

Board of Mayor and Aldermen Meeting
February 6, 2017
Dyersburg Municipal Court Room

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, February 6, 2017 in the Dyersburg Municipal Court Room at 7:00 p.m. Mayor John Holden presided over the meeting. The meeting opened with prayer by Alderman Dennis Moody. Mayor Holden noted all Aldermen were present.
 - (2) **Approval of Minutes:** The minutes of the December 19, 2016 meeting were approved on a motion by Alderman Kevin Chaney, followed by a second from Robert Taylor, Jr. The motion passed approving the minutes.
 - (3) **Unfinished Business:** None presented.
 - (4) **New Business:** None presented.
- a. Notice of Public Hearing – February 21, 2017 – An ordinance of the City of Dyersburg, Tennessee, appropriating funds for the Dyersburg City School System for the fiscal year July 1, 2016 through June 30, 2017.
 - b. Notice of Public Hearing – February 21, 2017 – An ordinance to amend the Dyersburg Municipal zoning map to rezone property near South Tennyson Road/Bean Mill Road and Court Street from B-2 (general trade and services) district to M-2 (medium industrial) district.
 - c. Notice of Public Hearing – February 21, 2017 – An ordinance to amend the Dyersburg Municipal zoning map to rezone property near St. John Avenue and Morgan Road from R-1 (low density residential) district to B-2 (general trade and services) district.
 - d. Notice of Public Hearing – February 21, 2017 - Request from Craig Barron to appeal a rezoning request that was denied by the Dyersburg Regional Planning Commission on November 10, 2016 (tax map 073, parcel 031.00) Calvin Moore Road

Alderman Bob Kirk made a motion to approve the proposed ordinances and appeal request for public hearing at the February 21, 2017 Mayor and alderman Board meeting. The motion received a second from Alderman Bill Escue. The motion passed.

e. Attorney Invoice

Mayor Holden presented an invoice from the City Attorney's office to be approved for payment. The December 1, 2016 – December 31, 2016 invoice totaled \$8,11875. Alderman Mike Morgan made a motion to approve the payment, with a second by Alderman Kevin Chaney. The motion passed by full Board approval.

f. Bids – Greg Williams.

1. Department: Police

Item: Side-by-side Utility Vehicle (Kawasaki Mule)

Purpose: Used for community events, rescue missions, & access to remote areas

Budgeted: No – 100% covered by JAG Grant

Notification – State Gazette – Direct to 3 vendors

Bids:	TN Tractor	\$14,802.45	John Deere Gator
	First Choice Farm & Lawn	\$14,200.00	Kubota RTV
	Outer Limits Powersports	\$13,500.00	Kawasaki Mule

Mr. Williams recommended awarding the bid to Outer Limits Powersports at \$13,500.00. A motion to approve the recommendation as presented before the Board was made by Alderman Dennis Moody, with a second by Alderman Robert Taylor Jr. The motion passed by full approval.

g. Street & Sanitation Committee Meeting minutes – January 30, 2017 – Chairman Mike Morgan.

Alderman Morgan read the following minutes from the Street and Sanitation committee meeting:

Street/Sanitation Committee Meeting

City of Dyersburg

January 30, 2017

The Street/Sanitation Committee met Monday January 30, 2017 at 10:00 a.m. in the City Hall second floor conference room.

Members Present Included: Mayor John Holden, Bill Escue, Kevin Chaney, and Committee Chairman Mike Morgan.

Other Alderman Board Members: Bob Kirk and Terry Glover.

Staff and Others Present: John Damesworth, Street and Sanitation, Greg Williams, Purchasing, Brandon Hutcheson, State Gazette, Mike McCulloch, Street and Water Department

Superintendent, Steve Anderson, Treasurer, Thomas Mullins, Kevin Joslin, Codes Enforcement Department.

Chairman Morgan opened the meeting with prayer. The Committee convened to discuss curbside pickup policies. The following items were taken under discussion:

- Proposed ordinance revisions provided by the city attorney, as previously directed by the committee regarding the uniform property maintenance codes,
- Review of the status of the 2013 Dyersburg Curb Side Pickup Regulations for Residences,
- Review of time lines associated with notices and court citations and court recognition of the city judge in supporting the city on violations of uniform property maintenance codes,
- Review of sanitation practices and fees in other cities in West Tennessee,

The committee discussed a variety of potential solutions to improve the services provided for curbside pickup. Mayor Holden noted his preference for the 2013 Curbside regulations. The committee agreed the 2013 regulations were sound in design for service to the community. Alderman Kevin Chaney motioned to reimplement the 2013 Dyersburg Curb Side Pickup Regulations for Residences (noting the bulky item pickup time frames changing from “the first two weeks of each calendar quarter” to weekly pickup). He included in the motion to adopt the amendments for the uniform property maintenance codes, and establish fees to enforce the policies of the ordinance. The motion was seconded by Alderman Bill Escue, and received full committee approval.

The recommendation will be presented to the full Board of Mayor and Aldermen.

In other business, the committee heard an update on the landfill study by MTAS. No further actions were taken by the Committee and the meeting adjourned at 11:10 a.m.

** Alderman Kevin Chaney motioned to reimplement the 2013 Dyersburg Curb Side Pickup Regulations for Residences (noting the bulky item pickup time frames changing from “the first two weeks of each calendar quarter” to weekly pickup). He included in the motion to adopt the amendments for the uniform property maintenance codes, and establish fees to enforce the policies of the ordinance. The motion was seconded by _____, and received full Board approval.*

h. Local Government Committee Meeting minutes – February 3, 2017 – Chairman Kevin Chaney.

Alderman Chaney read the following minutes from the Local Government committee meeting:

City of Dyersburg

**Local Government Committee Meeting
February 3, 2017**

The Local Government Committee met Friday, February 3, 2017 at 11:00 a.m. in the second-floor conference room of City Hall.

Committee Members Present: Committee Chairman Kevin Chaney, Mayor John Holden, Terry Glover, and Dennis Moody.

Other Alderman/Aldерwoman Present: Bob Kirk.

Staff and Others Present: Steve Anderson, Treasurer, Greg Williams, Purchasing Agent, Kevin Joslin, and Thomas Mullins, Codes Enforcement, Brandon Hutcheson, State Gazette, and Mike Goff, Wastewater Treatment Superintendent, Kelly Noel, Collections Manager, John Lannom and Christine Coronado, City Attorneys, Dyersburg Fire Chief Tim Ware, Scott Ball, City Storm Water and Construction Inspector.

Chairman Kevin Chaney opened the meeting with the following agenda:

1. Letter from Gary Farley Regarding Seismic protection requirements.

Mayor Holden presented a letter of response before the committee as a result of a recent audit by the State Fire Marshal's Office pursuant to the Board of Alderman exempting the seismic requirements and new span table requirements regulated within the 2015 International Residential Codes adoption. The letter is as follows:



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
STATE FIRE MARSHAL'S OFFICE

Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243-1162
TEL: 615-741-2981
FAX: 615-741-1583

January 30, 2017

RECEIVED
City of Dyersburg

JAN 31 2017
Mayor's Office
Mayor John Holden

Mr. Thomas Mullins
P.O. Box 1358
435 W. Market Street
Dyersburg, TN 38025-1358

Re: Seismic protection requirements

Dear Mr. Mullins:

The State Fire Marshal's Office ("SFMO") is aware of the City of Dyersburg Local Government Committee's decision to suspend enforcement of seismic and span table codes.

Pursuant to T.C.A. § 68-120-101(b)(2), a local jurisdiction may adopt and enforce building construction and safety standards. The SFMO is responsible for effectuating an audit at least once every three (3) years of each local government that chooses to enforce its own building standards to ensure that the local government is adequately performing its enforcement functions. T.C.A. § 68-120-101(b)(4).

The SFMO has made a preliminary determination that the suspension of enforcement of seismic and span table codes will not result in adequate enforcement to afford a reasonable degree of safety to life and property incident to the design, construction, alteration and repair of buildings or structures within the jurisdiction.

The SFMO requests a written plan to address inadequacies by February 28, 2017. T. C. A. § 68-120-101(b)(5) provides that statewide building codes will apply if the State Fire Marshal determines, after written notice and an opportunity for a hearing, that the local government is not adequately performing its enforcement functions.

Please contact me at (615) 741-7170 if you have any questions or need additional information.

Sincerely,

Gary Farley, Director
Department of Commerce and Insurance, State Fire Marshal's Office
Fire Prevention Inspections and Permits & Licensing Section

The committee discussed the necessary actions to comply with findings of the State Fire Marshal's Office.

Alderman Terry Glover made a motion to Create a compliance plan, and authorize the City Codes Enforcement staff to assist in the process procuring the services of the City Engineer (SSR) in the design of the compliance plan. The motion was seconded by Alderman Dennis Moody. The motion passed and will be recommended for approval to the Board of Mayor and Aldermen.

** Alderman Kevin Chaney motioned to create a compliance plan, and authorize the City Codes Enforcement staff to assist in the process procuring the services of the City Engineer (SSR) in the design of the compliance plan. The motion was seconded by Alderman Terry Glover, and received full Board approval.*

2. Update on the Dyersburg Elevator Complaint

A letter from the Division of Air Pollution Control, Tennessee Department of Environment and Conservation, was presented to the committee. The letter contained a compliant history and status report of the Division's investigation of the pollution concerns regarding Dyersburg Elevator. The Division of Air Pollution Control stated the Division's permitting section is currently working with EPA in determining the permit status of the grain sacks. Mr. Thomas Mullins noted that results from a recent air quality assessment indicated no violation of acceptable standards on the specific days of the assessment. The Committee noted the observed dust and odors coming from the elevator company, and the agricultural ground storage, was seasonal. Therefore, a reduction in the air quality is most likely more related to the late summer and fall agricultural harvest seasons. John Lannom recommended the city have another air quality assessment conducted during the harvest and storage seasons. He recommended EnSafe which is an environmental science, safety, and regulatory company. Mr. Lannom stated he would review the city ordinances for any violations of zoning or noise noncompliance by Dyersburg Elevator.

3. Discussion of a request for a beer permit that allows on premise consumption and off premise consumption, and Ordinance revision for definition of beer to comply with the new Tennessee State Law.

Mayor Holden provided the committee with the following information:

The City received a request from an individual who requests a business permit to allow both on premises and off premise consumption of beer. Mr. Lannom reviewed the current ordinance provisions and potential considerations, if the ordinances were changed to accommodate the request. The committee determined the best action at this time was to review the ordinances and

provisions from other communities addressing similar requests. The committee noted the required ordinance changes mandated by State effective January 1, 2017 requiring cities to amend their ordinances regarding the noted weighted alcohol changes from 5% to 8%. The committee decided to coordinate the two issues into future ordinance revisions after further review of on premises and off premise consumption of beer by other cities.

4. Transient Vendor Ordinance.

In a previous Local Government Meeting in November 2016, the committee asked the city attorneys to present an outline for how transient vendors operate in the city. At that meeting, the committee asked attorney John Lannom to review the outline again and make it stronger.

Mr. Lannom presented an updated draft of a transient vendor ordinance before the committee.

The meeting was heavily attended by vendors who expressed their opinions regarding the proposed transient vendor ordinances. After significant discussion and debate, a motion was made by Alderman Dennis Moody to accept the ordinance with the conditions of modification to the setbacks requirement (replacing with language to be off of the State Right of Way), and eliminate section 9206(1).

The motion was seconded by Alderman Terry Glover. The motion passed and will be recommended for approval to the Board of Mayor and Aldermen.

** Kevin Chaney motioned to accept the ordinance for notice of public hearing with the conditions of modification to the setbacks requirement (replacing with language to be off of the State Right of Way), and eliminate section 9206(1). The motion was seconded by Alderman Dennis Moody, and received full Board approval.*

5. Update on Curbside Debris Sanitation Pickup Policy.

Mr. Thomas Mullins presented the Curbside Debris Sanitation Pickup Policy. On a motion by Chairman Chaney the committee approved the ordinance as revised noting adding the changes to specific fees noted in the schedule of fees. The motion was seconded by Alderman Dennis Moody. The motion passed and will be recommended for approval to the Board of Mayor and Aldermen.

** Alderman Kevin Chaney motioned to accept the ordinance for notice of public hearing for revision of curbside sanitation pickup and property maintenance code ordinances as revised noting to add changes to specific fees. The motion was seconded by Alderman Mike Morgan, and received full Board approval.*

6. An ordinance appropriating funds for the Dyersburg City School System as requested by the State of Tennessee Comptroller's Office.

Mayor Holden and Treasurer Steve Anderson presented the required ordinance before the committee for their approval.

Alderman Dennis Moody motioned to approve the ordinance as presented. The motion was seconded by Mayor Holden. The motion passed and will be recommended for approval to the Board of Mayor and Aldermen.

In further business, Mr. Scott Ball presented an approval for a Resolution of a Community Block Development Grant for the city under the National Disaster Resilience (CDGB-NDR) competition.

RESOLUTION NO 02062017

DYERSBURG, TENNESSEE

FOR

**Community Development Block Grant National Disaster Resilience Funding
(CDBG-NDR)**

WHEREAS, the State of Tennessee Department of Economic and Community Development (herein called the "State"), has applied for and been granted funding from the United States Department of Housing and Urban Development under the Disaster Relief Appropriations Act, 2013, Public Law 113-2, for the Community Development Block Grant National Disaster Resilience (CDBG-NDR) competition; and

WHEREAS, the State wishes to engage the City of Dyersburg as a partner to assist the State in using such funds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Dyersburg

THAT, the City of Dyersburg will be responsible for using CDBG-NDR funds to carry out a Wastewater System Rehabilitation project and a Wetland Creation and Recreation Facilities project in a manner satisfactory to the State and consistent with any standards required as a condition of receipt these funds.

THAT, City of Dyersburg, shall comply with applicable CDBG-NDR requirements, including those found in Disaster Relief Appropriations Act, 2013 (Public Law 113-2), title I of the Housing and Community Development Act of 1974 (42 USC 5302 et seq.), the CDBG program regulations at 24 CFR part 570, the Notice of Funding Availability for HUD's National Community Development Block Grant Resilient Disaster Recovery Allocation and any subsequent published amendments (the CDBG-NDR NOFA), and the State's CDBG-NDR NOFA application.

THAT, John Holden, Mayor, and his successor in title, is hereby authorized and directed to execute and submit a written sub recipient agreement, contract, or other agreement, as applicable, with the State, for the use of the CDBG-NDR funds.

Duly passed and approved this **6th day of February, 2017**.

Alderman Terry Glover Dennis Moody motioned to approve the ordinance as presented. The motion was seconded by Mayor Holden. The motion passed and will be recommended for approval to the Board of Mayor and Aldermen.

**Alderman Kevin Chaney motioned to approved the resolution as presented. The motion was seconded by Alderman Robert Taylor, Jr., and received full Board approval.*

With no further business, the meeting adjourned at 1:00 p.m.

*** Denotes a motion made at the Board meeting during the reading of the committee minutes.**

Report from Alderman and Alderwomen:

Aldermen Bob Kirk: No report.

Alderman Bill Escue: Asked Mayor Holden if the Local Government Committee and the full Board will be able to review any future recommendations in the design of the compliance plan for city compliance to the seismic requirements. Mayor Holden stated the plan would be available for committee review and final recommendation to the Board in order to meet the timeline established by the State Fire Marshal's Office.

Alderman Terry Glover: Notified the community of the upcoming State of Tennessee, TSSAA Football Hall of Fame recognition for former Dyersburg High School coach James Counce.

Alderman Kevin Chaney: Discussed a clarification of his involvement and interest in his former ownership of the Dairy Queen Restaurant. He noted accusations had been made about his intentions during a spirited discussion in the February 3, 2017 Local Government committee meeting involving transient vendors. Alderman Chaney stated he had absolutely no interest or involvement of any kind with the Dairy Queen business.

Alderman Mike Morgan: No report.

Alderman Dennis Moody: Asked the Mayor if the two Knuckle boom trucks that had been out of service, due to repair, had been returned to service. Mayor Holden stated he did not know, but would inquire with the Sanitation Department superintendent.

Alderman Carolyn Norman: No report.

Alderman Robert Taylor, Jr: No report.

Communications from the Mayor: No report.

With no further business, the meeting adjourned at 7: 20 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder