

**MINUTES OF THE
OAK RIDGE BEER BOARD**

APPROVED

Regular Meeting and Show Cause Hearing

Training Room – Municipal Building
February 14, 2011
12:00 noon

PRESENT: Barton Bailey, Gerald Cooksey, Carol Heck, Chuck Hope, Debra Solmonson, Randy Tedford, and Joe Valentino

ABSENT: None

ALSO

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

ROLL CALL

Ms. Dunn called the meeting to order at 12:00 noon. At roll call, all members were present except Randy Tedford. Randy Tedford arrived later in the meeting,

APPROVAL OF MINUTES

Ms. Dunn stated that Mr. Cooksey brought an omission to her attention in the January 24, 2011 meeting minutes regarding the beer permit application of Harvest Cuisine being subject to a completed background check. Ms. Dunn stated this information was omitted and has now been added.

Ms. Bailey moved, seconded by Mr. Cooksey, to approve the minutes of the November 22, 2010 special meeting and the January 24, 2011 meeting (as updated), and the motion carried unanimously by a vote of 6-0. Mr. Tedford was not present at the meeting at this time.

ELECTION OF OFFICERS

In Mr. Tedford's absence, Ms. Dunn stated that he was willing to continue to serve as Chairman. Mr. Bailey moved, seconded by Ms. Solmonson, to elect Mr. Tedford as Chairman and the motion carried unanimously by a vote of 6-0. Chairman Tedford was not present at the meeting at this time.

Mr. Hope moved, seconded by Mr. Valentino, to elect Mr. Bailey as Secretary and the motion carried unanimously by a vote of 6-0. Chairman Tedford was not present at the meeting at this time.

ACTING CHAIRMAN

In the absence of Chairman Tedford, Mr. Valentino moved, seconded by Mr. Hope, to appoint Mr. Bailey as Acting Chairman for the meeting and the motion carried unanimously by a vote of 6-0. Chairman Tedford was not present at the meeting at this time.

At the conclusion of this vote, Chairman Tedford arrived at the meeting and took over as Chairman.

APPLICATIONS FOR NEW BEER PERMIT/MANAGER APPROVALS

Chairman Tedford moved, seconded by Mr. Bailey, to hear all beer permit and manager applications simultaneously for each business and the motion carried unanimously by a vote of 7-0.

Application #1421

**Tennessee CVS Pharmacy, LLC d/b/a
CVS Pharmacy #3723
Darren Lee Bentz, Manager
1287 Oak Ridge Turnpike
Class "B" Permit**

Mr. Bentz was present to discuss the off-premises beer permit application and his manager application. CVS currently holds a beer permit from the City of Oak Ridge; however, the corporation has officially changed its name which requires application for a new beer permit. Ms. Heck inquired about the ID policy and Mr. Bentz stated the cash registers prompt the cashier to enter a date of birth for beer purchases. By store policy, the cashier is required to physically hold the driver's license and key in the date of birth. Deputy Chief Massengill stated he knows of no problems at this location.

Having no further discussion, Mr. Hope moved, seconded by Mr. Bailey, to approve both the off-premises beer permit application and the manager application and the motion carried unanimously by a vote of 7-0.

Application #1422

**Ulster Project of East Tennessee
Roger Johnson, Supervisor of Beer Sales
Fund Raiser Event – High Places Church
Class "E" Permit**

Mr. Johnson was present to discuss the special event beer permit application. This event is scheduled to operate similarly to the event held last year. Chairman Tedford reminded Mr. Johnson to watch the patrons to make sure they do not leave with beer or give it to an underage person. Mr. Johnson stated they will require IDs for beer purchases and will stamp those patrons. Ms. Heck inquired as to the container the beer would be in and Mr. Johnson stated most likely it would be bottles but they might also provide beer in cups if they obtain a keg of beer. He stated beer would be sold prior to the event and during intermission only. Chairman Tedford reminded Mr. Johnson of the need to watch the parking lot as well. Deputy Chief Massengill stated he knows of no problems at this location during the last event.

Having no further discussion, Chairman Tedford moved, seconded by Mr. Valentino, to approve the special event beer permit application and the motion carried unanimously by a vote of 7-0.

Application #1423

**Laxmi Ventures, Inc. d/b/a
Salsarita's
Hermanshu Patel, Manager
288 S. Illinois Avenue
Class "C" Permit**

Mr. Patel was present to discuss the on-premises beer permit application and his manager application. Ms. Dunn stated Mr. Patel's background information is not yet complete.

Ms. Heck inquired of Mr. Patel's experience and he stated he is involved in the management of all of the Salsarita's within the area along with his brother. He stated he has TASK training and will be obtaining a liquor license as well which will require TIPS training. He stated only managers would have the ability to serve liquor. Chairman Tedford stated that Mr. Patel should call the Police Department if he has any

problems, rather than wait until a problem escalates. He also reminded Mr. Patel to watch the consumption level of patrons and that Mr. Patel has no obligation to serve any patron.

Mr. Patel stated their plans are to have an enclosed patio that will be fenced with a single door accessible from inside the restaurant. Chairman Tedford stated Mr. Patel will need to watch to make sure patrons do not hand off beer from the patio. Chairman Tedford also reminded Mr. Patel that gambling is not permitted.

Having no further discussion, Chairman Tedford moved, seconded by Mr. Valentino, to approve both the on-premises beer permit application and the manager application and the motion carried unanimously by a vote of 7-0.

MANAGER APPROVAL APPLICATIONS

None, aside from the managers approved along with the beer permit applications listed above.

NEW BUSINESS/OLD BUSINESS

Crow's Nest

Ms. Dunn reported that The Crow's Nest turned in its beer permit this morning and stated the business is no longer owned by Mr. Allison. Ms. Dunn also reported that a new owner has picked up a beer permit application for this location and he intends to return the application in sufficient time for the March meeting. Some members of the Board mentioned the recent newspaper article on Mr. Allison; however, this information is no longer relevant to the Board's concerns since Mr. Allison is no longer a beer permit holder.

Atomic City Elks Lodge #1301

Ms. Dunn reported that Mr. Carter came by her office and requested to be placed on the next agenda for consideration of his on-premises beer permit application.

Magnolia Tree

Ms. Dunn and Chairman Tedford reported on the recent status of the Magnolia Tree, which is that the lessee and lessor are in a contract dispute and the restaurant is closed. From all reports, it seems the Magnolia Tree will be permanently closed under its current owner. Mr. Bailey moved, seconded by Ms. Heck, for the Legal Department to send a letter to the owner requesting the return of the beer permit and the motion carried unanimously by a vote of 7-0.

Hildago Mexican Restaurant

Ms. Dunn reported that Hildago Mexican Restaurant has not paid the required annual privilege tax payment. Magnolia Tree (which is now closed) and Applebee's (which is still under construction due to a recent fire) have not paid the privilege tax as well. Mr. Bailey moved, seconded by Chairman Tedford, for the Legal Department to send Hildago Mexican Restaurant a letter stating if the privilege tax payment is not paid by the March meeting, that the Board will require the business's owner to be present at a future meeting for explanation and the motion carried unanimously by a vote of 7-0.

Lincoln's Sports Bar and Grille

Deputy Chief Massengill reported on an incident occurring at Lincoln's over the weekend where patrons were in a fight that resulted in injury over an allegation that one patron was selling drugs to the other

patron's sister. This incident was reported to the police by a staff member at Lincoln's and Lincoln's was very cooperative in the investigation by providing the police access to their video camera footage.

SHOW CAUSE HEARING

The Show Cause Hearing for The Crow's Nest concerning illegal gambling is cancelled due to the surrender of the beer permit. Since The Crow's Nest no longer has a valid beer permit, there was no need for the Board to take any action.

ADJOURNMENT

There being no other business before the Board the meeting was adjourned at 12:34 pm upon motion by Chairman Tedford, seconded by Mr. Bailey, and unanimous vote of all members.