



**Agenda for the Meeting of Brentwood Beer Board
Monday, May 8, 2017 - 6:45 pm
Brentwood City Hall**

Call to Order by Mayor
Roll Call

Approval of Minutes

April 10, 2017

New Business

1. Request from Ludlow Hospitality, LLC for an on-premises beer permit for Ludlow & Prime, 330 Franklin Road, Suite 226B
2. Request from Cheddar's Franchise Acquisition, LLC for an on-premises beer permit for Cheddar's Scratch Kitchen, 1654 Westgate Circle
3. Other new business

Kirk Bednar
City Manager

Anyone requesting accommodations due to disabilities should contact Mike Worsham, A.D.A. Coordinator, at 371-0060, before the meeting.

Brentwood Beer Board Agenda

Meeting Date: 05/08/2017

Submitted by: Debbie Hedgepath, Administration

Department: City Recorder

Information

Subject

Approval or correction of minutes from the April 10, 2017 meeting

Background

Staff recommendation

Attachments

Draft Minutes

MINUTES OF MEETING OF BRENTWOOD BEER BOARD

BRENTWOOD, TENNESSEE

The Brentwood Beer Board met on Monday, April 10, 2017 at 6:45 pm at the Brentwood Municipal Center.

Present were Mayor Regina Smithson, Vice Mayor Jill Burgin, Commissioners Anne Dunn, Rhea Little, Mark Gorman and Ken Travis; City Manager Kirk Bednar; Assistant City Manager Jay Evans; City Attorney Roger Horner and City Recorder Deborah Hedgepath. Commissioner Betsy Crossley was absent.

Commissioner Dunn moved for approval of the minutes from the March 13, 2017 meeting, as submitted; seconded by Commissioner Little. Approval was unanimous.

New Business

Commissioner Gorman moved for approval of the request from Brick's Cafe & Bistro, LLC for an on-premises beer permit for Brick's Cafe, 330 Franklin Road, Suite 913. Vice Mayor Burgin seconded; approval was unanimous.

Being no further business, the meeting adjourned at 6:50 pm.

APPROVED _____

Deborah Hedgepath
Deborah Hedgepath, City Recorder

Brentwood Beer Board Agenda

Meeting Date: 05/08/2017

Submitted by: Debbie Hedgepath, Administration

Department: City Recorder

Information

Subject

Request of Ludlow Hospitality, LLC for an on-premises beer permit for Ludlow & Prime, 330 Franklin Road, Suite 226B (new business)

Background

Ludlow Hospitality, LLC has requested an on-premises beer sales permit for Ludlow & Prime located at 330 Franklin Road, Suite 226B. The application is for a new business.

Staff recommendation

N/A

Attachments

Application

May 6

APPLICATION FOR BEER PERMIT

TO THE BEER BOARD OF THE CITY OF BRENTWOOD

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

Date Rec'd 4/20/17
Fee Rec'd 250

Zoning District C-2

Permit Type:

Off-premises _____
On-premises _____
On-premises/special event _____
Event date(s) _____
Manufacturer/distributor _____

Deferred _____

Denied _____

Granted _____

Permit No. 459

I(WE) HEREBY APPLY FOR A PERMIT TO (check one) X SELL
_____ MANUFACTURE OR _____ DISTRIBUTE BEER OR OTHER
BEVERAGES CONTAINING LESS THAN EIGHT PERCENT (8%) ALCOHOL,
PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED, TITLE
57, CHAPTER 5 AND THE AMENDMENTS THERETO. THIS APPLICATION IS
BASED UPON THE FOLLOWING INFORMATION:

1. Type of permit desired:

_____ Off-premises sale X On-premises sales _____ Manufacturer/distributor

2. Request is made for: X new business _____ change in location of business

_____ change in ownership of existing business _____ change in type of permit

_____ change in name of business

_____ Special event - Name of event _____

Location 330 Franklin Rd. #226B Date(s) 4.19.17

(A letter of permission from the property owner must be attached.)

3. Name of applicant ~~Tim Kohlen~~ Ludlow Hospitality LLC

Applicant is a(n): X individual _____ partnership _____ for profit corporation

_____ non-profit corporation _____ other (describe: _____)

4. Name under which business will operate ~~Ludlow Hospitality LLC dba~~ (Ludlow & Prime)

5. Business location 330 Franklin Rd #226 B
Brentwood, TN 37027

6. Name and address of person to whom correspondence should be mailed _____

Tim Kohler - 860 Hillhaven Ct Nashville, TN 37220

7. Describe the nature of the business/organization Full Service - Casual
Dining Restaurant

8. Names and addresses of all persons, firms, corporations, joint-stock companies, syndicates or associations having at least a 5% ownership interest in the applicant (use separate sheets if necessary)

Tim Kohler - 100%

9. Have any of the parties referred to in question 8 above or any persons to be employed in the distribution or sale of beer been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten years? If so; give particulars of each charge, court and date convicted.

N/A

10. Has this applicant or any of the parties referred to in question 8 above ever had a beer permit revoked, suspended or denied? If so, explain.

N/A

11. Do you have any type of business relationship with any person who previously held a beer permit for this location, or with any person or entity who owned any portion of a business which previously held a beer permit for this location? If so, explain.

N/A

12. Are you part of the same family as any person who previously held a beer permit for this location, or with any person who owned any portion of a business which previously held a beer permit for this location? If so, explain.

N/A

13. Name and telephone number of manager to be responsible for sale, storage or manufacture of beer Tim Kohler 832-748-1414

14. Name and address of property owner Baker Storey McDonald
3000 Armory Dr. #250 Nashville, TN 37204

15. Name and location of the nearest church Brentwood United Methodist
309 Franklin Rd

16. Name and location of the nearest school Brentwood High School
5304 Murray Lane Brentwood, TN 37027

17. Describe steps which will be taken to prevent the sale of beer to minors _____

All employees that will serve alcoholic beverages
will be ABC certified. ABC certified servers
& bartenders will ask for identification upon
patrons ordering alcoholic beverages. If patron
cannot produce proper/valid identification, no
beer will be sold.

18. Answer each of the following questions:

Do you agree not to engage in the sale, storage, manufacture or distribution of beer except at the place or places for which a permit is issued?

X Yes _____ No

Do you agree that the sale, storage, manufacture or distribution of beer will be made only in accordance with the permit granted?

X Yes _____ No

Do you agree to rigidly enforce the laws against the sale of beer to minors?

X Yes _____ No

Do you agree not to permit minors or intoxicated persons to loiter around the place of business?

X Yes _____ No

Do you agree not to employ any person in the sale or distribution of beer who has been convicted of any violation of the laws against the possession, sale, manufacturing or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten years?

X Yes _____ No

Do you agree to strictly abide by all local, state and federal laws pertaining to the sale of beer?

X Yes _____ No

The undersigned hereby solemnly swears that each and every statement in the foregoing application is true and correct and agrees that if any statement therein is false, the permit issued pursuant thereto may be revoked by the Beer Board, upon notice of hearing, in which event the burden shall be on the permittee to prove the correctness of all the statements in this application. The undersigned certifies that he/she has read and is familiar with the beer laws of the City of Brentwood. In the event of a change in management, the undersigned agrees that the information requested in question 13 will be provided to the City within seven days of such change. If the applicant is other than an individual, the undersigned affirms that he/she is a representative of the applicant duly authorized to submit the foregoing application.

Signature

Dwight
Title (if other than an individual)

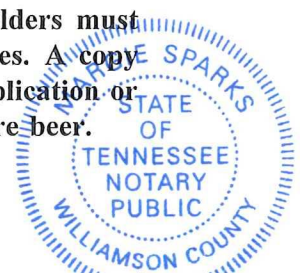
Sworn to and subscribed to before me this 20 day of April, 2017

Margie Sparks
Notary Public

Commission expires: 8-4-2020

NOTE: State law (T.C.A. § 57-5-103(d)) requires that all beer permit holders must provide documentation that they are duly registered for sales tax purposes. A copy of the sales tax registration certificate must be submitted with this application or within ten days after being issued a permit to sell, distribute or manufacture beer.

An application fee of \$250.00 must be submitted with this application.



Brentwood Beer Board Agenda

Meeting Date: 05/08/2017

Submitted by: Debbie Hedgepath, Administration

Department: City Recorder

Information

Subject

Request of Cheddar's Franchise Acquisition, LLC for an on-premises beer permit for Cheddar's Scratch Kitchen, 1654 Westgate Circle (change in ownership of an existing business)

Background

Cheddar's Franchise Acquisition, LLC has requested an on-premises beer sales permit for Cheddar's Scratch Kitchen located at 1654 Westgate Circle. The application is for a change in ownership of an existing business. While the name of the permit holder has not changed, the ultimate ownership will now be with Darden Restaurants, Inc. under the new corporate structure.

Staff recommendation

N/A

Attachments

Application

APPLICATION FOR BEER PERMIT

TO THE BEER BOARD OF THE CITY OF BRENTWOOD

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

Date Rec'd 4/28/17
Fee Rec'd \$250

Zoning District C-2/SR

Permit Type:

Off-premises _____
On-premises X _____
On-premises/special event _____
Event date(s) _____
Manufacturer/distributor _____

Deferred _____

Denied _____

Granted _____

Permit No. 460

I(WE) HEREBY APPLY FOR A PERMIT TO (check one) X SELL
_____ MANUFACTURE OR _____ DISTRIBUTE BEER OR OTHER
BEVERAGES CONTAINING LESS THAN FIVE PERCENT (5%) ALCOHOL,
PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED, TITLE
57, CHAPTER 5 AND THE AMENDMENTS THERETO. THIS APPLICATION IS
BASED UPON THE FOLLOWING INFORMATION:

1. Type of permit desired:

_____ Off-premises sale X On-premises sales _____ Manufacturer/distributor

2. Request is made for: _____ new business _____ change in location of business

X change in ownership of existing business _____ change in type of permit

_____ change in name of business

_____ Special event-Name of event _____

Location _____ Date(s) _____

(A letter of permission from the property owner must be attached.)

3. Name of applicant Cheddar's Franchise Acquisition, LLC

Applicant is a(n): _____ individual _____ partnership X for profit corporation

_____ non-profit corporation _____ other (describe: _____)

4. Name under which business will operate Cheddar's Scratch Kitchen
5. Business location 1654 Westgate Circle, Brentwood, TN 37027
6. Name and address of person to whom correspondence should be mailed _____
Colleen Hunter, Licensing Manager, Darden Restaurants, Inc., P.O. Box 695011 Orlando, Florida 32869-5016.
7. Describe the nature of the business/organization restaurant
8. Names and addresses of all persons, firms, corporations, joint-stock companies, syndicates or associations having at least a 5% ownership interest in the applicant (use separate sheets if necessary)
Cheddar's Casual Cafe', Inc. is the 100% owner of the applicant licensee
9. Have any of the parties referred to in question 8 above or any persons to be employed in the distribution or sale of beer been convicted of any violation of the laws against the possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude or any felony within the past ten years? If so; give particulars of each charge, court and date convicted.
no - n/a
10. Has this applicant or any of the parties referred to in question 8 above ever had a beer permit revoked, suspended or denied? If so, explain.
no - n/a
11. Do you have any type of business relationship with any person who previously held a beer permit for this location, or with any person or entity who owned any portion of a business which previously held a beer permit for this location? If so, explain.

The applicant is the current licensee, but had a transfer within the corporate structure.

See attached post-closing structure and letter dated 4/21/17 to the Beer Board.

12. Are you part of the same family as any person who previously held a beer permit for this location, or with any person who owned any portion of a business which previously held a beer permit for this location? If so, explain.

please see response to Question #11

13. Name and telephone number of manager to be responsible for sale, storage or manufacture of beer

Kevin Michael Cusick; #615-480-5899

14. Name and address of property owner

Greer Land Co. Restaurants, LLC, 866 Malabu Drive #250, Lexington, KY 40502

15. Name and location of the nearest church

Brentwood Baptist Church
1777 Concord Road
~~Gracepoint Seventh Day, 7108 Crossroads Blvd., Brentwood, TN 37027~~

16. Name and location of the nearest school

Lipscomb Elementary, 8011 Concord Rd
~~Phoenix Children's Academy Private Preschool, 330 Mayfield Drive, Franklin, TN 37067~~

17. Describe steps which will be taken to prevent the sale of beer to minors

staff trained to card all persons regardless of age appearance.

see attached policy.

- ~~18.~~ Have you been a citizen or lawful resident of the United States for at least one year preceding the date on which this application is submitted, as required by Tennessee law (T.C.A. § 57-5-103)? ~~X~~ Yes ~~No~~

18. 19. Answer each of the following questions:

Do you agree not to engage in the sale, storage, manufacture or distribution of beer except at the place or places for which a permit is issued? ☒ Yes ☐ No

Do you agree that the sale, storage, manufacture or distribution of beer will be made only in accordance with the permit granted? ☒ Yes ☐ No

Do you agree to rigidly enforce the laws against the sale of beer to minors? ☒ Yes ☐ No

Do you agree not to permit minors or intoxicated persons to loiter around the place of business? ☒ Yes ☐ No

Do you agree not to employ any person in the sale or distribution of beer who has been convicted of any violation of the laws against the possession, sale, manufacturing or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ten years? ☒ Yes ☐ No

Do you agree to strictly abide by all local, state and federal laws pertaining to the sale of beer? ☒ Yes ☐ No

The undersigned hereby solemnly swears that each and every statement in the foregoing application is true and correct and agrees that if any statement therein is false, the permit issued pursuant thereto may be revoked by the Beer Board, upon notice of hearing, in which event the burden shall be on the permittee to prove the correctness of all the statements in this application. The undersigned certifies that he/she has read and is familiar with the beer laws of the City of Brentwood. In the event of a change in management, the undersigned agrees that the information requested in question 13 will be provided to the City within seven days of such change. If the applicant is other than an individual, the undersigned affirms that he/she is a representative of the applicant duly authorized to submit the foregoing application.

CHEDDAR'S FRANCHISE ACQUISITION, LLC

By: [Signature]
Signature Colleen Hunter

Assistant Secretary
Title (if other than an individual)

Sworn to and subscribed to before me this 28th day of April, 2017

[Signature]
Notary Public

Commission expires: 10/05/2019



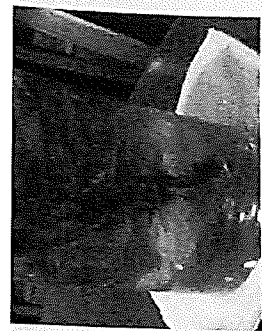
NOTE: State law (T.C.A. § 57-5-103(d)) requires that all beer permit holders must provide documentation that they are duly registered for sales tax purposes. A copy of the sales tax registration certificate must be submitted with this application or within ten days after being issued a permit to sell, distribute or manufacture beer.

An application fee of \$250.00 must be submitted with this application.

**Owner List
of Cheddar's Franchise Acquisition, LLC
d/b/a Cheddar's Scratch Kitchen
for Brentwood Beer Permit Application**

The following entities and/or individuals own 5% or more in Cheddar's Franchise Acquisition, LLC:

Cheddar's Casual Café, Inc. – 100% owner of Cheddar's Franchise Acquisition, LLC.
Corporate address of P.O. Box 695015, Orlando, Florida 32869.



5. Ring Drinks up first. No food or drink comes out of the kitchen without a ticket.
6. Asking a guest "Do you need change?" is a serious policy violation. Remember, when any cash is presented for payment – always say "I will bring you your change".
7. Check with a manager before clocking in or out. Best to use office squirrel.
8. Use your time wisely. Be proactive ... look for "stuff" we can do now to help when we are busier or have less time. i.e. keeping server line counter top and floors clean, everything stocked i.e. glasses, etc.
9. Please do not drink ... lounge or talk where any guest may see you. Our guests don't understand when servers are fraternizing etc., and they are waiting on their food. and they say... "I see why it is taking so long."
10. Salad Dressings are always served directly on the salad mix. The only exception is when a guest orders a salad with Vinegar and Oil, or requests the dressing on the side. Please do not ask the guest if they want their dressing on or on the side. Do not voluntarily serve dressings on the side.
11. Runners. White Checks and identifying the food. White checks should follow all trays with food. Best to Never "auction" off food...use white ticket. Identify the food. Please never say when placing food in front of a guest... "There ya go" Rather identify the food. "Chicken tender platter with mashed potatoes and gravy on the side." Follow the sequence on the white check. Again, remember to Ask the guests "Do you have everything?" ... Say "I'll check back". Never say ... "Do you need anything else?"
12. ALCOHOL AWARENESS... OBSERVE THE THREE DRINK RULE/FIVE DRINK LIMIT... IF YOU START A TABLE FINISH A TABLE... NEVER SERVE A VISIBLY INTOXICATED PERSON. Be fully aware of all your training regarding serving alcohol.. Card any one under 30. If license says "Under 21" or any id in question, out of state, on license (no matter what their age) do not serve...get a manager. Ask anyone 30 or under, are you 21? (if a sting, and there will be one, the agent should not lie). Additionally, servers may not "plus over tables" without a managers permission." to plus over a table with alcoholic drinks on that table is a very serious offense. Remember to follow all laws governing the sale of Alcohol, including Three Drink Rule/Five Drink Maximum guidelines.
13. Follow these basics...we want you to do well. Thanks.
4.30.15

April 21, 2017

Ms. Teresa Porter
City of Brentwood
5211 Maryland Way
Brentwood, Tennessee 37024

VIA FEDEX

**RE: CHEDDAR'S FRANCHISE ACQUISITION, LLC
D/B/A CHEDDAR'S SCRATCH KITCHEN
1654 WESTGATE CIRCLE, BRENTWOOD, TENNESSEE 37027**

Dear Teresa:

Please be advised that a change in the upper-tier ownership of Cheddar's Franchise Acquisition, LLC d/b/a Cheddar's Scratch Kitchen, a restaurant located at 1654 Westgate Circle, Brentwood, Tennessee 37027 (the "Licensee"), is expected to occur on April 24, 2017. The Licensee currently holds a beer permit.

All of the shares of the grandparent company of the Licensee, Cheddar's Restaurant Holding Corp. ("Holdings"), will be transferred to GMRI, Inc. ("GMRI"), a subsidiary of the publicly-traded company Darden Restaurants, Inc., in connection with a merger of a subsidiary of GMRI with Holdings. Holdings will survive the merger and retain its name and Federal Employer Identification Number. We have enclosed charts detailing the pre-closing and post-closing structures, for your reference.

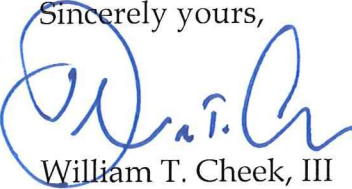
Before and after the transaction, the Licensee continues to hold the beer permit. The sole owner of the Licensee remains the same. We do not believe the transaction requires a new beer permit pursuant to Tenn. Code Ann. § 57-5-103(a)(3)(A).

Please let us know as soon as possible if you believe a new permit is required. Please also let us know if you need any additional information in connection with this disclosure. If there are any changes in officers of the beer permit holder, we will let you know and provide disclosure information to you as soon as possible.

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Ms. Teresa Porter
April 21, 2017
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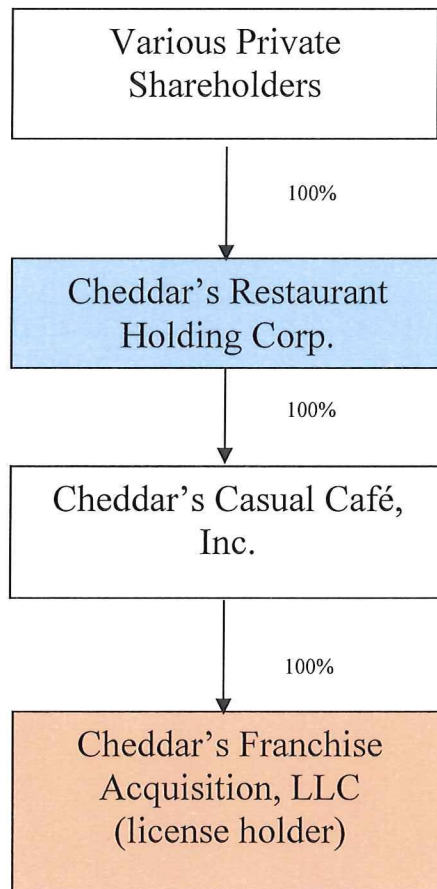
As always, thank you for your assistance.

Sincerely yours,

William T. Cheek, III

WTC/lwl
Enclosures

cc: Flaherty & O'Hara, P.C. (via pdf, w/att.)

Cheddar's Pre-Closing Structure



Cheddar's Post-Closing Structure

