

**Board of Mayor and Aldermen Meeting
Monday, December 5, 2011, 7:00 P.M.
Municipal Building – Courtroom**

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, December 5, 2011 in the Municipal Courtroom at 7:00 p.m. Mayor John Holden presided. The meeting opened with the “Pledge of Allegiance to the Flag” followed by prayer by Alderman Bob Kirk. Mayor Holden noted all Board members present.
- (2) **Approval of Minutes:** Minutes of the November 21, 2011 meeting were approved on a motion by Alderman Bart Williams, 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 – Ordinance No. BB-622 - Rezoning of properties located at intersection of Upper Finley Road and Jenkinsville Jamestown Road, Map 87 Parcel 078.00 and Map 87L Parcel B27.00 from R1A to R2.**

Mayor Holden announced that this was a notice of public hearing on this rezoning and called for any persons to come forward with comment regarding this rezoning ordinance approval. With no public comment, Mayor Holden entertained a motion for approval of the ordinance. Alderman Bob Kirk moved to approve Ordinance BB-622, followed by a second from Alderman Bart Williams. The motion passed by full Board vote.

- 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:**

K.C.’s One Stop 1012 Hwy 51 Bypass Dyersburg, TN 38024	Smoke Shack 2455 Lake Road Dyersburg, TN 38024	Exxon #3 730 Hwy 412 Bypass Dyersburg, TN 38024
Parkview Amoco 1501 Parr Avenue Dyersburg, TN 38024	H&S Market 304 S. Main Street Dyersburg, TN 38024	Tiger Express #3 2800 E. Court Street Dyersburg, TN 38024

Dyersburg Food Mart
2264 St. John Avenue
Dyersburg, TN 38024

Jr. Mart
1025 Harrell Avenue
Dyersburg, TN 38024

City Attorney John Lannom presented the discussion of the violations and civil penalties associated with the alleged permit holder violations. Mr. Lannom informed the Board that all alleged permit holder violations are charged as first offense violations. Therefore the City Ordinance includes the following language pertaining to a first offense:

“ 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.”

Mr. Lannom gave the Board note books containing all relevant information concerning each alleged individual beer ordinance violation. Additionally, the Board observed a Dyersburg City Police Department and Tennessee Alcohol Beverage Commission video of all but one of the alleged violations within the permit holders' stores.

Billy Williams, Investigator with the Dyersburg City Police Department, who assisted in the investigation, testified as to the specific alleged violation, as per each individual establishment.

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.

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:

H&S Market: Permit holder was not present. However, Mr. Mike Gauldin came forward and stated: “I do not represent the holder of the beer permit, but represent the person who is buying the H&S Market from the gentleman who is the permit holder.” Mr. Gauldin stated that his client Basmah (Issa) Suleiman is in the process of buying H&S Market. It is unknown if she was in the audience, but her husband Mahmoud Suleiman attended the meeting. Mr. Gauldin requested that the Board take up this matter after his client purchases the H&S Market business, but there was no motion to that effect. 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.

Tiger Express #3: Represented by Mr. Gurmeet Singh. Mr. Singh admitted that the violation did occur and apologized to the board. Motion made by Alderman Bob Kirk with second by

Alderman Kevin Chaney to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Dyersburg Food Market: Permit Holder was not present. However, Mr. Matt Willis spoke on behalf of the permit holder, Ibrahim M. Saeid, and indicated he believed that he would represent Mr. Ibrahim M. Saeid in this matter, but had not spoken with him. Mr. Willis requested a continuance until sometime in January 2012, but there was no motion to do so.

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 for the motion. Alderman Bart Williams abstained from voting.

Jr. Mart: Represented by Ms. Johnni Woods. Ms. Woods stated that the clerk who made the sale looked at the wrong calendar. Ms. Woods asked for leniency from the board. Motion made by Alderman Bob Kirk with second by Alderman Robert Taylor, Jr. to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

K.C.'s One Stop: Permit Holder was present, but chose not to speak. Motion made by Alderman Bart Williams, with second by Alderwoman Jewell Horner to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Smoke Shack: Represented by Mr. Jim Menees. Mr. Menees apologized for the violation. Motion made by Alderman Bob Kirk with second by Alderman Bart Williams to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Jubilee Seven Eleven, Exxon #3: Represented by Kasam Ali. Motion made by Alderwoman Jewell Horner, with second by Alderman Dennis Moody to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

Parkview Amoco: Permit Holder was not present. Motion made by Alderman Bob Kirk with second by Alderman Bart Williams to impose a \$1,500.00 penalty in lieu of revocation. The Board voted unanimously for the motion.

At the conclusion of the hearing, Mr. Lannom stated that his 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.

c. Bids – Greg Williams, Purchasing Agent, City of Dyersburg

1. Department: Fire Department
Item: (3) HVAC Units & duct work
Purpose: Replace 15 year old units
Budgeted: \$19,000
Notification State Gazette and direct to (3) vendors
Bids: Rice Electric No Bid
 Billy Rogers Plumbing \$29,821.00

Windle HVAC Services \$19,172.00

Mr. Williams recommended the bid be awarded to Windle HVAC Services, Dyersburg, for \$19,172.00. A motion to approve the recommendation as presented before the Board was made by Alderman Kevin Chaney, with a second by Alderman Bart Williams. The motion passed by full Board vote.

d. Finance Committee Meeting Report – December 5, 2011 – Chairman Kevin Chaney.

Alderman Chaney presented the minutes of the December 5, 2011 Finance Committee Meeting. Mr. Chaney emphasized the main agenda items which included Board adoption of State of Tennessee mandated Model Debt Policy for the City, and an update of the City Financial audit. Alderman Chaney made a motion referencing the Committee's recommendation for the full Board of Mayor and Alderman to formally approve the presented debt policy. The motion was seconded by Alderwoman Jewell Horner. The motion passed by full Board vote.

e. Airport Committee Meeting – December 5, 2011 – Chairman Dennis Moody

Alderman Moody presented the minutes of the December 5, 2011 Airport Committee Meeting. Mr. Moody highlighted the main agenda item which included a discussion and update of a lawsuit filed by Dyersburg Air Service (DAS) against the City of Dyersburg. Upon conclusion of the reading of the minutes, Mayor Holden entertained a motion to approve Airport Committee Resolution 12052011 which provides for the Mutual General Release, Indemnification, Sale and Settlement Agreement of the City of Dyersburg from the lawsuit filed against the City by DAS. The motion was made by Alderman Dennis Moody, and seconded by Alderwoman Joan Wyatt. Then motion passed by full board vote.

Report from Alderman and Alderwomen:

Alderman Bob Kirk: No report.

Alderman Bart Williams: No report.

Alderman Terry Glover: Thanked Mr. Damesworth for the dumpster replacement on East court Street.

Alderman Kevin Chaney: No report.

Alderwoman Jewell Horner: No report.

Alderman Dennis Moody: Thanked all of those who were involved in the Regional Airport lawsuit settlement. Additionally, he stated his concern over the poor conditions of the street pavement on Mall Boulevard.

Alderman Joan Wyatt: No report.

Alderman Robert Taylor, Jr.: No report.

Communications from the Mayor: Mayor Holden announced the potential for flooding and assured citizens that the City of Dyersburg EOC is continuously monitoring this situation.

The meeting adjourned at 8:37 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder