Town of Arlington
5854 Airline Road, Arlington TN 38002
Board of Mayor and Aldermen
February 3, 2020
6:30 P.M.

MEETING MINUTES

I. Call to Order and Roll Call.

Present
Mike Wissman, Mayor
Larry Harmon, Alderman
Jeff McKee, Alderman
Oscar Brooks, Alderman
Harry McKee, Vice Mayor
Jeremy Biggs, Alderman

Others Present
Catherine Durant, Town Administrator
Gerald Lawson, Town Attorney
Wiseman, Alderman

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

II. Opening Prayer.

Opening prayer was led by Alderman Jeremy Biggs.

III. Pledge to the Flag.

The Pledge of Allegiance was led by Gerald Turner.

IV. Approval of the minutes from January 6, 2020

Motion: Alderman McKee made a motion to approve the minutes from January 6, 2020.
Alderman Brooks 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 was not a question and answer session.
Jennifer Walls; 5883 Chester Street. Mrs. Walls stated that she wanted to acknowledge her aunt’s property that is located on the southwest and southeast corner of Collierville-Arlington Rd & I-40 along with a piece that borders Milton Wilson. Mrs. Walls concern is that with the new Land Use Plan, these parcels of land will change from current zoning to something other than residential. Mrs. Walls stated that in her aunt’s trust documentation, it states that it is up to the trustees to liquidate all real estate holdings. However, per her aunt’s wishes, Mrs. Walls noted that the documentation also stated that land is not to be sold to developers in fear that it in doing so it would be disruptive for the Town. Per the proposed Land Use Plan the land is in the orange section which will allow the possibility that this parcel could be turned into apartments or subdivisions. Mrs. Walls would like the board to take into consideration on how this land is designated and would like the preservation to stay the same as it has been.

Kaliyah Griffin; 5567 Southern Winds Dr. Mrs. Griffin wanted to say thank you for listening to the concerns for the Land Use Plan. She noted there has still be confusion in the community for homeowners that have existing homes in which some of the rezoning is taking place. Mrs. Griffin would like the board to know that it would be a great gesture to these homeowners if they could put some minds at ease by approving the appropriate zoning for the specific areas.

VI. Communication from the Mayor

A. Shelby County Sheriff’s Department Incident Report for the Month of January.

Mayor Wissman introduced Deputy Mercer. Deputy Mercer stated last month the crime report showed that there were 4 thefts from vehicles, thefts were due to car doors being unlocked. There were also 2 thefts from mailboxes, the detective on the case has confirmed an arrest has been made. Full report is on file at Town Hall.

B. Arlington Fire Department Report for the Month of January.

Mayor Wissman recognized James Harvill, Fire Chief. Chief Harvill stated that there was a total of 77 responses with 39 of them being EMS calls. There were 10 calls south of I-40 and 8 calls on I-40. Chief Harvill also stated that Engine 72 was placed in service on Monday, January 20, 2020. Engine 49 is in the shop being sanded and prepped for paint. The engine, brakes, and interior are also being repaired; the station is hoping to have the engine back by December. All three shifts also completed 8 hours of EMS and Hazmat Inservice training.

Mayor Wissman asked how the station has been adapting to having two crews on the same shift. Chief Harvill stated that it has been very helpful to have both engines active. Full report on file at Town Hall.

C. Committee Appointments
Industrial Development Board:

New Committee members include:
Erik Howell EXP 1/21
Don Hinkle EXP 1/22
Glen Bascom EXP 1/24
Russell Wiseman EXP 1/24
Dwight Barker EXP 1/24

D. Other as properly presented.

1. Mayor Wissman and staff met with the State Development Center trying to acquire some land off Milton Wilson near the sports complex. The land acquired would be used for a school or other municipal facility.
2. Chamber of Commerce monthly luncheon will be held Wednesday, February 12th.
3. Mayor Wissman noted that sign up for the annual TML conference is still going on, stated those that need to sign up please do.
4. Mayor Wissman noted that the conversation about the Shelby County Wheel Tax and the allocation of funds is still ongoing. He stated that commissioner Mills is stepping up to defend the areas of the county that she represents.
5. Mayor Wissman stated that Tammy Mason, Superintendent of Arlington Community School gave her resignation effective June 30, 2020.

VII. Committee Reports

Mayor Wissman stated the Planning Commission and Design and Review Committee, Financial Advisory Board, Parks and Recreation Advisory Board and Health and Safety Committee met during the month of January.

The Treasurer's report for the month of January and the financial reports had been given to the Board. Treasurer report for the month of January was read aloud by Vice Mayor McKee for recording purposes. Full report is on file at Town Hall.

VIII. Consent Agenda

A. Resolution 2020-05 to authorize Mike Wissman in his capacity as Mayor of the Town of Arlington, Tennessee, to enter into an Arlington Athletic Facility Provider Agreement with Arlington Lacrosse.

B. Resolution 2020-06 to authorize Mike Wissman in his capacity as Mayor of the Town of Arlington, Tennessee, to enter into an Arlington Athletic Facility Provider Agreement with Arlington Arsenal Baseball.
C. Resolution 2020-07 to authorize Mike Wissman in his capacity as Mayor of the Town of Arlington, Tennessee, to enter into an Arlington Athletic Facility Provider Agreement with Arlington Youth Baseball and Softball.

Mayor Wissman called for a motion to approve the consent agenda.

Main Motion: Alderman Brooks motioned to approve Resolution 2020-05, Resolution 2020-06, and Resolution 2020-07. Alderman Harmon seconded the motion.

Mayor Wissman called for discussion and questions. Hearing none called for a vote on the main motion.

Vote on Main Motion: The motion carried unanimously.

IX. Old Business

A. Second and Final reading of Ordinance 2020-01 to amend the Town of Arlington, Tennessee Budget for Fiscal Year ending June 30, 2020. (PUBLIC HEARING)

Mayor Wissman recognized Catherine Durant, Town Administrator. Mrs. Durant stated that there was a typographical error from the last reading, a figure didn’t translate over per some backup documentation. The correction has been noted and is reflected under the General Fund Revenue totaling at $697,433.00. There was also some added notation under General Fund Expenditures for the completion of the Tennis Complex, the second fire station as well as Forrest Street Campus. Both the Tennis complex and Fire Station is from a designated fund balance and the Forrest Street Campus is coming from a loan draw down. Mrs. Durant stated that under Public Works, there has been an amendment made under machinery and equipment. With the purchase of a milling attachment staff will be able to do more repairs and improvements in house versus outsourcing. Staff is asking to amend that line item for $11,957.00. Under the Parks department, staff is asking to purchase a mower to replace the one that caught fire last year. The purchase would be made with insurance recoveries.

Mrs. Durant noted that under Sewer expenditures staff was asked to reallocate $125,000.00 originally budgeted in line item 900 for storage building to classifier. The director and staff would like to reallocate the money on the items presented in list format presented to the Board. The main reallocation of the funds would target the functionality of the treatment plant. Mrs. Durant wanted to state that $600,000 was also budgeted from reserves for biosolids removal and the upcoming Lillian Bend Lift Station. Staff recommends approval and full report can be found on file at Town Hall.
Mayor Wissman called for a motion to approve Ordinance 2020-01.

**Main Motion:** Alderman Brooks motioned to approve Ordinance 2020-01. Alderman Biggs seconded the motion.

Mayor Wissman called for a motion to suspend the Board Meeting and open a public hearing.

**Motion:** Vice Mayor McKee made a motion to suspend the meeting and open a public hearing. Alderman Biggs seconded the motion.

**Public Hearing: Second and Final Reading of Ordinance 2020-01 to amend the Town of Arlington, Tennessee Budget for Fiscal Year ending June 30, 2020.**

Mayor Wissman stated that notice of a public hearing was published in The Commercial Appeal on January 13, 2020. He further stated that anyone wishing to speak for or against this request to please stand and be recognized.

Hearing no further discussion, Mayor Wissman called for a motion to close the public hearing.

**Motion:** Vice Mayor McKee made a motion to close the public hearing and resume the Board meeting. Alderman Biggs seconded the motion.

Mayor Wissman called for discussion or questions. Mayor Wissman noted that staff is here to answer any questions. Hearing no further discussion or questions, Mayor Wissman called for a vote on the main motion.

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

B. **Other as properly presented**

There was no further business brought forward.

X. **New Business**

A. **First reading of Ordinance 2020-02 to rescind Ordinance 2010-09 and the Town of Arlington Land Use Plan adopted in October of 2010.**

Mayor Wissman recognized Gerald Lawson, Town Attorney. Mr. Lawson stated this was the first reading of Ordinance 2020-02, which would rescind Ordinance 2010-09 that approved the Town’s Future Land Use Plan in 2010. An updated Future Land Use Plan was adopted by the Planning Commission on January 21, 2020 and subsequently presented to the Board. Since the previous Land Use Plan
was adopted by ordinance and it has now been replaced by the Planning Commission, this ordinance would serve to rescind the previous Plan. In addition, changes in state law since 2010 make it no longer necessary for the updated Land Use Plan be adopted by Ordinance, and as such the Board will recognize the updated plan by Resolution. Staff recommended approval.

Mayor Wissman called for a motion to approve First Reading of Ordinance 2020-02.

**Main Motion:**
Alderman McKee made a motion to approve Ordinance 2020-02. Alderman Biggs seconded the motion.

Mayor Wissman called for discussion or questions. Alderman Biggs asked if this was going to be read twice. Mr. Lawson confirmed it would have a second reading along with a public hearing next month, in which a vote will take place.

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

**Vote on Main Motion:**
The motion carried 5 to 1, with Alderman Harmon voting no.

**B. Resolution 2020-04 designating the Updated Future Land Development Plan as a guide for Physical Development.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder stated in 2018 the Town decided to update the Future Land Development Plan due to the many changes and unprecedented growth seen in Arlington since its adoption. In 2019, with the help of Fisher and Arnold and a subcommittee of appointed Town residents, an updated plan and map was presented, and discussed by the Planning Commission in August 2019. Afterwards, there were several meetings with the Board and a joint PC/BMA meeting to discuss revisions. Ms. Reeder stated on January 21, 2020, an updated plan was presented at an advertised public hearing and the plan was adopted by the Planning Commission as Arlington’s official general plan. Ms. Reeder also clarified the difference between a zoning map and a land development map and clarified this Plan did not change the existing zoning of any property in town. The development plan provides guidance in case a resident or developer wants a piece of land rezoned in the future.

Ms. Reeder stated some language had been changed or added to the document since the Board last saw it and then she described each of those changes. She then noted revisions to the Future Land Development Map included expanding an industrial area on the southeast corner of the map to the County line, revising a portion of the Village at White Oak 1st Addition PD on the west side of Milton Wilson Blvd, making the Rolling Hills Farm subdivision was Estate to reflect its status as a mostly developed, existing neighborhood, and making the area between...
Pinkley and I-40 (east of Chester) Low Intensity Suburban. She noted this results in low intensity residential densities east of Chester, and all suburban residential densities being reserved for areas west of Chester and closer to the I-40 interchange. Lastly, five (5) lots in the Dr. Hogan neighborhood along Airline Road were returned to low density suburban.

The full report and PowerPoint were on file at Town Hall. Staff recommended approval.

Mayor Wissman called for a motion to approve Resolution 2020-04.

**Main Motion:** Alderman Biggs made a motion to approve Resolution 2020-04. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion and questions.

Mayor Wissman stated the Town must have a Land Development Plan in place per state law. He said the existing one has flaws and they are a fluid documents that change with the Town. He said it has been perceived the Town is changing zoning, but Mayor Wissman wanted to reassure that the Town is not.

Mayor Wissman asked Gerald Lawson to speak on the process of amending the plan and what was presented by the Planning Commission. Mr. Lawson stated the Planning Commission’s main purpose is to provide a plan regarding the Town’s future land development. The Board’s role is to decide on zoning issues. He noted the Planning Commission can adopt a Future Plan without the approval of the Board. In the past, the PC has presented their Plan before the Board and the Board approved it by ordinance. State law has changed, and he said staff now recommends the Board instead just recognize the changes made by the Planning Commission to keep the process simplified. In this case, the Planning Commission has approved and adopted this updated plan and by this Resolution the Board is recognizing the Planning Commission’s new plan and guidance. Mr. Lawson clarified the Board must understand that they are not asked to change or advise on the recommendation made by the Planning Commission.

Mayor Wissman noted this is a guide that gives the Commission and Board the most realistic approach of infrastructure and future development for the Town. The Board’s job is to understand the Town needs a plan per the law and this updated plan is better equipped than the old development plan.

Alderman Biggs asked if the Board doesn’t vote on this ordinance would the future items suggested still consider the direction of the Planning Commission. Mr. Lawson stated that is correct. He noted that the new Plan has been certified by the Planning Commission and that it is being presented before the Board. Mr. Lawson stated this process is a more for record keeping purposes. Alderman Biggs also
noted a plan was presented to the Board in September and the Board raised some concerns and asked if the Planning Commission would consider holding another work session. Alderman Biggs asked for clarification that even though the Board had their concerns, the Planning Commission did not have to adhere to the Board suggestions. Mr. Lawson stated yes, that was correct. Ms. Reeder said while they did not have to consider Board input, it is in everyone’s interest that the Planning Commission and the Board are working toward the same goals for the Town. Mayor Wissman remarked there was a previous training session with the Planning Commission and an attorney in which the laws were outlined for each group. Alderman Biggs thanked the Planning Commission for allowing the Board to share their concerns and noted a purpose of having a Board member on that committee is so the Board’s feedback can be heard.

Vice Mayor McKee wanted to clarify the difference between adopting and recognizing a recommendation. Mr. Lawson stated if adopted by the Board it would be interpreted as the Board’s ultimate decision, with recognizing the Plan, the Board has more flexibility moving forward. Mayor Wissman mentioned the 2010 Plan was adopted. Mr. Lawson confirmed that it was, but it is in the best interest of the Board to rescind it with a new plan having been prepared.

Alderman McKee, in effort to address Mrs. Walls who spoke earlier in the meeting, asked if these new changes will affect the properties she referenced. Ms. Reeder stated her property on the west side of Chester did not change.

Alderman Harmon noted he understood the responsibility of the subcommittee and Planning Commission, but there were things that still needed to be changed. He said some changes were made, but there were not enough representing residents’ best interests. He also noted he understood the legal difference of adopting or recognizing but was unsure he could support either.

Alderman Brooks noted he was on the planning subcommittee since day one and supports this plan. He said the Town should feel lucky. He stated in the 1990’s there were only a handful of people concerned with the future of the Town, but now the Town has multiple committees, professionals, and more that want to partake in decision making for what’s best for the Town.

Mayor Wissman clarified that a vote on this item will be to recognize the plan put in front of them by the Planning Commission. Hearing no further discussion on the motion Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:** The motion voted carried 5 to 1, with Alderman Harmon voting no.
C. **Resolution 2020-10 to authorize the award of bid and enter into a contract with Ensor, LLC for project known as Lillian Bend Lift Station Replacement and Upgrade.**

Mayor Wissman recognized Catherine Durant, Town Administrator. The scope work includes replacement and upgrade of the existing station and installation of a new force main on Gulf Stream Drive. Five (5) bids were received, with the lowest and most qualified successful bidder being Ensor, LLC, based on the total bid amount of $298,946. Staff has reviewed the bids and recommends award to Ensor, LLC. There also has been $100,000.00 collected from development fees that will go towards this project. Mrs. Durant noted Steve Hill, Town Engineer was available to answer any questions.

Mayor Wissman called for a motion to approve Resolution 2020-10.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2020-10. Alderman Harmon seconded the motion.

Mayor Wissman called for comments or questions. Alderman Brooks asked when it was to be completed. Mr. Hill stated nine (9) months. Hearing no further discussion Mayor Wissman called for a vote on the main motion

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

D. **Resolution 2020-11 to enter into a Memorandum of Understanding with the City of Memphis.**

Mayor Wissman recognized James Harvill, Fire Chief. Chief Harvill stated that the City of Memphis’s Division of Fire Services has a contract with Lion TotalCare, Inc. The Town of Arlington has a need for help with inspections, repairs, and cleaning of turnout gear. The contract that the City of Memphis has will help improve the welfare, safety, health and interest of the Town of Arlington employees.

Mayor Wissman called for a motion to approve Resolution 202-11.

**Main Motion:** Alderman Harmon made a motion to approve Resolution 2020-11. Alderman Biggs seconded the motion.

Mayor Wissman called for comments and questions. Alderman Harmon asked if the costs could be piggy backed for the cleaning. Chief Harvill said for the turnouts they are under contract; Lion will only be a third party for mainly testing. Hearing no further comments or questions Mayor Wissman called for a voted on the main motion.
Vote on Main Motion:  The motion carried unanimously.

E. Resolution 2020-12 to enter into a revised agreement with Shelby County Trustee and Shelby County Government for Tax Collection Services.

Mayor Wissman introduced Catherine Durant, Town Administrator. Mrs. Durant stated that Shelby County Trustee has been billing and collecting property tax on behalf of the Town of Arlington since 1996. This agreement however included a shared employee between the Town and County in which the county paid for the employees’ salary and benefits and the Town reimbursed the County. Time has come to reconsider the position of the employee and void their contract but in return to bring them over as a full time Town of Arlington employee. The Trustee will maintain and continue to collect taxes going forward after February 29, 2020. Bringing the employee in house will be a budget amendment. Staff recommends approval.

Mayor Wissman called for a motion to approve Resolution 2020-12.

Main Motion:  Alderman McKee motioned to approve Resolution 2020-12. Alderman Brooks seconded the motion.

Mayor Wissman called for comments or questions.

Alderman McKee asked if the kiosk would stay. Mrs. Durant stated the kiosk has not been at Town Hall for over a year but there will be a county employee that will be present once a week during tax time. Vice Mayor McKee asked when the position of the employee will change. Mrs. Durant stated it will take place March 1, 2020. Vice Mayor also asked if taxes between now and March 1st will be collected the same way. Mrs. Durant confirmed that was correct and nothing will change until next billing period.

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

Vote on Main Motion:  The motion carried unanimously.

X. Other as Properly Presented

A. Arlington Community Schools Board of Education amending the 2019-2020 School Budget.

Mayor Wissman recognized Tammy Mason, Arlington Community Schools Superintendent. Mrs. Mason stated the budget has been amended due to some additional revenue. Thirteen thousand ($13,000.00) was given to ACS by the Chamber of Commerce for the schools’ criminal justice labs. A little over $3.2
million in bonds were issued by Shelby County. ACS has worked out a deal with Shelby County in which ACS will be given 80% back of those bonds for the schools. Mrs. Mason also noted a transfer between funds in the amount of $333,000.00. This is not a change in the budget, the budget was already allocated for the money, the money is just transferring from one account to the other as noted in the report presented before the Board.

Mayor Wissman called for a motion to approve the amendment of the 2019-2020 School Budget.

**Main Motion:** Alderman Harmon made a motion approve the amendment of the 2019-2020 School Budget. Alderman Brooks seconded the motion.

Mayor Wissman called for comments and questions.

Alderman McKee wanted to clarify that the movement of the $333,000 from building construction displayed as subtracting. Mrs. Mason stated that it is money that is being received by Shelby County and instead of taking it from fund balance, ACS is moving it to health so ACS wouldn’t have to take it from fund balance. Initial this was in the budget that was approved by the Board, but it was just listed under special funds.

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

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

**XI. Approval of the bills for payment**

Mayor Wissman called for a motion to approve the bills for payment.

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

Mayor Wissman called for a vote on the main motion.

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

Mayor Wissman called for any other comments before adjournment.

Alderman Biggs wanted the Board to be aware that he met with Angela Reeder, Town Planner about the tree ordinance. He stated this is an ongoing discussion that may be brought before the Board in the future. Mayor Wissman also noted that it is great when others bring items to the board because as a Board no individual knows everything. He stated that he appreciated the Board’s efforts.
XII. Adjournment:

Main Motion: Alderman Brooks made a motion to adjourn. Alderman Biggs seconded the motion.

Meeting Adjourned.

[Signatures]

Mike Wissman, Mayor

3/2/2020

Brittney Owens, Recorder

3/2/2020