

**Board of Mayor and Aldermen Meeting
February 4, 2019
Dyersburg Municipal Court Room**

(1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, February 4, 2019 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 Edward Burks. Mayor Holden noted all Aldermen were present, with the exception of Alderman James Baltimore.

(2) **Approval of Minutes:**

Mayor Holden called for a motion to approve the minutes from the January 22, 2019 meeting. Alderman Wille Cole made a motion to approve the minutes. Alderwoman Marie Claire Hopper seconded the motion. The minutes were approved. Alderman Edward Burks noted an error in the Aldermen Comments section of the January 22, 2019 minutes. He noted that he thanked the street department for fixing the potholes on Troy Avenue. He stated it should have stated "Mall Boulevard". Alderman Burks stated: "I live on Troy and I don't want people to think I'm asking for preferential treatment. I think it said in the paper that it was Mall Boulevard." The correction was noted for the record.

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

(4) **New Business**

a. Public Hearing – Ordinance BB688 – An ordinance to amend the text of the Dyersburg Municipal Zoning Ordinance for indoor sport shooting ranges

Mayor Holden reviewed the ordinance amendment resulting from a recent Planning Commission meeting. Original text in the ordinance recommended the approval of an Ordinance to adopt regulations for indoor shooting ranges. This Ordinance was adopted and approved by the Dyersburg Board of Mayor and Aldermen. In a prior meeting, the Board of Zoning Appeals (BZA) reviewed a request that claimed the following provision was impossible to be complied with for an indoor shooting range. The BZA agreed *that "no noise from firearms shall be audible"* is unenforceable and that *"no noise"* is unpreventable for a shooting range. The following texts states the current language followed by the replacement language:

"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."

The BZA agreed that a noise controlling measure is necessary. Staff proposed the following new language to replace #5 above:

“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 louder than 90 decibels from firearms shall be audible at the property lines during business hours.”

The Planning Commission approved the ordinance amendment and sent a positive recommendation on the text amendment to the Board of Mayor and Aldermen. At the January 22, 2019 Board meeting, the Board approved a motion for public notice of the ordinance at the February 4, 2019 meeting.

On February 4, 2019 the public meeting was held. Mayor Holden called for any comment from the public regarding the proposed text amendment recommendations. With none presented Alderman Ricky Hammond motioned for approval, with a second from Alderman Willie Cole. With no discussion from the Board the motion passed with a full board vote.

The following is Ordinance BB688 in its amended entirety:

ORDINANCE BB 688

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.”

January 22, 2019

Passed First Reading

Mayor

February 4, 2019

Passed Second Reading

City Recorder

b. Public Hearing – Ordinance BB689 – An ordinance to close an un-used/non-developed alley-way off of Troy Avenue near its intersection with W. Tickle Street

Mayor Holden presented an ordinance to close an un-used / non-developed alley-way off of Troy Avenue near its intersection with W. Tickle Street. At the January 22, 2019 Mayor and Board of Aldermen meeting a motion to approve the ordinance for public notice was approved.

On February 4, 2019 the public meeting was held. Mayor Holden called for any public comment concerning the ordinance to close the un-used/non-developed alley-way off of Troy Avenue near its intersection with W. Tickle Street. No comment was presented. A motion was made by Alderwoman Mary Claire Hopper with a second from Alderman Dennis Moody to approve the ordinance. The motion passed.

The complete ordinance reads as follows:

ORDINANCE NO BB689

AN ORDINANCE TO CLOSE AN UN-USED / NON-DEVELOPED ALLEY-WAY OFF OF TROY AVENUE NEAR ITS INTERSECTION WITH W. TICKLE STREET

WHEREAS, the City of Dyersburg has received a request to close an un-used/non-developed Alley-Way off Troy Avenue near its intersection with West Tickle Street; and,

WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed the request and recommended in favor of closing the alley-way; and,

WHEREAS, the Dyersburg Board of Mayor and Aldermen, after due investigation and consideration has determined that the alley-way has no usefulness currently or in the future to the City of Dyersburg; and,

WHEREAS, the Board of Mayor and Aldermen has held a public hearing regarding this ordinance with 15 days' notice; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Dyersburg, Tennessee:

SECTION 1. That the entire length of the alley-way off Troy Avenue will be abandoned pending the submission of plat by the petitioner and Planning Commission approval of the plat effectively abandoning the right of way.

SECTION 2. BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon final reading and publication in a newspaper of general circulation, the public welfare so requiring it.

Approved and adopted by the Board of Mayor and Aldermen, Dyersburg, Tennessee.

1st Reading: **January 22, 2019**

2nd Reading: **February 4, 2019**

Public Notice **Date: January 20, 2019**

Mayor: _____

Attest: _____
City Recorder

c. **Bids – Greg Williams, Purchasing Agent.** No bids were presented.

In other discussion not on the agenda, City Treasurer Steve Anderson provided an update of the 2017-2018 fiscal audit. His report noted the following information:

- the city is in the process of finishing the audit
- an auditor worked with Mr. Anderson to help finish balancing the government-wide statements, bringing everything together from the school, electric system, and the city placed together into 2 major statements, followed by balancing
- the balancing was not quite finished as of Monday, but hopefully we will in the next couple of days
- it will require several more days to finish writing the report, followed by receiving a final copy of the school report.
- Afterwards, the completion should be no later than this month (February) for submission to the state.

Reports from Aldermen Board:

Alderman James Baltimore: Not present.

Alderman Edward Burks: No report.

Alderman Wille Cole: No report.

Alderwoman Meghan Gilbert: No report.

Alderman Ricky Hammond: thanked the Street Department Superintendent Mike McCulloch and his crew for their work on Harton Avenue.

Alderwoman Mary Claire Hopper: mentioned that she received a call about a home on Grainger Circle that is under repair. With the recent high winds, debris and other materials were being scattered. She mentioned she had contacted Kevin Joslin from the Codes Department who resolved the issue.

Alderman Dennis Moody: No report.

Alderwoman Vanneda Webb: said a concerned citizen approached her about the home on Troy Ave., which recently caught on fire. She mentioned she contacted Thomas Mullins of the Codes Department who assured her that the department is taking care of the issue.

Communications from the Mayor: No report.

With no further business, the meeting adjourned at 7:08 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder