CITY OF FLOWERY BRANCH
Council Meeting
Work Session Minutes
Thursday June 27, 2013 6:00 PM

OPEN MEETING:

CALL TO ORDER: Mayor Miller called the meeting to order at 6:06 p.m.

IN ATTENDANCE: Mayor Mike Miller, Council Members: Damon Gibbs, Mary Jones, Fred Richards and Tara Richards. Also in attendance were City Manager Bill Andrew, City Attorney Ron Bennett, City Director of Planning and Community Development John McHenry and City Finance Director Jeremy Perry

ABSENT: Mayor Pro tem Joe Anglin

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Council Member Tara Richards

UNFINISHED BUSINESS: None

NEW BUSINESS:
Draft Council meeting minutes from June 6, 2013

- No Comments

First Reading Ordinance 476 – Update of City Alcohol Ordinance

- City Attorney Bennett stated that the City Alcohol Ordinance was adopted over the period of several years and as a result is not a cohesive document and has several redundancies and conflicts.
- Ordinance 476 modernizes and reorganizes the City of Flowery Branch alcohol code. The rewrite is to be used as a starting point for the Council to use and incorporates suggestions from some restaurant owners and ordinances from other cities.
- Some of the suggested major changes are:
    - Notice in the paper regarding intent to sell alcohol only applies to package stores, which is state law.
    - Eliminate the limitation on the number of package stores allowed.
    - Remove the prohibition regarding coin-operated machines. Those are now regulated by state law. There is now a provision that gambling is prohibited.

- Eliminate the inconsistency in the food sale requirement. State law is a 50 percent food sale requirement on Sundays. The ordinance has been changed to require 50 percent food sale requirement all of the time.
- City Clerk would be able to issue, suspend and revoke alcohol licenses using specific guidelines, with the City Council as the appeal body.
- Happy hour from 5:00 to 7:00 pm.
- A floor size limitation to be able to sell growlers.
- A corkage allowance for wine, so brown bagging would be allowed.
- License transfers would be allowed in special limited circumstances with a fee to process the application, which will be presented at the July 18 Council Meeting.

- Council Member Tara Richards questioned growlers being issued by a package store. City Attorney Bennett stated that he used the guidelines that have been set by other cities that allow growlers and that typically consumption on premises and package sales are exclusive of each other and that is the business model that currently exists. Package stores would meet the regulations, so growlers would be allowed.
- The members of the Council all agreed that they were not interested in regulating businesses regarding Happy Hour and food sale percentages as the City wants to attract businesses to the area and the best way to do that is to relax the regulations so that the businesses are successful.
- City Attorney Bennett stated that if the City was interested in having bars in the downtown area, the City could create a "special district" in the downtown area that would have different alcohol regulations and limitations.
- Mayor Mike Miller invited Mr. Jim Lloyd, owner of Branch House Tavern, to speak regarding his concerns. Mr. Lloyd had signed up for public comment during the voting session.
- Mr. Lloyd stated that he was concerned with the food sale requirement that they were mainly a music venue and sometimes people did not buy food at his location. Mr. Lloyd further stated that he would like to for there to not be a limitation on the hours and days of Happy Hour and drink specials. City Attorney Bennett suggested that the City could follow Alpharetta's example and allow discount of up to half price at any time.
- After some further discussion, City Attorney Bennett received instruction from the Council to make the following changes to Ordinance 476:
  - Section 8-142 – Food Sale Requirement. Change the food sale requirement to be listed as a 40 percent food sale requirement for Monday through Saturday. State law requires a 50 percent food sale requirement on Sundays.
  - Remove entirely Section 8-143 – Happy hour promotion and sales. The section to be removed reads as follows:

(a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:

(1) Offer or deliver any free alcoholic beverage to any person or group of persons

(2) Sell, offer to sell, or deliver more than one drink to one person at one time except that nothing herein shall prohibit a brew pub from selling, offering or sell or delivering a four (4) container sampler of malt beverages with each container not to exceed four (4) ounces.

(3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except

a. at private functions not open to the public; or

b. between the hours of 5:00 p.m. and 7:00 p.m., Monday through Saturday, so long as drink prices are no less than half the price charged during the same calendar week.

(4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public.

(5) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages/ in any container, which holds more than 32 fluid ounces (0,947 liters), except to two or more persons at any one time.

(6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week.

(7) Encourage or permit on the on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.

(b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day except as provided in this section. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public and such schedule shall be effective for not less than one calendar week except as provided in this section.

(c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.

(d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.

(e) The chief of police or designee shall have responsibility for the enforcement of this section.

(f) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the total price of the alcoholic beverages has been deducted.

DEPARTMENT REPORTS:

City Manager Report

- A contract with ECS Southeast LLC was received yesterday to determine if there is asbestos in the house the City purchased at 5644 Church Street. The City needs to have the survey prior to demolition of the building. The contract is for $1125.00 and the City Manager is requesting that the Council approve the contract tonight so that the work can be completed and paid for out of the current fiscal year.
- Norfolk Southern update: City is trying to determine what the Norfolk Southern's plans are for their culverts. City Manager Andrew indicated that he had sent an email to Norfolk Southern outlining the issues the City would like to discuss with them:
    - What is their design for the culverts on Flowery Branch Creek? This will help the City with their culvert design, which Pond is currently working on.
    - Stormwater issues on Railroad Avenue and possible replacement of stormwater structures.
    - Parking of the trains on the tracks through the downtown area for extended periods of time which block all three crossings.
- The Flowery Branch Police Department now has a facebook page.
- On July 13 there will be a bike race in the City of Flowery Branch and Oakwood will have a road race on July 14. Nathan O'Neal, National eight time Champion for Australia in time trials, will be in attendance. The course in the city will go from Main Street to Church Street to Spring Street to Railroad Avenue and will have about 20-100 cyclists in 12 different races. The event will last from 11:00 to 6:30.
- On July 20 Reverend Chuck Nation with the City Baptist Church will be performing with his bluegrass band at the Train Depot. The program is called "Fiddling on the Tracks" and will be held from 6:00 to 9:00. The event is being coordinated with the police department as an anti-drug awareness event.

City Finance Director Report: None

City Director Planning and Community Development Report: None

City Clerk Report: None

City Attorney Report: None

Council Report

- Council Member Tara Richards stated that she had attended the GMA convention and attended a class regarding Municipal Court and possible new technologies.
- Council Member Fred Richards: None
- Council Member Mary Jones: None
- Council Member Damon Gibbs: None
- Mayor Mike Miller read a letter that he received from someone that attended the City Court who felt that Norma Hernandez, Judge Rohan, Attorney Pake and Attorney Csider were doing a great job. In addition, Mayor Miller also stated that Officer Kelly was at the Sterling on the Lake pool handing out yo-yo's, which helps the police department connect with the community.

ADJOURNMENT WORK SESSION: Adjourned at 7:30 p.m.

CITY OF FLOWERY BRANCH
Council Meeting
Voting Session Meeting Minutes
Immediately following Work Session
Thursday June 27, 2013

OPEN VOTING SESSION: Mayor Miller called the meeting to order at 7:30 p.m.

PUBLIC COMMENTS: None

CONSENT AGENDA:
Draft Council meeting minutes from June 6, 2013

Motion to approve consent agenda: Damon Gibbs
Second: Mary Jones
Unanimous

UNFINISHED BUSINESS: None

NEW BUSINESS:
First Reading Ordinance 476 – Update of City Alcohol Ordinance

AN ORDINANCE TO AMEND ORDINANCES NUMBERED 54, 54-9, AMENDMENT TO ORDINANCE #54 DATED 10-15-90, AN AMENDMENT TO ORDINANCE NO. 54 DATED 8-1-94, 54-A, 54-D, 54-E, 54-F, 170, 170-A, 170-B, 170-C, 170-D, 287, 287-A, 314, 424, 424A AND 470. THIS ORDINANCE IS INTENDED TO REPLACE ALL PRIOR ORDINANCES CONCERNING ALCOHOLIC BEVERAGE LICENSING AND REGULATION WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH BY SETTING FORTH THE PURPOSE OF ALCOHOLIC BEVERAGE REGULATION, LEVYING TAXES, ESTABLISHING REQUIREMENTS FOR LICENSING AND REGULATION, IMPOSING PENALITIES FOR VIOLATIONS, BEING SEVERABLE, REPEALING CONFLICTING ORDINANCES AND/OR RESOLUTIONS, ESTABLISHING AN EFFECTIVE DATE, AND FOR ALL OTHER LAWFUL PURPOSES.

Motion made by Damon Gibbs to approve First Reading of Ordinance 476 with the following changes:

Modify Section 8-142 – food sale requirement changed from 50 percent to 40 percent for Monday through Saturday

Strike completely Section 8-143 – Happy hour promotions and sales

Second: Mary Jones
Unanimous

Motion to authorize the Mayor to sign the ECS contract for an asbestos survey of 5644 Church Street: Fred Richards
Second: Tara Richards
Unanimous

ADJOURNMENT:
Motion to adjourn the voting session at 7:35 p.m.: Tara Richards
Second: Damon Gibbs
Unanimous

James "Mike" Miller - Mayor

July 18, 2013
Dated

Maria Burney – City Clerk