

Town of Arlington

5854 Airline Road, Arlington TN 38002



Town Of Arlington
Beer Board Meeting
March 3, 2015
6:30 P.M.

MEETING MINUTES

I. CALL TO ORDER AND ROLL CALL-ARLINGTON BEER BOARD

Present

Mike Wissman, Mayor
Harry McKee, Vice Mayor
Jeff McKee, Alderman

Glen Bascom, Alderman
Brian Thompson, Alderman
Gerald McGee, Alderman

Others Present

Gerald Lawson, Attorney
Steve Hill, Engineer
Heather Sparkes, Planner
Catherine Durant,
Recorder/Treasurer
See List

Excused Absence

Oscar Brooks, Alderman

Mayor Wissman called the meeting to order and advised that a quorum was established.

II. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 2, 2014.

Motion: Alderman McKee made a motion to approve the minutes from the September 2, 2014 Beer Board Meeting. Alderman McGee seconded the motion.

The motion carried unanimously.

III. OLD BUSINESS

A. Other as Properly Presented

1. There was no old business brought forward.

IV. NEW BUSINESS

A. Off-Premise Beer Permit Violation (Exxon) Bloomingair DBA Arlington Travel Center, 4935 Airline Road, Arlington, Tennessee.

Mayor Wissman recognized Gerald Lawson, Attorney who advised that a violation had occurred at 4935 Airline Road. He stated that an undercover

beer sting took place which resulted in three violations within the Town of Arlington. He stated that two violations would be heard and one would be pulled until a further date. This violation was for the sale of a 25oz Bud Light to an underage minor. He called the Shelby County Sheriff's Officer to the stand where he was sworn in by Cathy Durant, Town Recorder and Treasurer.

Mr. Lawson asked the officer to state his name for the board and to describe the events that took place. Deputy Boga stated that in an undercover beer operation, the operant goes to the liquor/beer aisle and retrieves a bottle or can and takes it to the counter. The officers remain close to witness the sale. Mr. Lawson clarified that after a sale is made the money and merchandise is returned to the clerk. Deputy Boga verified that everything is returned to the clerk, they retrieve the bill that was used, and the violator receives documentation of the event that took place. Mr. Lawson stated that the operant was under the age of 21 and used a valid ID when shown to the clerk.

Mr. Lawson asked the Beer Permit Holder to come forward and state his name and address for the record. Amirali Moosani, 587 Winding Valley Cove Collierville, TN 38017 approached the stand. Mr. Lawson stated that this is the owner's first violation and that historically there is a \$1,000 fine for the first offense. The ordinance states that up to \$2,500 can be fined or a license can be suspended or revoked. He recommended that the Board assess the \$1,000 fine and recommend that the business become part of the Responsible Vendor Program.

Mayor Wissman called for a motion.

Motion: Alderman McGee made a motion to assess a \$1,000 fine for Bloomingair, LLC DBA Arlington Travel Center's 1st violation. Alderman McKee seconded the motion.

Mayor Wissman asked for discussions or questions. Vice Mayor McKee recommended that the owner visit Town Hall to find out how to become a member of the Responsible Vendor Act. Gerald Lawson, Town Attorney stated that the fine will be due 10 days from assessment date per the ordinance. After hearing no further discussion, Mayor Wissman called for a vote.

Vote on Main Motion: The motion passed. Alderman Bascom abstained.

B. Off-Premise Beer Permit Violation Airline Market and Deli, 6115 Airline Road, Arlington, Tennessee.

Mayor Wissman recognized Gerald Lawson, Attorney who advised that this violation took place at 6115 Airline Road during the same sting. He

asked the officer that would testify to approach the stand. Deputy Boga testified in this case and had been previously sworn in. Mr. Lawson asked Deputy Boga to recount what took place at this location the night of the violation. Deputy Boga explained that a female operant went into the store, showed a valid ID, and purchased a 16 oz. strawberry daiquiri beer. Mr. Lawson verified that the operant showed a valid ID and was under the age of 21.

The permit holder approached the stand and identified himself as Dan Causie of 421 McDermitt Road Memphis, TN 38120. Mr. Causie stated that he took over 100% ownership in June of 2013. Mr. Lawson told Mr. Causie that he heard the testimony and asked if he had any dispute. Mr. Causie stated that he did not want to dispute the violation. Mr. Lawson asked if the business was a member of the Responsible Vendor Program. Mr. Causie stated that he currently has two individuals enrolled for the next class.

Mr. Lawson explained that at this location there were two previous violations. The first violation was eight (8) years ago and the second was a case where the Board did not find a violation because the clerk sold beer to a known police officer that was undercover and of age. Mr. Lawson made a recommendation to treat this as a first violation and assess a \$1,000 fine.

Mayor Wissman inquired about the enrollment into the Responsible Vendors Program and how that affected the Board's decision to place a fine on the violation. Vice Mayor McKee stated that if the offender is a member of the program then the Board has to abide by the rules of the program when it comes to a fine.

Mayor Wissman called for a motion.

Motion: Alderman Thompson made a motion to assess a \$1,000 fine for Airline Market and Deli's 1st violation. Alderman McKee seconded the motion.

Mayor Wissman called for discussions or questions. Alderman Thompson stated that he was bothered that in both violations an ID was checked and the beer was sold anyway. Alderman McKee stated that he had a problem with this happening at multiple locations in Arlington because word will get out to other underage minors that it is being sold. After hearing no further discussion, Mayor Wissman called for a vote.

Vote on Main Motion: The motion carried unanimously.

C. Off-Premise Beer Permit Violation Arlington Quick Mart, 11017 Highway 70, Arlington, Tennessee.

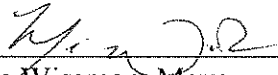
Gerald Lawson, Town Attorney withdrew the item from the Agenda because he was contacted by an attorney representing the clerk prior to the meeting and did not have adequate time to investigate the charges being dropped. This item may come before the board in the future.

D. Other as properly presented.

V. ADJOURNMENT

Mayor Wissman called for a motion to adjourn. Alderman Thompson made a motion to adjourn. Alderman McKee seconded the motion.

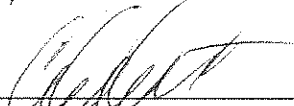
Mayor Wissman advised that the Beer Board Meeting had been adjourned.



Mike Wissman, Mayor

8/3/2015

Date



Catherine D. Durant, Recorder

8/3/2015

Date

Submitted By: Brittney Owens, Town Clerk