

Alcohol Advisory Committee
Council Chambers at City Hall
February 12, 2018
4:00pm

Agenda

1. Call Meeting to Order
2. Review and Motion to Adopt Minutes
 - A) August 14th , 2017
3. Discussion of issuing low volume Class B,C,D,E,F licenses
4. Discussion of revising Section 6-9 in its entirety to conform with Michael's Law
5. Questions and Comments from the Community
6. Announce Next Meeting- March 12th at 4:00pm
7. Adjourn

Alcohol Advisory Board
Meeting Minutes
August 14, 2017

A meeting of the Alcohol Advisory Board was held on August 14, 2017 at 4:00 p.m. in the Council Chambers at City Hall. Present were Patrice Jackson, Jim Thibodeau, Shubert Lane, and Matt Hube. Also present was City Clerk Sue Starling.

The minutes from the February 13, 2017 meeting were presented. Shubert Lane made a motion to adopt the minutes. Jim Thibodeau seconded the motion. The motion carried with a 4-0 vote.

The next item for discussion was regarding striking Chapter 6, Section 6-6(2)(c) from the alcohol ordinance. This section relates to issuance of an alcohol license being prohibited due to an applicant's prior violations of city ordinance. City Attorney Cain Smith made a presentation on the matter. Discussion ensued with points raised about other parts of the ordinance that gives the City Council discretion in using prior ordinance violations to determine if an individual is able to obtain an alcohol license. A motion was made by Matt Hube to strike Section 6-6(2)(c) of the Ordinance in its entirety. Jim Thibodeau seconded the motion. The motion passed with a 4-0 vote.

The next item for discussion was amending Chapter 6, Section 6-3 and Section 6-8(a)(1). These sections deal with the definition of brew pubs and allowing brew pubs to offer direct package sales in compliance with pending state law. City Attorney Cain Smith made a presentation on the issue and explained that a change in the ordinance was needed to bring the ordinance in line with current state law. Franklin Dismuke from Eagle Creek Brewing was present and spoke on behalf of Eagle Creek Brewing. A motion was made by Shubert Lane to recommend the adoption of the proposed change as it was made by City Attorney Cain Smith. Jim Thibodeau seconded the motion. The motion passed 4-0.

The next item for discussion was to present a resolution instituting a progressive discipline schedule for violations of Chapter 6. City Attorney Cain Smith made a presentation on the matter. Patrice Jackson voiced concern about egregious violations being treated as a first offense and the administrative law judge not having any discretion to accelerate punishment. A suggestion was made to add language to the resolution as follows: "Administrative law judge shall be authorized to treat a first, second, or third offense as a fourth offense if, upon determination of the administrative law judge, the violation is of an egregious nature and continued operation presents an imminent threat to public welfare or safety." Matt Hube made a motion to recommend the proposed resolution with the additional language. Shubert Lane seconded the motion. The motion passed 4-0.

The next item was questions and comments from the community. There were no questions or comments from the community.

The next Alcohol Advisory Board meeting was set for September 11, 2017, at 4:00 p.m.

At 5:30 p.m. Shubert Lane made a motion to adjourn the meeting. Jim Thibodeau seconded the motion. The motion carried with a 4-0 vote.

§ 3-3-24.1. "Bouncer" defined; admission of under 21 year olds into bar

(a) As used in this Code section, the term "bouncer" means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

(b) No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.

(c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge.



**Georgia Department of Revenue
Policy Bulletin ATD 2016-03
New Requirements under House Bill 152**

Purpose: The purpose of this policy bulletin is to clarify the new requirements created under House Bill 152 passed during the 2015 session of the Georgia General Assembly. Subject to certain limitations, individuals must now be at least 21 years of age to enter a Bar. Additionally, there are new reporting requirements for alcohol licensees as well as county and municipal governments which issue alcohol licenses.

- 1) **Effective Date:** July 1, 2016.
- 2) **Authority:** O.C.G.A. §§ 3-2-2, 3-2-3, 3-3-24.1.
- 3) **Scope:** A Policy Bulletin is intended to provide guidance to the public and to Department personnel. It is a written statement issued to apply principles of law to a specific set of facts or a general category of taxpayers, superseding all conflicting documents and oral directives previously issued by the Department. A Policy Bulletin represents the Department's official position and is binding on agency personnel until superseded or modified by a change in statute, regulation, court decision, or subsequent Policy Bulletin.
- 4) **Summary of Changes for Age Requirements to Enter Bars**
 - a) **Effective July 1, 2016**, the term:
 - i. “Bar” means any premises at which a retailer licensed pursuant to [Title 3, the “Georgia Alcoholic Beverage Code”] to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.
 - ii. “Bouncer” mean an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.
 - b) **All individuals** must be at least 21 years of age to enter a Bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This age restriction does not apply to patrons who enter a Bar to attend a live musical concert or live performing arts presentation for which the individual has paid an admission charge.
 - c) **All individuals employed by the Bar** in any capacity on the premises of the Bar, whether as regular full-time or part-time employees, likewise must be at least 21 years of age. This includes, but is not limited to, the following individuals:

- i. Bartenders and wait staff
 - ii. Bouncers
 - iii. Cashiers
 - iv. Food preparation workers or dishwashers
 - v. Management and other staff
- d)** This age restriction does not apply to **third-party outside vendors or other non-staff individuals** who are on the premises for a limited duration and are being compensated to perform a specific task on the premises but are not regularly on the premises nor are on the premises to patronize the Bar. Examples of such individuals include, but are not limited to, the following:

- i. Construction workers
- ii. Couriers
- iii. Deliverymen
- iv. Handymen and repairmen

5) Summary of Changes for Reporting Requirements for Alcohol Licensees and County and Municipal Governments

a) Effective July 1, 2016, the term:

- i. "Bar" means any premises at which a retailer licensed pursuant to [Title 3, the "Georgia Alcoholic Beverage Code"] to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.
 - ii. "Disciplinary action" means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.
 - iii. "Governmental entity" means the United States government, any state governmental, any local government, and any department, agency, or instrumentality thereof.
 - iv. "Licensee" means any person issued a license pursuant to [Title 3, the "Georgia Alcoholic Beverage Code"] by a governmental entity to operate a bar.
- b)** Within 45 days of any disciplinary action, the licensee shall notify the Department of Revenue of the details of such disciplinary action, including the date such action was taken, the nature of such action, and any other information required by the Department

- i. The State Revenue Commissioner may impose a fine not to exceed \$750.00 for each instance of non-reporting. A second or subsequent instance of non-reporting which occurs within three years from the date of the first violation may constitute grounds for the suspension, revocation, or cancellation of such person's license.
- c) Every county or municipality which issues licenses to a licensee authorizing the manufacture, distribution, or sale of alcoholic beverages shall by resolution or ordinance adopt a policy and implement a process by which any disciplinary action against a licensee shall be reported to the Department of Revenue within 45 days of any officer, department, agency, or instrumentality of such county or municipality taking such disciplinary action.
- d) Instructions for Reporting Information on Disciplinary Actions
 - i. **Alcohol Licensees** must log into their Georgia Tax Center (“GTC”) account in order to report disciplinary actions to the Department. Alcohol Licensees that do not already have a GTC account can create one at the link below.
 - a. Log into your existing GTC account or create a GTC account (<https://gtc.dor.ga.gov>)
 - b. Navigate to the applicable **Alcohol License** by clicking the **Account ID** hyperlink under the **My Accounts Tab**
 - c. Click the **Report Alcohol Citation** hyperlink under the **I WANT TO... menu** in the upper-right corner
 - d. Complete and submit the web request
 - ii. **Local jurisdictions** will not need a GTC login to report alcohol violations to the Department.
 - a. Click the **Business Tab** on the GTC homepage (<https://gtc.dor.ga.gov>)
 - b. Click the **Report Alcohol Citation** hyperlink
 - c. Complete and submit the web request

For more information, please contact the Department at 1-877-423-6711 from 8:00 a.m. to 4:30 p.m. EST, Monday through Friday, excluding holidays. For forms and other information, visit the Department’s website at dor.georgia.gov.

Sec. 6-9.-Minors and Persons under 21 years of age

Section 6-9 Age Requirements for Entry or Employment at a Bar or as Bouncer

(a) For purposes of this Section:

(i) "Bar" means any premises at which a retailer licensed to sell alcoholic beverages pursuant to this Chapter derives 75% or more total annual gross revenue from the sale of alcoholic beverages for on-premises consumption.

(ii) "Bouncer" means an individual primarily performing duties related to verifying age for admittance, security, maintaining order or safety, or any combination thereof.

(b) All individuals must be at least 21 years of age to enter or remain in a Bar unless he or she is accompanied by a parent, legal guardian, or spouse who is 21 years of age or older. This restriction shall not apply if minor over 18 years of age enters Bar in order to attend a bona fide live musical concert or live performing arts presentation for which the minor has paid an admission charge and is visibly and conspicuously marked as a minor for purposes of alcohol consumption and service.

(c) All employees of the Bar, whether part or full time and regardless of employment capacity, must also be at least 21 years of age.

(d) The restriction in Section 6-9(c) shall not apply to 3rd party outside vendors or other non-staff employees who are on premises for a limited duration, are being compensated to perform a specific task, are not regularly on the premises, and are not on premises for purposes of patronizing the Bar.

(e) No person shall allow or require an individual under the age of 21 to serve as a Bouncer on any premises where alcoholic beverages are dispensed, served or sold pursuant to an alcoholic beverage license.