

The Saraland City Council convened in special session on March 21, 2022, at the Saraland Municipal Annex meeting room. The meeting was called to order at 6:29 p.m. by Council President Joseph McDonald. Roll call was as follows:

Present: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye
Absent: Councilmember Newton Cromer

City Attorney, Andy Rutens, was present.

Councilmember opened the meeting with prayer.

Council President McDonald advised the purpose of this meeting is to consider a matter of court ordered mediation. Other municipal business may be considered at this time.

Council President McDonald advised there is a matter to be discussed in executive session concerning a matter of court ordered mediation.

City Attorney, Andy Rutens, advised this is appropriate use of executive session as authorized by state law.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to adjourn into executive session with Mayor Rubenstein and Andy Rutens to discuss a matter of court ordered mediation.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.

Council President McDonald advised he anticipates the executive session to last approximately 20 minutes.

The Council adjourned into executive session with the Mayor and City Attorney at 6:31 p.m.

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs, to reconvene at 6:45 with all members present. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Biggs, to authorize the mayor to sign the necessary settlement agreement and provide the funds for the Huff lawsuit. Motion carried.

ORDAINANCE 1218-2

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF SARALAND MUNICIPAL CODE CONCERNING ALCOHOLIC BEVERAGES BY DEFINING AND BETTER DELINEATING BUSINESSES SERVING AND PROVIDING ALCOHOL AND RESTRICTIONS THEREON

WHEREAS, the City of Saraland, Alabama is expanding and growing, which includes the opening of new restaurants and eating facilities within the City; and

WHEREAS, Chapter 4 of the Saraland Municipal Code concerns alcoholic beverages and regulates both off-premises and on-premises sale and serving of beer, wine and liquor; and

WHEREAS, it is the determination of the City Council for the City of Saraland that the provisions of Chapter 4 should be amended and expanded to better delineate the types of uses and availability of on-premises and off-premises beer, wine and liquor sales; and

WHEREAS, in order to undertake this better delineation and application of this Chapter to businesses operating within the City, several sections of Chapter 4 need to be modified to better serve the citizens of the City; and

WHEREAS, Section 4-1 of the Saraland Municipal Code currently reads as follows:

"Sec. 4-1. Definitions.

- (a) Except as otherwise stated in this article, the definitions contained in the Alcoholic Beverage Licensing Code as presently existing and as hereafter amended, shall be used and shall be controlling, except that liquor shall not be defined as beer or wine. As used in this article the term "board" means the Alabama Alcoholic Beverage Control Board.
- (b) In addition, as used in this chapter, the term "public place" shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the generality of the foregoing, shall include any theater or other place of amusement and any athletic contest; providing that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of such beverages.

(Code 1984, § 3-17; Ord. No. 406, §§ 2, 3, 4-26-1981; Ord. No. 1000, 8-13-2015)"; and

WHEREAS, it is the determination of the City Council of the City of Saraland that Section 4-1 should be amended to read as follows:

"Sec. 4-1. Definitions.

Except as otherwise stated in this section, the definitions contained in the Alcoholic Beverage Licensing Code as presently existing and as hereafter amended, shall be used and shall be controlling, except that liquor shall not be defined as including beer or wine. As used in this article the term "board" means the Alabama Alcoholic Beverage Control Board.

- (a) Bar – an establishment in which alcoholic beverages are served for on-site consumption, primarily by the drink, and in which food is not the primary product offered for consumption.
- (b) Café – a small restaurant primarily serving coffee, drinks and light meals, sandwiches and/or deserts, and which often includes an outdoor seating area and provides table service in-doors and out-doors. Such facility does not offer liquor.
- (c) Cabaret/Music Hall – a venue that provides entertainment for patrons that also serves beer, wine or liquor primarily by the drink, pitcher or bottle, and which may or may not provide food which is served and consumed on the premises. The providing of food shall be ancillary to the providing of entertainment and the serving of beer, wine or liquor.
- (d) Public Place - any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the generality of the foregoing, shall include any theater or other place of amusement and any athletic contest; providing that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of such beverages.
- (e) Restaurant – an establishment where food and drink are prepared, served and consumed, mostly within the principal building although carry-out service may be available but is not the primary way by which customers utilize the restaurant. The restaurant may have limited forms of musical entertainment to accompany the dining experience; however, restaurants shall not provide a stage. Any facility having such a stage will fall within the definition of cabaret or music hall.

- (f) Tavern – an establishment which has as its primary function the provision of beer or wine to its patrons, served primarily by the drink.

(Code 1984, § 3-17; Ord. No. 406, §§ 2, 3, 4-26-1981; Ord. No. 1000, 8-13-2015)”; and

WHEREAS, currently Section 4-32 of the Saraland Municipal Code reads as follows:

“Sec. 4-32. Location of establishments for retail sale.

- (a) All establishments for retail sale of alcoholic beverages shall be located in an area properly zoned for such activity.
- (b) No approval of a license shall be given for the on-premises consumption of alcoholic beverages where the place or establishment for which approval of a license is sought is less than six hundred (600) feet from any church building, school building, public parks or playgrounds, day care center, or any other property owned or leased by the city and used by the public; this prohibition shall not apply to city streets or easements, or to the city hall complex on Highway 43.
- (c) No approval of a license shall be given for the off-premises sale of liquor where the place or establishment for which approval of a license is sought is less than 600 feet from any church building, school building, public parks or playgrounds, day care center grounds, or any other property owned or leased by the city and used by the public; this prohibition shall not apply to city streets or easements, or to the city hall complex on Highway 43.
- (d) The distances referred to in this section shall be measured as follows:
 - (1) The real property and the buildings involved shall first be determined. A plat of same to be furnished by the applicant.
 - (2) The points at which the respective buildings lie closest to each other shall next be determined.
 - (3) The straight line distance in feet between those two buildings shall then be determined and this distance shall be the distance used.
 - (4) The applicant will be responsible for furnishing sufficient data to establish the correct distances.
- (e) Subsections (b) and (c) of this section are intended for the activities listed therein. If any such activity voluntarily locates within such prohibited distances, subsections (b) and (c) shall not be applied to such

establishments or place unless such establishment or place shall cease to be licensed by the city and shall seek another license in the future.

- (f) If any bona fide dispute shall arise as to whether or not a proposed alcoholic beverage establishment is located or is to be located within a prohibited distance as set forth in subsections (b) and (c) of this section, the applicant shall obtain a survey by a licensed surveyor in the state setting forth accurately the boundaries of the two involved properties and the distance between them computed as set forth in subsection (d) of this section and submit the same to the city council. The city council shall not grant final approval of any application until such survey has been furnished. If any person or the city shall dispute the survey, he shall obtain such a survey and submit the same to the city council within 30 days of the date the original survey was submitted to the city council. The city council may extend this time for good cause shown. If no such survey is submitted within the time allowed, the original survey shall be considered by the city council and conclusive. If the city has obtained a survey it shall be deemed accurate. The city shall have the right to obtain a survey if it so desires within a reasonable time in any case before denying or approving an application.

(Code 1984, § 3-19; Ord. No. 406, § 5, 4-26-1981; Ord. No. 442, § 1, 6-14-1984; Ord. No. 513, 1-28-1988; Ord. No. 350, 1-23-1992; Ord. No. 599, 1-25-1996; Ord. No. 600, 3-19-1996)"; and

WHEREAS, it is the determination of the Saraland City Council that Section 4-32 of the Municipal Code should be amended to read as follows:

"Sec. 4-32. Location of establishments for retail sale.

- (a) All establishments for retail sale of alcoholic beverages shall be located in an area properly zoned for such activity.
- (b) No approval of a license shall be given for the on-premises consumption of alcoholic beverages for a bar, cabaret, music hall or tavern where the place or establishment for which approval of a license is sought is less than six hundred (600) feet from any church building, school building, public parks or playgrounds, day care center, or any other property owned or leased by the city and used by the public; this prohibition shall not apply to city streets or easements, or to the city hall complex on Highway 43.

- (c) No approval of a license shall be given for the off-premises sale of liquor where the place or establishment for which approval of a license is sought is less than three hundred (300) feet from any church building, school building, public parks or playgrounds, day care center grounds, or any other property owned or leased by the city and used by the public; this prohibition shall not apply to city streets or easements, or to the city hall complex on Highway 43.
- (d) The distances referred to in this section shall be measured as follows:
- (1) The real property and the buildings involved shall first be determined. A plat of same to be furnished by the applicant.
 - (2) The points at which the respective buildings lie closest to each other shall next be determined.
 - (3) The straight line distance in feet between those two buildings shall then be determined and this distance shall be the distance used.
 - (4) The applicant will be responsible for furnishing sufficient data to establish the correct distances.
- (e) Subsections (b) and (c) of this section are intended for the activities listed therein. If any such activity voluntarily locates within such prohibited distances, subsections (b) and (c) of this section shall not be applied to such establishments or place unless such establishment or place shall cease to be licensed by the city and shall seek another license in the future.
- (f) If any bona fide dispute shall arise as to whether or not a proposed bar, cabaret, music hall, tavern or business providing the off-premises sale of liquor is located or is to be located within a prohibited distance as set forth in subsections (b) and (c) of this section, the applicant shall obtain a survey by a licensed surveyor in the state setting forth accurately the boundaries of the two involved properties and the distance between them computed as set forth in subsection (d) of this section and submit the same to the city council. The city council shall not grant final approval of any application until such survey has been furnished. If any person or the city shall dispute the survey, he shall obtain such a survey and submit the same to the city council within 30 days of the date the original survey was submitted to the city council. The city council may extend this time for good cause shown. If no such survey is submitted within the time allowed, the original survey shall be considered by the city council and conclusive. If the city has obtained a survey it shall be deemed accurate. The city shall have the right to obtain a survey if it so

desires within a reasonable time in any case before denying or approving an application.

(Code 1984, § 3-19; Ord. No. 406, § 5, 4-26-1981; Ord. No. 442, § 1, 6-14-1984; Ord. No. 513, 1-28-1988; Ord. No. 350, 1-23-1992; Ord. No. 599, 1-25-1996; Ord. No. 600, 3-19-1996)”.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Saraland, Alabama that Section 4-1 and Section 4-32 of the Saraland Municipal Code are amended on approval by the Mayor and posting as required by law.

ADOPTED this the 21st day of March 2022.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to suspend the rules for immediate consideration of an ordinance amending Chapter 4 of the City of Saraland Municipal Code concerning alcoholic beverages by defining and better delineating businesses serving and providing alcohol and restrictions thereon.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Biggs, seconded by Councilmember Moye, to adopt the ordinance amending Chapter 4 of the City of Saraland Municipal Code concerning alcoholic beverages by defining and better delineating businesses serving and providing alcohol and restrictions thereon.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.


Motion was made by Councilmember Biggs to adjourn.

There being no further business to come before the Council, the meeting adjourned at 7:14 p.m.

ACCEPTED AND APPROVED this the 24th day of March 2022.



Judi Smith, City Clerk



Joe McDonald, Council President