	**76**	**66**	**62**	**64**	**48**	**400**	**1.013**
26/27	64	81	73	63	62	62	405	1.013
27/28	79	62	77	70	63	60	411	1.013
28/29	79	76	58	73	70	60	416	1.013
29/30	81	76	71	54	73	66	421	1.013
30/31	**88**	**78**	**71**	**66**	**54**	**70**	**427**	**1.013**
31/32	94	84	72	66	65	51	432	1.013
32/33	70	92	79	68	66	63	438	1.013
33/34	82	68	87	75	68	64	444	1.013
34/35	82	79	65	82	75	66	449	1.013
35/36	**84**	**80**	**75**	**61**	**82**	**73**	**455**	**1.013**

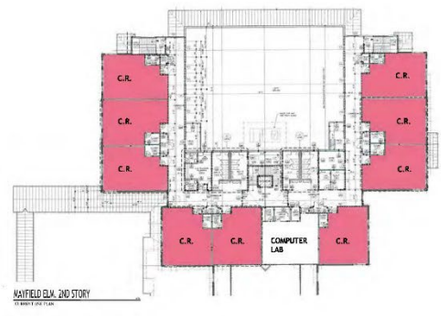
Enrollment Summaries

	K-2	3-5	Total
21/22	197	183	380
25/26	226	174	400
30/31	237	190	427
35/36	239	216	455

	K-4
21/22	320
25/26	352
30/31	367
35/36	382

MAYFIELD ELEMENTARY Floor Plan





YATES PRIMARY SCHOOL

May 6, 2021

PARTICIPANTS
Stephanie Stone
Zachery Riggins
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Populations – Ross 240 & Yates 240
2. Yates serves K-2 and Ross serves PK & 3-5
3. There are 13 existing classrooms at Ross and 15 existing classrooms at Yates.
4. There are currently 3 classrooms per grade level expect 1st which has 4.
5. Yates is full and Ross has space. The buildings are not currently proportional.
6. There are currently 80 5th graders at Ross.
7. Ms. Stone & Mr. Riggins were not opposed to the 5/6 grade school concept but they did offer some pro's and con's.
   - The con was Ross/Yates students would have 4 school transitions (all others would have 3)
   - Pro's would be more space in all the schools and homogeneous ages at 4/5 would offer lots of educational opportunities.
8. The Ross/Yates students and faculty do not have access to an auditorium like other schools. Ms. Stone would like to have a space to gather the entire staff together (100 occupants).
9. The Yates office area lacks space. SRO doesn't have close proximity and view of the entrance.
10. Yates needs more dining space in the Cafeteria. Ms. Stone suggested opening up the current music room like what was done at Ross.

MAINTENANCE ITEMS



52 Community Tectonics Architects | Upland Design Group

BEP Classroom Analysis

K-2	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	91	Regular	4	20	80
1	72	Regular	4	20	80
2	91	Regular	4	20	80
Total	**254**	**Regular**	**12**		**240**
		Regular Transition	1	20	20
Total		**Classrooms**	**13**		**260**

Support Areas	Qty	Notes
Art	1	
Assistant Principal	0	
Resource	2	
Counselor	0	
ERC	0	
ESL	1	
Intervention	3	
Music	1	
Professional Services	0	
RTI	0	
RTI Counselor	0	
Sensory Room	0	
Special Services	2	
STEM Lab	0	
Virtual Classroom	0	
Total Support Areas (K-2)	**10**	

Notes:

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YATES PRIMARY Projections

Individual Facility Growth 0.980%

Grade Growth		1.047	1.033	Total	Facility Annual Growth
	K	1	2		
09/10	98	118	130	346	
10/11	105	100	122	327	0.945
11/12	118	121	104	343	1.049
12/13	105	112	120	337	0.983
13/14	101	113	105	319	0.947
14/15	122	111	111	344	1.078
15/16	113	131	118	362	1.052
16/17	103	114	129	346	0.956
17/18	108	105	111	324	0.936
18/19	104	105	113	322	0.994
19/20	83	76	92	251	0.780
20/21	69	77	70	212	0.845
21/22	91	72	91	254	1.198
22/23	89	92	72	249	0.980
23/24	66	86	92	244	0.980
24/25	87	66	86	239	0.980
25/26	**81**	**87**	**66**	**234**	**0.980**
26/27	62	81	87	230	0.980
27/28	83	61	81	225	0.980
28/29	79	81	61	221	0.980
29/30	59	76	81	216	0.980
30/31	**79**	**57**	**76**	**212**	**0.980**
31/32	75	76	57	208	0.980
32/33	53	74	77	204	0.980
33/34	72	53	75	200	0.980
34/35	72	71	53	196	0.980
35/36	**50**	**71**	**71**	**192**	**0.980**

Enrollment Summaries

	K-2
21/22	254
25/26	234
30/31	212
35/36	192

54 Community Tectonics Architects | Upland Design Group

District Growth 1.013%

Grade Growth		1.047	1.033	Total	District Annual Growth
	K	1	2		
09/10	98	118	130	346	
10/11	105	100	122	327	0.945
11/12	118	121	104	343	1.049
12/13	105	112	120	337	0.983
13/14	101	113	105	319	0.947
14/15	122	111	111	344	1.078
15/16	113	131	118	362	1.052
16/17	103	114	129	346	0.956
17/18	108	105	111	324	0.936
18/19	104	105	113	322	0.994
19/20	83	76	92	251	0.780
20/21	69	77	70	212	0.845
21/22	91	72	91	254	1.198
22/23	93	92	72	257	1.013
23/24	75	94	92	261	1.013
24/25	96	74	94	264	1.013
25/26	**97**	**96**	**74**	**267**	**1.013**
26/27	78	97	96	271	1.013
27/28	100	77	97	274	1.013
28/29	103	98	77	278	1.013
29/30	84	106	98	282	1.013
30/31	**104**	**81**	**100**	**285**	**1.013**
31/32	107	103	81	289	1.013
32/33	85	106	102	293	1.013
33/34	105	84	108	297	1.013
34/35	113	103	84	300	1.013
35/36	**89**	**112**	**103**	**304**	**1.013**

Enrollment Summaries

	K-2
21/22	254
25/26	267
30/31	285
35/36	304

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YATES PRIMARY Floor Plan



ROSS ELEMENTARY SCHOOL

May 6, 2021

PARTICIPANTS
Stephanie Stone
Zachery Riggins
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Populations – Ross 240 & Yates 240
2. Yates serves K-2 and Ross serves PK & 3-5
3. There are 13 existing classrooms at Ross and 15 existing classrooms at Yates.
4. There are currently 3 classrooms per grade level expect 1st which has 4.
5. Yates is full and Ross has space. The buildings are not currently proportional.
6. There are currently 80 5th graders at Ross.
7. Ms. Stone & Mr. Riggins were not opposed to the 5/6 grade school concept but they did offer some pro's and con's.
   - The con was Ross/Yates students would have 4 school transitions (all others would have 3)
   - Pro's would be more space in all the schools and homogeneous ages at 4/5 would offer lots of educational opportunities.
8. The Ross/Yates students and faculty do not have access to an auditorium like other schools. Ms. Stone would like to have a space to gather the entire staff together (100 occupants).
9. The Yates office area lacks space. SRO doesn't have close proximity and view of the entrance.
10. Yates needs more dining space in the Cafeteria. Ms. Stone suggested opening up the current music room like what was done at Ross.

MAINTENANCE ITEMS



BEP Classroom Analysis

3-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
3	82	Regular	5	20	100
4	87	Regular	4	25	100
5	75	Regular	4	25	100
Total	**244**	**Classrooms**	**13**		**300**

3-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
3	82	Regular	7	20	140
4	87	Regular	6	25	150
Total	**169**	**Classrooms**	**13**		**290**

Support Areas	Qty	Notes
Tec/Art	1	
Assistant Principal	0	
Computer Lab	0	
Counselor	1	
ERC	0	
ESL		
Instructional Specialist	0	
Music	1	
Pre-K / Head-Start	1	
Professional Services	0	
RTI	0	
RTI Counselor	0	
Sensory Room	1	
Small Group	3	
Special Services	2	
STEM Lab	0	
Resource	2	
Total Support Areas	**12**	

Notes:

1. Retaining 13 classrooms for 3rd-4th: increases student capacity 80-90 students.

ROSS ELEMENTARY Projections

Individual Facility Growth 0.981%

Grade Growth		1.022	1.007		
	3	4	5	Total	Facility Annual Growth
09/10	109	104	117	330	
10/11	135	113	112	360	1.091
11/12	108	135	114	357	0.992
12/13	97	115	130	342	0.958
13/14	127	105	115	347	1.015
14/15	107	133	107	347	1.000
15/16	116	113	139	368	1.061
16/17	114	119	112	345	0.938
17/18	127	119	129	375	1.087
18/19	114	127	122	363	0.968
19/20	81	85	83	249	0.686
20/21	82	78	75	235	0.944
21/22	82	87	75	244	1.038
22/23	71	83	85	239	0.981
23/24	83	72	80	235	0.981
24/25	78	84	69	231	0.981
25/26	**67**	**78**	**81**	**226**	**0.981**
26/27	80	67	75	222	0.981
27/28	75	79	64	218	0.981
28/29	69	74	75	214	0.981
29/30	76	64	70	210	0.981
30/31	**73**	**74**	**59**	**206**	**0.981**
31/32	64	**71**	**67**	202	0.981
32/33	67	64	67	198	0.981
33/34	67	67	61	195	0.981
34/35	61	66	64	191	0.981
35/36	**63**	**61**	**63**	**187**	**0.981**

Enrollment Summaries

	3-5
21/22	244
25/26	226
30/31	206
35/36	187

	3-4
21/22	169
25/26	145
30/31	147
35/36	124

District Growth 1.013%

Grade Growth		1.022	1.007		
	3	4	5	Total	District Annual Growth
09/10	109	104	117	330	
10/11	135	113	112	360	1.091
11/12	108	135	114	357	0.992
12/13	97	115	130	342	0.958
13/14	127	105	115	347	1.015
14/15	107	133	107	347	1.000
15/16	116	113	139	368	1.061
16/17	114	119	112	345	0.938
17/18	127	119	129	375	1.087
18/19	114	127	122	363	0.968
19/20	81	85	83	249	0.686
20/21	82	78	75	235	0.944
21/22	82	87	75	244	1.038
22/23	79	83	85	247	1.013
23/24	90	80	80	250	1.013
24/25	86	91	77	254	1.013
25/26	**83**	**86**	**88**	**257**	**1.013**
26/27	94	83	83	260	1.013
27/28	92	93	79	264	1.013
28/29	89	90	88	267	1.013
29/30	99	87	85	271	1.013
30/31	**97**	**96**	**81**	**274**	**1.013**
31/32	96	**94**	**88**	278	1.013
32/33	97	95	89	281	1.013
33/34	98	97	90	285	1.013
34/35	100	97	92	289	1.013
35/36	**101**	**99**	**92**	**292**	**1.013**

Enrollment Summaries

	3-5
21/22	244
25/26	257
30/31	274
35/36	292

	3-4
21/22	169
25/26	169
30/31	193
35/36	200

ROSS ELEMENTARY Floor Plan



STUART ELEMENTARY SCHOOL

May 3, 2021

PARTICIPANTS
Richelle Shelton
Hal Taylor
Don Shell
Brian Templeton

MEETING NOTES

1. Current School Population – 252
2. There are 26 existing classroom sized spaces in the building. 12 are used as general k-5 classrooms and 4 are used for special ed. There is currently one open classroom. The remaining are used for special areas.
3. There are currently 2 classrooms per grade level.
4. Stuart has 2 classrooms used for district-wide pre-k and 1 classroom used for district-wide CDC.
5. The current neighborhoods zoned for Stuart were older homes with a predominately older population. The Hispanic population within the school continues to rise. It has grown from 13% to 30% in 13 years.
6. Rezoning pulled most of the affluent families from Stuart to Candy's Creek.
7. Pulling the 5th grade out of the school would potentially open up 2 classrooms.
8. Ms. Shelton was not opposed to the 5/6 grade school concept. She believes the 5th and 6th grades pair well academically. She suggested 5th grade CDC students stay at the K-4 level.
9. Stuart is the most central K-5 school in the district.
10. There is adjacent property to the school, but its development is restricted by the Army Corps of Engineers.

MAINTENANCE ITEMS

- Restroom upgrades – possible conversion to an observable group sink arrangement to deal with behavioral issues.



64 Community Tectonics Architects | Upland Design Group

BEP Classroom Analysis

K-5	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	40	Regular	2	20	40
1	43	Regular	2	20	40
2	39	Regular	2	20	40
3	45	Regular	2	20	40
4	44	Regular	2	25	50
5	37	Regular	2	25	50
		Transition	1	20	20
Sub-Total	**248**	**Regular**	**13**		**280**
		CDC	4	10	40
Total		**Classrooms**	**17**		**320**

K-4	2021 Students	Type	BEP Required Classrooms		
			Qty	BEP	Total
K	40	Regular	3	20	60
1	43	Regular	3	20	60
2	39	Regular	2	20	40
3	45	Regular	3	20	60
4	44	Regular	2	25	50
Sub-Total	**211**	**Regular**	**13**		**270**
		CDC	4	10	40
Total		**Classrooms**	**17**		**310**

Support Areas	Qty	Notes
Art	1	
Reading Intervention	3	
PK / District-Wide	2	
Counselor	1	
ESL	0	
Special Ed	2	
Music	0	
Professional Services	1	
Resource	1	
Sensory Room	0	
Speech & Hearing	1	
Total Support Areas	**12**	

Notes:

65

STUART ELEMENTARY Projections

Individual Facility Growth 0.962%

Grade Growth		0.993	0.982	0.942	1.010	1.019	Total	Facility Annual Growth
	K	1	2	3	4	5		
09/10	71	77	66	64	87	61	426	
10/11	93	76	74	68	77	90	478	1.122
11/12	71	92	74	79	68	78	462	0.967
12/13	88	73	91	73	77	69	471	1.019
13/14	82	83	68	83	64	75	455	0.966
14/15	76	83	78	70	81	71	459	1.009
15/16	78	78	82	79	69	77	463	1.009
16/17	68	73	77	71	74	66	429	0.927
17/18	74	65	72	66	71	74	422	0.984
18/19	56	66	63	50	53	61	349	0.827
19/20	44	40	46	34	38	46	248	0.711
20/21	52	41	41	47	33	39	253	1.020
21/22	33	50	44	43	39	39	248	0.980
22/23	38	32	48	40	41	39	238	0.962
23/24	40	37	31	44	37	40	229	0.962
24/25	43	38	35	28	41	36	221	0.962
25/26	**39**	**40**	**36**	**31**	**26**	**40**	**212**	**0.962**
26/27	43	37	38	32	29	25	204	0.962
27/28	31	40	35	33	29	28	196	0.962
28/29	34	29	38	30	30	28	189	0.962
29/30	35	31	27	32	27	29	181	0.962
30/31	**36**	**32**	**29**	**23**	**28**	**26**	**174**	**0.962**
31/32	32	33	30	25	21	27	168	0.962
32/33	28	30	32	27	23	21	161	0.962
33/34	22	27	29	29	25	23	155	0.962
34/35	25	21	26	26	27	24	149	0.962
35/36	**26**	**24**	**20**	**23**	**24**	**26**	**143**	**0.962**

Enrollment Summaries

	K-2	3-5	Total
21/22	127	121	248
25/26	135	97	232
30/31	97	77	174
35/36	70	73	143

	K-4
21/22	209
25/26	172
30/31	148
35/36	117

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District Growth 1.013%

Grade Growth		0.993	0.982	0.942	1.010	1.019	Total	District Annual Growth
	K	1	2	3	4	5		
09/10	71	77	66	64	87	61	426	
10/11	93	76	74	68	77	90	478	1.122
11/12	71	92	74	79	68	78	462	0.967
12/13	88	73	91	73	77	69	471	1.019
13/14	82	83	68	83	64	75	455	0.966
14/15	76	83	78	70	81	71	459	1.009
15/16	78	78	82	79	69	77	463	1.009
16/17	68	73	77	71	74	66	429	0.927
17/18	74	65	72	66	71	74	422	0.984
18/19	56	66	63	50	53	61	349	0.827
19/20	64	40	46	34	38	46	248	0.711
20/21	52	41	41	47	33	39	253	1.020
21/22	33	50	44	43	39	39	248	0.980
22/23	51	32	48	40	41	39	251	1.013
23/24	53	49	31	44	37	40	254	1.013
24/25	55	51	47	28	41	36	258	1.013
25/26	**53**	**52**	**48**	**42**	**26**	**40**	**261**	**1.013**
26/27	59	50	50	42	39	25	265	1.013
27/28	46	55	48	43	38	38	268	1.013
28/29	60	42	52	41	39	37	271	1.013
29/30	60	56	40	44	37	38	275	1.013
30/31	**62**	**55**	**53**	**34**	**39**	**36**	**279**	**1.013**
31/32	58	57	52	46	31	38	282	1.013
32/33	56	55	55	47	42	31	286	1.013
33/34	50	53	53	49	43	42	290	1.013
34/35	61	47	51	47	45	42	293	1.013
35/36	**62**	**58**	**45**	**45**	**43**	**44**	**297**	**1.013**

Enrollment Summaries

	K-2	3-5	Total
21/22	127	121	248
25/26	153	108	261
30/31	170	109	279
35/36	165	132	297

	K-4
21/22	209
25/26	221
30/31	243
35/36	253

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STUART ELEMENTARY Floor Plan



IV. NEW INTERMEDIATE SCHOOL (5th~6th)

NEW INTERMEDIATE SCHOOL (5th~6th)

Program Space Requirement Analysis

Core Capacity: 1,200 Students
Planned Capacity: 1,000 Students

	Educational Program			
	Space	Area (sf)	Total (sf)	Teaching Spaces
Administration				
Secured Entry Foyer /Lobby	1	600	600	
Reception/Waiting	1	150	150	
Central Office	1	500	500	
Workroom/Mailroom	1	300	300	
Bookkeeper	1	150	150	
Principal's Office	1	300	300	
Principal's Office toilet	1	40	40	
Conference Room	1	300	300	
Supply/Kitchenettee	1	250	250	
Staff Toilets	2	60	120	
SRO Office	1	150	150	
Record Storage	1	80	80	
Janitorial Storage	1	60	60	
Sub-Total			**3000**	
Student Services				
Clinic Waiting	1	50	50	
Clinic Nursing Station	1	150	150	
Clinic Sick Bays	3	50	150	
Clinic Toilet	1	50	50	
Guidance Reception/Browsing	1	150	150	
Guidance Office	1	150	150	
Guidance Conference Room	1	300	300	
Testing Office/Coorinaor Curriculum	1	400	400	
Guidance Record Storage	1	150	150	
Sub-Total			**1550**	
Special Education				
CDC Classroom	1	950	950	1
Special Education Classroom	1	950	950	1
Toilet with toilet and shower	1	150	150	
Living Skills Classroom	1	1000	1000	
Speech & Hearing Room	1	200	200	
Behaviour Classroom/ISS	1	1000	1000	1
Sub-Total			**4250**	**2**

	Educational Program			
	Space	Area (sf)	Total (sf)	Teaching Spaces
Fifth Grade Learning Areas				
5th Grade Stem Lab/Classrooms	6	1200	7200	6
5th Grade Stem Storage Rms	3	100	300	
5th Grade Classrooms	18	900	16200	18
5th Grade Teacher Planning /Workrooom/Toilets	1	1200	1200	
5th Grade Student Toilets	2	500	1000	
Intervention/Sensory Room	1	400	400	
Resource Room	1	500	500	
ERC Room	1	500	500	
Counselor's Office	1	150	150	
Asst. Principal Office	1	200	200	
Sub-Total			**27650**	**24**
Sixth Grade Learning Areas				
6th Grade Stem Lab/Classrooms	6	1200	7200	6
6th Grade Stem Storage Rms	3	100	300	
6th Grade Classrooms	18	900	16200	18
6th Grade Teacher Planning Workroom//Toilets	1	1200	1200	
6th Grade Student Toilets	2	500	1000	
Intervention /Sensory Room	1	400	400	
ERC Room	1	500	500	
Resource Room	1	500	500	
Counselor's Office	1	150	150	
Asst. Principal Office	1	200	200	
Sub-Total			**27650**	**24**
Library/Media Center				
Reading/ Class	1	2000	2000	1
Stacks	1	1000	1000	
Teacher Resource Room	1	100	100	
Office	1	120	120	
Study/Conference Room	2	100	200	
Sub-Total			**3420**	**1**
Art				
Digital Art Classroom	1	1000	1000	1
Digital Art Classroom Storage	1	100	100	
Art Office	2	100	200	
Art Multi-Purpose	1	1000	1000	1
Art Multi-Purpose Storage	1	150	150	
Art Studio Project Storage	1	150	150	
Kiln	1	100	100	
Sub-Total			**2700**	**2**

NEW INTERMEDIATE SCHOOL (5th~6th)

Program Space Requirement Analysis

	Educational Program			
	Space	Area (sf)	Total (sf)	Teaching Spaces
General Music				
Music/Drama Classroom	1	1000	1000	1
Music/Drama Storage	1	100	100	
Sub-Total			**1100**	**1**
Choral				
Choral Classroom (30)	1	1200	1200	1
Choral Storage	1	100	100	
Choral Office	1	100	100	
Sub-Total			**1300**	**1**
Band				
Instrumental Rehearsal Room (40)	1	1500	1500	1
Instrument Storage Room	1	250	250	
Small Ensemble Room (25)	1	400	400	1
Band Directors' Office	1	100	100	
Sub-Total			**2150**	**1**
Little Theater/Auditorium				
Learning Stair (Little Theater @ 300 seats)	1	3000	3000	1
Stage Area	1	1200	1200	
Prop Storage	1	200	200	
Sub-Total			**4400**	**1**
Physical Education				
Lobby	1	600	600	
Concessions	1	400	400	
Janitor Storage	1	100	100	
Public Toilets	2	600	1200	
Wellness Classroom	1	850	850	
Weight Room	1	1200	1200	1
Gymnasium (1200 seats)	1	12000	12000	2
Sport Team Dressing/Toilets/shower	2	600	1200	
Sport Team Coach's Offices /Toilets	2	125	250	
PE Dressing Room/Toilets/shower	2	1000	2000	
PE Coach's Offices	2	125	250	
PE Coach/Stor	2	100	200	
PE Storage	1	800	800	
Sub-Total			**21050**	**3**

	Educational Program			
	Space	Area (sf)	Total (sf)	Teaching Spaces
Food Service				
Cafeteria/Café/Commons (400)	1	6000	6000	2
Table Storage	1	500	500	
Kitchen	1	3000	3000	
Serving	1	1700	1700	
Sub-Total			**11200**	**2**
Building Services				
Public Toilets	2	600	1200	
Intermediate Distribution Rooms	4	50	200	
Technology Room	1	300	300	
Janitoral Storage	4	50	200	
Sub-Total			**1900**	
Mechanical/Electrical Services				
Mechanical Room	1	1000	1000	
Electrical Room	1	500	500	
Sub-Total			**1500**	

TOTAL NET AREA	**114,820**
EFFICIENCY RATIO (65%)	**61,826**
GROSS AREA	**176,646**

NOTES

1. Area per Student (SF)	147
2.Teaching Stations	62

3. Potential 8 classroom expansion (two teams @ 4 Classrooms each)

NEW INTERMEDIATE SCHOOL (5th~6th)

If we want to have a successful Intermediate School, our Facility must...

GROUP RESPONSES
- Plan for technology
- Have flexible spaces
- Have related arts spaces
- Have spacious classrooms
- Have space for SPED & CDC
- Have cohesive flow with spatial and functional relationships
- Have collaborative workspace for Staff - Workrooms
- Be safe and secure
- Have expandability with flexibility
- Have a "central site" location to the other schools

How can we establish a sense of Community in this New School?

GROUP RESPONSES
- Name / Branding – "Intermediate"
- Include school-based student activities
- Connection to Community and other Schools

PROS for the 5/6 Grade School Concept

GROUP RESPONSES
- Instructional Alignment
- Eases the transition to Middle School
- Supports Parents
- Extra support for students, day-in to day-out
- Expand 5th Grade services and opportunities
- Extra support for both 5th and 6th Grade
- Helps with the transition to 7th-12th grades with soft skills
- Would help 5th Graders prepare for advanced academics (related arts)
- Smaller population at CMS and the Elementary Schools
- Better Traffic Flow
- Increase instructional time
- New options – expanded curriculum
- Logical way to help with overcrowding at CMS
- Master Scheduling
- Teacher Certification
- STEM School *Language
- New Facility upgrades

CONS FOR THE 5TH/6TH GRADE SCHOOL CONCEPT

GROUP RESPONSES
- Start/End times
- Transportation
- Personnel – How to determine? How to fund?
- Students at multiple schools – hybrid families
- Resources – New/Old "furniture"
- Zoning & Tuition – possible future growth
- Money
- Rezone – small schools
- Involvement- extracurricular activities – "If we lose what we have"
- Adaptability of building for a different grade structure
- Coordination of Services
- More school transitions
- Possibility... Location
- 6th Grade Buy-In (students)
- Traffic consideration
- Re-structuring issues @ CMS or Elementary
- Perception of inequality within system? (Teacher issues)

GROUP COMMENTS MADE DURING DISCUSSIONS
- There are currently 6th grade basketball teams, a baseball and a boys soccer team
- 65 Students on the CMS Wrestling Team – 1/3 are 6th Graders
- 6th Graders don't play football at CMS
- 5th Grade sports are through community / recreation leagues
- The new exterior space for a practice soccer field and PE
- Stem Labs would be needed – not typical Science Labs
- The 5/6 Grade School needs Choir and Band
- Steam Labs are needed – like the Art Room at CMS
- Much debate on number of man teams – settled on 2 man teams of ELA/MATH (90 min.)
- One Steam Lab is needed for every 2 teams for project-based learning (CKLA)
- Desire improved counseling of 6th graders – currently at CMS there is not time
- 1 Sensory room in needed per Grade Level
- 1 ERC is need per Grade Level w/ changing and restrooms???

V. CLEVELAND MIDDLE SCHOOL (7th~8th)

CLEVELAND MIDDLE SCHOOL

April 26, 2021

PARTICIPANTS
Dr. Leneda Liang
Hal Taylor
Don Shell
Brian Templeton
Aaron Grohol

MEETING NOTES

1. Current School Population – 1,370 (has fluctuated just below 1,400)
2. There are 20 classrooms in each of the 3 wings.
3. Dr. Laing was open to the 5/6 grade school concept and indicated it could work well academically. The potential hurdle would be how to handle sports and related arts.
   - The sixth grade currently participates in middle school basketball, cross country and track.
   - The sixth grade generally does not participate in middle school football.
4. Pulling the 6th grade out of CMS would allow for the projected growth of 1,200 students over the next 5/10/15 years. Ideal configuration would be 16 general academic classrooms of 25 students and 4 flex classrooms per wing.
5. Current School demographics: 25% of population is currently Hispanic and 12-15% is currently African American. Dr. Laing expects those numbers to continue to grow.
6. Currently CDC utilizes 2 classrooms. They have a larger restroom space with washer and dryer. There are 4 ERC classes of 8/10 students. The drop off for CDC could stand to be improved.
7. CMS is 1 to 1, so the computer lab is used as a classroom.
8. Currently, 3 related arts teachers do not have classrooms (nutrition, health & sports history and physical ed.)
9. Planning periods are common among grade levels.
10. Currently there is a lack of space for PE classes and team sports practices. Additional gym space is desired. CMS offers many diverse PE and extra-curricular options to students.
    - 35 students in each P.E. class
    - 4 classrooms in gym @ one time
    - Theater space used for gym on bad weather days.
    - Weight Training program needs gym space.
    - Wrestling team – Girls and Boys on same team but might change.
    - Dance uses theater space.
    - Volleyball, Basketball, Cheerleading, Dance, Soccer, Track, Cross County, Tennis, Wrestling, Band, Color Guard etc. compete for Gym space
11. There are currently 3 ESL teachers providing pull out instruction in small groups for 90 minute periods. Dividers are used to separate the groups.
12. There is currently no space for life skills instruction.
13. The cafeteria currently seats 400 students per lunch period. They need more dining space. It appears that an addition to accommodate more seating would be possible.
14. Dr. Laing mentioned that a new stem classroom is in the works to be provided through ESSER funding but there was limited space available.
15. Music Wing (2 teachers) Currently not using all rooms for music.
16. Small groups / individual groups currently meet in teacher lounge and workroom spaces.

ACADEMIC TEAMS

6TH GRADE
3-Man Teams (6)
2-Man Teams (1)

7TH GRADE
4-Man Teams (4)

8TH GRADE
Language Arts (4)
Science (4)
Math (4)
English (4)

MAINTENANCE ITEMS

- 20 year-old mechanical units are scheduled to be replaced.
- Bathrooms need to be refurbished.
- Gym bleachers need to be replaced.



CLEVELAND MIDDLE SCHOOL Floor Plan

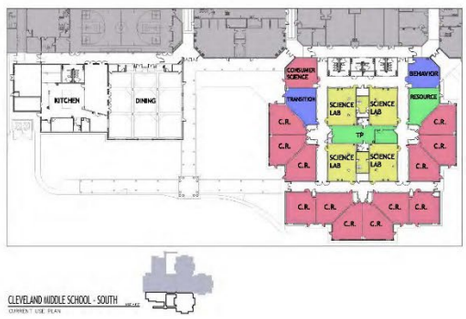




CLEVELAND MIDDLE SCHOOL Floor Plan



CLEVELAND MIDDLE SCHOOL - EAST



CLEVELAND MIDDLE SCHOOL - SOUTH

CLEVELAND MIDDLE SCHOOL Floor Plan



CLEVELAND MIDDLE SCHOOL - WEST

VI. CLEVELAND HIGH SCHOOL (9th~12th) ADDITIONS AND RENOVATIONS

CLEVELAND HIGH SCHOOL

April 28, 2021

PARTICIPANTS
Autumn O'Bryan
Hal Taylor
Don Shell
Brian Templeton
Aaron Grohol

MEETING NOTES

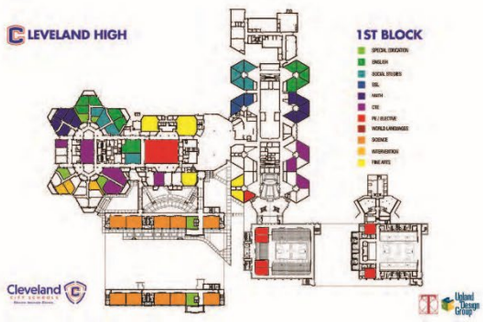
1. Current School Population – 1,700
2. Projected Student Population by 2035 – 2,323
3. The building is currently organized as the west wing serving the lower grades 9 & 10 and the east wing serving the upper grades 11 & 12.
4. The building lacks gathering space. The Commons isn't used for large group gathering during the school day due to common traffic between the East and West wings. Gathering space for groups of 600-800 is needed. A space or multiple spaces this size could also be used for testing.
5. The school has outgrown the Little Theater with what is currently being done with drama and choir productions.
6. East to West circulation through the school is challenging. A secure connector from the Science Wing to the Arena would be beneficial.
7. Lunch period is currently divided into 2 period of 2 grades each. The indoor dining capacity is 600. Outdoor dining is helps when usable. Covered areas would be even more helpful.
8. ROTC needs 2,500 square feet. The Band Room is too small for them to use. They also need access to two classrooms and a secured storage space.
9. The current Media Center is too big for how it is being used now.
10. The main entrance into the school needs improvement. Covered area would be nice.
11. Centralized space near the Commons for Counseling, Bookstore, Snack Shop and Health Clinic would improve accessibility.
12. Need more Administrative Space.
13. There are currently 4 ESL and 4 SPED Classrooms. Each has 15-20 students. Need to be separated.
14. The current marching band size is 100.
15. CTE – Health Sciences has the largest participation.
16. Culinary program would ideally be located near the Commons / Snack Shop.
17. Raider Blue Academy (RBA) is the alternative school and is located in the west wing.
18. All departments have 10 teachers.
19. CHS uses block scheduling. Teachers use their classrooms for planning. There are no designated common workrooms.

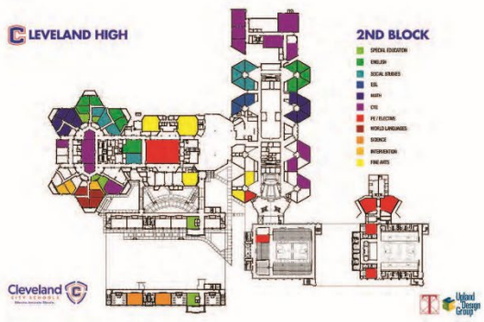
MAINTENANCE ITEMS

- West Wing Sewer
- Geothermal field loop leaks could lead to issues with system's heating capacity
- Ongoing issues with RTU's
- No reinforcing in masonry walls in both the east and west wings
- Principal's Office carpet



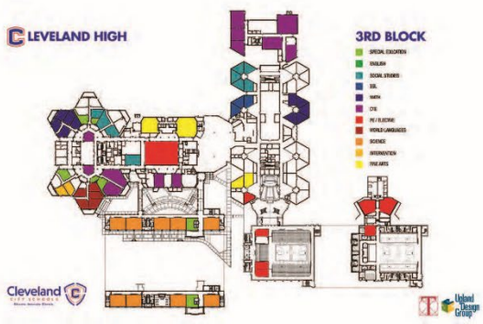
CLEVELAND HIGH Block Scheduling Diagrams

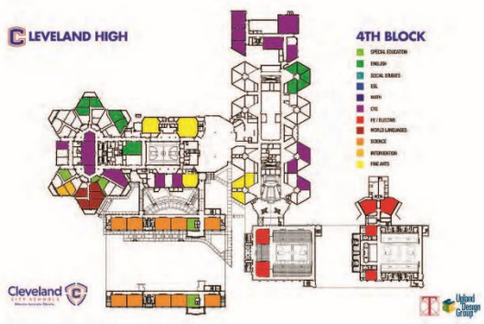




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CLEVELAND HIGH Block Scheduling Diagrams



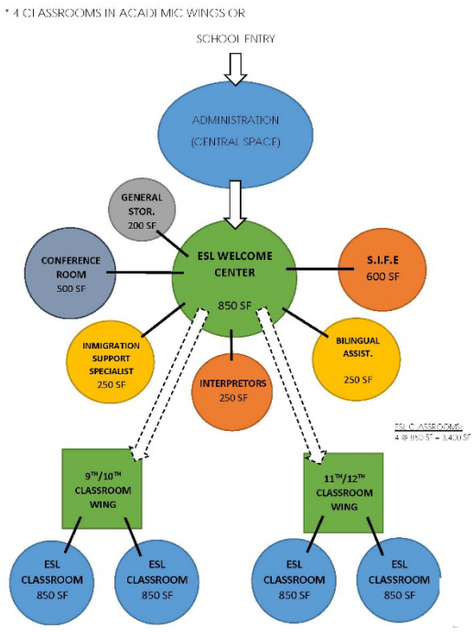


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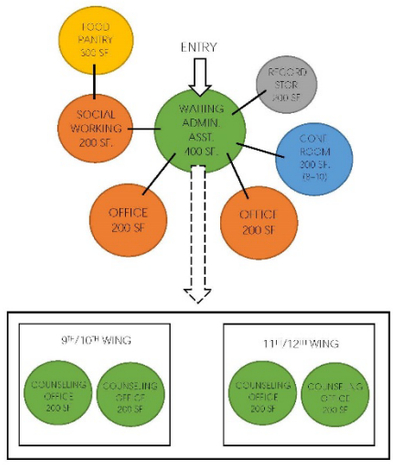
CLEVELAND HIGH Program Analysis

Category	Subject	Capacity	Number of Teaching Stations	Stations per Teaching Station	Building Capacity	Student Utilization rate%	Program Capacity	Gross Sqs	Area (sf)	Adjacency
Administration	Principal's Office	1						225	225	
Administration	Assistant Principal's Office	1						225	225	
Administration	Counselor's Office	1						225	225	
Administration	Attendance Office	1						225	225	
Administration	Main Office / Front Desk	1						225	225	
Administration	Administrative Assistant	5						225	1125	1 workstation per Admin Assistant, Principal, etc.
Administration	Main Waiting / Lobby	1						225	225	
Administration	Main Conference	1						400	400	
Administration	Work Room	1						75	75	
Administration	Staff Toilets	2						225	450	Toilets for staff only
Administration	Records / Storage	1						225	225	
Administration	Health Clinic with Exam Room and Toilets	1						300	300	
Assistant Principal	Assistant Principal's Office	1						225	225	Near Principal's Office
Administration	Subtotal Administration Area Total								3450	Outside Entry
Counseling Suite	Counseling Reception / Waiting Area	1						400	400	
Counseling Suite	Head of Counseling Office	1						225	225	
Counseling Suite	Private Meeting	1						100	100	
Counseling Suite	Counselor Offices	5						225	1125	
Counseling Suite	Conference Room (10-15)	1						300	300	
Counseling Suite	Toilets within Suite	4						225	900	Toilets for counselors only
Counseling Suite	Counseling Suite Total								3050	Accessible Entry
Arts Suite	Art and Music Classroom	1						450	450	
Arts Suite	Kiln Room	1						225	225	
Arts Suite	Art / Music Instructor Office	2	2	1.0	2.0	100%	450	225	450	Near Art / Music Classroom
CTE Suite	Auto Science	1						900	900	
CTE Suite	Welding Classroom	1	1	1.0	1.0	100%	450	450	450	
CTE Suite	Computer Science	1						225	225	
Arts Suite	Arts Suite Total		3		2.0		900		1350	Accessible Entry
Science Classroom	Physical Science	1	1	1.0	1.0	100%	450	1,000	1,000	
Science Classroom	Biological Science	1						900	900	
Science Classroom	Chemistry	1						900	900	
Science Classroom	Physics	1	1	1.0	1.0	100%	450	1,000	1,000	
Science Laboratory	Lab Classroom Activities	5	5	1.0	5.0	100%	2,250	1,000	5,000	
Science Laboratory	Lab Classroom Activities	5	5	1.0	5.0	100%	2,250	1,000	5,000	
Science Classroom	Chemistry Store	1						500	500	
Special Education	Special Education Suite Total		2		10.0		4,500		7,900	Accessible Entry
Core Academics	Math	14	14	1.0	14.0	100%	6,300	900	12,600	
Core Academics	Science	14	14	1.0	14.0	100%	6,300	900	12,600	Near Science Suite
Core Academics	English	14	14	1.0	14.0	100%	6,300	900	12,600	
Core Academics	Social Studies	14	14	1.0	14.0	100%	6,300	900	12,600	
Core Academics	Core Academics Conference	4	4	1.0	4.0	100%	1,800	400	1,600	
Core Academics	Core Planning / Collaboration Offices	2	2	1.0	2.0	100%	900	100	200	
Core Academics	Support / Tutoring Area for Core Classrooms	4						1800	1800	Near Core Classrooms
Core Academics	Core Academics Toilets within Classrooms	4	4	1.0	4.0	100%	1,800	400	1,600	Toilets within Core
Core Academics	Core Academics Suite Total		44		19.0		8,550		32,900	
Art	Art Studio	1	1	1.0	1.0	100%	450	1,000	1,000	
Art	Art Storage	1						900	900	
Art	Art Office	1						225	225	
Art	Outdoor Studio	1	1	1.0	1.0	100%	450	1,000	1,000	
Art	Art Suite Total		3		2.0		900		3,125	Near Art Classroom
Band	Band / Orchestra / Choir Room	1	1	1.0	1.0	100%	450	1,000	1,000	
Band	Band / Orchestra / Choir Storage	1	1	1.0	1.0	100%	450	1,000	1,000	
Band	Instrument Storage	1						900	900	
Band	Practice Room (Large)	1						225	225	
Band	Practice Room (Small)	2						150	300	
Band	Performance Area	1						750	750	
Band	Office	1						225	225	
Band	Band / Orchestra / Choir Suite Total		3		2.0		900		3,300	Near Band / Orchestra / Choir
Theater	Theater / Auditorium	1	1	1.0	1.0	100%	450	1,000	1,000	
Theater	Stage	1						900	900	
Theater	Backstage / Wings	1						900	900	
Theater	Dressing Rooms	2						225	450	
Theater	Theater Storage	1						225	225	
Theater	Theater Office	1						225	225	
Theater	Theater / Auditorium Suite Total		1		1.0		450		3,700	Near Theater / Auditorium
Cafeteria	Cafeteria / Dining	1	1	1.0	1.0	100%	450	1,000	1,000	
Cafeteria	Kitchen	1						900	900	
Cafeteria	Storage	1						225	225	
Cafeteria	Cafeteria Suite Total		1		1.0		450		2,125	Near Cafeteria
Physical Education / Wellness	Gymnasium	1	1	1.0	1.0	100%	450	5,000	5,000	
Physical Education / Wellness	Gym Storage	1						900	900	
Physical Education / Wellness	Gym Office	1						225	225	
Physical Education / Wellness	Locker Rooms	2						900	1,800	
Physical Education / Wellness	Fitness Room	1						900	900	
Physical Education / Wellness	Physical Education / Wellness Suite Total		1		1.0		450		8,825	Near Gymnasium
Flexible Learning Space	Flexible Learning Space	1	1	1.0	1.0	100%	450	1,000	1,000	
Flexible Learning Space	Flexible Learning Space	1						900	900	
Flexible Learning Space	Flexible Learning Space	1						900	900

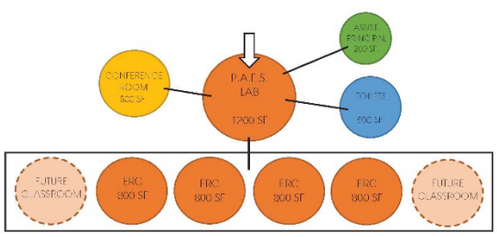
ESL PROGRAM ANALYSIS (2,800 SF)



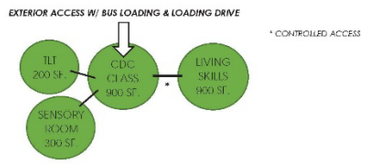
COUNSELING PROGRAM ANALYSIS (2,600 SF)



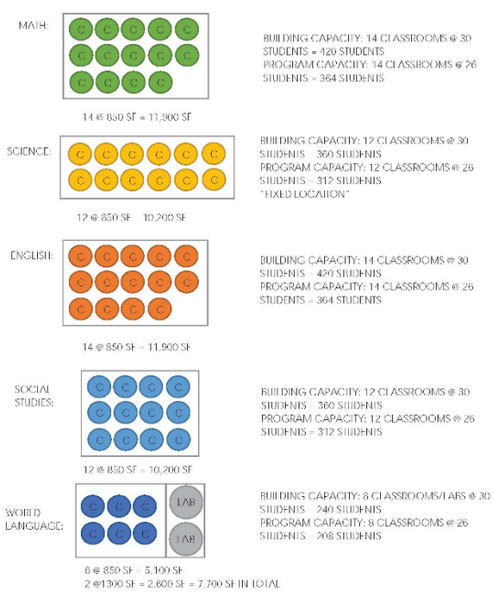
P.A.E.S PROGRAM ANALYSIS (5,600 SF)



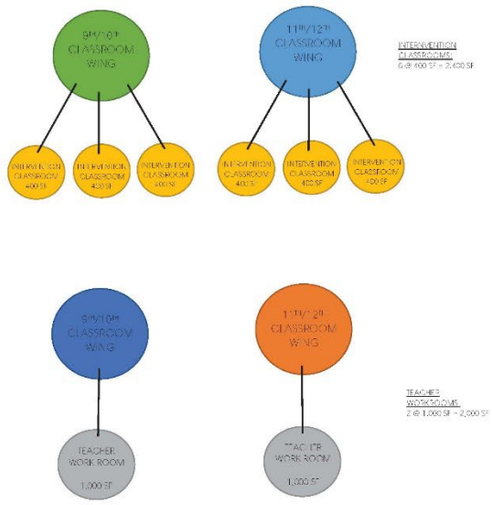
SPECIAL ED. PROGRAM ANALYSIS (2,300 SF)



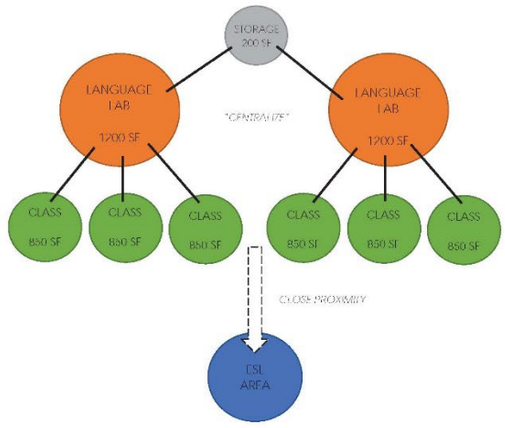
ACADEMIC PROGRAM ANALYSIS (51,900 SF)



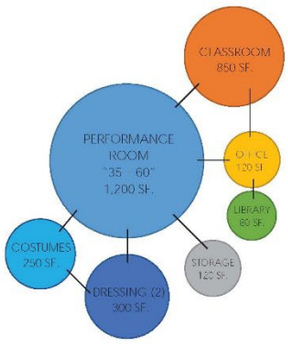
ACADEMIC PROGRAM ANALYSIS



WORLD LANGUAGE PROGRAM ANALYSIS (7,700 SF)



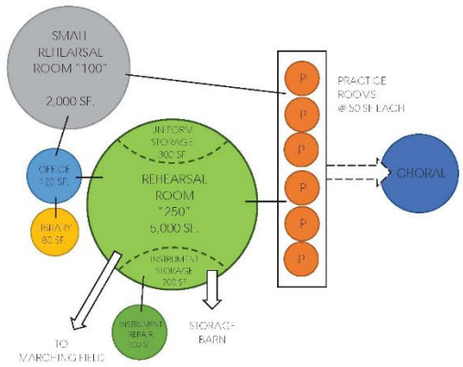
FINE ARTS - "CHORAL" PROGRAM ANALYSIS (2,900 SF)



FUTURE PROGRAMS:

- CHAMBER MUSIC
- MUSIC TECHNOLOGY
- MUSIC THEORY

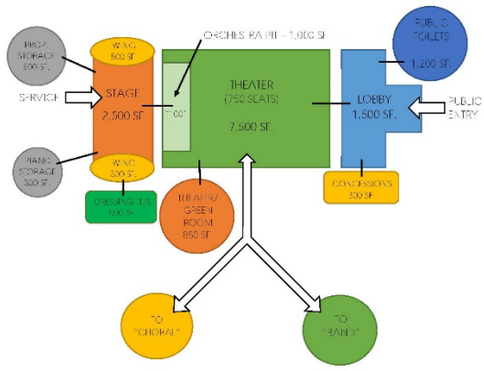
FINE ARTS - "BAND" PROGRAM ANALYSIS (8,700 SF)



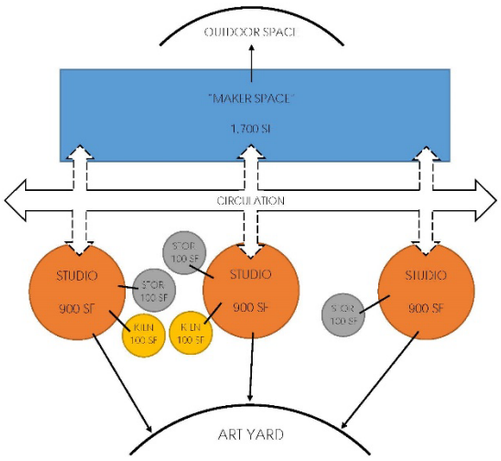
PROGRAMS:

- MARCHING BAND
- CONCERT BAND
- COLOR GUARD
- WALKER GUARD
- PERCUSSION ENSEMBLE

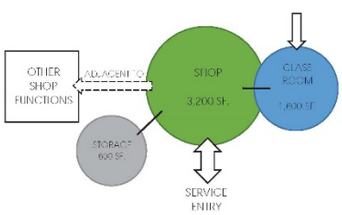
FINE ARTS - "THEATER" PROGRAM ANALYSIS (17,150 SF)



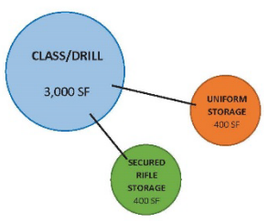
ART PROGRAM ANALYSIS (4,900 SF)



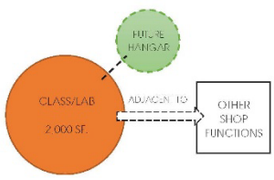
AUTO SHOP/CLASS PROGRAM ANALYSIS (5,400 SF)



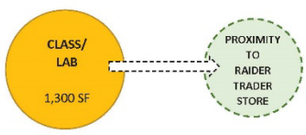
JROTC PROGRAM ANALYSIS (3,000 SF)



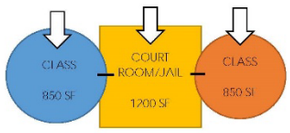
AVIATION CLASS/LAB PROGRAM ANALYSIS (2,000 SF.)



BUSINESS MANAGEMENT PROGRAM ANALYSIS (1,300 SF.)



CRIMINAL JUSTICE PROGRAM ANALYSIS (2,900 SF)



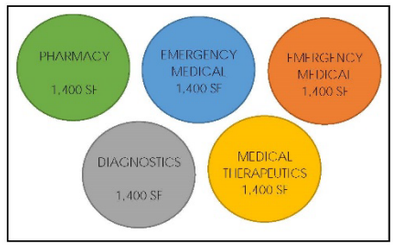
IT PROGRAM ANALYSIS (1,200 SF)



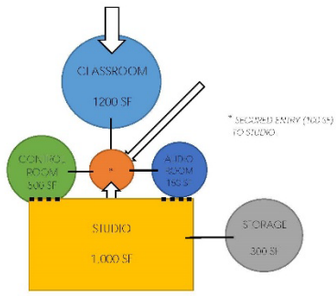
CULINARY ARTS PROGRAM ANALYSIS (4,200 SF)



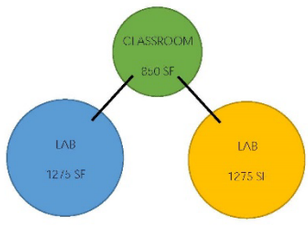
HEALTH SCIENCE PROGRAM ANALYSIS (7,000 SF)



DIGITAL MEDIA PROGRAM ANALYSIS (3,250 SF)

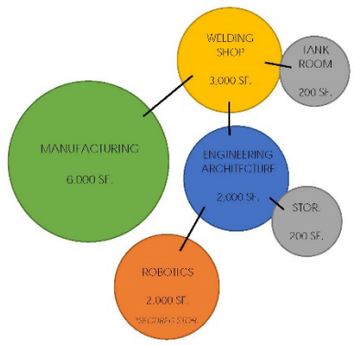


GRAPHIC DESIGN PROGRAM ANALYSIS (3,400 SF)

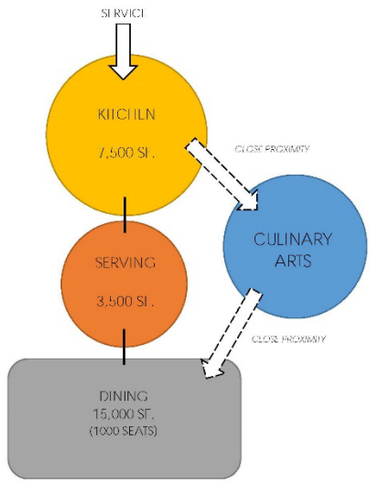


MANUFACTURING, WELDING, ROBOTICS, ENGINEERING (14,440 SF)

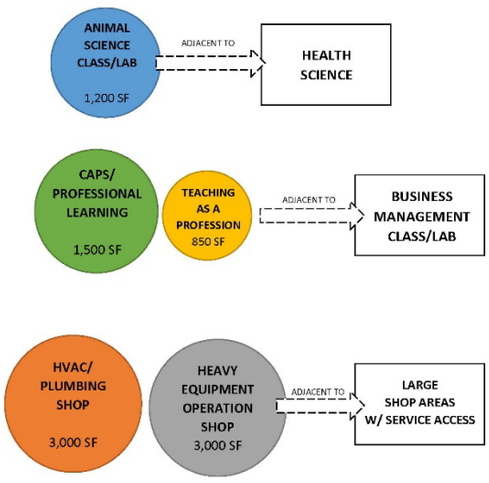
MANUFACTURING SHOP/CLASSROOM (7,000 SF)
WELDING SHOP/TANK ROOM (3,200 SF)
ROBOTICS (2,000 SF)
ENGINEERING/ARCHITECTURE (2,200 SF)



FOOD SERVICE PROGRAM ANALYSIS (25,500 SF)



FUTURE PROGRAMS



COMMUNITY TECTONICS ARCHITECTS

Upland Design Group

Community Tectonics Architects, Inc.
7610 Gleason Drive, Suite 303
Knoxville, TN 37919
Phone (865) 637-0890
www.communitytectonics.com

Upland Design Group, Inc.
P.O. Box 1026
Crossville, TN 38557
Phone (931) 484-7541
www.uplanddesigngroup.com

[Presentation by Cleveland City Schools]

CLEVELAND CITY SCHOOLS

Cleveland City Council: June 10, 2024

MISSION & VISION

Our mission is to educate and equip students with the academic, social, and emotional skills necessary to be successful and productive.

Our vision is to inspire and educate thriving and confident students who become exceptional life learners and contributing citizens in their community.

On April 1, 2024, the CCS Board of Education voted to begin the process to build a new school in Cleveland. Today, we request to move forward with pursuing land options in preparation for a new school building project.



HEADLINES

Cleveland, Tennessee, shows biggest gain among smaller metropolitan cities

January 24, 2022 at 10:00 p.m. | Updated January 25, 2022 at 12:59 a.m.

Chattanooga Times Free Press

The 2020 Census Results

- 2010 to 2020 population change: +6,849
- 2010 to 2020 percent population change: 16.9%
- City of Cleveland's population estimated to grow over 80% in the next 20 years.

Why people say Cleveland is the 2nd fastest growing city in Tennessee, per new study

by Kiley Thomas | Tue, October 1st 2019 at 6:50 PM

NEWS 9 abc CHANNEL

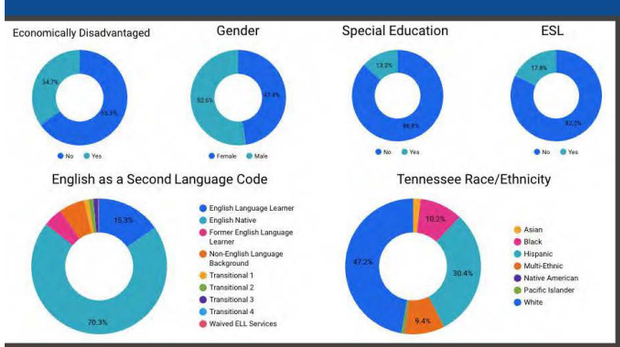
THANK YOU

Since 2009: Annually an average of $1.1 million from Sales Tax Funds
2016: CHS Arena completed
2019: Candy's Creek Cherokee Elementary opened
2024: CCS 775 Raider Drive Building is opening
Recently: Increase in City General Funds for General School Budget



Our work in Cleveland City Schools is more challenging than ever, but our sense of purpose is also greater than ever. When you support Cleveland City Schools, you support work that really makes a difference in students' lives.

DEMOGRAPHICS



Direct Certification: 35%
Special Education: 13%
ESL: 18%

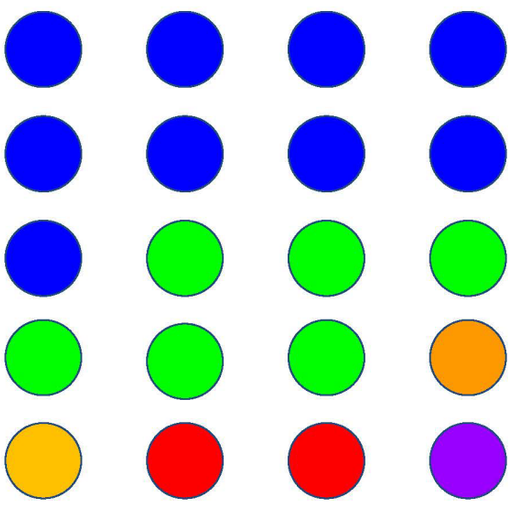
White: 47%
Hispanic: 30%
Black: 10%
Multi-Ethnic: 9%

Enrollment



During the pandemic in 2020 and 2021, enrollment numbers plateaued.

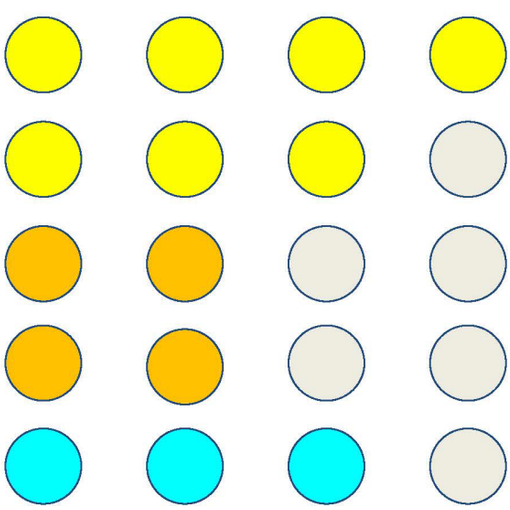
Since then, Cleveland City Schools has experienced a strong rebound, with enrollment numbers steadily growing.



2024 Cleveland City Schools

Blue = White
Green = Hispanic
Orange = Black
Red = Multi-Ethnic
Purple = Asian or HPI

Some rankings show CCS as the 8th most diverse school district in Tennessee.



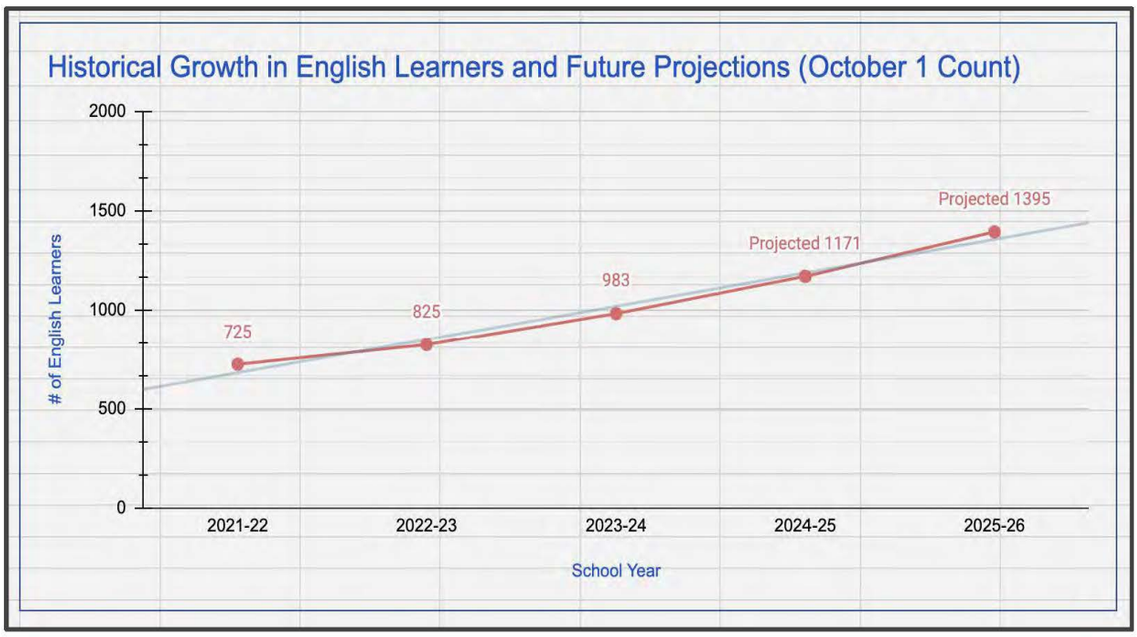
2024 Cleveland City Schools

Yellow = Direct Certification

Orange = ESL

Teal = Special Education

In CCS, we fully embrace these challenges, but I always want to speak in reality about what educators face. This is not easy work.



CLEVELAND CITY SCHOOLS
WHERE SUCCESS MATTERS FOR ALL



Daniel


Luke



Angel



Candy's Creek Cherokee Expansion
Six (6) Additional Classrooms



Cleveland City Schools Central Support
775 Raider Drive

Cleveland City Schools
Educational Facilities Master Plan

5th/6th Grade School
First Phase of Future Facilities Plan

School	Enrollment*	Optimal Students	Maximum Students
Arnold	292	236	260
Blythe-Bower	625	544	600
Candy's Creek	475	426	470
Mayfield	426	354	390
Ross	257	274	300
Stuart	251	236	260
Yates	294	270	300
CMS	1310	1050	1190
CHS	1761	1595	1875
Total:	**5691**	**4985**	**5645**

*As of May 23, 2024

FUTURE IMPACT

MAXIMUM CAPACITY
4 of 7 elementary schools
Cleveland Middle School
NEARING MAXIMUM CAPACITY
3 of 7 elementary schools

POTENTIAL NEW STUDENTS
Annexed Development: 1066
Existing City Development: 1013

PROJECTED GROWTH
Blythe-Bower = 140 students
Mayfield = 222 students
Candy's Creek = 273 students
Ross/Yates = 322 students
CMS = 479 students

PROJECTED GROWTH
2020 Cleveland: 47,000
CCS: 5,500
2030 Cleveland: 60,000
CCS (12%): 7,200

New/Recent Construction - Occupied

Arbor Hills
(Young Road)

- Townhomes
- 16.2 acres



New/Recent Construction - Occupied

Vintage Villa
(Villa Drive)

- 216 Units



New/Recent Construction - Occupied



Meadow View
(Michigan Avenue & 31st Street)

- 120 Houses



Under Construction



Powell Meadows
(Durkee Road)

- 512 lots







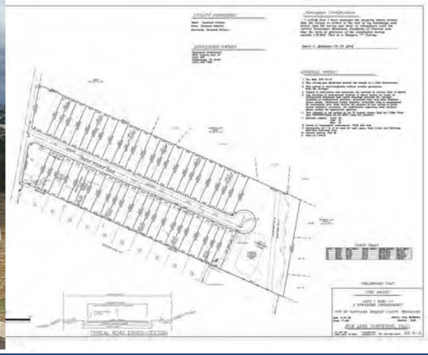
Under Construction

The Abaco

(Michigan Avenue)

- 48 homes





Under Construction

Lone Oaks Farm

(Michigan Avenue and Wilkinson Road)

100 acres





Under Construction





The Trails at Freewill

42 acres

157 units

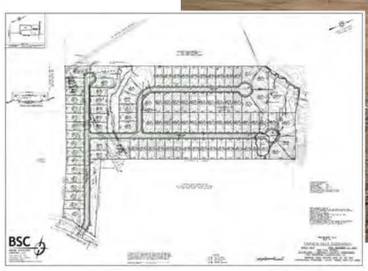


Just Getting Started

Fairview Hills

(Minnis Road
And Hwy. 64)
31.73 acres
122 units





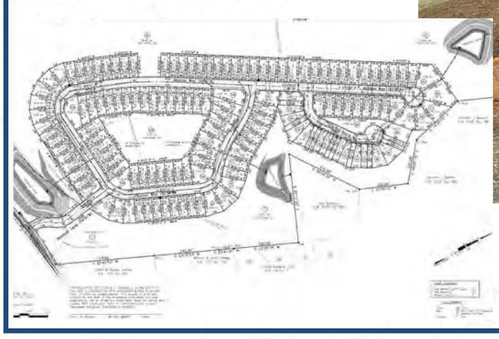
Phase Two - Westside Drive NW at Norman Chapel Road - 52 lots

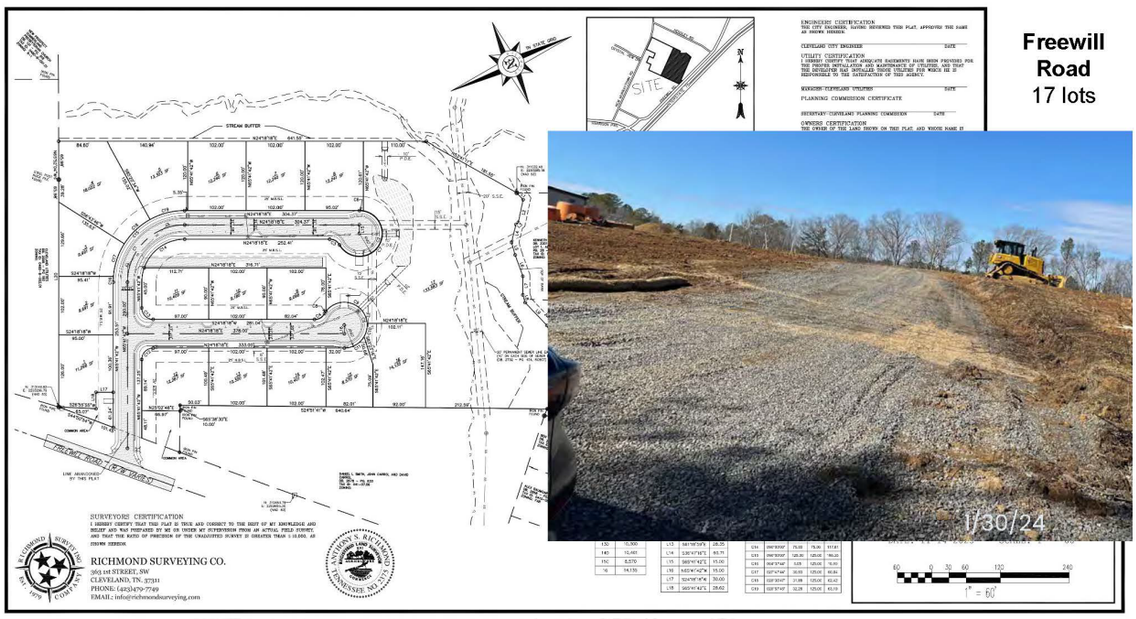


Summit View

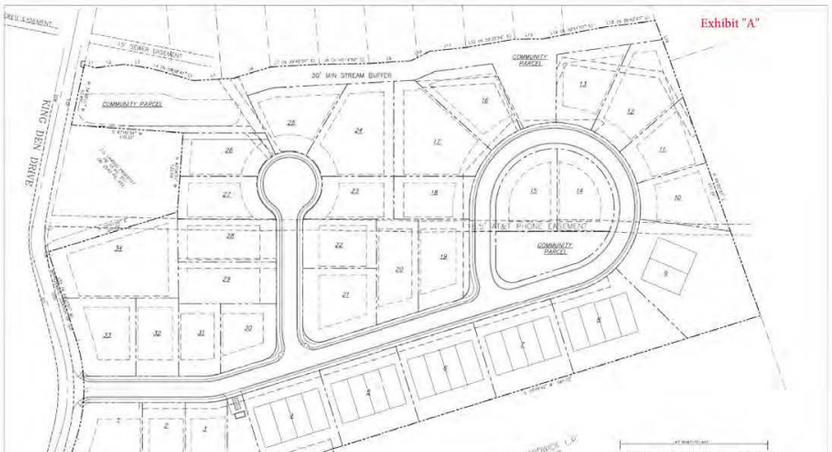
(Tasso Lane)
69.4 acres
175 residential units







Freewill Road
17 lots

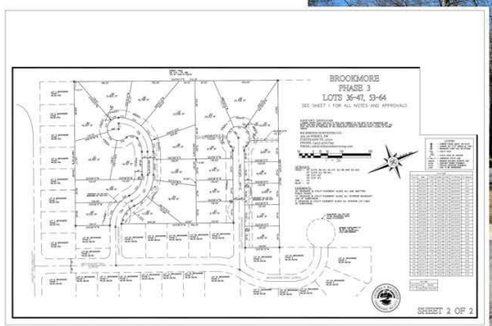


King Den

Expansion
N. Lee Hwy
12.6 acres
22 townhomes
28 single family homes

Brookmore

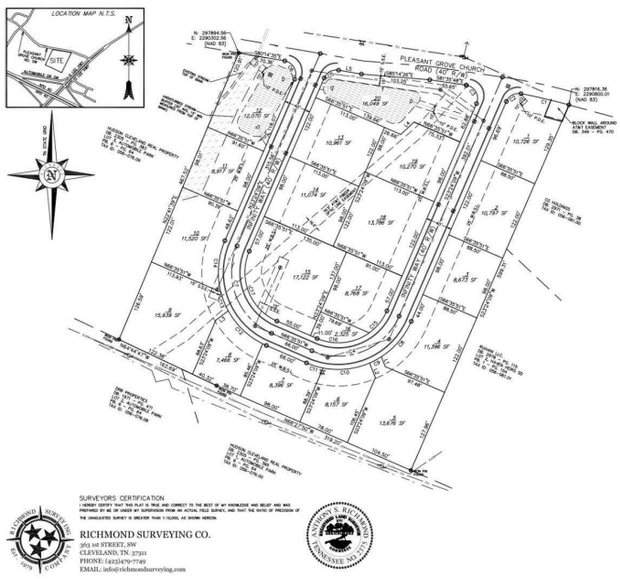
22nd Street NW
Off Freewill Road
Phase 3 - 24 lots







The Oasis - Pleasant Grove Church Rd. - 60 units

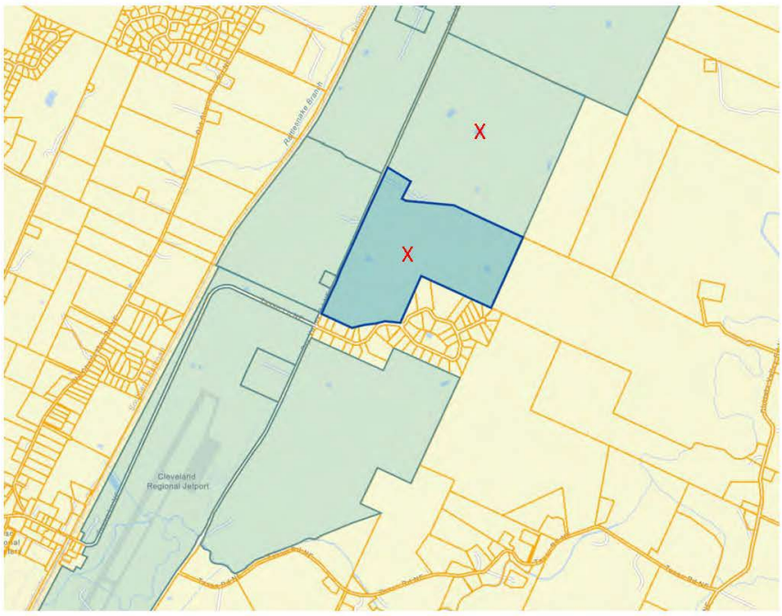




Tomlinson - Church of God of Prophecy
80 acres - 300 units

Dry Valley Tracts

Upper Tract 160.15 acres
Lower Tract 113.42 acres



EXECUTIVE SUMMARY CONCLUSIONS & RECOMMENDATIONS

NEW INTERMEDIATE SCHOOL

Recommended Program Space Requirements:

- **Capacity: 1200 students**
- **Gross Area:176,646 sf.**
- **30-35 acres of land**

Estimated cost of the school is $70,000,000, based on architectural project comparisons in January 2024.

This estimated cost does not include the purchase of land.

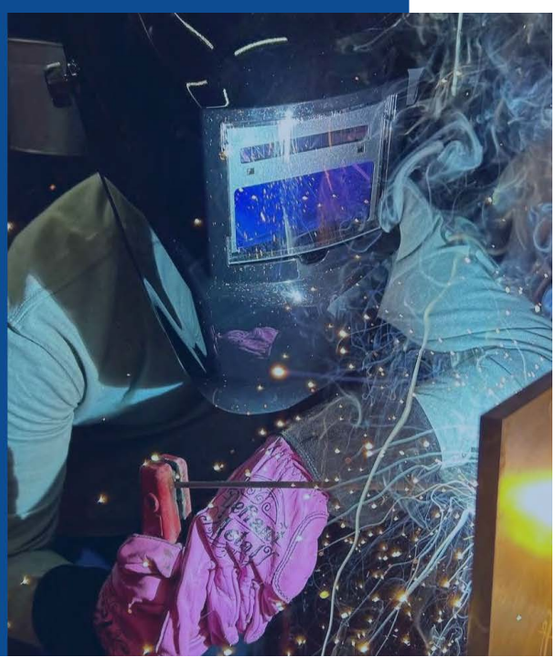
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On April 1, 2024, the CCS Board of Education voted to begin the process to build a new school in Cleveland. Today, we request to move forward with pursuing land options in preparation for a new school building project.





CLEVELAND CITY SCHOOLS

MAILING ADDRESS

4300 Mouse Creek Rd NW

Cleveland, Tennessee 37312

PHONE NUMBER

423-472-9571

NEW BUSINESS AND ORDINANCES

a. **Motion** – Council appointment to the Cleveland Utilities Authority for a term to expire June 30, 2025 (Councilman Dale Hughes term expires June 30, 2024)

Councilman Cassada moved to appoint Councilwoman Marsha McKenzie to the Cleveland Utilities Authority for a one-year term to expire June 30, 2025. The motion was seconded by Councilman May; and upon roll call, Councilmen Cassada, May, Hughes, Webb, Estes and Vice Mayor Johnson voted aye. Councilwoman McKenzie passed. The motion carried 6:0.

b. **Motion** - Approval of Johnston Park Redesign

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **June 10, 2024**
RE: **Johnston Park Redesign**

SUMMARY:
The City has indicated that we will redevelop Johnston Park before the end of the year. City staff has designed the Park area to be compliant with the deed from the family who donated the land. City staff will present this design to the City Council for your review.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
Staff's recommendation is to approve this new design of Johnston Park so that construction can begin on this Park area. City staff does not have a position on whether the Gazebo should stay or be removed.

Councilman May moved to approve the new redesign of Johnston Park. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

c. **Resolution 2024-58** – Concerning a request by Lynn Jones for consideration of a Plan of Service for about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00 (Planning Commission: Approved 8-0; 1 recused).

RESOLUTION 2024-58

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

MICHIGAN AVE-WILKINSON ROAD (043 021.00)

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 10, 2024, 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 northwest corner of the lands of Sylvester Lynn Jones, as recorded in BCROD deed book 3042 page 704, said point being the southeast corner of the intersection of Michigan Avenue Road and Wilkinson Road and a corner of the existing City Limits; thence with the existing City Limits and the northern line of the lands of Jones and the southern right of way of Wilkinson Road in an easterly direction 1954 feet, more or less, to a point where the City Limits crosses the right of way of Wilkinson Road; thence following the existing City Limits and crossing the right of way of Wilkinson Road in a northerly direction 50 feet, more or less, to a corner of the existing City Limits, said point being located in the northern right of way of Wilkinson Road; thence with the northern right of way of Wilkinson Road and the existing City Limits in an easterly direction 590 feet, more or less, to a point where the eastern line of the lands of Jones, if extended, would intersect the northern right of way of Wilkinson Road; thence leaving the existing City Limits and crossing the right of way of Wilkinson Road in a southerly direction 50 feet, more or less, to an ion pin located at the northeast corner of the lands of Jones; thence with the lines of the lands of Jones south 8 degrees 58 minutes 16 seconds west, 1251.24 feet to an iron pin; thence north 65 degrees 26 minutes 9 seconds west, 1754.14 feet to an iron pin; thence south 23 degrees 54 minutes 10 seconds west, 50.19 feet to an iron pin; thence north 65 degrees 31 minutes 6 seconds west, 1832.82 feet to an iron pin; thence north 32 degrees 33 minutes 11 seconds east, 47.31 feet to an iron pin; thence south 65 degrees 37 minutes 1 seconds east, 639.27 feet to an iron pin; thence north 31 degrees 10 minutes 50 seconds east, 362.83 feet to an iron pin; thence north 57 degrees 6 minutes 54 seconds west, 624.38 feet to an iron pin; thence north 32 degrees 21 minutes 3 seconds east, 933.53 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 21, 2024
WILKINSON ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 87.5 acres located at Wilkinson Rd. 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.

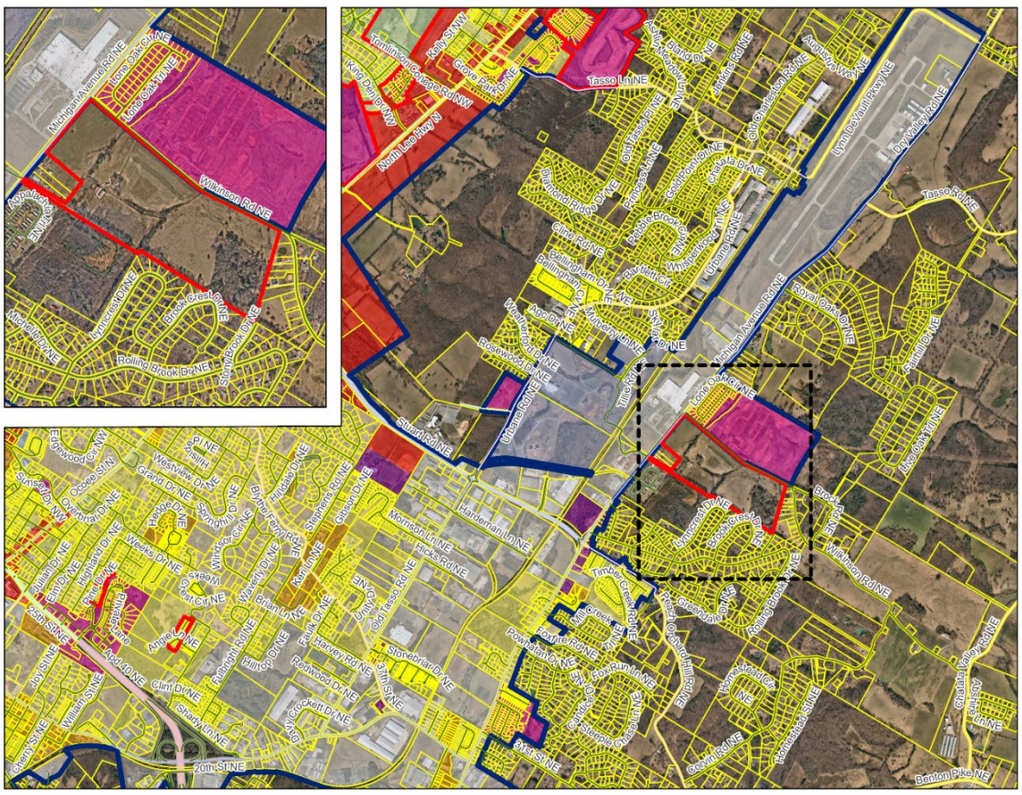
This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services 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 87.5 acres total. The annexation would zone the property as PUD Planned Unit of Development. This is a vacant lot and multiple warehouses are proposed. The property is described as Tax Map 043 Parcels 021.00.

Wilkinson Road Annexation Map



Legal Description

Beginning at an iron pin located at the northwest corner of the lands of Sylvester Lynn Jones, as recorded in BCROD deed book 3042 page 704, said point being the southeast corner of the intersection of Michigan Avenue Road and Wilkinson Road and a corner of the existing City Limits; thence with the existing City Limits and the northern line of the lands of Jones and the southern right of way of Wilkinson Road in an easterly direction 1954 feet, more or less, to a point where the City Limits crosses the right of way of Wilkinson Road; thence following the existing City Limits and crossing the right of way of Wilkinson Road in a northerly direction 50 feet, more or less, to a corner of the existing City Limits, said point being located in the northern right of way of Wilkinson Road; thence with the northern right of way of Wilkinson Road and the existing City Limits in an easterly direction 590 feet, more or less, to a point where the eastern line of the lands of Jones, if extended, would intersect the northern right of way of Wilkinson Road; thence leaving the existing City Limits and crossing the right of way of Wilkinson Road in a southerly direction 50 feet, more or less, to an ion pin located at the northeast corner of the lands of Jones; thence with the lines of the lands of Jones south 8 degrees 58 minutes 16 seconds west, 1251.24 feet to an iron pin; thence north 65 degrees 26 minutes 9 seconds west, 1754.14 feet to an iron pin; thence south 23 degrees 54 minutes 10 seconds west, 50.19 feet to an iron pin; thence north 65 degrees 31 minutes 6 seconds west, 1832.82 feet to an iron pin; thence north 32 degrees 33 minutes 11 seconds east, 47.31 feet to an iron pin; thence south 65 degrees 37 minutes 1 seconds east, 639.27 feet to an iron pin; thence north 31 degrees 10 minutes 50 seconds east, 362.83 feet to an iron pin; thence north 57 degrees 6 minutes 54 seconds west, 624.38 feet to an iron pin; thence north 32 degrees 21 minutes 3 seconds east, 933.53 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

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 eight minutes or 480 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 parcel via a 20" water main along the west side of Michigan Avenue Rd. and an 8" water main along the south side of Wilkinson Rd.

B. Sanitary Sewer--- Sewer service is not presently available to the parcel.

To provide sewer service to this parcel, approximately 1000 LF of 8" (or 12") gravity sewer main is required to be constructed connecting to a 12" gravity sewer main within the Lone Oak subdivision development and proceed south and cross Wilkinson Road. The Opinion of Probable Cost is $110,000. This work can be completed within 8 years. See Figure 2 – Sewer Service.

The existing Wilkinson Road Pump Station and Force Main was constructed in 2023 at a cost of $1,289,192.13. The pump station was sized based on the potentially developable areas for the Lone Oak subdivision (North of Wilkinson Road) and two parcels to the south that would flow by gravity to the Wilkinson Pump Station. In 2022, Cleveland Utilities entered into a coast sharing agreement with the developer of Lone Oak subdivision whereby each of the three large parcels with the potential to be served would share the costs of the pump station and force main infrastructure. For this parcel (known as tract 2, Tax Map 043 021.00) to connect to the existing sewer infrastructure, Cleveland Utilities is owed $460,241.59 for this developer's share of the pump station and force main infrastructure.

Cost Allocation of Wilkinson Road Pump Station and Force Main

Tract No.	Tax Map #	Area	Percentage of Total	Allocation
1	043 012.00	129 acres	51.2%	$660,066.37
2	043 021.00	90 acres	35.7%	$460,241.59
3	043 021.01	33 acres	13.1%	$168,884.17
Totals		**252 acres**	**100%**	**$1,289,192.13**

C. Fire Protection--- Fire protection is presently available to this parcel via two fire hydrants along Michigan Avenue in front of the parcel and one fire hydrant along Wilkinson Rd. 300 feet from the northeast corner of the parcel.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Wilkinson Road NE (065 040.00 and 044.00)	**$195,300**	**$570,241.59[2]**	**$0**	**$110,000**

[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.

[2]Sanitary sewer cost includes cost of gravity main ($110,000) and developer's share of Wilkinson Road Pump Station and Force Main ($460,241.59)

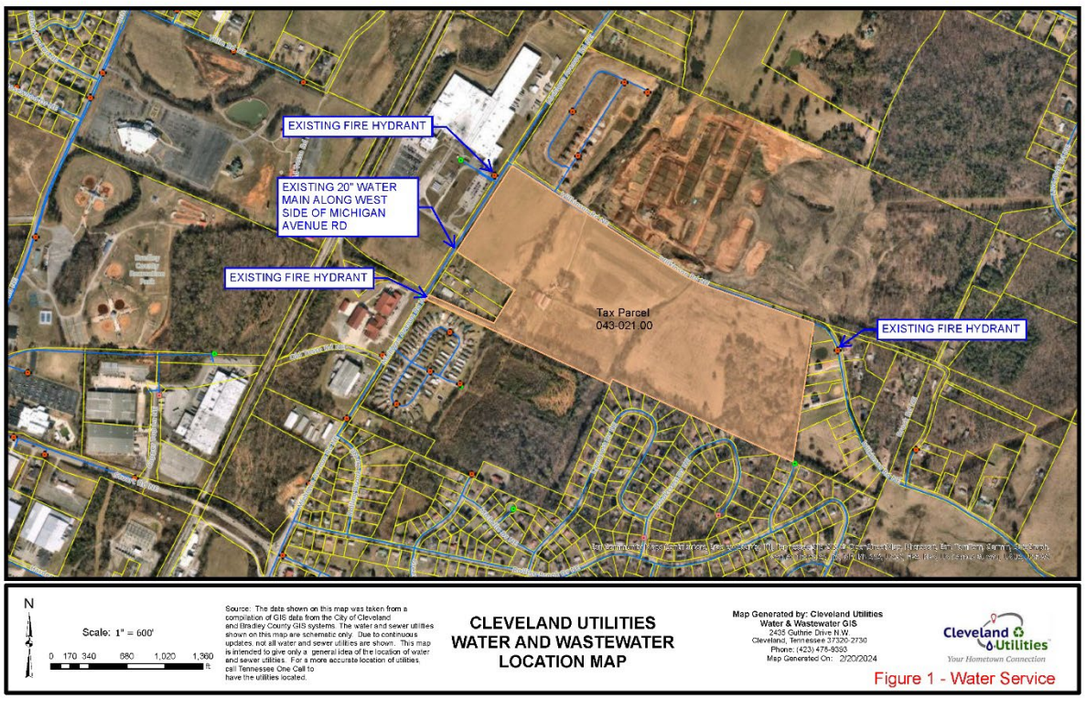


Figure 1 - Water Service

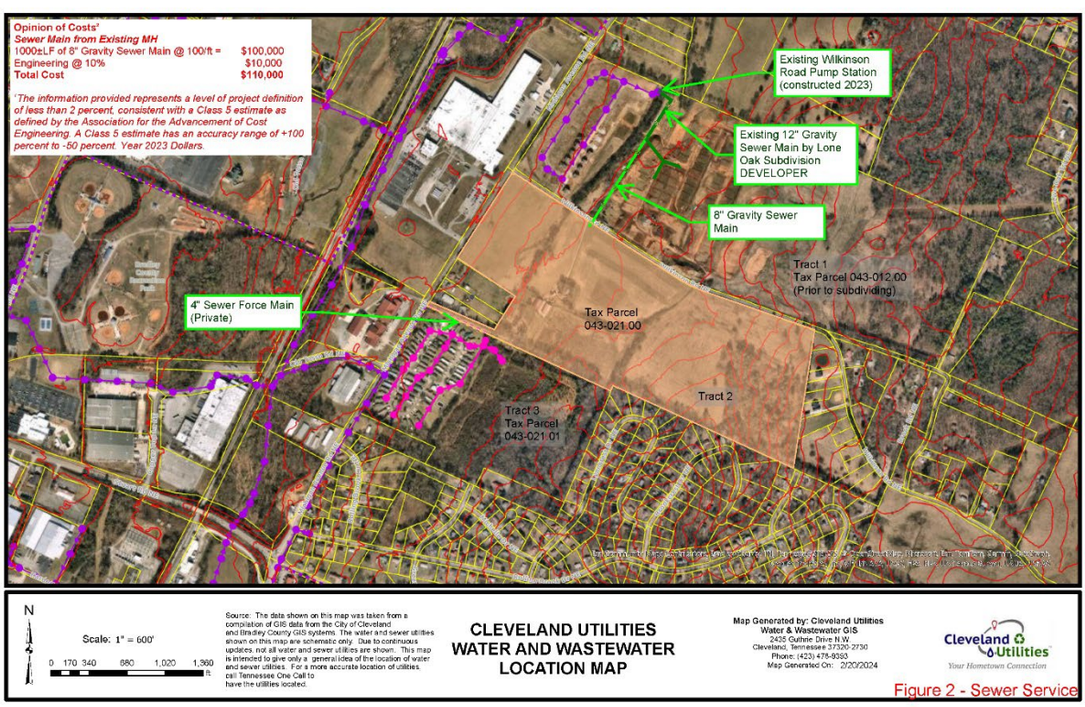


Figure 2 - Sewer Service

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4. Electric Service

Cleveland Utilities Electric currently has facilities in place to serve this proposed annexation. We do not foresee any 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.

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 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 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 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 **$61,775.00**

Councilman May moved to deny Resolution 2024-58. The motion to deny was seconded by Vice Mayor Johnson. Councilman Estes stated this is for the Plan of Service therefore he offered a substitute motion to approve Resolution 2024-58. The substitute motion was seconded by Vice Mayor Johnson; and upon roll call, Councilman Estes and Vice Mayor Johnson voted aye. Councilman Cassada, Councilman May, Councilman Hughes, Councilman Webb and Councilwoman McKenzie voted no. The substitute motion failed 5:2. Mayor Brooks stated we are back to the original motion to deny Resolution 2024-58. Upon roll call, Councilman May, Vice Mayor Johnson, Councilwoman McKenzie, Councilman Cassada, Councilman Hughes, and Councilman Webb voted aye. Councilman Estes voted no. The motion to deny carried 6:1.

Councilman Estes asked if the next two items were then moot. Mr. Kimball stated no, but you can't have an annexation if you don't have an approved Plan of Service. To be consistent you would vote the same way you just did. Mr. Fivas stated you may want to ask the applicant, there may be other reasons to have it annexed and then work on the zoning. Mr. Kimball stated you would redo the plan of service and come back with a new annexation request if there was a different reason to be annexed. On the next two items, you should be consistent and vote just like you voted.

The following Resolution was then presented in full:

d. **Resolution 2024-59** –Concerning a request by Lynn Jones for consideration of a resolution to annex about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00 (Planning Commission: Approved 8-0; 1 recused).

RESOLUTION 2024-59

A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF CLEVELAND, TENNESSEE

MICHIGAN AVENUE 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 10,2024.

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 northwest corner of the lands of Sylvester Lynn Jones, as recorded in BCROD deed book 3042 page 704, said point being the southeast corner of the intersection of

Michigan Avenue Road and Wilkinson Road and a corner of the existing City Limits; thence with the existing City Limits and the northern line of the lands of Jones and the southern right of way of Wilkinson Road in an easterly direction 1954 feet, more or less, to a point where the City Limits crosses the right of way of Wilkinson Road; thence following the existing City Limits and crossing the right of way of Wilkinson Road in a northerly direction 50 feet, more or less, to a corner of the existing City Limits, said point being located in the northern right of way of Wilkinson Road; thence with the northern right of way of Wilkinson Road and the existing City Limits in an easterly direction 590 feet, more or less, to a point where the eastern line of the lands of Jones, if extended, would intersect the northern right of way of Wilkinson Road; thence leaving the existing City Limits and crossing the right of way of Wilkinson Road in a southerly direction 50 feet, more or less, to an ion pin located at the northeast corner of the lands of Jones; thence with the lines of the lands of Jones south 8 degrees 58 minutes 16 seconds west, 1251.24 feet to an iron pin; thence north 65 degrees 26 minutes 9 seconds west, 1754.14 feet to an iron pin; thence south 23 degrees 54 minutes 10 seconds west, 50.19 feet to an iron pin; thence north 65 degrees 31 minutes 6 seconds west, 1832.82 feet to an iron pin; thence north 32 degrees 33 minutes 11 seconds east, 47.31 feet to an iron pin; thence south 65 degrees 37 minutes 1 seconds east, 639.27 feet to an iron pin; thence north 31 degrees 10 minutes 50 seconds east, 362.83 feet to an iron pin; thence north 57 degrees 6 minutes 54 seconds west, 624.38 feet to an iron pin; thence north 32 degrees 21 minutes 3 seconds east, 933.53 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. [Plan of Service on file with Resolution.]

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman May moved to deny Resolution 2024-59. The motion to deny was seconded by Councilman Webb. Upon roll call, Councilman May, Councilman Webb, Vice Mayor Johnson, Councilwoman McKenzie, Councilman Cassada, and Councilman Hughes voted aye. Councilman Estes voted no. The motion to deny carried 6:1.

The following Zoning Ordinance was then presented in full:

e. **Zoning Ordinance 2024-24** – Concerning a request by Lynn Jones for consideration of an ordinance to zone about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. from unincorporated County to PUD51 and includes Tax Map 043 Parcel 021.00 (Planning Commission: Approved 8-0; 1 recused).

ZONING ORDINANCE 2024-24

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 WILKINSON ROAD II "PUD 51" ON PROPERTY DESCRIBED AS TAX MAP 043 PARCEL 021.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 51; 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 referred to as "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development , hereinafter referred to as "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 51" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 51 zoning district are those uses outlined in section 5 of this ordinance the development standards for the PUD 51 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 law of Tennessee.

Section 3. PROPERTY DESCRIPTION
PUD 51, Wilkinson Road II Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission) includes property generally identified as Tax Map 043 Parcel 021.00. Exhibit A illustrates the overall Wilkinson Road II Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY
The section is intended to provide a general description of the Wilkinson Road II development. The project consists of multiple industrial buildings, including one or more restaurants. Exhibit A shows the general location of proposed infrastructure and common parking areas. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 51 allows for the construction of single-tenant structures and multi-unit Light Industrial structures, General Recreation uses, and single-family detached housing. Specific uses listed in Light Industrial Zoning including Wholesale businesses for storing and/or distribution of goods, light manufacturing which is conducted entirely within a building, and utility/public/civic operations are allowed by right. Specific prohibited uses include self-storage/climate-controlled storage, vehicle repair, junk vehicle storage, junkyard operations, and any uses not included by

right in the IL District as defined in section 2.14.1 of the Cleveland Zoning Ordinance. Single Family detached residential units not to exceed 100 units may exist with the conditions listed below in section 7 of this ordinance.

Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 51 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 industrial and/or residential uses within the Wilkinson Road 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. Conditional uses within the PUD 51 district shall be relegated to Outdoor areas, rodeo grounds, racetracks, firing ranges, campgrounds, and other outdoor sports and recreation facilities, LP gas storage and/or distribution. Uses other than those described as permitted or allowed herein are prohibited. Billboard signs are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS

Section 6.A. CONCEPTUAL PLAN

A conceptual plan (Exhibit A) for PUD 51, The Wilkinson Road II Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on April 16, 2024, and brought back on May 21, 2024. The conceptual plan consists of a site plan for the overall development, however, additional drawings are expected for review and approval prior to construction. All development within PUD 51 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. Additional plans, pats, 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 Wilkinson Road II development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific industrial structure typology within the industrial 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.)

Section 6.B. PLATS.

One or more plats will be prepared for the PUD 51 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 such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general with the layout of the conceptual site plan.

Section 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 51 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 51 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 Developer standards for PUD 51 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the IL (Light Industrial) 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. All stormwater detention/retention areas will be screened from the public ROW. A minimum 5-acre parcel is to be donated to the City for future Public Use.

Section 7.A. Access, Traffic Circulation, and Parking
All buildings and developments within PUD 51 shall be served by internal access, therefore minimizing the number of curb cuts required on Wilkinson Road and Michigan Avenue. No Light Industrial uses may utilize access to Wilkinson Road. Michigan Avenue may only be utilized to access the front portion of the property with a single access point (with the exception of the corner lot to be deeded to the City).

Parking for Warehouse structures shall be designed to accommodate 1 spot per 400 square feet of employee space (not warehouse storage space) with an additional 1 spot per two employees. All other uses shall follow the parking standards listed in the zoning ordinance.

A minimum of 10' shall be dedicated as Right-of-way along Wilkinson Road for future use to upgrade the existing roadway.

The Michigan Avenue Right-of-Way will need to be improved to include sidewalks, curb, and gutter for the length of the property, therefore widening the minimum right-of-way width to 60'. This section of Michigan Avenue shall also be improved to include a minimum of 12' lanes. The Sidewalk should be illustrated on all plats and site plans for review by city staff. A right-turn deceleration lane accessing the property along Michigan Avenue shall be required to a minimum length of 200'.

The minimum setbacks off of Michigan Avenue and Wilkinson Road shall be 35'. All other internal setbacks are subject to fire code minimums if the lot remains whole. If subdivided, a minimum of 10' shall be maintained off of all internal property lines.

Section 7.B. Aesthetic Standards
A 60' minimum buffer shall be planted along the southern and eastern property boundaries to shield existing residential neighborhoods and housing. The buffer shall include a minimum of 50% of the existing Tree canopy to be preserved with addition of Evergreen trees spaced a maximum of ten (10) feet on-center and a row of Class 1 Shade Trees spaced at 35' apart.

The Wilkinson Road and Michigan Avenue street frontages shall include a Landscaped Street Yard to provide an aesthetically pleasing transition from the public right-of-way to private property. The Street Yard shall be a minimum of 10' in width and include One Class 1 Shade Tree per 35' and 12 shrubs per 50'. Internally a total of 25 Class 1 Shade Trees shall be required. If trees are preserved internally this number can be administratively adjusted through site review.

-All Class 1 Shade Trees shall be installed at a minimum caliper of two (2) inches as measured from two and one half (2 ½) feet above grade level. A minimum of 3 species must be utilized over the entire site
-All Screening Trees shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet.
-All Shrubs shall be twenty-four (24) inches in height and in a three (3) gallon pot. A minimum of 3 species must be utilized over the entirety of the site.

A 60' average stream buffer is required along all streams and wetlands.

Section 7.B. Residential Component (if applicable)
1. Sidewalks shall be provided on one side of all new streets.
2. Green space shall be preserved at a minimum of 1 acre per 50 lots.
3. A minimum of 50% of the open/green space shall be usable.

4. A centralized cluster mailbox unit 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.
5. All streets shall be 22’ wide with 45’ right of way width.
6. For all residential development areas, 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).
7. Each elevation must differ in type, size, and style. No two elevations may be identical.
9. All structures are required to have foundations which shall be brick or stone.
10. 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.
11. Garages may not protrude further than 10’ from the front façade of the structure.
12. 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.

Setbacks:
Front (all other streets):
25’ Side: 5’ (residential)
Rear: 15’
Min Lot Width: 65’

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 PUD51 Wilkinson Road II 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 PUD51, 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 PUD51 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 Sylvester Lynn Jones 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 to deny Zoning Ordinance 2024-24. The motion to deny was seconded by Councilman Webb. Councilman Estes stated he would like for the Planning Commission minutes to be put in the record, along with the second proposal put together by the applicant with the extra buffering, explanation of the buffering, how the ingress and egress will be and that the back side of the property was the only thing left in the PUD up for negotiations. The Planning Commission did a lot of good work and crafted something that was amenable to protect the citizens. City staff did a lot of work. Upon roll call, Councilman May, Councilman Webb, Vice Mayor Johnson, Councilwoman McKenzie, Councilman Cassada, and Councilman Hughes voted aye. Councilman Estes voted no. The motion to deny carried 6:1.

[The following is a portion of the Planning Commission Minutes from May 21, 2024 and packet information pertaining to the Plan of Service, Annexation and Zoning of 87.5 acres at the corner of Michigan Avenue Road and Wilkinson Road requested by Lynn Jones]

City of Cleveland

CLEVELAND TENNESSEE
Development & Engineering Services

Jonathan Jobe
Director
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185 Second Street NE
Cleveland, TN 37311
(423) 479-1913
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MEMO

TO: Joe Fivas
FROM: Jonathan Jobe
DATE: June 3, 2024
RE: Regular meeting of the Cleveland Municipal Planning Commission
May 21, 2024

The regular meeting of the Cleveland Municipal Planning Commission was called to order by Tricia Pennington, Chairman, at 6:00 P.M.

Commissioners present included: Tricia Pennington, Clark Taylor, Blake Allison, Bill Estes, Alma Dotson, Jamie Creekmore, Maryl Elliott, Tiffiani Sherlin, and Ben Berry

Staff present included: Robert Varnell, Planning Director, Erica Bevis, Planner II, Laura Duncan, MPO Billing Coordinator, and Joe Fivas, City Manager

Legal Counsel present included: John Kimball, Attorney for the City of Cleveland.

Others present included: John Norwood of Norwood Surveying, Myra Byrd of 18th Street, Tom Cate of Cate Development, Tony Richmond of RSC, Lynn Jones of LJ Consulting, Blake Pierce of KW Cleveland, Phil Russell of 20th Street, Sally Russell of 20th Street, Marta Bullard of 18th Street, Chuck Atchley of Wilkinson Rd, Gregg Moran, Cade Baker of Lee University, Samantha Hasty of Lee University, Sarah Haynes of Lee University, Robin Posgay of Lee University, Alexandria Samuels of Lee University, Jeremy Stott of Lee University, Abbygail Stroh of Lee University, and Kimberly Blackaby of Lee University.

The minutes of the April 16, 2024, regular meeting were presented for approval.

Bill Estes made a motion to approve the April 16, 2024, minutes and Jamie Creekmore seconded the motion. A Vote of 8-0 passed the motion. Yes-8 No-0 Recused-1 Absent-0

In Public Hearings,

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a. **Request by Lynn Jones for consideration of a Plan of Service for about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00.**
b. **Request by Lynn Jones for consideration of a resolution to annex about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00.**
c. **Request by Lynn Jones for consideration of an ordinance to zone about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd from unincorporated County to PUD 51 and includes Tax Map 043 Parcel 021.00.**

Robert Varnell: We did discuss this last month and then through various discussions, some advice or recommendations were given to the applicant. They've come back before you. The plan of service has not changed. I think you did vote on that last time, but because the PUD and annexation changed, I want to give each item again. I'm happy to go straight into the zoning if that's the part we want to talk about, then we'll vote on each one.

An updated site plan, which was included in your packet was submitted. The site plan was drawn up, and I met with the applicant after our previous meeting. I made a few personal recommendations to try and address the Planning Commission's comments, as well as still allowing the applicant to work towards their goal. This is a kind of mixed-use PUD now. It's got some residential components shown at the very back. I believe you all had specific requests to move access off of Wilkinson, onto Michigan Ave., which they did provide one access going out to Michigan Ave. It still includes approximately 5 1/2 to 6 acres of property which will go to public use in the future, at the corner of Michigan Ave. and Wilkinson Rd. With this version, the only cars that will be utilizing Wilkinson Ave. would be part of that residential that is in the back. Yeah, it's really not concerned about the residential portion, so that may be sold. If so, that person could come back here and request to change at that time. They based it on what they want to do, but this is what they want for their plan. So, from a zoning standpoint, our staff support is consistent. We did support it because it is talking about zoning. We're talking about use. This time because we're not sending trucks on Wilkinson Rd. We're not able to ask for any infrastructure improvement on that road, so any improvements will be on Michigan Ave. alone, which they do have included in the front, but it's for a smaller portion of the property, but it is wider lanes, a deceleration lane for the trucks to get out of the way. The traffic as they turn into the site coming out of the sites wasn't that much concern. You know, in discussions with our transportation engineer, it's pretty consistent that no matter what kind of use you have on this 87.5 acres, you're going to have traffic coming out of the site one way or the other. It doesn't really move the needle. I'm sure the applicant has a representative here if you'd like to ask

specific questions for them. From my standpoint, our staff organization does stay the same.

Blake Allison: Could we still have a 10-foot right-away dedication?

Robert Varnell: We get the right of way on Wilkinson Rd. so the city would have to do.

Blake Allison: And on Michigan, we got the 10-foot right. All right. You already touched on the diesel lane. My biggest sticking point, I believe last month was for access off of Michigan Ave. Did the buffering change?

Robert Varnell: It expanded actually. Part of the recommendation that I had when I met with them was before the building at the top and I believe this was directly related to some of the requests that this body had. I said just add another layer in between it and any residential properties. So, you've actually got two buffers going to the north between that section and what we end up residential. So, these are talking about it is this infernal section here that's at, but the width and the land did not adjust at all. I didn't change that at all.

Bill Estes: Can you explain the Class 1 shade tree to me? And Wilkinson Rd. Not just around the two help me out on that.

Robert Varnell: Class 1 shade tree is a specific in our landscape ordinance will dictate, and we have certain types of trees that fall under certain categories. Class 1 Shade tree is going to be your oats. These are the types of trees that will grow and provide shade. It's a term. I don't know why they use it, but yeah, that's pretty consistent in them. So, what that requires is that those trees you know, in some instances we have tree coverage, we can preserve existing. I've asked to do that. Because an existing tree that's already 70 feet tall or whatever it may be.

Bill Estes: And reading aesthetic standards that will buffer on Wilkinson Rd. It's not in our right of way.

Robert Varnell: We don't necessarily call it a buffer in that place. It's a landscape streetcar. And we call those Landscapes OK. Yeah.

Bill Estes: Not in our right of way where is it?

Robert Varnell: It's on private property, so the edge of the right of way would be where that would begin.

Bill Estes: I'm much better now. Thanks.

Robert Varnell: If you all have questions for the applicant, tell me to get out.

Jamie Creekmore: You mentioned something about the engineer coming out and taking a look at that. He didn't have any concerns over traffic coming from the north to the South on Michigan Ave?

Robert Varnell: Because of where the driveway placement was, he said the impact wasn't there. It said if you move it closer to Wilkinson Rd. You start getting so where Wilkinson Rd. sits today there is more of an issue, but that's an existing county. So. But as you move away said that that. Problem goes away.

Jamie Creekmore: And the change you're talking about moves away. That's what you're talking about.

Robert Varnell: To the South, further away from Wilkinson Rd. for the access point where the trucks will come onto the road itself, yes.

Bill Estes: Hey, Robert. I'm just a voice one man, but. I like the shade tree part. I haven't seen it before.

Robert Varnell: It does the wording in certain ways and we're trying to always improve on it. That's what we're doing and part of what you guys want me to do is adapt some of what I've done. So that's where that comes from.

Bill Estes: Thanks.

Robert Varnell: There may be some people who want to speak to this as well in the crowd.

Tricia Pennington: With that, is there anyone here who would like to speak to this? Please come up and state your name for the record.

Chuck Atchley: Chuck Atchley I live on Wilkinson Rd. I spoke at the last meeting, you heard everything. You know, and I and look and I was really kind of amazed. That's like conceptual because it doesn't show anything as far as for me that you people that are in this business understand it. You know I struggle to find a look. At some road and I live on. In the way this thing is like. So, I really struggle with the access points and things like that because when he says it's, it's not coming out on Wilkinson. It's coming out on Michigan Ave. And so, I. Not trying to put you on spot.

Robert Varnell: So, this is Michigan Ave. OK, I'm blocking everybody here, but that's Michigan Ave. That's Wilkinson Rd. OK. The yellow shaded, the concrete internal and it comes out here at this point. So, Wilkinson Rd. here there's about, I think it's like 600 feet between exchange.

Chuck Atchley: OK.

Robert Varnell: Yeah, I know sometimes these things are hard to read.

Ben Berry: That's left, so they're accesses across from

Bill Estes: It is a lot different than a month ago.

Chuck Atchley: Absolutely, indeed. I don't disagree. You know, kudos to that. I still struggle with the fact that you're putting industrial in a residential site. Nothing on the developer. Whoever was developing this the way this document read is written, it's a blank document to do whatever you want to. And when I say that within guidelines with what light industrial guidelines are. I don't know what everything can fit within light industrial. I'm sure it's a plethora of things that we may like or may not, but I just don't think this site, this particular development is right for industrial.

Tricia Pennington: Thank you. Would anyone else like to speak?

OK, so can the applicant speak to any of the uses that were discussed? I think there were some. Are there potential uses that were planned? I don't know if any of those are concrete or not.

Please wait till you get to the microphone and then state your name for the record.

Blake Pierce: My name is Blake Pierce, and yeah, as far as the internal component where the industrial piece will be, that's going to be mostly, you know, warehouse light industrial, I mean distribution, things of that nature. The front part, the small building on the front is a proposed sports training facility that we're trying to bring to Cleveland. Actually, it's myself and I'm Lynn's son-in-law and real estate agent. So, I'm disclosed there, but also too, I'm trying to with a partner trying to bring a business here that's going to be great for the community. As far as sports training, that's what that small from the front would be.

Alma Dotson: What's on the back end?

Blake Pierce: Back here this will all be just residential lots.

Alma Dotson: OK. And those two right there.

Blake Pierce: Right here, there will be two buildings. This will be all industrial in here and then they'll have a tree line around here. And then the backside will be residential. Pardon. Because there's already residential back here on this side.

Alma Dotson: Well, so the residents come out on Wilkerson.

Blake Pierce: Yes, it will. Wilkinson will come down. Yeah, this way. And then the access for this building, these buildings will come in on Michigan Ave. right here.

Bill Estes: In the PUD it says possibility for residential. That's the only residential part is the only that's not set in stone. The rest of this as I read is.

Robert Varnell: Fairly, there are certain uses within light industrial that were removed then within this language and light industrial in the city means that any operation must take place completely within the building. So, you, I mean you may have semi-trucks or things like that outside the ground, that's what they do. But any kind of activity in light industrial zoning anywhere in the city is supposed to be contained solely within the structure. So.

Bill Estes: And the PUD, as I read it, the only wiggle room is on the residential part that's correct. And that's for Mr. Atchley. Yeah.

Robert Varnell: Yes.

Ben Berry: And the things that are removed to elaborate on that, I mean that cannot happen. Mini storage, vehicle repair, junkyard. You know, those are some uses that are actually taking out. So, it really kind of just leaves warehousing right, traditional warehouse with and the way this is oriented, which was my biggest concern last month, all of the truck traffic is internal to the site and there's that separates the trucks from the residential. There are buildings between the trucks and their activity and where the residential.

Robert Varnell: That was another thing to face the applicant specifically chose to do was to turn all their buildings so that everything their activity was internal to it.

Alma Dotson: Yeah. So, the residential is really not there yet.

Robert Varnell: It's, you know, it could adjust, it could change. That's not this applicant's wheelhouse, I guess is a way to put it, you know at this.

Alma Dotson: So, what do you mean by wiggle room then?

Blake Allison: It's proposed residential it doesn't exist yet.

Robert Varnell: But they're not doing it right now. They're not going to be developing that right now, but it is zoned that way because that's the way I originally asked it to be shown the further you get back, you know you get closer to homes that longer as well.

Ben Berry: To me, Michigan Ave. is a mixture. This section of Michigan Ave. is a mixture of industry and residential. I mean as it is, it's right across the street from industry.

Robert Varnell: Yeah, we've rezoned approximately 274 acres in the city away from light industrial in the past eight years and we have zoned a total of 28 industrial acres in the city. So obviously, when I looked at where those requests were, we didn't always follow certain maps and agreements and thoughts from before we did.

Ben Berry: This PUD has the developer held to a very high standard. In this PUD there are a lot of buffers. There's a donation of property that can be used or donation of right away. They've adjusted the plan significantly. I can make a motion whenever we're ready.

Ben Berry made a motion to approve the request by Lynn Jones for consideration of a Plan of Service for about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00, seconded by Blake Allison. The motion passed with a vote of 8-0. Yes – 8, No – 0, Recused – 1

Bill Estes made a motion to approve the request by Lynn Jones for consideration of a resolution to annex about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd. and Wilkinson Rd. and includes Tax Map 043 Parcel 021.00, seconded by Blake Allison. The motion passed with a vote of 8-0. Yes – 8 No – 0 Recused – 1

Ben Berry made a motion to approve the motion by Lynn Jones for consideration of an ordinance to zone about 87.5 acres, more or less, for property located at the corner of Michigan Avenue Rd. and Wilkinson Rd. from unincorporated County to PUD 51 and includes Tax Map 043 Parcel 021.00. The motion passed 8-0. Yes – 8 No – 0 Recused – 1

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CLEVELAND
TENNESSEE
EST. 1842

Agenda Staff Report

Case: ZON2024-10 Wilkinson Road Annexation

(see **Appendix** for case materials)

May 21, 2024
City of Cleveland Municipal Planning Commission

Applicant:	Lynn Jones
Site Address:	Corner of Michigan Ave and Wilkinson Rd.
Tax Map:	043 021.00
Area:	87.5 acres
Current Zone:	FAR/Unincorporated County
Request:	Approval of POS, Annexation, and Rezoning to PUD 51
Sewer/Water:	Yes
Council District:	District 4 – David May Jr.

PLANNING & DEVELOPMENT

1. Analysis

The request is to rezone approximately 87.5 acres, more or less, of property along Michigan Avenue and Wilkerson Road to PUD Planned Unit of Development. This PUD will include the development of multiple industrial buildings as well as the possibility of a residential component. The Plan of Service includes sewer expansion expenses based on the acreage of this development. The PUD includes specific language regarding infrastructure upgrades to Michigan Avenue that include wider lanes, shoulders, curb, and sidewalks. Additionally, the PUD has language which requires landscaping and buffering along the entire perimeter of the development. The applicant is also donating approximately 5.30 acres to the City for future public use.

Staff Recommendation

APPROVE

Ordinance 2024-

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 WILKINSON ROAD II "PUD 51" ON PROPERTY DESCRIBED AS TAX MAP 043 PARCEL 021.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 51; 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 referred to as "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development , hereinafter referred to as "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 51" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 51 zoning district are those uses outlined in section 5 of this ordinance the development standards for the PUD 51 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 law of Tennessee.

Section 3. PROPERTY DESCRIPTION
PUD 51, Wilkinson Road II Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission) includes property generally identified as Tax Map 043 Parcel 021.00. Exhibit A illustrates the overall Wilkinson Road II Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY
The section is intended to provide a general description of the Wilkinson Road II development. The project consists of multiple industrial buildings, including one or more restaurants. Exhibit A shows the general location of proposed infrastructure and common parking areas. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 51 allows for the construction of single-tenant structures and multi-unit Light Industrial structures, General Recreation uses, and single-family detached housing. Specific uses listed in Light Industrial Zoning including Wholesale businesses for storing and/or distribution of goods, light manufacturing which is conducted entirely within a building, and utility/public/civic operations are allowed by right. Specific prohibited uses include self-storage/climate-controlled storage, vehicle repair, junk vehicle storage, junkyard operations, and any uses not included by right in the IL District as defined in section 2.14.1 of the Cleveland Zoning Ordinance. Single Family detached residential units not to exceed 100 units may exist with the conditions listed below in section 7 of this ordinance.

Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 51 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 industrial and/or residential uses within the Wilkinson Road 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. Conditional uses within the PUD 51 district shall be relegated to Outdoor areas, rodeo grounds, racetracks, firing ranges, campgrounds, and other outdoor sports and recreation facilities, LP gas storage and/or distribution. Uses other than those described as permitted or allowed herein are prohibited. Billboard signs are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

Section 6.A. CONCEPTUAL PLAN
A conceptual plan (Exhibit A) for PUD 51, The Wilkinson Road II Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on April 16, 2024, and brought back on May 21, 2024. The conceptual plan consists of a site plan for the overall development, however, additional drawings are expected for review and approval prior to construction. All development within PUD 51 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. Additional plans, pats, 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 Wilkinson Road II development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific industrial structure typology within the industrial 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.)

Section 6.B. PLATS.
One or more plats will be prepared for the PUD 51 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 such as utilities, access, maintenance, and conservation, etc. These plats shall be consistent in general with the layout of the conceptual site plan.

Section 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 51 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 51 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 Developer standards for PUD 51 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the IL (Light Industrial) 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. All stormwater detention/retention areas will be screened from the public ROW. A minimum 5-acre parcel is to be donated to the City for future Public Use.

Section 7.A. Access, Traffic Circulation, and Parking
All buildings and developments within PUD 51 shall be served by internal access, therefore minimizing the number of curb cuts required on Wilkinson Road and Michigan Avenue. No Light Industrial uses may utilize access to Wilkinson Road. Michigan Avenue may only be utilized to access the front portion of the property with a single access point (with the exception of the corner lot to be deeded to the City).

Parking for Warehouse structures shall be designed to accommodate 1 spot per 400 square feet of employee space (not warehouse storage space) with an additional 1 spot per two employees. All other uses shall follow the parking standards listed in the zoning ordinance.

A minimum of 10' shall be dedicated as Right-of-way along Wilkinson Road for future use to upgrade the existing roadway.

The Michigan Avenue Right-of-Way will need to be improved to include sidewalks, curb, and gutter for the length of the property, therefore widening the minimum right-of-way width to 60'. This section of Michigan Avenue shall also be improved to include a minimum of 12' lanes. The Sidewalk should be illustrated on all plats and site plans for review by city staff. A right-turn deceleration lane accessing the property along Michigan Avenue shall be required to a minimum length of 200'.

The minimum setbacks off of Michigan Avenue and Wilkinson Road shall be 35'. All other internal setbacks are subject to fire code minimums if the lot remains whole. If subdivided, a minimum of 10' shall be maintained off of all internal property lines.

Section 7.B. Aesthetic Standards
A 60' minimum buffer shall be planted along the southern and eastern property boundaries to shield existing residential neighborhoods and housing. The buffer shall include a minimum of 50% of the existing Tree canopy to be preserved with addition of Evergreen trees spaced a maximum of ten (10) feet on-center and a row of Class 1 Shade Trees spaced at 35' apart.

The Wilkinson Road and Michigan Avenue street frontages shall include a Landscaped Street Yard to provide an aesthetically pleasing transition from the public right-of-way to private property. The Street Yard shall be a minimum of 10' in width and include One Class 1 Shade Tree per 35' and 12 shrubs per 50'. Internally a total of 25 Class 1 Shade Trees shall be required. If trees are preserved internally this number can be administratively adjusted through site review.

-All Class 1 Shade Trees shall be installed at a minimum caliper of two (2) inches as measured from two and one half (2 ½) feet above grade level. A minimum of 3 species must be utilized over the entire site
-All Screening Trees shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet.
-All Shrubs shall be twenty-four (24) inches in height and in a three (3) gallon pot. A minimum of 3 species must be utilized over the entirety of the site.

A 60' average stream buffer is required along all streams and wetlands.

Section 7.B. Residential Component (if applicable)
1. Sidewalks shall be provided on one side of all new streets.
2. Green space shall be preserved at a minimum of 1 acre per 50 lots.
3. A minimum of 50% of the open/green space shall be usable.
4. A centralized cluster mailbox unit 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.
5. All streets shall be 22' wide with 45' right of way width.
6. For all residential development areas, 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).
7. Each elevation must differ in type, size, and style. No two elevations may be identical.
9. All structures are required to have foundations which shall be brick or stone.
10. 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.
11. Garages may not protrude further than 10' from the front façade of the structure.
12. 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.

Setbacks:
Front (all other streets): 25'
Side: 5' (residential)
Rear: 15'
Min Lot Width: 65'

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 PUD51 Wilkinson Road II 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 PUD51, 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 PUD51 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 Sylvester Lynn Jones 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.

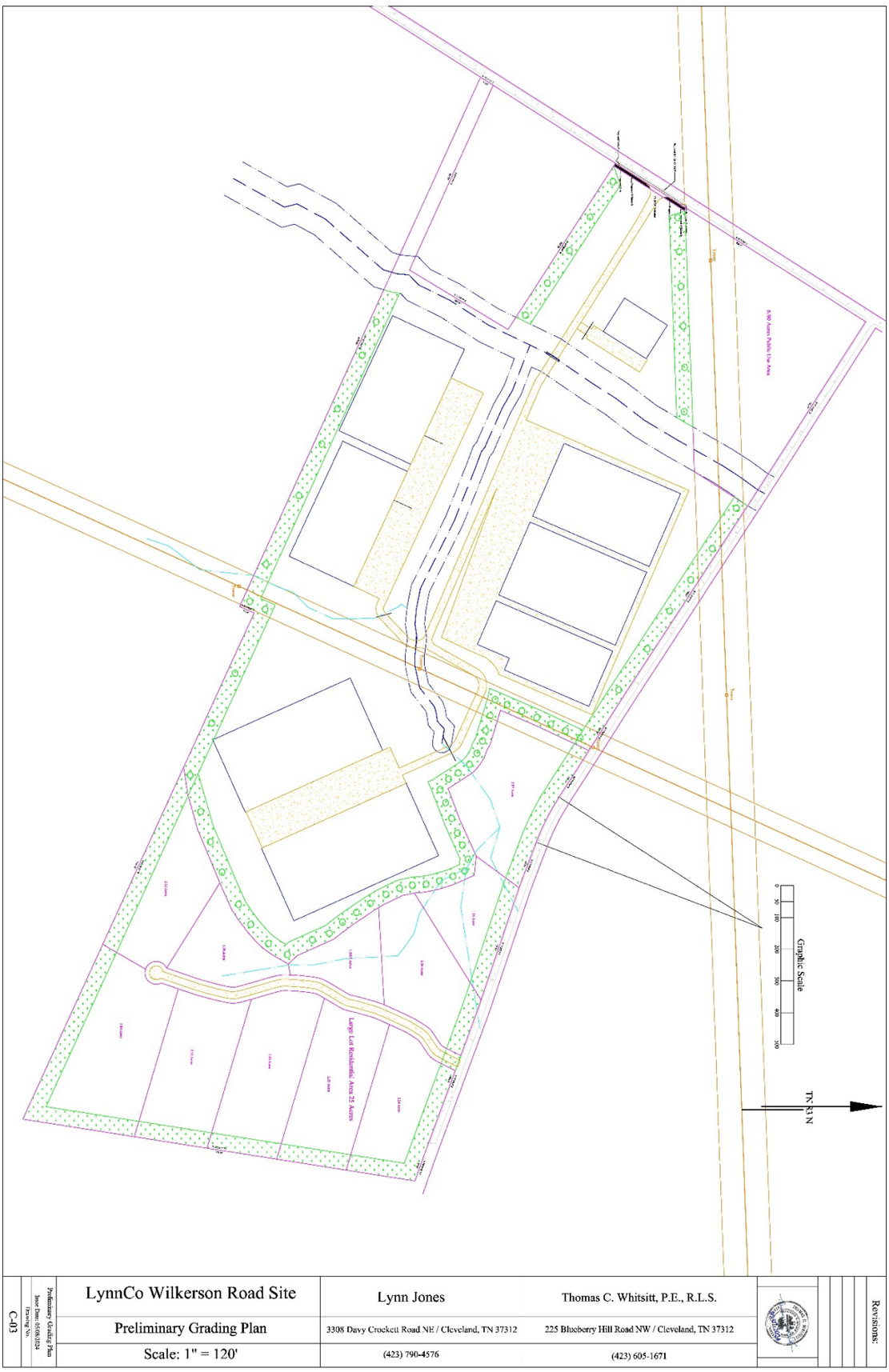
Approved this ___ day of ____, 2024.

Approved as to form:

John Kimball, City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk



C-03	Preliminary Grading Plan Issue Date: 05/20/2024 Drawing No.	LynnCo Wilkerson Road Site	Lynn Jones	Thomas C. Whitsitt, P.E., R.L.S.
		Preliminary Grading Plan	3308 Davy Crockett Road NE / Cleveland, TN 37312	225 Blueberry Hill Road NW / Cleveland, TN 37312
		Scale: 1" = 120'	(423) 790-4576	(423) 605-1671

Revisions:

The following Resolution was then presented in full:

f. **Resolution 2024-60** – Concerning a request by Lydia Nascimento for consideration of a Plan of Service for about .24 acres, more or less, for property located at Young Road and includes Tax Map 66H Group F Parcel 010.02 (Planning Commission: Approved 9-0).

RESOLUTION 2024-60

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

YOUNG ROAD (066H F 010.02)

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 June 10, 2024, 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 Lydia and Jose Nascimento, said point being located in the northern right of way of Young Rd; thence in a north easterly direction with the eastern line of the lands of Nascimento 125 feet, more or less, to the northeast corner of the lands of Nascimento; thence with the northern line of the lands of Nascimento in a northwesterly direction 85 feet, more or less, to the northwest corner of the lands of Nascimento; thence with the western line of the lands of Nascimento in a southwesterly direction 125 feet, more or less, to the southwest corner of the lands of Nascimento, said point being located I the northern right of way of Young Rd; thence following the northern right of way of Young Rd in a southeasterly direction 85 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 21, 2024
YOUNG ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately .24 acres located at 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 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.

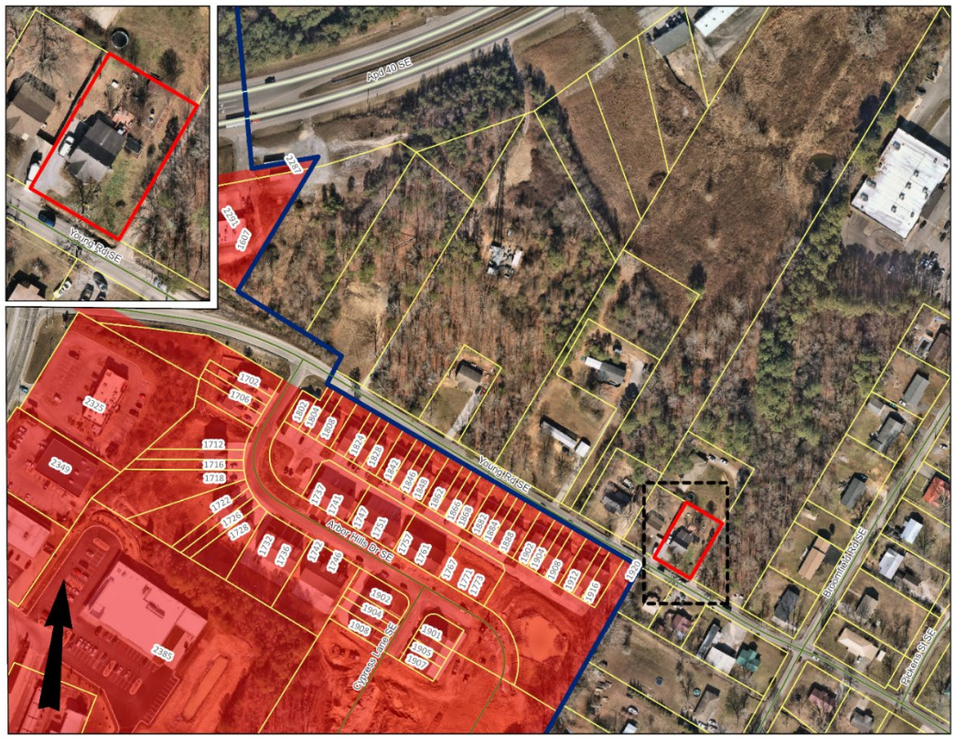
Introduction

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 .24 acres total. The annexation would zone the property as R-1 Single Family Residential. This is a lot with a single-family home and no new development is proposed. The property is described as Tax Map 066H Group F Parcel 010.02.

Young Road Annexation Map



Legal Description

Beginning at the southeast corner of the lands of Lydia and Jose Nascimento, said point being located in the northern right of way of Young Rd; thence in a north easterly direction with the eastern line of the lands of Nascimento 125 feet, more or less, to the northeast corner of the lands of Nascimento; thence with the northern line of the lands of Nascimento in a northwesterly direction 85 feet, more or less, to the northwest corner of the lands of Nascimento; thence with the western line of the lands of Nascimento in a southwesterly direction 125 feet, more or less, to the southwest corner of the lands of Nascimento, said point being located I the northern right of way of Young Rd; thence following the northern right of way of Young Rd in a southeasterly direction 85 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 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 the parcel via a 6" water main along the south side of Young Rd. SE. See Figure 1 – Water Service.
   B. Sanitary Sewer---Existing sewer infrastructure (Arbor Hills Pump Station) is on the south side of Young Road just west of this parcel. This existing sewer infrastructure has a finite capacity. The property owner of this parcel has been in contact with the Tennessee Department of Environment and Conservation about a failing septic

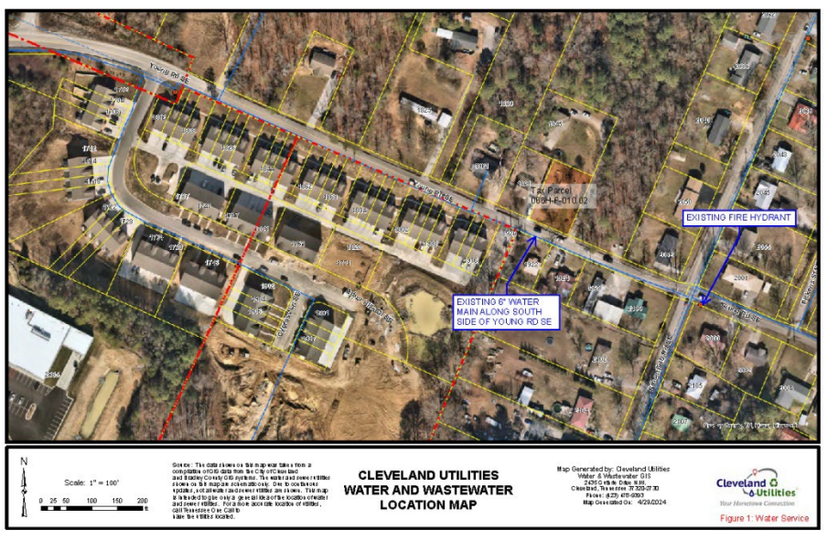
tank. Due to the environmental necessity of abandoning the existing septic tank and field lines, the one single family residence can connect to the sanitary sewer. Sewer will not be available for multifamily buildings or any subdivision of the existing parcel. To provide sewer service to the parcel, the Opinion of Probable Cost is $15,125. The sewer main can be completed within 8 years. See Figure 2—Sewer Service.

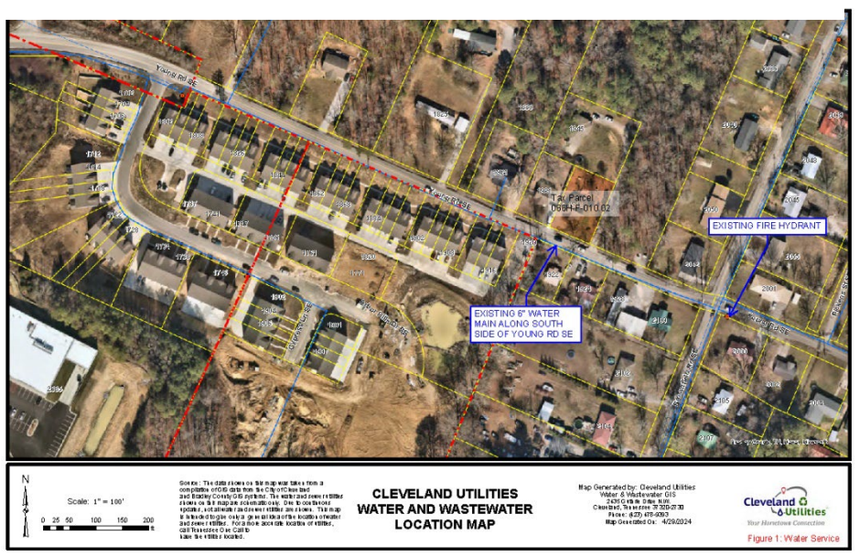
C. Fire Protection—Fire protection is presently available to this parcel via a fire hydrant 300 ft. east of the parcel at the intersection of Young Rd SE and Broomfield Rd. SE See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Young Road SE Tax Parcel 066H-F-010.02	$0	$15,125	$0	$15,125

1CU'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 currently has facilities in place to serve this proposed annexation. This 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 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 R-1 Singe 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 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 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 **$413.89**

Councilwoman McKenzie moved that Resolution 2024-60 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll, unanimously passed.

The following Resolution was then presented in full:

g. **Resolution 2024-61** – Concerning a request by Lydia Nascimento for consideration of a resolution to annex about .24 acres, more or less, for property located at Young Road and includes Tax Map 66H Group F Parcel 010.02 (Planning Commission: Approved 9-0).

RESOLUTION 2024-61

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

YOUNG 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 June 10,2024.

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 Lydia and Jose Nascimento, said point being located in the northern right of way of Young Rd; thence in a north easterly direction with the eastern line of the lands of Nascimento 125 feet, more or less, to the northeast corner of the lands of Nascimento; thence with the northern line of the lands of Nascimento in a northwesterly direction 85 feet, more or less, to the northwest corner of the lands of Nascimento; thence with the western line of the lands of Nascimento in a southwesterly direction 125 feet, more or less, to the southwest corner of the lands of Nascimento, said point being located I the northern right of way of Young Rd; thence following the northern right of way of Young Rd in a southeasterly direction 85 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. [Plan of Service on file in the City Clerk's Office.]

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilwoman McKenzie moved that Resolution 2024-61 be accepted as presented. The motion was seconded by Councilman Hughes; and upon roll, unanimously passed.

The following Zoning Ordinance was then presented in full:

h. **Zoning Ordinance 2024-25** – Concerning a request by Lydia Nascimento for consideration of an ordinance to zone about .24 acres, more or less, for property located at Young Road from unincorporated County to R-1 Single Family residential and includes Tax Map 66H Group F Parcel 010.02 (Planning Commission: Approved 9-0).

Zoning Ordinance 2024-25

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 FAR Zoning District to R-1 Single Family Zoning District.

Approximately .24 acres, more or less, located on Young Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 066H Group F Parcel 010.02 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.

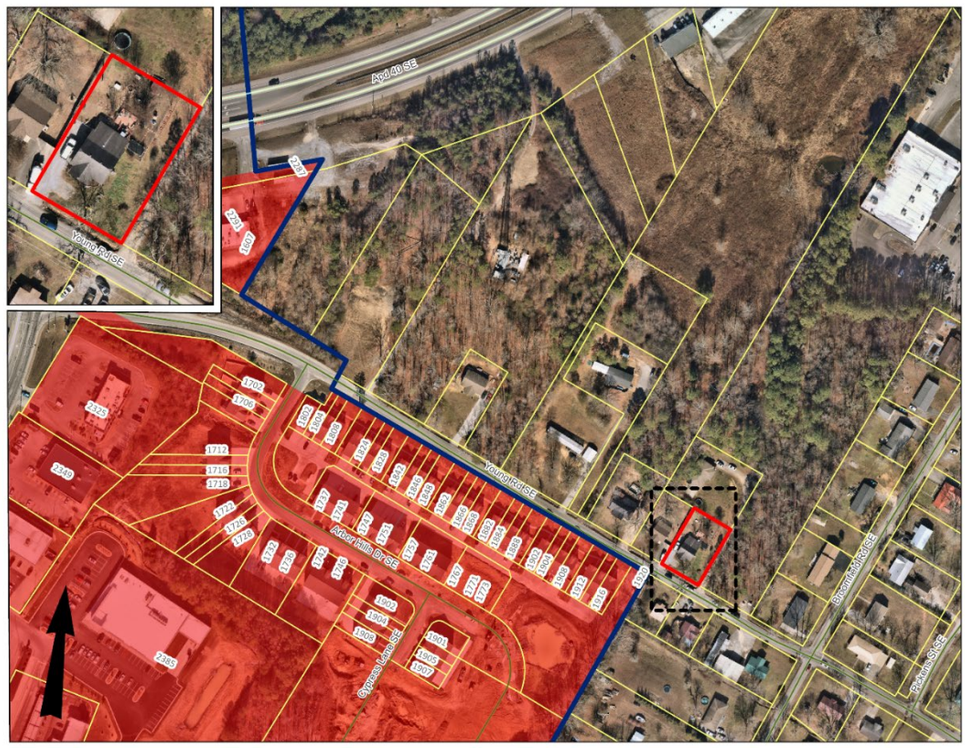
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-25 be approved on first reading. The motion was seconded by Councilman Webb; and upon roll, unanimously passed.

The following Zoning Ordinance was then presented in full:

i. **Zoning Ordinance 2024-26** – Concerning a request by CT Properties for consideration of an ordinance to zone about 1.71 acres, more or less, of property located at 18th Street NW from R-1 Single Family Residential Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes a Tax Map 049C Group J Parcel 026.00 (Planning Commission: Approved 9-0).

Zoning Ordinance 2024-26

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 1.70 acres, more or less, located on 18th Street as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 049C Group J Parcel 026.00 in the Assessor's Office for Bradley County, Tennessee.

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

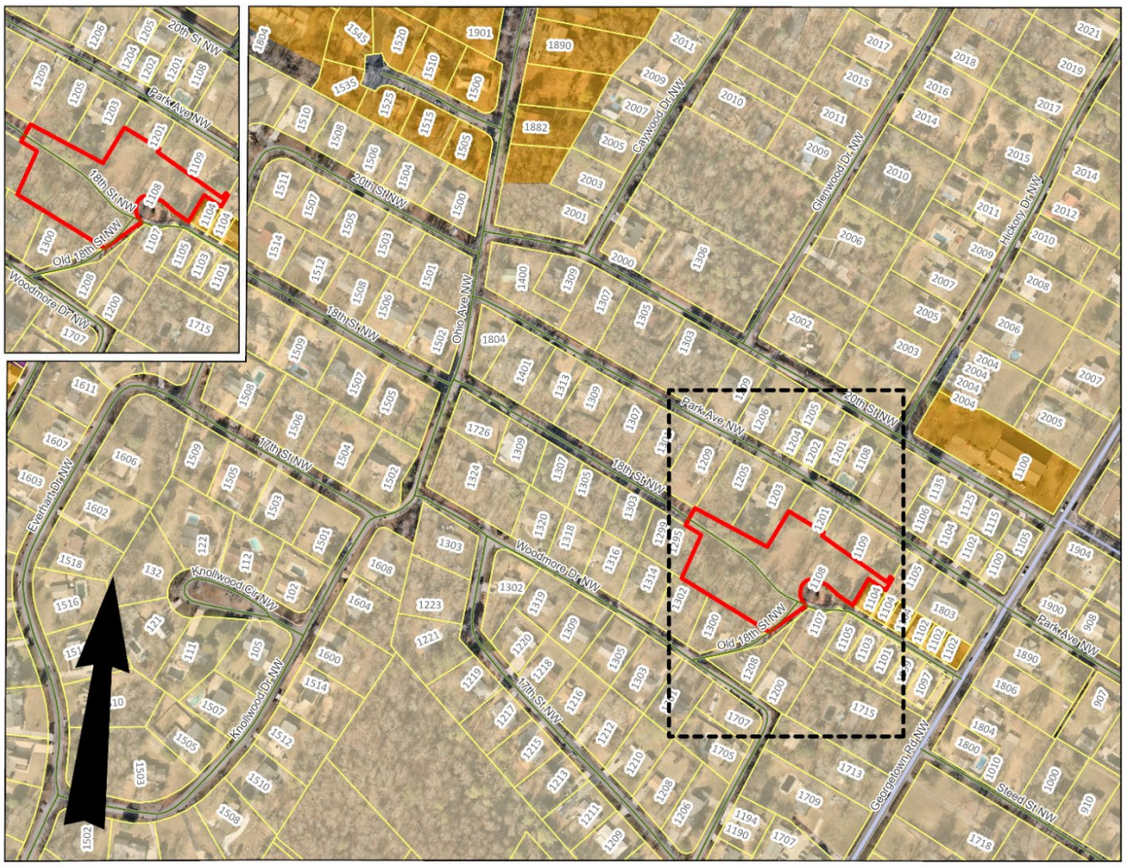
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved that Zoning Ordinance 2024-26 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll, unanimously passed.

The following Zoning Ordinance was then presented in full:

j. **Zoning Ordinance 2024-27** – Concerning a request by Southeast Land Trust for consideration of an ordinance to zone about 1.15 acres, more or less, of property located at Old Tasso Rd. NE from IL Light Industrial to R2 Low Density Single and Multi-Family and includes a portion of Tax Map 050 Parcel 001.07 (Planning Commission: Approved 9-0).

Zoning Ordinance 2024-27

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 IL Light Industrial Zoning District to R-2 Low Density Single and Multi-Family Zoning District.

Approximately 1.15 acres, more or less, located on Old Tasso Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 050 Parcel 001.07 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.

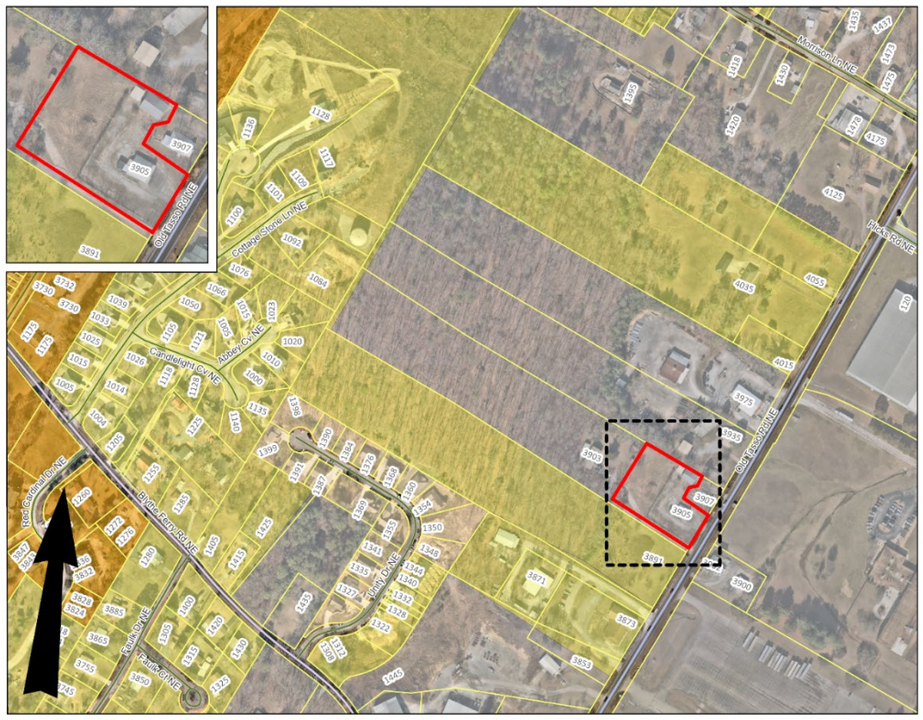
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-27 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll, unanimously passed.

The following Resolution was then presented in full:

k. **Resolution 2024-62** – Concerning a request by Mr. Bowers for consideration of a proposed Plan of Service for a requested annexation by referendum for about 57 acres, more or less, of property located at Interchange Drive and includes Tax Map 056 Parcel 005.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-62

CONSIDERATION OF PROPOSING THE ANNEXATION PROCESS AND DRAFT PLAN OF SERVICES, FOR THE ANNEXATION OF 50.9 ACRES LOCATED ON INTERCHANGE DRIVE

WHEREAS, the property owners, petitioned the Mayor and City Council of Cleveland, Tennessee ("City"), to annex a parcel, containing approximately 50.9 acres, outside the City limits and located outside the Cleveland Urban Growth Boundary ("UGB"); and

WHEREAS, it is believed it is in the best interest of the City to further investigate the area petitioned to be annexed in order to consider the area for future development in accordance with City standards;

WHEREAS, this resolution shall not bind the City to later annex the Property; and

WHEREAS, Tennessee Code Annotated (T.C.A.) § 6-51-102, as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution.

NOW THEREFORE, BE IT RESOLVED BY MAYOR BROOKS AND THE CITY COUNCIL OF CLEVELAND, TENNESSEE, AS FOLLOWS:

SECTION I. That the Property to be further considered by the Cleveland Municipal Planning Commission and Mayor and City Council of Cleveland, Tennessee is located, as described herein and as depicted on the Map attached hereto as Exhibit A:

Map-Parcel	Acres	Owner
056-005.00	50.9	Bowers
Total	50.9	

SECTION II: That the attached Draft Plan of Services hereto as Exhibit B shall provide guidance to Mayor Brooks and the City Council of Cleveland, Tennessee on how the Property would be served by City resources but is not binding on final annexation.

SECTION III: That the Draft Plan of Services shall be studied by City Staff and amended as needed during the study before final presentation to the Cleveland Municipal Planning commission, Mayor and City Council of Cleveland, Tennessee.

SECTION IV: BE IT RESOLVED by Mayor and City Council of Cleveland, Tennessee, that this Resolution shall take effect from and after its passage.

Adopted this 10th day of June 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

MAY 21, 2024
INTERCHANGE DRIVE-HARRIS CREEK
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 57 acres located at Wilkinson Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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

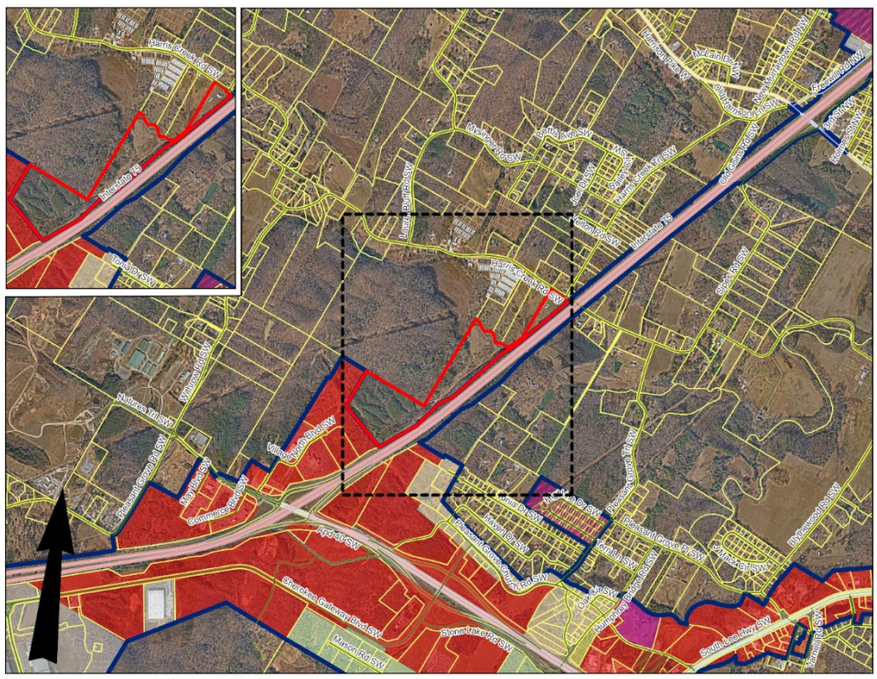
Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service 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 two parcels, approximately 59 acres (57 to be annexed). The annexation would zone the property as CH Highway Commercial and RA Residential Agricultural. These lots are primarily vacant with one single family home and a few associated outbuildings. The property is described as Tax Map056 Parcel 005.00 and Tax Map 048 Parcel 082.00.

Interchange Drive Annexation Map


Harris Creek Rd SW
Blue Bird Trl
Harris Creek Rd SW
Interchange Dr SW
Interchange Dr SW
Harris Creek Rd SW
Interchange Dr SW
Interchange Dr SW
Interchange Dr

calls and distances: South 54 degrees 56 minutes 25 seconds East, 88.19 feet; South 35 degrees 32 minutes 47 seconds East, 75.90 feet: South
32 degrees 07 minutes 19 seconds East. 47.97 feet; South 54 degrees 39 minutes 20 seconds East, 181.49 feet; South 66 degrees 04 minutes 42 seconds East, 162.84 feet; South 07 degrees 16 minutes 54 seconds East, 32.50 feet; South 06 degrees 14 minutes 46 seconds West, 82.43 feet; South 79 degrees 53 minutes 24 seconds East, 80.17 feet; North 46 degrees 23 minutes 36 seconds East, 50.31 feet: North 66 degrees 26 minutes 13 seconds Easl 68.50 feet; South 76 degrees 41 minutes *41* seconds East. 74.10 feet; South 06 degrees 04 minutes 47 seconds East, 23.91 feet: and North 52 degrees 34 minutes 06 seconds East. 280.28 feet to an iron pin found in the lands of Robert Raymond as set out in Book 2229, page 846, in the said Register's Office; thence With the lands of Raymond, North 23 degrees 45 minutes 55 seconds East. 1151.94 feet to an iron pin found in the Southem line of Harris Creek Road SW; thence with said of said Road, South 63 degrees 42 minutes 57 seconds East, 324.34 feet and South 65 degrees 17 minutes 43 seconds East. 107.68 feet to the comer set at the point of beginning, all as shown by the survey of Jimmy L. Richmond, TRLS #917, 363 1st Street SW, Cleveland. TN 37311 dated May 26, 2018 and revised June 14. 2018 to amend Label "L13".

BEGINNING at a comer set In the Southem line of Harris Creek Road, said comer being the Northeast comer of the property herein conveyed and in the West line of Interstate 75; thence with the said line of Interstate 75, the following seven (7) calls and distances: South 43 degrees 40 minutes 54 seconds West, 1414.42 feet; South 53 degrees 00 minutes 33 seconds West. 253.26 feet; South 41 degrees 49 minutes
49 seconds West. 1341.59 feet; South 57 degrees 15 minutes 31 seconds West, 325.78 feet; South 38 degrees 21 minutes 13 seconds West, 485.33 feet; Dena= 004 degrees 25 minutes. 21 seconds on a Tangent of 436.69 feet and a radius of 11309.16 feet a distance of 872.94 feet, a Chord bearing of South 50 degrees 00 minutes 19 seconds West, 872.72 feet; and South 62 degrees 46 minutes 28 seconds West, 50 56 feet to an iron pin found in the lal'lds of Exit 20 Auto Mall, LLC as set out in Book 1877, pag.e 237, in the Register's Office for Bradley County, Tennessee; thence with the lands of Exit 20 Auto Mall, LLC. North 38 degrees 39 minutes 58 seconds West. 1066.92 feet to an iron pin found; thence North 23 degrees 45 minutes 44 seconds East, 634.65 feet to a comer set in the lands of Clifford Swafford as set out in Book 1681. page 987, in the said Register's Office; thence with the lands of Swafford, South 67 degrees 28 minutes 28 seconds East, 1315.55 feet to a fence comer found; thence continuing with the lands of Swafford, North 23 degrees 51 minutes 03 second East. 1989.09 feet to point in the lands of Kiswani as set out in Book 2382, page 34, and then in Sook 2515, page 107, in the said Register's Office: thence with the lands of Kiswani, the following thirteen (13) calls and distances: South 54 degrees 56 minutes 25 seconds East, 88.19 feet; South 35 degrees 32 minutes 47 seconds East, 75.90 feet; South
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Plan of Services

1. Police Protection

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. Fire Protection

If these improvements were made [improvements from MPO study in 2021] it would positively affect our response times. The two closest fire stations are five and six. Station 5, with improvements to Freewill Road NW, would allow our response to be under the NFPA 1710 Standard which means we could service this area with little to no impact to our budget.

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

D. Domestic Water---Domestic water service is presently available to the north parcel via a 6" water main along the north side of Harris Creek Rd. SW. Cleveland Utilities Authority recommends that a watermain be installed along the planned road through the parcels, from Village North Blvd. SW to Harris Creek Rd. SW to provide water. See Figure 1 – Water Service

E. Sanitary Sewer--- Sewer service is presently available to the south parcel via an 8" gravity sewer main along the east edge of the south parcel and available to the north parcel via a 12: gravity sewer main on the south side of the parcel. See Figure 2 – Sewer Service.

F. Fire Protection--- Fire protection is presently available to the south parcel via a fire hydrant 300 feet from the southwest side of the south parcel. A fire hydrant will be added on Harris Creek Rd. SW to provide fire protection for the north parcel. The Opinion of Probable Cost for this work is $5,000. This work will be completed in 8 years. Figure 1 – Water Service

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Harris Creek Rd SW and Interchange Dr. SW (056 005.00 and 048 082.00)	**$0**	**$0**	**$5,000**	**$5,000**

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 currently has facilities in close proximity which would be extended in conjunction with the new road construction to serve this proposed annexation. We do not foresee any 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 the 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 annexation 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 an Industrial 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 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 annual revenue generated by this annexation is approximately **$42,825**

Councilman May moved that Resolution 2024-62 be accepted as presented. The motion was seconded by Councilman Webb; and upon roll, unanimously passed.

The following Resolution was then presented in full:

l. **Resolution 2024-63** – Concerning a request by Mr. Bowers for consideration of a proposed Plan of Service for a requested annexation by referendum for about 57 acres, more or less, of property located on Harris Creek and includes Tax Map Tax Map 048 Parcel 082.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-63

CONSIDERATION OF PROPOSING THE ANNEXATION PROCESS AND DRAFT PLAN OF SERVICES, FOR THE ANNEXATION OF 6.1 ACRES LOCATED ON HARRIS CREEK

WHEREAS, the property owners, petitioned the Mayor and City Council of Cleveland, Tennessee ("City"), to annex a parcel, containing approximately 6.1 acres, outside the City limits and located outside the Cleveland Urban Growth Boundary ("UGB"); and

WHEREAS, it is believed it is in the best interest of the City to further investigate the area petitioned to be annexed in order to consider the area for future development in accordance with City standards;

WHEREAS, this resolution shall not bind the City to later annex the Property; and

WHEREAS, Tennessee Code Annotated (T.C.A.) § 6-51-102, as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution.

NOW THEREFORE, BE IT RESOLVED BY MAYOR BROOKS AND THE CITY COUNCIL OF CLEVELAND, TENNESSEE, AS FOLLOWS:

SECTION I. That the Property to be further considered by the Cleveland Municipal Planning Commission and Mayor and City Council of Cleveland, Tennessee is located, as described herein and as depicted on the Map attached hereto as Exhibit A:

Map-Parcel	Acres	Owner
048-082.00	6.1	Bowers
Total	6.1	

SECTION II: That the attached Draft Plan of Services hereto as Exhibit B shall provide guidance to Mayor Brooks and the City Council of Cleveland, Tennessee on how the Property would be served by City resources but is not binding on final annexation.

SECTION III: That the Draft Plan of Services shall be studied by City Staff and amended as needed during the study before final presentation to the Cleveland Municipal Planning commission, Mayor and City Council of Cleveland, Tennessee.

SECTION IV: BE IT RESOLVED by Mayor and City Council of Cleveland, Tennessee, that this Resolution shall take effect from and after its passage.

Adopted this 10th day of June 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

MAY 21, 2024
INTERCHANGE DRIVE-HARRIS CREEK
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 57 acres located at Wilkinson Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

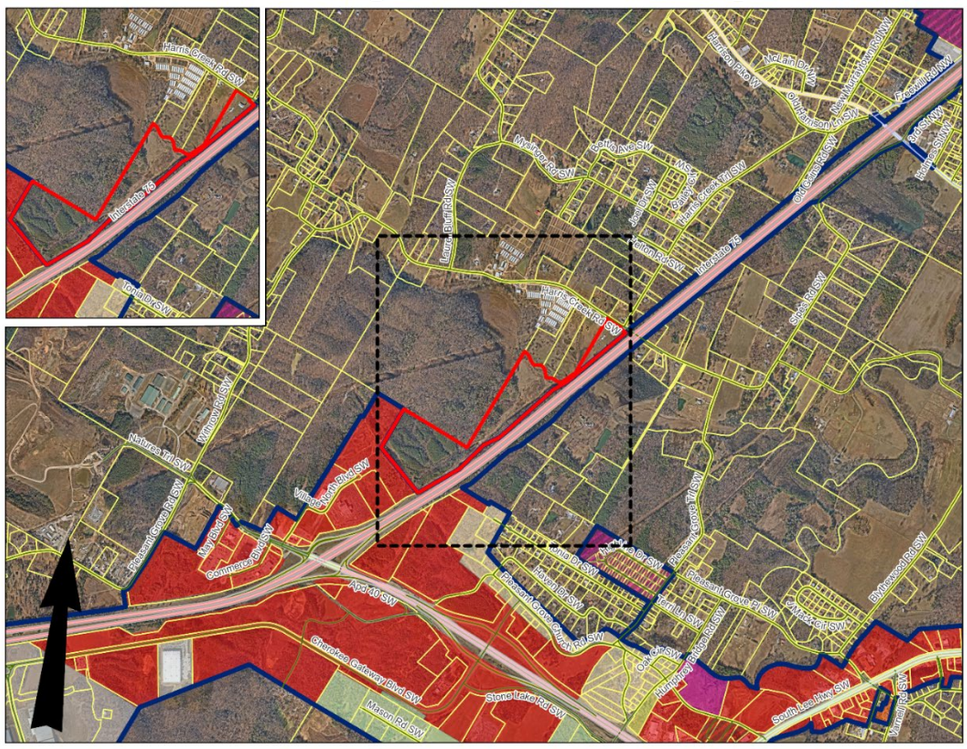
Introduction

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 two parcels, approximately 59 acres (57 to be annexed). The annexation would zone the property as CH Highway Commercial and RA Residential Agricultural. These lots are primarily vacant with one single family home and a few associated outbuildings. The property is described as Tax Map056 Parcel 005.00 and Tax Map 048 Parcel 082.00.

Interchange Drive Annexation Map



Legal Description

BEGINNING at a comer set in the Southem line of Harris Creek Road, said comer being the Northeast comer of the property herein conveyed and in the West line of Interstate 75; thence with the said line of Interstate 75, the folk>wing seven (7) calls and distances: South 43 degrees 40 minutes 54 seconds West, 1414.42 feet; South 53 degrees 00 minutes 33 seconds West. 253.26 feet; South 41 degrees 49 minutes
49 seconds West. 1341.59 feet South 57 degrees 15 minutes 31 seconds West, 325.78 feet; South 38 degrees 21 minutes 13 seconds West, 485.33 feet; Oetta = 004 degrees 25 minutes, 21 seconds on a Tangent of 436.69 feet and a radius of 11309.16 feet a distance of 872.94 feet, a Chord bearing of South 50 degrees 00 minutes 19 seconds West, 872.72 feet; and South 62 degrees 46 minutes 28 seconds West, 50.56 feet to an iron pin found in the lands of Exit 20 Auto Mall, LLC as set out in Book 1877, page 237, in the Registers Office for Bradley County, Tennessee; thence with the lands of Exit 20 Auto Mall, LLC, North 38 degrees 39 minutes 58 seconds West. 1066.92 feet to an iron pin found; thence North 23 degrees 45 minutes 44 seconds East, 634.65 feet to a comer set in the lands of Clifford Swafford as set out in Book 1681. page 987. in the said Register's Office; thence with the lands of Swafford, South 67 degrees 28 minutes 28 seconds East, 1315.55 feet to a fence comer found; thence continuing with the lands of Swafford, North 23 degrees 51 minutes 03 second East. 1969.09 feet to point in the lands of Kiswani as set out in Book 2382, page 34, and then in Sook 2515, page 107, in the said Register's Office; thence with the lands of Kiswani, the following thirteen (13) calls and distances: South 54 degrees 56 minutes 25 seconds East, 88.19 feet; South 35 degrees 32 minutes 47 seconds East, 75.90 feet: South
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Plan of Services

1. Police Protection

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. Fire Protection

If these improvements were made [improvements from MPO study in 2021] it would positively affect our response times. The two closest fire stations are five and six. Station 5, with improvements to Freewill Road NW, would allow our response to be under the NFPA 1710 Standard which means we could service this area with little to no impact to our budget.

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

G. Domestic Water---Domestic water service is presently available to the north parcel via a 6" water main along the north side of Harris Creek Rd. SW. Cleveland Utilities Authority recommends that a watermain be installed along the planned road through the parcels, from Village North Blvd. SW to Harris Creek Rd. SW to provide water. See Figure 1 – Water Service

H. Sanitary Sewer--- Sewer service is presently available to the south parcel via an 8" gravity sewer main along the east edge of the south parcel and

available to the north parcel via a 12: gravity sewer main on the south side of the parcel. See Figure 2 – Sewer Service.

I. Fire Protection--- Fire protection is presently available to the south parcel via a fire hydrant 300 feet from the southwest side of the south parcel. A fire hydrant will be added on Harris Creek Rd. SW to provide fire protection for the north parcel. The Opinion of Probable Cost for this work is $5,000. This work will be completed in 8 years. Figure 1 – Water Service

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Harris Creek Rd SW and Interchange Dr. SW (056 005.00 and 048 082.00)	**$0**	**$0**	**$5,000**	**$5,000**

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 currently has facilities in close proximity which would be extended in conjunction with the new road construction to serve this proposed annexation. We do not foresee any 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 the time of annexation.

b. Routine maintenance of local streets in the proposed areas will be scheduled on the same basis as such maintenance in the rest of the City.

c. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such substantial improvements in the proposed areas (where identified as needed by the governing body) will be accomplished in accordance with the priorities and policies established for the entire city.

g. It appears that no street name signs, or street striping/painting is needed at this time for the proposed areas.

D. Stormwater and Drainage Services

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 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 an Industrial 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

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

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

F. This annexation is expected to add approximately 0 residents to the 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 annual revenue generated by this annexation is approximately **$42,825**

Councilman Hughes moved that Resolution 2024-63 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll, unanimously passed.

The following Ordinance was then presented in full:

m. **Ordinance 2024-28** – Concerning a request by City of Cleveland to amend multiple areas of section 5.0 of the sign ordinance pertaining to temporary signage type and heights (Planning Commission: Approved 9-0).

ORDINANCE 2024-28

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING MULTIPLE PORTIONS OF SECTION 5.0 CONCERNING TEMPORARY SIGNS AND SIGN HEIGHT AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the intent of the language in the existing zoning resolution concerning the temporary signs and sign heights; and

WHEREAS, the current ordinance does not provide clear requirements for temporary signs; and

WHEREAS the City Council has determined that the existing ordinance should be revised to regulate temporary signs with clear and precise language; and

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

Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.1.A be amended as follows:

No part of any sign shall be located within 5 feet of any public right-of-way except as expressly provided herein. No part of any sign that is regulated by this ordinance shall be located in any public right-of-way or within 5 feet of any public right-of-way (actual or presumed right-of-way location as described herein). In the absence of survey information to establish the actual right-of-way location, the presumed location of the right-of-way (see drawing below) will be determined by a line, curve, or series of line segments that approximately parallels the roadway edge of pavement and is tangent to the inside (opposite the roadway) of public utility poles on either side of the existing or proposed sign location. If the presumed right-of-way location cannot be determined in the previously described manner due to unusually complicating factors, the presumed right-of-way will be assumed to be not less than ~~10~~ 15 feet from the existing edge of pavement of the adjacent roadway. The presumed right-of-way method may be used to determine the proper location ~~portable~~ temporary signs and other signs except ground signs that require building permits and engineered plans. Ground signs requiring building permits and engineered plans shall require a survey meeting the requirements of this ordinance.

Section 2. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.1.M be added as follows:

5.2.1.M Maximum Sign Height: All signs except for billboards and ground signs allowed in the IGC shall have a maximum height of twenty-five (25) feet; however, the building official, Director of Planning, or designee may allow the maximum height to be extended to thirty-five (35) feet, provided there is an unusual circumstance involving topography or congestion.

Section 3. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.2.A be amended as follows:

5.2.2.A. Ground Signs (not ~~Portable~~ Temporary)

(1) Sign permits are required.

(2) Building permits shall be obtained for ground signs where required by the Building Code. The Building Official may require plans sealed and signed by a Tennessee-registered professional engineer (criteria for determining whether engineered plans are required are if the sign display area exceeds 100 square feet, or if the sign will be over 20 feet tall, or if engineered plans are otherwise required by the Building Code or by Tennessee's Board of Architectural and Engineering Examiners). Ground signs requiring building permits and engineered plans shall require a survey of the property frontage along which the sign is to be located showing the center line of the roadway, the existing edge of pavement, any utilities and utility easements, any drainage structures, any driveways and sidewalks, and any other permanent structures,

signs and traffic control devices. The survey shall identify the location of the proposed sign and cover the property to a depth of at least 5 feet behind all parts of the proposed sign along the entire width of the property frontage. In the case of a corner lot, the foregoing survey information shall be provided for both frontages.

(3) Sign structures exceeding 15 feet in height from the ground shall not have a width as measured horizontally in an exterior elevation view at any point above the ground, exclusive of any sign display area or sign backing, which is more than 50% of the sign's height.

(4) Developments with ~~residential or non-residential~~ commercial uses may have monument or pole signs subject to the provisions of this ordinance (mixed uses that are 25% or more residential by land area or floor area are treated as non-residential development for ground signage calculation). Each development is entitled to at least one monument or pole sign along its primary street frontage, with the maximum sign display area of said sign to be determined by the table below, provided that the building(s) is at least 10 feet behind the public right-of-way along that frontage. The limits on the number and size of allowable ground signs are determined by considering the rules in this section governing ground signs in conjunction with the following table:

Section 4. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.2.B be amended as follows:

5.2.2.B. Wall Signs, Canopy Signs, and Awning Signs

(1) The signable square footage for all wall signs, canopy signs, and awning signs, individually or in combination, shall not exceed (change to make the square footage more comparable to other City's.) ~~40%~~ 20% of the area of the facade on which they are located. The signable square footage may be allocated over the façade in one or more sign display areas. The sign backing for any portable signs (e.g. banners) displayed as wall signs would count toward the ~~40%~~ 20%. The sign display area of any mansard sign and/or roof sign shall be counted against the maximum allowable wall signage.

Section 5. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.1.1.A be amended as follows:

5.1.1.A. ~~Portable~~ Temporary Signs (a sign that is intended to be placed for a brief time and is not a permanent or permitted sign)

Characteristics of ~~Portable~~ Temporary Sign Types			
	Size	**Lighting**	**Electronics**
Type A	4 square feet or less	Not Allowed	Not Allowed
Type B	More than 4 sq. ft. but not more than 32 sq. ft.	Not Allowed	Not Allowed
~~**Type C**~~	~~32 sq. ft. or less~~	~~Allowed~~	~~Allowed~~

For purposes of this ordinance, all ~~portable~~ 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 ~~portable~~ temporary signs; ~~portable~~ 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 ~~portable~~ temporary signs; ~~and portable signs which are designed to incorporate lighting or other electronics shall be classified as Type C portable signs.~~

(1) No portable sign of any type shall have a sign display area greater than 32 square feet.

~~(2) All Type C portable signs shall be legibly marked with the name, address, and telephone number of the sign owner.~~

(3) ~~No flashing or intermittent lights shall be activated on or within a Type C portable sign~~. Type A and Type B signs shall not be lighted or illuminated in any way except through incidental ambient light in the sign location.

(4) No part of any ~~portable~~ temporary sign shall be at a height of greater than 10 feet from the ground except within five feet of a building or building canopy.

(5) No part of any ~~portable~~ temporary sign shall be within 10 feet of a driveway entrance to a public street.

~~(6)~~ Type B ~~and Type C portable~~ Temporary signs shall be configured and installed so as not to present a hazard during wind events. Type B portable signs with a sign backing of more than 16 square feet must utilize a lightweight sign backing and avoid heavy, dense material such as plywood. ~~Type C portable signs must be installed according to the instructions of the manufacturer so as to avoid being blown over or torn down in a 80 mph wind event, or installed so as to turn over once and then remain in place in such a wind event (in such case, installation shall allow a clear area equal to the height of the sign on either side of it).~~

(7) The sign backing of ~~portable~~ Temporary signs that are displayed as wall signs will be counted in determining whether the sign display area for wall signs is being exceeded.

(8) Type A, Type B, ~~and Type C portable~~ Temporary signs do not require building permits or sign permits but they must otherwise comply with the requirements of this ordinance.

(9) No ~~portable~~ Temporary sign of any type shall be located on any property without the express permission of the owner of that property.

(10) This paragraph addresses standards for portable signs of all types. Unless otherwise stated, or unless modified by a zoning overlay district, the sign standards stated for each land use type shall apply in all zoning districts. No ~~portable~~ temporary sign of any type that is on a lot, tract, or parcel developed with only residential use(s) shall be more than 4 feet in height. The table below gives the number of ~~portable~~ temporary signs of each type that are allowed on a tract, lot, or parcel of a given size and a given land use (for purposes of this table home occupations do count as non-residential uses):

New Table:

Type A	Type B
1 if residential land use 2 if non-residential land use 1 if vacant land	0 if residential land use 2 if non-residential land use 0 if vacant land

Section 5. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.2.I be added as follows:

5.2.2.I Political Signs

Political signs are not permitted on streets or highway rights-of-way nor on public property. Such political signs shall not be posted 60 days prior to an election and shall be removed by the owner of the property on which the sign is located within ten (10) days following the election to which it refers. Except in the case of permanent sign structures under permit, political signs are limited to one (1) sign per candidate per premise, not to exceed thirty-two (32) square feet. Campaign signs are regulated by T.C.A. §2-7-143.

Section 6. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.2.J be added as follows:

Section 5.2.2.J Real Estate Signs

Signs pertaining to the sale, rental management, or lease of real property, referred to in this section as "real estate signs," subject to the following conditions: (1) Real estate signs shall be non-illuminated, and no more than 1 sign per street frontage shall be posted on any property. (2) No real estate sign pertaining to residential property may contain more than 4 square feet, excluding the post. When computing the 4-square-foot-area, any marking or symbol which identifies a real estate licensee or group of real estate licensees shall be included. (3) a placard stating "Open House" may be temporarily erected on or above a residential sign on the subject property and 1 off-premises directional sign may be permitted on private property.

Section 7. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.5 be amended as follows:

5.5 Kiosks

~~Kiosks are not to be located within 10 feet of a public right-of-way without review and approval of an engineered site plan by the City's Site Plan Review Committee.~~ Kiosks must meet the standards of review with approval of an engineered site plan and the City's site plan review committee. Kiosks shall be designed and constructed to meet an 80-mph wind load and other requirements of the applicable building codes. A building permit is required for the construction of a kiosk. Except as modified by this section, kiosks shall conform to the general standards of the sign regulations as these concern location, protection of utilities, maintenance of the kiosk in good repair, and visibility for motorists. The owner of the kiosk shall ensure that the messages posted on it are removed every 30 days to maintain the appearance of the kiosk and to prevent litter. The sign display area within a kiosk shall not exceed 40 square feet. Animation and animated sign copy shall not be allowed within a kiosk, except a single screen display not exceeding 20 square inches.

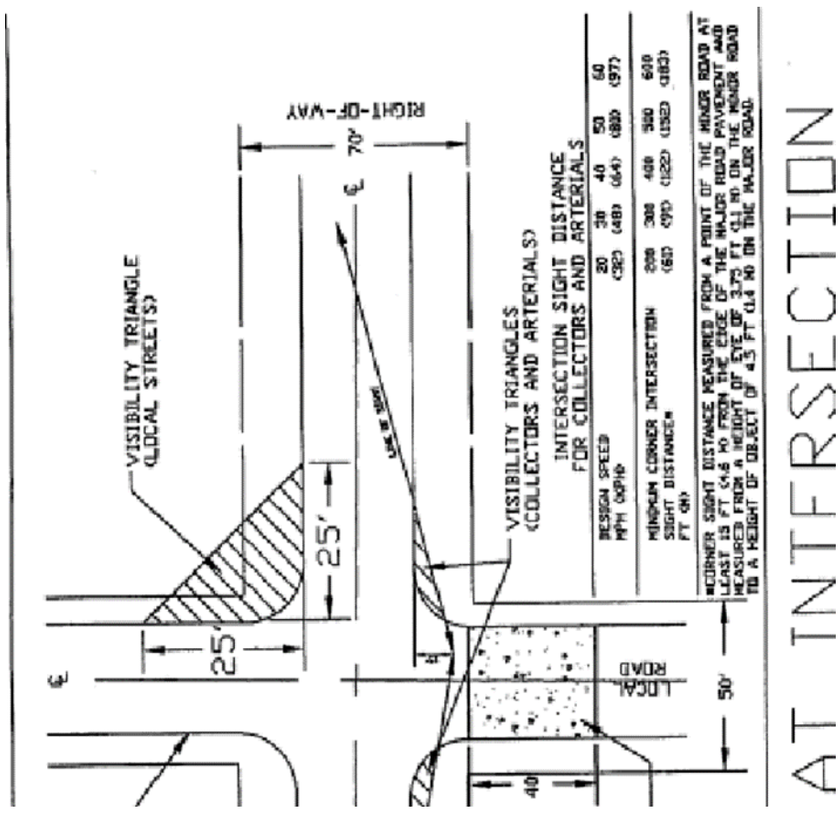
Section 8. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 5.2.1.E be amended as follows:

Section 5.2.1.E No sign shall be located so as to impede visibility by turning motorists

. Observance of required setbacks is important to maintaining 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 turn movement could be obscured by the location of a sign, the sign face is to be located not higher than 30 inches.

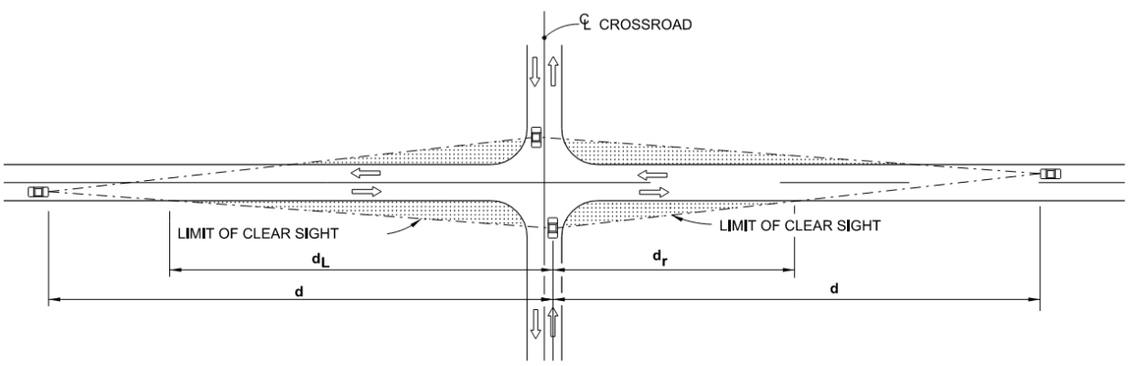
Visibility triangles on adjacent streets are to be preserved in accordance with the drawing below from the ground or not lower than 7 feet from the ground.

(updated visibility triangle photo)

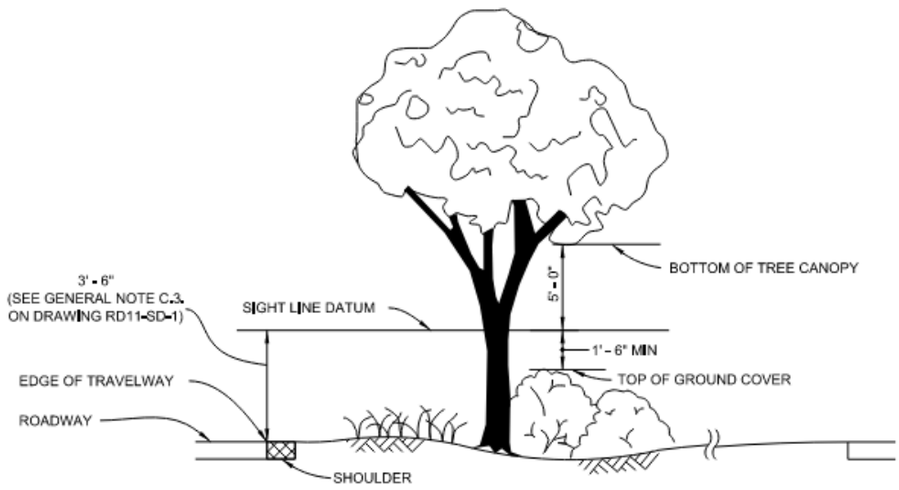


Observance of required setbacks is important to maintaining visibility but the topography and other features near a sign may also affect where it is possible to safely locate the sign. Placement of a sign and all other vertical obstructions must adhere to accepted engineering principles for allowable sight distance at intersections. These principles are based on the most recent version of the Tennessee Department of Transportation (TDOT) standard drawings for intersection sight distance.

The following figures represent a typical departure triangle from a roadway or driveway for a vehicle at rest and the typical window with vertical limits for clear sight. Using said TDOT standards, the Traffic Engineer or designee may inspect signs for compliance.



At an exit drive where the view of oncoming traffic or a conflicting turn movement could be obscured by the location of a sign, the sign face is to be located no higher than 24 inches and visibility triangles on adjacent streets are to be preserved in accordance with the drawing below from the ground or not lower than 8.5 feet from the ground.



Section 9. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 1.6.57 be amended as follows:

~~**1.6.57 Sign, portable.** A sign that is not permanent, affixed to a building, structure, or the ground.~~

1.6.57 Sign, Temporary. Temporary sign is a sign that is intended to be placed for a brief time and is not a permanent or permitted sign. Temporary sign shall mean any sign which is placed on or affixed to real property 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, feather or flag signs, balloon signs, 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 shall be classified as type A; Temporary signs which have more than four square feet of sign backing shall be classified as Type B temporary signs; no temporary signs shall incorporated lighting or other electronics.

Section 10. 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 11. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Zoning Ordinance 2024-28 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll, unanimously passed.

The following Ordinance was then presented in full:

n. **Ordinance 2024-29** – Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to CH Highway Commercial and includes Tax Map 057D Group E Parcel 020.00 (Planning Commission: Denied 7-0; 2 absent)

Zoning Ordinance 2024-29

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, re-zoned from CBD Central Business District to CG General Commercial Zoning District.

Approximately 3.37 acres, more or less, located at 455 Inman Street as shown on the attached map.

For reference, same property is being shown on Tax Map 057D Group E Parcel 020.00, 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.

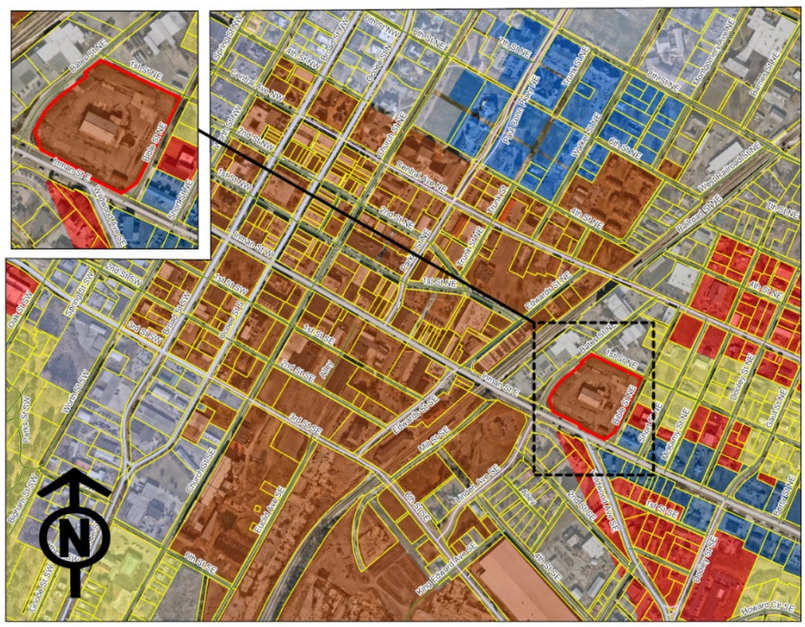
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Estes moved to deny Zoning Ordinance 2024-29. The motion to deny was seconded by Councilman Cassada. Upon roll, Councilman Estes, Councilman Cassada, Councilman Hughes, Councilman Webb, Vice Mayor Johnson and Councilwoman McKenzie voted aye. Councilman May voted no. The motion to deny carried 6:1.

The following Ordinance was then presented in full:

o. **Ordinance 2024-30** – Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 1.00 acres, more or less, of property located at 601 8th Street from CBD Central Business District to IL Light Industrial and includes Tax Map 058H Group C Parcel 027.00 (Planning Commission: Denied 7-0; 2 absent).

Zoning Ordinance 2024-30

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, re-zoned from CBD Central Business District to IL Light Industrial Zoning District.

Approximately 1.00 acres, more or less, located at 601 8th Street as shown on the attached map.

For reference, same property is being shown on Tax Map 057E Group B Parcel 013.00, in the Assessor's Office for Bradley County, Tennessee

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

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

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved to deny Zoning Ordinance 2024-30. The motion to deny was seconded by Councilman Hughes. Upon roll, the motion to deny was unanimously passed.

The following Ordinance was then presented in full:

p. **Ordinance 2024-31** – Amending various sections of Title 12 of the Cleveland Municipal Code to add a Technology Fee.

ORDINANCE 2024-31

AN ORDINANCE OF THE CITY OF CLEVELAND TO ADD A TECHNOLOGY FEE TO VARIOUS SECTIONS OF TITLE 12 OF THE CLEVELAND MUNICIPAL CODE INCLUDING THE INTERNATIONAL BUILDING CODE, 2018 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION; THE NATIONAL ELECTRICAL CODE, 2017 EDITION; THE ICC A117.1-2017 ACCESSIBILITY CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION; THE INTERNATIONAL PLUMBING CODE, 2018 EDITION; THE INTERNATIONAL MECHANICAL CODE 2018 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION

WHEREAS by Ordinance 2020-04 passed in January 2020 and Ordinance 2021-16 passed in June 2021 the City of Cleveland updated its adopted standard codes; and

WHEREAS, in those Ordinances the City Council established various fees; and

WHEREAS, the City Council desires to pass this Ordinance to add a Technology Fee on top of all the fees listed and established in those Ordinances; and

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

Section 1: That all of the following codes, specifically Title 12 of the Cleveland Municipal Code including the International Building code, 2018 Edition; the International Residential Code, 2018 Edition; the National Electrical Code, 2017 Edition; the ICC a117.1-2017 Accessibility Code; the International Property Maintenance Code, 2018 Edition; the International Plumbing Code, 2018 Edition; the International Mechanical Code 2018 Edition; the International Fuel Gas Code, 2018 Edition; the International Energy Conservation Code, 2018 Edition; the International Existing Building Code, 2018 Edition are hereby each amended to add the following language concerning the addition of a Technology Fee:

Any fee in said codes shall have a 4.5% Technology calculated with the purchase of any permit. This fee shall be placed on top of the total fee amount and paid when the fee is paid. The purpose of the technology fee is to fund hardware or software technology needed to implement our fee system as well as any credit card fees that may apply.

Section 2: BE IT FURTHER ORDAINED that this ordinance shall become effective and be enforced from and after July 1, 2024, 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 2024-31 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll, unanimously passed.

The following Resolution was then presented in full:

q. **Resolution 2024-64** – Adding a Technology Fee to various Planning and Zoning Fees.

RESOLUTION 2024-64

A RESOLUTION ADDING A TECHNOLOGY FEE TO VARIOUS PLANNING AND ZONING FEES

WHEREAS, the City Council adopted Resolution 2022-51 on June 13, 2022; and

WHEREAS, the City Council desires to pass this Resolution to add a Technology Fee to all of those fees listed and established in Resolution 2022-51 and to all the fees listed in the Fee Setup Report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND;

Section 1. **BE IT RESOLVED** by the City Council of the City of Cleveland, Tennessee, that all fees listed in Resolution 2022-51 shall have a 4.5% Technology Fee added on top of the current fee amount and paid when the fee is paid. The purpose of the technology fee is to fund hardware or software technology needed to implement our fee system as well as any credit card fees that may apply.

Section 2. This resolution shall become effective July 1, 2024, the public welfare requiring it.

Adopted this 10th day of June, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Resolution 2024-64 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll, unanimously passed.

Dustin Tommey stated Jarrod Casteel resigned from the Land Bank Authority Board. Therefore, the board recommended the City Council appoint Bradley County Commissioner Cindy Slater. Jarrod Casteel will become an ex officio non-voting member for the next year. Bill Martin will become the Interim Chairperson. Councilman Webb then moved to appoint Bradley County Commissioner Cindy Slater to the Land Bank Authority Board to fill the unexpired term of Jarrod Casteel. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Estes asked that a 4-way stop sign be installed at 2nd and Parker. This would be the last intersection along Parker Street to have a 4-way stop sign. Councilwoman McKenzie stated she agrees, and we are making downtown pedestrian friendly. Councilwoman McKenzie then moved to install a 4-way stop sign at 2nd and Parker. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Councilman Cassada asked for clarification of Zoning Ordinance 2024-29 and 2024-30. Mayor Brooks stated both ordinances were denied.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. Nominees for the Urban Growth Committee are as follows: Kevin Brooks, City Mayor; Ken Webb, City Council; Jonathan Jobe, City Staff.
b. City Offices will be closed Wednesday, June 19, 2024 in observance of Juneteenth.
c. The next City Council meeting will be held on Monday, June 24, 2024.

ADJOURNMENT

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

_____ Mayor

_____ City Clerk

REGULAR SESSION
JUNE 24, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JUNE 24, 2024 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; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Sue Zius, Administrative Coordinator; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Tim Rader; Mark Ball with Sunbelt Rentals; Bill Brown; David Goodwill with City Fields; Dan Moore; Kelly Kiser with Cleveland City Schools; Warbrit Lowery; Sharon Marr with Mainstreet; Duane Goff; Mark Gravelle; Senator Adam Lowe; 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 Avery Johnson, who observed a moment of silence for Benny Kirksey with Wedgewood Accounting and Phil Taylor with CrossNet Baptist Network, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on June 10, 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

Senator Adam Lowe thanked the City Council for all they do for Cleveland in running a wonderful city. It is a privilege to serve and represent the district and appreciates their patience as the State deals with other areas of Tennessee. Cleveland is a great example for other cities to follow.

Troy Weathers addressed the City Council by stating he and his opponent [Kevin Raper] had a debate last Thursday. One issue discussed was the Second Amendment and the vote taken concerning teachers being qualified to carry a gun in schools. His opponent made a statement which didn't appear to be correct, so he reached out to a few Councilmembers and County Commissioners, who responded they did not participate in those discussions. He then read the news article and stated this bill is associated with the Second Amendment which gives us the freedom to carry our weapons. Basically, he said you folks told him not to support that bill, not supporting the Second Amendment. He is concerned the public could see that in a negative way. The Council has done great things for Bradley County, and he was sadden someone would say something that he didn't believe they did. Councilman Cassada asked if any Councilmember was contacted by Mr. Raper on this issue. Various Councilmembers stated no.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to CG General Commercial and includes Tax Map 057D Group E Parcel 020.00. Robert Varnell stated we have a representative present to speak on behalf of the applicant. We reviewed some of these items at the last meeting and staff's recommendation was against and the Planning Commission voted against the request as well. Councilman Estes asked

if he would remind the Council on staff's position and their rational. Mr. Varnell stated the number of planning documents that the city has, as well as the surrounding community, the investment the city is making, as well as the private investment around it. What didn't lend itself to a highway commercial or general commercial type zoning, it's a CBD or Inman Street East is on the other side. Both of those have the same type of development requirements so it would not be consistent with what's surrounding it or the direction we've been going with all of our planning documents. Councilman Estes asked if staff received a drawing like this prior to the vote two weeks ago. Mr. Varnell said no, he did not. Mayor Rowland asked if anyone would like to speak in favor of the request. Heather Nisky stated she is here on behalf of Phoenix Investors. In October 2023, Phoenix requested a zoning change of 455 Inman Street from central business district to highway commercial. Unfortunately, we weren't given notice of the Planning Commission meeting that occurred back in December, so we didn't have the opportunity to be heard. We're here today and we appreciate you giving us the opportunity to be here to dig in a little bit further about what our plans are. We have Mark Ball here with Sunbelt Rentals, who's going to present more about what the plans are for the site. Mr. Ball stated he is the real estate director for Sunbelt Rentals and here to discuss the plans for this property. Sunbelt Rentals is a publicly traded company that trades on the London Stock Exchange called the Ashtead Group Sunbelt. The North American Sunbelt has 1,350 locations with about 22,000 employees, and the UK business has about 138 locations with 2,800 employees. We operate in all 50 U.S. States and DC and also operate in the top 50 markets in the country and eight Canadian provinces. We have 30 branches in Tennessee, and we hope to add an additional branch here in Cleveland. The proposal is to rezone the property, which currently is in the central business district. Prior use was a truck service and repair with trailer parking. It was occupied by US Express. The site area is 3.37 acres, and the building size is 10,656 square feet. The request is to rezone general commercial to allow tool and equipment rental with outside storage. In the handout provided is a summary of some of the business benefits along with an elevation of what the front of the building will look like. We will be adding storefront glass with a retail entrance to a showroom area that will display small tools and small equipment. The proposed use would be tool and equipment rental and the customer base would be for small contractors and homeowners. The proposed hours of operation would be 7:00 AM to 5:00 PM Monday through Friday, with Saturday hours of 8:00 AM to 12:00 PM. Benefits to the city would include employment of 10 full time employees, with salaries that would be approximately $827,000 per year, tax revenue on our rentals at approximately $400,000 per year, availability of new modern tools and equipment and improved the image in the corridor over what exists on the property now. Sunbelt gets involved with donating equipment and sponsoring Little League teams and all kinds of community engagement. The estimated cost of construction is $1,450,000 given the current bids that we've got in place. If you look at the existing area around the property, you've got industrial zoning on the west side, if you're looking at the property from Inman, I'm considering that to be north, but if the west side is industrial zone and the north side is industrial zoning, we've got a church on the east side, and then you've got an auto repair shop on the hard corner and two used car sales businesses across the street. The proposed site plan would include adding buffers along the Bible Street property line with a screening fence with fabric, additional landscaping on Inman Street and provide that same kind of fencing material if screening is an issue of concern. We will add additional concrete around the building for handicap access. The building as it currently exists was primarily a truck maintenance facility, so you had big truck pits where mechanics worked. Those will be filled in for the most part and we'll be building a showroom in the front of the building which will include office space, conference room, and break area. We think that we would fit well into the neighborhood, we wouldn't be adding anymore noise that would be objectionable. We wouldn't be making any environmental impacts to the neighborhood. There would be less truck traffic than existed previously with it being a trucking related facility. So, we think that we would be consistent with the neighborhood, and we would appreciate your consideration towards this rezoning. Councilman Webb asked if the outside storage was hard surface or gravel. Mr. Ball responded there's an existing gravel area on the northeast corner of the property and our intent is to keep it that way for small equipment. We have options to treat the gravel to make it solid like concrete if needed. We are willing to work with you. Vice Mayor Johnson asked why this was denied. Councilman Estes replied chronologically, Council denied this two weeks ago. This was at one time commercial highway, or CG as we call it, then it was switched to commercial business district to clean it up. There are

other options to give Sunbelt rather than carte blanche of commercial highway. At the Planning Commission meeting, no one came and spoke for it, the only person was city staff. This new document, site plan, would have helped. This could easily be a PUD. The concern was the frontage, Inman particularly. None of this information came to us. Councilman May stated so we need to send it back to Planning Commission, so they have all this information. Councilman Estes stated we can ask Mr. Varnell to look at this information and if they will interpret it differently. Councilman Webb asked for a reminder of the minimum size for a PUD. Councilman Estes replied 3 acres. Mayor Brooks then asked if anyone would like to speak in opposition to this request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public concerning a request by Mr. Bowers for consideration of a proposed plan of service for a requested annexation by referendum for about 57 acres, more or less, of property located at Interchange Drive and includes Tax Map 056 Parcel 005.00 and Tax Map 048 Parcel 082.00. Robert Varnell stated this contains 2 parcels; the plan of service on this requested annexation by referendum is a total of 57 acres approximately. The plan of service contains information pertaining to sewer. Electric will be on site. Emergency services were questioning how they access the property, but with the future development plans in the area do contain road construction and cleared up a lot of their questions. So, from a plan of service standpoint, this one's fairly straightforward. City staff had no issue with it and our recommendation is for approval. Mayor Brooks asked if anyone would like to speak in favor of this request. No one spoke. Mayor Brooks asked if anyone would like to speak in opposition to this request. No one spoke. Mayor Brooks then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. Councilman Cassada inquired if the bid report on the shell package for 70 Inman Street renovation project was with no skylights. Mr. Fivas stated a yes vote on this item has no skylights and we save $14,000. Councilman Hughes 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 - Zoning Ordinance 2024-25** – heretofore passed on first reading June 10, 2024 and found in Minute Book 31, Page 741; Concerning a request by Lydia Nascimento for consideration of an ordinance to zone about .24 acres, more or less, for property located at Young Road from unincorporated County to R-1 Single Family residential and includes Tax Map 66H Group F Parcel 010.02 (Planning Commission: Approved 9-0).
b. **Final Passage - Zoning Ordinance 2024-26** – heretofore passed on first reading June 10, 2024 and found in Minute Book 31, page 742; Concerning a request by CT Properties for consideration of an ordinance to zone about 1.71 acres, more or less, of property located at 18th Street NW from R-1 Single Family Residential Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes a Tax Map 049C Group J Parcel 026.00 (Planning Commission: Approved 9-0).
c. **Final Passage - Zoning Ordinance 2024-27** – heretofore passed on first reading June 10, 2024 and found in Minute Book 31, Page 744; Concerning a request by Southeast Land Trust for consideration of an ordinance to zone about 1.15 acres, more or less, of property located at Old Tasso Rd. NE from IL Light Industrial to R2 Low Density Single and Multi-Family and includes a portion of Tax Map 050 Parcel 001.07 (Planning Commission: Approved 9-0).
d. **Final Passage - Ordinance 2024-28** – heretofore passed on first reading June 10, 2024 and found in Minute Book 31, Page 757; Concerning a request by City of Cleveland to amend multiple areas of section 5.0 of the sign ordinance pertaining to temporary signage type and heights (Planning Commission: Approved 9-0).
e. **Final Passage to Deny - Ordinance 2024-30** – heretofore denied on first reading on June 10, 2024 and found in Minute Book 31, Page 765; Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to

zone about 1.00 acres, more or less, of property located at 601 8th Street from CBD Central Business District to IL Light Industrial and includes Tax Map 058H Group C Parcel 027.00 (Planning Commission: Denied 7-0; 2 absent).

f. **Final Passage - Ordinance 2024-31** – heretofore passed on first reading on June 10, 2024 and found in Minute Book 31, Page 766; Amending various sections of Title 12 of the Cleveland Municipal Code to add a Technology Fee.

g. **Resolution 2024-52** – Authorizing the Mayor to sign a general maintenance agreement with TDOT related to the electronic over height warning system near Parker Street NE to near Wildwood Avenue.

RESOLUTION 2024-52

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

Description of Project:

Miscellaneous safety improvements on SR-40 (U.S. 64), From near Parker Street North East to near SR-74 (Wildwood Avenue)
Contract Number: 240073
Project Identification Number: 131373.00
Federal Project Number: N/A
State Project Number: 06006-3236-04

WHEREAS, the City Council desires to enter into the attached 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 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 24th day of June 2024
APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2024-65** – Authorizing the Mayor to sign a deed with Ronald Barker related to certain conveyed land known as the Paul Huff Parkway Extension.

RESOLUTION 2024-65

WHEREAS, by deed dated September 3, 2015, and recorded on September 9, 2015, Ronald L. Barker and wife, Pamela Barker, conveyed certain land to the City of Cleveland for what is known as the Paul Huff Parkway Extension; and

WHEREAS, the deed from the Barkers to the City the City of Cleveland was recorded in Book 2325 Page 584 in the Register of Deeds office of Bradley County, Tennessee; and

WHEREAS, during the recent development of an adjacent parcel of land, a licensed surveyor discovered that the actual location of the paved surface of the Paul Huff Parkway extension is located outside the area of land that was previously conveyed to the City in the 2015 deed; and
WHEREAS, in order to correct this issue so that the City will own all of the land where the paved surface of the Paul Huff Parkway extension is located, a strip of land on one side of the paved surface that was not conveyed to the City in the previous deed needs to be conveyed to the

City, and also a strip of land on the opposite side of the paved surface of the extension needs to be conveyed by the City to the Barkers; and

WHEREAS, two deeds have been prepared in order to correct this issue, one from the City to the Barkers, and one from the Barkers to the City; and

WHEREAS, copies of both deeds are attached to this Resolution; and

WHEREAS, the City Council of the City of Cleveland desires to approve of the exchange of land as described in these two deeds, and to further authorize the Mayor to execute the deed to the Barkers on behalf of the City once the City has received the executed deed from the Barkers to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached deeds, and it hereby authorizes the Mayor to execute the deed to the Barkers on behalf of the City once the City has received the executed deed from the Barkers to the City.

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

i. **Resolution 2024-66** – Authorizing the Mayor to sign a Memorandum of Understanding with the Cleveland City Schools for the School Resource Officer Program.

RESOLUTION 2024-66

WHEREAS, Cleveland City Schools and the Cleveland Police Department have jointly prepared a Memorandum of Understanding for the School Resource Officer Program; and

WHEREAS, the City Council of the City of Cleveland desires to approve said Memorandum of Understanding in order to continue this important program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, that the City Council hereby approves of the Memorandum of Understanding for the School Resource Officer Program. [on file in the City Clerk's Office.]

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

j. **Resolution 2024-67** – Approval of the 2024-2028 Consolidated Plan, the 2024-2025 Action Plan and the Analysis of Impediments to Fair Housing for the CDBG Program.

RESOLUTION 2024-67

RESOLUTION FOR APPROVAL OF THE 2024-2028 CONSOLIDATED PLAN/ 2024 ANNUAL ACTION PLAN AND ANALYSIS OF IMPEDIMENTS STUDY TO FAIR HOUSING CHOICE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the City Council of the City of Cleveland, Tennessee received a document, *City of Cleveland 2024-2028 Consolidated Plan/2024 Annual Action Plan* and *Analysis of Impediments Study to Fair Housing Choice*; and

WHEREAS, the aforementioned *2024-2028 Consolidated Plan/2024 Action Plan* and *Analysis of Impediments Study to Fair Housing Choice* was the subject of public hearings on February 20th, April 11th, and June 13th, 2024. A draft of the *Consolidated Plan/Action Plan and* Analysis of Impediments *Study to Fair Housing Choice* was available on May 16th, 2024 which began a thirty-day comment period ending on June 17th, 2024 with copies of the Plans being made available at the Development and Engineering Services Office and on the City's website www.clevelandtn.gov as advertised in the *Cleveland Daily Banner* on May 16th, 2024;

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

NOW, THEREFORE, BE IT RESOLVED, the *2024-2028 Consolidated Plan/2024 Action Plan and Analysis of Impediments Study to Fair Housing Choice* is incorporated herein as EXHIBIT A be approved by the City Council, and be it further resolved that City staff are authorized to submit the aforementioned Plans to the United States Department of Housing and Urban Development (HUD), and be it resolved that the Mayor is authorized to sign all grant agreements, contracts and certifications with HUD that are required to carry out the CDBG program described in the Action Plan.

Approved on the 24th day of June 2024.

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

k. **Contract Extension** – Automotive paint and Body Repairs for an additional one-year period.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 24, 2024**
RE: **Contract Extension – Automotive Paint and Body Repairs**

SUMMARY:
Requesting an extension to the current automotive paint and body repair contract with Cleveland Collision for an additional one-year period.

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
Recommendation is to approve a one-year contract extension beginning August 1, 2024.

l. **Surplus Property** – Declaring five used computer stands as surplus and donated to the Whitwell Police Department.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 24, 2024**
RE: **Surplus Property**

SUMMARY:
The Cleveland Police Department has requested the City Council declare five used computer stands as surplus property to be donated to the Whitwell Police Department. These are old stands and are no longer in use by the Cleveland Police Department.

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
No fiscal impact.

RECOMMENDATION:
City staff recommends approval of this item.

m. **Motion** - Authorizing the City to purchase equipment through the Master Intergovernmental Cooperative Purchasing Contract #0041123-MSL between Musco Sports Lighting, LLC and Sourcewell for the Tinsley Park Pickleball lighting project.

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director of Building and Project Development**
DATE: **June 24, 2024**
RE: **Tinsley Park Pickleball – Lighting Contract**

SUMMARY:
Musco Sports Lighting has provided a quote for the lighting for the Tinsley Park pickleball project. This is to be purchased using an existing Sourcewell contract. The total cost is $399,766.00

Staff recommends the council approve the signing of necessary documents to procure this service.

n. **Resolution 2024-72** – Approving Change Orders 1 & 2 with Tri-Con, Inc. related to the Tinsley Park Pickleball Court project.

RESOLUTION 2024-72

WHEREAS, the City of Cleveland and Tri-Con, LLC previously entered into a construction agreement for Pickleball Courts at Tinsley Park; and

WHEREAS, the City has recently received a proposed change order #1 for geotechnical testing for this project and change order #2 the removal of substandard soils and replacing the soil at a unit price of $71.30; and

WHEREAS, the geotechnical testing would be performed by UES Professional Solutions 19, LLC, which would raise the total contract amount by $20,883.77; and

WHEREAS, city staff has reviewed the proposed terms and conditions provided by UES Professional Solutions 19, LLC., and has requested some changes to those terms and conditions; and

WHEREAS, based upon the recommendation of City staff, the City Council desires to approve of the change order #1 and to further authorize the Mayor to execute an agreement incorporating change order #1 once the terms and conditions have been modified to the satisfaction of city staff; and

WHEREAS, based upon the recommendation of City staff, the City Council also desires to approve of change order #2 and to further authorize the Mayor to execute an agreement incorporating change order #2.

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 change order #1 to the referenced agreement with Tri-Con, LLC once the requested changes to the UES Professional Solutions 19, LLC terms and conditions have been provided to the City. Once the changes requested by the City have been made and approved by city staff then the Mayor is authorized to execute the supplemental agreement incorporating change order #1 on behalf of the City of Cleveland.

BE IT FURTHER RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of change order #2 to the referenced agreement with Tri-Con, LLC and the Mayor is authorized to execute a supplemental agreement incorporating change order #2 on behalf of the City of Cleveland.

This 24th day of June 2024.
APPROVED AS TO FORM:
/s/John F. Kimball
City Attorney

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

o. **Resolution 2024-73** – Authorizing the Mayor to sign an Interlocal Agreement with Cleveland Utilities Authority for services.

RESOLUTION 2024-73

A RESOLUTION AUTHORIZING THE CITY COUNCIL OF CITY OF CLEVELAND TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CLEVELAND UTILITIES AUTHORITY

WHEREAS, the City Council has approved the formation of the Cleveland Utilities Authority; and

WHEREAS, an Interlocal Agreement has been prepared and is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor be, and hereby is, authorized to sign the Interlocal Agreement between City of Cleveland and Cleveland Utilities Authority.

ADOPTED this 24th day of June, 2024.

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

p. **Bid Report** – City Council Shell Package (70 Inman Street Renovation Project).

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 24, 2024**
RE: **Bid Summary – 70 Inman Street Shell Renovation Project**

SUMMARY:
The City advertised to accept sealed bids on June 11, 2024, for the shell renovation of the existing building located at 70 Inman Street. Bids are listed on the attached bid tabulation.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, B.P. Construction for the base bid plus Alternate No. 1 and Unit Price No. 1.

BID TABULATION FORM

Project Name: Cleveland City Council Shell Package, DRP 1
Bids Due: Tuesday, June 11 2024 at 2:00pm (local time)
Bids Received By: City of Cleveland / 190 Church Street NE / Cleveland, Tennessee 37311

Conducted by: Kristi Powers
Owner: City of Cleveland
Architect: McCarty Holsaple McCarty

Bidders of Record (name, address & license #)	Pre-Bid Meeting	Envelope Cover	Bid Form	Addenda	Bid Security	Drug-Free Work.											Subcontractors	
B.P. Construction	✓	✓	✓	✓	✓	✓				**Base Bid**		**Alternate #01**		Alternate #02		Alternate #03	Plumbing:	Stolpmann
9453 Bradmore Ln, Ste 201										$1,021,000.00		($14,000.00)					Mechanical:	Cornerstone Automation
Ooltewah, TN 37363										270 days		270 days		270 days		270 days	Electrical:	Young Electric
license #: 78491										**Unit Prices / Allowances**							Geothermal:	
class: BC-A, BC-B, CMC-A										**#01**	**#02**	**#03**	**#04**	**#05**	**#06**	**#07**	**#08**	Masonry:	G&P Masonry
limit: unlimited									**Unit Price:**	$24.75	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
									Allowance:	$37,125.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Tri-con, Inc.	✓	✓	✓	✓	✓	✓				**Base Bid**		**Alternate #01**		Alternate #02		Alternate #03	Plumbing:	Self
2040 N. Ocoee St										$1,136,000.00		($6,080.00)					Mechanical:	Self
Cleveland TN										270 days		270 days		270 days		270 days	Electrical:	Self
license #: 45227										**Unit Prices / Allowances**							Geothermal:	
class: BC-A, BC-B										**#01**	**#02**	**#03**	**#04**	**#05**	**#06**	**#07**	**#08**	Masonry:	G&P Masonry
limit: unlimited									**Unit Price:**	$25.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
									Allowance:	$37,125.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Wilson Construction Group	✓	✓	✓	✓	✓	✓				**Base Bid**		**Alternate #01**		Alternate #02		Alternate #03	Plumbing:	Self
129 Lions Park Rd										$1,322,600.00		($8,580.00)					Mechanical:	Self
Athens, TN 37303										270 days		270 days		270 days		270 days	Electrical:	Self
license #: 53598										**Unit Prices / Allowances**							Geothermal:	
class: BC, HRA, LMC, MU-A										**#01**	**#02**	**#03**	**#04**	**#05**	**#06**	**#07**	**#08**	Masonry:	G&P Masonry
limit: unlimited									**Unit Price:**	$26.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
									Allowance:	$39,000.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
~~Wright Industrial Group, LLC~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~	~~✓~~				~~**Base Bid**~~		~~**Alternate #01**~~		Alternate #02		Alternate #03	~~Plumbing:~~	~~B&B Plumbing~~
~~[Address 1]~~										~~$805,865.00~~		~~($7,365.00)~~					~~Mechanical:~~	~~blank~~
~~Charleston, TN 37310~~										~~270 days~~		~~266 days~~		270 days		270 days	~~Electrical:~~	~~blank~~
~~license #: 72775~~										~~**Unit Prices / Allowances**~~							~~Geothermal:~~	
~~class: BC, CMC~~										~~**#01**~~	~~**#02**~~	~~**#03**~~	~~**#04**~~	~~**#05**~~	~~**#06**~~	~~**#07**~~	~~**#08**~~	~~Masonry:~~	~~blank~~
~~limit: unlimited~~									~~**Unit Price:**~~	~~$69.00~~	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
bid retracted 06.12.2024									~~**Allowance:**~~	~~$103,500.00~~	N/A	N/A	N/A	N/A	N/A	N/A	N/A		

1/2

BID TABULATION FORM

Project Name: Cleveland City Council Shell Package, DRP 1
Bids Due: Tuesday, June 11 2024 at 2:00pm (local time)
Bids Received By: City of Cleveland / 190 Church Street NE / Cleveland, Tennessee 37311

Conducted by: Kristi Powers
Owner: City of Cleveland
Architect: McCarty Holsaple McCarty

Bidders of Record (name, address & license #)	Pre-Bid Meeting	Envelope Cover	Bid Form	Addenda	Bid Security	Drug-Free Work.	Subcontractors

MHM McCARTY HOLSAPLE McCARTY ARCHITECTS & INTERIOR DESIGNERS

Signed: _____ Date: 06-17-2024

q. **Bid Report** – Jim Sharp Park.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **June 24, 2024**
RE: **Bid Summary – Jim Sharp Park**

SUMMARY:
The City advertised to accept sealed bids on June 4, 2024, for the construction of Jim Sharp Park. Bids are listed below:

- Chazler, Inc. **$1,849,000.00**
- Cherokee Construction **$1,899,076.96**
- Wilson Construction Group **$1,958,000.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

RECOMMENDATION:
Staff recommends award to low bidder, Chazler, Inc.

r. **Motion** – Approving a buffer agreement with LeConte Cleveland, LLC. [on file in the City Clerk's Office.]
s. **Motion** – Approving an agreement with Card Connect, LLC for credit card merchant services for Parks Department. [on file in the City Clerk's Office.]
t. **Appointment** – Health and Education Facilities Board and the City Industrial Development Board – Jarrod Casteel for an unexpired term ending July 27, 2024, and an additional 6-year term ending July 2030.
u. **Reappointment** – Eddie Cartwright to the Cleveland Utilities Authority for a four-year term to expire June 30, 2028
v. **Reappointment** – Councilman David May the Cleveland Utilities Authority for a four-year term to expire June 30, 2028.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman May had no report at this time.

Councilman Hughes had no report at this time.

Councilman Webb had no report at this time.

Vice Mayor Johnson had no report at this time.

Councilwoman McKenzie asked that additional turning street markings be installed in the turn lane on Ocoee Street after 14th Street to Centenary Avenue so we don't have a potential head on collision. Mr. Fivas stated staff will review and reach out to TDOT so when they repaved, we can ask them to restripe how it needs to be. Mr. Fivas also added the Municipal Building is fully functioning for recycling plastic and cans.

Councilman Estes congratulated Mix 104.1 and Steve Hartline for securing ESPN network radio.

Councilman Cassada had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

a. **Ordinance 2024-32** – Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to CG General Commercial and includes Tax Map 057D Group E Parcel 020.00 (Planning Commission: Denied 7-0; 2 absent).

Zoning Ordinance 2024-32

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, re-zoned from CBD Central Business District to CG General Commercial Zoning District.

Approximately 3.37 acres, more or less, located at 455 Inman Street as shown on the attached map.

For reference, same property is being shown on Tax Map 057D Group E Parcel 020.00, 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.

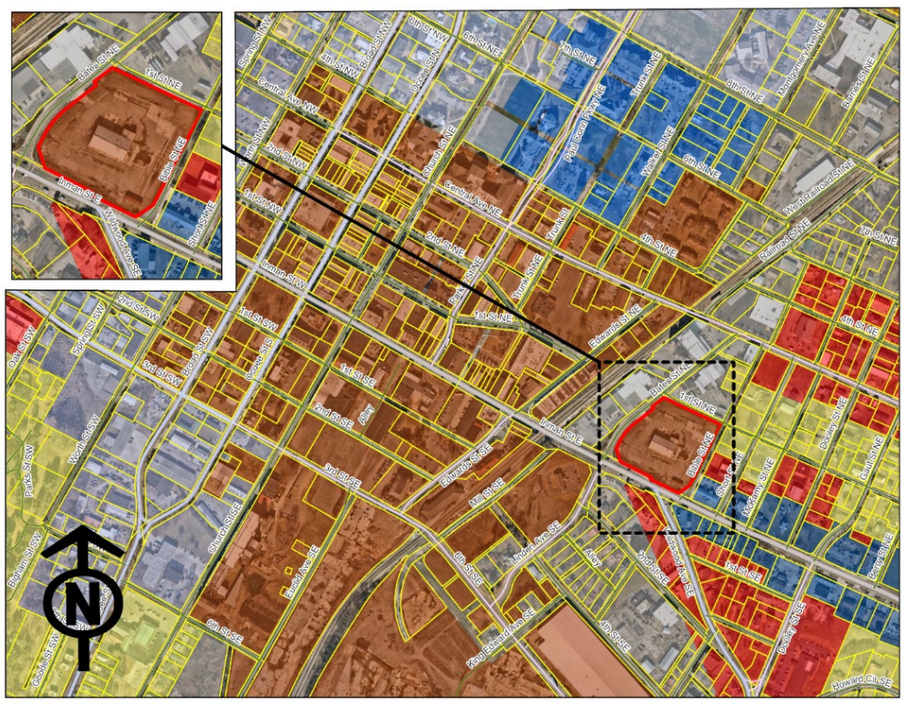
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved to send this item back to the Planning Commission for further review with the newly provided information. The motion was seconded by Councilman Hughes. Councilman Estes stated as a Planning Commission member he supports this as a PUD. Mr. Fivas stated with an affirmative vote we would go back, figure out the correct zoning, have a dialogue and develop a PUD. It will be presented at the July Planning Commission meeting. We will advertise early so we can have the item back to Council on July 22. Upon roll call, the motion was unanimously approved. Mr. Fivas added if you have any issues please articulate them now. He has heard front setback, making sure the esthetics make sense and the buffering. Mayor Brooks asked would the request for rezoning still be, if it potentially goes to a PUD, would it remain CBD under the PUD. Mr. Fivas replied no, the PUD is a zoning in of itself, tailored made specific zoning for transitional areas to help protect everyone involved.

The following Resolution was then presented in full:

b. **Resolution 2024-69** – A resolution approving a Plan of Services for a proposed annexation of territory into the City of Cleveland by referendum (Request by Mr. Bowers, 57 acres, more or less, of property located at Interchange Drive/Harris Creek Road, Tax Map 056 Parcel 005.00 and Tax Map 048 Parcel 082.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-69

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

Interchange Drive/Harris Creek Road (056 005.00 and 048 082.00)

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 24, 2024, 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 comer set in the Southern line of Harris Creek Road, said comer being the Northeast comer of the property herein conveyed and in the West line of Interstate 75; thence with the said line of Interstate 75, the folk>wing seven (7) calls and distances: South 43 degrees 40 minutes 54 seconds West, 1414.42 feet; South 53 degrees 00 minutes 33 seconds West. 253.26 feet; South 41 degrees 49 minutes
49 seconds West. 1341.59 feet South 57 degrees 15 minutes 31 seconds West, 325.78 feet; South 38 degrees 21 minutes 13 seconds West, 485.33 feet; Oetta = 004 degrees 25 minutes, 21 seconds on a Tangent of 436.69 feet and a radius of 11309.16 feet a distance of 872.94 feet, a Chord bearing of South 50 degrees 00 minutes 19 seconds West, 872.72 feet; and South 62 degrees 46 minutes 28 seconds West, 50.56 feet to an iron pin found in the lands of Exit 20 Auto Mall, LLC as set out in Book 1877, page 237, in the Registers Office for Bradley County, Tennessee; thence with the lands of Exit 20 Auto Mall, LLC, North 38 degrees 39 minutes 58 seconds West. 1066.92 feet to an iron pin found; thence North 23 degrees 45 minutes 44 seconds East, 634.65 feet to a comer set in the lands of Clifford Swafford as set out in Book 1681. page 987. in the said Register's Office; thence with the lands of Swafford, South 67 degrees 28 minutes 28 seconds East, 1315.55 feet to a fence comer found; thence continuing with the lands of Swafford, North 23 degrees 51 minutes 03 second East.

1969.09 feet to point in the lands of Kiswani as set out in Book 2382, page 34, and then in Sook 2515, page 107, in the said Register's Office; thence with the lands of Kiswani, the following thirteen (13) calls and distances: South 54 degrees 56 minutes 25 seconds East, 88.19 feet; South 35 degrees 32 minutes 47 seconds East, 75.90 feet: South
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BEGINNING at a comer set In the Southern line of Harris Creek Road, said comer being the Northeast comer of the property herein conveyed and in the West line of Interstate 75; thence with the said line of Interstate 75, the following seven (7) calls and distances: South 43 degrees 40 minutes 54 seconds West, 1414.42 feet; South 53 degrees 00 minutes 33 seconds West. 253.26 feet; South 41 degrees 49 minutes
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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 21, 2024
INTERCHANGE DRIVE-HARRIS CREEK
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 57 acres located at Wilkinson Rd. as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is outside the existing Urban Growth Boundary (UGB). The proposed annexation by referendum 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.

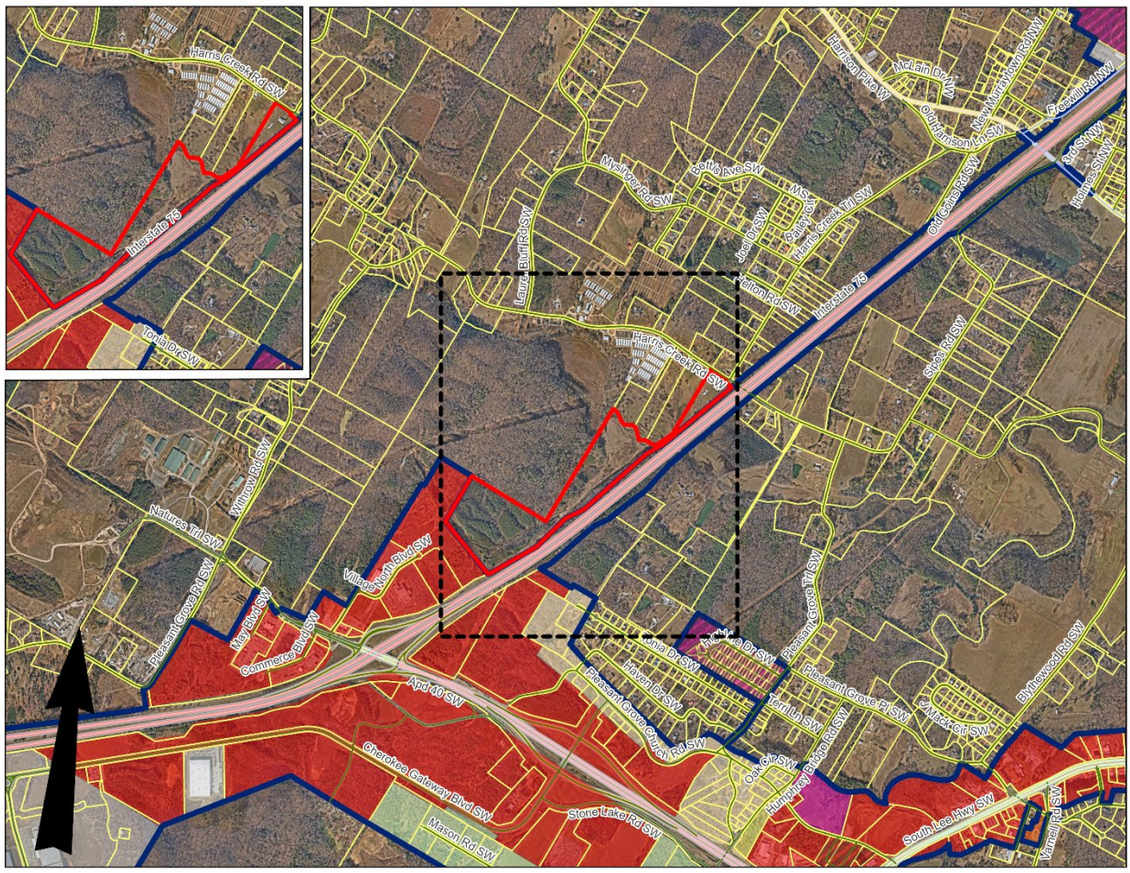
Introduction

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 two parcels, approximately 59 acres (57 to be annexed). The annexation would zone the property as CH Highway Commercial and RA Residential Agricultural. These lots are primarily vacant with one single family home and a few associated outbuildings. The property is described as Tax Map056 Parcel 005.00 and Tax Map 048 Parcel 082.00.

Interchange Drive Annexation Map



Legal Description

BEGINNING at a comer set in the Southem line of Harris Creek Road, said comer being the Northeast comer of the property herein conveyed and in the West line of Interstate 75; thence with the said line of Interstate 75, the folk>wing seven (7) calls and distances: South 43 degrees 40 minutes 54 seconds West, 1414.42 feet; South 53 degrees 00 minutes 33 seconds West. 253.26 feet; South 41 degrees 49 minutes
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Plan of Services

1. **Police Protection**

Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**

If these improvements were made [improvements from MPO study in 2021] it would positively affect our response times. The two closest fire stations are five and six. Station 5, with improvements to Freewill Road NW, would allow our response to be under the NFPA 1710 Standard which means we could service this area with little to no impact to our budget.

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

A. Domestic Water---Domestic water service is presently available to the north parcel via a 6" water main along the north side of Harris Creek Rd. SW. Cleveland Utilities Authority recommends that a watermain be installed along the planned road through the parcels, from Village North Blvd. SW to Harris Creek Rd. SW to provide water. See Figure 1 – Water Service

B. Sanitary Sewer--- Sewer service is presently available to the south parcel via an 8" gravity sewer main along the east edge of the south parcel and available to the north parcel via a 12: gravity sewer main on the south side of the parcel. See Figure 2 – Sewer Service.

C. Fire Protection--- Fire protection is presently available to the south parcel via a fire hydrant 300 feet from the southwest side of the south parcel. A fire hydrant will be added on Harris Creek Rd. SW to provide fire protection for the north parcel. The Opinion of Probable Cost for this work is $5,000. This work will be completed in 8 years. Figure 1 – Water Service

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Harris Creek Rd SW and Interchange Dr. SW (056 005.00 and 048 082.00)	**$0**	**$0**	**$5,000**	**$5,000**

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 currently has facilities in close proximity which would be extended in conjunction with the new road construction to serve this proposed annexation. We do not foresee any 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 the 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 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 an Industrial 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 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 annual revenue generated by this annexation is approximately **$42,825**

Councilwoman McKenzie moved that Resolution 2024-69 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:

c. **Resolution 2024-70** – A resolution requesting a referendum for the annexation of property located at 875 Harris Creek Road, and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Mr. Bowers, 6.15 acres, more or less, of property located at 875 Harris Creek Road, Tax Map 048 Parcel 082.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-70

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT 875 HARRIS CREEK ROAD, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(l), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in§§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 6.15 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is contiguous to the current City limits at a southern point, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
048	082.00	6.15	875 Harris Creek Road	Bowers Properties

6.15 TOTAL ACRES

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-69.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property:

Map	Parcel	Acreage	Address	Owner
048	082.00	6.15	875 Harris Creek Road	Bowers

6.15 TOTAL ACRES

SECTION II. The City of Cleveland requests the referendum be held on August 1, 2024, in conjunction with the State and Federal Primary and County General/Cleveland City/Charleston City Primaries already scheduled for that date.

SECTION Ill. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

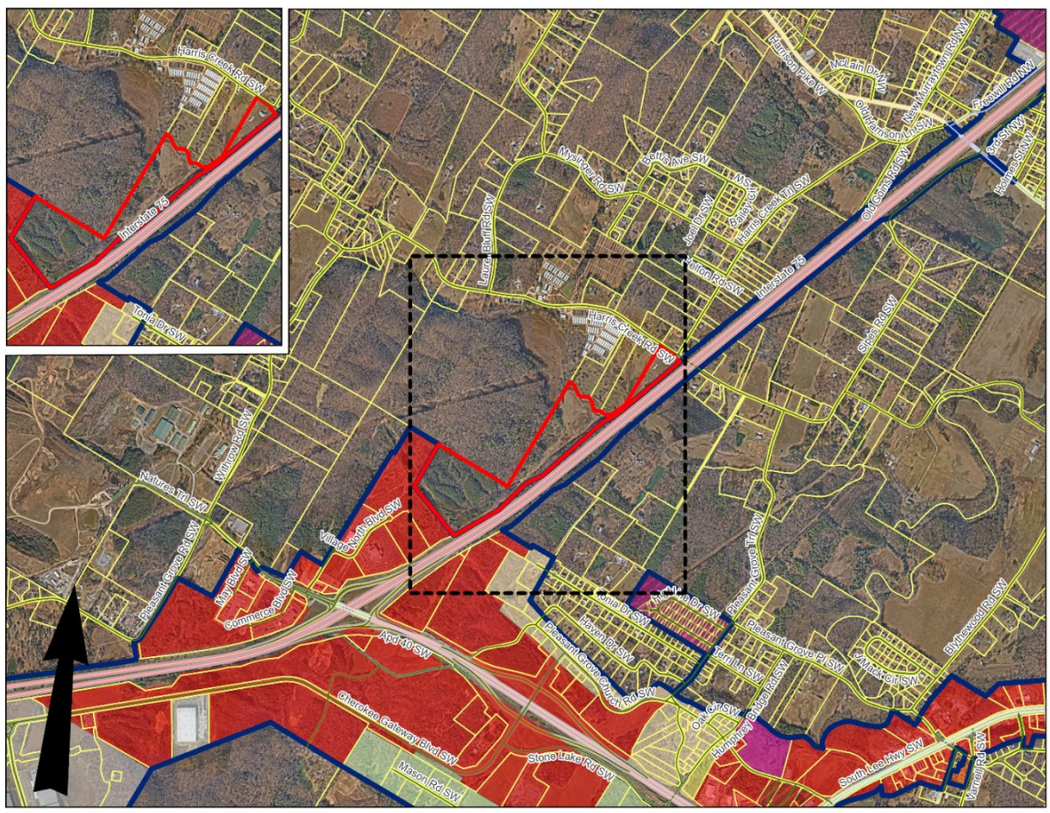
EFFECTIVE DATE: The 24th day of June 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:



Councilwoman McKenzie moved that Resolution 2024-70 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

d. **Resolution 2024-71** – A resolution requesting a referendum for the annexation of property located on Pleasant Grove Road, and outside of the Cleveland Urban Growth Boundary (UGB), by the City of Cleveland, Tennessee (Request by Mr. Bowers, 53 acres, more or less, of property located on Pleasant Grove Road, Tax Map 056 Parcel 005.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-71

A RESOLUTION REQUESTING A REFERENDUM FOR THE ANNEXATION OF PROPERTY LOCATED AT PLEASANT GROVE ROAD, AND OUTSIDE OF THE CLEVELAND URBAN GROWTH BOUNDARY (UGB), BY THE CITY OF CLEVELAND, TENNESSEE

WHEREAS, *Tennessee Code Annotated* (T.C.A) § 6-58-111 (c)(2) states as an alternative to a municipality annexing in a county's planned growth area or rural area by first amending the growth plan as described in subdivision (c)(l), a municipality may annex within a county's planned growth area or rural area, but the annexation must be by referendum only and not by ordinance, and the municipality must follow the referendum process as provided for in§§ 6-51-104 and 6-51-105; and

WHEREAS, T.C.A. § 6-51-104 (a) permits a municipality, when petitioned by interested persons, or upon its own initiative, by resolution for annexation by referendum; and

WHEREAS, T.C.A. § 6-51-105 (a) states at least thirty (30) days and not more than sixty (60) days after the last of such publications, the proposed annexation of territory shall be submitted

by the county election commission in an election held on the request and at the expense of the proposing municipality, for approval or disapproval of the qualified voters who reside in the territory proposed for annexation; and

WHEREAS, T.C.A. § 6-51-105 (e) states if a majority of all the qualified voters voting thereon in the territory proposed to be annexed, or in the event of two (2) elections as provided for in subsections (a) and (b), a majority of the voters voting thereon in the territory to be annexed and a majority of the voters voting thereon in the municipality approve the resolution, annexation as provided therein shall become effective thirty (30) days after the certification of the election or elections; and

WHEREAS, the property owner, petitioned the City Council of Cleveland, Tennessee (City), to annex 1 parcel, containing 53 acres, located outside of the City of Cleveland Urban Growth Boundary (UGB); and

WHEREAS, the Property is contiguous to the current City limits at a southeastern point, as described herein and depicted on the Map attached hereto as Exhibit A:

Map	Parcel	Acreage	Address	Owner
056	005.00	53	Pleasant Grove Road	Bowers Properties
		53 TOTAL ACRES		

WHEREAS, the referendum shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, a Plan of Services for the area petitioned to be annexed will be adopted prior to the annexation becoming effective, in order to provide for future development in accordance with City standards, and the Mayor and City Council of Cleveland, has or will, approve the Plan of Services as part of Resolution 2024-69.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEVELAND, TENNESSEE AS FOLLOWS:

SECTION I. Pursuant to the provisions of T.C.A §§ 6-51-104 and 6-51-105, as amended, the City of Cleveland requests that a referendum for annexation be held for the following property:

Map	Parcel	Acreage	Address	Owner
056	005.00	53	Pleasant Grove Road	Bowers Properties
		53 TOTAL ACRES		

SECTION II. The City of Cleveland requests the referendum be held on August 1, 2024, in conjunction with the State and Federal Primary and County General/Cleveland City/Charleston City Primaries already scheduled for that date.

SECTION Ill. The question to be submitted to the qualified voters who have ownership of or reside in the area proposed to be annexed shall be "FOR ANNEXATION" and "AGAINST ANNEXATION."

SECTION IV. The Resolution shall take effect from and after its adoption.

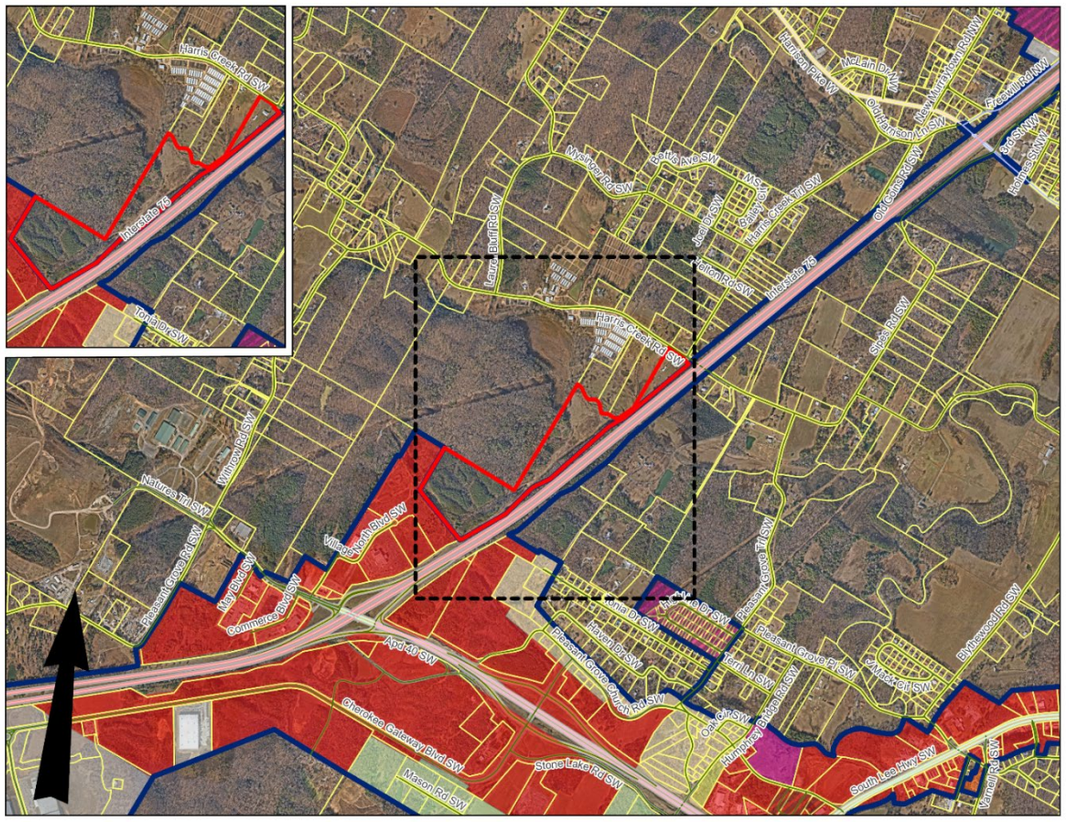
EFFECTIVE DATE: The 24th day of June 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A:



Councilman Hughes moved that Resolution 2024-71 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

e. **Ordinance 2024-33** – Gas Franchise Agreement.

ORDINANCE 2024-33

GAS FRANCHISE

AN ORDINANCE GRANTING UNTO CHATTANOOGA GAS COMPANY, A TENNESSEE CORPORATION, A FRANCHISE FOR THE PURPOSE OF OPERATING A SYSTEM OF GAS DISTRIBUTION AND SERVICE WITHIN THE CITY OF CLEVELAND SO AS TO FURNISH GAS SERVICE WITHIN THE CITY TO ITS INHABITANTS FOR DOMESTIC, COMMERCIAL, INDUSTRIAL AND MUNICIPAL GENERAL USE.

THIS GAS FRANCHISE ORDINANCE AND AGREEMENT (the "Agreement") is entered into by and between the City of Cleveland, Tennessee ("City"), a municipal corporation, and Chattanooga Gas Company, a Tennessee corporation (hereinafter referred to as "Franchisee" or "Company").

WHEREAS, Franchisee has asked the City to renew its gas franchise approved by the City Council on April 20, 2004 (the "Prior Franchise", Ordinance No. 2004-05); and

WHEREAS, the construction, installation, maintenance and operation of a gas system involves the occupation of and placement of facilities in the public rights-of-way within the City; and

WHEREAS, the City has reviewed the performance of Franchisee under the Prior Franchise and the quality of service during the Prior Franchise term, has identified the future gas-related needs and interests of the City and its citizens, has considered the financial, technical, and legal qualifications of Franchisee, and has determined whether the Franchisee's plans for constructing, operating, and maintaining its gas system are reasonable to meet the future gas-related community needs and interests, in light of the costs of meeting such needs and interests, in a full public proceeding affording due process to all parties; and

WHEREAS, the City has relied on Franchisee's representations and has considered the information that Franchisee has presented to it; and

WHEREAS, based on Franchisee's representations and information, and in response to its request for renewal, the City Council has determined that the terms and conditions set forth herein, the grant of a new, nonexclusive renewal Franchise to Franchisee, to supersede the Prior Franchise, on the terms and conditions herein and subject to applicable law, is consistent with the public interest; and

WHEREAS, the City and Franchisee have reached agreement on the terms and conditions set forth herein; and

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

Section 1. This Ordinance shall be known as the "Chattanooga Gas Company 2024 Franchise Ordinance."

Section 2. For purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense Include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) City - City of Cleveland, Tennessee.

(b) City Manager - The City Manager of the City of Cleveland, Tennessee.

(c) Company - Chattanooga Gas Company,
a Tennessee corporation, the Grantee of rights under this franchise and its lawful successors or assigns.

(d) Construction - The installation, re-installation, laying, erection, digging, renewal, repair, replacement, extension and removal of the gas system, or any activity that may be necessary to maintain and operate a gas system.

(e) Council - The City Council of the City of Cleveland, Tennessee.

(f) Gas System - Any pipe, pipeline, tube, main, duct, conduit, service, fitting, feeder, trap, vent, vault, manhole, meter, gauge, regulator, valve, appliance, attachment, appurtenance, and any other personal property constructed, maintained, or operated by Chattanooga Gas Company as may be necessary to import, transport, distribute and sell gas, including any rights-of-way and easements the Company owns or has the authority use.

(g) Streets - The public streets, highways, avenues, roads, courts, alleys, lanes, ways, bridges, utility easements, sidewalks, parkways, public rights-of-way, or other public places or grounds in the City as they now exist or they may be established at any time during the term of this franchise In the City.

Section 3. That there is hereby granted to the Company a franchise to construct, reconstruct, maintain and operate a Gas System in, upon, along, and under the streets within the City and to carry on, operate, enlarge and continue the same in said City as the same is now or may hereafter exist, for the purposes of furnishing gas service (the "Franchise").

The Company shall also have the right and privilege within the City to manufacture, sell and distribute natural gas and all other products and services, including appliances, which are related thereto. Neither the enactment of this Ordinance nor anything contained herein shall constitute any repeal or modification, expressed or implied, of any other ordinance of the City now in effect, whether codified or not; provided however, this Ordinance cancels and supersedes the Prior Franchise, Ordinance No. 2004-05. The City expressly reserves the right to enact any and all such ordinances respecting the Company and its business as may be authorized by law, provided that any such ordinances shall not abridge the rights and privileges granted to the Company hereunder.

Section 4. This franchise shall inure to the benefit of the Company, its successors and assigns, and shall exist and remain in effect for a period of twenty (20) years effective on the date of a final written order from the Tennessee Public Utility Commission approving this Agreement. Unless otherwise terminated, upon expiration of this Agreement, the parties may continue to perform under the rights and obligations of this Agreement, which shall remain in full force and effect to the extent then permitted by law until a successor franchise takes effect.

Section 5. The Company shall not at any time charge in excess of such lawful rates as from time to time may be fixed by the Tennessee Public Utility Commission, its successor, or such other duly constituted body as may have power and authority in such matter. That the Company shall comply with all lawful orders of the Tennessee Public Utility Commission, its successor, or any other duly constituted body as may have power and authority in such matters respecting rates, the quality of gas, pressure, health and safety measures, and other conditions of service.

Section 6. That the Company in constructing or continuing a gas system along, across, under or through any City Street, shall comply with all Ordinances of the City and shall take care not to obstruct or injure unnecessarily any such Streets, and shall with reasonable diligence restore such Streets to as good state of repair and condition as the same were before disturbed by said Company, as required by Tennessee law. The Company shall in all respects fully indemnify and save harmless the City from and against all damages, costs, attorneys fees, or other expenses which the City may incur by reason of such construction. The obligation of indemnity set forth in this section shall also extend to any construction in any Street or right-of-way of the City by any property owner pursuant to any contract between said property owner and the Company authorizing the property owner to construct a service line or other gas line from any main of the Company to such property owner's property.

Section 7. That the Company, its successors, or assigns, by the exercise of this franchise, agrees to hold harmless the City on account of any loss, expense, damage, cost, attorneys fees, litigation expenses, or liabilities that may result from Company's operation of its gas system unless such loss, expense, damage, cost, attorneys fees, litigation expenses or liabilities are attributable in whole or part to the negligence of the City, its agents, servants or employees. This right of Indemnification shall include all expenses reasonably incurred by the City in defending any claim arising from the Company's operation of its gas system, whether or not the claim has merit.

The Company hereby agrees, upon official request of the City, to maintain and furnish the City evidence of liability insurance in in the minimum annual coverage amounts of $1,000,000 per occurrence and $2,000,000 in the aggregate**.**

Section 8. That the Company shall maintain all service lines to its customers up to and including the meters and shall, when necessary, repair, renew or replace service lines which are the property of the Company.

The Company shall provide service personnel and equipment based in Cleveland and/or Bradley County, Tennessee to respond to customer service calls from locations within the City, and shall provide the local public service agencies, including the City police department, the City fire department, and the 911 Center with the Company's toll-free emergency telephone number and a listing of direct local telephone and contact information local Company agents to contact in the event of an emergency. Company shall have trained personnel available 24 hours a day, 365 days per year, who will promptly respond to emergency calls.

The Company shall make every reasonable effort to furnish an ample and uninterrupted supply of gas to all firm customers throughout its entire gas system within the City and on any enlargements and extensions thereof within the City. At the time each and every annexation ordinance of the City becomes operative the City shall provide the Company with a copy of its ordinance and its accompanying map precisely describing the annexed territory. The Company shall not unreasonably or arbitrarily refuse to make an extension for the purpose of giving gas service to the City, its inhabitants, institutions, and businesses.

Section 9. City and Company warrant and represent that, with the exception of the Prior Franchise granted to Company by a previously passed ordinance, which franchise was accepted by Company and City, there is no franchise granted by the City in force or effect, to any other person, firm or corporation, for the distribution and selling of gas, and that, during the term of this Agreement, the City will not enter into any other agreements or grant any other franchise for the distribution and selling of gas. The City reserves the right to grant a similar use of said streets to any person or corporation at any time during the period of this franchise so long as such right is not for the business of conveying and selling gas to others as a public utility. Nothing contained within this Ordinance will prevent the City from exercising its legal rights of eminent domain or from operating its own gas system within the City of Cleveland.

Section 10. That in consideration of the grant of this franchise, the Company shall pay as a franchise fee a sum equivalent to 5% of the gross receipts received from sales of any type of gas to the Company's customers within the environs of the City of Cleveland, which sum shall, in accordance with prevailing state law and the Company's rate tariffs, subject to approval by the Tennessee Public Utility Commission, or its successor, be directly added to the gas bills of, and collected from, those customers of the Company located within the City of Cleveland. Said fee shall be in addition to any sums due to the City from the Company as an ad valorem taxes, street cut fees, permit fees, water quality fees, administrative fees or any other related fees, taxes, charges, and associated costs to the Company for the exercise of the Company's work in the City (collectively referred to hereinafter as "Permit Fees and Costs").

The amount of the franchise fee billed by the Company each quarter shall be paid to the City on or before the 15th day of the month following the end of each quarter. If the Company shall fail to pay the amount due, then the City reserves the right to revoke this franchise if said amount that is due and payable is not paid within a period of sixty (60) days after written notice of such delinquency to the Company.

The City shall have access at all reasonable times to the books of the Company for the purpose of ascertaining and/or auditing the amount of fees due the City. The Company shall furnish the City with an annual report showing the amount of gross revenues from its sale of gas within the City.

Other than as set forth herein, the Company shall not be required to pay any other fee or compensation of any kind in respect of the subject matter of this Ordinance. Provided, however, that the Company shall be required to pay any pavement permit fees in connection with cutting the City streets.

Section 11. If the Company desires to sell the assets of its Gas System located within the City of Cleveland as a stand-alone transaction and not as a sale of its larger gas system, then the Company must offer the City the opportunity to buy those assets located and situated in the City of Cleveland on the same terms as being offered to some other party. The City will have forty-five (45) days to accept the offer and an additional ninety (90) days to close said transaction in the event the City elects to exercise the option to purchase. In the event the City chooses not to

exercise the option to purchase, the City shall continue to have the right to approve any sale, assignment, or transfer that Company may desire and this franchise cannot be sold, assigned, or transferred without the express written consent of the City Council, provided, however, that such consent shall not be unreasonably withheld.

In any negotiations between the City and the Company for the purchase of the Company's property by the City, no value shall be placed upon this franchise in arriving at the purchase price to be paid by the City.

Section 12. Any flagrant or continuing violation of the provisions of this Agreement by the Company or its successors shall be cause for forfeiture of this Agreement, provided that the City shall have given the Company written notification of such violation and allow the Company a reasonable and appropriate time to correct the cited violations.

Section 13. In the event it becomes necessary or expedient for the City to change the course or grade of any highway, street, avenue, road, alley, way, parkway or other public ground in which the Company is maintaining its Gas System, then, upon the written request of the City, the Company will remove or change the location or depth of such Gas System to conform to the proposed street alteration. It is agreed that Company will, at its own expense, within sixty (60) days after written notice from the City Manager, Company's receipt of final plan approval, and notice to proceed, begin the work of completing any and all things necessary to effect such change in position or location in conformity with such written instructions. Provided, however, that if such request is to accommodate any development by any person or entity other than the City or another governmental body, then the person or entity responsible for such development shall reimburse Company its expenses for such removal or change.

Section 14. If any term, condition, or provision of this Agreement shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall return to full force and effect without further action by the City and shall thereafter be binding on the Franchisee and the City.

In the event that federal or state laws, rules, or regulations preempt a provision or limit the enforceability of a provision of this Agreement, then the provision shall be read to be preempted to the extent and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule, or regulation is subsequently repeated, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the City

Section 15. This Franchise shall not be operative, as distinguished from its effectiveness, until it has been accepted by the Company. The Company shall have thirty (30) days from the date of the final passage of this Ordinance to file with the City Clerk its unconditional acceptance of the terms and conditions of this Agreement. After receipt of the final order of the Tennessee Public Utility Commission, the Company shall furnish the City with a copy, which shall be filed with this Ordinance.

Section 16. All rights herein granted and/or authorized shall be subject to and governed by this Ordinance, provided, however, the City Council expressly reserves unto itself all its police power to adopt general ordinances and to take other action necessary to protect and promote the safety and welfare of the general public in relation to the rights now reserved to or in the City of Cleveland under its Charter and to all such rights as are now provided by general law.

Section 17. Neither party shall be liable for failure to perform hereunder, in whole or in part, due to events beyond the party's reasonable control, including but not limited to acts of God, fire, floods, epidemics, earthquakes, embargos, quarantine restrictions, labor strikes not caused by the party, or government acts other than acts by or on behalf of the City.

Section 18. This Agreement shall be governed in all respects by the law of the State of Tennessee.

Section 19. Unless otherwise expressly stated herein, notices required under this Agreement shall be mailed first class, postage prepaid, to the addresses below. Each party may change its designee by providing written notice to the other party but may not designate additional designees. Notices to the Franchisee shall be mailed to:

Chattanooga Gas Company
c/o Southern Company Gas
10 Peachtree Place NE
Atlanta, GA 30309
Attn: General Counsel

Chattanooga Gas Company
Attn: Director, External Affairs
2207 Olan Mills Dr.
Chattanooga, TN 37421

Notices to the City shall be mailed to:

City of Cleveland
P.O. Box 1519
Cleveland, Tennessee 37364-1519
Attn: City Manager

Unless otherwise provided by the Municipal Code or this Agreement, notices shall be effective upon receipt.

Section 20. Time is of the essence in all provisions of this Agreement.

Section 21. This Agreement is not intended to, and shall not be construed to, grant any rights to or vest any rights in third parties, except as expressly provided herein.

Section 22. All Ordinances, parts of Ordinances in conflict with this Ordinance are hereby repealed. This Agreement supersedes all prior oral or written agreements, drafts, commitments, or understandings with respect to the matters provided for herein.

Section 23. Upon its passage and final reading by the City, the Company shall submit this Ordinance to the Tennessee Public Utility Commission for its approval, the Company to bear all costs of such process. This Ordinance shall take effect upon final approval by the Tennessee Public Utility Commission, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2024-33 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed on Thursday, July 4, 2024 in observance of Independence Day.
b. The July 8 City Council Meeting will be cancelled.
c. The next City Council meeting will be held on Monday, July 22, 2024.

Mr. Fivas added the Planning Commission will hear this referral back on July 16 at 6 PM. It will come back before the Council on July 22.

ADJOURNMENT

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

_____ _____

Mayor City Clerk

REGULAR SESSION
JULY 12, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE DID NOT MET IN A REGULAR SESSION THIS MONDAY, JULY 12, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

_____ _____

Mayor City Clerk

REGULAR SESSION
JULY 22, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JULY 22, 2024 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; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Sue Zius, Administrative Coordinator; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Bill and Karen Winters; Tim Rader; David Goodwill with City Fields; Nate Tucker with Cleveland City Schools; Warbrit Lowery; Sharon Marr with Mainstreet; Senator Adam Lowe; Jack Sheehan; Mike Griffin with the Chamber of Commerce; Cami Knott and Tim Siniard with the *Cleveland Daily Banner*.

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

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on June 24, 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

Senator Adam Lowe addressed the Council by stating it is often a privilege of those who serve in the Legislature to celebrate moments of honor. Some honors come by what they've done for their community, but there's a very specific honor that we have to both recognize the contribution that someone makes to a community and has made to us individually. He looks at it as a marriage that triangulates where you can see someone's integrity both as they interact with others and their personal interaction with you. This is one of the first presentations he's been able to do, so it's a very special moment. He then asked Councilman Dale Hughes to join him. Senator Lowe then introduced Councilman Hughes' family, wife Brenda and son Ritchie, along with the rest of the family to celebrate this moment. He and Governor Bill Lee are honored to make you a Tennessee Colonel. Your recognition both in education and your many years of service at Bradley Central High School and as a Bradley Bear as a principal and your representation of what good business is in a community having created jobs and invested in the Cleveland economy. You're now ending term in public service here in Cleveland, TN and I can only say that I'm honored to have been in office at the moment where I could have been one that made this request, but we have a little something for you. On behalf of myself, the Tennessee Delegation and Governor Bill Lee, Congratulations Colonel Hughes. Councilman Hughes thanked Senator Lowe and for his representation you give to the whole region. This is a terrific honor. He has enjoyed his service to the community, to the high school and to the college. It is a great honor to receive this today from our Senator.

HEARING PETITIONS AND COMMUNICATIONS

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concerning a change in the ownership interest of members for Riverstone Wine, Spirits and Brew located at 157 Ocoee Crossing NW. Mayor Brooks asked if anyone would like to speak in favor of the request. Jack Sheehan stated he is seeking approval to the change in the members of the LLC. Himself and his uncle, James Sheehan are seeking to purchase membership

in the LLC, which his father currently ownes. Mayor Brooks asked if anyone would like to speak in opposition to the request. No one spoke. Mayor Brooks then declared the public heraing to be closed.

Mayor Brooks stated today's meeting is being held as a public hearing to hear public comments concenring a request by John Porte for consideration of an ordinance to zone about .49 acres, more or less, of property located at Old Tasso Rd from R-2 and IL Zoning District to CG General Commercial Zoning District and includes a Tax Map 050 Parcel 001.09. Robert Varnell stated this request is to utilize the property for office space. It was zoned industrial, and we felt it more appropriate use was general commercial. Overall, it meets the lot requirements. Staff recommends, and the Planning Commission approved 7-0. 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 City of Cleveland to amend the Cleveland, TN Zoning ordinance section 2.10.2 to include vehicle sales as a conditional use. Robert Varnell stated yes, vehicle sales are currently not an allowable use in general commercial zoning. We do have exiting businesses in GC that are auto sales. For them to update their license with the State, we need to be able to tell them they can legally do it. So, we want to put forth a process where we could and keep these businesses as opposed to the opposite. Planning Commission approved 7-0. Mayor Brooks 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 Brandon McDonald for consideration of an ordinance to zone about 2.8 acres, more or less, of property located Robin Hood Dr. NW from RA/R3/IGC Zoning District to PUD 14 and includes Tax Map 034H Group M Parcel 008.00. Robert Varnell stated yes, to be clear this property has a flag stem out of Robin Hood Drive and the property owner also owns the house and the adjacent property that is on Robin Hood Drive. The flag lot will be absorbed within the other lot and there will be no access for any traffic from this lot to Robin Hood Drive once it develops. The applicant plans to continue owning the home and is understanding of his neighbors. One question was, will commercial traffic be dumped onto their street. The answer is no. We will have road frontage through the development of the site that will make the area, behind Harbor Freight and McAlister's, all more connected and enhance that area even better. The Planning Commission approved 7-0. 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 also being held as a public hearing to hear public comments concerning a request by Joel Simpkins for consideration of an ordinance to zone about 1.02 acres, more or less, of property located on North Ocoee Street from CH Highway Commercial to MU Mixed Use and includes Tax Map 050A Group O Parcel 002.10. Robert Varnell stated this proposal is for a mixed-use development, which would have retail on the 1st floor and apartment or condo living about it, two to three floors. Staff supports the missed use zone as we do see the area with good density. The Planning Commission recommends as well 7-0. 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 Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to PUD52 and includes Tax Map 057D Group E Parcel 020.00. Robert Varnell stated, as you are aware it was requested that the Planning Commission take

another look at this to possibly develop a PUD document. The Planning Commission added their thoughts and made it better and there are a few items the applicant will work out together with staff regarding the number and placement of some trees and how it will work with existing infrastructure around it. Councilman Webb asked about the old modular office building at the southeast corner of the property and if it will remain. Mr. Varnell stated no, there is an access point at that corner, which gives us the possibility to make it a safer area. The Planning Commission approved 6-1. Mayor Brooks asked if anyone would like to speak in favor of the request. Mr. Mark Ball, Director of Real Estate for Sunbelt Rentals, stated Sunbelt Rentals is a publicly traded company that trades on the London Stock Exchange called the Ashtead Group Sunbelt. The North American Sunbelt has 1,350 locations with 30 branches in Tennessee. The site is 3.37 acres. The building size is 10,656 square feet. The proposal is to change the current zoning central business district to a planned unit development zoning that would allow tool rental without such storage. The proposed front elevation of the building, which would be the side of the building that faces Bible St., will be a new storefront entry with glass that will be very inviting with parking there. We've added glass as requested on the overhead door to make it more storefront oriented. The proposed customer base would be small contractors and homeowners. The proposed business hours are 7:00 AM to 5:00 PM Monday through Friday and 8:00 AM to noon on Saturdays. The benefits will be employment, local employment tax revenue, both sales tax and property tax, availability of modern tools and equipment to the community, improved image of the of the current property and community engagement. We plan to have 10 full-time employees, which will be an annual salary base of about $827,000. Local state sales tax would be approximately $400,000 per year. County sales tax revenue would be about $150,000 per year and the estimated construction cost is about $1.45 million and rising. We've had lots of dialogue with the Planning Commission and made changes to the site plan since the last time you've seen it. We've added landscaping buffers up both sides of Bates and Bible, and along the front of Inman Street. Additionally, we agreed to a six-foot aluminum fence across the front and up 75 feet on both sides of the property. Currently, the building has one office and a restroom. We plan to add about 2,200 square feet of office and showroom on the Bible end of the property and of course we'll be remodeling the rest of the building to create the service facilities that we need. He then showed recent project photos, before and after, interior and exterior renovations, equipment and supplies. We keep yards fairly neat and organized, but we think generally we're not going to create any additional environmental impacts to the property. Lastly, the PUD document references storage was going to be limited to the back third of the property, but we need the whole property so to be clear our expectation is to use the whole property. We are willing to limit the area in front of the building to a 20-foot height restriction. So, we think we'll be a good neighbor and we're requesting your support on this rezoning request. Councilman Estes stated he his hopefully and the aesthetics will be good. Mr. Varnell stated yes, and the work they've already invested it will more than exceed any concerns we'd have. 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 we needed a councilmember to fill the vacancy of Councilman Hughes on the Shade Tree Board. Councilman Cassada volunteered to serve. Mayor Brooks then stated to the Shade Tree Board for 2-year terms to expire August 2026 will be Councilman Cassada, Matt Coleman, Milan Blake, Ray Garner, Sr., and Tim Henderson. Councilman Hughes moved to approve the appointment and reappointments to the Shade Tree Board. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. We had two verbal amendments, one to change the appointment to Dr. Julia McClain to the Animal Shelter Board and to move the Inman Street Design and Closure of Worth Street at Inman Street item until the August 12 meeting.

Councilman Estes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Hughes and upon roll call, unanimously passed 7-0.

a. **Final Passage - Ordinance 2024-33** – heretofore passed on first reading June 24, 2024 and found in Minute Book 31, Page 791; Gas Franchise Agreement.
b. **Resolution 2024-74** – Accepting the southern section of Cross Creek Court (545 linear feet) and Rose Hill Lane (330 linear feet) in The Cottages at Spring Creek Development as city streets.

RESOLUTION 2024-74

WHEREAS, a street located within the City of Cleveland is named Rose Hill Lane (approximately 330 Linear feet along the right of way centerline), which street is located off Cross Creek Court in the Cottages at Spring Creek Development;

WHEREAS, the plat for the Cottages at Spring Creek Development is recorded in Plat Book 29 Page 53 in the Bradley County Register of Deeds office; and

WHEREAS, another street located within the City of Cleveland is named Cross Creek Court (545 linear feet beginning at the north line of the Spring Creek Roundabout and continuing north for 545 linear feet along the street centerline), which street is also located in the Cottages at Spring Creek Development, and which street is depicted on two different plats, which plats are both recorded in the Bradley County Register of Deeds office, one plat at Plat Book 22 Page 119, and the second plat at Plat Book 29 Page 53; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept the following as City streets:

Rose Hill Lane (approximately 330 Linear feet along the right of way centerline).

Cross Creek Court (545 linear feet beginning at the north line of the Spring Creek Roundabout and continuing north for 545 linear feet along the street centerline).

This 22nd day of July 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-75** – Authorizing the Mayor to sign a license agreement renewal with the State of Tennessee to install and maintain landscaping along State Route 60.

RESOLUTION 2024-75

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

Description of Project: State Project Number: 06069-2208-04
License Agreement for the installation and maintenance of
Landscaping along State Route 60

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

This 22nd day of July 2024.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

d. **Resolution 2024-76** – Joining the State of Tennessee in amending the Tennessee State-Subdivision Opioid Abatement Agreement and approving the related settlement agreement with Kroger Co.

RESOLUTION 2024-76

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND, TENNESSEE TO JOIN THE STATE OF TENNESSEE AND OTHER LOCAL GOVERNMENTS IN AMENDING THE TENNESSEE STATE-SUBDIVISION OPIOID ABATEMENT AGREEMENT AND APPROVING THE RELATED SETTLEMENT AGREEMENT

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Tennessee, and in Bradley County, Tennessee and in the City of Cleveland, Tennessee.

WHEREAS, Bradley County, Tennessee and the City of Cleveland, Tennessee have 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, Kroger Co., a retail pharmacy and grocery chain, has proposed a settlement that the City Council of the City of Cleveland, Tennessee finds 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 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. 568 during the 2024 Regular Session of the 113th Tennessee General Assembly and was signed into law by Governor Bill Lee on March 15, 2024, which would apply the statutory provisions passed in 2021 to the new settlement with Kroger Co, if it 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 Kroger Co. settlement and would clarify some language concerning the allocation of certain settlement funds; and

WHEREAS, participation in the settlement 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 settlement;

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

Section 1. That the Cleveland City Council finds that the amendments to the Tennessee Plan are in the best interest of the City of Cleveland, Tennessee 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 Cleveland City Council hereby expresses its support for a unified plan for the allocation and use of Settlement Funds as generally described in the Tennessee Plan.

Section 3. That the Mayor of the City of Cleveland is hereby expressly authorized to execute the amendments to the Tennessee Plan in substantially the form attached as Exhibit "B" and the Mayor of the City of Cleveland is hereby authorized to execute any formal agreements necessary to implement a unified plan for the allocation and use of Settlement Funds that is substantially consistent with the Tennessee Plan and this Resolution.

Section 4. That the Mayor of the City of Cleveland is hereby expressly authorized to execute any formal agreement and related documents evidencing the City of Cleveland's agreement to the settlement of claims [and litigation] specifically related to Kroger Co. 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 Clevland's participation in the Tennessee Plan and this settlement.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Cleveland, Tennessee requiring it.

This Resolution was adopted on July 22, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Resolution 2024-77** – Authorizing the Mayor to sign agreement #240247 with TDOT related to the 17th Street Signal and Pedestrian upgrade project (PIN 125526.19).

RESOLUTION 2024-77

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

Project: TSMP-PRSI: Signalization and Pedestrian upgrades on
SR-2 Intersection at 17th Street NW, LM 9.93
Contract Number: 240247
Project Identification Number: 125526.19
State Project #: 06S002-F3-006
Federal Project #: HSIP-2(294)

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

This 22nd day of July 2024.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

f. **Resolution 2024-78** – Authorizing the Mayor to sign a grant contract with the Department of Health for the Healthy Built Environment Grant to fund a Futsal Court in the Blythe Community.

RESOLUTION 2024-78

WHEREAS, the City has received the attached grant contract from the State of Tennessee, Tennessee Department of Health (hereafter the "State") for the State's Healthy Built Environment Grant which will be used for the purpose of funding a futsal court in the Blythe community; 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. [on file in the City Clerk's Office.]

This 22nd day of July 2024

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

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Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

g. **Resolution 2024-79** – Authorizing the Mayor to sign agreement #230480 with TDOT for Milling and Resurfacing of Peerless Road NW, from Georgetown Road to Paul Huff Parkway (PIN 134746.00).

RESOLUTION 2024-79

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

Project: Resurfacing and Safety on Peerless Road N.W. from Georgetown Road to Paul Huff Parkway.

Agreement Number: 230480
Project Identification Number: 134746.00
Federal Project #: STP-M-9203(28)
State Project #: 06LPLM-F3-084

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. [on file in the City Clerk's Office.]

This 22nd day of July 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2024-80** – Authorizing the Mayor to sign an agreement with Kimley-Horn and Associates, Inc for professional services relating to update the City's existing Parks and Recreation Master Plan.

RESOLUTION 2024-80

WHEREAS, the City's parks and recreation department has received the attached agreement from Kimley-Horn and Associates, Inc. for professional services relating to updating the City's existing parks and recreation master plan to meet the State of Tennessee Department of Environment and Conservation's Local Parks and Recreation Fund (LPRF) grant requirements ; and

WHEREAS, City staff are requesting that the City Council approve of the attached agreement between the City and Kimley-Horn and Associates, Inc. for this project; and

WHEREAS, the City Council now desires to approve of the attached agreement with Kimley-Horn and Associates, Inc., and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Kimley-Horn and Associates, Inc. for this project, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 22nd day of July, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Resolution 2024-81** – Authorizing the Mayor to sign an agreement with S&ME Inc. for jurisdictional water assessment for 2300 Candies Lane NW-Jim Sharp Park.

RESOLUTION 2024-81

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. FOR JURISDICTIONAL WATERS ASSESSMENT FOR 2300 CANDIES LANE NW-JIM SHARP PARK

WHEREAS, the City's Stormwater Program manager are recommending to the City Council that the City enter into a professional services agreement with S&ME, Inc. to provide professional engineering services in connection with the development of Jim Sharp Park on Candies Lane as further described in the attached agreement with S&ME, Inc.; and

WHEREAS, the City Council desires to approve the attached agreement with S&ME, 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 S&ME, 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. [on file in the City Clerk's Office.]

This 22nd day of July 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

j. **Resolution 2024-82** – Authorizing the Mayor to sign a contract amendment with TDOT to extend the contract date relating to Gaut Street sidewalk project (PIN 123116.01).

RESOLUTION 2024-82

WHEREAS, the City of Cleveland and the Tennessee Department of Transportation (TDOT) are parties to an existing agreement relating to the project generally identified as various streets in Cleveland (Gaut Street (TDOT PIN 123116.01); and

WHEREAS, the construction of the project is ongoing, and the City's Department of Development and Engineering has requested an amendment to the existing contract with TDOT for this project to extend the completion date for this project; and

WHEREAS, the City's development and engineering staff anticipates that it will receive the amendment to the contract from TDOT after the July 22, 2024, City Council meeting; and

WHEREAS, the City Council desires to go ahead and approve of an amendment to the existing agreement with TDOT for the purpose of extending the completion date for the project, and to further authorize the Mayor to execute an amendment to this agreement for that purpose on behalf of the City of Cleveland once the amendment has been provided to the City by TDOT.

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 an amendment to the existing agreement with TDOT for this project for the purpose of extending the project completion date, and it further authorizes the Mayor to execute the same on behalf of the City of Cleveland once the amendment has been provided to the City by TDOT. [on file in the City Clerk's Office.]

This 22nd day of July, 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

k. **Bid Report** – Gaut Street Sidewalk Improvement Project (Pending TDOT Approval, PIN 123116.01)

TO: Mayor and City Council
FROM: Robert Varnell, Director of Planning and Community Development
DATE: July 17, 2024
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 proposed sidewalk improvements in the area of Gaut Street, Inman Street, and Dooley Street (PIN 123116.01). On Wednesday July 17, 2024, the city received one sealed bid for construction.

FISCAL ANALYSIS: The winning bid from Adams Construction LLC came in at $1,299,807.00. Our current Grant award amount totals $875,737.00 of federal funds, the remaining $424,070 would be locally funded. The City has requested additional federal funds from TDOT to offset this amount.

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

l. **Motion** – Issuing a new Certificate of Compliance to Riverstone Wine, Spirits and Brew due to a change in the ownership interest of members.
m. **Motion** – Declaring the service weapon of Officer Travis Graig as surplus property and given to him as a token of the City's appreciation for his 26 years of dedicated service to the Cleveland Police Department.
n. **Motion** – Declaring a 2006 Ford Explorer as surplus property and transferring to the Jetport Authority to be used as a courtesy vehicle for customers of the Jetport.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 22nd, 2024**
RE: **Jetport Courtesy Vehicle**

SUMMARY:
The City has a 2006 Ford Explorer available to the Jetport to use as a courtesy vehicle for customers of the Jetport. The City will surplus this vehicle to the Jetport Authority so that the Authority will be responsible for the insurance and operation of this courtesy vehicle.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends approval of beginning the process to surplus a 2006 Ford Explorer to the Cleveland Jetport.

o. **Street Light Recommendation** – 2067 Ridgeview Dr NW (Councilman Cassada) Cleveland Utilities recommends the installation of one 40-watt LED fixture on an existing pole and upgrade an existing 100-watt fixture to a 40-watt LED Cobra style fixture at a cost of $146.70. Suggested tree trimming will be performed by city staff.
p. Reappointment – *Greenway Board* – Dr. Pat Stone for an additional 2-year term to expire August 2026.
q. Reappointment – *Greenway Board* – Annie Robbins for an additional 2-year term to expire August 2026.
r. Reappointment – *Animal Shelter Board* – Dr. Sally Poston for an additional 3-year term to expire April 2026.
s. Reappointment – *Animal Shelter Board* – Cindy Dees for an additional 3-year term to expire May 2025.
t. Reappointment – *Animal Shelter Board* – Pat Ownby for an additional 3-year term to expire June 2026.
u. Reappointment – *Animal Shelter Board* – Tom Cassada for an additional 3-year term to expire April 2027.
v. Appointment – *Animal Shelter Board* – Dr. Julia McClain for a 3-year term to expire April 2027.
w. Reappointment – *Beer Board* – Mark Smith for an additional 2-year term to expire July 2026.
x. Reappointment – *Beer Board* – Tina Turner for an additional 2-year term to expire July 2026.
y. Reappointment – *Beer Board* – Gerald Lillard for an additional 2-year term to expire July 2026.
z. Reappointment – *Historic Commission* – Rufus Triplett for an additional 4-year term to expire June 2028.
aa. Appointment – *Vacant Property Review Board* – Bill Martin for a 3-year term to expire July 2027.
bb. Appointment – *Vacant Property Review Board* – Julian Martinez for a 1-year term to expire July 2025.
cc. Appointment – *Vacant Property Review Board* – Cindy Slater for a 3-year term to expire July 2027.
dd. Appointment – *Vacant Property Review Board* – Councilman Bill Estes for a 2-year term to expire July 2026.
ee. Appointment – *Vacant Property Review Board* – Councilman Ken Webb for a 2-year term to expire July 2026.

ff. **Motion** – Approving the purchase of a 26-foot Christmas Tree for Johnston Park.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 22, 2024**
RE: **Christmas Tree Purchase**

SUMMARY:
The City will have the Johnston Park ready for the holiday season in December. The City would like to have a City tree to decorate this area. The vendor on the state contract is having a sale in July. This tree will 26 Feet tall and has options to be a white light tree, or a multi-color light tree. It comes will a tree topper, and it is programmable to be used with music.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the purchase of a new City Christmas Tree for Johnston Park. City staff will have the option to fund this purchase from our Hotel/Motel Tax funds or from the Johnston Park Acct.

gg. **Motion** – Approving an agreement with Sports Facilities Companies for a Sports Facilities Feasibility Study.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 22, 2024**
RE: **Chamber, County, and City Sports Facility Feasibility Study**

SUMMARY:
The City, County, and the Chamber have been meeting to discuss the approval of Sports Facilities Feasibility Study. This study will take an economic impact or sports tourism approach to making these future decisions.

We will evaluate Soccer, Baseball, Softball, Indoor Sports, Aquatics sports, etc for future investment in our area. The County, Chamber, and City will all participate in in the funding of this study.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval of the Agreement to engage Sports Facilities Companies for a Sports Facilities Feasibility Study for $67,500. The County, Chamber, and City will all participate in in the funding of this study.

hh. **Motion** – Approval to begin the RFP process to receive redevelopment options and the possible sale of the DES building located at 185 2nd Street.

TO: Mayor and City Council

FROM: Joe Fivas, City Manager
DATE: July 22, 2024
RE: 185 2nd Street NE (DES Building)

SUMMARY:
The City will begin the process to prepare an RFP to receive redevelopment options for 185 2nd Street NE. These options will be brought to the City Council for your consideration. The City RFP will make it a condition that they bring professional employees into the downtown area and invest in the property.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval beginning the RFP process to receive redevelopment options and the possible sale of DES bldg at 185 2nd Street NE.

ii. **Motion** – Approval to begin the RFP process to receive redevelopment options for the Cherokee Hotel restaurant and catering service space.

TO: Mayor and City Council
FROM: Joe Fivas, City Manager
DATE: July 22, 2024
RE: RFP for Restaurant and Catering Services

SUMMARY:
The City will begin the process to prepare an RFP to receive redevelopment options for the Cherokee Hotel restaurant space on the corner of Inman Street and Ocoee St. We will show the RFP to the City Council before proceeding with advertising this property.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval beginning the RFP process to receive redevelopment options for the restaurant, deli, and ice cream space and to bring draft of RFP back to the City Council for approval.

jj. **Motion** – Approving a Development and Acquisition Agreement with Bradley County for the purchase of 260 Inman Street and to construct a building per the agreement for the County.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **July 22, 2024**
RE: **260 Inman Purchase Agreement**

SUMMARY:
The City has worked closely with Bradley County to develop an Agreement for the trade of 260 Inman Street for the construction of a metal building fire storage facility. Once the property is transferred to the City, the City will do an RFP to see if there is interest in redeveloping this property. The City will retain part of this property for public parking.

The City has internal cost estimates that that show this is likely an even trade, but with the economic uncertainties with materials the cost could be lower or higher than our internal estimates. Staff is not promising to make this an even trade for the future redevelopment costs. However, we are confident there is a clear pathway for this to be a real opportunity. The City Council has three months to change our minds on this purchase if the costs prove to be elevated.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval of this Agreement to purchase 260 Inman Street and construct a building per the agreement for the County. The City Manager has the authority to sign the Agreement when it is necessary and all pre-development issues have been resolved.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Hughes had no report at this time.

Councilman Webb reported the Urban Growth Boundary Committee held it's first organizational meeting on June 14. Craig Mullinax was elected Chair, Cindy Slater was elected as Vice-Chair and Rober Varnell agreed to serve as secretary. The next meeting is scheduled for August 22. Councilman Estes asked if Chairman Crye will remain a part of the group, since he said it was superfluous and not necessary. Councilman Webb stated as far as he knew but he was a County appointment, so that would be up to them.

Vice Mayor Johnson stated he turned in a complaint from Jerry Ward about water runoff in his back yard on Ocoee Street and asked staff to review it. Mr. Myers stated he met with Mr. Ward and you have to access the property through the neighbor. The crew could not get in, but he will follow up and see what can be done.

Councilwoman McKenzie congratulated Councilman Hughes for receiving the well-deserved Colonel designation. Also, Governor Lee signed Resolution 803 asking citizens to seek God's hand of mercy healing on Tennessee during the month of July. Specifically named were violent crimes, human trafficking, drug addictions, fentanyl, DUI's, 9,000 children in foster care, corruption in our government and general prayer for our schools, home, and family. She commended Governor Lee for this and encouraged all to read the resolution.

Councilman Estes thanked Joe Fivas, Jonathan Jobe and Robert Varnell for the Small Area Planning meeting at College Hill. He has received quite a bit of feedback and is excited. Next, Lee has their summer graduation this weekend. Lastly, he appreciates the people in town who are underwriting the gazebo, he really does appreciate it.

Councilman Cassada recognized Chairman Nate Tucker from the City School Board and stated he walked through the new administrative building and was very impressed. He is looking forward to an open house soon. Lastly, the new Food City on Hwy 60 will have their grand opening on July 31 from 5-7 p.m. The new Weigel's Store should be open soon as well. We have great things happening in Cleveland.

Councilman May had no report at this time.

NEW BUSINESS AND ORDINANCES

The following Zoning Ordinance was then presented in full:

a. **Zoning Ordinance 2024-34 –** Concerning a request by John Porte for consideration of an ordinance to zone about .49 acres, more or less, of property located at Old Tasso Rd from R-2 and IL Zoning District to CG General Commercial Zoning District and includes a Tax Map 050 Parcel 001.09 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-34

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 Zoning District and R-2 Low Density Single and Multi-Family to CG General Commercial Zoning District.

Approximately .49 acres, more or less, located on Old Tasso Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 050 Parcel 001.09 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.

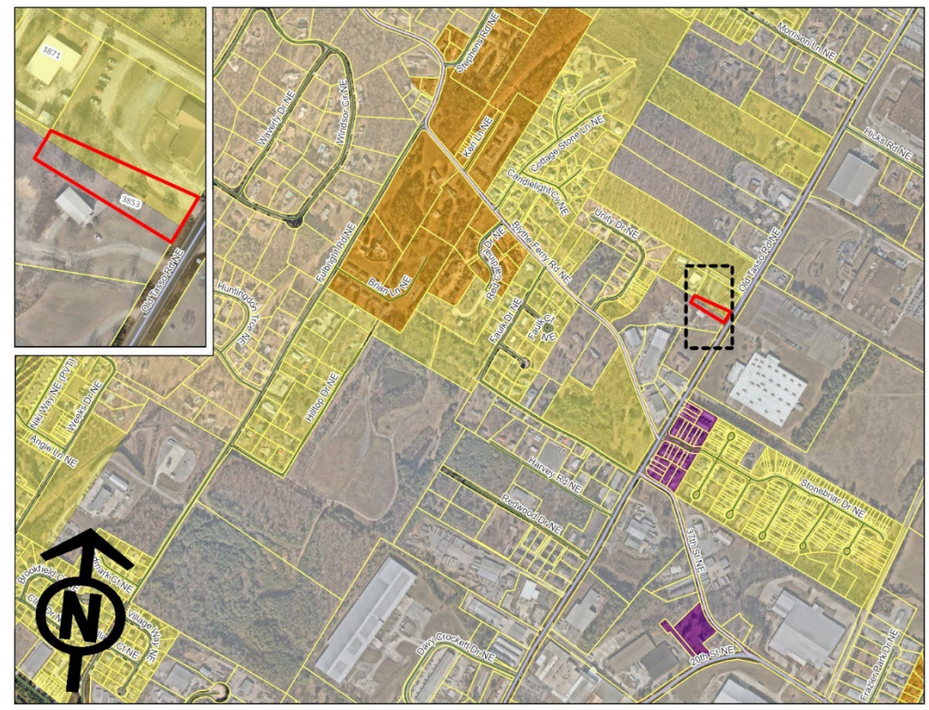
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-34 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:

b. **Ordinance 2024-35 –** Amending Title 14, Chapter 2, Zoning Regulations by revising Section 2.10.2 and Table 1 to add auto sales as a conditional use to the CG General Commercial Zoning District (Planning Commission: Approved 7-0; 2 absent).

ORDINANCE 2024-35

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING SECTION 2.10.2 AND TABLE 1 SO AS TO ADD AUTO SALES AS A CONDITIONAL USE TO THE CG GENERAL COMMERCIAL ZONING DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Cleveland, Tennessee, has considered the comments of the Cleveland Municipal Planning Commission considering the conditional uses within the General Commercial Zoning District, and

WHEREAS, the Planning Commission has become aware of benefits of expanding the Conditional Uses within the CG General Commercial Zoning District, and

WHEREAS the City Council has determined that the existing ordinance should be revised to expand the opportunities within the CG Zoning District; and

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

Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, be amended by adding Section 2.10.2.F to read as follows:

F. Vehicle sales, including new or used automobiles only and excluding rental, service repair, truck stops, body shops road service, car wash facilities.

Section 2. Table 1 within the Zoning Ordinance shall reflect the following:

Auto Sales be added to the list of conditionally permitted uses within the CG General Commercial Zoning District.

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 May moved that Ordinance 2024-35 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:

c. **Zoning Ordinance 2024-36 –** Concerning a request by Brandon McDonald for consideration of an ordinance to zone about 2.8 acres, more or less, of property located Robin Hood Dr. NW from RA/R3/IGC Zoning District to PUD 14 and includes Tax Map 034H Group M Parcel 008.00 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-36

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 RA Residential Agricultural Zoning District and R-3 Multi-Family Residential Zoning District to PUD14 Planned Unit of Development Zoning District. Inclusion into the PUD includes the donation of a minimum 50’ Right-of-Way along the southern property line to connect Ellis Circle to the Peerless Road extension. This donation will occur upon the Cities request with a 6-month notification window.

Approximately 2.8 acres, more or less, located on Robin Hood Dr. as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 034H Group M Parcel 008.00 in the Assessor’s Office for Bradley County, Tennessee.

BE IT FURTHER ORDAINED that Section 1 of zoning ordinance 2017-23 is also amended as to the property described herein to remove the following uses as allowable uses on this property, and the following uses are specifically prohibited on the property described in this

ordinance: Convenience stores with or without gasoline pumps, car washes, oil-change facilities, and vehicle sales/rental/repair.

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

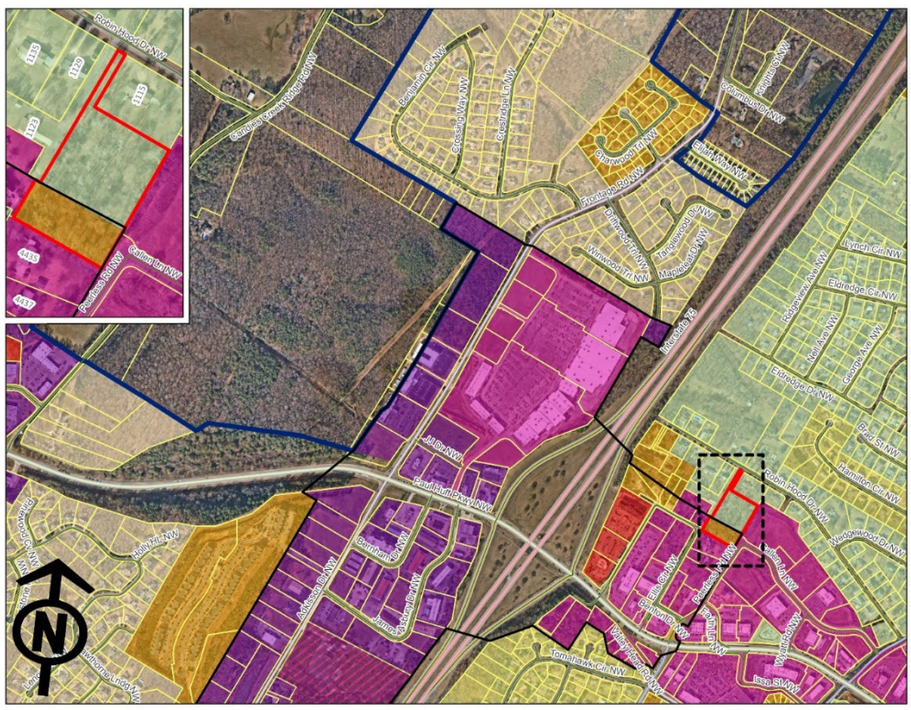
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Hughes moved that Zoning Ordinance 2024-36 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:

d. **Zoning Ordinance 2024-37 –** Concerning a request by Joel Simpkins for consideration of an ordinance to zone about 1.02 acres, more or less, of property located on North Ocoee Street from CH Highway Commercial to MU Mixed Use and includes Tax Map 050A Group O Parcel 002.10 (Planning Commission: Approved 7-0; 2 absent).

Zoning Ordinance 2024-37

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 CH Highway Commercial Zoning District to MU Mixed Use Zoning District.

Approximately 1.02 acres, more or less, located on North Ocoee Street as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 050A Group O Parcel 002.10 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.

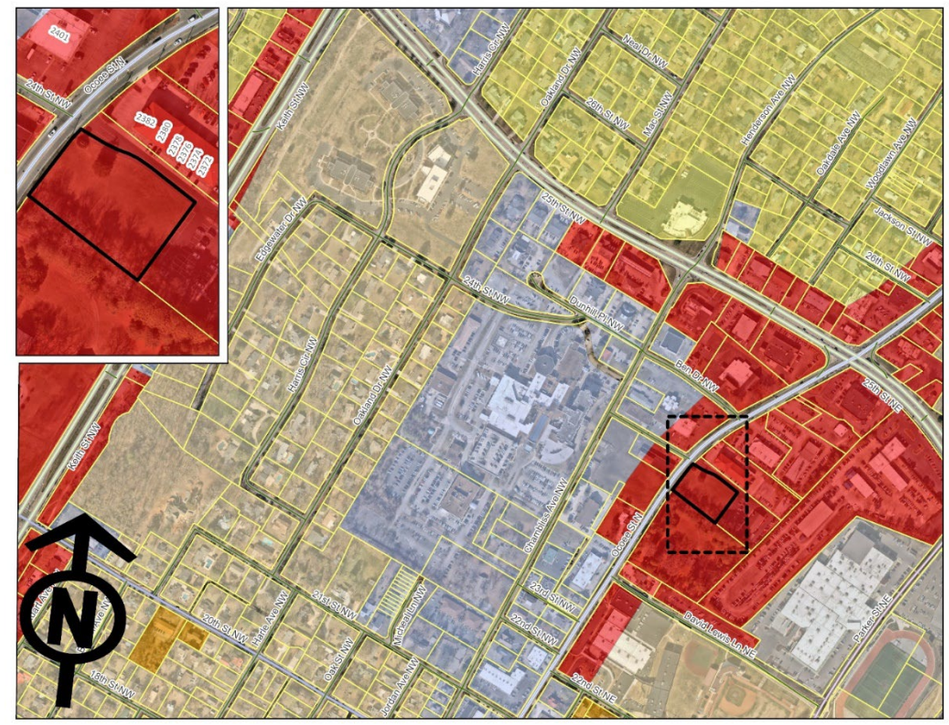
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-37 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:

e. **Zoning Ordinance 2024-38** – Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to PUD52 and includes Tax Map 057D Group E Parcel 020.00 (Planning Commission: Approved 6-1; 2 absent).

ZONING ORDINANCE 2024-38

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 INMAN CENTRAL ISE MIXED USE "PUD 52" ON PROPERTY DESCRIBED AS TAX MAP 057 D Parcel 020.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 52; 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 inSection 3 herein as "PUD 52" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 52 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 52 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 theterms 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 52, Inman Central ISE Mixed Use Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 57D E Parcels 020.00. Exhibit A illustrates the overall Inman Central ISE Mixed Use 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 Inman Central ISE Mixed Use development. The project consists of multiple ISE Mixed Use buildings, to include one or more restaurants. Exhibit A shows the general location of proposed infrastructure and common parking areas. The developer shall include any permanent retention or detention pond areas, or landscapedcommon areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 52 allows for the construction of single-tenant structures and multi-unit ISE Mixed Use structures. Specific uses including restaurants (with or without Drive-up facilities), hotels, supermarkets, department stores, entertainment facilities, shopping centers with multiple tenants, professional offices, service business such as dry cleaners, personal service businesses, retail sales and rentals are allowed by right. Any outdoor storage must be screened utilizing practices listed in section7 of this ordinance. Prohibited uses include any industrial use, self-storage, car washes, oil change facilities, and vehicle repair or sales. If any residential units are desired through the re-development of the PUD, they will be required to be placed above retail units on the 2nd or 3rd floors of a structure or to the rear of the property.

Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 52 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 ISE Mixed Use uses within the Inman Central ISE Mixed Use 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. Conditional uses within the PUD 52 district shall be dictated by the underlying Inman Street East (ISE) zoning. Uses other than those described as permitted or allowed herein are prohibited. Billboard signs are prohibited.

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

A conceptual plan (Exhibit A) for PUD 52, The Inman Central ISE Mixed Use Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 16, 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 52 must be consistent with this Conceptual Plan with regard todevelopment standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission. Additional plans, plats, and other developmentrelated 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 Inman Central ISE Mixed Use development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific ISE Mixed Use structure typology within the ISE Mixed Use areas. Other variations may include the width or alignment of streets, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g., external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats may be prepared for the PUD 52 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; identifylots; 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 52 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 52 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 PUD52 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the ISE 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. All stormwater detention/retention areas will be screened from the public ROW.

Architectural standards for any new buildings constructed on the Site shall be consistent with the ISE standards utilizing brick or stone materials and following the requirements put forth in the ISE SECTION of the zoning ordinance. The proposed continued use of the existing structure shall adhere to ISE standards in regard to storage, parking lot requirements, buffering and landscaping. A landscaped street yard shall be required on all property lines. The street frontages shall include a Landscaped Street Yard to provide an aesthetically pleasing transition from the public right-of-way to private property. The Street Yard shall be a minimum of 15’ in width and include One Class 1 Shade Tree per 35’, 1 Green Giant per 10’ and a continuous shrub hedge. The Inman Street frontage as well as 75’ of both side streets (Bates Street and Bible Street) shall include a black aluminum fence in place of the current chain link fence. Chain link may be used for the remainer of the perimeter with the green slats to screen from offsite property. Any outdoor storage shall be screened utilizing the requirements of the street yard and shall be placed to the rear third of the property behind the front wall of the existing structure. These areas shall not be visible from the Inman Street ROW and will be continuously and properly maintained.

-All Class 1 Shade Trees shall be installed at a minimum caliper of two (2) inches as measured from two and one half (2 ½) feet above grade level. A minimum of 3 species must be utilized over the entire site
-All Screening Trees shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet.
-All Shrubs shall be twenty-four (24) inches in height and in a three (3) gallon pot. A minimum of 3 species must be utilized over the entirety of the site.

All buildings shall be serviced by sidewalks within the development. Sidewalks should be illustrated on all plats and site plans for review by city staff. Sidewalk connections shall be made at all entrances to Inman street.

The development standards for the ISE 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 PUD52 Inman Central ISE Mixed Use 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 thisordinance 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 THEPUD.
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 PUD52, 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 conceptualplan must be reviewed by the Cleveland Municipal Planning Commission.

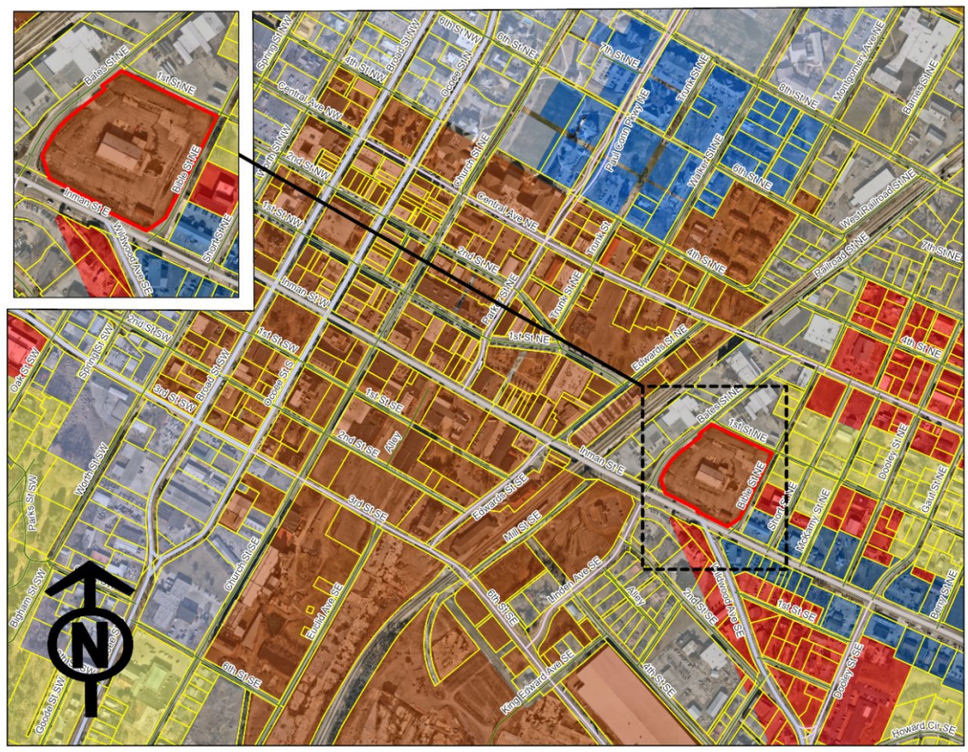
Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, andas such it is generally binding upon all development and use of property in the PUD52 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer 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 Sunbelt and Pheonix Investors 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 establishedfor 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 forceand effect. This ordinance shall take effect after final 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


Bates St NE
1st St NE
Inman St E
Inman St W
Central Ave NW
Central Ave NE
Broad St SW
Broad St SE
Parker St SW
Church St NW
Church St NE
Edwards St SE
Mill St SE
Dalton Ave SE
Mac Pound Ave SE
Howard Cir SE
Peerless St SE
Georgia Ave SE
Ocoee St SE
Tennessee Ave SE
Montgomery Ave NE
Raider Dr NE
Parker St NW
Bigham St SW
Wood St SW
Cherry St SW
Ocoee St SW
Georgia Ave SW
Tennessee Ave SW
Dalton Ave SW
Mac Pound Ave SW
Peerless St NW
Edwards St NW
Broad St NW
Central Ave NW
Inman St NW
Bates St NW
Church St SW
Cherry St NW
Ocoee St NW
Georgia Ave NW
Tennessee Ave NW
Dalton Ave NW
Mac Pound Ave NW
Peerless St SW
Edwards St SW
Broad St SW
Central Ave SW
Inman St SW
Bates St SW
Church St SW
Cherry St SW
Ocoee St SW
Georgia Ave SW
Tennessee Ave SW
Dalton Ave SW
Mac Pound Ave SW
Peerless St NW
Edwards St NW
Broad St NW
Central Ave NW
Inman St NW
Bates St NW
Church St N

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, August 12, 2024.

b. Monday – August 26th from Noon - 1:30 p.m. Cleveland Police Department Community Room; Retirement Reception for Vice Mayor Avery Johnson and Councilman Dale R. Hughes.

ADJOURNMENT

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

_____ _____

Mayor City Clerk

REGULAR SESSION
AUGUST 12, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 12, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, 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; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Sue Zius, Administrative Coordinator; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Director Jeff Elliott and Hal Taylor with Cleveland City Schools; Nate Tucker, Jodi Riggins, Krista McKay, and Matthew Coleman with the Cleveland City School Board; Duane Goff; David Goodwill with City Fields; Sharon Marr with Mainstreet; Doug Berry with the Chamber of Commerce; Michael Condon; Warbrit Lowery, Attorney George McCoin; Kimberly Ledford, Susan Brock, Bianca Baker with the Cleveland Lions Club, Keisha Parks with the Cleveland Public Library and Tim Siniard with the *Cleveland Daily Banner*.

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

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on July 22, 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

Kimberly Ledford, Susan Brock, Bianca Baker with the Cleveland Lions Club presented Vice Mayor Avery Johnson with the Melvin Jones Fellow Award. Mr. Johnson has been a Lion since 1995. This is awarded to those who have been a great service to our community. Vice Mayor Johnson thanked everyone for the recognition.

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 Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to PUD Planned Unit Development and includes Tax Map 057D Group E Parcel 020.00 (Planning Commission: Approved 6-1; 2 absent). Robert Varnell stated at the last meeting the applicant and Council had some comments about landscaping and storage of equipment. Those have been addressed in the ordinance for final passage today. 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 Barry Clark for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 9 acres, more or less, for property located at Benton Pike NE from R-3/FAR to PUD53 and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated the front portion of the property is already in the city but the remainder must be annexed. The zoning will be a PUD that allows for townhome development with sidewalks within and along

Benton Pike. There were a few questions regarding the architectural components regarding the sides of the structures and if there are any additional questions he will try to answer them. This is straightforward development. Mayor Brooks asked if anyone would like to speak in favor of the request. Attorney George McCoin stated he represents the applicant Ted Moss, who is seeking approval. Mr. McCoin stated 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 Morgan Lane for consideration of an ordinance to amend PUD 37 site plan to add 20 townhome units to the Minnis Road portion of the development (Planning Commission: Approved 7-0; 2 absent). Robert Varnell stated to clarify this is adding twenty units to the first phase, which access off Minnis Road. The maximum count, or unit number of this zoning as approved in 2022, is not changing. This is a redesign based on the preliminary site plan that is required with every PUD. When the site plan changes, we have to go back through this process. This is a significant change which requires Planning Commission and City Council 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. Danny Britt stated he lives off Minnis Road. He is not opposed to this project, just here to complain about roads. He has lived there 22 years, there has been nothing done to Minnis Road. Frankly, the road is terrible. A lot of new subdivisions have been added, townhouses, a huge plant on Benton Pike and several people use Minnis Road. He then asked when will we see some road improvements on Minnis and Michigan Avenue. Mayor Brooks stated the MPO have begun the planning process for improvements along Michigan Avenue and we realize that it is imperative that roadway be improved. Mr. Varnell stated the developer has given a good right-of-way as a part of this development, on Minnis and Michigan Avenue roadways. We will have the room to improve, as before it was quite tight. Mr. Britt stated to improve Michigan Avenue is great, and at least turn lanes. Hopefully the intersection at Minnis Road will be improved as well. We beg of you to do something. 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 concerning a resolution recommending adoption of the Municipal Urban Growth Boundary to be proposed to the Urban Growth Boundary Committee. Robert Varnell stated there is no voting action today, but at the following meeting it will be. This gives the public a chance to speak on the urban growth boundary, which is what we are looking for. This is a planning tool, as opposed to an annexation tool and that is an important caveat, for both city and county. This improves cooperation within our county on development and those procedures. 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 then declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was presented during the Work Session. We had four items move to new business, the Inman Street Design and Closure of Worth Street at Inman Street, approval of purchase agreement with Phoenix Cleveland TN Industrial Investors LLC, approving an agreement with M3 Technology for A/V technology upgrades for the new City Council Building and a motion for the Cherokee Civic Center Appropriation.

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 7-0.

a. **Final Passage - Zoning Ordinance 2024-34 –** heretofore passed on first reading July 22, 2024 and found in Minute Book 31, Page 813; Concerning a request by John Porte for consideration of an ordinance to zone about .49 acres, more or less, of property located at Old Tasso Rd from R-2 and IL Zoning District to CG General Commercial Zoning District and includes a Tax Map 050 Parcel 001.09 (Planning Commission: Approved 7-0; 2 absent).

b. **Final Passage - Ordinance 2024-35 –** heretofore passed on first reading July 22, 2024 and found in Minute Book 31, Page 814; Amending Title 14, Chapter 2, Zoning Regulations by revising Section 2.10.2 and Table 1 to add auto sales as a conditional use to the CG General Commercial Zoning District (Planning Commission: Approved 7-0; 2 absent).
c. **Final Passage - Zoning Ordinance 2024-36 –** heretofore passed on first reading July 22, 2024 and found in Minute Book 31, Page 815; Concerning a request by Brandon McDonald for consideration of an ordinance to zone about 2.8 acres, more or less, of property located Robin Hood Dr. NW from RA/R3/IGC Zoning District to PUD 14 and includes Tax Map 034H Group M Parcel 008.00 (Planning Commission: Approved 7-0; 2 absent).
d. **Final Passage - Zoning Ordinance 2024-37 –** heretofore passed on first reading July 22, 2024 and found in Minute Book 31, Page 816; Concerning a request by Joel Simpkins for consideration of an ordinance to zone about 1.02 acres, more or less, of property located on North Ocoee Street from CH Highway Commercial to MU Mixed Use and includes Tax Map 050A Group O Parcel 002.10 (Planning Commission: Approved 7-0; 2 absent).
e. **Final Passage - Zoning Ordinance 2024-38 –** heretofore passed on first reading July 22, 2024 and found in Minute Book 31, Page 817; Concerning a request by Phoenix Cleveland TN Industrial Investors for consideration of an ordinance to zone about 3.37 acres, more or less, of property located at 455 Inman Street E from CBD Central Business District to PUD52 and includes Tax Map 057D Group E Parcel 020.00 (Planning Commission: Approved 6-1; 2 absent).
f. **Resolution 2024-83** – Accepting Dalton Way (approximately 220 linear feet in length) as a city street.

RESOLUTION 2024-83

WHEREAS, the Theresa Dalton Evans Property subdivision is a development located in the City of Cleveland; and

WHEREAS, the Theresa Dalton Evans Property subdivision is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 36 Page 32; and

WHEREAS, Dalton Way is a street located within this subdivision and is depicted on this Plat; and

WHEREAS, the developer has requested that the City accept Dalton Way as a City street; and

WHEREAS, the City's engineering staff is recommending that Dalton Way be accepted 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 Dalton Way (approximately 220 linear feet in length) as a City street.

This 12th day of August 2024.

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

g. **Resolution 2024-84** – Authorizing the City to purchase through the Master Intergovernmental Cooperative Purchasing Agreement #230806 (Johnston Park Christmas Tree).

RESOLUTION 2024-84

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE PRODUCTS AND SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT #230806, 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 Christmas Designers ("Company") and The Interlocal Purchasing System (TIPS) a government cooperative purchasing program authorized by the Department of Texas Region 8 Education Service Center ("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 #230806, 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 #230806, 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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

h. **Resolution 2024-85** – Authorizing the Mayor to sign amendment 1 with TDOT for the multi-use path along 25th Street from Georgetown Road to Peerless Road PIN 130251.00.

RESOLUTION 2024-85

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

Project: Shared Use Path and Bike Lane on Southside of SR-60
Contract Number: 200110
Project Identification Number (PIN): 130251.00
State Project Number: 06LPLM-S3-079

WHEREAS, the City Council desires to enter into the attached Amendment #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 Amendment 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 12th day of August 2024

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

i. **Resolution 2024-86** – Authorizing the Mayor to sign a proposal with TDOT related to the intersection improvement project at 25th and Ocoee Street (PIN 109276.00).

RESOLUTION 2024-86

WHEREAS, the City has received a letter and proposal from the Tennessee Department of Transportation (hereafter "TDOT") dated July 25, 2024, for the project described below; and

Description of Project: S.R. 60 (25th Street) Intersection at SR-74 (Ocoee Street NE) LM 15.18 in Cleveland

State Project Number: 06069-2228-54
Federal Project Number: STP-M-60(19)
PIN Number: 109276.00

WHEREAS, the attached letter and proposal from TDOT for the referenced project are attached hereto and incorporated herein by reference as if fully set out verbatim herein; and

WHEREAS, the City Council desires to enter into the attached proposal with TDOT and to further authorize the Mayor to execute the attached proposal on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached proposal with TDOT for the project described herein, and it further authorizes the Mayor to execute the proposal on behalf of the City of Cleveland. [on file in the City Clerk's Office.]

This 12th day of August, 2024.

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

j. **Resolution 2024-87** – Authorizing participation in the Judy Housley Safety Partners matching grant program with Public Entities.

RESOLUTION 2024-87

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS "JUDY HOUSLEY SAFETY PARTNERS MATCHING GRANT" PROGRAM.

****

WHEREAS, the safety and well-being of the employees of the City of Cleveland is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Cleveland employees; and

WHEREAS, Public Entity Partners seeks to encourage the establishment of a safe workplace by offering 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 12th day of August, 2024.

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

k. **Resolution 2024-88** – Approving a proposal from S&ME for professional engineering services for Phase One Environmental Site Assessment of the former Whirlpool industrial site.

RESOLUTION 2024-88

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. FOR PHASE ONE ASSESSMENT FOR FORMER WHIRLPOOL INDUSTRIAL SITE

WHEREAS, the City manager IS recommending to the City Council that the City enter into a professional services agreement with S&ME, Inc. to provide professional engineering services in connection with a Phase One environmental assessment for the former Whirlpool Industrial site as further described in the attached agreement with S&ME, Inc. and the Agenda Item Memo from Seth Sumner; and

WHEREAS, the City Council desires to approve the attached agreement with S&ME, 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 S&ME, 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. [on file in the City Clerk's Office.]

This 12th day of August 2024.

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

l. **Motion** – Approving a one-year contract extension for drug and alcohol testing with Physician Services.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 12, 2024**
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, 2024.

m. **Appointment** – *Animal Shelter Board* – Dr. Kelsey Yates for a 3-year term to expire April 2027.
n. **Reappointment** – *Historic Commission* – P.J. McKay for an additional 4-year term to expire June 2028.
o. **Reappointments** – *Shade Tree Board* - Matt Coleman, Milan Blake, Ray Garner, Sr., and Tim Henderson to the Shade Tree Board for additional 2-year terms to expire August 2026.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Webb inquired if anyone knew the completion timeline for Exit 27 project with the State. Mr. Fivas stated David Sheely is our point person and we will get an answer in the next few minutes.

Vice Mayor Johnson announced he believes we finally reached an agreement between the property owners to help the water runoff issue on Hillview Drive.

Councilwoman McKenzie had no report at this time.

Councilman Estes thanked Tommy Myers and the crews for their superb work during the storms in recent weeks. Next, he has some concerns about high grass and fencing at the retention pond on Carolina Avenue. Mr. Fivas stated yes, we have received quotes on fencing. Third, he asked for Nathan Roberts' contact information, who spoke earlier about his Hill Street property. Next, he wanted to take a few moments to recognize and honor Dr. Herbert Lackey. He knew him and the family well 20 years ago. He was a gentleman who was kind to him and very good to his community. He was a leader, as an educator, as a principal, on the Board of the Bradley Memorial Hospital. When he was considering running for the City Council seat, he spoke with Dr. Lackey about serving the community and looking back, there are so many things, he just wanted to honor him today. Lastly, at the beginning of every month, he wants to draw attention to a small business in the Second District who do things quietly and make Cleveland better. Nationwide Glass was last month, and this month, Broad Street United Methodist Church. There are so many things they do quietly that he sees and appreciates.

Councilman Cassada stated he received a call last week from Cleveland Utilities about water usage and it turns out he had a water leak, so it was nice of them to reach out. Also, the lighting on Ridgeview Drive was installed and he appreciates it. There is still an existing work order to trim the trees.

Councilman May stated Inman Street is beginning to see the end and then asked when the State would be in to pave. Mr. Fivas stated the contractor will be here tomorrow to begin some concrete work and they have to finish it out before August 31. Councilman May then asked about the size of trees that will be planted. Mr. Fivas replied they are 4" caliber. We decided to go with more robust trees, so they have a better chance to survive and better height. Councilman May stated he appreciates it. Seth Sumner added the trees will be Princeton Sentry Ginkgo. Lastly, Councilman May inquired about Johnston Park and if it will be decorated for Christmas. Bryan Turner stated yes.

Councilman Hughes stated he worked with Herbert Lackey for 21 years. He made a great contribution, not on the schools but to his community. Later he became principal of Black Fox Elementary. He deserves recognition and will be missed. Councilman Hughes then congratulated his successor, Duane Goff. He will add a lot to the Council. He is a businessman with a lot of great ideas and will be a blessing to this Council and the City with Spirit. Dan Moore was here earlier, who is also a young businessman with new ideas and direction. We look forward to them being a part of this body. Lastly, this weekend Chief Gibson became the President of the Chiefs of Police across the State of Tennessee. We are proud of him, his contribution and leadership to the Cleveland Police Department.

David Sheely relayed to the Council that the State project timeline at Exit 27 is expected to be completed by the end of the month. Councilman Webb asked if Paul Huff would be taken down to one lane again while they work. Mr. Sheely stated no, all the roadwork is completed. Mr. Fivas asked Mr. Sheely to give an update on the paving of Inman Street. Mr. Sheely stated the island work at Inman and Wildwood is to take place this week. Wright Brothers anticipate mobilizing milling and paving the following week. They will then pave Broad and Ocoee Streets, which will be Inman to 25th Street. The Wright Brothers project will be Dalton Pike from McGrady to Spring Place, Wildwood from Spring Place to Inman, Inman from Broad to Wildwood, 3rd Street East Street to Broad. There are about seven routes they will be paving. Talley Construction will pave Broad and Ocoee Streets from Inman to 25th Street.

Mayor Brooks thanked Kris Miller for getting the microphones working during the break. He then thanked Kim Miller and Rhonda Graham for getting the health and pharmaceutical insurance plans worked out for our employees.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

- **Ordinance 2024-39** – Amending the Cleveland Municipal Code Title 18, Chapter 3, MS4 Phase II Stormwater Management Program to meet TDEC permit requirements.

ORDINANCE 2024-39

AN ORDINANCE OF THE CITY OF CLEVELAND AMENDING TITLE 18, CHAPTER 3, SECTIONS 18-301 THROUGH 18-314 OF THE CLEVELAND MUNICIPAL CODE PERTAINING TO THE CITY'S MS4 PHASE II STORMWATER MANAGEMENT PROGRAM

WHEREAS, City development and engineering staff are recommending to the City Council that the City amend the City's MS4 Phase II Stormwater Management Program; and

WHEREAS, the City Council desires to amend the Program as recommended by City staff.

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

Section 1: Title 18, Chapter 1, Sections 18-301 through 18-314 of the Cleveland Municipal Code deleted and replaced with Sections 18-301 through 18-323:

THE TEXT OF NEW SECTIONS 18-301 THROUGH 18-323 (THE APPENDIX) BEGIN ON PAGE 3.

Section 2. This ordinance shall take effect from and after its final passage, the public welfare requiring it. [updated detail Stormwater Management Program document is on file with Ordinance]

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

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Kevin Brooks, Mayor

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Shawn McKay, City Clerk

Councilman Webb moved that Ordinance 2024-39 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-89** - Concerning a request by Barry Clark for consideration of a Plan of Service for about 9 acres, more or less, for property located at Benton Pike NE and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-89

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

BENTON PIKE (050N 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 August 12, 2024, 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 tract 4 of the lands of Gary and Francis Clark, as recorded in BCROD deed book 2919 page 514, said point also being the southwest corner of lot 10 of Goins subdivision as recorded in BCROD plat book 4 page 24; thence with the western line of Goins subdivision in a northeasterly direction 1209 feet, more or less, to a point where the western line of Goins subdivision intersects the existing City Limits; thence in a northwesterly direction with the existing City Limits 326 feet, more or less, to a point where the existing City Limits intersects the western line of the lands of Clark; thence with the western line of the lands of Clark in a southwesterly direction 1248 feet, more or less, to the south west corner of the lands of Clark, said point also being the southeast corner of the lands of Allen Williams, as recorded in BCROD deed book 2499 page 21; thence with the southern line of the lands of Clark in a southeast direction 320 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

JULY 16, 2024
BENTON PIKE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 9 acres located at Benton Pike as described in this report, along with a corresponding plan of service and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). The proposed annexation is proposed to occur in 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.

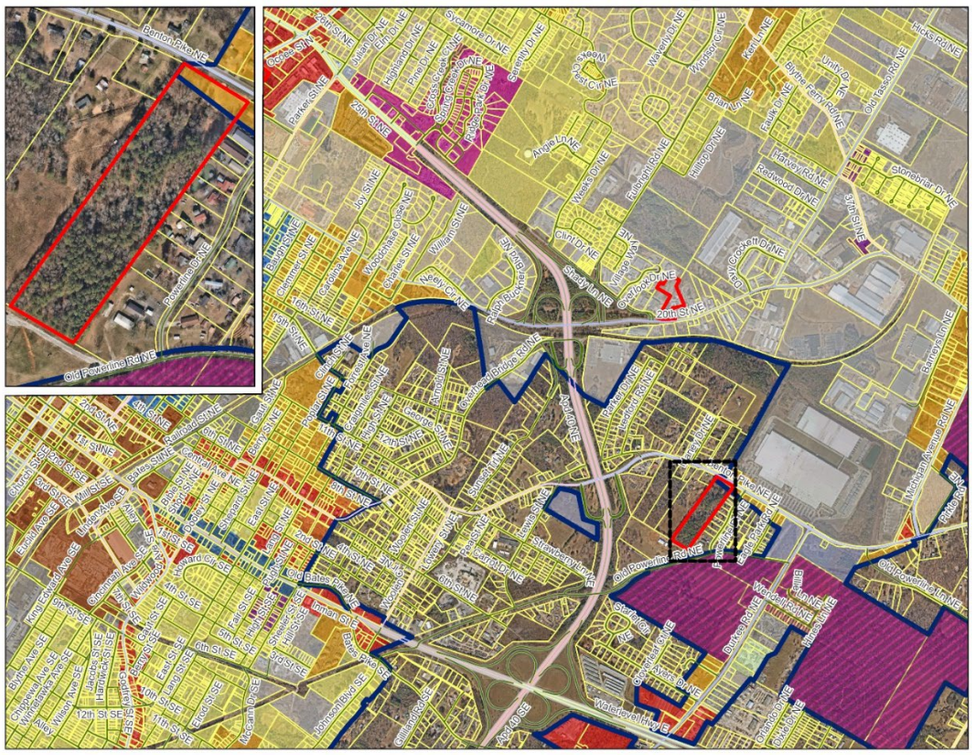
Introduction

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 9 acres total. The annexation would zone the property as PUD Planned Unit of Development. This is a vacant lot, and a townhome development is proposed. The property is described as Tax Map 50N B 009.00.

Benton Pike Annexation Map



Legal Description

Beginning at the southeast corner of tract 4 of the lands of Gary and Francis Clark, as recorded in BCROD deed book 2919 page 514, said point also being the southwest corner of lot 10 of Goins subdivision as recorded in BCROD plat book 4 page 24; thence with the western line of Goins subdivision in a northeasterly direction 1209 feet, more or less, to a point where the western line of Goins subdivision intersects the existing City Limits; thence in a northwesterly direction with the existing City Limits 326 feet, more or less, to a point where the existing City Limits intersects the western line of the lands of Clark; thence with the western line of the lands of Clark in a southwesterly direction 1248 feet, more or less, to the south west corner of the lands of Clark, said point also being the southeast corner of the lands of Allen Williams, as recorded in BCROD deed book 2499 page 21; thence with the southern line of the lands of Clark in a southeast direction 320 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 without any 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 Benton Pike NE. See Figure 1 – Water Service.

B. Sanitary Sewer--- Sewer service is presently available to the parcel via an 8" gravity sewer on the south side of Benton Pike to a manhole along the north side of the property. See Figure 2 – Sewer Service

C. Fire Protection--- Fire protection is presently available to the parcel via a fire hydrant 230 ft west of the parcel on the corner of Powerline Dr. NE and Benton Pike NE, and fire hydrants 500 ft. east and 500 ft west of the parcel on the north side of Benton Pike. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Benton Pike (050N 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.

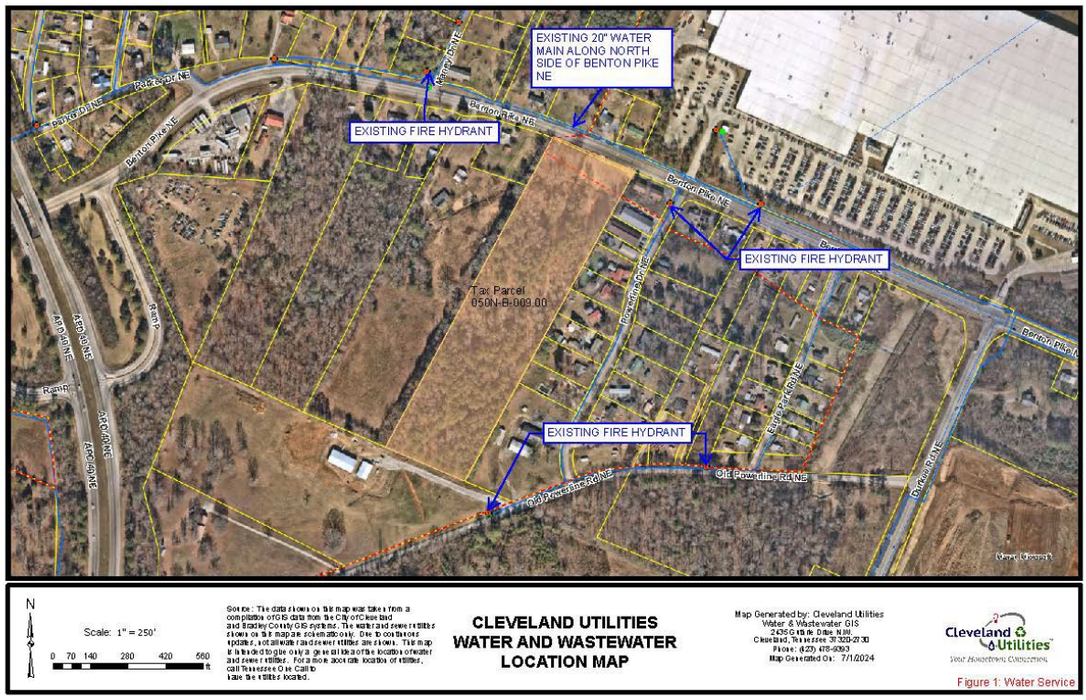


Figure 1: Water Service

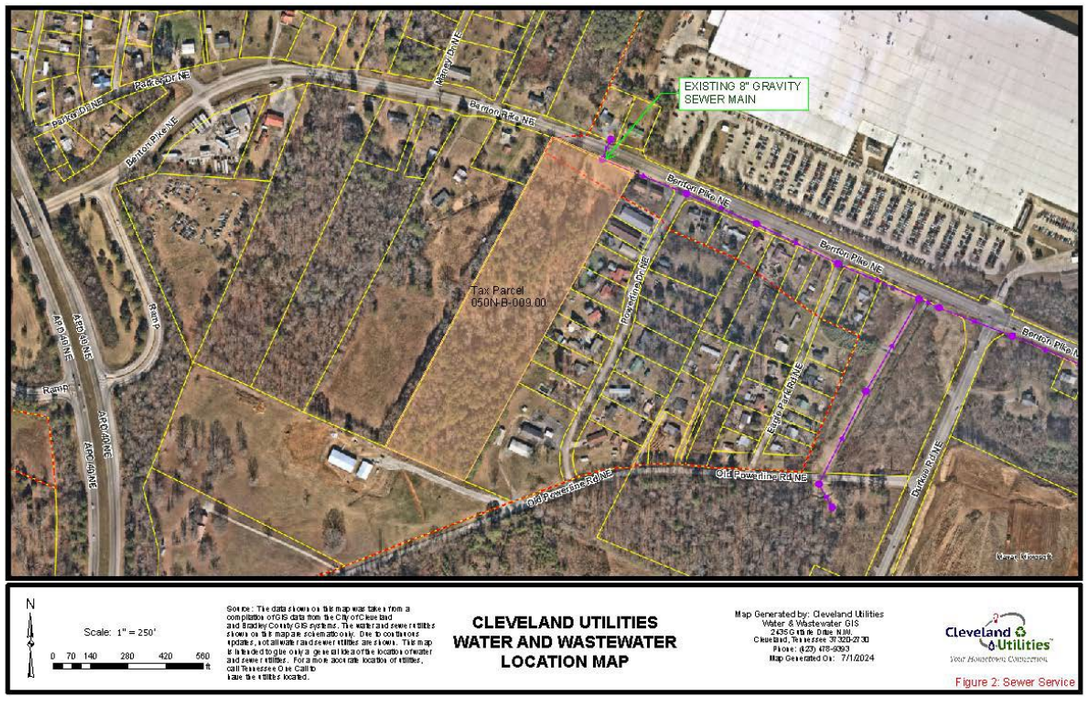


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric currently has facilities along Benton Pike that are capable of serving the proposed annexation. 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 will cost Cleveland City Schools approximately $16,876.79 per year and add 17 school age children.

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 125 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 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 **$35,300 per year**

Councilman Hughes moved that Resolution 2024-89 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-90** – Concerning a request by Barry Clark for consideration of a resolution to annex about 9 acres, more or less, for property located at Benton Pike NE and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

RESOLUTION 2024-90

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

BENTON PIKE ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on August 12,2024.

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 tract 4 of the lands of Gary and Francis Clark, as recorded in BCROD deed book 2919 page 514, said point also being the southwest corner of lot 10 of Goins subdivision as recorded in BCROD plat book 4 page 24; thence with the western line of Goins subdivision in a northeasterly direction 1209 feet, more or less, to a point where the western line of Goins subdivision intersects the existing City Limits; thence in a northwesterly direction with the existing City Limits 326 feet, more or less, to a point where the existing City Limits intersects the western line of the lands of Clark; thence with the western line of the lands of Clark in a southwesterly direction 1248 feet, more or less, to the south west corner of the lands of Clark, said point also being the southeast corner of the lands of Allen Williams, as recorded in

BCROD deed book 2499 page 21; thence with the southern line of the lands of Clark in a southeast direction 320 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

Vice Mayor Johnson moved that Resolution 2024-90 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 2024-40** – Concerning a request by Barry Clark for consideration of an ordinance to zone about 9 acres, more or less for property located at Benton Pike NE from R3/FAR to PUD53 and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2024-40

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 BENTON PIKE TOWNHOME "PUD 53" ON PROPERTY DESCRIBED AS TAX MAP 50N GROUP B PARCEL 9.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 53; 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 53" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 53 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 53 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 53, Benton Pike Townhome Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 50N Group B Parcel 9.00. Exhibit A illustrates the overall Benton Pike 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 Benton Pike Townhome development. The project consists of attached single-family dwellings in multi-unit townhome structures. The attached multi-unit townhome units may constitute no more than 50 overall units within the 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 landscape common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 53 Subdivision allows for the construction of up to 50 dwelling units in 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 53 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 Benton Pike Townhome 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 53 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 53, The Benton Pike Townhome Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 9th, 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 53 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 dwelling units beyond 50 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for The Benton Pike Townhome 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 53 Benton Pike Townhome development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Existing Right of Way along Benton Pike Townhome development is narrow adjacent to PUD 53 and the intention is that the Benton Pike 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 Benton Pike along the entire property frontage so as to make room for any possible future city improvements. The Developer shall install sidewalks along Benton Pike for the extend of the property.

6.B. PLATS.

One or more plats will be prepared for the PUD 53 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 platsshall 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 53 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 53 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 53 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.

All structures must include articulation, changes 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. Vinyl siding is prohibited on all front facades with the exception of soffits. 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 between each building. The driveways and parking areas for each Townhome shall be separated by a minimum of 3-foot planted landscape strip, therefore allowing for placement of trees and other landscaping.

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. The curb line should be extended to the development property line along Benton Pike. A monument style ground sign shall be installed at all entrances to the site. A landscaped front yard no smaller than 8' in width shall be installed along Benton Pike to provide privacy and to maintain a high-quality appearance. Open space shall be maintained at a proportion of no less than 25% of the total buildable area.

A high-quality picnic pavilion shall be provided within the designated open space by the developer once 75% the buildable lots in the development are established or under construction. This amenity shall be accessible to all lots within the subdivision by a sidewalk. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners, or an established homeowner’s association. In coordination with Cleveland City Schools, a bus shelter must be placed on the property. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of 2 off-street parking spaces. This may be combined with site amenity as provided. Provide overflow/guest parking areas to avoid residents parking on the street. 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.

Townhome sites shall comply with existing city townhome regulations for lot width, front setback requirements are 18 feet (must have at least 25’ of driveway between the sidewalk/property line and the structure). The minimum side setback for townhomes is 10’. Townhomes 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 PUD53 Benton Pike 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 53, 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 PUD36 zoning district and is binding upon City's regulation of these activities in this location.

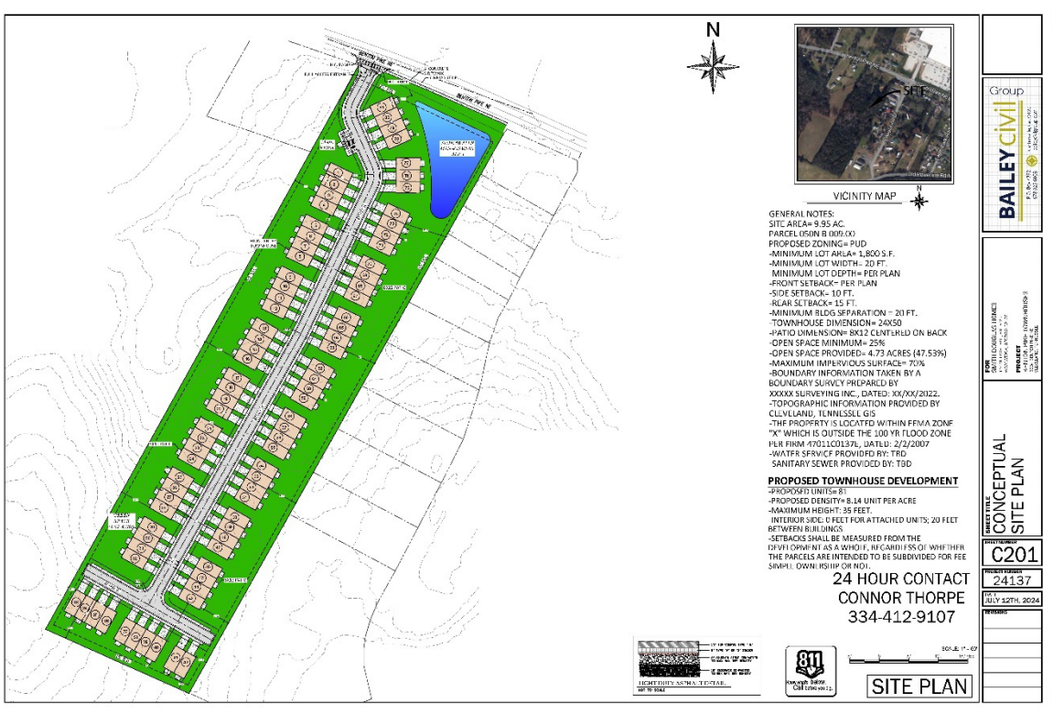
Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term “Developer” is intended to encompass Brian Hudson or any heirs, 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 2024-40 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 2024-41** – Concerning a request by Morgan Lane for consideration of an ordinance to amend PUD 37 site plan to add 20 townhome units to the Minnis Road portion of the development (Planning Commission: Approved 7-0; 2 absent).

ZONING ORDINANCE 2024-41

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 MICHIGAN_MINNIS TOWNHOME "PUD 37" ON PROPERTY DESCRIBED AS TAX MAP 50 PARCEL 14.01, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 37; 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 37" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 37 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 37 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 37, Michigan_Minnis Townhome Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning), includes property generally identified as Tax Map 50 Parcel 14.01. Exhibit A illustrates the overall Michigan_Minnis 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 Michigan_Minnis Townhome development. The project consists of attached single-family dwellings in multi-unit townhome structures. The attached multi- unit townhome units may constitute no more than 195 overall units within the 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 37 Subdivision allows for the construction of up to 195 dwelling units in 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 37 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_Minnis Townhome 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 37 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 37, The Michigan_Minnis Townhome Development was prepared for submission to the Cleveland Municipal Planning

Commission for consideration in the regular meeting on March 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 PUD37 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 dwelling units beyond 195 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 Michigan_Minnis Townhome 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 PUD37 Michigan_Minnis Townhome development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Where existing Right of Way along Michigan Avenue and Minnis Road is narrow adjacent to PUD 37 and the intention is that the Michigan Avenue and Minnis 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 Michigan Avenue and Minnis Road along the entire property so as to make room for future city improvements to the Michigan Ave roadway. Approximately an extra 15’ of ROW will be required along Michigan Avenue and Minnis Road where they intersect to account for future improvements to the intersection. Exhibit A shall be modified to reflect if additional ROW along Michigan_Minnis Townhome is required.

6.B. PLATS.
One or more plats will be prepared for the PUD37 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 37 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 37 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 PUD37 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.

All Residential 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 which front Michigan Avenue or Minnis Road shall contain a minimum of at least 50% of either brick, stone, or cement fiber materials. Vinyl Siding is prohibited on front elevations with the exception of soffit areas. For Elevations which are interior to the development and do not front Michigan Avenue or Minnis Road, the front façade shall contain at least 25% of either brick, stone, or cement fiber materials. Vinyl Siding should be used on non-primary walls. 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 between each building. The driveways and parking areas for each Townhome facing Michigan Avenue or Minnis Road shall be to the rear of the structure and shall include garages. The driveways for all other structures shall be separated by a minimum of 3-foot planted landscape strip.

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 sidewalk, curb and gutter should be extended along Michigan Avenue and Minnis Road to the development property line. A monument style ground sign shall be installed at all entrances to the site. The townhomes which front Michigan Avenue and Minnis Road shall include one tree and multiple shrubs planted at a minimum of 2" caliper for the trees and 3' in height for the shrubs. Open space shall be maintained at proportion no less than 25% of the total buildable area.

A high-quality picnic pavilion or greater amenity shall be provided within the designated open space by the developer once 75% the buildable lots in the development are established or under construction. This amenity shall be accessible to all lot within the subdivision by a sidewalk. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners, or an established homeowner's association. In coordination with Cleveland City Schools, a bus shelter must be placed on the property. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of 4 off-street parking spaces, or if broken up into multiple kiosks throughout the development each must provide 2 off street parking spots. This may be combined with site amenity 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.

The minimum setbacks and lot width requirements for townhome sites shall comply with existing city townhome regulations. Minimum side setback for townhomes is 10'. No setback is required for shared walls of townhouse units, and rear setbacks shall be no less than 15' from the property line. Front setback requirements are 25' minimum. The setback along Michigan Avenue/Minnis Road shall be a minimum of 30'. Townhomes 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.

Infrastructure upgrades at the site will be critical to service a development of this magnitude. These upgrades shall include the following:
1. Only one access point on Michigan Avenue, accessed by a left turn lane and a right deceleration lane will be allowed.
2. Dual access points, separated by a minimum of 300', on Minnis Road with a right deceleration lane with one lining up directly across from Michigan Avenue School Road.

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 PUD37 Michigan_Minnis 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 PUD37, 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.

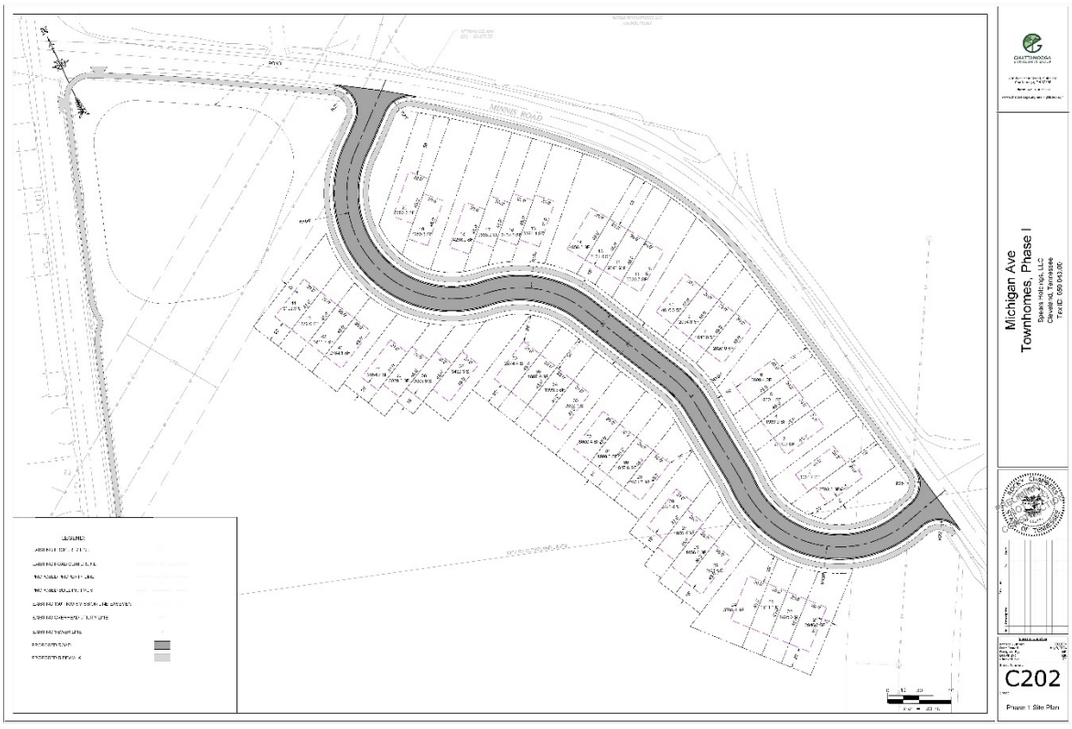
Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD37 zoning district and is binding upon City's regulation of these activities in this location.
Moreover, it shall be the duty of the Developer 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 Morgan Lane 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 Hughes moved that Zoning Ordinance 2024-41 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

- **Ordinance 2024-42** – Amending the Cleveland Municipal Code Title 13, Chapter 1 to add Section 13-108 to establish the requirements for storage of tires within the city limits of Cleveland.

ORDINANCE 2024-42

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE BE AMENDED BY ADDING SECTION 13-108, STORAGE OF TIRES TO TITLE 13, CHAPTER 1, TO ESTABLISH THE REQUIREMENTS FOR STORAGE OF TIRES WITHIN THE CITY LIMITS OF CLEVELAND AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the existing code should be revised to add regulatory actions for the storage of tires and conceive dumping of tires illegal.

WHEREAS, tire storage is well known as fire hazards, and also lead to environmental issues, and can attract bugs and mosquitos.

WHEREAS, the requirements, restrictions and penalties of storage of tires set forth in the Cleveland Municipal Code are to ensure the health, safety, and welfare of the public.

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

Section 1. Title 13, Chapter 1, Section 13-108 of the Code of Ordinances of the City of Cleveland, Tennessee to be added as follows:

13-108. Storage of tires

1. Tires shall be properly stored at each facility inside the city:
    a. New, used and waste tires shall be stored inside an approved primary or accessory facility that meets local building and fire codes. The facility must be constructed and maintained to prevent any tires from being exposed to the elements.
    b. If tires are temporarily stored onsite inside any portable devices, containers, or vehicles, the tires shall be stored inside a closed door where no tires are visible to the public from the street. These temporarily stored tires can only be temporarily stored onsite for 30 days. Tarps, blankets, or any similar cover are prohibited to cover or shield any tires.
    c. On a temporary basis, it is permissible to have up to 25 tires stacked on your site. They need to removed within 14 days.
    d. Tires must be accumulated in piles inside the facility in accordance with the city of Cleveland fire prevention code while awaiting sale or disposal.
    e. Tires must be isolated from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers.

2. Illegal dumping of tires:
    a. It shall be unlawful for any person or persons to allow the dumping of tires at any place in the City of Cleveland including, without limitation, on any public highway, road, street, alley, or thoroughfare, including any portion of the right of way, any public or private property in the City or any waters in the City.

3. Violations and Penalties:
    a. Any person or persons violating this ordinance shall, upon conviction, be fined not less than two (2) or more than fifty (50) dollars for each offense and such person or persons shall be liable for court costs. Each day that such violation continues shall constitute a separate offense.
    b. The improper storage of one or more tires shall constitute a separate offense per tire for each improperly stored tire on location of the facility. Each day that such violation continues shall constitute a separate offense.

Section 2. 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 3. This ordinance shall take effect on April 1, 2025 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

Councilwoman McKenzie moved that Ordinance 2024-42 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 2024-43** – Amending the Cleveland Municipal Code Title 16, to add a new Chapter 5 to establish the requirements for obtaining a driveway permit for residential and commercial lots within the city limits of Cleveland.

ORDINANCE 2024-43

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE BE AMENDED BY ADDING TITLE 16, CHAPTER 5, DRIVEWAY PERMITS TO ESTABLISH THE REQUIREMENTS FOR OBTAINING A DRIVEWAY PERMIT FOR RESIDENTIAL AND COMMERCIAL LOTS WITHIN THE CITY LIMITS OF CLEVELAND AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the addition of driveway permits for residential and commercial lots within the City limits is necessary

WHEREAS, the requirements of a driveway permit 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 Cleveland, Tennessee: Section 1. Title 16, Chapter 5, Section 5-101 of the Code of Ordinances of the City of Cleveland, Tennessee, be added as follows:

5-101 Driveway Permits:

Definitions:
For the purposes of this ordinance, the following terms shall have the meanings ascribed to them:
(a) "Driveway" refers to any constructed pathway for vehicular access from the public right-of-way to private property.
(b) "Right-of-way" refers to land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
(c) "Easement" refers to a right to cross or otherwise use someone else's land for a specified purpose.

Permit Requirement:
(a) Any person, contractor, firm, corporation, or other entity considering performing any driveway construction within the right-of-way, easement, or on private property within the City of Cleveland must first obtain a driveway permit from the City of Cleveland Building Department before any work can begin.
(b) Submission of Plans: Applicants for new construction or addition to existing driveways must submit plans outlining the proposed changes, including dimensions, materials to be used, and the impact on drainage and surrounding infrastructure. These plans must be reviewed and approved.
(c) There shall be no charge for the issuance of the driveway permit.

New Construction:
(a) All new construction projects must apply for and obtain a building permit before requesting a driveway permit.

Additions to Existing Driveways:
(a) Permit Requirement for Additions: Any person, contractor, firm, corporation, or other entity intending to make additions or modifications to an existing driveway within the right-of-way, easement, or on private property within the City of Cleveland must first obtain a driveway permit

from the City of Cleveland Building Department before commencing any work. This includes widening, extending, additions, or any other form of alteration to the current driveway structure.
(b) Compliance with Standards: All additions to existing driveways must comply with the City of Cleveland's construction and safety standards. This includes adherence to regulations concerning proper drainage, alignment with existing roadways, and ensuring the addition does not interfere with public utilities or create hazards for pedestrians and vehicular traffic.
(c) Exemptions: Minor repairs and maintenance that do not alter the driveway's dimensions or structure, such as resurfacing, filling small cracks or resealing, do not require a permit.

Section 2. 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 3. 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 Johnson moved that Ordinance 2024-43 be approved on first reading. The motion was seconded by Councilman Hughes; and upon roll call, unanimously passed.

The following bid report was then presented:

- **Bid Report** – Cherokee Civic Center Project

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 12, 2024**
RE: **Cherokee Civic Center**

SUMMARY:
City staff has received bids on the construction of the Cherokee Civic Center. This includes two buildings for renovation and construction. We had one bid from Tri-Con construction for a cost of $18,675,000, plus an additive of $100,000.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends approval and awarding of this bid report to Tri-Con Construction for $18,675,000, plus an additive of $100,000.

Councilman May move to approve the bid for the Cherokee Civic Center Project and be awarded to Tri-Con. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following bid report was then presented:

- **Bid Report** – Emergency Shelter

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 12, 2024**
RE: **Homeless Shelter Bid**

SUMMARY:
City staff has been working with Bradley County and the Cleveland/Bradley Community Services to add 22 units to the Homeless Shelter. The Homeless Shelter project has been bid two times and has been over our estimate. The total cost of the project is $544,000 . That includes the bid amount of $505,081.00 and other items in the budget. Subtract $250,000 that Bradley County is putting in and the balance is $294,000. Subtract the $100,000 of the City's committed ARP funding. We need an additional $194,000 to make the budget work.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A

Mayor Brooks stated the bid for the Emergency Shelter has been postponed until the August 26th meeting.

Counicl man Estes move to appoint Krista McKay to the Cleveland City School Board District 2 seat, until the November general election winner is sworn in. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

Councilman Webb moved to accept an agreement with AT&T for underground service work related to the Inman Street project, site location 15 Broad St NW. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following item was then presented:

- **Motion** – Inman Street Design and Closure of Worth Street at Inman Street.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 12, 2024**
RE: **Inman Street Design & Closure of Worth St at Inman**

SUMMARY:
The City Traffic Engineer proposed a new street line configuration for Inman Street from Broad Street to Keith Street at the last Council meeting. This design requested the closure of Worth Street at Inman Street. Staff has surveyed the two businesses impacted, and both support the closure of Worth Street at Inman Street. We have asked Cleveland Utilities to change the street light on Worth Street to an LED light.
COMMITTEE FINDINGS:
No Committee or Board action.
FISCAL ANALYSIS:
N/A
RECOMMENDATION:
City staff recommends the closure of Worth Street at Inman Street and will modify the Inman Street traffic lines down to 3 lanes for safety reasons.

Councilman Estes moved to approve the closure of Worth Street at Inman Street and to modify the street line configuration on Inman Street from Broad Street to Keith Street down to 3 lanes. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following item was then presented:

- **Motion** – Approval of Purchase Agreement with Phoenix Cleveland TN Industrial Investors LLC.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 12, 2024**
RE: **Phoenix Property Purchase**

SUMMARY:
City staff and Travis Henry have been working on a Purchase Agreement for parts of the former Whirlpool property. The property was sold to Phoenix Investors a couple years ago. We have completed an appraisal of the property, and the price is slightly below the appraisal price. At the Council meeting, City staff will review the Purchase Agreement, and the City Council can determine the direction of the conversation.

The Purchase Agreement gives the full ability to the City Council to walk away from the Agreement during the lengthy due diligence process. TDEC, and our attorneys, will be involved in making sure that any environmental clean-up does not involuntarily attach to the City of Cleveland.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends approval and give authorization to the Mayor and City Attorney to sign the Purchase Agreement with Phoenix.

Councilman Webb moved to approve the purchase agreement with Phoenix Cleveland TN Industrial Investors, LLC for 50 acres of the former Whirlpool property. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following item was then presented:

- **Motion** – Approving an agreement with M3 Technology for A/V technology upgrades for the new City Council Building.

TO: **Mayor and City Council**
FROM: **Bryan Turner, Director**
DATE: **August 12, 2024**
RE: **M3 Technology Agreement**

SUMMARY:
For the Cherokee/Civic Center Project, our architects have procured a package of technology upgrades for the new City Council Building. This includes live streaming of Council meetings, security, and necessary technology for business operations of the building.
COMMITTEE FINDINGS:
No Committee or Board action.
FISCAL ANALYSIS:
N/A
RECOMMENDATION:
City staff recommends the approval of the M3 Agreement for the City Council Building.

Councilman Cassada moved to approve an agreement with M3 Technology for the AV Technology package for the new City Council buidling at 44 Inman Street for an estimated cost of $185,694.24. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

The following item was then presented:

- **Motion** – Cherokee Civic Center Appropriation.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 12, 2024**
RE: **Cherokee Civic Center Appropriation**

SUMMARY:
In preparation for the funding for the Cherokee Civic Center Project. City staff is requesting a fund balance appropriation of $6 million to the Cherokee Civic Center Project. These funds are likely in excess of the total project cost. However, we will need additional funds due to the tax credits are reimbursements, and the funds will not be available to the City until after the project is near completion. Any additional funds after the project will be sent back to fund balance.
COMMITTEE RECOMMENDATION:
N/A
FINANCIAL IMPACT:
N/A
STAFF RECOMMENDATION:
City staff recommends approval of $6 million from the City general fund to Cherokee Civic Center project, and any residual will be sent back to fund balance.

Councilman May moved to approve a transfer from the City's General Fund for the renovation of the Cherokee Civic Center project. The motion was seconded by Councilman Estes. He then inquired about the name of the building, if this was a working title. Mr. Fivas stated it is combining the two buildings, so it's more of an internal name to tie it all together. Councilman Estes then asked that we think through it, for long term. Mr. Fivas stated yes, there is nothing official about it. Upon roll call, the motion was unanimously approved.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, August 26, 2024. The Work Session will begin at 1:30 p.m.
b. Monday – August 26th from 12 p.m. - 1:30 p.m. Cleveland Police Department Community Room; Farewell Event for Vice Mayor Avery Johnson and Councilman Dale Hughes.
c. Monday, August 26 during the 3:00 session will be a presentation for the Childhood Pediatric Cancer month.
d. CCTC public hearing will be held August 26th at 5:00 p.m.
e. City Council meeting for Monday, September 9, 2024 will be held at the Museum Center – 3:00 Session Only (Presentation of Certificates of Election)

Mayor Brooks then stated he would like to also honor his dear friend Dr. Herbert Lackey, who he spoke to just a few weeks ago to tell him his corn was ready. Every summer he always called to say come get your corn and he regrets he did not. He will miss his friend, and we honor him today.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:52 p.m.

_____ _____
Mayor City Clerk

REGULAR SESSION
AUGUST 26, 2024
3:00 P.M.
MINUTE BOOK 31

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, AUGUST 26, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, 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; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Assistant Police Chief Stacy Smith; Fire Chief Chris Bates; Kris Miller, IT Director; Sue Zius, Administrative Coordinator; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Hal Taylor with Cleveland City Schools; Sharon Marr with Mainstreet; Doug Berry with the Chamber of Commerce; Warbrit Lowery, Blake Allison; Dennis Epperson, Dale Steels; Peter Goodwin; Rhee Epperson; Attorney George McCoin; Rebecca McIntire and Jill Barnett with the Cleveland Public Library Board; Zach Brooks with the Office of Senator Bill Hagerty and Tim Siniard with the *Cleveland Daily Banner*.

Following the Pledge of Allegiance to the American Flag, prayer by Vice Mayor Avery Johnson, who held a moment of silence for Barbara Ector, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on August 12, 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

Mayor Brooks welcomed Zach Brooks, with Senator Hagerty's office. He then asked him to pass along many thanks to Senator Hagerty for the Federal grant funding, specifically the Downtown Overhead Bridge Federal Grant.

City Manager Fivas asked to take a few minutes to recognize Vice Mayor Avery Johnson and Councilman Dale Hughes at their last meeting here today. They have been cornerstones for our organization and the respect runs deep and wide within our city staff. On a personal and professional level, he can't think of any council members throughout his career, that has been such foundational to what your careers have been for the organization and keeping us on the right path. We certainly appreciate it. He then presented each of them with an honorary crystal gavel and street signs in their honor. For the month of August, he like to temporarily place them at the intersection of 2nd Street/Church Street NE. Councilman May moved to temporarily install the honorary street signs for the month of August at the corner of City Hall. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

Mayor Brooks then presented Vice Mayor Johnson with his reserved parking sign, which had been in the alley of City Hall building.

Mayor Brooks then read the following proclamation for District 5 Councilman Dale Hughes.

"D A L E R. H U G H E S D A Y"

Whereas, Dale R. Hughes was first appointed as District 5 councilmember replacing Councilman Bill Robertson on May 17, 2011, elected to a 4 year term on September 20, 2012; and . .

Whereas, Dale was reelected to three subsequent 4-year terms in 2016 and 2020 and served until he announced his retirement in 2024; and

Whereas, Dale served on the Cleveland Utility Board for 26 years, eight years as chairman, and served on many other boards and commissions such as: President of the Chamber of Commerce Board; President of YMCA Board, two different years; Vice Chairman of Jr. Achievement; Isaiah 17 Board; Real Life Villages Autism, Finance Director; Bradley County Board of Education Chairman; Cleveland Tree Board; Chamber of Commerce EDC; United Way, Chairman of Education; and . . . .

Whereas, Dale's volunteer work included Tennessee State Beta Club Chairman for 33 years; president, Tennessee Principal Association; Board Member of Tennessee Association of colleges and schools; and. . . .

Whereas, under Dale's leadership Bradley Central High School received the National School of Excellence Award, the only school in 1986 to receive this Award in Tennessee, Award was presented to principal by President Ronald Reagan at the Whitehouse Rose Garden; he holds many honors such as Principal of the Year for Tennessee 1996; National Beta-Board Member Emeritus; YMCA-Board member of the year/twice; CSCC Awarded impact person of the year; and. . . .

Whereas, he holds Hall of Fame honors at Lee University; Cleveland Area; Greater Chattanooga; and Signature Nursing Impact Person,

Whereas, Dale's family includes wife, Brenda, sons, Eddie Joe and Richie and daughter Keri; and are members of North Cleveland Church of God.

NOW THERERORE, I. Kevin D. Brooks, Mayor of the City of Cleveland do hereby proclaim Monday, August 26, 2024 as "DALE R. HUGHES DAY in Cleveland and wish him a very happy healthy retirement.

Mayor Brooks then read the following proclamation for At-Large Councilman Avery Johnson, Sr.

"A V E R Y L. J O H N S O N, S R. DAY"

Whereas, Avery L. Johnson was appointed to the Cleveland City Council on December 13, 1993 as one of the original council members when Cleveland's form of government changed from mayor/commission to council/manager and is in his 31st year as council member for 3rd District and At Large with almost 20 years as Vice Mayor; and . . . .

Whereas, Avery served as District Director of the Tennessee Municipal League; served on the regional board of the Southeast Tennessee Development District; Past President of Cleveland Toastmaster Club; member of Cleveland Lions' Club, Gideon's South Camp. 100 Black Men of Bradley County; and . . . .

Whereas, Avery has served on many boards and commissions: NAACP Industry and Labor Committee. United Way, Museum Trustee Board, Chamber of Commerce EDC. Cleveland Planning Commission, City School Board, Cleveland Community Services Agency, and College Hill High School Alumni Association; and . . .

Whereas, Avery and his family are members of Pleasant Grove Missionary Baptist Church where he is a member of the Deacon Board, Adult Class, Sunday School Teacher, member of male chorus; his family is Mrs. Lelia M. Johnson, two sons, Shaun Johnson, Avery Johnson, Jr, Tammy Johnson, two grandsons, Avery S. Johnson III, and Adam David L. Johnson,

Whereas, Avery spent most of his life working for Maytag, spending almost 44 years in various departments such as Human Resource, shipping, warehousing, and many management positions.

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland, Tennessee do hereby declare Monday, August 26, 2024 as "AVERY L. JOHNSON, SR. DAY" in Cleveland and wish him a very happy, healthy retirement.

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 Don Jacobsen for consideration of an ordinance to zone about .18 acres, more or less, of property located at 150 Lowery Street from CH Highway Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group F Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated the applicant intends to build a residential structure and any stormwater concerns will be reviewed and improved through the development process. 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 Don Jacobsen for consideration of an ordinance to zone about .86 acres, more or less, of property located at Lowery Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group H Parcel 017.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this will be a residential structure as well, which requires rezoning. 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 Joseph Parker for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about .77 acres, more or less, for property located at 3210 Tonia Drive from R-1 unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 056F Group A Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this property on Tonia Drive has sewer available and the applicant does intend to connect. This meets the R-1 zoning requirements 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 FB&J Enterprises for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 35 acres, more or less, for property located at Freewill Road from FAR unincorporated county to PUD54 Zoning District and includes Tax Map 041 Parcel 047.01 and 047.02 (Planning Commission: Approved 6-0; 1 absent, 2 recused). Robert Varnell stated yes, this is approximately 35 acres with a maximum request of up to 100 units, which many will roughly be 10,000 sq ft lot size. The applicant has agreed to allow the city to expand its right-of-way in the area, which is important on Freewill Road. As a part of the PUD, we obtained additional right-of-way and a turning deacceleration lane into the neighborhood. It will be single-family detached residential neighborhood and staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. Blake Allison with Epperson Allison Homes stated they are excited to build another quality subdivision for our residents. We decided what fits the area best is a standard residential lot, 75x140 and 120 lot size with good setbacks. We are looking at the reduction of density from 160 doors to 98 doors. They are committed to the right-of-way donation and safety for the area. Our company has been in the community for over 40-years, we try to maintain a good reputation, and most of our subs live in this area and use local vendors. We anticipate the project will total approximately $40 million invested of tax base revenue. They are committed to the community and excited about what they can do. Councilman Cassada thanked Epperson Allison Homes for what they are doing with this neighborhood and keeping the standard in the area. Councilman Hughes thanked them for quality developments in our community. Councilman Webb stated this is a perfect example of staff, Planning Commission, developers and now Council can all take action that is in the best interest of our community. This speaks volumes to what you are getting ready to do. 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 CT Properties for consideration of a Plan of Service, a resolution to annex, and an ordinance to zone about 1.39 acres, more or less, for property located at New Murraytown Road from FAR unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 040 Parcel 024.08 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this will be a four-lot subdivision to annex in and zone R-1, like much of the area around it. 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 Eldredge's and O'Neal's 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 Highway from FAR unincorporated county/RA Residential Agricultural to PUD55 Zoning District and includes Tax Map 034 Parcel 025.02 (Planning Commission: Approved 7-0; 1 absent, 1 recused). Robert Varnell stated yes, this is a townhome development off the newly constructed Coleman Drive off North Lee Highway. There is approximately 5 acres of open space, and the PUD includes language for the undisturbed buffer along North Lee Highway. The PUD will also have some amenities like a pool and cabanas for residents. On-street parking is included, and all units will have garages, much like recent PUD's. This went through a process after some speakers at the Planning Commission. Staff, the applicant and a neighbor came together and worked out any questions. The front will remain residential, and the commercial components were removed from the PUD itself, which included some possible mixed-use in the front has been taken out. Staff recommends approval. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry stated this is a private location with a large buffer along North Lee Highway. They are using existing sideroad, all utilities are available, it will be brick/stone foundations, units with garages in the front and units with parking and garages in the back. We have received a lot of support for this development. Most of the comments were on the 2 acres lot at the corner of North Lee Highway and Coleman Drive. Originally, we designated that as a mixed-use parcel, which was a highly restricted commercial piece, offices, retail or restaurant. It was approved by Planning Commission, but we did meet with one of the neighbors, Peter Goodwin, who had some concerns about the uses. The property owners, the Eldredge family, agreed to remove that mixed use. At a point where that gets developed in the future, it will go back through a PUD modification through Planning Commission. We are excited to move forward with something mutually agreeable. 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 Title 14, Chapter 2, Section 2.12.2 Conditional Uses to remove automobile sales as a conditional use in the Central Business District (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated last month we put automobile sales in General Commercial as a conditional use. This month we are removing them as a conditional use from the CBD zone. 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 Jones Properties for consideration of an ordinance to zone about 1.48 acres, more or less, of property located 500 Stuart Road from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 042G Group J Parcel 003.01 (Planning Commission: Approved 8-0; 1 absent). Robert Varnell stated this is a split parcel and a site plan was submitted to build townhomes, so we are rezoning R-3 to continue the residential development. 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 during the Work Session. We had one item moved to new business, the bid report for the Homeless/Emergency Shelter project.

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 7-0.

a. **Final Passage - Ordinance 2024-39** – heretofore passed on first reading August 12, 2024 and found in Minute Book 31, Page 832; Amending the Cleveland Municipal Code Title 18, Chapter 3, MS4 Phase II Stormwater Management Program to meet TDEC permit requirements.
b. **Final Passage - Zoning Ordinance 2024-40** – heretofore passed on first reading August 12, 2024 and found in Minute Book 31, Page 840; Concerning a request by Barry Clark for consideration of an ordinance to zone about 9 acres, more or less for property located at Benton Pike NE from R3/FAR to PUD53 and includes Tax Map 050N Group B Parcel 009.00 (Planning Commission: Approved 7-0; 2 absent).
c. **Final Passage - Zoning Ordinance 2024-41** – heretofore passed on first reading August 12, 2024 and found in Minute Book 31, Page 845; Concerning a request by Morgan Lane for consideration of an ordinance to amend PUD 37 site plan to add 20 townhome units to the Minnis Road portion of the development (Planning Commission: Approved 7-0; 2 absent).
d. **Final Passage - Ordinance 2024-42** – heretofore passed on first reading August 12, 2024 and found in Minute Book 31, Page 850; Amending the Cleveland Municipal Code Title 13, Chapter 1 to add Section 13-108 to establish the requirements for storage of tires within the city limits of Cleveland.
e. **Final Passage - Ordinance 2024-43** – heretofore passed on first reading August 12, 2024 and found in Minute Book 31, Page 852; Amending the Cleveland Municipal Code Title 16, to add a new Chapter 5 to establish the requirements for obtaining a driveway permit for residential and commercial lots within the city limits of Cleveland.
f. **Resolution 2024-91** – Authorizing the City's IT Department to purchase equipment, products and services through the Master Intergovernmental Cooperative Purchasing Contract #01-196 between Promark Technology, Inc. and Omnia Partners.

RESOLUTION 2024-91

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #01-196, AS AMENDED, WHICH IS ADMINISTERED BY OMNIA PARTNERS (NCPA) 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 Promark Technology, Inc. ("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 Parnters 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 #01-196, 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 #01-196, 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

g. **Resolution 2024-100** – Adopting the RAISE 21 Plan as model for future infrastructure improvements and redevelopment.

RESOLUTION 2024-100

RESOLUTION OF APPROVAL OF A "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY" (RAISE) PLANNING GRANT

WHEREAS, staff was authorized to develop and has developed a plan and preliminary design of a downtown connector to serve as an alternative for the crosstown movement of traffic in an east-west direction, and whereas further evaluation points to the need for the downtown connector to encompass the construction of a bridge over the railroad at 3rd Street SE; and

WHEREAS, the scope of the planning work included both equity and environmental sustainability elements, including the extension of streetscaping and pedestrian features along the connector and near the Inman Street Corridor, as well as an effort to expand economic development and employment growth opportunities throughout the project area but especially near the eastern end where such opportunities have been more limited; and

WHEREAS, state departments of transportation nationwide engage in railway planning and submit plans to the United States Department of Transportation (USDOT), and in anticipation of the bridge under consideration here to replace the existing 3rd Street SE grade crossing, it would be prudent to request appropriate consideration of the project Tennessee Department of Transportation (TDOT) statewide rail plan,

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

1. Adoption of the RAISE 21 Plan as model for future infrastructure improvements and re-development;

Approved this 26th day of August, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2024-101** – Approving a resolution recommending adoption of the Municipal Urban Growth Boundary amendment proposal for the Bradley County Growth Boundary Coordinating Committee.

RESOLUTION 2024-101

A RESOLUTION RECOMMENDING ADOPTION OF THE MUNICIPAL URBAN GROWTH BOUNDARY AMENDMENT PROPOSAL FOR THE BRADLEY COUNTY GROWTH BOUNDARY COORDINATING COMMITTEE

WHEREAS, Tennessee Code Annotated, Section 6-58-104, establishes a county-wide coordinating committee charged with the responsibility of developing a growth plan for Bradley County; and.

WHEREAS. Bradley County has an approved Growth Plan effective date June 28, 2000; and,

WHEREAS, Tennessee Code Annotated, Section 6-58-104(e)(1), allows that a municipality may propose an amendment to the coordinating committee after the expiration of three (3) years; and,

WHEREAS, Tennessee Code Annotated, Section 6-58-104. also requires said coordinating committee to give due consideration for amendment to such Urban Growth Boundaries as may be timely proposed and submitted to the coordinating committee by a municipal governing body in the County; and,

WHEREAS. the City Council of the City of Cleveland has reviewed Tennessee Code Annotated, Section 6-58-106 (a)(1), that outlines criteria for establishing such Urban Growth Boundaries and wishes to amend its Urban Growth Boundary in compliance with said legislation; and

WHEREAS, the City Council of the City of Cleveland has identified an area that appears to fulfill the legislative requirements, as well as meeting the goals and objectives of the Municipality regarding efficient urban development and delivery of municipal services; and,

WHEREAS, pursuant to Tennessee Code Annotated, Section 6-58-106 (a)(3), the Municipality has held two (2) public hearings, and the time and place of each having been advertised in accordance with said legislation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland that the map entitled "Cleveland's Proposed Growth Plan Amendment," dated August 26, 2024, is hereby recommended to the Bradley County Growth Boundary Coordinating Committee as the official recommendation of the City of Cleveland, Tennessee, in the fulfillment of the legislation noted above.

Approved this 26th day of August 2024.

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

_____
Kevin Brooks, Mayor

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Shawn McKay, City Clerk

i. **Bid Report** – Johnston Park Brick Project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 26, 2024**
RE: **Bid Summary – Johnston Park Brick Project**

SUMMARY:
The City received sealed bids for the furnishing and installation of brick and brick pavers at Johnston Park. Bids are listed below:

- KACE General Partnership **$31,877.46**
- Cagle Development **$63,770.40**
- Pannell Construction **$153,468.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to low bidder, KACE General Partnership.

j. **Bid Report** – Crosswalk Surface System.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **August 26, 2024**
RE: **Bid Summary – Crosswalk Interconnected Surface System**

SUMMARY:
The City received sealed bids for a crosswalk interconnected surface system for multiple locations in the downtown area. One bid was received and is listed below:

- Streetscapes, Inc. **$434,806.95**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to Streetscapes, Inc.

k. **Surplus Property** – Declaring surplus property for 1 Police vehicle (to be used for Fire Department training) and 2 Public Works vehicles (1 to be sold on GovDeals and 1 scraped) as requested by Fleet Management.

l. **Motion** - Approving an agreement with M3 Technology for A/V technology for the new City Hall Building.

TO: **Mayor & City Council**
FROM: **Bryan Turner, Director**
DATE: **August 26, 2024**
RE: **M3 Technology Agreement**

SUMMARY:
For the Cherokee/Civic Center Project, our architects have procured a package of technology upgrades for the new Cherokee Building. This includes all AV services for this building, including running all of the necessary wire to each IT user in the building, all communication services, and conference room technology.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends the approval of the M3 Agreement for the Cherokee Hotel Building.

m. **Motion** – Authorizing staff to apply for a Recreation Service Grant through Blue Cross/Blue Shield.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **August 26, 2024**
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 to replace Sheppard Field in College Hill with a Turf Field.

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 for a turf field to replace Sheppard Field.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Vice Mayor Johnson stated he'd like to introduce his family. Oldest son, Avery Johnson, Jr., who is a musician and has been on The Tonight Show, the Arsenio Hall Show, American Music Awards and has played with just about everyone in Nashville. His Grandson Adam, the golfer who recently graduated from Kennesaw State University. Youngest son, Shaun Johnson graduated from UT. His lovely wife, Lelia. They have been married 10.5 years. His brother, Andrew Johnson, who has helped him on all his seven campaigns. Vice Mayor Johnson continued by thanking everyone here and his colleagues, for all they have done for him over the years while on the City Council.

Councilman Hughes stated first of all, it has been his privilege working with each everyone. I have learned from all of you. My life has been enhanced by your wisdom, by your insight and by your knowledge. Councilwoman Marsha McKenzie is a businesswoman. She has a lot of knowledge about property. She has owned many apartments, houses, and also some commercial properties. She's an entrepreneur and I appreciate her business and knowledge she's been able to apply to the city. Next, Dr. Bill Estes is the chairperson of the Education Department at Lee University. Now if there's any active department at Lee University, it's education. Numerous people have gone through his program and ended up staying in town and teaching in our schools. Almost all of them have to go through a training program and most of that training program is done in the county and in the city. He contributes an awful lot to the young people in our school system. Next, is Councilman Tom Cassada, Third District. He is an owner of a company. I saw him one day driving a big old truck. I stopped and said I thought you owned the company. He said I own the company, and this is what I do when they need a driver. I appreciate Tom and work on this City Council. Next is Councilman David May, who has been Fire Chief. He's been around for a long time, and he knows the city operations. He's a builder, builds quality houses. Mayor Kevin Brooks. Our Mayor runs an excellent meeting. I've told him numerous times he runs a very good meeting. When someone gets out of line, he'll pull out the Robert's Rules of Order and let them know. He's been here six years now and he was State Representative for twelve years. So, there's a lot of things that we have to ask for from Nashville and this man would push the right buttons. He knows a lot of folks in positions that help us in the city. Next to me, Councilman Ken Webb. We have worked together for numerous years when he was COO of Cleveland Utilities, and I was on the board for twenty-seven years. He then became the CEO and the President of Cleveland Utilities. It is a pleasure to have you on this board with the knowledge you have with Cleveland Utilities. Next, Vice Mayor Avery Johnson, who had forty-four years with Magic Chef. Thank you for what you have contributed through the years, your stability and what you've done for the Rymer family. I know they loved you. And your brother back here is one of my good friends, and I'm glad to see Andrew here. But you know in the city you have to have good departments. I look over here at Chief Bates and Chief Smith. Chief Bates a few years ago, your budget was eight million dollars and today is twelve. Chief Smith a few years ago, nine million dollars and now twelve million. We have numerous new staff members and a good system to get good people. We have great departments. The people that are doing an excellent job on an everyday basis. You got to have somebody who manages that and I'm thankful Joe Fivas came our way. He's done an excellent job. We have so many things going in the city, so many different programs, he is the cornerstone for those programs. Eight years ago, he chaired the committee that brought Mr. Fivas. It was a good situation for Cleveland and appreciates what he has done for the City of Cleveland. During my tenure we have built a science wing at Cleveland High School. We have built an addition to the administration office. We have built a state-of-the-art gymnasium. And then we built Candy's Creek Elementary School. Personally, I've had the privilege of building a new hotel, going through the city, getting all the permits, and built the Holiday Inn Express. We needed something on the front lot, so he called Longhorn, and it worked out. It's been good for our community. We worked out a contract with Erlanger to build a very nice facility next to there. So that quadrangle there, Holiday Inn Express, is something that our family worked on and are very happy things came to fruition. I'd like to end by saying I thank my God nothing extraordinary has happened to me today. What do you mean? I'm not living in clouds and scraping for something I can't obtain. I'm not in the valley scratching in the dirt and the grime, trying to get out. But the real good living is right here. It's when you're standing and you take your first step, you know where you're going and what your destination is. Thank God for our employees. Thank God for America. And God shall favor on Cleveland and Bradley County.

Councilwoman McKenzie thanked Vice Mayor Johnson and Councilman Hughes for their years of service and the tremendous and positive impact that you two have had on Cleveland, Tennessee.

Councilman Estes stated first Councilman "Colonel" Hughes, I've known you first as an educator and I've always appreciated your commitment to your home church, to your denomination and to schools and education. I saw that twenty-seven years ago, with Beta Club, and how serious you took it on a State and National level. That changed people's lives well beyond on Bradley County. Vice Mayor Johnson, a sustained excellence is so rare. You brought it to this City, for many years. You've always kept this town connected with College Hill School and the memories and excellence that was there. Your hand in integration in so many aspects of the city. Your demeanor and kindness, for you to keep that attitude and continue it in the city work, it has been a real role model. We see that integrity. To both of you, congratulations, Cleveland is better because of you.

Councilman Cassada stated Councilman Hughes, as a graduate of Bradley High School, 1981, you were my principal, and it meant more to me than anything in this world. The impact you had on kids in high school and myself, I hope I can speak for all of them the impact you made on us. Also, as you go through your next steps in life, I want to appreciate the things that you've shared with me and took me on your wing and mentoring me for getting involved in the Council. You've been a great inspiration, a great impact to him and his family and can not thank you enough. Vice Mayor Johnson, I didn't know you until I go on the Council. We came together really quick and opened his eyes in a lot of ways and to a lot of things that has happened in Cleveland before my time. You've always kept a straight mind and never held anything against anyone. He appreciates the mentoring and has been a great friend. He is going to miss them both, their wisdom and will be calling for knowledge. Thank you again for all your service to Cleveland and both have made Cleveland a much better place.

Councilman May stated both Councilman Hughes and Vice Mayor Johnson are true gentlemen. Always show respect, even during some of the bad meetings we've had and people being very upset. You've always been very respectful. He'd like to say guys, job well done.

Councilman Webb stated he's not sure what else he can add to what's already been said but as everyone up here knows when you're in this role, to do this job right it takes a lot of your time. It's not a second and fourth Monday. It's a twenty-four seven obligation. These two gentlemen, there are no telling how many hours they have dedicated to the City of Cleveland during their tenure. I will just add my thanks to the service they have given. The longevity of that service and we're going to miss you both. I'm looking forward to working with our new Councilmembers, but there's a tremendous amount of knowledge and wisdom walking out that door in just a few minutes and we appreciate everything that both of you have done.

Mayor Brooks stated he will close the moment of personal privilege. Vice Mayor Johnson, I came to Cleveland at eighteen years old, college freshman and my major was history. I studied the history of Cleveland with Dr. Bill Snell. But you sir, are Cleveland history. We studied you and your impact; your life's work will be remembered. I was fortunate to meet Mr. Rymer and hear the stories of your work at Magic Chef/Maytag, and to serve alongside you on this Council has been truly an honor. Thank you for your friendship. Councilman Hughes, I'm glad my son is here to say this in front of him. As famous as you are, as hard working as you are, as impactful as you are, everything in your life began serving your family. That spoke to me as a young man who wanted to try public service and your example and inspiration, and encouragement allows him to sit in this chair. Your further example of saying it's time for the next generation, again to spend time with your family, inspired you to say it's time. He is thankful that his son, the next generation in his family, gets to see you as a living epistle, an example of the servant leadership in keeping your family first. It has not gone unnoticed.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

a. **Zoning Ordinance 2024-44 -** Concerning a request by Don Jacobsen for consideration of an ordinance to zone about .18 acres, more or less, of property located at 150 Lowery Street from CH Highway Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group F Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-44

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 CH Highway Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District.

Approximately .18 acres, more or less, located on Lowery Street as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 058H Group F Parcel 003.00 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.

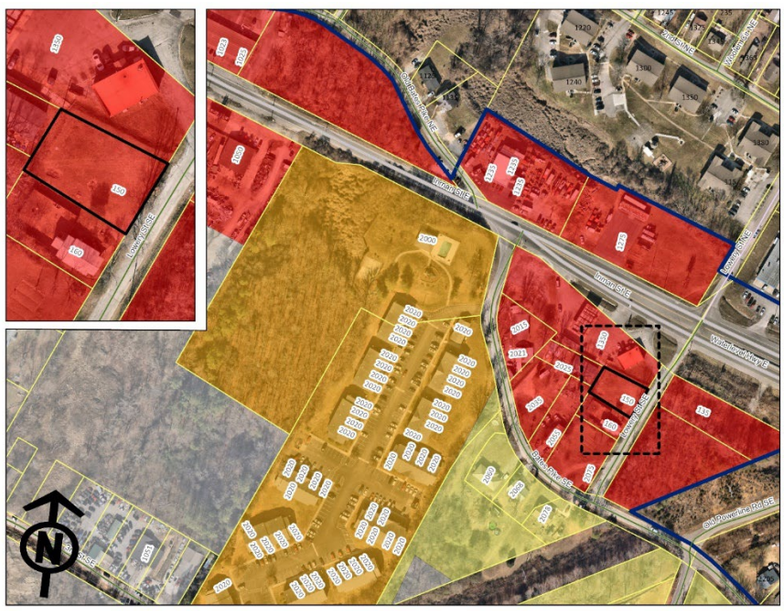
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A


Lowery Street
Lowery Street
Lowery Street
Lowery Street
Lowery Street
Old Tasso Rd NE
Old Tasso Rd NE
Old Tasso Rd NE

The following Ordinance was then presented in full:

b. **Zoning Ordinance 2024-45 -** Concerning a request by Don Jacobsen for consideration of an ordinance to zone about .86 acres, more or less, of property located at Lowery Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group H Parcel 017.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-45

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-2 Low Density Single and Multi-Family Zoning District.

Approximately .86 acres, more or less, located on Lowery Street as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 058H Group H Parcel 017.00 in the Assessor's Office for Bradley County, Tennessee.

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

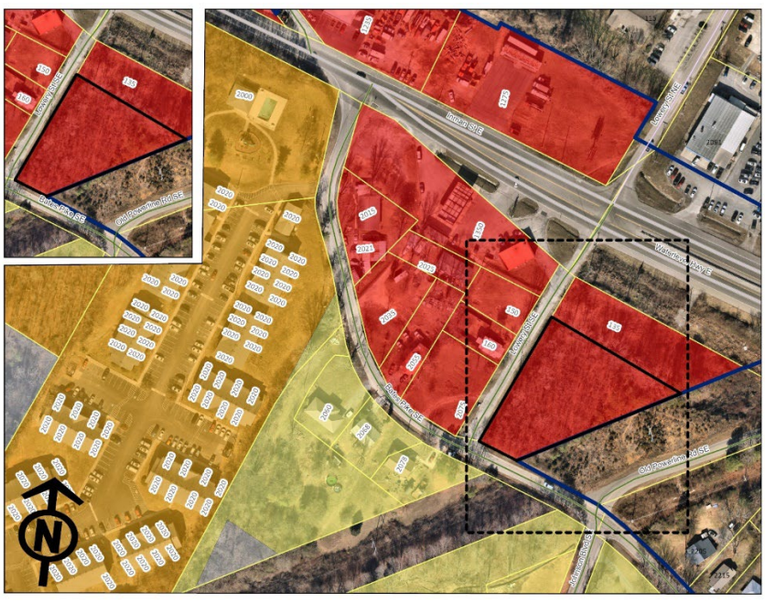
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Webb moved that Zoning Ordinance 2024-45 be approved on first reading. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

c. **Resolution 2024-92 -** Concerning a request by Joseph Parker for consideration of a Plan of Service for about .77 acres, more or less, for property located at 3210 Tonia Drive and includes Tax Map 056F Group A Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-92

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

3210 TONIA DRIVE (056F A 003.00)

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 August 26, 2024, 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 Jospeh Parker, as recorded in BCROD deed book 1861 page 851, said point also being the southwest corner of lot 35 of Section II of Davis Haven Subdivision, as recorded in BCROD plat book 3 page 80; thence north 24 degrees 0 minutes east, 165.2 feet to the northwest corner of lot 35 of Section II of Davis Haven Subdivision; thence south 66 degrees 0 minutes east, 200 feet to the northeast corner of lot 36 of Section II of Davis Haven Subdivision; thence south 24 degrees 0 minutes west, 165,7 feet to the southeast corner of Section II of Davis Haven Subdivision; thence north 66 degrees 0 minutes west, 200 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

AUGUST 20, 2024
3210 TONIA DRIVE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately .77 acres located at 3210 Tonia Drive 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.

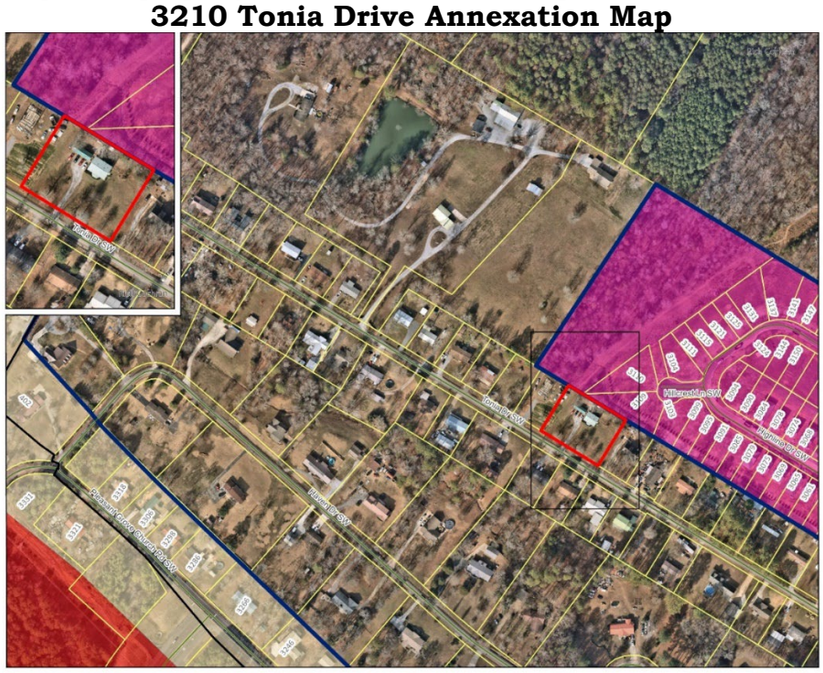
Introduction

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 .77 acres total. The annexation would zone the property as R-1 Single Family Residential. This is a lot with an existing home and garage. The property is described as Tax Map 056F A 003.00.

3210 Tonia Drive Annexation Map


Tonia Dr SW
Tonia Dr SW
Tonia Dr SW

Legal Description

Beginning at the southwest corner of the lands of Jospeh Parker, as recorded in BCROD deed book 1861 page 851, said point also being the southwest corner of lot 35 of Section II of Davis Haven Subdivision, as recorded in BCROD plat book 3 page 80; thence north 24 degrees 0 minutes east, 165.2 feet to the northwest corner of lot 35 of Section II of Davis Haven Subdivision; thence south 66 degrees 0 minutes east, 200 feet to the northeast corner of lot 36 of Section II of Davis Haven Subdivision; thence south 24 degrees 0 minutes west, 165,7 feet to the southeast corner of Section II of Davis Haven Subdivision; thence north 66 degrees 0 minutes west, 200 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately without any 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 the south side of Tonia Drive SW. See Figure 1 – Water Service.

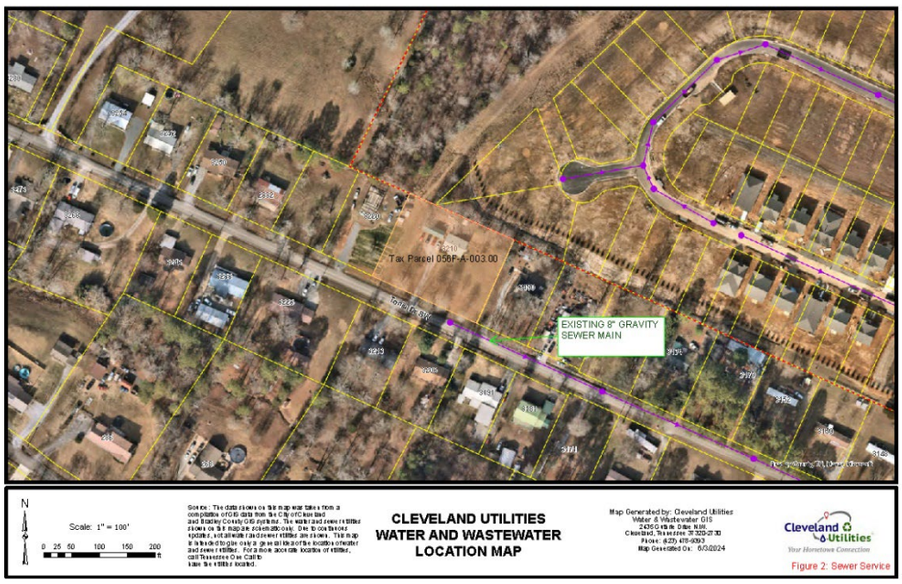
B. Sanitary Sewer--- Sewer service is presently available to the parcel via a 8" gravity sewer along the north side of Tonia Drive SW to a manhole in front of the property. See Figure 2 – Sewer Service.

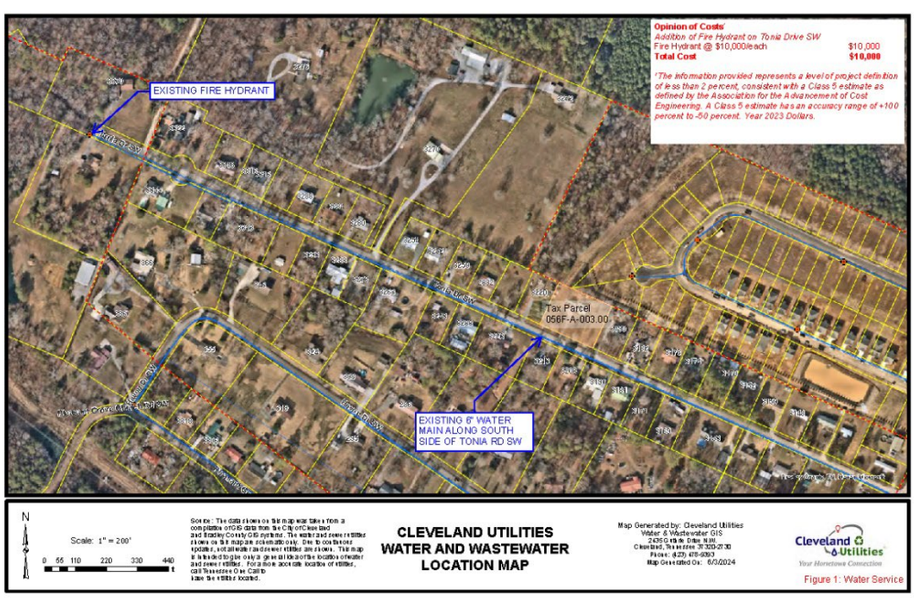
C. Fire Protection--- Fire protection is presently available to this parcel via a fire hydrant 1700 ft. west of the parcel at the end of Tonia Drive SW cul-de-sac. A fire hydrant can be installed across the street from the property to provide fire protection within 500 ft of the property. The Opinion of Probable Cost for this work is $10,000. The work can be completed within 8 years. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
3210 Tonia Drive (056F A 003.00)	**$0**	**$0**	**$10,000**	**$10,000**

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 currently has facilities along Benton Pike that are capable of serving the proposed annexation. 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 will cost Cleveland City Schools approximately $0 per year and add 0 school age children.

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 R-1 in the unincorporated County. The property is proposed for a 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 2 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 **$630.10 per year**

Vice Mayor Johnson moved that Resolution 2024-92 be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

d. **Resolution 2024-93 -** Concerning a request by Joseph Parker for consideration of a resolution to annex about .77 acres, more or less, for property located at 3210 Tonia Drive and includes Tax Map 056F Group A Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-93

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

3210 TONIA DRIVE ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on August 26,2024.

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 Jospeh Parker, as recorded in BCROD deed book 1861 page 851, said point also being the southwest corner of lot 35 of Section II of Davis Haven Subdivision, as recorded in BCROD plat book 3 page 80; thence north 24 degrees 0 minutes east, 165.2 feet to the northwest corner of lot 35 of Section II of Davis Haven Subdivision; thence south 66 degrees 0 minutes east, 200 feet to the northeast corner of lot 36 of Section II of Davis Haven Subdivision; thence south 24 degrees 0 minutes west, 165,7 feet to the southeast corner of Section II of Davis Haven Subdivision; thence north 66 degrees 0 minutes west, 200 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. [Plan of Services on file.]

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 Hughes moved that Resolution 2024-93 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

e. **Zoning Ordinance 2024-46 -** Concerning a request by Joseph Parker for consideration of an ordinance to zone about .77 acres, more or less, for property located at 3210 Tonia Drive from R-1 unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 056F Group A Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-46

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 R1 Unincorporated County Zoning District to R-1 Single Family Residential Zoning District.

Approximately .77 acres, more or less, located on Tonia Drive as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 056F Group A Parcel 003.00 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 2024-46 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

f. **Resolution 2024-94 -** Concerning a request by FB&J Enterprises for consideration of a Plan of Service for about 35 acres, more or less, for property located at Freewill Road and includes Tax Map 041 Parcel 047.01 and 047.02. (Planning Commission: Approved 6-0; 1 absent, 2 recused).

RESOLUTION 2024-94

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

FREEWILL ROAD (041 047.01 and 047.02)

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 August 26, 2024, 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 northwest corner of the lands of FB&J Enterprises, as recorded in BCROD deed book 2142 page 937, said point also being the southwest corner of lot 29 of Cumberland Way subdivision, as recorded in BCROD plat book 16 page 38; thence with the boundary of Cumberland Way subdivision in a southeast direction 679.04 feet, more or less, to the southeast corner of lot 24 of Cumberland Way subdivision, said point also being located in the western line of lot 3 of Cumberland Way Collins Acres subdivision, as recorded in BCROD plat book 16 page 38; thence with the western edge of lot 3 of Cumberland Way Collins Acres subdivision in a southerly direction the flowing distances, 154.55 feet to a point; thence 198.87 feet to a point; thence 31.13 feet to a point; thence 157.27 feet to the southwest corner of lot 3 of Cumberland Way Collins Acres subdivision; thence with the southern line of lot 3 of Cumberland Way Collins Acres subdivision in a southeasterly direction 1227.72 feet to the southeastern corner of lot 3 of Cumberland Way Collins Acres subdivision, said point also being a corner of the property of City of Cleveland-Greenway, as recorded in BCROD plat book 36 page 57; thence with the western line of the City of Cleveland- Greenway in a southerly direction 833 feet, more or less, to a point where the western line of the property of City of Cleveland-Greenway meets the southeast corner of the lands of FB&J Enterprises; thence with the southern line of FB&J Enterprises in a northwesterly direction 1452 feet, more or less, to the southwest corner of the lands of FB&J Enterprises, said point also being located I the eastern right of way of Freewill Rd; thence with the eastern right of way of Freewill Rd in a northerly direction 991 feet, more or less, to the southwest corner of the lands of Billy Knight, as recorded in BCROD deed book 2038 page 413; thence with the southern line of the lands of Knight in a southeasterly direction 160.11 feet, more or less, to the southeast corner of the lands of Knight; thence with the eastern line of the lands of Knight in a northerly direction 179.12 feet, more or less, to the northeast corner of the lands of Knight; thence with the northern line of the lands of Knight in a westerly direction 20.67 feet to the southeast corner of the lands of Brian Shoemaker, as recorded in BCROD deed book 2919 page 649; thence with the eastern line of the lands of Shoemaker in a northeasterly direction 141.52 feet, more or less, to the northeast corner of the lands of Shoemaker, said point also being located in the southern line of the lands of H&P Investment Properties as recorded in BCROD deed book 2542 page 23; thence with the southern line of the lands H&P Investment Properties in a southeasterly direction 9.33 feet, more or less, to the southeast corner of the lands of H&P Investment Properties; thence with the eastern line of the lands of H&P Investment Properties in a northerly direction 113.1 feet, more or less, to the northeast corner of the lands of H&P Investment Properties; thence with the northern line of the lands of H&P Investment Properties in a northwesterly direction 344.3 feet, more or less, to the northwest corner of the lands of H&P Investment Properties, said point also being located in the eastern right of way of Freewill Rd; thence following the eastern right of way of Freewill Rd in a northerly direction 140 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 20, 2024
FREEWILL ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 35 acres located at 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 2024.

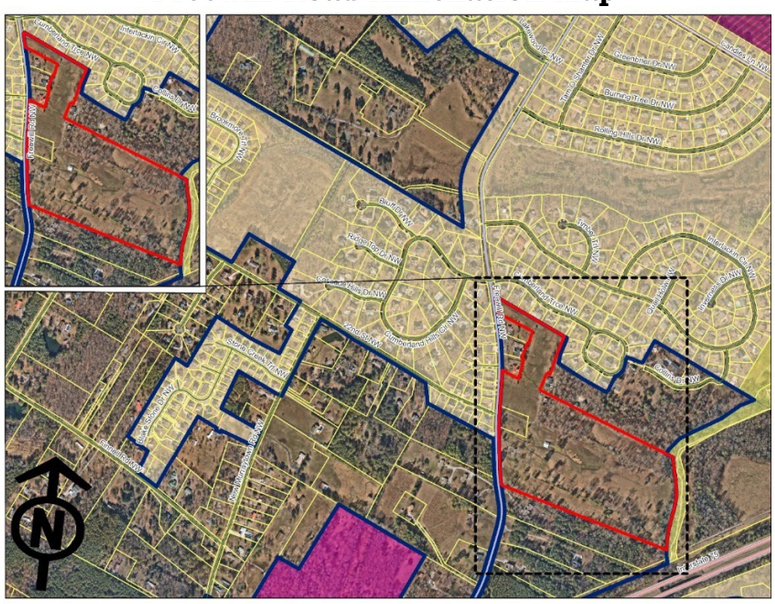
This report begins with a brief overview of the annexation process and the report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive city services 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 two parcels, approximately 35 acres total. The annexation would zone the property as R-1 Single Family Residential. This is a vacant lot and a lot with several existing structures to be removed at the time of development. The property is described as Tax Map 041 Parcels 047.01 and 047.02.

Freewill Road Annexation Map



Legal Description

Beginning at an iron pin located at the northwest corner of the lands of FB&J Enterprises, as recorded in BCROD deed book 2142 page 937, said point also being the southwest corner of lot 29 of Cumberland Way subdivision, as recorded in BCROD plat book 16 page 38; thence with the boundary of Cumberland Way subdivision in a southeast direction 679.04 feet, more or less, to the southeast corner of lot 24 of Cumberland Way subdivision, said point also being located in the western line of lot 3 of Cumberland Way Collins Acres subdivision, as recorded in BCROD plat book 16 page 38; thence with the western edge of lot 3 of Cumberland Way Collins Acres subdivision in a southerly direction the flowing distances, 154.55 feet to a point; thence 198.87 feet to a point; thence 31.13 feet to a point; thence 157.27 feet to the southwest corner of lot 3 of Cumberland Way Collins Acres subdivision; thence with the southern line of lot 3 of Cumberland Way Collins Acres subdivision in a southeasterly direction 1227.72 feet to the southeastern corner of lot 3 of Cumberland Way Collins Acres subdivision, said point also being a corner of the property of City of Cleveland-Greenway, as recorded in BCROD plat book 36 page 57; thence with the western line of the City of Cleveland- Greenway in a southerly direction 833 feet, more or less, to a point where the western line of the property of City of Cleveland-Greenway meets the southeast corner of the lands of FB&J Enterprises; thence with the southern line of FB&J Enterprises in a northwesterly direction 1452 feet, more or less, to the southwest corner of the lands of FB&J Enterprises, said point also being located I the eastern right of way of Freewill Rd; thence with the eastern right of way of Freewill Rd in a northerly direction 991 feet, more or less, to the southwest corner of the lands of Billy Knight, as recorded in BCROD deed book 2038 page 413; thence with the southern line of the lands of Knight in a southeasterly direction 160.11 feet, more or less, to the southeast corner of the lands of Knight; thence with the eastern line of the lands of Knight in a northerly direction 179.12 feet, more or less, to the northeast corner of the lands of Knight; thence with the northern line of the lands of Knight in a westerly direction 20.67 feet to the southeast corner of the lands of Brian Shoemaker, as recorded in BCROD deed book 2919 page 649; thence with the eastern line of the lands of Shoemaker in a northeasterly direction 141.52 feet, more or less, to the northeast corner of the lands of Shoemaker, said point also being located in the southern line of the lands of H&P Investment Properties as recorded in BCROD deed book 2542 page 23; thence with the southern line of the lands H&P Investment Properties in a southeasterly direction 9.33 feet, more or less, to the southeast corner of the lands of H&P Investment Properties; thence with the eastern line of the lands of H&P Investment Properties in a northerly direction 113.1 feet, more or less, to the northeast corner of the lands of H&P Investment Properties; thence with the northern line of the lands of H&P Investment Properties in a northwesterly direction 344.3 feet, more or less, to the northwest corner of the lands of H&P Investment Properties, said point also being located in the eastern right of way of Freewill Rd; thence following the eastern right of way of Freewill Rd in a northerly direction 140 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 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 8" water main along the west side of Freewill Rd NW. See Figure 1 – Water Service

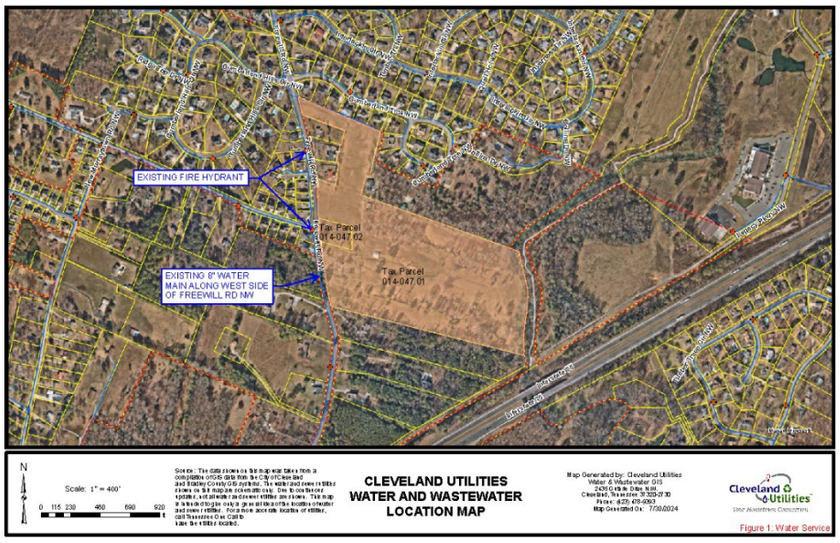
B. Sanitary Sewer--- Sewer service is presently not available to the parcels. To provide sewer to these parcels, approximately 120 LF of 8" gravity sewer main is required to be constructed to Tax Parcel 014-017.01. The new sewer main would begin at an existing sewer manhole north of the northeastern corner of the property and extend to a proposed manhole at the property line of Tax Parcel 014-047.01 Approximately 130 LF of 2" sewer force main is required to be constructed from a manhole on 22nd Street and cross Freewill Rd NW to serve Tax Parcel 014-047.02. The Opinion of Probable Cost is $27,250. See Figure 2 – Sewer Service

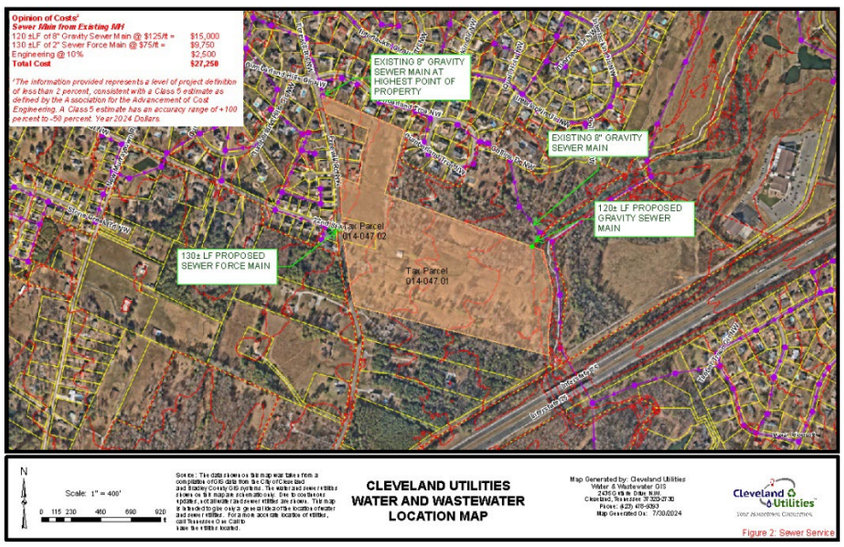
C. Fire Protection--- Fire protection is presently available to these parcels via a fire hydrant across the street from Tax Parcel 014-047.02 and a fire hydrant 500 ft north of Tax Parcel 014-047.01

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Freewill Road (041 047.01 and 047.02)	**$0**	**$27,250**	**$0**	**$27,250**

[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 currently has 3-phase primary lines along Freewill Road in front of the proposed property. 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 will cost Cleveland City Schools approximately $37,110.42 per year and add 38 school age children.

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-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 375 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. 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 **$131,271.88 per year**

Councilman Webb moved that Resolution 2024-94 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:

g. **Resolution 2024-95 -** Concerning a request by FB&J Enterprises for consideration of a resolution to annex about 35 acres, more or less, for property located at Freewill Road and includes Tax Map 041 Parcel 047.01 and 047.02 (Planning Commission: Approved 6-0; 1 absent, 2 recused).

RESOLUTION 2024-95

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

FREEWILL 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 August 26,2024.

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 northwest corner of the lands of FB&J Enterprises, as recorded in BCROD deed book 2142 page 937, said point also being the southwest corner of lot 29 of Cumberland Way subdivision, as recorded in BCROD plat book 16 page 38; thence with the boundary of Cumberland Way subdivision in a southeast direction 679.04 feet, more or less, to the southeast corner of lot 24 of Cumberland Way subdivision, said point also being located in the western line of lot 3 of Cumberland Way Collins Acres subdivision, as recorded in BCROD plat book 16 page 38; thence with the western edge of lot 3 of Cumberland Way Collins Acres subdivision in a southerly direction the flowing distances, 154.55 feet to a point; thence 198.87 feet to a point; thence 31.13 feet to a point; thence 157.27 feet to the southwest corner of lot 3 of Cumberland Way Collins Acres subdivision; thence with the southern line of lot 3 of Cumberland Way Collins Acres subdivision in a southeasterly direction 1227.72 feet to the southeastern corner of lot 3 of Cumberland Way Collins Acres subdivision, said point also being a corner of the property of City of Cleveland-Greenway, as recorded in BCROD plat book 36 page 57; thence with the western line of the City of Cleveland- Greenway in a southerly direction 833 feet, more or less, to a point where the western line of the property of City of Cleveland-Greenway meets the southeast corner of the lands of FB&J Enterprises; thence with the southern line of FB&J Enterprises in a northwesterly direction 1452 feet, more or less, to the southwest corner of the lands of FB&J Enterprises, said point also being located I the eastern right of way of Freewill Rd; thence with the eastern right of way of Freewill Rd in a northerly direction 991 feet, more or less, to the southwest corner of the lands of Billy Knight, as recorded in BCROD deed book 2038 page 413; thence with the southern line of the lands of Knight in a southeasterly direction 160.11 feet, more or less, to the southeast corner of the lands of Knight; thence with the eastern line of the lands of Knight in a northerly direction 179.12 feet, more or less, to the northeast corner of the lands of Knight; thence with the northern line of the lands of Knight in a westerly direction 20.67 feet to the southeast corner of the lands of Brian Shoemaker, as recorded in BCROD deed book 2919 page 649; thence with the eastern line of the lands of Shoemaker in a northeasterly direction 141.52 feet, more or less, to the northeast corner of the lands of Shoemaker, said point also being located in the southern line of the lands of H&P Investment Properties as recorded in BCROD deed book 2542 page 23; thence with the southern line of the lands H&P Investment Properties in a southeasterly direction 9.33 feet, more or less, to the southeast corner of the lands of H&P Investment Properties; thence with the eastern line of the lands of H&P Investment Properties in a northerly direction 113.1 feet, more or less, to the northeast corner of the lands of H&P Investment Properties; thence with the northern line of the lands of H&P Investment Properties in a northwesterly direction 344.3 feet, more or less, to the northwest corner of the lands of H&P Investment Properties, said point also being located in the eastern right of way of Freewill Rd; thence following the eastern right of way of Freewill Rd in a northerly direction 140 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. [Plan of Services on file.]

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 Hughes moved that Resolution 2024-95 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

h. **Zoning Ordinance 2024-47 -** Concerning a request by FB&J Enterprises for consideration of an ordinance to zone about 35 acres, more or less, for property located at Freewill Road from FAR unincorporated county to PUD54 Zoning District and includes Tax Map 041 Parcel 047.01 and 047.02 (Planning Commission: Approved 6-0; 1 absent, 2 recused).

ZONING ORDINANCE 2024-47

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 100 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 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 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.

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 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.

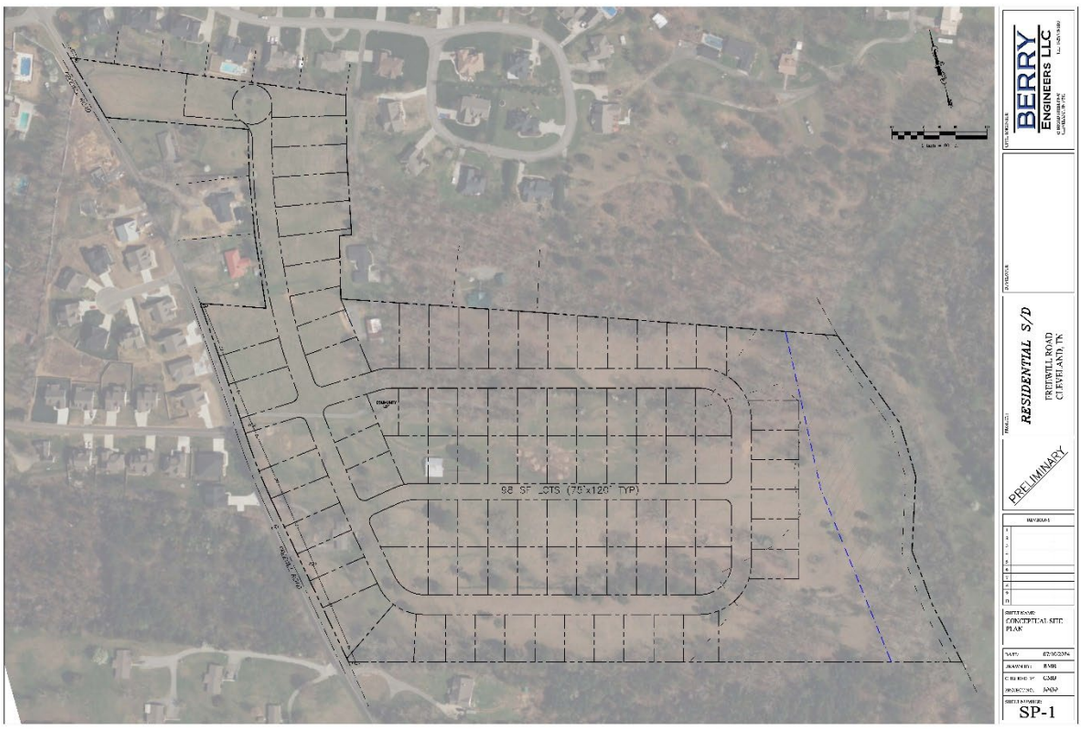
Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the 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 May moved that Zoning Ordinance 2024-47 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:

i. **Resolution 2024-96 -** Concerning a request by CT Properties for consideration of a Plan of Service for about 1.39 acres, more or less, for property located at New Murraytown Road and includes Tax Map 040 Parcel 024.08 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-96

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

NEW MURRAYTOWN ROAD (040 024.08)

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

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

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

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

A. That a public hearing is hereby held at 3:00 pm on August 26, 2024, 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 CT Properties, as recorded in BCROD deed book 2993 page 510; thence north 19 degrees 31 minutes 28 seconds east, 253.57 feet to an iron pin; thence south 65 degrees 7' 10" east, 236.69 feet to an iron pin; thence south 64 degrees 21 minutes 00 seconds east, 59.98 feet to an iron pin; thence south 22 degrees 52 minutes 2 seconds west, 162.80 feet to an iron pin; thence north 82 degrees 49 minutes 16 seconds west, 292.56 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

AUGUST 20, 2024
NEW MURRAYTOWN ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 1.39 acres located at New Murraytown 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 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.

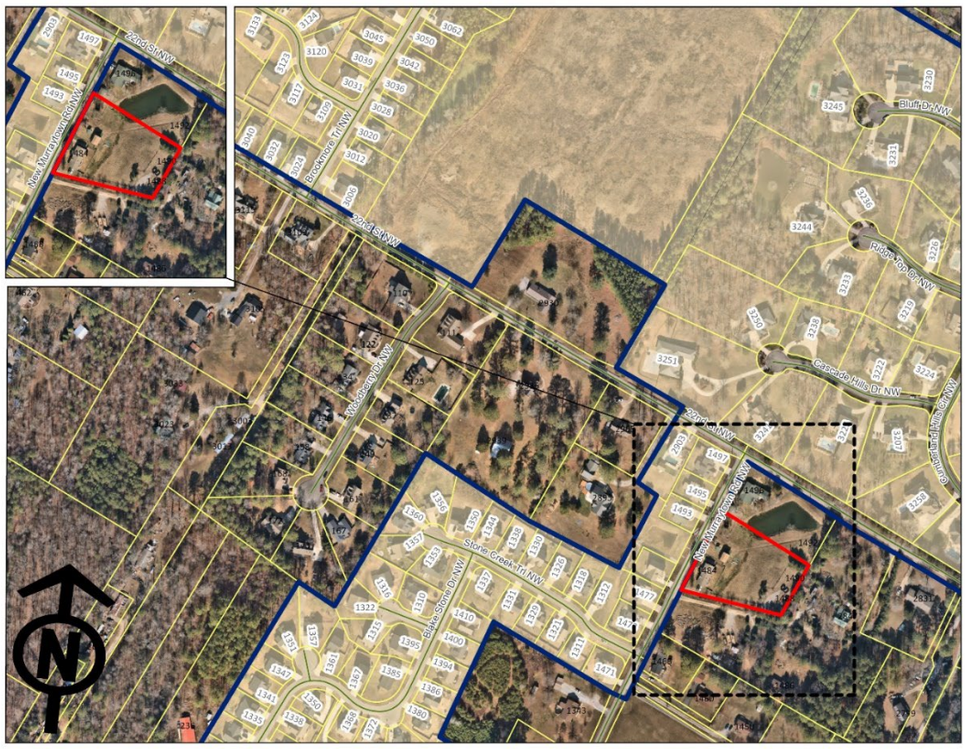
Introduction

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 1.39 acres total. The annexation would zone the property as R-1 Single Family Residential. This is a lot with an existing home and additional single family dwelling development is proposed. The property is described as Tax Map 040 024.08.

New Murraytown Road Annexation Map



Legal Description

Beginning at an iron pin located at the southwest corner of the lands of CT Properties, as recorded in BCROD deed book 2993 page 510; thence north 19 degrees 31 minutes 28 seconds east, 253.57 feet to an iron pin; thence south 65 degrees 7' 10" east, 236.69 feet to an iron pin; thence south 64 degrees 21 minutes 00 seconds east, 59.98 feet to an iron pin; thence south 22 degrees 52 minutes 2 seconds west, 162.80 feet to an iron pin; thence north 82 degrees 49 minutes 16 seconds west, 292.56 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

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 8" water main along the west side of New Murraytown Rd NW. See Figure 1 – Water Service.

B. Sanitary Sewer--- Sewer service is presently available to the parcel via a 8" gravity sewer man hole in the north side of the property. See Figure 2 – Sewer Service.

C. Fire Protection--- Fire protection is presently available to this parcel via a fire hydrant 150 ft north of the parcel on the corner of New Murraytown Rd NW and 22nd St NW, and a fire hydrants 200 ft south of the parcel on the corner of New Murraytown Rd NW and Stone Creek Trl NW. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
New Murraytown Road (040 024.08)	**$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.

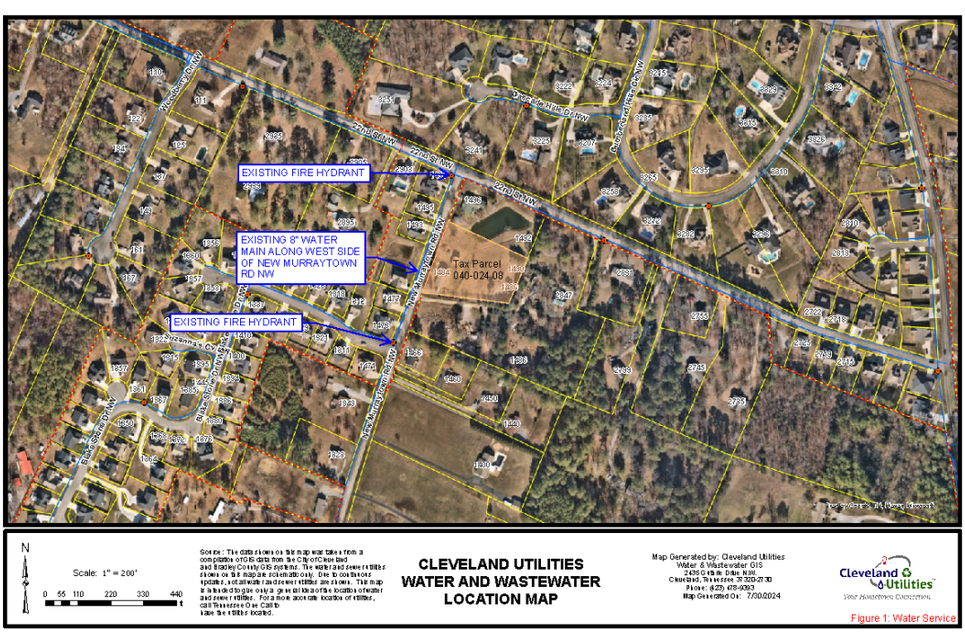
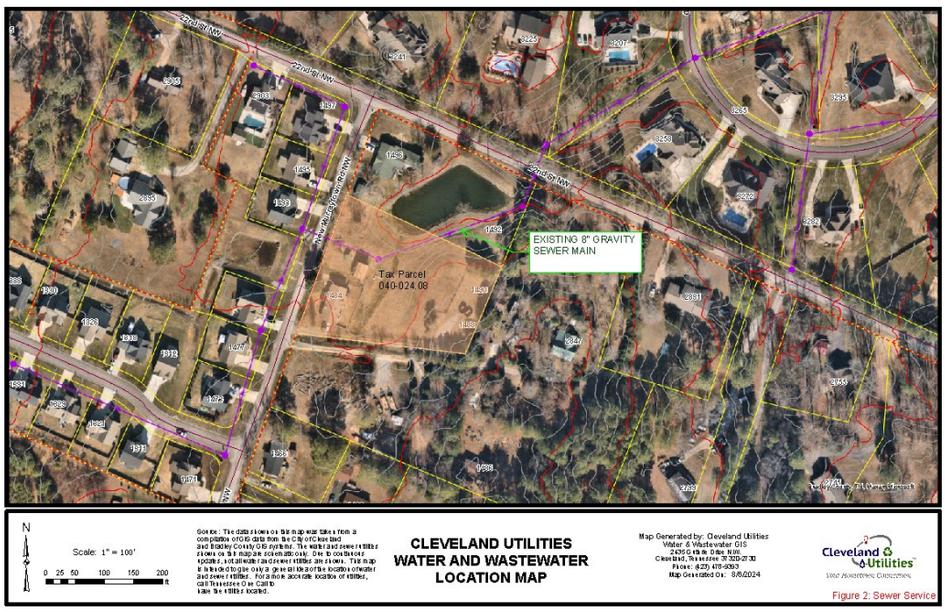


Figure 1: Water Service



4. Electric Service

Cleveland Utilities Electric currently has 3-phase primary lines along New Murraytown Road in front of the proposed property. 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.

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 annexation will cost Cleveland City Schools approximately $1,953.18 per year and add 2 school age children.

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 12.5 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. 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 **$5,515.63 per year**

Councilman May moved that Resolution 2024-96 be accepted as presented. The motion was seconded by Vice Mayor Johnson; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

j. **Resolution 2024-97 -** Concerning a request by CT Properties for consideration of a resolution to annex about 1.39 acres, more or less, for property located at New Murraytown Road and includes Tax Map 040 Parcel 024.08 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-97

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

NEW MURRAYTOWN 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 August 26,2024.

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 CT Properties, as recorded in BCROD deed book 2993 page 510; thence north 19 degrees 31 minutes 28 seconds east, 253.57 feet to an iron pin; thence south 65 degrees 7’ 10” east, 236.69 feet to an iron pin; thence south 64 degrees 21 minutes 00 seconds east, 59.98 feet to an iron pin; thence south 22 degrees 52 minutes 2 seconds west, 162.80 feet to an iron pin; thence north 82 degrees 49 minutes 16 seconds west, 292.56 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. [Plan of Services on file.]

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 Johnson moved that Resolution 2024-97 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

k. **Zoning Ordinance 2024-48 -** Concerning a request by CT Properties for consideration of an ordinance to zone about 1.39 acres, more or less, for property located at New Murraytown Road from FAR unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 040 Parcel 024.08 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-48

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-1 Single Family Residential Zoning District.

Approximately 1.39 acres, more or less, located on New Murraytown Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 040 Parcel 024.08 in the Assessor's Office for Bradley County, Tennessee.

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

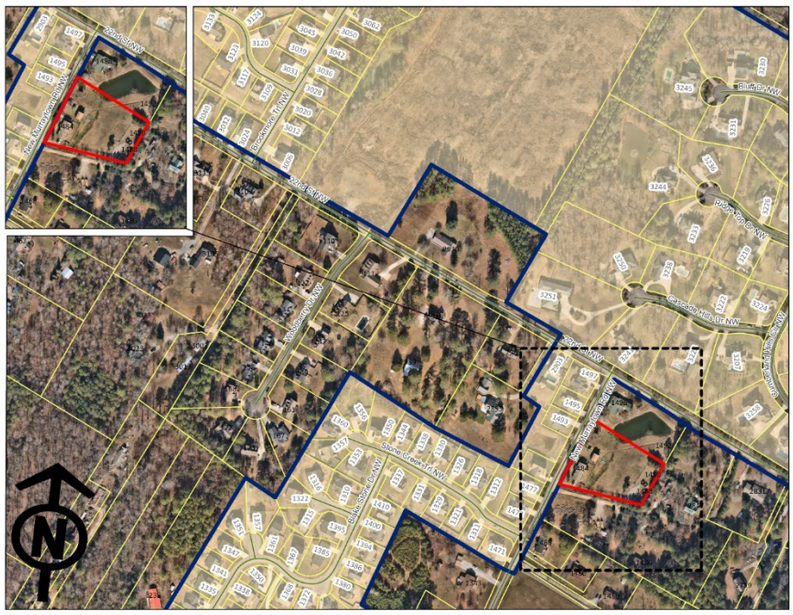
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman May moved that Zoning Ordinance 2024-48 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

l. **Resolution 2024-98 -** Concerning a request by Eldredge's and O'Neal's for consideration of a Plan of Service for about 22 acres, more or less, for property located at North Lee Highway and includes Tax Map 034 Parcel 025.02 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

RESOLUTION 2024-98

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

NORTH LEE HIGHWAY (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 August 26, 2024, 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 point (N: 325434.07, E: 2319623.30, NAD 83) on the eastern line of North Lee Highway (us Highway 11) at the northern intersection of Coleman Drive; thence running with the eastern line of said highway the following two (2) calls: on a bearing of N 36°16'00" E for a distance of 563.72 feet to a point; thence on a curve to the left with a delta of 000°54'01", a tangent of 180.52 feet, a radius of 22,975.67 feet, a length of 361.04 feet, a chord bearing of N 35°48'59" E and a chord distance of 361.04 feet to a point; thence leaving said highway and running along a common dividing line with the remaining property of Nat Eldredge (DB 237 – PG 338, ROBCT) the following three (3) calls: on a bearing of S 53°47'47" E for a distance of 231.78 feet to a point; thence on a bearing of S 08°47'47" E for a distance of 123.04 feet to a point; thence on a bearing of S 53°47'47" E for a distance of 899.53 feet to a point on a common line with the land of Maverick Development Group Inc (DB 2851 – PG 110, ROBCT); thence running with a common line of Maverick Development Group Inc on a bearing of S 28°48'18" W for a distance of 600.03 feet to a point, said point marking a common corner with the Millers Landing Subdivision (PB 41 – pg 79, ROBCT); thence running with a common line of Millers Landing Subdivision and said Coleman Drive the following four (4) calls: on a bearing of N 66°32'41" W for a distance of 1,202.62 feet to a point; thence on a curve to the right with a delta of 012°49'13", a tangent of 11.24 feet, a radius of 100.00 feet, a length of 22.38 a chord bearing of N 60°089'04" W and a chord distance of 22.33 feet to a point; thence on a bearing of N 53°43'27" W for a distance of 73.62 feet to a point; thence on curve to the right with a delta of 090°00'00", a tangent of 25.00 feet, a radius of 25.00 feet, a length of 39.27 feet, a chord bearing of N 08°43'27" W and a chord distance of 35.36 feet to the POINT OF BEGINNING, said tract containing 22.00 acres.

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 20, 2024
NORTH LEE HIGHWAY
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 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 22 acres total. The annexation would zone the property as PUD Planned Unit of Development. This is a vacant lot, and a development of up to 170 units is proposed. The property is described as a portion of Tax Map 034 025.02.

North Lee Highway Annexation Map


Peterson Dr NW
Vernon Cir NW
Vernon Dr NW
Mapleton Dr NW
Mapleton Ridge Dr NE
Shire Ct NW
Mapleton Ln NW
Jay Haven Ln NW
Stanford Ave NW
Parkway Ln NW
Anatolia Ln NW
Anatolia Cir NW
Seth Ct NW
Peake Ln NW
Northlee Hwy N
Ramsey St NW
Kanter St NW
Harris St NW
Carter Dr NW
Airport Rd NW
Coleman Dr NW
Bradley St NW
Shuker Dr NW
Kelly St NW
Trenholm College Rd NW
Bartlett Park Dr NW
Bartlett Pl NW
Bartlett Ln NW
Bartlett Cir NW
Bartlett Ct NW
Bartlett Trl NW
Bartlett Way NW
Bartlett Creek Dr NW
Bartlett Creek Ln NW
Bartlett Creek Cir NW
Bartlett Creek Ct NW
Bartlett Creek Trl NW
Bartlett Creek Way NW
Bartlett Creek Pl NW
Bartlett Creek Pkwy NW
Bartlett Creek Ave NW
Bartlett Creek Blvd NW
Bartlett Creek Loop NW
Bartlett Creek Path NW
Bartlett Creek Run NW
Bartlett Creek Terrace NW
Bartlett Creek Crossing NW
Bartlett Creek Circle NW
Bartlett Creek Court NW
Bartlett Creek Drive NW
Bartlett Creek Lane NW
Bartlett Creek Place NW
Bartlett Creek Road NW
Bartlett Creek Street NW
Bartlett Creek Trail NW
Bartlett Creek Way NW
Bartlett Creek Avenue NW
Bartlett Creek Boulevard

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 west side of N Lee Hwy, or a 6” watermain along the south side of Coleman Dr NW. See Figure 1 – Water Service.

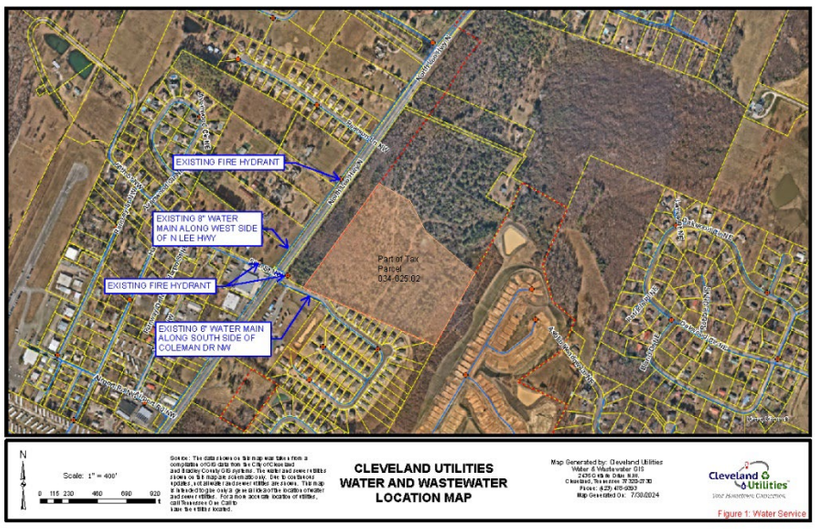
B. Sanitary Sewer--- Sewer service is presently available to the parcel via a 8” gravity sewer on the north side of Coleman Dr NW to a manhole along the southwest corner of the property. See Figure 2 – Sewer Service.

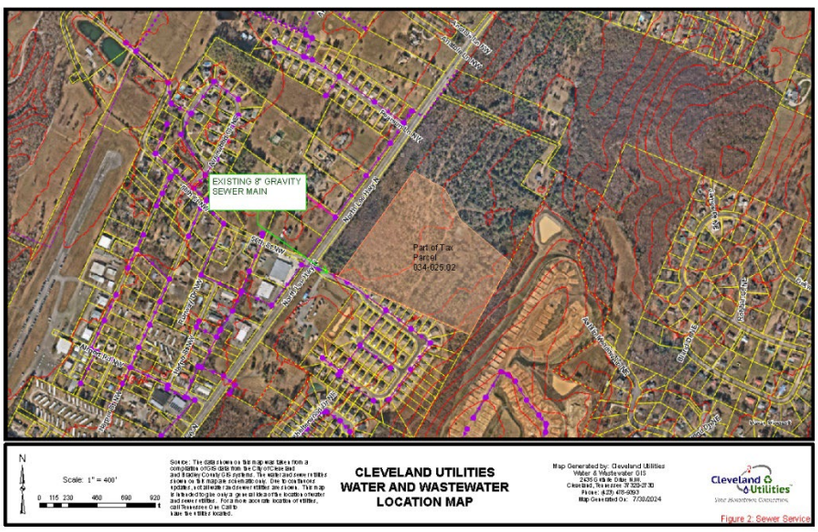
C. Fire Protection--- Fire protection is presently available to this parcel via a fire hydrant on the southwest corner of the property, and a fire hydrant west of the property across N Lee Hwy. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
North lee Hwy (034 025.02)	**$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 currently has 3-phase primary lines along North Lee Hwy in front of the proposed property. 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.

g. It appears that no street name signs, or street striping/painting is needed at this time for the proposed areas.

D. Stormwater and Drainage Services

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 will cost Cleveland City Schools approximately $63,478.35 per year and add 65 school age children.

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 425 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 **$168,778.13 per year**

Councilman Webb moved that Resolution 2024-98 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:

m. **Resolution 2024-99 -** Concerning a request by Eldredge's and O'Neal's for consideration of a resolution to annex about 22 acres, more or less, for property located at North Lee Highway and includes Tax Map 034 Parcel 025.02 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

RESOLUTION 2024-99

A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF CLEVELAND, TENNESSEE

NORTH LEE HIGHWAY ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on August 26, 2024.

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 point (N: 325434.07, E: 2319623.30, NAD 83) on the eastern line of North Lee Highway (us Highway 11) at the northern intersection of Coleman Drive; thence running with the eastern line of said highway the following two (2) calls: on a bearing of N 36°16'00" E for a distance of 563.72 feet to a point; thence on a curve to the left with a delta of 000°54'01", a tangent of 180.52 feet, a radius of 22,975.67 feet, a length of 361.04 feet, a chord bearing of N 35°48'59" E and a chord distance of 361.04 feet to a point; thence leaving said highway and running along a common dividing line with the remaining property of Nat Eldredge (DB 237 – PG 338, ROBCT) the following three (3) calls: on a bearing of S 53°47'47" E for a distance of 231.78 feet to a point; thence on a bearing of S 08°47'47" E for a distance of 123.04 feet to a point; thence on a bearing of S 53°47'47" E for a distance of 899.53 feet to a point on a common line with the land of Maverick Development Group Inc (DB 2851 – PG 110, ROBCT); thence running with a common line of Maverick Development Group Inc on a bearing of S 28°48'18" W for a distance of 600.03 feet to a point, said point marking a common corner with the Millers Landing Subdivision (PB 41 – pg 79, ROBCT); thence running with a common line of Millers Landing Subdivision and said Coleman Drive the following four (4) calls: on a bearing of N 66°32'41" W for a distance of 1,202.62 feet to a point; thence on a curve to the right with a delta of 012°49'13", a tangent of 11.24 feet, a radius of 100.00 feet, a length of 22.38 a chord bearing of N 60°089'04" W and a chord distance of 22.33 feet to a point; thence on a bearing of N 53°43'27" W for a distance of 73.62 feet to a point; thence on curve to the right with a delta of 090°00'00", a tangent of 25.00 feet, a radius of 25.00 feet, a length of 39.27 feet, a chord bearing of N 08°43'27" W and a chord distance of 35.36 feet to the POINT OF BEGINNING, said tract containing 22.00 acres.

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

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 2024-99 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

n. **Zoning Ordinance 2024-49 -** Concerning a request by Eldredge's and O'Neal's for consideration of an ordinance to zone about 22 acres, more or less, for property located at North Lee Highway from FAR unincorporated county/RA Residential Agricultural to PUD55 Zoning District and includes Tax Map 034 Parcel 025.02 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

ZONING ORDINANCE 2024-49

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 - COLEMAN "PUD 55" ON PROPERTY DESCRIBED AS A PORTION OF 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 55; 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 55" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 55 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 55 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 55, North Lee Coleman includes property generally identified as a portion of Tax Map 034 Parcels 025.02. Exhibit A illustrates the overall North Lee Coleman 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 North Lee Coleman. The project consists of townhomes homes, and a mixed-use area 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 160 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 55 Subdivision allows for the construction of up to 160 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. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 55 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 Coleman 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 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 55 district. Uses other than those described as permitted or allowed herein are prohibited. The 2-acre tract at the corner of Lee Highway and Coleman Drive, as depicted on the preliminary site plan, will require an updated conceptual plan for future use and is to remain undeveloped until approved by the Municipal Planning Commission and Cleveland City Council in accordance with the PUD regulations.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 55, North Lee Coleman 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 55 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 North Lee Coleman 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 55 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 a minimum of 45'. Private drives may be contained in narrower easements or private right of way and must include a turnaround acceptable to the city Traffic engineer.

6.B. PLATS.

One or more plats will be prepared for the PUD 55 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 55 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 55 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 55 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

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.

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 Coleman Drive and comply with the sidewalk ordinance.

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 5.0 acres. A portion of the open space shall be easily accessible and usable by the residents. This area shall contain a pool and associated pool house.

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 with the mail kiosk. This parking shall be designated as guest parking only and no overnight parking is permitted.

7. Developer shall provide a pool and pool house club with usable open space as depicted on the site plan.

7.C Miscellaneous Standards

1. The front 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. 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 stream buffers within the development however, the city tree preservation requirements are not otherwise applicable. A single row of shade trees on a 50’ interval with a row of evergreen tree’s separated at 10’ intervals shall be placed along the property line adjacent to the single-family homes to the south.

7. A average of 150-foot undisturbed buffer is required along North Lee Highway with the exception of the 2-acre tract at the corner of Lee Highway and Coleman Drive which will remain undeveloped until a conceptual plan is provided and approved by the Municipal Planning Commission and Cleveland City Council.

8. 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.

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 55 North Lee Coleman. 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 55, 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 and Cleveland City Council.

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 55 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.

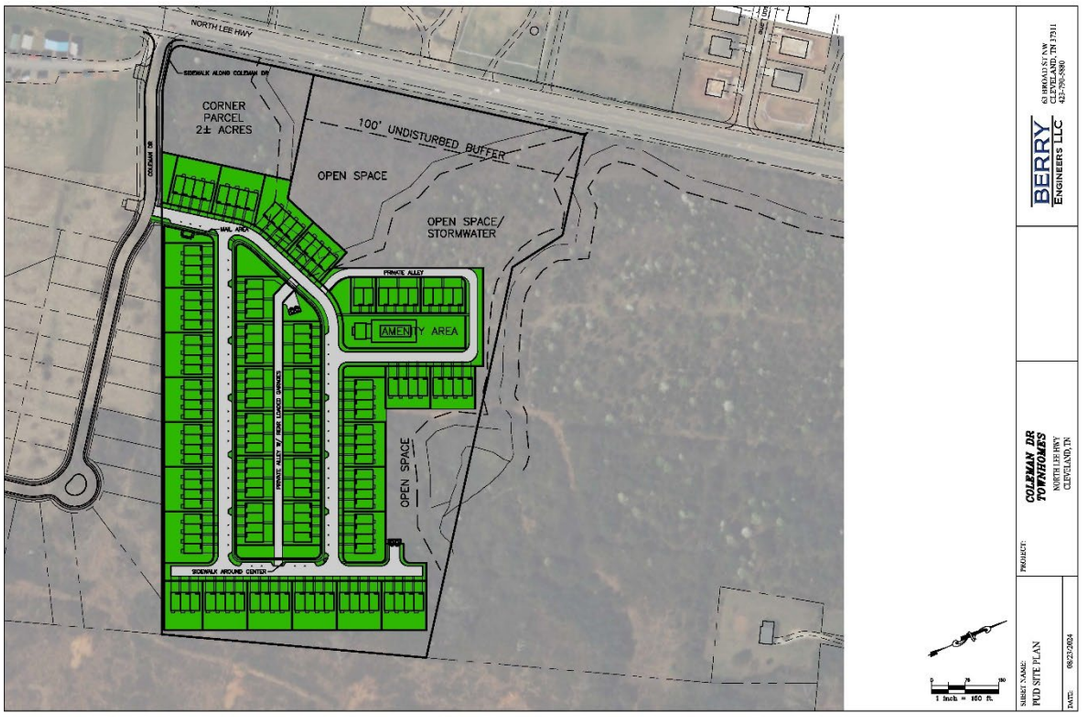
Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

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 Hughes moved that Zoning Ordinance 2024-49 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

o. **Ordinance 2024-50 –** Amending the Cleveland Municipal Code Title 14, Chapter 2, Section 2.12.2 Conditional Uses, to remove automobile sales as a conditional use in the Central Business District (Planning Commission: Approved 8-0; 1 absent).

ORDINANCE 2024-50

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14, CHAPTER 2, ZONING REGULATIONS, BE AMENDED BY REVISING SECTION 2.12.2 CONDITIONAL USES TO REMOVE ITEM "A" AUTOMOBILE SALES AS A CONDITIONAL USE; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cleveland, Tennessee, having considered the comments of the Cleveland Municipal Planning Commission, has evaluated the intent of the language in the existing zoning ordinance concerning conditional uses in the CBD Zoning district; and

WHEREAS, the current specific use is no referenced within the zoning ordinance; and

WHEREAS, the City Council has determined that the existing ordinance should be revised to clarify that the conditional uses be amended; and

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

Section 1. The Cleveland Municipal Code Title 14, Chapter 2, Zoning Regulations, Section 2.12.2 Conditional Uses, subsection "A" be removed:

~~A. Automobile sales provided no more than 50 percent of the automobile inventory is located outside of a permanent building. In no case shall any parts be stored outdoors, nor any repair or body work be conducted outdoors. (As replaced by Ordinance # 2018-22, July 2018)~~

Section 2. that all ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 3. 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 Johnson moved that Ordinance 2024-50 be approved on first reading. The motion was seconded by Councilman Estes. Councilman Estes stated with this passage, a business on Gaut needs to be put on the clock. Upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

p. **Zoning Ordinance 2024-51 -** Concerning a request by Jones Properties for consideration of an ordinance to zone about 1.48 acres, more or less, of property located 500 Stuart Road from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 042G Group J Parcel 003.01 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-51

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 1.48 acres, more or less, located on Stuart Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 042G Group J Parcel 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.

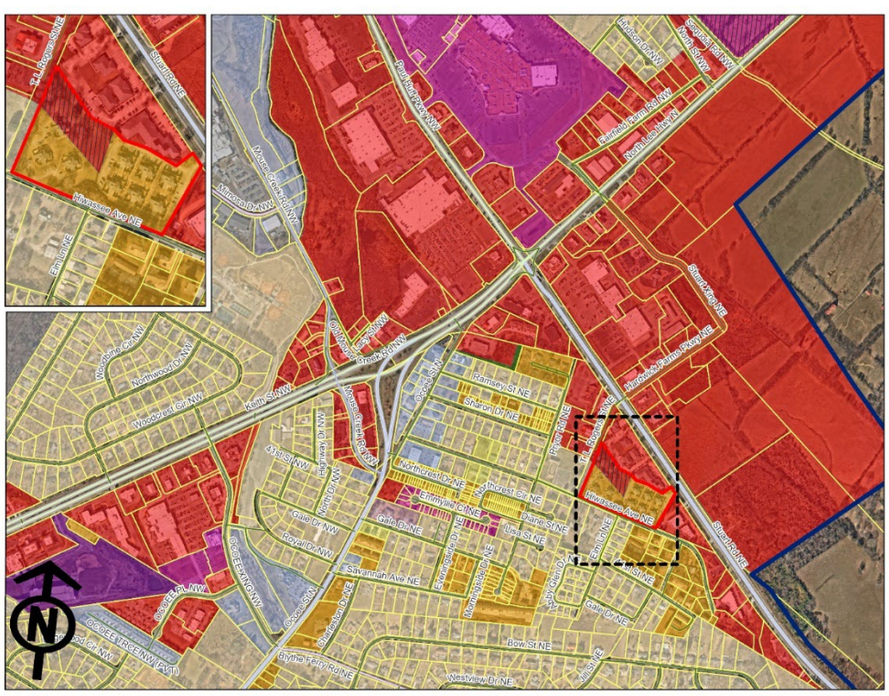
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilwoman McKenzie moved that Zoning Ordinance 2024-51 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

Mayor Brooks stated we have the bid report for the Homeless/Emergency Shelter as the next item. Councilman Estes moved to delay any approval until staff can bring back other options. The motion was seconded by Councilman May. Mr. Fivas stated Dustin Tommey and Cathy Andrews have been working on this and believes they have an upcoming meeting to work with all the potential partners. Upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. Public Hearing – CCTC will be August 26th at 5:00 p.m.

b. City Offices will be closed on Monday, September 2, 2024 in observance of Labor Day.

c. City Offices will be closed Monday, October 14, 2024 in observance of Columbus Day. The City Council meeting will be cancelled.

d. The next City Council meeting will be held on Monday, September 9, 2024 at the Museum Center – 3:00 session only (Presentation of Certificates of Election)

ADJOURNMENT

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

_____ _____

Mayor City Clerk

REGULAR SESSION
SEPTEMBER 9, 2024
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 9, 2024 AT 3:00 P.M. AT THE MUSEUM CENTER AT 5IVE POINTS.

Present and presiding was Mayor Kevin Brooks. Also present were Councilmen Bill Estes, David May, Duane Goff, Ken Webb, Dan Moore, and Councilwoman Marsha McKenzie. Councilman Tom Cassada was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Kris Miller, IT Director; Sue Zius, Administrative Coordinator; Seth Sumner, Transportation Planner; Tommy Myers, Public Works Director; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Hal Taylor with Cleveland City Schools; Sharon Marr with Mainstreet; Doug Berry with the Chamber of Commerce; Zach Brooks with the Office of Senator Bill Hagerty; Tim Siniard with the *Cleveland Daily Banner*; Gideon Ratcliff with Mix104.1; Lawrence Cotton; Jeremiah Millian; Skip White; Andy Brown; Ross Tarver; Cody Keck; Janie Moore; Leslie Keck; Scott Anderson; Jennifer Anderson; Amanda Moore; Joe Waddell; Jeff Elliott; Amy Ensley; Tim Henderson; Sharon McAmis; Mika Vaughan; Martha Ledford; Richard and Renee Calfee; Linda May; David and Lori May; Lavoy Jones; Sam McAmis; Cooper Hill; Tery Buckner; Ashlan Morelock; Tim Rader; Reed Bullins; Tom and Sandra Rowland; Chuck Atchley; Melissa Malone; Buffy Merchant; Rozalin Fuller; Andrew Dinsmore; Tammy Bentley; Candace Goff; Meg Campbell; Bill Campbell; Tim Shaw; Diane Webb; Doyle Goff; Terri Goff; Darlia Clark; Chris and Hillary Barnes; Liam Hank; LaRonda Cochran; Steve Hixson; Carey Robertson; Kristen Grisham; William Jones II; David Goodwill; Jerry Hoffer; Cameron Fisher; Senator Adam Lowe; Clay Sneed; Chandler Burke; Lucy Rymer; Dustin Tommey; Warbrit Lowery; Paul and Katherine Harvey; Derrick Kinsey; Diana Jackson; Dewayne Moree; Darlia Clark; Andrea Dinsmore; Brenda Jones; Kay Putnell; Evalyn Lowe and Charles Crumley.

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

PRESENTATION OF CERTIFICATES OF ELECTION & ADMINISTRATION OF OATHS OF OFFICE

Mayor Brooks stated the Honorable Judge Michael Sharp, Circuit Court Judge of Bradley County will administer the oath of office to each Council member. As each member prepares to take their oath Travis Henry from the Bradley County Election Commission will present their Certificates of Election.

Travis Henry with the Bradley County Election Commission then presented Councilman David May with his Certificate of Election. Judge Sharp then administrated the Oath of Office to District 4 Councilman David May.

Travis Henry with the Bradley County Election Commission then presented Councilman Duane Goff with his Certificate of Election. Judge Sharp then administrated the Oath of Office to District 5 Councilman Duane Goff.

Travis Henry with the Bradley County Election Commission then presented At-Large Councilman Dan Moore with his Certificate of Election. Judge Sharp then administrated the Oath of Office to At-Large Councilman Dan Moore.

WAIVE READING OF MINUTES

Councilman 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 26, 2024 and approve them as written. The motion was seconded by Councilman May; and upon roll call, the motion unanimously passed.

CONSENT AGENDA

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 6-0.

a. Reappointment of Municipal Judge – Richard Banks
b. **Resolution 2024-102 –** Authorizing the Mayor to sign a license agreement with TDOT concerning the installation and maintenance of landscaping along State Route 60 (Keith Street to Spring Creek).

RESOLUTION 2024-102

WHEREAS, the City has received the attached renewal license agreement from the Tennessee Department of Transportation (hereafter "TDOT") for the projects described below; and

Description of Project: State Project Number: 6069-2208-04 & 06069-3288-54
Federal Project No. STP=60(19)
Renewal License Agreement for the installation and maintenance of Landscaping along State Route 60 in Bradley County, Tennessee

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 projects described herein, and it further authorizes the Mayor to execute the agreement on behalf of the City of Cleveland.

This 9th day of September 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-103** – Authorizing the submission of the Public Entity Partners Property Conservation Grant.

RESOLUTION 2024-103

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 for Johnson Park and Taylor Springs Park as designated in the approved grant application.

Adopted this 9th day of September, 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2024-104** – Authorizing the Mayor to sign a utility easement encroachment agreement with Palmetto Cleveland-Callen Lane LLC.

RESOLUTION 2024-104

WHEREAS, Leconte Cleveland LLC (hereafter "LeConte) is the current owner of a parcel of land located within the City of Cleveland which is generally identified as Tax Map 034I-F-009.00 and is further described as Lot 1 of the Graystan Square plat recorded on March 6, 2019 in Plat Book 33 Page 148 in the Register of Deeds office of Bradley County, Tennessee; and

WHEREAS, Palmetto Cleveland-Callen Lane LLC (hereafter "Palmetto") intends to purchase this parcel of land from LeConte; and

WHEREAS, the parcel is subject to drainage and utility easements as shown on the plat recorded on March 6, 2019, in Plat Book 33 Page 148; and

WHEREAS, the parcel is also subject to a permanent waterline easement in favor of the Cleveland Utilities Authority, which easement was recorded on June 23, 2021, in Book 2808, Page 635 in the Register of Deeds office of Bradley County, Tennessee; and

WHEREAS, Palmetto, as the proposed purchaser of the parcel from Leconte, has been in discussions with both the City of Cleveland and the Cleveland Utilities Authority about their intended development of the parcel once they purchase the same from LeConte, and its need for an easement encroachment agreement from the City of Cleveland and the Cleveland Utilities Authority in order to be able to build their proposed building and development on the parcel; and

WHEREAS, the City's engineering and development staff and planning staff have reviewed the proposed encroachments, and the proposed encroachment agreement prepared by Palmetto, and have approved of the same; and

WHEREAS, engineering staff at the Cleveland Utilities Authority have also reviewed the proposed encroachments and the proposed encroachment agreement prepared by Palmetto and have approved of the same with the understanding and agreement by Palmetto that once they have purchased the parcel from Leconte that Palmetto will then execute a utility relocation

agreement with the Cleveland Utilities Authority to relocate approximately 45 feet of water line that is in conflict with the proposed construction activities of Palmetto; and

WHEREAS, subject to Palmetto's purchase of the parcel from LeConte and Palmetto's agreement to enter into the utility relocation agreement with the Cleveland Utilities Authority to relocate the water line once it purchases the parcel, the City Council desires to approve of the easement encroachment agreement proposed by Palmetto 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 proposed easement encroachment agreement with Palmetto Cleveland-Callen Lane LLC, provided that Palmetto Cleveland-Callen Lane LLC agrees to enter into the utility relocation agreement with the Cleveland Utilities Authority once Palmetto purchases the parcel from LeConte, and the City Council further authorizes the Mayor to execute the easement encroachment agreement with Palmetto Cleveland-Callen Lane LLC on behalf of the City of Cleveland.

This 9th day of September 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Final Passage - Zoning Ordinance 2024-44 –** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 868; Concerning a request by Don Jacobsen for consideration of an ordinance to zone about .18 acres, more or less, of property located at 150 Lowery Street from CH Highway Commercial Zoning District to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group F Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

g. **Final Passage - Zoning Ordinance 2024-45 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 869; Concerning a request by Don Jacobsen for consideration of an ordinance to zone about .86 acres, more or less, of property located at Lowery Street from CH Highway Commercial to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 058H Group H Parcel 017.00 (Planning Commission: Approved 8-0; 1 absent).

h. **Final Passage - Zoning Ordinance 2024-46 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 877; Concerning a request by Joseph Parker for consideration of an ordinance to zone about .77 acres, more or less, for property located at 3210 Tonia Drive from R-1 unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 056F Group A Parcel 003.00 (Planning Commission: Approved 8-0; 1 absent).

i. **Final Passage - Zoning Ordinance 2024-47 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 887; Concerning a request by FB&J Enterprises for consideration of an ordinance to zone about 35 acres, more or less, for property located at Freewill Road from FAR unincorporated county to PUD54 Zoning District and includes Tax Map 041 Parcel 047.01 and 047.02 (Planning Commission: Approved 6-0; 1 absent, 2 recused).

j. **Final Passage - Zoning Ordinance 2024-48 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 899; Concerning a request by CT Properties for consideration of an ordinance to zone about 1.39 acres, more or less, for property located at New Murraytown Road from FAR unincorporated county to R-1 Single Family Residential Zoning District and includes Tax Map 040 Parcel 024.08 (Planning Commission: Approved 8-0; 1 absent).

k. **Final Passage - Zoning Ordinance 2024-49 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 908; Concerning a request by Eldredge's and O'Neal's for consideration of an ordinance to zone about 22 acres, more or less, for property located at North Lee Highway from FAR unincorporated county/RA Residential Agricultural to PUD55 Zoning District and includes Tax Map 034 Parcel 025.02 (Planning Commission: Approved 7-0; 1 absent, 1 recused).

l. **Final Passage - Ordinance 2024-50 –** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 913; Amending the Cleveland Municipal Code Title 14, Chapter 2, Section 2.12.2 Conditional Uses, to remove automobile sales as a conditional use in the Central Business District (Planning Commission: Approved 8-0; 1 absent).

m. **Final Passage - Zoning Ordinance 2024-51 -** heretofore passed on first reading August 26, 2024 and found in Minute Book 31, Page 913; Concerning a request by Jones Properties for consideration of an ordinance to zone about 1.48 acres, more or less, of property located 500 Stuart Road from CH Highway Commercial to R-3 High Density Single and Multi-Family Zoning District and includes Tax Map 042G Group J Parcel 003.01 (Planning Commission: Approved 8-0; 1 absent).

NEW BUSINESS AND ORDINANCES

There was no new business.

Mayor Brooks stated Municipal Judge Richard Banks was unable to attend today and the Oath of Office will be administered at a later date. Also, Councilman Tom Cassada was unable to attend today's meeting, but the Oath of Office was already administered by Judge Sharp on August 27 at the Bradley County Courthouse.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, September 23, 2024.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:19 p.m.

_____ _____

Mayor City Clerk

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, SEPTEMBER 23, 2024 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. Councilman Ken Webb was absent from the meeting.

Others in attendance were City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; 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; Robert Varnell, Planning and Community Development Director; Cathy Andrews, CDBG Coordinator; Chris Broom, Stormwater Coordinator; Sharon Marr with Mainstreet; Warbrit Lowery; Jessa Bowman; Jodi Riggins; Phyllis Callaway; Jane Easterly; Kevin Roberts; Tommy and Amy Newman; Joseph Wise; Gee Harvey; Dennis Purvis; Ross Tarver; Bob Tarver; Lisa Newman; Larry Turpin; Christy Goza; and Tim Siniard with the *Cleveland Daily Banner*.

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

Following the Pledge of Allegiance to the American Flag, prayer by Mayor Kevin Brooks, who held a moment of silence for Mike Zius, husband of Sue Zius and former employee Captain Tommy McClain who recently passed away. Councilman Webb's wife, Diane is having surgery this afternoon and former Councilman Dale Hughes is under the weather. Both have asked for prayers. 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 September 9, 2024 and approve them as written. The motion was seconded by Councilman Estes; and upon roll call, the motion unanimously passed.

SPECIAL PRESENTATIONS AND PUBLIC COMMENTS

Chief Bates, on behalf of the Cleveland Fire Department thanked Ross and Bob Tarver, Tarver Distributing, for their donation of Prime hydration drinks. They were able to share with Tri-State Mutual Aid. Bob Tarver stated they had some extra product and wanted to share with the departments in the community. Mayor Brooks thanked Tarver Distributing for the generous gift and all they do for our City and County.

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 Esco Group LLC for consideration of an ordinance to zone about .13 acres, more or less, of property located at 922 Wildwood Avenue from CH Highway Commercial Zoning District to MU Mixed Use Zoning District and includes Tax Map 057E Group P Parcel 001.00 (Planning Commission: Approved 6-0; 3 absent). Robert Varnell stated this is an existing structure, they want to maintain the commercial use on the main floor, but they would like to convert the second floor for residential use. Staff approves of a mixed-use zone at this location. 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 Hunters Mill LP for consideration of an ordinance to zone about 10.94 acres, more or less, of property located at Pleasant Grove Church Road from CH Highway Commercial to PUD57 Zoning District and includes Tax Map 056 Parcel 051.10 (Planning Commission: Approved 6-0; 3 absent). Robert Varnell stated this is an apartment complex that went through staff review, was approved when the residential uses were still allowable uses in the highway commercial zone. As we all know, they no longer are, and they have requested a letter stating they are in a zone where they're allowable use. They have requested rezoning, and we recommended the PUD. It is a total of 100 units and some allowance for future growth. 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 members of the Newman Family for consideration of a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance to zone about 177 acres, more or less, for property located at Brymer Creek Road, Johnston School Road, and Mason Road and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 064 Parcels 002.00, 002.02, and 001.04 (Planning Commission: Approved 6-0; 3 absent). Robert Varnell stated this is a portion of the annexation request that came through about two years ago, not the entirety of that request, just a portion of it. It allows up to 560 single family detached homes as well as a component of townhomes within that number. The Plan of Service has some requirements for sewer and water infrastructure to be upgraded in the area. The applicants are working with CU on that timeline and things of that nature. From a city standpoint, the biggest things that we focused on within the zoning, the PUD itself were infrastructure upgrades to the existing infrastructure as well as the requirement of additional infrastructure to be placed which will access Stone Lake Road and therefore kind of funnel a predominant number of the cars that will be living in this development to the Tom Rowland interchange where the city, county and state recently invested millions of dollars for upgrades. From a standpoint of what type of lots we see, there are 4 or 5 different lot sizes, and each section of the development is going to be kind of unique into itself, its own type of neighborhood. The existing infrastructure along Johnson School Road and Mason Road will be improved to a minimum 50-foot right a-way with turn lanes, there will be no driveways or houses fronting that existing infrastructure. There will be landscaped to screen the development from the road itself. So, you're talking about going from a travel lane of probably 11 feet with no shoulders to a 50 foot right away with full city standard road. It's definitely an upgrade that will continue all the way through to Stone Lake. There are amenities required within this development, including a clubhouse and pool, exterior buffer of minimum 30 feet around the entire edge. Another component of this annexation is a track and a half, which will remain RA and not be developed, as it will stay with a member of the family. Mayor Brooks asked if anyone would like to speak in favor of the request. Gee Harvey, with Mustang Development stated he is here to speak in favor of the development. They are the company that has the property under contract to purchase and develop it. They have been working with Mr. Varnell on the PUD regulations and what is in front of you, we are all agreeable and in support of the terms. We do realize that traffic and infrastructure, specifically sewer and water infrastructure is important. We've worked with staff and agreed basically from Stone Lake, part of Mason Road and part of Johnston School Road to upgrade those roads at our cost and set aside additional right-a-way. We designed the subdivision to convey over to the city additional 10 foot of right-a-way and then we would make those improvements widen the road. There are two creek crossings we would have to upgrade to help with traffic in the area. There's substantial amount of sewer upgrades that need to be made and we've been meeting with them to coordinate and take on our fair share of those upgrades, not just for our development, but for future development in the area to help with capacity. Traditionally we sell the lots to a builder, but we take on all the site work and all the common area improvements. Mayor Brooks asked if anyone would like to speak in opposition to the request. Dave Ramsey stated this new proposal is about half of what the last one was and it's still a bad deal. He lives at 400 Mason Road on 2.5 acres. To put such a high-density group of houses 4 miles out of the city, you are generating a little town out there. We've got traffic problems, stormwater problems, and sewer problems. It needs to be looked at very carefully. He then asked if a traffic study has been conducted. Mr.

Varnell stated no. Mr. Ramsey stated we have seen water over Johnston School Road, who will pay to fix that? Mr. Varnell stated the developer has already done a wetland analysis through the development process, build a certain number of ponds. They will be improving the creek crossings at Johnston School Road and Mason Road, which will alleviate some of the backflow. Mr. Ramsey stated you are going to squeeze 575 houses into 177 acres. It's the job of the developer to get as much money out of that piece of land. It's your job to make sure it merges and doesn't run over. The people that live there, we are your constituents as well. Lisa Newman stated she would like to speak as neutral to the development. She represents the portion that is not going to be developed. She wanted to make sure everyone understands there is a log cabin village in the area that's an essential part of history for Bradley County and it is her goal to preserve it. Lastly, she is making a lease for use to a school and that school will be purchasing her mother's property, which is in the middle of her property, so Woodsong Forest School will be there. There are two creeks and beautiful but fragile log cabin structures, 8 log buildings plus the blacksmith shop. We are hoping to interact with the community to have open days but so you know there is something else out there that does need to be protected. Matt Bently stated he manages Bendabout Properties, which borders the southern part of this development along Brymer Creek Road and Johnston School Road. First, he'd like to thank the family for what they are doing on the log cabin side. It's a great way to give back to the community. He is not here to oppose anything but just wants to make sure everyone understands, they are going forward. Our place is a farm, the biggest dove field is just across the road and there's a couple of days out of the year there is a lot of shooting. Also, a majority of the farm managed by controlled burning, which brings habitats and species we don't see much anymore, so we'd like to continue using the same burning techniques used over the years. Newcomers sometimes don't understand, smoke settles in the valleys and could see a petition coming pretty soon once people move into the area. Lastly, it will be tempting to cross over, go fishing on one of the ponds but he asks that the city do their best in try to patrol and make sure trespassing is eliminated, or kept to a very minimum if at all possible. He just wants something in the minutes, if 5-10 years from now, it there's a petition, I've got something to fall back on to say I told you. It is a great opportunity for the Newman family, and they will still be my neighbors. Larry Turpin stated he represents a portion that is not being developed, the Neil Henry Farm. He would like to echo Mr. Bently's same sentiments, as our farm will be bordered on three sides by the city. We will continue farming that land, shoot and things like that. He just wants to make sure new residents know there are boundaries that they cannot come on to private property without permission. 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 Latta Patel and Curt Crisp for consideration of a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance to zone about 2.86 acres, more or less, for property located at Blue Springs Road and includes Tax Map 065J Group A Parcels 020.00 and 021.00 (Planning Commission: Approved 6-0; 3 absent). Robert Varnell stated this is pretty straightforward, all the utilities and things like that are present. The city already serves the property, the frontage of this property. So, this is just an annexation of the remainder. The intent at this location is to build single family detached homes on that lot. We don't yet know how many would go on it and what their plan is. There is some elevation change associated with that ridge, so we'll see what that looks like through site review, but it's fairly straightforward with the with the request 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 the Consolidated Annual Performance Evaluation Report (CAPER) for the FY2023-2024 Community Development Block Grant Program (CDBG). Cathy Andrews, CDBG Coordinator reviewed the following summary of the CAPER report.

July 1, 2023 - June 30, 2024

2023-2024 HUD CDBG CAPER

CDBG: City of Cleveland received Community Development Block Grant funding in the amount of $384,598 for the Program Year 2023-2024 Annual Allocation. The Consolidated Annual Performance Evaluation Report (CAPER) is for the period of July 1, 2023, through June 30, 2024, and is the 5th report for the City of Cleveland's Five-Year Consolidated Planning period of 2019-2023. The projects proposed in the 2023 Action Plan were adhered to during 2023-2024 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	2023 Down Payment Assistance	$ 46,800.00	$ -	*$ 46,800.00*
Infrastructure	Central Ave Sidewalks	$ 221,469.78	$ -	$ 221,469.78
Code Enforcement	Code Enforcement	$ 71,000.00	$ 57,591.51	*$ 13,408.49*
Administration	Admin/Project Oversight	$ 74,000.00	$ 74,000.00	$ -
Affordable Housing.	2022 Down Payment Assistance	$ 30,000.00	$ 30,000.00	$ -
Program and Project implementation and grant admin	COVID Admin Allocation 2	$ 45,713.00	$ 27,753.95	$ 17,795.05
COVID	Cold Weather Shelter year 3	$ 6,107.93	$ 6,107.93	$ -
Recreation	Mosby Park Phase 3	$ 133.32	$ 133.32	
Affordable Housing	2019 Down Payment Assistance	$ 12,000.00	$ 12,000.00	$ -
Grand Total		**$ 507,224.03**	**$ 207,586.71**	**$ 299,473.32**

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 772 cases for during the fiscal year. 508 of these cases were resolved. These numbers are comprised of:
    - Condemnation: Repair Possible – 4
    - Condemnation: No Repair Possible – 2
    - Defacement of Property – 1
    - Unfit for Human Occupancy – 2
    - Unsafe Structure – 1
    - Unlawful Structure – 13
    - Unsecured Vacant Structure – 6
    - Dilapidated Accessory Structure – 5
    - Dilapidated Exterior Structure – 8
    - Illegal Yard Sale – 1
    - Illegal Travel Trailer/RV – 25
    - Tents and Temporary Structures – 9
    - High Grass/Weeds – 264
    - Trash/Debris/Litter/Waste/Tires – 64
    - Health and Sanitation Nuisance – 3
    - Appliances Not Allowed on Exterior Premises – 84
    - No Indoor Furniture on Exterior Premises – 111

  - Inoperable/Inoperative/Junk Vehicle – 77
  - Sight Obstruction – 1
  - Premises to be Kept Clean – 71
  - Failure to Comply with Approved Plans – 1
  - Illicit Discharges (Res other than Wastewater Discharge) – 1
  - Illicit Discharges (Res Wastewater Discharge) – 1
  - LD Activities without Obtaining LD Permit – 1
  - Mud Tracking on Street – 1
  - Illegal Sign – 3
  - Sediment Discharge – 1
  - Ready Removeable – 5
  - Facilities, Containers, and Collection – 3
  - Assessment of Case to Determine Violation – 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.

City Fields mows two community gardens located in the Blythe Oldfield and College Hill communities.

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
Central Ave design and acquisition

AFFORDABLE HOUSING
Down Payment Assistance
Down Payment Assistance in the amount of $6,000 per household was provided to seven families purchasing affordable homes. All seven of these homes were constructed by Habitat for Humanity of Cleveland. These homes are located on Foster Lane, Franitza Way, and Washington Avenue.

PUBLIC SERVICES (CARES Act Funding)
Cold Weather Shelter Program
The City of Cleveland partnered with community organizations and provided $6,100. The program provided rooms for 26 nights to individuals experiencing homelessness during the months of November and December 2023 and January, February, and March 2024 when the temperature dropped below 32 degrees.

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 informational posters to twenty-four partner agencies. Both an English and Spanish version were included.

- A large Fair Housing poster was on display in the Cleveland Municipal Building to promote Fair Housing Month in April.
- The City distributed a glossary of Fair Housing and CDBG related terms to partner agencies.
- Fair Housing was mentioned at Annual Action Plan public meeting held on 2/20/2024 and at the Needs Assessment Workshops held on 2/1/2024.
- 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 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 the FY2025-2026 Annual Action Plan for the Community Development Block Grant Program. Cathy Andrews, CBDG Coordinator stated this public hearing is an opportunity for input, ideas of things that are CDBG eligible in our target area. Councilman Estes stated what has really changed this year is when we do housing assistance, many of the folks have to be 80% or below the median to qualify and now the cost per square foot to build a new or rehab, with interest rates, has gotten to where there's a bridge that even our assistance can't help them out. We need to find some way to bridge the monthly mortgage gap that we've never had in 16-17 years. Ms. Andrews stated we could look at raising the limit, but we wouldn't be able to help as many, but there may be other grants but will keep a lookout. 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 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 6-0.

a. **Resolution 2024-106** – Authorizing the Mayor to sign a professional services agreement with Civil & Environmental Consultants, inc. for sampling of impaired streams.

RESOLUTION 2024-106

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 E. Coli sampling services on various 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 23rd day of September 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2024-107** – Authorizing the Mayor to sign an agreement with Southeast Tennessee Development District in connection with the environmental review compliance for the 5-year Consolidated Plan.

RESOLUTION 2024-107

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 23rd day of September 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-108** – Authorizing the Mayor to sign a contract amendment #2 with TDOT related to the Mouse Creek Greenway Phase VI.

RESOLUTION 2024-108

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: Greenway Phase VI; Willow Street Northwest to the existing sidewalk system on the south side of Inman Street West in Cleveland

Agreement Number: 190246
Project Identification Number: 128170.00
Federal Project #: TAP/STP-M-2(275)
State Project #: 06LPLM-F3-068

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 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 23rd day of September, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2024-113** - Authorizing the Mayor to sign a grant contract with the Tennessee Department of Safety and Homeland Security for community traffic safety enforcement and education.

RESOLUTION 2024-113

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE 2025 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 2024-2025 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 23rd day of September 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Bid Report** – Princeton Sentry Ginkgo Trees.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 23, 2024**
RE: **Bid Summary – Princeton Sentry Ginkgo Trees**

SUMMARY:
The City advertised to accept sealed bids on August 27, 2024, for Princeton Sentry Ginkgo trees for the Inman Street project. One bid was received and is listed below:

- Bryant's Garden Center **$10,810.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to Bryant's Garden Center.

f. **Bid Report** – Approving updated fleet terms of service with car wash provider, Whistle Express.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 23, 2024**
RE: **Bid Summary – Carwash Terms of Service**

SUMMARY:
The City's carwash provider has changed owners, and we have been asked to update our terms of service with the new owner, Whistle Express. The new Fleet Terms of Service are attached for approval and signature.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
Staff recommends approval.

g. **Bid Report** – Traffic Signal Installation on Mouse Creek Road at Duracell.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 23, 2024**
RE: **Bid Summary – Traffic Signal Installation on Mouse Creek Road at Duracell**

SUMMARY:
The City advertised to accept sealed bids on September 18, 2024, for the installation of a traffic signal on Mouse Creek Road at Duracell. Bids are listed below.

- NABCO Electric Company, Inc. **$125,345.00**
- Stansell Electric Company, Inc. **$162,950.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to NABCO Electric Company, Inc.

h. **Surplus Property** - Declaring four tasers from Code Enforcement Division as surplus property and to be sold on GovDeals.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **September 23, 2024**
RE: **Surplus Property**

SUMMARY:
The Code Enforcement Division has requested the City Council declare the following property as surplus to be sold on GovDeals.

Four X26P Tasers with two cartridges each (Serial Nos. X12005NPH, X12005PK1, X12005NC2, X12005NTV)

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
No fiscal impact.

RECOMMENDATION:
City staff recommends approval of this item.

i. **Appointment** – *Municipal Airport Authority* – Mark Cheney for a five-year term to expire September 2029.
j. **Motion** – Authorizing the Mayor to sign an agreement with Greg Thomas for Consulting and Grant Writing Services pertaining to the RAISE Grant.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **September 23, 2024**
RE: **Consultant Agreement**

SUMMARY:
The City is applying for the federal Reconnecting Communities Grant and federal RAISE Grant for the 3rd Street Corridor Plan. Greg Thomas has agreed to draft these multi-million grants. This Agreement will allow us to compensate him for his time.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends approval of this Agreement with Greg Thomas for consulting services and grant writing services.

k. **Motion**- Authorizing the Mayor to sign an agreement with Pryor Bacon related to the Harris Connector Development.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **September 23, 2024**
RE: **Harris Connector Development Agreement**

SUMMARY:
The City is working with Pryor Bacon, who is purchasing over 100 acres off of Exit 20, to develop a mixed-use development site and plan to allow future transportation access to allow the Harris Connector to be constructed from Freewill Road to Exit 20. Pryor Bacon will develop a convenience store along Pleasant Grove Road and give the City access to future ROW, while the City will allow for a traffic light at the UEC movie theater for safer egress/ingress on this street. The Pryor Bacon would construct a section of the street, and the City will purchase stormwater pipe, and will do the final asphalt on the property.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends approval of this Agreement with Pryor Bacon.

l. **Motion** - Authorizing staff to apply for the Reconnecting Communities Grant.

TO: **Mayor & City Council**
FROM: **Joe Fivas, City Manager**
DATE: **September 23, 2024**
RE: **Reconnecting Communities Grant**

SUMMARY:
The City is recommending the submittal of a federal 'Reconnecting Communities Grant' for funding the infrastructure for the 3rd Street Corridor south of the railroad according to the Council adopted RAISE Grant Plan. The grant will be approximately $14 million with a 50% match requirement. However, we can use STP funds to wrap down the 50% match requirement to around 25% match requirement. It includes sidewalk connections and Greenway connections into the College Hill and Blythe-Oldfield neighborhoods.

COMMITTEE FINDINGS:
No Committee or Board action.

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
City staff recommends approval of the Reconnecting Communities Grant for approximately $14 million with a 50% grant match requirement.

m. **Resolution 2024-114** - Approval of the FY2023-24 Consolidated Annual Performance Evaluation Report.

RESOLUTION 2024-114

A RESOLUTION APPROVING THE 2023-2024 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 2023-2024 Annual Action Plan; and

WHEREAS, the 2023-2024 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 2023-2024 Consolidated Annual Performance Evaluation Report; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the 2023-2024 Consolidated Performance Evaluation Report (CAPER) and authorizes the submission to the United States Department of Housing and Urban Development (HUD)

Approved 23rd day of September 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

n. **Resolution 2024-115** – Authorizing an application to the Tennessee Agricultural Enhancement Program for the Community Tree Planting Grant.

RESOLUTION 2024-115

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PARTICIPATE IN THE TENNESSEE AGRICULTURAL ENHANCEMENT PROGRAM (TAEP) GRANT FUND FOR THE "COMMUNITY TREE PLANTING PROGRAM"

WHEREAS, the Tennessee Agricultural Enhancement Program (TAEP) grant fund for community tree planting is provided by the Tennessee Department of Agriculture, Division of Forestry;

WHEREAS, the community tree planting component of the Tennessee Agricultural Enhancement Program (TAEP) grant is a 50% matching grant and will be administered by the Department of Agriculture, Division of Forestry;

WHEREAS, trees are a valuable resource base in cities across the state of Tennessee, providing shade, stormwater mitigation, rain interception, air quality improvement through filtration and absorption;

WHEREAS, urban trees provide a multitude of benefits including but not limited to providing cooler temperatures, cleaner air, reduced flooding, and erosion, improves human health and provides food and shelter for wildlife;

WHEREAS, trees purchased through this grant in collaboration with funding by the Tennessee Agricultural Enhancement Program (TAEP) as provided by the Tennessee Department of Agriculture, Division of Forestry will be planted along Tinsley Park;

WHEREAS, the City of Cleveland seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE the following:

Section 1: The City of Cleveland is hereby authorized to submit an application for the Tennessee Agricultural Enhancement Program (TAEP) through the Tennessee Department of Agriculture, Forestry Division.

Section 2: The City of Cleveland is further authorized to provide a 50% sum to serve as a match for any money provided by this grant.

Adopted this 23rd day of September 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilwoman McKenzie had no report at this time.

Councilman Estes stated the paving, curbs and gutters on Ocoee Street is a mishmash. It does look strange having ADA sidewalks with the curbs but when the State comes in the curbs and gutters should be apart of it. If we could request this on new developments that would be good. Councilman May stated the State needed to mill a little deeper and this wouldn't be an issue. Councilman Estes continued when he thinks about Stamper's, Haskell's and the Bank of Cleveland, there is such a huge transition happening downtown. He has appreciated Mr. Stamper giving him context and history over the years. He has always been very honest. What we are doing downtown, with the RAISE grant, 3rd Street, Cherokee Hotel and Johnston Park in the next five year we are radically changing Cleveland. Lastly, Gaut Street. We are getting close on the sidewalks, but Gaut and Inman now have two lots, with a lot of action of realtors and discussions. He asks staff to keep a clock. Mr. Fivas replied yes, we have those documented.

Councilman Cassada reminded everyone of the grand opening/ribbon cutting for the new Weigel's on October 3 at 11 a.m.

Councilman May echoed Councilman Estes' comments concerning downtown. It seems like we have things going downtown, we are going to lose two businesses, who have led the charge but downtown is going to be great. He continued by stating he has had several phone calls regarding Johnston Park. He can't say enough about the staff and their hard work. They have really bought in to the park.

Councilman Goff had no report at this time.

Councilman Moore asked for clarification about Councilman Estes' earlier statement concerning Gaut/Inman Street. Councilman Estes stated the way it is zoned, Central Business District, doesn't allow certain uses. A place went out of business and the State, since it's a State Highway, gives it 180 days to have the same type of business grandfathered in, even if it's against what it's zoned for. So, with all we are doing downtown, we have to stay on top of it.

NEW BUSINESS AND ORDINANCES

The following Ordinance was then presented in full:

a. **Zoning Ordinance 2024-52 -** An ordinance to zone about .13 acres, more or less, of property located at 922 Wildwood Avenue from CH Highway Commercial Zoning District to MU Mixed Use Zoning District and includes Tax Map 057E Group P Parcel 001.00 (Planning Commission: Approved 6-0; 3 absent).

Zoning Ordinance 2024-52

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 CH Highway Commercial Zoning District to MU Mixed Use Zoning District.

Approximately .13 acres, more or less, located on Wildwood Avenue as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 057E Group P 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



Councilman Estes moved that Zoning Ordinance 2024-52 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

b. **Zoning Ordinance 2024-53 –** An ordinance to zone about 10.94 acres, more or less, of property located at Pleasant Grove Church Road from CH Highway Commercial to PUD57 Zoning District and includes Tax Map 056 Parcel 051.10 (Planning Commission: Approved 6-0; 3 absent).

ZONING ORDINANCE 2022-53

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 HUNTERS MILL APARTMENTS "PUD 57" ON PROPERTY DESCRIBED AS TAX MAP 056 PARCEL 051.10, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 57; 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 57" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 57 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 57 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 57, Hunters Mill Apartments (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 056 Parcel 051.10. Exhibit A illustrates the overall Hunters Mill Apartments 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 Hunters Mill Apartments development. The project consists of a multi-family apartment complex which includes a clubhouse, pool, and other amenities. The developer shall include any permanent retention or detention pond areas or landscapedcommon areas.

Section 5. PERMITTED USES AND PROHIBITED USES.
The PUD 57 Subdivision allows for the construction of up to 200 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 57 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 57, The Hunters Mill Apartments Development PUD was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on September 23, 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 57 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 200 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 57 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 57 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 57 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 57 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 57 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R3 Multi-family residential zone.

For residential areas, the overall residential development is not to exceed a gross density of 200 maximum units. The front façade of all structures shall be built to Interstate Gateway Standards. 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. 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 structures shall be serviced by sidewalks within the development which will connect to Pleasant Grove Church Road. 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 along 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 proportion no less than 25% of the total buildable area. Site amenities shall be provided by the developer once 25% the structures in the development are established or under construction and shall include a pool and clubhouse. 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. All stormwater detention/retention areas will be screened from the public ROW.

Driveway entrances to the site shall be developed with adequate turning radii for entering and exiting vehicles, including delivery vehicles. Internal traffic circulation and parking on sites, delivery access, service access for solid waste pick-up, etc., and fire and emergency access must be maintained in the site

design and specifically addressed in site planning for individual developments. Parking standards shall be comparable to other developments of like nature and in no case have less than 2 spaces for every dwelling unit of multi-family developments.

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 57 Hunters Mill Apartments 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 thisordinance 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 THEPUD.
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 57, 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, andas such it is generally binding upon all development and use of property in the PUD 57 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 Hunters Mill LP 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 establishedfor 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 forceand effect. This ordinance shall take effect upon after passage and upon the executionof 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 2024-53 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:

c. **Resolution 2024-109 –** A resolution to consider a Plan of Service for about 177 acres, more or less, for property located at Brymer Creek Road, Johnston School Road, and Mason Road and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 064 Parcels 002.00, 002.02, and 001.04 (Planning Commission: Approved 6-0; 3 absent).

RESOLUTION 2024-109

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

NEWMAN FARMS
(064 001.04, 002.00, and 002.02 and 056 083.00 and 084.00)

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 23, 2024, 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 lands of Newman Family Farm Partnership LP, as recorded in BCROD 1175 page 441,said point also being the northwest corner of the lands of Leonard Dooley, as recorded in BCROD deed book 308 page 28; thence south 28 degrees 10 minutes 55 seconds west, 275.08 feet to an iron pin; thence south 28 degrees 5 minutes 14 seconds west, 130.65 feet to an iron pin; thence south 28 degrees 6 minutes 28

seconds west, 170.05 feet to an iron pin; thence south 28 degrees 1 minute 40 seconds west, 220.01 feet to an iron pin; thence south 28 degrees 9 minutes 35 seconds west, 249.93 feet to an iron pin; thence south 28 degrees 6 minutes 51 seconds west, 289.99 feet to an iron pin; thence south 27 degrees 42 minutes 54 seconds west, 80.06 feet to an iron pin; thence south 28 degrees 13 minutes 3 seconds west, 200.11 feet to an iron pin; thence south 28 degrees 5 minutes 4 seconds west, 130.26 feet to an iron pin; thence south 27 degrees 53 minutes 5 seconds west, 210.86 feet to an iron pin, said pin being located in the northern right of way of Johnson School Rd; thence crossing Johnson School Rd in a southerly direction 40 feet, more or less, to an iron pin located in the eastern line of Newman Family Farm Partnership LP, said point also being the northwest corner on the lands of Edward and Catherine Demaree, as recorded in BCROD deed book 1820 page 495; thence south 23 degrees 51 minutes 37 seconds west, 108.53 feet to an iron pin; thence south 23 degrees 51 minutes 33 seconds west, 531.76 feet to an iron pin; thence south 23 degrees 45 minutes 51 seconds west, 1108.95 feet to an iron pin; thence south 22 degrees 56 minutes 10 seconds west, 225.58 feet to an iron pin; thence south 23 degrees 17 minutes 13 seconds west, 135.65 feet to a point, said point being located in the northern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd with the previous bearings 40, more or less, to a point where the line intersects the southern right of way of Brymer Creek Rd; thence with the southern right of way of Brymer Creek Rd in a northwesterly direction 766 feet, more or less, to a point where the western line of the right of way of Johnston School Road, if extended, would intersect the southern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd in a northerly direction 40 feet, more or less, to the northwest corner of the intersection of Brymer Creek Rd and Johnston School Rd, said point also being the southeast corner of the lands of Timothy Cranfield, as recorded in BCROD deed book 23332 page 901; thence north 18 degrees 55 minutes 26 seconds east, 173.33 feet to a pin; thence north 70 degrees 29 minutes 7 seconds west, 142.93 feet to a fence post; thence south 82 degrees 2 minutes 36 seconds west, 5.56 feet to a fence post; thence south 19 degrees 3 minutes 52 seconds west, 195.39 feet to a fence post, said post being located in the northern right of way of Brymer Creek Rd; thence following the northern right of way of Brymer Creek Rd in a northwesterly direction 733 feet, more or less, to the intersection of the northern right of way of Brymer Creek Rd and the northern right of way of the private Johnston Woods Rd located on the property of Broad St Methodist Church, as recorded in BCROD Deed book 1976 page 762; thence north 66 degrees 6 minutes 18 seconds west, 417.66 feet to an iron pin; thence north 88 degrees 46 minutes 14 seconds west, 150.80 feet to an iron pin; thence along a left handed curve with chord bearing= south 79 degrees 23 minutes 29 seconds west, chord distance= 127.71 feet, arc length= 128.63 feet, radius=310.96 feet, external tangent= 65.25 feet, delta= 23.70 to an iron pin; thence south 67 degrees 32 minutes 30 seconds west, 82.22 feet to an iron pin; thence along a right handed curve with chord bearing south 84 degrees 9 minutes 53 seconds west, chord distance= 273.01, arc length= 276.88 feet, radius= 477.16 feet, external tangent= 142.46 feet, delta= 33.25 to an iron pin; thence north 82 degrees 41 minutes 29 seconds west, 54.75 feet to an iron pin; thence along a left handed curve with chord bearing= south 89 degrees 23 minutes 30 seconds west, chord distance= 156.43 feet, arc length= 156.93 feet, radius=567.86 feet, external tangent= 78.97 feet, delta= 15.83 to a point; thence south 79 degrees 17 minutes 1 seconds west, 92.08 feet to an iron pin; thence along a right handed curve with chord bearing north 86 degrees 41 minutes 51 seconds west, chord distance 182.02 feet, arc length=183.85 feet, radius= 375.70 feet, external tangent= 93.80 feet, delta=28.04 to an iron pin; north 72 degrees 46 minutes 17 seconds west, 199.89 feet to an iron pin; thence along a right handed curve with chord bearing = north 65 degrees 35 minutes 22 seconds west, chord distance= 192.23 feet, arc length= 192.74 feet, radius=768.81 feet, external tangent=96.88, delta=14.36 to an iron pin; thence north 58 degrees 40 minutes 15 seconds west, 409.40 feet to an iron pin; thence along a right handed curve with chord bearing= north 46 degrees 1 minute 18 seconds west, chord distance=130.66 feet, arc length=131.73 feet, radius= 298.35 feet, external tangent=66.96 feet, delta=25.30 to an iron pin; thence north 33 degrees 33 minutes 48 seconds west, 158.34 feet to an iron pin; thence north 23 degrees 56 minutes 39 seconds east, 410.04 feet to an iron pin; thence north 24 degrees 23 minutes 42 seconds east, 700.09 feet to an iron pin; thence south 66 degrees 38 minutes 55 seconds east, 1500.36 feet to an iron pin; thence south 66 degrees 39 minutes 44 seconds east, 1069.27 feet to an iron pin; thence north 23 degrees 28 minutes 22 seconds east, 890.34 feet to an iron pin; thence south 66 degrees 22 minutes 36 seconds east, 661.95 feet to a point, said point being located in the western right of way of Johnston School Rd; thence with the western right of way of Johnston

School Rd in a northerly direction 673 feet, more or less, to an iron pin located at the northwest corner of the intersection of Johnstone School Rd and Mason Rd; north 52 degrees 52 minutes 46 seconds west, 173.00 feet to a point; thence north 52 degrees 52 minutes 46 seconds west, 63.42 feet to an iron pin; thence north 36 degrees 46 minutes 17 seconds west, 296.31feet to a point; thence with the center of the creek north 36 degrees 46 minutes 17 seconds west, 71.66 feet to a point in the center of the creek; thence north 16 degrees 47 minutes 31 seconds west, 28.73 feet to a point; thence north 16 degrees 58 minutes 42 seconds west, 14.93 feet to appoint; thence north 11 degrees 28 minutes 38 seconds east, 43.61 feet to a point; thence north 30 degrees 49 minutes 10 seconds west, 44.19 feet to a point; thence north 50 degrees 9 minutes 23 seconds west, 25.15 feet to appoint; thence north 2 degrees 0 minutes 33 seconds west, 21.96 feet to a point; thence north 23 degrees 8 minutes 56 seconds west, 24.71 feet to a point; thence north 72 degrees 59 minutes 8 seconds west, 19.44 feet to a point; thence north 61 degrees 7 minutes 24 seconds west, 28.25 feet to a point; thence north 42 degrees 39 minutes 53 seconds west, 41.99 feet to a point; thence north 31 degrees 31 minutes 53 seconds west, 23.60 feet to a point; thence north 29 degrees 46 minutes 59 seconds west, 16.97 feet to a point; thence leaving the center of the creek north 44 degrees 20 minutes 29 seconds east, 16.36 feet to an iron pin; thence north 23 degrees 25 minutes 20 seconds east, 716.92 feet to an iron pin, said pin being located in the existing City Limits; thence with the existing City Limits south 66 degrees 36 minutes 47 seconds east, 770.91 feet to an iron pin, said pin being located in the western right of way of Mason Rd; thence crossing Mason Rd south 66 degrees 36 minutes 47 seconds east, 40 feet. More or less, to a point in the eastern right of way of Mason Rd and a point in the lines of Newman Family Farm Partnership LP; thence with the eastern right of way of Mason Rd in a northeasterly direction 248 feet, more or less, to an iron pin; thence south 67 degrees 55 minutes 25 seconds east, 10.49 feet to an iron pin; thence north 23 degrees 58 minutes 29 seconds east, 495.65 feet to a fence post; thence south 66 degrees 20 minutes 54 seconds east, 808.30 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

SEPTEMBER 17, 2024
NEWMAN FARMS
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 177 acres located at Johnston School Road, Mason Road, and Brymer Creek 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 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.

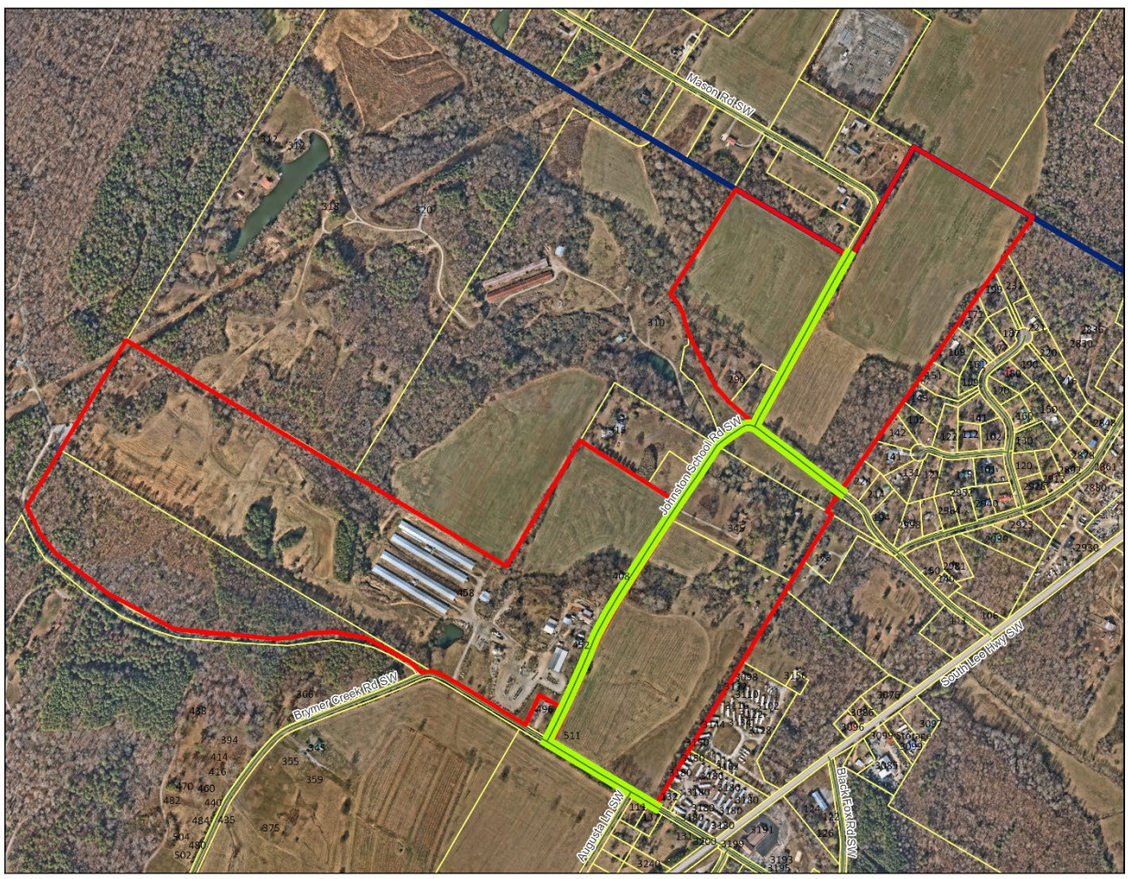
Introduction

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 177 acres total. The annexation would zone the property as PUD Planned Unit of Development. This consists of multiple parcels that range in use from vacant to farming. The property is described as Tax Map 0065 Parcels 001.04, 002.02, 002.00 and Tax Map 056 Parcel 083.00 and 084.00.

Newman Farms Annexation Map



Legal Description

Beginning at an iron pin located at the northeast corner of the lands of Newman Family Farm Partnership LP, as recorded in BCROD 1175 page 441,said point also being the northwest corner of the lands of Leonard Dooley, as recorded in BCROD deed book 308 page 28; thence south 28 degrees 10 minutes 55 seconds west, 275.08 feet to an iron pin; thence south 28 degrees 5 minutes 14 seconds west, 130.65 feet to an iron pin; thence south 28 degrees 6 minutes 28 seconds west, 170.05 feet to an iron pin; thence south 28 degrees 1 minute 40 seconds west, 220.01 feet to an iron pin; thence south 28 degrees 9 minutes 35 seconds west, 249.93 feet to an iron pin; thence south 28 degrees 6 minutes 51 seconds west, 289.99 feet to an iron pin; thence south 27 degrees 42 minutes 54 seconds west, 80.06 feet to an iron pin; thence south 28 degrees 13 minutes 3 seconds west, 200.11 feet to an iron pin; thence south 28 degrees 5 minutes 4 seconds west, 130.26 feet to an iron pin; thence south 27 degrees 53 minutes 5 seconds west, 210.86 feet to an iron pin, said pin being located in the northern right of way of Johnson School Rd; thence crossing Johnson School Rd in a southerly direction 40 feet, more or less, to an iron pin located in the eastern line of Newman Family Farm Partnership LP, said point also being the northwest corner on the lands of Edward and Catherine Demaree, as recorded in BCROD deed book 1820 page 495; thence south 23 degrees 51 minutes 37 seconds west, 108.53 feet to an iron pin; thence south 23 degrees 51 minutes 33 seconds west, 531.76 feet to an iron pin; thence south 23 degrees 45 minutes 51 seconds west, 1108.95 feet to an iron pin; thence south 22 degrees 56 minutes 10 seconds west, 225.58 feet to an iron pin; thence south 23 degrees 17 minutes 13 seconds west, 135.65 feet to a point, said point being located in the northern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd with the previous bearings 40, more or less, to a point where the line intersects the southern right of way of Brymer Creek Rd; thence with the southern right of way of Brymer Creek Rd in a northwesterly direction 766 feet, more or less, to a point where the western line of the right of way of Johnston School Road, if extended, would intersect the southern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd in a northerly direction 40 feet, more or less, to the

northwest corner of the intersection of Brymer Creek Rd and Johnston School Rd, said point also being the southeast corner of the lands of Timothy Cranfield, as recorded in BCROD deed book 23332 page 901; thence north 18 degrees 55 minutes 26 seconds east, 173.33 feet to a pin; thence north 70 degrees 29 minutes 7 seconds west, 142.93 feet to a fence post; thence south 82 degrees 2 minutes 36 seconds west, 5.56 feet to a fence post; thence south 19 degrees 3 minutes 52 seconds west, 195.39 feet to a fence post, said post being located in the northern right of way of Brymer Creek Rd; thence following the northern right of way of Brymer Creek Rd in a northwesterly direction 733 feet, more or less, to the intersection of the northern right of way of Brymer Creek Rd and the northern right of way of the private Johnston Woods Rd located on the property of Broad St Methodist Church, as recorded in BCROD Deed book 1976 page 762; thence north 66 degrees 6 minutes 18 seconds west, 417.66 feet to an iron pin; thence north 88 degrees 46 minutes 14 seconds west, 150.80 feet to an iron pin; thence along a left handed curve with chord bearing= south 79 degrees 23 minutes 29 seconds west, chord distance= 127.71 feet, arc length= 128.63 feet, radius=310.96 feet, external tangent= 65.25 feet, delta= 23.70 to an iron pin; thence south 67 degrees 32 minutes 30 seconds west, 82.22 feet to an iron pin; thence along a right handed curve with chord bearing south 84 degrees 9 minutes 53 seconds west, chord distance= 273.01, arc length= 276.88 feet, radius= 477.16 feet, external tangent= 142.46 feet, delta= 33.25 to an iron pin; thence north 82 degrees 41 minutes 29 seconds west, 54.75 feet to an iron pin; thence along a left handed curve with chord bearing= south 89 degrees 23 minutes 30 seconds west, chord distance= 156.43 feet, arc length= 156.93 feet, radius=567.86 feet, external tangent= 78.97 feet, delta= 15.83 to a point; thence south 79 degrees 17 minutes 1 seconds west, 92.08 feet to an iron pin; thence along a right handed curve with chord bearing north 86 degrees 41 minutes 51 seconds west, chord distance 182.02 feet, arc length=183.85 feet, radius= 375.70 feet, external tangent= 93.80 feet, delta=28.04 to an iron pin; north 72 degrees 46 minutes 17 seconds west, 199.89 feet to an iron pin; thence along a right handed curve with chord bearing = north 65 degrees 35 minutes 22 seconds west, chord distance= 192.23 feet, arc length= 192.74 feet, radius=768.81 feet, external tangent=96.88, delta=14.36 to an iron pin; thence north 58 degrees 40 minutes 15 seconds west, 409.40 feet to an iron pin; thence along a right handed curve with chord bearing= north 46 degrees 1 minute 18 seconds west, chord distance=130.66 feet, arc length=131.73 feet, radius= 298.35 feet, external tangent=66.96 feet, delta=25.30 to an iron pin; thence north 33 degrees 33 minutes 48 seconds west, 158.34 feet to an iron pin; thence north 23 degrees 56 minutes 39 seconds east, 410.04 feet to an iron pin; thence north 24 degrees 23 minutes 42 seconds east, 700.09 feet to an iron pin; thence south 66 degrees 38 minutes 55 seconds east, 1500.36 feet to an iron pin; thence south 66 degrees 39 minutes 44 seconds east, 1069.27 feet to an iron pin; thence north 23 degrees 28 minutes 22 seconds east, 890.34 feet to an iron pin; thence south 66 degrees 22 minutes 36 seconds east, 661.95 feet to a point, said point being located in the western right of way of Johnston School Rd; thence with the western right of way of Johnston School Rd in a northerly direction 673 feet, more or less, to an iron pin located at the northwest corner of the intersection of Johnstone School Rd and Mason Rd; north 52 degrees 52 minutes 46 seconds west, 173.00 feet to a point; thence north 52 degrees 52 minutes 46 seconds west, 63.42 feet to an iron pin; thence north 36 degrees 46 minutes 17 seconds west, 296.31feet to a point; thence with the center of the creek north 36 degrees 46 minutes 17 seconds west, 71.66 feet to a point in the center of the creek; thence north 16 degrees 47 minutes 31 seconds west, 28.73 feet to a point; 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existing City Limits; thence with the existing City Limits south 66 degrees 36 minutes 47 seconds east, 770.91 feet to an iron pin, said pin being located in the western right of way of Mason Rd; thence crossing Mason Rd south 66 degrees 36 minutes 47 seconds east, 40 feet. More or less, to a point in the eastern right of way of Mason Rd and a point in the lines of Newman Family Farm Partnership LP; thence with the eastern right of way of Mason Rd in a northeasterly direction 248 feet, more or less, to an iron pin; thence south 67 degrees 55 minutes 25 seconds east, 10.49 feet to an iron pin; thence north 23 degrees 58 minutes 29 seconds east, 495.65 feet to a fence post; thence south 66 degrees 20 minutes 54 seconds east, 808.30 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. **Fire Protection**
   The Cleveland Fire Department could service this area immediately without any impact to the budget.

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

A. Domestic Water---Domestic water service is presently available to the parcels via 6" water mains along Johnson School Rd. SW, Brymer Creek Rd. SW, and Mason Rd. SW. See Figure 1 – Water Service

B. Sanitary Sewer--- Sewer service is not presently available to the parcels. To serve these parcels for the ultimate buildout of the proposed annexation areas, the existing pump station needs to be upgraded and replaced, the existing force main needs to be replaced with 4350±LF of 8" sewer force main and approximately 1800±LF of 12" gravity sewer main is to be installed. See also Resolution 2022-53 (not passed on final reading) for previous Plan of Service to these parcels. The Opinion of Probable Cost is $2,989,250 and the work can be completed in 8 years. See Figure 2 – Sewer Service.

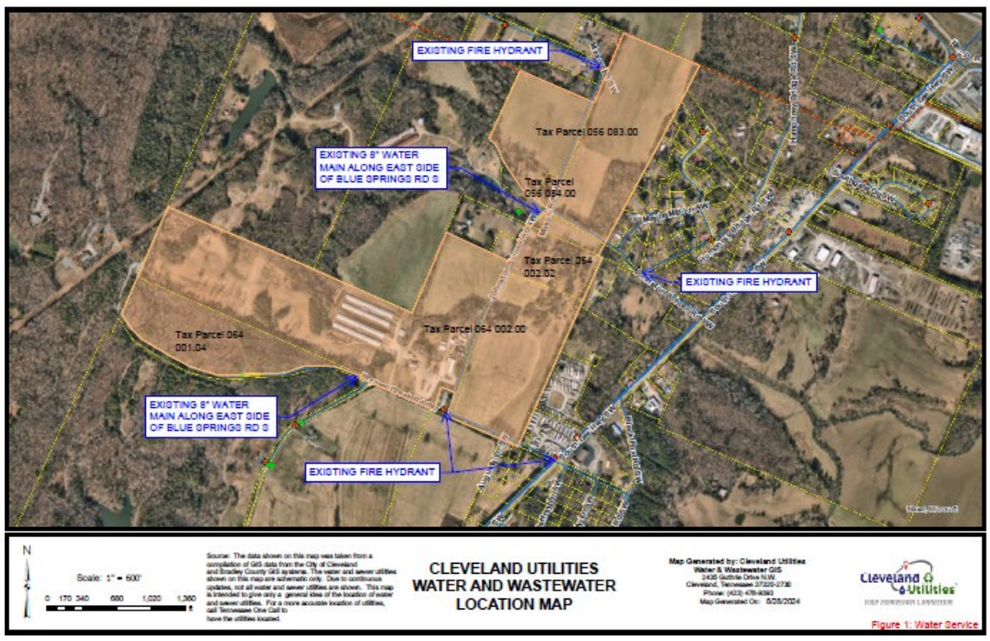
C. Fire Protection--- Fire protection is presently available to this parcel via a fire hydrant at the intersection of Brymer Creek Rd. SW and Johnston School Rd. SW, a fire hydrant at the intersection of Johnston School Rd. SW and Humphrey Bridge Rd. SW, and a fire hydrant west of Parcel 056-083.00 See Figure 1 – Water Service.

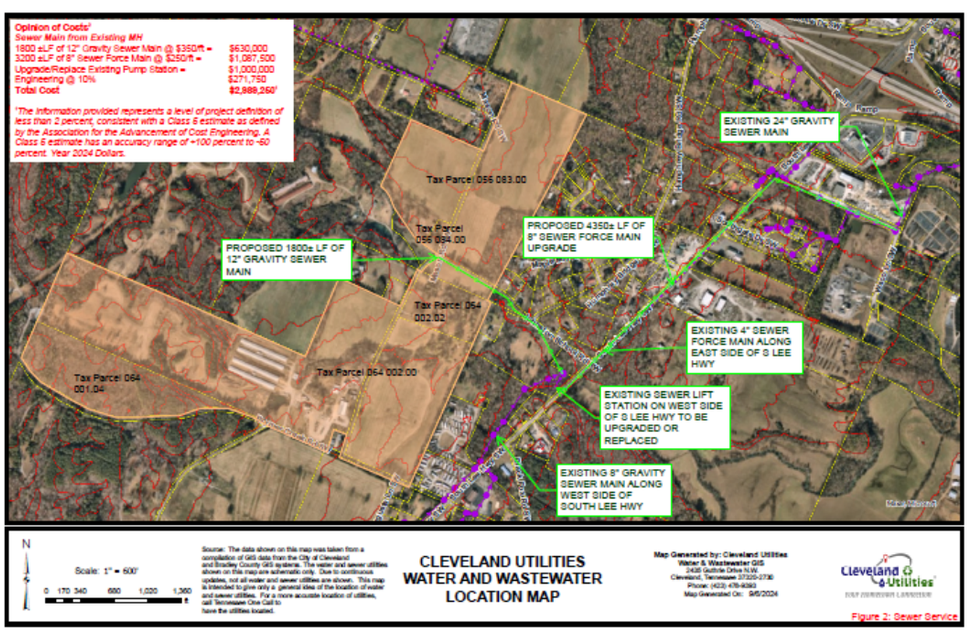
SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Johnston School Rd SW(Tax Parcel 064-002.00, 002.02, 001.04 and Tax Parcel 056-083.00 and 084.00)	**$0**	**$2,989,250**	**$0**	**$2,989,250**

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 service in the general area. With an unknown design, CU Electric cannot anticipate the cost associated with serving such a large piece of property

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 will cost Cleveland City Schools approximately $209,966.00 per year and add 215 school age children.

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 and RA Residential Agricultural 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 1400 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 **$988,400.00 per year**

Councilwoman McKenzie moved that Resolution 2024-109 be accepted as presented. The motion was seconded by Councilman Cassada. Councilman Estes asked what the PUD speaks to as it pertains to access onto Stone Lake Road. Mr. Varnell stated the PUD requires that access be to Stone Lake. It does not specify how that goes, due to ongoing negotiations. But it does specify before they can get approved plan related documents from a staff level, that connection will have to be finalized and underway. Upon roll call, unanimously passed.

The following Resolution was then presented in full:

d. **Resolution 2024-110** – A resolution to annex about 177 acres, more or less, for property located at Brymer Creek Road, Johnston School Road, and Mason Road and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 064 Parcels 002.00, 002.02, and 001.04 (Planning Commission: Approved 6-0; 3 absent).

RESOLUTION 2024-110

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

NEWMAN FARMS 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 23,2024.

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 lands of Newman Family Farm Partnership LP, as recorded in BCROD 1175 page 441,said point also being the northwest corner of the lands of Leonard Dooley, as recorded in BCROD deed book 308 page 28; thence south 28 degrees 10 minutes 55 seconds west, 275.08 feet to an iron pin; thence south 28 degrees 5 minutes 14 seconds west, 130.65 feet to an iron pin; thence south 28 degrees 6 minutes 28 seconds west, 170.05 feet to an iron pin; thence south 28 degrees 1 minute 40 seconds west, 220.01 feet to an iron pin; thence south 28 degrees 9 minutes 35 seconds west, 249.93 feet to an iron pin; thence south 28 degrees 6 minutes 51 seconds west, 289.99 feet to an iron pin; thence south 27 degrees 42 minutes 54 seconds west, 80.06 feet to an iron pin; thence south 28 degrees 13 minutes 3 seconds west, 200.11 feet to an iron pin; thence south 28 degrees 5 minutes 4 seconds west, 130.26 feet to an iron pin; thence south 27 degrees 53 minutes 5 seconds west, 210.86 feet to an iron pin, said pin being located in the northern right of way of Johnson School Rd; thence crossing Johnson School Rd in a southerly direction 40 feet, more or less, to an iron pin located in the eastern line of Newman Family Farm Partnership LP, said point also being the northwest corner on the lands of Edward and Catherine Demaree, as recorded in BCROD deed book 1820 page 495; thence south 23 degrees 51 minutes 37 seconds west, 108.53 feet to an iron pin; thence south 23 degrees 51 minutes 33 seconds west, 531.76 feet to an iron pin; thence south 23 degrees 45 minutes 51 seconds west, 1108.95 feet to an iron pin; thence south 22 degrees 56 minutes 10 seconds west, 225.58 feet to an iron pin; thence south 23 degrees 17 minutes 13 seconds west, 135.65 feet to a point, said point being located in the northern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd with the previous bearings 40, more or less, to a point where the line intersects the southern right of way of Brymer Creek Rd; thence with the southern right of way of Brymer Creek Rd in a northwesterly direction 766 feet, more or less, to a point where the western line of the right of way of Johnston School Road, if extended, would intersect the southern right of way of Brymer Creek Rd; thence crossing Brymer Creek Rd in a northerly direction 40 feet, more or less, to the northwest corner of the intersection of Brymer Creek Rd and Johnston School Rd, said point also being the southeast corner of the lands of Timothy Cranfield, as recorded in BCROD deed book 23332 page 901; thence north 18 degrees 55 minutes 26 seconds east, 173.33 feet to a pin; thence north 70 degrees 29 minutes 7 seconds west, 142.93 feet to a fence post; thence south 82 degrees 2 minutes 36 seconds west, 5.56 feet to a fence post; thence south 19 degrees 3 minutes 52 seconds west, 195.39 feet to a fence post, said post being located in the northern right of way of Brymer Creek Rd; thence following the northern right of way of Brymer Creek Rd in a northwesterly direction 733 feet, more or less, to the intersection of the northern right of way of Brymer Creek Rd and the northern right of way of the private Johnston Woods Rd located on the property of Broad St Methodist Church, as recorded in BCROD Deed book 1976 page 762; 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thence south 79 degrees 17 minutes 1 seconds west, 92.08 feet to an iron pin; thence along a right handed curve with chord bearing north 86 degrees 41 minutes 51 seconds west, chord distance 182.02 feet, arc length=183.85 feet, radius= 375.70 feet, external tangent= 93.80 feet, delta=28.04 to an iron pin; north 72 degrees 46 minutes 17 seconds west, 199.89 feet to an iron pin; thence along a right handed curve with chord bearing = north 65 degrees 35 minutes 22 seconds west, chord distance= 192.23 feet, arc length= 192.74 feet, radius=768.81 feet, external tangent=96.88, delta=14.36 to an iron pin; thence north 58 degrees 40 minutes 15 seconds west, 409.40 feet to an iron pin; thence along a right handed curve with chord bearing= north 46 degrees 1 minute 18 seconds west, chord distance=130.66 feet, arc length=131.73 feet, radius= 298.35 feet, external tangent=66.96 feet, delta=25.30 to an iron pin; thence north 33 degrees 33 minutes 48 seconds west, 158.34 feet to an iron pin; thence north 23 degrees 56 minutes 39 seconds east, 410.04 feet to an iron pin; thence north 24 degrees 23 minutes 42 seconds east,

700.09 feet to an iron pin; thence south 66 degrees 38 minutes 55 seconds east, 1500.36 feet to an iron pin; thence south 66 degrees 39 minutes 44 seconds east, 1069.27 feet to an iron pin; thence north 23 degrees 28 minutes 22 seconds east, 890.34 feet to an iron pin; thence south 66 degrees 22 minutes 36 seconds east, 661.95 feet to a point, said point being located in the western right of way of Johnston School Rd; thence with the western right of way of Johnston School Rd in a northerly direction 673 feet, more or less, to an iron pin located at the northwest corner of the intersection of Johnstone School Rd and Mason Rd; north 52 degrees 52 minutes 46 seconds west, 173.00 feet to a point; thence north 52 degrees 52 minutes 46 seconds west, 63.42 feet to an iron pin; thence north 36 degrees 46 minutes 17 seconds west, 296.31feet to a point; thence with the center of the creek north 36 degrees 46 minutes 17 seconds west, 71.66 feet to a point in the center of the creek; thence north 16 degrees 47 minutes 31 seconds west, 28.73 feet to a point; thence north 16 degrees 58 minutes 42 seconds west, 14.93 feet to appoint; thence north 11 degrees 28 minutes 38 seconds east, 43.61 feet to a point; thence north 30 degrees 49 minutes 10 seconds west, 44.19 feet to a point; thence north 50 degrees 9 minutes 23 seconds west, 25.15 feet to appoint; thence north 2 degrees 0 minutes 33 seconds west, 21.96 feet to a point; thence north 23 degrees 8 minutes 56 seconds west, 24.71 feet to a point; thence north 72 degrees 59 minutes 8 seconds west, 19.44 feet to a point; thence north 61 degrees 7 minutes 24 seconds west, 28.25 feet to a point; thence north 42 degrees 39 minutes 53 seconds west, 41.99 feet to a point; thence north 31 degrees 31 minutes 53 seconds west, 23.60 feet to a point; thence north 29 degrees 46 minutes 59 seconds west, 16.97 feet to a point; thence leaving the center of the creek north 44 degrees 20 minutes 29 seconds east, 16.36 feet to an iron pin; thence north 23 degrees 25 minutes 20 seconds east, 716.92 feet to an iron pin, said pin being located in the existing City Limits; thence with the existing City Limits south 66 degrees 36 minutes 47 seconds east, 770.91 feet to an iron pin, said pin being located in the western right of way of Mason Rd; thence crossing Mason Rd south 66 degrees 36 minutes 47 seconds east, 40 feet. More or less, to a point in the eastern right of way of Mason Rd and a point in the lines of Newman Family Farm Partnership LP; thence with the eastern right of way of Mason Rd in a northeasterly direction 248 feet, more or less, to an iron pin; thence south 67 degrees 55 minutes 25 seconds east, 10.49 feet to an iron pin; thence north 23 degrees 58 minutes 29 seconds east, 495.65 feet to a fence post; thence south 66 degrees 20 minutes 54 seconds east, 808.30 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 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 2024-110 be accepted as presented. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

e. **Zoning Ordinance 2024-54 -** An ordinance to zone about 157.03 acres, more or less, for property located at Brymer Creek Road, Johnston School Road, and Mason Road from FAR unincorporated county to PUD56 Zoning District and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 064 Parcels 002.00, 002.02, and 001.04 (Planning Commission: Approved 6-0; 3 absent).

Zoning Ordinance 2024-54

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 NEWMAN FARMS "PUD 56" ON PROPERTY DESCRIBED AS TAX PARCEL 064 001.04, 064 002.00, 056 083.00, AND 056 084.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 56; 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 56" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 56 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 56 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 56, Newman Farms Property (name may be revised during the platting process with approval of the Cleveland Municipal Planning), includes property generally identified as a portion of Tax Parcels 064 001.04, 064 002.00, 056 083.00, and 056 084.00. Exhibit B illustrates the overall Newman Farms 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 Newman Farms Property. The project consists of detached single-family homes and townhouses. Exhibits B shows the general location of proposed infrastructure and common areas. In terms of total allowable density, the project shall not exceed 600 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 56 Subdivision allows for the construction of up to 600 residential units without amending this ordinance. The conceptual plan is divided into 4 different development areas. The Permitted use within each Development area consists of single-family detached dwellings. Development area 1 includes Townhouses as a permitted use.

Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 56 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 Newman Farms property development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit B unless modified by agreement of the Cleveland Municipal Planning Commission 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 56 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 (Exhibits B) for PUD 56 , Newman Farms Property was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on September 17, 2024. 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 56 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.A. PLATS.

One or more plats will be prepared for the PUD 56 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.B. 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 56 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 56 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 56 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 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

Lot Requirements:
Front (all other streets): 25' Side: 5'
Rear: 15'
Min Lot Width: 46' – maximum 20%
60' – minimum of 27%

Townhouse Lot Requirements:
Front: 25'
Side: 10' (min 20' between structures)
Rear: 15'

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.
2. Green space shall be provided as shown on Exhibit B. Specifically, this includes a 30' exterior buffer.
3. A minimum of 50% of the open/green space shall be usable and include a pool and club house and associated recreational uses such as playground or tennis court. Amenities must be installed before the 100th building permit is issued.
4. A centralized cluster mailbox units shall be provided, if required by the United States Postal service, and shall include a minimum of 2 of 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 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).
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. 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 no more than 75% of the development areas, the remaining 25% shall follow the natural slope of the land with the exception of runoff swells and ensuring there are suitable soils. Slopes may not be steeper in any area than a 4:1 ratio on any private (non-HOA) lots.
4. All foundations shall be brick or stone.
5. All detached residential buildings must include a minimum of 2 car garage. Townhouses must include a minimum of a 1 car garage.
6. Overflow/guest parking shall be provided in the Townhouse section of the development.
7. Front driveways/parking areas of townhouses shall be separated by a minimum of 3' planted landscape strip (not grass or stone).
8. 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.
9. A monument style ground sign with landscaped entrance shall be installed for each entrance to the site.
10. The primary access corridor utilizes Johnson School Road and Mason Road. The corridor begins where Johnson School Road intersects Brymer Creek Road, south of the proposed development. It proceeds north along Johnson School Road to Mason Road, and continues north along Mason Road through a required extension, continuing north, to Stone Lake Road. This corridor shall be improved to 50' ROW (24'paved) generally, and 70' ROW (38' paved) where turn lanes and deceleration lanes are provided at each sections entrance. A landscaped street yard with street trees, generally 2" caliper trees, 35' on-center, shall be provided along this corridor. A Type D City of Cleveland Buffer, located against the ROW, will be provided for rear-loading townhomes located on the east side of Mason Road. Road improvements must be installed before the 100th building permit is issued. Type D buffer for townhomes shall be installed before Certificate of Occupancy for referenced townhomes may be issued.
11. 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.
12. Attempts shall be made to preserve the existing tree canopy. 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 56 Newman Farms 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 56, 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 56 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

Councilman May moved that Zoning Ordinance 2024-54 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

f. **Zoning Ordinance 2024-55** – An ordinance to zone about 19.07 acres, more or less, for property located on Johnston School Road from FAR unincorporated county to RA Residential Agricultural Zoning District and includes Tax Map 064 Parcels 002.02, a portion of Tax Map 064 Parcel 002.00 and a portion of Tax Map 056 Parcel 083.00 (Planning Commission: Approved 6-0; 3 absent).

Zoning Ordinance 2024-55

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 District to RA Residential Agricultural Zoning District.

Approximately 19.07 acres, more or less, located on Johnston School Road as shown on the attached map.

For reference, the same property is being shown on Tax Map 064 Parcel 002.02, a portion of Tax Map 064 Parcel 002.00, and a portion of Tax Map 056 Parcel 083.00 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.

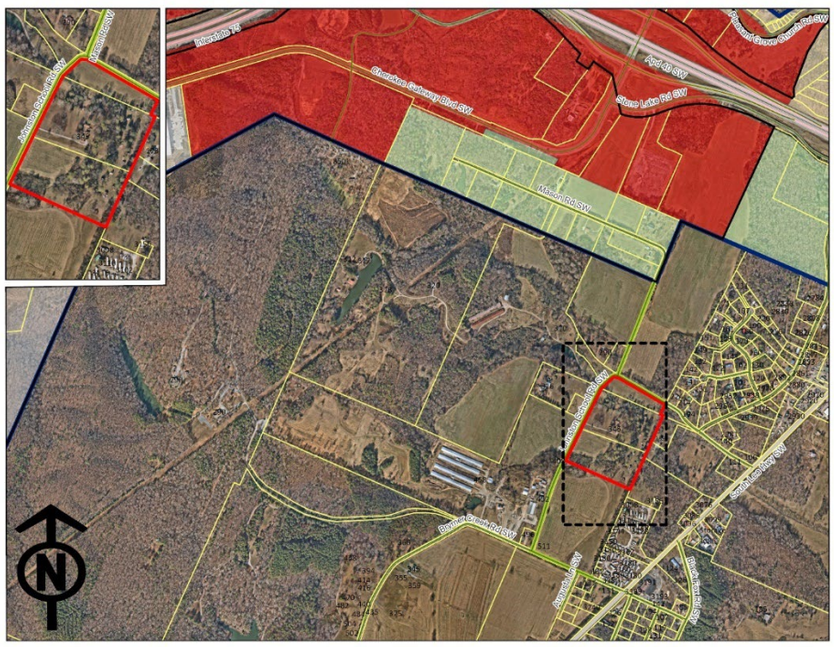
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-55 be approved on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

g. **Resolution-2024-111** – A resolution to approve a Plan of Service for about 2.86 acres, more or less, for property located at Blue Springs Road and includes Tax Map 065J Group A Parcels 020.00 and 021.00 (Planning Commission: Approved 6-0; 3 absent).

RESOLUTION 2024-111

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

BLUE SPRINGS ROAD (065J A 020.00 and 021.00)

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 23, 2024, 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 lot 4 of Martha Acres Revised, as recorded in BCROD plat book 5 page 57; thence north 23 degrees 23 minutes east, 407.2 fee to the northwest corner of lot 5 of Martha Acres Revised; thence south 69 degrees 01 minute 30 seconds east, 270 feet, more or less, to a point where the existing City Limits intersects the northern line of lot 5 of Martha Acres Revised; thence with the existing City Limits in a southwesterly direction 423 feet, more or less, to a point where the existing City Limits intersects the southern line of lot 4 of Martha Acres Revised; thence north 69 degrees 17 minutes west, 195 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 17, 2024
BLUE SPRINGS ROAD
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 2.86 acres located at Blue Springs 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 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.

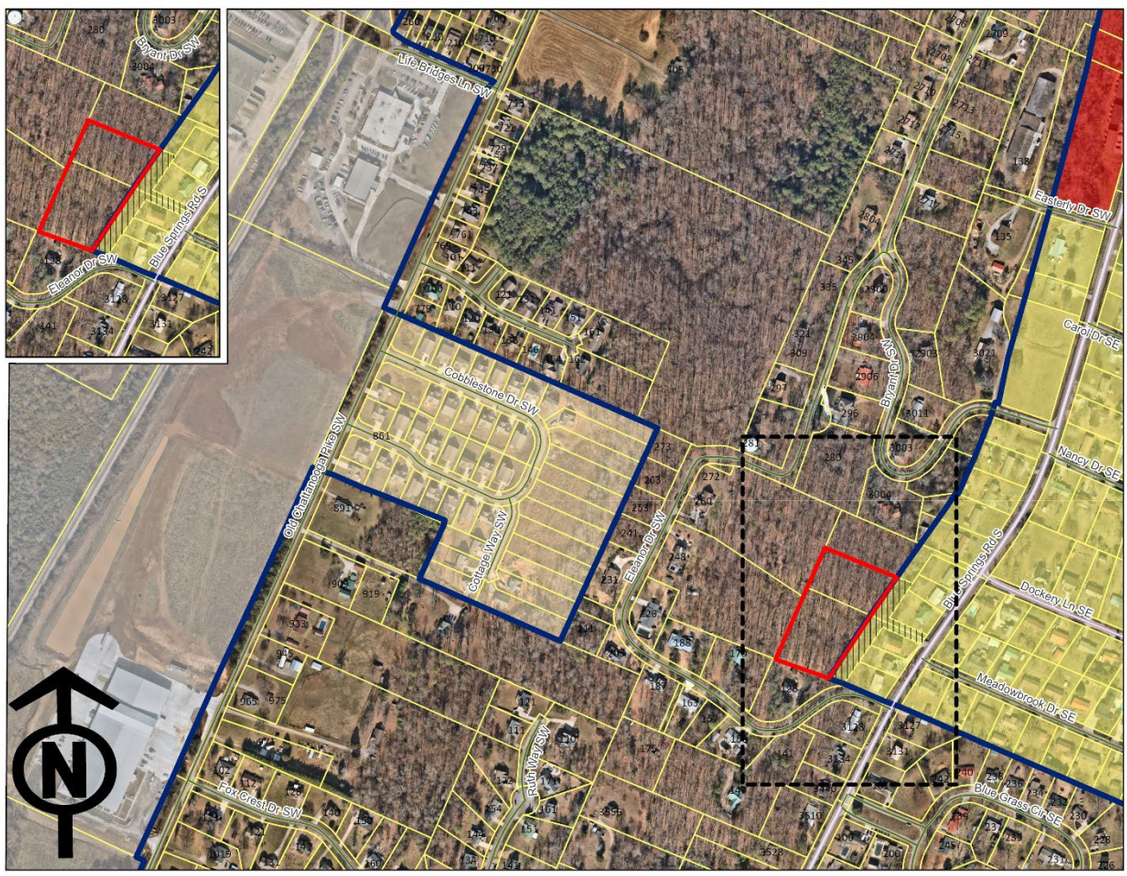
Introduction

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 2 parcels, approximately 2.86 acres total. The annexation would zone the property as R-2 Low Density Single and Multi-Family Residential. These lots are currently vacant. The property is described as Tax Map 065J A 020.00 and 021.00

Blue Springs Road Annexation Map



Legal Description

Beginning at the southwest corner of lot 4 of Martha Acres Revised, as recorded in BCROD plat book 5 page 57; thence north 23 degrees 23 minutes east, 407.2 fee to the northwest corner of lot 5 of Martha Acres Revised; thence south 69 degrees 01 minute 30 seconds east, 270 feet, more or less, to a point where the existing City Limits intersects the northern line of lot 5 of Martha Acres Revised; thence with the existing City Limits in a southwesterly direction 423 feet, more or less, to a point where the existing City Limits intersects the southern line of lot 4 of Martha Acres Revised; thence north 69 degrees 17 minutes west, 195 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 without any impact to the budget.

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

A. Domestic Water---domestic water service is presently available to the parcels via a 8" water main along the east side of Blue Springs Rd S. See Figure 1 –Water Services

B. Sanitary Sewer--- Sewer service is presently available to the parcel via a 8" gravity sewer main along the west side of Blue Springs Rd. S. See Figure 2 – Sewer Service.

C. Fire Protection--- Fire protection is presently available to this parcel via a fire hydrant 90 ft. south of the parcels on the corner of Blue Springs Rd S and Meadowbrook Dr. SE, and a fire hydrant 250 ft north of the parcels on the corner of Blue Springs Rd S and Dockery Ln SE. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Blue Springs Road (065J A 020.00 and 021.00)	**$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.

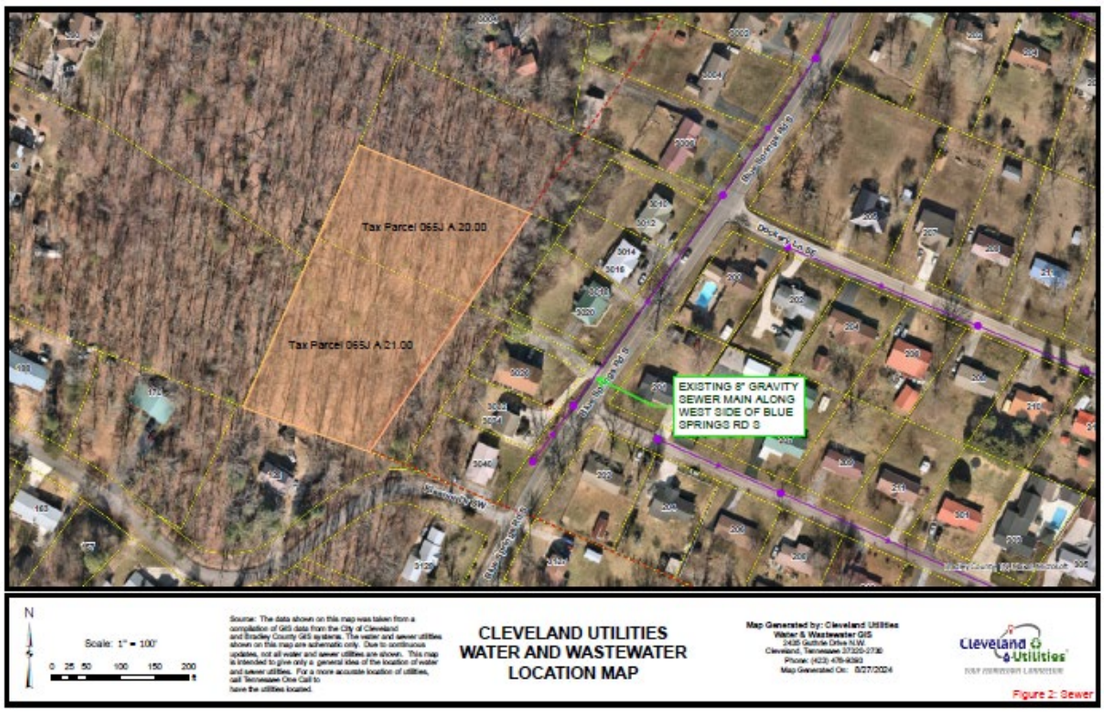
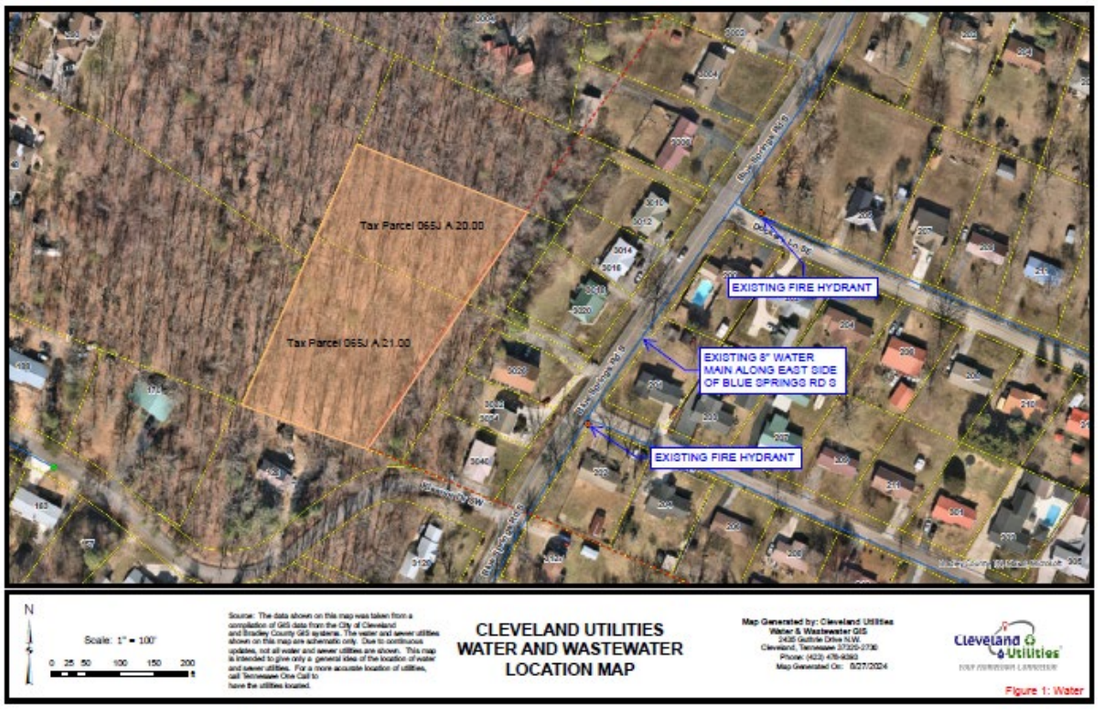


Figure 1: Sewer



4. Electric Service

Cleveland Utilities Electric currently has facilities along Blue Springs Rd. that are capable of serving the proposed annexation. 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 will cost Cleveland City Schools approximately $976.59 per year per school age child.

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 R-2 in the City Limits. The property is proposed for a Single and Multi-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 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 **$6,618.75 per year**

Councilman May moved that Resolution 2024-111 be accepted as presented. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

h. **Resolution 2024-112** - A resolution to annex about 2.86 acres, more or less, for property located at Blue Springs Road and includes Tax Map 065J Group A Parcels 020.00 and 021.00 (Planning Commission: Approved 6-0; 3 absent).

RESOLUTION 2024-112

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

BLUE SPRINGS 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 23,2024.

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 lot 4 of Martha Acres Revised, as recorded in BCROD plat book 5 page 57; thence north 23 degrees 23 minutes east, 407.2 fee to the northwest corner of lot 5 of Martha Acres Revised; thence south 69 degrees 01 minute 30 seconds east, 270 feet, more or less, to a point where the existing City Limits intersects the northern line of lot 5 of Martha Acres Revised; thence with the existing City Limits in a southwesterly direction 423 feet, more or less, to a point where the existing City Limits intersects the southern line of lot 4 of Martha Acres Revised; thence north 69 degrees 17 minutes west, 195 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 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

Councilwoman McKenzie moved that Resolution 2024-112 be accepted as presented. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

i. **Zoning Ordinance 2024-56** – An ordinance to zone about 2.86 acres, more or less, for property located at Blue Springs Road from FAR unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 065J Group A Parcels 020.00 and 021.00 (Planning Commission: Approved 6-0; 3 absent).

Zoning Ordinance 2024-56

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 FAR Unincorporated County Zoning District to R-2 Low Density Single and Multi-Family Residential Zoning District.

Approximately 2.86 acres, more or less, located on Blue Springs Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 065J Group A Parcel 020.00 and 021.00 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.

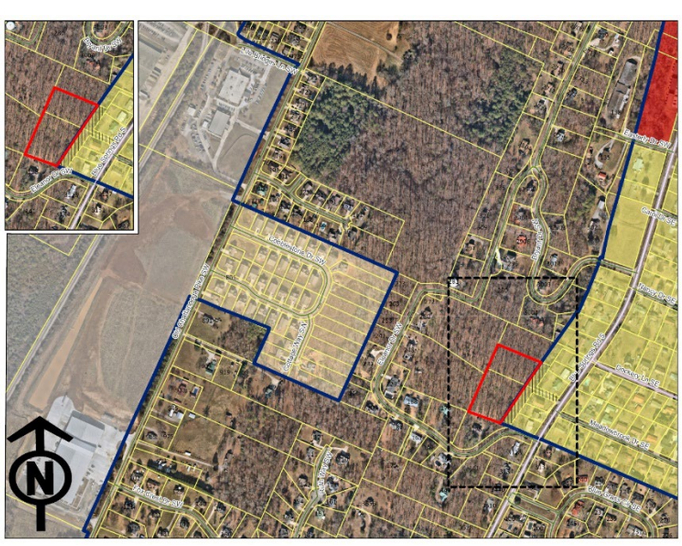
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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 2024-56 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

j. **Motion** – Council Member appointment to the Stormwater Committee.

Councilwoman McKenzie moved to appoint Councilman Goff to the Stormwater Committee. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

k. **Motion** – Council Member appointment to the Shade Tree Board.

Mayor Brooks stated he would like to suggest appointing Councilman Cassada to the Shade Tree Board to fill the term of Councilman Hughes. Councilman May moved to appoint Councilman Cassada to the Shade Tree Board. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

l. **Motion** – Authorizing the Cleveland City Beer Board to issue a Special Occasion Beer Permit for the Witches, Wine & Spirits Stroll to be held on October 26 from 6-10 pm located on 1st Street NE between Church and Parker Street NE.

Christy Goza addressed the City Council concerning the Witches, Wint & Spirits Stroll event to be held on October 26 for a Breast Cancer Awareness fundraiser. Last year they netted $8,000 which went to the Mary Ellen Locher Breast Clinic and Mammogram Unit Scholarship Fund. This event is a push in the community for early prevention/early detection. Funds this year will go towards the same charity, and they are currently in talks with the Bradley Medical doing something with their breast clinic. They are excited to see what next year holds for the event. They are asking for the Council support again this year for this event. Councilman May moved to approve the Beer Board to issue a Special Occasion Permit for the event. The motion was seconded by Councilman Moore. Upon roll call, Councilman May, Councilman Moore, Councilman Estes and Councilman Cassada vote aye. Councilwoman McKenzie and Councilman Goff voted no. The motion carries 4:2.

m. **Bid Report** - Emergency Shelter

Mr. Fivas stated the bid that was received will expire before our next meeting. We can approve it and start the project, discuss with the County their long-term plan, or reject the bid. If we want to work diligently on a new facility, we will try to make it happen and can discuss further with the County before our Strategic Plan meeting. We can always rebid in the future if desired. Councilman Estes' comments were inaudible concerning the facility. Mr. Fivas stated it's a dicey issue because you have something ready to go that address real needs, but we think there is a better way to do it, even though it may cost additional resources and time. Going for a 50-year fix may be better than a temporary fix. There is not a wrong or right answer just if you want a short-term or long-term fix. Councilman May moved to reject the bid for the emergency shelter renovation project. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

n. Communications and Marketing Plan

City Council

190 Church St., NE
Cleveland, TN 37312
www.clevelandtn.gov

AGENDA ITEM MEMORANDUM

TO: Mayor and City Council

FROM: Joe Fivas, City Manager

DATE: September 23, 2024

RE: Communications Content

SUMMARY:

The City had a RFQ for communications services for assistance from a consultant to improve our communications content for a our residents. We interviewed five firms for this RFQ, and the team believed that Alderman Group would best serve our immediate communications needs. They were also the only local firm who applied.

If approved, the Alderman Group will assist us in many aspects of Communications, such as:

1) The development of a local communications strategy;
2) The development of content of social media posts;
3) Expertise in boosting posts and content;
4) The development of 1 video per month discussing a selected City issue;
5) The development of 1 video a month with elected officials and appointed officials. Essentially, it will be a monthly video showcasing important community issues with City officials;
6) Monthly Podcast;
7) 2 Photoshoots per month to create content for weekly posting.

The City is still negotiating with another company to create a new logo and brand for the City. This would include an implementation strategy for the new brand.

COMMITTEE FINDINGS:

No Committee or Board action.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

City staff recommends the approval of this 12 month Agreement for communications services with the Alderman Group for the cost of $2,500 per month.

Councilman Cassada moved to approve the agreement with the Alderman Group to serve our communication needs. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

Councilman Cassada stated he would like to resign from Museum Board and move to appoint Councilman Dan Moore as Council representative to the Museum Board. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. City Offices will be closed Monday, October 14, 2024 in observance of Columbus Day. The City Council meeting will be cancelled.

b. The next City Council meeting will be held on Monday, October 28, 2024.

c. Tire Take Back Recycle Day is this Saturday, September 28 at the Bradley County Justice Center.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:12 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
OCTOBER 14, 2024
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 14, 2024 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 28, 2024
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 28, 2024 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; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Assistant Police Chief Stacy Smith; Fire Chief Chris Bates; Coty Smith, IT Computer Tech; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Sharon Marr with Mainstreet; Gee Harvey; Mark Fidler; Rodney Williams; Rita Orourke; Alexus Goodwin; Joshua Rogers; Brooke Alley; Mark Chaney; David Goodwill; Larry Turpin; Abigail Jeter; Amy Newman: Charlsey Newman; Tommy Newman; Wanda Buckner; Darryn Johnson; Trisha McConnell; Keisha Parks; Code Henry; and Tim Siniard with the *Cleveland Daily Banner*.

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

WAIVE READING OF MINUTES

Councilman 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 23, 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

Mayor Brooks presented the following proclamation for National Breast Cancer Awareness Month.

"NATIONAL BREAST CANCER AWARENESS MONTH"

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 2024. 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 31st 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 2024 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.

Mayor Brooks presented the following proclamation for Fire Safety Month.

‘F I R E S A F E T Y MONTH”

Whereas, the City of Cleveland is committed to ensuring the safety and security of all those living in and visiting our City. Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and . . . .

Whereas, home fires killed more than 2,700 people in the United States in the last few years, according to the National Fire Protection Association, and fire departments in the United States respond to 360,000 home fires. Roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms. Smoke alarms cut the risk of dying in reported home fires almost in half; and . .

Whereas, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely, residents should install smoke alarms in every sleeping room, outside each separate sleeping area and on every level of the home and should be tested at least once a month; and . . . .

Whereas, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and . . . .

Whereas, the 2024 Fire Prevention Week theme, “Smoke alarms: Make them work for you “ serves to remind us the importance of having working smoke alarms in the home.

NOW THEREFORE, I, Kevin Brooks, Mayor of the City of Cleveland do hereby proclaim the month of October, 2024 as “FIRE SAFETY MONTH” throughout our city and urge all the people of Cleveland to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of Cleveland’s fire and emergency services.

Mayor Brooks administered the Oath of Office to Mark Chaney, who has been appointed to the Municipal Jetport Authority.

Mr. Rodney Williams addressed the City Council concerning the proposed relocating of the City Wellness Center. He listened to the last Council meeting where Mr. Fivas stated the goal was to maximize the use of the area in the Community Center. Who is this being maximized for and is it minimizing the use of the public? How are you already maximizing the use of the of the Community Center, if it's already maximized. Also, you say the public would still have full ability to use at the gym and the pool and we'll have programming. What is full ability? Will the public still be able to have full access to the entire facility, including the weight room, cardio room and all the surrounding rooms in the Community Center. Also, it was stated the current city gym has small locker room space and this new build out would allow that type of facility. Does that mean the locker rooms and the bathrooms in the Community Center would have to be expanded? But to expand it too where? Would the expansion of these locker rooms interfere with the camps we host in the spring, summer, fall and winter for these children. We have 100 plus kids in different age groups from 5-6, 7-9, 10-13, and 14-15. If we shut those rooms off, how will we be able to run the camps with the only the gym. It would create full chaos. The mindsets of these children aren't on the same level between these different age groups. It was also stated for the firemen, there will be a workout facility in the area which is the current Wellness Center. So, does that mean that the current location will still be available for use by the people of the city like the firemen and police officers? And if so, why is the facility being moved over to the Community Center at all, if it's still going to be available to those to use? That is all I have at this time. Mr. Fivas stated first of all, it's very heartwarming and we appreciate someone coming in and participating in public comments. He appreciates him coming and advocating for an issue. We did have a brief conversation at the last couple meetings about some Wellness Center opportunity. The most important thing is what we said then is still true now. We don't have a design. We haven't really made a formal proposal on what it would look like or how we can do it considering all the different factors involved. So it's probably premature to make any determination and we've been clear with anyone that we've talked to that there's been no decisions made because we don't necessarily know all the answers of the questions. We did some remedial structural engineering analysis. But the first thing is no decisions have been made. Your comments are well received and well timed. As far as several of your questions, the intent and what we tried to convey to the City Council is that we probably wouldn't go forward if there was a reduction in programming or how can we make something work for the city. Our intent is to give value added, to keep everything we have from a programming standpoint. It's premature to talk about the locker rooms, as we still have to look at all those details. The current locker rooms would not suffice for the additional space that we're looking for. We would have to do some additional investigation. When we have a proposal, we will put it on the agenda and there will be an opportunity for people in the public or whoever wants to come in, look and review, and give comments and be a part of the process. To answer some of the why questions, our current facility is not does have appropriate ADA access. Families who have people with disabilities or limitations that use our facility do not have the ability to use them, so we're looking for something that is ADA accessible to the families and employees that may want to use a facility. We just need to wait and see what the proposal ends up being like. I think that Jonathan and Kim are talking to some consultants to come up with what it could be. We can certainly take your name and contact information and meet and have a conversation, we're happy to have as much conversation as you would like. Mr. Williams then stated he has a layout of the center and what rooms would be taken and what rooms would be available for the public and the groups that use these meeting rooms? Mr. Fivas responded let's get the proposal all together. It's hard to answer questions, as we don't have the map in front of us so we can answer once staff gives a proposal, we can address what exact areas would be used and how programming would be taken care of and all those elements. Mr. Williams then asked if all this will be available to the public? Mr. Fivas stated it will be on the City Council agenda. It will be in the agenda packet and you guys will be able to participate in as much as you would like to. Mr. Williams thanked the Council for their time. Councilwoman McKenzie stated this is in her district and she is glad to see that we're looking at a Wellness Center but has also asked Mr. Fives to look at other properties as well, not just the Community Center in case that would hinder some of the activities there. We'll wait and see what the study shows and maybe they can find another location in comparison and go from there. She just asked the communities patients to see if we could find something suitable that would make everybody happy.

Aisha Bradford stated she had much of the same questioning for the Community Center. Have any studies been done to see what families are already using the facilities in place? When you say that it's going to be for the city employees and their families, how many currently use what's already in place and what is that outside of the fire and police, who have designated times that they have to do the physical exercise. Also, if this is to go forward where are the city tax dollars going if the programs are cut in half and all moved or relocated to the College Hill facility? You are taking 100 plus positions for kids of middle-class families for their kids to have somewhere to go in the summertime. Also, the breakfast and lunch programs that are provided to these children. How are you going to serve them and make sure that they have those meals when school is not in? Per your own words, in the last meeting you stated that the events would not be canceled, but what are the events? Because the summer programs and the spring programs and the fall break programs are not the same as the toddlers dancing events they have, or the series they have throughout the different holiday season. So, what do events actually encompass, when you say the events will not be moved versus the actual programs that are held? Also, if you are utilizing these services and turning this into a Wellness Center, how does that look for the public? Who is the public and the community that can still utilize it during these summer programs, ages 5 to 14 cannot be in the gym together. These kids are on different levels. They have different conversations and as much as we would like to maintain and control those you don't want to expose the five-year-old to something a 12-year-old maybe talking about. It's not logical to keep all of them in the same room when they're currently broken up into smaller classes utilizing the classroom spaces that are already there. So, what would that look like going forward? And then lastly, is there not an option to remodel what is already being utilized for these facilities? Mr. Fivas stated no. Ms. Bradford continued okay you were quick to answer that, so do you have the numbers of employees and their families that currently utilize the facilities that are already there? Mr. Fivas responded as I addressed before, we haven't completed the study. We can ask our staff to pull that information together and do that. But, probably the most important thing is our predicate of doing anything is that there would be no reduction in events or programming or camps or anything associated with the programming. Ms. Bradford stated but with it being the fire and police utilizing the facility as a Wellness Center and they potentially have their service weapons there, how are you going to ensure the safety of those being locked up and no public having access to those? That would seem that it would cut out the community having full access to the center. Mr. Fivas responded no, not necessarily. We talked about that briefly, but that will be part of the report that I get, as far as to make sure and they have the same exact same issue that they've raised, and part of the staff report will have to address that. Ms. Bradley asked is there an expected ETA on when the reports in this study will be completed for the public knowledge? Mr. Fivas stated no.

Rita O'Rourke stated her biggest concern with the proposal or the upcoming of a proposal of what's going on with the Community Center is the center in itself is not large enough for the summer program that we have already. There is already a waiting list for children for low income to middle class families that already can't be a part of this program because the facility is not large enough to house more children. Even saying that there's any room at the facility available, it's limited as it is. Second of all, we understand the need for handicap accessible with the workout facility that is currently there, but we already feel like that population wasn't even taken into consideration when creating that facility and now because it doesn't work, they're wanting to take over another facility. So, trying to fix one problem is only going to create a larger problem elsewhere if it's not correctly identified and progressively followed through. So just as a concerned parent and a city business owner and a city taxpayer, I do think that our voices need to be heard and that things need to be thoroughly thought through before affecting the children. Councilman Moore asked Mr. Fivas when they can expect this study. Mr. Fivas stated I don't have a time frame for that.

Barry Bradford stated he is a city employee and also his daughter just spoke before. We talked about not having alternate places to go. Well, you're moving the municipal building out into a new facility, so this building can be torn down or attached right to the Police Department. So, that is an alternate place. All the service weapons won't be around the children. I don't know how this stuff ties in with any federal money coming into these facilities to take care of these kids but it's been steadily dropped aside. I have grandkids down there. I do know that this

building, the corner on the southwest side has got a crack in it that needs to be addressed. It could be torn out, move over and the officers stay right here where they're at. When I heard that there was no other place to go that is my suggestion.

Mr. Fivas stated we don't know when the consultant will get back to us. Councilman Moore stated we have some passionate folks, and they'd like to come back. Mr. Fivas responded yes, and it will be on the agenda, and we'll communicate with anyone that wants to know, but it might be a little while before we have it. There is nothing imminent within the next couple of weeks. It is a City Council decision, and you guys will have to make the decision.

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 Ben Moore (Trustee) for consideration of an ordinance to amend PUD 44 to include townhomes in place of an apartment complex and includes Tax Map 041F Group D Parcel 006.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Fivas stated this amendment will also allow townhomes at this location. Mayor Brooks asked if anyone would like to speak in favor of the request. Ben Berry stated this property was rezoned a few years back as a part of a PUD, adjacent to Parkstone. We now have a townhome project which is consistent with the area. Overall, it's a good fit for the site. 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 a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance to zone about 10.99 acres, more or less, for property located at Lewis Street and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 058B Group C Parcel 010.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Fivas stated this is straight forward zoning for residential use. 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 Phoenix Investors for consideration of a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance to zone about 14.87 acres, more or less, for property located at King Street and Buchanan Road includes Tax Map 065E Group F Parcel 011.00 and Tax Map 065E Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent). Mr. Fivas stated this is more for future higher density residential use and it does include taking over the rest of King Street by the City. The Planning Commission had a number of questions about potential contamination on the property. If this is approved, the developer would have to demonstrate that TDEC does not have issues with 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. Darren Johnson stated this property is his backyard. He is unclear of the property line setbacks. Also, concerning EPA, we have a natural spring through the surrounding neighbors. If there is contamination, will the residents have access to the EPA report information before anything is done. We do not want lead contamination. He has been told it was a dumping ground for Magic Chef for many years, so they are concerned about lead and mercury, things of that nature. He asked how that process work would. Mr. Fivas responded this is not the development process , not developing the land, just a rezoning of the land. If there was a permit, after the zoning, for grading or something like that, we would go the extra mile to look and make sure we're being consistent with state and federal policies. When you actually put a shovel to the ground, then that stuff attaches. This is just a rezoning, and we would make sure to ask those questions before moving forward. Councilman Estes inquired about the buffer. Mr. Jobe stated 40' and could be reduced by 10' if they add a fence. Councilman Estes added, yes and you'd have access to any EPA documents. If this is developed in any capacity whatsoever, it's actually going to make it safer because of the requirements and tests prior to any building in the future. TDEC is very meticulous. Mr. Johnson

then asked about any proposed new roads. Councilman Estes stated this is just rezoning. The PUD would have to be negotiated between our Engineering and Planning staff. Mr. Fivas stated the road he speaks to is an unopened right-of-way, that more than likely, get rid of that. Councilman Estes stated part of the PUD is they have to give the City additional right-a-way, so we can make the road wider and safer. Wanda Buckner stated she has two concerns for King Street, will they still have access to their property. Someone said they will own King Street. Councilman Estes stated the City will own it instead of the County. Ms. Buckner stated cars fly over King Street, the speeding needs to be addressed. Also, the water pressure is very low. Lastly, when it rains, they have a river in their backyard. Councilman May asked about a retention pond. Mr. Jobe stated when it is developed, they will have a retention pond. They can't make it worse. They will do a hydrology study and make plans. Councilwoman McKenzie asked if the water pressure was just their site or other residents. Ms. Buckner stated it seems to affect everyone. Councilwoman McKenzie stated we will have Cleveland Utilities check the water pressure. Councilman Webb asked if anyone has spoken to Cleveland Utilities. Ms. Buckner stated it has been a while. Councilman Webb encouraged her to check to find out if it is a pressure problem at the meter or from the meter into the house. Councilman Cassada asked staff to look at options to make the flow of rainwater better. Mr. Jobe stated yes, they will have to follow all our stormwater regulations. Mayor Brooks declared the public hearing to be closed.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was provided to the Council prior to the meeting. Councilman Estes moved to approve the following items from the Consent Agenda. The motion was seconded by Councilman Webb and upon roll call, unanimously passed 7-0.

a. **Final Passage - Zoning Ordinance 2024-52 –** heretofore passed on first reading and found in Minute Book 32, Page 19; An ordinance to zone about .13 acres, more or less, of property located at 922 Wildwood Avenue from CH Highway Commercial Zoning District to MU Mixed Use Zoning District and includes Tax Map 057E Group P Parcel 001.00 (Planning Commission: Approved 6-0; 3 absent).
b. **Final Passage - Zoning Ordinance 2024-53 –** heretofore passed on first reading and found in Minute Book 32, Page 20; An ordinance to zone about 10.94 acres, more or less, of property located at Pleasant Grove Church Road from CH Highway Commercial to PUD57 Zoning District and includes Tax Map 056 Parcel 051.10 (Planning Commission: Approved 6-0; 3 absent).
c. **Final Passage - Zoning Ordinance 2024-54 -** heretofore passed on first reading and found in Minute Book 32, Page 37; An ordinance to zone about 157.03 acres, more or less, for property located at Brymer Creek Road, Johnston School Road, and Mason Road from FAR unincorporated county to PUD56 Zoning District and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 064 Parcels 002.00, 002.02, and 001.04 (Planning Commission: Approved 6-0; 3 absent).
d. **Final Passage - Zoning Ordinance 2024-55** – heretofore passed on first reading and found in Minute Book 32, Page 42; An ordinance to zone about 19.07 acres, more or less, for property located on Johnston School Road from FAR unincorporated county to RA Residential Agricultural Zoning District and includes Tax Map 064 Parcels 002.02, a portion of Tax Map 064 Parcel 002.00 and a portion of Tax Map 056 Parcel 083.00 (Planning Commission: Approved 6-0; 3 absent).
e. **Final Passage - Zoning Ordinance 2024-56** – heretofore passed on first reading and found in Minute Book 32, Page 51; An ordinance to zone about 2.86 acres, more or less, for property located at Blue Springs Road from FAR unincorporated county to R-2 Low Density Single and Multi-Family Zoning District and includes Tax Map 065J Group A Parcels 020.00 and 021.00 (Planning Commission: Approved 6-0; 3 absent).
f. **Resolution 2024-116** – Authorizing the City to purchase trash receptacles for the downtown area through a cooperative purchasing agreement.

RESOLUTION 2024-116

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #10-08, AS AMENDED, WHICH IS ADMINISTERED BY NCPA/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 Keystone Ridge Designs ("Company") and Participating Entities in cooperation with NCPA/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 NCPA/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 #10-08, as amended, held by NCPA/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 #10-08, as amended, held by NCPA/Omnia Partners as required by *Tennessee Code Annotated* § 12-3-1205 (a)(1) through NCPA/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

g. **Resolution 2024-117** – Accepting Coleman Drive and Maddie Drew Lane in the Miller's Landing Subdivision as city streets.

RESOLUTION 2024-117

WHEREAS, Miller's Landing Subdivision is located off North Lee Highway and within the City of Cleveland; and

WHEREAS, the plat for the Miller's Landing Subdivision is recorded in Plat Book 41 Page 79 in the Bradley County Register of Deeds office; and

WHEREAS, one street located within this subdivision and shown on this plat is named Coleman Drive, and another street located within this subdivision and shown on this plat is named Maddie Drew Lane; and

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

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

Coleman Drive (approximately 2,130 linear feet in length along right of way centerline plus 155 linear feet of street for access to Lots 8 through 11)

Maddie Drew Lane (approximately 450 LF in length along right of way centerline) located off Coleman Drive

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:

Coleman Drive (approximately 2,130 linear feet in length along right of way centerline plus 155 linear feet of street for access to Lots 8 through 11)

Maddie Drew Lane (approximately 450 LF in length along right of way centerline) located off Coleman Drive

This 28th day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Resolution 2024-118** – Authorizing the Mayor to sign a Contribution in Aid Agreement with Cleveland Utilities to convert overhead utility line at the intersection of Edwards St NE at Inman Street.

RESOLUTION 2024-118

WHEREAS, as part of the City's ongoing downtown redevelopment, the City has requested the Cleveland Utilities Authority to convert an overhead utility line located at the intersection of Inman Street and Edwards Street to an underground utility line; and

WHEREAS, the City's development and engineering department is recommending that the City enter into the attached agreement with the Cleveland Utilities Authority for the relocation of this utility line; and

WHEREAS, the City Council now desires to approve of the attached agreement with the Cleveland Utilities Authority for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

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

This 28th day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

i. **Resolution 2024-119** – Approving a Subrecipient Agreement with City Fields to use CDBG funds for Down Payment Assistance to 4 qualified homebuyers.

RESOLUTION 2024-119

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 $24,000.

This 28th day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

j. **Resolution 2024-120** – Approving a Subrecipient Agreement with Habitat for Humanity to uses CDBG funds for Down Payment Assistance to 6 qualified homebuyers.

RESOLUTION 2024-120

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 $36,000.

This 28th day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

k. **Resolution 2024-121** – Authorizing the Mayor to sign a Relocation of Sewer Line Agreement with Cleveland Utilities related to the Williams Drive Detention Basin project.

RESOLUTION 2024-121

WHEREAS, the City is continuing to implement various projects with the U.S. Army Corps of Engineers based upon the previous the Army Corps' City of Cleveland Flood Study Project; and

WHEREAS, one of the approved construction projects is referred to as the Williams Drive detention basin, and

WHEREAS, in connection with the construction of the Williams Drive detention basin, a sanitary sewer main line will need to be relocated; and

WHEREAS, the City's development and engineering department is recommending that the City enter into the attached agreement with the Cleveland Utilities Authority for the relocation of the sewer line; and

WHEREAS, the City Council now desires to approve of the attached agreement with the Cleveland Utilities Authority for the referenced project, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

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

This day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

l. **Resolution 2024-126** – Authorizing the Mayor to sign an agreement with S&ME to provide professional engineering services for Phase 2 site assessment and activities associated with the former Whirlpool property.

RESOLUTION 2024-126

A RESOLUTION APPROVING OF A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC.

WHEREAS, the City of Cleveland is the recipient of a Brownfield Redevelopment Area Grant (BRAG) from the Tennessee Department of Environment and Conservation; and

WHEREAS, City staff is recommending to the City Council that the City enter into a professional services agreement with S&ME, Inc. to provide professional engineering support services in connection with this grant as further described in the attached agreement with S&ME, Inc. and also the Agenda Item Memo prepared by Cathy Andrews; and

WHEREAS, the City Council desires to approve the attached agreement with S&ME, 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 S&ME, 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 28th day of October 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

m. **Motion** – Authorizing the Mayor to sign an addendum with City Fields related to the ARP contract.
n. **Motion –** Authorizing the Mayor to sign a Recruitment Agreement with Aviation Search Group, LLC for a Jetport Director.
o. **Bid Report** – Central Avenue Sidewalk Project.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **October 28, 2024**
RE: **Bid Summary – Central Avenue Sidewalk Project**

SUMMARY:
The City advertised to accept sealed bids on October 22, 2024, for the Central Avenue Sidewalk project. Bids are listed below.

- Black Construction, LLC — **$207,391.75 (Base Bid)**, **$68,417.00 (Alt Bid #1)**, **$71,425.00 (Alt Bid #2)**, **$62,512.25 (Alt Bid #3)**
- Wright Brothers Civil Construction, LLC — **$364,195.00 (Base Bid)**, **$110,055.25 (Alt Bid #1)**, **$126,899.25 (Alt Bid #2)**, **$107,764.75 (Alt Bid #3)**
- Adams Contracting, LLC — **$433,631.00 (Base Bid)**, **$123,576.00 (Alt Bid #1)**, **$130,216.00 (Alt Bid #2)**, **$117,780.00 (Alt Bid #3)**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
CDBG funded.

RECOMMENDATION:
Staff recommends awarding the contract to Black Construction, LLC for the base bid plus alternate bids 1, 2, & 3.

p. **Change Order** – Approving Change Order #1 with Chazler, Inc related to Jim Sharp Park bathroom construction.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **October 28, 2024**
RE: **Jim Sharp Park Change Order No. 1**

SUMMARY:
Staff requests City Council approval of the attached change order to the contract with Chazler, Inc., for the construction of Jim Sharp Park. Change order #1 is for the conventional construction of restroom facilities in lieu of a pre-engineered structure. This is a deduct to the original contract in the amount of $129,587.00.

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Results in a decrease in the total contract amount.

RECOMMENDATION:
Staff recommends approval of this item.

q. **Surplus Property** – Declaring a 2000 Ferrar Fire Apparatus as surplus and to be sold.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **October 28, 2024**
RE: **Surplus Property**

SUMMARY:
The Fire Department has requested the City Council declare the vehicle listed below as surplus property so that it can be sold. This unit has aged out of ISO and is currently not in use.

- 2000 Ferrar Fire Apparatus (Reserve Engine 11)
  VIN: 1HTDSADR51H354226

COMMITTEE FINDINGS:
None.

FISCAL ANALYSIS:
None.

RECOMMENDATION:
City staff recommends approval of this item.

r. **Motion** – Acknowleding membership to the U.S. EPA Brownfields Assessment Grant Coalition created by the Southeast Tennessee Development District.

TO: **Mayor and City Council**
FROM: **Cathy Andrews, Redevelopment Coordinator**
DATE: **October 28, 2024**
RE: **Acknowledge membership to the Coalition created by the Southeast Tennessee Development District to apply for EPA Brownfield Assessment**

SUMMARY:
In collaboration with the Southeast Tennessee Development, Cleveland will join the coalition in order for the Development District to apply on behalf of the coalition members for EPA Brownfield Assessment funding for 2 to 4 sites in the City of Cleveland.

COMMITTEE FINDINGS:
No Board or Committee action.

FISCAL ANALYSIS:
No additional cost to the City of Cleveland

RECOMMENDATION:

s. **Motion** – Giving the Greater Clevleand Soccer Association 6-month notice, as described in the current agreement, and to allow all parties to negotiate a new agreement before July 1, 2025.
t. **Appointment** – *Board of Zoning Appeals* – Kathy Rohsenberger
u. **Bid Report** – Metal Building Purchase.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **October 28, 2024**
RE: **Bid Summary – Metal Building Purchase**

SUMMARY:
The City advertised to accept sealed bids on October 1, 2024, for a 9,600 SF prefabricated metal building. Bids are listed below:

- Great Western Buildings **$121,800.00**
- Metal America, LLC **$151,675.70**
- Kendall Industries **$162,000.00**

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Funding is available.

RECOMMENDATION:
Staff recommends award to Metal America, LLC, contingent upon review and approval of building specifications by City and County staff.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Estes stated this weekend is Lee's Homecoming. There will be a lot of people in town. Secondly, he wanted to praise the Parks & Recreation staff. Saturday morning was a pickleball tournament, a half marathon, a cruise-in, Toys for Tots, every park was full. It was wonderful to see so kudos to staff.

Councilman Cassada congratulated all the staff who worked on Johnston Park. There has been a lot of chatter out there, also with Inman Street. I know the traffic flow has been a very positive impact. We've heard a lot of grief but now people understand the development and how well it's going to go. Lastly, the facility on 3rd Street at South Ocoee, the tire place is filled up with tires and also about a 20' trailer loaded full in the back. He then asked for an update on the new tire ordinance. We have a great park and right next to it is a tire shop. It's an eyesore. Mr. Fivas stated yes, we passed the comprehensive tire storage ordinance a couple months ago, which had a provision to educate different tire owners. It does not go into effect until January 1. Mr. Jobe stated yes, Code Enforcement is making their rounds and talking to people and that might be why they have started loading them up. Mayor Brooks stated he called in about the one at Central and Edwards but it's still bad. We are spending millions of dollars a block and a half away at Edwards and Inman and they are not in compliance. Mr. Fivas stated the ordinance has not gone into effect yet, so there still under the old rules. We're just starting to communicate with them that their world is going to change in the upcoming few months. They are not violating anything but will be once it goes into effect.

Councilman May had no report at this time.

Councilman Goff had no report at this time.

Councilman Webb had no report at this time.

Councilman Moore commended the Fire Department working a truck had flipped Sunday morning on I-75 North which affected both lanes. They got there early and got it cleared quickly.

Councilwoman McKenzie commended Mayor Emeritus Rowland on the ceremony this past Saturday to remember those First Responders who have fallen over the last 25 years. Also, thank you to everyone who worked on Johnston Park. It has turned out beautifully and everyone will enjoy it, especially when the Christmas Tree comes. Lastly, she is really glad that Inman Street has been paved, most of our downtown paving is done. It will be enjoyed by everyone once the trees and lighting for the holiday season is complete.

NEW BUSINESS AND ORDINANCES

Councilman May moved to appointment Councilman Ken Webb as Vice Mayor for a two-year term. The motion as seconded by Councilman Cassada; and upon roll call, unanimously passed.

The following Zoning Ordinance was then presented in full:

- **Zoning Ordinance 2024-57 –** An ordinance to amend PUD 44 to include townhomes in place of an apartment complex and includes Tax Map 041F Group D Parcel 006.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-57

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 041F 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. 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 PUD44 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 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.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 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.
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. Developer shall provide a pool and pool house with usable open space as depicted on the site plan. Site amenities shall be provided by the developer once 50% the structures in the development are under construction.

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. 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 corner 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 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 PUD44 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

Councilman May moved that Zoning Ordinance 2024-57 be approved on first reading. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed. [Councilman Moore declared he is not the Trustee and does not affect his vote.]

The following Resolution was then presented in full:

- **Resolution 2024-122** – A resolution to consider a Plan of Service for about 10.99 acres, more or less, for property located at Lewis Street and includes Tax Map 056 Parcels 083.00 and 084.00 and Tax Map 058B Group C Parcel 010.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-122

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

LEWIS STREET (058B C 010.00 and 011.00)

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 October 28, 2024, 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 Wendell Waters, as recorded in BCROD deed book 1565 page 424, said point being located in the eastern right of way of Lewis St; thence with the eastern right of way of Lewis St in a northeasterly direction 51.27 feet, more or less, to the southwest corner of the lands of Dewitt and Wendell Waters, as recorded in BCROD deed book 1545 page 211; thence with the southern line of the lands of Wendell Waters in a southeasterly direction 124.43 feet, more or less, to the southeast corner of the lands of Wendell Waters; thence with the eastern line of the lands of Wendell Waters in a northeasterly direction 112.22 feet, more or less, to the northeast corner of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in a northwesterly direction 129.7 feet, more or less, to the northwest corner of the lands of Wendell Waters, said point being located in the eastern right of way of Lewis St; thence with the eastern right of way of Lewis St in a northeasterly direction 72.38 feet, more or less, to the southwest corner of the lands of Osprey oil, LLC, as recorded in BCROD deed book 2992 page 699, said point also being a corner of the existing City Limits; thence with the southern line of Osprey Oil, LLC and the existing City Limits in a southeasterly direction 1019.30 feet, more or less, to the southeast corner of the lands of Osprey Oil, LLC, said point also being located in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way of APD 40 in a southerly direction 550 feet, more or less, to the southeast corner of the lands of Gary DeWight Waters, as recorded in BCROD deed book 2863 page 284; thence with the southern line of Gary Waters in a northwesterly direction 1200 feet, more or less; to the southeast corner of the lands of Wendell Waters; thence with the eastern line of Wendell Waters in a northeasterly direction 146.82 feet, more or less, to a corner on the lands of Wendell Waters; thence continuing with the lines of the lands of Wendell Waters in a northwesterly direction 227.32 feet to a corner of the northern line of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in an northwesterly direction 121.61 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 15, 2024
LEWIS STREET
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 10.99 acres located at Lewis Street 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.

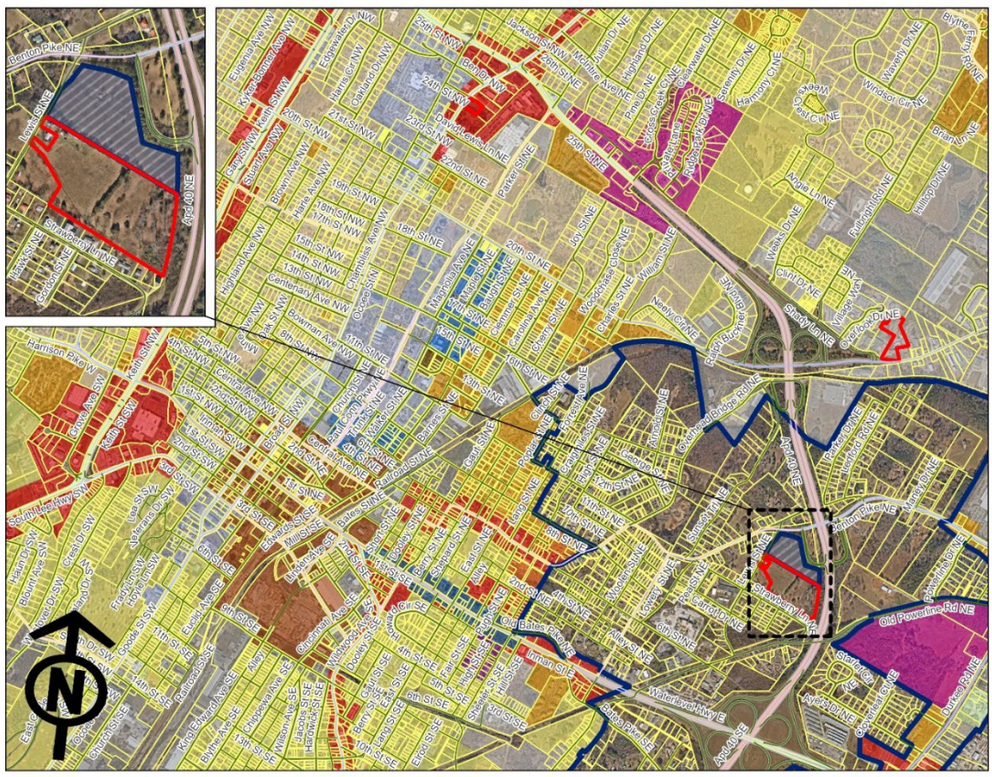
Introduction

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 10.99 acres total. The annexation would zone the property as PUD Planned Unit of Development. This lot currently contains a single-family dwelling, and a single and multi-family residential development is proposed. The property is described as Tax Map 058B C 010.00.

Lewis Street Annexation Map



Legal Description

Beginning at the northwest corner of the lands of Wendell Waters, as recorded in BCROD deed book 1565 page 424, said point being located in the eastern right of way of Lewis St; thence with the eastern right of way of Lewis St in a northeasterly direction 51.27 feet, more or less, to the southwest corner of the lands of Dewitt and Wendell Waters, as recorded in BCROD deed book 1545 page 211; thence with the southern line of the lands of Wendell Waters in a southeasterly direction 124.43 feet, more or less, to the southeast corner of the lands of Wendell Waters; thence with the eastern line of the lands of Wendell Waters in a northeasterly direction 112.22 feet, more or less, to the northeast corner of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in a northwesterly direction 129.7 feet, more or less, to the northwest corner of the lands of Wendell Waters, said point being located in the eastern right of way of Lewis St; thence with the eastern right of way of Lewis St in a northeasterly direction 72.38 feet, more or less, to the southwest corner of the lands of Osprey oil, LLC, as recorded in BCROD deed book 2992 page 699, said point also being a corner of the existing City Limits; thence with the southern line of Osprey Oil, LLC and the existing City Limits in a southeasterly direction 1019.30 feet, more or less, to the southeast corner of the lands of Osprey Oil, LLC, said point also being located in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way of APD 40 in a southerly direction 550 feet, more or less, to the southeast corner of the lands of Gary DeWight Waters, as recorded in BCROD deed book 2863 page 284; thence with the southern line of Gary Waters in a northwesterly direction 1200 feet, more or less; to the southeast

corner of the lands of Wendell Waters; thence with the eastern line of Wendell Waters in a northeasterly direction 146.82 feet, more or less, to a corner on the lands of Wendell Waters; thence continuing with the lines of the lands of Wendell Waters in a northwesterly direction 227.32 feet to a corner of the northern line of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in an northwesterly direction 121.61 feet to the point of beginning.

Plan of Services

1. **Police Protection**
   Patrolling, radio response to calls and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

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 2" water main along Lewis St. NE and a 20" water main along the east side of the parcel. See Figure 1—Water Service.

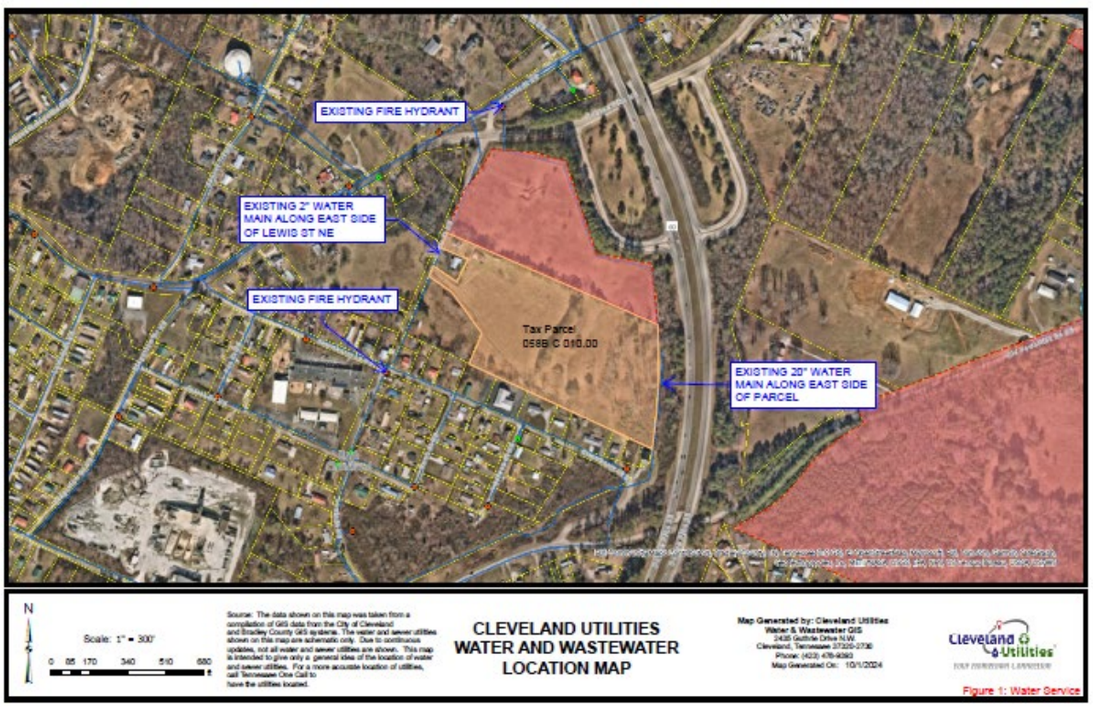
B. Sanitary Sewer---Sewer service is presently available to the parcel via a 8"gravity sewer main running along the southwest side of the parcel from Lewis St. NE. See Figure 2—Sewer Service.

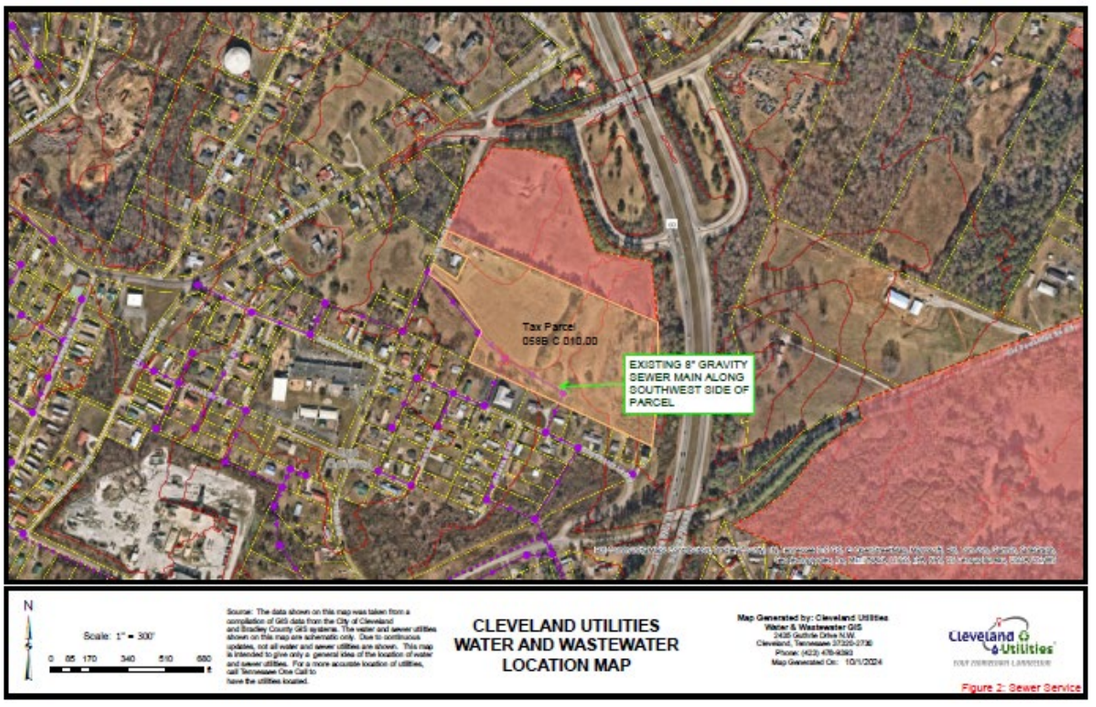
C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant at the intersection of Benton Pike NE and Lewis St. NE and the intersection of Strawberry Ln NE and Lewis St NE. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Lewis Street (058B-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.





4. Electric Service

Cleveland Utilities Electric does not have sufficient electric service to this piece of property. The estimated cost of service for power to the property would be $50,000.

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

This annexation will cost Cleveland City Schools approximately $65,431.53 per year and add 67 school age children.

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 219 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 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 **$86,871.09 per year**

Councilman May moved that Resolution 2024-122 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-123** – A resolution to annex about 10.99 acres, more or less, for property located at Lewis Street and includes Tax Map 058B Group C Parcel 010.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-123

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 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 October 28,2024.

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 Wendell Waters, as recorded in BCROD deed book 1565 page 424, said point being located in the eastern right of way of Lewis St; thence with the eastern right of way of Lewis St in a northeasterly direction 51.27 feet, more or less, to the southwest corner of the lands of Dewitt and Wendell Waters, as recorded in BCROD deed book 1545 page 211; thence with the southern line of the lands of Wendell Waters in a southeasterly direction 124.43 feet, more or less, to the southeast corner of the lands of Wendell Waters; thence with the eastern line of the lands of Wendell Waters in a northeasterly direction 112.22 feet, more or less, to the northeast corner of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in a northwesterly direction 129.7 feet, more or less, to the northwest corner of the lands of Wendell Waters, said point being located in the eastern right of way of Lewis

St; thence with the eastern right of way of Lewis St in a northeasterly direction 72.38 feet, more or less, to the southwest corner of the lands of Osprey oil, LLC, as recorded in BCROD deed book 2992 page 699, said point also being a corner of the existing City Limits; thence with the southern line of Osprey Oil, LLC and the existing City Limits in a southeasterly direction 1019.30 feet, more or less, to the southeast corner of the lands of Osprey Oil, LLC, said point also being located in the western right of way of APD 40; thence leaving the existing City Limits and following the western right of way of APD 40 in a southerly direction 550 feet, more or less, to the southeast corner of the lands of Gary DeWight Waters, as recorded in BCROD deed book 2863 page 284; thence with the southern line of Gary Waters in a northwesterly direction 1200 feet, more or less; to the southeast corner of the lands of Wendell Waters; thence with the eastern line of Wendell Waters in a northeasterly direction 146.82 feet, more or less, to a corner on the lands of Wendell Waters; thence continuing with the lines of the lands of Wendell Waters in a northwesterly direction 227.32 feet to a corner of the northern line of the lands of Wendell Waters; thence with the northern line of the lands of Wendell Waters in an northwesterly direction 121.61 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 Moore moved that Resolution 2024-123 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 2024-58** - An ordinance to zone about 18 acres, more or less, for property located at Lewis Street from FAR unincorporated county/MU Mixed Use Zoning District to PUD Planned Unit of Development 58 Zoning District and includes Tax Map 058B Group C Parcel 010.00 and 011.00 (Planning Commission: Approved 8-0; 1 absent).

ZONING ORDINANCE 2024-58

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 058B 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 058B 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 175 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 must be prepared for submission to the Cleveland Municipal Planning Commission for consideration in a future regular meeting. 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 150 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 PUD58 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:	10'
Rear:	15'
Min Lot Width:	20'

Single Family Detached Lots: Setbacks:

Front:	25'		
Side:	5'		
Rear:	15'	Min Lot Width:	55'

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 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 be provided on one side of all new streets and along the Benton Pike road frontage.
2. The community open space shall be a 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.

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.
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. The entrance shall be widened to the extent possible to allow for a deceleration lane entering 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

Vice Mayor Webb moved that Zoning Ordinance 2024-58 be approved on first reading. The motion was seconded by Councilman Goff; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-124** – A resolution to consider a Plan of Service for about 14.87 acres, more or less, for property located at King Street and Buchanan Road includes Tax Map 065E Group F Parcel 011.00 and Tax Map 065E Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-124

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

King St. and Buchanan Rd. (065E F 011.00 and 065E C 001.00)

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 October 28, 2024, 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 lot 31 of Green Hill Estates as recorded in BCROD plat book 3 page 204, said point also being located in the west right of way of Buchana Rd; thence with the north line of Green Hill Estates in a northwesterly direction 388 feet, more or less, to the southeast corner of lot 19 of Rolling Acres Subdivision, as recorded in BCROD plat book 3 page 14; thence with the eastern line of Rolling Acres Subdivision in a northeasterly direction 820 feet, more or less, to the northeast corner of lot 51 of Rolling Acres Subdivision, said point being located in the southern line of an unopened right of way; thence crossing the unopened right of way with the previous bearing 20 feet, more or less, to a point in the northern line of the unopened right of way, said point also being located in the southern line of a tract of Phoenix Cleveland Tn Industrial Investor, as recorded in BCROD deed book 2871 page 295; thence with the southern line of Pheonix in a northwesterly direction 154 feet, more or less, to the southwest corner of the lands of Pheonix; thence with the western line of the lands of Pheonix in a northeasterly direction 670 feet, more or less, to the northwest corner of the lands of Pheonix, said point also being located in the southern right of way of King St; thence with the southern right of way of King Street in a southwesterly direction 53 feet, more or less, to a point where the southern right of way of King Street intersects the existing City Limits; thence crossing King Street with the existing City Limits in a northeasterly direction 91 feet, more or less, to the northern right of way of King St, said point being a corner of the existing City Limits; thence with the northern right of way of King Street in a southeasterly direction 468 feet, more or less, to the northwest corner of the intersection of King Street and Buchanan Road; thence crossing King Street in a south westerly direction 50 feet, more or less, to the south western corner of the intersection of King Street and Buchanan Road; thence following the western right of way of Buchanan Road in a southerly direction 1324 feet to the point of beginning.
Excluded from this annexation area is the property of Timothy and Tesha Sloan, as recorded in BCROD deed book 1209 page 829 and described as follows: Beginning at the south west corner of the intersection of Buchanan Road and King Street; thence with the southern right of way of King Street in a northwesterly direction 100 feet, more or less, to an iron pin at the northeast corner of the lands of Sloan, said point being the true point of beginning; thence north 40 degrees 25 minutes west, 74.6 feet to an iron pin; thence south 41 degrees 10 minutes west, 290.5 feet to an iron pin; thence south 40 degrees 25 minutes east, 74.6 feet to an iron pin; thence north 41 degrees 10 minutes east, 290.5 feet 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

OCTOBER 15, 2024
BUCHANAN-KING
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 14.87 acres located at King Street and Buchanan 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 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

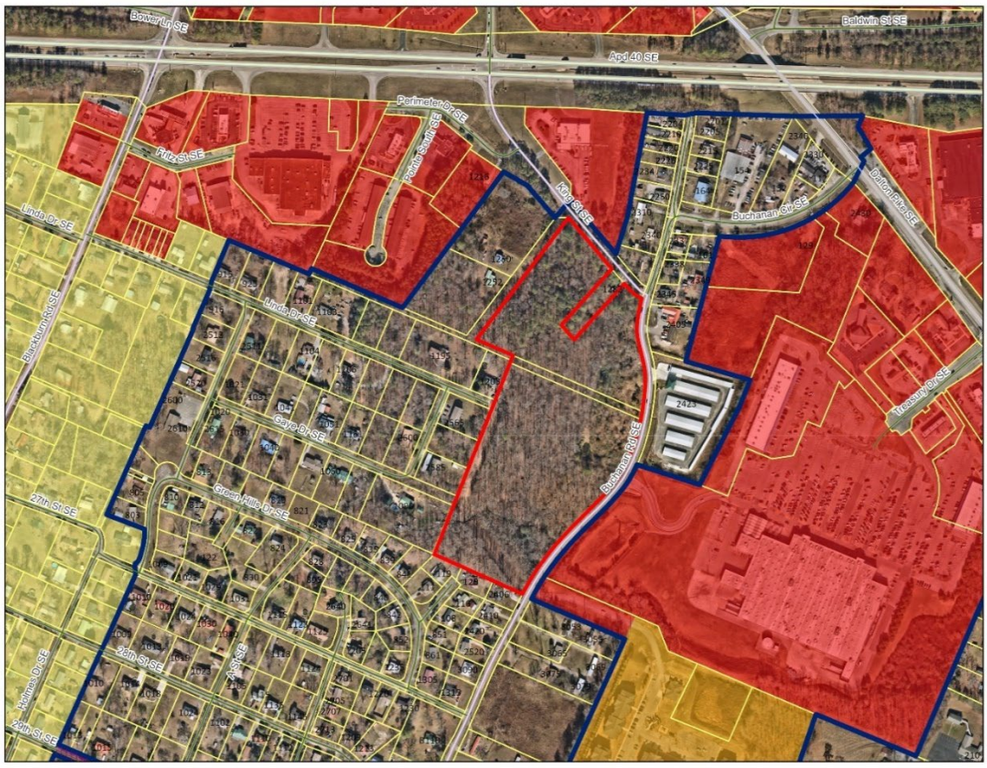
Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an urban growth boundary (UGB) in which annexations could occur. Cleveland has a twenty-nine square mile UGB that was based on a study of urbanization and service 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 two parcels, approximately 14.87 acres total. The annexation would zone the property as PUD Planned Unit of Development. These lots are currently vacant, and a multi-family residential development is proposed. The property is described as Tax Map 065E F 011.00 and 065E C 001.00.

Buchanan-King Street Annexation Map



Legal Description

Beginning at the northeast corner of lot 31 of Green Hill Estates as recorded in BCROD plat book 3 page 204, said point also being located in the west right of way of Buchana Rd; thence with the north line of Green Hill Estates in a northwesterly direction 388 feet, more or less, to the southeast corner of lot 19 of Rolling Acres Subdivision, as recorded in BCROD plat book 3 page 14; thence with the eastern line of Rolling Acres Subdivision in a northeasterly direction 820 feet, more or less, to the northeast corner of lot 51 of Rolling Acres Subdivision, said point being located in the southern line of an unopened right of way; thence crossing the unopened right of way with the previous bearing 20 feet, more or less, to a point in the northern line of the unopened right of way, said point also being located in the southern line of a tract of Phoenix Cleveland Tn Industrial Investor, as recorded in BCROD deed book 2871 page 295; thence with the southern line of Pheonix in a northwesterly direction 154 feet, more or less, to the southwest corner of the lands of Pheonix; thence with the western line of the lands of Pheonix in a northeasterly direction 670 feet, more or less, to the northwest corner of the lands of Pheonix, said point also being located in the southern right of way of King St; thence with the southern right of way of King Street in a southwesterly direction 53 feet, more or less, to a point where the southern right of way of King Street intersects the existing City Limits; thence crossing King Street with the existing City Limits in a northeasterly direction 91 feet, more or less, to the northern right of way of King St, said point being a corner of the existing City Limits; thence with the northern right of way of King Street in a southeasterly direction 468

feet, more or less, to the northwest corner of the intersection of King Street and Buchanan Road; thence crossing King Street in a south westerly direction 50 feet, more or less, to the south western corner of the intersection of King Street and Buchanan Road; thence following the western right of way of Buchanan Road in a southerly direction 1324 feet to the point of beginning.
Excluded from this annexation area is the property of Timothy and Tesha Sloan, as recorded in BCROD deed book 1209 page 829 and described as follows: Beginning at the south west corner of the intersection of Buchanan Road and King Street; thence with the southern right of way of King Street in a northwesterly direction 100 feet, more or less, to an iron pin at the northeast corner of the lands of Sloan, said point being the true point of beginning; thence north 40 degrees 25 minutes west, 74.6 feet to an iron pin; thence south 41 degrees 10 minutes west, 290.5 feet to an iron pin; thence south 40 degrees 25 minutes east, 74.6 feet to an iron pin; thence north 41 degrees 10 minutes east, 290.5 feet 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 parcels via 6" water main along the west side of Buchanan Rd. SE See Figure 1 – Water Service

B. Sanitary Sewer---Sewer service is not presently available to the parcels. To serve these parcels, the 8" gravity sewer main on Perimeter Dr. SE will be extended 1160' southeast along King St. SE to the north corner of Tax Parcel 065E-F-011.00, then southwest along the west side of the parcel. The Opinion of Probable Cost is $159,500, and the work can be completed in 8 years. See Figure 2—Sewer Service

C. Fire Protection---Fire protection is presently available to the parcels via a fire hydrant on the east side of Tax Parcel 065E-F-011.00 and a fire hydrant 460' south of Tax Parcel 065E-C-001.00. See Figure 1—Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
King St. SE (065E-F-011.00; 065E-C-001.00)	**$0**	**$159,500**	**$0**	**$159,500**

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.

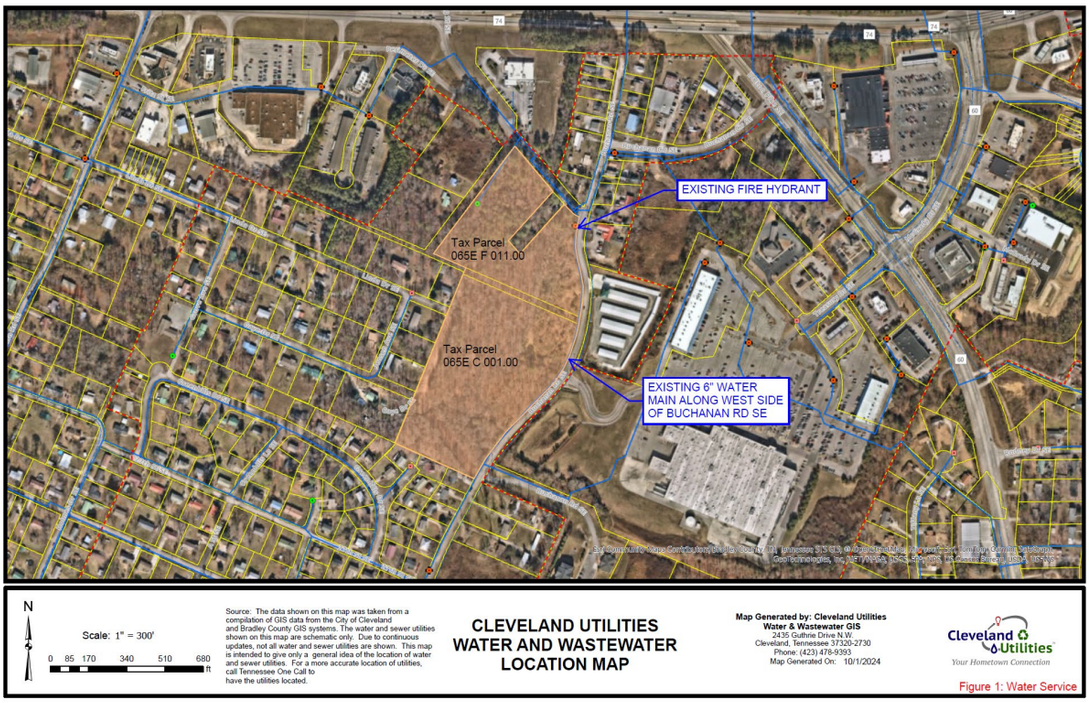


Figure 1: Water Service

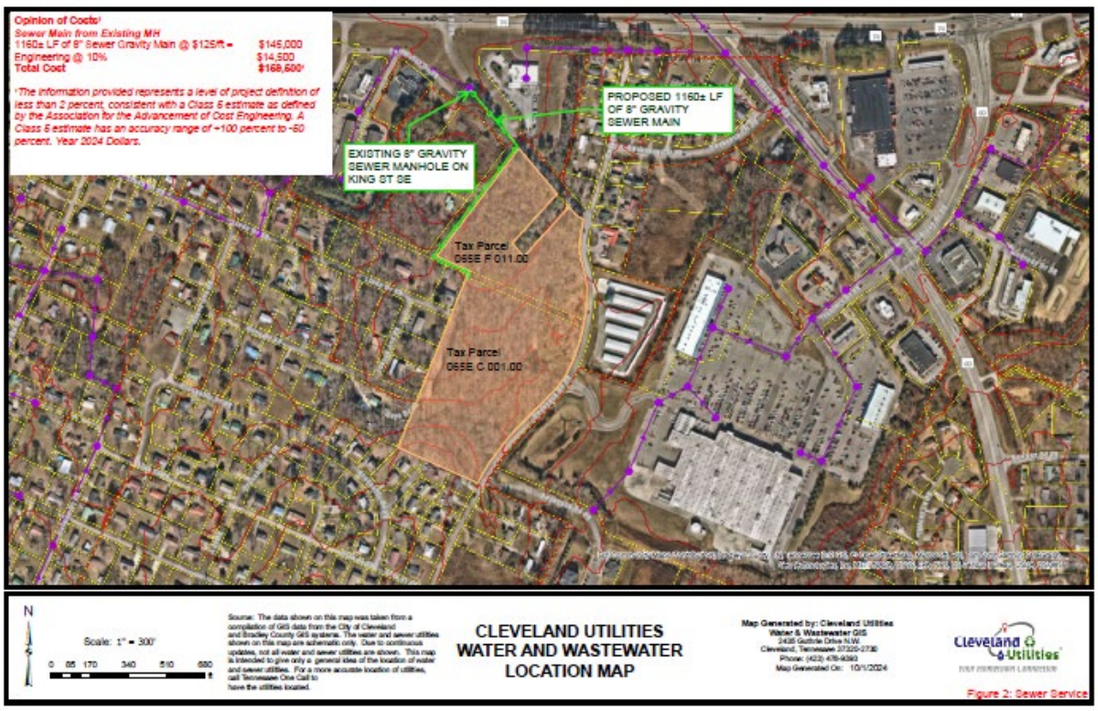


Figure 2: Sewer Service

4. Electric Service

Cleveland Utilities Electric has 3-phase power along King Street and Buchanan Road that can serve the residential development with no 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 will cost Cleveland City Schools approximately $55,660.62 per year and add 57 school age children.

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 I-1 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 375 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 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 **$26,475.00 per year**

Councilman May moved that Resolution 2024-124 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

- **Resolution 2024-125** – A resolution to annex about 14.87 acres, more or less, for property located at King Street and Buchanan Road and includes Tax Map 065E Group F Parcel 011.00 and Tax Map 065E Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent).

RESOLUTION 2024-125

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

KING ST. AND BUCHANAN 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 October 28,2024.

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 lot 31 of Green Hill Estates as recorded in BCROD plat book 3 page 204, said point also being located in the west right of way of Buchana Rd; thence with the north line of Green Hill Estates in a northwesterly direction 388 feet, more or less, to the southeast corner of lot 19 of Rolling Acres Subdivision, as recorded in BCROD plat book 3 page 14; thence with the eastern line of Rolling Acres Subdivision in a northeasterly direction 820 feet, more or less, to the northeast corner of lot 51 of Rolling Acres Subdivision, said point being located in the southern line of an unopened right of way; thence crossing the unopened right of way with the previous bearing 20 feet, more or less, to a point in the northern line of the unopened right of way, said point also being located in the southern

line of a tract of Phoenix Cleveland Tn Industrial Investor, as recorded in BCROD deed book 2871 page 295; thence with the southern line of Pheonix in a northwesterly direction 154 feet, more or less, to the southwest corner of the lands of Pheonix; thence with the western line of the lands of Pheonix in a northeasterly direction 670 feet, more or less, to the northwest corner of the lands of Pheonix, said point also being located in the southern right of way of King St; thence with the southern right of way of King Street in a southwesterly direction 53 feet, more or less, to a point where the southern right of way of King Street intersects the existing City Limits; thence crossing King Street with the existing City Limits in a northeasterly direction 91 feet, more or less, to the northern right of way of King St, said point being a corner of the existing City Limits; thence with the northern right of way of King Street in a southeasterly direction 468 feet, more or less, to the northwest corner of the intersection of King Street and Buchanan Road; thence crossing King Street in a south westerly direction 50 feet, more or less, to the south western corner of the intersection of King Street and Buchanan Road; thence following the western right of way of Buchanan Road in a southerly direction 1324 feet to the point of beginning.

Excluded from this annexation area is the property of Timothy and Tesha Sloan, as recorded in BCROD deed book 1209 page 829 and described as follows: Beginning at the south west corner of the intersection of Buchanan Road and King Street; thence with the southern right of way of King Street in a northwesterly direction 100 feet, more or less, to an iron pin at the northeast corner of the lands of Sloan, said point being the true point of beginning; thence north 40 degrees 25 minutes west, 74.6 feet to an iron pin; thence south 41 degrees 10 minutes west, 290.5 feet to an iron pin; thence south 40 degrees 25 minutes east, 74.6 feet to an iron pin; thence north 41 degrees 10 minutes east, 290.5 feet 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

Councilwoman McKenzie moved that Resolution 2024-125 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:

- **Zoning Ordinance 2024-59** - An ordinance to zone about 14.87 acres, more or less, for property located at King Street and Buchanan Road from I-1 unincorporated county to PUD Planned Unit of Development 59 and includes Tax Map 065E Group F Parcel 011.00 and Tax Map 065E Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent).

Zoning Ordinance 2024-59

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 BUCHANAN-KING MULTI-FAMILY "PUD 59" ON PROPERTY DESCRIBED AS TAX MAP 065E GROUP F PARCEL 011.00 AND TAX MAP 065E GROUP C PARCEL 001.00 AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 59; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESS 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 referred to as "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter referred to as "PUD", process as an alternative development standard whereby to accomplish such development; and whereas it is intended that the developers of the property of 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 here by amended so as to zone the property described in Section 3 herein as "PUD 59" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 43 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 59 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 59, Buchanan-King Multi-Family Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission) includes property generally identified as Tax Map 065E F 011.00 and Tax Map 065E C 001.00. Exhibit A illustrates the overall Buchanan-King Multi-Family 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 Buchanan-King Multi-Family Development. The project consists of a multi-family apartment complex 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 59 Subdivision allows for the construction of up to 150 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 59 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 59, The Buchanan-King Multi-family Development PUD must be prepared for submission to the Cleveland Municipal Planning Commission for consideration in a future regular meeting. 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 59 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 150 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 59 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 59 property by the Developer for approval in accordance with the City of Cleveland, 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 Document Development
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 59 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 59 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 59 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-3 Multi-Family residential zone.

For residential areas, the overall residential development is not to exceed a gross density of 150 maximum units. The front façade of all structures shall contain, on average, a minimum of at least 25% 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 or stone. No blank walls along street elevations are allowed.

A minimum of 30 two-inch caliper hardwood shade tree which is determined acceptable to the City's Urban Forester shall be installed throughout the development. 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 structures shall be serviced by sidewalks within the development which will connect to King Street SE. The entire frontage of the development shall have sidewalks installed by the developer along King Street. 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 along 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 proportion no less than 20% of the total buildable area. Site amenities shall be provided by the developer once 50% the structures in the development are under construction and shall include a pool and clubhouse. 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. All stormwater detention/retention areas will be screened from the public ROW.

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.

Driveway entrances to the site shall be developed with adequate turning radii for entering and exiting vehicles, including delivery vehicles. Access to the property must utilize King

String with no access allowed off of Buchanan Road. Internal traffic circulation and parking on sites, delivery access, service access for solid waste pick-up, etc., and fire and emergency access must be maintained in the site design and specifically addressed in site planning for individual developments. Parking standards shall be comparable to other developments of like nature and in no case have less than 1.5 spaces for every dwelling unit of multi-family developments. All other parking standards shall be the same as required by the City of Cleveland.

The developer shall dedicate right-of-way and construct a right turn deceleration lane on King Street. The developer shall dedicate any right-of-way necessary and shall be responsible for construction of said improvements. The minimum right-of-way width needed on King Street is 50', therefore developer shall dedicate the necessary right-of-way to provide 25' from the center line of the existing road.

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 59 Buchanan-King Multi-Family 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 59, 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 59 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 Phoenix Investors 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 2024-59 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 2024-60** – Concerning a request by Scott Taylor for consideration of an ordinance to zone about 4.93 acres, more or less, of property located at 9227 Frontage Road from RA to CH Highway Commercial and includes Tax Map 014 Parcel 051.00 (Planning Commission: Approved 6-0; 2 absent).

Zoning Ordinance 2024-60

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 RA Residential Agriculture Zoning District to CH Highway Commercial Zoning District.

Approximately 4.93 acres, more or less, located on Frontage Road as shown on the attached map.

For reference, the same property is being shown on a portion of Tax Map 014 Parcel 051.00 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 2024-60 be approved on first reading. The motion was seconded by Councilman Cassada; and upon roll call, unanimously passed.

Mr. Fivas stated he would like to defer the Cherokee Historic Tax Credits item until the next Council meeting.

Mayor Brooks stated he is appointing Jarrod Casteel to the Cleveland Planning Commission and Dustin Tommey to the Cleveland Housing Authority to fill the vacated seat of Ed Lay.

Mr. Fivas asked the Council to consider rescheduling a November Council meeting, one is cancelled due to Veteran's Day and the second is the week of Thanksgiving. Councilman Estes asked if the Charter allows. Mr. Kimball stated yes. Councilman Cassada moved to reschedule the November 25 Council meeting to November 18, Work Session at 1:00 p.m. and the Regular Session at 3:00 p.m. 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, November 18, 2024

b. Holiday Schedule: Following Tennessee State Government Holiday Office Closure Schedule, City offices will be closed as follows:

- Monday, November 11, 2024 in observance of Veterans Day. The November 11 City Council meeting will be cancelled.
- Thursday, November 28 and Friday, November 29 due to the Thanksgiving Holiday.
- Tuesday, December 24 and Wednesday, December 25 for the Christmas Holiday. The December 23 Council meeting will be cancelled.
- Tuesday, December 31 and Wednesday, January 1, 2025 for the New Year's Holiday.

Councilman Estes reminded everyone of the upcoming Halloween Block Party on October 31 and thanked staff for their hard work on the event.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:06 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
NOVEMBER 11, 2024
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, NOVEMBER 11, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO VETERANS DAY.

_____ _____

Mayor City Clerk

REGULAR SESSION
NOVEMBER 18, 2024
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 18, 2024 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; Annie Bryant, Senior Customer Service Representative; City Attorney John Kimball; Beverley Lindsey, Assistant to the City Manager; Seth Sumner, Assistant to the City Manager; Police Chief Mark Gibson; Fire Chief Chris Bates; Coty Smith, IT Computer Tech; Tommy Myers, Assistant City Manager/Transportation and Environmental Services; Jonathan Jobe, Assistant City Manager/Development and Recreation Services; Sharon Marr with Mainstreet; David Goodwill and Kyle Stokes with City Fields; Bradley County Commissioner Milan Blake; Abigail Jeter, Mark Scully, Cole Henry; Rodney Williams; Rita Orourke 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 October 28, 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

There were no special presentation or 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 Scott Taylor for consideration of an ordinance to zone about 4.93 acres, more or less, of property located at 9227 Frontage Road from RA to CH Highway Commercial Zoning District and includes Tax Map 014 Parcel 051.00 (Planning Commission: Approved 6-0; 2 absent). Mr. Varnell stated the owners are pursuing interstate commercial activity at 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 provided to the Council prior to the meeting. 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 2024-57 –** heretofore passed on first reading October 28, 2024 and found in Minute Book 32, Page 69; An ordinance to amend PUD 44 to include townhomes in place of an apartment complex and includes Tax Map 041F Group D Parcel 006.00 (Planning Commission: Approved 8-0; 1 absent).

b. **Final Passage - Zoning Ordinance 2024-58** - heretofore passed on first reading October 28, 2024 and found in Minute Book 32, Page 82; An ordinance to zone about 18 acres, more or less, for property located at Lewis Street from FAR unincorporated county/MU Mixed Use Zoning District to PUD Planned Unit of Development 58 Zoning District and includes Tax Map 058B Group C Parcel 010.00 and 011.00 (Planning Commission: Approved 8-0; 1 absent).
c. **Final Passage - Zoning Ordinance 2024-59** - heretofore passed on first reading October 28, 2024 and found in Minute Book 32, Page 96; An ordinance to zone about 14.87 acres, more or less, for property located at King Street and Buchanan Road from I-1 unincorporated county to PUD Planned Unit of Development 59 and includes Tax Map 065E Group F Parcel 011.00 and Tax Map 065E Group C Parcel 001.00 (Planning Commission: Approved 8-0; 1 absent).
d. **Final Passage - Zoning Ordinance 2024-60** – heretofore passed on first reading October 28, 2024 and found in Minute Book 32, Page 100; Concerning a request by Scott Taylor for consideration of an ordinance to zone about 4.93 acres, more or less, of property located at 9227 Frontage Road from RA to CH Highway Commercial and includes Tax Map 014 Parcel 051.00 (Planning Commission: Approved 6-0; 2 absent).
e. **Resolution 2024-127** – Authorizing the City to purchase through the Master Intergovernmental Cooperative Purchasing Agreement #011322-PIT between Pitney Bowes, Inc and Sourcewell for a document shredder for Finance).

RESOLUTION 2024-127

A RESOLUTION AUTHORIZING THE CITY OF CLEVELAND TO PURCHASE EQUIPMENT, PRODUCTS, OR SERVICES THROUGH A MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING CONTRACT #011322-PIT, 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 Pitney Bowes, Inc. ("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 #011322-PIT, 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 #011322-PIT, 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

f. **Resolution 2024-128** - Accepting Meadow Creek Way, Ridge Side Drive and Rolling Meadow Way in the Meadow View Subdivision as city streets.

RESOLUTION 2024-128

WHEREAS, Meadow View Subdivision is located off Michigan Avenue Road and within the City of Cleveland; and

WHEREAS, the plat for the Meadow View Subdivision is recorded in Plat Book 39, Page 67 in the Bradley County Register of Deeds office; and

WHEREAS, one street located within this subdivision and shown on this plat is named Meadow Creek Way, and another street located within this subdivision and shown on this plat is named Ridge Side Drive, and a third street located within this subdivision and shown on this plat is named Rolling Meadow Way; and

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

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

Meadow Creek Way (approximately 1,060 linear feet in length along right of way centerline)

Ridge Side Drive (approximately 1,135 linear feet in length along right of way centerline)

Rolling Meadow Way (approximately 845 linear feet in length along right of way centerline) connecting Meadow Creek Way and 31st Street NE.

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:

Meadow Creek Way (approximately 1,060 linear feet in length along right of way centerline)

Ridge Side Drive (approximately 1,135 linear feet in length along right of way centerline)

Rolling Meadow Way (approximately 845 linear feet in length along right of way centerline) connecting Meadow Creek Way and 31st Street NE.

This 18th day of November 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

g. **Resolution 2024-129** – Authorizing the Mayor to sign a grant agreement with the State of Tennessee for the TAEP Community Tree Planting grant.

RESOLUTION 2024-129

WHEREAS, the City has received the attached grant contract from the State of Tennessee, Tennessee Department of Agriculture, (hereafter the "State") for a TAEP Community Tree Planting Project grant; 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 18th day of November 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

h. **Motion** – Authorizing City Staff to establish an Escrow Operating Account with Pinnacle Bank to hold retainage for the Cherokee Project.

TO: **Mayor and City Council**
FROM: **Shawn McKay, Assistant City Manager**
DATE: **November 18, 2024**
RE: **Escrow Operating Account**

SUMMARY:
In conjunction with the Cherokee Renovation project an Escrow Operating Account needs to be established to deposit the retainage on the project. This account will be established with our current bank, Pinnacle Bank, and as required will be interest bearing.

COMMITTEE FINDINGS:
No Committee or Board action

FISCAL ANALYSIS:
N/A

RECOMMENDATION:
Staff recommends approval.

i. **Motion** – Granting one-year temporary easement extensions with TDOT related to the HWY60/Georgetown project at 3661 Georgetown Road.

TO: **Mayor and City Council**
FROM: **Joe Fivas, City Manager**
DATE: **November 18, 2024**
RE: **TDOT Easements for Hwy 60/Georgetown Project**

SUMMARY:
City staff has received a request from TDOT to extend already existing temporary easements to allow them to complete the Hwy 60/Georgetown Rd Project. The City Attorney has reviewed and does not see any concerns with this request.

COMMITTEE RECOMMENDATION:
N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:
Staff's recommendation is grant this one-year temporary easement extension to the TDOT for the Hwy 60/Georgetown Project at 3661 Georgetown Road.

j. **Motion** - Accepting an agreement with AT&T for underground service work related to the Inman Street project, site location 173 Edwards Street NE).

TO: **Mayor and City Council**
FROM: **Brian Beck, City Engineer**
DATE: **November 18, 2024**
RE: **AT&T Agreement – convert AT&T overhead utility line along Edwards Street at Inman Street**

SUMMARY:
The proposed "Letter of Agreement for Custom Work and Estimate of Actual Cost Government Agreement" with AT&T includes work to transfer overhead utility lines to underground conduit along Edwards Street. The project is from an existing utility pole located 125 feet south of Inman Street (Bradley County Fire Rescue Building), then north along Edwards and across the Inman Street intersection to approximately 70 feet north of Inman Street and then to an existing utility pole on 173 Edwards Street NE property (total of approximately 340 LF).

COMMITTEE FINDINGS:
No Committee or Board action

FISCAL ANALYSIS:
The AT&T cost estimate to perform the proposed work is $36,220.93.

RECOMMENDATION:
City staff recommends approval.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman Cassada thanked Mr. Fivas and all the staff for their hard work on Johnston Park. It has been well received in the community and he has heard many good things. The City has invested in Downtown, and words cannot say enough about the park.

Councilman May echoed the comments regarding Johnston Park and the great work which has been done. He then asked about Army Corps project at Tinsley Park. Mr. Jobe replied yes, they are actively looking at the other side of the creek. Councilman May then asked about Blythe Ferry Crossing. Mr. Jobe stated the project is on schedule with the Army Corps,

according to their progress updates. In February or March, the Army Corps will bid the area above Neely Circle next. That will be a good project to help with flooding.

Councilman Goff had no report at this time.

Vice Mayor Webb asked Chief Bates to speak on an upcoming event. Chief Bates stated on Thursday at 6:00 p.m. will be the 2024 Cleveland Fire Department Fire Academy graduation. All the Council is invited. Mayor Brooks will be speaking, along with several other speakers. The new eight employees have been through an extensive 16-week training, and it is a steppingstone for them. This is a time to celebrate what they have accomplished. Vice Mayor Webb then asked Kim Miller to update the Council on the Blood Assurance event. Ms. Miller stated Blood Assurance reached out for an annual blood drive. They are in a critical need position, and we have agreed to a city employee and community wide blood drive event on December 19 at Johnston Park. The Blood Mobile will be on site, and we are looking forward to a successful event. Vice Mayor Webb thanked them for the update and wished everyone a Happy Thanksgiving.

Councilman Moore also echoed the comments regarding Johnston Park. It looks great. He then asked for an update on the Emergency Shelter. Mr. Fivas stated Dustin and Cathy have met with the Southeast Tennessee Development District, with favorable news that the County could apply for their non-entitlement money for the project. They propose three or four potential locations, and we have a larger group look at it before presenting to Council. Things are actively being worked on so the total package is still a work in progress. The ARC Grant is due in December, which is the Appalachian Regional Commission, sponsor similar projects and they are looking to do an application to them as well.

Councilwoman McKenzie asked for an update on the signage on Inman Street as you're coming from Keith Street. Today, she noticed an arrow was painted on the road to notify drivers the lane ends but will any additional signage be added. Mr. Myers stated they are planning to add one more arrow to the pavement. Councilwoman McKenzie then asked if it would be feasible to put something on the west side of Keith Street notifying drivers that the lane ends ahead. Mr. Myers stated they will see what can be done. Lastly, Johnston Park is a beautiful addition to District 1. She then commended people who had the foresight twenty-years ago to begin revitalizing downtown. The families will come downtown to enjoy the park and encourages everyone to visit.

Councilman Estes stated downtown revitalization started maybe fifty-years ago. It is amazing to see what has come and asks that the Council does not loose site of a very big piece, the bridge and 3rd Street redevelopment. It is a very important piece, changing Wildwood and Inman Street access, open up for more business development and looks forward to seeing done in the next three to four years. Secondly, the leaf pickup schedule has been great and efficient this year. Next, he asked when Parker Street at 1st, 2nd and 3rd Streets will become four-way stops. Mr. Fivas stated that should happen this week now that everything is open, Mr. Sheely will begin implementation. Lastly, something great in Cleveland is Ace Hardware. Quadrupling their size, they're a great asset to the community. Congratulations to them and glad to see all the success they have.

Mayor Brooks stated yes, he concurs with the Ace Hardware revitalization and repurposing of the Cooke's Food Store location.

Mayor Brooks then announced he is reappointing Jerry Bohannon, Lamar Arp and Dustin Tommey to the Cleveland Housing Authority.

Mayor Brooks then stated after consultation with Vice Mayor Webb, we are adding Monday, December 23 as a holiday for city staff.

NEW BUSINESS AND ORDINANCES

Vice Mayor Webb moved to authorize a funding request to City Fields related to the City Shapers program in the College Hill neighborhood [$42,000]. The motion was seconded by Councilman Moore. Councilman Goff asked if the motion included a contingency. Mayor Brooks replied no, it does not. Councilman Goff moved for a substitute motion to delay the item until December 9 meeting. Mayor Brooks announced the substitute motion failed for lack of a second. Upon roll call of the original motion, Vice Mayor Webb, Councilman Moore, Councilman Cassada, Councilman May, Councilwoman McKenzie and Councilman Estes voted aye. Councilman Goff voted no. The motion passed 6-1.

Councilman May moved to approve an agreement with UES Professional Services for geothermal exploration services for the new City Hall and City Council project. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, December 9, 2024

b. Holiday Schedule: Following Tennessee State Government Holiday Office Closure Schedule, City offices will be closed as follows:

- Thursday, November 28 and Friday, November 29 due to the Thanksgiving Holiday.

- Monday, December 23, Tuesday, December 24 and Wednesday, December 25 for the Christmas Holiday. The December 23 Council meeting will be cancelled.

- Tuesday, December 31 and Wednesday, January 1, 2025 for the New Year's Holiday.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 3:27 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
DECEMBER 9, 2024
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 9, 2024 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; Annie Bryant, Senior Customer Service Representative; Police Chief Mark Gibson; 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; Sharon Marr with Mainstreet; Rodney Williams; Rita Orourke; Dough Berry with the Chamber of Commerce; Madlin Baker; Jacob Bauman; Jeff Elliott, Director of Cleveland City Schools; Abigail Jeter; Amily Sims; Keisha Parks, Director of the Public Library 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 November 18, 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

Mayor Brooks and Human Resource Director Kim Miller presented the following 2024 Service Awards to 20+ year employees.

2024
SERVICE AWARDS

5 YEARS 2019	10 YEARS 2014	15 YEARS 2009	20 YEARS 2004	25 YEARS 1999	30 YEARS 1994	40 YEARS 1984
NAME	NAME	NAME	NAME	NAME	NAME	NAME
RHONDA GRAHAM	JOHN CARSON	JANSEN VASSEY	ALAN JOHNSON	THOMAS S. SMITH	AMY NEWMAN	TOMMY MYERS
CATHY ANDREWS	WILLIE ESPINOZA		VICTOR CLEVELAND	JEREMY GREENLEAF	ROBERT HARBISON	
ZACHARY KILBY	NATHAN MILAM		WILLIAM MCCORMACK	JERRY VANDEROEF		
DUSTIN PELL	RYAN STEPHENS		STEVEN PARKS	JOSIAH SHELTON		
JONATHON DEAN	SCOTT STINNETT		JONATHAN JOBE	ROBERT CHASTAIN		
JEFFREY LEE	SHNEKA JONES		THOMAS ALLISON	APRIL RATCLIFF		
JAMES NELMS			CHAD HAUN	MARK ELROD		
			VICTOR CLEVELAND	HENLEY LEDFORD		
			CHRIS BROOM			
			CHRISTOPHER MASON			
			BRETT DUNN			

Rodney Williams addressed the City Council and asked for any updates on the future city gym at the Community Center. Mr. Fivas stated yes, a design was received, there was a problem with it, so it was sent back to the drawing board. We are exploring numerous options and will certainly get back to the Council when we have additional information. As previously stated, we are slowly working and there was never any huge interest in moving fast, just coming up with the best ideas.

Scott McAllister addressed the City Council concerning their experiences with the Cleveland Utilities fiber project. The Lenox Hills subdivision may be one of the first to experience the fiber optic installation. What turned out to be a fiasco started rather nicely. He was very impressed with the contractor crew and the hardest working bunch of fellas, were doing exactly what they were told to do, get that cable in the ground from one end of the subdivision to the other. They worked very hard. However, by the third day a good part of the subdivision was without internet. As they were forcing their cable through the ground, which of course most of our underground was put in thirty years ago, maybe the AT&T cable was put in four years ago. They broke it in a lot of places. Then AT&T spent the last three weeks trying to correct it and tore up a lot of the subdivision. We hope this does not happen in the rest of the project. From his observation, the problem was oversight by Cleveland Utilities. These crews worked their butts off. They were extremely good, extremely hard workers, but little supervision and no oversight that he would have like to be seen by Cleveland Utilities. Cleveland Utilities trucks were in there two or three times in the three weeks they were in the subdivision. Hopefully, they can learn from this experience so the rest of the city, as they put this new fiber optic cable in, can put more supervision out there.

Councilman Cassada stated he would like to address the ongoing disruptions caused by insulation of new fiber lines in our communities. While fully supporting the advancements of infrastructure and enhanced connectivity to improve the quality of life, the process has highlighted significant challenges of communication and coordination between providers AT&T, Spectrum, Chattanooga Gas and Cleveland Utilities. From my observations, my conversations with residents of the Third District, the disruptions in internet, water and gas has been frustrating, especially for those who work at home and also students that rely on services for their education. Interruptions are avoidable if looked at communication collaboration among all stakeholders. Mayor, I would urge you if you could, to engage the state officials to convene a meeting of all parties involved to develop a unified effective approach which ensures the future of infrastructure and upgrades to carry without the compromise of current services. Our citizens deserve a streamlined process that minimizes the inconvenience and embraces the process. Again, I'm committed to advocating solutions to work for everyone in Cleveland. So, Mayor, I would ask if there's some way that you could get our state legislators and everybody in the same room. I think this is just the starting point as we go into other districts, we might see the same things. I just don't want to see the heartbreak from everybody else. Mayor Brooks stated it is important for full disclosure that Cleveland Utilities is an Authority, and a few of us are on the Authority Board, and going forward it is important to include the Authority Board and the providers. He is happy to reach out and facilitate a meeting.

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 BBB Corporation (c/o Greg Bowman) for consideration of a resolution to adopt a Plan of Service, a resolution to annex, and an ordinance 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). Mr. Varnell stated the owners have three separate parcels contiguous, zoned CH. The current use is for a laydown yard but as they move forward, the desire is for a possible redevelopment in the future. Access would be closer to South Lee Highway and coordinated with staff. 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 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). Mr. Varnell stated with our removal of the residential component within the CH zoning

designation several years ago, houses did preexist. They have a situation where they need to rebuild it, and R-2 is in 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 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). Mr. Varnell stated this came through as a full townhome development but after review they have decided to trim it back from 81 townhome units to a total of 60 units, 32 townhomes and 28 single-family detached lots. The owners see the market trending towards single-family homes in that 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.

CONSENT AGENDA

Mayor Brooks stated the Consent Agenda was provided to the Council prior to the meeting. Councilman Estes 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 2024-132** – Authorizing the Mayor to sign an agreement with Evergreen Solutions, LLC for consulting services in connection with the City's class and compensation plan.

RESOLUTION 2024-132

WHEREAS, City staff issued a request for proposals for qualified entities to provide proposals to the City for management consulting services to the City in connection with the City's class and compensation plan; and

WHEREAS, the City received several proposals and the committee which reviewed the proposals has now selected Evergreen Solutions, LLC to provide these services to the City; and

WHEREAS, Evergreen Solutions LLC has provided the City with the attached consulting services agreement; and

WHEREAS, the City Council desires to approve of the selection of Evergreen Solutions, LLC and the attached agreement with Evergreen Solutions, LLC, and to authorize the Mayor to sign the agreement on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the selection of Evergreen Solutions, LLC to provide these management consulting services to the City of Cleveland; and

BE IT FURTHER RESOLVED that the City Council hereby approves of the attached agreement with Evergreen Solutions, LLC, and it authorizes the Mayor to execute the agreement on behalf of the City. [on file in the City Clerk's Office.]

This 9th day of December 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

b. **Resolution 2024-133** – Authorizing the Mayor to sign a contract amendment #6 with TDOT to add additional Federal funds requested by staff relating to Gaut Street sidewalk project (PIN 123116.01).

RESOLUTION 2024-133

WHEREAS, the City has received the attached Amendment #6 from the Tennessee Department of Transportation (hereafter "TDOT") for the project described below; and

Project: Various Streets in Cleveland
Agreement Number: 170087
Project Identification Number (PIN): 123116.01
Federal Project Number: STP/STP-M-9203(23)
State Project Number: 06LPLM-F3-056

WHEREAS, the City Council desires to enter into the attached Amendment #6 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. [on file in the City Clerk's Office.]

This 9th day of December 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

c. **Resolution 2024-134** – Authorizing the Mayor to sign a grant contract with the State of Tennessee Department of Environment and Conservation for environmental investigation of parcels located at 740 King Edward Avenue and 200 3rd Street (Brownfield Redevelopment Area).

RESOLUTION 2024-134

WHEREAS, the City has received the attached grant contract from the State of Tennessee, Tennessee Department of Environment and Conservation, (hereafter the "State") for a grant to provide funding for environmental investigation of parcels located at 740 King Edward Avenue and 200 3rd Street; 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. [on file in the City Clerk's Office.]

This 9TH day of December 2024

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

d. **Resolution 2024-135** – Approving a PILOT Agreement for Amaero Advanced Materials & Manufacturing, Inc.

RESOLUTION 2024-135

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

WHEREAS, the Industrial Development Board of the County of Bradley and the City of Cleveland, Tennessee (the "Board") has recommended a Payment-In-Lieu-Of-Taxes ("PILOT") schedule for Amaero Advanced Materials & Manufacturing, Inc. (the "Company") which has leased certain property from Spring Branch, LLC ((the "Developer") within the City of Cleveland, Bradley County, Tennessee, for the real property, the construction of additional improvements thereon, and the acquisition and installation of certain machinery, equipment and other personal property for use for manufacturing and related purposes in Bradley County, Tennessee with a capital investment of approximately (but not limited to) $54,900,000 (the "Project");

WHEREAS, the Project is anticipated to result in the creation of 87 new full-time positions;

WHEREAS, the Company has requested that all real and personal property acquired or utilized in connection with the Project (collectively, the "Property") qualify for an arrangement (the "PILOT Arrangement") whereby the Property shall be exempt from all ad valorem property taxes otherwise due thereon (collectively, "property taxes"), and in lieu of the property taxes, the Companies shall be required to make annual payments in lieu of taxes equal to sixty-two and one-half percent (62.5%) of the property taxes otherwise due on the Property during the ten-year period commencing on January 1, 2025 and ending on December 31, 2034;

WHEREAS, the Board has determined that, notwithstanding the PILOT Arrangement, the Project will result in the payment of in lieu of tax payments to the City of Cleveland, Tennessee in an estimated amount of $1,650,414.47 over the same ten-year period; and

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

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

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

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

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

Adopted this 9th day of December, 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

e. **Resolution 2024-136** – Authorizing the Mayor to sign an agreement with Destination by Design Planning, LLC for marketing, consulting, and development services for the City.

RESOLUTION 2024-136

WHEREAS, City staff solicited requests for qualifications for marketing and development services for the City of Cleveland, and City staff is now recommending to the City Council that the City enter into an agreement with Destination by Design Planning, LLC for these services; and

WHEREAS, the City has received the attached agreement from Destination by Design Planning, LLC for these services; and

WHEREAS, City staff are requesting that the City Council approve of the attached agreement between the City and Destination by Design Planning, LLC for these services; and

WHEREAS, the City Council now desires to approve of the attached agreement with Destination by Design Planning, LLC, and to further authorize the Mayor to execute the same on behalf of the City of Cleveland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, Tennessee, in regular session assembled, that the City Council does hereby approve of the attached agreement with Destination by Design Planning, LLC for these services 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 9th day of December 2024.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

f. **Motion** - Authorizing the Mayor to sign a four-year contract extension for Banking Services with Pinnacle Bank.

g. **Motion** - Change Order #2 with Chazler, Inc. for Jim Sharp Park.

TO: **Mayor and City Council**
FROM: **Kristi Powers, Budget/Purchasing Coordinator**
DATE: **December 9, 2024**
RE: **Jim Sharp Park Change Order No. 2**

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

COMMITTEE FINDINGS:
No Board or Committee findings.

FISCAL ANALYSIS:
Results in a contract increase of $2,750.00.

RECOMMENDATION:
Staff recommends approval of this item.

h. **Motion** - Change Order #1 for Roy's Alternator Building/Council Chambers.

TO: Mayor and City Council
FROM: Bryan Turner, Director of Building and Project Development
DATE: December 9, 2024
RE: Roy's Alternator Building/Council Chambers – Change Order #1

SUMMARY:
Attached are change orders for the City Council shell project for your consideration. A summary of the change orders prepared by the architect is included. The total change order will increase the contract amount $23,652.00. The architect and city staff recommend approval.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COUNCIL MEMBERS

Councilman May stated this has been a great meeting discussing the positive things we've done in Cleveland, and awarding staff service awards. He then wished everyone a Merry Christmas.

Councilman Goff wished everyone a Merry Christmas.

Vice Mayor Webb asked for an update on two Code Enforcement cases, Pleasant Grove Church Road and Highland Drive. Mr. Jobe stated he will get a update. Mr. Varnell stated the court date is scheduled for December 19. Mr. Fivas stated that is when the judge will deliberate, but they can still come into compliance before then. Vice Mayor Webb stated yes, we'd like it expedited and prefer if it gets cleaned up. Councilwoman McKenzie asked to be included in the update for Pleasant Grove Church Road. Vice Mayor Webb asked if staff had a chance to look at the culvert on Chestnut Drive. Mr. Myers stated yes, it was filled last week. Lastly, Vice Mayor Webb stated we have trades people that have bid for contracts, like electric, plumbing and was curious if we had anything with painters. Mr. Fivas stated no, not at this time. Vice Mayor Webb stated it should be something to look into and could be beneficial.

Councilman Moore stated on Saturday the Community Center had Santa Claus, Ms. Claus, a live nativity and Rodney Williams was dressed up like an elf. It was a great time, and the Community Center was packed. Also, the Christmas lights at the hospital look amazing. They are investing back into their product, and it makes him feel good. He then wished everyone a Merry Christmas.

Councilwoman McKenzie stated she did take her grandkids to the Community Center for the live nativity animals and Santa. There were a lot of people, all having a good time. She then inquired if Guthrie Drive, which is pretty rough, on the paving schedule, as there are several street cuts and bumps. Mr. Myers stated he will have to check the list. Lastly, she congratulated staff on the service awards and thanked them for the hard work they've done for the City of Cleveland. She then wished everyone a Merry Christmas and a Happy New Year.

Councilman Estes stated he spoke with Cleveland Utilities about the issues previously discussed with fiber installs. AT&T didn't map properly. Charter didn't put it on the universal map locator. Chattanooga Gas, a whole different ball of wax. Speculation is why put the time, money and effort into it and pay it on the backend. Cleveland Utilities followed the maps they were supposed to. Let's go to our legislative delegation and say punish AT&T and Charter for not following the maps. If you talk to them, that is the message we need to take. AT&T has caused more problems at this level to our citizens than any other market utility. He asked that the Cleveland Utilities press release to be including in the official record of the minutes. On the positive side, right now, Cleveland Utilities fiber high speed internet is available to four thousand

homes, which is amazing. The whole second district is excited about them getting to us as they work their way around the city. Kudos to them, they are doing a great job and encourages the Council to meet with them and get their side of the story. Next, he appreciates everyone coming to the College Hill meeting. It was a good meeting and felt people left all on the same page. He liked the three main types of zoning and has a meeting with Mr. Woodruff about R4 zone and his church and will follow up with staff. Again, good momentum, good things the city is doing. The small neighborhood plans for the different communities are great. Also, whoever took the drone footage of the Christmas parade, particularly over Bradley High School, it was really well done. Mayor Brooks stated that was AJ Media. Councilman Estes then stated the Turkey Trot on Thanksgiving morning had over four hundred finishers of the 5K and over one hundred finishers of the one-mile Fun Run. There was almost seven hundred people out at eight o'clock in the morning on Thanksgiving Day. He really appreciates Terra Running Company for making the event happen. Lastly, he asked for an email copy of the urban growth map we're submitting. If a copy of Charleston and Bradley County come through, he'd love to see them as well.

[Press Release – Cleveland Utilities]

Cleveland Utilities Addresses Fiber Project Construction Challenges and AT&T/Spectrum Internet Service Disruptions

Cleveland Utilities (CU) believes in being open and transparent with its customer base and wants to communicate an important update regarding challenges the utility has and continues to face during its ongoing fiber project. CU's commitment to its customers remains steadfast, and the utility recognizes the importance of sharing details and facts, so customers are informed.

During the ongoing construction phase of the fiber buildout, CU's contractors have inadvertently dug into AT&T and Spectrum lines which led to temporary disruptions in internet service for some households. Unfortunately, despite CU adhering to all necessary protocols and placing requisite one-call requests, these providers have repeatedly not marked their service drops, resulting in unmarked facilities being affected.

Cleveland Utilities has received numerous calls from impacted customers when these occurrences happen, and while CU is not liable or financially responsible for damages occurring to unmarked lines, CU's staff is actively trying their absolute best to help customers get their issues resolved. They have been reaching out to the appropriate provider to alert them of the incidents and working on behalf of the customer in an effort to get their services restored as quickly as possible.

Additionally, Cleveland Utilities strongly recommends for customers of AT&T and Spectrum to contact them and encourage the marking of their facilities. The action of these companies marking their lines will ensure their facilities are correctly identified to help prevent future occurrences of disruptions. A clear indication that a customer's service line has been marked is the appearance of orange paint, leading from the curb to the home.

Cleveland Utilities wants customers to know they are being proactive in this respect and are marking their facilities. This is CU's commitment to help ensure their customers do not experience disruptions caused by unmarked lines. By increasing awareness and encouraging all service providers to mark their facilities, we can help protect our community's services to have reliable utility access. By working together, we can all help alleviate these issues.

In a recent development, one of AT&T's primary fiber lines was accidentally hit due to not being marked, and when they were unable to deploy repair resources promptly, CU's contractor stepped in to assist AT&T with their repairs. This effort displays CU's dedication and exemplifies CU as a cooperative partner in this process.

"*Our customers rely on internet service for countless essential activities, and being without it can be incredibly frustrating,*" said Tim O. Henderson, President/CEO of Cleveland Utilities. "*It's always our desire for customers' utility services, from all providers, to be uninterrupted and*

accessible. We sincerely regret this is happening, but we want our customers to know we are doing everything possible to ensure this project is performed with excellence." Cleveland Utilities ensures strict adherence to all state and federal regulations, maintaining the highest standards for quality and safety throughout its fiber project execution.

Cleveland Utilities truly appreciates the ongoing patience and understanding of customers as these challenges are encountered. Our goal is to minimize disruptions as much as possible during this process. CU remains focused on delivering exceptional utility services, including a robust fiber infrastructure, which will benefit the community moving forward.

Any updates or developments will be communicated. For further inquiries or more information, please contact 423-472-4521. Stay connected by following us on Facebook, Instagram, and YouTube.

Thank you for your continued support and trust in Cleveland Utilities.

Councilman Cassada stated he did speak with Cleveland Utilities management team for about an hour and a half concerning fiber installation. He felt there was not good communication out where they were working. When AT&T came through his neighborhood several years ago, no one lost internet, gas, water. He then showed photos of markings on the grass in his yard, lines were marked. His understanding is AT&T has their main lines with tracers, some of the small lines do not have tracers but the lines were hit four times. We have people in the neighborhood who have lost internet going on four weeks. Spectrum and AT&T did not do anything. In the neighborhood, we've had a water main to bust, a natural gas line hit where Fire Department responded, and people are upset with the situation. We don't want it to move into other areas of the city, especially where smaller areas and more stuff underground. He is trying to facilitate everyone getting together to communicate. Line were marked and they still hit them, some numerous times. Vice Mayor Webb stated when the subdivision was developed there was an option to put a communications conduit in the ground at the time. Now we are seeing subdivisions where that was not done by the developer. Also, we are seeing subdivisions where the conduit is being used by someone else. That is causing an additional amount of work. Regardless on how much time is spent on marking, mistakes can happen. Twelve inches can make a huge difference and even if it is marked perfectly, there will be incidents. It has been a terrible inconvenience for the neighborhood and doesn't think anything was done intentionally and once it is complete, and repairs have been done, in the long run it will be beneficial to the neighborhood to have the additional services. Councilman Cassada stated he is asking that Cleveland Utilities have someone on site to make sure things are done correctly by the contractors. Also, for safety and security. Internet has been out for four weeks in Lenox Hills. Councilman Estes stated he stands by Cleveland Utilities press release. Those on the Utility Authority, please ask them to see where the cuts were and was it marked. That is the issue. If it was really marked, then their press release was bogus, and you need to hold them accountable. Councilwoman McKenzie stated they said even though they were marked, the lines were not necessarily where they were marked. Councilman Estes stated going forward, this doesn't involve our legislative delegation, unless they are going to attach those who don't follow regulations. Councilwoman McKenzie asked if we could require lines in conduit for future development. Mr. Fivas stated all new neighborhoods it is mandatory for conduit to be installed for all the different utilities. Councilman Goff stated even with conduit in the ground, multiple third parties do not use conduit. Councilwoman McKenzie stated if it is mandatory they should be using it. Mr. Fivas stated we will look into it. Vice Mayor Webb stated he feels when this is all said and done, even though it has been very inconvenient for residents overall, the City of Cleveland will benefit with having broadband services through Cleveland Utilities. Councilman Cassada stated lastly, if staff will speak with Chattanooga Gas about meeting with residents of Lenox Hills concerning the relocation of the gas sign. David Sheely stated he has reached out and has not received a reply yet.

Vice Mayor Webb thanked those that participated in the grocery bag event at Food City. The City had a team to raise money for United Way. We had a good time and time well spent. He highly encourages others to participate.

Mayor Brooks stated Rotary Club of Cleveland won again, making it a two-year championship and also, he was happy to report the City of Cleveland beat Bradley County in fundraising during that one-hour event.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

a. **Resolution 2024-130** – Concerning a request by BBB Corporation (c/o Greg Bowman) for consideration of a resolution to adopt a Plan of Service for about 3.92 acres, more or less, for property located at Circle Drive and includes Tax Map 057H Group C Parcel 001.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-130

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

CIRCLE DRIVE (057H C 001.00)

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 December 9, 2024, 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 Ruth Anne Aulds, as recorded in BCROD deed book 2097 page 634, said point also being the south east corner of the lands of BBB Corporation, as recorded in BCROD deed book 2508 page 890; thence with the southern line of the lands of BBB Corporation in a northwesterly direction 401.4 feet, more or less, to the southwest corner of the lands of BBB Corporation, said point also being located in the existing City Limits; thence with the western line of BBB Corporation and the existing City Limits in a northeasterly direction 610 feet, more or less, to the northwest corner on the lands of BBB Corporation, said point being located in the western right of way of Circle Dr; thence leaving the existing City Limits and following the western right of way of Circle Dr in a southerly direction 530 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

NOVEMBER 19, 2024
CIRCLE DRIVE
ANNEXATION ANALYSIS
PLAN OF SERVICE
CITY OF CLEVELAND, TENNESSEE

The City of Cleveland, Tennessee is pursuing the annexation of approximately 3.93 acres located at Circle Drive 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.

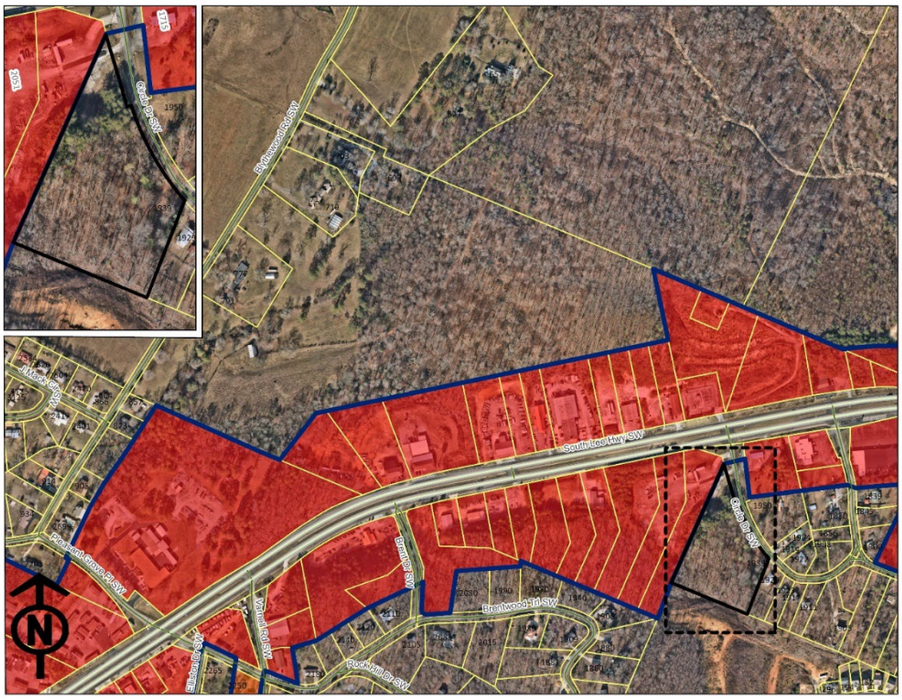
Introduction

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 3.93 acres total. The annexation would zone the property as CH Highway Commercial. This lot is currently vacant, and the expansion of an existing laydown yard proposed. The property is described as Tax Map 057H C 001.00.

Circle Drive Annexation Map



Legal Description

Beginning at the southwest corner of the lands of Ruth Anne Aulds, as recorded in BCROD deed book 2097 page 634, said point also being the south east corner of the lands of BBB Corporation, as recorded in BCROD deed book 2508 page 890; thence with the southern line of the lands of BBB Corporation in a northwesterly direction 401.4 feet, more or less, to the southwest corner of the lands of BBB Corporation, said point also being located in the existing City Limits; thence with the western line of BBB Corporation and the existing City Limits in a northeasterly direction 610 feet, more or less, to the northwest corner on the lands of BBB Corporation, said point being located in the western right of way of Circle Dr; thence leaving the existing City Limits and following the western right of way of Circle Dr in a southerly direction 530 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 Circle Dr. SW. See Figure 1 – Water Service.

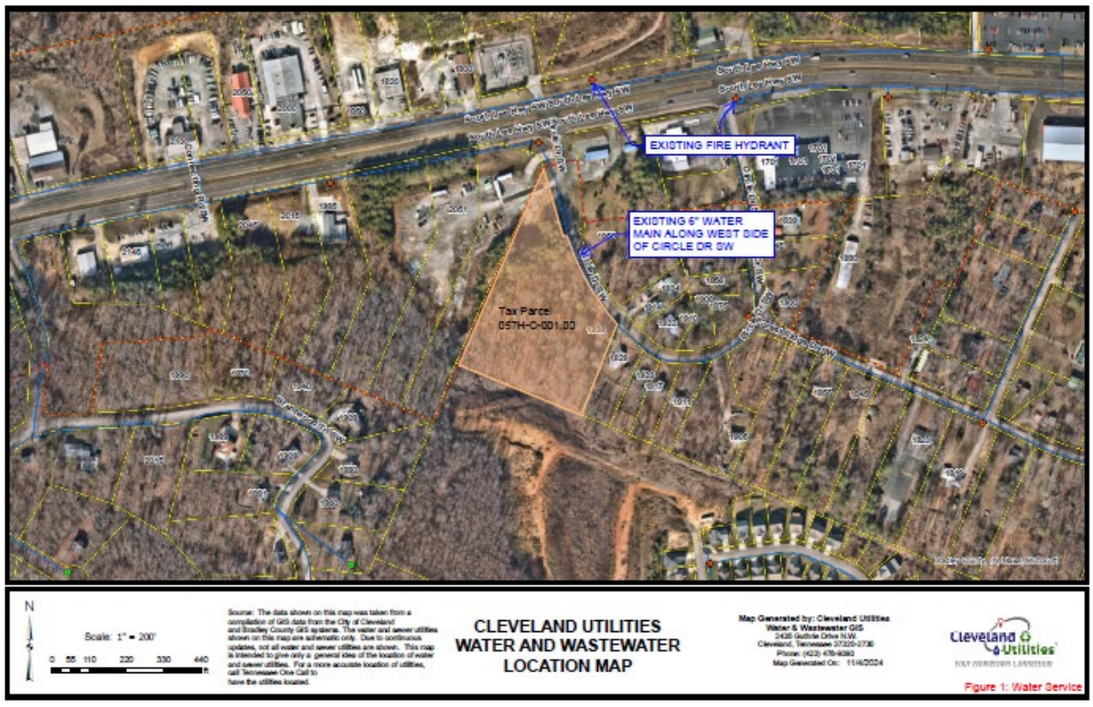
B. Sanitary Sewer---Sewer service is not presently available to the parcel. To serve this parcel, approximately 120 LF of 8” gravity sewer main would be installed across Circle Dr. SW and turn south to reach the parcel. The Opinion of Probable Cost is $16,500. This work can be completed in 8 years. See Figure 2 – Sewer Service.

C. Fire Protection---Fire protection is presently available to the parcel via a fire hydrant 300 ft. north of the parcel along South Lee Hwy. See Figure 1 – Water Service.

SUMMARY OF COSTS[1]

Location	Domestic Water	Sanitary Sewer	Fire Protection	Total
Circle Dr. SW (057H-C-001.00)	**$0**	**$16,500**	**$0**	**$16,500**

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.



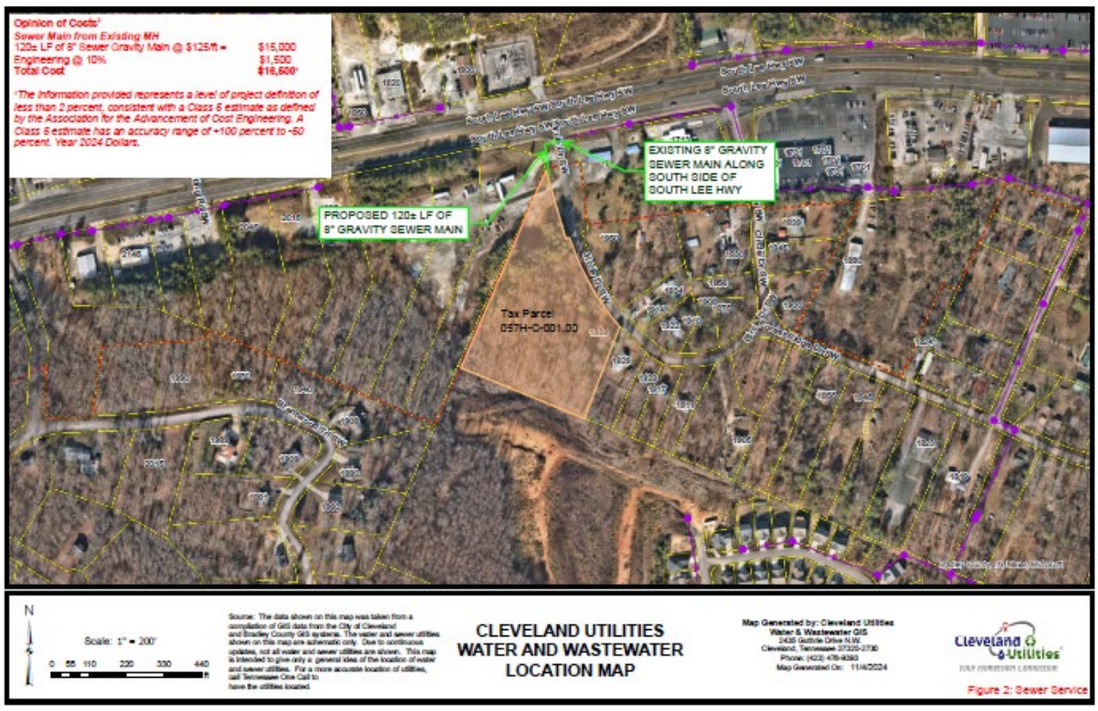


Figure 2: Sewer Service

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 will have no education 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 a 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 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 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 **$xx per year**

Councilman May moved that Resolution 2024-130 be accepted as presented. The motion was seconded by Vice Mayor Webb; and upon roll call, unanimously passed.

The following Resolution was then presented in full:

b. **Resolution 2024-131** – Concerning a request by BBB Corporation (c/o Greg Bowman) for consideration of a resolution to annex about 3.92 acres, more or less, for property located at Circle Drive and includes Tax Map 057H Group C Parcel 001.00 (Planning Commission: Approved 9-0).

RESOLUTION 2024-131

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

CIRCLE DRIVE ANNEXATION AREA

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

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

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

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

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

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

WHEREAS, a public hearing on the proposed annexation and Plan of Services was held by the governing body on December 9, 2024.

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 Ruth Anne Aulds, as recorded in BCROD deed book 2097 page 634, said point also being the south east corner of the lands of BBB Corporation, as recorded in BCROD deed book 2508 page 890; thence with the southern line of the lands of BBB Corporation in a northwesterly direction 401.4 feet, more or less, to the southwest corner of the lands of BBB Corporation, said point also being located in the existing City Limits; thence with the western line of BBB Corporation and the existing City Limits in a northeasterly direction 610 feet, more or less, to the northwest corner on the lands of BBB Corporation, said point being located in the western right of way of Circle Dr; thence leaving the existing City Limits and following the western right of way of Circle Dr in a southerly direction 530 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 May moved that Resolution 2024-131 be accepted as presented. The motion was seconded by Councilman Estes; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

c. **Zoning Ordinance 2024-61** – 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).

Zoning Ordinance 2024-61

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 District to CH Highway Commercial Zoning District

Approximately 3.93 acres, more or less, located on Circle Drive SW as shown on the attached map.

For reference, the same property is being shown on Tax Map 057H 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.

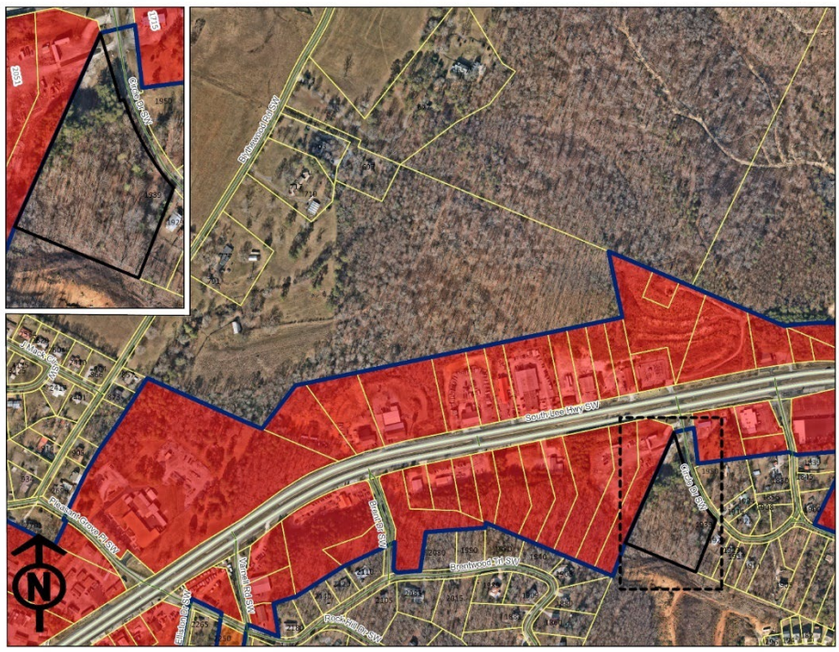
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

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

_____
Kevin Brooks, Mayor

_____
Shawn McKay, City Clerk

Exhibit A



Councilman Cassada moved that Zoning Ordinance 2024-61 be approved on first reading. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

d. **Zoning Ordinance 2024-62** – 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).

Zoning Ordinance 2024-62

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 CH Highway Commercial Zoning District to R2 Low Density Single and Multi-Family Zoning District.

Approximately .18 acres, more or less, located on Wildwood Avenue SE as shown on the attached map.

For reference, the same property is being shown on Tax Map 057L Group G Parcel 005.00 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 2024-62 be approved on first reading. The motion was seconded by Councilman Moore; and upon roll call, unanimously passed.

The following Ordinance was then presented in full:

e. **Ordinance 2024-63** – 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).

ORDINANCE 2024-63

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 BENTON PIKE TOWNHOME "PUD 53" ON PROPERTY DESCRIBED AS TAX MAP 60N GROUP B PARCEL 9.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 53; 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 53" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 53 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 53 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 53, Benton Pike Townhome Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as Tax Map 60N Group B Parcel 9.00. Exhibit A illustrates the overall Benton Pike 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 Benton Pike Townhome development. The project consists of detached single-family dwellings and attached single-family dwellings in multi-unit townhome structures. The attached multi-unit townhome units may constitute no more than 28 overall units within the development, with a total of 60 overall units being allowed. 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 landscape common area.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 53 Subdivision allows for the construction of up to 60 dwelling units, 28 single-family detached units and 32 in multi-unit townhome structures with a maximum of 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 53 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 Benton Pike Townhome 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 53 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 53, The Benton Pike Townhome Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 9th, 2024, and an updated concept was provided for consideration in the regular meeting on November 19th, 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 53 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 dwelling units beyond 60 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 Benton Pike Townhome 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 53 Benton Pike Townhome development shall be constructed with adequate ROW to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Existing Right of Way along Benton Pike Townhome development is narrow adjacent to PUD 53 and the intention is that the Benton Pike ROW be at least 60 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 Benton Pike along the entire property frontage so as to make room for any possible future city improvements. The Developer shall install sidewalks along Benton Pike for the extend of the property.

6.B. PLATS.

One or more plats will be prepared for the PUD 53 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 platsshall 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 53 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 53 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 53 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.

All structures must include articulation, changes in materials or texture, windows, or other architectural features. The front facade of all structures shall contain a minimum of at least 60% of either brick or stone materials. Vinyl siding is prohibited on all front facades with the exception of soffits. 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 between each building. The driveways and parking areas for each Townhome shall be separated by a minimum of 3-foot planted landscape strip, therefore allowing for placement of trees and other landscaping.

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. The curb line should be extended to the development property line along Benton Pike. A monument style ground sign shall be installed at all entrances to the site. A landscaped front yard no smaller than 8' in width shall be installed along Benton Pike to provide privacy and to maintain a high- quality appearance. Open space shall be maintained at a proportion of no less than 25% of the total buildable area. The external boundary of the development shall consist of a 10’ type B buffer.

A high-quality picnic pavilion shall be provided within the designated open space by the developer once 75% the buildable lots in the development are established or under construction. This amenity shall be accessible to all lots within the subdivision by a sidewalk. All common areas, facilities and landscaping shall be kept in good repair by the developer, future owners, or an established homeowner’s association. In coordination with Cleveland City Schools, a bus shelter must be placed on the property. A centralized cluster mailbox unit shall be provided, if required by the United States Postal service, and shall include a minimum of 2 off-street parking spaces. This may be combined with site amenity as provided. Provide overflow/guest parking areas to avoid residents parking on the street. 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.

Townhome sites shall comply with existing city townhome regulations for lot width, front setback requirements are 18 feet (must have at least 25’ of driveway between the sidewalk/property line and the structure). The minimum side setback for townhomes is 10’. Townhomes must follow the City's established process requiring a site plan for construction and a final plat subsequent to construction. Single-family detached dwelling units must have a minimum 50’ in width and 100’ in depth, a 25’ front setback, 10’ side setback, and a 15’ rear setback. 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 PUD53 Benton Pike 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 53, 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 PUD36 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 Brian Hudson 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 2024-63 be approved on first reading. The motion was seconded by Councilman May; and upon roll call, unanimously passed.

The following item was then presented:

f. **Surplus Property** – Declaring miscellaneous restaurant equipment from the Cherokee Hotel as surplus property and be either scrapped or donated.

TO: Mayor and City Council
FROM: Kristi Powers, Budget/Purchasing Coordinator
DATE: December 9, 2024
RE: Surplus Property

SUMMARY:
The Development and Recreation Department requests the City Council declare miscellaneous restaurant equipment in the Cherokee Hotel as surplus property. The equipment will be removed during construction and listed on GovDeals. Items not sold on GovDeals will either be scrapped or donated.

Councilman Cassada asked if any of the items could be used on the new restaurant side. Mr. Fivas stated we salvaged what we could. Councilman Moore stated they are very large pieces and outdated. Councilman May stated for the time and money we are spending we should not put used crap in the kitchen. Councilman Cassada then moved to approve declaring the items as surplus to be sold, scrapped or donated. The motion was seconded by Councilwoman McKenzie; and upon roll call, unanimously passed.

Mr. Fivas stated to correct the record, Cleveland Utilities requires developers to install conduit for electric and broadband services. There is no rule that the developers have to install conduit for Spectrum or AT&T. Councilwoman McKenzie asked if the city can require or encourage them to use conduit. Mr. Fivas stated he will certainly find out. Mayor Brooks stated this is a good opportunity to say going forward if you want to build a new development in the city limits you are required to use conduit no matter who you are. Councilman Goff stated the issue is companies don't want to use the conduit, so it would be good to enforce it. Mr. Fivas stated yes, staff will investigate.

ANNOUNCEMENTS

Mayor Brooks announced the following:

a. The next City Council meeting will be held on Monday, January 13, 2025

b. Holiday Schedule; City offices will be closed as follows:

- Monday, December 23, Tuesday, December 24 and Wednesday, December 25 for the Christmas Holiday. The December 23 Council meeting will be cancelled.

- Tuesday, December 31 and Wednesday, January 1, 2025 for the New Year's Holiday.

Mayor Brooks then wished everyone a very Merry Christmas.

ADJOURNMENT

There being no further business, Mayor Brooks adjourned the meeting at 4:14 p.m.

_____ _____

Mayor City Clerk

REGULAR SESSION
DECEMBER 23, 2024
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 23, 2024 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING DUE TO THE CHRISTMAS HOLIDAY.

_____ _____

Mayor City Clerk