

**MINUTES OF THE
OAK RIDGE BEER BOARD**

Regular Meeting (Includes Two Show Cause Hearings)

Training Room – Municipal Building

March 11, 2013

12:00 noon

PRESENT: Barton Bailey, Colin Colverson, Pedro Otaduy, Theresa Scott, Randy Tedford and Wendy Williams

ABSENT: Debra Solmonson (gave prior notice of absence to Legal Department)

ALSO

PRESENT: Tammy Dunn, Senior Staff Attorney
Alan Massengill, Deputy Police Chief
Brad Jenkins, Police Lieutenant
Joan Roberts, Court Reporter/Transcriptionist

AUDIENCE
MEMBERS:

Michael Foster, Allies for Substance Abuse Prevention
John Huotari, Oak Ridge Today

ATTENDANCE

Chairman Tedford called the meeting to order at 12:00 noon. All members were present except Ms. Solmonson who contacted the Legal Department prior to the meeting to state she would be absent.

Chairman Tedford stated the members were provided name plates for the meeting and, to facilitate discussion, a member should raise the name plate when wishing to speak so that members do not talk over each other.

APPROVAL OF MINUTES

Chairman Tedford moved, seconded by Secretary Bailey, to approve the February 11, 2013 regular meeting minutes and the motion carried unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

(None)

NEW MANAGER APPROVAL APPLICATIONS

(None)

SHOW CAUSE HEARINGS

Show Cause Hearing # 2013-01

Oak Ridge Revitalization Effort (ORRE)

Events at Grove Center Parking Lot

Class "C" Beer Permit #1403, Approved: 7/26/10

Owner: Board Members (Represented by Kate Groover, Executive Director)

Manager: Mary Cox and Barbara Ferrell (9/13/2010)

No one was present from ORRE for the hearing. Ms. Dunn read email communications between herself and Ms. Groover where Ms. Groover stated ORRE did not intend to "renew" their beer permit at the Grove Center parking lot. Ms. Dunn stated she asked for the beer permit to be returned, however, Ms. Groover stated it was in storage and not easily accessible. Ms. Dunn stated she told Ms. Groover she would pass along the information if no one was present from ORRE for the hearing.

Secretary Bailey moved, seconded by Ms. Scott, to accept the surrender of ORRE's beer permit for Grove Center parking lot and the motion carried unanimously.

Show Cause Hearing # 2013-02

Lincoln's Sports Grille

119 S. Illinois Avenue

Class "C" Permit #1406, Approved 8/9/10

Class "B" Permit #1439, Approved 11/14/2011 (for catering only)

Owner: Edward Scott Green, Lendon Aaron Hart, Mike Lincoln, and Vander J. Murray

Manager: Michelle Sherri Hoffman (11/14/11)

Mr. Green and Mr. Lincoln were present for the hearing. Ms. Lisa Green arrived later on behalf of the business. Mr. Green, Mr. Lincoln, Deputy Chief Massengill, Lieutenant Jenkins, and Ms. Green were all sworn in by Chairman Tedford, with Ms. Green's swearing-in occurring later in the meeting.

The hearing began with Deputy Chief Massengill explaining the disturbance at Lincoln's the late evening of February 9, 2013 (into the morning hours of February 10, 2013) which resulted in the entire Police Department shift arriving on the scene. According to reports of officers on the scene, many people were intoxicated. Deputy Chief Massengill stated there was a large disturbance to the extent that it was a little more than the on duty shift could handle. Patrons were asked to clear out and the business closed down for the evening.

Lieutenant Jenkins, as shift supervisor that evening, stated he was present at Lincoln's during the disturbance and reported many calls were coming into dispatch that fights were occurring inside and outside Lincoln's. The first officers on the scene called for backup. He reported that many people were running from the establishment, but he estimated the number of patrons inside upon his arrival to be above 200. He stated people were standing on chairs and in booths filming the disturbances. He stated management was cooperative with closing the business. One arrest was made for public intoxication, though Lieutenant Jenkins said the patron could have been charged with interfering with the police due to his behavior as well.

Board members questioned Deputy Chief Massengill and Lieutenant Jenkins, as well as Mr. Green and Mr. Lincoln. The following summarizes the information given in response to the board's questions regarding the disturbance:

From Lincoln's. The occupancy limit inside the establishment is 270. A call was made to ORPD from Lincoln's regarding the disturbance seeking assistance. Management was cooperative with ORPD. Security cameras were not aimed in the area where the disturbance occurred, but the cameras have now been repositioned to cover that area. There was no special event that night, but

a new band/person was playing who attracted a different clientele (younger) than what is typically at Lincoln's and Lincoln's does not plan on booking this band in the near future unless the band can assure them of a better crowd. The disturbance originated between two males over a female, and later escalated out of control. The two males who started the disturbance have been banned from Lincoln's. Ownership/management feels they do a good job of carding, cutting patrons off from drinking, and not serving people that are intoxicated or under the influence. Additionally, Lincoln's has provided free food to persons who they feel are under the influence to get them to eat something. Lincoln's has had "bouncers" in the past but does not feel they are warranted now due to less business than before, but would be willing to do so if recommended by the board. Ownership/management appreciates ORPD and the board, and the last thing the business wants is for someone to get hurt. Ownership/management does not know what they could have done to prevent the disturbance.

From ORPD. This was the largest disturbance to the Police Department's recollection at this business. While this business has been relatively good in comparison with other establishments and has had a history of cooperation, this disturbance was out of control due to higher levels of intoxication. There is a concern that patrons are not being cut off from drinking alcohol at the appropriate time and if staff does not cut them off, people could get hurt when those patrons leave. Additionally, there was a DUI arrest from Lincoln's over the past weekend and the person admitted to drinking at Lincoln's. There was agreement from ORPD that Lincoln's could not have done anything to prevent the disturbance without being proactive to cut people off from drinking alcohol and not over-serving patrons because then it is too late.

Secretary Bailey asked ORPD if they were comfortable with Lincoln's continuing to operate, and Deputy Chief Massengill stated he was if Lincoln's monitored patrons and cut patrons off when needed. Mr. Colverson asked Lincoln's what steps they planned to take, and the response was to tighten up existing practices regarding cutting patrons off from drinking alcohol. Mr. Green stated the bartender is an ABC instructor, so they have the resources to do their job and they will be proactive with staff involving management and ownership. Ms. Scott had a concern about the access points to the establishment and Mr. Green stated they are already working on a way to ensure patrons enter through the front door only and not through the patio. Ms. Williams was concerned about the recent DUI and Mr. Green stated he was as well, but did not know about it until today and he would be more stringent with their procedures.

Secretary Bailey moved, seconded by Mr. Colverson, that Lincoln's had shown cause as to why the board should not take negative action against the beer permit and the motion carried unanimously.

Ms. Scott was concerned about the former manager leaving Lincoln's in December without a new manager application being filed. Ms. Green stated she turned in the application, but assumed she had missed the meeting for approval. Ms. Scott stated it was Ms. Green's responsibility to check the status of her application. Ms. Green stated she would reapply that afternoon.

Chairman Tedford moved, seconded by Secretary Bailey, to hear the manager application at the next meeting (April 8, 2013) and the motion carried unanimously.

NEW / OLD BUSINESS

New Beer Permit Application and Manager Approval Forms

Ms. Dunn handed out copies of the new application forms for each member to update their meeting book. Mr. Otaduy inquired when the new forms were approved and Mr. Colverson showed him the minutes from the February 11, 2013 meeting. Mr. Otaduy mentioned having items passed on second reading as Council does. Secretary Bailey noted that the application forms were discussed at two meetings. Mr. Colverson stated he was not in favor of such a change to the board's process and

Chairman Tedford agreed.

Roster

Mr. Otaduy suggested the roster be updated citing an example of when he was absent at the last meeting and was not able to contact the Chairperson in advance of the meeting. Chairman Tedford gave the members his telephone number—which is not listed on the roster---in the event he is needed by a member of the board, however, Chairman Tedford asked members to notify the Legal Department by email or telephone of absences since that department is the central location for the board.

Temporary Permit Approval / Tape Recordings

Mr. Otaduy stated he recalled at a prior meeting someone—not him—asking for a list of any beer permits with temporary approval that were being held up administratively. Secretary Bailey stated he did not remember such a question by the board. Mr. Otaduy then asked if the meetings were recorded and Secretary Bailey stated Ms. Dunn takes the minutes of the meeting. Mr. Otaduy asked if the meetings were tape recorded and Secretary Bailey said no. Mr. Colverson asked Mr. Otaduy if he wanted the meetings tape recorded and Mr. Otaduy stated no, but Council meetings were recorded and it could be helpful for the person who writes the minutes.

City Code §8-808(8) / Life Safety Inspections

Mr. Otaduy read City Code §8-808(8) to the board again and stated a food establishment should not be given a beer permit pending the life safety inspection. Secretary Bailey explained the health inspections referred to in City Code §8-808(8) are not the same as the life safety inspections conducted by the City. Mr. Otaduy stated there was no reason to withhold the beer permit. Chairman Tedford also explained the difference between the health inspection and the life safety inspection by the Oak Ridge Fire Department. Chairman Tedford stated for expediency the board has given approval to an establishment provided the life safety requirements are met, which cuts down on the number of times an establishment would have to come before the board. Chairman Tedford stated there have been no problems with this process in the past.

DUI Reports

Ms. Williams inquired of Deputy Chief Massengill whether future DUI reports would be brought to the board's attention and Deputy Chief Massengill stated those reports are given to the board.

ADJOURNMENT

Chairman Tedford commented that this meeting was well organized and stated the board may re-visit where members sit (in reference to the ability of all members to hear each other) at the next meeting.

The meeting adjourned at 1:10 p.m. upon motion of Chairman Tedford, second by Ms. Scott, and unanimous approval.

Respectfully submitted,

Barton Bailey, Secretary