



## **TOWN OF ASHLAND CITY**

### **Beer Board**

### **January 12, 2021 6:00 PM**

### **Minutes**

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#### **CALL TO ORDER**

Mayor Allen called the meeting to order at 6:05 p.m. stating, "I am Steven Allen, Mayor for the Town of Ashland City, and I hereby call to order the January 12, 2021 Beer Board Meeting of the Town of Ashland City. Due to the COVID-19 pandemic, and in accordance with Governor Bill Lee's Executive Order, this meeting is being conducted with limited physical public access. The meeting is being made available however to public via live video stream on the Zoom application. The meeting is being done by electronic means to protect the public health, safety, and welfare of the City's citizens in light of the COVID-19 pandemic."

#### **ROLL CALL**

##### **PRESENT**

Chairman Mayor Steve Allen  
Committee Member Tim Adkins  
Committee Member Daniel Anderson  
Committee Member Gerald Greer  
Committee Member Roger Jackson  
Committee Member Chris Kerrigan

#### **APPROVAL OF AGENDA**

A motion was made by Committee Member Greer, seconded by Committee Member Anderson, to approve the agenda. All approved by voice vote.

#### **APPROVAL OF MINUTES**

1. Beer Board Meeting Minutes 8-11-2020

A motion was made by Committee Member Anderson, seconded by Committee Member Kerrigan, to approve the August 11, 2020 Beer Board Meeting Minutes. All approved by voice vote.

#### **PUBLIC FORUM**

None.

#### **NEW BUSINESS**

2. Violation- sale of alcohol to a person under the age of 21: Foodlion

City Attorney Ms. Jennifer Noe stated this is the result of a sting operation that was conducted by the Sheriff's department. Further, the case resulting from the sale of beer to a minor has not been adjudicated at this time due to court being canceled. Ms. Noe confirmed that she has checked with Chief Kenny Ray and they believe this is Foodlion's first offense. She stated Foodlion does have legal council on the call as well, Ms. Heather Derrick. Further, Ms. Derrick has confirmed the employee responsible for the violation was terminated and they have done some training with their employees since the incident. Ms. Noe stated she checked with the ABC and Foodlion is not on the responsible vendor list. She explained the responsible vendor program to the board. She informed the board, under the municipal code the board may fine up to fifteen hundred dollars (\$1,500) per occurrence as well as a suspension of the permit. She further stated in the past the board has not withdrawn the permit, but has imposed a fine instead of a suspension. Ms. Derrick stated they are not contesting the violation, but are here to answer any questions that anyone may have. She further stated the store manager, David, is on the

line as well to help with this. Store Manager Mr. David stated there is a course that must be taken yearly and the employee must score one hundred percent (100%) on the test for this course. Councilman Adkins clarified the employee in question was terminated. Mr. David replied yes. Vice Mayor Anderson questioned what we have done in the past. Ms. Noe responded in the past the board has not suspended the license, but has charged a civil penalty which our code allows us to charge up to fifteen hundred dollars (\$1,500). Vice Mayor Anderson stated since they have terminated the employee and have done some remedial training with their employees he would like to fine them seven hundred and fifty dollars (\$750). A motion made by Committee Member Anderson, seconded by Committee Member Greer, to fine Foodlion seven hundred and fifty dollars (\$750) for this violation. Voting Yea: Chairman Mayor Allen, Committee Member Adkins, Committee Member Anderson, Committee Member Greer, Committee Member Jackson, Committee Member Kerrigan.

3. Violation- sale of alcohol to a person under the age of 21: Kangaroo

Mr. Greg Starr confirmed the employee has been terminated and the cashiers have been retrained and the program has been completed. Councilman Jackson stated this is a little different than a grocery store as this is right in the middle of town where everyone pulls in at night. Further, it will not be as easy to keep under control and the reigns should be a little tighter on this type of business because of this especially with the late night clientele they have that have probably already been drinking. Mayor Allen questioned if this is the second violation. Ms. Noe stated there was a prior violation, but it was under different management and is now under Circle K; therefore, this will not be considered and there has not been any violations under Circle K. Vice Mayor Anderson confirmed the employee was terminated. Mr. Starr confirmed yes, this was done the following morning. Councilman Jackson recommended a fifteen hundred dollar (\$1,500) fine and recommended they do training every three (3) months for one (1) year especially considering they have the same manager as they did for the prior violation. Ms. Noe stated the board can impose a fine, but cannot require them to do a training, but can make a recommendation. A motion made by Committee Member Jackson, seconded by Committee Member Kerrigan, to impose a fifteen hundred dollar (\$1,500) penalty to Circle K. Voting Yea: Chairman Mayor Allen, Committee Member Adkins, Committee Member Anderson, Committee Member Greer, Committee Member Jackson, Committee Member Kerrigan.

4. Violation- sale of alcohol to a person under the age of 21: Midnight Lounge

Chief Ray stated everyone was provided with the report that was sent out and there were several arrests for drugs and several 18/21 violations in which the individual stated they were served at the Midnight Lounge. Chief Ray stated there have been no charges for any bartenders as they could not figure out which bartender sold alcohol to the offender. He further stated there have been occupancy violations with the number of people in the establishment. Ms. Noe stated Chief Ray gave a summary of the issues and one of the issues is the capacity. In addition, there was not an arrest for sale of alcohol to a minor, but under our code we are allowed to bring them before the board for being a disorderly establishment. Councilman Adkins questioned what we can do tonight. Ms. Noe stated we can apply a fine up to one thousand dollars (\$1,000) under our code. Councilman Jackson questioned what it would take to shut them down for six (6) months and see what happens. Ms. Noe stated this is their first violation. Councilman Jackson stated this is not their first violation, but is a pile up of violations. Ms. Noe stated there are ongoing problems and there has been discussion when there are issues they will be cited. Councilman Adkins questioned if they have been warned. Chief Ray stated they have been told several times and have been told not to have too many people there, but are still advertising parties. Deputy Chief Derek Noe confirmed he has given them a verbal warning about the occupancy load as well. Ms. Noe stated the board can suspend their license or impose a penalty; however, she wanted to make clear that these offenders have not been arrested at the Midnight Lounge they have been stopped for probable cause and claimed they were at the Midnight Lounge. Ms. Reed stated the owners of Midnight Lounge are on the call as well. Mr. Martin Azer stated they have hired a new security team and have hired a new team of bartenders and have outsourced this to another company. Committee Member Anderson stated all these issues have occurred and questioned how we can be assured these issues will not continue to be an issue. Mr. Azer stated they have

removed seating and outsourced the bartending and have hired a new security team. Committee Member Greer questioned if anyone keeps track of how many people come into the business. Mr. Azer stated they have not, but will have someone at the door counting. Councilman Kerrigan stated when they came before the beer board they were assured that these sort of issues would not be a problem. Committee Member Jackson stated he would like to fine the maximum penalty and would like the police department to pad lock the front door with a chain if there are further issues. Ms. Noe stated the board can do a fine, but if they are over capacity, we will take the appropriate measures; however, the Beer Board does not have the authority to do that. Ms. Noe clarified the motion to impose a maximum penalty of one thousand dollars (\$1,000). A motion was made by Committee Member Jackson, seconded by Committee Member Anderson, to impose a one thousand dollar (\$1,000) fine. Voting Yea: Chairman Mayor Allen, Committee Member Adkins, Committee Member Anderson, Committee Member Greer, Committee Member Jackson, Committee Member Kerrigan.

#### **OTHER**

None.

#### **ADJOURNMENT**

A motion was made by Committee Member Anderson, seconded by Committee Member Greer, to adjourn the Beer Board Meeting. All approved by voice vote and the meeting adjourned at 6:38 p.m.

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MAYOR STEVE ALLEN

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CITY RECORDER KELLIE REED, CMFO, CMC