

BE IT REMEMBERED THAT THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE MET IN A REGULAR SESSION THIS MONDAY, APRIL 25, 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; Jonathan Jobe, Development and Engineering Director; Ben Berry with Berry Engineering; Mike Griffin with the Chamber of Commerce; Paulette Pugh; Aaron Weatherford; Elise Goldston; Charlie Boothe 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 April 11, 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**

Chris Townsend addressed the Council concerning the agenda item on the proposed lease/purchase of property at 70 Inman Street. He has made a request to a couple of the Councilmembers that the City Manager's full report be made available to the public prior to the 1:00 and 3:00 session so the public is informed about the topics being discussed at each meeting. The agenda and packet notes only say a property on Inman Street and the property wasn't identified. If the Council would consider making the City Manager reports available ahead of the meetings, it could be beneficial to the public at large. On Friday, he sent an email to Mayor Brooks and the City Council indicating he has purchased 140 Inman Street (Jacks Kleen Rite) and they are happy to discuss with the City any collaborative community development. Councilman Estes stated the previous owners were not amenable to do soil testing. Is that something you are agreeable to? Mr. Townsend replied, yes. They have already started the process updating phase 1 and phase 2 of environmental reports from 2016 and 2019, respectively. One finding was in the phase 2 report, which was to only register the property in the TDEC Dry Cleaner Registry. If they are able to work with the city in a collaborative measure, they would present the property free of any environmental concerns. They will follow the current soil scientist. We will remediate any potential issues that could arise down the road based on the scientists' recommendation. Councilman Estes stated it is important to protect the citizens and the City. Mr. Townsend encouraged the Council to consider looking into any possible environmental concerns for the Roy's Alternator site as well. Secondly, it was mentioned in the work session about tangible results in downtown revitalization. They have a great interest in the initiative. The question basically says we haven't seen a lot of results since the property tax increase. I would ask the Council to review the May 2019 outline from the City Manager that gave an outline of downtown revitalization and look to see if there are any timelines and how the city has responded.

#### **HEARING PETITIONS AND COMMUNICATIONS**

No hearing petitions and communications.

**CONSENT AGENDA**

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

- **Final Passage - Zoning Ordinance 2022-03** – heretofore passed on first reading January 10, 2022 and found in Minute Book 30, Page 533; Rezoning 13.00 acres, more or less, located on Cherokee Gateway Boulevard (a portion of Tax Map 56 Parcel 45.00) from CH Commercial Highway Zoning District to IL Light Industrial Zoning District (Planning Commission: Approved 7-0; 2 absent) (City Council: 1<sup>st</sup> Reading, January 10, 2022; Approved 7-0).
- **Final Passage - Zoning Ordinance 2022-07** – heretofore passed on first reading April 11, 2022 and found in Minute Book 30, Page 615; Zoning of about .51 acres of a portion of property located at 1555 Johnson Boulevard from the unincorporated county FAR to R2 Low Density Single and Multi-Family Residential Zoning District (Tax Map 58P Parcel 007.00) (Planning Commission: Approve 9-0).
- **Final Passage - Zoning Ordinance 2022-08** – heretofore passed on first reading April 11, 2022 and found in Minute Book 30, Page 625; Zoning of about 7.35 acres located at 3210 Michigan Avenue from the unincorporated county FAR to PUD36 Planned Unit Development (Tax Map 50 Parcels 014.01) (Planning Commission: Approved 4-1; 1 recused, 3 absent).
- **Final Passage - Zoning Ordinance 2022-09** – heretofore passed on first reading April 11, 2022 and found in Minute Book 30, Page 638; Zoning of about 22.69 acres located on Michigan Avenue from the unincorporated county FAR to PUD37 Planned Unit Development (Tax Map 50 Parcels 043.00) (Planning Commission: Approved 9-0).
- **Resolution 2022-35** – Supporting the designation certain streets within the City as a portion of the United States Bike Route 21 (USBR21).

**RESOLUTION 2022-35**

A RESOLUTION OF THE CITY COUNCIL OF CLEVELAND, TENNESSEE SUPPORTING THE DESIGNATION CERTAIN STREETS WITHIN THE CITY OF CLEVELAND AS A PORTION OF THE UNITED STATES BIKE ROUTE 21 (USBR 21) AND AUTHORIZING THE SIGNING OF THE USBR 21 ROUTE WITHIN THE CITY OF CLEVELAND ONCE THE ROUTE HAS BEEN DESIGNATED BY THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) AT THE REQUEST OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT)

WHEREAS bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

WHEREAS the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor crossing Tennessee to be developed as United States Bike Route 21 (USBR 21); and

WHEREAS the Adventure Cycling Association and Bike/Walk Tennessee, with the cooperation of TDOT, have proposed specific route to be designated as USBR 21, and

WHEREAS the proposed route for USBR 21 comes through Cleveland and can therefore provide benefits to our city, and

WHEREAS we have examined the proposed route shown in EXHIBIT A below and recognize it as a route selected by skilled cyclists familiar with local roadways, and we support the designation of the route so that it can be mapped and signed, thereby promoting bicycle tourism in our area,

NOW THEREFORE BE IT RESOLVED:

1. The City Cleveland hereby expresses its approval and support for the development of USBR 21, and requests that TDOT get the route officially designated by AASHTO as soon as this can be achieved.
2. The posting of signs within Cleveland right-of-way identifying the route through the City once the official designation has been made is authorized.

Approved this 25th day of April, 2022.

APPROVED AS TO FORM:

/s/John F. Kimball  
City Attorney

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

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

### **UNFINISHED BUSINESS**

No unfinished business.

### **REPORTS OF MAYOR AND COUNCIL MEMBERS**

Councilman Cassada asked if the paving schedule was still on track for May. Mr. Myers stated yes, end of May. Secondly, he asked for an update on installation of the 4<sup>th</sup> Street parking lot lights. Mr. Fivas stated that was approved at the last meeting on the consent agenda and should be installed soon. Third, he asked for an update on the Raider Drive building. Mayor Brooks stated he believes we are waiting on additional documentation. Councilman Cassada asked for a follow-up report. Lastly, we had a feasibility study for the Raider Drive building that was given to us but with the property lease/purchase at 70 Inman Street, no due diligence has been done. No environmental study. We don't continue the same path when with these items. We need to know what we are getting into and can't support the item at this time.

Councilman Hughes stated the business site at 70 Inman Street is probably the most unsightly place downtown. Ms. Gilbert had asked \$800,000 for it and now we are down to \$430,000. Sometimes you have to buy 'b' before 'a' to work. This site could generate 30 additional parking spaces and doesn't feel we can sell the Cherokee Hotel without the site. Secondly, he has had many people compliment the pickleball courts at Tinsley Park. We have local residences that have won State. It is a popular game.

Councilman Webb stated last week he met with Senator Bell and Representative Hall at the Chamber discussing some issues we have in Cleveland. The intersection at Ocoee/25<sup>th</sup> Street was discussed in detail. They were receptive to our ideas of trying to move the project along. We can help them help us by reaching out to interested parties so everyone at the State knows we have a real desire to work on the issue. The intersection is a regional issue, and the community and businesses are on board with the project. Mr. Fivas agreed to gather a packet for the Legislators to help them make the case in Nashville.

Vice Mayor Johnson stated he met with Senator Bell and Representative Hall as well and he was interested to hear about the plans for the railroad overpass. Mr. Fivas we have had some conversations with USDOT and we know the downtown transportation network needs to be modified. In the last week there has been three or four trucks stuck under the railroad bridge. We are working to make it a more pedestrian and retail friendly and the federal government has awarded us a grant on how to make the corridor work for the future. Getting the first pieces going and making it happen is a huge win that the United States Department of Transportation to buy what we are selling.

Mayor Brooks stated we continue to receive great comments about the Hot Slaw Festival, and he has forwarded an email to Mr. Fivas and Mr. Jobe about the possibility of Cleveland to be known as the Hot Slaw Capital of the World. Mr. Fivas responded if the Council votes for it.

**NEW BUSINESS AND ORDINANCES**

The following Resolution was then presented in full:

- **Resolution 2022-36** – City may consider the lease of property at 70 Inman Street.

**RESOLUTION 2022-36**

**WHEREAS**, the City Manager has had discussions with representatives of Five Point Commons and Marketplace, Inc. about the possibility of the City of Cleveland leasing and purchasing property located at 70 Inman Street East (Tax Identification Number 049M-V-004.00); and

**WHEREAS**, Five Point Commons and Marketplace, Inc. has entered into a commercial purchase and sale agreement with the current owner of the property located at 70 Inman Street East; and

**WHEREAS**, assuming the transaction is closed according to the terms of the contract between the Five Point Commons and Marketplace, Inc., and the current owner, then Five Point Commons and Marketplace, Inc. is willing to lease and sell the property to the City of Cleveland; and

**WHEREAS**, Five Point Commons and Marketplace, Inc. presented the City with the attached documents which would allow the City of Cleveland to lease and purchase the property located at 70 Inman Street, assuming the sale from the current owner is completed; and

**WHEREAS**, Five Point Commons and Marketplace, Inc. has presented the City Manager with the following attached documents pertaining to the property located at 70 Inman Street East:

- (a) Lease agreement;
- (b) Option for the purchase and sale of real estate agreement;
- (c) Assignment of commercial purchase and sale agreement.

**WHEREAS**, the City Manager is now requesting and recommending that the City Council approve of these agreements with Five Point Commons and Marketplace, Inc.; and

**WHEREAS**, the City Council desires to accept the recommendation of the City Manager and approve of these agreements with Five Point Commons and Marketplace, Inc. and to authorize the Mayor to execute the agreements 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 agreements with Five Point Commons and Marketplace, Inc. for the property located at 70 Inman Street East.

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

This 25<sup>th</sup> day of April 2022

APPROVED AS TO FORM:

/s/John F. Kimball

City Attorney

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

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

Vice Mayor Johnson moved that Resolution 2022-36 be accepted as presented. The motion was seconded by Councilman Estes. Councilman Cassada moved for a substitute motion, that the City conduct a feasibility and environmental study on the property before moving forward with the lease/purchase agreements. The motion was seconded by Councilman Hughes. Councilman Estes asked if there are any state regulations for mechanic shops, like dry cleaner businesses. Mr. Fivas stated no. Dry cleaner businesses use toxic chemicals that radiate from the ground and foundation, so they have to be cleaned up. There could be some soil contamination of oil which would be capped in place but there is nothing comparable. Councilman Cassada stated do you know there is not any contamination in the ground? Mr. Fivas replied no, I didn't say that. At the end of the day, you would have to clean it up anyway. Councilman Cassada asked what would be the cost? Mr. Fivas stated you wouldn't know until you got under the concrete. If you purchase it and dug into the soil, which you may cap in place, you probably wouldn't ever have to touch it or mitigate it. If you wanted to you would do it at that time. Councilman Hughes stated their will not be a problem purchasing it in the future, just lease it now with a chance of purchasing within a few months. Mr. Kimball replied if you approve the lease, it is for ten years with an option to buy. Councilman Estes asked if there has ever been a gas station there. Mr. Fivas replied not that we know of, that would have triggered for us to be more concerned. It appears to have only been an auto repair site. Councilman Webb stated this is a ten-year lease with no minimum lease requirement. Mr. Kimball stated the resolution is to approve all three documents and you can end the lease immediately. Mr. Fivas stated the closing of the property is this week and he does not know of any ramifications of that if we can miss our opportunity. Councilman Hughes stated this motion is to delay this until the next meeting. Mr. Fivas stated an environmental study could take months. Upon roll call on the substitute motion Councilman Cassada, Councilman Hughes and Vice Mayor Johnson voted aye. Councilman Estes, Councilman Webb and Councilman May voted no. Councilwoman McKenzie passed. The substitute motion failed 3:3:1. Mayor Brooks stated we will now vote on the original motion to approve Resolution 2022-36 be accepted. Upon roll call, Vice Mayor Johnson, Councilwoman McKenzie, Councilman Estes, Councilman May, Councilman Hughes and Councilman Webb voted aye. Councilman Cassada voted no. The motion carried 6:1.

The following memo was presented in full:

**TO: Mayor and City Council**  
**FROM: Joe Fivas, City Manager**  
**DATE: April 25, 2022**  
**RE: Purchase of Dell VxRail Hyperconverged Server/Storage System**

---

**SUMMARY:**

In 2016, the Information Technology Department completed a large server and wide area network upgrade to separate the City's Wide Area Network (WAN) from the local utility company. This created a completely stand-alone network/server infrastructure while maintaining our fiber connectivity to the 911 Center and other City locations. The money spent created an updated non-redundant network, updated server capacity, and disaster recovery storage backup location at the 911 Center. The global Covid 19 pandemic began in 2020, and we realized that we needed more capabilities including additional hardware and more bandwidth for remote workers. IT also saw a need for more redundancy in the network to help maintain stability and minimize any downtime. Storage servers purchased in 2016 were now at end-of-life and options for replacement needed to be explored. Due to ongoing cybersecurity threats including ransomware, new redundant firewalls with the latest technology were also deemed a priority.

City staff is recommending the purchase of a new Dell Server for \$673,000 and Spare Dell Switch for \$20,000. We will use a combination current budgeted funds and ARPA funds to make this purchase. We have been told to expect a cost increase in May of 10 to 15%. The current server will run out of warranty

in the next fiscal year and be out of data storage shortly after that point. If purchased, the old server will be used as other a server for other uses within the organization. The new server has a hard 5-year warranty. We intend to have the new server system up and running before July 1<sup>st</sup>.

Here is more detail on the server and switch:

**Dell VxRail Hyperconverged Server/Storage System (2)** – Replacement for end-of-life Dell Compellent Storage System. This hardware appliance is the core data server for all virtual servers/data on our network. It maintains every department’s software and data. By migrating to the Rail, it will add speed, storage space, and support, as well as improved disaster recovery with another at the 911 Center. Current system is expected to be out of storage space within the next 2-3 years and can’t be expanded due to end of life. Disaster Recovery would be much faster and more automated, reducing the risk of losing data and limiting downtime. The price of this unit has changed since last memo due to reevaluation of expansion needed for long term use as well as Dell price increase. Continuous supply issues will cause server pricing to increase. This total also includes professional services for assistance in installation. \$673K

**Spare Dell N3248P-ON Switch (2)** – Spare network switches for disaster recovery. Currently spares have 9-month lead time. \$20K

**COMMITTEE FINDINGS:**

No Committee or Board action.

**FISCAL ANALYSIS:**

The purchase of a new Dell Server for \$673,000 and Spare Dell Switch for \$20,000. We will use a combination current budgeted funds and ARPA funds to make this purchase.

**RECOMMENDATION:**

City staff recommends approval of this item.

Councilman Cassada moved that the IT Department move forward with purchase of the server utilizing ARPA funds. The motion was seconded by Councilman Webb; and upon roll call, unanimously passed.

**ANNOUNCEMENTS**

Mayor Brooks announced the following:

- The next City Council meeting will be held on Monday, May 9, 2022.

There being no future business the meeting was adjourned at 3:40 p.m.

---

Mayor

---

City Clerk