



Agenda Item

IV. A. Purchase of Replacement Vehicle for Parks & Recreation Department Using State Contract Pricing

Overview

The FY 2025-26 approved Fleet Management Fund budget contains \$40,000 to replace a vehicle for the Parks & Recreation Department. Attached is the quote from Murfreesboro Ford using state contract pricing. The overage of \$4,654 will come from the Fleet Management Fund. Anticipated delivery is before the end of the fiscal year, June 30, 2026.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Parks & Recreation



FINANCE DEPARTMENT

MEMORANDUM

TO: Randy Dowling, City Manager
FROM: Mike Keith, Director of Finance
DATE: February 1, 2026
RE: Purchase of Truck for Parks and Recreation

Asset number 4185 is scheduled to be replaced through the Fleet Fund in the current year. Rodney, Matt and I are recommending replacing this truck with one purchased utilizing the State of Tennessee bid pricing of \$44,645. We are recommending keeping 4185 and declaring asset number 4143 to be sold as surplus upon receiving the new vehicle. This is consistent with our prior practice so that Parks has a sufficient number of vehicles available to operate effectively. I have attached a copy of the pricing summary for the vehicle. Delivery of the vehicle is expected in May.

I am recommending this be on the February agenda for City Council approval. Please let me know if you have any questions or need any additional information concerning this matter.

Prepared for: Rodney Peeler

City of Athens

Prepared by: CRAIG BATON

01/07/2026

Ford of Murfreesboro | 1550 N.W. Broad St. Murfreesboro Tennessee | 371291709

**2026 F-150 4x4 SuperCrew Cab 6.5' box 157" WB XL (W1L)**

Price Level: 620 | Quote ID: Athens3

Pricing Summary - Single Vehicle

MSRP*Vehicle Pricing*

Base Vehicle Price	\$50,475.00
Options	\$370.00
Colors	\$0.00
Upfitting	\$0.00
Fleet Discount	\$0.00
Fuel Charge	\$0.00
Destination Charge	\$2,595.00
Subtotal	\$53,440.00

Pre-Tax Adjustments

Code	Description	MSRP
SWC209	State Contract 88762 Discount	-\$8,786.00
Total		\$44,654.00

Customer Signature_____
Acceptance Date*Order*

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Agenda Item

IV. B. Bid Award for RFB 26-1 to Demolish Six Dilapidated Residential Structures

Overview

The city has many dilapidated and unfit residential structures that need to be addressed. The Code Enforcement Division of the Community Development Department identified 25 residential structures that are dilapidated and unfit. Notices and hearings for 11 of the 25 residential structures were conducted in accordance with the city's dilapidated and unfit structures and areas ordinance as codified in Chapter 13 of the city's Code of Ordinances. After the hearings were conducted by the City Attorney and the Code Enforcement Officer with the property owner, if known, the City Manager, as the hearing officer, made the decision that all 11 of the residential structures are dilapidated and unfit. Of the 11, five were either demolished by the owner, renovated by the owner, or the owner submitted a plan of action to renovate the structure, leaving six structures to be addressed by the city and demolished. The remaining 14 residential structures are still going through the notice and hearing process. The final hearing for the 14 structures is scheduled for April 9, 2026.

Therefore, to demolish the six dilapidated residential structures and clear the lots, bid documents were prepared and distributed. On the bid deadline date of February 4, 2026, nine bids were received. Attached are the bid tabulation sheet and map of the six structures.

Below are the lowest and most responsive bidders for each structure:

Structure Address	Low Bid Amount	Bidder
102 Euclid Avenue	\$11,770	Stephens Excavating, LLC
206 Rose Street	6,190	Stephens Excavating, LLC
206 Stansberry Street	6,275	Stephens Excavating, LLC
1217 Clayton Street	5,200	Freedom Rolloffs, LLC
206 Sharp Road	5,500	Freedom Rolloffs, LLC
512 Tellico Avenue	9,500	Freedom Rolloffs, LLC
Total	\$44,435	\$24,235 to Stephens and \$20,200 to Freedom

Funds for this project were included in the approved FY 2025-26 Community Development-Code Enforcement budget in the amount of \$25,000. The overage of \$19,435 will come from General Fund reserves. If approved and after demolition, the city will place a lien on the demolished properties in the amount of the cost of demolition and will collect the lien when the property is sold. At no time will the city own these properties. The six properties will be demolished and the lots cleared 30 days after a Notice to Proceed is given, or about late March 2026.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Community Development



PURCHASING DEPARTMENT MEMORANDUM

TO: Randy Dowling, City Manager

FROM: Angela Robbins, Purchasing Agent

DATE: February 5, 2026

SUBJECT: RFB #26-1, Demolition & Clearing of Condemned Structures –
Recommendation to Award

The City issued RFB #26-1 for the demolition and clearing of condemned structures located within the City of Athens. Sealed bids were received and opened on Wednesday, February 4, 2026. At the bid opening, the City received nine (9) bids. After review of bid compliance and required submittals, five (5) bidders were determined to be responsive for evaluation.

RFB Requirements / Considerations

Per the bid submittal instructions and Addendum No. 1, each address listed is a separate bid item and each property is evaluated independently. The City may award to the lowest and most responsive bidder for each property and may award to more than one vendor.

Bid Evaluation

Based on the bid tabulation, the lowest responsive bids are as follows:

<u>Property</u>	<u>Recommended Vendor</u>	<u>Bid Amount</u>
206 Stansberry Street	Stephens Excavating LLC	\$6,275.00
1217 Clayton Street	Freedom Rolloffs LLC (dba Freedom Demolition)	\$5,200.00
512 Tellico Avenue	Freedom Rolloffs LLC (dba Freedom Demolition)	\$9,500.00

102 Euclid Avenue	Stephens Excavating LLC	\$11,770.00
206 Rose Drive	Stephens Excavating LLC	\$6,190.00
206 Sharp Road	Freedom Rolloffs LLC (dba Freedom Demolition)	\$5,500.00

Discount Clarification

Freedom Rolloffs LLC, dba Freedom Demolition, offered a voluntary 10% aggregate discount only if all six (6) properties were awarded to their firm. Because the award is made on an individual property basis and Stephens Excavating LLC is the lowest responsive bidder on certain properties (e.g., 206 Stansberry Street, 102 Euclid Avenue, and 206 Rose Drive), the conditional aggregate discount cannot be applied.

Recommendation

It is recommended that City Council award RFB #26-1 on an individual property basis as follows:

- Freedom Rolloffs LLC, dba Freedom Demolition – 1217 Clayton Street, 512 Tellico Avenue, and 206 Sharp Road (Total: \$20,200.00)
- Stephens Excavating LLC – 206 Stansberry Street, 102 Euclid Avenue, and 206 Rose Drive (Total: \$24,235.00)

Total recommended award amount: \$44,435.00.



PURCHASING DIVISION
BID TABULATION SHEET

REQUESTING DEPARTMENT: Community Development

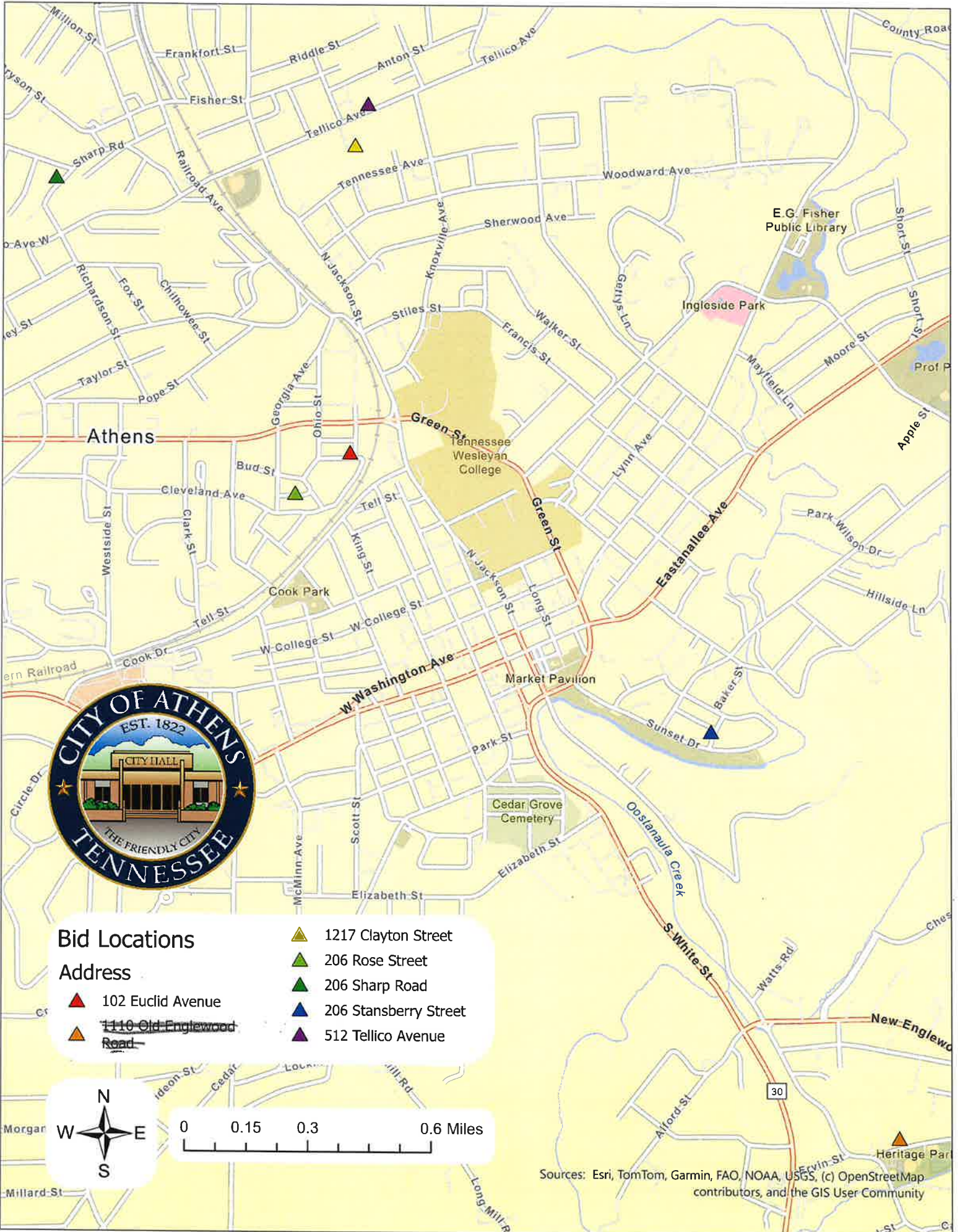
DATE BIDS ADVERTISED: Wednesday, January 7, 2026

BID NUMBER: 26-1

DATE BIDS RECEIVED: Wednesday, February 4, 2026

PROJECT NAME: Demolition and Clearing of Condemned Structures

BIDDER	CITY	COMPLIANCE? (Y/N)	206 STANSBERRY STREET (\$ BID AMOUNT)	1217 CLAYTON STREET (\$ BID AMOUNT)	512 TELLICO AVENUE (\$ BID AMOUNT)	102 EUCLID AVENUE (\$ BID AMOUNT)	206 ROSE DRIVE (\$ BID AMOUNT)	206 SHARP ROAD (\$ BID AMOUNT)
Dean Excavating, LLC	Athens	No	\$15,150	\$12,000	\$17,900	\$32,050	\$19,400	\$14,150
Outdoor Solutions Services, LLC	Athens	Yes	\$15,300	\$9,250	\$24,950	\$24,950	\$15,075	\$18,500
First Place Finish, Inc	Oak Ridge	No	\$8,994	\$6,750	\$8,710	\$24,980	\$7,994	\$11,250
GCE Construction HJ Construction Contractors	LaFollette	Yes	\$12,300	\$11,900	\$14,400	\$17,300	\$13,400	\$11,800
	Sweetwater	No	\$13,900	\$9,900	\$19,900	\$24,900	\$13,900	\$13,900
			*\$10,000 Discount if all 6 projects awarded to HJCC					
Freedom Rolloffs LLC	McDonald	Yes	\$6,300	\$5,200	\$9,500	\$14,500	\$6,550	\$5,500
			*10% Discount if all 6 projects awarded to Freedom Demo					
Stephens Excavating LLC	Niota	Yes	\$6,275	\$5,475	\$9,770	\$11,770	\$6,190	\$6,190
HL Management Service LLC	Cleveland	Yes	\$25,000	\$26,000	\$23,000	\$26,000	\$23,000	\$23,000
KTM Builders	Chattanooga	No	\$19,103	\$11,661	\$14,028	\$12,670	\$15,044	\$12,676





512 Tellico Ave



206 Sharp Rd.



102 Euclid Ave



206 Rose St.



206 Stansberry St.



1217 Clayton St.



Agenda Item

IV. C. Heritage Park Parking Lot Paving

Overview

The City Council approved RFB 25-09 during the August 19, 2025 regular meeting to renovate Heritage Park. The lowest bidder was Wilson Construction, and the total cost of the approved project was \$1,728,336.99. This project is funded by a state LPDF grant (\$587,500) and the city's Capital Improvement Fund (\$1,140,836.99). A very small portion of this project (\$75,000) was to have a third party, not Wilson, resurface the parking area after the park renovation project was completed. However, it has been determined that the parking area is much more deteriorated as originally thought and needs a full-depth replacement rather than a simple resurfacing. The estimated cost of that extra work beyond the original \$75,000, that was previously approved, is \$84,448.40 for a total estimated cost of \$159,448.40. This extra cost requires City Council approval and will come from Capital Improvement Fund reserves.

To avoid a long and separate bid process to resurface this small parking area at Heritage Park, city staff recommends the City Council use the same unit pricing from the bid (RFB 25-10) that was awarded to the Rogers Group during the August 19, 2025 regular session to resurface nine city streets. The City Attorney concurs with this methodology. By using the same unit pricing from a recently completed and related competitive bid makes financial sense to take advantage of the savings without the need to conduct a separate bid process.

A memo from the Public Works Department is attached that offers additional details.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Parks & Recreation



PUBLIC WORKS

TO: Randall Dowling, City Manager

FROM: Kevin L. Helms, Project Manager

Cc: Ben Burchfield, Public Works Director
Matt Siniard, Parks and Recreation Director

DATE: February 5, 2026

SUBJECT: Change Order for Parking Lot Paving at Heritage Park (RFB #25-10)

Background

Paving the parking lot at Heritage Park was not included in the original scope of the project funded by the LPRF Grant. However, the parking lot had not been improved since the park was originally constructed in 1976 and was exhibiting significant deterioration. During the FY26 budget process, \$75,000 was requested and approved to address this need. Although the paving was not part of the grant-funded project, the intent was to complete the work as soon as the grant project was finished.

During construction activities at the park, several developments occurred that significantly altered the scope of the standalone paving project. Increased construction-related traffic caused substantial damage to the existing pavement, despite these activities being typical for projects of this nature. In addition, areas of the parking lot that required excavation revealed substandard base materials beneath the pavement.

As a result, the Public Works Department obtained core samples from multiple locations throughout the parking lot. All samples showed an aggregate base depth of approximately 1 inch or less. Standard practice requires a minimum of 4 inches of aggregate base, with 6 inches being typical.

Due to these conditions, the parking lot cannot be repaired through milling and resurfacing as originally planned. Instead, a full-depth replacement is required to establish a consistent 6-inch compacted aggregate base throughout the parking lot. This will be topped with 2 inches of asphalt binder and a 1-inch surface mix. The revised scope of work also requires removal and replacement of the existing curbing along the perimeter of the parking lot.

Because of the additional work required, the cost to repair the parking lot exceeds the \$75,000 currently budgeted. City staff met onsite with representatives from Rogers Group to review the revised scope and request a cost estimate. The estimate is based on unit prices multiplied by estimated quantities for each line item, with the final cost to be determined by actual quantities used during construction. Based on this method, the total estimated cost is **\$159,448.40**.



PUBLIC WORKS

The unit prices used in the estimate are consistent with those bid as part of the STBG-L Paving Project (**RFB #25-10**), which began late last year and is scheduled for completion in April 2026, with the exception of \$9,300 for curbing, which was not included as a bid item in that project.

As noted in the attached quote, these unit prices are being extended as change order pricing under **RFB #25-10** for the additional work requested, with all exceptions and modifications documented in the quote. This request is being submitted for consideration of approval under Section 5.06 of the City of Athens Procurement Policies and Procedures, effective July 1, 2025. It should be noted that these prices are only valid if the work is performed in conjunction with the final paving activities under **RFB #25-10**, scheduled for March and April.

Once the current construction projects are complete, all areas of Heritage Park will have been updated within the last eight to ten years. With proper repair and ongoing maintenance, the park should not require significant capital investment for the next twenty years.

Action Item

Approve a change order with Rogers Group under **RFB #25-10** for paving the parking lot at Heritage Park, per the quote dated February 3, 2026, in the estimated amount of **\$159,448.40**.

SITE DATA:

ADDRESS: Heritage Park,
1102 Old Englewood Rd,
Athens, TN 37303
OWNER: City of Athens
MAP: 0660 PARCEL 001.00
CLINTON RIVER MILE 53.9L



LOSE #19026



SCALE 1" = 50'

HERITAGE PARK - ADA RENOVATION

CONCEPTUAL SITE PLAN

MC MINN COUNTY, TENNESSEE

FALL 2020



Agenda Item

IV. D. Resolution 2026-05, a Resolution to Authorize the City of Athens, Tennessee to Apply for Funding Through the Local Parks and Recreation Fund (LPRF) to Extend the Eureka Trail to Prof Powers Park and Construct Associated Amenities within the Park.

Overview

The 6.6-mile Eureka Trail is a great asset to the city and county and has been identified in several strategic plans as a popular project to continue and expand. To that end, the city, with assistance from SETD, submitted a non-binding pre-application to TDEC during January 2026 to extend the trail along the abandoned railbed owned by the county from the trailhead to Prof Powers Park and improve a small portion of the existing parking area at the park (see attached map). Based on that pre-application, the city was selected to continue the grant process and submit a full application that is due April 1, 2026.

To continue this grant application, which is a 50/50 grant, the City Council needs to approve Resolution 2026-05 (attached) authorizing the city to submit a LPRF grant in the amount of \$1,920,000, with the city funding half (\$960,000) and the grant funding half (\$960,000), if awarded. If the grant is successfully awarded in October 2026, this project would take about three to four years to complete due to a series of mandatory meetings and state approvals of various construction documents.

Attached is a memo from the Public Works Department with additional information.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Parks & Recreation

RESOLUTION NO. 2026-05

A RESOLUTION AUTHORIZING THE CITY OF ATHENS, TENNESSEE, TO APPLY FOR FUNDING THROUGH THE LOCAL PARKS AND RECREATION FUND TO EXTEND THE EUREKA TRAIL TO PROF POWERS PARK AND CONSTRUCT ASSOCIATED AMENITIES WITHIN THE PARK.

WHEREAS, the City of Athens has prepared and adopted a Parks and Recreation Master Plan and a Public Works Bike and Pedestrian Master Plan; and

WHEREAS, the proposed project is consistent with the goals and recommendations of both master plans; and

WHEREAS, the extension of the Eureka Trail to the Downtown Central Business District by way of Prof Powers Park ranks among the top three most desired pedestrian and bicycle improvements based on public input; and

WHEREAS, associated amenities are necessary to serve both the Eureka Trail and Prof Powers Park; and

WHEREAS, Prof Powers Park is in need of significant improvements due to aging infrastructure; and

WHEREAS, the Local Parks and Recreation Fund (LPRF) provides funding for eligible recreational trail and park improvement projects; and

WHEREAS, the City of Athens desires to submit an LPRF grant application requesting funding in the amount of Nine Hundred Sixty Thousand Dollars (\$960,000.00) to support the design and construction of the proposed improvements; and

WHEREAS, the City of Athens is committed to providing a local match in the amount of Nine Hundred Sixty Thousand Dollars (\$960,000.00) resulting in a total project cost of One Million Nine Hundred Twenty Thousand Dollars (\$1,920,000.00); and

WHEREAS, the proposed project represents a long-term public investment that will promote public health, recreation, transportation connectivity, tourism, and economic activity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TENNESSEE, THAT:

The City Manager or his designee is hereby authorized to prepare and submit an application to the State of Tennessee for funding through the LPRF Grant Program in the amount of \$960,000.00 for the Eureka Trail Extension (Phase I) and associated improvements to Prof Powers Park.

The Mayor, City Manager, or their designee is further authorized to execute all documents, agreements, certifications, and assurances necessary to carry out the intent of this resolution on behalf of the City of Athens.

ON MOTION BY _____,

SECONDED BY _____,

said Resolution adopted and approved by roll call vote on the **17th** day of **February, 2026**.

ATTEST:

Larry Eaton, Mayor

Randall Dowling, City Manager

APPROVED AS TO FORM:

Christopher M. Caldwell, City Attorney



PUBLIC WORKS

TO: Randall Dowling, City Manager
FROM: Kevin L. Helms, Project Manager
Cc: Matt Siniard, Parks and Recreation Director
DATE: February 2, 2026
SUBJECT: LPRF Grant Application

Background

Multiple City of Athens planning documents have identified the need to extend the Eureka Trail to the Downtown Central Business District, creating connections to Market Park and Veterans Park. Most recently, this project was included in the Parks and Recreation Master Plan (updated August 2021) and the Bike and Pedestrian Master Plan (adopted May 2023). While several trail extension options have been evaluated, the downtown extension consistently ranks among the top three pedestrian and bicycle projects based on public input.

Due to the cost and complexity of extending the trail to downtown, the project will be implemented in phases. The first phase will extend the trail from the existing trailhead to Prof Powers Park. This segment will primarily follow an abandoned railbed to a location near the intersection of Short Street and East Madison Avenue, where the trail will cross East Madison Avenue and enter Prof Powers Park. Within the park, the trail will continue to a terminus near the intersection of Slack Road and East Madison Avenue, including a loop at the end of the trail.

In addition to the trail extension, the grant application seeks funding for improvements within Prof Powers Park that are consistent with the Parks and Recreation Master Plan. Improvements will focus on the areas identified as the Main Entrance and the Lake Area. These enhancements will function as a mini trailhead with additional parking for the Eureka Trail while also providing amenities to be shared by park users and improving aesthetics along the park frontage, entrance, and lake area.

The following components are proposed for inclusion in the grant application:

- Eureka Trail extension from the existing trailhead to Prof Powers Park
- Pedestrian crossing on E Madison Avenue with rapid flashing beacons for safety
- Clearing and grubbing vegetation along portions of the north, west, and/or south sides of the lake
- Removal of chain-link fencing in cleared areas and replacement with decorative fencing
- Construction of parking, lighting, and sidewalks from the main entrance to the new parking area and fishing pier
- Milling and paving of the access road from the main entrance to new parking area



PUBLIC WORKS

- Relocation or placement underground of overhead power lines running through the area of construction within the park boundary
- Landscaping improvements
- Replacement of park entrance signage
- Construction of a new restroom building with pavilion/shaded seating near the lake area and trail terminus

All new facilities and renovated amenities as part of the project will be fully ADA compliant.

The project budget was developed using cost estimates from the two master plans noted above and adjusted for inflation. Design, Construction Engineering and Inspection (CEI) and administrative costs were added, along with a contingency allowance. The resulting total project budget is \$1,920,000, to be funded through a 50 percent grant match and 50 percent local funding.

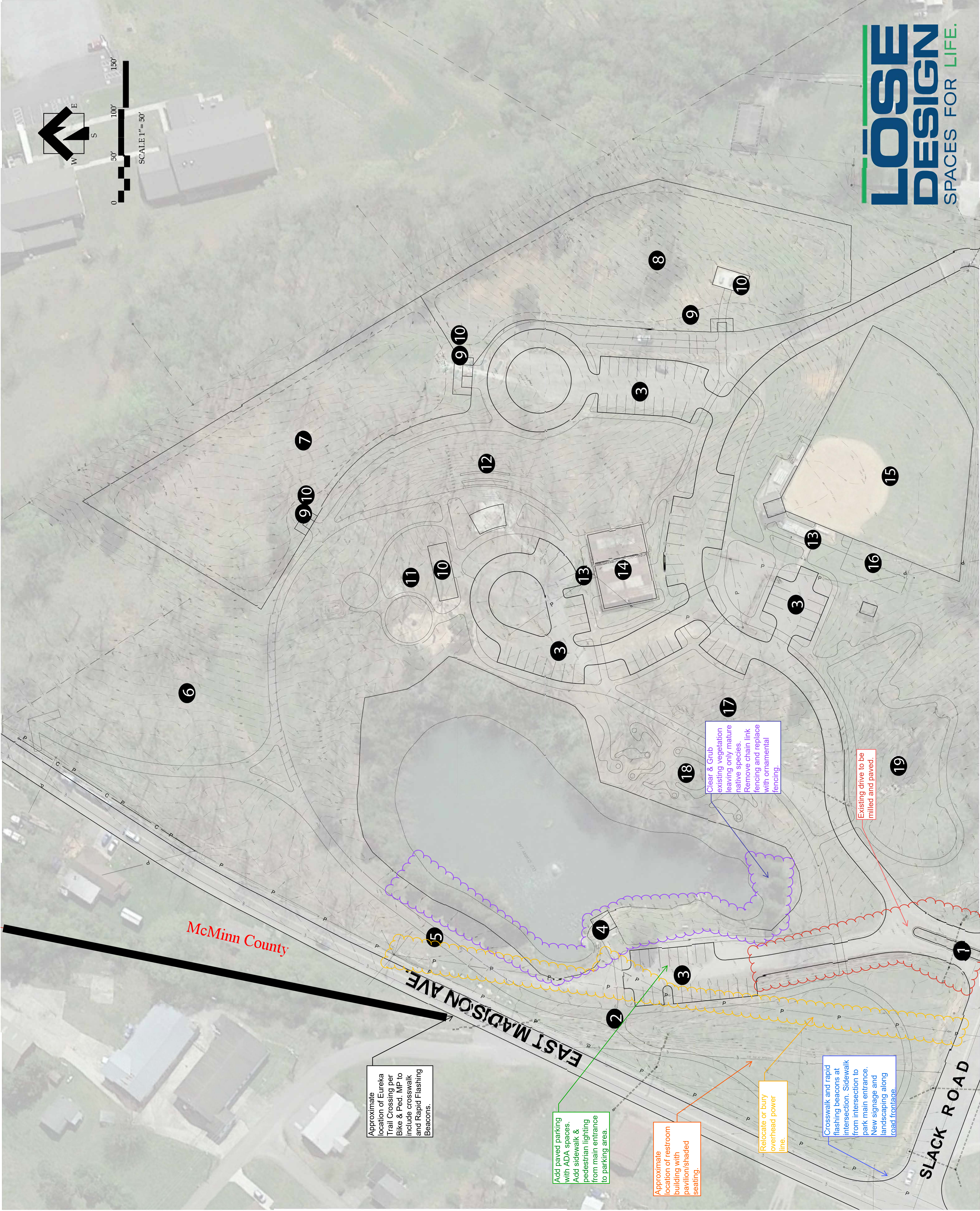
With assistance from SETD, the City submitted a non-binding pre-application in January prior to the deadline. Following review, the grant agency invited selected applicants to submit full applications. This project was among those selected, and full applications are due April 1, 2026.

Action Item

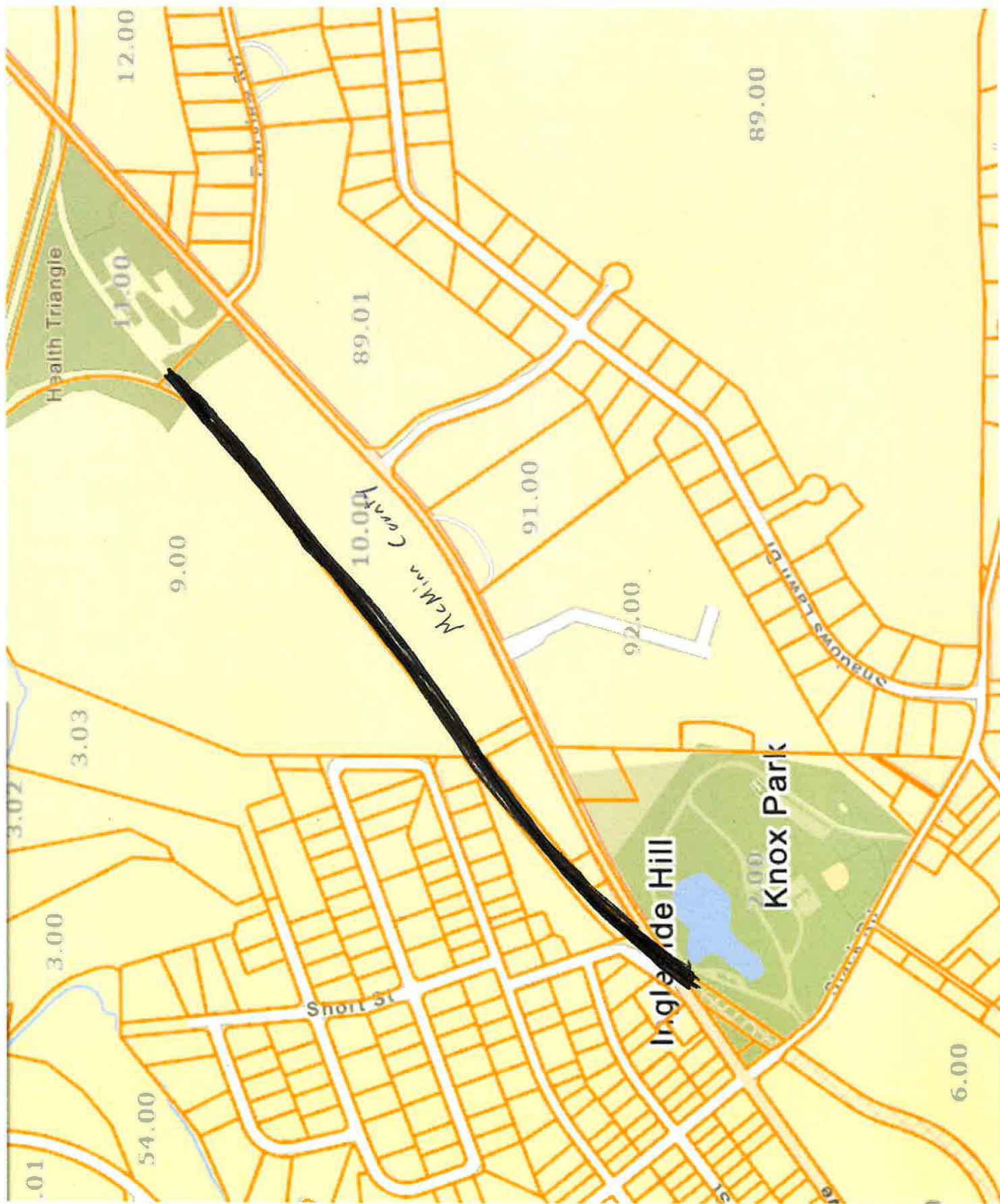
Approve the attached resolution authorizing the City to submit an application for funding through the LPRF Grant Program and committing to the required local match to extend the Eureka Trail to Prof Powers Park and complete associated improvements to the park's main entrance and lake area.

Included Attachments

- Excerpt from Bike and Pedestrian Master Plan
- Excerpt from Parks and Recreation Master Plan
- Proposed City Council Resolution



PROF POWERS PARK MASTER PLAN ATHENS, TENNESSEE





Agenda Item

IV. E. Resolution 2026-06, a Resolution Authorizing Submission of a Grant Application to the Tennessee Department of Transportation's Tennessee Highway Safety Office

Overview

The city applies to TDOT's Tennessee Highway Safety Program every year to obtain funding for Police Department equipment and personnel. This grant program's goal is to enhance highway safety. The city's grant application would be to specifically request funding for overtime, supplies, training, and equipment necessary to deal with the city's DUI and impaired driving, distracted driving, speeding, and occupant protection programs. The grant period is October 1, 2026 to September 30, 2027. The resolution is attached.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Police

RESOLUTION NO. 2026-06

A RESOLUTION AUTHORIZING THE SUBMISSION OF GRANT APPLICATION THROUGH THE TENNESSEE HIGHWAY SAFETY OFFICE.

WHEREAS, the Tennessee Department of Transportation has announced the availability of funding through the Tennessee Highway Safety Office (THSO), formerly Governor's Highway Safety Office (GHSO), for the grant period of **October 1, 2026 to September 30, 2027**; and,

WHEREAS, this program funds a wide variety of activities from increasing personnel and equipment resources for law enforcement to developing and supporting programs to enhance highway safety within the State of Tennessee; and,

WHEREAS, under this program, the City of Athens is eligible to apply for grant funds not to exceed **\$50,000** to pay for overtime, supplies, training, and the equipment necessary to deal with the City's DUI and impaired driving, distracted driving, speeding, and occupant protection programs; and

WHEREAS, this grant requires no matching funds by the local jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, as follows:

That the recitals above are true and accurate and form a part of this Resolution; and

That meeting in regular session this **17th** day of **February 2026**, that the Mayor and City Manager are hereby authorized, empowered, and directed to submit a grant application through the THSO Program as provided herein.

BE IT FURTHER RESOLVED that upon award of a grant, the Mayor and City Manager are hereby authorized to enter into an agreement and execute documents for the acceptance of the grant on behalf of the City of Athens.

ON MOTION BY _____,

SECONDED BY _____,

said Resolution was approved by roll call vote.

ATTEST:

Larry Eaton, Mayor

Randall Dowling, City Manager

APPROVED AS TO FORM:

Christopher M. Caldwell, City Attorney



Agenda Item

IV. F. Resolution 2026-07, a Resolution Authorizing the City of Athens, Tennessee to Accept Grant Funding from the Tennessee Department of Health to Create a Healthy Living Trail at the Mayfield Stormwater Project Site

Overview

The city applied for and received 100% grant funding from the Policy, Systems, and Environmental Change Grant program from the Tennessee Department of Health in the amount of \$15,000. One of the purposes of this grant program is to install educational resources in the city's park system. Specifically, the city will use the grant funds to design, fabricate, and install various educational signs as part of the Mayfield Stormwater project located at the corner of Ingleside Avenue and Forrest Avenue. The signs will illustrate how farming, nutrition, clean water, and physical activity contribute to healthy living. These signs will enhance the user experience. Installation of the signs will be performed by the Public Works Department.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Public Works Department

RESOLUTION NO. 2026-07

A RESOLUTION AUTHORIZING THE CITY OF ATHENS, TENNESSEE, TO ACCEPT GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF HEALTH TO CREATE A HEALTHY LIVING TRAIL AT THE MAYFIELD STORMWATER PROJECT SITE.

WHEREAS, the City of Athens has obtained an ARP Stormwater Grant for the construction of a stormwater facility along the Oostanaula Creek near Mayfield Lane and Forrest Avenue, which includes the addition of a walking trail scheduled to open in 2026; and

WHEREAS, the subject property was originally a part of the historic farmland associated with Mayfield Dairy; and

WHEREAS, farming, stormwater management, nutrition, and exercise are all integral components of healthy living; and

WHEREAS, the Tennessee Department of Health provides funding for educational projects that promote healthy living; and

WHEREAS, the City of Athens desires to accept grant funds from the Tennessee Department of Health in the amount of Fifteen Thousand Dollars (\$15,000.00) with no local match required, to provide for the design, manufacture, and installation of educational signage; and

WHEREAS, the proposed project represents a long-term public investment that will promote public knowledge of agriculture, clean water, stormwater activities, nutrition, and exercise in support of the physical well-being of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TENNESSEE, THAT:

The Mayor, City Manager, or their designee is hereby authorized to execute and submit all necessary documents, agreements, and assurances on behalf of the City of Athens to accept grant funding from the Tennessee Department of Health in an amount not to exceed \$15,000.00 for the implementation of the Healthy Living Trail at the Mayfield Stormwater site.

ON MOTION BY _____,

SECONDED BY _____,

said Resolution was approved by roll call vote.

ATTEST:

Larry Eaton, Mayor

Randall Dowling, City Manager

APPROVED AS TO FORM:

Christopher M. Caldwell, City Attorney



PUBLIC WORKS

TO: Randall Dowling, City Manager

FROM: Kevin L. Helms, Project Manager

Cc: Ben Burchfield, Public Works Director
Matt Siniard, Parks and Recreation Director

DATE: February 4, 2026

SUBJECT: Agriculture and Health Trail Signage Grant at Mayfield Property Stormwater Project

Background

In December, Matt Siniard was contacted by Kelly Ware with the Tennessee Department of Health regarding the availability of grant funding for new signage that could be installed at city properties. Matt subsequently contacted me to discuss potential locations for the use of these funds, and we ultimately agreed to pursue two sites. Matt has been coordinating signage for Heritage Park, while I have used this opportunity to initiate the first phase of a planned sign trail at the site of the new Stormwater Project near Mayfield.

The timeframe between notification of available funding, the deadline to request funds, and the award of the grant was approximately two weeks. Due to this limited timeline, and because we were initially advised that the grant agency would pay vendors directly once project details were finalized, the project was not previously brought before City Council for approval.

However, Matt was notified yesterday that the reimbursement process has changed and that the City will now be required to pay for the signage upfront and then receive full reimbursement, up to the maximum amount of the award. As a result, this item is now being submitted to Council for approval prior to committing to any purchases.

The grant award for the Mayfield site totals \$15,000. Final pricing is still being coordinated with vendors, but the intent is to keep the total cost within the awarded amount, resulting in no net expense to the City once reimbursement is received. The signage will incorporate educational elements related to farming, nutrition, clean water, and exercise, demonstrating how these components contribute to healthy living. Approximately ten signs will be installed along the trail being constructed as part of the stormwater project.

Implementation of this project is being coordinated with representatives from Mayfield to include statistics related to dairy farming. There is potential for future expansion of the trail to incorporate additional Mayfield-specific elements should funding become available; however, any such expansion is not included in this phase of the project.

Action Item

Approve Resolution 2026-07 authorizing the City to accept grant funds in the amount of \$15,000 from the Tennessee Department of Health to create a Healthy Living Trail at the Mayfield Stormwater Project site.



Agenda Item

IV. G. Resolution 2026-08, a Resolution Authorizing the City of Athens, Tennessee to Accept Grant Funding from the Tennessee Department of Health to Update Signage at Heritage Park

Overview

The city applied for and received 100% grant funding from the Policy, Systems, and Environmental Change Grant program from the Tennessee Department of Health in an amount not to exceed \$10,000. One of the purposes of this grant program is to install educational resources in the city's park system. Specifically, the city will use the grant funds to update various signs at Heritage Park including a new entrance sign, rules and regulations signs for the basketball court, playground, and baseball/softball field, as well as a new informational sign that describes the rich history of Heritage Park. These signs will enhance the user experience and complement the park's recent renovations. Installation of the signs will be performed by the Parks & Recreation Department.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Parks & Recreation

RESOLUTION NO. 2026-08

A RESOLUTION AUTHORIZING THE CITY OF ATHENS, TENNESSEE, TO ACCEPT GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF HEALTH TO UPDATE SIGNAGE AT HERITAGE PARK.

WHEREAS, the City of Athens has obtained grant funding for the renovation of Heritage Park through the Local Parks and Recreation Fund (LPRF); and

WHEREAS, Heritage Park is a park owned and operated by the City of Athens Parks and Recreation since 1976; and

WHEREAS, history, education, nutrition, and exercise are all integral components of healthy living; and

WHEREAS, the Tennessee Department of Health provides funding for educational projects that promote healthy living; and

WHEREAS, the City of Athens desires to accept grant funds from the Tennessee Department of Health in the amount of Ten Thousand Dollars (\$10,000.00) with no local match required, to provide for the design, manufacture, and procurement of updated signage for Heritage Park.

WHEREAS, this grant represents a long-term public investment that will promote the history of Heritage Park, amenity rules, and exercise facts in support of the physical well-being of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TENNESSEE, THAT:

The Mayor, City Manager, or their designee is hereby authorized to execute and submit all necessary documents, agreements, and assurances on behalf of the City of Athens to accept grant funding from the Tennessee Department of Health in an amount not to exceed \$10,000.00 for the implementation of updated signage at Heritage Park.

ON MOTION BY _____,

SECONDED BY _____,

said Resolution was approved by roll call vote.

ATTEST:

Larry Eaton, Mayor

Randall Dowling, City Manager

APPROVED AS TO FORM:

Christopher M. Caldwell, City Attorney



Agenda Item

IV. H. Resolution 2026-09, a Resolution Authorizing the City of Athens to Apply for Funding Through the Tennessee State Fire Marshal's Office (SFMO) Rescue Squad Grant Program and Recognizing the City of Athens Fire Department as a Rescue Squad Providing Services That Benefit the Residents.

Overview

This resolution formally recognizes the City of Athens Fire Department as a rescue squad serving Athens and the surrounding service area and authorizes City officials to support and submit an application to the Tennessee State Fire Marshal's Office (SFMO) 2026 Rescue Squad Grant Program. The grant request is up to \$48,000 to purchase HURST extrication/rescue tools and related equipment to improve emergency response capability and responder safety.

The resolution does not require any City match or spending unless separately approved through normal budgeting and purchasing procedures.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration.

Affected Departments

Fire

RESOLUTION NO. 2026-09

A RESOLUTION AUTHORIZING THE CITY OF ATHENS TO APPLY FOR FUNDING THROUGH THE TENNESSEE STATE FIRE MARSHAL’S OFFICE (SFMO) RESCUE SQUAD GRANT PROGRAM AND RECOGNIZING THE CITY OF ATHENS FIRE DEPARTMENT AS A RESCUE SQUAD PROVIDING SERVICES THAT BENEFIT THE RESIDENTS.

WHEREAS, the Tennessee Department of Commerce & Insurance and the Tennessee State Fire Marshal’s Office (SFMO) have announced the **2026 Rescue Squad Grant Program**, providing grant funding for qualifying Tennessee rescue squads to purchase equipment used for incident response and to protect the lives of rescue squad members; and

WHEREAS, the application period for the **2026 Rescue Squad Grant Program** beginning **January 20, 2026**, with an application deadline of **February 20, 2026**; and

WHEREAS, the SFMO requires applicants to provide documentation including a letter stating the City of Athens Fire Department is recognized by the local government as a rescue squad that provide rescue squad services; and

WHEREAS, the City Council understands that the City of Athens Fire Department (Rescue Squad) intends to apply for grant funding in an amount not to exceed **Forty-Eight Thousand Dollars (\$48,000.00)** to purchase **HURST rescue tools and related equipment** used for emergency incident response, including vehicle extrication and other rescue operations; and

WHEREAS, the City Council understands that this Resolution does not obligate the City to provide matching funds or make any expenditure unless such funding is separately approved through the City’s normal budgeting and purchasing procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, as follows:

The Athens City Council hereby recognizes City of Athens Fire Department as a rescue squad that provides rescue squad services benefiting the City of Athens, Tennessee, and its residents.

The City Council supports the Rescue Squad’s application to the Tennessee State Fire Marshal’s Office Rescue Squad Grant Program for the **2026 grant cycle**.

The City Mayor, City Manager, Fire Chief, and/or other designated officials are hereby authorized to prepare and submit all necessary documentation, and to take all actions necessary, to apply for and administer the grant.

Severability. If any section, clause, or provision of this Resolution shall be declared invalid, the remainder shall remain in full force and effect.

Effective Date. This Resolution shall take effect from and after its adoption, the public welfare requiring it.

ON MOTION BY _____

SECONDED BY _____

said Resolution was approved by roll call vote on the 17th day of **February, 2026**.

ATTEST:

Larry Eaton, Mayor

Randall Dowling, City Manager

APPROVED AS TO FORM:

Christopher M. Caldwell, City Attorney



Agenda Item

IV. I. Public Comment Rules & Decorum

Overview

TCA 8-44-112 requires each governing body to reserve a period of time at each public meeting, that has actionable items, to hear public comments that are germane to the agenda for the meeting. The governing body may put reasonable restrictions on public comments such as time limits, number of speakers, advance sign up, etc.

City staff updated and the city council approved Citizen Comment Rules during the November 19, 2024 regular session (attached). However, at a special-called meeting held on October 23, 2025, the Council discussed revising the Citizen Comment Rules and directed the City Manager and City Attorney to prepare a draft for review for the November 10, 2025 work session in which this discussion was postponed until the December 8, 2025 work session. The discussion was then postponed until the February 9, 2026 work session where recommendations will be provided from the Council Advisory Committee, as requested by the City Council.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for consideration. An ordinance may be required to amend Athens City Code Chapter 1, Section 1-44 to ensure the Order of Business aligns with the City Council's adopted public comment procedure.

Affected Departments

City Council

Document:

Tenn. Code Ann. § 8-44-112

[< Previous](#)[Next >](#)**Tenn. Code Ann. § 8-44-112**[Copy Citation](#)

Current through the 2025 Regular Session.

[Tennessee Code Table of Contents PAW- ET TABLE OF CONTENTS](#) [Title 8 Public Officers And Employees](#) [Chapter 44 Public Meetings](#) [Part 1 General Provisions](#)

8-44-112. Reserved period for public comment — Reasonable restrictions allowed — Notice to public commenters — Applicability.

(a) A governing body shall, for each public meeting, reserve a period for public comment to provide the public with the opportunity to comment on matters that are germane to the items on the agenda for the meeting.

(b) The governing body may put reasonable restrictions on the period for public comment, such as the length of the period, the number of speakers, and the length of time that each speaker will be allowed to provide comment. The governing body may require a person to give notice in advance of the desire to offer comments at a meeting. The governing body shall take all practicable steps to ensure that opposing viewpoints are represented fairly, if any.

(c) A notice for a public meeting shall indicate the manner in which a person may indicate the person's desire to provide public comment at the meeting.

(d) This section does not apply to:

(1) A meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body; or

(2) A meeting for which there are no actionable items on the agenda.

History

Acts 2023, ch. 300, § 1.

TENNESSEE CODE ANNOTATED

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City Council Citizen Comment Rules

CURRENT

Citizens may make comments at city council meetings where actionable items are on the agenda as required by state law, § 8-44-112. Two opportunities exist for citizens to comment during the meetings. 1) During **Citizens Comments Germane to the Agenda** when citizens may speak only to specific agenda items and 2) During **Citizens Comments** when citizens may speak on any subject the city has authority over.

The Public Comment Rules are set forth as follows:

1. Each speaker must give notice of their intent to speak by completing the sign-in form at the entrance of the Council Chambers prior to the commencement of the public meeting.
2. Each speaker is granted three (3) minutes to make their comments; time may not be yielded to others.
3. Time will begin after the speaker states their name and address, for the record. The Mayor may allow non-city residents to speak but is not compelled to do so.
4. Each speaker is expected to speak from the podium (not from the audience) in a civil, non-argumentative, and respectful manner. The speaker shall not be permitted to use any vulgar or obscene language.
5. Each speaker is expected to address their comments to the Mayor. The speaker shall not direct questions to the council members, staff, or audience. The speaker shall not refer to any person by name, make attacks or denigrate others.
6. The Mayor may acknowledge the comment has been heard. Neither council members nor staff shall address or respond to the speaker during the three (3) minute comment period.
7. The speaker may not address the Council on matters which are not under the authority of the Council, and which are regulated by other governmental bodies or agencies.
8. The speaker shall not speak to any previous or pending litigation unless it is on the agenda.
9. The Mayor may interrupt or call out of order anyone who breaks these rules. Any deviation from these rules will result in a warning without loss of time. If a speaker continues to violate these rules, they will be interrupted and shall lose the remaining time.

Disorderly Conduct or Disrupting a Public Meeting is Prohibited.

(Tenn. Code Ann. § 39-17-305 § 39-17-306)

Citizens are not required to attend a city council meeting to make a request or comment.

Council Advisory Meeting
Monday, February 2, 2026
(postponed from Monday, January 26th due to snow)

Second topic for tonight's meeting:

Asked by Vice-Mayor Curtis to discuss **Public Comment Rules and Decorum**

- The City Manager executive assistant provided us copies of the current rules and past guidelines. Each member reviewed those documents.

Open discussion began and continued for around 20+ minutes.

We reviewed the following cities' rules:

Oak Ridge: 3-minute limit for citizens which takes place at the end of the meeting.

The comments must pertain to the current agenda. No dialogue.

Input to the City council only.

Maryville: Sign up or email topic. Comments only pertain to the agenda.

Lenoir City: 3-minute limit.

Greeneville: 3-minute limit. They have 20 minutes allowed for public comments, after that they close public comments and begin the business on the agenda.

So, after reviewing these other cities framework here is what we think might be some option:

- One person may speak for 3 minutes at the beginning of the meeting. No comments at the end of the meeting. Just one comment session per meeting.
- Before the City council meeting ~ instead of signing in on a sheet at the podium, get the individual to fill out a card with their name, city physical address (cannot be a POBox) has to be the address they use when voting. Plus, the topic they wish to talk about for 3 minutes. Also ask, have you been in contact with any Dept head or City council member about your subject, if so who.

** This way there are no surprises, the topic has to be on the agenda, and the address can be checked prior to the beginning of the meeting.

- The new changes would ensure no one is getting up to speak on behalf of anyone else.
- Only citizens that live in the city may present to the City Council with topics on the agenda for that night.
- There should be a section maybe at the "work session" that allows topics to be discussed for a future agenda, not necessarily the next city council meeting.

Lenoir City at the end of their meetings a "public comment" not pertaining to the agenda. *Maryville* as "Hear Citizens" sessions~ again comments not on the agenda.

We all agreed there needs to be a person who is respected and can be a "parliamentarian" at these meetings. Someone who can enforce and keep the meeting running correctly.

We believe that the mayor may be able to do this. However, many suggested the City Attorney should take this role to be neutral and be able to ensure that "sides" are not being taken. There was a suggestion of turning the microphone off at the podium when someone spoke too long.



Agenda Item

IV. J. Title 8 Chapter III (Beer) Proposed Amendments

Overview

During the December 8, 2025 work session, Main Street Athens requested the City Council to consider adding/amending appropriate land use and beer regulations to allow beer manufacturing in the city limits as an economic development tool (see attachment).

At the January 5, 2026 Athens Municipal Regional Planning Commission meeting, the Planning Commission discussed whether beer manufacturing should be allowed in zoning districts beyond the district where it is currently permitted (the I-2 Heavy Industrial District). Following discussion, the Planning Commission determined that additional research and further discussion are needed before making recommendations.

Following a presentation from Matt Altobell, Executive Director of the Tennessee Craft Brewers Guild, discussion among the City Council and staff, and comments from a potential applicant during the January 12, 2026 work session, the consensus was to have staff research and prepare amendments for consideration during the February 9, 2026 work session.

Title 8-III (Beer) of the Athens City Code is outdated and disorganized. Staff is proposing amendments to update and reorganize the chapter and to better align local regulations with applicable federal guidance from the Alcohol and Tobacco Tax and Trade Bureau (TTB) and current Tennessee law. The proposed amendments to Title 8-III (Beer) are attached for review. If City Council wishes to proceed, the amendments would be adopted by ordinance. The ordinance will require two readings and a public hearing before any amendments become effective.

An ordinance to amend the Athens Zoning Code will be prepared by the Community Development Department once City Council provides policy direction on the items below:

1. **Zoning districts:** In which zoning districts should brewpubs be allowed?
 - Restaurants are currently permitted (by right) in B-1, B-2, and B-3, and allowed with review in M-1, P-1, I-1, and I-2.
 - Alcohol manufacturing is currently permitted only in I-2.
2. **Approval type:** Should brewpubs be treated as a permitted use (by right) or as a use on review (requiring Board of Zoning and Appeals review)?

On a final note, a common best practice in economic development is to keep regulations clear, understandable, and predictable. When requirements and the review process are straightforward, applicants can evaluate a project up front and have confidence that proposals meeting the adopted standards can move forward. Accordingly, the proposed changes should be thoroughly reviewed by city staff, City Council, ARMPC, and the City Attorney before an ordinance is introduced.

Action to Consider

Consensus is needed to move this item to the February 17, 2026 regular session for further discussion and review.

Affected Departments

City Manager's Office and Community Development

City of Athens, TN — Downtown Brewery Zoning Update

Why this matters now

Mainstreet Athens received an inquiry from an established Knoxville brewery to open a production brewery and taproom downtown. Downtown momentum is strong with the recent opening of Pie Hounds and a wine bistro planned—adding a brewery would amplify foot traffic, dining options, and local spending.

Current zoning barrier

Alcohol manufacturing is currently limited to the Heavy Industrial (I-2) district, which includes a minimum lot size threshold (commonly 5 acres), making downtown sites ineligible under present code.

Proposed zoning change

Allow "Brewery (beer manufacturing)" as a permitted use (or "use permitted on review") in B-2 Central Business and B-3 Intensive Business districts, with performance standards (odor/noise control, hours, delivery logistics) and retail/taproom allowed on-premises. Maintain distance, safety, and permit requirements under Title 8 and Beer Board oversight.

City revenue sources (illustrative rates)

Revenue Source	Illustrative Rate / Amount
Local Wholesale Beer Tax	\$35.60 per 31-gallon barrel
Beer Permit Privilege Tax	\$100 per year; \$250 application fee
Sales Tax (combined)	9.75% (7% state + 2.75% county) Note (BR): Local Option Sales Tax split schools / city
Liquor-by-the-Drink (on-premise)	15% of gross alcoholic beverage sales
State-Shared Beer (barrelage) Tax	\$4.29 per barrel; 10.05% shared to cities by population
Business Tax (gross receipts)	Applies at state and city level (classification-based)
Personal Property Tax (City)	\$1.0078 per \$100 assessed value

Tennessee peer cities with breweries downtown

Knoxville, Nashville, Sweetwater, Tellico Plains, Dayton, Copperhill, Etowah, Lenoir City, Johnson City, Elizabethton, and Tullahoma.

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

Text = NEW
~~Text~~ = Deleted
Reorganized

CHAPTER 8-III BEER

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[8-94 Prohibited Conduct Or Activities By Beer Permit Holders, Agents, Etc., Engaged In The Sale Of Beer; Signage; Continuous Operation Of Business](#)

[8-95 Employees Required To Have Identification And Proof Of Employment](#)

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[8-97 Civil Penalty In Lieu Of Revocation Or Suspension](#)

[8-98 Loss Of Clerk's Certification For Sale To Minor](#)

[8-99 Violations](#)

[8-100 Possession Or Consumption Of Alcoholic Beverages, Wine, And/Or Beer On Certain Property Prohibited](#)

[8-101 Sign, Advertisement And Display Restrictions](#)

8-82 Beer Board Established

The city has established a beer board to be composed of all the members of the city council. The mayor shall be its chairman and shall preside at its meetings. Its members shall serve without compensation.

(Code 1972, § 2-201; Code 1995, § 8-201; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-83 Meetings Of The Beer Board

All meetings of the beer board shall be open to the public. The board shall hold regular meetings at 5:30pm preceding each regular meeting of the city council at the city hall whenever there is business to come before the beer board. An adjourned or special meeting of the beer board may be called by its chairman, provided reasonable notice thereof is given to each board member of the board and there is a reasonable and just cause for such an additional session. Reasonable public notice shall likewise be given for any adjourned or special meeting.

(Code 1972, § 2-202; Code 1995, § 8-202; Ord. No. 873, 1-16-2001; Ord. No. 925, 1-18-2005; Ord. No. 1035, § 2, 3-17-2015)

HISTORY

Amended by Ord. [1134](#) on 10/30/2024

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

8-84 Record Of Beer Board Proceedings

The city clerk or designee ~~The recorder~~ shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following:

- (1) Date of each meeting;
- (2) Names of the board members present and absent;
- (3) Names of the members introducing and seconding motions and resolutions, etc., before the board;
- (4) A copy of each motion or resolution presented;
- (5) The vote of each member thereon; and
- (6) The provisions of each beer permit issued by the board.

(Code 1972, § 2-203; Code 1995, § 8-203; Ord. No. 873, 1-16-2001; Ord. No. 963, 12-18-2007; Ord. No. 1035, § 2, 3-17-2015)

8-85 Requirements For Beer Board Quorum And Action

The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted.

(Code 1972, § 2-204; Code 1995, § 8-204; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-86 Powers And Duties Of The Beer Board

The beer board shall have the power and it is hereby directed to establish regulations governing the selling, storing for sale, distributing for sale, giving away **(NOTE: Hotel)**, and manufacturing of beer within this municipality in accordance with the provisions of this chapter ~~The beer board shall have the power and it is directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the city in accordance with the provisions of this chapter and state law, to include the issuance, suspension, and revocation of any permit license. The beer board shall also regulate, as permitted by law, matters related to any other alcoholic beverage, whether defined as an intoxicating liquor or otherwise. Nothing herein shall be construed to expand the Beer Board's jurisdiction beyond beer, except as expressly authorized by Tennessee law.~~

(Code 1972, § 2-205; Code 1995, § 8-205; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

8-87 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beer means products made from the normal alcoholic fermentation of malt or other cereal grains, sugar, or fruit ingredients used to make cider, and having an alcoholic content of not more than eight percent (8%) alcohol by weight and that do not contain distilled spirits or wine as defined in T.C.A. § 57-3-101. **(reference T.C.A. § 57-5-101)**

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

~~and includes all beers, ales and other malt liquors having an alcoholic content of not more than eight percent (8%) by weight or any other beverage of alcoholic content as described in T.C.A. § 57-5-101.~~

Beer Manufacturer Operating as a Retailer means a manufacturer authorized under T.C.A. § 57-5-101(c) to operate as a retailer at the manufacturer's location or a site contiguous thereto, for sales of not more than 25,000 barrels annually.

Beer permit means a permit issued by the beer board authorizing one or more specifically stated phases of the beer business.

Brewery means a facility where beer is manufactured on the premises, including fermenting, conditioning, packaging, and storage, which shall include food service component when permitted by zoning and separately authorized by permit.

Employee means any person engaged in the operations of the business on a regular basis or who receives compensation from the business. **(NOTE: moved from 8-89(1))**

Manufacturer / Manufacturing means brewing, fermenting, producing, bottling, canning, kegging, or otherwise creating beer on the premises as permitted by law.

Off premises means beer sold or provided in sealed containers for consumption away from the licensed premises.

On premises means any portion of the building interior and any deck, patio, porch or other outdoor serving area that is only accessible from the interior of the principal structure housing the brewpub; and is fully enclosed by a permanent fence that is attached to the principal structure housing the restaurant, with the fence or wall made of brick, stone, wrought iron, or exterior wood panels with a minimum height of 48 inches with maximum spaces between rods, spindles or boards of four inches and such that a four-inch sphere cannot pass between any rods, spindles or boards. If an emergency exit is required by any regulation, ordinance or law within the fence or wall, it shall be clearly marked as an emergency exit only and used only for this purpose. The emergency exit shall be equipped with an alarm which emits an audible sound when the exit gate or door is opened. The fence or wall shall be permanently affixed to the ground per the building official's recommendation and approval. Any deck, patio, porch or other outdoor serving area and the fence or wall shall comply with any applicable provisions of the building code.

Partner food provider means a food service establishment providing prepared food to patrons on the premises pursuant to a written agreement approved by the beer board.

Sealed container means a container closed in a manner that evidences opening, including factory-sealed containers, crowlers, or sealed growlers.

(Code 1972, § 2-206; Code 1995, § 8-206; Ord. No. 834, 9-23-1997; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

8-88 Permit Required For Engaging In Beer Business

- (1) It is unlawful for any person or legal entity regardless of its form of existence, i.e., corporation, limited liability company, partnership, etc., to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board.
- (2) The application shall be made on such form as the board shall authorize and furnish and shall be filed in the city manager's office, accompanied by a non-refundable application fee of \$250.00. ~~The fee shall be in the form of a cashier's check payable to the city.~~
- (3) Each applicant, and, if an entity, a person with ownership interest in the entity:
 - a. Must be a person of good moral character and certify that the applicant has not been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or any crime involving moral turpitude within the past ~~10-ten~~ **years 5-five years**. (reference TCA§ 57-5-301)
 - b. ~~Further, the applicant~~ Must certify that they have read and are familiar with the provisions of this chapter.
- (4) Upon receipt of the notarized application **and application fee**, the city manager's office will schedule the presentation of the application to the beer board and will notify the permittee ~~or licensee~~ of the date and time of such meeting.

(Code 1995, § 8-207; Ord. No. 784, 11-16-1993; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-89 Responsibilities Of Permittee

- (1) Each ~~licensee~~ **permittee** must furnish the chief of police with a list of the names and date of birth, ~~and social security number~~ of all persons to be employed in the place where beer is to be sold and must inform the chief of police within ~~72-hours~~ **3-three months** of employment ~~as to the names, date of birth, and social security number of any persons employed after such list has been originally submitted. The list will be maintained by the police department at city hall. The term "employee," as used in this chapter, means any person engaged in the operations of the business on a regular basis or who receives compensation from the business.~~ **(NOTES: moves to definitions)**
- (2) The ~~licensee~~ **permittee** shall be deemed responsible for the actions of all employees or agents in regard to state and local legislation related to beer, and a violation thereof by an employee or agent shall subject the **permittee** ~~licensee~~ to appropriate sanction, including revocation or suspension of any **permit** ~~license~~.

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

- (3) Prior to January 1 of each year, it is the responsibility of the permittee to pick up copies of any new legislation regulating the sale of beer. It is also the responsibility of the ~~permittee licensee~~ to immediately notify the chief of police of any convictions or pleas for unlawful activity.

(Code 1995, § 8-208; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-90 Beer Permits Shall Be Restrictive

All beer permits shall be restrictive as to the type of beer business authorized under them.

- (1) It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by permit ~~or license~~.
- (2) It shall likewise be unlawful for the ~~permittee licensee~~ to comply with any and all express restrictions or conditions which may be written into the permit ~~or license~~ by the beer board.
- (3) Separate permits shall be required for ~~selling at retail, storing, distributing, and manufacturing.~~ **selling at retail, storing for sale, distributing for sale, giving away, and manufacturing.**
 - a. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off-premises consumption. It is unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by permit ~~or license~~. It shall likewise be unlawful for the ~~permittee licensee~~ to comply with any and all express restrictions or conditions which may be written into the permit ~~or license~~ by the beer board.

(Code 1972, § 2-208; Code 1995, § 8-209; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-91 Privilege Tax

There is imposed on the business of ~~selling, distributing, storing or manufacturing~~ **selling at retail, storing for sale, distributing for sale, giving away, and manufacturing** beer an annual privilege tax of \$100.00 . To sustain a valid permit, any ~~permittee licensee~~ shall remit the tax on January 1 of each year thereafter to the city. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (reference: TCA § 57-5-104)

(Code 1995, § 8-210; Ord. No. 784, 11-16-1993; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-92 Interference With Public Health, Safety And Morals Prohibited

1. No permit ~~or license~~ authorizing the **selling at retail, storing for sale, distributing for sale, giving away, or manufacturing** ~~storage, sale, distribution or manufacturing~~ of beer will be issued when such business would cause congestion of traffic, or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

the public health, safety, and morals (State Reference: TCA § 57-5-105(b)). In no event will a permit be issued ~~authorizing the storage, sale, distribution or manufacture of beer~~ to a permit holder within a minimum distance as listed below from any building:

- a) Used as a church, provided a church service is held at the premises at least on one day of each week; or
- b) Used as a school, provided the school is operated by a public school system of the city or the county or is a private school, and such school is licensed and accredited by the state to provide and is providing a kindergarten, elementary or secondary education to students at the building; or
- c) Used by the city or county to operate city or county government or the city or county public school system or public library.

2. *Minimum distance requirement.*

- a) The minimum distance requirement for the various types of permit holders is as follows:
 - i. Restaurant: 300 feet
 - ii. **Brewpub: 300 feet**
 - iii. Grocery (food) store
 - A. (10,000 square feet or more): 300 feet
 - B. (under 10,000 square feet): 500 feet
 - iv. Package beer store: 500 feet
 - v. **Wholesaler / Distribution: ????**
 - vi. Caterer: 300 feet
 - vii. Golf course: 300 feet
 - viii. **Club: ????**
 - ix. **Hotel: ????**
 - x. **Special Event: 300 feet**
- b) Excepting any existing buildings currently subject to the previous manner of measuring distance, the distance shall be measured in a straight line between the middle of the main entrance of the building proposed to sell, store, or manufacture beer and the front door of the building from which there must be a minimum distance.
- c) For a special event organizer, in the event the minimum distance requirement in subsection (2)(a) of this section is applicable, the distance shall be measured in a straight line between the center of the main entrance of the building within which the organizer of the special event proposes to sell, distribute, store, dispense or serve beer and the front door of the building from which there must be a minimum distance. For a special event organizer, if the special event is scheduled in an outdoor location and the minimum distance requirement in subsection (2)(a) of this

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section from certain buildings is applicable, the distance shall be measured in a straight line between the center of the booth or station where beer is proposed to be offered for sale or served by the organizer and the front door of the building from which there must be a minimum distance.

- d) The minimum distance requirement from certain buildings in subsection (2)(a) of this section shall not be applicable with respect to the building of a restaurant permit holder located within the downtown business district, which is defined as that area within the interior of the boundaries of Baxter Street, Green Street, College Street, Hill Street and Park Street as shown on the map of the city attached to the ordinance from which this section is derived and incorporated herein by reference.
 - e) These changes as listed in this subsection (2) shall not affect those businesses which have valid permits on the date of the passage of the ordinance from which this chapter is derived, and, further, would not affect the locations if they should change ownership in the future.
3. The number of beer permits permitted in the city, **minimum distance requirements**, and the classification thereof, are as follows:
- a) *Restaurants.*
 - i. There shall be no limitation on the number of beer permits issued to restaurants **as defined in this subsection.**
 - ii. **The minimum distance from schools, churches, or other places of public gathering required for a restaurant is 300 feet.**
 - iii. The term "restaurant" means an establishment having a minimum indoor seating capacity of 30-thirty, whose principal business is serving food for consumption on premises.
 - A. A restaurant eligible for a beer permit shall not have monthly gross beer sales greater than twenty-five percent (25%) of the monthly gross sales of food. Any such establishment which, for 2-two consecutive months or for any 3-three months in any calendar year, has gross beer sales greater than twenty-five percent (25%) of its gross food sales shall **be grounds for suspension or revocation of the beer permit** ~~have its beer permit revoked.~~
 - 1. Food sales, for the purpose of this section, shall include the sale of food and non-alcoholic beverages or drinks. Food sales, for the purpose of this section, shall not include the sale of any type of alcoholic beverage, including, but not limited to, beer, wine, or liquor.

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- iv. ~~Under this section the term "on premises" is defined as any portion of the building interior and any deck, patio, porch or other outdoor serving area that:~~
 - ~~A. Is only accessible from the interior of the principal structure housing the restaurant; and~~
 - ~~B. Is fully enclosed by a permanent fence that is attached to the principal structure housing the restaurant, with the fence or wall made of brick, stone, wrought iron, or exterior wood panels with a minimum height of 48 inches with maximum spaces between rods, spindles or boards of four inches and such that a four inch sphere cannot pass between any rods, spindles or boards. If an emergency exit is required by any regulation, ordinance or law within the fence or wall, it shall be clearly marked as an emergency exit only and used only for this purpose. The emergency exit shall be equipped with an alarm which emits an audible sound when the exit gate or door is opened. The fence or wall shall be permanently affixed to the ground per the building official's recommendation and approval. Any deck, patio, porch or other outdoor serving area and the fence or wall shall comply with any applicable provisions of the building code. **(NOTE: Moved to 8-87 Definitions)**~~
 - v. Prior to any existing or new restaurant adding an outdoor dining area wherein beer may be sold for consumption, the owner of the restaurant and the permit holder shall submit a site plan for the outdoor dining area which meets the requirements of [ACC 14-96](#) to the city regional municipal planning commission for approval. The site plan shall show that the new outdoor serving area meets all requirements of the zoning district it lies within, to include, but not be limited to, parking and land coverage requirements. The site plan shall show that the new outdoor serving area meets all requirements of the landscaping and stormwater ordinances.
- b) Brewpub.
- i. There shall be no limitations on the number of beer permits issued to brewpub as defined in this subsection.
 - ii. The minimum distance from schools, churches, or other places of public gathering required for a brewpub is 300 feet.
 - iii. The term "brewpub" means an eating and drinking establishment in which beer is manufactured on the premises by a brewery properly licensed, where the primary use of the establishment is the service of food and beer for on-premises consumption, and where the manufacture of beer is incidental and subordinate to the restaurant.

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- iv. A brewpub may sell beer manufactured on the premises for on-premises and off-premises consumption as permitted by state law. Any beer sold for off-premises consumption shall be limited to beer manufactured on the premises and shall be sold only in sealed containers, as permitted by state law.
 - A. A brewpub eligible for a beer permit shall not have monthly gross beer sales greater than thirty percent (30%) of the monthly gross sales of food. Any such establishment which, for 2-two consecutive months or for any 3-three months in any calendar year, has gross beer sales greater than thirty percent (30%) of its gross food sales shall be grounds for suspension or revocation of the beer permit.
 - 1. Food sales, for the purpose of this section, shall include the sale of food and non-alcoholic beverages or drinks. Food sales, for the purpose of this section, shall not include the sale of any type of alcoholic beverage, including, but not limited to, beer, wine, or liquor. Food sales may be from a partner food provider rather than an onsite kitchen.
 - v. Prior to any existing or new brewpub adding an outdoor dining area wherein beer may be sold for consumption, the owner of the restaurant and the permit holder shall submit a site plan for the outdoor dining area which meets the requirements of ACC 14-96 to the city regional municipal planning commission for approval. The site plan shall show that the new outdoor serving area meets all requirements of the zoning district it lies within, to include, but not be limited to, parking and land coverage requirements. The site plan shall show that the new outdoor serving area meets all requirements of the landscaping and stormwater ordinances.
- c) *Grocery (food) stores.*
- i. There shall be no limitation on the number of beer permits issued to grocery (food) stores as defined in this subsection.
 - ii. The minimum distance from schools, churches, or other places of public gathering required for a grocery (food) store 10,000 square feet or more is 300 feet and a grocery (food) store under 10,000 square feet is 500 feet.
 - iii. The term "grocery (food) stores" means establishments with the dollar value of their inventory of beer at twenty percent (20%) or less of the dollar value of the total inventory.

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- iv. Grocery (food) stores are establishments where beer is sold to be consumed off the premises. Beer shall not be sold for consumption on the premises of grocery (food) stores.

d) *Package beer stores.*

- i. There shall be one permit license for every 1,000 population according to the latest official census of the city as defined in this subsection.
- ii. The minimum distance from schools, churches, or other places of public gathering required for a package beer store is 500 feet.
- iii. The term "package beer store" shall be further defined to be an establishment whose primary business is the sale of beer. Gasoline stations shall be excluded from the above definition of the term "package store."
(NOTE: moved here from 7)
- iv. Package beer stores are establishments where beer is sold to be consumed off the premises. Beer shall not be consumed on the premises of these establishments.

e) *Wholesaler/distribution.*

- i. There shall be no limitation on the number of beer permits issued to wholesalers / distributors as defined in this subsection.
- ii. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing.
- iii. Beer shall not be sold or consumed on the wholesaler's premises.

(NOTE: A brewpub that sells its own beer for off-premises consumption is not a wholesaler or distributor under Tennessee law.)

f) *Caterers.*

- i. There shall be no limitation on the number of beer permits issued to caterers as defined in this subsection.
- ii. The minimum distance from schools, churches, or other places of public gathering required for a caterer is 300 feet.
- iii. The term "caterer" means a business engaged in offering food and beverage service for a fee at various locations, which:

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- A. Operates a permanent catering hall on an exclusive basis;
 - B. Has a complete and adequate commercial kitchen facility; and
 - C. Is licensed as a caterer by the state department of health.
- iv. The permit shall authorize the caterer to sell beer on the premises of the caterer and at such other sites as the caterer has given advance notice to the city beer board through the city manager. With such notice, the off-premises site shall be considered to be within the premises of the caterer for the purposes of this chapter. ~~The permit shall not authorize and the caterer shall not sell beer at a site within 300 feet of a building from which there must be a minimum distance as provided in subsection (b)(1) of this section. In all cases, beer may be sold for consumption only at the permanent catering hall of the caterer or at the site for which the caterer has given advance notice to the city beer board.~~
- g) *Golf course.*
- i. There shall be no limitation on the number of beer permits issued to golf courses **as defined in this subsection.**
 - ii. **The minimum distance from schools, churches, or other places of public gathering required for a golf course is 300 feet.**
 - iii. The term "golf course" means a recreational facility developed for the primary sport of golf, not to be less than nine holes, managed and regularly maintained by the operator of the facility and located on a minimum of 50 contiguous acres. To qualify as a golf course hereunder, receipts from the sales of beer shall not exceed thirty percent (30%) of the total gross receipts for two consecutive months or for any three months in any calendar year for the business establishment.
 - iv. Beer may be sold for consumption on the premises only, with the premises defined as any clubhouse, pro shop, restaurant, or the playing course itself. No consumption shall be permitted in or on the parking lot.
 - A. Any beer consumed on the premises of the golf course, whether within any building or on the playing course itself, must be purchased at the golf course from the operator thereof.
 - B. Any beer on the premises of the permit holder must be sold by the permit holder and consumed on the premises. Beer may be consumed within any building on the premises or the playing course itself. The minimum distance requirement from certain buildings as provided in subsection (2)(a) of this section shall be applicable to a golf course permit holder with the distance measured as required

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from the nearest corner of any building on the premises where beer may be consumed and the nearest corner of the building from which there must be a minimum distance. In the event the permit holder has a common property line with the owner of any building from which there must be a minimum distance, the permit holder shall provide a fence along that property line with a height not less than six feet and visible space between boards not less than 1 1/4 inch. A planted natural tree buffer or the use of elevated mounds shall serve as an acceptable substitute for the fence. In accordance with the zoning ordinance of the city, the term "buffer strip" means a greenbelt planted strip 30 feet in width. Such a greenbelt shall be composed of one row of evergreen trees, spaced not more than 15 feet apart, and not less than two rows of shrubs or hedges, spaced not more than five feet apart within the row and which grow to a height of five feet or more after one full growing season and which shrubs will eventually grow to not less than ten feet. In the event any part of the playing course is within 300 feet from the nearest corner of a building from which there must be a minimum distance as provided in subsection (2)(a) of this section, that part of the playing course must have along or near its property line the same fencing, planted buffer strip, or elevated mounds, as required above, for that length of the playing course within 300 feet of the nearest corner of the building of concern.

h) *Club.*

- i. There shall be no limitation on the number of beer permits issued to clubs as defined in this subsection.
- ii. The term "club" means a nonprofit association as defined in and described in T.C.A. § 57-4-102~~(7)~~(8) (A) and (B), in effect upon final passage of the ordinance from which this section is derived.
 - A. Before receiving a beer permit, an applicant must have received a club license issued by the alcoholic beverage commission to serve alcoholic beverages containing more than ~~five percent (5%)~~ **eight percent (8%)** of alcohol by weight.
- iii. After an applicant receives a beer permit, in the event the association no longer meets the definition of a club, the beer permit may be revoked. In addition to any other acts or conduct prohibited in this Code or any general state law, the acts or conduct described in T.C.A. § 57-4-204(b)(1), (2), (3), and (4) and (d)(1)(A), (B), (C), and (D) are prohibited on the premises of a licensed club.

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i) *Hotels.*

- i. There shall be no limitation on the number of beer permits issued to hotels as defined in this subsection ~~(3)(h)~~.
- ii. The term "hotel," for the purpose of holding a beer permit, means a hotel located within a radius of one mile from the intersection of Highway 30 and the entrance ramp to the northbound lanes of Interstate 75 which has available for occupancy 60 or more interior corridor rooms for paid lodging by guests on a short-term basis, not to exceed seven consecutive days by a guest.
- iii. The permit shall authorize the hotel to offer and provide beer, to registered guests only, for consumption in a common area or designated meeting or conference room on the premises of the hotel between the hours of 4:00 p.m. and 8:00 p.m. during any day of the week.
- iv. This permit shall not authorize or allow a hotel to offer or provide beer for a charge or fee. This permit shall not authorize or allow a hotel to offer or provide beer to a guest of the hotel for consumption in the guest's rented room. The permit holder shall not allow any beer in the area or room where the holder is providing beer at no charge except for beer provided by the permit holder.

(4) Each permit hereafter issued shall specify the classification of permit along with the kind of establishment as herein set forth. No beer sales other than the class designated shall be permitted except as stated herein, i.e., at establishments with permits allowing on-the-premises consumption, it will be legal for beer to be consumed on the premises only. ~~No beer shall be sold for off the premises consumption by these establishments. Likewise, no~~ on-the-premises consumption will be legal where the establishment has been granted an off-premises permit.

(5) If the character of the establishment changes from the classification originally issued, the permittee will be required to obtain a new permit to conform to the type of establishment being operated by the permittee.

~~(6) All beer permits now issued and outstanding will be classified and placed in its appropriate category, and the holders of the beer permits shall be so notified, along with a copy of this chapter.~~

~~(7) The term "package store" shall be further defined to be an establishment whose primary business is the sale of beer. Gasoline stations shall be excluded from the above definition of the term "package store."~~ **(NOTE: moved to 3(d)(i))**

(Code 1972, § 2-210; Code 1995, § 8-211; Ord. No. 823, 12-17-1996; Ord. No. 873, 1-16-2001; Ord. No. 889, 1-15-2002; Ord. No. 909, 3-18-2003; Ord. No. 908, 4-22-2003; Ord. No. 925, 1-18-2005; Ord. No. 926, 1-18-2005; Ord.

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No. 963, 11-20-2007; Ord. No. 980, 6-16-2009; Ord. No. 987, 5-18-2010; Ord. No. 1011, 10-16-2012; Ord. No. 1035, § 2, 3-17-2015; Ord. No. 1117, § 1, 5-16-2023)

8-93 Issuance Of Permits To Persons Convicted Of Certain Crimes Prohibited

No beer permit shall be issued to any person or entity with a person with greater than five percent (5%) ownership **(NOTE: must be changed on application)** ~~ten percent (10%) ownership~~ interest who has been convicted for the unlawful possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or any crime involving moral turpitude within the past ~~10-ten years~~ **5-five years**. (reference TCA§ 57-5-301)

(Code 1972, § 2-211; Code 1995, § 8-212; Ord. No. 873, 1-16-2001; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

8-94 Prohibited Conduct Or Activities By Beer Permit Holders, Agents, Etc., Engaged In The Sale Of Beer; Signage; Continuous Operation Of Business

- (1) It is unlawful for any beer permit holder, agent, servant, employee or other person working in an establishment that is permitted to sell beer to:
 - a) Knowingly employ any person convicted for the unlawful possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ~~10 ten years~~ **5-five years**.
 - b) Employ any minor under 18 years of age in the sale, storage, distribution or manufacture of beer.
 - c) Deliver beer to any purchaser except during those hours set out in subsection (c) of this section.
 - d) Sell intoxicating liquor as defined in [ACC 8-1](#), except in establishments that have a state-issued "liquor by the drink" license.
 - e) Allow the possession of beer by any person, including the permittee, within the permittee's place of business at a time when beer may not be legally sold. Such possession shall constitute evidence of an illegal sale.
 - f) Allow any loud, unusual or obnoxious noises to emanate from the premises.
 - g) Make or allow any sale of beer or any other alcoholic beverage, including an intoxicating liquor, to a minor under the age of 21 years.
 - h) Allow any minor under 21 years of age to loiter in or about the place of business. The term "loitering," within the meaning of this subsection, means to be dilatory, to be slow in movement, to stand around, to spend time idly, to saunter, to delay, to idle, to linger, to lag behind. However, nothing in this section shall prohibit persons under the age of 21 years from dining in establishments which have a beer permit

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but whose exclusive or primary business is the sale of food, but such establishments shall ensure that all containers of alcoholic beverages, both open and closed, are not provided by customers, patrons, or any other persons to persons under the age of 21 years; shall immediately remove empty and partially empty containers of alcoholic beverages from the tables where persons under the age of 21 are seated unless accompanied by a parent or guardian; and shall store all alcoholic beverages behind the bar or other proper storage place not ordinarily accessible to customers or patrons.

- i) Make or allow any sale of beer or any other alcoholic beverage, including an intoxicating liquor, to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.
 - j) Allow drunk or disreputable persons to loiter about the premises.
 - k) Allow patrons to remain in the permittee's place of business longer than 30 minutes past the time the permittee closes the place of business to the public.
 - l) Fail to provide and maintain separate sanitary toilet facilities for men and women at locations for consumption on premises.
 - m) Sell beer at premises where dancing is allowed, except under the circumstances as follows:
 - i. The area for dancing is an open and cleared space or area containing at least 144 square feet of floor space or area. In computing the open and cleared floor space or area, only the compact floor area used for dancing shall be counted. No area upon which counters, tables, chairs or other obstructions are located and no aisles used primarily for providing access to tables shall be included when computing such open and cleared floor space; and
 - ii. The area or space within the premises where dancing is allowed is separated from the other part of the premises by a partition or wall, railing or rope, or other definite means of separation; and
 - iii. No beer or other alcoholic beverage shall be permitted within the open and cleared space or area set apart for dancing.
- (2) It shall be unlawful for any person or legal entity regardless of its form of existence, i.e., corporation, limited liability company, partnership, etc., to offer for sale or sell beer or other alcoholic beverage with an alcoholic content not exceeding ~~five percent (5%)~~ **eight percent (8%)** by weight within the corporate limits of the city:
- Between the hours of 3:00 a.m. and 8:00 a.m. on weekdays;
 - Between the hours of 3:00 a.m. and 10:00 a.m. on Sunday.

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- (3) It shall be unlawful for any person or legal entity regardless of its form of existence, i.e., corporation, limited liability company, partnership, etc., to allow ~~No such beverages shall~~ beer or other alcoholic beverage to be consumed or opened for consumption on or about any premises where beer or other beverage with an alcoholic content not exceeding ~~five percent (5%)~~ **eight percent (8%)** by ~~of~~ weight is sold within the corporate limits of the city, in either bottle, glass, or other container after 3:15 a.m.
- (4) Any person who holds a permit shall continuously operate the business, and if any permit holder either voluntarily or involuntarily fails or refuses to carry on the business for a period of 60 days, then the permit shall be revoked.
- (5) With the exception of a beer ~~permit license~~ **permit** classified as a restaurant ~~or brewpub~~, pool or billiard playing will not be permitted in the same room where beer is sold and/or consumed.
- (6) Proper and prominent signs will be displayed stating there shall be no form of gambling on or about the permittee's place of business.

(Code 1972, § 2-212; Code 1995, § 8-213; Ord. No. 801, 12-20-1994; Ord. No. 823, §§ 2, 3, 12-23-1997; Ord. No. 834, §§ 2--4, 9-23-1997; Ord. No. 873, 1-16-2001; Ord. No. 874, 4-17-2001; Ord. No. 963, 11-20-2007; Ord. No. 980, 6-16-2009; Ord. No. 1016, § 1, 2-19-2013; Ord. No. 1035, § 2, 3-17-2015; Ord. No. 1122, § 1, 8-15-2023)

8-95 Employees Required To Have Identification And Proof Of Employment

Every employee employed by an establishment ~~permitted licensed~~ under this chapter shall be required to have on ~~his or her~~ **their** person at all times while upon the premises bona fide identification with ~~his or her~~ **their** name, birth date, age, and description, and written proof of present employment furnished by the employer. Upon demand by any law enforcement officer, any and every employee shall be required to immediately produce such identification and proof of employment at any time the employee in question is on or about the premises.

(Code 1995, § 8-214; Ord. No. 873, 1-16-2001; Ord. No. 1035, § 2, 3-17-2015)

8-96 Revocation Or Suspension Of Beer Permits

- (1) The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the ~~license or~~ permit holder or any agent, servant or employee of the permittee ~~or licensee~~ is guilty of violating the provisions of this chapter, any of the municipal codes of the city addressing the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage or any state law regarding the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after a reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief, city manager or by any member of the beer board.
- (2) Pursuant to T.C.A. § 57-5-608, the beer board shall not revoke or suspend the permit of a responsible vendor qualified under the requirements of T.C.A. § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual

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meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. As used in this section, the term "clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under T.C.A. § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive 12-month period. The revocation shall be for 3-three years.

- (3) In the event a permit holder surrenders **their permit** ~~his license~~ to sell beer, the surrender will become effective when formal action of the beer board is taken; provided, however, the surrender of a permit ~~or license~~ shall not operate to prevent the beer board from revoking the permit ~~or license~~ for violation of this chapter or applicable state law occurring before such surrender.
- (4) Where a permit ~~or license~~ is revoked, no new ~~license or~~ permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one year from the date the revocation becomes final, unless the revocation is the result of a violation of [ACC 8-94\(3\)](#). If the revocation was the result of a violation of [ACC 8-94\(3\)](#) and the new ~~license or~~ permit request is from the permit ~~or license~~ holder whose permit ~~or license~~ was revoked, no ~~new license or~~ permit shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of 90 days from the date the revocation becomes final. If the revocation was the result of a violation of [ACC 8-94\(3\)](#) and the new ~~license or~~ permit request is from a new owner of the same premises affected by the revocation of a permit ~~or license~~, a new ~~license or~~ permit may be issued to the new owner without regard to the prior permit ~~or license~~ revocation if the new owner is otherwise entitled to a ~~license or~~ permit. The applicant for a new ~~license or~~ permit shall not be considered a new owner if the applicant is a corporation, limited liability company or any other form of business in which the principal owner also owned the corporation, limited liability company or other form of business whose permit ~~or license~~ was revoked the result of a violation of [ACC 8-94\(3\)](#).
- (5) No new permit shall be granted at any location where a case is pending in court for an infraction of the beer laws of the state or the city.

(Code 1972, § 2-213; Code 1995, § 8-215; Ord. No. 873, 1-16-2001; Ord. No. 917, 4-20-2004; Ord. No. 963, 11-20-2007; Ord. No. 980, 11-17-2009; Ord. No. 1035, § 2, 3-17-2015)

8-97 Civil Penalty In Lieu Of Revocation Or Suspension

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Responsible vendor means a person, corporation or other entity that has been issued a

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permit to sell beer for off-premises consumption and has received certification by the state alcoholic beverage commission under the Tennessee Responsible Vendor Act of 2006, T.C.A. § 57-5-601 et seq.

- (2) *Civil penalty, revocation or suspension.* The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed \$2,500.00 for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed \$1,000.00 for any other offense.
- a) The beer board may impose on a responsible vendor a civil penalty not to exceed \$1,000.00 for each offense of making or permitting to be made any sales to minors or for any other offense.
 - b) If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.
 - c) Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

(Code 1995, § 8-216; Ord. No. 784, 11-16-1993; Ord. No. 873, 1-16-2001; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

8-98 Loss Of Clerk's Certification For Sale To Minor

If the beer board determines that a clerk of an off-premises beer permit holder, certified under T.C.A. § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within 15 days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one year from the date of the beer board's determination.

(Code 1995, § 8-217; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

8-99 Violations

Except as provided in [ACC 8-98](#), any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a civil penalty under [ACC 1-13](#). Each day a violation shall be allowed to continue shall constitute a separate offense.

(Code 1995, § 8-218; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

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8-100 Possession Or Consumption Of Alcoholic Beverages, Wine, And/Or Beer On Certain Property Prohibited

1. It is unlawful for any person to possess an opened container of any alcoholic beverage, wine or beer or to consume any alcoholic beverage, wine or beer on the premises of any retail beer sales outlet which does not have an on-premises permit; and
2. It is unlawful, except at the conference center at the Athens Regional Park and any restricted area outside and near the conference center designated for the consumption of beer sold by a licensed caterer selling beer for a function at the conference center, to possess an opened container of any alcoholic beverage, wine or beer or to consume any alcoholic beverage, wine or beer on any public street, sidewalk, playground, park, school property or public parking lot within the municipal limits of the city.
3. It shall also be unlawful to possess an opened container of any alcoholic beverage, wine or beer or to consume any alcoholic beverage, wine or beer on any privately owned parking lot held open by the owners for use by the public where 20 or more vehicles may be parked.

(Code 1972, § 2-214; Code 1995, § 8-219; Ord. No. 873, 1-16-2001; Ord. No. 889, 1-15-2002; Ord. No. 963, 11-20-2007; Ord. No. 1035, § 2, 3-17-2015)

8-101 Sign, Advertisement And Display Restrictions

- (1) No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property on which a retail beer establishment is located other than one sign, advertisement or display which makes reference to the fact that the establishment sells beers but does not use brand names, pictures, numbers, prices or diagrams relating to beer.
- (2) **Restaurant beer permit holders.** Notwithstanding subsection (1) of this section, for restaurant beer permit holders, there shall be no sign, advertisement or display which indicates that beer may be purchased at the premises, erected or maintained on the exterior of the premises or interior of the premises visible from the exterior.
 - a) Beer and its containers located at or upon a bar or table within the premises shall not violate this prohibition, provided the bar is located no closer than 20 feet from any window facing a public street.
 - b) Beer and its containers located at or upon any table or booth within the premises being consumed or having been consumed by customers shall not violate this provision.
 - c) Beer and its containers within a lawful restaurant outdoor dining area, as described in ACC 8-92(3)(a), being consumed or having been consumed by customers shall not violate this provision. This exception shall not permit a bar or beer keg or other type of beer dispensing equipment or machine to be located in the outdoor dining area. This exception shall not permit the storage of beer bottles or cans for ultimate sale to customers in any area of the outdoor dining area.

PROPOSED AMENDMENTS TO TITLE 8-III (BEER)

(3) **Brewpub beer permit holders.** Notwithstanding subsection (2), a brewpub beer permit holder may display exterior signage identifying the brewpub and its brewery business, including the brewpub's business name, trade name, and logo, and may include one (1) non-promotional statement such as "Brewed on Premises" or "Beer Brewed Here," provided that no such sign, advertisement, or display shall include:

- a) beer brand or product names other than the brewpub's business name or trade name;
- b) pictures or images of beer, beer containers, taps, kegs, mugs, bottles or cans;
- c) numbers, prices, discounts, specials, happy hour, or similar promotional language;
- d) diagrams or other promotional content relating to beer.

(4) Nothing in this section shall prohibit menus, tap lists, or similar materials located inside the premises not visible from the exterior.

(Code 1995, § 8-220; Ord. No. 834, 9-17-1996; Ord. No. 873, 1-16-2001; Ord. No. 908, 4-15-2003; Ord. No. 963, 11-20-2007; Ord. No. 980, 11-17-2009; Ord. No. 1035, § 2, 3-17-2015)