

DMC

11-4-98
Bar hours unchanged

*Voters defeat proposal
to cut drinking time*

By Colin Pope
Staff Writer

Denton voters defeated a proposal Tuesday that would have closed local bars a couple of hours earlier.

On what became the hottest local issue on the ballot, complete but unofficial returns showed that 8,315 (62.45 percent) residents voted to keep the current drinking hours while 5,000 (37.55 percent) voted to shorten them.

About 27 percent of all the registered

voters in the city voted on the issue.

The majority decided to continue to allow bars, clubs and restaurants to sell alcohol until 2 a.m., a cut-off time that's been in place for only two years. The proposal rejected Tuesday would have shut off local taps at midnight almost everyday. The only exception was for Saturday-night drinkers, who would have been able to drink in public until 1 a.m.

The issue was highly publicized all around town. Bumper stickers, yard signs and flyers stuffed into six packs

See BARS/8A

1 copy for

Liquor Law

file

Bars

From/1A

urged potential voters to shoot down the proposed ordinance. It also was protested by Ben E. Keith Beers, Denton's major beer supplier, and many alcohol-related business owners, who bonded to form an ad-hoc group called Denton Citizens For Common Sense.

"Our group just wanted to get the word out so one way or another people would vote. We didn't want 800 people to decide our fate. But if the community would have decided to close the bars at midnight, then let it be," said Anita Bruno, a local bar owner and the principal figure of the ad-hoc group.

The issue was introduced in June when a 49-page petition with 800 names on it was brought to City Hall. Because the number of names verified on the petition equaled at least 25 percent of the total number of votes cast during the last election, the petition was valid, the city secretary determined, and it would have to be put before the City Council.

When it was discussed at a council meeting in November, members had only two options: Accept the new hours or put the question on the ballot. In a unanimous decision, the council quickly handed it to voters.

Many on the City Council said the decision was not only based on their personal opinions and desires to avoid political suicide, but also because it was an issue that should be decided by more than seven people.

"They made the right choice," self-proclaimed bar-hopper Richard James said late Tuesday night as he waited for election results at a local bar. "It's not a political issue. It's something that has to do with personal preference and community consensus."

Mickey George, the Denton resident who submitted the petition, could not be reached for comment Tuesday.

■ COIN JOPE can be reached at (940) 361-9584. His e-mail address is cojope@dentonnc.com



DENTON RECORD-CHRONICLE/MARIL MARSH
Crystal Mulken, a bartender at Jacky Lou's bar, pours a glass of wine. The bar vote was one of the most controversial on Hickory.

Chuck Carpenter



**NORTH CENTRAL TEXAS COLLEGE
SMALL BUSINESS DEVELOPMENT CENTER**

From:

Information Assistant

Sent:

Wednesday, May 3, 2006 2:08 PM 14 PARKWAY • P.O. DRAWER P • DENTON, TEXAS 76202

To:

Chuck Carpenter

817/380-1849 • METRO 214/434-8228 • FAX 817/382-0040

Subject:

Anita Burno

Anita is the owner of Cool Beans and wants to know if she could get some support from you on the 2:00 a.m. closings of bars. This issue is up again and wants to know if you could attend a meeting with her. She wants to know if she could any kind of support form the Chamber itself. Her telephone number is 940-382-7025. *Cool Beans*

Thanks,

Crystal Sproles

Anita or Martin Bruno
wed., May 27, 2pm at
Sweetwater
494-2008
at Loophole
565-0770
km #
387-9513

Next mtg.
wed. 1 Aug.
12
at 3pm
Ben's

Bar battle rages

Late-hours supporters cite patron safety, taxes

By Colia Pope
Staff writer

Anita Bruno can name a hundred reasons for keeping the bars open until 2 a.m. rather than shutting them down at midnight.

Putting aside the fact that she'll have to close her four restaurants and bars before their usual peak periods, she's worried about the safety of her patrons, the impact on the universities and the city's tax base and the jobs of the people she employs.

And she isn't alone. Some residents oppose the shorter drinking hours that will be put to a

public vote in November, bar owners say. And to make sure support keeps snowballing, the effort has been organized.

Several bar and club owners, as well as regular residents, have rallied around Ms. Bruno to form an organization they call Denton Citizens For Common Sense. The group has one objective: to out vote those who want

to reduce the drinking hours.

"Paramount to us is our concern for safety," Ms. Bruno said. "Turning people away from local businesses only to have them get on the highway to go to Dallas and Fort Worth, where the serving hours are later, is not a responsible approach for the commu-

See VOTE/9A



Quentia Moon, a bartender at Cool Beans, stands by one of the "Tape the Vote" posters on the wall at the bar.

Vote

From/11A

nity to take."

Club owners say that if the shorter hours are chosen by the voters on Nov. 3, many jobs will be lost — many of which are filled by university students working part-time.

Ms. Bruno and other club owners around town began opposing the shorter hours several months ago when about 800 residents signed a petition to have the hours reconsidered. Rather than automatically changing the hours, the Denton City Council opted to let residents decide during an election.

Voters will decide Nov. 3 whether clubs, bars and restaurants should close at midnight on most nights except for Saturday-night partygoers who would be able to drink until 1 a.m. The last call for alcohol currently is at 2 a.m. on most nights.

But some Denton residents are pushing to shorten bar hours.

Denton resident Mikey George, who submitted the pe-

tion that led to the vote, said that he, personally, wants the hours shortened because the ordinance "slipped by the pub-lic last time," and he'd like the residents to decide the drinking hours.

He said the others who signed the petition did so for various reasons. Many, he said, are concerned about midnight drinking.

Irma Jones, a licensed chemical dependency counselor at the University of North Texas, urged the City Council last month to shorten the hours because of the toll late-night drinking takes on university students.

"I'm the one who has to look at the students flunking out of school because they're having too much fun. About 6 percent of freshman drop out of school because of alcohol abuse," Al-Jones told the council.

But at the same time, some club owners say the shorter hours actually will have a negative effect on college students and even the universities themselves.

"Very specifically, this will hit UNT's world-renown music

school hardest because so many students perform at local venues. That's one of the reasons musicians choose North Texas over other universities," Ms. Bruno said.

The co-owner of Cool Beans and The Laophole said students trying to work their way through college will have less job opportunities if the night life dries up.

Russ Russell, the owner of Rockin' R, said the shorter hours may force his business and others like it to close. And even if they did survive, he said, other owners will think twice about opening a bar or club in Denton.

"When the hours were extended from midnight to 2 a.m. two years ago, I decided to open a quality club in Denton. I put a ton of money in it. Now they may change the law. I don't think we'll survive."

Bar owners say they already face stiff competition from other drinking establishments in the Metroplex.

■ COLIA POPE can be reached at 381-0594. Her e-mail address is cpop@dentonnet.com

City council will consider petition

Drinking ordinance may get revamped

By Colin Pope
Staff Writer 6/23/98

The Denton City Council soon will consider reducing the number of hours businesses can sell alcohol.

A five-member committee submitted a 49-page petition with 800 names to the city earlier this month in an effort to repeal the current drinking ordinance. The city secretary and attorney have informally certi-

fied the petition, but the city must wait until the next City Council meeting on July 21 for the certification to become final.

The Committee For Repeal is hoping the City Council will replace the current city ordinance that allows alcohol vendors to sell their product until 2 a.m. Monday through Saturday.

According to the ordinance proposed by the committee, the sale of mixed beverages, beer

See PETITION/5A

Petition

From/1A

and wine on premises within the city limits should be limited to between 7 a.m. and midnight on any day but Sunday. On Sundays, sales would be permitted from midnight to 1 a.m. (technically on Sunday but generally considered "late Saturday night") and between 10 a.m. and midnight. Any alcoholic beverage served to a customer between 10 a.m. and noon on Sunday should accompany a food order, the petition says.

The City Council has three options. They can vote to approve the proposal, they can vote down the new ordinance or they can alter it.

If the proposed ordinance is altered or voted down by the council, it will be put on the ballot in a special election in November.

Although the Committee for Repeal's primary reason for filing the petition was to shorten the number of hours alcohol can be sold, it was also done to give residents a chance to vote on, or at least comment on, a drinking law, petitioner Mickey George said.

"When the ordinance was (originally) passed in 1996, people didn't feel like there was a fair public hearing. It kind of caught everyone by surprise," Mr. George said.

When the council considers the proposed ordinance residents will likely have the chance to speak during a public hearing, City Secretary Jennifer Walters said.

Business that sell alcohol until the early morning said that the effect on them is simple: Fewer hours means fewer dollars in their pocket.

206 CHARLES ST. 200110

Committee petitions ordinance

By Colin Pope 6/16/98
Staff Writer

Denton resident Mickey George resubmitted a petition to have the Denton City Council re-evaluate the hours vendors are allowed to sell alcohol in the city.

City Secretary Jennifer Walters said two weeks ago that the original petition lacked some language required by the City Charter, so it wasn't valid. Furthermore, it wasn't notarized, which also is required.

Mr. George said he made the necessary changes and is waiting for the city to verify them. City officials have until the end of the week to verify it.

A five-member committee

originally submitted the 49-page petition with 800 names to the city May 8 in an effort to reduce the hours a club or bar can sell alcohol.

The Committee For Repeal is seeking to revoke a city ordinance that allows alcohol vendors to sell their product until 2 a.m. Tuesday through Sunday.

The committee is urging the City Council to either repeal the ordinance and replace it with the previous one, which allowed alcohol to be sold only until midnight on most days, or to put it up for a vote during the next municipal election.

"When the ordinance was

See ALCOHOL/7A

From/1A

passed in 1996, people didn't feel like there was a fair public hearing. It kind of caught everyone by surprise," Mr. George previously told the *Denton Record-Chronicle*. "I'd like to have it put up for a (citywide) vote to see what resi-

dents think about it."

It's unclear at this point how the council might vote on a repeal if the issue is put before it, but it is likely won't pass unanimously, based on what some council members have said.

Hours debated

Denton council to hear bar 'last call' opinion

By Collin Pope
Staff Writer

Denton City Council members during their regular meeting Tuesday will hear public comments about reducing the number of hours businesses can sell alcohol each day.

The public hearing is the only opportunity residents will have to comment on the proposal before the entire council. Council members will vote on the issue during their Sept. 1 meeting.

Tuesday's meeting will begin at 7 p.m. at City Hall, 215 E. McKinney St.

The proposed drinking ordinance, initiated by a petition signed by about 800 residents, was submitted to the city in June. Those who signed the petition are asking the city to revoke the

current ordinance that allows businesses to sell alcohol until 2 a.m. Tuesday through Sunday.

Those who signed the petition are asking the city to revoke the current ordinance that allows businesses to sell alcohol until 2 a.m. Tuesday through Sunday.

The ordinance proposed would make the last call for alcohol at midnight on those days, except Sunday, when the cut-off time would be at 1 a.m.

The proposal has been criticized by business owners who sell alcohol and Ben E. Keith Beers, the company that supplies Denton with most of its beer. Those against the proposed ordinance say it will have a severe negative economic impact on those types of businesses.

Residents who want the law changed say that minors in possession of alcohol are a prevalent prob-

lem in Denton, and the added often lead to trouble. Mickey C who submitted the petition, argues that the current ordinance "slipped by the public" when adopted two years ago.

Under the City Charter, if the Council doesn't adopt the new next month, the issue must be public vote in November.

Other items scheduled for day's meeting include:

- consideration of an ordinance accepting bids and awarding a contract for the Denia Park softball field park renovation. The project is estimated to cost about \$593,000.

See C11

City

From/1A

- consideration of an ordinance that would allow residents to speak on regular and consent agenda items on the City Council's agendas.

- consideration of an ordinance that clarifies the rules and requirements for businesses that operate out of houses or other residential buildings.

- accepting an application from Nortex Telecom, which would like to provide parts of south Denton with cable service.

- execute a tax abatement agreement with United Copper Industries.

- a public hearing inviting residents to comment on the proposed use of 1997 Local Law Enforcement Block Grant funding.

- confirmation of the appointment of Gary Matheson as the next police chief.

■ COLIN POPE can be reached at (940) 381-9594. His e-mail address is cpope@dentonrc.com.

Meeting of Denton Bars/Restaurants
August 12, 1998

Ben E. Keith Hospitality Room
"Citizens for Common Sense"

-
- meeting weekly to discuss what is happening and updating people on status of situation for next 2 months.
 - Stats they are collecting job impact; safety of political environment & keeping people from driving to Dallas; industry in Denton; economics of it.
 - They are going to speak at council on Tues., 8/18
 - Andy will speak and intro the other speakers.
 - Sherard suggested putting fliers out in the establishments and inform them.
& at midnight making the customers aware by turning on lights
 - 98% sure going to public election Nov. 3
 - Want to devote time (15 days prior) to early voting
 - They will have a booth at the fair to inform people.
 - Right now focusing on getting people to vote.
 - The group wants to speak to the board at the Sept. 17th meeting. They will know
 - They are treating this as an at-large vote, not the students only.

Repeal fought

Beer seller challenges public's initiative right

By Colin Pope
Staff Writer

The president of the company that supplies Denton with much of its beer doesn't want the city to reduce the number of hours some businesses can sell alcohol.

Ben E. Keith beer distributor President Troy LaGrone and other Denton residents recently gave Denton's city attorney a legal brief which argues that the city can't repeal the ordinance regulating the hours. The brief is in response to an initiative by a group of residents who want the

The way an initiative works is that electors can propose an ordinance on anything as long as it doesn't have to do with appropriating money or levying taxes.

City Secretary Jennifer Walters

drinking hours shortened.

The Committee For Repeal, a five-member committee, wants to revoke a city ordinance that allows some businesses to sell alcohol until 2 a.m. Tuesday through Sunday. The group submitted a 49-page petition with 800 names to the city last month.

Before the hours were extended in 1996, businesses selling alcohol had

to close by midnight.

The committee is urging the City Council to either repeal the ordinance and revert to the previous one, which allowed alcohol to be sold only until midnight on most days, or to put the issue to a vote in November.

The petition was certified by the

See ALCOHOL/8A

8A/Friday, July 24, 1998

Local

Alcohol

From 1A
city earlier this week, and the City Council is obligated to take some kind of action soon. According to the city charter, if the City Council does not rescind the ordinance, or if it does not act within 60 days, the public will vote on it.

"The way an initiative works is that electors can propose an ordinance on anything as long as it doesn't have to do with appropriating money or levying taxes. They needed 667 names for the initiative to be started and they had 723 certified names on the petition," City Secretary Jennifer Walters said.

Mickey George, who submitted the petition, said that he, personally, wants the hours shortened because the ordinance slipped by the public last time. He added that his main motive is to get his ordinance before the voters.

Mr. George said that he would also rather have the shorter hours because the extended drinking period is not in the best interest of residents and the universities. He said that minors in possession of alcohol are still a prevalent problem in Denton, and the alcohol industry shouldn't be rewarded for their lack of efforts to curb under-age drinking.

"(Ben E. Keith's) intent is to block people from voting on

this once more," Mr. George said. "I guess it's the nature of the business. If there's money involved, they'll do anything to protect their interests."

Mr. LaGrone submitted the 15-page legal brief to City Attorney Herb Prouty last Friday to try to stop the repeal procedures. Mr. LaGrone said Thursday that no lawyers have been involved so far and the brief was put together by several Dentonites, who he did not identify. The document is legally complex and refers to several similar Texas cases and contains excerpts of codes and ordinances that support their opinion.

"We feel like it's wrong. We have a business (in Denton) that employs 100-or-so people and this could affect their livelihood," Mr. LaGrone said from his office in Fort Worth.

The legal brief argues that the Texas Alcoholic Beverage Code, which overrides the city ordinance, allows a city to pass an ordinance that regulates the hours alcohol can be sold. But the code doesn't say that the city has the right to appeal the law that sets those hours. Therefore, the brief infers, the city can't repeal it.

But Mr. George said he can argue that point.

"They're saying that the ordinance was passed and can't be repealed," Mr. George said.

"But it wasn't passed to be permanent. It was passed with the stipulation that it could be reviewed and perhaps altered somewhere down the road."

When the drinking ordinance was passed in 1996, it had to be reviewed a year later. During the review, the council made no changes. Mr. George said that the review clause is proof that the ordinance can be, and was meant to be, altered, or at least discussed, at a later date.

But the brief contains another argument. It states that the current effort to repeal the ordinance is not acceptable, by law. The brief says that the city must initiate the repeal for it to be valid, and it can't be repealed through an initiative or referendum.

"They're trying to convince us that we don't have the authority to repeal the ordinance. We've looked at it, and our initial indications were that we did have the authority," Mr. Prouty said.

"We took the usual position the city takes in these situations," he added. "If the city has the ability to enact something, then it can repeal it. But we decided that before the brief was given to us."

Mr. Prouty said that he hasn't evaluated all the arguments in the brief, so he is unsure if they're valid.

The city recently asked the state Attorney General's Office for oral advice on the new issues raised by Mr. LaGrone and the unidentified others. Mr. Prouty will seek a written, more definitive ruling on the issue soon, he said.

Mr. Prouty expects to have an oral decision in the next week or so. The written opinion, however, will likely not arrive for several months.

Under the city charter, the City Council must either pass the proposed ordinance with shorter drinking hours or it must set up an election less than two months from now.

Mr. Prouty said that the issue cannot be put off until the attorney general's written opinion is handed down from Austin, so the city will either accept the new ordinance or put it up for a vote if the oral advice isn't compelling enough.

Either way, the city could theoretically face a lawsuit, Mr. Prouty said.

If it does go to a public vote, Ben E. Keith can file a lawsuit against the city. And if it doesn't go to a vote, and the City Council chooses not to change the law, then the Citizens for Repeal can file a lawsuit because their petition was certified and the group followed the city charter.

Neither side has threatened litigation.

City looks to annex 15 acres

By Colin Pope
Staff Writer

The Denton City Council will consider annexing 15 acres in southeast Denton Tuesday. The extra land is needed so the property owner can extend the future Preserve at Pecan Creek neighborhood, which is already in the city limits.

The council also will consider rezoning about three acres along Interstate 35-E and will discuss for the first time a petition aimed at changing the hours Denton businesses can sell alcohol.

The meeting, which includes several more agenda items, is scheduled to begin at 7 p.m. at City Hall, 215 E. McKinney St.

Council members are expected to annex the 15 acres in

southeast Denton, located east of the intersection of Swisher and Edwards roads. The Planning and Zoning Commission unanimously recommended the approval last month and no residents have formally opposed the proposal.

The 15 acres would become a small part of the total 411-acre neighborhood to be built adjacent to the property.

Although the Preserve will be made up of single-family homes, Westover Residential Company & CAIAS Inc. intends to build town homes on the additional 15 acres.

The developer has told the city that the town homes will be consistent with the single-family home styles around it.

See CITY/8A

City

From 1A

Following the vote on the annexation, the city secretary will certify a petition focusing on shortening the number of hours businesses can sell alcohol each day. Council members will direct city staff to schedule a date for a public hearing on the matter. The next available meeting for that public hearing is in August. City Secretary Jennifer Walters said.

Also during Tuesday's meeting, the council will hold a public hearing before it considers rezoning about three acres along the south side of I-35-E, near Tessley Lane, from commercial to multi-family zoning.

The council postponed the vote last month after members cast a 3-3 vote. Some council

members were against the rezoning because of the added traffic it would bring to the I-35-E frontage road. Some also said that commercial zoning is more fitting for the area.

Other items scheduled for Tuesday's meeting include:

- formally accepting the resignation of City Manager Ted Benavides, effective Sept. 9. He has accepted the city manager position in Dallas.

- a consideration for a resolution to be sent to the 76th Texas Legislature urging it to increase appropriations for roadway maintenance and improvements.

- a consideration to adopt a logo for Denton Municipal Electric.

- renaming the Denton Mu-

City to refinance debt, pay for lake reservoir

Staff report

The Denton City Council has called a special meeting to refinance the remaining debt from the U.S. Army Corps of Engineer's construction and development of the Ray Roberts Lake Reservoir several years ago.

The city refinanced \$36,510,000 in 1996, which was the first half of the total amount to be refinanced. During Tuesday's meeting at 11 a.m. in City Hall, the council will authorize the

municipal Complex on East Hickory Street "City Hall East".

- scheduling a public hear-

sale of utility bonds to pay back debt to the Corp \$36,795,000. Proceeds from the sale of the bonds also will be used to pay for a reserve fund and help pay costs of issuance associated with the debt, according to the finance department.

The utility bonds will require an annual debt service payment of about \$2,587,876, but will save the city about \$35 million in debt service payments during the next 20 years.

ing on the adoption of a capital improvements plan and water and sewer impact fees.

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BEN E. KEITH BEERS
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REQUESTOR ----- DENTON ON PREMISE ADDRESSES
 PRODUCT TYPE ----- BE
 LOCATION CODE ----- BDN

BEN E. KEITH BEERS, DENTON

CREDIT	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
01	ANDY'S SUBS AND PIZZA DENTON	1128 N. LOCUST 76201-	565-5400
01	APPLEBEE'S DENTON	707 I-35 SOUTH 76205-	591-9353
01	BARIS PIZZA & PASTA DENTON	1407 WEST OAK 76201-	982-9964
01	BEDD'S DENTON	1215 E UNIVERSITY 76201-	566-9910
01	BEIJING CHINESE REST. DENTON	1622 W. UNIVERSITY 76201-	387-9100
01	BILLY'S BREWERY DENTON	508 S. ELM STE A, 76201-	387-9374
90	BLACK-EYED PEA DENTON	2420 I-35 E SOUTH 76205-	891-0654
01	BLUE MOON BAR & GRILL DENTON	GOLDEN TRIANGLE MALL 76205-	382-1943
01	BRUNSWICK VARSITY BOWLING DENTON	2200 SAN JACINTO BLV 76201-	383-3515
01	CAFE CHINA DENTON	2215 LOOP 288 SOUTH 76201-	387-0179
01	CHESTNUT TREE DENTON	107 W. HICKORY 76201-	591-9475
90	CHILI'S DENTON	2406 I-35 E SOUTH 76201-	382-0132
01	CHINATOWN CAFE DENTON	2317 UNIVERSITY 76201-	383-2639
01	CHUCK WAGON BAR BQ DENTON	301 SHERMAN 76201-	387-5111
90	COLTER'S BBQ DENTON	2229 I-35 E SOUTH 76205-	383-1577
01	COLUMBUS CLUB (K.C. HALL) DENTON	1700 RINEY ROAD 76201-	566-3554

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PRODUCT TYPE ----- BE

LOCATION CODE ----- BDN

BEN E. KEITH BEERS, DENTON

CUST#	S	CREDIT CODE	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
800035	A	01	COOL BEANS DENTON	1210 WEST HICKORY 76201-	382-7025
800605	A	01	DAN'S BAR DENTON	119 S. ELM 76201-	891-1549
800478	A	01	DENTON CO. INDP. HAMBURG DENTON	715 SUNSET 76201-	382-3037
800569	A	01	DENTON GOLF CENTER DENTON	1710 S. LOOP 288 76201-	123-4567
800924	A	01	EBONY CLUB DENTON	404 E. FRAIRIE ST 76201-	123-4567
800212	A	01	EL CHICO DENTON	2201 I-35 SOUTH GOLD 76205-	566-6330
800530	A	01	EL MATADDR DENTON	720 W. UNIVERSITY 76201-	387-1137
800027	A	01	ELKS LODGE DENTON	228 E OAK 76201-	387-8124
800032	A	01	ENRIQUE'S DENTON	108 CONGRESS 76201-	243-3900
800017	A	01	FLYING TOMATO DENTON	1226 W HICKORY 76201-	383-1111
800133	A	01	G. ANDERSON (PIZZA HUT) DENTON	227 UNIVERSITY 76201-	387-4525
800486	A	01	G. ANDERSON (PIZZA HUT) DENTON	1600 TEASLEY LANE 76201-	387-5544
800204	A	01	GARIBALDI DENTON	1813 N. ELM 76201-	382-0756
800560	A	90	GOOD EATS DENTON	5812 I-35N 76207-	387-3500
800913	A	01	GREENHOUSE DENTON	400 N. LOCUST 76201-	484-1349
800484	A	01	GROOVY MULE DENTON	1131 FT WORTH DRIVE 76201-	383-7674

161360.01

REGUESTOR ----- DENTON ON PREMISE ADDRESSES
 PRODUCT TYPE ----- BE
 LOCATION CODE ----- BDN

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BEN E. KEITH BEERS, DENTON

CUST#	S	CREDIT CODE	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
800011	A	01	HOLIDAY INN (JIMMY'S) DENTON	1500 DALLAS DRIVE 76201-	484-5557
800189	A	01	HOLIDAY LANES DENTON	1212 E. UNIVERSITY 76201-	382-2110
800216	A	01	J R POCKETS DENTON	127 FT WORTH DRIVE 76201-	383-3573
800433	A	01	JASON'S DELI DENTON	2219 B. LOOP 288 SUI 76205-	484-1234
800789	A	01	JON JON'S DENTON	818 E. SYCAMORE 76201-	383-6808
800016	A	01	JONATHAN'S DENTON	1109 DALLAS DRIVE 76201-	383-3030
800018	A	01	KINKY'S DENTON	0827 EAGLE 76201-	566-2149
800026	A	01	KRAZY KRAB DENTON	820 HWY I-35 EAST 76205-	565-1307
800006	A	01	LA ESTRELLITA LOUNGE DENTON	611 I-35 EAST 76201-	484-1815
800557	A	01	LEON'S PLACE DENTON	1776 TEASLEY STE 102 76201-	381-5489
800324	A	01	LOCUST ST. BAR AND GRILL DENTON	104 N LOCUST 76201-	566-3614
800238	A	01	LOOP HOLE DENTON	119 W. HICKORY 76201-	565-0770
800217	A	01	LOTUS DENTON	508 S. ELM 76201-	387-9250
800365	A	01	LUCKY LOU'S DENTON	1207 W HICKORY 76201-	484-5550
800190	A	01	MAZATLON DENTON	1928 RUDDELL 76201-	566-1718
800098	A	01	MERCADO JUAREZ DENTON	419 S ELM 76201-	380-0755

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PRODUCT TYPE ----- BE
LOCATION CODE ----- BDN

BEN E. KEITH BEERS, DENTON

CUST #	B	CREDIT CODE	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
800837	A	01	METZLER'S FOOD & BEV. II DENTON	632 LONDONDERRY 76205-	591-1652
800493	A	01	MI CASITA DENTON	101 N. CARROLL 76201-	891-1932
800222	A	01	MI RANCHITA DENTON	1122 FORT WORTH DRIV 76205-	381-1167
800038	A	01	MILANO'S DENTON	911 AVENUE C 76201-	383-2021
800097	A	01	MR GATTIS PIZZA DENTON	220 W. UNIVERSITY 76201-	382-1521
800617	A	01	MR. GATTIS DENTON	118 W. OAK 76201-	383-0944
800070	A	01	MR. PORKY DENTON	8430 W. UNIVERSITY 76201-	380-2945
800034	A	01	MUTHERS DENTON	113 AVENUE A 76201-	383-0045
800256	A	01	NEW YORK SUBWAY DENTON	906 AVENUE C 76201-	383-3213
800499	A	01	O'RILEY'S BILLIARDS DENTON	1009 AVENUE C 76201-	123-4567
800720	A	01	OUTBACK STEAK DENTON	300 I-35E 76205-	320-5373
800601	A	01	PANCHO'S DENTON	1117 AVENUE C 76201-	123-4567
800385	A	90	RADISSON DENTON	2211 I 35 E NORTH 75601-	565-8499
800270	A	01	RED DERBY, THE DENTON	807 EAGLE DRIVE 76201-	380-0060
800502	A	01	RED LOBSTER DENTON	1825 LILLIAN PARKWAY 76205-	382-4811
800473	A	01	RED PEPPER DENTON	2412 I-35 EAST 76205-	387-1688

1b1360.01

BEN E. KEITH BEERS
SELECTIVE CUSTOMER LABELS SYSTE
CUSTOMER LISTING IN SHORT FORMA
SORTED BY PRODUCT TYPE, LOCATION C

REQUESTOR ----- DENTON ON PREMISE ADDRESSES
PRODUCT TYPE ----- BE
LOCATION CODE ----- BDN

BEN E. KEITH BEERS, DENTON

CUST#	S	CREDIT	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
800482	A	01	RICK'S AMERICAN HAMBURGER DENTON	501 W. UNIVERSITY 76201-	382-8260
800030	A	01	RICK'S PLACE DENTON	125 AVENUE A 76201-	382-4141
800480	A	01	RIP ROCKS DENTON	1211 WEST HICKORY 76201-	382-3231
800023	A	01	ROCK BOTTOM DENTON	AVE A BLOCK 400 WEST 76201-	565-3827
800788	A	01	ROCKING R DENTON	100 MAPLE ST 76201-	566-5517
800538	A	01	SMOKEHOUSE OF DENTON DENTON	1123 FT WORTH DR, 76205-	566-3073
800575	A	01	SPRENTINO'S DENTON	2317 W. UNIVERSITY 76201-	591-1988
800325	A	01	STATE CLUB DENTON	107 AVENUE A 76201-	387-8283
800136	A	01	SUNSET GRILLE DENTON	809 SUNSET 76201-	484-4165
800782	A	01	SWEETWATER DENTON, TX	115 S ELM 76201-	123-4567
800093	A	01	T J'S WINGS & PIZZA DENTON	1206 W. HICKORY 76201-	123-4567
800622	A	01	TAVERN ON THE GREEN DENTON	121 AVE A 76201-	383-2337
800033	A	01	TEXAS PICK-UP DENTON	2101 W. PRAIRIE 76201-	382-1221
800926	A	01	TEXICAN GRILL DENTON	111 W. MULLBERRY 76201-	381-6722
800410	A	01	THIS SUDS FOR YOU DENTON	1121 AVE C 76201-	387-7837
800476	A	90	TIA'S TEX MEX #367 DENTON	2416 LILLIAN MILLER 76201-	566-4792

1b1360.01

BEN E. KEITH BEERS
SELECTIVE CUSTOMER LABELS SYSTE
CUSTOMER LISTING IN SHORT FORMA
SORTED BY PRODUCT TYPE, LOCATION C

REQUESTOR ----- DENTON ON PREMISE ADDRESSES
PRODUCT TYPE ----- BE
LOCATION CODE ----- BDN

BEN E. KEITH BEERS, DENTON

CUST#	S	CREDIT	CUSTOMER NAME / CITY	ADDRESS / ZIP	PHONE #
800597	A	01	TWO BRO.PIZZA & PASTA DENTON	1125 E. UNIVERSITY D 76201-	591-9313
800436	A	01	TWU CLUB DENTON	INT N/E DAKLAND & HU 76204-	898-3669
800025	A	01	VFW #2205 DENTON	909 SUNSET 76201-	387-2205
800091	A	01	W PRAIRIE STREET PUB DENTON	2109 PRAIRIE 76201-	387-6640

84
84
84



Denton Record-Chronicle

Repeal fought

Beer seller challenges public's initiative right

By Colin Pope
Staff Writer

The president of the company that supplies Denton with much of its beer doesn't want the city to reduce the number of hours some businesses can sell alcohol.

Ben E. Keith beer distributor President Troy LaGrone and other Denton residents recently gave Denton's city attorney a legal brief which argues that the city can't repeal the ordinance regulating the hours. The brief is in response to an initiative by a group of residents who want the

'The way an initiative works is that electors can propose an ordinance on anything as long as it doesn't have to do with appropriating money or levying taxes.'

City Secretary Jennifer Walters

drinking hours shortened.

The Committee For Repeal, a five-member committee, wants to revoke a city ordinance that allows some businesses to sell alcohol until 2 a.m. Tuesday through Sunday. The group submitted a 49-page petition with 800 names to the city last month.

Before the hours were extended in 1996, businesses selling alcohol had

to close by midnight.

The committee is urging the City Council to either repeal the ordinance and revert to the previous one, which allowed alcohol to be sold only until midnight on most days, or to put the issue to a vote in November.

The petition was certified by the

See ALCOHOL/8A

8A/Friday, July 24, 1998

Local

Alcohol

From/1A

city earlier this week, and the City Council is obligated to take some kind of action soon. According to the city charter, if the City Council does not rescind the ordinance, or if it does not act within 60 days, the public will vote on it.

"The way an initiative works is that electors can propose an ordinance on anything as long as it doesn't have to do with appropriating money or levying taxes. They needed 667 names for the initiative to be started and they had 723 certified names on the petition," City Secretary Jennifer Walters said.

Mickey George, who submitted the petition, said that he, personally, wants the hours shortened because the ordinance slipped by the public last time. He added that his main motive is to get his ordinance before the voters.

Mr. George said that he would also rather have the shorter hours because the extended drinking period is not in the best interest of residents and the universities. He said that minors in possession of alcohol are still a prevalent problem in Denton, and the alcohol industry shouldn't be rewarded for their lack of efforts to curb under-age drinking.

"(Ben E. Keith's) intent is to block people from voting on

this once more," Mr. George said. "I guess it's the nature of the business. If there's money involved, they'll do anything to protect their interests."

Mr. LaGrone submitted the 15-page legal brief to City Attorney Herb Prouty last Friday to try to stop the repeal procedures. Mr. LaGrone said Thursday that no lawyers have been involved so far and the brief was put together by several Dentonites, who he did not identify. The document is legally complex and refers to several similar Texas cases and contains excerpts of codes and ordinances that support their opinion.

"We feel like it's wrong. We have a business (in Denton) that employs 100-or-so people and this could affect their livelihood," Mr. LaGrone said from his office in Fort Worth.

The legal brief argues that the Texas Alcoholic Beverage Code, which overrides the city ordinance, allows a city to pass an ordinance that regulates the hours alcohol can be sold. But the code doesn't say that the city has the right to appeal the law that sets those hours. Therefore, the brief infers, the city can't repeal it.

But Mr. George said he can argue that point.

"They're saying that the ordinance was passed and can't be repealed," Mr. George said.

"But it wasn't passed to be permanent. It was passed with the stipulation that it could be reviewed and perhaps altered somewhere down the road."

When the drinking ordinance was passed in 1996, it had to be reviewed a year later. During the review, the council made no changes. Mr. George said that the review clause is proof that the ordinance can be, and was meant to be, altered, or at least discussed, at a later date.

But the brief contains another argument. It states that the current effort to repeal the ordinance is not acceptable, by law. The brief says that the city must initiate the repeal for it to be valid, and it can't be repealed through an initiative or referendum.

"They're trying to convince us that we don't have the authority to repeal the ordinance. We've looked at it, and our initial indications were that we did have the authority," Mr. Prouty said.

"We took the usual position the city takes in these situations," he added. "If the city has the ability to enact something, then it can repeal it. But we decided that before the brief was given to us."

Mr. Prouty said that he hasn't evaluated all the arguments in the brief, so he is unsure if they're valid.

The city recently asked the state Attorney General's Office for oral advice on the new issues raised by Mr. LaGrone and the unidentified others. Mr. Prouty will seek a written, more definitive ruling on the issue soon, he said.

Mr. Prouty expects to have an oral decision in the next week or so. The written opinion, however, will likely not arrive for several months.

Under the city charter, the City Council must either pass the proposed ordinance with shorter drinking hours or it must set up an election less than two months from now.

Mr. Prouty said that the issue cannot be put off until the attorney general's written opinion is handed down from Austin, so the city will either accept the new ordinance or put it up for a vote if the oral advice isn't compelling enough.

Either way, the city could theoretically face a lawsuit, Mr. Prouty said.

If it does go to a public vote, Ben E. Keith can file a lawsuit against the city. And if it doesn't go to a vote, and the City Council chooses not to change the law, than the Citizens for Repeal can file a lawsuit because their petition was certified and the group followed the city charter.

Neither side has threatened litigation.


Opinion

Worth
repeating"I can't believe it.
Where's my justice?"—Dessie Goodson, convicted on a ter-
roristic threat charge

Denton Record-Chronicle

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Editorial

Change hours for local bars?

Should the city force bars and clubs to close at midnight?

For those who live in and near the Fry Street area, that might seem like a good idea.

Many business owners, however, would find it hard to swallow early closing hours.

Recently the Committee for Repeal, a Denton residents' group, submitted a petition with 800 signatures to the City Council. The petition asks the city to change laws to require bars to close at midnight.

A two-and-a-half-year-old ordinance currently allows restaurants and bars in the Fry Street area to sell alcohol until 2 a.m.

This law is good for Denton and should not be changed.

Keeping bar patrons inside bars until 2 a.m. keeps the streets safer and local businesses more profitable.

Because bars can be open late, fewer Dentonites are getting in their cars to drive to Dallas or Fort Worth. Fewer drinking drivers means fewer accidents on I-35.

Many of those who frequent Fry Street area bars live in the neighborhood. They can walk home. Fewer drunk drivers in town means fewer accidents on Hickory and Oak Streets.

If the safety argument is not enough to persuade council members to keep the current law, then business consideration should settle the matter.

Club owners say they make the most money between 11 p.m. and 2 a.m. With the recent closings of some locally owned businesses in the downtown area, the city should be working harder than ever to help keep small businesses, including bars and clubs, open for business.

If bars have to close at midnight, fewer businesses will be able to stay open at all. Denton's tax base will shrink, forcing property taxes up.

The City Council, recognizing that the current ordinance helps create a safer city and is good for business, should not change the current ordinance.

If the matter is ultimately decided in an election, city leaders should publicly support keeping the later bar and club hours.

LEWISVILLE/DENTON

Plan to shorten drinking hours questioned

By Holly Becka

Denton Bureau of The Dallas Morning News

DENTON — A Denton beer distributor is questioning whether the City Council can repeal a 1996 ordinance extending drinking hours until 2 a.m. every day.

Officials for Ben E. Keith beer distributor also argue in a memo given to the city that such a repeal might not be allowed through a public election, City Attorney Herb Prouty told council members last week.

But a Texas Alcoholic Beverage Commission official said an election must take place in order for drinking hours to return to 1 a.m. on Saturday nights-Sunday mornings and midnight otherwise.

"If they wanted to take away extended hours and go back to standard hours, they have to have a local option election, and there's procedures a city has to follow," said Debra Fincher, district supervisor for the enforcement division of the commission's Dallas office. "The city can't just say, 'We've

Denton seeks AG's opinion on petition changed our mind.' They have to have an election."

Mr. Prouty has asked for a state attorney general's opinion to clear up the matter before the council acts on a petition submitted by about 800 people who are seeking a public vote on the issue.

Citizens for Repeal, which circulated the petition, is spearheaded by a group that wants alcohol sales to end earlier.

But some who signed the petition support the current drinking hours and just had hoped to force a public vote on the issue, organizers have said.

The city secretary has determined that the petition is valid, and council members last week were to discuss their options: either to have a public hearing and reconsider extended alcohol sales or call an election if they don't rescind the ordinance.

Instead, Mr. Prouty told them the

city is in a holding pattern until it hears from the attorney general. He said Tuesday that he hopes to hear something informally from that office by the end of this week.

"So what the petition is asking us to do may not be consistent with statutory law?" asked council member Neil Durrance.

"The state allows cities to pass an extended-hours ordinance," replied Mr. Prouty, "but the argument is you can't repeal it."

The city has asked for an informal attorney general's opinion because it needs some guidance before the city charter deadline of Sept. 21 to act on the residents' petition, Mr. Prouty said. But council members also requested that the city ask for a formal opinion, which may take longer than six months, Mr. Prouty said.

The argument that the city cannot repeal extended drinking hours came as a surprise to Citizens for Repeal member Mickey George.

"This ordinance was an exceptional ordinance when it was passed in January 1996 because it was passed with the condition that on its first anniversary, it would be reconsidered," Mr. George said. "It was also said verbally that they could change it at any time. . . . Both sides realized it was conditional."

Ben E. Keith president Troy LaGrone, who submitted the memo arguing against the repeal to city officials, was out of town and unavailable for comment Monday and Tuesday.

Council member Mike Cochran said that he opposed repealing the extended-hours ordinance but that the residents who circulated the petition had followed the city charter and had earned the right to an election.

"The issue of an initiative petition is time-honored by the city charter," he said. "It seems like it would be a mistake to ignore those voices. I think we need to ask the voters."

City council will consider petition

Drinking ordinance may get revamped

By Colin Pope
Staff Writer 6/23/98

The Denton City Council soon will consider reducing the number of hours businesses can sell alcohol.

A five-member committee submitted a 49-page petition with 800 names to the city earlier this month in an effort to repeal the current drinking ordinance. The city secretary and attorney have informally certi-

fied the petition, but the city must wait until the next City Council meeting on July 21 for the certification to become final.

The Committee For Repeal is hoping the City Council will replace the current city ordinance that allows alcohol vendors to sell their product until 2 a.m. Monday through Saturday.

According to the ordinance proposed by the committee, the sale of mixed beverages, beer

See PETITION/5A

Petition

From/1A

and wine on premises within the city limits should be limited to between 7 a.m. and midnight on any day but Sunday. On Sundays, sales would be permitted from midnight to 1 a.m. (technically on Sunday but generally considered "late Saturday night") and between 10 a.m. and midnight. Any alcoholic beverage served to a customer between 10 a.m. and noon on Sunday should accompany a food order, the petition says.

The City Council has three options. They can vote to approve the proposal, they can vote down the new ordinance or they can alter it.

If the proposed ordinance is altered or voted down by the council, it will be put on the ballot in a special election in November.

Although the Committee for Repeal's primary reason for filing the petition was to shorten the number of hours alcohol can be sold, it was also done to give residents a chance to vote on, or at least comment on, a drinking law, petitioner Mickey George said.

"When the ordinance was (originally) passed in 1996, people didn't feel like there was a fair public hearing. It kind of caught everyone by surprise," Mr. George said.

When the council considers the proposed ordinance residents will likely have the chance to speak during a public hearing, City Secretary Jennifer Walters said.

Business that sell alcohol until the early morning said that the effect on them is simple: Fewer hours means fewer dollars in their pocket.

206 048001027 220110

Committee petitions ordinance

By Colin Pope 6/16/98
Staff Writer

Denton resident Mickey George resubmitted a petition to have the Denton City Council re-evaluate the hours vendors are allowed to sell alcohol in the city.

City Secretary Jennifer Walters said two weeks ago that the original petition lacked some language required by the City Charter, so it wasn't valid. Furthermore, it wasn't notarized, which also is required.

Mr. George said he made the necessary changes and is waiting for the city to verify them. City officials have until the end of the week to verify it.

A five-member committee

▲ ----- ▲
From/1A

passed in 1996, people didn't feel like there was a fair public hearing. It kind of caught everyone by surprise," Mr. George previously told the *Denton Record-Chronicle*. "I'd like to have it put up for a (citywide) vote to see what resi-

originally submitted the 49-page petition with 800 names to the city May 8 in an effort to reduce the hours a club or bar can sell alcohol.

The Committee For Repeal is seeking to revoke a city ordinance that allows alcohol vendors to sell their product until 2 a.m. Tuesday through Sunday.

The committee is urging the City Council to either repeal the ordinance and replace it with the previous one, which allowed alcohol to be sold only until midnight on most days, or to put it up for a vote during the next municipal election.

"When the ordinance was

See ALCOHOL/7A

dents think about it."

It's unclear at this point how the council might vote on a repeal if the issue is put before it, but it is likely won't pass unanimously, based on what some council members have said.

Alcohol law challenged

By Colin Pope
Staff Writer

Sat., May 9

A five-member committee submitted a 49-page petition to the city of Denton Friday in an effort to reduce the hours a club or bar can sell alcohol.

The Committee For Repeal is seeking to revoke a city ordinance that allows alcohol vendors to sell their product until 2 a.m. Monday through Saturday. The committee is urging the City Council to either repeal the ordinance and replace it with the previous one, which allowed alcohol to be sold only until midnight on most days, or to put it up for a vote during the next municipal election.

"When the ordinance was passed in 1996, people didn't feel like there was a fair public

hearing. It kind of caught everyone by surprise," Mickey George, who filed the petition, said Friday. "A year later there was a meeting to reconsider it, but it was not a meeting where citizens could comment."

When the ordinance was passed in 1996, Mr. George said, the city was required to revisit the issue in one year. Shortly before the council reconsidered the ordinance in January 1997, Mr. George said, he attempted to submit a similar petition to the city, but it was rejected because, according to the city attorney, proper procedures were not followed.

"I think that (in January 1997) the City Council discounted our opinion because we

See PETITION/12A

Denton Record-Chronicle

Petition

From/1A

weren't scientific enough," Mr. George said. "The past City Council seriously tried to oppose our efforts to repeal the law."

Many of the 800 names on the current petition, as was the case with the failed one, are involved in religious activities, Mr. George said, which hurt their effort.

If the petition is certified by City Secretary Jennifer Walters, the City Council must hold a public hearing and vote on the issue once more. If the council votes not to repeal the ordinance, Ms. Walters said, the city must hold an election on the issue, which is required by the City Charter.

Ms. Walters is in the process of validating the petition, which she has 20 days to do. In order for the petition to be validated, it must be signed by qualified voters of the city equaling 25 percent of the votes cast during the last municipal election, which was last Saturday. That means the petition must have at least 667 valid

names.

Proponents for the midnight cutoff time have been disappointed by council votes on the issue in recent years. But this year, with three new council members, Mr. George said they may have a chance.

It's unclear at this point how the council might vote if the issue is put before it, but it likely won't pass unanimously, based on what some council members have said.

Councilwoman Roni Beasley said she supported the current drinking law, while Councilman Mike Cochran indicated that he might be in favor of rolling the deadline back to midnight. Councilmen Neil Durrance and Mark Burroughs said that they have not come to any conclusions and will wait until the petition and pertinent information are available for review.

Councilman Carl Young, Mayor Jack Miller and Councilwoman Sandy Kristoferson were not available to comment Friday afternoon.

*Newly surfaced
brought up
again
5/9/98
Last
mentioned
in '96*

August 12, 1998

Joe Blow
Bacardi Import Company
111 Rum Drive
Miami, FL. 75001

Dear Joe,

The Denton City Council is currently considering reducing Alcoholic Beverage Sales in on premise establishments from 2:00 A.M. to Midnight. A group called "Citizens for Repeal" has submitted a petition with 800 names to the City Council in an effort to force a public vote on this issue.

If this misguided effort is successful, many distilleries, wineries, breweries, hotels, restaurants, bars, and a multitude of other local businesses will be negatively affected. We have organized a group of concerned citizens called "Citizens for Common Sense" to educate the public and insure this issue does not pass.

We are asking for your assistance in advertising and educating the citizens of Denton on this all important issue. The following are the different levels of participation we are recommending:

GOLD FRIEND- \$500.00

SILVER FRIEND- \$250.00

BRONZE FRIEND- \$100.00

If this issue is passed, it could be just the beginning of an assault on alcoholic beverage sales. Thank you in advance for your support on this critical issue.

Please make donations to: Citizens for Common Sense
P.O. Box 111
Denton, TX 76555

2 A.M. Closings Meeting - 5/27/98

- Group wants to get support of friends & neighbors for public vote
- Troy La Stone has done some research on the statistics. Troy said the city decides what to do ~~upon~~ with the petition. Troy has legal counsel. ~~set up to help the group~~
- If council approves the petition as submitted and hears public hearings ^{if decides to accept petition} then it doesn't go to public vote; if not agreed ^{to more back to 12 AM} then it goes public.
- Mike Cochran is for 12 AM closing.
- Anita Bruno is organizing the effort.
- Doug Marshall asked if ~~it~~ it is good for economy and safety, why so much opposition?
- Mike Cochran feels some of the opposition may be from religious groups.
- The group is looking to get a legal rep.
- ~~If public~~, the election will be in November or August
- Anita wants to figure out a way to create awareness and get more of the indifferent voters out > do this w/ advertising, etc., get voters registered
- Mike Cochran will vote against it b/c it affects his neighbors being so close to the Fry Street area.
- One individual asked how they could get the charter changed so they don't have to do this every 6 mos.

(2 AM Closings Cont'd)

- Anita & the group want to see the charter changed so that they don't have to go through this constantly. Currently, if the city council chooses to reject the petition, it goes to a public vote (according to this charter). If the council accepts the petition and chooses to move the time back to midnight, then it doesn't go to a vote at all. So, the charter allows for this to change at any time. This is the case w/ other ordinances as well.
- The group feels they bring an economic impact and are not given enough respect.
- The late night shift workers come out from the midnight to 2 AM hours b/c they can't do it any other time.
- Group wants to get the interpretation clarified and will probably seek legal counsel.
- ~~Other people will go~~

ELATION

clip for me



DENTON RECORD-CHRONICLE/J. MARK KROGER

Riprock's bartender Clinton Watkins pours a beer for a customer at the Fry Street area bar.

Businesses benefit from additional hours

By Tony Cantu
Staff Writer

What a difference two hours make. On the heels of a city ordinance allowing the sale of alcoholic beverages past midnight, some local establishments have already begun reaping benefits from the change.

Rick's Place on 125 Avenue A, was among the first business to apply with the Texas Alcoholic Beverage Commission for an extension. Rick Reid, co-owner of the establishment, said nightclub officials were prompted to do so primarily out of safety concerns, given that their club caters to a predominantly college-age crowd.

"The whole thing was more of a safety issue than anything else," he said. "People were driving to Dallas before, and now people are more relaxed."

Mr. Reid referred to Dallas' long-standing 2 a.m. deadline to sell alcoholic beverages. Proponents of the local hours change made safety an issue, saying that many of their cli-

Receipts

Local nightclubs are poised to collect additional profits from the recent extension of drinking hours. Estimates as to how much more money will be gained is hard to predict. According to the latest available figures, some establishments already reap thousands of dollars each month from sales of alcoholic beverages. The following is a list of the most lucrative clubs and their gross receipts for such sales from Sept. 9, 1995 through Oct. 18, 1995:

Business	Gross receipts
Rick's Place	\$6,684
Cool Bean's	\$6,988
Jonathan's Club	\$4,880
Mercado Juarez	\$4,820
Texas Star	\$4,634
Cutter's	\$3,759
Outback	\$3,864
Tia's	\$3,585
Chili's	\$2,792
Applebee's #9	\$2,749

Source: Comptroller of Public Accounts

ents would drive to Dallas to continue their recreation and then drive back to Denton. With the hours extended locally, the need to drive to

Dallas is minimized, they said.

But logically, establishments serving alcoholic beverages have a vested interest in the change. Mr. Reid said the hours extension will enable the nightclub to reap more money. "It makes it more profitable to be in the entertainment business," Mr. Reid said. With a 14 percent tax charged by the TABC, state taxes and other expenses, it was "hard to pay my bills" before the change, he said.

The change is also music to the ears for owners for another reason. In addition to money spent by their clientele for beverages, the likelihood that more musical bands will play in Denton because of the change will also provide an economic windfall. Several bands have been reticent to play Denton, because of the limited amount of time in which they had to play before the extended hours took place.

"Many bands that we can't get

See INTEREST/2E

Interest

From/1E

couldn't believe they could play only until midnight," Mr. Reid said. He noted that members of the well-known band The Reverend Horton Heat had been frustrated by the short playing time, and the likelihood was raised they may not play locally again. Since the change, the band has been booked for an upcoming concert.

Martin Bruno, manager of Riprock's at 1211 W. Hickory, also pointed to the dual benefit of safety and profits derived from the extension. The establishment kept its doors open until 2 a.m. for the first time last week.

"We like it because it's a business deal," he said. "With extra time added, it allows our in-house customers to stay longer, increasing our sales. Secondly, it's a safety issue. On the big nights — Thursdays, Fridays and Saturdays — when students can go out more, several used to go to Dallas."

Mr. Bruno said the extension is bound to have a trickle effect, benefiting not only establishments directly, but also vendors who serve them. And he said the extended hours would benefit the city in general, as the extended hours would provide further encouragement to spend dollars on entertainment. The change

will allow those going out for entertainment purposes at other functions to be able to continue their entertainment elsewhere, he said.

Richard Foster, the spokesman for the city, said esti-

mates on the city's share in the windfall were hard to come by, given the lack of historical data. But a rough estimate of more than \$5,000 in additional sales taxes collected has been used.

Celia, Inc. d/b/a The Corkscrew
1235 W. Oak
Denton, Texas 76201
817-566-1933

January 3, 1996

Chief Mike Jez
Denton Police
City of Denton
Denton, Texas 76201

Dear Sir:

This letter is about the proposed hours change for the sale of alcohol. The first we have been made aware of this was from an article in the DALLAS MORNING NEWS today.

The article seems to say that you would increase tax revenue and cut student drunk driving between Dallas and Denton by having the bars open an extra two hours in Denton. This simply is not correct. Our business as you know has its share of student customers and employees. In the past twelve plus years we have noticed two other factors that cause students to go to Dallas rather than stay in Denton. These two factors will not change because of drinking hours and have more impact on the decision whether to party in Denton or in Dallas.

These students that leave do so because:

1.) There is a specific club that is "hot" at the time and therefor a must to go to. These "hot" clubs change quickly and if some other factors change here in Denton one might actually exist here some day.

2.) Specific entertainment (whether we are talking about a one time event, type of entertainment or a particular musical group) is probably the main reason any student leaves for an evening. A good example in reverse is the FRY STREET FAIR. People come to an event here, thus increasing tax revenue.


In both of these cases you will find that the City of Denton loses tax dollars for more then just two or three hours. The individual(s) leaves for most if not all of the evening. The only time there is any significant leaving do to hours is on New Years Eve. In that instance you will find that the general population (that has decided to go to a bar) on the whole tends to leave rather then stay.

page 2

There are several things that can be done by the City of Denton that can have the positive impact on tax dollar revenue and reduce potential drunk driving at the same time. These changes would ~~be~~ have the same impact with respect to both students and the general population as a whole. None of these require a change in sales hours.

This letter is written to aid you in your thought process only. It is not intended as a statement of corporate policy and should be treated as such.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. Griggs Bennett', written over a horizontal line.

C. Griggs Bennett
President

Meeting with Jerry Cott, Chief Mike Jez, and Sgt. Gary Matheson
1/24/96 -- Club Closing Hours issue

There are three problem areas (Mike):

- serving intoxicated people (against the law)
- allowing them to remain
- not calling police when there are problems
(calls result in TABC reports being placed in
the club's file -- they don't like that)

Mike: We will not do anything differently other than how we conduct business now. We expect the club owners to follow the rules.

Mike said he would not make a short list as Jerry suggests listing all the things the club owners should do. He said the police shouldn't meet with the group and that the police should be the hammer as incentive.

He went on to say that bar owners are in business to make money (his point was that that's why they bend the rules -- don't alienate clientele).

I asked if Troy LaGrone could play the heavy as a supplier. Mike said it won't work.

TABC fines or closes a bar (15 days). Usually the club owners will pay the fines (which aren't high). Mike believes the disciplinary action is not tough enough.

Mike is concerned that because of the new hours there will be more drinking/driving accidents and that a major commercial robbery will probably occur in a year. Said then that the business owners will be mad because the police can't get to their night checks.

Mike said, "The late hours permit is here to stay." He doesn't believe anything will change it now -- even after a year.

Jerry and I talked later. He said it's now up to us (him and me?) to tell the club owners that this is our ordinance and they must follow the rules or lose it.

City ups hours to sell alcohol

By Kelly Ryan
Staff Writer

Denton City Council members unanimously approved an ordinance Tuesday allowing private clubs with a late-hours permit to sell alcoholic beverages until 2 a.m.

Council members will review the ordinance after one year to study its effects on crime.

It was standing room only in the council's chambers as concerned resi-

dents spoke about the effects they believed extended hours would have on the city. Both supporters and detractors of the ordinance cited safety as their main concern.

Denton resident Bob Ingram said he knows after raising two sons in Denton that students travel to surrounding cities that serve alcohol until 2 a.m. Currently, Denton clubs must

Council

From/1A

stop serving alcoholic beverages at midnight.

"The wife and I always worried when they drove to Dallas and Fort Worth," he said. "Almost all of their social activities gravitated to Dallas and Fort Worth."

But others argued that by extending the hours, the city will experience increased alcohol-related criminal activity. Several residents cited a report issued by Police Chief Mike Jez that detailed the increased number of alcohol-related arrests and calls to the police department during late-night hours.

Chief Jez has said he is

against extending the hours because he believes the police department will need additional officers to handle the increased criminal activity that the extra hours would create.

Gary Francis, a Denton resident, urged council members to vote against the ordinance. "This country is decaying because of a cancer we have in society called drug and alcohol abuse," he said.

Several Denton club owners said the extended hours will allow their businesses to be

put on equal footing with entertainment establishments in surrounding cities.

"A lot of the reasons why we brought this up is because the students are choosing Dallas or Fort Worth over Denton," said Steve Boedeker, owner of Taverne of the Green, 121 Avenue A.

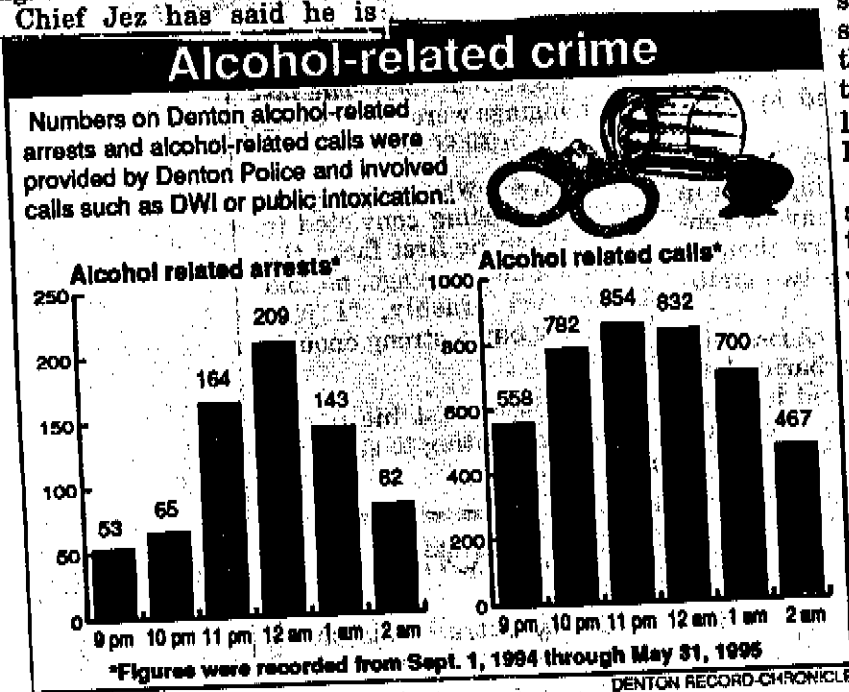
"I'd like to keep our friends and our family in Denton."

Councilman Jerry Cott said the extended hours would create economic development for the city in the form of increased sales tax revenue.

"Economic development is already here. We can build on an entertainment business that exists," he said.

Several council members said although they have considered Chief Jez's report, they still supported extending the hours because they believed it would keep people in Denton and off the interstate.

"I'm convinced that it is responsible on our part to give this a try," said Councilman Jack Miller, who acknowledged the council likely will get a future request from the police department for more police officers.



Businesses mixed on serving drinks

By Tony Cantu
Staff Writer

Local business reaction to their newfound freedom to extend the hours they serve beer and mixed beverages was, well, mixed.

The City Council voted to extend the hours Tuesday night.

Several club owners are still mulling the benefits that serving until 2 a.m. would have on their businesses — some even opting not to mess with the prospect — while others welcome the added hours. And municipal officials — many touting the added revenue the city coffers would reap from added sales tax rebates from the state because of the clubs' extended hours

Reaction

From/1A

— are at a loss to predict just what the impact would be.

"We don't know who would or wouldn't apply for late-hours licenses," said city spokesman Richard Foster. "The general consensus is we just don't know," he said, when asked to provide an estimate of potential added revenue.

Some establishments on the Fry Street area such as Rick's Place, Cool Bean's and Riprock's have already stated their positions on the issue, with their owners promoting the hours extension, largely through the use of petitions from patrons.

Anita Bruno, manager of Cool Beans, expressed enthusiasm over the extended hours, minutes after the vote in favor of the measure was counted.

"It's nice to be able to have an increased opportunity to make a living," she said. "Of course, safety is a factor, but ultimately the council gave both sides a fair shake. A lot of people were driving to Dallas instead of staying in Denton. We've eliminated that option, or at least evened it out."

Steve Bodecker, co-owner of Tavern of the Green, another popular Fry Street nightclub, spoke at the City Council hearing last night in favor of the measure. He said he believes safety would actually be enhanced, despite extended hours in which patrons are allowed to drink.

"I think it will create a safe, responsible entertainment atmosphere that encourages people to stay in Denton rather than traveling the dangerous interstates late at night," he said. "And I think it will eliminate a lot of after-hours parties."

He also predicted the later hours would attract more musical acts to Denton, particularly those reticent to play in a city that essentially shuts down its entertainment at midnight each day and 1 a.m. Saturday.

"It will attract a lot more national acts to the music scene of Denton of all types: rock and roll, pop rock, folk rock, opera, what have you,"

he said.

But some have foregone changing hours altogether.

At Ellington's on the Square, one of the most popular dinner stops and after-hours watering holes off the Square, no changes likely will occur, its manager said.

"We're not planning on staying open later," said Melissa Murphy.

Leonard Wendt, owner of Fry Street area eatery Jim's Diner, agreed.

"I think it will be good for

the area, but it probably won't affect us," he said. Mr. Wendt said he'll likely keep the same hours he has now, but may think about leasing out his property past midnight to groups staging special occasions.

Denton council extends bar hours to 2 a.m. daily

Proponents cite safety and economic factors

By Nita Thurman

Denton Bureau of The Dallas Morning News

DENTON — The City Council voted unanimously Tuesday night to let clubs and bars serve alcoholic beverages until 2 a.m. seven nights a week.

Bars had been closing at midnight Sunday through Friday. On Saturday nights, they had been allowed to stay open until 1 a.m.

"It goes into effect immediately — I suppose that could be before midnight tonight if we stop talking," council member Euline Brock said after an hourlong public hearing and another hour of speeches by council members.

But before they can operate under the new hours, bar and club owners must obtain permits. Private clubs must pay a \$750 state fee. Public bars and restaurants that serve alcoholic beverages must pay a \$250 state fee and a \$125 city fee.

Club owners and others supporting the change made arguments based on safety as well as on economics. Longer hours in Denton will discourage drinkers from going to Dallas and Fort Worth to drink and then driving home, they said. Proponents said the change should also keep entertainment dollars in Denton.

Opponents said more hours for drinking would simply add to the problems of alcohol abuse.

Sandra Lewis, president of the Denton County chapter of Mothers Against Drunk Driving, said the or-

ganization does not take a stand on bar closing times.

"But I don't want you to consider this as an endorsement," she said. "We do support uniform hours to prevent bar-hopping . . . but don't count just the dollars, count the bodies, too."

Teresa Grant, the school nurse at Ryan High School in Denton, warned that the measure might encourage more underage drinking.

"I see the effects daily," she said, "and I can tell you it's a big problem."

Council member Jerry Cott, who proposed the change in December, said the new drinking hours will bring Denton in line with 68 comparable Texas cities that have colleges or universities and allow clubs and bars to stay open the extra hours.

"We are not introducing alcohol to Denton," he said. "It's here. We are trying to build on an entertainment business that already exists. Economic development is what it's about."

In another action, the council appointed Robin Ramsay municipal judge at a salary of \$57,000 a year. Mr. Ramsay had been an assistant judge since 1985. He succeeds Sandra White, who resigned in October after a salary dispute. Judge White, who had been on the bench nine years, had the lowest salary among the city's executive staff — 57,075. She resigned after her demand for \$71,000 a year was rejected.

Drinking age DMN 42296

One of the statements attributed to Denton City Council member Jerry Cott in a Jan. 3 story, "Denton considering extending alcohol sales until 2 a.m." is just plain wrong. Mr. Cott said, "If you're old enough to go to Bosnia, you're old enough to drink if you want and when you want."

If by "go to Bosnia" Mr. Cott means enlist in the armed services, he should know that a person as young as 17 can join the armed services, but Texas and every other state have set the minimum drinking age at 21.

The National Highway Traffic Safety Administration estimates that over 11,000 lives have been saved since 1975 when Texas and other states began setting the minimum drinking age at 21. Surely Mr. Cott is not advocating that Denton lower the minimum drinking age to 17, is he?

SANDRA LEWIS
President,
Mothers Against Drunk Driving,
Argyle

AGENDA
CITY OF DENTON CITY COUNCIL
January 16, 1996

Agenda Item	1-16-96
Date	

Closed Meeting of the City of Denton City Council on Tuesday, January 16, 1996 at 5:45 p.m. in the Civil Defense Room of City Hall, 215 E. McKinney, Denton, Texas, at which the following items will be considered:

NOTE: THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO CLOSED MEETING AT ANY TIME REGARDING ANY ITEM FOR WHICH IT IS LEGALLY PERMISSIBLE.

5:45 p.m.

1. Closed Meeting:
 - A. Legal Matters -- Under TEX. GOV'T CODE Sec. 551.071
 1. Consider settlement offer in the litigation styled GTE v. City of Denton, et al.
 2. Consider and discuss defense of and the settlement of RPS Ventures, Inc., et al v. City of Denton and Webber and Barnes v. City of Denton pending in the 362nd District Court under Section 551.071 of the Open Meetings Act.
 - B. Real Estate -- Under TEX. GOV'T CODE Sec. 551.072
 1. Discuss the acquisition of property for expansion of the City's landfill.
 - C. Personnel/Board Appointments -- Under TEX. GOV'T CODE Sec. 551.074
 1. Receive a report from the Municipal Court Advisory Committee regarding applicants for Municipal Judge and consider making an appointment of the Municipal Judge.

Regular Meeting of the City of Denton City Council on Tuesday, January 16, 1996 at 7:00 p.m. in the Council Chambers of City Hall, 215 E. McKinney, Denton, Texas at which the following items will be considered:

7:00 p.m.

1. Pledge of Allegiance
2. Consider approval of the minutes of September 5, 1995, September 12, 1995 and September 13, 1995.
3. Citizen Reports
 - A. Receive a citizen report from Willie Hudspeth regarding meeting times for the City's Boards and Commissions.

- 2
6
- B. Receive a citizen report from Bill Mosley regarding the day laborer situation at the 900 block of South Locust.

4. Public Hearings

- A. Hold a public hearing with regard to the proposed annexation of a 34.78 acre tract located in the clear zone south of the existing runway in the vicinity of the Denton Municipal Airport. (A-71) (The Planning and Zoning Commission is scheduled to consider this item and make a recommendation on January 24, 1996.)
- B. Hold a public hearing with regard to the proposed annexation of a 11.34 acre tract located east of Mayhill Road and north of Blagg Road. (A-69) (The Planning and Zoning Commission recommends approval, 6-0.)
- C. Hold a public hearing with regard to the proposed annexation of a 21.62 acre tract described as the Estates of Forrestridge Section II. (A-70) (The Planning and Zoning Commission is scheduled to consider this item and make a recommendation on January 2, 4 1996.)

5. Consent Agenda

Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids and purchase orders to be approved for payment under the Ordinance section of the agenda. Detailed back-up information is attached to the ordinances (Agenda items 5.A, 5.B). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. Upon the receipt of a "request to speak" form from a citizen regarding an item on the Consent Agenda, the item shall be removed and be considered before approval of the Consent Agenda.

A. Bids and Purchase Orders:

1. Bid #1819 - Fleet Vehicles
2. Bid #1842 - Wind Fence
3. Bid #1845 - Water Treatment Consulting and Chemical Supply
4. Bid #1847 - Distribution Transformers
5. P.O. #61267 - Calvert Paving

Call Sherard

6. Consent Agenda Ordinances

- A. Consider adoption of an ordinance accepting competitive bids and awarding a contract for purchase of materials, equipment, supplies or services. (5.A.1 - Bid #1819, 5.A.2. - Bid #1842, 5.A.3. - Bid 1845, 5.A.4. - Bid #1847)
- B. Consider adoption of an ordinance providing for the expenditure of funds for emergency purchases of materials, equipment, supplies or services in accordance with the provisions of state law exempting such purchases from requirements of competitive bids. (5.A.6 - #61267)

7. Ordinances

- A. Consider adoption of an ordinance extending the hours for sale and consumption of mixed drinks, beer and wine, pursuant to Sections 105.03, 105.04, 105.05, and 105.06 of the Texas Alcoholic Beverage Code.
- B. Consider adoption of an ordinance authorizing the Acting City Manager to execute an addendum to the agreement between the City of Denton and Denton Affordable Housing Corporation relating to increasing the supply of affordable housing in the City of Denton.
- C. Consider adoption of an ordinance authorizing the Mayor to execute an agreement between the City of Denton and Fairhaven, Inc. to provide for rental assistance.
- D. Consider adoption of an ordinance authorizing the City Manager to enter into an agreement between the City of Denton and the Texas Water Development Board for flood protection planning.
- E. Consider adoption of an ordinance authorizing the Mayor to execute an agreement with the Texas State Department of Highway and Public Transportation for contribution of funds for the acquisition of right-of-way for a highway project on US Highway 380 between Interstate Highway 35 and US Highway 77; and authorizing the expenditure of funds equal to ten percent of the cost of the right-of-way.

8. Resolutions

- A. Consider approval of a resolution authorizing the Mayor to solicit from the public, sealed bids on a certain tract or parcel of property located on or about the 500 block of Rose Street and to consent to the sale of said

property to the highest bidder even if the bid tendered is less than the market value of the property specified in the judgement of foreclosure or the total amount of the judgement against the property, and to execute any quitclaim deeds necessary to convey the property upon sale.

- B. Consider approval of a resolution authorizing the Community Development Office to submit an application to the Texas Department of Housing and Community Affairs seeking emergency shelter funding and authorizing the City Attorney to negotiate a contract with the Texas Department of Housing and Community Affairs.
 - C. Consider approval of a resolution of the Council of the City of Denton, Texas declaring its support as a sponsoring agency for "A Vision For Denton - The 21st Century".
 - D. Consider approval of a resolution establishing a Diversity Task Force; and authorizing the expenditure of funds to secure the professional services of a facilitator.
9. Consider and appoint a Municipal Judge.
10. Miscellaneous matters from the City Manager.
- A. Wall of Honor Honorees
11. Official Action on Closed Meeting Items:
- A. Legal Matters
 - B. Real Estate
 - C. Personnel
 - D. Board Appointments
12. New Business
- This item provides a section for Council Members to suggest items for future agendas.
13. Possible Continuation of Closed Meeting:
- A. Legal Matters -- Under TEX. GOV'T CODE Sec. 551.071
 - B. Real Estate -- Under TEX. GOV'T CODE Sec. 551.072
 - C. Personnel/Board Appointments -- Under TEX. GOV'T CODE Sec. 551.074

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the _____ day of _____, 1996 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL CHAMBERS IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 566-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.

ACC002E0

Denton council extends bar hours to 2 a.m. daily

Proponents cite safety and economic factors

By Nita Thurman

Denton Bureau of The Dallas Morning News

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But before they can operate under the new hours, bar and club owners must obtain permits. Private clubs must pay a \$750 state fee. Public bars and restaurants that serve alcoholic beverages must pay a \$250 state fee and a \$125 city fee.

Club owners and others supporting the change made arguments based on safety as well as on economics. Longer hours in Denton will discourage drinkers from going to Dallas and Fort Worth to drink and then driving home, they said. Proponents said the change should also keep entertainment dollars in Denton.

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"But I don't want you to consider this as an endorsement," she said. "We do support uniform hours to prevent bar-hopping ... but don't count just the dollars, count the bodies, too."

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In another action, the council appointed Robin Ramsay municipal judge at a salary of \$57,000 a year. Mr. Ramsay had been an assistant judge since 1985. He succeeds Sandra White, who resigned in October after a salary dispute. Judge White, who had been on the bench nine years, had the lowest salary among the city's executive staff — 57,075. She resigned after her demand for \$71,000 a year was rejected.

Allen surprises Raiders /1C

Denton Record-Chronicle

Vol. 92, No. 154

28 pages in 3 sections

Denton, Texas

Wednesday, January 3, 1996

25 cents

City staff drafting ordinance on alcohol sales

By Kelly Ryan
Staff Writer

The City Council will decide in a matter of weeks whether Denton merchants will be allowed to sell alcoholic beverages until 2 a.m.

On Tuesday, council members directed city staff members to draft an ordinance that would extend the hours of on-premise mixed beverage sales from midnight to 2 a.m. Sever-

OTHER action /5A

al council members said they wanted to hear more information about the legal ramifications of extending the hours, as well as input from concerned residents, merchants and the police department.

Councilman Jerry Cott, who requested the item be placed on the agenda, said Denton

could lose big if the hours are not extended. He cited the Texas Motor Speedway, under development at Alliance Airport, as being one source of increased sales tax revenue for the city. He said with 150,000 spectators expected to attend NASCAR events, Denton would gain more dollars by extending the alcoholic beverage sales by two hours.

"When (spectators) leave the events, are they going to turn

north or are they going to turn south?" he asked. "Either we provide this activity for our growing population or we probably are going to be left behind in the Metroplex by people with a lot of deep pockets."

City Attorney Herb Prouty said a portion of the state alcoholic beverage code is unclear on whether an ordinance granting extended sales of alcoholic beverages at on-premise sites — such as private clubs

and restaurants — would automatically grant extended hours at off-premise sites that sell beer and wine.

"Even the alcoholic beverage staff wasn't clear on that. We need to do some more research," he said. "The only real question we have at this point is can we do this for on-premises without also doing it for off-premises."

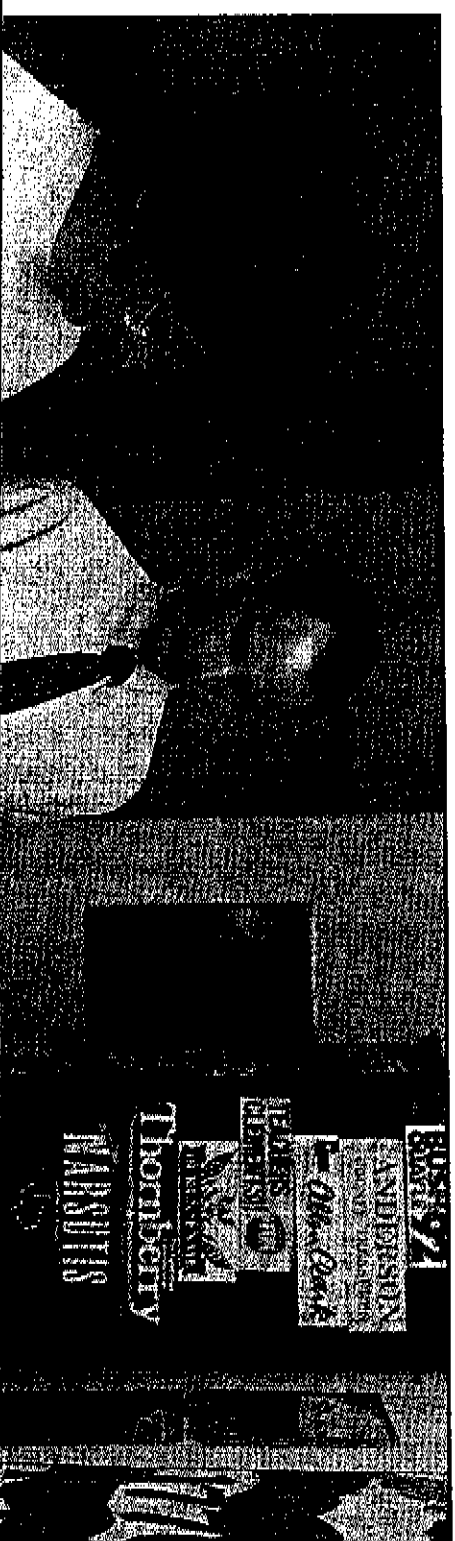
Sherard Quina, general manager of Texas Star, a Denton

country-western club, said after the meeting that if council members approve the ordinance at their next meeting Jan. 16, most bars and restaurants that wanted to serve alcohol until 2 a.m. would have to apply for a late-hours permit with the state.

According to a chart compiled by Mr. Quina, a state permit to sell mixed beverages costs

See COUNCIL/5A

Primary race rares up



House GOP stands tough

Washington (AP) — Defiant House Republicans are resisting a Senate-passed bill that would end a record-length partial federal shutdown by temporarily returning federal workers to their jobs with pay.

With President Clinton and congressional leaders planning to resume White House budget talks today, House Speaker Newt Gingrich planned to first brief rank-and-file GOP lawmakers on sessions that both sides say are making progress.

But underscoring House differences with the

OPINION



Active comes from afar

ad the opportunity to session of Congress to by the prime minister
cond or third such ded since taking office
res.
— the budget and Bosnia. The one will
define the role of the federal government in our society. The other would define the role of the United States in the world. On these and many other issues, if members of

Some federal laws immoral

These government actions initiate violence against us

I've always argued that immorality is the root cause of most of our great social and economic problems. Let's put my argument in another light by going to first principles and asking: What's the moral basis for initiation of violence by either a person or government?

Part of the answer is simple and has a broad consensus: A person is morally justified to use violence when another initiates violence against his person or his property. Self-defense is one of those "unalienable rights." Governments represent people's efforts to collectively provide self-defense. We authorize governments to carry out our natural right of self-defense. The only legitimate purpose for government initiation of violence and threats is to prevent or punish those who'd use it against others. By granting government a near monopoly on the use of violence, more order is created, and there's less preying upon the weak by the strong.



Walter Williams

LOCAL/MORE

Council Elections

From/1A

\$750. The state charges \$250 for a late-hours permit to sell beer and wine. In addition to those fees, the city also has the option of charging up to 50 percent of the state fee for each late-hours permit. Mr. Prouty said the city's legal staff also is researching the permit process and will present a full report to the council at its next meeting.

Councilman Carl Young said he supported extending the hours because he worried about people who have had too much to drink driving back and forth to cities that have the extended drinking hours in place.

"I see this as a business issue and a safety issue," he said. "I have had dreams of seeing a carload of students leave Denton and having a wreck. The whole idea is we don't want people in cars drinking."

Other action

The Denton City Council on Tuesday also:

- Approved an ordinance that changes the direction of traffic on Highland and Maple streets from one-way flowing east to one-way flowing west. The ordinance also changes the traffic direction on the portion of Maple Street between Avenue A and Welch from two-way to one-way flowing westward.
- Approved a 7 percent salary increase for City Attorney Herb Prouty, which goes into effect April 15. The increase was awarded as part of Mr. Prouty's annual

From/1A

came at the end of the evening when Sheriff's Department Lt. Barbara Miller filed for Denton County sheriff.

Lt. Miller filed a whistleblower lawsuit against the sheriff's department in 1992, and the suit still is pending. A Fort Worth appeals court rejected the county's appeal of the suit in August, giving Denton County the option of appealing to the Supreme Court or paying about half a million dollars to Lt. Miller. Then, in December, Denton County asked the Texas Supreme Court to review the court ruling.

In another high-profile race, former County Judge Vic Burgess filed for the District 64 state representative seat, challenging incumbent state Rep. Jim Horn, who also filed Tuesday. Mr. Burgess, a private investigator, said he supports changes in leadership among elected officials and that it's time for change in District 64.

"More needs to be done on local issues, rather than rubber-stamping the national agenda," Mr. Burgess said.

Earlier in the day, retired Denton physician George Holaday filed for District 64.

Some Republicans were anxious to find out if Rep. Horn would seek re-election. According to a prominent Republican source, County Commissioner Kirk Willson was planning to run if Rep. Horn did not.

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Agenda No.	96-001
Agenda Item	
Date	1-2-96

AGENDA
CITY OF DENTON CITY COUNCIL
January 2, 1996

Closed Meeting of the City of Denton City Council on Tuesday, January 2, 1996 at 5:45 p.m. in the Civil Defense Room of City Hall, 215 E. McKinney, Denton, Texas, at which the following items will be considered:

NOTE: THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO CLOSED MEETING AT ANY TIME REGARDING ANY ITEM FOR WHICH IT IS LEGALLY PERMISSIBLE.

5:45 p.m.

1. Closed Meeting:
 - A. Legal Matters -- Under TEX. GOV'T CODE Sec. 551.071
 - B. Real Estate -- Under TEX. GOV'T CODE Sec. 551.072
 - C. Personnel/Board Appointments -- Under TEX. GOV'T CODE Sec. 551.074

Regular Meeting of the City of Denton City Council on Tuesday, January 2, 1996 at 7:00 p.m. in the Council Chambers of City Hall, 215 E. McKinney, Denton, Texas at which the following items will be considered:

7:00 p.m.

1. Pledge of Allegiance
2. Citizen Reports
 - A. Receive a citizen report from Willie Hudspeth regarding the meeting times for the City's Boards and Commissions.
3. Public Hearings
 - A. Hold a public hearing on the proposed CIP recommendations presented by the Blue Ribbon CIP Committee.
 - B. Hold a public hearing and consider an ordinance providing for an amendment to the Detailed Plan for PD-108 zoning district classification and use designation for a 0.371 acre tract located on the north side of Highland Street approximately 62 feet east from Carroll Boulevard. (The Planning and Zoning Commission recommends approval 7-0).
 - C. Hold a public hearing and consider an ordinance providing for a change from General Retail (GR) zoning district classification and use designation to the Commercial Conditioned (C(c)) zoning district classification and use

designation for 1.031 acres of land located on the north side of US Highway 380, approximately 240 feet west of Cooper Creek Road. (The Planning and Zoning Commission recommends approval 7-0).

- D. Hold a public hearing and consider an ordinance providing for a change from the Agricultural (A) (with SUP 180) zoning district and use designation to the Office Conditioned (O (C)) zoning district classification and use designation for 8.3271 acres of land described as Lot 1, Block 1, of the YMCA Addition, located on the northwest corner of Riney Road and Windsor Drive. (The Planning and Zoning Commission recommends approval 7-0).
- E. Hold a public hearing and consider an ordinance providing for an amendment to the Detailed Plan of Lots 44R - 51R of the Woodlands of Township II, a portion of Planned Development district six PD-6 located on the east side of Timberidge Street, south of Wilderness Street. (The Planning and Zoning Commission recommends approval 7-0).
- F. Hold a public hearing and consider an ordinance amending Ordinances 83-140 and 87-054 by approving a Detailed Plan for a 1.199 acre tract of land within the Planned Development 65 (PD 65) zoning district classification and use designation, located on the west side of FM2181 at its intersection with Bent Oaks Drive. (The Planning and Zoning Commission recommends approval 5-1).
- G. Hold a public hearing with regard to the proposed annexation of a 11.34 acre tract located east of Mayhill Road and north of Blagg Road (A-69). (The Planning and Zoning Commission recommends approval 6-0).
- H. Hold a public hearing with regard to the proposed annexation of a 21.62 acre tract described as the Estates of Forrestridge Section II (A-70).
- I. Hold a public hearing with regard to the proposed annexation of a 34.78 acre tract located in a clear zone south of the existing runway in the vicinity of the Denton Municipal Airport (A-71).

4. Variances

- A. Consider three variances to Sec. 34-124 of the Code of Ordinances. The requests would vary Paragraphs (e) 5 channel lining, (g) [easements], and (e) 11 (lot to lot) drainage for the Rolling Meadows Estates Addition. The

187.877 acre site is located at the southwest corner of Shepard Road and Green Valley Circle. (The Planning and Zoning Commission recommends approval 5-2).

5. Consent Agenda

Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids and purchase orders to be approved for payment under the Ordinance section of the agenda. Detailed back-up information is attached to the ordinances (Agenda items 6.A, 6.B). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. Upon the receipt of a "request to speak" form from a citizen regarding an item on the Consent Agenda, the item shall be removed and be considered before approval of the Consent Agenda.

A. Bids and Purchase Orders:

1. Bid #1841 - Fire Station Uniforms
2. Bid #1838 - City/County Day Nursery Drainage/
Play Ground Improvements

6. Consent Agenda Ordinances

- A. Consider adoption of an ordinance accepting competitive bids and awarding a contract for purchase of materials, equipment, supplies or services. (5.A.1. - Bid #1841)
- B. Consider adoption of an ordinance accepting competitive bids and providing for the award of contracts for public works or improvements. (5.A.2. - Bid #1838)

7. Ordinances

- A. Consider adoption of an ordinance which prohibits the parking of vehicles on certain portions of Oak Street. (The Traffic Safety Commission recommends approval 7-0).
- B. Consider adoption of an ordinance providing for one-way traffic on certain portions of Highland Street and Maple Street. (The Traffic Safety Commission recommends approval 7-0).

approval 7-0).

8. Consider a motion to adjust the compensation of the City Attorney.
9. Hold a discussion and give staff direction concerning the Development Policy committee.
10. Hold a discussion and give staff direction regarding extending hours for the sale of alcohol on premises from 12:00 midnight until 2:00 a.m.
11. Vision Update
12. Miscellaneous matters from the City Manager.
13. Official Action on Closed Meeting Items:
 - A. Legal Matters
 - B. Real Estate
 - C. Personnel
 - D. Board Appointments
14. New Business

This item provides a section for Council Members to suggest items for future agendas.
15. Possible Continuation of Closed Meeting:
 - A. Legal Matters -- Under TEX. GOV'T CODE Sec. 551.071
 - B. Real Estate -- Under TEX. GOV'T CODE Sec. 551.072
 - C. Personnel/Board Appointments -- Under TEX. GOV'T CODE Sec. 551.074

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the _____ day of _____, 1995 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

City of Denton City Council Agenda
January 2, 1996
Page 5

NOTE:

THE CITY OF DENTON CITY COUNCIL CHAMBERS IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 566-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.

ACC002DC

Minutes
Regular Board of Directors Meeting
DENTON CHAMBER of COMMERCE
December 21, 1995

VOTING DIRECTORS PRESENT (89%):

Priscilla Sanders, Chairman	Dianne Edmondson
Fred Gossett	Sherrie Etheredge
Richard D. Hayes	Scott Koenig
George Highfill	Don Morris
Bill Patterson	Phyllis Pittman
Ellen Schertz	Christine Rowell
Wayne Allen	Ed Smith
Tony Clark	Melvin Willis
Tim Crouch	

PAST PRESIDENTS/BOARD CHAIRS & EX-OFFICIO DIRECTORS PRESENT:

Russell Bates	Eric Jackson
Bob Crouch	William E. Watson III
Jean Schaake	Joe Thurmon (for Jessee)

OTHERS PRESENT:

Larry Collister	Jo Ann Ballantine
Mike Jez	Ken Burdick
Pat Reynolds	Charles W. Carpenter
Sherard Quinna	

Chairman Sanders called the meeting to order at 12:13 p.m.; she noted that David Biles and Dick Smith had given notice in advance that they would not be present and had requested "Excused Absences." She gave an invocation.

Morris moved that all items listed on the CONSENT AGENDA, which included the MINUTES of the Regular November 16, 1995 Board of Directors meeting, FINANCIAL STATEMENTS reflecting the period ending November 30, 1995 and STAFF ACTIVITY REPORTS from the Convention & Visitor Bureau and Economic Development (copies of original exhibits attached to file). Rowell seconded; the motion carried.

Call Pat +
Sherard.

BOARD OF DIRECTORS (12/21/95) - Page Two

Larry Collister, representing the "Blue Ribbon Committee" for the City of Denton 1996-2000 CAPITAL IMPROVEMENT PLAN, gave a presentation on the proposed costs and chronology of the recommended projects (copies of original exhibits attached to file), noting that several of the initiatives did specifically address those projects that were originally identified by the Denton Chamber Board in January '95. He also noted that the bond debt, as structured, would not require a tax increase. Following a lengthy discussion, Rowell moved that the Board formally endorse the proposed CIP and encourage support of the pending of the referendum. Highfill seconded; the motion carried.

Mike Jez, Chief of Police for the City of Denton, gave a presentation describing his concerns if the local HOURS FOR ALCOHOL CONSUMPTION and SALES were extended. He stated that he basically opposes this proposal, due to the anticipated increase in workload for police officers during the "deep night" shift to handle "collateral fallout" such as D.W.I. enforcement, disorderly conduct and domestic disputes. He indicated that it is customary during this particular shift for officers to conduct security checks around commercial establishments; if the hours are extended, in his opinion, this could eliminate approximately two hours per night that were presently dedicated to commercial security checks. Ballantine confirmed that the issue will be discussed by the City Council on January 2, but no formal action is anticipated at that time. Following a brief discussion, the Board agreed that no official policy action should be taken until after the Council addressed the subject.

Highfill reviewed the MEMBERSHIP REPORT (copy of original exhibit attached to file), then moved that all New Accounts be approved as presented; and that the following accounts listed as Eligible for Drop be held through 12/22/95 in order to get them in the next Buyer's Guide: Business Essentials, Gold's Gym, Clifton Hawk, DDS, Sean M. Kirkpatrick, NTI, Service Merchandise, Jimmy Rench, CFP, Crown Cleaners, Don E. Hickey, PC and Reding, Advertising. Schertz seconded; the motion carried.

Bates, representing the 1995 NOMINATING COMMITTEE, reported that Sue Darby, Phil Gallivan, George Highfill, Joe Mulroy, Bill Patterson and Connie Pelphrey received a majority of the votes from the general membership for the six seats for three-year terms on the Board of Directors beginning April 1, 1996. Gossett moved that the results of the election be certified as presented. Morris seconded; the motion carried.

12-29-95

Jerry - for it

- continued -

Eulene - for it unless something comes up she didn't give see.

Bates then announced that, based on the results of the "straw poll" conducted by the Board regarding suggestions for 1996-97 OFFICERS, the Nominating Committee submitted the following recommendations for service beginning April 1, 1996: Fred Gossett, Chair, Ellen Schertz, Chair-Elect and David Biles, Treasurer. Chairman Sanders opened the floor for additional nominations; there were none. She noted that Board will take formal action on January 26, 1996 by secret ballot.

Chairman Sanders referred to a letter from the City of Denton (copy of original exhibit attached to file) requesting that the Denton Chamber submit an appointment to the DEVELOPMENT POLICY COMMITTEE will conduct a major update of the existing Development Plan. Patterson moved that DICK SMITH be appointed to represent the chamber; but if he is unable to serve, then authorize the Executive Committee to select an alternate in order to meet the December 31, 1995 deadline. Hayes seconded; the motion carried.

Chairman Sanders reviewed several different DENTON COUNTY BOARD & COMMISSION OPENINGS (copy of original exhibit mailed in advance and attached to file) then asked any interested directors to contact the chamber office.

Patterson reported that the ECONOMIC DEVELOPMENT TRANSITION COMMITTEE had completed its initial charge, and will make a preliminary report to the City Council on January 23; the report will also be presented to the chamber Board during the Annual Program Planning Retreat on January 26, but all interested individuals are encouraged to attend both presentations.

Crouch, representing the Communications Committee, reported that the D-FW REGIONAL AWARENESS CAMPAIGN began on November 15 with two billboards and print advertising. He noted that Channel 11 News had already done a story specifically focusing on the billboards. He also pointed out that the committee is coordinating a series of different responses to the DAVID LETTERMAN SHOW in an attempt to eventually convince them to tape a show in Denton.

Hayes, representing the VISION FOR DENTON Project Cabinet, presented the final draft of the recommendations and initiatives (copy of original exhibit attached to file) submitted by each of the four action groups. He gave a brief overview of some of the specific points in the "Work" action group report, noting that most them coincided with the chamber's basic priorities, as well as the report from PHH Fantus. Chairman Sanders asked everyone to please read the full document and be prepared to consider a formal endorsement during the January 26 Planning Retreat.

Carpenter reviewed correspondence from the TEXAS MOTOR SPEEDWAY (exhibits mailed in advance, original attached to file) requesting public support for the creation of a TAX INCREMENT FINANCE DISTRICT at its site near Alliance Airport on the Denton County side. He noted that the speedway would make payments in lieu of taxes to Denton County and that the road construction is consistent with the area's existing master plan. Carpenter noted that he had already personally spoken in favor of the project in general during a Commissioners Court meeting on December 5. Hayes moved that the Board publicly endorse Denton County's creation of the T.I.F, and that individuals also write their personal letters of support. Pittman seconded; the motion carried.

Carpenter reported that Herman Wesley had contacted him seeking a \$250 financial sponsorship from the Denton Chamber for a MARTIN LUTHER KING DAY LUNCHEON on January 15, 1996; and, although the chamber does not typically "sponsor" local events that are not directly connected, he felt like this would be an appropriate show of public support for the African American business community. Following a lengthy discussion, in which it was determined that this really is not a "business issue" and there is no existing budget line item, Patterson moved that the Denton Chamber decline sponsorship. Schertz seconded; the motion carried.

Gossett reviewed the format for the 1996-97 PROGRAM PLANNING RETREAT schedule for January 26; the in-coming Executive Committee will meet to prepare a proposed committee & organization structure. Chairman Sanders noted that the Regular January Board Meeting will also be held on that date and same location to help eliminate confusion and make better use of everyone's time.

Watson, representing the PRESIDENT'S CLUB 100, reported that they had brought in two new members since his presentation at the December Chamber Breakfast; the steering committee will meet soon to discuss the possible purchase of new furnishings and an open house in honor of the pending improvements to the chamber building.

Being no further official business, Gossett moved that the meeting be ADJOURNED at 1:45 p.m. Schertz seconded; the motion carried.

Respectfully submitted,



Charles W. Carpenter
President

Denton Nightclub Merchants Group

Purpose: Extend Hours For Legal Sales And Consumption Of Alcohol In on Premise Locations. To become involved in matters concerning our community and industry.

Plan: To present to the Denton City Council an overall package showing how 2 o'clock closing will benefit the community and its citizens.

Benefits:

- 1) Will increase opportunity for business owners to compete in area markets . Draw more convention , Sporting event, and Major Entertainment Business to the area. Make Business more profitable for owners adding more money to local economy.
- 2) More employment opportunities for local work force.
- 3) Increase tax dollars to community. Through additional 14% tax on increased sales, and additional permit fees.
- 4) Increased Sales mean more income for local suppliers of goods to our industry.
- 5) Will help keep The Entertainment Dollar in Denton. People that go to other cites for entertainment usually spend their Food Dollar there also.
- 6) Give Citizens the opportunity to stay off the highway between Denton and Dallas & Ft. Worth looking for places to have fun, or driving back from them.
- 7) May slow down many after hours parties.
- 8) Trained servers can better monitor customers consumption, find them a safe ride home when needed. Get them a Taxi or a Friend to drive them. Night clubs are a more controlled environment.
- 9) The recognized Competition Zone for any service or entertainment orientated business is 35 a mile radius. Dallas, Ft. Worth, Arlington, The Colony, Little Elm, and

Coppell are all within this area. All of them have 2 o'clock sales of alcohol.

Needs:

Support from all ends of the business community. Especially those business that serve alcohol. We need Strength and unity.

The Group Meets Every Monday At 5p.m. at
The Ben E. Keith Warehouse Hospitality Room
Located 2801 I 35E Denton . Please Come . This
is very important and will be well worth your time.
Get your employee's to cover for you.

If you Have any questions please call Sherard Quina
at The Texas Star 383-8499

Projected Profits to City

We project a modest increase in sales of 30% if 2 o'clock closing goes into effect. Allowing for Merchants that don't participate we will set the figure at 20%

Based on a Recent survey of the 14% tax paid in Denton For a 12 month period,

14% tax for June 94- June 95	\$744,740.00
Source State Comptroller	<u> x .10</u>
Net to city	74,474.00

With a potential increase in sales of 30% for the Permit's that will Apply For Late Hours.	315,797.00 paid by potential late hours
	<u> x .30</u> Permit's
	94,739.00 in additional Taxes

City Receives 10% of all 14% tax \$74,474.00
 With potential increase 839,479.00 x .10 = 83,947.00
 Not Counting Potential Revenues From Beer & Wine Permit's

City Can levy a fee of 50% of the States Fee for after hours permits.

	State Fee	City Fee
Mixed Beverage:	750.00	375.00
Beer & Wine :	250.00	125.00

This is not a giant windfall. But the overall picture would include secondary tax dollars because of increased spending in our area. (Restaurants, Motels, Convenience Stores, Secondary Suppliers, and more Money for employees to Spend)
 Plus make Denton more attractive to people coming into the area for the new Race Track.

14% taxes Paid in Denton

Bus. Name	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8
1 Applebees	2940.00	3340.00	2469.00	2904.00	3537.00	2547.00	4069.00	4544.00
2 Aquilla Verde	566.00	505.00	394.00					
3 Bedo's	983.00	942.00	898.00					
4 Blackeyed Pea	594.00	270.00	418.00					
5 Cafe China	268.00	245.00						
6 Chiffs								
7								

- 9
- 10
- 11
- 12 E
- 13 J.C.
- 14 Jon
- 15 Marp
- 16 Merca
- 17 Motions
- 18 O'tays
- 19 VFW
- 20 Red Lobster
- 21 Red Peppers
- 22 Rhinos

14% taxes Paid in Denton

	Bus. Name	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8	Period 9	Period 10	Period 11	Period 12	Total	Gross Total
1	Applebees	2940.00	3340.00	2469.00	2904.00	3537.00	2547.00	4069.00	4648.00					26454.00	26,454.00
2	Aquilla Verde	566.00	505.00	394.00										1465.00	27,919.00
3	Bedo's	983.00	942.00	898.00	936.00	1524.00	850.00	811.00	855.00	875.00	999.00	964.00		10637.00	38,556.00
4	Blackeyed Pea	594.00	270.00	418.00	475.00	442.00	355.00	590.00	320.00	477.00	346.00	367.00	362.00	5016.00	43,572.00
5	Cafe China	268.00	245.00	217.00	210.00	251.00	208.00	240.00	189.00	208.00	214.00	210.00		2460.00	46,032.00
6	Chill's	4095.00	3653.00	3144.00	3539.00	3616.00	3895.00	4095.00	3297.00	3386.00	3231.00	3702.00	3698.00	43351.00	89,383.00
7	Cog St./Bench	895.00	1010.00	2871.00	2021.00	2461.00								9258.00	98,641.00
8	Raddisson	4325.00	2518.00	4367.00	3678.00	3900.00	8592.00	3312.00	2546.00	3492.00	4185.00	2698.00	7498.00	51111.00	149,752.00
9	Denton C.C.	1490.00	1625.00	2209.00	1978.00	1628.00	1935.00	1862.00	1241.00	1594.00	1272.00	1451.00	1436.00	19721.00	169,473.00
10	Denton Lodge	2040.00	2248.00	1713.00	1912.00	2069.00	2394.00	2075.00	1988.00	2146.00	2171.00			20756.00	190,229.00
11	El Chico	973.00	952.00	940.00	898.00	871.00	811.00	965.00	806.00	977.00	942.00	966.00		10101.00	200,330.00
12	Ellingtons	2086.00	2336.00	2662.00	2214.00	2500.00	2485.00	2480.00	2420.00	2430.00	2130.00	2244.00	2448.00	28435.00	228,765.00
13	J. Corral Club	738.00	810.00	616.00	843.00	840.00	871.00	758.00	1030.00	911.00	743.00	881.00	1007.00	10048.00	238,813.00
14	Jonathons	5581.00	5555.00	5264.00	4280.00	4199.00	5587.00	4443.00	6132.00	4889.00	5461.00	4048.00	5176.00	60615.00	299,428.00
15	MarpacSocial	6322.00	3818.00	5038.00	3510.00	3902.00	4700.00	6880.00	3657.00	4526.00	5494.00	3141.00	4370.00	55358.00	354,786.00
16	Mercado Juare	4657.00	4051.00	4071.00	4555.00	4885.00	4513.00	4522.00	411.00	4339.00	4494.00	4832.00	4824.00	53854.00	408,640.00
17	Motions	0.00	750.00	1100.00	502.00	720.00	993.00	677.00	793.00	657.00	1158.00			7350.00	415,990.00
18	O'lays	196.00	320.00	87.00	5964.00	66.00	59.00	108.00	80.00					6880.00	422,870.00
19	VFW	2046.00	1729.00	1821.00	3921.00	1777.00	1811.00	1987.00	1976.00	1735.00	1866.00	1807.00	1940.00	24416.00	447,286.00
20	Red Lobster	1909.00	1850.00	1359.00	1842.00	1547.00	1993.00	1636.00	1576.00	1780.00	1437.00	1646.00	1382.00	19957.00	467,243.00
21	Red Peppers	128.00	259.00	130.00	211.00	214.00	258.00	143.00	234.00	172.00	169.00	201.00	214.00	2333.00	469,576.00
22	Rhinos	1888.00	1648.00	1885.00	2144.00	1625.00	2308.00							11498.00	481,074.00

14% taxes Paid in Denton

	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8	Period 9	Period 10	Period 11	Period 12	Total	Gross Total
25	5533.00	4214.00	4885.00	3479.00	3462.00	6790.00	4396.00	5990.00	6019.00	4142.00	4025.00	7064.00	59999.00	541,073.00
	182.00	4.76	118.00	229.00	167.00	38.00	61.00	108.00	157.00				1064.76	542,137.76
	5951.00	4004.00	5924.00	4217.00	4098.00	5047.00	4975.00	4798.00	5034.00	6846.00	5299.00	4456.00	60649.00	602,786.76
26	656.00	631.00	614.00	631.00	409.00	730.00	624.00	612.00	759.00	676.00	593.00		6935.00	609,721.76
27	3929.00	3386.00	3231.00	3702.00	3698.00	3762.00	3746.00	3343.00	3594.00	4054.00	3725.00		40170.00	649,891.76
28	218.00	229.00											447.00	650,338.76
29	3297.00	3386.00	3231.00	3702.00	3698.00	3762.00	2582.00	3653.00	3144.00	3539.00	3616.00	3895.00	41505.00	691,843.76
30	604.00	483.00	578.00	601.00	577.00	593.00	531.00	618.00	568.00				5153.00	696,996.76
31	1019.00	877.00	1040.00	2219.00	1153.00	889.00	816.00	938.00	1152.00	1091.00	1332.00		12526.00	709,522.76
32	2034.00	1610.00	1771.00	1775.00	2077.00	2017.00	1739.00	1951.00	1750.00	1668.00	1670.00		20062.00	729,584.76
33	1700.00	1335.00	1548.00	1458.00	1756.00	1661.00	1616.00	1767.00	929.00	1386.00			15156.00	744,740.76

os on
ms from

See page 3



Dunking time

The Daily previews b-ball team, reviews student life

See special section



Texas Daily

the University of North Texas

Vol. 78, No. 48

Bar owners, council to talk NT student says council positive about later drinking

By Les Tracey
Staff Writer

Denton businesses that want Denton's drinking hours extended to 2 a.m. must go before the City Council and they expect to get their proposal approved.

"We've received a positive response (from council members)," said Trophy Club senior Steve Boedeker, owner of Tavern of the Green.

The coalition of businesses that are working on the proposal includes several bars in the Fry Street area and Texas Star, 1131 Fort Worth Drive.

Boedeker said extending the drinking hours would be beneficial to Denton businesses. He said that after midnight people drive to other Metroplex cities where alcohol is served until 2 a.m.

In 1979, the council passed an ordinance extending the drinking hours on the weekend, but it was repealed in 1981.

The Denton County chapter of Mothers Against Drunk Driving will not take a position on the issue, said Sandra Lewis, president of MADD of Denton County.

"We do not take a position on the closing hours of bars," she said. "We support uniform closing hours."

Lewis said MADD believes in having the same closing hours throughout the city. Currently, all areas of Denton must stop serving alcohol at midnight.

"Texas Star wants to have the same closing hours as bars in the surrounding towns," she said. "If the servers are doing their jobs, then they're not letting people become intoxicated and not serving intoxicated people. It's up to the individual bars."

The coalition has not made a formal proposal to the

City Council yet, but Boedeker said it has approached individual members.

Councilman Jerry Cott said he would support allowing alcohol to be served until 2 a.m. He said the city needs to have the same drinking hours as Dallas and Fort Worth in order to cut down on the number of people who drive to Dallas to continue drinking.

"I think there are boundaries needed in this subject," he said. "I'd rather have a bad law than dead people."

Councilman Jeff Krueger said he is unsure about supporting the proposal. He said he wants to know how the Denton Police Department views the issue before he decides whether to support it.

"We have to look at this from all angles," he said. "If (Police) Chief (Michael) Jez doesn't have a problem with it, then I won't have a problem with it."

Krueger said he still has questions, such as how the crime rate will be affected. These will need to be answered before he makes up his mind, he said.

Gary Matheson, assistant chief of police, said the police department has not formed an official stance on the issue. He said the department will probably not support it.

"I would expect that it will probably be a negative view," he said.

Lt. Jim Welburn of the crime prevention division said he will be the most likely person in the police department to conduct an analysis if the council requests one.

He said during the three-year span when the drinking hours were extended in the early '80s, there wasn't much of a difference in the number of arrests for drunken driving.

JoAnn -

Shannon Vannatta

383-3721

w/ NT Daily

Staff ~~XXXXXXXXXX~~

- She has questions
about the proposed
2 AM bar closing
time. Please call
her before 4:30 PM
at the above #. Thank!

-Christina

Denton Nightclub Merchants Group

Purpose: Extend Hours For Legal Sales And Consumption Of Alcohol In on Premise Locations. To become involved in matters concerning our community and industry.

Plan: To present to the Denton City Council an overall package showing how 2 o'clock closing will benefit the community and its citizens.

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Dallas, Ft. Worth, Arlington, The Colony, Little Elm, and Coppel are all within this area. All of them have 2 o'clock sales of alcohol.

Needs:

Support from all ends of the business community. Especially those business that serve alcohol. We need Strength and unity.

The Group Meets Every Monday At 5p.m. at
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Located 2801 I 35E Denton . Please Come . This
is very important and will be well worth your time.
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14% tax	\$744,740.76	\$893,688.91
	<u> x.20</u>	<u> x.10</u>
	\$148,948.15 Potential increase	\$89,368.89

City Recieves 10% of all 14% tax \$74,474.00
 With potential increase \$89,368.89

City Can leavy a fee of 50% of the States Fee
 for after hours permits.

	State Fee	City Fee
Mixed Beverage:	750.00	375.00
Beer & Wine :	250.00	125.00

This is not a giant windfall. But the overall picture would include secondary tax dollars because of increased spending in our area. (Restaurants, Motels, Conveinence Stores, Secondary Suppliers, and more Money for employees to Spend)

NEW CLUB CLOSING TIMES PROPOSAL

PURPOSE: Extend club closing hours to 2 a.m.

INITIATED BY: Sherard Quina, Texas Star
Several other club owners are participating in effort.

PLAN: A petition has been circulated around the Fry Street area recently.

Sherard wants to put all the information together and make a formal request to City Council in late October or early November.

PROS:

- * Will be able to stay open longer; more profitable
- * More employee opportunities
- * Will provide more tax money
what kind
- * City will be able to levy a fee of half as much as the late hours permit by the state (\$375 to the city) on the clubs and same (\$125) on the businesses that sell beer and wine.
- * Increase in profits to secondary suppliers

CONS:

- * Prolonged patrol hours by police
- * May have resistance by MADD and religious groups on the moral issue
- * May have resistance by residents (especially in neighborhoods close to clubs).

- * Will enhance opportunity to attract convention groups
- * Will keep people in Denton; will keep people from driving to DFW at midnight to continue to party (Ex: Cafe 121 in Coppell)
- * Will keep "keggers" parties out of neighborhoods
- * Servers can monitor customers better in the clubs; can provide taxis or friends to take them home. Clubs are a more controlled environment as opposed to a situation where drinkers buy a six-pack at Kroger and get on the road.

Other concerns by the group in terms of business are that clubs within a 35 mile area are their competition and they believe they need to be open until 2 a.m. to be competitive.

The group believes this is a restrictive ordinance by the city and keeps them from making a living.

UPDATE: *MADD said they are not concerned with closing hours issues; they are concerned only with responsibility related to drinking. MADD said a person can get drunk in the afternoon just as easily as late night or early morning.*



New law limits beer purchases

Regulation - Now beer drinkers can only make purchases 20 hours out of the day.

NICOLE KOCH

The Oklahoma Daily

Have a late-night beer run on tap? Sorry - brewski is banned after 2 a.m.

State Bill 129, a state-wide prohibition of 3.2 beer sales between 2 and 6 a.m., went into effect Nov. 1. The bill is an effort to cut down on underage drinking and increase public safety awareness.

State Senator Helen Cole, R-Moore, co-author of the bill, said Oklahoma was the only state in the five-state area that sold beer 24 hours a day.

"If somebody is buying a cold six-pack at two o'clock in the morning, they're not taking it home to drink," Cole said.

"They're going to open it up in the car and drink it."

Cole has worked on the bill for the past three years, and believes the bill will decrease underage drinking.

"There isn't any doubt there is a problem with selling alcohol to minors," Cole said. "Too often now, it's harder for our young people not to sell beer to underage friends that come in the early morning hours."

John Coffey, MIS senior, said he doesn't like the new law. He said he doubts it will deter underage drinkers.

"It sucks, in so many words," Coffey said. "From what I understand, it will reduce underage drinking, but there are better ways to restrict it besides the times to buy beer. They'll still buy it, they'll just have to buy it earlier."

He also said it probably won't decrease drinking and driving.

"Bars in Norman have a last call around 1:15 or 1:30 (a.m.)," Coffey said. "They should have backed the time to 1 a.m. where after you left the bar, you couldn't go buy beer. People will still drink and drive."

Kenda Bickle, early childhood education graduate student, disagreed.

"People can have all the beer they need by 2 a.m.," Bickle said. "They don't need it after that. Most people are drunk by 2 a.m. anyway."

Rebecca Smalley, accounting senior, said the law is a good idea.

"If people want to drink, they're going to drink anyway," Smalley said. "It's just as easy to get beer beforehand than it is to go out and buy it after two."

Tom Beer, co-owner of Half Acre Food Store, said two people have tried to buy beer during the illegal hours.

"We've been closing at 3 a.m., so the law only affects us for an hour," Beer said. "We've turned away a couple of people who were rowdy, but they left."

Beer said the law will not eliminate underage drinkers.

"We don't sell to any minors unless they have an awful good fake ID," Beer said. "They'll just buy it beforehand."

Nov. 1, two men made a mad dash for draft at 2:45 a.m., at the Kwik Shop, 1226 Classen Blvd. In less than 10 seconds, they stole a case and two 12-packs - \$28 worth of beer.

Olline Watts, manager of the Kwik Shop, said she didn't think the two men were under 21.

"They walked straight to the back, grabbed the beer and made a beeline to the door," Watts said.

But the beer thieves didn't know the store got it all on camera.

"We've got their pictures up," Watts said.

Lt. Dean Vassilakos of Norman Police Department said no reports of illegal beer distribution have been made so far.

Under SB 129:

- all statutory references regarding 3.2 beer are changed from "non-intoxicating" to "low-point beer";

- signs must be posted in stores advising it will not sell 3.2 beer between the designated hours of 2 a.m. and 6 p.m.;
- store employees must have more training to avoid selling beer to minors.

If a store sells beer between these hours or doesn't post the proper signs, fines will be issued and alcohol licenses will be revoked.

This article was published on Tuesday, November 7, 1995

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BUSINESS

Tuesday, November 3, 1992

11-5-92
DRC

E

New restaurant planned for Pilot Point

By Tony Cantu
Staff Writer

The folks that brought you Joe Mama's Texas Roadhouse — a Lincoln Park restaurant that features emu fajitas on its menu — are opening another eatery in Pilot Point.

Jonathan Lewis, one of the partners opening Joe Mama's in March, has created Mosaic Restaurant Management Inc. for his newest venture. The Mustang Grille. The restaurant will feature what Mr. Lewis bills as "Texas classics," with such items as aged

beef, chicken fried steak and other favorites.

Mr. Lewis and other partners of Nu West Concepts Inc. have operated the Joe Mama's restaurant since its opening seven months ago. The restaurant

is located near the intersection of Highway 380 and Farm-to-Market 720.

Mr. Lewis — a 16-year industry veteran, who was formerly the food and beverage director for Universal Studios in Orlando — plans to open his newest restaurant Nov. 14.

The facility will seat 60 diners, with an adjoining bar will accommodate up to 150 guests. The restaurant will feature a game section and a fireplace for use in the colder weather.

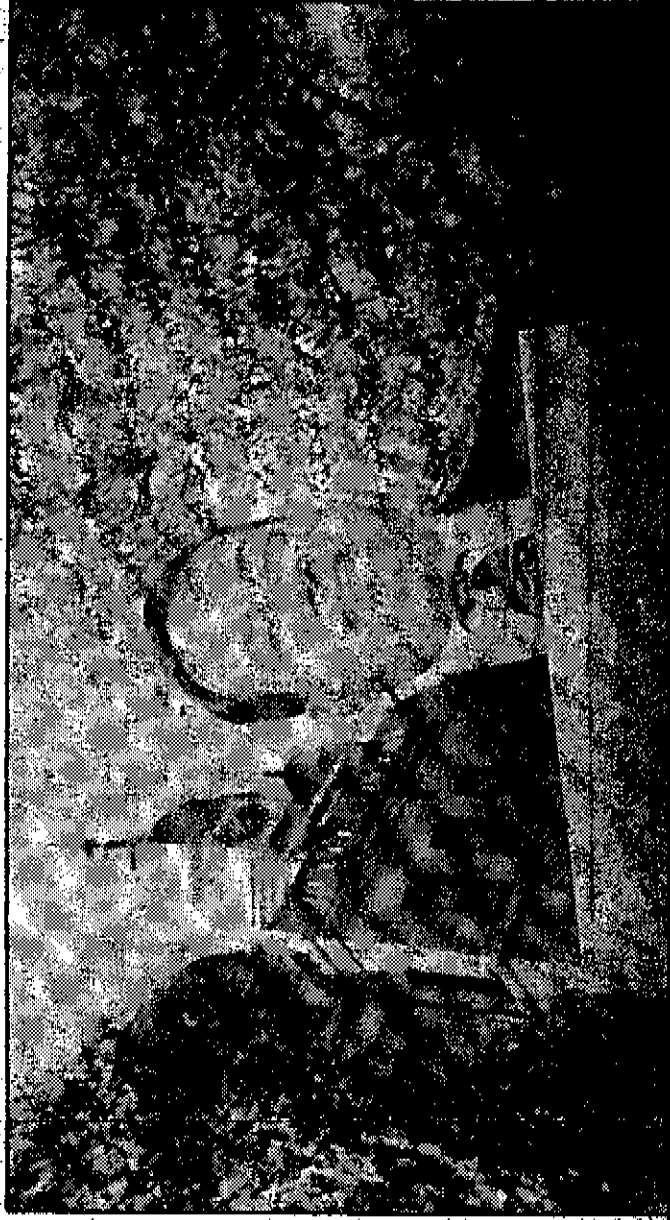
The new eatery is to be built within the Four Horsemen Motor Lodge, a 40-room motor hotel near Lake Ray Roberts. Given its location in Pilot Point, Mr. Lewis also is touting the establishments planned closing time for drinking — two hours after Denton bars shut down.

"This is also currently the only 2 a.m. liquor license in Denton County," Mr. Lewis said.

Like his Joe Mama's enterprise, the new restaurant will feature a gift area offering an assortment of logo merchandise, gift items and souvenirs.

Since its opening, Joe Mama's does a brisk business, offering primarily a Tex-Mex cuisine. During an interview at the restaurant's opening, Mr. Lewis said he may eventually start a chain of the Joe Mama's theme, which he describes as a "high-tempo, energetic, fun concept."

STRIVING FOR AWARENESS



Deadline nears for tank reimbursement

What to do with that leaky underground storage tank? You've been putting it off for too long.

Well, the moment of reckoning has arrived. The Texas Natural Resource and Conservation Commission is reminding underground storage tank owners to apply for reimbursement from its Petroleum Storage Tank Remediation Fund.

Those who have not registered their tanks with the agency by Dec. 31 will be ineligible for reimbursement. At an average cost of \$126,000 to remove a single leaking petroleum tank and clean up the surrounding soil, we're talking real money here. For further information, call the TNRCC at (512) 239-2159.

Cybergripe

The computer age continues to increasingly affect all aspects of

Notable increases Denton hotels show gains in activities

By Tony Cantu
Staff Writer

For the most part, the city's hotel industry posted impressive gains during the second quarter from the same period last year, according to the Texas comptroller of public accounts, Bob Morgan. Morgan said that the industry posted gains during the second quarter from the same period last year, according to the Texas comptroller of public accounts, Bob Morgan. Morgan said that the industry posted gains during the second quarter from the same period last year, according to the Texas comptroller of public accounts, Bob Morgan.

- DWI + underage drinkers - worst thing for beer industry
- Iron - beer is not a drug

Call King

Shift workers - Boeing, Peter, Victor - hospitals
3-11 second shift

Dallas - some cater to TI shifts

Sherard - Cab service - don't run past midnight
in Denton

Notebooks - for all council

\$ - ~~to~~ customers spend same amt of \$ in ^{2 or 4 hrs.}
\$ - more \$ w/ later hrs - keeps them here
Race track rather than
going to Dallas

Sun DRG - Beverage tax receipts
article

other
side

Police objections?

Church
Residents - conservative

Two different sessions - Chamber board
Council retreat

Get w/ Eric + Mike on their
concerns w/ all areas of the issue

Invite them, too

Tromp with January

Sherard - Jack + Euline - ^{will} suggest going
early to avoid

Get Sherard's statistics the campaign

* Chuck - present to get info from
- how much time? Ben E. Keith + local folks; ?
we'll include pros + cons, etc.

= Sherard will deal w/ Eric

= Pat + S will get statistics + we'll confer.

Denton Record-Chro

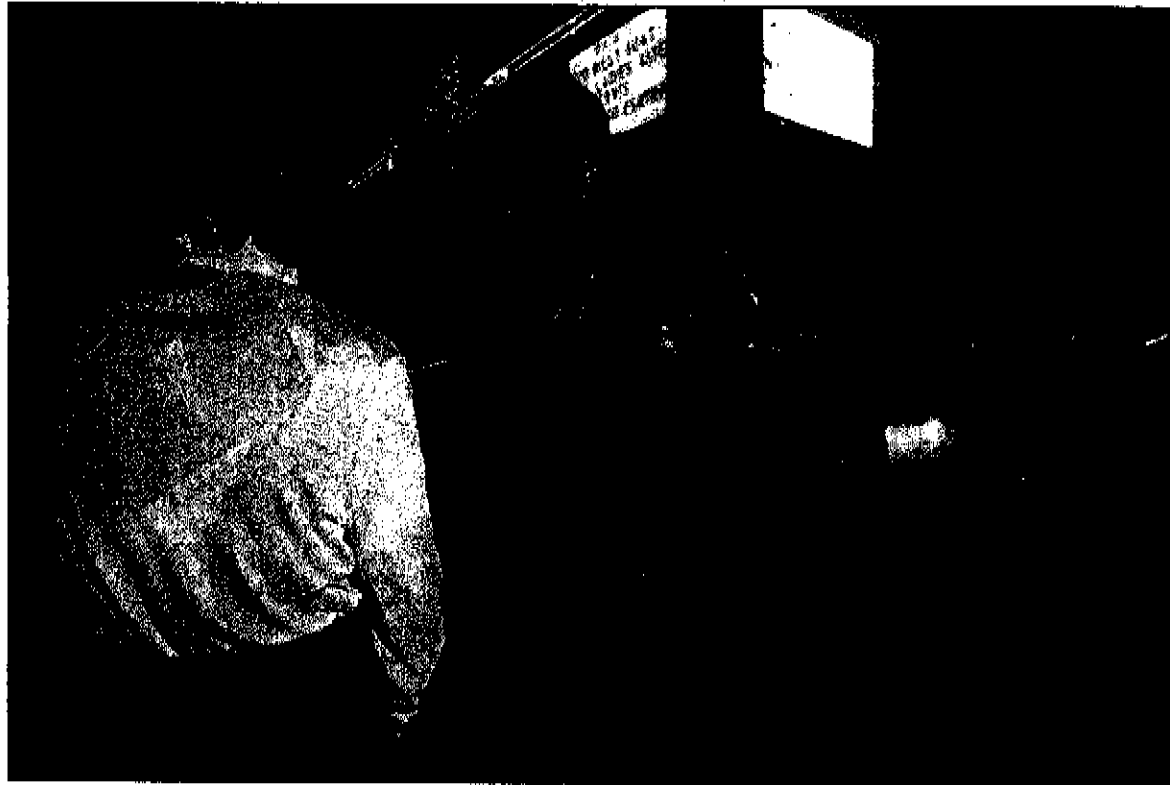
Vol. 92, No. 86

40 pages in 4 sections

Denton, Texas

Friday, October 27

CRACKING DOWN ON MINORS



University of North Texas police officer Mark Gohlke issues a ticket to an underage student outside Rick's Place on Thursday night.

DR-C/J. MARK HEGANS

UNT police team up with Denton to form Fry Street task force

By April M. Washington
Staff Writer

Sgt. Karen Schluter ordered two drunken 18-year-olds to lean against a squad car and spread their arms and legs.

Sgt. Schluter and other University of North Texas police officers found the women last Thursday night, stumbling in front of the charred remains of the Delta Lodge on Fry Street. They stood, swaying amid a pile of beer bottles that lay on the ground, shouting obscenities at the officers.

"I'm not going to let you arrest me," the UNT freshman said as she struggled with Sgt. Schluter "Get your ... hands off me."

The two women's belligerent behavior earned them a night in jail on charges of public intoxication and possession of alcohol. The arrests were a part of a crackdown by UNT police on underage drinking in and around campus. The department has teamed up with Denton police to form a Fry Street task force.

UNT police began the crackdown after receiving numerous telephone calls from par-

Statistics on alcohol usage

Here are some statistics based on national and University of North Texas alcohol reports:

■ Seventy-five percent of the nation's college students report that during the last 30 days they have consumed alcohol. The figure is about 86 percent at UNT.

■ Forty-one percent of college students report drinking to intoxication within two weeks prior to when they were surveyed. Intoxication is defined as five drinks in a row during a single occasion. The figure is about 42 percent at UNT.

■ More than 50 percent of college students report driving after drinking at least once during

the past year.

■ Forty percent of college students have family members who have had problems with alcohol. The figure is about 37 percent at UNT.

■ Six percent of UNT freshmen will drop out of school due to alcohol-related concerns.

■ Nineteen percent of UNT entering freshmen consider themselves to be in recovery from alcoholism. This means that about 5,000 UNT students overall are in recovery.

■ UNT perceived consumption is five drinks two times a week. Actual consumption is three drinks every nine days.

ents and professors complaining about students drinking on Fry Street all weekend and coming to classes exhausted.

Traditionally, the Fry Street club scene has not been a major part of the UNT police's patrolling area. And the Denton police often lack the manpower, especially on the weekends, to patrol the area adequately.

Throughout the semester, police plan to conduct random bar checks and increase the

number of unmarked patrols in the area.

The increased police presence angered some lingering along Fry Street during last week's sweep. As the police placed the freshmen drinkers in the squad car, one onlooker accused the police of hassling students and "wasting taxpayers' dollars."

"Those girls aren't criminals," said Kimber-

Sec DRINKING/6A

NEW CLUB CLOSING TIMES PROPOSAL

PURPOSE: Extend club closing hours to 2 a.m.

INITIATED BY: Sherard Quina, Texas Star
Several other club owners are participating in effort.

PLAN: A petition has been circulated around the Fry Street area recently.

Sherard wants to put all the information together and make a formal request to City Council in late October or early November.

PROS:

- * Will be able to stay open longer; more profitable
- * More employee opportunities
- * Will provide more tax money
- * City will be able to levy a fee of half as much as the late hours permit by the state (\$375 to the city) on the clubs and same (\$125) on the businesses that sell beer and wine.
- * Increase in profits to secondary suppliers

CONS:

- * Prolonged patrol hours by police
- * May have resistance by MADD and religious groups on the moral issue
- * May have resistance by residents (especially in neighborhoods close to clubs).

- * Will enhance opportunity to attract convention groups
- * Will keep people in Denton; will keep people from driving to DFW at midnight to continue to party (Ex: Cafe 121 in Coppell)
- * Will keep "keggers" parties out of neighborhoods
- * Servers can monitor customers better in the clubs; can provide taxis or friends to take them home. Clubs are a more controlled environment as opposed to a situation where drinkers buy a six-pack at Kroger and get on the road.

Other concerns by the group in terms of business are that clubs within a 35 mile area are their competition and they believe they need to be open until 2 a.m. to be competitive.

The group believes this is a restrictive ordinance by the city and keeps them from making a living.

UPDATE: *MADD said they are not concerned with closing hours issues; they are concerned only with responsibility related to drinking. MADD said a person can get drunk in the afternoon just as easily as late night or early morning.*

DRAFT

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HVTOUR\CLUBS

NOTE TO FILE:

Talked to Tim Hodges, County Clerk today.

He said to change the club membership ruling, an application of 10 registered voters must sign an application to circulate a petition.

Then if those 10 are approved, then 35% of the registered voters in the district (City of Denton) must sign a petition for an election to change the club membership status. An election is then held and it can pass or fail by one vote. To repeat the process one must wait a year.

Tim said there are 7 levels of wet and dry in a district. He'll send me copies of several things related to the above.

JB
10/13/95

10-19-95

Sherard said MADD doesn't get involved w/ closing hrs. - responsibility is their issue only.



401 West Hickory
P.O. Box 2187
Denton, Texas 76202

817-565-8501
TX WATTS 800-366-5639

TIM HODGES
County Clerk

DESTINATION FAX: 382-0040

DELIVER TO: Jo Ann

DEPARTMENT: _____

FAX SENT FROM: 565-8580

NAME: Tim

ADDRESS: _____

DEPARTMENT: _____

PHONE: _____

NUMBER OF PAGES INCLUDING COVER SHEET: 6

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL THE
ORIGINATOR AS SOON AS POSSIBLE.

Texas' Fastest Growing County

Sec. 69.14. SEATING AREA REQUIRED. A retail dealer's on-premise licensee must have an area designated on the premises for the permittee's customers to sit if they wish to consume beverages sold by the licensee on the premises.

CHAPTER 70. RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE

Sec. 70.01. AUTHORIZED ACTIVITIES. The holder of a retail dealer's on-premise late hours license may sell beer for consumption on the premises on Sunday between the hours of 1:00 a.m. and 2 a.m. and on any other day between the hours of 12 p.m. and 2 a.m. if the premises covered by the license are in an area where the sale of beer during the hours is authorized by this code.

Sec. 70.02. FEE. The annual state fee for a retail dealer's on-premise late hours license is \$250.

Sec. 70.03. APPLICATION OF CERTAIN CODE PROVISIONS. All provisions of this code which apply to a retail dealer's on-premise license also apply to a retail dealer's on-premise late hours license.

CHAPTER 71. RETAIL DEALER'S OFF-PREMISE LICENSE

Sec. 71.01. AUTHORIZED ACTIVITIES. The holder of a retail dealer's off-premise license may sell beer in lawful containers to consumers, but not for resale and not to be opened or consumed on or near the premises where sold.

Sec. 71.02. FEE. The annual state fee for a retail dealer's off-premise license is \$60.

Sec. 71.03. AUTHORITY OF LICENSEE HOLDING PACKAGE STORE PERMIT OR WINE ONLY PACKAGE STORE PERMIT. (a) The holder of a retail dealer's off-premise license who also holds a package store permit may sell beer directly to consumers by the container, but not for resale and not to be opened or consumed on or near the premises where sold.

(b) The holder of a retail dealer's off-premise license who also holds a wine only package store permit may sell beer to consumers by the containers, but not for resale and not to be opened or consumed on or near the premises where sold.

(c) The sale of beer by a holder of a retail dealer's off-premise license who also holds a package store permit is subject to the same restrictions and penalties governing the sale of liquor by package stores with regard to:

- (1) the hours of sale and delivery;

Sec. 104.03. CONSPIRACY; ACCEPTING UNLAWFUL BENEFIT. A retail dealer or his agent, servant, or employee commits an offense if he conspires with another person to violate or accepts the benefits of a violation of this code or a valid rule of the commission.

Sec. 104.04. DRAFT BEER DISPENSER: SIGN REQUIRED. No retail dealer may dispense draft beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or brand of the product being dispensed through the faucet or apparatus. The sign must be in full sight of the purchaser, and the letters on it must be legible.

CHAPTER 105. HOURS OF SALE AND CONSUMPTION

Sec. 105.01. HOURS OF SALE: LIQUOR. (a) Except as provided in Sections 105.02, 105.03, and 105.04 of this code, no person may sell, offer for sale, or deliver any liquor:

- (1) on New Year's Day, Thanksgiving Day, or Christmas Day;
- (2) on Sunday; or
- (3) before 10 a.m. or after 9 p.m. on any other day.

(b) When Christmas Day or New Year's Day falls on a Sunday, Subsection (a) of this section applies to the following Monday.

Sec. 105.02. HOURS OF SALE: WHOLESALERS AND LOCAL DISTRIBUTORS TO RETAILERS. (a) Except as provided by Subsection (b) of this section, a wholesaler or a local distributor's permittee may sell, offer for sale, or deliver liquor to a retailer between 7 a.m. and 9 p.m. on any day except Sunday and Christmas Day.

(b) A local distributor's permittee may not sell, offer for sale, or deliver any liquor on a day on which a package store permittee is prohibited from selling liquor.

Sec. 105.03. HOURS OF SALE: MIXED BEVERAGES. (a) No person may sell or offer for sale mixed beverages at any time not permitted by this section.

(b) A mixed beverage permittee may sell and offer for sale mixed beverages between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell mixed beverages between midnight and 1:00 a.m. and between noon and midnight.

(c) In a county having a population of 300,000 or more, according to the last preceding federal census, a holder of a mixed beverage late hours permit may also sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.

(d) In a county having a population of less than 300,000, according to the last preceding federal census, the extended hours prescribed in Subsection (c) of this

Sec. 251.13. ISSUES TO APPEAR IN ORDER FOR ELECTION. (a) The order for the election shall state in its heading and text whether the local option election to be held is for the purpose of prohibiting or legalizing the sale of the alcoholic beverages set out in the issue recited in the application and petition.

(b) The order shall state the issue to be voted on in the election.

Sec. 251.14. ISSUES. (a) In the ballot issues prescribed in this section, "wine" is limited to vinous beverages that do not contain more than 14 percent alcohol by volume and includes malt beverages that do not exceed that alcohol content. For local option purposes, those beverages, sold and dispensed to the public in unbroken, sealed, individual containers, are a separate and distinct type of alcoholic beverage.

(b) In areas where any type or classification of alcoholic beverages is prohibited and the issue submitted pertains to legalization of the sale of one or more of the prohibited types or classifications, the ballot shall be prepared to permit voting for or against one of the following issues:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
- (6) "The legal sale of all alcoholic beverages except mixed beverages."
- (7) "The legal sale of all alcoholic beverages including mixed beverages."
- (8) "The legal sale of mixed beverages."

(c) In areas where the sale of all alcoholic beverages including mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
- (6) "The legal sale of all alcoholic beverages except mixed beverages."
- (7) "The legal sale of all alcoholic beverages including mixed beverages."
- (8) "The legal sale of mixed beverages."

(d) In areas where the sale of all alcoholic beverages except mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
- (6) "The legal sale of all alcoholic beverages except mixed beverages."

(e) In areas where the sale of beverages containing alcohol not in excess of 14 percent by volume has been legalized, and those of higher alcoholic content are prohibited, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."

(f) In areas where the sale of beer containing alcohol not exceeding four percent by weight has been legalized, and all other alcoholic beverages are prohibited, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."

(g) In an area where the sale of a particular type of alcoholic beverage has been legalized only for off-premises consumption, no alcoholic beverage may be consumed on the licensed premises and no type of alcoholic beverage other than the type legalized may be sold.

Sec. 251.15. ISSUE ON MIXED BEVERAGES. (a) No local option election affects the sale of mixed beverages unless the proposition specifically mentions mixed beverages.

(b) In any legalization or prohibitory local option election where any shade or aspect of the issue submitted involves the sale of mixed beverages, any other type or classification of alcoholic beverage that was legalized prior to the election remains legalized without regard to the outcome of that election on the question of mixed beverages.

Sec. 251.16. EVIDENCE OF VALIDITY. The commissioners court order for election is prima facie evidence of compliance with all provisions necessary to

DEC
10-6-
95

Responsible extension of would be sa

Please in my liquor law file.

's' dirty little

In the next few weeks, so many business owners will present to the Denton City Council petition for an extension of hours to serve beverages in Denton clubs.

According to state law, alcohol must stop serving those beverages by 2 a.m., but local cities and towns may shorten those hours. In Denton, alcohol may be served only until midnight on weekdays and 1 a.m. on Saturdays.

A group of local merchants has launched a petition drive in support of changing hours to the state limit of 2 a.m. In three weeks, more than 5,000 signatures have been affixed to those petitions, which the merchants propose to present to the City Council at the end of this month or the beginning of November.

We hope the Denton City Council sincerely considers this request and changes city ordinance to allow Denton merchants to serve alcohol until 2 a.m.

The fact that the sales tax from extended sales would increase city coffers has little to do with our recommendation. Instead we hope the council considers both public safety and our city's attractiveness to visitors.

As the law now stands, many patrons of Denton clubs leave the city to continue their nights out in Dallas. After spending some time here, imbibing, they then get on the highway and travel to another town. Then, after imbibing at clubs that stay open until 2 a.m., they again get in their vehicles and drive on the highway.

That, simply, is not safe for those drivers or others on the road in the early-morning hours. It doesn't make sense to have different closing times in different cities when to do so promotes driving under the influence.

Alcohol is not going to go away. People will go out and drink. Is it not safer for those people to stay in Denton than to get on the highway before and after they finish their drinking for the evening out?

These early hours also put our hotels and motels and eating establishments at a disadvantage in luring conventions and other gatherings of visitors to Denton. Those visitors often are quite surprised to find that their functions must cease at midnight.

Would it not make better sense if Denton's establishments could stay open as late as those in other Texas cities that vie for the same convention and tourist dollars?

Of course, with the longer hours, Denton's bartenders and waitpeople would have to be more responsible. We would encourage bar and restaurant owners to make sure they and their employees understand their responsibilities not to serve people who already have had too much to drink and to make sure patrons of their establishments did not operate their vehicles if they are impaired by alcohol.

Letter policy

The Denton Record-Chronicle welcomes

little secret about 's' called Base Line concept is so ver: Certain social omatic increase in ent to 12 percent

party controlled bo those years and the responsibility to pa appropriate and di of change was to ra government contro personal aspects of cited the looming h supposedly threate poor, as reasoning usurp one-seventh What they did not supposed health-ca attributable to thei wasteful actions.

Now the Republic everything in their generation of mism corruption by cuttin these runaway prog Security, welfare, a Democrats drag the that change is impo Clinton, a master of has tried to blame t critical condition of social programs. He "Republicans had ig warnings about Me he conveniently forg party that controlled heed his warning at

The Democrats ha viable alternatives t proposals to save M that the only way to bankruptcy is to raise waste and fraud. Th increase in monthly next seven years as Republicans is exces but they don't reveal increase is only \$8 h one proposed by the administration. Ano Democrats fail to rev proposals maintain t currently paid by Me while President Clin percentage to 25 per elderly responsible fo

Consequently, the reduced to fear-mong propaganda and now that change is impos They declare that re growth in Medicare s actually are cuts tha the disabled and the a blatant lie used in their own incompeten

Do we, as taxpayer giving more money to government is the rig problem? And doesn't large percentage of th has been wasted on fa Democrats have prov when left to their own

Where was the Den concern for the elderl when the Democratic passed a progressive Security in 1993?

■ MITCHELL HAYNES is a graduate of Denton High School, Texas. He has a bachelor of arts



Mitchell Haynes

the need for that program may have decreased or have a much lower growth rate. If the increase in spending is reduced from 10 percent to 6 percent, then Congress marks it down as a 4 percent cut in the program rather than an actual 6 percent increase over the previous year's budget. It makes good copy in the newspaper depending on the desired perception: The supporter of the action declares that spending is being reduced and the opponent cries that the budget of a valuable program is being gutted. The fact that the program's budget is increasing 6 percent over the previous year is rarely mentioned.

The second part of this dirty little secret is almost as diabolical. Every department that receives a budget from the government is operated on the basis that all the money in their individual budgets must be spent or the department will have their budget cut the following year by the amount that was left over. Subsequently, there is no desire or incentive to save money or cut costs.

According to the U.S. Office of Management and Budget, in 1992, welfare's budget rose 13 percent when medical costs rose only 5.9 percent. Enrollment in Medicare rose approximately 2 percent during those years, yet recipients received a 10 percent increase in their benefits — an increase approximately one and a half times higher than inflation. The waste didn't stop there either. Congress increased Medicare's 1994 budget another 10 percent despite the fact that such an increase in spending was a waste of taxpayer dollars. The OMB states further that between 10 percent to 26 percent of welfare's budget may be wasted due to fraud.

Congress not only raised the budget for Medicare far beyond the need, but it also spent every dime of that budget without regard to controlling spending or eliminating waste. Consequently, Congress' free spending action and lack of oversight of the program are some of the leading causes for the high inflationary rate of medical costs and have resulted in the projected bankruptcy of Medicare by the year 2002.

This system of waste and malfeasance developed and flourished during 40 years of Democratic control of Congress. In 1992 the Democrats ran on the platform of "change." They stated that it was time for change after 12 years of Reagan-Bush. What they failed to state was that their

Guest column policy

The Denton Record-Chronicle

LAST CALL



Tim Slusarski, left, and Scott Boyter talk over beers at Riprock's. Both University of North Texas graduates are in favor of extending the drinking curfew to 2 a.m. "Why send all the kids driving 40 miles to Dallas when they would be safer partying in Denton?" asked Mr. Slusarski. "Besides, why not keep the money here in Denton?"

DR-C/J. MARK
KEGANS

Merchants push for extended bar hours

By Kelly Ryan
Staff Writer

As midnight approaches, it's like a scene out of Cinderella as bar stools and dance floors begin clearing while Denton bartenders make their last call for drink orders.

And after those patrons make their mass exodus from the bars, many take to the roads and Interstate 35E driving to surrounding cities, where alcohol is sold for another two hours.

That's the picture several Denton merchants are painting in an effort to convince Denton City Council members to change a city ordinance to allow alcohol to be sold until 2 a.m. The group of merchants has launched a petition drive in support of the change,

which has garnered more than 5,000 signatures in three weeks.

The group plans to present the petition to council members at a public meeting sometime in late October or November.

Several merchants say extending the time during which alcohol may be sold is good business because it provides a better atmosphere for entertainment and rakes in more sales tax dollars for the city.

"I just feel that as far as competition goes with other cities, the entertainment industry is one area we can compete with," said Steve Boedeker, owner of Tavern on the Green, 121 Ave. A. "We're losing a lot of customers to Dallas and Lewisville. They just don't pick Denton first."

But Norman Parker, a student minister at

Grace Temple Baptist Church just two blocks away from the Fry Street area, said extending the hours is unnecessary.

"Nothing good happens after midnight anyway," he said. "I wish they'd crack down harder. I think one minute over (midnight) will make a difference."

In 1979, council members enacted a city ordinance that permitted the late hours, but then repealed it in 1981. Since that time, there have been only a few unsuccessful efforts to lobby council members to change the ordinance again.

Most council members said they have not made up their mind about the proposal, say-

See DRINKING/5A

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■ TIC

Neighbors in Southmont area look out for a



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to pare inventories.
Analysts said they expect spending to moderate, as consumers struggle with mounting debt and minimal wage gains. Consumer spending represents two-thirds of the nation's economic activity.

The government reported Friday that the economy grew at a 1.3 percent annual rate in the second quarter, slightly more than previously reported but still the slowest pace in

Drinking

From/1A
ing there are good arguments for and against it.

Councilman Jack Miller said he would be interested in knowing the relation, if there is one, between crime and extending the alcohol hours.

"I'd want to take a good, hard look at it and what it would do to crime rates," he said. "I'd have to know a lot more before I had to make a decision one way or another."

Councilman Jerry Cott said from what he's heard so far, he is inclined to support extending the drinking hours, but said he still wants to hear from all of the relevant groups before he makes a final decision.

Trees

From/1A
pany was illegally clear cutting trees. The public works staff, which enforces city ordinances, found the company in compliance.

Tim Fleming, the city's code enforcement director, said the ordinance could be strengthened to require developers to work more closely with city staff to save more trees.

Mr. Fleming; Keith Thomas, vice president of Highland

private wages and salaries, the most closely watched component of income, declined at a \$7.1 billion annual rate in August compared with a \$26.6 billion gain the previous month. Service industry payrolls fell \$7.2 billion, compared with an increase of \$16.2 billion in July.

Government wages and salaries rose at a \$1.7 billion rate in August, compared with \$6 billion a month earlier.

Some merchants also claim that because most people don't go out on the weekends until 10:30 p.m., they aren't ready to go home at midnight.

"I see a lot of my clients leaving at 11:45 p.m. to go to Dallas because they know they can drink for two more hours," said Beverly Aten, owner of Sunset Grille, 809 Sunset St.

Ms. Aten said customers and bar owners aren't the only ones who suffer because of the midnight alcohol sale deadline. She said the city is losing revenue as well.

"(The customers) know that their evening's over at 12. We're losing tax dollars at the same time."

and easements.
Councilman Jones said the council is concerned with the loss of any trees, especially in the new Highland Shores development, and wants an ordinance in place.

"The area left to be developed is some of the most beautiful in the whole area," he said.

The council, realizing the significance of the trees, wants

Neighborhood

From/1A
envisioned a secure and private environment where older couples could live in large homes, with small yards and relax in a community recreational area.

"It's about as small of a neighborhood as you can have and still have a community feel about it," said Mr. Hopkins, who serves on the city of Denton Public Utilities Board. "It's not so big where you lose a sense of cohesiveness and an ability to know everyone in the community."

The small Southmont neighborhood borders the Southridge neighborhood. Southmont Baptist Church off Pennsylvania Drive sits along the edge of the secluded neigh-

borhood. Southmont Drive leads to the sole gateway that leads in and out of the neighborhood. That limited entry provides Southmont residents with an added sense of security and privacy.

"Thieves are reluctant to have two ways out," longtime Southmont resident Richard Norton.

Mr. Norton and his wife, tired of yard work after moving from a sprawling 45-acre home in Argyle, moved to Southmont to take advantage of the neighborhood's friendly, private and care-free atmosphere.

Perhaps what makes the neighborhood stand apart from other affluent Denton neighborhoods is its unique design. Its grand home-

Surveillance increa

Washington (AP) — Airports nationwide are stepping up precautions against terrorist attacks to the highest level since the Persian Gulf War.

No specific threats were cited, but one FBI official said today: "We're planning for the worst."

Transportation Secretary Federico Pena issued the order Sunday — the same day a group of militant Muslims were found guilty in a New York terrorism trial. "Based on several current and future events, more security measures are now warranted," Pena said.

A department official said the new alert was related to several sensitive events — the terrorism convictions, the signing of a Mideast peace treaty last week, the visit this week by Pope John Paul II and the United Nations' 50th anniver-

sions of phone calls, letters and faxes. "We're planning for the worst," he added.

Asked whether he expects threats to increase now, the official said, "Absolutely." But he added that because of the increased security measures, including more careful II baggage checks, "this might be the safest time" to travel.

At two Washington airports, National and Dulles International, the new measures mean cars left curbside at terminals might be towed and check-in lines might move more slowly.

"We don't expect too many delays really. What people might notice is an increase in surveillance by airport pol-

See me, too.

Robin:

Next week around Thursday or so....call Sherard at Texas Star (only if he hasn't come by or mailed me the draft in this file). I want him to make changes to the draft where needed and return to me. If he hasn't, get it back and then make the changes and print a fresh copy. Place one copy in the file and give one to Chuck. He will need it for the exec. com. meeting on October 18.

Thanks.

JB



Jo Ann Ballantine

10/4/95

Sherard:

Attached is a draft of what we discussed at the meeting on Monday. Please change where needed and send back to me. I want to make sure I don't miss anything.

Thanks.

Jo Ann

P. O. DRAWER P * DENTON, TEXAS 76202 * 817-382-7895

Chuck - may this group approach the chambers for support?

Juss/AB - bond election - monies come from where?

Visit w/ Patscilla
at PR - Wiggitt's

CIP - general obligation bond

utility-encumbered bonds - come

from fees - meet w/ b
Sherard & Wina w/ b

383-7707

Jane -

dif. drinking hrs. -

would probably

eliminate after hrs.

parties around Fry St.

area - near Campus.

TX Stall
Sherard Quina
1131 H. W. Dr.
383-8499

Ltr. Richard -
visitor; join adv. bd.

home 817-458-4282

call or fax Mona -
Priscilla.

FAX

Date 08/19/95

Number of pages including cover sheet

TO: Richard Hayes
Hayes Coffey & Berry

FROM: Jo Ann Ballantine
Denton Convention &
Visitor Bureau

Phone

Phone 817-382-7895

Fax Phone

Fax Phone 817-382-0040

CC:

REMARKS: Urgent For your review Reply ASAP Please Comment

Richard: I spoke with Sherard Quina from Texas Star on Thursday. He called to say he wanted to volunteer for the CVB Advisory Board and that his call was in response to your letter to him. I was in the dark until he mentioned the Vision's idea of an entertainment/cultural district downtown. I also surmised that you may have had him in mind for helping with our desired change in the club membership and drinking hours in Denton. Sherard and I had a very nice visit and I said I would get back to him. Would you please give me some more info on this and are there others you have encouraged to join the Advisory Board?

Regarding the club membership and hours changes, I have some recent statute material from Wayne Paul Frank at the City. However, I need to visit with him about specifics. I'll keep you posted.

§ 109.22

REGULATORY AND PENAL PROVISIONS

Title 4

Historical and Statutory Notes

A former § 109.22, relating to sale of materials for home production of wine and repealed by Acts 1979, 66th Leg., p. 863, ch. 387, § 2, eff. Aug. 27, 1979, was derived from:

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 4.

Acts 1971, 62nd Leg., p. 2554, ch. 839, § 1.

Acts 1973, 63rd Leg., p. 762, ch. 336, § 1.

Vernon's Ann.P.C. (1925) art. 666-4, subsec. (a-1).

Acts 1977, 65th Leg., p. 524, ch. 194, § 1.

[Sections 109.23 to 109.30 reserved for expansion]

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Library References

Intoxicating Liquors ¶10.

WESTLAW Topic No. 223.

C.J.S. Intoxicating Liquors § 29.

§ 109.31. Municipal Regulation of Liquor

A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Acts 1977, 65th Leg., p. 525, ch. 194, § 1, eff. Sept. 1, 1977.

Revisor's Note

It is obvious that if a charter provision is amended so that it no longer prohibits the sale of liquor in an area, or is repealed, it no longer prohibits the sale of liquor in the area. Reference to amendment and repeal is omitted as unnecessary.

Historical and Statutory Notes

Prior Laws:

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 24.

Vernon's Ann.P.C. (1925) art. 666-24.

Notes of Decisions

In general 1
Home rule cities 3
Legislative intent 2
Sexually oriented businesses 4

1. In general

A liquor dealer could not complain that charter amendment of home rule city, by defining areas of city in which liquor could be sold, destroyed his business and impaired value of his investment, since he was chargeable with knowledge of city's power to regulate liquor business. *Pitre v. Baker* (Civ.App.1938) 111 S.W.2d 359, error dismissed.

In that cities have been granted the specific powers to collect fees from permit holders, to prohibit sale of liquor in residential areas or near churches, to regulate sale of beer within corporate limits and to adopt hours of sale for mixed beverages city did not have the authority to enact ordinance prohibiting package stores within city limits from engaging in business on four specified holidays and requiring that package stores close at certain time. *Royer v. Ritter* (Civ.App.1975) 531 S.W.2d 448, error refused n.r.e.

2. Legislative intent

Texas Legislature, in enacting the Texas Liquor Control Act did not intend to permit local municipalities to promulgate residency require-

GENERAL PROVISIONS
Title 4

eg., p. 2554, ch. 839, § 1.
eg., p. 762, ch. 336, § 1.
(1925) art. 666-4, sub.

eg., p. 524, ch. 194, § 1.

ension]

MIXED BEVERAGES

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MISCELLANEOUS REGULATORY PROVISIONS
Ch. 109

ments for obtaining alcoholic beverage permits which in particular cases might be more restrictive than those imposed in first instance by statute. *Davis v. Collee City, Tex.* (D.C.1972) 356 F.Supp. 550.

Texas Legislature, in enacting Texas Liquor Control Act did not intend to grant municipalities broad and general power to regulate sale of intoxicating liquors. *Davis v. Collee City, Tex.* (D.C.1972) 356 F.Supp. 550.

3. Home rule cities

A home rule city has power to regulate sale of alcoholic beverages in its city limits. *Hewlett v. Texas Alcoholic Beverage Commission* (Civ.App. 1973) 492 S.W.2d 686, ref. n.r.e.

Although under state law, in light of local option election making county a "wet" area, mixed beverages might be lawfully sold in the county between midnight and 2:00 o'clock A.M., city ordinance of home rule city prohibiting sale of mixed beverages during those hours was not

void as in conflict with the state law. *Hewlett v. Texas Alcoholic Beverage Commission* (Civ. App.1973) 492 S.W.2d 686, ref. n.r.e.

Home-rule city may not by ordinance prohibit sale of beer in nonresidential areas or sale of liquor in residential or nonresidential areas; sale of liquor may be prohibited within residential areas only by charter, while sale of beer may be prohibited within residential areas by ordinance or charter. *Dallas Merchant's and Concessionaire's Ass'n v. City of Dallas* (Sup. 1993) 852 S.W.2d 489, rehearing overruled.

4. Sexually oriented businesses

Alcoholic Beverage Code §§ 109.31 and 109.33 did not prohibit Dallas, a home rule city, from enacting regulation addressing dispersion of sexually oriented businesses within zoning districts. *MJR'S Fare of Dallas, Inc. v. City of Dallas* (App. 5 Dist.1990) 792 S.W.2d 569, rehearing of writ of error overruled.

§ 109.32. Municipal and County Regulation of Beer

(a) An incorporated city or town by charter or ordinance may:

- (1) prohibit the sale of beer in a residential area; and
- (2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

Acts 1977, 65th Leg., p. 525, ch. 194, § 1, eff. Sept. 1, 1977.

Historical and Statutory Notes

Prior Laws:

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 2, § 10½.

Acts 1937, 45th Leg., 1st C.S., p. 1760, ch. 13, § 16.

Acts 1943, 48th Leg., p. 339, ch. 221, § 5.

Acts 1957, 55th Leg., p. 604, ch. 271, § 1.

Vernon's Ann.P.C. (1925) art. 667-10½.

Library References

Intoxicating Liquors ¶162, 163.
WESTLAW Topic No. 223.
C.J.S. Intoxicating Liquors §§ 252, 256.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

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1. In general

If city secretary had signed certificate that location for which plaintiff sought a license to sell beer at retail was in a "wet area" of city and that no provision of city charter, ordinances, or amendments thereto prohibited or placed any limitation upon sale of alcoholic beverages at such location, and if Liquor Control Board had issued such license prior to passage by city of ordinance dividing city into business and residential areas and prohibiting retail sale of beer in residential area, Board would have been required upon passage of ordinance to revoke license if licensed premises were in residential area. *Moore v. McCarver* (Civ.App.1951) 240 S.W.2d 443.

In view that under the Liquor Control Act a city was without authority to issue a beer license or to refuse to permit a person who had a state beer license, duly issued, to sell beer within its limits, a city could not defeat the Act by process of denying a city beer license, since the Liquor Control Board alone had the power to forfeit or suspend a beer license. *Munoz v. City of San Antonio* (Civ.App.1959) 318 S.W.2d 741, application dismissed 159 T. 436, 321 S.W.2d 573.

Statute did not affect a municipality's charter provision defining a zoning area in which beer and hard liquors could only be sold, assuming such charter or amendment thereto was consistent with Constitution and general laws of the State existing at the time and prior to the adoption of same. *Op.Atty.Gen.1939, No. 0-85.*

2. Legislative Intent

Texas Legislature, in enacting the Texas Liquor Control Act did not intend to permit local municipalities to promulgate residency requirements for obtaining alcoholic beverage permits which in particular cases might be more restrictive than those imposed in first instance by *Vernon's Ann.P.C. (1925) art. 666-11* (repealed). *Davis v. Coffee City, Tex.* (D.C.1972) 356 F.Supp. 550.

Texas Legislature, in enacting Texas Liquor Control Act did not intend to grant municipalities broad and general power to regulate sale of intoxicating liquors. *Davis v. Coffee City, Tex.* (D.C.1972) 356 F.Supp. 550.

The Liquor Control Act manifested the legislative intent to give to the control board, its administrators and agents, the exclusive power to issue or to refuse to issue a "beer license" and the Act did not give the city the right or authority to issue or refuse to issue such a license. *Munoz v. City of San Antonio* (Civ.App.1959) 318 S.W.2d 741, application dismissed 159 T. 436, 321 S.W.2d 573.

The Texas Liquor Control Act was not intended as a limitation on police powers of cities granted to them under home-rule amendment to Constitution. *City of Clute v. Linscomb* (Civ.App.1969) 446 S.W.2d 377.

3. Ordinances—In general

Validity of city ordinance restricting sale of beer for consumption on premises was not impaired in respect to other areas due to defects in description of five of nineteen locations listed in ordinance. *City of Clute v. Linscomb* (Civ.App.1969) 446 S.W.2d 377.

Home-rule city may not by ordinance prohibit sale of beer in nonresidential areas or sale of liquor in residential or nonresidential areas;

MISCELLANEOUS REGULATORY PROVISIONS
Ch. 109

§ 109.32
Note 6

sale of liquor may be prohibited within residential areas only by charter, while sale of beer may be prohibited within residential areas by ordinance or charter. *Dallas Merchant's and Concessionaire's Ass'n v. City of Dallas* (Sup. 1993) 852 S.W.2d 489, rehearing overruled.

4. — State laws, ordinances

Texas Liquor Control Act did not allow a municipality to impose, under guise of regulating the issuance of building permits, a residency requirement supplemental to the residency requirements included in Vernon's Ann.P.C. (1925) art. 666-11 (repealed). *Davis v. Coffee City, Tex.* (D.C.1972) 356 F.Supp. 550.

City ordinance, which provided that no permit for construction of a building to be used as a retail outlet for alcoholic beverages should be issued by city unless owner of such building had been a resident of city for not less than one year, was invalid under Texas law. *Davis v. Coffee City, Tex.* (D.C.1972) 356 F.Supp. 550.

Portions of municipal ordinance which fixed a different punishment for selling beer on Sunday between 1:00 o'clock a.m. and 1:00 o'clock p.m. and on Monday before 7:00 o'clock a.m. than that prescribed and prohibited by state law for the same acts, were void. *Young v. State* (1954) 160 Cr.R. 67, 267 S.W.2d 423.

An ordinance of San Antonio seeking to provide for the issuance of a city beer license was void as in conflict with the Liquor Control Act. *Munoz v. City of San Antonio* (Civ.App.1959) 318 S.W.2d 741, application dismissed 159 T. 436, 321 S.W.2d 573.

Ordinance which prohibited package stores within city limits from engaging in business on four specified holidays and which required that package stores close at 8:00 P.M. was invalid as being inconsistent with Liquor Control Act which permitted package stores to operate on such holidays and to remain open until 9:00 P.M. *Royer v. Ritter* (Civ.App.1975) 531 S.W.2d 448, error refused n.r.e.

5. — Hours of business, ordinances

Vernon's Ann.P.C. (1925) art. 667-10½ (repealed) vested in cities the power to curtail the hours of sale as fixed by state law, and authorized an ordinance in so far as it prohibited the sale of beer from 1:00 o'clock p.m. to midnight on Sunday, a period otherwise approved for sale by state law. *Young v. State* (1954) 160 Cr.R. 67, 267 S.W.2d 423.

Invalidity of portion of municipal ordinance fixing a different punishment for selling beer on Sunday between 1:00 o'clock a.m. and 1:00 o'clock p.m., and on Monday before 7:00 o'clock a.m., than that prescribed by state law for the same offense, rendered the entire ordinance, including that portion making unlawful

the sale of beer from 1:00 o'clock p.m., until midnight on Sunday, invalid, since no portion could be preserved as valid without indulging in an unconstitutional attempt, by judicial construction, to re-write the ordinance. *Young v. State* (1954) 160 Cr.R. 67, 267 S.W.2d 423.

In that cities have been granted the specific powers to collect fees from permit holders [Vernon's Ann.P.C. (1925) art. 666-15 (repealed)], to prohibit sale of liquor in residential areas or near churches [arts. 666-24, 666-25a (repealed)] to regulate sale of beer within corporate limits [art. 667-10½ (repealed)] and to adopt hours of sale for mixed beverages [art. 666-25(d) (repealed)], city did not have the authority to enact ordinance prohibiting package stores within city limits from engaging in business on four specified holidays and requiring that package stores close at certain time. *Royer v. Ritter* (Civ.App.1975) 531 S.W.2d 448, error refused n.r.e.

Commissioners' Court of Ector County does not have power to establish closing hours for sale of beer in harmony with a contemplated ordinance having same effect to be passed by City Council of Odessa. *Op.Atty.Gen.*1943, No. 0-5191.

6. Zoning—In general

A zoning ordinance which prohibited sale of beer in defined areas operated prospectively. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

Where plaintiffs' premises, which were affected by zoning ordinance prohibiting sale of beer in defined areas, were located upon a main traffic artery of city and in vicinity of a university and in an area partly residential, there were ample grounds to sustain city's classification prohibiting sale of liquors on premises. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

The acts of officials of a city in attempting to authorize violation of a valid zoning ordinance prohibiting sale of beer in defined areas, or failure to enforce such ordinance, did not render ordinance invalid or inoperative. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

Where zoning ordinance which prohibited sale of beer in defined areas defined the areas by reference to an official "Use District Map" which was attached to, and by reference made a part of, ordinance, and map was always available for public inspection and its correctness was not questioned, the ordinance, so far as zoning classification was concerned, was sufficiently definite to readily disclose classification of property, and ordinance was valid. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

§ 109.32

Note 7

7. — State laws, zoning

A zoning ordinance, prohibiting sale of beer in defined areas but excepting therefrom those already legally engaged in such business when ordinance took effect, did not contravene statute. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

City ordinance dividing city into business and residential areas and prohibiting retail sale of beer in residential area, which ordinance was passed pursuant to statute and was not intended to be and was not in any sense a zoning ordinance within Vernon's Ann.Civ.St. arts. 1011a to 1011j, was not invalid because in passing ordinance procedure outlined in zoning law was not complied with. *Moore v. McCarver* (Civ.App.1951) 240 S.W.2d 443.

The zoning laws of state have no relation to regulation of liquor business. *City of Clute v. Linscomb* (Civ.App.1969) 446 S.W.2d 377.

8. — Powers of municipalities, zoning

Vernon's Ann.Civ.St. arts. 1011a to 1011j are not exhaustive of power of home rule city to zone its territory for any purposes not named in article, such as for purpose of sale of liquor. *Pitre v. Baker* (Civ.App.1938) 111 S.W.2d 359, error dismissed.

The Liquor Control Act was one of restriction of sale of intoxicating liquors, and it was not intended as a limitation upon police powers of cities granted to them under home-rule amendment to Const. Art. 9, § 3, and by Vernon's Ann.Civ.St. arts. 1011a, to 1011j, 1175 and 1176, concerning the powers of cities and the power of cities to regulate location and use of property. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

Home-rule city could enact valid ordinance restricting sale of beer to certain of its areas without holding election to amend city charter. *City of Clute v. Linscomb* (Civ.App.1969) 446 S.W.2d 377.

All incorporated cities and towns are authorized to designate certain zones in their residential section or sections where sale of beer may be prohibited. *Deckard v. City of Port Lavaca* (Civ.App.1973) 491 S.W.2d 748.

9. — Discrimination, zoning

A zoning ordinance which prohibited sale of beer in defined areas was not rendered invalid by a provision authorizing those already legally engaged in business of selling beer in the areas to continue such business, especially where the provision disclosed a purpose to limit and eventually eliminate such nonconforming uses, and the provision did not amount to an unreasonable discrimination against others desiring to engage in additional nonconforming uses. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

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A zoning ordinance which prohibited sale of beer in defined areas was not rendered discriminatory by the fact, if such were true, that city officials may have acquiesced in some particular violation of ordinance by permitting transfer of a nonconforming license to sell beer from one person to another in some other restricted area or by granting an isolated permit to sell beer in some other prohibited area without official action thereon by zoning board. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

Where classification of property was made by duly enacted zoning ordinance prohibiting sale of beer in defined areas, unless classification was shown to be unreasonable, arbitrary, or discriminatory, ordinance was a valid regulation, and it was immaterial whether area involved in suit to enjoin enforcement of ordinance was wholly commercial or partly residential and partly commercial. *Eckert v. Jacobs* (Civ.App.1940) 142 S.W.2d 374.

Similarity or dissimilarity of different areas within city is not controlling in determining validity of zoning regulations restricting places where intoxicants may be sold. *Deckard v. City of Port Lavaca* (Civ.App.1973) 491 S.W.2d 748.

10. Elections

An election held by city, which was chartered under home rule amendment of Constitution, to determine whether liquor should be sold only within defined areas of city, did not violate Const. Art. 16, § 20, authorizing people to adopt prohibition by a vote. *Pitre v. Baker* (Civ.App.1938) 111 S.W.2d 359, error dismissed.

An election held by city, which was chartered under home rule amendment of Constitution, to determine whether liquor should be sold only within defined areas of city, was not in effect a "local option election," which could be contested under statute regulating contest of such elections. *Pitre v. Baker* (Civ.App.1938) 111 S.W.2d 359, error dismissed.

11. Evidence

In action to have declared void city ordinance restricting to specified areas the sale of beer for consumption on premises where sold, evidence was insufficient to have supported finding that plaintiff's building was not in a residential section. *City of Clute v. Linscomb* (Civ.App.1969) 446 S.W.2d 377.

Testimony that other establishments, wherein sale of beer for on-premises consumption was allowed by zoning ordinance, were in areas similar to that of area in which plaintiff's establishment was located and in which zoning ordinance did not permit such sale was not evidence compelling finding that zoning ordinance was unreasonable as applied to plaintiff, who bought his property after passage of ordinance

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(Civ.App.1973) 491 S.W.2d 748.

§ 109.33. Sales Near School, Church, or Hospital

(a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public school, or public hospital.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools shall be from the nearest property line of the public school to the nearest doorway by which the public may enter the place of business, along street lines and in direct line across intersections. For any permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This Subsection (c) does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of Subsection (a), but not Subsection (c), of this section, the measurement of the distance between the place of business of the dealer and a public school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. This subsection applies only as long as the place of business is continuously in operation from that date, whether or not under the same license or permit.

(e) The commissioners court of a county or the governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for

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any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Acts 1977, 65th Leg., p. 526, ch. 194, § 1, eff. Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 4038, ch. 629, § 1, eff. Sept. 1, 1983.

Historical and Statutory Notes

The 1983 amendment designated the former first sentence as subsec. (a) and the former second sentence as subsec. (b); in subsec. (b), in the first sentence, inserted "between the place of business where alcoholic beverages are sold and the church or public hospital" and added the second and third sentences; and added subsecs. (c) to (e).

Section 2 of the 1983 amendatory act provides:

"Subsection (c), Section 109.33, Alcoholic Beverage Code, as added by this Act, does not

apply to an application pending on the effective date of this Act."

Prior Laws:

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 25a, added by Acts 1937, 45th Leg., p. 1053, ch. 448, § 33.
Acts 1937, 45th Leg., 1st C.S., p. 1760, ch. 13, § 10.
Vernon's Ann.P.C. (1925) art. 666-25a.

Library References

Intoxicating Liquors §162.
WESTLAW Topic No. 223.
C.J.S. Intoxicating Liquors § 252.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

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1. Validity of prior laws

Vernon's Ann.P.C. (1925) art. 666-25a (repealed) was valid if construed as authorizing commissioners' court under certain conditions to prohibit sale of alcoholic beverages by any dealer where place of business of any dealer was within 300 feet of any church, public school, or public hospital, but not requiring them to do so. Op.Atty.Gen.1943, No. 0-5160.

2. In general

The Liquor Control Act manifested the legislative intent to give to the control board, its ad-

ministrators and agents, the exclusive power to issue or to refuse to issue a "beer license" and the Act did not give the city the right or authority to issue or refuse to issue such a license. *Munoz v. City of San Antonio* (Civ.App.1959) 318 S.W.2d 741, application dismissed 159 T. 436, 321 S.W.2d 573.

In view that under the Liquor Control Act a city was without authority to issue a beer license or to refuse to permit a person who has a state beer license, duly issued, to sell beer within its limits, a city could not defeat the Act by process of denying a city beer license, since the Liquor Control Board alone had the power to forfeit or suspend a beer license. *Munoz v. City of San Antonio* (Civ.App.1959) 318 S.W.2d 741, application dismissed 159 T. 436, 321 S.W.2d 573.

A home rule city has power to regulate sale of alcoholic beverages in its city limits. *Hewlett v. Texas Alcoholic Beverage Commission* (Civ.App. 1973) 492 S.W.2d 686, ref. n.r.e.

Vernon's Ann.P.C. (1925) art. 666-25a (repealed) was merely an enabling statute, and before it would become unlawful to sell alcoholic beverages for business located within 300 feet of church within city limits it was necessary

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that city council enact an ordinance prohibiting
such sales. *Ezzell v. Texas Alcoholic Beverage*
Commission (Civ.App.1975) 528 S.W.2d 888.

3. Schools

School bus depot and school stadium were
not "public schools" within terms of Vernon's
Ann.P.C. (1925) art. 666-25a (repealed), prohib-
iting sale of beer within 300 feet of any church,
public school or public hospital. *Rodgers v.*
Texas Liquor Control Bd. (Civ.App.1970) 449
S.W.2d 292.

The University of Houston was a "public
school" within contemplation of Vernon's Ann.
P.C. (1925) art. 666-25a (repealed). *Op.Atty.*
Gen.1970, No. M-749.

The Alcoholic Beverage Commission can issue
a permit for premises located on the campus
of a state university, and the university itself
may hold such a permit. *Op.Atty.Gen.1974,*
No. H-464.

4. Churches

Vernon's Ann.P.C. (1925) art. 666-25a (re-
pealed) prohibited a saloon from being operated
within 300 feet of the front door of that portion
of the church used as a Sunday school. *Stubbs*
v. Texas Liquor Control Board (Civ.App.1943)
166 S.W.2d 178, error refused.

5. Measurement of distances—In general

Except as might have been otherwise specifi-
cally provided, the distance contemplated by a
statute or regulation prohibiting the granting of
a license for the sale of intoxicating liquors, or
traffic therein, within a certain distance of a
named institution or place, had to be measured
in a straight line, rather than in some other
manner, such as by the usually traveled route or
the street lines. *Hallum v. Texas Liquor Control*
Board, Civ.App., 166 S.W.2d 175; Stubbs v.
Texas Liquor Control Board (Civ.App.1943) 166
S.W.2d 178, error refused.

In determining whether place of business of
holder of wine and beer retailer's permit was
within "300 feet of church" as prohibited by
city ordinance, so as to justify cancellation of
permit by Liquor Control Board, distance be-
tween opposite corners of intersection was
properly measured diagonally across intersection
rather than along street lines. *Hallum v.*
Texas Liquor Control Board (Civ.App.1943) 166
S.W.2d 175, error refused.

Proper method of measuring 300 feet from
front door of church to building for which ap-
plication for wine and beer license is made for
purpose of enforcing prohibition of license for
business within 300 feet of church is to measure
from front door of church to property line of
street front and then measure along property
line to point which is the nearest point on street

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to door of store and then from such point in a
straight line to door of store. *Ezzell v. Texas*
Alcoholic Beverage Commission (Civ.App.1975)
528 S.W.2d 888.

City ordinance which provided distances were
to be measured in a straight line from main wall
of building in which alcoholic beverages are
sold to main wall of other establishment for
purposes of determining where sale of alcoholic
beverages was prohibited was in conflict with
Vernon's Ann.P.C. (1925) art. 666-25a (re-
pealed) which provided that measurement was
to be along property lines of street fronts and
from front door to front door, and thus city
ordinance was unconstitutional under Const.
Art. 11, § 5. *City of Wichita Falls v. Abell*
(Civ.App.1978) 566 S.W.2d 336, ref. n.r.e.

Zoning ordinance of home rule city, proscrib-
ing structures with permission for on-premise
consumption of alcohol within 300 feet of a lot
in a residential district, did not conflict with the
V.T.C.A., Alcoholic Beverage Code § 109.33,
governing local regulation of sales of alcoholic
beverages near schools, churches, or hospitals,
in that statute did not place limitations as to lots
in residential districts and did not place limita-
tions on system of measurement from such
structures to lots in residential districts. *Young,*
Wilkinson & Roberts v. City of Abilene By and
Through Its City Council and Bd. of Adjustment
(App. 11 Dist.1985) 704 S.W.2d 380, ref. n.r.e.

Measurements of distance from front door of
church to front door of an establishment selling
beer to determine whether such establishment
is within prohibited distance from church are to
be made along property lines of street fronts
and from front door to front door, from either
the edges or the centers thereof, and in a direct
line across intersections. *Op.Atty.Gen.1940,*
No. 0-2912.

Under the Texas Liquor Control Act, distance
between a church building and proposed liquor
store was not required to be 300 feet from door
to door along property lines, and law contem-
plated that measurement should be along prop-
erty lines, following street fronts to the nearest
point opposite door of church or liquor stores,
thence in most direct line to respective door.
Op.Atty.Gen.1946, No. 0-7528.

**6. — Front doors, measurement of dis-
tances**

The phrase "from front door to front door" in
Vernon's Ann.P.C. (1925) art. 666-25a (re-
pealed) referred to any door of the institution or
saloon, since the institution or saloon may have
several "front doors" and could face on two or
more streets. *Stubbs v. Texas Liquor Control*
Board (Civ.App.1943) 166 S.W.2d 178, error
refused.

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In determining whether place of business of holders of wine and beer retailer's permit was within "300 feet of church" as prohibited by city ordinance, so as to justify cancellation of permit by State Liquor Control Board, distance could be measured from the rear sides of liquor dealers' door and door of church, or up to end of steps leading to church door rather than up steps to center of door, or could be measured along a public alley to door of church or to door of Sunday school room. *Stubbs v. Texas Liquor Control Board* (Civ.App.1943) 166 S.W.2d 178, error refused.

The term "front door" as used in Vernon's Ann.P.C. (1925) art. 666-25a (repealed) in regard to the sale of alcoholic beverages within 300 feet of a public building, meant any outside door facing or fronting on a public street. *Op. Atty.Gen.1940, No. 0-2062.*

7. Sexually oriented businesses

Alcoholic Beverage Code §§ 109.31 and 109.33 did not prohibit Dallas, a home rule city, from enacting regulation addressing dispersion of sexually oriented businesses within zoning districts. *MJR'S Fare of Dallas, Inc. v. City of Dallas* (App. 5 Dist.1990) 792 S.W.2d 569, rehearing of writ of error overruled.

8. Cancellation of permit

Where a permit has been granted to a person to handle liquor and permit holder's place of business is within 300 feet of a church, public school, or public hospital, proper procedure is to make application for cancellation of permit. *Op. Atty.Gen.1940, No. 0-2156.*

9. Jurisdiction

Where city's zoning ordinances, which prohibited sale of intoxicating liquors in area immediately surrounding churches and where schoolchildren passed every day, were not arbitrary or capricious, service station operator's action for judgment declaring such ordinances

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unconstitutional presented no substantial federal question, and would be dismissed. *Blackman v. City of Big Sandy, Texas* (D.C.1974) 377 F.Supp. 771, affirmed 507 F.2d 935.

10. Presumptions and burden of proof

Burden was on beer and wine license applicant, on appeal from denial of application, to introduce evidence at district court trial showing that the city had not prior to denial of permit enacted ordinance prohibiting sale of alcoholic beverages from building located within 300 feet of front door of a church, and since appellant did not meet this burden the presumption that the order was valid had to prevail. *Hzzell v. Texas Alcoholic Beverage Commission* (Civ.App.1975) 528 S.W.2d 888.

11. Evidence

Where there were four churches and a school, as well as a number of residences, near plaintiffs' establishment, there was reasonable basis for city's decision to prohibit the sale of intoxicating beverages within such district. *Blackman v. City of Big Sandy, Texas* (C.A.1975) 507 F.2d 935.

There was insufficient evidence to support county judge's finding that establishment operated by applicants for license to sell beer to be consumed off the premises was within 300 feet of public elementary school. *Clark v. Liquor Control Bd.* (Civ.App.1962) 357 S.W.2d 176.

Order denying applicant a beer retailer's off-premises license for a drive-in located 758½ feet from nearest school building was not supported by substantial evidence where application was accompanied by certificates showing that location was in a wet area and that sale of alcoholic beverages there was not prohibited by county commissioner's court, city charter or ordinances or limited by charter or ordinances at such location. *Rodgers v. Texas Liquor Control Bd.* (Civ.App.1970) 449 S.W.2d 292.

[Section 109.34 reserved for expansion]

§ 109.35. Orders for Prohibition on Consumption

(a) If the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, the governing body may petition for the adoption of an order by the commission that prohibits the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) If a municipality submits a petition for an order of the commission to prohibit the possession of an open container or the public consumption of

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alcoholic beverages in the central business district of the city and attaches to the petition a map, plat, or diagram showing the central business district that is to be covered by the prohibition, the commission shall approve and issue the order without further consideration unless the commission finds that the map, plat, or diagram improperly identifies the central business district.

(c) The commission's order may not prohibit the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the municipality, residential structures, or licensed premises located in the area of prohibition.

(d) In this section, "central business district" means a compact and contiguous geographical area of a municipality in which at least 90 percent of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted.

(e) In this section, "open container" means a container that is no longer sealed.

Added by Acts 1993, 73rd Leg., ch. 934, § 89, eff. Sept. 1, 1993.

[Sections 109.36 to 109.50 reserved for expansion]

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SUBCHAPTER D. OTHER MISCELLANEOUS PROVISIONS

Library References

Intoxicating Liquors § 110.
WESTLAW Topic No. 223.
C.J.S. Intoxicating Liquors §§ 213 to 236.

§ 109.51. Sacramental Wine

Nothing in this code limits the right of a minister, priest, rabbi, or religious organization from obtaining sacramental wine for sacramental purposes only, directly from any lawful source inside or outside the state. No fee or tax may be directly or indirectly charged for the exercise of this right. The commission by rule and regulation may regulate the importation of sacramental wine and prevent unlawful use of the right granted by this section.

Acts 1977, 65th Leg., p. 526, ch. 194, § 1, eff. Sept. 1, 1977.

Historical and Statutory Notes

Prior Laws:

Acts 1935, 44th Leg., 2nd C.S., p. 1795, ch. 467, art. 1, § 15a.

Acts 1937, 45th Leg., p. 1053, ch. 448, § 20½.
Vernon's Ann.P.C. (1925) art. 666-15a.

§ 109.52. Warehouse Receipts

A bank, trust company, or other financial institution that owns or possesses warehouse receipts for alcoholic beverages as security for a loan, after receiv-

ther building wall contains openings for windows, light or air, a minimum separation of ten (10) feet may be provided. See section 35-394.

(b) *Location of dwellings and buildings.* Only one (1) main building for one-family or two-family use with permitted accessory buildings may be located upon a lot or unplatted tract, except where building arrangements have been approved in accordance with planned development procedures. More than one (1) main building for multifamily, retail, commercial or industrial use may be located on a lot or unplatted tract. Each building shall face or front on a public street, other than an alley, and shall have at least one (1) means of access to such street with a minimum width of thirty (30) feet. No parking area or required open space for one (1) building shall be computed as being the open space, parking or area requirements for any other building or use. When a lot is desired to be used for a combination of retail, commercial or industrial purposes or for a combination of these uses and dwelling purposes or when two (2) or more main buildings are desired to be placed on a lot and will not front a public street, then the same may be permitted when a site plan for the total development is approved by the planning and zoning commission.

(c) *Accessory uses in certain nonresidential districts.* In the O, NS, GR, C, CB, LI and HI zoning districts, an accessory use not otherwise permitted shall be allowed if the accessory use:

- (1) Is clearly related to the principal use of the lot;
- (2) Does not occupy, when added together with all other accessory uses located on the same lot or tract, an area in excess of twenty (20) percent of the total gross floor area of all permitted uses located on the lot or tract which are not accessory uses; and
- (3) Complies with the regulations for the district, other than use regulations.

(d) *Temporary construction buildings.* Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the building official and subject to periodic renewal by the building official for cause shown. Upon completion or abandonment of construction or expiration of the permit, such field offices and buildings shall be removed at the direction of the building official.

(Ord. No. 69-1, § I(App. B, Art. 19), 1-14-69; Ord. No. 77-42, 8-2-77; Ord. No. 85-206, § 5, 10-15-85; Ord. No. 91-076, § II, 5-21-91)

Secs. 35-67—35-75. Reserved.

DIVISION 2. USE REGULATIONS

Sec. 35-76. Definitions and explanations.

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the use schedule, section 35-77.

Accessory building, in a residence district, means a subordinate building, attached or detached, and used for a purpose customarily incidental to the main structure such as a private

unit development is subject to site plan approval by the planning and zoning commission and changes, including provision of permanent community open space, shall be noted on the subdivision plat. Where the overall density standards are proposed to vary from those of the district in which the community unit development is located, the development should be handled under planned development procedures.

Correctional facilities means a place with living quarters used to confine persons charged with or convicted of committing a criminal offense or used to confine juveniles in accordance with the provisions of V.T.C.A., Family Code Ch. 51, 52, 53 or 54.

Country club means an area of twenty-five (25) acres or more containing a golf course and clubhouse which is available to a specific recorded membership. Such a club may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

Custom personal service means a tailor, dressmaker, shoe shop or similar shop offering custom service.

Dance hall or nightclub means an establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the city.

Day nursery or kindergarten means a facility for which a person is required to obtain a license from the state department of human resources, or division thereof, by V.T.C.A., Human Resources Code Ch. 42, or any successor statute, for the operation of a facility, child care facility or child placing agency, as defined therein.

Farm, ranch, garden or orchard means an area of three (3) acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grains and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Flea market means a site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new or used household goods, personal effects, tools, art work, small household appliances and similar merchandise, objects or equipment in small quantities. The term shall include personal services, food and auction establishments.

Golf course (commercial) means a golf course constructed by a private individual or group and operated as a commercial enterprise other than a driving range, miniature golf or similar golf-oriented commercial amusement.

Golf course (public) means a golf course owned and operated by the city for the use, benefit and enjoyment of the citizens or by some other public agency such as the state or county.

Group home means a nonmedical, residential living arrangement for mentally retarded persons supervised by the state department of mental health and mental retardation in which

ZONING

within the special exemption area located within the central business district and described in Exhibit A of Ordinance No. 90-124, which exhibit is adopted by reference in Ordinance No. 90-124, § I, 9-4-90.

- (5) A licensed private club may not operate within one hundred (100) feet of any residential dwelling district, unless the dealer's place of business and the residential dwelling are both located within the special exemption area described in subsection (4) of this definition. For the purpose of this condition, "residential dwelling unit" shall mean any single-family, two-family or multifamily dwelling. The measurement of the distance shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections.
- (6) Where the business property serving as the site of a licensed private club abuts a residential property or zoning district, a solid fence at least six (6) feet high shall be erected for the full distance between the two (2) properties.

Light fabrication and assembly processes includes the manufacture of jewelry, trimming decorations and any similar item not involving the generation of noise, odors, vibration, dust or hazard.

Mixing and sale of concrete means a facility for the mixing and sale of concrete by the yard used for household and small scale do-it-yourself projects and generally established with but not limited to commercial rental yards and transported to project site by passenger cars, pickups, vans and vehicles not exceeding one and one-half (1½) tons in weight. Such systems shall be subject to the following conditions:

- (1) Maximum land area covered by facilities for mixing and sale of concrete, excluding storage and parking of trailers used for hauling purposes, shall be limited to six hundred (600) square feet;
- (2) Maximum capacity of trailer used for transport of concrete to project site shall not exceed two (2) yards (eight thousand four hundred (8,400) pounds);
- (3) Maximum height of silo and all related equipment shall not exceed twenty (20) feet;
- (4) Paved or concrete parking of one (1) space for each six hundred (600) square feet of land area with a minimum of five (5) parking spaces for customers shall be provided;
- (5) A solid fence at least ten (10) feet in height shall be erected at the facility for screening purposes;
- (6) The facility must comply with all applicable pollution- and noise-control standards.

Multiple-family dwelling (apartment) means a building or portion thereof which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

Nursing home or residence home for aged means a home where ill or elderly people are provided with lodging and meals, with or without nursing care.

- c. Paved parking must be provided at the ratio of one (1) space for every three (3) seats under maximum seating arrangement or one (1) space for each one hundred (100) square feet of floor area, whichever is greater.
 - d. The sale of any vinous and malt liquors or beer by any dealer where the place of business is within three hundred (300) feet of any hospital, public school or church is prohibited. The separation requirement of this subparagraph shall not apply to the University of North Texas, Texas Woman's University or between a dealer's place of business and a hospital, public school or church, if both are located within the special exemption area located within the central business district and described in Exhibit A of Ordinance No. 90-124, which exhibit is adopted by reference in Ordinance No. 90-124, § I, 9-4-90.
 - e. The sale of any vinous and malt liquors or beer by any dealer where the place of business is within one hundred (100) feet of any residential dwelling district is prohibited, unless the dealer's place of business and the residential dwelling are both located within the special exemption area described in subsection (1)d. of this definition. For the purpose of this condition, "residential dwelling unit" shall mean any single-family, two-family or multifamily dwelling. The measurement of the distance shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections.
 - f. Where the business property serving vinous and malt liquors or beer abuts a residential property or zoning district, a solid fence at least six (6) feet high shall be erected for the full distance between the two (2) properties.
 - g. A dealer selling vinous and malt liquors or beer shall use no signs advertising the existence of such business other than those authorized by the state Alcoholic Beverage Code.
- (2) *Sale of beer and/or wine in restaurants.* The sale for consumption on the premises where sold of vinous and malt liquors or beer containing not more than fourteen (14) percent of alcohol by volume is authorized in any restaurant which is not located within three hundred (300) feet of any hospital, public school or church, but the prohibition shall not apply to the University of North Texas, Texas Woman's University or between a dealer's place of business and a hospital, public school or church, if both are located within the special exemption area located within the central business district and described in Exhibit A of Ordinance No. 90-124, which exhibit is adopted by reference in Ordinance No. 90-124, § I, 9-4-90. The sale of any vinous and malt liquors or beer by any restaurant where the place of business is within one hundred (100) feet of any residential dwelling district is prohibited, unless the dealer's place of business and the residential dwelling are both located within the special exemption area. Furthermore, where any restaurant serving vinous and malt liquors or beer abuts a residential property or zoning district, a solid fence at least six (6) feet high shall be erected for the full distance between the two (2) properties. Such a restaurant shall not advertise on any sign, except on the menu, the fact that it sells vinous and malt liquors and/or beer. The word "restaurant" in this subsection shall mean any

Austin 512/478-7128

PHH Fantus Consulting

7700 Wisconsin Avenue, Suite 1000
Bethesda, Maryland 20814
Phone: (301) 215-5781
FAX: (301) 215-5780

Call Carlton re:

Does Fantus know
liquor ~~co~~ status in
D? your thoughts?

— 2. impact
— low. biz

Facsimile Cover Sheet

To: Mr. Charles Carpenter, President
Company: Denton Chamber of Commerce
Phone:
Fax: 817 382-0040

From: Carlton Schwab

Date: 8/18/94

Pages including this
cover page: 15

AUG 18 1994

Comments:

Attn: "Business Development Study on
Competitive Marketing Factors"

- Hard copy(ies) will arrive via overnight
mail.

The information contained in this facsimile message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive such. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please immediately notify us by telephone at (301) 215-5781. Thank you.

① Two o'clock closing.

9-8-75 Meet w/ Wayne Paul Frank at city - ^{no} progress
there.

His. beyond - 2 to 12.

How election wd be done.

Tim Hodges

Fax

— % of regis. voters and?

Clayton? Ken PNH Fanta

Sherard — will write up pros + cons

We'll regroup in 10 days or so.

FAX

Date 09/17/95

Number of pages including cover sheet 1

TO: Carlton Schwab
PHH Fantus Consulting

Phone

Fax Phone 301-215-5780

FROM: Jo Ann Ballantine
Denton Convention &
Visitor Bureau
Denton Chamber of
Commerce

Phone 817-382-7895

Fax Phone 817-382-0040

CC:

REMARKS: Urgent For your review Reply ASAP Please Comment

Carlton: You have recently conducted a thorough survey for the city of Denton, Texas. You know my boss, Chuck Carpenter, and colleague, Ken Burdick, quite well. I was asking questions about the Fantus report (of which I have only skimmed). Chuck suggested I contact you directly.

I'm doing some research for one of the local club owners. My questions are about alcohol-related situations in Denton. During the surveying time or in the report, were the issues of club membership* or midnight closing hours for clubs ever addressed? It appears that these two arrangements are restrictive to the club owners (people end up going to Dallas and Ft. Worth on week-ends is just one example). Please give me a call at your convenience 817-382-7895.

*Club membership means that to drink alcoholic beverages in a full-service club means having to pay for the privilege. A card for a year can cost \$1 to \$5 per year. However, one must purchase a card for each establishment.

FAX

*Fax to
Jim +
ret. to me.*

r sheet

TO: Tim Hodges
County Clerk

FROM: Jo Ann Ballantine
Denton Convention &
Visitor Bureau

Phone

865-8501

Fax Phone

Phone

817-382-7895

Fax Phone

817-382-0040

CC:

REMARKS: Urgent For your review Reply ASAP Please Comment

Tim: I am doing some research into changes of the law, city ordinances, etc. regarding the club membership arrangement in Denton and the midnight closing hours at clubs/bars. City Secretary Jennifer Walters told me you could probably give me some answers.

If the club membership arrangement were to be changed in Denton, what would be the process? Would a percentage of registered voters be required to sign a petition asking for a special election? If so, what are the rules on gathering the signatures? Also, what is the procedure for putting this change into motion? If you can help me with this, I would appreciate it. Please call me at your convenience at 382-7895. Thanks.