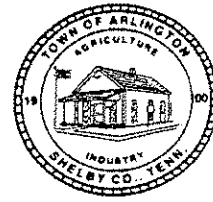


Town of Arlington

5854 Airline Road, Arlington, TN 38002



**Town Of Arlington
Board of Mayor and Aldermen
July 7, 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
Kevin Carter, Parks Director
Heather Sparkes, Planner
Catherine Durant, Recorder/Treasurer
See List

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

II. OPENING PRAYER

Opening prayer was led by Vice Mayor McKee.

III. PLEDGE TO THE FLAG

The Pledge of Allegiance was led by Mayor Russell Wiseman.

IV. APPROVAL OF THE MINUTES FROM THE JUNE 2, 2014, BOARD OF MAYOR AND ALDERMEN MEETING AND THE MINUTES FROM THE JUNE 24, 2014, SPECIAL-CALLED BOARD OF MAYOR AND ALDERMEN MEETING.

Motion: Vice Mayor McKee made a motion to approve the June 2, 2014, Board of Mayor and Aldermen Meeting minutes and the June 24, 2014, Special-Called Board of Mayor and Aldermen Meeting minutes. Alderman Brooks seconded the motion. The motion carried unanimously.

V. GRIEVANCES & COMMENTS FROM CITIZENS

Prior to hearing from citizens, Mayor Wissman announced that some of the candidates running for office in the upcoming elections were present and asked if they would like to introduce themselves.

Mayor Wissman recognized the following candidates: Jim Newsom who is running for Chancery Judge Part 2; David Pool, who is running for General Sessions Civil Court

Division 3 Judge; and Gerald Skahan who is running for General Sessions Criminal Court Judge Division 9. Each candidate briefly reviewed their qualifications and stated that they would appreciate consideration when voting.

Mayor Wissman thanked all of the candidates for attending the meeting and called for citizens who wished to address the Board to please come to the podium, state your name and address for the record. Mayor Wissman recognized Russell Wiseman who requested clarification that there are no public hearings scheduled for tonight's meeting. It was advised that public hearings will be on second and final readings.

Mayor Wissman recognized Chris Burcky, 11900 Campbell Street, who stated that he agrees with all other agenda items except Item C. Mr. Burcky advised that he thinks a compromise is possible and believes the BMA owes it to the Town to seek a compromise that doesn't completely abandon the old vision, while finding a way to work for the long-term interest of the Town. He expressed apprehension about eliminating the BE zoning and the effect it would have on the identity of the Town which was built on a vision created around Depot Square.

Mayor Wissman recognized Neil Caputo, 12046 Cranston Drive, who noted that he agrees with Mr. Burcky's comments and stated that prior to moving to Arlington seven years ago, he lived in New York and the Washington, DC area. He stated that the current vision is excellent and believes rezoning will open "Pandora's Box." He requested that the Town keep its vision and not become like Germantown Parkway.

Mayor Wissman recognized Teresa Cochran, 9380 Osborntown Road, who stated that she owns Gametime Sports Bar and does not want new growth because they are the ones who have put their heart and soul into this area. She advised that she opened her restaurant in the BE zoning district and made it work. Ms. Cochran suggested that their area could become a ghost town if development goes in a different direction. She stated that current businesses do a lot for Arlington and asked the Board to back them and vote against this item.

Mayor Wissman recognized Keith Haynes, 11982 Mott Street, Jackson's on the Square Restaurant, who stated that he put his business in Depot Square because of the established entertainment district. He noted that much of the BE Entertainment District has not been developed and should be given the chance to grow before expanding out. He stated that when restaurants are located together, more customers are drawn to the area. Mr. Haynes suggested that more discussion is needed and questioned why at this time it is important for the Town to allow beer sales in other areas of Arlington. He asked that the area for restaurants be kept together so that they all can prosper.

Mayor Wissman recognized Deven Patel, 5500 Stansbury Lane, and owner of Brendalay Grill who stated that he agrees with all the points previously presented and added that the past mayor put the Business Entertainment district in place to develop the Downtown area, and it is working, but is a work in progress. Mr. Patel stated that the time to expand is when Depot Square becomes a recognized destination.

Mayor Wissman recognized Rick Phillips, 6160 Greenlee Street, who noted that he was Chairman of the Planning Commission in 2005 when the Town adopted what is currently being addressed. He noted that he does not understand why allowing the sale of beer

other areas of Arlington would diminish Depot Square. He commented that everyone in Depot Square has a good product, and advised that he is a frequent customer. He reminded everyone that the Town has grown since 2005, and that it is the Board's responsibility to make policy for the good of the entire Town.

Mayor Wissman recognized Larry Harmon, 6171 Greenlee Street, who shared an article on revitalizing Arlington's Historic Depot Square. He noted that Arlington was selected for the Tennessee Downtown Revitalization Program and pointed out that the article stated that the Depot Square Master Plan was a key element in Arlington's successful application. Mr. Harmon suggested that the Town has an obligation to be consistent with their plan and should expand the area when the time is right.

Mayor Wissman recognized Russell Wiseman, 12020 Country Valley Drive, who stated that the business owners he has talked with are terrified of this change. He commented that focusing on the downtown area has worked. Mr. Wiseman stated that while he is a free-market capitalist, he questions why expansion is being brought up at this time, suggesting that 65 percent build out is not enough to change the vision and asked the Board to reconsider.

Mayor Wissman recognized Courtney, 3248 Don Valley Drive, owner of Plumpy's BBQ on Hwy 70, who advised that she invested in a business and purchased property to build a home in Arlington. She noted that her business decision was based in part on the zoning, believing that it would help her business succeed. She said that passage of this item may force her to reconsider building in Arlington, and stated that she wants the Town to keep its small town atmosphere.

There were no further comments from citizens.

VI. COMMUNICATIONS FROM THE MAYOR

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

Mayor Wissman advised that the Shelby County Sheriff's Department representative was not present. He noted that the June Incident Report was not provided and advised that Staff would ensure that it is received and placed on file for review at Town Hall.

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

Chief Franks reported on the Fire Department's activity for the month of June 2014 (on file). He advised that there were 69 runs and broke them down by type and location. Chief Franks advised that one firefighter completed the Fire Instructor course and three attended Hazmat Training. He reported that they performed seven blood pressure checks, six smoke detector checks, installed six smoke detectors, performed fifteen fire inspections, responded to three arson calls, and assisted with the Independence Day Fire Works Event.

C. Other as Properly Presented

1. Mayor Wissman reminded everyone that early voting begins July 18, 2014, and the election is Thursday, August 7, 2014. He stated that the election is important for the future of Shelby County and asked everyone to please vote.
2. Mayor Wissman advised that the Town has signed a \$4.5 million dollar bond for a loan to get the schools started. He noted that the school year begins August 4, 2014. He advised that Ms. Mason, School Superintendent, formed a CIP Committee and Kevin Carter, Parks Director, was appointed to serve on the committee and Heather Sparkes, Town Planner, will also act as a liaison.
3. Mayor Wissman advised that the Independence Day Fire Works Event was a huge success and applauded everyone responsible.
4. Mayor Wissman asked Mr. Haley to update the road projects throughout Arlington. Mr. Haley noted that the weather has put the Airline Road and Douglas Street intersection project about 30 days behind schedule; however, they are moving forward now and hope to at least have the traffic light installed prior to the start of school. Mr. Haley advised that footings for the Public Works Building have been poured and they are ready to start slab construction, and the Town has received environmental approval for the Bike/Pedestrian Trail Project. Mr. Haley also noted that work has been restarted on the Hall Creek Bridge project after a seven-month delay by MLGW. He advised that the project at Hughes College Hill Park should be finished this week.
5. Mayor Wissman requested an update on the new signage in Depot Square and recognized Ms. Sparkes who advised that the signage program is moving forward with directional signs being installed on Highway 70 and Forrest Street. She noted that banners representing various events held in Depot Square will be displayed as appropriate. She advised that Mr. Carter and a helper put up signs on the decorative light poles so that the Depot Square logo and event banner signs will match the directional signs. Ms. Sparkes advised that she reviewed the first draft of the signs for the Historical Buildings and we should have the finished signs in about six weeks. Ms. Sparkes then explained that a few months ago the Town made application through the State's Main Street Program for Tennessee Downtowns and Arlington was one of six communities across the State, and the only community in West Tennessee, to be selected. Ms. Sparkes noted that work will begin in August and explained what will be addressed during the course of the two year program. Mayor Wissman thanked Ms. Sparkes and asked if the Board had any questions. Vice Mayor McKee asked Mr. Haley about the start of work on Hayes Road. Mr. Haley responded that right-of-way acquisitions have slowed the progress; however, he and Mr. Lawson, Town Attorney are working to resolve. He also advised that MLGW is in the process of scheduling the lowering of utilities in that area and the projected start is several months away.

6. Mayor Wissman recognized Kevin Carter, Parks Director, and asked him to report on the status of the grant approval for the Town's land on Forrest Street behind Vinegar Jim's. Mr. Carter responded that he had hoped to hear something by the beginning of the fiscal year; however, he should have some news soon.
7. Mayor Wissman recognized Alderman Thompson who expressed his appreciation to Mr. Carter, Chief Franks, Ms. Durant and everyone who worked to make the Independence Day Fireworks Event a success.
8. Mayor Wissman recognized Alderman McGee who advised that last week a citizen informed him that the Shelby County Sheriff's Department reduced their patrols in Arlington and asked if this was official. Mayor Wissman and Mr. Haley responded that they had not been advised of any reduction in patrols. Alderman McGee noted that an Officer was not at the Board meeting. Ms. Durant advised that the officer who usually presents the Incident Report is ill, and the report was not available because the officer has the records needed for the report. Mr. Haley did note that the Sheriff's Department is assisting the City of Memphis due to the issues regarding their Police work force; however, the Sheriff's Department response to Arlington calls continues to be prompt.

VII. COMMITTEE REPORTS

Mayor Wissman advised that committee reports, including the Treasurer's Report and financial reports, for the month of June 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. Other as Properly Presented

There was no old business brought forward.

IX. NEW BUSINESS

Mayor Wissman asked the Board members if they would agree to hear Item F, as the first item so that the representative from Fisher and Arnold could leave after the presentation. There was no opposition.

F. Resolution 2014-28 to adopt the Loosahatchie Greenway Plan.

Mayor Wissman recognized Heather Sparkes who presented the analysis and advised that last fall the Town was awarded funds to plan for a Greenway Trail along the Loosahatchie to connect Depot Square, Town Hall and a number of neighborhoods. She advised that this will be in conjunction with the MidSouth Regional Greenprint Plan whose ultimate goal is to create green open spaces to

connect communities. She advised that David Baker of Fisher and Arnold has been working with her and the Steering Committee for the past six months to put together the plan and noted that this project is consistent with the 2010 Land Development Plan. Ms. Sparkes recognized and expressed her appreciation to the members of the Steering Committee. Ms. Sparkes advised that she and Mr. Baker were available to answer questions. Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve Resolution 2014-28.
Alderman Thompson seconded the motion.

Mayor Wissman called for discussion and recognized Alderman McGee who asked when the project will start and how it will be funded. Ms. Sparkes responded that the next step will be to identify grant sources to implement the plan. She noted that easement acquisitions will be required along the Loosahatchie and as the areas are developed, the developers will be responsible for their portion of the infrastructure, so the cost will not be entirely on the Town. She explained that the plan contains multiple phases. Vice Mayor McKee stated that he appreciates the work that Ms. Sparkes and Mr. Carter have done in getting the community involved in putting this plan together. Alderman Thompson also stated that the project was very well done. Ms. Sparkes advised that the plan will be posted on the Town's website. Mayor Wissman applauded Ms. Sparkes and Mr. Carter for their efforts and called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

- A. First Reading Ordinance 2014-06 to amend the Town of Arlington Zoning Map by rezoning from E-Estate Residential to RS-13, High Density Residential, land located west of Airline Road, north and south sides of Donelson Farms Parkway, and west and south of the Donelson Elementary School.

Mayor Wissman recognized Alderman Bascom who recused himself. He stated that he has a personal conflict and left the room. Mayor Wissman recognized Heather Sparkes, Town Planner, who provided the analysis (on file) and advised that this is a request to rezone 24.17 acres from E-Estate Residential to RS-13, High Density Residential. She reviewed the zoning and uses of the surrounding properties. She noted that the request is consistent with the Land Development Plan for Suburban Residential. Ms. Sparkes advised that municipal services are available and noted that a condition was added requiring gravity flow sewer. Ms. Sparkes read the following Grounds for an Amendment: 1) The amendment is in agreement with the general plan for the area; 2) It has been determined that the legal purposes for which zoning exists are not contravened; 3) It has been determined that there will not be an adverse effect upon adjoining property owners unless such adverse effect(s) can be justified by the overwhelming public good or welfare; 4) It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public. Ms. Sparkes stated that on May 19, 2014, the Planning Commission reviewed this request and recommended approval to the Board of Mayor and Aldermen. She advised upon Board approval, there will be a public hearing on second and final reading. Ms. Sparkes advised that the applicant's

representative, Cory Brady, was present to answer questions. Mayor Wissman called for a motion.

Main Motion: Alderman Thompson made a motion to approve the first reading of Ordinance 2014-06. Mayor Wissman seconded the motion.

Mayor Wissman recognized Ms. Sparkes who advised that the Planning Commission was presented with two requests, the rezoning request before the Board and a Master Planned Development request. She noted that the applicant has the option to submit both items together. She advised that the Planned Development request was withdrawn as a result of the conversations and recommendations by the Planning Commissioners. Alderman Thompson stated that he preferred hearing the rezoning with a planned development that supports it. Alderman McGee noted that if the Board rejects this request they must wait a year to bring it back. There was discussion about arbitrarily approving a rezoning without some idea of where it is going to go. Mayor Wissman recognized the applicant's representative, Cory Brady, 975 Fair Oaks Cove, Collierville, TN, who reiterated that the planned development was pulled because of concerns expressed by the Commission. He noted that they have made revisions and hope to schedule a work session. He advised that his client wanted to pursue the rezoning as a separate item since it is recommended by the Land Use Plan and noted that RS-13 works as a transitional land use for the surrounding properties. Mr. Brady reviewed the changes made to the Planned Development since the Planning Commission. Alderman Thompson noted that there are other zonings that also work for that area. There was discussion on area density allowances, and Mr. Brady asked if the Town would entertain a straight subdivision. Ms. Sparkes replied that it would be less dense than a planned development. Alderman McGee asked for clarification regarding the proposed church. There was discussion. Alderman Thompson restated his desire to see the rezoning request and planned development to make an informed decision and emphasized that he does not want to turn down the item. After further discussion, it was decided by the applicant to withdraw the rezoning request and come back with requests for a rezoning and a planned development. Mr. Brady asked about a work session, and Mayor Wissman authorized Ms. Sparkes to work with him on a resubmittal. The Board of Mayor and Aldermen agreed to the applicant's request to withdraw the rezoning request and no vote was taken on the main motion. Alderman Bascom returned to the Board Room.

B. First 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 recognized Gerald Lawson who presented the analysis and noted that the ordinance is for revisions to the current Municipal Code. He explained that the revisions include housekeeping matters, changing the BE rezoning and taking out the regulations that only allow on-premise beer sales in the BE and B3 districts, addressing distance requirement conflicts, and addressing new provisions and laws for the sale of growlers (draft beer in a container) and on-premise draft beer consumption. He noted that he and Ms. Sparkes have discussed different provisions and different types of restaurants

wanting to come in. He advised that the Town currently allows on-premise and off-premise sales and noted that there is a trend to allow restaurants to sell on-premise beer manufactured on-site. Mr. Lawson advised that this year the State Legislature passed the Wine and Grocery Store Bill which also included provisions for liquor stores that stated that effective July 1, 2014, they can sell keg beer and growlers, but they cannot sell bottled, canned, or six-packs of beer. He noted that under the Town's current regulations, keg beer and growlers are not allowed because they are in unsealed containers. Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve the first reading of Ordinance 2014-07. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion and recognized Alderman Thompson who stated that he is ok with this item regardless of what happens with the next agenda item regarding the BE – Business Entertainment District. He pointed out that this item deals with items such as fines, etc., and allowing restaurants who brew their own beer to sell to customers. Mr. Lawson advised that the agenda items being heard address two separate issues. There was discussion about the ramifications of passing this item and rejecting the next item regarding the BE rezoning. Mayor Wissman recognized Alderman Bascom who disclosed that he owns property in the BE-Business Entertainment District. Mayor Wissman recognized Vice Mayor McKee who stated that this is about selling beer in different locations and the effect it will have on Arlington. Mr. Lawson explained the changes suggested for Item 4, Section 8-232 of the Ordinance and the effect removing the current zoning restrictions would have on the Town. It was noted that this issue requires more discussion and consideration, and Mayor Wissman responded that the Board Members will have time to consider their positions before the second and final reading. Mr. Lawson explained that the next agenda item addresses the elimination of the BE district. He stated that the BE district does not necessarily have to be eliminated, but by passing this ordinance, beer can be sold in any restaurant that meets the ordinance requirements, with the exception of neighborhood restaurants. Alderman Thompson suggested that this ordinance could be approved without Item 4, Section 8-232. Mr. Lawson reviewed each amendment requested. Mayor Wissman addressed comments made on social media and explained the Town's commitment to the growth of the entire Town of Arlington. Catherine Durant, Recorder/Treasurer, noted that in order for the Town to meet its obligations, it must use every revenue source at its disposal to provide the services that the business owners and residents have come to expect and demand. She explained that items had to be cut in order to balance the 2014-15 budget. She advised that residential development does not create revenue. Mayor Wissman recognized Alderman Thompson who stated that he understands the need for growth in Depot Square. He pointed out that the Town has made a commitment and invested in a Master Plan to develop a long-term vision for Depot Square. Alderman Thompson stated that his concern is with the argument that we are going to ruin the small town charm if we allow restaurant chains. He suggested that there are well-known restaurants that Arlington may not want to keep out. He stated that some restaurants that do not serve beer and liquor will not consider coming to a municipality unless beer and liquor are allowed. He noted as an

example that Starbucks now has after-hour wine and beer gatherings, and would not come to Arlington. He pointed out that the restaurant industry job openings are the highest they have been since the recession; the fast casual restaurants are the industry's fastest growing category; 20 percent of millennials say it is important for restaurants to serve beer and alcohol; hotels and movie theaters must be allowed to sell on-premise beer; and questioned if the Town is saying that they won't allow any of these commercial entities to locate in Arlington. Alderman Thompson stated that he does not agree with legislating competitive advantage; however, he believes competition makes business thrive and allows everyone to benefit. Ms. Sparkes noted that the Town's Land Development Plan, updated in 2010, anticipates a certain percentage of commercial growth in various areas of the Town with municipal services. She noted that the plan includes a goal, "To maintain the Town's economic stability as growth occurs." Ms. Sparkes noted that this goal requires developers to pay for improvements and promotes self-sufficiency by providing services within the Town to keep tax dollars local. Alderman Thompson noted a more strategic approach might be to use the current plans, ordinances and guidelines that encourage growth in a responsible manner. Alderman Brooks stated that Arlington needs to capture the dollars that come through Town and not expect the Town's taxpayers to foot the entire bill. Alderman McGee noted that the Board has preached a controlled growth philosophy, and if we open up beer sales to all SC – Shopping Center zones in Arlington, control will be lost. He suggested that as roof-tops increase, businesses will want to come to Arlington. He also agreed with finding a compromise. Alderman Bascom noted that he agrees with the Mayor and Alderman Thompson and noted that the Town has good guidelines for growth. He recalled that the Mayor and Board were threatened when they approved beer in downtown Depot Square, and everything turned out fine. He noted that the Town has turned down more projects in BE than they have approved. Alderman Bascom suggested that allowing restaurants to locate in the I-40/Airline Road corridor will create traffic for businesses in all areas of Town, including Depot Square, and in doing so all businesses will have the opportunity to thrive. Mayor Wissman recognized Alderman Jeff McKee who stated that planning and zoning go hand-in-hand and even during ten years of slow to no growth, Arlington continued to grow. He explained that certain types of businesses are regulated mostly by zoning, and expressed his concern that zoning may disappear in the future. Alderman McKee stated that the plan put in place is still working and this issue needs more consideration. He stated that he has issues with the distance requirements and wondered why daycare centers weren't included. Mr. Lawson advised that daycare centers fall under schools. Mayor Wissman recognized Vice Mayor McKee who reminded everyone that Depot Square is a historical district and noted that BE and B3 zoning was created to build up this district. Vice Mayor McKee suggested that if the timeline for new businesses coming online is around 18 months, then perhaps the Town should wait. He suggested that businesses will come regardless of what the Town does with the BE; however, he would like to keep the BE for a little longer and give it time to grow. There was discussion regarding the areas to be included in the expansion and Mr. Lawson provided a legal opinion for the Board to consider. There was further discussion.

Motion: Alderman Brooks called for the question. Motion failed due to lack of second.

Alderman McGee asked about recusal requirements. He noted that Alderman Bascom recused on the first reading of Ordinance 2014-06, but for this item, he only disclosed that he owns property in the BE district. Alderman Bascom clarified why he recused on one and disclosed on the other. Mr. Lawson advised that on this item, disclosure was all that was required. Mayor Wissman called for a vote on the main motion.

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

Motion passed with 4 – Yes and 3 – No votes.

- C. First 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 presented the analysis (on file) and advised that this is a request to rezone properties by eliminating the BE – Business Entertainment zoning district and rezoning to SC – Shopping Center, B3 – Downtown Business and B2 – General Commercial zoning districts. Ms. Sparkes displayed a map showing the areas to be rezoned. She noted that the proposed amendment eliminates all references to the BE zoning district throughout the Zoning Ordinance. She advised that she would welcome any questions. Mayor Wissman called for a motion.

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

Mayor Wissman called for discussion and noted that a lot of the confusion was regarding the connection between Item B and Item C. He recognized Alderman Bascom who disclosed that he owns property in the BE zoning district. Mayor Wissman advised that if the first reading passes, then the item will come back for a public hearing and second and final reading. Alderman Brooks asked about the B2 area being considered and Mrs. Sparkes advised that B2 was determined to be the most appropriate zoning for the vacant parcel on the north side of Hwy 70, which is across from the TDOT Building, also zoned B2. Alderman McGee asked if this rezoning would address the concerns of the Bond Motor Company owner. She noted that the Bond Motor property was previously zoned SC, and the owner wanted the zoning to remain SC. Ms. Sparkes advised that most of the current uses in the BE zoning district are consistent with the B3 zoning. She advised that the Depot Square Master Plan recommended that the properties within the study area be zoned B3 to expand the district to the north side of Hwy 70. Alderman Bascom asked if this would address the parking issues on Hwy 70, and Mrs. Sparkes responded that parking requirements in B3 are different from other zoning districts. Alderman McKee asked if BE to SC isn't passed and

based on the vote that just occurred, would the Town limit what uses the BE could have such as healthcare, etc. Ms. Sparkes responded that they put the Municipal Code Ordinance first because eliminating BE and not amending the Municipal Code would prohibit beer in restaurants along Hwy 70 and in Depot Square. She stated that there are currently uses in the BE district that limit this district and reviewed some that are allowed and not allowed. She reiterated that the Town has turned away businesses that wanted to locate in the BE district because they were not an allowable use. Vice Mayor McKee noted that he agrees that some of the uses need to be revised. Ms. Sparkes stated that Staff considers BE to SC to be the most appropriate change. Mr. Lawson stated that the Board needs to be mindful that this item and the previous item go hand-in-hand and may not want to approve one and not the other. There was discussion and Ms. Sparkes advised that the Planning Commission on June 16, 2014, reviewed both items and recommended approval. Mayor Wissman suggested that prior to any second and final reading, the members get with Ms. Sparkes and/or Mr. Lawson regarding any questions or concerns. Mayor Wissman called for a vote on the main motion.

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

Motion passed with 5 – Yes and 2 – No.

- D. First Reading Ordinance 2014-09 to amend the 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 Heather Sparkes, Town Planner, who presented the analysis (on file) and noted that this was presented to the Planning Commission on June 16, 2014, and they recommended approval. She stated that this request is consistent with the Depot Square Master Plan. She reviewed the proposed amendments. Mayor Wissman called for a motion.

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

Mayor Wissman called for discussion and recognized Alderman Brooks who noted that this is a favorable amendment for the Depot Square District. Mayor Wissman asked Ms. Sparkes if this goes along with the two items previously presented. Ms. Sparkes responded that if the other two items do not pass on second and final reading, she will come back with a request to rezone the area noted “BE to B3” as represented on the map because the request complies with the Depot Square Master Plan and B3 setback requirements; otherwise, the Town is applying suburban style zoning to lots that cannot be built using that type of zoning. Ms. Sparkes stated that this item is not contingent upon any other items.

Alderman McGee noted that miscellaneous repair services was allowed with a conditional use and now it has been scratched through on B3. Ms. Sparkes explained that the use is not consistent with the vision for this area, noting that the vision is for retail stores and restaurants, not HVAC, etc. She clarified that services already in this area will be grandfathered as a non-conforming use. There was discussion regarding liquor stores in B3, and proposed amendment #6 regarding parking. Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

- E. First 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 Heather Sparkes, Town Planner, who presented the analysis and noted that this is a request to reduce the number of Planning Commission members from nine to seven. She noted that five members would be appointed, meaning non-mayor or aldermen positions. She advised that this has been discussed as a way to make filling the positions more manageable, and noted that the Planning Commission currently has two vacancies with the resignations of Dar Yasseri and Tom Hammond. She noted that with seven members currently serving, no one would be asked to step down. Mayor Wissman called for a motion.

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

Mayor Wissman called for discussion and recognized Alderman Thompson who noted that the Design Review Committee has nine positions and asked if there are any future plans to reduce their members. There was discussion about the circumstances that created the need to reduce the membership. Vice Mayor McKee asked if this reduction was consistent with the population and Mr. Lawson responded the change is within the statute. There was further discussion that noted the qualifications, experience, training required, etc. required to be a committee member. Mayor Wissman advised that they will keep the Design Review Committee under consideration as appointments come up later this year.

Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

- F. Board agreed to hear prior to Agenda Item A.
- G. Resolution 2014-29 authorizing the award of bid and purchase of a 2014 New Jacobsen Model LF570 (4) Wheel Drive Mid-Weight Fairway Mower.

Mayor Wissman recognized Kevin Carter, Parks Director, who advised that this item was put out for bid on June 13, 2014, and two bids were received. Staff reviewed the bids and recommended awarding to Ladd's, the lowest bidder, in

the amount of \$52,846 which includes an option for a four year warranty instead of two year factory warranty. Mayor Wissman called for a motion.

Main Motion: Alderman Brooks made a motion to approve Resolution 2014-29.
Alderman McGee seconded the motion.

Mayor Wissman called for discussion and recognized Alderman Thompson who noted that the amount was less than what was budgeted. There was discussion and it was noted that the fields are looking much better and this piece of equipment is going to improve them even more.

Mayor Wissman called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

H. Resolution 2014-30 to amend fees previously adopted by the Board of Mayor and Aldermen of the Town of Arlington, Tennessee, for solid waste.

Mayor Wissman recognized Catherine Durant, Recorder/Treasurer, who advised that every year the contract with Republic allows them to evaluate the CPI and raise fees as appropriate. She noted that this increase cannot automatically occur, so this resolution has come to the Board of Mayor and Aldermen with a recommendation for a 2.1 percent increase on the residents to absorb the cost of service, taking the rate from \$19.98 to \$20.40 beginning August 1, 2014, through July 31, 2015. Mayor Wissman called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2014-30. Vice Mayor McKee seconded the motion.

Mayor Wissman called for discussion and recognized Alderman McGee who asked what the increase was last year. Ms. Durant responded that last year's CIP index was 1.4 percent. There was discussion. Mayor Wissman asked Mr. Haley about providing larger recycle carts and if there would be an additional fee. Mr. Haley advised that this is the last year for this contract, so the Town can begin negotiations at mid-year to see what can be done to get larger recycle containers. Mr. Haley noted that Collierville is doing it on its own and Lakeland has a contract with Republic. He noted that another item to be negotiated will be disposal of heavy waste items. Mr. Haley noted that the 18 percent max on fuel recovery has helped the Town. Mayor Wissman called for discussion and hearing none, he called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

I. Other as Properly Presented

1. Mayor Wissman recognized Ms. Durant who advised that State Form CT-0253 is being presented for information only and details the Revenue and Tax Anticipation Note Series 2014 which closed today. She noted that it is a repeat of the information presented last month and is required to be brought

to the Board after closing. She noted that the money will be distributed on Thursday and no motion is necessary.

2. Mayor Wissman recognized Ms. Sparkes who advised that this Thursday, July 10, 2014, the MPO will host a public input meeting at Town Hall at 6 p.m. on the Bike and Pedestrian Plan which will incorporate the Greenway Plan adopted by the Board. She noted that members of the Planning Commission and Board of Zoning Appeals will receive one hour of training for attending.
3. There was no other new business presented.

X. APPROVAL OF BILLS

Mayor Wissman called for a motion.

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

Vote on Motion: The motion carried unanimously.

XI. ADJOURNMENT

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

The motion carried unanimously.

Meeting adjourned.



Mike Wissman, Mayor

8-4-14

Date



Catherine D. Durant, Recorder

8-4-14

Date

Submitted By: Theresa Smith, Planning Clerk