

A special called meeting of the Collierville Beer Board was held Tuesday, December 4, 2018, at 6:00 p.m. in the Administration Conference Room at Town Hall, 500 Poplar View Parkway.

Vice Chairman Terri O'Connor was present and presiding.

The following members were present: James Lawrimore, Scott Tucker, and Michael Lynch, Thomas Tulloss, and William Finney.

William Jones was absent.

The following members of the Shelby County Sheriff's Office were present: Patrolman Malone and Patrolwoman Roman.

Also present was Town Administrator James Lewellen, Town Prosecutor Mark McDaniel, Assistant Town Attorney Nick Pierotti, Town Clerk Lynn Carmack, and Assistant to the Town Administrator Adam Hamric.

CALL TO ORDER

Vice Chairman O'Connor called the meeting to order.

APPROVAL OF MINUTES

Mr. Lawrimore made a motion, seconded by Mr. Lynch to approve the minutes of the September 11, 2018 meeting.

ROLL CALL: O'Connor – Abstain, Lawrimore – Yes, Tucker – Yes, Lynch – Abstain, Tulloss – Yes, and Finney – Yes.

CLASS I – ON-PREMISES BEER PERMIT

Collierville Commissary LLC located at 3573 S. Houston Levee Rd.

Owner Walker Taylor was available to answer questions via conference phone.

Brief discussion ensued regarding Mr. Taylor's understanding of the Collierville Beer Ordinance relative to his business operations.

Mr. Walker stated that he owns The Commissary in Germantown, Tennessee.

Mr. Lawrimore made a motion, seconded by Mr. Tulloss to approve a Class I – On-Premises beer permit for Collierville Commissary located at 3573 S. Houston Levee Rd. contingent upon approved inspections from the Fire Department and Building Codes Division.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

CLASS II – OFF-PREMISES BEER PERMIT

ZA Investments, Inc. located at 1990 W. Poplar Ave.

Owner Zeeshan Anwar Ali was present to represent ZA Investments, Inc.

Brief discussion ensued regarding Mr. Ali's understanding of the Collierville Beer Ordinance relative to his business operations. Mr. Ali stated that, if approved, this would be the only beer permit he holds. He indicated that I.D. scanners had been recently installed at this location.

Ms. O'Connor made a motion, seconded by Mr. Tulloss to approve a Class II – Off-Premises beer permit for ZA Investment, Inc. located at 1990 W. Poplar Ave.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

Hwy 72 Investment, Inc. d/b/a 72 Food Market located at 252 Highway 72

Owners Hanif Popatia and Bahroz Cotardia were present to represent Hwy 72 Investment, Inc. d/b/a 72 Food Market.

Brief discussion ensued regarding Mr. Popatia and Mr. Cotardia's understanding of the Collierville Beer Ordinance relative to their business operations. Mr. Popatia stated that this is his fourth business located in Collierville. Mr. Cotardia noted that I.D. scanners had been installed at this location. He also stated that this business is located next door to his office.

Mr. Lynch made a motion, seconded by Mr. Finney to approve a Class II – Off-Premises beer permit for Hwy 72 Investment, Inc. d/b/a 72 Food Market located at 252 Highway 72 contingent upon the receipt of an approved inspection from the Building Codes Division.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

HEARINGS ON A VIOLATION OF THE COLLIERVILLE BEER ORDINANCE (TITLE XI, CHAPTER 116) REGARDING SALE OF BEER TO A MINOR [SECTION 116.37(M)] AT THE FOLLOWING LOCATIONS:

Osaka Japanese Cuisine located at 3670 S. Houston Levee Rd.

Owner Vivian Le and employee Susiana Susiana were present to represent Osaka Japanese Cuisine.

Mr. McDaniel represented the Town of Collierville.

Ms. Le denied a violation of Town Ordinance regarding sale of beer to a minor.

Mr. McDaniel called Patrolwoman Roman to give witness.

Ms. Le gave testimony. Mr. McDaniel made an objection on the grounds of hearsay.

Ms. Susiana gave testimony.

Ms. O'Connor made a motion, seconded by Mr. Lawrimore, to find Osaka Japanese Cuisine located at 3670 S. Houston Levee Rd. guilty of a violation of the Collierville Beer Ordinance regarding 116.37(M) of selling beer illegally to any person less than twenty-one (21) years of age.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

Recommendation from counsel was a 45 days suspension or a civil penalty of \$2,000 in lieu of suspension. Mr. McDaniel stated a lack of acceptance by the owner and no training of the employee.

Ms. O'Connor made a motion, seconded by Mr. Lynch, to assess a penalty to Osaka Japanese Cuisine located at 3670 S. Houston Levee Rd. of 45 days suspension or a civil penalty of \$2000 in lieu of suspension.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

FSZ, Inc. d/b/a Shelby Food Mart located at 9125 E. Shelby Dr.

Owner Hanif Popatia was present to represent FSZ, Inc. d/b/a Shelby Food Mart.

Mr. McDaniel represented the Town of Collierville.

Mr. Popatia stated an admission to a violation of Town Ordinance regarding sale of beer to a minor. The employee was not fired. Mr. Popatia said she had been employed for approximately six months at the time of the violation and is a pregnant single mother. . He stated that the employee overrode the scanning I.D. system and attributed her error to the high customer volume associated with the Powerball and Mega Millions lottery ticket sales.

Mr. Tulloss made a motion, seconded by Ms. O'Connor, to find FSZ, Inc. d/b/a Shelby Food Mart located at 9125 E. Shelby Dr. guilty of a violation of the Collierville Beer Ordinance regarding 116.37(M) of selling beer illegally to any person less than twenty-one (21) years of age.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

Recommendation from counsel was a 14 days suspension or a civil penalty of \$500 in lieu of suspension.

Mr. Tulloss made a motion, seconded by Mr. Lynch, to assess a penalty to FSZ, Inc. d/b/a Shelby Food Mart located at 9125 E. Shelby Dr. of 14 days suspension or a civil penalty of \$500 in lieu of suspension.

ROLL CALL: O'Connor – Yes, Lawrimore – Yes, Tucker – Yes, Lynch – Yes, Tulloss – Yes, and Finney – Yes.

OTHER BUSINESS

Mr. Hamric briefly outlined Ordinance 2018-17 and noted that, if passed by the Board of Mayor and Aldermen at Third and Final Reading on December 10, 2018, this amendment would delete the surety bond requirement from the Collierville Beer Ordinance.

ADJOURNMENT

There being no further business, the meeting was declared adjourned at 6:55 p.m.



William Jones, Chairman



Adam Hamric, Assistant to the Town Administrator