

The Mayor and Board of Aldermen met in regular session March 13, 2007

At 7:00 P.M. in Selmer City Hall.

Present: Mayor David Robinson

Aldermen: John Finlayson, Maurice Hamm, Paul Simpson,
John Smith and Harry Smith.

Rev. Mike Pincher of First United Methodist Church opened with prayer.

Landon Redmon of Selmer Middle School lead the pledge of allegiance to the United States Flag.

There were no deletions or additions to the minutes. Minutes approved.

A motion was made by Harry Smith and second by Maurice Hamm to accept the financial statement.

Motion by Paul Simpson to accept the resignation of Charles E. Qualls as a Selmer Police Officer effective 03/31/07. Motion seconded by Harry Smith. All five voted yes.

Motion carried.

Motion by Harry Smith to hire Dena Hamm Wilbanks as a new Police Officer and move Bradley Huckabee from his part- time police position into the vacant full- time position of Charles E. Qualls effective 04/01/07. Motion seconded by Paul Simpson. All five voted yes. Motion carried.

Assistant Police Chief Kim Holley was honored and congratulated for receiving recognition for his outstanding performance at one of the recently attended schools.

Recreational Director Sybil Dancer presented plaques of appreciation for outstanding support to Selmer's Recreational Department and facilities as follows:

Mr. Paul Fisher was honored for helping to revamp the East Selmer (South) Park and especially for funding and placement of the flags, cannon and balls with a "Welcome to Selmer" sign. Mr. Fisher erected this during the past year.

Mr. Tim Hensberger, owner of Sonic in Selmer, was honored for helping with funding and supporting in all needed recreational areas but especially with Soccer.

Mr. James Daniel of SMC was honored for donating the metal for the stairs in the park. Everyone applauded in support of giving the above recognition.

Motion by Maurice Hamm to pass on second reading the Ordinance updating the Fire Code Chapter 7, Section 7-201 through 7-207 to State level. Motion seconded by John Finlayson. John Finlayson—yes, Maurice Hamm—yes, Paul Simpson—yes, John Smith—yes, Harry Smith—yes. Motion carried. 2nd Reading Passed. Ordinance No. 550 passed.

Motion by Harry Smith to pass on 1st reading an ordinance to adopt the Official Zoning Map of the Town of Selmer, Tennessee. Motion seconded by John Smith. John Finlayson—yes, Maurice Hamm—yes, Paul Simpson—yes, John Smith—yes, Harry Smith--yes. Motion carried. 1st reading passed.

Motion by Paul Simpson to approve and grant authorization for Telecommunications Consulting Associate of Waynesville, NC 28785 to conduct a Cable Television audit of Charter in the Town of Selmer. Motion seconded by John Finlayson. All five voted yes. Motion carried.

Motion by Harry Smith to accept the recommendation of Police Chief Neal Burks to pass the Selmer Police Department Hiring Policy and to incorporate "Field Officers Training Program" for newly hired police officers into the Police Policy and Procedures manual. Motion seconded by Maurice Hamm. All five voted yes. Motion carried.

Motion by Paul Simpson to pass on first reading an ordinance to amend Title 8, Section 8-208 of the Municipal Code of the Town of Selmer, relative to the issuance of a Beer License by deleting Section 8-208 entirely and replacing it with Section 8-208. No permit to engage in the Beer Business shall be granted to any person not a Citizen of the United States or a Resident Alien who has legal status in the United States. Motion seconded by John Smith.

John Finlayson---yes, Maurice Hamm---yes, Paul Simpson---yes, John Smith---yes, Harry Smith---yes. Motion carried. 1st reading passed.

Motion by Paul Simpson to pass on first reading an ordinance to add Title 8, Section 8-217 to the Municipal Code of the Town of Selmer, relative to the Duties of the Selmer Police Department which states that it shall be the duty of the Selmer Police Department to enforce all provisions of this ordinance, State Laws, and other rules or regulations set forth for permit holders and that Officers may enter upon the premises of a permit holder any time during the normal operating hours for the purpose of enforcement.

Motion seconded by John Finlayson. John Finlayson---yes, Maurice Hamm---yes, Paul Simpson---yes, John Smith---yes, and Harry Smith---yes. Motion carried. 1st reading passed.

Meeting Adjourned. The Beer Board was called into Session by Mayor David Robinson. The regular monthly Town of Selmer Mayor and Aldermen meeting of March 13th 2007 was filled to the sidewalk with concerned citizens and various church groups anticipating action by the Board on the Beer Application for Selmer's Wal-Mart to begin selling packaged Beer for off premises consumption.

Present: Mayor David Robinson.

Aldermen and Beer Board: John Finlayson, Maurice Hamm, Paul Simpson, John Smith, and Harry Smith.

Mayor Robinson opened by announcing that he would allow twenty minutes for persons to address the issue of granting Wal-Mart a Beer license for the sell of packaged off premises consumption beer, and that the discussion would end at approximately 7:40 P.M.. Rev. James Adkins of First Christian Church explained in short that pastors were on the opposite end of the Beer business dealing with final effects of picking up the pieces such as comforting family members damaged, abused, broken, or at the cemetery with a grieving parent due to a drunken driver. Mr. Jetta Forsythe had spoken with Board members concerning three sections of the present Beer Ordinance which he interrupted to be in violation to the issuance. Mr. Forsythe again referenced the present Beer Ordinance and especially questioned Section 8-211. "Prohibited Conduct or Activities by Beer Permit Holders." "It shall be unlawful for any Beer Permit Holder to: (11) Employ any minor under nineteen (19) years of age in the sale, storage, distribution, or manufacture of beer. (12) Fail to have his place of business cleared of all customers by 12:15 A.M. (14) Serve or sell or allow to be served or sold any beer to any person in or on any motor vehicle or allow any person to consume beer while in a motor vehicle parked on his premises." John Smith said that he felt the Board could not vote due to the present ordinance and the second page of the Beer Application for Wal-mart stating that they did employ younger people. Attorney Abernathy was called upon to better interrupt the Beer Ordinance. Attorney Abernathy explained that the youth could not directly handle, store or sell the beer. Mr. Forsythe suggested to the crowd against the sale of beer the possibility of patronizing non alcohol vendors. He mentioned two gasoline stations that did not sell beer in conjunction with fuel, Murphy by Wal-Mart, but more specifically Exxon. Rev. Ray Burks of Lakeview Baptist Church stated that he had a petition of over eight hundred names against Wal-Mart selling beer that would be sent to the home office of Wal-Mart in Bentonville, Arkansas. Mr. Leon Maness stated that he was very much concerned with the division that the issue was causing in Selmer. Mr. Maness stated that Selmer was just not ready for this type change. He stated that he was proud to have a Wal-Mart to buy from and to visit with friends, and would like for Wal-Mart to take a good look and realize that,"we are a country town." Amanda Miller local Wal-Mart Manager and applicant for Wal-Mart's Beer Permit upon being questioned by Alderman Simpson addressed the crowd and assured that Wal-Mart registers were programmed so that no Beer sales could transpire after midnight, election days or on Sunday. She also explained that Wal-Mart had data on every employee. The age of each employee would be programmed into an employee card necessary to allow a register to be opened which would not allow the person selling an opportunity to sell if the seller

were under the age of 21 years old. Ms. Miller reminded that the town ordinance required the age of nineteen but that Wal-Mart's requirements were even more restricted in that their employees had to be 21 to sell beer.

The discussion time had expired and Mayor Robinson explained that they as a board were not here to decide the sale of Beer that had already been determined long ago.

Alderman Paul Simpson stated that they could not vote at this time until the ordinance was changed. Alderman Simpson moved that the issue be tabled until the ordinance could be corrected. Alderman John Smith seconded the motion to table. Mayor Robinson asked that the roll be called in reverse. Roll call to table: John Finlayson—no, Maurice Hamm—no, Paul Simpson—yes, John Smith—yes, Harry Smith—no. Motion to table action failed.

Alderman Maurice Hamm told Alderman Simpson that to table the action was asking them to discriminate. Mr. Hamm stated that Alderman Simpson had made the motions to grant beer permits ten times with the same ordinances in place and had seconded three others over the past years. He said that what was earlier stated concerning picking up the pieces on the results of drinking would not be effected by Wal-Mart selling beer. Mrs. Carroll Bodiford spoke from the audience saying that the main difference against Wal-Mart selling Beer and other vendors was that Wal-Mart was a place where children were taken. Alderman John Finalyson replied by referencing that the largest events were sponsored by the Bush Beer Corporation.

Mayor Robinson agreed with Alderman Hamm stating that they could not discriminate and again called for the vote to be called in reverse fashion with no motion.

John Finlayson---yes, Maurice Hamm—yes, Paul Simpson—No, John Smith—No, Harry Smith—yes. Roll call Passed. Beer Application granted to Wal-Mart to sell packaged Beer for off premises consumption.

Meeting Adjourned.