

**OAK RIDGE BEER PERMIT BOARD
REGULAR MEETING**

**Training Room – Municipal Building
Monday – November 12, 2012
12:00 Noon**

AGENDA

1. **ROLL CALL**
2. **APPROVAL OF MINUTES** – Regular Meeting of October 8, 2012
3. **APPLICATIONS FOR NEW BEER PERMIT AND ASSOCIATED MANAGER APPROVAL APPLICATIONS**

Application No. 1466
Harvest Premium Buffet, Inc.
Qiang Mei Zheng, Owner/Manager
1150 Oak Ridge Turnpike
Class “C” Permit

Application No. 1467
Kwik Stop
Abdul Rahman Shakoor Jamal, Owner
Akbar Rahman, Manager
98 Arkansas Avenue
Class “B” Permit
4. **NEW MANAGER APPROVAL APPLICATIONS**

James B. Long, Manager (additional)
The Other One
178 Randolph Road
5. **NEW / OLD BUSINESS**
 - Update on Beer Board’s Recommendation to City Council on Proposed Ordinance Amendment (Practice Commonly Referred to as Brown Bagging): City Council Adoption of Ordinance 23-2012 – Amends City Code §8-805 and §11-201 (Note: This ordinance was not signed at the time of printing this agenda. An official copy will be provided when it is available.)
 - Rules and Procedures: A copy of Council’s Rules and Procedures are attached as requested at the last meeting by Chairman Tedford. For comparison purposes, a copy of the Board’s Rules and Procedures are also attached.
6. **ADJOURNMENT**

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

Training Room – Municipal Building
October 8, 2012
12:00 noon

PRESENT: Colin Colverson, Carol Heck, Theresa Scott, Debra Solmonson, and Randy Tedford

ABSENT: Barton Bailey

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

AUDIENCE
MEMBERS: Michael Foster, Allies for Substance Abuse Prevention

ROLL CALL

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

ACTING SECRETARY

In the absence of Secretary Bailey, Chairman Tedford moved, seconded by Ms. Heck, to appoint Ms. Solmonson as Acting Secretary for the meeting and the motion carried unanimously.

APPROVAL OF MINUTES

Chairman Tedford moved, seconded by Ms. Heck, to approve the minutes of the September 10, 2012 meeting and the motion carried unanimously.

APPLICATIONS FOR NEW BEER PERMITS AND THEIR ASSOCIATED MANAGER APPROVALS

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

Ms. Martin was not present at the meeting (second meeting in a row). Chairman Tedford moved, seconded by Ms. Scott, to deny the beer permit application and the manager application and the motion carried unanimously.

Application No. 1462
Robin Biloski on behalf
Emory Valley Center
Benefit Concert – October 19, 2012
123 Randolph Road
Class “E” Permit

Jennifer Anderson, President of Emory Valley Center, was present to discuss the special event application on behalf of Robin Biloski.

The Board asked various questions about the event and the sale of beer. Ms. Anderson indicated wristbands would be used and beer consumption would only occur inside the premises (former Grove Theater). Ms. Heck moved, seconded by Ms. Solmonson, to approve the application and the motion carried unanimously.

Application No. 1463
Aubrey Burluson, Owner/Manager
Jody Slimp, Manager
Aubrey’s Inc.
481 S. Illinois Avenue
Class “C” Permit

Mr. Burluson and Mr. Slimp were both present to discuss the beer permit application and the two manager applications.

The Board reminded the owner and managers to call the police if needed and that there is no obligation to sell beer to anyone. The Board and Mr. Burluson discussed security cameras and parking lot issues. As a note, there will be two patios at Aubrey’s which are accessible to patrons from the inside of the restaurant. Employees are TIPS trained.

Mr. Colverson moved, seconded by Ms. Scott, to approve the beer permit application and both manager applications – subject to the background check – and the motion carried unanimously.

Application No. 1464
Abdul Rahman Shakoor Jamal, Owner
Akbar Abdul Rahman, Manager
Ian’s Market #32
12 Arkansas Avenue
Class “B” Permit

Akbar Abdul Rahman was present for the applications. His father, Abdul Rahman Shakoor Jamal, was out of town. The Board proceeded with the applications with Mr. Rahman acting in his managerial capacity on the owner’s behalf.

The Board discussed various items with Mr. Rahman. Mr. Rahman said the policy is to ID everyone and that employees will be TIPS trained. Ms. Solmonson moved, seconded by Mr. Colverson, to approve the beer permit application and the manager application – subject to the background check – and the motion carried unanimously.

Application No. 1465

**Wiwat Nang Crossno, Owner/Manager
Dondie Jai Hensley, Owner/Manager
Smokes To Go
117 Robertsville Road
Class "B" Permit**

Mr. Crossno and Mr. Hensley were present to discuss the permit application and the two manager applications.

The Board stated that beer could not be sold through the drive-thru window. Mr. Crossno stated he was aware of that requirement and would require all beer purchases to occur inside the premises. Mr. Colverson was concerned with how easy it would be for employees to sell beer through the drive-thru anyway, however, Mr. Crossno said he would terminate an employee who did so as he knew such action was grounds for revocation of the beer permit. Ms. Heck inquired whether City Code §8-607 which sets forth distance requirements for bars was applicable and Ms. Scott was concerned about the number of beer permitted establishments already in Grove Center. Mr. Crossno stated each permitted establishment serves a different market. Ms. Dunn stated City Code §8-607 was not applicable since that section pertains to distances between bars/clubs and not from bars/clubs. Mr. Crossno stated the sale of beer will occur later and will start off with cigarettes and convenience items, but he wanted to obtain the beer permit first before he entered into a lease agreement. Mr. Crossno and Deputy Chief Massengill discussed safety and security concerns at this location.

Mr. Colverson moved, seconded by Chairman Tedford, to approve the beer permit application and the manager applications – subject to the background check – and the motion carried by a vote of 4 to 1, with Ms. Scott voting against.

NEW MANAGER APPROVAL APPLICATIONS

**Jonathan A. Harris
Big Ed's Pizza
101 Broadway Avenue**

Mr. Harris was present to discuss his application. In response to questions, Mr. Harris stated beer is sold by the pitcher and by the glass, but bottles are not sold. All purchasers are carded at the table per policy. The Board recommended, but does not require, formal training and Mr. Harris said he would obtain such training. Deputy Chief Massengill stated there have been no problems at this location.

Chairman Tedford moved, seconded by Ms. Scott, to approve the manager application – subject to the background check – and the motion carried unanimously.

NEW / OLD BUSINESS

Discussion of Proposed Ordinances Amendment (Brown Bagging)

Note: This item was discussed at the beginning of the meeting upon motion of Chairman Tedford, seconded by Ms. Solmonson, to move the item up on the agenda, which motion carried unanimously. However, to keep with the printed agenda, the minutes are listed here in the original order of the meeting.

The Board discussed the proposed ordinance amendment for brown bagging that will be discussed by City Council at the October 8, 2012 meeting for first reading.

For clarification, Chairman Tedford moved, seconded by Ms. Solmonson, to add the word "permanent" in the first sentence of proposed City Code §11-203(2) to clarify that the on premises consumption beer permit must be a permanent one and not a special event permit for the exception to apply. The motion carried unanimously.

Ms. Scott moved, seconded by Ms. Heck, to amend proposed City Code §11-202 to require establishments to post a sign near the entrance referencing the code section and the prohibition on brown bagging as a means of education for the public. The motion failed by a vote of 2 to 3, with Chairman Tedford, Mr. Colverson, and Ms. Solmonson voting against.

Ms. Dunn, at Secretary Bailey's request in his absence from the meeting, stated Secretary Bailey's support of the proposed ordinance and his suggestion that the Board provide an "endorsement" for the establishments that brown bag wine under the exception in proposed City Code §11-203(2) and require an annual fee for such activity. Mr. Colverson stated he would be in favor of a fee if this practice poses an additional cost to the City, and Ms. Heck stated Council could look at this later if costs were incurred.

Chairman Tedford moved, seconded by Ms. Heck, to recommend City Council approval of the proposed ordinance amendment on brown bagging as amended by the Board, and the motion carried unanimously.

Continuation of New Business Items from Last Meeting

(No discussion)

Term Expirations

All current members with terms expiring on December 31, 2012 have either re-applied or picked up an application today.

Miscellaneous

Various other items were mentioned, but not discussed for action:

- Request that City Council's Rules be provided to the Board for review and possible adoption for the Board's rules (Tedford)
- Suggestion that meetings begin with a statement for everyone to turn off phones and keep side conversations down (Heck)
- Suggestion that copies of the beer ordinances be available at the meeting for the public (Scott)
- Suggestion that we use the screen/projector during the meetings (Colverson)
- Request for suggestions on how to update the application forms (Dunn)
- Update that insurance discounts may be available for establishments that go through formal training (Michael Foster, ASAP)

ADJOURNMENT

The meeting adjourned at 1:10 p.m. upon motion of Ms. Heck, seconded by Ms. Scott, and unanimous approval.

Respectfully submitted,

Barton Bailey, Secretary

**RULES AND PROCEDURES
OF THE
OAK RIDGE CITY COUNCIL**

JANUARY 2011

RULES AND PROCEDURES - OAK RIDGE CITY COUNCIL

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RULES AND PROCEDURES

OAK RIDGE CITY COUNCIL

I. Meetings

A. Meetings Open to the Public

All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Council shall exercise its powers only at public meetings. [Charter, Article II, Section 3]

1. Voting Record of Council

A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, indicated either orally or by use of the electronic voting system. The vote of each Council member shall be entered upon the journal (minutes). The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

a. Use of the Electronic Voting System

It is acceptable for all questions (ordinances, resolutions, and motions) to be put to a voice vote; however, in the event the voice vote is not unanimous, the Chair may choose to use the electronic (roll call) voting system. The Chair activates the system by depressing the "ready ballot" button and the members of Council then present may vote "yea" or "nay" during the time the lamp is on. A Council member may have the opportunity to change his/her vote if the request is made prior to recording of the results. If a Council member fails to cast an electronic vote, the Chair shall ascertain if it is his/her desire to abstain.

b. Clearing the Electronic Voting Board

After votes have been recorded, the electronic voting board shall be cleared.

2. Minutes of Meetings

There shall be a journal of proceedings (minutes) of all Council meetings signed by the Mayor and City Clerk and to which the public shall have access at all reasonable times. The journal (minutes) shall report the names of the Council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

An indexed audio recording of each meeting shall be maintained for a five-year period of time and video recording shall be maintained for one year. A copy of the approved minutes shall be distributed to each member of City Council.

3. Publication of Minutes

A summary of Council proceedings shall be published in the official city newspaper within 15 days after a meeting, showing the substance of each Council action.

[Charter, Article II, Section 8]

B. Types of Meetings

1. Regular Meetings

The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

[Charter, Article II, Section 1]

2. Special Meetings

Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two (2) Council members by providing each Council member with twenty-four (24) hours written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meetings.

[Charter, Article II, Section 2]

3. Work Sessions

The Council shall hold regular work sessions as scheduled by the City Manager. A schedule of meeting times and dates shall be established annually, although nothing precludes the holding of a special work session as the need may dictate. No official action shall be taken at work sessions. A brief summary of the agenda shall be made available to all Council members, along with supporting information/documentation whenever possible. The work session agenda with associated materials will be available in an electronic medium as soon as possible prior to the work session.

C. Quorum of Council

At least a majority of the members of the Council then in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

[Charter, Article II, Section 4]

D. Official Council Business

The affirmative vote of at least a majority of the members of the Council then in office shall be required to approve any proposed action other than those listed in Sections B.2 and C of these Rules and Procedures.

[Charter, Article II, Section 8]

When voting for any contested appointment, the vote shall be taken by written ballot, each of which shall be invalid unless signed by the voting member who marked it.

E. Appointments to Boards and Commissions

1. Election Notice

City Council and the news media shall be notified of an expiration of a term of office for a Board or Commission, or a vacancy due to resignation, by placement of an election notice on the agenda for the Council meeting immediately preceding the election date. Terms shall be determined, reviewed and established by City Council.

2. Filing Deadline

A resident of the City desiring to be a candidate for Council appointment to a board or commission shall submit a résumé to City Council at the office of the City Clerk at least ten (10) days prior to the Council meeting at which the election is to occur.

3. Conduct of Elections

The résumés of all candidates shall be placed in the agenda packet for the meeting at which the election is to occur, along with a ballot that lists the names of all candidates and offers the opportunity to abstain. The résumés of incumbent candidates shall be accompanied by a report indicating the incumbent's total time in office and his/her attendance record for at least the most recent term of office.

4. Notification of Election Results

Following the election, appropriate letters shall be sent to all candidates and outgoing board members over the Mayor's signature, and an updated roster shall be sent to City Council members, the relevant board members, and concerned City staff members.

F. Ordinances

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the Council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the Council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the City's web site at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption. [Charter, Article II, Section 12]

If an ordinance is amended on first reading, it shall be presented in its amended form at the time of second reading.

G. Proclamations

The Mayor shall be empowered to issue proclamations when circumstances such as timing contraindicate their consideration at a regular Council meeting. Those proclamations shall then be distributed to City Council as items of information only.

II. Conduct of Meetings

A. Maintaining Order

Council members shall preserve order and shall do nothing to interrupt or delay the proceedings of Council.

B. Sergeant-At-Arms

Upon the Chair's request, the City Manager shall designate a police officer to serve as the Sergeant-At-Arms of the Council.

C. Permission to Speak Before Council

1. Right to Speak

a. City Council Members

The Chair shall recognize the right of City Council members to speak before the body. A Council member shall initiate his/her right to speak by depressing the "call for floor" button. The Chair shall maintain a sequential list of the callers.

b. Members of the Public

The Chair shall recognize a citizen's right to comment on items that are under consideration by the Council as part of the formal agenda. A citizen may exercise that right by raising his/her hand and/or proceeding to the public lectern and, after recognition by the Chair, stating his/her name and address.

The Chair shall recognize members of the public only after all Council members have been given an opportunity to be heard on the subject. Upon recognition by the Chair, members of the public may speak for a maximum of three (3) minutes. Written statements may also be filed with the City Clerk who shall distribute them to the Council at the earliest possible time.

2. Discussion of Motion

The Council member proposing a motion that has been duly seconded has the right to open the debate. Other members may then address the issue upon recognition by the Chair. Council members should strive to maintain reasonable time limits and to keep their discussion germane to the motion under consideration.

3. Call for the Question

Council members may indicate that they are ready for the vote by depressing the "call for question" button. When a majority of those members present have called for the question by pushing the button, the Chair may close the discussion and put the question to a vote.

4. City Manager and City Attorney

The City Manager and City Attorney may speak on any subject. They may answer questions raised by members of City Council or ask another officer to answer for them. All questions about the internal operation of the municipal corporation shall be directed to the City Manager.

5. Right of Appeal

Council members shall have the right to appeal from a decision of the Chair. The Chair will give its reasons for the decision and the injured party will defend his/her position. A majority of the Council will determine the matter.

D. Right to Speak Uninterrupted

A Council member duly recognized shall be allowed to speak on the topic under discussion and may be interrupted only if a point of order is raised. If the Council member is judged to be in order he/she may continue on the subject. If determined to be out of order, the Council member must change his/her remarks or surrender the right to continue speaking.

E. Recess

The Chair will, at intervals of approximately 1½ hours and following completion of a subject item, call for a recess.

F. Signs Not Allowed in Chambers

Signs, posters, and placards may be carried outside the Council's meeting room, but shall not be allowed within.

G. Use of Tobacco Prohibited at Council Meetings

The use of tobacco in any form shall not be allowed during the course of a City Council meeting regardless of location. This rule shall apply to all meetings of the Council.

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

1. Invocation
2. Pledge of Allegiance
3. Roll Call
4. Appearance of Citizens (See Note 1)
5. Proclamations and Public Recognitions
6. Special Reports
7. Consent Agenda (See Note 2)
8. Resolutions
9. Public Hearings and First Reading of Ordinances
10. Final Adoption of Ordinances
11. Elections/Appointments, Announcements and Scheduling
12. Council Requests for New Business Items or Future Briefings
13. Summary of Current Events
 - a. City Manager's Report
 - b. City Attorney's Report
14. Adjournment

Note 1: Appearance of Citizens: Citizens shall be permitted to address City Council about matters that are not on the formal agenda. For the city record, the City Clerk may require a sign up card for citizen appearances. Any citizen wishing to do so shall raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, state his/her name and address, and the purpose for his/her appearance before the Council. Comments shall generally be limited to three (3) minutes and shall relate to matters of City business. They shall not generally result in a formal response or action at the time of presentation because in most cases neither the Council nor the staff will be prepared to respond effectively; however, the Chair may answer questions or direct the City Manager to do so, or the City Manager may be requested to work with the citizen to effect resolution of the matter.

Statements that are purely political in nature will not be allowed, such as campaign speeches or announcements of candidacy for office, nor will announcements of a civic or social event that is unrelated to City business.

Note 2: Consent Agenda: Those items on the Council agenda which are considered routine by the City Manager – e.g., approval of minutes; certain standard form resolutions such as those extending the time for the oath of office; confirmation of certain appointments such as Council committees, the Oak Ridge Utility District, and the Youth Advisory Board; shall be listed on the Consent Agenda and, unless a member of Council has specifically requested that an item be removed therefrom and Council action taken separately, these items shall be approved, adopted, accepted, etc., by a single motion of the Council followed by a roll call vote.

B. Preparation of the Agenda

The agenda will be prepared by the City Manager.

1. Material for Agenda

All items for action shall be checked with the City Attorney for legality and with the administrative staff for adequacy where necessary.

2. Council Requests for New Business Items

The Mayor and City Council are urged to advise the City Manager of New Business Items prior to the posting of the agenda.

3. Emergency Items

Materials concerning emergency items shall be furnished Council members at the earliest time possible.

4. The Finished Agenda

The finished agenda with associated material for regular Council meetings will be available in an electronic medium by close of business the Wednesday prior to the meeting. An electronic copy of the agenda shall be made available to the news media at the same time, and shall be placed on the City's web site at the earliest possible time

IV. Motions

City Council adheres to Robert's Rules of Order except for the following:

A. Motion to Adjourn

A motion to adjourn is out of order prior to three (3) hours following commencement of the meeting if all items on the agenda have not been completed. An unqualified motion to adjourn shall not be debatable.

B. To Lay Question on the Table

A motion to lay on the table is not debatable and precludes amendments or debate of the subject under consideration. If the motion prevails, consideration of the matter tabled resumes only if a member of the majority voting in favor of the motion to table makes a motion to bring the matter off the table and it is seconded, and a majority of the members vote in favor of it.

C. Motion Asking for Previous Question

This motion is not debatable. When the previous question is called for there shall be no further amendments or debate and pending amendments shall be taken in their order before the main question.

D. To Postpone to Another Time

This motion is debatable and may be amended as to time.

E. To Refer to Committee or Individual

This is debatable.

F. Amendments

An amendment may be amended but further amendments are out of order. Any amendments must be germane to the original motion.

G. Motions to be Stated by the Chair

When debate is completed, the motion shall be restated by the Chair before voting.

H. Withdrawal of Motion

1. A motion may be withdrawn by the person making the motion with the consent of the person seconding the motion if debate has not begun.
2. A motion may be withdrawn after debate with consent of the majority of Council.

V. Officers and Committees of Council

A. Mayor

The Council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members Mayor for a term of two (2) years. Whenever a vacancy occurs in the office of the Mayor, the Council shall elect one of its members to serve until the time fixed herein for the regular election of Mayor. The Mayor shall preside at meetings of the Council, shall have a vote on all matters but no veto power, shall have the same right as any other Council member to speak on an issue, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall be the officer to accept process against the City, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred or required by law.

[Charter, Article II, Section 6]

B. Mayor Pro Tem

The Council shall choose one of its members Mayor pro tem who shall act in the temporary absence or disability of the Mayor.

[Charter, Article II, Section 7]

The Mayor pro tem shall be chosen immediately following the election of the Mayor.

C. Committees

1. The Mayor or any member of Council, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council. Officers of appointed committees shall be determined by appointed members of that committee unless City Council specifies otherwise.
2. Committees will be appointed to study specific matters. They shall be provided with a defined charge and a time limit shall be placed on the length of the study. The committee will make a report to the Council at a predetermined time. All committee reports upon which action is expected shall be in written form and copies shall be made available to each member of the Council. A committee shall cease to exist following acceptance of its report unless the Council takes action to extend its term for a defined period.
3. The affirmative vote of a majority of the members of Council then in office shall be required to make any authorized appointment or to remove such appointees.
[Charter, Article II, Section 8]
4. Committee appointees shall be residents of the City unless otherwise specified by City Council.
5. There shall be no standing committee of the Council. [Charter, Article II, Section 8]
6. The City Clerk shall annually prepare for the Council a list of outstanding Council-appointed committees showing membership and status. It shall be the responsibility of the Mayor to recommend dissolution of committees or other appropriate action as indicated.

D. Appointment of Members to Non-City Committees

The Mayor, with the advice and consent of Council, may appoint members to other established bodies, as desired or deemed necessary.

VI. Expenses Incurred in the Conduct of Official Business

It shall be the policy of the Council to maintain the cost of all phases of Council operations at the most economical level consistent with satisfactory conduct of City affairs. To this end, City money shall be used to reimburse Council members and board, commission or committee members elected or appointed by the Mayor or City Council for expenses incurred in the conduct of City business. The City budget shall determine availability of funding for City reimbursed travel. While it shall be the policy of the Council to assume all reasonable costs associated with the conduct of such business, the following considerations shall be the basis for determining the reasonableness of such costs:

A. Prior Approval or Notification

1. City Council

Overnight travel shall be subject to prior approval or notification in the following manner:

- a. Submission of a request for approval at a Council meeting before the planned trip,
or
- b. Distribution of advance notification in writing to all Council members.

The request for travel approval or advance notification shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

2. Members of Boards, Commissions, or Committees

Overnight travel shall be subject to budget and prior approval of the City Manager. The request for travel approval shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

B. Transportation

City vehicles may be used for transportation while on official City business unless consideration of time or distance would indicate that such use would be unreasonable. When other modes of travel are to be used, the City shall provide or pay for tickets for rail, air or bus transportation. When transportation tickets are secured by an individual, advantage must be taken of all tax exemptions allowed the City.

Cost of bus, taxi or limousine service from Oak Ridge to railway station or airport and return and at destination from airport, railway or bus terminal to hotel and return shall be an allowable expense. After reaching the hotel at destination, local transportation facilities shall be used, and costs of such use shall be borne by the City. Taxi fares will be allowed if justified on the basis of (1) unavailability of other means of transportation, (2) urgencies due to time schedules, (3) economical advantages to the City. The cost of rental car use may be assumed by the City when justified by the same considerations.

Use of personal automobiles for travel on City business shall be allowed with prior approval. Only the driver of a personal car shall be reimbursed for such travel, and reimbursement shall be at the rate established by the City Manager for all other officers and employees of the City or an amount not to exceed economy airfare, whichever is less expensive. Passengers in such automobile shall not be paid any transportation allowance for such travel. Storage or parking charges resulting from the authorized use of either City or private automobile shall be at the expense of the city. The total transportation expense to be borne by the City when a personal car is used for official travel shall not exceed the amount of expense incurred had commercial air transportation been used when such transportation is available.

C. Lodging

Actual cost of occupancy of hotel or motel room for the Council or Board member shall be at the expense of the City. When a room is occupied by more than one person and the additional occupants are not on official City business, then reimbursement for lodging will be made in the amount that would have been charged for single occupancy of the hotel or motel room.

D. Food

Actual cost of meals while conducting or traveling on City business is reimbursable; however, such costs shall be maintained at the most economical level possible. In lieu of submission of actual expenses for food, the maximum allowed for reimbursement shall be at the daily per diem rate established by the City Manager for all other officers and employees of the City. When traveling, the permissible food reimbursement shall be limited to the food reimbursement amount that would be given using the fastest method of transportation available. For example, when a slower method of transportation is used, such as vehicle travel instead of air travel, the permissible food reimbursement amount will be limited to the number of travel days had air travel been used.

E. Registration and Special Event Fees at Meetings and Conventions

Registration and special event fees shall be paid for in advance by the City whenever possible or if paid by the attendee, shall be reimbursable by the City.

F. Receipts

Routinely, all claims for expenses shall be accompanied by paid receipts. However, when traveling on City business, receipts are not required when the item is less than \$5 or the actual food charges are less than the daily rate established by the City Manager for all other officers or employees of the City.

G. Spousal Expense

All expenses for an accompanying spouse or guest shall be at the expense of the Council or Board member.

H. Advances

Advance payments for travel expenses can only be made to the provider (airline, hotel, conference provider, etc.), but the traveler may be reimbursed after the trip if direct payment to a provider was not made. [Tennessee Code Annotated §6-54-901-907]

I. Accounting

1. City Council

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Clerk within fifteen (15) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

The City Clerk shall prepare an annual report enumerating the travel expenses of each Council member. Copies of the report shall be distributed to the Council.

2. Members of Boards, Commissions, or Committees

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Manager within fifteen (15) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

VII. Amendments to Rules of Council

The rules of Council may be amended by a resolution adopted by a two-thirds vote of the entire membership of City Council. The resolution shall specify the effective date of the amended rules.

If an unusual occasion arises that a question is not specifically covered by the foregoing fundamental rules, the latest edition of Robert's Rules of Order will apply.

Adopted 1/10/2011 Resolution No. 1-2-11 Effective 1/10/2011

OAK RIDGE BEER PERMIT BOARD
RULES AND PROCEDURES

The following rules duly adopted by the Oak Ridge Beer Permit Board (the "Board") shall govern the procedures before the Board in all proceedings for granting or revoking permits for the sale of beer and all other actions by the Board:

1. Officers of the Board

- A. The Chairperson of the Board shall be the person duly elected to that office. The Chairperson's term of office shall be for one year, and his or her successor shall be elected at the first meeting of the Board held in the month of January of each year. Whenever a vacancy occurs in the office of Chairperson, the Board shall elect one of its members to fill out the unexpired portion of the term.
- B. The Chairperson of the Board shall preside at all meetings of the Board and shall have a vote on all matters, but no veto power. In the Chairperson's absence, a Chairperson Pro Tem shall be elected by the members present, provided there is a quorum, who shall preside for that meeting.
- C. The Secretary of the Board shall be the person duly elected to that office. The Secretary's term of office shall be for one year and his or her successor shall be elected at the first meeting of the Board held in the month of January of each year. Whenever a vacancy occurs in the office of Secretary, the Board shall elect one of its members to fill out the unexpired portion of the term.
- D. The Secretary shall assist the Chairperson in any manner requested and shall attest by his or her signature to the correctness of the minutes which shall be kept in the custody of the City Clerk and shall be available for public inspection at all times.
- E. In the absence of the Secretary, the Board shall fill the office temporarily in the same manner as the office of the Chairperson is filled when he or she is absent.

2. Meetings

- A. The Oak Ridge Beer Permit Board shall meet in regular meetings upon the second Monday of each month at 12:00 noon. All meetings shall be at the Municipal Building, Oak Ridge, Tennessee.
- B. Special meetings of the Board may be held upon request of the Chairperson or any two members of the Board. Said call shall be made by personal notices sent by the Secretary or the Legal Department, at least three days before the time of convening said meetings, which call or notice shall specify the objects and purposes for which said special meeting is called, and no other business but that embraced by said call shall be transacted during the sitting of said special meeting.
- C. Ten (10) days notice of a hearing on each application for a permit shall be made by publishing the same in a newspaper of general circulation.
- D. All Board meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Board shall exercise its powers only at public meetings.

- E. A quorum shall consist of four members of the Board and no action may be taken in the absence of a quorum.
- F. The concurring vote of a majority of the members present shall be necessary to the approving or revocation of any permit or any other matters duly before the Board.

3. Applications

- A. All applications for permits shall be made on a form prescribed by the Board and shall be completed in full for each business location and shall be signed and sworn to by the applicant or applicants before they will be considered by the Board.
- B. Each application shall indicate clearly the class of permit desired as such classes are defined in Chapter 4, Article III of the Code of Ordinances, City of Oak Ridge, Tennessee.
- C. All applications shall be filed with the Legal Department, and the date of filing shall be noted thereon and no permits or notarized supplements thereto shall be considered by the Board until it has been so filed.
- D. All applications on file in the Legal Department shall be open for examination as other public records. Only one notarized copy need be filed by the applicant. The Legal Department shall provide the Board with a copy of all applications by placing said applications in the Board's agenda packet.
- E. No application, having been once filed, shall be withdrawn or removed from the custody of the Legal Department.
- F. Each applicant shall be notified by mail by the Legal Department at least two (2) days prior to the meeting and the applicant must be present to have the application considered unless the ordinance provides for another person to stand in the place of the applicant at the meeting.
- G. Any person shall be competent to testify for or against any application, but no evidence shall be received either for or against an application except in person and in the presence of the applicant, unless the applicant shall waive such right.
- H. The action of the Board shall be noted upon the application in each instance and shall be certified to by the Secretary. If the application is approved for a permit by the Board, the City Manager shall thereupon issue such permit to the applicant within a reasonable amount of time.
- I. No applicant for a beer permit at a given location shall apply again for a beer permit at said given location within the six-month period immediately following the Board's refusal to grant such permit, except that any applicant so refused a permit may file a new application to be heard at the Board's next regularly scheduled meeting following the denial of said permit, provided that the aggrieved applicant has sufficient new information to submit which might alter the original decision of the Board.

4. Show Cause Hearings

- A. No notice of a show cause hearing shall be issued to any permittee for the suspension or revocation of any permit until it shall have been authorized at a duly constituted meeting of the Board.

- B. Not less than ten (10) days written notice of any suspension or revocation procedure shall be given unto the permit holder whose permit is the subject of the show cause hearing. Such notice shall be served by an Oak Ridge Police Department officer who shall deliver a copy of the same to the permit holder if he or she may be found or by leaving a copy of the same at his or her place of business. Due return shall be made by the person serving the same.
- C. The Board will interpret Code of Ordinances, City of Oak Ridge, Tennessee, Chapter 4, Article III in such manner as to hold the owner or operator of a place of business authorized hereunder to sell beer solely responsible not only for the sale of beer to minors on the premises, but it shall also be his or her responsibility to prevent the consumption of beer by minors on the premises when the same may have been legally purchased by others. This obligation shall extend to all the premises, both inside and outside any building located thereon, and shall apply to minors occupying or riding in any type of vehicle. As is provided in state law and city ordinance, the burden of ascertaining the age of any minor customer or consumer shall be upon the owner or operator of such place of business.
- D. Procedure in show cause hearings shall be conducted as nearly in accordance with the procedure in judicial tribunals as practicable.

5. Permits

- A. The Legal Department shall keep a current list of all valid beer permits.
- B. On revocation of any beer permit, it shall be the duty of the Legal Department to immediately issue pick-up orders, and the permit shall be picked up as soon as practicable after the Board's action.

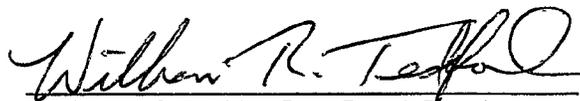
6. Photograph of Owner/Manager

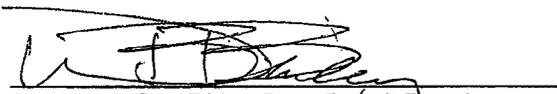
- A. Upon approval of an application for a beer permit, the Board shall require a photograph of the owner(s) to be taken by the Oak Ridge Police Department officer in attendance at the meeting, or by another individual should an officer be absent. For establishments owned by corporations or other large organizations, the owner representative present at the Board meeting shall be photographed. The purpose of the photograph is to assist the Oak Ridge Police Department during its inspections of establishments with beer permits for compliance with the requirements of the City Code and the Board.
- B. Upon approval of an application for manager approval, the Board shall require a photograph of the manager(s) to be taken by the Oak Ridge Police Department officer in attendance at the meeting, or by another individual should an officer not be absent. The purpose of the photograph is to assist the Oak Ridge Police Department during its inspections of establishments with beer permits for compliance with the requirements of the City Code and the Board.

7. Amendments

- A. The rules and procedures may be amended by a vote of five (5) members at any Board meeting and shall become effective after approval by City Council.

This the 8th day of September 2008.


Chairman, Oak Ridge Beer Permit Board


Secretary, Oak Ridge Beer Permit Board

Approved by Council by Resolution 10-91-08
Effective date: October 20, 2008