

**Board of Mayor and Aldermen Meeting
November 21, 2016
Dyersburg Municipal Court Room**

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, November 21, 2016 in the Dyersburg Municipal Court Room at 6:00 p.m. Mayor John Holden presided over the meeting. The meeting opened with prayer by Alderman Terry Glover. Mayor Holden noted all Aldermen were present, with the exception of Bob Kirk and Dennis Moody.
- (2) **Approval of Minutes:** The minutes of the November 7, 2016 meeting were approved on a motion by Alderwoman Carolyn Norman, followed by a second from Alderman Robert Taylor, Jr. The motion passed approving the minutes.
- (3) **Unfinished Business:** None presented.
- (4) **New Business:**
 - a. **Public Hearing – November 21, 2016 – Ordinance BB661 - An ordinance to amend the Dyersburg Municipal Zoning map to rezone a portion of property south of Reagan Road near its intersection with the S. Highway 51 Bypass from B-2 (General Trade and Services) District to M-2 (Medium Industrial) District.**

Mayor Holden called for any public comment regarding the ordinance. Mr. Joe and Patricia Williams came before the Board to express their concerns and experiences related to their health, safety, and property values affected by the dust and odor pollution created by the grain storage operations on the property. Thomas Mullins, Codes Enforcement official responded to the citizen concern stating the he would be contacting the appropriate State offices to provide assistance and guidance in the dust and odor complaints. Additionally, Mr. Craig Barron, Barron Surveying, came before the Board to state that the buyer he was representing had no future plans to store grain on the property once rezoned. With no further discussion Mayor Holden called for a motion to approve this ordinance. Alderman Mike Morgan motioned to approve the ordinance as presented. Alderman Terry Glover seconded the motion, which was approved by majority vote, with Alderman Robert Taylor, Jr. voting a no vote and Alderman Kevin Chaney abstaining.

b. Notice of Public Hearing – December 5, 2016 – An ordinance amending the text of the Dyersburg Municipal Zoning Ordinance by amending setback requirements for the M-1 (Light Industrial) District.

Mayor Holden called for a motion to approve this ordinance for public hearing at the Mayor and Alderman Board meeting December 5, 2016. Alderman Kevin Chaney motioned to approve the ordinance as presented. Alderwoman Carolyn Norman seconded the motion, which was approved by the Board.

c. Notice of Public Hearing – December 5, 2016 – An ordinance amending the text of the Dyersburg Municipal Zoning Ordinance by amending the uses prohibited in the B-2 (general Trade and Services) District.

Mayor Holden called for a motion to approve this ordinance for public hearing at the Mayor and Alderman Board meeting December 5, 2016. Alderman Bill Escue motioned to approve the ordinance as presented. Alderman Robert Taylor Jr. seconded the motion, which was approved by the Board.

d. Notice of Public Hearing – December 5, 2016 – An ordinance adopting new construction and life safety codes.

Mayor Holden called for a motion to approve this ordinance for public hearing at the Mayor and Alderman Board meeting December 5, 2016. Alderman Bill Escue stated a request to have the Board review the enforcement dates of the 2015 residential codes and motioned to approve the public hearing for the commercial part of the 2015 codes adoption at public hearing on December 5, 2016. Alderman Kevin Chaney seconded the motion, which was approved by the e. Board.

e. Notice of Public Hearing – December 5, 2016 – An ordinance for alley closings and abandonment of unopened right-of-way.

Mayor Holden called for a motion to approve this ordinance for public hearing at the Mayor and Alderman Board meeting December 5, 2016. Alderman Kevin Chaney motioned to approve the ordinance as presented. Alderman Bill Escue seconded the motion, which was approved by the Board.

f. Notice of Public Hearing – December 5, 2016 – Request from Craig Barron to appeal a rezoning request that was denied by the Dyersburg Regional Planning Commission on November 10, 2016.

Mayor Holden stated the request was denied before the Planning Commission, and that by law the petitioner may appeal the denial before the Board of Mayor and Aldermen. Mayor Holden called for a motion to approve the zoning request appeal for public hearing at the Mayor and Alderman Board meeting December 5, 2016. Alderman Kevin Chaney stated that Mr. Craig Barron has asked him to table the request at the meeting because the project was “up in the air at this time”. Alderman Chaney motioned to not have a public hearing at this time. Alderman Bill Escue seconded the motion, which was approved by the Board.

g. First Annual Report for CALEA – Chief Steve Isbell

The Police Chief presented the first annual agency status report for the Dyersburg Police Department as required by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

h. Attorney Invoice

Mayor Holden presented an invoice from the City Attorney’s office to be approved for payment. The October 1, 2016 – October August 31, 2016 invoice totaled \$15,656.25. Alderman Robert Taylor Jr. made a motion to approve the payment, with a second by Alderman Mike Morgan. The motion passed by full Board approval.

i. Bids – Greg Williams. No bids were presented.

Report from Alderman and Alderwomen:

Aldermen Bob Kirk: Not present.

Alderman Bill Escue: Wished a Happy Thanksgiving to the community.

Alderman Terry Glover: Encouraged citizens to “slow down, look around this Thanksgiving”.

Alderman Kevin Chaney: No report.

Alderman Mike Morgan: Complimented the fine work of the Dyersburg Police Department in the recent homicide in the city. He asked Chief Isbell several questions regarding what the DPD may be able to do in response to a nuisance residence. Chief Isbell made comment as to the process that the DPD may pursue in addressing nuisance issues at residences.

Alderman Dennis Moody: Not present.

Alderman Carolyn Norman: Complimented the Dyersburg Police department and discussed some concerns she had regarding the activity reporting format of the city engineer, and requested to receive a monthly financial statement from the city treasurer.

Alderman Robert Taylor, Jr: No report.

Communications from the Mayor:

- Announced the annual Dyersburg Christmas parade Monday night at 7:00 p.m. November 28, 2016.
- Wished a safe and Happy Thanksgiving to the community.

With no further business, the meeting adjourned at 6:42 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder

Special Called Session
Board of Mayor and Aldermen
November 21, 2016
Dyersburg City Courtroom

The Board of Mayor and Aldermen was called into special session following the regular Board meeting to hear a termination appeal at 6:55 p.m. Mr. Brian Lucius came before the Board to appeal his termination on September 15, 2016 from the Sanitation Department for violation of the City of Dyersburg anti-harassment and social media policies.

City Attorney John Lannom addressed the board by reading the city's employee handbook, covering the anti-harassment and social media policies.

Mr. Lannom presented exhibit A, an example of a Facebook video alleged to have been posted by Lucius.

The video portrayed two individuals holding the flag of Mexico, while one (alleged to have been Lucius) burned the flag and spoke derogatory remarks.

When questioned as to his participation in the posted video, Mr. Lucius stated he "never denied that it was me," "It's me."

During the course of the appeal hearing testimony was provided by Ms. Sue Teague, Human Resources Director who lead the investigation of the reported incidents, and Mr. John Damesworth, Sanitation Department superintendent, and former employee Mr. Brian Lucius.

After a lengthy hearing, Alderwoman Carolyn Norman made a motion to reinstate Mr. Lucius to the city with no repercussions from anyone and for him to receive his back pay from the time he was terminated. Alderman Mike Morgan seconded the motion.

Mayor Holden called for a roll call vote. Alderwoman Carolyn Norman, Aldermen Kevin Chaney and Mike Morgan voted yes in favor of the motion. Voting no against the motion was Aldermen Bill Escue, Terry Glover, Robert Taylor Jr., and Mayor John Holden.

The motion failed by vote and the meeting adjourned at 8:04 p.m.

Mayor John Holden

Robert C. Jones, City Recorder