



# City of Bartlett

*A. Keith McDonald, Mayor*

## **BOARD OF MAYOR AND ALDERMEN MEETING MINUTES** **TUESDAY, FEBRUARY 14, 2017 - BARTLETT STATION MUNICIPAL CENTER,** **COMM ROOM A - 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 Derek Williams, Bartlett Woods Church of Christ

### **FUTURE MEETINGS**

Bartlett Board of Education Work Session, February 16 at 7 p.m.

Historic Preservation Commission, February 20 at 7 p.m.

BPACC Advisory Board, February 21 at 6 p.m.

Bartlett Arts Council, February 21 at 6:30 p.m.

Design Review Commission, February 21 at 6:30 p.m.

Bartlett Board of Education, February 23 at 7 p.m.

### **RECOGNITIONS**

#### **Proclamation in honor of Engineers Week**

Mayor McDonald proclaimed Engineers Week to be February 19-25, 2017.

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

### **MINUTES ACCEPTANCE**

**Minutes of the January 24, 2017 Board of Mayor and Aldermen Regular Meeting**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bobby Simmons, Alderman
<b>SECONDER:</b>	Jack Young, Vice Mayor
<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

- 1 **Special event permit for Bartlett High School 5K Run. (Jim Brown, Director of Code Enforcement)**  
The event will be held on Saturday, March 4 from 8:30 a.m. to 12 p.m. at Bartlett High School.
- 2 **Bid for one rubber-tired wheel loader. (Bill Yearwood, Director of Public Works)**  
Recommend accepting the lowest, qualified bid from Power Equipment at a cost of \$154,772.00. Funds are available in Account 122.48122.939.
- 3 **Bid for one four-wheel drive tractor with twin flail mowers. (Bill Yearwood, Director of Public Works)**  
Recommend accepting the lowest bid from Cumberland Tractor & Equipment at a cost of \$81,754.00. Funds are available in Account 3110.48311.785.30717.
- 4 **Shelby County Wellhead Protection annual maintenance fee. (Rick McClanahan, Director of Engineering)**  
Recommend authorization to pay the Shelby County Health Department \$11,894.30. This fee is based on the number of water meters in the city (21,626) multiplied by \$0.55. The City of Bartlett pays an annual fee to Shelby County to implement a comprehensive aquifer protection program. Funds are available in Account 510.51200.644.
- 5 **Treasurer's Report for December 2016. (Dick Phebus, Director of Finance)**

Budgeted Expenditures	\$72,630,170
Year-to-date Expenditures	\$44,415,340
Budgeted Revenues	\$72,630,170
Year-to-date Revenues	\$35,902,304
- 6 **Planning Commission Report for February 2017. (Terry Emerick, Director of Planning and Economic Development)**  
Item 1 - Master plan for Windsor Park, Section B was approved with conditions.  
Item 2 - Site plan for West Tennessee Wetlands Mitigation Bank was approved with conditions.

Item 3 - Election of officers.

## **NEW BUSINESS**

### **I Appeal of the Design Review Commission's decision regarding the proposed revised site plan for Walmart Neighborhood Market, 6520 Memphis Arlington Road. (Terry Emerick, Director of Planning and Economic Development)**

Mr. Emerick explained that in October the City gave Wal-Mart Neighborhood Market a stop work order for painting their building without prior approval. Most of the paint colors were various shades of gray, which were similar to the original color palette and were able to be approved administratively. The green color painted behind the large wall sign had to be approved by the Design Review Commission because it was distinctly different from the rest of the palette. The green in question is a Sherwin-Williams color named Outrageous Green (SW-6922). The Commission denied use of Outrageous Green behind the Walmart Neighborhood Market sign because it appears to create a large sign, which would substantially exceed the square footage of signage allowed by ordinance.

Jim Gallagher, architect with Pb2 Architectures and Engineering, argued that there is nothing in the City's ordinances that addresses a specific color. He said the denial was a subjective decision of a few members of the Commission. The Commission voted seven to zero with one abstention in favor of denying the use of Outrageous Green behind the Wal-Mart Neighborhood Market's wall-mounted sign.

Alderman Elliott, the Board's liaison to the Design Review Commission, said that the Commission recommended Wal-Mart trim the low-growing trees fronting the store's property to allow drivers to see the sign better and help the health and growth of the trees.

She explained that the Commission believed that this color green was not in keeping with the neighborhood setting of this store. She noted that when this store was first constructed, the city and Wal-Mart spent hours making the appearance palatable to area residents. Now the company is trying to step outside of those bounds. She noted that this store is not hurting for business, nor suffering from a lack of signage. She said she considers the green color part of the sign because it attracts more attention to the sign. She referenced the City's definition of a sign found within Sign Ordinance 14-401(47). Alderman Elliott added that the Design Review Commission compromised with the Super Wal-Mart located on Highway 64 on their recent color changes due to the building's setback and commercial location.

Mayor McDonald asked Planning if Alderman Elliott's interpretation of the City's sign ordinance matched the staff's. Mr. Emerick stated that the building has several architectural components, all painted in muted colors. He said the bright green background doesn't look like part of the architecture, but part of the sign.

Alderman Simmons asked if the sign is the same size. Mr. Emerick responded that the text is the same size, but due to the addition of a bright background color, the sign exceeds the ordinance-allowed square footage.

Mayor McDonald asked City Attorney Ed McKenney if the background is a legal part of the sign. Mr. McKenney stated that the Commission's interpretation is in line with the City's ordinance.

Alderman Pleasant noted that the City revised the full Sign Ordinance a few years ago, and the Board should uphold the revised ordinances.

Alderman Simmons said the City does not have a paint code. Mayor McDonald pointed out that the Design Review Commission is an aesthetics board.

Alderman Simmons said he lives in the neighborhood with the Wal-Mart Neighborhood Market is, and his neighbors like the store. He said he doesn't like the Board dictating what businesses can do when it comes to bright colors. Alderman Elliott said she is trying to take care of the surrounding neighborhoods, of which she is also a part.

Alderman Parsons asked Mr. Gallagher if Wal-Mart picked those colors for their Markets nationwide. Mr. Gallagher replied that many, many stores have been repainted these colors. He said the Outrageous Green goes on every store unless there's a municipal prohibition.

Alderman Elliott pointed out that logos are legal property. She said paint colors have nothing to do with legal, registered trademarks.

Mayor McDonald clarified that Planning staff and the City attorney stated that the Outrageous Green painted background would be in violation of the sign ordinance.

<b>RESULT:</b>	<b>DENIED [UNANIMOUS]</b>
<b>MOVER:</b>	David Parsons, Alderman
<b>SECONDER:</b>	Emily Elliott, Alderman
<b>AYES:</b>	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

**2 Resolution 02-17, a resolution to amend the Fiscal Year 2017 General Purpose School Fund. (Dick Phebus, Director of Finance)**

Mr. Phebus explained that this Bartlett City Schools budget amendment is due to the schools receiving outside donations.

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

**3 Resolution 03-17, a resolution to approve an agreement between the State of Tennessee Department of Transportation and the City of Bartlett for the design and construction of Fletcher Creek Greenway Phase II. (Rick McClanahan, Director of Engineering)**

Mr. McClanahan explained that this resolution is necessary to enter into an agreement with the Tennessee Department of Transportation. This second phase of the Fletcher Creek Greenway project will tie the existing two phases together.

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

**4 Resolution 04-17, a resolution to approve Amendment 13 to the retirement system of the City of Bartlett Defined Benefit Plan. (Ted Archdeacon, Director of Personnel)**

Mr. Archdeacon explained that this resolution amends the City's Defined Benefit Plan to include some required language from the IRS.

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

- 5 Resolution 05-17, a Resolution to amend the Fiscal Year 2017 General Fund Budget to appropriate \$67,800 for peace officer supplement pay for police department certified personnel. (Dick Phebus, Director of Finance)**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bobby Simmons, Alderman
<b>SECONDER:</b>	Emily Elliott, Alderman
<b>AYES:</b>	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick

- 6 Resolution 06-17, a resolution to amend the FY17 General Fund and Capital Improvement Program Budgets to provide additional funding for a radio communication system. (Dick Phebus, Director of Finance)**

Mr. Phebus explained that this amendment will provide critical spares for the City to have on hand if a repair is needed. Having these parts will reduce interruptions to the City's radio system.

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

- 7 First Reading of Ordinance 17-01, an ordinance to amend the Title 13, Chapter 1, Section 13-111(1) of the Codified Ordinances of the City of Bartlett, Tennessee to modify the time frame for appealing code violations. (Jim Brown, Director of Code Enforcement)**

Mr. Brown explained that the City's current ordinance requires 20-days notice before Code officials can act on a violation. This ordinance amendment will reduce that time to ten days.

Alderman Parsons asked if we've had several instances where 20 days was too long. Mr. Brown stated that neighbors often call to see why the violation has not been questioned during that nearly three-week period.

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 2/28/2017 7:00 PM</b>
<b>MOVER:</b>	Jack Young, Vice Mayor	
<b>SECONDER:</b>	Emily Elliott, Alderman	
<b>AYES:</b>	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick	

- 8 First Reading of Ordinance 17-02, an ordinance to amend the Title 13, Chapter 1, Section 13-107(3) of the Codified Ordinances of the City of Bartlett, Tennessee to modify the method of notification. (Jim Brown, Director of Code Enforcement)**

Mr. Brown explained that the current ordinance states that Code officials must wait for the certified mail receipt prior to posting the violation notice on the property. This amendment clarifies how notice is given. The City will post notice on the property and send a letter, at which time the 10-day clock starts.

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 2/28/2017 7:00 PM</b>
<b>MOVER:</b>	Jack Young, Vice Mayor	
<b>SECONDER:</b>	Paula Sedgwick, Alderman	
<b>AYES:</b>	Pleasant, Elliott, Parsons, Simmons, Young, Sedgwick	

**OPEN DISCUSSION**

Alderman Parsons thanked the City departments for street striping and stop sign installation near Shadowlawn Road.

Alderman Elliott stated that the Design Review Commission's decisions are not hers alone. She said the Commission is a nine-member board composed of engineers, architects, and citizens.

Alderman Simmons invited the public to the Northeast Republicans Club Monday, February 20. MLGW President Jerry Collins will be the guest speaker.

Mr. McClanahan announced that the CSX Railroad will be improving the St. Elmo crossing beginning February 15. The road will be closed for three days, and detour plans are ready. He also announced that the Railroad will be replacing crossties and will close Brunswick and Old Brownsville Roads during that work. No dates for this project have been set.

**ADJOURNMENT**

Meeting adjourned at 7:42 PM

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

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A. Keith McDonald  
Mayor