

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

Municipal Building Training Room
Thursday, October 2, 2014
5:30 p.m.

PRESENT: Secretary Bailey, Darren Osborne, Theresa Scott, and Wendy Williams
ABSENT: Chairman Randy Tedford, Colin Colverson, and Debra Solmonson
ALSO PRESENT: Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board
Kevin Angel, Attorney for Lincoln's Sports Grille

ROLL CALL/ATTENDANCE

In the absence of Chairman Tedford, Ms. Dunn called the meeting to order at 5:32 p.m. The following members were present: Secretary Bailey, Mr. Osborne, Ms. Scott, and Ms. Williams.

ACTING CHAIRPERSON

In the absence of Chairman Tedford, the Board voted for Secretary Bailey to be Acting Chairman upon motion of Ms. Scott, seconded by Mr. Osborne, and unanimous approval of the Board.

LINCOLN'S SPORTS GRILLE – PETITION FOR WRIT OF CERTIORARI, REQUEST FOR A STAY OF THE REVOCATION

Ms. Dunn reminded the Board of the topic for the meeting, which was to reconsider Item #6 – a requirement that at least one owner be present at all times while Lincoln's is open to the public—as part of the conditions for an agreed order to stay the revocation of the beer permits during the appeals process as previously agreed to by the Board on September 16, 2014.

Kevin Angel, attorney for Lincoln's, was present at the meeting to discuss the request. Mr. Angel explained the reason for the request by Lincoln's to eliminate Item #6, which is that it would be impossible for an owner to be present at all times while the business is open, and apologized for the original statement that Lincoln's had agreed to all listed conditions. Mr. Angel also explained the process for filing the appeal and withdrawal of the prior petition.

The Board discussed the issue with members voicing concerns over Friday and Saturday nights at Lincoln's and not having persons representing Lincoln's at the hearings that have actual knowledge of events. Other members voiced concerns over losing the opportunity to place conditions on Lincoln's during a stay—if an agreement was not reached and the Chancellor issued a stay without any conditions—as well as stating their belief that the requirement for a manager on duty at all times whose focus is on alcohol/beer sales/consumption would be an improvement.

Acting Chairman Bailey moved, seconded by Mr. Osborn, to eliminate Item #6 as a requirement from the agreed provisions and the motion failed by a vote of 2-to-2, with Ms. Scott and Ms. Williams voting against.

Ms. Scott moved, seconded by Ms. Williams, to modify Item #6 to only require an owner to be present on Friday and Saturday nights from 8:00 pm until close, and the motion failed by a vote of 2-to-2 with Acting Chairman Bailey and Mr. Osborn voting against.

The Board continued to discuss the original request to eliminate Item #6 and asked if the motion could be re-heard. Ms. Dunn explained a motion to reconsider.

The Board discussed prior problems at Lincoln's and whether the presence of an owner would have changed the result. The Board also discussed the 90-day suspension language in the agreed to provisions for violation of any of the conditions. Ms. Dunn and Mr. Angel also explained the severity of lack of compliance with an agreed order signed by the Chancellor. Ms. Scott and Ms. Williams reviewed the language provided by Mr. Angel for the proposed agreed order.

Ms. Scott, seconded by Acting Chairman Bailey, moved to reconsider the original motion to eliminate Item #6 and the original motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 6:18 p.m. at the conclusion of the item for discussion.

Respectfully submitted,

Barton Bailey, Secretary
(Signature on official document in City Clerk's Office)