

# CITY OF BRISTOL, TENNESSEE

## MINUTES OF THE BEER BOARD MEETING

### HELD SEPTEMBER 13, 2017

#### **BOARD MEMBERS PRESENT**

Mr. Craig Kistner – Chairman  
Mr. Mike Ketron – Vice Chairman  
Mr. Vince Turner  
Mr. Spike Tickle  
Mr. Jason Walden

#### **CITY EMPLOYEES PRESENT**

Chief Blaine Wade  
Capt. Glenn James  
Lt. Brad Tate  
Inv. Mike Carlson  
Inv. Mica Doty  
Ms. Danielle Kiser  
Ms. Robin Stedman

**Call to Order** – At approximately 5:00 pm on September 13, 2017, Mr. Kistner, Chairman of the Beer Board for the City of Bristol, Tennessee, called the meeting to order in Conference Room #101, 801 Anderson St., Bristol, Tennessee.

**Review of Minutes** – Board Members reviewed the minutes from the August 9, 2017 meeting, the minutes were approved as read.

#### **NEW BUSINESS**

**The Manna Bagel Bakery and Café, 634 State St., Bristol, TN** – Mark Borsch, Co-Owner, appeared before the Board to request an On-Premises Permit as a Restaurant. Capt. James advised the Application is in order and he has completed his inspection. He related the Applicant, his wife, and two employees successfully completed his training class. Mr. Kistner called for questions/comments from the public, there were none. Mr. Ketron asked Mr. Borsch if he has any previous experience in alcohol sales, Mr. Borsch said he does not, and does not expect to sell much beer. He related his primary reason for obtaining a Beer Permit is to keep pace with other businesses along State Street by having it available for the occasional customer who wants a beer with their meal. Mr. Turner made a motion to approve the Application, seconded by Mr. Walden. There being no further discussion Mr. Kistner called for a vote. The motion was approved by unanimous vote.

**Bloom Café and Listening Room, 606 State St., Bristol, TN** – Ms. Emily Fehr, Owner, appeared before the Board to request an On-Premises Permit as a Restaurant. Capt. James advised the Application is in order, but he has not been able to conduct an inspection as renovations are not complete. He related Ms. Fehr successfully completed Responsible Beverage Service Training conducted by Ms. Melody Ison at the Sullivan County Anti-Drug Coalition, which will qualify her to obtain a Servers Card from Tennessee ABC. Mr. Kistner called for questions/comments from the public, there were none. Mr. Turner asked if her training is that required for Certified Vendors, Capt. James advised it is the same as training

conducted by the Tennessee ABC to serve liquor by the drink, and is State Accredited. Mr. Kistner asked Ms. Fehr if she has any prior experience in alcohol sales, she advised she has experience as a server and bartender, this is her first time as an owner, and she has two employees who have held a servers card before. Mr. Turner asked if this is a restaurant, she related it is a café and coffee shop. There being no further questions Mr. Kistner called for a motion. Mr. Ketron made a motion to approve the Application, seconded by Mr. Tickle. There being no further discussion Mr. Kistner called for a vote, the motion was approved by unanimous vote.

**The Last Lap, 2800 Hwy 11E, Bristol, TN** – Mr. George Rogers and Mr. Brandon Rogers, Owners, were summoned before the Board for a violation of selling beer to an underage Confidential Informant (CI) on August 16, 2017. Mr. Kistner called Inv. Mike Carlson, BTPD Street Crimes Unit (SCU), to brief the Board. Inv. Carlson advised the SCU was conducting alcohol compliance checks during the August 2017 races, their CI was instructed to use his legally issued ID, DOB July 17, 1998, if asked for ID, and to answer any questions truthfully. Inv. Carlson passed out a picture of the ID which has printed in red that the CI is under 21 years of age. The CI approached the server and ordered a beer, she asked for ID, looked at it, and served the beer. Inv. Carlson then identified himself to her, told her she'd just served the beer to an underage CI, and issued a State Citation for the violation. Mr. Kistner asked if either Mr. Rogers would like to ask any questions of Inv. Carlson. Mr. B. Rogers advised they are aware of the incident, and spoke with Inv. Carlson right after it happened, he asked Inv. Carlson what excuse the server gave, he related she said she simply looked at it wrong, she was very upset but understood she'd committed the violation. Mr. B. Rogers asked Inv. Carlson if he was surprised it happened, Inv. Carlson said he was, The Last Lap has never had problem passing any checks. Mr. Kistner called for questions from the Board. Mr. Turner asked when the Permit was originally issued, Capt. James advised in August 2009. Mr. Kistner asked how the server was trained, Mr. B. Rogers advised she is a good friend and this was her first time working with them at the beer tent. She has worked for them at another tent selling other items, just not beer, she was trained the night before using the same materials issued to them by Capt. James when they attended his class, with emphasis on not selling to minors or intoxicated people. She was told to card everybody, not just those she thought might be too young, and there are signs posted in four locations with two at her register for reference on the date of birth. He advised he also announces over a PA system that customers must have their ID ready before they will be served. Mr. B. Rogers advised he truly believes she made a mistake, but she was immediately let go. Mr. Kistner asked Mr. B. Rogers if he knows that there are scanners available that can help prevent this type of mistake, he said he did not know, but will definitely look into it, and again apologized one of their employees made such a mistake. Mr. Turner acknowledged that they try very hard to comply with the law. Mr. Tickle said he understands the human error factor, but the ID had it stamped in red that the carrier is under 21, and scanner apps can be downloaded onto a cell phone for free. Mr. Kistner gave a brief history of the penalty usually given for first time violations, a 10 day Suspension with the option of a \$1500 Civil Penalty instead, and recommended the Suspension cover the dates of the April 2018 races. Mr. Turner made a motion for a 10 day Suspension, with the option of a \$750 Civil Penalty instead, taking their past performance into consideration. Mr. Kistner

related that he feels it would not be fair to previous permit holds who found themselves in the same situation. Mr. B. Rogers advised that he has looked into past Board Meetings and the Board has offered lower penalty's in some cases. Mr. Turner advised it appears both Mr. Rogers have done everything possible to prevent sales to minors. Mr. Walden advised the record shows they have done everything they can to prevent underage sales. Mr. Turner changed his motion to a 10 day Suspension with the option of a \$1000 Civil Penalty, motion seconded by Mr. Walden. Mr. Kistner called for a vote. The vote was Mr. Turner and Mr. Walden in favor, Mr. Kistner, Mr. Ketron, and Mr. Tickle opposed. The Motion failed by majority vote. Mr. Kistner called for another motion. Mr. Ketron made a motion for a 10 day Suspension with the option of \$1500 Civil Penalty. Mr. Kistner suggested the Suspension be served April 8 - 17, 2018, Mr. Ketron agreed, the motion was seconded by Mr. Tickle. Mr. Kistner called for a vote. The vote was Mr. Kistner, Mr. Ketron, and Mr. Tickle in favor, Mr. Turner and Mr. Walden opposed. The motion was approved by majority vote.

## **OLD BUSINESS**

**The Sportsman, LLC, 1403 Bluff City Hwy, Bristol, TN** – A Petition was submitted by Chief Blaine Wade, Chief of Police, to require Ms. Patty Howington, Permit Holder of the business, to appear before the Board. Inv. Mica Doty was present to represent the Police Dept., Ms. Howington and Mr. James Howington answered the Summons. Ms. Howington advised they were not able to reach their lawyer in time to have him present at this meeting, and requested a continuance. Mr. Kistner asked when the next meeting is scheduled, Capt. James advised October 18, 2017. Ms. Kiser, City Attorney, advised the Board hold a vote on Ms. Howington's request. Inv. Dote advised he will not be able to appear at that meeting, Lt. Brad Tate advised he will be present to represent the Police Dept. Mr. Kistner called for a motion, Mr. Turner asked why a continuance should be allowed. Mr. Kistner advised in similar cases the person summoned would usually want to bring their attorney, since the date they received notice of the summons and the date of the meeting were so close, it's understandable they would need more time. Capt. James advised the court case was heard August 28, 2017, so by the time paperwork was put together it would not leave Ms. Howington much time to get ready. Mr. Turner made a motion to continue the proceeding to October 18, 2017, seconded by Mr. Ketron. The motion was approved by unanimous vote. Mr. Kistner advised the Board will allow the continuance till the next Board Meeting, but will hear the Petition on October 18, 2017,

## **PENDING BUSINESS**

Capt. James advised the only business pending at this time is The Sportsman, LLC, for October 18, 2017.

There being no further business to conduct, the meeting was adjourned.