

**OAK RIDGE BEER PERMIT BOARD
REGULAR MEETING**

Municipal Building Training Room – Room 104
Wednesday, March 2, 2016
5:15 p.m.

AGENDA

1. ATTENDANCE
2. APPROVAL OF MINUTES – February 3, 2016 Regular Meeting
3. APPLICATIONS FOR NEW BEER PERMIT AND ASSOCIATED MANAGER APPROVAL APPLICATIONS

Swifty's Atomic Bar & Grill (Application #1536)
Nellie Lee Swift, Owner/Manager
119 S. Illinois Avenue
Class C
4. NEW MANAGER APPROVAL APPLICATIONS

Anthony Shane Carpenter
Hank's Market
691 Emory Valley Road
Replacement Manager
5. NEW / OLD BUSINESS
 - A. Reports from Oak Ridge Police Department (if any)
 - B. Possible Ordinance Updates – Discussion
6. ADJOURNMENT

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

Municipal Building Conference Room – Room 108
Wednesday, February 3, 2016
5:15 p.m.

PRESENT: Chairman Barton Bailey, Secretary Darren Osborne, Wende Doolittle, Theresa Scott, Debra Solmonson, and Danny Whitson

ABSENT: David Mosby

ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board

AUDIENCE MEMBERS: None

ROLL CALL/ATTENDANCE

Chairman Bailey called the meeting to order at 5:15 p.m. All members were present except David Mosby.

APPROVAL OF MINUTES

Ms. Solmonson moved, seconded by Ms. Doolittle, to approve the minutes of the January 6, 2016 regular meeting (with a typographical correction made) and the motion passed unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND ASSOCIATED MANAGER APPROVALS

Application #1535
Mohit M. Mankad, Owner/Manager
Ian's Market
400 Illinois Avenue
Class B Permit

Mr. Mankad was present to discuss his beer permit and manager applications. Mr. Mankad discussed with the Board his hours of operation, number of employees, experience level, and training. Ms. Dunn stated the background check information had been returned and the life safety inspection was passed. Having no further discussions, Chairman Bailey moved, seconded by Ms. Solmonson, to approve the applications and the motion carried unanimously. [Note – This item was heard later in the agenda.]

APPLICATIONS FOR NEW MANAGER APPROVALS

John L. Wolfe
Aubrey's
481 S. Illinois Avenue
Replacement Manager

Mr. Wolfe was present to discuss his manager application. Mr. Wolfe discussed with the Board the expectation of their employees with respect to drinking at the establishment, the parking lot

responsibilities, and the ID policy. Ms. Dunn stated the background check information was still outstanding. Having no further discussion, Chairman Bailey moved, seconded by Ms. Scott, to approve the manager application subject to the background check and the motion carried unanimously.

NEW BUSINESS/OLD BUSINESS

Reports from Oak Ridge Police Department – None

Businesses Changing Ownership

The Board discussed many businesses that seem to be changing ownership (Fuji's, Riverside, etc.) and the need to make sure new owners are aware of the permitting requirements for beer sales.

Possible Amendments

Ms. Dunn and the Board discussed a variety of potential beer ordinance amendments as set forth in Legal Department Memorandum 16-01 as well as growlers. The Board requested further information on manufacturing permits and sealing a growler. The Board further discussed a limitation of three months from the time of Board approval to opening the establishment, with the possibility of an extension.

Chairman Bailey moved, seconded by Ms. Scott, to amend the Board's Rules and Procedures to provide that in the absence of an elected official (Chairman and Secretary), the other elected official will act in that person's absence without any further action needed by the Board. The motion carried unanimously.

Attendance Policy

The attendance policy as set forth by City Council was discussed.

ADJOURNMENT

There being no other business to come before the Board, Chairman Bailey moved, seconded by Ms. Scott, to adjourn the meeting at 6:15 p.m. and the motion carried unanimously.

Respectfully submitted,

Darren Osborne, Secretary

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

Application for (check all that apply):

manufacturer (Class A Permit)
 hotel or club (Class D Permit)

on-premises consumption (Class C Permit)
 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

existing permit-additional permit type

2. Name under which business will operate: _____

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: ILL AVE

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: _____

5. Proposed date business will open under this ownership: March 8, 2016

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

Nellie Lee Swift

7. Applicant's prior experience selling/serving beer or other alcoholic beverage:

Waitress

8. Type of business entity:

Individual 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:

Nellie Lee Swift

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:

Nellie Swift - owner

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

Restaurant & Bar

12. Description of the business's footprint and parking areas available to/for the use of the business (attach drawing if available):

Strip mall

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

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? _____

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.

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.

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

Security Teams - recording after entrance
hiring off duty police.

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 February, 2016.


Signature of Applicant

Sworn to and subscribed before me this 19th day of February, 2016.
My commission expires: 11/25/17.




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 Swiftly's Atomic Bar & Grill
Business Address 1195. ILLINOIS AVE OAK RIDGE TN 37830

2. Manager's Full Name Nellie Lee Swift

3. Request is made as (check which applies):
Additional Manager Matthew Swift Replacement of Prior Manager _____

4. Manager's prior experience selling/serving beer or other alcoholic beverage:
N/A

5. Manager's Work History:
How long have you been employed at the business? N/A
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? N/A
If so, where and when: _____
Have you ever been a manager of an establishment with a beer permit? _____
Have you ever had a beer permit refused, suspended or revoked? _____
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):
Carding, Security Team, Training
recording, having off Duty Police

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.

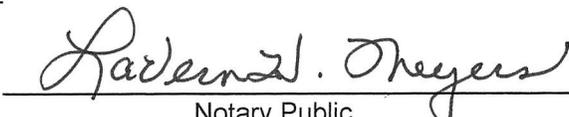
I hereby release, absolve and hold harmless the City of Oak Ridge, the Oak Ridge Beer Permit Board, the Oak Ridge Police Department, its employees, agents and representatives from any and all liability of whatever type for any damages, causes of action, personal property injuries which may result as 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 19th day of February, 2016.


Signature of Applicant

Sworn to and subscribed before me this 19th day of February, 2016.

My commission expires: 11/25/17.


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 Hank's Market
Business Address 691 Knox Valley Rd. Oak Ridge, TN 37830
2. Manager's Full Name Anthony Shane Carpenter
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:
Worked in Retail Bar 21 Years with Food Lion.
5. Manager's Work History:
How long have you been employed at the business? 2 months.
Date you became Manager: 12/29/15
Name of Previous Manager: David Mayers Date left: 12/28/15
Previous Employment for the past ten (10) years (name of business, address, length of employment, position held). Attach additional sheets if necessary):
Food Lion 2917 Old Knoxville Hwy, Monroville, TN 37801
21 Years, Store Manager.
6. Beer Permit History:
Have you ever been employed at an establishment with a beer permit? Yes
If so, where and when: Food Lion "95 thru "15
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):
First would be the proper training of an associate and understanding of how to go about Alcohol Sales, Boots, at Registers with up to date forms of ID's. Card each and every customer to make sure ID is valid and in date.

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 15 day of February, 2016.



Signature of Applicant

Sworn to and subscribed before me this 22nd day of February, 2016.

My commission expires: November 25, 2017.



Notary Public

