

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

APPROVED

Training Room – Municipal Building
February 13, 2012
12:00 noon

PRESENT: Barton Bailey, Gerald Cooksey, Carol Heck, Theresa Scott, and Debra Solmonson

ABSENT: Colin Colverson (work conflict, called ahead) and Randy Tedford (ill, called ahead)

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

AUDIENCE
MEMBERS: Michael Foster, Allies for Substance Abuse Prevention

ROLL CALL

Ms. Dunn called the meeting to order at 12:00 noon.

ACTING CHAIRPERSON

In Chairman Tedford's absence, an acting chair was needed to run the meeting. Mr. Bailey offered to act in this capacity and Ms. Solmonson seconded his nomination. The motion carried unanimously.

APPROVAL OF MINUTES

Acting Chairman Bailey moved, seconded by Mr. Cooksey, to approve the minutes of the January 9, 2012 meeting and the motion carried unanimously. Mr. Cooksey inquired about more specifics of the City Manager's presentation at the January meeting.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

Application No. 1437

**Frederic Avery for
Atomic Elks Lodge (Membership based Club)
Roger Tyrone Williamson – Manager
262 Wilberforce Avenue
Class "D" Permit**

Mr. Avery and Mr. Williamson were both absent from the meeting. Acting Chairman Bailey moved, seconded by Ms. Heck, to deny the permit and manager applications and the motion carried unanimously. This item had been continued by the Board each month since October 2011 to allow time for the establishment to comply with the requirements and requests of the Board.

Application No. 1442

**John Wheeler on Behalf of
St. Mary's Church Mardi Gras Event (February 21, 2012)
327 Vermont Avenue (Gym & Columbus Hall)
Class "E" Event**

The Legal Department was called prior to the meeting due to Mr. Wheeler's inability to attend the meeting. However, the Legal Department was informed Father John would attend in his place and Father John was also listed on the application. Father John and Karen attended the meeting. They requested an exemption from the armband requirement for special events.

The Board inquired about checking IDs, whether children would be present for the event, and how beer was served. Father John and Kate stated IDs are checked and the beer is served inside, separate from the event and children. The Board reminded them to call the police if needed and to arrange rides for anyone who may need it. Having no problems in the past with St. Mary's events, Ms. Solmonson moved, seconded by Acting Chairman Bailey, to approve the application and grant the requested exception and the motion carried unanimously.

Application No. 1443

**Leonor Martin and Eva Brown, Co-Owners
Leonor Martin, Manager
Tienda Nony #4
112 Raleigh Road
Class "B" and "C" Permits**

Ms. Martin and Ms. Brown were both present for discussion of the applications. This will be for an additional location within Oak Ridge, with this location being at Grove Center. It is the former location of LaTortilla Mexican Market #2. Ms. Dunn reported the establishment passed the life safety inspection for off-premises consumption but not for on-premises consumption.

The Board inquired about the purpose of the on-premises consumption permit application and both Ms. Martin and Ms. Brown indicated they were a small location but wanted patrons/friends to be able to hang out with the employee(s) and have a beer while there if they wanted. A main concern for this location was safety as the establishment has been robbed before and crime may be deterred with more people inside. There is also a plan to install a small eat-in area. The Board also inquired about training employees and planned hours of operation. The planned hours of operation are 10am – 9pm daily, except for Sunday 10am – 7pm. Some members of the Board suggested they wait on the on-premises permit application until the life safety inspection was complete, rather than approve subject to completion of the life safety inspection.

Acting Chairman Bailey moved, seconded by Mr. Cooksey, to approve the off-premises beer permit application, to approve the manager application, and to continue the on-premises application until such time as the life safety inspection was passed, and the motion carried unanimously. Ms. Martin asked if she changed her mind about wanting an on-premise permit what she needed to do. Ms. Dunn stated she could call the Legal Department and we would inform the Board, and reminded Ms. Martin that the application fee was non-refundable.

Application No. 1444

Steven D. Robinette, Owner
Sherri Renee Aycock, Manager
Throttle Down Bar & Grill
259 Warehouse Road
Class "C" Permit

Mr. Robinette and Ms. Aycock were present for discussion of the applications. Ms. Dunn reported the establishment passed the life safety inspection. Mr. Robinette explained he had a lease-purchase with the property owner (Michael Rhodes) and planned to take over the establishment (bar) on Thursday. Ms. Aycock is a current employee of Throttle Down under its current owner (William Renfro) and will remain an employee under the new owner as the manager.

Chief Massengill inquired whether there is any tie between Mr. Robinette and prior owners. Mr. Robinette stated there is not. The Board inquired about Mr. Robinette's employment experience. Mr. Robinette stated he had not operated a business with a beer permit before, but did not believe he would have any problems. The Board asked about the layout of the establishment and Mr. Robinette explained the "back-rooms" were storage and would not be accessible to the patrons; he would not have any card tables because it was against the law, and he had plans to expand the security cameras (15-16) as well as add security officers (un-armed). Ms. Aycock stated there is no food currently being served at the Throttle Down but there were plans to add it. Ms. Aycock stated she will be present most of the time and Mr. Robinette will be there when she is absent.

The planned hours of operation are 11am to 3am, except for Sunday (opening at 12 noon). Ms. Aycock did state that most weeknights they are closed by 10pm. Mr. Robinette stated he was aware that outside drinking was not permitted and if he planned to have events, such as the toy run, that he was aware a special event permit was required and a nonprofit would obtain it.

Chief Massengill stated he would like to meet with the security officers Mr. Robinette planned to use. Mr. Robinette was agreeable to that and planned to use his friends that are Roane County officers in the beginning.

Acting Chairman Bailey moved, seconded by Ms. Solmonson, to approve the beer permit and manager applications and the motion carried unanimously.

Application No. 1445

Wiwat Nang Crossno, & Tracy Crossno, Co-Owners
Adding Carl A. Spurgeon as Co-Owner
Nang Crossno, Manager
Back 2 Brewski's
144 Randolph Road
Class "C" Permit

Mr. Crossno and Mr. Spurgeon were present for discussion of the applications. Ms. Dunn reported the establishment passed the life safety inspection; however, the local background check was still pending.

Chief Massengill inquired about the boarded up windows and tinted windows, explaining that law enforcement would always have a concern about that should an incident occur and officers need to be able to see in during their approach. Mr. Crossno stated the fix was temporary and replacement windows were estimated for the 21st. Chief Massengill also inquired about the change in ownership and whether this change will affect the management of the establishment since the Board made an exception based upon the Crossno's history. Mr. Crossno said the management style and clientele will not change.

The Board inquired about employees, any incidents occurring since opening, cameras, broken windows, and food. Mr. Crossno responded that he did keep one employee from Shenanigan's (the previous owner's mother) as the bartender and has not had any issues. Mr. Crossno stated there was one incident where a patron called the police, but he had taken care of the problem prior to police arrival. Mr. Crossno did not have any information on an alleged "catfight" occurring one week prior when asked by a Board member. Mr. Crossno gave the details on how the windows were cracked or broken, and now boarded up and painted, with the intent to replace them. Mr. Crossno also stated he does plan to have cameras, and currently has a security system through ADT and conducts walkthroughs every evening. Mr. Crossno stated food is carried-in from the deli he owns next door.

Acting Chairman Bailey moved, seconded by Mr. Cooksey, to approve the beer permit and manager applications and the motion carried unanimously.

MANAGER APPLICATIONS

Leah Van Winkle
Ruby Tuesday
375 S. Illinois Avenue

Ms. Van Winkle was present for the meeting and had not received the messages from the restaurant to attend prior meetings. Acting Chairman Bailey asked that when/if she leaves as manager, to explain to the restaurant that a new manager application must be submitted. The Board discussed the parking lot responsibilities and the advice to call the police when needed. Having no further discussion, Acting Chairman Bailey moved, seconded by Ms. Solmonson, to approve the manager application and the motion carried unanimously.

John Patterson Forsyth
Salsaritas Fresh Cantina
288 S. Illinois Avenue

The current manager came to the meeting prior to the start and stated Mr. Forsyth was no longer the manager. This item was removed from the agenda and the new manager picked up an application for submittal at the March meeting.

Gary Michael Long
Oak Ridge Bowling Center
246 S. Illinois Avenue

Mr. Long and Mr. Hart were present to discuss the application. The Board inquired about training, beer sales, and ensuring non-purchasers are not drinking beer. Mr. Long stated he has not had formal training, and Mr. Hart explained all the servers are ABC certified. Mr. Hart explained that beer is sold in a "beer garden" that is separate from the snack bar and separate from minors. IDs are checked and security cameras are present. When asked whether spectators are allowed inside, Mr. Long said they are but spectators are watched closely, as are those with beer, and spectators are asked to leave if needed.

Ms. Solmonson moved, seconded by Acting Chairman Bailey, to approve the manager application and the motion carried unanimously.

Dinesh S. Patel
Ian's Market #17
400 N. Illinois Avenue

Mr. Patel was present to discuss the application. When asked, Mr. Patel stated IDs are checked for everyone except some of the older patrons. The Board reminded him to call the police when needed and to check the parking lot. Chief Massengill stated there have not been any problems at this location associated with the Market. Hours of operation are currently 6am – 12midnight.

Acting Chairman Bailey moved, seconded by Ms. Heck, to approve the manager application and the motion carried unanimously.

Lindsay Brenner (Owner)
Jefferson Tavern
102 Jefferson Terminal Road

Ms. Brenner was present to discuss her application. She is the owner of the establishment and the Board previously approved her aunt as the manager, as requested, while Ms. Brenner was learning the business. When asked about training, Ms. Brenner stated she had no formal training but had learned from her aunt. While she is the sole employee, her mother and stepfather help out. Her stepfather, Mike McAlister) was present as well. The Board suggested she may wish to have someone, such as her mother or stepfather, apply as an additional manager in case she needed to be out for an extended period of time.

Having no further discussion, Acting Chairman Bailey moved, seconded by Ms. Solmonson, to approve the manager application and the motion carried unanimously.

NEW / OLD BUSINESS

Fingerprinting/Background Checks – Chairman Tedford

Chairman Tedford asked Ms. Dunn to report there is nothing new at this time from the Tennessee Bureau of Investigation (TBI) and Anderson County, and maybe the Oak Ridge Police Department could find out something.

Back 2 Brewski's (Requested by Carol Heck)

Carol Heck inquired about the condition of building, noting some windows were blacked out, some windows were boarded up, and some windows appeared to be cracked or broken. Ms. Heck's concerns were for the Police Department's ability to see in the establishment as well as Code Enforcement ordinances.

Code Enforcement and the Fire Department conducted a Life Safety Inspection prior to Back 2 Brewski's obtaining a beer permit. At that time, the establishment passed inspection (communicated by email to Legal Department from Fire on December 8, 2011 and from Codes on December 12, 2011). Due to Ms. Heck's inquiry, another request was sent to Codes on January 23, 2011. Additionally, since Back 2 Brewski's was back on the agenda for a new beer permit (to add an additional owner), a new Life Safety Inspection was scheduled by both Fire and Codes. The establishment passed the Life Safety Inspection.

Ms. Heck also heard a former Shenanigan's bartender was working at establishment.

This issue was addressed during the discussions of Back 2 Brewski's beer permit application (see above).

The Other One (Requested by Theresa Scott)

Theresa Scott reported that concerned citizens informed her that The Other One employs an individual with a DUI conviction, who may be operating as the manager when the owner/manager, Amanda Caldwell, is absent. Ms. Scott has asked whether this is a violation.

Ms. Dunn stated she spoke with Ms. Caldwell who assured her the employee with a DUI conviction is not a manager and does not have managerial responsibilities. Ms. Scott asked that this item be continued to the next meeting for a discussion with Ms. Caldwell to address this issue and other issues, such as outdoor dining,

Ms. Scott also reported that The Other One is (or will in the very near future) begin open for business on Sundays. Ms. Scott noted there is no notice of such on file with the Board.

There is no prohibition in the beer ordinances about serving beer on Sundays. An establishment can change their hours and/or days of operation without notification to the Board.

Public Meetings and Electronic Communications (Legal Department)

Legal Department Memorandum 12-06 was distributed with the agenda. No discussion occurred on this subject.

ADJOURNMENT

The meeting was adjourned at 1:30 p.m. when members of the Board needed to leave, thereby leaving remaining members but no quorum.

Respectfully submitted,

Barton Bailey, Secretary