City Hall

From: alex4doraville@bellsouth.net
Sent: Thursday, April 29, 2010 6:26 PM
To: Blackmon, Rhonda
Subject: agendaitem0330
Attachments: header.htm

Date: 3/30/2010

To: Rhonda Blackmon, City Clerk

From: Maria Alexander

RE: Agenda Item – Alcohol Beverage Ordinance

In August of 2009, Mr. Weed performed a thorough review of our existing Alcohol Beverage Ordinance. During his review, he advised that several passages in our Ordinance could be pre-empted by State Law. He advised that we address these issues quickly. Please reference Ord. Alcoholic Bev. Amendments ver. 1 dated 17-Aug-09 attached.

When the above referenced Ordinance was presented to Council, Mr. Weed was then asked to further review the entire ordinance and update it in its entirety. Please reference Ord. Alcoholic Beverages ver 1. 16-Oct-09 attached.

Neither one of these ordinances have been passed. Thus we still have passages in our existing ordinance that are most likely pre-empted by State Law. We need to address the known issues right away. There is the possibility that businesses are being denied licenses based on our current ordinance.

I propose the following: We discuss and pass the 17-Aug-09 ordinance that corrects the known issues. Mr. Weed may elaborate if there are additional known issues.

Council e-mails all questions and concerns regarding the 16-Oct-09 draft entire re-write to Mr. Weed by April 26. This item appears on the May 3 Agenda and we, at that time, may schedule a special meeting/workshop to discuss the entire ordinance re-write.

City of Doraville
Chapter 3 Alcoholic Beverages

Ordinance Review
Pam Fleming 04/07/10

P.4 Distilled Spirits is not defined; yet, mentioned throughout ordinance.

P.4 Entertainment Facility: (having seating facilities for not less than 100)
I don't think we should require a specific number of seats.

P.5 Hotel or Motel: (offering no less than 50 rooms)
I don't think we should require a specific number of rooms.

P.5 Lounges in Restaurants: (owned and operated by the restaurant, hotel...)
Lounges are sometimes contracted in hotels and should be permitted as such.

P.7 Private Club Item 2: (Has at least 75 regular dues-paying members.)
I don't think we should require a specific number of members nor a membership fee.

P.8 Private Club Item 9: (Provides the City Manager a complete and up-to-date membership list whenever such private club is open to its members.)
1. Doraville doesn't have a City Manager2. I don't think we should require a membership list.

P.8 Bottom Paragraph is a run-on sentence lacking subject and verb and I need an explanation.

P.9 Restaurant: (vacations, remodeling, repairs...can not be closed for more than 14 days and seating capacity of 50 or more)
1. 14 days is too severe; needs to be increased 2. I don't think we should require a seating capacity.

P.13 & P.14 Number 11 Items F, H, I: I don't think this information is necessary.

P.19 License Fees (a): I think all fees should be pro-rated.
P.19 License Fees (b2): (1-1/2 times the estimated highest monthly payment made in a calendar year of the pro-rated license fees based on sales.)
Estimated highest monthly payment would be difficult if it is a new business and secondly it refers to pro-rated fees.
P.20 License Schedule of Fees: (a) Employee permit renewal: no fee listed. Background check fee $100plus... plus what??? Is Background Check done annually???

P.20 Malt Beverage Consumption: Fee too high; reduce to $750
P.20 Wine Consumption: Fee too high; reduce to $750
P.20 Combination Malt Beverage & Wine: Fee too high; reduce to $1,500
P.20 Retail: Beer or Wine, not both Fee should be $1,000
P.20 Retail: Beer and Wine Fee too high; reduce to $1,500
P.20 Retail: Liquor Only Fee should be $3,000

P.20 Consumption on the Premises should read: ***Sunday*** Consumption on the Premises.
P.20 Beer & Wine Fee too high; reduce to $1,200
P.21 Beer, Wine, Liquor Fee too high; reduce to $4,200

Alcohol Ordinance Review.fleming 04-07-10

P.27	Employee Permit:	Violations 1-18 in a 2 year period; we need to discern which are truly applicable. And, include Financial Card Transaction Fraud/Forgery.
P.31	Expiration/renewals:	Renewal applications by Nov. 15th or automatic denial. I need to question the date.
P.33	Appeals:	Appeal time period needs to change to 30 days.
P.34	Distances (a-d):	Differentiate between Consumption on Premises and Retail/Wholesale Convenient and Package Stores: Consumption on Premises: 300 yards unless in a Planned Unit Development Retail/Wholesale Sales: 100 yards
P.42	Hours of pouring:	Change to 12:30am; Conditional use to 2:00am Dekalb County is 12:30am; Conditional use to 3:55am with three on site public meetings, citizen's planning meeting, planning committee meeting, then it goes to Dekalb Commission
P.49	Minimum Parking:	First sentence is appropriate; delete the rest, then refer to the new Parking Code
P.50	Open Area/Patios (b1):	Delete enclosed area
P.51	Open Area/Patios (b2):	Delete permanent roof
	(b4):	300 yards unless in a Planned Unit Development
P.61	Suspension Chart (d):	Insert the correct and updated chart
P.63	Separate Offense:	I need clarification on this section.
P.70	Advertising prices (a):	No prices allowed to be displayed that can be seen from outside. Delete this section.