

JUSTIN HANSON  
Mayor



TINA DUNN  
Recorder-Treasurer

# City of Covington

POST OFFICE BOX 768  
200 West Washington Avenue, Covington, Tennessee 38019  
Telephone (901) 476-9613 Fax (901) 476-6699

THE MEETING OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF COVINGTON, TENNESSEE ON APRIL 28, 2020 at 5:30 p.m.

1. Meeting to be called to order by Mayor Justin Hanson.
2. Invocation to be given by Alderman Jeff Morris.
3. Pledge of Allegiance to the Flag to be led by Alderman Keith Phelps.
4. Minutes of the Preceding Meeting to be approved.
5. Report from Committees:
  - Minutes of the General Welfare - Public Relations Committee Meeting
  - Minutes of the Finance & Administration Committee Meeting
6. Additions to the Agenda.
7. Welcome to visitors and grievances from citizens.
8. Report from Mayor Justin Hanson:
  - Updates
9. Report from Recorder-Treasurer Tina Dunn:
  - Sales Tax Report
10. Report from City Attorney Rachel Witherington:
11. Old Business:
12. New Business:
  - Resolution – Administration & Co-Investment Services – TCRS
  - Ordinance 1724 (Municipal Zoning) ready for approval on second reading
  - Ordinance 1725 (Municipal Code Amendment) reading for approval on second reading
  - Ordinance 1726 (Beer Ordinance) ready for approval on first 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 14, 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 Alderwoman Minnie Bommer.

Pledge of Allegiance to the Flag was led by Alderwoman Johnetta Yarbrough.

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 Alderman C H Sullivan and seconded by Alderwoman Minnie Bommer that the Minutes of the Covington Municipal Planning Commission Meetings be received (See Attached).

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

Alderman Keith Phelps reported that Police Chief Lindsey requests the approval of additional taser guns. This will be a sole source purchase in the amount of \$30,800.00. There will be four annual payments of \$7,850.00. There is funding in the police budget, however it will be a line item budget amendment.

Motion was made by Alderman Keith Phelps and seconded by Alderman C H Sullivan to approve the purchase through a sole source vendor for the additional taser guns at a cost of \$30,800.00 in four annual payments amending the line items in the police budget.

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

Mayor Justin Hanson presented the Resolution authorizing the City to enter into a contract with the following housing inspectors: Crossroads Home Inspection, Tim Wood Inspection, and Jim Pillow Consulting to provide professional Housing Rehab Coordinator services for the 2018 Home Program Grant (See Attached).

Motion was made by Alderman Keith Phelps and seconded by Alderman C H Sullivan to approve the Resolution authorizing the following housing inspectors: Crossroads Home Inspection, Tim Wood Inspection, and Jim Pillow Consulting to provide professional Housing Rehab Coordinator services for the 2018 Home Program Grant.

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

Motion passed.

Mayor Justin Hanson presented the Proclamation for the National Crime Victims' Week from April 19<sup>th</sup> – April 25<sup>th</sup> (See Attached).

Motion was made by Alderman C H Sullivan and seconded by Alderman Jeff Morris to approve the Proclamation for the National Crime Victims' Week from April 19<sup>th</sup> – April 25<sup>th</sup>.

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

Motion passed.

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

Motion was made by Alderman Keith Phelps and seconded by Alderman C H Sullivan to approve Ordinance 1725 (Municipal Code Amendment) 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:

BNY Mellon	Biomass	Interest Pymt on Bond	\$ 6,245.11
Bancorpsouth	Various	Travel / Misc	\$ 5,253.82
BFI North Shelby Landfill	Sewer	Sludge Disposal	\$ 4,408.96
Brenntag Midsouth	WWTP	Chemicals	\$ 1,770.00
Brenntag Midsouth	WWTP	Chemicals	\$ 2,510.00
C & C Equipment Rental	Grounds	Weed Eaters / String	\$ 1,415.76
Community Development	General	2018 Transportation Project	\$ 1,000.00
Comserv	Police / Drug	Equipment / Lighting	\$ 6,087.45
Cottrell Electric	WWTP	Heater Replacement	\$ 5,664.90
Covington Electric	Various	Electric Service	\$ 47,114.10
Covington Tipton Chamber	Gas	Allocation	\$ 13,905.00
Tipton Co Emergency Mgmt	General	Hazardous Material Program	\$ 3,800.00
Fidelity Search Enterprises	General	Drug Screens	\$ 1,259.00
Houston K-9 Academy	Police/ Drug	K-9 Dual Purpose - Green	8,750.00
JD Distributors	WTP	Admin Desk	\$ 2,455.56
JD Distributors	WTP	Office Furniture	\$ 4,060.82
Modern Telephone Systems	Fire	Speakers	\$ 2,635.00
Owen Dedmon Jenkins	General	Attorney Fees	\$ 4,944.50
Parish Trans Inc	Police / Drug	Car Repair	\$ 2,928.87
Radford Planning Solutions	Codes	Community Planning	\$ 2,382.00
S & K Developers LLC	Artesian	Demolition - 210 N Main St	\$ 33,499.00
S & K Developers LLC	Artesian	Demolition - 429 Dixon	\$ 12,494.00
Skeeter Kell Sporting Goods	Park / Rec	Sports Equipment	\$ 1,709.50
The Leader	Various	Ads	\$ 2,428.75
Tipton County	Artesian	CDBG	\$ 18,002.11



The General Welfare – Public Relations Committee met virtually at City of Covington on April 14, 2020 at 4:00 p.m. with the following members present: Chairman Alderwoman Minnie Bommer, Mayor Justin Hanson, Alderman Keith Phelps, and Alderman C H Sullivan. Also present were Alderman Jeff Morris, Alderman Danny Wallace, Alderwoman Johnetta Yarbrough, Parks and Recreation Director Joseph Mack, Museum Director Barrie Foster, Airport Manager Robin Anderson, Public Works Director David Gray, Assistant to the Mayor Rebecca Ray, and Recorder-Treasurer Tina Dunn.

Chairman Alderwoman Minnie Bommer called meeting to order.

Airport Manager Anderson reported total fuel sales of 6,183 gallons for the month of March. The fuel farm project is ready to proceed. This is a sole source purchase and a request was made to proceed with the purchase from Rebel Tool in Tupelo, MS. Anderson is working with Tina Brooks to get an estimate for the entrance sign. An estimate for the paving of the drive at the Airport was received from Director Gray. This amount ranges from \$11,000.00 to \$16,000.00.

Motion was made by Alderman C H Sullivan and seconded by Alderman Keith Phelps to proceed with the purchase from Rebel Tool in Tupelo, MS for the fuel farm project.

Voting Aye: Sullivan, Phelps, Bommer, Hanson

Motion passed.

Motion was made by Alderman C H Sullivan and seconded by Alderman Keith Phelps to accept the report from Airport Manager Anderson. Motion passed.

Voting Aye: Sullivan, Phelps, Bommer, Hanson

Motion passed.

Park and Recreation Director Joe Mack reported the Community Service Opportunity from March 23 – March 27 for the Bicycle Park Build is postponed. The company is considered essential personnel and can complete the build themselves. Director Mack began discussion on the repair of the roof at the Children & Family Service Building. He reported Artesian Funds are not allowed for general maintenance. He requested an additional \$25,000.00 for this repair in addition to the \$30,000.00 that is budgeted. There was discussion on tourism, tobacco, and sugary drink tax. A request for Attorney Witherington to research the legality of these taxes was made.

Motion was made by Alderman C H Sullivan and seconded by Alderman Keith Phelps to take the discussion for the funding of the roof repair at the Children & Family Services Building to the Finance & Administration Committee Meeting.

Voting Aye: Sullivan, Phelps, Bommer, Hanson

Motion passed.

Motion was made by Alderman Keith Phelps and seconded by Alderman C H Sullivan to defer action for the taxation discussion until there are answers from the City Attorney.

Voting Aye: Sullivan, Phelps, Bommer, Hanson

Motion passed

Motion was made by Alderman Keith Phelps and seconded by Alderman C H Sullivan to approve the report from Park and Recreation Director Mack.

Voting Aye: Sullivan, Phelps, Bommer, Hanson

Motion passed

Museum Director Barrie Foster reported the Veteran of the Month and the May Festival has been cancelled. The Museum received five awards from the TN Association of Museums.

Motion was made by Alderman C H Sullivan and seconded by Alderman Keith Phelps to approve the report from Museum Director Foster. Motion passed.

There being no further business, the meeting adjourned at 5:05 p.m.

The Finance and Administration Committee met virtually at City of Covington on April 21, 2020 at 4:00 p.m. with the following members present: Mayor Justin Hanson, Aldermen: Keith Phelps, Johnetta Yarbrough, Danny Wallace, C H Sullivan, Minnie Bommer, and Jeff Morris. Also present were: Building Official Lessie Fisher, Public Works Director David Gray, City Attorney Rachel Witherington, Police Chief Larry Lindsey, Personnel Director Tiny Rose, Fire Chief Richard Griggs, Parks & Recreation Director Joe Mack, Assistant to the Mayor Rebecca Ray, Auditor Rick Tankersley, Planner Will Radford, and Recorder-Treasurer Tina Dunn.

Chairman Alderman C H Sullivan called meeting to order.

Motion was made by Alderman C H Sullivan and seconded by Alderman Jeff Wallace to elect Mayor Hanson to chair the meeting.

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

Motion passed.

Mayor Justin Hanson presented the 2020-21 Budget for review. There were budget highlights, department head requests, salary study, and the Recommended Budget for the 20-21 fiscal year in the attached agenda. The budget discussion will begin at the Finance & Administration Committee Meeting on May 19, 2020. Budget readings will be May 26<sup>th</sup>, June 9<sup>th</sup>, and June 23<sup>rd</sup>.

Auditor Rick Tankersley discussed the audit review for fiscal year ending June 20, 2019. There were increases in net position in all categories. Long term debt increased due to the pension liability. Also, he reviewed the findings.

Park and Recreation Director Joe Mack requested additional funding for the roof repair at the Children & Family Service's building. A quote was received for a total amount of \$54,000 to repair both roofs. In the present budget, there is \$30,000.00 appropriated for this repair. Since the cost of this repair is above \$10,000.00, a bid is required. Director Mack will discuss with Personnel Director Rose to bid project with all specifications.

Motion was made by Alderwoman Minnie Bommer and seconded by Alderman C H Sullivan to proceed to advertise for bid amending the budget to include an additional \$25,000.00 for the roof repair at the Children & Family Service's building. Any action on the repair will be deferred until the bid is reviewed.

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

Motion passed.

Planner Will Radford and City Attorney discussed the Municipal Zoning updates. The update applies to all zoning.

City Attorney Rachel Witherington presented changes to the Beer Ordinance that was requested in a previous meeting. These changes included set fees for all offenses. The first offense will be a \$2,500.00 fine, the second offense is a sixty day suspension, and the third offense is revocation. Alderman Phelps requested the definition of revocation be included in the Ordinance.

Motion was made by Alderman Danny Wallace and seconded by Alderman Jeff Morris to move the Beer Ordinance to the Board of Mayor and Aldermen on April 28, 2020 for approval with the addition of the definition of revocation.

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

There being no further business, the meeting adjourned at 5:45 p.m.



**MONTH TO DATE (2.75%)**

REC/SALE	ACTUAL 2018-19	ACTUAL 2019-20	MONTH INC/(DEC)	MONTH INC/DEC %
SEPT/JUL	\$ 305,803	\$ 312,834	\$ 7,031	2.3
OCT/AUG	\$ 304,241	\$ 317,982	\$ 13,741	4.5
NOV/SEP	\$ 293,470	\$ 287,969	\$ (5,501)	-1.9
DEC/OCT	\$ 293,024	\$ 318,516	\$ 25,492	8.7
JAN/NOV	\$ 310,643	\$ 310,079	\$ (564)	-0.2
FEB/DEC	\$ 380,475	\$ 398,735	\$ 18,260	4.8
MAR/JAN	\$ 280,318	\$ 281,452	\$ 1,134	0.4
APRIL/FEB	\$ 281,071	\$ 290,545	\$ 9,474	3.4
MAY/MAR	\$ 332,855	\$ -	\$ -	
JUNE/APR	\$ 325,078	\$ -	\$ -	
JULY/MAY	\$ 335,012	\$ -	\$ -	
AUG/JUNE	\$ 313,072	\$ -	\$ -	

TOTAL

**YEAR TO DATE (2.75%)**

REC/SALE	ACTUAL 2018-19	ACTUAL 2019-20	MONTH INC/(DEC)	MONTH INC/DEC %
SEPT/JUL	\$ 305,803	\$ 312,834	\$ 7,031	2.3
OCT/AUG	\$ 610,044	\$ 630,816	\$ 20,772	3.4
NOV/SEP	\$ 903,514	\$ 918,785	\$ 15,271	1.7
DEC/OCT	\$ 1,196,538	\$ 1,237,301	\$ 40,763	3.4
JAN/NOV	\$ 1,507,181	\$ 1,547,380	\$ 40,199	2.7
FEB/DEC	\$ 1,887,656	\$ 1,946,115	\$ 58,459	3.1
MAR/JAN	\$ 2,167,974	\$ 2,227,567	\$ 59,593	2.7
APRIL/FEB	\$ 2,449,045	\$ 2,518,112	\$ 69,067	2.8
MAY/MAR	\$ 2,781,900	\$ -	\$ -	
JUNE/APR	\$ 3,106,978	\$ -	\$ -	
JULY/MAY	\$ 3,441,990	\$ -	\$ -	
AUG/JUNE	\$ 3,755,062	\$ -	\$ -	



City/County Clerk Monthly Summary

Welcome, Tina Dunn

Settings

Help

Log Off

Customer City/County Clerk Monthly Summary

**A** If you are looking for historical data reports for periods prior to May 2018 for business tax and March 2017 for sales tax, please go to the [Business Intelligence Portal](#) and use your existing login information.

Month: 03 - March Year: 2020 Search

Export

Collected In	Collections Type	Amount
8401 - Covington	Beer Tax	-1,993.67
8401 - Covington	Business Tax	-40,336.53
8401 - Covington	Local Option - DOR Admin Fee	1,024.26
8401 - Covington	TV Telecom	-670.88
8401 - Covington	Tennessee Valley Authority	-27,790.54
8401 - Covington	Liquor by the Drink	-1,908.33
8401 - Covington	Local Option	-91,045.57
8401 - Covington	State Sales	-61,366.02
8401 - Covington	Local Option - DOR Admin Fee	4,609.20
8401 - Covington	Local Option	-409,707.04
10 Rows		-629,185.12

$405,097.84 / 2 = 202,548.92$   
 $(2025.49)$   


---

 $200,523.43$   
 $90,021.31$   


---

 $290,544.74$



**A RESOLUTION AUTHORIZING THE  
CITY TO ENGAGE  
THIRD PARTY ADMINISTRATION AND CO-INVESTMENT  
SERVICES OF THE TENNESSEE CONSOLIDATED  
RETIREMENT SYSTEM FOR  
THE CITY OF COVINGTON PENSION PLAN**

**WHEREAS**, the City of Covington, Tennessee (the “City”) maintains for its eligible employees hired prior to October 1, 2015 the City of Covington Pension Plan (the “Pension Plan”); and

**WHEREAS**, eligible employees hired on or after October 1, 2015 participate in the Tennessee Consolidated Retirement System (TCRS) Hybrid Plan as adopted by the City for such employees; and

**WHEREAS**, the City investigated the feasibility of either offering employees who remain participants in the Pension System the option to transfer to the TCRS Hybrid Plan or the feasibility of engaging TCRS to provide third party administration and co-investment for the Pension Plan; and

**WHEREAS**, the Finance and Administration Committee met on March 17, 2020 to receive a report of the results of the investigation of options for the Pension Plan; and

**WHEREAS**, the Finance and Administration Committee in its meeting reviewed sample hypothetical benefits under the Pension Plan and TCRS Hybrid Plan, examining a comparison of projected benefits to participants in the Pension Plan and projected benefits for these same participants under the TCRS Hybrid Plan; and

**WHEREAS**, after full discussion, and on motion duly made and seconded, the Finance and Administration Committee voted unanimously to recommend to the Board of Mayor and Aldermen (the “Board”) that the City engage TCRS to provide third party administration services and co-investment services to the Pension Plan; and

**WHEREAS**, the Board has received the recommendation from the Finance and Administration Committee as set forth in the minutes of the Finance and Administration Committee; and

**WHEREAS**, the Board has made an informed decision to have the Tennessee Consolidated Retirement System (“TCRS”) provide certain third party administration services and co-investment services to the Pension Plan; and

**WHEREAS**, the Board understands the City remains the sponsor and responsible fiduciary of the Pension Plan, and that neither the State of Tennessee nor TCRS, or any of its officers, agents, employees, or boards shall act as a trustee or be considered the trustee for the Pension Plan under the third party administration or c-investment services contracts; and

**WHEREAS**, the Board desires to authorize the Mayor and the duly authorized members of the Human Resources and the Finance Department to enter into discussions and negotiations with

TCRS to engage the third party administration and co-investment services of TCRS for the Pension Plan;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF COVINGTON:**

**SECTION 1.** The City engage TCRS to provide third party administration and co-investment services to the Pension Plan.

**SECTION 2.** That the Mayor and the duly authorized members of the Human Resources and the Finance Department are hereby authorized and empowered to enter into discussions and negotiations with TCRS to engage the third party administration and co-investment services of TCRS for the Pension Plan.

**SECTION 3.** That the Mayor and the duly authorized members of the Human Resources and the Finance Department are hereby further authorized and empowered to bring before the Board such contracts and agreements and such other Resolutions as required to effectuate the engagement of TCRS as provided in this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage, THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRING IT.

ADOPTED this \_\_th day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
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. Two (2) of these shall be the Mayor or his designee and a member of the Board of Mayor and Aldermen that is recommended by the Mayor and approved by the Board of Mayor and Aldermen. The other seven (7) members shall be recommended by the Mayor and approved by the Board of Mayor and Aldermen, two (2) of these members shall reside within the regional area outside of the Municipal boundary. The term of the Mayor or his designee shall run concurrently with the term of office. The Alderman position may be recommended, approved, and appointed every two (2) years. Except for the initial appointments, the terms of the seven (7) members appointed by the Mayor shall be for five (5) years each. All members shall be appointed by the Mayor once approved by the Board of Mayor and Aldermen. The Mayor shall fill all vacancies for the unexpired term.

**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 8-206(2) shall be deleted in its entirety and replaced with the following:

(2) "Beer" means and includes all beers, ales or other malt beverages and any other beverage having an alcohol content of not more than eight percent (8%) by weight, except wine as defined in T.C.A. § 57-3-101

Section 2: 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 3: 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 4: 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 1<sup>st</sup> offense, a \$2,500 civil penalty in lieu of a 30-day suspension for each offense
  - b. For a 2<sup>nd</sup> offense, a 60-day suspension of the beer permit
  - c. For a 3<sup>rd</sup> 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

