



The Metropolitan Government of Nashville and Davidson County...

Metro Beer Board Agenda

MINUTES

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| Meeting Date: | Wednesday, December 16, 2020 @ 12:00 P.M. |
| Teleconference Info: | Call: 415-655-0002 Access Code: 146 100 8064# When prompted, press # to indicate you are an attendee |

| BOARD MEMBERS | STAFF PRESENT | MEMBER ATTENDANCE | OTHERS PRESENT |
|---|---|-------------------|----------------|
| Mr. Brian Taylor, Chairperson Kia Jarmon, Vice Chairperson Mr. Christopher M. Bellamy Mr. William Conway Mr. Joe Perlen Ms. Bailey Spaulding Ms. Delfine Fox Mr. Matthew Garth, Attorney | Benton McDonough, Director Terrence Darby Sr, ASO IV Douglas James Jr, Inspector II Darrell Hardrick, Inspector I Melvin Brown Jr., Special Assistant to the Director Amanda Webb, Office Specialist | | |

*** CALL TO ORDER**

At 12:05 p.m., honorary chairman, (long time listener / first time caller) Kenny White – grandson of Beer Board office manager, Amanda Webb, called the meeting to order.

*** ROLL CALL**

Chairman Taylor then took control of the meeting and called roll to determine the existence of a quorum: Present – Mr. Joe Perlen, Ms. Bailey Spaulding, Ms. Delfine Fox, Chairman Taylor.

Having determined the existence of a quorum, Chairman Taylor continued with the meeting.

*** DETERMINATION OF NECESSITY BY TELECONFERENCE**

Legal Counsel, Matthew Garth, advised that Governor Lee allowed for local boards and commissions to meet virtually through the implementation of Executive Order 16 and later extended by Executive Order 65. Board members must determine that official business must be conducted and the only way to do so is through the utilization of these Executive Orders. Furthermore, the board must suspend any board rules to the contrary. This explanation was then adopted in a formal motion by Ms. Spaulding. The motion was then seconded by Mr. Perlen.

Aye: Perlen, Spaulding, Fox, Taylor

No: N/A

Present Not Voting: N/A

*** APPROVAL OF THE MINUTES**

APPEAL OF DECISIONS

If you are not satisfied with a decision of the Metropolitan Beer Permit Board regarding your application or your hearing, you may appeal the decision to the Davidson County Chancery or Circuit Court pursuant to the requirements set forth in T.C.A. 57-5-108. The decisions of the Metropolitan Beer Permit Board take effect on a date to be determined by the board. However, you may file an appeal within 60 days of the date of entry of the board's decision. We advise that you seek your own independent legal advice to ensure that your appeal is filed in a timely manner and that all procedural requirements have been met.

APPROVAL OF MINUTES AND CALL THE MEETING TO ORDER

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| <p>Approval of the December 3, 2020 Minutes:</p> <p>Mr. Perlen made a motion to adopt the Minutes from December 3, 2020. motion was then seconded by Ms. Fox.</p> <p>Aye: Perlen, Spaulding, Fox, Taylor</p> <p>No: N/A</p> <p>Present Not Voting: N/A</p> | <p>Motion: To adopt</p> <p>First: Mr. Perlen</p> <p>Second: Ms. Fox</p> <p>Opposed: N/A</p> |
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APPLICATIONS FOR APPROVAL

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| (3) <i>Pearl Diver, LLC, 1008 Gallatin Ave 37206</i> , PEARL DIVER | T20-26605 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #05) |
| (4) <i>NIK1, LLC, 2905 A Gallatin Pike 37216</i> , NICOLETTO'S ITALIAN KITCHEN | T20-26967 |
| ON/OFF-SALE (NEW LOCATION) | (Dist. #05) |
| (5) <i>NIK1, LLC, 2905 A Gallatin Pike 37216</i> , NICOLETTO'S ITALIAN KITCHEN | T20-27006 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #05) |
| (6) <i>The Filling Station of Tennessee, LLC, 904 B Main St 37206</i> , THE FILLING STATION EAST | T20-26994 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #06) |
| (7) <i>Logan's Roadhouse II LLC, 727 Thompson Ln 37204</i> , LOGAN'S ROADHOUSE #489 | T20-26869 |
| ON-SALE (CHANGE OF OWNERSHIP) | (Dist. #16) |
| (8) <i>MAGANA, INC., 614 Thompson Ln 37211</i> , EL MARIACHI MEXICAN RESTAURANT | T20-26980 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #17) |
| (9) <i>The Filling Station of Tennessee, LLC, 1118 Halcyon Ave 37204</i> , THE FILLING STATION | T20-26997 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #17) |
| (10) <i>PM Cafe, LLC, 2017 Belmont Blvd 37212</i> , PM CAFE | T18-25773 |
| ON-SALE (CHANGE OF OWNERSHIP) | (Dist. #18) |
| (11) <i>Arnold's Country Kitchen, 605 8Th Ave S 37203</i> , ARNOLD'S COUNTRY KITCHEN | T20-26973 |
| ON-SALE (OTHER) | (Dist. #19) |

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| (12) <i>DawgHouse Saloon, LLC, 1522 B Demonbreun St 37203</i> , THE DAWGHOUSE SALOON | T20-26979 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #19) |
| (13) <i>Losers, LLC, 1911 Division St 37203</i> , LOSER'S MOST WANTED BAR | T20-26982 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #19) |
| (14) <i>Losers X, LLC, 111 4Th Ave S 37201</i> , LOSER'S BAR & GRILL DOWNTOWN | T20-26983 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #19) |
| (15) <i>2 Black Knights, LLC, 1913 Division St 37203</i> , WINNER'S BAR & GRILL | T20-26984 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #19) |
| (16) <i>Waldos Chicken Germantown LLC, 1120 4Th Ave N #103 37208</i> , WALDOS | T20-26989 |
| CHICKEN GERMANTOWN LLC | |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #19) |
| (17) <i>Red Bicycle West, LLC, 712 51St Ave N 37209</i> , RED BICYCLE | T20-26993 |
| DLVRYCRBSD (NEW LOCATION) | (Dist. #20) |
| (18) <i>JHS Holdings LLC, 1918 West End Ave 37203</i> , JASPER'S RESTAURANT | T20-26949 |
| ON-SALE (NAME CHANGE) | (Dist. #21) |
| (19) <i>AMERITALIA, LLC, 411 51St Ave N 37209</i> , COCO'S ITALIAN MARKET AND RESTAURANT | 20-26497 |
| ON/OFF-SALE (EXPANSION) | (Dist. #24) |

Chairman Taylor read the names of applicants that were presented for final approval. Mr. Perlen made a motion to adopt the staff's recommendation to grant final approval for the aforementioned applicants. That was motion was then seconded by Ms. Spaulding.

Aye: Perlen, Spaulding, Fox, Taylor

No: N/A

Present Not Voting: N/A

DEFER INDEFINITELY

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| (20) <i>East Nashville Beer Works LLC, 320 E Trinity Ln 37207</i> , EAST NASHVILLE BEER | T20-26981 |
| WORKS LLC | |
| ON/OFF-SALE (EXPANSION) | (Dist. #05) |
| (MISSING DOCUMENTS) | |
| (21) <i>Gallatin Pike Shell, LLC, 4800 Gallatin Pike 37216</i> , GALLATIN PIKE SHELL | T20-26990 |
| OFF-SALE (CHANGE OF OWNERSHIP) | (Dist. #07) |
| (MISSING DOCUMENTS) | |
| (22) <i>Flamies LLC, 3231 Gallatin Pike 37216</i> , FLAMIES THE HOT CHICKEN FACTORY | T20-26985 |
| ON-SALE (NEW LOCATION) | (Dist. #08) |
| (MISSING DOCUMENTS) | |
| (23) <i>Felicia Simms, 3302 Nolensville Pike 37211</i> , THE BASEMENT LOUNGE | T20-26992 |
| ON/OFF-SALE (CHANGE OF OWNERSHIP) | (Dist. #16) |
| (MISSING DOCUMENTS) | |
| (24) <i>ANZIE BLUE, LLC, 2111 Belcourt Ave #101 37212</i> , ANZIE BLUE | T20-26987 |
| ON-SALE (NEW LOCATION) | (Dist. #18) |
| (MISSING DOCUMENTS) | |
| (25) <i>ANZIE BLUE, LLC, 2111 Belcourt Ave #101 37212</i> , ANZIE BLUE | T20-26988 |
| CATERER | (Dist. #18) |
| (MISSING DOCUMENTS) | |
| (26) <i>Hattie B's of Middle TN LLC, 5069 Broadway Pl 37203</i> , HATTIE B'S OF MIDDLE | T20-26986 |
| TN LLC | |
| ON/OFF-SALE (NEW LOCATION) | (Dist. #19) |

(MISSING DOCUMENTS)

(27) *TEQUILA DAVIDSON INC, 7628 Highway 70 S 37221, TEQUILAS DAVIDSON INC* T20-26991
ON-SALE (NEW LOCATION) (Dist. #22)

(MISSING DOCUMENTS)

Chairman Taylor read the names of applicants that were presented for indefinite deferral. Mr. Perlen made a motion to adopt the staff's recommendation to grant indefinite deferral for the aforementioned applicants. That was motion was then seconded by Ms. Fox.

Aye: Perlen, Spaulding, Fox, Taylor

No: N/A

Present Not Voting: N/A

REQUEST TO WITHDRAW

(28) *Rebar at the Dam, LLC, 3248 Blackwood Dr 37214, REBAR AT THE DAM LLC* T18-25757
ON-SALE (EXPANSION) (Dist. #13)

Chairman Taylor read the names of applicants that were presented for voluntary withdraw. Mr. Perlen made a motion to adopt the staff's recommendation to grant voluntary withdraw for the aforementioned applicants. That was motion was then seconded by Ms. Fox.

Aye: Perlen, Spaulding, Fox, Taylor

No: N/A

Present Not Voting: N/A

COMPLAINTS

(29) *Rebar, LLC, 1919 Division ST 37203, Rebar* 10-19205
ON-SALE

(Alleged violation of M.C.L 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 to wit: MCL 2.36.190 - It shall be unlawful for any person to violate an order from the board of health or chief medical officer.

On 11/20/20 Patrons were observed dancing inside the establishment.

On 11/21/20 Patrons observed standing in close proximity w/o mask and some were drinking; Tables and bar seating had less than 6 feet between them.

Both are violations of Fifth Amended and Restated Order 10.

on or about November 20 & 21,2020).

(30)Losers X, LLC, 111 4TH AVE S 37201, LOSER'S BAR & GRILL DOWNTOWN

19-25980

ON-SALE

(Dist. #19)

(Alleged violation of M.C.L 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 to wit: MCL 2.36.190 - It is unlawful for any person to violate an order of the board of health or of the chief medical director. and the Fifth Amended and Restated Order 10 From the Chief Medical Director Phase Three With Modifications was violated by allowing multiple patrons standing, drinking and dancing in front of the stage, and not social distancing. The location was over capacity for proper social distancing on or about November 21, 2020).

(31)Doc Holliday's Nashville, LLC, 112 2ND AVE N 37201, DOC HOLLIDAY'S SALOON

19-26028

ON/OFF-SAL

(Dist. #19)

(Alleged violation of M.C.L 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 to wit: MCL 2.36.190 It shall be unlawful for any person to violate an order of the department of health or chief medical director.

11/20/20 Customers Observed w/o mask were standing at the bar, while ordering and drinking.

11/21/20 Two (2) employees were interacting with customers while not wearing face coverings over nose and mouth. Patrons were not properly socially distancing at the bar or upstairs. Multiple patrons were standing and drinking upstairs.

Both are violations of Fifth Amended and Restated Order 10

on or about November 20 & 21, 2020)

(32)Dynasty Super Buffet, 5433 Nolensville PIKE 37211, Dynasty Super Buffet

15-20070

ON-SALE

(Dist. #27)

(Alleged violation of M.C.L 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 to wit: MCL 2.36.190 It shall be unlawful for any person to violate an order of the board of health or of the chief medical director. Violation of Section 4 Order 12 by allowing customers to self-serve themselves from the buffet on or about October 02, 2020)

Chairman Taylor read the names of the permit holders and recommended penalties as submitted by the board staff. Mr. Perlen made a motion to adopt the staff's recommended penalties. That was motion was then seconded by Ms. Fox.

Aye: Perlen, Spaulding, Fox, Taylor

No: N/A

Present Not Voting: N/A

(33) ADMINISTRATIVE MATTERS

(34) EXECUTIVE DIRECTORS REPORT

Mr. McDonough, Executive Director of the Metro Beer Board, presented the Executive Director's Report. Mr. McDonough updated the board members on current revenue totals and the status of outstanding privilege tax payments. Mr. McDonough stated that the board continues to see significant revenue totals overall. Mr. McDonough informed the board that the number of applications continue to trail previous years, but found that privilege tax payments remain steady and we are experiencing an increase in civil penalty revenue.

(35) ADJOURNMENT

Having determined a lack of further essential business, honorary Chairman, Kenny White, adjourned the meeting at 12:23 p.m.

