



ALCOHOL CONTROL COMMISSION

Monday, November 16, 2015

5:00 P.M.

1. Roll Call
2. Minutes – October 19, 2015
3. Old Business: None
4. New Business:
 - A) Issue a new Wine Pouring (and Beer Transfer) License to Vickie Elrod at *Little Garden*, 1901 Dean Ave.
 - * B) Hear a request from Larry Martin, *Big Time Liquor, Wine, & Tobacco*, 2106 Shorter Ave., for a 180-day extension to establish his package store license.
 - * C) Hear a request from Viral “Willie” Patel for re-approval of his package store license at *Cheer's Liquor*, 2121 Shorter Ave.
5. Other: **HEARINGS:**
 - * A) *Goats's General Store*, 222 Broad Street
 - After Hours Alcohol Service
 - * B) *El Patron*, 1802 Redmond Circle
 - After Hours Alcohol Service
 - Furnishing Alcohol to a Person Under 21
6. Police Report:
7. Adjourn.

Joseph F. Smith
Secretary

* Enclosure

TO: Alcohol Control Commission
FROM: Joe Smith, City Clerk 
DATE: November 11, 2015
SUBJECT: Shorter Avenue Liquor Store Requests

We will have an unusual license request that will appear before the ACC at the November 16th meeting. This issue revolves around the State of Georgia Statute (and subsequent City Ordinance) that requires a separation of at least 1500 feet between new liquor package outlets. We have two applicants interested in opening a new liquor stores within that 1500 foot radius of each other. Under current law both liquor stores are not allowed to open. The applications are for liquor stores at 2106 Shorter Avenue and 2121 Shorter Avenue.

At the April 20, 2015 meeting of the Alcohol Control Commission, an application for Mr. Larry Martin was presented. The request was for a new beer, wine, and liquor package license for 2106 Shorter Avenue (Big Time Liquor and Wine). Mr. Martin explained that he would be relocating the existing used car business at this site and constructing a new building which would house the liquor store. *The April 20th ACC minutes for this request are attached.* Mr. Martin's request was granted subject to the final approval by the Building Inspector, Fire Marshall, and Traffic Engineer. Normally an approved application is valid for 90 days, but since a business was being relocated and a new facility was going to be constructed, the ACC specified that the approval was valid for 180 days.

That 180 day period has now expired and Big Time Liquor and Wine has not been constructed. I have spoken with Mr. Martin and Building Official Howard Gibson. Both have told me that although the building at 2106 Shorter has not been constructed, efforts have been underway to allow that to happen. Variances have been obtained, the steel structure for the building has been delivered, and the existing business office is being removed. Mr. Martin said that he plans to begin construction within 3 weeks.

Mr. Martin is requesting an additional 180 days to allow the establishment of this liquor store.

Mr. Patel, the applicant for 2121 Shorter, originally received approval from the ACC for his liquor store on March 17, 2014. When the liquor store was not established, he received a 90 day extension from the ACC on August 5, 2014, although Mr. Patel still did not open the liquor store. Eventually some other type of general merchandise store opened at 2121 Shorter Avenue. Since Mr. Patel never exercised his option to open his liquor store, Mr. Martin was free to apply for his store, which he did on March 31, 2015. Mr. Patel contacted me during the late spring or early summer of 2015 inquiring again about opening a liquor store at 2121 Shorter. We explained that Mr. Martin was now an applicant and he would not be able to apply. Now that Mr. Martin's 180 days are up, Mr. Patel wishes to now once again.

That brings us to our current situation. The questions is – does the ACC grant Mr. Martin more time to complete his project since he has been actively trying to move forward OR do we tell Mr. Martin that he is out and allow Mr. Patel to once again move forward with his liquor store plans? Considering all known factors involved and the past actions by both applicants, it appears to staff that the most appropriate action is to grant Mr. Martin additional time to complete his project.

Please let me know if you have any questions or comments.