



City of Bartlett
A. Keith McDonald, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, NOVEMBER 10, 2020 - CONFERENCE CALL - 6:00 PM

ATTENDANCE

Mayor A. Keith McDonald: Present, Alderman W.C. Pleasant: Present, Alderman Emily Elliott: Present, Alderman David Parsons: Present, Alderman Bobby Simmons: Present, Vice Mayor Jack Young: Present, Alderman Paula Sedgwick: Present.

INVOCATION

Opening Prayer by Alderman Jack Young

FUTURE MEETINGS

Parks and Recreation Advisory Board, November 12 at 7 p.m.

Bartlett Arts Council, November 17 at 6 p.m.

Beer Board, December 1 at 6 p.m.

Bartlett Station Commission, December 2 at 7:30 a.m.

City Beautiful Commission, December 3 at 6:30 p.m.

Family Assistance Commission, December 7 at 6 p.m.

RECOGNITIONS

*****Official Business of the Day*****

VIRTUAL MEETINGS CONTINUATION

Virtual Board of Mayor and Aldermen meetings and Boards and Commissions meetings during the months of November and December. (A. McDonald, Mayor)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Parsons, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

MINUTES ACCEPTANCE

Minutes of the October 27, 2020 Board of Mayor and Aldermen Regular Meeting

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Bobby Simmons, Alderman
SECONDER:	Emily Elliott, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

PUBLIC HEARING

Individuals will have a maximum of three minutes to speak either for or against the item, with a total of 20 minutes for each side.

- I. Ordinance 20-05, an ordinance to rezone from O-C to C-L property located at 6165 Stage Road.

Ms. Brenda Solomito Basar, representative for the applicant, made a presentation highlighting Zaxby's plan to address the neighborhood concerns of: increased traffic volume, noise and light pollution, rights-of-way of emergency personnel and property values.

Mr. Shawn Massey, representative for the land owner, stated he is trying to sale or lease the property and attract business to Bartlett.

In Favor:

City Clerk, Penny Medlock, stated she had received eight favorable petitions for Ordinance 20-05, which are on file in the City Clerk's office. Mrs. Medlock read into record the favorable statement submitted by Lindsay Johnson, 5940 Hickory Grove Lane, "Mr. Mayor, I moved to Bartlett 3 years ago. I was a previous resident of Arlington. We moved to Bartlett because I did most of my shopping and dining in Bartlett. I did not like that my tax dollars were not being utilized where I resided. With that said, I still drive to surrounding cities when I can not get a product in Bartlett. One of the business that I support is Zaxby's in Lakeland, Cordova, and Millington. I would appreciate it if you would approve the zoning and move forward with the plans to allow Zaxby's to build on Elmore and Stage Road. I will be happy to support this business in Bartlett." [Sic]

In Opposition:

City Clerk Medlock stated she had received 77 petitions in opposition of Ordinance 20-05, which are on file in the City Clerk's office. Mrs. Medlock read into record, or permitted attendees to speak, in the order in which the requests were received.

Mrs. Medlock read the following statements in opposition:

Shirley Henderson, 6051 Surrey Hollow Cove, "I am not in favor of a fast food restaurant being built on the corner of Stage & Elmore Park. The plans call for entry & exit on Elmore Park this intersection is hard enough to get in & out of with the traffic now. It will be a mess if cars are trying to leave this place & get back to Stage going east & west. There are large beautiful trees that will probably have to come down & Bartlett is called "tree city" so I guess we will lose those. Our neighborhood does not need the increase in traffic or the other things that fast food places bring." [Sic]

David Collier, 2831 Elmore Park Rd, "Changing this location from an office type building to a fast food restaurant will create a traffic back up on Stage and Elmore Park Rd.. To enter the drive through Stage Rd. will stop traffic, turning on to Elmore Park rd., trying to leave Zaxby's will stop traffic as well! Elmore Park Rd. is just a 2 lane road it is not set up for this large amount of traffic. This is a bad idea! There are many other locations in Bartlett with easy access to main roads. This is also a school bus route that backs up on Elmore Park Rd, every school day in the afternoon. Thank you for your time, I hope you make the right decision." [Sic]

Lisa and James Harnage, 2839 Elmore Park Rd., "PLEASE, do not let this happen!!!! We live at 2839 Elmore Park Rd. We are the fourth house behind the mentioned property. We already have so much traffic as it is, and the last thing we need is more to block our street. If the building is going to be rebuilt in any way, we will also have an even worse flooding problem for our properties. When Kinko's was built there, our drainage problems became a nightmare for everyone on this side of Elmore Park Rd. Every time it rains our backyards are completely under water. Our neighbors have been in contact with Bartlett about this problem, with NO help from Bartlett at all. We need this issue addressed and if this restaurant goes in, our properties are in some serious trouble. We also do not need another chicken place so close to the others we already have, not to mention the smell and noise that comes with it. There are several other empty buildings they could occupy, PLEASE NOT THIS ONE!!!! WE DON'T APPRECIATE this at all!!! Thanks for letting our property values go rock bottom, we thought Bartlett cared about their residents, but I guess ANOTHER unhealthy place to eat is the ONLY thing our leaders of Bartlett care about!!!!" [Sic]

Donna Robbins, 6104 Camelia Lane, spoke against the proposed re-zoning. Ms. Robbins expressed concerns over the absence of sidewalks and for safety of the many children and jay walkers in the neighborhood. She expressed concerns of the increased traffic and direction/flow of traffic and excessive trash. She disagreed with Ms. Basar on the location of Zaxby's not decreasing property values. She also disagreed that the neighbors would welcome a sit down restaurant as opposed to drive-thru.

Raymond Powell, 6112 Camelia Lane. Mr. Powell spoke against the proposed re-zoning. His primary concern was the accessibility of emergency personnel and equipment.

Peggy Taylor, 2765 Surrey Park Drive. Ms. Taylor spoke against the proposed re-zoning. Ms. Taylor stated that between October 26 and October 30, she counted no less than five

emergency calls in her neighborhood. She believes that jay walking on Stage Rd. would be multiplied. She said that a traffic study has not been done, and will not be conducted, but feels there will be more traffic with more deaths and wrecks.

*Pam Crawford, 6022 Camelia Lane. Ms. Crawford spoke against the proposed re-zoning. Ms. Crawford gave TDOT traffic statistics for this location. She stated between the hours of 11 a.m. and 1 p.m., this location averages 595 vehicles and between the hours of 6 p.m. - 7 p.m., 197 vehicles. From 2009 - 2019, from 7 a.m. - 7 p.m. there are 2655 vehicles daily and never less than 150 per hour. She stated that Zaxby's business is comprised of 81 percent drive-thru patronage.

Annmarie Ghio, 6096 Ivanhoe, "I am emailing about the vote on September 22 regarding the zoning change for Zaxby's. Please vote no. I don't mind a restaurant with unique and authentic food, but we don't need another fried chicken fast food restaurant. Two more are literally seconds away. And the traffic at that intersection can already be too much, especially making a left hand turn off of Stage onto Elmore Park right by this location. I work and live in Bartlett off of Stage Road within in minutes of this intersection. I love the new lights, by the way. Very modern and clean. Please carefully consider this area and the direction you want it to take. More buffets, more fast food? We have enough. Shopping and other businesses that will bring not only more families to our area, but consumers as well. Another fried chicken restaurant is not the answer. Thank you for your consideration." [Sic]

*Diane Barlow, 6113 Camelia Lane. Ms. Barlow spoke against the proposed re-zoning. Her main concerns were traffic issues.

Linda Gibson, 6063 Camelia Lane. Ms. Gibson spoke against the proposed re-zoning. She has a family member with stage four kidney cancer and her concerns were the accessibility of emergency equipment and personnel.

Adjourned at 6:53 p.m.

2. Ordinance 20-06, an ordinance amending Title 3, Chapter 3, Section 3-402, Court Costs; Imposition of fines, penalties and costs, of the Code of Ordinances of the City of Bartlett, Tennessee.

No one spoke for or against Ordinance 20-06.

Adjourned at 6:54 p.m.

3. Ordinance 20-07, an ordinance amending Ordinance 92-5 and Title 20, Chapter 3, Parkland Dedication and Development Fee Ordinance, Section 20-305, Collection and Disbursement of Payments, of the Code of Ordinances of the City of Bartlett, Tennessee.

No one spoke for or against Ordinance 20-07.

Adjourned at 6:55 p.m.

UNFINISHED BUSINESS

I Third Reading of Ordinance 20-05, an ordinance to rezone from O-C to C-L property located at 6165 Stage Road. (Kim Taylor, Director of Planning and Economic Development)

Director of Planning, Kim Taylor, stated that the C-L zoning is the least intensive of the commercial zonings. Alderman Elliott inquired of Ms. Basar if 6605 Stage Rd. had been considered. Ms. Basar stated that it had, but did not meet Zaxby's criteria. Mayor McDonald and City Attorney, Ed McKenney stated that the discussion should be centered around the re-zoning and not the proprietor.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Emily Elliott, Alderman
SECONDER:	Bobby Simmons, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

2 Third Reading of Ordinance 20-06, an ordinance amending Title 3, Chapter 3, Section 3-402, Court Costs; Imposition of fines, penalties and costs, of the Code of Ordinances of the City of Bartlett, Tennessee. (Mark Brown, Chief Administrative Officer)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Emily Elliott, Alderman
SECONDER:	Paula Sedgwick, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

3 Third Reading of Ordinance 20-07, an ordinance amending Ordinance 92-5 and Title 20, Chapter 3, Parkland Dedication and Development Fee Ordinance, Section 20-305, Collection and Disbursement of Payments, of the Code of Ordinances of the City of Bartlett, Tennessee. (Mark Brown, Chief Administrative Officer)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	Emily Elliott, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

4 Second Reading of Ordinance 20-08, an ordinance amending Title 20, Chapter 1, Section 20-101, Air Pollution Control Code, of the Code of Ordinances of the City of Bartlett, Tennessee. (Mark Brown, Chief Administrative Officer)

RESULT:	APPROVED ON SECOND READING [UNANIMOUS]	Next: 12/8/2020 6:00 PM
MOVER:	Jack Young, Vice Mayor	
SECONDER:	David Parsons, Alderman	
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick	

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	W.C. Pleasant, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

- 1 Special event permit for Christmas in Bartlett, Market & Festivities. (Jim Brown, Director of Code Enforcement)**
The event will be held on Friday, December 11 from 4:00 p.m. to 8:00 p.m. and Saturday, December 12 from 8:00 a.m. to 5:00 p.m. at Freeman Park.
- 2 Change order for W. J. Freeman Park Project Phase 3. (Shan Criswell, Director of Parks and Recreation)**
Respectfully recommend accepting Change Order #5 from the B & B Specialty Contractors, Inc. to complete the installation of the multipurpose field lighting for W. J. Freeman Park Project Phase 3. The change order will increase the amount of the project \$29,920.52. Funds are available in Account 311.48311.780.51401.
- 3 Bid for one super cab pickup truck. (Rick McClanahan, Director of Engineering)**
Recommend accepting the lower bid from Lonnie Cobb Ford at a cost of \$29,190.00. Funds are available in Account 510.51400.935.
- 4 Minimum bond subdivision contract for Walker Farms Phase 2. (John Horne, Assistant Director of Engineering)**
The developer, Regency Homebuilders LLC., has delivered written request for the subdivision contract to be written for the minimum bond, meeting all requirements. On July 28, 2020, the Board of Mayor and Alderman gave final approval of Ordinance 20-02 regarding new minimum bond requirements. The developer will pay \$55,072.75 in City fees. The minimum bond is set at \$251,105.02.
- 5 Authorization to auction surplus property. (Dick Phebus, Director of Finance)**
Twelve items have been identified as having a potential auction-value of \$500 or more and will be auctioned on GovDeals.com.

NEW BUSINESS**I Resolution 36-20, a resolution to amend the Debt Management Policy of the City of Bartlett, Tennessee. (Dick Phebus, Director of Finance)**

Director of Finance, Dick Phebus, stated that this reading is to introduce the amendments and to set the public hearing for December 8, 2020. The first amendment is regarding debt affordability on page 8. It would change to 3 percent of the full market value of taxable property. This increases our debt limit to \$343 million. The second item is on page 13, "demonstrated" is changed to "estimated" and the last sentence which allows for more flexibility in placement of debt. The third item is required by the Municipal Rule Making Board which added two material events on pages 14 and 15. The last revision is review of policy. Allows to make changes at any time of year.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Parsons, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

2 Resolution 37-20, a resolution to amend the Fiscal Year 2021 Bartlett City Schools Education Capital Project Fund and General Purpose School Fund. (Dick Phebus, Director of Finance)

Mr. Phebus explained that this resolution is submitted by the Bartlett City Schools for a personnel adjustment to allow for employees to receive a one-time bonus plus benefits. It also provides for a \$350,000 roof replacement to be reimbursed by Shelby County.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	Emily Elliott, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

OPEN DISCUSSION

Ms. Crawford and Ms. Barlow thanked the Board of Mayor and Alderman for denying the passage of Ordinance 20-05.

ADJOURNMENT

Meeting adjourned at 7:19 PM