



Alcohol Review Board
Special Called Meeting
Wednesday October 5, 2016
Lilburn Municipal Complex

Present: Chairman: Kathy Rall
Board Members: Margot Ashley, Jimi Taylor
Records: Kaleigh Frederick
Legal Counsel: Angela Couch, Atty.

Old Business

The minutes of the September 15, 2016 Alcohol Review Board meeting were approved unanimously as written. Motion by Ms. Taylor, second by Ms. Ashley.

Review new application submitted by Murad Ali, for Khushi Tarshi, LLC. located at 4971 Lawrenceville Highway. Background checks have been completed.

Ms. Rall called for presentation by Mr. Murad Ali. He stated that he has already presented and wants to know the decision of the Board. Ms. Ashley explained that the application was tabled at the September meeting due to questions about proximity to Lilburn Middle School. The City Ordinance 6-62j states that businesses which have maintained a license in the previous year may continue alcohol sales under new ownership, as long as licensure has not lapsed for more than one year. This is the case for Khushi Tarshi.

Mr. Ali verified that employees will be trained on responsibility of alcohol sales and requirements to check identification for age requirements. The cash register requires a date of birth prior to sale.

Ms. Taylor made a motion to accept the application for Khushi Tarshi to sell alcohol, seconded by Ms. Ashley and approved unanimously. Mr. Ali was informed that a confirmation letter will be sent to him.

Review new application submitted by Kamalpreet Manihani, for **Branded Barrel 1**, LLC located 735 Pleasant Hill Road. Background checks are completed.

Mr. Hakim Hilliard, attorney, represented the Branded Barrel 1, LLC, formerly The Cellar, introducing the owner, Kamalpreet Manihani and Viro Parekh as the Designated Agent for the business. The applicant was given 10 minutes to present information regarding their plans, to be followed by 10 minutes for those against the proposal, questions from members of the Board and then deliberation by the Board.

Positive Comment

Mr. Hilliard noted that all requirements of the City Ordinance have been met and were submitted to the city for the decision of the City Council in May, 2015 when a Special Use Permit for a package



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store was granted. He noted that the application meets all the standards of the Lilburn Code. A second site survey was completed in 2016 verifying the distance to Berkmar United Methodist as more than the required 200 yards. Mr. Hilliard reserved his remaining time for rebuttal.

Negative Comment

Mr. Stony McGill from the Georgia Alcohol Dealers Association represents about 500 liquor and package stores in the State. He presented concerns that the Lilburn Ordinance is not in compliance with Georgia State Ordinance 560-2-2-.12. This section states that, after March 2007, measurements shall be in a straight line from front door of the business to the front door of a church or property line for a school. Using these parameters, Mr. McGill measured the distance as close to 466 feet to the door of the church where a private school for pre-Kindergarten to fifth grade is held. Signs are posted noting the use of a school in the area. He reported that local Lilburn Code differs from the state ordinance and commented that city ordinances cannot be more lenient than the state requirement. He used a measuring wheel and found that the distance is much less than the required state distance.

He presented an affidavit from Berkmar Methodist Church stating that the Academy has full use of the church building and grounds, however, the letter does not mention when the school began operation.

Tarece Johnson is the founder of the Global Purpose Academy and stated that she presented in opposition to the proposed Special Use Permit before the City Council in conjunction with Berkmar Methodist in May 2015. The lease with the church began in February, 2013. She reported that they are licensed with the state, have a quality rating higher than state requirements and are in the process of applying for accreditation. They currently have 32 pre-K to 5th grade students in school and 25 pre-K to 8th grade after-school students. These are children who are considered at risk for a general school population. Subjects taught include core curriculum, science, social studies, math, international studies and several languages, including Mandarin, Hindi and Arabic. She expressed concern that the new package store is in close proximity to the playground. Preschoolers use a tricycle track which is visible to the liquor store. An open field between the church and store allows full view. A subdivision near by can generate foot traffic to the store. Parents are concerned that the increased traffic will be a problem for the school. She reported that the school is a non-profit, private school.

When she presented before the City Council in 2015, no mention was made of the subjects taught.

Patrick Anglin, speaking in support of the school, provided several documents for review by the Board, including a description of the documents:

- Current Lilburn Ordinance regarding distance of 200 yards from a school grounds, measured from the front door of the structure
- Affidavit from Berkmar Methodist confirming Global Purpose Academy's use of the church grounds
- Letter from Doug Stacks, City Planner, regarding distance requirements and exhibit of measurement used with discussion of flaws in the procedure
 - Mr. Anglin's presentation commented on the flaws:
 - Survey not stamped with date or signed
 - Beginning point of measurement not from front door
 - Ending point is not at beginning of school grounds
- Site plan of the proposed location
- Exhibit demonstrating proper measurement technique showing distance from the



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- proposed structure to the school grounds is within 200 yards
- Georgia State distance requirements for alcohol sales
 - Measurement in a straight line from door to edge of school grounds
- Exhibit showing distance much less than 200 yards by state measurement requirements

Mr. Anglin commented that he is concerned that bending rules in one situation (between proposed establishment and school or church) will result in future infractions related to distance between two alcohol sales establishments.

Positive Comment Rebuttal

Mr. Hilliard returned to rebut the discussion against the application:

- He noted that the owners understand the concerns about distance and hope to ameliorate the impact on neighboring locations.
- He then proceeded to contend that the Alcohol Review Board is a quasi-judicial body and cannot make legal decisions; that the evidence presented by the opponents is not reliable; and that the distance issue is not within the powers of the Board to address
 - He also noted that “in its wisdom, the Council decided to grant the SUP”
 - He expressed concern that the school is bringing up the distance question as if it were a new issue when it was addressed before the City Council
- He noted that the survey, stamped by Mitchell Lowery on Sept 21, 2016, verifies that the distance to the church is 1,139 feet, based on City Ordinance procedure
 - He questioned the validity of Mr. McGill’s assertion that the distance does not meet the requirements, since no visible evidence was presented
- He also questioned the validity of the letter from the church, which refers to a lease which is not included in the documentation; when the accreditation process was begun is not provided
- He went on to note that this business is willing to work with the church to ensure that the impact has no negative effect
- Finally he questioned the ability of the ARB to address the conclusion of distance if the city made a decision negligently in 2015

Ms. Couch assured him that the ARB makes the decisions for licensure. She observed that the zoning and Special Use Permit decision is a separate decision; the alcohol license decision is made by this Board. The City Council will also review the licensure because it is a new location.

Mr. Hilliard did not have information in relation to the state distance regulations, although he averred that he knows the state requirements. He contended that no evidence has been presented contrary to the survey which he presented. He stated that he is not required to provide evidence because of the favorable recommendation of the staff, stating that they meet the requirements because the Special Use Permit and the Alcohol License requirements are identical.

Mr. Hillard also noted that even though ordinances for the City of Lilburn have been met, the State License will not be issued if those requirements are not met.

Mr. Hilliard verified that the points of sale in the store require that drivers’ licenses will be swiped to enter the date of birth, rather than allowing a cashier to enter an arbitrary date.

Employees will be required to complete TIPS training, which will be reviewed quarterly with established employees and with new employees. He also noted that the owner of the store owns



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the land and therefore has a vested interest in being a good neighbor and maintaining a safe environment. The store and parking lot will be well-lit with surveillance cameras; engaging with the police department to make photos available to the police; permitting no loitering which will be diminished by the policy that small servings, single cigarettes and cups of ice will not be sold. There is no plan for regular security, however it will be considered during busy times.

This is the first ownership of a package store, but the owner has participated in other convenience stores involving alcohol sales prior to this. This will be the only store for which she is responsible.

Jay Parekh is a member of the development team. He stated that the wall facing the church has no windows or other ornamentation; all signage and glass face Pleasant Hill Road. He noted that the retail parcel is 20,000 square feet, 10,000 of which will be designated for Branded Barrel 1. Phase II of development would be an Ace Hardware, which will be between the Branded Barrel and the church. Phase II would begin next year. The design for the store is intended to present a top-notch structure and business. Developers changed the name based on marketing recommendations. The building structure has been approved by the City. If the paperwork is completed, the store is slated to open on November 15, 2016.

The public comment portion of the meeting was closed and the Board members began deliberations.

Deliberations

Ms. Rall made a motion, seconded by Ms. Taylor to discuss the decision before making a motion to approve or deny the application. The motion carried unanimously.

Concern about proximity to the church/school caused hesitation to approve due to discrepancies in the reporting of the measurements. Possible screening (fencing, trees) between the business and school might reduce the visual issues, but does not change the distance requirements and the moral question. The survey presented by Mr. Hilliard meets the City Ordinance distance requirements in Chapter 6, Article III, Section 6-64. It is Mr. McGill's opinion that the City Ordinance is inconsistent with the State law, but no documentary evidence to that effect was presented. This Board is not empowered to decide inconsistencies between City and State Ordinance. Ms. Couch clarified that the Board is tasked to approve licensure based on the City Ordinance requirements. Even though the city distance requirement may be inconsistent with state requirements, the Board is not responsible for making that change at this point.

A business license cannot be obtained without first holding a State Alcohol License. This is the first step in the process.

Based on information presented, Ms. Rall made a motion to approve the alcohol license for Branded Barrel 1, LLC contingent on their obtaining an alcohol license from the State of Georgia and a business license from the City of Lilburn. The motion was seconded by Ms. Taylor and was approved unanimously. The City Council will review the decision on October 10, 2016 at their regular meeting.

Public Comment

Ms. Rall called for Public Comment.

Mr. Anglin stated that measurement in the exhibit from Mr. Stacks goes to the sidewalk and back to tricycle track. Based on his own information, Mr. Anglin contends that the distance is 594 feet. He requested to see the survey presented by Mr. Hilliard. He was referred to the City Clerk to make an



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open records request. He expressed concern that the meeting is four business days before the City Council meeting and that no public notices were posted by Branded Barrel.

Vince Om from Royal Package encouraged those present to ensure that all requirements are met, including a state license, before a final decision is made for alcohol sales by any business concern.

Public Comment was closed.

Adjournment

Ms. Taylor made a motion, seconded by Ms. Ashley to adjourn the meeting at 5:32 PM. The motion passed unanimously.

Kathy Rall, Chair
Alcohol Review Board

Date

Respectfully Submitted,
Margot Ashley