

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, MARCH 4, 2019 AT 4:30 P.M.

The Board of Commissioners held a Regular Meeting on Monday, March 4, 2019 at 4:30 p.m. in the Board Room at the White County Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Avery Hutto of the Bridge Church and representing the White County Ministerial Alliance, provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt the minutes of the Work Session & Regular Meeting held on February 4, 2019, the Called Meeting held February 12, 2019 and the Work Session & Called Meeting (including Executive Session Minutes) held February 25, 2019.

Mr. David Murphy, Director of Public Safety, presented a summary of the recent accomplishments by the staff of White County Animal Control. These employees were acknowledged for their training / certification accomplishments and for the efficient and effective operation of the animal control facility. The Board of Commissioners expressed their appreciation to the staff for their hard work.

Mr. Kevin Hamby, SPLOST Manager, presented the monthly SPLOST Status Report (see attached).

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to approve the following consent agenda:

- Adoption of a resolution of revision (County Resolution No. 2019-04) to the White County Code of Ordinances, Chapter 26 – Emergency Services:
 - Section 26-33: Standard Operating Procedures;
 - Section 26-57: Composition;
 - Section 26-58: Purposes;
 - Section 26-107: Emergency Management Advisory Council;
 - Section 26-126: Payment for Services rendered by Reserves of the County Fire Department; and
 - Section 26-128: Volunteer Firefighters Standard Attendance and Participation.
- Award of the contract for resurfacing Westmoreland Road to CW Matthews in the amount of \$890,342.82 – with funding designated from LMIG (Local Maintenance & Improvement Grant) and SPLOST;
- Award of the following bids for equipment for Yonah Preserve:
 - Bunker & Infield Rake – Greenville Turf & Tractor - \$12,973.74;
 - 4 Wheel Drive Utility Tractor – Kabe Cain Enterprises - \$18,900.00;

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- Utility Vehicle – Nelson Tractor - \$12,645.00; and
 - Commercial Grade Zero Turn Riding Mower – Howard Brothers - \$12,784.00.
- Total: \$57,302.74 from the project FF&E Budget.

-End of Consent Agenda-

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Mr. Jesse Knaus to redistrict property located at 252 Garland Bristol Road Sautee Nacoochee, GA 30571 from C1 (Community Commercial District) to R1 (Residential Single Family District) with the total acreage to be redistricted being 3.76 and tax map / parcel 071-075. Mr. Sell stated that Mr. Knaus was requesting this change in order to build his primary residence. He noted that the Planning Commission had held a public hearing on this application and they unanimously recommended approval of the application. Mr. Sell stated that while the property was surrounded by other C1 properties – agriculture and residential properties were just beyond the adjoining properties and the comprehensive future land use plan did list this area for agriculture / low density residential.

Mr. Knaus confirmed the information presented by Mr. Sell.

Chairman Turner opened the floor for any public comment in support of the application. Following three (3) calls and with no comments in support of the application, Chairman Turner opened the floor for any public comment in opposition of the application. Following three (3) calls and with no comments in opposition of the application, Chairman Turner closed the floor.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Mr. Jesse Knaus to redistrict property located at 252 Garland Bristol Road Sautee Nacoochee, GA 30571 from C1 (Community Commercial District) to R1 (Residential Single Family District).

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to adopt a surplus resolution (County Resolution No. 2019-05) for equipment assigned to White County Public Safety and White County Public Works.

Chairman Turner presented a resolution of revision for the White County Alcohol Ordinance. He summarized the revisions as follows:

- All fees were removed from the ordinance and will be referenced in a separate fee resolution;
- Clarification and clean-up of several definitions;
- Clarification of background investigation requirements;
- Incorporation of provisions of SB 85 as passed in 2018 – as relates to breweries and brewpubs (see 02/25/2019 minutes for BOC’s direction of no distilleries);
- Removing the provision for farm wineries to be allowed to apply for a distilled spirits consumption license; and
- States off-site farm winery tasting rooms can only sell / serve wine – not malt beverages or distilled spirits.

Following discussion, there was a consensus that the Board wanted to allow current off-site farm winery tasting rooms which were serving beer to continue this through the current license year.

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The Board also directed to change the proration of license from a monthly basis to a full / half year basis as is done with occupational tax certificates.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to adopt County Resolution No. 2019-06 revising the White County Alcohol Ordinance as follows:

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2019-06

**AN ORDINANCE TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA,
CHAPTER 6, ALCOHOLIC BEVERAGES**

WHEREAS, the White County Board of Commissioners wishes to revise portions of the Official Code of White County as it related to various section of the Alcoholic Beverage regulations.

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County it is hereby resolved by authority of the same that the regulations be revised as follows.

The effective date of this amendment shall be 03/04/2019.

ADOPTED, this 4th day of March, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

Attest:

s/Shanda Murphy
Shanda Murphy
County Clerk

Sec. 6-31. - Definitions.

~~Alcoholic beverage for licensing purposes herein means and includes all alcoholic alcohol, beverages obtained by distillation which contains not more than 21 percent alcohol by volume, including beer, malt beverage, wine, but does not include distilled spirits or fortified wine alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine~~

Alcoholic beverage commission means the White County Alcoholic Beverage Commission or commission members authorized by this article to regulate the sale, distribution and consumption of alcoholic beverages in accordance with this chapter and otherwise exercise the powers prescribed herein.

Applicant is an entity that seeks a license in accordance with the provisions of this chapter.

Barrel means 31 gallons of malt beverage.

Bed and breakfast means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where:

- (1) Five or more rooms used as sleeping accommodations are offered for pay to guests, whether transient, permanent or residential; and
- (2) The sleeping accommodations and dining rooms are in the same building or in separate buildings on the same premises and are a part of the bed and breakfast operation; and

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- (3) An adequate and sanitary kitchen exists; and
- (4) Breakfast is regularly prepared for, served to and consumed by guests; and
- (5) There exists one or more dining rooms whether public or for the use of guests with a seating capacity of at least ten; and
- (6) A current occupational tax license has been issued by the county; and
- (7) A current hotel/motel tax certificate has been issued by the county.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than ~~24~~ 14 percent alcohol by volume, and including ale, porter, brown, stout, lager, beer, small beer, and strong beer or hard cider. ~~The term "beer" or "malt beverage" includes beverages known as "nonalcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume. Hard cider meaning an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six percent alcohol by volume, including, but not limited to flavored or carbonated cider.~~ The term "malt beverage" does not include sake, known as Japanese rice wine.

Board means the White County Board of Commissioners.

Bona fide non-profit civic organization means an entity which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. sections 501(c), 501(d), or 501(e).

Brewer means a manufacturer of malt beverages.

Brewpub means any ~~restaurant eating establishment~~ in which beer or malt beverages are manufactured or brewed for retail consumption on the premises.

Case means a box or receptacle containing not more than 288 ounces of malt beverages on the average.

Church means a place of public religious worship.

Commissioner means the commissioner of the department of revenue.

Convenience store means a small store or shop that sells, but is not limited to, such items as candy, ice cream, soft drinks, water, lottery tickets, tobacco products, newspapers, magazines, a selection of processed foods, sandwiches, a few items of groceries, ATM and money order services, as well as fuel, motor oils, etc., such as are typical in White County.

County means White County.

Distilled spirits means any alcoholic beverage obtained by distillation or ~~which contains~~ containing more than ~~24~~ 24 percent alcohol by volume, ~~including, but not limited to all fortified wines.~~

Due cause shall consist of the violation of federal or state laws or local regulations which govern the applicable businesses.

Entity means an association, company, enterprise, firm, franchise, general partnership, joint-stock company, agency, syndicate, state, trust, receiver, joint venture, limited liability company, limited liability partnership, partnership, society, sole proprietorship, trust or any type of incorporated or unincorporated organization whether profit or nonprofit.

Farm winery means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state and:

- (1) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Food caterer means any person who prepares food for consumption off premises, possesses a valid occupational tax certificate, and meets all White County Environmental Health regulations.

Fortified wine ~~includes~~ means any alcoholic beverage containing not more than ~~24~~ 24 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

Gallon or wine gallon means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Gift store means a small store or shop that sells miscellaneous article or goods appropriate as gifts, presents, souvenirs or items for special events. These shops feature locally crafted items and products for the community and for visitors as well as some items for convenience (but not as a convenience store).

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Golf course means a tract of land publicly or privately owned that is designed and laid out for playing the game of golf, and improved with tees, greens, fairways, hazards, and driving range and may include a club house with dressing rooms, dining facilities, professional shop and meeting space.

Grocery store means a store established primarily for the retailing of food. This term includes large grocery stores, such as supermarkets, that also stock products other than food, such as paper goods, cleaning supplies and household items in addition to food items.

Growler means a reusable, resealable sanitized container used to transport malt beverages and hard cider for off-premises consumption that is not to exceed 72 ounces and not less than 12 ounces and is filled with malt beverages or hard cider from a keg by a licensee, or an employee of a licensee holding a retail package dealer license issued by White County.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage. The term does not include "sweet cider."

Hotel or motel includes every building or other structure kept, used, maintained, advertised and held out to the public to be a place where:

- (1) Adequate and sanitary kitchen facilities exist; and
- (2) There exists one or more dining rooms whether public or for the use by the guests with a seating capacity of at least 30; and
- (3) Meals are regularly prepared for, served to and consumed by guests; and
- (4) Fifteen or more rooms used for sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential; and
- (5) Sleeping accommodations and dining rooms are in the same building or in separate buildings on the same premises and are a part of the hotel operation; and
- (6) A current occupational tax license has been issued by the county; and
- (7) A current hotel/motel tax certificate has been issued by the county.

Immediate family includes spouse, children who reside in the applicant's household or anyone who is recognized by law as a dependent of the applicant. If the applicant is not a natural person, the "immediate family" relationship shall apply to those natural persons who hold an interest in the business.

Licensed alcoholic beverage caterer means any holder of a license under this chapter for the retail sale of beer or wine who is a licensed caterer, who is otherwise qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a license to sell distilled spirits, beer, malt beverage or wine at authorized temporary special events under this chapter.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Managing agent means a resident of the state designated by a license applicant, which managing agent shall be responsible for any matters relating to the license.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. ~~Manufacturer also means, in the case of malt beverage, any brewer; in the case of wine, any wine maker. The term also means:~~

- (B) In the case of malt beverages, any brewer; and
- (C) In the case of wine, any vintner.

Minor is any individual under 21 years of age.

Package means a bottle, can, keg, barrel or other original consumer container.

Person means and shall extend and be applied to associations, firms, partnerships and bodies politic and corporate, or any combination thereof, as well as to individuals.

Private residence means a house or dwelling wherein not less than one nor more than two families reside. The term "private residence" shall not include an apartment house having facilities for housing more than two families nor a boarding or rooming house where there are five or more boarders or roomers.

Private school means an institution meeting the following criteria or requirements:

- (1) The institution is privately controlled and operates on a continuing basis; and

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- (2) The primary purpose of the institution is to provide education; and
- (3) In a 12-month period the institution provides instruction for the equivalent of 180 days of education with each school day consisting of at least four and one-half hours; and
- (4) The institution provides a basic academic educational program, which includes, but is not limited to, reading, language arts, mathematics, social studies and science; and
- (5) If the primary purpose of the institution is religious in nature, the institution shall provide the basic academic educational program specified in subsection (4) of this section.

Public school means any school or day school under the:

- (1) Control and management of a county, independent or area board of education supported by public funds and any school under the control and management of the state board of education, department or agency thereof supported by public funds; or
- (2) Authority and supervision of a duly elected county or independent board of education.

Registered agent means the person authorized in the application to receive any process, notice or demand required or permitted by law or under this chapter on behalf of the licensee or owner.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where:

- (1) An adequate and sanitary kitchen exists; and
- (2) Meals are regularly prepared for, served to and consumed by guests; and
- (3) There exists one or more dining rooms with a seating capacity of at least 30 people; and
- (4) A sufficient number and kind of employees are employed to prepare, cook and serve suitable food for its guests; and
- (5) There exists sanitary restroom facilities; and
- (6) A current occupational tax license has been issued by the county.

Retail means the sale of goods or commodities in small quantities directly to consumers.

Retail consumption dealer means any natural person or entity who sells beer, malt beverages, distilled spirits or wine, or any combination thereof, for consumption on the premises to consumers at retail only and not for resale.

Retail package dealer means any natural person or entity who sells beer, malt beverages or wine, or any combination thereof, by unbroken packages [being sealed containers - bottles, cans, etc.] to consumers at retail only and not for resale.

Retailer or retail dealer means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

Schedule of fees and charges shall mean the official consolidated list maintained in the county clerk's office which lists fees of any nature, deposit amounts and various charges as determined from time to time by the board of commissioners.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given complimentary or for a fee.

Temporary special use permit means a permit issued to a bona fide non-profit civic organization, as defined herein, to sell distilled spirits, malt beverages and/or wine for consumption on the premises or otherwise for a period not to exceed three days for an event associated with and to benefit the cause of a charitable or civic organization.

Wholesaler or wholesale dealer means any entity who sells beer, malt beverage, distilled spirits or wine to other wholesale dealers, retail package dealers or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to champagnes, rectified wines, sparkling wines, special natural wines or vermouths.

Sec. 6-41. - Application information.

- (a) Every applicant for a license for the operation of a farm winery or for sales of alcoholic beverages as allowed by this chapter or for manufacturing of wine ~~or malt~~ and malt beverages shall make written application on forms furnished by the county and shall furnish all certificates, affidavits, bonds and other supporting data required.
- (b) All applications for licenses under this article shall be made by the applicant to the business license office, or other county office designated by the board of commissioners, in writing under oath and verified on forms furnished by the county, and all requested information thereon shall be provided. Any misstatement or concealment of fact in the application shall be

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grounds for denial or revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state. An application containing false information or false statements may result in disapproval, revocation, suspension or failure to renew the license applied for.

- (c) Such application shall be filed with the business tax office, or other county office designated by the board of commissioners, and contain the following information:
- (1) The names, ages, addresses and length of residency of all persons who have an ownership interest in the business; and
 - (2) The license category for which the applicant is applying; and
 - (3) The names and addresses of all persons and immediate family members having an ownership interest in the business who have an interest in any other business licensed to sell or manufacture malt or vinous beverages; and
 - (4) The name of the owner, landlord or lessor of the proposed location and whether rent for the premises is to be paid to the landlord or lessor on a percentage of the receipts of the business or contingent upon the amount of business done; and
 - (5) The names and addresses of all entities having any whole, partial, beneficial or other interest in and to the land and building on and in which the store is located; and
 - (6) The trade name, address and description of the premises or place of business, which is to be operated under the license; and
 - (7) A statement of whether the applicant, or any entity with an interest in the application, has made application at any previous time for any alcoholic beverage license and the disposition of such application; and
 - (8) A statement of whether a previous license issued to the applicant or any entity with an interest in the application has been revoked or suspended by or surrendered to any federal, state or local authority and the reason therefore.
- (d) The following documents shall be attached to each application:
- (1) Evidence of ownership of the premises where the proposed business is to be located or a copy of the lease if the applicant is leasing the building or premises; and
 - (2) A certified or cashier's check payable to the county; and
 - (3) A drawing to scale showing the nearest church, residence, and school or an affidavit from a registered surveyor indicating that the proposed location of the business premises complies with section 6-100 or 6-146 herein; and
 - (4) If alcoholic beverages are to be sold in packages or for consumption on the subject premises (~~including manufacturing tasting rooms~~), a copy of the advertisement from two consecutive issues of the county legal organ stating the purpose of the application, the location of the business and the owner or owners of the business, along with a publisher's affidavit verifying the dates of advertisement. The notice must contain:
 - a. The name of the applicant(s); or
 - b. If a partnership, the names of all the partners, both general and limited; or
 - c. If a corporation, the names of the officers and board of directors; and
 - d. The license category applied for; and
 - e. The location.
 - (5) Photograph(s) of the principal officers; and
 - (6) A full disclosure of any interest in establishments, which sell wholesale or retail malt and vinous beverages; and
 - (7) Three character references; and
 - (8) For newly constructed buildings, a copy of certificate of occupancy issued by the county building inspection department indicating that the building in which the business will be located is complete for the purposes set out in the application, along with detailed plans of such building and outside premises; and
 - (9) If retail consumption dealer license is applied for, a copy of current food service permit and a current inspection from the county health department; and
 - (10) Upon a license being granted, an affidavit signed by each employee, manager, server, cashier or other person handling the sale or service of alcoholic beverages in any way, including owners who work in any premises selling alcoholic beverages, shall be filed with the alcohol board, attesting that the person has received the required training, is familiar with this article, and has read and agrees to follow the written policies and procedures provided to each such person; and

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(11) Any other information requested by the alcoholic beverage commission.

Sec. 6-42. - Qualifications of applicant.

- (a) For the purpose of this chapter, unless otherwise indicated, applicant means the corporation, partnership, sole proprietorship, or other organization and the managing agent.
- (b) Every managing agent applicant for an alcoholic beverage license shall be at least 21 years of age, a U. S. citizen or an alien lawfully admitted for permanent residency, and a resident of the state, and shall make application on forms furnished by the county and in connection therewith, shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds, and other supporting data as required thereby.
- (1) Where the application is made on behalf of a corporation, the license shall be issued jointly to the corporation and an officer or agent who meets the requirements as set forth in subsection 6-42(b). The officer or agent named as the applicant shall be an individual who does in fact have regular managerial authority over the business conducted on the licensed premises, including the sale of alcoholic beverages, who is employed full-time by the corporation. Said individual shall be known as the "managing agent."
 - (2) Where the application is made on behalf of a partnership, the license shall be issued jointly to the partnership and either the managing general partner thereof, or an individual who meets the requirements set forth in section 6-42(b) who does in fact have managerial authority over the business conducted on the licensed premises, including the sale of alcoholic beverages, who is employed full time by the partnership. Said individual shall be known as the "managing agent."
 - (3) Where the application is made on behalf of a sole proprietorship, the license shall be issued jointly to the sole proprietorship and an individual who meets the requirements set forth in subsection 6-42(b) who does in fact have management authority over the business conducted on the licensed premises, including the sale of alcoholic beverages, who is employed full time by the proprietor. Said individual shall be known as the "managing agent." The "managing agent" may be the sole proprietor if he/she otherwise qualifies under this section.
 - (4) Where the application is made on behalf of any other type organization, the license shall be issued jointly to the organization and an individual who meets the requirements set forth in subsection 6-42(b) who does in fact have management authority over the business conducted on the licensed premises, including the sale of alcoholic beverages, who is employed full time by the organization. Said individual shall be known as the "managing agent." In the case of a non-profit private club, the managing agent may be an officer of the organization in lieu of a full-time employee if the individual is otherwise qualified under subsection 6-42(b).
 - (5) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the county. The licensee shall file the name of such agent, along with the written, notarized consent of such agent with the county on such form as may be prescribed.
 - (6) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (7) The written application for the license shall be a permanent record which the licensee must maintain current as required by this chapter. Failure to maintain a current application shall be grounds for revocation of the license.
 - (8) In the event the "managing agent" changes, the licensee shall notify the county within five days of the change. A fee, as set forth in the schedule of fees and charges on file in the County Clerk's office, will be charged for the processing of an application for the change of the "managing agent," and such applicant must be approved by the alcoholic beverage commission.
 - (9) In the event the "registered agent" changes, the licensee shall notify the county within five days of the change. A fee, as set forth in the schedule of fees and charges on file in the County Clerk's office, will be charged for the processing of a change in the "registered agent."
- (c) The alcoholic beverage commission may in its discretion require a personal statement of any employee of any licensed establishment for licensing purposes.
- (d) When contrary to the public interest and welfare no license to sell or manufacture alcoholic beverages of any kind shall be issued by the alcohol beverage commission to or for:
- ~~(1) Any entity as determined by the alcoholic beverage commission by reason of such entity's business experience, financial standing, trade associations, personal associations, record of arrest, or reputation in any community in which the entity has been located, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.~~

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- ~~(2) Any person, managing agent, registered agent, or anyone holding a five percent interest or more in the business who has been convicted under any federal, state or local law of any felony or a misdemeanor involving moral turpitude.~~
- ~~(3) Any person, managing agent, registered agent, or anyone holding a five percent interest or more in the business who has been convicted under any federal, state or local law of any felony not involving moral turpitude within ten years immediately preceding the filing of application for such license.~~
- ~~(4) Any person, managing agent, registered agent, or anyone holding a five percent interest or more in the business who has been convicted under any federal, state or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.~~
- ~~(5) Any person, managing agent, registered agent, or anyone holding a five percent interest or more in the business which the granting of such license would constitute a violation of state law or regulations.~~
- ~~(6) Any person, entity, managing agent, registered agent, or anyone holding a five percent interest or more in the business which has remaining any delinquent ad valorem taxes due the county or has any outstanding fines, assessments, liens, fi. fas., penalties, or judgments due to the county or is currently in any violation of any the county ordinance or resolution.~~
- ~~(7) Any person, entity, managing agent, registered agent, or anyone holding a five percent interest or more in the business who seeks the license for an adult entertainment establishment.~~
- (1) Any person as determined by the alcoholic beverage commission, by reason of that person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws;
- (2) Any person convicted of a felony who served any part of a criminal sentence, including probation within the ten (10) years immediately preceding the date of receipt of submission of the application;
- (3) Any person who has been convicted of a misdemeanor who served any part of a criminal sentence, including probation within the five (5) years immediately preceding the date of receipt of submission of the application.

(e) The alcoholic beverage commission may decline to issue a state license to a person for the operation of a Place of Business when any person having any interest in the operation of that Place of Business, or control over such Place of Business does not meet the same requirements as set forth in these regulations for the Licensee.

(f) The failure of any applicant, or failure of any Person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of Georgia shall be grounds for denial

Sec. 6-52. - Prohibited conduct for all licensees under this chapter.

- (a) A licensee, managing agent or employee shall not:
 - (1) Make or allow to be made any false statement on any application, reapplication or other documents required by federal, state or local law; or
 - (2) Have any ~~federal, state or local felony~~ convictions listed in section 6-52; or
 - (3) Possess, sell, manufacture, furnish any kind of alcoholic beverage not authorized under the license; or
 - (4) Sell or furnish malt beverages, distilled spirits or wine to a minor; or
 - (5) Sell or furnish malt beverages, distilled spirits or wine to any individual in an intoxicated condition; or
 - (6) Store or make deliveries of any malt beverage, distilled spirits or wine beyond the boundaries of the premises covered by the license; or
 - (7) Sell or offer for sale malt beverages, distilled spirits or wine by use of vending machines; or
 - (8) Make any sale through any "drive through" or "curb service"; all sales must be made over the counter inside the licensed premises, except at licensed golf courses; or
 - (9) Make any sales of alcoholic beverages at any premises where adult entertainment activities are occurring; or
 - (10) Allow anyone who is under the age of 18 years to sell or serve any alcoholic beverages; or
 - (11) Receive any alcoholic beverages other than by a conveyance owned and operated by a wholesale dealer with a license from the county or with a license from the county wherein its principal place of business is located to make such deliveries; or

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- (12) Violate any of the terms of this chapter.
- (b) The conduct prohibited under this subsection as to general employees of licensee must be related to the operation of the licensed business.
- (c) After a formal accusation, the alcoholic beverage commission shall make the determination of whether any violation has occurred that necessitates suspension or revocation of the license.

Sec. 6-54. - Prohibited conduct specifically pertaining to retail consumption dealers.

- (a) In addition to the other prohibited acts set out in section 6-52, the licensee(s) or employees of an on premise consumption license shall not:
 - (1) Permit any disturbance, obscenity or conduct or practice considered lewd, immoral or improper in connection with the operation of the licensed premises; or
 - (2) Add to the contents of a bottle, refill empty bottles or in any other manner misrepresent the quantity, quality or brand name of any malt beverage or wine; or
 - (3) Receive or cause to be delivered any alcoholic beverages other than by a conveyance owned and operated by a wholesale dealer with a permit and license from the county, or from the county in which its principal place of business is located, to make such deliveries.
- (b) It shall be unlawful for any entity operating places licensed for the sale of malt beverages, ~~and wine~~ and distilled spirits for consumption on the premises to control or store any other alcoholic beverages for which the owner holds no license.
- (c) This shall not infringe on the right of any owner, operator or employee who resides on the property to store personal alcoholic beverages on the property and serve alcoholic beverages to family and friends if such alcoholic beverages would, except for location on the premises, be legal. This personal right shall not extend to a privilege of service to paying guests.
- (d) As of July 1, 2009, the consumption of malt beverages, beer, ~~or wine~~ or distilled spirits, or any combination thereof, in places of public accommodation is expressly prohibited and banned in the unincorporated area of the county unless purchased (or provided as a sample in a tasting room by the licensee operating a farm winery) from a properly licensed sales by the drink for consumption on the premises license holder. The term "place of public accommodation" as used in this chapter shall include the premises within the unincorporated areas of the county of any restaurants, coffee shops, cafes, caterers, motels, hotels, inns, bed-and-breakfast establishments, golf courses, antique shops, curio shops, art exhibits, art and crafts shops, frame shops, furniture stores, and other business establishments selling goods or services to the general public. This section is expressly designed to prohibit "brown bagging" at places of public accommodation within the unincorporated area of the county. Notwithstanding any other provision of this chapter, nothing contained in this chapter shall be interpreted as banning or prohibiting the serving of wine as a part of a religious sacrament or ceremony (including weddings and wedding receptions).

Sec. 6-55. -Repealed.

~~Sec. 6-55. - Prior convictions.~~

- ~~(a) No licensee or managing agent shall have been convicted within ten (10) years immediately prior to the date of application of:
 - ~~(1) Soliciting for prostitution; or~~
 - ~~(2) Keeping a disorderly place; or~~
 - ~~(3) Illegal possession or use of controlled substances; or~~
 - ~~(4) Illegally dealing in controlled substances; or~~
 - ~~(5) Sex offenses; or~~
 - ~~(6) Unlawful manufacture of intoxicating liquors; or~~
 - ~~(7) Illegal sale of intoxicating liquors; or~~
 - ~~(8) A crime involving moral turpitude.~~~~
- ~~(b) Such conviction subjects the licensee to suspension or revocation of the license.~~

Sec. 6-70. - Levy.

- (a) The board shall levy excise taxes at the maximum rate permitted by state law.

March 4, 2019 – Regular Meeting Minutes (continued)

- (b) Malt beverages. There is hereby levied and imposed upon each wholesale dealer selling malt beverages within the unincorporated areas of the county an excise tax as provided under the state alcoholic beverage code.
 - (1) The initial tax rate on the sale of barrels or bulk containers shall be \$6.00 per 15½-gallon container, with a proportionate tax at the same rate of all fractional parts of 15½ gallons.
 - (2) The initial tax rate on the sale of containers other than barrel or bulk containers shall be \$0.05 per 12 ounces, with a proportionate tax at the same rate of all fractional parts of 12 ounces.
 - (3) The initial tax rate for all beer or malt beverages produced by a brewpub shall be \$6.00 per one-half barrel (15½ gallons) and \$12.00 per barrel (31 gallons), with proportionate tax rate at the same rate of fractional parts of 15½ gallons.
- (c) Wine. There is hereby levied and imposed upon each wholesale licensee selling wine within the unincorporated areas of the county an excise tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (d) Excise tax on sale of distilled spirits by the drink.

There is hereby levied and imposed upon each wholesale licensee selling distilled spirits within the unincorporated areas of the county an excise tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

In addition to all other taxes or license fees imposed upon retail consumption dealers engaged in the sale of distilled spirits by the drink there is imposed an excise tax upon the sale of said drinks in the amount of three percent of the total cost of such.

ARTICLE IV. - REGULATIONS SPECIFICALLY AFFECTING RETAIL PACKAGE DEALER, RETAIL CONSUMPTION DEALER, WHOLESALER, MANUFACTURER AND ~~ALCOHOLIC BEVERAGE CATERERS OF WINE AND MALT BEVERAGES~~, BUT EXCLUDING FARM WINERY LICENSEES AND TASTING ROOMS OF A FARM WINERY

Sec. 6-102. - License categories.

- (a) The alcoholic beverage licenses issuable under this article IV are:
 - (1) Retail package dealer who sells beer, malt beverage, or wine in unbroken packages at retail only and not for resale.
 - (2) Retail consumption dealer who sells beer, malt beverage, distilled spirits, or wine for consumption on the premises to consumers and not for resale.
 - a. Brewpub license may be issued to retail consumption dealer for a restaurant in which beer or malt beverages are manufactured or brewed for retail consumption on the premises and in accordance with all requirements of the retail consumption dealer license.
 - b. Alcoholic beverage caterer license may be issued to a retail consumption dealer for off premises sale of beer, malt beverage, ~~or wine~~ or distilled spirits in accordance with division 7 of this chapter at a permitted temporary special event.
 - (3) Wholesaler of wine and malt beverages whose principal place of business is located in the county. Any wholesaler in malt beverages or wine licensed by the state or the agent of such wholesale dealer may be granted a license to operate a wholesale business in the county. Any wholesaler whose principal place of business is located in another county (and who is licensed in that county), and who desires only to deliver into the county shall not be required to obtain an additional license from the county. A copy of the license issued in the county wherein the principal place of business is located must be filed with the county. Such deliveries shall be made only to businesses licensed under this chapter.
 - (4) Manufacturer license may be issued to any maker, producer, or bottler of an alcoholic beverage. Manufacturer also means; in the case of malt beverage, any brewer or brewery; in the case of wine, any wine maker;
 - (5) Alcoholic beverage caterer license may be issued to a licensed caterer, who is otherwise qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a license to sell beer, malt beverages, distilled spirits or wine at authorized temporary special events under this chapter.

In addition to the above-mentioned license, a temporary special use permit may be issued as hereinafter defined.

- ~~(b) The alcoholic beverage commission shall not issue an alcoholic beverage license for the sale of distilled spirits including but not limited to fortified wine.~~

Sec. 6-105. - Required sales ratio.

- (a) The gross income from the sale of malt beverages and wine shall not exceed 40 percent of the gross income from the total retail sales.
- (b) The licensee shall report to the alcoholic beverage commission monthly total gross sales, gross sales of malt beverages and wine figures and sales ratios before the twentieth of the month following the month of sales for the initial year and

March 4, 2019 – Regular Meeting Minutes (continued)

thereafter on an annual basis and submitted as a part of the renewal application. Notwithstanding the foregoing, the code enforcement officer for White County, at anytime during the licensed year, can request to inspect the records of licensee as to the required sales ratio, and shall be given full and complete access to such records by the licensee.

- (c) Two consecutive months of ratios in excess of the limits allowed by subsection (a) of this section shall prompt an investigation as to the legitimacy of the license. Monthly reports that are late more than 30 days after they are due shall be subject to a fine of \$50.00. Monthly reports that are late more than 60 days after they are due shall be subject to a fine of \$100.00. The alcohol beverage commission may consider revocation of an alcohol license if a licensee has not submitted a monthly report more than 90 days after it is due.

- (d) This section shall not apply to farm wineries ~~or~~ or manufacturers of malt beverages.

Sec. 6-110. - License for on premise consumption required.

Only the follow types of licenses shall be issued for on-premises consumption:

- (1) Beer, malt beverages and wine for consumption on the premises.
- (2) Distilled spirits, by the drink for consumption on the premises.
- (3) Alcoholic beverages in connection with a temporary special event as authorized by this chapter for consumption on the premises.

Each license for the sale of distilled spirits, wine and malt beverages for consumption on the premises shall require that the licensed premises meet the requirements of this chapter for a "bed and breakfast," hotel (to include lodge, resort or motel), golf course, and restaurant, event facility or farm winery.

Sec. 6-112. - License for brewpubs.

- ~~(a) No person shall be issued a brewpub license without first obtaining a retail consumption dealer license.~~
- ~~(b) A brewpub license authorizes the holder of such license to manufacture on the licensed premises not more than 1,500 barrels of beer (46,500 gallons) in a calendar year (approximately 149 gallons per business day) solely for retail sale on premises and solely in draft form.~~
- ~~(c) Distribution of any malt beverages produced by a brewpub licensed under this article to any wholesaler is prohibited. Such distribution shall require an additional manufacturing license of malt beverage.~~
- ~~(d) Every brewpub located within the unincorporated county shall file a monthly report with the alcohol beverage commission, no later than the 20th day of each month, on such forms as the county may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty not to exceed an amount as provided in the county fee schedule for each deficient reporting period.~~

A license to manufacture malt beverages shall exist for owners and operators of brewpubs, subject to the following terms and conditions:

(1) No individual shall be permitted to own or operate a brewpub without first obtaining a proper license in the manner provided in this chapter, and each brewpub licensee shall comply with all other applicable state and local license requirements;

(2) A brewpub license authorizes the holder of such license to:

(A) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;

(B) Operate an eating establishment that shall be the sole retail outlet for such malt beverages;

(C) Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and

(D) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;

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March 4, 2019 – Regular Meeting Minutes (continued)

(3) Possession of a brewpub license shall not prevent the holder of such license from obtaining a retail consumption dealer's license or a retailer's license for the same premises; and

(4) A brewpub license holder shall not be prohibited from selling wine or malt beverages by the package for consumption off the premises where so permitted by resolution or ordinance.

Sec. 6-130. - Manufacturing license application.

(a) Any manufacture of malt beverages, or wine, licensed by the state may be granted a license to manufacture such beverages in the county upon application for such license to the business license office or ~~designed~~ designated office.

(b) All appropriate and pertinent parts of this chapter and article shall be applicable to any applicant or holder of a manufacturing license ~~to sell and/or distribute malt beverages and/or wine under this chapter.~~

(c) The application shall require the applicant to provide, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form, and any other requirements found in this chapter. ~~Sec. 6-130. - Manufacturing license application.~~

~~(a) Any manufacture of malt beverages, or wine licensed by the state may be granted a license to manufacture such beverages in the county upon application for such license to the business license office or designed office.~~

~~(b) All appropriate and pertinent parts of this chapter and article shall be applicable to any applicant or holder of a manufacturing license to sell and/or distribute malt beverages and/or wine under this chapter.~~

~~(c) The application shall require the applicant to provide, the information requested on the application form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said form, and any other requirements found in this chapter.~~

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Sec. 6-131. - Issuance of license limited to designated areas.

Manufacturer's license. No manufacturer's license shall be issued to a manufacturer engaged in, brewing or blending alcoholic beverages except where allowed within the location requirements of this chapter.

Sec. 6-132. - Breweries

(a) A license to manufacture malt beverages in this state shall include the right to sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are on such premises for:

(1) Consumption on the premises; and

(2) Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

(b) A license to manufacture malt beverages shall include the right to sell the product of the brewer for resale within and outside the limits of this state

(c) A brewer may sell malt beverages pursuant to subsection (a) of this section on all days and at all times that sales of malt beverages by retailers are lawful within the county in which the licensed premises of the brewer is located, including, but not limited to, Sundays.

(d) Any brewer engaging in sales of malt beverages pursuant to subsection (a) of this section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.

(e) The alcoholic beverage commission shall promulgate and enforce such rules and regulations as deemed reasonable and necessary to effectuate the provisions of this section.

(f) Upon a violation by a brewer of any provision of this section or this chapter or any state rule or regulation or statute, the alcoholic beverage commission shall have the power to place conditions or limitations on such brewer's license and to modify or amend such conditions or limitations.

Sec. 6-140. - License required.

March 4, 2019 – Regular Meeting Minutes (continued)

- (a) No entity shall engage in the business of a farm winery of any kind in the unincorporated area of the county without first obtaining a license therefore under this chapter and a license to operate a farm winery issued by the commissioner. It shall also be unlawful for any entity to sell or make deliveries beyond the boundaries of the premises covered by the license except at tasting rooms licensed as provided herein and by the commissioner.
 - (1) Certain alcoholic beverages may be sold by a farm winery in the unincorporated area of the county under a license granted by the alcoholic beverage commission or board of commissioners upon the terms and conditions provided in this chapter and by state law.
 - (2) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and the state law.
 - (3) All licenses pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled and is subject to any further ordinances which may be enacted."
 - (4) Any holder of a license for a farm winery issued pursuant to this chapter is required to apply for and obtain a farm winery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.
- (b) A farm winery which is qualified and licensed by the state shall be allowed to manufacture wine or to distribute such wine at wholesale and at retail at its tasting room, provided that the farm winery has given the board of commissioners 60 days' written notice of its intentions to commence operations and filed, through the alcoholic beverage commission, an application with copies of its license and permits from the state, along with the license fees and other requirements as hereinafter set out. A farm winery may also sell at retail in packages or for consumption on the premises or at additional licensed tasting rooms wine manufactured by other wineries.
- (c) Retail sales of wine and malt beverages for consumption on the premises licenses shall require that all consumption be at the farm winery site or approved [onsite](#) tasting rooms, which includes wedding or dining facilities associated with the farm winery.
- (d) In addition to the license for the farm winery operation, the alcoholic beverage commission may, upon application, issue additional licenses to the farm winery as to malt beverages as follows [on the primary farm winery premises](#):
 - (1) Retail package dealer who sells malt beverages, including but not limited to beer, lager and stout, in unbroken packages at retail only and not for resale [on the primary farm winery premises](#).
 - (2) Retail consumption dealer who sells malt beverages, including but not limited to beer, lager and stout, for consumption on the [primary farm winery](#) premises to consumers and not for resale.
 - (3) The farm winery must make application for the sale of malt beverages [on the primary farm winery premises](#) as provided by article III, but shall not be subject to any location restrictions, any of the required sales ratios, or to any other restriction of article IV.
- (e) The alcoholic beverage commission may also issue a farm winery license for additional tasting rooms ~~on or off the primary premises~~ if the additional tasting room(s) are owned or leased by the primary farm winery owner and said rooms have been licensed by the commissioner. ~~There are two types of tasting rooms:~~
 - (1) ~~Tasting rooms located on the primary premises of the farm winery which are not subject to the location restrictions in Article IV, and may be issued a malt beverage retail consumption and / or malt beverage retail package license . and~~
 - (2) ~~Tasting rooms located off the primary premises of the farm winery which are subject to the location restrictions in Article IV, which are also not subject to the location restrictions in Article IV, and may only serve / sell wine produced by their farm winery or another farm winery.~~
- ~~(f) The alcoholic beverage commission may also issue a separate license to a farm winery for the consumption of distilled spirits on the primary farm winery premises.~~

Sec. 6-142. - License fees.

- (a) ~~The board shall establish license fees for each category of license specified in Article 5 by a schedule of fees passed by resolution adopted from time to time by the board of commissioners in a public meeting.~~
- (b) ~~A schedule of the currently authorized fees shall be available for reference in the office of the county clerk.~~
- (c) ~~In the event that an application is for less than a calendar year period, the license fee shall be prorated down to the current month.~~
[In the event an application is submitted after July 1st of the calendar year, then the license fee shall be 50 percent of the amount in the schedule of fees. Administrative fees shall not be reduced for an application on or after July 1.](#)

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March 4, 2019 – Regular Meeting Minutes (continued)

~~(a) Farm wineries. The first license at the primary farm winery site shall cost \$1,500.00, which shall cover the operation of the farm winery under the state farm winery laws. In addition to the primary farm winery operation, the farm winery may apply for the following license:~~

- ~~(1) To sell beer, malt beverages or wine in unbroken packages on the farm winery premises at retail and not for resale, which license fee shall be an additional \$1.00;~~
- ~~(2) To sell at retail beer, malt beverage or wine for consumption on the farm winery premises to consumers, which license fee shall be an additional \$1.00.~~

~~For each additional tasting room location on the primary farm winery premises, there shall be an additional license fee in the amount of \$100.00 per additional tasting room.~~

~~For a licensed entity to obtain an additional license for a tasting room owned or leased by the licensed entity and which is located off of the primary farm winery premises, there shall be an additional license fee in the amount of \$750.00 for each such off site locations.~~

~~(b) Retail package dealer. The fee for the retail package dealer shall be \$800.00.~~

~~(c) Retail consumption dealer for malted beverages and wine. The fee for the retail consumption dealer for malted beverages and wine shall be \$1,200.00.~~

- ~~(1) Alcoholic beverage caterer for off premises catering fee shall be \$100.00; or~~
- ~~(2) Brewpub fee shall be \$600.00.~~

~~(d) Retail consumption dealer for distilled spirits. The fee for the retail consumption dealer for distilled spirits beverages shall be \$2,500.00.~~

~~(e) Not retail licensed alcoholic beverage caterer. The alcoholic beverage caterer (not retail licensed) shall be \$800.00 or per event shall be \$250.00.~~

~~(f) Wholesale dealer. The fee for the license for the wholesale dealer shall be \$800.00.~~

~~(g) Manufacturer. The fee for the manufacturer shall be \$3,000.00.~~

- ~~(1) The on premises manufacturer tasting room fee shall be \$1,000.00.~~
- ~~(2) Application fee:
 - ~~a. For each license applied for shall be \$150.00 per calendar year.~~
 - ~~b. Fingerprinting fees shall be \$50.00 to be paid to the White County Business Tax Office or other designated county office for each required applicant, owner, partner, etc.~~~~

~~(h) Temporary special user. The temporary special user permit fee (per event) shall be:~~

- ~~(1) For a bona fide non profit civic organization, the fee shall be \$50.00;~~
- ~~(2) For a person, firm, or corporation, the fee shall be \$150.00.~~

~~(i) Change of managing agent. The change of managing agent fee shall be \$100.00.~~

~~(j) Change of registered agent. The change of registered agent shall be \$25.00.~~

~~(k) Variance review fee. The variance review fee shall be \$100.00.~~

~~(l) Appeal. The appeal fee shall be \$100.00.~~

Sec. 6-144. - License categories.

The alcoholic beverage licenses issuable under article V of this chapter are:

- (1) Farm wineries;
- (2) Tasting rooms of farm wineries;
- (3) Retail package dealer who sells malt beverages, including but not limited to beer, lager and stout, in unbroken packages at retail only and not for resale;
- (4) Retail consumption dealer who sells ~~distilled spirits~~, malt beverages, including but not limited to beer, lager and stout for consumption on the premises to consumers and not for resale.

-End of County Resolution No. 2019-06-

March 4, 2019 – Regular Meeting Minutes (continued)

There was a consensus that the Board wanted to review the alcohol license fees at the next Work Session.

Ms. Jodi Ligon, Finance Director, presented the monthly Financial Status Report (see attached).

During County Manager comments –

Mr. Melton gave the Board information on needed repairs to the parking area at Fire Station #6 (129 N). The Board asked that Mr. Murphy and Mr. Cangemi, Public Works Director, work together to bring pricing to the Board for the needed repairs.

Chairman Turner asked Mr. Melton for an update on improvements required for Dandy Lane prior to the Fairfield Inn opening in Helen. Mr. Melton stated that the developer had submitted plans for the improvements and the county engineer marked the plans up and sent back to the developer and nothing had been heard in several months and revised plans were never submitted by the developer. Mr. Melton informed that the hotel is scheduled to open in May; however Mr. Jerry Elkins, Helen City Manager, has committed to him that a certificate of occupancy (CO) will not be issued until Dandy Lane is improved to the county specifications. The Board directed Mr. Melton to send an official request to the developer for an update on the engineer's revisions to the specifications previously submitted. The Board also directed for Mr. Melton to contact the DOT for any update they would have on the project as well.

Chairman Turner advised of a bill which had been introduced in the Georgia House of Representatives – HB 523 – which if passed would take any control or regulation of short term rentals away from local governments. There was a consensus of the Board that they were completely unopposed to HB 523 and they had expressed this to all the state legislators. They encouraged citizens to also contact legislators on this issue as well. Chairman Turner did note that one of the sponsors of the bill was a local legislator – Representative Lee Hawkins.

Chairman Turner opened the floor for public comments.

Ms. Lillian Hall, 543 Leighs Crossing Cleveland, GA – Ms. Hall expressed her opinion on the need of local regulation for short term rentals in residential areas throughout the county which should include a defined complaint procedure. She also stated a need for an x-ray machine at the county courthouse.

Ms. Linda Hubbard, Swiss Colony, Sautee Nacoochee, GA – Ms. Hubbard stated that the Swiss Colony Homeowners Association is in the process of restating their covenants in an effort to prohibit short term rentals in their subdivision. She stated that it is very important to have the county's support with local regulations.

Commissioner Goodger stated that Senator Steve Gooch had suggested that the county request additional LMIG (Local Maintenance & Improvement Grant) funding for repairs to Shepherd Drive which is in disrepair due to the DOT's usage of the road during the construction of the bypass. It was determined that this would have to be done on the 2020 LMIG Application.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adjourn the meeting.

March 4, 2019 – Regular Meeting Minutes (continued)

The minutes of the March 4th, 2019 Regular Meeting are hereby approved as stated this 25th day of March, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Hoclomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Murphy
Shanda Murphy, County Clerk