

**Minutes of City Council Workshop  
Downtown Action Plan  
Monday, May 2, 2016 – 5:45 P.M.  
City Council Chambers**

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Mayor Latham called the workshop to order at 5:48 P.M.

The following City Council members were in attendance:

Mayor: William C. Latham

Council members: Lee Buck                      Keith Doherty                      Christine Hoffman  
Bruce Thomason                      Phil Vogelsang                      Jeanell Wilson(*late*)

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Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, City Department Heads, and City Clerk Laurie Scott.

**Purpose of Workshop**

Mr. Forbes explained the changes in the alcohol ordinance and outdoor low volume music would be discussed.

**Presentations and Discussions**

Police Chief Pat Dooley stated there were two ordinances, the alcohol extended hours permit ordinance and the outdoor low volume sound ordinance, that have proposed changes.

Chief Dooley discussed the proposed alcohol ordinance changes listed below:

- Makes distinction between 4-COP quota license and 4-COP-SRX (special restaurant exemption) alcoholic beverage licenses;
- Clarifies establishment's responsibility to maintain order during all hours of operation;
- Requires establishments operating with an alcoholic beverage license other than a 4-COP quota license to submit a proposed seating diagram including any proposed dining area with their extended hours permit application;
- Places requirements on establishments operating with SRX state alcoholic beverage license to:
  - Serve 150 persons full course meals from a menu at tables at all times during all hours of operation;
  - Keep kitchen open and capable of preparing food and filling customers' orders up to 30 minutes before closing;

- Keep all tables and chairs upright and in place during all hours of operation as per diagram submitted to the city during the permitting process; and
- Derive at least fifty-one percent (51%) of its gross revenue from the sale of food and nonalcoholic beverages.

Mr. Doherty asked if the ordinance changes are bringing the establishments up to state requirements. Chief Dooley stated that these changes are not too far away from the state requirements and that the City also requires that these restaurants perform as restaurants if they stay open throughout the extended hours.

Mr. Vogelsang questioned if there was an issue in forcing the restaurants to close before the bars. Chief Dooley answered that he and the City Manager had held meetings with the restaurant and bar owners. Based on the feedback from those meetings, the closing time should stay the same.

Mr. Vogelsang asked about language involving room capacity for tables and chairs. City Attorney Susan Erdelyi stated that the State preempts local authority from enforcing these regulations except in location and hours of operation. Law enforcement can also address the conduct in these establishments.

Mr. Vogelsang stated that if the City is going to pass these changes regulating restaurants becoming nightclubs, then we should consider being more strict on establishments with more than one room or floor.

Ms. Wilson asked if this applies to smaller establishments with less than 150-person capacity. Chief Dooley commented that smaller establishments do not qualify for the 4-COP-SRX license, and those are what we are focused on.

Ms. Hoffman questioned the monitoring of the 51% gross revenue requirement from food and nonalcoholic beverages. Chief Dooley stated it was monitored by the State Beverage Department only.

Chief Dooley stated the ordinance changes also include amending terminology. It replaces "Warning" with "1<sup>st</sup> Notice of Violation." It also defines who would be served the Notice of Violation and the actions that follow.

Mr. Vogelsang stated that his suggestion was that every area of a restaurant, whether a floor or room, should have a percentage of tables that are capable of being seated in during the enforceable time of midnight to 2 A.M.

Mr. Thomason commented his concern is the larger crowds during the approaching summer season, and he would like to see something passed now with the idea that the City Attorney research the validity of

moving forward with Mr. Vogelsang's suggestion with the Attorney General's office or the Division of Alcoholic Beverages and Tobacco.

Chief Dooley stated that one of the parts of the outdoor low volume music ordinance was to keep the tables and chairs in the upright position in that area.

Mr. Buck stated he is in support of Mr. Thomason's comment regarding passing something before summer.

Ms. Hoffman asked about the enforcement of the current regulations. Chief Dooley stated that the Courts have ruled against the City, and we have not been able to move forward.

Ms. Hoffman questioned Chief Dooley regarding the fire code issue. Chief Dooley answered that fire code wording has been included in the ordinance, and all fire codes will be observed.

Mr. Forbes stated that we will move forward with this ordinance as quickly as possible and check with the Attorney General to verify the 150-person seating on each floor.

Mayor Latham commented that he would like to include in the ordinance that the City Council approve any event with the sale of alcohol on City property. Mr. Vogelsang asked at what point would the City Council become involved in the process to approve events.

Ms. Hoffman commented there were deficiencies in the Special Events Policy. Mayor Latham commented that new events should be reviewed by the City Council for approval.

Mayor Latham adjourned the Workshop at 7:00 P.M.

Submitted by: Laurie D. Scott  
City Clerk

Approved:



William C. Latham, MAYOR

Date:

5/16/16