



City of Bartlett
A. Keith McDonald, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING AGENDA

TUESDAY, SEPTEMBER 10, 2013 - COUNCIL CHAMBER - 7:00 PM

INVOCATION

Opening Prayer by Kelly Smith, Providence Baptist Church

FUTURE MEETINGS

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

Historic Preservation Commission, September 16 at 7 p.m.

BPACC Advisory Board, September 17 at 6 p.m.

Bartlett Arts Council, September 17 at 7 p.m.

Design Review Commission, September 17 at 7 p.m.

RECOGNITIONS

Volunteers in Police Service (VIPS) Recognition (Gary Rikard, Chief of Police)

Official Business of the Day

MINUTES ACCEPTANCE

Minutes of the August 27, 2013 Board of Mayor and Aldermen Regular Meeting

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.

1. Ordinance 13-12, an ordinance to Rezone from O-R-1, SC-1 to RS-12 Property on the Northwest Side of Highway 70, approximately 350-feet Northeast of Summerdale Drive.
2. Resolution 14-13, a resolution approving a Special Use Permit for an assisted living facility to be located on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale.

3. Progress report for the Plan of Services for Areas annexed December 31, 2012.

UNFINISHED BUSINESS

- 1 **Third Reading of Ordinance 13-12, an ordinance to Rezone from O-R-1, SC-1 to RS-12 Property on the Northwest Side of Highway 70, approximately 350-feet Northeast of Summerdale Drive. (Terry Emerick, Director of Planning and Economic Development)**
- 2 **Resolution 14-13, a resolution approving a Special Use Permit for an assisted living facility to be located on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale. (Terry Emerick, Director of Planning and Economic Development)**

CONSENT AGENDA

- 1 **Special event permit for Tennessee Baptist Children's Home Fall Festival. (Jim Brown, Director of Code Enforcement)**

The event will be held on Saturday, October 19, 2013 from 9 am to 2 pm on the children's home campus.

- 2 **Special event permit for Mountain Bike Endurance Race "12 Hrs of Stank." (Jim Brown, Director of Code Enforcement)**

The event will be held on Saturday October 5, 2013 from 8 am to 10 pm at Nesbit Park.

- 3 **Special event permit for 5K Run/Walk for One Less. (Jim Brown, Director of Code Enforcement)**

The event will be held on Saturday, November 9, 2013 from 9 til 10:30 am at Faith Baptist Church.

- 4 **Annual contribution to the County's Household Hazardous Waste Collection Facility. (Bill Yearwood, Director of Public Works)**

Approve yearly contribution of \$20,000 to waste facility, as approved in Resolution 43-05. Funds are available in account 122.48122.899.

5 MATA Bus Shelter Installation Project. (Rick McClanahan, Director of Engineering)

Request authorization to enter into a contract with MATA for the installation of two bus shelters. The City will be responsible for 20 percent of the purchase costs and 100 percent of the installation costs, which equals \$5,500. Funds are available in account 121.48121.975.

6 Planning Commission report for September 2013. (Terry Emerick, Director of Planning and Economic Development)

NEW BUSINESS

1 Appoint Matt Meador to Parks and Recreation Advisory Board. (A. McDonald, Mayor)

2 Set a Public Hearing for October 8, 2013 for Resolution 15-13, A Resolution Approving a Special Use Permit for Sale of Used Video Games in a Retail Store Named "Game Xchange", 6832 and 6836 Stage Road. (Terry Emerick, Director of Planning and Economic Development)

3 Set a Public Hearing for October 8, 2013 for Resolution 16-13, a Resolution Approving Amendments to the Planned Development Walker Farms PD. (Terry Emerick, Director of Planning and Economic Development)

4 Resolution 19-13, a initial resolution authorizing the issuance of not to exceed two million three hundred thirty thousand dollars (\$2,330,000) General Obligation Public Improvement Bond and not to exceed one million four hundred ten thousand dollars (\$1,410,000) water and sewer revenue and tax bonds of the City of Bartlett, Tennessee. (Dick Phebus, Director of Finance)

5 Resolution 20-13, a resolution of the City of Bartlett, Tennessee, authorizing the issuance of interest bearing equipment acquisition capital outlay notes, Series 2013, in an amount not to exceed \$770,500, and providing for the payment of said notes. (Dick Phebus, Director of Finance)

6 First Reading of Ordinance 13-13, an ordinance to amend the City's Occupational Safety and Health Program Plan as referenced throughout Codified Ordinance Title 4, Chapter 2 to add a section titled Discrimination Investigations and Sanctions. (Peter Voss, Director of Personnel)

The public hearing to be set for October 8, 2013.

- 7 First Reading of Ordinance 13-14, an ordinance adding a new section to Title 8, Chapter 3, Beer, of the Codified Ordinances of the City of Bartlett, Tennessee to allow the issuance of special event beer permits. (Ed McKenney, City Attorney)**

The public hearing to be set for October 8, 2013.

OPEN DISCUSSION

ADJOURNMENT



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

AGENDA ITEM

Meeting: 09/10/13 07:00 PM

Department: Police

Category: Presentation

Prepared By: Penny Medlock

Department Head: Gary Rikard

Volunteers in Police Service (VIPS) Recognition

Chief Gary Rikard respectfully requests to recognize the following individuals as part of the new VIPS program: Carolyn Borden, Ken Chorce, Deb Dedrick, Kim Dyer, Elaine McKinney, Tommie Moore, Cindy Rickert, Susan Smith and Jason Sykes.



City of Bartlett

A. Keith McDonald, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, AUGUST 27, 2013 - BARTLETT CITY HALL - 7:00 PM

CALL TO ORDER

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: Absent.

INVOCATION

Opening Prayer by Danny Sinquefield, Faith Baptist Church

FUTURE MEETINGS

Planning Commission, September 3 at 7 p.m.

Bartlett Station Commission, September 4 at 7:30 a.m.

City Beautiful Commission, September 5 at 7 p.m.

Family Assistance Commission, September 9 at 7 p.m.

Bartlett Historical Society, September 9 at 7 p.m.

RECOGNITIONS

Ovarian Cancer Awareness Month

Mayor proclaimed the month of September as Ovarian Cancer Awareness Month in the City of Bartlett. On September 21 there will be a 5K run in Cancer Survivors Park in Memphis in honor of Ovarian Cancer Awareness Month.

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

MINUTES ACCEPTANCE

Minutes of the August 13, 2013 Board of Mayor and Aldermen Regular Meeting

Minutes Acceptance: Minutes of Aug 27, 2013 8:00 PM (MINUTES ACCEPTANCE)

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

Minutes of the August 22, 2013 Board of Mayor and Aldermen Special Called Meeting

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

UNFINISHED BUSINESS

- I **Second Reading of Ordinance 13-12, an ordinance to Rezone from O-R-1, SC-1 to RS-12 Property on the Northwest Side of Highway 70, approximately 350-feet Northeast of Summerdale Drive. (Terry Emerick, Director of Planning and Economic Development)**

The public hearing will be held September 10, 2013.

RESULT: APPROVED ON SECOND READING [UNANIMOUS] Next: 9/10/2013 7:00 PM
MOVER: Jack Young, Vice Mayor
SECONDER: Bobby Simmons, Alderman
AYES: Pleasant, Elliott, Parsons, Simmons, Young

CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Bobby Simmons, Alderman
SECONDER: W.C. Pleasant, Alderman
AYES: Pleasant, Elliott, Parsons, Simmons, Young

- I **Special event permit for Hunters Walk Subdivision Annual Yard Sale (Jim Brown, Director of Code Enforcement)**
This event will be held on Saturday October 5, 2013 from 6:00 am to 2:00 pm at each residential location in the subdivision.
- 2 **Special event permit for Spirit Halloween Retail Store (Jim Brown, Director of Code Enforcement)**
The event will be held from September 10 thru November 10, 2013 from 10 a.m. to 7 p.m. daily at 6600 Stage Rd Suite 134-135. This is a retail store to sell seasonal items for Halloween.

Minutes Acceptance: Minutes of Aug 27, 2013 8:00 PM (MINUTES ACCEPTANCE)

- 3 Authorization to purchase a Patch Server. (Dick Phebus, Director of Finance)**
Request authorization to purchase a patch server from CDWG for a total cost of \$17,961.85. Funds are available in account 123.48123.933.
- 4 Purchase of Mobile Automatic License Plate Readers. (Gary Rikard, Chief of Police)**
Request to purchase two mobile automatic license plate readers from 3M at a total cost of \$35,380.00. 3M is a sole source provider. Funds are available in account 124.481.931.
- 5 Bid for Basketball Uniforms - 2013 (David Thompson, Director of Parks and Recreation)**
Recommend accepting the lowest bid from **Think Threads** at a cost of \$16,267 for 225 youth and 345 adult uniforms. Funds are available in account 11044200.335.
- 6 Bid for Shadowlawn Road Sewer Extension, Phase I-A. (Rick McClanahan, Director of Engineering)**
Recommend accepting the lowest bid from Encor, LLC in the amount of \$165,630.00, plus a contingency amount of \$20,000 for a total cost of \$185,630.00. Funds are available in account 312.48312.770.8114.

NEW BUSINESS

- I Resolution 18-13, a resolution to delete uncollectible business license taxes, interest, penalties and associated costs from the City of Bartlett financial records. (Dick Phebus, Director of Finance)**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bobby Simmons, Alderman
SECONDER:	W.C. Pleasant, Alderman
AYES:	Pleasant, Elliott, Parsons, Simmons, Young

- 2 Resolution 19-13, a initial resolution authorizing the issuance of not to exceed two million three hundred thirty thousand dollars (\$2,330,000) General Obligation Public Improvement Bond and not to exceed one million four hundred ten thousand dollars (\$1,410,000) water and sewer revenue and tax bonds of the City of Bartlett, Tennessee. (Dick Phebus, Director of Finance)**

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

3 Resolution 20-13, a resolution of the City of Bartlett, Tennessee, authorizing the issuance of interest bearing equipment acquisition capital outlay notes, Series 2013, in an amount not to exceed \$770,500, and providing for the payment of said notes. (Dick Phebus, Director of Finance)

Mr. Phebus explained that this note will fully fund the capital purchases in the Fiscal Year 2014 Budget. The interest rate for these notes is 2.13 percent.

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

OPEN DISCUSSION

ADJOURNMENT

Meeting adjourned at 7:11 PM

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Attest: _____
 Stefanie McGee, City Clerk

Minutes Acceptance: Minutes of Aug 27, 2013 8:00 PM (MINUTES ACCEPTANCE)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

ORDINANCE (ID # 1040)

Meeting: 09/10/13 07:00 PM

Department: Planning and Economic Development

Category: Zoning

Prepared By: Kim Taylor

Initiator: Terry Emerick

Sponsors:

DOC ID: 1040

Ordinance 13-12, an ordinance to Rezone from O-R-1, SC-1 to RS-12 Property on the Northwest Side of Highway 70, approximately 350-feet Northeast of Summerdale Drive.

WHEREAS, an application has been received to rezone property described herein from O-R-1 and a section of SC-1 to RS-12; and

WHEREAS, a public hearing was held before this body on the 10th day of September, 2013, and notice thereof published in *The Bartlett Express*,

NOW, THEREFORE, be it ordained by the Board of Mayor and Aldermen of the City of Bartlett:

SECTION 1. The property described as follows is hereby rezoned from O-R-1, SC-1 to RS-12.

Description of a portion of the St. Elmo Associates property described in Instrument No. CX8320 in the Shelby County Register's Office (S.C.R.O.), said portion consisting of parcel B0158 00025 and a part of parcel B0158 00252, said portion currently zoned O-R-1 and SC-1, and proposed to be rezoned RS-12 and being more particularly described by metes and bounds as follows:

Beginning at a point in the centerline of U.S. Highway 70, said point being located 1,397.67 feet from the centerline intersection of said U.S. Highway 70 and Appling Road as measured along centerline of said U.S. Highway 70; thence along the centerline of said U.S. Highway 70 South 42° 12' 46" West 595.73 feet to a point; thence North 59° 05' 24" West 421.86 feet to a point; thence North 86° 40' 17" West 106.02 feet to a point, said point being the southwest corner of the Jasper E. and Jimmie J. Rainey property as described in Instrument No. M3-9342 in the S.C.R.O.; thence along the east line of said Rainey property North 04° 30' 15" East 432.89 feet to a point; thence South 80° 07' 40" East 240.23 feet to a point; thence North 03° 39' 14" East 29.75 feet to a point; thence South 86° 39' 59" East 89.03 feet to a point; thence North 42° 23' 36" East 97.38 feet to a point; thence North 87° 23' 36" East 140.10 feet to a point; thence South 47° 36' 24" East 407.57 feet to the POINT OF BEGINNING and containing 8.962 acres (390,399 square feet).

SECTION 2. SEVERABILITY – Should any provision or part of this Ordinance be rendered void or unenforceable by any court of law, statute or other authority, the rest and remainder of this Ordinance shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE – This Ordinance shall be effective from and after its final passage, the public welfare requiring it.

First Reading: August 13, 2013
Second Reading: August 27, 2013
Third Reading: September 10, 2013

W. C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Stefanie McGee, City Clerk

HISTORY:

08/13/13 Board of Mayor and Aldermen **APPROVED ON FIRST READING**
Next: 08/27/13

08/27/13 Board of Mayor and Aldermen **APPROVED ON SECOND READING**
Next: 09/10/13

The public hearing will be held September 10, 2013.



FISHER &
ARNOLD, INC.

July 1, 2013

Mr. Terry Emerick, Director
Planning & Economic Development
City of Bartlett
6382 Stage Road
Bartlett, Tennessee 38134

**RE: Rezoning Application
Highway 70 Property**

Dear Terry:

Fisher & Arnold, Inc., on behalf of Foster Hospitality Group, hereby makes application requesting approval to rezone parcel B0158 00025 and a portion of parcel B0158 00252, said properties currently zoned O-R-1 and totaling 6.889 acres. The purpose for this request is to rezone the O-R-1 portion of this property to RS-12 to allow development of an assisted living facility. While there are several zonings which allow an assisted living with a special use permit, we have chosen to request this area be rezoned to RS-12 due to its being more compatible with the surrounding land uses. Many view an assisted living as a commercial use; however, in reality, it is more of a hybrid residential use. The architectural design of the assisted living structure will be residential in style, and the use is certainly residential.

In association with this request, please find attached seventeen (17) copies of the following documents and/or supporting material: Cover Letter, Application for Rezoning, Proposed Rezoning Plot Plan with Legal Description, Conceptual Site Plan, Architectural Rendering, and Vicinity Map (with and without notification names). Additionally please find enclosed a check made payable to the City of Bartlett in the amount of \$594.45 for the application fee, one set of mailing labels, and transparencies of the Rezoning Plot Plan, Conceptual Site Plan and Vicinity Map. A traffic analysis will be submitted to the City Engineer at least two weeks prior to the Planning Commission meeting.

If you need any additional information or have any questions, please let us know. We look forward to working with Town staff as this application proceeds toward the August 5th Planning Commission.

Sincerely,

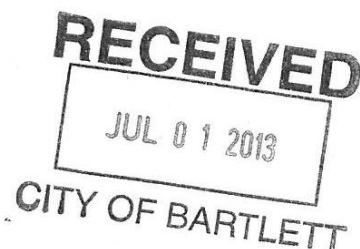
Fisher & Arnold, Inc.

Michael Rogers, PE, RLS, LEED AP BD+C, CPESC

Attachments

Cc: Mr. Chuck Wentz, Foster Hospitality Group
Mr. Eddie Tims, AIA

9180 Crestwyn Hills Dr.
Memphis, TN 38125
(901) 748-1811
(888) 583-9724
fax: (901) 748-3115
www.fisherarnold.com



Attachment: Zoning application (1040 : Rezoning for Assisted Living)

Bartlett Planning and
Economic Development Department
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Application for Rezoning to the Bartlett Planning Commission

Consultation with the staff is encouraged prior to the completion of this application form.

Requested Zoning RS-12

Property Address N/W side of Hwy 70, approx. 350' northeast of Summerdale

Present Zoning O-R-1

Owner/Developer Contact Charles "Chuck" Wente Phone (417) 831-0174

Company Name Foster Hospitality Group Fax (417) 831-1873

Address 426 S. Jefferson, Suite 300 - Springfield, MO 65806

Architect Contact Eddie Tims Phone (417) 838-3949

Company Name Eddie Tims, AIA Fax (417) 831-1873

Address 426 S. Jefferson, Suite 300 - Springfield, MO 65806

Engineer Contact Michael Rogers Phone (901) 748-1811

Company Name Fisher & Arnold, Inc. Fax (901) 748-3115

Address 9180 Crestwyn Hills Drive - Memphis, TN 38125

Submitted by Michael Rogers
(printed name) (signature) (date)

ST. CLAY ASSOCIATES
I, Dr. Dennis Vangelos, owner(s) of the property, hereby authorize the filing of this application.
MANAGING PARTNER

X Attach a checked-off "Rezoning Checklist" and all items required therein.

MDR Acknowledge (by initials in the blank to the left) that the "Application Instructions: Planning Commission" were obtained and read prior to submitting this application.

X Include a fee with this application (check payable to the City of Bartlett) of \$500.00 for five (5) acres or less, plus \$50.00 per acre (after the first five) to a maximum of \$3,000.00

Information to be entered by City staff only:

Resubmittals

(See "Application Instructions: Planning Commission.")

Resubmittal Description	Required Resubmittal Date/Time	Staff Initials
	____ a.m./p.m. on _____	
	____ a.m./p.m. on _____	
	____ a.m./p.m. on _____	

**Bartlett Planning and
Economic Development Department**
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Rezoning Checklist

Plot Plan And Legal Description (each parcel, if more than one)

- ☒ Plot plan, drawn to scale, showing the following information for each parcel (several parcels may be included on one sheet):
- ☒ Adjoining public street rights-of-way
 - ☒ Area (acres)
 - ☒ Present zoning
 - ☒ Requested zoning, including purpose (attach statement, one page maximum)
 - ☒ Area in which buildings are proposed to be located, showing setback dimensions from line.
 - ☒ Drainage
 - ☒ Driveways
 - ☒ Parking area
 - ☒ Buffer planting areas
 - ☒ Type and location of any easements
 - ☐ Other pertinent information as required through staff consultation.
- ☒ Legal description (may be attached to plot plan).
- ☒ One (1) 8 1/2" x 11" transparency of the plot plan, for use with an overhead projector.

Vicinity Map

- ☒ Vicinity map, drawn to a convenient scale, showing the subject property and all parcels within a 1,000-foot radius. Every parcel shall indicate owner's name and the streets, roads or alleys that each parcel fronts upon.

- ☒ One (1) 8 1/2" x 11" transparency of the vicinity map, for use with an overhead projector.

Property Owners

- ☒ List of all property owners within 1,000 feet or a minimum of fifty (50) property owners, whichever results in the greater number of owners. A xerographic copy of the mailing labels may serve as the list.
- ☒ Self-adhesive mailing labels for the list of property owners (two sets).

Sign to be Erected

The party requesting the rezoning must place a 4' x 4' sign on the property at least fifteen (15) days before a public hearing at the Planning Commission level and Board of Mayor and Aldermen level.

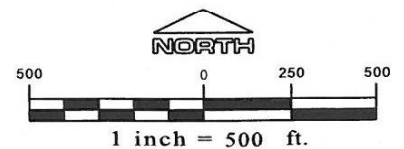
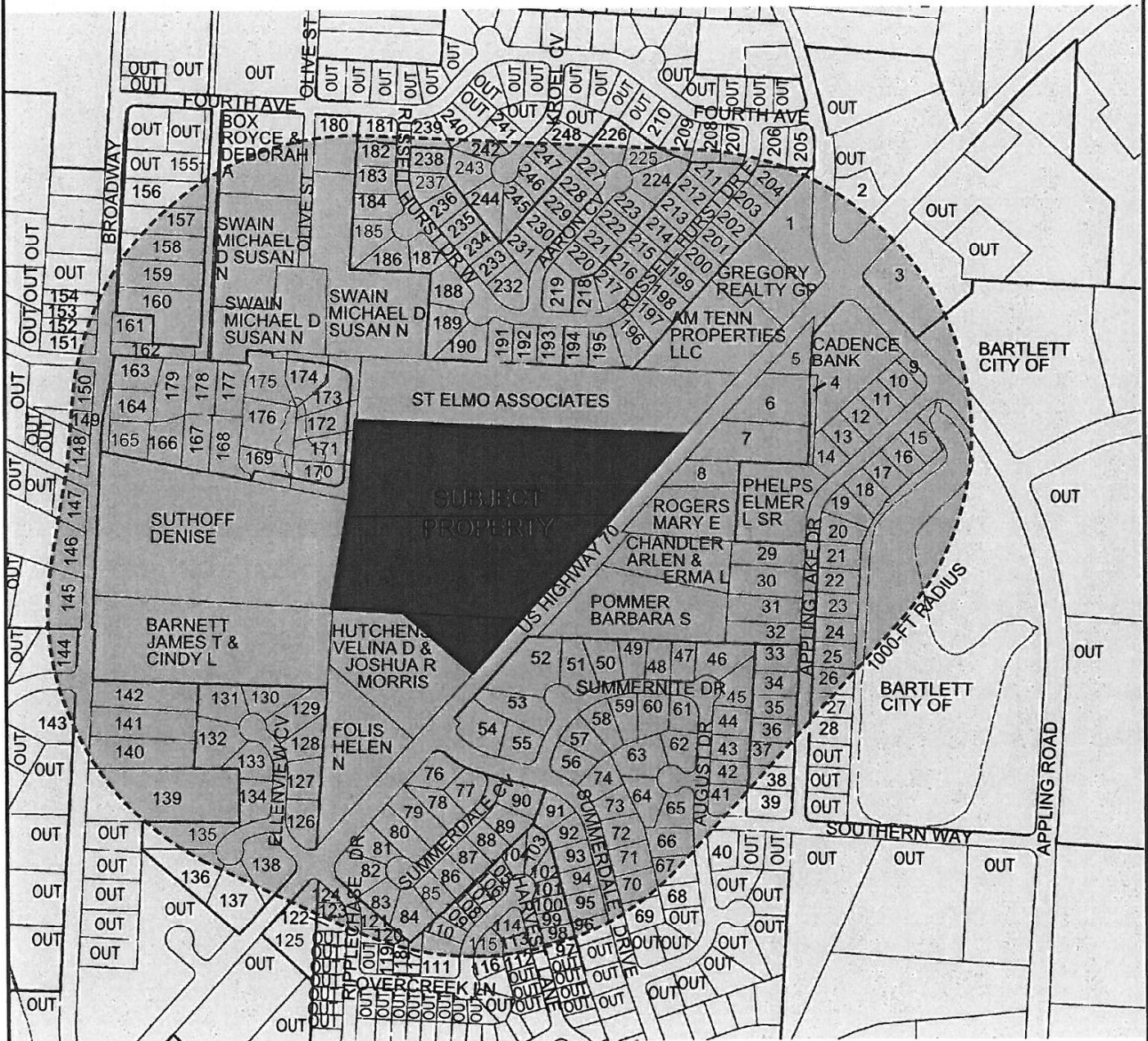
The sign shall clearly state

- the existing and proposed zoning of the tract;
- the name, address, and phone number of the party requesting the rezoning;
- the time and date of the public hearing; and
- the telephone number of the Bartlett Planning Department.

The location of the sign on the property is subject to approval by the Planning Department.

Re-application

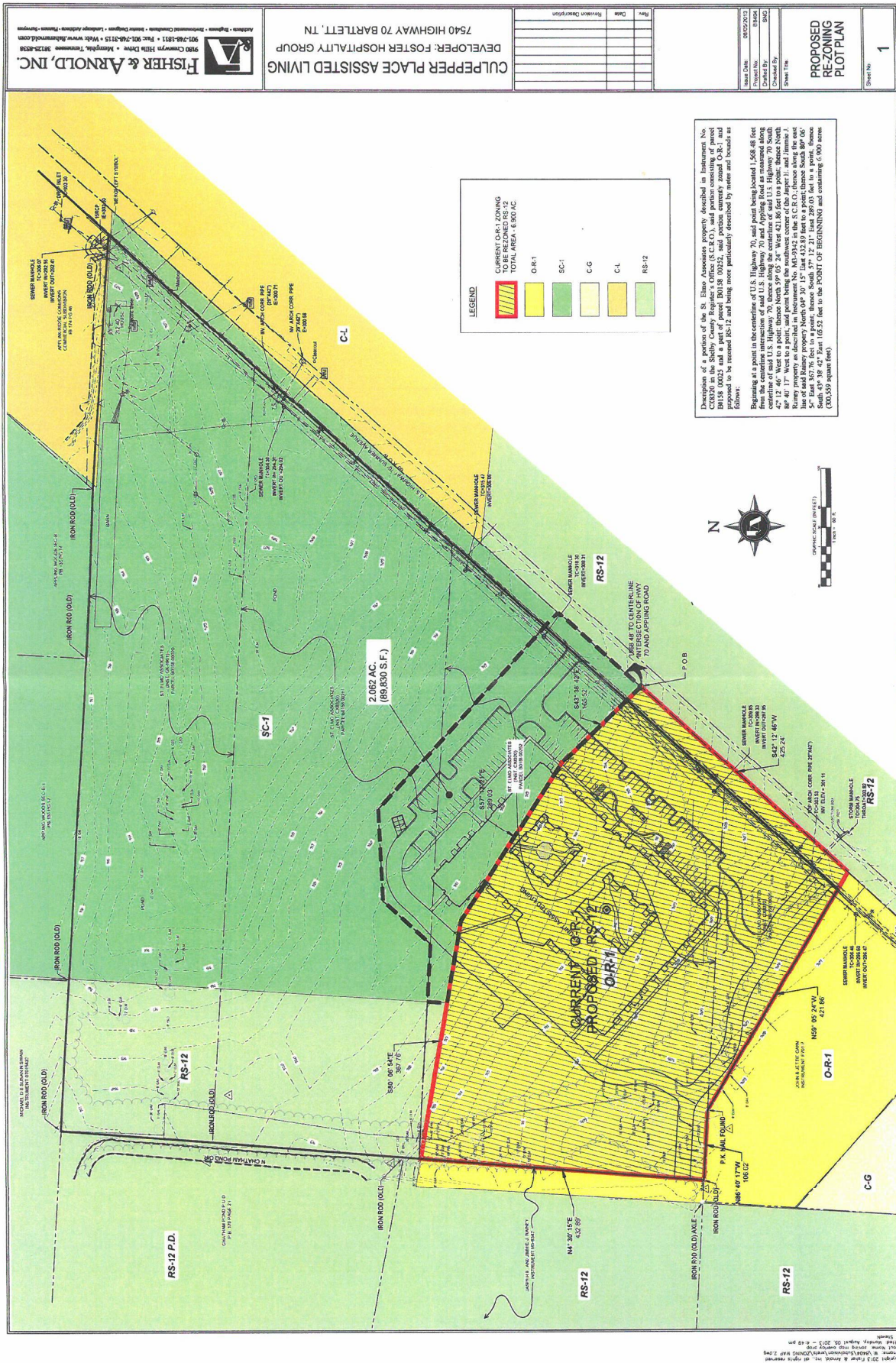
When an application for rezoning is rejected, no re-application may be made on the same property for at least twelve months after the date of rejection.



VICINITY MAP

FISHER & ARNOLD, INC.
 9200 Cheery Hills Drive • Memphis, Tennessee 38125-4000
 901-948-5821 • Fax: 901-948-8135 • Web: www.fishernad.com
 Architects • Engineers • Environmental Consultants • Interior Designers • Landscape Architects • Planners • Surveyors

Attachment: Zoning application (1040 : Rezoning for Assisted Living)





Attachment: Artist's rendering of facility (1040 : Rezoning for Assisted Living)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 1067)

Meeting: 09/10/13 07:00 PM
Department: Planning and Economic Development
Category: Special use permit
Prepared By: Stefanie McGee
Initiator: Terry Emerick
Sponsors:
DOC ID: 1067

Resolution 14-13, a resolution approving a Special Use Permit for an assisted living facility to be located on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale.

WHEREAS, an application has been made for a Special Use Permit for an assisted living facility to be located on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale.

WHEREAS, the Planning Commission reviewed the proposed Special Use Permit for an assisted living facility on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale on Monday August 5, 2013, in accordance with their regulations and recommended approval of the Special Use Permit; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on the 10 day of September, 2013 and approved the Special Use Permit for an assisted living facility on the northwest side of Highway 70, approximately 350 feet northeast of Summerdale, subject to the following conditions:

Engineering Conditions:

- I. Driveways:
 - a. North: At the top of the hill - full movement - No problem
 - b. South: At bottom of the hill - full movement. May have a visibility problem over top of hill. Applicant's engineer will have to provide a plan and profile of Hwy 70 in the construction plans to show that the proposed driveway has adequate sight distance.
 - c. Applicant will have to apply for a driveway permit from TDOT before final approval on the access locations.
2. Water:
 - a. An extension will be required to connect to the existing water main at the back of the adjacent lot (Cedar Hall). This can be done as part of the site water extension.
 - b. There is a 12" water main to the north of this site on Hwy 70 at the Appling Rd intersection, which may need to be extended south to this site. This will be further evaluated when the construction drawings come in and it can be properly modeled to see if the existing 8" line along the frontage of this site is adequate.
3. Sewer:
 - a. Sewer is currently available along most of the Hwy 70 frontage.
 - b. An extension of the main may be required onto this site.
4. Hwy 70: Full improvements are not required, but full dedication to 57' from centerline is required along with;
 - a. A left turn lane constructed to TDOT standards, if required by Engineering as based on the final, approved Traffic Study for the site, submitted by the Fisher &

Arnold the engineer for Culpepper Place Assisted Living;

- b. A right turn lane constructed to TDOT standards, if required by Engineering as based on the final, approved Traffic Study for the site, submitted by the Fisher & Arnold the engineer for Culpepper Place Assisted Living.;
 - c. TDOT permits for both the driveways and all utility connection within the right of way (such as sewer and water); and
 - d. Dedicate a 15' temporary construction easement all along the road frontage for the future Hwy 70 widening project. This shall remain dedicated until the road is fully widened. The property owner can plant the full landscape screen at this time, with the understanding it will be replaced at some point in the future.
- 5. Grading and Drainage:
 - a. Detention (2, 5, 10, and 25 year storms) is required for the developed areas on both sides of the ridge.
 - b. The stormwater runoff from the point discharge from the Cedar Hall site through this property to the 36" culvert under Hwy 70 shall be either
 - ☐ piped, or
 - ☐ contained in a concrete swale/ditch with a public drainage easement (min 15' wide). This may affect the location of the south driveway.
- 6. Plat:
 - a. A plat will be required to dedicate all public rights of way and public easements.
 - b. This plat will define the specific area as defined in the conceptual site plan and the property that is affected by the Special Use Permit. The remaining property will all be zoned SC-1.
 - c. Standard notes (digital copy is available in the Engineering office) shall be included on the plat.
 - d. An additional note shall be included on the plat noting the acreages covered in the fee calculations - for future reference.
 - e. Place the signature blocks on a second page and place the notes on the first page.
 - f. Show the ingress/egress easement along the driveway that connects into the Cedar Hall Bed and Breakfast property. If the southern drive is extended and connected to provide access to Cedar Hall.
- 7. Tree Survey: This will be required with the submission of the construction plans.
- 8. Contract:
 - a. A subdivision contract is required and will be prepared by the City after the construction drawings have been reviewed and approved by the Planning Commission reflecting the Site Plan conditions.
 - b. All fees will apply, unless applicant can show some have been paid previously.

Planning Conditions:

- I. The applicant has provided a site concept plan to show the proposed development. The applicant shall submit a formal site plan application to the Planning Commission and the Design Review Commission after the Board of Mayor and Aldermen approves the Special Use Permit and rezoning of this property.

WHEREAS, the Board of Mayor and Aldermen have determined that this Special Use Permit should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the Special Use Permit for an assisted living facility on the Northwest Side of Highway 70 approximately 350 feet northeast of Summerdale, incorporating the above listed conditions, is approved.

Adopted this 10 day of September, 2013.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Stefanie McGee, City Clerk



FISHER &
ARNOLD, INC.

July 1, 2013

Mr. Terry Emerick, Director
Planning & Economic Development
City of Bartlett
6382 Stage Road
Bartlett, Tennessee 38134

**RE: Special Use Permit
Highway 70 Property
Assisted Living Facility**

Dear Terry:

Fisher & Arnold, Inc., on behalf of Foster Hospitality Group, hereby makes application requesting approval for a special use permit to develop an assisted living facility on parcels B0158 00025, B0158 00252 and a portion of parcel B0158 00251, said area totaling 9.124 acres. Currently 6.900 acres of the 9.124 acres is zoned O-R-1, with the remaining 2.224 acres zoned SC-1. Since O-R-1 does not allow an assisted living, we are filing this Special Use Permit application concurrently with a Rezoning application to rezone the O-R-1 area to RS-12. We feel the assisted living. We feel the assisted living use is compatible with the surrounding properties and well suited for a transition from residential to commercial uses.

- Architects
- Engineers
- Environmental Consultants
- Interior Designers
- Landscape Architects
- Planners
- Surveyors

In association with this request, please find attached seventeen (17) copies of the following documents and/or supporting material: Cover Letter, Purpose Narrative, Application for Special Use Permit, Conceptual Site Plan (with special use area delineated with legal description), Architectural Rendering and Vicinity Map (with and without notification names). Additionally please find enclosed a check made payable to the City of Bartlett in the amount of \$706.20 for the application fee, one set of mailing labels, and transparencies of the Conceptual Site Plan and Vicinity Map. A traffic analysis will be submitted to the City Engineer at least two weeks prior to the Planning Commission meeting.

If you need any additional information or have any questions, please let us know. We look forward to working with Town staff as this application proceeds toward the August 5th Planning Commission.

Sincerely,

Fisher & Arnold, Inc.

Michael Rogers, PE, RLS, LEED AP BD+C, CPESC

Attachments

Cc: Mr. Chuck Wentz, Foster Hospitality Group
Mr. Eddie Tims, AIA

9180 Crestwyn Hills Dr.

Memphis, TN 38125

(901) 748-1811

(888) 583-9724

fax: (901) 748-3115

www.fisherarnold.com

RECEIVED

JUL 01 2013

CITY OF BARTLETT

Attachment: Special Use Permit application (1067 : SUP for assisted living facility)

Bartlett Planning and Economic Development Department 6400 Stage Road, P.O. Box 341148 Bartlett, TN 38184-1148 901-385-6417 FAX 901-385-6419 www.cityofbartlett.org	Application for Special Use Permit Approval to the Bartlett Planning Commission
---	---

Consultation with the staff is encouraged prior to the completion of this application form.

Requested Special Use An Assisted Living facility
Property Address N/W side of Highway 70, approximately 350' northeast of Summerdale
Present Zoning Current zoning O-R-1; proposed zoning per companion rezoning application is RS-12

Owner/Developer Contact Charles "Chuck" Wentz Phone (417) 831-0174
Company Name Foster Hospitality Group Fax (417) 831-1873
Address 426 S. Jefferson, Suite 300 - Springfield, MO 65806

Architect Contact Eddie Tims Phone (417) 838-3949
Company Name Eddie Tims, AIA Fax (417) 831-1873
Address 426 S. Jefferson, Suite 300 - Springfield, MO 65806

Engineer Contact Michael Rogers Phone (901) 748-1811
Company Name Fisher & Arnold, Inc. Fax (901) 748-3115
Address 9180 Crestwyn Hills Drive - Memphis, TN 38125

Submitted by Michael Rogers
(printed name) (signature) (date)

I, St. Elmo Associates, owner(s) of the property, hereby authorize the filing of this application.

X By Deanna Chapman, Manager, Palmdale
Attach a checked-off "Special Use Permit Checklist" and all items required therein.

MDR Acknowledge (by initials in the blank to the left) that the “**Application Instructions: Planning Commission**” were obtained and read prior to submitting this application.

 X Include a fee with this application (check payable to the City of Bartlett) of \$500.00 for five (5) acres or less, plus \$50.00 per acre (after the first five) to a maximum of \$3,000.00

Information to be entered by City staff only: Resubmittals (See "Application Instructions: Planning Commission.")		
Resubmittal Description	Required Resubmittal Date/Time	Staff Initials
	_____ a.m./p.m. on _____	
	_____ a.m./p.m. on _____	
	_____ a.m./p.m. on _____	

Attachment: Special Use Permit application (1067 : SUP for assisted living facility)

**Bartlett Planning and
Economic Development Department**
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Special Use Permit Checklist

Plot Plan And Legal Description (each parcel, if more than one)

- ☒ Plot plan, drawn to scale, showing the following information for each parcel (several parcels may be included on one sheet):
- ☒ Adjoining public street rights-of-way
 - ☒ Area (acres)
 - ☒ Present zoning
 - ☒ Requested special use, including purpose (attach statement, one page maximum)
 - ☒ Area in which buildings are proposed to be located, showing setback dimensions from line.
 - ☒ Drainage
 - ☒ Driveways
 - ☒ Parking area
 - ☒ Buffer planting areas
 - ☒ Type and location of any easements
- ☐ If Site Plan application and approval are necessary, conformance to Tree Ordinance is required.

☐ Other pertinent information as required through staff consultation.

- ☒ Legal description (may be attached to plot plan).
- ☒ One (1) 8 1/2" x 11" transparency of the plot plan, for use with an overhead projector.

Vicinity Map

- ☒ Vicinity map, drawn to a convenient scale, showing the subject property and all parcels within a 1,000-foot radius. Every parcel shall indicate owner's name and the streets, roads or alleys that each parcel fronts upon.
- ☒ One (1) 8 1/2" x 11" transparency of the vicinity map, for use with an overhead projector.

Property Owners

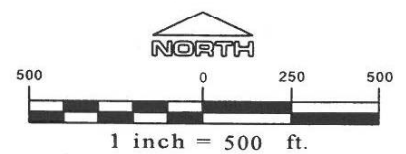
- ☒ List of all property owners within 1,000 feet or a minimum of fifty (50) property owners, whichever results in the greater number of owners. A xerographic copy of the mailing labels may serve as the list.
- ☒ Self-adhesive mailing labels for the list of property owners (two sets).

Special Use Permit - Statement of Purpose

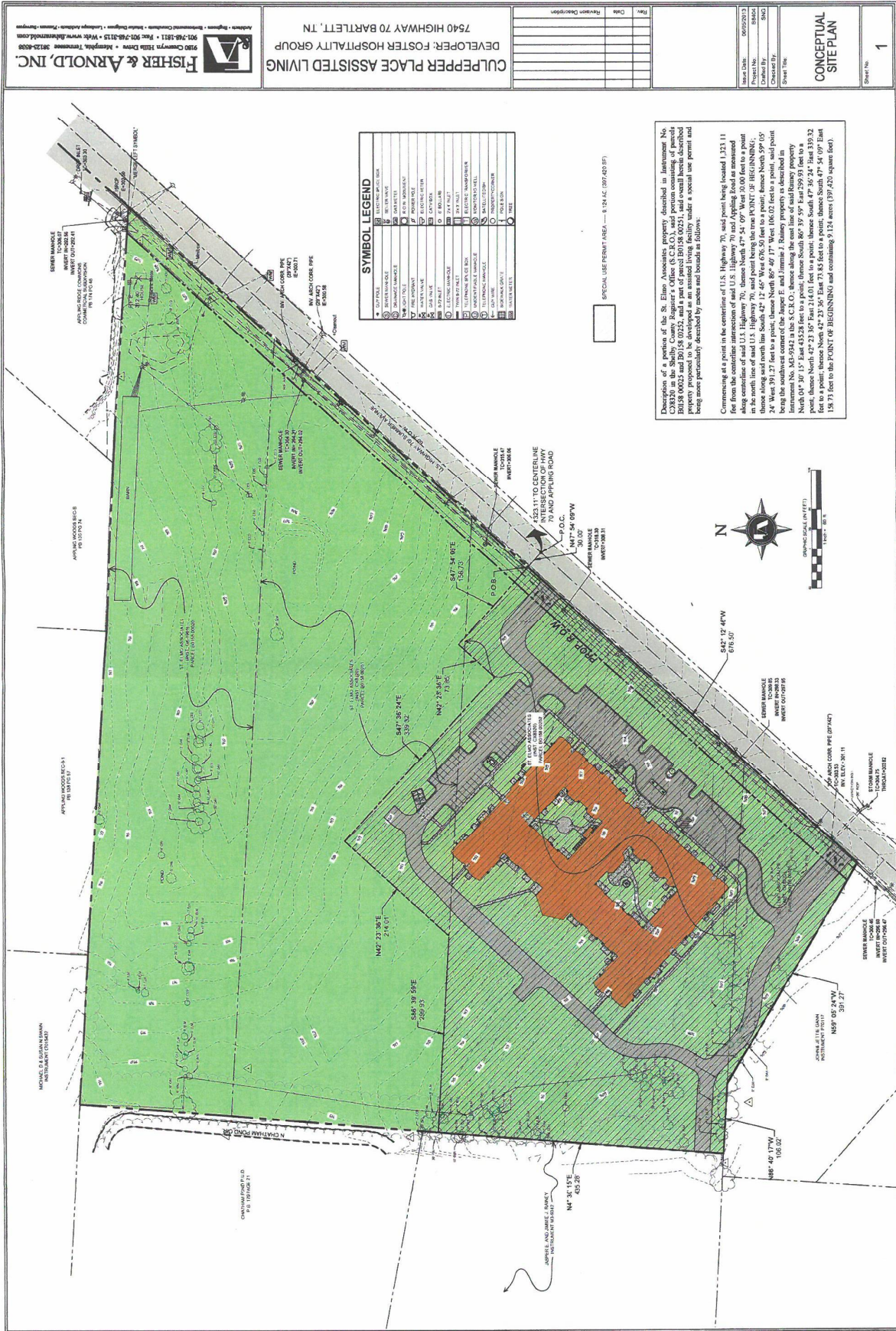
Highway 70 Property - Culpepper Place Assisted Living

Foster Hospitality Group is requesting approval to obtain a special use permit to construct a 67-unit, assisted living facility on a 9.124 acre portion of the St. Elmo Associates property on Highway 70, approximately 1,323 feet southwest of the intersection of Highway 70 and Appling Road. The 9.124 acre property currently has two zonings – SC-1 and O-R-1. A rezoning application is being filed concurrently with this Special Use Permit application to rezone the O-R-1 portion of the property to RS-12. Culpepper Place Assisted Living facilities are constructed in a residential style, and are in essence, a larger-footprint residential development. As Foster Hospitality Group has done in numerous locations, including Collierville, Tennessee, they have developed quality, residential style assisted living facilities in areas that are somewhat a transitional area between single family residential and non-residential uses such as office and commercial zonings. This location is well suited for this proposed use. With the municipal facilities located close by on Appling Road, the residential surroundings and some low to medium density retail in the vicinity, we feel the use is a perfect fit and an excellent location for the next Culpepper Place Assisted Living.

Attachment: Statement of Purpose (1067 : SUP for assisted living facility)



FISHER & ARNOLD, INC.
9180 Canaway Hills Drive • Memphis, Tennessee 38125-6886
901-748-1811 • Fax 901-748-9135 • Web: www.fishernad.com
Auditors • Engineers • Environmental Consultants • Interior Designers • Landscape Architects • Planners • Scientists



**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM

Department: Planning and Economic Development

Category: Report

Prepared By: Stefanie McGee

Department Head: Terry Emerick

Progress report for the Plan of Services for Areas annexed December 31, 2012

Pursuant to Tennessee Code Annotated § 6-51-108, the City of Bartlett presents the following six month report of progress on the adopted Plan of Services for areas annexed effective December 31, 2012.

ANNEXATION PLAN OF SERVICES PROGRESS REPORT

Pursuant to Tennessee Code Annotated § 6-51-108, the City of Bartlett presents the following six month report of progress on the adopted Plan of Services for areas annexed effective December 31, 2012.

An "X" signifies that services have been extended and/or made available in accordance with the plan. Implementation details are footnoted.

Effective Date	Ord. No.	Name	Police	Fire and Emergency Response	Solid Waste	Parks	Animal Control	General / Grounds / Street Maintenance	Street Lighting	Water	Sewer	Drainage	Zoning / Code Enforcement
12/31/2012	12-10	Area A - Bounded by existing city limits on East & North and Highway 14 (Austin Peay Highway) on the West	X ¹	X ²	X ³	X	X ⁴	X ⁵	X ⁶	X ⁷	X ⁹	X	X
12/31/2012	12-15	Area B - West side of Bartlett, east of Billy Maher Road.	X ¹	X ²	X ³	X	X ⁴	X ⁵	X ⁶	X ⁷	X ⁹	X	X
12/31/2012	12-16	Area C - North of Old Brownsville Road and South of the Loosahatchie River. Characterized by 2 large lot subdivisions off Hatch Road and Eagles Nest.	X ¹	X ²	X ³	X	X ⁴	X ⁵	X ⁶	X ⁸	X ⁹	X	X
12/31/2012	12-17	Area D - On the East between the existing city limits and Lakeland City Limits.	X ¹	X ²	X ³	X	X ⁴	X ⁵	X ⁶	X ⁸	X ⁹	X	X
12/31/2012	12-18	Area E - City owned parcel (D013900293) running north of the Delaney Square Subdivision adjacent to the northeast corner of the city & extends to the Loosahatchie River.	X ¹	X ²	X ³	X	X ⁴	X ⁵	X ⁶	X	X ⁹	X	X

1: Police began patrolling annexed areas on the effective date. Additional cars and equipment have been purchased and are operational. Additional personnel are included in the FY13 and FY14 budget.

2: Three additional EMS personnel were hired prior to annexation in order to service annexed areas. Existing fire service was sufficient to cover new areas.

3: Four additional drivers were hired in January 2013, with three additional contract laborers in use as needed. K Boom and Packer Truck were purchased and are operational. A Rear Loader and Mini Packer have been ordered.

4: Extra contract labor has been added, and an additional trailer has been purchased.

5: For grounds maintenance, one additional position was added in March 2013, along with two additional contract laborers. Additional major equipment purchases include a tractor, crew cab, extend mower, trailer, and weed eaters. For general maintenance, two additional personnel were hired in January 2013. Additional major equipment purchases include a loader, salt spreader, and flat rack.

6: Street light installation is in accordance with city policy and subdivision contracts.

7: Water meter changeouts are pending authorization from MLGW.

8: The Rockyford Road water line extension and Brunswick Road water line upgrade will be funded in future CIPs.

9: Extensions of sanitary sewer are in accordance with city policy and procedures and as development occurs.

Appendix

The following maps provide a visual display of the provision of city services to all areas within the Bartlett corporate boundaries. Areas incorporated in the most recent annexations, those that went into effect on 12/31/12, are noted.

Police Dispatch

The city's seven police dispatch zones.

Fire Dispatch

The city's five fire dispatch zones.

Sanitation Pickup

The city's five solid waste pickup zones.

Parks, Animal Control, and Street Maintenance Coverage

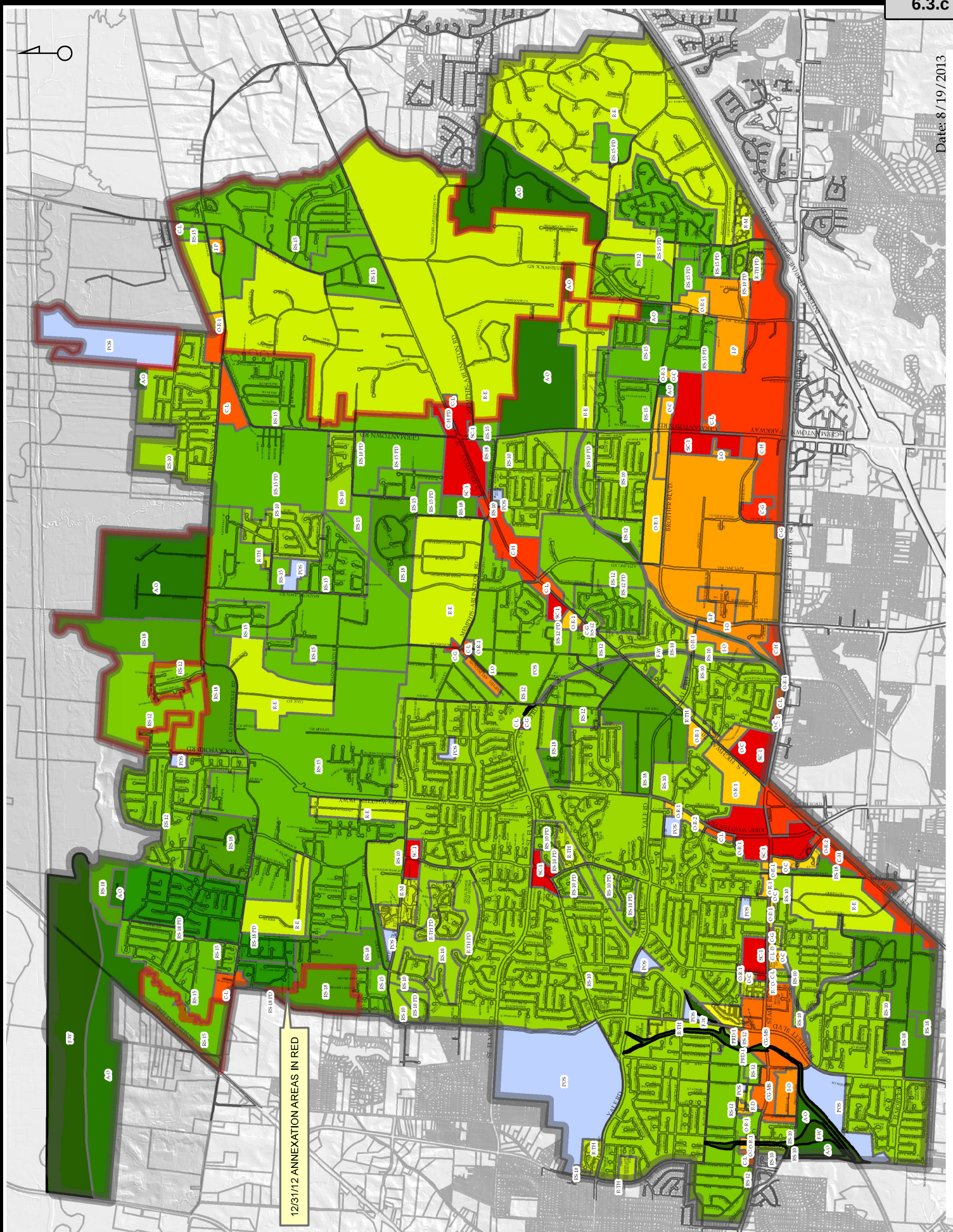
These services are provided on a city-wide basis. Street lights are installed according to city policies and subdivision contracts.

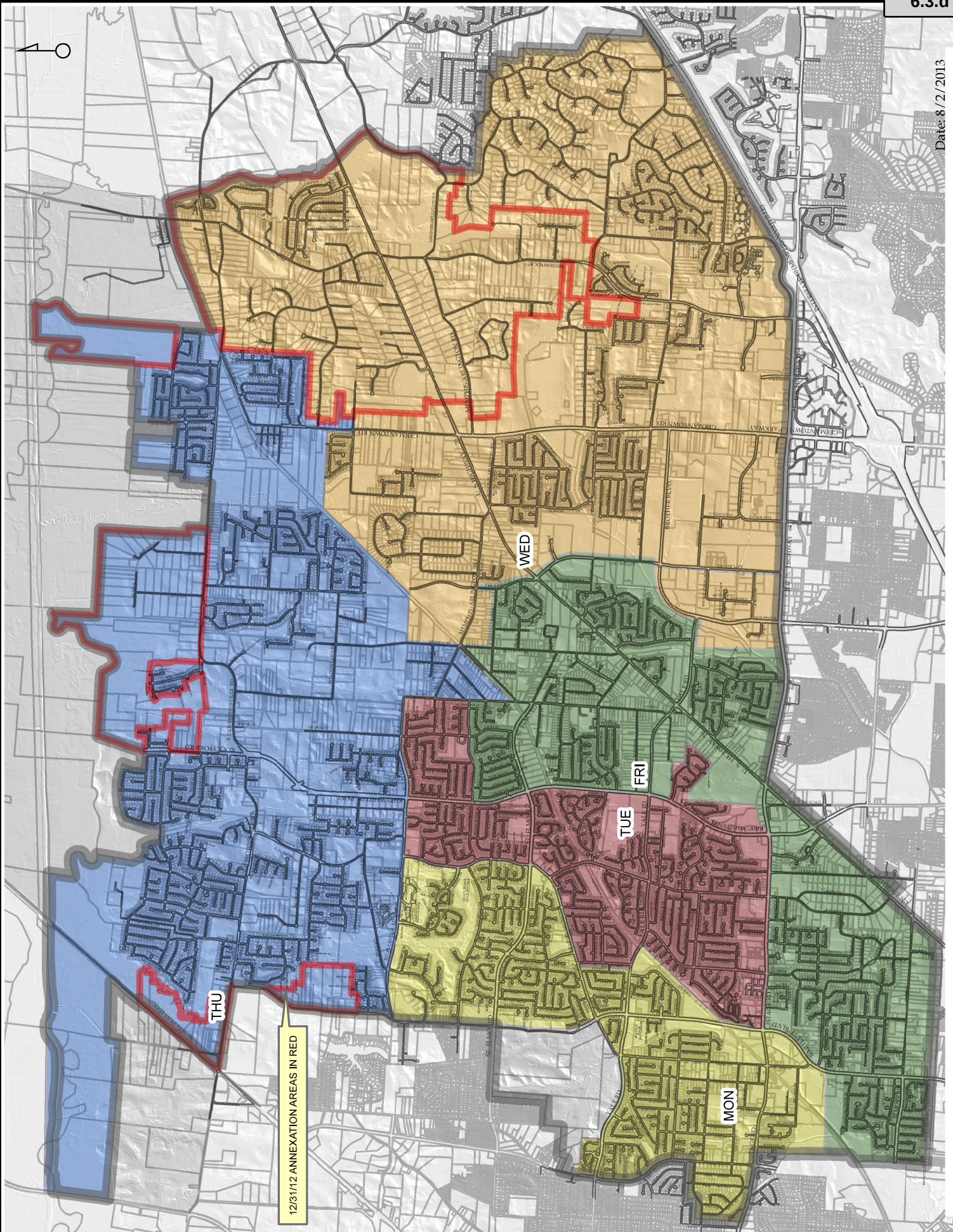
Water, Sewer, and Drainage Infrastructure Coverage

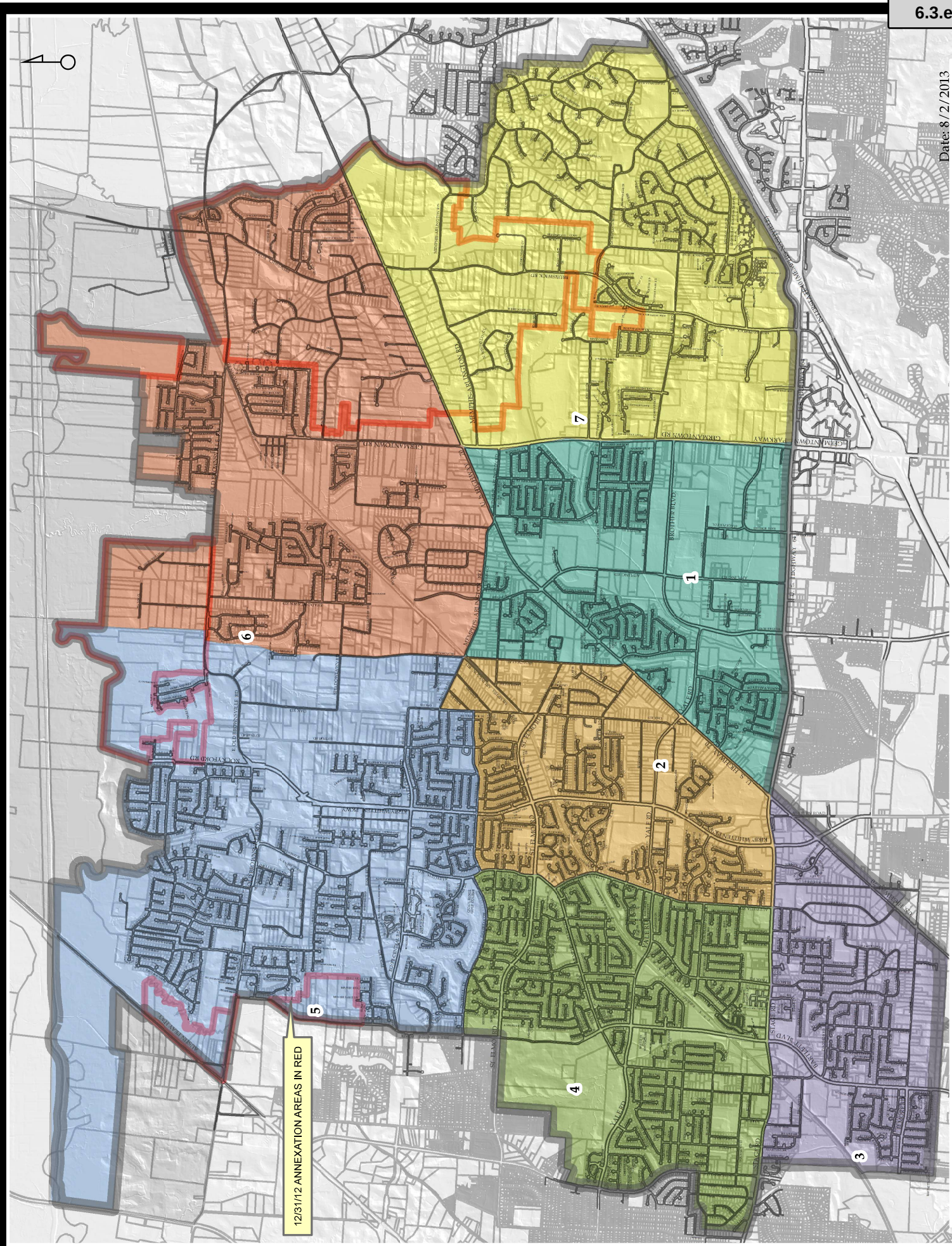
These services are provided on a city-wide basis. The vast majority of water service is provided by Bartlett, while MLGW provides service in certain areas. In the case of vacant or undeveloped property, extensions of water and sanitary sewer are in accordance with City policy and procedures and as development occurs. The map denotes properties served by on-site septic systems. If a property is serviced by an on-site septic system, it shall remain until sewer is available.

Zoning

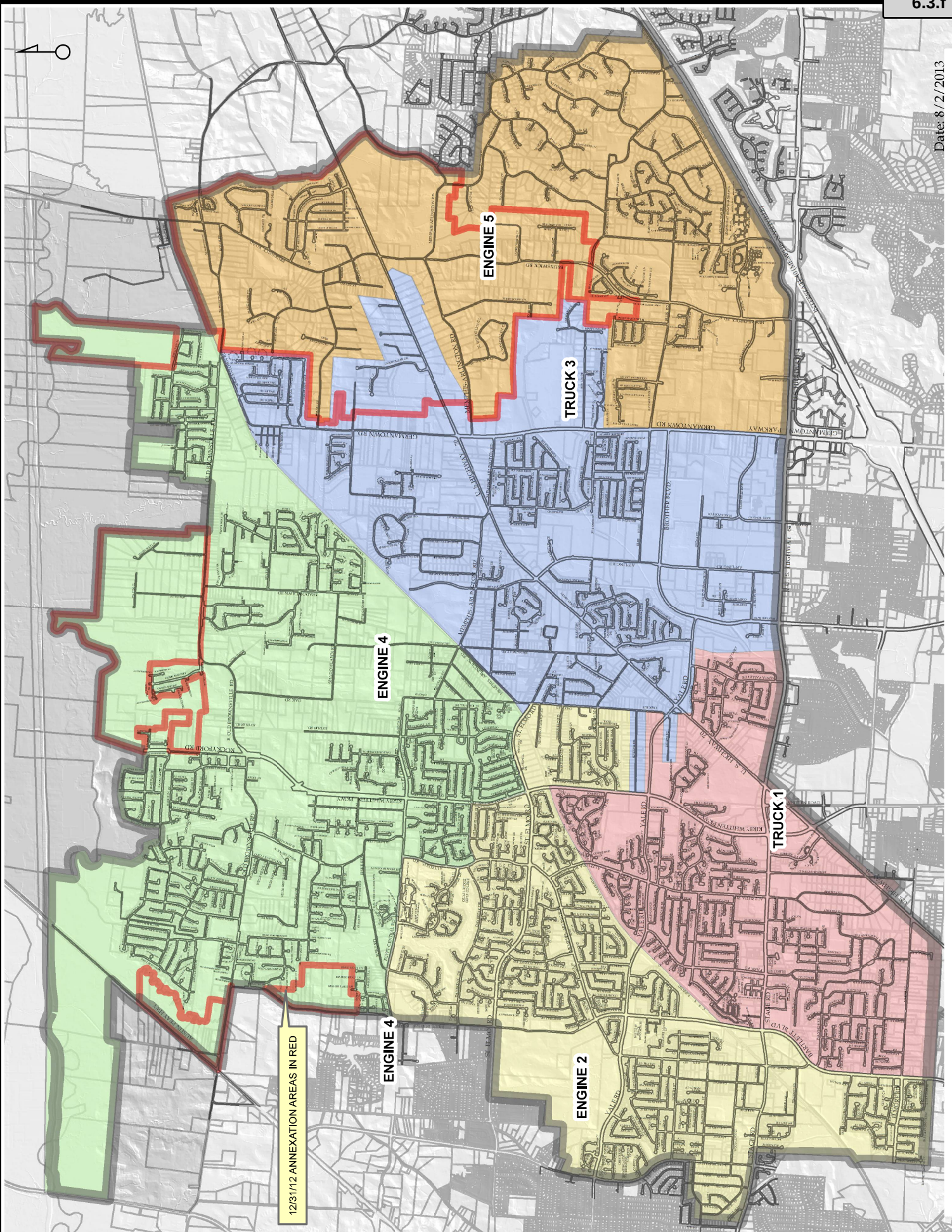
The city's zoning map is included.



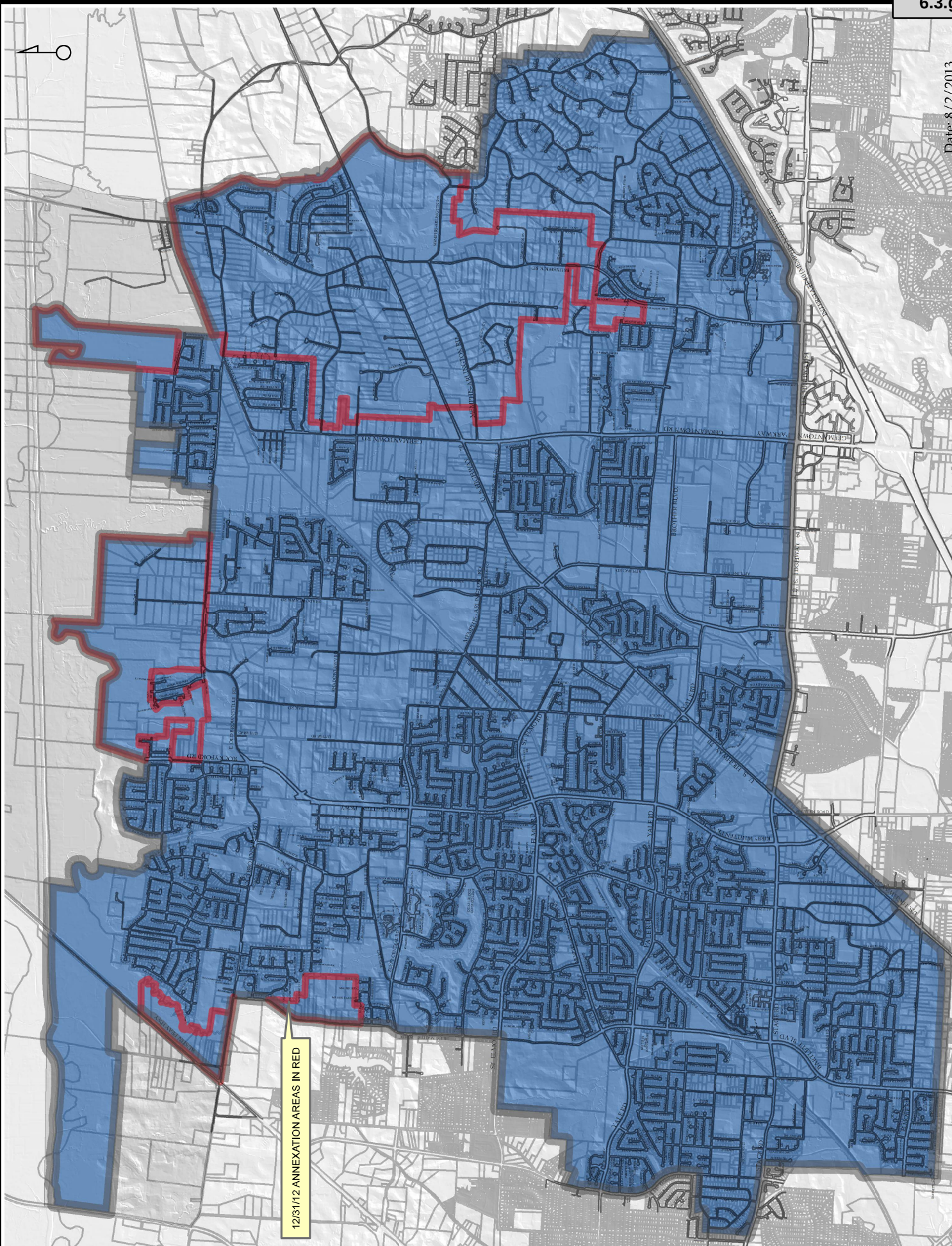


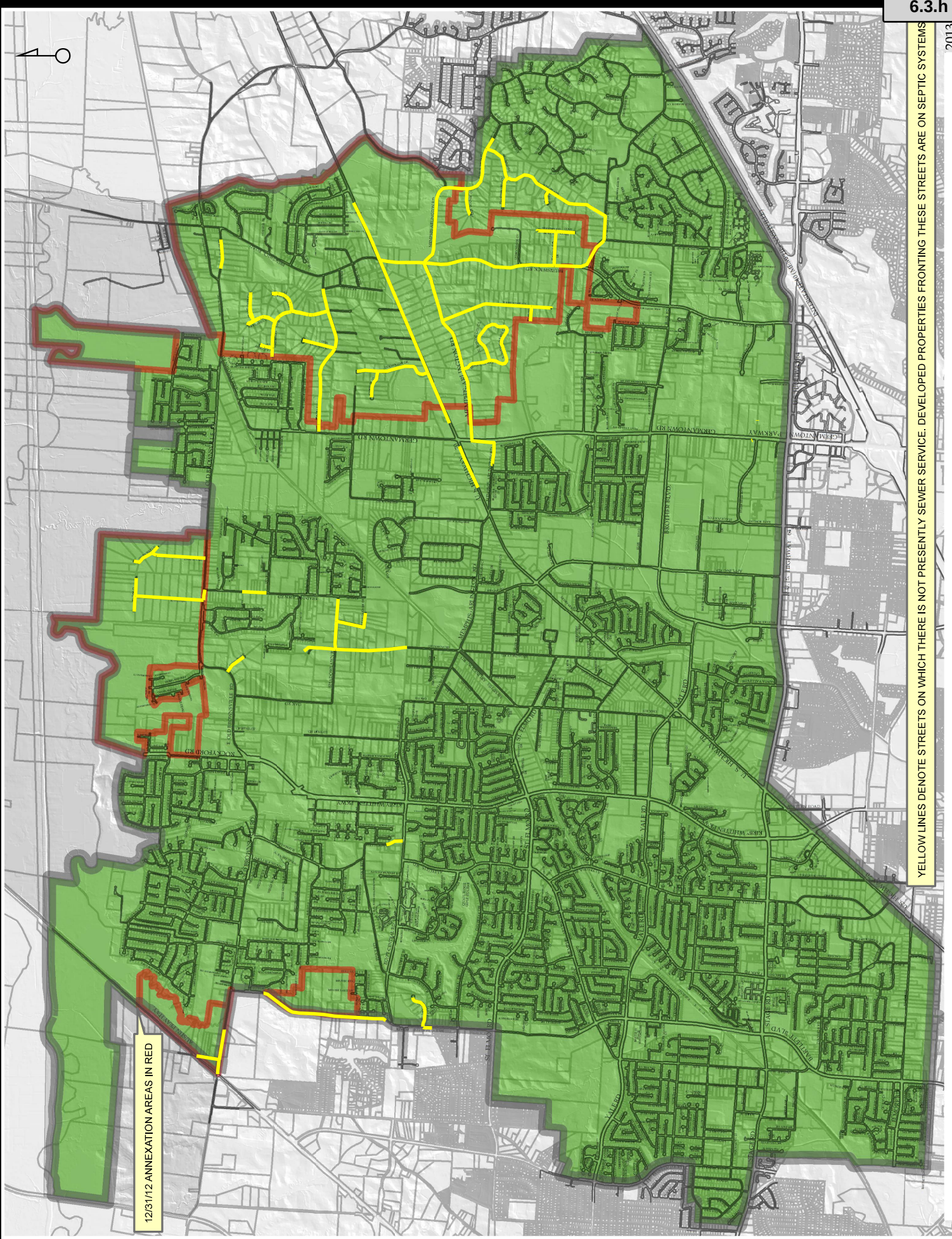


12/31/12 ANNEXATION AREAS IN RED



12/31/12 ANNEXATION AREAS IN RED





12/31/12 ANNEXATION AREAS IN RED

YELLOW LINES DENOTE STREETS ON WHICH THERE IS NOT PRESENTLY SEWER SERVICE. DEVELOPED PROPERTIES FRONTING THESE STREETS ARE ON SEPTIC SYSTEMS

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Valerie Brantley
Department Head: Jim Brown

Special event permit for Tennessee Baptist Children's Home Fall Festival.



APPLICATION FOR SPECIAL EVENT
OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425

6896 Highway 70
Address
38133
Zip Code
October 19th, 2013
Dates of the Event
9:00am - 2:00pm
Hours of the Event
Fundraiser, carnival, car show
Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction)
Tennessee Baptist Children's Homes, Inc. (TBCH)
Property Owner
TBCH
Special Event Permit Applicant
6896 Highway 70
Address of Applicant
(901) 386-3961 (ofc)
Phone Number
(901) 382-9754
Fax Number
(901) 496-2892 (cell)

Check all items that apply:

For information call (901) 385-6425.

- ☒ N/A Letter of Permission
☒ Insurance
☒ Tents (Fire Retardant letter included)
☒ Special Event Checklist
☒ Map
☒ Sign or Banner

\$60.00 Special Event Fee
\$4.00 Permit Issuing Fee
0 Total

Deanna Nick
Responsible Person
8/23/13
Date

****Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen.****

APPROVAL

This application is not a permit and grants no rights or privileges.

Special Event Checklist

Event: TBCH Fall Festival
 Location: 6896 Highway 70
 Dates: October 19th, 2013

Type of special event: (Check one.)

- | | |
|---|---|
| <p>☐ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☐ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☐ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☒ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
|---|---|

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|---|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☐ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☐ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|---|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1		✓		<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district , except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2			✓	For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3			✓	Type 3 outdoor sales must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4		✓		<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5		✓		The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6		✓		The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7			✓	<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8			✓	Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

	Sub- mitted ✓ or X	OK	N/A		Comments										
9		✓		<i>Hours of operation and duration.</i> The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of a special event shall not exceed the duration set forth in Table VI.27-1; however, the duration of the special event may be modified by conditions attached to the issuance of the special event permit, as set forth in Section 27.F. . Table V.27-1: Special Event Maximum Duration <table><tr><th>Type of Special Event</th><th>Duration</th></tr><tr><td>Type 1: Noncommercial</td><td>30 days</td></tr><tr><td>Type 2: Special Seasonal</td><td>90 days</td></tr><tr><td>Type 3: Commercial</td><td>14 days</td></tr><tr><td>Type 4: Public Attractions</td><td>14 days</td></tr></table>	Type of Special Event	Duration	Type 1: Noncommercial	30 days	Type 2: Special Seasonal	90 days	Type 3: Commercial	14 days	Type 4: Public Attractions	14 days	
Type of Special Event	Duration														
Type 1: Noncommercial	30 days														
Type 2: Special Seasonal	90 days														
Type 3: Commercial	14 days														
Type 4: Public Attractions	14 days														
10		✓		In addition to the maximum duration as set forth in Table VI.27-1, a shopping center may hold centralized special events, not connected to individual businesses within the shopping center, which do not exceed sixty (60) days in a calendar year. The duration of all special events in a shopping center may be extended on a case by case basis if the special event(s) take place in shopping center parking areas not required for the primary businesses.											
11		✓		<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12		✓		Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13		✓		<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			✓	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15		✓		<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16			✓	<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
17		✓		<i>Public conveniences and litter control.</i> Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.	
18		✓		<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

	Sub- mitted ✓ or X	OK	N/A		Comments
19		✓		<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20			✓	<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21		✓		<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22	✓		Limitations on signs.	
23	✓		Temporary arrangements for parking and traffic circulation.	
24		✓	Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25	✓		Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26		✓	The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27	✓		The provision of traffic control or security personnel to ensure the public safety and convenience.	
28	✓		Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least **ten (10) days** prior to the requested start date of any special event.

The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29	✓			Name and address of the applicant.	
30	✓			Names and address of the owner of the premises on which the proposed event is to be held.	
31			✓	Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32	✓			Description of the site on which the proposed event is to be held.	
33	✓			Date of the proposed event.	
34	✓			A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35		✓		A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36		✓		Location and number of proposed temporary public toilets.	
37		✓		Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38		✓		Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

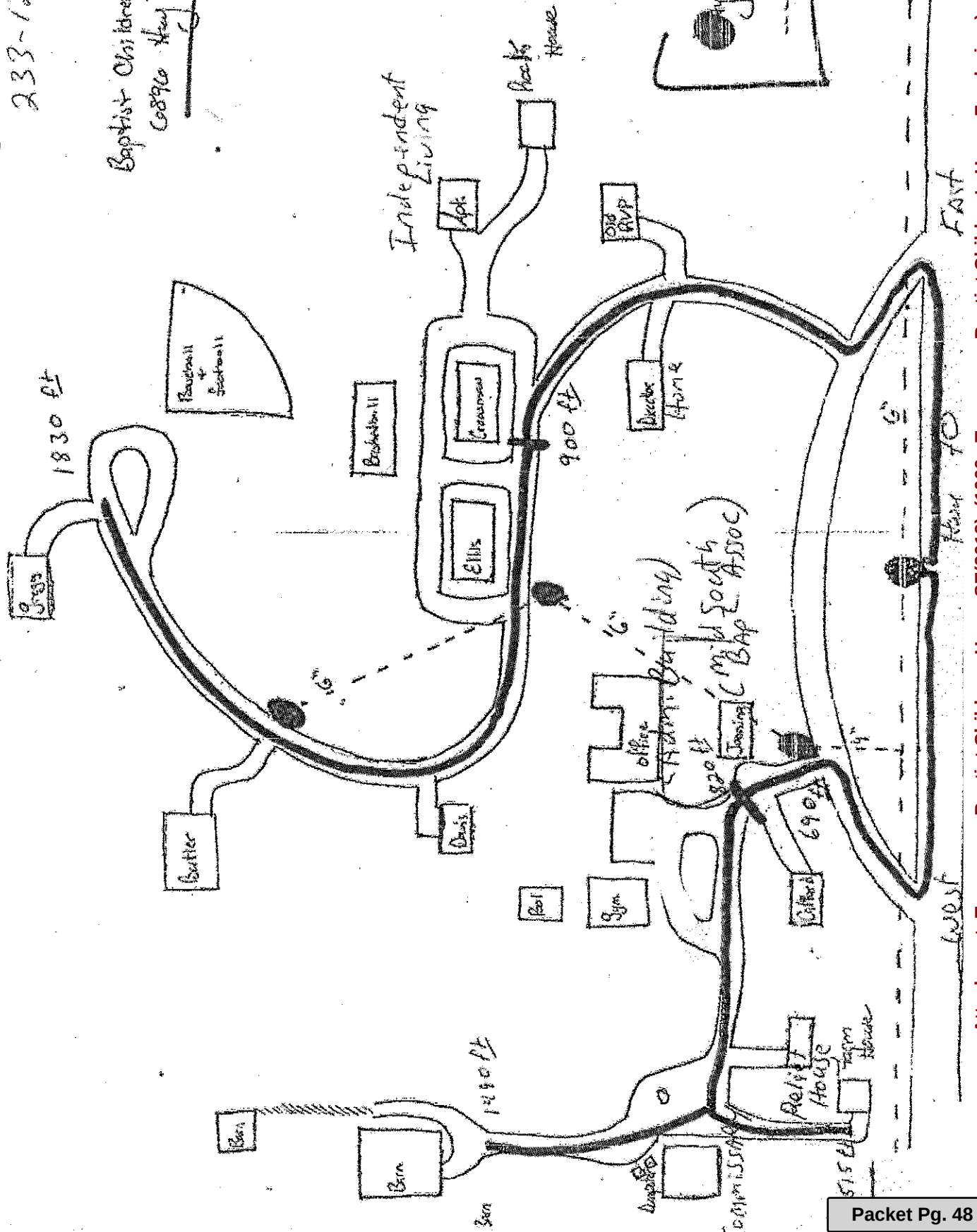
Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39	✓		A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40	✓		The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41		✓	An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42	✓		The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43	✓		b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44	✓		c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45	✓		d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	



VARY 1 5140-
 233-0344
 Director
 Darien Andrews
 233-1234
 Co-

Baptist Children's Home
60896 Hwy 70



IMPORTANT DOCUMENT

Certificate of Flame Retardancy

REGISTRATION
APPLICATION
NUMBER



ISSUED BY

Flame Retardant

Date of shipment

BRANDS: ALL, NORMAN, 17225
MANUFACTURERS OF THE FABRICS
TEST PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described have been flame resistant tested
(or are inherently flame resistant) and were supplied to:

10122
AMERICAN THERMO
10122

10122

Certification is hereby made that:

The articles described on this Certificate have been tested with a flame retardant approved
chemical and that the application of said chemical was done in conformance with California
Fire Marshal Code. All fabric has been tested and passed WPA Vol. 1, Ch. 1, Sec. 101.101.

10122

10122

Flame Retardant Process Used Will Not Be Removed By
Washing And Is Effective For The Life Of The Fabric

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/23/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Crichton Group 3011 Armory Drive Suite 250 615-383-9761 Nashville, TN 37204	CONTACT NAME: Lisa Hostettler PHONE (A/C, No, Ext): 615 383-9761 FAX (A/C, No): 615-383-4628 E-MAIL ADDRESS: Lhostettler@cbjw.net																					
INSURED Tennessee Baptist Children's Home, Inc. P.O. Box 2206 Brentwood, TN 37024-2206	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr> <tr> <td>INSURER A:</td><td>Philadelphia Insurance Co</td><td>18058 A++</td></tr> <tr> <td>INSURER B:</td><td>New York Marine & General Ins</td><td>22292 A</td></tr> <tr> <td>INSURER C:</td><td></td><td></td></tr> <tr> <td>INSURER D:</td><td></td><td></td></tr> <tr> <td>INSURER E:</td><td></td><td></td></tr> <tr> <td>INSURER F:</td><td></td><td></td></tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Philadelphia Insurance Co	18058 A++	INSURER B:	New York Marine & General Ins	22292 A	INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		PHPK1046728	07/09/2013	07/09/2014	EACH OCCURRENCE \$1,000,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$1,000,000
	☐ POLICY ☐ PROJECT ☐ LOC					GENERAL AGGREGATE \$3,000,000
	AUTOMOBILE LIABILITY					PRODUCTS - COMP/OP AGG \$3,000,000
	☐ ANY AUTO					COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				BODILY INJURY (Per person) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS				BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB ☒ EXCESS LIAB	☒ OCCUR ☐ CLAIMS-MADE	PHUB428036	07/09/2013	07/09/2014	EACH OCCURRENCE \$5,000,000
	DED ☒ RETENTION \$10,000					AGGREGATE \$5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	WC201300002907	01/01/2013	01/01/2014	☒ WC STATUTORY LIMITS ☐ OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N				E.L. EACH ACCIDENT \$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$1,000,000
						E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Professional Liab		PHPK1046728	07/09/2013	07/09/2014	
A	Property		PHPK1046728	07/09/2013	07/09/2014	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Verification of coverage

CERTIFICATE HOLDER

CANCELLATION

City of Bartlett
 Attn: Debby Shelby
 6462 Stage Road
 Bartlett, TN 38134

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Cooper James

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**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Valerie Brantley
Department Head: Jim Brown

Special event permit for Mountain Bike Endurance Race "12 Hrs of Stank."



APPLICATION FOR SPECIAL EVENT
OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425



5760 YALE ROAD

Address

38134

Zip Code

SAT OCTOBER 5, 2013

Dates of the Event

8:00 AM - 10:00 PM

Hours of the Event

MOUNTAIN BIKE ENDURANCE RACE "12 HRS OF STANK"
 Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction)

CITY OF BARTLETT

Property Owner

LARRY DUNA 5110 MASON RD, MEMPHIS, TN 38117

Special Event Permit Applicant

Address of Applicant

901-628-2203

Phone Number

Fax Number

Check all items that apply:

For information call (901) 385-6425.

- ☒ Letter of Permission
☒ Insurance
☒ Tents (Fire Retardant letter included)
☒ Special Event Checklist
☒ Map
☒ Sign or Banner

\$60.00

Special Event Fee

\$4.00

Permit Issuing Fee

64.00

Total

LARRY DUNA

Responsible Person

8-27-13

Date

****Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen.****

APPROVAL

This application is not a permit and grants no rights or privileges.

Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)

Special Event Checklist

Event: 12 HRS OF STANK
 Location: NESBITT PARK 5760 GALE RD
 Dates: OCTOBER 5 2013

Type of special event: (Check one.)

- | | |
|--|--|
| <p>☒ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☐ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☐ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☐ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
|--|--|

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|--|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☒ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☐ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|--|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1			✓	<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2			✓	For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3			✓	Type 3 outdoor sales must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4		✓		<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5		✓		The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6		✓		The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7			✓	<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8			✓	Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

	Sub- mitted ✓ or X	OK	N/A		Comments										
9			✓	<i>Hours of operation and duration.</i> The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of a special event shall not exceed the duration set forth in Table VI.27-1; however, the duration of the special event may be modified by conditions attached to the issuance of the special event permit, as set forth in Section 27.F. Table V.27-1: Special Event Maximum Duration <table><tr><th>Type of Special Event</th><th>Duration</th></tr><tr><td>Type 1: Noncommercial</td><td>30 days</td></tr><tr><td>Type 2: Special Seasonal</td><td>90 days</td></tr><tr><td>Type 3: Commercial</td><td>14 days</td></tr><tr><td>Type 4: Public Attractions</td><td>14 days</td></tr></table>	Type of Special Event	Duration	Type 1: Noncommercial	30 days	Type 2: Special Seasonal	90 days	Type 3: Commercial	14 days	Type 4: Public Attractions	14 days	
Type of Special Event	Duration														
Type 1: Noncommercial	30 days														
Type 2: Special Seasonal	90 days														
Type 3: Commercial	14 days														
Type 4: Public Attractions	14 days														
10			✓	In addition to the maximum duration as set forth in Table VI.27-1, a shopping center may hold centralized special events, not connected to individual businesses within the shopping center, which do not exceed sixty (60) days in a calendar year. The duration of all special events in a shopping center may be extended on a case by case basis if the special event(s) take place in shopping center parking areas not required for the primary businesses.											
11			✓	<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12			✓	Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13			✓	<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			✓	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15			✓	<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16			✓	<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
17		✓		<i>Public conveniences and litter control.</i> Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.	
18			✓	<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

	Sub- mitted ✓ or X	OK	N/A		Comments
19		✓		<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20		✓		<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21		✓		<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22		✓	Limitations on signs.	
23		✓	Temporary arrangements for parking and traffic circulation.	
24		✓	Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25		✓	Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26		✓	The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27		✓	The provision of traffic control or security personnel to ensure the public safety and convenience.	
28		✓	Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least ten (10) days prior to the requested start date of any special event.

The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29		✓		Name and address of the applicant.	
30		✓		Names and address of the owner of the premises on which the proposed event is to be held.	
31		✓		Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32		✓		Description of the site on which the proposed event is to be held.	
33		✓		Date of the proposed event.	
34				A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35			✓	A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36		✓		Location and number of proposed temporary public toilets.	2 FIELD ON N/W CORNER YALE & SYCAMORE VIEW
37		✓		Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	BOTTLED WATER
38				Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

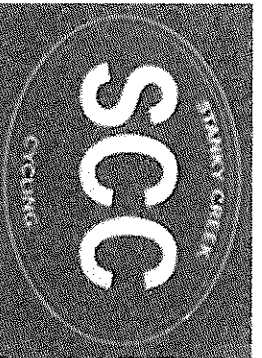
Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

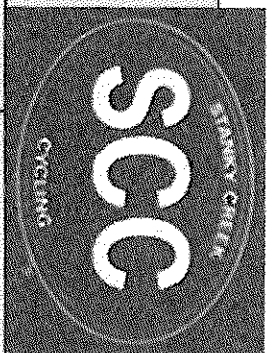
	OK ✓ or X	N/A		Comments
39			A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40			The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41		✓	An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42	✓		The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43	✓		b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44		✓	c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45	✓		d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	





12 Hours of Stank

Presented by Stanky Creek Cycling
www.stankycreekcycling.com



General Information

Date/Time: 5am to 9pm Saturday October 5, 2013
Location: Bartlett Park, Bartlett, TN (also called Nesbit Park)
Open Class Fee: \$75.00
Citizen Class Fee: \$65.00
Registration: www.stankycreek.com (online registration closes 10/3/13)
Late Registration Fee: \$10.00 (after 9/25/2013); \$15.00 (race day/onsite)
 The promoter reserves the right to combine or change race categories as needed on race day.
T-shirts: Go to the first 75 racers registered. Sizes available based on the order of registration (register first, get your choice of size, #75 gets what is left)
Pre-ride: All day Friday and 6am to 7am Saturday (race day)
Promoter: Larry Dunn (larrydunn80@gmail.com)

Race Information

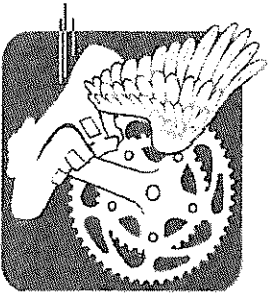
Categories: The "Open" category is for highly competitive racers (usually Cat 1 and Cat 2, but Cat 3 racers are welcome). The "Citizen" category is for everyone else (meant to be a fun, but competitive category).
Directions: From I-40W take Exit 12 – Sycamore View toward Bartlett (North). Follow Sycamore View (name changes to Bartlett Blvd) until you reach Yale Road. Turn left (west) on Yale Rd. The parking lot will be on your right about 1/2 mile up the road. **No parking on the street. Bartlett Park/Nesbit Park.**
Course Description: The trail runs clockwise from registration area. The fast/tight/twisty singletrack is 10.5 miles long. There are a few drops, log piles, ramps, and a creek crossing. The course will be marked for the race.

Start Time	Category	Prizes
9:00	Open – Solo Men	Top 3 Cash
9:00	Open – Solo Female	Top 3 Cash
9:00	Open – Solo Single Speed	Top 3 Cash
9:00	Open – Male Team (3 person)	Top 3 Cash
9:00	Open – Female Team (3 person)	Top 3 Cash
9:00	Open – Coed Team (3 person)	Top 3 Cash
Start Time	Category	Prizes
9:00	Citizen – Solo (Male and Female Combined)	Top 3 Cash
9:00	Citizen – Team (Male, Female, and Coed)	Top 3 Cash

The promoters reserve the right to combine classes when less than five (5) racers are in a class

Light Requirements

- Two (2) lights are needed to race, one (1) primary and one (1) secondary (backup). The backup light only needs to be light enough to allow the racer to get off the trail safely if the primary light fails.
- Lights are required after 6pm or time stated by the race official



PEDLER
BIKES





CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 2

DATE (MM/DD/YYYY)
08/22/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Willis of Texas, Inc. c/o 26 Century Blvd. P.O. Box 305191 Nashville, TN 37230-5191	CONTACT NAME: PHONE (A/C NO. EXT): 877-945-7378 FAX (A/C NO.): 888-467-2378 E-MAIL: certificates@willis.com ADDRESS:
INSURED USA Cycling, Inc. 210 USA Cycling Point Colorado Springs, CO 80919	INSURER(S) AFFORDING COVERAGE INSURER A: Federal Insurance Company NAIC #: 20281-001 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: 20251098

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	Y		79960314	12/31/2012	12/31/2013	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ 1,000,000
	☐ POLICY ☐ PRO-JECT ☒ LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALLOWED AUTOS ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ☐ NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$
	DED ☐ RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS ☐ OTHER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N		N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101, Additional Remarks Schedule, if more space is required)

Endorsement 80-02-2306: Additional Insured: As required by written contract, Certificate Holders are named as Additional Insureds for USA Cycling sanctioned/permitted events.

Endorsement 80-02-9301: Event Organizer and/or Promoters are Named Insureds. It shall be a condition of coverage that all organizers/promoters for whom coverage is afforded under this policy execute a USAC event permit application and coverage will be afforded only for the specific event and dates on the permit.

CERTIFICATE HOLDER

CANCELLATION

City of Bartlett 5868 Stage Road Bartlett, TN 38134	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

Coll: 4191858 Tpl: 1570209 Cert: 20251098 © 1988-2010 ACORD CORPORATION. All rights reserved.

ACORD 25 (2010/05)

The ACORD name and logo are registered marks of ACORD

Packet Pg. 64

Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)

AGENCY CUSTOMER ID: HRH18003

LOC#: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY Willis of Texas, Inc.		NAMED INSURED USA Cycling, Inc. 210 USA Cycling Point Colorado Springs, CO 80919	
POLICY NUMBER 79960314		EFFECTIVE DATE: 12/31/2012	
CARRIER Federal Insurance Company	NAIC CODE 20281-001		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Event #2013-3531
 Event Name: 12 Hours of Stank
 Event Location: Bartlett, TN
 Event Date: 10/05/2013

Certificate Holder is an Additional Insured with respects to Event #2013-3531, 12 Hours of Stank, in Bartlett, TN on 10/05/2013, but only with respect to the liability arising out of the Named Insured's Operations.

Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)



Liability Insurance

Endorsement

<i>Policy Period</i>	DECEMBER 31, 2012 TO DECEMBER 31, 2013
<i>Effective Date</i>	DECEMBER 31, 2012
<i>Policy Number</i>	7996-03-14
<i>Insured</i>	USA CYCLING, INC.
<i>Name of Company</i>	FEDERAL INSURANCE COMPANY
<i>Date Issued</i>	DECEMBER 4, 2012

This Endorsement applies to the following forms:

GENERAL LIABILITY

Under Who Is An Insured, the following provision is added:

Who Is An Insured

State Or Political Subdivision – Permits

Any state or political subdivision designated below is an **insured**; but they are **insureds** only with respect to liability arising out of operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

Under Bodily Injury/Property Damage Exclusions, the following exclusion is added:

Bodily Injury/Property Damage Exclusions

Operations For State Or Political Subdivision

This insurance does not apply to **bodily injury** or **property damage** included within the **products-completed operations hazard** arising out of operations performed for any state or political subdivision designated as an **insured**.

Policy Exclusions

Under Policy Exclusions the following exclusion is added:

Operations For State Or Political Subdivision

This insurance does not apply to **bodily injury, property damage, advertising injury or personal injury** arising out of operations performed for any state or political subdivision designated as an **insured**.

Designation Of State Or Political Subdivision

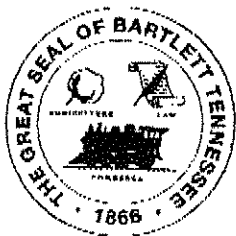
AS REQUIRED BY WRITTEN CONTRACT/PERMIT

All other terms and conditions remain unchanged.

Authorized Representative



Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)



City of Bartlett

PARKS & RECREATION

A. Keith McDonald, Mayor
David D Thompson, Parks Director

January 4, 2013

City of Bartlett
Code Enforcement
6462 Stage Road
Bartlett, TN 38134

Larry Dunn of Stanky Creek Cycling (SCC) has requested to use Nesbit Park on Saturday, October 5, 2013, 7:00 a.m. until 10:30 p.m. for their 12 Hours of Stank racing event.

Permission is hereby given by Bartlett Parks and Recreation Department pending approval by the Mayor and Board of Aldermen.

Sincerely,

David Thompson
Director Parks and Recreation
City of Bartlett

Cc: Larry Dunn, Stanky Creek Cycling
Larrydunn80@gmail.com
901-628-2203

Attachment: Mountain Bike Endurance Race-12 hrs of Stank (10-5-13) (1062 : Mountain Bike Endurance Race)

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM
Department: Code Enforcement
Category: Special event permit
Prepared By: Valerie Brantley
Department Head: Jim Brown

Special event permit for 5K Run/Walk for One Less.



APPLICATION FOR SPECIAL EVENT

OFFICE OF
BARTLETT CODE ENFORCEMENT
6382 STAGE ROAD
BARTLETT TN 38134
901-385-6425

L JENKINS @ city of bartlett H. Co.

3755 NORTH GERMANTOWN ROAD 38133
Address Zip Code
9 NOV 2013 9:00 - 10:30
Dates of the Event Hours of the Event
5K RUN / WALK
Type of Event (Fund Raiser, Seasonal, Tent Sale, Sidewalk Sale, Public Attraction)
FAITH BAPTIST CHURCH / CITY BARTLETT
Property Owner
FAITH BAPTIST CHURCH 3755 NORTH GERMANTOWN RD
Special Event Permit Applicant Address of Applicant
901-386-4785 385-8983
Phone Number Fax Number

Check all items that apply:

For information call (901) 385-6425.

N/A Letter of Permission
☒ Insurance
N/A Tents (Fire Retardant letter included)
☒ Special Event Checklist
☒ Map
☒ Sign or Banner

\$60.00 Special Event Fee
\$4.00 Permit Issuing Fee
104.00 Total CK #73358


Responsible Person

Date

4 SEPT 2/13

****Notify building department 10 days prior to Special Event to be held unless it is a Public Attraction which requires approval from the Board of Mayor & Aldermen.****

APPROVAL

This application is not a permit and grants no rights or privileges.

Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)

Special Event Checklist

Event: SK F
 Location: PARKING LOT FAITH BAPTIST CHURCH STREETS
 Dates: 9 NOV 2013

Type of special event: (Check one.)

- | | |
|---|---|
| <p>☐ <i>Type 1: Noncommercial Events.</i> Fund-raising or non-commercial events held outside an enclosed permanent structure, including parades, advertised demonstrations, or events, including structures used in conjunction with the event.</p> <p>☐ <i>Type 2: Special Seasonal Events.</i> Farmers' market, Christmas tree sales, fruit, flower or vegetable sales, or sale of other seasonal products, when sold other than on the site where grown, constructed or assembled.</p> | <p>☐ <i>Type 3: Commercial Events.</i> Significant commercial events such as tent sales, sidewalk sales, trade shows, merchandise sales, product demonstrations or transient merchants.</p> <p>☒ <i>Type 4: Public Attractions.</i> Significant outdoor public events intended primarily for entertainment or amusement, such as carnivals, concerts, or festivals, including fireworks displays. Requires approval by the Board of Mayor and Aldermen.</p> |
|---|---|

Exempt events: (If any of these apply, the special event is exempt from the permit requirement.)

- | | |
|---|--|
| <p>☐ <i>Public property.</i> Any special event wholly on public streets and right-of-ways or other property of the City, excluding public parks, which special event is allowed specifically or generally by action of the Board of Mayor and Aldermen.</p> <p>☐ <i>Public parks.</i> Any special event held within a public park. (Although exempt from this Section, these types of special events shall be governed by other provisions of the Codified Ordinances regulating conduct in City parks and recreation areas.)</p> <p>☐ <i>City sponsorship.</i> Any special event sponsored or co-sponsored by the City. Such event shall, however, be in compliance with the performance standards in Section 27.F.</p> <p>☐ <i>Special use permit or site plan.</i> Any business already operating under a special use permit or site plan that authorizes the display and sale of outdoor goods or authorizes the operation of any special event as defined herein.</p> <p>☐ <i>Yard sales.</i> Yard sales regulated under Article VI, Section 1 of the Zoning Ordinance.</p> | <p>☐ <i>Auctions/estate sales.</i> Auctions/estate sale for individual property that is not considered a special event and is conducted by duly licensed auctioneers.</p> <p>☐ <i>Business deliveries.</i> Newspaper delivery or bona fide merchants who deliver goods in the regular course of business.</p> <p>☐ <i>Certain solicitations.</i> Solicitors for charitable, non-profit or religious organizations who go from dwelling to dwelling, business to business, street to street, taking or attempting to take orders for goods, wares and merchandise are exempt from these provisions, provided these organizations meet the Internal Revenue Service Criteria to qualify as a charitable, non-profit or religious organization.</p> <p>☐ <i>First Amendment activity.</i> The dispensing of religious pamphlets or other literature which is protected by the United States Constitution under Freedom of Speech, Religion or Press.</p> <p>☐ <i>Political campaigning.</i> Campaigning for public office.</p> |
|---|--|

Performance standards:

	Sub- mitted ✓ or X	OK	N/A		Comments
1			N	<i>Location.</i> Special events that do not require the use of public right-of-way shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct special events on any property where the owner has granted permission.	
2		X		For all special events that require the use of public right-of-way, the permit granted shall clearly specify the streets to be used for the event and the time that the streets will be closed, if applicable.	
3			X	<i>Type 3 outdoor sales</i> must be conducted by an existing permanent business adjacent to and on the property of the location of the permanent business. The outdoor sales are to be conducted as an adjunct to the existing permanent business.	
4				<i>Land-use compatibility.</i> The special event shall be compatible with the purpose and intent of this Section and with adjacent land uses.	
5			X	The special event shall not impair the normal, safe and effective operation of a permanent use on the same site.	
6			X	The special event shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.	
7				<i>Compliance with other regulations.</i> All structures shall meet all applicable provisions of the Building Code.	
8			X	Any temporary structure shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event, the site shall be returned to its previous condition, including the removal of all litter, signage, attention-attracting devices or other evidence of the special event. If the site is not returned to its previous condition, the City may restore the site at the event coordinator's expense.	

	Sub- mitted ✓ or X	OK	N/A		Comments										
9	X			<i>Hours of operation and duration.</i> The duration and hours of operation of a special event shall be consistent with the surrounding land uses. The total duration of a special event shall not exceed the duration set forth in Table VI.27-1; however, the duration of the special event may be modified by conditions attached to the issuance of the special event permit, as set forth in Section 27.F. Table V.27-1: Special Event Maximum Duration <table border="1"> <thead> <tr> <th>Type of Special Event</th> <th>Duration</th> </tr> </thead> <tbody> <tr> <td>Type 1: Noncommercial</td> <td>30 days</td> </tr> <tr> <td>Type 2: Special Seasonal</td> <td>90 days</td> </tr> <tr> <td>Type 3: Commercial</td> <td>14 days</td> </tr> <tr> <td>Type 4: Public Attractions</td> <td>14 days</td> </tr> </tbody> </table>	Type of Special Event	Duration	Type 1: Noncommercial	30 days	Type 2: Special Seasonal	90 days	Type 3: Commercial	14 days	Type 4: Public Attractions	14 days	8:00 9:30 SAT 9 Nov ✓
Type of Special Event	Duration														
Type 1: Noncommercial	30 days														
Type 2: Special Seasonal	90 days														
Type 3: Commercial	14 days														
Type 4: Public Attractions	14 days														
10			X	In addition to the maximum duration as set forth in Table VI.27-1, a shopping center may hold centralized special events, not connected to individual businesses within the shopping center, which do not exceed sixty (60) days in a calendar year. The duration of all special events in a shopping center may be extended on a case by case basis if the special event(s) take place in shopping center parking areas not required for the primary businesses.											
11			X	<i>Frequency.</i> Except as otherwise provided herein, the maximum frequency of a special event on the same property shall be two (2) times per calendar year, excluding a shopping center. A shopping center shall be allowed to hold four (4) centralized events not connected to any individual business located within the center in addition to those events held by the individual businesses located within the shopping center.											

	Sub- mitted ✓ or X	OK	N/A		Comments
12			X	Type 3 outdoor sales at a specific location may be permitted only as follows: a. Outdoor sales may be permitted once in each calendar month if the duration is not more than three (3) days. b. Outdoor sales may be permitted once in each calendar quarter if the duration is more than three (3) days but not more than ten (10) days. c. The minimum time between consecutive outdoor sales periods for the same business on the same property shall be fourteen (14) days from the beginning of one period to the beginning of the next period. Permitted durations are not cumulative in any time period, that is, the time periods in both "a" and "b" may not be added together.	
13	X			<i>Traffic circulation.</i> The special event shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls. All sidewalks shall be left open for pedestrian traffic unless special approval is received for blockage. No alleys, driveways, fire lanes or other access points shall be blocked by the special event unless specific approval is granted for the special event.	
14			X	<i>Street closings.</i> The special event permit recipients shall be responsible for securing, installing and immediate removal upon cessation all barricades and signs when street closings are approved. Large Class III barricades shall be sandbagged to prevent blowing over.	

	Sub- mitted ✓ or X	OK	N/A		Comments
15			X	<i>Fire safety.</i> The fire department shall be consulted for the following requirements and inspection, as necessary. a. Fire lanes a minimum of 20 feet in width and 12 feet in height or as otherwise approved by the Fire Chief must be provided in order to allow Fire Department access within 150 feet of all structures and on at least two sides of all two-story structures within 500 feet of the location of the special event. b. All fire hydrants in the area of the special event must be left with five (5) feet of clearance on all sides and shall be accessible from the fire lanes that are designated with the event. c. No open fires shall be permitted unless advance approval is obtained from the Fire Department. d. Fire extinguishers shall be available as determined by the Fire Chief. e. Temporary electrical wiring for the special event shall be installed in accordance with the requirements of the National Electrical Code. f. Tents shall comply with the Fire Code and applicable building codes. g. Exit signs and proper exiting aisles shall be provided in temporary special event structures.	
16			X	<i>Off-street parking.</i> The event shall not create a parking shortage for any other use. All off-street parking surfaces used for the special event shall be concrete or asphalt.	
17		X		<i>Public conveniences and litter control.</i> Adequate on-site rest room facilities and solid waste containers shall be provided. The applicant shall calculate the demand for such facilities and specify how the need will be addressed.	
18			X	<i>Nuisances.</i> The special event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.	

	Sub- mitted ✓ or X	OK	N/A		Comments
19				<i>Area of parking lot dedicated to outdoor special events.</i> a. No more than ten (10) percent of the parking stalls required for the structure associated with the parking lot in which the special event occurs shall be permitted to be used for a special event. Regardless of how many stalls are occupied by the special event, no special event that occurs in the parking lot for a permanent structure may cause a parking shortage for primary and accessory uses associated with that structure. b. No spikes, nails, anchors or other devices shall be driven into any public street, sidewalk or parking lot surface or into any existing concrete or asphalt. Such devices may be used on private parking lots provided any damage resulting therefrom shall be fixed upon cessation of the event and removal of the devices.	
20	N			<i>City services.</i> If the applicant requests the City to provide services or equipment, including but not limited to traffic control or security personnel, or if the City otherwise determines that services or equipment are required to protect the public health, safety, or general welfare, the applicant shall be required to reimburse the City for the cost of the services. The City may require the applicant to submit a security deposit, in an amount determined by the Chief Administrative Officer and in the form approved by the City Attorney, prior to the event to ensure that the applicant complies with this provision.	
21	X			<i>Insurance coverage.</i> Special event permit recipients must show proof of liability insurance at time of application. If the special event will take place on public property, said certificate of insurance shall name the City as an additional insured party in an amount determined by the Chief Administrative Officer based on the nature of the special event.	

Conditions

Conditions deemed necessary to ensure compatibility with adjacent land-uses and to minimize potential adverse impacts on nearby uses:

	Required ✓ or X	N/A		Comments
22	✓		Limitations on signs.	
23	✓		Temporary arrangements for parking and traffic circulation.	
24	✓		Requirements for screening/buffering and guarantees for site restoration and cleanup following the special event.	
25	✓		Modifications or restrictions on the hours of operation, duration of the event, size of the event or other operational characteristics.	
26		✓	The posting of security in an amount required by the Permitting Official to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required special event standards and conditions of approval.	
27	✓		The provision of traffic control or security personnel to ensure the public safety and convenience.	
28		✓	Execution of a "Special event agreement" in a form acceptable to the City Attorney to ensure the indemnification of the City and that public property will be protected and/or restored to its condition prior to the special event.	

Special event permit application, content and submission requirements

A complete application shall be submitted to the Permitting Official at least ten (10) days prior to the requested start date of any special event.

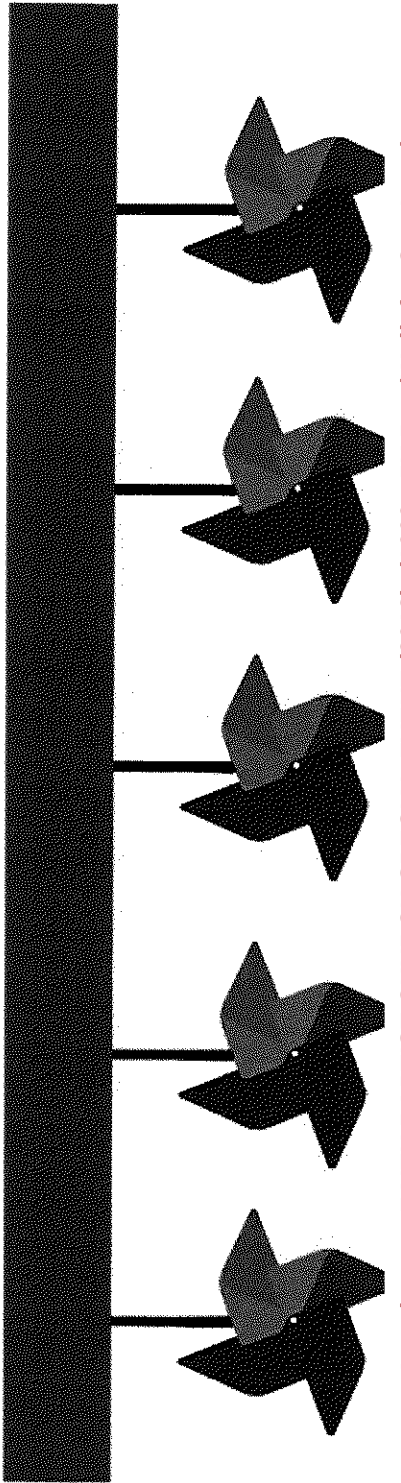
The application shall set forth and contain the following information:

	Sub- mitted ✓ or X	OK	N/A		Comments
29	✓			Name and address of the applicant.	
30	✓			Names and address of the owner of the premises on which the proposed event is to be held.	
31			✓	Written approval from the property owner agreeing to the proposed event, if the applicant is not the same as the property owner.	
32	✓			Description of the site on which the proposed event is to be held.	
33	✓			Date of the proposed event.	
34		✓		A narrative written description of the proposed event, the hours of operation, anticipated attendance, and any buildings/ structures, signs or attention-attracting devices proposed to be used in conjunction with the event, as well as a statement that the standards set forth in this Section have been satisfied. The narrative written description shall also state what public streets, if any, are requested to be used for the special event.	
35	✓			A site plan in the form and the level of detail as required by the Permitting Official, showing the location of all existing or proposed uses, structures, parking areas, outdoor display areas, signs, streets, and property lines.	
36		✓		Location and number of proposed temporary public toilets.	
37		✓		Proposed temporary potable water supplies, which shall be subject to approval by the Director of Code Enforcement, pursuant to applicable authority of the City.	
38		✓		Any other information deemed necessary by the Permitting Official to ensure compliance with the standards set forth in this Section.	

Special event permit - authorization by Permitting Official

Type 1, 2 and 3 special events (as defined in part B) may be issued a special event permit by the Permitting Official on the form provided by the City when all of the following conditions have been satisfied and continue to be met throughout the special event:

	OK ✓ or X	N/A		Comments
39	✓		A complete application is made on the form provided by the City and a fee paid in accordance with City ordinances.	
40	✓		The application has been reviewed and approved in writing by the Code Enforcement, Fire, Police, and Public Works Departments for traffic control and other safety concerns.	
41		✓	An electrical plan, if required for the special event, is approved by the Director of Code Enforcement.	
42	✓		The Permitting Official determines the following: a. The special event will comply with the special event performance standards...;	
43	✓		b. The special event will not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;	
44	✓		c. The special event will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter, or visual pollution;	
45	✓		d. The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.	

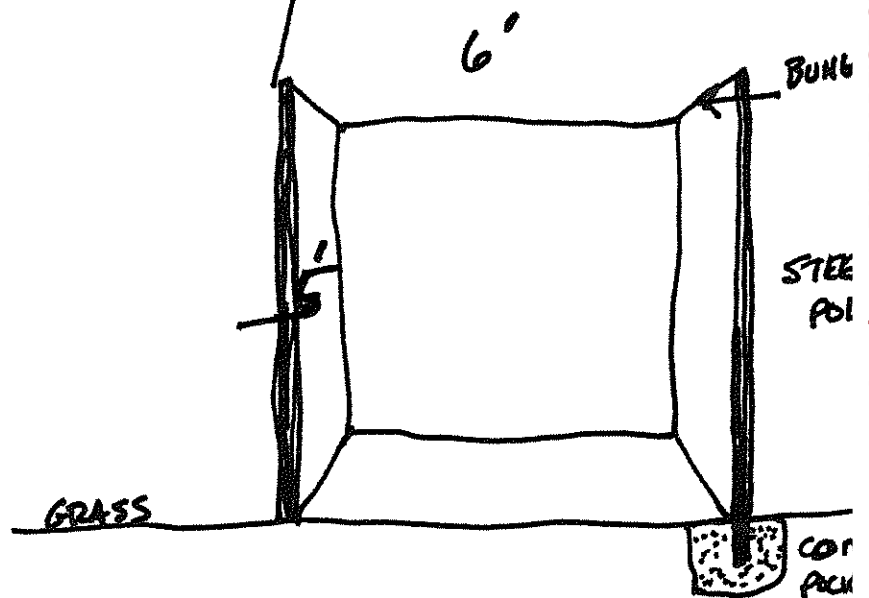
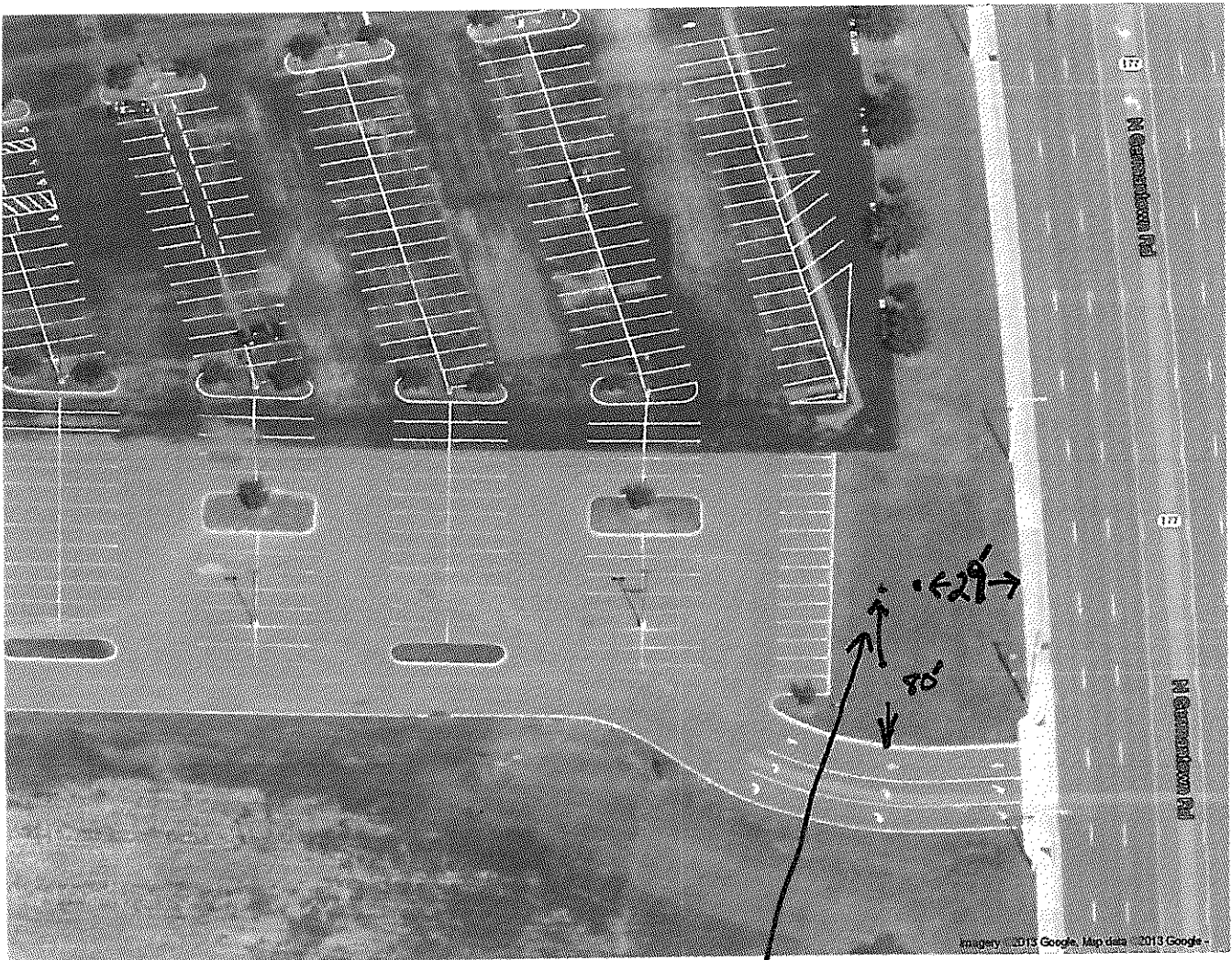


1,149 children
are in foster care
in Shelby County

1 < ORPHAN

To see all the details that are visible on the screen, use the "Print" link next to the map.

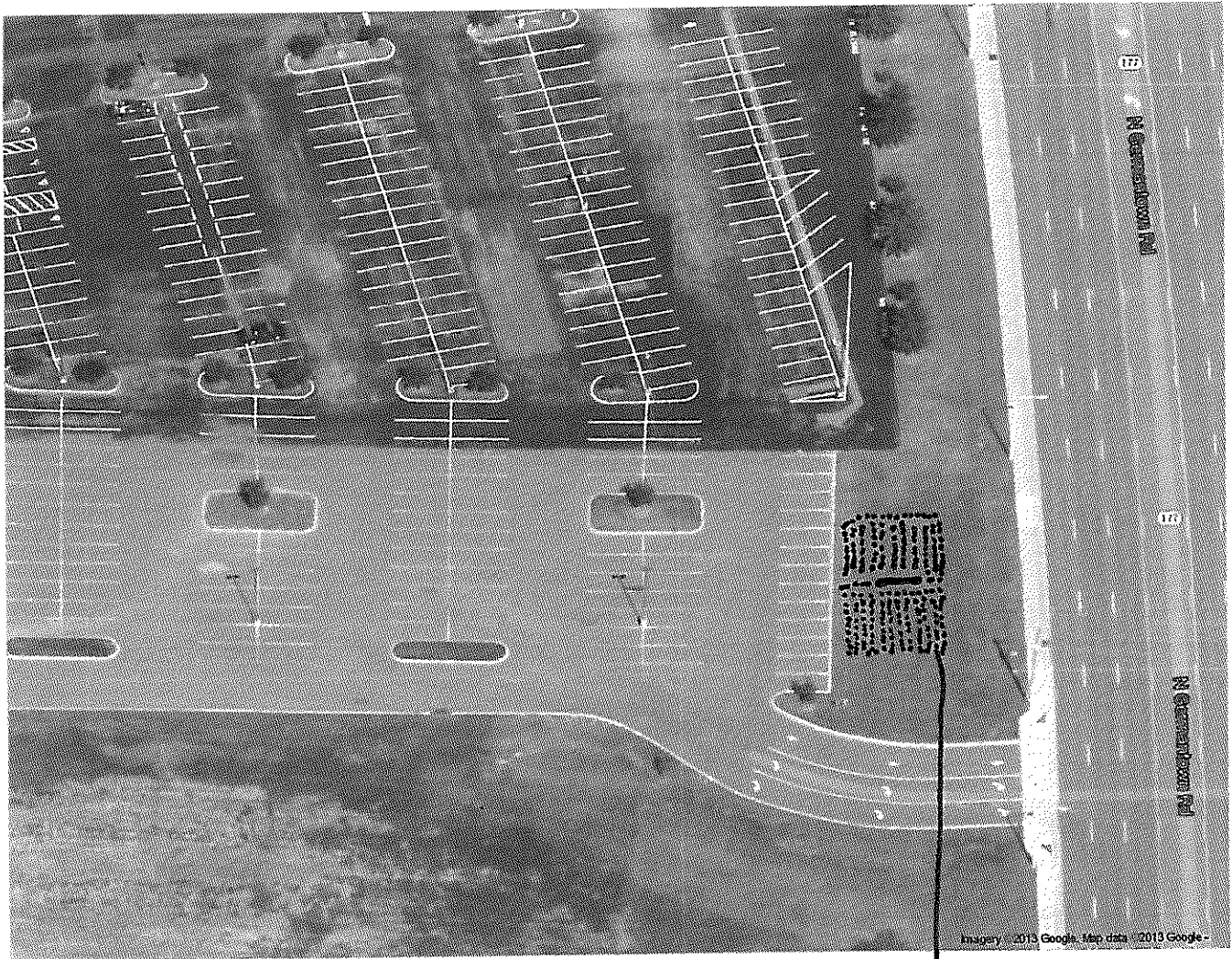
Google



Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



PINWHEELS PLACED IN GROUND NORTH & SOUTH
OF SIGN.

PINWHEELS REPRESENT # OF CHILDREN IN FOSTER CARE
WE ARE RAISING AWARENESS AND HOPING EACH
PERSON WILL DO THEIR PART TO MAKE ONE LESS
FOSTER CARE KID IN SHELBY COUNTY

PINWHEEL



Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)

Warren Knabb

From: David Cupp [dcupp@cityofbartlett.org]
Sent: Wednesday, September 04, 2013 8:24 AM
To: 'warrenk@myfaithbaptist.org'
Cc: Jeff Cox
Subject: FW:
Attachments: 5K Route.jpg

Good Morning Mr. Knabb. The route for your 5K Run looks good to me. I will have a few Motorcycle Officers there to make sure everything goes smoothly. As far as the pay is concerned they are getting paid through the Tax Payers of Bartlett.

If you can provide me with the times and date I will take it from there.

Thanks,

Captain David G. Cupp, CFS
 Bartlett Police Department
 Traffic Division
 3730 Appling Road
 Bartlett, Tennessee 38133
 901-385-5529 x324
dcupp@bartlettspolice.org

From: Jeff Cox
Sent: Tuesday, September 03, 2013 9:04 PM
To: David Cupp
Subject: Fwd:

Can you make sure this route is OK thanks

Sent from my MOTOROLA ATRIX™ HD on AT&T

----- Original Message -----

Subject:
From: Warren Knabb <warrenk@myfaithbaptist.org>
To: Jeff Cox <jcox@cityofbartlett.org>
CC: rsinquefield@comcast.net

Mr. Cox

This is the route of the 5 K
 Please let us know any fees we will need to pay the officers.
 I will be turning this map in to Code Enforcement tomorrow.

Thanks for all you do to help Faith each week!

Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)

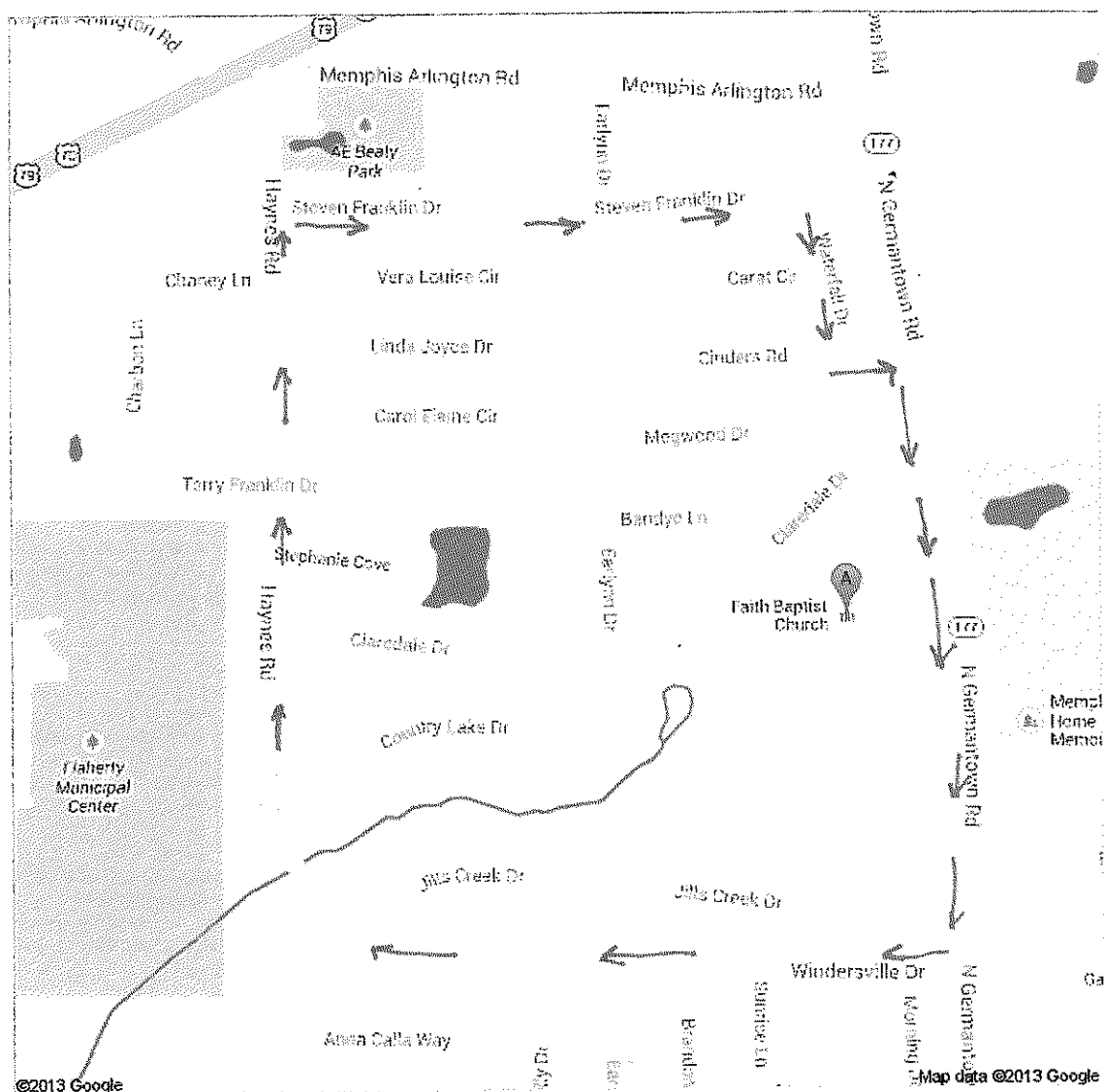
Warren Knabb
Director of Operations
Faith Baptist Bartlett
531-6840 office 674-8800 cell

Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)

Google

Address 3755 N Germantown Rd
Memphis, TN 38133

Run For One Less



RUN FOR ONE LESS
5 K ROUTE
FAITH BAPTIST BARTLETT
9 NOVEMBER 9:00 AM

Attachment: FAITH BAPTIST CHURCH SPECIAL EVENT (2013) (1069 : 5K Run/Walk for One Less)



CERTIFICATE OF LIABILITY INSURANCE

7.3.a
DATE 09/04/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Corporate Insurance Group LLC PO Box 737 Arlington, TN 38002	CONTACT NAME: Ken Brady		
	PHONE (A/C, No, Ext): 901-867-7171 FAX (A/C, No): 901-867-8998		
	E-MAIL ADDRESS: ken@calicig.com		
INSURED Faith Baptist Church 3755 N Germantown Rd Bartlett TN 38133	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Philadelphia Insurance Co		
	INSURER B: Bridgefield Casualty Insurance Co		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:			PHPK957025	01/01/2013	01/01/2014	EACH OCCURRENCE \$ 1,000,00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,00 MED EXP (Any one person) \$ 5,00 PERSONAL & ADV INJURY \$ 1,000,00 GENERAL AGGREGATE \$ 2,000,00 PRODUCTS - COM/POP AGG \$ 2,000,00
A	☐ AUTOMOBILE LIABILITY ☒ ANY AUTO ☒ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS			PHPK957025	01/01/2013	01/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,00 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	196-33868	01/01/2013	01/01/2014	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 500,00 E.L. DISEASE - EA EMPLOYEE \$ 500,00 E.L. DISEASE - POLICY LIMIT \$ 500,00
A	Contractor Equipment rented or leased equipment			PHPK957025	01/01/2013	01/01/2014	limit \$50,000 deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Run for One Less 5K event on Saturday, November 9, 2013

CERTIFICATE HOLDER City of Bartlett Office of Code Enforcement 6382 Stage Rd Bartlett, TN 38134	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE General Partner <i>Ken Brady</i>
--	--

Our Work

Who We *HELP*

Orphans

"There over 210 million -Orphans.^{1"}

Victims of Human Trafficking

"Human trafficking is the fastest growing criminal industry in the world grossing over \$9.5 Billion. ^{2"}

Victims of Sexual Exploitation

"In the United States, prostitution is often considered a victimless crime, even though most girls start between the ages of 12 and 14. ^{3"}

Victims of Poverty

"Almost half the world - over three billion people - live on less than \$2.50 a day.^{4"}

Statistics provided by 1.Unicef, 2. CATW, 3. NightLight International and 4. World Bank Development Indicators 2008.

Change these numbers!

HELPONE

Commitment to a monthly gift!

Give ONE time gift!

Pray for ONE Less!

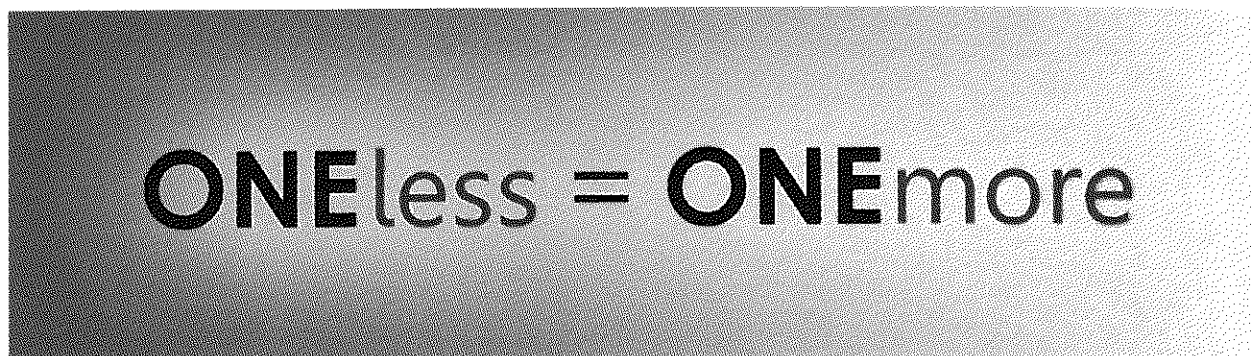
Sponsor an event!

Host a Fundraiser!

Volunteer!

[Home](#) [Blog](#) [About](#) [Our Work](#) [Get Involved](#) [Donate](#) [Store](#)

Victims of Human Trafficking // Hope for the Defenseless



"Human trafficking is an offense against human dignity, a crime in which human beings, many of them teenagers and young children, are bought and sold and often sexually abused by violent criminals." –President George W. Bush

Human trafficking or "Trafficking in Persons" as defined by the United Nations's "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children", is

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"

Human Trafficking includes but is not limited to:

- Commercial sexual exploitation/sex trafficking. [Learn more...](#)
- Forced labor, bonded labor/debt bondage, labor trafficking.
- Forced removal of organs/organ selling
- Child soldiering

Human Trafficking Statistics

Obtaining numbers and statistics related to human trafficking remains difficult. Slavery in its traditional form of legal ownership of another human being is illegal worldwide. However, slavery continues to be practiced all over the world in the forms described by the UN Trafficking Protocol. This is a hidden population because of the invisibility of victims and the high levels of under-reporting. All statistics listed here are estimates.

- 27 Million- the number people enslaved in the world today.
- \$32 Billion USD -total annual profits generated by trafficked forced laborers.
- \$15.5 Billion USD- of the \$32 Billion generated in industrialized countries.
- 800,000 - the number of people who are trafficked across international borders every year.
- 2,515 suspected incidents of human trafficking opened by federally funded task forces in the US from 2008-2010.

"After drug dealing, trafficking in humans is tied with arms dealing as the second-largest criminal industry in the world."- US Department of Health & Human Services

Making ONEless

ONEless works to make ONE less victim of human trafficking through our proactive and reactive strategies. [Learn more...](#)

Stories of ONEless

15-year-old Girl Rescued from Human Trafficking in Middle TN

ONEless helped a 15-year-old-girl who was so severely beaten when she was rescued, that law enforcement felt the need to take her to a neurologist to assess the damage. She had been trafficked through several states over a three to four month period, traded by a number of pimps, including several "gorilla pimps" - brutal controllers who rely on violence to keep their victims submissive and compliant to their demands.

This young girl is now reunited with her father, away from her original home for her security. The funding ONEless provided is keeping them safe and housed - providing food, utilities, and rent until the father's paycheck comes through. ONEless was made aware of this pressing need through our partnership with End Slavery.

Notes:

1. United Nations Office on Drugs and Crime. "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children." *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*. New York: United Nations, 2004. <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf> [accessed February 13, 2013]
2. Kevin Bales. *Free the Slaves*.
3. International Labour Organization. "A global alliance against forced labour." *International Labour Conference*. Geneva: International Labour Office, 2005. <http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf> [accessed February 13, 2013]
4. Ibid, 55.
5. U.S. Department of State. *Trafficking in Persons Report: 2007*. <http://www.state.gov/j/tip/rls/tiprpt/2007/> [accessed February 16, 2013]
6. U.S. Department of Justice. Bureau of Justice Statistics. *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*. 2007. <http://bjs.gov/index.cfm?ty=pbdetail&iid=2372> [accessed February 13, 2013]
7. U.S. Department of Health & Human Services Press Office. "HHS Fights to Stem Human Trafficking." *HHS Press Release*. 2006.

Our Email Newsletter

First & Last Name

Email Address



Support Us

We depend on your generous support.

Please consider a recurring or one-time donation to One Less Ministries.



Stay Connected

One Less Ministries
P.O. Box 754
Smyrna, Tennessee 37167
Email Contact



**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM

Department: Public Works

Category: Contract

Prepared By: Sherry Howard

Department Head: Bill Yearwood

Annual contribution to the County's Household Hazardous Waste Collection Facility.

Please approve the annual contribution to Shelby County Government for the Household Hazardous Waste Facility. Per the agreement signed by Mayor A. Keith McDonald on October 2, 2012, Bartlett's share of that facility's cost is \$20,000. This agreement continues through June 30, 2013. Funds are available in account 12248122899.

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM

Department: Engineering

Category: Contract

Prepared By: Becky Bailey

Department Head: Rick McClanahan

MATA Bus Shelter Installation Project.

Two locations in Bartlett on Stage Road are proposed for bus shelter installation by MATA. One location is in front of the Bartlett Library. The other location is on the property line between Arby's and Colton's in the Wolfchase area. These locations have the highest bus ridership of all bus stops in Bartlett. Attached are drawings of the two locations, a cost breakdown of each location, and photos of the new bus shelter design. Bartlett will be responsible for 20 percent of the purchase costs and all of the installation costs. Bartlett Public Works has agreed to maintain the shelters and empty the garbage cans. Please award the contract for \$5,500.00 to include the cost of materials, labor and contingency. Funding is available in account 121.48121.975.

Bartlett Shelter Costs

Purchase Costs	Shelter 1 (Library)	Shelter 2 (WolfCreek Pkwy)	Total Cost
Shelter	\$3,477.00	\$3,477.00	\$6,954.00
Trash Receptacle	\$598.00	\$598.00	\$1,196.00
Sub Total	\$4,075.00	\$4,075.00	\$8,150.00
80% funded by FTA/MATA	\$3,260.00	\$3,260.00	\$6,520.00
20% funded by Bartlett	\$815.00	\$815.00	\$1,630.00
Installation Costs	Shelter 1 (Library)	Shelter 2 (WolfCreek Pkwy)	Total Cost
Shelter & Bench	\$720.00	\$720.00	\$1,440.00
6'x12' Concrete Pad	\$756.00	\$756.00	\$1,512.00
Additional Concrete, \$5.50/SF (28 SF)	\$0.00	\$154.00	\$154.00
Trash Receptacle	\$40.00	\$40.00	\$80.00
Sub Total	\$1,516.00	\$1,670.00	\$3,186.00
Total Funded by City of Bartlett	\$2,331.00	\$2,485.00	\$4,816.00

Attachment: bus shelter drawings and estimate.pdf (1068 : MATA Bus Shelters in Bartlett)



MAP KEY

- TREE
- STREET SIGN
- TRAFFIC SIGNAL
- FIRE HYDRANT
- UTILITY POLE
- BUS STOP SIGN
- SHELTER

(MAP NOT TO SCALE)

COMMENTS:

Our list, Stage at Bartlett Blvd.
Approx. 10' from shelter to
fire hydrant
Want Traffic Engr. to check set
back for sight triangle, drive 1

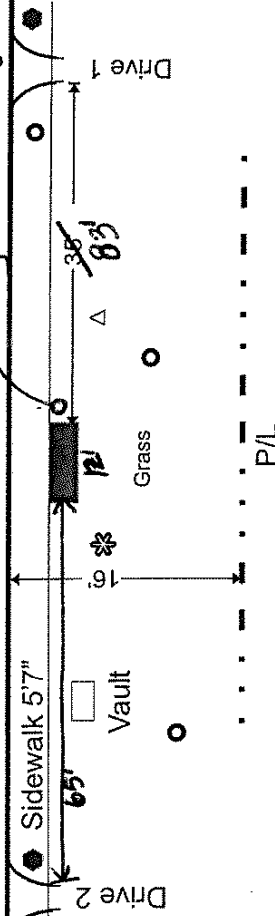
MATA BUS STOP
SHELTER #: Bart 2

REVISION DATE: 8/24/13

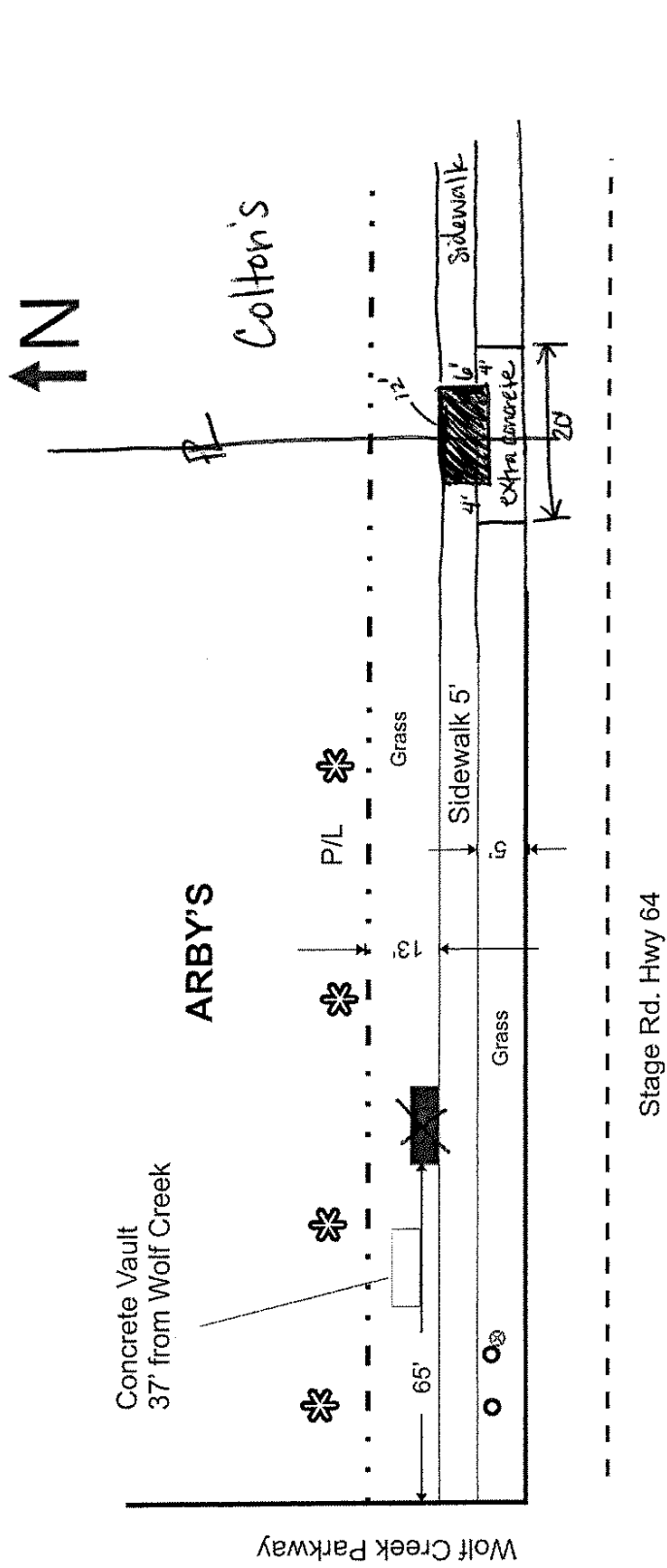
8/21/13

Stage Road - Highway 64

Existing Post-top Street light



BARTLETT LIBRARY



(MAP NOT TO SCALE)

COMMENTS:

extra concrete $20' \times 5' = 100$
less 72 SF (Concrete Pad Area)
= 28 SF

MATA BUS STOP
SHELTER #: Bart 1

REVISION DATE: ~~7/12/13~~

8/21/13





Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

AGENDA ITEM

Meeting: 09/10/13 07:00 PM

Department: Planning and Economic Development

Category: Report

Prepared By: Sam Harris

Department Head: Terry Emerick

Planning Commission report for September 2013.

NEW BUSINESS

Public Hearing

Special Use Permit

1. Game X Change, Special Use Permit, 6832 & 6836 Stage Rd (Mike Hultquist, Owner)

INTRODUCTION: Mr. Mike Hultquist with Game X Change is requesting Planning Commission approval for a Special Use Permit (SUP) to operate the Game X Change retail store. The business will be 6832 and 6836 Stage Road within the "C-H" Highway Business zoning district.

DISCUSSION: The proposed business will sell new and used DVDs, CDs, video games and accessories. Ordinarily, retail uses in the "C-H" zoning district are permitted without an SUP. However, Article V, Chart I of the Zoning Ordinance states in part that, "retail secondhand stores" require an SUP. Other uses within and adjacent to the subject use includes: a cell phone store, restaurants, a nail salon, an insurance office, a cigarette store, gas stations and a pharmacy.

Planning Conditions:

1. The applicant shall obtain Design Review Commission and/or Administrative approval prior to installing signage and making changes to the exterior storefront.
2. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Recommend approval to the Board of Mayor and Aldermen with conditions of staff.

2. Walker Farms PD, Amendment, North of Old Brownsville Rd, East of Kirby-Whitten Road (Mark Underwood, Property Solutions)

INTRODUCTION: Mr. Mark Underwood with Property Solutions is requesting Planning Commission approval of proposed amendments to a previously recorded outline plan and recorded final plat for the Walker Farms Planned Development (P.D.). The subject property is located north of Old Brownsville Road, and east of Kirby Whitten Road within the "RS-12" Residential zoning district.

BACKGROUND: October 13, 2004, the Memphis and Shelby County's Land Use Control Board recommended approval of the 80-lot planned development and outline plan to the Shelby County Commission. On December 12, 2006, the Shelby County Commission granted

approval of the project. On December 7, 2005, the Memphis City Council granted approval of the project.

On October 2, 2006, the Bartlett Planning Commission recommended to the Board of Mayor and Aldermen that the project be annexed into the City of Bartlett, and that it be zoned "RS-12" Residential. On December 12, 2006, the Board of Mayor and Aldermen granted the annexation of the property along with the recommended zoning. On March 2, 2009, the Bartlett Planning Commission approved the final plan.

DISCUSSION: The applicant is requesting the following amendments to the outline plan and final plat in an effort to make new homes more attractive for today's market. The proposed amendments are as follows:

- A reduction in the minimum heated floor area from 2,000 square feet to 1,800 square feet (40% of the homes) except for homes located on Farmland Way and Walker Farms Drive.
- Replace the irrigation requirement for street trees, and add a requirement to plant Redbud trees in November, and that the trees are to become the responsibility of the Homeowners Association.
- A reduction in the minimum rear yard setback from 25-feet to 20-feet for all lots.
- Establish a requirement that a minimum of 70% of the exterior elevations of the homes be constructed in brick.
- All mailboxes will be identical in design.
- The developer/owner shall obtain Planning Commission approval, prior to the construction of the future phases of the planned development.
- Driveway locations other than shown on the recorded plat shall be pre-approved by the City Engineer and Code Enforcement prior to installation.

Engineering Conditions:

1. Outline Plan Conditions:

- a. **II. Bulk Regulations, para A-5 - lots 1-19 and 31-50:** These lots have the same overall lot depth (125') and rear yard setback (25') as the rest of the lots in this subdivision. Corner lots are excluded from this as they do not have rear yard setbacks. It is noted that lots 1-19 and 31-50 do have a 35' front yard setback as opposed to a 30' setback for all other lots in this subdivision. It is also noted that lots 1-14 back up to non-buildable greenbelt or Common Open Space land. In a meeting with the developer on August 14, he noted this request also applies to the future-phased lots on Walker Farms Drive and the extension of Farmland Way. The recommendation for lot 1-19 and 31-50 and for all future lots along Farmland Way and Walker Farms Drive would be to reduce the rear yard building setback to 20 feet. No additional lots are recommended for this change,

as those lots in Areas B, C, and D (per the Outline Plan) are smaller and narrower lots than those in Area A.

- b. **V Landscape and Screening, para H:** Removing the irrigation requirement is not a major issue as long as the trees are all similar in height and maturity. The restriction to plant the trees between November 1 and March 1 is consistent with guidance provided to allow trees to be planted during the appropriate months to aid in survival. However, ALL of the trees shall be planted by the developer in the same planting season to ensure similar height/maturity. In a meeting with the developer on August 14, it was also agreed that the redbuds can be reduced in caliber to a minimum of 1".
- c. **XI final Plan, para B-5:** The 'driveway plan' was established by the previous bank after they had foreclosed, in an effort to defer installation of the landscaping and irrigation system, but to meet the requirement of V-D and XI B-5. Driveways had to be included in that plan, as the tree/landscaping plan had to consider the location of all driveways (min 10' away for smaller trees), sewer and water services (min 5' away), and any public easements generally found at lot lines (outside easement extension into ROW). Applicant proposes to eliminate all reference to the driveway locations in the landscaping plan along this minor collector street and simply let the builder install the trees where he can fit them. If this is to remain as a planned streetscape, the builder must strive to stay with the plan. If the trees are all planted in the next planting season by the developer starting November 1 this year, the builder would have the added task of relocating trees as necessary should the driveway location be moved. It is recommended the driveway plan remain, but give Codes and Engineering a little flexibility to adjust driveway locations, and the builder would further have the responsibility of moving and saving each tree rather than replacing it. This will preserve the intent of the tree-lined street. This note shall be placed on the plat and also on any building permit where the proposed relocated driveway will impact a street tree. The developer has agreed that for any lots for which the driveway would be relocated from the current plan, a plot plan showing the street trees on the affected lot and the two adjacent lots shall be included when applying for a building permit. This plan must be reviewed/approved by both Codes and Engineering prior to issuance of the building permit.
- d. **Developer-Imposed Minimum Building Requirements, para A-1 (2000 SF vs 1800 SF):** In the August 14 meeting, the developer clarified this request to include only the current and future lots not fronting on Farmland Way and Walker Farms Drive. The requested percent should specify the number of lots for phase I, and the percent can apply to each phase independently. For phase I, approximately 40 lots fit into this category and therefore (40% of 40 =) 16 lots could have the reduced square footage. Applicant must convert the percent to an actual number of lots so Codes can more easily keep track.
- e. **Developer-Imposed Minimum Building Requirements, para A-2:** This is a new paragraph and Engineering has no comments

- f. **Developer-Imposed Minimum Building Requirements, para A-3:** This is a new paragraph and Engineering has no comments.
- g. **The revised phasing plan should only show the revised phasing.** It has superimposed two phase lines and neither is correct for phase I. In one case the bold line matches the recorded plat (by lots 30 and 31) and in two other cases (lot 65-lot 66 and lot 78-lot 79) the non bold line matches the recorded plat. To give the developer some flexibility in modifying future phasing boundaries, it is recommended that a note be added on the plat allowing this flexibility from the original phasing schedule in the Outline Plan.
- h. It is recommended the only re-recording should be of the plat including the outline plan conditions - **not** the original Outline Plan. The original conditions have been carried forward on the plat and that is all that should be changed, unless the overall boundary of the outline plan also changes.
- i. The proposed plat - as revised - should;
 - 1). show the full contact information for the new developer
 - 2). cross out the interim developer - Liberty Bank of Arkansas
 - 3). remove from the re-recording note revision on all pages, the phrase "recorded phase I", as there are no changes to the lot line boundaries in phase I.
 - 4). amend new note 11 on sheet 5 of 7 to clarify that this refers only to the trees in the planting strip in the right of way - not those in the front yards.

Planning Comments:

- 1. These lots are located within the "RS-12" zoning district which per the Zoning Ordinance requires front yard setbacks to be 35-feet, side yard setbacks of 8-feet and 10-feet, and rear yard setbacks to be 30-feet. The maximum permitted lot coverage is 30%. This planned development outline plan was originally approved with 30-foot and 35-foot front yard setbacks, 5-foot side yard setbacks, and 25-foot rear yard setbacks. The applicant is requesting to reduce the rear yard setback to 20-feet throughout the entire development, but has not addressed the lot coverage issue. If the applicant does not amend the percentage of lot coverage, then the lot coverage will remain at 30%.
- 2. The reduced rear yard setback may limit future owners from a building addition and/or installing a storage building.
- 3. The applicant shall provide planning staff with an electronic version of the plans.
- 4. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Recommend approval to the Board of Mayor and Aldermen with conditions of staff with revisions above and to change rear yard setbacks to 24 feet but retain the 2000 sq.ft. minimum heated living area on the homes.

Site Plan:

3. Carlson Consulting Engineers, Building Expansion, 7068 Ledgestone Commons (Dean Carlson, Carlson Consulting Engineers)

INTRODUCTION: Mr. Dean Carlson with Carlson Consulting Engineers is requesting Planning Commission approval of a revised site plan for the Carlson Consulting Engineers office site. The subject property is located at 7068 Ledgestone Commons within the “O-C” Office zoning district.

BACKGROUND: On June 7, 2004, the Planning Commission approved a site plan for an 8,365 square foot office building and parking lot on an 8.68-acre parcel of land. A City of Bartlett water tank is located on an outparcel adjacent to the office building. Both the office building and water tank share an access road from Highway 70.

DISCUSSION: More specifically, the applicant is proposing to revise an existing site plan to expand the existing office building and parking lot. The existing building is setback approximately 590-feet from Highway 70. The building expansion will be on the rear elevation of the building. The proposed site plan also includes an additional dumpster pad and landscaping. The specifics of the site plan are as follows:

Site Data	
Site Area:	8.68-acre
Total Existing Parking Spaces:	39-spaces
Proposed Additional Spaces:	35-spaces
Total Proposed Parking:	74-spaces
Handicap Accessible:	2-spaces
Regular:	72-spaces
Existing Building Area:	8,365 sq.ft.
Proposed Building Area :	1,537 sq.ft.
Total Proposed Building Area:	9,902 sq.ft.
Greenspace/Openspace:	Not provided
Building Height:	Not provided

Engineering Conditions:

- I. This expansion, for the parking lot expands outside the original phase I as shown on the plat recorded in Plat Book 213, Page 46 (used 2.11 acres in sewer calculation) area upon which fees were based in the original development. As such, a new contract or (other method) will be required to collect additional fees based on the additional acres added to the phase I area.
 - a. The plat will also need to be re-recorded or some other method will need to be created to reflect the revised phase I area and modify the note addressing what has been paid.

2. Planting Plan:
 - a. Rework the tree density unit chart to match the current tree ordinance - 20 TDU's per acre. This shall be done before submission to the DRC.
 - b. TDU's - Show existing (to remain), existing (to be removed), and new -- and delineate all by tree species.
 - c. The Saucer Magnolia is a medium density tree
 - d. The Willow Oak is a large density tree.
 - e. The River Birch and Tea Olive are not on the approved list in our tree ordinance. This will be addressed by the DRC.
3. Detention: A new Stormwater analysis has been submitted to Engineering separately from the application and questions associated with the specifics are being worked out directly with the applicant.

Planning Conditions:

1. A site plan data table shall be included in the final set of plans that are submitted for permitting.
2. A detail of the dumpster enclosure shall be included with the final set of plans that are submitted for permitting.
3. Since the building expansion is located at the rear of the building, the elevation plans and landscaping will be reviewed by Planning staff. The applicant shall provide Planning staff with a set of elevation plans including a color and materials data table as well as paint samples prior to obtaining a building permit. The final elevation plans with the color and materials data table shall also be included with the final set of plans that are submitted for permitting.
4. The applicant shall provide Planning staff with an electronic version of the plans.
5. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Approved with conditions of staff.

**Board of Mayor and Aldermen**

6400 Stage Road
Bartlett, TN 38134

SCHEDULED**AGENDA ITEM**

Meeting: 09/10/13 07:00 PM

Department: Board of Mayor and Aldermen

Category: Appointment

Prepared By: Jeanie Underwood

Department Head: A. Keith McDonald

Appoint Matt Meador to Parks and Recreation Advisory Board.

Matt Meador will complete Tim Carroll's term. The term will expire December 31, 2015.



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

AGENDA ITEM

Meeting: 09/10/13 07:00 PM
Department: Planning and Economic Development
Category: Special use permit
Prepared By: Sam Harris
Department Head: Terry Emerick

Set a Public Hearing for October 8, 2013 for Resolution 15-13, A Resolution Approving a Special Use Permit for Sale of Used Video Games in a Retail Store Named “Game Xchange”, 6832 and 6836 Stage Road.

WHEREAS, an application has been made for a Special Use Permit for sale of used video games in the Game Xchange, 6832 and 6836 Stage Road.

WHEREAS, the Planning Commission reviewed the proposed Special Use Permit for Game Xchange, on September 3rd, 2013, in accordance with their regulations and recommended APPROVAL of the special use permit; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on October 8th, 2013, and approved the Special Use Permit for Game Xchange, 6832 and 6836 Stage Road to sell used video games in a retail store in Bartlett, subject to the following condition:

The applicant shall obtain Design Review Commission approval prior to installing any signage and making any changes to the exterior storefront.

WHEREAS, the Board of Mayor and Aldermen have determined that this Special Use Permit should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the Special Use Permit for Game Xchange, 6832 and 6836 Stage Road, incorporating the above listed conditions, is approved.

ADOPTED THIS 8TH DAY OF OCTOBER, 2013.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Attest: _____

Stefanie McGee, City Clerk

Bartlett Planning and
Economic Development Department
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Application for Special Use Permit Approval to the Bartlett Planning Commission

Consultation with the staff is encouraged prior to the completion of this application form.

Requested Special Use Secondhand goods - for Video Game Retail Store
Property Address 6832 & 6836 Stage Road, Bartlett, TN 38134
Present Zoning Commercial Highway
Owner/Developer Contact Mike Hultquist Phone 479-903-2870
Company Name Hultquist Enterprises, dba Game X Change Email mhultquist113@hotmail.com
Address 6536 Valley View Rd. Rogers, AR 72758
Architect Contact _____ Phone _____
Company Name _____ Fax _____
Address _____
Engineer Contact DAVID BEAY Phone 901.383.8668
Company Name BEAY-DAVIS FIRM, LLC. Fax 901.383.8720
Address 2950 STAGE PLAZA NORTH BARTLETT, TN 38134
Submitted by Mike Hultquist Mike Hultquist 7/17/2013
(printed name) (signature) (date)

I, _____, owner(s) of the property, hereby authorize the filing of this application.

Attach a checked-off "Special Use Permit Checklist" and all items required therein.

- ☒ Acknowledge (by initials in the blank to the left) that the "Application Instructions: Planning Commission" were obtained and read prior to submitting this application.
- ☒ Include a fee with this application (check payable to the City of Bartlett) of \$500.00 for five (5) acres or less, plus \$50.00 per acre (after the first five) to a maximum of \$3,000.00

Information to be entered by City staff only:

Resubmittals

(See "Application Instructions: Planning Commission.")

Resubmittal Description	Required Resubmittal Date/Time	Staff Initials
	_____ a.m./p.m. on _____	
	_____ a.m./p.m. on _____	
	_____ a.m./p.m. on _____	

RECEIVED

Aug 02 2013

CITY OF BARTLETT

The Bray-Davis Firm, LLC.

2950 Stage Plaza North
Bartlett, Tennessee 38134

Telephone 901-383-8668
Fax 901-383-8720

August 2, 2013

Terry Emerick
Director
Department of Planning and Economic Development
6382 Stage Road
Bartlett, TN 38134

RE: SUP application - Game Xchange

Mr. Emerick,

Please find attached an application for a Special Use Permit for Game Xchange to be located at 6832 and 6834 Stage Road in Lot 1 of the McCullar-Turley Subdivision (Plat Book 115, Page 18). The subject property is an existing strip shopping center in the C-H zoning district that contains 14 leasable bays. The proposed business will be located in two of the currently vacant bays. A Special Use Permit is required because the proposed retail enterprise includes the purchase of existing products for resale in addition to the sale of new product. Although Game Xchange does not deal exclusively in the sale of new items it is a compatible retail use with other "by right" uses within the zoning district. More information on this retail operation can be found at www.gogamexchange.com. An excerpt from the website detailing the stores history and philosophy is pasted below:

Our History

Game X Change was started in 1992 as the original retail buy, sell, and trade of interactive entertainment software and hardware(video games). Game X Change operates over 20 corporate stores. Additionally there are over 30 franchisee operated stores located throughout the US.

Game X Change is headquartered in Northwest Arkansas, home of the world's largest retailer Wal-Mart. Part of the ownership team has gained valuable experience by working with a supplier of Wal-Mart, and using that experience in developing retail systems and technological improvements within Game X Change.

Our Philosophy

Customers drive our business decisions:

When considering improvements to store policies, procedures, product, services, location, and layout we first ask ourselves, "Will this benefit the customer?"

Create Customer Loyalty:

The Game X Change franchise has a proven track record of creating customer loyalty by offering a fun, unique, and upscale shopping experience at a great value.

Work On Business, Not In Business:

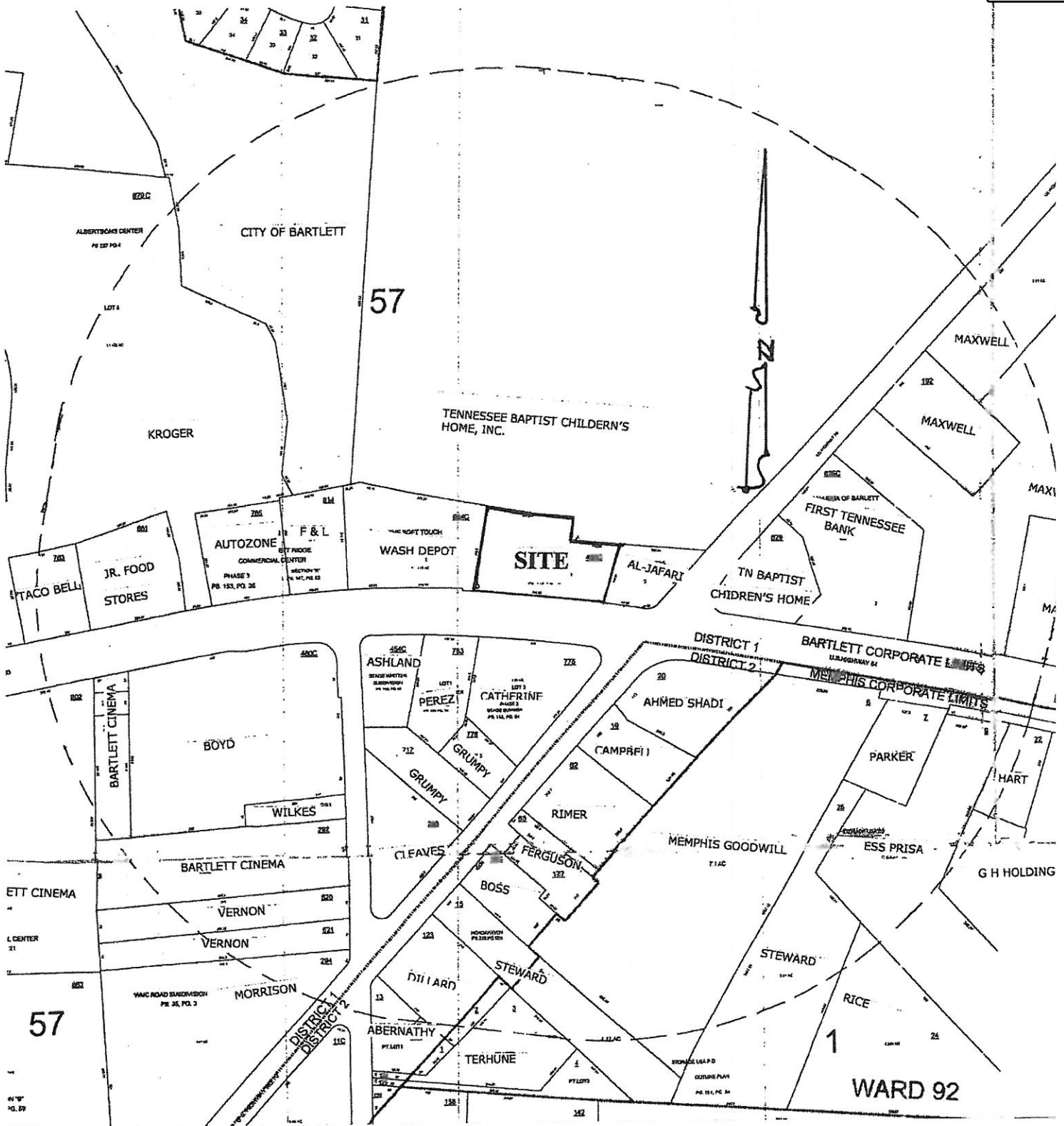
Game X Change corporate promotes the success of their franchisees through tested and a proven operations system supported by technology, training, and industry relationships which frees up owners to work on improving their business.

If you have any questions or need any additional information, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Bray, P.E.', with a stylized flourish at the end.

David Gean Bray, P.E.



Bray – Davis Firm, LLC

2950 Stage Plaza North
Bartlett, Tennessee 38134
August 1, 2013

Scale 1"=300'+/-

Telephone 901-383-8668
Fax 901-383-8720
E-mail braydavisfirm01@aol.com

Attachment: planning resolution 15_13 application (1074 : Resolution 15-13 Special Use Permit for Game Xchange)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

AGENDA ITEM

Meeting: 09/10/13 07:00 PM
Department: Planning and Economic Development
Category: Amendment
Prepared By: Sam Harris
Department Head: Terry Emerick

Set a Public Hearing for October 8, 2013 for Resolution 16-13, a Resolution Approving Amendments to the Planned Development Walker Farms PD.

WHEREAS, an application has been made for amendments to the Planned Development for Walker Farms P.D.,

WHEREAS, the Planning Commission reviewed the proposed amendments to the Planned Development for Walker Farms P.D. on September 3rd, 2013, in accordance with their regulations and recommended APPROVAL of the amendments to the Planned Development; and

WHEREAS, the Board of Mayor and Aldermen held a Public Hearing on October 8th, 2013 and approved the amendments to the Planned Development for Walker Farms P.D. The site contains approximately 158.21 acres and is located north of Old Brownsville Road and east of Kirby-Whitten Road. The existing planned development and conditions were recorded in Plat Book 225, Page 125 and Phase I final plat was recorded in Plat Book 245, Page 2 and consists of 80 lots and 43.63 acres, subject to the following conditions:

1. **Outline Plan Conditions:**

- a. **II. Bulk Regulations, para A-5 - lots 1-19 and 31-50:** These lots have the same overall lot depth (125') and rear yard setback (25') as the rest of the lots in this subdivision. Corner lots are excluded from this as they do not have rear yard setbacks. It is noted that lots 1-19 and 31-50 do have a 35' front yard setback as opposed to a 30' setback for all other lots in this subdivision. It is also noted that lots 1-14 back up to non-buildable greenbelt or Common Open Space land. In a meeting with the developer on August 14, he noted this request also applies to the future-phased lots on Walker Farms Drive and the extension of Farmland Way. The recommendation for lot 1-19 and 31-50 and for all future lots along Farmland Way and Walker Farms Drive would be to reduce the rear yard building setback to 20 feet. No additional lots are recommended for this change, as those lots in Areas B, C, and D (per the Outline Plan) are smaller and narrower lots than those in Area A.
- b. **V Landscape and Screening, para H:** Removing the irrigation requirement is not a major issue as long as the trees are all similar in height and maturity. The restriction to plant the trees between November 1 and March 1 is consistent with guidance provided to allow trees to be planted during the appropriate months to aid in survival. However, ALL of the trees shall be planted by the developer in the same planting season to ensure similar height/maturity. In a meeting with the developer on August 14, it was also agreed that the redbuds can be reduced in caliber to a minimum of 1".
- c. **XI final Plan, para B-5:** The 'driveway plan' was established by the previous bank after they had foreclosed, in an effort to defer installation of the landscaping and irrigation system, but to meet the requirement of V-D and XI B-5. Driveways had to be included in that plan, as the tree/landscaping plan had to consider the location of all

driveways (min 10' away for smaller trees), sewer and water services (min 5' away), and any public easements generally found at lot lines (outside easement extension into ROW). Applicant proposes to eliminate all reference to the driveway locations in the landscaping plan along this minor collector street and simply let the builder install the trees where he can fit them. If this is to remain as a planned streetscape, the builder must strive to stay with the plan. If the trees are all planted in the next planting season by the developer starting November 1 this year, the builder would have the added task of relocating trees as necessary should the driveway location be moved. It is recommended the driveway plan remain, but give Codes and Engineering a little flexibility to adjust driveway locations, and the builder would further have the responsibility of moving and saving each tree rather than replacing it. This will preserve the intent of the tree-lined street. This note shall be placed on the plat and also on any building permit where the proposed relocated driveway will impact a street tree. The developer has agreed that for any lots for which the driveway would be relocated from the current plan, a plot plan showing the street trees on the affected lot and the two adjacent lots shall be included when applying for a building permit. This plan must be reviewed/approved by both Codes and Engineering prior to issuance of the building permit.

- d. **Developer-Imposed Minimum Building Requirements, para A-1 (2000 SF vs 1800 SF)**: In the August 14 meeting, the developer clarified this request to include only the current and future lots not fronting on Farmland Way and Walker Farms Drive. The requested percent should specify the number of lots for phase I, and the percent can apply to each phase independently. For phase I, approximately 40 lots fit into this category and therefore (40% of 40 =) 16 lots could have the reduced square footage. Applicant must convert the percent to an actual number of lots so Codes can more easily keep track.
- e. **Developer-Imposed Minimum Building Requirements, para A-2**: This is a new paragraph and Engineering has no comments
- f. **Developer-Imposed Minimum Building Requirements, para A-3**: This is a new paragraph and Engineering has no comments.
- g. **The revised phasing plan should only show the revised phasing.** It has superimposed two phase lines and neither is correct for phase I. In one case the bold line matches the recorded plat (by lots 30 and 31) and in two other cases (lot 65-lot 66 and lot 78-lot 79) the non bold line matches the recorded plat. To give the developer some flexibility in modifying future phasing boundaries, it is recommended that a note be added on the plat allowing this flexibility from the original phasing schedule in the Outline Plan.
- h. It is recommended the only re-recording should be of the plat including the outline plan conditions - not the original Outline Plan. The original conditions have been carried forward on the plat and that is all that should be changed, unless the overall boundary of the outline plan also changes.
- i. The proposed plat - as revised - should;
 - (1) show the full contact information for the new developer

- (2) cross out the interim developer - Liberty Bank of Arkansas
- (3) remove from the re-recording note revision on all pages, the phrase “recorded phase I”, as there are no changes to the lot line boundaries in phase I.
- (4) amend new note 11 on sheet 5 of 7 to clarify that this refers only to the trees in the planting strip in the right of way - not those in the front yards.

Added amendments:

The following amendments to the outline plan and final plat were requested by applicant and approved as shown below:

- A reduction in the minimum heated floor area from 2,000 square feet to 1,800 square feet (40% of the homes) except for homes located on Farmland Way and Walker Farms Drive. (This was not approved - minimum heated floor area to remain 2,000 square feet.)
- Replace the irrigation requirement for street trees, and add a requirement to plant Redbud trees in November, and that the trees are to become the responsibility of the Homeowners Association.
- A reduction in the minimum rear yard setback from 25-feet to 20-feet for all lots. (This was not approved as 20-feet but was approved for 24-feet.)
- Establish a requirement that a minimum of 70% of the exterior elevations of the homes be constructed in brick.
- All mailboxes will be identical in design.
- The developer/owner shall obtain Planning Commission approval, prior to the construction of the future phases of the planned development.
- Driveway locations other than shown on the recorded plat shall be pre-approved by the City Engineer and Code Enforcement prior to installation.

WHEREAS, the Board of Mayor and Aldermen have determined that the proposed amendments to the Planned Development for Walker Farms P.D. should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, that the amendments to the Planned Development for Walker Farms P.D., located north of Old Brownsville Road and east of Kirby-Whitten Road., incorporating the above listed conditions, are approved.

ADOPTED THIS 8TH DAY OF OCTOBER 2013.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Attest: _____

Stefanie McGee, City Clerk

Bartlett Planning and
Economic Development Department
6400 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Application for Planned Development Approval to the Bartlett Planning Commission

Consultation with the staff is encouraged prior to the completion of this application form.

Requested Uses Existing Residential Planned Development

Property Address +/-158.21 Acres North of Old Brownsville Rd, East of Kirby Whitten Road

Present Zoning RD-12, Planned Development

Owner/Developer Contact Trey Sowell Phone 901-620-3600

Company Name Walker Farms LLC Fax _____

Address 5050 Poplar Avenue, Memphis, TN 38157

Planning Consultant Mark Underwood Phone 901-457-0528

Company Name Property Solutions Fax _____

Address 784 Deans Creek Drive, Collierville, TN 38017

Engineer Contact _____ Phone _____

Company Name _____ Fax _____

Address _____

Submitted by Mark Underwood *Mark A. Underwood* August 5, 2013
(printed name) (signature) (date)

- I, Trey Sowell, owner(s) of the property, hereby authorize the filing of this application.
Walker Farms, LLC
- ☒ Attach a checked-off "Planned Development Checklist" and all items required therein.
- ____ Acknowledge (by initials in the blank to the left) that the "Application Instructions: Planning Commission" were obtained and read prior to submitting this application.
- \$2,000.00 Include a fee with this application (check payable to the City of Bartlett) of \$300.00 for five (5) acres or less, plus \$30.00 per acre (after the first five) to a maximum of \$2,000.00

Information to be entered by City staff only:

Resubmittals

(See "Application Instructions: Planning Commission.")

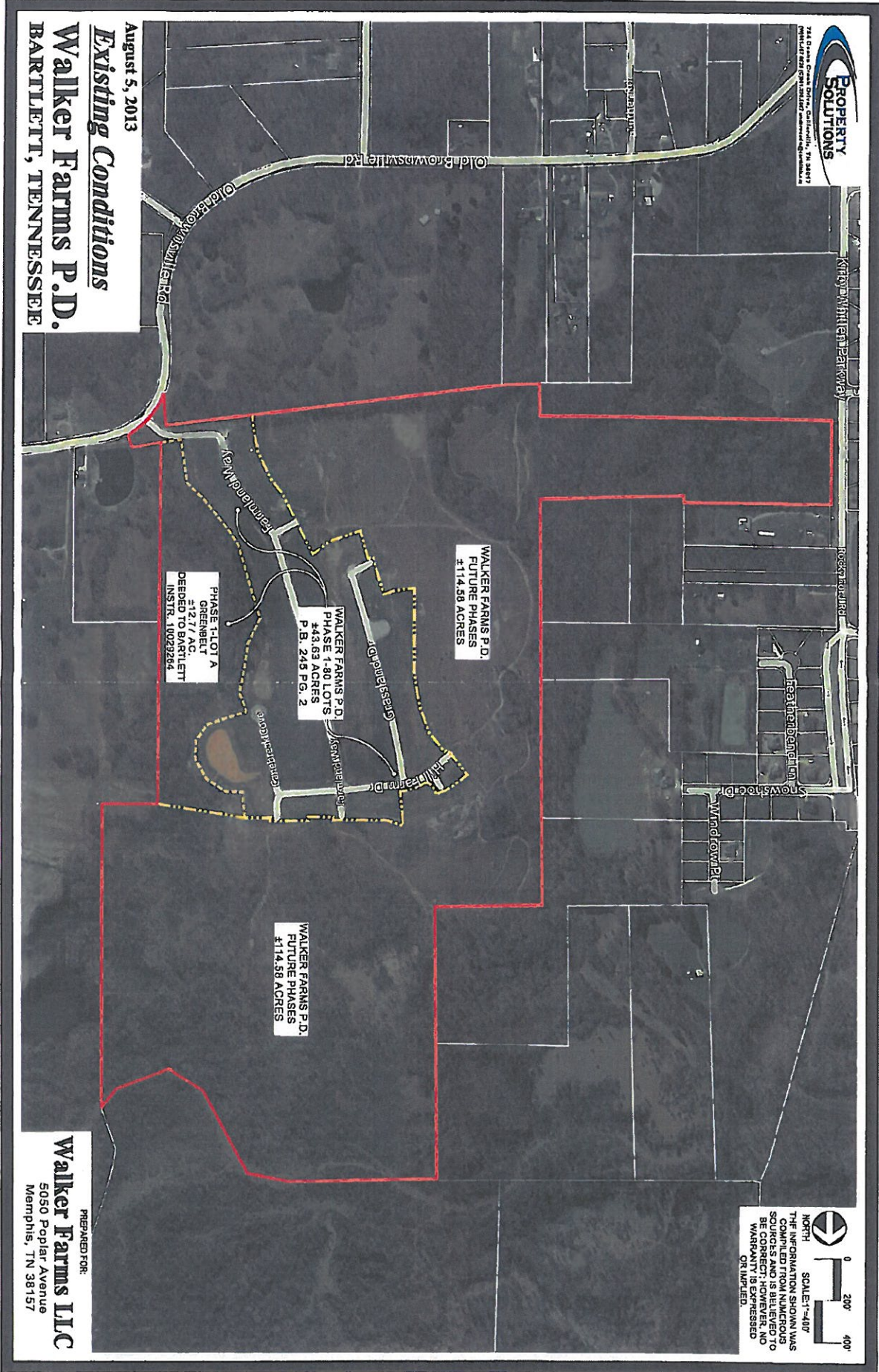
Resubmittal Description	Required Resubmittal Date/Time	Staff Initials
	____ a.m./p.m. on ____	
	____ a.m./p.m. on ____	
	____ a.m./p.m. on ____	

6/23/09

Page 1 of 2

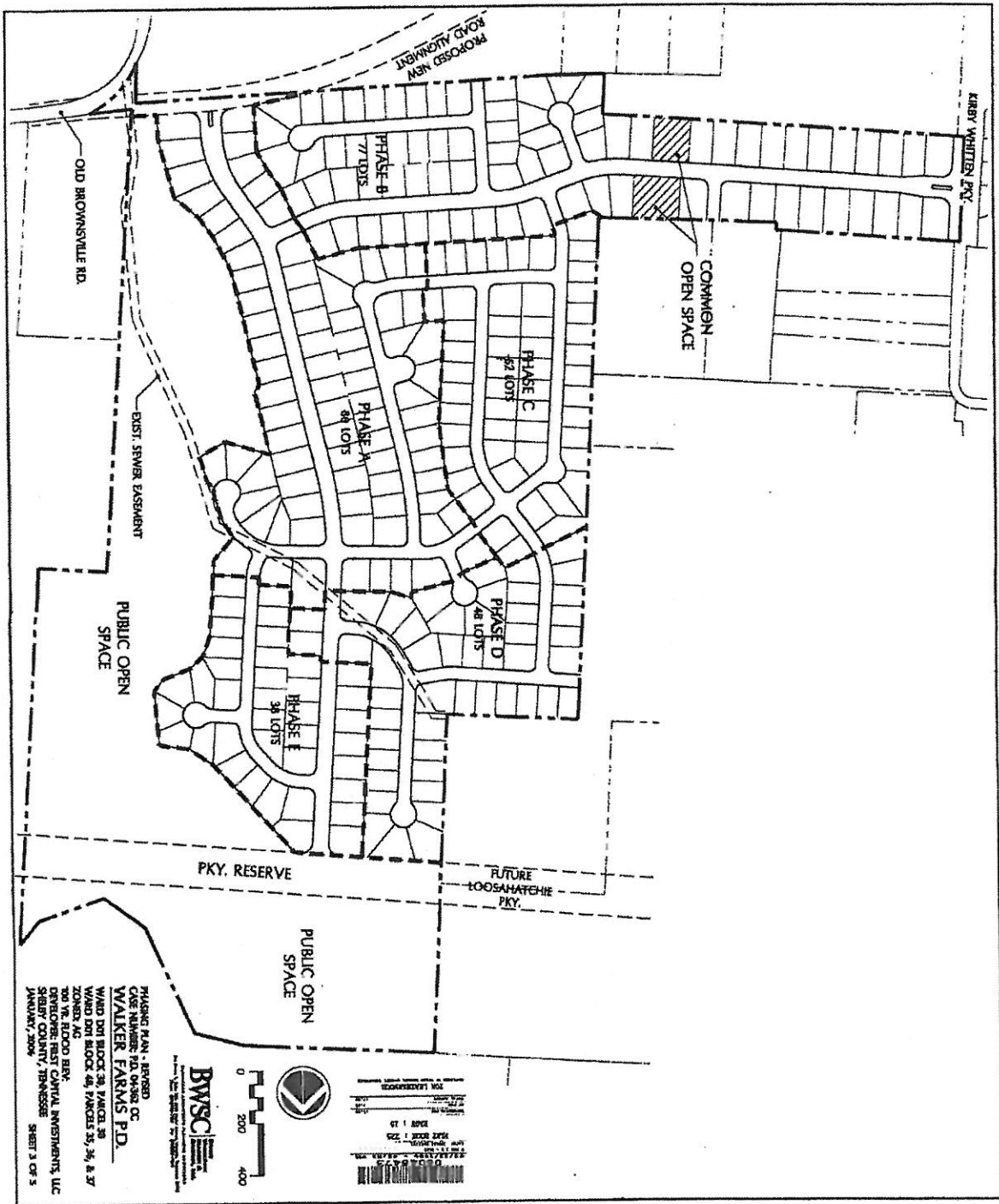
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Aug 05 2013
CITY OF BARTLETT

Attachment: planning resolution 16_13 application (1072 : Resolution 16-13 Amendments to Walker Farms PD)









Packet Pg. 117



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 1066)

Meeting: 09/10/13 07:00 PM

Department: Finance

Category: Budget

Prepared By: Stefanie McGee

Initiator: Dick Phebus

Sponsors:

DOC ID: 1066

Resolution 19-13, a initial resolution authorizing the issuance of not to exceed two million three hundred thirty thousand dollars (\$2,330,000) General Obligation Public Improvement Bond and not to exceed one million four hundred ten thousand dollars (\$1,410,000) water and sewer revenue and tax bonds of the City of Bartlett, Tennessee.

BE IT RESOLVED by the Board of Mayor and Aldermen (the "Board") of the City of Bartlett, Tennessee (the "Municipality") that for the purpose of financing, in whole or in part, the (i) construction, repair, improvement and equipping of fire department stations and facilities; (ii) construction, repair and improvement of streets, roads, greenways and bridges, including sidewalks, signage, signalization and drainage improvements; (iii) acquisition of all property, real or personal, appurtenant to the foregoing; (iv) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (v) reimbursement to the Municipality for funds previously expended for any of the foregoing and (vi) payment of the costs related to the issuance and sale of such bonds, there shall be issued bonds, in one or more emissions, of said Municipality in the aggregate principal amount of not to exceed \$2,330,000, which shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum, and which shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality.

BE IT FURTHER RESOLVED by the Board that for the purpose of financing, in whole or in part, the (i) construction of extensions and improvements to the water and sewer system (the "System") of the Municipality; (ii) acquisition of all property real and personal, appurtenant thereto, or connected with such public works project; (iii) payment of legal, fiscal, administrative, architectural and engineering costs incident thereto; (iv) reimbursement to the Municipality for funds previously expended for any of the foregoing; and (v) payment of costs incident to the issuance and sale of such bonds, there shall be issued bonds, in one or more emissions, of said Municipality in the aggregate principal amount of not to exceed \$1,410,000, which shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum, and which shall be payable from and secured by a pledge of the income and revenues to be derived from the operation of the System, subject only to the payment of the reasonable and necessary costs of operating, maintaining, repairing and insuring the System and to prior pledges of such revenues in favor of certain prior lien obligations. In the event of a deficiency in such revenues, such bonds are payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality.

BE IT FURTHER RESOLVED by the Board that the City Clerk of the Municipality be, and is, hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$2,330,000 general obligation public improvement bonds and not to exceed \$1,410,000 water and sewer revenue and tax bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper followed by the statutory notice, to-wit:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Stefanie McGee, City Clerk

Adopted and approved this 10th day of September, 2013.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

ATTEST:

Stefanie McGee, City Clerk



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

RESOLUTION (ID # 1065)

Meeting: 09/10/13 07:00 PM

Department: Finance

Category: Budget

Prepared By: Stefanie McGee

Initiator: Dick Phebus

Sponsors:

DOC ID: 1065

Resolution 20-13, a resolution of the City of Bartlett, Tennessee, authorizing the issuance of interest bearing equipment acquisition capital outlay notes, Series 2013, in an amount not to exceed \$770,500, and providing for the payment of said notes.

WHEREAS, the Board of Mayor and Aldermen (the "Board"), of the City of Bartlett, Tennessee (the "Municipality"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of the acquisition of police, fire, public works, administrative, and parks and recreation equipment and vehicles, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto (collectively, the "Project"), and costs incident to the financing thereof;

WHEREAS, the Municipality estimates that the life of the equipment and vehicles has an economic life of greater than 7 years;

WHEREAS, the Municipality finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

WHEREAS, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

WHEREAS, the Municipality is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of State and Local Finance of the State of Tennessee (the "Director of State and Local Finance"):

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, as follows:

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$770,500, or such lesser amount as may be determined by the Mayor of the

Municipality (the "Mayor") at the time of sale (collectively, the "Notes", individually, the "Note"). The term of the Notes shall not exceed the reasonably expected economic life of the Project which is hereby certified to be at least the term of the Notes.

Section 3. Terms of the Notes. The Notes shall be designated "Equipment Acquisition Capital Outlay Notes, Series 2013". The Notes shall be issued in registered form, without coupons, in minimum denominations of \$5,000. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 2.50% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), and shall mature not later than the end of the seventh fiscal year following the fiscal year in which the Notes are issued. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes.

Interest on the Notes shall be payable by wire transfer, electronic means, or by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owners of such Notes, as of the applicable Interest Payment Date, at their respective addresses as shown on the registration books of the Municipality maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. The principal of all Notes shall be payable upon presentation and surrender of such Notes at the principal office of the Note Registrar. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall have such redemption provisions as may be determined at the time of the sale of the Notes by the Mayor and the purchaser of the Notes; provided, however, that no redemption premium shall be great than 1%.

Section 5. Execution. The Notes shall be executed in the name of the Municipality; shall bear the manual signature of the Mayor; shall be countersigned by the City Clerk of the Municipality (the "City Clerk"), with his or her manual signature; and, shall have printed or impressed thereon the official seal of the Municipality. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the Mayor may deem necessary or

desirable, the blanks to be appropriately completed by the Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The City Clerk of the Municipality is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as he or she may designate, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein.

(b) The Municipality may from time to time at its discretion remove the Note Registrar and appoint a successor Note Registrar to whom all records, documents, and instruments relating to its duties as Note Registrar shall be delivered. Any successor Note Registrar shall be appointed by resolution of the Municipality, and shall be a trust company or bank having the powers of a trust company, having, at the time of such appointment, a combined capital, surplus, and undivided profits aggregating at least Ten Million Dollars (\$10,000,000), and be willing and able to accept the office of Note Registrar on reasonable and customary terms, and authorized by law to perform all duties imposed upon it by this Resolution.

(c) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the registration books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or his, her or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or

herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the Municipality shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the Municipality by the person or entity requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer. Neither the Municipality nor the Note Registrar shall be obligated to transfer any Note during the fifteen (15) calendar days next preceding the maturity date of the Notes or any call for redemption.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the Municipality and to the Note Registrar, if required by the Municipality and the Note Registrar.

Any notice to the contrary notwithstanding, the Municipality and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owners of the Notes as the absolute owners thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such

executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under the Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the Municipality is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent required, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in a the general fund or debt service fund and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of State and Local Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of State and Local Finance of the State of Tennessee as provided by Section 9-21-601 et. seq., Tennessee Code Annotated, as amended. The Mayor, City Clerk, City Attorney, and Bond Counsel are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Municipality shall submit its annual budget to the State Director of State and Local Finance for approval immediately upon the Municipality's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by the informal bid process at a price of not less than par.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes

shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "Equipment Acquisition Capital Outlay Notes, Series 2013 Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the Municipality. The monies in the Project Fund shall be disbursed solely to finance the Project and to pay the costs of issuance of the Notes. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the Note Fund.

Section 16. Non-Arbitrage Certification. The Municipality certifies and covenants with the owners of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented, or revised. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owners thereof for federal income tax purposes.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owners of the Notes for purposes of federal income taxation.

Section 17. Designation of Notes as Qualified Tax-Exempt Obligations. The Municipality hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Municipality reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the Municipality (i) any issuer with respect to which the Municipality is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the Municipality (together with those issued by any other

issuers that are treated as on issuer under such Section 265(b)(3)) during the 2013 calendar year will be designated as "qualified tax-exempt obligations".

Section 18. Reimbursement Provisions. The Municipality is in the process of causing certain capital expenditures to be made with respect to the Project, including, but not necessarily limited to, planning, design, and architectural expenses, and the Municipality desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed from the proceeds of the Notes. Therefore, the Board of the Municipality finds and determines, as follows:

- (a) that it is in the best interest of the Municipality to proceed immediately with the Project, thereby incurring certain capital expenditures;
- (b) that the Municipality has certain funds available which may be used temporarily for this purpose, pending the issuance of the Notes;
- (c) that pursuant to the provisions of this Resolution, the Board anticipates that the Municipality will issue the Notes for the purpose of financing the Project;
- (d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such Notes are available; and,
- (e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the Municipality.

The Board of the Municipality by this Resolution hereby establishes its official intent to issue the Notes to finance the costs of the Project and other related expenditures in an amount not to exceed \$770,500. Pending the issuance of such Notes, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the Notes.

Section 19. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owners of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owners of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owners of the Notes

Section 20. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect

the validity of the Notes or limit the rights and remedies of the owners from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owners thereof for purposes of federal income taxation.

Section 21. Miscellaneous Acts. The Mayor, the City Clerk, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, specifically including but not limited to, making arbitrage certifications and executing a note purchase agreement in connection with the purchase of the Notes, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 22. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 23. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 24. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 25. Severability. If any section, paragraph, or provision of this Resolution

shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 26. Repeal of Conflicting Resolutions and Effective Date. All 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 effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 10th day of September, 2013.

W.C. Pleasant, Register to the
Board of Mayor and Aldermen

A. Keith McDonald, Mayor

Attest: _____
Stefanie McGee, City Clerk

STATE OF TENNESSEE)
COUNTY OF SHELBY)

I, Stefanie McGee, hereby certify that I am the duly qualified and acting City Clerk of the City of Bartlett, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Mayor and Aldermen (the "Board") of said Municipality held on August 27, 2013; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates to, among other matters, the authorization of the issuance of not to exceed \$770,500 Equipment Acquisition Capital Outlay Notes, Series 2013, by said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 27th day of August, 2013.

City Clerk

(SEAL)



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

ORDINANCE (ID # 1071)

Meeting: 09/10/13 07:00 PM

Department: Personnel

Category: Amendment

Prepared By: Stefanie McGee

Initiator: Peter Voss

Sponsors:

DOC ID: 1071

Ordinance 13-13, an ordinance to amend the City's Occupational Safety and Health Program Plan as referenced throughout Codified Ordinance Title 4, Chapter 2 to add a section titled Discrimination Investigations and Sanctions.

WHEREAS, the City of Bartlett established an Occupational Safety and Health Program for its employees via Ordinance in 1974 and updated in 2003; and

WHEREAS, the State of Tennessee Department of Labor and Workplace Development, Occupational Safety and Health, has requested Tennessee counties and municipalities update such programs; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND

ALDERMEN, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Bartlett hereby updates the Occupational Safety and Health Program Plan for our employees and amends the plan as follows:

Section 1.

Integration of TOSHA/OSHA website links throughout the attached plan to access Recordkeeping Forms and Standard Compliance Information.

Section 2.

Addition of Section XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health. DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency or Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

The former Section XVI will now be Section XVII, but the text remains the same.

The former Appendix II. Organizational Chart has been integrated into Appendix I. Work

Locations (Organizational Chart).

Section 3.

SEVERABILITY

Should any provision of this Ordinance be rendered unconstitutional or null and void by an Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading:	September 10 2013
Second Reading:	September 24, 2013
Third Reading:	October 8, 2013

W. C. Pleasant Register to the Board
of Mayor and Aldermen

A. Keith McDonald
Mayor

ATTEST: _____
Stefanie McGee
City Clerk

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE
EMPLOYEES OF THE CITY OF BARTLETT**

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the **City of Bartlett**.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The **City of Bartlett** in electing to update and maintain an effective occupational safety and health program plan for its employees shall,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program plan, the following definitions apply:

- a. COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the **City of Bartlett** and includes each administrative department, board, commission, division, or other agency of the **City of Bartlett**.
- c. DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or DIRECTOR means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the **City of Bartlett**.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department,

- board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
 - g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
 - h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
 - i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
 - j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
 - k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. ACT or TOSHAct shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary

- to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHAct or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object

thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.

- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director as soon as possible, but not later than two (2) hours after their occurrence.

V. ADMINISTRATION

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 - 1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
 - 2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 - 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 - 4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 - 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 - 6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 - 7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 - 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 - 9. **The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
 - 1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
 - 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
 - 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 - 4. The administrative or operational head shall investigate all occupational accidents, injuries, or

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illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.

- ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.
- 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.

- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Safety Director and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
 - 2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

- b. All Employees (including Managers and Supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

- 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by material or equipment).
- 2. Instruct employees who are required to handle poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.
- 3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the

first aid procedures to be followed in the event of injury or exposure.

4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck By/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Safety Director.
- i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 - 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and/or Chief Executive Officer immediately.
2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand
2. Written reprimand
3. Suspension for three (3) or more working days
4. Termination of employment

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this Occupational Safety and Health Program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health. DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency or Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

Signature: Safety Director, Occupational Safety and Health and Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX 1

ORGANIZATIONAL CHART

Department	Address	Phone	Number of Employees	Notes
City Hall	6400 Stage Road	901-385-6400	42	Includes Mayor's Office, Finance, Personnel, City Clerk and Legislative Board
Fire Department Admn	2939 Altruria	901-385-5536	7	Administrative Offices Fire Chief Terry Wiggins
Fire Station 1	2939 Altruria	901-385-3323	24	
Fire Station 2	5996 Memphis-Arlington	901-385-5546	12	
Fire Station 3	7855 Memphis-Arlington	901-385-6414	18	
Fire Station 4	6875 Old Brownsville Road	901-385-6445	18	
Fire Station 5	3725 Brunswick Road	901-382-2626	18	
City Court	3730 Appling Road	901-385-5580	11	Includes judges and prosecutors Bill Lloyd - Court Clerk
Parks and Recreation Adminstration	5868 Stage Road	901-385-5590	3	Administrative Offices David Thompson - Director
Senior Center	5727 Woodlawn	901-6439	4	Candace Ward - Facility Manager
Singleton Community Center	7266 Third Road	901-385-5593	56	Shan Criswell - Facility Manger
Parks & Recreation Athletics	7266 Third Road	901-385-5592	63	Keith Richardson - Division Manager
Bartlett Recreation Center	7700 Flaherty Place	901-385-6470	67	Tawney Walker - Facility Manger

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX 1

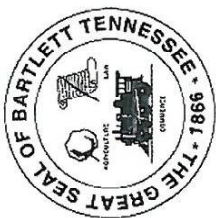
ORGANIZATIONAL CHART

Department	Address	Phone	Number of Employees	Notes
Parks Maintenance Shop	3179 N. Germantown Road	901-385-5582	16	Edward (Bo) Maharrey - Division Manager
Performing Arts & Conference Center	3663 Appling Road	901-385-6440	7	Ron Jewell - Director
Public Works	3585 Altruria Road	901-385-5570	5	Administrative Offices Bill Yearwood - Director
Fleet Services Shop	3583 Altruria Road	901-385-5571	9	Steve Massey - Division Manager
General Maintenance	3587 Altruria Road	901-385-5586	14	Matt Crenshaw - Division Manager
General Services	3585 Altruria Road	901-385-5570	3	Don Werling - Division Manager
Sign Maintenance	3587 Altruria Road	901-385-5586	2	Christopher Stafford - Sign Tech.
Water/Waste Water maintenance	3587 Altruria Road	901-385-5586	21	Matt Crenshaw - Division Manager
Grounds Maintenance	7662 Highway 70	901-385-6489	13	Aaron Davidson - Division Manager
Animal Shelter	5220 Shelter Run Lane	901-385-6484	9	Angela Klein - Division Manager
Solid Waste	5250 Shelter Run Lane	901-385-6486	40	Ronnie Caldwell - Division Manager
Bartlett Station Municipal Center	5868 Stage Road	901-380-4771	14	Cynthia Black - Facility Manager
Engineering	6382 Stage Road	901-385-6499	10	Administrative Office Rick McClanahan - Director

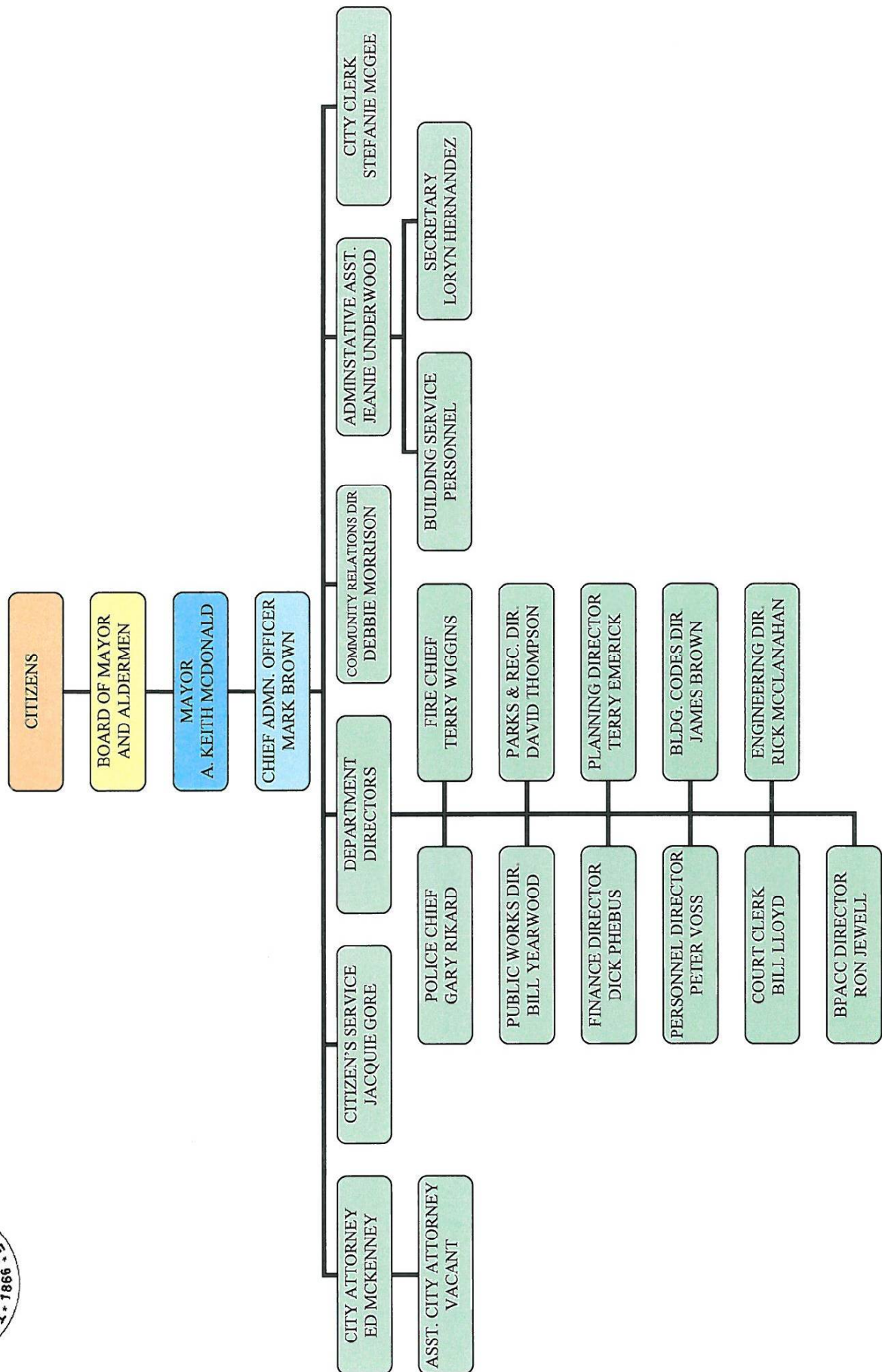
OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX 1

ORGANIZATIONAL CHART

Department	Address	Phone	Number of Employees	Notes
Water Plant 1	3585 Altruria Road	901-385-5570	0	
Water Plant 2	5727 Woodlawn	None	0	
Water Plant 3	3183 N. Germantown Road	901-385-6406	4	Greg Engstrund - Manager Water Treatment
Water Plant 4	4751 Ardie Road	None	2	
Wastewater Treatment Plant	5258 Shelter Run Lane	901-385-6450	2	Larry Gamblin - Manager Sewer Treatment
Police	3730 Appling Road	901-385-5500	138	Administrative, Jail, Dispatch Police Chief Gary Rikard
Police West Precinct	5868 Stage Road	901-385-5510	27	Crossing Guards, Public Information, Narcotics
Code Enforcement	6382 Stage Road	901-385-6425	10	Jim Brown - Director
Planning	6382 Stage Road	901-385-6417	3	Terry Emerick - Director
Citizens Services	6382 Stage Road	901-385-6429	1	Jaquie Gore - Director
Community Relations	5868 Stage Road	901-385-5589	1	Debbie Morrison - Director
		TOTAL:	694	



CITY OF BARTLETT ORGANIZATION CHART JULY 1, 2013



OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX - II NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF BARTLETT

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or Chief Administrative Officer.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Safety Director and Chief Administrative Officer for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the **City of Bartlett** is available for inspection by any employee at the Personnel Office during regular office hours.

Signature: MAYOR AND DATE

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX - III PROGRAM PLAN BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Bartlett Tennessee has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

Mayor and Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX - IV ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

Since a Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all supervisors will submit a City of Bartlett Accident/Injury Investigation Report to the Safety Director and will provide one (1) copy of the written report to the record keeper. This report shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

SCHEDULED

ORDINANCE (ID # 1070)

Meeting: 09/10/13 07:00 PM

Department: Legal

Category: Amendment

Prepared By: Stefanie McGee

Initiator: Ed McKenney

Sponsors: Alderman Paula Sedgwick

DOC ID: 1070

Ordinance 13-14, an ordinance adding a new section to Title 8, Chapter 3, Beer, of the Codified Ordinances of the City of Bartlett, Tennessee to allow the issuance of special event beer permits.

WHEREAS the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, desires to amend Title 8, Chapter 3, Beer, of the codified ordinances of the City of Bartlett and add a new section to allow the issuance of special event beer permits.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE, THAT:

Section 1. Title 8, Chapter 3, Beer, of the codified ordinances of the City of Bartlett, Tennessee, is hereby amended by adding a new section to read as follows:

8-316. Issuance of special event beer permits.

- (1) The Beer Board is authorized to issue a special event beer permit to a bona fide charitable, nonprofit or political organization for a special event upon the same conditions governing other beer permits.
- (2) The special event beer permit shall not be issued for longer than a forty-eight (48) hour period, subject to the limitations on the hours of sale imposed by this chapter. Written notice of the time and place of each intended use shall be given to the Director of Finance at least five (5) business days before the event.
- (3) Special event permits to a bona fide charitable, nonprofit or political organization shall be limited to two (2) events per organization in any twelve-month period.
- (4) The application for the special event beer permit shall state whether the applicant is a charitable, nonprofit or political organization, include documents showing evidence of the type of organization, and state the location of the premise upon which the alcoholic beverages shall be served and the purpose for the request of the permit.
- (5) For purposes of this section:
 "Bona fide charitable or nonprofit organization" means any corporation or other legal entity which has been recognized as exempt from federal taxes under Section 501(c) of the Internal Revenue Code.

"Bona fide political organization" means any political campaign committee as defined in Tennessee Code Annotated, Section 2-10-101(a) or any political party as defined in

Tennessee Code Annotated, Section 2-13-101.

- (6) No charitable, nonprofit or political organization possessing a special event beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (7) A special event beer permit shall not allow the sale, distribution, storage or manufacture of beer on publicly owned property.
- (8). Failure of the special event permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the City of Bartlett will result in the denial of a special event beer permit to such organization for the sale of beer for a period of two (2) years.

Section 2. Severability

Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 3. Effective Date. BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

First Reading: September 10, 2013
Second Reading: September 24, 2013
Third Reading: October 8, 2013

W. C. Pleasant Register to the Board
of Mayor and Aldermen

A. Keith McDonald
Mayor

ATTEST: _____
Stefanie McGee
City Clerk