

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
THURSDAY JUNE 8, 2017
DAVIDSON ROOM
METRO OFFICE BUILDING, 800 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Mr. Brian Taylor, Vice Chairperson
Mr. Anton Jackson
Mr. Jack Davis
Ms. Telisha Cobb
Ms. Kia Jarmon
Ms. Macy Amos, Attorney

The meeting was called to order by Mr. Taylor.

(1) Announcements:

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

(2) Minutes

Mr. Davis made the motion to approve the minutes of the May 24, 2017 meeting. Ms. Cobb seconded. The motion was approved unanimously.

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

(4) *The Indigo Road Hospitality Group, LLC*, 801 Clark Place, **Oak Steakhouse**
ON-SALE (NEW LOCATION) (Dist. #19)

(6) *Castlerock Hospitality Management, LLC*, 807 Clark Place, **The Westin Nashville**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

(14) *Hotel 1111 Airport Center Opco, LP*, 1111 Airport Center Drive, **Holiday Inn Express Nashville Airport**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #15)

(15) *Kimpton Hotel and Restaurant Group, LLC*, 2021 Broadway Street, **Kimpton Aertson Hotel**
ON-SALE (NEW LOCATION) (Dist. #19)

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(16) *Jefferson Street United Merchants Partnership, CDC*, 900 Rosa L. Parks Boulevard, Tennessee Bicentennial Capitol Mall State Park, **17th Annual Jefferson Street Jazz & Blues Festival**

ON-SALE (OLD LOCATION) (Dist. #19)
(SPECIAL EVENT – JUNE 16 & 17, 2017)

(18) *Jack Brown's Joint Germantown, LLC*, 1123 Third Avenue North, **Jack Brown's Beer & Burger Joint**

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

(19) *Nashville Area Chamber of Commerce*, 45 Lindsley Avenue, **Meet the 2017 NELAs Finalists Networking Event**

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – JUNE 29, 2017)

(21) *NashRev, LLC*, 2032 West End Avenue, **PizzaRev**

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

(22) *Oz Arts, Inc.*, 2500 West End Avenue, Centennial Park, Front Lawn, Musicians Corner, **American Artisan Festival**

ON-SALE (NEW LOCATION) (Dist. #21)
(SPECIAL EVENT – JUNE 16 & 17, 2017)

(24) *Jim N Nicks Nashville, LLC*, 7004 Charlotte Pike, **Jim 'N Nick's Bar-B-Q Nashville West**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #35)

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 June 28, 2017.

(5) *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 28, 2017.

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

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

Following a general discussion, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and Inspection of Business. Ms. Cobb seconded. The motion was approved unanimously.

(8) *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 28, 2017.

(9) *Crescent 4 Charlotte Avenue, LLC*, 4500 Charlotte Avenue, **Taqueria del Sol**

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

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

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

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

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit, Mr. Jackson made the motion to defer the application to June 28, 2017. Mr. Davis seconded. The motion was approved unanimously.

(11) *Roze, LLC*, 1115 Porter Road, **Café Roze**

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

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

(12) *Greek Style Gyro – Botros, LLC*, 1607 Gallatin Pike North, **Greek Style Gyro – Botros, LLC**

ON-SALE (NEW LOCATION) (Dist. #10)

At the request of the applicant, and without objection, the application was deferred to July 13, 2017.

(13) *Nectar, LLC*, 206 McGavock Pike, **Nectar Urban Cantina**

ON-SALE (NEW LOCATION) (Dist. #15)

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

(17) *Jefferson Street United Merchants Partnership, CDC*, Fifth Avenue between Korean Veterans Boulevard and Demonbreun Street, **15th Annual Bridging the Gap Mixer**

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – JUNE 16, 2017)

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

(20) *5915 Robertson, LLC*, 5915 Robertson Avenue, **Roxie's Place**

ON/OFF-SALE (NEW LOCATION) (Dist. #20)

At the request of the applicant, and without objection, the application was deferred to July 26, 2017.

(23) *Something Better Entertainment, LLC*, 1141 Bell Road, **9ine Bar and Lounge**

ON-SALE (NEW LOCATION) (Dist. #32)

No one was present to represent the applicant. Mr. David Young of Oldacre McDonald was present to speak in opposition to this application. Following a brief discussion concerning a letter submitted requesting to defer this application, and without objection, the application was deferred to June 28, 2017.

The following complaints were presented to the Board:

(25) *Graze, LLC*, 1888 Eastland Avenue, **Graze**

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 May 18, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(26) *1603 Woodland, LLC*, 1603 Woodland Street, **Urban Cowboy Bed & Breakfast**

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 May 18, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(27) *Mapco Express, Inc.*, 710 Stewarts Ferry Pike, **Mapco Mart #3321**

OFF-SALE (Responsible Vendor) (Dist. #13)

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 May 5, 2017. Following a general discussion, Mr. Jackson 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. Cobb seconded. The motion was approved unanimously.

(28) *HP Tennessee Beverage, LLC*, 2200 Elm Hill Pike, **Nashville Airport Hotel**

ON-SALE (Dist. #15)

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 25, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(29) *Outback Steakhouse of Florida, LLC*, 6840 Charlotte Pike, **Outback Steakhouse #4328**

ON-SALE (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 May 9, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(30) *Tequila's, Inc.*, 3736 Annex Avenue, Suite 107-109, **Tequila's, Inc.**

ON-SALE (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 May 9, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(31) *Double Dogs Tennessee, LLC*, 4017 Charlotte Avenue, **Double Dogs**
ON-SALE (Dist. #24)

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 May 9, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(32) *Songkanh Miller*, 1609C Murfreesboro Pike, **Kobe Asian Fusion Restaurant**
ON-SALE (Dist. #28)

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 25, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(33) *La Terraza Mexican Restaurant of Nashboro Village, Inc.*, 2256 Murfreesboro Pike, **La Terraza Mexican Restaurant**
ON-SALE (Dist. #29)

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 25, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(34) *El Sombrero 2, Inc.*, 7066 Charlotte Pike, Suite 20, **El Sombrero 2, Inc.**
ON-SALE (Dist. #35)

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 May 9, 2017. Following a general discussion, Mr. Jackson made the motion to issue a citation with the option of paying a civil penalty of two thousand five hundred (\$2500) dollars in lieu of a hearing. Ms. Cobb seconded. The motion was approved unanimously.

(35) Administrative matters

- Executive Director's Report

Mr. Darby informed the Board that he has conducted interviews for the two open Beer Permit Inspector positions, and has selected two candidates for hire, one of which is bilingual. Background checks are being conducted on both candidates.

The Metro Codes Department has authorized former Beer Permit Inspector Darrell Hardrick to work with the Beer Board office for a period of four weeks, to help conduct inspections. The Codes Department has also offered to loan an office support representative temporarily, if needed.

Ms. Eriena Christian was introduced to the Board. Ms. Christian is working in the Beer Board office temporarily through the Opportunity NOW program.

- Rule No. 1

The Board discussed possible changes to Rule No. 1, which would allow the office to issue temporary beer permits to any applicant who has met the requirements for a beer permit, who does not have any discussion items before the Board, and who requests a temporary permit. Following a general discussion, the Board took no action on this matter.

Mr. Taylor questioned changing the term "Executive Director" to "Acting Administrator" where it appears in the Board Rules, stating that this change would allow authority in the absence of a director, and would apply to a director who would be acting as an administrator for the office. Following a brief discussion, Ms. Amos advised that the Board wait to make such a change.

- Rule No. 3

Following a brief discussion, Mr. Jackson made the motion to adopt Rule No. 3, amended to match the change in state law which defines beer as having 8% alcohol or less by weight. Mr. Davis seconded. The motion was approved unanimously.

Mr. Taylor reminded the Board that they normally would vote to adopt the entire Rules package after the adoption of a new or amended rule, but suggested that the Board put off doing this, as more changes may come soon.

- M.C.L. Section 7.08.050

The Board discussed that background checks on applicants are conducted by the office, as set forth in M.C.L. Section 7.08.050. Applicants are asked to provide Social Security numbers on the application so the criminal record check may be conducted. One goal the Board has set is for applications to be filed online, and the Metro ITS Department has a strict policy against having Social Security numbers entered into the database. Mr. Darby questioned if the law could be amended to allow applicants to provide their own certified criminal record check through MNPDP, thereby eliminating the need for Social Security numbers on the application, and allowing applications to be filed online. The Board discussed that the office would need to reach out to a Council member to sponsor a change in the Code.

The Board also discussed the cost involved to the applicant and if nonprofit organizations should be required to pay for background checks. The Board took no action on M.C.L. Section 7.08.050 at this time.

- Beer Permit Application

Ms. Jarmon requested that the Board compare the beer permit application to the application required by TABC to see if there are any redundancies that can be addressed. Mr. Taylor informed Board members that the application was re-written and simplified in 2011, and advised all Board members to review the application to see if there are any changes that should be made to it at this time.

Mr. Taylor presented the idea of charging a late fee for filing applications after the stated filing date. The beer application fee is set by state law and cannot be changed, but the Board may be able to allow late-filed applications to pay an additional fee to have their application placed on the next agenda, provided public notice can be made. This could be an additional form of revenue for the department.

Ms. Jarmon questioned charging a small fee for a temporary permit. Mr. Rob Pinson, attorney, informed the Board that the city of Memphis charges \$10 for temporary beer permits.

There being no further discussion, the meeting was adjourned at 1:05 p.m. until the next scheduled meeting set for June 28, 2017.

Date

Acting Administrator

Date

Chairperson