

Town of Arlington

5854 Airline Road, Arlington, TN 38002



**Town Of Arlington
Board of Mayor and Aldermen
April 2, 2012
6:30 P.M.**

MEETING MINUTES

I. CALL TO ORDER AND ROLL CALL

Present

Mike Wissman, Mayor
Harry McKee, Vice Mayor
Gerald McGee, Alderman
Oscar Brooks, Alderman
Glen Bascom, Jr., Alderman
Brian Thompson, Alderman
Jeff McKee, Alderman

Others Present

Gerald Lawson, Attorney
Heather Sparkes, Planner
Catherine Durant, Recorder
See List

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

II. OPENING PRAYER

Alderman Thompson led the opening prayer.

III. PLEDGE TO THE FLAG

The Pledge of Allegiance was led by Clay Bailey, journalist with the Commercial Appeal.

IV. APPROVAL OF THE MINUTES FROM MARCH 5, 2012.

Motion: Alderman McGee made a motion to approve the Board of Mayor and Aldermen minutes from the March 5, 2012, meeting. Alderman Bascom seconded the motion.

Mayor Wissman called for additions or corrections. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

V. GRIEVANCES & COMMENTS FROM CITIZENS

Mayor Wissman asked if there were any citizens who wished to address the Board. He noted that three citizens raised their hands and advised that they would have three minutes at the podium to address the Board. He asked that each speaker state name and address for the record.

Mayor Wissman recognized Sondra Frazier, 12452 Noni Valley Drive, who read a prepared statement regarding information for and use of the Arlington Sports Complex by citizens of Arlington. She feels that all parks should be open at all times for residents to use at anytime, noting they paid for such facilities.

Mayor Wissman recognized Matthew Keaton, 12461 Harrell Road, who presented his concern regarding requests to use the Sports Complex fields when not being used by the children. He had an issue with suggestions that he use other fields that are first-come, first-serve. His next concern addressed the mulch line at the Playground of Dreams, which he measured and found it to be about six inches lower than what it should be, creating a liability issue. Mr. Keaton's final concern was about the first-come, first-serve gazebos at the parks which he feels should be used on a reserve basis. Mayor Wissman requested Mr. Dickie Wiseman, Public Works Superintendent, address the mulch line concern. Mr. Wiseman noted that the red line was not drawn correctly to begin with. He stated that last fall the Town installed 100 tons of mulch, making it safe for the children.

Mayor Wissman recognized Mark Louderback, 12180 Osborne Grove Drive, who advised that he is on the Chamber of Commerce and they are having an event on April 16th called "A Taste of Arlington" to promote businesses in Arlington. He advised that the cost is \$15 in advance. He explained that there was the issue of alcohol being offered at the event. However, the owner of the property where the event is being held decided that the liability was too great and requested that no alcohol be served. Mr. Louderback commented that it was discovered later that no beer could be sold because Arlington does not have a temporary off-site beer permit. He asked that the Board consider temporary off-site beer permitting for future events. There was discussion regarding what would need to be done. Mayor Wissman advised that the Board would look into this request.

VI. COMMUNICATIONS FROM THE MAYOR

A. Shelby County Sheriff's Department Incident Report for the Month of March 2012.

Mayor Wissman recognized Officer Fox who reviewed the report for the months of February and March 2012 (on file). There was a brief discussion regarding the burglaries. A question was asked about the availability of year-to-year running totals for incidents, and it was advised that for these totals, call Matthew Scott at 222-5500.

B. Other as properly presented

1. Mayor Wissman recognized Ms. Pennington and students from Arlington High School's Student Government Association (SGA).
2. Mayor Wissman advised that a staff meeting was held and the issue of parks was discussed and it was determined that the Town will look into possible solutions.

He stated that he informed Alderman Brooks, Chairman of the Parks and Recreation Department, about what was discussed at the staff meeting.

3. Mayor Wissman advised that he will be in Nashville on April 3rd to see what progress has been made regarding the school legislation and what options are available.
4. There was nothing further to come before the Board.

VII. COMMITTEE REPORTS

All committee reports, including the Treasurer's Report and financial reports, for the month of March are on file at Town Hall and have been provided to the Board. Mayor Wissman asked if anyone wished to report on their committee. Vice Mayor McKee advised that the Finance Committee has a meeting on April 26, 2012, and the committee is considering finances to cover the school district whether it happens or not. Vice Mayor McKee read the Treasurer's report into the record.

VIII. OLD BUSINESS

A. Other as Properly Presented

There was no old business brought forward.

IX. NEW BUSINESS

A. Resolution 2012-10 to adopt Property Tax Freeze Program for elderly low income homeowners as authorized by State Law.

Mayor Wissman advised that this was brought up by Vice Mayor McKee and called for a motion.

Main Motion: Alderman Bascom made a motion to approve Resolution 2012-10. Alderman Thompson seconded the motion.

Mayor Wissman recognized Vice Mayor McKee who stated that the tax freeze needs to be done regardless of any future tax increases. He stated that Gerald Lawson, the Town's Attorney, researched the limitations. Vice Mayor McKee advised that Arlington will adopt the same program as Shelby County, and Catherine Durant, Recorder, will take care of applications which are due by April 20. Vice Mayor McKee commented that when a low income elder qualifies, they are very close to the low-income poverty level, and he explained some of the requirements for eligibility.

Mayor Wissman called for further discussion. Hearing no reply, Mayor Wissman called for a vote.

Vote on Motion: The motion carried unanimously.

- B. Resolution 2012-11 to authorize a contract with Alexander Thompson Arnold, PLLC, to conduct the annual financial audit for the fiscal year ending June 30, 2012.

Mayor Wissman called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2012-11. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion. Alderman McGee asked how this contract compares with last year's. Catherine Durant, Recorder, advised that there is a five percent increase in fee. Mayor Wissman noted that this percentage of increase is standard. Mayor Wissman called for further discussion. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously

- C. First Reading Ordinance 2012-06 to amend Title 4, Chapter 3, Section 4-301, Sick Leave, of the Town of Arlington Municipal Code.

Mayor Wissman called for a motion to approve.

Main Motion: Vice Mayor McKee made a motion to approve the first reading of Ordinance 2012-06. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion. The members were in agreement with the changes. Hearing no further comments, Mayor Wissman called for a vote.

Vote on Motion: The motion carried unanimously.

- D. Request by Tim Carter and Juan Soto for Board approval in accordance with Title 10, Chapter 1, Section 10-106 of the Town of Arlington Municipal Code to keep live stock on property that is adjacent to residential property.

Mayor Wissman called for a motion to approve.

Main Motion: Alderman Bascom made a motion to approve the request to keep live stock on property that is adjacent to residential property. Alderman McGee seconded the motion.

Motion tabled. See Primary Amendment.

Mayor Wissman called for discussion. He recognized Heather Sparkes, Town Planner, who provided analysis (on file) and advised that Mr. Carter and Mr. Soto own an 11 acre parcel and are requesting approval to fence in the area adjacent to residential properties for livestock. She noted that the Municipal Code states that the enclosure has to be 100 feet from any residence and that no animal shall be kept closer than 25 feet from the property line. She also noted that the Municipal Code states that if the property owners and the Board consent, the animals can be kept closer. Ms. Sparkes advised that there is a notice in the Board packet signed by a number of the residential property owners;

however, Mr. Renfrow has since requested that his name be removed from the notice. Ms. Sparkes advised that she pulled the plat to see how close the houses are to the property lines. She noted that there is a required rear yard setback of 25 feet, so that means a house could be as close as 25 feet to the property line. Ms. Sparkes advised that the applicants were present.

Mayor Wissman called for discussion. Ms. Sparkes was asked if there is a tree line buffer and she replied yes. Mayor Wissman recognized Juan Soto, 12654 Forrest Street, and asked him if there was anything he would like to add to the discussion. Mr. Soto stated that he talked to the Renfrow's, and they agreed to a buffer 100 feet from Mr. Renfrow's house. Mr. Soto noted that the other neighbors have consented and actually prefer the cows on the property instead of development. Mayor Wissman asked Mr. Soto to clarify the 100 feet. Mr. Soto replied that the 100 foot buffer would be a two-row fence. Alderman McGee asked if this approval would be forever. Gerald Lawson, Attorney, replied that the decision will run with the land. Mayor Wissman asked Ms. Sparkes if there was any notification to the property owners other than the signed notice presented. Ms. Sparkes replied there was only the notice presented and the telephone call she received from Mr. Renfrow. There was a discussion regarding the plans for the 100 foot buffer. Mayor Wissman recognized Brent Renfrow, 6062 Windsor Oak Drive, who explained that after he was made aware of the ordinance requirements, he chose to remove his name from the notice primarily to ensure that he doesn't give up any of his rights as a homeowner. He commented that if the other neighbors understand what they are forfeiting, that is their decision. Mayor Wissman recognized Mr. Lawson who noted that this issue requires Board approval and the property owners' approval. He recommended that Staff verify the signatures by having them notarized and that the Board table their decision until the next Board meeting. Ms. Sparkes agreed to Mr. Lawson's recommendation.

Primary Amendment: Alderman Thompson made a motion to table this request until signatures of the adjacent homeowners can be verified and vote at the next meeting. Vice Mayor McKee seconded the motion.

Vote on Amendment: The motion carried unanimously.

Mayor Wissman advised that the request is tabled until the next Board of Mayor and Aldermen meeting.

Vote on Main Motion: The item is tabled.

Mayor Wissman recognized Mr. Soto who requested clarification that they have received approval to build a fence around the property and he wants to ensure that they can continue to do that. He stated that he understands that he must get Board approval to have the cows closer than 100 feet from the residential property lines. He commented that the ordinance is asking him to give up almost an acre to comply and he is fighting for that acre to be able to use as much of his land as possible without in essence giving it to his neighbors. Ms. Sparkes advised that a fence permit has been submitted to staff; however, she has not signed off on it. She stated that she spoke with Tim Carter regarding her concerns; however, the applicants have not received a copy of a signed permit because she knew this request was coming before the BMA. She stated that she wanted to wait until the BMA rendered a decision on the applicant's request for cows on

the property before issuing a fence permit. Mr. Carter stated that one issue has nothing to do with the other. Ms. Sparkes disagreed and advised that unless the land is used for agricultural purposes, the requested barbed wire fencing is not an allowable fence material. Mayor Wissman recognized Tim Carter, 12695 Forrest Street, who asked for clarification that they cannot fence the property with barbed wire fencing. Ms. Sparkes reiterated that it is not an allowable fence material unless the land is an agricultural use. Mayor Wissman advised that the fencing is contingent upon the request being approved. Mr. Carter asked for advice on what kind of fence he can put up to establish a property line. Mayor Wissman suggested he discuss this with Staff. Mr. Carter stated that there was an existing fence on the property and parts are still on the property; so in essence this is partly replacing an existing fence. Mr. Carter asked that the Board also see this from the applicants' point of view. Mayor Wissman replied that the Board and Staff have to follow the ordinance. Alderman Thompson asked the applicants why the time constraint is complicating matters for them. The applicants replied that the grass is growing and they want to get this done. Mayor Wissman thanked the applicants for their input.

E. Other as properly presented.

1. Mayor Wissman reminded everyone that Arlington in April is April 28, 2012, from 10 a.m. to 4 p.m. with music following, also A Taste of Arlington is on April 16, 2012, and the Easter Egg Hunt is April 7, 2012, from 9:30 to noon at Town Square.
2. There was no other new business to come before the Board.

X. APPROVAL OF BILLS

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

Mayor Wissman called for discussion. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

XI. ADJOURNMENT

Motion: Vice Mayor McKee made a motion to adjourn. Alderman Thompson seconded the motion. The motion carried unanimously.

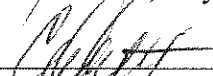
Meeting adjourned.



Mike Wissman, Mayor

5-7-12

Date



Catherine D. Durant, Recorder

5-7-12

Date

Submitted By: Theresa Smith, Planning Clerk