



## **SPECIAL CALLED MEETING AGENDA**

Commission Chamber  
Tuesday, May 14, 2024  
11:00 AM

### **1. LEGAL MEETING**

A. Pending and Potential Litigation.

B. Real Estate

C. Personnel

### **2. Motion to approve execution by the Mayor of the affidavit of compliance with Georgia's Open Meeting Act.**

### **3. Motion to approve A.N. 24-23 - New Location: Victor Smith for Kroger Stores requesting **Retail Package Beer and Wine** located at 3950 Harper Franklin Avenue. District 3, Super District 10; and waive presentment requirement for this instance only in section 6-2-61 of the Augusta Alcohol Ordinance at its May 14, 2024, Public Services Committee Meeting.**



## Special Called Meeting

May 14, 2024

Affidavit

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<b>Department:</b>	N/A
<b>Presenter:</b>	N/A
<b>Caption:</b>	Motion to approve execution by the Mayor of the affidavit of compliance with Georgia's Open Meeting Act.
<b>Background:</b>	N/A
<b>Analysis:</b>	N/A
<b>Financial Impact:</b>	N/A
<b>Alternatives:</b>	N/A
<b>Recommendation:</b>	N/A
<b>Funds are available in the following accounts:</b>	N/A
<b><u>REVIEWED AND APPROVED BY:</u></b>	N/A



## Augusta Public Services Committee Meeting

May 14, 2024

Alcohol License

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<b>Department:</b>	Planning & Development
<b>Presenter:</b>	Brian Kepner, Deputy Director, Planning and Licensing Divisions
<b>Caption:</b>	<b>A.N. 24-23 - New Location: Victor Smith for Kroger Stores</b> requesting <b>Retail Package Beer and Wine</b> located at 3950 Harper Franklin Avenue. District 3, Super District 10
<b>Background:</b>	New Location – Kroger #664
<b>Analysis:</b>	Applicant meets the requirements of the City of Augusta's Alcohol Ordinance.
<b>Financial Impact:</b>	Applicant will pay a fee of \$1,330.00
<b>Alternatives:</b>	N/A
<b>Recommendation:</b>	Planning & Development Department approved the application subject to additional information not contradicting the applicant's statements.  Sheriff's Office approved the application subject to additional information not contradicting applicant's statements.
<b>Funds are available in the following accounts:</b>	N/A
<b><u>REVIEWED AND APPROVED BY:</u></b>	N/A

## PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

**Case Number:** A.N. 24-23  
**Application Type:** Retail Package Beer, and Wine - New Location  
**Business Name:** Kroger #664  
**Hearing Date:** May 14, 2024  
**Prepared By:** Brian Kepner, Deputy Director, Planning & Licensing Divisions, Planning and Development Department

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**Applicant:** Victor Smith  
**Property Owner:** SEK Jimmie D, LLC  
**Address of Property:** 3950 Harper Franklin Avenue  
**Tax Parcel #:** 066-3-210-01-0  
**Commission Districts:** District 3, Super District 10

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### ANALYSIS:

#### Location Restrictions:

- **Zoning:** General Business, B-2
- **Distance Requirements:** The proposed location for retail package Beer & Wine meets the minimum distance to churches, schools, libraries, and public recreational areas.

### ADDITIONAL CONSIDERATIONS:

- **Reputation, Character** – The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct business.
- **Previous Violations of Liquor Laws** – If the applicant is a previous holder of a license to sell alcoholic liquors, whether they have violated any laws, regulations, or ordinances relating to such business.
- **Manner of Conducting Prior Liquor Business** – If the applicant is a previous holder of a license to sell alcoholic liquors, the manner with which they conducted the business thereunder especially as to the necessity for unusual police observation and inspection to prevent the violation of any law, regulation, or ordinance relating to such business.
- **Location** - The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent surrounding property values.
- **Number of Licenses in a Trading Area** – The number of licenses already granted for a similar business in the trading area of place for which the license is sought.

- **Dancing** – If dancing is to be permitted upon the premise for which the license is sought and the applicant has previously permitted dancing upon the premises controlled or supervised by them, the manner with which they controlled or supervised such dancing to prevent any violation of any law, regulation, or ordinance.
- **Previous Revocation of License** – If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended, or revoked, or who has previously had an alcoholic beverages license suspended or revoked.
- **Payment of Taxes** - If the applicant and business are not delinquent in the payment of any local taxes.
- **Congregation of Minors** – Any circumstances which may cause minors to congregate in the vicinity of the proposed location, even if the location meets the distance requirements under Section 6-2-64(b) herein.
- **Prior Incidents** - Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of application.
- **Previous Denial or Revocation** – The denial of an application or revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

**FINANCIAL IMPACT:** The applicant will pay a fee of \$1,330.00

**RECOMMENDATION:**

Planning and Development Department recommends approval of the application subject to additional information not contradicting the applicant's statements.

Sheriff's Office recommends approval of the application subject to additional information not contradicting the applicant's statements.

**NOTE:** The staff report includes information available approximately two (2) weeks prior to the Public Services Committee meeting. It represents an evaluation of the facts presented by the applicant; research done by staff, and consideration of the relevant factors in the Comprehensive Zoning Ordinance and the Alcohol Ordinance of Augusta, Georgia. New facts may emerge, and staff reserves the right to make an oral recommendation at the hearing based on all information available at that time.

Augusta-Richmond County Planning & Development Department  
1803 Marvin Griffin Road  
Augusta, GA. 30906

### ALCOHOL BEVERAGE APPLICATION

Alcohol Number \_\_\_\_\_ Year 2024 Alcohol Account Number \_\_\_\_\_

1. Name of Business Kroger #1664  
2. Business Address 3942 Harper Franklin Ave  
3. City Augusta State GA Zip 30909  
4. Business Phone (706) 211-5201 Home Phone ( ) \_\_\_\_\_  
5. Applicant Name and Address: Victor Smith  
109 Owens Mill Place  
Canton, GA. 30115  
6. Applicant Social Security # 564-19-6599 D.O.B. 1/24/61  
7. If Application is a transfer, list previous Applicant: \_\_\_\_\_

8. Business Location: Map & Parcel 066-3-210-00-0 Zoning B-2  
9. Location Manager(s) Fred McNeal

10. Is Applicant an American Citizen or Alien lawfully admitted for permanent residency?  
☒ Yes ( ) No

### OWNERSHIP INFORMATION

11. Corporation (if applicable): Date Chartered: April 3, 1902  
12. Mailing Address:  
Name of Business Kroger  
Attention Business License  
Address PO Box 305103  
City/State/Zip Nashville, TN 37230-5103  
13. Ownership Type: ☒ Corporation ( ) Partnership ( ) Individual  
14. Corporate Name: The Kroger Company  
List name and other required information for each person having interest in this business.

Name	Position	SSNO#	Address	Interest
<u>See attached list</u>				

15. What type of business will you operate in this location?  
( ) Restaurant - Full ( ) Lounge ( ) Convenience Store  
( ) Restaurant - Limited ( ) Package Store ( ) Hybrid  
(x) Other: Retail Grocery Store

License Information	Liquor	Beer	Wine	Dance	Sunday Sales
Retail Package Dealer		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Consumption on Premises					
Wholesale					

Total License Fee: \$ \_\_\_\_\_  
Prorated License Fee: (After July 1 ONLY) \$ \_\_\_\_\_

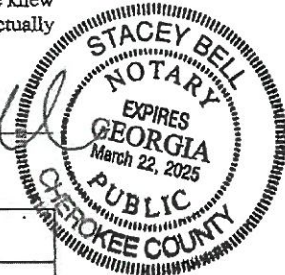
16. Have you ever applied for an Alcohol Beverage License before: \_\_\_\_\_  
If so, give year of application and its disposition: \_\_\_\_\_
17. Are you familiar with Georgia and Augusta-Richmond County laws regarding the sale of alcoholic beverages? ☒ Yes ( ) No If so, please initial MS



18. Attach a passport-size photograph (front view) taken within two years. Write name on back of the dealer submitting the license application.
19. Has any liquor business in which you hold, or have held, any financial interest, or are employed, or have been employed, ever been cited for any violation of the rules and regulations of Augusta-Richmond County or the State Revenue Commission relating to the sale and distribution of distilled spirits? ( ) Yes (X) No  
If yes, give full details: \_\_\_\_\_
20. Have you ever been arrested, or held by Federal, State, or other law-enforcement authorities, for any violation of any Federal, State, County or Municipal law, regulation or ordinance: (Do not include traffic violations, with the exception of any offenses pertaining to alcohol or drugs). All other charges must be included, even if they are dismissed. ( ) Yes (X) No  
If yes, give reason charged or held, date and place where charged and its disposition. \_\_\_\_\_
21. List owner or owners of building and property.  
Development Authority of Augusta, GA
22. List the name and other required information for each person, firm or corporation having any interest in the business.  
Interlogix Company
23. If a new application, attach a surveyor's plat and state the straight line distance from the property line of school, church, library, or public recreation area to the wall of the building where alcohol beverages are sold.  
A) Church 6,000 FT C) School 454'  
B) Library 6,000 FT D) Public Recreation \_\_\_\_\_
24. State of Georgia, Augusta-Richmond County, I, Victor Smith  
Do solemnly swear, subject to the penalties of false swearing, that the statements and answers made by me as the applicant in the forgoing alcoholic beverage application are true.  
[Signature]
25. I hereby certify that Victor Smith is personally known to be, That he/she signed his/her name to the forgoing application stating to me that he/she knew and understood all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true.  
This 1 day of April, in the year 2024

Applicant Signature

Notary Public



## FOR OFFICE USE ONLY

Department Recommendation	Approve	Deny	Comments
Alcohol Inspector			
Sheriff	✓		
Fire Inspector			

The Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_  
(Approved, Disapproved) the forgoing application

Administrator

Date

From: Augusta Legals  
 To: Bell, Stacey L  
 Subject: Thank you for placing your order with us.  
 Date: Friday, April 5, 2024 3:40:52 PM

[EXTERNAL EMAIL]: Do not click links or open attachments unless you recognize the sender and know the content is safe.

### THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Augusta Chronicle's online Classifieds [HERE](#) to place your legal notices in the future.

**Changes and/or cancellations may not be honored up to 2 business days prior to your first publication date.**

#### Job Details

Order Number: LGSC0084547  
 Classification: Beer & Liquor Licenses  
 Package: Liquor License 3x  
 Base amount: \$50.00  
 Service fee: \$2.00  
 Cash/Check/ACH ☒  
 Discount: -\$0.00  
 Total payment: \$52.00

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save! In no event are service fees refundable.

Payment Type: mastercard

#### Account Details

14045099009  
 stacey.bell@kroger.com  
 The Kroger Company  
 Credit Card - mastercard \*\*\*\*\*4058

#### Schedule for ad number LGSC00845470

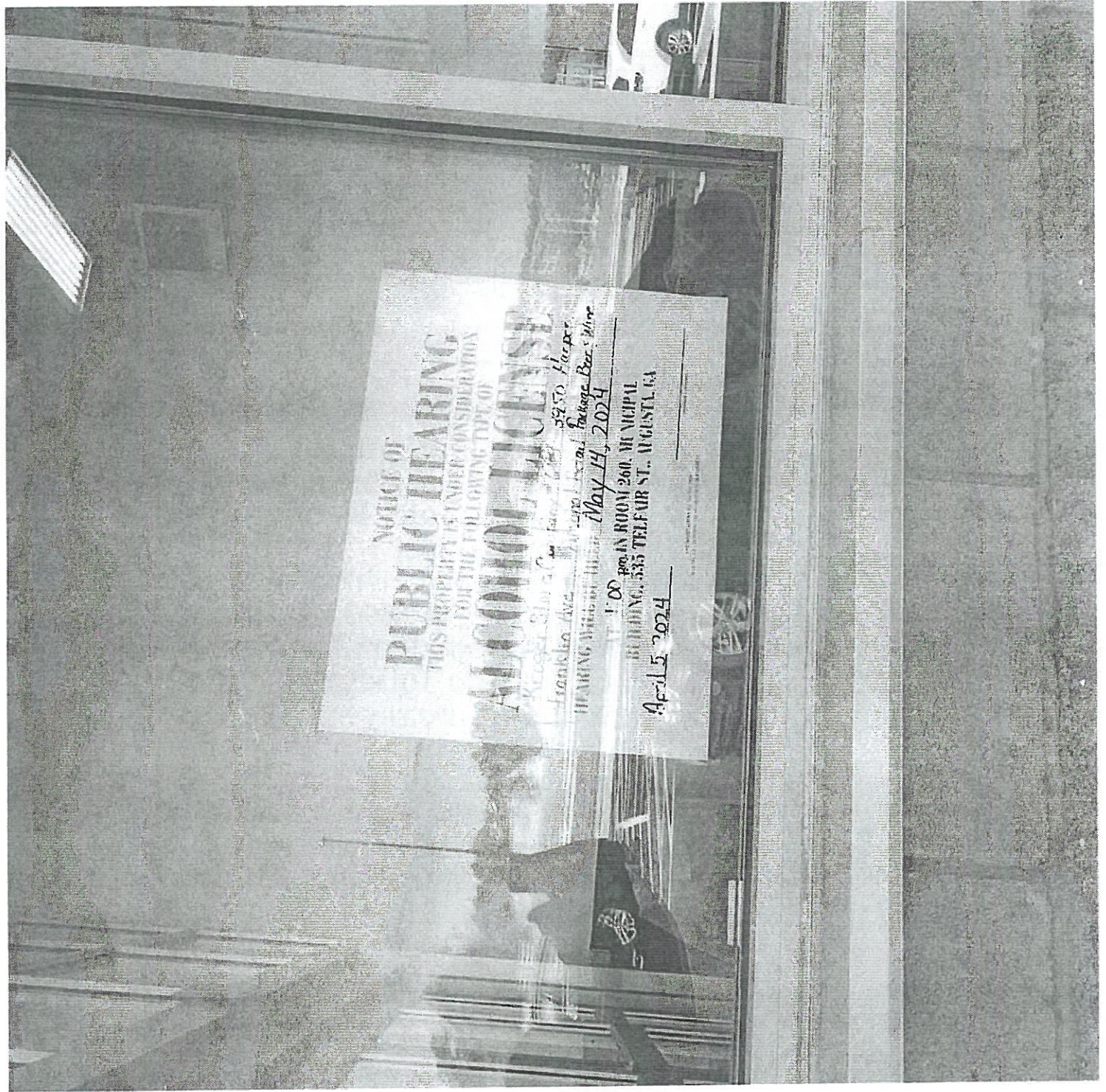
Wed Apr 10, 2024  
 Augusta Chronicle All Zones  
 Wed Apr 17, 2024  
 Augusta Chronicle All Zones  
 Wed Apr 24, 2024  
 Augusta Chronicle All Zones

### NEWSPAPER ADVERTISEMENT

Notice is hereby given that the owner of: Kroger Store Company #664 located at 3950 Harper Franklin Ave, Augusta, GA 30909, will apply to the Board of Commissioners for the following type of alcoholic beverage license: Alcohol Retail Package Beer and Wine. The hearing will be held on May 14, 2024 at 1:00 pm. The hearing will be held at Municipal Building 535 Telfair Street, Room 260, Augusta, GA.

Publication Dates  
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**Sec. 6-2-58. Applicant for new license to give public notice, furnish proof of advertisement.**

(a) All persons, firms or corporations desiring to engage in the sale of alcoholic beverages shall give notice of their intention to make application for a license to do so by advertisement in form prescribed by the Augusta-Richmond County license inspector. Advertising, as referred to in this section, means there shall be a sign posted thirty (30) days prior to the hearing of the application in a prominent position on the property (e.g., front window where it can be read from the road); also, all new license applicants shall be required to advertise three (3) times in the legal gazette (Augusta Chronicle) before applications are heard by the Augusta-Richmond County Commission or a committee thereof. Advertising in the legal gazette shall be during the 30-day period prior to the hearing of the application by the Augusta-Richmond County Commission.

(b) When an application is submitted for a license for a new location, the property designated for the operation of the business shall be posted for thirty (30) days preceding the date of any hearing to be held on said application with a sign reading as follows:

This establishment has applied to the Augusta-Richmond County Commission for an alcoholic beverage license authorizing it to sell Beer, Wine, Liquor (state the appropriate types of beverage) for on/off premises consumption at this location. (state appropriate type).

This \_\_\_\_\_ day of, 20 \_\_\_\_\_.

Name of applicant: \_\_\_\_\_

Address of applicant: \_\_\_\_\_

(The size of the sign to be posted on the property shall be no smaller than 15 inches by 27 inches. The sign is to be conspicuously displayed on that portion of the property most visible to the public.)

(c) For purposes of this section, any location which has never been licensed for the sale of alcoholic beverages before, or for which a license has been revoked, or where the sale of alcohol has ceased for nine (9) months, shall be considered a new location.

(d) Before the application is presented to the Augusta-Richmond County Commission, the applicant shall furnish proof that the advertisement has been completed as required herein above.

**Sec. 6-2-61. Review of application by the Augusta-Richmond County commission.**

(a) *Procedures—Generally.* After the requirements of sections 6-2-58 through 6-2-60 have been fulfilled, all applications for original alcoholic beverage licenses of any type shall be submitted to the Public Services Committee of the Augusta-Richmond County Commission, which shall review the applications in such manner as the committee may determine to be necessary, and shall submit a recommendation to the Augusta-Richmond County Commission. After the investigation is complete, the Augusta-Richmond County Commission shall cause to be issued such license as it may determine to be warranted and needed by the applicant.

(b) *Order of consideration.* All applications presented shall be noted as to the date and exact time of filing, and such applications shall be presented, heard and considered by the Commission in the order of their filing.

Let me know if you have any questions or concerns. We will work to get the applicant here on time.

-Carla-

From: Takiyah A. Douse <TDouse@augustaga.gov>

Sent: Tuesday, May 7, 2024 5:16 PM

To: Carla Delaney <CDelaney@augustaga.gov>; Lena Bonner <lbonner@augustaga.gov>

**Cc:** Brian Kepner <BKepner@augustaga.gov>; Charles Jackson <cmjackson@augustaga.gov>  
**Subject:** RE: Kroger Grand Opening: Alcohol License

Ms. Delaney,

Please confirm public notice posting as required by law.

TAD

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**From:** Carla Delaney <CDelaney@augustaga.gov>  
**Sent:** Tuesday, May 7, 2024 11:05 AM  
**To:** Lena Bonner <lbonner@augustaga.gov>; Takiyah A. Douse <TDouse@augustaga.gov>  
**Cc:** Brian Kepner <BKepner@augustaga.gov>; Charles Jackson <cmjackson@augustaga.gov>  
**Subject:** Kroger Grand Opening: Alcohol License  
**Importance:** High

Hello Ms. Bonner,

Thank you for making time to speak with me on such a busy morning. Please see the attached letter regarding the required hearings for an alcohol license for the new Kroger. We would appreciate any guidance or direction you can provide regarding if/how we may have the application considered by both the Public Services Committee and the Augusta-Richmond County Commission on May 14, 2024.

Thank you in advance for your assistance.

-Carla-



PLANNING & DEVELOPMENT DEPARTMENT

CARLA DELANEY, AICP

PLANNING AND DEVELOPMENT - DIRECTOR

535 Telfair Street - Suite 300

Augusta, Georgia 30901

Phone (706) 821-1796 - Fax (706) 821-1806

Email: cdelaney@augustaga.gov - Website: www.augustaga.gov

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 AED:104.1

**Lena Bonner**

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**From:** Carla Delaney  
**Sent:** Tuesday, May 7, 2024 5:36 PM  
**To:** Takiyah A. Douse; Lena Bonner  
**Cc:** Brian Kepner; Charles Jackson  
**Subject:** RE: Kroger Grand Opening: Alcohol License  
**Attachments:** Application, Sign, Newspaper.pdf

Good afternoon,

The public notification must provide the accurate date and time of the meeting 30-days prior to the decision. Attached are the documents (posting and newspaper advertisement) indicating the date and time of the meeting. The article advertising the date and time ran 3xs in the paper as highlighted below. If possible, can the hearing be the first item at 1:00pm?



From: Augusta Legal  
 To: Bell, Stacey L  
 Subject: Thank you for placing your order with us.  
 Date: Friday, April 5, 2024 3:40:52 PM

[EXTERNAL EMAIL]: Do not click links or open attachments unless you recognize the sender and know the content is safe.

### THANK YOU for your ad submission!

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

We appreciate you using our online self-service ads portal, available 24/7. Please continue to visit Augusta Chronicle's online Classifieds [HERE](#) to place your legal notices in the future.

**Changes and/or cancellations may not be honored up to 2 business days prior to your first publication date.**

#### Job Details

Order Number: LGSC0084547  
 Classification: Beer & Liquor Licenses  
 Package: Liquor License 3x  
 Base amount: \$50.00  
 Service fee: \$2.00  
 Cash/Check/ACH: ☒  
 Discount: -\$0.00  
 Total payment: \$52.00

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save! In no event are service fees refundable.

Payment Type: mastercard

#### Account Details

14045099009  
 stacey.bell@kroger.com  
 The Kroger Company  
 Credit Card - mastercard \*\*\*\*\*4058

#### Schedule for ad number LGSC00845470

Wed Apr 10, 2024  
 Augusta Chronicle All Zones  
 Wed Apr 17, 2024  
 Augusta Chronicle All Zones  
 Wed Apr 24, 2024  
 Augusta Chronicle All Zones

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