



# City of Bartlett

A. Keith McDonald, Mayor

## BOARD OF MAYOR AND ALDERMEN MEETING MINUTES

TUESDAY, OCTOBER 24, 2017 - BARTLETT CITY HALL - 7:00 PM

### **ATTENDANCE**

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

### **INVOCATION**

Opening Prayer by Danny Sinuefield, Faith Baptist Church

### **FUTURE MEETINGS**

Board of Education, October 26 at 7 p.m.

Bartlett Station Commission, November 1 at 7:30 a.m.

City Beautiful Commission, November 2 at 6:30 p.m.

Family Assistance Commission, November 6 at 6 p.m.

Planning Commission, November 6 at 7 p.m.

Parks and Recreation Advisory Board, November 9 at 7 p.m.

Bartlett Historical Society, November 13 at 7 p.m.

### **RECOGNITIONS**

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

### **MINUTES ACCEPTANCE**

**Minutes of the October 10, 2017 Board of Mayor and Aldermen Regular Meeting**

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

**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 43-17, a resolution approving an amended special use permit to add an independent living facility with memory care to the assisted living facility to be located north of Highway 64 on the northeast corner of New Brunswick and Brunswick Roads.

No one spoke for or against Resolution 43-17.

Adjourned at 7:10 p.m.

**UNFINISHED BUSINESS**

- I **Resolution 43-17, a resolution approving an amended special use permit to add an independent living facility with memory care to the assisted living facility to be located north of Highway 64 on the northeast corner of New Brunswick and Brunswick Roads. (Kim Taylor, Director of Planning and Economic Development)**

Director of Planning Kimberly Taylor stated that this special use permit is being amended to add an independent living facility with memory care to the assisted living facility originally planned. This facility will be located in the Commercial-Highway Zoning District, so it requires a special use permit. The Planning Commission forwarded this resolution to the Board with a favorable recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jack Young, Vice Mayor
<b>SECONDER:</b>	W.C. Pleasant, Alderman
<b>AYES:</b>	Pleasant, Elliott, Parsons, Young

**CONSENT AGENDA**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jack Young, Vice Mayor
<b>SECONDER:</b>	W.C. Pleasant, Alderman
<b>AYES:</b>	Pleasant, Elliott, Parsons, Young

- I **Special event permit for One Less Orphan 5K Fundraiser. (Jim Brown, Director of Code Enforcement)**  
The event will be held on Saturday, November 11 from 8 to 10 a.m. at Faith Baptist Church.
- 2 **Special event permit for Ellendale Baptist Church fall festival. (Jim Brown, Director of Code Enforcement)**  
The event will be held on Tuesday, October 31 from 6 to 8 p.m. at Ellendale Baptist Church.

**3 Well pump replacement at Water Treatment Plant #3. (Rick McClanahan, Director of Engineering)**

Request authorization for National Water Service to rebuild and replace Well Pump #2 at the Ardie Road Plant a total cost of \$40,304. Funds are available in Account 510.51200.262.

**4 Bid for one side-loader refuse truck. (Bill Yearwood, Director of Public Works)**

Recommend accepting the lowest bid from Worldwide Equipment at a cost of \$129,151.00. Funds are available in Account 122.48122.935.

**5 Treasurer's report for September 2017. (Dick Phebus, Director of Finance)**

Adopted Budget Expenditures	\$79,809,042
Year-to-date Expenditures	\$19,792,212
Adopted Budget Revenues	\$79,809,042
Year-to-date Revenues	\$7,481,616

**NEW BUSINESS**

**I Bid for W.J. Freeman Park Improvements, Phase 2. (Shan Criswell, Director of Parks and Recreation)**

Recommend accepting the lowest total base bid from Encor, LLC in the amount of \$957,151.00, plus the bid for the parking lot lighting in the amount of \$110,000.00. The total contract award for this project will be \$1,217,151.00, which includes a contingency amount of \$150,000. Funds are available in Account 311.48311.780.51401.

Bo Maharrey, Parks Maintenance Manager, stated that this phase of improvements to W.J. Freeman Park will include adding a cricket field, two multipurpose fields, and a large parking lot adjacent to Veteran's Park.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Emily Elliott, Alderman
<b>SECONDER:</b>	W.C. Pleasant, Alderman
<b>AYES:</b>	Pleasant, Elliott, Parsons, Young

**OPEN DISCUSSION**

Fire Chief Terry Wiggins announced that the Annual Volunteer Firefighters Pancake Breakfast served more than 2,000 people.

Patsy Dawson, 6301 Oak Walk Lane, told the Board that a nearby house is being used and advertised as a vacation rental on Airbnb. Mrs. Dawson says every Thursday five to seven cars arrive at the house and stay until Sunday. The homeowners charge \$247 a night to rent the home. She said she understands that Bartlett does not have an ordinance against renting a home as a vacation rental, but she believes it should. Mrs. Dawson said this home is basically a hotel where guests come and go at all times, and she's concerned about the caliber of the guests. Mayor McDonald suggested that while the City is working on a legal solution to this issue that Mrs. Dawson report the noise ordinance violations to the police.

Dianne Martin, 3687 Briar Trail Cove, also spoke to the Board regarding the Airbnb house in her neighborhood. She asked if there is a City ordinance that prohibits cars from being parked in front of residences. Mayor McDonald explained that the City cannot prohibit that since the streets are public. Mrs. Martin stated the guests' vehicles often block her mailbox, to which Mayor McDonald told her that is illegal and should be reported to the

police via the City's non-emergency phone number. He added that the vacation rental/Airbnb issue was hotly debated in the State Legislature last year, and he expects it to be again this year. Mayor McDonald explained that some communities have approved ordinances regulating this issue, but they are also being challenged in court. He added that Bartlett doesn't always want to be the first to enact legislation because court challenges are costly to taxpayers. Once the legality of vacation rental regulations is decided, Bartlett will enact its own ordinance.

Sam Dawson, 6301 Oak Walk Lane, also spoke about the Airbnb issue. He asked what he and his neighbors can expect from the Board about this issue. Mayor McDonald stated that the Board is already working on addressing this issue. He said that he has spoken to the City Attorney, and the administration is looking for legal answers to this problem, and he will ask the Planning Department to determine if other City ordinances would apply. Mayor McDonald reiterated that the vacation rental/ Airbnb issue is a national issue, and the administration is waiting for the courts to determine the length to which municipalities can go in regulating it.

Mr. Dawson asked if the City's administration has discussed the issue with Germantown or Collierville because both cities have Airbnb ordinances. Mayor McDonald stated that while Collierville does have an ordinance addressing vacation rentals, he doesn't expect it to survive a legal challenge.

Mr. Dawson said the house in question is rented out to tribes with five or six cars parked in the cove. He said he or his neighbors can't leave their homes when the rental guests leave because of the number of cars and congestion. Mr. Dawson claimed his neighborhood, Oak Forest, is too nice for this kind of problem. He complained that it is illegal for him to run a retail business out of his home, but homeowners can run a hotel out of theirs. Mayor McDonald responded that as issues arise, cities move to address them. Mr. Dawson then argued that if this were an issue in the Mayor's neighborhood, it would've already been addressed. Mayor McDonald restated that the administration is concerned about this issue and these citizens.

Mr. Dawson stated that the tenants often leave ahead of a process server's arrival. Mayor McDonald asked Mr. Dawson to elaborate, then Mr. Dawson revealed that the previous homeowners were being evicted, which happened before the home was converted to a vacation rental. Mayor McDonald said the administration would investigate this issue further.

## **ADJOURNMENT**

Meeting adjourned at 7:26 PM

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

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A. Keith McDonald  
Mayor