Town of Arlington
5854 Airline Road, Arlington TN 38002

Board of Mayor and Aldermen
September 3, 2019
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
Cheryl Pardue, Alderman

Others Present
Catherine Durant, Town Administrator
Angela Reeder, Town Planner
Gerald Lawson, Town Attorney
Steve Hill, Town Engineer

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

II. Opening Prayer.

Opening prayer was led by Alderman Jeff McKee.

III. Pledge to the Flag.

The Pledge of Allegiance was led by Town Planner, Angela Reeder

IV. Approval of the minutes from August 5, 2019 and Special Called August 20, 2019

Motion: Alderman Brooks made a motion to approve the Board of Mayor and Aldermen minutes from August 5, 2019 and August 20, 2019. Alderman Biggs seconded the motion.

The motion carried unanimously.

V. Grievances and Comments from Citizens:

Laura Tumanello, 12235 W, Donelson, resident expressed that she was a little apprehensive about the location and development of the new fire station but is pleased with the current plan, design and development. She inquired if the roads were going be widened; she noticed several markings on the roads and wanted to know what they were. Mayor Wissman asked Catherine Durant, Town Administrator to answer the inquiry. Mrs. Durant stated that these were markings of where the utility lines are. Mrs. Durant also stated that there will be a merge lane specifically for the fire truck on Airline Road.

Hearing no further discussion, the Mayor Wissman continued the meeting.
VI. Communication from the Mayor.

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

Mayor Wissman introduced Lt. Hillman. Lt. Hillman stated that there was a total of 31 incidents for the month of August. Fourteen (14) of the incidents are motor vehicle thefts, with unlocked doors. The Sheriff’s department is asking that residents report any suspicious activity and to lock their doors. A suspect has been seen on video, but it will take the residents help to capture him. See report on file.

Alderman Pardue asked about the recent threat to the school and how the Sheriff’s office plans to address this issue. Lt. Hillman stated the department was made aware of the threat and the department investigated it and found it not creditable. However, there will be extra units watching the campus and a big presence of authorities in the school. Ms. Mason, Superintendent also stated that extra school officers will be on site in addition to the two on the premises.

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

Mayor Wissman recognized Jim McMillen, Assistant Fire Chief. Chief McMillen stated there was a total of 72 responses, resulting in a yearly total of 647. See report on File

C. Other as properly presented.

1. Tonia Howell, Director at the Chamber of Commerce noted that Saturday, September 7 is the Arlington 5K. All proceeds go to the Arlington Education Foundation. There is also a monthly chamber luncheon scheduled on Wednesday, September 11th.
2. Mayor Wissman stated there will be a groundbreaking on the fire station and a ribbon cutting for the tennis complex, dates and times are to be determined.
3. Mayor Wissman informed the Board he spoke with Baptist Medical last week regarding the appeals process and appeals have been file for the Free-Standing Facility in Arlington. There is a 45-60 day wait for the appeals to go through court and then another 45-60 days to get an answer. No earlier than December 2019 is when an answer might be granted to determine if development can move forward.
4. Election day is on September 19th, early voting is ongoing and will end on September 14th.
5. Brian Thompson noted that the annual BBQ festival will be held on October 18 and 19.

The Chamber of Commerce is taking sponsor applications.

VII. Committee Reports

Mayor Wissman noted the Planning Commission, Health and Safety Committee, Parks and Recreation Advisory Board, Design Review Committee, and Board of Zoning Appeals met during the month of August.

Alderman Pardue stated that the Health and Safety committee has a vacant seat. There has been an application and resume brought before the Board and the committee would like to
recommend Steven Fort. Mr. Fort has 30 plus years of safety experience and education. Mayor Wissman granted approval for Mr. Fort to take the vacant seat.

The Treasurer’s report for the month of August and the financial reports had been given to the Board. Treasurer report for the month of August was read aloud by Alderman Brooks for recording purposes. Full report is on file at Town Hall.

VIII. Old Business

A. Second and Final Reading of Ordinance 2019-08 to amend and readopt the Town of Arlington Future Land Development Plan, including all maps and pages therein.

Mayor Wissman recognized Angela Reeder, Town Planner and David Baker, consultant Planner with Fisher & Arnold. Mr. Baker gave the Power Point Presentation on methodology, research, maps, and changes. The presentation is on file. Ms. Reeder explained the timeline over the last nine (9) months on the process and progress with consultant and committee. She went on to explain the difference in the Current Zoning versus the long-range Future Land Use Plan, which is a tool used to guide the Town towards its long-term vision and goals. The Land Use Plan has been recommended for approval by the Planning Commission and a Public Meeting was held. Ms. Reeder noted the suggestions made at the Special Called Meeting on August 20th were addressed and then handed out a list of three additional items that had been discussed with staff since then. The handout had suggestions on how they may be addressed if a concern of the majority. Listed below and attached to these minutes is the text from that handout:

1. There was concern raised about the Suburban Residential (orange) around Chester and I-40. Most of this area was designated Suburban 10 years ago; we only changed a small area by Pinkley Road. It could make planning sense to reduce the density of the area east of Chester to Low-Intensity Suburban (yellow). It would still make use of Town’s investment of the sewer in this area. And it would contain the Suburban Residential (orange) west of Chester Rd. and be consistent with existing neighborhoods there.

2. There was a concern raised about the loss of Estate lands and specifically the Estate land north of Donelson. Estate Land Use in Arlington will increase from 3.4% to 12.7% with the Proposed Map. Regarding land north of Donelson, the proposed map changes it from 1 du/acre to 2.4 du/acre. We could add language to the Low Intensity Suburban section of the Plan (pg. 22) to clarify this area should be developed closer to RS-22 density (2 du/ac). See draft language below:

LOW INTENSITY SUBURBAN RESIDENTIAL
Intensity/Density
Density will not be greater than 2.4 dwelling units per acre.
The area east of Chester, between Donelson and Pinkley Road, is intended to grow with lower intensity developments and densities closer to 2 dwelling units per acre.

3. There was a concern raised about the Higher Intensity Suburban (dark orange) land proposed by the Wastewater Treatment Plant. Given this site’s location and the challenges
associated with it (WWTP, railroad, floodplain), detached single-family homes did not seem likely. However, I understand apartments are not embraced here either.

Regarding this area, we could add language to the Higher Intensity Suburban section of the Plan (pg. 24) to clarify our intent is this area should be developed with townhomes, attached single-family, two-family homes, and similar. See draft language below:

**HIGHER INTENSITY RESIDENTIAL**

**Intensity/Density**
Density will be between 3.35 and 12 dwelling units per acre.
The designated area north of I-40 is more appropriate for development of attached single-family, townhomes, two-family homes or similar intensity residential developments.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks Made a motion to approve the Second and Final reading of Ordinance 2019-08. Alderman Pardue seconded the motion.

Mayor Wissman called for discussion or questions. He explained that the update to the Future Land Use Plan had been in the budget for the last two years and that the change in the Zoning Ordinance pertaining to the definition of Mixed Use was tied to this process. He felt like the Board was largely in consensus at the First Reading with the exception of the suggested changes noted by Ms. Reeder. However, in the last couple of days it has become a very hot topic and he understood that many were in attendance to speak during the Public Hearing. In 2017, a subdivision was proposed for the property next door to Pinkley Road and that area is where he and his family live. Mayor Wissman stated that in the past he has been accused of being very protective of the area. He assured everyone that all members of the Board and Staff wanted to do what was best for Arlington and to protect Arlington. He went on to say that some of the things that have been said are simply not true.

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

**Motion to open Public Hearing:** Vice Mayor McKee motioned to suspend the meeting and open a public hearing. Alderman Brooks seconded the motion.

**PUBLIC HEARING: Second and Final Reading of Ordinance 2019-08 to amend and readopt the Town of Arlington Future Land Development Plan, including all maps and pages therein.**

Mayor Wissman stated that the public hearing was published in The Commercial Appeal on August 19, 2019. He asked for a show of hands to see how many people thought they wanted a chance to speak. He asked that all comments be limited to 3 minutes and invited anyone wishing to speak come forward and state your name and address for the record.
Michael Darden, 4915 Chester Street, stated he lived across the street from an area in question and he felt the Town needed to improve Chester Street before thinking of making any changes.

Kala Griffin, 5567 Southern Winds Drive, agreed that the traffic on Chester Street is a nightmare and that it cannot handle any increase due to development. She liked that the higher density (orange) was being considered to be removed from the area in question. She explained that people had moved to the area because it was rural and that people want estate size lots. She asked that the city foster and preserve the small-town charm and rural atmosphere.

Laura Tumanello, 12235 W. Donelson Road, asked that all the estate zoning be replaced on the proposed map. She stated that current estate users in Arlington needed to be protected. She noted the need to protect Airline Road and Donelson Road estate users and her concern for the dangerous road conditions on West Donelson.

Jeff Harris, 12007 Rolling Lake Drive, stated that if a developer had a chance to develop low density residential, they would want higher density residential. He noted his concern that property values would go down if higher densities were allowed other than estate and he agreed that Chester Street needed improvements before any further traffic was allowed. He asked that the area be left as estate zoning.

John Thomas, 4700 Chester Street, is concerned that the future sewer map shows sewer going across his property and wanted to know by what authority. He stated he bought the property to have a county way of life, wanted the area to stay estate zoning and agreed that Chester Street was dangerous.

Ken Sanders, 5015 Chester Street, asked if this proposed Land Use Plan was approved did it mean that the development that sought approval in 2017 was automatically approved? He also wanted to know if development still had to go back through the planning process for approval in the future.

Monica Lindley, 4851 Chester Street, explained that when she and her husband built their house, they were required to extend public sewer costing them about $30,000. She stated that it was her understanding that the subdivision in 2017 was proposed as a zero-lot line subdivision.

Bill Smith, 12263 Chapel Meadow, asked who had responsibility of the bridge on I-40 over Chester Street, noted it was dangerous. Asked when the new plan would take effect and if increases in the number of houses means increased sewer fees because of all the sewer extensions. He stated he couldn’t find the proposed plan posted online and thought the Board needed to postpone any vote until residents had a chance to review.

Jennifer Walls, 5883 Chester Street, explained her family history in the Town of Arlington. She said the area shown in orange (higher density) was roughly 167 acres and that it was once the family farm. She noted that she did not want to see it turn into apartments or multi-family and that developers will want that type of development if given the opportunity. She asked that any development be made to preserve the landscape to protect the character of the Town.

Billy Griffin, 5567 Southern Winds Drive, stated that when people buy into Arlington, they expect some protection. He asked the Board why they think changing the map from yellow to orange was a good idea and that it seems drastic.

Ron Barranado, 5370 Watkins Glen Cir E, Hall Creek Apartments, noted that he was living in the apartments until he and his wife are ready to build on an estate size lot on
Pinkley Drive. He asked that the area stay estate with a 1 acre minimum to protect the rural area and not to allow cookie cutter homes.

**Kenneth Campbell**, 4939 Chester Street, stated that he has lived on Chester Street in an estate size lot for 31 years. He noted a lot of traffic incidents on Chester Street and congestion issues. He wanted to know the actual possibility of sewer coming to the area which would encourage smaller lots. He went on to say that the development proposed in 2017 had eight (8) smaller lots backing up to his property.

**Randy Hord**, 4475 Chester St, wanted to know why you would want to change zoning for those people sitting on 4 acre lots.

Hearing no further comments Mayor Wissman called for a motion to close the public hearing and resume The Board of Mayor and Alderman meeting.

**Motion to close Public Hearing:** Vice Mayor McKee motioned to close the public hearing and resume the meeting. Alderman Brooks seconded the motion.

Mayor Wissman explained that sewer extension is driven by development and the Town does not extend the sewer to accommodate development. He summarized that suburban residential (orange) versus yellow low density residential (yellow) and green (estate residential) on the map where the hot topics. He asked Ms. Reeder, Town Planner to answer some of the question raised during the Public Hearing.

Ms. Reeder stated the plan would go into effect as soon as adopted by the Board. She explained that when staff stated estate residential was a holding pattern, they were referring to Estate Zoning on our zoning map, not to the Future Land Use Map. Zoning is not being changed with this process. She restated the Future Land Use Map was a long-range planning tool to guide the Town when considering future infrastructure projects and zone change requests to ensure they are in line with the Town’s goals. She noted many areas currently Zoned Estate are supposed to be something else one day such as commercial, based on the Long-Range Map, but does not have all municipal services available now to be developed that way so the zoning is Estate for now.

Ms. Reeder assured the Board and citizens that any proposals to re-zone or develop a site still had to go through the planning process in accordance with the Zoning Ordinances, Subdivision Regulations, Design Guidelines and Municipal Code. The Future Land Use Plan does not mean anything is automatically approved or that the Board must approve specific zoning change requests at the time a request is made. Ms. Reeder explained that in looking at the overall Town and how areas may develop on the future you always look at what uses would buffer existing homes and neighborhoods. She noted neither the orange nor yellow residential areas allow multi family, so that fear is unfounded. Ms. Reeder explained Low Density means fewer homes per acre and that density is usually assigned based on public services available to the property.

Mr. Steve Hill, Town Engineer, explained that the Linley Lot mentioned in the Public Hearing was a 1-acre tract that could not be allowed on septic according to Shelby County Health Department regulation for septic use. Therefore, for the Linley’s to build they had to extend public sewer to their lot and extend it to the furthest corner of their property.
which is customary in development and extension of sewer services. He noted the bridge on Chester Street that goes under I-40 is a TDOT bridge and that it is highly unlikely that they would see a need to make any improvements to the bridge any time soon. He noted on the long-range plan you will see it is the plan to have Donelson Farms Road extend from Airline Road to Chester Street and ultimately to the Fayette County Line which will relieve some traffic on Chester Street. Streets are another infrastructure that is driven by development and paid for by development. He went on to explain the sewer map shown earlier in the presentation was a future map showing where existing ridge line are and the topography of the Town which would dictate where gravity flow sewer could be installed. Any future extension of sewer would be development driven, installed by that development and not without easements and permission of existing property owners. He addresses a concern during the public hearing that if Dawson Landing had sewer that the whole area could be developed, stating due to the natural ridge lines, no further areas around that subdivision could be served by sewer with what is existing. He pointed out that currently there was only one basin that could be served by sewer and it is south of I-40, east of Airline Road and North of Donelson Road, which is why the Future Land Use Plan reflects suburban density residential (orange) and low density suburban residential(yellow) in that area and Estate that often uses septic elsewhere.

The discussion was turned over to the Board for comments:

**Alderman Harmon** noted that the plan would set the next 10 years. He said some areas looked good and some areas need to be protected. In the past we have reduced lot sizes north of I-40 and said we will have estate size lots south of I-40. He stated the proposed map is reducing the size lots south of I-40 and that we are doing it for the developers so they can make money. He noted the need for a red light at the entrance to the Hotel site that is not being done and stated that everything south of I-40 needed to be estate size lots. He went on to say that the Town needed to improve its roads before anything could be done.

**Alderman Pardue** stated that at first reading she thanked the committee for the work that went into the plan, but that she still has concerns. She noted that the changes discussed at the first reading had been addressed by what Ms. Reeder has handed out tonight and thanked her for that. She explained that the area around Pinkley needed to see good estate size lots and that she hated to see us lose that opportunity and momentum. She would like to see the area north of Donelson, east of Airline and south of Pinkley as estate size lots and be more of an established zoning designation. She went on to say, keep north of Pinkley as orange and west of Chester Street as yellow and leave the orange along Highway 64.

**Alderman J. McKee** asked Ms. Reeder to explain the percentages of estate with the old map versus the proposed map. Ms. Reeder explained that on the old (or current) Future Land Use Map the estate designation made up 3.4% of the Town and the proposed map reflects 12.7% of the map. Alderman McKee noted that the difference in the area around Chester and Pinkley is that there is already a sewer extension in place that was designed to handle the capacity for the area to develop with something more that 2-4 acre lots. He explained that the Town needed to be thorough and think carefully about a whole map
revision and not let it become political and that the Board is truly trying to make the best
decisions for our Town. He stated that 10-15 years ago a sewer extension was done south
of I-40 with the intention to allow development expansion in this area, which helps keep
taxes as low as possible. He noted it is just as important to expand your sewer base to
areas that can be developed. He said the Board is trying to be serious and see if there are
any changes that they can agree on to get something the Board can vote on.

Aldermen Brooks stated that he and his family moved here in 1979 and that he too has
experienced growing pains in his area of Town. He went on to say he did not ask that a
Middle School be built across the street from him, or a sewer treatment plant in the
vicinity, but services must be provided. He reminded property owners that the Future Land
Use Plan does not change the current zoning of their property. He also reminded everyone
that they are sitting next to their neighbors and asked people to remember that
mudslinging is not necessary and that the Board is only trying to do what is right for the
Town and has nothing to gain. He went on to say that name calling was not necessary and
please stop and remember that we are all neighbors, and all want what is best.

Vice Mayor McKee stated that this is not a rezoning it is a Future Land Use Map just like
the one that has been in place since 2010. He asked Mr. Lawson, Town Attorney to clarify
the process for re-zoning property. Mr. Lawson explained that anyone wanting to rezone
property would have to make application and that it would take two readings and a public
hearing. He went on to say that the Future Land Use Plan does not obligate the Town to
rezone property - it is only a guide to the future and that the Town can say it is not the
right time to develop future zoning. Vice Mayor McKee clarified that it does not change
current zoning and that we have to have minimum lots sizes and places for businesses. He
asked Mr. Lawson if the Town can defend its position either way yellow or orange, RS-22
or RS-18 and wanted to know if a stipulation could be added to say “no less than 22,000
SF lots” Mr. Lawson confirmed that “yes” the Town can say no more than 2.4 dwelling
units per acre or 1.4 units per acre as long as the Town can say that it has been fully
deliberated as to the reasons why. Vice Mayor McKee stated that he is fine with the
proposed changes as presented in Ms. Reeder’s handout. He went on to say that the zoning
of the property that back up to him was estate and that now a subdivision of 15,000 SF lots
is being developed there. He noted that he was also fine with leaving the areas as they
were already reflected on the current map. He noted the difference between straight
development and planned development and that the advantage to the Town with planned
development was setting a minimum square footage for the houses to ensure quality
development.

Aldermen Biggs wanted to clear up any miscommunication. He stated that just because
you vote for something on a first reading does not mean you agree or approve. It means
the item is moved forward so board members can get with staff on any proposed changes.
He stated that the whole process was rushed and that the Board did not get to see any
suggested changes until today, which leaves no time to research. He noted that he
understood the urgency was due to Ms. Reeder’s leaving her position full time. He went
on to say that what he envisioned was pocket neighborhoods not sprawling neighborhoods
and that that opportunity had been lost north of I40. Mr. Biggs stated that preserving any
areas for estate zoning was essential for our future. He stated that he understands that the
Land Use Plan is not rezoning but asked the Attorney if it means you are more likely to be sued if you do not approve something that is reflected in the plan. Mr. Lawson responded, yes it could make a difference but that four other factors also come into play. He explained a situation years ago on Walker Street where the Land Use Map reflected commercial, but the Board felt that it was not the right time to rezone and the Town was sued. However, upon appeal and showing the judge the Town did deliberate to its decision to go against the plan, the Town prevailed. Mr. Biggs noted that in the last Future Land Use Plan 6 or 7 recommendations were made and only a few were accomplished. He thinks that a time frame should be placed on any recommendations in the plan moving forward and that Special Areas should be identified and have specific plans. Ms. Reeder explained that this was a comment made at the first reading and was addressed in the proposed updates.

The Board discussion continued with many ideas on how the map could be changed to accomplish as much as possible to come to a vote. Mr. Lawson suggested that there appeared to be too many changes to fully discuss all aspects tonight and that this item be tabled pending a joint work session with Planning Commission, BMA and staff.

**Secondary Amendment:** Vice Mayor McKee made a motion to table the second and final reading of Ordinance 2019-08 pending a work session. Alderman Biggs Seconded. The Motion Carried Unanimously. Item is tabled.

**X. New Business**

A. **Resolution 2019-49 to authorize a Land Disturbance Permit for Wilson Lake PD, located on the north side of Forrest Street, west of Maple Grove and east of Forrest Street Park.**

Mayor Wissman recognized Angela Reeder, Town Planner, Ms. Reeder gave a brief summary of the staff report attached.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2019-49. Alderman McKee seconded the motion.

Mayor Wissman called for discussion or questions. Hearing none he called for the vote on the main motion.

**Vote on main motion:** Vote carried unanimously.

B. **Resolution 2019-50 to authorize the award of bid and enter into a contract with Viktor Hall Construction for the building construction for the project known as Arlington Fire Station No.2.**

Mayor Wissman introduced Catherine Durant, Town Administrator and Michel Lebel, Engineer. Ms. Durant explained the bid procedures as outlined in the Resolution and recommended approval of Viktor Hall as the lowest responsive bidder.
Mayor Wissman called for a motion to approve.

**Main Motion:** Alderman McKee made a motion to approve Resolution 2019-50. Alderman Biggs seconded the motion.

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

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

C. **Resolution 2019-51 to amend the Arlington Community Schools Board of Education **
**Budget for the 2019-2020 school budget.**

Mayor Wissman recognized Ms. Durant who noted that the Arlington Community Schools Board of Education has approved the amendments.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2019-51. Alderman Pardue seconded the motion.

Hearing no further comments, Mayor Wissman called for a vote.

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

D. **First reading of Ordinance 2019-09 to amend the Arlington Zoning Ordinance **
**Chapter 5, Section 5.4 to amend guidelines regarding Mixed Use Planning Development.**

Mayor Wissman recognized Angela Reeder, Town Planner, who gave a summary of proposed language to replace the existing language pertaining to mixed use planned developments attached.

Mayor Wissman called for a motion to approve.

**Main Motion:** Alderman Brooks made a motion to approve Ordinance 2019-09. Alderman Pardue seconded the motion.

Mayor Wissman called for discussion or questions.

Alderman Biggs noted the 30% limitation on residential in a mixed use proposed and suggested that a mixed use in Depot Square would not be allowed under that circumstance. Ms. Reeder stated that it would be allowed in Depot Square by right in accordance with the Zoning for Depot Square. Alderman Brooks, who served on the Future Land Use Committee that also helped draft this language, informed the Board that 40% of the time the committee spent was in reviewing language pertaining to mixed use.
He went on to say that he feels confident that this is what the Town has in mind for Mixed Use. Ms. Pardue noted that this section 5.4.1 should include Depot Square. She stated that with our Ordinances we could still have a Traditional Neighborhood Development (TND) which is largely residential whereas the mixed use is largely commercial. Ms. Reeder confirmed that is correct. Ms. Pardue suggested that the TND language also needed to be revised. Mr. Lawson, Town Attorney, noted that any suggested changes would need to be vetted through the process of going to the Planning Commission and then to the Board of Mayor and Alderman. Ms. Durant, Town Administrator suggested that this item be added to the work session with the Future Land Use Plan. Mayor Wissman directed staff to add this item between first and second reading to the work session agenda to be determined at a later date.

**Vote on Main Motion**

The motion carried unanimously.

### X. Approval of the bills for payment

Mayor Wissman called for a motion to approve.

**Main Motion:**

Alderman Brooks made a motion to approve the bills for payment.

Alderman Pardue seconded the motion.

Mayor Wissman called for a vote on the main motion.

**Vote on Main Motion:**

The motion carried unanimously.

### XI. Adjournment:

**Main Motion:**

Alderman McKee made a motion to adjourn. Alderman Brooks seconded the motion.

**Meeting Adjourned.**

Mike Wissman, Mayor

[Signature]

10/7/19

Brittney Owens, Recorder

[Signature]

10/7/19