

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

Training Room – Municipal Building  
May 13, 2013  
12:00 noon

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

**ABSENT:** Debra Solmonson and Randy Tedford  
(Both gave prior notice of absence to the Legal Department)

**ALSO  
PRESENT:** Tammy Dunn, Senior Staff Attorney  
Alan Massengill, Deputy Police Chief

**AUDIENCE  
MEMBERS:** Michael Foster, Allies for Substance Abuse Prevention

**ATTENDANCE**

In the absence of the Chairperson, Ms. Dunn called the meeting to order at 12:00 noon. All members were present except Chairman Tedford and Ms. Solmonson, both of whom contacted the Legal Department prior to the meeting to report their absence.

**ACTING CHAIRPERSON**

Secretary Bailey nominated Mr. Colverson to be the Acting Chairperson. Ms. Scott seconded the nomination. Mr. Colverson accepted the nomination and was appointed Acting Chairperson for the meeting by unanimous vote.

**APPROVAL OF MINUTES**

Secretary Bailey moved, seconded by Ms. Scott, to approve the April 8, 2013 regular meeting minutes and the motion carried with a vote of 4-0-1, with Mr. Otaduy abstaining from the vote.

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

**Application No. 1476**  
**Ian's Market #17**  
**Dinesh S. Patel and Komel D. Patel, Owners**  
**Dinesh S. Patel, Manager**  
**400 N. Illinois Avenue**  
**Class "B" Permit**

Mr. Dinesh Patel was present to discuss his beer permit application and manager approval application.

Acting Chairperson Colverson inquired about ownership of the business since reference was made on the application to an LLC. Mr. Patel stated the business would be owned by an LLC (Kedar Enterprises, LLC) and, at Acting Chairperson Colverson's request, Mr. Patel amended his application to provide that information.

Mr. Otaduy inquired of Mr. Patel whether he understood certain statements on the application form and specifically inquired if Mr. Patel knew what Tennessee Code Annotated §57-5-301(e)(1) meant. When Mr. Patel indicated he did not know what that statute said, Mr. Otaduy read the statute and interpreted its meaning for Mr. Patel regarding possession/transportation of beer in the course of employment by persons under the age of twenty one (21), in contrast with City Code §8-801(3) regarding possession of beer in the course of employment by persons under the age of eighteen (18). Mr. Otaduy also asked Mr. Patel if he has posted the sign required by Tennessee Code Annotated §57-5-301(f) and Mr. Patel stated he has a sign regarding IDs but does not have the sign specifically required by statute. Mr. Patel stated he would contact his vendor for the sign. Acting Chairperson Colverson told Mr. Patel that the Board does not provide legal advice and only provides reference to the statute.

Secretary Bailey moved, seconded by Ms. Scott, to approve the beer permit application (as edited at the meeting) and the manager application, and the motion carried unanimously.

**Application No. 1477**

**Worsley Operating Corporation**

**d/b/a Breadbox #471**

**Donna Mayberry, Manager**

**680 Emory Valley Road**

**Class "B" Permit**

Ms. Mayberry and Mr. Mike Davis (regional director) were present to discuss the beer permit application and the manager approval application. The applications were submitted due to a change in ownership at the corporate level.

Ms. Scott inquired as to the business's telephone number since the application did not list a local number. Mr. Davis replied that number is the corporate number and Ms. Mayberry provided the local number (865-332-2045). Secretary Bailey reminded them of the obligation to monitor the parking lot for consumption of beer and to call the Police Department if there were any problems. Acting Chairperson Colverson inquired if there had been any issues. Ms. Mayberry stated they had called the police recently regarding a person that appeared to be passed out at the gas pumps. Acting Chairperson Colverson inquired as to the number of employees and Ms. Mayberry stated there were five (including herself) and that all had received the Breadbox's required training on alcohol sales and all had been working there for at least nine months.

Secretary Bailey moved, seconded by Ms. Scott, to approve the beer permit application and the manager application, and the motion carried unanimously.

**Application No. 1478**

**St. Mary's Church/Fundraising Event**

**May 18, 2013: 6:00 p.m. – 11:30 p.m.**

**John Thomas Slankas and Lynda Vineyard, Supervisors of Beer Sales**

**327 Vermont Avenue**

**Class "E" Permit**

Mr. Slankas and Ms. Vineyard were both present to discuss the special event beer permit application.

Mr. Otaduy asked whether this was a permanent application and Mr. Slankas stated it was for a special event permit and that they applied for each event separately, not exceeding four per twelve months. Mr. Otaduy asked why there was a limit of four and suggested St. Mary's ask someone to change that. Mr. Otaduy mentioned the Arts Council of Oak Ridge had a permanent beer permit for city events and suggested St. Mary's consider this option. Secretary Bailey mentioned that option was discussed at the previous meeting with Mr. Slankas. Mr. Slankas stated he did not want to apply for a permanent beer permit due to cost. Mr. Otaduy stated he wanted St. Mary's to be aware of that possibility.

Ms. Williams pointed out an error on the application for the date of the fall festival (had incorrect year) and Ms. Vineyard corrected that information on the application. Acting Chairperson Colverson asked about their ID policy. Mr. Slankas stated they did not expect many young people at this event but they would ID patrons and issue wristbands. Secretary Bailey pointed at that on the application Mr. Slankas asked for an exemption from the wristbands for those obviously over thirty years of age.

Mr. Otaduy moved, seconded by Secretary Bailey, to approve the application with the requested exemption and the motion carried unanimously.

#### **NEW MANAGER APPROVAL APPLICATIONS**

**Barry Bergren**  
**Eagles**  
**1650 Oak Ridge Turnpike**

Mr. Bergren was not present at the meeting. Mr. Otaduy asked whether Mr. Bergren received a letter from the City reminding him of the meeting date. Ms. Dunn stated she did not know whether he was sent a letter or whether he was told in person. Secretary Bailey pointed out that JoAnn Oran notarized the application, implying Mr. Bergren would have been informed at that time of the meeting date. The Board asked that Mr. Bergren be placed on the June agenda and be sent a reminder letter informing him of the new date and that he missed this meeting.

**Pamela Dean Bunch**  
**Throttle Down Bar & Grill**  
**259 Warehouse Road**

Ms. Bunch was not present. Ms. Betty Reynolds stated Ms. Bunch had changed her mind about applying as a manager. Ms. Dunn stated she would send a letter to Ms. Bunch for her to confirm that information.

**Betty L. Reynolds**  
**Throttle Down Bar & Grill**  
**259 Warehouse Road**

Ms. Reynolds was present to discuss her application. Ms. Dunn stated there was an error on the Knox County background investigation form, which has delayed receipt of this information.

Deputy Chief Massengill inquired as to ownership of the establishment and Ms. Reynolds said it was still Steven Robinette. Ms. Scott inquired as to Ms. Reynold's previous employment at Brewski's and Shenanigan's. Ms. Reynolds stated she was a bartender at both places and also did ordering for Shenanigan's. Acting Chairperson Colverson inquired whether Ms. Reynolds was aware of the parking lot responsibilities and to call the police when needed. Ms. Reynolds stated she was and that they contact the owner with any problems first, but that he is usually there.

Ms. Reynolds also stated they had about twenty cameras inside and out that were monitored. Mr. Otaduy asked how long those records were kept and Ms. Reynolds did not give an exact timeframe but did say the police have viewed their video footage in the past regarding a recent issue. Ms. Scott asked whether there are any bouncers and Ms. Reynolds stated there are not, but that there are stockers who watch out for the bartenders and the patrons. When asked by Acting Chairperson Colverson, Ms. Reynolds stated they are open from 11am to 3am and stop serving shortly before 3am since everyone has to be out by then. Mr. Otaduy asked how she monitors patrons to make sure they do not arrive intoxicated. Ms. Reynolds stated they watch their cameras and have to use their judgment. Mr. Otaduy asked whether she networks with other establishments and Ms. Reynolds stated she knows the other bars and they do keep in touch and will notify others for safety reasons.

Acting Chairperson Colverson inquired whether the police had any issues with the establishment. Deputy Chief Massengill stated recently there has been nothing significant. Secretary Bailey stated that beer was not allowed in the patio/outside area but that he has recently seen people outside with cups but did not call the police. Deputy Chief Massengill stated he would notify patrol to watch out for this since this establishment was not in the business of selling beverages that were not beer. Ms. Scott asked why Ms. Reynolds left employment at Brewski's and Shenanigan's and Ms. Reynolds stated it was for a better opportunity and more money. She also stated, when asked by Ms. Scott, that she was not part owner of Shenanigan's.

Secretary Bailey moved, seconded by Mr. Otaduy to approve the application subject to completion of the background investigation and the motion carried unanimously.

**Jonathan Blake Romer**  
**Salsarita's**  
**288 S. Illinois Avenue**

Mr. Romer was present to discuss his application. Ms. Scott noted that Mr. Romer was replacing a manager that left in November. Acting Chairperson Colverson inquired why the delay was so long in submitting an application. Mr. Romer stated the owners handled these matters in the past and he did not know about the requirement until he received a letter in April on behalf on the board. Acting Chairperson Colverson asked that a letter be sent to the owners about this issue.

Mr. Romer asked a few questions of the board. He asked about Mr. Otaduy's previous comment to Mr. Patel regarding persons under twenty-one being able to handle beer and stated he has worked at previous establishments where busboys were not even allowed to handle empty bottles. Mr. Otaduy stated establishments can have their own policies and some training courses—while not compulsory—may suggest those actions. Mr. Romer also asked about allowing St. Mary's to not use wristbands for those over thirty and asked whether this was discriminatory. Ms. Dunn stated St. Mary's only asked for a waiver from the Board's requirement to *use wristbands* at special events and this did not negate their obligation to check patrons' IDs.

Acting Chairperson Colverson inquired about training. Mr. Romer stated he has been ABC trained every five years and that this training has made him a little tougher on his employees, but that their establishments have passed every sting operation.

Ms. Scott moved, seconded by Secretary Bailey, to approve the application and the motion passed unanimously.

**Jerrold Anthony Williams**  
**Oak Ridge Country Club**  
**150 Gum Hollow Road**

Mr. Williams called the Legal Department on May 9, 2013 and requested his application be postponed until the June meeting.

### **NEW / OLD BUSINESS**

#### **Arts Council of Oak Ridge**

Jim Dodson and Joye Montgomery were present at the meeting and requested two exemptions from the *Required Control Measures for Special Occasion Beer Permits*. The first request was to be exempt from the limit to the number of beers that can be sold at one time to one person (one beer at a time). The Arts Council mentioned long lines at the last festival and some upset customers about not being able to buy a beer for a friend or spouse. Deputy Chief Massengill explained the Police Department's role in asking the Board to originally place this limit on special events and explained that it is risky to allow someone to buy a beer for another person because you do not know if that person is of age or is sober or intoxicated. The Arts Council also asked for an exemption from the requirement to punch wristbands because it was time consuming and at the last festival it caused patrons to question why others were allowed to purchase more beers than they were or what their total limit would be.

The Board had some in-depth discussions about plans for the beer sales by the Arts Council and plans for security by the Police Department. After learning that the ID/armband table would be separate from the beer sales table, that police would be scattered throughout the event but would also be close by the beer sales, that beer was sold in easily identifiable cups, and that volunteers would be watching out for intoxicated persons, the Board was satisfied with the request for a waiver of the wristband punching requirement.

The Board also discussed there may be a need for specific signage about beer sales and the Arts Council may want to consider not allowing or checking bags that come in to the event to prevent outside alcohol. Ms. Montgomery said she would discuss that with the Festival Executive Committee.

Acting Chairperson Colverson moved, seconded by Ms. Scott, to approve the request for a waiver of the wristband punching requirement and the motion carried unanimously.

#### **Police Reports**

(Secretary Bailey had to leave the meeting before this item was discussed)

Deputy Chief Massengill discussed recent events at two establishments. First, he mentioned two arrests that occurred at Back to Brewski's on April 14, 2013. One arrest for public intoxication and one arrest for drug possession. Second, he mentioned an issue at Lincoln's Sports Grille where an owner was involved in a disturbance with an intoxicated patron though no arrests were made.

Mr. Otaduy inquired who called the police and Deputy Chief Massengill could not answer since that information was not contained on the documents in his possession at the meeting. Mr. Otaduy stated he would give a little leeway because the businesses try and are handling the toughest crowds. Deputy Chief Massengill stated it was a fine line because these businesses are in the business of selling alcohol to make money. Mr. Otaduy stated the businesses were not making that much.

Ms. Scott moved, seconded by Acting Chairperson Colverson, to hold a show cause hearing for Back to Brewski's, to require Back to Brewski's to bring their camera/video footage, and for the owners/managers to be present, and the motion carried by a vote of 3-to-1 with Mr. Otaduy voting against.

Acting Chairperson Colverson moved, seconded by Ms. Scott to set the date of the show cause hearing at the next meeting and the motion carried unanimously. There was some confusion after the vote as to whether this motion set the show cause hearing to be at the next meeting or if the date would be decided upon at the next meeting. Acting Chairperson Colverson stated he wanted to decide the date at the next meeting when there the remaining members were present. After a little discussion, the Board agreed that was the meaning of the vote.

#### Audio Recording of Meetings

Mr. Otaduy re-visited the approved minutes of the March 11, 2013 meeting stating he felt the language below did not accurately reflect his current position:

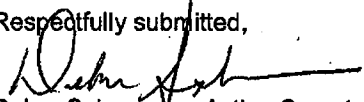
Mr. Colverson asked Mr. Otaduy if he wanted the meetings tape recorded and Mr. Otaduy stated no, but Council meetings were recorded and it could be helpful for the person who writes the minutes.

Mr. Otaduy stated he only wanted to know if the meetings were recorded and re-iterated that he thought it would be helpful in order to write the minutes. Mr. Otaduy also stated he has now decided he would like for the meetings to be recorded and made an official motion to that effect. Mr. Otaduy's motion for the meetings to be recorded failed for lack of a second. Ms. Scott suggested this issue be discussed at the next meeting and Mr. Otaduy stated there was no hurry.

#### ADJOURNMENT

The meeting adjourned at 1:37 p.m. by unanimous approval.

Respectfully submitted,

  
Debra Solimonson, Acting Secretary