



*City of Bartlett*  
A. Keith McDonald, Mayor

## **BOARD OF MAYOR AND ALDERMEN MEETING AGENDA**

**TUESDAY, NOVEMBER 26, 2013 - COUNCIL CHAMBER - 7:00 PM**

### **INVOCATION**

Opening Prayer by Brett Capaci, Easthill Baptist Church

### **FUTURE MEETINGS**

Family Assistance Commission, December 2 at 7 p.m.

Planning Commission, December 2 at 7 p.m.

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

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

### **RECOGNITIONS**

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

### **MINUTES ACCEPTANCE**

**Minutes of the November 12, 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. Resolution 21-13, a Resolution Approving a Special Use Permit for an Assisted Living Facility to be Located on the East Side of Kirby-Whitten Road in the Robinwood Commercial Center between Summer Avenue and Stage Road.
2. Resolution 24-13, a Resolution Approving a Special Use Permit for El Primo Auto Repair and Used Tire Center to operate an Automobile Repair Shop (excluding Body Work) and the Sale of Class A Used Tires within the "C-H" Highway Business Zoning District.

**UNFINISHED BUSINESS**

- 1 Resolution 21-13, a Resolution Approving a Special Use Permit for an Assisted Living Facility to be Located on the East Side of Kirby-Whitten Road in the Robinwood Commercial Center between Summer Avenue and Stage Road. (Terry Emerick, Director of Planning and Economic Development)**
- 2 Resolution 24-13, a Resolution Approving a Special Use Permit for El Primo Auto Repair and Used Tire Center to operate an Automobile Repair Shop (excluding Body Work) and the Sale of Class A Used Tires within the "C-H" Highway Business Zoning District. (Terry Emerick, Director of Planning and Economic Development)**

**CONSENT AGENDA**

- 1 Special Use Permit Contract for El Primo Auto Repair and Used Tire Center. (Rick McClanahan, Director of Engineering)**  
  
The developer will pay \$19,035 to the City in lieu of constructing the required street improvements.
- 2 Bid for one 2014 Ford Explorer SUV. (Terry Wiggins, Fire Chief)**  
  
Recommend accepting the lowest bid from AutoNation Ford Memphis at a cost of \$28,205.00. Funds are available in account 311.48311.785.25714.
- 3 Treasurer's Report for October 2013 (Dick Phebus, Director of Finance)**
- 4 Dispense with the second Board of Mayor and Aldermen meeting in December. (A. McDonald, Mayor)**

**NEW BUSINESS**

- 1 Resolution 29-13, a resolution to approve Amendment 9 to the Retirement System of the City of Bartlett Defined Benefit Plan (as amended and restated effective November 10, 1998, as amended). (Peter Voss, Director of Personnel)**

**OPEN DISCUSSION****ADJOURNMENT**



*City of Bartlett*  
A. Keith McDonald, Mayor

## BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013 - COUNCIL CHAMBER - 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: Present.

### **INVOCATION**

Opening Prayer by Scott Greer, New Hope Christian Church

### **FUTURE MEETINGS**

Parks and Recreation Advisory Board, November 14 at 7 p.m.

Historic Preservation Commission, November 18 at 7 p.m.

BPACC Advisory Board, November 19 at 6 p.m.

Design Review Commission, November 19 at 7 p.m.

### **RECOGNITIONS**

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

### **MINUTES ACCEPTANCE**

**Minutes of the October 22, 2013 Board of Mayor and Aldermen Regular Meeting**

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                          |
| <b>MOVER:</b>    | Bobby Simmons, Alderman                              |
| <b>SECONDER:</b> | David Parsons, Alderman                              |
| <b>AYES:</b>     | Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick |

### **CONSENT AGENDA**

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                          |
| <b>MOVER:</b>    | Jack Young, Vice Mayor                               |
| <b>SECONDER:</b> | Emily Elliott, Alderman                              |
| <b>AYES:</b>     | Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick |

Minutes Acceptance: Minutes of Nov 12, 2013 7:00 PM (MINUTES ACCEPTANCE)

- 1 **Bid for Coffee and Tea Services. (Dick Phebus, Director of Finance)**  
Recommend accepting the lowest and/or best bid from Premium Refreshment for coffee and tea services at 22 City locations beginning November 15, 2013 through November 15, 2016. Funds are available in department accounts.
- 2 **Bid for two Nissan Altimas. (Gary Rikard, Chief of Police)**  
Recommend accepting the lower bid from AutoNation Memphis at a cost of \$21,575.00 each, or a total cost of \$43,150.00. These vehicles will be used by Police Investigative Services Division. Funds are available in account 124.48124.935.
- 3 **Bid for eight patrol vehicles. (Gary Rikard, Chief of Police)**  
Recommend accepting the lowest bid from AutoNation at a total cost of \$185,288.00 or \$23,161.00 each. Funds are available in account 311.48311.785.20314.
- 4 **Bid for equipping of eight patrol vehicles. (Gary Rikard, Chief of Police)**  
Recommend accepting the lowest bid for police vehicle equipment from ComServ Wireless in the amount of \$4,225.00 per vehicle or a total of \$33,800.00. Funding is available in account 311.48311.785.20314.
- 5 **Purchase of eight radar units. (Gary Rikard, Chief of Police)**  
Request approval to purchase eight dual radar units from Stalker, which is a sole source provider, in the amount of \$14,500.00 or \$1,795.00 each, plus \$140 shipping. Funds are available in account 311.48311.785.20314.
- 6 **Purchase of 12 digital in-car cameras. (Gary Rikard, Chief of Police)**  
Request approval to purchase 12 digital in-car cameras from Watchguard, which is a sole source provider, in the amount of \$52,840.00 or \$4,403.33 each. Funds are available in account 311.48311.785.20314.
- 7 **Contract with TDOT to repave Kirby-Whitten between Summer Ave. and Memphis-Arlington Road. (Rick McClanahan, Director of Engineering)**  
Authorize the Mayor to sign the contract with the Tennessee Department of Transportation to manage a local project to repave Kirby-Whitten Road from south of Summer Ave to Memphis-Arlington Road. The total cost of this project is an estimated \$2.25 million with 80 percent of the funding to come from Federal dollars. The City's 20 percent match will be included in next year's budget as part of asphalt overlay.
- 8 **Close a section of Olive Street. (Rick McClanahan, Director of Engineering)**  
Recommend closing a section of Olive Street, transferring said section to Michael and Susan Swain, and establishing a sanitary sewer easement.
- 9 **Planning Commission Report for November 2013. (Terry Emerick, Director of Planning and Economic Development)**

**NEW BUSINESS**

- 1 Resolution 26-13, a resolution to accept a grant from the State of Tennessee Highway Safety Office in the amount of \$40,199.36 for a 2014 alcohol enforcement grant and amend the Fiscal Year 2014 Budget to appropriate the grant. (Dick Phebus, Director of Finance)**

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

- 2 Resolution 28-13, a resolution to appropriate an additional \$213,226 from fund balances for the City's minimum suggested contribution to its retirement plan for Fiscal Year 2014 (Dick Phebus, Director of Finance)**

Mr. Phebus explained that the City's Fiscal Year 2014 Budget allocated less than the actuarial analysis indicated the City's minimum contribution needed to be. This resolution will appropriate an additional \$213,226 from the General Fund, Solid Waste Fund, Drainage Fund and Utility Fund fund balances.

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

- 3 Report on Debt Obligation General Obligation 2013 Series.**

This item does not require a vote.

Mr. Phebus noted that the State Comptroller requires this debt obligation report be disclosed to the Board of Mayor and Aldermen during a Board meeting. This general obligation bond is for \$4.69 million.

**RESULT:** NO VOTE REQUIRED

- 4 Report on Debt Obligation Water Sewer 2013 Series**

This item does not require a vote.

Mr. Phebus noted that the State Comptroller requires this debt obligation report be disclosed to the Board of Mayor and Aldermen during a Board meeting.

This water and sewer bond is \$2,005,000.00. The City received a 2.61 interest rate on the bond repayment.

**RESULT:** NO VOTE REQUIRED

**OPEN DISCUSSION****ADJOURNMENT**

Meeting adjourned at 7:10 PM

\_\_\_\_\_  
 W.C. Pleasant, Register to the  
 Board of Mayor and Alderman

\_\_\_\_\_  
 A. Keith McDonald  
 Mayor

Minutes Acceptance: Minutes of Nov 12, 2013 7:00 PM (MINUTES ACCEPTANCE)



## Board of Mayor and Aldermen

6400 Stage Road  
Bartlett, TN 38134

### SCHEDULED

## RESOLUTION (ID # 1133)

Meeting: 11/26/13 07:00 PM  
Department: Planning and Economic Development  
Category: Special use permit  
Prepared By: Stefanie McGee  
Initiator: Terry Emerick  
Sponsors:  
DOC ID: 1133

# Resolution 21-13, a Resolution Approving a Special Use Permit for an Assisted Living Facility to be Located on the East Side of Kirby-Whitten Road in the Robinwood Commercial Center between Summer Avenue and Stage Road.

**WHEREAS**, an application has been made for a Special Use Permit for an assisted living facility to be located on the East side of Kirby-Whitten Road in the Robinwood Commercial Center, between Summer Avenue and Stage Road; and

**WHEREAS**, the Planning Commission reviewed the proposed Special Use Permit for an assisted living facility on the East side of Kirby-Whitten Road in the Robinwood Commercial Center, between Summer Avenue and Stage Road, on Monday, October 7th, 2013, in accordance with their regulations and recommended the Special Use Permit; and

**WHEREAS**, the Board of Mayor and Aldermen held a Public Hearing on the 26th day of November, 2013 and approved the Special Use Permit for an assisted living facility on the East side of Kirby-Whitten Road in the Robinwood Commercial Center, between Summer Avenue and Stage Road, subject to the following conditions:

### **Engineering Conditions:**

- I. General conditions that will also apply when a Site Plan is filed and possibly more when an in-depth review can be given:
  - a) Detention is required
  - b) A Tree Plan and Tree Preservation Plan are both required.
  - c) A 10' wide streetscape is required along Kirby-Whitten Road - consistent with the adjacent lot to the south. Sewer and water are both available across the frontage of Kirby-Whitten Road.
  - d) The Fire Marshall has indicated he is satisfied with the emergency access to the site as shown.
  - e) As shown on the Site Plan, the south access is through an ingress/egress easement and a shared driveway.

### **Planning Conditions:**

- I. The applicant shall obtain Planning Commission and Design Review Commission site plan approval prior to the construction of the new building.

**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 East side of Kirby-Whitten Road in the Robinwood Commercial Center,

between Summer Avenue and Stage Road, incorporating the above listed conditions, is approved.

ADOPTED THIS 26TH DAY OF NOVEMBER, 2013.

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

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A. Keith McDonald, Mayor

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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 Assisted Living Facility

Property Address Kirby Whitten Road - APN B015700863

Present Zoning SC-1 - Planned Unit Commercial Development

Owner/Developer Contact Carl Sanders Phone 360-254-9442

Company Name JEA Senior Living Fax \_\_\_\_\_

Address 12115 SE 99th St. Suite 1800 ~ Vancouver WA 98682

Architect Contact Greg Elmore Phone 503-399-1090

Company Name Lenity Architecture Fax 503-399-0565

Address 3150 Kettle Court SE ~ Salem OR 97301

Engineer Contact Cindy Reaves Phone 901-373-0380

Company Name SRConsulting Fax 901-373-0370

Address 5909 Shelby Oaks Dr., Suite 200 ~ Memphis TN 38134

Submitted by Greg Elmore  
(printed name) (signature) (date)

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

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

X 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 _____       |                |

**RECEIVED**

SEP 04 2013



**Bartlett Alzheimer's Special Care Center**  
**Kirby Whitten Parkway**  
**Parcel ID #B015700863**

## **PROPOSAL**

We respectfully request a Special Use Permit to allow the development of an Assisted Living Facility within the SC-1 Planned Unit Commercial Development District.

## **CONCEPT**

This is a state of the art, specialized memory care facility that focuses exclusively on Alzheimer's, dementia and related memory issues that afflict our aging seniors. This 24-hour, stand alone facility will accommodate up to 66 residents in a secure and homelike atmosphere, with dedicated and experienced staff and management.

Services include three prepared meals daily, housekeeping, laundry and private bus transportation. Around the clock care and attention is provided to each resident on an individualized basis. Our programs are designed to build upon their strengths. Resident rooms are spacious, comfortable and can accommodate favorite pieces of furniture.

## **TRAFFIC/PARKING**

Because residents do not drive, we expect less than two trips per day per suite for visitor and staff purposes, but without the peak hour trip generation. This is based on the Institute of Transportation Engineers report and is far below equivalent trips per unit for a multi family project.

## **SITE DESIGN**

Neighborhood compatibility is achieved in the site planning and building design. Care is taken to minimize the impact to the existing community.

## **BUILDING DESIGN**

The exterior siding materials will include horizontal siding with brick accents. The roof will be architectural composition.

The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals.

The site is to extensively landscaped. Usable outdoor spaces include manicured lawn and enclosed courtyards.

## **THE MANAGEMENT COMPANY**

JEA Senior Living is a privately owned and operated management and development company based in Vancouver, Washington. JEA has been in operation for over 25 years and currently operates 45 special memory care facilities in 16 states and Canada. Jerry Erwin, founder of JEA Senior Living, has developed, owned and managed nursing homes, retirement facilities, assisted living and Alzheimer's special care centers for over 35 years.

Attachment: Application (1133 : Res 21-13, SUP assisted living)

After many years in the senior care industry, in 1994 upon witnessing his own mother's struggle with Alzheimer's, Mr. Erwin divested of his nursing and assisted living facilities to address the need for quality Alzheimer's care. JEA continues to enjoy a steady rate of growth due in large part to their unsurpassed quality in management and their unique building prototype.

## OVERVIEW

|                  |                                                                                                         |
|------------------|---------------------------------------------------------------------------------------------------------|
| Land Area        | 4.40 acres                                                                                              |
| Existing Zoning: | SC-1 Planned Unit Commercial Development District                                                       |
| Proposed Zoning: | ALF Allowed with Special Use Permit                                                                     |
| Existing Use:    | Vacant Land                                                                                             |
| Proposed Use:    | Assisted-Care Living Facility – As defined in the Tennessee Code Annotated Title 68, Chapter 11, Part 2 |

## DESIGN REQUIREMENTS

We meet the design requirements of the SC-1 zone.

- Lot Coverage
  - Maximum 70%
  - Proposed 20%
- Front Yard Setback (Kirby Whitten Parkway)
  - Required 15 feet
  - Proposed 89 feet to building
- Rear Yard Setback
  - Required N/A
  - Proposed 125 feet
- Side Yard Setback
  - Required N/A
  - Proposed 47 feet
- Maximum Building Height
  - Allowed 5 stories
  - Proposed 1 story
- Parking
  - Required 22 spaces – 13 spaces per 100 beds + 9 spaces
    - Accessible spaces required at 2 for 26 to 50 parking spaces
  - Provided 44 – 40 open spaces + 4 accessible spaces

## JUSTIFICATION

This development will provide a positive, quality, low impact addition to the local neighborhood as well as the greater community of Bartlett.

This site ideally suited for our senior housing use. It has close proximity to services such as shopping, recreation and medical needs while still being near established residential development.

# Site Plan

## Memory Care Facility

SCALE: 1" = 30'  
DATE: 07/15/2013



Project Zoning: SC-1

Project Area:

Gross Site Area: 4.40 Acres

Project Area Summary:

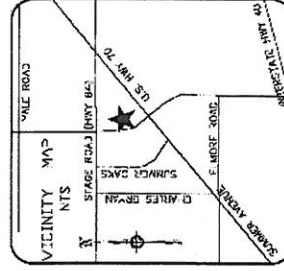
Site Area: 191,721 Sq Ft  
Building Footprint: 37,873 Sq Ft  
Parking / Drives: 29,704 Sq Ft  
Walks / Patios: 12,100 Sq Ft  
Landscape / Openspace: 112,044 Sq Ft

Parking:

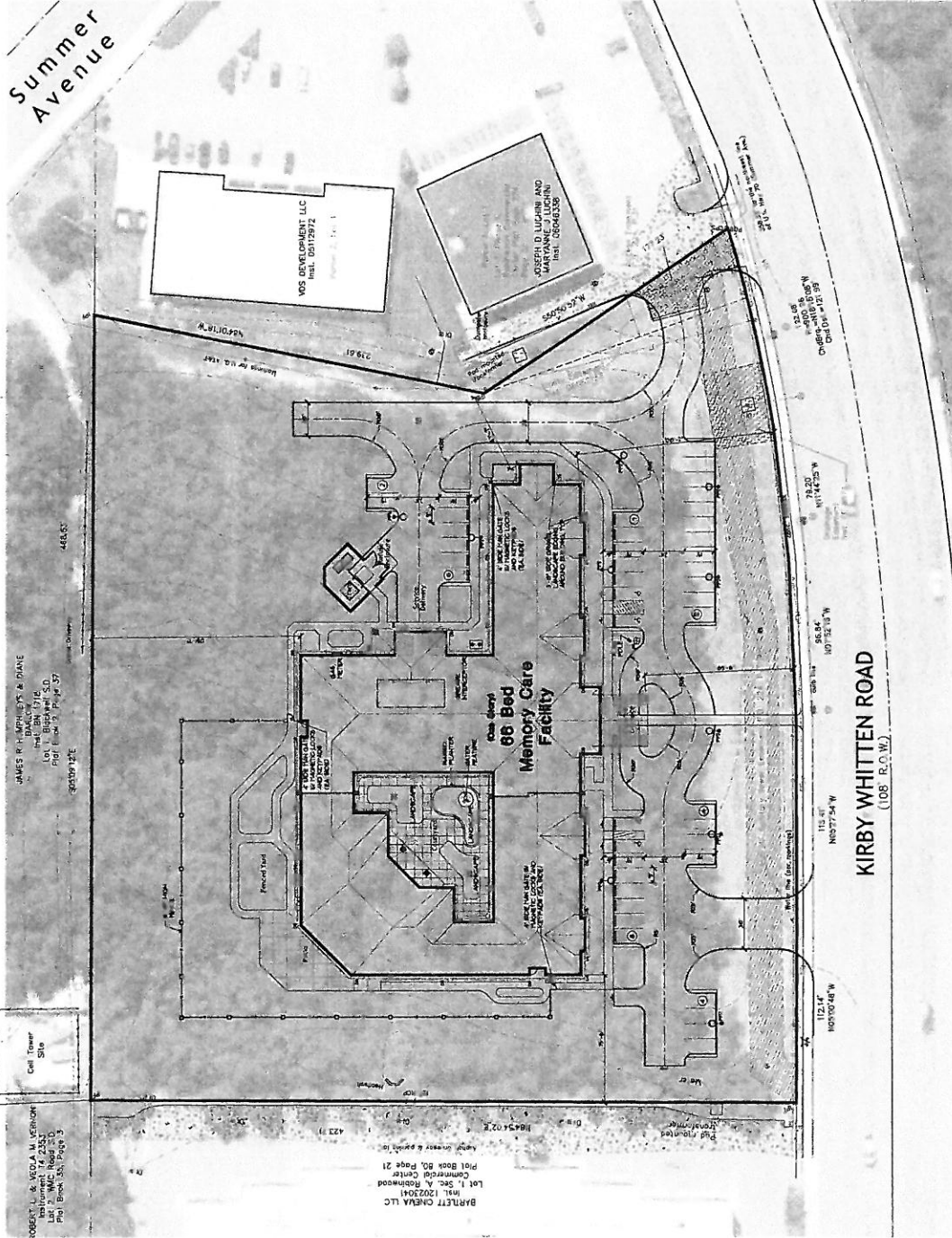
40 Open Spaces  
4 Accessible Spaces  
44 Total Spaces

Developer:

JEA Senior Living  
12115 NE 99th Street  
Suite 1800  
Vancouver, WA 98682  
360.254.9442



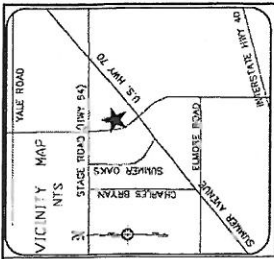
JEA SENIOR LIVING  
Management • Development



lenity  
architecture  
3150 Kette Court SE, Salem, Oregon 97301  
503.399.1090 503.399.0565 lenityarchitecture.com

# Bartlett Alzheimer's Special Care Center

Bartlett, Tennessee



Legal Description

Being the Peggy L R Parker and Patricia R Sneed Revocable Living Trust property as recorded in Instrument Number 08160280 in Bartlett, Tennessee and being more particularly described as follows:

[illegible]

### PLOT PLAN

**ROBINWOOD COMMERCIAL CENTER**

**OWNER:** PEGGY PARKER & PATRICIA SNEED

DEVELOPER:

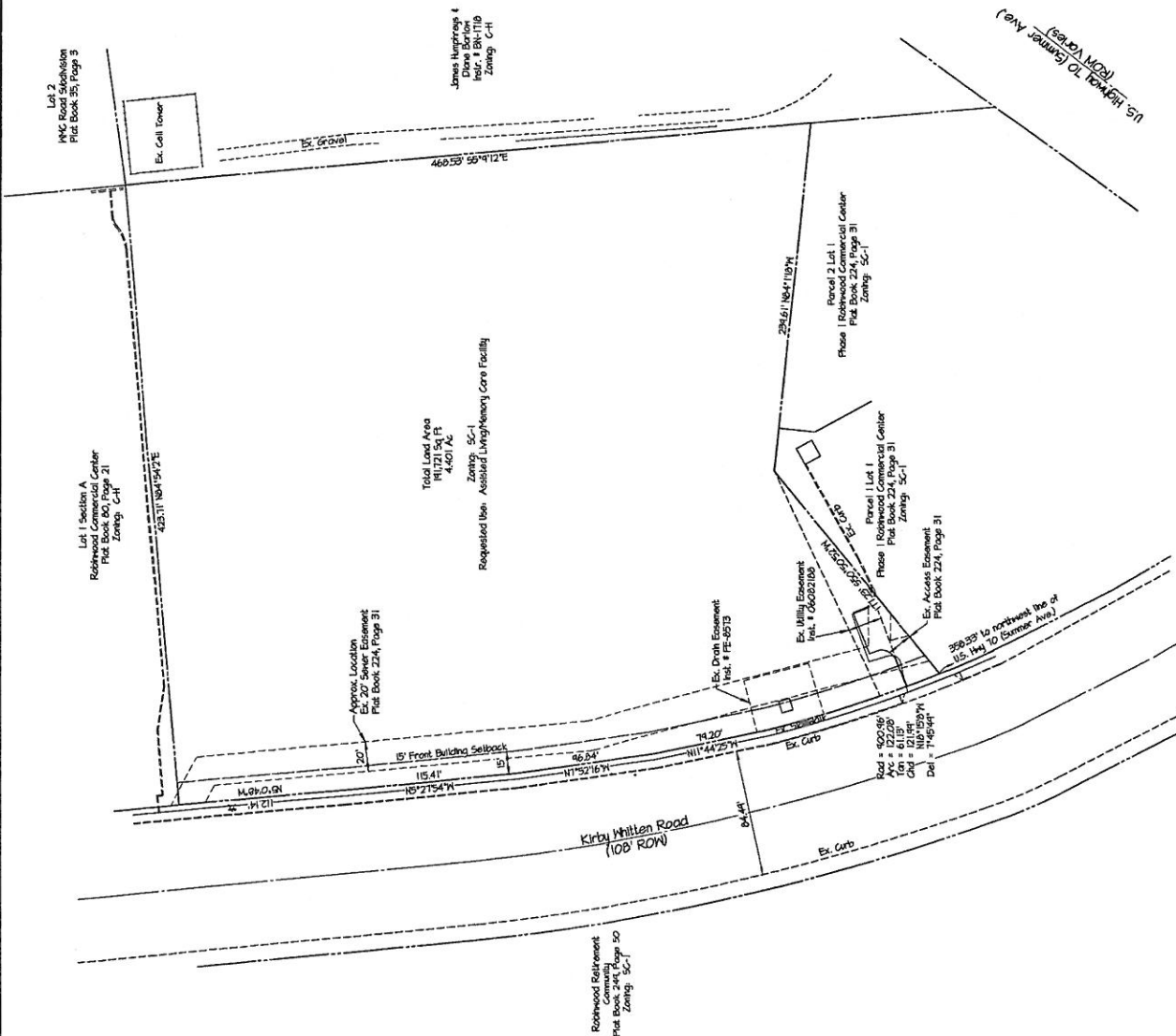
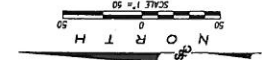
4.4 ACRES

SP

**PRC CONSULTING, LLC**  
BARTLETT, TENNESSEE  
AUGUST 2007

**CONSOLIDATING, LLC**  
5909 Shelby Oaks Drive  
Suite 200  
901-373-0380  
(fax) 977-0320

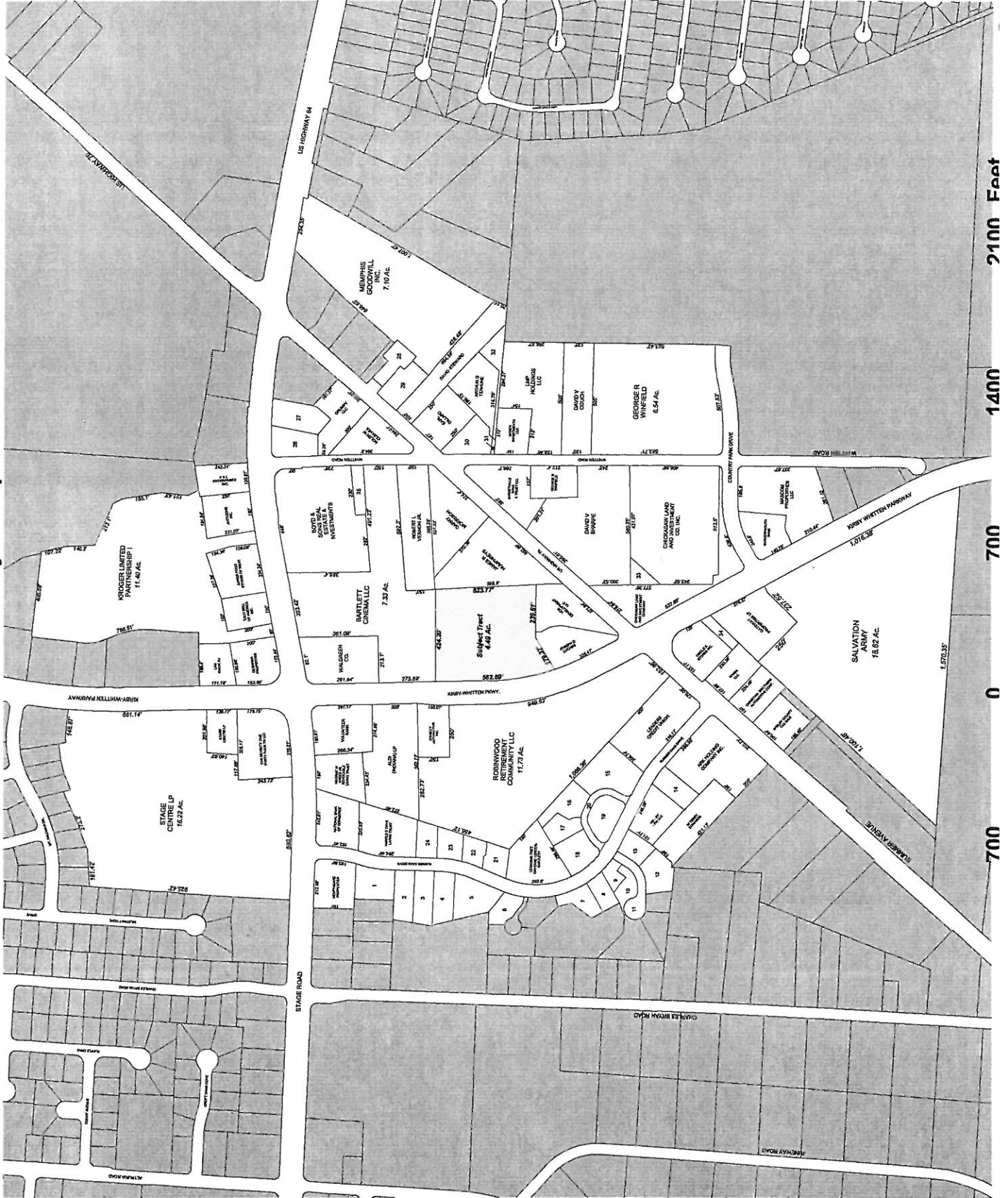
Suite 200  
Memphis TN 38174  
(fax) 373-0370  
www.cdrp.com or 800-441-4444



**Attachment: Application (1133 : Res 21-13, SUP assisted living)**



## Vicinity Map



**Attachment: Application (1133 : Res 21-13, SUP assisted living)**

# Perspective



Bartlett Alzheimer's Special Care Center



## Board of Mayor and Aldermen

6400 Stage Road  
Bartlett, TN 38134

### SCHEDULED

### RESOLUTION (ID # 1134)

Meeting: 11/26/13 07:00 PM  
Department: Planning and Economic Development  
Category: Special use permit  
Prepared By: Stefanie McGee  
Initiator: Terry Emerick  
Sponsors:  
DOC ID: 1134

## Resolution 24-13, a Resolution Approving a Special Use Permit for El Primo Auto Repair and Used Tire Center to operate an Automobile Repair Shop (excluding Body Work) and the Sale of Class A Used Tires within the "C-H" Highway Business Zoning District.

**WHEREAS**, an application has been made for a Special Use Permit for an Automobile Repair Shop (excluding Body Work) and the sale of Class A Used Tires to be located at 6838 Summer Avenue within the "C-H" Highway Business Zoning District.

**WHEREAS**, the Planning Commission reviewed the proposed Special Use Permit for an Automobile Repair Shop (excluding Body Work) and the sale of Class A Used Tires to be located at 6838 Summer Avenue on Monday, October 7<sup>th</sup>, 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 26<sup>th</sup> day of November 2013, and approved the Special Use Permit for an Automobile Repair Shop (excluding Body Work) and the sale of Class A Used Tires to be located at 6838 Summer Avenue, subject to the following conditions:

#### Engineering Conditions:

1. There are actually two parcels involved, with both being owned by the same entity:
  - a. One of the parcels - B015700776 - is a legal lot (lot 3 of Stage Summer subdivision - EH1988).
  - b. The other - B015700717 appears to have been created by meets and bounds in 1974 - J56642, using references relative to the old path of Stage Rd. The existing building housing all three entities is on this non-conforming parcel, while the parking is mostly on the legal lot. The joint ground sign splits the two parcels, so 50% of it is currently off-premises.
2. There is a dumpster sitting on the legal lot without a dumpster enclosure, but it is not clear who uses it. An enclosure should be required either as a condition of the Special Use Permit, or by Codes directly. The location shown for this dumpster in a 1994 Site Plan for Morgan Tire, (which at the time occupied all of the building, and a small accessory building on the legal parcel which has since been demolished), shows it to be on the nonconforming parcel. Over time it has moved to a more 'convenient' location out of the way 'next door'.
3. The existing building currently has water and sewer services.
4. Right of way dedication:
  - a. The right of way for the legal lot is currently at 54' to the Summer Ave centerline. Since the road has already been improved with curb/gutter and sidewalk on the legal parcel, a right of way dedication of 3 feet (to 57' from centerline) is required, and no road improvements are required.
  - b. The right of way for the nonconforming parcel is currently 53' to the Summer centerline. The nonconforming parcel will need to dedicate 4 additional feet to 57' from

centerline, and account for full road improvements. With the area to be improved being so small, cash-in-lieu of construction will be assessed for the entire 110' frontage of the nonconforming parcel - currently estimated at \$19,035.00.

c. Summer Avenue roadway will be improved by developer to City Engineer requirements if above cash payment is not made.

5. The nonconforming parcel should be combined with the legal lot to create one legal lot for the entire 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 Automobile Repair Shop (excluding Body Work) and the sale of Class A Used Tires to be located at 6838 Summer Avenue incorporating the above listed conditions, is approved.

ADOPTED THIS 26<sup>th</sup> DAY OF NOVEMBER, 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.

*El Primo*

Requested Special Use GENERAL MECHANIC SERVICES AND SALE OF USED TIR

Property Address 6838 SUMMER AVENUE

Present Zoning C-M

Owner/Developer Contact JUAN COSS Phone 901.257.5014

Company Name \_\_\_\_\_ Fax \_\_\_\_\_

Address 6838 SUMMER AVENUE

Architect Contact \_\_\_\_\_ Phone \_\_\_\_\_

Company Name \_\_\_\_\_ Fax \_\_\_\_\_

Address \_\_\_\_\_

Engineer Contact DAVID BRAY Phone 901.383.8668

Company Name BRAY - DAVIS FIRM, LLC. Fax 901.383.8720

Address 2950 STAGE PLAZA NORTH

Submitted by DAVID BRAY (printed name) [Signature] (signature) 9.09.13 (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 _____       |                |

CITY OF BARTLETT



## The Bray – Davis Firm, LLC.

---

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

2950 Stage Plaza North  
Bartlett, Tennessee 38134

September 11, 2013

*Via Electronic Mail*

Terry Emerick  
Director of Planning  
City of Bartlett  
6400 Stage Road  
Bartlett, Tennessee 38134

**RE: S.U.P. - for 6838 Summer Avenue  
d/b/a El Primo Auto Repair and Used Tire Center  
Bartlett, TN**

Dear Mr. Emerick,

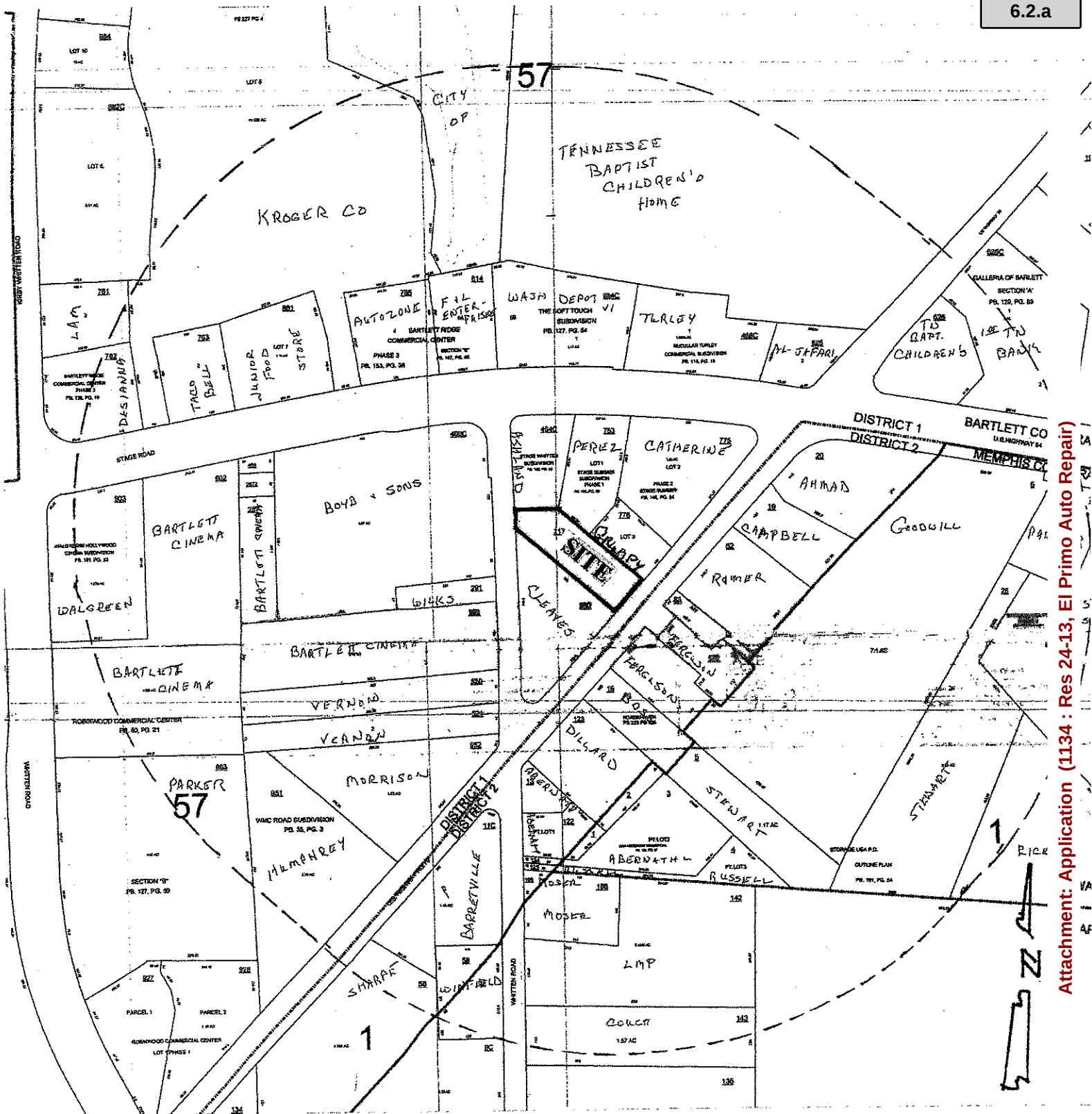
Please find attached an application for the above referenced property. This business is located in the C-H zoning district in Bartlett.

This application is to approve the following uses: all automotive repairs (excluding body work) and the sale of Class A used tires. The applicant will not make external architectural changes to the property.

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

Sincerely,  
David G. Bray

Attachment: Application (1134 : Res 24-13, El Primo Auto Repair)



Attachment: Application (1134 : Res 24-13, El Primo Auto Repair)

## Bray - Davis Firm, LLC

2950 Stage Plaza North  
Bartlett, Tennessee 38134  
September 6, 2013

Scale 1"=300'+/-

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

**Board of Mayor and Aldermen**

6400 Stage Road  
Bartlett, TN 38134

**SCHEDULED****AGENDA ITEM**

Meeting: 11/26/13 07:00 PM

Department: Engineering

Category: Contract

Prepared By: Mark Saunders

Department Head: Rick McClanahan

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## **Special Use Permit Contract for El Primo Auto Repair and Used Tire Center.**

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El Primo Auto Repair and Used Tire Center has applied for a Special Use Permit to sell used tires. We have reviewed the attached contract with them, and they have asked that we place the contract on the same agenda as the SUP approval.

This contract is for a cash-in-lieu-of payment for construction to widen a 110-foot portion of Summer Avenue in front of one of the two parcels involved in their operation. The other parcel, a vacant paved parking lot, is actually Lot 3 of the Stage Summer Subdivision - (instrument #EH-1988), and the full road improvements have already been constructed along the frontage of Lot 3. At Planning Commission, the applicant requested to have a choice of constructing the improvements or paying the cash, and the Planning Commission conditions were modified accordingly. The applicant has since advised us they will pay the cash, and the contract has been prepared with that objective. The cash-in-lieu-of payment in the amount of \$19,035 is the only fee in the contract.

It is noted that paragraph 4 on page 2 is incomplete. Staff and applicant's engineer are still working out the logistics of the right of way dedication, and will complete it when it is worked out.

Recommend approval of this contract.

**SPECIAL USE PERMIT CONTRACT**

Rev. – 9/13

THIS AGREEMENT, made and executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
 between the CITY OF BARTLETT, SHELBY COUNTY, TENNESSEE, hereinafter  
 referred to as the CITY and EL PRIMO AUTO REPAIR AND USED TIRE CENTER hereinafter  
 referred to as the DEVELOPER.

**WITNESSETH:**

WHEREAS, the CITY PLANNING COMMISSION has by resolution of  
October 7, 2013 recommended approval of a Special Use Permit with certain conditions,  
 which was subsequently approved by the CITY BOARD OF MAYOR AND ALDERMEN as  
 Resolution 24-13 in accordance with Section 13-4-301, Tennessee Code Annotated, and  
 the City Subdivision Regulations, one of which is the approval of this Development Contract  
 by the CITY BOARD OF MAYOR AND ALDERMEN; and

WHEREAS, the CITY and the DEVELOPER by the terms of this contract desire to  
 specify those detailed costs, division of responsibilities and maintenance and other  
 conditions, according to Law by the CITY PLANNING COMMISSION, said additional  
 terms not to be considered as a variance from or modification to regulations, plans, or plat,  
 as approved on the date of execution; and

WHEREAS, this Special Use Development Contract is entered into by the CITY at  
 the instance of the DEVELOPER upon the understanding that the DEVELOPER shall  
 remain fully responsible for specific compliance with the requirements, duly  
 prepared by the CITY PLANNING COMMISSION subject to review and recommendation  
 of the CITY ENGINEER, and

Attachment: forme1089 SUP (1116 : El Primo Auto Repair Special Use Permit Contract)

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, and other considerations herein recited, it is agreed and understood as follows:

### **GENERAL PROVISIONS**

1. That the DEVELOPER shall at his expense provide all roads and other public improvements or provide to the City cash-in-lieu-of-construction for same. This shall include the expenses of survey, design, construction, inspection, and laboratory testing by the CITY.
2. That the CITY in its proprietary function does not purport to specify the development layout nor the choice of available land uses; nor does the CITY PLANNER design, supervise, nor certify the adequacy, structural integrity, or capacity of improvements or installation within or without the limits of the development; neither is the CITY ENGINEER vested with any authority or responsibility for the design of any improvements or installations within or without the limits of the development; nor is the CITY ENGINEER required to determine the structural integrity, capacity, elevation, location, type or adequacy of any improvements or installations.
3. That in providing technical assistance, the CITY seeks to enforce its minimal governmental standards and does not relieve or accept any of the DEVELOPER'S liability and responsibility for proper design, construction and installation of improvements within or without the limits of the Special Use Permit – except for performance covered in paragraph 5 below.
4. That all easements and right of way granted by the DEVELOPER and property owner under instrument #\_\_\_\_\_ (to be filled in when recorded but prior to execution of contract), shall be specifically reserved for the use or uses noted in the Special Use Permit approval (Resolution 24-13).
5. That when mutually agreed by the CITY and the DEVELOPER, the CITY will

design and/or install any of the required improvements, the DEVELOPER shall deposit in cash or by certified negotiable instrument the full cost of such improvements, based on current prices at the time of execution of a separate contract for such design and/or installations by the CITY. It is understood that the CITY will not order materials, schedule work, or expend any funds until the required funds are delivered to the CITY by the DEVELOPER.

6. That prior to proceeding with any site preparation, construction or installation of public or private improvements the DEVELOPER shall deposit with the CITY all required fees and assessments and **deliver a formal offer of Irrevocable Land Dedication for public improvements** in a form approved by the CITY BOARD OF MAYOR AND ALDERMEN.

7. That the DEVELOPER shall comply with all applicable Federal, State, and local laws, and it shall be the DEVELOPER'S responsibility to furnish proof of said compliance upon demand.

8. That should the DEVELOPER default in any part of this contract and it becomes necessary to engage an attorney to file necessary legal action to enforce the provisions of this contract or sue for any sums of money due and owing or liability arising incidents to this contract, the DEVELOPER shall pay to the CITY reasonable attorney's fees.

9. The DEVELOPER further agrees to hold harmless the CITY OF BARTLETT and the CITY ENGINEER from any loss or damage from any claim, cause of action or liability resulting in whole or part from the requirements for the design, construction and/or installation of the required improvements including reasonable costs, litigation expenses and attorney's fees for defense of same.

## II

### **FIXED IMPROVEMENTS**

1. The construction of all required improvements by the DEVELOPER including but not limited to the curb and gutter, sidewalk, street sub-grade preparation, street base course construction, and final surface course shall be in accordance with City and Tennessee Department of Transportation (TDOT) regulations and specifications, which are incorporated by reference herein and said fixed improvements shall require approval and acceptance by the City and State.

## III

### **JEOPARDY OF BUILDING PERMITS**

That should the DEVELOPER fail to complete any part of the work in a GOOD AND WORKMAN-LIKE MANNER, as approved by the CITY ENGINEER or to comply with any provision of this contract, then the CITY shall reserve the right to withhold and withdraw any or all building permits, water service and sewer service within the Special Use Permit boundary until all provisions of this contract have been fulfilled by the DEVELOPER.

## IV

### **HOLD HARMLESS**

That the DEVELOPER shall hold harmless the CITY and the CITY ENGINEER from any claim, cause of action or liability resulting in whole or in part from the design, construction or installation of the improvements within and without the limits of the Special Use Permit, including reasonable costs, litigation expenses and attorney's fees for defense of same.

## V

**SPECIAL CONDITIONS:**

1. This contract was conditioned as part of the approval of a special use permit. Applicant has 210' of road frontage, 100' of which already has curb, gutter and sidewalk installed and by mutual agreement it is unreasonable to require the actual road improvements be completed at this time. Therefore, cash-in-lieu-of-construction is required along with right of way dedication. The right of way requirement may be met by separate instruments for each of the two parcels to be recorded at the Shelby County Register's office.
2. As the Developer is not the owner of the property in question, a condition of the issuance of this special use permit is that the Developer provide the City a current copy of the lease agreement confirming that Developer has a contractual interest in the property in question, together with the signature of the property owner (same for both parcels). A copy of the Special Use Permit Application with the owner's signature is attached as a part of this contract.

## XVI

**PAYMENT AND SCHEDULE BARTLETT, TENNESSEE  
THE DEVELOPER WILL PAY TO THE CITY OF BARTLETT THE FOLLOWING  
AMOUNTS AS HEREINBEFORE DETAILED FOR:  
EL PRIMO AUTO REPAIR AND USED TIRE SALES**

## I. Due at Execution of Special Use Permit Contract and before Construction begins:

1. Water Plant Expansion (15% of Water Main Cost) \$ 0.
  2. a. Water System Engineering and Subdivision Review @ 6% of Water Main Cost \$ 0.  
b. Subdivision and Site Plan Review Fee @ \$175.00 per lot or 1.5% of public improvement cost, whichever is greater.  
 $\$175 \times 0 = 0$   
 $1.5\% \times 0 = 0$  \$ 0.
  3. Sewer Review Fee - \$10 per lot or \$25 per 250 feet of sewer line extension (whichever is greater) Minimum charge of \$25 per contract.  
 $\$10$  implies n/a  
 $\$25$  implies n/a \$ 0.
  4. Water Connection Fee @ \$2,000.00 per lot \$ 0.
  5. City Subdivision Inspection @ (3%) of Development Cost or \$300.00 per lot whichever is greater  
Developer Cost = \$ 0 \$ 0.
  6. Cost of Water and Sewer Mains to the Subdivision \$ 0.
- SEWER BASIN:
7. Sewer Connection Charge at Greater of either @ \$2,333.00 per acre or = \$0  
\$33.00 Per Front Foot = \$ 0 \$ 0.
- DRAINAGE BASIN:
8. a Drainage control fee for those lot not served by a detention basin @ \$500.00 per half acre or fraction thereof. (in multiples of \$500) = \$ 0 \$ 0.

Attachment: forme1089 SUP (1116 : El Primo Auto Repair Special Use Permit Contract)

|                                                                                                                                                 |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| b. Drainage control fee for those lots served by a detention basin @ \$250.00 per half acre or fraction thereof. (in multiples of \$250) = \$ 0 | \$ <u>0</u> .         |
| 9. City's Portion of Water Improvements                                                                                                         | \$ <u>0</u> .         |
| 10. Cash in lieu of Highway 70 Road Improvements                                                                                                | \$ <u>19,035.00</u> . |
| <b>TOTAL DUE CITY</b>                                                                                                                           | \$ <u>19,035.00</u> . |

II. Due One Year After Date of Special Use Permit Contract and within 30 days after written request from the City's Department of Public Works.

|                                                      |               |
|------------------------------------------------------|---------------|
| 1. Asphalt Paving Cost (Estimated Construction Cost) | \$ <u>0</u> . |
| 2. Street Light (Estimated Construction Cost)        | \$ <u>0</u> . |
| <b>TOTAL DUE II</b>                                  | \$ <u>0</u> . |

III. Upon Execution of special Use Permit Contract and Before Construction Begins 100% of Development Cost (BOND) N/A

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals at Bartlett,  
Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY OF BARTLETT

\_\_\_\_\_  
DEVELOPER

\_\_\_\_\_  
TYPED OR PRINTED

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
BONDING COMPANY

\_\_\_\_\_  
LETTER OF CREDIT, APPROVED BY CITY ATTORNEY

BY: \_\_\_\_\_  
CITY ENGINEER

DATE APPROVED BY BOARD OF MAYOR AND ALDERMEN \_\_\_\_\_

Attachment: forme1089 SUP (1116 : El Primo Auto Repair Special Use Permit Contract)



## Board of Mayor and Aldermen

6400 Stage Road  
Bartlett, TN 38134

### SCHEDULED

### AGENDA ITEM

Meeting: 11/26/13 07:00 PM

Department: Fire

Category: Bid

Prepared By: Cindy Barnett

Department Head: Terry Wiggins

## Bid for one 2014 Ford Explorer SUV.

On November 4, 2013, an ad was placed in the *Daily News*. Bid packets were requested and sent to AutoNation Memphis, Homer Skelton Ford, and King Cotton Ford. On November 14, 2013, the City of Bartlett opened 2 bids at City Hall.

Bids were received from the following companies:

|                                |                    |
|--------------------------------|--------------------|
| <b>AutoNation Ford Memphis</b> | <b>\$28,205.00</b> |
| Homer Skelton Ford             | \$28,802.91        |
|                                |                    |
|                                |                    |
|                                |                    |
|                                |                    |

We recommend the bid be awarded to AutoNation Ford Memphis for a total price of \$28,205.00.

Funds are available in account 311.48311.785.25714.

Thank you for your consideration of this request.

**Board of Mayor and Aldermen**

6400 Stage Road  
Bartlett, TN 38134

**SCHEDULED****AGENDA ITEM**

Meeting: 11/26/13 07:00 PM

Department: Finance

Category: Report

Prepared By: Eric Phan

Department Head: Dick Phebus

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## **Treasurer's Report for October 2013**

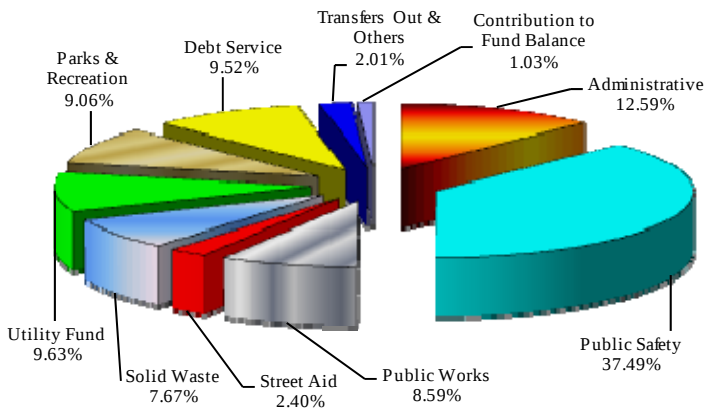


City of Bartlett

# FINANCIAL REPORT

October 31, 2013

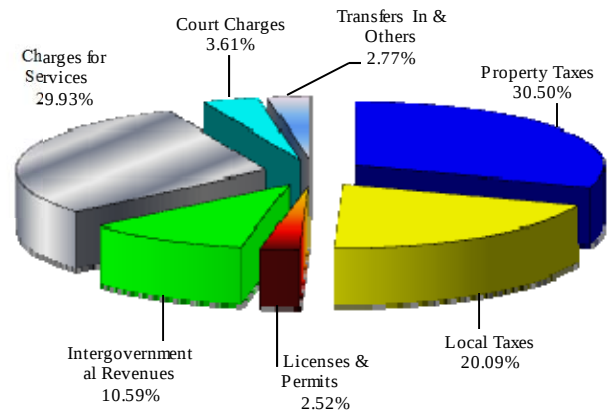
Total Expenditures, FY 2014 Budget: \$62,822,095



## BUDGET HIGHLIGHTS

- June 30, 2013 year-to-date actual is unaudited.
- Information in this report is preliminary Fiscal Year 2013 year-end.
- Property tax bills will be mailed in November and are due February 28.
- Delinquent 2012 property taxes were submitted to the Trustee for collection.

Total Revenues, FY 2014 Budget: \$62,822,095



## FY 2014 YEAR-TO-DATE For The Period Ending October 31, 2013

|                                         | Adopted Budget       | Year-to-Date Actual  |
|-----------------------------------------|----------------------|----------------------|
| <b>General Fund Expenditures</b>        |                      |                      |
| Administrative                          | \$ 7,432,819         | \$ 1,988,784         |
| Public Safety                           | 22,746,860           | 7,687,466            |
| Public Works                            | 5,214,132            | 1,689,122            |
| Parks and Recreation                    | 5,023,492            | 1,763,431            |
| Performing Arts                         | 601,966              | 213,064              |
| Transfers & Other Gen. Fund Items       | 500,000              | -                    |
| <b>Subtotal</b>                         | <b>\$ 41,519,269</b> | <b>\$ 13,341,866</b> |
| <b>General Fund Revenues</b>            |                      |                      |
| Property Taxes                          | \$ 18,931,000        | \$ 8,117,4           |
| Local Taxes                             | 9,495,860            | 1,472,401            |
| Building and Development Fees           | 1,563,450            | 462,658              |
| Intergovernmental                       | 4,960,500            | 645,169              |
| Charges for Services                    | 3,765,384            | 1,085,706            |
| Court Charges                           | 1,945,000            | 522,970              |
| Other Revenue                           | 858,075              | 100,406              |
| <b>Subtotal</b>                         | <b>\$ 41,519,269</b> | <b>\$ 4,370,485</b>  |
| <b>Special Rev. Funds -Expenditures</b> | <b>\$ 8,171,631</b>  | <b>\$ 2,489,374</b>  |
| <b>Special Rev. Funds -Revenues</b>     | <b>\$ 8,171,631</b>  | <b>\$ 2,804,428</b>  |
| <b>Utility Expenses</b>                 | <b>\$ 8,849,100</b>  | <b>\$ 2,585,123</b>  |
| <b>Utility Revenues</b>                 | <b>\$ 8,849,100</b>  | <b>\$ 3,197,232</b>  |
| <b>Debt Service Expenditures</b>        | <b>\$ 4,282,095</b>  | <b>\$ 2,545,379</b>  |
| <b>Debt Service Revenues</b>            | <b>\$ 4,282,095</b>  | <b>\$ 473,768</b>    |
| <b>Total Expenditures</b>               | <b>\$ 62,822,095</b> | <b>\$ 20,961,742</b> |
| <b>Total Revenues</b>                   | <b>\$ 62,822,095</b> | <b>\$ 10,845,913</b> |

Note: FY 2014 Adopted Budget includes use of fund balance in General Fund and the Debt Service Fund.

Attachment: Oct13FinRpt (1128 : Treasurer's Report for October 2013)



## City of Bartlett -- Financial Summary For The Period Ending October 31, 2013



|                                             | FY 2013<br>Unaudited<br>Actual | FY 2014<br>Adopted<br>Budget | Increase/<br>Decrease<br>in \$ | Year-to-Date<br>Actual<br>FY 2013 | Year-to-Date<br>Actual<br>FY 2014 | Increase/<br>Decrease<br>in \$ | Percent<br>of FY 2013<br>Actual | Percent<br>of FY 2014<br>Budget | Increase/<br>Decrease<br>in % |
|---------------------------------------------|--------------------------------|------------------------------|--------------------------------|-----------------------------------|-----------------------------------|--------------------------------|---------------------------------|---------------------------------|-------------------------------|
| <b>General Fund Expenditures</b>            |                                |                              |                                |                                   |                                   |                                |                                 |                                 |                               |
| Administrative                              | \$ 6,378,944                   | \$ 7,432,819                 | \$ 1,053,875                   | \$ 1,932,640                      | \$ 1,988,784                      | \$ 56,144                      | 30.30%                          | 26.76%                          | -3.54%                        |
| Public Safety                               | 22,440,029                     | 22,746,860                   | 306,831                        | 7,316,714                         | 7,687,466                         | 370,752                        | 32.61%                          | 33.80%                          | 1.19%                         |
| Public Works                                | 4,770,744                      | 5,214,132                    | 443,389                        | 1,548,847                         | 1,689,122                         | 140,274                        | 32.47%                          | 32.40%                          | -0.07%                        |
| Parks and Recreation                        | 4,787,759                      | 5,030,052                    | 242,293                        | 1,532,394                         | 1,763,431                         | 231,036                        | 32.01%                          | 35.06%                          | 3.05%                         |
| Performing Arts                             | 543,777                        | 595,406                      | 51,629                         | 169,927                           | 213,064                           | 43,137                         | 31.25%                          | 35.78%                          | 4.54%                         |
| Transfers & Other Gen. Fund Items           | 300,000                        | 500,000                      | 200,000                        | 100,000                           | 0                                 | (100,000)                      | 33.33%                          | 0.00%                           | -33.33%                       |
| <b>Total General Fund Expenditures</b>      | <b>\$ 39,221,253</b>           | <b>\$ 41,519,269</b>         | <b>\$ 2,298,016</b>            | <b>\$ 12,600,522</b>              | <b>\$ 13,341,866</b>              | <b>\$ 741,344</b>              | <b>32.13%</b>                   | <b>32.13%</b>                   | <b>0.01%</b>                  |
| <b>General Fund Revenues</b>                |                                |                              |                                |                                   |                                   |                                |                                 |                                 |                               |
| Property Taxes                              | \$ 18,733,191                  | \$ 18,931,000                | \$ 197,809                     | \$ 583,525                        | \$ 81,174                         | \$ (502,351)                   | 3.11%                           | 0.43%                           | -2.69%                        |
| Local Taxes                                 | 9,113,438                      | 9,495,860                    | 382,422                        | 1,388,273                         | 1,472,401                         | 84,128                         | 15.23%                          | 15.51%                          | 0.27%                         |
| Building and Development Fees               | 1,461,838                      | 1,563,450                    | 101,612                        | 406,887                           | 462,658                           | 55,771                         | 27.83%                          | 29.59%                          | 1.76%                         |
| Intergovernmental                           | 4,736,674                      | 4,960,500                    | 223,826                        | 625,875                           | 645,169                           | 19,293                         | 13.21%                          | 13.01%                          | -0.21%                        |
| Charges for Services                        | 3,622,349                      | 3,765,384                    | 143,035                        | 1,036,725                         | 1,085,706                         | 48,982                         | 28.62%                          | 28.83%                          | 0.21%                         |
| Court Charges                               | 1,904,088                      | 1,945,000                    | 40,912                         | 544,597                           | 522,970                           | (21,627)                       | 28.60%                          | 26.89%                          | -1.71%                        |
| Other Revenue                               | 668,779                        | 858,075                      | 189,296                        | 232,490                           | 100,406                           | (132,085)                      | 34.76%                          | 11.70%                          | -23.06%                       |
| <b>Total General Fund Revenues</b>          | <b>\$ 40,240,357</b>           | <b>\$ 41,519,269</b>         | <b>\$ 1,278,912</b>            | <b>\$ 4,818,373</b>               | <b>\$ 4,370,485</b>               | <b>\$ (447,888)</b>            | <b>11.97%</b>                   | <b>10.53%</b>                   | <b>-1.45%</b>                 |
| <b>Special Revenue Funds</b>                |                                |                              |                                |                                   |                                   |                                |                                 |                                 |                               |
| Street Aid Fund                             | \$ 1,396,212                   | \$ 1,490,000                 | \$ 93,788                      | \$ 335,661                        | \$ 373,418                        | \$ 37,757                      | 24.04%                          | 25.06%                          | 1.02%                         |
| Solid Waste Fund                            | 5,312,880                      | 5,262,309                    | (50,571)                       | 1,451,776                         | 1,466,537                         | 14,760                         | 27.33%                          | 27.87%                          | 0.54%                         |
| General Improvement Fund                    | 861,532                        | 630,000                      | (231,532)                      | 229,980                           | 200,851                           | (29,128)                       | 26.69%                          | 31.88%                          | 5.19%                         |
| Drug Enforcement Fund                       | 174,838                        | 382,800                      | 207,962                        | 36,286                            | 48,870                            | 12,585                         | 20.75%                          | 12.77%                          | -7.99%                        |
| DEA Enforcement Fund                        | 63,265                         | 140,900                      | 77,635                         | 1,517                             | 1,000                             | (517)                          | 2.40%                           | 0.71%                           | -1.69%                        |
| Drainage Control Fund                       | 93,443                         | 119,408                      | 25,965                         | 26,118                            | 30,708                            | 4,589                          | 27.95%                          | 25.72%                          | -2.23%                        |
| Park Improvement Fund                       | 0                              | 0                            | 0                              | 0                                 | 0                                 | 0                              | 0.00%                           | 0.00%                           | 0.00%                         |
| Grant Funds                                 | 1,569,865                      | 0                            | (1,569,865)                    | 81,084                            | 367,990                           | 286,906                        | 0.00%                           | 0.00%                           | 0.00%                         |
| <b>Special Revenue Funds - Expenditures</b> | <b>\$ 9,472,037</b>            | <b>\$ 8,171,631</b>          | <b>\$ (1,446,620)</b>          | <b>\$ 2,162,422</b>               | <b>\$ 2,489,374</b>               | <b>\$ 326,952</b>              | <b>22.83%</b>                   | <b>30.46%</b>                   | <b>7.63%</b>                  |
| <b>Special Revenue Funds - Revenues</b>     | <b>\$ 9,070,435</b>            | <b>\$ 8,171,631</b>          | <b>\$ (898,804)</b>            | <b>\$ 2,168,117</b>               | <b>\$ 2,804,428</b>               | <b>\$ 636,311</b>              | <b>23.90%</b>                   | <b>34.32%</b>                   | <b>10.42%</b>                 |
| <b>Utility Fund</b>                         |                                |                              |                                |                                   |                                   |                                |                                 |                                 |                               |
| Total Utility Operations                    | \$ 5,365,766                   | \$ 5,976,698                 | \$ 610,932                     | \$ 1,500,628                      | \$ 1,590,496                      | \$ 89,868                      | 27.97%                          | 26.61%                          | -1.36%                        |
| Total Utility Debt Expenses                 | 1,554,525                      | 1,628,832                    | 74,307                         | 961,611                           | 994,627                           | 33,016                         | 61.86%                          | 61.06%                          | -0.79%                        |
| Contribution to Fund Balance                | 0                              | 1,243,570                    | 1,243,570                      | 0                                 | 0                                 | 0                              | 0.00%                           | 0.00%                           | 0.00%                         |
| <b>Total Utility Expenses</b>               | <b>\$ 6,920,292</b>            | <b>\$ 8,849,100</b>          | <b>\$ 1,928,808</b>            | <b>\$ 2,462,239</b>               | <b>\$ 2,585,123</b>               | <b>\$ 122,884</b>              | <b>35.58%</b>                   | <b>29.21%</b>                   | <b>-6.37%</b>                 |
| <b>Total Utility Revenues</b>               | <b>\$ 8,552,001</b>            | <b>\$ 8,849,100</b>          | <b>\$ 297,099</b>              | <b>\$ 3,300,537</b>               | <b>\$ 3,197,232</b>               | <b>\$ (103,306)</b>            | <b>38.59%</b>                   | <b>36.13%</b>                   | <b>-2.46%</b>                 |
| <b>Debt Service Fund</b>                    |                                |                              |                                |                                   |                                   |                                |                                 |                                 |                               |
| Total Debt Service Expenditures             | \$ 3,696,482                   | \$ 4,282,095                 | \$ 585,613                     | \$ 2,228,642                      | \$ 2,545,379                      | \$ 316,737                     | 60.29%                          | 59.44%                          | -0.85%                        |
| Total Debt Service Revenues                 | \$ 3,648,238                   | \$ 4,282,095                 | \$ 633,857                     | \$ 469,935                        | \$ 473,768                        | \$ 3,833                       | 12.88%                          | 11.06%                          | -1.82%                        |
| <b>Total Expenditures</b>                   | <b>\$ 59,310,063</b>           | <b>\$ 62,822,095</b>         | <b>\$ 3,365,818</b>            | <b>\$ 19,453,824</b>              | <b>\$ 20,961,742</b>              | <b>\$ 1,507,918</b>            | <b>32.80%</b>                   | <b>33.37%</b>                   | <b>0.57%</b>                  |
| <b>Total Revenues</b>                       | <b>\$ 61,511,031</b>           | <b>\$ 62,822,095</b>         | <b>\$ 1,311,065</b>            | <b>\$ 10,756,962</b>              | <b>\$ 10,845,913</b>              | <b>\$ 88,951</b>               | <b>17.49%</b>                   | <b>17.26%</b>                   | <b>-0.22%</b>                 |

**Board of Mayor and Aldermen**

6400 Stage Road  
Bartlett, TN 38134

**SCHEDULED****AGENDA ITEM**

Meeting: 11/26/13 07:00 PM  
Department: Board of Mayor and Aldermen  
Category: Policy  
Prepared By: Stefanie McGee  
Department Head: A. Keith McDonald

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## **Dispense with the second Board of Mayor and Aldermen meeting in December.**



## Board of Mayor and Aldermen

6400 Stage Road  
Bartlett, TN 38134

### SCHEDULED

### RESOLUTION (ID # 1129)

Meeting: 11/26/13 07:00 PM  
Department: Personnel  
Category: Amendment  
Prepared By: Stefanie McGee  
Initiator: Peter Voss  
Sponsors:  
DOC ID: 1129

## Resolution 29-13, a resolution to approve Amendment 9 to the Retirement System of the City of Bartlett Defined Benefit Plan (as amended and restated effective November 10, 1998, as amended).

WHEREAS, the City of Bartlett (the "City") has established the Retirement System of the City of Bartlett Defined Benefit Plan (the "Plan") effective July 1, 1989; and

WHEREAS, the Plan was amended and restated November 10, 1998, retroactive to July 1, 1998; and

WHEREAS, Section 19.02 of the Plan permits the City to make other amendments to the Plan at any time and from time to time:

WHEREAS, the City has made amendments to the Plan from time to time; and

WHEREAS, the City desires to amend the Plan to clarify Article X optional forms of benefit; and

WHEREAS, the City desires to amend the Plan further to modify the Calculation of the Preretirement Survivor Annuity payable in the event of the death of a Participant prior to or after attainment of the earliest retirement age, as defined under the Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Mayor and Aldermen of the City that the Plan is amended in the following respects.

I. Article X PAYMENT OF RETIREMENT BENEFIT shall be amended as follows:

- a. Section 10.04 NO OPTIONAL FORMS OF DISTRIBUTION shall be deleted in its entirety and the following substituted therefor in its place:

10.04 FORMS OF DISTRIBUTION. The Board of Administration may elect to pay any annuity distribution provided for under this Plan directly from the Plan or in the form of a Nontransferable Annuity.

2. Effective July 1, 2013, Article IX PRERETIREMENT SURVIVOR BENEFIT AND BENEFIT FOR DEATH IN THE LINE OF DUTY shall be amended as follows:

- a. The first paragraph of Section 9.01(B) **Calculation of Preretirement Survivor Annuity** shall be deleted in its entirety and the following substituted therefor in its place:

(B) Calculation of Preretirement Survivor Annuity. For a Participant who dies after the earliest retirement age under the Plan, the preretirement survivor benefit portion of the earliest retirement survivor annuity equals life and 100 percent survivor benefit the Custodian would have paid under Article X if the participant had commenced receiving the life annuity and 100% survivor benefit the day before the Participant's death.

- b. The second paragraph of Section 9.01(B) Calculation of Preretirement **Survivor Annuity** shall be deleted in its entirety and the following substituted therefor in its place:

For a Participant who dies on or before the earliest retirement age under the Plan, the preretirement survivor benefit equals the survivor benefit portion of the life annuity and 100 percent survivor benefit the Custodian would have paid under Article X if the participant had separated from Service on the date of his death (or, if earlier, the Participant's actual date of Separation from Service), had commenced receiving the life annuity and 100% survivor benefit at the earliest retirement age under the Plan, and had died the day after attaining the earliest retirement age under the Plan.

Except of this Amendment, the terms of the Plan shall remain unchanged.

ADOPTED THIS 26<sup>th</sup> day of November, 2013.

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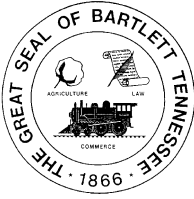
W. C. Pleasant, Register to the  
Board of Mayor and Aldermen

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A. Keith McDonald, Mayor

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Stefanie McGee, City Clerk



# City of Bartlett

A. Keith McDonald, Mayor

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## PERSONNEL DEPARTMENT MEMORANDUM

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**DATE:** November 18, 2013  
**TO:** Mayor and Board of Aldermen  
**FROM:** Peter Voss, Director of Personnel  
**RE:** Bartlett Pension Plan Amendment 9

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Attached is a Resolution to amend the City of Bartlett Retirement Plan document.

While reviewing our Pension Plan benefits recently, a question was raised concerning the death benefit for a surviving spouse of an active employee. Currently, should an active employee who is vested in a benefit die, not in the line-of-duty, the surviving spouse receive a 50% survivor benefit. This seemed strange in that in 1998 we had amended the plan to make available to surviving spouses of retirees the option for a 100% survivor benefit so that the surviving spouse could continue to receive the same monthly benefit as the deceased retiree. It appears that there was not a corresponding change to Section 9, which addresses preretirement survivor benefits. Therefor we asked our Pension Plan attorney to draft an amendment to increase the death benefit of a surviving spouse of a deceased active employee so that the surviving spouse can receive the same monthly benefit that the deceased active employee would have received had they survived, retired and elected the 100% survivor benefit option. This provides a more adequate benefit to the surviving spouse of an active employee. We also asked our Pension Plan actuary if making this change would impact our plan costs. He reported that since the occurrence of this is so infrequent, that there would be no noticeable impact to our plan costs.

Also in reviewing Sections 9 and 10, we noticed that section 10.04 should have been revised in 1998 when the plan was amended to add the 75% and 100% survivor benefit options. We have included section 10.04 revision in amendment 9.

We recommend approval of amendment 9 to the City of Bartlett Retirement Plan document.

Attachment: Memo from Director of Personnel (1129 : Res 29-13, pension amendment)