

A regular meeting of the Collierville Beer Board was held Tuesday, March 21, 2017, at 6:00 p.m. in the Administration Conference Room at Town Hall, 500 Poplar View Parkway.

Chairman William Jones was present and presiding.

The following members were present: William Finney, Terri O'Connor, William Jones, Hampton Parr, James Lawrimore, and Scott Tucker. Michael Lynch was absent.

Also present were Town Administrator James Lewellen, Town Attorney Shea Oliver, Assistant Town Administrator Athanasia Lewis, Assistant Town Administrator Daniel Estes, and Assistant to the Town Administrator Adam Hamric.

CALL TO ORDER

Chairman Jones called the meeting to order.

PLEDGE OF ALLEGIANCE

Mr. Jones led the Pledge of Allegiance.

APPROVAL OF MINUTES

There were no corrections or additions to the minutes.

Ms. O'Connor made a motion, seconded by Mr. Lawrimore to approve the minutes of the February 21, 2017 meeting.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker - yes. Motion approved.

CLASS III – ON-AND-OFF PREMISES PERMIT

Trophy Room All American Grill located at 929 W. Poplar Ave.

Mr. Hamric stated that the Trophy Room All American Grill located at 929 W. Poplar Ave. is applying for a Class III “on-and-off premises” beer permit and will surrender its current Class I “on premises” permit if approved for the Class III permit. Ownership and location of the restaurant remain the same. The Collierville Police Department has performed background investigations and found nothing in the Trophy Room’s history to deny it a Class III beer permit. The building has been inspected by the Codes Department and the Fire Department and will be re-inspected for compliance. Mr. Hamric also stated that the applicant has supplied a continuation of its \$2,500 surety bond to the Town.

Tony Sarwar was present to represent the Trophy Room.

Mr. Finney asked what changes in their business model resulted in their wanting to apply for this permit.

Mr. Sarwar responded that recent changes of the Collierville Beer Ordinances, specifically regarding food sales percentage, has caused them to want to alter their business model so they can stay competitive in the area.

Mr. Parr asked if they were going to start selling growlers.

Mr. Sarwar explained that they would be selling beer to-go, but he did not want to use the term “growlers” because he felt it would be misleading. He clarified that they would be selling to-go containers similar to growlers in concept but that they would be much smaller in size than a traditional “growler.”

Mr. Tucker asked if they would be selling pre-packaged, sealed cans of beer or something that is filled on site.

Mr. Sarwar stated that they will begin by selling containers that are filled on site - aka small “growlers” - but that they may explore other available options in the future.

Mr. Parr asked if customers would be allowed to buy a “growler” and then drink the “growler” on site.

Mr. Sarwar replied no. Beer sold in a sealed container must be consumed off premise, and beer served in an open container to restaurant guests will be consumed on premise.

Mr. Parr inquired about their food sales percentage.

Mr. Sarwar stated that they are well within the range of required percentage for food sales. Since they have a kitchen on-site, they do not anticipate this being a problem, especially with the recent change in the ordinance.

Mr. Lewellen clarified that a growler is defined as not to exceed sixty-four ounces and that growler sales would not count against their food sale percentages, only beer consumed on premise would count. They will, therefore, need to ring up those sales separately. Mr. Lewellen further explained that the intention was to allow for two businesses under one roof, one for on-premises consumption and one for off-premises consumption.

Mr. Finney asked if they would be adding more taps for various beers.

Mr. Sarwar stated that, right now, they are comfortable where they are; but it would be their goal to add more.

Mr. Jones asked if they would be using the same system to check for underage customers.

Mr. Sarwar replied yes and further explained that they are updating their system to be completely automated in order to eliminate the possibility of human error. This system would be used for both on- and off-premises beer and alcohol sales.

Mr. Parr made a motion, seconded by Ms. O’Connor, to approve a Class III “on-and-off premises” beer permit for the Trophy Room All American Grill located at 929 W. Poplar Ave. contingent upon the building being re-inspected for compliance.

ROLL CALL: Finney – yes, O’Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker - yes. Motion approved.

The Highlander – Collierville, LLC located at 78 N. Main St.

Mr. Hamric stated The Highlander – Collierville, LLC located at 78 N. Main St. is requesting a class change for their beer permit from a Class I “on premise” permit to a Class III “on-and-off premises” permit. The Beer Board previously approved a Class I permit for The Highlander contingent upon a certificate of occupancy, but the Town has not released said permit, as The Highlander is still currently under construction. Mr. Hamric stated that the Collierville Police Department has performed a background check on the applicant and found nothing in its history to deny it a beer permit. Approval of the requested class change would be contingent upon a certificate of occupancy.

Mr. Finney made a motion, seconded by Ms. O’Connor, to approve a Class III “on-and-off premises” beer permit for The Highlander – Collierville, LLC located at 78 N. Main St. contingent upon the building receiving a certificate of occupancy.

ROLL CALL: Finney – yes, O’Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

HEARINGS ON COMPLIANCE OF THE COLLIERVILLE BEER ORDINANCES (TITLE XI, CHAPTER 116) REGARDING FOOD SALES PERCENTAGE [SECTION 116.38(E)]

Courtyard Collierville located at 4640 Merchants Park Cir.

General Manager Anne Marie Famalette was present to represent Courtyard Collierville.

Ms. Famalette explained that they have a market and a bistro at their location. They sell Starbucks coffee in the bistro but these revenues were not included in the reporting form that Courtyard Marriott submitted to the Town. They also sell sandwiches and salads in the market, but these revenues were likewise not included in the reporting form. If the bistro’s coffee sales and the market’s food sales would have been included in the reporting form for 2016, Courtyard Marriott would be in compliance regarding its food sales percentage. Ms. Famalette apologized if she unintentionally misled anyone with the form that was submitted.

Mr. Tucker asked Mr. Lewellen if the sales from Starbucks and the market should be included in the food sales percentage.

Ms. Famalette qualified that other establishments and their management company do include those figures in their percentages.

Mr. Lewellen stated that they should consider the intent of the permit in considering whether or not the market sales would be included but that coffee would be included.

Ms. O’Connor asked when the bistro opened.

Ms. Famalette replied that it was two years ago, and they were in compliance the past two years with regards to food sales percentage.

Mr. Parr made a motion, seconded by Ms. O'Connor, to find Courtyard Collierville located at 4640 Merchants Park Circle not guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

Mr. Lewellen stated that, in the future, Courtyard Marriott may include the sale of coffee in the food sales percentage form.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Hickory Tavern located at 4600 Merchants Park Cir., Suite 111

Attorney Tayo Atanda from Bone McAllester Norton PLLC was present to represent Hickory Tavern.

Mr. Atanda stated that there was a discrepancy between what his client reported on the form and what the actual sales were. This was due to the differing ways in which his client calculates the annual cycle for accounting purposes and the format of the form the Town provides; however, Hickory Tavern's food sales percentage would have still been slightly under the requirement when reported correctly. Mr. Atanda stated that considering the recent changes in the Collierville Beer Ordinances, they are confident they will be able to meet the requirement going forward.

Mr. Tucker asked if they intend to monitor their percentages on a month to month basis so they are aware if they are going to have a problem at the end of the year.

Mr. Atanda replied that he has advised his client to monitor as such and to run the report by his office to ensure it is filled out correctly. He also stated that his client is putting steps in place so that the percentages are monitored more closely.

Mr. Finney asked if their fiscal year would remain the same.

Mr. Atanda replied yes, but they would not have any problems meeting the requirement going forward. They sell more food than alcohol and will continue to do so.

Ms. O'Connor asked what could be done if the business saw they were coming up short on food sales.

Mr. Parr stated that he did not think this would be a problem because food sales should always be at least at fifty percent, which would keep the restaurant in compliance per the recently changed ordinance.

Mr. Lewellen explained that the intent with the seventy-thirty rule was to have restaurants that sell alcohol rather than bars that sell food.

Ms. O'Connor explained that her concern was that restaurants would drop to fifty-five percent food sales in the future, which they would have to accept as being in compliance with the ordinance.

Mr. Lewellen stated that restaurants should monitor their sales and ensure they are keeping with the intent of the ordinance, which is to allow for restaurants rather than bars.

Mr. Atanda stated that the State has a way of dealing with such an issue so that the business has to re-file and pay a higher license fee. For his client's purposes, however, this is not a concern. They are a family-friendly restaurant and plan to continue to be such.

Ms. O'Connor made a motion, seconded by Mr. Lawrimore, to find Hickory Tavern located at 4600 Merchants Park Circle, Suite 111, not guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

Mr. Parr asked Ms. Oliver if they were allowed to make a motion of guilty/not guilty and determine penalty in the same motion.

Ms. Oliver replied yes.

Mr. Lewellen pointed out that if found guilty, even if assessed a penalty of \$0.00, their record will reflect that they have been found guilty of a violation.

Ms. O'Connor made a motion, seconded by Mr. Lawrimore, to find Hickory Tavern located at 4600 Merchants Park Circle, Suite 111 not guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – no, Parr – no, Lawrimore – yes, and Tucker – no. Motion failed.

Mr. Atanda stated that if found guilty, it would not only be on their record with the State of Tennessee, but would also have to be reported in other states where they own restaurants and any time they open a new restaurant.

Mr. Tucker commented that, while he appreciated that, they are also setting a precedent here.

Mr. Tucker made a motion, seconded by Mr. Jones, to find Hickory Tavern located at 4600 Merchants Park Circle, Suite 111 guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

ROLL CALL: Finney – no, O'Connor – no, Jones – no, Parr – no, Lawrimore – no, and Tucker – yes. Motion failed.

Ms. O'Connor made a motion, seconded by Mr. Finney, to find Hickory Tavern located at 4600 Merchants Park Circle, Suite 111 not guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – no. Motion approved.

Memphis National Golf Club located at 10135 National Club Dr.

General Manager John Kitchen was present to represent Memphis National Golf Club.

Mr. Kitchen explained that membership dues account for fifty-seven percent of their total revenues, food and beverage sales account for twenty-three percent, and beer and alcoholic beverages sales account for eight percent. Mr. Kitchen stated Memphis National's low percentage of food sales is due to their limited public access and the fact that their customers are mainly adult males who come to golf. To improve their food sales in the following year, they are renovating their banquet room, offering more seasonal options on their menus, hiring a new banquet sales person, and creating new member events. Mr. Kitchen further stated that Memphis National is committed to improving their food sales and being in compliance with the new food sales percentage in the future.

Ms. O'Connor commented on the proactive nature of the steps that Memphis National is taking to be in compliance in the future. She also asked if they had been in front of the Beer Board for a violation since their opening in 2005.

Mr. Kitchen stated that he appeared before the Board in 2014. He further explained that they have other sources of revenue besides food and alcohol sales, and this was brought up at that meeting.

Mr. Finney made a motion, seconded by Ms. O'Connor, to find Memphis National Golf Club located at 10135 National Club Drive not guilty of a violation of the Collierville Beer Ordinances related to maximum percentages of gross sales of alcoholic beverages.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – no. Motion approved.

HEARINGS ON COMPLIANCE OF THE COLLIERVILLE BEER ORDINANCES (TITLE XI, CHAPTER 116) REGARDING PRIVILEGE TAX [SECTION 116.33 (C)], BUSINESS LICENSE TAX [SECTION 116.38(K)], AFFIDAVIT [SECTION 116.44(B)], AND REPORTING PROCEDURES [SECTION 116.38(E)]

Bella's Pizzeria located at 833 W. Poplar Ave.

No representative was present for Bella's Pizzeria.

Mr. Hamric stated that on December 1 the Town mailed Bella's Pizzeria written notice of their annual privilege tax payment that would be due on January 1. Included with the written notice were the reporting procedures and the affidavit. When none of this was returned, a notice of delinquency was sent by certified mail on February 10. Again, none of this was returned. Mr. Hamric explained that staff made several failed attempts at contact the permit holder. The receipts for the certified mail delivery were included in the Beer Board members' packets along with a letter dated March 9, 2016 regarding Bella's delinquent business license and beer permit. Mr. Hamric stated that, before the meeting, he learned from Kim Clark in Town's Business Tax department that she did make contact with Jim from Bella's Pizzeria, but they remained delinquent.

Ms. O'Connor asked if Mr. Hamric felt that Bella's Pizzeria was aware of their delinquency and compliance issues.

Mr. Hamric stated that Business Tax made contact in early 2016 with a responsible party; however, the Finance and Administration departments have been unable to make contact recently.

Mr. Tucker asked if Jim was the owner.

Mr. Hamric replied that he is not.

Ms. O'Connor asked Mr. Hamric who is the permit holder.

Mr. Hamric replied Julie Melissa Ra.

Ms. O'Connor asked if she was the person who signed the first letter.

Mr. Hamric replied no.

Mr. Jones pointed out that letters were sent by certified mail and that they have the receipts as proof that they were delivered.

Mr. Lewellen stated that it can always be argued whether or not there is absolute proof but the Town feels they had the opportunity to know and should have known based on the efforts made by Town staff to notify them.

Ms. O'Connor pointed out that based on the number of years they have been in business and been in compliance that there is knowledge of the Town's procedures.

Mr. Lawrimore asked if they could make a motion to include all four violations at one time.

Mr. Lewellen replied yes.

Mr. Tucker asked what the maximum penalty in regards to the permit, not the civil penalty.

Mr. Lewellen answered suspension or revocation of the permit.

Mr. Tucker made a motion, seconded by Mr. Finney, to find Bella's Pizzeria located at 833 West Poplar Avenue guilty of violations of the Collierville Beer Ordinances related to privilege tax, business license tax, affidavit, and reporting procedures and impose a penalty of revocation of their permit.

Ms. O'Connor stated that she does not want to go straight to revocation with the penalty but is more comfortable with a noticeable penalty to get their attention. She then asked what would be the maximum civil penalty.

Mr. Tucker asked what the repercussion would be if they imposed a penalty that went unpaid.

Ms. Oliver stated that once the civil penalty is imposed, they have seven days to pay it. If they do not, the Board has the authority to revoke the permit. She also pointed out that the ordinance outlines the process for revocation and that there are some due process matters to consider. She further explained that this process is outlined for suspension or revocation and also outlines the civil penalty in-lieu-of that could result in revocation if it is not paid.

Mr. Jones asked if the suspension was a maximum of thirty days.

Mr. Lewellen replied no. They could impose a suspension pending a hearing in front of the Beer Board at the next monthly meeting.

Ms. O'Connor asked what the Beer Board would do if Bella's did not show up for that meeting.

Mr. Finney stated that a suspension of the permit may not matter as much as a penalty would to them.

Mr. Tucker withdrew his motion, and Mr. Finney withdrew his second.

Mr. Jones stated that if they suspend Bella's permit for thirty days for each count, it would be a one-hundred and twenty day suspension.

Ms. O'Connor asked what would happen if the Beer Board suspended the permit but Bella's continued to sell beer.

Mr. Lewellen stated that in the event of a suspension, the Police Department goes in and has the beer removed. If Bella's continues to sell beer under a suspended permit, they would be guilty of a misdemeanor and arrested, a matter that would be handled by the municipal court.

Mr. Tucker asked if Mr. Hamric had records of Bella's percentage of beer sales from last year.

Mr. Hamric replied no.

Mr. Lewellen commented that it is the pleasure of the Board to impose what penalty they see fit. If they impose a penalty, it is almost a guarantee that it will be collected because that would be an assessment against them. With the suspension, if they do not care about the beer permit, then they will not care if it is taken away.

Discussion ensued to summarize the previous discussion about possible suspension and revocation.

Ms. O'Connor asked if they would have the option to revoke if Bella's did not show up at the next meeting to address a suspension.

Discussion ensued regarding the wording of a possible motion and the date of next month's meeting.

Mr. Parr made a motion, seconded by Ms. O'Connor, to find Bella's Pizzeria located at 833 West Poplar Avenue guilty of violations of the Collierville Beer Ordinances related to privilege tax, business license tax, affidavit, and reporting procedures.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Ms. O'Connor made a motion, seconded by Mr. Finney, to suspend the beer permit for Bella's Pizzeria located at 833 West Poplar Avenue for one hundred and twenty days or until the next called meeting of the Collierville Beer Board where they will be compelled to appear.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

HEARINGS ON COMPLIANCE OF THE COLLIERVILLE BEER ORDINANCES (TITLE XI, CHAPTER 116) REGARDING AFFIDAVIT [SECTION 116.44(B)], AND REPORTING PROCEDURES [SECTION 116.38(E)]

Ciao Baby Pizzeria, LLC located at 890 W. Poplar Ave.

Owner Ashley Arcuri was present to represent Ciao Baby Pizzeria.

Ms. Arcuri stated that she received a certified letter on February 14 that said she needed to pay for her application for her beer permit. She came to Town Hall and paid the \$100 privilege tax payment. Reporting forms to be filled out are usually included with this; however, she stated that she did not get these. On March 7, another certified letter came, again with no forms attached, informing her that she was out of compliance. Since then, she has turned in all of the necessary forms.

Ms. O'Connor asked if all the forms have been turned in and the fees have been paid.

Mr. Hamric replied yes.

Ms. O'Connor asked if the issue now was being late, not still being out of compliance.

Mr. Hamric replied yes.

Mr. Parr asked how many years they have been in business.

Ms. Arcuri replied that April 2 will be four years.

Mr. Tucker asked staff if the form was different from last year.

Mr. Hamric replied that it has been the same form.

Ms. Arcuri stated that her accountant, who works with other businesses in the area as well, stated that several businesses did not receive that form that is usually attached. She stated that it is her understanding that a new person is in charge of sending out the forms now than in the past.

Ms. O'Connor asked if it was correct that they have not had a violation in the past.

Mr. Hamric replied yes.

Mr. Tucker asked if this was the form that is usually attached.

Ms. Arcuri replied yes, but it was not attached this year to any of the three letters that she received from the Town.

Mr. Tucker asked if the affidavit was included in the package.

Ms. Arcuri replied yes but that the other form was not.

Ms. O'Connor asked if she had an example of the form to which she is referring.

Ms. Arcuri replied yes.

Mr. Tucker asked if the Town has the affidavit on file.

Mr. Hamric replied yes.

Mr. Tucker asked when the Town received the affidavit and if it was before or after notification to come before the Beer Board.

Mr. Hamric replied that it was two weeks ago, which was after the notification to come before the Beer Board.

Mr. Parr made a motion, seconded by Ms. O'Connor, to find Ciao Baby Pizzeria, LLC located at 890 West Poplar Avenue guilty of a violation of the Collierville Beer Ordinance related to affidavit and reporting procedures and assess a penalty of \$0.00.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Mr. Lewellen reminded Ms. Arcuri that she is responsible for submitting the form annually and if she does not receive one, then she can come to the Town to get it.

Ms. Arcuri replied that she knows that now and will make sure Ciao Baby is in compliance in the future.

HEARINGS ON COMPLIANCE OF THE COLLIERVILLE BEER ORDINANCES (TITLE XI, CHAPTER 116) REGARDING PRIVILEGE TAX [SECTION 116.33 (C)], AFFIDAVIT [SECTION 116.44(B)], AND REPORTING PROCEDURES [SECTION 116.38(E)]

Since no representative was present for Collierville Best Hot Wings the Beer Board moved their items to the end of the agenda.

Ronnie Grisanti's Italian Restaurant located at 684 W. Poplar Ave.

Judd Grisanti was present to represent Ronnie Grisanti's Italian Restaurant.

Mr. Hamric noted that the Board Report reflects an outstanding privilege tax, that has now been paid.

Mr. Grisanti explained that he is in the process of getting power of attorney for the restaurant because his father, who is eighty years old, is no longer in a position to properly manage the business on his own. Mr. Grisanti stated that he was not aware of these compliance issues until it was too late but will get them fixed sooner rather than later. He further explained that the process of getting power of attorney is slowing down the process of getting into compliance, but that he is working on it.

Ms. O'Connor asked if Mr. Grisanti was having problems getting the necessary forms to bring them in compliance because he is not the permit holder.

Mr. Grisanti replied yes. He is waiting to get tax returns released from the State with the power of attorney.

Ms. O'Connor asked what would be a reasonable amount of time to give Mr. Grisanti to get the forms.

Mr. Grisanti stated that once he gets the power of attorney, his name will be added to the LLC and eventually his father's name will be taken off.

Mr. Hamric stated that the Town accepted the affidavit with Mr. Grisanti's signature as a representative of the business. The only thing outstanding, therefore, would be the reporting procedures. Mr. Hamric further explained that the report that Mr. Grisanti has does not break down sales month by month, which is what the Town requires, but does have the totals.

Mr. Jones asked what was the percentage of food to beer sales.

Mr. Grisanti replied with the total sales of food, beer, and wine.

Ms. O'Connor stated that they would have been well within the percentages for their annual sales.

Mr. Hamric commented that the annual total is what is considered on the required form.

Discussion ensued about whether to make a motion to table this item or to vote guilty/not guilty.

Mr. Lewellen suggested that the Board table the agenda item for sixty days, at which time it can come before the Beer Board again with an update on the progress, and they can decide what to do from there. This will give Mr. Grisanti the additional time he needs, and then if more time is needed, the Board can vote to table it again or whatever motion they see fit.

Mr. Parr stated that he wants to make sure Mr. Grisanti is aware of all the regulations stated by the beer ordinances.

Mr. Grisanti replied that he is now familiar with the regulations and will make sure they are in compliance in every way and do what he can to ensure they do not receive any violations.

Mr. Tucker asked if there had been a change in management.

Mr. Grisanti replied yes.

Mr. Lewellen stated that, from a staff perspective, Mr. Grisanti has become the de facto permit holder. As such, staff needs to get with him to discuss all the regulations and ordinances because he will be the person held responsible from this point forward.

Mr. Tucker asked if the new management had experience in the restaurant business.

Mr. Grisanti replied yes, and explained many of them are from the Collierville area and know Collierville's beer ordinances. He also stated that he has experience in the restaurant business as well but has been out of it for the past seven years.

Mr. Finney made a motion, seconded by Ms. O'Connor, regarding Ronnie Grisanti's Italian Restaurant located at 684 West Poplar Avenue, that the matter of Ronnie Grisanti's Italian Restaurant's violation of the ordinance of 2016 reporting procedures be tabled for sixty days.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Collierville Best Hot Wings located at 308 New Byhalia Rd., Suite 103

No representative was present for Collierville Best Hot Wings.

Mr. Hamric stated that on December 1, 2016 the Town mailed Collierville Best Hot Wings written notice of their annual privilege tax payment that would be due on January 1. Included with the written notice were the reporting procedures and the affidavit. When none of this was returned, a notice of delinquency was sent by certified mail on February 10. Again, none of this was returned. Mr. Hamric explained that staff made several failed attempts at contact.

Ms. O'Connor asked if the compliance issue was for the reporting for the year 2016 only.

Mr. Hamric replied yes.

Mr. Jones asked when they were issued their permit.

Mr. Hamric replied that it was issued in February of 2015.

Ms. O'Connor asked if they reported for 2015 in January 2016.

Mr. Hamric replied yes.

Mr. Jones asked if both locations were opened at the same time.

Mr. Hamric replied that they were opened in the same year and both are owned by the same person.

Ms. O'Connor asked if there was any explanation of why Collierville Best Hot Wings was not in compliance or any explanation of why they were not present.

HAMRIC

Mr. Jones replied no, there is no known explanation.

Mr. Finney asked if they have reported in the past.

Mr. Hamric replied yes. They reported in January 2016 for the partial year they were open in 2015.

Mr. Lewellen stated that there would need to be a meeting next month so the Board could table this until then if that is the pleasure of the Board. The Board could also suspend their permit, as they voted to do for Bella's Pizzeria.

Ms. O'Connor stated that she remembers the owner stating that their beer sales were a very small part of their business, therefore suspending their permit may not serve as an appropriate mechanism to ensure future compliance with the Town's Beer Ordinances.

Mr. Jones stated that he remembered that as well and believes a civil penalty might be more appropriate in this situation.

Ms. O'Connor asked if they can impose a civil penalty without also imposing a suspension.

Ms. Oliver said yes. They can impose just a civil penalty.

Ms. O'Connor made a motion, seconded by Mr. Finney, to find Collierville Best Hot Wings located at 308 New Byhalia Road, Suite 103 guilty of violations of the Collierville Beer Ordinances relating to privilege tax, affidavit, and reporting procedures.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Discussion ensued regarding the amount of the civil penalty to impose.

Mr. Lawrimore made a motion, seconded by Ms. O'Connor, to assess a penalty to Collierville Best Hot Wings located at 308 New Byhalia Road, Suite 103 of \$500 for the violation on privilege tax, \$500 for the violation on affidavit, and \$500 on the violation on reporting procedures.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Collierville Best Hot Wings located at 2059 S. Houston Levee Rd., Suite 118

No representative was present for Collierville Best Hot Wings.

Mr. Hamric stated that this location is in a similar situation at the previous one and is under the same permit holder.

Ms. O'Connor asked Mr. Hamric to clarify if this situation was similar or was the same as before with the same number of attempts at contact.

Mr. Hamric replied it was the same.

Ms. O'Connor made a motion, seconded by Mr. Lawrimore, to find Collierville Best Hot Wings located at 2059 South Houston Levee Road, Suite 118 guilty of violations of the Collierville Beer Ordinances relating to privilege tax, affidavit, and reporting procedures.

ROLL CALL: Finney – yes, O'Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

Mr. Lawrimore made a motion, seconded by Ms. O'Connor, to assess a penalty to Collierville Best Hot Wings located at 2059 South Houston Levee Road, Suite 118 of \$500 for the violation on privilege tax, \$500 for the violation on affidavit, and \$500 on the violation on reporting procedures.

ROLL CALL: Finney – yes, O’Connor – yes, Jones – yes, Parr – yes, Lawrimore – yes, and Tucker – yes. Motion approved.

OTHER BUSINESS

Mr. Lewellen asked the Board for feedback regarding reporting procedures.

General discussion ensued with the consensus that Town staff was sending an adequate amount of reminders to businesses.

Ms. O’Connor asked if they could find the forms online or if they had to come to Town Hall to pick them up.

Mr. Hamric replied that the forms are mailed to them but not available online.

Ms. O’Connor asked if there was an issue with making them available online.

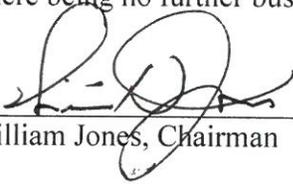
Ms. Oliver noted that the form change for next year will streamline the process.

Ms. O’Connor suggested that in the future, forms could be made available online and the Town, therefore, would not need to mail anything out, including a reminder because the permit holder should know what is due.

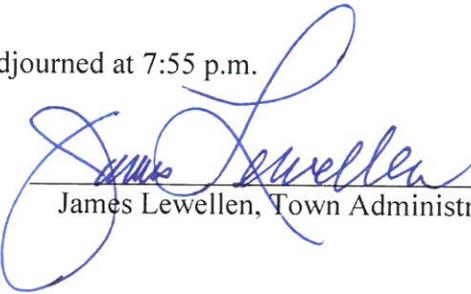
Mr. Hamric stated that this would be a good opportunity to implement new procedures because the Town will soon be educating permit holders on the new compliance procedures.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.



William Jones, Chairman



James Lewellen, Town Administrator