



**AN ORDINANCE
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

03-0-0125

AUTHORIZING SETTLEMENT OF ALL CLAIMS OF ATLANTA ENTERTAINMENT ENTERPRISES, INC., d/b/a EUPHORIA IN THE CASE OF ATLANTA ENTERTAINMENT ENTERPRISES, INC., d/b/a EUPHORIA v. THE CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2001-CV-43157, IN THE SUPERIOR COURT OF FULTON COUNTY, TO ALLOW FOR A SEVENTY FIVE PERCENT (75%) REDUCTION IN THE FEES DUE THE CITY OF ATLANTA FOR THE ESTABLISHMENTS' 2003 ALCOHOLIC BEVERAGE RENEWAL FEES; AND FOR OTHER PURPOSES.

WHEREAS, on September 25, 2001, Atlanta Entertainment Enterprises d/b/a Euphoria initiated the present action and petitioned the Superior Court of Fulton County for temporary injunctive relief to prevent the Atlanta Police Department's continued enforcement of Section 10-12 and Section 10-13 (2) of the Code of Ordinances of the City of Atlanta, Georgia at their establishment, located at 208 Pharr Road; and

WHEREAS, on September 26, 2001, Fulton County Superior Court Judge Philip Etheridge issued an order granting Euphoria temporary injunctive relief thereby preventing the Atlanta Police Department's enforcement of Section 10-12 and 10-13 (2) of the Code of Ordinances of the City of Atlanta, Georgia at 208 Pharr Road; and

WHEREAS, the lawsuit stems from the alleged events surrounding the enforcement of Section 10-12 and Section 10-13 (2) of the Code of Ordinances of the City of Atlanta, Georgia by the Atlanta Police Department at Euphoria on Friday, September 21, 2001 and Saturday, September 22, 2001, and the alleged damages incurred by the establishment as a result of these actions; and

WHEREAS, on November 13, 2001, the exemption provided for in Section 10-13 (2) was removed to reflect the City of Atlanta's concern that individuals under the age of 21 were allowed on the premises of a nightclub licensed to sell alcoholic beverages; and

WHEREAS, the Plaintiffs and their counsel have agreed to accept a seventy five percent (75%) reduction of the 2003 alcoholic beverage renewal fees due the City of Atlanta, resulting in an approximate \$6,000.00 reduction and \$2,000.00 payment to the City of Atlanta, in settlement of all claims against the City of Atlanta; and

WHEREAS, by this settlement, Defendants admit no liability; and



WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the offer of settlement in the opinion of the City Attorney, is in the City's best interest and appropriate to settle all claims against Defendants arising out of the case of Atlanta Entertainment Enterprises, Inc., d/b/a Euphoria v. The City Of Atlanta, et al.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. The City Attorney is hereby authorized to conclude settlement of all claims against the City of Atlanta arising out of the lawsuit filed by Atlanta Entertainment Enterprises, Inc., d/b/a Euphoria in the Superior Court of Fulton County, Civil Action File No. 2001-CV-43157.

SECTION 2. The Chief Financial Officer is authorized to reduce by seventy five percent the 2003 alcoholic beverage renewal fees for Atlanta Entertainment Enterprises, Inc., d/b/a Euphoria in full satisfaction of payment due the City of Atlanta for Atlanta Entertainment Enterprises, Inc., d/b/a Euphoria's 2003 alcoholic beverage renewal fees. Such reduction in fees will be in full consideration of the dismissal of all claims against the Defendants.

SECTION 3. The provisions of Section 10 - 60 of the Code of Ordinances of the City of Atlanta, Georgia are hereby waived in this instance only, for the sole purpose of accomplishing settlement of all claims against the City of Atlanta arising out of the lawsuit filed by Atlanta Entertainment Enterprises, Inc., d/b/a Euphoria in the Superior Court of Fulton County, Civil Action File No. 2001-CV-43157.

A true copy,

Thonda Dauphin Johnson
Municipal Clerk, CMG

ADOPTED by the Council
APPROVED by the Mayor

FEB 17, 2003
FEB 25, 2003

RCS# 4470
2/17/03
2:22 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11: Except 03-R-0224

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

2/17/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 02-O-0037
2. 03-O-0127
3. 03-O-0185
4. 03-O-0187
5. 03-O-0085
6. 03-O-0125
7. 03-R-0143
8. 03-R-0144
9. 03-R-0189
10. 03-R-0210
11. 03-R-0211
12. 03-R-0212
13. 03-R-0213
14. 03-R-0145
15. 03-R-0146
16. 03-R-0149
17. 03-R-0150
18. 03-R-0151
19. 03-R-0152
20. 03-R-0153
21. 03-R-0160
22. 03-R-0207
23. 03-R-0208
24. 03-R-0209
25. 03-R-0141
26. 03-R-0142
27. 03-R-0140
28. 03-R-0128
29. 03-R-0129
30. 03-R-0130
31. 03-R-0131
32. 03-R-0132
33. 03-R-0133
34. 03-R-0134
35. 03-R-0135
36. 03-R-0136

**Items Adversed on the Consent
Agenda**

37. 03-R-0161
38. 03-R-0162
39. 03-R-0137
40. 03-R-0138
41. 03-R-0139
42. 03-R-0163
43. 03-R-0164
44. 03-R-0165
45. 03-R-0166
46. 03-R-0167
47. 03-R-0168
48. 03-R-0169
49. 03-R-0170
50. 03-R-0171
51. 03-R-0172
52. 03-R-0173
53. 03-R-0174
54. 03-R-0175
55. 03-R-0176
56. 03-R-0177
57. 03-R-0178
58. 03-R-0179
59. 03-R-0180
60. 03-R-0181
61. 03-R-0201

Consent I Vote: 14Yeas; 0 Nays: (See RCS #4470)

Item Removed from the Consent Agenda: 03-R-0224

(Do Not Write Over)

AN ORDINANCE BY:
THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

AUTHORIZING SETTLEMENT OF ALL
CLAIMS OF ATLANTA ENTERTAINMENT
ENTERPRISES, INC., d/b/a
EUPHORIA IN THE CASE OF ATLANTA
ENTERTAINMENT, INC., d/b/a
EUPHORIA v. THE CITY OF
ATLANTA, ET AL., CIVIL ACTION
FILE NO. 2001-CV-43157, IN THE
SUPERIOR COURT OF FULTON
COUNTY, TO ALLOW FOR A SEVENTY
FIVE PERCENT (75%) REDUCTION IN
THE FEES DUE THE CITY OF
ATLANTA FOR THE ESTABLISHMENTS,
2003 ALCOHOLIC BEVERAGE RENEWAL
FEES; AND FOR OTHER PURPOSES.

APPROVED BY:
Rosalind Rubens-Newell
Rosalind Rubens-Newell
Deputy City Attorney

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 2/3/03
Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee PSLA First Reading
Date 2-11-03
Chair [Signature]
Referred To [Signature]

PSLA Committee
Date 2-11-03
Chair [Signature]
Action [Signature]
Fav, Adv, Hold (see rev. side)
Other

Members
[Signature]
[Signature]
[Signature]
Refer To [Signature]

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members
Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members
ADOPTED BY
FEB 17 2003
COUNCIL

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members
Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote

CERTIFIED
 FEB 17 2003
 ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Hoffard

CERTIFIED
 FEB 17 2003
Rosalind Rubens-Newell
 MUNICIPAL CLERK

APPROVED
 FEB 25 2003
[Signature]
 MAYOR