

# Town of Arlington

5854 Airline Road, Arlington TN 38002



**Board of Mayor and Aldermen**

**September 5, 2017**

**6:30 P.M.**

## MEETING MINUTES

### **I. Call to Order and Roll Call.**

#### Present

Mike Wissman, Mayor  
Larry Harmon, Alderman  
Hugh Lamar, Alderman  
Jeff McKee, Alderman  
Oscar Brooks, Alderman  
Harry McKee, Vice Mayor  
Brian Thompson, Alderman

#### Others Present

Catherine Durant, Town Administrator  
Brittney Owens, Recorder/Treasurer  
Angela Reeder, Town Planner  
Gerald Lawson, Town Attorney  
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 Hugh Lamar.

### **III. Pledge to the Flag.**

The Pledge of Allegiance was led by Ron Wickens.

### **IV. Approval of the minutes from August 7, 2017**

**Motion:** Alderman Lamar made a motion to approve the Board of Mayor and Aldermen minutes of August 7, 2017. Vice Mayor McKee seconded the motion.

The motion carried unanimously.

### **V. Grievances and Comments from Citizens.**

Mayor Wissman asked if any citizen wished to address the Board to please come to the podium, state his/her name and address for the record. He reminded everyone this is not a question and answer session.

Mayor Wissman recognized Ron Wickens, 12575 Forrest Street. Mr. Wickens discussed the issues on his property that have taken place since development has occurred regarding trees and pooling of water.

There were no further comments.

## **VI. Communication from the Mayor.**

### **A. Shelby County Sheriff's Department Incident Report for the Month of August.**

There was no representative present. The full report is on file at Town Hall.

### **B. Arlington Fire Department Report for the Month of August.**

Mayor Wissman recognized Assistant Chief McMillen. Assistant Chief McMillen stated that there were one hundred twelve (112) responses, with 67 being fire, and 45 being EMS. There were thirty (30) calls on or south of I-40. The full report is on file at Town Hall.

Alderman Lamar inquired about siren testing. Chief McMillen advised that sirens are tested every Wednesday at 3:30 PM, weather permitting.

### **C. Other as properly presented**

1. Mayor Wissman thanked Terry Perkins and staff for the work they did in preparing for Hurricane Harvey. Mayor Wissman recognized Terry Perkins, Public Works Director. Mr. Perkins stated that staff looked at hot spots, detention basins, etc. and they monitored throughout the storm. Alderman Brooks stated staff did a great job with the storm.
2. Mayor Wissman recognized Tonia Howell, Chamber of Commerce. Ms. Howell noted that Saturday, September 9<sup>th</sup> is the 5K benefitting the Arlington Education Foundation and the Chamber lunch will be Wednesday, September 13<sup>th</sup>. Joe Birch will be the speaker and Healthy Arlington will have a check presentation at the lunch.
3. Mayor Wissman spoke to equipment for videoing meetings. If there are questions, contact Ms. Owens or Ms. Durant.
4. Mayor Wissman explained that the Baptist facility was not approved at the Certificate of Need hearing in Nashville. He advised that it is in an appeal process right now for at least six months.
5. Mayor Wissman noted that the new Fire Chief is scheduled to start September 25<sup>th</sup>. If Tennessee Task Force One is called in for Hurricane Irma, he could be deployed, delaying his start date.
6. Mayor Wissman reminded everyone that early voting started this week and will go through September 21<sup>st</sup>.
7. Mayor Wissman recognized that this would be Alderman Lamar's last Board Meeting. He thanked him for his service to the Town.

## VII. Committee Reports

Mayor Wissman advised that the Planning Commission, Design Review Committee, and Arlington Community School Board met during the month of July. The reports are on file at Town Hall and have been provided to the Board.

Alderman Thompson read the Treasurer's report into the record (on file).

Brittney Owens, Town Recorder/Treasurer advised that June 30<sup>th</sup>, 2017 books are now closed and Auditors would be on-site September 11<sup>th</sup>-15<sup>th</sup>.

## VIII. Old Business

There was no old business brought forward.

## IX. New Business

Mayor Wissman asked if there was any objection to moving Item H to the first item. Hearing no objection, Mayor Wissman advised that Item H would be heard first.

### **H. Resolution 2017-51 to amend the Arlington Community Schools Budget for the 2017-2018 operating budget**

**Main Motion:** Alderman Thompson made a motion to approve Resolution 2017-51. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion or questions. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

### **A. Resolution 2017-44 to approve a Master Development Plan for the Villages at White Oak 1<sup>st</sup> Addition PD, Phases 2-20, a roughly 270 acre primarily residential development on the East and West sides of Milton Wilson Blvd, South of the Kensington PD.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder stated that this is a Master Development Plan for the remaining Phases of the Villages of White Oak, First Addition which covers 274 acres and includes 567 homes with some commercial space. In February of 2016, the Board of Mayor and Aldermen approved the General Development Plan for this project and a Master Development Plan for Phase 1 was approved in August 2016. Ms. Reeder advised that Keith Grant with Arlington Investors Group is asking for approval of a Master Development Plan for the remainder of the Planned Development, including phases 2-20.

She explained that the Master Plan proposes 433 homes in the remaining phases which is six fewer than the approved General Development Plan, as some were lost due to topography and a stream on the southwest corner of the site. She stated that the remaining phases include lots from all eight of the different lot types that were approved.

Ms. Reeder advised that the west side of Milton Wilson Boulevard still includes roughly 6-acres of commercial sites with the remaining area as open space with no amenities identified. She noted one change in uses is that Area 15 has been renamed, "Lifestyle Community with Universal Design" as opposed to "Age Targeted" which is a term no longer used in the senior housing community.

Ms. Reeder advised that the plan has four designated Common Open Space Areas totaling 47.9 acres, and is consistent with the General Development Plan. Bulk regulations are consistent with lot sizes, building setbacks, and minimum home sizes. The only exception is Area 15, where the applicant states a typo in the General Development Plan noted 7,500 sq ft lots, but the plan was drawn and intended to have 6,250 sq ft lots. As a result, while a new lot size is noted, the setbacks and number of senior lots has not changed. The Design Standards that require all buildings have a minimum of 50% brick façade (residential and commercial) and call for them to match the stated architectural styles. Ms. Reeder stated there are no road improvements required along Milton Wilson Boulevard other than landscaping. Ms. Reeder stated the applicant has submitted a request for a reduction of the distance from an intersection at the corner to a driveway. The code currently requires 50' from the end of turn radius to the center line of a driveway, and the applicant has proposed a minimum 20' corner clearance, with 25' and 30' on larger lots. In situations where a proposed lot is at the corner of an interior local road and arterial or collector street, staff recommends a 50' minimum corner clearance still be required, due to higher speeds on those roads and related longer distances required to stop a vehicle at those speeds. Staff found the City of Memphis and Town of Collierville have a similar 20' minimum corner clearance requirement, whereas the City of Germantown simply states the corner should be as far from the end of radius as practicable.

Ms. Reeder stated the Master Development Plan is required to provide a phasing schedule and advised that the proposal shows development of the remaining phases over the next 14 years. She noted that the commercial lot (Area 3) is not included in the phasing plan, and is intended to develop at any point based on market demands. The applicant is proposing to utilize a decorative street light with LED fixtures for all phases of the Villages of White Oak 1<sup>st</sup> Addition PD, as opposed to the standard 30' concrete cobrahead lights from MLGW. An exhibit of the 12-foot-tall metal pole and fixture is included in the plan. The proposal would require the Town to enter into a contract with an outside company to perform maintenance on an as needed basis. Staff recommended the lights remain with the current Town standard, unless future data reveals the cost and added responsibilities can be accepted by Town staff.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-44. Alderman Thompson seconded the motion.

Mayor Wissman called for a motion to suspend the Board of Mayor of Aldermen Meeting and Open a Public Hearing.

**Motion:** Alderman Brooks moved to suspend the Board of Mayor and Aldermen Meeting and open the Public Hearing. Alderman Thompson seconded the motion.

Mayor Wissman stated that notice of public hearing was published in The Commercial Appeal on August 19, 2017. Any wishing to speak for or against this request, please stand to be recognized. State your name and address for the record.

Comments:

Lorie Boyd 12535 Harrell Road, stated that the landscaping chosen to be used on Milton Wilson is crucial as it blocks her view when making a left hand turn from Harrel Road.

Harry Spore, 12252 S Fork Drive, expressed his concerns with the 20' setback on driveways in the Senior Lifestyle phase. He believes that more setback would provide more parking to prevent problems that other neighborhoods are facing now.

Ray Ghazali, 5509 Stansbury Lane, expressed his concern for smaller lots and the senior restrictions.

After hearing no further comments, Mayor Wissman called for a motion to close the Public Hearing and resume the Board of Mayor and Aldermen Meeting.

**Motion:** Alderman Brooks made a motion to close the Public Hearing and resume the Board of Mayor and Aldermen meeting. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion. Mayor Wissman explained the discussion that took place at the Planning Commission meeting and stated the three main issues that were discussed. The first was concerning the driveways on corner lots. The second was the discussion regarding the Street Light proposal. The final concern was the Age Requirement on certain phases. Alderman Thompson stated that staff will need to research and ensure that our policies remain up to date.

Vice Mayor McKee inquired about the 20' to 30' distance of the driveway and what precedence that would set. Ms. Reeder explained that the different minimums proposed based on lot size and the PD clarifies that. Jason Allen, Town Engineer, explained that staff currently measures to the center line of the driveway for this separation and that staff is recommending the 20' reduction that is requested be measured from the end of the radius to the nearest edge of the driveway. The discussion continued. The applicant, Mr. Grant, requested even the minimum 20' separation still be measured to the center line, as proposed. Alderman Thompson inquired about the amount of lots staff's proposed change would affect. Mr. Grant responded that it would affect a good number of lots in the Master Plan. Alderman Thompson stated the driveways would still have to be reviewed at the building permitting process. The Board agreed to listen to the Town Engineer's recommendation with regard to the corner clearance reduction.

Mayor Wissman asked Ms. Reeder to clarify the condition and proposal in regards to street lighting. Ms. Reeder advised staff recommends to remain with current standards due to the unknown of the new proposal and a condition is proposed to approve with current conditions unless the Board of Mayor and Aldermen agree to change. Mr. Grant explained his proposal and that it would need to be consistent throughout the entire subdivision. Ms. Reeder stated that staff has not had adequate time to research the proposal and what affects it could have on our staff in regards to maintenance. Mr. Grant stated he understood and offered to assist the Town in obtaining contacts and collecting information to further vet his proposal. Alderman Brooks and Thompson stated that they do not believe we are in the position to take on that large of a project at this time. They reconfirmed that the entire subdivision would need to use the same lights and therefore the timing of collecting research to support or deny the proposal is critical.

Mayor Wissman recognized Keith Grant to discuss the Age Targeted recommendation. He explained the process of a feasibility study and how it determines if age restricted housing can be supported in a community. Mr. Grant's consultant, Brian Quaran of ProMature Group, explained that his company is a Senior Housing Research Group. He explained what goes into conducting a research study for this type of development, the terminology, and what attracts residents to these adult communities. He explained that easy access to amenities such as churches, hospitals, shopping, civic events, and doctors offices are what the advanced in age are looking for in a neighborhood. He stated this is a challenge for Arlington given the current infrastructure, but it could likely change in the next 15 years.

Mayor Wissman asked if an age restriction on the PD could be changed at a later date. Ms. Reeder stated that it could, as a Planned Development can be amended, but it would have to be at the developer's request. Alderman Thompson explained the proposed start date of 2029 for this phase is too far out to know what the demand will be. He proposed to add a condition that would require a feasibility study be conducted to determine the need at that time. Mr. Grant stated he plans to use a company that specializes in this area to determine the need before he builds. Alderman McKee expressed his desire to place the most restrictive requirements on the PD now and allow the developer to come back and request a change later, if needed. Alderman Brooks stated one of the driving forces behind his support of the original PD in 2006 was the senior community, and he would like it to remain a senior community. Alderman Harmon and Vice Mayor McKee expressed their desire for this to remain the most restrictive at this time.

Mr. Grant recommended two options, either to only restrict half of the phase and leave remaining as Universal Design, or to add a condition that requires a feasibility study and if it doesn't support restricted the lots will revert to the regulations of one of the other products in the PD. The discussion continued.

**Motion:** Alderman Thompson made a motion to table Item A until later in the meeting. Alderman McKee seconded the motion.

**B. Resolution 2017-45 to approve a General Development Plan for City Enterprises PD, a roughly 10-acre commercial development located on the Northwest corner of Highway 64 and State Route 385**

This item was pulled at the Applicant's Request.

**C. Resolution 2017-46 to approve a Development Agreement for Forrest Lake Phase 2, located on the North side of Forrest Street, West of Cambridge Manor PD.**

Mayor Wissman recognized Angela Reeder. Ms. Reeder advised that Phase 1 is currently under construction along Forrest Street and Phase 2 is located immediately north of that. The plans for this phase include a total of 38 single-family residential lots and a large associated open space lot, which includes a lake at the north end. Construction plans were approved in July and the applicant most recently received approval of Final Plat at the Planning Commission's August 2017 meeting. Development fees to be paid in association with this agreement for Phases 2, total \$195,830 and the Town Engineer's estimate of the cost of public improvements is attached. Staff recommends approval of the resolution authorizing Mayor Wissman to enter into a Development Agreement with Belmont LLC for the Construction of the Forrest Lake PD, Phase 2.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-46. Alderman McKee seconded the motion.

Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**D. Resolution 2017-47 to approve a Development Agreement with Enterprise Realtors, Inc. for the conversion of a home located at 6299 Chester Street Zoned B-3 Downtown Commercial, to an Office Use.**

Mayor Wissman recognized Angela Reeder. Ms. Reeder explained that this is a resolution to allow for the execution of a standard Development Agreement for a project at 6299 Chester Street. It is in the B-3 Downtown Commercial Zone on a quarter of an acre lot. The applicant received approval from the Planning Commission in April 2017, to convert an existing single story home to an office use. To facilitate the conversion, the applicant is improving the driveways, adding parking at the rear of the site, and adding ADA access. In addition, some improvements are required along the site's street frontage (curb, gutter and sidewalk). Staff recommends approval.

**Main Motion:** Alderman Lamar made a motion to approve Resolution 2017-47. Alderman Thompson seconded the motion.

Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**E. Resolution 2017-48 to award bid for project known as Public Works Building Painting Project, to Grace Construction.**

Mayor Wissman recognized Terry Perkins, Public Works Director. Mr. Perkins advised that the Town received 5 bids for the painting of two metal buildings at the Public Works Complex. Two of the bids did not meet requirements to be opened and read aloud and were therefore rejected as non-conforming. After reviewing the remaining bids, staff recommends the bid be awarded to the lowest, most qualified bidder Grace Construction.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2017-48. Alderman Lamar seconded the motion.

Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**F. Resolution 2017-49 to award bid for project known as Outdoor Baseball/Softball Scoreboards to Pyramid Signs**

Mayor Wissman recognized Kevin Carter, Parks and Recreation Director. Mr. Carter advised that the Town received 3 bids for the replacement of four scoreboards at the Arlington Sports Complex. Bids were opened and read aloud on August 25<sup>th</sup>. Staff recommends the bid be awarded to the lowest, most qualified bidder, Pyramid Signs.

**Main Motion:** Vice Mayor McKee made a motion to approve Resolution 2017-49. Alderman Harmon seconded the motion.

Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**G. Resolution 2017-50 to enter into an Arlington Athletic Facility Provider Agreement with Arlington Youth Sports Cheer**

Mayor Wissman recognized Kevin Carter. Mr. Carter advised that this is a standard contract with AYS Cheer and that staff recommends approval.

**Main Motion:** Alderman Lamar made a motion to approve and Alderman Harmon seconded.



Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**Motion:** Alderman Brooks made a motion to put Item A back on the table. Alderman Thompson seconded the motion.

Mayor Wissman asked Mr. Allen if they were able to resolve staff's final engineering comments with the applicant. Mr. Allen noted there were two items to clarify, one regarding an intersection with a larger turn radius. He noted that those lots on winding roads with overly large radius would be reviewed on a case by case basis, with the goal to move the driveway as far from the corner as possible. and whether he had concerns about any of them. The other clarification was regarding the permanent cul-de-sac for Area 17, where at the PC meeting discussed that this area would not be dedicated to the Town and would remain private as part of the HOA of the existing Villages of White Oak. Mr. Grant would install a final wearing surface, but curb, gutter and sidewalk would not be installed. Mr. Grant said he concurred with each of those comments from engineering. Mr. Lawson pointed out that the HOA would be accepting maintenance obligations for that area with this proposal. The Mayor said that he thought the area would be improved with a final surface only and dedicated, but not improved. Mr. Grant accepted this and asked how that would occur. Mr. Lawson noted that the land would be deeded to the HOA and it would be then their responsibility to dedicate the cul-de-sac to the Town, and the Town would be willing to accept it.

The Board asked if the applicant understood the lights would remain with MLGW unless justification was brought back to the Town to change it, and that Area 15 would remain Age Restricted, unless amended in the future. Ms. Reeder recommended if that was the intent for Area 15, that a condition be added regarding Age Restricted, as the PD currently proposes Universal Design. After discussion, the Board felt that if not age restricted, the area would need to blend better with the surrounding homes and lot sizes. Two recommended conditions were stated as 1) revise language to note Area 15 shall be Age Restricted per the Fair Housing Act, and 2) revise language to note driveways shall be a minimum of 20 feet measured from the end of corner radius to the nearest edge of driveway, except in unique situations where current regulations will be adhered to for lots that intersect a collector or arterial street and winding roads where separation will be considered on a case-by-case basis by the Town Engineer and Planner.

Alderman McKee asked for clarification of the phases on the west side of Milton Wilson. Ms. Reeder explained that other than Area 3, the retail portion, all the remaining land on that side of Milton Wilson is unimproved open space and would be deeded with those phases. Alderman McKee also asked about timing of the median improvements. Ms. Reeder noted a condition was added at the Planning Commission that the remaining medians would be improved with the first four phases of the development. Alderman McKee said sooner than later would be his

preference. Mr. Grant noted that most is being installed with 1A and 1B, currently under construction. He confirmed that with his next two phases, the remaining would be installed.

**Motion:** Alderman Brooks made a motion to add the two discussed conditions. Alderman Harmon seconded the motion.

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

Mayor Wissman called for discussion. Hearing no further comments, Mayor Wissman called for a vote on the main motion with the two added conditions.

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

#### **CONDITIONS OF APPROVAL**

1. The Master Development Plan, dated August 4, 2017, if approved by the Board of Mayor and Aldermen, may be subject to revisions as a result of engineering design and Town technical specification considerations. The Town's Zoning Ordinance, Subdivision Regulations, Stormwater Regulations and Technical Specifications Manual shall govern development of the Subject Property unless specifically modified as part of the approved General and Master Development Plans.
2. Upon approval of the Board of Mayor and Aldermen, the Planned Development shall be recorded with the Shelby County Register of Deeds.
3. The site plan submitted, showing the locations of roads, lots, open space, and detention areas is subject to final review and approval of the various Boards, Commissions and Committees with the applications for final plats, construction plans, and all the required documents of those applications.
4. A Development Agreement, representing a binding agreement between the Developer and the Town of Arlington pertaining to all conditions of approval, including the submitted Master Development Plan (as amended), shall be required prior to beginning work on any and all phases of this development.
5. All open space proposed as part of the Master Development Plan shall be privately owned and maintained by a homeowners association.
6. Revise the Master Development Plan document to:
  - a. Revise language in IX. Water Service/Utilities to note all street lighting shall be the MLG&W approved fixture as required by the Town of Arlington, Subdivision Regulations, or, by the approval of the Mayor and Board of Alderman and the Planning Commission for the Holiophane Dunwoody Aluminum Pole with Granville II LED (see E8) throughout all phases of The Villages at White Oak 1<sup>st</sup> Addition including 1A and 1B.
  - b. Add language to Section V Landscaping, Screening and Open Space to describe the white 3-rail fence to be used in COS areas to distinguish them in the neighborhood.

- c. Delete item Q in section V. Landscaping, Screening and Open Space, which is currently an incomplete sentence, and appears to repeat Item A.
- d. Remove language specifically referencing T.C.A. § 13-4-310. The Town is bound to follow state law and strives to do so.
- e. Add language to Section C regarding Area 17 and when the common open space will be dedicated to the adjacent Villages of White Oak HOA, as well as installation of the final wearing surface to construct a permanent cul-de-sac that was agreed upon at the Planning Commission meeting on December 21, 2015, when the GDP was approved for the Villages of White Oak PD 1st Addition.
- f. Address all engineering comments throughout, which include but are not limited to minimum corner clearance requirements.
- g. Add language to Section C regarding Area 17 that the two-acre lot will be deeded to the Village of White Oak HOA from the Village at White Oak – 1<sup>st</sup> Addition Project with the recording of the Deed being in conjunction with one of the next two phases in the current White Oak Development.
- h. Item “N” in Landscaping and Open Space section of the Master Development Plan revised to read, “must be installed with the first 4 phases.”
- i. Revise language to note Area 15 shall be Age Restricted per the Fair Housing Act.
- J. Revise language to note Driveways shall be a minimum of 20’ from the end of a corner radius to the nearest edge of a driveway. Current regulations will be adhered to for lots on the corner of a collector or arterial street. Winding road lots will be considered on a case-by-case basis to be reviewed by the Town Engineer and Planner.

**X. Approval for bill for payment**

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

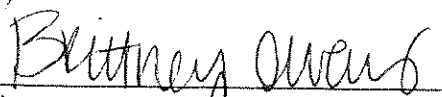
**XI. Adjournment:**

**Main Motion:** Alderman Thompson made a motion to adjourn. Alderman Lamar seconded.

**Meeting Adjourned.**

  
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Mike Wissman, Mayor

10/2/17  
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Date

  
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Brittney Owens, Recorder

10/2/17  
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Date