

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING
THURSDAY JULY 13, 2017
DAVIDSON ROOM
METRO OFFICE BUILDING, 800 SECOND AVENUE SOUTH**

BOARD MEMBERS:

Mr. Brian Taylor, Chairperson
Ms. Telisha Cobb
Ms. Kia Jarmon
Mr. John Spragens
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.

Mr. Taylor introduced new Board member Mr. John Spragens.

(2) Minutes

Ms. Jarmon made the motion to approve the minutes of the June 28, 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. Ms. Jarmon seconded. The motion was approved unanimously.

(10) *Palaver Creative, LLC*, 1006 Fatherland Street, Pavilion East, **Cold Lunch Recordings' Black Out**

ON-SALE (NEW LOCATION) (Dist. #6)
(SPECIAL EVENT – AUGUST 21, 2017)

(13) *Chikuyo Restaurant, Inc.*, 4722 Lebanon Pike, **Chikuyo Asian Cuisine**

ON-SALE (NEW LOCATION) (Dist. #11)

(15) *Sport Bar El Nuevo Amanecer, Inc.*, 398 Rosedale Avenue, **Sport Bar El Nuevo Amanecer, Inc.**

ON-SALE (CHANGE OF OWNERSHIP) (Dist. #17)

(17) *Luke Venture, LLC*, 222 Printers Alley, **Skull's Rainbow Room**

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

(22) *Express Mart & Grill, LLC*, 4900 Linbar Drive, **Express Mart & Grill**

OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #30)

The following applications were presented to the Board:

(3) *1318 Properties, LLC*, 1318 Sixth Avenue North, **Germantown Bar**
ON-SALE (NEW LOCATION) (Dist. #19)

Ms. Erica Garrison, attorney, was present to represent the applicant and requested to defer the application indefinitely. Mr. Curtis Harrington, attorney, was present to oppose the issuance of a beer permit for this location. Mr. Harrington stated that he did not oppose deferring this application and that he will appear to express his opposition when the application is placed back on the agenda for consideration. Following a brief discussion, Mr. Spragens made the motion to defer this application indefinitely. Ms. Cobb seconded. The motion was approved unanimously.

(4) *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 August 10, 2017.

(5) *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 26, 2017.

(6) *Eastwynn Theatres, Inc.*, 8125 Sawyer Brown Road, **Bellevue 12**
ON-SALE (NEW LOCATION) (Dist. #22)

No one was present to represent the applicant. Following a general discussion concerning the lack of documents required for a beer permit, Mr. Spragens made the motion to defer the application to July 26, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

(7) *Chili's, Inc.*, 7624 Highway 70 South, **Chili's Grill & Bar #1583**
ON-SALE (NEW LOCATION) (Dist. #22)

Mr. Will Cheek, attorney, was present to represent the applicant. Mr. Brian Mykrantz and Mr. Wayne Landers were also present. Mr. Cheek requested that this permit be granted, to be issued upon presentation of missing documents. He stated that this location should have a temporary Use & Occupancy permit next week and that employees need to be trained prior to opening. Following a general discussion concerning whether to defer or grant this application, Ms. Cobb made the motion to issue a temporary permit upon submission of all required documents. Ms. Jarmon seconded. The motion was approved unanimously. Following a brief discussion, Mr. Spragens made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval, Inspection of Business and Use & Occupancy permit. Ms. Cobb seconded. The motion was approved unanimously.

(8) *James M. Johnson*, 215 Gifford Place, **Firecracker's Pizza**
ON-SALE (NEW LOCATION) (Dist. #1)
At the request of the applicant, and without objection, the application was deferred to August 10, 2017.

(9) *Neel, LLC*, 2312 Brick Church Pike, **Shell Station**
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)
Mr. Neelkumar Patel was present to represent the applicant and requested that his temporary permit be extended due to issues with the state in obtaining his Certificate of Registration. He also requested to defer the application to July 26, 2017. Following a brief discussion, Ms. Jarmon made the motion to defer the application to July 26, 2017 and to issue a temporary beer permit through that date. Ms. Cobb seconded. The motion was approved unanimously.

(11) *Verapaz Express International, Inc.*, 110 Harris Street, **Verapaz Express**
ON-SALE (NEW LOCATION) (Dist. #9)
At the request of the applicant, and without objection, the application was deferred to August 10, 2017.

(12) *John's Mart, LLC*, 207 Gallatin Pike South, Suite 1, **John's Market**
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #9)
No one was present to represent the applicant. Following a general discussion concerning the applicant's lack of understanding of the beer laws, Ms. Jarmon made the motion to defer the application to July 26, 2017, with a temporary permit issued, to allow the applicant to familiarize himself with the laws, and instructed the staff to work with him in answering any questions. Ms. Cobb seconded. The motion was approved unanimously.

(14) *East Lake Limited, Inc.*, 3435 Lebanon Pike, **Daisy Duke's Kuntry Kitchen & Saloon**
ON-SALE (NEW LOCATION) (Dist. #14)
At the request of the applicant, and without objection, the application was deferred to July 26, 2017.

(16) *Jenkins Consultant, The Dream Fulfillment Center*, 100 First Avenue North, Riverfront Park, **Old School BBQ Festival**
ON-SALE (OLD LOCATION) (Dist. #19)
(SPECIAL EVENT – SEPTEMBER 1, 2 & 3, 2017)
Following a general discussion, Ms. Jarmon made the motion to grant the permit, to be issued upon presentation of the applicant's Letter of Security. Ms. Cobb seconded. The motion was approved unanimously.

(18) *Nations OCP, LLC*, 1105 51st Avenue North, **The Original Corner Pub – The Nations**

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

At the request of the applicant, and without objection, the application was deferred to August 10, 2017.

(19) *FM Nations, LLC*, 1400 51st Avenue North, **Frothy Monkey**

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

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

(20) *Fat Bottom Brewing, Inc.*, 800 44th Avenue North, **The Hop Yard**

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

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

(21) *Govrik Hospitality, LLC*, 95 White Bridge Road, Suite 108, **Kitchen West Side**

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

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

The following complaints were presented to the Board:

(23) *Ginger Thai, Inc.*, 2861B Logan Street, **Ginger Thai, Inc.**

ON-SALE (Dist. #16)

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 June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(24) *El Rancho, Inc.*, 63 East Thompson Lane, #100, **El Rancho Mexican Restaurant**

ON-SALE (Dist. #16)

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 June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(25) *Siam Café, Inc.*, 316 McCall Street, **Siam Café, Inc.**

ON-SALE

(Dist. #16)

Alleged violation of M.C.L. Section 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages in violation of T.C.A. 57-4-203(b)(1)(A) on or about June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(26) *Aldi, Inc., (Tennessee)*, 3758 Nolensville Pike, **Aldi #48**

OFF-SALE

(Dist. #26)

Alleged violation of M.C.L. Section 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages in violation of T.C.A. 57-4-203(b)(1)(A) on or about June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(27) *Publix Tennessee, LLC*, 15544 Old Hickory Boulevard, **Publix Supermarkets**

OFF-SALE

(Dist. #27)

Alleged violation of M.C.L. Section 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages in violation of T.C.A. 57-4-203(b)(1)(A) on or about June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(28) *LKIM, LLC*, 15532 Old Hickory Boulevard, **Toyama Japanese Steakhouse**

ON-SALE

(Dist. #27)

Alleged violation of M.C.L. Section 7.08.110 for any violation of any provision of state law regulating the sale, storage and transportation of alcoholic beverages in violation of T.C.A. 57-4-203(b)(1)(A) on or about June 5, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(29) *Ruby Tuesday, Inc.*, 2304 Murfreesboro Pike, **Ruby Tuesday #5185**

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 June 12, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(30) *Pie in the Sky Pizza, Inc.*, 6917 Lenox Village Drive, Suite 101, **Pie in the Sky Pizza**

ON-SALE

(Dist. #31)

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 June 12, 2017. Following a general discussion, Ms. Jarmon 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. Mr. Spragens seconded. The motion was approved unanimously.

(31) Administrative matters

- Executive Director's Report

Mr. McDonough informed the Board of a change in the office hours, bringing the Beer Board office in line with the other occupants of the Metro Office Building. The office will be open to customers from 7:30 a.m. to 3:30 p.m.

Mr. McDonough requested feedback from Board members concerning things they would like to know about the operation of the office, and proposed presenting a dashboard look at the administrative side during daytime meetings and at the regulatory side during nighttime meetings. The Board requested that they be kept abreast of proposed changes in Metro and state laws.

The Board reviewed FY17-18 revenue to-date, and requested a quarterly report to show trends. They also briefly discussed the operating budget.

Mr. McDonough informed the Board that Ms. Erieona Christian has completed her period of internship with the office and thanked her for her service.

- Fiscal Choice Audit

The Board discussed the audit recently performed by Fiscal Choice Consulting. Topics discussed were:

- Verification of documents and sharing of information between the Beer Board and other licensing and regulatory agencies.
- Possible merger of the Beer Board office with either the Metro Health Department or Codes Department. Mr. McDonough informed the Board that discussions seem to be indicating the Beer Board office might better fit with the Health Department, where their inspectors can help handle inspections while the Beer Permit Inspectors could conduct more regulatory inspections. He stated that the Beer Board does perform an important function and he does not want to see it swallowed up by another department.

- Inspector safety and scheduling. Mr. McDonough informed the Board that inspectors no longer work regularly at night, but that they will if needed for a sting operation or investigative inspection. He also discussed that our inspectors were allowed to carry weapons in the past, but that they are no longer allowed to do so. He is trying to find out why that is no longer the case and if something could be done to help improve inspectors' safety.
- Cross training employees and developing a procedures manual.
- Mr. Spragens suggested that Mr. McDonough take the time to thoroughly review the audit and develop a detailed plan for the department moving forward.

- Mr. Poole questioned the Board policy of deferring applications that are missing three or more documents. The Board discussed that this was a long-standing unwritten policy that was put in place before the heavy influx of new businesses in Nashville. Currently the Board looks at cases individually and makes a determination based upon the merits of each application.

- Mr. Will Cheek, attorney, requested to address the Board concerning a matter not on this agenda. He informed the Board that the permit for SOS Group, LLC, doing business as Somewhere SOS Bar & Grill at 416 21st Avenue South was approved on June 28, 2017, with a temporary permit through July 13, 2017 due to the missing Fire Department approval. He stated that the Fire Marshal has been on vacation and has not yet completed the inspection, and requested that the temporary beer permit be extended. Following a brief discussion concerning that this matter is not on the agenda for consideration and that the office currently does not have the authority to issue a temporary permit without the Board's approval, Ms. Cobb made the motion to give the staff the authority to issue a temporary permit to SOS Group, LLC through July 26, 2017. Ms. Jarmon seconded. The motion was approved unanimously.

- Ms. Jarmon requested that "Any other issues" be added to Administrative Matters on future agendas to allow the Board to discuss issues that come up.

There being no further discussion, the meeting was adjourned at 1:25 p.m. until the next scheduled meeting set for July 26, 2017.

Date

Executive Director

Date

Chairperson