

**MINUTES OF THE
OAK RIDGE BEER BOARD**

APPROVED

Special Meeting

Training Room – Municipal Building
October 24, 2011
12:00 noon

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

ABSENT: Gerald Cooksey (called ahead, ill)

ALSO

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

ROLL CALL

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

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

Application No. 1438

Flatwater Grill

Waterview Concepts – James H. Price, President

Roy Brown, II - Manager

100 Melton Lake Peninsula

Class “C” Permit

Mr. Price and Mr. Brown were present to discuss the beer permit application and the manager application. Chairman Tedford moved, seconded by Ms. Solmonson, to hear the beer permit and manager applications together and the motion carried unanimously.

Chairman Tedford inquired of the owner’s experience in beer sales, the manager’s training in beer sales, and whether the business had video surveillance. Mr. Price stated he had no prior experience and would be relying on Mr. Brown and the staff. Mr. Brown stated he had TIPS training and that the business has 24 cameras operating inside and outside. Chairman Tedford reminded them of the parking lot responsibilities and the ability to call the Police Department when problems occur.

Ms. Heck inquired when Mr. Russell left employment. Mr. Brown stated he became manager on July 1, however, Mr. Price stated Mr. Russell is operating under a management agreement until a new beer permit was in place.

Chairman Tedford inquired as to any problems. Deputy Chief Massengill stated there were no problems to his knowledge. Ms. Dunn stated the background checks were in and no issues in the background investigation prevented either from obtaining a permit. Ms. Dunn also stated she was waiting on the life safety inspection results (Note – the establishment passed the inspection).

Having no further discussions, Chairman Tedford moved, seconded by Mr. Bailey, to approve the beer permit application and the manager application subject to passing the life safety inspection and the motion carried unanimously.

SHOW CAUSE HEARING

Show Cause Hearing #2011-01: Shenanigan's Pub, LLC

Kimberly Ann Reynolds & Ralph Matthew Kivett Special Needs Trust (Letha Sue Kivett, Trustee),
Owners

Kimberly Ann Reynolds, Manager

144 Randolph Road

Class "C" Permit #1414

The following individuals were present for the show cause hearing and were sworn in to testify:

City: K-9 Officer Craig, Officer Huddleston, Officer Sweeten and Sergeant Tedford
Deputy Chief Alan Massengill

Shenanigan's: Kimberly Ann Reynolds (Owner/Manager), Natasha Phillips (Bartender), and
Betty Reynolds (Mother of Kimberly Reynolds and Employee)

The show cause hearing portion of the meeting began at 12:12 pm. Chairman Tedford stated the purpose of the hearing: to allow Shenanigan's Pub LLC to show cause as to why the Board should not take action against the beer permit for disorderly conduct, selling beer to intoxicated persons, and permitting drugs on the premises.

The first issue before the Board was whether the establishment was operating in a disorderly manner. [Note – The Board may suspend or revoke a beer permit for this activity. See City Code §8-712(2)(a) for this authority. It shall be prima facie evidence that an establishment is operating in a disorderly manner if disorderly conduct frequently occurs, if there are frequent breaches of the peace or disturbances, or if there are frequent instances of public intoxication.]

Officer Craig testified in reference to Police Report #2011-03428 where a fight occurred inside the premises on August 25, 2011 involving Kimberly Reynolds. Ms. Reynolds stated she was involved in an altercation involving the girlfriend of a person she had recently fired.

Deputy Chief Massengill reported Officer Heinz arrived at the establishment on August 13, 2011 (Police Report #2011-03221) due to a large fight which involved a knife as well as vandalism in the parking lot and beer in the parking lot. He reported that all available officers were sent to the premises because of the large crowd involved. Ms. Reynolds stated there was a birthday party that evening and a problem occurred suddenly. She stated some of the individuals involved had been drinking at Shenanigan's and some had not.

The second issue was permitting drugs on the premises in violation of City Code §8-805. [Note – The Board may suspend or revoke a beer permit for this activity. See City Code §8-712(2)(b)(iii) for this authority if the owner, manager, or employees knew or should have known such activity was occurring.]

Officers Huddleston and Sweeten testified in reference to Police Report #2011-03218 where an individual was found using drug on the premises on August 13, 2011. A man was observed with a hypodermic needle in his arm in the men's restroom, attempted to destroy the evidence, and later admitted he was abusing Xanax. The man is/was a friend of Ms. Reynolds. He was arrested and the officers had to take him through the back entrance due to the crowd of people in the establishment. Both officers testified that the place was packed with people. Officer Sweeten stated he was concerned for officer safety if the individual was taken through the crowd, therefore, the officers went out back. Ms. Reynolds stated she did know this man and he had

been “clean” for three months but must have relapsed that night. She stated he is no longer allowed in the establishment unless he passes a drug test, and that he has been back to perform music and has passed the drug test each time. She stated she purchases a drug test and performs it herself on him. Upon inquiry of the Board into the crowd, Ms. Reynolds stated she has a man at the door to check IDs and he uses a “clicker” to count the number, however, she stated she did not know the occupancy limit for the establishment. She also later stated she does not know how the clicker works and relies on the man at the door to keep them within the occupancy limit and that she tries to stay within in. Officer Sweeten stated she knew the occupancy limit that night when he asked her for it.

Deputy Chief Massengill reported Officer Carden arrested a man for possession of marijuana on the premises on August 23, 2011 (Police Report #2011-03394). This individual also had four outstanding warrants. Ms. Reynolds stated she did not know this individual but that he does come to the bar for pool league games and that she does not pat down patrons and would not have known he had drugs in his possession.

The third issue was selling beer to intoxicated persons in violation of City Code §8-804. [Note – The Board may suspend or revoke a beer permit for this activity. See City Code §8-712(2)(f) for this authority.]

Officer Huddleston testified in reference to Police Report #2011-03222 where a DUI arrest was made on August 13, 2011 of a man who stated he came from Shenanigan’s.

Deputy Chief Massengill reported Officer Wallace responded to the scene of an assault on August 11, 2011 (Police Report #2011-03181). Victim reported he was struck by his girlfriend’s vehicle and that both of them had been drinking at Shenanigan’s and he was playing music there. Ms. Reynolds denies that the victim plays music at the establishment.

Deputy Chief Massengill reported Officer Thomas arrived at Shenanigan’s on a disturbance call on September 26, 2011 (Police Report 2011-03850). Officer Thomas arrested a man for public intoxication in the parking lot. Ms. Reynolds stated she did not serve beer to this man.

Chairman Tedford asked the officers if the establishment closed on time (by 3am). Officer Craig stated he arrived on August 25, 2011 at approximately 3:10 am and the open sign was on and several people were inside. He witnessed 12 to 13 people leave and heard yelling inside the establishment. Ms. Natasha Phillips stated she was the bartender that evening and that she did not yell at the patrons because she never yells. She stated she was getting the patrons to exit and all beer was put up before 3am.

Officer Sweeten reported that he and Officer Smith arrived at the establishment three to four weeks prior and observed Ms. Reynolds intoxicated and screaming inside at the patrons that she was going to lock them inside the business. Ms. Reynolds stated that was a joke and that she is “goofy” and may appear intoxicated, but she wasn’t. She did admit, however, to arriving at the establishment each evening around 11pm or 12 midnight to drink. She also stated she is not at the establishment during the day but has the ability to monitor the place from her phone and computer. She stated she considers her mother, Betty Reynolds, to be a manager. When asked whether her mother has operational control, Ms. Reynolds stated no, but she is a bartender and like an assistant manager. Ms. Kim Reynolds is the only Board approved manager for this location.

Deputy Chief Massengill stated he is concerned about the problems, with the events of August 13, 2011 being the most concerning since the entire available police force at the arrive at the establishment and be there for several hours. He also stated when people are arrested they are usually accurate about where they were drinking. His concerns are that the establishment is not being overseen as it should be, there is no ability to control situations when they get out of hand, and the while he appreciates it when the establishment calls the police the establishment still needs to be managed properly. He also stated the

vandalism that occurred in August was not minor and officers often report back that the establishment is not closed by 3am and that sometimes the establishment is open with patrons inside and the door locked.

Ms. Reynolds asked if it would help if she hired a private security company to watch the premises. She also stated she does not tend to "overdrink." She stated she learned her lesson in August. Ms. Betty Reynolds asked if it would help if she applied to be a manager as well.

Deputy Chief Massengill stated he was concerned that the owner/manager drinks regularly while on duty and from a law enforcement perspective it raises serious issues into her ability to address problems when under the influence.

Mr. Bailey stated he was concerned that the problems are occurring all the time and throughout the week.

Chairman Tedford noted several concerns: lack of customer control by allowing the person arrested for drug use on the premises back inside the premises to this day; lax management particularly since Ms. Reynolds stated she is often not at the establishment until 11pm or midnight; the admission of the Ms. Reynolds as owner/manager to drinking while on duty; lack of oversight with two drug arrests on the premises; multiple disturbances and two involving Ms. Reynolds; public safety concerns over people leaving while intoxicated; and not knowing the occupancy limit or what training the "bouncer" has.

Chairman Tedford moved, seconded by Ms. Solmonson, that Shenanigan's had not shown cause why action should not be taken against the beer permit and the motion carried unanimously.

Due to the number of problems and the fear for public safety, Chairman Tedford moved, seconded by Ms. Solmonson to revoke the beer permit for Shenanigan's. Ms. Reynolds said she would do anything to keep her beer permit, but Chairman Tedford stated it was too late now because he had no confidence in her ability to control and manage the establishment. Ms. Heck stated other permits have been revoked for fewer infractions and the Board has a responsibility to the public when an establishment takes all of the Police Department's resources to handle the establishment's problems. Ms. Reynolds stated she understood.

The Board voted unanimously to revoke the beer permit for Shenanigan's Pub LLC. Chairman Tedford then moved, seconded by Ms. Solmonson, to (1) have the revocation take effect immediately, (2) to require all beer to be removed from the premises by midnight that evening, and (3) to allow no patrons on the premises and no consumption of beer on the premises that day, and the motion carried unanimously.

Chairman Tedford informed Ms. Reynolds that she could not apply for another beer permit for a period of one year.

ADJOURNMENT

There being no other business before the Board, the meeting was adjourned at 1:15 p.m.

Respectfully submitted,

Barton Bailey, Secretary