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## COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member  
James Lowe – Post 2, Council Member  
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member  
Lorri Christopher – Post 5, Council Member  
Weare Gratwick – Post 6, Council Member

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**April 16, 2013**

**COUNCIL AGENDA**

**7:00 PM**

PEACHTREE CORNERS CITY HALL  
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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**A) CALL TO ORDER**

**B) ROLL CALL**

**C) PLEDGE OF ALLEGIANCE**

**D) MAYOR'S OPENING REMARKS**

**E) CONSIDERATION OF MINUTES** – April 2, 2013.

**F) CONSIDERATION OF MEETING AGENDA**

**G) PUBLIC COMMENTS**

**H) CONSENT AGENDA - No Items**

**I) REPORTS AND PRESENTATIONS**

- 1. P2103-04-01** A Proclamation of the City of Peachtree Corners, Georgia recognizing Peachtree Corners Festival Committee and thanking them for their volunteer efforts on behalf of the Community.
- 2. P2013-04-02** A Proclamation of the City of Peachtree Corners, Georgia recognizing the contributions of the United Peachtree Corners Civic Association (UPCCA) to the City of Peachtree Corners and its residents.
- 3. P2013-04-03** A Proclamation of the City of Peachtree Corners, Georgia recognizing the city's Logo Committee and thanking them for their work in developing a nationally acclaimed logo for the City.

4. **P2013-04-04** A Proclamation of the City of Peachtree Corners, Georgia recognizing and congratulating Nicholas Poulos for his spelling expertise, State championship, and achievement as Peachtree Corners first Spelling Bee winner.
5. **P2013-04-05** A Proclamation of the City of Peachtree Corners, Georgia recognizing the efforts of *Clean up Peachtree Corners* and declaring April as the *Great American Cleanup Month*.
6. **P2013-04-06** A Proclamation of the City of Peachtree Corners, Georgia supporting Earth Day, April 22, 2013, and encouraging all Citizens to celebrate and protect the environment and contribute to a sustainable community
7. **Lisa Anders** Lisa Anders of the Gwinnett Convention & Visitors Bureau. Discussion of the Mission of the Gwinnett Convention & Visitors Bureau.
8. **D. Wheeler** Update on Community Development Planning Issues – 2033 Comprehensive Plan Update by Pond and Company.

**J) OLD BUSINESS – No Items**

**K) NEW BUSINESS**

1. **ACTION ITEM** Consideration to approve the agreement with Gwinnett County for Ad Valorem Tax Billing and Collection.
2. **R2013-04-10** A Resolution of the City of Peachtree Corners recognizing Georgia Cities Week, April 20-27, 2013, and encouraging all Citizens to support the celebration and corresponding activities.
3. **O2013-04-11** FIRST READ and consideration of a request for a Special Use Permit to allow the addition of a crematory at Crowell Brothers Funeral Home, located at 5051 Peachtree Industrial Boulevard; 6th District; Land Lot 270; Parcel 31 (case #SUP2013-00004 - Public hearing at 2<sup>nd</sup> READ on 5/7/13)
4. **O2013-04-12** FIRST READ and consideration of a request to remove the requirement for 24 ft. wide drive-thru lanes for a Chase Bank to be located in the 5200 Block of Peachtree Parkway (Corner of Peachtree Parkway and Peachtree Corners Circle); 6th District; Land Lot 301; Parcel 31 (case# CIC 2013-00003 – Public hearing at 2<sup>nd</sup> READ on 5/7/13).
5. **O2013-04-13** FIRST READ and consideration of an Ordinance of the city of Peachtree Corners, Georgia, adopting by reference, and amending certain portions of, the City of Peachtree Corners Code of Ordinances in order to establish a document entitled ‘The City of Peachtree Corners Chapter 42, Article V, Soil Erosion, Sedimentation and Pollution Control.’

- 6. O2103-04-14** FIRST READ and consideration of an Ordinance to amend Chapter 6 (“alcoholic beverages”) of the Code of the City of Peachtree Corners, Georgia, to amend and provide certain definitions; to authorize certain types of establishments to sell beer and/or wine; to authorize wine tastings and malt beverage tastings; to authorize use of growlers for certain package malt beverage licensees; and for other purposes.

**L) EXECUTIVE SESSION**

**M) ADJOURNMENT**

**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING**  
**April 2, 2013, @ 7:00PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Attorney	Bill Riley
City Manager	Julian Jackson
City Clerk	Kym Chereck
Director, Com. Dev.	Diana Wheeler

**PLEDGE OF ALLEGIANCE:** Mayor Mason led the Pledge of Allegiance.

**MAYOR’S OPENING COMMENTS:** The Mayor reminded everyone about the Great American Cleanup, which will be held on April 20, 2013, and also informed the public that the item concerning the Veterinary Clinic (O-2013-03-10) has been deferred by the applicant until a later date.

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE MARCH 19, 2013 COUNCIL MEETING.**

**By: Council Member Christopher**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Lowe, Wright, Gratwick)**

**CONSIDERATION OF THE MEETING AGENDA:**

**MOTION TO AMEND THE AGENDA TO DISCUSS A GROWLER TASTING ORDINANCE.**

**By: Council Member Sadd**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Sadd, Aulbach, Mason, Lowe, Wright, Christopher, Gratwick)**

**REPORTS and PRESENTATIONS:** Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during March 18, 2013 through March 29, 2013. These activities included, among other items, meetings with the Gwinnett Village CID, preparing preliminary work for Founder's Day Parade, and preparing reports and documentation for the April 9<sup>th</sup> Planning Commission meeting.

**OLD BUSINESS:**

**O213-03-10**

Second Read and consideration of CIC2013-0002 for a change in condition to allow a veterinary clinic to be located within an office building at 4989 Peachtree Parkway.

This item was deferred by the applicant prior to the meeting and will be heard at a later date.

**NEW BUSINESS:**

**R2013-04-08**

A Resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax.

Mr. Julian Jackson, City Manager, gave a brief description of the proposed Resolution. After discussion the Mayor and Council requested additional information and stated that this item would be heard again at a later date.

**DISCUSSION**

Discussion concerning amending Chapter 6 (alcoholic beverages) of the Code of the City of Peachtree Corners, Georgia. After discussion it was determined that the Ordinance would be heard at the next meeting.

**EXECUTIVE SESSION:**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE DISCUSSION OF**

**ONE (1) REAL ESTATE MATTER.**

**By: Council Member Christopher**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Lowe, Wright, Gratwick)**

**MOTION TO COME OUT OF EXECUTIVE SESSION.**

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

**Vote: (7-0) (Christopher, Sadd, Mason, Lowe, Wright, Aulbach, Gratwick)**

**ADJOURNMENT:**

**MOTION TO ADJOURN AT 8:15 PM.**

**By: Council Member Sadd**

**Seconded by: Council Member Aulbach**

**Vote: (7-0) (Sadd, Aulbach, Mason, Lowe, Wright, Christopher, Gratwick)**

Approved,

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk

(Seal)

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
RECOGNIZING THE PEACHTREE CORNERS FESTIVAL COMMITTEE AND  
THANKING THEM FOR THEIR VOLUNTEER EFFORT ON BEHALF OF THE  
COMMUNITY**

**WHEREAS, The Peachtree Corners Festival is an annual event held on the second weekend in June that includes an arts and crafts show, car show, children's activities, live music on stage, great food, and plenty of opportunity to bring the community together for a great weekend of fun; and**

**WHEREAS, The Peachtree Corners Festival is a not-for-profit event and totally staffed by volunteers who dedicate the proceeds of their efforts to education and beautification of the City; and**

**WHEREAS, the City of Peachtree Corners values civic involvement, volunteerism, community initiative, and the work of those who contribute to the community for the betterment of all, as best exemplified by the Peachtree Corners Festival Committee.**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that the Peachtree Corners Festival Committee is hereby Recognized and Thanked for their hard work and effort in initiating, organizing, and implementing the Peachtree Corners Festival, a premier community event in the City of Peachtree Corners.**

**SO PROCLAIMED AND EFFECTIVE, this the 16<sup>th</sup> day of April, 2013.**

**Attest:**

**Approved:**

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**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
RECOGNIZING THE CONTRIBUTIONS OF THE UNITED PEACHTREE  
CORNERS CIVIC ASSOCIATION (UPCCA) TO THE CITY OF PEACHTREE  
CORNERS AND ITS RESIDENTS**

**WHEREAS, The United Peachtree Corners Civic Association (UPCCA) is a nonprofit, nonpartisan group dedicated to activities that support and enhance the quality of life in Peachtree Corners, Georgia; and**

**WHEREAS, The United Peachtree Corners Civic Association (UPCCA) was established in 1993 in response to community land use concerns and those concerns led to the joining of many of Peachtree Corners' Home Owners' Associations into a 501c4 organization; and**

**WHEREAS, Over the years, UPCCA has taken a leadership role in preserving our property values and quality of life by monitoring land use and rezoning proposals and has been responsible for many successful projects that have added value to the City including the Peachtree Corners Overlay District, Peachtree Parkway Improvement Project, the Welcome to Peachtree Corners Monument Sign, and the Sign Topper project;**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that the City Recognizes and Thanks UPCCA for its vision, leadership, dedication, commitment, and support of all things Peachtree Corners that make our community the best place to live, work, and play in Georgia.**

**SO PROCLAIMED AND EFFECTIVE, this the 16<sup>th</sup> day of April, 2013.**

**Attest:**

**Approved:**

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**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
RECOGNIZING THE CITY LOGO COMMITTEE AND THANKING THEM  
FOR THEIR WORK IN DEVELOPING AN INTERNATIONALLY  
ACCLAIMED LOGO FOR THE CITY**

**WHEREAS, a group of creative, civic-minded volunteers, unofficially known as the Logo Committee, was tasked with the challenge of developing a unique and memorable logo and tag line for the brand new City of Peachtree Corners; and**

**WHEREAS, the Logo Committee devoted countless hours, developed numerous options, and considered a multitude of ideas in an effort to complete their mission and help shape the image and brand of the City; and**

**WHEREAS, the Logo Committee's final work product turned out to be an award winning, nationally acclaimed, logo and tag line that was solely generated by the Logo Committee and contributed to the City at no expense to Peachtree Corners taxpayers.**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that the Logo Committee is hereby Recognized and Thanked for their truly innovative and remarkable work in creating a logo and tag line for the City of Peachtree Corners.**

**SO PROCLAIMED AND EFFECTIVE, this the 16th day of April, 2013.**

**Attest:**

**Approved:**

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**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
RECOGNIZING AND CONGRATULATING NICHOLAS POULOS FOR HIS  
SPELLING EXPERTISE, STATE CHAMPIONSHIP, AND ACHIEVEMENT  
AS PEACHTREE CORNERS FIRST SPELLING BEE WINNER**

**WHEREAS, Nicholas Poulos, a 7th grader at Wesleyan School, has a passion for words and has been an excellent speller since the age of four; and**

**WHEREAS, Nicholas Poulos became the 52nd Annual Georgia Association of Educators State Spelling Bee champion on Friday, March 15, 2013; and**

**WHEREAS, Nicholas Poulos will represent Georgia, Wesleyan School, and, (most importantly), the City of Peachtree Corners in Washington, D.C. at the Scripps 2013 National Spelling Bee Championship May 28-30.**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that Nicholas Poulos is the City's first, official spelling bee winner. It is further proclaimed that the City commends Nicholas Poulos for his remarkable spelling achievements and wishes him every success as he pursues greater glory at the National Spelling Bee Championship in Washington, D.C.**

**SO PROCLAIMED AND EFFECTIVE, this the 16<sup>th</sup> day of April, 2013.**

**Attest:**

**Approved:**

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**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
RECOGNIZING THE EFFORTS OF GWINNETT CLEAN & BEAUTIFUL  
AND DECLARING APRIL AS THE GREAT AMERICAN CLEANUP MONTH.**

**WHEREAS, the City of Peachtree Corners is committed to enhancing the environment and quality of life ; and**

**WHEREAS, the City of Peachtree Corners works in partnership with Gwinnett Clean & Beautiful to protect and enhance the environment and quality of life in our community ; and**

**WHEREAS, Gwinnett Clean & Beautiful organizes a cooperative volunteer network of citizens, organizations, businesses and governmental entities for the Great American Cleanup, currently in its 27th year in Gwinnett County, and is a nationally recognized leader and affiliate of Keep America Beautiful; and**

**WHEREAS, the City of Peachtree Corners supports the efforts of Gwinnett Clean & Beautiful and this initiative through their active efforts in public area maintenance, litter prevention, recycling, and neighborhood improvement.**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Peachtree Corners that April 1- April 30, 2013 shall be known in Peachtree Corners as THE GREAT AMERICAN CLEANUP MONTH and all businesses, organizations and citizens are encouraged to take the pledge and demonstrate their environmental stewardship and pride in Peachtree Corners during the Great American Cleanup and throughout the year.**

**SO PROCLAIMED AND EFFECTIVE, this the 16<sup>th</sup> day of April, 2013.**

**Attest:**

**Approved:**

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**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**

# *Proclamation*

**A PROCLAMATION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
SUPPORTING EARTH DAY, APRIL 22, 2013, AND ENCOURAGING ALL  
CITIZENS TO CELEBRATE AND PROTECT THE ENVIRONMENT AND  
CONTRIBUTE TO A SUSTAINABLE COMMUNITY**

**WHEREAS, the global community now faces extraordinary challenges, including global health issues, food and water shortages, and economic struggles; and**

**WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and**

**WHEREAS, the citizens of the global community must step forward and take action to create a green economy to combat these global challenges; and**

**WHEREAS, it is acknowledged that even global initiatives must first be started at the local level in order to effect true change and achieve success;**

**NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council that the City of Peachtree Corners supports Earth Day, April 22, 2013, and encourages all citizens to celebrate and protect the environment and contribute to the sustainability of the City of Peachtree Corners.**

**SO PROCLAIMED AND EFFECTIVE, this 16th day of April, 2013.**

**Attest:**

**Approved:**

\_\_\_\_\_  
**Kym Chereck, City Clerk**

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**Mike Mason, Mayor**



# Memo

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TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

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The following is a summary of Staff activity during the period of 4/1/13 – 4/12/13.

- A. Meetings with:
1. GIS consultant on city street map
  2. Website consultant regarding updating website
  3. Property owners to discuss development plans.
- B. Comprehensive Plan community meeting at Winters Chapel United Methodist Church date changed to April 30th.
- C. Held Planning Commission meeting and processed three applications.
- D. Held Founders Day Committee meeting to develop event concept.
- E. Prepared preliminary FY2014 department budget.
- F. Made significant progress on removal of donation bins throughout the city.
- G. Responded to phone calls and e-mails from residents, business people, and others.

**Processed the following permit applications:**

1. 4/2/2013 138-13 LIZARD THICKET ; 5135 PEACHTREE PKWY STE 905; INTERIOR FINISH
2. 4/2/2013 139-13 DWANE BACAK; 5308 BROADWOOD AVE; FINISH BASEMENT
3. 4/3/2013 140-13 KEN HAYWOOD ELECTRIC; 5824 NORFOLK CHASE RD; T-POLE
4. 4/3/2013 141-13 LEAPLEY CONSTRUCTION; 5655 SPALDING DRIVE; DEMO
5. 4/4/2013 142-13 TECHNO ELECTRIC, INC. ; 5250 PEACHTREE PARKWAY; T-POLE
6. 4/4/2013 143-13 ROB KAUFMAN 6015 COURTSIDE DRIVE ACC. STRUCTURE
7. 4/4/2013 144-13 4TH STRAND; 3000 NORTHWOODS PKWY; TENANT FINISH
8. 4/5/2013 148-13 INSTALOAN; 4040 HOLCOMB BRIDGE ROAD; INTERIOR FINISH
9. 4/8/2013 150-13 YANY'S HAIR SALON; 3375 HOLCOMBRIDGE RD; CERTIFICATE OF OCCUPANCY
10. 4/8/2013 151-13 TBA; 6640 BAY CIRCLE; INTERIOR FINISH
11. 4/8/2013 152-13 MR. ROOTER PLBG; 3953 GLEN MEADOW DRIVE; PLUMBING
12. 4/9/2013 153-13 TRIAD MECHANICAL; 3400 PEACHTREE CRNS CIR #104; HVAC/REPLACEMENT
13. 4/9/2013 186-13 DENYSE SIGNS; 3935 HOLCOMB BRDGE RD; PERMANENT SIGN
14. 4/10/2013 L'AMORE HAIR SALON; 5075 PEACHTREE PKWY STE 103; CERTIFICATE OF OCCUPANCY
15. 4/10/2013 187-13 REYES PLBG & DRAIN; 3435 MEDLOCK BRIDGE RD STE 204; GAS LINE/HOOD

16. 4/10/2013 191-13 B&N BANK SOLUTIONS; 6155 BUFORD HWY; ADDITION
17. 4/10/2013 190-13 B&N BANK SOLUTIONS; 3374 HOLCOMB BRDGE RD; ADDITION
18. 4/10/2013 189-13 PERFECTNAIL SALON; 4015 HOLCOMB BRDGE RD; CERTIFICATE OF OCCUPANCY
19. 4/10/2013 188-13 LIGHTNING BUG ELECT; 5704 WILMER DRIVE; ELECTRICAL PERMIT
20. 4/11/2013 BYNUM PLBG; 5215 WYNTREE CT; PLUMBING
21. 4/12/2013 FRUGAL FABRICS; 6737 JIMMY CARTER BLVD; TEMPORARY SIGN
22. 4/12/2013 ACCUMPEMP HTG&COOL; 1307 GLENLEAF DRIVE; HVAC/REPLACEMENT

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS RECOGNIZING  
GEORGIA CITIES WEEK, APRIL 20-27, 2013, AND ENCOURAGING ALL  
CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING  
ACTIVITIES.**

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF PEACHTREE CORNERS DECLARES APRIL 20-27, 2013 AS GEORGIA CITIES WEEK.

BE IT FURTHER RESOLVED THAT THE CITY OF PEACHTREE CORNERS ENCOURAGES ALL CITIZENS, CITY GOVERNMENT OFFICIALS AND EMPLOYEES TO DO EVERYTHING POSSIBLE TO ENSURE THAT THIS WEEK IS RECOGNIZED AND CELEBRATED ACCORDINGLY.

PASSED AND ADOPTED by the City of Peachtree Corners, April 16, 2013.

**CITY OF PEACHTREECORNERS, GEORGIA**

Approved:

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kym Chereck, City Clerk

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, ADOPTING BY REFERENCE, AND AMENDING CERTAIN PORTIONS OF, THE CITY OF PEACHTREE CORNERS CODE OF ORDINANCES IN ORDER TO ESTABLISH A DOCUMENT ENTITLED ‘THE CITY OF PEACHTREE CORNERS CHAPTER 42 ARTICLE V SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.’**

**WHEREAS,** Georgia State Law provides that ordinances and codes of the Federal, State, or any agency of either of them, may be adopted by reference; and

**WHEREAS,** in order to adopt the current state Soil Erosion, Sedimentation And Pollution Control regulations, the Mayor and Council have determined that it is beneficial to adopt the Georgia Environmental Protection Division Model Ordinance with some modifications; and

**WHEREAS,** the processing of development plans and issuance of land disturbance and other type permits necessitates the adoption of Soil Erosion, Sedimentation and Pollution Control regulations;

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAIN AS FOLLOWS:**

That Chapter 42, Article V entitled ‘The City of Peachtree Corners Soil Erosion, Sedimentation And Pollution Control Regulations’ is hereby adopted.

**SO ORDAINED AND EFFECTIVE,** this \_\_\_\_ day of \_\_\_\_\_, 2013.

**Approved:**

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**AN ORDINANCE TO AMEND CHAPTER 6 (“ALCOHOLIC BEVERAGES”) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND AND PROVIDE CERTAIN DEFINITIONS; TO AUTHORIZE CERTAIN TYPES OF ESTABLISHMENTS TO SELL BEER AND/OR WINE; TO AUTHORIZE WINE TASTINGS AND MALT BEVERAGE TASTINGS; TO AUTHORIZE USE OF GROWLERS FOR CERTAIN PACKAGE MALT BEVERAGE LICENSEES; AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

**WHEREAS**, Chapter 6 (“Alcoholic Beverages”) of The Code of the City of Peachtree Corners, Georgia, currently prohibits selling unsealed packaged malt beverages by a licensee with a package malt beverage license; and

**WHEREAS**, Chapter 6 of The Code of the City of Peachtree Corners, Georgia, currently prevents certain types of establishments from selling malt beverages and/or wine by the package; and

**WHEREAS**, the Mayor and Council desire to allow additional types of establishments to sell malt beverages and/or wine by the package; and

**WHEREAS**, the Mayor and Council further desire to allow certain package wine licensees the ability to provide tastings of wine on the licensees’ premises and certain package malt beverage licensees the ability to provide tastings of malt beverages on the licensees’ premises; and

**NOW THEREFORE**, the Council of the City of Peachtree Corners hereby ordains, as follows:

**Section 1:** Chapter 6 (“Alcoholic Beverages”) of The Code of the City of Peachtree Corners, Georgia, is hereby amended by revising the definition of “beer or malt beverage,” adding a definition for “growler,” and revising the definition of “package” in Section 6-2, to read as follows:

*“Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term *beer or malt beverage* does not include sake, known as Japanese rice wine.

*Growler* means a professionally sanitized reusable glass or hard plastic container not exceeding sixty-four ounces (64 oz.) in volume used to transport draft beer for off-premises consumption.

*Package* means a bottle, can, keg barrel, growler or other original consumer container.”

**Section 2:** Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by striking Section 6-116, “Type of retail establishment where permitted,” and substituting in lieu thereof the following Section 6-116:

**“Sec. 6-116. - Types of retail establishments.**

- (a) No beer and/or wine shall be sold at retail except in establishments licensed to sell beer and/or wine in the original package, as applicable, which are located in zoning districts in which these establishments are permitted as a conforming use or when such establishment currently exists in the zoning district as a nonconforming use as defined in the Zoning Resolution of the City of Peachtree Corners, as amended.
- (b) In cases where, under section 6-191, a hotel or motel is allowed to sell liquor by the package for purposes of room service, beer and wine sales by the package shall also be permitted for purposes of room service to guests of the hotel or motel.”

**Section 3:** Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-94, “Wine tastings,” to read as follows:

**“Sec. 6-94. Ancillary wine tasting license.**

- (a) The holder of a package wine license, with or without a package malt beverage license, but in no event with a package distilled spirits license, with licensed premises having a minimum of **two hundred (200)** square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- (b) Wine sampling shall be on limited occasions when a customer request a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent (10%) of the entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one (1) time per day per customer for a period not to exceed two (2) consecutive hours. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.
- (e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (f) No open containers of wine shall be removed from the licensed premises.
- (g) Not more than three (3) times per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

- (h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
- (i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
- (j) The annual fee for an ancillary wine tasting license shall be set and may be revised by Resolution of the Mayor and Council.”

**Section 4: Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-95, “Ancillary malt beverage tasting license,” to read as follows:**

**“Sec. 6-95. Ancillary malt beverage tasting license.**

- (a) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, with licensed premises having a minimum of **four hundred (400)** square feet of floor space dedicated to the display of malt beverages offered for sale or which is authorized pursuant to Sec. 6-96 to sell growlers, shall be eligible for an ancillary malt beverage tasting license to provide samples of malt beverages offered for sale to customers under the conditions set forth in this section.
- (b) Malt beverage sampling shall be on limited occasions when a customer requests a sample of a malt beverage offered for sale within the premises, or in conjunction with malt beverage education classes and sampling designed to promote malt beverage appreciation and education.
- (c) Malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent (10%) of the entire floor area of the premises.
- (d) Malt beverage sampling for customers shall be limited to no more than one (1) time per day per customer for a period not to exceed two (2) consecutive hours. Samples shall not exceed two (2) ounces, and no customer shall consume more than eight (8) ounces in any two-hour period.
- (e) Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee.
- (f) No open containers shall be removed from the licensed premises.
- (g) Not more than three (3) times per week for a period not to exceed two (2) consecutive hours, the holder of an ancillary malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
- (h) Holders of an ancillary malt beverage tasting license shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.
- (i) Malt beverage sampling and tasting is only permitted within the designated interior portion of the premises.

- (j) The annual fee for an ancillary malt beverage tasting license shall be set, and may be revised, by Resolution of the Mayor and Council.”

**Section 5:** Chapter 6 of The Code of the City of Peachtree Corners, Georgia, is hereby further amended by adding Section 6-96, “On-premises consumption unlawful; Growlers,” to read as follows:

**“Sec. 6-96. On-premises consumption unlawful; Growlers.**

- (a) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any retail package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises. This section shall not apply with respect to: (i) tastings provided pursuant to an ancillary wine tasting license; (ii) tastings provided pursuant to an ancillary malt beverage tasting license; or (iii) sales pursuant to a license for consumption on the premises.
- (b) Notwithstanding the foregoing prohibition, package malt beverage licensees, who are not also licensed to sell distilled spirits by the package, may fill growlers with draft beer at the licensee’s licensed location from kegs lawfully procured by the licensee, subject to the following requirements: (i) the filled growler must be securely sealed, on premises, with a tamper proof plastic cap; (ii) either at least ninety percent (90%) of the licensee’s total gross sales are from the packaged sale of malt beverages and/or wine or the licensee’s premises have a minimum of four hundred (400) square feet of floor space dedicated to the display of malt beverages offered for sale; and (iii) the licensee complies with all State, Federal and local packaging and labeling laws regarding alcoholic beverages. Each filled growler must be removed from the premises in its securely sealed condition. Except as provided in subsection (a) of this section, consumption on the premises shall be prohibited.”

**Section 6:** *Repeal of Conflicting Provisions.* All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

**Section 7:** *Severability.* Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

**Section 8:** The provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

**SO ORDAINED AND EFFECTIVE,** this the \_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

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Mike Mason, Mayor

ATTEST:

APPROVED AS TO FORM:

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Kym Cherek, City Clerk

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William F. Riley, City Attorney

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