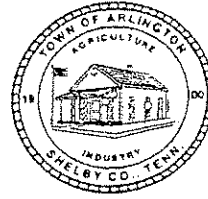


Town of Arlington

5854 Airline Road, Arlington, TN 38002



**Town Of Arlington
Board of Mayor and Aldermen
August 4, 2014**

MEETING MINUTES

I. CALL TO ORDER AND ROLL CALL

Present

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

Others Present

Gerald Lawson, Attorney
Steve Hill, Engineer
Kevin Carter, Parks Director
Heather Sparkes, Planner
Brittney Owens, Clerk
See List

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

II. OPENING PRAYER

Opening prayer was led by Alderman Jeff McKee.

III. PLEDGE TO THE FLAG

The Pledge of Allegiance was led by Terry Louderback.

IV. APPROVAL OF THE MINUTES FROM THE JULY 7, 2014, BOARD OF MAYOR AND ALDERMEN MEETING.

Motion: Vice Mayor McKee made a motion to approve the minutes from the July 7, 2014, Board of Mayor and Aldermen Meeting. Alderman Brooks seconded the motion. The motion carried unanimously.

V. GRIEVANCES & COMMENTS FROM CITIZENS

Mayor Wissman asked citizens who wished to speak regarding the zoning items on the agenda to speak at the public hearings. He stated that Ms. Sparkes will give a presentation on the proposed changes. He requested that anyone who wished to speak about any other matters, please come to the podium and state name and address for the record. There were no comments from citizens.

VI. COMMUNICATIONS FROM THE MAYOR

A. Shelby County Sheriff's Department Incident Report for the Month of July 2014.

Mayor Wissman recognized the Shelby County Sheriff's Department representative who presented the incident report (on file) and noted that during July, crime increased in Arlington with 39 reports, ten were vehicle thefts in the Shetland Trail and Arlington Trace areas. It was noted that most of the vehicle thefts were the result of unlocked doors. He advised that with school back in session, incidents will most likely occur after school, and the Sheriff's Department will respond with increased patrols. It was noted that the first day of school created some traffic issues around the high school and until everyone adjusts to the changes in traffic flow, additional squad cars and school crossing personnel will be assigned. The Officer invited anyone interested in understanding how the Sheriff's Department polices to attend their Data Smart Policing (DSP) meetings held on Wednesday mornings at 8:30 a.m. at the sub-station. There was discussion regarding the Sheriff Department's commitment to Arlington. Mayor Wissman thanked the Officer for his report.

B. Arlington Fire Department Report for the Month of July 2014.

Chief Franks reported on the Fire Department's activity for the month of July 2014 (on file). He advised that there were 81 runs and broke them down by type and location. Chief Franks advised that due to a gas leak, eleven homes were evacuated in Kensington PD. He noted that they performed five blood pressure checks, 15 fire inspections, ten smoke detector checks, and installed two smoke detectors. He reported on employee training and certification. Chief Franks noted that the ambulance service as of August 1, 2014, is working twelve-hour shifts and one of the posting sites is in Arlington, but not at the engine house. There was a brief discussion regarding the service contract, and Mayor Wissman thanked Chief Franks for his report.

C. Other as Properly Presented

1. Mayor Wissman advised that today was the first day of school for the new Arlington School District. He noted that Superintendent Mason advised him that issues are being handled and they will continue moving forward.
2. Mayor Wissman asked Ed Haley, Town Superintendent, to provide an update on the road projects throughout Arlington. Mr. Haley provided the status of the following projects: the SIA project at MicroPort, the Hall Creek Bridge project, the Airline Road and Douglas Street project, the Hayes Road project, the Bike and Pedestrian Trail on Memphis-Arlington, Donelson Farms Parkway, Airline Road widening south of I-40, the Hwy 70 and Chester signalization project and construction of the new Public Works Building. Mr. Haley advised that design plans will be drawn up for Hwy 70 and Jetway and also widening Airline Road up to the high school. Mr. Haley advised that Heather Sparkes, Town Planner, would address improvements to Depot Square and Kevin Carter, Parks Director, would address the Forrest Park construction.

3. Mayor Wissman recognized Ms. Sparkes, who advised that Steve Hill, Town Engineer, is working on the following Depot Square projects: road improvements to the one-way street, sidewalk pedestrian connection design, additional survey work, and gathering parcel information for right-of-way acquisition. Mayor Wissman asked about the timeframe for the sidewalk and road improvements. Mr. Hill responded that when the right-of-way acquisitions are complete, the Town will go out for bids.
4. Mayor Wissman recognized Mr. Carter who advised that a bid was awarded for the purchase of a new mower; an infield machine was purchased; the infields have been improved with a material that will help minimize rainouts; and two community service projects have been completed. He recognized Bellevue Arlington and Arlington High School Baseball Team for their participation in spreading 90 yards of mulch at the Playground of Dreams and noted that the Baseball Team will help spread another 90 yards of mulch this week after school. He advised that the gazebo in Depot Square was painted and the deck pressure washed by the Arlington Middle School Volleyball Team, preparation continues for the fall leagues, and the next Music on the Square Concert will be the latter part of August. Mr. Carter thanked the BMA, Staff, Parks and Rec Committee and the Community who supported the grant of \$250,000 from LPRF. He noted that this will benefit Depot Square by drawing people to the area who are participating in athletic programs. He noted that they are beginning the NEPA process. Alderman Brooks commented that the baseball fields are looking great. Vice Mayor McKee asked for a completion date on the Forrest Street project. Mr. Carter responded that depending on weather it may be the middle of March.
5. Mayor Wissman asked Ms. Sparkes to provide a brief presentation before the public hearing and discussion of agenda items. He advised that he has reached out to citizens, including most restaurant owners, to answer questions, explain the rationale, and to see if there are other areas of improvement. He stated that the Board's responsibility is to consider all issues, including staff's recommendations. Mayor Wissman recognized Ms. Sparkes who presented a slide overview of the three ordinance amendments, the first being Ordinance 2014-07 to amend Title 8 of the Arlington Municipal Code by the amendment, deletion and addition of certain sections of Title 8, Chapter 2; the second, Ordinance 2014-08 to amend the Town of Arlington Zoning Ordinance to eliminate the BE, Business Entertainment Zoning District; and the third, Ordinance 2014-09, a stand-alone ordinance, to amend the Town of Arlington Zoning Ordinance regarding bulk regulations, parking and the Depot Square boundary expansion.
6. Mayor Wissman noted that Arlington will host the Football Jamboree next Friday night, August 8th, and Arlington High School football team has two home games, August 22nd and 29th.

VII. COMMITTEE REPORTS

Mayor Wissman advised that committee reports, including the Treasurer's Report and financial reports, for the month of July 2014 are on file at Town Hall and have been provided to the Board. Mayor Wissman asked if anyone wished to report on their committee and recognized Vice Mayor McKee who read the Treasurer's Report into the record (on file).

VIII. OLD BUSINESS

- A. Public Hearing Ordinance 2014-07 to amend Title 8. of the Arlington Municipal Code by the amendment, deletion and addition of certain sections of Title 8. Chapter 2.

Mayor Wissman opened the public hearing for Ordinance 2014-07 to Amend Title 8 of the Arlington Municipal Code by the amendment, deletion and addition of certain sections of Title 8, Chapter. He advised that notice of the public hearing was published in the Commercial Appeal on July 11, 2014. Anyone wishing to be heard for or against, please come forward to be recognized, state your name and address for the record and each speaker has two minutes.

Mayor Wissman recognized Chris Burcky, 11900 Campbell Street, who advised that he has about 385 petitions opposing both Ordinances 2014-07 and 2014-08, that he provided to Staff. He stated that if 2014-07 is voted down he requests that the Board vote for 2014-08 but amend it to vote for the BE to B3 changes which are important for Depot Square. He advised that he supports Ordinance 2014-09 because it helps Depot Square. Mr. Burcky noted that with regard to maintaining the economic vitality of the Town, his concern is about chasing revenue for revenue's sake and requested that the Town advise citizens on its plans for the revenue.

Mayor Wissman recognized Russell Wiseman, 12020 Country Valley Drive, Arlington, TN, who provided a brief history of how the Depot Square Committee the Board of Mayor and Aldermen, Town business owners and the Town worked to improve Depot Square. He stated that much thought was given to establish and develop the BE district, and changing the zoning will cripple what has been started. He noted that restaurants serve as anchors for other retailers and pointed out that Arlington has five retailers for every restaurant. Mayor Wissman reminded Mr. Wiseman of the two-minute limit. Mr. Wiseman suggested that a potential applicant is driving this request and stated that the Board still maintains that this rezoning needs to be addressed and is not being driven by anyone. He asked the Board if this was correct. Mayor Wissman reminded Mr. Wiseman that a public hearing is not a Q and A. Mr. Wiseman then read an email forwarded to him regarding the Baptist property and the Milton Wilson/Airline Rd. areas. Mayor Wissman asked Mr. Wiseman to end his presentation, which had exceeded the two-minute limit.

Mayor Wissman recognized Kirk Wise, 5801 Lillian Bend Drive, Arlington, TN, who continued reading the email forwarded to Mr. Wiseman regarding investments for the Baptist property. Alderman McGee requested that the email be provided to Staff and entered into the record.

Mayor Wissman recognized Larry St. Clair, 6114 N. Ragland Cove, Arlington, TN, who requested that the Board consider the rezoning of BE to SC to ensure that there is no encroachment of corporate design into the Depot Square design. Mayor Wissman thanked Mr. St. Clair.

Mayor Wissman recognized Ron Wickens, 12574 Forrest Street, who noted that in 22 years he has seen a lot of change. He advised that in his conversations, he has gathered that this is too big of a change at one time. He noted that while the Town has done a great job in managing properties, the proposed changes seem to be complicated, complex and will impact not only current businesses but future businesses. He suggested the Town continue as is and change for change sake is not necessary. He noted that people in the planning business love to plan and

make changes just like people in DC who are constantly stirring the pot. Mayor Wissman thanked Mr. Wickens.

Mayor Wissman recognized Theresa Cochran, 9380 Osborntown Road, Arlington, TN who stated that she doesn't agree with this change and noted that Kroger has already talked about moving and if it does, it will create an empty building and this is where the ghost town will begin. She stated that the current zoning should remain. She commented that this is a big decision for Arlington, and while change will bring in a lot of revenue, it will also bring in a lot of crime. She asked the Board how many went out to residents with a map and explained in detail what this decision will do to their neighborhoods if beer is being sold close to their homes. She wants the Town to keep the current locations for beer sales, which she thinks is a good plan. Mayor Wissman thanked Ms. Cochran.

Mayor Wissman recognized Devin Patel, 5500 Stansbury Lane, who told the Board that the majority of the people do not want this change and he hopes they will take this into consideration. He stated that if this passes, it will eventually change the face of Arlington, just like other municipalities have changed.

Mayor Wissman recognized Jeff Williams, 12168 Rodgers Mill Drive, Arlington, TN who noted that the proposed changes conflict with the plans that Arlington has made with investments. He read the goal of the Town's Land Development Plan. He noted that the Town has created a master plan for Depot Square and the plan provides a vision for the future of Depot Square that was based upon considerable input from residents and business owners. He stated that the changes being proposed are for a few property owners and doesn't consider current business owners. He requested that the Town stay with the current plan and asked the Board to vote no. Mayor Wissman thanked Mr. Williams. Hearing no further comments, the public hearing was closed.

B. Second and Final Reading Ordinance 2014-07 to amend Title 8, of the Arlington Municipal Code by the amendment, deletion and addition of certain sections of Title 8, Chapter 2.

Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve the Second and Final Reading of Ordinance 2014-07. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion and addressed the email read by Russell Wiseman and Kirk Wise and noted that he believes the email was an accusation that something was going on. He stated that there is nothing going on and more than anyone, former Mayor Wiseman should know that the Town talks with developers and callers every day and no concessions are being made for any one developer or person, nor is any Board Member being influenced in their decisions, at least he believes that in his heart. He addressed the fact that accusations are being spread, and pointed out that each member is elected and it is their job to take the credit and the heat for their decisions in doing their due diligence to the Town. He stated that the Board and Staff are committed to serving the Town. Mayor Wissman recognized Vice Mayor Harry McKee who disclosed that he owns property on the south side of Airline Road which is residential, his residence on Forrest Street, and his wife owns a business in the B3 area. Mayor Wissman

recognized Alderman Glen Bascom who disclosed that he owns 17 acres in the BE Zoning District and an office building on Airline Road. Mayor Wissman recognized Alderman Jeff McKee who disclosed that his wife, on paper, a third owner of the business in the B3 area owned by Vice Mayor McKee's wife. He advised that for over six years his wife has not worked in the store nor drawn money from it. He noted that he does not own property in Depot Square. Alderman Gerald McGee disclosed that he used to own property in Depot Square. Mayor Wissman called for questions and recognized Ms. Sparkes who stated that this is for amendments to the Municipal Code, Title 8, Chapter 2, which is the Beer Ordinance regulated by the Board of Mayor and Aldermen. She advised that the first item is to delete Section 8-210 and noted that this section conflicts with another section, 8-224, regarding measuring distances. She advised that the next item would be to delete Section 8-214 because it duplicates another section in this Code, Section 8-206, which was adopted when the Responsible Vendor Act was adopted. Ms. Sparkes advised that the next item deletes and replaces Section 8-232, noting that it currently restricts where on-premise beer permits can be issued to the BE and the B3 zoning districts. She advised that this would eliminate zoning restrictions for on-premise beer permits and allow them in all commercial zoning districts where restaurants are allowed. She advised that this change as proposed would restrict on-premise beer permits in any neighborhood restaurant which is defined as restaurants with 39 or fewer seats, and noted that this aligns with the State's regulations on wine. Mayor Wissman reiterated that what is being addressed is for beer only and recognized Gerald Lawson, Town Attorney, who explained how liquor and beer are defined. He advised that the state regulates liquor. Alderman Brian Thompson clarified that the neighborhood restaurant is basically in line with state requirements and noted that no restaurant that has fewer than 40 seats could get a license of any kind. Mr. Lawson stated that state law is specifically broken down in that if there are 40 to 75 seats a restaurant can get a liquor license to serve wine, but there has to be at least 75 seats to serve liquor. Ms. Sparkes resumed her explanation which included the following: amend Section 8-234 to increase the amount of the bond required for permit holders; add Section 8-236 to incorporate provisions from state law for the sale of draft beer for off-premise consumption; and add Section 8-237 to permit sales for off-premise consumption by beer manufacturers operating as restaurants. Alderman McGee requested clarification on how the distance for beer sales is measured. Mr. Lawson replied that the distance will be measured building to building and noted that this will also clarify the measurement for multi-tenant buildings. Alderman McGee stated that he believes the current 225 foot distance to be too close. There was discussion regarding properties that could potentially build and sell beer. Vice Mayor McKee stated that he wanted to amend Section 8-224 regarding on-premise consumption. Vice Mayor McKee stated that he would like to amend the distances to read 225 feet in the B3 area and all other zones, B1, B2, and SC, 500 feet. He explained that he is leaving B3 at 225 feet because of the small lots and setback requirements. Mayor Wissman asked if Vice Mayor McKee was making a motion for an amendment to the main motion. Vice Mayor McKee replied yes.

Primary Amendment: Vice Mayor McKee made a motion to amend distances required in Section 8-224 to be 225 feet in the B3 area and all other zones, B1, B2, and SC, 500 feet. Alderman McGee seconded the amendment.

Mayor Wissman called for discussion on the primary amendment and asked Ms. Sparkes to present and explain the distance graphics that she prepared. The Board discussed how the proposed distances would impact future restaurants who wanted to rent a space currently being occupied as a restaurant. Mr. Lawson noted that if the restaurant was opened within the 6 month grandfather period, he believes it would be acceptable. Alderman Thompson stated that he

wanted to ensure that changing the distance would be the best way to go. Ms. Sparkes presented examples of distances in various parts of town from churches and schools and the impact changing the distance would have on future businesses. Vice Mayor McKee explained that he is offering this amendment to limit the possibility of on-premise beer being sold within the 500 ft. limit for safety reasons, especially near schools. Mayor Wissman called for a three-minute recess.

Mayor Wissman called the meeting to order and advised that the Board resumed their discussion. Mr. Lawson advised that there is a separate section of the Town's Beer Ordinance dealing with grandfather provisions which states that if a business is in violation of a zoning ordinance, we have to allow six months. Mr. Lawson advised that in looking at it, he doesn't think it is the same provision that the Town would apply regarding this instance, because what the Town is doing is issuing a permit. He noted that the permit itself expires, and has to be turned in fifteen days after the close of the business; therefore, a new beer permit would be required, which would put the restaurant in violation of the municipal code. Mr. Lawson noted that he and Ms. Sparkes reviewed the current restaurants distance requirements and don't see any that would be in violation should the Town require a 500 foot distance in other than the B3 zoning district. Mr. Lawson advised that the Board could include a six-month grandfather provision specifically for beer permits. Alderman McKee suggested changing the distance measurement for schools to be from the property lines and for all other buildings from the building itself. Alderman McGee noted that school property most likely has buffer space between the main structure and the property line. Mr. Lawson noted that should any zoning decision be challenged in court, it is important that the basis be rational. There was discussion. Alderman McGee suggested that this item should have had more discussion, work session, etc., before being put on the agenda. Mayor Wissman advised that this started a few years ago, and there was a work session in April and stated that he sent out emails encouraging the members to talk with Ms. Sparkes about their concerns prior to the meeting. Alderman McGee responded that it is the Board's job to protect the welfare of its citizens. He noted that many citizens are opposed to this amendment. Alderman Oscar Brooks asked what distances other municipalities use. Ms. Sparkes responded that Bartlett uses 225 feet from building-to-building, Collierville uses 250 feet from building to building unless it is a multi-tenant building then it is from leased space, and in their town square the distance is 100 feet. It was also noted that some municipalities don't have any distance requirements only provisions that can be used in the issuance of a permit. There was further discussion regarding the distances at the high school to the properties fronting along Airline Road. Vice Mayor McKee asked if what he proposes for B3 is legal with doing the other zoning districts different. Mr. Lawson responded yes. Alderman Bascom stated that he talked with Ms. Sparkes about changing the distances to maybe 300 or 500 feet, and Ms. Sparkes advised that those distances hurt the Depot Square area because the increased distance would eliminate some restaurants. Alderman Bascom then suggested a distance for B3 of 0 or 100 feet. There was discussion regarding a secondary amendment to the primary amendment.

Secondary Amendment: Alderman Bascom made a motion to amend the primary amendment regarding Section 224, to change the B3 district distance to zero (0) feet and keep the 500 feet distance for all other zoning districts. Vice Mayor Harry McKee seconded the motion.

Vote on Secondary Amendment: Motion passed unanimously.

There was further discussion to clarify the distance measurement requirements with regard to schools and churches. It was suggested that 300 feet would be acceptable and there was discussion about amending 500 feet to 300 feet. Alderman Thompson suggested that Board look at the impact to property all over Town based on the Land Use Plan. Alderman Bascom noted that he is ok with 500 feet. There was discussion. Mayor Wissman called for a vote on the Primary Amendment.

Roll Call Vote on Primary Amendment: Bascom – Yes; Brooks – No; McGee – Yes;
H. McKee – Yes; Thompson – No; J. McKee – Yes; Wissman –
abstain.

Motion passed with 4–Yes and 2–No and 1–abstain.

Mayor Wissman called for discussion on the main motion. Alderman McKee asked to review the slides again. Mr. Lawson advised that under 2014-07, there were seven provisions and the Board added an eighth provision, Section 8-224 to revise the distances to 0 feet for B3 and 500 feet for all other zoning districts. Vice Mayor McKee advised that he thinks the Board should leave the BE district as is because he believes the Town has three or four years to go before the Historical District can stand alone. He asked Mr. Lawson when this resolution goes into effect. Mr. Lawson responded that it goes into effect immediately upon adoption. Vice Mayor McKee asked if effect would be upon approval of minutes. Mr. Lawson explained that before the minutes are read, a party on the prevailing side (voted yes) can make a motion to reconsider, otherwise the Town will consider the ordinance adopted on final reading. Mayor Wissman asked about the effect on any current commercial planned developments. Ms. Sparkes noted that the only one she can think of is the Arlington Town Center PD which is zoned SC. She commented that they added a condition that restaurants had to comply with the beer ordinance. There was discussion. Mayor Wissman then recognized Alderman Thompson who stated that BE zoning was put in place to spur growth in Depot Square and at that time it was limited to a small area because on-premise beer permits were not allowed in Arlington. He noted that because of so much opposition to beer in restaurants, a compromise was created to confine sales to a smaller area and also to help Depot Square. He stated that based on the intent, the need to eliminate it needs to be confined to the question, does this have a negative impact on Depot Square. He feels the Board is getting sidetracked discussing controlled growth, etc. but it needs to be about Depot Square, nothing more, nothing less. Alderman Thompson noted that since BE was not established to control growth, he doesn't understand why the conversation suddenly became about growth with the threats of Arlington turning into Cordova, or quoting someone from Facebook, "to keep Arlington from becoming just another congested community." He suggested that this opinion is off topic and not based on fact. He also noted that it has been stated that a vote to retain BE is a vote to support Arlington's future; however, he believes that people on both sides could argue that everyone supports Arlington's future no matter what side of the argument you are on. Alderman Thompson suggested that if you study the Land Use Plan, look at the Zoning Ordinance, the allowed uses, etc. you know that Airline Road will never look like Germantown Parkway because of all the guidelines and regulations the Town has put in place. He stated that he believes the entire argument is a scare tactic and not a legitimate argument. He advised that Arlington's Land Development Plan was unanimously passed in 2010 and addresses the Town's goals, objectives, land use classifications, etc. He noted that when this was adopted the Town was at about .9 percent commercial development and at full build out, the Town will be between 9 and 11 percent commercial for the entire town which suggests controlled growth. He emphasized that he does not believe that Depot Square is what it is today because of beer permits.

but because of the Town's commitment to improving it, developing and executing a master plan, making Depot Square a focal point for community events, and the dedication of the people who do own businesses there. He stated that he disagrees that removing the exclusivity of on-premise beer permits will stop the momentum. He suggested the Town continue to allocate budget dollars to executing the master plan which would be easier to do if we develop the tax base and keep the focus on Depot Square as a community gathering place. He believes that the Town needs to implement programs to encourage and provide incentives for businesses in Depot Square and make sure that the money gets reinvested there. Alderman Thompson stated that he doesn't think it is the right approach to halt progress and to limit the Town's opportunities to such a small area of Town. He stated that he is voting for what he believes is in the best interest of all of Arlington. He advised that he has heard from a lot of people who are in favor and suggested that we need to expand the revenue base in order to position Arlington for future growth. He concluded by stating that he is voting yes.

Mayor Wissman thanked Alderman Thompson and recognized Alderman McGee who stated that time and again he has witnessed change whenever a developer comes in and wants to make changes, with the exception of the last couple of months, which he believes is because some people are watching and questioning everything that goes on. He noted that in 2005 there were so many people fighting over establishing the BE because they were worried that it would tear Depot Square down. He stated that he has always been passionate about Depot Square and the historic part of town; however, some people could care less about the area and they show it by their voice and vote. Alderman McGee noted that former mayor, Russell Wiseman, brought up the Design Review Committee Guidelines Manual and asked if anyone knows who wrote it. He said that it was a committee of everybody, and there have been a lot of people that use it and say how good it is, and now they are just tearing the book up and tossing it to the wind. He stated that he hopes his legacy is that he voted his conscience every time and voted the desire of the citizens as much as he could. He suggested that talk about Arlington being "Mayberry" is wrong, it is more another fictional town. He mentioned a movie about Bedford Falls and what happened to the town when one person wasn't there and evil bankers came in and made the town what they wanted. Alderman McGee stated that everyone knows who the evil bankers are and those people could care less about Arlington, just their piece of property. He just doesn't want to see Arlington become "Pottersville" which is what Bedford Falls became when the bankers took over. He stated that he is voting no.

Mayor Wissman commented that some of the insinuations being made boggle his mind and he shouldn't entertain them whether here or on social media. He asked everyone to understand that there are people who contact Town Hall and request to meet with Staff and/or the mayor. He noted that there have been meetings with bankers, developers, landowners, all kinds of property owners, and emphasized that everyone is treated equally. What we are doing is what we are supposed to do. Mayor Wissman stated that the Town's Staff was hired to do the job assigned while conforming to the ordinances, municipal code and guidelines established. Mayor Wissman advised that he has talked to every business owner in Depot Square. He pointed out that we are compared to Franklin, TN, which has national chains and one of the largest malls in the state, everything that everyone in Arlington does not want, but they think Franklin has it going on. He suggested that people consider what they are looking at when they compare us to other towns. He stated that Depot Square will be the Town's focus as long as he is mayor, and he doesn't see any other Board changing things because Depot Square is the Town's anchor. He suggested that when people consider coming to Arlington they should visit Town Hall and talk with the Planner

to find out about zoning and what is anticipated for the Town's future. Mayor Wissman called for a roll call vote on the main motion as amended.

Roll Call Vote on Main Motion as amended: Bascom – Yes; Brooks – Yes; McGee – No; H. McKee – No; Thompson – Yes; J. McKee – No; Wissman – Yes.

Motion passed with 4–Yes and 3–No.

- C. Public Hearing Ordinance 2014-08 to amend the Arlington Zoning Ordinance to Eliminate the BE, Business Entertainment Zoning District, by amending Sections 4.1, 4.2, 4.4, 4.8 (Zoning Districts, Bulk Regulations and Uses); 5.5.2 (Regulations Governing Signs) and amend the Zoning Map to Rezone Properties currently zoned BE to SC-Shopping Center, B3-Downtown Business and B2-General Commercial.

Mayor Wissman opened the public hearing for Ordinance 2014-08 to Amend the Arlington Zoning Ordinance to Eliminate the BE, Business Entertainment Zoning District, by amending Sections 4.1, 4.2, 4.4, 4.8 (Zoning Districts, Bulk Regulations and Uses); 5.5.2 (Regulations Governing Signs) and amend the Zoning Map to Rezone Properties currently zoned BE to SC-Shopping Center, B3-Downtown Business and B2-General Commercial. He advised that notice of the public hearing was published in the Commercial Appeal on July 11, 2014. Anyone wishing to be heard for or against, please come forward to be recognized, state your name and address for the record and each speaker has two minutes. Hearing no comments, the public hearing was closed.

- D. Second and final reading Ordinance 2014-08 to amend the Arlington Zoning Ordinance to Eliminate the BE, Business Entertainment Zoning District, by amending Sections 4.1, 4.2, 4.4, 4.8 (Zoning Districts, Bulk Regulations and Uses); 5.5.2 (Regulations Governing Signs) and amend the Zoning Map to Rezone Properties currently zoned BE to SC-Shopping Center, B3-Downtown Business and B2-General Commercial.

Mayor Wissman recognized Heather Sparkes, Town Planner, who advised that this would eliminate the BE district, all references of the BE district in the Zoning Ordinance, and rezone properties that are currently BE to the following: Property along Highway 70 and east of Airline Road to Greenlee and just past Greenlee on the north side will be SC-Shopping Center; all of the properties in what is being identified as Depot Square from the Depot Square Master Plan will be rezoned to B3-Downtown Business; and a portion of the parcel of land north of the TDOT Building on Highway 70 will be rezoned to B2-General Business.

Mayor Wissman recognized Alderman Glen Bascom who disclosed that he has approximately 17 acres in the BE district, with part of it being rezoned B2, in addition to residential. Vice Mayor Harry McKee disclosed that he owns property on the south side of Airline Road which is residential, his residence on Forrest Street, and his wife owns a business in the B3 area. Alderman Jeff McKee disclosed that his wife, on paper, a third owner of the business in the B3 area owned by Vice Mayor McKee's wife. He advised that for over six years his wife has not worked in the store nor drawn money from it. He noted that he does not own property in Depot

Square. Alderman Gerald McGee disclosed that he used to own property in Depot Square. Mayor Wissman called for a motion.

Main Motion: Alderman Thompson made a motion to approve the second and final reading of Ordinance 2014-08. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion and recognized Alderman Thompson who noted that this is in accordance with the Land Use Plan and pointed out that the area north of Highway 70 is one of only three pockets designated for regional commercial. Ms. Sparkes noted that this area contains land designated floodway that cannot be developed and land designated flood plain that would require fill; therefore, the area of development does not go all the way to the Loosahatchie River. Alderman McKee asked for clarification regarding land use classifications. Ms. Sparkes explained the classifications and there was discussion. Vice Mayor McKee asked if this was eliminating the BE zoning. Ms. Sparkes responded yes and explained the reason. Alderman McKee suggested square footage limits to prevent developers from buying up land to build a super center type of facility. Mayor Wissman called for a roll call vote on the main motion.

Roll Call Vote on Main Motion as amended: Bascom – Yes; Brooks – Yes; McGee – No;
H. McKee – Yes; Thompson – Yes; J. McKee – Yes; Wissman – Yes.

Motion passed with 6–Yes and 1–No.

- E. Public Hearing Ordinance 2014-09 to amend Town of Arlington Zoning Ordinance, Sections 4.2 (Bulk Regulations and Densities for Zoning Districts); 4.4.3 (Provisions Governing Business Districts, B-3 Downtown Business District); 4.7 (Arlington Depot Square Overlay District); 4.8 (Uses Permitted in Zoning Districts); 4.9.1 (Specific Provisions for Conditional Uses, Residential Uses); and 8.1.13 (Minimum and Maximum Parking Space Requirements).

Mayor Wissman opened the public hearing for Ordinance 2014-09 to amend Town of Arlington Zoning Ordinance, Sections 4.2 (Bulk Regulations and Densities for Zoning Districts); 4.4.3 (Provisions Governing Business Districts, B-3 Downtown Business District); 4.7 (Arlington Depot Square Overlay District); 4.8 (Uses Permitted in Zoning Districts); 4.9.1 (Specific Provisions for Conditional Uses, Residential Uses); and 8.1.13 (Minimum and Maximum Parking Space Requirements). He advised that notice of the public hearing was published in the Commercial Appeal on July 11, 2014. Anyone wishing to be heard for or against, please come forward to be recognized, state your name and address for the record and each speaker has two minutes. Hearing no comments, the public hearing was closed.

- F. Second and Final Reading Ordinance 2014-09 to amend Town of Arlington Zoning Ordinance, Sections 4.2 (Bulk Regulations and Densities for Zoning Districts); 4.4.3 (Provisions Governing Business Districts, B-3 Downtown Business District); 4.7 (Arlington Depot Square Overlay District); 4.8 (Uses Permitted in Zoning Districts); 4.9.1 (Specific Provisions for Conditional Uses, Residential Uses); and 8.1.13 (Minimum and Maximum Parking Space Requirements).

Mayor Wissman recognized Ms. Sparkes, Town Planner, who reviewed the changes requested (on file). Mayor Wissman recognized Vice Mayor Harry McKee who disclosed that he owns property on the south side of Airline Road which is residential, his residence on Forrest Street, and his wife owns a business in the B3 area. Alderman Jeff McKee disclosed that his wife, on paper, a third owner of the business in the B3 area owned by Vice Mayor McKee's wife. He advised that for over six years his wife has not worked in the store nor drawn money from it. He noted that he does not own property in Depot Square. Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve the second and final reading of Ordinance 2014-09. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion and recognized Alderman Brooks who noted that he believes this is proof that the Board is taking care of Depot Square. Vice Mayor McKee noted that the uses proposed are appropriate and reminded everyone that uses can be changed any time it becomes apparent a use doesn't work in a particular area. Alderman McKee asked about the deletion of miscellaneous repair services and if this includes heating and air. Ms. Sparkes advised that any current business will be grandfathered. There was discussion regarding desired uses. Alderman Thompson stated that this complies with the Depot Square Master Plan. There was a brief discussion. Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

- G. Public Hearing Ordinance 2014-10 to amend the Town of Arlington Municipal Code, Title 14, Section 14-101, Municipal Planning Commission, to change the number of Planning Commission Members.

Mayor Wissman opened the public hearing for Ordinance 2014-10 to amend the Town of Arlington Municipal Code, Title 14, Section 14-101, Municipal Planning Commission, to change the number of Planning Commission Members. He advised that notice of the public hearing was published in the Commercial Appeal on July 11, 2014. Anyone wishing to be heard for or against, please come forward to be recognized, state your name and address for the record and each speaker has two minutes. Hearing no comments, the public hearing was closed.

- H. Second and Final Reading Ordinance 2014-10 to amend the Town of Arlington Municipal Code, Title 14, Section 14-101, Municipal Planning Commission, to change the number of Planning Commission Members.

Mayor Wissman recognized Ms. Sparkes, Town Planner, who advised that this would reduce the number of Planning Commissioners from nine to seven members, with one position being the Mayor's position or as he designates, one alderman position, and five appointed members. Mayor Wissman called for a motion.

Main Motion: Alderman McGee made a motion to approve the second and final reading of Ordinance 2014-10. Alderman McKee seconded the motion.

Mayor Wissman called for discussion and recognized Vice Mayor McKee who requested clarification that the elimination of two positions was through attrition. Mayor Wissman responded yes and noted that the change is to keep the number of members equal with the Board of Mayor and Aldermen. Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

I. Other as properly presented.

There was no other old business to come forward.

IX. NEW BUSINESS

A. Resolution 2014-31 to remove uncollectible taxes from the Town of Arlington's certified rolls.

Mayor Wissman recognized Ms. Sparkes, Town Planner, who advised that the Town periodically receives this removal request from the Trustee's office. She noted that these are usually for businesses that have closed. Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve Resolution 2014-31. Vice Mayor McKee seconded the motion.

Mayor Wissman called for discussion and recognized Alderman McGee who asked if this is from the old Horizon. Alderman Bascom responded yes and disclosed that this is his family's property and the taxes were from a 2008 Horizon bankruptcy. He advised that since his family owned the building they tried to attach them for the taxes. He noted that his family has been fighting this for years and finally the taxes were rescinded two years ago, and are just now being removed. Alderman McGee asked if the present owner is current on taxes and it was advised that they just took over. Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion passed with 6 – Yes and 1 – Abstain (Bascom)

B. Resolution 2014-32 to purchase 0.931-acre parcel on Highway 70.

Mayor Wissman recognized Mr. Haley, Town Superintendent, who advised that the Town has been trying to acquire this parcel for some time. He stated that the lowest price offered was \$96,000. He noted that taxes are being paid on \$144,000 appraised value. Mr. Haley advised that recently he was informed that the Town could purchase the property for \$50,000 if it was still interested. Mr. Haley advised that he discussed this with the Mayor and Town Attorney and they agreed that it was worth pursuing. Mr. Haley advised that this land would open up the two acres the Town already owns by providing access to Highway 70. He stated that he believes that this is a good price and recommended the Board approve the purchase. Mayor Wissman called for a motion.

Main Motion: Alderman Thompson made a motion to approve Resolution 2014-32. Alderman McKee seconded the motion.

Mayor Wissman called for discussion and recognized Alderman McGee who asked if we are going to use the property as access to the Depot Square. Ms. Sparkes noted that it is on the master plan but we haven't gotten that far into developing the property. Mr. Haley advised that this opens a lot of possibilities and reiterated that this would be beneficial for the Town. Mayor Wissman recognized Alderman McKee who asked about drainage issues on the backside of the property. Ms. Sparkes advised that there is a detention area and drainage area on the east property line. There was further discussion. Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

C. Other as Properly Presented

There was no other new business presented.

X. APPROVAL OF BILLS

Mayor Wissman called for a motion.

Main Motion: Alderman McGee made a motion to approve bills for payment. Alderman Brooks seconded the motion.

Vote on Main Motion: The motion carried unanimously.

XI. ADJOURNMENT

Motion: Alderman Brooks made a motion to adjourn. Alderman McGee seconded.

The motion carried unanimously.


Meeting adjourned.



Mike Wissman, Mayor

9-2-14

Date



Catherine D. Durant, Recorder

9-2-14

Date

Submitted By: Theresa Smith, Planning Clerk