

BOARD OF MAYOR AND ALDERMEN

SPECIAL CALLED MEETING

November 17, 2014

A special called meeting of the Board of Mayor and Aldermen was held on Monday, November 16, 2014 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Greg Marcom, John Drinnon, Forrest Owens and Rocky Janda. Alderman Mike Palazzolo was absent. Staff present: Patrick Lawton, Debra Wiles and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Mayor Goldsworthy declared the meeting as a Beer Board meeting.

BEER BOARD

Attorney Mark McDaniel asked all the persons present that planned to give testimony relative to any of the establishments stand to take an oath to be administered by the City Clerk.

Suspension/Revocation – Beer Permit – Petra Café – 6641 Poplar Ave., Suite 101

Mr. Solomon Noorden who helps with the operations came forward and admitted the violation took place.

Officer Jinny Tibbels came forward and admitted that she and a cooperating individual that was 19 years of age entered the Petra Café for the purpose of purchasing an alcoholic beverage. This was a beer sting operation conducted by the Germantown Police Department. She observed the 19 year old purchase the alcoholic beverage and the 19 year old was not asked for any identification. This occurred in the City of Germantown.

Motion by Mr. Marcom, seconded by Mr. Owens, that there was a violation of the beer ordinance by Petra Café.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda -yes. Motion approved.

Mr. Noorden stated the server admitted she did not ask for identification and they are trained on a routine basis to be sure they card for any sale of alcohol. He went into detail as to what they are trained to do. All ages are to be carded. The server is being monitored for the next 60 days to make sure she cards everyone.

Recommendation from counsel was a 30-day suspension or pay a \$500 civil penalty in lieu thereof.

Motion by Mr. Janda, seconded by Mr. Marcom, to impose a 30-day suspension or pay a \$500 civil penalty in lieu of the suspension.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda -yes. Motion approved.

Suspension/Revocation – Beer Permit – Hop In – Exxon – 1300 S. Germantown Road

Mr. Noorden presented a Power of Attorney for Mr. Sardar Aman giving him the power to act in his behalf. This was made a part of the record.

Officer Reed from the Shelby County Sheriff's Department came forward and stated he participated in the beer sting in Germantown in conjunction with the Germantown Police Department and observed the minor being sold the alcoholic beverage.

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Motion by Mr. Marcom, seconded by Mr. Drinnon, that there was a violation of the beer ordinance by Hop In Exxon at 1300 S. Germantown Road.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda -yes. Motion approved.

Recommendation from counsel was a 30-day suspension or pay a \$500 civil penalty in lieu of that suspension.

Motion by Mr. Marcom, seconded by Mr. Owens, to suspend the beer permit for Hop In Exxon for 30 days or pay a \$500 civil penalty in lieu of the suspension.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda-no. Motion approved.

Suspension/Revocation – Beer Permit – Circle K Store – 1351 S. Germantown Rd.

Ms. Jennifer Taylor the general manager of the Circle K Store at 1351 S. Germantown Road stated that the sale of beer was made to a minor on April 16, 2014.

Officer Reed stated he conducted the beer sting in conjunction with the Germantown Police and he observed the sale of beer to the minor.

Motion by Mr. Marcom, seconded by Mr. Owens, that there was a violation of the beer ordinance by the Circle K Store.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda -yes. Motion approved.

Recommendation from counsel was a 30-day suspension or pay a \$500 civil penalty in lieu of that suspension.

Ms. Taylor stated they do have a training program on how to properly card and ID. They also have a legal age machine where they can scan the ID and develop if it is a valid ID and if they are of age. They also have an in-town program where they use a third party that periodically checks to make sure the employees are carding the ID. This employee neglected to scan the ID and follow the proper procedures and was immediately terminated following the violation.

Motion by Mr. Marcom, seconded by Mr. Janda, to suspend the beer permit for 30 days for Circle K or pay a \$500 fine in lieu of the suspension within seven days.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-no, Janda-yes. Motion approved.

Suspension/Revocation – Beer Permit –Germantown Shell Service Center – 7617 Poplar Ave.

Alderman Marcom recused himself from hearing this violation because Mr. Ballinger was a neighbor.

Mr. Ballinger admitted, without any information other than what has been stated, that his employee was guilty of serving a minor.

Mr. McDaniel questioned the officer as to what took place at the service station. He stated that the minor was sold a beer by the employee.

Motion by Mr. Drinnon, seconded by Mr. Owens, that there was a violation of the beer ordinance by Germantown Shell Service Center.

ROLL CALL: Marcom-recused, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda-yes. Motion approved.

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Recommendation from counsel was a 30-day suspension or pay a civil penalty of \$500 in lieu of the suspension.

Mr. Ballinger stated they train the employees but not knowing exactly what happened, they fired the employee immediately so they did not get to question him. He felt the employee just entered the wrong number. The employees are requested to sign an agreement not to sell to minors. He stated there had been another violation and he had self imposed a 6-month suspension and took the beer out for that length of time.

Alderman Owens stated he would like to continue the case until proper identification of the minor could be provided.

Mr. Ballinger stated he did not want to continue the case and he wanted to go ahead with it. He stated he would like to see that the Board would have more information in the future.

Mr. McDaniel stated in response that the City Clerk's office had the public information available if anyone has any interest. He also stated that Mr. Ballinger is a citizen of Germantown and a store owner and the criminal affidavit of complaint is available to him. Mr. Ballinger was sent a notice from the City Clerk's office relative to the violation and no information was being withheld.

Motion by Mr. Owens, seconded by Mr. Janda, to suspend the beer permit for 30-days for Germantown Shell Service Center or pay a \$500 civil penalty in lieu of the suspension.

ROLL CALL: Marcom-recused, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda-yes. Motion approved.

Alderman Marcom returned to the dias.

Suspension/Revocation – Beer Permit – Hop In – Forest Hill Exxon – 9100 Poplar Ave.

Mr. Aziz Khetani, manager of the Hop In, came forward and admitted the sale to a minor did take place.

Officer John Sturgeon with the Shelby County Police Department came forward and stated he was part of the sting operation and observed the sale of beer to a minor.

Motion by Mr. Marcom, seconded by Mr. Owens, that there was a violation of the beer ordinance by Hop In – Forest Hill Exxon.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda-yes. Motion approved.

Mr. Khetani stated they do train their employees but the employee made a mistake. He stated this was the first time since they got their permit in 2012. The employee was let go.

Recommendation from counsel since this was the first offence was a 30-day suspension or a \$500 penalty in lieu of the suspension.

Motion by Mr. Janda, seconded by Mr. Marcom, to suspend the beer permit for 30 days for Hop In – Forest Hill Exxon or pay a \$500 fine in lieu of the suspension.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-absent, Owens-yes, Janda-yes. Motion approved.

Attorney McDaniel stated the fines would be due in seven days or the suspension would begin.

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Mayor Goldsworthy stated the business of the Beer Board was concluded and thanked all for the cooperation of those representing the companies as well of those of our own police department and cooperating agencies.

ADJOURNMENT

There being no further business to be brought before the Beer Board, the regular meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder