

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, JANUARY 24, 2022 AT 3:00 P.M. AT THEIR REGULAR MEETING PLACE IN THE CLEVELAND MUNICIPAL BUILDING.

Present and presiding was Mayor Kevin Brooks. Also present were Vice Mayor Avery Johnson, Councilmen Bill Estes, Tom Cassada, David May, Jr., Dale Hughes, Ken Webb, and Councilwoman Marsha McKenzie. Others in attendance were: City Manager Joe Fivas; Shawn McKay, Assistant City Manager/CFO; Corey Divel, Assistant to the City Manager; Beverley Lindsey, Assistant to the City Manager; Christy Brandon, Assistant City Clerk; City Attorney John Kimball; Kris Miller, IT Director; Police Chief Mark Gibson; Fire Chief Bobby Gaylor; Doug Berry with the Chamber of Commerce; Joy Fleming; Amanda Peels; Lake Mantooth; Sharon Marr with Mainstreet Cleveland; Hal Taylor; Peggy Pesterfield; Dr. Russell Dyer; Charlie Cogdill; Nate Tucker; Dawn Robinson; Chris Townsend; Mary Baier and Tim Siniard with the *Cleveland Daily Banner*. Following the Pledge of Allegiance to the American Flag and prayer by Vice Mayor Johnson, the following business was then entered into:

WAIVE READING OF MINUTES

Vice Mayor Johnson moved that the City Council of the City of Cleveland waive the reading of the minutes of the Regular Session of the City Council held on January 10, 2022 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

No special presentations and public comments.

HEARING PETITIONS AND COMMUNICATIONS

No hearings petitions and communications.

CONSENT AGENDA

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

- **Final Passage – To Deny Zoning Ordinance 2021-32** – heretofore denied on first reading December 13, 2021 and found in Minute Book 30, Page 504; rezoning .36 acres, more or less, located at 1120 Valley Head Rd NW (Tax Map 34I Group B Parcel 1.00) from PUD25 Planned Unit Development Zoning District to CH Commercial Highway Zoning District (Planning Commission: Denied 9-0).
- **Final Passage - Zoning Ordinance 2022-01** – heretofore passed on first reading January 10, 2022 and found in Minute Book 30, Page 530; rezoning 1.1 acres, more or less, located at 1300 25th St NW (Tax Map 41K Group C Parcel 10.00) from PI Professional Institutional Zoning District to CG General Commercial Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Final Passage - Zoning Ordinance 2022-02** – heretofore passed on first reading January 10, 2022 and found in Minute Book 30, Page 531; rezoning 56.1 acres, more or less, located in the vicinity of Euclid Ave SE, King Edward Ave SE, 9th St SE, Cincinnati Ave SE, 4th St SE, 6th St SE, 8th St SE, Linden Ave SE and Mill St SE (Tax Map 57C N Parcel 2.00, Map 57D Group N Parcel 1.00, Map 57E Group A Parcels 1.00, 2.00 & 23.00, Map 57E Group B Parcels 12.00, 13.00, 20.00, 27.00, Map 57D Group P Parcels 2.00, 3.00, 3.01, 3.02, 6.00, Map 57D Group M Parcels 1.00, 4.00, 7.00, 7.01, Map 57D Group E Parcel 20.00, Map 57E Group G Parcel 2.00 & Map 57E Group H Parcel 1.00) from IH Heavy Industrial

Zoning District to CBD Central Business Zoning District (Planning Commission: Approved 7-0; 2 absent).

- **Final Passage - Zoning Ordinance 2022-04** – heretofore passed on first reading on January 10, 2022 and found in Minute Book 30, Page 536; zoning of about 100 acres located on Michigan Ave Rd and Wilkinson Rd NE from the unincorporated county to PUD32 Planned Unit Development Zoning District (Planning Commission: Approved 7-0; 2 absent).
- **Resolution 2022-03** – Accepting Fleeman Place Drive as a city street.

RESOLUTION 2022-03

WHEREAS, Fleeman Place-Phase Two is a townhouse development located in the City of Cleveland and is shown on a final plat recorded in the Bradley County Register of Deeds office at Plat Book 33 Page 87; and

WHEREAS, Fleeman Place Drive (approximately 485 feet in length) is a street located within this development and is depicted on this Plat; and

WHEREAS, the developer has requested that the City accept Fleeman Place Drive (approximately 485 feet in length) as a City street; and

WHEREAS, the City's engineering staff has inspected Fleeman Place Drive, is now recommending that the City accept Fleeman Place Drive as a City Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cleveland, in regular session assembled, that the City does hereby accept Fleeman Place Drive as a city street.

This 24th day of January 2022

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

- **Street Light Recommendation** – 1104 Hamilton Circle NW; Request was concerning spillover of lighting from Brad Street NW. Cleveland Utilities does not recommend upgrading or removal of the existing fixture on Brad Street NW.
- **Street Light Recommendation** – 3711 Woodcrest Circle NW; Cleveland Utilities recommends the addition of one 51-watt LED fixture and to upgrade an existing fixture to the north of the address to a 51-watt LED fixture at a cost of \$146.70.
- **Street Light Recommendation** – 1009 Willow Street NW; Cleveland Utilities does not recommend any additional lighting or replacement of existing fixtures but if desired by the Council the 2 existing HPS fixtures can be upgraded to their LED equivalent for \$146.70 per fixture.
- **Bid Report** – Mosby Park Playground.

TO: Mayor and City Council
FROM: Kristi Powers, Budget/Purchasing Coordinator
DATE: January 24, 2022
RE: Bid Summary – Mosby Park Playground Project

SUMMARY:

Sealed bids were received on January 18, 2022, for the Mosby Park Playground project. Bids are listed below:

- Playcore Wisconsin, Inc. dba
GameTime c/o Cunningham Recreation \$244,713.08
- Great Southern Recreation, LLC \$264,209.13
- Bliss Products and Services, Inc. Late Bid (Unopened)

COMMITTEE FINDINGS:

No Board or Committee findings.

FISCAL ANALYSIS:

Funds are available.

RECOMMENDATION:

Staff recommends award to Playcore Wisconsin, Inc. dba GameTime c/o Cunningham Recreation.

- **Surplus Property** – Declaring certain items as surplus property and to be sold on GovDeals.

TO: Mayor and City Council
FROM: Kristi Powers, Budget/Purchasing Coordinator
DATE: January 24, 2022
RE: Surplus Property

SUMMARY:

Fleet Management has requested the City Council declare the vehicles listed below as surplus property.

Police Department vehicles to be used for training by the Police and Fire Departments:

- 1997 Ford Crown Victoria VIN 2FALP71W0VX228339
- 2008 Ford Crown Victoria VIN 2FAFP71V58X146325
- 2004 Ford Crown Victoria VIN 2FAHP71W34X166052
- 2006 Ford Crown Victoria VIN 2FAHP71W77X114458

Public Works, Parks & Recreation and Development & Engineering vehicles to be sold on GovDeals:

- 2000 Navistar 4700 1HTSCABN1YH285807
- 1999 Chevrolet K2500 1GTGK24R6XR717313
- 2003 Ford Crown Victoria 2FAFP71W73X140737

COMMITTEE FINDINGS:

None.

FISCAL ANALYSIS:

None.

RECOMMENDATION:

City staff recommends approval of this item.

UNFINISHED BUSINESS

No unfinished business.

REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman May asked that staff take a serious look at Michigan Avenue Road improvements and begin making recommendations on how we can make the intersections at 20th Street/Michigan Avenue and Michigan Avenue/Stuart Road safer and to possibly widen Michigan Avenue or some stacking/turn lanes into the subdivisions. Mr. Fivas stated yes, staff will bring back some recommendations.

Vice Mayor Johnson stated he received a streetlight request for additional lighting or upgrade the lighting at 905 17th Street for Daunte Jackson.

Mayor Brooks stated he is reappointing Jamie Creekmore, Alma Dotson and Dr. Tiffany Sherlin to the Planning Commission for additional 3-year terms to expire January 2025.

NEW BUSINESS AND ORDINANCES

The following Resolution was then presented in full:

RESOLUTION 2022-04

A RESOLUTION TO REQUEST LEGISLATIVE ACTION ON STATE LAWS ON THE REGULATION OF SCRAP TIRES

WHEREAS, the City Council has received complaints on the excessive dumping of scrap tires on public and private property within our community; and

WHEREAS, the City Council believes that the State Legislature should review and develop a new state law to increase the criminal fines for the illegal dumping of scrap tires; and

WHEREAS, the City Council also believes that State Legislature should develop state legislation to have a cradle-to-grave regulatory program to keep track of scrap tires so that they can be tracked after they are taken off cars by commercial businesses with developed technologies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, THAT THE CITY COUNCIL IS REQUESTING

That Bradley County's state legislative delegation develop and implement legislation that will increase the fines and restitution for those who are found to illegally dump scrap tires, and to include a cradle-to-grave regulatory program to track scrap tires that are taken off cars at commercial businesses which would likely decrease the illegal scrap tire dumping due to accountability to making sure the tires get to the state required County drop off locations.

That the State of Tennessee require a business license for all tire haulers to operate in the State of Tennessee which would allow Counties and Municipalities to enforce if tire haulers are in operation without a license.

That the State of Tennessee should equalize the specifications and requirements between new tire dealers and used tire dealers in the State of Tennessee. Currently, new tire dealers are regulated and registered by the State of Tennessee as to the collection and disposal of tires but used tire dealers are not.

The City Council is also requesting that the Bradley County Commission adopt a similar resolution and request immediate action by our state legislative delegation.

That this Resolution shall become effective from and after its approval by the Cleveland City Council.

Adopted this 24th day of January 24, 2022

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilwoman McKenzie moved that Resolution 2022-04 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 2022-05

A RESOLUTION CONCERNING THE PROPOSED DONATION OF REAL PROPERTY FROM CLEVELAND DEVELOPMENT ENTERPRISES II, LLC TO THE CITY OF CLEVELAND [775 RAIDER DRIVE]

WHEREAS, Cleveland Development Enterprises II, LLC is the current owner of a parcel of land located on Raider Drive which is more specifically described in Deed Book 2615 Page 642 in the Register of Deeds office of Bradley County, and is also identified as Lot 1 of the Final Plat of the Cleveland Development Enterprises II, LLC property as shown in the Final Plat recorded on August 12, 2014 in Plat Book 30, Page 110 in the Bradley County Register of Deeds' office, and is further generally described as Tax Map 041L-C-003.00 (hereafter "the Property"), and

WHEREAS, the Property is the location of the former First Tennessee Bank Building located on Raider Drive; and

WHEREAS, Mayor Kevin Brooks had discussions in January of 2020 with Forrest Preston, the President of Cleveland Development Enterprises II, LLC, and Cleveland Development Enterprises II, LLC offered to donate this real property as a gift to the City of Cleveland with no conditions on the gift and with no stipulations as to the future use of the property; and

WHEREAS, a letter from Cleveland Development Enterprises II, LLC to Mayor Brooks dated January 28, 2020 with a proposed deed from Cleveland Development Enterprises II, LLC for the property is attached hereto and incorporated herein by reference; and

WHEREAS, Mayor Brooks has had recent discussions in 2021 with Forrest Preston, and Cleveland Development Enterprises II, LLC is still willing to donate this real property as a gift to the City of Cleveland with no conditions on the gift and with no stipulations as to the future use of the property; and

WHEREAS, the City Council of the City of Cleveland appreciates the donor's proposed gift to the City, and has performed a feasibility study on the condition of the building located on the property and the building's future use; and

WHEREAS, the City Council of the City of Cleveland appreciates the donor's proposed gift to the City, and desires to accept the gift, and the City Council does not have a pre-determined expectation that this building will be used as a City Hall.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Cleveland, Tennessee does hereby accept the donation of the Property described in the letter and the proposed deed dated January 28, 2020, with the understanding that there are no conditions on the gift and no stipulations as to the future use of the property by the City.

BE IT FURTHER RESOLVED that the Mayor and City Attorney will work with the owners to complete this transaction and as determined by the City Council.

BE IT FURTHER RESOLVED that the City Council hereby extends its sincere appreciation to Mr. Forrest Preston and Cleveland Development Enterprises II, LLC for this gift of the Property to the City of Cleveland.

BE IT FURTHER RESOLVED that once the property is under the ownership of the City, only the City Council can make current and future decisions on who is allowed to occupy this property.

BE IT FURTHER RESOLVED the City Manager shall present three or more options on how the building can be occupied within the next 30 to 75 days, and the stated goal of the City Council is to have the building being used, or under construction, for the best interest in the public within one year from this date, and after the closing of this property the City will work with Mr. Preston to obtain the parcel of property next to its boundaries.

APPROVED AS TO FORM:

/s/John F. Kimball
City Attorney

Kevin Brooks, Mayor

Shawn McKay, City Clerk

Councilman Cassada moved that Resolution 2022-05 be accepted as presented. The motion was seconded by Councilman Estes. Councilman May stated he is not opposed to accepting the building but is against moving office from downtown. He feels this resolution has some control and that won't happen. Upon roll call, unanimously passed.

ANNOUNCEMENTS

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, February 14, 2022.

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

Mayor

City Clerk