

# MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, July 12, 2023, at 10:00 A.M. in the Council Chambers, 3<sup>rd</sup> Floor, City Hall.

**CALL TO ORDER** at 10:00 AM

## **ROLL CALL**

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

Absent:

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

## **APPROVAL OF MINUTES**

### **1. June 14, 2023**

Board Member Terry made a correction to the June 14, 2023, minutes stating that his name was listed as present and absent. He was absent.

Julia Drake, City Clerk, stated she would make the correction.

Chairman Napps made a motion to approve the minutes from June 14, 2023. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 6-0 with Chairman Napps voting.

## **NEW APPLICATION**

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

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 asked Yahario Tello, applicant's contact, if she would like to withdraw one of their applications or table the applications until the next scheduled meeting to be able to decide what they would like to do.

Ms. Tello stated she would like to table the applications.

Board Member Rogers made a motion to table the applications to the August 9, 2023, Alcohol Control Board Meeting. Board Member Brown seconded the motion. Motion carried unanimously. Vote: 5-0

## **VIOLATIONS**

Mr. Lovell stated the three (3) establishments being heard for violations are all pleading guilty to the offenses that they had been cited for:

Section 4-13: Licensees to keep copy of article on premises; employees to be familiar with terms; responsibility of licensee for violations;

Section 4-21: Purchase by or sales to underage persons

### **3. Texaco – 2472 Hwy 411**

Taff Wren, attorney, came forward to state that he would be representing both Texaco and Shell/Travel Center violations. These establishments have separate owners, but they do have the same store manager.

Continuing, Mr. Wren stated that the employees that were cited had received proper training but failed to execute the task efficiently and that the employees at both locations were terminated. Since the violation, the store manager had upgraded the software to require the entering of the date of birth prior to any alcohol or tobacco being scanned and all staff had been retrained.

Mr. Lovell swore in Mr. Noal, store manager. Mr. Noal stated the employee had been employed at Texaco for eight to nine months prior to violation and video surveillance reflected the date of birth was overridden. The new software update does not allow for an override of the date of birth.

Officer Sparacio came forward and was sworn in by Mr. Lovell. Officer Sparacio stated the identification presented was a vertical license which would indicate UNDER 21.

Discussion commenced among the Board Members.

Board Member Kollhoff made a motion to impose a \$1,000 fine and 3-year probation to be added onto the existing probation. Board Member Rogers seconded the motion. Motion carried. Vote: 4-1 with Board Member Terry in opposition.

### **4. Shell/Travel Center – 1340 E Main St.**

Mr. Wren represented this case as well and stated all his comments from Texaco were to be reflected in this case as well.

Mr. Wren reiterated that the employee was terminated after only being employed for three to four months.

Board Member Terry made a motion to impose a \$2,000 fine and a 3-year probation to be added to the existing probation. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 5-0

### **5. Citgo Express – 1144 N. Tennessee St.**

Minerva Blanchett, attorney, 107 Postelle St, came forward to represent the license holder, Dong Zheng.

Ms. Blanchette stated that Mr. Zheng was aware of the previous violations when he purchased the business. However, he relied on his manager, Mr. She, to run the operations, employees, and training but only worked three days a week.

Employee was suspended, temporarily, while the owner investigated. Upon completion of the investigation, it was found that the employee did follow protocol and the violation was an isolated incident. Therefore, the employee was not terminated.

Mr. She was hired on five days a week and required video surveillance to be reviewed daily. Additionally, new software was implemented that requires identification to be scanned prior to any alcohol to be scanned and all employees were required to sign an acknowledgement stating that they were aware of the ramifications of selling to an underage person.

Ms. Blanchette swore in Mr. Zheng.

Mr. Zheng answered questions from the board pertaining to the cost of the new software (\$700) and daily alcohol sales (\$600-\$700).

Mr. Lovell swore in Officer Sparacio. Officer Sparacio came forward to state that the identification that was provided was vertical.

Board Member Kollhoff made a motion to impose a \$2,000 fine, 3-year probation to be added to the existing probation, and 15-day suspension. Board Member Heilman seconded the motion.

Board Member Rogers made a motion to amend the motion to a \$2,000 fine, 3-year probation to be added to the existing probation, and 30-day suspension. Board Member Terry seconded the motion.

Mr. Lovell stated voting need to happen on the amendment first, followed by a vote on the original motion.

Vote on the amendment was 4-1 with Board Member Heilman in opposition.

Vote on the original motion as amended was 5-0. Motion carried.

Frank McCann, Police Chief, came forward to state these operations were costly and time consuming and thanked the Board Members for their support.

## **6. Johnny Archers Place – Quarterly Report**

Board Member Kollhoff inquired what measures were being taken to increase the percentage of food sales.

Mr. Archer stated they plan to open on Tuesday and Wednesday at noon to bring in more revenue. However, there has been a big turnover in personnel and his kitchen manager was handling that.

The board Members suggested to review the numbers of the 3<sup>rd</sup> quarter at the October meeting and to review the numbers for an entire year at the December meeting to determine if the alcohol license would be allowed to be renewed.

Board Member Rogers made a motion to see Mr. Archers numbers at the October and December meeting. Board Member Terry seconded the motion. Motion carried unanimously. Vote: 5-0


## OTHER


Mr. Lovell stated that City Council approved a 90-day moratorium on all specialty shops in the downtown area. Additionally, in that 90 days, the Alcohol Ordinances would be reviewed for updates.

With no other business to be handled, Board Member Rogers made a motion to adjourn. Board Member Brown seconded the motion. Motion carried unanimously. Vote: 5-0

Meeting adjourned at 11:23 A.M.

August 9, 2023

/s/   
Chairman

/s/   
Secretary