

SECTION AQ102 DEFINITIONS

AQ102.1 GENERAL.

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.



DECISIONS CONSULTING LLC
1100 Circle 75 Parkway SE
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Licensing Director: (678) 660-5121
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January 9, 2024

Liquor Licensing Board
City of Ely
501 Mill Street
Ely, NV 89301

Re: Family Dollar, LLC - Store #31274 Application for sale of beer and wine for off-premises consumption only ("Application")

Dear Honorable Members of the Liquor Licensing Board:

This firm represents Family Dollar Stores, LLC and its subsidiaries including Family Dollar, LLC, and we handle licensing matters for all Family Dollar locations and related entities nationally (collectively "Family Dollar").

This letter is being submitted for consideration in support of our pending application for a license for the retail sale of beer and wine for off-premise consumption only at the Ely Store located at 1410 E. Aultman Street, Ely, NV 89301. As the license is being considered at the January 11, 2024 Board meeting, this information is being provided in support of Family Dollar's application.

Family Dollar is a family-oriented store that provides a wide range of food and other retail items to its' customers. Family Dollar locations that sell alcohol do not sell "discounted alcohol" and the beer and wine our customers have the option of purchasing for off-premises consumption is equivalent in price and quality to what one would find at any local grocery store. For additional information, please see the linked weekly advertisement (<https://www.familydollar.com/weekly-ads>) which provides a sampling of the wide range of products that Family Dollar offers to its' customers. Also, I wanted to provide some additional information relating to how serious Family Dollar takes its obligation to be a responsible seller, complying with all applicable statutes, ordinances, rules, and regulations.

First, in addition to any requirements imposed by the State or Local jurisdiction, Family Dollar has a vigorous internal training and auditing program to ensure strict compliance and zero tolerance for violations. These internal procedures include, but are not limited to, training on the following:

(a) Minimum age requirements and how those requirements apply. This includes the mandatory use of hand-held scanners to verify birthdates are within the range required to make the purchase.

(b) How to recognize and differentiate between authentic forms of identification, typically a driver's license, and counterfeit identifications.

(c) How to confirm the person presenting the identification is the person on the identification card.

(d) Sales Associates' rights to refuse to sell any alcoholic beverage to a person who appears to be intoxicated and how to communicate that refusal respectfully.

(e) Understanding the role and personal liability to guarantee compliance with all applicable rules and regulations with emphasis on Family Dollar's zero tolerance policy is strictly enforced.

(f) How to cooperate with Law Enforcement as a partner to ensure compliance with the law.

With specific attention to the City of Ely's local alcohol ordinances, Family Dollar will also train all associates on the local rules and regulations pertaining to off-premises selling including, but not limited to, (1) the duty to maintain a copy of the local ordinances on the premises; (2) duty to secure inventory when not legal to sale; (3) the limited hours for legal sales and any no sales days; (4) duty to maintain the premises and allow zero loitering or drinking in the parking lots, which is absolutely prohibited by Family Dollar, and (5) the duty to confirm proper legal identification and age (as noted above, Family Dollar uses handheld scanners as well). In sum, and as complimentary to other small business in the area, Family Dollar simply wishes to provide a safe, family-oriented option to those families who wish to purchase beer and wine for consumption with their meals at home, just like many other grocery stores.

In addition, Family Dollar uses internal auditing programs and proprietary software to assess abnormal activities which detect, deter, and prohibit any violations of rules and regulations. Further, Family Dollar locations licensed to sell off-premises are all equipped with surveillance cameras that monitor the cash registers, front doors, receiving, and stockroom areas. Based on these vigorous internal compliance matters and a culture of zero tolerance, Family Dollar is proud to say that from 2019 to 2022, the percentage of licensed locations cited for alcohol sales violations nationally averaged *less than one and a half percent (1.5%) per year* of all licensed locations. During that period, the highest percentage of cited licensed locations as less than two and a half percent (2.5%).

In conclusion, Family Dollar greatly appreciates the opportunity to conduct business in the State of Nevada and, specifically, in the City of Ely. Family Dollar respectfully requests that you approve the resolution to allow beer and wine sales for

City of Ely
January 9, 2024
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off-premises consumption only at the Ely Store located at 1410 E. Aultman Street, Ely, NV 89301.

Please do not hesitate to email me jcrumly@decisions-consulting.com or give me a call at if you have any questions or want to discuss further.

Sincerely,

Decisions Consulting, LLC

/s/ Jonathan Crumly

Jonathan Crumly, Chief Operating Officer

cc: Ms. Jennifer Lee, City Clerk (CityClerk@cityofelynv.gov); Ms. Patti Cobb, Administrative Assistant (AdminAssist@cityofelynv.gov).



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January 9, 2024

Liquor Licensing Board
City of Ely
501 Mill Street
Ely, NV 89301

Re: Family Dollar, LLC - Store #27460 Application for sale of beer and wine for off-premises consumption only ("Application")

Dear Honorable Members of the Liquor Licensing Board:

This firm represents Family Dollar Stores, LLC and its subsidiaries including Family Dollar, LLC, and we handle licensing matters for all Family Dollar locations and related entities nationally (collectively "Family Dollar").

This letter is being submitted for consideration in support of our pending application for a license for the retail sale of beer and wine for off-premise consumption only at the Ely Store located at 1550 Great Basin Blvd., Ely, NV 89301. As the license is being considered at the January 11, 2024 Board meeting, this information is being provided in support of Family Dollar's application.

Family Dollar is a family-oriented store that provides a wide range of food and other retail items to its' customers. Family Dollar locations that sell alcohol do not sell "discounted alcohol" and the beer and wine our customers have the option of purchasing for off-premises consumption is equivalent in price and quality to what one would find at any local grocery store. For additional information, please see the linked weekly advertisement (<https://www.familydollar.com/weekly-ads>) which provides a sampling of the wide range of products that Family Dollar offers to its' customers. Also, I wanted to provide some additional information relating to how serious Family Dollar takes its obligation to be a responsible seller, complying with all applicable statutes, ordinances, rules, and regulations.

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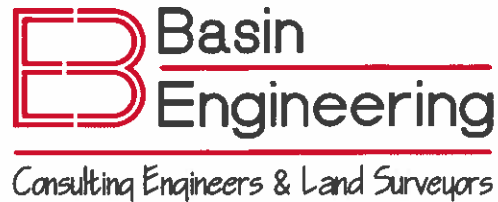
Sincerely,

Decisions Consulting, LLC

/s/ Jonathan Crumly

Jonathan Crumly, Chief Operating Officer

cc: Ms. Jennifer Lee, City Clerk (CityClerk@cityofelynv.gov); Ms. Patti Cobb, Administrative Assistant (AdminAssist@cityofelynv.gov).



January 11, 2023

Re: EPA Grants

- Basin Engineering has been working with the City of Ely, the Porter Group and the EPA on procuring Community Grants for water infrastructure projects identified as Congressionally Directed Spending (CDS) and Community Project Funding (CPF) item in Appropriations Acts via the U.S. Environmental Protection Agency (EPA).
- **For the Fiscal Year (FY) 2022 and 2023 there are 1,198 CDS/CPF drinking water, wastewater, stormwater infrastructure, and water quality protection projects nationwide.**
Of these projects **23 are in the State of Nevada.**
Of those **the City of Ely has 2 projects** eligible for funding:
- **2022 Central Ely Sewer Upgrade (FY 2022) became a federal law 3/15/22: appropriation amount is \$3,300,000**
- **October 2022: Community Grants 2022 Implementation Guidance Released (Central Ely Sewer Upgrade Project)**
 - **Pre-Award Cost Reimbursement for FY 2022 Projects are addressed in this document. Pre-award costs incurred on or after October 1, 2021 would be considered eligible for Reimbursement.**
- **December 2022: A form was provided for CATEX application with some initial guidance but final determination guidelines had not been determined as the EPA was negotiating with NEPA over guidelines for utility projects.** We were directed to apply however determination guidelines for the EPA were going to be a work in progress and final CATEX decisions would not be made until they had clear cut guidelines in place. This could take some significant time as they worked with NEPA to establish these guidelines.
- **December 19, 2022: A CATEX (Categorical Exclusion) form was completed for the Central Ely Sewer Upgrade and submitted to the EPA, along with relevant supporting project documents.** If the proposed project is eligible for this determination an Environmental Impact Statement or an Environmental Assessment would not be necessary.

- **Lower East Ely Water Mains Upgrade (FY 2023) became a federal law 12/29/22: appropriation amount is \$2,430,000**
- **March 2023: Decision was made to hold off on Lower East Ely CATEX until further information regarding CATEX determinations was established and Central Ely project CATEX determination was made.**
- **March 29, 2023: BE staff began the first of EPA Grants Training Webinar Series. (What to Expect When You're Expecting a Grant)**
- **April 2023: Official Community Grants Program Final Implementation Guidance 2023 is released. (Lower East Ely Water Mains Upgrade)**
 - **Pre-Award Cost Reimbursement for FY 2023 Projects are addressed in this document. Pre-award costs incurred on or after October 1, 2022 would be considered eligible for Reimbursement.**
- **May 11, 2023: City of Ely submitted a request that the EPA waive the non-federal cost share for the City's FY 2022 CDS/CPF for the Central Sewer Upgrade. Based on review of Cost Share Waiver Criteria A-1 from the FY Community Grants Program Final Implementation Guidance.**
- **July 31, 2023: Notified that the EPA had assigned a Program Officer (Jessica Durst) to our grants. She reviewed the previous environmental documentation that the City of Ely had provided and stated that we were well on our way to a CATEX approval.**
- **August 29, 2023: City of Ely receives official notification from the EPA that they are granting a waiver to the cost sharing requirement to provide non-federal funds for both the Central Ely Sewer Upgrade Project and the Lower East Ely water Mains Upgrade Project.**
 - The dollar amount waived for the Central Ely Sewer Upgrade Project is \$825,000.
 - The dollar amount waived for the Lower East Ely Water Mains Upgrade Project is \$607,500.

- **September 5, 2023: Project Officer (Jessica Durst) and Steven Smith (EPA) confirmed in an email that while there is not a rule that the EA/CATEX be completed prior to submitting the applications the EPA strongly requests that the EA/CATEX be completed prior to submitting the application packages.**

The reasons given for this are as follows: First being the fact that it can take a great deal of time to complete this process and we cannot award funds before its complete. The application package is a much less weighty and time-consuming process by comparison. Second, if you were to submit the application package before all of your NEPA/CATEX is complete and there was a departure from your estimate, requiring additional survey or NEPA work, this would affect your budget and in turn would require a lengthy correction process.

Steve Smith reiterated both points and referred to both the **FY 22 and FY 23 Community Grants Program Final Implementation Guidance, bottom of numbered p. 9 under item #3** indicating **a complete application should be submitted “Upon completion of an environmental review under NEPA...”**.

While not a requirement, following this guidance is both logical and efficient, for the reasons Jessica stated.

- **October 5, 2023: Responses to 4 additional questions from the EPA consultant were provided to the EPA Project Officer, Jessica Durst.**
(Note: that these responses/answers were repeating information that was provided in the project description and the CATEX forms previously completed.)
- **October 13, 2023: the EPA Program Officer informed the City of Ely and Basin Engineering that a minimum section 106/SHPO consultation will be a requirement even with a CATEX decision** that would result in other NEPA EA requirements being waived. This information was attained after Basin Engineering provided responses (October 5th, 2023) to a request for further information needed to move the NEPA CatEx process forward.
- **October 19, 2023: the completed SHPO / 106 documentation for Central Ely Sewer was sent to the EPA in support of a CATEX (Categorical Exclusion) decision regarding an EA (Environmental Assessment) for this project.**
- **November 1, 2023: A response from the EPA Project Officer was received regarding SHPO documentation provided. The documentation was forwarded to their Environmental consultant ERG for review.** (ERG is the EPA's NEPA consultant, they review SHPO/106 documentation as well as EA's for the grant projects)

- **November 2023: SHPO/Sect. 106 application process for the Lower East Ely Water Mains Upgrade was started** after the EPA determination was made that SHPO/Sect. 106 would be a minimum requirement for Community Grants programs even with a successful CATEX decision.
- **January 10, 2023: Program Officer responded to an email sent on 1/09/2024 enquiring about the status of the SHPO / 106 review the City of Ely had submitted.** She stated that she had not heard back from ERG (consultant) as of yet, but she would reach out to see if she can engage them directly. Previously on November 28th, 2023 she stated in an email that ERG had developed a backlog of work during the time in the fall when their contract lapsed.
- **Next Steps: Upon approval of CATEX / SHPO-Tribal status apply for award through Grants.gov, Design Project, Prepare and Release Construction Bid documents and Construct.**

Sincerely,

BASIN ENGINEERING CORPORATION

Emil Almborg

Emil W. (B.J.) Almborg, Jr., P.E./P.L.S.
Principal