

Alcohol Advisory Committee
Council Chambers at City Hall
May 07, 2018
5:30pm

Agenda

1. Call Meeting to Order
2. Review and Motion to Adopt Minutes
 - A) April 9 , 2018
3. Discussion of proposed Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages) Amendment modifying policy relating to admission of patrons under 21 years of age to establishments licensed to sell alcoholic beverages pursuant to Sec 6-9 in compliance with Georgia state law.
4. Questions and Comments from the Community
5. Announce Next Meeting- June 11th at 4:00pm
6. Adjourn

Alcohol Advisory Board
Meeting Minutes
April 9, 2018

A meeting of the Alcohol Advisory Board was held on April 9, 2018 at 5:02 p.m. in the Council Chambers at City Hall. Present were Patrice Jackson, Jim Thibodeau, Laura Wheaton, Woody Pumphrey, Shubert Lane and Matt Hube. Also present was City Clerk Sue Starling and City Attorney Cain Smith.

The minutes from the March 12, 2018, meeting were presented. A motion was made by Shubert Lane to adopt the March 12, 2018, minutes. The motion was seconded by Jim Thibodeau. The motion passed with a 6-0 vote.

The first item for discussion was regarding the special events ordinance found in section 6-8. City Attorney Cain Smith presented a draft of an ordinance that would allow for special events licenses to be issued for the sale of alcohol at special events operated by for profit enterprises. The ordinance was modeled after a similar ordinance from Monroe, Georgia. Patrice Jackson raised a concern about the language in the proposed ordinance that allowed for a license to be issued to any individual or business versus language that limited special events licenses to be issued only to city licensed caterers. All board members agreed that the licenses should only be issued to city licensed caterers. Patrice Jackson also voiced concerned about the timeframe for filing applications with the city. The city, police department, fire department, etc.... need enough time to plan for such events where alcohol is going to be sold. The discussion led to the decision to require all applications to be filed with the city at least 45 days prior to the date of the event where alcohol will be sold. Jim Thibodeau raised concerns under subsection (c) that required only one of the employees or volunteers dispensing, selling, serving or taking orders for alcoholic beverages to be TIPS trained. The discussion led to the decision that all such employees/volunteers be required to be TIPS trained. Further discussion was held regarding the proposed language that limited a caterer to be limited to 6 applications per year to serve alcohol at special events. Discussion resulted in an agreement that the 6 application limit was in the draft of the ordinance to apply to individuals who apply for special events licenses and not to caterers. A decision was made to remove the 6 application limit from the language of the proposed ordinance. A brief discussion was had regarding the pricing of the special event license. It was decided that the City Council will determine the cost of the special event license. Matt Hube made a motion to recommend to the City Council the proposed ordinance language in section 6-8 for special event licenses with the following modifications:

(d)(3)(a) – license may only be applied for by a city licenses caterer. Any language limiting a caterer to 6 applications per year be removed entirely.

(d)(3)(b)(3) – removed entirely as it is duplicative of preceding subsections.

(d)(3)(c) – the language “at least one employee” be replaced with “every employee” must be TIPS trained.

(d)(3)(f) – this subsection to be added to indicate that applications must be received by the city at least 45 days prior to the event where a special event license is to be utilized.

Shubert Lane seconded the motion. The motion passed 6-0.

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 May 14, 2018, at 4:00 p.m.

The meeting was adjourned at 6:00 p.m.

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

- (a) In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 18 years old to enter or remain upon the premises of an establishment licensed to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m. unless accompanied by a parent or legal guardian, and either the licensed establishment is a restaurant where at least 50 percent of the establishment's annual gross revenue is derived from the service of prepared meals and such establishment offers its full, unlimited menu until and after 11:00 p.m., or the licensed establishment derives no more than 10 percent of its annual gross revenue from the sale of alcoholic beverages.
- (b) In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 21 years old to enter or remain upon the premises or part of a premises of an establishment licensed to sell alcoholic beverages for consumption on the premises where by name, common usage, knowledge and/or understanding the establishment or part of the establishment constitutes or operates as a bar, night club, lounge or similar business. Indicia of such use include, but are not limited to, some or all of the following:
 - (1) A limited menu or no food service, particularly after 12:00 a.m.;
 - (2) More than 50 percent of the premises is standing room only;
 - (3) The establishment derives more than 40 percent of its annual gross revenue from the sale of alcoholic beverages;
 - (4) Where a cover charge is imposed and collected by the licensee as a condition of gaining entry to the establishment and such a fee does not entitle the patron to a seat, whether by general admission or a particular designation;
 - (5) The establishment utilizes the services of security forces and/or door personnel;
 - (6) The establishment is open after midnight;
 - (7) The establishment provides a full service bar which is the primary location from which patrons directly obtain alcoholic beverages.
- (c) The entry and remaining on premises prohibitions contained in Section 6-9(b) shall apply to patrons of the licensed establishment, and not to employees of the establishment who are over the age of 18 years old, and employed by the licensed establishment to dispense, serve, sell or take orders of alcoholic beverages as allowed by O.C.G.A. § 3-3-24(a).
- (d) The chief of police, or his designee, shall upon review of the license application, the renewal application, and/or review of the operation of the licensed establishment determine whether the licensed establishment is governed by subsection (a) or (b) of section 6-9. The chief of police, or his designee, shall have the authority to proscribe that a licensed establishment be governed by subsection 6-9(a) on certain days and at certain times, and by section 6-9(b) on certain days and at certain times. The chief of police, or his designee, shall have the authority to proscribe that certain rooms or sections of the licensed establishment shall be governed by subsection 6-9(a) on certain days and at certain times, and by subsection 6-9(b) on certain days and at certain times. The chief of police shall furnish the licensee in writing the reasons for the designation, and inform the licensee of the right of appeal provided for below.
- (e) The licensee shall have five days from receipt of the written finding of the police chief to file a notice of appeal with the city clerk. Failure to file a timely notice of appeal shall render the decision of the chief of police final. Upon filing of a notice of appeal the city clerk shall schedule a hearing before the city manager no later than ten days from the filing of the notice of appeal. the city manager may reverse the police chief's decision only upon showing by clear and convincing evidence that the police chief's decision was clearly erroneous. The city manager shall furnish the licensee and the police chief in writing the reason for the decision. The licensee and the police chief shall have five

days from the receipt of the written decision of the city manager to file a notice of appeal with the city clerk. Failure to file a timely notice of appeal shall render the decision of the city manager final. Upon filing of a timely notice of appeal the city clerk shall schedule a hearing before the Mayor and City Council of Statesboro as soon as reasonably possible, but not later than 30 days from the date of the filing of the notice of appeal. The mayor and city council may reverse the city manager's decision only upon showing by clear and convincing evidence that the decision of the city manager was clearly erroneous. the decision of the mayor and city council shall be the final decision of the city. Appeal of the mayor and city council's final decision shall be by petition for certiorari to the Superior Court of Bulloch County.

- (f) *Posting of notice regarding age restrictions:* All establishments licensed to sell alcoholic beverages for consumption on the premises shall, when governed by subsection (b) of section 6-9, conspicuously post outside of every public entry point to the establishment, or, if applicable, every public entry point into the room or section to the establishment governed by subsection (b) of section 6-9, a notice which states that no patron under the age of 21 years of age may either enter or remain upon the premises governed by subsection (b) of section 6-9, or, if applicable, enter or remain in the room or section of a premises governed by subsection (b) of section 6-9.
- (g) It shall be unlawful for any patron under the age of 21 years of age to either enter or remain upon the premises governed by subsection (b) of section 6-9, or enter or remain in a room or section of a premises governed by subsection (b) of section 6-9.

(Ord. No. 2016-03, § 1, 3-15-16)

§ 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.

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 a minor over 18 years of age enters the 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.