

Board of Mayor and Aldermen Meeting
September 16, 2019
Dyersburg Municipal Court Room

(1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, September 16, 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 Alderwoman Vanedda Webb. Mayor Holden noted all members of the Board were present.

(2) **Approval of Minutes:**

Mayor Holden called for a motion to approve the minutes from the August 19, 2019 meeting. The Board did not meet on Tuesday September 3, 2019. Alderman Willie Cole made a motion to approve the minutes. Alderman Ricky Hammond seconded the motion. The minutes were approved.

(3) **Unfinished Business:** Mayor Holden presented a resolution formally approved by the Board at the December 3, 2018 Board of Mayor and Aldermen meeting. The amended resolution request from the state, will result in the City having a principal debt forgiveness of \$500,000 for work performed at the Dyersburg Wastewater facility. He noted the original resolution stated the cost of the project totaled \$10.5 million. Mayor Holden passed out copies to the board members prior to the start of the meeting. In the original approved Resolution 12032018B, the following was key elements of the resolution were noted:

“a resolution authorizing and providing for the financing of the construction of a wastewater facilities project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and make certain representations, certifications, and pledges of certain revenue in connection with such financing”. The second resolution reads “Authorizing Resolution 09192019 amending resolution 12032018B”, is a resolution that the state wants the City to pass in order to get this on the agenda for the State Revolving Fund to hear this week. He noted all else remains the same except for how the funding is configurated. He stated the new resolution will break costs into parts, and this amount is \$2.5 million. He said the City has been able to negotiate with the State a principal forgiveness in the amount of \$500,000 that the City does not have to repay, because of participation in this program. Finally, he noted that on a future date, the City will pass another resolution for the rest of the project.

**AUTHORIZING RESOLUTION 09162019
(Amending Resolution 12032018B)**

**RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE
CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING
AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL
AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN
REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE
IN CONNECTION WITH SUCH FINANCING.**

WHEREAS, the City of Dyersburg is a public and governmental body in Dyersburg, (Dyer County) Tennessee (the "Local Government"); and

WHEREAS, the City of Dyersburg agrees to provide in-kind services in the form of [identification and inclusion of specific flood resiliency objectives, actions, and measures into planning and design of the project(s) identified in CG7 2020-439 in order to: (1) reduce recurring risk to water infrastructure assets and disruption of critical services for the population served; and (2) work with SRF to share resiliency objectives, actions, and measures with the public via meetings, website, etc. to help other communities address flood resilience] as part of this loan contract, the State Revolving fund (SRF) shall provide \$500,000 in principal forgives based on value to the public and to the communities of the State of Tennessee derived from the stated in-kind service.

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number CG7 2020-439 (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of funds in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for project loans; and

WHEREAS, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE, be it resolved as follows:

Section 1. Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of two million dollars (\$2,000,000) and five hundred thousand dollars (\$500,000) in principal forgiveness by the obtaining of a project loan.

Section 2. The execution and delivery of the Application for a Project loan in the principal amount of two million dollars (\$2,000,000) and five hundred thousand dollars (\$500,000) in principal forgiveness for the purpose of funding all or a portion of the total estimated cost of the Project two million five hundred thousand dollars (\$2,500,000), by Mayor John Holden, the Local Government, is hereby ratified and approved in all respects.

Section 3. The form, terms, and provisions of the agreement for the Project loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee

Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

Section 4. The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

Section 5. The Local Government hereby agrees to make the monthly payments on the Project loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

Section 6. The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the wastewater system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

Section 7. The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

Section 8. The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

Section 9. The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

Section 10. The Mayor of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project loan.

Section 11. All orders, resolutions, or ordinances in conflict with this resolution are and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed this 16th day of September 2019.

John Holden, Mayor

Robert C. Jones, City Recorder

Mayor Holden called a motion to approve the resolution. Alderman Dennis Moody made a motion for approval, followed by a second from Alderman James Baltimore. The motion passed unanimously by the Board.

(4) New Business

a. Attorney Invoice.

Mayor Holden presented an invoice from the City Attorney's office to be approved for payment. The August 1, 2019 – August 31, 2019 invoice totaled \$ 1,256.25. Alderwoman Mary Claire Hopper made a motion to approve the payment, with a second by Alderman Willie Cole. The invoice payment was approved unanimously by the Board.

b. Notice of Public Hearing

Mayor Holden presented the following:

NOTICE OF PUBLIC HEARING

AN ORDINANCE AMENDING THE DYERSBURG MUNICIPAL ZONING MAP BY REZONING PROPERTY LOCATED ON PHILLIPS STREET, TIBBS STREET AND HARRELL AVENUE (CM PARTNERS DYERSBURG, LLC PROPERTY) FROM B-2 (GENERAL TRADE AND SERVICES) DISTRICT TO R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT.

Said hearing will be held pursuant to the provisions of Section 13-7-105, Tennessee Code Annotated. Said hearing will be held at the regular meeting of the Dyersburg Board of Mayor and Aldermen on, October 7, 2019, BEGINNING AT 7 P.M. at the Dyersburg Municipal Building.

Mayor Holden called for a motion for a public hearing on the proposed ordinance. Alderman James Baltimore motioned for approval, followed by a second from Alderman Edward Burks. The motion passed unanimously.

c. Bids – Greg Williams, Purchasing Agent

The following bid was pre-approved in the overall approval of the 2019-2020 City budget by the Board of Mayor and Aldermen. The following were awarded:

1. Department: Solid Waste
Item: Tarping System
Purpose: Alternate Daily Cover
Budgeted: \$50,000
Notification – State Gazette, direct to 2 vendors
Bids: Tarpomatic \$78,692.00
Southwestern Sales Co. \$42,009.59
Bid was awarded to Southwestern Sales Co. for \$42,009.59

2. Department: Gas
 Item: Vacuum Excavation Unit
 Purpose: Verifying location of underground utilities
 Budgeted: \$45,000
 Notification – State Gazette, direct to 3 vendors
 Bids: Vac-Tron No Response
 Ditch Witch \$52,290.39
 Vermeer Midsouth \$38,978.00
 Bid was awarded to Vermeer Midsouth for \$38,978.00

3. Department: Gas & Water/Sewer
 Item: (3) ¾-Ton Utility Trucks
 Purpose: Replace older trucks – (2) Gas & (1) Water/Sewer
 The older trucks will be redistributed to other departments
 Budgeted: \$70,000 & \$45,000
 Notification – State Gazette, direct to 3 vendors
 Bids: Rick Hill Nissan No Response
 Delta Auto Sales No Response
 Tim Castellaw Automotive \$95,885.40
 Bid was awarded to Tim Castellaw Automotive, Dyersburg, for \$95,885.40

4. Department: Water Plant
 Item: Zero-turn Mower
 Purpose: Replace older broken mower used to mow around water plant facilities
 Budgeted: \$13,000
 Notification – State Gazette, direct to 5 vendors
 Bids: MTD Products No Bid
 Century Equipment No Bid
 First Choice Farm & Lawn \$13,794.00
 Ron’s Small Engines \$12,873.75
 Cycle Werks \$12,648.75
 Bid was awarded to Cycle Werks, Dyersburg, for \$12,648.75

Reports from the Aldermen Board:

Alderman James Baltimore: No report.

Alderman Edward Burks: No report.

Alderman Wille Cole: commended the street, gas, and water departments who were recently concerned about a community member, while working on a project.

Alderwoman Meghan Gilbert: asked Mayor Holden about of the status of a Cemetery Committee meeting. Mayor Holden said he had been trying to schedule a meeting at a time that worked for committee members as well as personnel. He noted a meeting will likely be called within the coming week.

Alderman Ricky Hammond: Alderman Hammond mentioned that a Recreation Committee meeting is scheduled to meet following the full Board meeting on October 7, 2019.

Alderwoman Mary Claire Hopper: thanked Kevin Joslin and Thomas Mullins with the City's Codes Enforcement Department for assisting in homes located on Grainger Circle and The Farms that were of concern to her and other community members.

Alderman Dennis Moody: No report.

Alderwoman Vanedda Webb: No report.

Communications from the Mayor:

- reviewed the Codes Enforcement Report from August 2019. He noted 34 structures were demolished over the course of the month, and 24 of those demolitions being mobile homes on Christie Street.
- discussed a memo he sent to Dyersburg Police Chief Steve Isbell, the DPD command staff, and the Board, concerning a social media post he received. The social media post from Facebook noted the 'higher ups have tied the hands of [Dyersburg Police] officers to do their job. Remember when they come up for election, they are not protecting this community interest any longer but the interest of the lawless'.

In addition to reading the Facebook post, Mayor Holden read aloud his memo to the Dyersburg Police Department as follows: "Chief, please see attached Facebook post that I received this morning [Monday]. I personally do not know [the individual who made the post], but I am curious if the DPD has received a complaint from [the individual] or if there have been any interactions. I doubt very seriously that officers are not enforcing laws due to having their 'hands tied' by 'higher ups'. I firmly believe that the men and women of the Dyersburg Police Department do a fantastic job in protecting our community. Please let me know what you're able to find out in regards to this matter."

- announced the upcoming Dyer County Community Cancer Fund BBQ for Cancer, Friday, September 27, 2019, the Dyersburg State Community College 50th Anniversary Gala on Friday, September 27, 2019, and the 3rd annual Oktoberfest on Saturday, September 28, 2019.

With no further business, the meeting adjourned at 7: 12 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder