

TOWN OF CUMBERLAND GAP
BEER BOARD MINUTES
SEPTEMBER 8, 2015
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The Beer Board of Cumberland Gap, Tennessee met in regular session on September 8, 2015, immediately following the Town Board meeting. All members were present.

Mayor McGaffee called for approval of the minutes. Susan Bain made a motion to approve the minutes, with a second by Teresa Fuson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

Mayor McGaffee called for Old Business:
There was no old business.

Mayor McGaffee called for New Business:

Complaints made against the Gap Tap

A notice was sent to Chris Anderson, owner of Gap Tap, requesting him to attend the beer board meeting to respond to written complaints made against his establishment. The complaints generally involve continuing to serve and failure to vacate premises as set forth in city ordinances, gun shots, screaming, yelling, underage drinking, and urination on private property, obscene language, & police being called to restore order.

As far as walking up & down the street & urinating on private property, Mr. Anderson asked if it didn't happen at or in his establishment how is he responsible? The attorney answered by saying he would have to ask his attorney that question because this is a hearing and the board is not answering questions like that.

The following written complaints were read by the attorney:

Complaint: Monday night 8/25/15- Patrons did not leave the bar until after 1:00 a.m. Before and during this time the patrons were in front of my residence screaming & yelling. Running back and forth from bar to residence.

The attorney asked if the patrons were running back and forth from the bar to the residence. Mr. Anderson responded by saying he didn't know he was inside the bar. He further explained that his financial liability is inside the bar and on the property.

When asked why the patrons didn't leave until after 1:00 am, Mr. Anderson responded by saying that is not why he is here, so therefore he would not answer that question. He read the letter he received and said nowhere in that letter did it state patrons were staying after the hours of operation. If the board wanted to cite him for that he would love to answer the question at the next meeting.

Complaint: Monday night 8/24/15- Loud noise coming from the bar. Patrons screaming and yelling. Racing/loud vehicles speeding up and down the street. Was woken up at 12:15 am. The last noise made were at 1:10 am when the patrons left the bar.

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The attorney asked Mr. Anderson if the patrons were making noise after 12:30 am when they left the bar. Mr. Anderson reiterated that is not why he was here. The attorney rephrased the question and if the patrons were making noise when they left the bar. Mr. Anderson responded by saying I'm sure they were, everyone makes noise when leaving a bar or any other business.

Complaint: 8/24/15- I was disturbed while sleeping after midnight by very loud screaming/yelling. This continued on till a little after 1:00 am (1:10?) according to the clock. I had a very hard time falling back asleep after that which is extremely aggravation since my morning alarm rings at 5 am.

When asked if there was yelling & screaming after 1:00 am at the bar, Mr. Anderson again said that is not why he was cited.

Complaint: Bar stays open on a regular basis way past closing time, which is 12:30 am. Often there is a steady stream of customers just arriving to the bar at 1:00 am. No one is enforcing the closing time. Many patrons leave the bar carrying open containers down the street and throughout the town. Often times their trash of bottles and cups of beer end up on our front porch or in the yard where I live. I have walked into the bar and witnessed underage drinking and turned around and left. Also have watched under agers leave the bar with their cups of beer, sometimes they even drive off. Further proof on 8/22/15 we watched the cops I.D a young lady who was very intoxicated and she was underage. Everyone in the vehicle had to call for rides home because no one was sober enough to drive, but yet they were all going to drive or ride with someone who was drunk.

Mr. Anderson's problem with that was someone witnessed underage drinking but didn't call the cops. The person who made the complaint said the cops was already there. She further explained there was other times she witnessed underage drinking but didn't call the cops because she didn't know what to do since it was inside his bar and it was his responsibility. Someone who has worked for Mr. Anderson spoke up saying she has never witnessed him serve anyone who is underage. The underage are marked with a permanent marker when they come into the door. Mayor McGaffee spoke of his time running a bar. He argued that it is hard to control when an underage is allowed in a bar.

Mr. Anderson explained that no one has been cited for underage drinking in his bar. The attorney responded by saying citations doesn't make a difference whether it happens or not, there are statements saying it happened and cops were called as a result. Mr. Anderson explained, the underage in this incident admitted to the cops that she drank at LMU prior to coming to the bar because she knew she couldn't drink at the bar. As far as being very intoxicated he said he doesn't allow anyone to stumble and stagger around in his bar because it causes a problem.

One resident said she didn't have a problem with the bar if the rules were followed. She said no one under 21 should be allowed in the bar, the patio should be enclosed, a bouncer should be at the door checking I.D's, quit serving at 12:00 am & patrons leave at 12:30 am. Mr. Anderson said he is allowed to have anyone enter his business because he is a Class C restaurant and is nonsmoking.

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Another resident spoke up saying Mr. Anderson has always told them to come to him if there was a problem and that she told him about the underage drinkers. She feels he does the best he can but he can't watch everybody and he needs to hire someone to help him. Mr.

Anderson admitted that underage drinking does happen at his bar but he doesn't allow it. He further explained that if he called the cops every time he catches someone underage drinking the cops would be here all the time. If he catches someone underage drinking he writes down there information and if caught a second time he calls the students coach (if it is a student athlete) or the Dean of Students. He stated that he is starting a new identification process. Along with the valid identification to get into the door, a military or college I.D will have to be presented.

Mr. Anderson stated that according to TCA code, a certified letter was supposed to be sent to him requesting him to appear. The attorney replied that TCA code didn't apply to cities, only to the county beer board.

As far as the gun shots, there was only 1 incident and it didn't pertain to him. The person didn't enter his establishment. They were drinking beer inside their cars along the far side of his parking lot. He told them to leave and not to come back. When the gun shot was fired they were no longer in his parking lot.

There was some discussion of fireworks being shot on the property. Mayor McGaffee said it was against the law to shoot fireworks in town. Mr. Anderson, along with other residents, was not aware of the law.

A student spoke up on behalf of Mr. Anderson. He said he would never found Cumberland Gap if it wasn't for the Gap Tap. The Gap Tap provides a safe and friendly environment to meet people.

Another resident discussed vandalizing incidents that have taken place. She wants to know who is responsible & how she can be protected. She feels having a guy at the door will help take care of some of the problems. Mayor McGaffee told anyone who wants to make a complaint needs to call 911 and an officer will respond when they have time. Mr. Anderson said he has asked the cops to patrol his establishment many times.

Mayor McGaffee made a comment that whenever there is a big test at DCOM it seems to be when there is problems. He clarified that he didn't say the DCOM students were the ones causing all the problems, it just seems to be when they are all down here. A DCOM student and employee addressed that comment saying it was not all DCOM students, other students visit the bar as well.

There was some discussion about last call to purchase beer. Mr. Anderson said he gives last call around 11:45 and they have until 12:30 am to vacate the premises. According to 8-220 of the Municipal Code beer cannot be sold or consumed after 12:00 am. It says: It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any permit holder of the town to sell, distribute or allow consumption on the premises any of such beverages regulated by permit, within the limits of the Town of Cumberland Gap, Tennessee during the

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hereafter listed hours. On the premises establishments shall not sell beer between the hours of 12:00 midnight and 6:00 A.M. The premises must be vacated by 12:30 A.M. According to that beer cannot be consumed after 12:00 am.

Mayor McGaffee said he has heard enough and asked for the opinion of the board.

Chuck Coffey- Doesn't think he (Mr. Anderson) can control the noise and trash, thinks he is trying to do the right thing but would like to see the premises vacated at 12:30.

Jerry Hopson- If the rules are followed everyone would be happy.

Susan Bain- Agreed with the others and said she has picked up trash from Angelo's so it is not all the Gap Tap. Everyone who has a permit has to follow the rules.

Teresa Fuson- There needs to be some type of control on the street and firmer control at the establishment. Need to try to get control of the noise. Someone needs to be hired for the door. In response Mr. Anderson said he could not afford to hire someone for the door.

Phillip Waller- Thinks he (Mr. Anderson) is doing what he can. The problem is the people after they leave the establishment. We have to look at the options to control that because there are issues we need to fix.

They all agreed that they didn't want to see the establishment shut down, just the rules followed.

The options of the board are: suspend or revoke license, fine him \$2,500, give a warning, or vote beer out completely.

The question was asked if he is giving a warning could stipulations be added. Mr. Anderson said it wasn't necessary and he wants to work with everybody. Everything the Mayor has asked him to do he has done. The attorney responded by saying a warning with conditions is not enforceable, the most you can do is a warning and then review it to see if he has complied.

Below is what Mr. Anderson says he plans to do:

- Call the cops at 12:00 and have an officer come by in an effort to control the noise
- Put up a gate to the patio
- Lock exit door to Pennlyn when last call is given limiting the traffic going immediately down the sidewalk
- Make a sign that says "Please respect our neighbors and do not park here"
- Make a sign that says "Please respect our neighbors as you leave & walk down the sidewalk"

The attorney recommended continuing the meeting in a month to see if Mr. Anderson does what he said he would do. Chuck Coffey made a motion to continue the meeting on October 5, 2015, with a second by Teresa Fuson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

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The September 8, 2015 beer board meeting reconvened on October 6, 2015 with the Mayor calling the meeting back to order immediately after the Town Board meeting.

Mayor McGaffee asked if anyone had any comments about last month's meeting. One citizen replied that everything was great. No other comments were made.

Since there were no other comments or complaints, the attorney recommended the board dismiss pending charges against the Gap Tap.

Susan Bain made a motion to dismiss pending charges against the Gap Tap, with a second by Teresa Fuson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.

Mr. Anderson added that he didn't do anything different in the past month.

With no business to come before the board, John Ravnum made a motion to adjourn, with a second by Jerry Hopson. Mayor McGaffee called for a roll call vote. Board members voted as follows: Susan Bain-yes; Chuck Coffey-yes; Teresa Fuson- yes; Jerry Hopson -yes; John Ravnum-yes; Phillip Waller-yes.