

Board of Mayor and Aldermen Meeting

Monday, June 1, 2020

Meeting held pursuant to Executive Order No. 16 issued by Governor Bill Lee permitting local governing bodies to conduct meetings electronically.

- (1) **Call to Order:** The Board of Mayor and Aldermen convened for their regularly scheduled board meeting on Monday, June 1, 2020 via phone conference at 7:00 p.m. Mayor John Holden presided. The meeting opened with a prayer by Alderwoman Meghan Gilbert. All members of the board were present. Dyersburg Mayor John Holden noted under the Governor's Executive Order, all action must be recorded via a roll-call vote.
- (2) **Approval of Minutes:** Mayor Holden called for a motion to approve the minutes from the May 18, 2020 meeting. Alderwoman Webb made a motion to approve the minutes. Alderman Cole seconded the motion. The motion passed unanimously by roll-call vote.
- (3) **Unfinished Business:** None.
- (4) **New Business:**

A. Local Government Committee Meeting Minutes – May 26, 2020 – Chairwoman Mary Claire Hopper -

Prior to the public hearing, Alderwoman and Local Government Committee Chair Mary Claire Hopper reviewed the minutes from the previous committee meeting held on May 26. The committee reviewed the ordinance and heard from business owners and food truck operators who requested modifications and text amendments to proposed changes that were first brought up during a committee meeting on May 7.

The committee voted to make revisions to the ordinance following the May 26 discussion. Alderwoman Hopper asked for revisions from the May 26 convening to be made prior to Monday's public hearing.

The most notable revision heading into the public hearing was the removal of the rule where mobile vendors could not set up 300 ft. from a brick and mortar business.

Additions included:

- Exterior vendor cart, trailer, vehicle, tents, merchandise, assessor items to the operation, etc. are not to remain on site at the end of each business day.

- Utilizing City of Dyersburg utilities without providing safeguards as regulated by adopted codes and ordinances is prohibited (ex: backflow devices, grease traps, etc.)
- Language added to mention a hearing process would be available to any vendor creating noise, smoke, lighting, odors, or using visual depictions that are offensive in nature to City Officials

B. Public Hearing – Ordinance BB672 – An ordinance amending the text of Ordinance Number BB672

Mayor Holden opened for a motion and Alderwoman Hopper motioned to approve the ordinance with the revisions with a second from Alderman Ricky Hammond. The line then became available for public comment.

“I’m in favor of the ordinance,” stated Shawn Todd of Todd’s Café. “I don’t like that they have to pay \$50 a year, and I have to pay property taxes. I do agree if they connect to the City, they should be like us brick and mortars.”

Samantha Wilson from the Mustard Co. Store asked since their food truck is licensed under the Mustard Co. Store, which has a business license and approval of the health department pertaining to the store, would the food truck itself have to have an inspection and a vendor license?

“I’m going to say yes because that is different from what you’re doing.” Replied Dyersburg Mayor John Holden.

“The food truck is going to be a separate business type, so the \$50 permit fee and business license would apply,” added Thomas Mullins of the City’s Codes Enforcement Department.

Maleia Evans with the Junkin’ & Jam annual event in downtown said due to the ordinance, she is hesitant to begin marketing for the event.

Evans noted the two day event has tents for pop-up markets situated downtown and believed the rule where exterior vendors were required to take down and pack up their tents and merchandise at the end of each day would cause a decrease in vendors.

She added, Junkin’ & Jam has the three types of vendors listed in the ordinance, transient, mobile food, and merchandise, and noted the guidelines for vendors to become part of the event is strict.

Mayor Holden noted Evans had contacted him at 4:45 p.m. Monday afternoon with her concerns.

“I told you that we’re not trying to be heavy handed, but as we discussed this afternoon, tents have never been allowed in the City of Dyersburg, but in four years, we haven’t come down and shut your event down,” stated Mayor Holden. “As we talked this afternoon, this is a pilot program. We have time to revisit it. We’re not going to run you out of business. We had to make these provisions in this ordinance, but we labeled this as a pilot program. Quite honestly, we have discussed this for a year now, and we need to get this resolved, and we can revisit this later as it pertains to specific events.”

Kate Surr, owner of Doughsserts food truck questioned the rule in the ordinance, which prohibited vendors from operating in residential zones.

“When I read that, I think about birthday parties I might cater to or at homes or weddings at a home,” said Surr. “We have, occasionally, done block parties. I was just hoping to get clarifications and see if there are opportunities to take advantage of those situations.”

“We’ve labeled this as a pilot program. In saying that, we don’t have all of the answers,” responded Mullins. “We are trying to set rules and regulations for the vendors because, unfortunately, not everyone wants to play right. However, I have heard a lot tonight about what people would not be able to do, and honestly, I don’t see that. This ordinance has been written to try to legalize our vendors. As of current, the vendors are not operating legally in the City of Dyersburg.”

“As far as your residential question, we have specific zones in the city. Operation of business is not allowed in most of those, however, the point you just brought up would be one of those grey areas we’d want to look at and make provisions on.”

“I’ve seen a lot of social media saying food trucks will be banned and no one will be allowed to use them – that is just the opposite. I’m going to be amazed if this prohibits anybody from operating, providing if they want to operate correctly.”

Mullins responded to a concern about sound and lights.

“It doesn’t say you can’t have music – it says you can’t violate the noise ordinance. It doesn’t say you can’t have lights – as long as you don’t violate the ordinance. Banners and signage, you’re allowed to have those on your units. I think there’s a lot of confusion in the community that this ordinance is to not allow food trucks, and that is not the case.”

Chris Donaldson, owner of Tencom and The Mill Workspace, applauded the board for the removal of the 300 ft. requirement, and added, “I believe food trucks bring business to downtown than take away from downtown.”

“The whole reason that mobile vendors can get into a business more economically is because they’re not brick and mortar. You have to set mobile vendors aside and regulate them differently,” Mullins said. “If you want all of the privileges that brick and mortar have, that’s fine, but you have to be regulated accordingly.”

Many of the individuals who spoke in the hearing suggested the tightening of the language so there is a better understanding of the ordinance.

After hearing the concerns and statements made by the public, Alderman James Baltimore made a motion for the board to not vote on the ordinance Monday and take 90 days to further review it. Mayor Holden mentioned a motion was currently on the table to approve the ordinance. Baltimore asked everyone to vote against the ordinance so the board could take time to review the concerns.

Alderman Meghan Gilbert thanked everyone for their comments and agreed with Baltimore that the ordinance needed to be revisited.

Following discussion, a roll call vote was held on the motion make to approve amendments of Ordinance BB672.

The results were as follows: James Baltimore – no, Edward Burks – no, Willie Cole – no, Meghan Gilbert – no, Mayor John Holden – yes, Ricky Hammond – no, Mary Claire Hopper – yes, Dennis Moody – yes, Vanedda Webb – no. The motion to approve the ordinance with the amendments failed.

- C. Attorney Invoice – Mayor Holden presented the attorney invoice for the month of April in the amount of \$5,799.95. A motion to approve the payment of the invoice was made by Alderman Baltimore with a second from Alderman Cole.
- D. Bids – Greg Williams – The board also reviewed a list of approved bids, provided by City Purchasing Agent Greg Williams.

The following bids were awarded:

Replacement of the roof at the old water plant-

Williams’ report noted the item was budgeted at \$150,000. Notification was given through the State Gazette and Construct Connect. The City received four bids, ranging from \$124,286 to \$152,900. Williams noted the bid was awarded to Frazier

Roofing of Dyersburg for \$124,286.

Replacement of undercarriage of D6T Dozer at the landfill -

Williams noted the item was budgeted at \$40,000. Notification was given through the State Gazette and direct to 3 bidders. There was only one response, Thompson Machinery of Jackson in the amount of \$35,181.06, who was awarded the bid.

Report from Aldermen and Alderwomen:

Alderman Baltimore: No report.

Alderman Burks: Alderman Burks asked when the construction and repaving of the east end of Mall Blvd. would begin?

City Recorder Scott Ball mentioned the project is in process, and the environmental phase had recently been completed. "This is a TDOT project through the STP funds. It is being managed by Aecom out of Nashville. We're hoping to have it done this year," Ball stated. "I'm hoping it will go out to bid in the next 4-6 weeks."

Burks also asked when the board could meet face to face?

Mayor Holden said Gov. Lee's Executive Order expires at the end of the month, but hopes it would be changed.

Alderman Cole: No report.

Alderwoman Gilbert: Alderwoman Gilbert expressed her love and compassion to those experiencing inequality at this time.

Alderman Hammond: Alderman Hammond said he has had discussions with the mayor and Parks and Recreation Director Andy Baker regarding the fate of the City of Dyersburg pools this summer.

"I have also reached out to other recreation committee members, and we hope to have some answers in the next few days," Hammond stated.

Alderwoman Hopper: Alderwoman Hopper thanked those who spoke during Monday evening's public hearing. "As chair of the Local Government Committee, I have heard your concerns and look forward to meeting very soon."

Alderman Moody: No report.

Alderman Webb: No report

Communications from the Mayor:

There were no further communications from the Mayor.

With no further business, the meeting was adjourned at 8:30 p.m.

John Holden, Mayor

Scott Ball, City Recorder