

Beer Board Agenda

September 9, 2015

6:00 p.m.

Shelbyville Recreation Meeting Room

1. Call to order
2. Approval of the Agenda
3. Approval of Minutes-August 12, 2015
4. Old Business
 - A. Consideration of an application to sell beer (consume) by Cazadora Mexican Restaurant, Jose Gomez Mendez and Maria Torres Guterrez 341 Bethany Lane Shelbyville, TN 37160
5. New Business
 - A. Consideration of an application to sell beer (consume) by Leo's Lounge, Kevin Patrick O'Donnell and Mary Gonzales-O'Donnell 203 E. Depot Street, Shelbyville, TN 37160
 - B. Review and discussion of report(s) received by the TN Alcoholic Beverage Commission (TABC) in regards to Alfonso's Mexican Restaurant, Alfonso Sandoval, 608 Madison Street Shelbyville, TN 37160; Legends of Shelbyville 1609 N. Main Street Shelbyville, TN 37160; and El Mexico Restaurant 724 N. Main Street Shelbyville, TN 37160
6. Adjourn

Jason Reeves
Chairman

Beer Board Minutes

The Shelbyville Beer Board met on Wednesday, August 12, 2015 at City Hall Annex in Regular Session. Chairman Jason Reeves called the meeting to order at 6:00p.m. Roll was called and the following members were present: Member Melissa York, Member Sandra Hughes, Member Jason Finney, Member Brett Fisher and Chairman Reeves. Also present were City Attorney Ginger B. Shofner, Deputy Police Chief Mike Rogers, and City Recorder Shanna Boyette.

Chairman Reeves called for any items to be added or removed from the Agenda. Hearing none, Member York made a motion to approve, seconded by Member Hughes, and carried unanimously upon oral vote.

The next item of business was approval of the minutes from the previous meeting of July 8, 2015. Chairman Reeves called for any corrections to said minutes. Hearing none, Member York made a motion to approve, seconded by Member Fisher, and carried unanimously upon oral vote.

Items of Old Business were then in order.

Chairman Reeves called for any items of Old Business. There were no items of Old Business to discuss; therefore Chairman Reeves called for items of New Business. There were five items of New Business. The first three being from the same applicant Leonard Matthews, District Manager, Circle K Stores for the following matters:

- Consideration of an application to sell beer (package) Circle K Stores, Leonard Matthews, District Manager 702 S. Cannon Blvd. Shelbyville, TN 37160
- Consideration of an application to sell beer (package) Circle K Stores, Leonard Matthews, District Manager, 900 N. Main Street Shelbyville, TN 37160
- Consideration of an application to sell beer (package) Circle K Stores, Leonard Matthews, District Manager, 2098 Madison Street, Shelbyville, TN 37160

Chairman Reeves called for the applicant Mr. Leonard Matthews. Mr. Matthews was present for the meeting and was sworn in by City Recorder Shanna Boyette. All three applications were then before the Board for consideration. Chairman Reeves confirmed with applicant Matthews the store locations and proceeded to ask questions from the standard checklist which is attached to the minutes as a matter of record. Mr. Matthews acknowledged that he had held previous beer license(s) previously and that he is the District Manager for all three stores listed on the application. Mr. Matthews confirmed that he has personal knowledge of Vendor Registry and staff is trained appropriately. Mr. Matthews further affirmed that he understands the responsibility in holding a beer permit. Chairman Reeves noted that an answer was omitted on line 8 of the application, but the answer was provided by email and Mr. Matthews verified the answer for 8 provided in the email was the correct answer. Said email is attached to the minutes as a matter of record. There being no further discussion, Member York made a motion to approve the application submitted before the Board for 702 S. Cannon Blvd. The motion was seconded by Member Finney carried unanimously upon oral vote.

Member York made a motion to approve the application submitted to the Board for Store located at 900 North Main Street. The motion was seconded by Member Hughes and carried unanimously upon oral vote.

Member York made a motion to approve the application submitted to the Board for Store located at 2098 Madison Street. The motion was seconded by Member Fisher and carried unanimously upon oral vote.

The next item on the Agenda was consideration of an application to sell beer (consume) by Cazardo Mexican Restaurant, Jose Gomez Mendez and Maria R. Torres Guterrez, 341 Bethany Lane Shelbyville, Tennessee. Chairman Reeves called for the applicants whom were present. City Recorder Boyette swore in both applicants. The application was then before the Board for consideration. Chairman Reeves confirmed the address listed on the application. It was noted that there is a discrepancy in State and Local Records in regards to Corporation name of Vanessa's Inc. and the individual names. City Attorney Shofner provided comments to the Board about the registration record for the business at the State Level. Attorney Shofner also provided a two (2) page memorandum to the Board in regards to this application identifying discrepancy in the legal name of the business and in regards to Public Chapter 29, Senate Bill 185 that became effective as of July 1 requiring proof of United States Citizenship for a period of one year. Chairman Reeves confirmed with the applicants that they both have work VISA's for the country and confirmed that the documentation provided for Mr. Mendez is proof that he has had for over one year. The documentation provided for Maria R. Torres-Guterrez does not show a period of one year. It was noted that the application was filed in July of 2015.

Discussion ensued on the definition of a lawful resident and if is used rather as a term of "art" and information was provided to the Board of other jurisdictions interpretation of the new law. The City of Murfreesboro amended their Ordinance and other jurisdictions have taken a broad approach. The City of Knoxville has requested an Attorney General Opinion. The Board discussed concerns of Constitutional issues and interpreting to a broader definition until such time as there is more information and legislative history available.

Chairman Reeves asked if there was any documentation that would show legal residency for applicant Guterrez for more than one year, more specifically prior to September 2014. Both applicants said they did have such documentation, a passport, but not with them at the meeting. It was recommendation of the City Attorney to allow an opportunity to provide documentation to the Board. In addition there was discussion on the applicant name on the application and that is unclear. The Beer permit would have to be issued in the name of Vanessa's Inc. as that is the legal record. There was discussion of the Board if they would allow an amendment to line 1 of the application as the application did reference the business was a corporation and placed the corporate owners names on the application rather than the Corporate name itself. After discussion of options before the Board on the application, Member York made a motion to allow an amendment to place the corporate name of Vanessa's Inc. on line one of the application. The motion was seconded by Member Finney, and carried unanimously upon oral vote.

The Board then discussed the remaining citizenship issue before them for the application and the options to deny or defer. Member York made a motion to defer the application to the September 9, 2015 meeting in order to allow time for the applicants to provide legal proof of citizenship for a period of one year as required by law. The motion was seconded by Member Hughes and carried unanimously upon oral vote.

The final item of business was review and discussion of report received by the Tennessee Alcohol Beverage Commission in regards to Alfonso's Mexican Restaurant, Alfonso Sandoval, and 608 Madison Street Shelbyville, TN 37160. City Recorder Boyette informed the Board that The City of Shelbyville had received the notice of violation against the Restaurant. Brief discussion ensued on past policy and procedure upon violation notification. The Board requested a summons be hand delivered to the beer Permit Holder, Alfonso Sandoval, providing him two separate Show Cause Orders for each violation. The Board will hold a Hearing immediately following the regular scheduled meeting of September 9, 2015.

There being no further business of the Board, Member York made a motion to adjourn, seconded by Member Hughes, and carried unanimously upon oral vote. The meeting adjourned at 6:59 p.m.

APPROVED:

Jason Reeves, Chairman

ATTEST:

Shanna Boyette, City Recorder