



TOWN OF ASHLAND CITY

Beer Board

February 09, 2021 6:00 PM

Agenda

Chairman: Mayor Steve Allen

Committee Members: Tim Adkins, Daniel Anderson, Gerald Greer, Roger Jackson, Chris Kerrigan, JT Smith

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) January 12, 2021 Beer Board Meeting Minutes

PUBLIC FORUM

NEW BUSINESS

- [2.](#) Special Event Permit: Ashland City Half Marathon sponsored by Nashville Track Club

OTHER

ADJOURNMENT

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 615-792-6455, M-F 8:00 AM – 4:00 PM. The town will make reasonable accommodations for those persons.



TOWN OF ASHLAND CITY
Beer Board
January 12, 2021 6:00 PM
Minutes

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.

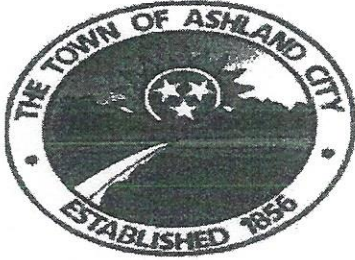
ADJOURNMENT

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.

MAYOR STEVE ALLEN

CITY RECORDER KELLIE REED, CMFO, CMC

DRAFT



adwe 1/20

APPLICATION FOR BEER PERMIT TO THE BEER BOARD OF THE TOWN OF ASHLAND CITY

COUNTY OF CHEATHAM

This section is for office use only

Date Received: <u>Jan 21, 2021</u>	Zoning District: _____
Fee Received: <u>\$150.00 = 1-28-21</u>	Deferred: _____
Permit Type:	Denied: _____
Off Premises _____	Granted: _____
On Premises _____	Permit Number: _____
On Premises/Special Event <input checked="" type="checkbox"/>	
Event Date <u>3-6-21</u>	
Manufacturer/Distributor _____	
Caterer Permit _____	

Applications must be completed in full. Applications should also include any application fee(s), certified criminal background checks, and a copy of the business license. Applications must be submitted by the 20th of the month to be considered for permits at the next scheduled Beer Board Meeting. Beer Board Meetings are held on the second Tuesday of every month at 6:00 p.m., unless otherwise advertised and scheduled, prior to Regularly Scheduled City Council Meeting.

Application fee(s) must be submitted with this application.

Application Fee Schedule as described in Title 8 Chapter 2 of the Municipal Code

On and/or Off-site Sales	\$250.00
Manufacturing	\$250.00
Caterer	\$250.00
Special Event	\$150.00

Applicants as well as managers of the applicant's business must provide documentation, at their expense, of a certified criminal background check from Tennessee Bureau of Investigation with this application. Applicants must certify they have not been convicted of a crime of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or of any felony, or of any crime involving moral turpitude within the last ten (10) years. Information regarding obtaining such background checks may be made online at www.tn.gov or by calling TBI at (615)744-4057.

I (WE) HEREBY APPLY FOR A PERMIT TO X SELL _____ MANUFACTURE or X DISTRIBUTE BEER OR OTHER BEVERAGES CONTAINING LESS THAN FIVE PERCENT (5%) ALCOHOL, PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED, TITLE 57, CHAPTER 5 AND THE AMENDMENTS THERETO. THIS APPLICATION IS BASED UPON THE FOLLOWING INFORMATION:

1. Type of permit desired: Off-premises sales On-premises sales Manufacturer/distributor
2. Request is made for: New business Change in location of business
 Change in ownership of existing business Change in type of permit
 Special Event-Event Name: Ashland City Half-Marathon
Location: Riverbluff Park 175 Old Cumberland St. Ashland City, TN US 37015
Date: March 6, 2021

3. Name of applicant: Nashville Track Club
Applicant is a(n): individual partnership for-profit corporation
 non-profit corporation other: _____

4. Name of Business: Nashville Track Club

5. Business Location: 21 Vaughn's Gap Road #53 Nashville TN 37205

6. Name and address of person to whom correspondence should be mailed: Dave Milner; 21 Vaughn's Gap Road #53 Nashville TN 37205

7. Describe the nature of the business/organization: _____
Non-profit organization focused on progressing amateur and international running in and from Nashville, Tennessee.

8. Names and addresses of all persons, firms, corporations, joint-stock companies, syndicates or associations having at least 5% ownership interest in the applicant:

Dave Milner

9. Have any of the parties referred to in question above or any persons to be employed in the distribution or sale of beer been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten years? If so, give particulars of each charge, court and date convicted:

No

10. Have any of the parties referred to in question 8 above ever had a beer permit revoked, suspended or denied? Explain:
No

11. Name & telephone number of manager to be responsible for sale, storage or manufacture of beer:
Dave Milner- [REDACTED]

12. Name & address of property owner: Ashland City

13. Name & location of the nearest church: Ashland City Church of Christ; 110 Cumberland St. Ashland City, Tennessee 37015

14. Name & location of the nearest school: Ashland City Elementary School; 108 Elizabeth Street, Ashland City, Tennessee 37015

15. Describe steps which will be taken to prevent the sale of beer to minors: _____
IDs will be required to purchase or receive any alcohol. Also, we will have an idea of how many, if any, minors will be in attendance due to pre-collection of registration information for the event.

16. Answer each of the following questions:

Do you agree not to engage in the sale, storage, manufacture or distribution of beer except at the place or places for which a permit is issued? Yes No

Do you agree that the sale, storage, manufacture or distribution of beer will be made only in accordance with the permit granted? Yes No

Do you agree to rigidly enforce the laws against the sale of beer to minors? Yes No

Do you agree not to permit minors or intoxicated person to loiter around the place of business? Yes No

Do you agree not to employ any person in the sale or distribution of beer who has been convicted of any violation of the laws against the possession, sale, manufacturing or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten years? Yes No

The undersigned hereby solemnly swears that each and every statement in the foregoing application is true and correct and agrees that if any statement therein is false, the permit issues pursuant thereto may be revoked by the Beer Board, upon notice of hearing, in which event the burden shall be on the permittee to prove the correctness of all the statements in this application. The undersigned certifies that he/she has read and is familiar with the beer laws of the Town of Ashland City in the event of a change in management, the undersigned agrees that the information requested in question 11 will be provided to the Town of Ashland City within seven days of such a change. If the applicant is other than an individual, the undersigned affirms that he/she is a representative of the applicant duly authorized to submit the foregoing application.

[Signature]
 Signature

Director
 Title (if other than an individual)

Sworn to and subscribed to before me this 20th day of January, 2021

Vicki L. Schmidt
 Notary Public

Commission expires: _____



Town of Ashland City Water & Sewer
 101 Court Street; PO Box 36
 Ashland City, TN 37015
 (615)792-4211

DATE : 1/28/2021 1:44 PM
 OPER : AB
 TKBY : ALYSSA BARNHILL
 TERM : 1
 REC# : R00116779

BEER LICENSES - 32210 150.00
 BEER LICENSES
 DAVE MILNER SPECIAL EVENT 150.00

Paid By: NASHVILLE TRACK CLUB
 6-PINN CHECK 150.00 REF:386

APPLIED 150.00
 TENDERED 150.00
 CHANGE 0.00



TOWN OF ASHLAND CITY EVENT PERMIT APPLICATION

Application is Due 30 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$25 is due at time of filing.

Note: Filing this application does not guarantee that your request will be granted.

Please circle all that apply: ****Additional Fees for Pavilion Rentals (\$50.00 for 4 Hr. Rental)** Street closure Parade Beer Served (separate permit required) Other Special event

Please supply the following information. If additional space is needed, use a separate sheet of paper and attach to the application.

- 1) Name/purpose of event: ASHLAND CITY HALF-MARATHON & 5K
- 2) Date or dates of event: SATURDAY ~~JANUARY 16~~ ^{March 6}, 2021 (INCLEMENT WEATHER DATE: SUNDAY JANUARY 17, 2021)
- 3) Time of event or street closure (be sure to include set-up and clean-up time): 0700
SEE ATTACHMENT PDF
- 4) a) Name of Applicant: DAVE MILNER
- b) Name of organization requesting permit: NASHVILLE TRACK CLUB
- c) Person in charge on day of event: DAVE MILNER
- d) Address: 856 CLEMATIS DRIVE, NASHVILLE, TN 37205
- e) Phone: _____ Cell: [REDACTED] Fax: _____
- f) E-mail address: dave@nashvilletrackclub.org

5) Description of event (use additional sheets if necessary):

HALF-MARATHON & 5K ROAD RACE

6) Location requested (if Temporary Street Closure only, see #7):

STAGING AREA : RIVERBLUFF PARK



Bill Lee
Governor

TENNESSEE BUREAU OF INVESTIGATION

ATTN: TORIS

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4057
Facsimile (615) 744-4289



David B. Rausch
Director

02/05/2021

MILNER R DAVID
21 VAUGHN'S GAP RD
APT 53
NASHVILLE TN 37205

Tennessee Criminal History Records Request

NO TENNESSEE CRIMINAL HISTORY RECORD HAS BEEN FOUND FOR THE PERSON LISTED BELOW.

NOTE: All aliases submitted have been searched.

MILNER R DAVE

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



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