

**MINUTES FOR THE METROPOLITAN BEER PERMIT BOARD MEETING  
WEDNESDAY JULY 26, 2017  
SONNY WEST CONFERENCE ROOM  
HOWARD OFFICE BUILDING, 700 SECOND AVENUE SOUTH**

**BOARD MEMBERS:**

Mr. Brian Taylor, Chairperson  
Ms. Jessica Van Dyke  
Mr. Jack Davis  
Ms. Kia Jarmon  
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

Mr. Davis made the motion to approve the minutes of the July 13, 2017 meeting.  
Ms. Jarmon seconded. The motion was approved unanimously.

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

(3) *Neel, LLC*, 2312 Brick Church Pike, **Shell Station**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #2)

(6) *John's Mart, LLC*, 207 Gallatin Pike South, Suite 1, **John's Market**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #9)

(11) *Moonshine Diner, LLC*, 121A 12<sup>th</sup> Avenue North, **The Mockingbird Nashville**  
ON-SALE (NEW LOCATION) (Dist. #19)

(19) *Khaled N. Massad*, 240 North First Street, **North First Stop**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #5)

(22) *East Nashville Beer Works, LLC*, 320 East Trinity Lane and Parking Lot, **East Nashville Beer Works One Year Anniversary**  
ON-SALE (NEW LOCATION) (Dist. #5)  
(SPECIAL EVENT – AUGUST 5, 2017)

(25) *The Clubhouse Sports Bar and Grill, LLC*, 271 Gleaves Street, Parking Lot, **Bike Night**

ON-SALE (NEW LOCATION) (Dist. #10)  
(SPECIAL EVENT – AUGUST 10, 11, 12, 17, 18, 19 & 31; SEPTEMBER 1, 2, 14, 15, 16, 28, 29 & 30; OCTOBER 12, 13, 14, 26, 27 & 28; NOVEMBER 9, 10, 11, 23, 24 & 25, 2017)

(26) *Los Gringos, LLC*, 2015 Belmont Boulevard, **Chago's Cantina**

CATERER (NEW LOCATION) (Dist. #18)

(28) *SBC, LLC*, 201 Fifth Avenue South, Music City Center Hall A1, Dean Ball Room, Room 206AB, Room 208AB, Room 209ABC, **Southern Brewers Conference**

ON-SALE (NEW LOCATION) (Dist. #19)  
(SPECIAL EVENT – AUGUST 23, 24 & 25, 2017)

(31) *SFM, LLC*, 7620 Highway 70 South, **Sprouts Farmers Market #582**

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

(32) *Burnett's, LLC*, 1316 Antioch Pike and Parking Lot, **Jamaica Independence**

ON-SALE (NEW LOCATION) (Dist. #28)  
(SPECIAL EVENT - AUGUST 4 & 5; SEPTEMBER 1, 2, 29 & 30; OCTOBER 27 & 28; NOVEMBER 24 & 25, 2017)

**The following applications were presented to the Board:**

(4) *Different Class, LLC*, 1102 Forrest Avenue, **The Rosemary & Beauty Queen**

ON-SALE (NEW LOCATION) (Dist. #6)  
Following a general discussion, Ms. Van Dyke made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit. Mr. Davis seconded. The motion was approved unanimously.

(5) *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. Mr. Smith informed the Board that an agreement should be reached within the next 60 days. 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 management agreement, with a temporary permit to be issued through September 27, 2017. Mr. Davis seconded. The motion was approved unanimously.

(7) *East Lake Limited, Inc.*, 3435 Lebanon Pike, **Daisy Duke's Kuntry Kitchen & Saloon**

ON-SALE (NEW LOCATION) (Dist. #14)

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

(8) *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 August 10, 2017.

(9) *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 August 10, 2017.

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

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

Mr. Dan Leverett 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, Ms. Van Dyke made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and Use & Occupancy permit. Mr. Davis seconded. The motion was approved unanimously.

(12) *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 September 27, 2017.

(13) *FM Nations, LLC*, 1400 51<sup>st</sup> Avenue North, **Frothy Monkey**

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

Mr. Ryan Pruitt 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, Mr. Davis made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Inspection of Business and Use & Occupancy permit. Ms. Van Dyke seconded. The motion was approved unanimously.

(14) *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 August 10, 2017.

(15) *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 August 10, 2017.

(16) *Govrik Hospitality, LLC*, 95 White Bridge Road, Suite 108, **Kitchen West Side**  
ON-SALE (NEW LOCATION) (Dist. #24)

Mr. Nicholas Govrik was present to represent the applicant. The Board discussed that the applicant plans to have outdoor seating on a shared walkway, and that his lease does not allow this. Mr. Govrik provided the Board with a lease amendment from the property owner stating that he can serve customers at outdoor tables currently on the walkway. Following a general discussion, Ms. Van Dyke made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval, Fire Marshal approval and a follow-up inspection to show how beer would be contained to that section of the walkway. Ms. Jarmon seconded. The motion was approved unanimously.

The Board briefly discussed containment of outdoor seating and that there are no written requirements for physical barriers around outdoor serving areas. A permit holder must have some plan for containment of the beer, but there are no specifications stating how the area must be separated from non-permitted areas.

(17) *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. Council Member Jacobia Dowell was present to address her concerns about this location and requested that the application be deferred indefinitely. Following a brief discussion, Ms. Jarmon made the motion to defer the application indefinitely. Ms. Van Dyke seconded. The motion was approved unanimously.

(18) *Riley Enterprise, LLC*, 7088C Charlotte Pike, #28, **Wingstop**  
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 and that this application has been deferred multiple times, Ms. Van Dyke made the motion to defer the application indefinitely. Ms. Jarmon seconded. The motion was approved unanimously.

(20) *RC Hospitality Group, LLC*, 2905B Gallatin Pike, **The Fox Nashville**  
ON-SALE (NEW LOCATION) (Dist. #5)

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

(21) *Peninsula Nashville, LLC*, 1035 West Eastland Avenue, **Peninsula**  
ON-SALE (NEW LOCATION) (Dist. #5)

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

(23) *Greenways for Nashville*, John Seigenthaler Pedestrian Bridge, **11<sup>th</sup> Annual Dinner on the Bridge**

ON-SALE (NEW LOCATION) (Dist. #6 & #19)  
(SPECIAL EVENT – SEPTEMBER 28, 2017)

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

(24) *Fort Louise, LLC*, 1304 McGavock Pike, **Fort Louise**  
ON-SALE (NEW LOCATION – EXPANSION) (Dist. #7)

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

(27) *Charles A. Leath*, 11 Arcade Alley, **417 BBQ**  
ON-SALE (NEW LOCATION) (Dist. #19)

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

(29) *THIR, LLC*, 600 Ninth Avenue South, #100, **Night Train Pizza**  
ON-SALE (NEW LOCATION) (Dist. #19)

Following a general discussion, Ms. Jarmon made the motion to grant the permit, to be issued upon presentation of the applicant's Use & Occupancy permit, with a temporary permit to be issued through August 3, 2017. Mr. Davis seconded. The motion was approved unanimously.

(30) *Tequilas, Inc.*, 3736 Annex Avenue, Suite 107, **Tequila's**  
ON-SALE (CHANGE OF OWNERSHP) (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 Marshal approval and Inspection of Business, and upon the Lease commencement date of August 1, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(33) *Z&Y, Inc.*, 1451 Donelson Pike, **Z-Mart**  
OFF-SALE (CHANGE OF OWNERSHIP) (Dist. #28)  
Following a general discussion, Ms. Jarmon made the motion to grant the permit, to be issued upon presentation of the applicant's Health Department approval and Use & Occupancy permit, and upon the Lease commencement date of August 1, 2017. Ms. Van Dyke seconded. The motion was approved unanimously.

(34) *Deep South Growlers, LLC*, 6900 Lenox Village Drive, #6, **Deep South Growlers**  
ON/OFF-SALE (NEW LOCATION) (Dist. #31)  
At the request of the applicant, and without objection, the application was deferred to August 23, 2017.

(35) *Holy Trinity Greek Orthodox Church*, 4905 Franklin Pike, **Greek Festival**  
ON-SALE (OLD LOCATION) (Dist. #34)  
(SPECIAL EVENT – SEPTEMBER 8, 9 & 10, 2017)  
Following a general discussion, Ms. Van Dyke made the motion to grant the permit, to be issued upon presentation of the applicant's Fire Marshal approval. Mr. Davis seconded. The motion was approved unanimously.

(36) *CabaRay, LLC*, 5724 River Road, **Ray Stevens CabaRay Showroom**  
ON-SALE (NEW LOCATION) (Dist. #35)  
At the request of the applicant, and without objection, the application was deferred to September 14, 2017.

**The following trials were presented to the Board:**

(37) *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. Testimony for Trial #37 & 38 was heard together. Mr. Lawrence Lavigne was present to represent the applicant and pleaded guilty. Mr. Will Zielinski was also present to testify. All witnesses were sworn. In the absence of Inspector Green, Inspector Darby was available to read the inspection report into the record if needed. Based upon the guilty plea, the citation was sustained. Following a general discussion and testimony presented to the Board, Ms. Jarmon 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. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin August 2, 2017 and will run concurrently with #38. Mr. Lavigne stated to the Board that he plans to surrender his beer permit and terminate the sale of beer at this location.

(38) *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. Testimony for Trial #37 & 38 was heard together. Mr. Lawrence Lavigne was present to represent the applicant and pleaded guilty. Mr. Will Zielinski was also present to testify. All witnesses were sworn. In the absence of Inspector Green, Inspector Darby was available to read the inspection report into the record if needed. Based upon the guilty plea, the citation was sustained. 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 one thousand (\$1000) dollar civil penalty in lieu of the suspension. Mr. Davis seconded. The motion was approved unanimously. The suspension will begin August 2, 2017 and will run concurrently with #37. Mr. Lavigne stated to the Board that he plans to surrender his beer permit and terminate the sale of beer at this location.

(39) *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. Ms. Songkanh Miller was present and pleaded guilty with an explanation. Mr. Alex Miller and Ms. Khonesavanh Phomthisene 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, 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 for purposes of discussion. The Board discussed that reductions in civil penalty amounts were usually due to remedial measures taken by the permit holder, including such things as training and new technology. Testimony presented in this case indicated that only the server attended training and no new measures were put into place to help mitigate future violations. On the previous motion, Mr. Davis voted aye. Ms. Jarmon and Ms. Van Dyke voted nay. The motion failed. Following a general discussion, 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 motion was approved unanimously. The suspension will begin August 2, 2017.

(40) Administrative matters

- Executive Director's Report

Mr. McDonough discussed his responses to the recommendations set forth in the Fiscal Choice audit. He also discussed the status of new equipment for Beer Inspectors, including a new vehicle, tablets and smart phones. He advised the Board of proposed ordinance BL2017-834, which would bring the Metro law in line with state law concerning business hours for certain restaurants.

Mr. McDonough also informed the Board that he has been attending TABC meetings, and that Mr. Clay Byrd, director of TABC plans to attend the August 10, 2017 Beer Board meeting in order to meet the Board and staff.

- Rule 1

The Board discussed proposed changes to Rule No. 1, which would give the office the authority to issue temporary permits to an applicant who meets requirements for a beer permit. Currently the staff may issue temporary permits only to ongoing businesses and not to businesses which have not previously held a permit. The Board also discussed the possibility of applicants paying a fee for a temporary permit. No decisions were made at this time.

- Any other issues

There were no other issues to discuss.

There being no further discussion, the meeting was adjourned at 7: 50 p.m. until the next scheduled meeting set for August 10, 2017.

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Date

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Executive Director

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Date

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Chairperson