



Board of Commissioners - Special Called Work Session
June 17, 2024, 4:30 PM
Room 108, Spalding County Annex
Minutes

The Spalding County Board of Commissioners held a Special Called Work Session on Monday, June 17, 2024, at 4:30 pm in the Spalding County Annex Room 108, with Chairman Clay Davis presiding. Commissioners Rita Johnson, James Dutton, Gwen Flowers-Taylor and Ryan Bowlden were present for the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham, and Deputy County Clerk, Ragan Jones, to record minutes.

I. OPENING (CALL TO ORDER)

The meeting was called to order by Chairman Clay W. Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

II. INVOCATION

Commissioner James Dutton delivered the Invocation.

III. PLEDGE TO THE FLAG

Commissioner Rita Johnson led the Pledge to the Flag.

IV. AGENDA ITEMS

1. Property Purchase Discussion

Dick Marrow, President of the Griffin-Spalding Military Affairs Committee Incorporated (GSMAC), proposed an opportunity that could provide a homeless facility for veterans, offering transitional housing, helping reintegrate men and women back into society.

Mr. Marrow explained the mission and vision for GSMAC to include raising funds to procure a veteran's memorial park and securing temporary housing for veterans, helping them transition back into productive citizens.

He explained the number of veterans in Spalding County, approximating 5,000, with 100-130 of them experiencing homelessness. GSMAC is determined to reduce this heartbreaking number. He emphasized the need for community effort to solve this problem.

Mr. Marrow discussed the financials for GSMAC and an opportunity for a property purchase to develop a homeless veteran facility. The property was valued at it had a tax assessor valuation of over \$800,000, way beyond our reach. However, the actual sales price turned out to be much less.

A GSMAC meeting was held in May 2024, and the project was explained, along with potential property. Dr. Peters, GSMAC Grant Chairman, started working on writing a grant to supplement our effort. Don Taylor, GSMAC member suggested taking this to Spalding County, as the county had received grant funds that could be used for this project. A meeting was held with Dr. Ledbetter and Clay Davis to explain the project. Brian McKenna, due to his work with Waypoint, also participated. Dr. Ledbetter suggested that Waypoint should be moved into the same facility to assist with the operation and have veteran service assistance collocated, which was a brilliant idea. The consensus from the meeting was favorable, with the stipulation that Spalding County would own the building, and GSMAC could lease the building from Spalding County for a minimal fee.

2. Alcohol Ordinance Discussion

Commissioner Flowers-Taylor inquired about the reason behind the proposed change, seeking clarification on the motivation to revisit the matter.

Ms. Windham pointed out that the current ordinance doesn't match state law. When reviewing the ordinance with Dr. Ledbetter, Ms. Redic, questions arose that needed answers. To make the process easier and cover all the changes, we decided to amend the entire alcohol ordinance at once.

Ms. Windham posed the question of whether the county desired to allow mobile alcohol sales.

Commissioner Flowers-Taylor shared observations from events she attended where temporary popup bars were set up, noting that these establishments were from other counties. She also expressed concern about potential discrimination between businesses with fixed structures and those operating with mobile setups like food trucks.

Commissioner Dutton expressed his view that mobile alcohol sales should be permitted under the same regulatory requirements as brick-and-mortar establishments. He also suggested mobile vendors serving alcohol should adhere to the same fee structure and regulations as stationary establishments.

Chairman Davis inquired if there are efforts underway to implement a policy concerning the sale of beer from golf carts on golf courses.

Dr. Ledbetter mentioned this initiative is indeed part of the discussion, as golf cart alcohol sales are considered mobile alcohol sales.

Chairman Davis noted that many places currently use their existing licenses to sell alcohol from golf carts. However, he believes they should be required to obtain a separate license for this activity. He emphasized the need to develop a process to ensure that establishments cannot simply start selling alcohol from a mobile cart

without additional oversight, as this might not align with the intended regulations for different locations.

Commissioner Dutton suggested this should align with regulations under the food truck ordinance as well. However, he noted that on their own property, such as at a golf course, they might not need to fully comply with the entire food truck ordinance, given the specific context and operation of golf carts for alcohol sales.

Commissioner Flowers-Taylor remarked since it's a private club, they have a degree of autonomy to operate as they see fit to already possessing a license.

Ms. Windham raised another concern regarding the number of tasting events held in liquor stores, which she noted exceed what is allowed by current ordinances, along with the fees associated.

Chairman Davis inquired about the cost per tasting event.

Dr. Ledbetter mentioned the permit fee for these tasting events is \$25.

Ms. Windham suggested the possibility of increasing the permit fee to either \$100 per event or \$500 annually.

Commissioner Dutton explained the concept developed because of restrictions on selling bottles for take-home consumption, similar to liquor stores. By offering tastings or samplings instead, which may include the option to purchase afterwards.

Commissioner Flowers-Taylor asked if this is alignment with state regulations regarding tasting events for alcoholic beverages.

Ms. Windham indicated it is nearing alignment with the state's alcohol ordinance overall. However, she noted that the limitations and permitting fees for tasting events were previously very low.

Commissioner Dutton emphasized the balance needed between allowing certain activities like tasting events while ensuring that liquor stores don't morph into full-fledged bars.

Ms. Windham suggested possibly increasing the frequency limit for tasting events from two or three times a year to twelve times annually. She also proposed charging a fee of \$500, allowing establishments to host tastings more frequently within the year.

Commissioner Dutton mentioned some places require a designated area on the property for tastings. This ensures that the tasting experience is more structured and not just a quick drink at the counter before leaving with purchases. He emphasized the importance of maintaining responsible practices. He also expressed concerns about allowing

tastings too frequently throughout the year, as it could potentially turn every liquor store into a bar-like establishment with nightly tastings.

Chairman Davis suggested limiting the number of tastings that can be conducted.

Ms. Windham agreed to limit the tastings to twelve times a year with a fee of \$100 per tasting.

Commissioner Dutton added by limiting the number of tastings, each event could be more of a special occasion where there's enough attendance to justify the costs involved.

Ms. Windham stated a definition clarification for "grounds" was included, aligning it with state law requirements which distinguish between "grounds" and "buildings." This definition simplifies measurement requirements within their ordinance. Additionally, an updated percentage of alcohol by volume reflects recent state changes.

Commissioner Dutton expressed concern about defining "grounds" broadly, as it could potentially restrict alcohol sales near residences.

Ms. Windham clarified the addition of the definition for "grounds" was necessary because the term is utilized in state law. Previously, their local ordinance had referenced "grounds" without formally defining it, hence the need for clarification.

Dr. Ledbetter confirmed under the 2018 state law changes, it is permissible to sell beer and wine inside a church, though not liquor. This change accommodates religious practices such as communion with real wine for Catholic and Lutheran churches. He mentioned the staff had also discussed various scenarios, including convenience stores adjacent to residential areas, clarifying that selling beer and wine is legal. However, selling liquor would present different challenges due to state-mandated distance requirements for liquor stores.

Ms. Windham mentioned she incorporated language stating "as may be amended from time to time" wherever their ordinance references state law, including distance requirements and alcohol by volume percentages. This approach ensures that their local regulations remain current without needing frequent updates in response to state law changes.

Commissioner Flowers-Taylor inquired about the possibility of making their local ordinance more stringent than state regulations, particularly as they strive to align with state standards.

Ms. Windham explained, unfortunately, they are limited by state law from making their local ordinance more stringent in ways that would significantly impact regulations. For instance, they cannot increase distance requirements beyond what is stipulated in state law.

Dr. Ledbetter clarified the distance restrictions between liquor stores. He mentioned that they had explored limiting liquor stores based on distance, aiming to prevent clustering.

Ms. Windham clarified that 1,500 feet is currently the limit prescribed by state law for such regulations.

Ms. Windham raised a question about the definition of "regular basis" in the context of the licensed representative requirement. She noted the licensed representative must be a resident of Georgia and a manager of the business operated by the licensee, who is regularly present on the premises. She asked for clarification on how frequently this manager needs to be on-site to qualify as the license representative.

Commissioner Johnson suggested considering a percentage requirement or criteria when discussing how frequently the manager should be present on-site to qualify as the license representative.

Ms. Windham proposed defining the requirement for the license representative based on the number of days per week they should be present, such as three days a week.

Commissioner Dutton mentioned a previous franchise agreement where the definition required the franchisee to act as the managing person on staff, indicating a specific role and responsibility within the organization.

Ms. Windham emphasized the intent behind the requirement for a licensed representative is to ensure that the manager is not simply a resident of Georgia, but actively involved in managing the business on behalf of an out-of-state licensee.

Commissioner Dutton suggested considering a requirement where the manager should be present about 75% of the time to qualify as the licensed representative, acknowledging the need for a more specific guideline in this regard.

Commissioner Flowers-Taylor questioned the necessity of mandating the manager's presence on premises if all other criteria are met and there are employees available to manage operations effectively.

Commissioner Dutton emphasized the key idea is that whoever is obtaining the license needs to be actively involved in the business's operations and management.

Ms. Windham clarified the reason for requiring the license representative or licensee to be present is to ensure they actively oversee compliance with local ordinances by the employees at the establishment.

Commissioner Flowers-Taylor affirmed it is indeed the responsibility of the license representative or licensee to ensure compliance with laws and ordinances, but expressed concerns of telling business owners how to manage their operations.

Ms. Windham pointed out the requirement for the license representative or licensee to be present on a regular basis already dictates how they manage their business to some extent, although the specifics of what constitutes "regular basis" are not yet defined.

Dr. Ledbetter questioned whether being present on a regular basis meant visiting the business only once a month to oversee operations.

Commissioner Johnson suggested being present more frequently than once a month is necessary for effective oversight and management.

Commissioner Flowers-Taylor raised concerns about the enforcement of the requirement for the license representative or licensee to be present, questioning the feasibility of policing such a mandate effectively.

Ms. Windham suggested leaving the requirement as a "regular basis" without specifying exact frequency, indicating uncertainty about how to define and enforce this provision effectively.

Commissioner Dutton proposed rewording the requirement to ensure that the license representative or licensee meets all statutory responsibilities, both civilly and criminally, in case of any issues or violations. He emphasized the need for clarity on their presence to hold them accountable effectively.

Ms. Windham indicated license representatives or licensees receive all necessary training, including Responsible Alcohol Service (RAS) training, to understand their responsibilities and liabilities. She suggested leaving the requirement as it is, trusting that they understand their accountability in such situations.

Commissioner Flowers-Taylor expressed a preference for leaving the requirement as is.

Commissioner Dutton suggested rephrasing the requirement to specify that the license representative or licensee must be present regularly enough to understand operations, provide direction, and ensure compliance with regulations. This clarifies that they are accountable for ensuring compliance.

Ms. Windham clarified the concern lies not in the specific county where the manager resides, but rather in their residency within the state of Georgia, which is the pertinent requirement for being the licensed representative or licensee.

Commissioner Flowers-Taylor emphasized the responsibility for running the business legally falls on the manager or licensee. If there are legal issues such as selling alcohol to a minor, charges will extend to both the manager or seller and the business owner or

property owner. She argued against adding enforceable provisions that might complicate matters unnecessarily.

Commissioner Dutton, speaking from a legal defense perspective, emphasized the importance of defining "regularly enough to ensure compliance." He argued that this approach places responsibility squarely on the license representative or licensee. If compliance issues arise, it prevents them from using the defense that they were not present enough to oversee operations effectively.

Commissioner Flowers-Taylor indicated both the building owner and the licensee would be held accountable regardless.

Ms. Windham raised a question regarding how evidence of good character will be obtained, noting that in addition to meeting all qualifications of a license under state law, all applicants must be of good character. She emphasized that applicants must provide evidence of their good character as part of their application.

Chairman Davis inquired about the definition of "good character," acknowledging that it is a nebulous concept. He questioned how good character is defined, who provides the evidence, and referenced whether there is any state guidance on this matter.

Commissioner Flowers-Taylor suggested that one criterion for demonstrating good character should be the absence of a criminal record.

Ms. Windham noted the current policy includes background checks every five years. She proposed that this interval be updated to every two years instead of five.

Commissioner Dutton stated that applicants are required to run their own background checks and provide a copy of their Georgia Crime Information Center (GCIC) report to the commission.

Commissioner Flowers-Taylor stated the applicant would provide the background check to Community Development.

Ms. Windham agreed.

Ms. Windham noted that county is currently not imposing a fee for issuing a letter for temporary permits to nonprofit civic organizations, and she questioned why the county would not charge a fee when the state charges \$25 for the same service.

Commissioner Dutton inquired whether the state prohibits the county from imposing a fee for issuing such letters.

Ms. Windham responded, "No."

Chairman Davis suggested that the \$25 fee is reasonable when considering the time and resources involved in handling the request.

Commissioner Flowers-Taylor inquired about one-day or two-day licenses. She asked what else, besides Board approval, is required.

Ms. Windham stated a letter is provided by the Board of Commissioners.

Commissioner Dutton asked if there is an existing provision for events such as weddings at local venues where a bartender is brought in to operate a cash bar.

Ms. Windham explained that if a licensed bartender is used, then the event can proceed with a cash bar.

Ms. Windham brought up the topic of salons and spas offering alcoholic beverages to clients, questioning whether the current prohibition on such practices should be maintained or if there is merit in allowing this additional perk to enhance their business offerings.

Commissioner Flowers-Taylor emphasized that this is considered part of their personal business practices and does not involve selling beverages.

Ms. Windham discussed the requirements regarding distances in license applications for selling alcoholic beverages. The ordinance states, "Each application must include a certificate from a registered land surveyor with a scale drawing showing the location of the proposed premises and the most direct route of travel, to nearby educational buildings, school grounds, college campuses, and public libraries. The drawing should also indicate distances to church buildings, Housing Authority properties, state-operated alcoholic treatment centers, and other specified locations within a 600-foot radius of the premises. Applications for package dealers of distilled spirits must additionally detail the proximity to the nearest distilled package dealer, if applicable."

Commissioner Flowers-Taylor questioned the necessity of requiring applicants to provide a scale drawing from a registered land surveyor showing distances to various locations.

Ms. Windham clarified this requirement is essential for ensuring compliance with state regulations governing the proximity of alcohol retailers to sensitive establishments like schools, churches, and libraries.

Commissioner Dutton emphasized adhering to these standards eliminates redundancy and ensures applicants meet all legal criteria in one step, making the process straightforward and compliant with both county and state regulations.

Ms. Windham noted the requirement that retail package liquor sales must be located at least 1,500 feet from any other business licensed to sell packaged liquor retail,

measured by the most direct route of travel on the ground, in accordance with state law. She pointed out this detail for the commissioners' awareness, stating it was not a question but a clarification of the regulation.

Commissioner Bowlden raised a concern about the absence of regulations regarding the distance from residences in the document he reviewed.

Dr. Ledbetter clarified the distance requirement mentioned applies to liquor, but not specifically to beer and wine. He noted that while the document suggests adding it for beer and wine, currently, this requirement is not included by default.

Ms. Windham stated the state law is 300 feet.

Ms. Windham noted Section 1010 specifies that all applications will incur a non-refundable administrative fee determined by resolution of the governing authority. She proposed an initial fee of \$150 as a starting point. This provision allows for annual review and adjustment of fees through resolution, providing flexibility without requiring changes to the ordinance itself.

Commissioner Dutton suggested examining the fees charged by neighboring counties for similar applications.

Ms. Windham confirmed they have already researched the fees charged by surrounding counties and suggested selecting a number to propose.

Ms. Windham noted the next item for consideration is license fees, which have been removed from the document to allow for their establishment by resolution. She proposed limiting adjustments to once per calendar year.

Chairman Davis expressed agreement with the annual term of alcoholic beverage licenses running from January 1 to December 31 each year, with existing license holders in good standing required to apply for renewal through the department.

Commissioner Dutton proposed defining "good standing" as having no violations for the past five years. He referenced past instances where efforts were made to address non-compliance issues with license holders, emphasizing the importance of ensuring adherence to regulations over an extended period.

Ms. Redic suggested revising the definition of "good standing" to include an annual background check and ensuring that businesses hold a valid and current business license with all related fees and taxes paid.

Chairman Davis expressed agreement with incorporating these criteria and emphasized the importance of thorough background checks.

Commissioner Flowers-Taylor raised concerns about the fairness of denying licenses based on charges rather than convictions, highlighting the potential impact on innocent individuals.

Dr. Ledbetter aligned with the proposal for biennial background checks, noting that an annual check might overlook recent charges.

Ms. Redic reiterated the importance of annual reviews to maintain good standing, suggesting that delays could complicate matters for smaller businesses facing accumulating penalties.

Ms. Windham concurred, proposing annual background checks to ensure ongoing compliance.

Ms. Redic underscored the responsibility associated with alcohol licenses, emphasizing that annual renewals should encompass a thorough review of good standing.

Commissioner Flowers-Taylor noted instances where individuals with charges passed licenses to others.

Ms. Redic Sr. emphasized the concept of good standing should encompass both the individual and the business entity itself. She noted the assessment should consider both the person and the business as a unified entity.

Ms. Windham clarified the business itself would be responsible for any citations, fines, fees, and taxes owed. Therefore, regardless of who applies for the license, these issues would need to be resolved by the business entity seeking the license.

Chairman Davis suggested an annual background check, along with no fees or citations for the business.

Ms. Windham raised a concern regarding the identification of the excise tax collector. The document does not specify who holds this position. She highlighted discrepancies in tax reporting across different departments such as Community Development and Finance, indicating a need for clarity and assurance that all entitled taxes are being collected.

Dr. Ledbetter indicated that Ms. Dye would be responsible for receiving the majority of the information.

Ms. Windham discussed the distinction between hotels and motels, questioning whether the regulations should differentiate between them regarding alcohol in room service. She highlighted motels typically have exterior room doors, while hotels have interior corridors. This difference could impact considerations for allowing alcohol in room service based on establishment type.

The board agreed to allow alcohol sales at hotel and motels.

Ms. Windham also explained the ordinance previously did not permit services like DoorDash and GrubHub to deliver alcoholic beverages, but they are proposing to allow this type of service now. She clarified that currently, these services are operating despite the ordinance which prohibits such deliveries. She sought confirmation that everyone agrees with allowing these services to deliver alcohol, provided they pick it up from licensed sellers.

Commissioner Dutton highlighted a significant change during the COVID-19 pandemic regarding alcohol delivery, questioning why there was initially resistance to allowing it when it ultimately proved beneficial and convenient for consumers.

Ms. Windham raised a question regarding the prohibition on licensees selling firearms, ammunitions, or weapons of any kind. She inquired about the interpretation of what constitutes a "weapon of any character," citing examples such as axes, throwing stars, saws, baseball bats, and steak knives. She sought clarity on whether larger retailers, like Walmart, would be affected by this provision.

Commissioner Dutton inquired about how the local ordinance aligns with state law regarding the sale of firearms, ammunition, and weapons by licensees.

Ms. Windham expressed agreement, stating that if state law does not prohibit the sale of firearms, ammunition, or weapons by licensees, there may be no reason to include such a prohibition in the local ordinance.

Ms. Windham raised several points for consideration regarding regulations on signage, minimum square footage for buildings, inventory minimums, the location of new package stores in strip centers, and the regulation of lot sizes. She suggested that these are matters for the commissioners to deliberate on and requested feedback on whether these aspects should be included in the ordinance.

Commissioner Flowers-Taylor proposed a requirement for establishments to have some form of video security.

Commissioner Dutton supported Commissioner Flowers-Taylor's suggestion for establishments to have video security, emphasizing the importance of protecting businesses from liability for crimes.

Ms. Windham noted the premises must have a glass front and be well-lighted to ensure clear visibility from the outside.

Ms. Windham questioned the prohibition on the sale of packages, particularly in relation to breweries. She suggested considering removing this restriction to encourage the establishment of breweries in unincorporated Spalding County.

Chairman Davis expressed agreement.

3. Aquatic Center Entry Fees

Commissioner Johnson expressed the need to discuss the matter further, especially since the Aquatic Center is scheduled to continue until the 28th.

Commissioner Flowers-Taylor suggested amending the Regular Meeting agenda, adding Aquatic Center Entry Fees after Presentations/Proclamations.

V. ADJOURNMENT

Motion/Second by Flowers-Taylor/Bowlden to adjourn the meeting at 5:46 p.m. Motion carried by a unanimous vote.

/s/ _____
Clay W. Davis, Chairman

/s/ _____
Steve Ledbetter, PhD., County Clerk