

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
WEDNESDAY JUNE 28, 2017
SONNY WEST CONFERENCE ROOM
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Mr. Brian Taylor, Vice Chairperson
Mr. Anton Jackson
Ms. Jessica Van Dyke
Ms. Telisha Cobb
Ms. Kia Jarmon
Ms. Macy Amos, Attorney
Mr. Quan Poole, 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

Ms. Van Dyke made the motion to approve the minutes of the June 8, 2017 meeting. Mr. Jackson seconded. The motion was approved unanimously.

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

(6) *Attaboy Cocktails Nashville, LLC*, 8 McFerrin Avenue, **Attaboy**
ON-SALE (NEW LOCATION) (Dist. #6)

(17) *Restaurante El Paraiso, Inc.*, 2209 Nolensville Road, **Restaurante El Paraiso, Inc.**
ON-SALE (NEW LOCATION) (Dist. #17)

(18) *Pub Partners, LLC*, 708 Monroe Street, **Germantown Pub**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

(19) *Second Harvest Food Bank of Middle TN, Inc.*, 121 Fourth Avenue South, Walk of Fame Park, **MAFIAoZA's Music City Brewer's Festival**
ON-SALE (OLD LOCATION) (Dist. #19)
(SPECIAL EVENT – JULY 28 & 29, 2017)

(20) *Casa de Montecristo - TN, LLC*, 600 Ninth Avenue South, Suite 130, **Casa de Montecristo**
ON-SALE (NEW LOCATION – EXPANSION) (Dist. #19)

(22) *Jackalope Brewing Company, LLC*, 701 Eighth Avenue South, Parking Lot,
Jackalope Brewing Company, LLC

ON-SALE (NEW LOCATION) (Dist. #19)
(SPECIAL EVENT – JUNE 30, 2017)

(26) *2 Peas in a Pod, LLC*, 343 53rd Avenue North, **Miel Restaurant**

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

(27) *The Ridge Nashville, LLC*, 333 54th Avenue North, **The Ridge**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #24)

The following applications were presented to the Board:

(3) *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, Ms. Cobb made the motion to defer the application to July 13, 2017, with a temporary permit to be issued due to the temporary operating agreement. Ms. Jarmon seconded. The motion was approved unanimously.

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

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

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

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

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

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

(7) *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 July 26, 2017.

(8) *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 July 13, 2017.

(9) *S.O.S. Group, LLC*, 416 21st Avenue South, **Somewhere SOS Bar & Grill**
ON-SALE (CHANGE OF OWNERSHIP) (Dist. #19)

Mr. Tucker Herndon, attorney, was present to represent the applicant and requested that the temporary beer permit for this location be extended. Following a brief discussion, Mr. Jackson made the motion to grant the permit, to be issued upon presentation of the applicant's Fire Marshal approval, with a temporary permit to be issued through July 13, 2017. Ms. Cobb 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 July 26, 2017.

(11) *Randal Nashville Bamboo Garden, LLC*, 1800 West End Avenue, L-202, **Inchin Bamboo Garden**
ON-SALE (NEW LOCATION) (Dist. #21)

Following a general discussion, Mr. Jackson 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.

(12) *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 was present in opposition to this application. Council Member Jacobia Dowell was present and addressed the Board with her concerns about this location. Council Member Dowell requested that this application be deferred to July 26, 2017 to allow her to meet with the applicant and with the police department about parking lot and security issues. Following a general discussion, Ms. Jarmon made the motion to defer the application to July 26, 2017. Ms. Cobb seconded. The motion was approved unanimously.

(13) *Riley Enterprise, LLC*, 7088C Charlotte Pike, #28, **Wingstop**
ON-SALE (NEW LOCATION) (Dist. #35)

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

(14) *SuperCoolFunFest*, 592 South First Street, Cumberland Park,

SuperCoolFunFest

ON-SALE (NEW LOCATION) (Dist. #6)
(SPECIAL EVENT – JULY 14 & 15, 2017)

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

(15) *Fort Louise, LLC*, 1304 McGavock Pike, **Fort Louise**

ON-SALE (NEW LOCATION) (Dist. #7)

Following a general discussion, Mr. Jackson 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.

(16) *Chipotle Mexican Grill of Colorado, LLC*, 731 Thompson Lane, **Chipotle**

Mexican Grill #2787

ON-SALE (NEW LOCATION) (Dist. #16)

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

(21) *Kayne Prime, LLC*, 1103 McGavock Street, **Kayne Prime**

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

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

(23) *Neck Bone Grocery, LLC*, 906 51st Avenue North, **Bare Bones Butcher**

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

At the request of the applicant, and without objection, the application was deferred indefinitely.

(24) *Eastwynn Theatres, Inc.*, 8125 Sawyer Brown Road, **Bellevue 12**

ON-SALE (NEW LOCATION) (Dist. #22)

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

(25) *Chili's, Inc.*, 7624 Highway 70 South, **Chili's Grill & Bar #1583**

ON-SALE (NEW LOCATION) (Dist. #22)

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

The following discussions were presented to the Board:

(28) *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 indefinitely.

(29) Church of the Assumption

Mr. Ronald Westphal was present to represent the church to discuss planned changes to the Germantown Oktoberfest event. He informed the Board that the event has been held on the church grounds and in the Germantown neighborhood for several years and is grandfathered, but that the organizer planned to move the event to the Bicentennial Mall State Park this year to prevent a conflict with Tennessee State University's homecoming. He questioned if the event could maintain its grandfathered status for next year if it were held in a different location this year. The Board discussed Rule No. 30 as it applies to special events, and that the event would be grandfathered "so long as the event is held annually, is held at the same location each year, and is issued a special event permit each year. If the event is not held, the location is changed, and/or a special event permit is not issued for the event in any year, the event will no longer be grandfathered." No decision was made by the Board, and no legal advice was given to Mr. Westphal.

The following trials were presented to the Board:

(30) *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. Mr. Will Cheek, attorney, was present to represent the applicant and pleaded guilty. Mr. Sean Clem was also present to testify and was sworn in. Based upon the guilty plea, the citation was sustained. Following a general discussion and testimony presented to the Board concerning Mr. Clem's statement that the mailing address for this location had been changed with the Beer Board office and that the privilege tax was paid soon after receiving notice, Mr. Jackson made the motion for a seven (7) day suspension, with the option of paying a five hundred (\$500) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The motion was approved unanimously. The suspension will begin July 5, 2017.

(31) *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. Mr. Tucker Herndon, attorney, was present to represent the applicant and pleaded guilty. Mr. David Wachtel was present but did not testify. Based upon the guilty plea, the citation was sustained. Mr. Herndon presented no proof and requested to pay a civil penalty in lieu of suspension for this violation. Following a brief discussion, 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 two thousand five hundred (\$2500) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The motion was approved unanimously. The suspension will begin July 5, 2017.

(32) *Alley Pub, Inc.*, 7040 Highway 70 South, **Alley Pub**
ON-SALE (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 January 26, 2017. Mr. Tucker Herndon, attorney, was present to represent the applicant and pleaded guilty with an explanation. Ms. Robin Stromatt was also present to testify. Ms. Cassandra Hornback was present but did not testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Following a general discussion concerning remedial measures taken, including ABC training, regular staff meetings and increased security, Mr. Jackson 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. The suspension will begin July 5, 2017.

(33) *MACS Retail, LLC*, 7070 Highway 70 South, **Tiger Market**
OFF-SALE (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. Mr. Christopher Oliver, attorney, and Mr. Sean Blom were present to represent the applicant and requested to be moved to the end of the agenda. Once all other trials were heard, Mr. Oliver informed the Board that the TABC had revoked the Responsible Vendor certificate for this location and requested that the hearing be deferred to August 23, 2017 to allow him to gather information for the case. Following a brief discussion, Mr. Jackson made the motion to defer the application to August 23, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(34) *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. No one was present to represent the applicant. The Board briefly discussed if the hearing should be deferred or if it should be held in the absence of the permit holder, as he had been notified to attend. Ms. Amos advised the Board that it might be best to defer the hearing, due to the absence of both the permit holder and the complainant. Following a brief discussion, Ms. Cobb made the motion to defer the hearing to July 26, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(35) *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. No one was present to represent the applicant. The Board briefly discussed if the hearing should be deferred or if it should be held in the absence of the permit holder, as he had been notified to attend. Ms. Amos advised the Board that it might be best to defer the hearing, due to the absence of both the permit holder and the complainant. Following a brief discussion, Ms. Cobb made the motion to defer the hearing to July 26, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(36) *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. Testimony for trials #36 and #37 was heard together. Mr. Emill Burnett was present to represent the applicant and pleaded guilty with an explanation. Metropolitan Beer Permit Inspector III Terrence Darby was also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Council Member Tanaka Vercher was present to speak about issues with this location. Following a general discussion and testimony presented to the Board concerning Mr. Burnett's statement that he was not familiar with the beer laws and did not know that customers could not consume beer after hours, Ms. Van Dyke made the motion for a seven (7) day suspension followed by a thirty (30) day period of probation, with the option of paying a two hundred fifty (\$250) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The motion was approved unanimously. The suspension will begin July 5, 2017.

(37) *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. Testimony for trials #36 and #37 was heard together. Mr. Emill Burnett was present to represent the applicant and pleaded guilty with an explanation. Metropolitan Beer Permit Inspector III Terrence Darby was also present to testify. All witnesses were sworn. Based upon the guilty plea, the citation was sustained. Council Member Tanaka Vercher was present to speak about issues with this location. Following a general discussion and testimony presented to the Board concerning Mr. Burnett's statement that he was not familiar with the beer laws and did not know that customers could not bring their own beer, Ms. Cobb made the motion for a seven (7) day suspension followed by a thirty (30) day period of probation, with the option of paying a two hundred fifty (\$250) dollar civil penalty in lieu of the suspension. Ms. Jarmon seconded. The motion was approved unanimously. The suspension will begin July 5, 2017.

(38) Administrative matters

- Mr. Taylor introduced Interim Executive Director Benton McDonough, who was welcomed by the Board.
- Mr. McDonough introduced Beer Permit Inspector I Jesus Coreño and Beer Permit Inspector I Douglas James, Jr. to the Board.
- Ms. Amos introduced Metro Legal Advisor Quan Poole to the Board.
- Election of Chair & Vice Chair
Following a brief discussion, Mr. Jackson made the motion to elect Brian Taylor as Chair of the Board, to fill the current term. Ms. Cobb seconded. The motion was approved unanimously.
Ms. Cobb nominated Mr. Jackson as Vice Chair of the Board. Ms. Van Dyke seconded. The motion was approved unanimously.
- Executive Director's Report
 - Mr. McDonough distributed copies of the Beer Board audit conducted by Fiscal Choice Consulting to Board members. Mr. Taylor encouraged Board members to read through the report and begin discussions on issues and recommended changes at the next Board meeting, to be held on July 13, 2017.
 - Mr. John Spragens is scheduled to appear before the Council on July 6, 2017 for confirmation as a new Beer Board member.
 - Mr. McDonough briefly discussed the FY17-18 budget recommendations and informed Board members that the Council would vote on the budget on July 6, 2017.

- Ms. Jarmon questioned if the Board could meet to discuss current laws & policies and needed changes outside of a regularly scheduled meeting. Following a brief discussion, Mr. Taylor suggested that the Board could discuss these things during a daytime meeting, when there are fewer other discussions scheduled. Ms. Amos stated that the Board could schedule a strategic planning meeting. A quorum would not be needed for discussions, but any decisions made would require a quorum to vote. The Board was reminded that any meeting such as this would need to be noticed as a public meeting.

There being no further discussion, the meeting was adjourned at 7:05 p.m. until the next scheduled meeting set for July 13, 2017.

Date

Executive Director

Date

Chairperson