

**Board of Mayor and Aldermen Meeting
Monday, August 20, 2012
Municipal Building - Court Room**

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday August 20, 2012; in the Municipal Building Court Room at 7:00 p.m. Mayor John Holden presided. The meeting opened with prayer by Alderman Bob Kirk. Mayor Holden noted all were present, except Alderwoman Jewell Horner.
- (2) **Approval of Minutes:** Minutes of the August 6, 2012 meeting were approved on a motion by Alderman Kevin Chaney, followed by a second from Alderman Robert Taylor, Jr. The motion passed approving the minutes.
- (3) **Unfinished Business:** None presented.
- (4) **New Business:**

a. Attorney Invoice July 1, 2012 – July 31, 2012.

Mayor Holden presented an invoice from the City Attorney's office to be approved for payment. The July 1, 2012 – July 31, 2012 invoice totaled \$8,606.25. Alderman Dennis Moody made a motion to approve the payment, with a second by Alderman Bart Williams. The motion passed by full Board approval.

b. Public Hearing – Pursuant to section 8-201, et seq. of the Dyersburg Municipal Code to consider the suspension of the following Municipal Beer Permits and /or imposition of fines and civil penalties in connection with the alleged violation of the City's Beer Ordinance involving the sell of beer to persons under the age of twenty-one (21) by the following business establishments:

Parkview Amoco 1501 Parr Avenue Dyersburg, TN 38024	Mini-Mart 700 Harrell Avenue Dyersburg, TN 38024	Dollar General 1478 US Highway 51 Dyersburg. TN 38024
Allen's Grocery 1800 East Wheeler Street Dyersburg, TN 38024	Dyer Express 1755 St. John Avenue Dyersburg, TN 38024	

City Attorney Christine Coronado presented the discussion of the violations and civil penalties associated with the alleged permit holder violations. Ms. Coronado informed the Board that all alleged permit holder violations are charged as first offense violations, with the exception of Parkview Amoco (second violation). Therefore, the City Ordinance includes the following language pertaining to a first offense and second offenses:

“ If the permit holder's agent or employee is determined to have sold or otherwise dispensed beer to any person under the age of twenty-one (21) years, the board of Mayor and Aldermen, shall invoke the following suspensions and fines:

1st violation: Suspension of the beer permit for thirty (30) days. The Board of Mayor and Aldermen shall be empowered, but not required, to offer the imposition of a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00) in lieu of a suspension.”

2nd violation: Mandatory suspension of the beer permit for a period of thirty days. The board of mayor and alderman hereby denies itself the power and/or authority to offer the imposition of any civil penalty in lieu of a suspension, the discretionary authority of Tennessee Code Annotated, Section 57-5-108 notwithstanding.”

Attorney Coronado gave the Board note books containing all relevant information concerning each alleged individual beer ordinance violation. Each alleged permit holder violators were requested to appear before the Board in person or by counsel for the purpose of presenting testimony or proof of facts regarding the alleged violation. Ms. Coronado noted that from prior discussions all five permit holders have agreed to the required fines and/or suspensions. None of the owners/operators were directly involved in the violations.

No permit holder was present, and as a result of the individual hearings the Board of Mayor and Alderman verified the occurrence of each of the alleged violations and determined that the violation did occur and the following penalties were imposed:

Allen’s Grocery: Motion made by Alderman Bob Kirk with second by Alderman Terry Glover to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Dyer Express: Motion made by Alderman Robert Taylor Jr., with second by Alderman Dennis Moody to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Dollar General # 7250: Motion made by Alderman Kevin Chaney with second by Alderman Dennis Moody to impose a \$1,500.00 penalty in lieu of revocation. The Board voted for the motion.

Parkview BP Amoco: Motion made by Alderman Bart Williams with second by Alderwoman Joan Wyatt to impose a 30 day mandatory suspension. The Board voted unanimously for the motion.

Wilson’s Mini Mart: Motion made by Alderman Bob Kirk with second by Alderman Terry Glover to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

At the conclusion of the hearing, Ms. Coronado stated that the City Attorney’s office would work the Mayor and the Chief of Police to immediately send letters to the permit holders informing each of the decision of the Board hearing and the resulting fines imposed.

Report from Alderman and Alderwomen:

Alderman Bob Kirk: No report.

Alderman Bart Williams: reported that the subcommittee on healthy walkways in the community has several initiatives that it would like to present to the City Board. Alderman Williams asked Mayor Holden to schedule a recreation committee meeting to have it formerly reviewed in committee for potential presentation before the full Board.

Alderman Terry Glover: No report.

Alderman Kevin Chaney: No report.

Alderwoman Jewell Horner: Not present.

Alderman Dennis Moody: No report.

Alderwoman Joan Wyatt: No report.

Alderman Robert Taylor, Jr.: No report.

Communications from the Mayor: No report.

The meeting adjourned at 7:15 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder