

Mayor and Council

700 Doug Davis Drive  
Hapeville, GA 30354

December 14, 2016 at 6:00PM

Agenda

1. Call To Order

2. Roll Call

Mayor Alan Hallman  
Alderman at Large Ruth Barr  
Councilman at Large Michael Randman  
Councilman Ward I Joshua Powell  
Councilman Ward II Diane Dimmick

3. Public Comments

At this time, the Mayor opens the floor to comments from the audience. Comments should relate to a specific agenda item, not listed on the agenda for a Public Hearing, or to a concern within the jurisdiction of the City. Mayor and Council meetings serve the purpose of conducting city business and are not a forum for the unlimited expression of opinion. The Mayor reserves the right to limit comments to matters germane to city business and may refer speakers to the City Manager or other staff for resolution.

4. Old Business

4.I. 1st Reading Ordinance 2016-36 Alcohol Distance Amendment

**Background:**

The Crest Package Store at 371 North Central Avenue filed for a alcohol new license due to a pending change of ownership. That transaction is scheduled to close before the end of 2016. The ownership (to our knowledge) had not changed since 1999 when this establishment opened. Each year their license has been renewed by the City routinely.

Apparently, sometime after the store opened the distance measurement techniques adopted in the City alcohol Ordinance changed and became more restrictive. If the current rules were applied to this case; staff would have to deny the application as it would not meet the distance requirements between the store and the school. Staff has been working on how to resolve this matter and allow this long-standing business to continue. The City Attorney advises that the best method of relief (should Council choose to do so) is to adopt a new rule that more closely mirrored State law. If the new standard were applied i.e., "travel by reasonable walking distance" the store application could be approved. Granting such relief is up to the City Council. Given that staff is aware that Council desires to give fair and equitable treatment to our business community it would seem reasonable to propose a rule that would grant relief. The City Planning consultant has tested the proposed measurement and the business would comply if the rule were changed. The staff recommendation would be to adopt the new rule and due to timing of the sale transaction and waive first reading. The new rule in the ordinance changing the method of how distance is measured would be in effect until March 31, 2017. By then Council would have had the opportunity to review all issues and decide if the new method should be adopted as regular part of the comprehensive Alcohol re-write.

For additional questions, please contact the City Manager's Office.

Documents:

[ALCOHOL MEASURING AMENDMENT COMPARISON CHART \(12.6.16 MEETING\).PDF](#)

[ALCOHOL MEASURING ORDINANCE AMENDMENT \(12.6.16 MEETING\).PDF](#)

4.II. Consideration And Action On Ordinance 2016-36 Alcohol Distance Amendment

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5. Mayor And Council Comments

6. Executive Session (If Needed)

When Executive is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).

7. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their

necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

## ALCOHOL ORDINANCE MEASURING AMENDMENT (12/6/16 MEETING)

<u>Issue/Provision</u>	<u>Current Hapeville Code</u>	<u>Revised Proposed Ordinance</u>
<p><b>Chapter 5, Alcoholic Beverages, Article 3, Definitions Applicable To All Classes, Sec. 5-3-1, Definitions.</b></p>	<p><i>Measured</i> means measured by way of a straight line from the nearest property line of a premises to the nearest property line of an involved institution.</p>	<p><i>Method of measuring.</i> Unless otherwise provided by the Georgia Alcoholic Beverage Code, all measurements to determine distances required for the issuance of alcoholic beverage licenses shall be measured in the following manner:</p> <ol style="list-style-type: none"> <li>(1) From the primary entrance of the structure from which the alcoholic beverage is sold or offered for sale;</li> <li>(2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;</li> <li>(3) Along such public sidewalk, walkway, street, road or highway by the nearest reasonable travel route;</li> <li>(4) To a point on the property line which is in a straight line from the primary entrance of the structure to the nearest public sidewalk, walkway, street, road or highway; or to the nearest property line of school grounds.</li> </ol> <p>Effective as of December 6, 2016, all surveyor’s certificates required under this Chapter shall be submitted consistent with the above method of measuring, in lieu of as specified otherwise throughout this Chapter, to show that an applicant meets requisite distance requirements. The above method of measuring shall remain in effect until March 31, 2017 or until the effective date of the City’s pending comprehensive update of Chapter 5 of the City’s Alcohol Beverages Code, whichever occurs sooner.</p>



22           **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
23 **THE CITY OF HAPEVILLE, GEORGIA**, and by the authority thereof:

24           **Section 1.**   **That the City Code, Chapter 5, Alcoholic Beverages, Article 3,**  
25 **Definitions Applicable To All Classes, Sec. 5-3-1, Definitions, is hereby amended by**  
26 **deleting the definition for the term “Measured” and replacing the same with the following:**

27           *Method of measuring.* Unless otherwise provided by the Georgia Alcoholic Beverage Code,  
28 all measurements to determine distances required for the issuance of alcoholic beverage licenses  
29 shall be measured in the following manner:

- 30           (1) From the primary entrance of the structure from which the alcoholic beverage is sold or  
31           offered for sale;
- 32           (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- 33           (3) Along such public sidewalk, walkway, street, road or highway by the nearest reasonable  
34           travel route;
- 35           (4) To a point on the property line which is in a straight line from the primary entrance of the  
36           structure to the nearest public sidewalk, walkway, street, road or highway; or to the  
37           nearest property line of school grounds.

38 Effective as of December 6, 2016, all surveyor’s certificates required under this Chapter shall be  
39 submitted consistent with the above method of measuring, in lieu of as specified otherwise  
40 throughout this Chapter, to show that an applicant meets requisite distance requirements. The  
41 above method of measuring shall remain in effect until March 31, 2017 or until the effective date of  
42 the City’s pending comprehensive update of Chapter 5 of the City’s Alcohol Beverages Code,  
43 whichever occurs sooner.

44           **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

47           (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
48 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
49 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
50 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
51 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this  
52 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
53 of this Ordinance.

54           (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
55 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
56 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
57 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
58 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
59 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
60 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
61 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
62 enforceable, and of full force and effect.

63           **Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby  
64 expressly repealed.



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