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## Danville hears from ABC on becoming 'wet'

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Now that the dust has settled following the March 2 alcohol election, Danville officials continue to hash out what the results will mean when the city goes fully wet May 4.

People packed a meeting room at the Boyle County Extension Office on Thursday to hear officials from the Kentucky Alcoholic [Beverage](#) Control take questions from Danville City Commission.

One of the primary topics of discussion was the role of the local ABC administrator in what promises to be a hectic month at city hall once applications start rolling in.

Janet Williams, an assistant director for licensing with ABC, said an advertisement announcing a 30-day period to submit applications will be placed in The Advocate-Messenger next week. Six liquor [drink](#) licenses, also known as bar licenses, will be issued, along with six package liquor licenses.

Brigitte Milby, Danville's ABC administrator, said she already has received [more](#) than 40 inquiries about package alcohol licenses alone since the election. She said she will not process any applications for the non-quota licenses until the city updates its alcohol ordinance.

Milby has an administrative assistant and other code enforcement staff preparing to help with the initial onslaught.

"I think it was good preparation on a smaller scale having the limited sales since 2003," Milby said. "If we had just gone wet like most places, it would definitely be more of a challenge."

Williams said applications likely will be forwarded to ABC, either by Milby or by the applicant, at the same time they are received locally so the state can begin reviewing the paperwork simultaneously.

### Broad discretion

While the state administrator ultimately will approve all applications that meet state requirements, they will not proceed with issuing a license without approval from Milby.

The criteria that will be used to determine who is granted one of the quota licenses allows the local administrator broad decision-making power. The factors that can be considered range from location to the applicant's reputation in the community.

ABC's general counsel Peter Ervin reinforced the statements he made at a workshop held before the election, telling the commission that it is necessary to grant broad discretion to the local administrator.

"We find that input from the local administrator is invaluable because they have the knowledge of the community," Ervin said.

Some commissioners inquired about the amount of input they can give Milby about the approval process.

Ervin said establishing a fixed set of criteria is problematic.

"You can't take away the administrator's discretion," Ervin said.

Addressing the example of giving preference to local business people, Ervin said such a decision could be seen as restrictive or discriminatory by a court.

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The City Commission also began looking at the existing alcohol ordinance and discussing changes that could be made to address the city's new "wet" status. The city's current ordinance includes language that could be expanded to deal with issues such as signage, hours of operation and server training.

Commissioner Jamey Gay said he would like to see some parts of Lexington's ordinance that address underage possession and consumption of alcohol, as well as registration for beer kegs.

One of Gay's other suggestions was to consider the distance between package liquor stores and schools. Ervin said such stipulations likely would be permitted if they were not unduly restrictive to business owners.

Milby is urging the City Commission to move quickly in crafting an ordinance so that new licensees will be subject to all of the provisions of the new law, including any licensing or regulatory fees.

A draft ordinance should be ready to be reviewed at a March 23 workshop.

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