

## **Beer Board Meeting Minutes**

The Shelbyville Beer Board met in Regular Session on Wednesday, July 13, 2016 at the City Hall Annex Courtroom. Chairman Reeves called the meeting to order at 6:00pm. Roll was called and the following members were present: Member Finney, Member Fisher, Member Hughes, Chairman Reeves and Member York. Also in attendance were City Attorney Ginger B. Shofner and Acting City Recorder Anna Mai and Police Officer Cody King.

The first item of business was approval of the agenda. Chairman Reeves asked that the agenda be amended that items A & B were in fact new business and not old business. Member Finney made a motion to amend the agenda, Member Fisher seconded and the motion carried unanimously by oral vote. Member York then made a motion to approve the agenda as amended, Member Hughes seconded and the motion carried unanimously by oral vote.

The next item was approval of the minutes of the June 8, 2016 meeting. Hearing no changes or additions Member Hughes made a motion to approve, Member Fisher seconded and the motion carried unanimously by oral vote.

New Business was covered next.

The first item of new business was the consideration of an application to sell beer (consume) by El Barill Mexican Restaurant LLC, Armando Zavala and Izamar Zavala, 341 Bethany Ln Shelbyville, TN 37160. Chairman Reeves asked Armando and Izamar to step forward and be sworn in by Acting City Recorder Anna Mai, they also stated their names for the record. Chairman Reeves thanked them for coming before the Board and proceeded to go through the Beer Board Checklist as follows:

1. Have you received and reviewed a copy of the Beer Rules? Yes (both)
2. Do you understand the Rules of which you have read? Yes (both)
3. Do you have questions of any of the rules listed? No (both)
4. Have you received a copy of the Ordinance? Yes (both)
5. Do you have any questions in regards to the Ordinance? No (both)
6. Have you ever held a beer permit before in the City of Shelbyville or any other jurisdiction? No (both)
7. Please describe your experience if any with beer sales. Both applicants stated that they had never sold beer before or worked anywhere that had sold beer before.
8. Do you understand underage sale of alcohol to minors is a violation of the law? Yes (both)
9. Briefly describe your business establishment. Applicants explained that it will be a Mexican Restaurant specializing in tacos and seafood.
10. Do you have any questions for the Board? No (both)
11. Are you aware of the responsible vendor training for off premises beer sales? N/A
12. Does the cash register software/system require birthdate for all beer sales? Applicants stated no, they would be checking photo ID's. Chairman Reeves encouraged the applicants to look into a register software/system that does require a birthdate for sales.

13. Are you the property owner for the location in which beer sales will take place?  
Applicants are not but had provided a copy of their lease stating the owner was aware that they were going to sell beer and were ok with that.
14. Do you as the applicant/agent realize that you are responsible as the beer permit holder for all employees' beer sales? Yes (both)
15. Do any of the Board Members have any additional questions? No

There was no further discussion on this applicant, Member York made a motion to approve the beer permit. Member Hughes seconded the motion and it carried unanimously by oral vote.

The next applicant under new business was Troy J Seibers, Big Country Expresso Kitchen, 1731 N. Main St. Shelbyville, TN 37160. Chairman Reeves asked the applicant to come before the Board and be sworn in by Acting City Recorder Anna Mai and to state his name for the record which he did. Chairman Reeves thanked Mr. Seibers for coming before the Board and proceeded to go over the Beer Board Checklist, answers as follows:

1. Have you received and reviewed a copy of the Beer Rules? Yes
2. Do you understand the Rules of which you have read? Yes
3. Do you have questions of any of the rules listed? No
4. Have you received a copy of the Ordinance? Yes
5. Do you have any questions in regards to the Ordinance? No
6. Have you ever held a beer permit before in the City of Shelbyville or any other jurisdiction? No
7. Please describe your experience if any with beer sales. Mr. Seibers explained that he had worked with Pizza Hut and Pizza Inn since 1988 and had experience with beer sales at both places.
8. Do you understand underage sale of alcohol to minors is a violation of the law? Yes
9. Briefly describe your business establishment. Mr. Seibers explained that his business is a country style buffet that also serves coffee and he had received some requests to sell beer.
10. Do you have any questions for the Board? No
11. Are you aware of the responsible vendor training for off premises beer sales? N/A
12. Does the cash register software/system require birthdate for all beer sales? No, but they were supposed to have a display with a date.
13. Are you the property owner for the location in which beer sales will take place? No, but applicant had provided a copy of the lease stating the owner was aware that they were going to sell beer.
14. Do you as the applicant/agent realize that you are responsible as the beer permit holder for all employees' beer sales? Yes
15. Do any of the Board Members have any additional questions? Member Finney asked if they were planning to stay open later, Mr. Seibers said yes on Fridays and Saturdays.

There was no further discussion by the Board on this application. Member Finney made a motion to approve the beer permit, Member York seconded and the motion carried unanimously by oral vote.

Next was Old Business.

Under old business was the review and discussion of Beer Board Policies and Procedures including fee structure for offenses. Chairman Reeves discussed briefly that this item had been pending for some time. There was extensive discussion on this topic. Discussion included the maximum allowable fines by the State involving the Responsible Vendor Act and sales to a minor, as well as setting a range for fees charged and a possibility for a maximum allowable, there was discussion on repeat offenders, 1<sup>st</sup> and 2<sup>nd</sup> offenses and fines for each, there was some discussion about having the same policy for restaurants and convenience stores, as well as changing the timeline on second offenses from 12 months to two years, there was also discussion on whether or not there is a database that can be accessed to see who does participate in the Responsible Vendor Program. The consensus of the Board was to have City Attorney Shofner do more research on what other local municipalities are doing and to draft a new policy for presentation at the next meeting. Member Finney made a motion to defer this item one month, Member York seconded the motion and it carried unanimously by oral vote.

Reports from staff were next. First was presented a current Notary Public certificate for Lucinda Mitchell that was requested at the last meeting in regards to the application for MK Foodmart, Inc. Then Acting City Recorder Anna Mai stated that in doing some research on the Beer Board she had come across an application submitted in 2011 by Naim Muhammad Abulaban, he was granted a beer permit in 2011 at the location of Depot Market at 700 E. Depot St. Shelbyville, TN. Mr. Abulaban was then found guilty of sales to a minor and sales to an intoxicated person in 2012, it is unknown if he turned in his beer permit in 2012 but the Beer Board issued a new Beer Permit to a different person in September 2012 for the business located at 700 E. Depot St. Mrs. Mai presented this information to the board because Mr. Abulaban had applied for a beer permit in April 2016, at the April 13, 2016 meeting he stated that he had never held a beer permit before or been cited for sales to a minor, his application was deferred one month. When Mr. Abulaban came back before the Board at the May 11, 2016 meeting he stated that he remembered having a beer permit in Rutherford County but answered no to the question about sales to a minor. It was clarified that this is the same person and not his father because he and his father share the exact same name but the ID submitted with the application in 2011 is for the son, or the same person applying in April/May 2016. Member York made a motion to serve Mr. Abulaban with a notice and order to appear and show cause. Member Finney seconded and the motion carried unanimously by oral vote. The final item of staff reports was information (police reports) that was requested by the board on Leo's Lounge, there was discussion about statements being made to the board by members of the public about unruly patrons and intoxicated bartenders. There was some discussion about the taxi service being run by Leo's Lounge, and who is currently running the business and that the Beer Permit was issued to The Athlete Factory, LLC D/B/A Leo's Lounge. Member York made a motion for City Attorney Shofner to


formally request that the Police Department investigate this matter further. Member Hughes seconded and the motion carried unanimously by oral vote. City Attorney Shofner clarified that the board has heard reports of staff and employees working at Leo's Lounge while under the influence or intoxicated and that is what they wanted investigated. There was some brief discussion about the fact that in April the registered agent and address for Leo's Lounge had been changed.

There being no further business before the Board Member York made a motion to adjourn, Member Hughes seconded and the motion carried unanimously by oral vote. Meeting adjourned at approx. 6:55pm.

Approved:

  
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Chairman Jason Reeves

Attest:

  
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Acting City Recorder Anna Mai