

**OAK RIDGE BEER PERMIT BOARD  
REGULAR MEETING**

Municipal Building Training Room – Room 104  
Tuesday, March 10, 2015  
5:00 p.m.

AGENDA

1. ATTENDANCE
2. APPROVAL OF MINUTES – February 9, 2015
3. APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

Application #1518  
Buffalo Mountain Grille  
Owner: Ernest Franklin Phillips II  
Manager: Pamela Renee Phillips  
205 Oak Ridge Turnpike  
Class B Permit

Note: This application is in addition to, and not a replacement of, the business's current Class C permit.

4. NEW MANAGER APPROVAL APPLICATIONS

None

5. NEW / OLD BUSINESS

Reports from Oak Ridge Police Department (if any) – Information, Action May Be Taken

6. ADJOURNMENT

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

Application for (check all that apply):

\_\_\_\_\_ manufacturer (Class A Permit)                      \_\_\_\_\_ on-premises consumption (Class C Permit)  
 \_\_\_\_\_ hotel or club (Class D Permit)                      \_\_\_\_\_ <sup>x</sup> off-premises consumption (Class B 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):  
 \_\_\_\_\_ new beer permit  
 \_\_\_\_\_ existing permit–name change                      \_\_\_\_\_ existing permit–ownership change  
 \_\_\_\_\_ existing permit–change location                      \_\_\_\_\_ <sup>X</sup> existing permit–additional permit type
2. Name under which business will operate: Buffalo Mountain Grille

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: 205 Oak Ridge Turnpike

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: 865.481.0515
5. Proposed date business will open under this ownership: Currently operating under Class C

6. Full Name of Applicant (Owner or Owner's Agent/Representative):  
Ernest Franklin Phillips II

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:  
Owned and operated the Buffalo Mountain Grille since 1997.

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

9. Full name of the person to be the on-premise manager responsible for the direct daily operations of the business:  
Pamela Renee Phillips

10. Name and mailing address of person to receive communication from the City and/or Beer Board (ex. annual privilege tax notices) as well as said person's relationship to the business:

Ernest F. Phillips II, 205 Oak Ridge Turnpike, Oak Ridge, TN 37830

11. Describe the nature of the business (ex. restaurant, bar, tavern, club, convenience store, etc.)  
Full service restaurant.

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12. Description of the business's footprint and parking areas available to/for the use of the business (attach drawing if available):  
Approximately 3200 sq ft. with an approximately 900 sq ft patio.

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

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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.

14. 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? \_\_\_\_\_

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15. 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.

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16. 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: \_\_\_\_\_

17. 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.

Calvary Lighthouse, 110 Atlanta Rd.; Glenwood Elem. 125 Audubon Rd.

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18. Describe steps which will be taken to prevent the sale of beer to those under twenty-one (21):  
We have a TABC liquor license as well, and follow all TABC guidelines for the education and licensure of our servers and managers.

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**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.**

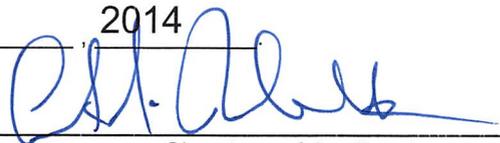
Applicant hereby solemnly swears or affirms the following:

- 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 Legal Department at 425-3530 within five (5) days.
- Should any ownership change, this fact shall be reported to the City's Legal Department at 425-3530 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 Code of Ordinances, Title 8, Chapters 6-8, 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, its 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, its employees, agents and representatives as stated above.

This the 19th day of November

2014



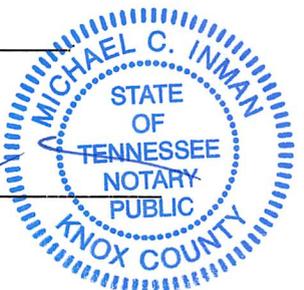
Signature of Applicant

Sworn to and subscribed before me this 19th day of November, 2014

My commission expires: May 7, 2017



Notary Public



**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 pursuant to the Oak Ridge City Code. This application is based upon the following information:

1. Business Name Buffalo Mountain Grille  
Business Address 205 Oak Ridge Turnpike

2. Manager's Full Name Pamela Renee Phillips

3. Request is made as (check which applies):

Additional Manager \_\_\_\_\_ Replacement of Prior Manager \_\_\_\_\_

4. Manager's prior experience selling/serving beer or other alcoholic beverage:  
I have worked in the restaurant since 1992 -  
Starting w/ Grady's - Rafferty's - Macaroni Grille - Buffalo Mtn.

5. Manager's Work History:  
How long have you been employed at the business? 1997

Date you became Manager: \_\_\_\_\_

Name of Previous Manager: \_\_\_\_\_ Date left: \_\_\_\_\_

Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Beer Permit History:  
Have you ever been employed at an establishment with a beer permit? Yes

If so, where and when: Currently

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: \_\_\_\_\_

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:  
\_\_\_\_\_  
\_\_\_\_\_

8. Describe steps which will be taken to prevent the sale of beer to persons under twenty-one (21):

All employees will be required to obtain & maintain their ABC permits and abide by their regulations.

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's Legal Department at 425-3530 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 Code of Ordinances, Title 8, Chapters 6-8, 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, its 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, its employees, agents and representatives as stated above.

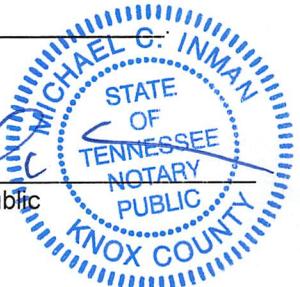
This the 19<sup>th</sup> day of November, 2014.

Patricia R. Phillips  
Signature of Applicant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,

My commission expires: May 7, 2017.

Michael G. Inman  
Notary Public



**MINUTES OF THE  
OAK RIDGE BEER BOARD**  
Regular Meeting

Municipal Building Training Room – Room 104  
Monday, February 9, 2015  
12:00 noon

PRESENT: Chairman Randy Tedford, Secretary Barton Bailey, David Mosby, Darren Osborne, Theresa Scott, and Wendy Williams

ABSENT: Debra Solmonson

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board  
Alan Massengill, Deputy Chief of Police

AUDIENCE MEMBERS: Michael Foster, Allies for Substance Abuse Prevention (ASAP)  
Elizabeth Pettit, ETSU Student

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 12:00 noon. All members were present except Debra Solmonson who notified the Legal Department in advance of her absence.

**APPROVAL OF MINUTES**

Ms. Dunn noted a correction to the minutes regarding the proposed date of the new meeting schedule and indicated the minutes erroneously referred to the third Tuesday of each month instead of the second Tuesday of each month, which error had been corrected. Secretary Bailey moved, seconded by Ms. Scott, to approve the minutes of the January 12, 2015 regular meeting and the motion passed unanimously.

**APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVALS**

None

**APPLICATIONS FOR NEW MANAGER APPROVALS**

Heath Lowe, Manager  
Walgreens #3137  
1299 Oak Ridge Turnpike

Mr. Lowe was present to discuss his application. The Board noted Mr. Lowe was previously approved by the Board but had to formally come back for approval due to a change in ownership of Walgreens which prompted a new beer permit application (approved at the January 12, 2015 meeting). Deputy Chief Massengill reported no problems with this establishment.

Chairman Tedford moved, seconded by Ms. Scott, to approve the manager application and the motion carried unanimously.

**NEW BUSINESS/OLD BUSINESS**

Inquiry by Mr. Mosby

Mr. Mosby asked for information regarding the beer permit process in light of Walgreen's application. The process was explained as to what triggers a new beer permit application for an existing business (name change, ownership change, or location change). The recent relocation of Kroger's was given as another example other than Walgreens where a change in the establishment resulted in an application for a new beer permit. Ms. Pettit, who was attending the meeting for class credit, also inquired about the Board's process for denials and revocations of beer permits, which was also explained.

Reports from Oak Ridge Police Department

Deputy Chief Massengill reported on a public intoxication arrest that occurred on December 13, 2014 at Throttle Down. According to the police report, Throttle Down called the police when a patron was too intoxicated to drive. It is unknown from the report whether Throttle Down over-served the patron or if the patron's condition (she reported that her condition may have been a result of alcohol mixing with her prescription medication).

Ms. Scott moved, seconded by Secretary Bailey, for the Legal Department to send a letter on the Board's behalf to obtain more information from Throttle Down on the incident. The Board discussed whether the letter would indicate the Board's "thanks" for contacting the police regarding an intoxicated patron or if further information was needed first to know whether Throttle Down contributed to the patron's intoxicated state. The Board's consensus was that information was needed first, and the letter would simply seek further information. The motion carried unanimously.

New Meeting Schedule

The Board was reminded that City Council would be considering their request to change the meeting schedule at tonight's Council meeting. Ms. Dunn stated if the resolution passed as written, the next meeting of the Board would be scheduled for Tuesday, March 10, 2015 at 5:00 p.m. in the Municipal Building Training Room. Ms. Scott stated she would not be available for that meeting.

**ADJOURNMENT**

There being no other business to come before the Board, Secretary Bailey moved, seconded by Ms. Osborne, to adjourn the meeting at 12:23 p.m. and the motion carried unanimously.

Respectfully submitted,

Barton Bailey, Secretary