

**MEETING OF NOVEMBER 20, 2017**

**WARD 3 (unassigned)**

**ITEM NUMBER \_\_\_\_\_**

**\$ IMPACT \_\_\_\_\_**

**ISSUE:**

New application for a privilege licenses for Willy's Mexican Grill Inc. dba Willy's Mexican Grill for the sale of beer (retail pouring). Willy's Mexican Grill Inc. is the owner and Terry Green is the agent applicant.

**SUMMARY:**

Terry Green as the registered agent for Willy's Mexican Grill Inc. dba Willy's Mexican Grill requests a privilege license for the sale of beer (retail pouring) at 2995 Atlanta Road STE A-160.

**BACKGROUND:**

Terry Green will be the registered agent, responsible for the sale of alcohol at the referenced location. Terry Green 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. Terry Green has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

**REQUESTED ACTION:**

Approval of a privilege license for the sale of beer (retail pouring) for Willy's Mexican Grill Inc. dba Willy's Mexican Grill with Terry Green 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:**

NEW   
 RENEWAL   
 TRANSFER   
 MANUFACTURER   
 WHOLESALER   
 PKG. BEER/WINE   
 PKG. DIST. SPIRITS   
 RETAIL POURING   
 Restaurant   
 Package Store   
 Dancing/Live Ent   
 Private   
 Other

**BEER:**

NEW   
 RENEWAL   
 TRANSFER   
 MANUFACTURER   
 WHOLESALER   
 PKG. BEER/WINE   
 PKG. DIST. SPIRITS   
 RETAIL POURING   
 Restaurant   
 Package Store   
 Dancing/Live Ent.   
 Private   
 Other

**WINE:**

NEW   
 RENEWAL   
 TRANSFER   
 MANUFACTURER   
 WHOLESALER   
 PKG. BEER/WINE   
 PKG. DIST. SPIRITS   
 RETAIL POURING   
 Restaurant   
 Package Store   
 Dancing/Live Ent.   
 Private   
 Other

1. Legal Name of Business Willy's Mexicana Grill, Inc.

Operating name of the Business Willy's Mexicana Grill

Is the Business a:  proprietorship  partnership  corporation  foreign

2. Location 2995 Atlanta Rd. SE, A-160 Smyrna, GA 30080 Phone (770) 970-0559

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

		YES	NO
<b>PACKAGE DISTILLED SPIRITS</b>			
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	300 FEET	<input checked="" type="radio"/>	<input type="radio"/>
<b>POURING DISTILLED SPIRITS</b>			
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET [BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]	<input checked="" type="radio"/>	<input type="radio"/>
<b>PACKAGE WINE, MALT BEVERAGE</b>			
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY	300 FEET [EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE]	<input checked="" type="radio"/>	<input type="radio"/>
<b>POURING WINE, MALT BEVERAGE</b>			
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET [BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]	<input type="radio"/>	<input checked="" type="radio"/>

*office@willys.com*

4. Full name of Owner Karl Foliott Bitter Jr.

If a sole proprietor, will you manage the business full time on the premises?  Yes  No

Social Security Number [REDACTED] Date of Birth 08/05/1965

Are you a Citizen of the United States?  Yes  No Birthplace Columbus, OH

Current Address 211 Terrace Dr. NE City/State Atlanta, GA Zip 30305

Home Telephone \_\_\_\_\_ Number of years at present address 9

Drivers License Number and State [REDACTED] Georgia

What has been your occupation for the past five (5) years? Give detailed list Owner and CEO of Willy's Mexicana Grill, for over 20 years.

If a partnership, attach list showing each partner owning 10% or more, with address, telephone number, date of birth, and social security number.

If a corporation, provide corporate address, phone number & name of Chief Executive Officer Phone: (404)-252-6366

Address: 1876 Defoor Ave. NW, Suite 6 Atlanta, GA 30318

CEO: Karl Bitter Jr.

Federal Tax ID # 58-2161249 State of Incorporation Georgia

Is this a new business in Smyrna?  Yes  No If yes, date business will begin in Smyrna 05/24/2017

Is this a transfer or change of ownership?  Yes  No Effective date \_\_\_\_\_

If yes, enclose a copy of the sales contract, closing statement.

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction?

Yes  No If yes, attach full details.

5. Full name of Manager (as Applicant) Terry Green

Social Security Number [REDACTED] Date of Birth 03/29/1984

Are you a Citizen of the United States?  Yes  No Birthplace Wilmington, NC

Current Address 358 Dan Place City/State Smyrna, GA Zip 30082

Home Telephone [REDACTED] Number of years at present address \_\_\_\_\_

Do you reside in Cobb County?  Yes  No If yes, how long 4 months

Previous address 5555 Roswell Rd. Atlanta, GA 30342

Number of years at previous address 1 Drivers License Number and State [REDACTED] Georgia

What has been your occupation for the past five (5) years? Give detailed list Employed at Cook Out, Wendy's, Zaxby's, FYE

Manager's employment date with owner 04/24/2017

Has the manager (as applicant):

(a) Been adjudicated as incompetent or insane, or been deemed to have insufficient mental capacity to conduct the business for which the application is made?  Yes  No

(b) Been discharged from any military service under dishonorable conditions?  Yes  No

(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 are 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.

Please see attached lease.

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

8. How is the proposed location zoned? MU - Mixed Use

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.

None.

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

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.

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.

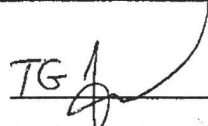
None.

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TG 

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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](http://www.smyrnacity.com)**

GEORGIA, COBB COUNTY

I, Karl F. Bitter Jr., 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.

Karl F. Bitter Jr

Signature of Owner (type name before signing)

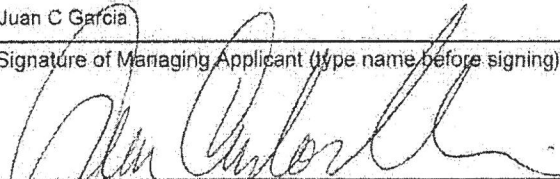


Signature and title of person other than Owner completing this application

Phone Number: Work: (404) 252-6366 Home: \_\_\_\_\_

Juan C Garcia

Signature of Managing Applicant (type name before signing)



Signature and title of person other than Applicant completing this application

Phone Number: Work: (404) 252-6366 Home: \_\_\_\_\_

Sworn to and subscribed before me

This 11 day of October 2017.



Notary Public



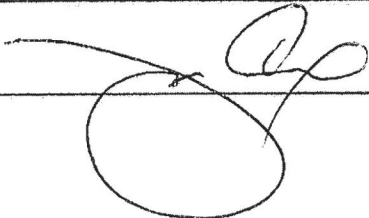
**FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:**



Date

10/25/17

**RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:**



Date

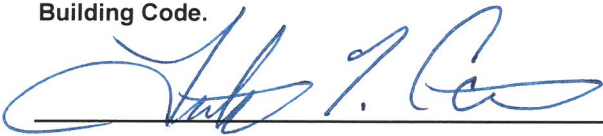
10/25/17

**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: Willy's Mexicana Grill, Inc.
2. Location: 2995 Atlanta Rd. SE, A-160 Smyrna, GA 30080 Phone: (770) 970-0559
3. Name of Applicant: Karl F. Bitter Jr.

**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 10/31/17

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 11/1/17

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.



Date 10/31/17

Tax Clerk



# CERTIFICATE OF ATTENDANCE

This certificate is awarded to

Green, Terry  
Willy's Mexicana Grill  
1876 Defoor Ave. NW  
Atlanta, GA 30318



**EVIINDI**  
**INCORPORATED**

For satisfactory completion of Evindi, Inc.'s

**Responsible Alcohol Sales & Service Workshop (3 hrs.)**

A handwritten signature in black ink, appearing to read "Michele L. Stumpe", is written over a horizontal line.

Michele L. Stumpe, President of Evindi, Inc.

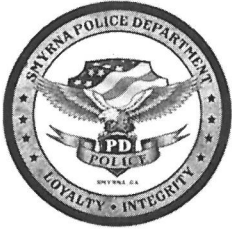
9-6-17

Date

This workshop has been approved to satisfy the following alcohol ordinance requirements:  
Cobb County; City of Kennesaw; City of Roswell; Cherokee County; City of Powder Springs;  
Douglas County; City of Holly Springs; City of Sandy Springs; City of Johns Creek; Forsyth  
County, City of Smyrna, Fayette County Rockdale County and Spalding County

Certificate to be posted in conspicuous location at licensed premises.

"Policing with a Purpose"



Chief of Police  
David Lee

2646 Atlanta RD SE  
Smyrna, GA 30080-2118  
Phone: 770-434-9481  
Fax: 678-631-5005

Deputy Chief  
Robert L. Harvey



Date: October 31, 2017  
To: Tammi Jones, City Administrator  
From: David Lee, Chief of Police  
Sgt. Doug Copeland, Office of Professional Standards  
Subject: Application for Alcohol License  
Applicant: Terry Green

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This applicant, **Terry Green**, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcohol beverage license, issued to, **2995 Atlanta Rd A-160**.

The business name is **Willy's Mexicana Grill**.

The business is incorporated under the name **Willy's Mexicana Grill, Inc.**

A background check was conducted on this applicant. There was nothing in his background within the criminal history requirements of City of Smyrna Ordinance 6-51 that would prohibit his from holding the license as long as he meets all the other requirements of the ordinances that regulate this type of business.

CC: Terri Graham, City Clerk  
Jim Cox, Business License  
File

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 10/31/2017 MAYOR AND COUNCIL: 11/20/2017

TYPE OF LICENSES REQUESTED: BEER (RETAIL POURING)

NEW APPLICATION: YES OWNERSHIP YES AGENT YES

NAME OF BUSINESS: WILLY'S MEXICANA GRILL INC  
dba WILLY'S MEXICANA GRILL

PLACE OF BUSINESS: 2995 ATLANTA ROAD STE A-160  
SMYRNA, GA 30080

AGENT: TERRY GREEN

HOME ADDRESS: 358 DAN PLACE SE  
SMYRNA, GA 30082

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 10/23/2017 RECEIVED 10/31/2017

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

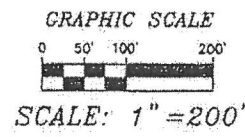
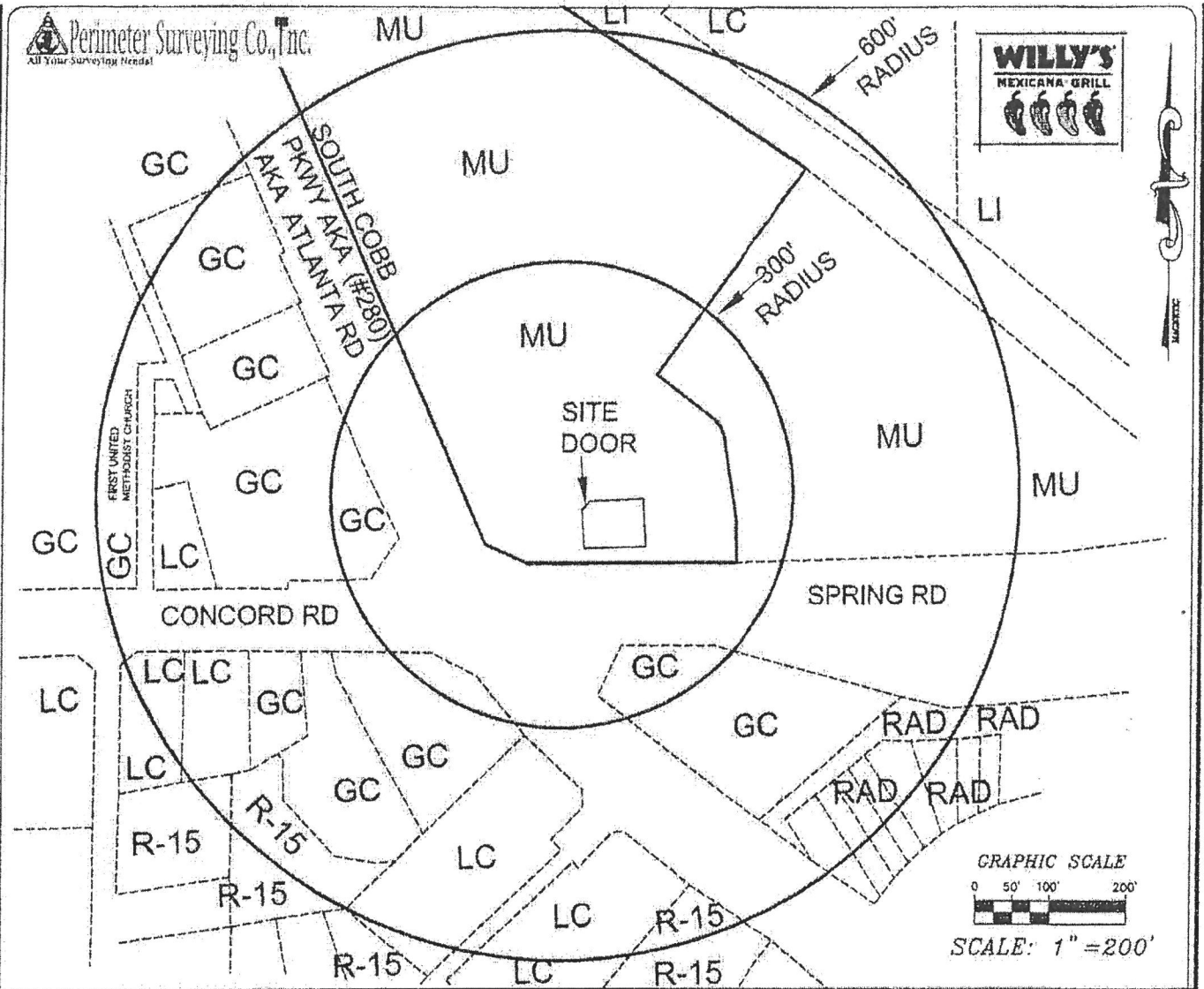
TYPE OF BUILDING MASONRY

DISTANCE MET: SCHOOL YES CHURCH YES LIBRARY YES PARK YES

SURVEY FURNISHED: YES

ADVERTISED: NOV 10, 2017 & NOV 17, 2017

COMMENTS: \_\_\_\_\_



**Selling on the Premises - Wine and Malt Beverages**  
 Nearest Private Residence - 487.0' to property line of 1409 Montclair CT, Zoned RAD.  
 Nearest Church Property Line - 566'+ First United Methodist Church @ 1315 Concord Rd.  
 Nearest Public Library - 600'+ Smyrna Public Library @ 100 Village Green Cir SE.  
 Nearest School Property Line - 600'+ to Covenant Christian School @ 3130 Atlanta Rd SE.  
 Nearest School Bus Stop - 600'+  
 Nearest Public Park - 600'+ Taylor Brawner Park, 3148 Atlanta Rd SE.

NOTE: THIS IS NOT A BOUNDARY SURVEY

Job# PSCI 010717 Alc., JF: 2995 AtlantaRd



TAX ID: 17055900370  
 SUITE A-160  
 2995 Atlanta Road S.E.  
 Land Lot 559, 17th District, 2nd Section  
 City of Smyrna  
 Cobb County, Ga 30080

**Alcohol Permit Exhibit for:**  
**Willys Mexicana Grill**



**Perimeter Surveying Co., Inc.**  
 1065 Sandtown Road SW Marietta, GA 30008  
 Phone: (770) 425-6624 | Fax: (770) 425-6168 | kcooper@psci.com  
 Kenneth L. Nult | Ga. R.L.S. #2104, COM# 16P001223

Party Chief: KN  
 Date Surveyed: 09/23/17  
 Date Drawn: 09/25/17  
 Job #: 2995-Atlanta Road

Computed by: JF  
 Drawn by: JF  
 Checked by: KN  
 Deed Book 15320 Page 59

APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Willy's Mexicana Grill Inc. dba Willy's Mexicana Grill located at 2995 Atlanta Road STE A-160 requesting a privilege license for the sale of beer(retail pouring). The application will be heard by the Mayor and Council for the City of Smyrna, 2800 King Street, Smyrna, Georgia on November 20, 2017 at 7:00 p.m. All concerned persons are hereby notified.

Terry Green  
Licensee

Willy's Mexicana Grill Inc  
Dba Willy's Mexicana Grill  
2995 Atlanta Road STE A-160  
Smyrna, GA 30080

Ads to Run Nov 10, 2017 and Nov 17, 2017