

TOWN OF MOUNT CARMEL, TENNESSEE

BOARD OF MAYOR and ALDERMEN MINUTES

July 26, 2016

BOARD OF MAYOR AND ALDERMEN MEETING

A regular meeting of the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, was held upstairs at the Town of Mount Carmel City Hall, 100 East Main Street, on June 28, 2016, at 6:30 p.m.

Those present and participating at the meeting:

Eugene Christian, Alderman
Margaret Christian, Alderman
Wanda Davidson, Alderman
Paul Hale, Alderman
Carl Wolfe, Alderman
Chris Jones, Vice-Mayor
Larry Frost, Mayor

Those absent:

None

Staff Present:

Marian Sandidge, City Recorder
Gary Lawson, City Administrator
John Pevy, City Attorney
Fred Arnold, Wastewater Treatment Plant Manager
Cody Bussell, Detective
Tammy Conner, CMFO
Jeff Jackson, Chief of Police
Steven McLain, Mechanic
Vince Pishner, Building Inspector/Stormwater
Jason Salyer, Public Works Director

CALL TO ORDER

The Mount Carmel Board of Mayor and Aldermen regular meeting was called to order on July 26, 2016, at 6:30 p.m. by Mayor Larry Frost at Mount Carmel City Hall. Mayor Frost also chaired the meeting.

PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Frost led the Prayer and Alderman Hale led the Pledge of Allegiance.

ROLL CALL

Marian Sandidge, City Recorder, conducted roll call. Board members present were Mayor Frost, Alderman Eugene Christian, Alderman Margaret Christian, Alderman Davidson, Alderman Hale, Alderman Wolfe and Vice Mayor Jones. Attorney John Pevy was also present. An attendance list is attached.

APPROVAL AND/OR CORRECTION OF THE MINUTES

A motion was made by Alderman Eugene Christian and seconded by Alderman Margaret Christian to approve the minutes of the Board Mayor and Aldermen Meeting dated June 28, 2016, as written. The Board unanimously agreed. Motion passed.

VISITORS COMMENTS

James Rhoton of 144 Meadow Springs Lane complained about residents shooting fireworks. He said it was getting out of hand. Residents shoot them all hours of the day and night. He doesn't like the trash it causes, nor does he like it scaring his dog. He thinks shooting of fireworks within the city should be banned. He said it was especially dangerous this year due to the dry weather. Mayor Frost told him that he had also received complaints and would like to see the Board address the issue.

Diane Adams of 416 Banner Court questioned the Board about allowing the postponement of Phillip Robinette's grievance hearing for the second time. She said the city code requires the hearing to occur within 30 days, and she does not understand how the Town could continue to postpone the hearing past the 30 day limit. She also told the Board with Mayor Frost's alleged involvement in one of the issues that led to the firing of Mr. Robinette, that it creates a conflict of interest. She believes the hearing should be before the entire Board.

Vice-Mayor Chris Jones recognized Mount Carmel resident, David Mullins. Mr. Mullins is a Mount Carmel citizen and a professional angler. He competes in Bassmaster Elite Series Tournaments across the nation. During these competitions he has 9 finishes in the top 30, 5 in the top 20, 3 in the top 10, 2 second place finishes, and most recently won 1st place in the 2016 Bass Pro Shop Southern Open Tournament in Dandridge in May. In his travels he never forgets to say that he is proud to say that Mount Carmel, Tennessee is his hometown. It is for this, Mr. Jones recognizes his accomplishments. Mr. Mullins was presented with a plaque by Vice-Mayor Jones as an ambassador of good will for the Town of Mount Carmel.

Claude Lawson of 441 Mimosa brought to the attention of the Board the deteriorating condition of the parking lot and exit road at City Hall. He feels like that needs to be fixed. He also feels like professional mowers should be required to put cones around their trailers when they pull to the side of the road on city streets. And he asked again, for people not to throw their grass clippings into the street while mowing.

OLD BUSINESS

A. ORDINANCE NO. 16-441. AN ORDINANCE AMENDING MOUNT CARMEL MUNICIPAL CODE, TITLE 8, "ALCOHOLIC BEVERAGES." (second reading) Mayor Frost presented Ordinance No. 16-441, "AN ORDINANCE AMENDING MOUNT CARMEL MUNICIPAL CODE, TITLE 8, "ALCOHOLIC BEVERAGES." Mayor Frost presented ORDINANCE NO. 16-441, "AN ORDINANCE AMENDING MOUNT CARMEL MUNICIPAL CODE, TITLE 8, "ALCOHOLIC BEVERAGES." Mayor Frost asked Vince Pishner for clarification of the change to the Ordinance. Mr. Pishner said the only change was to §8-216 by adding zones MX-1 and MX-2 to the areas where beer sales are allowed in the Town. A motion was made by Alderman Eugene Christian and seconded by Alderman Carl Wolfe to adopt Ordinance 16-441 as presented. Those voting Yes: Eugene Christian, Margaret Christian, Davidson, Hale, Wolfe, Jones and Frost. Those voting No: None. Those Absent: None. Mayor Frost announced that Ordinance No. 16-441 passed on its second and final reading.

NEW BUSINESS

A. ORDINANCE NO. 16-442. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY CHANGING TITLE 14 AS NEEDED TO CHANGE HOW RETAIL PARKING SPACES ARE DETERMINED." (first reading) Mayor Frost presented Ordinance No. 16-442, "AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY CHANGING TITLE 14 AS NEEDED TO CHANGE HOW RETAIL PARKING SPACES ARE DETERMINED." Building Inspector, Vince Pishner, explained that currently retail parking spaces are based on the gross retail area of the building, with one parking spot required for every 200 square feet. The planning commission has recommended changing the wording from gross building size to net retail area. That will reduce the number of parking spaces required, and may make the small lots in Town more desirable for new business. A motion was made by Vice-Mayor Jones and seconded by Alderman Margaret Christian to adopt Ordinance 16-441 as presented. Those voting Yes: Eugene Christian, Margaret Christian, Davidson, Hale, Jones, Wolfe, and Frost. Those voting No: None. Those Absent: None. Mayor Frost announced that Ordinance No. 16-442 passed on its first

reading. Following the vote, Vice-Mayor Jones declared an indirect conflict of interest since he owns a business on Main Street, but said that interest did not affect his vote.

B. RESOLUTION 16-536. A RESOLUTION PURSUANT TO THE TOWN OF MOUNT CARMEL MUNICIPAL CODE §1-402 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO HAMMOND AVENUE. Mayor Frost presented Resolution 16-536, "A RESOLUTION PURSUANT TO THE TOWN OF MOUNT CARMEL MUNICIPAL CODE §1-402 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO HAMMOND AVENUE." A motion was made by Vice-Mayor Jones and seconded by Alderman Eugene Christian to adopt Resolution 16-536 as presented. The Board unanimously agreed. Motion passed.

C. DISCUSS HIRING A NEW EMPLOYEE FOR THE PUBLIC WORKS DEPARTMENT (salary and benefit worksheet attached). Public Works Director, Jason Salyer, came before the Board to request hiring an additional employee in public works. He said there are currently five employees, but in the past there were six. He said there was plenty of work even during the winter months. The estimated cost of the new employee was approximately \$54,000 with benefits. Mayor Frost noted that the department has operated since he became Mayor with five employees. He also noted that the Town had purchased additional equipment with the money saved by not hiring the additional employee. The Mayor suggested tabling the matter until a workshop could be held to discuss it further. A motion was made by Alderman Hale and seconded by Mayor Frost to postpone the decision. That motion failed with only Alderman Hale and Mayor Frost voting yes. A motion was then made by Vice-Mayor Jones and seconded by Alderman Margaret Christian to hire a full time employee, and to amend the budget to reflect that cost. The majority of the Board agreed except for Alderman Hale and Mayor Frost opposing. Motion passed.

D. RECOGNIZE BRANDON WILLIAMS, LIBRARY BOARD MEMBER. Alderman Margaret Christian explained that Mr. Williams could not attend, but she would relay the recommendation of the Library Board. There are two members on the Library Board whose terms end in July 2016. Those two are Phillip Holt and Glenda Edens. It was the recommendation of the Library Board to re-appoint those two members. Mayor Frost suggested that all those board and committee members whose terms were expiring in July 2016 be re-appointed until December, following the next election. The Board unanimously agreed. A copy of the Board and Committee members is attached to the minutes.

E. TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL INSURANCE. City Administrator Gary Lawson told the Board he had recently been contacted by another insurance firm that would like to bring a presentation before the Board. They claim they can offer the same insurance coverages at a better price than Tennessee Municipal League. They are currently representing several other cities and towns in Tennessee. The Town has been doing business with the Tennessee Municipal League Risk Management Pool for its property and liability insurance coverages for years, and has no desire to change.

F. WASTEWATER TREATMENT PLANT 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT. Fred Arnold, Wastewater Treatment Plant Manager, expressed his desire to apply for a 2017/2018 Community Development Block Grant (CDBG) to update several pump stations. A motion was made by Alderman Eugene Christian and seconded by Alderman Wolfe giving the sewer department permission to apply for the CDBG grant. The Board unanimously agreed. Motion passed.

G. DISCUSS PERSONNEL ISSUES. Chief Jeff Jackson told the Board he recently received a denial letter from the State of Tennessee, Peace Officer Standards Training Commission (P.O.S.T.). Each year the officer's training records are sent to P.O.S.T. for certification. In reward for completing the necessary training, each one of the officers receives a salary supplement of \$600. However, the officers, by no fault of their own, were denied payment from the State since their training records were not timely filed. Those records were required to have been filed with the State by January 15th, a time period which Chief

Jackson was not on the job after being fired. He asked the Board to amend the budget and pay the six full time officers \$600 each. A motion was made by Mayor Frost and seconded by Alderman Eugene Christian to amend the budget \$3,600 and pay each of the six full time officers their annual salary supplement of \$600 each. The Board unanimously agreed. Motion passed.

MAYOR COMMENTS

Mayor Frost received an inquiry from a resident in the Brookshire Hills subdivision about whether or not there was a city park in the subdivision. Vice-Mayor Jones told the Board the property actually belongs to the residents of Brookshire Hills and not the Town.

ALDERMEN COMMENTS

Vice-Mayor Jones asked if the Town had taken care of a recent T.O.S.H.A. complaint regarding the safety of the DewEze all terrain mowers. The Town recently received notice that a complaint had been filed with T.O.S.H.A. declaring those mowers extremely dangerous and unsafe to operate. City Administrator Gary Lawson along with Public Works Director, Jason Salyer, told the Board those mowers were immediately removed from service once the complaint was received. At that time, a company representative from DewEze was contacted to complete inspections on each of the mowers. The Town received approval that the newest DewEze mower passed inspection and was safe to operate. The other two older mowers, however, did not pass inspection and were removed from service. With the newer Skag mower and bush hog those DewEze mowers would not need to be replaced. Lawson told the Board he would like to see the Town look into buying a robot-controlled mower for mowing the hilly areas in Town. He also said anytime the DewEze needs service it is to be sent back to a factory dealership. The Town is not to work on it due to the safety issues.

ATTORNEY COMMENTS

Attorney John Pevy told the Board he would research the State regulations regarding fireworks and bring that information back before the Board for their consideration.

In regard to Mrs. Adams earlier question about a conflict of interest should Mayor Frost preside over Phillip Robinette's grievance hearing, Attorney Pevy said he is not aware of any reason why the Mayor cannot preside over the hearing. Furthermore, no ethics complaint has been filed by a public official against Mayor Frost, and Pevy said, if they feel there is a potential conflict about an issue upon which they are about to vote, the public official has an obligation to make a public disclosure. The Town is limited on discussion on the conflict and the matter is subject to confidentiality regarding same. There is an ongoing investigation that limits the ability to release information to the public. Mrs. Adams also brought up the fact the hearing surpasses the 30-day limit listed in the city code for a grievance hearing to be heard. Attorney Pevy said that rule was created to protect the employee so they would have a quick ruling on the matter. Pevy advised the Town to allow the employee and his attorney to push back the hearing date. The matter will be heard on August 24th at 6:00 p.m.

Attorney Pevy said a Town official recently received a question regarding enforcing the Town's regulations regarding placement of political signs. He said the Town is allowed to enforce the right-of-way regulations, but the matter could not be considered tonight without proper notice.

DEPARTMENT AND COMMITTEE WRITTEN REPORTS.

The department and committee written reports are attached to the minutes.

ADJOURNMENT

Being no further business, a motion was made by Alderman Hale and seconded by Alderman Wolfe to adjourn the meeting at 7:50 p.m.

Approved:


Larry Frost, Mayor

Attest:


Marian Sandidge, City Recorder



TOWN OF MOUNT CARMEL, TENNESSEE

Sign In

ATTENDANCE RECORD
 DATE: JULY 26, 2016
BOARD of MAYOR and ALDERMEN
MEETING

1. <i>Maria Landich</i>	23. <i>Angie McLean</i>
2. <i>Tammy Binner</i>	24. <i>Larry Furr</i>
3. <i>Carl Wolfe</i>	25. <i>John E. ...</i>
4. <i>Janice Dean</i>	26. <i>Vince ...</i>
5. <i>Bill Dean</i>	27. <i>...</i>
6. <i>George Bordwell</i>	28. <i>Comy ...</i>
7. <i>Linda Chick</i>	29. <i>Steven ...</i>
8. <i>Robin Deans</i>	30. <i>Carolyn Vaughn</i>
9. <i>Deane Deans</i>	31. <i>Jan ...</i>
10. <i>...</i>	32.
11. <i>Cecil Feltner</i>	33.
12. <i>Jana Carico</i>	34.
13. <i>Ray ...</i>	35.
14. <i>Frank ...</i>	36.
15. <i>Wanda Davidson</i>	37.
16. <i>EVE JACKSON</i>	38.
17. <i>Margaret Christian</i>	39.
18. <i>Eugene Christian</i>	40.
19. <i>...</i>	41.
20. <i>James ...</i>	42.
21. <i>Shirley White</i>	43.
22. <i>Sam ...</i>	44.

David Mullins

Mr. Mullins is a Mount Carmel citizen and he is a professional angler who who competes on the **Bassmaster Elite series tournaments** across the nation. He has 9 finishes in the top 30, 5 in the top 20 , 3 in the top 10, 2 second place finishes and most recently won first place in the **2016 Bass Pro Shops Southern Open Tournament** in Dandridge, Tennessee in May of this year.

In his travels he is proud to say that Mount Carmel, Tennessee is his hometown and it is for this and in recognition of his accomplishments I would like to present him with this plaque as an ambassador of good will for the Town of Mount Carmel.

Vice Mayor Christopher Jones



ORDINANCE NO. 16-441
AN ORDINANCE AMENDING MOUNT CARMEL MUNICIPAL
CODE TITLE 8, "ALCOHOLIC BEVERAGES."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND
ALDERMEN OF The Town of Mount Carmel, Tennessee, as follows:

SECTION I. Title 8 "Alcohol Beverages", shall be deleted in its entirety and in its place the following sections substituted:

TITLE 8
ALCOHOLIC BEVERAGES

CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1
INTOXICATING LIQUORS

SECTION

8-101. Prohibited generally.

8-102. Open containers.

8-103. Alcoholic Beverage Restrictions on Persons under Twenty-One.

8-101. Prohibited generally. Except as authorized by applicable laws and/or ordinances it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within the city. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew", "moonshine", and all other intoxicating, spirituous, vinous or malt liquors and beers which contain more than five percent (5%) of alcohol by weight.

8-102. Possession of open containers in motor vehicles and public places, etc., prohibited. It shall be unlawful for any person to possess open cans, bottles or containers of beer or intoxicating liquors in motor vehicles in the City or upon the public streets, sidewalks or other public places not otherwise permitted by this chapter.

8-103. Alcoholic Beverage Restrictions on Persons under Twenty-one. It shall be unlawful for any person under twenty-one (21) years of age to purchase, possess, transport, or consume alcoholic beverages, wine, or beer, with the following exceptions:

- (1) Any person eighteen (18) years of age or older may transport, possess, sell, or dispense alcoholic beverages, wine, or beer in the course of his employment in accordance with provisions of this Code.

CHAPTER 2 BEER

SECTION

- 8-201. Beer Board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.²
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.³
- 8-208. Privilege tax.⁴
- 8-209. Permits for retail sale; types designated, multiple type prohibited.
- 8-210. Permit application.
- 8-211. Disposition of application.
- 8-212. Separate permit required for each location.
- 8-213. Display of permit.
- 8-214. Transferability of permits.
- 8-215. Limitation on number of permits.
- 8-216. Interference with public health, safety, and morals prohibited, Zoning Restrictions, and Distance Requirements.
- 8-217. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.
- 8-218. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.
- 8-219. Restrictions on issuance of retail permits.
- 8-220. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.
- 8-221. Revocation or suspension of beer permits.
- 8-222. Civil penalty in lieu of revocation or suspension.
- 8-223. Loss of clerk's certification for sale to minor.
- 8-224. Violations.

8-201. Beer Board established. There is hereby established a Beer Board to be composed of the Mayor, or in his absence, the Vice-Mayor, one Aldermen to be appointed by the Mayor, three citizens from the municipality, also to be appointed by the Mayor, the Chief of Police, and the City Recorder. All members' terms shall run concurrently with the term of the Mayor. The Mayor or Vice-Mayor shall be its Chairman and shall preside at its meetings. The members shall serve without compensation.

8-202. Meetings of the beer board. All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the City Hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

8-203. Record of beer board proceedings to be kept. The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: the date of each meeting; names of the board members present and absent; names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

8-205. Powers and duties of the beer board.² The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

8-206. "Beer" defined. The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight; provided however, that no more than forty-nine percent (49%) of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.

8-207. Permit required for engaging in beer business.³ It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated* §57-5-104(a), shall be accompanied by a nonrefundable application fee of two hundred and fifty dollars (\$250.00). Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter.

8-208. Privilege tax.⁴ There is hereby imposed on the business of selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Mount Carmel, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

8-209. Permits for retail sale; types designated, multiple type prohibited.

- (1) Permits for the retail sale of beer shall be of two types:
 - (a) On-premise permits. "On-premise permits" shall be issued for the consumption of beer on the premises.
 - (b) Off -premise permits. "Off-premise permits" shall be issued for the sale of both refrigerated and unrefrigerated beer to be consumed off the premises.

²State law reference *Tennessee Code Annotated* §57-5-106.

³State law reference *Tennessee Code Annotated* §57-5-103.

⁴State law reference *Tennessee Code Annotated* §57-5-104(b).

- (2) No person shall be issued both types of permits for the same location.
- (3) If a corporation owns and operates a merchandising business, a corporate officer shall make application for the permit. If a partnership or syndicate operates a merchandising establishment, the general partner in charge of the day-to-day business operations of the business shall make application for the beer permit.

8-210. Permit application. A person desiring a beer permit required by the provisions of this Chapter shall apply in writing to the Beer Board upon a form approved and prescribed by it. Such application shall contain at a minimum the following:

- (1) The name and residence of the applicant and the length of time the applicant has resided there;
- (2) The particular place for which the permit is desired, designating the same by street and number, if practicable, and if not, by such other apt description and the current zoning designation of the tract of property;
- (3) The type of permit desired;
- (4) The name of the owner of the business premises;
- (5) A statement that the applicant is of good moral character and has not been convicted of a felony;
- (6) A statement that the applicant will not engage in the sale, storage, manufacture or distribution of beer except at the place or places for which the license or permit is issued to such applicant, and that no sale, storage, manufacturing or distribution of such beverage will be made except in accordance with the permit or license granted;
- (7) A statement that no sale will be made to persons under the age required by state law, that the applicant will not permit minor persons or disorderly or disreputable persons, or individuals heretofore connected with the violation of the liquor laws, to loiter around the place of business, and that no minors shall be employed in the direct sale, storage, manufacture or distribution of beer;
- (8) A statement that the applicant has not had revoked any license or permit for the sale, storage, manufacture or distribution of alcoholic beverages;
- (9) A statement that the applicant will be conducting the daily business in person;
- (10) A statement that no brewer, manufacturer, distributor or warehouseman of legalized beer has any interests in the business, or business premises;
- (11) A statement that the applicant is willing to be fingerprinted by the police department of the Town of Mount Carmel and to be investigated by municipal, county, state and federal law enforcement agencies;
- (12) An oath or affidavit by the applicant that the facts represented in the application is true;
- (13) Any application, which does not contain affirmative responses to all representations requested therein, shall not be considered by the Beer Board.

8-211. Disposition of application. Each application for a beer permit under this chapter shall be filed with the City Recorder, and final action shall be taken by the Beer Board within sixty (60) days after the filing of said application.

8-212. Separate permit required for each location. A separate permit shall be obtained for each location at which and from which any applicant is to manufacture, store, distribute or sell beer.

8-213. Display of permit. All permittees hereunder shall display and keep displayed such beer permit in a conspicuous place on the premises where licensed to conduct such business.

8-214. Transferability of permits. Permits for the sale, storage, manufacture or distribution of beer hereunder shall not be transferable. A permit holder must return a permit to the city within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return the beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name.

8-215. Limitation on number of permits. The number of licenses for the sale of beer shall be limited to ten (10). Provided that all requirements of this chapter are complied with, all existing permits for the sale of beer within the corporate limits of the city at the date of the passage of this ordinance shall continue to be renewed.

8-216. Interference with public health, safety, and morals prohibited, Zoning Restrictions, and Distance Requirements. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. Permits may be issued only to otherwise qualifying applicants with businesses in Zones B-1, B-2, B-3, *MX-1 and MX-2*. Other than on Main Street, in no event will a permit be issued authorizing the storage, sale, or manufacture of beer at places within four hundred (400) feet of any school, church, or other place of public gathering which has preexisted the application date of the permit sought by six (6) continuous months, measured along street rights-of-way and from nearest boundary line to nearest boundary line.

8-217. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- (1) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.
- (2) State Regulations require that upon approval of liquor by the drink, the hours of sale for beer shall coincide with the hours of sale for liquor by the drink, such hours being regulated by the State of Tennessee Alcoholic Beverage Commission, *Tenn Code Anno. §57-5-301(2)(b)(1)*. (per Ord 13-389 March 26, 2013)
- (3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

- (4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
- (5) Allow drunk persons to loiter about his premises.
- (6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

8-218. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.

- (1) All distributors, wholesalers, warehousemen and manufacturers of beer shall be duly licensed under law to do business in the state.
- (2) All distributors, wholesalers, manufacturers and warehousemen of beer having a place of business within the town shall locate it in areas designated and zoned for manufacturing under the ordinances of the Town.
- (3) It shall be unlawful for any wholesaler, distributor, warehousemen or manufacturer of beer, or for any of their salesmen or representatives, to sell or deliver beer en route, or from delivery vehicles, to any person or place other than holders of valid retail beer permits.
- (4) It shall be the duty of such wholesaler, distributor, warehouseman or manufacturer, their salesmen or representatives, to ascertain whether or not such person or place has been issued a valid retail beer permit by the Town.

8-219. Restrictions on issuance of retail permits.

- (1) Permits issued for the retail sale of beer for on-premises consumption of beer shall be limited to sale for consumption in and to be served to and consumed by members and guests in the rooms of a building designated and occupied by a regularly incorporated non-profit lodge or patriotic organization or to customers in an operating restaurant as defined in subsection (1)(a) below.
 - (a) The owner or manager of any restaurant doing business, or intending to do business, within the corporate limits or the Town, may apply for a permit for the on-premises retail sale and consumption of beer if the restaurant meets the following criteria:
- (2) Restaurants and eating places. The issuance of beer permits for restaurants and eating places pursuant to this article and the operation of such establishments shall be subject to the following:
 - (a) Permits for the retail sale of beer for on-premises consumption shall be issued subject to the approval of the beverage board to the owner or operator of any regularly conducted restaurant or eating place. The applicant shall fulfill all other general requirements for the retail sale of beer prescribed in this article.
 - (b) In addition, the restaurant or eating place shall be classified with a value of not less than passing as judged by appropriate state authorities.
 - (c) If after the issuance of a permit for on-premises consumption, the grade of passing is reduced by the appropriate state agency responsible for the grading of restaurants, the beverage board shall notify the permittee to appear before the beverage board to show cause why his permit should not be revoked. The beverage board shall have the authority to grant a temporary extension, not to exceed 90 days, for the permittee to make the corrections necessary and have the numerical grade increased to at least passing.

(d) If it is shown that any permittee's premises are no longer kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served or provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare cook and serve suitable food for the permittee's guests, the beverage board may cancel and revoke the permit.

(e) No beer shall be served at tables, stools or booths or in any other manner or place outside of the building except with specific written permission of the beverage board.

(3) Merchants. Off-premises permits shall be issued only to bona fide merchants who have been licensed to conduct a merchandising business in the city. For the purpose of this subsection, the term "bona fide merchants" shall mean persons regularly operating and conducting business to serve the public on a regular basis, with regular business hours of operation.

8-220. Restrictions upon distributors, wholesalers, warehousemen, manufacturers.

(1) All distributors, wholesalers, warehousemen and manufacturers of beer shall be duly licensed under law to do business in the state.

(2) All distributors, wholesalers, manufacturers and warehousemen of beer having a place of business within the town shall locate it in areas designated and zoned for manufacturing under the ordinances of the Town.

(3) It shall be unlawful for any wholesaler, distributor, warehousemen or manufacturer of beer, or for any of their salesmen or representatives, to sell or deliver beer en route, or from delivery vehicles, to any person or place other than holders of valid retail beer permits.

(4) It shall be the duty of such wholesaler, distributor, warehouseman or manufacturer, their salesmen or representatives, to ascertain whether or not such person or place has been issued a valid retail beer permit by the Town.

8-221. Revocation or suspension of beer permits. The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Pursuant to *Tennessee Code Annotated* §57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated* §57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated* 9 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a

responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years.

8-222. Civil penalty in lieu of revocation or suspension. (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated* §57-5-601, *et seq.*

(2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

8-223. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated* §57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination.

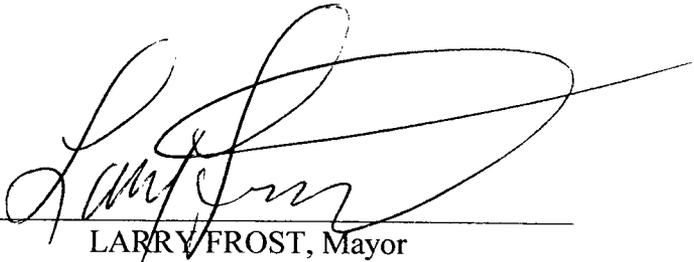
8-224. Violations. Except as provided in § 8-222, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

SECTION II. LEGAL STATUS PROVISIONS.

A. **Conflict With Other Ordinances.** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

B. **Validity.** If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. **Effective Date.** This ordinance shall become effective upon passage, the public welfare requiring it.


LARRY FROST, Mayor

ATTEST:


MARIAN SANDIDGE, Recorder

APPROVED AS TO FORM:


JOHN PEVY, TOWN ATTORNEY



FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN MARGARET CHRISTIAN	X		
ALDERMAN WANDA DAVIDSON	X		
ALDERMAN PAUL HALE	X		
ALDERMAN CARL WOLFE	X		
VICE MAYOR CHRISTOPHER JONES	X		
MAYOR LARRY FROST	X		
TOTALS	7	0	0

PASSED FIRST READING: June 28, 2016

SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN			
ALDERMAN MARGARET CHRISTIAN			
ALDERMAN WANDA DAVIDSON			
ALDERMAN PAUL HALE			
ALDERMAN CARL WOLFE			
VICE MAYOR CHRISTOPHER JONES			
MAYOR LARRY FROST			
TOTALS			

PASSED SECOND READING: July 26, 2016

PUBLISHED ON:
 NEWSPAPER: *Kingsport Times-News*

RESOLUTION NO. 16-536

A RESOLUTION PURSUANT TO THE TOWN OF MOUNT CARMEL MUNICIPAL CODE §1-402 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO HAMMOND AVENUE.

WHEREAS, the Town of Mount Carmel, Tennessee, desires to enter into an agreement with the Tennessee Department of Transportation for improvements to Hammond Avenue as described in the attached General Maintenance Agreement for Agreement Number 160146, Project Identification Number 120812.00, Federal Project Number HSIP-3949(5), and State Project Number 37952-3546-94; and

WHEREAS, Mount Carmel Municipal Code §1-402 provides that the Mayor shall negotiate agreements such as the one attached hereto which he now presents to the Board of Mayor and Aldermen for its approval; and

WHEREAS, the public welfare requires it;

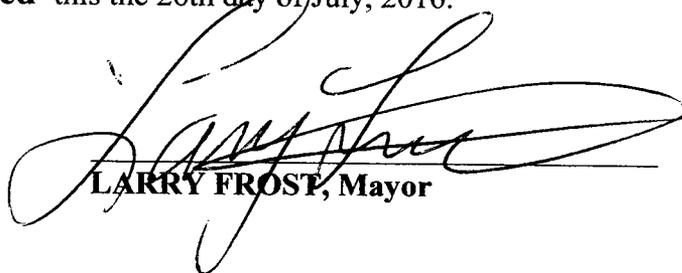
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, as follows:

Section I. This agreement attached hereto and incorporated herein by reference thereto is and should be entered into by the Town of Mount Carmel and is therefore approved;

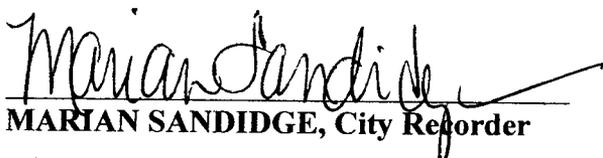
Section II. The Mayor shall do all things necessary to validate and make the agreement attached hereto legally binding including, but not limited to, affixing his signature thereto;

Section III. This Resolution shall take effect upon its passage the public welfare requiring it.

Duly passed and approved this the 26th day of July, 2016.


LARRY FROST, Mayor

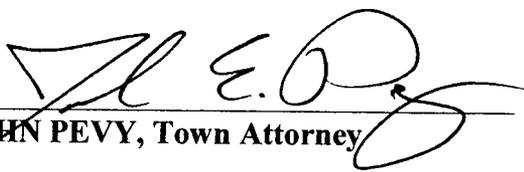
ATTEST:


MARIAN SANDIDGE, City Recorder

MS\Wordpro\res-16-536.wp



APPROVED AS TO FORM:



JOHN PEVY, Town Attorney

FIRST READING	AYES	NAYS	OTHER
Alderman Eugene Christian	x		
Alderman Margaret Christian	x		
Alderman Wanda Davidson	x		
Alderman Paul Hale	x		
Alderman Carl Wolfe	x		
Vice-Mayor Chris Jones	x		
Mayor Larry Frost	x		
TOTALS	7	0	0

PASSED FIRST READING July 26, 2016



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROGRAM DEVELOPMENT & ADMINISTRATION DIVISION
LOCAL PROGRAMS DEVELOPMENT OFFICE

SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TN 37243-1402
(615) 741-5314

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

RECEIVED
JUN 28 2016
OFFICE OF...

June 29, 2016

The Honorable Larry Frost
Mayor, Town of Mount Carmel
100 E. Main St., P.O. Box 1421
Mount Carmel, TN 37645-1421

RE: Termini: General Maintenance on Hammond Ave, from W Main St. to Loyds Chapel Rd
Mount Carmel, Hawkins County
PIN: 120812.00
Federal Project No: HSIP-3949(5)
State Project No: 37952-3546-94
Contract: 160146

Dear Mayor Frost:

I am attaching a contract providing for the maintenance of the referenced project. Please review the contract and advise me if it requires any additional explanation. If you find the contract fully satisfactory, please execute it in accordance with all rules, regulations and laws, obtain the signature of the attorney for your agency and return the contract to me. Once we have a fully executed contract, we will return a copy to your office for your files.

If you have any questions or need any additional information, please contact Ms. Maria Hunter at 615-532-3632 or maria.hunter@tn.gov.

Sincerely,

Whitney Sullivan
Transportation Manager
whitney.sullivan@tn.gov

Attachment

AGREEMENT No: 160146
PROJECT IDENTIFICATION No: 120812.00
FEDERAL PROJECT No: HSIP-3949(5)
STATE PROJECT No: 37952-3546-94

State of Tennessee Department of Transportation

GENERAL MAINTENANCE AGREEMENT WITH LOCAL AGENCY

THIS AGREEMENT, made and entered into this _____ day of _____, 20 _____ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the Town of Mount Carmel (hereinafter called the "Agency").

W I T N E S S E I H:

WHEREAS, certain routes in the Agency's jurisdiction have been designated as being eligible for Highway Safety Improvement Program (HSIP) Funds, codified as section 148 of title 23, United States Code (23 U.S.C. § 148), CFDA # 20.205, and

WHEREAS, the Department desires to assist the Agency by installing various signs, snowplowable markers, reflectors, chevrons, thermoplastic white and yellow lines, guardrails, and other safety improvements within the jurisdiction of the Agency in furtherance of this program, and

WHEREAS, the Agency, in recognition of the benefits to be received from the installation of said safety improvements, desires to cooperate with the Department such that the safety improvements may be installed by the Department, and maintained by the Agency in accordance with Tennessee and federal law.

NOW THEREFORE, in consideration of these premises, the Department and the Agency hereby enter into this Agreement to provide performance of the Project as described in SECTION 1 below.

SECTION 1: The Project to be performed is described as follows:

"Hammond Ave, from W Main St to Loyds Chapel Rd"

SECTION 2: Tenn. Code Ann. § 54-1-126 provides that the Department shall enter into a written contract that provides that the Agency is solely responsible for all maintenance of the completed work of the Project. Therefore, the provisions set forth in Tenn. Code Ann. § 54-1-126 shall apply to this

Agreement. The Agency shall be solely responsible for and pay all costs associated with maintenance of the Project.

SECTION 3 The Agency shall assume all liability for third-party claims and damages arising from the maintenance, existence, and use of the Project to the extent provided by Tennessee Law and subject to the provisions, terms and liability limits of the Governmental Tort Liability Act, T.C.A. Section 29-20-101, et seq, and all applicable laws.

SECTION 4: The Agency agrees to comply with all applicable federal and Tennessee laws and regulations in the performance of its duties under this Agreement. The parties hereby agree that failure of the Agency to comply with this provision shall constitute a material breach of this Agreement and subject the Agency to the repayment of all funds expended, or expenses incurred, under this Agreement.

SECTION 5: This Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee. The Agency agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Agreement. The Agency acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under Tennessee Code Annotated, Sections 9-8-101 through 9-8-407.

SECTION 6: Nothing in this Agreement, whether express or implied, is intended to confer upon any person or entity not a party to this Agreement, any rights or remedies by reason of this Agreement.

SECTION 7: The Agency shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), 49 C.F.R., Part 21, and related statutes and regulations.

SECTION 8: The Agency hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Agreement or in the employment practices of the Agency on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal and Tennessee constitutional or statutory law. The Agency shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

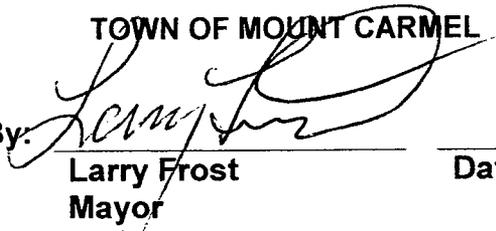
SECTION 9: The Department may terminate this Agreement without cause for any reason. Said termination shall not be deemed a Breach of Contract by the Department. The Department shall give the Agency at least thirty (30) days written notice before the effective termination date. Upon such termination, the Agency shall have no right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

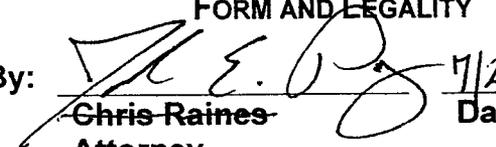
SECTION 10: This Agreement may be modified only by a written amendment, which has been executed and approved by the appropriate parties as indicated on the signature page of this Agreement.

SECTION 11: The Department shall have no liability except as specifically provided in this Agreement.

SECTION 12: The Agency warrants that no amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Agency in connection with any work contemplated or performed relative to this Agreement.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

TOWN OF MOUNT CARMEL		STATE OF TENNESSEE	
		DEPARTMENT OF TRANSPORTATION	
By: 	_____	By: _____	_____
Larry Frost	Date	John C. Schroer	Date
Mayor		Commissioner	

APPROVED AS TO		APPROVED AS TO	
FORM AND LEGALITY		FORM AND LEGALITY	
By: 	_____	By: _____	_____
Chris Raines	7/26/2016	John Reinbold	Date
Attorney	Date	General Counsel	
JOHN PEVY			

PUBLIC WORKS NEW HIRE - FY 2017

VISION - 20% INC

7.65%

20%

ST, DTL, LF, BADD

20% LTD & others

10.07%

7%

EMPLOYEE NAME	HOURLY	RAISE	WAGES	HOURS	YRLY WAGE	BONUS	TOTAL YR	TAXES	HEALTH (Town)	HEALTH (emp)	OTHER (Town)	OTHER (emp)	RETIREMENT	WORK COMP	UNEMP INS	TOTAL COST TO TOWN
Public Works New Hire	\$11.50	\$0.00	\$11.50	2080	\$23,920.00	\$150.00	\$24,070.00	\$1,841.36	\$21,457.40	\$9,196.03	\$1,267.49	\$1,007.28	\$2,423.85	\$2,835.75	\$80.00	\$53,975.84
TOTAL	\$11.50	\$0.00	\$11.50	2080	\$23,920.00	\$150.00	\$24,070.00	\$1,841.36	\$21,457.40	\$9,196.03	\$1,267.49	\$1,007.28	\$2,423.85	\$2,835.75	\$80.00	\$53,975.84

Total Employee Ins (Town portion) \$22,724.89

