

MEETING OF JULY 20, 2015

WARD 3 (ta)

ITEM NUMBER _____

\$ IMPACT _____

ISSUE:

New application for privilege licenses for Gursha Ethiopian Cuisine for the sale of beer and wine (retail pouring). Gursha Ethiopian Cuisine is the owner and Genet Tenaye is the agent applicant. Gursha Ethiopian Cuisine desires a waiver of the distance requirement as listed in City Ordinance Sec 6-118 (600' from a school) as amended in City Ordinance 2015-09 which permits waiver of distance requirements for restaurants requesting a pouring license.

SUMMARY:

Genet Tenaye as the registered agent for Gursha Ethiopian Cuisine requests a privilege license for the sale of beer and wine (retail pouring) at 1651 Roswell Street.

BACKGROUND:

Genet Tenaye will be the registered agent, responsible for the sale of alcohol at the referenced location. Genet Tenaye has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached)

STAFF RECOMMENDATION:

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Genet Tenaye has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

REQUESTED ACTION:

Approval of privilege licenses for the sale of beer and wine (retail pouring) for Gursha Ethiopian Cuisine with Genet Tenaye as the registered agent.

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.smyrnacity.com

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:	BEER:	WINE:
NEW <input type="checkbox"/>	NEW <input checked="" type="checkbox"/>	NEW <input type="checkbox"/>
RENEWAL <input type="checkbox"/>	RENEWAL <input type="checkbox"/>	RENEWAL <input type="checkbox"/>
TRANSFER <input type="checkbox"/>	TRANSFER <input type="checkbox"/>	TRANSFER <input type="checkbox"/>
MANUFACTURER <input type="checkbox"/>	MANUFACTURER <input type="checkbox"/>	MANUFACTURER <input type="checkbox"/>
WHOLESALER <input type="checkbox"/>	WHOLESALER <input type="checkbox"/>	WHOLESALER <input type="checkbox"/>
PKG. BEER/WINE <input type="checkbox"/>	PKG. BEER/WINE <input type="checkbox"/>	PKG. BEER/WINE <input type="checkbox"/>
PKG. DIST. SPIRITS <input type="checkbox"/>	PKG. DIST. SPIRITS <input type="checkbox"/>	PKG. DIST. SPIRITS <input type="checkbox"/>
RETAIL POURING <input type="checkbox"/>	RETAIL POURING <input type="checkbox"/>	RETAIL POURING <input type="checkbox"/>
Restaurant <input type="checkbox"/>	Restaurant <input type="checkbox"/>	Restaurant <input type="checkbox"/>
Package Store <input type="checkbox"/>	Package Store <input type="checkbox"/>	Package Store <input type="checkbox"/>
Dancing/Live Ent. <input type="checkbox"/>	Dancing/Live Ent. <input type="checkbox"/>	Dancing/Live Ent. <input type="checkbox"/>
Private <input type="checkbox"/>	Private <input type="checkbox"/>	Private <input type="checkbox"/>
Other <input type="checkbox"/>	Other <input type="checkbox"/>	Other <input type="checkbox"/>

1. Legal Name of Business Gursha ETHIOPIAN CUISINE

Operating name of the Business Gursha ETHIOPIAN CUISINE

Is the Business a: proprietorship partnership corporation foreign

2. Location 1651 Roswell Street, Smyrna GA 30080 Phone (678) 388-0441

3. Is business within the designated distance of any of the following?

PACKAGE DISTILLED SPIRITS

SCHOOL	600 FEET	<input type="radio"/> YES	<input type="radio"/> NO
CHURCH/PARK/PUBLIC BUILDING/			
LIBRARY/RESIDENCE	300 FEET	<input type="radio"/>	<input type="radio"/>

POURING DISTILLED SPIRITS

SCHOOL	600 FEET	<input type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/			
LIBRARY/RESIDENCE	200 FEET	<input type="radio"/>	<input type="radio"/>
[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]			

PACKAGE WINE, MALT BEVERAGE

SCHOOL	600 FEET	<input type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/			
LIBRARY	300 FEET	<input type="radio"/>	<input type="radio"/>
[EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE]			

POURING WINE, MALT BEVERAGE

SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/			
LIBRARY/RESIDENCE	200 FEET	<input type="radio"/>	<input type="radio"/>
[BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]			

(c) Within a five-year period immediately preceding the date of application, been arrested or convicted of violating any laws, ordinances, or regulations regulating such business? (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) Yes No

If there was an arrest, are charges still pending? Yes No

(d) Within a five-year period preceding the date of application, been convicted for any felony charged under any of the laws of the several states or of the United States? Yes No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? Yes No

(e) Within a three-year period preceding the application, been convicted of more than one misdemeanor, including traffic violations, involving the use or abuse of any alcoholic beverage, opiate or drug? Yes No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? Yes No

(f) Been currently placed on parole from any governing authority? Yes No

Has any license authorizing the sale of alcoholic beverages at the location for which the present license is sought:

(g) Been declared to be under suspension, at the date the application is filed? Yes No

(h) Been revoked within six months of the date that the application is filed? Yes No

If yes to any of the above questions, please attach full detail.

7. Do you own the land and building on which this business is to operate? Yes No

Date Purchased _____ Amount Paid _____

If not, list the terms of the lease; including the manner in which the rent is determined, to whom and at what intervals it is paid.

The lease is for one year term and it will be renewed before expiration and the lease is paid each month to Sam and Samita LLC

Attach a copy of the lease and any other pertinent documents.

8. How is the proposed location zoned? GC

Attach copy of zoning certification from the City of Smyrna (Community Development 770-319-5387).

9. If this is an application for an original license, attach proof of adequate parking facilities as per the City of Smyrna zoning requirements (Community Development 770-319-5387).

10. Do you, your spouse, any family members, or any of the other owners, partners, or stockholders have an interest in a retail liquor store(s)? Yes No If so, state the number of stores and where each store is located.

11. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? Yes No
If yes, give details.

12. If this is a previously licensed location, give the amount of alcohol sales for the previous (12) months and state the dates used in computing the gross sales. Indicate gross sales for beer, wine and liquor separately.

13. Please initial here that you have received a copy of the City of Smyrna Alcoholic Beverage Ordinance 

14. Are you familiar with the City of Smyrna ordinances and state and federal laws and regulations governing the operation of this type of business? Yes No

15. Are you aware you are required to apply for a State license? Yes No
Contact the Georgia Department of Revenue Alcohol Division at 404-417-4900.

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BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.smyrnacity.com

GEORGIA, COBB COUNTY

I, GENET TENAYE, BEING DULY SWORN TO LAW, DO SWEAR THAT THE STATEMENTS MADE BY ME IN THE ABOVE AND FOREGOING APPLICATION ARE TRUE, AND NO FALSE, OR FRAUDULENT STATEMENT IS MADE HEREIN AND SUCH STATEMENTS WERE MADE IN ORDER TO PROCURE THE GRANTING OF A LICENSE.

GENET TENAYE

Signature of Owner (type name before signing)



Signature and title of person other than Owner completing this application

Phone Number: Work: _____ Home: 404 988 7871

Moges Wossene

Signature of Managing Applicant (type name before signing)

Signature and title of person other than Applicant completing this application

Phone Number: Work: _____ Home: 404 988 7871

Sworn to and subscribed before me

This 18 day of Jun 2015.

Notary Public

FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

MARIAH ROBERTS

Date 6/18/15

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

Zack Culp

Date 6/18/15

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.ci.smyrna.ga.us

1. Legal Name of Business: Gursha ETHIOPIAN CUISINE
2. Location: 1651 Roswell Street, Smyrna GA 30080 Phone: (678) 388-0441
3. Name of Applicant: BENET TENAYE

CERTIFICATION BY BUILDING INSPECTOR

I have inspected the premises referenced above and certify the location meets all minimum requirements of the Smyrna Building Code.

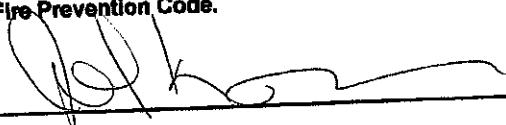


Date 7/2/15

Chief Building Inspector

CERTIFICATION BY FIRE MARSHAL

I have inspected the premises referenced above and certify the location meets all minimum requirements of the City of Smyrna Fire Prevention Code.



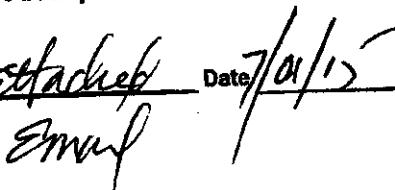
Date 7-2-15

Fire Marshal

CERTIFICATION BY TAX CLERK

I certify the ad valorem taxes for the above referenced property have been paid and there are no outstanding liens.

Tax Clerk

pd per Maxe - attached  Date 7/01/15



CITY OF SMYRNA

3180 Atlanta Road, Smyrna, Georgia 30080

(770) 319-5387 / www.smyrnacity.com

Date: July 2, 2015

To: Toni Jo Howard, City Administrator

From: Ken Suddreth, Community Development Director
Robin Broyles, Chief Building Official

Subject: Application for New Alcoholic Beverage License

Applicant: Genet Tenaye

Business: Gursha Ethiopian Cuisine

This applicant, Genet Tenaye , has submitted with the business license office to have a new alcoholic beverage license issued to Gursha Ethiopian Cuisine.

The proposed location has been checked and no building code violations exist at this time. Also, the proposed location has adequate parking.

CC: Terri Graham, City Clerk

Jim Cox, Business License

File

MAYOR
A. MAX BACON

CITY COUNCIL	WARD 1 MELLENY PRITCHETT	WARD 2 ANDREA BLUSTEIN	WARD 3 TERI ANULEWICZ	WARD 4 CHARLES A. WELCH	WARD 5 SUSAN WILKINSON	WARD 6 WADE LNEICKA	WARD 7 RON FENNEL
	CITY ADMINISTRATOR ERIC TAYLOR	CITY CLERK TERRI GRAHAM		CITY ATTORNEY SCOTT A. COCHRAN		MUNICIPAL COURT JUDGE E. ALTON CURTIS, JR.	

Jim Cox

From: Mike Hickenbottom
Sent: Wednesday, July 01, 2015 11:09 AM
To: Jim Cox
Subject: RE: 1651 ROSWELL ST

All City of Smyrna Taxes are paid as of July 1, 2015.

Thank you,

Mike Hickenbottom
City of Smyrna
678-631-5325

From: Jim Cox
Sent: Wednesday, July 01, 2015 10:58 AM
To: Mike Hickenbottom
Subject: 1651 ROSWELL ST

Plz advise whether taxes are paid on this location.

Thx

Jim Cox
Business License Officer
City of Smyrna
678 631 5321

Training Institute for Responsible Vendors, Inc.

certifies that

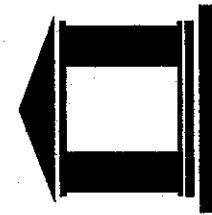
has successfully completed training in our RASS Workshop thus
entitling them to all the rights and privileges appertaining thereto.

Genet Tenaye

In witness thereof the undersigned have affixed their names
this 25th day of June, 2015



Genet Tenaye



Seal

CITY OF SMYRNA

DATE: 07/01/2015 LICENSE/VARIANCE: 07/20/2015

TYPE OF LICENSES REQUESTED: BEER & WINE (RETAIL POURING)

NEW APPLICATION: YES OWNERSHIP YES AGENT YES

NAME OF BUSINESS: GURSHA ETHIOPIAN CUISINE

PLACE OF BUSINESS: 1651 ROSWELL ST

SMYRNA, GA 30080

AGENT : GENET TENAYE

HOME ADDRESS: 2595 BATES STREET

SMYRNA, GA 30080

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 6/18/15 RECEIVED 6/22/15

RESULTS: INVESTIGATION FAILED TO REVEAL INFORMATION THAT WOULD
PRECLUDE ISSUANCE OF THIS LICENSE

TYPE OF BUILDING **MASONRY**

DISTANCE MET: SCHOOL NO CHURCH YES LIBRARY YES PARK YES

MAP FURNISHED: YES

ADVERTISED: JULY 10 & JUL 17, 201



Smyrna Police Department

2646 Atlanta Road
Smyrna, Georgia 30080



David Lee
Chief of Police

A. Max Bacon
Mayor

Date: June 22, 2015

To: Toni Jo Howard, Interim City Administrator

From: David Lee, Chief of Police

Lt. Rick James, Office of Professional Standards

Subject: Application for Alcoholic Beverage License

Applicant: Ms. Genet Tenaye

This applicant, Ms. Genet Tenaye is the manager of the business listed below and has submitted an application with the business license office to obtain an alcoholic beverage license issued to 1651 Roswell Street Smyrna, GA 30080.

The business name is Gursha Ethiopian Cuisine

The business is incorporated under the name Gursha Ethiopian Cuisine.

A criminal history was conducted on this applicant and there was nothing in his criminal history that would prohibit her from holding the license as long as she meets all the other requirements of the ordinances that regulate this type of business.

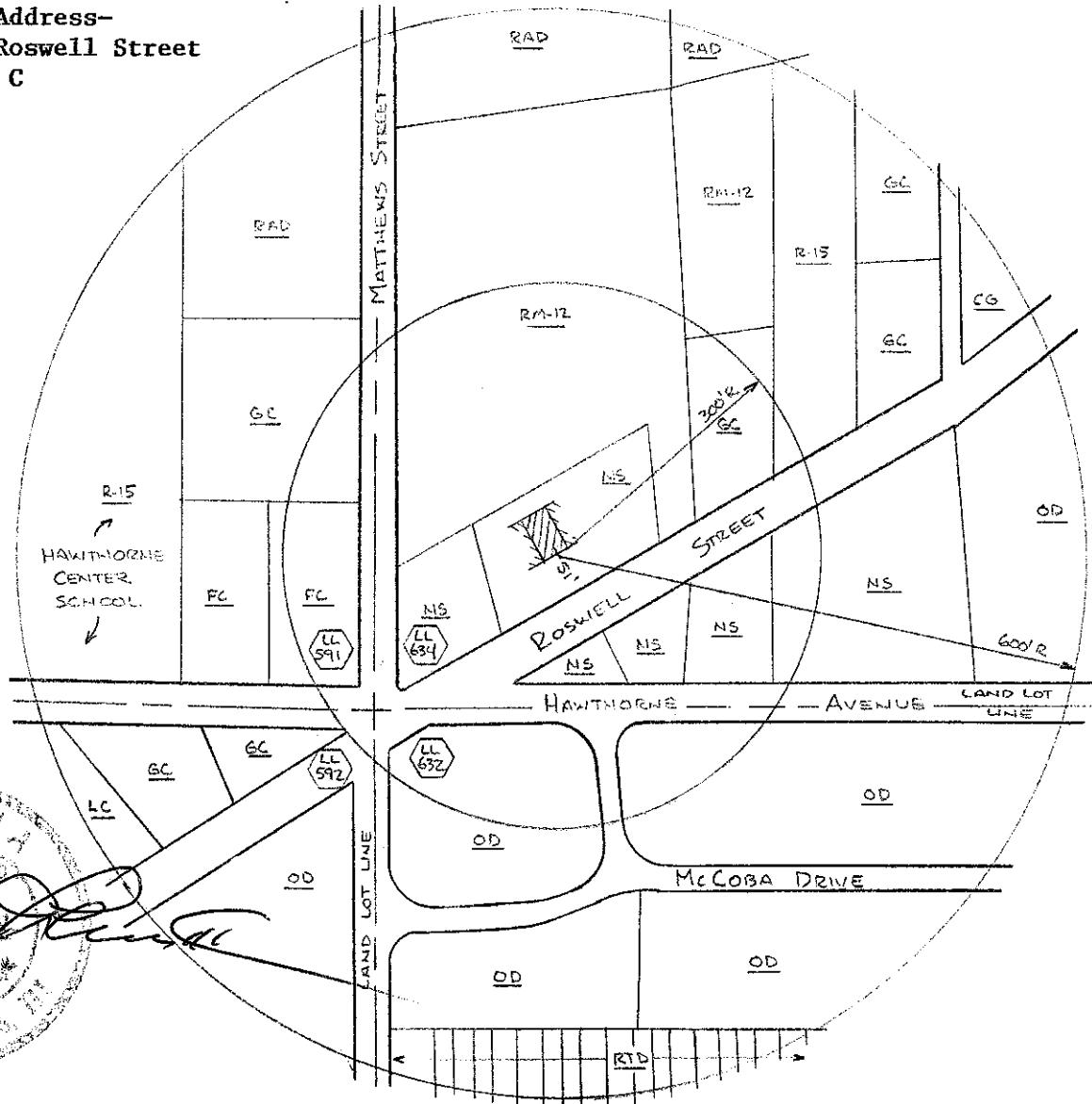
CC: Terri Graham, City Clerk

Jim Cox, Business License

File

Site Address-
1651 Roswell Street
Suite C

MAGNETIC



The following distances were measured according to City of Smyrna code:

CHURCH- 467' to Church of God, @ 1687 Smyrna-Roswell Road.

SCHOOL- 474' to Hawthorne Center School, @ 1595 Hawthorne Avenue.

LIBRARY- 4400' to Smyrna City Library, @ 100 Village Green Circle.

PARK- 6000' to Jonquil Park.

PUBLIC BUILDING— 4000' to Smyrna City Hall.

APARTMENT BUILDING- 302' to Morgans Point Apartments, @ unit A.

There are no alcohol treatment centers, nor day nurseries with accredited pre-K within 600' of the front door of this site.

City of Smyrna Beer and Wine Pouring License Survey for:

MOGES ABEBE

DATE: 10-22-2014	SCALE: 0 100' 200' 400' 1" = 200'
DRAWN BY: GD	GRAPHIC SCALE IN FEET
LAND LOT 634	17 th DISTRICT 2 nd SECTION
COBB COUNTY	GEORGIA
GEORGIA LAND SURVEYING CO. 155 CLIFTWOOD DRIVE, ATLANTA, GA 30328 PH (404)255-4671 FAX (404)255-6607 WWW.GLSURVEY.COM	

We The People

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the Blessings of Liberty to ourselves and
our posterity, do ordain and establish this
Constitution for the United States of America.*

SIGNATURE OF BEARER / SIGNATURE DU TITULAIRE / FIRMA DEL TITULAR

PASSPORT
PASAPORTE

UNITED STATES OF AMERICA

Surname / Nom

TENAYE

Given Names / Prénom / Nombre

GENET WEDALEM

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

12 Mar 1962

Place of birth / Lieu de naissance / Lugar de nacimiento

ETHIOPIA

Date of issue / Date de délivrance / Fecha de expedición

25 Jun 2011

Date of expiration / Date d'expiration / Fecha de vencimiento

25 Jun 2021

Passport number / Número de pasaporte / Número de pasaporte

SEE PAGE 27

4868586272USA6203124P2107257324574003<682628

USA

Authority / Autorité / Autoridad

United States

Department of State

PKUSATENAYE<GENET<WEDALEM~~~~~
4868586272USA6203124P2107257324574003<682628

LEASE

THIS LEASE (the "Lease") is made this 10th day of Sept 2014 by and between Sam & Samita, LLC., a Georgia Limited Liability Company, whose address is 515 Kenion Forest Way Lilburn GA 30047 (hereinafter referred to as "Landlord"), and GURSHA ETHIOPIAN CUISINE M. GENET (hereinafter collectively referred to as "Tenant").
Cell 404 937 3482 TENAYE 2595 BATES ST. SMYRNA GA 30081
Res 404 988 7871

SECTION 1

DEFINITIONS

1.1 Shopping Center. The term "Shopping Center" means all that certain land and all buildings, improvements, equipment and facilities erected or to be erected thereon at 1651 Roswell Street, Smyrna, GA, as same may be altered, expanded or reduced from time to time.

1.2 Lease Term. The Lease Term shall be 10+1 beginning Sept 2014 TO
JAN 2016. Lease Shall be extended for an additional term of 1 year after 2 month notice given by both parties

1.3 Common Areas. The term "Common Areas" means those areas, facilities, utilities, improvements, equipment and installations in the Shopping Center which are from time to time designated by Landlord for the nonexclusive use or benefit of Landlord and tenants of the Shopping Center, their employees, agents, customers, licensees and invitees.

SECTION 2

DEMISE OF PREMISES AND TERM

2.1 Lease. Landlord hereby leases and demises to Tenant those certain Premises commonly known as at 1651 Roswell Street, Suite C, Smyrna, GA, containing approximately 1500 square feet (which is hereinafter referred to as the "Premises") in the Shopping Center together with the nonexclusive right to use the Common Areas subject to such reasonable rules and regulations as Landlord shall adopt.

2.2 Commencement and Expiration Dates of Term. The term of this Lease and Tenant's obligation to pay rent hereunder shall commence on JAN 1 2015 (hereinafter referred to as the "Commencement Date"). The term shall end, unless sooner terminated as hereinafter provided, on

2.3 Preparation of Leased Premises. The Tenant acknowledges that they are taking the premises as is where is. The taking of possession by Tenant shall be deemed conclusively to establish that the Premises have been completed in accordance with the plans and specifications and are in good and satisfactory condition as of when possession was so taken. Tenant acknowledges that Tenant has inspected the premises, confirmed that the business the Tenant wishes to conduct at the premises is permissible under all governmental regulations, including but not limited to zoning regulations, and Tenant takes the premises as is, where is.

2.4 Option for Additional Term. Tenant provided Tenant is not in default of the Lease, has an option for an additional JULY 2015 RENT WILL BE 1000 per month, plus a pro rata share of property taxes and utilities (including but not limited to trash, sanitation, water and sewage)

APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Gursha Ethiopian Cuisine located at 1651 Roswell St., Smyrna, Georgia, requesting privilege licenses for the sale of beer & wine (retail pouring). This application will be heard before the Mayor & Council for the City of Smyrna, 2800 King Street, Smyrna, Georgia on July 20, 2015 at 7:30 p.m. All concerned persons are hereby notified.

Genet Tenaye
Licensee

Gursha Ethiopian Cuisine
1651 Roswell St.
Smyrna, Georgia 30080

Ads to Run JUL 10 and JUL 17