Introduced by: Mayor Richard Robb
Date: July 12, 2016
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Resolution # 16-24

A RESOLUTION OF THE CITY OF BETHEL, CITY COUNCIL STATING ITS PROTEST REGARDING THE NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5491 FOR DIMITIRI'S RESTAURANT, LOCATED AT 281 4TH AVE., BETHEL, OWNED BY MARO KARGAS

WHEREAS, Maro Kargas made an application with the Alaska Alcohol and Marijuana Control Office (AMCO) and has paid the required fee for a new Restaurant/Eating Place Liquor License #5491, to be used for Dimitri's Restaurant, located at 281 Fourth Avenue, Bethel, Alaska 99559;

WHEREAS, the City Clerk received a copy of this application on May 23, 2016 and has determined that the last day for the Council to file a protest is July 22, 2016;

WHEREAS, City of Bethel Administration was provided notice of the Dimitri's Restaurant Liquor License application on May 23, 2016, Administration submitted a report to the Bethel City Council on June 10, 2016 (Attachment) with the following findings:
1. Dimitri's Restaurant has not complied with Bethel Municipal Code 5.08.060, which requires a Conditional Use Permit, be obtained from the City for retail sales or dispensing of alcoholic beverages.
2. Dimitri's Restaurant is not in compliant with Alaska's Fire and Life Safety Regulations;

WHEREAS, Alaska Statutes 04.11.420 Zoning Limitations, states, in part: "a person may not be issued a license or permit in a municipality if a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages unless a variance of the regulations or ordinance has been approved;"

WHEREAS, as of June 30, 2016, Dimitri's Restaurant has not applied for and has not been granted a conditional use permit from the City of Bethel, as required under Bethel Municipal Code 5.08.060, Conditional Use Permit Required;

WHEREAS, Dimitri's Restaurant was inspected by the City of Bethel Fire Chief on May 31, 2016; during this inspection thirteen violations of the Alaska's Fire and Life Safety Regulations were identified (Attachment);

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WHEREAS, the City Council under the authority of Bethel Municipal Code 5.08.030 Subsections 7, Dimitri's does not have adequate parking at the facility; Subsection 9, Dimitri's is not in compliance with state and local fire, health and safety Codes; Subsection 12, with the proximity to a school, 160 feet from the property line of the Lower Kuskokwim School District property, the location detrimentally impacts children due to the exposure to alcohol activities and public safety issues with people departing the area after consuming alcoholic beverages."

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council herby protests the issuance of Restaurant Eating Place Liquor License for Dimitri's for the reasons listed above.

ENACTED THIS 12th DAY OF JULY, 2016 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk