

Mr. Czmur stated that he could have 30 seconds because he was given three minutes, 30 seconds when he initially addressed the Board. Mr. Czmur stated that he wants the Board to require landscape buffers between apartments and single-family homes, exterior architectural elements that will blend with single-family homes and screening from the streets so that residents will feel safe when using Milton Wilson for family walks, running and biking. He concluded by suggesting that the property owner, developer, contractors, investors and lawyers will profit from this project and the single-family homeowner will suffer. Vice Mayor McKee thanked Mr. Czmur.

Vice Mayor McKee advised citizens that the Board will hear comments as long as necessary; however, he requested that speakers come forward if they have something new to present.

Vice Mayor McKee recognized Lloyd Harless, 5449 Talluswood Drive, who stated that after going to two town hall meetings, he is not sure who has the citizens' best interest. Mr. Harless moved from Frayser because of what happened there, and stated that if the same thing happens in Arlington he will be forced to sell his home and move, even though he likes and wants to stay in Arlington. Vice Mayor McKee thanked Mr. Harless.

Vice Mayor McKee recognized Bob Vierandt, 11865 Acred Street, who suggested that the apartments will increase the numbers of school age children and is concerned about whether or not our already full infrastructure can handle the additional students. He also questioned if other municipal services can handle the increased population an apartment complex brings to the Town. Vice Mayor McKee thanked Mr. Vierandt.

Hearing no further comments from citizens, the Public Hearing was closed.

**Town Of Arlington
Board of Mayor and Aldermen
April 1, 2013**

MEETING MINUTES

I. CALL TO ORDER AND ROLL CALL

Present

Harry McKee, Vice Mayor
Oscar Brooks, Alderman
Jeff McKee, Alderman
Gerald McGee, Alderman
Brian Thompson, Alderman

Others Present

Gerald Lawson, Attorney
Steve Hill, Engineer
Heather Sparkes, Planner
Catherine Durant, Recorder/Treasurer
See List

Absent

Mike Wissman, Mayor- Excused
Glen Bascom, Alderman - Excused

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

II. OPENING PRAYER

Haley Purdue led the opening prayer.

III. PLEDGE TO THE FLAG

Alderman Brooks led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM MARCH 5, 2013.

Motion: Alderman Thompson made a motion to approve the Board of Mayor and Aldermen minutes from the March 5, 2013, meeting. Alderman Brooks seconded the motion. The motion carried unanimously.

V. GRIEVANCES & COMMENTS FROM CITIZENS

Vice Mayor McKee asked if any citizen wished to address the Board to please come to the podium, state your 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 March 2013.

Vice Mayor McKee recognized Lt. Long, who reviewed the incident report for the month of March 2013 (on file) and noted that the crime stats were down from February's report. Lt. Long did note that there has been an increase in vandalism along the Airline corridor. Vice Mayor McKee thanked Lt. Long for his report.

B. Other as Properly Presented

There was nothing further to come before the Board.

VII. COMMITTEE REPORTS

Vice Mayor McKee advised that committee reports, including the Treasurer's Report and financial reports, for the month of March are on file at Town Hall and have been provided to the Board. Vice Mayor McKee asked if anyone wished to report on their committee. Hearing no reply, he read the Treasurer's Report into the Record.

VIII. OLD BUSINESS

A. Other as Properly Presented

There was no old business brought forward.

IX. NEW BUSINESS

A. Resolution 2013-08 to amend the General Development Plan for the Milton Wilson-Airline Road Planned Development (PD), Uses Permitted in Parcel B from O-Office to R-MF Residential Multi Family.

Vice Mayor McKee recognized Heather Sparkes, Planner, who advised that the Planning Commission (PC) reviewed and made a recommendation for BMA approval at their meeting on March 18, 2013. She explained that should the Board approve this resolution, the project will go back to the Planning Commission for site plan approval and then to the Design Review Committee for approval of elevations, landscaping, screening, lighting, signage, etc. Ms. Sparkes then addressed a public hearing question regarding right-of-way dedication and advised that this was completed with the construction of Milton Wilson Blvd. and no further dedication will be required.

Vice Mayor McKee called for a motion.

Main Motion: Alderman Thompson made a motion to approve Resolution 2013-08.
Alderman McKee seconded the motion.

Vice Mayor McKee recognized Charles Goforth who advised that he represents Scarlett Barham, the current owner of the subject property. He explained that in 2000 the owner had the property zoned multiple family and in 2009, Scarlett Barham purchased the property. Mr. Goforth stated that Ms. Barham was not responsible for the zoning and no member of the current Board served in 2000. He provided a description of the property and its zoning noting that Parcel A, located at the corner of Airline and Milton Wilson Blvd., was zoned for commercial use; Parcel B, is the parcel requested to be amended from O-Office to R-MF Multi Family; and Parcel C was approved for 128 multi-family units. Mr. Goforth reiterated that the Board is only addressing the amendment to the Parcel B zoning to allow an additional 36 units, and regardless of the vote tonight, the already approved Parcel C apartments will be built. He explained that with the changes to the real estate market over the last few years, the demand for offices has decreased; however, on Parcel A, which is commercial, Walgreens has shown interest. Mr. Goforth explained that all municipalities in Shelby County have a percentage of apartments and there are segments of the population that desire to rent apartments for one reason or another. Mr. Goforth addressed the concern expressed during the public hearing regarding the prospect of a 20 percent property value loss due to the apartment complex in Bartlett. He noted that property values have decreased, regardless of the location, and attributed this decrease to the economy. Mr. Goforth clarified that Class B is just an older Class A and what they are saying is that this project would not have the amenities

which are part of a classified Class A project. He noted that the view from the resident's backyard would be of the 128 units that are already approved, not the 36 units being requested. Mr. Goforth advised that should Baptist build a hospital on the south side of Milton Wilson, a market for apartments may be created and if Arlington doesn't provide an apartment alternative, then a fair housing issue may be created. Mr. Goforth reviewed the surrounding zoning and also addressed several conditions the owner would be willing to accept for the entire apartment complex, Parcels C and B, such as electronic gated entries, wrought iron fencing along the front with brick columns on Milton Wilson, other fencing agreeable to the DRC, a minimum of 50 percent brick exterior on the buildings facing Milton Wilson, hardiboard siding, clubhouse, fitness area, swimming pool in the complex, on-site manager or assistant manager who do not reside in the complex, and covered parking for ten percent of the required parking.

Vice Mayor McKee addressed the question regarding the Baptist Hospital and noted that some time ago there was a plan for a cancer research facility; however, since then the subject has become quiet; therefore, the Town does not have any information regarding their plans.

Vice Mayor McKee called for Board discussion and recognized Alderman Thompson who stated that he appreciates everyone's views and opinions. He advised that he lives in Chapel Ridge and is also thinking about the impact of this project. He stated that he does not want apartment complexes on every corner in Arlington and explained that this is not what is being advocated - the reality is you cannot have a community without some apartments. He noted that as Mr. Goforth advised, federal government requires multi-family zoning. Alderman Thompson stated that the Board is trying to make the best of a decision that was made 13 years ago and, and even if they deny the amendment request, there is no legal way to change the zoning or to stop the construction of the 128 units in Parcel C. He noted that since the project is a planned development the Board is allowed flexibility in requesting certain conditions so that the Board achieves the best possible product for Arlington, and he advised that as chairman of the Design Review Committee, he guarantees that every effort will be made to ensure the project is built so that it sets a standard for any future apartment development in Arlington. Alderman Thompson reviewed the percentages of apartments in the various municipalities and noted that if the Board approves the 36 additional units, for a total of 164 apartment units, the Town's percentage will be increased from one percent existing to about five percent proposed. Alderman Thompson concluded by recommending approval of this amendment and making the project the best it can be. Vice Mayor McKee recognized Alderman Brooks who stated that he agrees with Alderman Thompson's position and reiterated that since the project was approved before any of the current Aldermen were elected, the main concern for them is to improve the project. He stated that he does not care for apartments; however, if Arlington had stopped development after he moved here in 1979, the majority of citizens present would not live here. Alderman Brooks stated that a subdivision was built next to the only apartment complex in Arlington and any drop in property values cannot be attributed to this development. He noted that Arlington is committed to keeping property values up, and if the project is done right, the apartments will not decrease values

as everyone fears. He noted that he does not like the idea of three-story buildings and would prefer no more than two stories; however, this is a moot point because three story buildings were approved in 2000. Mr. Goforth responded that the buildings east of the ditch and closest to the residents were approved as two-story. There was discussion. Alderman Thompson addressed the question regarding buffering and noted that the Town revised their Future Land Use Plan and pointed out the area of land provided to serve as a buffer between the commercial along Milton Wilson and the neighborhoods. He also noted that there is a stub street that eventually will cut through to Milton Wilson Blvd. Alderman McKee asked Mr. Goforth to address the condition he presented regarding the percentage required for brick. Mr. Goforth responded that they agreed to do 50 percent brick on the building exteriors that front Milton Wilson Blvd. Alderman McKee advised that he wants brick on all buildings, not just the ones on Milton Wilson. Mr. Goforth responded that they may do 40 percent brick on the rest of the buildings, and noted that due to the height of the buildings, brick that high can become a structural issue. He assured the Board that whatever is agreed upon, the Design Guidelines will be met. Alderman McGee asked for clarification that the Board has the authority to set conditions. Ms. Sparkes confirmed that because this is a planned development, the Board can set conditions and these conditions can be applied to all 164 apartments. Alderman McGee discussed the potential impact this project could have on Arlington schools, and noted that the school issues have not yet been resolved and it remains to be seen what will happen. Alderman McGee questioned whether or not adding three acres would improve the quality of life, and stated that he did not consider this to be a quality of life improvement. Vice Mayor McKee suggested that a condition be added that Parcels B and C be developed as one development to ensure that they are not sold as separate parcels in the future. He asked Mr. Lawson to ensure that this condition is properly worded and included. Vice Mayor McKee requested Ms. Durant to read the list of proposed conditions which included electronic gates at each entrance; minimum 50 percent brick along Milton Wilson and all other siding will be hardiboard siding; on-site manager; ten percent of the parking to be covered parking; and provide amenities to include pool, clubhouse and fitness center. Vice Mayor McKee suggested that the brick percentage be changed to a minimum of 60 percent on the building frontage. Alderman Thompson suggested the Board defer this requirement to the DRC to ensure that the project will meet the guidelines. Vice Mayor McKee then suggested that the electronic gate condition reflect dual electronic gates, one for ingress and one for egress at each entrance. He also noted that there will be open space provided for trails, etc. Vice Mayor McKee requested that Mr. Goforth address the condition for an on-site manager. Mr. Goforth responded that all other conditions would be acceptable, including the minimum of 60 percent brick; however, a manager or assistant manager will only be on site during office hours. He explained that managers do not live on site for several reasons, such as labor laws, income taxes, and housing requirements. Alderman McKee suggested that a manager does not have to live on site to be an on-site manager who is available on-call, 24 hours. There was discussion. Vice Mayor McKee asked Steve Hill, Town Engineer, to explain how this project may impact the Town's infrastructure and traffic. Mr. Hill advised that Milton Wilson was constructed to handle development along its route, and the multi-family development was taken into consideration in the design of this roadway.

He advised that Airline Road is going to be expanded to accommodate future traffic, and the Town's other infrastructure will be able to handle additional development. Vice Mayor McKee revisited the impact on schools and advised that the Town is hopeful that all will go well with the school issue. He suggested that it is possible they may not have three full schools. Alderman Thompson reviewed the following conditions and included the changes requested: minimum 60 percent stone or clay brick; Parcels B and C to be developed as one development; dual security gates at both entrances on Milton Wilson Blvd. for ingress and egress; amenities to include pool, clubhouse and fitness center; all other design requirements to be reviewed and approved by the Design Review Committee. Alderman Thompson called the question.

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

The motion passed with 4 – Yes and 1 – No.

Conditions of Approval:

1. Areas B and C shall be developed together at one time.
2. Electronic gates shall be used at each entrance/exit to the development.
3. All building exteriors shall have a minimum of 60 percent clay brick or stone.
4. A pool, clubhouse and fitness center shall be located on the property.
5. The development shall have an on-site manager.

B. Resolution 2013-09 to authorize a Professional Services Agreement with Kimley Horn & Associates for consulting services for the Arlington Major Road Plan Update.

Vice Mayor McKee recognized Heather Sparkes, Town Planner, who advised that this resolution is to authorize the Mayor to enter into an agreement with Kimley Horn & Associates for a Major Road Plan Update for the Town's transportation network predominately south of I-40. She advised that the Town is also requesting Kimley Horn to look at areas north of I-40 that need attention, including the stretch of Highway 70 included in the Depot Square Master Plan, transportation routes, bicycle/pedestrian trails, sidewalks, etc. Ms. Sparkes advised that the Town advertised for qualifications and one submittal was received and reviewed by Staff. Ms. Sparkes and Mr. Hill have recommended entering into the contract with Kimley-Horn. They have performed transportation planning for the Town in the past, and have been the engineering firm for the Memphis MPO Long-Range Transportation Plan.

Vice Mayor McKee called for a motion.

Main Motion: Alderman Thompson made a motion to approve Resolution 2013-09. Alderman Brooks seconded the motion.

Vice Mayor McKee called for discussion. Alderman McGee asked if this service would be hourly or a flat fee. Ms. Sparkes responded that the fee is a flat fee and is included in this year's budget and next year's budget.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion carried unanimously.

- C. Resolution 2013-10 to authorize a Development Agreement with River City Church for the construction of the River City Church Subdivision, located on the north side of Highway 70 east of Collierville-Arlington Road.

Vice Mayor McKee recognized Heather Sparkes, Town Planner, who advised that this a standard non-residential subdivision development agreement for the one-lot River City Church Subdivision on Highway 70 across from the TDOT Building. She advised that there will be road improvements to Highway 70 to include gutters, sidewalks, sewer, etc.

Vice Mayor McKee called for a motion.

Main Motion: Alderman Thompson made a motion to approve Resolution 2013-10. Alderman Brooks seconded the motion.

Vice Mayor McKee called for discussion. Alderman Thompson advised that this project has already gone before the DRC and was approved. There was a brief discussion regarding the site, including its location, fill requirements, detention and sewer construction under Hwy 70.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion carried unanimously.

- D. Resolution 2013-11 to re-appoint Thomas (Dickie) Wiseman to serve on the Shelby County Municipal Solid Waste Planning Board.

Vice Mayor McKee called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2013-11. Alderman McKee seconded the motion.

Vice Mayor McKee called for discussion and recognized Ed Haley, Town Superintendent, who advised that Mr. Wiseman has done an outstanding job over the years. Mr. Haley advised that it is beneficial to have someone representing Arlington and advised that all municipalities have a representative serving on this Board.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion carried unanimously.

- E. Resolution 2013-12 to authorize a contract with Alexander Thompson Arnold PLLC to conduct the Annual Financial Audit for fiscal year ending June 30, 2013.

Vice Mayor McKee recognized Catherine Durant, Recorder/Treasurer, who advised that this is the same audit firm the town has used for the last several years, and noted that they have done a good job and explained some of their practices for ensuring a good audit. She stated that they are proposing a fee increase to \$18,270 versus \$17,400 for last year's regular audit and an increase to \$3,500 versus \$3,200 last year for the single audit for a total fee of \$21,770. Alderman Thompson disclosed that he will abstain from voting because in July 2012 he was hired by ATA Technologies which is a separate company but partially owned by the partners of Alexander Thompson Arnold PLLC.

Vice Mayor McKee called for a motion.

Main Motion: Alderman McKee made a motion to approve Resolution 2013-12.
Alderman McGee seconded the motion.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion passed with 4 – Yes and 1 - Abstain.

- F. Resolution 2013-13 to authorize a contract with the City of Memphis for Animal Services.

Vice Mayor McKee recognized Gerald Lawson, Town Attorney, who advised that this is actually for Shelby County Animal Services and noted that this agreement covers vector and rabies control services at no cost to the Town.

Vice Mayor McKee called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2013-13.
Alderman Brooks seconded the motion.

Vice Mayor McKee called for a Primary Amendment to amend the resolution.

Primary Amendment: Alderman McKee made a motion to amend Resolution 2013-13 to replace the "City of Memphis" with "Shelby County."
Alderman Thompson seconded the motion.

Vice Mayor McKee called for a vote on the primary amendment.

Vote on Primary Amendment: The motion carried unanimously.

Vice Mayor McKee called for discussion. Hearing no reply, he called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

- G. Resolution 2013-14 to authorize a Land Disturbance Permit for property located generally south of Kensington PD and north of the Villages at White Oak, Phase 1, known as the Canale Property.

Vice Mayor McKee recognized Heather Sparkes, Town Planner, who advised that this request is to provide a four-acre area to the contractor to obtain fill dirt for the construction of Milton Wilson. She noted that this is a separate agreement from the road construction. She noted that the Planning Commission recommended approval of this land disturbance permit on April 1, 2013.

Vice Mayor McKee called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2013-14. Alderman Thompson seconded the motion.

Vice Mayor McKee called for discussion and recognized Alderman Brooks who asked if the dirt would need to be replaced when the area around Milton Wilson Middle is developed. Steve Hill, Town Engineer, responded that dirt would not need to be replaced. Ms. Sparkes noted that there will likely be more land disturbance as the subdivision is developed.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion carried unanimously.

- H. Resolution 2013-15 to authorize a contract with () for the construction services for the Arlington Community Safe Room, FEMA Project Number HMGP-1909-00034.

Vice Mayor McKee advised that this item has been pulled from the agenda.

- I. Resolution 2013-16 to authorize a contract renewal with Library Systems and Services, LLC, to continue to provide all library management services, staffing and ancillary services for the Sam T. Wilson Library.

Vice Mayor McKee recognized Catherine Durant, Recorder/Treasurer, who advised that the current contract expires June 1, 2013, and provisions were provided for two, one-year extensions. She stated that Staff is pleased with the services provided by LSSI and does respectfully request that LSSI consider extending the contract for the two, one-year periods, changing the contract expiration to June 1, 2015. Ms. Durant noted that a fee schedule is included for years five and six if the contract is extended. She noted that the contract for 2013-2014 will include two previously approved amendments to add a half-time

staffer and increase the materials line item budget for LSSI. She noted that between 2013 and 2014 there will be some increases, which include a 9.0 percent increase in total cost for additional items and a 3.5 percent cost of living increase for the employees between 2013-2014 and 2014-2015. Vice Mayor McKee recognized Ed Haley, Town Superintendent who reiterated that LSSI and its staff have done an excellent job.

Vice Mayor McKee called for a motion.

Main Motion: Alderman McGee made a motion to approve Resolution 2013-16.
Alderman McKee seconded the motion.

Vice Mayor McKee called for a vote on the main motion.

Vote on Motion: The motion carried unanimously.

J. Other as Properly Presented

1. Alderman Brooks advised that the Town's new fire truck was recently christened.
2. Chris Burcky, 11900 Campbell Street, announced Arlington in April is scheduled for April 27, 2013, from 10 a.m. to 4 p.m. and the rain date is April 28, 2013, 12 to 5 p.m.
3. Alderman McKee announced that the Taste of Arlington is Sunday, April 7, 2013, at AHS from 5 to 7 p.m.
4. Mr. Haley announced the lawn mower races will be held on April 13, 2013, and benefit Relay for Life.
5. Alderman McGee announced that Relay for Life is scheduled for Saturday, May 4, 2013, from 6 p.m. to 6 a.m. in Depot Square.
6. There was no other new business presented.

X. **APPROVAL OF BILLS**

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

Vice Mayor McKee called for discussion. Hearing no response, he called for a vote.

Vote on Motion: The motion carried unanimously.

XI. **ADJOURNMENT**


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

Meeting adjourned.



Mike Wissman, Mayor

Date 5-6-13



Catherine D. Durant, Recorder

Date 5-6-13

Submitted By: Theresa Smith, Planning Clerk