

Minutes of the Board of Mayor and Aldermen
City of Dyersburg
August 17, 2009

The Board of Mayor and Aldermen met in regular session on Monday, August 17, 2009 in the municipal court room at 7 p.m.

Mayor John Holden presided with all aldermen present.

The meeting opened with the "Pledge of Allegiance to the Flag" followed by prayer by Rev. John Chatman.

The minutes of the August 3, 2009 meeting were approved on a motion by Aldermen Norman and Williams.

Public Hearing Called- Planning Commission

A public hearing was called for September 8, 2009 at the regular meeting to consider a training and education ordinance for the Dyersburg Municipal Regional Planning Commission and the Board of Zoning Appeals.

Beer Permit-Neon Moon 405 Hwy 51 Bypass North

The Board acting at the Dyersburg Beer Board held a public hearing on an on premise consumption beer permit application by Mr. Gregory G. Barr at Neon Moon Dance Hall and Grill at 405 Hwy 51 Bypass North.

Police Chief Arthur Huen recommended for approval stating that the application met the City's minimum standards.

Holy Hills Baptist Church Pastor Jeremy Ballinger spoke on behalf of his congregation. The church is moving from Reynolds Avenue due to a fire. He stated that a no alcohol sign had influenced their decision to purchase the building next door to the Neon Moon. The church wanted to register their objection to a beer permit being issued.

Associate City Attorney Christine Corando informed the Board that the last beer permit at the location had been held through April 30, 2009, by Scores. She stated that T.C.A 57-5-109 prohibits denial of a beer permit due to proximity of a church if beer had been sold anytime within the previous six months.

Alderman Dennis Moody asked if beer was sold within the previous six months as required to maintain the property rights protection under the non-conforming use clause in T.C.A 57-5-109. He asked that proof of previous sales be provided.

On an inquiry by Alderman Chaney, Gleya Twilla stated that the question of previous sales has not arisen before. There was an assumption that beer was sold by the previous permit holder. The beer permit application contains no question pertaining to any previous permit holder at the site under consideration.

To allow clarification of the matter, Alderman Kirk and McCright withdrew their motion to approve the beer permit. Mayor Holden set the next public hearing on the matter for September 8, 2009

City Attorney Invoice

The City Attorney invoice for July 2009 in the amount of \$11,532.80 was approved on a motion by Alderman Chaney and Williams.

Bids

The Following bids were approved.

Department: Police Department

Item: Full Size Sedan-(Non-Police package Impala)

Purpose: For use by Police Chief

Budgeted: No- To be taken from Drug Fund

Notification- State Gazette, Direct to 3 Vendors

Bids:	Delta Auto Sales	\$21,158.45
	Walker Chevrolet	\$20,250.00-TN state contract
	Tim Castellaw	\$18,416.18

Recommendation: Award bid to Tim Castellaw, Dyersburg, \$18,416.18.

Motion by Aldermen Kirk and Dudley: Aldermen Williams and Dudley acknowledged associations with Castellaw; respectively, wife is legal counsel and car trades.

Department: Solid Waste Management

Item: 2010 Rear-Loader Sanitation Truck

Purpose: Replace older route trucks

Budgeted: \$180,000

Notification: State Gazette, Direct to 5 Vendors

Bids:	General truck sales	No Response
	River City Hydraulics	No Response
	Scruggs Equipment	Rejected-Did not meet specs
	Tri-State Truck Center	\$151,975.00
	Tri-State International	\$ 141,361.88

Includes trade in of (3) older rear-loader trucks

1997 Volvo

1996 Volvo

2000 GMC

Recommendation: Tri-State International, Dyersburg, \$141,361.88.

Motion by Aldermen McCright and Williams

Department: City Hall

Item: Tear off and Install New Roof

Purpose: Replace Existing Roof

Budgeted: \$50,000

Notification: Construction Datafax, McGraw Hill Plan Room, West TN Plan Room

Bids:	Graham Roofing	No Response
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Chandler Demolition	No Response	
	<u>Base Bid</u>	<u>w/o 20% Contingency</u>
Frazier Roofing	\$185,000.00	\$148,000.00
Jolly Roofing	\$ 98,537.00	\$ 78,829.60

Recommendation: Jolly Roofing, Collierville, TN, \$78,829.60
Motion by Aldermen Kirk and Chaney

Public Safety/Recreation Committee Report

Public Safety Chairman Bob Kirk reported on the joint meeting with the Recreation Committee on August 5, 2009. The committee reviewed recommendations by MTAS, the Tennessee Association of Police Chiefs, and the Dyersburg Police Command Staff regarding the carrying of handguns in city park facilities with a handgun carry permit. Alderman Kevin Chaney spoke in favor of carrying in parks. The Parks and Recreation Directors and staff spoke against the legalized carrying of handguns in park facilities. On a unanimous vote, it was recommended to the full Board to opt out of a state law allowing handgun carry permit holders to carry their handgun at park facilities.

Guns in Parks

The Board listened to public input regarding a resolution to opt out of Public Chapter No.428 of the 2009 Public Acts of Tennessee commonly known as the guns in parks bill.

Alderman Chaney stated that handgun carry permit holders are not a problem. He urged a careful look at the issue.

Citizens supporting the right of handgun carry permit holders to carry their gun at park facilities:

Matt Coker urged defending the Second Amendment in the Bill of Rights stressing that criminals will have guns; Steve Shannon stated that the right to defend yourself is a human right; Rusty Grills proposed hypothetical questions about walking at Okeena; Johnathan Keeling stated that guns are not the problem; Jeff Moore questioned if the City has liability for any injury to a carry permit holder unable to defend themselves in the parks; Jimmy Anderson spoke against vilifying permit holders who are solid citizens carefully screened by the FBI.

Citizens opposed to carrying guns in the park facilities:

Amy Schmidt expressed concern about heated arguments that arise in the parks; Eric Velazquez was concerned about guns being present in Okeena.

The City Parks and Recreation Staff Directors were present and opposed carrying guns at park facilities. They stressed that sports can result in heated disputes. Accidental discharge of guns was a concern. James Earl Johnson, Stuart Edmonds, and Andy Baker spoke.

Aldermen Chaney and Walker asked a number of questions to solicit additional input.

At one point, the question was called for on a motion by Aldermen Kirk and Moody. The motion requiring a two thirds vote failed and discussion continued.

When questioned, Police Chief Arthur Huen stated that just the presence of handguns increases the possibility of a tragic outcome.

Aldermen Williams and Kirk stressed the Board's responsibility to act in the best interest of all citizens.

The resolution to opt out of Public Chapter No. 428 passed 6 to 3 by a roll call vote on the motion by Alderman Kirk and Moody.

Votes against opting out were cast by Aldermen Chaney, Dudley, and Walker.

Reports:

Alderman Walker thanked the public for attending Board meetings. He requested a Recreation Committee meeting to discuss the use of tobacco products at the recreation centers. He commented on the need to replace the turn lane stripes at the middle and primary schools.

Alderman McCright asked that better safety measures be provided for scooter chair operators on city streets.

The meeting adjourned at 8:03 p.m.