

# Town of Arlington

5854 Airline Road, Arlington, TN 38002



**PUBLIC HEARING – Ordinance 2012-12 to abandon certain parcels of excess right-of-way created by the alignment and construction of Harrell Road, Chester Street and Milton Wilson Blvd., in Arlington, Tennessee, and transfer the underlying right-of-way to the adjoining property owners.**

Mayor Wissman opened the Public Hearing and advised that notice of the hearing was published in The Commercial Appeal on August 9, 2012. He invited anyone wishing to speak for or against to please stand to be recognized. State your name and address for the record. Hearing no comments, the Public Hearing was closed.

**PUBLIC HEARING – Resolution 2012-24 to approve the Planned Development Zoning Overlay and Master Development Plan for property on the northeast side of Hayes Road, east of Airline Road, known as the Hayes Place PD.**

Mayor Wissman opened the Public Hearing and advised that notice of the hearing was published in The Commercial Appeal on August 22, 2012. He invited anyone wishing to speak for or against to please stand to be recognized. State your name and address for the record. Mayor Wissman recognized W.D. Porter, 4821 American Way, Memphis, TN, who advised that he would wait for Staff. Hearing no further comments, the Public Hearing was closed.

**Town Of Arlington  
Board of Mayor and Aldermen  
September 4, 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**

Vice Mayor McKee led the opening prayer.

**III. PLEDGE TO THE FLAG**

Alderman Gerald McGee led the Pledge of Allegiance.

**IV. APPROVAL OF THE MINUTES FROM THE BMA MEETING OF AUGUST 6, 2012.**

Mayor Wissman called for a motion to approve the minutes from the BMA Meeting of August 6, 2012.

**Motion:** Alderman Bascom made a motion to approve the Board of Mayor and Aldermen minutes of August 6, 2012. Alderman Brooks 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.

Mayor Wissman recognized Ed Haley, Town Superintendent, who introduced Cindy Wolfe, a friend and reporter for the Commercial Appeal who will now be covering Arlington. Mayor Wissman thanked her for coming to the meeting.

There were no further comments from citizens.

**VI. COMMUNICATIONS FROM THE MAYOR**

A. Shelby County Trustee, David Lenoir, to address the Board.

Mayor Wissman recognized David Lenoir, who presented an overview of the Trustee's Office and the Shelby County budget (on file). Mr. Lenoir commended the citizens of Arlington for their due diligence in paying their taxes and recognized Shelley Hardee for the good job she does in collecting these taxes. Mayor Wissman thanked Mr. Lenoir for his presentation.

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

Mayor Wissman recognized Sheriff's representative, Officer Fox, who presented the incident report for August (on file). Mayor Wissman called for questions, and hearing no reply, thanked Officer Fox for the report.

C. Tennessee School Board Association (TSBA) Leadership Conference, November 3-4, 2012, Nashville.

Mayor Wissman noted that the town has set up a Planning Commission for schools and three of the school board candidates are running unopposed in the November 6, 2012, elections. He noted that there is a State School Board Conference on November 3 and 4 and possibly 5, 2012, and those interested have until October 19<sup>th</sup> to register. He advised that the cost would run approximately \$350 per person, plus travel expenses. Mayor Wissman noted that the town has a budget for school contingencies; however, he would not want to register anyone or make any commitment before the ruling by Judge Mays.

D. Other as properly presented.

1. Mayor Wissman advised that he and Gerald Lawson, Town Attorney, were in court today. He stated that Judge Mays' ruling could come around the third week of September.
2. Mayor Wissman noted that the Town's ISO rating has dropped from a 6 to a 3, which is very good news. He advised that Chief Rutledge will provide more information at next month's meeting.
3. There was nothing further to come before the Board.

## VII. COMMITTEE REPORTS

Mayor Wissman noted that the Municipal School Board Planning Committee and the Planning Commission met in August. He noted that the School Board Planning Committee will take some time off pending the Judge's ruling, then the Committee will begin meeting every second and third Thursday.

Committee reports, including the Treasurer's Report and financial reports, for the month of August 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. Second and final reading Ordinance 2012-12 to abandon certain parcels of excess right-of-way created by the alignment and construction of Harrell Road, Chester Street and Milton Wilson Blvd., in Arlington, Tennessee, and transfer the underlying right-of-way to the adjoining property owners.

Mayor Wissman called for a motion.

**Motion:** Alderman Brooks made a motion to approve the second and final reading of Ordinance 2012-12. Alderman McKee seconded the motion.

Mayor Wissman called for discussion and recognized Vice Mayor McKee and Alderman McKee's request to abstain from voting on this item. Hearing no reply, he called for a vote.

**Vote on Motion:** The motion passed with Vice Mayor McKee and Alderman McKee abstaining.

B. Other as Properly Presented

There was no other old business brought forward.

**IX. NEW BUSINESS**

A. Resolution 2012-24 to approve the Planned Development Zoning Overlay and Master Development Plan for property on the northeast side of Hayes Road, east of Airline Road, known as the Hayes Place PD.

Mayor Wissman called for a motion to approve.

**Main Motion:** Alderman Thompson made a motion to approve Resolution 2012-24 with the additional BMA conditions. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion and noted that representatives from Regency Homes, developer, and W. D. Porter, engineer, were present. He stated that the Planning Commission approved this project with the condition that the minimum square footage be changed from 2,000 square feet to 2,200 square feet. Mayor Wissman recognized Ms. Sparkes, Town Planner, who provided an analysis of the 32 lot planned development which gives them the ability to request deviations from the bulk regulations of the RS-18 zoning district. She noted that this project is a lower density than what is allowed, and the lot sizes and setbacks mirror what was allowed in The Preserve. She noted that about 59 percent of the property will be open space, with a 30 foot perimeter buffer between this development and the Hayesville Estates development, and one wet and one dry detention basin. Ms. Sparkes discussed the road improvements, curb, gutter and sidewalks that the project will be responsible for on Hayes Road. She noted that there is a payment in lieu of improvements received from the commercial development at Airline Road and Hayes Road that will be used to help offset the cost of cutting down the hill on Hayes Road and the Town will make up the difference. Mayor Wissman recognized W.D. Porter, 4821 American Way, Memphis, TN, who advised that they are in agreement with the Planning Commission conditions and requests BMA approval. Vice Mayor McKee requested the floor plans that were presented at the Planning Commission. Alderman Thompson stated that generally he is ok with the setbacks; however, when it comes to the smaller lots and front load garages, he has an issue with the shorter 15 foot front setbacks possibly creating more on-street parking. He noted that some of The Preserve homes have their garage in the back with alley way access which he believes minimizes parking issues. Mr. Porter responded that the garages will be two-car garages and the streets will be standard width streets, so cars can park on the street and traffic can still get through. He noted that in similar developments this has not been an issue. After discussion, it was suggested that covenants be created to alleviate any parking issues in the development. Alderman Thompson expressed his approval of the 59 percent open space and suggested adding walking trails or something similar to enhance the areas.

There was discussion regarding the plans for the open spaces. Alderman Thompson asked about who would be responsible for maintaining the 30-foot buffer zone. Mr. Porter responded that this would be the responsibility of the Homeowners Association. Alderman Thompson then asked if there was a construction requirement for the percentages of brick and masonry. Ms. Sparkes responded that there is nothing currently in the outline of the plan. Alderman Thompson suggested a 2/3 brick requirement to be consistent with other subdivisions. There was discussion. Mr. Porter advised that home construction would include hardiplank, not wood.

**Primary Amendment:** Alderman Bascom made a motion to add a condition that the exterior of the homes shall be a minimum of 85% brick or masonry. Alderman McGee seconded.

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

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

Mayor Wissman called for discussion and asked Mr. Porter if he has alternative home plans for the 2,200 square foot minimum imposed by the Planning Commission. Mr. Porter responded that the 2,001 square foot home plan is the only one that will not be submitted. Mayor Wissman noted that based on that, 2,473 square feet will be the minimum being submitting, and asked if they have any other deviated plans to fit the 2,200 minimum square feet. It was suggested that if the current minimum plan is 2,400, then the BMA should recommend a condition requiring a minimum of 2,400 square feet. Mr. Porter advised that it was their goal to match what was already in the neighborhood, which includes homes of 2,000 square feet minimum. Mr. Porter advised that he is comfortable with 2,200 square feet, and increasing to 2,400 will make financing more difficult, especially in the current market. He requested the BMA leave the square footage at 2,200. Mayor Wissman explained the BMA's point of view in setting the minimum to 2,400. There was discussion of how the square footage compares to the Hayesville Estates Subdivision, and the impact a lower minimum square footage in Hayes Place PD may have on the Hayesville property values. Mayor Wissman recognized Sean Carlson, owner, Regency Homebuilders, 1364 Cordova Cove, Germantown, TN, who advised that they are not in the business of hurting property values. He noted that Regency has the highest price per square foot on the market today. He advised that the size of a house does not solely dictate property values, quality plays a large part. There was discussion. Vice Mayor McKee stated that he thinks that a good medium is 2,400 square feet, and based on the submitted home plans, it should not be a problem. Mr. Carlson responded that the plans presented were examples they already had, and due to cost, the exact home plans for the project have not yet been developed. They wanted to ensure approval before spending money on plans. He concluded by saying that they are comfortable with 2,200 as the square foot minimum.

**Second Amendment:** Vice Mayor McKee made a motion to add a condition that the minimum heated square footage shall be 2,400 square feet, excluding the garage square footage. Alderman McGee seconded.

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

**Vote on Second Amendment Motion:** The motion carried unanimously.

Mayor Wissman recognized Alderman McKee who asked about the plans for the 30-foot setback and fencing of the subdivision. He noted that one of his concerns is creating an alley way or public walkway which could be used by non-residents, creating a security issue. There was discussion regarding how the trees on Hayes Road and the layout of the project will address this concern. There was further discussion regarding the development layout. Alderman Bascom advised that he is not in favor of the 30 foot buffer and prefers that the lots go all the way back. Mr. Porter responded that they are doing the same as what The Preserve did, noting that the buffer in The Preserve functions fine. Ms. Sparkes advised that a 30 foot buffer provides distance for those residents who are concerned about their lots backing up to smaller homes. Ms. Durant noted that the 30 foot buffer is a no-build zone and eliminates future problems regarding accessory structures and pools being built too close to neighboring lots. There was discussion regarding creation, responsibilities and enforcement of Homeowners Associations. Mayor Wissman recognized Ms. Sparkes who advised that a third amendment is required regarding a condition request discussed earlier. Mayor Wissman called for a motion to include covenants regarding on-street parking restrictions.

**Third Amendment:** Alderman Thompson made a motion to add a condition that subdivision covenants include on-street parking restrictions and to submit to staff for review prior to recording. Vice Mayor McKee seconded the motion.

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

**Vote on Third Amendment Motion:** The motion carried unanimously.

Mayor Wissman called for vote on main motion to include the additional amendments approved by the BMA.

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

- B. Resolution 2012-25 to award bid for project known as Airline Road Sidewalk Improvements in Arlington, Tennessee, to B & C Construction as the lowest and best bidder.

Mayor Wissman called for a motion.

**Main Motion:** Alderman McGee made a motion to approve Resolution 2012-25. Alderman Thompson seconded the motion.

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

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

- C. Resolution 2012-26 to amend the Town of Arlington, Tennessee, Personnel Policy, Section IV., Item A. Salary and Payday, to add language pertaining to mandatory Direct Deposit.

Mayor Wissman called for a motion to approve.

**Main Motion:** Vice Mayor McKee made a motion to approve Resolution 2012-26. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion. There was a brief discussion regarding how the employees feel about this change. Ms. Durant advised that 29 questionnaires were received from employees, full and part-time, and the majority were in favor, with a few opposing the change. Mayor Wissman called for further discussion. Hearing no reply, he called for a vote.

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

D. Other as properly presented.

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. Alderman Brooks 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 Brooks made a motion to adjourn. Vice Mayor McKee seconded the motion. The motion carried unanimously.

Meeting adjourned.

  
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Mike Wissman, Mayor

10-1-12  
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Date

  
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Catherine D. Durant, Recorder

10-1-12  
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Date

Submitted By: Theresa Smith, Planning Clerk