



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

AGENDA • JULY 24, 2017

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. PUBLIC HEARING - STARTS AT 6:00PM

1. Public Hearing Alcohol Beverage License(S) 1.) Public Hearing for the Purpose of Considering the Application for Retail Beer/Wine from Pilot Travel Center #4562 Located at 2607 Scrubby Bluff Road, Kingsland, Georgia. 2.) Public Hearing for the Purpose of Considering the Application for Beer/Wine Liquor, On-Premise Consumption with Food from Dick's Wings & Grill, Located at 1301 East King Avenue, Kingsland, Georgia. -
2. Public Hearing on a Proposed Amendment to the City of Kingsland Alcohol Ordinance Dealing with Required Distances and Permitting Breweries in Line with Recently Adopted State Legislation. -

II. CALL TO ORDER AND WELCOME GUESTS

III. INVOCATION AND PLEDGE TO THE FLAG

1. Reverend Al Crumpton, Rector, King of Peace Episcopal Church -

IV. ROLL CALL

Kenneth E Smith Sr	Mayor
Charles Grayson Day Jr.	Mayor Pro Tem
James Ham	City Councilman
Jim McClain	City Councilman
Richard A. Winters	City Councilman

V. CONSENT DOCKET

- A. Approve the Council Minutes of the last regular Council Meeting
 1. City Council - Regular Meeting - Jul 10, 2017 6:00 PM -

- B. Approve the Agenda as Presented
- C. Approve the Payments of Accounts Payable as Due and Funds Available

VI. PRESENTATION

- 1. Ms. Charlene Sears, Director, Salvation Army and Mr. John Gates, Coordinator, Toys for Tots Program -

VII. GRANTING AUDIENCE TO THE PUBLIC

VIII. OLD BUSINESS

IX. PLANNING AND ZONING

- 1. Adoption Of: Ordinance #2017-07 - to Amend Ordinance #2003-23, "Licensing the Distribution and Sales of Alcoholic Beverages and Liquors, Malt Beverages and Wines in the City of Kingsland, Georgia" -

Staff recommends approval.

X. NEW BUSINESS

- 1. Alcohol Beverage License -
Application for retail beer/wine liquor, on-premise consumption with food from Dick's Wings & Grill.. Locate at 1301 East King Avenue
- 2. Alcohol Beverage License -
Application for retail beer/wine from Pilot Travel Center #4562 located at 2607 Scrubby Bluff Road
- 3. Discussion and Approval of O. F. Edwards Building Rental Policy -

XI. MAYOR AND COUNCIL ANNOUNCEMENT

XII. ADJOURNED

ORDINANCE # 2017-07
AN ORDINANCE TO AMEND ORDINANCE NO. 2003-23,
"LICENSING THE DISTRIBUTION AND SALE OF ALCOHOLIC BEVERAGES AND
LIQUORS, MALT BEVERAGES AND WINES IN THE CITY OF KINGSLAND,
GEORGIA"

WHEREAS, the City of Kingsland has established procedures governing the sale of alcoholic beverages for consumption off the premises, and

WHEREAS, there Georgia Senate Bill 85 of the 2017 Georgia Legislature was passed and signed by the Governor, and

WHEREAS, the Mayor and City Council of the City of Kingsland desire to take advantages of the economic development opportunities of the revised state law,

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by changing the definition of Distilled Spirits as follows:

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by adding a new definition for fortified wine as follows:

Fortified wine means any alcoholic beverage containing not more than 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.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by changing the definition of malt beverage as follows:

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.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by adding a definition of the alcohol manufacturer as follows:

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

(A) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

(B) In the case of malt beverages, any brewer; and

(C) In the case of wine, any vintner

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by adding a definition of the retail dealer as follows:

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. With respect to distilled spirits, the term shall have the same meaning as the term "retail package liquor store."

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by adding a definition of the wholesale dealer as follows:

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-2 of the City Code is amended by amending the definition of wine as follows:

Wine means all alcoholic beverages containing not more than 24 percent alcohol by volume made from fruit, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-3(5) of the City Code is amended by deleting subsection c:

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-3(8) of the City Code is amended by deleting subsection b: and subsection c:

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-3 of the City Code is amended by adding an allowable consumption on premises location as follows:

- (10) In a brewery subject to limitations of their state license.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-5 of the City Code is amended by adding an allowable location for consumption not on premises as follows:

- (5) In a licensed brewery subject to the volume limitations of O.C.G.A. 3-5-24.1(a)(2).

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-5 of the City Code is further amended by adding an additional location to the restriction on wholesale sales as follows:

- (2) To a licensed wholesale dealer

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-7 of the City Code is further amended by adding breweries to the restriction on hours of sale as follows:

- (2) Licensed retailers including brewpubs and breweries shall not sell wine or malt beverages in the package for consumption off the premises, or hotel in-room service, at any time on Christmas Day, or any other day between the hours of 11:45 p.m. and 6:00 a.m., or on Sunday before 12:30 p.m. or after 11:30 p.m.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-7 of the City Code is further amended by adding breweries to the restriction on hours of sale on Sunday as follows:

- (4) Alcoholic beverages, malt beverages and wine for consumption on premises may be sold on Sundays until 1:45 a.m. in private clubs, bona fide full-service restaurants, brewpubs, and breweries. All customers shall vacate the licensed premises by 2:00 a.m. and no drink order shall be placed or filled subsequent to 1:45 a.m.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-14 of the City Code is amended by modifying the fee scale as follows:

- (9) The manufacturer of alcoholic beverages whose plant is located in the corporate city limits of the City of Kingsland shall pay a license fee of \$500.00 per year.
- (12) Brewpubs as defined herein, \$500 per year.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-16 caption of the City Code is replaced as follows:

Sec. 3-16. - Sales of alcoholic beverages near churches, school buildings, or other sites

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-16(a) of the City Code is replaced as follows:

(a) (1) No person knowingly and intentionally may sell or offer to sell:

(A) Any distilled spirits in or within 100 yards of any fee simple ownership church building or within 200 yards of any school building, educational building, school grounds, or college campus;

(B) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application.

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-16(b) of the City Code is replaced as follows:

- b) The city council may grant an exception to distance requirements as hereinbefore set forth to a proposed location for the sale of beer and wine in the original package and not for consumption on premises of not more than 50 percent, if the council finds the following circumstances exist:
 - (1) The proposed site is located in an area of Kingsland where numerous establishments are licensed to sell malt beverages and wine and which were licensed prior to the adoption of this chapter (or insert date); and
 - (2) The property line of the proposed site to be licensed is separated from the property line of a school, college, church or recognized place of worship by a public road having a right-of-way of not less than 100 feet in width; or
 - (3) The property line of the proposed site to be licensed is separated from the property line of a school, college, or a fee simple ownership church or recognized place of worship by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 600 feet.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-16(d) of the City Code is added as follows:

- (d) For purposes of this Code section, distances shall be measured by the most direct route of legal public travel on the ground. The Planning Director or designated staff shall confirm the distances in the field to the best of their ability. The applicant may provide a signed and sealed survey provided by a Georgia licensed professional engineer of the property with the distances shown to the appropriate adjacent structure as measured in the field by said Georgia registered surveyor.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-16(4) of the City Code is amended as follows:

- (4) The leased premises, as described in the application, if owned by the applicant, would meet the requirement of Section 3-16 of this chapter.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-22 of the City Code is amended to read as follows:

Sec. 3-22. - Consumption on premises and package license.

A license holder may apply for and obtain both the license for sales in original package except for distilled spirits and for consumption on the premises, but the sale of such items must be in separate establishments having independent entrances. This section shall not apply to hotel in-room service, brewpubs and breweries.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-23(5) of the City Code is amended to read as follows:

- (5) The holders of license for consumption on the premises shall not knowingly permit the purchaser to carry off the licensed premises any alcoholic beverage; this section does not apply to brewpubs and breweries.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-23(7) of the City Code is deleted.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-31 of the City Code is amended to change the due date in line with state law as follows:

- (b) The excise tax provided for in this section shall be imposed upon and paid by the licensed retail dealer of distilled spirits by the drink. The tax shall be paid on or before the 10th day of the month following the calendar month in which the beverages are sold or disposed of. Each licensee responsible for the payment of the excise tax shall file a report with the city finance department containing such information as may be required by the city finance department in order to calculate the tax due.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that Section 3-32(c) of the City Code is amended to read as follows:

- (c) The excise tax provided in this section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. provided, however, that such taxes shall be imposed upon and shall be paid by the licensed brewer for malt beverages served or sold by the brewer directly to the public pursuant to O.C.G.A. § 3-5-24.1. The taxes shall be paid on or before the 10th day of the month following the calendar month in which the beverages are sold or disposed of within the corporate city limits of the City of Kingsland by the wholesale dealer. Each licensee responsible for the payment of the excise tax shall file a report with the city finance department itemizing for the preceding calendar month, the exact quantities of malt beverage, by size and type of containers, sold during the month within the corporate city limits of the city.

Adopted and approved this 24th day of July 2018.

BY: _____
Kenneth E. Smith, Sr. Mayor

ATTEST: _____
Linda O'Shaughnessy, City Clerk

(City Seal)

Attachment: Brew Ordinance latest (1918 : Adoption Of: Ordinance #2017-07 - to Amend Ordinance #2003-23)