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Aldermen Give Final Approval to 24/7 Beer Sales and On Premises Permits for Restaurants

Posted on December 27, 2012 by Dwayne Page

The Smithville Aldermen, by a 3 to 2 vote, adopted an ordinance amendment on second and final reading Thursday night to allow off premises permit holders to sell packaged beer twenty four hours a day, seven days a week. Eligible restaurants will also be allowed to apply for an on-premises permit to sell beer with meals in their establishments. During a special meeting, Aldermen Danny Washer, Gayla Hendrix, and Jason Judd Murphy all voted in favor of making the changes. Alderman Tim Stribling and Shawn Jacobs voted against it. Mayor Jimmy Poss let the vote stand without casting a veto. Had he done so, four alderman votes would have been required to override it. Mayor Poss still has until the next meeting to veto, should he change his mind.

(PLAY VIDEOS PARTS 1 & 2 BELOW OF THURSDAY NIGHT'S CITY COUNCIL MEETING ON BEER VOTE)

The vote came following a public hearing. A crowd of interested citizens, both for and against the ordinance amendment gathered in the meeting room of city hall to witness the vote. Only residents, property owners, and business owners of the City of Smithville were permitted to speak as per procedures adopted by the council in a 2008 resolution.

Those speaking out against the ordinance amendment were Wallace Caldwell, Michael Pinegar, Bobby Thomason, Bernard Houk, Bill Shaw, and W.J. White

Faye Fuqua spoke in support of the aldermen voting to make the changes.

Up until now, the city has prohibited beer sales on Sunday, Christmas Day, and other nights from midnight til 6:00 a.m. and has forbade restaurants from having an on premises permit to serve beer. A total of twelve city businesses are licensed to sell beer in Smithville including Walmart, Food Lion, Dollar General Store, Mapco Express, Kwik-N-Ezy, Jewel's Market (South Congress Boulevard), Village Market, South Congress BP, West Broad BP, Eastside Citgo, El Mariachi, and Mercadito Chabelita.

Wallace Caldwell of Anthony Avenue, in his remarks, said he was disappointed that a majority of the council has taken this position on beer when a majority of city voters have already voted twice this year against liquor sales. He also asked the mayor to veto the action of the aldermen in approving these changes. "I think that I speak for several of the people in Smithville. If not I speak tonight for myself," said Caldwell. " Mayor, I'm very disappointed in the vote of the majority of this council. We, the people of Smithville have voted and said "no" to liquor by the drink in two referendums and no liquor stores. That we didn't want it in our city. Some of the same people may have voted for these people that have voted to allow beer sales twenty four hours a day, seven days a week and on Christmas Day and also now want to drink it in establishments. They're being told what you want don't always matter. I know that some of you may think that liquor and beer are two different things. Well, I've always said you can paint stripes on a mule and call it a zebra but its still a mule. So call this what you want. It's still alcohol by the drink. The main things that these people want when they consume either liquor by the drink or a beer is alcohol. Will this be the first step in getting liquor by the drink against the wishes of the majority of the voters of Smithville by saying we're losing thousands of dollars in taxes? We already drink beer so now let's drink liquor. I think we've gotten by pretty good without all the tax dollars we say we're losing. The sponsor of this bill, if it was so important, why was it not put on the agenda?. Why was it just brought up at a meeting to where it was not placed on there that even the local radio station did not know that it was to be presented. Are we going to discuss items of this nature among ourselves and all of a sudden out of the blue bring up only at a meeting where the public has no advance notice? Mr Mayor I'm asking you if this ordinance is passed that you would use your power of veto to bring to a vote that each council person will have to either vote no or yes on this matter. Also I ask everyone listening by way of radio and in this room tonight to pay attention to how each person votes on this. I thank

you for your time,” said Caldwell.

Michael Pinegar of Dearman Street, said he ran the numbers and concluded that the additional tax revenue expected to be generated by making these changes doesn't amount to a whole lot. “We keep hearing all the time how much revenue this county and city is losing on account of beer sales. I put together some figures concerning this proposed tax revenue dealing with these extension hours,” said Pinegar. “Basically you're adding six hours to each convenience store and on restaurants, since they are not available to sell it now, I based it on Cookeville. I put down that they would be allowed probably sixteen hours. Most restaurants are not even open that length of time. For a convenience store, we're talking about 3120 hours additional sales during a year. A restaurant would be 5,024 hours. I looked in this week's circulars which came in my mail. I picked out six beer prices. Of those six beer prices I came up with an average of \$1.15 per 12 ounce can. That's what I'm basing these figures on. I've also rounded up the tax rate to three percent instead of the 2.75% which it actually is. As far as the restaurants, I checked with some of those in Cookeville. The average 12 ounce cup of beer brought \$2.50. At the three percent rate, that means the city gets seven and a half cents. If they sell 500,000 cups of beer, the city would get \$37, 500. They would need to sell 85 beers per hour to reach that goal. So I believe with the figures I've got, they should pretty well reflect the maximum revenue that can be brought in during this time period. The city would get a combined total of \$54,750 total additional revenue if one million additional beers are sold. They would have to average selling 240 beers per hour to achieve this amount,” said Pinegar.

“I also have some figures that come from the Tennessee Highway Patrol that show city police investigate three times as many crashes as the sheriff's departments or THP. On their website, the latest statistical data they had was from 2003 to 2006. Alcohol related crashes rose three percent during that time and accounted for 40% of traffic deaths. Injury crashes accounted for 28%. Property damage crashes over \$400 accounted for 71%. DeKalb County, during that same period, we ranked number 32, which placed us in the top one third of all counties for crashes. We had twenty three people killed which was 5.75 per year. There were 1980 total crashes, which averaged 495 per year. There were 577 injury crashes, which averaged 144 per year. There were 1380 damage crashes of over \$400, which equaled 345 per year. THP also states that the largest percent of crashes happen on weekends.

Friday (18%), Saturday (13%), and Sunday (10%) for a total of 41 percent of all crashes. DUI statistics show that motor vehicle crashes are the leading cause of death among persons ages three through 33. Approximately 50% of all children killed in a motor vehicle crash are victims of an alcohol related crash. These additional accidents and the domestic issues which I believe would also occur with this additional one million beers would overshadow this small amount of \$50,000 we would receive in additional tax revenue with the increase in police calls and personal property damage. Therefore, I think if the council votes for this, it must have some other reason or something else on their mind instead of increasing the revenue for the city," said Pinegar.

Bill Shaw of Jennings Lane, a Baptist minister, expressed his opposition mostly on biblical grounds. "I'm appalled that alcohol has been brought up so soon," said Shaw. "I don't have anything against you. But I hope and pray you'll realize what you're doing. I know what alcohol can do. When I say alcohol, I'm talking about liquor and beer. Not only drugs. I know what it can do to home. I know what it does to families. Children are involved. You're city is involved. You're going to be putting more pressure on all your law enforcement. I was appalled when I read that it was (being done in part for tourism) and I appreciate tourists coming through our town. But they (tourists) are not the ones who voted for you. The people of Smithville are the ones who put you in this office. I don't have any animosity but I hate the devil's work and I know what it does. It's a sin either way you want to look at it. He that puts a drink to his neighbor's lips is not wise. In the book of Galatians, the sixth chapter, it says "Be not deceived, God is not mocked. For whatsoever a man soweth, that shall he also reap". May God bless you," said Shaw.

Bernard Houk, pastor of the Smithville First Free Will Baptist Church, said he didn't want anyone to have to sit in a restaurant beside someone drinking beer. "Thursday night is our visitation night for our church," said Houk. "The young people come to church and then we go to the nursing home and different places to visit those who are sick and shut in. When we finish visiting we'll go to McDonald's or somewhere and I'll buy ice cream or on some occasions we'll go to Los Lobos or Peking and we have supper. It bothers me really bad to think that I might take them down there as pastor to either one of those restaurants or any other in Smithville and somebody may be drinking a Bud lite at the next table three feet away from the kids when I preach to them that they shouldn't drink. Its offensive to me. I don't want to sit in a restaurant and someone drinking beer right next to me and my

grandchildren. I watched the video of the last meeting and the person that made the motion and the one that seconded the motion, I voted for them. I grew up with them. But if I could vote again today I'll tell you right now I would have to reconsider my vote because of the intentions of this vote that is being made. I think its property value. Your property is worth more if you can promise somebody that they can sell beer if they buy it. Most of us here are smart enough to figure that out. I ask you don't pass this. You can do it. You can run it right through over us. Please don't expose our children to this," said Houk.

Bobby Thomason of J.E. Evins Avenue, pastor of the Covenant Baptist Church, asked the alderman to put the issue before the voters in yet another referendum "I stand in opposition to this. My deepest concern is for our citizens of this city that we live in," said Thomason. " Not only our city but our county also. We have dear children. We watch over to protect our children and not put anything before them that would harm or hurt them and take their lives. A lot of times we're not successful in that. We lose a lot of young lives to different things. I stand opposed to this because its not about the dollar to me. Our city I think is in pretty good shape. I think when we let the dollar overrule our moral needs and our lives then we're in piddling business. We need to stand up for what's right. I urge you with all of my heart, for our citizens, for our children, for our grandchildren. For a better community we don't need alcohol. We need a lot more love. We need a lot more understanding. I would ask this council that with something of this importance that you would put it to the city voters for all of the people of the city to vote on. This is not life or death. We can make it without the tax dollars. We have so far. If its voted in, so be it. If its voted down, so be it. But let your community that elected you do so," said Thomason.

W.J (Dub) White of Carter Street said the city should focus more on fighting drugs than loosening restrictions regarding the sale of beer. "I've come tonight to ask this board to turn this down because the people has voted it (liquor) down two times in the last six months," said White. " Surely you all can see that we need to be fighting drugs in place of having more alcohol. We need to put our time into figuring out how to get rid of drugs and keep our young people off drugs in place of giving them more alcohol for them to drink," said White.

Faye Fuqua spoke in defense of the aldermen who voted for making the changes. "I'm very concerned that there is some Phariseeism and some legalism and this type of thing in this decision tonight or in this presentation from the group here," said Fuqua. "We're all concerned

about what goes on in our community but I think we can strain at a gnat and swallow the camel. I believe that most of us have no problem in going to Cookeville or to Nashville and having dinner in a restaurant, Applebee's, Logans, there are many places that we're all very comfortable in. This board has carefully studied and is looking out for the welfare of our community and looking out from the business perspective part of it. I would hope that they would know that there are some of us who are committed Christians, committed to the church that do not think that this is shameful. We're very concerned that you who have represented us so well and have studied the issues and have taken this vote that you would have to come here tonight and hear these kinds of remarks. There are those of us who do not feel this way and understand where you're coming from,' said Fuqua.

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