

**City of Dyersburg
Board of Mayor and Aldermen
Monday, March 7, 2022**

1. **Call to Order:** The Board of Mayor and Aldermen met for their regularly scheduled meeting on Monday, March 7, 2022 at 7:00 p.m. in the Dyersburg Municipal Court Room. Mayor John Holden called the meeting to order. All members were present. The Meeting opened with a prayer by Alderman Edward Burks.
2. **Approval of Minutes:** Mayor John Holden called for a motion to approve the minutes from the February 22, 2022 meeting. Alderman James Baltimore made the motion to approve the minutes and Alderman Willie Cole seconded the motion. All were in favor and the minutes were approved.
3. **Unfinished Business:** Greenburg Property Denial

Under old business, Mayor Holden referred to a disclaimer of property, located on Cedar Street, devised to the City by the late Harold Greenberg.

“In his last Will and Testament filed in Shelby County Probate Court, he devised the property to Dyer County, and Dyer County did not accept it, the parcel then passed to the City of Dyersburg. The problem with that is a possibility of toxic items on that property that the county doesn’t want, and we certainly don’t want it either. By law, counties and municipalities have a right to not accept property given to them without their knowledge.” *See page entitled Regarding the Disclaimer of Property Bequeathed to the City by Harold Greenberg (last page of minutes).

A motion to approve the disclaimer to not accept the property was made by Alderman James Baltimore and seconded by Alderman Dennis Moody. Holden added the City will file the disclaimer in the Dyer County Register’s Office and Shelby County Probate Court.

4. **New Business:**

- A. **Firefighter Recognition – Fire Chief Brett Sipes**
Jacob Sullivan – 2021 Dyersburg Firefighter of the Year
Richard Fowlkes – Firefighter Service Commendation Ribbon
Aaron Jay Cryer – Firefighter Service Commendation Ribbon

Chief Sipes first announced Jacob Sullivan as the department’s Firefighter of the Year for 2021.

“Jacob Sullivan was nominated and voted on by the department as the 2021 Firefighter of the Year,” said Chief Sipes. “We had a ceremony at the end of the year.”

Chief Sipes also read aloud Sullivan’s official nomination:

“Jacob is a dedicated employee. He has a spotless record and goes above and beyond performing his duties. Jacob is an excellent firefighter as well as acting operator. Jacob shows

his professionalism through his appearance, demeanor, and positive attitude. He shows loyalty by always putting his department first. Jacob never complains and is always willing to do anything needed of him. Jacob has already been honored on the state level at a First Responder Award ceremony hosted by the Department of Safety and Homeland Security for his efforts in saving the life of a child in a house fire. We are honored to award Jacob Sullivan with this year's Firefighter of the Year Award."

Sipes also recognized Lt. Richard Fowlkes and Capt. Aaron Jay Cryer, who were presented Firefighter Service Commendation Ribbons for their efforts in the Dec. 10, 2021 tornados, which hit Dyer County and the Reelfoot Lake areas.

A letter from a family out of state was included in the board members' packets, and Chief Sipes read the letter during the meeting, excluding the last name of the family.

"... My wife and I arrived within 10 hours and observed a great amount of damage and devastation. We also observed a great amount of compassion and care for their fellow man from members of your Dept., as well as the rest of the law enforcement, first responders, and people of your community. I would really like to thank and request personal accommodations for firefighter Jay Cryer and Richie Fowlkes. They went above and beyond the extra mile to help my sons and grandsons to safety and to get back to the scene the next day to look for our lost family. ..."

Referring to the Firefighter Service Commendation Ribbon, Sipes said it is awarded to a veteran member of the department who has performed a service in a highly commendable manner.

Mayor John Holden and many of the aldermen offered their thanks and appreciation for the three men as well as the department as a whole.

B. Public Hearing – Beer Permit **JR Mart**
Parthkumar Patel
1025 Harrell Avenue
Dyersburg, TN 38024

A public hearing for an off-premises beer permit for JR Mart, located at 1025 Harrell Ave., was also conducted. Dyersburg Police Chief Steve Isbell noted the permit was filed due to a change in ownership and recommended approval. Alderwoman Mary Claire Hopper made a motion to approve the permit and Alderwoman Vanedda Webb seconded the motion. Mayor Holden asked for public comment, no one in the audience commented. All were in favor.

C. Attorney Invoice – January 2022

Alderman Ricky Hammond made a motion to approve the attorney invoice for January in the amount of \$4,956.25 and Alderman Edward Burks seconded the motion. All were in favor.

D. Public Safety Committee Meeting Minutes – February 22, 2022 Chairwoman Vanedda Webb

Alderwoman and Committee Chair Vanedda Webb read aloud the Public Safety Committee minutes. During the meeting, the committee heard from Chief Sipes who presented a request concerning the department's hiring policy. According to Chief Sipes, he preferred hiring EMTs and Advanced EMTs, but due today's market, he asked to remove the requirement to be EMT certified to be hired at the Dyersburg Fire Department.

However, Chief Sipes requested anyone who signs on without an EMT certification would have one year from their hire date to obtain it. He passed out copies of the agreement letter, as well as agreements created for those who wish to seek advanced certifications, such as Advanced EMT, for those within the department. Sipes said the agreements had been reviewed by the City attorney.

The committee voted to approve the amendment to the hiring policy, and on Monday, it was also approved behind a motion from Alderman Willie Cole and a second from Alderman James Baltimore. All were in favor.

E. Street/Sanitation Committee Meeting Minutes – February 23, 2022 – Chairwoman Mary Claire Hopper

The Street and Sanitation Committee meeting minutes were read aloud by Alderwoman and committee chair Mary Claire Hopper.

The meeting was held with a large number of Dyersburg property owners to discuss illegal curbside. Mayor Holden pointed out the current curbside ordinance was approved in April 2017 under the previous board. The ordinance allows the City to post the yard of the property with illegal curbside and to send a certified letter to the property owner notifying them they have 5 days to bring their property to compliance. The mayor also passed out copies of Codes Enforcement violations from 2018-2021, which resulted in 4,144 total violations with 1,763 of those being sanitation. In 2021 alone, the City has 705 curbside violations issued.

The property owners requested the City place a phone call to them if their property ever violated the curbside ordinance. Mayor Holden said the City had a voluntary registry in 2017, however, he said the City was never notified if a property had sold or people would claim the City never contacted them. Where the certified letters were concerned, Holden added there had been several instances where the letters were not accepted.

Among the property owners, it was agreed 5 days would be enough time to correct any issues with a property, as long as they were aware in the beginning stages. A suggestion was made to have the City post the address of a property not in compliance to the City of Dyersburg Facebook page.

Hopper motioned to keep the 5-day response time, continue to post the yard, and post the non-compliant address to the City of Dyersburg Facebook page. The 5 days would begin upon completion of both physically posting the yard and uploading the address only to the City's Facebook page. Additionally, the 5 days would consist of business days, as it is currently listed in the ordinance. Alderman Ricky Hammond seconded, and it passed within the committee.

Alderman Mary Claire Hopper made the motion to approve the minutes and Alderman Ricky Hammond seconded the motion. All were in favor.

F. Resolution 03072022 – A Resolution to support restoring the historic revenue sharing relationship between the State of Tennessee and its local governments and to return the local share of the single article cap to local governments.

Mayor Holden presented Resolution 03072022 to support restoring the historic revenue sharing relationship between the State of Tennessee and its local governments and to return the local share of the single article cap to local governments.

The Mayor said the state sales tax revenue sharing was stopped in 2002, and the Tennessee Municipal League is lobbying to give the money back to municipalities. If restored, this would mean an additional \$255,000.00 yearly to the City of Dyersburg.

“They are just asking resolutions from local cities to support this on a state level,” explained Mayor Holden. “Many have supported this, and many will continue to do it.”

The resolution was passed behind a motion from Alderman James Baltimore and seconded from Alderman Willie Cole. All were in favor.

G. Bids – Greg Williams

The board also reviewed a bid sheet prepared by City Purchasing Agent Greg Williams. The sheet listed one bid for 62 Sig Sauer patrol rifles with sights for the police department. Notification was not given due to Accurate Law Enforcement of Memphis being the sole source of the Sig Sauer firearms to law agencies in Tennessee. The bid was in the amount of \$63,300, however with a trade-in allowance for 50 existing rifles and 122 seized weapons coming in at \$34,045, the balance remaining would be \$29,255, which would come from the DPD’s drug fund.

With the item not being budgeted, it required board approval. The bid was approved behind a motion from Alderman Vanneda Webb and second from Alderman Dennis Moody. All were in favor.

REPORT FROM ALDERMEN AND ALDERWOMEN:

James Baltimore: Alderman Baltimore asked who would he need to contact pertaining to potholes. Mayor Holden said the street department has been working on them and Chad Williams would be the one to talk to at the department.

Alderman Hopper said if there was a pothole of concern on a state route within the City to go online and request service from the state.

Baltimore also asked when salaries could be discussed.

“We’re going discuss it during the budget hearings in May and June,” replied Mayor Holden. “We’ve talked about this. We’ve had staff meetings. We’ve gotten comparative salaries from lots of cites. The

City of Dyersburg is not the lowest, I promise you. We're about in the middle, but we realize the top-out time is probably too long and the pay scale is going to need to be addressed."

Edward Burks: No report

Willie Cole: No report

Meghan Gilbert: No report

Ricky Hammond: No report

Mary Claire Hopper: Alderwoman Hopper offered her thanks to Chad Williams and the City's Street Department.

Dennis Moody: Alderman Moody asked if the Mayor had heard back from the state regarding the state routes, including the bypass.

"I have not," replied Mayor Holden. "I've been asking and I'll continue to ask."

"The bypass and a lot of the state routes through the City are in terrible shape," stated Moody.

Vanessa Webb: No report

COMMUNICATIONS FROM THE MAYOR:

In closing, Mayor Holden again thanked the firefighters. He added the City would be conducting their spring cleanup on Saturdays in April.

With no further business, the meeting was adjourned at 7:35 p.m.



John Holden, Mayor



Scott Ball, City Recorder

**Regarding the Disclaimer of Property Bequeathed
to the City by Harold Greenberg**

In 2002, Mr. Harold Greenberg offered to convey a real estate parcel located on Cedar Street in Dyersburg to the County of Dyer. The parcel in question was formerly owned and operated by Mr. Greenberg's father, Ben Greenberg, in connection with his salvage and scrap iron business.

Unfortunately, on the basis of the Phase II Environmental Site Assessment commissioned by the County in 2002, the parcel was determined to possess a number of troublesome chemicals and substances, including lead, arsenic, and chlordane, in such levels as to require reporting to the Tennessee Department of Environment and Conservation and further environmental testing. Because of these factors, the County declined Mr. Greenberg's gift of the parcel.

Mr. Greenberg died in August, 2020, leaving his Last Will and Testament which was filed with the Shelby County Probate Court in November, 2020. Under his Last Will and Testament, Mr. Greenberg devised the parcel to Dyer County; and alternatively, to the City of Dyersburg in the event that Dyer County refused to accept the devise.

Mr. Greenberg's representative, his son, David Greenberg of Memphis, filed the Will in 2020 in the Dyer County Register's Office without notice to either the City of Dyersburg or Dyer County. As a result of the filing, the Dyer County Tax Assessor considered the property to have been successfully devised and conveyed to the County of Dyer and she amended the County's tax records to reflect Dyer County as the owner of the parcel.

Upon receiving notice of these circumstances, Dyer County exercised its right to disclaim the transfer of the parcel to the County. By disclaiming the transfer, the County, essentially refused all acceptance or ownership of the parcel. However, under the terms of the Will, and in the event of the County's disclaimer of the parcel, the parcel then passed to the City of Dyersburg.

Because of the parcel's toxic condition, it is in the best interests of the City to also disclaim the devise and to avoid any acceptance or ownership of the parcel. The City Attorney advises that the City can disclaim the parcel in the same manner as the County, by executing the form of disclaimer attached hereto. Upon execution of the disclaimer, it will be filed in the Dyer County Register's Office and in the Shelby County Probate Court. Through this process, the ownership of the parcel will revert to Mr. Greenberg's estate and/or his heirs at law.