

**Board of Mayor and Aldermen Meeting
October 15, 2018
Dyersburg Municipal Court Room**

(1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, October 15, 2018 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 Terry Glover. Mayor Holden noted all Aldermen were present.

(2) **Approval of Minutes:**

Mayor Holden called for a motion to approve the minutes from the October 1, 2018 meeting. Alderman Bob Kirk made a motion to approve the minutes. Alderman Scott Staggs seconded the motion. The minutes were approved. Alderman Bob Kirk discussed his findings from interview with the City Attorney office regarding attorney fees associated with a recent invoice for services. The services involved attorney research and representation at a Dyer County Election Commission meeting.

(3) **Unfinished Business:** None presented.

(4) **New Business**

a. Tennessee Comptroller Treasury letter constituting approval for the City of Dyersburg to enter in to a loan agreement.

Mayor Holden provided all Aldermen an October 2, 2018 letter from the Tennessee Comptroller of the Treasury constituting approval for the City of Dyersburg to enter into a loan agreement with the Public Building (PBA) Authority of the City of Clarksville, Tennessee. The loan agreement in the amount and not to exceed \$4,600,000.00 is to finance costs of certain public works projects consisting of street, road, sidewalk and parking lot improvements including paving; the acquisition of equipment and vehicles for various departments of the City; upgrades to the radio system; renovation, improvement and equipping of various municipal buildings, park and recreational facilities including the swimming pool, splash pad, pavilion, playground and safety surface. Treasurer Steve Anderson confirmed the loan agreement was fully funded as requested and the funds were available for the described projects on October 16, 2018. The loan rate of interest is variable and currently set at 1.05 percent.

b. Public Hearing – Beer Permit – Hide-A-Way

551 Horner Road

Dyersburg, TN 38024

Mayor Holden announced that this was a public hearing for this permit request. Dyersburg Police Chief, Steve Isbell presented information stating that the background investigation of the beer permit applicant showed no reason for the applicant to be denied from obtaining a beer permit for on premise consumption. Being this was noticed as a public hearing, Mayor Holden called for any persons to speak regarding this permit application. No public comment was presented. Mayor Holden called for a motion for approval of the application. Alderman Bob Kirk made a motion to approve the application, followed by a second from Alderman Kevin Chaney. The motion passed by full Board vote.

c. Notice of public hearing – November 5, 2018 – An ordinance to amend the text of the Dyersburg Municipal Zoning Ordinance to adopt standards for indoor sport shooting ranges.

Mayor Holden noticed the public of a proposed text amendment to the Dyersburg Municipal Zoning Ordinance to adopt standards for indoor sport shooting ranges. The proposed ordinance is as follows:

ORDINANCE _____

AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO ADOPT STANDARDS FOR INDOOR SPORT SHOOTING RANGES;

WHEREAS, Sections 13-7-201 through 13-7-210 of the *Tennessee Code Annotated* empowered the City of Dyersburg to enact the Dyersburg Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,

WHEREAS, the Dyersburg Planning Commission has reviewed said proposed zoning amendment pursuant to Sections 13-7-203 and 13-7-204 of the *Tennessee Code Annotated* and recommends such amendment to the Dyersburg Board of Mayor and Aldermen; and,

WHEREAS, the Dyersburg Board of Mayor and Aldermen has given due public notice on said amendment and has held public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of the Dyersburg Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Dyersburg Board of Mayor and Aldermen, have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF DYERSBURG:

SECTION 1. That the following language be added to Article XXIII, GENERAL PROVISIONS:

Section W. Indoor Sport Shooting Range Regulations

The purpose of these facilities is to safely train individuals in the handling of firearms in an urban setting with minimal impact to adjacent properties.

1. An indoor sport shooting range must be located in a building with a minimum of 5,000 square feet.
2. The structure housing an indoor sport shooting range shall be a minimum of 200 feet from the boundary of any residentially zoned district, and located only within the zoning districts: PB – M1 – M2 – M3
3. Such facilities shall comply with setback regulations of the zoning district in which it is located.
4. All firing lanes must be designed with firing lines that restrict down range access from shooters and targets that can be moved toward the shooter mechanically. Safety Rules must be posted at all times. Ranges must have clear and adequate accident protocol plans in place.
5. All facilities shall comply with the Anti-Noise Regulations found in the City of Dyersburg Municipal Ordinance Number 11-302, and specifically no noise from firearms shall be audible at the property lines during business hours.
6. An indoor sport shooting range shall comply with all federal and state regulations pertaining to firearms and shooting ranges.
7. The developer/owner shall provide 1 and ½ (1.5) parking spaces per firing lane, required handicap accessible spaces, plus one (1) additional space for each employee.
Secondary Retail space shall comply with required parking provisions within the Zoning Ordinance.
8. A site plan shall be required.

9. In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The developer/owner shall submit plans detail lead exposure, control, and disposal. The Dyersburg Planning Commission may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above-mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

SECTION 2. That the following language shall be added to Article IV, DEFINITIONS:

Indoor Sport Shooting Range: The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SECTION 3. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after second and final reading, this ordinance shall take effect from and after its passage, the welfare of the city requiring it.”

Passed First Reading

Mayor

Passed Second Reading

City Recorder

Mayor Holden called for approval of the first reading the proposed ordinance.

Alderman Kevin Chaney motioned for approval of the reading and public hearing at the November 5, 2018 Mayor and Board of Aldermen meeting. Alderman Dennis Moody seconded the motion which was passed by the full Board.

d. Attorney Invoice

Mayor Holden presented an invoice from the City Attorney’s office to be approved for payment. The September 1, 2018 – September 30, 2018 invoice totaled \$ 3,943.75. Alderman Mike Morgan made a motion to approve the payment, with a second by Alderman Dennis Moody. With a motion and a second, the attorney invoice was approved.

e. Street Committee Meeting minutes – October 9, 2018 – Chairman Mike Morgan

Chairman Mike Morgan presented the following minutes before the Board:

Street/Sanitation Committee Meeting

City of Dyersburg

October 9, 2018

The Street/Sanitation Committee met Tuesday, October 9, 2018 at 10:00 a.m. at the McIver's Grant Public Library in the community conference room.

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

Other Alderman Board Members: Terry Glover, Bob Kirk, Robert Taylor, Jr.

Staff and Others Present: Greg Williams, Purchasing, Brandon Hutcheson, State Gazette, Scott Ball, Storm Water and Construction Inspector, Charlie Whitnel, Billy Ozment.

The meeting opened with prayer. The committee convened to discuss street selection for paving. The committee reviewed a list of streets prepared by Aldermen, and with the assistance of Street Superintendent Mike McCulloch, included an estimated cost for bush leveling, and all streets to be cleaned, tacked and resurfaced with a compacted two inches of surface hot mix paving. A few streets will be milled and picked up and removed from the site. Side streets will go ten feet into the streets. Estimated cost of the work is \$1,353,274.00.

Alderman Bill Escue made a motion to approve the list and send it out for bids. Alderman Kevin Chaney seconded the motion. The motion passed and will be presented before the full board.

At this point in the reading Chairman Morgan motioned to approve the list and send it out for bids. Alderman Bill Escue seconded the motion. The motion passed by full board vote and the reading continued.

Under the current year's budget, the Mayor and Aldermen approved \$4.6 million in capital outlay projects, including \$2 million in paving. In order to fund the projects, the City will utilize Board approved TML Bond Fund agreement loan funds. Mayor John Holden noted the city recently received a letter from the state comptroller office approving the loan agreement.

Mr. Ball and Mr. Williams informed the committee that they would assist in the preparations for bids as the selections have been made.

Mr. Ball further noted the bid requests should include a price for base, for surface mix, one for striping, and one for milling per ton.

Several streets were considered as high priority including Frank Maynard and Mall Boulevard.

Mr. Ball noted the city does have STP funds remaining, and these funds would be appropriate for supporting finishing Mall Boulevard.

On a motion from Alderman Bill Escue, and a second from Alderman Kevin Chaney, the committee approved using the remaining STP funds for the completion of Mall Boulevard. The motion passed and will be presented before the full Board.

At this point in the reading Chairman Morgan motioned to approve using the remaining STP funds for the completion of Mall Boulevard.

Alderman Bob Kirk seconded the motion. The motion passed by full board vote and the reading continued.

Additionally, Mr. Ball discussed the connector road that has been mentioned as part of the transportation master plan and previously approved by the full board on April 17, 2017. The project has been submitted to TDOT for approval from Highway 78 to the Industrial Park. He stated the project had been moved up on TDOT's list of projects primarily due to Dyersburg staff attending TDOT meetings.

Also, from prior board approval, the city engineer is pursuing grant applications for the project.

Mr. Ball noted that from conversations with TDOT the first thing required toward grant funding is to complete an environmental impact study for the project. The study will provide water resources review, the protected endangered species review, noise, farmland impact, cultural resources certification, hazardous materials certification, and flood plain management.”

The cost of the study is estimated at approximately \$50,000 or approximately \$15,000 per mile.

Alderman Chaney asked if the City had a good opportunity to obtain a TDOT grant for the project of which Mr. Ball acknowledged the city does.

From discussion Alderman Chaney motioned to approve the environmental study with a second from Alderman Escue. The motion passed will be presented before the full Board.

At this point in the reading Chairman Morgan motioned to approve the environmental study.

Alderman Kevin Chaney seconded the motion. The motion passed by full board vote and the reading continued.

In other business, the committee also reviewed the results of a drainage bid for Woodside Lane, located in the Rolling Meadows subdivision. The drainage issue discussion has been a concern for some Rolling Meadows residents since a petition for city action was presented to the committee on August 28, 2017. At that time the committee agreed to commission an engineering study of the issue and determine options for assisting residents' concerns.

On April 12, 2018, the committee met and reviewed the results of an engineering study and approved the project to go out for bid.

Mr. Ball told the bid price came in at \$178,900.00 to do the drainage improvements that was recommended in the engineering study. He noted the work may comprise the following:

- the ditch beside Woodside Lane is a single pipe that runs for a certain amount of feet that opens up to a double pipe. Therefore, that would be changed to make it a double pipe,
- it would extend all the way down the current length of the ditch location,
- put in a new catch basin,
- then where that water empties out and into where it runs south to 104 expand that concrete ditch out,
- finally remove the east wall from it and open that area up to carry the water on down.

Mayor Holden noted the project may be funded from the Water/Sewer fund, Street Department fund, or from the funds obtained through the recent approved bond.

Charlie Whitnel, owner of the farming property east and north of the area in discussion was present to address his concerns of the project. He shared his recommendation for solutions.

After further discussion, it was recommended to meet with the city engineer to discuss the engineering study further in an attempt to address questions and concerns for all of those involved. No committee action was taken, but it was announced that the committee would reconvene to discuss the drainage issue on Thursday, October 18, 2018 at 9 a.m.

With no further business the Committee adjourned at 10:50 a.m.

f. Bids – Greg Williams, Purchasing

1. Department: Fire, Storm Water, Cemetery

Item: Trucks

Purpose: Replace older trucks

Budgeted: Yes

Notification – State Gazette, Direct to 4 vendors

Bids: Freeland Automotive No Response

Rick Hill Nissan No Response

Delta Auto No Response

Tim Castellaw Automotive \$81,261.44

½ Ton Pickup Fire \$25,267.36

½ Ton Pickup Storm Water \$25,267.36

¾ Ton Pickup Cemetery \$30,726.72

Mr. Williams recommended awarding the bid to Tim Castellaw Automotive, Dyersburg, TN at \$81,261.44. Alderman Mike Morgan motioned for approval of the recommendation. Alderman Dennis Moody seconded the motion which passed by full board vote.

Reports from Aldermen:

Aldermen Bob Kirk: inquired as to when the Board could expect the next financial quarterly report from the city treasurer. Steve Anderson noted it would be provided at the next board meeting. In other comments Alderman Kirk noted the following:

- Congratulated Police Chief Steve Isbell's election to the International Association of Chiefs of Police (IACP) of the SACOP Division Executive Committee. Chief Isbell will serve in the capacity of Secretary/ Treasurer, which is a two-year term on the executive board,
- Observed significant tree overhang on Lake Road near the intersection at Parkview. He noted the limbs blocked driver vision of the stoplight at the intersection. He asked Street Superintendent Mike McCulloch to investigate his concern, and
- Expressed concern over the deteriorating conditions of some houses on Troy Avenue. He asked the Codes Department to address the issue.

Alderman Bill Escue: noted that citizens had inquired about the process of repair of street potholes. He stated that it appears some pothole repairs don't last long and are constantly repaired. Mike McCulloch responded with the general repair process practiced by local contractor Ford Construction.

Alderman Terry Glover: expressed the same concerns as Alderman Escue.

Aldermen Kevin Chaney, Mike Morgan, and Robert Taylor, Jr: No report.

Alderman Dennis Moody: Requested citizens to avoid mowing grass clippings and fall leaves into street water drains.

Alderman Scott Staggs: Agreed with Alderman Moody's comment.

Communications from the Mayor:

- Congratulated Police Chief Steve Isbell's for his election to the International Association of Chiefs of Police (IACP) of the SACOP Division Executive Committee.

With no further business, the meeting adjourned at 7: 25 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder