

# Town of Arlington

5854 Airline Road, Arlington TN 38002



Board of Mayor and Aldermen

Oct 2, 2017

6:30 P.M.

## MEETING MINUTES

### I. Call to Order and Roll Call.

#### Present

Mike Wissman, Mayor  
Larry Harmon, Alderman  
Cheryl Pardue, Alderman  
Jeff McKee, Alderman  
Oscar Brooks, Alderman  
Harry McKee, Vice Mayor  
Jeremy Biggs, Alderman

#### Others Present

Catherine Durant, Town Administrator  
Brittney Owens, Recorder/Treasurer  
Angela Reeder, Town Planner  
Gerald Lawson, Town Attorney  
See List

Mayor Wissman called the meeting to order and advised that a quorum was established.

### II. Opening Prayer.

Opening prayer was led by Hugh Lamar.

### III. Pledge to the Flag.

The Pledge of Allegiance was led by James Harvill, Fire Chief.

### IV. Approval of the minutes from September 5, 2017

**Motion:** Alderman Brooks made a motion to approve the Board of Mayor and Aldermen minutes of September 5, 2017. Vice Mayor McKee seconded the motion.

The motion carried unanimously.

### V. Grievances and Comments from Citizens.

Mayor Wissman asked if any citizen wished to address the Board to please come to the podium, state his/her name and address for the record. He reminded everyone this is not a question and answer session.

1. Mayor Wissman recognized Franklin Jackson, 5456 Hayes Rd. Mr. Jackson requested that the Town look at the drainage issues on Hayes Road specifically the retaining pond being developed across from his property.
2. Mayor Wissman recognized Mr. Jackson, 5516 Hayes Rd. Mr. Jackson expressed his concerns with the drainage on Hayes Road and feels that development is causing holding ponds on other property owners.

Mayor Wissman stated that the Town will consider the water issues on Hayes Road and staff would follow up with the Jackson's. Mayor Wissman advised that there was one official Facebook page ran by the Town of Arlington and directed citizens to go there for the most up to date and accurate information.

There were no further comments.

## **VI. Communication from the Mayor**

### **A. Shelby County Sheriff's Department Incident Report for the Month of September**

Mayor Wissman recognized Sargent Cockman. Sgt. Cockman advised that there were twenty-two reports taken during the month and that there has been a decrease in theft from motor vehicles. He thanked citizens for securing their property as it has helped decrease this area of theft. The full report is on file at Town Hall.

### **B. Arlington Fire Department Report for the Month of September**

Mayor Wissman recognized Assistant Chief McMillen. Assistant Chief McMillen stated that there were eighty-eight (88) responses, with fifty-eight (58) being fire responses, and thirty-six (36) being EMS responses. There were fifteen (15) calls on or south of I-40. The full report is on file at Town Hall.

Mayor Wissman introduced the new Fire Chief James Harvill and his family. Chief Harvill started on September 25<sup>th</sup>.

### **C. Other as properly presented**

1. Mayor Wissman recognized Alderman Hugh Lamar for his service to the Town of Arlington. Vice Mayor McKee stated that he had not met anyone who cares more about the Town of Arlington than Hugh Lamar. Hugh Lamar thanked the Town of Arlington for the opportunity to raise money for the West Tennessee Veterans Home and for allowing him to serve this Town.
2. Mayor Wissman recognized Alderman Brian Thompson. He spoke to his character and stated that he will be missed. Alderman McKee thanked Mr. Thompson for always being the most prepared for the Board of Mayor and Alderman Meetings. Alderman Biggs stated that he gained a lot of respect for Mr. Thompson during the campaign and was very appreciative to Mr. Thompson for running a clean race. Alderman Thompson expressed his appreciation of

- the time he served and thanked the entire staff for their hard work. He stated that the Town has a great staff in place and he is honored to have been a part of the Board for so long.
3. Mayor Wissman noted that Committee appointments would take place in November.
  4. Mayor Wissman recognized Tonia Howell for the Chamber of Commerce updates. Ms. Howell reminded everyone that the Chamber lunch would be October 11th, the BBQ Festival would be October 20th-21st and the Veterans Ceremony will be November 5<sup>th</sup>.

#### **VII. Committee Reports:**

Mayor Wissman advised that the Planning Commission, Design Review Committee, Parks and Recreation Committee, Tennis Committee and Arlington Community School Board met during the month of September. The reports are on file at Town Hall and have been provided to the Board.

Mayor Wissman read the Treasurer's report into the record (on file).

#### **VIII. Old Business**

##### **A. Other as properly presented.**

There was no further business brought forward.

#### **IX. New Business**

##### **A. First Reading of Ordinance 2017-11 to amend the Town of Arlington Municipal Code Title 9, by the amendment, deletion and addition of certain sections of Title 9, Chapter 6 and 7.**

Mayor Wissman recognized Brittney Owens, Town Recorder and Treasurer. Ms. Owens explained that staff started to receive calls regarding food trucks and the allowable uses. Our current food code does not have anything regarding food trucks. She explained that this is the First Reading of an Ordinance to amend our Municipal Code by removing the Mobile Frozen Dessert Vendor Section in Chapter 6 and replace it with Chapter 7. This Ordinance states that Food Trucks will be required to have permits and the permits will only be valid for 24 hours during Town sponsored Special Events or Special Events that have been permitted through the Town by a Facility Use Agreement. She advised that owners will be required to obtain a Business License, Certifications or Inspections by Shelby County Health Department and the State of Tennessee as required. They will have to provide proof of Auto Insurance and will go through an extensive application process which will include a background check. A photo I.D. of each driver will also be required. Section 9-704 highlights Mobile Food Vendors on private property. The proposed Ordinance states that Food vendors would be prohibited on private property unless it is a catered event where all monies expensed are by the property owner and all attending parties are known to the property owner in connection with said event.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve First Reading of Ordinance 2017-11. Alderman Biggs seconded the motion.

Mayor Wissman explained that this is the First Reading of the Ordinance which means changes could be made between first and second reading and a Public Hearing will be held next month. Mayor Wissman called for discussion or questions. Mayor Wissman inquired about the definition of a Special Event. Ms. Owens explained that Special Events would be events such as the Fireworks, Fall Festivals and Arlington in April. Mayor Wissman explained that he would like "Special Event" defined better. Catherine Durant, Town Administrator explained that staff is trying to be respectful of the brick and mortar stores as Food Trucks do not pay property tax and could possibly take away business. Alderman Pardue noted that she would like to see more specific language and that this ordinance seems restrictive. Vice Mayor McKee asked if research had been done on other towns the size of Arlington. Ms. Owens explained that staff has done extensive research, however, Food Truck regulations are relatively new to most municipalities. Mayor Wissman asked for more flexibility in the Ordinance and directed the Board to advise Ms. Owens of any questions or suggestions.

Hearing no further comments, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**B. Resolution 2017-52 to approve a Master Development Plan for Villages at Donelson Farms PD, a residential development on a 12-acre site on the South side of Donelson Farms Pkwy, across from Donelson elementary. (PUBLIC HEARING)**

Mayor recognized Angela Reeder, Town Planner. Ms. Reeder stated that this resolution is to consider a Master Development Plan for the Village at Donelson Farms PD. The location of the site is approximately 12.2 acres sitting on the South side of Donelson Farms Pkwy across from Donelson Elementary School. She stated that the site is zoned RS-18 which is low density residential. She advised that the site is under fifty acres and the code allows the applicant to begin the PD process with the Master Development plan. She stated that they are proposing 27 single family homes throughout the site, resulting in a density of 2.21 dwelling units an acre. There are also several areas of Common Open Space (COS) which total 26.8% of the site.

Ms. Reeder stated that the open space is scattered in four different areas and includes a walking path around a detention pond. She noted two common areas are proposed along the street front of the site (.52 acres and .27 acres), each including a triangle shaped common area with a pedestrian path. She explained that the developer is asking for exceptions to the regulations. In exchange, the project proposes common open space, neighborhood walking trails and amenities, minimum home sizes, and a 25-foot landscape buffer along the full frontage on Donelson Farms Parkway.

Ms. Reeder recognized Jason Allen, Town Engineer. Mr. Allen stated that public improvements include road improvements along Donelson Farms Pkwy. Ultimately, it will be a four-lane divided roadway with a grass median and two bike lanes each direction, curb, gutter and sidewalk. He explained that Faith Baptist Arlington has not yet dedicated a right-of way for the

Donelson Farms Parkway road improvements and this applicant cannot dedicate and improve someone's property. Due to these circumstances, it is recommended by staff that a payment in lieu of improvements be paid for future improvements of their portion of the road improvements.

Mr. Allen explained that the other public improvement would be sanitary sewer. He stated that this is one of the last developments to be serviced by existing gravity sewer flow.

Ms. Reeder noted that in consideration of surrounding properties there are not any neighborhoods immediately adjacent to this subdivision; however, neighborhoods in the area vary in size, with homes in Dawson's Landing averaging 4,000 sf, Brooks Manor averaging 2,800 sf and Trails of Arlington averaging 1,800 sf. Lot sizes in the proposed development are a minimum of 11,250 sf. She stated that this is consistent with the Dawson's Landing PD, which has a minimum 11,700 sf lots.

Ms. Reeder noted the specific objectives required for a PD by the Zoning Code and noted that several of them were being met by the proposed project. She then noted that the Planning Commission had recommended approval at their September hearing and that staff recommended the same.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Pardue made a motion to approve Resolution 2017-52. Alderman Brooks seconded the motion.

Mayor Wissman called for a motion to suspend Board of Mayor of Aldermen Meeting and Open Public Hearing.

**Motion:** Alderman McKee moved to suspend the Board of Mayor and Aldermen Meeting and open the Public Hearing. Alderman Brooks seconded the motion.

**Public Hearing: Resolution 2017-52 to approve a Master Development Plan Donelson Farms PD, a residential development on 12-acre site on the South side of Donelson Farms Parkway across from Donelson Elementary.**

Mayor Wissman stated that notice of public hearing was published in The Commercial Appeal on September 16, 2017. Anyone wishing to speak for or against this request, please stand to be recognized. State your name and address for the record.

Mayor Wissman recognized John Earnest, 12210 Lorimer Cove. Mr. Earnest expressed his concern with a path of common open space behind a house stating that he is concerned it will not be maintained.

Mayor Wissman recognized Richard Wang, 1220 Spearhead Lane. Mr. Wang lives in Dawson's Landing and stated his concern about the drainage in the back of the yards. He would like to see more drainage problem preventatives.

Hearing no further comments, Mayor Wissman called for a motion to close the Public Hearing and resume the Board of Mayor and Alderman Meeting.

**Motion:** Alderman McKee moved to close the Public Hearing and resume the Board of Mayor and Alderman Meeting. Alderman Brooks seconded the motion.

Mayor Wissman asked staff if they could address the drainage question that was raised in public comments. Mr. Allen stated there is some challenging terrain and staff will be aware of that during the review process to ensure that there is no additional water forced on adjacent properties. Ms. Reeder noted that with regard to the open space behind the homes, that it would be the property of the HOA and their requirement to maintain. Alderman Biggs inquired about the size of garages, two or three car, and the length of the driveways. Ms. Reeder explained that code requires two (2) spaces, the applicant doesn't specify if the garages will be larger, and the front setback is 30 ft. minimum. Alderman Biggs stated that he wanted to ensure there was space in the front driveway for vehicles to park, out of the street.

Vice Mayor McKee inquired about the difference in an RS-18 straight zoning and a RS-18PD as far as home size. Ms. Reeder explained that a straight subdivision means the project must meet all existing RS-18 requirements and no minimum home size is set; however, with a PD the Town can allow smaller lots and as a trade-off require other amenities or minimum home sizes. Vice Mayor McKee asked if the applicant would be required to work with Faith Arlington on the sewer. Ms. Reeder explained there is an approved site plan with Faith Arlington, but we do not know their time frame. This project is required to do improvements along the frontage and would have to install sewer for their use. It will fall to whomever builds first, and she was not aware if there is an agreement between applicants; but staff has encouraged them to work together.

Mayor Wissman inquired about the time frame for moving forward if approved. Roger Kelley, the applicant, explained they hoped to begin 2-3 months after construction plans approval. Vice Mayor McKee noted that we need to work with the schools regarding truck traffic during construction. Staff noted they would address that item with the contractor before work started. Mayor Wissman said he is concerned about road improvements at the school. Alderman Brooks noted he would not have a problem with a payment in lieu of improvements along the site frontage, as it would not extend all the way to Airline. Mayor Wissman noted the area is congested and asked if a payment in lieu would cover turn lane at the school. Vice Mayor McKee asked the distance from the site to the intersection at Airline, and Jason Allen responded about 750 feet. Alderman Harmon said he thought a PD was approved in the past for 18,000-sf lots, but he sees a lot of 11,000 sf. and 13,000 sq. ft. lots. He said he understands the flexibility, but we need to try to keep the balance of lot sizes in Arlington. Ms. Reeder explained that the previous approval was only a rezoning, not a PD, and that the density will stay the same with the PD, it just provided some flexibility on a challenging lot.

Alderman Harmon stated he would like to see larger lots closer to around 15,000 sf, if we could negotiate better. Mayor Wissman explained he would usually agree about lot sizes but would like

to see something like Dawson's Landing here near the school. He noted that all would like to see larger lots but it is a small parcel and is more limited with the road improvements required.

Alderman Pardue expressed her concerns with the rear setbacks on Lot 27 and 18 as corner lots, because they have two side yards with no rear yard setback. She feels they will be extremely close to their neighbors. Alderman McKee inquired about fencing around the property and detention ponds. Ms. Reeder explained there is only one detention pond. Henry Porter then explained there would be fences around each lot. Alderman McKee said he would like to see privacy fences on lots 17-27 because he is concerned with safety and aesthetics of the neighborhood. Ms. Reeder noted the fences would be no higher than 6 ft.; however, there is not a condition stating that it would have to be a privacy fence. Alderman Brooks noted that Hidden Meadows required a 4-ft. wrought iron fence on areas backing up to open space. Catherine Durant, Town Administrator, stated that a condition could be added regarding the fencing. Alderman McKee said he was concerned with fencing being maintained on lots facing open space and that he would also encourage 20 ft. setbacks. Cathy Durant noted that per their conversation, a condition could be added stating no solid fencing will be allowed along the southern property line as it backs up to common open space area number four, and that specific fencing will be determined by the DRC for consistency to be installed by home builder.

**Primary Amendment:** Vice Mayor McKee made a motion to add a condition for fencing along the open space on the south side of the lot, as described by Ms. Durant. Alderman Brooks seconded the motion.

**Vote on Primary Amendment:** The motion carried unanimously.

Ms. Reeder asked if the Board still wished to revise the front and rear setbacks to 25 on each, per their earlier discussion.

**Secondary Amendment:** Alderman Brooks made a motion to approve the addition of a condition to set the front and rear setbacks to 25 feet. Alderman McKee seconded.

**Vote on Secondary Amendment:** The motion carried unanimously.

Mayor Wissman called for a vote on the main motion as amended.

**Vote on Main Motion as Amended:** The motion carried unanimously.

**C. Resolution 2017-53 to approve a Development Agreement with Cotton Gin Joint Ventures for the construction of the Depot Square Retail Project, located on the northeast corner of Walker and Quintard Streets.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder advised that this resolution allows for the execution of a standard Development Agreement for a new two-story retail building on the Northwest corner of Quintard and Walker Streets. The project includes an

approximately 12,800 square foot building with multiple retail suites, parking and improvements along both street frontages. She stated that staff recommended approval.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-53. Alderman Harmon seconded the motion.

Mayor Wissman called for discussion or questions. Hearing no further discussion, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**D. Resolution 2017-54 to enter into a Development Agreement with ATown Fitness LLC for the construction of the new ATown Crossfit, located on the south side of Highway 70, East of Greenlee Street, beside Trustmark Bank.**

Mayor recognized Angela Reeder, Town Planner. Ms. Reeder advised that this project includes an approximately 9,000 square foot building, as well as improvements along Highway 70. She stated that staff recommended approval.

Mayor Wissman called for a motion.

**Main Motion:** Vice Mayor McKee made a motion to approve Resolution 2017-54. Alderman Harmon seconded the motion.

Mayor Wissman called for questions or comments. Alderman Brooks stated that he is excited about the concept. Vice Mayor McKee voiced concerns about drainage issues. Ms. Reeder explained there was a concern the ditch running on the west side of the property; however, there is a requirement to repair and replace the concrete to fix the ditch. It has been determined it is not a blue line steam so permitting is not required. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**D. Resolution 2017-55 to enter into a Development Agreement with Mr. Harry Sinis for the construction of the Olympic Steak & Pizza, located on the Northwest Corner of Will Harris Street and Airline Road.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder stated the project included an approximately 7,220 square foot building, as well as roadway improvements along both street frontages. She stated that staff recommended approval.

Mayor Wissman called for a motion.



**Main Motion:** Alderman Biggs made a motion to approve Resolution 2017-55. Alderman Pardue seconded the motion.

Mayor Wissman called for discussion or questions. Vice Mayor McKee inquired about the signage approval process. Ms. Reeder stated a formal sign plan has not been submitted; however, it would require Design Review Committees approval. Hearing no further discussion, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**Item F. Resolution 2017-56 to remove Uncollectible Taxes from the Town of Arlington's Certified Rolls.**

Mayor Wissman recognized Brittney Owens, Town Recorder and Treasurer. Ms. Owens stated that Shelby County sends lists of Taxes requested to be taken off our certified rolls due to them being uncollectible. These date back as far as 2009 and the companies are either out of business or the property owner cannot be found. She stated that this is a request to remove these from our tax rolls. She advised that staff recommended approval.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-56. Alderman Pardue seconded the motion.

Mayor Wissman called for discussion or questions. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**G. Resolution 2017-57 to authorize an equipment lease contract with Marlin through our relationship with Memphis Communications Corporation, for audio-visual equipment for the recording of Board of Mayor and Aldermen meetings for delayed broadcast and /or live streaming.**

Mayor Wissman recognized Catherine Durant, Town Administrator. Ms. Durant explained that there had been conversations regarding video/audio taping the Board of Mayor and Alderman Meetings. She stated that the proposal is from Memphis Communications Corporation whom we have a relationship with currently on our audio equipment and other office equipment. She stated that this lease contract would be for installation of one camera with five set camera angles. Staff recommends a delayed broadcast until all the kinks can be worked out and eventually stream live to the Town's website.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Harmon made a motion to approve Resolution 2017-57. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion and questions. Tammy Mason, Arlington Community Schools Superintendent offered the use of the High School students to operate the cameras. Vice Mayor McKee asked if this was within our budget. Brittney Owens, Town Recorder and Treasurer stated that if the equipment is purchased by lease then there was money with the budget for this Fiscal Year. She advised that if the Board chose to purchase the equipment out right, then the budget would have to be amended to cover the costs. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**H. Resolution 2017-58 to acknowledge and authorize the purchase of a 2018 Volvo VHD64F Tri-Axle Dump Truck through National Joint Powers Alliance (NJPA) from General Truck Sales & Service, Inc. for the Town of Arlington Fleet.**

Mayor Wissman recognized Terry Perkins, Public Works Director. Mr. Perkins explained that this purchase would replace a vehicle purchased in 2014 from Shelby County surplus. Due to the condition of the current vehicle, he can no longer allow it to be taken off the lot for the safety of our employees. He stated that the Town currently does not have a dump truck to haul heavy materials and this piece of equipment would be used daily. Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-58. Alderman Pardue seconded the motion.

Mayor Wissman called for discussion and questions. Hearing no further comments, he called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**I. Resolution 2017-59 to authorize Mike Wissman in his capacity as Mayor to enter into an employment agreement with Catherine D. Durant as Town Administrator.**

Mayor Wissman recognized Gerald Lawson, Town Attorney. Mr. Lawson stated that this is a standard employment agreement and Ms. Durant's current agreement expires October 31, 2017. He advised that for the past twenty years, the agreement has run for from one election cycle to the next on two-year terms. He stated that this agreement is similar to her current employment agreement with some modifications on salary and time. This agreement will run through October 31, 2019.

Mayor Wissman called for a motion.

**Main Motion:** Alderman McKee made a motion to approve Resolution 2017-59. Alderman Biggs seconded the motion.

Mayor Wissman noted he feels uncomfortable with the timing of this contract due to newly elected board members having to vote at their first meeting. He would like to find a way to stagger it in the future. Alderman McKee suggested the agreement could go to a 3-year cycle. Mr. Lawson stated that contracts could not be approved that would be binding to future boards. Hearing no further discussion, Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion carried unanimously.

**X. Approval of the bills for payment.**

Mayor Wissman called for a motion.

**Main Motion:** Alderman McKee made a motion to approve the bills for payment. Vice Mayor McKee seconded the motion.

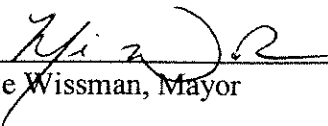
Ms. Owens stated that all Town issued emails have been set up for Elected Officials. She stated that the email addresses would be updated on the Town website and that officials would receive their usernames and passwords.

**XI. Adjournment.**

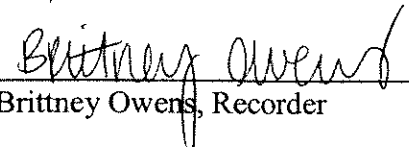
Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to adjourn. Alderman McKee seconded the motion.

**Meeting Adjourned.**

  
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Mike Wissman, Mayor

11/6/17  
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Date

  
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Brittney Owens, Recorder

11/6/17  
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Date