

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, October 11, 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, Patti Rogers, and Richard Kollhoff

Absent: Dan Heilman and Matt Terry

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

APPROVAL OF MINUTES

1. September 13, 2023

Board Member Rogers made a motion to approve the minutes from August 9, 2023. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 4-0 with Chairman Napps voting.

NEW APPLICATION

2. Neelkanth 1023, Inc.

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

Mr. Bhavesh Patel came forward to represent the application and stated he would be the manager of the establishment.

Keith Lovell, City Attorney, stated that the applicant must be present to represent the application and informed the Board Members that a motion could be made to table or deny the application.

Board Member Rogers made a motion to table the application for Neelkanth 1023, Inc. to the November 8, 2023, Alcohol Control Board Meeting. Board Member Kollhoff seconded the motion. Motion carried unanimously. Vote: 4-0

VIOLATIONS

3. Johnny Archers Place, LLC.

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

Mr. Lovell stated that the violation consisted of having liquor on premises after the distilled spirits license was revoked for the establishment.

Johnny Archer, 138 S. Tennessee St., came forward. Mr. Lovell asked Donna Fritz, Senior Code Enforcement Officer, to step to the podium as well and swore in both Mr. Archer and Mrs. Fritz.

Mr. Lovell asked Mr. Archer how he would like to plead to which Mr. Archer stated, “not guilty”.

Mrs. Fritz stated that she, along with John Goworek, Code Enforcement Officer, visited the establishment on Thursday, September 14, 2023, under the direction of the Alcohol Control Board to perform an inspection to ensure that all liquor had been removed from the premises. Upon inspection, Mrs. Fritz and Mr. Goworek observed four (4) bottles of Kahlua and an opened bottle of Fireball in the walk-in cooler located in the kitchen of the establishment. This finding resulted in the issuance of two (2) citations for violation of the following:

Sec. 4-12. – Compliance: No person shall engage in the sale of distilled spirits by the drink for consumption on the premises or package and malt beverage and wine by the drink or package in the city without first complying with the provisions of this article.

Sec. 4-11. – Applicability of state law: The state laws and regulations relating to the sale and distribution of alcoholic beverages, malt beverages and wine and distilled spirits as revised in this state are incorporated into and made a part of this chapter as if fully set out herein. Any violation of such law or regulations shall be grounds for suspension or revocation of any license issued under this chapter.

Mr. Archer stated that he was unaware of the Kahlua in the cooler as it had been in there for over a year and had to be stored in there due to the contents containing milk. As for the Fireball, that was his personal bottle and simply forgot it was in the cooler. Furthermore, he stated that due to non-payment of rent, he was being evicted from the location on Thursday, October 12, 2023.

Board Member Rogers stated that ultimately it is Mr. Archers’ responsibility to know what alcohol is in the establishment, to ensure that all liquor was removed, and to ensure the code of ordinances is followed. This attempt to follow the code of ordinances has failed on many occasions. Additionally, the 3% Mixed Drink Excise Tax still has not been paid for July 2023, August 2023, and September 2023.

Board Member Kollhoff made a motion to revoke all remaining alcohol licenses which include Beer/Wine Pouring for Johnny Archers Place. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

Mr. Lovell stated that Mr. Archer has 14 days to appeal the Boards decision to Mayor and Council. If an appeal is not filed, then Mr. Archer has 14 days to remove all alcohol from the premises and the license will be revoked 14 days from today’s date (October 11, 2023).

OTHER

4. Johnny Archers Place – Quarterly Report

Mr. Lovell stated that due to the result of the previous item, there was no reason to proceed with this item.

DISCUSSION

Board Member Kollhoff began a discussion regarding the previous letter received by our concerned citizen and asked if the board needed to take any action in regard to the statement of signage not being properly placed in establishments.

Mr. Lovell stated that signage being properly placed in establishments for the consumption or sale of alcoholic beverages is a Department of Revenue task. However, to follow proper chain of command, the letter was forwarded to the Chief of Police, Frank McCann. Mr. McCann reiterated that this is the responsibility of the Department of Revenue.

Julia Drake, City Clerk, stated the letter was forwarded to Agent Lee Carroll with the Department of Revenue and no response has been received to date.

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

The meeting was adjourned at 10:33 A.M.

November 8, 2023

/s/ 
Chairman

/s/ 
Secretary