

Board of Mayor and Aldermen Meeting

Monday, June 7, 2021

- (1) **Call to Order:** The board of Mayor and Aldermen convened for their regularly scheduled board meeting on Monday, June 7, 2021 in the Dyersburg Municipal Court Room at 7:00 p.m. Mayor John Holden presided. The meeting opened with a prayer by Alderwoman Meghan Gilbert. All board members were present with the exception of Mary Claire Hopper.
- (2) **Approval of Minutes:** Mayor Holden called for a motion to approve the minutes from the May 17, 2021 meeting. Alderman James Baltimore made a motion to approve the minutes. Alderman Willie Cole seconded the motion. All were in favor and the minutes were approved.
- (3) **Unfinished Business:** None.
- (4) **New Business:**

A. Dr. Karen Bowyer - Presentation

In other business, the board heard from Dyersburg State Community College President Dr. Karen Bowyer.

“We’re here to say thank you for the Dyer County Promise Scholarships you all have made available to our students this past year. We’ve been doing this, I think Mayor, since 2005.”

Dr. Bowyer introduced a student who was a recipient of the Dyer County Promise, Gwen Todd.

Todd took a moment to address the board.

“Thank you for offering students the Dyer County Promise. It’s really gone a long way for a lot of students.”

Todd, a K-5 education major, said she works as a tutor at DSCC and at local elementary schools.

“The Dyer County Promise helped cover what Tennessee Scholars and Tennessee Promise did not pay for,” added Todd.

Bowyer also took a moment to address the 2021 Dyer County Higher Education Profile, which was handed out to each board member. According to the profile, the high school graduation rate (combined for DHS and DCHS) is at 94 percent.

“Where we’re concerned is only 68 percent with all the opportunities – Dyer County Promise, Tennessee Promise, HOPE Scholarship – students are not going on to college – TCAT, Dyersburg State, or a university. We’re trying to attract those students with some short-term certificates. We have students this year becoming Certified Nursing Assistants while they’re in high school. Once they get into that and do well, they are encouraged to keep on going.”

Dr. Bowyer referenced DSCC offers 26 certificates students can earn in career programs in a year or less. Certificates included Certified Production Technician, Computer Information Technology, Corrections & Law Enforcement, Early Childhood Education, Medical Coding, EMT, Paramedic, LPN to RN Fast Track, Paramedic to RN, and many more.

She also presented the economic impact study, noting DSCC generates an annual economic impact of \$61 million and has a budget of \$22 million, consisting mainly of salaries.

Dr. Bowyer added in May, DSCC had 397 graduates, with roughly 45 percent going to work and the remainder transferring to a university. Also, over 700 students are currently enrolled in summer school.

B. Attorney Invoice

The board also approved the April 2021 attorney invoice in the amount of \$4,887.80. Alderwoman Vanedda Webb made a motion to approve the invoice and Alderman Dennis Moody seconded the motion. All was in favor of approving the April 2021 invoice.

C. Bids – Greg Williams

The bid sheet, prepared by City Purchasing Agent Greg Williams, listed one awarded bid for the water plant to repair well #9. The repair was budgeted under repair and maintenance and was awarded to National Water Services of Lawrenceburg, Tenn. in the amount of \$59,766.16. No action was taken as this is a budgeted item.

D. Appeal Hearing before the Board of Mayor and Aldermen regarding the termination of Mikel Dial

An overview for Dial's basis of termination, prepared by the city attorney, stated the following:

"On March 29, 2021, Mr. Dial was assigned to check several gas meters located in the city, including a gas meter located at Ferrell Ave., as none of the assigned gas meters had registered any usage for more than 30 days. Mr. Dial was provided a service order for each location, which is a form used by the Gas Department employees to track the meters they check. The form includes a space for the employees to indicate the action taken by the employee at each location. Mr. Dial completed the form for the gas meter located at Ferrell Ave. and indicated that he checked the meter and the meter was operating properly....

"...When Mr. Dial returned to the office later on March 29, Assistant Superintendent Tyler Hammett asked Mr. Dial if he removed any fireflies (an obsolete electronic meter that is no longer used by the city, and is typically removed by a gas employee when encountered on a job) from the meters he checked that morning. Mr. Dial told Mr. Hammett that one location he checked had a firefly, which he removed and put back on after checking the meter.

"On March 30, Mr. Hammett went to Ferrell Ave. to remove the firefly and install a new dial cover on the meter. When Mr. Hammett arrived, he was unable to easily remove the firefly because the bolts were stripped and rusted. In order to remove the firefly, Mr. Hammett was required to break the firefly into pieces. After investigating further, Mr. Hammett determined that Mr. Dial did not remove the firefly as he previously indicated...

"...Mr. Hammett called Mr. Dial and instructed him to report to Ferrell Ave. After Mr. Dial arrived, Mr. Hammett asked Mr. Dial why he stated he removed the firefly when he clearly had not; and why he failed to replace the broken meter the previous day. Mr. Dial had no explanation for his actions and told Mr. Hammett that he was not the only employee who was failing to properly check the meters, and Superintendent Mike Hunter should start checking everyone's tickets."

The overview also stated Hunter investigated the circumstances regarding Dial's actions and held a meeting on April 5, 2021 regarding Dial's allegation that other employees were not properly performing service requests. It also added no employees admitted to not properly checking gas meters.

After further investigation by Hunter, he determined Dial's actions in question constituted the intentional falsification of records violating the City's Personnel Rules and Regulations and justified the termination of Dial's employment.

According to the City of Dyersburg's Personnel Handbook, the offense of intentional falsification of records justifies the termination of employment on the first offense. Dial was terminated on April 12, 2021. Thereafter, 2 other Gas Department employees summarily resigned their employment the day Dial was terminated and another employee voluntarily resigned shortly thereafter.

Additionally, the overview noted Dial was reprimanded on Feb. 9, 2021 for violating the City's social media policy and disciplined on four other occasions in 2018 and 2019 for various infractions including carelessness, safety violations, damage to personal property, and illegally parking a city vehicle in a handicap parking spot.

The city attorneys called for testimony from Hunter, Hammett, and City HR Director Sue Teague. Dial was also given an opportunity to present his case, question the City's witnesses, and call his own witnesses, which included Gas Department employee Todd Hinson.

Dial argued it was Hinson, not he, who filled out the ticket. Dial said both he and Hinson were sent to the Ferrell Ave. address. Dial said while employed at the Gas Department the passenger, whom he claimed was Hinson, filled out the paperwork and wrote the initials of both employees who were at a job site.

Hinson testified he did fill out the paperwork and wrote the meter was good.

When asked, Hunter said responsibility fell on the most senior member. At the time of the incident Dial had been employed for 6 years compared to Hinson's 9 months, who Hunter said was still in training.

Alderman Ricky Hammond asked Teague, "City policy – was Mr. Dial responsible for that ticket because he was the senior member?"

"Yes sir," replied Teague. "He was the trainer. Mr. Hinson was the trainee. Mr. Dial was responsible."

After testimony and a public deliberation period for the board members, Alderwoman Vanedda Webb motioned to support Dial's termination with a second from Alderman Dennis Moody.

A roll call vote was held with Webb, Moody, Hammond, Burks, and Mayor John Holden voting to support termination with Gilbert, Baltimore, and Cole voting no.

With a 5-3 vote, the termination was upheld.

REPORT FROM ALDERMEN AND ALDERWOMEN:

James Baltimore: No report

Edward Burks: No report

Willie Cole: Alderman Cole said he doesn't place much trust in the Internet, but he was sent a video saying Dyersburg was number 9 in the 10 worst cities in Tennessee.

"There was something that caught my attention. There were 5 residents that were substandard that should have been torn down. Four of those 5 were in my Ward," said Cole. "What I'm saying to the board is if we want to build Dyersburg then we've got to do something. It's not all talk. If you're going to tear down a house – go ahead. If you're going to improve the roads – improve them."

He added he has received complaints from residents in his ward pertaining to garbage and tree-limb pickup as well as mowing on Upper Finley and Klondike.

Mayor Holden, as mentioned in past meetings, asked Cole to call him to make him aware of issues so they could be resolved.

"You said this 2 weeks ago, and you haven't called me – but please do," said the mayor. "Call us the day you see it. Two weeks later I can't address it."

"I've been documenting," replied Cole.

Meghan Gilbert: Alderwoman Gilbert said after the testimony heard from the appeal hearing, "I can only hope that we can put policies in place and make sure everyone is on the same page and do better moving forward."

Ricky Hammond: No report

Mary Claire Hopper: Not present

Dennis Moody: No report

Vanedda Webb: No report

COMMUNICATIONS FROM THE MAYOR:

In closing, Mayor Holden said the city recognized the 77th anniversary of D-Day on June 6. He mentioned he had spoken with resident Jack Claiborne, who stormed the beaches of Normandy as a 19-year-old, and that there are less than 1,000 people now living that were part of D-Day. Mr. Claiborne now 96 years old continues to be active and going strong.


“We are proud of Jack Claiborne and what he means to this community,” said Holden.

Also, the mayor noted the Farmers Market is set to open Saturday, June 12, and a benefit luncheon for Dyersburg Police officer Stan Langley will be held from 11 a.m. – 1 p.m. at the downtown storm shelter on Friday, June 18.

With no further business, the meeting was adjourned at 9:00 p.m.



John Holden, Mayor



Scott Ball, City Recorder