

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, August 9, 2023, at 10:00 A.M. in the Council Chambers, 3rd Floor, City Hall.

CALL TO ORDER at 10:00 AM

ROLL CALL

Present: Rick Napps, Christine Brown, Matt Terry, Patti Rogers, and Richard Kollhoff

Absent: Dan Heilman

Staff Present: Randy Mannino, Julia Drake, and Keith Lovell

APPROVAL OF MINUTES

1. July 12, 2023

Board Member Terry made a motion to approve the minutes from July 12, 2023. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

NEW APPLICATION

2. El Tikal Convenience, LLC and El Tikal Food Mart, LLC

Chairman Napps called the next item and asked if anyone was present to represent these two applications. No one was present.

Keith Lovell, Assistant City Attorney, stated that under State Law, package sales are not allowed at this facility due to there being a passageway between the two establishments. Mr. Lovell explained to the Chairman and Board Members that they could either deny the applications since no one was present to represent them or they could table the items to the next scheduled meeting.

Board Member Brown made a motion to deny both applications. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

3. Main Street Spirits, LLC. - Package: Distilled Spirits

Chairman Napps called the next item and asked if anyone was present to represent the application.

Kevin Leff, attorney with Sard and Leff, and Gregory Dover, applicant, came forward to represent the application.

Mr. Leff explained this establishment will be a subsidiary of Kroger, Inc. but will be its own entity with its own entrance. There will be no access to this business from within Kroger.

Mr. Dover addressed the Board Members questions by stating they planned to open by mid-September and that their POS system requires identifications to be scanned and if the identification is vertical, a manager must process the identification to complete the sale.

Board Member Kollhoff made a motion to approve the application pending results from the Fingerprint Background Check. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Kollhoff made a motion to add 'Other Business' to the agenda. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

OTHER BUSINESS

A concerned citizen who refused to identify herself came forward to ask the Board Members if they had received all the correspondence that had been turned in to them. Julia Drake, City Clerk, stated that all correspondence had been scanned and emailed to the Board Members promptly upon receipt.

Continuing, Keith Lovell, City Attorney, stated that City Council had approved a moratorium on alcohol licenses to specialty shops until the Code of Ordinances pertaining to alcohol could be reviewed in depth and revised.

Mrs. Drake stated that in addition to the violations for sales percentages with Johnny Archers Place, there were further violations that she needed to bring to the Boards attention. Mr. Archer is consistently late with his 3% Excise Tax payments and only pays them when Mrs. Drake calls and ask for them. Furthermore, Mr. Archers check for his March 2023 Excise Tax was returned due to insufficient funds. After many failed attempts to contact Mr. Archer regarding this matter, the NSF charges are still not resolved.

Mr. Lovell explained to the Board Members that while Mr. Archer is on probation for violation of sales percentages, he has continued to violate the alcohol code of ordinances.

Discussion commenced among the Board Members and stated they would like Mr. Archer to attend the September meeting to face these violations.


Mr. Lovell instructed Mrs. Drake to send all pertinent information pertaining to these violations and Mr. Lovells office would handle notifying Mr. Archer.

With no other business to be handled, Board Member Rogers made a motion to adjourn. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 4-0

Meeting adjourned at 10:37 A.M.

September 13, 2023

/s/ 
Chairman

/s/ 
Secretary