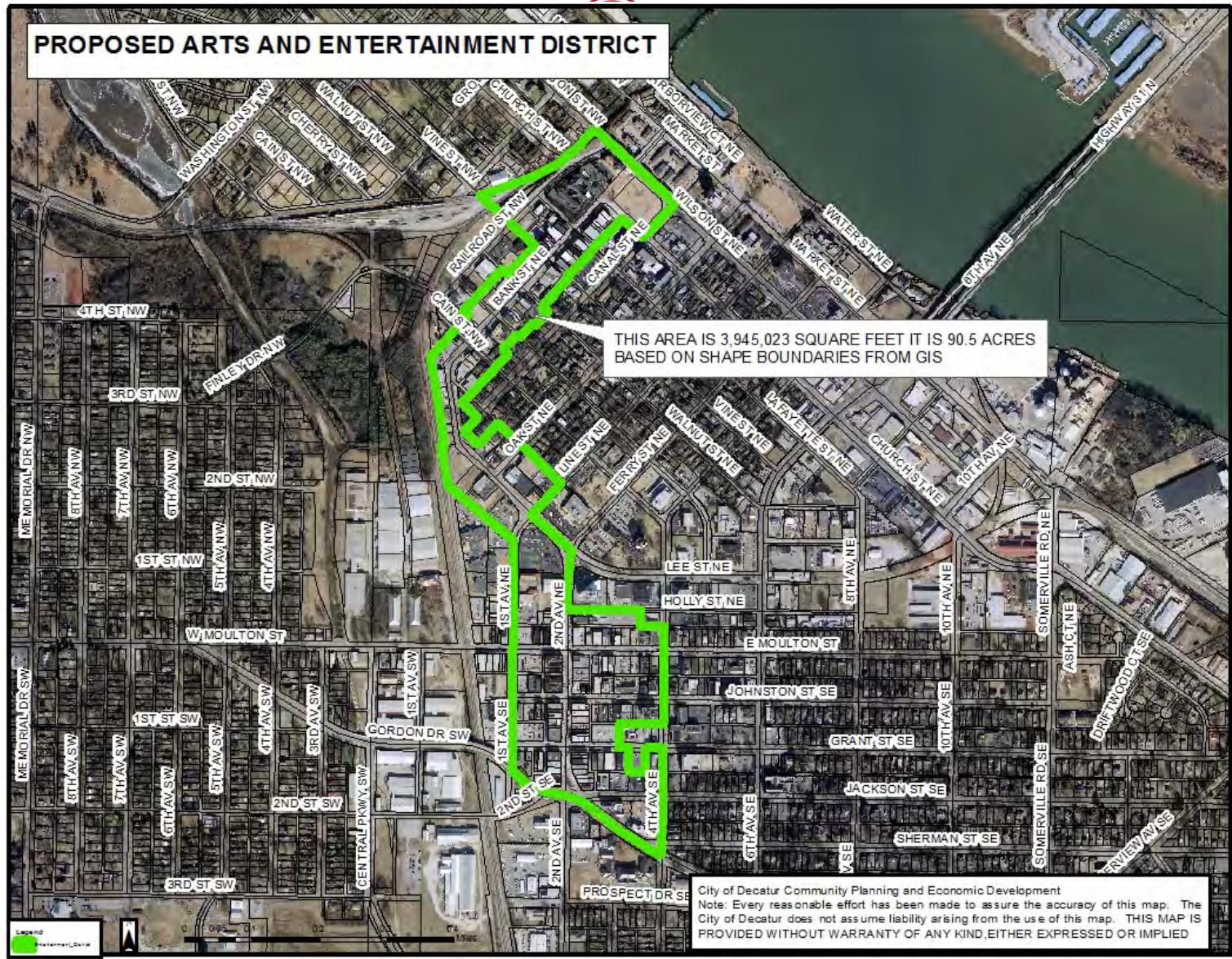


CITY COUNCIL
PUBLIC HEARING
ARTS AND ENTERTAINMENT DISTRICT



APRIL 1, 2013

ARTS AND ENTERTAINMENT DISTRICT BOUNDARIES



ARTS AND ENTERTAINMENT DISTRICT



ARTS AND ENTERTAINMENT DISTRICT



City of Decatur
Downtown Entertainment District Logo
3/13/2013



McWhorter
COMMUNICATIONS, INC.
www.mcwhorteronline.com



LEGAL NOTICE

Notice of a proposed amendment to the district boundaries of the City of Decatur Official Zoning Map, heretofore adopted by Section 27-1, Code of Decatur, Alabama, 1956, now Section 25-1, Code of Decatur, Alabama, as thereafter amended.

Pursuant to instructions given by the City Council of the City of Decatur, Alabama, notice is hereby given that the proposed amendment hereinbelow set forth to the Code of Decatur, Alabama, will be considered by the City Council of the City of Decatur, Alabama, at a meeting of said City Council in the Council Chambers in the City Hall of Decatur, Alabama, at 402 Lee Street, NE, at 6:00PM, on APRIL 1, 2013.

This proposed amendment will be to amend the Code of Decatur, Alabama by adding an Article to be numbered ARTICLE IX to Chapter 25, which said Article reads as follows.

ARTICLE IX. ARTS AND ENTERTAINMENT DISTRICT

Section 25-187. Arts and Entertainment District: Area established

Under the authority granted in Section 28-3A-17.1 of the Code of Alabama 1975, the council hereby creates an Arts and Entertainment District, where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the Arts and Entertainment District are described as follows;

Beginning at the intersection of Gordon Drive SE with 4th Avenue SE, said intersection being the True Point of Beginning and shall be known as the Arts and Entertainment District; thence from the True Point of Beginning run in a northwesterly direction along the centerline of Gordon Drive SE to the centerline of 1st Avenue SE, SE; thence north along the centerline of 1st Avenue SE to the intersection with Moulton Street West; thence continue north along the centerline of 1st Avenue NE a distance of 850 feet more or less to a point; thence in a northwesterly direction along the northerly ROW margin of an unnamed alley a distance of 635 feet more or less to a point; thence in a northwesterly direction a distance of 315 feet more or less to a point; thence in an easterly direction 22 feet more or less to a point; thence northwesterly 710 feet more or less to the northerly ROW margin of a 15 foot alley if extended; thence in a northeasterly direction 415 feet more or less to a point; thence northwesterly 50 feet more or less to a point; thence northeasterly 150 feet more or less to the centerline of Cherry Street NE; thence continue

northeasterly direction 310 feet more or less to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of Walnut Street NE a distance of 60 feet more or less to a point on the centerline of an alley if extended; thence northeasterly along the centerline of said alley 300 feet more or less to the centerline of Vine Street NE; thence in a northwesterly direction along the said centerline of Vine Street NE 550 feet more or less to a point of the Southern Railway ROW; thence northeasterly along Southern Railway ROW to centerline of Wilson Street NW; thence southeasterly along the centerline of said Wilson Street to the intersection of Canal Street NE; thence south westerly along the centerline of said Canal Street NE to the centerline of Church Street NE; thence in a northwesterly direction along the centerline of said Church Street NE a distance of 230 feet more or less to the centerline of an alley if extended, said alley located west of First United Methodist Church; thence in a southwesterly direction along said alley to the centerline of Lafayette Street NE; thence continue in a southwesterly direction along the westerly line of the First United Methodist Church property, tax parcel no. 03 04 18 1 032 001.000 a distance of 300 feet more or less to the centerline of Vine Street NE; thence southeasterly along said centerline of Vine Street NE a distance of 15 feet more or less to a point; thence southwesterly along the west line of lots 327 and 328 of the map of the Decatur Mineral and Land Company's property in Section 18, T5S, R4W, City of Decatur, Morgan County, Alabama, on file and recorded in Map Book 1 at page 7 in the Office of the Judge of Probate of Morgan County Alabama to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of said Walnut Street NE a distance of 55 feet more or less to a point; thence in a southwesterly direction 150 feet more or less to a point, said point being 110 feet west of the ROW for Canal Street NW, thence northeasterly 30 feet more or less to a point; thence southwesterly 150 feet more or less to a point, said point being the centerline of Cherry Street NE; thence in a northwesterly direction along the said centerline of Cherry Street NE a distance of 35 Feet to a point; thence in a southwesterly direction along the west line of lot 324 and 323 of the map of Decatur Mineral and Land Company's property in section 18, T5S, R4W, City of Decatur, Morgan County Alabama, on file and recorded in Map Book 1 at Page 7 in the Office of the Judge of Probate of Morgan County Alabama, a distance of 150 feet more or less to the southwest corner of said Lot 324; thence in a southeasterly direction 60 feet more or less to the northeast corner of Lot F of said Lot 323 of the map of D.M.L.C. property; thence southwesterly along the east line of said Lot F a distance of 152 feet more or less to the centerline of Cain Street NE; thence continue in a southwesterly direction along the east line of an existing 15 foot wide alley to the centerline of Davis Street NE; thence continue in a southwesterly direction along the same line a distance of

70 feet more or less to the southwest corner of tax parcel no. 03 04 18 4 028 002.001, address 213 Canal Street NE; thence in a southeasterly direction along the south property line of said lot a distance of 170 feet more or less to the centerline of Canal Street NE; thence in a southwesterly direction along said centerline of Canal Street NE a distance of 160 feet more or less to a point; thence in a southeasterly direction 45 feet north and running parallel with Lee Street NE to the centerline of an alley, said alley being 15 feet in width and 100 feet east of Canal Street NE; thence northeasterly along the centerline of said alley to the centerline of Davis Street NE; thence southeasterly along said centerline of Davis Street NE to the centerline of Line Street NE; thence southwesterly along said centerline of Line Street NE to the centerline of Lee Street NE; thence southeasterly along said centerline of Lee Street NE to the centerline of 2nd Avenue NE; thence South along said centerline of 2nd Avenue NE to the centerline of Holly Street NE; thence east along the centerline of Holly Street NE a distance of 570 feet more or less to a point; thence south 130 feet more or less to the centerline of an alley; thence east 310 feet more or less along said alley to the centerline of 4th Avenue NE; thence south along 4th Avenue NE to the centerline of West Moulton Street; thence continue south along the centerline of 4th Avenue SE to the centerline of an alley if extended, said alley located 190 feet more or less, south of the centerline of Johnston Street SE; thence west along said alley 345 feet more or less to the east property line of a City of Decatur parking lot, Tax Parcel No. 03 04 19 1 009 012.000; thence south along said east line to the centerline of Grant Street SE; thence east along the centerline of said Grant Street SE a distance of 80 feet more or less to a point; thence south along the west line of Tax Parcel No. 03 04 19 1 012 002.000 to the centerline of an alley; thence east along centerline of said alley 125 feet more or less to a point; thence north along the east line of said parcel No. 03 04 19 1 012 002.000 to the centerline of Grant Street SE; thence east along the centerline of Grant Street SE to the centerline of 4th Avenue SE; thence south along the centerline of 4th Avenue SE to the centerline of Gordon Drive SE and the True Point of Beginning.

Section 25-188. Arts and Entertainment District: Definitions

As used in this Article, unless the context clearly indicates otherwise the following terms shall mean:

- (1) Alcoholic beverages shall mean any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes,

which contain one-half of one per cent or more of alcohol by volume, and shall include liquor, beer and wine, both fortified and table wine.

- (2) 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 the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include any store or place where merchandise of any kind is offered for sale any theater or place of amusement, any athletic contest, city hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

Section 25-189. Arts and Entertainment District: Regulations

The following regulations shall be in effect in the Arts and Entertainment District:

(1) One drink on-street limit: Any establishment, within the boundaries of the Arts and Entertainment District, licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic container, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(2) Beverages outside premises: Patrons, guests or members of licensed premises may exit the licensed premises with one alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the Art and Entertainment District, but may not enter or re-enter a licensed premise or any public place with an alcoholic beverage acquired elsewhere.

(3) All applicable laws in effect: A licensee who is within the Arts and Entertainment District shall comply with all laws, rules and regulations which govern its license type.

(4) Size limited to 16 ounces: No container in which an alcoholic beverage is dispensed and removed from the licensed premise shall exceed 16 fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds 16 fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined Arts and Entertainment District Area.

(5) Drinking from can, bottle, or glass is prohibited: It shall be unlawful for any person within the confines of the Arts and Entertainment District to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private; other than as duly licensed by the State of Alabama and the City of Decatur.

(6) Open Container Laws applicable: Open Container Laws of the State of Alabama and the City of Decatur still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the provisions of this Article.

(7) Hours in effect: The above regulations notwithstanding no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the Arts and Entertainment District boundaries no earlier than 6:00 AM nor later than 1:00 AM Monday through Saturday and between the hours of 1 A.M. to 12 p.m. (noon) on Sunday.

**ZONING TEXT AMENDMENT
ZTA 218-13
ARTS AND ENTERTAINMENT DISTRICT**

ORDINANCE NO. 13-4140

BE IT ORDAINED by the City Council of the City of Decatur in the State of Alabama, that the Code of Decatur, Alabama is hereby amended by adding an Article to be numbered ARTICLE IX to Chapter 25, which said Article reads as follows:

ARTICLE IX. ARTS AND ENTERTAINMENT DISTRICT

Section 25-187. Arts and Entertainment District: Area established

Under the authority granted in Section 28-3A-17.1 of the Code of Alabama 1975, the council hereby creates an Arts and Entertainment District , where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the Arts and Entertainment District are described as follows;

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Section 2: This Ordinance shall take effect _____.

ADOPTED this _____ day of _____ 2013

Gary Hammon, President
Decatur City Council

Authenticated:

Stacy Gilley, City Clerk

Approved this _____ day of _____ 2013

Don Kyle, Mayor



HOUSE OF REPRESENTATIVES
ALABAMA STATE HOUSE
MONTGOMERY, ALABAMA 36130

DISTRICT NO. 8
MORGAN COUNTY, ALABAMA
TERRI COLLINS

2128 6th Avenue SE - Suite S04
Decatur, AL 35601
(256) 260-2146 Office
(256) 260-2144 Fax
(256) 227-0360 Cell

STANDING COMMITTEES:

- WAYS & MEANS - EDUCATION
- TECHNOLOGY & RESEARCH
- BIOMEDICAL & MANUFACTURING,
SUBCOMMITTEE-CHAIRWOMAN
- ECONOMIC DEVELOPMENT &
TOURISM
- ECONOMIC DEVELOPMENT,
SUBCOMMITTEE
- INCENTIVES & REGULATIONS
SUBCOMMITTEE

February 19, 2013

Mayor Don Kyle & City Council
City of Decatur
402 Lee Street NE
Decatur, AL 35601

Dear Mayor Kyle & Councilmen,

The city of Decatur has been very intentional in the process of reviewing and determining the parameters and details for an Entertainment District for our city. I have attended several meetings and been a part of the planning, the discussions with the ABC Board and the attorneys. I appreciate the attention to detail and effort the representatives of this process have used.

I was a co-sponsor for the bill, House Bill 20, last year when it became law opening up the opportunity for municipalities to have Entertainment Districts. I supported this legislation because of the many local organizations' request. I received letters of support from: Decatur Downtown Redevelopment Authority, Best and Brightest Committee of the Morgan County Industry and Workforce Development, Decatur Downtown Merchants & Business Association, Decatur-Morgan County Chamber of Commerce, Decatur-Morgan County Convention and Visitors Bureau, Huntsville City Council, and West Huntsville Civic Association.

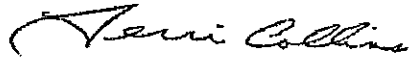
I have also been contacted by Birmingham and other areas that have put their Entertainment Districts in place, describing the excitement and energy and positive economic impact it is having for their cities.

Some of the benefits I envisioned an Entertainment District bringing to Decatur are to enhance the stay of visitors, providing opportunity for retail businesses, expand tourism related activities, economic benefits for the downtown area, opportunity for festivals and fundraising events and strengthening the quality of life and entertainment offerings for young professionals.

Page 2
February 19, 2013

I supported this bill at the state level and encourage you at the city level to give this a positive vote. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Terri Collins".

Terri Collins

TC:cm

Smith, Karen

From: Darin Peer <darinpeer1@hotmail.com>
Sent: Sunday, February 17, 2013 11:13 AM
To: Smith, Karen; Pearson, Hannah; Kelso, Steve; Stone, Kim
Subject: Proposed entertainment district

To all.

I am a resident here in Decatur and after reading the article in Sunday's newspaper (2/17/13), I would like to address some concerns, since I will be out of town during the scheduled public hearing set for Tuesday, 2/19/13 @315p.

My first area of concern, is the potential problems I have with the entertainment district. Decatur has problems with trash, littering, and a failure to maintain "eye-sores" within the city as it is; and having depleted funds to properly address the problem currently, how does the Council respond to this issue? How would funds be appropriated to address this for-certain concern? Decatur is not a major metropolitan-area. My fear is that by creating this entertainment district, Decatur will encounter more eye-sores, taking away from the existing beauty of the downtown-area and actually in-turn, creating an area that will be less-visited and less attractive as time passes. I love the idea of the entertainment district, but this is not 1) The French Quarters in New Orleans, not 2) Laclede's Landing in St. Louis, and not 3) Beal Street in Memphis...this is Decatur.

I believe a better, more responsible approach to this would be to afford businesses with the luxury of serving and allowing alcohol to be enjoyed in-and-around their property by patrons, but not allowing them to purchase a drink at say, Cafe 113, then allowing them to walk all the way to Simp McGhee's. This could potentially create a trail-of-trash not now seen in downtown Decatur. With the new Arts Center and all the revamping currently going on in downtown, do we really want to open this up for (I believe inevitable and foreseen) problems this could create?? If this preverbial trail-of-trash were to ensue, it would be counter-productive to all the hard work that is currently underway in downtown.

Other problems that this could lead to, are possible crime-related activity. Looting, loitering, robberies, public intoxications (if not properly designated by markers or postings or signage), people peeing in public behind buildings, fighting...the list could go on and on.

I like the idea of entertainment districts, but this idea is more progressive for the metro-areas, not Decatur. Until the city can get it's finances in order, and prepare for what I outlined above, and a certain set of priorities are addressed, I do not support the entertainment district. I have enjoyed many-a-nights downtown...but I only see creating more problems with this proposed plan.

Darin L. Peer
Decatur, AL-resident

Smith, Karen

From: EakenHamm@aol.com
Sent: Monday, February 18, 2013 10:02 AM
To: Smith, Karen
Subject: Entertainment District Vote

Karen:

I am unable to attend the Planning Commission meeting tomorrow. However, I would like to express my support for a positive vote on the Entertainment District. I think it would be a step forward for the revitalization of downtown Decatur. Please forward my comments to members of the Planning Commission.

Shirley E. Hammond, FASID
Perceptive Designs
716 Bank St., NE
Decatur, AL 35601
256-355-3411
256-355-8182 (fax)
www.perceptivedesigns.com