

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

Training Room – Municipal Building  
September 10, 2012  
12:00 noon

PRESENT: Barton Bailey, Colin Colverson, Gerald Cooksey, Carol Heck, Theresa Scott,  
Debra Solmonson, and Randy Tedford

ABSENT: None

ALSO  
PRESENT: Tammy Dunn, Senior Staff Attorney

AUDIENCE  
MEMBERS: Trina Baughn, Citizen  
Nang Crossno, Back 2 Brewskis (Owner/Manager)  
Michael Foster, Allies for Substance Abuse Prevention  
Charlie Hensley, Councilmember  
John Iacovino, Citizen  
Andy Marathe, Citizen  
Pedro Otaduy, Citizen  
Maria Ramirez, Homeland Foods (Owner)  
Ellen Smith, Councilmember

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Ms. Solmonson moved, seconded by Secretary Bailey, to amend the minutes to state that Ms. Solmonson recused herself from Application No. 1458 and the motion carried unanimously (Mr. Colverson and Ms. Scott were absent for this vote.) Secretary Bailey moved, seconded by Ms. Solmonson, to approve the minutes of the July 9, 2012 meeting as amended and the motion carried unanimously. (Mr. Colverson was absent for this vote.)

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

**Application No. 1459**  
**Lynda Vinyard/Andrea Souza on behalf**  
**St. Mary's Church**  
**Fall Festival – October 12-13, 2012**  
**327 Vermont Avenue**  
**Class "E" Permit**

Ms. Vinyard was present to discuss the special event application along with two other representatives of St. Mary's Church.

The Board asked various questions about the event and the sale of beer. As in the past, St. Mary's Church asked for an exemption from the requirement to use armbands. Having had no issues in the past with St. Mary's Church's events, Ms. Heck moved, seconded by Secretary Bailey, to approve the application and the motion carried unanimously.

**Application No. 1460**  
**Leonor Martin, Owner-Manager**  
**Tienda Nony #3**  
**135 E. Tyrone Road**  
**Class "C" Permit**

Ms. Martin was not present at the meeting. Ms. Dunn stated that the establishment did not pass the life safety inspection according to Mr. Denny Boss, Community Development Department. Chairman Tedford moved, seconded by Ms. Scott, to postpone the application to the next meeting and the motion carried unanimously.

**Application No. 1461**  
**Free Medical Clinic of behalf of**  
**Jackson Square Merchant's Association's**  
**Taste of Oak Ridge Event – September 22, 2012**  
**Jackson Square**  
**Barbara Ferrell, Supervisor of Beer Sales**  
**Class "E" Permit**

Ms. Ferrell was present to discuss the special event application.

The Board asked various questions about the event and the sale of beer. Ms. Ferrell indicated an ID was required to obtain a wristband for the beer event and volunteers would patrol outside the tent to make sure beer is not taken outside. Chairman Tedford moved, seconded by Secretary Bailey, to approve the application and the motion carried unanimously.

**NEW MANAGER APPROVAL APPLICATIONS**  
(None)

**NEW / OLD BUSINESS**

**Discussion of Beer Ordinances (City Code) for Possible Amendment**

**Training Requirements**

The Board discussed the training requirements set forth in City Code §8-709 which places a responsibility on the permittee to explain to and ensure comprehension of the City's beer ordinances to their employees that participate in beer sales/distribution. Michael Foster, Allies for Substance Abuse Prevention (ASAP), was in attendance and had previously requested the Board to consider adopting a requirement for specific training, which ASAP could provide as well as others, similar to what Anderson County passed this year.

There was discussion about providing a list of training opportunities to permittees, but not endorsing any particular training program. There was discussion about whether permittees would benefit financially (ex: lower insurance premiums) by having a training certificate for their employees. There was also some discussion about whether volunteers and agents should be trained as well. There was some concern about tracking the information to ensure compliance if all employees were required to complete a certain training class, particularly with the larger businesses such as Wal-Mart and Kroger. There was discussion about just having owners and managers go through specific training. There was discussion about the ordinance requirement already in place and not placing additional requirements on permittees.

There was some discussion about whether Anderson County had an update on their requirement since it had been in place for a few months.

No formal action was taken for this discussion item.

### Manager Certifications

The Board discussed whether to establish additional manager requirement such as a Board-approved manager on site at all times the establishment is open, or placing a line on the application form and beer permit for the owner to designate an alternate (or agent) for the City to contact if the owner is unavailable for an urgent matter. There was some discussion of whether the term “manager” would cause issues for a business should additional requirements be put in place since “manager” denotes a certain status in a business.

Nang Crossno, owner/manager of Back 2 Brewskis, commented that changing the requirement would cost small businesses and it may be something they could not afford to do. Mr. Crossno believed the potential to lose the beer permit for any violation was incentive to comply with the beer requirements already in place.

Andy Marathe, citizen, commented that making a change would create problems that do not exist and might drive small businesses away. Mr. Marathe asked that the codes not be complicated but be business friendly.

No formal action was taken for this discussion item.

### Brown Bagging

The Board discussed the current prohibition on brown bagging (City Code §8-805) that prohibits beer-permitted establishments from allowing patrons to brown bag unless the establishment also possesses a liquor license. Ms. Dunn explained that this ordinance was enacted during a time when current Attorney General Opinions limited a city’s authority to only beer permittees, which is why the ordinance was not applicable to non-permitted businesses as well.

There was much discussion on this item by the Board and audience members, with particular focus on its impact on Homeland Café. The main point of each audience member who spoke is listed here.

- Trina Baughn, citizen, commented that Homeland Café’s brown bagging practice was not in violation of City ordinance since they did not have a beer permit.
- Maria Rameriz, owner of Homeland Café, desired to obtain a beer permit but wanted to continue her current practice of allowing patrons to brown bag wine. Current ordinance will not allow this practice once the beer permit is obtained and M. Ramirez asked for consideration of a change to the ordinance.

- Pedro Otaduy, citizen and husband of Ms. Ramirez, supported his wife's request for a change in the ordinance and started a petition.
- Andy Marathe, citizen, supported a change in the ordinance.
- Ellen Smith, citizen and councilmember, supported a change to the ordinance and commented that as it is currently written establishments that do not show they are responsible beer permittees (those who have no permit) are allowed to brown bag and responsible beer permittees are not. Councilmember Smith also commented that Homeland Café is not allowed to seek a wine-only-license from the State since the café does not meet the minimum seating requirement (40 seats). Councilmember Smith offered two suggestions: (1) allow brown bagging or (2) allow wine to be brown bagged in food establishments (restaurants).
- Charlie Hensley, citizen and councilmember, supported a change.

The Board had a variety of comments, but most comments were in support of considering a modification to the ordinance. Due to the lateness of the meeting, Mr. Colverson moved, seconded by Secretary Bailey, to continue this discussion at the next meeting along with the other items that remained un-discussed on the agenda, and the motion carried unanimously.

#### **ADJOURNMENT**

The meeting adjourned at 1:45 p.m. upon motion of Mr. Colverson, seconded by Secretary Bailey, and unanimous approval.

Respectfully submitted,

---

Barton Bailey, Secretary