

Town of Arlington

5854 Airline Road, Arlington, TN 38002



**Town Of Arlington
Board of Mayor and Aldermen
November 5, 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
Steve Hill, Engineer
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

The opening prayer was led by Harry McKee.

III. PLEDGE TO THE FLAG

The Pledge of Allegiance was led by the ABC Learning Center Children and afterwards they sang "America the Beautiful."

IV. APPROVAL OF THE MINUTES FROM THE BOARD OF MAYOR AND ALDERMEN MEETING OF OCTOBER 1, 2012.

Mayor Wissman called for a motion to approve the minutes from the Board of Mayor and Aldermen Meeting of October 1, 2012.

Motion: Alderman McGee made a motion to approve the Board of Mayor and Aldermen minutes of October 1, 2012. 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 any citizen wished to address the Board to please come to the podium, state your name and address for the record. He advised that comments are limited to three minutes.

Mayor Wissman recognized Tim Bryson, 5406 Shetland Trail Cove, who requested assistance from the Town with an individual who panhandles around Town. He believes that this person presents a safety concern to himself and others. Mr. Bryson noted that he's seen this person in traffic; trying to get into vehicles while they are moving; and walking down the middle of Highway 70 creating a traffic situation. Mr. Bryson stated that this person has a tendency to come across as aggressive, and he is afraid that someone may eventually try to hurt him.

Mayor Wissman thanked Mr. Bryson for his comments and concern and suggested that the Sheriff's representative address this issue when he presents the Sheriff's Report. There were no further comments from citizens.

VI. COMMUNICATIONS FROM THE MAYOR

A. Mayor Wissman advised that he recently returned from the State School Board Conference in Nashville. He stated that three of the Town's school board candidates who are running unopposed also attended. They talked with attorneys, superintendents and board members and received good information regarding the challenges facing them. Mayor Wissman noted that the Town of Arlington's board candidates were the only ones from local municipalities attending the conference. Mayor Wissman reminded everyone that Election Day is November 6, 2012, for both federal and local. He noted that there is still no word on Judge Mays' ruling concerning municipal schools; however, the Town will continue moving forward until at such time we are told to stop.

B. Shelby County Sheriff's Department Incident Report for the Month of October 2012.

Mayor Wissman recognized Sheriff's representative, Officer Fox, who presented the incident report for October (on file) and noted that crime is up from last month. He reviewed the incidents, taking special note of the thefts committed because of unlocked vehicles. Alderman McGee asked for information regarding the vehicle break-ins. Officer Fox replied that a detective is pursuing a person of interest.

Mayor Wissman asked Officer Fox to address the panhandling issue brought up by Mr. Bryson. Officer Fox introduced Lt. Derek Mills of the Special Services Division of the Shelby County Sheriff's Department. Lt. Mills stated that the person of interest, Carlos White, has been arrested

over 50 times for misdemeanors. He stated that even though the Town has an ordinance regarding panhandling, some citizens give Mr. White money, and others call the Sheriff's Office. Once contacted, they go out and if they witness a crime being committed, they bring charges. He also advised that from time to time, they check on Mr. White to ensure that he is ok and not getting into trouble. Lt. Mills and Mayor Wissman advised that the Sheriff's Department and the Town are aware and working together regarding this situation. Vice Mayor McKee noted that in two out of three months this issue has come up, so it is a concern. Mayor Wissman recognized Officer Fox, who requested that citizens immediately report complaints to the Sheriff's Department rather than posting them on the internet. He suggested that complaints be emailed directly to Chief Bonner at substation@shelby-sheriff.org. After further discussion, Mayor Wissman thanked Officer Fox and Lt. Mills for their input and assistance.

C. Other as properly presented.

There was nothing further to come before the Board.

VII. COMMITTEE REPORTS

Committee reports, including the Treasurer's Report and financial reports, for the month of October 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 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. First Reading Ordinance 2012-13 to Amend Chapter 4, Section 4.6.3 of the Arlington Zoning Ordinance, Municipal Floodplain Regulations, General Provisions, Adopting Revised FEMA Flood Insurance Rate Maps and Flood Insurance Study.

Mayor Wissman called for a motion to approve.

Main Motion: Alderman Brooks made a motion to approve first reading Ordinance 2012-13. Alderman J. McKee seconded the motion.

Mayor Wissman recognized Steve Hill, Town Engineer, who advised that FEMA was asked to restudy several flood areas around the county about a year and a half ago, specifically the ditch at Forrest at Griffin and the Industrial Park. He noted that both areas were affected by the previous studies. He reported that the residents in Forrest Grove are no longer in the flood plain. Mr. Hill advised that the FEMA maps the Board is adopting will be effective February 2013. He noted that people may not get the break on insurance until the maps become official. Mr. Hill noted

that while the actual maps for these two study areas are being changed, there are still some Letters of Map Revisions (LOMRs) that were not reflected on the maps, noting that Arlington Trace still shows up in the floodplain but there is a LOMR on file to cover this. Mayor Wissman called for further questions. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

- B. First Reading Ordinance 2012-14 Amending Title 20, Chapter 1, Air Pollution Control Code, of the Arlington Municipal Code, to Revise the Amount of the Annual Emission Fee Collected from Permitted Air Pollution Sources.

Mayor Wissman called for a motion.

Main Motion: Alderman McGee made a motion to approve First Reading Ordinance 2012-14. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion and recognized Ed Haley, Town Superintendent, who advised that this is a Health Department issue. He noted that the code did not change, just the fee associated with it, and at this time there are no businesses affected. Mayor Wissman called for further discussion. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

- C. Resolution 2012-29 Authorizing a Special Census of the Citizens of the Town of Arlington, Tennessee, Beginning January 2013.

Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve Resolution 2012-29. Alderman Thompson seconded the motion.

Mayor Wissman recognized Heather Sparkes, Town Planner, who advised that the Town has the opportunity to conduct three special censuses between the federal census which is conducted each decade. She noted that the last federal census was in 2010, and based on the number of permits that have been pulled since then and the average household size, it is believed that the estimated population has grown from 11,517 in 2010 to around 12,300 residents. Ms. Sparkes advised that an increase in population enhances the Town's portion of state-shared taxes, revenue resources, and helps maintain a low tax rate for the Town of Arlington. She advised that this Resolution authorizes the special census process to begin in January 2013. There was a brief discussion regarding the cost of the special census and the amount of revenue it would derive. Hearing no further comments, Mayor Wissman called for a vote.

Vote on Motion: The motion carried unanimously.

- D. Resolution 2012-30 Authorizing the Increase in the Budgeted Amount for Outside Legal Counsel in Regards to the Establishment of an Arlington Municipal School System.

Mayor Wissman called for a motion.

Main Motion: Vice Mayor McKee made a motion to approve Resolution 2012-30. Alderman McGee seconded the motion.

Mayor Wissman recognized Ms. Durant, Town Recorder/Treasurer, who advised that the Board approved \$50,000 in July 2012 for outside legal counsel regarding the establishment of an Arlington Municipal School System. Mayor Wissman stated that the Town is on the cusp of this amount. He advised that the most expensive part of the case, equal rights protection, is yet to come and will entail a longer trial, expert witnesses, and can conceivably drag on for years. Gerald Lawson, Town Attorney, reiterated that the second part may be much more intense and expensive. Mayor Wissman reminded everyone that the Town is paying approximately six percent of the total costs which are being divided among the municipalities involved. He called for further discussion. Hearing no reply, Mayor Wissman called for a vote.

Vote on Motion: The motion carried unanimously.

- E. Resolution 2012-31 to Authorize Mike Wissman, in His Capacity as Mayor, of the Town of Arlington, Tennessee, to Execute an Intergovernmental Agreement for Ambulance Services.

Mayor Wissman called for a motion.

Main Motion: Alderman J. McKee made a motion to approve Resolution 2012-31. Alderman Brooks seconded the motion.

Mayor Wissman recognized Chief Dennis Rutledge who advised that this is an agreement being entered into with other municipalities and Shelby County to provide ambulance service for the next five years, with a possible one-year extension. He noted that the current contract has been in existence for the last six years and expires June 30, 2013. He stated that this is the part of the process to select a company to provide ambulance services and noted that there are four large companies who have shown interest. Mayor Wissman asked if the price could change from year to year. Chief Rutledge responded that the RFP should be back the end of November, and by January we should know the cost, which will be based on usage by each municipality, during the next five years. Mayor Wissman called for further questions. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

- F. Resolution 2012-32 Authorizing the Award of bid to KAJACS Contractors, Inc., as the Lowest and Best Bidder for Project Known as Clear Creek Interceptor Sewer for the Town of Arlington, Tennessee, and Authorize Mayor Wissman to Enter into a Contract, Subject to Financing Approval.

Mayor Wissman called for a motion.

Main Motion: Vice Mayor McKee made a motion to approve Resolution 2012-32. Alderman Brooks seconded the motion.

Mayor Wissman recognized Mr. Haley, Town Superintendent, who advised that Scott Daniels of Fisher & Arnold and Steve Hill, Town Engineer, were present. Mr. Haley advised that a work

session was held regarding this project, and a Special Called Meeting for financing is scheduled for November 20, 2012. He noted that the Resolution is requesting approval pending financing. Mayor Wissman called for discussion. Vice Mayor McKee asked Mr. Lawson, Town Attorney, what happens if the pending financing doesn't come back as anticipated. Mr. Lawson responded that this Resolution is contingent upon not only BMA approval but also on approval of resolution for funding revenue bonds. He stated that if there is no money to fund the project, then there will be no contract. It was noted that the bid is good for sixty days. Vice Mayor McKee asked if the Town is still anticipating three percent for 25 years. Ms. Durant replied yes, that this will be a fixed-rate funding through Piper Jaffray in partnership with Tennessee Municipal Bond Fund. Mayor Wissman recognized Mr. Haley who provided an explanation of why the capacity for a sewer lift station has become an issue. He stated that the proposed interceptor sewer is vital to the growth and also to eliminating the emergency situation that the Town now faces. He noted that if the project started today, the Town would be 18 months away from completion. He advised that future development to the south of I-40 creates a greater need for this project. Vice Mayor McKee advised that this is not tied to our utility bills and will not create an increase in rates. Alderman Thompson noted that based on the performance of the Town's sewer fund, which is a credit to Staff, a sewer fee increase will not be necessary to pay for this project and noted that this was the most beneficial aspect to come out of the work session. Alderman Thompson advised that currently there are lift stations all around the town to get the sewage to where it needs to go and this would eliminate the need for some of these stations. He noted that the Town's growth potential from I-40 south to Highway 64 makes this project necessary. Alderman McGee stated that because they are also taxpayers, the Board does not take lightly spending six million dollars; however, after attending the work session, he understood why this project is so important to the Town. There was further discussion regarding the benefits of doing this project now. Following this discussion, Mayor Wissman called for a vote.

Vote on Motion: The motion carried unanimously.

- G. Resolution 2012-33 to Authorize Mike Wissman, in his Capacity as Mayor of the Town of Arlington, Tennessee, to Enter into an Agreement with Shelby County, Tennessee, for the Mid-South Regional Greenprint and Sustainability Consortium.

Mayor Wissman called for a motion.

Main Motion: Vice Mayor McKee made a motion to approve Resolution 2012-33. Alderman Brooks seconded the motion.

Mayor Wissman recognized Ms. Sparkes, Town Planner, who advised that this is an agreement with Shelby County which allows Arlington to take part in the Regional Greenprint Planning Process. She noted that Shelby County was awarded a \$2,619,999 grant for regional greenway and blueway plans; bike and pedestrian plans; and open space areas and conservation lands, etc. She noted that the County just approved a contract for a consultant team of Looney Ricks Kiss (LRK), Powers Hill Design, and a few other firms to work on this plan. She advised that all of the municipalities will have a seat at the table, allowing them to be eligible for grant monies to implement projects. Ms. Sparkes advised that John Zeanah with the Office of Sustainability was present and willing to answer any questions the Board may have regarding this item. Mayor Wissman recognized Mr. Zeanah who advised that one other item they hope to accomplish through this plan is to create a foundation for more regional planning going forward. He stated

that it is very important that all regional municipalities are part of this plan from the beginning and throughout the life of the project. He noted that he hopes this creates a foundation for future regional planning. Alderman Thompson asked if the funding was federal money. Mr. Zeanah replied yes and advised that this was not connected in any way to Agenda 21. Alderman Bascom asked if this is just for Arlington or does it connect to other municipalities. Ms. Sparkes replied that Arlington would have final authority within the Town's boundaries, and noted that while this is a regional plan, it allows Arlington to maintain its identity while connecting to other municipalities through greenways and development. It was reaffirmed that there is no cost to Arlington, just the Town's participation. There was further discussion. Mayor Wissman called for questions. Hearing no reply, he thanked Mr. Zeanah and called for a vote.

Vote on Motion: The motion carried unanimously.

H. Other as properly presented.

1. Alderman Thompson reminded everyone to vote on November 6, 2012. It was noted that in Arlington, 43 percent of registered voters had early voted.
2. There was no other new business to come before the Board.

X. APPROVAL OF BILLS

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

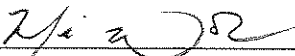
Mayor Wissman called for discussion. Hearing no reply, he called for a vote.

Vote on Motion: The motion carried unanimously.

XI. ADJOURNMENT

Motion: Alderman McGee made a motion to adjourn. Alderman Brooks seconded the motion. The motion carried unanimously.


Meeting adjourned.



Mike Wissman, Mayor

12-3-12

Date



Catherine D. Durant, Recorder

12-3-12

Date

Submitted By: Theresa Smith, Planning Clerk