

JUSTIN HANSON
Mayor



TINA DUNN
Recorder-Treasurer

City of Covington

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THE MEETING OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON,
TENNESSEE ON MAY 12, 2020 at 5:30 p.m.

1. Meeting to be called to order by Mayor Justin Hanson.
2. Invocation to be given by Alderman C H Sullivan.
3. Pledge of Allegiance to the Flag to be led by Alderman Danny Wallace.
4. Minutes of the Preceding Meeting to be approved.
5. Report from Committees:
 - Minutes of the Covington Municipal –Regional Planning Commission Meetings
 - Minutes of the General Welfare - Public Safety Committee Meeting
 - Minutes of the Public Works Committee Meeting
6. Additions to the Agenda.
 - Request for Additional Police Vehicle – Alderman Phelps
7. Welcome to visitors and grievances from citizens.
8. Report from Mayor Justin Hanson:
 - Virtual Meetings
 - Updates
9. Report from Recorder-Treasurer Tina Dunn:
10. Report from City Attorney Rachel Witherington:
11. Old Business:
12. New Business:
 - Resolution – USDA Community Facilities Grant (Fire Dept)
 - Ordinance 1724 (Municipal Zoning) ready for approval on third and final reading
 - Ordinance 1725 (Municipal Code Amendment) ready for approval on third and final reading
 - Ordinance 1726 (Beer Ordinance) ready for approval on second reading
 - Bills Over/Under \$1,000.00 ready for Board Approval

The Board of Mayor and Aldermen met virtually at City of Covington on April 28, 2020 at 5:30 p.m. with the following members present: Mayor Justin Hanson, Aldermen: Danny Wallace, Johnetta Yarbrough, Jeff Morris, Minnie Bommer, C H Sullivan, and Keith Phelps. Also present were Fire Chief Richard Griggs, Public Works Director David Gray, Personnel Director Tiny Rose, Building Official Lessie Fisher, Parks & Recreation Director Joe Mack, City Attorney Rachel Witherington and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Mayor Justin Hanson.

Invocation was given by Alderman Jeff Morris.

Pledge of Allegiance to the Flag was led by Alderman Keith Phelps.

Motion was made by Alderman Jeff Morris and seconded by Alderwoman Johnetta Yarbrough that the Minutes of the Preceding Meeting be approved as distributed to the Board (See Attached).

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace
Motion passed.

Motion was made by Alderwoman Minnie Bommer and seconded by Alderman Keith Phelps that the Minutes of the General Welfare – Public Relations be approved (See Attached).

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace
Motion passed.

Motion was made by Alderman C H Sullivan and seconded by Alderman Danny Wallace that the Minutes of the Finance & Administration Committee Meeting be approved (See Attached).

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace
Motion passed.

Mayor Justin Hanson reported the City of Covington is still under State of Emergency until 12:01 a.m. Friday, May 1, 2020. City Hall will remain closed. The Covington Sportsplex will be reopening next week following strict guidelines outlined by the Governor's office. The city has been waving cut off fees and penalties associated with utility bills. We will be running utility cut off in mid-June. The BBQ Festival is cancelled. TDOT will soon begin its milling and repaving of Hwy 51 from Winn Street to Industrial Road. Committee and Board Meetings will meet virtually through May 18, 2020.

Recorder-Treasurer Tina Dunn gave the sales tax report for the collections received in April, 2020. This report showed an increase of 3.4% (9,500.00) for the month and an increase of 2.8% (\$69,000.00) for the year (See Attached).

Motion was made by Alderman C H Sullivan and seconded by Alderman Jeff Morris to approve the report from Recorder-Treasurer Tina Dunn.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace
Motion passed.

City Attorney Rachel Witherington reported the definition of revocation was included in the prior ordinance so therefore the ordinance amendment was not corrected. She gave an update on Executive Order 30 summarizing the changes on COVID-19.

Motion was made by Alderman Danny Wallace and seconded by Alderwoman Minnie Bommer to approve the report from City Attorney Rachel Witherington.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

Mayor Justin Hanson presented the Resolution authorizing the City to engage third party administration and co-investment services of the TCRS for the City of Covington Pension Plan for approval (See Attached).

Motion was made by Alderman C H Sullivan and seconded by Alderwoman Johnetta Yarbrough to approve the Resolution authorizing the City to engage third party administration and co-investment services of the TCRS for the City of Covington Pension Plan.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

Mayor Justin Hanson presented Ordinance 1724 (Municipal Zoning) for approval on second reading (See Attached).

Motion was made by Alderman Danny Wallace and seconded by Alderman Jeff Morris to approve Ordinance 1724 (Municipal Zoning) on second reading.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

Mayor Justin Hanson presented Ordinance 1725 (Code Amendment) for approval on second reading (See Attached).

Motion was made by Alderman Jeff Morris and seconded by Alderwoman Johnetta Yarbrough to approve 1725 (Code Amendment) on second reading.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

Mayor Justin Hanson presented Ordinance 1726 (Beer Ordinance) for approval on first reading (See Attached).

Motion was made by Alderman Jeff Morris and seconded by Alderwoman Minnie Bommer to approve Ordinance 1726 (Beer Ordinance) on first reading.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

The following bills over/under \$1,000.00 were presented for approval:

MEAC	GAS	PURCHASED NATURAL GAS	\$ 26,412.00
CENTERPOINT ENERGY	GAS	PURCHASED NATURAL GAS	\$ 66,509.05

BNY MELLON	PB ACCT	INTEREST PYMT ON BOND	\$ 1,986.96
ON DECK SPORTS	PARKS / REC	PORTABLE PITCHING MOUNDS (4)	\$ 4,276.40
CHEMICAL FEED SYSTEMS INC	WTP	VACUUM REGULATOR / TOOLS	\$ 1,026.90
CHEMICAL FEED SYSTEMS INC	WTP	SPARE PARTS	2,940.00
GULF STATES ENGINEERING	SEWER	COTTONWOOD PUMP REPAIR	\$ 4,259.50
HOWARD'S WINDOW TINT	POLICE	POLICE GRAPHICS	1,650.00
WASCON INC	SEWER	PUMP REPAIR	\$ 1,129.55
A2H	CODES	CONSULTING SERVICE	\$ 2,240.00
DEALERS TRUCK EQUIPMENT	SEWER	TRUCK BED	\$ 24,400.00
BRENNTAG MID SOUTH INC	WWTP	CHEMICALS	\$ 1,770.00
BFI NORTH SHELBY LANDFILL	WWTP	SLUDGE DISPOSAL	\$ 4,181.32
RUSS JONES	PARKS/REC	FIELD PREP	\$ 1,428.00
EVANS PETREE	HR	DEFINED BENEFIT PLAN - PROF SERV	\$ 2,337.50
STURGIS	GENERAL	WEBSITE HOSTING APR-JUNE 2020	\$ 1,050.00
ROLAND FRANKS CONST CO	SEWER	TRASH REMOVAL - 59 LIFT STATION	\$ 6,348.66
TDOT DESIGN DIVISION	GAS	GNSS CONTRACT 4/6/20-7/1/23	\$ 1,125.00
KING COTTON FORD	POLICE	REPAIR	\$ 1,980.00
G & C SUPPLY CO INC	SEWER	MANHOLE RISERS	\$ 6,500.00
TIPTON CO E911	GENERAL	4TH QUARTER USER FEES	\$ 40,681.79
WALMART COMMUNITY CARD	VARIOUS	MISCELLANEOUS	\$ 1,662.43
		TOTAL	205,895.06

Motion was made by Alderwoman Johnetta Yarbrough and seconded by Alderman Danny Wallace that the preceding bills over/under \$1000.00 be paid when properly approved.

Voting Aye: Sullivan, Morris, Bommer, Yarbrough, Phelps, Wallace

Motion passed.

There being no further business, the meeting adjourned at 6:17 p.m.

Attest: _____
Recorder-Treasurer

Mayor

The Covington Municipal-Regional Planning Commission met virtually on April 7, 2020 at 12:00 p.m. with the following members participating: Chairman Joe Swaim, Commissioners: Danny Wallace, Alice Fisher, Joe Auger, Sue Rose, and Thomas Adams. Commissioner Sammy Beasley was absent. Also participating were Building Official Lessie Fisher, Will Radford and Recorder-Treasurer Tina Dunn.

Meeting was called to order by Chairman Joe Swaim.

Motion was made by Joe Auger and seconded by Alice Fisher that the Minutes of the preceding meeting be approved as written and distributed to the Board. A roll call vote was taken, all ayes. Motion passed.

There being no further business, the meeting adjourned at 12:05 p.m.

The Covington Municipal-Regional Planning Commission met virtually on April 14, 2020 at 12:00 p.m. with the following members participating: Chairman Joe Swaim, Commissioners: Danny Wallace, Alice Fisher, Joe Auger, Sue Rose, and Thomas Adams. Commissioner Sammy Beasley was absent. Also participating were Building Official Lessie Fisher, Will Radford, Jason Jenkins, Skip Erwin, Eric Krull, Dale Bright, Jim Avery, Brian Landrett.

Meeting was called to order by Chairman Joe Swaim.

Motion was made by Alice Fisher and seconded by Joe Auger that the parking requirements for Restaurants be included in the recommendation to be amended from 75 sq. ft. to 100 sq. ft. during the current amendment to the Covington Municipal Zoning Ordinance. A roll call vote was taken, all ayes. Motion passed.

Motion was made by Danny Wallace and seconded by Alice Fisher to approve the Minor Subdivision Plat for APC, LLC. (Jack's Restaurant) as submitted. Building Official Lessie Fisher will report once the two "out-parcels" have been registered showing them combined with the currently adjoining parcel owned by RKR Properties, LLC also that an Ingress/Egress Easement Agreement has been registered from the northeast side of the new lot toward the north ending at Industrial Road. A roll call vote was taken, all ayes. Motion passed.

Motion was made by Alice Fisher and seconded by Danny Wallace to approve the Jack's Restaurant Site Plan which will be located on Hwy 51 North. A roll call vote was taken, all ayes. Motion passed.

There being no further business, the meeting was adjourned at 12:16p.m.

The General Welfare – Public Safety Committee met virtually on April 28, 2020 at 4:00 p.m. with the following members present: Chairman Alderman Keith Phelps, Mayor Justin Hanson, Alderwoman Johnetta Yarbrough, and Alderman C H Sullivan. Also present were: Police Chief Larry Lindsey, Fire Chief Richard Griggs, Alderwoman Minnie Bommer, Alderman Jeff Morris, Alderman Danny Wallace, Public Works Director David Gray, Assistant to the Mayor Rebecca Ray, and Recorder-Treasurer Tina Dunn.

Chairman Alderman Phelps called the meeting to order.

Police Chief Larry Lindsey reported the two police vehicles purchased under the 2019-20 budget are now in service. There is a vacant position for Property Room Specialist. The two newest members of the department will graduate from the Memphis Police Academy on May 8, 2020. K-9 Bella has been retired. K-9 Arco has arrived and will be assigned with Officer Perry. Both are presently attending an eight week school provided at no cost. The body cameras have been received and put in service. The Axon Tasers arrived and will be put in service soon. The Laptops have been ordered but the delivery date will be June 1, 2020 due to the COVID-19 epidemic. E-Citations and Watson Crash Reporting will be delayed due to the inability to have live training. The Watson's RMS will go live on June 1, 2020. All police department employees will be issued Smart Phones. These phones will replace the tablets that the officers are currently using. Statistics were presented for March showing 829 calls which include 30 citations and 76 arrests.

Motion was made by Alderman Sullivan and seconded by Alderwoman Yarbrough to accept the report from Police Chief Larry Lindsey.

Voting Aye: Sullivan, Yarbrough, Phelps, Hanson

Motion passed.

Fire Chief Richard Griggs reported the annual in-service training is completed. There were 393 volunteer hours in the months of February and March. The Storm Spotters (National Weather Service) has been cancelled. The run report was presented showing 230 calls from February 23rd to April 23rd. There have been a total of 492 calls for the year. Chief Griggs contacted TDOT to discuss the intersection at Rialto & Hwy 51. TDOT will conduct a survey for this area. The Barry Brady Act extended the deadline for cancer screenings to 10/1/2020. Chief Griggs has been elected to serve as a chairman of the EMS Advisory Board for DSCC. The fire department was able to secure a boat from the Arlington Fire Department. Inspector Jenkins will be doing brief surveys for the facilities that will re-open. An update for the USDA Grant was given. This grant will be used to purchase items for the department. This list will be provided at the next meeting. There will be an application for the SAFER Grant and more information on this grant application will be provided at the next meeting. Chief Griggs has registered for the grants portal for the reimbursement of COVID-19 expenses.

Motion was made by Alderwoman Johnetta Yarbrough and seconded by Alderman Sullivan to accept the report from Fire Chief Richard Griggs.

Voting Aye: Sullivan, Yarbrough, Phelps, Hanson

Motion passed.

There being no further business, the meeting adjourned at 4:30 p.m.

The Public Works Committee met virtually on May 5, 2020 at 4:00 p.m. with the following members present: Chairman Alderman Jeff Morris, Mayor Justin Hanson, and Alderwoman Minnie Bommer. Also present were Public Works Director David Gray, Building Official Lessie Fisher, Alderwoman Johnetta Yarbrough, Alderman C H Sullivan, Alderman Keith Phelps, Assistant to the Mayor Rebecca Ray, IT/GIS Coordinator Nic Shaw, Utilities Manager Calvin Johnson, City Attorney Rachel Witherington, Lynn Billings, and Recorder-Treasurer Tina Dunn.

Chairman Alderman Jeff Morris called meeting to order.

Public Works Director David Gray began discussion on the parking lot at Bald Butcher. Lynn Billings, owner of Bald Butcher, reported the water problems located on his parking lot. He voiced his concern of water coming under the retaining wall onto his lot. He felt he wasn't responsible for the repairs of his lot due to the water coming from City property onto his lot. City Attorney Witherington will research and determine the ownership of property behind the retaining wall and report findings at the next Public Works Committee Meeting. Director Gray gave an update on the Automated Meter Infrastructure (AMI). The DCU installations will be complete by the end of May. The Meter Site Survey is complete and once quality control completes the review, the equipment will be ordered. The scheduled completion date is by the end of February, 2020. The annual inventory bids will be opened on Thursday, May 19, 2020. After the bids are opened, they will be brought to the next Public Works Meeting for approval. The easements for the James Street Project should be complete by the end of the week. Bids for this project will be in June and construction will begin by October, 2020. The requirement for utility board member training is twelve hours. The first four hours is required in the first year of office. The additional eight hours are required in the next three years. The training requirement begins at each new term of office. Director Gray reported the purchase of a sewer truck in the amount of \$56,000.00 is included in the 2019-20 budget. The cost of this truck and utility bed is \$55,174.20. The agreement for extending the terms for the payments of utility bills was presented. The cut off of utility services will begin on June 3, 2020. Penalty will be applied to the bills due on May 24th. There will be a special COV-19 fund available at First United Methodist Church. The amount in this fund will be \$10,000.00 which will be funded from the Roundup program revenue.

Motion was made by Alderman Morris and seconded by Alderwoman Bommer to proceed with the purchase of the sewer truck at the cost of \$55,174.20.

Voting Aye: Bommer, Hanson, Morris

Motion passed.

Motion was made by Alderwoman Bommer and seconded by Mayor Hanson to approve the agreement for extending terms for the payment of utility bills.

Voting Aye: Bommer, Hanson, Morris

Motion passed.

Motion was made by Alderman Morris and seconded by Alderwoman Bommer to accept the report from Public Works Director David Gray.

Voting Aye: Bommer, Hanson, Morris

Motion passed.

Building Official Lessie Fisher began discussion on the designated streets that are established to prohibit truck and/or equipment traffic. During a previous meeting, it was requested to add Spring and Valley Street to this list during the Codification of the Municipal Code. Due to the delay of the Codification, Director Fisher requested to do an Ordinance to amend Section 15-802 to include additional streets. This addition will be placed on the Finance & Administration Committee Meeting Agenda.

Motion was made by Alderman Morris and seconded by Alderwoman Bommer to approve the report from Building Official Fisher.

Voting Aye: Morris, Bommer

Motion passed.

There being no further business, the meeting adjourned at 5:01 p.m.

Resolution

RESOLUTION ACCEPTING USDA RURAL DEVELOPMENT COMMUNITY FACILITY GRANT

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF COVINGTON, COVINGTON, TENNESSEE that it accept the offer of the United States of America, acting through Rural Development, United States Department of Agriculture, for a Rural Development (RD) Grant under the terms and conditions of the Grant Agreement furnished by Rural Development, and the Mayor and Recorder are hereby authorized and directed to execute such documents.

RESOLVED this the _____ day of _____, 20____ by a vote of ____ to ____.

By: _____
Justin Hanson
Mayor

Tina C Dunn
Recorder-Treasurer

Certification

I, (name), (City Recorder or Secretary) for the **(Town of, City of, Non-profit name)**, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Mayor and Board of Alderman at a meeting held _____, 2017.

(Name and title of City Recorder or secretary)

CERTIFICATION TO BE EXECUTED AT GRANT CLOSING

I, Tina Dunn, the undersigned, as **Recorder-Treasurer of the City of Covington**, hereby certify that the Mayor and Board of Alderman of such municipality is composed of 6 members, of whom ____ constituting a quorum, were present at a meeting thereof duly called and held on the ____ day of _____, 20____; and that the foregoing resolution was adopted at such Meeting by the vote shown above, I further certify that as of _____, 20____, the date of closing of the grant from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, the ____ day of _____, 20____.

By: _____
Tina Dunn, Recorder-Treasurer

ORDINANCE NO. 1724

AN ORDINANCE TO READOPT THE COVINGTON MUNICIPAL ZONING ORDINANCE IN ITS ENTIRETY

- WHEREAS,** Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City to enact the Covington Municipal Zoning Ordinance and provide for its administration, enforcement; and,
- WHEREAS,** the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Ordinance; and,
- WHEREAS,** the Covington Municipal/Regional Planning Commission has reviewed said proposed amendments pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendments to the Covington Board of Mayor and Aldermen; and,
- WHEREAS,** the Board of Mayor and Aldermen has given due public notice of a hearing on said amendment and has held a public hearing; and,
- WHEREAS,** all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Covington, Tennessee that the text of the Covington Municipal Zoning Ordinance be amended as follows:

- SECTION 1.** That the entire text of the Covington Municipal Zoning Ordinance be deleted in its entirety and replaced with the following:

ORDINANCE 1725

AN ORDINANCE OF THE CITY OF COVINGTON TO AMEND TITLE 14 ZONING AND LAND USE CONTROL, CHAPTER 1 MUNICIPAL-REGIONAL PLANNING COMMISSION, SECTION 14-101 CREATION AND MEMBERSHIP.

WHEREAS, the Board of Mayor and Aldermen of the City of Covington are interested in increasing the members of the Municipal-Regional Planning Commission, and

WHEREAS, Title 14, Chapter 1 of the Municipal Code of the City of Covington, states that the Planning Commission shall consist of seven (7) members; two (2) of these shall be the Mayor and another member of the Board of Mayor and Aldermen; the other five (5) members shall be appointed by the Mayor.

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF COVINGTON AS FOLLOWS:

Section 1. Delete Section 14-101, Creation and membership, in its entirety and replace with the following:

Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the Planning Commission. The Planning Commission shall consist of nine (9) members. One (1) of the members shall be the Mayor of the Municipality or a person designated by the Mayor and one (1) of the members shall be a member of the Board of Mayor and Alderman of the Municipality selected by the Board of Mayor and Alderman. All other members shall be appointed by the Mayor. Two (2) members of the Planning Commission, designated as a regional planning commission in Tennessee Code Annotated §13-3-102, shall reside within the regional area outside of the municipal boundaries served by the regional planning commission. Except for the initial appointments, the terms of the seven (7) members appointed by the Mayor shall be for five (5) years each. The term of the Mayor or his designee shall run concurrently with the term of office. The term of the member selected by the Board of Mayor and Alderman shall be for two (2) years. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, who shall also have the authority to remove any appointive member at the Mayor's pleasure.

This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it.

First Reading _____	_____
Second Reading _____	Mayor
Public Hearing _____	_____
Third Reading _____	Attest Recorder-Treasurer

ORDINANCE 1726

AN ORDINANCE OF THE CITY OF COVINGTON TO AMEND TITLE 8: ALCOHOLIC BEVERAGES, CHAPTER 2: BEER, SECTION 8-213 AND ALL SECTIONS THAT FOLLOW.

WHEREAS, the Board of Mayor and Aldermen of the City of Covington desire to combat underage drinking and the sale of beer to underage minors in the City of Covington by requiring certain training of employees who work for beer permit holders in the City of Covington, and

WHEREAS, the Board of Mayor and Aldermen of the City of Covington have the authority pursuant to Tennessee Code Annotated Title 57, Chapter 5, Parts 1-6 to regulate the sale of beer within the corporate limits of the City of Covington, including the assessment of civil penalties in lieu of suspensions; and

WHEREAS, the Board of Mayor and Aldermen of the City of Covington want to set penalties and fines for violations of the conditions of beer permits that have been issued

Be it enacted by the Board of Mayor and Aldermen of Covington, TN as follows:

Section 1: The provisions of Section 8-213: Legal Hours of Sale shall be moved to Section 8-214 and every section thereafter shall also be moved to the following numbered section.

Section 2: The following shall be inserted in Section 8-213:

8-213. Minimum Mandatory Training Requirements.

- (1) Unless a beer permit holder is a certified Responsible Vendor pursuant to T.C.A. § 57-5-601 *et seq.*, all persons, businesses or organizations holding a beer permit issued by the Beer Board of the City of Covington shall not allow any employee to sell or serve beer unless that employee has attended and completed a server training program approved by the Tennessee Alcoholic Beverage Commission.
- (2) All employees of beer permit holders must keep and maintain their server permit training in accordance with state law.
- (3) New employees of beer permit holders will have thirty (30) days from the date of hire to complete a certified server training program.
- (4) Documentation proving compliance with these training requirements shall be maintained on the premises of the beer permit holder and shall be available for inspection by proper authorities at all times.
- (5) The City of Covington shall cause a copy of this Ordinance with a list of certified and approved training programs from the Tennessee Alcoholic

Beverage Commission to be provided to all beer permit holders within thirty (30) days of passage, and all new applicants shall be provided a copy at the time of application.

- (6) Beer permittees who also hold a valid Tennessee Alcoholic Beverage Commission license shall be exempt from the training requirements of this ordinance as they are bound by state training requirements.

Section 3: Section 8-216, Civil Penalty in lieu of suspension shall be deleted in its entirety and replaced with the following:

8-216. Penalties. The Beer Board shall impose the following penalties if, after a public hearing, it finds that a beer permit holder has violated any conditions of said permit.

- (1) If the permit holder and the clerk that commits any offense, including making or permitting to be made any sales or giveaway of beer to a minor, have both complied with Tennessee Code Annotated § 57-5-606 then the Beer Board shall impose a civil penalty in lieu of suspension of one thousand dollars (\$1,000) for each offense.
- (2) If the permit holder and/or the clerk that commits any offense is not a "Responsible Vendor" or has failed to comply with Tennessee Code Annotated § 57-5-606, then the penalties shall be as follows:
 - a. For a 1st offense, a \$2,500 civil penalty in lieu of a 30-day suspension for each offense
 - b. For a 2nd offense, a 60-day suspension of the beer permit
 - c. For a 3rd offense, revocation of the beer permit
- (3) To determine the number of violations in order to assess a penalty under this part, the Beer Board shall look back 24-months from the date of the current violation for any previous violations.
- (4) Nothing in this part prohibits the Beer Board from considering especially mitigating or aggravating factors of any offense or violation and assessing a different penalty. However, if the Beer Board assesses a different penalty due to especially mitigating or aggravating factors, said factors shall be specifically stated.
- (5) If a civil penalty is offered in lieu of suspension, the permit holder shall have seven (7) business days within which to pay the civil penalty before the suspension shall be deemed withdrawn.

This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it.

First Reading: _____

Second Reading: _____

Mayor

Public Hearing: _____

Third Reading: _____

Recorder-Treasurer

[illegible]