



BEER PERMIT BOARD REGULAR MEETING

Central Services Complex Multipurpose Room
100 Woodbury Lane

September 7, 2022 - 5:15 PM

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. RECOGNITION OF GUESTS
- IV. APPROVAL OF MINUTES
 - a. August 3, 2022 Minutes
[Beer Permit Board Minutes 8-3-2022.pdf](#)
- V. UNFINISHED BUSINESS
- VI. NEW BUSINESS
 - a. FOOD CITY #681, 1199 OAK RIDGE TURNPIKE, PERMIT 1618, CLASS F - STEVEN CURTIS SMITH, OWNER; MATTHEW PALKO, MANAGER
[Food City #681 Permit Application.pdf](#)
[Matthew Palko Manager Application.pdf](#)
 - b. PRESENTATION FROM PERRY LEWIS, DIRECTOR, 7TH JUDICIAL DISTRICT CRIMES TASK FORCE
 - c. DISCUSSION OF BOARD RULES AND PROCEDURES
 - d. REVIEW AND POSSIBLE ACTION ON ALCOHOLIC BEVERAGE COMMISSION COMPLIANCE CHECK LIST
- VII. REPORT FROM OAK RIDGE POLICE DEPARTMENT
- VIII. APPEARANCE OF CITIZENS (Non-Agenda Items)
ALL CITIZENS ARE GIVEN 3 MINUTES
- IX. ANNOUNCEMENTS
- X. ADJOURNMENT

MINUTES OF THE

OAK RIDGE BEER PERMIT BOARD
Regular Meeting

Central Services Complex Multipurpose Room
Wednesday, August 3, 2022
5:15 p.m.

PRESENT: Wende Doolittle, Chair; Mark Cantrell, Vice-Chair; Raynauld Cherry, Chip Dooley, Pam Layne, and Rodney Nelson

ABSENT: Richard Bell, Secretary

ALSO PRESENT: Beth Hickman, Staff Liaison

AUDIENCE MEMBERS: Stacey Pratt, ASAP of Anderson

ROLL CALL

Vice-Chairman Cantrell called the meeting to order at 5:13 p.m. Staff Liaison Beth Hickman completed the calling of the roll. Secretary Richard Bell was absent and Chairperson Wende Doolittle arrived late. In the absence of Secretary Richard Bell, Raynauld Cherry was asked to serve as Acting Secretary.

RECOGNITION OF GUESTS

(NONE)

APPROVAL OF MINUTES

The minutes from the July 6, 2022 meeting were approved as presented.

UNFINISHED BUSINESS

(NONE)

NEW BUSINESS

MANAGER APPLICATION – ROBERT ELWOOD, WOODY'S BAR AND GRILL

Mr. Elwood was present to discuss his Manager application and answer questions from the Board. His permit was previously approved at the July meeting, but he had not filed his Manager application by the publication deadline. Mr. Elwood stated that he would not be opening the first week of August but would be opening very soon.

Mr. Nelson moved for approval of the application, and Mr. Dooley seconded. The motion was approved unanimously. The Manager certificate will be provided to Mr. Elwood after completion of the life safety inspection.

MANAGER APPLICATION – GAYNOR ALYCIA LUSBY BYRGE, ATOMIC BATTLE AXE

Ms. Byrge, a new Manager at Atomic Battle Axe, appeared before the Board and answered questions. She is helping out at her son's business so that he and his wife can have days off. She is retired from the State of Tennessee, has substituted in Oak Ridge Schools, and has worked at the Museum of Appalachia. She pointed out that minors under the age of eighteen are not allowed to throw axes in the business without being accompanied by a parent.

Mr. Dooley moved for approval of the Manager application, and Mr. Cherry seconded. The motion was approved unanimously.

PRESENTATION BY REPRESENTATIVES FROM THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION - AARON RUMMAGE, DIRECTOR OF LEGISLATION, POLICY, AND COMMUNICATION; STEPHANIE SMITH, SPECIAL AGENT IN CHARGE, KNOXVILLE OFFICE; AND STEVEN GROOMS, ASSISTANT SPECIAL AGENT IN CHARGE, KNOXVILLE OFFICE

Representatives from the Tennessee Alcoholic Beverage Commission spoke to the Board about the Tennessee Responsible Beer Vendor Program, TABC-Beer Board Required Notifications, Reciprocal Suspension and Revocation Notices, and Underage Sales Compliance Checks. They also answered questions from Board members.

PRESENTATION FROM PERRY LEWIS, DIRECTOR, 7TH JUDICIAL DISTRICT CRIMES TASK FORCE

Director Lewis was unable to attend the meeting due to a last minute warrant execution, so this presentation will be rescheduled to the October meeting.

REPORT FROM OAK RIDGE POLICE DEPARTMENT

No incidents to report.

APPEARANCE OF CITIZENS

(NONE)

ANNOUNCEMENTS

The next Beer Permit Board meeting will be on Wednesday, September 7, 2022 at 5:15 p.m. in the Multipurpose Room of the Central Services Complex.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 6:43 p.m.

Respectfully submitted,

Secretary

**CITY OF OAK RIDGE, TENNESSEE
APPLICATION FOR BEER PERMIT**

Application for (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Manufacturer (Class A Permit) | <input type="checkbox"/> On-premises consumption (Class C Permit) |
| <input type="checkbox"/> Hotel or Club (Class D Permit) | <input type="checkbox"/> Off-premises consumption (Class B Permit) |
| <input type="checkbox"/> Catering (Class F Permit) | <input checked="" type="checkbox"/> On/Off-premises consumption (Class F Permit) |

I hereby, as an owner or agent/representative of the business, make application to the Oak Ridge Beer Permit Board for a beer permit pursuant to the Oak Ridge City Code and Tennessee law. This application is based upon the following information:

1. Request is made for (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> New beer permit | <input type="checkbox"/> Existing Permit—Ownership Change |
| <input type="checkbox"/> Existing permit—Name change | <input checked="" type="checkbox"/> Existing Permit—Additional Permit Type |
| <input type="checkbox"/> Existing permit—Change Location | |

2. Name under which business will operate: Food City #681

By Tennessee Code Annotated §57-5-103(a)(3)(C), a beer permit is only valid for the business operating under the name identified on the permit. A change in name will automatically invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

3. Street address where business will operate: 1199 Oak Ridge Turnpike, Oak Ridge, TN 37830

By Tennessee Code Annotated §57-5-103(a)(3)(B), a beer permit is only valid for a single location and cannot be transferred to a new location. A permit is valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business. A change in location will invalidate the beer permit and a new permit must be obtained to continue to sell/serve beer. There is no grace period or holdover period for selling beer during this time.

4. Business Telephone Number: (865) 483-2881

5. Email for Owner: gobblek@foodcity.com

6. Proposed date business will open under this ownership if not already open: n/a

7. Full Name of Applicant (Owner or Owner's Agent/Representative):
K-VA-T Food Stores, Inc.

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:
Location has been opened since August 1999

8. Type of business entity:
Individual Corporation L.L.C. Joint-stock Company
Partnership Other

9. Full name of the person(s) to be the on-premise manager responsible for the direct daily operations of the business:
Matthew Byrkit Palko

10. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)
Retail Supermarket

11. Name, mailing address and telephone number of the property owner, if other than the business owner:

Fisher Property Management, LLC, 255 North Peters Road, Suite 101
Knoxville, TN 37923, (865)862-6401

NOTE: If the business owner is different from the property owner, you must submit a signed and notarized written statement from the property owner giving the applicant/business permission to sell or serve beer on the premises. Include this statement with the application.

12. Has any owner (having at least a five percent (5%) ownership interest) ever had a liquor license or beer permit suspended, revoked or denied? No

If yes, where and under what business name? n/a

13. Has any owner (having at least a five percent (5%) ownership interest) or any person to be employed in the distribution or sale of beer been convicted of violating any law against possession, sale, manufacture or transportation of beer or intoxicating liquor, drugs, or narcotics or of a crime involving moral turpitude within the last ten (10) years? No

If so, give particulars of each charge, court and date convicted.

n/a

14. Does any owner have a business or personal 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 at this location? No

If yes, explain: n/a

15. Name and address of the nearest church and school. By City Code §8-705, the Beer Board shall not approve a beer permit where, in the opinion of the board, such sale would interfere with schools, churches or other places of public gathering.
Church: First Baptist Church, 1101 Oak Ridge Turnpike, Oak Ridge, TN 37830
School: St. Mary's School, 323 Vermont Avenue, Oak Ridge, TN 37830

16. Describe steps which will be taken to prevent the sale of beer to those under twenty-one (21):
All on premise sales will be made by an associate holding a Server Permit in a controlled/designated area. All off premise sales will be made by associates trained under a responsible vendor approved program.

NOTE: In accordance with Tennessee Code Annotated §57-5-103(d), 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 (10) days after being issued a beer permit.

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- The owner(s) is(are) of good moral character and has/have sufficient legal interest in a suitable location as would entitle him/her/them to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- Neither myself nor any owner or manager has been convicted of driving under the influence within the past ten (10) years.
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- Clean, sanitary facilities will be provided.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- The business is authorized to do business within the City of Oak Ridge and the State of Tennessee.
- Should any manager cease to act in such capacity, this fact shall be reported to the City's Clerk's office at 425-3411 within five (5) days.
- Should any ownership change, this fact shall be reported to the Board's staff liaison at 425-3411 within one (1) business day, and the beer permit shall be returned to the City.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- The beer permit, once obtained, shall at all times be posted in a conspicuous place within the establishment that is easily seen by patrons.
- The beer permit may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the City's beer ordinances, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.
- The applicant has ensured the business is in compliance with all zoning requirements for this location.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, and their employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, and their employees, agents and representatives as stated above.

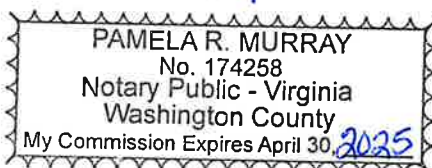
This the 19th day of July, 2023



Signature of Applicant Steven C. Smith

Sworn to and subscribed before me this 19th day of July, 2023

My commission expires: April 30, 2025



Notary Public

Affidavit of Consent

* * * * *

Fisher Property Management LLC, a Tennessee limited liability company, owner of real property located at 1199 Oak Ridge Turnpike, Oak Ridge, TN 37830 (the "Premises"), which Premises is leased to K-VA-T Food Stores, Inc., a Virginia corporation ("K-VA-T"), hereby authorizes and consents to K-VA-T's use of the Premises for the sale of alcoholic beverages for on-premises consumption.

This certification is made the 25 day of July, 2022.

FISHER PROPERTY MANAGEMENT LLC

Signature: *Jana E. Fisher*
Name: Jana E. Fisher
Its: P.O.A. Owner

Subscribed and sworn to before me this 25 day of July, 2022
My Commission Expires 8/29/23 Emily H. Hays



**CITY OF OAK RIDGE, TENNESSEE
APPLICATION FOR APPROVAL AS MANAGER**

I hereby make application to the Oak Ridge Beer Permit Board for approval as Manager of the below named business pursuant to the Oak Ridge City Code. This application is based upon the following information:

1. Business Name Food City #681
Business Address 1199 Oak Ridge Turnpike, Oak Ridge, TN 37830
Mailing Address: PO Box 1158, Abingdon, VA 24212-1158
2. Manager's Full Name Matthew Byrkit Palko
Manager's Email Address 681smgr@foodcity.com
Renewals Send to: KVATLicense@foodcity.com
3. If not a brand new business, request is made as (check which applies): Additional Manager _____
or Replacement Manager X. If Replacement Manager, name of prior manager being replaced: _____
4. Manager's prior experience selling/serving beer or other alcoholic beverage:
Managed prior Food City locations.
5. Manager's Work History:
How long have you been at the business? 2 months
Date you became Manager: 4/30/22
Name of Previous Manager: Mark L. Sandburg Date left: 4/30/22
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary:

<u>Food City #616</u>	<u>Mgr.</u>	<u>5/1/22 - 9/7/19</u>
<u>Food City #678</u>	<u>Mgr.</u>	<u>9/6/19 - 3/1/18</u>
<u>Food City #674</u>	<u>Mgr.</u>	<u>3/1/18 - 11/2/17</u>
<u>Food City #616</u>	<u>Asst. Mgr.</u>	<u>11/3/17 - 8/30/14</u>
6. Beer Permit History:
Have you ever been employed at an establishment with a beer permit? Yes
If so, where and when: Food City #616, 11501 Hardin Valley Rd, Knoxville, TN
Have you ever been a manager of an establishment with a beer permit? Yes
Have you ever had a beer permit refused, suspended or revoked? No
If so, where and when: n/a
7. Manager's Criminal History:
Have you ever been convicted of any violation of federal laws, state statutes, or city ordinances involving the possession, sale, manufacture or transportation of intoxicating liquors, drugs or narcotics, or of a crime of moral turpitude with the past ten years? No
If so, provide details of the offense and when you were convicted:
n/a
8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):
All on premise sales will be made by an associate holding a server permit in a controlled/designated area. All off premise sales will be made by associates trained under a responsible vendor approved program.

Applicant hereby solemnly swears or affirms the following:

- Every statement in this application is true and correct, and if any statement therein is false, the permit issued thereto may be revoked by the Beer Board, after notice of a hearing, in which event the burden shall be on the applicant to prove the correctness of all statements in the application.
- I am of good moral character and as manager of the business am able to conduct the sale of beer.
- The City has my full authorization and release to obtain all relevant information to investigate and determine my character, qualifications, and suitability for the issuance of a beer permit.
- I have not been convicted of driving under the influence within the past ten (10) years. (Not applicable if manager also possesses a current server permit from the Tennessee Alcoholic Beverage Commission)
- Unlawful gambling and gaming devices will not be allowed in the business.
- Beer will not be sold or served to a person who appears to be intoxicated.
- Beer will not be sold or served to a person under the age of twenty-one (21).
- Persons under the age of twenty-one (21) will not be allowed to consume beer or other alcoholic beverage, nor will they be allowed to loiter on the premises.
- The business will comply with the provisions of Tennessee Code Annotated §57-5-301(e)(1) regarding possession and transportation of beer by persons under the age of twenty-one (21).
- All laws, ordinances, rules, and regulations governing the sale or distribution of beer will be observed and complied with, and all employees will be trained accordingly.
- The business will be conducted in an orderly, peaceable and lawful manner and no loud or obnoxious noises will be allowed.
- No beer or other alcoholic beverages will be sold or consumed on the premises except during lawful hours as set by city ordinance.
- Should I cease to act as manager, this fact shall be reported to the City Clerk's office at 425-3411 within five (5) days.
- The City Manager (through the Oak Ridge Police Department) has full power, including right of entry, to enforce the beer ordinances and to inspect and investigate any reported or alleged violations without the necessity of a search warrant.
- My manager approval may be revoked or suspended, after notice and a hearing by the Board, for any violations of the above statements, for any misinformation or omission contained within this application, for any violation of the City's beer ordinances, or for any violations of State law relating to beer, alcohol or crimes of moral turpitude.

I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, and their employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as a consequence of my application for a beer permit, background investigation, release of documents or other matters related to my application. I hereby waive all possible liability of the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, and their employees, agents and representatives as stated above.

This the 2nd day of August, 2022.

Matthew B. Palko

Matthew B. Palko Signature of Applicant

Sworn to and subscribed before me this 2nd day of August, 2022.

My commission expires: 04/29/26.

Jeffery Phillips
Notary Public

