

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
THURSDAY MAY 11, 2017
DAVIDSON ROOM
METRO OFFICE BUILDING, 800 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Ms. Anne Arney, Chairperson
Mr. Brian Taylor, Vice Chairperson
Ms. Telisha Cobb
Ms. Kia Jarmon
Ms. Susan Jones, Attorney

The meeting was called to order by Ms. Arney.

(1) Announcements:

Ms. Arney announced the notice of appeal process, in accordance with M.C.L. Section 2.68.030.

(2) Minutes

Ms. Jarmon made the motion to approve the minutes of the April 26, 2017 meeting. Mr. Taylor seconded. The motion was approved unanimously.

Pursuant to a general discussion, Mr. Taylor made the motion to grant the following permits. Ms. Cobb seconded. The motion was approved unanimously.

(5) *MAC's Convenience Stores, LLC*, 2001 Belmont Boulevard, **Circle K 3680**
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #18)

(17) *Porter Flea, Inc.*, 3201 Dickerson Pike & Parking Lot, Skyway Studios, **Porter Flea**
ON-SALE (NEW LOCATION) (Dist. #8)
(SPECIAL EVENT – JUNE 16 & 17, 2017)

(18) *Discover Madison, Inc.*, 303 Madison Street, **Amqui Station Pickin' Party: A Bluegrass Evening**
ON-SALE (NEW LOCATION) (Dist. #8)
(SPECIAL EVENT – MAY 26, JUNE 23, JULY 14, AUGUST 11
& SEPTEMBER 22, 2017)

(20) *South Entertainment Group, LLC*, 1524 Demonbreun Street, **South**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

(28) *M.L. Rose Pub 002, LLC*, 4408 Charlotte Avenue, **M.L. Rose Pub 002**
CATERER (NEW LOCATION) (Dist. #24)

(29) *Play Rec Sports, Inc.*, 3531 West End Avenue, Elmington Park, **Nashville Field Day**

ON-SALE (NEW LOCATION) (Dist. #24)
(SPECIAL EVENT – MAY 19 & 20, 2017)

(31) *TRCSS, Inc.*, 4825 Trousdale Drive, Parking Lot, **Mudbug WingDing**

ON-SALE (NEW LOCATION) (Dist. #26)
(SPECIAL EVENT – MAY 19 & 20, 2017)

The following applications were presented to the Board:

(3) *GReKo Greek Street Food, LLC*, 704 Main Street, **GReKo Greek Street Food**

ON-SALE (NEW LOCATION) (Dist. #6)

At the request of the applicant, and without objection, the application was deferred to May 24, 2017.

(4) *Attaboy Cocktails Nashville, LLC*, 8 McFerrin Avenue, **Attaboy**

ON-SALE (NEW LOCATION) (Dist. #6)

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit, Ms. Cobb made the motion to defer the application to May 24, 2017. Mr. Taylor seconded. The motion was approved unanimously.

(6) *Biscuit Love Sunset, LLC*, 2001 Belcourt Avenue, **Biscuit Love**

ON-SALE (NEW LOCATION) (Dist. #18)

At the request of the applicant, and without objection, the application was deferred to May 24, 2017.

(7) *Moonshine Diner, LLC*, 121A 12th Avenue North, **The Mockingbird Nashville**

ON-SALE (NEW LOCATION) (Dist. #19)

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit and that this application has been deferred multiple times, Mr. Taylor made the motion to defer the application indefinitely. Ms. Cobb seconded. The motion was approved unanimously.

(8) *The Indigo Road Hospitality Group, LLC*, 801 Clark Place, **Oak Steakhouse**

ON-SALE (NEW LOCATION) (Dist. #19)

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit and that this application has been deferred multiple times, Mr. Taylor made the motion to defer the application indefinitely. Ms. Cobb seconded. The motion was approved unanimously.

(9) *Casa de Montecristo –TN, LLC*, 600 Ninth Avenue South, Suite 130, **Casa de Montecristo**

ON-SALE (NEW LOCATION) (Dist. #19)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Fire Marshal approval and Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(10) *LRC Restaurant Nashville, LLC*, 120 Third Avenue South, **FGL House, FGL Kitchen, Little Red Corvette**

ON-SALE (NEW LOCATION) (Dist. #19)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Inspection of Business. Ms. Jarmon seconded. The motion was approved unanimously.

(11) *The Volleyball Bar, LLC*, 3 City Avenue, Suite 500, **Sand Bar**

ON-SALE (NEW LOCATION) (Dist. #21)

Ms. Arney abstained from any discussion on this application. Mr. Will Cheek, attorney, was present to represent the applicant. Mr. Philip Steen was also present, and informed the Board that he has all missing documents ready to submit to the office after the meeting. The Board discussed that this location was mainly outdoors, with all customer seating located outside. Mr. Steen informed the Board that the location would not be open during inclement weather and that he felt he had met the seating requirement, as the Metro Code does not specify that customer seating must be inside. He also stated that food would be available at all times when the bar was open. Following a general discussion concerning the lack of documents required for a beer permit, Ms. Jarmon made the motion to defer the application to May 24, 2017. The motion failed for lack of a second. The Board briefly discussed that they do not normally grant permits when there is no lease on file, but that they would not object to issuing a temporary permit once all documents are submitted. Following a brief discussion, Ms. Cobb made the motion to defer the application to May 24, 2017, with a temporary permit to be issued upon presentation of all missing documents. Ms. Jarmon seconded. The motion was approved unanimously. Mr. Steen was also asked to provide a detailed plan for seating and food service.

(12) *Las Cazuelas Mexican Grill, Inc.*, 4114 Nolensville Road, **Las Cazuelas Mexican Grill**

ON-SALE (NEW LOCATION – EXPANSION) (Dist. #30)

At the request of the applicant, and without objection, the application was deferred to May 24, 2017.

(13) *KEM2, LLC*, 3700 Buena Vista Drive, **Buena Vista Market**
OFF-SALE (NEW LOCATION) (Dist. #2)

No one was present to represent the applicant. The Board briefly discussed that this location is within one hundred (100) feet of a school (75' from Clara Mohammed School of Nashville, located at 3620 Buena Vista Pike). Following a brief discussion, Mr. Taylor made the motion to defer the application to May 24, 2017, to allow the applicant to appear. Ms. Cobb seconded. The motion was approved unanimously.

(14) *East End, LLC*, 501 Main Street, **The Mainstay**
CATERER (NEW LOCATION) (Dist. #5)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Beer permit and ABC Caterer permit. Ms. Jarmon seconded. The motion was approved unanimously.

(15) *Levy Premium Foodservice Limited Partnership*, One Titans Way, **Levy at Tennessee Titans**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #6)

Ms. Ginna Winfree, attorney, was present to represent the applicant. The Board discussed that this location currently has a temporary operating agreement on file while the applicant and Metro Sports Authority work toward a management agreement. Ms. Winfree informed the Board that an agreement should be reached by the end of next week. Following a general discussion concerning the letter of intent on file, Ms. Jarmon made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval and Lease. Mr. Taylor seconded. The motion was approved unanimously.

Ms. Winfree requested to address the Board at the end of the meeting and asked that a temporary permit be issued to this location, due to the temporary operating agreement. The Board discussed that they would be more comfortable issuing a permit with a valid management agreement in place and reviewed by staff. Ms. Jones advised the Board that she would not object to the Board authorizing a temporary permit if Ms. Winfree could provide something more than the letter of intent currently on file. Ms. Winfree stated that she should be able to obtain a temporary operating agreement which would be valid until a more permanent agreement could be reached. Following a general discussion, Ms. Cobb made the motion to reconsider the previous motion. Ms. Jarmon seconded. Following a brief discussion, Ms. Cobb withdrew her motion. Mr. Taylor made the motion to authorize the staff to issue a temporary beer permit upon receipt of an interim management agreement and Health Department approval. Ms. Cobb seconded. The motion was approved unanimously.

(16) *Levy Premium Foodservice Limited Partnership*, One Titans Way, **Levy at Tennessee Titans**

CATERER (CHANGE OF OWNERSHIP) (Dist. #6)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Beer permit, Health permit and ABC Caterer permit. Ms. Jarmon seconded. The motion was approved unanimously.

(19) *Jordanian Dream, Inc.*, 1105 Gallatin Pike North, **Jordan**

OFF-SALE (NEW LOCATION – EXPANSION) (Dist. #10)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit and Zoning approval. Ms. Jarmon seconded. The motion was approved unanimously.

(21) *Tennessee Taproom, LLC*, 809 Ewing Avenue, Ewing Avenue from Fogg Street to Vine Street, **Tennessee Brew Works Block Party**

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – MAY 19 & 20, 2017)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's Street Closures. Ms. Jarmon seconded. The motion was approved unanimously.

(22) *MM Broadway, Inc.*, 423 Broadway, **Mellow Mushroom**

ON-SALE (NEW LOCATION) (Dist. #19)

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Ms. Cobb made the motion to defer the application to May 24, 2017. Mr. Taylor seconded. The motion was approved unanimously.

(23) *P&L 5th Ave S, LLC*, 104 Fifth Avenue South, **Pancho & Lefty's Cantina**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to May 24, 2017.

(24) *1318 Properties, LLC*, 1318 Sixth Avenue North, **Germantown Bar**

ON-SALE (NEW LOCATION) (Dist. #19)

At the request of the applicant, and without objection, the application was deferred to June 8, 2017.

(25) *EiO & The Hive, LLC*, 5304 Charlotte Pike, **EiO & The Hive**

ON-SALE (NEW LOCATION) (Dist. #24)

Following a general discussion, Mr. Taylor made the motion to grant the permit, to be issued upon presentation of the applicant's final Use & Occupancy permit and Zoning approval, with a temporary permit to be issued through July 8, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(26) *RRJ Restaurant SP, LLC*, 132 46th Avenue North, **Answer Restaurant**
ON-SALE (NEW LOCATION – EXPANSION) (Dist. #24)

Ms. Arney abstained from any discussion on this application. Mr. Will Cheek, attorney, was present to represent the applicant. Ms. Victoria Rothberg, owner of Answer Restaurant, and Mr. Jim Jacobs, owner of the building, were also present. Mr. Cheek informed the Board that this location obtained a Council resolution in February 2017 and that the patio was in place at that time. The applicant chose not to include the patio under the beer permit, but intended the resolution to cover the patio in addition to the building. The Board discussed that historically, applicants must go back to the Council to obtain a new resolution upon expanding the premises. Ms. Jones advised the Board that her best advice is to allow this location to go back to the Council for a resolution, based upon historical actions taken by the Board. She also stated that it is a defensible position to grant the permit without going back to the Council for a resolution, due to the presence of the patio when the resolution was granted. Following a general discussion, Ms. Jarmon made the motion to grant the permit using the existing distance resolution, to be issued upon presentation of the applicant's Certificate of Existence. Ms. Cobb seconded. The motion was approved unanimously.

(27) *Crescent 4 Charlotte Avenue, LLC*, 4500 Charlotte Avenue, **Taqueria del Sol**
ON-SALE (NEW LOCATION) (Dist. #24)

At the request of the applicant, and without objection, the application was deferred to May 24, 2017.

(30) *Las Tablas, LLC*, 3955 Nolensville Pike, Suite 305, **Las Tablas**
ON-SALE (NEW LOCATION) (Dist. #26)

Ms. Arney and Mr. Taylor abstained from any discussion on this application. Mr. Will Cheek, attorney, was present to represent the applicant. Mr. Cheek informed the Board of the passage of T.C.A. 57-4-102(26)(PPPP), which would allow a beer permit to cover the entire premises, including shared areas, and would allow patrons to freely walk from one permitted space to another permitted space. There are currently two other beer permits issued within this building. Following a brief discussion, Ms. Jones informed the Board that a simple majority of the quorum is needed to grant this permit, and with two members abstaining and only two voting members, no action can be taken on this application. Mr. Cheek requested to defer the application to May 24, 2017 and requested that a temporary permit be issued until that date. Following a brief discussion, Ms. Cobb made the motion to defer the application to May 24, 2017. Ms. Jarmon seconded. Because a simple majority of the quorum cannot be reached, the application was deferred to May 24, 2017.

(32) *Ibex Ethiopian Restaurant and Bar, LLC*, 2525 Murfreesboro Pike, Suites A,B,C, **Ibex Ethiopian Restaurant and Bar**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #28)

No one was present to represent the applicant. Following a brief discussion concerning the lack of documents required for a beer permit, Ms. Cobb made the motion to defer the application to May 24, 2017. Mr. Taylor seconded. The motion was approved unanimously.

(33) *Riley Enterprise, LLC*, 7050 Charlotte Pike, #28, **Riley Wings**

ON-SALE (NEW LOCATION) (Dist. #35)

At the request of the applicant, and without objection, the application was deferred to June 8, 2017.

The following discussions were presented to the Board:

(34) *Summerset Jazz, LLC*, 100 First Avenue North, Riverfront Park, **Music City Jazz Festival**

ON-SALE (OLD LOCATION) (Dist. #19)

(SPECIAL EVENT – MAY 26 & 27, 2017)

Mr. Marvin Spencer was present to represent the applicant and requested to change the location of this event due to flooding at Riverfront Park. Following a brief discussion concerning that the Metro Parks Department asked Mr. Spencer to move the event to higher ground due to flooding, Ms. Jarmon made the motion to allow the application to be amended to Public Square Park. Ms. Cobb seconded. The motion was approved unanimously.

(35) *Cork Dork, Inc.*, 900 Rosa Parks Boulevard, **Nashville Wine and Food Festival**
ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – MAY 19 & 20, 2017)

Ms. Alisha Dawson was present to represent the applicant and requested the Board waive the ten (10) day filing deadline and grant the permit for this event. Ms. Arney disclosed that she and Mr. Taylor had discussed this event outside of the public meeting, but that no decisions were made. She also stated that the Mayor's office has requested that the Beer Board hear this application. Ms. Jones informed the Board that, since the application was filed less than ten (10) days prior to the meeting, the Board would need to suspend their own rules if they choose to act on this application, because the Board Rules do not grant the Board the option to waive the ten (10) day filing deadline set forth in M.C.L. Section 7.08.040A. Following a brief discussion, there were no objections to allowing Ms. Arney and Mr. Taylor to vote on this matter. Ms. Jarmon made the motion to suspend the Board Rules and Regulations for this application. Ms. Cobb seconded. The motion was approved unanimously. Following a general discussion concerning that this event could use a Caterer permit, that the Board may be setting a precedent for future cases, and that consideration should be given because this is a special event application rather than a permanent permit, Mr. Taylor made the motion to grant the permit. The motion failed for lack of a second. The Board briefly discussed the lack of documents required for a beer permit and the need to be fair moving forward. Following a brief discussion, Mr. Taylor made the motion to grant the permit. Ms. Cobb seconded. The motion was approved unanimously.

The following complaints were presented to the Board:

(36) *Om Gallatin Oil, Inc.*, 4800 Gallatin Pike, **Gallatin Shell**
OFF-SALE (Dist. #7)
Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about January 29, 2016 and ongoing. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of one thousand (\$1000) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(37) *Oscar Munoz*, 3013 Nolensville Pike, **Oscars's Mercadito Latino**
OFF-SALE (Dist. #16)
Alleged violation of M.C.L. Section 7.08.030B a retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller on or about April 24, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of two hundred fifty (\$250) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(38) *Joseph Tawfik*, 3011 Nolensville Pike, **Rose Discount Tobacco and Beer**
OFF-SALE (Dist. #16)

Alleged violation of M.C.L. Section 7.08.030B a retailer's "off-sale" permit shall be issued to any person engaged in the sale of beer for consumption and not resale where the beer sold is not to be consumed by the purchaser upon or near the premises of such seller on or about April 24, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of two hundred fifty (\$250) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(39) *Julio Sicilia Arias*, 12 East Thompson Lane, **Daniela's Restaurant & Lounge**
ON-SALE (Dist. #16)

Alleged violation of M.C.L. Section 7.08.140D it is unlawful for any beer permit holder or his agent or employee to sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from three a.m. to six a.m. on weekdays and from three a.m. to twelve noon on Sundays on or about April 30, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of two hundred fifty (\$250) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(40) *Tri-Star Energy, LLC*, 301 White Bridge Road, **Daily's**
OFF-SALE (Responsible Vendor) (Dist. #20)

Alleged violation of M.C.L. Section 7.08.140C it is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age on or about April 21, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of one thousand (\$1000) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(41) *MACS Retail, LLC*, 7070 Highway 70 South, **Tiger Market**
OFF-SALE (Responsible Vendor) (Dist. #23)

Alleged violation of M.C.L. Section 7.08.140C it is unlawful for any beer permit holder or his agent or employee to make or permit to be made any sale of beer to a person under twenty-one years of age on or about April 21, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation for a hearing with no civil penalty option. Ms. Jarmon seconded. The motion was approved unanimously.

(42) *Green Hills Pizzeria, LLC*, 2010 Richard Jones Road, **Jet's Pizza of Nashville**
ON-SALE (Dist. #25)

Alleged violation of M.C.L. Section 7.08.180 no person, except an authorized wholesaler, may sell or store beer within the metropolitan government area unless such beer has been purchased from an authorized wholesaler on or about April 19, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of five hundred (\$500) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(43) *Green Hills Pizzeria, LLC*, 2010 Richard Jones Road, **Jet's Pizza of Nashville**
ON-SALE (Dist. #25)

Alleged violation of M.C.L. Section 7.08.070C the permit holder shall display all permits issued pursuant to this article in a conspicuous place, together with all other permits, licenses and stamps required by law on or about April 19, 2017. Following a general discussion, Mr. Taylor made the motion to issue a citation with the option of paying a civil penalty of one thousand (\$1000) dollars in lieu of a hearing. Ms. Jarmon seconded. The motion was approved unanimously.

(44) *Burnett's, LLC*, 1316 Antioch Pike, **Island Vibes**
ON-SALE (Dist. #28)

Alleged violation of M.C.L. Section 7.08.140D it is unlawful for any beer permit holder or his agent or employee to sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from three a.m. to six a.m. on weekdays and from three a.m. to twelve noon on Sundays on or about April 30, 2017. Council Member Tanaka Vercher was present and informed the Board that she has received numerous complaints about this location and requested that the Board take neighbors and the neighborhood into consideration. Following a general discussion, Mr. Taylor made the motion to issue a citation for a hearing with no civil penalty option. Ms. Jarmon seconded. The motion was approved unanimously.

(45) *Burnett's, LLC*, 1316 Antioch Pike, **Island Vibes**
ON-SALE (Dist. #28)

Alleged violation of M.C.L. Section 7.08.180 no person, except an authorized wholesaler, may sell or store beer within the metropolitan government area unless such beer has been purchased from an authorized wholesaler on or about April 30, 2017. Council Member Tanaka Vercher was present and informed the Board that she has received numerous complaints about this location and requested that the Board take neighbors and the neighborhood into consideration. Following a general discussion, Mr. Taylor made the motion to issue a citation for a hearing with no civil penalty option. Ms. Jarmon seconded. The motion was approved unanimously.

(46) Administrative matters

- Executive Director's Report
 - Ms. Eslick discussed the FY18 budget hearing before the Metro Council, which was held on May 10, 2017. She informed the Board that the department had requested one additional employee to work in the office, an additional vehicle for Beer Inspectors, funds for a document scanner maintenance plan and tablets for the inspectors to use in the field.
 - The department is scheduled to go live on CityWorks on Monday, May 15, 2017.

Ms. Cobb questioned the amount of money collected in civil penalties and questioned if people should be better educated on the beer laws.

Ms. Jarmon suggested that the department should look into creating a strategic plan, if one is not already in place.

Mr. Taylor suggested that the Board may wish to look into charging a late filing fee for applicants who miss the filing deadline and wish to be placed on the next agenda.

There being no further discussion, the meeting was adjourned at 2:00 p.m. until the next scheduled meeting set for May 24, 2017.

Date

Executive Director

Date

Chairperson