

The Mayor and Board of Aldermen met in regular session January 12, 2010 at 7:00 P.M. in Selmer, City Hall. Present were Mayor David Robinson and all five Board of Aldermen as follows: John Finlayson, Paul Simpson, Edward Smith, John Smith, and Lloyd Tennyson.

Rev. Mike Pilcher of First United Methodist Church opened with prayer followed with the Pledge of Allegiance to the United States Flag of America led by Mary Emmons of the 5th grade Selmer Middle School.

Motion by Lloyd Tennyson to appoint Paul Simpson as Vice Mayor for the Town of Selmer for the following two year term. Motion seconded by John Finlayson. All five voted yes. Motion carried.

The minutes were approved and the motion was made by Lloyd Tennyson and seconded by John Finlayson to accept the financial statement. All five voted yes. Motion carried.

Selmer Planning Commission had recommended an Ordinance amending the official zoning map of Selmer to rezone the parcels 12 and 12.01, Group A on McNairy Co Tax Map 0901 as updated April 2006 along East Poplar Ave from R-1 Low Density Residential to H-1 Hospital. These are the Lots belonging to Mrs. Monty Earl Smith (Jimmie) across from the Hospital desiring to build a medical complex. The room was filled with area residents against the rezoning as well and Ms Jimmie Smith and her sons Danny and Dennis Austin. Attorney Abernathy advised that no action be taken until such time that he could further research the land covenants and report back.

Danny Austin speaking for his mother explained that the complex would be very nice with boundaries which would not interfere or degrade the neighborhood. He further explained that the helicopter circled this land each time it attempted landing at the hospital and that it was somewhat undesirable for residents but that if the land could not be rezoned for hospital or medical use the alternative was to construct rental housing. Dennis Austin added that where he lived had a similar issue and that although at the time of construction he and the residents were likewise fearful it had all turned out well, and the area had in no way been hurt. Ms. Jimmie Smith stated that her late husband, Dr. Monty Earl Smith, would want to see medical facilities on the land and that because she was a senior citizen she was most concerned in recruiting more doctors and having medical needs met.

Persons speaking against the rezoning were as follows: Terry Mathews the adjoining property owner, Kenneth Hawkins 350 Morningside Dr, and Kathy Teague who explained that she lived across the street and had no problem with the helicopter landing path but as a senior citizen did not want to see more traffic and congestion coupled with the existing Purdy Rd speeders coming down the hill.

Motion by Paul Simpson to take no action on the proposed rezoning Ordinance until the Attorney could report his findings and recommendation for the February, 2010 meeting. Motion seconded by Edward Smith. Roll Call: John Finlayson—yes, Paul Simpson—yes, Edward Smith—yes, John Smith---Abstained, Lloyd Tennyson---yes, Motion carried to table the action. Prior to voting John Smith explained that he felt that he might have a double conflict if he participated and would have to excuse himself from voting because the owner of the property was a relative and that he was also employed by the Hospital. Attorney Abernathy complimented the way that everyone had voiced their feelings in a respectful manner.

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The 1st reading on a proposed Ordinance amending the text of the Selmer Municipal Zoning Ordinance allowing Repair Services provided Automobile Repair (6411) and Automobile Body Shops shall provide minimum screening in B-1 General Business, M-1 Industrial and S-1 Special-Impact Industrial Districts died for lack of motion.

Motion by Paul Simpson and seconded by Lloyd Tennyson to call for first reading on an Ordinance amending the Official Zoning Map of Selmer, Tn to rezone the herein described property (Parcel 26.03, “Group A” on McNairy county Tax Map 089K as updated April 2006) along Falcon Rd from R-3 High Density Residential to M-1 Industrial. (W.T. Yarbrough’s Funeral Home.) All five voted yes. Motion carried. 1st reading passed.

Motion by Edward Smith that Paul Simpson be authorized to find an attorney to represent the Town of Selmer in Wal-Mart’s Beer Permit lawsuit. Motion seconded by Lloyd

Tennyson. John Finlayson—No, Paul Simpson---yes, Edward Smith—yes, John Smith—yes, and Lloyd Tennyson—yes. Motion carried.

Motion by Paul Simpson to adopt a Resolution that he had written as a tribute to the late Honorable John Shelton Wilder who served as 101st General Assembly Office of the Speaker and Lieutenant Governor for the State of Tennessee from 1966 to 2008 and send the resolution to Gov. Wilders family honoring him for being a great friend to McNairy County. Motion seconded by Lloyd Tennyson. All voted yes. Motion carried. Aldermen Simpson stated that Gov. Wilder often referred to “Cosmos” and when asked explained, ”that it was the higher power up there that controls us”.

Aldermen Paul Simpson explained that David Forsythe had written him an apology in a misunderstanding saying that he said he had excluded upholding the 2nd Amendment of the Constitution. Mr. Forsythe was present and said that he would write an apology to the newspaper for the misunderstanding.

Meeting Adjourned.

The Selmer Beer Board was called into session.

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The Selmer Beer Board was called into session for reviewing and action regarding the five businesses recently found guilty in violating the Selmer Beer Ordinance by selling beer to persons under the age of 21 years old by improperly or not checking identification.

Mayor David Robinson called the meeting to order January 12, 2010 following the 7:00 P.M. monthly meeting in Selmer City Hall. All members of the Selmer Beer Board were present as follows: John Finlayson, Paul Simpson, Edward Smith, John Smith, and Lloyd Tennyson. Attorney Terry Abernathy conducted the meeting.

Drug Agent Teddy Roberts the chief officer in conducting the “Beer Sting” was sworn in to tell the truth prior to his explaining the method used, person or persons causing the violation, businesses charged and the details leading to each violation. Officer Roberts explained that their informant was wired and that he was also able to watch each violator during the investigation. Upon relating the needed information a representative of the

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business in violation was called to the front to give any defense that they wished prior to each individual action by the Board.

Motion by Paul Simpson based on the evidence presented and as a first time violation that 64 Super Food Mart, 1470 E Poplar, Selmer, TN be given (the Mandatory Minimum) a 30 day suspension from selling beer beginning Monday January 18th, 2010. Motion seconded by Edward Smith. All five voted yes. Motion carried.

Flash Market had their manager, an owner, and Attorney Ken Seaton to address the Board. Attorney Seaton also complimented the Board on the excellent way the entire meeting had been conducted. He reminded that this business provided seven jobs and was an asset to the community. The owner and the manager explained that the employee found guilty was immediately terminated, paid a \$50 dollar fine, but that the business would lose lots of money, possibly even costing their jobs. The manager explained that the employee was on the telephone at the time of the Sting just as Agent Roberts had said, but that there were extenuating circumstances because the employees' mother was having a heart attack and that she was very much distracted when the informant came in to purchase the beer. The manager pleaded that they not have to shut down a lengthy period of time.

Motion by Paul Simpson that the Flash Market (Citgo), 152 E Court Ave. be given a 90 day suspension from selling beer beginning Monday January 18th, 2010 due to this being a second violation in four years for the same finding. Motion seconded by John Smith. John Finlayson offered an amendment to reduce the suspension to 60 days. Lloyd

Tennyson seconded by amendment. Rod Murray immediately jumped up from the audience stating that he had been found in violation four years ago and had to quit selling for 90 days and had to obtain an attorney and he did not want the Board to reduce the penalty to less than he had to do four years ago. Lloyd Tennyson immediately withdrew his second to the amendment. The amendment failed for lack of a second.

Roll call on the motion to suspend Flash Market (Citgo), 152 E Court Ave., beer sales for 90 days as follows:

John Finlayson---no, Paul Simpson---yes, Edward Smith---yes, John Smith---yes, and Lloyd Tennyson---yes. Motion carried.

Motion by Paul Simpson that based on the evidence and plea of guilty in General Sessions and second violation that the BP (Selmer Amoco Food Shop), 365 Mulberry Ave, beer license be suspended for a 90 day period beginning January 18th, 2010. Motion seconded by Edward Smith. All five voted yes. Motion carried.

Jason Speth of Jim's (Speth Convenient Store), 633 Mulberry Ave., stated that the two person's working for him committed the crime, not the business and that he had fired one and suspended the other employee. He stressed he nor other business owners could be in the business at all times, but that he stressed checking identification on everyone no matter who or what age they appeared to be.

Motion by Paul Simpson and seconded by Lloyd Tennyson to suspend the beer license of Jims (Speth Convenient Store), 633 Mulberry Ave., for a period of 90 days beginning Monday January 18th, 2010. All voted yes. Motion carried.

Jason Speth stated that the Charter did not say that there could be both a fine and a suspension. He asked why that they as business owners were asked to give their side of

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the incident when the Board had discussed and made their mind up prior at the Monday work session.

Motion by Paul Simpson based on the information and it being a first time violation that the North Y, Selmer Quick Stop, 430 Peach Ave., beer license be suspended for a period of 30 days beginning Monday, January 18, 2010. All voted yes. Motion carried.

Aldermen John Smith stated that there was no decision made about what the length of time the suspension would be at the work session. Attorney Abernathy asked John to share the information that he had concerning the businesses selling lottery tickets as all in violation were licensed to sell them. John read some of the information relating to the possibility under the law concerning such violations as it could affect businesses selling lottery tickets. He informed that the business could loose the right to sell if convicted of these types of violations. He stated that in sharing the information he hoped that it might by an incentive for the businesses to be more careful.

Representatives of the businesses stated that they needed the police to inform them if they suspected this was going on so that they as owners could stop it and find out who was being careless in their business. They expressed a desire for the Police Department to inform them also if they checked and found that their employee was being careful with checking identification so that they could reward the employee. They asked that they be given help to better alleviate anything like this from happening. Flash Market's (Citgo) owner said that of all the stores that he owned the Selmer Board was the most unreasonable in handing down a 90 day suspension. There was further comment that

what Rod Murray had injected as happening to him four years ago was not their fault and that they should not be punished for what he felt.

Attorney Abernathy suggested that the businesses talk to the District Attorney and attempt to put a stiffer penalty on the employee caught in violation in an effort to make the employee more responsible to the business.

The Beer Board was adjourned.