

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
WEDNESDAY MAY 24, 2017
SONNY WEST CONFERENCE ROOM
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Ms. Anne Arney, Chairperson
Mr. Brian Taylor, Vice Chairperson
Ms. Jessica Van Dyke
Mr. Jack Davis
Ms. Kia Jarmon
Ms. Macy Amos, 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

Mr. Taylor made the motion to approve the minutes of the May 11, 2017 meeting. Ms. Jarmon seconded. The motion was approved unanimously.

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

(9) *P&L 5th Ave S, LLC*, 104 Fifth Avenue South, **Pancho & Lefty's Cantina**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

(19) *Friends of Shelby Park and Bottoms*, 700 Woodland Street, East Park, **Music City Hot Chicken Festival**
ON-SALE (NEW LOCATION) (Dist. #6)
(SPECIAL EVENT – JULY 3 & 4, 2017)

(20) *Humdinger Events, LLC*, 2020 Lindell Avenue, **Nashville Food Fort**
ON-SALE (NEW LOCATION) (Dist. #17)
(SPECIAL EVENT – MAY 26, 27 & 28; JUNE 2, 3, 4, 9, 10, 16, 17, 23, 24 & 30;
JULY 1, 2, 7, 8, 14, 15, 21, 22, 28 & 29; AUGUST 4, 5, 6, 11, 12, 13, 18,
19, 25 & 26; SEPTEMBER 1, 2, 3, 8, 9, 10, 15, 16, 17 & 22, 2017)

(21) *Hemingway's Arcade, LLC*, 438 Houston Street, Suite 160, **Hemingway's Bar & Hideaway**
ON-SALE (NEW LOCATION) (Dist. #17)

(23) *Vanderbilt University Medical Center*, 2601 Jess Neely Drive, Brownlee O. Currey Tennis Center, **Music City Tennis Invitational Tournament**
ON-SALE (NEW LOCATION) (Dist. #18)
(SPECIAL EVENT – MAY 26, 27 & 28, 2017)

(27) *St. Luke's Community House Episcopal, Inc.*, One Public Square, Public Square Park, Deaderick Street and Third Avenue North from Charlotte Avenue to Union Street, **Nissan Taste of Music City**
ON-SALE (OLD LOCATION) (Dist. #19)
(SPECIAL EVENT – JUNE 16 & 17, 2017)

(30) *Nashville Zoo, Inc.*, 3777 Nolensville Pike, **Brew at the Zoo**
ON-SALE (NEW LOCATION) (Dist. #26)
(SPECIAL EVENT – JUNE 2, 2017)

(31) *Hee Jung Yun*, 1310 Antioch Pike, Suite A, **So Gong Dong Tofu House**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #28)

(32) *Tanupong Pichidtammarat*, 1307 Bell Road, Suite 109, **Yoshi Sushi & Thai**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #31)

The following applications were presented to the Board:

(3) *KEM2, LLC*, 3700 Buena Vista Drive, **Buena Vista Market**
OFF-SALE (NEW LOCATION) (Dist. #2)
No one was present to represent the applicant. Mr. Yusuf Abdulla, representing Clara Mohammed School, was present to speak against the issuance of a permit to this location. 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 general discussion, Mr. Taylor made the motion to deny the application, due to failure to meet the distance requirements. Ms. Jarmon seconded. The motion was approved unanimously.

(4) *Veronica Sanchez*, 2905C Gallatin Pike, **The Bowery Vault**
ON-SALE (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 Use & Occupancy permit. Ms. Jarmon seconded. The motion was approved unanimously.

(5) *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 June 8, 2017.

(6) *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 and that this application has been deferred multiple times, Mr. Taylor made the motion to defer the application indefinitely. Ms. Jarmon seconded. The motion was approved unanimously.

(7) *Biscuit Love Sunset, LLC*, 2001 Belcourt Avenue, **Biscuit Love**
ON-SALE (NEW LOCATION) (Dist. #18)

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

(8) *MM Broadway, Inc.*, 423 Broadway, **Mellow Mushroom**
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 Use & Occupancy approval. Ms. Jarmon seconded. The motion was approved unanimously.

(10) *Avo, Inc.*, 3 City Boulevard, #200, **Avo**
CATERER (NEW LOCATION) (Dist. #21)

At the request of the applicant, and without objection, the application was deferred to June 28, 2017.

(11) *The Volleyball Bar, LLC*, 3 City Avenue, Suite 500, **Sand Bar**
ON-SALE (NEW LOCATION) (Dist. #21)

Mr. Phillip Steen was present to represent the applicant. 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, with a temporary permit to be issued through August 16, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(12) *Crescent 3 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 June 8, 2017.

(13) *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. Tayo Atanda, attorney, was present to represent the applicant. Mr. Atanda 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, one of which is for off-premises consumption only, and beer will not be allowed to be consumed in that location. This new state law would be applicable only to the building that houses this shopping center. Following a general discussion, Ms. Jarmon made the motion to grant the permit, to be issued upon presentation of the applicant's Zoning approval. Mr. Davis seconded. The motion was approved unanimously.

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

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

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. Ms. Jarmon seconded. The motion was approved unanimously.

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

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

Mr. Jose Gutierrez was present to represent the applicant and requested that the permit be granted, to be issued upon presentation of missing documents. 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 grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and Zoning approval. Ms. Jarmon seconded. The motion was approved unanimously.

(16) *Friends of Shelby Park, Inc.*, 2641 Airpark Drive, **Cornelia Fort Pickin' Party**

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

(SPECIAL EVENT – JUNE 23 & 24; JULY 21 & 22; AUGUST 18 & 19;
SEPTEMBER 22 & 23, 2017)

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 Letter of Security. Ms. Jarmon seconded. The motion was approved unanimously.

(17) *Legends Music, LLC*, One Titans Way, **Nissan Stadium**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #6)

Mr. Brian Smith 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. Following a general discussion concerning the temporary agreement on file, Mr. Taylor made the motion to defer the application to June 28, 2017, with a temporary permit to be issued due to the temporary operating agreement. Ms. Jarmon seconded. The motion was approved unanimously.

(18) *Legends Music, LLC*, One Titans Way, **Nissan Stadium**

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 On-Sale Beer permit and ABC Caterer permit. Ms. Jarmon seconded. The motion was approved unanimously.

(22) *Josephine, LLC*, 2316 12th Avenue South, **Josephine**

ON-SALE (NEW LOCATION) (Dist. #17)

Mr. Chris Neese was present to represent the applicant. 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. Ms. Jarmon seconded. The motion was approved unanimously. Mr. Neese requested that a temporary permit be issued until he can obtain the Fire Marshal approval. Following a brief discussion, Ms. Van Dyke made the motion to issue a temporary permit through June 8, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(24) *Castlerock Hospitality Management, LLC*, 807 Clark Place, **The Westin Nashville**

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

Ms. Arney abstained from any discussion on this application. Ms. Ginna Winfree, attorney, was present to represent the applicant and requested to defer this application to June 8, 2017. Following a brief discussion, Ms. Jarmon made the motion to defer the application to June 8, 2017. Mr. Davis seconded. The motion was approved unanimously.

(25) *Caviar & Bananas Broadway Street, LLC*, 2031 Broadway, **Caviar & Bananas Gourmet Market and Café**

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

Ms. Arney abstained from any discussion on this application. Mr. Tayo Atanda, attorney, was present to represent the applicant and requested to defer this application to June 28, 2017 and requested that a temporary permit be issued. Following a general discussion, Ms. Jarmon made the motion to defer the application to June 28, 2017, with a temporary permit to be issued through June 28, 2017. Mr. Davis seconded. The motion was approved unanimously.

(26) *S.O.S. Group, LLC*, 416 21st Avenue South, **Somewhere SOS Bar & Grill**

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

Ms. Arney abstained from any discussion on this application. Mr. Tayo Atanda, attorney, was present to represent the applicant and requested that this application be deferred to June 28, 2017, with a temporary permit to be issued. Following a general discussion, Ms. Jarmon made the motion to defer the application to June 28, 2017, with a temporary permit to be issued through June 28, 2017. Mr. Davis seconded. The motion was approved unanimously.

(28) *Legends Music, LLC*, 310 First Avenue South, **Ascend Amphitheater**

CATERER (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 ABC Caterer permit. Ms. Jarmon seconded. The motion was approved unanimously.

(29) *Randal Nashville Bamboo Garden, LLC*, 1800 West End Avenue, L-202, **Inchin Bamboo Garden**

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

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:

(33) *Rajdhani Groceries and Café, LLC*, 5604 Nolensville Pike, **Rajdhani Groceries and Café**

OFF-SALE (NEW LOCATION) (Dist. #27)

At the request of the applicant, and without objection, the discussion was deferred to June 28, 2017.

(34) Church of the Assumption

No one was present to represent the church. The Board briefly discussed that a representative from Church of the Assumption requested to appear before the Board to discuss possible changes to the Germantown Oktoberfest event. No discussion was held and no decisions were made. Without objection, this discussion was deferred to June 28, 2017.

The following trials were presented to the Board:

(35) *First Stop Corp.*, 508 Old Hickory Boulevard, **First Stop Market**

OFF-SALE

(Dist. #11)

Alleged violation of M.C.L. Section 7.08.140T it is unlawful for any beer permit holder or his agent or employee to allow or engage in any criminal activity on the premises, in violation of T.C.A. Section 39.14.103 on or about May 26, 2016. Mr. Tim Carter, attorney, was present to represent attorney Adam Dread and requested that this hearing be deferred to August 23, 2017, as matters have not yet been heard in court. Following a brief discussion concerning the number of times this hearing has been deferred, Mr. Taylor made the motion to defer the hearing to August 23, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(36) *TDT, LLC*, 1401 Fourth Avenue South, **Tin Dog Tavern**

ON-SALE

(Dist. #17)

Alleged violation of M.C.L. Section 7.08.060B all permit holders shall pay an annual privilege tax of one hundred dollars to the metropolitan beer permit board for the privilege of selling beer within the state, pursuant to Tennessee Code Annotated Section 57-5-104(b)(1) on or about January 1, 2017. Ms. Arney abstained from any discussion on this hearing. Mr. Tayo Atanda, attorney, was present to represent the applicant and requested that this hearing be deferred to June 28, 2017. Following a brief discussion, Ms. Jarmon made the motion to defer the hearing to June 28, 2017. Ms. Van Dyke seconded, noting that this applicant has repeatedly deferred matters before the Board. The motion was approved unanimously.

(37) *Souze Shamshoon Beshara*, 2323 Dickerson Pike, **Nashville Discount Tobacco**

OFF-SALE

(Dist. #5)

Alleged violation of Rule 11 All retail permittees shall conspicuously post laws and regulations governing the sale of beer in a location easily observed by the public. Regulations and laws governing the sale of beer to under-aged persons shall be conspicuously posted near the cash register of all establishments engaging in the retail sale of beer on or about March 16, 2017. Mr. Jason Holleman, attorney, was present to represent the applicant and pleaded not guilty. Mr. Onsy Kamel and Metropolitan Beer Permit Inspector III Terrence Darby were also present to testify. All witnesses were sworn. In the absence of Inspector Green, Inspector Darby read Inspector Green's report into the record. Following a general discussion and testimony presented to the Board, Ms. Jarmon made the motion to dismiss the citation, based on information given that all signs were posted at the time of the inspection but were obscured by other signs hung by the Tennessee Lottery. Ms. Van Dyke seconded. The motion was approved unanimously.

(38) *TLT Group East Nashville, LLC*, 1100 Fatherland Street, #104, **The Local Taco**
ON-SALE

(Dist. #6)

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 February 9, 2017. Mr. Curtis Harrington, attorney, was present to represent the applicant and pleaded guilty with an explanation. Ms. Brooke Samuels, Mr. Peter Cook and Mr. Craig Perry were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Following a general discussion and testimony presented to the Board concerning remedial measures taken by the permit holder, Ms. Van Dyke made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand five hundred (\$1500) dollar civil penalty in lieu of the suspension, pending receipt of proof that all active staff have completed training through TABC. If proof of training is not provided, the location will be brought back before the Board. Ms. Jarmon seconded. The Board discussed whether the location should be brought back for another hearing if proof of training is not provided to the office. Following a general discussion, Ms. Van Dyke amended her motion to a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand five hundred (\$1500) dollar civil penalty in lieu of the suspension, pending receipt of proof that all active staff have completed training through TABC. If proof of training is not provided to the office, the civil penalty amount due will be two thousand five hundred (\$2500) dollars. Mr. Davis seconded. The motion was approved unanimously. Mr. Harrington stated that employees are scheduled for training on May 31, 2017, and requested that the Board allow time for proof to be provided to the office after the training is conducted. Without objection, the civil penalty is due or suspension begins on June 8, 2017.

(39) *AMOT, Inc.*, 1100 Fatherland Street, Suite 101, **AMOT (A Matter of Taste)**

Eatery

ON-SALE

(Dist. #6)

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 February 9, 2017. Ms. Kellie Hopkins was present to represent the applicant and pleaded guilty with an explanation. Ms. Brianna Swanberg was also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Ms. Hopkins informed the Board that Ms. Swanberg had taken a TABC training course, but that other employees were not required to do so. Following a general discussion and testimony presented to the Board, Ms. Jarmon made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a two thousand (\$2000) dollar civil penalty in lieu of the suspension. Ms. Van Dyke seconded. The Board discussed if a reduction in the civil penalty amount for this location would be fair to other permit holders who have taken remedial measures to address the violation. Ms. Jarmon rescinded her motion. Mr. Davis informed the Board that the responsibility for following the laws lies with the business owner, and that the Board can reduce the civil penalty amount for this violation, then charge the full amount allowed if there is a second violation. Following a general discussion, Mr. Davis made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand five hundred (\$1500) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. Mr. Davis, Ms. Jarmon and Ms. Arney voted aye. Mr. Taylor and Ms. Van Dyke voted nay. The motion carried. The suspension will begin May 31, 2017.

(40) *No. 308, LLC*, 407 Gallatin Avenue, **No. 308**

ON-SALE

(Dist. #6)

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 February 9, 2017. Ms. Alexis Soler was present to represent the applicant and pleaded guilty with an explanation. Mr. Jamie White and Mr. Benjamin Clemons were also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Ms. Soler informed the Board that her employees were scheduled for training through TABC within the next two weeks. Following a general discussion and testimony presented to the Board concerning remedial measures taken by the permit holder, Ms. Jarmon made the motion for a fourteen (14) day suspension followed by a ninety (90) day period of probation, with the option of paying a one thousand five hundred (\$1500) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. Ms. Jarmon, Mr. Davis and Mr. Taylor voted aye. Ms. Van Dyke voted nay. The motion carried. The suspension will begin May 31, 2017.

(41) *Slider House Midtown, LLC*, 1907A Division Street, **The Slider House**
ON-SALE (Dist. #19)

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 March 7, 2017. No one was present to represent the applicant. The Board briefly discussed a letter on file requesting to defer this hearing. Following a brief discussion, Ms. Jarmon made the motion to defer the hearing to June 28, 2017. Mr. Taylor seconded. The motion was approved unanimously.

- (42) Administrative matters
- Executive Director's Report

Ms. Holly Langley was present from Civic Engineering to update the Board on the transition to CityWorks.

Mr. John Kennedy and Mr. Les Bowron from Metro Human Resources were present and informed the Board that Ms. Eslick will be leaving the Beer Board, effective May 24, 2017, for the Water Department. Mr. Kennedy advised the Board that they will need to name an administrator to perform the tasks of the Executive Director until such time as a new director is named. He requested that the Board designate Beer Permit Inspector III Terrence Darby as Acting Administrator, where he will work out-of-class as an Administrative Services Officer 4. Mr. Kennedy informed the Board that the Metro Code authorizes the Beer Board to hire inspectors, but does not address the hiring of a director, and that the Board will work with the Mayor before a new director is hired or appointed.

The Board discussed that they should take time to discuss and examine what the new director needs to be, and that it is important to give consideration to a diverse group of candidates.

Following a general discussion, Ms. Jarmon made the motion to name Mr. Terrence Darby as Acting Administrator of the Beer Board. Mr. Taylor seconded. The motion was approved unanimously.

There being no further discussion, the meeting was adjourned at 7:50 p.m. until the next scheduled meeting set for June 8, 2017.

Date

Acting Administrator

Date

Chairperson