

**Citizens Committee to Review Alcoholic Beverage Laws (CCRABL)  
Meeting Minutes**

**Truxtun Recreation Center  
Meeting Room 3  
March 16, 2010  
6:00 PM to 7:30 PM**

**Committee Members:**

Whitney Chellis, Chair	Lynne Jones	Gilbert Renaut
Brian Cahalan	Joe Lyon	Chuck Weikel
Chris Fox	Valerie Miller	Denise Worthen
Jerry Hardesty	Vince Quinlan	

**Committee Resource Members:**

Charles Grayston, Vice Chair  
Lt. Mark Seidel (APD)  
Cpl. Pete Medley (APD)

**City Staff:**

Sally Nash  
Jacqui Rouse

**Parties of Interest:**

Alderman Kirby  
8 additional members of the public

**General Notes:**

The **Chair** opened the meeting and discussed the agenda for the night. The purpose of the meeting was to examine the procedures for obtaining an alcoholic beverage license, and how a license can be protested or restricted.

**Agenda Item II: Discussion of the Alcoholic Beverage Control Board**

**Charlie Grayston** (chair of the Alcoholic Beverage Control Board and vice chair of CCRABL) began the discussion by explaining the application process to apply for a new alcoholic beverage license. The application contains a great deal of background information, including a criminal record check, and a show of “public need.” The application must have a referral from P&Z regarding their land use approval. There must be a public hearing before a new license can be granted. Letters notifying the neighbors of the proposed establishment are not sent out, as they are in zoning processes like variance hearings. However, there is notice that is published in the newspaper. Recommending an informational mailing may be appropriate. A renewal application does not require a public hearing, unless a protest is filed with ABCB.

If the public wants to protest a renewal license, it must be filed with the ABCB no later than March 31, for the annual April 21 protest hearing(s), and include 10 signatures of residents or property owners (required). These residents or property owners need to live in the “immediate

vicinity” of the establishment. The term “immediate vicinity” is not defined in the ABCB’s Rules and Regulations. If a protest is lodged, a renewal application is treated as though it were a new application. The committee discussed the possibility that the locational standard should be defined and informational mailings required, to address an apparent lack of public notice.

The committee discussed whether the public notice requirements of the ABCB were adequate. There was also a discussion of whether the hearings could be moved from an afternoon time to an evening time to make it more convenient for residents to attend the meetings. The Board does accept letters from residents to consider while reviewing the application, but there are no rules or procedures on how they are handled. The Board only prepares findings of fact in a case before them if one of their decisions is being appealed. Otherwise, there is no written decision regarding an application other than the license itself. The absence of written findings was of concern, regarding setting policy and transparency on the actions of the ABCB.

There have not been many protests in the last five years. There was one, a protest of a package goods store on Lafayette Avenue that resulted in very minor modifications to the establishment’s license. The store could no longer sell miniatures.

One obstacle to protesting of a specific establishment is the difficulty in linking general complaints to one particular business. Dates and facts regarding the violations should be documented. The committee discussed the need to define what evidence would be sufficient/insufficient for a protest hearing to succeed or fail. With greater clarity the residents and license holders could have a greater expectation based on facts.

There was also a discussion of what police reports the public could have access to, should have access to. Some reports are internal, some are public. Arrests are a part of the public record—however, not all incidents result in arrests or notice being sent to ABCB. Some discussion regarding the existing informal coordination between the ABCB and the APD, it may serve the residents and the license holders better if there was a more formal model to follow to create greater transparency and certainty.

If there is a problem with one particular establishment, it is not necessary for the public to wait until the renewal period to lodge a complaint. The Board has occasionally conducted “disciplinary hearings” to investigate complaints, at their discretion. The ABCB does not keep a record of the number of complaints or how they were all disposed of including, protests, pick-ups, and denials. The tracking of this information would have to be established, or created to get specifics at this time. The information provided on the number of each was based on recall.

The Board can also “pick up” a license if the establishment owner is in violation of any municipal infraction or other financial delinquency, such as not paying taxes on time, which is

requested by the Comptroller. **Mr. Grayston** stated that it is very common for the Board to either get a request to pick up a license or to receive notification that the sheriff has been called to pick up a license.

The committee then discussed the problems created by excessive drinking in the context of other crimes and whether these problems were not “miniscule” in nature. One committee member discussed that the number of incidents per visitor was a very small number. The ratio discussed was not based on any evidence before the Committee.

**Alderman Kirby** spoke to the committee to explain that at the hearing on March 22, 2010 in front of City Council, he is hoping to suspend the rules of procedure and have a vote on the 2 a.m. licenses that night. He stated that the legislation would pass.

The committee then moved on to discuss “public need” and how it has been defined in case law. The ABCB relies on the applicant to present that material evidence and accepts those as facts in the case as presented by the applicant’s expert.

There was also interest among committee members in discussing noise complaints and how they are enforced. The APD will cover this topic next week.

**Closing:**

The **Chair** again advised that the City Council will hold its public hearing on O-27-09 (2 AM) on March 22, 2010 (Monday), and that the Committee would not be taking a formal position on the ordinance because the work of the committee has not been completed. The committee decided not to take a stance on Monday night as to whether the Council should wait to vote on the ordinance until after the committee had produced the final report.

The committee’s public hearing will be held on April 29, 2010 at 7:00 pm in the City Council Chambers. The next meeting of the committee was discussed. It will be March 23, 2010 at 6:00 p.m. in the same room. The committee will discuss the enforcement role of the APD and general crime data.

The **Committee** requested more information on the following items:

- The City’s noise ordinance (APD)
- A City Wide “hot spot map” for APD calls. (APD)

**THE MEETING WAS ADJOURNED AT 7:45**

**Action Items:**

Look up the timeline for the new fee schedule that will go into effect in July (**P&Z**)

Email the committee the list of all licenses by ward (**P&Z**)

Pursue an audit of personnel costs associated with alcoholic beverage licensing fees (**Finance**),

Look up information on the TIPS program and other similar programs to determine what criteria the state uses to designate (license) providers of this training (**ABCB**),

Make Ward One Sector Study available digitally (**P&Z**),

Information on zoning regulations in Wards 2-8 (**P&Z**),

Draft interim Report **DUE APRIL 1** (All)- More details regarding the interim report and what will be required are forthcoming from the City Clerk's office (**P&Z**).

**Next Meeting:**

The next meeting for the committee will be held on **March 23, 2010 at 6:00pm** at the Truxtun Park Recreation Center, Meeting Room 3.

**Future Draft Agenda(s):**

**March 23-** APD Enforcement/Alcohol Compliance Program/Address "cost of services."

**March 30-**Land Use and Zoning

**Schedule of Public Hearings:**

March 22 7:30 PM -City Council (O-27-2010)

April 12 7:30 PM City Council- **Interim Report**

April 29 7:00 PM- **CCRABL PUBLIC HEARING** City Council Chambers (R-73-09)

July 26 7:30 PM-CCRABL City Council –**Final Report**

END