



City of Bartlett

David Parsons, Mayor

BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, FEBRUARY 11, 2025 - BARTLETT CITY HALL - 6:00 PM

ATTENDANCE

Mayor David Parsons: Present, Alderman Brad King: Present, Alderman Robert Griffin: Present, Alderman David Reaves: Present, Alderman Monique L. Williams: Present, Vice Mayor Jack Young: Present, Alderman Kevin Quinn: Present.

INVOCATION

Opening Prayer by Dr. Fred Shackelford, Ellendale Baptist Church

FUTURE MEETINGS

Parks and Recreation Advisory Board, February 13 at 6 p.m.

Historic Preservation Commission, February 17 at 6:30 p.m.

Bartlett Arts Council, February 18 at 6 p.m.

BPACC Advisory Board, February 18 at 6 p.m.

Design Review Commission, February 18 at 6:30 p.m.

Board of Zoning Appeals, February 20 at 6:30 p.m.

RECOGNITIONS

Mayor Parsons recognized Leadership Bartlett 2025 attendees.

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

MINUTES ACCEPTANCE

Minutes of the January 28, 2025 Board of Mayor and Aldermen Regular Meeting

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

PUBLIC HEARING

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

- I. Resolution 01-25, a resolution approving a Special Use Permit to allow a Church Use to be located at the east side of Broadway Road on Parcel B0149 00261, just north of the Ellendale Five-Way Intersection, within the "R-E" Residential Estate Zoning District.

In Favor:

Mohammad Ullah, 4115 Course View Cove, Bartlett, TN spoke in favor of the Special Use Permit and establishing a prayer place in Bartlett. He said he was a Muslim business owner who chose to settle in Bartlett and had always felt welcome. He said there was not a designated place in Bartlett to perform congregational prayer. He stated that men were driving 30 minutes to pray, and it was not convenient. He desired a place where their children and learn their faith and worship.

Shuja Ahmed, 7935 Ivy Lake, Bartlett, TN. He asked that the Board allow a place to pray and practice their faith in Bartlett. He mentioned the diversity in the United States and the freedoms of faith and speech. As religion is important to him in raising children and practicing faith, he seeks a place for the Muslim community to come together and meet locally. He stated that the Muslim community is growing and currently the drive to pray for him is 15 to 20 minutes.

Casey Lanhum, 3992 Davies Manor Dr., Bartlett, TN. He advised the Board that he was a life-long citizen of Bartlett and was in support of the previous speakers. He said the application process should be looked at identically to any other application of a house of worship based on freedom of religion and beliefs. He said the citizens and neighbors had an obligation to make a space for the mosque. He asked the Board to look at the application fairly and equitably.

David Burns, 3127 Valley Lake Dr., Bartlett, TN. Mr. Burns stated that he knew the applicants as good businessmen, work within the city, love their family and religion. He believed they deserve a chance to build the mosque.

Qureshi Rehman, 4285 Fiske Valley Drive, Bartlett, TN. Mr. Rehman was born and raised in Memphis and the community was small, 10 to 12 families. He said now the community was hundreds of families. He said the Bartlett Muslim community was growing. He said Germantown and Collierville's Muslim community was growing. He said with just a few mosques it was difficult with having large populations in and out. He stated there was a lot of traffic in some of those places. He said it was easier to have mosques spread out. He desired a mosque in Bartlett, close to home, where he could take his child, rather than to drive to other mosques that may be 20 miles away. As a nation of diversity, he asked the Board to consider a mosque in Bartlett, as they would consider any other temple or church. He said it would help

the community grow.

In Opposition:

Dale Mathis, 4400 Broadway Rd., Bartlett, TN. Mr. Mathis shared with the Board that he built his home on Broadway over thirty years ago. He said when he built his home, Broadway was not a problem, but since then, all the subdivisions built have been added with one way out to Bartlett, Broadway Road. He stated he read the traffic study, but he said he had seen wrecks, lots of finger-pointing and horn blowing. He stated he was not against any synagogue, church, mosque, but just not on Broadway Road. He questioned why this location would be ideal for anything. He submitted a picture for record of the location flooding after a mild rain. He said this site would require a huge retention pond. He wanted to question the applicants as to why this specific location was ideal, with the trains and school buses. He noted that the traffic study said school was in session eight months, he said school was in session August through May, which is ten months.

Brian Costner, 4200 Broadway Rd., Bartlett, TN. He told the Board that this location is not an ideal spot for any kind of development. He said the community would be up in arms to place a children's hospital or grocery store there, and they don't hate children or food. He said the traffic report goes three years out and doubles from twenty-five cars to fifty-two cars. The proposed parking lot is for fifty-two cars. He believes the report is deceptive because it doesn't consider the next three years and that churches grow. He believes the parking lot will not hold the cars in three years. He said a fifty-two-car parking lot will not accommodate for a 15,000 square foot facility. He said that growth over ten to twenty years should be considered. He stated that a mosque should be able to exist, but this was not the right spot.

Charlie Goforth, 4238 Broadway Road, Bartlett, TN. He stated he lived a third of a mile from this proposed location and frequently traffic backs up past his driveway where he cannot get out at 2 p.m. in the afternoon and in the mornings. He said the existing zoning is Residential Estate which permits one acre for every lot, with a maximum of eight houses. He does not support any Special Use Permit that would increase the traffic over what eight homes there would be.

Carrie Bristow, 4117 Broadway Road, Bartlett, TN. She lives directly across the street from the property location. She said she could speak to the experience more than any person that has spoken. She said that anyone who had spoken in favor does not live anywhere near the vicinity of this property and has no idea of the traffic nightmare. She said she cannot get out of her driveway most days and has been in two wrecks and spun into her own driveway with her daughter in the back seat in a car seat. She said it is not safe and not a wise location and doesn't understand why they will not find a different location. She said it had nothing to do with religion or faith, they were welcomed into Bartlett, but this was not an ideal location. She said that several times a year looking at the property from her front window, it is lakefront property. She also spoke about wildlife displacement. She also expressed concerns about losing a portion of her front yard with the widening of Broadway Road.

Alan Campbell, 7230 Periwinkle Cove, Bartlett, TN. Mr. Campbell stated he and his wife chose this area thirty-three years ago to raise their family. They researched the surrounding parcels of land and how they were zoned. This property was zoned residential and didn't foresee anything

else being built at this intersection. He doesn't believe this sale should have gone through. He feels that the buyer, seller, and closing attorney should all hold some responsibility for this. He said at least two of the three had to know what the zoning was at the time and now they are trying to change or adjust the zoning. He felt the sale was snuck through. He said with access roads and the store at the five-way intersection, it is more like a six or seven-way intersection. The property is tightly bordered by the railroad, Broadway Road, and tree-lined on a high residential property. The property is very low and floods. There is already a wastewater lift station on the property. He said an engineer could come up with a plan to help, but it didn't mean it was the right thing to do. He mentioned the traffic study that stated it would not make an impact; however, it was already rated an F. He felt the traffic study may be skewed just considering the intersection, because there is 25 percent of unwanted traffic that cuts through his residential area which is across the street from this property. Traffic cuts through by way of Louella and Fonta. Anything built on the property would bring more unwanted and impatient vehicle traffic that is not wide enough for two-way traffic. The small streets of Louella, Fonta, and Periwinkle Cove are filled with families taking walks, riding bikes, pushing strollers, and walking pets. He said they are often run off the road. He stated that his opposition was about the location, not the church. He said no matter the denomination, he would be against it at this location – the same if it were a store or business. He hopes they can find a great location.

Steve Howard, 7272 Louella, Bartlett, TN. Mr. Howard said they knew it was zoned residential when they bought the property. He said the property was a lake two or three times a year and it was a lake right now. He said drivers use Louella and Fonta like a racetrack already. He said that anyone who thinks Broadway and the five-way intersection are not overloaded, doesn't need a driver's license.

Randy Baldock, 7218 Centralia, Bartlett, TN. He asked the Board to listen to the Planning Commission's recommendation to say no to this resolution. He said the backroads needed to be considered with the traffic study, not just the intersection. He said anything other than houses for that property is not proper for that area.

Penny Medlock, City Clerk, read two opposition letters from:

Roger Cotton, 4341 Bishops Valley Lane. Bartlett, TN

Marla and Marjorie Simmons, 7274 Centralia Road, Bartlett, TN

Adjourned at 6:32

2. Reset the public hearing for March 11, 2025 for Resolution 02-25, a resolution approving a Special Use Permit to allow a Planned Residential Development to be located at the southeast corner of Yale Road at Bartlett Boulevard, within the "RS-10" Single Family Residential Zoning District.

Sam Harris, Senior Planner, advised the Board that the applicant advised the Planning Commission that their purchase option was placed on hold. This application was suspended, and no public notices were sent. The process is now proceeding so the public hearing needs to be reset.

No one spoke in favor or opposition.

Adjourned at 6:34 p.m.

3. Ordinance 24-14, an ordinance to amend the City of Bartlett Zoning Ordinance, Article VI, Section 9 Supplementary District Regulations, Parking, Storage, or Use of Major Recreational Equipment; Article VI, Section 10 Parking and the Storage of Certain Vehicles in Residential Zoning Districts by adding Definitions; and Article VI, Section 12 Minimum Off Street Parking Requirements.

No one spoke in favor.

In Opposition:

Nick Bussey, 3463 Flintlock Dr., Bartlett, TN. Mr. Bussey commented to the Board that he cannot park his trailer in the backyard. He said because of the slope of his yard; he would need to build a retaining wall and the cost of concrete to pave a parking pad was too expensive. He estimated it would cost him \$8,000.00. As a business owner who uses his trailer for his business, this would create a financial hardship. He asked if current trailer owners could be grandfathered in with a permit fee or if gravel could be an option.

Josh McDowell, 6311 Star Valley, Bartlett, TN. Mr. McDowell also has a small, mobile, dog grooming business which he just started. The only place he could park his trailer is the side yard. He said Code Enforcement previously told him he could put down gravel. He said the side yard parking is his only option.

Adjourned at 6:39 p.m.

4. Ordinance 24-15, an ordinance of the City of Bartlett, Tennessee, adopting by reference State Traffic Offenses and Rules of the Road.

No one spoke for or against.

Adjourned at 6:40 p.m.

UNFINISHED BUSINESS

- I **Resolution 01-25, a resolution approving a Special Use Permit to allow a Church Use to be located at the east side of Broadway Road on Parcel B0149 00261, just north of the Ellendale Five-Way Intersection, within the "R-E" Residential Estate Zoning District. (Kim Taylor, Director of Planning and Economic Development)**

Sam Harris, Senior Planner, informed the Board that properties within all residential zoning districts five acres or greater may apply for a Special Use Permit as designated within the use chart. This property exceeds five acres at 8.244 acres and the property owner has applied for a SUP as church use. The applicant was heard at the October 2023 Planning Commission meeting in which a public hearing was held, and the Commission required a traffic study to satisfy Article VI, Section 20, Subsection 3, a, h, and i, of Standards of General Applicability for a Special Use Permit. He stated the traffic study was conducted during school day with all traffic attributes in play and added trip generation from the conceptual site plan with 52 parking spaces. The traffic study revealed no additional harmful effects to the Five-Way intersection with the addition of 52 parking spaces at this location. The application was returned to the Planning Commission at the December 2024 meeting. The Planning Commission approved a non-favorable recommendation to the Board of Mayor and Aldermen. Mr. Harris explained to the Board the requirements outlined in Resolution 01-25 presented with conditions of approval that meet the nine Standards of General Applicability for Special Use Permits. Those conditions are listed within Resolution 01-25 and include

Engineering Conditions, Conceptual Site Plan and Planning Commission standards that shall be met in reference to Article VI, Section 20 and subsequent subsections of the City of Bartlett's Zoning Ordinance.

Mayor Parsons asked Developer David Bray to come forward and answer questions.

Mayor Parsons explained that current zoning permitted property more than five acres to apply for a Special Use Permit for a church.

Mayor Parsons asked Mr. Bray to shed light on one of the citizens' questions regarding a 15,000 square foot building which would permit 1,000 people, but only 52 parking spaces. He also asked Mr. Bray to explain how the initial parking plan was for 152 spaces but reduced to 52 spaces. He also asked him to address why the site was ideal.

Mr. Bray said the reduction in parking spaces from the original site plan was a misunderstanding on his part. He said they put more parking spaces on the spot than they wanted or needed.

He indicated that the parking to square feet ratio would be if it were all set as assembly space. He stated there would be meeting rooms, a kitchen, and the main assembly area. Mr. Bray deferred to Dr. Lipinski regarding traffic study questions.

Dr. Martin Lipinski, 774 Snowden Circle, Memphis, TN conducted the traffic study. He wanted to emphasize that this would be a controversial project, and he scoped the project with the City Engineering Office. He stated he didn't want to collect data when school was in session or to collect data where there might be any other areas of adverse impact. The city requires an extensive amount of data. He said traffic generated by a mosque is very different from other types of land use. He visited mosques in the Memphis area to determine peak hours and traffic patterns. He consulted with the client to also estimate how many trips would be made to and from the mosque. In June 2024, Mr. Lipinski met with the City Engineer and presented his report on trip generation. He assumed peak hours for a mosque to not be coincidental with peak traffic. He said the peak hours for a mosque would be Friday afternoons between 1 p.m. and 2 p.m. with the maximum number of vehicles at 52. They studied existing traffic in 2024 and 2025 and growth at 2% for 2028 with and without the facility. The intersections of Louella and Broadway and Shadowlawn and Broadway are at service level A. His data showed cut through traffic on Louella only when the train was there.

Alderman King asked if any data was collected on Fonta. Mr. Lipinski said no. Alderman King said that Fonta is used as a cut through when there was no train, but there were school buses. He also said when coming down Fonta in his vehicle, and a garbage truck approached, he had to get in the grass and the garbage truck had to stop for him to pass. He confirmed no data was collected on Fonta. Mr. Lipinski said he collected only where the city required.

Vice Mayor Young asked Mr. Lipinski to confirm that the mosque's peak hours would be Fridays from 1 p.m. to 2 p.m. Mr. Lipinski stated it was. Mr. Young questioned the data because that's when all the school buses leave the 9th Academy for the elementary schools.

Alderman Quinn stated he appreciated the data collection; however, in the real world, when you have a child at the Academy, the goal is to not go through Five-way but cut through Louella or similar. He said there are 700 kids in the Academy and Bartlett City Schools keep all their buses there. He said again he appreciated the data collection, but didn't see the real-world applications.

Alderman Reaves asked if data after 2 p.m. on Fridays was collected. Mr. Lipinski stated that there were not that many buses. Alderman Reaves asked if Five-way was rated an F level service. Mr. Lipinski stated that Five-way was terrible, and he would never design it. Mr. Reaves also asked if the development of Walker Phase II was considered. He asked if the 2 percent growth rate considered northern developments. He said City staff help determine the growth rate. Alderman Reaves asked Mr. Lipinski if he only focused on data and traffic movements or if he makes recommendations on projects. He said he makes recommendations to remediate problems. He gave the example of his recommendation of a traffic signal at Union Depot. Alderman Reaves also asked about meeting times. Mr. Lipinski said the times and dates of worship change with calendar similar to the Christian Easter. He said Ramadan, the major feast, could be in December or in April. Alderman Reaves asked if Mr. Lipinski had to create a model for mosques based upon data and research. He said he used limited information as a basis. It wasn't a robust data set as a restaurant. He said there were only a few data points and the fewer data points, the less certain.

Mayor Parsons stated he comes through the intersection at least twice daily. He said before Shadowlawn and Rockyford were built, he used to be able to walk to his mailbox without thinking about it. Now he has to pause and look both ways.

Badrul Hossain, 1078 Woodland Glen Dr. Cordova, TN came forward to discuss the selection of that particular location. He stated he lived in Bartlett for over 20 years, but due to personal tragedy, moved out of Bartlett. He said the Muslim Society was looking for a spot that was large enough to build a mosque. He said they were not civil engineers or planners, but chose it based on proximity because most were within five to ten minutes of the location. Mayor Parsons asked if they operated a mosque now in Bartlett and Mr. Hossain said they rented a suite in a shopping center that is not ideal. He said they cannot have separation between women and men as their prayer requires, and the meeting space was a stop gap measure. He said that currently between five to ten people attend in the mornings and evenings. He said they are highly recommended to pray in the morning and evenings, but a very low percentage of men do that, but they hope to grow past the ten to fifteen cars they have now. He said the traffic study assumed there would be a large congregation to pray on Fridays between 1 p.m. and 2 p.m., but he said he didn't think that a large group would gather during that time soon or if they would because Memphis had eight other mosques. He said the larger gatherings to hear the Imam would probably be at the larger mosque in Memphis. He indicated they desired a local place for their children to be attached to their faith and religion and to feel at home. He said in their community if members are moving to the Memphis area, they promote Bartlett as a safe, beautiful and green place to live. He mentioned that he wouldn't lie to sway the outcome of the permit, but didn't believe the mosque traffic would make the intersection worse. He said he knows how bad the intersection is. He said that the city mandate of expanding the road and other items may actually improve the area. He stated that when he moved here in 1988, he hardly knew any Muslims and that the population has grown to 20,000 in the Memphis area. He said they are good neighbors. He said in the University of Memphis area; they have house converted into a mosque. He said Friday prayers have grown so much with students and people in the area, that St. Luke's Church allow them to use their parking lot. He said they go out of their way to be good neighbors. He said the mosque he attends, Memphis Islamic Center, is near Heartsong Church and they alternate years hosting Thanksgiving dinners. He asked the Bartlett leadership to look at the positive side and see the value. He said the members were law-abided, hard-working citizens hoping to have a facility in which they do not have to drive twenty minutes in order to worship.

Mayor Parsons stated that he was thankful they had a sense of belonging in Bartlett. He said there was a place for them in Bartlett. He wanted to confirm that for those members who live in Bartlett, they currently have a place to go and pray. Mr. Hossain stated they had a temporary place in a suite in a shopping center.

Stella Yarborough, Legal Director of American Civil Liberties Union of Tennessee, representing the Bartlett Muslim Society. She submitted the letter to the city dated February 6, 2025, for record. She emphasized that state and federal law are extremely protective of the free exercise of religion and especially applies to zoning decisions like this one. She said she appreciated community members expressing their opinions and being heard. She said she had heard a lot of concerns about the traffic study and whether the traffic would worsen in an admittedly complicated intersection. She said what she thinks the traffic study shows is that the traffic would not get worse because of the presence of the mosque. She said that under federal law the city would have a high burden to meet in denying a zoning ordinance if it substantially burdens practice of religion. She said the city has to have a compelling government interest in denying the zoning application and would have to consider the least restrictive means of achieving that interest. She said in this case; courts often require cities to consider half measures or other measures that can be done to mitigate traffic or to mitigate those concerns before they deny the permit altogether. She said that as Mr. Hossain stated regarding this location, their faith requires prayer five times a day and encourages its members to pray together and that was an important aspect. For community members who live close, two to three minutes away, they picked this parcel because it is convenient. They can attend in the morning, gather, and fulfill their religious obligations, go back to work, and not be stuck in another 20-minute drive. She said she was available for any legal questions.

Mayor Parsons asked for Ms. Yarboroughs name and address and who she was with. She restated her name, said she was not a Bartlett resident, but did not give her address, and stated she was the Legal Director of the ACLU of Tennessee.

Mayor Parsons said he hoped all the citizens' questions had been answered. He said that the city had done their best to give opportunity for both sides to state their positions. He thanked all for comments on both sides.

Mayor Parsons entertained a motion and second to begin Board discussion.

Alderman Reaves stated attended Shadowlawn Middle School, rode the bus, and there was no traffic. He said living here his entire life, he has seen how much it has changed. He said the citizens who live there see a lot of traffic and it's bad. His question for Mr. Hossain was about knowing how bad the traffic was at the site, and why they picked that location. Why not a better, more accessible place? He said he was on their board, but not the decision maker. He said there was another sitting president at the time, but they liked the large, lush land and it was affordable. The criteria were proximity and affordability. Mr. Reaves asked that with all the things required to build, did that not change the affordability? Mr. Hossain said there were a lot of requirements, but they needed to meet with the community and see if they could live up to the promise, or otherwise, they would be wasting money. He said the community was hard working and God had given them wealth. If they receive approval, they will be excited to participate and can manage it. He said the decision will lie with their board but believes they will make the sacrifice to get it done. He believes they can improve the land situation even though they know it has a drainage problem. Alderman Reaves stated that he loved the fact that they were here and were glad they had a space in Bartlett where they meet, but knew they would outgrow it. Mr. Hossain said the biggest problem with the current place was no place for ladies. Alderman Reaves said he believed diversity makes the city stronger. He said the hard time he was having was reconciling citizens who have homes and streets that are constantly filled with traffic and adding any more commercial type of stuff to that area is tough. He said it placed them in a tough position. Mr. Hossain said he definitely understood. Alderman Reaves said that the city wanted to be good partners but also wanted the community to wrap their arms around the Muslim community wherever they are. He said he didn't know how well that would work because a lot of people are concerned about the traffic. He said that property and location were tough and there was reason why it hadn't been developed and was cheap. He said because probably because no one wanted or could develop it. He said he wanted them to have a place, but that spot was problematic. The amount of traffic there has put a burden on the property owners.

Alderman King asked Mr. Hossain if that during the process since 2023, if they had considered selling this property and looked for other property in Bartlett more suitable without all the restrictions. He said if it were a different location, they probably wouldn't be having this conversation. Mr. Hossain said no, they were relying on the traffic study of Dr. Lipinski and had known him since 1988 since he was the advisor to one of his friends. So, they wanted Dr. Lipinski to conduct an honest analysis with the traffic study, and if it passes, they will continue to pursue. He said the traffic study was quite expensive and that if they study showed that it would make traffic worse for the neighbors, they would have started looking at other places. He said since the findings of the study; they feel that they can continue with a small mosque. He said that they cannot expand past 5,000 square feet at will, they have to have the city's permission. He said that if it makes the neighbors feel better, they will stay at 5,000 square feet, not expand, and it will be just a prayer hall. He said that was his opinion and hadn't discussed it with everyone, but that is what he said the last time he was before the Planning Commission. He said he knew how bad the traffic was there, but if the facility doesn't add any additional burden on the traffic pattern, he felt the case should be considered with all the compassion he believes the Board has and be worked out in a positive way. He said the Board was wiser than him and they also had a responsibility to all the neighbors and residents of Bartlett. He trusted that the Board would be fair in the judgment and go from there.

Mayor Parsons confirmed that he said they would keep the mosque at 5,000 square feet. Mr. Hossain said that if it eases the situation, they were willing to do that. He said if the community grows, hopefully it will, then they could look for property somewhere else. He said if it grows, they could think about a community ten miles away. He said sometimes communities grow and sometimes they shrink because children grow and move away.

Alderman Quinn asked Mr. Hossain about their current space and how many square feet it was.

Mr. Ullah spoke as the Secretary of the Bartlett Muslim Society. He said the space was 1,500 square feet with one small office room, bathroom, and corner space. He said they were using approximately 1,000 square feet. Alderman Quinn said he spoke to the group during Ramadan a couple of years ago but had been in their space and spoke to the men, approximately 50. He said the women and children were in another space. Mr. Ullah said there was an additional space of 1,500 square feet rented for gatherings. He said the praying space was 1,500 square feet and the gathering space was 1,500 square feet, for a total of 3,000 square feet. He stated that Ramadan is always crowded. He said the way the space was created; it was difficult for prayers and not honorable for the women so most go home after they break fast. They have been in that space since 2019. Mr. Ullah said most families live within two- or three-square miles of the proposed location. Alderman Quinn stated that the land had been cleared and vacant since the 1800s. Alderman Quinn asked about the reduction in the parking plan from 152 parking spaces initially proposed in 2023 to 52 currently. Mr. Hossain said that it was a miscommunication. Alderman Quinn questioned the site plan presented to the Planning Commission as a miscommunication. Mr. Ullah said they thought there would be a lot of empty space for a 5,000 square foot facility on eight acres, rather than mud and grass, they thought they would put parking and look nice. Alderman Quinn said he attended the Planning Commission meeting in 2023, and it was stated there were sometimes weddings and special events where that amount of parking would be needed. He didn't understand how a plan drafted by the Developer David Bray and presented to the Planning Commission could be a misunderstanding. Mr. Hossain stated they may have overcompensated because they knew there would be no street parking. He said he didn't want members to even attempt to park on the street. Alderman Quinn questioned it being an error, when they stated they didn't want members parking on the street. Mr. Hossain said that it was for 52 spaces. Alderman Quinn advised in the future to look the cost of parking spaces in plans. Alderman Quinn also said they obtained the property at \$170,000.00 and asked what they anticipated the total cost to build would be including requirements of widening Broadway, boring under CSX's railroad, moving the wastewater lift station. He asked what estimates they had been given. Mr. Hossain said they had not obtained any accurate estimates. They had no estimates or idea of the cost. Mr. Hossain said they believed if the Board approves that the community will back the project. Alderman Quinn questioned the cost of the project.

Alderman Young commented that he personally doesn't have a problem with a mosque in Bartlett and wanted to make that clear. However, he said if he were going to build any kind of place of worship, it would not be on an eight-acre lot for a 5,000 square foot building in a flood plain, requiring boring under CSX railroad for both water and sewage, requiring widening the road, and adding to the traffic nightmare. He said it was originally submitted as a 15,000 square foot building with 150 parking spaces and reduced to 5,000 square feet with 52 parking and possible expansion. He said it was a bad location, and he was not in favor.

Alderman Williams' concern stems from whomever advised them to purchase this land. She said she was very happy to have a mosque in Bartlett. She stated that she was Christian but had a lot of good friends who were Muslim. She doesn't feel like they were advised correctly. She reiterated that it was a bad spot for a church, grocery store, etc. She wished someone had advised them to consider another location. She wanted to express to the Muslim Community that the Board did not feel negatively as some of the citizens voiced at the Planning Commission's 2023 meeting. She said it was a bad spot and hated to see them spend all that money to make it work in that location. She stated that they had done what was asked and it would be challenging.

Alderman King commented that having a background in construction, that if he had been hired for this project, looking at what he thinks it may cost, he would've advised to pay more for another property in Bartlett that was better suited. He said he wanted the Muslim community here, but as a builder, it would be his obligation to advise paying more for a better location.

Alderman Reaves called for a Roll Call Vote.

RESULT:	DENIED [1 TO 5]
MOVER:	Monique L. Williams, Alderman
SECONDER:	David Reaves, Alderman
AYES:	Monique L. Williams
NAYS:	Brad King, Robert Griffin, David Reaves, Jack Young, Kevin Quinn

- 2 **Third Reading of Ordinance 24-14, an ordinance to amend the City of Bartlett Zoning Ordinance, Article VI, Section 9 Supplementary District Regulations, Parking, Storage, or Use of Major Recreational Equipment; Article VI, Section 10 Parking and the Storage of Certain Vehicles in Residential Zoning Districts by adding Definitions; and Article VI, Section 12 Minimum Off Street Parking Requirements. (Trey Arthur, Director of Code Enforcement)**

Alderman Quinn asked about exceptions for houses on large lots. Senior Planner Sam Harris explained that zoning regulations need to be the same across the board for zoning classifications.

Alderman Reaves asked City Attorney Ed McKenney if we treat zoning areas differently if litigation could come into play. Mr. McKenney said that it could.

RESULT:	APPROVED ON THIRD AND FINAL RE [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Brad King, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

- 3 **Third Reading of Ordinance 24-15, an ordinance of the City of Bartlett, Tennessee, adopting by reference State Traffic Offenses and Rules of the Road. (J.J. Leatherwood, Court Clerk)**

RESULT:	APPROVED ON THIRD AND FINAL RE [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	David Reaves, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jack Young, Vice Mayor
SECONDER:	Kevin Quinn, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

- 1 **Bid for Utility Billing Print Services. (Dick Phebus, Director of Finance)**
Recommend accepting the lowest and best bid from Pinnacle Data Systems, a Doxim Company at an estimated cost of \$31,917.00 per year for printing. Postage costs per United States Postal Service rates. Funds are available in Account 510.51100.179.
- 2 **Renewal of Postage Machine Lease. (Dick Phebus, Director of Finance)**

3 Treasurer's Report for December 2024. (Dick Phebus, Director of Finance)**NEW BUSINESS**

- 1 Reset the public hearing for March 11, 2025 for Resolution 02-25, a resolution approving a Special Use Permit to allow a Planned Residential Development to be located at the southeast corner of Yale Road at Bartlett Boulevard, within the "RS-10" Single Family Residential Zoning District. (Kim Taylor, Director of Planning and Economic Development)**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Reaves, Alderman
SECONDER:	Jack Young, Vice Mayor
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

- 2 Resolution 06-25, a resolution to amend the Fiscal Year 2025 Bartlett City General Purpose School Fund. (Dick Phebus, Director of Finance)**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin Quinn, Alderman
SECONDER:	David Reaves, Alderman
AYES:	Brad King, Robert Griffin, David Reaves, Monique L. Williams, Jack Young, Kevin Quinn

OPEN DISCUSSION

Alderman Griffin congratulated the volunteers and city employees on a successful Valentines 5k and wished Alderman King a happy birthday.

Nick Bussey, 3463 Flintlock Dr., had questions regarding paving on the side yard.

Mayor Parsons directed him to Code Compliance Coordinator, Tonya Annear.

Marva Jackson Malone, 6819 Old Brownsville addressed the Board with questions from neighbor, Doris Willis, regarding stop signs.

Mayor Parsons directed her to the Engineering Office.

ADJOURNMENT

Meeting adjourned at 8:29 PM

February 6, 2025

VIA EMAIL

Bartlett Municipal Planning Commission
c/o Mayor David Parsons
c/o Vice Mayor/Alderman Jack Young
c/o Planning & Economic Development Director Kim Taylor
dparsons@cityofbartlett.org
jyoung@cityofbartlett.org
ktaylor@cityofbartlett.org

Bartlett City Clerk's Office
c/o City Clerk Penny Medlock
pmedlock@cityofbartlett.org

Dear Board of Mayor and Aldermen:

We write again regarding the Bartlett Muslim Society's application for a special-use permit to construct a mosque at 0 Broadway Road (Parcel B0149 00261). Our initial letter and public-records request, dated December 1, 2023, provided an overview of federal and state laws that govern religious land-use zoning requests. As a reminder, both the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA),¹ and Tenn. Code Ann. §4-1-107, impose demanding standards of review for government actions that substantially burden religious practice. Given that the Society's traffic study concludes that the proposed mosque **will not impose any significant changes in traffic**, the City must grant the Society's permit application. Denial would constitute an impermissible and unlawful burden on the Society's religious exercise.

Background: The Bartlett Muslim Society's Special-Use Permit Application

The Society's application first came before the Bartlett Planning Commission at its regularly scheduled meeting on October 2, 2023. Public comment at this meeting was animated and divisive. While several members of the public commented on the proposed building's potential impact on neighborhood traffic, one community member stated in opposition to the permit that "Muslims do not believe in God." Another community member (who also opposed the permit) invited members of the Society to attend his Christian church instead of practicing their Muslim faith. The Planning Commission postponed its decision on the application and directed the Society to conduct an in-depth traffic study.

¹ 42 U.S.C. § 2000cc *et seq.*



Tennessee

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Nashville TN 37212
(615) 320-7142
aclu-tn.org

At *significant* cost, the Society retained Dr. Martin E. Lipinski, Ph.D., to conduct the traffic impact study. Dr. Lipinski is an emeritus professor of civil engineering at the University of Memphis, where he previously served as the Chairman of the Civil Engineering Department and the Director of the Intermodal Freight Transportation Institute. He has over 35 years of experience in transportation engineering and has contributed research to several national transportation resources.

Over the course of a year, Dr. Lipinski worked in conjunction with the City's Engineering Department to conduct a traffic study within the City's specific parameters. In September 2024, he produced a report that includes over 120 pages of observations, data, and conclusions regarding the impact of the proposed mosque over a three-year timespan.² Dr. Lipinski went to extraordinary lengths to collect the relevant data, even recording traffic patterns at existing mosques in the greater Memphis area so as to better understand how traffic flows specifically at mosques.³ He collected additional data from March 18 through 22 by observing traffic flow and volume at the intersection of Broadway, Memphis-Arlington, and Centralia Roads, as well as the other intersections between Broadway and nearby streets.⁴ Using two metrics—average delay and queue length—he determined the “level of service” at the six-leg intersection during two peak traffic periods (afternoon and evening) and projected any change to the level of service posed by the proposed mosque for both 2025 and 2028.⁵

Dr. Lipinski concluded that, in both 2025 and 2028, there would be “no significant changes in levels of service” at either the six-leg intersection or any of the smaller, nearby intersections if the mosque were to be built.⁶ Even at peak traffic periods, the average delay time and queue lengths are projected to be *virtually unchanged* by the presence of the mosque.⁷

On December 2, 2024, the Planning Commission again reviewed the special use permit application, which now included Dr. Lipinski's traffic study. Based on the study, Planning & Economic Development Director Kim Taylor provided a “favorable recommendation to Board of Mayor and Alderman with conditions.”⁸ During discussion with Director Taylor, Vice Mayor Jack Young said, “I am absolutely opposed to any kind of facility . . . You can do all the studies you want, but I drive through there a lot. It doesn't matter to me about a study, I actually live through it.”⁹ Project engineer David Bray and Bartlett Muslim Society representative, Badrul Hossain, then answered several questions posed by commission members regarding the proposed use of the mosque. Mr. Hossain explained that the Society seeks to build this space to accommodate space

² A copy of the traffic study was previously submitted to the Planning Commission. Please contact counsel below if additional copies are needed.

³ Martin E. Lipinski, *Traffic Impact Study*, 4-5 (Sept. 2024).

⁴ *Id.* at 4.

⁵ *Id.* at 5.

⁶ *Id.* at 28, 47.

⁷ *Compare id.* at 19 tbl.10, *with id.* at 39 tbl.23.

⁸ These conditions were “engineering” conditions regarding upgrades to the sewer and drainage systems, among other things. *See* City of Bartlett, *Planning Comm'n Staff Comments*, 2-3 (Dec. 2, 2024).

⁹ City of Bartlett, [Planning Comm'n Regular Meeting](#), (Dec. 2, 2024), at 13:30-14:10.

for both men and women—but mostly young, professional men—to pray during morning and evening prayer times. Mr. Hossain also explained that mosques require separate areas for men and women to pray, which adds to their overall footprint. No questions were asked of Dr. Lipinski regarding his traffic study. The Planning Commission then unanimously voted to provide an “unfavorable recommendation” of the application to the Board of Mayor and Alderman—rejecting the Planning & Economic Development staff’s recommendation.

On February 11, 2024, the Board of Mayor and Aldermen will consider the Bartlett Muslim Society’s application. We urge you to grant the application.

Legal protections for houses of worship in zoning proceedings

As we previously outlined in our December 2023 letter, for decades, cities and towns across the country improperly denied zoning permits and other approvals for houses of worship and congregations seeking to use their property for religious purposes.¹⁰ These denials were often rooted in discrimination against a particular faith or religious practice, even as local officials cited ostensibly “neutral” reasons—such as traffic, parking, or noise concerns—for their decisions.¹¹ To put an end to these harmful zoning procedures, Congress passed the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). Under RLUIPA, if denying a zoning permit would substantially burden an applicant’s religious exercise, the City must demonstrate that the burden is “in furtherance of a compelling governmental interest” and “is the least restrictive means of furthering that compelling governmental interest.”¹²

This legal standard, known as “strict scrutiny,” is “rigorous” and “exceptionally demanding.”¹³ Specifically, “it requires the government to show that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion.”¹⁴ Generalized and speculative concerns relating to traffic, parking, noise, safety, or other factors will *not* overcome the applicant’s religious-freedom rights.¹⁵

¹⁰ See U.S. Dep’t of Justice, [*Report on the Twentieth Anniversary of the Religious Land Use & Institutionalized Persons Act*](#), 3-5 (Sept. 22, 2020).

¹¹ See *id.* at 4.

¹² 42 U.S.C. § 2000cc(a)(1)(A)–(B).

¹³ See *Holt v. Hobbs*, 574 U.S. 352, 364 (2015) (internal quotation marks omitted).

¹⁴ *Id.* at 364-65 (internal quotation marks omitted).

¹⁵ See, e.g., *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 726 (2014) (noting that, under strict scrutiny, the governmental interest cannot be “couched in very broad terms” but must be “focused” on the particular claimant whose religious exercise is substantially burdened) (internal quotation marks omitted); *Columbus Park Congregation of Jehovah’s Witnesses, Inc. v. Bd. of Appeals of City of Chicago*, 25 Ill. 2d 65, 72 (1962) (“[T]o deny plaintiffs the right of worship at this location, upon the speculative fears of traffic congestion, bears no reasonable relation to the general health, safety and welfare.”); *Westchester Day Sch. v. Vill. of Mamaroneck*, 417 F. Supp. 2d 477, 562-63 (S.D.N.Y. 2006), *aff’d*, 504 F.3d 338 (2d Cir. 2007) (“Factors bearing on the public health, safety and welfare, such as traffic, that may suffice to deny a permit for commercial use generally will not suffice to deny an educational or religious use.”); *Fortress Bible Church v. Feiner*, 734 F. Supp. 2d 409, 505 (S.D.N.Y. 2010), *aff’d*, 694 F.3d 208 (2d Cir. 2012).

The City cannot meet this stringent legal standard here. Dr. Lipinski's traffic study is clear: Any traffic issues near the building site will not be caused by or exacerbated by the mosque. Given the breadth and thoroughness of the traffic study, and the favorable recommendation by the City's own Planning & Economic Development Director, any purported concern about the mosque's impact on traffic is not supported by the evidence and would be nothing more than unlawful pretext if used to justify denial of the requested permit.¹⁶ Indeed, *even if* the City could show some minor traffic issues, they would not rise to the level of a *compelling* governmental interest, and RLUIPA would require that the City adopt other, less restrictive measures—rather than outright denial of the permit—to mitigate traffic in the area.

Should the City infringe the Society's RLUIPA rights, it risks two possible enforcement mechanisms. First, the U.S. Department of Justice (DOJ) has authority to investigate and sue local governments in response to RLUIPA violations.¹⁷ Second, RLUIPA authorizes applicants to file a civil lawsuit.¹⁸ If forced to do so, many plaintiffs also assert violations of other constitutional and statutory provisions, including the Free Exercise Clause of the First Amendment to the U.S. Constitution and state law.¹⁹ Here, Tennessee's Preservation of Religious Freedom Act—like

(ruling that traffic, parking, and other concerns cited by town as basis for rejecting zoning requests “were contrived for the sole purpose of rationalizing the Town’s denial”); *cf., e.g., Beaulieu v. City of Alabaster*, 454 F.3d 1219, 1234 (11th Cir. 2006) (holding, under strict-scrutiny analysis, that city’s “interests in aesthetics and traffic safety [were] substantial but they [were] not compelling” and could not justify restriction on political signs in residential areas).

¹⁶ Denying the permit on this pretextual ground would suggest official religious bias against the Bartlett Muslim Society and would, therefore, also violate RLUIPA's separate prohibition on “discriminat[ing] against any assembly or institution on the basis of religion or religious denomination.” 42 U.S.C. § 2000cc(b)(2). Furthermore, to the extent that the City has approved comparable permits for other, nonreligious applicants, a denial here would violate RLUIPA's separate mandate that “[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” *See id.* § 2000cc(b)(1).

¹⁷ *Id.* § 2000cc–2(f). The DOJ's “Place to Worship Initiative” highlights the agency's role in carrying out RLUIPA's protections through investigations of local governmental entities and enforcement lawsuits. U.S. Dep't of Justice, [Place to Worship Initiative](#) (Nov. 1, 2023).

¹⁸ 42 U.S.C. § 2000cc–2(a).

¹⁹ In 2021, asserting claims under RLUIPA and the Free Exercise Clause, the ACLU and the ACLU of Mississippi sued the City of Horn Lake over its discriminatory refusal to approve a construction plan for a proposed mosque. *See Abraham House of God & Cemetery, Inc. v. City of Horn Lake*, No. 3:21-cv-00231-MPM-RP, 2021 WL 5135834 (N.D. Miss. Nov. 3, 2021). Via consent decree, the city was ordered to pay the plaintiffs \$25,000 in damages as well as the plaintiffs' attorneys' fees. No. 3:21-cv-00231-MPM-RP, Consent Decree, ECF No. 24, ¶¶ 5-6. The U.S. Court of Appeals for the Sixth Circuit, which covers Tennessee, also held recently that a religious organization was entitled to emergency judicial relief against a township, ruling that the township had likely violated RLUIPA by prohibiting religious gatherings at the organization's property and demanding that the organization remove a “prayer trail” from the property. *See generally Cath. Healthcare Int'l, Inc. v. Genoa Charter Twp.*, 82 F.4th 442 (6th Cir. 2023), *reh'g & reh'g en banc denied*, No. 22-2139, 2023 WL 7384343 (6th Cir. Oct. 20, 2023).

RLUIPA—similarly prohibits the government from imposing a substantial burden on religious exercise unless the burden is justified under strict scrutiny.²⁰

As explained in our previous letter, the legal protections for houses of worship and religious exercise in this context are robust. “Churches and synagogues cannot function without physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.”²¹ We urge you to take RLUIPA and other applicable laws seriously in considering the Bartlett Muslim Society’s request for a special-use permit. By approving the permit, the City will affirm its commitment to religious liberty for people of all faiths and comply with state and federal law.

Sincerely,



Stella Yarbrough
syarbrough@aclu-tn.org
Legal Director
ACLU of Tennessee

Heather L. Weaver
Senior Counsel
ACLU Program on Freedom of
Religion and Belief

²⁰ T. C. A. § 4-1-407.

²¹ *Mintz v. Roman Catholic Bishop of Springfield*, 424 F. Supp. 2d 309, 312 (D. Mass. 2006) (quoting 146 Cong. Rec. S. 7774-5 (July 27, 2000)).

Penny Medlock

Against

From: David Parsons
Sent: Thursday, January 30, 2025 10:07 AM
To: roger@rogercotton.com
Cc: Penny Medlock
Subject: RE: [External]Special Use Permit - Broadway

Thank you Roger for reaching out with your concern . WE will make this concern is considered by board . Thank you

David Parsons | Mayor
City of Bartlett
6400 Stage Road ▪ Bartlett, TN 38134
office (901) 385-6444 ▪
website
map

Roger Cotton
4341 Bishops Valley Lane

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

From: roger@rogercotton.com <roger@rogercotton.com>
Sent: Thursday, January 30, 2025 9:26 AM
To: David Parsons <dparsons@cityofbartlett.org>
Cc: Brad King <bking@cityofbartlett.org>; Robert Griffin <rgriffin@cityofbartlett.org>; David Reaves <dreaves@cityofbartlett.org>; Megan Williams <mwilliams@cityofbartlett.org>; Jack Young <jyoung@cityofbartlett.org>; Kevin Quinn <kquinn@cityofbartlett.org>
Subject: [External]Special Use Permit - Broadway

WARNING

This email originated from outside of The City of Bartlett. Do not click links or open attachments unless you recognize the sender and know that the content is safe.

Dear elected officials,

February 11, there will be a public hearing regarding a special use permit for a church to be built on Broadway at the 5-way intersection.

I will be unable to attend the hearing, but wanted to take a moment to express my concerns, as a citizen of Bartlett.

I am apposed to the location. I am not apposed to a church, of any religion, being built, but the proposed 8 acre location is not suitable

for this. The group is asking to build a 5,000 SF building, expandable to 15,000 SF. We automatically assume it will be a 15,000 SF build, *triple* the original ask.

The lot will need to be engineered for that building and required infrastructure. The lot is likely too small to adequately accommodate a

15,000 SF facility with parking and amenities. But, the biggest problem is the physical location on Broadway at the 5-way intersection. Those of us who drive through that intersection several times daily can attest to the traffic load and driver confusion. I haven't seen the traffic study that was done, but from personal experience I can tell you Broadway and the surrounding roadways are not suited for this additional traffic.

I am against the building at the proposed location. What can we do to help them find a more suitable parcel?

Sincerely,

Roger Cotton
www.RogerCotton.com

Penny Medlock

From: Marla Simmons <mrs0625@gmail.com>
Sent: Friday, February 7, 2025 2:52 PM
To: Penny Medlock
Cc: Marla Simmons
Subject: [External]Notice of Public Hearing February 11, 2025

WARNING

This email originated from outside of The City of Bartlett. **Do not click links or open attachments unless you recognize the sender and know that the content is safe.**

Dear Ms. Medlock,

This is in regards to the following Resolution 01-25:

"A resolution for a Special Use Permit to allow a Church Use to be located at the east side of Broadway Road on Parcel B0129 00261, just north of the Ellendale Five-Way Intersection, within the "R-E" Residential Estate Zoning District."

Please advise the Board of Mayor and Aldermen that we are against this resolution and request that this matter be denied.

Please let us know if further information is required.

Marla Simmons
Marjorie Simmons
7274 Centralia Road
P.O. Box 263
Ellendale, TN 38029-0263

