Board of Mayor and Aldermen
April 2, 2018
6:30 P.M.

MEETING MINUTES

I. Call to Order and Roll Call.

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

Others Present
Catherine Durant, Town Administrator
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, Jeff McKee.

III. Pledge to the Flag.

The Pledge of Allegiance was led by David Lenoir, Shelby County Trustee.

IV. Approval of the minutes from March 5th, 2018.

Motion: Alderman Pardue made a motion to approve the Board of Mayor and Aldermen minutes from March 5th, 2018. Alderman 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.
Laura Tumminello, 12235 W. Donelson, spoke regarding the application for an Event Venue in a Residential Zoning being referred to the Board of Zoning and Appeals from the Planning Commission. She inquired about the authority of the Planning Commission to legally make this recommendation if it is not on the list of conditional uses. She noted that the Zoning Code requires Planning Commission review and BZA approval. She suggested that new conditional uses can only be considered by Elected Officials. She asked for clarification that the Board of Zoning Appeals meeting is being held on April 12\textsuperscript{th}.

There were no further comments.

VI. Communication from the Mayor.

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

   Mayor Wissman recognized Lt. Crowder, Shelby County Sheriff’s Department. Lt. Crowder noted that the theft of motor vehicle was down from previous month. The full report is on file at Town Hall.

B. **Presentation from David Lenoir, Shelby County Trustee.**

   Mayor Wissman recognized David Lenoir, Shelby County Trustee. Mr. Lenoir gave a revenue update for Shelby County through the end of February 2018. The full report is on file at Town Hall.

C. **Arlington Fire Department Report for the Month of March.**

   Mayor Wissman recognized Jim Harvill, Fire Chief. Chief Harvill stated that there were a total of 70 responses, with 35 being fire responses, and 35 being EMS responses. There were 18 calls on or south of I-40. Chief Harvill added they are in the process of installing the new siren. The full report is on file at Town Hall.

D. **Committee Appointments.**

   BZA- Victor Ghosheh November 2018

   Health and Safety- Blake Moyer

E. **Other as Properly Presented.**

1. Mayor Wissman reminded everyone that the Taste of Arlington is Sunday, April 8\textsuperscript{th}.
2. Mayor Wissman stated the Chamber lunch would be Wednesday, April 11\textsuperscript{th} and the speaker will be the Tom Bowen, University of Memphis Athletic Director.
3. Mayor Wissman recognized Tammy Mason, Superintendent of Arlington Community Schools. Ms. Mason stated that a 5-year strategic plan has started and there would be help from several community members.
4. Mayor Wissman explained that early voting starts on April 11th and the election is May 1st.
5. Mayor Wissman stated that Arlington in April is April 28th with a rain date of April 29th.
6. Mayor Wissman reported that Harry McKee, Cathy Durant and himself will go to a TML annual conference in June.

VII. Committee Reports

Mayor Wissman advised that the Planning Commission, Design Review Committee, Finance Committee, Parks and Recreation Committee, Health & Safety Committee, Tennis Committee and Arlington Community School Board met during the month of March. The financial reports are on file at Town Hall and have been provided to the Board.

Alderman Brooks read the Treasurer’s Report into the record (on file).

VIII. Old Business.
A. Second and Final Reading of Ordinance 2018-02 to amend the Arlington Zoning Ordinance, Chapters 2 (Definitions), 4 (Zoning District, Bulk Regulations, and Uses) and 6 (Development Standards) to incorporate Temporary and Special Events, and add clarification on uses, rear yard coverage, and fence heights.

Mayor Wissman recognized Angela Reeder, Town Planner, who presented the report on the amendment. Ms. Reeder explained this is the 2nd reading and there have been no changes between the first and second reading. She explained that revisions are considered annually and this year included changes to three chapters of code including definitions, zoning districts and bulk regulations and special events. She noted that the Special Events chapter was in response to the Special Event application adopted by the Board last November, and that it provides performance standards to guide staff’s review. She also noted Chapter 6.5.1 was amended to clarify that concrete was impervious and included in the maximum 30% impervious surface in the rear yard, with a goal to preserve the area at the rear of property for water quality and ground water absorption per post construction requirements of TDEC. Lastly, she described the final change regarding fence heights when combined with retaining walls, confirming that they are still held to the maximum height of 8 feet. The Planning Commission reviewed and approved these amendments at their last meeting.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Ordinance 2018-02.
Alderman Biggs seconded the motion.

Mayor Wissman called for a motion to suspend the meeting and open a Public Hearing.

**Motion:** Vice Mayor McKee made a motion to suspend the Board of Mayor and Aldermen meeting and open a Public Hearing. Alderman Biggs seconded the motion.
Mayor Wissman noted that notice of public hearing was published in The Daily News on March 13, 2018. He asked anyone wishing to speak for or against this request to please stand to be recognized and state his/her name and address for the record.

Hearing no response, Mayor Wissman called for a motion to close the Public Hearing and resume the Board of Mayor and Aldermen meeting.

**Motion:** Vice Mayor McKee made a motion to close the Public Hearing and resume the Board of Mayor and Alderman meeting. Alderman Pardue seconded the motion.

Mayor Wissman called for further discussion.

Alderman Harmon stated that he still has a problem with multi-story climate control storage in facilities being permitted in B-2. The ones he seen do not look like the example shown by staff and he felt warehouses need to stay in M-1 Light Industrial. He added we must protect our residential neighborhoods. Ms. Reeder noted storage facilities are allowed there currently as a conditional use and this would simply add other restrictions and guidelines. She also noted the current height restrictions are not proposed to change and apply to any use within the B-2 zone. Alderman McKee asked for clarification that right now it is allowed in B-2 with conditions and Ms. Reeder confirmed. Alderman Biggs noted that none he has soon look like this either, with many having visible roll up doors behind the windows. Ms. Durant added for clarification there are no pending applications for this use. Alderman Biggs added he did not see the benefits for Arlington to allow the use and his neighbors said they do not want to see self-storage on Airline Road. Mayor Wissman explained the Town has design guidelines in place to guide new construction and any existing buildings that do not meet were built prior to the guidelines. Ms. Reeder agreed and confirmed they must meet current standards and go before the Design Review Committee. Alderman McKee explained he only sees traditional storage with rows of buildings being built if restricted to industrial property. He noted the Design Review Committee does a good job reviewing projects and applying standards and we get compliments from other cities. Ms. Durant added that it is obvious what our DRC does when you compare new M-1 properties on Highway 64 verses the M-1 properties in the old industrial park that were built years ago.

Discussion Continued.

Alderman Brooks requested clarification on existing B-2 uses and Ms. Reeder read a list of other uses currently permitted in B-2. Alderman Harmon proposed an amendment to not allow indoor climate control storage in B-2 and remove from B-2 zoning as a conditional use. Attorney Lawson explained that this is a substantial change at the 2nd reading of this Ordinance, by removing a B-2 use that is currently permitted without prior notice, and he recommended against it. He noted only the indoor climate control had been advertised for discussion to this point.

**Motion:** Alderman Harmon made a motion not to allow climate control indoor storage in B-2 with a conditional use permit. Alderman Biggs seconded the motion.
Mayor Wissman called for discussion and questions. Alderman McKee asked if this would remove indoor storage from B-2 and allow outdoor storage in B-2 to remain. Mr. Lawson answered yes. Alderman McKee explained to allow one story outdoor and not allowing two story indoor did not make sense to him.

The motion failed with the following vote: 2 yes – 5 no

Alderman McKee explained he is not against removing storage from B-2 completely; however, he has a problem allowing outdoor and not indoor if there is a neighborhood backing up to it. He is okay with having the conversation again in the future.

Alderman McKee then noted that he did not feel swimming pools should be included in the calculation of impervious surfaces when calculating the 30% max. He noted the water is treated when discharged in a sewer and that most pools have an available capacity of 6-8 inches to catch rainfall. Alderman Biggs asked where the 5 inches of rain goes during a big rain. Alderman McKee noted that in large rains, he will pump into the sewer system to reduce the pool volume.

Ms. Durant noted that TDEC looks at stormwater quality, not just quantity, and that discharging into the sewer system was not putting that water back into the aquifer. She recommended additional information be obtained from TDEC to ensure we were not creating a problem for ourselves with regulations that we know are heading our way soon.

**Motion:** Alderman McKee made a motion to amend 6.5.1 to remove pools as an impervious surface, pending a TDEC conversation and an understanding it would not be contrary to their requirements. The amendment would strike the word ‘pools’ from the sentence. Alderman Brooks seconded the motion.

**Main Motion as Amended:** Alderman Brooks made a motion to approve the second and final reading of Ordinance 2018-02 as amended. Alderman Biggs seconded the motion.

**Vote on Main Motion as Amended:** The motion passed 6-1. Alderman Harmon voted no.

**B. Second and Final Reading of Ordinance 2018-03 to Abandon certain parcels of Excess Right-of-Way Mott Street, in Arlington, Tennessee, and Transfer the Underlying Right-of-Way to the Adjoining Property Owners.**

Mayor Wissman recognized Angela Reeder, Town Planner, to present the item. Ms. Reeder noted this is the second reading of an Ordinance that would abandon 200 feet at the eastern end of Mott Street, alongside the former Community Garden. It would be incorporated into properties to the north and south. Staff recommends approval.

**Main Motion:** Alderman Brooks made a motion to approve the second and final reading of Ordinance 2018-03. Alderman Harmon seconded the motion.
Mayor Wissman called for discussion. Alderman McKee asked if there had been discussion to convert to access easement from Chester into a public road. Mr. Allen stated there had not and plans were for it to remain a private driveway for the PD.

**Motion:** Alderman Brooks made a motion to suspend the Board of Mayor and Aldermen meeting and open a Public Hearing. Alderman Biggs seconded the motion.

Mayor Wissman noted that notice of public hearing was published in The Daily News on March 13, 2018. He asked anyone wishing to speak for or against this request to please stand to be recognized and state his/her name and address for the record.

Hearing no response, 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 Alderman meeting. Alderman Biggs seconded the motion.

Mayor Wissman called for further discussion and hearing none called for a vote.

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

**C. Second and Final Reading of Ordinance 2018-04 to abandon certain parcels of Excess Right-of-Way of Quintard Street, in Arlington, Tennessee, and Transfer the Underlying Right-of-Way to the Adjoining Property Owners.**

Mayor Wissman recognized Angela Reeder, Town Planner for a presentation. Ms. Reeder stated that the Ordinance would abandon a 120-foot portion of Quintard Street south of the railroad. She noted the crossing is currently closed, because when the Milton Wilson crossing was built, others were required to be abandoned. The Depot Square project developer asked for consideration of this and will incorporate into future development in the area. Staff recommends approval.

**Main Motion:** Vice Mayor McKee made a motion to approve the second and final reading of Ordinance 2018-04. Alderman Pardue seconded the motion.

Mayor Wissman called for a motion to suspend the meeting and open a Public Hearing

**Motion:** Vice-Mayor McKee made a motion to suspend the meeting and open the Public Hearing. Alderman McKee seconded the motion.

Mayor Wissman stated that notice of a public hearing was published in The Daily News on March 13, 2018. He added anyone wishing to speak for or against this request to please stand to be recognized and state his/her name and address for the record.
Hearing no response. Mayor Wissman called for a motion to close the public hearing and resume the Board of Mayor and Alderman Meeting.

**Motion:** Alderman Harmon made a motion to close the public hearing and resume the Board of Mayor and Aldermen meeting. Alderman Brooks seconded the motion.

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

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

**D. Other as properly presented.**

There was no further business brought forward.

IX. **New Business**

A. **Resolution 2018-20 to enter into a Development Agreement with Arlington Investors Group, LLC for the construction of Villages at White Oak 1st Addition PD Phase 2, located East of Milton Wilson, South of Kensington PD, an Adjacent to Phase 1A.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder stated this is a standard development agreement for Phase 2 of the Villages at White Oak 1st Addition Planned Development. It is a multi-phase project located primarily on the east side of Milton Wilson, just south of the Kensington PD. Plans for this phase include 26 single-family residential lots and a 2.4-acre open space lot. Approval of a Final Plat and Construction Plans for Phase 2 were given at the Planning Commission’s February meeting. Staff recommends approval.

Mayor Wissman called for a motion.

**Motion:** Alderman Harmon made a motion to approve Resolution 2018-20. Alderman Pardue seconded the motion.

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

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

B. **Resolution 2018-21 to enter into a Development Agreement with Arlington Investors Group, LLC for the construction of Villages at White Oak 1st Addition PD Phase 3, located East of Milton Wilson, North of the Original White Oak, an adjacent to Phase 1B.**

Mayor Wissman recognized Angela Reeder, Town Planner. Ms. Reeder noted this resolution allows for the execution of a standard Development Agreement. It is a multi-
phase project with plans for 30 single-family residential lots and a 3,245 square foot open space lot. Approval of a final plat and construction plans for Phase 3 were given at the Planning Commission’s February 2018 meeting. Development fees to be paid in association with this agreement for Phase 3 total $154,750. Staff recommends approval.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Brooks made a motion to approve Resolution 2018-21. Alderman Biggs seconded the motion.

Mayor Wissman called for discussion and questions. Alderman McKee asked for confirmation that Area 17 will be graded in this phase and offered to the HOA. Ms. Reeder confirmed that was correct.

Hearing no further comments, he called for a vote on the main motion.

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

**C. Resolution 2018-22 to enter into a contract with Alexander Thompson Arnold, PLLC, to conduct the Annual Financial Audit for the Fiscal Year ending June 30, 2018.**

Mayor Wissman recognized Cathy Durant, Town Administrator. Ms. Durant stated that this contract is for the annual audit to be conducted for Fiscal Year ending June 30, 2018. She noted that this is an increase of $655. Staff recommends approval.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Pardue made a motion to approve Resolution 2018-22. Alderman McKee 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.

**D. Resolution 2018-23 to authorize a Purchase and Sale Agreement for Town Property, 1.75 acres of vacant land on the West side of Airline Road, South of Memphis- Arlington Road, adjacent to Arlington Automotive with D3, LLC.**

Mayor Wissman recognized Gerald Lawson, Town Attorney. Mr. Lawson stated the city has both a 4 and a 6-acre tract of land on the market. This application would not purchase the entire 6-acre tract, but rather just 1.75 acres immediately to the south of Arlington Automotive. They have agreed to a standard contract, but with increased earnest money.
Main Motion: Alderman Brooks made a motion to approve Resolution 2018-23. Alderman McKee seconded the motion.

Mayor Wissman called for discussion or questions. Alderman Harmon asked what the intended use is. Mr. Lawson stated we have been told the use is allowed by right in B-2 and is a conditional use in SC. Alderman Harmon asked about language in the agreement that we would agree to help them with zoning. Mr. Lawson explained the language is standard and just confirms that as the owner until the property is transferred, we will allow them to submit for zoning approval through standard channels. Alderman Harmon asked if we sell the property if it could be a potential automotive use. Alderman Biggs suggested this sale only helps the surrounding areas, and it gives $500,000 that can make taking money from reserves easier. Alderman McKee offered that this positive momentum could build additional momentum in this area, and that it has stalled and this is a step in the right direction. Vice Mayor McKee asked for confirmation there is an easement behind it like Arlington Automotive for future sewer. Mr. Allen responded one could be anticipated.

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

Vote on Main Motion: The motion passed with one no from Alderman Harmon.

E. Resolution 2018-24 to authorize the award of bid for the Town sponsored annual Fireworks Display, also known as Star Spangled Spectacular.

Mayor Wissman recognized Kevin Carter, Park and Recreation Director. Mr. Carter noted that an advertisement of bids were published in The Commercial Appeal on March 12th and bids were received until March 26th. He stated that a total of three (3) bids were received and the best and most qualified successful bidder was Pyro Shows, Inc.

Mayor Wissman called for a motion.

Main Motion: Alderman Harmon made a motion to approve Resolution 2018-24. Alderman Pardue 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.

F. Resolution 2018-25 adopting a policy for Violations of Town’s Beer Ordinance.

Mayor Wissman recognized Gerald Lawson, Town Attorney. Mr. Lawson stated that this is a more formal policy on how to deal with violations that will not change the Ordinance but adopt fees by Resolution. He noted that it is not binding by the Board and does not
restrict what the Ordinance allows. He advised that State law limits some violations and may allow a fee of $2,500.

Mayor Wissman called for a motion.

**Main Motion:** Alderman Pardue made a motion to approve Resolution 2018-25. Alderman Brooks seconded the motion.

Mayor Wissman called for discussion or questions. Alderman McKee stated we need more consistency. Hearing no further comments, Mayor Wissman called for a vote on the main motion.

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

**G. Other as properly presented.**

There was no further business brought forward.

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

Mayor Wissman called for a motion to approve.

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

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

Alderman Harmon directed staff to look at use of event venue, create a new use in Bulk Regulations and conditions that can be put on the agenda before the Planning Commission and Board for approval.

**XI. Adjournment:**

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

**Meeting Adjourned.**

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Mike Wissman, Mayor  

Date: 5/17/18

Brittney Owens, Recorder  

Date: 5/17/18