

RESOLUTION 16-14

A RESOLUTION TO APPROVE ISSUANCE OF CERTIFICATE OF COMPLIANCE FOR WINE SALES AT KROGER #594 IN SPRING HILL, TENNESSEE

WHEREAS, on March 20, 2014, the Governor signed into law Public Chapter 554, commonly known as the “wine in grocery stores” law; and

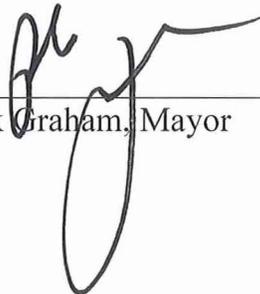
WHEREAS, the City of Spring Hill has a request for an approval of a Certificate of Compliance for Kroger, #594, located at 4900 Port Royal Road, Spring Hill, Tennessee; and

WHEREAS, the City of Spring Hill is required to verify that the location of the grocery store is in compliance with all zoning laws applicable to the property; and

WHEREAS, the City of Spring Hill is also required to complete a background investigation to verify that the applicant has no felony convictions within the last 10 years.

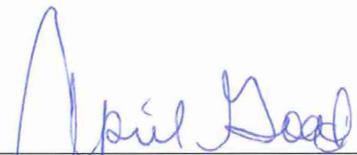
NOW, THEREFORE, BE IT RESOLVED, that the City of Spring Hill, Board of Mayor and Aldermen hereby certify that the applicant, Kroger #594 is in compliance with requirements stated above and approves a Certificate of Compliance for wine sales.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 16th day of February, 2016.



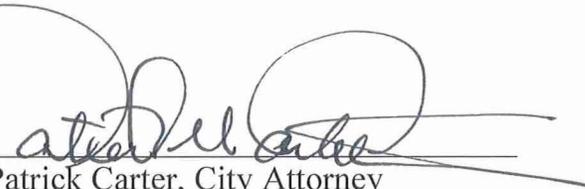
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney



REQUEST: Approval of Resolutions 16-14, 16-15, & 16-16

SUBMITTED BY: Victor Lay, City Administrator
April Goad, City Recorder

DATE: January 29, 2016

RE: Certificate of Compliance Requests for Wine Sales in Grocery Stores

ATTACHMENTS: None, Please see MTAS link below

PURPOSE:

Groceries stores are requesting approval of Certificate of Compliance for Wine Sales.

BACKGROUND:

Wine sales in grocery stores were approved by referendum and sales may begin on July 1, 2016. Before receiving a license from Alcoholic Beverage Commission (ABC) to sell wine, grocery stores must obtain a certificate of compliance from the municipality of their location. The only two requirements of the city are to verify appropriate zoning and that the applicant does not have any felony convictions within the 10 year period preceding the application. *Please note that the city does not verify distance from established liquor stores.* This is an issue between liquor store owners, ABC and the requesting grocery store.

FINANCIAL IMPACT:

The application fee for Certificate of Compliance is \$250.00

STAFF RECOMMENDATION:

None- For more information, please see:

<http://mtasresource.mtas.tennessee.edu/reference/wine-grocery-stores>

ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):

Grocery stores are requesting action due to length of time it takes for ABC approval, ordering and stocking.

From: [Dara Sanders](#)
To: [April Goad](#)
Subject: Zoning Verifications
Date: Thursday, January 28, 2016 9:11:11 AM

5441 Main Street (Food Lion) is zoned B-4, Central Business District.

4900 Port Royal Road (Kroger) is zoned B-4, Central Business District.

4935 Main Street (Publix) is zoned B-4, Central Business District.

All above properties are permitted by the Spring Hill Zoning Ordinance to sell or serve intoxicating beverages.

Dara Sanders
City Planner
City of Spring Hill
199 Towncenter Parkway
P.O. Box 789
Spring Hill, TN 37174
931-486-2252 x214



DON BRITE
Chief of Police

JASON FOGLE
Deputy Chief of Police

2/12/2016

To: April Goad

CC: Chief Don Brite

Deputy Chief Jason Fogle

Ref: Certificate of Compliance for Liquor Sales

Upon conducting a background investigation of Christine Wheatley and Kroger's, a letter was provided from the TBI advising that Ms. Wheatley does not have a criminal record when searched through the Tennessee Crime Information Center (TCIC). Kroger's Port Royal was issued a citation for selling alcohol to an underage informant in December, 2014.

I conducted a Google search of Christine Wheatley and Kroger's; I was able to locate both positive and negative reviews for Kroger's.

I searched the Better Business Bureau for Kroger's; the business is BBB accredited and they have a rating of A+.

I searched the Department of Justice's National Sex Offender Registry for Christine Wheatley; no findings were revealed.

Sincerely,

Justin Whitwell

Lt. Justin Whitwell
Criminal Investigation Division

SPRING HILL POLICE HEADQUARTERS

3636A ROYAL PARK BLVD., P. O. BOX 789, SPRING HILL, TN 37174

PHONE: 931.486.2252 - FAX: 931.499.7237 - DISPATCH: 931.486.3270



To Whom it May Concern,

As you are aware, beginning 07/01/2016, we will be able to sell wine in our Kroger Store. I am compiling all documentation that will be needed for the State Wine Application. Pursuant to T.C.A. 57-3-806, we are required to get a signed certificate from the county executive. Here is an excerpt of the law:

57-3-806.

(a) As a condition precedent to the issuance of a license under § 57-3-803, every applicant for a license under that section shall submit with the application to the commission a certificate signed by the county executive or chair of the county commission in which the licensed premises are to be located if outside the corporate limits of a municipality or, if within a municipality, from the mayor or a majority of the commission, city council, or legislative body of the municipality, by whatsoever name designated, or if the municipality has no mayor, from the highest executive of the municipality. The issuance of a certificate shall not be conditioned on the residency of the applicant, including, but not limited to, requiring the applicant to live within the county or municipality, or additional conditions not required by this section.

I am requesting that the attached documents be signed and returned to me at the following address:

Kroger-RASC-Business License
P.O. Box 305103
Nashville, TN 37230-5103

The date that you enter is not time sensitive, so I appreciate your quick response.

If you have any questions or concerns, please contact me at 615-232-9623 or e-mail me at kevin.schemm@dillonstores.com

Sincerely,

Kevin Schemm
Business License Coordinator
The Kroger Co.
615-232-9623



Bill Haslam
Governor

TENNESSEE BUREAU OF INVESTIGATION

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4000 (744-4057 for TORIS)
Facsimile (615) 744-4651 (Fiscal Svcs)
TDD (615) 744-4001



Mark Gwyn
Director

August 17, 2015

THE KROGER COMPANY
KEVIN C SCHEMM
2620 ELM HILL PIKE
P.O. BOX 305103
NASHVILLE, TN 37230-5103

Tennessee Criminal History Records Request

Per your request for a criminal history record check on the following individual, there was no Tennessee information found. NOTE: All aliases submitted have been searched.

WHEATLEY, CHRISTINE S

Please be aware that, unless a fingerprint comparison is performed, it is impossible for the Tennessee Bureau of Investigation to be sure the record belongs to the individual you requested. A fingerprint comparison will only be performed in the event of a written appeal of criminal history results. The information you receive will be based on only those arrests which occurred within the state of Tennessee.

The Tennessee Bureau of Investigation found NO Tennessee criminal history based on the information provided. No criminal record check was conducted for other states or for the Federal Bureau of Investigation.

Tennessee Open Records Information Services
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216



INTERNATIONALLY ACCREDITED SINCE 1994

**CERTIFICATE OF BACKGROUND
INVESTIGATION AND ZONING**

SUBMITTED PURSUANT TO T.C.A. § 57-3-806

Kroger #594
4900 Port Royal Road
Spring Hill, TN 37174
Maury County

This is to certify that Christine Wheatley, who is an executive officer of the above named retail food store, which store will make application for a license to sell wine for off premises consumption and which is located in the Municipality of Spring Hill, and/or or the County of Maury, State of Tennessee are in compliance with the provisions of Tenn. Code Ann § 57-3-806(a).

- (a) The undersigned has/have made careful investigation of the said applicant's background and have found that they have not been convicted of a felony within a ten-year period preceding this application.

AND

- (b) The location of the retail food store complies with all zoning laws adopted by the jurisdiction.

This the 16th day of February, 2018.

If premises located outside Municipality:

County Executive, Print Name

County Executive, Signature

OR

Chairman of County Commission, Print Name

Chairman of County Commission, Signature

If premises located within Municipality:

Rick Graham, Mayor

Mayor of other official head of Municipality, Print Name

[Signature]

Mayor of other official head of Municipality, Signature

OR

Member of Legislative Body of Municipality, Print Name

Member of Legislative Body of Municipality, Signature

Member of Legislative Body of Municipality, Print Name

Member of Legislative Body of Municipality, Signature

Member of Legislative Body of Municipality, Print Name

Member of Legislative Body of Municipality, Signature