



Meeting Agenda

Beer Board

Thursday, October 8, 2020

11:00 AM

Board Room

PUBLIC NOTICE

Notice is hereby given that a special meeting of the Franklin Beer Board will be held via electronic meeting (information below) on the 8th day of October 2020 at 11:00 a.m. for the purpose of considering any and all matters brought to its attention that shall include, but not limited to the following:

Call To Order

1. Consideration of Resolution 2020-209, A Resolution Declaring That The Beer Board Shall Meet On October 8, 2020 And Conduct Its Essential Business By Electronic Means Rather Than Being Required To Gather A Quorum Of The Members Physically Present In The Same Location Because It Is Necessary To Protect The Health, Safety, And Welfare Of Tennesseans In Light Of The COVID-19 Outbreak.

Sponsors: Bill Squires

2. Consideration Of Beer Permit Revocation Or Suspension Of The Following Permit:

Case #	Business Name	Permit #	Owner Name	Address
20-01	The Tin Roof II	06-24	T.R. Franklin Inc.	9135 Carothers Pkwy, Ste 100 Franklin, TN 37067

A hearing will address alleged violations of Title 8, Chapter 2 of the Franklin Municipal Code, specifically, by making or allowing of The Tin Roof II to become a public nuisance or a nuisance to law enforcing agencies of the City of Franklin, and/or creating a nuisance or materially contributing to creating or maintaining a public nuisance, in violation of Section 8-226 (10) of the Franklin Municipal Code.

Sponsors: N/A

Other Business

ADJOURN

Respectfully submitted, Eric Stuckey, City Administrator

The public may attend the meeting by calling the meeting number (312) 626-6799, Meeting ID: 919 6733 9565, Passcode: 554421.

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.

RESOLUTION 2020-209

A RESOLUTION DECLARING THAT THE BEER BOARD SHALL MEET ON OCTOBER 08, 2020, AND CONDUCT ITS ESSENTIAL BUSINESS BY ELECTRONIC MEANS RATHER THAN BEING REQUIRED TO GATHER A QUORUM OF THE MEMBERS PHYSICALLY PRESENT IN THE SAME LOCATION BECAUSE IT IS NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF TENNESSEANS IN LIGHT OF THE COVID-19 OUTBREAK

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory disease that appears to occur through respiratory transmission, presents with similar symptoms to those of influenza, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, on March 12, 2020, pursuant to the authority granted by Tenn. Code Ann. § 58-2-107, the Governor of Tennessee, Bill Lee, issued Executive Order No. 14, declaring a state of emergency to facilitate the response to COVID-1; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency with respect to COVID-19; and

WHEREAS, on March 20, 2020, Mayor Ken Moore issued Executive Order No. 2020-01 Declaring a State of Emergency and Civil Emergency; and

WHEREAS, on March 20, 2020, Governor Lee issued Executive Order No. 16, and later issued Executive Order No. 34, Executive Order No. 51, and Executive Order No. 60 allowing electronic meetings while continuing to function openly and transparently; and

WHEREAS, Mayor Moore issued Executive Orders No. 2020-03, No. 2020-05, No. 2020-07, No. 2020-09, No. 2020-11, No. 2020-12, No. 2020-13, No. 2020-14, No. 2020-15, No. 2020-16, and No. 2020-17 continuing the Declaration of a State of Emergency and Civil Emergency; and

WHEREAS, the Beer Board believes it is in the best interest of the City of Franklin to conduct the October 8, 2020, meeting by electronic means.

NOW, THEREFORE, BE IT RESOLVED BY THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

The meeting scheduled for October 8, 2020, at 11:00 a.m. shall be conducted by electronic means rather than requiring a quorum of the members of the Beer Board to attend in person to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 Outbreak. Physical access in the meeting room will be limited. The public can view and participate in the meetings by watching the meeting live or later as a recording on FranklinTV, the City of Franklin website, the City of Franklin's Facebook page, and the City of Franklin's YouTube account. Specific dial-in and website links can be found on the City's website at

<https://www.franklinton.gov/Home/Components/Calendar/Event/10630/1092>

IT IS SO RESOLVED AND DONE on this 8th day of October, 2020.

ATTEST:

By: _____
Lawrence Sullivan
Assistant City Recorder

CITY OF FRANKLIN, TENNESSEE
BEER BOARD

By: _____
Clyde Barnhill, Alderman
Chair

Approved as to Form By:
William E. Squires, Assistant City Attorney

BEFORE THE BEER BOARD OF THE CITY OF FRANKLIN, TENNESSEE

IN THE MATTER OF

**The Tin Roof II
9135 Carothers Pkwy #100
Franklin, TN 37067**

BEER PERMIT NO. 06-24

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CASE NO. 20-01

NOTICE OF VIOLATION AND ORDER TO SHOW CAUSE

PERMITTEE/OWNER:

T.R. Franklin, Inc.
9135 Carothers Pkwy, Suite 100
Franklin, Tennessee 37067

COPY TO: Managing Agent

Kyle McPhee
143 Golden Meadow Lane
Franklin, TN 37067

COPY TO: Registered Agent

Jason Sheer
Registered Agent for T.R. Franklin, Inc.
9135 Carothers Pkwy, Suite 100
Franklin, Tennessee 37067

Pursuant to Section 8-226 of the Franklin Municipal Code, and the Beer Board having reason to believe that the above permit holder has violated the provisions of the State Beer law and the ordinances of the City of Franklin, you are hereby notified to appear before the Franklin Beer Board on **Thursday, October 8, 2020, at 11:00 a.m., in the City Hall Boardroom at the City of Franklin City Hall** and show cause why your license should not be suspended or revoked for such violation. The violation charged is the making or allowing of The Tin Roof II to become a public nuisance or a nuisance to law enforcing agencies of the City of Franklin, and/or creating a nuisance or materially contributing to creating or maintaining a public nuisance, in violation of Section 8-226 (10) of the Franklin Municipal Code. The incidents upon which this citation are based have occurred from January 1, 2020 to present, in Franklin, Tennessee.

The Chairman of the Beer Board is authorized to compel the attendance of witnesses by subpoena issued by the Clerk of the City Court. At the hearing, the Board will hear evidence both in support of the charges and on behalf of the permittee. The City intends to present the following facts into evidence:

Since January 1, 2020, actions by the Franklin Police Department (“FPD”) have been required at the Tin Roof II, that illustrate The Tin Roof II has become an establishment that routinely generates criminal activity, such as assaults, disorderly conduct, driving under the influence, public intoxication, public indecency, and vandalism. More recent calls to the FPD include calls for incidents involving sexual assault, disorderly conduct, DUI, assault, and public intoxication, among others. The Tin Roof II has also become a place which either does facilitate or has a high likelihood to facilitate the use, distribution, and sale of controlled substances.

Included here is a more detailed list:

1. From 1/1/20 through 8/31/20 approximately 162 calls for service were generated with the FPD relating to Tin Roof II, of which 133 were generated from 5/2/20 thru 8/31/20.
2. From 1/1/20 thru 8/31/20, Franklin PD generated approximately 47 criminal reports related to Tin Roof II, of which 41 were generated from 5/2/20 thru 8/31/20. The generated reports are as follows:
 - a. Eight (8) Simple Assaults;
 - b. Two (2) Aggravated Assaults;
 - c. Eighteen (18) Driving Under the Influence offenses;
 - d. One (1) Rape;
 - e. Seven (7) Disorderly Conducts;
 - f. Three (3) Thefts;
 - g. One (1) Public Indecency;
 - h. One (1) Vandalism;
 - i. One (1) Simple Possession of Marijuana;
 - j. One (1) Possession of a Firearm while Intoxicated; and
 - k. Four (4) Public Intoxication.
3. In addition, between 9/1/2020 and 9/26/2020, FPD generated 15 criminal reports related to Tin Roof II, several of which are on-going investigations. The generated reports are as follows:
 - a. Five (5) Drug Related Offenses:
 - i. One incident involved possession with intent to sell 40 grams of Methamphetamine in which the person had left from Tin Roof II.

ii. One incident involved a driver who had just left Tin Roof II, had a cup of Vodka Cranberry from Tin Roof II that had dumped onto the floor of the vehicle, and possessed 0.5 grams of cocaine.

b. Four (4) Public Intoxication offenses, including one that also involved criminal trespass and another that also involved disorderly conduct.

c. (1) Disorderly Conduct,

d. Two (2) incidents of Driving Under the Influence, including one that also involved the assault of a law enforcement officer.

e. One (1) Assault; and

f. Two (2) Sexual Assault/Rape offenses.

4. On or about August 3rd, 2020, social media user @bringle111 posted a video of lewd sex acts being performed within Tin Roof II between this person and two females.

5. FPD observed Tin Roof II not following COVID-19 Guidelines pertaining to 50 percent capacity and social distancing and were exceeding their normal maximum occupancy of 165 people within the building of Tin Roof II and 75 people in, including the following incidents. Through these actions, Tin Roof II violated Executive Order 38 by failing to adhere to the State Economic Recovery Group Guidelines Tennessee Pledge.

a. On 8/7/2020, FPD observed these violations and provided a verbal warning to Tin Roof 2 of such violations on 8/7/2020.

b. On 9/4/2020, FPD observed these violations.

c. On 9/4/2020, FPD observed admission lines into Tin Roof II extending across and into the street of an adjacent Starbucks parking lot.

The Franklin City Attorney put the Registered Agent for the Permittee/Owner on notice of these problems and the criminal activity taking place at The Tin Roof II by letter dated August 26, 2020. Nevertheless, the calls to the FPD due to criminal activity at the Tin Roof II continued and continue to the present day.

All of these activities constitute a public nuisance, a nuisance to law enforcing agencies of the City of Franklin, and/or creating a nuisance or materially contributing to creating or maintaining a public nuisance, in violation of Section 8-226 (10) of the Franklin Municipal Code.

You may request the issuance of subpoenas for any witness, examine City records prior to the hearing concerning the alleged violation, and appear personally, with legal counsel if you desire, to contest the charges, cross-examine witnesses, and generally make whatever defense you believe appropriate. Please note that it is **improper** to contact the members of the Beer Board prior to the hearing.

After the hearing, if the charges are sustained by the evidence, the Board has the discretion to revoke or suspend your permit, issue a reprimand, and to impose conditions upon your permit to deter future violations. The Board also has the option, in lieu of taking such action, of offering the permit holder the option of paying civil penalties. If you are a certified Responsible Vendor and wish to have that be considered, you are required to submit proof of such certification to the Beer Board no later than five (5) days prior to the hearing.

To request accommodations due to disabilities, or should you need an interpreter, please contact the Risk Department at (615) 791-3277.

ISSUED: October 2, 2020

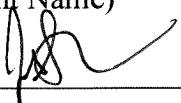

Clyde Barnhill, Alderman
Chairman

cc: Beer Board Members
Assistant City Attorney, William E. Squires
J. Lawrence Sullivan, Board Administrator
Police Chief Deborah Faulkner

I HAVE SERVED A COPY OF THIS NOTICE ON THE PERMIT HOLDER/ OWNER
AND/OR ITS REGISTERED AGENT, JASON SHEER, BY HAND-DELIVERY ON October
2, 2020.

A. Alexander
FRANKLIN POLICE OFFICER

Received by: Jason Sheer
(Print Name)

Signature: 

I HAVE SERVED A COPY OF THIS NOTICE ON THE MANAGING AGENT, KYLE MCPHEE, BY HAND-DELIVERY ON October 2, 2020.

A. Alexander
FRANKLIN POLICE OFFICER

Received by: KYLE MCPHEE
(Print Name)

Signature: Kyle