

**Addendum #1**

**To Agenda Packet**

**November 9, 2017 – 6:30 pm**

Please see the following attachments for the November 9, 2017 agenda.

- Revised Agenda
- Ordinance No. 1060 regarding beer sales on City property.

**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF EAST RIDGE**

**November 9, 2017**

**6:30 pm**

1. Call to Order
2. Invocation
3. A. Roll Call  
B. Presentation FY 2016-2017 Audit – Jason Martin - Henderson, Hutcherson and McCullough
4. Consent Agenda:
  - A. Approval of Minutes October 26, 2017 Agenda Work Session
  - B. Approval of Minutes October 26, 2017 Regular Council Meeting
5. Communication from Citizens
6. Communication from Councilmembers
7. Communication from City Manager
8. Old Business:
  - A. **ORDINANCE NO. 1057** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND THE EAST RIDGE CITY CODE, TITLE 2, CHAPTER 1, TITLED “LIBRARY BOARD” BY INCORPORATING NEW PROVISIONS PURSUANT TO APPLICABLE LAW AS ESTABLISHED IN 2017 TENNESSEE PUBLIC ACTS CHAPTER 126 (2<sup>nd</sup> and final reading)
  - B. **ORDINANCE NO. 1059** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND ORDINANCE NO. 1054 ENTITLED “AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF EAST RIDGE, TENNESSEE FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 APPROPRIATING THE SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT . . .” BY DESIGNATING A PORTION OF THE FUND BALANCE OF THE GENERAL FUND AND BY CHANGING THE REVENUES OF THE GENERAL FUND , DRUG FUND, DEBT SERVICE FUND AND CAPITAL PROJECTS FUND AND BY CHANGING THE EXPENDITURES OF THE GENERAL FUND, DOJ FORFEITURE FUND, DRUG FUND, SOLID WASTE FUND, DEBT SERVICE FUND AND CAPITAL PROJECTS FUND (2<sup>nd</sup> and final reading)
9. New Business:
  - A. **ORDINANCE NO. 1060** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND TITLE 8, CHAPTER 2, SECTION 8-207 PERMIT REQUIRED FOR ENGAGING IN BEER BUSINESS AND SECTION 8-219 TEMPORARY SPECIAL EVENTS PERMITS, AND ADDING SECTION 8-220 TEMPORARY SPECIAL EVENTS PERMITS ON CITY PROPERTY (1<sup>st</sup> reading)

- B. **RESOLUTION NO. 2722** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND RESOLUTION NO. 2482 TO CHANGE THE MINIMUM FUND BALANCE FOR THE UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO \$4,000,000
- C. **RESOLUTION NO. 2723** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE ADVANCEMENT OF STATE SALARY SUPPLEMENT PAYMENTS FOR ELIGIBLE FIREFIGHTERS AND POLICE OFFICERS
- D. **RESOLUTION NO. 2724** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING BIDS FOR THE PURCHASE OF SOCCER UNIFORMS FOR THE 2017 - 2018 INDOOR SOCCER SEASON
- E. **RESOLUTION NO. 2725** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE CITY MANAGER TO APPROVE THE ATTACHED CHANGE ORDER REQUEST FROM AMEC FOSTER WHEELER ENVIRONMENT AND INFRASTRUCTURE, INC. IN REGARD TO THE RECONFIGURATION PROJECT AT THE I-75 INTERCHANGE, RINGGOLD ROAD AT EXIT ONE
- F. **RESOLUTION NO. 2726** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE CITY MANAGER TO PURCHASE OUTDOOR EXERCISE EQUIPMENT FROM GAMETIME TO BE INSTALLED AT PIONEER FRONTIER PARK
- G. **Grant Consent Agenda:**
  - 1. **RESOLUTION NO. 2727** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE APPLICATION FOR, AND ACCEPTANCE OF, THE TML PROPERTY CONSERVATION MATCHING GRANT FOR FY 2018
  - 2. **RESOLUTION NO 2728** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING THE APPLICATION FOR, AND ACCEPTANCE OF, FIREHOUSE SUBS FY 2018 GRANT FOR THE EAST RIDGE FIRE DEPARTMENT
  - 3. **RESOLUTION NO 2729** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING THE APPLICATION FOR, AND ACCEPTANCE OF, FIREHOUSE SUBS FY 2018 GRANT FOR THE EAST RIDGE POLICE DEPARTMENT
  - 4. **RESOLUTION NO. 2730** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE TENNESSEE STATE LIBRARY AND ARCHIVES DEPARTMENT OF THE STATE TRAINING OPPORTUNITIES FOR THE PUBLIC GRANT PROGRAM

H. Board Appointments

1. Beer Board

James Peels

Councilmember Williams

Expires 11/27/2017

Earl Wilson

Mayor Lambert

Expires 11/27/2017

2. Library Board

Sarah (Mandy) Lambert

Mayor Lambert

Expires 12/31/2017

Appoint 2 new members

per Ordinance No. 1057

I. Discussion of Increase in Salary for Court Clerk Elected into Office in November 2018

10. Adjourn

**ORDINANCE NO. 1060**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND TITLE 8, CHAPTER 2, SECTION 8-207 PERMIT REQUIRED FOR ENGAGING IN BEER BUSINESS AND SECTION 8-219 TEMPORARY SPECIAL EVENTS PERMITS, AND ADDING SECTION 8-220 TEMPORARY SPECIAL EVENTS PERMITS ON CITY PROPERTY**

**WHEREAS**, the East Ridge City Council finds it is necessary and desirable to amend certain sections of Title 8, Chapter 2 of the East Ridge City Code to allow the sale of beer on City property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, THAT sections 8-207 and 8-219 are hereby amended and a new Section 8-220 is added as follows:**

**Section 8-207. Permit Required for Engaging in Beer Business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining an annual permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to Tennessee Code Annotated, § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00) for regular beer permits, an additional fifty dollars (\$50.00) for temporary beer permits issued under Section 8-207(D) and three hundred dollars (\$300.00) for all Temporary Special Events permits under Section 8-219 and Section 8-220. All applications whether for regular beer permits or temporary permits shall be fully completed and submitted at least two (2) weeks prior to any regularly scheduled or special called meeting of the beer board. Said fee shall be in the form of a cashier's check payable to the City of East Ridge. Applicants must be persons of good moral character and must certify that they have read and are familiar with the provisions of this chapter.

**Section 8-219. Temporary Special Events Permits Not on City Property.** The City Manager or the City Manager's designee shall have the authority, where in the City Manager's opinion the Beer Board is not able to act in a timely manner, to issue a one-time temporary permit for sale of beer in the City of East Ridge for a period not to exceed three (3) days from the date issued for non-city sponsored group activities provided that such permit shall not be for any activity on City owned or controlled property.

**Section 8-220. Temporary Special Events Permits on City Property.** The City Council shall have the authority to issue a one-time temporary permit for the sale, consumption and/or possession of beer only, for a period not to exceed three (3) days, on any city owned property, public parks, and/or public sidewalks and rights-of-way by approving an application properly filed by an applicant pursuant to this subsection.

- (1) Applicant requirements. In order to be considered for a permit, an applicant shall be required to meet the requirements established under § 8-207(1).
- (2) Application disclosures. An applicant shall file an application with the City Manager that sets forth and discloses the information required under § 8-207(2).
- (3) Application process.
  - (a) An applicant shall file an application with the City Manager on a form provided by the City Manager. Such application must be filed no less than forty-five (45) days prior to the start of the proposed special event and no more than one hundred eighty (180) days prior to the event. The application shall be accompanied by a filing fee for the amount of three hundred dollars (\$300.00), as prescribed by § 8-207.
  - (b) All applications that are complete, timely filed, containing all disclosures required under § 8-207(2), and filed by applicants meeting all requirements of § 8-207(1) will be reviewed by the City Manager and staff (Police Chief, Fire Chief, Building Official, Refuse Superintendent and the Parks and Recreation Director.) Their comments and recommendations will be forwarded to the City Council.
  - (c) The City Council will consider the application at a regular meeting after the City Manager and staff have reviewed and provided their recommendation. The City Manager will give the applicant notice of the date and time when the application will be reviewed by the City Council.
  - (d) The decision of the City Council shall be the final determination on the approval or denial of an application. In considering the application, the City Council will consider the conditions in subsection (4) below as well as any other factors it deems necessary in order to render its decision.
- (4) Conditions for approval. The permit shall be subject to the following requirements and conditions as well as any conditions imposed by the City Council as part of its permit approval:
  - (a) No applicant shall be issued more than three (3) permits under this section per calendar year.
  - (b) The applicant shall submit a site plan showing serving areas and shall mark the access point of the serving area with signs informing patrons that beer is not to be taken past the perimeter of the area shown on the site plan, and the applicant shall staff the entrance with such personnel as are necessary to enforce this condition.
  - (c) No permitted event may exceed three (3) consecutive days in duration.
  - (d) The proposed sales and/or consumption of beer must be associated with an event that is open to the public.
  - (e) The proposed sales and/or consumption of beer must not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - (f) The proposed sales and/or consumption of beer must not entail extraordinary or burdensome expense or police operation by the city.
  - (g) The sales and/or consumption of beer must not be expected to result in violence, crime or disorderly conduct.

- (h) The applicant's representatives and those operating the event must meet state minimum age licensing requirements and must have not been convicted of a felony or crime involving moral turpitude.
- (i) The applicant shall obtain all necessary federal, state and local permits to engage in the proposed sales and/or consumption of beer.
- (j) Hours of operation for the sales and/or consumption of beer shall be limited to noon through 11:00 pm for events held on Monday through Saturday and 1:00 pm through 9:00 pm for events held on Sunday. The applicant shall be fully responsible for enforcing the hours of operation, and the applicant shall be liable for the failure to enforce the hours of operation.
- (k) All beer shall be served in plastic containers only, and no cans or glass containers shall be permitted.
- (l) The applicant shall provide for proper disposal of litter and waste resulting from the sale and/or consumption of beer.
- (m) The applicant shall comply with all ordinances associated with permitting of events upon public property.
- (n) The sale, possession and consumption of beer shall be confined to designated and secured areas as illustrated on the site map submitted with the application. The sale of beer shall be permitted only in locations indicated on the site map. Alcohol-free zones, if proposed, shall also be illustrated on the site map. The perimeter of the designated area shall be secured for the entire event. Only those alcoholic beverages that are sold by the applicant within the secured areas shall be permitted to be possessed, consumed, or purchased within the said secured areas. It shall be unlawful for any person to bring outside alcoholic beverages that were not purchased or procured through the event into the secured areas. Any person who violates this proscription shall be subject to ejection from the event and shall be subject to arrest.
- (o) The applicant shall pay all costs of police and other city services attributable to the sale and/or consumption of beer. On a case by case basis, the City Council shall determine the number of city police officers that shall be required for each individual event. The applicant shall reimburse the city for costs incurred in providing such security, including off-duty police officers to be stationed at playgrounds in the vicinity of the event at the applicant's expense.
- (p) The applicant shall be responsible for ensuring that no person under the age of twenty-one (21) shall be permitted to possess, consume, or distribute any alcoholic beverage at the permitted event. Any person who desires to purchase, possess, or consume alcohol at a permitted event must first present proper identification establishing that such person is of legal age to purchase, possess, and consume alcohol in the State of Tennessee, i.e., age twenty-one (21) or older. After displaying proper proof of legal age, the person desiring to purchase, possess, or consume alcohol shall receive a wristband from the applicant or the applicant's agent, which shall be attached to the said person's wrist and worn at all times during which that person possesses or consumes an alcoholic beverage at the permitted event. Each wristband shall be constructed of

such a material, and in such a manner, that it cannot be removed without destroying or altering the physical form of the wristband.

- (q) The applicant is prohibited from serving or selling alcohol to any person who:
  - (i) Appears intoxicated;
  - (ii) Is not wearing a wristband; or
  - (iii) Is wearing a wristband that is altered or destroyed.
- (r) The applicant shall provide additional rest room facilities (e.g., portable potties) as are necessary to serve patrons of the event.
- (s) Nothing contained herein shall be construed as a limitation on the City Council's authority and discretion to impose additional or different conditions on a permit.

(5) Post event report. The applicant shall submit a post event report to the City Manager, on a form provided by the City Manager, not less than sixty (60) days following the event. It shall contain the total revenue generated from alcohol sales. The report will be forwarded to the City Council by the City Manager.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect immediately after its passage, the public welfare of the City requiring it.

Passed on First Reading \_\_\_\_\_, 2017

Passed on Second Reading \_\_\_\_\_, 2017

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Brent Lambert, Mayor

ATTEST:

\_\_\_\_\_  
J. Scott Miller, City Manager

APPROVED AS TO FORM:

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Mark W. Litchford, City Attorney