

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM CALLED PUBLIC HEARING HELD NOVEMBER 20, 2008

AT 4:00 P.M.

The White County Board of Commissioners met in a called public hearing at 4:00 P.M. in the Grand Jury Room of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, County Attorney David Syfan, and County Clerk Jean Welborn. Attorney Tread Syfan was also present.

Chairman Nonnemaker called the public meeting to order.

The Board of Commissioners conducted the first reading on and received input from the public on the proposed Alcoholic Beverage Ordinance. See attached list of proposed changes.

A letter from Michael Wilkes, Chairman of Citizens for Continued Family Values, and Melisa Fincher, Chairman of the Enotah Anti-Drug Coalition, Inc., was presented to the Board of Commissioners with their recommendations on the proposed Alcoholic Beverage Ordinance. (See copy attached.)

Representatives from SADD (Students Against Destructive Decisions) and other drug and alcohol education programs requested that a portion of the fees received from the Alcoholic Beverage Ordinance be set aside for drug and alcohol education programs. Attorney David Syfan stated that he did not believe the fees could be distributed to non-profit agencies such as these. The Board of Commissioners requested that Mr. Syfan check into this.

Upon motion made by Commissioner Campbell, seconded by Chairman Nonnemaker, the meeting was adjourned.

Chris R. Nonnemaker, Chairman

Joe R. Campbell, Post 1

Jean Welborn, County Clerk

WHITE COUNTY BOARD OF COMMISSIONERS

CHANGES PROPOSED AT THE

NOVEMBER 20, 2008 PUBLIC HEARING

RE: ALCOHOLIC BEVERAGE ORDINANCE

- 1. NEED A VARIANCE PROCESS – ABC BOARD AND THEN TO THE BOARD OF COMMISSIONERS.**
- 2. SECTION 6-3 (LOCATION RESTRICTIONS) WOULD BE CHANGED TO MEASURE THE DISTANCE FROM THE PROPOSED LICENSED LOCATION TO A SCHOOL BY MEASURING TO THE SCHOOL PROPERTY LINE. ALL OTHERS (CHURCHES, ETC.) WOULD BE BUILDING TO BUILDING.**

IF BUSINESSES ARE ALREADY IN EXISTENCE THAT WOULD NOT BE LOCATED ON STATE HIGHWAY AND NOT WITHIN 1,000 FEET OF A STATE OR U. S. HIGHWAY, THEY WOULD BE GRANDFATHERD IN.
- 3. DIVISION 2. APPLICATION, SECTION 6-6 WOULD BE CHANGED TO ALLOW AN UNLIMITED NUMBER OF LICENSES TO PERSONS OR ENTITIES.**
- 4. SECTION 6-8. QUALIFICATIONS OF APPLICANT. THIS HAS BEEN PROPOSED TO BE CHANGED TO ELIMINATE THE NECESSITY OF AN APPLICANT BEING A RESIDENT OF THE COUNTY FOR ONE YEAR PRIOR TO MAKING APPLICATION. APPLICANT MUST BE U.S. CITIZEN.**
- 5. SECTION 6-10. PERSONAL INTEREST RESTRICTED – WHOLE SECTION TO BE ELIMINATED.**
- 6. SECTION 6-21. RENEWAL., SUBSECTION b) RENEWALS CAN BE APPLIED FOR UP TO 90 DAYS IN ADVANCE OF THE NOVEMBER 15 DEADLINE. SUBSECTION c) – RENEWALS MUST BE ACCOMPANIED BY COPY OF STATE LICENSE OR “COPY OF STATE LICENSE APPLICATION.” ALSO: WITH RENEWAL EVERY YEAR A BACKGROUND CHECK HAS TO BE COMPLETED ON ALL OWNERS AND FINGERPRINTING TO BE DONE EVERY THIRD YEAR OR AS REQUESTED BY THE BOARD OF COMMISSIONERS OR SHERIFF OR FOR REASONABLE CAUSE.**
- 7. SECTION 6-26. SUSPENSION OF LICENSE, SUBSECTION a), THE WORD “MORALS” IS TO BE DELETED.**
- 8. SECTION 6-26. SUSPENSION OF LICENSE, SUBSECTION c), IS TO BE CHANGED TO REFLECT THAT AN EMPLOYEE OF A LICENSEE WOULD HAVE TO BE FOUND GUILTY OF VIOLATING THE TERMS OF THE ORDINANCE IN CONNECTION WITH THE OPERATION OF THE SUBJECT BUSINESS (RATHER THAN FOUND TO BE IN VIOLATION IN A WAY NOT CONNECTED TO THE BUSINESS).**
- 9. SECTION 6-27. REVOCATION OF LICENSE, SUBSECTION a) 4), THE WORD “MORALS” IS TO BE DELETED.**
- 10. DIVISION 8. PENALTIES, SECTION 6-28. PENALTIES, THERE SHOULD BE A CLARIFICATION THAT THE EMPLOYEE’S VIOLATION WOULD HAVE TO BE CONNECTED TO THE SUBJECT OPERATION. ALSO THE SERVER WOULD BE FINED IF THE VIOLATION WAS CONNECTED TO THE SUBJECT OPERATION.**

11. DIVISION 8. PENALTIES, SECTION 6-28. PENALTIES, SUBSECTION 1), a., b. AND c. WOULD BE CHANGED TO:

- a. For the first offense by the licensee, a 14-day suspension of the license and a fine of \$500.00 for the licensee and the server;**
- b. For the second offense within a 12-month period, a revocation of the license for ninety (90) days and a fine to both licensee and server of \$1,000;**
- c. Further offenses would require a fine of \$3,000 and revocation of the license for up to three years.**

12. ARTICLE III. RETAIL PACKAGE SALES, SECTION 6-41. REQUIRED SALES RATIO WILL BE DELETED. (NO OTHER PRODUCTS WILL BE REQUIRED TO BE SOLD.) NO CONSUMPTION LICENSE AND RETAIL PACKAGE LICENSE TO BE SOLD FOR SAME PREMISES. PACKAGES ARE TO BE IN BAGS WHEN TAKEN OUT OF THE STORE. NO SINGLE BEERS TO BE SOLD UNLESS MORE THAN 22 OUNCES.

13. SECTION 6-51. REQUIRED SALES RATIO (ON PREMISES CONSUMPTION) THE RATIO SHALL BE 40% TO 60% (RATHER THAN 30% TO 70%). ALSO, THE MONTHLY REPORTS WOULD BE DUE ON THE 20TH OF THE MONTH.

14. SECTION 6-82. APPOINTMENT OF MEMBERS (TO ABC BOARD) – TERMS OF OFFICE – WOULD BE CHANGED TO EACH OF THE THREE MEMBERS SERVING TWO-YEAR TERMS.

15. FARM WINERIES TO BE SEPARATED. PRESENT FARM WINERY RESOLUTION TO BE AMENDED TO SHOW:

- a) Annual license fee of \$1500.00 to cover wine or beer, package or consumption.**
- b) A second tasting room on non-adjacent property, if owned by same licensee, would be an extra \$750.00.**
- c) A second tasting room on same premises as licensed premises would be an extra \$100.00 for each.**

Minutes from Called Public Hearing Held November 20, 2008, Continued

November 20, 2008

White County Board of Commissioners South
Main Street

Cleveland, Georgia, 30528

Dear Commissioners:

This letter is in regards to the proposed Ordinance No. 2008 – An Ordinance Establishing the White County Alcoholic Beverage Sales Regulations.

The following recommendations are respectfully submitted for your consideration:

1. Location:

Any business or establishment engaged in the sale or distribution of alcohol or beer in the unincorporated areas of White County shall be located at least 1,000 feet from any facility as defined in Section 6-3 of said ordinance.

2. Special Fees:

The initial license application fee and the annual license renewal fee shall be subject to an additional ten percent (10%) fee, or a minimum of \$200.00 whichever is greater, with the proceeds to be set aside in a special fund for the purpose of Alcohol Substance Abuse Education and Substance Abuse Prevention Services.

This special fund may be used by White County bonafide non-profit, community based organizations, programs and ministries, through a projects grant process, to provide alcohol substance abuse related education and prevention services to the citizens and children of White County.

Management of the special alcohol fund shall be the responsibility of the White County Board of Commissioners, or their designated representative, such as a Citizen's Board.

Thank you for your thoughtful consideration of these recommendations, as we work together to provide a healthy and safe community for the citizens of White County.

Sincerely,

Michael Wilkes, Chairman
Citizens For Continued Family Values

Melisa Fincher, Chairman
Enotah Anti – Drug Coalition, Inc.