

The Sevier County Quorum Court met at 10:00 A.M., Friday, February 26, 2021, in the Sevier County Courthouse Courtroom with County Judge Greg Ray presiding. The meeting was opened with prayer by Judge Ray followed by the Pledge of Allegiance. The roll was called with the following Justices present: Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright and Greg Wright. Absent: None. Upon a motion by Roxy Stephens and second by David Wright, the Quorum Court voted to dispense with the reading of the minutes of the last meeting and to approve the minutes as emailed. A roll call vote was taken. Yes – Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No – None. Absent – None. The motion passed.

Committee and Other Reports There were no committee and other reports

Old Business – Alcohol Ordinance

County Attorney Kaylen Lewis was present and read An Ordinance Regulating the Manufacture and Sale of Vinous, Spiritous, or Malt Liquors by Permittees so Authorized by the Arkansas Beverage Control Division of the State of Arkansas in the Unincorporated Areas of Sevier County Arkansas and Declaring an Emergency. Roxy Stephens asked if this ordinance was approved could we come back later and change it. Judge Ray stated that was absolutely a possibility. The Judge explained that this ordinance addresses permit fees for any entity to sell alcohol. We will address Private Clubs or alcohol by the glass in another ordinance. Justice Stephens also asked about the regulation of hours to sell liquor. Could they sell 24/7? Attorney Lewis stated that ABC regulates the hours. Angie Walker made a motion to suspend the rule and place the ordinance on the 2nd reading by title only. David Wright seconded the motion. A roll call vote was taken. Yes – Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- None. The motion passed. Ms. Lewis read the ordinance for the second time by title. A motion was made by Angie Walker and seconded by David Wright to suspend the rule and place the ordinance on the third reading by title only. A roll call vote was taken. Yes – Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- None. The motion passed. Ms. Lewis read the ordinance the third time by title. After the third reading Earl Battiest stated that he did not prefer this ordinance due to the \$25 fee for all permits. He is in favor of keeping the fee for private clubs at \$250. Kaylen Lewis explained that restaurants had to apply for a permit to sell liquor by the glass but they had to be approved by ABC as a restaurant with 50 or more seating capacity and the determination would be made by ABC as to their status. That status has specific requirements. You can't just put up a microwave and get some tables and chairs. With this in mind smaller restaurants or other businesses who wanted to sell liquor by the glass would have to get a private club permit. This ordinance only states that any entity that is desiring to sell liquor in any form will have to pay a \$25 permit fee to the county. This is only for unincorporated areas. Each town will have to pass their own ordinance regarding liquor by the glass sales. Earl Battiest asked if this ordinance will repeal the ordinance regarding private clubs that is already in place. Justice Battiest stressed that he does not feel we should eliminate the fees we have in place. He does not feel those fees would create a hardship for anyone who wanted to sell alcohol. Earl Battiest stated that he would ask that we not pass this ordinance as written. Kaylen stated that it would repeal the current ordinance. Angie Walker made a motion to approve the ordinance. The motion was seconded by David Wright. A roll call vote was taken. Yes – Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- Michael Archer and Earl Battiest. The motion passed.

The discussion then went to sample ordinances that were given out. The Judge stated that he preferred sample ordinance #3. This particular ordinance establishes rules and procedure for filing an application for a private club permit in the unincorporated areas of Sevier County. This ordinance would address private clubs. Roxy Stephens stated that a private club is not a restaurant but a club that requires membership fees, etc. Even if food is served there it is still a club. Ms. Lewis stated that a restaurant that has under 50 seats cannot get a liquor license so they would have to get a private club permit to sell liquor by the glass. Event Centers would have to apply for a private club permit. Roxy Stephens stated that the sample ordinance #3 does not have a fee for a private club permit. In her opinion a private club charges membership fees to join and the fee for the permit should be what it has been in the past. Attendee Monica Pearce stated that she feels there is confusion. Serving drinks does not make a Honky Tonk. There are places that are small and they are not Honky Tonks. In order to grow their business, you want them to have to pay a higher permit fee plus a portion of their revenue and they can't afford to do that. She stated that she is co-owner in an event center and they lost 92% of their business last year due to Covid and it would be a hardship to pay \$250 plus a percentage of their revenue to have a private club permit. Clerk Akin explained that the percentage of revenue was only on liquor sales not total revenue. Angie Walker made a motion to read the Ordinance Establishing Rules and Procedures for Filing an Application for a Private Club Permit in the Unincorporated Areas of Sevier County. The motion was seconded by Greg Wright. There was discussion in regard to the sample ordinances that were provided by Attorney Kaylen Lewis. It was stated by Erin Hunter, Interim Prosecuting Attorney, that the ABC and Prosecuting Attorney are the gate-keepers. This is not necessarily a policing issue as far as keeping up with offenses. Earl Battiest explained that the tax on a bottle of beer would be about 10 cents. That is a minimal revenue. Melinda Taggart stated that the tax is already 14% on liquor and we shouldn't tack on any more than that. Kaylen Lewis informed the court that there are limits on what can be charged for permit fees. There has been a motion and a second to read the proposed ordinance Establishing the Rules and Procedures for Filing an Application for a Private Club Permit in the Unincorporated Areas of Sevier County. A roll call vote was taken. Yes – Michael Archer, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, Greg Wright. No – Earl Battiest. The motion passed. Kaylen Lewis read the proposed ordinance. A motion was made by Greg Wright and seconded by Angie Walker to suspend the rule and place the ordinance on 2nd reading by title only. A roll call vote was taken. Yes – Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- None. The motion passed. Attorney Lewis read the ordinance the 2nd time by title. A motion was made by Angie Walker and

seconded by Greg Wright to suspend the rule and place ordinance on 3rd reading by title only. A roll call vote was taken. Yes – Michael Archer, Earl Battiest, Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- None. The motion passed. Judge Ray read the proposed ordinance the third time by title. A motion was made by Angie Walker and seconded by Greg Wright to approve the ordinance. A roll call vote was taken. Yes- Kenneth Currence, Roxy Stephens, Angie Walker, Roger Whitmore, David Wright, and Greg Wright. No- Michael Archer and Earl Battiest. The motion passed.

New Business There was no new business.

Announcements There were no announcements.

Adjournment

With no further business to discuss, Greg Wright made a motion to adjourn. The motion was seconded by Angie Walker. The motion passed with a unanimous voice vote.

Respectfully Submitted,



Debbie Akin
County Clerk