

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

Municipal Building Training Room – Room 104  
Monday, June 9, 2014  
12:00 noon

**PRESENT:** Secretary Bailey, Colin Colverson, Darren Osborne, Theresa Scott, Debra Solmonson, Chairman Randy Tedford, and Wendy Williams

**ABSENT:** None

**ALSO PRESENT:** Tammy Dunn, Senior Staff Attorney / Staff Liaison to Board; Matt Tedford, Oak Ridge Police Lieutenant; Christopher Wallace, Oak Ridge Police Officer; Jim Akagi, Chief of Police; Allen Schwartz, Attorney for Lincoln's Sports Grille; VJ Murray, Co-Owner of Lincoln's; Roy McKinnon, Consultant for Lincoln's; Sarah Keenan and Victoria Ballard, Managers of Lincoln's; Joan Roberts, Court Reporter

**AUDIENCE MEMBERS:** Michael Foster, Allies for Substance Abuse Prevention; Bob Fowler, The Knoxville New Sentinel; John Huotari, Oak Ridge Today; Kevin Rice, Citizen; Nang Crossno, Owner of Back 2 Brewski's;

**ROLL CALL/ATTENDANCE**

Chairman Tedford called the meeting to order at 12:00 noon. All members were present.

**APPROVAL OF MINUTES**

Chairman Tedford moved, seconded by Ms. Williams, to approve the minutes of the May 12, 2014 regular meeting and the motion carried unanimously.

Chairman Tedford moved, seconded by Ms. Scott, to approve the minutes of the May 23, 2014 special meeting and the motion carried by a vote of 4-0-3, with Secretary Bailey, Mr. Colverson, and Mr. Osborne abstaining from the vote due to lack of attendance at that meeting.

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

Application #1497  
Kroger #690  
Kroger Limited Partnership I, Owner  
Martha (Marty) Irwin, Manager  
1550 Oak Ridge Turnpike (estimated open date 6/26/14)  
Class B Permit

Ms. Irwin was present to discuss the beer permit and manager applications. Chairman Tedford moved, seconded by Secretary Bailey, to also consider the manager application for the current Kroger location during the discussion of the new Kroger location and the motion carried unanimously.

In response to questions from the Board, Ms. Irwin stated she has over thirty years of experience with Kroger, the Kroger location has security cameras, the store policy is to require identification of all beer purchasers, and the store provides monthly training to its employees regarding beer sales.

Having no further questions, Chairman Tedford moved, seconded by Ms. Scott, to approve the beer permit application and both manager applications (current location and new location) and the motion carried unanimously.

Application #1500

Jefferson Tavern  
Gerald Lynn Britt, Owner/Manager  
102 Jefferson Terminal Road  
Class C Permit

Mr. Britt was present to discuss the beer permit and manager applications. In response to questions from the Board, Mr. Britt stated he has not had any formal training in beer sales but does require identification of all beer purchasers, the fenced in area is only accessible through the bar and has no exit gate, security cameras are set up on the adjacent property (landlord), and he did understand the requirements set forth in the application. The Board discussed with Mr. Britt the importance of having a training plan for employees and Mr. Britt said he would obtain training for all employees.

Having no further questions, Mr. Colverson moved, seconded by Ms. Solmonson, to approve the beer permit and manager applications under the condition that Mr. Britt obtain some type of training for the employees regarding beer sales and the motion carried unanimously. Mr. Britt was told to submit documentation of such training to the Legal Department within thirty (30) days.

Application #1501

Smoky Mountain Blues Society  
Performing Arts Event – June 21, 2014 7:00pm-11:00pm  
Herman Long and Thomas Hurwitz, Supervisors of Beer Sales  
123 Randolph Road – High Places Church  
Class E Permit

Mr. Hurwitz was present to discuss the special event beer permit application. Ms. Dunn stated Mr. Hurwitz's Knox County background check was not yet complete. In response to questions from the Board, Mr. Hurwitz stated he has had a year of experience in serving beer but Mr. Long has had about ten years, identification will be required for all beer purchasers, non-removable wristbands will be used, patrons will be cut off from beer if needed, and security will be present on site if there are any problems. The Board asked Mr. Hurwitz to remind security that intoxicated patrons cannot drive off the premises. Mr. Hurwitz stated they would watch out for over-serving/over-consumption.

Having no further questions, Secretary Bailey moved, seconded by Mr. Colverson, to approve the beer permit subject to the background check and the motion carried unanimously.

**NEW MANAGER APPROVAL APPLICATIONS**

Martha (Marty) Irwin

Replacement Manager  
Kroger  
380 S. Illinois Avenue (current location)

Ms. Irwin's application was approved during the discussion of the new Kroger location's beer permit. See above minutes.

**NEW / OLD BUSINESS****A. Lincoln's Sports Grille – Remediation Plan**

On May 12, 2014, the Board held a show cause hearing for Lincoln's (Show Cause Hearing #2014-01). At this meeting, the Board voted (4 to 3) to suspend the beer permit for two weeks but allow Lincoln's to resubmit a remediation plan at the next regular meeting (June 9, 2014) which would be considered by the Board and, if sufficient, would reduce the suspension to only one week. The Board also voted unanimously to wait on setting the date for suspension until a later meeting.

Chairman Tedford re-opened the discussion on the show cause hearing with Lincoln's to discuss the submitted remediation plan and the suspension length and date(s). Allen Schwartz, attorney for Lincoln's, provided the Board with a copy of a photograph of a newly installed sign on the patio at Lincoln's which informs patrons access is not permitted through the patio. The sign was installed on Saturday June 7, 2014.

Chairman Tedford read from the submitted remediation plan that the gate was not to be used for ingress/egress and then stated he received communication from the Police Department that the gate was used for such purposes over the weekend. At this time, a report was given to the Board and to Lincoln's regarding the routine police activity that observed the use of the gate.

Chairman Tedford swore in Jim Akagi, Oak Ridge Chief of Police. Chief Akagi stated he was driving through the parking lot of Lincoln's on Friday June 6, 2014 at approximately 4:30 p.m. when he noticed Sarah Keenan, Manager of Lincoln's, go through the patio gate with an infant to the parking lot and then be let back in through the gate by another employee. Chief Akagi stated he spoke with Ms. Keenan about the use of the gate and was berated by her. Chief Akagi stated Officer Wallace was called as a backup officer to the scene and no citations were issued. Chief Akagi stated while he was on the scene two patrons entered through the patio gate, which Ms. Keenan blamed on Chief Akagi for not closing the gate.

Chief Akagi stated he was out later that evening with Officer Huddleston and watched to see if the patio gate was used. Chief Akagi stated he observed three people walk out through the patio gate around 9:30 p.m. and what appeared to be one employee. Chief Akagi stated he also observed six people leave through the patio gate around 9:45 p.m. and one other person who appeared to be an employee leave through the patio gate around 9:48 p.m.

Mr. Schwartz inquired whether Chief Akagi witnessed anyone come in through the patio gate that night and Chief Akagi said no. Mr. Schwartz asked why exiting through the patio gate is a violation. Chairman Tedford stated it was contrary to the remediation plan submitted by Mr. Schwartz on behalf of Lincoln's that the gate would not be used to ingress/egress. Chairman Tedford stated that the plan contained empty promises – the gate was being used for non-emergency use and the gate was not alarmed – and further staff should not berate the police for doing their job.

Mr. Schwartz stated the remediation plan stated patrons would not use the patio gate not employees. Mr. Schwartz asked Chief Akagi what Ms. Keenan said she was doing on the patio when he spoke with her and Chief Akagi stated Ms. Keenan said she was planting flowers and then went to get her uniform. Mr. Schwarz asked Chief Akagi if he left the patio gate open and he said yes.

Mr. Schwartz asked Chief Akagi whether he had been to Lincoln's a lot lately, to which Chief Akagi replied no. Mr. Schwartz then asked about Chief Akagi's vehicle and whether he drove a particular make/model, to which Chief Akagi replied no. Mr. Schwartz asked about patrol officers stopping people in the parking lot of Lincoln's and Chief Akagi stated he does not know but he is aware that officers will drive through the parking lot while on patrol. Mr. Schwartz asked if there were any problems with alcohol sales within the last thirty days and Chief Akagi stated none had been brought to his attention.

Roy McKinnon, Consultant for Lincoln's, explained the use of the patio gate for food and drink distributors and for practical uses such as when Ms. Keenan was planting flowers. Ms. Scott responded that the remediation plan said it would only be used for emergencies and Mr. McKinnon agreed these uses were not emergencies but that it would be impractical to carry planting materials through the restaurant. Mr. McKinnon stated the alarm for the gate was on order and would be installed when it arrived.

Chairman Tedford swore in Officer Wallace. Officer Wallace stated Ms. Keenan was very helpful at the time of the disturbance (reason for the show cause) but her behavior was a complete 180 on the night he arrived as backup for Chief Akagi and that he had never been so belittled when trying to explain the reason for his presence. Chief Akagi stated it is not fair for officers to be berated like that and management needed to set an example and not disrespect authority.

Chairman Tedford swore in Ms. Keenan. Ms. Keenan stated she was agitated when speaking with Chief Akagi. Ms. Keenan explained she was planting flowers and went to get her uniform from her vehicle when a fellow employee's child wanted to go with her. Ms. Keenan stated on her way back from her vehicle the child ran off toward the child's mother on the patio and at that point the child's mother opened the patio gate for her to come back through. Ms. Keenan stated she did not see anything wrong with that.

Mr. Colverson pointed out discrepancies in language in the remediation plan considered by the Board on May 12, 2014 and today on June 9, 2014 regarding the patio gate and stated it is reasonable to interpret the revised plan to mean that the gate would not be used by anyone except in an emergency. Mr. Colverson also stated it is reasonable to interpret the plan that the gate was not going to be used by patrons. Mr. Colverson stated the Board is reasonable in interpreting the plan to mean the patio gate will only be used for emergencies (safety) and that is not the intention then Lincoln's needs to provide clarification.

Mr. McKinnon stated it is the intention for the front door to be used as the single point of ingress and egress but that the side and back entrances will be used for deliveries. Mr. McKinnon stated it will take time, but if people want to exit through the gate they will. Once the alarm is in place, Mr. McKinnon stated management would be alerted to use of the gate and can address it to help create a trend for such use not to happen. Ms. Solmonson asked for the timeframe for the alarm to be delivered and Mr. McKinnon stated July 1, 2014.

Chief Akagi contradicted Ms. Keenan's account of what happened regarding access back through the patio gate.

Ms. Williams inquired about the managers since the remediation plan stated Ms. Greene and Ms. Bass were no longer managers. Mr. Schwartz and Mr. McKinnon responded that an application had been submitted for Ms. Victoria Ballard which Ms. Dunn confirmed. Ms. Williams pointed out the remediation plan states the business will close an hour earlier but the website still shows the old hours of operation. Mr. McKinnon stated the website is being completed redone and will reflect the correct hours when complete. Ms. Williams asked what was being done to change the mindset of patrons. Mr. Schwartz stated the problem patrons have been banned and not allowed back inside. Additionally, Mr. Schwartz cited increased security cameras.

Mr. McKinnon stated a change in management will result in a change in the culture. He also stated they have made other changes to help such as changing the type of bands and the length of band sets.

Chairman Tedford asked what had changed from the first remediation plan to the current remediation plan. Mr. Schwartz outlined the installation of changes to the gate that does not allow entrance from the outside, installation of the sign, ordering the alarm, patrolling the parking lot, cutting off bands at 1:00 a.m., and the hiring of Ms. Ballard. Mr. Colverson pointed out the only additional information was the manager change and the rest was implementation of the old remediation plan. Mr. Schwartz stated he believed Deputy Chief Massengill was looking for a change in management to address the culture problems, and that was done by hiring Ms. Ballard. Mr. Schwartz stated they are also focusing on food service and not bar service.

Mr. Osborne asked about closing hours and last call. Mr. McKinnon stated they close at 1:00 a.m. and last call was at midnight.

Chairman Tedford opened the floor to discussions of the suspension length. Secretary Bailey stated there was little change in the two remediation plans and he was disinclined to give less than the two week suspension. Ms. Scott and Ms. Williams agreed. However, Secretary Bailey stated he did like some of what he was hearing from Lincoln's. Secretary Bailey moved for an eleven day suspension (June 10-19). The motion died for lack of a second.

Chairman Tedford moved, seconded by Ms. Williams, to impose a two week suspension beginning June 25, 2014. Ms. Scott agreed with a two week suspension. Ms. Solmonson agreed but had an issue with the dates stating she felt the suspension should occur sooner because Lincoln's had not complied with items in the remediation plan (alarm on the gate) but such compliance might be reached during the dates of the proposed suspension time. Mr. Colverson and Ms. Scott agreed, with Mr. Colverson stating there was a lack of respect for safety. Chairman Tedford, with permission from Ms. Williams, changed the dates of the two week suspension to be June 10-24, 2014, and the motion carried by a vote of 4 to 3, with Secretary Bailey, Mr. Colverson, and Mr. Osborne voting against.

[The Board took a ten minute break.]

B. Reports from Oak Ridge Police Department (if any)

None

C. Ability of Board Members to Receive ABC Certification

Ms. Scott wanted the Board to discuss members obtaining training/certification in order to counteract statements currently being made on social media regarding the Board not having experience/training in beer sales. Ms. Scott showed the Board her last ABC certification card.

Michael Foster, with Alliances for Substance Abuse Prevention, offered to provide the information to the Board free of charge but stated if the board members wanted to be certified by the ABC, there is a state required fee for the certification and that class is a five hour minimum. Mr. Foster stated the information could be provided in about two hours and he would provide class materials at no charge. Mr. Foster stated ASAP provides such training to other businesses as well.

Mr. Osborne stated he has prior knowledge of beer sales as he used to be a server. Chairman Tedford stated he saw no harm in receiving the information but did not want certification. Secretary Bailey stated he would be glad to attend if it worked out with his schedule. Ms. Williams stated she would like to sit in on a class. Ms. Solmonson stated she would not be comfortable receiving such training for free from ASAP for ethically reasons since the Board is considering whether to require specialized training of beer permit holders and ASAP provides such training. Chairman Tedford stated he saw no problem with it since the Board is not recommending a specific class. Ms. Scott offered a suggestion that the training be provided as part of the Underage Drinking Task Force and be open for others to attend. Ms. Solmonson stated she would not participate to avoid any perception of impropriety.

### **ADJOURNMENT**

The meeting adjourned at 1:35 p.m. upon unanimous approval after motion by Mr. Colverson seconded by Mr. Osborne.

Respectfully submitted,

*Signature on Official Document  
in City Clerk's Office*  
Barton Bailey, Secretary