

**Board of Mayor and Aldermen Meeting  
Monday March 7, 2016  
Dyersburg Municipal Court Room**

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, March 7, 2016 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 Bill Escue. Mayor Holden noted all Aldermen and Alderwoman were present.
- (2) **Approval of Minutes:** The minutes of the February 16, 2016 meeting were approved on a motion by Alderwoman Carolyn Norman, followed by a second from Alderman Mike Morgan. The motion passed approving the minutes.
- (3) **Unfinished Business:** None presented.
- (4) **New Business:**
  - a. **Public Hearing – March 7, 2016 – ORDINANCE BB646 – AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO AMEND FENCING AND SCREENING REGULATIONS FOR SOLAR FARMS AND ACCESSORY SOLAR COLLECTION SYSTEMS.**

**ORDINANCE BB646**

**AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO AMEND FENCING AND SCREENING REGULATIONS FOR SOLAR FARMS AND ACCESSORY SOLAR COLLECTION SYSTEMS**

- WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Dyersburg; and,
- WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, and general welfare for the City to amend said Ordinance; and,
- WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendment and recommends such amendments to the Dyersburg Board of Mayor and Aldermen; and,

WHEREAS, a public hearing was held before Dyersburg Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

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

**SECTION 1.** That the following language be deleted from ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS, Section Q. Provisions governing Solar Farms and Accessory Solar Collection Systems

3. Adequate screening shall be provided that adequately buffers the solar farm or Accessory Solar Collection System from any nearby uses.

**SECTION 2.** That the following language be added to ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS, Section Q. Provisions governing Solar Farms and Accessory Solar Collection Systems

3. Adequate screening shall be provided that adequately buffers the solar farm or Accessory Solar Collection System from any nearby **residential or commercial districts.**

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

January 19, 2016  
Passed First Reading

\_\_\_\_\_  
Mayor

March 7, 2016  
Passed Second Reading

\_\_\_\_\_  
City Recorder

Being this was the second notice as a public hearing for this ordinance, Mayor Holden called for any public comment by persons present regarding this ordinance. No public comment was presented. Mayor Holden entertained a motion for approval of Ordinance BB646. Alderwoman Carolyn Norman moved to approve the ordinance, followed by a second from Alderman Kevin Chaney. The motion passed by full Board vote.

- b. **Public Hearing – March 7, 2016 – ORDINANCE BB647 – AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO AMEND REGULATIONS FOR FENCES, WALLS AND HEDGES.**

### **ORDINANCE BB647**

#### **AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO AMEND REGULATIONS FOR FENCES, WALLS, AND HEDGES**

- WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Dyersburg; and,
- WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, and general welfare for the City to amend said Ordinance; and,
- WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendment and recommends such amendments to the Dyersburg Board of Mayor and Aldermen; and,
- WHEREAS, a public hearing was held before Dyersburg Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

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

- SECTION 1.** That the following language be deleted from ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS:

**Section E. Fences, Walls and Hedges**

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

**SECTION 2.** That the following language be added to ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS:

**Section E. Fences, Walls and Hedges**

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted within required yard setbacks provided that no fence, wall, or hedge within the front yard or side street yard setbacks exceed a height of two and one-half (2 1/2) feet. This front and side street yard height requirement excludes fences that are non-opaque and that does not obstruct the line of site or impede the vision of traffic (Chain-link, wrought-iron fences, etc.) Fences, walls and hedges may not be installed within any Right of Ways or Pubic Easements and may not limit access to utility meters without prior written approval from the City of Dyersburg. Fencing must be constructed of approved fencing materials.

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

January 19, 2016  
Passed First Reading

\_\_\_\_\_  
Mayor

March 7, 2016  
Passed Second Reading

\_\_\_\_\_  
City Recorder

Being this was the second notice as a public hearing for this ordinance, Mayor Holden called for any public comment by persons present regarding this ordinance. No public comment was presented. Mayor Holden entertained a motion for approval of Ordinance BB647. Alderman Bob Kirk moved to approve the ordinance, followed by a second from Alderman Bill Escue. The motion passed by full Board vote.

- c. **Public Hearing – March 7, 2016 – Ordinance BB648 – AN  
ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG  
MUNICIPAL ZONING ORDINANCE TO ADOPT REGULATIONS  
FOR TEMPORARY STORAGE UNITS**

**ORDINANCE BB 648**

**AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL  
ZONING ORDINANCE TO ADOPT REGULATIONS FOR TEMPORARY STORAGE  
UNITS**

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Dyersburg; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, and general welfare for the City to amend said Ordinance; and,

WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendment and recommends such amendments to the Dyersburg Board of Mayor and Aldermen; and,

WHEREAS, a public hearing was held before Dyersburg Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

**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 III, DEFINITIONS:

Temporary Storage Unit. Any ocean or ground transportation container, semi-trailer, railcar box or any other container used for transportation of goods and material from one point to another by sea, air, or land.

**SECTION 2.** That the following language be added to ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS:

**Section W. Standards for Temporary Storage Units**

Temporary Storage Units, as defined by this Ordinance, shall be allowed in industrial districts on a permanent basis. Temporary Storage Units are allowed in Commercial districts on a permanent basis in the rear yard only and must be

completely screened by an opaque fence from view of all surrounding property, right-of-way, and uses. Temporary Storage Units may be allowed in residential and commercial districts on a limited basis in conjunction with a construction permit, not to exceed six (6) months unless an extension of the permit is requested and granted by the Building Official. Temporary Storage Units shall be considered Accessory Uses as defined by this Ordinance and shall comply with all Accessory Use regulations of the zoning district. Temporary Storage Units may not be situated in such a way that impedes adequate fire protection for all structures.

**SECTION 3.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

February 16, 2016  
Passed First Reading

\_\_\_\_\_  
Mayor

March 7, 2016  
Passed Second Reading

\_\_\_\_\_  
City Recorder

Being this was the second notice as a public hearing for this ordinance, Mayor Holden called for any public comment by persons present regarding this ordinance.

The owner of the local HCI store presented her concerns for the restrictions the Ordinance would place upon her current business operations. She stated HCI's property and store is uniquely situated with no space available to externally store products inventoried for a specific customer. There is no space on the backside of the building as the entire west side of the building is bordered by Lake Road. There is no other storage container location available to locate storage containers, except in front of the building. Storage trailers currently are placed upon the north side of the building. She further stated that it would be financially impracticable to remodel an interior section simply for the storage of filters purchased by a local business, which could potentially terminate purchasing the filters based upon their need for such product. HCI asked the Board to consider their situation in its decision. The Board informed HCI that if the ordinance passes in tonight's meeting an appeal could be filed with the Board of Zoning Appeals.

Alderman Moody asked if the proposed ordinance would affect the containers sitting at the former Dyersburg Fabrics location. Mr. Mullins responded that the Dyersburg Fabrics location was zoned as industrial (M2), and the proposed ordinance does not affect any of the industrial zones. In the course of discussion Alderman Moody stated the Dyersburg Fabrics location was no longer in existence and questioned the site as an industry. Mr. Mullins stated the current business there claims to be a pallet building

company. Further discussion by Mr. Mullins and Alderman Moody questioned the actual purpose of the company as builders of pallets. Alderman Moody asked if the company was in the business of recycling. Mr. Mullins stated that he did not say the company was a recycling business, however, Mr. Mullins stated it appears that they are recycling, which according to a prior opinion of the City Attorney, was not allowed in this particular industrial zone.

Mayor Holden entertained a motion for approval of Ordinance BB648. Alderman Bill Escue moved to approve the ordinance, followed by a second from Alderwoman Carolyn Norman. The motion passed by full Board vote.

**d. Attorney Invoice.**

Mayor Holden presented an invoice from the City Attorney's office to be approved for payment. The January 1, 2016 to January 31, 2016 invoice totaled \$5,006.25. Alderman Mike Morgan made a motion to approve the payment, with a second by Alderman Bob Kirk. The motion passed by full vote.

**e. Bids – Greg Williams, Purchasing Agent.**

1. Department: Engineering / GIS

Item: Large format plotter/scanner

Purpose: Replace older printer to print map size sheets

Budgeted: \$16,000

Notification – State Gazette

Bids:	Nova Copy	No Response
	Anderson Printing	No Bid
	Konica Minolta	\$12,686.00
	Dex Imaging	\$10,024.28

Recommendation: Mr. Williams recommended awarding the bid to Dex Imaging, Memphis, TN at \$10,024.28.

A motion to approve the recommendation as presented before the Board was made by Alderman Kevin Chaney, with a second by Alderman Dennis Moody. With no further discussion the motion passed by full Board vote.

**f. Public Safety Committee Meeting – March 3, 2016 – Chairman Bob Kirk.**

The minutes of the Public Safety Committee were presented as follows:

## **Public Safety Committee Meeting**

### **City of Dyersburg**

**March 3, 2016**

The Public Safety Committee met Thursday, March 3, 2016 at 9:00 a.m. in the second floor conference room at City Hall.

**Members Present Included:** Mayor John Holden, Alderman Bob Kirk, Chairman Mike Morgan, and Alderwoman Carolyn Norman.

**Other Alderman Board Members:** Dennis Moody, Bill Escue, Terry Glover, and Kevin Chaney

**Staff and Others Present:** Mike Smith, State Gazette, Mark Grant and Gloria Spence, EOC, Steve Isbell, Chief Dyersburg Police Department, Tim Ware, Chief Dyersburg Fire Department, Greg Williams, Purchasing Agent, Sue Teague, Human Resources, and Steve Anderson, Treasurer.

Chairman Bob Kirk called the meeting to order. Alderman Kirk asked Mayor Holden to open with prayer. Following the prayer, Chairman Kirk informed the Committee of the following agenda:

**City Court Clerk** – The committee recognized Ms. Sue Teague, who discussed the retirement of Ms. Diane Williamson, and the selection and appointment of Ms. Debbie Ware to the position of City Court Clerk. Sue Teague commented upon the outstanding years of service devoted to the City by Ms. Williamson, and expressed her full confidence in the selection of Ms. Ware. Ms. Ware is an 18 year employee of the City of Dyersburg, and has a degree in Criminal Justice. Chairman Kirk called for the Committee to vote on a motion to formally recommend Ms. Ware's appointment to the full Board of Mayor and Aldermen at the March 7, 2016 Board meeting. Alderman Mike Morgan motioned to approve the recommendation, and the motion was seconded by Alderwoman Carolyn Norman. The motion passed.

**Mark Grant – EOC** – Mr. Grant presented two items for the Committee's approval.

**Item 1:** Amendments and Action changes to the current Emergency Protocols regarding Tornados.

The Committee discussed the recommended changes to the procedures. Alderman Carolyn Norman motioned to approve the recommended amendments and changes to the Amendments and Action changes to the current Emergency Protocols regarding Tornados. The motion was seconded by Alderman Mike Morgan. The motion passed.



**Item 2:** Request for approval to present a proposal to the 911 Board for financial support to construct a new Safe Room Structure adjacent to the current EOC building that will benefit the safety of the EOC operators and equipment, and provide continuous delivery of services during a severe inclement weather event.

Mayor Holden motioned to approve the proposal to the 911 Board followed by a second from Alderman Mike Morgan. The motion passed.

***At the Board meeting, Alderman Kirk motioned to approve the recommendations as presented before the Board, with a second by Alderman Bill Escue. The motion passed by full Board vote.***

Other items properly presented for discussion:

- Chief Isbell reported on discussions with the City Court regarding video arraignment, and prisoner transport safety and security to City Court and the potential creation of a civilian advisory and review board for the Police Department.
- Chief Ware reported on the Fire Department activity in providing fire detectors to households in need of fire detection within their homes.
- Alderman Kirk discussed the status of City Court collections. Mr. Steve Anderson stated the collections were down.

Additionally, Alderman Chaney asked a question about a recent email coming to his attention regarding current city prosecutor Jim Horner playing some type of role, or advising, members of the Dyersburg Police and Fire departments on issues relating to the City of Dyersburg Pension Plan. Jim Horner, although not a City employee, works through the DA office as a part time city prosecutor, but his salary is paid by the City of Dyersburg. City Attorney John Lannom has discussed this issue with the Board of Professional Responsibility, and he has opined this is a conflict, or at least has the appearance of a conflict. Mayor Holden stated he would continue to advise the Board on further developments.

No further actions were taken by the Committee.

With no further business the meeting adjourned at 10:00 a.m.

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Alderman Bob Kirk, Chairman

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Robert C. Jones, City Recorder

Alderman Bob Kirk recognized the audience presence of City Court Judge Dean Dedmon. He encouraged Judge Dedmon to continue discussion regarding the use of video arraignment of prisoners. Judge Dedmon came before the Board and agreed with Alderman Kirk for his support to continue discussion of the arraignment of prisoners and the safety concerns that are apparent in the transportation of prisoners from the county complex to and from the City Court room. Judge Dedmon further emphasized the complexity of the Courts processes; noting that there are many issues he, the Court staff, and the DPD has to consider in these discussions.

**g. Local Government Committee Meeting – March 3, 2016 –  
Chairman Kevin Chaney**

The minutes of the Local Government Committee Meeting were presented as follows:

**Local Government Committee Meeting**

**City of Dyersburg**

**March 3, 2016**

The Local Government Committee met Wednesday, March 3, 2016 at 10:00 a.m. in the City Hall Second Floor Conference Room.

**Committee Members Present:** Mayor John Holden, Terry Glover, Kevin Chaney, and Dennis Moody.

**Other Alderman/Alderwoman Present:** Mike Morgan, Bill Escue, Carolyn Norman.

**Staff and Others Present:** Kelly Noel, Utility Collections Manager, Steve Anderson, Treasurer, Steve Isbell, Chief of Police, and Greg Williams, Purchasing Agent.

Mayor Holden opened the meeting with stating this was the first meeting of the newly established committee. Therefore, a Chairman needed to be elected. Alderman Terry Glover nominated Alderman Kevin Chaney as Chairman. The motion was seconded by Alderman Dennis Moody, and Alderman Chaney was elected chairman by a unanimous vote.

Following the election, Chairman Chaney opened the meeting to discuss proposed amendments for the Rules and Regulations for the Utility Collections Department. Collections Manager Kelly Noel presented the current regulations with highlighted amendments and additions to the Committee. The Committee discussed the recommended amendments and other changes to update the Rules and Regulations of the Collection Department.

After, much discussion and various Committee recommendations, a final draft was completed.

Alderman Dennis Moody motioned to approve the recommended amendments and changes to the Rules and Regulations manual for the Collection Department. The motion was seconded by Alderman Terry Glover. The motion passed.

Ms. Noel was asked to update the changes and provide copies for the full Aldermen Board to review, with a vote scheduled to be taken at the March 21st meeting of the Board of Mayor and Aldermen. No further actions were taken by the Committee.

With no further business the meeting adjourned at 10:55 a.m.

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Kevin Chaney, Chairman

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Robert C. Jones, City Recorder

**Report from Alderman and Alderwomen:**

**Aldermen Bob Kirk:** Introduced his grandson, Jackson Kirk, who was in attendance at the meeting.

**Alderman Bill Escue:** No Report.

**Alderman Terry Glover:** No Report.

**Alderman Kevin Chaney:** Asked for the public support of Dustin Bower, a navy seal, who has severe health issues. A “Go Fund Me” website has been established for his assistance.

**Alderwoman Mike Morgan:** Stated a citizen compliant regarding the business activity at the former Dyersburg Fabrics location. He also paid tribute to the quick and successful response of the Dyersburg Police Department to a recent armed robbery in Dyersburg.

**Alderman Dennis Moody:** No report.

**Alderwoman Carolyn Norman:** No report.

**Alderman Robert Taylor, Jr:** Inquired with Mayor Holden about the status of the potential one way street designation for Thomas Street. Mayor Holden responded that issue would be placed before the public for a public hearing and should come before the Board in the month of April 2016.

**Communications from the Mayor:**

- Reminded the Public of an upcoming revival at Dyersburg High School.
- Announced the publication of the Annual Dyersburg Police Report.
- Thanked Diane Williamson for her time and service to the City of Dyersburg.
- Offered congratulations to Debbie Ware on her recent appointment to the position of City Court Clerk.

With no further business the meeting adjourned at 7:40 p.m.

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John Holden, Mayor

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Robert C. Jones, City Recorder