

The Saraland City Council convened in special session on January 13, 2024, at the Saraland Municipal Annex meeting room. The meeting was called to order at 2:00 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 Moye opened the meeting with prayer.

Council President McDonald advised the purpose of this meeting is to approve a change order for the Sportsplex. Other municipal business may be considered at this time.

Motion was made by Councilmember Moye, seconded by Councilmember Hudson, to approve a resolution authorizing a construction change directive regarding Phase I of the Saraland Sportsplex Project. Motion carried.

RESOLUTION NO. 2330

A RESOLUTION AUTHORIZING A CONSTRUCTION CHANGE DIRECTIVE REGARDING PHASE I OF THE SARALAND SPORTSPLEX PROJECT

WHEREAS, the City has previously entered into a construction contract with Raybren General Contractors as it concerns Phase I of the Saraland Sportsplex Complex; and

WHEREAS, the original contract was in the sum of \$24,826,000.00; and

WHEREAS, the general contractor has begun performance under the contract and has determined that additional borrow excavation material is necessary to complete the project as designed; and

WHEREAS, the request for additional borrow excavation material has been submitted to Hoar Project Management, the City's project manager as well as to Chambless King Architects, the City architect for the Sportsplex project; and

WHEREAS, both Hoar Project Management and Chambless King concur with the request for the construction change directive allowing for additional borrow excavation materials to be

brought on site; and

WHEREAS, Raybren General Contractors, LLP has requested the additional amount of 50,000 cubic yards of borrow material for a cost amount of \$612,500.00; and

WHEREAS, Hoar Project Management and Chambless King concur with the amount of material and the amount of additional costs; and

WHEREAS, after review of the relevant information it is the determination of the City Council that the Mayor should be authorized to execute a construction change directive consistent with the request.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Saraland, Alabama that Mayor Howard Rubenstein is authorized to execute on behalf of the City a construction change directive providing for additional borrow excavation material to be brought on site at a cost not to exceed \$612,500.00.

ORDINANCE NO. 1317

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER FOUR OF THE MUNICIPAL CODE CONCERNING ALCOHOLIC BEVERAGE CONTROL

WHEREAS, the city council has analyzed Chapter Four of the Municipal Code, and determined changes should be made to clarify the use and availability of alcoholic beverages in and around municipal facilities; and

WHEREAS, the relevant portions of Chapter Four of the municipal code currently 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.

Bar means 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.

Cafe means 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 indoors and outdoors. Such facility does not offer liquor.

Cabaret/music hall means 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.

Public place means 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.

Restaurant means 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.

Tavern means 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; Ord. No. 1218-2, 3-21-2022)

Sec. 4-4. Possession in public places.

It is unlawful for any person to drink or have in open or unconcealed possession, custody, for drinking, selling, serving, disbursing, or give away; or attempting to drink, sell, service, disburse, or give away, any liquor, wine or malt brewed beverages, while upon any street, avenue or alley, or in any public building or upon any public property, or while in any other public place in the city.

(Code 1984, § 3-1; Ord. No. 571, §§ I, II, 5-13-1993; Ord. No. 599, 1-25-1996; Ord. No. 1000, 8-13-2015)

Sec. 4-5. Special event permits.

- (a) An individual and, if applicable, an associated organization may apply for a special event permit allowing the giving away and associated drinking and serving of wine or malt brewed beverages while upon any nonresidential private open air location or in any public buildings or upon any public property. Unless the city council expressly finds that the providing of the beverages discussed is clearly unrelated and incidental to the special event, no special event may charge a fee, directly or indirectly, for any event authorized by this section. The applicant shall make application to the police chief. Every application for approval of a special event permit shall be in writing and shall contain the following:

- (1) The full legal name of the applicants;

- (2) The address of the applicants;
 - (3) The address of the location, and a diagram of the area within said location where alcoholic beverages are to be provided and consumed;
 - (4) If an applicant includes an associated organization that is a corporation with less than ten stockholders, the name and address of each stockholder. For all corporations, the names and addresses of the principal officers (president, vice-president, secretary-treasurer);
 - (5) If a partnership, the name and address of each partner;
 - (6) The names and addresses of the persons in charge of the event if different from the applicants;
 - (7) The complete criminal record, including citations for traffic offenses, of every person set forth above;
 - (8) The driver license number of each person set forth above;
 - (9) A statement of the maximum number of persons who will be allowed at the event at any given time;
 - (10) A statement as to whether or not any loud noise producing devices such as bands, jukeboxes or music playing equipment shall ever be used in connection with the location;
 - (11) The applicant shall provide the police chief a detailed security plan to include the number of security guards who will be providing security services during the event. Any security guard will either be an off duty sworn law enforcement officer in this state or an individual with a valid city business license for security services.
- (b) If an application is recommended for approval by the police chief, it will be submitted to the city council. The city council will either approve or reject the applicants permit, and may add any provisions or restrictions on the permit as the city council sees fit. These provisions and restrictions may include requirements of insurance, terms of the event, and location of the event.

(Ord. No. 1000, 8-13-2015)

WHEREAS, the City Council has determined that the provisions concerning availability and consumption of alcoholic beverages in and around municipal facilities 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.

Bar means 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.

Cafe means 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 indoors and outdoors. Such facility does not offer liquor.

Cabaret/music hall means 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.

Public place means 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. **The term shall also include the City of Saraland Civic Center and approved City of Saraland sports venues.**

Restaurant means 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.

Tavern means an establishment which has as its primary function the provision of beer or wine to its patrons, served primarily by the drink.

Sec. 4-4. Possession in public places.

It is unlawful for any person to drink or have in open or unconcealed possession, custody, for drinking, selling, serving, disbursing, or give away; or attempting to drink, sell, service, disburse, or give away, any liquor, wine or malt brewed beverages, while upon any street, avenue or alley, or in any public building or upon any public property, or while in any other public place in the city. **This section does not apply to any location that has received a special event permit pursuant to Section 4-5 of this code. Said exception shall only be in effect for the dates and times provided for in the approved special event permit.**

Sec. 4-5. Special event permits.

- (a) An individual and, if applicable, an associated organization may apply for a special event permit allowing the giving away and associated drinking and serving of wine or malt brewed beverages while upon any nonresidential private open air location or in any public buildings or upon any public property. Unless the city council expressly finds that the providing of the beverages discussed is clearly ~~unrelated and~~ incidental to the special event, no special event may charge a fee, directly or indirectly, for any event authorized by this section. ~~An applicant may apply for a special event permit to include alcoholic beverages for an event to take place at the Saraland Civic Center or approved city owned sports venue. Any application for alcoholic beverages shall provide proof of approval by the appropriate State of Alabama agency for the use and location included in the application. An applicant for a special event permit shall make application to the police chief. Every application for approval of a special event permit shall be in writing and shall contain the following:~~
- (1) The full legal name of the applicants;
 - (2) The address of the applicants;
 - (3) The address of the location, and a diagram of the area within said location where alcoholic beverages are to be provided and consumed;
 - (4) If an applicant includes an associated organization that is a corporation with less than ten stockholders, the name and address of each stockholder. For all corporations, the names and addresses of the principal officers (president, vice-president, secretary-treasurer);
 - (5) If a partnership, the name and address of each partner;
 - (6) The names and addresses of the persons in charge of the event if different from the applicants;
 - (7) The complete criminal record, including citations for traffic offenses, of every person set forth above;
 - (8) The driver license number of each person set forth above;
 - (9) A statement of the maximum number of persons who will be allowed at the event at any given time;
 - (10) A statement as to whether or not any loud noise producing devices such as bands, jukeboxes or music playing equipment shall ever be used in connection with the location;
 - (11) The applicant shall provide the police chief a detailed security plan to include the number of security guards who will be providing security services during the event. Any security guard will either be an off duty sworn law enforcement officer in this state or an individual with a valid city business license for security services.

- (b) If an application is recommended for approval by the police chief, it will be submitted to the city council. The city council will either approve or reject the applicants permit, and may add any provisions or restrictions on the permit as the city council sees fit. These provisions and restrictions may include requirements of insurance, terms of the event, and location of the event.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SARALAND THAT CHAPTER FOUR OF THE MUNICIPAL CODE IS CHANGED IN RELEVANT PART 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.

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Sec. 4-5. Special event permits.

(a) An individual and, if applicable, an associated organization may apply for a special event permit allowing the giving away and associated drinking and serving of wine or malt brewed beverages while upon any nonresidential private open air location or in any public buildings or upon any public property. Unless the city council expressly finds that the providing of the beverages discussed is clearly incidental to the special event, no special event may charge a fee, directly or indirectly, for any event authorized by this section. An applicant may apply for a special event permit to include alcoholic beverages for an event to take place at the Saraland Civic Center or approved city owned sports venue. Any application for alcoholic beverages shall provide proof of approval by the appropriate State of Alabama agency for the use and location included in the application. An applicant for a special event permit shall make application to the police chief. Every application for approval of a special event permit shall be in writing and shall contain the following:

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- (5) If a partnership, the name and address of each partner;
- (6) The names and addresses of the persons in charge of the event if different from the applicants;

- (7) The complete criminal record, including citations for traffic offenses, of every person set forth above;
- (8) The driver license number of each person set forth above;
- (9) A statement of the maximum number of persons who will be allowed at the event at any given time;
- (10) A statement as to whether or not any loud noise producing devices such as bands, jukeboxes or music playing equipment shall ever be used in connection with the location;
- (11) The applicant shall provide the police chief a detailed security plan to include the number of security guards who will be providing security services during the event. Any security guard will either be an off duty sworn law enforcement officer in this state or an individual with a valid city business license for security services.

(b) If an application is recommended for approval by the police chief, it will be submitted to the city council. The city council will either approve or reject the applicants permit, and may add any provisions or restrictions on the permit as the city council sees fit. These provisions and restrictions may include requirements of insurance, terms of the event, and location of the event. Motion was made by Councilmember Moye, seconded by Councilmember Biggs, to suspend the rules to allow for immediate consideration of the proposed ordinance for amending certain provisions of chapter four of the Municipal Code concerning alcoholic beverage control.

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 for amending certain provisions of chapter four of the Municipal Code concerning alcoholic beverage control.

The following votes were recorded:

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

Motion carried.

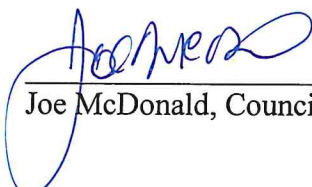
Motion was made by Councilmember Biggs to adjourn.

There being no further business to come before the Council, the meeting adjourned at 2:22 p.m.

ACCEPTED AND APPROVED this the 25th day of January, 2024.



Casey Etheredge, Assistant City Clerk



Joe McDonald, Council President