

**Thursday, August 18, 2016**  
**SHELBY COUNTY BEER BOARD MEETING**

**Attendees:** Kevin McVay  
Merrick Horne, Chairman  
Oretha Anderson  
Doug Ivy  
Mike Miller  
Hallie Biggs (Newest Member)  
Terry Roland- County Commissioner's Office  
Marline Iverson, County Attorney  
Waylon Wininger, Clerk's office  
Shirelle Brown, Assistant Clerk of County Commission

Horne calls meeting to order at 2:05 pm. The Board introduces themselves.  
Brown calls items.

- I. **Approval of Minutes** (contingent upon the receipt of an addendum with an insert of Anderson's statements made from the previous meeting emailed out 8/19/16 and is also attached)

July 21, 2016

**Moved** by McVay, 2<sup>nd</sup> by Ivy

- II. **New Applicants**

**Applicant #1**

County Corner Deli  
7534 N. Watkins  
Millington, TN 38053

OFF PREMISES

Owner – Ismail Abuadiel

**Horne** asks if anyone is present for representation for County Corner Deli and swears in Ismail Abuadiel.

**Horne** asks Wininger from Clerk's Office about the applicant

**Wininger** advised that the application for the beer permit was received and brings attention to the food permit, which shows to be expired June 30, 2016. After contacting the Health Department, it was stated by a Ms. Patricia Davis that they are having printer problems and are about six to seven months behind and all permits they've issued expire on 6/30 and they have not invoiced to bill for a new food permit yet and she says that anyone who has a food permit as of 6/30, it's going to remain good until they send out new invoices. A letter was faxed to him, which was also mailed out to all of the food permit holders.

**Horne** asks Winger to give it to Counselor Iverson so that he can ask her for her opinion in regards to the packet for the Commissioners; it has a Health Department Permit ending one year June 30, 2016, which makes it already expired. He asks Counsel if the Board can move forward with this typographical error with their printer issue unless they give us something with a correction on it.

**Iverson** advises Horne that the letter will suffice as evidence to the Board for purposes of its consideration on whether or not to grant the permit.

**Horne** begins to read the letter dated June 30, 2016 for the record, "Dear Food Service Operators, due to recent changes with the Tennessee Department of Environmental Health, the Division of Environmental Health and Food Safety does not have the authorization to accept payment nor renew permits for the fiscal year 2016-2017 food establishments. However, we are expecting to mail out invoices in the near future. No late fees will occur as long as payment is received within 30 days of the date printed on the invoice. Please feel free to contact this office to obtain any new information regarding this matter. Please continue to operate as normal. We do apologize for any inconvenience this may have caused. Thank you, Yolanda Woods". Horne goes on to relay the issue of the letter to Commissioner Terry Roland as to whether the letter is valid or not.

**Roland** advises that the letter from the Health Department is acknowledging the problem and if Horne would read further into the letter, the Health Department are going to allow people to continue to do work with the old permit until they can issue new ones. So the letter should cover the Board in issuing permits because it's only a County ordinance and not actually State law and technically the Commission is over the County ordinance.

**Horne** states that he thinks that the letter only covers existing businesses; but he is unsure about new businesses and refers to the Counsel for input.

**Iverson** explains that the reason why it is pertinent to have a food permit is because we want them to sell food due to it being a regulation in selling beer on premises. So if they are allowed to continue to sell food according to that letter, then the reason why we would require them to have a food permit before issuing a beer permit has been met by the conveyance of that letter, which is consistent with the spirit of the Board's rules and regulations.

**Horne** advised Iverson that he appreciates her opinion and just wanted it to be read into the record as such. He then refers to Patrick Benson to speak on behalf of the owner.

**Patrick** advises that the business at 7534 N. Watkins has been in existence for quite a while and is a good deli business and country store and is not in the inner city area. He continues that the business has everything in order and that the owners are good descent people and that Mr. Winger has been extremely helpful and would ask if the Commission would approve this application.

**Horne** asks Patrick if this was a existing business that was recently purchased.

**Patrick** answers yes and that the business has been around a long time and that these are the third owners within a 15 year timespan with the most recent lease being signed May 27<sup>th</sup> of this year; but it's a corporation buying it this third time around versus an individual from the last time.

**Miller** asked Patrick if the owner continued to sell beer.

**Patrick** advised no and that at first it was a bit of confusion of the location as to whether it was considered Millington TN or Shelby County. But he instructed his client that he cannot sell beer without a valid permit.

**Ivy** asked why the owner has had so much trouble getting to this point from the time he opened the store, got his food permit up until now.

**Patrick** advised that even though he's not an expert, but all of the municipalities have different regulations and his client/owner was under the impression that his business was in Millington versus the County. Due to the County having so many regulations, it has been tedious trying to get all of the paperwork corrected and in order and then there was the waiting period with Code Enforcement etc.

**Ivy** advised that he understand.

**Anderson** asked how long the lapse in between switching ownership was and if they continued to sell beer during the lapse.

**Patrick** advised that the business has never closed and has been continuing to operate, but they had to stop selling beer due to the wait for the transfer of a beer permit.

**Horne** asks the Board and confers to the Counsel if there are any more questions before they move to a vote and none are presented.

**McVay motions to approved the permit, Ivy seconds**

**All ayes w/o objection.**

**Horne** advises owner to ensure that he and all employees are well-informed on the rules and regulations of selling beer.

**Ivy** advises the owner to be sure not to sell beer to minors and check all Id's.

### **III. Misdemeanor Citations**

None

### **IV. Permits Void by Operation of Law**

None

### **V. Other Violations**

None

### **VI. Discussion/Announcements**

*Report from County Clerk's Office*

**None**

*Report from County Attorney's Office*

**Iverson** advises the Board about legislation that is going forward in January of 2017, which will essentially be changing the definition of beer to include a higher percentage-factoring in the sale of high gravity beer.

The wording with the percentage will essentially be affected where 5 percent will go up to about 8.5 or 9 percent. We will still operate as normal, but the percentage amount that they are allowed to sell is the expected change.

**Horne** asks counsel how a beer at 13% would be handled.

**Iverson** advised that it would not be considered beer and would not be allowed to be sold by beer permit holders and is not controlled by this Board.

**Horne** introduces new Board Member Hallie Biggs and refers to Counsel as to if Ms. Biggs will need Ethics Training since joining the Board.

**Iverson** advised that Ethics Training is actually a yearly requirement for everyone and that she will send the link to everyone via email so that it will get done via online before the end of the year.

**Anderson** advised that she'd sat in on Ethics Training and they mentioned nothing about what we do on this Board, which was conducted by Damon Griffin.

**Iverson** advised that the Training is about Ethics and is not Board-specific but is a requirement for every Board entity.

**Horne** suggests to Board members to try and have it done between now and the next board meeting if possible.

*Report from Sherriff's Office*

**None**

*Report from County Commissioner's Office*

Brief assertion from County Commission's Office Assistant Minutes Clerk, Shirelle Brown first apologizing to Anderson for the oversight in excluding her statement from the previous minutes; and then she asked the Beer Board members to clarify if they preferred the longer version of the minutes or the shorter version of the minutes.

**Horne** advised that even though he prefers the shorter version, he did notice that Anderson's statements were not included in the minutes and then he defers to the Board for input.

**McVay** advised that the shorter version is preferred; however when particular statements are requested, then an addendum will need to be completed and included with the Minutes.

## **VII. Adjournment**

**Motion to adjourn by Anderson; 2<sup>nd</sup> by Miller.**

Adjourned at 2:39 p.m. until September 15, 2016.