

**MINUTES OF THE  
OAK RIDGE BEER BOARD**

APPROVED

Regular Meeting

Training Room – Municipal Building  
October 10, 2011  
12:00 noon

PRESENT: Barton Bailey, Gerald Cooksey, Carol Heck, Debra Solmonson, and Randy Tedford

ABSENT: Joe Valentino

ALSO

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

**ROLL CALL**

Chairman Tedford called the meeting to order at 12:00 noon.

**APPROVAL OF MINUTES**

Ms. Solmonson moved, seconded by Chairman Tedford, to approve the minutes of the September 12, 2011 meeting with the typographical error corrected and the motion carried 4-0, with Mr. Bailey abstaining from the vote since he was not present for that meeting.

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

**Application No. 1435**

**Free Health Clinic of Oak Ridge**

**For Jackson Square Merchants' "Taste of Oak Ridge" – November 5, 2011**

**Robert G. Bardorf, Supervisor of Beer Sales**

**Jackson Square Parking Lot**

**Class "E" Permit**

Mr. Bardorf and Ms. Barbara Ferrell were present to discuss the application. Chairman Tedford asked how the event would be set up and Mr. Bardorf stated they would ID beer purchasers, use bracelets, require a ticket for purchase beer, and would serve the beer in cans and bottles (no cups). Chairman Tedford reported there have been no problems with this event in the past to the Board's knowledge. The Police Department did not report any issues with this event in the past either. When asked, Mr. Bardorf stated there would be two-to-three people manning the beer station and members of the Free Health Clinic and Young Professionals would be present.

Having no further discussions and based upon no previous problems, Chairman Tedford moved, seconded by Mr. Bailey, to approve the special event beer permit application and the motion carried by unanimous vote. Ms. Ferrell did inquire about one provision in the Required Control Measures for

Special Occasion Beer Permits regarding the number of beers that can be sold to an individual. Ms. Ferrell was told there is no maximum limit, but that they need to think about what to do if a person requests to purchase multiple drinks at a time. Ms. Ferrell stated only one beer could be purchased at a time. The Board also reminded Ms. Ferrell not to sell to intoxicated persons.

**Application No. 1437**

**Frederic Avery on behalf of Atomic Elks Lodge (membership based club)**

**Roger Tyrone Williamson, Manager**

**262 Wilberforce Avenue**

**Class "D" Permit**

Mr. Avery and Mr. Williamson were present to discuss the application. Chairman Tedford moved, seconded by Mr. Bailey, to hear the applications together and the motion carried unanimously. Ms. Dunn reported that Denny Boss, Code Enforcement, stopped by before the meeting to state the establishment failed the Life Safety Inspection. Mr. Williamson and Mr. Avery stated they were aware of the remaining life safety issues that must be resolved.

The Board discussed a variety of issues with Mr. Avery and Mr. Williamson regarding the applications, including but not limited to:

Chairman Tedford discussed the previous problems at this establishment and the need to avoid these disturbances in the future; the need to enhance security; the establishment's guest policy; the name of the security company they were in contact with and the company's security plan; whether member ID cards had a photo of the member; and whether video surveillance was in place.

Ms. Heck discussed the fence and gate at the establishment; the occupancy limit; the parking lot capacity; and the lack of a security plan.

Mr. Cooksey discussed occupancy limits, and the exits which are at issue for the Life Safety Inspection.

Ms. Solmonson discussed anti-brown-bagging; the need to change the culture of the patrons regarding brown-bagging; and the need to educate their members regarding brown-bagging.

Mr. Williamson responded to the Board's issues as follows: they were in contact with a security agency that provides armed guards to patrol the parking lot but could not remember the name; the members (brothers and daughters of the Elks) could patrol the inside without problem; members are permitted one guest at a time for an unlimited number of visits; the parking lot is completely surrounded by a 12-foot chain link fence and gate and a guard would be placed at the gate; the occupancy limit is 214 for the main area and 82 for the storage area; Mr. Avery is responsible for ensuring the occupancy limit is not exceeded; only two exits are used; member "gold cards" do not include a photo; and members were permitted to brown-bag. The Board reminded Mr. Williamson that brown-bagging is not permitted.

Mr. Avery responded that he would use a "clicker" at the door to count the number of people who enter to make sure the occupancy limit was not exceeded; members were informed of new information at the monthly meetings and could be informed of the anti-brown-bagging ordinance; and he could not remember the name of the security company either.

Deputy Chief Massengill asked how they would ensure alcohol was not brought onto the premises and Mr. Williamson stated the brothers would not bring it once they knew they could not and they would let the members/guests know that any alcohol could not be brought in.

Deputy Chief Massengill stated his continued concerns that the issues of security and control had not been resolved even though this establishment has had over one year to resolve it, and that they were not

any more cooperative with the police department by bringing a written security plan and having a one-on-one discussion with the police about the issues and how to resolve them. He also stated the problems at this establishment are unique due to the level of violence that has previous occurred there, including people being shot in the parking lot and even deaths. There needs to be a level of planning to alleviate the police department's concerns so that this establishment can re-open but in conformance with the laws. Mr. Williamson stated he recently came on board and did not know of the need for the security plan and the invitation to discuss it with the police, nor did he know of the previous deaths that had occurred as a result of violence at this location. Mr. Bailey stated he believed the establishment needed a complete institutional change of mindset.

Chairman Tedford moved, seconded by Mr. Bailey, to postpone this application until the November 14, 2011 meeting to give the establishment time to talk with security companies and obtain a written security plan that is approved by the police department; to work on the security cameras for at least the door and the parking lot; and to inform the members that brown-bagging is not permitted, and the motion unanimously.

### **MANAGER APPROVAL APPLICATIONS**

None

### **NEW BUSINESS / OLD BUSINESS**

#### Joe Valentino

Ms. Dunn stated she heard from Mr. Valentino today about his request to resign from the Board due to his absences, and that he enjoyed his time on the Board and missed being able to attend the meetings. Chairman Tedford moved, seconded by Ms. Solmonson, to delay any Board-initiated action to remove Mr. Valentino until the regular November meeting to allow him time to resign, and the motion carried unanimously.

#### Flatwater Grill

Ms. Dunn requested a special meeting to hear the applications for Flatwater Grill, as requested by Rick Chinn. The Board checked their calendars for October 24, 2011 at 12:00 noon. (see below)

#### Show Cause Hearing

Deputy Chief Massengill stated he was working on obtaining a time for all the officers to attend a show cause hearing for Shenanigan's. Chairman Tedford moved, seconded by Mr. Bailey, to hold the hearing on October 24, 2011 immediately after a special meeting for Flatwater Grill, and the motion carried unanimously.

#### Probationary Beer Permits

Ms. Heck asked whether the Board could issue probationary beer permits. Ms. Dunn stated the beer permits had to be approved or disapproved, but that qualified businesses could be asked to obtain a special event beer permit to allow for a one-time event if the Board was not ready to approve a permanent beer permit.

### **ADJOURNMENT**

There being no other business before the Board, the meeting was adjourned at 12:45 p.m. upon motion by Mr. Bailey seconded by Chairman Tedford, and unanimous vote of all members.

Respectfully submitted,

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Barton Bailey, Secretary