

City of Coral Gables City Commission Meeting
Agenda Item E-2
June 16, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Development Services Director, Jane Tompkins

Public Speaker(s)

Agenda Item E-2 [9:46:31 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Code, Chapter 6, "Alcoholic Beverages," Section 6-12, "Retail Package Store," by amending provisions for the hours of operation of retail package liquor stores; and providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: Moving onto E-2 is an Ordinance on First Reading. It's an Ordinance of the City Commission of Coral Gables providing for text amendments to the City of Coral Gables Official Code, Chapter 6, "Alcoholic Beverages." Madam City Manager.

City Manager Swanson-Rivenbark: I'm going to ask Jane Tompkins to come forward.

City Attorney Leen: I've been delegated to read these, Mr. Mayor. It's An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables

Official Code, Chapter 6, “Alcoholic Beverages,” Section 6-12, “Retail Package Store,” by amending provisions for the hours of operation of retail package liquor stores; and providing for a repealer provision, severability clause, codification, and providing for an effective date. This is on First Reading; it’s a public hearing item.

Ms. Tompkins: Good morning, Jane Tompkins, Development Services Director. This item is coming to you as a result of a discussion at a City Commission meeting earlier this year. I believe it was Commissioner Quesada who had raised the issue. He had been approached by a business owner here in Coral Gables who was concerned about the prohibition on the sale of liquor on Sundays. Currently our City Code distinguishes between alcoholic beverages and liquor, the distinction being the percentage of alcohol by volume. Basically, alcoholic beverages are beer and wine, liquor would be your hard liquors. The Code currently prohibits the sale of liquor on Sundays and holidays at liquor stores, package stores, but does not restrict the sale of alcohol beverages. So, the request was made to amend the Code to allow the sale of liquor on Sundays at these stores. The proposed amendment would allow the sale from 7 a.m. to 8 p.m., seven days a week, or else eliminating the restriction on holiday sales to be consistent with the provisions regarding alcoholic beverages. I’d be happy to answer any questions.

Mayor Cason: Yes – how many liquor stores do we have, do you know?

Ms. Tompkins: I think of two off hand.

Commissioner Lago: Jane, another quick question in reference to, I don’t even want to take it beyond Miami-Dade County, do any other cities have a law similar to this one in the books?- or has it been repealed?

Ms. Tompkins: We did study our survey of other communities in Miami-Dade County and I don’t recall that we found any that prohibited the sale on Sundays.

Commissioner Lago: So we are the last bastard basically. OK.

Vice Mayor Quesada: I guess you said two, there is one on Eighth Street and there is one on Sunset, I can think of. Actually the one on Eighth Street might not be....

Commissioner Lago: Liquor store.

Vice Mayor Quesada: Yes.

Commissioner Lago: There is Crown on U.S.-1.

Vice Mayor Quesada: I think there is one on Eighth Street just west of Ponce or right on Ponce, right by Eating House. Yes, that's Coral Gables, those are the two I'm thinking of, are you thinking of another one?

Ms. Tompkins: No.

Vice Mayor Quesada: Those are the two you were thinking of.

Commissioner Keon: Isn't there another one by Publix? There is another one by Publix, Gulf Liquors.

Vice Mayor Quesada: That's right, OK, so three. So this is the only three. I don't know if anyone else can think of others. So the reason I brought this up, a resident who is also a business owner of one of those establishments here in the City approached me about it, and he said, you know what's the rationale behind it, and I got to thinking and if we really wanted to outlaw people or prohibit people drinking on Sundays, we would prevent it in restaurants as well, we would prevent beer...

Commissioner Lago: Hotels.

Vice Mayor Quesada:...beer and wine sellers and hotels. I just found it to be inconsistent, so that's why I had brought it up. Any reason why on the proposed amendment you have from 7 a.m. to 8 p.m.?- I'm looking at the previous language and I see retail package, obviously it says alcohol only retail liquor store 9 a.m. to 2 a.m., retail beverage store. Why isn't it just consistent with the retail beverage store?- and can you give me an example of retail beverage store, I guess a restaurant 50 seats or more?

Ms. Tompkins: Retail beverage store, retail package beverage store, I believe some of the drug stores have the license to sell beer and wine.

Vice Mayor Quesada: OK. So what would Publix be?- would that be a retail package liquor store?- no because they don't sell liquor.

Ms. Tompkins: I don't know what they sell...

Vice Mayor Quesada: I'm sorry?

Ms. Tompkins: I don't know what Publix sells.

Commissioner Lago: They sell wine and beer.

Vice Mayor Quesada: What are the hours that a supermarket requires?- you know the Whole Foods...

Ms. Tompkins: If it's only wine and beer it would be the 7 a.m. to midnight, Monday through Friday, 7 a.m. Saturday to 1 a.m. Sunday, and 9 a.m. Sunday to midnight.

Vice Mayor Quesada: Any issue with making it similar to that?

Ms. Tompkins: No. We just took a more conservative approach, as our initial presentation.

Mayor Cason: I think if we are going to allow it...whatever the hours are open.

Commissioner Lago: Yes. I'm in agreement with the Mayor. I just think we shouldn't go in one direction when you are allowing another institution to potentially sell alcohol in an extended time period. What's fair, it should be fair across the board, in my opinion. I don't know what my colleagues agree or disagree. When you looked at the other municipalities in Dade County, do they fall in line with that timeframe in reference to sales?

Ms. Tompkins: Roughly. There is more variation in the hours, but the 7 a.m. to 8 p.m. is set Monday through Saturday, is what liquor stores are allowed now. The proposal is to extend it to Sundays and eliminate the restriction on holidays.

Commissioner Lago: How about if we instead of saying 7 a.m., again I don't know who's buying liquor at 7 a.m. in the morning?

Mayor Cason: The only thing would be, if somebody is going to have a party and wants to go early and buy stuff and they have to go to Church...

Commissioner Lago: You could always say, 9 a.m. and take those two hours and put them in the back end of the timeframe.

Mayor Cason: Just from 7 or 8, they can't have a paper bag then with them in the morning.

[Laughter]

Commissioner Keon: It has to be sold in plastic bags and brown paper bags (laughter).

Commissioner Lago: Listen, I know we've got to discuss this, but I think there are a lot of other things...

Mayor Cason: It seems to me it should be the hours of operation. If they are going to change their operations, maybe they'll change them in the next year, these three stores.

Vice Mayor Quesada: Do we have a requirement how late a liquor store can stay open or a supermarket can stay open or a drugstore?- is there a time limit where they have to close by?

Commissioner Lago: No.

Vice Mayor Quesada: Obviously, they have their hours that they close. Publix will close at 10 p.m. or 11 p.m. I'm sorry, I keep using that example, but that's just the one that comes to mind. That's not a requirement posed by us, that's a business decision by them. Do we have any requirements as how late a business can stay open?

City Manager Swanson-Rivenbark: We have a 24-hour CVS on U.S.-1.

Vice Mayor Quesada: So does that mean that we allow every type of business to be open 24 hours?

City Manager Swanson-Rivenbark: I don't think we have hours of regulations.

Commissioner Lago: Madam City Manager, how about a gas station? Say for example, is a gas station allowed to sell alcohol past a certain time?

City Manager Swanson-Rivenbark: I'm not an expert on that, but....

Commissioner Lago: Some college towns, I'm not saying we are a college town, but some college towns they have a limit, like on a Sunday.

City Manager Swanson-Rivenbark: But there is varying times and there is alcohol and liquor.

Mayor Cason: They sell them in convenient stores that are open.

Commissioner Lago: When you go to 7/11, you can buy beer 24 hours a day; I think they are open, right?

City Manager Swanson-Rivenbark: I understand. We can certainly research that, but we do need to make a distinction between beer and wine and liquor and alcohol and that distinction is made by the state, so we need to be in compliance with that. In terms of hours of operation and when do we mandate; I think that we could look at when are there zoning changes adjacent to single-family, and we have placed hours of operation because of proximity to single-family, but I am – our staff can research not only what we are doing, but what other cities are doing related to hours of operation regulation, if you want between First and Second Reading, or we can withdraw this item, whatever your preference.

Vice Mayor Quesada: Will this allow the – so now I think about the convenient store right next to the University of Miami, the one right there on Ponce by the Domino's Pizza, I think it is. Will a convenient store like that be allowed to sell hard liquor if we make this amendment?

Commissioner Lago: No.

Ms. Tompkins: You still have to apply for that license.

Vice Mayor Quesada: But pursuant to our Code if they have the license, obviously they can sell the alcohol.

Ms. Tompkins: If they meet the state requirements for the license.

Vice Mayor Quesada: Correct. Correct.

Commissioner Lago: I'm in favor of taking a vote on this issue today and maybe having staff review, like the City Manager had mentioned, if there are any timeframes in place that will put forth obviously due to residential neighborhoods adjacent to a liquor store, but I think that we should make a vote on this today.

Mayor Cason: That's a very good point. Since this is a public hearing, do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: Then we'll close the public hearing.

Vice Mayor Quesada: I'm going to move to approve this item with minor modifications, saying starting at 7 a.m. and ending at 10 p.m.

Commissioner Lago: 10 p.m. is fine with me.

Vice Mayor Quesada: Or later – I guess I’ll make the motion that way, I’m open to any suggestions, but that’s my motion to approve the item and allow the hours from 7 a.m. to 10 p.m., seven days a week.

Commissioner Lago: I’ll second the motion.

City Attorney Leen: Will you include in that, that it’s subject to state regulations as well.

Vice Mayor Quesada: Subject to state regulations.

City Clerk

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 9:56:27 a.m.]